

## 1.5: USES AND DESIGN OF APEX DRIVE FOR ANZAC CENTENARY

<b>Land Description</b>	:	Mount Clarence Reserves – Apex Drive
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Crown Land vested in the City of Albany
<b>Business Entity Name</b>	:	Albany Soapbox Club Association – A0780251Z Registered 25/03/2009
<b>Attachments</b>	:	Community members feedback received
<b>Appendices</b>	:	<ul style="list-style-type: none"> <li>• Community members feedback received</li> <li>• RSL minutes extract</li> <li>• Mount Clarence storyboards – design proposals</li> <li>• Design variation quote</li> </ul>
<b>Councillor Workstation</b>	:	Nil
<b>Responsible Officer(s)</b>	:	Chief Executive Officer (F James)

### Maps and Diagrams:



**Diagram 1 - Map showing the Avenue of Honour and Albany Soapbox Club usage of Apex Drive.**

### IN BRIEF

- Based on community feedback, Council is requested to consider the Albany Soapbox Club's continued utilisation of Apex Drive for its Club events.
- The Albany Soapbox Club seeks permission from the City of Albany and Police to close Apex Drive from 8.30am – 2.00pm (weather permitting) on a fortnightly basis from February through to November for Soapbox racing, with National Championships held over the Easter long weekend annually.
- There is significant investment proposed for the Albany Heritage Park, in the lead up to the Anzac Centenary 2014/15. Albany will be a key focus, attracting world-wide attention, with Mount Clarence as a significant location.
- The only vehicular access point to the Mount Clarence nodes is via Apex Drive.

20/09/2011

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**ITEM 1.5: ALTERNATE MOTION BY COUNCILLOR LEAVESLEY****VOTING REQUIREMENT: SIMPLE MAJORITY****MOVED: COUNCILLOR LEAVESLEY****SECONDED: COUNCILLOR D BOSTOCK**

**THAT Council gives notice that the future use of Apex Drive will be restricted to access only and that Council will help facilitate the move to a new location for any sporting organisations that have previously enjoyed Apex Drive as a venue.**

**LOST 2-8****Record of Vote**

For the Motion: Councillors D Bostock and Leavesley

**Councillor's Reason:**

The Military Heritage Tourism prospect presented by the upcoming ANZAC celebrations is a once in a lifetime opportunity for our City. Intrinsic in the overall experience will be visiting the Avenue of Honour and the Desert Mounted Corps Memorial. The experience should not be compromised.

**ITEM 1.5: AMENDMENT BY COUNCILLOR HOLDEN****MOVED: COUNCILLOR HOLDEN****SECONDED: COUNCILLOR HAMMOND****THAT the Responsible Officer Recommendation be amended to read as follows:**

- 1) **THAT Council AGREE to allow the continued use of Apex Drive by the Albany Soapbox Club with the following conditions:**
  - **Alternative locations be considered by the Albany Soapbox Club in consultation with the City of Albany, with a further recommendation made to Council by or before August 2013;**
  - **With the exception of the National Championship weekend, the Albany Soapbox Club allow safe access to Mt Clarence and Apex Drive by pedestrians and vehicle traffic at regular intervals during the course of events held;**
  - **The Albany Soapbox Club erect signage at either end of Apex Drive regarding events, access interval times and safety risks;**
  - **No Soapbox events to be permitted during significant Anzac commemorative periods**
  - **No Soapbox events to be permitted during major Albany visitor periods in December & January, and on days when Cruise ships are visiting Albany.**
  - **The Albany Soapbox Club indemnifies the Crown and the City of Albany for any property damage or personal injury or death caused directly or indirectly to any Soapbox event participant or spectator, as a result of usage of the City's infrastructure.**
- 2) **Council AGREE to expend \$15,102 (ex gst) of Anzac Reserve funds on the re-design of the Avenue of Honour node, to amend design elements to improve safety of Albany Soapbox Club events.**
- 3) **Council RESOLVE that this decision should not be considered as setting a precedent regarding amendment of City of Albany project design generally, or in the City of Albany's future dealings with any community groups.**

