



MINUTES

ORDINARY COUNCIL MEETING

5th June 2001

PLEASE NOTE THESE MINUTES HAVE YET TO BE ADOPTED BY COUNCIL
AS A TRUE RECORD OF PROCEEDINGS

CITY OF ALBANY

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Signed _____
Andrew Hammond
Chief Executive Officer

Date: 11th June 2001

TABLE OF CONTENTS

1.0	Declaration of Opening	3
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	3
3.0	Opening Prayer	3
4.0	Response to Previous Public Questions Taken On Notice	4
5.0	Public Question Time	4
6.0	Confirmation Of Minutes of Previous Minutes	8
7.0	Applications For Leave Of Absence	9
8.0	Disclosure of Financial Interest	9
9.0	Matters for Which Meeting May Be Closed	9
10.0	Petitions/Deputations/Presentations	9
11.0	Reports – Development Services	10
11.1	Development	
11.1.1	Proposed Dwelling – Lot 12 Sherratt Street, Mt Melville	11
11.1.2	Unapproved Dwellings – Lot 22 Admiral Street, Lockyer	23
11.1.3	Municipal Inventory – Request to De-List	34
11.2	Inspection Services	
11.2.1	Strategic Bushfire Plan 2000-2005 – Adoption	42
11.3	Development Policy	
11.3.1	Albany Greenways Plan – Public Comment	47
12.0	Reports – Corporate & Community Services	51
12.1	Finance	
12.1.1	List of Accounts for Payment – City of Albany	52
12.1.2	Differential Rates – Albany City Heart	53
12.1.3	Principal Activities Plan	58
12.2	Administration	
12.2.1	Albany Agricultural Society Inc. – Request for Rental Review	60
12.2.2	Former Albany Golf Club Building – Reserve 41267 (Clubrooms Renovation/Demolition)	65
12.2.3	New Licence – Tarossa Pty Ltd	68
12.2.4	Albany All Breed Dog Club – Foundation Park – New Lease	72
12.3	Library Services	76
	Nil.	
12.4	Day Care Centre	76
	Nil.	
12.5	Town Hall	76
	Nil.	
12.6	Albany Leisure & Aquatic Centre	76
	Nil.	

13.0	Reports – Works & Services	77
13.1	Waste Management	78
	Nil.	
13.2	Asset Management	79
	13.2.1 Management of the Vehicular Fleet	
13.3	Works	84
	Nil.	
13.4	Airport Management	84
	Nil.	
13.5	Reserves Planning & Management	84
	Nil.	
14.0	Reports – General Management Services	85
14.1	Strategic Development	86
	Nil.	
14.2	Organisational Development	
	14.2.1 Council Meeting Scheduling	87
	14.2.2 Human Resource Operational Policies	89
	14.2.3 Civic and Corporate Hospitality Policy	94
14.3	Economic Development	
	14.3.1 City of Albany Buy Local Policy	99
15.0	Elected Members’ Monthly Report / Information Bulletin	104
16.0	Motions Of Which Previous Notice Has Been Given	108
17.0	Mayors Report	108
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	111
19.0	Closed Doors	112
	19.1 Staff Matters	
20.0	Next Ordinary Meeting Date	112
21.0	Closure of Meeting	112
	Written Disclosures of Interest	113
	Interests Disclosed During the Course of the Meeting	113
	Code of Conduct – Interests (Other Than Financial) Disclosed During the Course of the Meeting	113
	Summary of Accounts	114

1.0 DECLARATION OF OPENING

Deputy Mayor Evans declared the meeting open at 7:30pm and extended a welcome to all present.

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Attendance:

- | | |
|----------------------------------|----------------|
| Deputy Mayor | - M Evans |
| Councillors | - E Barton |
| | - M Bocjun |
| | - J Cecil |
| | - T Demarteau |
| | - B Emery |
| | - D Evers |
| | - G Sankey |
| | - J Walker |
| | - D Wellington |
| | - I West |
| | - J Williams |
| | - I Wilson |
| | - D Wolfe |
| Chief Executive Officer | - A C Hammond |
| Executive Director | |
| - Corporate & Community Services | - W P Madigan |
| Executive Director | |
| - Works & Services | - C Meeking |
| Executive Director | |
| - Development Services | - R Fenn |
| PA to Executive Director | |
| - Works & Services | - N K Alberts |

Approximately 35 members of the public
3 media representatives

Apologies/Leave of Absence:

Her Worship the Mayor, A Goode

3.0 OPENING PRAYER

The opening prayer was read by Councillor I Wilson.

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Council's Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to Her Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

*** D O'Connor**

Mr O'Connor represented the Albany All Breed Dog Club, and referred to Item 12.2.4. Mr O'Connor met with staff on the 10th May 2001 regarding the renewal of a 5 year lease, and supports the officer's recommendation in the agenda.

*** R Hannington**

Mr Hannington referred to the report on Mosquito Nuisance and Preventative Measures released in March and read from a prepared statement.

"The recommended expenditure on an acidity survey does not appear to be supported or explained within the body of the report. The scientific rationale for the need for acidity testing does not appear to be given. Without this information a major element of the proposed expenditure cannot be justified. Ref P38 Table 4.

The recommended expenditure on ethnographic surveys appears to be lacking in adequate substantiation. The report leads the reader to believe that fundamental data needs to be collected. I submit that before a detailed "on the ground" ethnographic survey is deemed to be necessary, a study of all other existing relevant documentary sources could be conducted. With modern library indexing and retrieval techniques, this should make the need for a new survey and interpretation of results quite superfluous. Ref P38 Table 4.

The map showing RRV (Ross River Virus) cases in the Lower King area shows the outbreaks in non-residential areas. This severely prejudices the credibility of the report. Ref P29.

The proposal to place "memorials" on land titles is, in my opinion, ill-conceived and would be unfair in execution. Notwithstanding these issues, the cost to do this would

Item 5.0 continued

seem to be prohibitive and would appear to the ordinary ratepayer to be an unfair financial burden, particularly if that ordinary ratepayer is not affected by a mosquito nuisance. The well accepted commercial principal of Caveat Emptor appears to have been treated as less important than an unnecessary attempt to provide some ratepayer funded indemnity for the Council. Ref P48 Bvi.”

The Executive Director Development Services responded:

- that the acidity tests were required by the DEP where excavations were being planned upon flood plain areas and environmental clearances needed to be obtained
- the recommended expenditure on ethnographic surveys may not be necessary, but a contingency sum has been included in the budget to project a “worse case scenario”
- with regard to the maps highlighting the RRV cases, the mapping has been distorted and specific case details have not been highlighted so that the report does not to identify individual properties or cases
- RRV is a public health issue and the Department of Environmental Protection and Health Department say it is not uncommon to place memorials on land titles within 3km of breeding grounds. The reference to memorials in the report highlights the options available to Council and the public in managing this nuisance.

*** R Sawyer**

Mr Sawyer represented the residents of Bushby Road and the Lower King & Bayonet Head Progress Association, and referred to the Mosquito Nuisance and Preventative Measures report. Mr Sawyer read from a prepared statement.

“We are glad to note that the City of Albany realises the extent and severity of mosquito infestations, not only throughout Lower King, but also at Emu Point, Elleker, Lake Seppings, Bayonet Head Estate and Little Grove (p8). This realisation has been a long time coming, but now that the report has finally been published, there can be no excuse for further delay or prevarication. Prompt, decisive action is required and expected.

Examining the report in detail, it’s quite obvious that the Water & Rivers’ Commission must be included in all discussions and resolutions from the very beginning. Remember, WRC has the power to veto any decisions made without their approval. It’s all too easy to see months of committee work put through the shredder because someone neglected to inform the Water & Rivers’ Commission.

Given that approval is required from the following seven entities:

- *Department of Land Administration*
- *Department of Aboriginal Affairs*
- *Private Land Owners*
- *Albany Waterways Management Authority*
- *Department of Environmental Protection*
- *Water & Rivers’ Commission*
- *Department of Transport*

then a permanent committee should be formed, comprising delegates from all “stakeholders”, each with clearly defined authority to act for his/her representative

Item 5.0 continued

organisation. If not, the door is wide open to endless delays and inter-departmental “buck passing” (p37).

It is noted that, in the estimated cost of alleviating the mosquito problem in Lower King, \$79,000 out of a total \$119,200 has been earmarked for Acidity Testing and a further Environmental Report, leaving less than \$50,000 to actually do anything! I draw Council’s attention to the ratios in Bunbury’s 1990 mosquito control budget and ask why they should be disproportionate for Lower King in 2001...?

Concerning the \$10,000 allocated for an Ethnographic Survey, is Council aware that an extensive study was conducted by the Department of Aboriginal Affairs in conjunction with the Shire of Albany, and that significant Aboriginal sites have already been identified on both the King and Kalgan rivers?

On p48 we especially note the following: “That Council, as a matter of policy, undertake to... place memorials on the land titles of lots which are situated within 3km of known mosquito breeding grounds with associated disease implications to advise successors in title of the problem - \$60,000.”

Putting aside for the moment that Council intends to spend \$12,800 more on devaluing the properties of local ratepayers than it has budgeted for excavating runnels in the Lower King Estuary and Yakamia Basin (reported as \$47,200) – I hereby give notice that if Council does put “memorials” on our landholdings, it will be met with fierce resistance. Not to put too fine a point on it, you’ll have one hell of a fight on your hands....

Having said which, I’m hopeful that cooler judgement will prevail once the consequences of discriminating against so many land-owners are fully understood.

After all, why is this exception being proposed, for an insect, when the general rule of “buyer beware” applies to all other environmental nuisance factors – eg liability to flooding and traffic noise pollution?

In conclusion, since Council intends to remedy mosquito infestations by concerted action during the next few years, what is the purpose of “memorialising” an extensive number of properties as if they were a permanent Hot Zone of endemic disease?

Has Council really thought through the state, national, and international impact of such Hot Zone news stories on Albany’s tourism industry and associated commerce? Most individuals are content to shoot themselves in the foot from time to time, Albany City Council is proposing to shoot its economy through the head!”

Executive Director Development Services responded by advising that preliminary talks had already been held with the Albany Waterways Management Authority and the requirements of the Authority factored into the report.

*** J Wittem**

Mr Wittem representing the Albany Agricultural Society, referred to Item 12.2.1 and advised that Society work is performed by volunteers, and attempts have been made to contain costs to the community and exhibitors. Mr Wittem supports the officer’s recommendation in the agenda.

Item 5.0 continued

*** G Walker**

Mr Walker referred to Item 11.1.1 and advised that the owners of Lot 12 Sherratt Street were aware of the site limits due to the size and situation of the block when they purchased it. He advised that building a huge home on a small block is impractical and they are building ‘on top’ of him. He went on to state that the original design showed a 5.1 metre high wall and are now confronted with a wall that is 1.6 metres inside the boundary, whereas the setback is supposed to be 3 metres from neighbour’s boundary. Mr Walker commented that as other people had to deal with building restrictions, so should the owners of Lot 12 Sherratt Street.

*** J Healy**

Ms Healy, owner of Lot 12 Sherratt Street, referred to Item 11.1.1. She reminded Council of the issue at hand, which is the 6 metre long parapet wall which is 600mm higher than the neighbour’s parapet wall. Ms Healy also stated that it will be a matter of her garage next to her neighbour’s garage, not any living areas, so privacy would not be affected.

*** R Edom**

Mr Edom, representing Spaanderman Homes, referred to Item 11.1.2 and asked that any problems with drawings be followed up in writing rather than by telephone. He also stated that the omission of their application for a building licence was a clerical error on the firm’s behalf and that it was an honest mistake. Mr Edom assured Council that it would not happen again.

*** J Grant**

Mr Grant, representing the Albany Light Opera, referred to Item 15.3. He advised that the Albany Light Opera are a non-profit organisation and they are currently charged 6% of ticket sales for ticket handling. An increase as proposed would have a major impact on the operating capital generated by amateur productions, and would lead to an increase in ticket prices which may affect sales. The Albany Light Opera currently provides volunteers to assist in Town Hall productions/operations, providing Council with a free quality service. Mr Grant requested that the handling fees be kept at the 6% and not increased.

*** F Crowley**

Ms Crowley congratulated the organisers of the Seniors Expo for a job well done.

*** D Phillips**

Mr Phillips referred to Item 12.1.2 and commented that public funds are used to promote one part of the CBD and representation figures have been misleading. He felt that it was time City Heart stood on their own two feet and cease receiving financial support from Council as it was unfair on other businesses in the CBD.

Deputy Mayor Evans asked Councillors to extend Public Question Time.

Item 5.0 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT Public Question Time be extended.

MOTION CARRIED 14-0

*** M Pemberton**

Mr Pemberton referred to Item 12.1.2 and commented that the number of businesses captured by a differential rate has decreased over the last two years. ACCI survey showed 72% support for the City Heart levy. Albany City Heart conducts a number of events for the City, including the Christmas Pageant, New Years Fireworks Display, etc. Mr Pemberton suggested that Council seriously consider the benefits of City Heart when making its decision.

Mr Pemberton referred to Item 14.3.1 and commended the Buy Local policy to Council.

*** J Lind**

Mr Lind congratulated the organisers of the Seniors Expo and commented that businesses outside the CBD would like to be levied and have a say on what happens with City Heart promotions also.

*** B Hughes**

Mr Hughes advised that City Heart responsibilities should revert back to Council, he opposed the differential rate and commented that although City Heart has a place within the CBD, it should be self-funded, as it is unfair to other businesses.

Deputy Mayor Evans declared the public question time closed and thanked everyone for their comments and questions.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

6.1 Ordinary & Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 15th May 2001

as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR BOJCUN**

THAT the following minutes:

- Ordinary Council meeting held on 15th May 2001

as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DISCLOSURES OF FINANCIAL INTEREST

[Members of Council are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the disclosure by 3.00pm on that day.]

Councillor D Wellington – Item 12.2.3

Nature of Interest – Councillor Wellington has a business association with the proponent.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Refer to Item 19.1.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

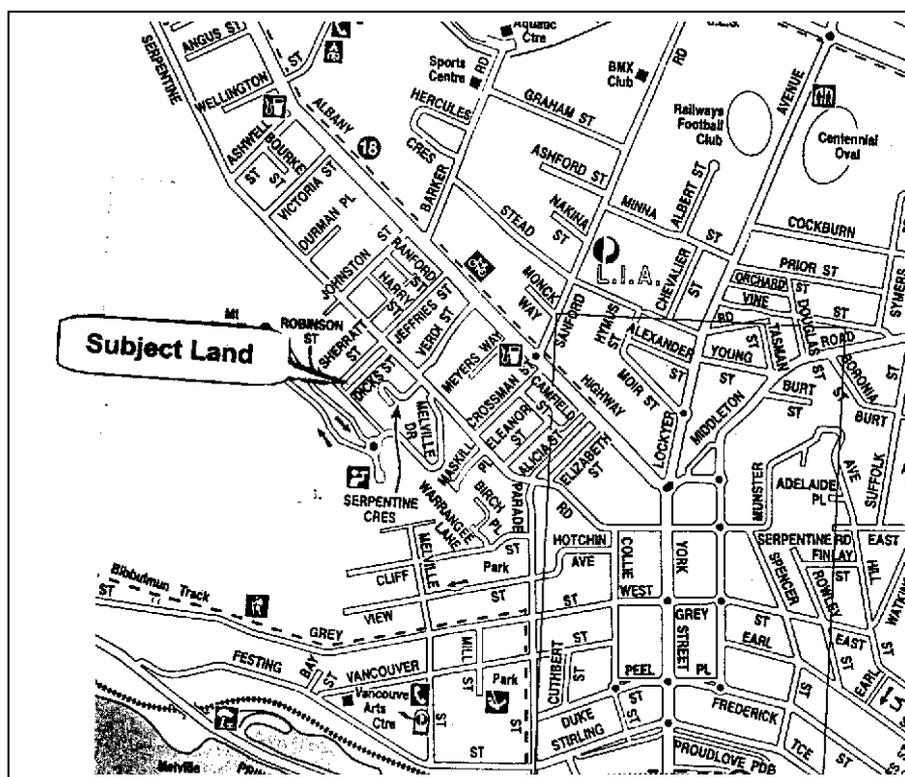
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Proposed Dwelling - Lot 12 Sherratt Street, Mt Melville

- File/Ward** : A114510 (Frederickstown Ward)
- Proposal/Issue** : Single Residential Dwelling with setback relaxation
- Subject Land/Locality** : Lot 12 (#2) Sherratt Street, Mt Melville
- Proponent** : Concept Building Design & Drafting
- Owner** : JL Healy & RC McLean
- Reporting Officer(s)** : Planning Officer (P Steele)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Approve conditional scheme consent and issue delegation to issue planning approval
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Council received an application for a single residential dwelling upon Lot 12 (#2) Sherratt Street, Mt Melville on 12th April 2001. A copy of the proposal is located in the Elected Members' Report/Information Bulletin.
2. The subject lot is 306m² in area, it is steeply sloping, with clay soils and cap rock is present. The subject lot is surrounded on three sides by road, these being Sherratt, Dicks and Robinson Streets.
3. The proposed dwelling is effectively three stories in height, with a proposed parapet wall proposed along the boundary of Lot 13 Sherratt Street, Mt Melville; that wall does not meet the "deemed to comply" requirements of the "Residential Planning Codes of Western Australia".
4. Prior to the applicant submitting the proposal to Council, they obtained comment from the adjoining neighbour, GG & TJ Walker and had preliminary discussions with a member of Council's planning team. A copy of the neighbour's comments is located in the Elected Members' Report/Information Bulletin.
5. The neighbour has objected to the proposed relaxation that was being sort by the proponent. Council officers discussed the proposal with the owners, the proponents and the neighbours in order to achieved a compromise, however this was unsuccessful.
6. The proponent has drafted amended plans that address the concerns of the neighbour, however that plan still requires a setback relaxation. A copy of the amended plans follows this report.
7. The amended plans were referred to the neighbour for comment, however due to time restraints at the time of agenda preparation, the comment had not been received.

STATUTORY REQUIREMENTS

8. All residential development within the "Residential" Zone of the City of Albany's Town Planning Scheme 1A is subject to the "Residential Planning Codes of Western Australia". Any relaxation of the requirements of these Codes requires referral to any adjoining landowners affected by the proposal for their comment. This is stipulated in Clause 1.5.10.
9. Clause 1.5.8 (f) of the "Residential Planning Codes of Western Australia" reads "*subject to the procedure set out in Clause 1.5.10 the required setback from a side boundary for any wall may be reduced to nil provided that generally that the length of any such wall in relation to its height shall be not more than the following:*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- *wall not exceeding 2.0m average – no limit;*
- *walls not exceeding 2.5m average and 3.5 maximum height – 2/3 of the length of any common boundary;*
- *walls not exceeding 3m average and 4m maximum height – 1/4 of the length of any common boundary;*
- *walls exceeding 4m in height – 1/4 of the length of any common boundary.”*

POLICY IMPLICATIONS

10. There are no policy implications in relation to this application.

FINANCIAL IMPLICATIONS

11. Council is subject to a 50% contribution for one standard crossover for each lot upon the completion of the residence.

STRATEGIC IMPLICATIONS

12. There are no strategic implications in relation to this proposal.

COMMENT/DISCUSSION

13. The submitted plans do not comply with the relevant regulations, those being the “Residential Planning Codes of Western Australia” (R-Codes). The areas of concern were:

- front setback (Sherratt Street);
- rear setback (Dicks Street);
- site coverage;
- proposed parapet wall along boundary with Lot 13 Sherratt Street;
- proposed setback for ‘ground floor’ to Lot 13 Sherratt Street.

14. Front Setback:- The proposed front setback varied from 6 metres for the garage down to 2.78 metres for Bed 2 (Ground floor). The R-codes requires that a front setback of 6 metres average be achieved. In regards to this setback, Council staff are satisfied due to:

- lot restraints;
- existing setbacks for neighbouring properties – Lot 13 is located 2 metres from the front boundary and Lot 117 is located 2.1 and 3.0 metres from the front (street) boundary.

