

STRATEGIC PLANNING

REPORTS

- R E P O R T S -

15.1 COMMUNITY PLANNING

15.1.1 Local Government Development Fund Grant – Business Planning

File/Ward	:	STR025 All Wards
Proposal/Issue	:	Grant to support Quality Based Business Planning
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Project Officer Corporate Development (C Grogan)
Previous Reference	:	Nil
Summary Recommendation:		That Council accepts the \$15,000 Local Government Development Fund Grant and authorises expenditure of the resources
Locality Plan	:	Nil

BACKGROUND

1. The purpose of this report is to advise Council that the City of Albany has been awarded a \$15,000 grant from the Local Government Development Fund in support of the Quality Based Business Planning program, and to ask Council to accept the grant and authorise expenditure of the resources.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

Item 15.1.1 continued

FINANCIAL IMPLICATIONS

2. The 1999/2000 budget includes \$30,000 to support the 1999 Business Planning program (COA 177520).

STRATEGIC PLAN IMPLICATIONS

3. Under Local Government Operations the ‘Strategic Planning’ section includes Objective 2 “to implement a Strategic Plan for the City of Albany which is realistic, achievable and measurable”. One of the strategies under this objective is to “develop annual business plans including appropriate performance assessment to achieve measurable objectives and actions”. The ‘Quality Service’ Section includes an objective to “Provide excellence in service delivery to internal and external customers’ by ‘systematically planning and continuously improving Council services and processes”.
4. These Service Business Plans are the embodiment of these elements of the City of Albany Strategic Plan.

COMMENT/DISCUSSION

5. The Local Government Development Fund has awarded the City of Albany \$15,000 to support the 1999/2000 quality based business planning program, and has also indicated that the Committee is prepared to consider a further funding request for a further two years of business planning.
6. A copy of the approval letter is attached to this report.
7. The grant submission was prepared on the basis that the City of Albany would provide matching funding and accordingly an allocation of \$30,000 has been included in the current year’s budget.
8. The quality based business planning program is currently being adapted to better meet the needs of internal support services such as those provided by the Finance team, the focus of which is less ‘commercial’ than the teams that have previously participated in the program. A revised program will be ready for implementation before the end of this calendar year.

RECOMMENDATION

THAT Council:

1. accepts the \$15,000 Local Government Development Fund grant; and
2. authorises the expenditure of the grant monies for the Quality Based Business Planning Program (COA 177520)

Voting Requirement Simple Majority

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Item 15.1.1. continued.

Councillor West left the Chambers at 8:45pm.

COUNCIL RESOLUTION

**MOVED COUNCILOR WALKER
SECONDED COUNCILLOR WILSON**

THAT Council:

- 1. accepts the \$15,000 Local Government Development Fund grant; and**
- 2. authorises the expenditure of the grant monies for the Quality Based Business Planning Program (COA 177520)**

MOTION CARRIED 13 – 0



MINISTER FOR LOCAL GOVERNMENT;
DISABILITY SERVICES

11th Floor, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005
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Mr Jim Kelly
Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

CITY OF ALBANY RECEIVED		
- 6 SEP 1999		
FILE GOV039	CORRO No. 9913628	OFFICER POCD
REPLY Y	ACK NOW SENT / /	CT /BLTN

Your Ref: gov039/str025

Dear Mr Kelly

Thank you for applying for a grant under the 1999/00 funding round of the Local Government Development Fund. I am pleased to inform you that a grant of \$15,000, to introduce quality based business plans, has been approved.

The Committee is prepared to look at a further funding request for the remaining two years during the next funding round.

Please find attached an Acceptance of Grant form, which must be signed by a duly authorised person within your organisation. The Acceptance of Grant form must be signed and returned to the Department of Local Government before the grant is released.

On receipt of the signed Acceptance, the Department will make arrangements for a cheque to be forwarded to your organisation as soon as possible.

It is a condition of the grant that funds must only be applied in accordance with the approved project budget. If an approved grant is less than the original amount requested, a revised project description and budget must accompany the signed acceptance form.

To ensure maximum benefit to all local governments, all successful applicants are required to give an undertaking to share the products of their projects (ie, reports, models or computer programs) by providing free distribution of and "no copyright" on the material produced.

An audited and certified financial statement of income and expenditure (estimated and actual) must be provided to the Department within thirty (30) days of the completion of the project.

- 2 -

The financial statement must show income (both in-kind and cash) and expenditures against budget and be signed by:

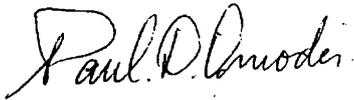
1. the principal of your organisation; and
2. the person within the organisation responsible for preparing the expenditure statement.

You will also need to provide a copy of the business plans and a report detailing their preparation. A timeline for completion of the project should accompany your signed Acceptance of Grant form.

Should any part of the grant remain unspent at the conclusion of the project, those funds must be refunded to the Department of Local Government. Any refund due should be paid to the Department within thirty (30) days after completion of the project.

I wish you every success with the project and hope that it proves to be of benefit to the community.

Yours sincerely



Paul D Omodei MLA
MINISTER FOR LOCAL GOVERNMENT

- 3 SEP 1999

15.2 MARKETING & CORPORATE PLANNING

Nil.

15.3 PROJECT DEVELOPMENT

15.3.1 Boat Shed Business Plan

File/Ward	:	MAN060 Frederickstown Ward
Proposal/Issue	:	Strategic Business Plan – Albany Lotteries Duyfken Boat Shed
Subject Land/Locality	:	Princess Royal Drive
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Project Officer Project Management (P Berkelaar)
Previous Reference	:	OCM 09/12/98 Item 15.3.1 OCM 27/01/99 Item 19.1 OCM 24/03/99 Item 15.3.1 OCM 26/10/99 Item 13.2.5 OCM 09/12/99 Item 15.3.1
Summary Recommendation:		That Council adopts the Strategic Business Plan and includes it in the lease documentation.
Locality Plan	:	N/A

BACKGROUND

1. The project for the relocation of the Lotteries Duyfken Boat Building Centre was undertaken by the City of Albany between July 1998 and June 1999. The relocation was completed and celebrated on it's opening on 22 May, 1999.
2. During the project a number of groups and individuals within the community expressed interest in utilising the building. It had not, however, been determined how these interests might fit into the longer-term vision for the Lotteries Duyfken Boat Building Centre – a vision which includes:
 - the building and restoration of small wooden boats and the training of people in these skills;
 - a home for local groups with maritime connections;
 - broader maritime, heritage, educational and tourism functions.
3. The articulation of this vision into a more detailed strategic direction in ensuring the long-term viability and success of the project, was made possible by the award of a grant from the then Commonwealth Department of Employment, Education, Training and Youth Affairs (DEETYA).

Item 15.3.1 continued

4. On 1 December, 1998, written advice was received from Department of Employment, Workplace Relations and Small Business confirming that a grant of \$53,600 for the preparation of the Lotteries Duyfken Boat Building Centre Strategic Plan had been approved. These funds allowed the engagement of consultants to prepare the strategic plan for the Lotteries Duyfken Boat Building Centre. The Great Southern Area Consultative Committee expressed enthusiastic support for the proposal.
5. At its meeting of 9 December, 1998, Council resolved to accept the grant of \$53,600 from the Commonwealth Department of Employment, Workplace Relations and Small Business to fund the preparation of the Lotteries Duyfken Boat Building Centre Strategic Plan. As indicated in the report presented to Council at that time, Noel Robins, Chief Executive Officer of the Duyfken Foundation had been invited to undertake part of the consultancy (the “Principal Consultancy”), and expressions of interest were being invited for the remainder (the “Local Liaison Consultancy”).
6. Expressions of interest for the Local Liaison Consultancy closed on 22 December, 1998, with four consultants expressing an interest. Following a interview process, Lesley Solly and Associates, were appointed as the Local Liaison Consultancy.
7. The consultants were engaged to prepare a strategic plan that provided guidance over a three year time frame and because of the broad range of skills required, the consultancy was split into two parts:
 - Consultancy 1 (or the Principal Consultancy) responsible for overall project development and co-ordination, State and Commonwealth Government liaison, international research, tall ships liaison, sponsorship development and liaison, infrastructure plan development, marketing plan development and boat building expertise.
 - Consultancy 2 (or the Local Liaison Consultancy) responsible for development of a public consultation plan, occupational health and safety, local agency liaison, financial planning, market research, education and skills formation plan and overall business plan development.
8. In the course of preparing the Strategic Business Plan, the whole community, it’s focus groups and businesses were involved through direct liaison, workshops, meetings and reference group and the steering committee. The major consultation events included:
 - public speech and workshop with John Longley, Chief Executive Officer, Bark Endeavour – January 1998;
 - public workshop with City of Albany at Princess Royal Sailing Club in January 1999;

Item 15.3.1 continued

- reference group meetings, January, March, April, May, June, July & September, 1999;
 - steering committee meetings November 1999, to October 1999 – 12 meetings;
 - public opening of Boat Shed 22 May, 1999;
 - more than 25 local media articles;
 - release of Draft Business Plan for comment by Reference Group in July 1999.
9. Reporting of the progress in developing the Strategic Business Plan has been undertaken at key stages to the grant funding body. Two presentations have also been presented to the Great Southern Area Consultative Committee, during the course of the project.

STATUTORY REQUIREMENTS

10. Adoption of the Strategic Business Plan will commit the City of Albany to arranging a lease of the whole premises to the Albany Maritime Foundation. This has been supported by Council at its ordinary meeting of 26 October, 1999, in Item 13.2.5.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

11. Handover of the facility to the Albany Maritime Foundation leaves the financial, as well as managerial responsibility of the Boat Shed with that group.

STRATEGIC PLAN IMPLICATIONS

12. The Strategic Business Plan of the Albany Lotteries Duyfken Boat Shed is one of the many achievements by the City of Albany in realisation of the Economic Development goal to :

“Contribute to the creation of a positive climate of sustainable economic development which is compatible with the lifestyle and environment our citizens enjoy.”

13. In pursuit of the objectives within the Business Plan, the Boat Shed will be able to contribute to further development of the maritime infrastructure development of the Foreshore and the Vancouver Waterways Master Plan.

Item 15.3.1 continued

COMMENT/DISCUSSION

14. The Business Plan is for the facility itself, to which the Albany Maritime Foundation has closely aligned itself so that the goals can be achieved in orderly manner. In adopting the Strategic Business Plan for the Boat Shed, the City of Albany has a detailed direction on which it can lease out this new facility to the Albany Maritime Foundation for the maximum benefit of the community, particularly in the areas of education, maritime development and tourism and economic growth.

RECOMMENDATION

THAT Council endorses the Strategic Business Plan for the Albany Lotteries Duyfken Boat Shed.

Voting Requirement Simple Majority
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AMENDED RECOMMENDATION

THAT Council acknowledges receipt of the Strategic Business Plan for the Albany Lotteries Duyfken Boat Shed.

Voting Requirement Simple Majority
.....

The Officer Recommendation had been amended because this Business Plan is not related to any Council activities (such as business units) and as such, any endorsement of the document could imply that Council had an operational involvement in both the formulation and execution of the plan. It is important that the independence and autonomy of the Foundation is maintained.

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR ARMSTRONG**

THAT Council acknowledges receipt of the Strategic Business Plan for the Albany Lotteries Duyfken Boat Shed.

MOTION CARRIED 12 – 1

15.3.2 Albany Recreation Strategy – Appointment of Consultant

File/Ward	:	MAN 074 All wards
Proposal/Issue	:	Albany Recreation Strategy - appointment of consultant
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Project Officer Research (D Giles)
Previous Reference	:	OCM 14/10/97 Item 6.3.7
Summary Recommendation	:	Appoint preferred consultant
Locality Plan	:	N/A

BACKGROUND

1. A Recreation Strategy is being developed to establish the needs and expectations of the Albany community in relation to recreational opportunities and to provide guidelines and an action plan on how those needs will be met. The strategy will consider issues such as:
 - balancing financial viability and social equity – responding to ratepayer demands and expectations while minimising the cost to the user and ratepayer;
 - using and managing resources – encouraging joint provision and multi-use of facilities and services;
 - financing - ‘partnering’ with other funding bodies and providers; and
 - community consultation and involvement.
2. To guide the development of the strategy, an initial Recreation Strategy Steering Committee has been established consisting of David Giles, Research Officer, Strategic Planning; Peter Sporton, Manager Albany Leisure and Aquatic Centre; Rob Shanahun, Community Development Officer and Mike Stidwell, Regional Manager, Ministry of Sport and Recreation.
3. A consultants brief to assist in the development of the strategy has been prepared and approved by the Steering Committee. A copy of the brief is attached. Submissions were invited through advertisements in the West Australian (9th October, 1999) and the Albany Advertiser, (12th October, 1999). The closing date for submissions was 3rd November, 1999 and six submissions were received.

Item 15.3.2 continued

4. At the time of writing this report it was proposed that the Recreation Strategy Steering Committee evaluate the submissions against the selection criteria with a view to recommending a preferred consultant to the Council Meeting scheduled for 16 November 1999.
5. The expected time lines for this project are to complete Part 1 the Recreational Needs Study by April 2000 and completion of Part 2, a Strategic Recreation Plan, including an action plan, by November 2000.
6. In the next few weeks the Steering Committee will make a further recommendation to Council to establish a community based Recreation Advisory Committee (RAC) as a Committee of Council to include Councillors, recreational users and providers and existing members of the Recreation Strategy Steering Committee. The terms of reference of the RAC will be to guide the development of Part 2 of the Recreation Strategy, the development of a strategic recreation plan and provide a reference group for the consultant.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

7. The Albany Recreation Strategy will greatly assist in achieving the Sport and Recreation objective of the Strategic Plan by identifying the community's needs and developing a strategic plan to provide for those needs

COMMENT/DISCUSSION

8. At the time of writing this report the submissions had not been assessed. At Council's Meeting on 16th November, 1999, additional information will be provided to report on the assessment of the submissions by the Recreation Strategy Steering Committee (to take place in the intervening time) and make a recommendation for a preferred consultant.

Item 15.3.2 continued

RECOMMENDATION

THAT Council:

1. awards Contract 99050 - Provision of Consulting Services for Albany Recreation Strategy to _____
2. authorises the affixing of the Common Seal to appropriate contract documents for Contract 99043

Voting Requirement Absolute Majority

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ADDITIONAL INFORMATION AND AMENDED RECOMMENDATION

The submissions were evaluated individually by members of the Steering Committee and references sought for all the submissions. The Committee then met on 8 November 1999 to assess the submissions and agree on a short list.

It was felt all of the submissions demonstrated a good capability to carry out the project. However, Lesley Solly and Associates and Jill Powell and Associates both scored slightly higher than the others on their intended approach. Lesley Solly and Associates scored slightly higher on interpersonal skills and ability to develop innovative strategies and scored slightly higher than Jill Powell and Associates on intended approach. A number of references were able to comment on several of the consultants. Lesley Solly was regarded by a number of referees as the best candidate in terms of interpersonal skills, ability and skills in community consultation, ability to work collaboratively in a team, and accessibility and availability. The Committee felt that these skills and abilities were particularly important to ensure community ownership of and support for the project.

The committee unanimously agreed on a short list of two, Lesley Solly and Associates and Jill Powell and Associates, in that preferred order and agreed to invite the two short listed consultants for interview.

Interviews were conducted on 15 November. The interview panel consisted of Delma Baesjou, Manager of Community Planning, David Giles, Research Officer, Strategic Planning (Project Manager for this project) and Rob Shanhun, Community Development Officer.

Following the interviews the panel discussed the candidates' performance. The panel agreed that Lesley Solly was more comprehensive in both research and consultation aspects, had more relevant recent experience of working with the sort of Recreation Advisory Committee proposed for Albany and had a clear methodology to lead to tangible and realistic outcomes and actions. Importantly, the panel felt Lesley Solly's interpersonal skills and approach to community consultation would maximise community involvement and 'ownership' of the project.

Item 15.3.2. continued.

The panel felt that while both consultants were capable of completing the project satisfactorily they unanimously agreed that the preferred candidate was Lesley Solly and Associates.

AMENDED RECOMMENDATION

THAT Council:

1. awards Contract 99050 - Provision of Consulting Services for Albany Recreation Strategy to Lesley Solly and Associates; and
2. authorises the affixing of the Common Seal to appropriate contract documents for Contract 99050.

Voting Requirement Absolute Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR WILSON
SECONDED COUNCILOR MOUNTFORD**

THAT Council:

- 1. awards Contract 99050 - Provision of Consulting Services for Albany Recreation Strategy to Lesley Solly and Associates; and**
- 2. authorises the affixing of the Common Seal to appropriate contract documents for Contract 99050.**

MOTION CARRIED 12 - 1

Councillor West returned to the Chambers at 8:55pm.

15.3.3 Financial Support to the HMAS Perth Dive Reef

File/Ward	:	MAN097 All Wards
Proposal/Issue	:	To underwrite the HMAS Perth dive reef project.
Subject Land/Locality	:	King George Sound
Proponent	:	Albany Artificial Reef Group
Owner	:	Western Australia State Government/Australian Navy
Reporting Officer(s)	:	Project Officer Project Management (P Berkelaar)
Previous Reference	:	Councillor Briefing 20/07/99 OCM 04/08/99 Item 15.3.1
Summary Recommendation:		To underwrite the HMAS Perth project for two years to a maximum of \$300,000.
Locality Plan	:	N/A

BACKGROUND

1. The Albany Artificial Reef Group headed by the Great Southern Development Commission, has been working for two years or more to procure a major naval vessel to create a dive reef in the Albany Waters, following the successful HMAS Swan project in Geographe Bay Busselton.
2. In July, Peter Cook, Chief Executive Officer, Great Southern Development Commission presented to the City of Albany a briefing on the HMAS Perth project. This was followed by an item to the ordinary Council meeting on 4th August, 1999, in which the Council gave support to the concept and committed \$100,000 to help fund the project. This was then followed up by a detailed inspection of the HMAS Perth during its last visit to Fremantle and the lodgment of an expression of interest for the vessel to the State Government.
3. On 27th August, 1999, the Premier, Hon Richard Court, announced that the HMAS Perth had been gifted to the State of Western Australia. The Western Australian Tourism Commission took on the task of making the HMAS Perth available via public tender, and issued a tender document to those who had registered an interest, which included the City of Albany. Tenders close at 2pm on Wednesday 23rd November. The Great Southern Development Commission is preparing the tender documents on behalf of the Albany Artificial Reef Project and the project sponsors, the City of Albany.

Item 15.3.3 continued

STATUTORY REQUIREMENTS

4. Following the successful tender bid, the City of Albany will need to enact a series of local laws to facilitate the ongoing management of the HMAS Perth Project. These would include, but may not be limited to, dive entry fees, boat mooring fees, and codes of practice for divers and water craft.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

5. On receipt of the tender document, the Albany Artificial Reef Group , with the Great Southern Development Commission and the City of Albany, began detailed investigations into the ingredients that would make up a successful bid and maximum return to the regional community. The Western Australian Tourism Commission tender process requires that the project secures \$300,000 prior to the dive wreck being committed to the successful tenderer. The Group is confident due to the history of the HMAS Swan Project, that these funds can be raised, once the ship is procured, however, it is not possible to secure the additional \$200,000 required for the tender process in the next eight weeks. Therefore the Albany Artificial Reef Group requests that the City of Albany underwrites the project to allow the bid to proceed.
6. At the time of the previous Council Item 15.3.1 for the Ordinary Council Meeting of 4 August, 1999, the City of Albany was expecting to show a surplus of funds on finalisation of accounts for the 1997/98 financial year. The position has strengthened further to a projected surplus estimated at \$640,000 in the Parks & Recreational reserves, providing Council with the ability to underwrite this project.
7. The Artificial Reef project has attracted very significant support from this community and based, partly, on the Swan experience has every reason to be confident that it will secure all the funds necessary to implement this project once the boat is secured.
8. Many of the fundraising opportunities will not be able to be realised until the ship is procured: These include:
 - the lottery to see who will have the privilege to push the button that blows up the ship on sinking day. This initiative can raise in the order of \$100,000;
 - touring the ship while it is being prepared for sinking has the capacity to raise a further \$50,000. This is supported by the Swan experience;

Item 15.3.3 continued

- the salvage return from the ship is likely to be in excess of \$100,000. The HMAS Perth is a significantly larger ship than the Swan and the Group has been informed that it will have more salvageable material left on it than the Swan did. This has been confirmed by detailed inspection undertaken during the recent tour of the ship in Fremantle, attended by the Deputy Mayor, Councillor John Walker, the Albany Artificial Reef Group and the experienced team from the Swan Project.

9. In addition to these sources, the project is seeking funds from:

Tourism Development Fund (WATC)	\$100,000
National Tourism Development Fund (ONT)	\$200,000

Negotiations are positively advanced to defer other costs to the project against donations from various agencies, such as P & O for towage, gas suppliers, port charges and the like.

The National Tourism Development Program Stage 1 assessment proposals are due in on 15th October, but will not be announced until February 2000. The Western Australian Tourism Commission's Tourism Development Program applications will not take place until April 2000.

10. While not all of these funds are guaranteed, more than enough are clearly available to repay the financing of the project by the City of Albany. Without this facility, the tender will simply not be able to proceed. It would be a great loss of a rare opportunity for this community if this were to happen.
11. While the financial underwriting is sought for a period of two years to cover all contingencies, the Albany Artificial Reef Group anticipates being in a position to repay this facility well in advance of that time.

STRATEGIC PLAN IMPLICATIONS

12. The projected influx of people interested in accessing the HMAS Perth and the presence of this marine icon will give support to the objectives of the Vancouver Waterways project and provide economic opportunities to regional businesses.
13. Reflecting on the success of the HMAS Swan, this project has the potential to generate major accommodation projects such as the Raddison Hotel in Geographe Bay Busselton.

COMMENT/DISCUSSION

14. Since the release of the tender documents by the Western Australian Tourism Commission, the Albany Artificial Reef Group, with the Great Southern Development Commission, has sought to maximise the benefits of the HMAS Perth project. As a basis to its tender, the purpose of the HMAS Perth project is to create:

Item 15.3.3 continued

a) A Land Based Display

An interpretive display is planned for inclusion in the “Princess Royal Fortress” on Mt Adelaide. The Fortress is one of only four annexes to the Australian War Memorial in Australia and the only one in WA. This display would include both Perth (I) and Perth (II). The history of both ships, including memorabilia from the second Perth and photos of both. When Perth (III) is commissioned, an ongoing display will be constructed to ensure links between the old and the new.

Both the display and the Ship at berth will provide further opportunities to celebrate the Centenary of Federation.

b) A Wharf Based Visitor Site

For the 18 months to two years during which the ship will be prepared for scuttling, a wharf based visitor centre will be set up. This centre will include the videos “The New Ship” and “The Last of the Steam Dragons”. These videos reflect on the history of the ship from when it was commissioned into the Royal Australian Navy, to the last days in service and the decommissioning ceremony. Guided tours of the HMAS Perth will be offered during this time.

c) A Floating Function Centre

During the time alongside a unique opportunity exists for the ship to be used as a floating function centre. Functions such as cocktail parties or dinners could be held on or inside the ship in designated areas. These would occur in the early stage of preparation, but some events could still be held on the upper decks until the last day. An interpretive display would feature in all functions held on board. This would bring an experience that few would ever have.

d) A Dive Reef – Eco Tourism

Even though the ship has been sunk, it will still be alive. A reef full of new life, colour and variation will develop over time. The tourist looking for a self-sustaining ecological environment, coupled with soft or hard adventure will find a world class destination. For those who cannot/do not dive, an interpretive display with video and still photography will be set up at the Princess Royal Fortress, at Mount Adelaide for all to enjoy.

An opportunity for research and development work and for university studies will also present itself. The ongoing development of the biosphere around the reef will be perfect for the study of this type of project.

e) An Underwater Interpretive Display

A direct follow-on from the shore-based interpretive centre will be the underwater display. As the plaques fitted to the ship will be either brass or stainless steel, these will serve as an ongoing reminder of what the ship was and its purpose. Estimates have the ship surviving intact, far in excess of one hundred years. This will enable future generations to look into the past.

Item 15.3.3 continued

f) A New Tourist Icon

A new attraction in the Great Southern: the Treetop Walk, the Lily Windmill and Whale World are already associated with the Great Southern. By placing the HMAS Perth in the region, it will be a major draw card for tourists.

Dive wreck trail: placing the Perth in the clear serene waters off Albany will link the already known wrecks of the State. These included the Kay Biscayne (Lancelin), the Swan (Geographe Bay) and the Sanko Harvest (Esperance). Properly marketed, this “Trail” will bring benefit to the entire State, not just one area within the State.

g) A Memorial Support

During the two years alongside the wharf, the ship will be used as a centrepiece, or in conjunction with already established memorials on the following occasions:

- i) ANZAC Day
- ii) Memorial Service for Vietnam Veterans (Long Tan Day)
- iii) Australia Day
- iv) Remembrance Day
- v) Foundation Day

RECOMMENDATION

THAT in addition to its commitment of \$100,000, the Council pre-funds the HMAS Perth Project to enable a tender bid to be lodged with the Western Australian Tourism Commission.

Voting Requirement Absolute Majority

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The Executive Director Strategic Planning advised the Officer Report and Recommendation should be amended as follows:

Officer Report

Delete the second sentence contained in paragraph 6.

Recommendation

Delete the words “pre-funds” and replace them with the words “underwrites to a maximum of \$200,000”.

Item 15.3.3. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR DUFTY**

THAT in addition to its commitment of \$100,000, the Council underwrites to a maximum of \$200,000 the HMAS Perth Project to enable a tender bid to be lodged with the Western Australian Tourism Commission.

**MOTION CARRIED 10 – 4
ABSOLUTE MAJORITY**

Mayor Goode and Councillor Evans voted against the motion

15.4 STRATEGIC PLANNING

15.4.1 City of Albany – Economic Development Unit

File/Ward	:	MAN 008 All Wards
Proposal/Issue	:	To consider an amended resolution to establish the Albany Economic Development Unit.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Project Officer Research (D Giles)
Previous Reference	:	OCM 12/05/99 Item 16.1 OCM 04/08/99 Item 15.3.2
Summary Recommendation	:	Council amends previous resolution 15.3.2 on 4th August, 1999 to form the Albany Economic Development Unit as recommended below.
Locality Plan	:	N/A

BACKGROUND

1. On 4 August this year Council resolved (item 15.3.2) to:
 - form the City of Albany Economic Development Unit (EDU), as a committee of Council in accordance with the City of Albany Economic Development Unit Terms of Reference;
 - approve Her Worship The Mayor, Alison Goode and Councillors Dufty, Cecil, Walker and Wilson as voting members of the EDU, appoint the CEO and Executive Director Strategic Planning as non voting members and invite Mr Bruce Sutherland, Mr John Simpson, Mr Chris Probert, Mr Bob Emery, Mr Bob Mason and Mr Michael Pemberton as non voting members: and
 - approve the EDU to have delegated authority to expend funds allocated within the City of Albany's Budget for Economic Development.

Item 15.4.1 continued.

2. However, under section 5.17. of the *Local Government Act*, **Limits on delegation of powers and duties to certain committees**, a local government can delegate to a committee referred to in section 5.9 (2) (c) “council members, employees and other persons,” only “any of the local government’s powers or duties that are necessary or convenient for the proper management of (i) the local government’s property; or (ii) an event in which the local government is involved. A committee of “council members, employees and other persons,” cannot have delegated authority to expend council funds for economic development.
3. Under section 5.21. (1) of the *Local Government Act*, **Voting**, “Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.” Therefore a committee of Council may not have members who are non voting.

STATUTORY REQUIREMENTS

4. Section 5.8 of the Local Government Act 1995 states that:
5. “A local government may establish * committee of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”
6. Section 5.9 (2) (c) of the Local government Act 1995 states that a committee may comprise:
7. “Council members, employees and other persons.”
8. Section 5.21. (1) of the Local Government Act 1995 states that:

“Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.”

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

9. In the City of Albany’s Strategic Plan the Economic Development Goal is to:

“Contribute to the creation of a positive climate of sustainable economic development which is compatible with the lifestyle and environment our citizens enjoy.”

Item 15.4.1 continued.

10. The establishment of the City of Albany Economic Development Unit under the attached Terms of Reference will greatly assist the City of Albany in achieving this goal.

COMMENT/DISCUSSION

11. Given that Council’s resolution on Item 15.3.2 on 4th August, 1999, is contrary to sections of the Local Government Act 1995 it is recommended that that resolution be amended and that Council resolves to form the Albany Economic Development Unit as recommended below.

RECOMMENDATION:

THAT Council amends previous resolution on Item 15.3.2 on 4th August, 1999, to read:

THAT Council:

1. forms the City of Albany Economic Development Unit, as a committee of Council in accordance with section 5.8 of the Local government Act 1995 to assist the Council as set out in the City of Albany Economic Development Unit Terms of Reference attached to this report; and
2. appoints the following persons to be members of the Albany Economic Development Unit Committee:

- Her Worship The Mayor, Alison Goode
- Councillor Dufty
- Councillor Cecil
- Councillor Walker
- Councillor Wilson
- Chief Executive Officer – Andrew Hammond
- Executive Director Strategic Planning – Rob Jefferies
- Mr Bruce Sutherland
- Mr John Simpson
- Mr Chris Probert
- Mr Bob Emery
- Mr Bob Mason
- Mr Michael Pemberton

Voting Requirement Absolute Majority

.....

The Executive Director Strategic Planning advised the Terms of Reference contain an error on page 151 of this agenda, and point 4 – Members – should be amended to read “The Committee shall comprise 13 Committee members.....” instead of “12”.