**CARRIED 8-2****Record of Vote**

Against the Motion: Councillors D Bostock and Leavesley

**RECOMMENDATION**

## ITEM 1.5: RESPONSIBLE OFFICER

## VOTING REQUIREMENT: SIMPLE MAJORITY

- 4) THAT Council AGREE to allow the continued use of Apex Drive by the Albany Soapbox Club with the following conditions:
- Alternative locations be considered by the Albany Soapbox Club in consultation with the City of Albany, with a further recommendation made to Council by or before August 2013;
  - With the exception of the National Championship weekend, the Albany Soapbox Club allow safe access to Mt Clarence and Apex Drive by pedestrians and vehicle traffic at regular intervals during the course of events held;
  - The Albany Soapbox Club erect signage at either end of Apex Drive regarding events, access interval times and safety risks;
  - No road closures for Soapbox events to be permitted during significant Anzac commemorative periods
  - No road closures for Soapbox events to be permitted during major Albany visitor periods in December & January, and on days when Cruise ships are visiting Albany.
  - The Albany Soapbox Club indemnifies the Crown and the City of Albany for any property damage or personal injury or death caused directly or indirectly to any Soapbox event participant or spectator, as a result of usage of the City's infrastructure.
- 5) Council AGREE to expend \$15,102 (ex gst) of Anzac Reserve funds on the re-design of the Avenue of Honour node, to amend design elements to improve safety of Albany Soapbox Club events.
- 6) Council RESOLVE that this decision should not be considered as setting a precedent regarding amendment of City of Albany project design generally, or in the City of Albany's future dealings with any community groups.

**BACKGROUND**

1. In 2006, designs were developed for the Mount Clarence precinct to upgrade existing infrastructure in preparation for the Anzac Centenary in 2014/15, where Albany will be a significant place for commemorations.
2. Developed detailed designs caused Soapbox Club users concerns regarding the Avenue of Honour kerbing component. The Albany Soapbox Club are of the view that the current design would cause significant safety risks and negatively impact on their event.
3. The Albany Soapbox Club believes that the incorporation of proposed kerbing would prevent their continued use of the site.
4. Soapbox racing on Apex Drive has been in place for the past 49 years.
5. Consultations with the Albany Soapbox Club have resolved that with different designed kerbing, the area would be safer for use.
6. The Club has also requested permanent post holes be inserted to accommodate safety netting at 6m intervals along Apex Drive, to suit their event needs. These can be accommodated into the design.
7. The City of Albany has subsequently investigated a design variation quote, to amend the kerbing and associated other details, to suit multi use of the road.
8. The City of Albany has received community feedback expressing concern for the road being closed to the public, not allowing access to the iconic Desert Mounted Corps Memorial over weekend periods, due to the Albany Soapbox Club general race events.
9. Other groups also use Apex Drive throughout the year, these being the Albany Classic Car Club (June long weekend in conjunction with the Albany Classic) and Albany Vintage & Classic Motorcycle Club (November for the annual weekend hill climb events).

**DISCUSSION**

10. Albany Soapbox Club advises it has been looking for an alternative venue for the past five years with no success.
11. The Albany Soapbox Club currently applies for road closure permits at the beginning of each year that are approved by the Police and City of Albany, with fees of approximately \$218 per year paid to the local Police Department.
12. Apex Drive is a gazetted road and not only an entry to the memorial.
13. At present, the Albany Soapbox Club members consist of 18 families within the Albany region.
14. Over the Australian National Championship weekend (Easter period) and for the RSL Club Championship in November, the Albany Soapbox Club close the road for one to two days from 5.30am – 6.00pm. The National Championship is held on the Saturday with the

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opportunity for racing to continue over the weekend should weather pose an issue to the completion of the Championship event (according to past permits).

15. In the past the City of Albany has provided support for the events through clearing the road of debris and repairing potholes for upcoming race events.
16. The Albany Soapbox Club are flexible in their event days should it be inconvenient for special events, cruise ships etc. The Club advises the City it works in consultation with the RSL regarding major events.
17. Soapbox vehicles can reach speeds in excess of 80km/ph on Apex Drive (as per documentation provided by the Club).
18. The redesign of the kerbing will incorporate mountable kerbs which would be a safer design for Soapbox racing. However this design is still not 'fit for (Soapbox race) purpose' and may encourage parking under the trees and in undesignated car park areas.
19. Volunteers from the Forts advise that negative verbal complaints are regularly received during Soapbox events, from visitors to Albany regarding the closed access to the Memorial.
20. Communications have been received objecting to the closure of Apex Drive and denying access to the Memorial for prolonged periods of time.
21. Iconic Albany vehicular events, not limited to the Albany Soapbox Club National Championship are held on Apex Drive and need to be considered when making decisions regarding this item.
22. The Albany Soapbox Club National Championship, the Classic Hill Climb event & the Albany Vintage & Classic Motorcycle Club events, attract large visitor and competitor numbers to Albany and are widely successful and a boost to the local economy.