15. Rear Setback:- The proposed rear setback varied from 0.645 metres for the rear terrace to 2.713 for the Studio to 5.445 metres for the Ground Floor. Again the requirements of the R-Codes is for an average setback of 6 metres. Council staff are satisfied with the proposed rear setback due to:

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- lot constraints;
 - existing setbacks for neighbouring properties – Lot 13 is located 3.5 metres from the rear boundary and Lot 117 is located 4.45 metres (average 6 metres) front the rear boundary.
16. Site Coverage:- The proposal was to cover 178.593m² of the 306m² lot, which equates to 58.36% site coverage, with the maximum allowable under the R-Codes being 50%, however with the removal of the proposed terraces (uncovered) from this calculation the area is 147.475m² or 48.19% site coverage.
17. Proposed Setbacks to Lot 13 Sherratt Street:- The proposed parapet wall, as outlined in the plans located in the Elected Members' Report/Information Bulletin ranged in height from 5 to 6 metres and was 12.24 metres long. This wall required neighbour's comment, as did the ground floor. The ground floor wall was setback 1 metre from the shared boundary. This wall, which was 9.41 metres in length, ranged in height above natural ground level from 7 to 8.1 metres and should have been setback 1.75 metres.
18. Under Clause 1.5.10 of the R-Codes, it is required that any proposal that seeks setback relaxation be referred to affected adjoining landowners for their comment.
19. Neighbours comment was received on 24 April 2001, a copy of the submission is located in the Elected Members' Report/Information Bulletin. The submission opposed the development on the grounds that the house:-
- is too large for the lot size;
 - contravenes height guidelines, reasonable setbacks, personal privacy and light distribution to neighbours;
 - approval would devalue property values; and
 - that the proposed parapet wall is too high.
20. The neighbours also required the City of Albany to guarantee against immediate and future damage to their property from pressure and water. Council does not provide such guarantees. All reasonable care is taken to ensure one property does not cause damage to another property as it relates to the building approval process.
21. After receiving these comments Council staff spoke with JL Healy onsite and discussed the issues, including ways in which the neighbour's concerns could be addressed. Following this, a meeting was arranged between the neighbour, Mr Walker, and Council staff to see if a compromise could be achieved.
22. Following the meeting with Mr Walker, it was realised that a compromise could not be reached. Both parties were informed that the proposal would go to a Council meeting for a decision and that it was recommended that a letter stating each party's case be submitted. The Walker's submission was received on the 9th May 2001. (a copy follows this report)

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

23. Further discussion with the proponent, owners and Council staff resulted in amended plans being submitted on 22nd May 2001.
24. The amended plans were then referred to GG & TJ Walker, however due to time restraints at the time of agenda preparation, comment had not been received.
25. These amended plans altered the initial design by:-
 - lowering the house by 600mm;
 - balcony reduced & modified to comply with R-Codes;
 - ground floor redesigned to comply with R-Codes; and
 - parapet wall reduced to minimise impact on neighbour.
26. There is one portion of the amended proposal that does not comply with the R-Codes, this being the parapet wall between the garages. The proposed parapet wall does not comply with Clause 1.5.8 (f) of the R-Codes (refer above).
27. Staff undertook a comparison between the approved building licence for Lot 13 Sherratt Street (Mr & Mrs Walker) and the proposed plans. The new parapet wall is larger than the existing one for a length of 6 metres where it is 600mm higher. Mr Walker’s wall is 10.5 metres in length.
28. Following the submission of the amended plans, the owners submitted a letter outlining their case for their proposed setback relaxation. A copy of this submission follows this report.
29. Council staff believe that the portion of the amended plans that do not comply with the “Residential Planning Codes of Western Australia” will have minimal to no impact on the neighbouring property. In making that comment, it is noted that the main portion of the dwelling complies with the relevant codes and the existing dwelling at Lot 13 Sherratt Street has been constructed on the common boundary.

RECOMMENDATION

THAT Council resolves to grant a conditional Planning Scheme Consent for the proposed dwelling upon Lot 12 (#2) Sherratt Street, Mt Melville, based upon the amended plans submitted on 22nd May 2001.

Voting Requirement Simple Majority

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, delegate to the Executive Director Development Services the function of issuing a conditional Planning Scheme Consent for the proposed residential dwelling (amended plans) at Lot 12 (#2) Sherratt Street, Mt Melville.

Voting Requirement Absolute Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR CECIL**

THAT Council resolves to grant a conditional Planning Scheme Consent for the proposed dwelling upon Lot 12 (#2) Sherratt Street, Mt Melville, based upon the amended plans submitted on 22nd May 2001.

MOTION CARRIED 12-2

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, delegate to the Executive Director Development Services the function of issuing a conditional Planning Scheme Consent for the proposed residential dwelling (amended plans) at Lot 12 (#2) Sherratt Street, Mt Melville.

**MOTION CARRIED 12-2
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

9th May 2001

Peter Steele
Planning Officer
City of Albany
221 York Street
ALBANY WA 6330

CITY OF ALBANY RECEIVED		
09-May-01		
File	Corro. No.	Officer
Received Y / N	Acknow. Sent / /	CNL / BLTN

GG & TJ Walker
4 Sherratt Street
ALBANY WA 6330

Your Ref: A114510

Peter

We refer to our meeting with Craig Pursey and yourself today with regard to proposed construction on Lot 12 Sherratt Street - our neighbour.

Apart from never being consulted on this proposal until earth moving commenced and full working drawing presented to us by Robert Forgiore requesting our consent for setback relaxation and retaining wall on shared boundary, we find the imposing size of this construction right on top of our home unreasonable and offensive.

We request that you observe the usual three metre setback from our common boundary of the residence to give us some space.

Building the residence right on top of us is unpleasant and offensive to our lifestyle and totally imposing.

We believe that should you grant approval of this proposal in the present form it will adversely affect our quality of life and property value.

We strongly urge Council to move the huge structure back off our home and give us a little bit of space and a feeling of individuality.

The prospect of every day driving up Sherratt Street to our home and be faced with this monster hanging over our home is horrifying.

Please keep some sensible harmony in this quiet residential location.

Yours sincerely



GRAHAM and THELMA WALKER

DEVELOPMENT SERVICES REPORTS

Dear Peter,

In relation to our proposed residence at Lot 12 Sherratt St Mt Melville, we would like to outline the reasons of our planning design.

They are as follows:-

- The driveway position was chosen as it is the only viable option to obtain good access off the road and to enable off street parking for visitors.
- The position of the house on the block was therefore governed by the carport which, to allow for a two car garage, had to lie between the large cap rock in the middle of the block and our boundary wall. As the neighbouring house has a parapet wall for their garage which is adjoining our garage, we did not think that this would be an issue. The carport also doubled as a means to bring the house to level ground as the fall across the block is approximately five meters.
- The main living area of the house is designed to enable the maximum views whilst not looking onto the next door neighbours house. This area has no major windows on the boundary side wall. There are windows on each side to capture the view. This was done in order to retain both the neighbours and our own privacy.
- The neighbours only have 3 windows on the boundary side. These are small windows for the bathroom and toilet. At no time of the day does our house cast a shadow onto our neighbour nor do we impede his view.
- Obviously the size and slope of our block have played a large part in the design process of our house which has taken over 18 months to plan. The reason for our choice of purchasing the block was for the fantastic views it has to offer and not to look at the neighbours house. Having already lived in the area for four and a half years we are looking forward to many more. We believe that our choice of a dark roof and granite in the construction of our home will help it blend with the natural bushland directly opposite our home.

We are looking forward to commencing building our home and believe that it will be an asset to real estate in Albany.

Yours sincerely

Jane Healy and Reece McLean

DEVELOPMENT SERVICES REPORTS

CLIENT:
**Reece McLEAN
& Jane HEALY**

PROJECT:
**LOT 12
SHERRATT ST
Mt Melville
ALBANY**

**PROPOSED DESIGN CHANGES
AS OF 17-05-01
SUBJECT TO COUNCIL PLANNING
AND NEIGHBOURS' CONSENT**

LOWER COMPLETE HOUSE BY 600mm

BALCONY - REDUCE & MODIFY
MINIMUM SIDE SETBACK OF 3000mm

TILTING GARAGE DOOR IN LIEU OF SECTIONAL
FOR REDUCED HEADROOM

GARAGE BOUNDARY WALL MAX 6000mm LONG
AND RETURN IN MINIMUM 1600mm
FIRE-RATED SELF-CLOSING DOOR TO REAR

NB: AVERAGE HEIGHT EXCEEDS 3.0m

STORE & STUDIO - REDUCE & MODIFY
MOVE TO THE RIGHT

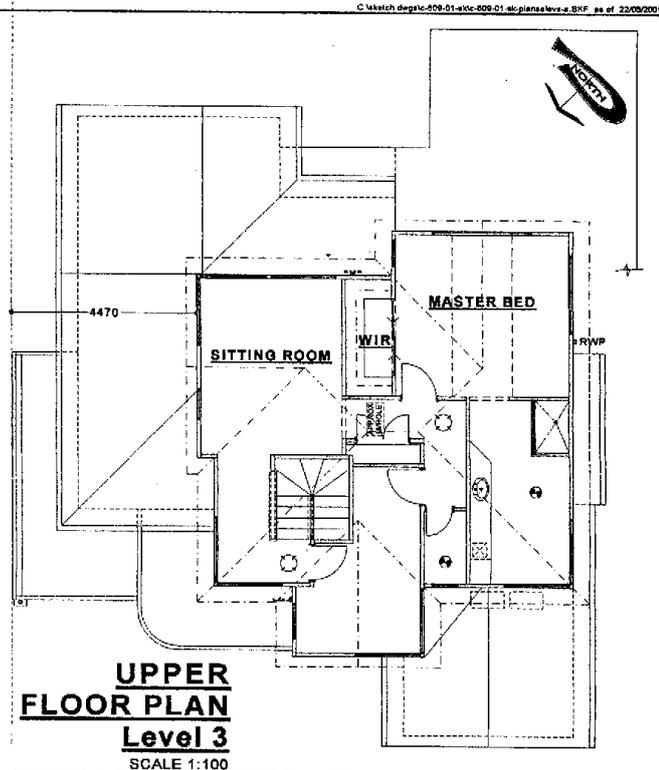
SIDE ROOMS - REDUCE & MODIFY
AT REAR OF GARAGE

MUSIC ROOM - REDUCE & MODIFY
MOVE TO THE RIGHT
CHANGE ROOFLINES TO SUIT

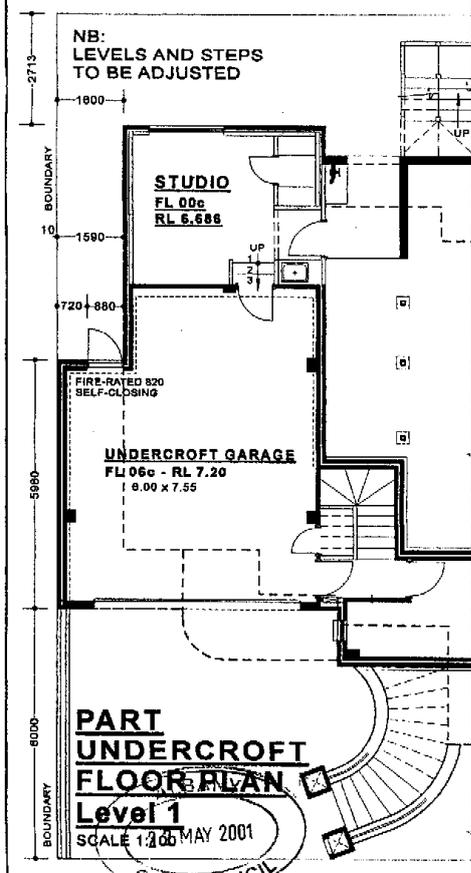
ATRIUM & VOID - REMOVE & MODIFY
TO NEW INTERNAL LAYOUT

GROUND FLOOR - RE-DESIGN LIVING/KITCH AREAS

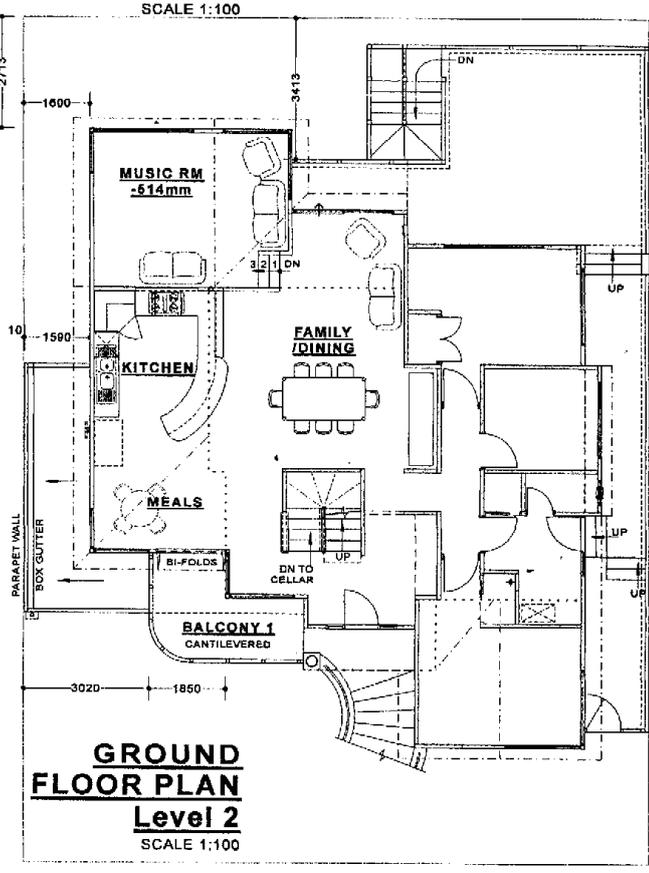
UPPER FLOOR - CHANGE WIR TO BED 1 & MOVE SITTING
OUT BY 400mm