Item 15.4.1. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOJCUN**

**THAT Council amends previous resolution on Item 15.3.2 on 4th August, 1999,
to read:**

THAT Council:

- 1. forms the City of Albany Economic Development Unit, as a committee of Council in accordance with section 5.8 of the Local government Act 1995 to assist the Council as set out in the City of Albany Economic Development Unit Terms of Reference attached to this report; and**
- 2. appoints the following persons to be members of the Albany Economic Development Unit Committee:**

**Her Worship The Mayor, Alison Goode
Councillor Dufty
Councillor Cecil
Councillor Walker
Councillor Wilson
Chief Executive Officer – Andrew Hammond
Executive Director Strategic Planning – Rob Jefferies
Mr Bruce Sutherland
Mr John Simpson
Mr Chris Probert
Mr Bob Emery
Mr Bob Mason
Mr Michael Pemberton**

**MOTION CARRIED 13 – 1
ABSOLUTE MAJORITY**

CITY OF ALBANY
ECONOMIC DEVELOPMENT UNIT
TERMS OF REFERENCE

1. Name

The name of the Committee shall be the City of Albany Economic Development Unit, hereafter referred to as “the Committee”.

2. Purpose

- To better inform Council on the needs of economic and regional development.
- To provide an avenue of communication/consultation between Council and business, industry and economic development agencies.
- To avoid duplication and make maximal use of any resources to enhance the economic well-being of Albany and the Great Southern.
- To guide the economic development initiatives and projects undertaken by the City of Albany.
- To facilitate the achievement of the goals, objectives and strategies identified by the City of Albany’s Strategic Plan identified for economic development in the region.

3. Terms of Reference

The Committee shall:

- i) Advise the Council on the economic needs within the City of Albany and Great Southern Region
- ii) Act as a consultation forum between Council, industry and relevant economic development organisations
- iii) Advise the Council on ways to generate and promote ideas for the establishment of sustainable economic development in the region
- iv) Deal with matters referred to it by the Council from time to time
- v) Deal with matters referred to it by other sections of the community
- vi) Approve and guide economic development initiatives, studies and projects
- vii) Assist in achievement of the City of Albany’s economic goals, objectives and strategies as identified in the City’s Strategic Plan, which may be amended by Council from time to time.

4. Members

The Committee shall be established by the Council in accordance with Section 5.8 of the Local Government Act 1995. All members of the Committee will be appointed by Council in accordance with Section 5.10 of the Act.

2.

The Committee shall comprise 13 Committee members consisting of the following:

- The Mayor or a Councillor
- 4 elected representatives of Council
- 2 City of Albany officers
- 6 representatives of the community, industry or government agencies, involved in economic development activities.

5. Meetings

The Committee shall meet every six weeks or more frequently as required.

6. Deputations

The Committee may invite any person or organisation to attend any meetings, but such persons shall not be entitled to vote on any decision arising from such meetings.

7. Sub-Committee

The Committee may appoint a sub-committee to carry out a particular task. A sub-committee shall not exercise a power or perform a duty without the prior approval of the Committee.

8. Quorum

The Quorum for a meeting of the Committee shall be six members present.

9. Voting

Each member, including the Chairperson, who is present at the meeting shall be entitled to one vote.

If the vote of members present are equally divided, the Chairperson may cast a second vote.

10. Minutes

The Committee shall keep detailed minutes of all business transacted at its meetings.

A copy of the Minutes shall be presented to Council and all Committee members within 21 days of the meeting.

Minutes of all Committee meetings shall be permanently affixed to a minute book and shall be signed by the Chairperson of the meeting at which they were confirmed.

3.

11. Terms of Appointment

All terms of office shall be 24 months.

Members may be appointed for consecutive terms pending ratification by Council.

If a member fails to attend three consecutive meetings of the Committee his or her appointment shall be automatically terminated, unless leave of absence has been granted.

12. Vacancies

In the event of a resignation of a community representative the Committee may nominate a replacement to fill the vacancy for the remainder of the normal term. Any such nominations to be ratified by Council.

13. Council Appointment of Committee

The Committee shall forward to the Council a list of names for appointment, in accordance with Section 5.10 of the Local Government Act 1995.

Development Services

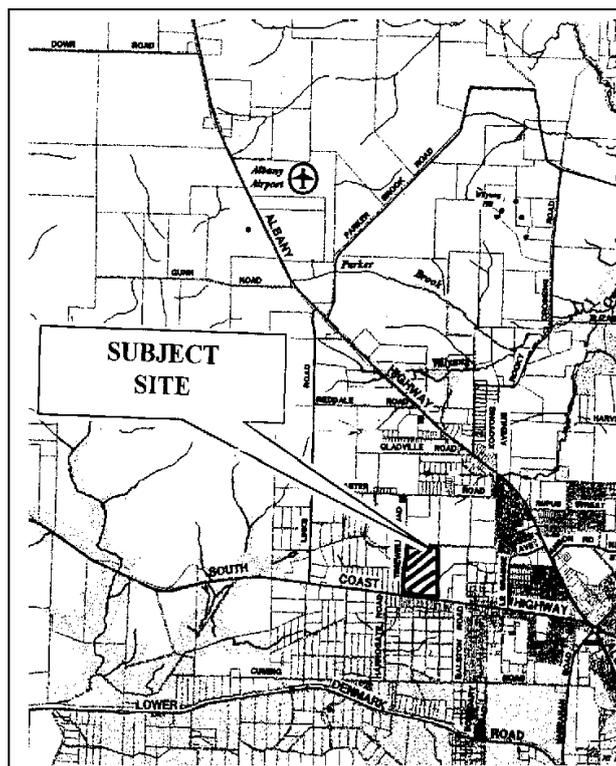
REPORTS

- R E P O R T S -

12.1 DEVELOPMENT

12.1.1 Final Approval for Amendment – Location 488 South Coast Highway, McKail

File/Ward	:	AMD203/STR067 (West Ward)
Proposal/Issue	:	Final Approval to Amend Scheme Provisions for Special Residential Zone (Area No.3) – The Pines Estate
Subject Land/Locality	:	Location 488 South Coast Highway, McKail
Proponent	:	Ayton, Taylor & Burrell
Owner	:	N/A
Reporting Officer(s)	:	The Planning Group (Consultant) Executive Director Development Services (R Fenn)
Previous Reference	:	Cncl 13/7/99 Item 12.1.5 Cncl 14/4/99 Item 12.1.2
Summary Recommendation:		Grant Final Approval
Locality Plan	:	



Item 12.1.1 continued

BACKGROUND

1. It is requested that Council grant final approval to amend the scheme provisions for Special Residential Zone (Area No.3) to permit landowners to keep cats within the Pines Estate.
2. At its meeting of 13 July 1999, Council resolved to initiate a town planning scheme amendment to amend the scheme provisions for Special Residential Zone (Area No.3). The amendment seeks to permit owners of land within “The Pines Estate” to keep cats on their property. The amendment was advertised for 42 days, closing on 30 September, 1999 and 7 submissions were received during that period (several submissions have been included that were received by Council prior to the amendment being formally advertised).

STATUTORY REQUIREMENTS

3. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
4. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, without or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council’s recommendation or he can require his own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if he considers Council’s decision is not consistent with orderly planning.

POLICY IMPLICATIONS

5. Several “Special Rural” zones have controls imposed upon cats, however they are located adjacent to National Parks. The progress of this amendment will have no broader implications.

FINANCIAL IMPLICATIONS

6. If a landowner in the Pines Estate was to keep cats, or one strayed through the estate, it would be impractical for Council staff to gather the appropriate evidence and launch a time consuming and expensive prosecution under the relevant section of the Town Planning and Development Act.

Item 12.1.1 continued

STRATEGIC PLAN IMPLICATIONS

Nil

COMMENT/DISCUSSION

7. Attached is a copy of the Schedule of Submissions on the scheme amendment. That schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council’s consideration. The submissions do not provide planning justification to refuse the amendment, nor do they raise additional requirements which would warrant an amendment to the draft documents.

RECOMMENDATION

THAT

- i) Council grant final approval, without modifications, to Amendment 203 to the City of Albany Town Planning Scheme No. 3 which seeks to amend the scheme provisions for Special Residential Zone (Area No. 3) by permitting landowners to keep cats within the area.
- ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted or Dismissed as detailed.
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

.....

Item No. 12.1.1. continued

COUNCIL RESOLUTION

MOVED COUNCILLOR WILSON

THAT Council not proceed with final approval to Amendment 203 to the City of Albany Town Planning Scheme No.3 which seeks to amend the scheme provisions for Special Residential Zone (Area No. 3) by permitting landowners to keep cats within the area.

**NO SECONDER
MOTION LAPSED**

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR WOLFE**

THAT

- i) Council grant final approval, without modifications, to Amendment 203 to the City of Albany Town Planning Scheme No. 3 which seeks to amend the scheme provisions for Special Residential Zone (Area No. 3) by permitting landowners to keep cats within the area.**
- ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted or Dismissed as detailed.**
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 13 – 1

**Town Planning & Development Act 1928 (As Amended) TPS3
Proposed Amendment No. 203
Schedule of Submissions**

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	D & K Waring Lot 32 Bindaree Road Cuthbert WA 6330	Intend moving into Pines Estate and have two family cats. Request that restrictions be deleted.	Support for amendment noted.	NOTED
2. (Two submissions on separate dates)	GG & EM Evans PO Box 89 Cuballing WA 6311	Consider restrictions on cats to be unreasonable as the Pines Estate does not adjoin a National Park or Conservation Reserve.	Cat restriction may reduce potential predation of local wildlife and as such is not considered without basis however the Pines Estate does not adjoin a National Park or fauna protection area	NOTED
3.	PC & CR Whyatt C/- CSBP, K5 Staffhouse Hanrahan Rd Albany WA 6330	State that they were not aware of total cat ban when they purchased the lot and that they would not have purchased if they had known.	Details of the cat restrictions form part of the Special Conditions of Sale and are required to be recognised by the purchaser at the time of purchase.	NOTED
4.	Mr & Mrs M Anning 5 Endeavour Way The Pines Estate Albany WA 6330	a) Do not believe that the cat ban is affecting sales of land in the Estate.	a) Council have been formally advised by the developer's agent that several land sales have been lost due to the restrictions on cats.	a) NOTED

MINUTES - ORDINARY COUNCIL MEETING – 16/11/99

** REFER DISCLAIMER **

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
		<p>b) State that they purchased the lot to live in an area that would develop as a safe haven for birds and would be free of the noise of fighting or tomcatting cats.</p> <p>c) Would be less objective if conditions were imposed that required all cats to be fitted with a bell collar to alert wildlife.</p>	<p>b) Noted. The potential for cats to wander into the estate is not covered by the controls and bird losses could still be experienced.</p> <p>c) This is very difficult for Council to control without a cat Local Law and Council is not pursuing this option under the Local Government Act.</p>	<p>b) NOTED</p> <p>c) NOTED</p>
5.	A Bell Lot 32 Rainbows End Little Grove Albany WA 6330	<p>1. Strongly opposed to deletion of ban due to Estate's proximity to pine plantation that "provided a haven for birds".</p> <p>2. Does not believe "that Council's decision should be based on pressure from greedy real estate agents".</p>	<p>a) The adjoining pine plantation is a commercial planting and is not a formal fauna reserve. It is likely to be harvested for its pine at some time in the future.</p> <p>b) Noted</p>	<p>a) DISMISS</p> <p>b) NOTED</p>

MINUTES - ORDINARY COUNCIL MEETING – 16/11/99

** REFER DISCLAIMER **

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
6.	Department of Environmental Protection (DEP)	Advise that the implementation of the proposed scheme amendment would have limited overall environmental impact and would not be severe enough to warrant formal assessment. Also advised that it was not necessary for DEP to provide environmental advice on the proposed scheme amendment.	Noted	NOTED
7.	Department of Conservation and Land Management	a) Do not support the move to lift the prohibition on cat ownership within the estate. b) Support the City's approach to control of cat numbers in the City because of the impact on wildlife.	a) Council seeks to protect fauna in areas of significance but is not supportive of restricting ownership of cats in residential areas. As the Pines Estate does not adjoin a National Park or fauna protection area it is considered unreasonable to impose such a restriction. b) Noted. Council is not seeking to restrict cat members.	a) DISMISS b) NOTED

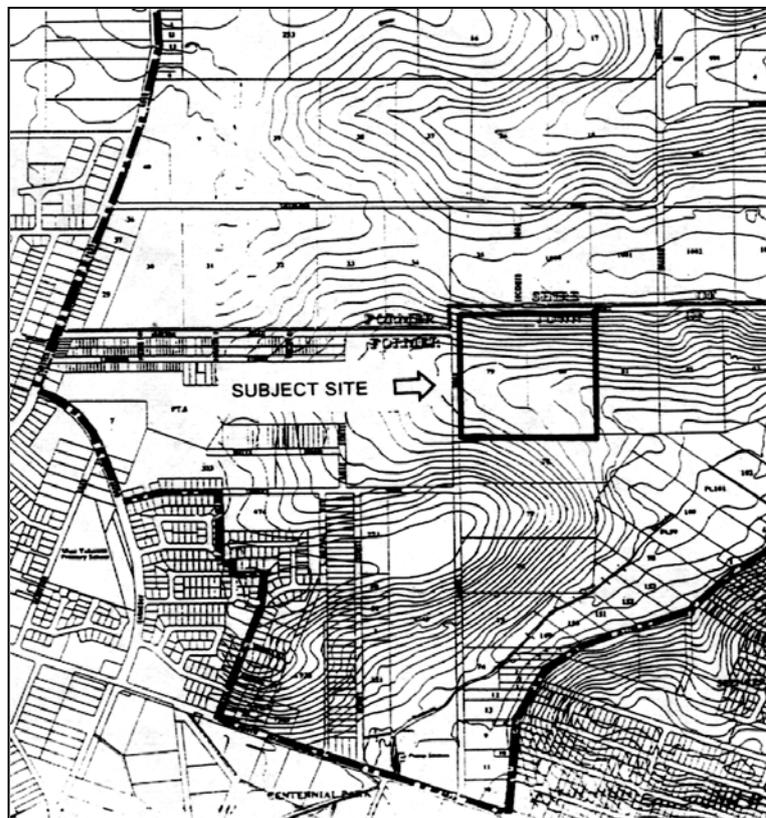
MINUTES - ORDINARY COUNCIL MEETING – 16/11/99

** REFER DISCLAIMER **

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
		c) State that the Western Ringtail Possum – a threatened species is still reasonably common in certain parts of Albany and is vulnerable to predation by cats.	c) Noted	c) NOTED

12.1.2 Withdraw from Proposed Amendment – Lots 79 & 80 Bond and Range Roads, Yakamia

File/Ward	:	Amendment No. 116 (Yakamia Ward)
Proposal/Issue	:	Withdraw Amendment 116 from rezoning process
Subject Land	:	Lots 79 & 80, corner of Bond and Range Roads, Yakamia
Proponent	:	Mitchell Goff and Associates
Owner	:	Ardross Estates Pty Ltd
Reporting Officer	:	Manager – Development (R A Olsen)
Previous Reference	:	Cncl 22/06/99 Item 12.1.10 Cncl 09/12/98 Item 12.1.6
Summary Recommendation	:	Withdraw Amendment 116 from the rezoning process and consider an environmental review in the 2000/2001 budget
Locality Plan	:	



Item 12.1.2 continued

BACKGROUND

1. An application was received and supported by Council to rezone Lots 79 & 80, corner of Bond Road and Range Road, Yakamia. The subject site is included in the Yakamia Structure Plan as land to be released for residential uses.
2. Council has been requested to withdraw the rezoning from the process because the Department of Environmental Protection (DEP) requires an environmental assessment of land in the Yakamia area to determine the significance of the local flora and the adequacy of draining outfalls.

STATUTORY REQUIREMENTS

3. The rezoning documents for Amendment 116 were forwarded to the DEP following Council's decision to initiate the amendment. The DEP has advised that it requires a formal assessment of the proposal.
4. The DEP has instructed that an environmental review be carried out and endorsed as part of the formal assessment before the advertising stage. The review must consider:
 - how well is the vegetation in the proposed scheme amendment area represented in conservation reserves in the region of the Albany harbours' catchment;
 - how will the proposed scheme amendment ensure that declared rare flora, priority flora and significant flora be protected;
 - if there any wetlands of conservation significance likely to be impacted upon by any use or development allowed by the proposed scheme amendment. If so, how will the integrity, functions and environmental values of these wetlands be protected in the long term?; and
 - how will the proposed scheme amendment ensure that the water quality of Oyster Harbour is not adversely affected as a result of any use or development allowed by the proposed scheme amendment. Measures could include onsite treatment of surface water or implementation of a more regional approach.

POLICY IMPLICATIONS

5. Section 7 of the Town Planning and Development Act prevents Council from progressing the amendment until the DEPs concerns have been addressed. An environmental report needs to be prepared in accordance with the Environmental Protection Act.
6. The Yakamia District Structure Plan was conditionally adopted as a statement of planning policy by the City of Albany in 1999. The adopted policy addresses only the cost sharing arrangements and district road networks for the development of Yakamia.
7. The Yakamia District Structure Plan identifies issues that will need to be resolved across property boundaries. The issues include environmental and landscape considerations and they are to be resolved through precinct planning.

Item 12.1.2 continued

FINANCIAL IMPLICATIONS

8. There will be a cost to Council or landowners for the preparation of the environmental review sought by the DEP. If Council determines that it will undertake the report, a budget will need to be provided in 2000/2001. The Act allows Council to recoup its costs from subsequent developers as they rezone their land. Council is already committed to undertake an analysis of its urban bushland and the Yakamia Creek drainage catchment in the 1999/2000 budget.
9. Council should recover the short and long term costs of the review, from the affected landowners, as the properties are rezoned.

STRATEGIC IMPLICATIONS

10. Further development in Cell A and Cell B, as identified in the Yakamia District Structure Plan, will be hindered until an environmental review is completed to the satisfaction of the DEP. The delays in rezoning will hamper the provision of sewer pump stations and the delivery of planned lots on the northern boundary of the central urban area.

COMMENT/DISCUSSION

11. At its meeting on 22 June 1999 Council resolved:

“That Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend Town Planning Scheme 1A by;

Rezoning portions Lots 79 & 80, corner of Range and Bond Roads, Yakamia from “Future Urban” to “Residential Zone” and “Parks and Recreation” within the R20 Residential Planning Code as well as depicted on the Scheme Amendment Map.”

12. As required, the amending documents have been referred to the DEP. The DEP has issued instructions to prepare an environmental review of the Town Planning Scheme for the Yakamia area. (Copy of correspondence is attached to this report). Further processing of this amendment can't proceed until an environmental assessment has been completed by Council and endorsed by the DEP.
13. A copy of the instruction was sent to the proponent of this amendment. The requirement for the review of the scheme has resulted in the proponent requesting Council to withdraw the rezoning amendment from the process. (Copy of proponent's letter is attached to this report). Council can agree to withdraw from the rezoning process at this stage as the formal advertising period has not commenced.

Item 12.1.2 continued

14. The DEP will withdraw its instruction for an environmental assessment if Council withdraws the rezoning. But, the DEP will renew its instruction for an environmental assessment for the next rezoning request for properties in the Yakamia area. Further development will be hindered until the DEP's requirement is satisfied and, with the fragmented ownership patterns in this area, a single landowner is unlikely to accept the cost of the required report.

RECOMMENDATION

THAT Council;

- i) withdraw Amendment 116, to City of Albany Town Planning Scheme 1A, which sought to amend from "Future Urban" to "Residential R20" Lots 79 & 80 Bond and Range Roads, Yakamia, from the amending process as requested by the proponent; and
- ii) consider an environmental assessment of the Yakamia area during the 2000/2001 year budget discussions.

Voting Requirement Simple Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR EVANS**

THAT:

- i) Council withdraw Amendment 116 to the City of Albany Town Planning Scheme 1A, which sought to amend from "Future Urban" to "Residential R20" Lots 79 and 80 Bond and Range Roads, Yakamia, from the amending process as requested by the proponent; and**
- ii) A report be submitted to the next meeting of Council on the methodology and cost of meeting the Department of Environmental Protection's assessment requirements for the Yakamia Creek catchment and consideration be given in the second quarterly budget review to funding that work.**

MOTION CARRIED 14 – 0

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

Item 12.1.2. continued.

A delay of six months in funding this work may hinder the development of this section of the urban expansion corridor by up to 3 years.

It is the responsibility of Council to resolve the broader environmental parameters for the numerous landowners and to recoup those costs at a future date in accordance with the Act.



Department of Environmental Protection

CITY OF ALBANY RECEIVED		
11 OCT 1999		
FILE A97827A	CORRO.No. 9914985	AODI OFFICER G. G. G.
REPLY Y/N	ACKNOW SENT / /	CND/ULT/PT Our Ref Enquiries

Head Office:
Westralia Square
141 St Georges Terrace
Perth, Western Australia 6000
Tel: (08) 9222 7000 Fax: (08) 9322 1598
http://www.environment.wa.gov.au

Postal Address:
PO Box K822
Perth, Western Australia 6842

Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

A97827A/AMD116
145470
Natalie Thorning

Attention: Mr Fenn

Dear Sir/Madam

SCHEME/AMD TITLE: City of Albany TPS 1A Amend 116 rezoning from Future Urban to Residential R20 and Parks Recreation

SCHEME/AMD LOCATION: Lots 79 & 80 corner of Range and Bond Roads

LOCALITY: Yakamia

RESPONSIBLE AUTHORITY: City of Albany

LEVEL OF ASSESSMENT: Level 3 - Assessed, Environmental Review Required (Assessment No.1298)

Thank you for your letter of Friday, 17 September 1999 regarding the above scheme amendment.

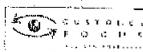
The Environmental Protection Authority (EPA) has determined that the scheme should be assessed under Division 3 of Part IV of the Environmental Protection Act.

For the purposes of this assessment the EPA will shortly issue you, as the Responsible Authority, with instructions for the preparation of an environmental review of the scheme. The EPA's instructions will also be forwarded to decision-making authorities and involved agencies and advertised in The West Australian newspaper as being publicly available.

There is a 14 day appeal period from the date of issue of these instructions during which, upon payment of a \$10 fee, anyone may lodge a written appeal with the Minister for the Environment regarding their contents. Please note, however, that there is no appeal against the EPA's decision to assess the scheme.

The environmental review must be prepared in accordance with the instructions and in consultation with the Department of Environmental Protection which manages the assessment on the EPA's behalf. The environmental review is a public document which is to be available for public comment during the public review of the scheme.

The EPA assesses the scheme and reports to the Minister for the Environment on the environmental factors relevant to the scheme. A copy of the EPA's report is sent to



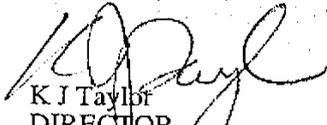
yourselves, decision-making authorities and involved agencies and is advertised in The West Australian newspaper as being publicly available.

Final approval for a scheme subject to assessment cannot be granted until the assessment is completed, the Minister for the Environment has issued an environmental approval and the Minister for Planning is satisfied that the scheme conforms with the conditions of that approval.

To expedite the assessment process could you please provide the name of the appropriate contact person within your organisation for this scheme.

If during the assessment of your scheme you require further information on the assessment or wish to present information to the EPA in committee please contact the DEP's assessment officer in the first instance. The assessment officer is NATALIE THORNING whose direct telephone number is 9222 7051.

Yours faithfully



K J Taylor
DIRECTOR
EVALUATION DIVISION

cc Peter Goff and Associates
Adross Estate Att: David Lanske

- 8 OCT 1999

MINUTES - ORDINARY COUNCIL MEETING - 16/11/99

** REFER DISCLAIMER **

MGA Environmental & Town Planning Consultants
TOWN PLANNING CONSULTANTS

29 Mayfair Street
West Perth 6005
Western Australia

Telephone (08) 9221 3011
Facsimile (08) 9324 1961
Email mga@global.net.au

Our Ref: 916

22 October 1999

Postal Address:
PO Box 104
WEST PERTH 6072

A.C.N. 009 967 230

Department of Environmental Protection
Westralia Building
141 St George's Terrace
PERTH WA 6000

CITY OF ALBANY RECEIVED		
28 OCT 1999		
FILE 497827A	CORRESPONDENCE 9915509	OFFICER MOEV
REPLY	ACKNOWLEDGEMENT	DATE RECEIVED
Y/A		

Attention: **Ms Natalie Thorning**

Dear Sir

**RE: CITY OF ALBANY TOWN PLANNING SCHEME AMENDMENT NO. 116
LOTS 79 & 80 BOND ROAD**

Thank you for your fax of 20 October inviting comment on the draft guidelines for a formal assessment of Amendment No. 116 and in response to which, we provide the following advice.

1. Our clients own a number of development parcels in the Yakamia locality of Albany, including Location 243 which is zoned for residential development and the subject of subdivision approvals. Location 243 and Lots 79 & 80 are in a different sewerage catchment to the other parts of the Yakamia land holding. As such, a temporary sewage pumping station is required to service the land. For reasons of efficiency (economic and operational), it makes sense to extend the catchment of the pumping station to cover an area as large as reasonably possible hence the rezoning of Lots 79 & 80 was considered.
2. In carrying out detailed design to implement subdivision approvals over Location 243, it became apparent that unsewered urban development of land in Hudson Road/Leonora Street was discharging drainage waters directly into the watercourse running through Lots 79 & 80. The water was then discharged (without detention) to the Yakamia Creek and thence to Oyster Harbour. As part of designing the drainage for Location 243, our client also designed and constructed detention basins in Lots 79 & 80 capable of detaining drainage water from the Leonora Street/Hudson Road area. This work was designed and constructed in close liaison with the Water & Rivers Commission. The drainage facilities on Lots 79 & 80 were also capable of taking water from Lots 79 & 80 as well as adjacent, future urban land in the locality. Since there had been a significant investment in infrastructure to treat drainage not only from the subject land but an existing urban area, it was decided to secure the future of Lots 79 & 80 through rezoning. This therefore provided the second reason for requesting Council's initiation of a zoning amendment. The drainage facilities treating water from the existing urban land remain on private land and are not vested in any authority for use and maintenance.

...2/...

Page two

3. In light of the involvement of environmental agencies in the preparation of such documents as the Yakamia Structure Plan and Albany Residential Expansion Strategy, it seemed reasonable to anticipate that rezoning could proceed without a formal review although the Department of Environmental Protection's informal advice would no doubt have been welcomed.
4. In view of the above points and the fact that the land parcel is relatively small with already a high proportion shown as open space, our clients can see little benefit to them in proceeding with an environmental review. We are therefore advising the City of Albany that we are withdrawing our request for the rezoning of Lots 79 & 80 by sending them a copy of this letter.

Yours faithfully

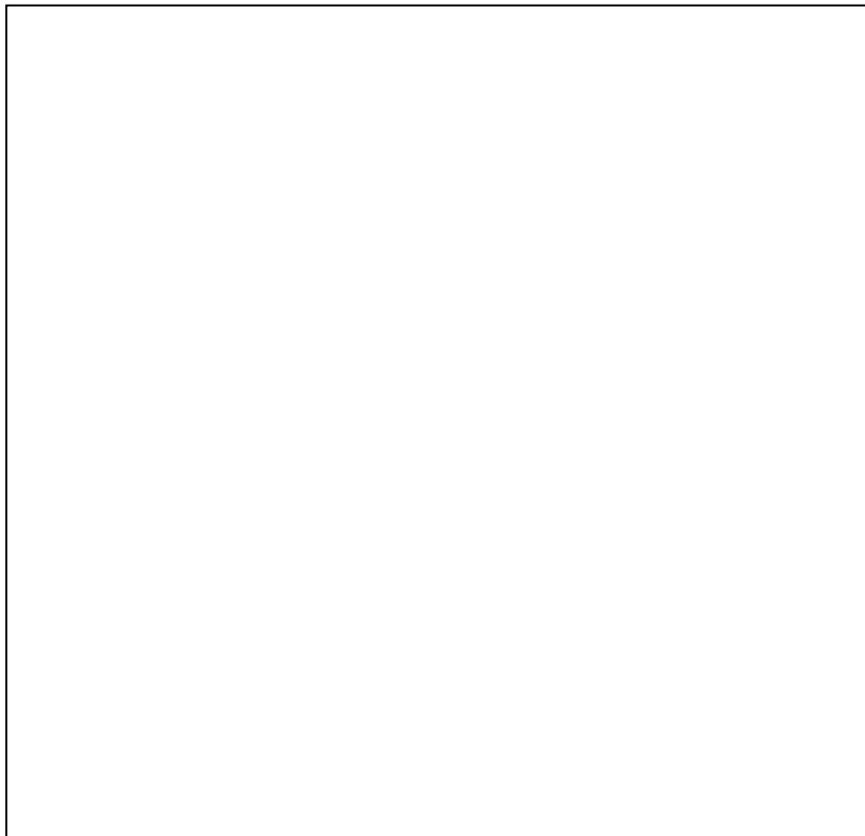


P M GOFF

c.c. City of Albany - Attn Mr R Fenn

12.1.3 Initiate Amendments - Bushby/Bon Accord/Prideaux Roads, Lower King

File / Ward	:	AMD 159 (Kalgan Ward)
Proposal / Issue	:	Rezoning of land from “Rural” zone to “Special Rural” zone and “Parks and Recreation (Non Restricted) Reserve”
Subject Land	:	Lots bounded by Bushby, Bon Accord and Prideaux Roads
Proponent	:	Ayton, Taylor & Burrell
Owner	:	Various
Reporting Officer	:	Manager – Development (R A Olsen)
Previous Reference	:	Cncl C of A 04/08/99 Item 12.1.17 Cncl S of A 23/04/98 Item 13.3.4 Cncl S of A 11/06/97
Summary Recommendation	:	Initiate Amendment
Locality Plan	:	



Item 12.1.3 continued

BACKGROUND

1. Council is requested to amend Town Planning Scheme 3 by rezoning 32 “Rural” zoned lots to “Special Rural” zone. The subject land is generally located in the vicinity of Bushby, Bon Accord and Prideaux Roads, Lower King. The rezoning will facilitate the subdivision of the area into 84 lots. Several landowners affected by the rezoning have advised that they do not wish to be involved however Council previously determined that the rezoning should incorporate all lots in the Local Rural Planning Strategy Policy Area.
2. Council is requested to formally initiate the rezoning. This action will commence the legal process pursuant to the Town Planning and Development Act 1928 (as amended). The Amendment will require examination by the Western Australian Planning Commission and referral to a number of government departments; including the EPA. There is likely to be a number of issues arising from this however the Regional Manager of the Ministry for Planning attended the resident’s meetings and endorses the actions recommended.