#### **GOVERNMENT CONSULTATION**

23. N/A

#### **PUBLIC CONSULTATION / ENGAGEMENT**

24. Consultation with user groups was undertaken as part of the Mount Clarence design work. The user groups consulted included:
  - The Albany Soapbox Club
  - Albany Vintage & Classic Motorcycle Club Inc.
  - The Albany Classic Car Club
  - RSL
  - Apex Club of Albany Inc.
25. The Albany Soapbox Club does not publicly advertise road closures for general Club meetings.

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26. The Albany Classic Car Club and Albany Vintage & Classic Motorcycle Club have advised the proposed original kerbing design will not affect their events.

**STATUTORY IMPLICATIONS**

27. Under section 3.50 of the *Local Government Act 1995*, the CEO is delegated the power to close any thoroughfare for the passage of vehicles wholly or partially for a period not exceeding four weeks.

**STRATEGIC IMPLICATIONS**

28. Strategic Plan 2011-2021

**Key Focus Area - Sustainability & Development**

## Tourism Development

- Improve and expand tourism infrastructure and attractions
- Support large scale local events, festivals and markets to attract tourists

**Key Focus Area - Community Focused Organisation**

## Community consultation

- Consulting with communities that will be the most impacted by Council decisions

## Support for community groups

- Assist with improving access to suitable venues close to CBD that are affordable for community groups

**POLICY IMPLICATIONS**

29. There are no City of Albany policies that affect this item.

**RISK IDENTIFICATION & MITIGATION**

30. The risk identification and categorisation relies on the City's Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
Council approved continued use of Apex Drive by the Albany Soapbox Club may result in negative feedback from section of the community	Likely	Medium	High	Mitigation entirely dependent on Council decision.
Council refused continued use of Apex Drive by the Albany Soapbox Club may result in positive feedback from section of the community	Likely	Medium	High	Mitigation entirely dependent on Council decision.
Continued usage of Apex Drive and design changes to accommodate a single club may impact on future dealings of a similar nature when dealing with other community associations	Possible	Medium	High	Council makes it clear that its decision in this matter in no way sets a precedent for future courses of action in dealing with community associations.
A Soapbox Club and/or pedestrian or vehicle accident occurs because of unsuitable kerb design of Apex Drive.	Likely	High	Extreme	Request the Albany Soapbox Club indemnify the Council and Crown should they wish to continue utilising Apex Drive for race events. The Soapbox Club to put additional safety precautions in place, together with traffic management and safety management plans for site visitors during race events.
An alternative location cannot be sourced that is suitable for Soapbox and other vehicular events.	Possible	Medium	High	Mitigation entirely dependent on Council decision making in the longer term.

**FINANCIAL IMPLICATIONS**

31. The City of Albany has received a variation quote to undertake redesign of the kerbing profiles, drainage requirements and permanent post holes to enable the Soapbox Club events to continue.
32. The cost to carry out the redesign works is \$15,102.00 (ex gst) which could be funded from the Anzac Centenary Reserve account, as part of the Mount Clarence infrastructure works generally.
33. Any change in frequency of events, schedule of allocated times and required club production of safety and traffic management plans, would have cost implications for the Albany Soapbox Club and possibly other event organisers.

**LEGAL IMPLICATIONS**

34. Should the continuation of the usage of Apex Drive by the Albany Soapbox Club be permitted, a legal agreement indemnifying the City and Crown should be obtained.

**ALTERNATE OPTIONS**

35. Proceed with the re-design variation, with Albany Soapbox Club annual and fortnightly meetings and championship, Albany Vintage & Classic Motorcycle Club and Albany Classic Car Club annual weekend events being permitted continued use for their events.
36. Proceed with the redesign variation, and only permit annual events by the three clubs (essentially revoking permission for the Albany Soapbox Club to use Apex Drive for their fortnightly meetings).
37. Revoke permission for the Albany Vintage & Classic Motorcycle Club and Albany Classic Car Club annual weekend events and the Albany Soapbox Club to continue to utilise Apex Drive.

**SUMMARY CONCLUSION**

38. The Albany Soapbox Club and other Albany vehicular events held at this location are of great importance to the community and attract large visitor numbers.
39. In the lead up to the Anzac Centenary, Albany will be a major focus for its unique cultural and military heritage, and specifically the Mount Clarence site as a component of the Albany Heritage Park concept.
40. Council needs to consider all users of the Mount Clarence area, responding to consultation and community feedback.

<b>Consulted References</b>	Road Traffic Act 1974 Local Government Act 1995
<b>File Number (Name of Ward)</b>	Frederickstown Ward
<b>Previous Reference</b>	Mounts Management Plan, OCM18/04/2006

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**Diagram 2 - The planned locations of the infrastructure upgrades to Mt Clarence, and specifically the Avenue of Honour that affects the Albany Soapbox Club.**