**UPPER
FLOOR PLAN
Level 3**
SCALE 1:100

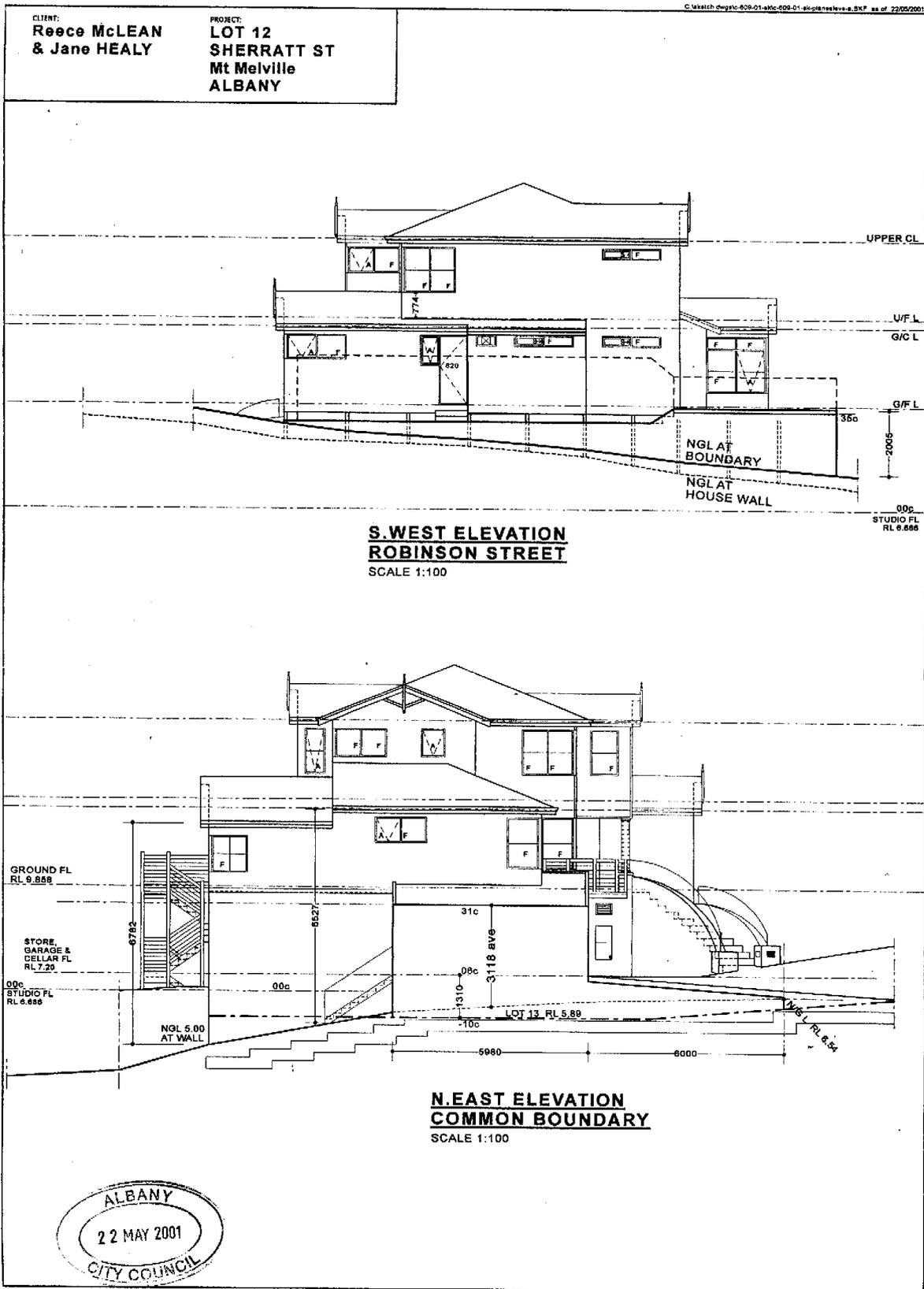


**PART
UNDERCROFT
FLOOR PLAN
Level 1**
SCALE 1:200 MAY 2001

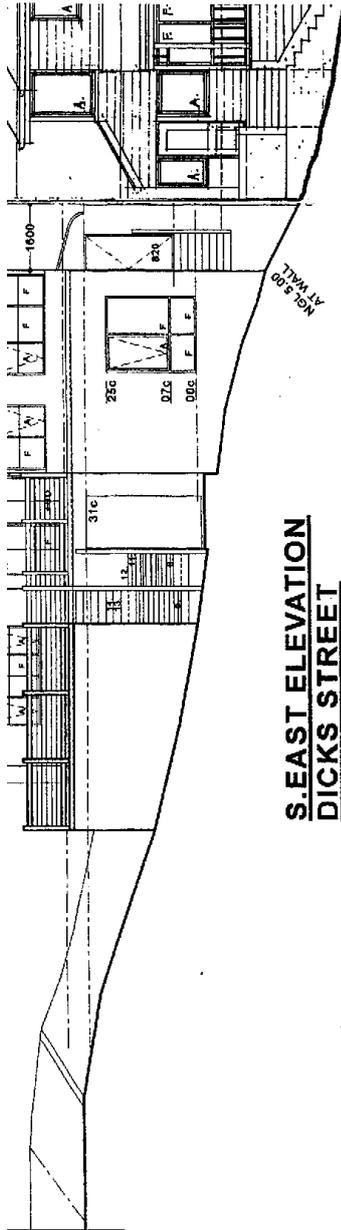


**GROUND
FLOOR PLAN
Level 2**
SCALE 1:100

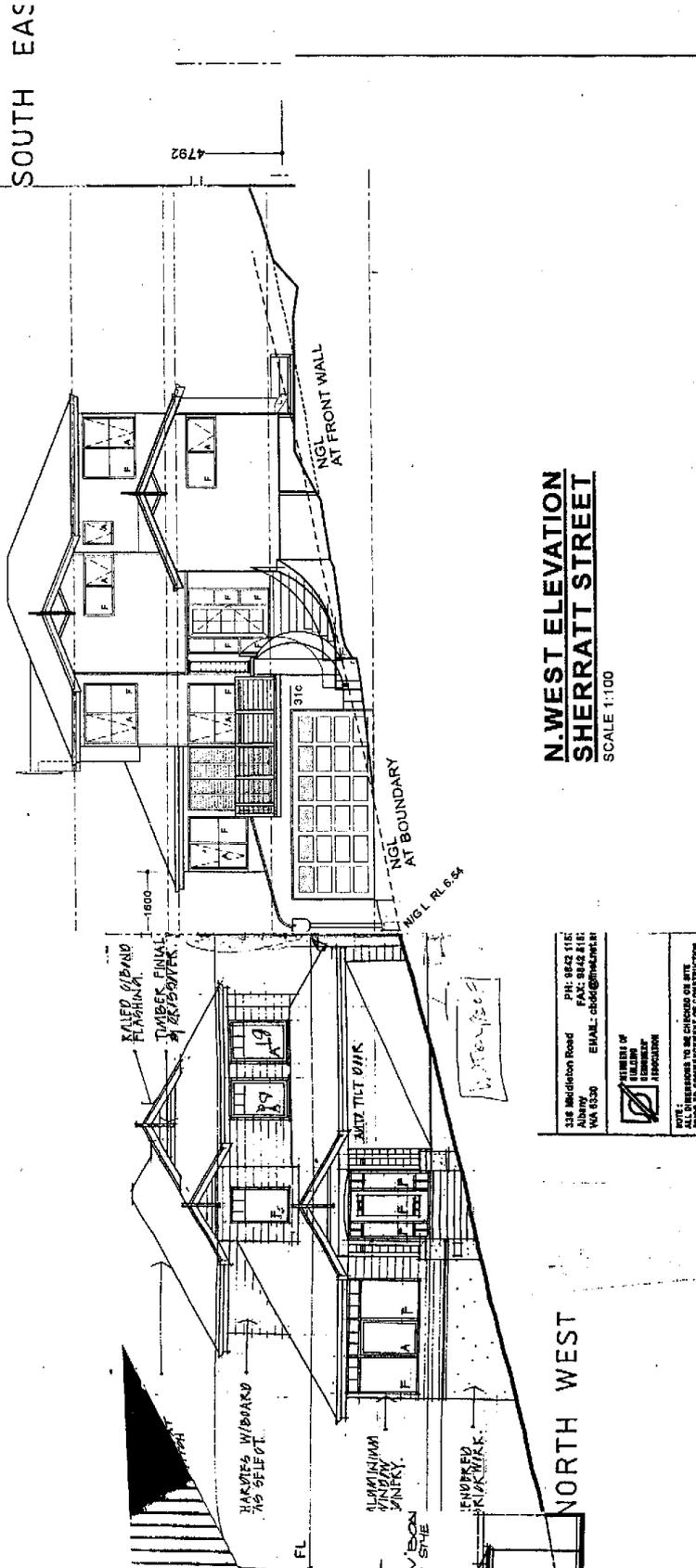
DEVELOPMENT SERVICES REPORTS



DEVELOPMENT SERVICES REPORTS



**S. EAST ELEVATION
DICKS STREET**
SCALE 1:100



**N. WEST ELEVATION
SHERRATT STREET**
SCALE 1:100

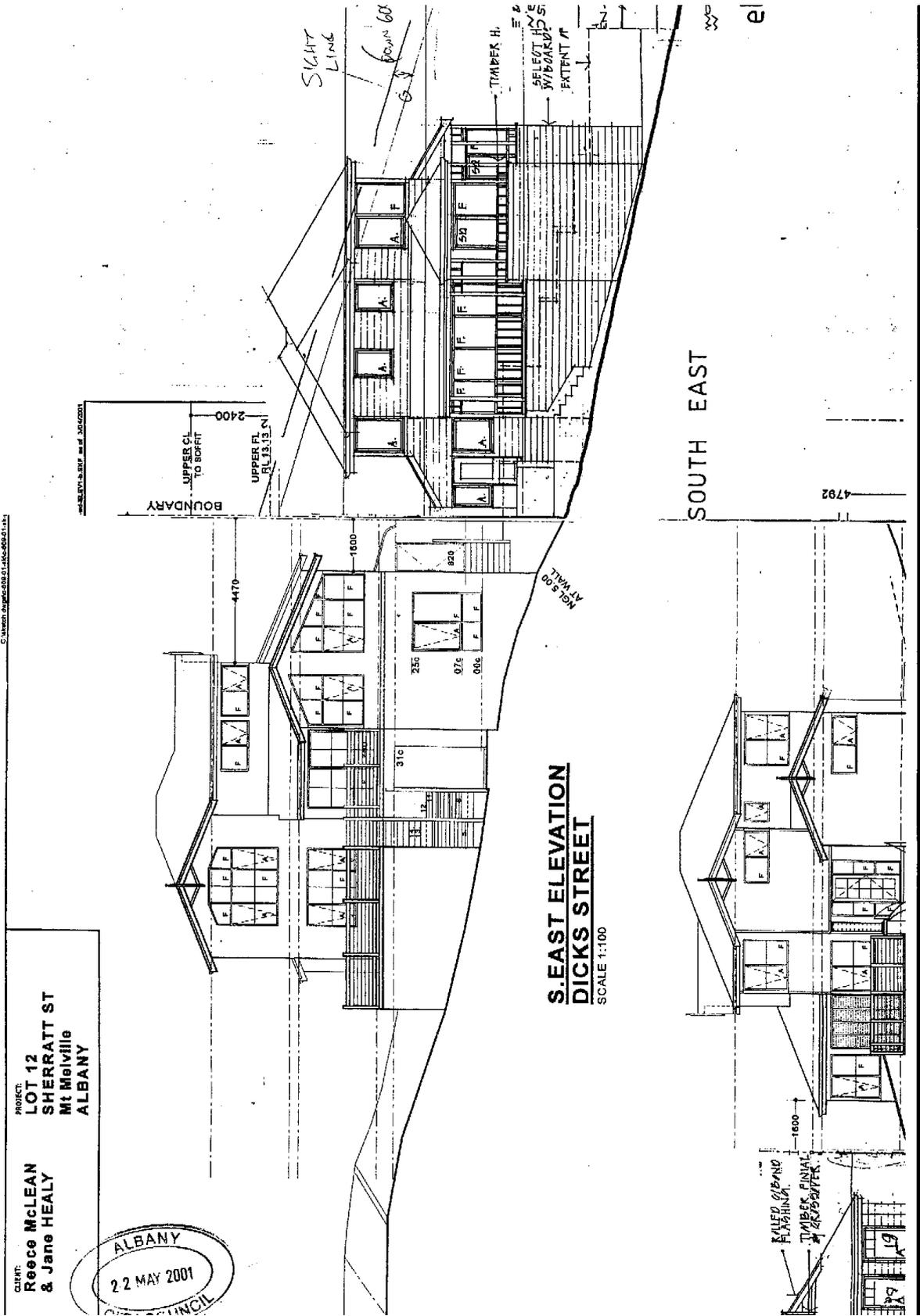


138 Middleton Road
ALBANY WA 6130
PH: 9842 3111
FAX: 9842 2111
EMAIL: cds@albanymn.com

MEMBER OF
BUILDING
INDUSTRY
ASSOCIATION

NOTE: MEMBERS TO BE CHECKED ON SITE
PRIOR TO COMMENCEMENT OF CONSTRUCTION

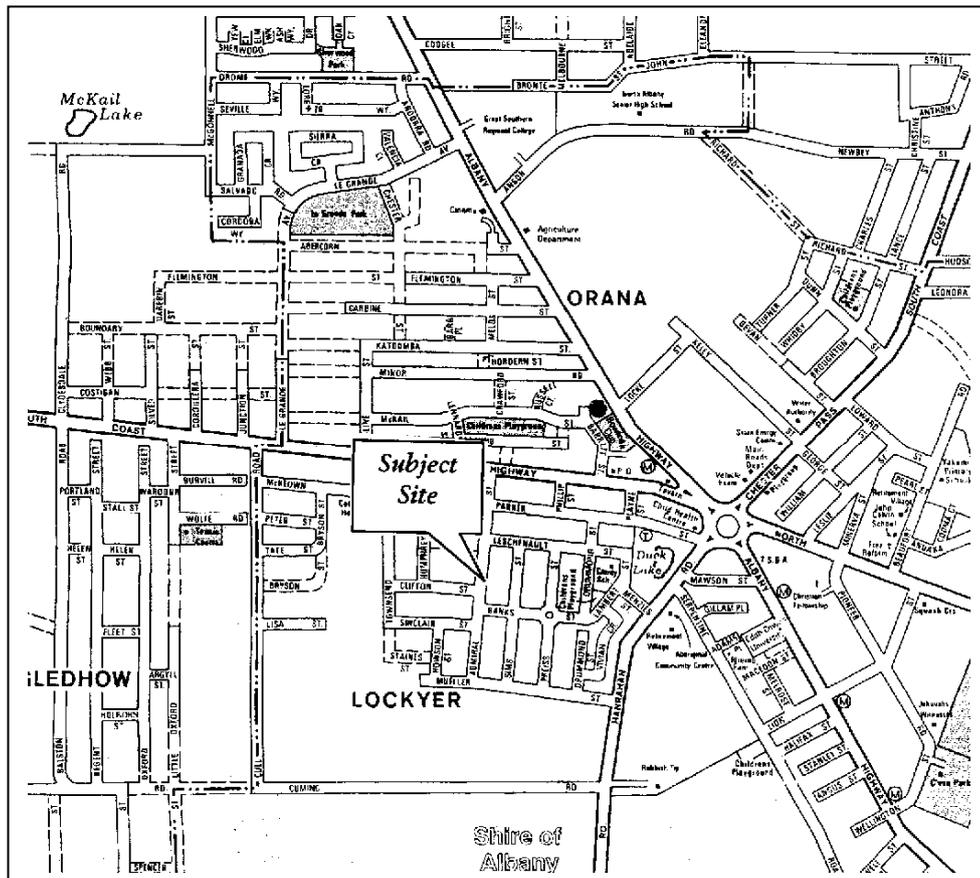
DEVELOPMENT SERVICES REPORTS



DEVELOPMENT SERVICES REPORTS

11.1.2 Unapproved Dwellings – Lot 122 Admiral Street, Lockyer

- File/Ward** : A118978 (Vancouver Ward)
- Proposal/Issue** : 2 x 2 Bedroom Dwellings
- Subject Land/Locality** : Lot 122 (#26) Admiral Street, Lockyer
- Proponent** : Spaanderman Homes
- Owner** : Homeswest
- Reporting Officer(s)** : Principal Building Surveyor (D Mexsom)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Nil, pending Council’s discussion
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. There are a number of local registered builders who have recently disregarded the building regulatory requirements. Some of these builders have been warned on a number of occasions about commencing building work prior to collecting and paying for the building licence. This presents a legal dilemma for Council building officers, as the Local Government [Miscellaneous Provisions] Act 1960 and the Building Regulations 1989 do not allow for the issue of *retrospective* building licences.
2. By failing to abide by the legislation, applicants run the risk of siting a building or structure otherwise than in accordance with approved drawings; they also are oblivious to any legal conditions of approval.

STATUTORY REQUIREMENTS

3. The current procedure in these situations, is that a notice is issued under Section 401 of the Local Government [Miscellaneous Provisions] Act 1960. This process allows the applicant to appeal the provisions of the Notice. Section 401 states:

“(1) A council may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building-

(c) which, where permission of the council is required for carrying it out, has been carried out without that permission;

and requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless where he has a right of appeal against the requisition, he exercises the right with due diligence, and the refererees mentioned in Division 19 of this Part or the Minister, as the case may be, quash the requisition on appeal.”

4. The Minister for Local Government then investigates the matter, which can involve an officer from the Building Section of the Department of Local Government inspecting the property and obtaining comment from Council’s Building Surveyor, property owner and the builder concerned. The officer then reports to the Minister. The Minister can decide to set the notice aside or can uphold the provisions of the notice [this may include the demolition and removal from site of all demolition material].
5. The Minister can impose specific requirements as part of the determination (eg: that a Structural Engineer be engaged to report and or certify the unapproved work). More importantly, the Minister may instruct Council that a Retrospective Building Licence can be issued. This then allows for the Building Licence to be issued within a legal basis.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

6. Council's Building Surveyor is not in a position to issue a retrospective building licence, however Council can.
7. Currently, the City of Albany has a number of compliance issues which are a direct result of people constructing buildings and structures without gaining Council approval. Several real estate agencies have recently been fined for selling houses with non-approved building work. Also, unapproved buildings will not show up on Council's records; they create problems for the owners should they decide to sell a property in the future.

POLICY IMPLICATIONS

8. Development of a formal policy would assist staff to respond in a consistent manner in the future. In order to develop such a policy it is necessary to obtain Council feedback on prosecutions.
9. Whilst the majority of builders do the right thing, there are a number who have previously flaunted the Regulations.

FINANCIAL IMPLICATIONS

10. If higher levels of prosecution are advocated by Council then additional money would need to be set aside in the budget to allow for legal costs.

STRATEGIC IMPLICATIONS

11. One of the Ports of Call in Albany 2020 requires "*the continual development of Council services & facilities to meet the needs of all stakeholders*".

COMMENT/DISCUSSION

12. Staff seek Council's direction in relation to the preferred options when these situations arise.
13. A current situation exists where a Registered Builder [Spaanderman Homes] has failed to collect a building licence for the construction of two dwellings at Lot 122 (#26) Admiral Street, Lockyer. The owner of the land is Howeswest. Additional information had been requested by Council's engineering section in relation to stormwater disposal; this information was not forthcoming and therefore the building licence had not been issued. Rather than sort this issue out, the builder chose to commence the work, and in fact completed the work without collecting or paying for the building licence. The buildings are therefore unapproved work.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

14. The City of Albany and the community now has two dwellings which are completed, and no official record exists that the land is now improved land for rating purposes. Council has also received no notifications about the commencement of footings and staff have performed no inspections on the property, hence have no record of construction compliance.
15. Council is now placed in a position of having to go through a drawn out process to make these buildings legal, if that is the course it wishes to pursue. The Local Government [Miscellaneous Provisions] Act 1960 at Section 374 [2a] describes the legal manner in which the builder could have applied to the CEO if experiencing unreasonable delays, where conforming information has been supplied. Council can take up to 35 days to issue a building licence or refuse to issue one. After that period a person can write to the CEO who can choose to respond within a further 14 days, if no response is forthcoming an application is deemed to be refused. Applicants may then appeal to the Minister of Local Government.
16. Council has the power to return plans to the builder if additional information is required or the drawings are not clear or not easily legible, if additional information is required, this time is not counted until drawings are resubmitted (Building Regulations 1989 reg 14 [1]).
17. The Principal Building Surveyor wrote to Homeswest to ascertain why they had also allowed work to commence on their land without checking to see if a building licence had been obtained. A copy of the letter and responses (including Spanderman Homes Pty Ltd) are attached.
18. The builder in question has been warned on two previous occasions for commencing building without a licence. The options available to Council are:
 - (a) Issue a Notice under Section 401 and advise the builder of his appeal rights. The Minister may agree to issue a retrospective licence;
 - (b) Council issue a retrospective building licence; OR
 - (c) Seek legal advice on the prosecution actions available to Council.

RECOMMENDATION

THAT Council;

- i) Issue a Notice under Section 401 and advise the builder of his appeal rights. The Minister may agree to issue a retrospective licence;
- OR
- ii) Council issue a retrospective building licence;
- OR
- iii) Seek legal advice on the prosecution actions available to Council.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

AMENDED RECOMMENDATION

THAT Council, in respect to the buildings constructed at Lot 122 (#26) Admiral Street, Locker;

i) Issue a notice, pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act, requiring the demolition of the buildings which were constructed without permission and Spaanderman Homes be advised of their appeal rights.

OR

ii) Advise Spaanderman Homes that it is prepared to issue a building licence for the said buildings upon receipt from the builder of a report from a suitably qualified engineer certifying that the completed works are structurally sound and the buildings were constructed in accordance with the submitted plans. Upon receipt of that report, the Principal Building Surveyor be delegated authority to issue the licence on behalf of Council.

OR

iii) Seek legal advice on the prosecution of Spaanderman Homes and authorise the Executive Director Development Services to initiate legal proceedings under Section 374 of the Local Government (Miscellaneous Provisions) Act for commencing a building without Council approving the issue of a building licence.

AND

THAT Council staff prepare a delegation report for Council’s consideration detailing a framework for the processing and/or prosecution of builders/landowners who commence building work without first obtaining a building licence pursuant to Section 374(1) of the Local Government (Miscellaneous Provisions) Act.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WELLINGTON**

THAT Council seek legal advice on the prosecution of Spaanderman Homes and authorise the Chief Executive Officer to initiate legal proceedings under Section 374 of the Local Government (Miscellaneous Provisions) Act for commencing a building without Council approving the issue of a building licence.

AND

THAT Council staff prepare a delegation report for Council’s consideration detailing a framework for the processing and/or prosecution of builders/landowners who commence building work without first obtaining a building licence pursuant to Section 374(1) of the Local Government (Miscellaneous Provisions) Act.

**MOTION CARRIED 13-1
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Our Ref : A118978
Corro No : -
Enquires : David Mexsom

29 January, 2001

Ministry of Housing
99 Plain Street
EAST PERTH WA 6004

ATT: KEN SHARMAN – MANAGER CONSTRUCTION.

Dear Ken

LOT 122 ADMIRAL STREET ALBANY – TENDER NO. 96223/00 – 2 TOWN HOUSES.

I am writing to you following discussions with the Department of Local Government.

Homeswest lodged a building licence application with the City of Albany on 12 July 2000.

The Registered Builder nominated for this work was Spaanderman Homes Registration No. 9686.

A Planning Scheme Consent No. 205111 for this work was issued by the City of Albany on 10 May 2000.

The builder was contacted by Council's engineering section on a number of occasions; they required additional stormwater details in relation to invert and cover levels to the proposed stormwater disposal systems pipe work. [This was also a specific condition of the Planning Scheme Consent, Condition A1] This information was never supplied and the licence was therefore classed as 'Pending' until sufficient information was supplied.

You are advised that this development has now been **completed** without a building licence having been legally issued and the fees [\$1002.42] have not been paid by the registered builder.

This is in breach of Building Regulations 1989 Regulation 13 [1] (a) (b) (c) & (d), and perhaps a breach of your contractual requirements with the builder.

Council has not been advised of concrete pours and has performed no inspections [which would normally have been performed had this work been legal]

Council has now been requested by the builder to complete a Ministry of Housing Local Government Inspection Advice form in respect of these 2 X 2 Bedroom Duplex units.

Under normal circumstances commencement of prosecution proceedings would seem to be a more appropriate course of action.

The purpose of this letter is to officially advise you of this situation, and provide you with an opportunity to comment and confirm whether it is feasible and legal for the Ministry of Housing to claim exemptions under Building Regulation No.4 (1) (a)

'A building that is exempted by statute'

DEVELOPMENT SERVICES REPORTS

It has been suggested by the Department of Local Government that due to the fact that a building licence had been applied for, that it is a reasonable expectation that the rest of the legal building approval process should have also been followed?

Failure by a builder to comply with the building legislative requirements has a number of impacts upon society eg: Bureau of Statistics building commencement data, inappropriate rating of properties.

Please note that the Local Government [Miscellaneous Provisions] Act 1960, does not provide Council with the power to approve a retrospective building licence, and such matters require a direction from the Minister of Local Government.

Council is seeking direction from the Ministry of Housing over this Issue, and under the circumstances it would be irresponsible for Council to complete your Local Government Inspection Advice form until we have received a satisfactory response.

It would be appreciated if the Ministry of Housing undertook appropriate measures to ensure that authorisation to commence work on site is subject to the successful tenderer producing evidence of a legal building licence.

Should you have any queries or wish to discuss this matter, please do not hesitate to contact the Principal Building Surveyor on 9841 9392 or Email: davidm@albany.wa.gov.au

Yours faithfully



David Mexsom
Principal Building Surveyor
dlmpbs

C.C. John Thompson
Acting Manager
Homeswest
131 Aberdeen Street
ALBANY

Spaanderma Homes
11 Minna Street
ALBANY 6330.

DEVELOPMENT SERVICES REPORTS

Enquiries: K. Sharman
Direct Line: 9222 4792
Our Ref:
Your Ref:



HOMESWEST

99 Plain Street
East Perth WA 6004

Private Bag 22
East Perth WA 6829

Telephone (08) 9222 4666
(08) 9221 3985 (TT)

Facsimile (08) 9221 1388

David Mexson
Principal Building Surveyor
City Of Albany
PO Box 484
Albany WA 6331

Dear David

LOT 122 ADMIRAL STREET ALBANY – TENDER NO 96223/00 –2 TOWN HOUSES

I refer to your letter dated 29 January 2001 and our recent telephone conversations regarding the building licence for the above project.

Firstly please accept my apology for the late response. As I explained to you in our telephone conversation we did write to the builder on 1 February 2001 seeking an explanation but no response was received and our bring up system failed to bring the outstanding matter to our attention.

I wrote to Mr Henk Korthuis of Spaanderman Homes Pty Ltd on 1 May 2001 seeking an urgent explanation and I personally contacted him by telephone on 7 and 9 May 2001.

Mr Korthuis has now replied in writing (received today) with an explanation and he has also advised the measures he has put in place to ensure that it does not happen again. I have enclosed a copy of his response for your information and records.

In regard to resolving this current situation I now request that the City Of Albany issue a retrospective building licence to Spaanderman Homes Pty Ltd. I understand that this is not common practice but that a precedent was set approximately two years ago on another Ministry contract with Spaanderman Homes Pty Ltd.

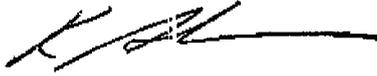
In regard to future Ministry of Housing building contracts I advise that we have put in place a requirement for the building licence to be sighted prior to the certification of the first progress payment which is approximately 1 month from the start of the construction.



DEVELOPMENT SERVICES REPORTS

I trust this answers your queries on this matter. Please contact me on 9222 4792 if you require any further information.

Yours faithfully



KEN SHARMAN
MANAGER CONSTRUCTION COUNTRY

10 May 2001

DEVELOPMENT SERVICES REPORTS

1-MAY-2001 THU 08:29

SPAANDERMAN HOMES

98429111

P. 001/00

Spaanderman Homes Pty Ltd

Building & Plumbing Contractors

A.B.N. 97 039 596 603

11 Minna St Albany WA 6330

Telephone: 9842 9000

Facsimile: 9842 9111

Mr Ken Sharman
Manager Construction
Ministry of Housing

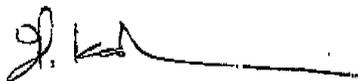
SUBJECT: 2 Townhouses Admiral St 96223/00

At the time of application for building license for this project we were also in the process of applying for building license for 6 other projects for the Ministry of Housing. During this hectic period we are told we received several phone calls regarding this project. Neither myself nor any of my staff recollect taking any calls from the City of Albany regarding stormwater on this job. I thought it customary for this type of request to be in writing. During this very busy time for our small building company this application was missed and for this we are extremely sorry. It was most certainly not an intentional act on our part.

Since this error has been highlighted I have put measures in place to ensure that this does not happen again. I will be taking on the role of obtaining building licenses and will not initiate works on these jobs until a copy of the license is faxed to the superintendent. Only then will the paperwork to start the job be given to my supervisor for work to commence.

After discussions with Mr David Mexsom of the City of Albany he has acknowledged that he has no evidence other than an internal memo stating that his section contacted us regarding this project. He has taken steps to provide us with a retrospective building license. I will provide you with a copy of the license as soon as it is available.

I hope this meets with your approval.

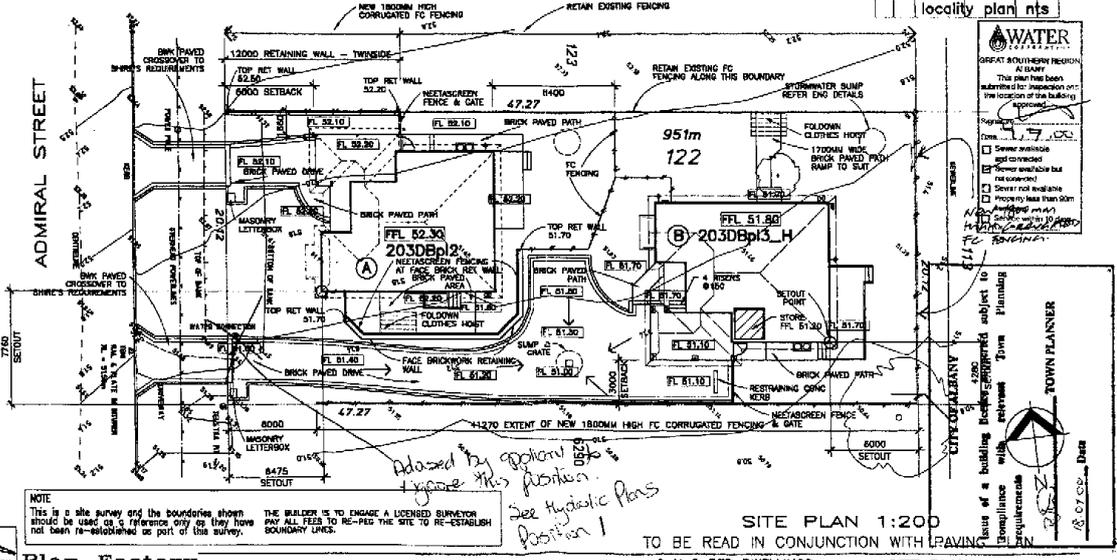
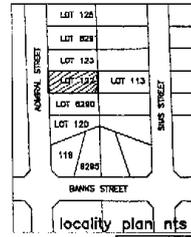


Henk Korthuis.
Manager.