STATUTORY REQUIREMENTS

3. The documents will be forwarded to the Department of Environmental Protection (DEP) upon passing the resolution to initiate the amendment. The DEP has the capacity to require a formal assessment of the proposal at this stage.
4. Following receipt of the DEP’s advice the documents are advertised over 42 days for public comment and they are then referred back to Council for final approval.

POLICY IMPLICATIONS

5. The subject area is included within the Oyster Harbour 10 Policy Area of the City of Albany Local Rural Strategy. The Strategy promotes the development of the area for rural residential purposes subject to:-
 - a) relocation of the septage disposal facility; and
 - b) zoning provisions based upon the identified constraints and land management needs.
6. These constraints are summarised as follows:-
 - area is visually sensitive
 - part of the area is low lying
 - revegetation would be desirable
 - the potential for small scale tourist development needs to be assessed; and
 - provision of foreshore reserves along King River.

Item 12.1.3 continued

FINANCIAL IMPLICATIONS

7. The most significant issue relates to that of service provision and cost apportionment between the landowners. The main services that are affected by this are:-
- road upgradings for Bushby, Bon Accord and Prideaux Roads;
 - provision of new subdivisional roads and accessways;
 - provision of reticulated water supply;
 - underground electricity; and
 - strategic firebreaks.
8. The proposed subdivision of the area, if left uncoordinated, may result in servicing difficulties. Landowners have been consulted on these difficulties and advised:-
- a) the first developer will act as a ‘pioneer’ and may have to incur significant head works cost which will then benefit other landowners;
 - b) the first draft of the amending documents would potentially allow developers to appeal against any Council request for developer contributions towards the upgrading of roads etc; and
 - c) the above two issues would lead to frustration from landowners that the subdivision is impractical or difficult to achieve. This could place additional pressure upon Council to coordinate and pre fund works so that development can occur.
9. Further examination of the proposal indicated servicing costs which needed to be co-ordinated in the order of (excluding fees and contingencies):-

Roadworks	
- upgrading of existing roads	\$ 204,000
- new roads	\$ 106,000
Accessways/Crossovers	\$ 100,000
Water Reticulation	\$ 225,000
Strategic Firebreaks	\$ 100,000

STRATEGIC IMPLICATIONS

Nil.

Item 12.1.3 continued.

COMMENT/DISCUSSION

10. At its meeting on the 4th August 1999 Council resolved:

“THAT Council

- i) Given the consultation that has occurred with the residents, and their desire to proceed in the knowledge of the potential servicing issues, Council resolves that it is prepared to adopt Amendment No. 159 upon receipt of the necessary documentation.*
- ii) The proponent be required to provide suitable amending documents which include the modifications contained in the attachment.*
- iii) The residents and their consultant be advised of the above and informed that the purpose of this resolution is to allow Amendment No. 159 to proceed to public advertising and examination by government agencies. No commitment can be given by Council that the Amendment will be adopted for final approval, without further modifications.”*

11. The amending documents have been received. They have been checked, and meet the requirements of Council’s previous resolution. A copy is included in the Elected Members Report / Information Bulletin.

12. There is a clear indication in the Rural Strategy that the area has potential for development. A strong public expectation has been created, over a long period of time, that Council supports the initiative to rezone the land. The main servicing issue has been addressed in the documents before Council and the residents are now fully aware of the likely implications. The Amendment should now proceed to public advertising.

RECOMMENDATION

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), amends the City of Albany Town Planning Scheme 3 by:

Rezoning of Lots 5, 1, 9, 3, 7, 34, 33, 11 & 31 of Loc 50 Bon Accord Road Lower King, Lots 6, 2, 10, 4, 8, 38, 37, Pt 36, 35, 27, 52, 43, 44, 45, 46 & 64 of Loc 50 and Lot 1 of Loc 1336 Bushby Road Lower King, Lots 28, 51, 29 & 30 of Loc 50 and Lot 4 of Loc 4378 Prideaux Road Lower King and Lot 63 of Loc 50 Shell Bay Road Lower King from the Rural zone and the Parks and Recreation (non restricted) reserve to the Special Rural zone and the Parks and Recreation (non restricted) reserve.

Voting Requirement Simple Majority

.....

Item 13.1.3. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR WILSON**

THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), amends the City of Albany Town Planning Scheme 3 by:

Rezoning of Lots 5, 1, 9, 3, 7, 34, 33, 11 & 31 of Loc 50 Bon Accord Road Lower King, Lots 6, 2, 10, 4, 8, 38, 37, Pt 36, 35, 27, 52, 43, 44, 45, 46 & 64 of Loc 50 and Lot 1 of Loc 1336 Bushby Road Lower King, Lots 28, 51, 29 & 30 of Loc 50 and Lot 4 of Loc 4378 Prideaux Road Lower King and Lot 63 of Loc 50 Shell Bay Road Lower King from the Rural zone and the Parks and Recreation (non restricted) reserve to the Special Rural zone and the Parks and Recreation (non restricted) reserve.

MOTION CARRIED 14 – 0

12.1.4 Home Occupation (Family Day Care) – 4 Warden Avenue, Spencer Park

File/Ward : A158877 (Breaksea Ward)

Proposal/Issue : Home Occupation – Family Day Care

Subject Land/Locality : Lot 2 Location PL43 (No. 4) Warden Avenue, Spencer Park

Proponent : ME Sloan

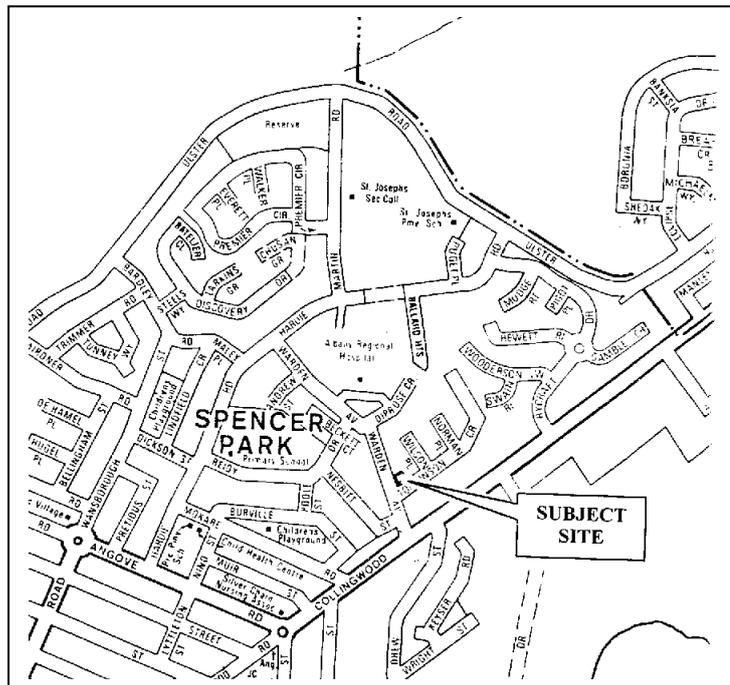
Owner : PJ & JE McMahon

Reporting Officer : Planning Assistant (P Watt)

Previous Reference : Nil

Summary Recommendation: Grant Planning Scheme Consent

Locality Plan :



Item 12.1.4 continued

BACKGROUND

1. An application for the Grant of Planning Scheme Consent has been lodged with Council to establish a Home Occupation (Family Day Care) at 4 Warden Avenue, Spencer Park. The applicant seeks to care for up to 5 children of pre school age 24 hours a day. At least one of the children is to be a child who attends a pre-primary program at a pre-primary or pre-school centre.

STATUTORY REQUIREMENTS

2. The lot is zoned “Residential” and a Home Occupation is an ‘SA’ use under Town Planning Scheme 1A. This requires that the proposal be advertised and that surrounding landowners are notified and given 21 days to lodge a submission. Four submissions were received opposing the application including one in the form of a petition with 19 signatures.

POLICY IMPLICATIONS

3. There are numerous Family Day Care Centres operating from Residential areas within the City.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

4. The Child Care Services Board licences Family Day care home occupations. The licences permit the caring 24 hours a day for up to 5 children of pre-school age plus 2 under the age of 12. That body is responsible for all issues relating to safety and suitability of the residence and makes regular inspections to check these issues. The applicant wishes to retain the right to operate 24 hours a day but expects that most custom will be in daylight hours.
5. Attached is a copy of the Schedule of Submissions. The Schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council’s consideration.
6. In considering the comments from neighbours, staff were conscious that a couple with an extended family couple move to the property and they would not need Council approval. Also, other family day care premises have operated without complaint and with minimal impact upon the suburbs into which they have been placed.

Item 12.1.4 continued

RECOMMENDATION

THAT

- i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, upheld and dismissed as detailed.
- ii) the Executive Director Development Services issue a conditional Planning Scheme Consent for a Home Occupation (Family Day Care) at Lot 2 Part Location 43 (No. 4) Warden Avenue.

Voting Requirement Simple Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR CECIL**

THAT

- i) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either noted, upheld and dismissed as detailed.**
- ii) the Executive Director Development Services issue a conditional Planning Scheme Consent for a Home Occupation (Family Day Care) at Lot 2 Part Location 43 (No. 4) Warden Avenue.**

MOTION CARRIED 14 – 0

**Schedule of Submissions
Assessment A158877**

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	<p>L & J Partington 3 Wilson Place Albany WA 6330</p> <p>(19 signatures attached to letter – copy attached)</p>	<p>A) The area is surrounded by retired couples who wish to have a quiet neighbourhood.</p> <p>B) The house is inadequate for child care.</p> <p>C) The rear fence is only 1.2m high and may require raising. Concern was raised as to who would pay for increasing the height of the fence.</p> <p>D) Surrounding real estate may drop in value.</p>	<p>A) The area is not a defined retirement village. As such there is nothing to prevent a family with young children moving in to the residence.</p> <p>B) The Child Care Services Board is responsible for all issues relating to safety and suitability of the residence and makes regular inspections to check these issues.</p> <p>C) The Child Care Services Board have advised that 1.2m is the minimum height requirement. Any increase in height is a matter for the occupants of the properties concerned. The applicant has been advised that screening through vegetation or raising the fencing would help retain the privacy of adjoining landowners.</p> <p>D) This is a subjective statement and is not an issue on which Council can comment.</p>	<p>A) Dismiss</p> <p>B) Noted</p> <p>C) Noted</p> <p>D) Noted</p>

MINUTES - ORDINARY COUNCIL MEETING – 16/11/99

** REFER DISCLAIMER **

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
2.	H Stanbury 8 Warden Avenue Albany WA 6330	<p>A) The area is surrounded by retired people.</p> <p>B) The proposal will increase traffic in the area.</p> <p>C) The proposal will increase noise in the area.</p>	<p>A) See comment at 1A</p> <p>B) Warden Avenue leads directly to Albany Regional Hospital. The increase in traffic expected by this proposal would be minimal and indistinguishable from the normal daily traffic flow.</p> <p>C) The applicant has stated that the noise level that may be generated by the proposal is likely to be no greater than that which could be expected if a family with young children moved in to the residence. Also H. Stanbury's residence does not adjoin the property in question.</p>	<p>A) Dismiss</p> <p>B) Dismiss</p> <p>C) Noted</p>
3.	NA Hawkins 3 Tomlinson Crescent Albany WA 6330	<p>A) The extra vehicles on the street could be a safety hazard for the children.</p> <p>B) The area is surrounded by retired people.</p> <p>C) The blocks are of an insufficient size for child care.</p> <p>D) The residents have lived in the area for many years and have an unofficial neighbourhood watch. The proposal would result in more strangers in the area.</p> <p>E) The value of real estate may be affected.</p>	<p>A) See comment at 1B and 2B</p> <p>B) See comment at 1A</p> <p>C) See comment at 1B</p> <p>D) The children on the site would be left on a regular basis and it is unlikely that strangers would be attracted to the activity.</p> <p>E) See comment at 1D</p>	<p>A) Noted</p> <p>B) Dismiss</p> <p>C) Noted</p> <p>D) Dismiss</p> <p>E) Noted</p>

MINUTES - ORDINARY COUNCIL MEETING – 16/11/99

** REFER DISCLAIMER **

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
4.	EL & CE Ackley 6 Warden Avenue Albany WA 6330	<p>A) The proposal is in the adjoining property and will increase noise in the area. The proposal intends to operate 24 hours a day and so noise may continue until late in the evening.</p> <p>B) The value of real estate may be affected.</p> <p>C) There is inadequate parking on the site.</p> <p>D) The back yard is too small for 7 children to play in and the front is not fenced off from the road thus presenting a safety risk to the children.</p>	<p>A) See comment at 2C.</p> <p>B) See comment 1D</p> <p>C) The house in question has a double garage and driveway. This could accommodate up to four cars of customers at any one time.</p> <p>D) See comment at 1B</p>	<p>A) Noted</p> <p>B) Noted</p> <p>C) Dismiss</p> <p>D) Noted</p>

ORDINARY COUNCIL MEETING AGENDA - 16/11/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

CITY OF ALBANY

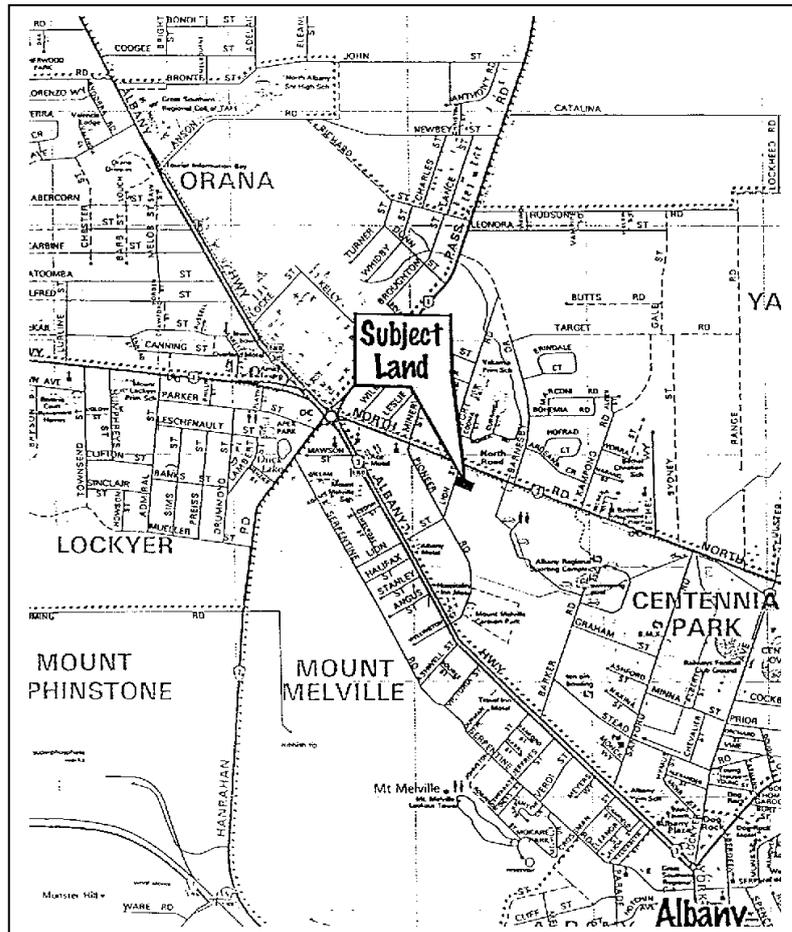
ATT: MR PAUL WATT

WE THE UNDERSIGNED LANDOWNERS OBJECT TO THE PROPOSAL OF A CHILD CARE CENTRE AT 4 WARDEN AVENUE, ALBANY.

- Christine Ackley 6 Warden Ave
- E. L. Ackley 6 WARREN AVE.
- Kessie A. Hawkins 3 Tomlinson Cross Albany
- Harold Stantbury 8 Warden Av. Albany
- Merle M. Jones 6 Wilson Place Albany
- Eric B. Glaner 6 Wilson Place Albany
- Roy Ambrose 9 WILSON PLACE, ALBANY
- Allan Brown 12 WILSON PLACE ALBANY
- Beryl Drage 12 Wilson Place Albany.
- Eva Souiness 7 Tomlinson Cross.
- ANGELA SOUINESS " "
- John Partridge 3 Wilson Place Albany
- Joan Liddiard 5 Tomlinson Cross Albany.
- Jack Liddiard 5 Tomlinson Cross Albany
- Ly - Partridge 3 Wilson Place Albany
- Phyllis " 11 WOODSTAVE ALBANY
- M. Vandy " "
- Elen Wauton 9 Tomlinson Cross Albany.
- John Wauton 9 Tomlinson Cross "

12.1.5 Final Approval for Amendment – 64 Lion Street, Centennial Park

- File/Ward** : A132407A / AMD 122 (Frederickstown Ward)
- Proposal/Issue** : Grant final approval for rezoning from Residential 'R20' to Clubs and Institutions
- Subject Land/Locality** : Lot 288 (No. 64) Lion Street, Centennial Park
- Proponent** : Ayton Taylor & Burrell
- Owner** : A & JA Partington
- Reporting Officer** : Planning Assistant (P Watt)
- Previous Reference** : Cncl 24/08/99 Item 12.1.6
Cncl 13/07/99 Item 12.1.2
- Summary Recommendation:** Grant final approval
- Locality Plan** :



Item 12.1.5 continued

BACKGROUND

1. On the 24th August 1999, Council resolved to initiate a town planning scheme amendment to the City of Albany's Town Planning Scheme 1A. The amendment sought to change the zoning of the land adjoining BodyCare from "Residential 'R20'" to "Clubs and Institutions". The amendment was advertised for 42 days, up till the 28th October 1999, and two submissions were received during that period.
2. The amendment seeks to provide for uses such as a physiotherapy and medical centre and possible future expansion of the Bodycare Health and Fitness Centre. The lot is 3060m² in area.

STATUTORY REQUIREMENTS

3. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
4. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, without or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council's recommendation or he can require his own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if he considers Council's decision is not consistent with orderly planning.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 12.1.5 continued

COMMENT/DISCUSSION

5. Rezoning the lot to Clubs and Institutions would enable the site to be developed for such uses as a medical centre, private recreation and club premises. Such uses would be consistent with existing uses on North Road and would facilitate the expansion of the Bodycare health and fitness centre.
6. Lion Street is generally of a residential character with non-residential uses being confined to the properties adjoining North Road. A rezoning represents an extension of the commercial uses of the surrounding areas on the corner of North Road and Lion Street. It would facilitate a minor extension of non-residential uses into a residential area.
7. Attached is a copy of the Schedule of Submissions on the scheme amendment. The schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council’s consideration.
8. The submissions do not provide planning justification to refuse the amendment, nor do they raise additional requirements which would warrant an amendment to the draft documents.

RECOMMENDATION

THAT;

- i) Council grant final approval, without modification, to Amendment 122 to the City of Albany Town Planning Scheme No. 1A to rezone Sub Lot 288 (No. 64) Lion Street, Centennial Park from “Residential ‘R20’” to “Clubs and Institutions”.
- ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed.
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

.....

Item 12.1.5. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MOUNTFORD**

THAT;

- i) Council grant final approval, without modification, to Amendment 122 to the City of Albany Town Planning Scheme No. 1A to rezone Sub Lot 288 (No. 64) Lion Street, Centennial Park from “Residential ‘R20” to “Clubs and Institutions”.**
- ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed.**
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 14 – 0

**Town Planning & Development Act 1928 (As Amended) TPS3
Proposed Amendment No. 122
Schedule of Submissions**

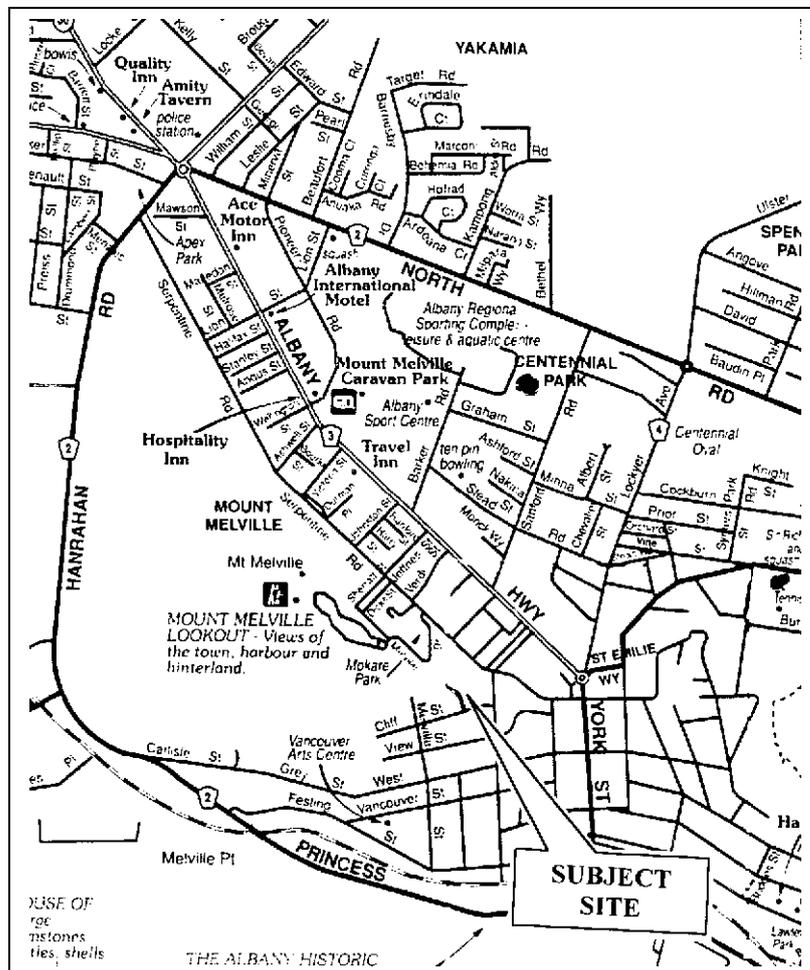
Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	Water Corporation PO Box 915 Albany WA 6331	No objection	Submission noted	Noted
2.	Ministry of Housing GPO S1400 East Perth WA 6004	<p>No objection provided;</p> <p>1) The positioning of any future buildings does not affect the amenity of the Ministry of Housing property at 60 Lion Street.</p> <p>2) That vehicular access and egress does not interfere with surrounding residential amenity.</p> <p>3) That sufficient on-site parking is provided on the land.</p>	<p>1) Any future building on the property would have to comply with the City of Albany's development guidelines. The intention of these provisions is to create visually attractive development.</p> <p>2) Access and egress would be examined under any future development proposal. The intention is to amalgamate Sub Lot 288 with the lot containing the Bodycare Health and Fitness Centre. This will allow for access and egress to be integrated between the lots.</p> <p>3) A clubs and institutions zoning requires carparking to be provided at the minimum rate of 1 bay per 40m² of gross floor area.</p>	<p>1) Noted</p> <p>2) Noted</p> <p>3) Noted</p>

12.1.6 Partial Road Closure – Warrangee Lane, Albany

- File/Ward** : SER088 (Vancouver Ward)
- Proposal/Issue** : Partial Road Closure
- Subject Land/Locality** : Warrangee Lane (previously part of Robinson Street)
- Proponent** : CR & AI Burcher
- Owner** : Crown
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 24/08/99 Item 12.1.11
ToA Cncl 08/04/97 Item 6.1.7
ToA TS&D 20/08/96 Item 7.40.6

Summary Recommendation:

Locality Plan :



Item 12.1.6 continued

BACKGROUND

1. Mr and Mrs Burcher own a property adjacent to Warrangee Lane (previously a portion of Robinson Street) and the road pavement finishes at the frontage of their land due to extensive rock outcrops within the road reserve. The Burcher's driveway is an extension of the road pavement and they use an adjoining section of Warrangee Lane to gain access to their rear yard from the front of their property. The Burchers are seeking Council approval for the closure of a 6 metre portion of Warrangee Lane adjoining their land. Once closed, they are seeking to incorporate the closed road reserve into their title.
2. At its meeting on the 24th August 1999, Council resolved:

“THAT Council approach those residents who previously objected to the closure of the section of Warrangee Lane adjoining Lot 500 Warrangee Lane, Albany and seek comment on the request from CR & AI Burcher.”
3. Four written and one verbal submission have been received from adjoining landowners and an interested resident. Copies of the submissions and a plan of the proposed closure follow this report.
4. Mr & Mrs Burcher have developed portion of the 10 metre wide road reserve with garden beds and they use Warrangee Lane as the principal vehicle access route between their front and rear yards. To travel between Bay and Cliff Street the general public have utilised the Burcher's driveway. The Burcher's have placed signs at their property boundary advising that their driveway is not a thoroughfare.

STATUTORY REQUIREMENTS

5. The closure of a public road is initiated under Section 288A of the Local Government (Miscellaneous Provisions) Act. That section of the Act requires that Council resolve to close the road, as detailed on a certain plan, and then that plan is referred to adjoining landowners and the public for comment.

POLICY IMPLICATIONS

6. Guidelines of the Department of Land Administration (DOLA) require that any closed road be offered equally to both landowners fronting the road reserve. In this case, the 10 metre reserve would be closed and 5 metres each would be offered to the Burcher's and the owners of lots 482 (Knewstubb) and lot Pt 483 (Wylie). To allocate all of the land to one landowner normally requires the consent of the other parties to the closure or a 'demonstrated case' for a departure from the guidelines.
7. There is no obligation upon Council to close the road reserve.

Item 12.1.6 continued

FINANCIAL IMPLICATIONS

8. If the road closure process is completed in accordance with the Act, the land in the road reserve is sold by DOLA to the landowner(s) pursuant to State Government disposal guidelines.

STRATEGIC PLAN IMPLICATIONS

9. Council has released a “Draft Trails Masterplan” which seeks to link key recreational assets within the City’s urban areas. Warrangee Lane was acknowledged as a potential route between Mount Melville and the Central Business District.

COMMENT/DISCUSSION

10. The majority of Warrangee Lane adjoining lot Pt 483 is solid granite or granite boulders. Definition of property boundaries and Warrangee Lane in this locality is difficult and many walkers are inadvertently trespassing upon private property when moving through this area.
11. To retain a minimum width accessway along Warrangee Lane for pedestrians would require a 5 metre reservation, leaving 2.5 metres for each of the adjoining landowners to incorporate into their titles. Construction of an access track along the centreline of the road reserve would be impractical due to the presence of rock or it would be very expensive.
12. An analysis of the submissions indicates a desire by landowners on the western side of Warrangee Lane to retain access to their properties. Each offers an alternate option for the closure of the road and the allocation of the land contained therein.
13. Concern has been raised by landowners that;
 - Traffic volumes in this locality are low and they feel that the numbers of vehicles using the Burcher’s driveway would be minimal;
 - The Burcher’s can preclude vehicles entering their property by placing a gate upon the Warrangee Lane access driveway;
 - The decision of the Burcher’s to “beautify” the Warrangee Lane verge has created the impression that the road reserve belongs to them;
 - Through traffic can be reduced by the placement of appropriate ‘No Through Road’ signs upon Bay Street, near the Melville Street intersection; and
 - Bay Street is an unconstructed road and its construction would better define the relationship between public and private spaces.

Item 12.1.6 continued

RECOMMENDATION

THAT Council;

- i) Undertake an inspection of the subject road reserve in the presence of the adjoining landowners;
- ii) Place a ‘No Through Road’ sign upon Bay Street, at its intersection with Melville Road, and upon Warrangee Lane, at its intersection with Cliff Street; and
- iii) Withdraw from any further action to close portion(s) of Warrangee Lane.

Voting Requirement Simple Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR ARMSTRONG**

THAT Council;

- i) Notes that an inspection of the subject road reserve has taken place in the presence of the adjoining landowners;**
- ii) Place a ‘No Through Road’ sign upon Bay Street, at its intersection with Melville Road, and upon Warrangee Lane, at its intersection with Cliff Street; and**
- iii) Withdraw from any further action to close portion(s) of Warrangee Lane.**

MOTION CARRIED 12 – 2

CITY OF ALBANY RECEIVED		
11 OCT 1999		
FILE	CORRO No.	OFFICER
SE 088	9914972	EDDS
REPLY	ACKNOV SENT	CNL/BLTN
YR	/ /	

Attention: R Fern
Executive Director Development Services
Albany City Council
York Street
Albany WA 6330

SUBJECT: PROPOSAL ROAD CLOSURE - WARRANGEE LANE

As owners of Lot 482 Bay Street, adjoining Warrangee Lane, my wife and I seek to purchase equal section of land as Mr & Mrs Burcher, of Lot 19 Warrangee Lane should a closure/partial closure of the said lane be approved.

I would like to refer to our letter submitted to council on 23 April 1997 as we feel the situation has not really changed except that we now have a house being built and would like to erect a permanent native plant buffer (similar to Burcher's stone constructions) should we obtain the 3 metre strip.

Commenting on council minutes 24/08/1999 (comments/discussion)

- 7 (i) The pedestrian traffic has increased.
(ii) Mr and Mrs Burcher already have 2 readily accesses to their property:
1 directly from Warrangee services the front of their property.
1 directly from Bay Street services the rear.

Signage: Although Mr Burcher has erected signs I feel these are

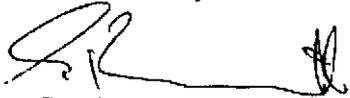
- a) on Council property
b) inappropriate as nothing indicates the driveway is on a private land.

Mr Burcher would be quite within his rights to erect a gate on his land if he has vehicle problems. Thousands of land owners have no rear access and this situation could create a precedent for other owners with limited access to their property.

Council could help alleviate the problem by strategically placing No Through Road signs, erection of a vehicle barrier or the permanent structure of a cul-de-sac.

I would be only be to pleased to meet council on site and discuss these proposals.