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

- NOTES:
1. LIGHT GROWTH COVER TO WHOLE SITE/ SOME CONCRETE FEATURES CLEARING REQUIRED. SITE CLASSIFIED 'B' SAND SOIL - PREPARATION IN ACCORDANCE WITH GEOTECHNICAL REPORT AND ENG. DVICE. THE CONTRACTOR SHALL FULLY DETERMINE THE CONDITIONS BEFORE SUBMITTING THE TENDERS & SHALL ALLOW FOR ALL HEAVY DRIVING.
 2. ADHERE TO ALL LOCAL & RELEVANT AUTHORITY REQUIREMENTS INCLUDING MAKING APPLICATION TO WESTERN POWER, TELSTRA & WAWA. PAY ALL NEW CONNECTION FEES & ASSOCIATED COSTS.
 3. THIS SITE PLAN TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS' DVICE. ALL MEASUREMENTS TO BE VERIFIED ON SITE PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO SUPERINTENDENT.
 4. THE SITE SHALL HAVE ADEQUATE EROSION CONTROL MEASURES IN PLACE DURING CONSTRUCTION TO PREVENT SOILING AND DUST NUISANCE PROBLEMS OCCURRING.
 5. RETAINING WALLS TO BE THINWALL OR SIMILAR APPROVED PRE-CAST CONCRETE TO A MAX HEIGHT OF 1000MM OR, WHERE INDICATED, RETAINING WALL SHALL BE FACE BRICKWORK TO ENGINEER'S DETAIL.
 6. PROVIDE MASONRY LETTERBOXES TO EACH UNIT, REFER DETAIL.
 7. THE NEW CROSSOVERS TO BE CONSTRUCTED TO COUNCIL'S SPECIFICATIONS. LIVES AND SATISFACTION IN ACCORDANCE WITH CHAMBERS NOTE 8 FROM TD #2008. A PERMIT IS REQUIRED FROM COUNCIL PRIOR TO ANY WORK BEING CARRIED OUT WITHIN THE ROAD RESERVE. DRIVEWAYS TO HAVE 150X150 MM CONCRETE SEMI MOUNTABLE KERBS. CROSSOVER TO FRONT DWELLING TO BE MINIMUM 1000MM FROM CENTRELINE OF EXISTING POWER POLE.
 8. REMOVE ALL TREES NOT SHOWN TO BE RETAINED - REFER SURVEY DING. ALLOW FOR THE LOPPING AND CUTTING BACK OF ANY BRANCHES 90 AS TO CLEAR ALL BUTTRES/DORMERS/PATHS/BOUNDARY FENCING.
 9. ALL FENCING UNLESS NOTED OTHERWISE TO BE 1800MM HIGH (FROM FINISHED GROUND LEVEL) CORRUGATED FIBROUS CONCRETE SHEETING WITH COLORBOND LOOK CLIPPING TO MANUFACTURER'S SPECIFICATIONS. FENCING AREA: FACE BRICKWORK RETAINING WALLS AND WING FENCES & GATE TO BE COLORBOND METALSCREEN 1800MM HIGH FROM HIGHER FINISHED GROUND LEVEL TO MANUFACTURER'S SPECIFICATIONS.
 10. ALL PAVED AREAS, DRIVES AND CROSSOVERS (UNLESS DIRECTED OTHERWISE) TO BE IN TRAFFICABLE BRICK PAVING FINISH - REFER SCHEDULES.
 11. REMOVE ALL EXISTING CONCRETE PATHS/PADS AT CLEARING STAGE.



Plan Factory
 40-5/675 O'BRIEN'S BRIDGE ROAD
 UNIT 20/218 HEMPSTON RD SOUTH BRISBANE QLD 4162
 61 65 02 3366
 EMAIL: planfact@global.net.au

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SITE PLAN 1:200
 TO BE READ IN CONJUNCTION WITH TRAVING PLAN
 2 X 2 BED DWELLINGS
 @ PART LOT 122 ADMIRAL ST
 ALBANY
 FOR THE MINISTRY OF HOUSING

SITE PLAN
 DRAWN: MAM
 CHKD: []
 SCALE: 1:200
 DATE: 10/05/00

WATER
 GREAT SOUTHERN REGION
 ALBANY
 The plan has been submitted for inspection on the location of the building.
 Approved
 Date: 17/05/00
 Sewer available and connected
 Sewer available but not connected
 Sewer not available
 Property less than 50m from a watercourse
 Property less than 50m from a watercourse

TOWN PLANNER
 Basis of a building development subject to compliance with relevant town planning requirements.

DEVELOPMENT SERVICES REPORTS

11.1.3 Municipal Inventory – Request to De-list

File/Ward : A103787 (Frederickstown Ward)

Proposal/Issue : Request to Delist property on Municipal Inventory

Subject Land/Locality : Albany Town Lot Part 260, Lot 8 (198-202) Grey Street, Albany

Proponent : FA & MG Crugnale

Owner : FA & MG Crugnale

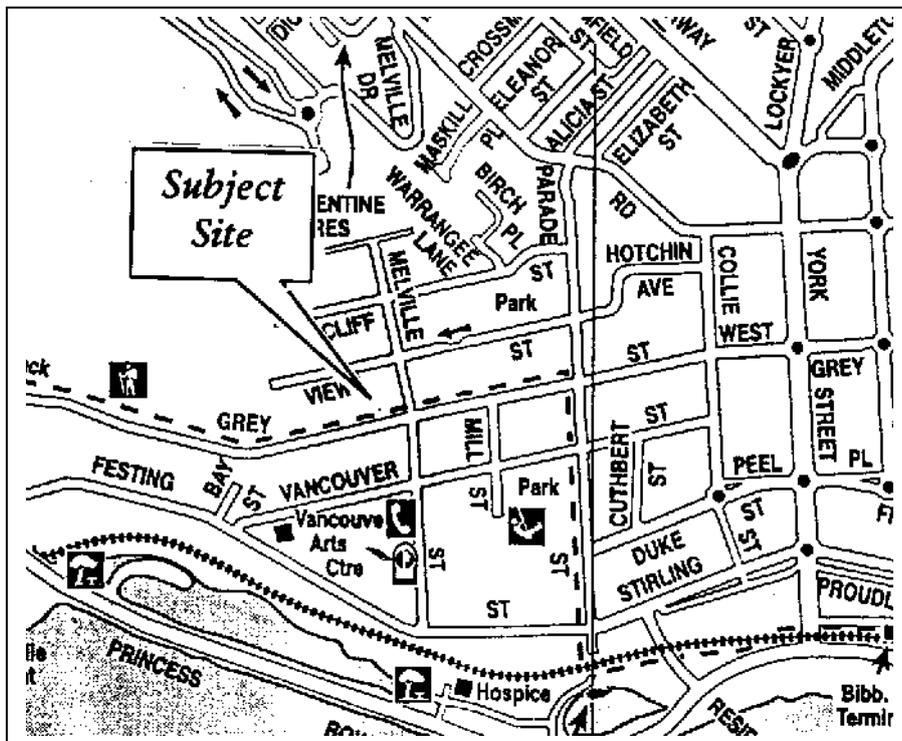
Reporting Officer(s) : Executive Director Development Services (R Fenn)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Retain Property on Municipal Inventory

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. During the preparation of the City of Albany Municipal Inventory (M.I.), Mr & Mrs Crugnale raised verbal concerns over the listing of their residence within the M.I., and Council's heritage consultants discussed those concerns with them. Upon the adoption of the M.I., at the Ordinary Meeting on the 23rd January 2001, Council was under the impression that the Crugnales' concerns had been dealt with and there was no objection to the incorporation of the property within the M.I.
2. Mr & Mrs Crugnale have recently written (20th February, 23rd March and 2nd May 2001) to Council requesting that 198 Grey Street be removed from the M.I. They advise that they objected previously to having their property on the former Town of Albany M.I. and that opposition remains; they have no intention of altering the premises and feel aggrieved by the inclusion of their residence into a heritage register.

STATUTORY REQUIREMENTS

3. It is a requirement under the Heritage Act (Section 45) that landowners whose property is to be incorporated into a Municipal Inventory be made aware of the pending inclusion and they be given an opportunity to have that listing reviewed. The Crugnale's property has been recorded on the former Town of Albany Municipal Inventory since 1996 and they were kept informed of the pending listing within the City of Albany Municipal Inventory.
4. Some 300 or so affected landowners were individually invited, by the City and the consultants engaged to prepare the M.I., to attend a number of meetings held in Albany to make them aware of the consequences of inclusion of their property on the M.I.; several opportunities were also made available for landowners to object to the pending listing, consistent with the Heritage Act.
5. Part VI of the City of Albany Town Planning Scheme 1A also states;

6.1 There are hereby created Places of Heritage Value as specified in the Schedule contained in Appendix VIII and delineated on the Scheme Map according to the legend thereon.

6.2 Notwithstanding the provisions of Clauses 3.4, 4.1 and 7.3, no person shall without the special consent of Council in a Place of Heritage Value carry out any development including:

- (a) the erection, demolition or alteration of any building or structure;*
- (b) clearing the land nor fell, lop, top or damage any tree or otherwise damage the place;*
- (c) the erection of advertising signs;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

unless such development is in accordance with a policy adopted by Council pursuant to clause 6.3.

6.3 The Council may prepare and adopt specific land use and development policies for any Place of Heritage Value.

6. Item 80 in Schedule VIII of the Scheme lists the residence at 198 Grey Street as a Place of Heritage Value.

POLICY IMPLICATIONS

7. Council has no policies (refer to clause 6.2 of the Scheme) dealing with the specific consideration of development applications at 198 Grey Street. A general policy exists dealing with “infill development” on properties on the southern slopes of Mounts’ Clarence and Melville, however that policy has little relevance to the subject land.

FINANCIAL IMPLICATIONS

8. The inclusion of land as a Place of Heritage Value in the City of Albany Town Planning Scheme 1A provides a mechanism for a range of minor City funding opportunities; they include the waiving building and planning fees, access to heritage advice, etc.
9. Historically, the inclusion of a property within a M.I. has produced no meaningful financial benefits to a landowner. That situation has changed recently with the Heritage Council of WA now opening up direct State funding for landowners with M.I. listed buildings. Funding is usually only available to undertake conservation plans or to perform restoration and/or urgent maintenance to buildings. The grants being sought by landowners and Councils also usually exceeds the available funding by a factor of 6 to 10.

STRATEGIC IMPLICATIONS

10. The importance of the City’s heritage is recognised in Albany 2020 with a Port of Call establishing “*outstanding municipal & privately owned heritage assets*”. The City’s M.I. is the mechanism to list the individual heritage assets and the City’s Town Planning Scheme provides the legislative framework within which control mechanisms may or may not be established.

COMMENT/DISCUSSION

11. Mr & Mrs Crugnale have been advised that “*198 Grey Street has been heritage listed on the Council’s Town Planning Scheme 1A since 1983. Listing in the Town Planning Scheme involves a higher order listing than the Municipal Inventory. It is not practical to have a property listed in the Town Planning Scheme and not on the Municipal Inventory.*”

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

12. In formulating the M.I., independent consultants assessed the dwelling at 198 Grey Street (see following place record sheet) and considered the premises of sufficient importance that they consider the Heritage Council of WA may wish to have it recorded on the State Register of Heritage Places. The place displays high aesthetic value, architectural merit and it forms part of group/precinct of significant buildings; in essence it is an “Albany Heritage Icon”.
13. Deletion of the premises from the M.I. will not automatically remove it from the schedule in the Town Planning Scheme. The M.I. is nothing more than a database of local heritage assets and the M.I. provides no legal mechanism to control development or control the rights of landowners (i.e. it is simply a reference document). On the other hand, Scheme 1A is created in a similar manner to an Act of Parliament and it is a subservient piece of legislation to the Town Planning and Development Act. It is only through a scheme amendment process that a site shown in Schedule VIII of the Scheme can be “delisted” as having heritage value.
14. Should Council wish to accept Scheme “delisting” as a course of action, the owner would need to proceed with an amendment to Scheme 1A. Alternatively, an amending action can be delayed and the request can be considered as part of the consolidated District Scheme which is currently being drafted; either way, Council will need to convince the Minister for Planning and Infrastructure that its actions are in the broader community interest and it constitutes proper and orderly planning.
15. If the property is included onto the State Register of Heritage Places (an action which can take place irrespective the current decision-making process) any building activity would need to be done in accordance with an approved conservation plan and only with the express approval of the Heritage Council of WA. This process is considered by most landowners as being arduous and potentially detrimental to their private enjoyment of their land. This action is not being pursued by Council and does not form part of the matter under consideration.
16. 198 Grey Street has been included on the City’s Town Planning Scheme for approximately 18 years without detrimental impact upon the current owners. Staff would be concerned if an important local building, like the residence at 198 Grey Street, is removed from the M.I. and steps were taken to remove it from the Scheme (containing demolition controls, etc.). Many landowners with buildings of less cultural significance to the community have seen the value of having their properties on the M.I. the removal of this place would undermine the value of the M.I. as a database and would erode the Council’s commitment to one of its Port of Call.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

RECOMMENDATION

THAT Council decline the request to remove the residence at 198 Grey Street, Albany from the City of Albany Municipal Inventory and the City of Albany Town Planning Scheme 1A list of Places of Heritage Value (at Schedule VIII) and that an appropriate package of incentives for landowners with Municipal Listed places be developed and it be supported by an active educational program.

Voting Requirement Simple Majority

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The Chief Executive Officer advised that the applicants had requested that this item be withdrawn.

DEVELOPMENT SERVICES REPORTS

Year 2000

198 Grey St/Albany/House-Residence/Page 1

CITY OF ALBANY
MUNICIPAL HERITAGE INVENTORY

PLACE RECORD FORM (Inner Area)

Man Cat

A

Lot/Loc	Number	Street Name	Locality	Name of Place
		198 Grey St	Albany	House/Residence

Photograph of the place



LOCATION	
HCWA Reference Number	
Other Reference Number	A103787
Name of Place	House/Residence
Other names	McKenzie House, White House
Address	Grey St
Suburb/Town	Albany
Local Government Authority	City of Albany

OWNERSHIP & LAND DESCRIPTION			
<i>Owner details are kept on the rates data base at the City of Albany.</i>			
Reserve No.	Lot/Location No.	Plan/Diagram	Vol/Folio

CITY OF ALBANY MUNICIPAL HERITAGE INVENTORY

DEVELOPMENT SERVICES REPORTS

Year 2000

198 Grey St/Albany/House-Residence/Page 2

PERIOD	Late Victorian (c1870-c1890)
Design Style	Victorian Regency influences
Construction Date	c1880s
Source/Details	

USE(S) OF PLACE	
Original	Residence
Present	Residence
Other	

HISTORICAL NOTES

This house is one of a number of places in Grey St that have significant heritage value both individually and as part of a group.

THIS IS BASED ON THE INFORMATION WHICH HAS BEEN GIVEN TO *Heritage* TODAY AND NEEDS TO BE CONFIRMED.

It would seem that this residence has links with some prominent Albany residents, among them Captain William Finlay, Albany' first Mayor who died in 1886. It has also been associated with Robert Thomson Robinson who came to Albany in 1889 and became a prominent lawyer in the State.

One source (1994 Heritage Database – Town of Albany) names the house McKenzie House, presumably after one of the owners over time.

Further research needed.

DESCRIPTION

Some of the notable features of this place include:

- Prominent location – high streetscape value
- Grand scale, reflecting a period of affluence and progress in Albany and Western Australia
- Two storey construction – rendered and painted stone and brick
- Corrugated iron roof is multi hipped, with three chimneys
- Projecting wing has two protruding timber framed sash windows at each level
- Windows have decorative sills and moulding
- Prominent timbered gable with timber infill
- Verandahs at both levels with timber balustrading
- French doors lead out onto the verandahs at both levels

ASSOCIATIONS	ASSOCIATION TYPE
William Finlay	First Mayor of Albany
Robert Thomson Robinson	Prominent lawyer in Albany

HISTORIC THEME/Subtheme	CATEGORIES OF SIGNIFICANCE
Demographic Settlement/ <i>Residential land subdivision</i>	Aesthetic
	Historic
	Representative
	Rarity

DEVELOPMENT SERVICES REPORTS

Year 2000

198 Grey St/Albany/House-Residence/Page 3

RATING AND ASSESSMENT	High				Low
Aesthetic value (streetscape, setting)	1 ✓	2	3	4	5
Architectural merit (design features)	1 ✓	2	3	4	5
Rarity value	1	2 ✓	3	4	5
Value as part of a group/precinct	1 ✓	2	3	4	5
Condition	1	2 ✓	3	4	5
Integrity	1	2 ✓	3	4	5

MANAGEMENT RECOMMENDATIONS

Management Category : A

Worthy of the highest level of protection: recommended for entry into the WA State Register of Heritage Places which gives legal protection; provide maximum encouragement to the owner under the City of Albany Planning Scheme to conserve the significance of the place; development requires consultation with the local authority and the Albany Heritage Advisor; a more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any development. Incentives to promote heritage conservation should be considered.

SUPPORTING INFORMATION/BIBLIOGRAPHY

- *Heritage TODAY* Site visit and Assessment 1999.
- 1994 Heritage Database – Town of Albany.
- Cyclopedia of Western Australia
- *Albany Advertiser*, Monday 8 July, 1974.
- *Albany Advertiser*, Friday 12 July, 1974.

DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Strategic Bushfire Plan 2000-2005 - Adoption

File/Ward	:	SER042 (All Wards)
Proposal/Issue	:	Strategic Bushfire Plan 2000-2005
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett) Administration Officer – Bushfire (T Howarth)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		That Council adopt the Strategic Bushfire Plan 2000-2005
Locality Plan	:	N/A

BACKGROUND

1. Following consultation with the Volunteer Bush Fire Brigades (VBFBs) the former Shire of Albany adopted a Strategic Bushfire Plan in 1995, which provided a five year capital purchase and replacement program for vehicles used by VBFBs. The replacement program has been very successful and has resulted in a major upgrade of the vehicles and equipment available to VBFBs.
2. With more complex challenges facing the City, such as a decline in the number of volunteers, greater competition for limited funding and rising equipment prices, it was obvious that a more strategic approach was needed to continue the support provided to the VBFBs. In May 2000 the process of reviewing the 1995 Strategic Bushfire Plan was commenced with a workshop to gain input from the 16 Brigades in the City. A transcript of the workshop was forwarded to all Brigades seeking further comment and, where necessary, clarification on some of the issues raised.
3. The first draft of the strategy was completed and circulated to all VBFBs, in November 2000, for further feedback and input. Briefing sessions were also held to explain some of the more contentious issues.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

4. Comments received were incorporated into a second draft of the strategy for consideration at the February 2001 meeting of Bushfire Advisory Committee. The Committee adopted the second draft of the Strategic Bushfire Plan with the exception of two points that required further discussion:
 - (a) Section 3.2 Fire Appliances (page 21)
Dot point 5 - Capping the City's fire fleet at 32 vehicles; and
 - (b) Section 3.2 Fire Appliances (page 21)
Dot point 11 - Purchase of vehicles by brigades for inclusion in the City's plant list.
5. The Bushfire Management Committee, at its meeting on 28th February 2001, ratified this decision.
6. The outstanding items have now been resolved and the Bushfire Management Committee at its May 2001 meeting endorsed the Strategic Bushfire Plan 2000-2005 and recommended as follows:
 - "1. Section 3.2 dot point 5 of the Strategic Bushfire Plan 2000-2005 be amended to read "The size of Council's bushfire brigade fleet will not be increased beyond 34 appliances."*
 - 2. Provision be made in the 2002/03 financial year for the placement of a 3.4R at Gnowellen within the planned fleet of 34 vehicles.*
 - 3 The size of the City's fire fleet be re-evaluated with the assistance of the brigades, upon completion of the City's Fire Prevention Plan which will determine response capability.*
 - 4. Section 3.1 of the Strategic Bushfire Plan 2001-2005 be amended to include a paragraph stating "The City will, in conjunction with relevant VFBs, endeavour to source suitable fire station sites for both the Gnowellen and Kojaneerup brigade districts and commence construction of fire stations to house new fire appliances as they come on line."*
7. The Plan has been amended to reflect the Bushfire Management Committee's resolution and a copy of the finalised Strategic Bushfire Plan 2000-2005 has been distributed to the Mayor and Councillors for consideration and adoption. The final Strategy will be tabled at the meeting.

STATUTORY REQUIREMENTS

8. Under the Bush Fires Act 1954, the City has a responsibility and a duty of care to provide for and achieve an acceptable minimum standard of fire protection for the community of the City of Albany

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

POLICY IMPLICATIONS

9. Within the Strategy, a vehicle replacement/purchase policy has been drafted which requires that no truck will be over 20 years of age at the time of replacement and no fast attack will be over the age of 10 years.

FINANCIAL IMPLICATIONS

10. It should take six years to achieve the above policy objective, with an average annual expenditure of \$200,000, which is based on purchasing two 3.4 Rural fire appliances at a cost of \$85,000 each and one fast attack at \$30,000 (costs are relevant to the year 2001 only). Those figures provide for a one-half contribution to a FESA funded new appliance or the purchase of a good quality used vehicle if FESA funding cannot be secured.
11. This program will allow Council to own the appliances, reduce maintenance costs, minimise potential appliance failure and injury to Volunteer Bush Fire Brigade members.