Yours sincerely



Gary Knewstubb
12 Cliff Street (Lot 482 Bay St)

8 October 1999

RD & AE Rathbone
167 Serpentine Road
ALBANY WA 6330

City of Albany
PO Box 484
ALBANY WA 6330

Your Ref : SER088

CITY OF ALBANY RECEIVED		
- 6 OCT 1999		
FILE SER088	CONTR NO. 9914807	OFFICER EDDS
REPLY YK	ACKNOW SENT / /	CNL/BLTN

5th October 1999

Dear Mr Fenn

PROPOSED PART ROAD CLOSURE - WARRANGEE LANE

We refer to your letter of 22nd September on the above matter and advise that we have no objection to the partial closure of Warrangee Lane provided that :

1. Provision is made for the drainage of the eastern 80-100m of Bay Street. This runoff currently collects in a quarried depression at the eastern extremity of Bay Street which, at the end of winter, becomes a stagnant, algae filled, health and safety hazard before drying out in early summer.
2. Adequate space is retained at the eastern end of Bay Street for the construction of a vehicle turnaround.
3. Pedestrian access is retained (and improved) between Bay Street and the south east portion of Warrangee Lane. (This could be combined with drainage in the style of granite contour drains that are a feature on the adjoining Mt. Melville reserve.)
4. The portion of Warrangee Lane fronting our property (Pt. 121) be renamed Bay Street as it is only 30m long and will have no connection to any street other than Bay Street should this proposal proceed.

Notwithstanding the above comments we do not feel that road closure will solve the problems being experienced by the owners of Lot 19 and suggest the strategic placement of some large granite boulders at the eastern end of Bay Street would be the most effective practical solution.

Should you wish to discuss any of the points raised we can be phoned on 9841 6616. Thank you for the opportunity to comment.

Yours faithfully



Richard Rathbone



Alison Rathbone

G. Wylie
10 Cliff Street
Albany, W.A., 6330

Attention: Mr Robert Fenn

RE: Partial Road Closure
Warrangee Lane
(Previously Robinson Street)

Mr Fenn,

CITY OF ALBANY RECEIVED		
18 OCT 1999		
FILE	CORR NO.	OFFICER
SE088	9915194	EDDS
REPLY	ACKNOWLEDGMENT	DATE/TIME
Y/N	1/1	

I am the resident of lot 483, number 10 Cliff St. My property will be affected by the proposed amalgamation of the Robinson Street road reserve and LOT Pt 121 and LOT 19. I object to the amalgamation on the following grounds.

The applicant, Mr Bircher, states his reasons for the amalgamation as;

1. To stop the continued use of our private driveway by unauthorised persons.
2. Our need for private access to our house.

OBJECTION 1

I believe proper signage such as no through road signs at the junction of Melville and Bay Streets and Robinson and Cliff Streets and a private driveway sign at the foot of Mr Birchers driveway will stop the use of his driveway by unauthorised persons, most of whom appear to be tourists or other Albany residents trying to gain access to the other side of Mt. Melville, not as asserted by Mr Bircher " other land owners..along Bay Street."

Failing this Mr Bircher can erect a gate at the top or the bottom of his driveway or on the driveway at the rear of his property, which already occupies part of the Robinson St road reserve, a situation that still allows public walk access and doesn't bother any of the adjoining residents.

OBJECTION 2

Mr Bircher already has private access to the front of his house. He is further able to gain private access to the rear of his house through the use of a driveway using the Robinson Street road reserve to the rear of his property which is fenced and therefore private.

OBJECTION 3

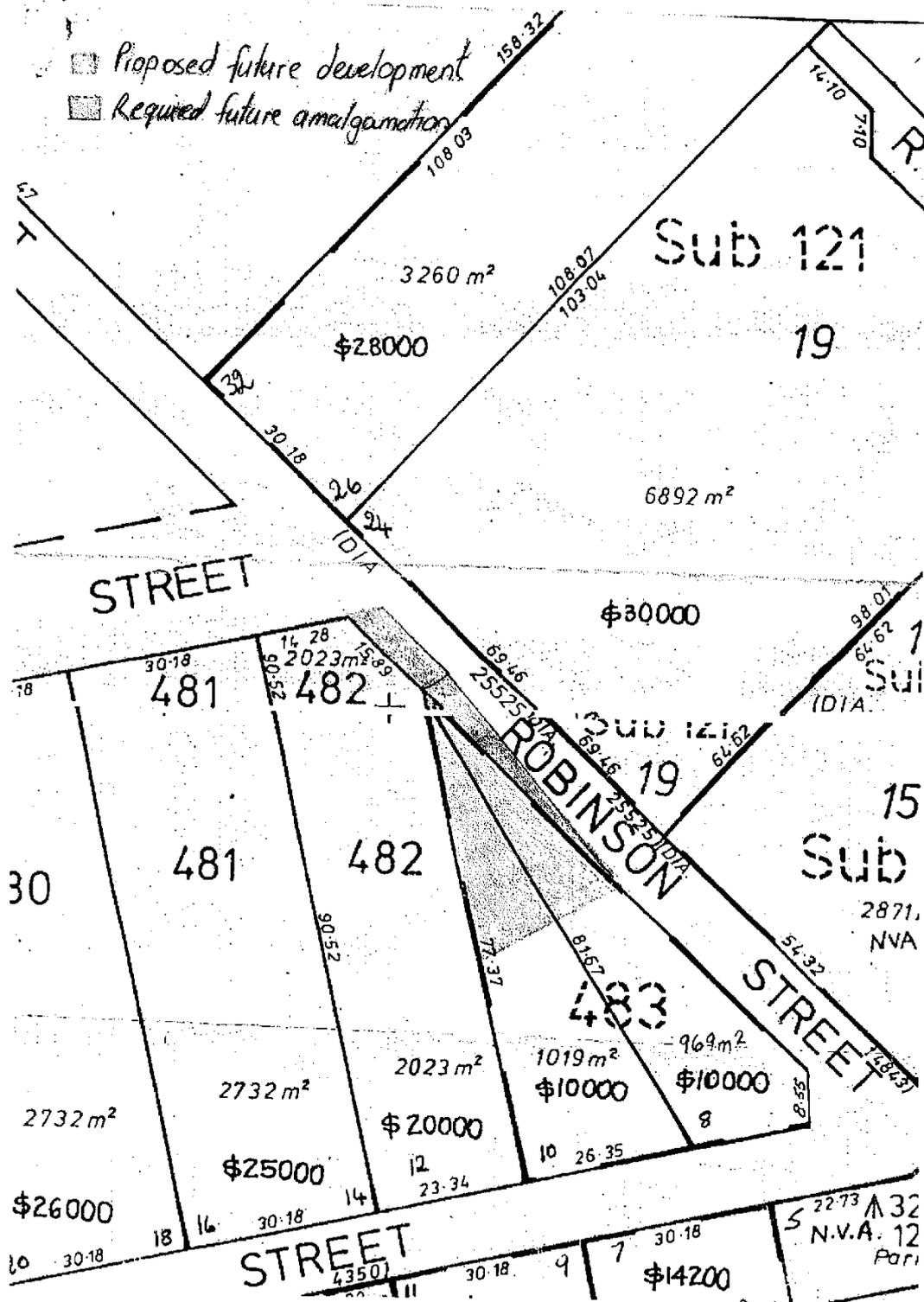
The future combination of the rear sections of lots 483 (10 Cliff Street and 8 Cliff Street) for subdivision and re-development will be adversely affected by Mr Birchers proposed amalgamation. This re-development, which I have discussed with the owners of the adjoining block and would like to undertake at some future date, would also require the amalgamation of some of the Robinson Street road reserve to enable rear access to the newly created block. (See attached sheet)

Granting Mr Birchers proposed amalgamation will leave reduced road reserve which the council requires for public right of way. This requirement will affectively rule out any future development as I have outlined above.

I therefore see the best option for all concerned is the following:

1. Posting of appropriate signage to advise motorists of the private nature of the road and driveways.
2. Leave access to the rear of Mr Birchers property, via the use of existing driveway using Robinson Street road reserves, as it is.
3. This allows options for future development as outlined.

Yours Sincerely,



Barrie Bickford & Associates

CERTIFIED PRACTISING ACCOUNTANTS

B.N. Bickford FCPA ACIS ACIM

76 Aberdeen Street
P.O. Box 5082
Albany WA 6332

Telephone
(08) 9841 3736
(08) 9841 8111

Mr R J Fenn
Executive Director - Development Services
City of Albany
PO Box 484
ALBANY WA 6331

CITY OF ALBANY RECEIVED		
18th October 1999		
18 OCT 1999		
FILE SEROEX	CORBO No. 9915267	OFFICER EDDS
REPLY Y(N)	ACKNOW SENT / /	CNL/BLTN

NB:
Attachment
sent to
office

Dear Robert,

PROPOSED WARRANGEE LANE - PART ROAD CLOSURE

Thanks for giving us the opportunity to comment on the request by CR & AI Burcher that Council reconsider its June 1997 decision "not to proceed with proposed road closure of Robinson Street between Bay Street and Cliff Street, Albany".

The reason given for renewing the request to close portion of Warrangee Lane (formerly Robinson Street) and amalgamate it with the Burcher's property is stated as "to stop continued use of our private driveway by unauthorised persons."

The Burcher's, having three separate accesses from Warrangee Lane into their property may be tempting unauthorised use. However, their letter does not indicate how many, how frequently and by whom these infringements occur. As until recently there was only one residence in Bay Street, now two, vehicle use is minimal.

We do not believe Council has any liability to resolve this problem. Mr and Mrs Burcher could affix a large "Trespassers Will Be Prosecuted" sign on their fence, seek legal redress and / or erect a gate at one of their entrances.

Instead, Council should be concerned with the big picture of walk trails on Mount Melville and secure this whole section of road reserve between Bay and Cliff Streets for public open space as a right of way for a wide curved, graded pedestrian access linking the city centre and Mount Melville. Also, the portion of Warrangee Lane abutting Bay Street should become "Bay Street" and incorporate a proper vehicle turning circle.

It is stated in Council's Draft Trails Master Plan on pages 30 and 35 that

"though no signage exists and there is no brochure and map available, many tracks and trails already exist on Mount Melville.... Walkers and mountain bikers regularly use existing firebreaks, tracks and 4WD roads. A considerable amount of trails construction involving steps and erosion control has recently occurred, though information on this project was unobtainable during the preparation of this report..... Extension of the trails currently under construction would be desirable, as well as signage, mapping and promotion. The City of Albany has recently received a grant from Trailswest for a dual use trail on Mount Melville.... Mount Melville is also a highly visited tourist attraction, and is in close proximity to residential areas of the town of Albany. Existing trails and tracks are well utilised already, though no signage, brochures or maps are available."

Attendees at the Trails Public Meeting rated repairs of existing trails at Mounts Melville, Clarence and Adelaide as the fourth most important priority out of eighteen.

-2-

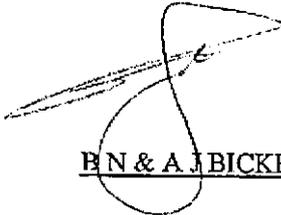
Although in 1996 we were prepared to agree that the granting of a small amount of land to Mr and Mrs Burcher could be acceptable we now believe that with the Statewide emphasis on trails and the funding to complete them, the whole of this section of Robinson Street should be retained. The public will appreciate an easy walk trail meandering through the trees and shrubs planted by Mr and Mrs Burcher, as occurs in Cooinda Park, and will not be confined to a narrow trail too close to existing residences.

Enclosed is a map showing the loop walk trails from town centre to Mount Melville and return, together with previous correspondence to and from the Town of Albany to give you a complete overview of the position.

The area marked with red arrows between Bay Street and Maskill Place on the plan is being used as an illegal vehicle roadway. Council had blocked this with a large rock but it was removed. This barrier should be restored urgently as the illegal roadway may be adding to Mr and Mrs Burcher's problems. The walking path needs to be constructed through that area but before that occurs the owner of Lot 37 Maskill Place should remove the reticulation and poison the kikuyu he is cultivating in the reserve behind his property.

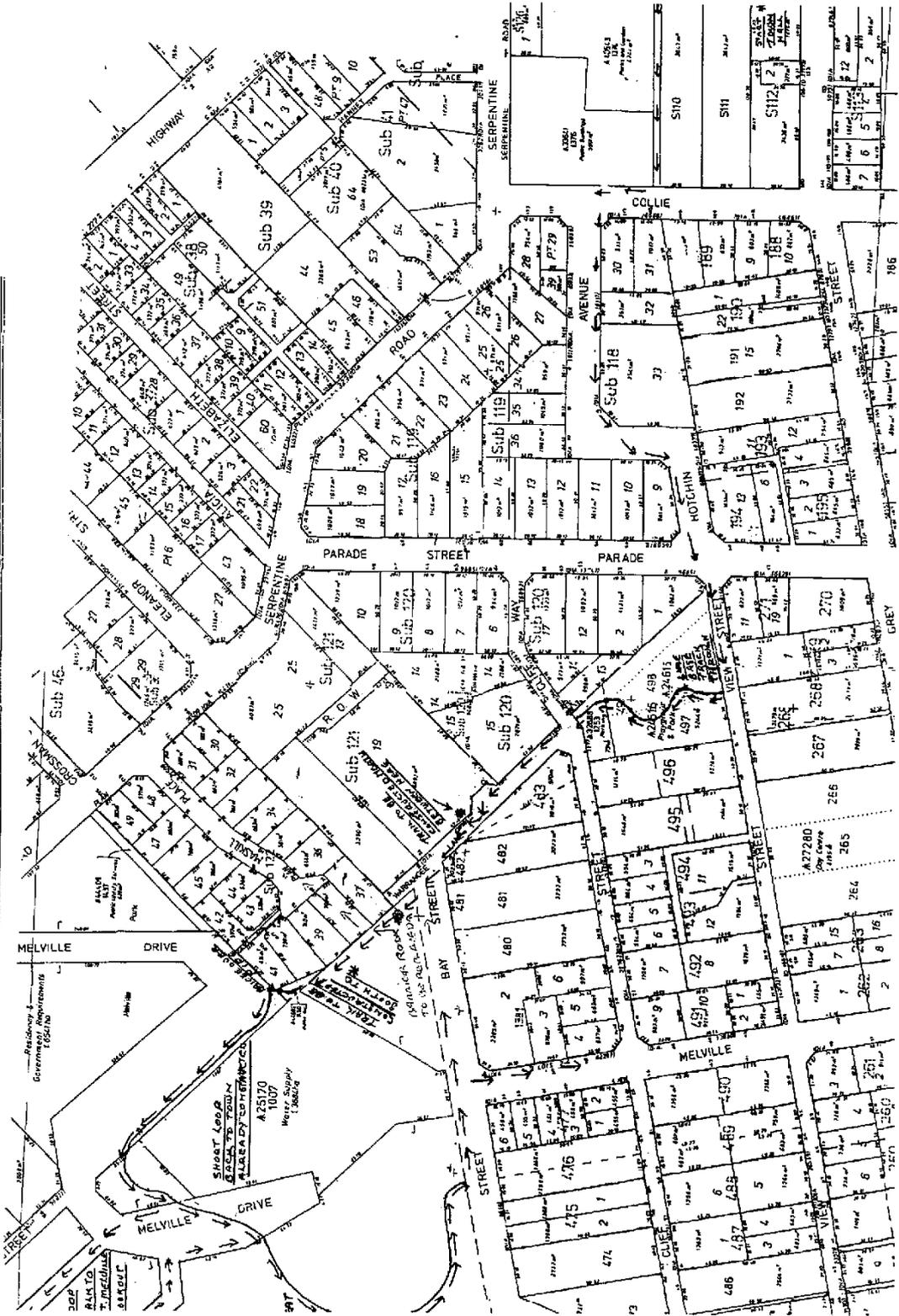
Although the letter from Mr Colin Meeking dated 4th December 1997 stated that the path would be constructed during the 1997/98 financial year nothing has yet been done. However, as State funds have now been provided for the Mount Melville walkway, could you please pass a copy of the loop walk trails map to the appropriate section in the City administration to ensure the missing sections of the walk trail are constructed during the current financial year.

Yours faithfully,



B N & A J BICKFORD

LOOP WALKWAYS CAN - TOWN CENTRE TO MT MELVILLE AND RETURN



12.1.7 Final Approval for Amendment – Lot 401 La Perouse Court, Frenchman Bay

File/Ward : AMD143 – Scheme 3 (Vancouver Ward)

Proposal/Issue : Request for Final Approval to Rezoning Request

Subject Land/Locality : Lot 401 Location 2104 La Perouse Court Frenchman Bay

Proponent : Taylor Burrell

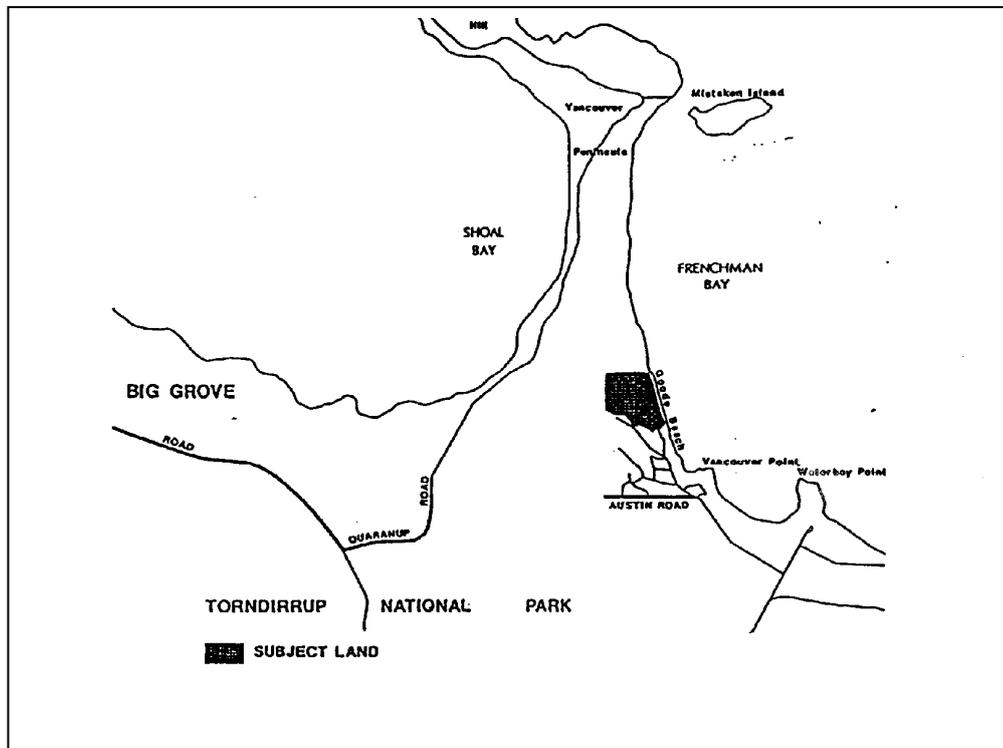
Owner : L'oire Nominees P/L

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

Previous Reference : Shire of Albany – 04/09/97 Item 13.3.1
Cncl 14/09/99 Item 12.1.2

Summary Recommendation: Grant Final Approval

Locality Plan :



Item 12.1.7 continued

BACKGROUND

1. On 24th July 1996, Council resolved to initiate a Town Planning Scheme amendment to change the zoning from 'Rural' to the 'Special Residential' zone and 'Parks & Recreation' reserve. The amendment was advertised for 42 days, in January 1997, and 166 submissions were received during that period.
2. At its meeting on 4th April 1997 the Council of the former Shire of Albany considered the issues raised by the submissions and resolved to advise the Minister for Planning that it did not wish to proceed with the amendment.
3. On the 12th July 1999 the Minister advised Council that an amended proposal should be proceeded with subject to modification of the amending documents. Council resolved at its meeting that the decision to grant final approval be deferred whilst an explanation is sought from the Minister. That response follows.

STATUTORY REQUIREMENTS

4. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue. Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
5. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, without or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council's recommendation or he can require his own modifications to the documents prior to them being gazetted and coming into force (**this is where this application currently sits in the process**). The Minister's decision is final and there is no appeal mechanism under the Act.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 12.1.7 continued

COMMENT/DISCUSSION

6. The amending documents have now been modified in accordance with the Minister’s letter. The subdivision guide plan now shows 9 lots in the south-eastern portion of the lot. A minor extension of La Perouse Court will service the proposed Special Residential lots and provide access to the remaining ‘Rural’ portion of the lot. A public accessway has also been included to provide pedestrian access to the foreshore of Vancouver Beach. A copy of the revised subdivision guide plan is attached.
7. In order to comply with the requirements of Section 7 of the Town Planning and Development Act and the Ministers decision, Council must resolve to grant final approval to the amendment prior to the documents being signed and sealed. The amending documents will then be returned to the Minister for endorsement and final gazettal.
8. There is no legal mechanism to delay the amending documents and the Minister’s instructions have been complied with.

RECOMMENDATION

THAT

- i) Council grant final approval to Amendment 143 (as amended) to the City of Albany Town Planning Scheme No. 3 to rezone Lot 401 Location 2104 La Perouse Court, Frenchman Bay from the Rural zone to the Special Rural zone and Parks & Recreation reserve.
- ii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

.....

Item 12.1.7. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR ARMSTRONG**

THAT

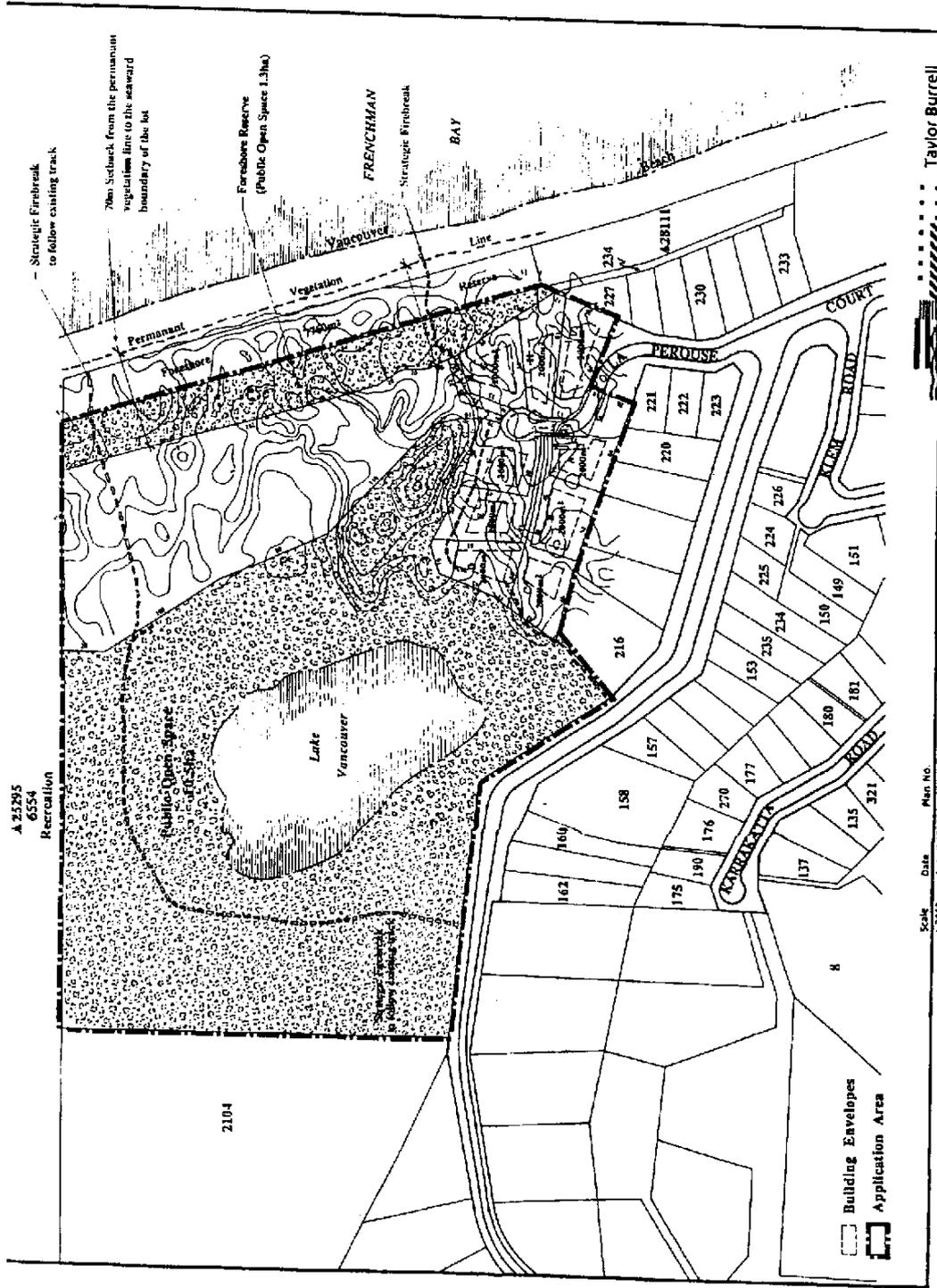
- i) Council grant final approval to Amendment 143 (as amended) to the City of Albany Town Planning Scheme No. 3 to rezone Lot 401 Location 2104 La Perouse Court, Frenchman Bay from the Rural zone to the Special Rural zone and Parks & Recreation reserve.**
- ii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 14 – 0

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVANS**

THAT L'oire Nominees Pty Ltd be advised that Council will require them to address the concerns raised by the Minister for Planning in responding to Council on the rezoning of Lot 401. In particular Council will require that future development will not create any substantial alteration of the visual landscape in context with the existing surrounding residential development and the extent of land that will be preserved in perpetuity both on the subject site and within the adjoining recreation reserve.

MOTION CARRIED 14 – 0



Taylor Burrell
 Town planning and design
 107 Kings Road, London
 W8 5AP, UK
 Telephone: 020 7251 2222
 Fax: 020 7251 2223
 E-mail: taylorburrell@btinternet.com

Prepared by: TAYLOR BURRELL
 Town planning and design
 ALAN THINGAY & ASSOCIATES
 Environmental Scientists

Scale: 1:2000
 Date: August 1999
 Main No.: 88/3812
 Prepared for: L'ORIE INVESTMENTS

**OUTLINE DEVELOPMENT PLAN
 LOT 401 LA PEROUSE ROAD
 FRENCHMANS BAY ALBANY**



MINISTER FOR PLANNING; EMPLOYMENT AND TRAINING; HERITAGE

13TH FLOOR, 2 HAVELOCK STREET, WEST PERTH, WESTERN AUSTRALIA 6005
 TELEPHONE: (08) 9213 6400 FACSIMILE: (08) 9213 6401

Our Ref: 06041
 Your Ref: A5810A/AMD143

- 1 NOV 1999

Mr Andrew Hammond
 Chief Executive Officer
 City of Albany
 PO Box 484
 ALBANY WA 6331

CITY OF ALBANY		
RECEIVED		
- 4 NOV 1999		
FILE	CORR NO.	OFFICER
A5810A	0915807	ADDA
REPLY	ACKNOWLEDGMENT	CNL/ELTN
(V)		

Dear Andrew

CITY OF ALBANY TOWN PLANNING SCHEME NO. 3 - AMENDMENT NO. 143

I am in receipt of Mr R Fern, Executive Director - Development Services' letter of 15 September 1999 seeking clarification of a number of aspects of my decision on Amendment No. 143 to the City of Albany's Town Planning Scheme No. 3.

In relation to land capability, the proponent provided reports prepared by consultants which concluded that, with suitable management provisions, buildings, roads and drainage structures could be adequately constructed and maintained. In assessing those reports, subsequent advice was received from the Department of Minerals and Energy, which, after a more detailed investigation resulted in withdrawal of its opposition to the original full proposal for 15 special residential lots. The EPA, and Minister for Environment, have also assessed development for special residential purposes on this site previously and concluded it to be environmentally acceptable subject to conditions. In viewing all the information before me, I was satisfied that the issue of land capability could be adequately addressed at the subdivision and development stage.

The other major argument contained in the submissions opposing the amendment was that the proposal would detrimentally affect the visual amenity of the locality. In this regard I accepted the advice of the Western Australian Planning Commission which held the view that the development of the six southern-most special residential lots represented a reasonable rounding off of the existing residential development. In viewing the site in context with the current surrounding land uses I find it difficult to accept that the development, as modified, in any reasonable assessment of the proposal will in fact pose any substantial alteration of the visual landscape in context with the existing surrounding residential development and the extent of land that will be preserved in perpetuity both on

- 2 -

the subject site and within the adjoining recreation reserve. The preservation of the majority of the site as a reserve will adequately preserve the visual amenity and ensure that the key vegetation adjacent to Lake Vancouver will be protected. Both the visual amenity and potential for alteration of the landscape must also be viewed against the fact that opportunities exist for substantial alteration, potentially in a far more damaging way, within the current Rural zone.

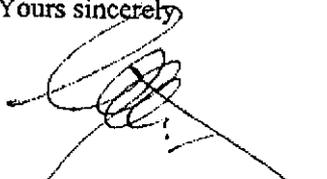
It should be noted that the Commission's recommendation was made after the Chairman of the Commission and another member of the Statutory Planning Committee had inspected the site to examine first hand the issues which had been raised. The Commission also advised there may be an opportunity to achieve a slightly higher density (eight or nine lots) in that same area and still maintain a sympathetic transition between the existing residential development and the landscape features of the Vancouver Peninsula.

I received further advice from the Commission that it may be possible to accommodate a well designed, low key tourist development (e.g. chalets) in a concentrated pocket of the site clear of steep slopes and for this reason I decided to leave the remainder of the land proposed for Special Residential zoned Rural. Clearly the land is not conducive to rural uses and I trust the City and landowner will work closely together to achieve an appropriate development on that portion of the site to remain Rural. I have no preconceptions as to what form any future development on this portion of the land should take and the City will need to determine if any future development proposals on the land require an amendment to the Town Planning Scheme. If any proposals come to me for a decision in the future I will obviously have consideration for the landscape features and any environmental sensitivities of the site.

I am aware this proposal has been a difficult one for past local governments and the community generally and I assure you my decision on this matter was not taken lightly. After considering all relevant matters I was satisfied that the issues of land capability, visual amenity and other environmental issues had been adequately addressed or are able to be addressed at the time of subdivision or development. Obviously a significant factor in favour of the amendment is that 72 per cent of the site will be preserved in perpetuity as a reserve for conservation and recreation purposes without any cost to the City. This will ensure Lake Vancouver and its surrounding vegetation will be protected in the long-term.

I am advised that the consultants for the proponent have modified the documents in accordance with my decision and returned these to the City. I now require the City to endorse the modified documents and forward them to the Ministry for Planning in accordance with the *Town Planning Regulations*.

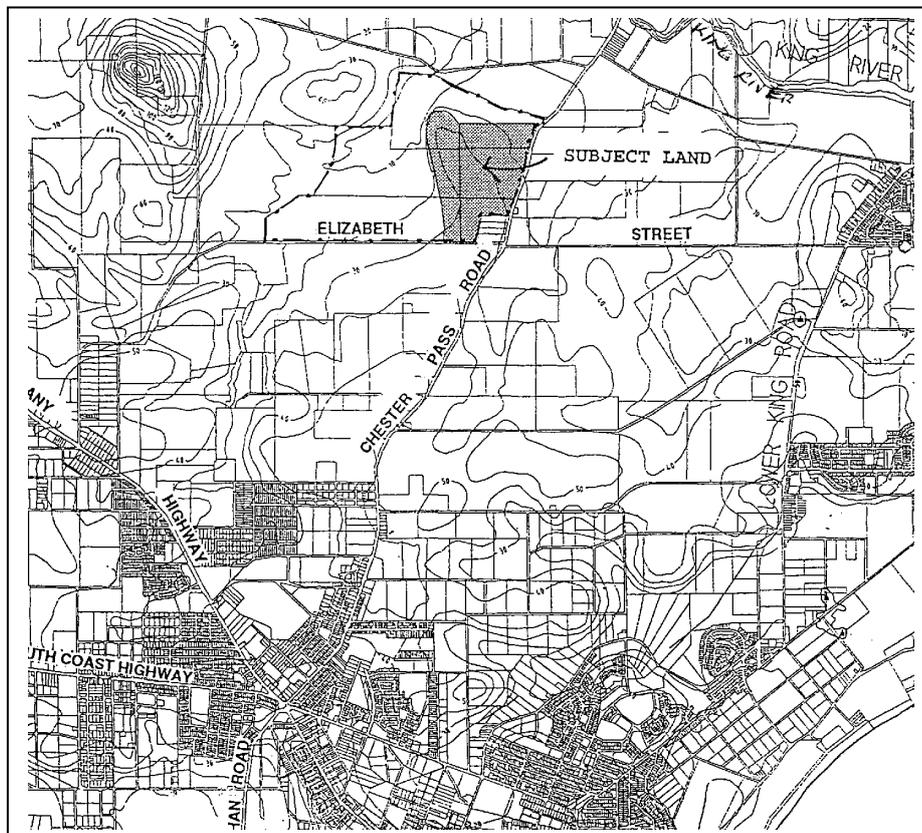
Yours sincerely



GRAHAM KIERATH MLA
MINISTER FOR PLANNING

12.1.8 Scheme Amendment Request – Lots 2, 3, 4 and 11 Chester Pass Road, King River

- File/Ward** : A159360/SAR17 (Kalgan Ward)
- Proposal/Issue** : Request to reduce “Special Use” zone (buffer area) around Elizabeth Street Special Industrial Zone area
- Subject Land/Locality** : Plantagenet Location 401, Lots 2, 3, 4 & 11 Chester Pass Road, King River.
- Proponent** : Ayton, Taylor & Burrell
- Owner** : SR & P Negri
- Reporting Officer(s)** : Manager – Development (RA Olsen)
- Previous Reference** : OCM 24/07/1996
- Summary Recommendation:** Not support the rezoning request.
- Locality Plan** :



Item 12.1.8 continued

BACKGROUND

1. Council consideration is sought on a proposal to modify an existing “Special Use” zone, which serves as a buffer to an industrial area, at Location 401, Lots 2, 3, 4 & 11 Chester Pass Road, King River. The industrial area is located approximately 7km from the Albany City Centre and 2km south of the King River.
2. The proponent’s Scheme Amendment Request (SAR) report forms the majority of the background of this report and a copy is appended to this report.

STATUTORY REQUIREMENTS

3. If Council gives preliminary support for the SAR, the appropriate documentation is requested from the proponent in order for Council to initiate the amendment. This is the stage that begins the legal process of rezoning.

POLICY IMPLICATIONS

4. Under the City of Albany’s Town Planning Scheme 3 (the Scheme) the objective of “Special Use” zoned land is to provide a buffer between the “Special Industry” zone and the surrounding “Rural” zoned land.
5. Reduction of the buffer will reduce, possibly eliminate, the development of industries in the zone requiring a 500 m buffer

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

6. The former Shire of Albany created a “Special Industry” zone (known as Elizabeth Street Special Industry Zone) which was bounded by a “Special Use” zone on the western and northern boundaries.
7. This “Special Use” zone, which forms the buffer between the “Special Industry” zone and the surrounding “Rural” zoned land, may be used for a broad range of rural uses.
8. Reduction in the buffer could eliminate some uses now permitted. The proponent has indicated that the proposed buffer will still allow existing industries and those showing an interest in locating into the industrial area, however it needs to be noted that the entire zoned area is only partially developed.

Item 12.1.8 continued

9. The portion of land which the proponent seeks to remove from the “Special Use” zone will be included into the surrounding rural land. Remnant vegetation in the existing buffer will remain in the proposed reduced buffer.
10. If Council supports the request, the amending documents will need to address the changes to the status of the lots within the current 200-500m Buffer Precinct and the >500m Buffer Precinct. The buffer will be less than 400m to the lot boundaries.
11. The development of large industrial areas places limitations upon adjoining land and it is difficult to meet the criteria of the Department of Environmental Protection and locate industrial areas in close proximity to urban areas. To reduce the buffers to the existing zoned area at this early stage in the zone’s development could impact negatively upon future industrial growth of the City. The proponent’s report fails to provide adequate justification for the request before Council.

RECOMMENDATION

That Council resolves to advise the proponent that it is not prepared to receive amending documents to Town Planning Scheme 3 for the purpose of reducing the existing buffer area that is provided around the Elizabeth Street Special Industry Zone.

Voting Requirement Simple Majority

AMENDED RECOMMENDATION

THAT:

- i) Council resolves to advise the proponent that it is not prepared to receive amending documents to Town Planning Scheme 3 for the purpose of reducing the existing buffer area that is provided around the Elizabeth Street Special Industry Zone.
- ii) The proponent be advised that Council is prepared to receive, following consultation with the Ministry for Planning and the Department of Environmental Protection, amending documents to the Special Use Zone No. 5 which provides for the construction of dwelling units within the industrial buffer with appropriate memorials being placed upon lots concurrently with the construction of the dwelling units.

Voting Requirement Simple Majority

Item 12.1.8. continued.

The Executive Director Development Services advised the officer recommendation had been amended following an inspection of the premises in question by himself and some Councillors.

The original recommendation did not contain a reason for the decision. The application had been made to allow the proponents to house a family member, and the amended recommendation attempts to achieve the land owner's ambition.

COUNCIL RESOLUTION

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR MOUNTFORD**

THAT:

- i) Council resolves to advise the proponent that it is not prepared to receive amending documents to Town Planning Scheme 3 for the purpose of reducing the existing buffer area that is provided around the Elizabeth Street Special Industry Zone.**
- ii) The proponent be advised that Council is prepared to receive, following consultation with the Ministry for Planning and the Department of Environmental Protection, amending documents to the Special Use Zone No. 5 which provides for the construction of dwelling units within the industrial buffer with appropriate memorials being placed upon lots concurrently with the construction of the dwelling units.**

MOTION CARRIED 14 – 0

REZONING REQUEST REPORT

**PROPOSED MODIFICATION TO
CHESTER PASS ROAD INDUSTRIAL AREA
SPECIAL USE ZONE
LOTS 2, 3, 4 AND 11 CHESTER PASS ROAD**

Prepared by

Ayton, Taylor & Burrell

SEPTEMBER 1999

MINUTES - ORDINARY COUNCIL MEETING – 16/11/99
** REFER DISCLAIMER **

**REZONING REQUEST REPORT: PROPOSED MODIFICATION TO
CHESTER PASS ROAD INDUSTRIAL AREA,
SPECIAL USE ZONE
LOTS 2, 3, 4 & 11 CHESTER PASS ROAD**

1.0 INTRODUCTION

The purpose of this report is to request Council to consider the reduction of the existing buffer area that is provided around the Chester Pass Road Industrial Area.

The request is based on the experience of developing the industrial area over the last two years and the need to provide for better use of the balance of the rural zoned land surrounding the industrial estate.

2.0 BACKGROUND

The Chester Pass Road Industrial Area is located approximately seven kilometres north of the Albany City Centre and two kilometres south of the Kind River. Figure 1 refers. It is zoned Special Industry with a Special Use zone around its northern and western boundaries which guarantees setback from potentially sensitive uses. Setbacks ranging from less than 200 metres to 500 metres are currently provided. Refer Development Guide Plan. (Figure 2)

The industrial estate was specifically set up for space extensive, dry industrial such as trucking depots. Given the lack of reticulated sewerage and surrounding rural residential type uses, the intention was, not to provide for heavier, noxious types of industry. Such industries are catered for by the Mirambeena Industrial Estate adjacent to Down Road.

3.0 PROPOSED MODIFICATION

As the majority of targeted industries for the industrial area only require buffer areas of between 200 – 300 metres, it is proposed to reduce the Special Use zone by between 150-200 metres. Refer Figure 2.

The resulting buffer area will include the remnant vegetation area to the west, and increase the setback from Willying Road to the north, from approximately 100 metres to 250 metres. This will enable some of the higher land to the north of the industrial area to be included in the rural balance. Currently only the lower lying land, which is subject to winter inundation falls within the rural balance.

While portions of lots in the north west section of the industrial area will still be able to achieve a 500 metre buffer area under the revised plan, the majority of lots will achieve between 200 – 300 metre buffers. This will enable the industrial area to continue to cater for the kind of space extensive industries that have already been locating in the area.

Subject to Council agreeing to the proposed modification, it will be necessary to amend the Development Guide Plan and the Special Use Zone. This will ensure buffer areas relating to specific lots are clearly defined for potential buyers.

4.0 CONCLUSION

The Chester Pass Road Industrial area is currently catering for space extensive, dry industries with requirements for buffers of between 200 – 300 metres from sensitive uses such as housing.

It is proposed to refine the existing buffer area by reducing it by between 150-200 metres. This will still retain a buffer of 200-300 metres for most lots, which is what is required by industries locating or showing an interest in the area. It will also enable the balance of rural areas adjoining the industrial area to be more useable.

Subject to Council agreement to the modification detailed documentation will be provided which will include a modified Development Guide Plan.



AYTON, TAYLOR & BURRELL
Consultants in Town Planning and Civic Design
11 Duke Street, Albany, Western Australia 6330
Phone 08 9842 2304 Fax 08 9842 1340

LOCATION
Lots 2, 3, 4 & 11 Chester Pass Road Figure 1

12.1.9 Initiate Amendment – 17 Federal Street, McKail

File/Ward : A15110A (West Ward)

Proposal/Issue : Request to initiate rezoning of Pt Lot 66 Federal Street, McKail from “Rural” to “Special Residential”.

Subject Land/Locality : Pt Lot 66 (No.17) Federal Street, McKail

Proponent : Ayton, Taylor & Burrell

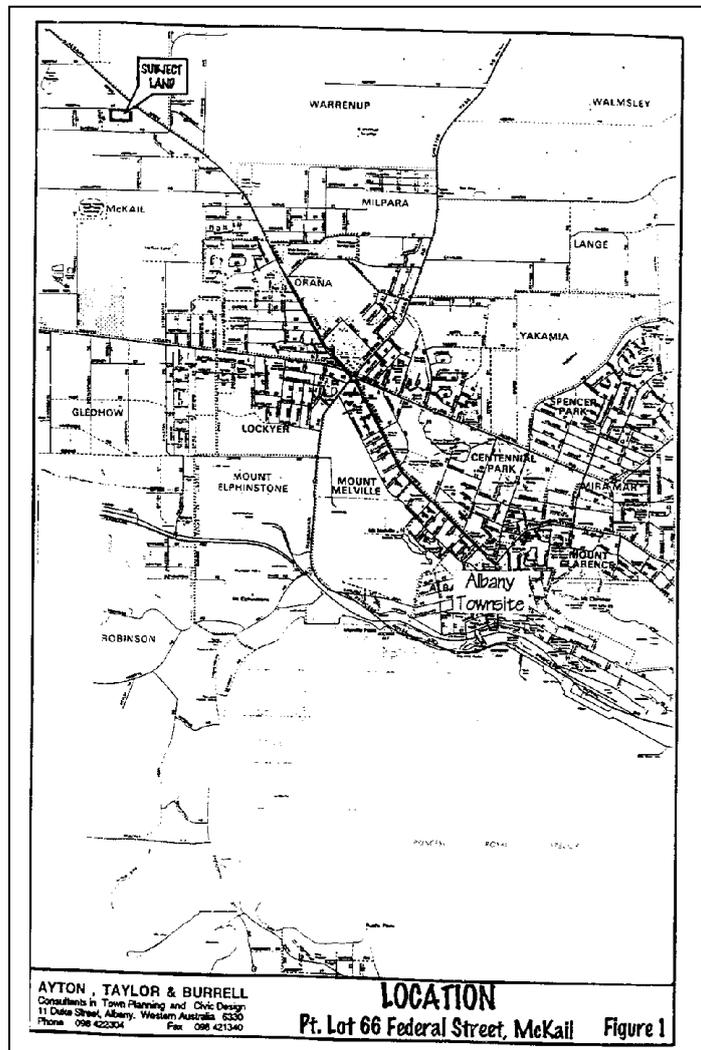
Owner : BR & KT Whyatt

Reporting Officer(s) : The Planning Group (Consultants)
Executive Director Development Services
(R Fenn)

Previous Reference : Cncl 14/09/99 Item 12.1.7

Summary Recommendation: Initiate Amendment

Locality Plan :



Item 12.1.9 continued

BACKGROUND

1. Council's support is sought to amend Town Planning Scheme No.3 by rezoning Pt Lot 66 (No.17) Federal Street, McKail from "Rural" to "Special Residential".
2. Council considered a Scheme Amendment Request for the subject site at its meeting of 14th September 1999 when it made the following resolution:

"THAT Council resolves to advise the proponent that it is prepared to receive amending documents for the purposes of rezoning Pt Lot 66 Federal Street, McKail from the "Rural" zone to the "Special Residential" zone."

STATUTORY REQUIREMENTS

3. Although Council previously supported the proposed amendment "in principal", it is now required to resolve to formally initiate the rezoning procedure.
4. Once formal initiation has been approved by Council the documents are forwarded to the Department of Environmental Protection to determine if they require formal environmental assessment. Once determined the proposal is advertised for 42 days and public comment is invited.

POLICY IMPLICATIONS

5. The subject land is located within the Oyster Harbour 3 Policy Area of the Local Rural Strategy and has been identified as being potentially suitable for "Special Residential" use as proposed by the subject Town Planning Scheme amendment.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

6. The subject land has been identified in the Residential Expansion Strategy for Albany as suitable for rezoning to "Special Residential".

COMMENT/DISCUSSION

7. The required documents that have been submitted by the proponent are considered to adequately address all of the issues associated with the proposed rezoning .
8. The land is currently zoned "Rural" under the Albany Town Planning Scheme No.3. the primary objective of "Rural" zoned land is to preserve the agricultural integrity of the land. However, the existing landholding is considered to be too small to support sustainable agricultural pursuits. The site also abuts land that has been developed as "Special Residential".

Item 12.1.9 continued

9. The proposed rezoning will allow for the subdivision of the subject site into appropriately sized landholdings that will reflect the existing character of the immediate area. The subject land adjoins Special Residential Area 9 which contains lots of 4000 – 5500m². Inclusion within this area would be preferred as 5 lots of a similar size have been proposed (4000 – 7300m²) and no land characteristics exist that would require separate policy provisions.

RECOMMENDATION

THAT Council in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended) resolves to amend the City of Albany Town Planning Scheme No. 3 by rezoning Pt Lot 66 (No.17) Federal Street, McKail from “Rural” to “Special Residential” and incorporating the land into Special Residential Zone Area No.9.

Voting Requirement Simple Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR CECIL**

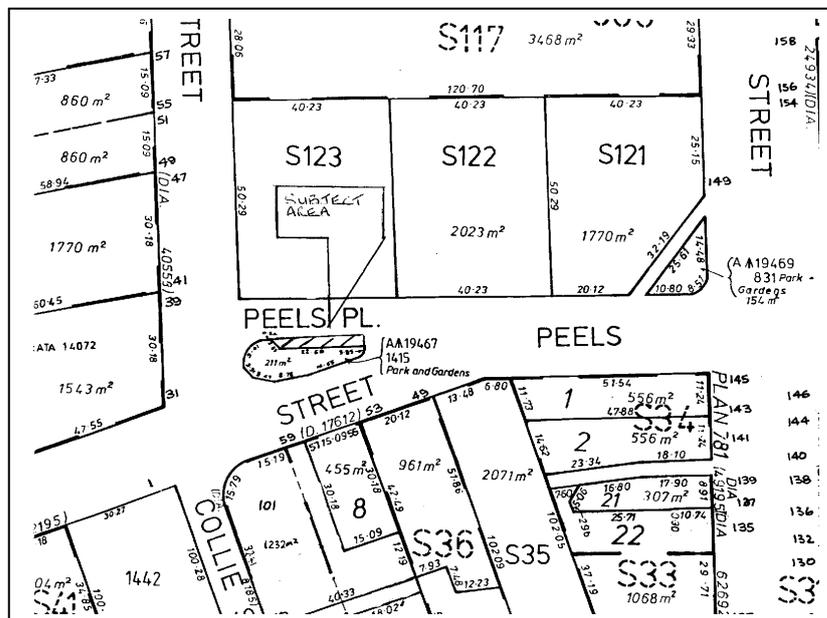
THAT Council in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended) resolves to amend the City of Albany Town Planning Scheme No. 3 by rezoning Pt Lot 66 (No.17) Federal Street, McKail from “Rural” to “Special Residential” and incorporating the land into Special Residential Zone Area No.9.

MOTION CARRIED 14 – 0

12.2 EDUCATION & COMPLIANCE

12.2.1 Parking Facilities – Implementation of Restrictions

File	:	SER044 (Frederickstown Ward)
Proposal/Issue	:	Introduction of parking restrictions.
Subject Land/Locality	:	Peels Place, Albany
Proponent	:	City of Albany
Owner	:	Crown
Reporting Officer(s)	:	Manager – Education & Compliance (K Barnett)
Previous Reference	:	Nil
Summary Recommendation:	:	Approve the implementation of parking restrictions.
Locality Plan	:	



Item 12.2.1 continued

BACKGROUND

1. Council has received a request to consider the implementation of one-hour parking restrictions to the eleven (11) parking bays provided on the northern side of Peels Place adjacent to "Wiley Gardens".
2. Currently there are no parking restrictions and the bays are used for all day parking to the detriment of businesses in the locality.

STATUTORY REQUIREMENTS

3. Clause 16 of the City's Parking and Parking Facilities Local Law 1998 stipulates:

"16. The local government may by resolution constitute, determine and vary and also indicate by signs, from time to time:

- (a) parking stalls;*
- (c) permitted time and conditions of parking stalls and parking stations which may vary with the locality;*
- (e) permitted classes of persons who may park in specified parking stalls..;*
and
- (f) the manner of parking in parking stalls..."*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

4. The proposal will cost approximately \$160.

STRATEGIC PLAN IMPLICATIONS

5. The City of Albany's Strategic Plan has identified the need to provide for the current parking needs for the City of Albany within financial requirements (Physical & Development Infrastructure).

COMMENT/DISCUSSION

6. Council has received numerous complaints in regard to the lack of short-term parking within the Central Business District. Therefore the introduction of one-hour parking restrictions in this area will afford residents and visitors the opportunity to visit businesses located within walking distance to these parking bays.

Item 12.2.1 continued

RECOMMENDATION

THAT Council resolves to:

- i) Approve the implementation of a one-hour parking restriction to the eleven (11) parking bays provided on the northern side of Peels Place adjacent to "Wiley Gardens"; and
- ii) Advertise the restrictions.

Voting Requirement Simple Majority

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COUNCIL RESOLUTION

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVANS**

THAT Council resolves to:

- i) Approve the implementation of a one-hour parking restriction to:**
 - the eleven (11) parking bays provided on the northern side of Peels Place adjacent to "Wiley Gardens";**
 - The 8 parking bays outside the ABC in Middleton Loop;**
 - All parking bays along Stirling Terrace between York and Spencer Streets**
- ii) Advertise the restrictions.**

MOTION LOST 5 – 9

Item 12.2.1. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR EVERS**

THAT Council resolves to:

- i) Approve the implementation of a two hour parking restriction to:**
- **the eleven (11) parking bays provided on the northern side of Peels Place adjacent to "Wiley Gardens";**
 - **The 8 parking bays outside the ABC in Middleton Loop;**
 - **All parking bays along Stirling Terrace between York and Spencer Streets**
- ii) Advertise the restrictions.**

MOTION CARRIED 11 – 3

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

A two hour parking restriction will allow shoppers to leave their vehicle in one location and walk between shops, which could promote additional retail activity within the CBD.

12.2.2 Budget Re-Allocation – Strategic Bushfire Plan

File	:	REL079
Proposal/Issue	:	Budget Re-allocation - Strategic Bushfire Plan.
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Manager – Education & Compliance (K Barnett)
Previous Reference	:	N/A
Summary Recommendation:		Approve the re-allocation of \$10,500.00 for the purchase of a second-hand fire appliance.
Locality Plan	:	N/A

BACKGROUND

1. Within the Capital Plan of Council's 1999/00 budget, provision was made for \$10,500 toward the purchase of a fire station for the South Stirlings Volunteer Bushfire Brigade and \$25,000 toward the purchase of a 3.4 ex CALM fire appliance for the Kalgan Volunteer Bushfire Brigade.
2. The purchase of these items was contingent on the City receiving an equal amount of funding (50% of the total cost) from external sources.
3. Unfortunately, the City has been unsuccessful in its grant applications to the Bush Fire Service and Lotteries Commission for both projects. However, the Kalgan Volunteer Bushfire Brigade has agreed to provide \$10,000 toward the purchase of the 3.4 ex CALM fire appliance.
4. As both projects cannot proceed, it is recommended that the \$10,500 provided in the 1999/00 budget for the South Stirlings Fire Station be re-allocated to the purchase of the 3.4 ex CALM fire appliance for the Kalgan Volunteer Bushfire Brigade.

STATUTORY REQUIREMENTS

5. The City of Albany has a duty of care, as provided by the Bush Fires Act 1954, to provide for and achieve an acceptable minimum standard of fire protection throughout the City's districts which are not covered by the Fire and Rescue Service gazetted area.

Item 12.2.2 continued

Declaration of Interest

6. This report was prepared by Keith Barnett who is a member of the Kalgan Volunteer Bushfire Brigade.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

7. The South Stirlings fire station will be resubmitted for consideration in the 2000/01 City of Albany budget.

STRATEGIC PLAN IMPLICATIONS

8. Services For The People

Emergency Services

Objective: Encourage the provision and maintenance of effective local emergency services.

Strategy: Maintain the existing levels of support for the volunteer bush fire and other emergency services and selected preventative strategies and campaigns.

COMMENT/DISCUSSION

9. The Strategic Bushfire Plan, which is a document in excess of 100 pages, was developed by the former Shire of Albany in conjunction with its volunteer bushfire organisation and adopted by the City of Albany in 1998. The intention of the plan is to provide a guide for the coordination and management of bushfire control within the City of Albany to the Year 2000.

10. The Strategic Bushfire Plan includes:

- A statement of commitment by the City of Albany to provide the necessary funding and resources to adequately equip and maintain the volunteer bushfire brigades established in accordance with the Strategic Plan.
- A commitment on behalf of the volunteer bushfire brigades established in accordance with the Strategic Bushfire Plan to provide a minimum standard of fire protection for the community.

11. The 3.4 ex CALM fire appliance will replace an existing appliance that has several defects that cannot be repaired, due to a lack of spare parts, and which may become a hazard for volunteers in an emergency situation.

Item 12.2.2 continued

RECOMMENDATION

THAT the \$10,500.00 allocated toward the purchase of a Fire Station at South Stirlings be re-allocated toward the purchase of a 3.4 ex CALM fire appliance for the Kalgan Volunteer Bushfire Brigade.

Voting requirement Absolute Majority

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COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILOR WILLIAMS**

THAT the \$10,500 allocated towards the purchase of a fire station at South Stirlings be re-allocated towards the purchase of a 3.4 ex-CALM fire appliance for the Kalgan Volunteer Bushfire Brigade and that the South Stirlings fire shed be given a high priority for capital funding during consideration of the 2000/2001 budget.

**MOTION CARRIED 14 – 0
ABSOLUTE MAJORITY**

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

The transfer of funding from the South Stirlings fire shed will result in the existing brigade being without an adequate headquarters for a further 12 months.

Funding for this shed should be a high priority in Council's 2000/2001 budget for fire services capital expenditure.

Works & Services

REPORTS

- R E P O R T S -

14.1 WASTE MANAGEMENT

Nil

14.2 DESIGN SERVICES

Nil

14.3 WORKS

14.3.1 Contract 99047 – Supply & Delivery of Aggregate

File/Ward	:	99047 All Wards
Proposal/Issue	:	Annual Supply Contract
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Engineering Project Officer (J Barnes)
Previous Reference	:	Nil
Summary Recommendation:		Accept tender from CSR Readymix for supply and delivery of aggregate.
Locality Plan	:	N/A

BACKGROUND

1. Tenders are called annually for the supply and delivery of aggregate required for construction and maintenance works in the 1999/2000 roads program.

STATUTORY REQUIREMENTS

2. The tendering process for Goods & Services must be in accordance with sections 11(1), 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.

POLICY IMPLICATIONS

3. The City of Albany currently does not have any adopted policies relating to procurement of road making materials; however the awarding of annual supply contracts will enable operations to be undertaken efficiently.

FINANCIAL IMPLICATIONS

4. Provision is made in each road project or maintenance works for materials to be procured via a combined tender. The contract is a schedule of rates contract and may vary according to requirements. Estimates are given for the likely requirements needed for the year.

Item 14.3.1 continued

5. Two tenders were received by the closing time of 2.00pm October 20th, 1999 as tabled below:

Item	Quantity Tonnes	CSR Readymix	Great Southern Concrete
		Rate/Tonne \$	Rate/Tonne \$
1. Supply and Load 10mm Aggregate "Ex Plant"	2200	\$15.50	\$24.00
2. Supply and Load 14mm Aggregate "Ex Plant"	1285	\$15.50	\$24.00
3. Delivery:			
Site 1 – Chillinup Road	200	\$16.00	\$24.00
Site 2 – Hennings Road	180	\$16.00	\$24.00
Site 3 – Two Peoples Bay Road	155	\$16.00	\$24.00
Site 4 – Redmond – Hay River Road	225	\$16.00	\$24.00
Site 5 – Redmond West Road	320	\$16.00	\$24.00
Site 6 – Various "Urban" Streets	540	\$16.00	\$24.00
Site 7 – Quaranup Road	270	\$16.00	\$24.00
Site 8 – Grassmere – Elleker Road	180	\$16.00	\$24.00
Site 9 – Pfeiffer Road	260	\$16.00	\$24.00
Site 10 – Millbrook Estate	90	\$16.00	\$24.00
Site 11 – Bushby Road	45	\$16.00	\$24.00
Site 12 – Cheyne Beach Road	385	\$16.00	\$24.00
Site 13 – Wellstead Road	135	\$16.00	\$24.00
Site 14 – Gull Rock Road	180	\$16.00	\$24.00
Site 15 – Chillinup Road	320	\$16.00	\$24.00
TOTAL QUANTITY	3485	\$55,760	\$83,640

STRATEGIC PLAN IMPLICATIONS

6. The Corporate Plan has a number of Strategies that are satisfied or serviced by this contract, namely to:
- Responsibly manage Council's physical assets,
 - Meeting National Competition Policy requirements.

COMMENT/DISCUSSION

7. CSR Readymix have supplied aggregate to the City during the 98/99 year and to the former Town and Shire in previous years, and have provided good service and their product is within specification.
8. The lowest tender was submitted by CSR Readymix.
9. CSR Readymix's price is the same for supply and delivery as last year (\$16.00/tonne) and only 50 cents per tonne more than supply "Ex Plant". It is considered that both the delivered price of \$16.00 per tonne should be accepted to all the nominated sites tabled above and the "Ex plant" price of \$15.50 per tonne accepted for any maintenance needs.

Item 14.3.1 continued

RECOMMENDATION

THAT Council accepts the tender submitted by CSR Readymix for Contract 99047 for the supply and delivery of aggregate at \$16.00 per tonne and supply “Ex Plant” at \$15.50 per tonne.

Voting Requirement Simple Majority

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COUNCIL RESOLUTION

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILSON**

THAT Council accepts the tender submitted by CSR Readymix for Contract 99047 for the supply and delivery of aggregate at \$16.00 per tonne and supply “Ex Plant” at \$15.50 per tonne.

MOTION CARRIED 14 – 0

14.3.2 Contract 99046 – Supply and Spray Bitumen

File/Ward	:	99046 All Wards
Proposal/Issue	:	Annual Bitumen Supply Contract
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Engineering Project Officer (J Barnes)
Previous Reference	:	Nil
Summary Recommendation:		Accept tender from * for the supply and spray of bitumen.
Locality Plan	:	N/A

BACKGROUND

1. Tenders are called annually for the supply and spray of bitumen required for construction and maintenance works in the 1999/2000 roads program. In addition prices have been requested for pre-coating, spreading and rolling of aggregate.