STRATEGIC IMPLICATIONS

13. The Albany 2020 Charting Our Course Strategic Plan lists as one of its major ports of call:

"The continual development of Council services and facilities to meet the needs of all stakeholders."

COMMENT/DISCUSSION

14. The proposed Strategic Bushfire Plan was formulated with the cooperation of the Volunteer Bush Fire Brigades and is consistent with the current operation of those brigades. The strategy seeks to provide clear direction for the City of Albany and the Volunteer Bushfire Brigades for the next five (5) years and beyond.
15. Issues that have been identified and included in the strategy after consultation with the brigades include:
 - (a) The role of the various agencies involved in the suppression of bush fires;
 - (b) The responsibilities of officers such as the Chief Bush Fire Control Officer and Brigade Fire Control Officers;
 - (c) The level of training proposed for fire fighters;
 - (d) The provision of meals at bush fires;
 - (e) The parties responsibility for funding capital costs, operational costs and brigade activity;
 - (f) The equipment standard for second-hand fire appliances purchased for brigades; and
 - (g) A vehicle replacement/purchase program.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

16. The proposed strategy builds on the successes achieved over the past five (5) years and will ensure the development and maintenance of the fire fighting appliances and resources necessary to sustain a safe community.
17. The proposed strategy will ensure, inter alia, that:
 - (a) No truck will be over 20 years of age at the time of replacement;
 - (b) No fast attacks will be over 10 years of age at the time of replacement and will be new when purchased;
 - (c) Strategic placement of the fire appliances will be based upon foreseen fire risk, reported fires, manning margins and attendance limitations due to distance constraints;
 - (d) City owned equipment may be re-deployed within a brigade district or to the district of another brigade to ensure the maximum benefit to the bushfire brigade organisation as a whole;
 - (e) Consultation will take place with relevant brigades and concerned parties together with the Bushfire Advisory and Management Committees prior to selling or re-deploying equipment.
18. The proposed strategy sets out financial management of the bushfire service, puts in place opportunities for both brigade rationalisation and change management and it consolidates all operating procedures into a single document. It is also noted that Council's Bushfire Management Committee extended the recommendations of the Bushfire Advisory Committee to include part 3 of paragraph 6. This action was seen as a responsible compromise between the initial Strategy and recent Advisory Committee suggestions.
19. The Minutes of the Management Committee are included in the Elected Members' Report/Information Bulletin. Adoption of those minutes is proposed elsewhere in this agenda.

RECOMMENDATION

THAT Council:

- (i) Adopt the Strategic Bushfire Plan 2000/2005 and commend the work of the Bushfire Advisory and Management Committee's in formulating the strategy;
- (ii) Forward the plant replacement/purchase program to FESA for adoption and ongoing funding of replacement vehicles for the City of Albany; and
- (iii) Consider, as part of its 2001/02 budget deliberations, the preparation of a Bushfire Prevention Plan.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

AMENDED RECOMMENDATION

THAT Council:

- (i) Adopt the Strategic Bushfire Plan 2000/2005 and commend the work of the Bushfire Advisory and Management Committee's in formulating the strategy;
- (ii) Forward the plant replacement/purchase program to FESA for adoption and ongoing funding of replacement vehicles for the City of Albany; and
- (iii) Consider, as part of its 2001/02 budget deliberations, the preparation of a Bushfire Prevention Plan.

Voting Requirement Simple Majority

AND

THAT Council, subject to FESA confirming in writing that it will part fund the purchase of a new 3.4 fire truck for Wellstead Brigade and a fast attack for the South Coast Brigade, delegate authority to the Executive Director Development Services to place an order for the purchase of those vehicles with payment being made from the 2001/02 budget.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT Council;

- (i) Adopt the Strategic Bushfire Plan 2000/2005 and commend the work of the Bushfire Advisory and Management Committee's in formulating the strategy;**
- (ii) Forward the plant replacement/purchase program to FESA for adoption and ongoing funding of replacement vehicles for the City of Albany; and**
- (iii) Consider, as part of its 2001/02 budget deliberations, the preparation of a Bushfire Prevention Plan.**

AND

THAT Council, subject to FESA confirming in writing that it will part fund the purchase of a new 3.4 fire truck for Wellstead Brigade and a fast attack for the South Coast Brigade, delegate authority to the Chief Executive Officer to place an order for the purchase of those vehicles with payment being made from the 2001/02 budget.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Albany Greenways Plan – Public Comment

File/Ward	:	STR078 (All Wards)
Proposal/Issue	:	Display Draft Albany Greenways Plan for public comment
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Environmental Planning Officer- Reserves (M Price)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 14/9/99 Item 15.3.2 OCM (Shire of Albany) 30/04/97 Item 13.3.8
Summary Recommendation:		Draft Albany Greenways Plan to be placed on public display
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany engaged the services of ATA Environmental (ATA) to prepare a Greenways Plan for the City. ATA has prepared a draft plan following community and staff workshops (held in March and February 2001).
2. The draft Greenways Plan is included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

3. Prior to the preparation of a District Town Planning Scheme, a local authority is required to prepare a Local Planning Strategy. The Strategy does not form part of the statutory components of the scheme, however it establishes the framework for decision making for the effective period of the scheme and beyond. A town planning scheme usually covers 5 to 10 years of growth whereas a local planning strategy establishes the planning framework for 20 years or more. The Greenways Plan forms part of the Local Planning Strategy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

POLICY IMPLICATIONS

4. The Greenways Plan considers different types of ‘green’ corridors or links and recommends that they be incorporated into the Local Planning Strategy. The Greenways were identified by on ground research and the review of a range of State and local policy documents.

FINANCIAL IMPLICATIONS

5. The preparation of the Albany Greenways Plan has been funded by the City of Albany and the Natural Heritage Trust. Provision has been made in the current budget for ATA to prepare the Greenways Plan and for the City to prepare the District Town Planning Scheme thereafter.

STRATEGIC IMPLICATIONS

6. The Greenways Plan is a land use strategic document which expands The following Ports of Call within the *Albany 2020 Charting Our Course Strategic Plan*:
 - ‘Managed Healthy Land and Harbour Environment- Reserve Management and Land Use Planning’
 - Quality parks, gardens and reserves maintaining their feature status- Streetscape design and implementation

COMMENT/DISCUSSION

7. The Albany community has identified that Greenway links and landscape amenity protection are key factors that contribute to a high quality of life in the Albany area. Other local government agencies including the Cities of Melville, Stirling and Cockburn have found that the preparation of Greenways Plans assist long term planning, especially the preparation of District Town Planning Schemes.
8. The preparation of the Albany Greenways plan recognises the importance of :
 - Vegetated corridors in supporting the conservation of native flora and fauna and bushland ecosystems.
 - Enhancing the aesthetic value of transport corridors and recreation networks, and
 - Recognising Aboriginal and European heritage sites
9. Active consultation and involvement of the community, local government officers and state agencies is the key to the success of Greenways planning. Meetings were held with staff from the City of Albany, Water and Rivers Commission, Ministry for Planning and the Department of Conservation and Land Management. A community workshop was held on the 12 March 2001 to raise community awareness and to seek input and ideas into the Plan. Approximately 35 people attended this session.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- 10. The gathering moved a motion to address the larger planning issue of the need for the preparation of a Regional Statutory Plan (see Attachment). The group felt that the preparation of a Regional Statutory Plan is essential to the long term planning of the Albany area.
- 11. Staff request Council support to place the draft ATA Albany Greenways Strategy on public display for a six week comment period.

RECOMMENDATION

THAT:

- i) The draft Albany Greenways Plan for the City of Albany be placed on public display for a six (6) week period commencing the 6th June 2001.
- ii) The motion passed at the Greenways Plan workshop be noted.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR BOJCUN**

THAT:

- i) The draft Albany Greenways Plan for the City of Albany be placed on public display for a six (6) week period commencing the 6th June 2001.**
- ii) The motion passed at the Greenways Plan workshop be noted.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

ATTACHMENT 1

**ALBANY GREENWAYS PLAN
WORKSHOP 12 MARCH 2001
MOTION PASSED BY ATTENDEES**

The general consensus of the workshop group was that the idea to plan for the development of greenways within the City of Albany is sound and the City is congratulated in taking the initiative.

However the workshop group felt that the effort to establish greenways is not considering the broad protection of remnant vegetation on private land in Albany.

One of the main attractions of Albany is its natural beauty and areas of remnant vegetation. The workshop group wants more green belts around the urban areas, including the retention of existing vegetation in areas that are earmarked for future development. The group said that they do not advocate ‘urban sprawl’, where suburbs meld together without relief from the constructed landscape.

The workshop group recognises that Council is limited in relation to requiring greater protection and enhancement of areas of remnant vegetation. Current State Government legislation does not make it possible for Council to request more than 10% of Public Open Space at the time of development of the urban areas and there are no other mechanisms to assist local authorities to preserve more areas in Albany.

It was proposed that this matter be considered by Council so that representation could be made to State Cabinet at its planned meeting in Albany to coincide with the Federation Festival in April 2001.

The workshop group requested that the Albany City Council facilitate the planning and implementation of Greenways by considering the following requests, and subsequently pursuing the matters with the State Government.

MOTION PASSED BY COMMUNITY MEMBERS:

The Greenways Workshop group respectfully requests that the City of Albany Council consider:

1. Obtaining and collating information to identify and maximise areas of significant bush land within the City of Albany to be retained. (Studies such as the Albany Hinterland Inventory and the Albany Greenways Plan should facilitate this process).
2. Requesting the State Government to reconsider legislation that currently limits Public Open Space allowances to a maximum provision of 10% of the land area to be developed. Mechanisms need to be developed to adequately compensate landowners.
3. Requesting that a mechanism be put into place to allow for the purchase of bush land for Regional Open Space purposes similar to the Metropolitan Region Land Improvement Fund.

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	:	FIN022 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Approve accounts for payment
Locality Plan	:	N/A

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is included in the Councillor Report/Information Bulletin and contains the following:-

Municipal Fund Vouchers		
Cheques 13857-14022	totalling	628,516.41
EFT EF5661-EF6080	totalling	970,553.27
Payroll	totalling	288,162.82
Other Direct Debits	totalling	64,412.04
Total Municipal Fund		<u>1,951,644.54</u>
Trust Fund Vouchers	totalling	5,446.00
Total Trust Fund		<u>5,446.00</u>
TOTAL		<u>1,957,090.54</u>

RECOMMENDATION

THAT, the following City of Albany accounts be passed for payment: -

Municipal Fund	totalling	\$1,951,644.54
Trust Fund	totalling	\$ 5,446.00
Total		<u>\$1,957,090.54</u>

Voting Requirement Simple Majority

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BARTON
THAT, the following City of Albany accounts be passed for payment: -

Municipal Fund	totalling	\$1,951,644.54
Trust Fund	totalling	\$ 5,446.00
Total		<u>\$1,957,090.54</u>

MOTION CARRIED 14-0

12.1.2 Differential Rates – Albany City Heart

File/Ward	:	FIN014 (Frederickstown Ward)
Proposal/Issue	:	Council to consider advertising differential rates for funding Albany City Heart.
Subject land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	No Officer recommendation

BACKGROUND

1. Albany City Heart (formerly Project Mainstreet) has been primarily funded by a differential rate on Central Business District ratepayers. Last year, the levy raised \$89,250, which was of roughly 8% of the Central Business District rates bills.
2. Albany City Heart has again approached Council and requested funding of \$106,000 for the 2001/2002 financial year. A copy of their application is attached. If Council agrees to support the organization, it is proposed that Council's contribution be fully funded by a differential rate.

STATUTORY REQUIREMENTS

3. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and / or land use of the property. Section 6.36 (1) requires a local government which is considering the imposition of a differential rate to give local public notice of its intention and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed.

POLICY IMPLICATIONS

4. There are no policy implications relating to this item.

Item 12.1.2 continued.

FINANCIAL IMPLICATIONS

5. There would be no impact on the City’s net budget as 100% of the contribution would be raised from the differential rate. The rate would be set 5% higher than the actual requirement to offset the prompt payment discount offered by the City.

STRATEGIC IMPLICATIONS

6. There are no strategic implications relating to this item.

COMMENT/DISCUSSION

7. If Council choose to continue to fund Albany City Heart through a differential rate, and adopt the 2001/2002 Budget in an appropriate time frame (late July or very early August 2001), it is necessary to advertise its intention to levy a differential rate no later than the next meeting to allow the statutory advertising period (21 days), and time for consideration of the responses.
8. The options open to Council are:
 - Agree to advertise the differential rate subject to review of the funding concurrent with adoption of the 2001/2002 Budget in July / August
 - Defer advertising the differential rate until after the next meeting, subject to conduct of a brief survey of property owners and businesses which would be subject to the levy.
 - Cease financial support for Albany City Heart

RECOMMENDATION

THAT Council;

- i) Agree to advertise the differential rate subject to review of the funding concurrent with adoption of the 2001/2002 Budget in July / August;
OR
- ii) Defer advertising the differential rate until after the next meeting, subject to conduct of a brief survey of property owners and businesses which would be subject to the levy.
OR
- iii) Cease financial support for Albany City Heart

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

Councillor Williams advised she owned a business in the CBD.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EVERS**

THAT Council cease undertaking the differential rate on behalf of Albany City Heart and seek expressions of interest from community groups and organisations to conduct the annual Christmas Pageant and New Year's Eve fireworks display and further that expenditure related to these items be provided in Council's draft budget for deliberations.

MOTION CARRIED 9-5

Reason:

Should Council cease to conduct the differential rate on behalf of Albany City Heart, it is important that the Christmas Pageant and annual fireworks display continue, and it is considered that many community organisations would be interested in providing such a service.

ATTACHMENT

ALBANY CITY HEART

PROPOSED PROGRAMME 2001/02 SUBJECT TO RECEIVING A DIFFERENTIAL RATE TO COVER \$106,000

PROMOTIONS

\$38,000

Christmas Pageant \$8,000

The 2000 pageant was the best ever. We will repeat this achievement this year by once again starting the organisation in July.

New Years Eve Fireworks Display \$8,000

This annual event has become a tourist attraction in its own right and a much anticipated treat for locals. Events of this calibre and breadth of appeal do much to stimulate community feeling and pride.

Major Retail Promotion \$12,000

This will be a buy local promotion. There will be an attempt to liaise with other business organisations to widen the promotion.

Contributions for small events \$5,000

eg: 'Art for Dads (or mums)', street performances etc.

Street Decorations \$5,000

Banners for precincts outside York Street. More Christmas lights.

COMMUNITY INITIATIVES

\$40,000

It is proposed these items will be subcontracted and undertaken in conjunction with State or Local Government help and support. Part of the budget will support a person or persons to run this part of the programme.

Townscape \$6,000

In particular revisit Albany Highway entrance statement to CBD and the finishing at Middleton Loop.

Precinct Consultations \$6,000

It is proposed to have a least one meeting with every precinct this year in the CBD.

Business Education \$6,000

We will revisit the 'How to compete with a Discount Department Store' issue. We will also liaise with the Albany Business Centre on the matter of e-commerce and Albany Gateway opportunities.

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Parking Initiatives \$4,000

While we understand that the Albany City Council is preparing a very detailed strategy for the City which includes parking it is a perception that there is not enough parking. We wish to form some initiatives for public education.

Lighting/Safety Initiatives \$4,000

We will tackle these on a precinct basis.

Traffic Initiatives \$4,000

The need to further slow traffic in some precincts is self evident. We will lobby for this to happen.

Street Maintenance Initiatives \$4,000

Footpaths and the roads in Albany are covered in food and oil. We hope to see Council take some action to 'washing' our CBD.

Professional Consultancies, workshops, speakers, displays \$6,000

To support the above initiatives.

OPERATIONS

Management \$18,000

Part time contract for an administrative officer who will also take on the role of minutes secretary and bookkeeper.

Operating Expenses \$6,000

Rent/ Phone/ newsletter etc.

Insurance \$3,000

Audit/Accounting \$1,000

TOTAL BUDGET

\$106,000

12.1.3 Principal Activities Plan

File/Ward	:	STR014 (All Wards)
Proposal/Issue	:	Council requested to approve advertising the Draft Principal Activities Plan.
Subject land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager - Finance (S Goodman)
Disclosure of interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council agree to advertise the availability of the Draft Principal Activities Plan for public comment

BACKGROUND

1. The City of Albany Principal Activities Plan, is an annual overview of the significant programmes and activities proposed by the Council over the next four years. The objectives are:
 - to provide the community with information related to the proposed principal activities.
 - to offer the community the opportunity to lodge submissions in relation to those proposals for consideration by the Council.

STATUTORY REQUIREMENTS

2. Section 5.56 of the Local Government Act (1995) requires that Council prepare a plan of principal activities each year, and make that plan available for public discussion over a period of at least six weeks. Submissions relating to the Plan must be considered before the City's annual budget is approved. Council must report any significant variances from the 2001/02 Plan in its 2001/2002 Annual Report.

POLICY IMPLICATIONS

3. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

4. There are no financial implications as this is a reporting document only.

Item 12.1.3 continued.

STRATEGIC IMPLICATIONS

5. The Principal Activities Plan is not formally linked to the strategic plan although many in Local Government believe that it should be replaced by the strategic plan.

COMMENT / DISCUSSION

6. It is important to note that Council is not bound by the contents of the Draft Principal Activities Plan (included in the Elected Member Report and Information Bulletin), particularly as it relates to 2001/2002. The final decision on the Operating Budget, and content of the Adopted Principal Activities Plan will be made by Council in its public deliberations, after its internal reviews and after considering any public submissions.
7. Council is requested to provide authorisation for the release of the Draft Principal Activities Plan for public consideration.

RECOMMENDATION

THAT Council approve the public advertising of the Draft Principal Activities Plan and invite written submissions in relation to the planned principal activities.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILSON**

THAT Council approve the public advertising of the Draft Principal Activities Plan and invite written submissions in relation to the planned principal activities.

MOTION CARRIED 14-0

12.2 ADMINISTRATION

12.2.1 Albany Agricultural Society Inc. - Request for Rental Review

File/Ward	:	PRO 024 (Frederickstown Ward)
Proposal/Issue	:	Request for vary lease rental, and write off past amounts due.
Subject Land/Locality	:	Centennial Oval Reserve 405, and Sub Lots 130 & 132.
Proponent	:	Albany Agricultural Society
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Corporate & Community Services (P Madigan)
Disclosure of Interest	:	Nil.
Previous Reference	:	Nil.
Summary Recommendation	:	That Council agree to the request.
Locality Plan	:	N/A

BACKGROUND

1. A request has previously been considered from the Albany Agricultural Society Inc, to enter into a new Deed for the Centennial Oval showground site, which is located on Reserve 405, and Sub Lots 130 & 132. (Ordinary Council Meeting 15/08/00 - Item 12.2.7)
2. The Albany Agricultural Society lease expired on the 31st December 2000.
3. The Albany Agricultural Society Inc. also have sub-leases with Southern Edge Arts Inc for the Norman Pavilion building and the Albany Horticultural Society Inc for the Marshall Pavilion building which also expired on 31st December 2000.
4. Reserve 405 is vested in the City of Albany with a purpose of 'Recreation and Showground' with power to lease not exceeding 21 years. Albany Suburban Lots 130 and 132 are both owned freehold by Council.

Item 12.2.1 continued.

STATUTORY REQUIREMENTS

5. Section 3.58 of the Local Government Act 1995 – ‘Disposing of Property’ requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
6. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
7. Section 3.58 further requires that the reasons for a Council’s decision also to be recorded in the minutes of the meeting at which a decision to issue a licence is made.
8. The Function and General Regulations 1996, section 30 (2)(b) & (c) states:-
‘(2) *A disposition of land is an exempt disposition if:-*
 - b) *the land is disposed of to a body, whether incorporated or not:*
 - i) *the objects of which are of charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;*
 - c) *the land is disposed of to:-*
 - i) *the Crown in the right of the State or the Commonwealth;*
 - ii) *a department, agency or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - iii) *another local government or a regional local government.”*

POLICY IMPLICATIONS

9. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

10. Annual rental amounts have not been remitted to Council for the years ending 31st January 1998, 1999, 2000 and 2001.

STRATEGIC IMPLICATIONS

11. This lease complies with the City of Albany’s ‘Albany 2020 Objectives and Council Activities’ which in part states as follows:-

‘Parks, Gardens and Playgrounds- A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.’

Item 12.2.1 continued.

12. The continued management of Centennial Oval through leasing and licencing arrangements will benefit both Council and the Albany Agricultural Society as a whole.