STATUTORY REQUIREMENTS

2. The tendering process for Goods & Services must be in accordance with sections 11(1), 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.

POLICY IMPLICATIONS

3. The City of Albany currently does not have any adopted policies relating to procurement of road making materials; however the awarding of annual supply contracts will enable operations to be undertaken efficiently.

FINANCIAL IMPLICATIONS

4. Provision is made in each road project or maintenance works for materials to be procured via a combined tender. The contract is a schedule of rates contract and may vary according to requirements. Estimates are given for the likely requirements needed for the year.

Item 14.3.2 continued

5. Seven tenders were received by the closing time of 2.00pm October 26th, 1999, as tabled below:

Contractor	Pioneer Road Services	CSR Emoleum	Boral Asphalt	Boral Asphalt Alternative 1	Boral Asphalt Alternative 2	RNR Contracting Pty Ltd	Bitumen Emulsions
Description							
Minimum 9000 litres/order	\$0.492/lt	\$0.52/lt	\$0.48/lt	\$.48/lt	\$0.48/lt	\$0.53/lt	\$0.665/lt
Estimated Contract Sum	\$178,940.40	\$189,124	\$175,576	\$175,576	\$46,464	\$192,761	\$241,860.50
Cost for loads < 9000 litres	\$0.77/lt	\$0.65/lt	\$0.55/lt	\$0.55/lt	\$0.55/lt	\$0.67/lt	\$0.815/lt
Optional Cost Spread and Roll Aggregate	\$0.50/m ²	\$0.28	\$0.45	\$0.50	\$1.63 to \$1.97	\$0.40	-
Sub total to spread & roll	\$72,000	\$40,320	\$64,800	\$72,000	\$255,120	\$57,600	-
TOTAL, TENDER VALUE	\$250,940	\$229,444	\$240,376	\$247,546	\$316,784	\$250,361	\$241,860.50

STRATEGIC PLAN IMPLICATIONS

6. The Corporate Plan has a number of Strategies that are satisfied or serviced by this contract, namely to:
- Responsibly manage Council's physical assets,
 - Meeting National Competition Policy requirements.

COMMENT/DISCUSSION

7. The Schedule of Rates Contract calls for the supply and spray of approximately 363,700 litres of bitumen. Loads are to be a minimum of 9000 litres in any one day. An additional cost was also sought for jobs of less than 9000 litres.
8. With regard to reseal works contractors are utilised to fully undertake the total project. It is considered that this is the most efficient approach and enables Council's outdoor teams to focus on other construction and maintenance projects. As a re-seal requires the bitumen and aggregate to be laid together it is considered that the contractor should in addition to supplying and spraying the bitumen pre-coat, spread and roll the aggregate. For construction works undertaken by the outdoor teams it is not necessary for the contractor to pre-coat, spread and roll the aggregate as Council's plant is already on the site.
9. The tender price submitted by CSR Emoleum totaling \$229,444 does not include the cost of pre-coating the aggregate used for the reseal component of the Contract in the Schedule of Rates.

Item 14.3.2 continued

10. CSR Emoleum do, however, refer to precoating in their supporting documentation at a quoted rate of \$4.00 per tonne. The estimated quantity of aggregate to be used for the reseal component of the contract is 2535 tonnes which equates to an additional \$10,140 and hence a total tender value of \$239,584.
11. The tender submitted by Boral Asphalt for a value of \$240,376 also does not allow for pre-coating. Boral Asphalt's Alternative 1 tender for a value of \$247,546 does allow for pre-coating.
12. Of the other tenders the tender submitted by Bitumen Emulsions for a value of \$241,860.50 does not include a price for the optional spreading and rolling of aggregate.
13. Boral Asphalt's Alternative 2 tender allows for supply and spray of bitumen for the construction programme and supply and spray of bitumen along with supply of aggregate for the seal and reseal component of the tender however the total value of this alternative (\$316,784) is greater than the combined cost if Council were to purchase aggregate through the recommended tender for aggregate supply (see Item 14.3.1 re Contract 99047) and the recommended tender for this contract.
14. Therefore the two prices to supply and spray bitumen and pre-coat, spread and roll aggregate are as follows:
 - CSR Emoleum \$239,584
 - Boral Asphalt (Alternative 1) \$247,546
 - Pioneer Road Services \$250,940
 - RNR Contracting Pty Ltd \$260,361
15. The Contract last year was carried out by CSR Emoleum however there have been some shortcomings in service and quality during the course of the contract. These are in the form of late arrival of work sites and poor quality of work due to old and faulty equipment.
16. Boral Asphalt are a long established proven company who currently supply bitumen to local authorities including the City of Kalgoorlie Boulder, Shire of Exmouth and the Town of Kwinana.
17. Contact with those authorities has confirmed that Boral Asphalt are reliable and provide a quality service for both spray only and spray and cover.
18. Given that the difference in price between CSR Emoleum and Boral Asphalt is relatively small (3.2%) then the tender that is most advantageous to Council to ensure that Council is provided with a high level of service and a high quality of work is the tender submitted by Boral Asphalt.

Item 14.3.2 continued

RECOMMENDATION

THAT Council accepts the tender submitted by Boral Asphalt for a value of \$247,546 for Contract 99046 for the supply and spray of hot bitumen including the provision of seal and reseals at the following rates:

- i) Supply and Spray Hot Bitumen \$0.48 per litre (> 9000 litre order)
- ii) Supply and Spray Hot Bitumen \$0.55 per litre (< 9000 litre order)
- iii) Spread and Roll Aggregate \$0.50 per square metre

Voting Requirement Simple Majority

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COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT Council accepts the tender submitted by Boral Asphalt for a value of \$247,546 for Contract 99046 for the supply and spray of hot bitumen including the provision of seal and reseals at the following rates:

- i) Supply and Spray Hot Bitumen \$0.48 per litre (> 9000 litre order)**
- ii) Supply and Spray Hot Bitumen \$0.55 per litre (< 9000 litre order)**
- iii) Spread and Roll Aggregate \$0.50 per square metre**

MOTION CARRIED 13 – 1

14.3.3 Contract 99049 - Supply & Application of Hot Mix Asphalt

File/Ward	:	99049 All Wards
Proposal/Issue	:	Annual Hot Mix Asphalt Supply Contract
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Operations Manager (C Mibus)
Previous Reference	:	N/A
Summary Recommendation:		Award contract to CSR Emoleum Road Services
Locality Plan	:	N/A

BACKGROUND

1. Tenders have been called on an annual basis for the supply and application of hot mix asphalt corrector and wearing coarse to various sections of road and pathways within the City.

STATUTORY REQUIREMENTS

2. The tendering process for Goods & Services must be in accordance with sections 11(1), 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.

POLICY IMPLICATIONS

3. The City of Albany currently does not have any adopted policies relating to procurement of road making materials; however the awarding of annual supply contracts will enable operations to be undertaken efficiently.

FINANCIAL IMPLICATIONS

4. Provision is made in each road project or maintenance works for materials to be procured via a combined tender. The contract is a schedule of rates contract and may vary according to requirements. Estimates are given for the likely requirements needed for the year.

Item 14.3.3 continued

5. Two tenders were received by the closing date of 2pm, 4th November 1998, for council's consideration as follows:

		PIONEER ROAD SERVICES PTY LTD	CSR EMOLEUM ROAD SERVICES
1	Road Program	\$ Rate/tonne	\$ Rate/tonne
	a) 10mm Mix		
	i) Supply and lay	\$171.50	<1500t - \$121.00, >1500t - \$119.00
	ii) Supply only	\$132.00	\$88.00
	b) 7mm Mix		
	i) Supply and lay	\$172.50	<1500t - \$121.00, >1500t - \$119.00
	ii) Supply only	\$133.00	\$88.00
	c) Special Design Mix (Hot Micro Thin lift)	\$174.50	
	i) Supply and lay (Gravel pave)	\$199.50	\$135.00
2	Footpath Program		
	a) 5mm Mix		
	i) Supply and lay by mechanical means	\$174.50	\$133.00
	ii) Supply and lay by manual means	\$300.00	\$160.00
	iii) Supply only	\$134.00	\$100.00
3	Tack Coat -as required	\$0.2000/m2	\$0.2500/m2

STRATEGIC PLAN IMPLICATIONS

6. The Corporate Plan has a number of Strategies that are satisfied or serviced by this contract, namely to:
- Responsibly manage Council's physical assets,
 - Meeting National Competition Policy requirements.

COMMENT/DISCUSSION

7. It is estimated that 1200 tonnes will be required to be supplied and laid. An additional 100 tonnes will be purchased as supply only for maintenance and backfilling of trenches etc, by council staff. The major component of the work is for supply and laying 10mm asphalt.
8. The table indicates that CSR Emoleum Road Services has the lowest pricing structure. CSR Emoleum also have an asphalt plant established in Albany which in addition offers the following advantages:
- Supports local economy;
 - Product availability all year round;
 - Greater flexibility in arranging road asphaltting program.
9. CSR Emoleum completed the asphaltting last year, providing good service and quality workmanship.

Item 14.3.3 continued

RECOMMENDATION

THAT Council award Contract 99049 Supply & Application of Hot Mix Asphalt to CSR Emoleum at the following Schedule of Rates tendered below:

		CSR EMOLEUM ROAD SERVICES
		\$ Rate/tonne
1	Road Program	
	a) 10mm Mix	
	i) Supply and lay	<1500t - \$121.00, >1500t - \$119.00
	ii) Supply only	\$88.00
	b) 7mm Mix	
	i) Supply and lay	<1500t -\$121.00, >1500t - \$119.00
	ii) Supply only	\$88.00
	Special Design Mix (Hot Micro Thin lift)	
	Supply and lay (Gravel pave)	\$135.00
2	Footpath Program	
	a) 5mm Mix	
	i) Supply and lay by mechanical means	\$133.00
	ii) Supply and lay by manual means	\$160.00
	iii) Supply only	\$100.00
3	<u>Tack Coat</u> -as required	\$0.2500/m2

Voting Requirement Simple Majority

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 Item 14.3.3. continued.
COUNCIL RESOLUTION**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR EVERS**

THAT Council award Contract 99049 Supply & Application of Hot Mix Asphalt to CSR Emoleum at the following Schedule of Rates tendered below:

		CSR EMOLEUM ROAD SERVICES
1	Road Program	\$ Rate/tonne
	c) 10mm Mix	
	iii) Supply and lay	<1500t - \$121.00, >1500t - \$119.00
	iv) Supply only	\$88.00
	d) 7mm Mix	
	iii) Supply and lay	<1500t -\$121.00, >1500t - \$119.00
	iv) Supply only	\$88.00
	Special Design Mix (Hot Micro Thin lift)	
	Supply and lay (Gravel pave)	\$135.00
2	Footpath Program	
	b) 5mm Mix	
	iv) Supply and lay by mechanical means	\$133.00
	v) Supply and lay by manual means	\$160.00
	vi) Supply only	\$100.00
3	<u>Tack Coat</u> –as required	\$0.2500/m2

MOTION CARRIED 14 – 0

14.4 AIRPORT MANAGEMENT

14.4.1 Albany Airport Advisory Committee

File/Ward	:	MAN 007 All Wards
Proposal/Issue	:	Endorse the membership of Ralph Burnett to the Albany Airport Advisory Committee
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (C Meeking)
Previous Reference	:	OCM 27/01/99 Item 14.3.3 OCM 26/08/98 Item 14.3.2 OCM 24/03/99 Item 14.3.2 OCM 22/06/99 Item 14.3.4
Summary Recommendation:		Appoint Ralph Burnett to the membership of the Albany Airport Advisory Committee
Locality Plan	:	N/A

BACKGROUND

1. At the 28th September 1999 Albany Airport Advisory Meeting, the committee recommended that Council appoint a representative from the Albany Airport User Group to join the membership of the Albany Airport Advisory Committee.
2. The 28th September 1999 minutes of the Albany Airport Advisory Committee were endorsed and the recommendations were adopted at Council's 26th October Ordinary Council meeting.
3. Council received correspondence from the secretary of the Albany Airport User Group advising that Mr Ralph Burnett would be their representative and that Jenny Schmidt would be his proxy.

Item 14.4.1 continued

STATUTORY REQUIREMENTS

4. Under section 5.9 to 5.11 of the Local Government Act 1995 the following guidelines are provided for the membership of the Albany Airport Advisory Committee:
 - a) Council must appoint by, absolute majority, the members of the Committee;
 - b) Where a person is appointed as a member of a committee, the person's membership of the committee continues until the person resigns from membership of the committee.
 - c) Chairperson of the committee is to be elected amongst the members of the committee;
 - d) The committee may elect a deputy Chairperson who will act in the absence of the Chairperson, or if they are unable or unwilling to do so;
 - e) A quorum of at least 50% of the number of committee members (whether vacant or not) is required for a meeting to take place;
 - f) Each member of the committee is entitled to one vote;
 - g) The Chairperson may cast a second vote if the votes of the members present at the committee meeting are equally divided;
 - h) The committee meetings do not have to be open to the public since the committee does not have any powers or duties delegated from Council;
 - i) The committee must decide by simple majority on any recommendations it makes to Council;
 - j) Minutes of the meetings must be submitted to the following committee meeting for confirmation

POLICY IMPLICATIONS

5. The City of Albany does not have any adopted policies relating to the Airport, however, establishing an Albany Airport Advisory Committee is part of the City of Albany's commitment to improve the management of the Harry Riggs Albany Regional Airport.
6. The primary objectives of the management of the airport are:
 - to provide a prompt and flexible response to all clients needs and operational requirements
 - to continue to take a flexible and innovative approach to expanding business operations
7. The success of these goals relies heavily on the involvement of all sectors of the community and for this reason the City of Albany welcomes the input from the community to ensure that the airport meets the needs of all parties.

Item 14.4.1 continued

FINANCIAL IMPLICATIONS

8. Administration and technical support will be provided by Council and those costs plus meeting cost overheads are adequately provided for in the budget. Any decision of the committee is advisory only and the primary decision will be taken by Council when any cost implications can be considered at that time.

STRATEGIC PLAN IMPLICATIONS

9. The City of Albany Strategic Plan 1998-2000 under the section dealing with The Transport System states:

Objective 1:

Ensure transport infrastructure is planned and integrated on a local and regional basis, and with balance and co-ordination between alternative modes of transport.

Strategy:

Develop local aviation infrastructure and promote an integrated aviation network.

COMMENT/DISCUSSION

10. It is considered that Council should endorse the appointment of Mr Ralph Burnett to the Albany Airport Advisory Committee.

RECOMMENDATION

THAT Council endorse the appointment of Mr Ralph Burnett to the Albany Airport Advisory Committee and Ms Jenny Schmidt as his proxy.

Voting Requirement Absolute Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILOR WEST
SECONDED COUNCILLOR DUFTY**

THAT Council endorse the appointment of Mr Ralph Burnett to the Albany Airport Advisory Committee and Ms Jenny Schmidt as his proxy.

**MOTION CARRIED 14 – 0
ABSOLUTE MAJORITY**

Corporate & Community Services

REPORTS

- R E P O R T S -

13.1 FINANCE

13.1.1 List of Accounts for Payment – City of Albany

File	:	FIN022
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Previous Reference	:	N/A
Summary Recommendation	:	Approve accounts for payment

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is attached and contains the following:-

Municipal Fund Vouchers 8285-8746	totalling	957,153.49
Municipal Fund Direct Debits Payroll	totalling	525,269.66
Investments	totalling	2,500,000.00
Loan Repayments	totalling	Nil.
Other Direct Debits	totalling	1,025.00
Total Municipal Fund		<u>3,983,448.15</u>
Trust Fund Vouchers	totalling	6,475.00
Trust Fund Direct Debits	totalling	Nil.
Total Trust Fund		<u>6,475.00</u>
TOTAL		<u>3,989,923.15</u>

RECOMMENDATION

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

Municipal Fund	totalling	\$3,986,448.15
Trust Fund	totalling	\$ 6,475.00
Total		<u>\$3,989,923.15</u>

Voting Requirement Simple Majority

.....

Item 13.1.1. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR ARMSTRONG**

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

Municipal Fund	totalling	\$3,986,448.15
Trust Fund	totalling	<u>\$ 6,475.00</u>
Total		<u>\$3,989,923.15</u>

MOTION CARRIED 14 – 0

13.1.2 First Quarter 1999/2000 Budget Review

File	:	FIN047
Proposal/Issue	:	Council requested to adopt the First Quarter Review
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager – Finance (S Goodman)
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the First Quarter Review

BACKGROUND

1. Council Officers have reviewed the quarterly operating results for their areas and identified anticipated variances in the full year results. The summary indicates no significant total variance from the adopted budget.

STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed and contain the prescribed information.

Clause 35 of the Local Government (Financial Management) Regulations 1996 states:

“(1) A quarterly report is to be in a form which sets out:

- a) The annual budget estimates; and*
- b) The operating revenue, operating income, and all other income & expenses*
- c) Identifies any significant variations between the year to date areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year;”*

POLICY IMPLICATIONS

Nil.

Item 13.1.2 continued.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

3. A summary of the reallocations which have been approved in Council meetings from 1st July 1999 to 5th October 1999, together with additional reallocations requested by Council Officers is included in the Elected Members' Report / Information Bulletin.
4. A request for reconsideration of the decision to decline funding under Council's Financial Assistance Programme for 1999/2000 was received from the St John Ambulance Brigade. An undertaking was given to consider such a request if Council were showing a surplus in the first quarter review. There is no such surplus, and Council Officers recommend that the original decision be upheld.
5. A review of the processes associated with quarterly reviews has been done. It is recommended that future reviews include a variance analysis explaining year to date budget over runs which exceed either \$10,000 or 25% of the original budget.

RECOMMENDATION

THAT:

- i) Council adopt the First Quarter 1999/2000 review; and
- ii) future quarterly reviews include a variance analysis explaining significant year to date budget over-runs.

Voting Requirement Absolute Majority

.....

Item 13.1.2. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WILLIAMS**

THAT:

- i) Council adopt the First Quarter 1999/2000 review; and**
- ii) future quarterly reviews include a variance analysis explaining significant year to date budget over-runs.**

MOTION CARRIED 14 – 0

13.1.3 Albany Maritime Foundation

File/Ward	:	MAN060 All Wards
Proposal/Issue	:	Council is requested to consider a funding request from the Albany Maritime Foundation
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director - Strategic Planning (R Jefferies)
Previous Reference	:	OCM 28/10/98 Item 15.3.1 OCM 09/12/98 Item 15.3.1 OCM 27/01/99 Item 19.1 OCM 24/03/99 Item 15.3.1 OCM 20.10.99 Item 13.2.5
Summary Recommendation:		That Council reallocates \$35,000 to the Albany Maritime Foundation as a one off development grant.
Locality Plan	:	N/A

BACKGROUND

1. The development of a Maritime Heritage Village was first initiated by the City of Albany through a submission developed in conjunction with community members as a Centenary of Federation project.
2. The establishment of the Lotteries Duyfken Boat Shed at Albany is the first step and focal point to establishment of the Maritime Village.
3. At its meetings of 28 October, 1998, and 27 January, 1999, Council resolved to encourage the development of the Albany Maritime Foundation and endorsed the appointment of a broadly based membership to the Foundation with the intent that the facilities that make up the Maritime Village are autonomously managed and financed.
4. The City was also successful in securing funding to prepare a business plan which is now at a final draft stage.

Item 13.1.3 continued

5. At its meeting of 26 October, 1999, the City of Albany resolved to enter into a lease of the land on which the “Boatshed” is located for the purpose of subleasing to the Foundation.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

6. No funds have been provided in the 1999/2000 Budget to meet these costs.
7. Funding sources have been identified which could be utilised to meet this request:
 - grant funds have been received for Business Planning which enables the City to reallocate \$15,000 of its budgeted funding for business planning to other projects;
 - grant funds of \$23,000 which were not included in the budget, have been received for works completed in previous years on Point King Lighthouse.

STRATEGIC PLAN IMPLICATIONS

8. The City of Albany’s Strategic Plan contains the following strategies and objectives which are consistent with the recommendations of this report.

Economic Development Objective 2, Page 6

“Help create an investment climate and social infrastructure which attracts new business and encourages existing businesses to expand”; with the strategies to:

- “Ensure competitive incentives are available for economic development”
- “Develop Albany’s cultural infrastructure in consultation with the community”.

Economic Objective 1, Page 9

“Foster the promotion of Albany as a regional centre”, with Strategy d) “Encourage partnerships with other local organisations of Albany to promote Albany as a regional centre”.

Economic Development Objective 1, Page 10

“Foster the growth of tourism and special events in the Albany Region through a planned and co-ordinated approach.

Strategy e) Page 13 Built and Natural Environment

“Encourage integral, individual, strategic public place plans that emphasise the unique identities of public places in the City”.

Item 13.1.3 continued

Objective 1 and the complementary supporting Heritage Strategies, Page 15

“Promote the recognition, enhancement and proper utilisation of Albany’s heritage assets.

Education Objective 1, Page 25

“Pursue the advancement of the complete range of quality education facilities”

Arts and Culture Objective 1, Page 28

“Foster the diverse artistic and cultural pursuits of the Albany community”.

COMMENT/DISCUSSION

9. The community benefits and aspirations have been a major driving force in the City’s decisions to pursue attainment of the Lotteries Duyfken Boatshed and the establishment of the Albany Maritime Foundation. Ideally the development of a Business Plan would have been completed prior to the above steps being taken, however, the circumstances associated with this project, in particular, the timing of the opportunity to relocate the Lotteries Duyfken Shed from Fremantle to Albany, did not provide for this.
10. The Business Plan includes an analysis of operational and project costs for the first three years of operation of the Boat Shed and identifies the need to access development funding of \$35,000 to bridge the gap of starting up and management of the facility until projects and activities are developed and implemented which will then contribute to the maintenance and ongoing costs of the facility. The Albany Maritime Foundation has submitted a funding request to the City, copy attached, for a one-off grant to meet the above costs.
11. At this time the management of the facility is primarily being handled by the Foundation members themselves with a progressively reduced level of support from City of Albany staff as part of a progressive handover of the facility. The Foundation members were originally approached due to their skills, networks and abilities to steer and direct the development and operation of the facility, not to undertake the day to day management, they are not paid for their role, and the continued burden of day to day management shall put them in an untenable position.
12. As demonstrated in the Business Plan, the total value of funds, materials and efforts in cash and in kind, provided by the City, government agencies, Lotteries Commission and community members approximates \$1.4 million.
13. Major outcomes of the project includes direct and indirect employment opportunities, creation of additional tourist product, training, education, preservation of heritage assets, building and showcasing of our cultural maritime heritage, as well recreational benefits.

Item 13.1.3 continued

14. The City has already made significant commitments to take this project and its ongoing management and sustainability to its current state of development.
15. The City through its budget process has already committed \$1,500 in the form of rates subsidy and to help with operational costs. The Business Plan, however, identifies an amount of \$3,006 over the 1999/2000 year for these costs and the Plan should thereafter be adjusted accordingly to attain these funds from other sources or to reduce costs. Rates subsidies in future years to assist the Foundation with City, Water Corporation or other such charges should be considered as part of future budgets, on the basis of merit, as part of the City's Financial Assistance Grants program.
16. Should Council support the funding request, it should be recognised by the Foundation that this is an integral part of an extended handover process and it is important that milestones are progressively achieved at the conclusion of which the financial as well as managerial responsibility rests with the Foundation. An important stage of this process is the recruitment of a competent manager who can both relieve the managerial burden of the facility from Foundation members and City resources, and can put dedicated effort into securing grant and project funding for the facility. Accordingly a payment schedule as follows is recommended:
 - initial payment of \$8,000 following Council approval;
 - payment on employment of a manager - \$7,000;
 - two further progress payments of \$10,000 on substantial achievement of milestones identified in the Business Plan as agreed with the Foundation, with the intent that financial sustainability is reached through the utilisation of the provided funds.
17. The Business Plan sets out key items to be actioned, however, the Foundation is yet to finalise time frames and responsibilities. It is suggested that they be given the time to do this and to employ a manager and then negotiate with the Executive Director - Strategic Planning and Councillor Armstrong (Council's representative on the Foundation) on progress to be achieved for release of the \$10,000 progress payments, with a target of the end of May 2000.

Item 13.1.3 continued

RECOMMENDATION

THAT:

- i) Council approves a development grant of \$35,000 to the Albany Maritime Foundation on the following basis:
 - a) payment of \$8,000 as an initial payment;
 - b) payment of \$7,000 following appointment of a manager for the Boat Shed facility and for business development;
 - c) payment of progress payments totalling \$20,000 on substantial achievement of progress milestones, to the satisfaction of the Chief Executive Officer and Councillor Armstrong, Council's representative on the Foundation;
 - d) that the City of Albany be recognised as a major sponsor of the Lotteries Duyfken Boat Shed and the Albany Maritime Foundation.
- ii) Funds be allocated in the next quarterly financial review of the Budget on the basis of the sources of funding identified in this report.

Voting Requirement Absolute Majority

.....

Item 13.1.3. continued.

COUNCIL RESOLUTION

**MOVED COUNCILOR WALKER
SECONDED COUNCILLOR ARMSTRONG**

THAT:

- i) Council approves a development grant of \$35,000 to the Albany Maritime Foundation on the following basis:
 - a) payment of \$8,000 as an initial payment;**
 - b) payment of \$7,000 following appointment of a manager for the Boat Shed facility and for business development;**
 - c) payment of progress payments totalling \$20,000 on substantial achievement of progress milestones, to the satisfaction of the Chief Executive Officer and Councillor Armstrong, Council's representative on the Foundation;**
 - d) that the City of Albany be recognised as a major sponsor of the Lotteries Duyfken Boat Shed and the Albany Maritime Foundation.****
- ii) Funds be allocated in the next quarterly financial review of the Budget on the basis of the sources of funding identified in this report, and to include the proceeds of the surplus identified in Item 15.1.1. of this agenda.**

**MOTION CARRIED 10 – 4
ABSOLUTE MAJORITY**



PO Box 634,
ALBANY WA 6331.

29th October, 1999.

Andrew Hammond,
Chief Executive Officer
City of Albany,
York St,
ALBANY. 6331.

CITY OF ALBANY RECEIVED		
- 1 NOV 1999		
FILE MAND93	CORR NO. 9915707	OFFICER POPM
REPLY Y/N	ACKNOWLEDGMENT / /	CNCL/DETN

Plan attached

Dear Andrew,

On behalf of the Board of the Albany Maritime Foundation I would like to thank you and the Officers of the City for your support in the establishment of the Albany Maritime Foundation and the Establishment of the Albany Lotteries *Duyfken* Boat Shed.

In twelve months of meetings and after much voluntary effort the Foundation is proud to have played its role in achieving the following milestones.

- Securing, transporting , modifying and erecting the Boatshed in its spectacular position on the foreshore.
- The drafting and adoption of the Foundation's Constitution and its incorporation as an Association with the Ministry of Fair Trading.
- The Endorsement of the Strategic and Business Plans prepared by Lesley Solly and Noel Robins.
- The finalisation of the basis upon which the Albany City will lease the Boatshed to the Foundation.

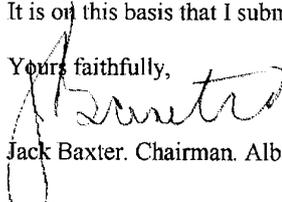
The Albany Maritime Foundation ,on behalf of the community, now takes over the responsibility for the Boatshed from the City of Albany.

This whole process has been carried out in a logical and thorough fashion, but with the speed necessary to take advantage of opportunities presented by Western Australia's celebration of the French explorers of 2001 - the Terre Australie initiative.

The Strategic Business Plan has identified the need for development funding for management in early 2000. This is essential to the success of the initial projects which will in turn establish the ongoing direction of the entire project.

It is on this basis that I submit the attached grant application for your consideration.

Yours faithfully,


Jack Baxter. Chairman. Albany Maritime Foundation.

APPLICATION FOR FUNDING ASSISTANCE

Background :

To help take advantage of and foster a greater appreciation of Albany's rich maritime heritage, the City of Albany has developed the 'Albany Maritime Heritage Showcase' concept. The first stage in implementation of the concept is the establishment of the Albany Lotteries '*Duyfken*' Boat Shed.

The Shed was previously located next to the WA Maritime Museum in Fremantle and housed the authentic replica of the '*Duyfken*'. The '*Duyfken*' Foundation gifted the Boat Shed to the City of Albany and funding for its relocation was obtained from Lotteries WA. The Boat Shed was officially opened on 22 May 1999.

The City's vision for the Boat Shed was that it be a 'magnet' for maritime activity and will be home to a number of maritime related activities, including:

- The building and restoration of small wooden boats and the training of local people in these skills;
- A home for local groups with maritime connections;
- Broader maritime, heritage, educational and tourism functions.

The City has seen itself primarily as the facilitator of the project and indicated that there would be continued involvement and support, whilst over time the Shed would develop as an autonomous unit.

Status / Current Use of the Albany Lotteries *Duyfken* Boat Shed:

Already the Boat Shed is being used by the Great Southern Regional College to deliver a Certificate IV in Wooden Boat Building; the Albany Whaleboat Association as a home base and the Albany Heritage Museum for displays.

A number of other community organisations and the business sector are keen to utilise the facility and these identified opportunities form part of strategies contained in the recently completed Strategic Business Plan.

The lease of the Shed to the Albany Maritime Foundation by the City is being completed.

A Brief Overview of the Albany Maritime Foundation:

The Albany Maritime Foundation is set up as charitable trust with responsibility for:

- Establishing and promoting Albany as a centre of excellence in small wooden boat building and restoration.
- Encouraging educational and training organisations, commercial and community groups to become affiliated with and utilise the Foundation facilities for training, meetings and promotional purposes.
- Strategically plan for and ensure the financial viability of the Foundation into the future.
- Establishing links with other maritime groups and institutions, heritage groups and tall ship associations.

The recently completed Strategic Business Plan enables the Albany Maritime Foundation and the City of Albany to clearly see what business opportunities are available to the Boat Shed and the directions that should be taken to ensure the Shed's long term sustainability.