COMMENT/DISCUSSION

13. In previously considering this item Council resolved:-

“THAT Council in accordance with Section 3.58 of the Local Government Act and Regulation 30 of the Function and General Regulations:-

- i) Agree to the Albany Agricultural Society Inc being granted a Deed for a portion of Reserve 405, and Sub Lots 130 and 132 for a period of 10 years commencing on 1st January 2001, subject to the following amendments:*
- a) the Albany Agricultural Society Inc terms and conditions be agreed to with these additions:*
- (i) GST to be included;*
- (ii) It is recognised that all show buildings belong to the Albany Agricultural Society Inc; and*
- (iii) All electricity charges to be paid.*
- ii) Subject to Council agreeing to the above Deed:-*
- a) A sub lease be entered into as per the request from Southern Edge Arts Inc, for the Norman Pavilion for a period of 10 years, commencing on 1st January 2001, with a rental starting at \$3,640.20 per annum (plus GST) with all rental being payable to the Albany Agricultural Society Inc, with the same terms and conditions but with the inclusion of GST.*
- b) A sub lease be entered into as per the request from the Albany Horticultural Society Inc, for the Marshall Pavilion for a period of 10 years, commencing on 1st January 2001, with a rental starting at \$100.00 per annum (plus GST) with all rental being payable to the Albany Agricultural Society Inc, with the following amendments:-*
- (i) the requirement to replace the roof of the Marshall Pavilion be deleted; and*
- (ii) GST be included.*
- iii) All legal fees and costs incurred be borne by each of the lessees respectively;*
- iv) The Common Seal of Council be affixed to all relevant documentation.”*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

14. The Albany Agricultural Society has requested that Council review the proposed rental amount under the lease (15% of gate takings), and implement a ‘peppercorn’ rental recognising that all funds received by the society are utilised in upgrading and maintaining the buildings on Centennial Oval as follows:-

- Centennial Oval Hall;
- Tearooms (upgraded at a cost of \$90,000)

and the following facilities being made available to community groups:-

- Centennial Oval Hall – Table Tennis Club, Art Prize;
- Tearooms – SEA, Great Southern Regional Training;
- McCormick Pavilion – Disabled Carriage Driving;
- Horse Stables;
- Norman Pavilion – SEA; and
- Wool Pavilion

15. The Albany Agricultural Society points out the Annual Show is the largest annual event held for Albany and surrounding areas to allow businesses to promote and exhibit locally produced goods and services, and further emphasised that as a non profit organisation, if a profit is made, this is used to upgrade facilities from which the whole community benefits all year round.

16. The Society has submitted details of gate takings for the years 1998-2001 for which accounts have not been raised, and has requested Council waive the raising of these accounts.

17. The following table represents income from gate takings and the rental figure to be raised in accordance with the lease:-

	Gate Takings	Rental	Repairs & Maintenance
31 January 1998	52,392	7,858	13,129
31 January 1999	53,147	7,972	7,626
31 January 2000	68,123	10,218	11,747
31 January 2001	60,436	9,065	14,944
Total	234,098	35,113	47,446

18. The Society has indicated that if it is required to pay the amount that would be payable under the lease conditions, it would possibly be unable to continue its operations.

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

RECOMMENDATION

THAT Council

- i) agree to the request of Albany Agricultural Society Inc. and set the rental amount to be an amount equivalent to this minimum GRV land rate set annually (subject to GST); and
- ii) agree to waive and write off the rental amounts, due but not raised, for the years ending 31 January 1998, 1999, 2000 & 2001 amounting to \$35,113.

Voting Requirements Absolute Majority
.....

Councillor Bojcun advised she is a member of the Albany Agricultural Society.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WALKER**

THAT Council

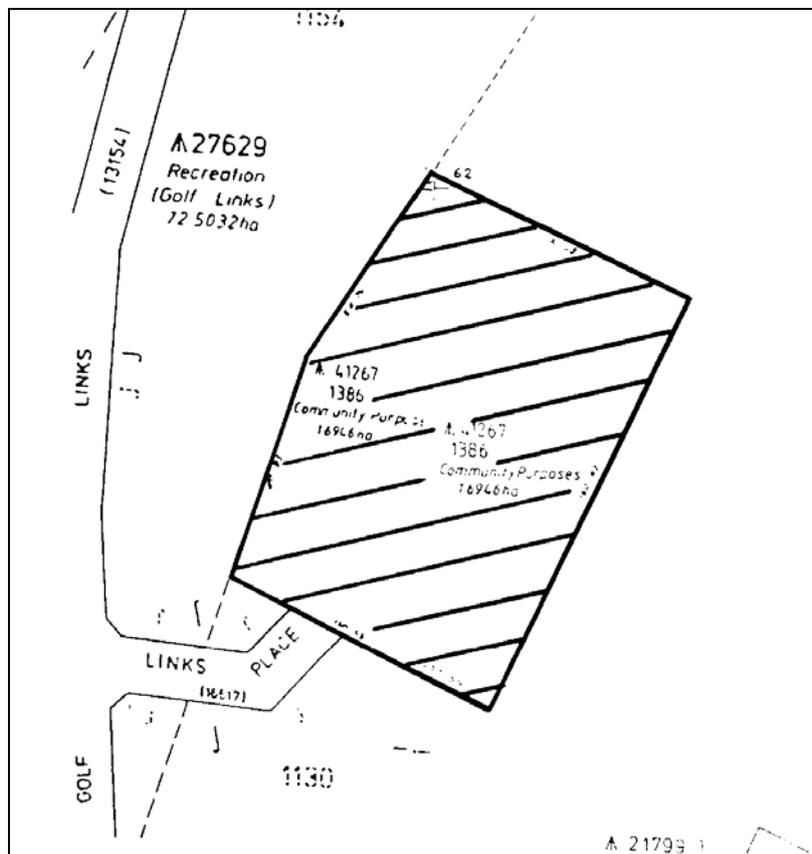
- i) **agree to the request of Albany Agricultural Society Inc. and set the rental amount to be an amount equivalent to this minimum GRV land rate set annually (subject to GST); and**
- ii) **agree to waive and write off the rental amounts, due but not raised, for the years ending 31 January 1998, 1999, 2000 & 2001 amounting to \$35,113.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

**12.2.2 Former Albany Golf Club Building – Reserve 41267 (Clubrooms Renovation/
Demolition)**

- File** : PRO 031 (Breaksea Ward)
- Proposal/Issue** : Renovation/Demolition of building
- Subject Land/Locality** : Reserve 41267 / Clubrooms
- Proponent** : City of Albany
- Owner** : Crown Land
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Disclosure of Interest** : Nil.
- Previous Reference** : OCM 20/02/01 – Item 12.2.1
- Summary Recommendation** : That consideration of this item be deferred to the 2001/02 Budget deliberations.
- Locality Plan** : see below



Item 12.2.2 continued.

BACKGROUND

1. The Albany Golf Club Inc has recently completed building its new clubrooms and have vacated their old premises on Reserve 41267.
2. At the request of the Albany Golf Club Inc, at its meeting on 20th February 2001 it was resolved:-
“THAT Council agree:
 - i) *to the request from the Albany Golf Club Inc to surrender their lease effective from 22nd January 2001;*
 - ii) *all costs associated with the surrender of lease be borne by the applicant; and*
 - iii) *the Common Seal be attached to the appropriate documentation.”*
3. The Club is keen to exclude totally, unauthorised persons adjacent or near to the building, and considers the only satisfactory solution is to demolish the building to exclude any unauthorised trespass.

STATUTORY REQUIREMENTS

4. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

5. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

6. No funds have been allocated in Council’s 2000/01 budget to undertake these works.

STRATEGIC IMPLICATIONS

7. This complies with Council’s Albany 2020, which in part states as follows:-

Reserve Management – To manage reserves for environmentally sustainable use, community enjoyment and benefit.

COMMENT/DISCUSSION

8. An independent inspection report on the condition of the building has been undertaken by Southern Building Surveys on behalf of Council.
9. Following this inspection report, a scope of works was prepared, for the purpose of obtaining costs for the upgrade of the former Golf Club building.
10. Selected builders were invited to submit quotations for works.

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

11. Only one builder, DA & AN Holland, submitted a quotation, as follows:-

Renovations	\$260,625 (excluding fire service & sewer connection)
Demolition & Rehabilitation	\$33,000

These are broad based estimates only.

RECOMMENDATION

THAT consideration of this item be deferred to the 2001/02 Budget deliberations, with the budget being based on:-

- a) Renovation; or
- b) Demolition
of the building.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

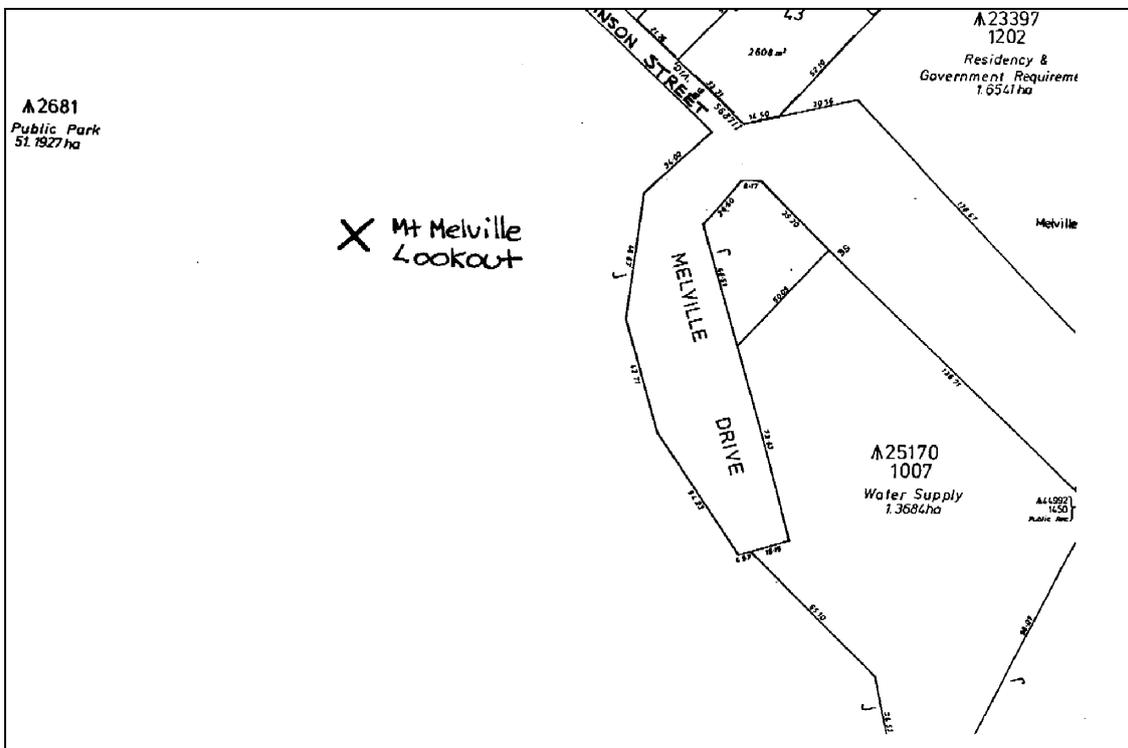
THAT consideration of this item be deferred to the 2001/02 Budget deliberations, with the budget being based on demolition of the building.

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
 ** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.2.3 New Licence – Tarossa Pty Ltd

- File/Ward** : PRO100 (Frederickstown Ward)
- Proposal/Issue** : New Licence
- Subject Land/Locality** : Reserve 2681
- Proponent** : Tarossa Pty Ltd
- Owner** : Crown Land (Managed by the City of Albany)
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve a new licence for Tarossa Pty Ltd for a 5 year term effective from 1 June 2001
- Locality Plan** : See map below



Item 12.2.3 continued.

BACKGROUND

1. The licence for Tarossa Pty Ltd is located at the ‘JA Barnesby Memorial Lookout’ at Mt Melville, on Reserve 2681.
2. The City of Albany has a Management Order for the purpose of “Public Park” with power to lease/licence not exceeding 21 years.
3. Tarossa Pty Ltd currently holds a 5 year licence for a portion of this Reserve, which is due to expire on 31st May 2001.
4. Council has received a request from Tarossa Pty Ltd to renew their licence for a further term of 5 years at the expiration of their current licence on 31 May 2001.

STATUTORY REQUIREMENTS:

5. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a licence over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
6. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
7. Section 3.58 further requires that the reasons for a Council’s decision also to be recorded in the minutes of the meeting at which a decision to issue a licence is made.

POLICY IMPLICATIONS

8. There are no policies in place with regard to this item.

FINANCIAL IMPLICATIONS

9. In accordance with section 3.58 of the Local Government Act 1995, an independent sworn valuation has been carried out and an annual rental has been determined at \$808.40 per annum. In the current licence agreement, Tarossa Pty Ltd pays a rental of \$808.40 per annum. There will therefore be no rental increase for the first year of the lease.
10. All costs associated with this proposed new licence are to be borne by the applicant including both legal and advertising fees.

Item 12.2.3 continued.

STRATEGIC IMPLICATIONS

11. This request complies with Council’s ‘Albany 2020’ which in part states as follows:

“Reserve Management – To manage reserves for environmentally sustainable use, community enjoyment and benefit.”

COMMENT/DISCUSSION

12. Tarossa Pty Ltd is willing to enter into a new licence for a term of 5 years, effective from 1st June 2001, under the same terms and conditions as their current licence.
13. Tarossa Pty Ltd currently licences a 0.26m² portion of the lookout on the reserve for the purpose of a ‘Paging Satellite Receiving System’.
14. As this facility is in full operation, we recommend that a new licence be issued for a term of 5 years with the rental being set in accordance with the independent sworn valuation. With the inclusion of GST, all other terms and conditions remain the same as the current licence agreement.

RECOMMENDATION

THAT, should no submissions be received as a result of advertising, Council in accordance with Section 3.58 of the Local Government Act 1995 agree:

- i) To enter into a new licence with Tarossa Pty Ltd for a term of 5 years commencing on 1st June 2001;
- ii) To the rental being set in accordance with independent sworn valuation, that being \$808.40 per annum and being subject to GST;
- iii) The terms and conditions of the previous licence be extended to the proposed licence, with the addition of a GST clause;
- iv) That all costs associated with the preparation of a licence, including advertising costs and legal fees, be borne by the applicant; and
- v) The Common Seal of the City of Albany be attached to all relevant documentation.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued

Councillor Wellington declared an interest and left the Chambers at 8:34pm. The nature of Councillor Wellington's interest is that he has a business association with the proponent.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR CECIL**

THAT, should no submissions be received as a result of advertising, Council in accordance with Section 3.58 of the Local Government Act 1995 agree:

- i) To enter into a new licence with Tarossa Pty Ltd for a term of 5 years commencing on 1st June 2001;**
- ii) To the rental being set in accordance with independent sworn valuation, that being \$808.40 per annum and being subject to GST;**
- iii) The terms and conditions of the previous licence be extended to the proposed licence, with the addition of a GST clause;**
- iv) That all costs associated with the preparation of a licence, including advertising costs and legal fees, be borne by the applicant; and**
- v) The Common Seal of the City of Albany be attached to all relevant documentation.**

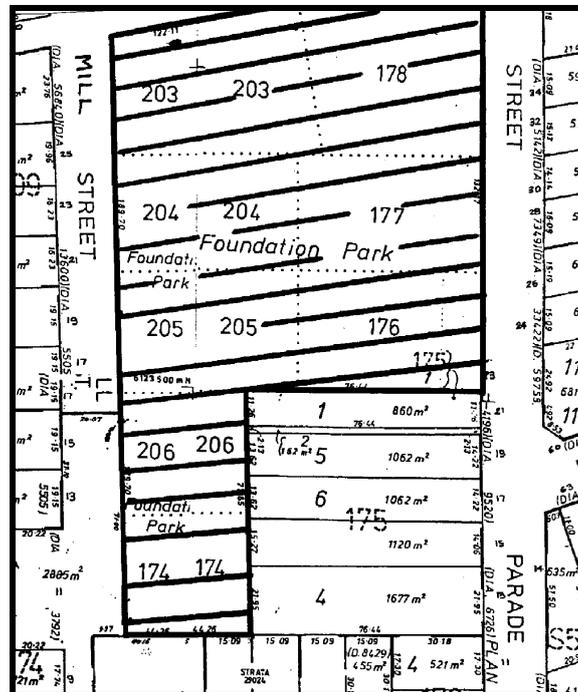
MOTION CARRIED 12-1

Councillor Wellington returned to the Chambers at 8:36pm.

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
 ** REFER DISCLAIMER **
 CORPORATE & COMMUNITY SERVICES REPORTS

12.2.4 Albany All Breed Dog Club – Foundation Park – New Lease

File/Ward	:	PRO 026 (Frederickstown Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Foundation Park, Albany Town Lots 174, 176, 177, 178, 203, 204, 205 & 206
Proponent	:	Albany All Breeds Dog Club
Owner	:	City of Albany
Reporting Officer	:	Executive Director Corporate & Community Services (P Madigan)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 01/05/01 – Item 12.2.2
Summary Recommendation	:	That Council approve a new lease for the Albany All Breeds Dog Club for a term of 5 years commencing on 1 November 2001.



Item 12.2.4 continued.

BACKGROUND

1. Foundation Park is situated on the corners of Vancouver, Parade and Mill Streets in Albany and is owned by the City of Albany.
2. This park area has been used by the Albany All Breeds Dog Club Inc for the past 10 years for the training and showing of dogs. The lease is for the use of a portion of the building, which is used for storage purposes and is located within the Park. The lease also refers to the general use of the park grounds for dog training as a “common area” along with the landlord and all other persons authorised by the landlord.

STATUTORY REQUIREMENTS:

3. Section 3.58 of the Local Government Act deals with ‘disposing of property’ (includes leasing) and requires Council to either dispose of property at auction or by public tender to the person who, in the opinion of Council, makes the most acceptable tender.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invites submissions on the proposal.
5. Clause 30 of the Local Government (Functions and General) Regulation 96 provides an exemption to Council under Section 3.58 of the Act if the land is being disposed of to a body, whether incorporated or not the objects of which are of a charitable, benevolent, cultural, educational, recreational, sporting or other like nature.
6. The Albany All Breeds Dog Club Inc is clearly a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

7. There are no Council policies in place in relation to this item.

FINANCIAL IMPLICATIONS

8. Council at present leases Foundation Park to this sporting group for an annual rental equivalent to the Council’s minimum land rate. It is recommended that the current rental provisions remain in the proposed new lease, in common with all lease rentals for sporting and community groups.

Item 12.2.4 continued.

STRATEGIC IMPLICATIONS

9. This request complies with Council’s “Albany 2020 – Objectives and Council Activities” which in part states as follows:

“Quality Parks, gardens and reserves maintaining their feature status” – A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.

COMMENT/DISCUSSION

10. An application has been received by Council from the Albany All Breeds Dog Club Inc, for a new lease for a period of 5 years from 1 November 2001 until 31 October 2006.
11. Council staff have reviewed this request in accordance with establishing a Local Area Recreation Precinct Plan, and with this in mind, it appears that Foundation Park will no longer be a suitable long term site for the Albany All Breeds Dog Club Inc.
12. It has therefore been suggested that a 2 year lease be recommended to provide the club with the opportunity to explore all relocation options, with the understanding that the lease will not be renewed for Foundation Park after that time.
13. At the 1st May 2001 Ordinary Council Meeting it was resolved that this matter be deferred pending discussions with the Albany All Breed Dog Club.
14. On 10th May, a meeting was held with representatives of the Club and it was agreed that a 5 years lease be recommended to Council, and in this period Council officers would work with the Albany All Breed Dog Club to locate a suitable area to which the Club could relocate.
15. Should this relocation be achieved within the 5 years term, the Club agree to relocated immediately. The Club has also agreed to provide the criteria necessary for the comment of the Club’s activities.

Item 12.2.4 continued.

RECOMMENDATION

THAT Council;

- i) grant a lease for a period of 5 years commencing on 1 November 2001 to the Albany All Breeds Dog Club Inc for a portion of the Foundation Park building, along with the use of the “Common Area” for the training and showing of dogs;
- ii) within this period the Albany All Breeds Dog Club Inc and Council officers investigate opportunities for a more permanent and suitable site for their activities;
- iii) all fees and costs associated with the preparation of the lease be borne by the Albany All Breeds Dog Club Inc;
- iv) the rental for the term of this lease be determined annually by an amount equivalent to the GRV minimum rate land adopted by Council for each financial year and include a clause to cover GST;
- v) the Common Seal of the City of Albany be affixed to the lease documentation.

Voting Requirement Simple Majority

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT Council;

- i) grant a lease for a period of 5 years commencing on 1 November 2001 to the Albany All Breeds Dog Club Inc for a portion of the Foundation Park building, along with the use of the “Common Area” for the training and showing of dogs;**
- ii) within this period the Albany All Breeds Dog Club Inc and Council officers investigate opportunities for a more permanent and suitable site for their activities;**
- iii) all fees and costs associated with the preparation of the lease be borne by the Albany All Breeds Dog Club Inc;**
- iv) the rental for the term of this lease be determined annually by an amount equivalent to the GRV minimum rate land adopted by Council for each financial year and include a clause to cover GST;**
- v) the Common Seal of the City of Albany be affixed to the lease documentation.**

MOTION CARRIED 14-0

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

Works & Services

REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Management of the Vehicular Fleet

File/Ward	:	FLE 003 (All Wards)
Proposal/Issue	:	Purchase of passenger and utility vehicles.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Operations (G Steel)
Previous Reference	:	Nil
Summary Recommendation:		Purchase two vehicles and approve reallocation of funds within the overall budget allocations for purchase of vehicles.
Locality Plan	:	N/A

BACKGROUND

1. Quotations were called for the replacement and purchase of the following eighteen vehicles:
 - 4 Administration sedans
 - 2 Administration utilities
 - 4 Ranger utilities
 - 3 Parks & Reserves utilities
 - 2 Works utilities
 - 2 Sanitary & Litter utilities
 - 1 Works light truck
2. With the exception of those vehicles required under Contracts C01015 and C01018, quotations were within budget allocations for the 2000/01 financial year; purchase orders have been issued for those vehicles.

STATUTORY REQUIREMENTS

3. Section 6.8 of the Local Government Act requires absolute majority to authorise expenditure from the Municipal Fund which has not been included in the annual budget.

POLICY IMPLICATIONS

4. The City of Albany currently changes over vehicles every 3 years or 60,000kms, which ever is the sooner. The City of Albany light fleet consists of 6 cylinder/4 cylinder sedans, station wagons and utilities.

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

FINANCIAL IMPLICATIONS

5. As previously outlined, quotations for Contracts C01015 and C01018 exceeded those funds allocated in the 2000/01 budget for the changeover of these vehicles.

C01015 - 4x4 utility

Budget nett changeover	\$3,000.00
Actual nett changeover	\$12,464.00
Budget shortfall	\$9,464.00

C01018 - 4 cylinder sedan

Budget nett changeover	\$6,000.00
Actual nett changeover	\$8,918.09
Budget shortfall	\$2,918.09

Budget (Total less C01015 & C01018) (COA 148130 & 149040)

Purchase of passenger vehicles and utilities	\$446,000.00
Sale proceeds *	\$273,500.00
Nett changeover costs	\$172,500.00

(* including outright sale of two surplus passenger vehicles)

Actual (Total less C01015 & C01018) (COA 148130 & 149040)

Purchase of passenger vehicles and utilities	\$417,647.36
Sale proceeds	\$279,505.45
Nett changeover costs	\$138,141.91

Budget surplus of **\$34,358.09**

The total budget surplus for the purchase of the passenger vehicles, utilities and light truck is:

Passenger vehicles and utilities surplus	\$34,358.09
Less utility and sedan shortfall	\$12,382.09
Total budget surplus	\$21,976.00

STRATEGIC IMPLICATIONS

6. Nil.

COMMENT/DISCUSSION

7. Quotation costs for the replacement of the vehicles for Contracts C01015 and C01018, were received as detailed in the attached tables:

C01015 – Senior Environmental Health Officer vehicle, currently a Mitsubishi Magna station sedan (A46074)

8. The Executive Director Development Services and other Council officers identified a need by the Environmental Health section for a 4x4 utility. This has a greater ground clearance, than a normal passenger vehicle, for use on building, off-road sites and unmade roads, a requirement for the section duties. The utility would also provide for the carriage of testing equipment, chemicals, samples, tools and additional staff when required.

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

- 9. As it satisfies the specification, it is recommended that a Triton 4x4 2.8l diesel crew cab utility from Skipper Mitsubishi, at the lowest actual nett changeover cost of \$12,464.00, be accepted. With the budget changeover cost of \$3,000.00, the cost savings identified in the overall budget allocations will offset this shortfall of \$9,464.00. The trade-in vehicle was purchased June 1999 and has completed approximately 61,000kms.
- 10. The current all-wheel drive Toyota RAV4 used by the Building section will be traded in for a 4 cylinder sedan at the requisite changeover point.

C01018 – Manager Development vehicle, currently a Mitsubishi Magna sedan (A46183)

- 11. The lowest conforming quotation (4 cylinder sedan required) was received from Mark Loveridge Holden for the supply of a Daewoo Nubira sedan for an actual nett changeover cost of \$7,975.45. While the Holden Vectra sedan has a higher actual nett changeover cost of \$8,918.09 (an additional \$942.64) a range of enquiries has indicated that the Vectra has a higher resale value, amounting to an additional \$4,500.00 over 3 years. Coupled with outstanding fuel economy, the purchase of this vehicle represents "value for money" for the City of Albany.
- 12. With the budget changeover cost of \$6,000.00, the cost savings identified in the overall budget allocations will offset this shortfall of \$2, 918.09. The trade-in vehicle was purchased July 1999 and has completed approximately 57,500kms.

RECOMMENDATION

THAT Council:

- i) accepts the quotation for Contract C01015 from Skipper Mitsubishi to supply a Mitsubishi Triton GLX 4X4 2.8l diesel dual cab utility at a cost of \$31,210.40 (including GST), with trade-in allowance on Council’s current Mitsubishi Magna station sedan of \$17,500.00 (including GST) providing an actual nett changeover cost to the City of Albany of \$12,464.00.
- ii) accepts the quotation for Contract C01018 from Mark Loveridge Holden to supply a Holden Vectra GL 2.2l sedan at a cost of \$24,309.90 (including GST), with trade-in allowance on Council’s current Mitsubishi Magna sedan of \$14,500.00 (including GST) providing an actual nett changeover cost to the City of Albany of \$8,918.09.
- iii) approves the reallocation of a total of \$12,382.09 from sale and purchase of vehicles from COAs 148130, and 149040 to COA 116740 (\$9,464.00) and COA 124440 (\$2,918.09)

Voting Requirement Absolute Majority

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Item 13.2.1 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT:

- i) The Chief Executive Officer be delegated authority to negotiate the purchase of vehicle relative to Contact C01015 subject to a budget limit of \$12,464.00.**
- ii) accepts the quotation for Contract C01018 from Mark Loveridge Holden to supply a Holden Vectra GL 2.2i sedan at a cost of \$24,309.90 (including GST), with trade-in allowance on Council's current Mitsubishi Magna sedan of \$14,500.00 (including GST) providing an actual nett changeover cost to the City of Albany of \$8,918.09.**
- iii) approves the reallocation of a total of \$12,382.09 from sale and purchase of vehicles from COAs 148130, and 149040 to COA 116740 (\$9,464.00) and COA 124440 (\$2,918.09)**

MOTION CARRIED 14-0

Reason: The change to point (i) giving the Chief Executive Officer delegated authority to negotiate the purchase of the vehicle, gives Council greater flexibility and best value.

WORKS & SERVICES REPORTS

C01015 – Senior Environmental Health Officer vehicle

Supplier	Vehicle offered	Price (including GST) \$	Price (excluding GST) \$	Trade-in offer (including GST) \$	Trade-in offer (excluding GST) \$	Cash payment to supplier (including GST) \$	Actual Nett cost to CoA \$
Midway Ford	Courier 4x4 2.5l diesel Crew Cab	31,249.50	28,408.64	15,500.00	14,090.91	15,749.50	14,317.73
Prosser Toyota	Hilux 4x4 3.0l diesel Dual Cab	32,541.30	29,583.00	16,000.00	14,545.45	16,541.30	15,037.55
Mark Loveridge Holden	Rodeo 4x4 2.8l diesel Crew Cab	33,961.00	30,873.64	14,500.00	13,181.82	19,461.00	17,691.82
Barnesby Ford	Courier 4x4 2.5l diesel Crew Cab	31,167.79	28,334.35	15,000.00	13,636.36	16,167.79	14,697.99
Northside Mitsubishi	Triton 4x4 2.8l diesel Dual Cab	30,347.00	27,588.18	16,000.00	14,545.45	14,347.00	13,042.73
<i>Skipper Mitsubishi</i>	<i>Triton 4x4 2.8l diesel Dual Cab</i>	<i>31,210.40</i>	<i>28,373.09</i>	<i>17,500.00</i>	<i>15,909.09</i>	<i>13,710.40</i>	<i>12,464.00</i>
Albany Toyota	Hilux 4x4 3.0l diesel Dual Cab	33,420.00	30,381.82	15,000.00	13,636.36	18,420.00	16,745.45

C01018 – Manager Development vehicle

Supplier	Vehicle offered	Price (including GST) \$	Price (excluding GST) \$	Trade-in offer (including GST) \$	Trade-in offer (excluding GST) \$	Cash payment to supplier (including GST) \$	Actual Nett cost to CoA \$
Prosser Toyota	2.2l Camry Conquest sedan	25,913.80	23,558.00	15,000.00	13,636.36	10,913.80	9,921.64
Mark Loveridge Holden	Daewoo Nubira sedan	23,273.00	21,157.27	14,500.00	13,181.82	8,773.00	7,975.45
Mark Loveridge Holden	Daewoo Nubira station wagon	24,273.00	22,066.36	14,500.00	13,181.82	9,773.00	8,884.55
<i>Mark Loveridge Holden</i>	<i>2.2l Vectra GL sedan</i>	<i>24,309.90</i>	<i>22,099.91</i>	<i>14,500.00</i>	<i>13,181.82</i>	<i>9,809.90</i>	<i>8,918.09</i>
Barnesby Ford	4.0l Falcon Forte sedan	26,030.73	23,664.30	13,500.00	12,272.73	12,530.73	11,391.57
Northside Mitsubishi	3.0l Magna Executive	24,333.00	22,120.91	16,000.00	14,545.45	8,333.00	7,575.45
Skipper Mitsubishi	3.5l Magna Advance SED	26,460.00	24,054.55	16,500.00	15,000.00	9,960.00	9,054.55
Albany Toyota	2.2l Camry Conquest sedan	26,525.00	24,113.64	15,000.00	13,636.36	11,525.00	10,477.27

WORKS & SERVICES REPORTS

13.3 WORKS

Nil

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil.

General Management Services

REPORTS

- R E P O R T S -

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Council Meeting Scheduling

File/Ward	:	MAN006 (All Wards)
Proposal/Issue	:	Council Meeting Scheduling
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council conducts it's Ordinary Meeting on the third Tuesday of each month commencing on the 17 th July 2001.
Locality Plan	:	N/A

BACKGROUND

1. The Chief Executive Officer has received requests from both elected members and staff to review the scheduling of Ordinary Council meetings.

STATUTORY REQUIREMENTS:

2. Local Government Act 1995 Section 5.3 (2) provides that Ordinary meetings are to be held not more than three months apart.

POLICY IMPLICATIONS

3. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

4. Should Council decide to reduce the number of Council meetings from 17 to 12 per annum, significant savings would result in terms of administration, catering and general governance costs.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

STRATEGIC IMPLICATIONS

5. Albany 2020 –A reputation for professional excellence.

Governance – To comply with the statutory requirements of the organisation.

COMMENT/DISCUSSION

6. Given the level of delegation effected to staff and relatively moderate volume of business being transacted by Council on a three weekly basis, the change to a monthly cycle would provide significant advantage in terms of labour and administration savings with minimal adverse impact on customer service response.
7. Council may also wish to consider conducting regional meetings on an occasional basis. For example 2 regional meetings per year conducted on a rotational basis.

RECOMMENDATION

THAT Council;

- i) change the Ordinary Council meeting cycle to meeting on the 3rd Tuesday of each month commencing on Tuesday 17th July 2001; and
- ii) does/does not conduct occasional meetings in outlying settlements on the basis of _____ per year.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT Council;

- i) change the Ordinary Council meeting cycle to meeting on the 3rd Tuesday of each month commencing on Tuesday 17th July 2001; and**
- ii) does conduct occasional meetings in outlying settlements on the basis of 2 per year.**

MOTION CARRIED 12-2

14.2.2 Human Resource Operational Policies

File/Ward	:	PER011 (All wards)
Proposal/Issue	:	Human Resource Operational Policies
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation		That Council adopt the Human Resource Operational Policy
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany administration has been working under the policy direction of an amalgam of old Town and Shire Policies whilst the City's strategic direction and mode of governance has been determined.

STATUTORY REQUIREMENTS:

2. General competence provisions of the Local Government Act 1995.

POLICY IMPLICATIONS

3. There are no Council policies in place relating to this item.

FINANCIAL IMPLICATIONS

4. All execution of policy must be budget compliant.

STRATEGIC IMPLICATIONS

5. Albany 2020 – Charting Our Course.
6. Port Of Call - Professional Excellence.
- Organisational Development.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

COMMENT/DISCUSSION

- 7. The principles contained within the Policy are generally industry standard and will provide staff with specific direction in terms of entitlements outside of general award/enterprise bargaining arrangements. A copy of this policy follows the report.
- 8. The City has successfully implemented the principles of ‘Carver Governance’ which defines the roles of boards or Councils as providing strategic direction and determining outcomes – ‘ends’ and the Chief Executive Officer and Staff undertaking all operational and management functions “means” provided they comply with statutory requirements, budgets and policy constraints. The ‘Strategic Functions’ section of the policy sanctions the concept and use of these board governance principles.

RECOMMENDATION

THAT Council:

- i) adopt the Human Resource Operational Policy.

Voting Requirement Absolute Majority

.....

<p>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR CECIL</p>

<p>THAT Council adopt the Human Resource Operational Policy.</p>

<p>MOTION CARRIED 14-0 ABSOLUTE MAJORITY</p>

HUMAN RESOURCE OPERATIONAL POLICIES

OBJECTIVE

- To ensure equitable and uniform application of the provision of remuneration, benefits and assistance to City of Albany staff.
- To maintain a competitive position in the labour market place.
- To provide a comfortable, safe and attractive working environment for City of Albany staff.
- To define the organisational structure and mode of governance to be used in achieving strategic objectives.

STRATEGIC ALIGNMENT

Albany 2020 Charting Our Course

Port of Call – A Reputation for Professional Excellence

Organisational Development

To create a quality environment in which to work and develop/deliver services to the community and to develop programs for the continual development of Councillors and Councils most important assets, our staff members.

BACKGROUND

The City of Albany has developed a suite of Human Resource Strategies that focus on the areas of recruitment, performance appraisal and organisational development

To assist with the implementation of these strategies the following policies provide direction and sanction in terms of the delivery of remuneration, benefits and assistance to City of Albany personnel.

Definition of delegation to the Chief Executive Officer in terms of demarcation of senior staff organisational structure, strategic development and mode of governance is also provided for in this policy.

GENERAL MANAGEMENT SERVICES REPORTS

POLICIES

Conference and Training Expenses

All reasonable travel and accommodation expenses will be provided for staff attending conference and training seminars subject to:

- Hotel/Motel accommodation and meal expenses being subject to CEO/Executive Director approval and provided for in training budget. A daily meal allowance of up to \$55 per day for meals taken outside of accommodation is payable upon declaration of expenditure.
- A daily allowance of \$62.45 per day (tied to Schedule 1 Clause 9 of the Public Service Award 1992) being provided for staff choosing not to stay in hotel/motel accommodation and being provided for in training budget.
- Travel costs for private vehicle usage will be recouped on the basis of fuel use. Use of fleet vehicles is preferred if available.

Enterprise Bargaining Agreements

Enterprise Bargaining Processes will be negotiated between executive management and staff and outcomes of negotiations with details of agreed position (or otherwise) are to be submitted to Council for final sanction.

Relocation Expenses

Relocation expenses may be reimbursed to new staff subject to:

- Being limited to removal expenses only
- Being supported by proof of expenditure
- Limit of \$3,000
- Repayable in full if resignation occurs within 2 years of appointment.

Senior Staff

For the purposes of Section 5.37 of the Local Government Act 1995 the positions of Executive Director of Development Services, Executive Director of Corporate and Community Services and Executive Director of Works and Services are designated as Senior Officer positions.

Strategic Functions

The City of Albany's organisational structure comprises of 4 divisions being;

- General Management Services
- Development Services
- Works and Services
- Corporate and Community Services.

GENERAL MANAGEMENT SERVICES REPORTS

Any change to this structure is subject to Council approval.

Acting within this structure, the Chief Executive Officer is directed and delegated authority to achieve the strategic objectives of the Council as provided for in Albany 2020 Charting Our Course – or any other strategic document as Council so decides subject to;

- Resources to meet these objectives being provided by Council in its Annual Budget deliberations and strict compliance being observed with those budgets.
- The maintenance and observance of any long term financial plans that Council may choose to adopt from time to time.
- The observance of policy and delegation constraints as adopted by the Council from time to time.
- The observance of all relevant statute, regulation, ordinances and industrial awards.
- The observance and heed of legal advice received from the City of Albany's solicitors.

Tertiary Qualifications

Assistance will be provided to staff wishing to pursue tertiary qualifications on the following basis;

- The courses must be relevant to and assist in achieving the objectives of the key responsibility areas of the position description.
- Assistance will be provided on the basis of recoup of course fees only. Text books, software and other course aids will be the responsibility of the staff member. Course fees will be paid on the production of evidence that the subject has been passed.
- Staff will be provided with time off on the basis of 1 study revision day on the day immediately before the examination and also for the duration of the examination and related travel time where the examination is conducted locally.
- Tertiary qualification assistance will be limited to 1 completed diploma, degree or postgraduate qualification.

Uniform Allowance – Administration Staff

The City of Albany will contribute 50% of the costs of a corporate uniform up to a maximum of \$200. The scope and style of the uniform will be decided upon by the CEO after consultation with staff.

Where staff are compelled to wear uniforms 100% of the cost will be provided.

50% repayment of the subsidy will apply to voluntary users should they resign within 6 months of receipt of uniform and subsidy.

14.2.3 Civic and Corporate Hospitality Policy

File/Ward	:	PERO11 (All wards)
Proposal/Issue	:	Civic and Corporate Hospitality Policy
Subject Land/Locality	:	Nil
Proponent	:	City of Albany
Owner	:	Nil
Reporting Officer(s)	:	Chief Executive Officer (A. Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		That Council adopt the Civic and Corporate Hospitality Policy.
Locality Plan	:	N/A

BACKGROUND

1. Given the many and varied requests for civic functions and ceremonies, it has been decided to submit a policy for Council consideration that will assist in providing a more consistent and cost effective approach to the City's Civic and Corporate Hospitality activities.

STATUTORY REQUIREMENTS:

2. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

3. Establishes policy direction on the matter.

FINANCIAL IMPLICATIONS

4. Civic and Corporate Hospitality activities are constrained by budget.

STRATEGIC IMPLICATIONS

5. Albany 2020 Charting Our Course.
Port of Call – A reputation for Professional Excellence.

ORDINARY COUNCIL MEETING MINUTES – 05/06/01
** REFER DISCLAIMER **
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.3 continued.

6. Organisational Development.
Civic and Corporate Image: to ensure visitors to the City of Albany become our Ambassadors.

COMMENT/DISCUSSION

7. The policy will provide direction for Councillors and Staff in organising and convening Civic and Corporate Hospitality events. A copy of this policy follows the report.

RECOMMENDATION

THAT Council;

- i) adopt the Civic and Corporate Hospitality Policy.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BOJCUN**

THAT Council adopt the Civic and Corporate Hospitality Policy.

MOTION CARRIED 14-0

CIVIC & CORPORATE HOSPITALITY

OBJECTIVE:

- To achieve a consistent and cost effective approach to the conduct of City of Albany functions.
- To promote a professional and hospitable image to our visitors.
- To facilitate the participation of a wide range of community stakeholders in City functions.
- To support community organisations in raising the profile and status of special events.

STRATEGIC ALIGNMENT:

Albany 2020 Charting our Course

Port of Call - A Reputation for Professional Excellence

Organisational Development

Civic Leadership.....To be recognised as community leaders

Civic & Corporate Image....To ensure visitors to the City of Albany become our Ambassadors.

BACKGROUND:

Council conducts 4 categories of functions which are designed to meet different objectives and therefore vary in terms of scale, guest list and resource allocation.

The 4 function categories are:

- Civic Receptions
- Mayoral Receptions
- Citizenship Ceremonies
- Special Project and Event Launches.

Civic Receptions

Key objectives :

- The welcoming of prominent or eminent visiting dignitaries where it is considered to be beneficial in terms of fostering economic, cultural or educational alliances or where provided for by tradition or protocol.
- The sponsorship and promotion of local community and Council initiatives or outstanding community achievement.
- The facilitation and encouragement of beneficial partnerships between the Council and or community stakeholders.

GENERAL MANAGEMENT SERVICES REPORTS

Guidelines:

- Civic Receptions will normally be conducted in the late afternoon or early evening for no longer than 2 hours.
- Catering will generally include hot and cold finger foods, alcoholic and non-alcoholic drinks and waiter service.
- The venue, guest list and ceremonial format will be determined by the Mayor.
- Resource allocation and level of catering for each Civic Reception is subject to Mayoral approval.

Mayoral Receptions

Key objectives :

- To thank community based organisations for outstanding contribution or extraordinary services to the City of the City's stakeholders.
- To recognise the special achievements of individual residents or community groups.

Guidelines:

- Mayoral receptions will normally be conducted in the form of morning and afternoon teas for no longer than 2 hours.
- Catering will generally include hot and cold finger foods and non-alcoholic drinks.
- The venue, guest list and ceremonial format will be determined by the Mayor.
- Resource allocation and level of catering for each Mayoral reception is subject to Mayoral approval.

Citizenship Ceremonies

Key objectives:

- To acknowledge the achievement and importance of Australian Citizenship.
- To provide recipients with the opportunity to share the celebration of citizenship with family, friends and relatives.

Guidelines:

- Citizenship ceremonies will normally be conducted in the form of a morning tea for no longer than 2 hours.
- Catering will generally include hot and cold finger food and non-alcoholic drinks.
- The venue, guest list and ceremonial format will be determined by the Mayor and friends, relatives and families of the recipients will be encouraged to attend.
- At least three public Citizenship Ceremonies will be conducted annually included one on Australia Day provided at least 6 recipients participate in each ceremony.
- Recipients may choose to have a brief private ceremony in the Mayoral Parlour.
- Gifts of an Australian native or theme will be presented to each recipient.
- Resource allocation and level of catering for each Citizenship Ceremony is subject to Mayoral approval.

GENERAL MANAGEMENT SERVICES REPORTS

Project and Event Launches

Key Objectives:

- To assist in the promotion of projects or events that the City has had a major involvement in.

Guidelines

- Project and event launches will be conducted at a time agreed upon between the Project Managers and Mayor.
- Catering will be provided on the direction of the Project Manager subject to agreement from the Mayor
- The venue, guest list and ceremonial format will be determined by the Project Manager subject to consultancy with and agreement from the Mayor.
- Resources for project and event launches are the responsibility of the individual project budget.

PROCESS

- All requests for Civic and Corporate Hospitality functions shall be made in writing to the Mayor for approval.
- All administration and organisation of Civic and Corporate Hospitality functions are to be undertaken by the Mayoral Liaison Officer.
- No commitment or approval for the City to conduct a Civic and Corporate Hospitality function is to be undertaken without the written authority of either the Chief Executive Officer or Mayoral Liaison Officer.
- Mayor reserves the right to cancel or downscale events due to lack of invitee's response.