In doing so, some significant existing and new service and market opportunities have been identified. These include but are not limited to a range of opportunities that have been identified under the following closely integrated key service areas:

- Maritime Heritage Activities and Events
- Maritime Education, Employment and Training
- Marine Services
- Maritime Tourist Activities
- Maritime Community Recreation Programs
- Facility Hire

Critical to the success of the Boat Shed is the nurturing of existing partnerships and the development of new strategic alliances with community agencies, local businesses and state, national and international maritime organisations.

The Proposal:

In order to achieve the outcomes identified in the Strategic Business Plan the Albany Maritime Foundation requires a development grant of \$35,000.

This development funding will enable the Foundation to:

1. Appoint an Operations Manager for the Boatshed.
2. Appoint a casual administrative officer.
3. Implement the strategies of the business plan including:
 - The provision of a broad range of maritime, educational, cultural, commercial and recreational programs that cater for all sections of the community.
 - Maximise the use of the Shed.
 - Provision of cost effective activities whilst maintaining the highest standards in safety and quality.
 - Facility maintenance, presentation and cleanliness.
 - Development of all Boat Shed customers, staff and volunteers.
 - Provision of a safe, friendly environment for the users and visitors to the Boat Shed.
 - Increased opportunity for positive interaction and cooperation between all community and commercial groups using the Boat Shed.
4. Implement marketing strategies.
5. Prepare Occupational Health and Safety Plans.
6. Nurture alliances with the Albany Community and existing organisations.
7. Develop the key service areas.
8. Secure project funding for maritime heritage projects.

Conclusion:

The receipt of initial development funding is critical to the success of the Albany Maritime Foundation to be able to achieve the goals set for the Boat Shed, as set by the Albany Community at the outset of this project.

The Albany Maritime Foundation therefore asks you to give this application your support.

13.1.4 Distribution – City of Albany 1998/99 Surplus

File #	:	FIN047
Proposal / Issue	:	Treatment of 1998/99 Projected City of Albany Surplus.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager – Finance (S Goodman)
Previous Reference	:	Nil
Summary Recommendation	:	That the projected 1998/99 Surplus be used for an expanded 1999/2000 Roadworks programme.

BACKGROUND

1. The City of Albany 1998/99 annual accounts are in the final stages of completion and it is anticipated that the working capital surplus will be approximately \$ 645,000.
2. When the 1998/99 budget was adopted on 12 August 1998, Council determined that any budget surplus arising from 1998/99 operations should be transferred to reserve accounts for purposes as designated by Council.
3. The 1999/2000 Budget utilized \$150,000 in the 1999/2000 roadworks programme. It was further assumed that \$449,000 would be allocated to the plant replacement reserve to give Council the option of not borrowing money to fund certain 1999/2000 plant purchases.
4. It is unusual to determine the distribution of the surplus prior to the completion of audited accounts. In this instance, Councillors will be requested to make an early decision to allow advance planning for additional works to be carried out in 1999/2000.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

Item 13.1.4 continued.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC PLAN IMPLICATIONS

Nil

COMMENT/DISCUSSION

5. It is proposed that Council allocate 100% of the projected 1998/99 working capital surplus to roadworks to be carried out within the 1999/2000 financial year. This would include the funds allocated within the budget process and already included in the construction budget. If sufficient additional funds are available, it is proposed that the following additional projects be undertaken:

Muttonbird Road : Construct & seal 3.2k
Approximate cost - \$ 230,000

Eden Road : Construct to gravel stage 5.5 k
Approximate cost - \$140,000

Gull Rock Road : Construct and seal 2.2k
Approximate cost - \$ 130,000

RECOMMENDATION

THAT:-

- i) Council agree to allocate 100% of the 1998/99 working capital surplus to the Roadworks reserve;
- ii) Council agree to increase the 1999/2000 roadworks programme by adding the following projects if sufficient funds are available from the 1998/99 working capital surplus:

Muttonbird Road - Construct and seal 3.2
Eden Road – Construct to gravel stage 5.5 k
Gull Rock Road – Construct and seal 2.2 k; and

- iii) a reallocation from the Roadworks reserve be made to fund the additional construction.

Voting Requirement Absolute Majority

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Item 13.1.4. continued.

The Acting Director Corporate and Community Services advised the item and the officer recommendation required amendment as follows:

Officer Report

Paragraph 5 – Line 6 – “3.2” should read “3.7”.

Paragraph 5 – Line 10 – “2.2” should read “3.2”.

Recommendation

Point ii) Line 4 – “3.2” should read “3.7”

Line 6 – “2.2” should read “3.2”.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WOLFE**

THAT:-

- i) Council agree to allocate 100% of the 1998/99 working capital surplus to the Roadworks reserve;**
- ii) Council agree to increase the 1999/2000 roadworks programme by adding the following projects if sufficient funds are available from the 1998/99 working capital surplus:**
 - Muttonbird Road - Construct and seal 3.7k**
 - Eden Road – Construct to gravel stage 5.5 k**
 - Gull Rock Road – Construct and seal 3.2 k; and**
- iii) a reallocation from the Roadworks reserve be made to fund the additional construction.**

**MOTION CARRIED 8 – 6
ABSOLUTE MAJORITY**

13.1.5 Annual Electors Meeting

File #	: FIN047
Proposal / Issue	: Council requested to set a date for the Annual Electors Meeting.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer	: Manager – Finance (S Goodman)
Previous Reference	: Nil
Summary Recommendation	: That Council hold the Annual Electors Meeting on 11 th January 2000.

BACKGROUND

1. Council is required to convene an Annual Meeting of Electors each year and publicly advertise its intention of holding such a meeting

STATUTORY REQUIREMENTS

2. Section 5.27 of the Local Government Act 1995 requires that a General Meeting of the electors of a district be held once every financial year, not more than 56 days after the Local Government accepts the annual report for the previous financial year.
3. The Chief Executive Officer is required to give at least 14 days local public notice of an electors meeting.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 13.1.5 continued.

COMMENT/DISCUSSION

4. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 7:00pm on Tuesday 11th January 2000, in the reception room of the City's Mercer Road Office and that the meeting be advertised locally. The annual report, including the audited accounts will be presented to the 14th December 1999 Council meeting for acceptance.

RECOMMENDATION

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an annual general meeting of electors be held in the Mercer Road Reception Room at 7:00pm on Tuesday 11th January 2000 for the purpose of receiving the 1998/99 annual report of the City of Albany, and such other business as prescribed in the Local Government (Administration) Regulations 1996.

Voting Requirement Absolute Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an annual general meeting of electors be held in the Mercer Road Reception Room at 7:00pm on Tuesday 11th January 2000 for the purpose of receiving the 1998/99 annual report of the City of Albany, and such other business as prescribed in the Local Government (Administration) Regulations 1996.

MOTION CARRIED 14 – 0

13.2 ADMINISTRATION

13.2.1 Ministerial Appointment to Committee

File	:	GOV004
Proposal / Issue	:	Nomination for representation on the Wellstead Land Conservation District Committee
Subject land	:	N/A
Proponent	:	Agriculture WA
Owner	:	N/A
Reporting Officer	:	Senior Administration Officer (S Pepper)
Previous Reference	:	CNCL 28.10.98 – Item 13.2.4 CNCL 13.07.99 – Item 15.1.3 CNCL 05.10.99 – Item 13.2.5
Summary Recommendation	:	That a nomination be invited to the committee.
Locality Plan	:	Nil.

BACKGROUND

1. Agriculture Western Australia has advised the Wellstead Land Conservation District Committee have decided to reform and are seeking Ministerial re-appointment. Council has been invited to nominate a representative to the Committee for a three year term.
2. Council's representative for this committee when it was the Shire of Albany, was Councillor Ian West.

STATUTORY IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

Item 13.2.1 continued.

STRATEGIC IMPLICATIONS

3. Governance – Objective 1.

Provide good governance for the City of Albany.

Strategy:

- a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation;
- b) Establish effective two way communication between Council, residents and other stakeholders.

COMMENT/DISCUSSION

- 4. Agriculture WA has advised, Council can submit a nomination for the committee and that the individual does not have to be a Councillor, but that he/she will become the City’s representative.

RECOMMENDATION

THAT Council:

- i) seek a nomination from Councillors interested in being Ministerially appointed to the Wellstead Land Conservation District Committee; and
- ii) submit the name of Councillor West and his CV to the Minister for his consideration.

Voting Requirement Simple Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

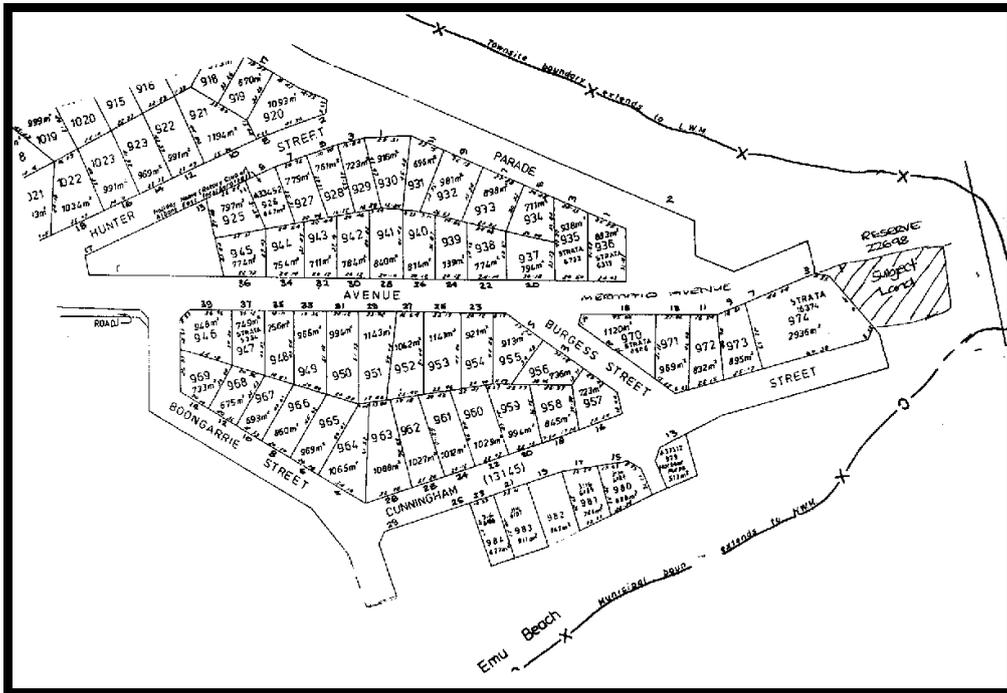
THAT Council:

- i) seek a nomination from Councillors interested in being Ministerially appointed to the Wellstead Land Conservation District Committee; and**
- ii) submit the name of Councillor West and his CV to the Minister for his consideration.**

MOTION CARRIED 14 – 0

13.2.2 Variation to Assignment of Sub –Lease – Portion of Reserve 22698 – Cravings Restaurant

- File # & Ward** : A152433/PRO055 – Breaksea
- Proposal / Issue** : Variation to previous assignment of sub-lease.
- Subject Land** : Portion of Reserve 22698
- Proponent** : N/A
- Owner** : Crown Land, vested in the City of Albany by way of a Management Order.
- Reporting Officer** : Administration Officer (L Fregard)
- Previous Reference** : Item 13.2.2 of 26 October 1999
- Summary Recommendation** : Approve variation to assignment of sub-lease.
- Locality Plan** :



Item 13.2.2 continued.

BACKGROUND

1. At the meeting of Council held on 26th October, 1999, a report was considered relating to an assignment of the sub lease of the Restaurant known as ‘Cravings Waterfront Bistro’ at Emu Point. The resolution passed at that meeting, being as follows:

“Subject to Ministerial approval being granted, Council approve an assignment of the sub-lease on the premises known Cravings Waterfront Bistro, from NP and CJ Gray to Jun Fujiki and Swan Prince Pty Ltd as trustee for the Nakada Restaurant Trust, effective from the date of settlement – 29th October 1999.

Council approve the request for an additional option of a further three year term from 1 July 2003 to 30 June 2006.

All legal fees and costs associated with the assignment of the sub lease be borne by the assignee

The Common Seal of the City of Albany be affixed to the assignment documentation”.

STATUTORY REQUIREMENTS

2. Approval of the Minister for Lands is required for the assignment of sub-lease, of which an application has been submitted and accepted.

POLICY IMPLICATIONS

3. No policy currently in place on this subject.

FINANCIAL IMPLICATIONS

4. Council at present receives \$1050 per annum in rent, subject to movements in CPI at 5 year intervals. All costs for the preparation of the lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

5. The request complies with Council’s Strategic plan for 1998-2000, which is part states as follows:-

“Help create an investment climate and social infrastructure which attracts new business and encourages existing businesses to expand”.

Item 13.2.2 continued.

COMMENT/DISCUSSION

6. Since Council's approval of the sub-lease from NP and CJ Gray to Jun Fujiki and Swan Prince Pty Ltd on 26 October 1999, further negotiations for the sale have resulted in the settlement date being delayed until 2 November 1999. The request for a further term of three years has also been withdrawn. This minor alteration to the assignment transaction has been already been actioned administratively, as it still fits in with the intent of the original Council resolution, and was also to facilitate each parties settlement timetable.

RECOMMENDATION

THAT Council:-

- i) approve the amended assignment date from NP and CJ Gray to Jun Fujiki and Swan Prince Pty Ltd as trustee for the Nakada Restaurant Trust from 29th October 1999 to 2nd November 1999; and
- ii) agree to withdraw the approval for an additional option of a further 3 years from 1 July 2003 to 30 June 2006, as requested by the applicants.

Voting Requirement Simple Majority

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WILLIAMS**

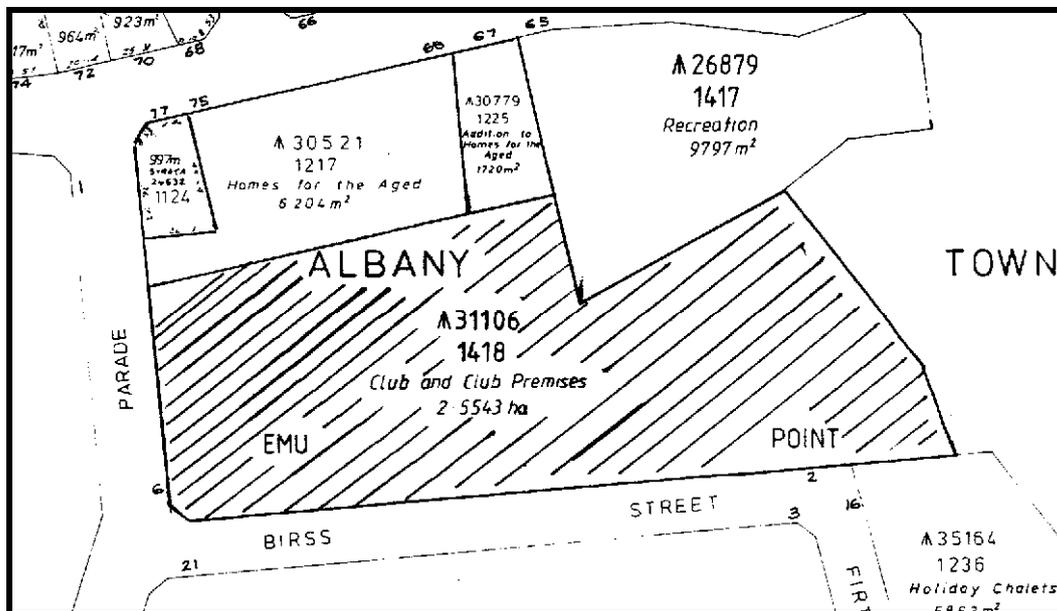
THAT Council:-

- i) approve the amended assignment date from NP and CJ Gray to Jun Fujiki and Swan Prince Pty Ltd as trustee for the Nakada Restaurant Trust from 29th October 1999 to 2nd November 1999; and**
- ii) agree to withdraw the approval for an additional option of a further 3 years from 1 July 2003 to 30 June 2006, as requested by the applicants.**

MOTION CARRIED 14 – 0

13.2.3 Excision of Portion of Reserve – Birss Street, Emu Point

File	:	
Proposal/Issue	:	Excision of Portion of Reserve – Birss Street, Emu Point
Subject land	:	Reserve 31106 Location 1418 Birss Street, Emu Point.
Proponent	:	Loughton Patterson Pty Ltd
Owner	:	Crown vested with the City of Albany.
Reporting Officer	:	Executive Director Development Services (R Fenn)
Previous Reference	:	N/A
Summary Recommendation	:	Support creation of Crown Grant in Trust.
Locality Plan	:	



Item 13.2.3 continued.

BACKGROUND

1. Loughton Patterson Pty Ltd, acting on behalf of Silver Chain Nursing Home have been exploring the available opportunities to expand aged accommodation at Emu Point. They recently approached the Emu Point Progress Association with a proposal to construct 41 two bedroom villas and 2 bed cottages. The village will be focussed on a club house / social centre and oriented towards the bowling greens. A copy of the plans will be on display at the meeting.
2. In October 1999 the proponents submitted their proposal to a gathering of members of the Emu Point Progress Association at which approximately 200 members were present. The proposal will go to the Associations half yearly general meeting in November for formal ratification.
3. If agreement is reached, the Progress Association would agree to the excision of 1.35 hectares on the corner of Birss Street and Medcalf Parade from Reserve 31106 to create a new Crown Grant in Trust, vested in the Silver Chain for aged care accommodation. The excision and change of purpose will also require the agreement of Council and the Department of Land Administration.

STATUTORY REQUIREMENTS

4. The modification to the reserve will require agreement from the Department of Land Administration, City of Albany and Emu Point Progress Association. The process is essentially all administrative process undertaken within the Department of Land Administration: the proposal is not subject to the future acts provision of the Native Titles Act.
5. Reserve 31106 has an area of 2.5543 hectares, it has been vested with the City of Albany for “Club and Club Premises” purposes with the power to lease. It is leased to the Emu Point Progress Association and new leasing arrangements will need to be negotiated if the reserve is reduced in size.

POLICY IMPLICATIONS

6. The City of Albany has not completed its review of the City’s recreational and cultural needs and the strategic importance of this land cannot be determined at this time.
7. The urban area at Emu Point is not planned to be expanded and the resident population will fluctuate slightly over time.

Item 13.2.3 continued.

FINANCIAL IMPLICATIONS

8. If the City of Albany, and the other interested parties, consent to an excision of portion of reserve 31106, the Department of Land Administration will meet the costs associated with the survey, dedication and vesting of the land with the Silver Chain.
9. The Emu Point Progress Association would be required to meet the City's costs to amend or replace the lease documents.

COMMENT/DISCUSSION

10. The Emu Point Progress Association is set to derive direct benefits from the excision in that:
 - i) Purchasers of the units will receive two years membership of the sports club thereby linking them with this active association, and also providing a membership boost of potentially 60-80 new members for the club;
 - ii) The overall site plan that we have made provision for an additional bowling green, new tennis courts and increased carparking, should the need arise for these amenities;
 - iii) Some extra 30-40 cars can be accommodated on site, if required; and
 - iv) Additional members will strengthen the financial and social viability of the Club, and improve general security for the area.
11. Residents in the units will be provided, through Gwen Hardie Lodge:-
 - ◆ Emergency call link up to each unit;
 - ◆ A range of services including meals, domestic cleaning, personal care, social networking on an 'as required' basis;
 - ◆ Estate residents will also have access to the Lodge and Commonwealth Government aged care packages (subject to need and availability);
 - ◆ Needed accommodation and support services for older people;
 - ◆ Its proximity to a highly credible and respected aged care provider, and a vibrant and active seniors club in a wonderful area such as Emu Point is quite unique.
12. By an independent process, Council will consider the town planning merits of the proposed development. Council is required at this time to assess the merits of excising portion of a reserve for club purposes and making it available to the Silver Chain for aged accommodation.
13. Final agreement for the excision should be subject to the ratification of the Progress Association at its November half yearly general meeting.

Item 13.2.3 continued.

RECOMMENDATION

THAT Council supports the request from Silver Chain to excise 1.35 hectares from Reserve 31106 Birss Street, Emu Point for the development of aged accommodation subject to:-

- i) the excised land being vested with the Silver Chain and Department of Land Administration ensuring the land is developed for aged accommodation within a specified period;
- ii) the membership of the Emu Point Progress Association agreeing to the excision;
- iii) the balance of Reserve 31106 remaining for “Club and Club Premises” purposes and vested with the City of Albany with the power to lease;
- iv) the Emu Point Progress Association meeting all costs associated with the redrafting or modification of existing lease documents.

Voting Requirement Absolute Majority

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The Acting Director Corporate and Community Services advised he is a member of the Emu Point Progress Association.

COUNCIL RESOLUTION

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR ARMSTRONG**

THAT Council acknowledges the request from Silver Chain to excise 1.35 hectares from Reserve 31106 Birss Street, Emu Point for the development of aged accommodation subject to:-

- i) the excised land being vested with the Silver Chain or any other preferred developer and the Department of Land Administration ensuring the land is developed for aged accommodation within a specified period;**
- ii) the membership of the Emu Point Progress Association agreeing to the excision;**
- iii) the balance of Reserve 31106 remaining for “Club and Club Premises” purposes and vested with the City of Albany with the power to lease;**
- iv) the Emu Point Progress Association meeting all costs associated with the redrafting or modification of existing lease documents.**

MOTION CARRIED 13 – 1

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

Item 13.2.3. continued.

It is known that there are other developers apart from Loughton Patterson Pty Ltd who may be interested in the development of aged accommodation in the City of Albany and in fact, other developers may offer more suitable accommodation. Council should request DOLA to put this land and subsequent development out to tender.

13.2.4 City of Albany Administration Building – Development of New Civic Facilities

File / Ward	:	N/A
Proposal/Issue	:	Provision of Administration Building and Civic Centre to Meet the Needs of 21 st Century.
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Previous Reference	:	CNCL 22/06/99 Item 13.1.4
Summary Recommendation	:	Council resolve the budget and site for an Administration Building and Civic Centre.
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany was created on the 1st July 1998. Prior to then, each of the former Shire of Albany and the Town of Albany provided their own Council, reception and administrative facilities to suit their needs. The City of Albany is now required to provide a similar range of facilities to those provided in the past and deal with larger floorspace needs.
2. From the 1st July 1998 Council (Commissioners and Elected Councillors) have sought to maintain a ‘business as usual’ approach for the City’s operations. However, the daily operations of the City have not always been easy to achieve with the administrative functions of the organisation separated by a distance of 6 kilometres. The ratepayers have also had to maintain and support two separate buildings, meet the cost of upgraded communications links, etc. Added to those difficulties, extra expense has been incurred in having to book private venues for civic ceremonies, due to existing Council facilities being either inadequate for the purpose or they were already in use. To a larger and smaller extent, these problems were already occurring prior to amalgamation.

Item 13.2.4 continued.

3. Both former Councils were planning in 1997/98 to upgrade their office buildings to cater for growth within their respective organisations. The creation of the City of Albany halted that process and compounded the problems of adequately housing Council and staff. It is also noted that, whilst the overall staffing level of the City of Albany has dropped slightly during the past 2 years, some staff now work in independent and specialised fields (eg. community services, fire control) or the office accommodation demands for a particular team has changed (eg. the 5 rangers now working in one team).
4. Current Position: The utilisation of either of the present administration buildings as the civic headquarters for the City of Albany into the future is not practical without a major expansion of the building. Approximately 25 staff are housed at the Mercer Road office and 50 staff are located in York Street. Each has a committee room available for small meetings, with a kitchen attached. The Mercer Road building provides the Council Chamber for the regular meetings of Council and the recent removal of a partition wall provides the additional space needed in the building to hold civic receptions and functions.
5. Current Deficiencies: The current administration buildings are an unsatisfactory solution to Council's long term needs for a range of reasons, namely;
 - a) Council Facilities:- The present Council Chamber is several years old, it is poorly laid out for modern technology, is "tight" for the number of people needed to conduct a Council meeting and inadequate for conducting briefings/ presentations. Alternate meeting places, such as the York Street office, Town Hall meeting room and the Senior Citizen's Centre, have also been trialled in the past and have proven to be inappropriate for the needs of Council. None of the aforementioned venues is provided with adequate audio facilities, pin up boards, display facilities and other infrastructure to assist in the conduct of Council meetings.

The mayor's office in York Street is alongside the office of the Chief Executive Officer and has secretarial support, however it is currently divorced from the Mercer Road Council Chamber. There are also no dedicated rooms available for Councillors to meet with the public or to prepare for meetings. Neither of the existing buildings has a Council Chamber, committee rooms, kitchen facilities or areas for civic receptions that project an appropriate Council image or promote Albany as a progressive provincial city.

Item 13.2.4 continued.

- b) **Building Life:-** All buildings reach a stage in their life where they require internal and/or external refurbishment, as well as major repairs. For commercial buildings, that period is usually around 10 years for internal work and 30 years for external. Community expectations may also warrant additional expenditure on a building and this is very evident with facade replacements in York Street. The York Street office requires major expenditure on windows, the replacement of electrical and plumbing mains and repairs to deteriorating concrete columns, gutters and roofing. However, if those structural and occupational safety ‘faults’ were to be fixed, ventilation and heating problems in the building, floor space, inadequacies, car parking deficiencies and the lack of adequate meeting spaces would remain. The building was constructed in the 1960’s and it has limited capacity to be modified for modern local government operational needs or expanded to meet future basic organisational requirements. The Mercer Road building was constructed in 1970’s and is in reasonable condition. The structure was extended in the mid 1980’s, however the configuration of the building creates certain operational limitations and inefficiencies.
- c) **Customer Contact:-** The public must pre-plan which Council building to visit. Often a developer will meet with the Development Team at York Street to discuss a town planning or building issue and then he/she is required to visit a Works and Services Team member at Mercer Road to resolve servicing issues. To bring both teams to a single meeting place requires staff to travel, and this action removes at least 20 minutes from the working day of one team. There are resultant direct costs and quantifiable losses in productivity with the current arrangement. The delays resulting from the transfer of reference documents can also preclude a quick response to customer inquiries.
- d) **Customer Service:-** The capacity of staff to deal with customer inquiries in a confidential manner is seriously hampered by the lack of interview rooms near front counters at both offices. Those customers with special needs (persons with disabilities, the elderly, etc.) or those who wish to discuss sensitive matters cannot be adequately accommodated with the limited customer service area at York Street, where the foyer is noisy and congested. The Mercer Road office has good foyer areas (albeit that changes are required to counters to meet disability standards), however the higher public contact departments (eg. finance, development approvals) are located at York Street.

Item 13.2.4 continued.

- e) Design Flexibility:- Information technology and communication infrastructure are two services which must be integrated into a modern office. The modification of an existing building to accept this infrastructure cannot always deliver acceptable outcomes, particularly if a work station is located in the centre of the building away from walls and ducting. Both buildings also suffer from the “add on” decisions of the past, with poorly positioned toilets, walls which are difficult to remove to adjust floor spaces and differences in building standards within the same building. The modification or expansion of either of the existing administration buildings will require extreme remodelling of the building to correct those deficiencies.
- f) Operating Efficiencies:- Twice daily, mail is transmitted between the two buildings, customers are directed between buildings, duplicate front counter staff are employed, cleaners are cleaning and supplying equipment to like areas and there are multiple toilets, photocopiers, lighting, heating and communication systems which require maintenance. The consolidation of activities onto a single site, and within a single building, can reduce or eliminate many of those inefficiencies.
- g) Storage:- Legislation requires that Council maintain hard copies of a range of financial, administrative and development files for indefinite or specified periods. There is also a range of equipment and furniture that must be stored within or near the administration building for annual events and occasional functions. The present shortfall of storage space is being met within sheds and storage containers at the former North Road depot site and at the Harry Riggs Albany Regional Airport. The storage conditions at all venues is completely inadequate to meet the City’s on-going needs and is promoting the deterioration of the stored records and equipment.
- h) Communication:- To maintain effective audio and electronic communication between the administration buildings, additional telephone lines and purpose built radio links have been installed. The stop gap measure to deliver a “one stop” entry point to the administration, and to provide effective communication amongst staff and to customers, has come at a high annual maintenance cost. The present system has reduced the overall combined costs that were being met by the former Town and Shire of Albany, however the placement of all staff onto a single site can deliver further financial and efficiency savings.
- i) Occupational Health and Safety:- Council employs approximately 75 administrative staff who do not have access to a range of facilities recommended in occupational workplace guidelines. Those facilities include lunch rooms, sick rooms, adequate lighting levels, room heating and cooling, toilets for persons with disabilities, secure storage for personal effects and change areas.

Item 13.2.4 continued.

6. At its meeting on the 22nd June 1999 Council established a working party to prepare a report on a preferred strategy for a future administration building for the City of Albany. That working party comprised Her Worship, 4 Councillors, the Chief Executive Officer and 3 Executive Directors. This report has been considered by the working party and is intended to be the nominated report to Council.
7. In determining the preferred development option(s) the working party considered approximately 28 potential sites within an 8km radius of the Albany Post Office. The working party also reviewed various construction solutions, determined the assessment parameters which needed to be taken into consideration for assessing sites, reviewed funding parameters and has established a preliminary brief for the project.

STATUTORY REQUIREMENTS

8. Section 5.56 of the Local Government Act states that
“Each financial year, a local government is to prepare a plan for the next 4 or more financial years. The plan is to contain details of:
 - a) the principal activities that are proposed to be commenced in each financial year affected by the plan;*
 - b) the objectives of each principal activity;*
 - c) the estimated cost of, and proposed means of funding, each principal activity;*
 - d) how the local government proposes to assess its performance in relation to each principal activity;*
 - e) the estimated income and expenditure for each financial year affected by the plan, and*
 - f) such other matters as may be prescribed.”*
9. Council has prepared such a plan for the period from the 1st July 1999 to the 30th June 2003 and it lists on page 16, as an activity *“consider the provision of a single building to meet the City’s future administrative and civic centre requirements.”* The Principal Activity Plan establishes the other parameters required by the Act and indicates a budget of \$5 million for the project which will be required primarily within the 2000/2001 financial year.