14.3 ECONOMIC DEVELOPMENT

14.3.1 City of Albany Buy Local Policy

File/Ward	:	MAN008 (N/A)
Proposal/Issue	:	To adopt the City of Albany Buy Local Policy (Regional Price Preference)
Subject Land/Locality	:	N/A
Proponent	:	Albany Economic Development Unit
Owner	:	N/A
Reporting Officer(s)	:	Economic Development Manager (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 07/11/00 - Item 14.3.1
Summary Recommendation:		That the City of Albany adopts the draft Buy Local Policy and prepares an accompanying set of guidelines for prospective tenderers.
Locality Plan	:	N/A

BACKGROUND

1. The Local Government (Functions and General) Regulations (1996) were amended and gazetted on 25th February 2000. Part 4A was inserted which makes provisions to enable non-metropolitan local governments to offer a price preference to regional suppliers when deciding which tender to accept.
2. A price preference can only applied if a local government authority has adopted a regional price preference policy. The objective of such a policy is to seek to maximise the use of competitive local businesses in goods, services and works purchased or contracted on behalf of the City of Albany.
3. The draft City of Albany Buy Local Policy (included in the Elected Members Information Bulletin) was endorsed by the Albany City Council at its meeting on 7 November 2000 and was advertised in local and state newspapers in March 2001. A discussion paper was forwarded to peak business groups (Albany Chamber of Commerce and Industry, Albany Business Centre) for comment by their respective members and was made available to the public for viewing at City of Albany Offices.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

STATUTORY REQUIREMENTS:

4. The proposed 'City of Albany Buy Local Policy' is consistent with the Local Government (Functions and General) Regulations (1996), Part 4A Regional Price Preference, amended and gazetted on 25th February 2000. These regulations are consistent with National Competition Policy.

POLICY IMPLICATIONS

5. Local governments must adopt a **regional price preference policy** before being eligible to apply a regional price preference. The policy must include the following criteria:-

- ***Specification of the region to which the price preference will apply***

Each local government has the flexibility to choose the area that the policy will apply to. While the region cannot be smaller than the area of the local government adopting the policy, the region can be as large as the whole state (excluding the metropolitan area). In addition, the region can vary according to the nature of goods and services being sought.

- ***Which businesses will be able to obtain a price preference?***

A price preference can be applied to goods or services provided by businesses operating out of premises located within the region chosen by the local government. The regulations require these businesses to have been operating out of these premises for a continuous period of not less than six months. The price preference will apply to such businesses even if they source their products from outside the region chosen.

A price preference can also apply to a business, which is located outside the region defined by the local government. However, in this case the preference only applies to the goods and services that the business sources from within this region.

- ***The size and application of the price preference***

The regional price preference policy must include the price preference that will apply to the goods and services for which tenders are let. The regulations place a limit on the maximum preference that can be applied. These are:-

- Up to 10% when the contract is for goods and services, up to a maximum price reduction of \$50,000
- Up to 5% when the contract is for construction (building) services, up to a maximum price reduction of \$50,000, and;
- Up to 10% when the contract is for goods and services, including construction (building) services, up to a maximum price reduction of \$500,000 if the local government is seeking tenders from the private sector for the provision of those goods and services for the first time. That is, when a function is being outsourced by the local government.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

▪ ***Notice of proposed policy***

Statewide advertising of the proposed policy is required before Council can adopt the policy. The notice must include:-

- The region to which the policy is to relate;
- Details of where a copy of the policy may be obtained, and;
- A statement inviting submissions on the policy with a closing date of no less than four weeks for submissions.

▪ ***Adoption and application of the policy***

Following consideration of the submissions, the local government can then adopt the policy. However the regulations require that:-

- An adopted policy does not apply until the local government gives Statewide notice that it has adopted the policy
- The adopted policy applies to all tenders unless the local government decides otherwise. *(The intention is that a decision to not apply the policy would need to be made on a contract by contract basis. That is, a decision should not have effect for a number of contracts)*
- The local government ensures that a copy of the policy is included with any tender specifications to which the policy applies *(Although the regulations do not require the advertisement for tenders to include the fact that a regional purchasing preference applies to regional tenders, local governments may wish to do so).*
- A copy of the policy is available at the Council offices for inspection by members of the public.

6. If the local government wishes to change the provisions of its policy it will need to go through the same process as if it were establishing a new policy as described above.

FINANCIAL IMPLICATIONS

7. The direct financial implications are difficult to quantify as a regional price preference will be applied across a range of Council tenders. In essence, provided all aspects of the product (good, service or idea) are the same, the policy suggests that the City is prepared to pay a higher price to source products locally. This principle will have obvious financial implications for the City of Albany, which will require careful monitoring. The financial impact of this policy will be monitored by staff and reported to Council every six months so that a review of the policy can be considered if necessary.

8. Indirectly, the policy will boost regional income, leading to more employment and training and a more vibrant business community. This directly impacts on the City of Albany by increased rates revenue but also has a multiplier effect resulting in both social and economic development.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

STRATEGIC IMPLICATIONS

9. PORT OF CALL - *Attraction & development of a broad range of social, cultural and economic entities*

Economic Development - To identify & facilitate outstanding economic development opportunities for the City of Albany

COMMENT/DISCUSSION

10. Four public submissions were received. These submissions generally supported the philosophy underlying the Buy Local Policy, however some requested expansion in its scope beyond a price preference. No significant changes in the thrust of the draft policy have been made, however operational issues associated with its implementation and administration are recommended. These include:-

Preparation of procurement guidelines that contain:-

- the adopted price preference policy;
 - practical examples of its application;
 - associations and consistencies with State Government procurement legislation;
 - a preference questionnaire on preference claims to be included in tender documents;
 - a glossary of relevant terms; and
 - a statement of values with regard to Council procurement.
- Provision of initiatives (with assistance of State/Commonwealth government programs and industry/business groups) to assist businesses better respond to Government tender documents (*ie facilitate skills development in tender preparation and promotion of the scheme*);
 - Recognition by City staff of the simple structure (and human resources) of local small businesses when making comparative assessments of tender response documentation. (*recognising local businesses may have quality skills in their core business but lack tender submission writing skills*)
 - Regularly review the price preference level and report the degree of local purchasing by the City of Albany
 - Ensure all staff involved in procurement have a thorough understanding of the Buy Local Policy and the potential flow on benefits that occur from local purchasing.
 - Ensure there are systems and processes in place to maintain consistent application of the Policy.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

- 11. The price preference policy becomes operational after its adoption by the Albany City Council and subsequent statewide advertising notifying the adoption.
- 12. Both the Shire of Denmark and the Shire of Plantagenet have adopted regional price preference policies. Price preferences are applied for the provision of goods and services from suppliers within their respective local government areas and a reduced preference (half the percentage rate) is applied to businesses located within the surrounding municipalities. At the 22 September 2000 meeting of the Rainbow Coast Regional Council (RCRC) it was agreed to develop a Regional Price Preference Accord that would aim to stimulate business activity within the boundaries of member municipalities. The 5% preference was the agreed percentage preference to apply to tenders from neighbouring municipalities.

RECOMMENDATION

THAT Council;

- i) adopt the City of Albany Buy Local Policy and proceed to statewide advertising and;
- ii) guidelines be published that contain the adopted policy, provide examples of its application and explain associations with other government procurement legislation and a glossary of terms.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WALKER**

THAT;

- i) Council adopt the City of Albany Buy Local Policy and proceed to statewide advertising and;**
- ii) guidelines be published that contain the adopted policy, provide examples of its application and explain associations with other government procurement legislation and a glossary of terms.**

MOTION CARRIED 14-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

- 15.1 Minutes of the Seniors Advisory Committee meeting held on Thursday, 19th April 2001.
[Bulletin Item 2.1 refers]

DRAFT MOTION

THAT the minutes of the Seniors Advisory meeting held on Thursday, 19th April 2001 be endorsed and the recommendations adopted.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of the Seniors Advisory meeting held on Thursday, 19th April 2001 be endorsed and the recommendations adopted.

MOTION CARRIED 14-0

- 15.2 Minutes of the Management Committee Albany Lotteries House meeting held on Monday, 30th April 2001.
[Bulletin Item 2.2 refers]

DRAFT MOTION

THAT the minutes of the Management Committee Albany Lotteries House meeting held on Monday, 30th April 2001 be received.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR BARTON**

THAT the minutes of the Management Committee Albany Lotteries House meeting held on Monday, 30th April 2001 be received.

MOTION CARRIED 14-0

- 15.3 Minutes of the Town Hall Management Committee meeting held on Tuesday, 8th May 2001.
[Bulletin Item 2.3 refers]

DRAFT MOTION

THAT the minutes of the Town Hall Management Committee meeting held on Tuesday, 8th May 2001 be received and the following recommendations adopted:

Item 15.3 continued

Item 2: Confirmation of Minutes of 12th March 2001
RECOMMENDATION

THAT the minutes of the meeting held on 12 March 2001 be confirmed.

Item 3: Town Hall Managers Report
RECOMMENDATION

THAT the Town Hall Managers Report be received.

Item 4: Forthcoming Productions Report
RECOMMENDATION

THAT the mentioned forthcoming productions be received.

Item 5: Production Report
RECOMMENDATION

THAT the production report be received.

MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVERS

THAT the minutes of the Town Hall Management Committee meeting held on Tuesday, 8th May 2001 be received and the following recommendations adopted:

Item 2: Confirmation of Minutes of 12th March 2001

THAT the minutes of the meeting held on 12 March 2001 be confirmed.

Item 3: Town Hall Managers Report

THAT the Town Hall Managers Report be received.

Item 4: Forthcoming Productions Report

THAT the mentioned forthcoming productions be received.

Item 5: Production Report

THAT the production report be received.

MOTION CARRIED 14-0

Item 15.3 continued

Item 7.1 Ticket Commissions
RECOMMENDATION

THAT the Theatre Manager adjust the Theatre Charges to show a \$1.90 booking fee for all commercial hirers of the Theatre and a \$1.20 booking fee for all local community hirers of the Theatre.

THAT these new schedules of fees take effect when hirers of the venue confirm their booking, be endorsed.

MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR BARTON

THAT the Theatre Manager adjust the Theatre Charges to show a \$1.90 booking fee for all commercial hirers of the Theatre and a \$1.00 booking fee for all local community hirers of the Theatre.

THAT these new schedules of fees take effect when hirers of the venue confirm their booking, be endorsed.

MOTION LOST 6-8

MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WILSON

THAT the Theatre Manager adjust the Theatre Charges to show a \$1.90 booking fee for all commercial hirers of the Theatre and a \$1.20 booking fee for all local community hirers of the Theatre.

THAT these new schedules of fees take effect when hirers of the venue confirm their booking, be endorsed.

MOTION CARRIED 8-6
ABSOLUTE MAJORITY

- 15.4 Minutes of the Bushfire Management Committee meeting held on Wednesday, 9th May 2001.
[Bulletin Item 2.4 refers]

DRAFT MOTION

THAT the minutes of the Bushfire Management Committee meeting held on Wednesday, 9th May 2001 be endorsed and the recommendations adopted.

Item 15.4 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Bushfire Management Committee meeting held on Wednesday, 9th May 2001 be endorsed and the recommendations adopted.

MOTION CARRIED 14-0

- 15.5 Minutes of the Albany Boat Harbour Reference Group meeting held on Monday, 21st May 2001.
[Bulletin Item 2.5 refers]

DRAFT MOTION

THAT the minutes of the Albany Boat Harbour Reference Group meeting held on Monday, 21st May 2001 be endorsed and the recommendations adopted.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BARTON**

THAT the minutes of the Albany Boat Harbour Reference Group meeting held on Monday, 21st May 2001 be endorsed and the recommendations adopted.

MOTION CARRIED 14-0

- 15.6 Minutes of the Great Southern Regional Cattle Saleyards meeting held on Monday 14th May 2001.
[Bulletin Item 2.6 refers]

DRAFT MOTION

THAT the minutes of the Great Southern Regional Cattle Saleyards meeting held on Monday 14th May 2001 be endorsed and the recommendations adopted except for recommendation 6.2 - Effluent Water Management.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Great Southern Regional Cattle Saleyards meeting held on Monday 14th May 2001 be endorsed and the recommendations adopted except for recommendation 6.2 - Effluent Water Management.

MOTION CARRIED 14-0

Item 15.6 continued

DRAFT MOTION

Item 6.2 - Effluent Water Management

THAT the Council authorise the re-allocation of funds to purchase and install the truck/washdown bay flowmeter at a cost of \$500.

Voting Requirements Absolute Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT the Council authorise the re-allocation of funds to purchase and install the truck/washdown bay flowmeter at a cost of \$500.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

15.7 Elected Members' Report/Information Bulletin

DRAFT MOTION

THAT the Elected Members' Report/Information Bulletin, as circulated, be received and the contents noted.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR CECIL**

THAT the Elected Members' Report/Information Bulletin, as circulated, be received and the contents noted.

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

“Fellow Councillors:

Since the Mayor – Alison Goode went on leave after the last Council meeting on the 15th May 2001, I have deputised for her at a number of functions and events. I have found the experience extremely rewarding and worthwhile.

On Saturday, 19th May, I attended the Housing Industry Association Awards night and witnessed many of our local builders receiving their much deserved recognition for their investment in and commitment to the region. Congratulations to all winners for the pride that they take in their craft.

Item 17.0 continued

On Friday, 25th May, I hosted a reception to welcome members of the Operation Pilgrimage team and was in awe of the incredible courage and dedication that these men demonstrated. Operation Pilgrimage is a team of men, all over 55, all ex army commandos who are circumnavigating Australia following the original navigation charts of Matthew Flinders. The biggest difference is that instead of taking 3 years to complete the journey, they are attempting to do it in 170 days and in a rubber dinghy. They left Sydney on the 17th January and have travelled around the top end of Australia skirting on the edge of a couple of cyclones. The purpose of the voyage is multi-faceted:

- To raise awareness and raise funds for Prostate Cancer and Men's Health
- Dedicate 4 memorials to Matthew Flinders and his crew
- Celebrate Centenary of the Australian Army at 16 bases around the coastline
- Celebrate Centenary of Federation with 37 isolated communities
- Visit 11 remote island aboriginal communities and "join hands for reconciliation"
- Collect over 2000 inserts for the "Treasure Chest Time Capsule" which will be buried on return to Sydney close to Darling Harbour
- Conduct a meaningful search for relics on some 63 islands and landfall locations from the voyage of 1801-1803. Anything found is to be donated to the Australian National Maritime Museum or a state museum in line with State and Commonwealth laws.

I think all that attended were inspired by the passion, dedication and humour that these men have and we pass on our best wishes to them for a successful and safe journey back to Sydney. Council will also be collating a small package of items of significance to Albany for insertion in the time capsule which will be opened in 100 years time. A small legacy to our future generations.

On Thursday, 24th May, I officiated at a private Australian Citizenship Ceremony. It was an honour to welcome a new Australian who originated from a very different cultural background and who has made the personal commitment to Australia.

On Saturday, 26th May, I attended the opening of the new Free Reformed Church in Lancaster Road. The church has been a long time in construction, but is now a suitably reverent building in which the congregation can worship in peace and comfort. A wonderful example of what can be achieved with team work and dedication.

The annual US Submariners Memorial Service was held on Sunday 27th May, and was again well attended by locals and visitors alike. It was an honour and a privilege to lay a wreath on behalf of the citizens of Albany and this Council. I have been at many of these services over the years and I am still very moved by the emotion of the day. This year was no exception with the "Tolling of the Bells" driving home, with stark reality, the price paid in human life that we might live in peace and security, that is so often taken for granted.

Item 17.0 continued

This year's service was attended by a very special person with a long list of war time exploits as a frogman and member of Z Force – Mr Jack Sue. Who although wheelchair bound made the difficult journey from Perth to be present, and laid a wreath on behalf of comrades.

Also present this year were:

Lt Commander Guy Burton of HMAS Stirling – home to the Collins Class Submarine.

Commander Bruce Vandebos – US 7th Fleet representative. It was the last service in an official capacity for Commander Vandebos who retires and returns to the United States at the end of the year.

I would also like to thank: Ken Ewers-Verge who officiated at this year's service; the lovely ladies from Affinity who again raised goosebumps singing the Australian and American anthems; Margaret Stone who provided accompaniment for the hymns; and James Robinson who at 80 years of age, played the Last Post and Revellie.

All in all a very special service which is held not only in memory of the US Submariners who served in Albany during the Second World War, but in memory of all those who have been lost at sea. "There are no roses on a sailor's grave, no lillies on an ocean wave. The only tribute is a seagull's sweep and teardrops that sweethearts weep."

A small delegation from the Glenelg Shire visited Albany on Monday, 28th May to look at the Bluegum Plantation industry and the Windfarm project – both of which are areas of proposed development in their region around Portland, Victoria. I welcomed them to Albany at a small function on Monday evening and presented them with some information about the City of Albany's Strategic Plan and our future economic growth potential which hopefully will assist them in the development of their own strategies and plans.

On Wednesday, 30th May, I was invited to officially open the Albany Seniors Information Expo at the Albany Leisure and Aquatic Centre. Seniors (people of 60 years) make up approximately 30% of all people living in Albany, and are the fastest growing sector of the local population. The Expo provided an outstanding opportunity for the manufacturers and suppliers of senior's products, services and facilities to showcase their wares to the seniors market. The seniors likewise benefited from the opportunity to access information and participate in demonstrations specifically designed for them. As an added bonus, the Seniors Information Expo also provided a very valuable opportunity for seniors to mix socially with other seniors, to catch up with old friends and make new acquaintances. The benefits of this sort of social interaction should not be underestimated. The Expo was a great success and my personal thanks go to the City of Albany Seniors Advisory Committee for their foresight and perseverance.

Item 17.0 continued

On Thursday, 31st May, I attended the Albany Senior High School's assembly to present certificates of appreciation for their Centenary of Federation and Anzac Day 2001 efforts.

I attended two functions on Sunday, 3rd June. The first was the official opening of the WA Creative Home and Lifestyle Centre which must be one of the most innovative and much needed concepts to hit Albany for many years. The centre provides a great opportunity for our local building and support trades to showcase their talents and services to the buying public and to each other. Not only does this centre improve buyer's choice, it provides a vital networking environment for the exhibitors. The WA Creative Home and Lifestyle Centre provides the one stop information shop for the buying public to see what Albany has to offer and the benefits that come from buying locally. I congratulate the WA Creative Home and Lifestyle Centre team that have worked very hard to put this together and I wish them every success for the future.

The second function on Sunday evening was the Albany Classic Presentation Dinner which followed another highly successful and exciting days racing. Once again, the Albany Classic proves the immeasurable value of the many volunteers in our community – many of whom were up and about at 2am to make sure that everything was in readiness. Congratulations to the organisers and the Vintage Car Club for maintaining what has now become a key event on the Albany calendar.

Earlier today, I was asked to attend the official hand over of a bus to the Albany TPI group (totally and permanently incapacitated war service veterans). The bus which is a much needed resource, is to be shared by the TPI group, RSL, Legacy and Senior Citizens, and was handed over by officials from the Department of Veterans Affairs."

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EMERY**

THAT the Deputy Mayor's Report be received.

MOTION CARRIED 14-0

18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING

Nil

19.0 CLOSED DOORS

19.1 Staff Matters

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR CECIL**

THAT Council go behind closed doors.

MOTION CARRIED 14-0

Deputy Mayor Evans then requested the public gallery and staff leave the Chambers at 9:15pm.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WILSON**

THAT Council come out from behind closed doors.

MOTION CARRIED 14-0

Public gallery and staff returned to the Chambers at 9:30pm.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR BARTON**

THAT the report on Staff Matters be received.

MOTION CARRIED 14-0

20.0 NEXT ORDINARY MEETING DATE

Tuesday 26th June 2001, 7.30pm

21.0 CLOSURE OF MEETING

9:35pm

Confirmed as a true and correct record of proceedings.

M Evans
DEPUTY MAYOR

APPENDIX A

WRITTEN NOTICE OF DISCLOSURE OF INTEREST

MINUTES OF THE ORDINARY COUNCIL MEETING – 5TH JUNE 2001

Name	Item	Nature of Interest
Councillor Wellington	Item 12.2.3 – New Licence – Tarossa Pty Ltd	Councillor Wellington has a business association with the proponent.

APPENDIX B

MINUTES OF THE ORDINARY COUNCIL MEETING – 5TH JUNE 2001

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item	Nature of Interest
	Nil.	

APPENDIX C

MINUTES OF THE ORDINARY COUNCIL MEETING – 5TH JUNE 2001

CODE OF CONDUCT - INTERESTS (OTHER THAN FINANCIAL) DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item	Nature of Interest
Councillor Williams	12.1.2 – Differential Rates – Albany City Heart	Councillor Williams owns a business in the CBD.
Councillor Bojcun	12.2.1 – Albany Agricultural Society Inc. – Request for Rental Review	Councillor Bojcun is a member of the Agricultural Society.



[Agenda Item 12.1.1. refers]

[COUNCIL – 5th JUNE 2001]

SUMMARY OF ACCOUNTS

Municipal Fund Vouchers		
Cheques 13857-14022	totalling	628,516.41
EFT EF5661-EF6080	totalling	970,553.27
Payroll	totalling	288,162.82
Other Direct Debits	totalling	64,412.04
Total Municipal Fund		<u>1,951,644.54</u>
Trust Fund Vouchers	totalling	5,446.00
Total Trust Fund		<u>5,446.00</u>
TOTAL		<u>1,957,090.54</u>

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$1,957,090.54 submitted to each member of the Council on 5th June 2001 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A. Hammond)

DEPUTY MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$1,957,090.54 which was submitted to the Council on 5th June 2001 and that the amounts are recommended to the Council for payment.

DEPUTY MAYOR
(M. Evans)