Item 13.2.4 continued.

POLICY IMPLICATIONS

10. The use of land for an “office” development is subjected to the land use controls in the City of Albany’s town planning schemes. Generally, office developments are confined to the Central Area and Local Shopping zones in the two schemes and Council has refused applications lodged by developers wishing to build general offices outside those zones. The only exceptions have been ‘professional offices’ (accountants, surveyors, etc.) within special sites, ‘consulting rooms’ (doctors, dentists, etc.) in residential areas and government enterprises (CALM, Ag WA, TAFE) on public purpose sites and Crown Reserves.
11. In the past, Council has been very critical of businesses who have sought to shift their offices outside the CBD (Central Business District). This resulted in some businesses (eg. National Bank) curtailing business expansion and others relocating portion of their business operations. Several businesses have also amalgamated their office and warehousing functions onto a single site (eg. Elders) to reduce overheads and meet customer needs.

FINANCIAL IMPLICATIONS

12. To accommodate 100 permanent staff (the City currently has 75), the members of Council and have civic space for 200 people to assemble, a building of approximately 2800 sq.m. is required. The construction of that building, based upon it being fully furnished, ranges from \$6mil to \$9mil depending upon the site chosen. Those costs include an allowance of 6% on the building costs for the payment of the goods and services tax.
13. Within its Financial Reserves, Council has \$978,052 for Office Improvements. The 1999/2000 budget proposes that \$40,790 be gained in interest from the investment of those reserve funds and that \$300,000 (COA 7715) be removed during the year. That expenditure is to be used for building design (\$250,000 – COA 7714) and information technology upgrades (\$50,000 – COA 0664).
14. Assuming a budget in the order of \$7 million is required for the project, an additional \$6.2 million needs to be sourced. If the funds were to be obtained through a loan, the annual repayments for a 15 year loan period would range from \$690,000 (at 7.35% interest rate) to \$825,000 (10.4% interest rate). With interest rates at their lowest for the last decade and with building costs continually rising, there is a sound argument for borrowing the necessary funds and ‘locking in’ a loan as early as possible. The overall levels of borrowing for the City are low, compared to other Local Authorities, and the 5 year financial forecasts for the City acknowledge the need for future borrowing on larger projects.

Item 13.2.4 continued.

15. As an alternative to the funding of the entire project through a loan, Council may decide that it wishes to fund all or part of the project from other asset sales. If this were the case, a 2 year 'interest only' loan could be secured and the annual repayments would range from \$773,000 to \$1,150,000 (based upon above quoted interest rates).
16. An alternate to the borrowing of funds is the option to pursue rental and/or a lease back arrangement with private developers. Based upon current rentals being paid for Government buildings and larger office sites, some short term cost savings may be achieved however a considerable long term cost penalty would be incurred by Council; the developer is required to recoup the costs he/she incurs in constructing the building (equal to Council's costs) and also develop a profit from that investment. Also, Council is required to tender this option and it may then be restricted by the sites offered by tenderers and the needs of the landlord/financier if future expansion is required.
17. Included under the section headed Comment/Discussion is further details on the potential costs of various options as well as the fixed cost components.

STRATEGIC PLAN IMPLICATIONS

18. Within the City of Albany Strategic Plan 1998 – 2000, under the heading of "Civic Facilities", objective 1 states '*Provide civic facilities to meet the future needs of Council and the community*'. There is then a strategy under that objective which seeks to '*Identify and meet the accommodation and administration needs of Council*'.
19. Within the City's Strategic Plan there is also objectives dealing with;
 - staff motivation and of the provision of the resources needed so that they can perform their duties;
 - industrial relations matters;
 - the desire to deliver quality customer service;
 - access for the elderly and people with disabilities; and
 - promoting Albany as a regional centre.

COMMENT/DISCUSSION

20. The working party, which Council charged with the responsibility of assessing the future building needs of the City, has met on numerous occasions and explored various building options which may deliver the required service to the Albany community into the next millennium. To expand upon all the options in this report is not practical. In the following comment, the working party seeks to consolidate the information it has available for Council and to promote the development of the City's "**Millennium Project**".

Item 13.2.4 continued.

21. Development Programme_- There is a substantial amount of time needed to initiate, document and build a structure of the size being promoted. A project timeframe was produced which indicates that occupation of a building would not be achieved before January 2002.
22. The draft programme seeks to achieve;
- | | |
|---------------|---|
| February 2000 | Full project signoff by Council |
| February 2000 | Completion of project brief |
| April 2000 | Registration of interest from architects |
| June 2000 | Appointment of architect |
| October 2000 | Complete design concepts |
| December 2000 | Complete community consultation on design |
| December 2000 | Rezoning (if required) completed |
| February 2001 | Site preparation |
| August 2001 | Project documentation and tendering |
| February 2002 | Completion construction |
| March 2002 | Fitout and occupation |
23. Criteria for Site Assessment - To determine the merits of one site over another, a number of criteria were selected as being determinants for the decision-making process. The Working Party felt that the chosen site should display the following attributes;
- there must be adequate space for the construction of 2800 sq.m. of building, 120 car parking bays, site landscaping and room for future expansion.
 - The site must be capable of being serviced in the short and medium term by public transport.
 - The site should be located to acknowledge the growth patterns of the City over the next 2 decades.
 - All ratepayers should be able to access the site (including car/caravans and trucks).
 - The site should be available for construction to commence from February 2001.
 - Services should be available to the site or capable of being extended to the site before construction commences.
 - The site and building should project an appropriate image of the City into the 21st century and reflect the role of Albany as a regional centre.
 - Major customers should not be disadvantaged by the selected site.
 - The overall asset and building needs of the City should be taken into consideration during the site selection process.
 - The new building should embrace technology.
 - Council needs to have adequate facilities to cater for civic functions and for entertaining guests.

Item 13.2.4 continued.

24. York Street Office - The York Street site has a CBD address and is convenient to residents visiting banks and CBD businesses, as well as those businesses located in the CBD. The existing office building of 910 sq.m. is in need of major repairs and there are presently 120 car bays on-site. Those bays are also required for the Senior Citizens Centre, Town Hall, Albany Library and Information Service, the University of WA and people wishing to shop in the CBD.
25. The site has an area of 9720 sq.m. To accommodate the required building, the existing structure would need to be gutted, extended (single storey) to within 1.5 metres of the Town Hall retaining wall, extended (double storey) 4 metres towards the York Street boundary and extended (double storey) 10 metres towards the library. A decked car park would then be needed and at the conclusion of that construction there would be little or no capacity for future expansion.
26. This site offers maximum benefit for the CBD businesses who deal with Council and for those residents who use public transport. Access to this site by private vehicle is constrained and no access is available for those rural residents in heavier vehicles. A cost penalty in the order of \$1.5mil is incurred with this option due to higher parking costs and the work involved in demolishing existing buildings. This site has also been earmarked as a potential site for an entertainment centre and it is ideally located, according to the community, for an expanded library facility.
27. Mercer Road - The Mercer Road site has greater capacity to be expanded, although some infrastructure will need to be expanded with inherent cost penalties. The existing building has an area of 980 sq.m. and has 80 car parking bays on-site, some of which are under cover. The site has an area of 14 hectares and also contains the City's works depot.
28. The existing single storey building could be extended to provide the required 2800 sq.m. of floor space or, according to Council's consultant quantity surveyor, it may be more efficient to build elsewhere on the site and recycle the existing structure into an alternate use. Of the options being promoted by the Working Group for consideration, it has a cost advantage which cannot be ignored.
29. The site is well located for rural residents and those located to the north and north east of Albany. Its distance from the CBD would disadvantage many businesses and government agencies and a 'shop front' may need to be developed in the CBD to assist with general inquiries. The Mercer Road site is not presently serviced by public transport and is unlikely to generate a public transport need in the medium term. If that were the case, the site then becomes inaccessible for any resident without a private car or a taxi fare. For future visitors to the region, the site would also appear to be 'out of the way', it will be within a residential enclave and little civic amenity is expected to be developed beyond the Mercer Road lot itself. The presence of the works depot on the site is neither an advantage nor a disadvantage for the purpose of this debate.

Item 13.2.4 continued.

30. Other Sites - The Working Group reviewed the suitability of approximately 28 sites (13 within 1km of the Albany Post Office, a further 10 between 1 and 3km from the P.O. and 5 sites were more than 3 but less than 8km from the P.O.) which were held in Crown, Council and private ownership. Many were found to be unsuitable when the selection criteria were applied. Those held in private ownership which were suitable, were also dismissed due to the financial impacts and/or the project delays that would have resulted.
31. A comprehensive analysis of those options is not proposed in this report. However, two sites which the Working Party did examine in greater detail were the Albany Foreshore and the former Town of Albany North Road depot site. They are reported on below.
32. Albany Foreshore Redevelopment Project site - A focus group has been formed to review the Albany Foreshore Redevelopment Project and that group may take several months to reach a consensus on the preferred development(s) on the foreshore. That outcome must then be submitted by Council to the State Government for assessment and project evaluation. There is no guarantee that the State Government (via Landcorp) will proceed with this project and in all probability they will require at least 30 months to complete project designs, gain the necessary approvals, fill the land and install the necessary infrastructure. It could be as long as 12 months before Council received a preliminary indication of the Government's preparedness to make a site available to Council on the foreshore.
33. The Working Group felt that the available sites at the western extremity of the foreshore would restrict the project. The locality is also not ideally located for access by both the present and future residents of the City. Whilst the site opens up design opportunities, it also places the administration building in a harsher marine environment, where the long term maintenance costs will be substantially higher.
34. North Road - The City of Albany owns, in freehold title, a 19.29 hectare area of land fronting North Road. The former Town of Albany works depot is located on the North Road frontage of the lot and the land extends beyond the Yakamia Creek to the top of a Sheaoak ridge. The future Yakamia Drive (linking Bayonet Head to Lockyer Avenue) will be constructed along the eastern boundary of the lot (just beyond the point where it crosses the Yakamia Creek) and the land will have frontage to two major arterial roads in the medium term.
35. Public transport already utilises North Road and it is anticipated that Yakamia Drive will also become a public transport route linking the CBD to the north eastern suburbs. All services are available to the site and it is well located to the CBD, as well as present and future residents of the City. The existing road network is adequate to allow large trucks to access the site. The future construction of Yakamia Drive will improve heavy vehicle access to the site and provide better circulation across the lot.

Item 13.2.4 continued.

36. The former depot is to be demolished during the 1999/2000 financial year and it would be available for the prescribed construction period. The possibility exists for a building to be placed on the south side of the Yakamia Creek (where the depot stands), on the north side of the creek (where Yakamia Drive will intersect Range Road) or upon the ridge at the northern extremity of the land. The Working Party favours a site at the corner of North Road and the proposed Yakamia Drive where the building would have greater prominence and it would be segregated from future residential developments by Yakamia Creek.
37. Recommended Site - The Working Group conducted in depth analysis of several sites and recommends that the York Street Office site and a potential Foreshore site be rejected on the grounds that they failed to meet the site selection criteria. The Mercer Road and the North Road (former Town depot) sites are recommended to Council for further consideration. The locality plan shows the relationship of those sites to future urban growth and the planned road network.
38. Building Costs - In addition to a building quantity surveyor, the Working Group engaged the services of independent civil/structural engineers to provide advice on building foundation conditions, the cost of services to sites and any 'hidden' factors which would impact upon the proposed project. The following estimates indicate the outcomes of that advice:

<u>Item</u>	<u>Mercer Road</u>	<u>North Road</u>
Internal Fitout	840,000	840,000
Site Work and Services	160,000	140,000
Building Costs	3,968,500	4,557,500
Car Parking and Landscaping	268,000	412,500
Fees and Taxes	942,500	1,071,000
<u>Total</u>	6,179,000	7,021,000

39. In reproducing these estimates, it must be acknowledged that they are based upon September 1999 building prices and assumptions have had to be made about design issues, site conditions, the levels of taxes, etc. The above figures should therefore only be used as a guide.
40. Alternate Building Solutions - Amongst the funding options that the Working Party considered, was the possibility of co-locating Council's administrative functions with those of other Government agencies. This option was not favoured on the basis that Council's core business is the administration of local government affairs. To become a landlord for the benefit of the State Government would leave ratepayers exposed to the whims of current and future governments over staffing levels and the future of an agency(s) in this region; the State has already demonstrated its preparedness to move entire agencies out of the region with minimal notice.

Item 13.2.4 continued.

41. Co-location options would also expose ratepayers to higher short term costs and risks and place Council in direct competition with private sector landlords. The Working Party considers that opportunities to move appropriate services (eg. FESA) onto the same site should not be ignored, however the current programme should not be delayed to accommodate the needs of others.
42. Conclusion - The Working Party considers that there is adequate justification to construct a consolidated administration building and civic centre to serve the needs of this region into the new millennium. A clear indication is now required from Council on the preferred site for the location of that structure and the Working Party suggests that it be either the Mercer Road Office site or the former Town of Albany Depot site on North Road.
43. The Principal Activity Plan proposed that \$4.25 million be raised in the 2000/2001 financial year to construct an Administration Building and Civic Centre, however the project will require additional funding of approximately \$2 million to allow an appropriate fitout of the building and to meet Council's obligations under the taxing regime to be introduced in July 2000.
44. Council may wish to allow a period of public consultation on the proposed project and the Working Party recommends that that period commence immediately to ensure, if the project proceeds, that major delays in the construction programme do not eventuate.

RECOMMENDATION

THAT Council;

- i) Receive the report of the Working Party on the Administration Building/Civic Centre and release that report for public comment for a period of 6 weeks (concluding the 31st December 1999).
- ii) Recommends in favour of the _____ site for the development of a consolidated Administration Building/Civic Centre.
- iii) Identifies the existing York Street office as a possible site for the expansion of the Albany Library and Information Service to meet the short to medium term needs of that facility.
- iv) Establishes a budget of \$7.1mil for the construction of an Administration Building/Civic Centre, inclusive of an internal fit out and all fees and taxes.

Voting Requirement Simple Majority

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Item 13.2.4. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR ARMSTRONG**

THAT Council:

- i) Receives the report of the Working Party on the Administration Building/Civic Centre and releases that report for public comment for a period of 8 weeks (concluding the 14th January 2000).**
- ii) Recommends in favour of the North Road or Mercer Road sites for the development of a consolidated Administration Building/Civic Centre.**

MOTION CARRIED 9 – 5

13.3 LIBRARY SERVICES

Nil.

13.4 DAY CARE CENTRE

Nil.

13.5 TOWN HALL

Nil.

13.6 ALBANY LEISURE & AQUATIC CENTRE

Nil.



MINUTES

ORDINARY COUNCIL MEETING

16TH NOVEMBER, 1999

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

CITY OF ALBANY

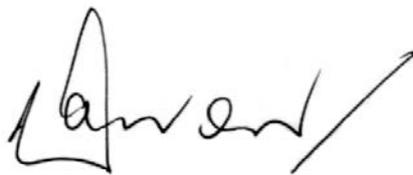
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Signed:



Date: 17th November, 1999

ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER

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**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE CITY OF ALBANY
HELD IN THE COUNCIL CHAMBERS, MERCER ROAD, ALBANY
ON TUESDAY 16TH NOVEMBER 1999 AT 7:30PM**

ATTENDANCE	:	Mayor	- A.E. Goode JP
		Councillors	- J.M. Walker
			- L.W. Armstrong
			- I.A. West
			- G. Mountford
			- J. Cecil
			- J. Williams
			- S.M. Bojcun
			- M.J. Evans
			- I.W. Wilson
			- D.J. Wolfe
			- D.M. Evers
			- A.D. Dufty
			- A.C. Hammond
		Chief Executive Officer	
		A/Executive Director-	
		Corporate & Community Services	- R. Boardley
		Executive Director –	
		Strategic Planning	- R. Jefferies
		A/Executive Director –	
		Works & Services	- C Mibus
		Executive Director –	
		Development Services	- R Fenn
		PA to Chief Executive Officer	- S M Sandison
		Approximately 35 members of the public	
		2 media representatives	

1.0. MEETING OPENED AT 7:30PM

Her Worship the Mayor Ms Alison Goode declared the meeting open at 7:30pm and extended a welcome to all present.

2.0. APOLOGIES

Councillor J. Lubich, Executive Director Works & Services Mr Colin Meeking.

3.0. OPENING PRAYER

The opening prayer was read by Councillor D. Wolfe

“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 OPEN FORUM

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.

*** M. Pemberton**

Mr Pemberton advised he wished to speak on Item 13.2.4., and a footnote which appears on Page 66 of the Elected Members’ Information Bulletin.

Mr Pemberton advised the Executive of the Albany Chamber of Commerce and Industry had met this morning to discuss location of the City’s new administration building, and had voted in favour of the building being retained on the current site in York Street. He said he understood the existing building had been constructed to allow for expansion upwards, and believed this was what should be done. He also requested Council to allow sufficient time for public input into this matter before a decision is made.

With regard to the footnote on Page 66 of the Information Bulletin, which indicates the Chamber of Commerce is opposed to extended trading hours on Sundays 9th, 16th and 23rd January, which would appear to be against the Chamber’s charter, Mr Pemberton explained that as for many months the Chamber had been negotiating a solution to the Sunday trading problem, they were not prepared to concede any Sunday trading hours at this time.

*** T. Demarteau**

Mr Demarteau referred to Item 13.2.4. and inquired whether a site valuation had been done on the North Road property.

The Executive Director Development Services advised this had been carried out, however it would be up to Council whether the information was made public.

Mr Demarteau advised he agreed Council needed one single building with appropriate facilities. He said he liked the idea of extending the library into the current York Street premises, and recommended consideration be given to privatising the library's operations and that the North Road site be sold to provide funds for a new Council administration centre at Mercer Road.

*** N. Smithson**

Mr Smithson referred to Item 13.2.4. and advised the decision by the Chamber of Commerce Executive that the Council administration office in York Street had been unanimous. The cultural centre had also been discussed at the Chamber meeting, and it was believed such development may be several years away.

*** J. Baxter**

Mr Baxter referred to Item 13.1.3. which related to a grant to the Albany Maritime Foundation. He explained the \$35,000 would allow the Foundation to employ a manager and secretary to pursue sponsorship and funding, and achievements to date included:

- A \$1.4m facility on the foreshore which had been achieved by the City of Albany with a lot of input from local people and assistance from the Gordon Reid Foundation;
- A grant from the Lotteries Commission
- A very generous donation from the BHP Company
- Financial assistance from other sponsors.

Mr Baxter advised that in the last 18 months a strategic business plan had been prepared, and offered to go through it in detail with any interested elected members. He said that as of last Friday the City had indicated the lease is in place, and the Foundation will now take over the running of the facility. Mr Baxter said he believed that if Council approves the grant to the Foundation, the money will be repaid to the community many times over in the next few years.

*** T. Harrison**

Mr Harrison referred to erosion problems at Emu Point, and said he believed the Port Authority planned to reclaim 12 acres of Princess Royal Harbour to provide an area for the storage of wood chips. He said he believed if this reclamation went ahead there would be a lot of problems as the work would affect the flushing of the harbour and result in siltation and a reduction in water depth.

*** D. Phillips**

Mr Phillips referred to Item 13.2.4. and congratulated Council on its vision to site its new administration building away from York Street.

He said in his opinion centralising in York Street had failure built in, and a move away from the area would reduce traffic and parking problems, and allow for the establishment of a major library, a centre of learning and local history collection on the York Street site. He again congratulated Council on its vision for the future.

*** D. Wellington**

Mr Wellington advised the Merchants' Association has concerns at plans to move the City's administration building away from the centre of the CBD. He asked whether the Commercial Centre Strategy had been finalised, and the Executive Director Strategic Planning advised a draft document will be available in the next couple of weeks.

Mr Wellington advised the Merchants' Association would be deeply concerned to see any decision on location of the Council administration office, before the results of the Commercial Centre Strategy review were available.

***K. Muir**

Ms Muir referred to Item 12.1.6. and advised she spoke on behalf of her father Mr Burcher. She thanked Council and the Executive Director Development Services for coming to inspect the property in Warrangee Lane, and to discuss the matter. Mrs Muir said that in February 1997 the Executive Director Development Services had written to Mr and Mrs Burcher, seeking their comments and interest in a proposal for construction of a cul de sac head on their property. Since that time they have proceeded in good faith, and a portion of their land is now used for that purpose, however they have received nothing in return. She requested Council now proceed with the land swap to compensate them for the use of their land, and advised they would be prepared to fence that portion of land should the swap be approved.

*** M. Sloan**

Ms Sloan referred to Item 12.1.4. (of which she is the proponent) and outlined the roles and responsibilities of family day care establishments.

*** G. Knewstubb**

Mr Knewstubb referred to Item 12.1.6. and advised he is one of the land owners in Warrangee Lane. He advised there is very little traffic in Warrangee Lane and he could not see any reason why the road should be closed. He said there are some problems being experienced, and the suggestions contained in his letter on page 44 of the agenda could solve a number of them.

The Mayor declared the public forum session closed and thanked everyone for their comments and questions.

5.0. CONFIRMATION OF MINUTES

5.1. Ordinary and Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION

That the following minutes:

- Ordinary Council meeting held on 26th October, 1999

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

COUNCIL RESOLUTION

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR BOJCUN**

THAT the following minutes:

- **Ordinary Council meeting held on 26th October, 1999**

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

MOTION CARRIED 14 – 0

6.0 BUSINESS ARISING

Nil

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DECLARATIONS OF 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 G. Mountford – Item 16.2.

Nature of Interest – Councillor Mountford’s husband is employed by a stock agent dealing in cattle sales.

9.0 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil.

10.0 RESOLUTION REQUIRED FOR ELECTED MEMBER'S TRAVEL

Nil.

11.0 GUESTS OF COUNCIL

Nil.

16.0. REPORTS OF COMMITTEE

- 16.1 Great Southern Regional Cultural Centre Steering Committee Minutes – 29th October 1999.

DRAFT MOTION:

THAT the minutes of the Great Southern Regional cultural Centre Steering Committee meeting held on 29th October 1999, be endorsed and the recommendations adopted.

COUNCIL RESOLUTION

**MOVED COUNCILLOR BAIN
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Great Southern Regional cultural Centre Steering Committee meeting held on 29th October 1999, be endorsed and the recommendations adopted.

MOTION CARRIED 14 – 0

- 16.2 Great Southern Regional Cattle Saleyards Joint Venture Committee meeting – 27th October, 1999.

DRAFT MOTION:

THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee meeting held on 27th October, 1999 be endorsed and the recommendations adopted.

Councillor Mountford declared an interest in this item and left the Chambers at 9:04pm. The nature of Councillor Mountford's interest is that her husband is employed by a stock agent dealing in cattle sales.

Item 16.2. continued.

COUNCIL RESOLUTION

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee meeting held on 27th October, 1999 be endorsed and the recommendations adopted.

MOTION CARRIED 13 – 0

Councillor Mountford returned to the Chambers at 9:05pm.

17.0. ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

DRAFT MOTION

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

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR ARMSTRONG**

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

MOTION CARRIED 14 – 0

Councillor Armstrong noted the Boat Shed Plan contained in the Elected Members' Report/Information Bulletin contains pages 1-10 of the original document.

18.0 RECEPTION OF PETITIONS AND MEMORIALS

Nil.

19.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

20.0 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil.

21.0 MAYORS REPORT

“Fellow Councillors –

With so many events taking place as we draw nearer to Christmas and the end of the century, it is increasingly difficult to select only a few on which to report to you, however I would particularly like to mention the following.

The City of Albany recently hosted the Local Government Fair Go Games. The Games are an inter-municipal event in which staff from local governments across the state come together for one weekend a year and participate in a light-hearted manner in various events. The games provide an excellent avenue to build camaraderie between local governments for those who are at the “coal face” of the organisations. Our staff represented our organisation in an exemplary manner and the weekend, the theme of which was “Adventures of the High Seas” was extremely successful and well organised.

I would like to thank the staff for asking me to open the games, and for inviting me to their dinner at Dymesbury Lodge. My congratulations to Sonya Day, Jim Stone and the rest of the team for a job very well done. Albany lost the games, but we did it in style. Next year’s games will be hosted by the Town of Vincent.

Wednesday 3rd November saw the staging of the Seniors’ “Have a Go Day” at Eyre Park at Middleton Beach. The event is put together by the Ministry of Sport and Recreation and the Over 50s Recreation Association. Over 170 older adults attended the day, which promoted healthy aging through activity. Regional Officer Kim Buttfield from the Ministry of Sport and Recreation has thanked the City of Albany for their support and particularly Community Development Officer Rob Shanahun for his willingness to assist in the detail to stage the event. The array of activities was comprehensive, and included a rock wall climb, flying fox, aerobics, archery and many others. The day was very successful and I trust it will become a regular event in future Seniors’ Weeks.

I must make mention of the extremely successful Albany Vintage Motorcycle Extravaganza recently held on historic Stirling terrace.

Item 21.0. continued.

Combined with the Albany Hill Climb, the event staged over the weekend of the 6th and 7th November saw Stirling Terrace filled to capacity with motorcycles and enthusiasts who were treated to a feast of machinery, from vintage to contemporary.

I'm certain that traders in the vicinity would have experienced an upturn in business for the day and our City was highlighted for the visitors who came from across the state, with one from the United Kingdom, to take part in the event.

On 11th November at the Vancouver Arts Centre, the Southern Aboriginal Corporation CDEP Aboriginal Art Exhibition was launched. The exhibition provided an excellent opportunity for aspiring aboriginal artists to gain exposure to a wide community audience, and at the same time provided the opportunity for the community to gain an appreciation of aboriginal art and culture. A large group attended the opening ceremony and I believe were appreciative of the vibrancy and diversity of the wide range of exhibits on show.

In closing, as you will all be aware, the City recently advertised for a Mayoral Liaison Officer to undertake the task of attending to the Mayor and Councillors, and organising special events. This position has been filled by Gaynor Clark, a lady who comes to this organisation both well regarded and qualified.

I felt that it is appropriate to acknowledge the amazing efforts of a lady who has become a firm friend and confidante as well as a work colleague in the past seven months. Under often extremely busy and trying circumstances, Sue Sandison has always been there to advise, support and guide me in my position as Mayor. Always ready to write a speech or come up with exactly the right suggestion at exactly the right time, Sue's dedication to the role has been greatly appreciated. Whilst Gaynor's coming on board will reduce the tremendous workload Sue has undertaken in past months, I know that Sue will continue to work as she always has done, with professionalism and dedication, albeit with a little less stress. Thank you sincerely Sue, for your loyalty and support.

Thank you Councillors.”

22.0 URGENT BUSINESS AT THE DISCRETION OF THE MAYOR

22.1. Delegation of Authority

File/Ward	:	MAN054
Proposal/Issue	:	Approval to Delegate Powers/Duties
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R. Fenn)
Previous Reference	:	Cncl 22/07/99 Item 12.2.1. Cncl 04/08/99 Item 13.2.15.
Summary Recommendation:		Delegations be provided to the Chief Executive Officer.
Locality Plan	:	N/A

BACKGROUND:

1. The Local Government Act provides the legislative framework for the control of building activity, signage, fencing and extractive industries, amongst other things. The capacity to delegate decision making in these areas provides for rapid decision making and allows Council to focus upon strategic issues. This is consistent with the strategic (Council) and administrative (Staff) functions outlined in the Act.

STATUTORY REQUIREMENTS

2. The provisions of Section 5.42, 5.43 and 5.46 of the Local Government Act 1995 (as amended) in part state:-

5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute Majority Required*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Item 22.1. continued.

5.43A local government cannot delegate to a CEO any of the following powers or duties:-

- a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- b) any power or duty that requires the approval of the Minister or the Governor; or*
- c) such other powers or duties as may be prescribed.*

- 5.46 (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”*

3. The Bush Fires Act also provides:

- a) At Section 33, that a Local Government may require the occupier of land to plough or clear a fire break;*
- b) At Section 36, that a Local Government may expend moneys in connection with the control and extinguishment of bush fires;*
- c) At Section 38, for the appointment of Bush Fire Control Officers;*
- d) At Section 59, for the prosecution of offences; and*
- e) At Section 59A for the issuing of infringement notices.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 22.1. continued.

COMMENT/DISCUSSION

4. Following is a recommendation which seeks to delegate some of the functions to individual staff; clear mandates would be established on those sub-delegations to match the relevant staff roles and officer capabilities.
5. The capacity exists pursuant to the Local Government Act revoke the delegations at any time if required and Section 5.44(i) of the Act allows the CEO to further delegate the functions to any employee.

RECOMMENDATION

THAT by an absolute majority, the Council of the City of Albany, pursuant to Section 5.42 of the Local Government Act 1995 (as amended), authorises the Chief Executive Officer the powers provided through Sections 33, 36, 38, 59 and 59A of the Bush Fires Act 1954 (as amended).

Voting Requirement Absolute Majority

.....

COUNCIL RESOLUTION

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WOLFE**

THAT by an absolute majority, the Council of the City of Albany, pursuant to Section 5.42 of the Local Government Act 1995 (as amended), authorises the Chief Executive Officer the powers provided through Sections 33, 36, 38, 59 and 59A of the Bush Fires Act 1954 (as amended).

**MOTION CARRIED 14 – 0
ABSOLUTE MAJORITY**

23.0 CLOSED DOORS

Nil.

24.0 NEXT ORDINARY MEETING

7:30pm on Tuesday 14th December 1999, at Mercer Road Council Chambers.

25.0 CLOSURE

Her Worship the Mayor thanked everyone for their attendance and comments and closed the meeting at 9:15pm.

Confirmed as a true and correct record of proceedings.

Alison Goode JP
MAYOR.

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

MINUTES OF THE ORDINARY COUNCIL MEETING – 17TH NOVEMBER, 1999

Councillor Gae Mountford	Item 16.2. Great Southern Regional Cattle Saleyards Joint Venture Committee Meeting – 27 th October, 1999.	Councillor Mountford's husband is employed by a stock agent dealing in cattle sales.
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APPENDIX B

MINUTES OF THE ORDINARY COUNCIL MEETING – 16TH NOVEMBER, 1999
INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil