

MINUTES

ORDINARY MEETING OF COUNCIL

on

Tuesday, 16th November 2004

7.30pm

City of Albany Council Chambers

City of Albany

**** Disclaimer ****

No responsibility whatsoever is implied or accepted by the City of Albany for any act, omission or statement or intimation occurring during Council/Committee meeting or during formal/informal conversations with Staff. The City of Albany disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the City of Albany during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Albany. The City of Albany warns that anyone who has an application lodge with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

Signed _____

Date: 17th November 2004

Andrew Hammond
Chief Executive Officer

TABLE OF CONTENTS

1.0	Declaration of Opening	4
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3.0	Opening Prayer	4
4.0	Response to Previous Public Questions Taken On Notice	4
5.0	Public Question Time	5
6.0	Confirmation Of Minutes of Previous Minutes	5
7.0	Applications For Leave Of Absence	6
8.0	Disclosure of Financial Interest	6
9.0	Matters for Which Meeting May Be Closed	6
10.0	Petitions/Deputations/Presentations	6
11.0	Reports – Development Services	7
11.1	Development	
11.1.1	Development Application – Radio / TV Installation (Radio Transmitter Tower) – 235– 239 Ulster Road, Collingwood Heights	8
11.1.2	Development Application – Offices – 103-105 Aberdeen Street, Albany	14
11.1.3	Development Application – Education Establishment – 20 Bethel Way and Worra Street Road Reserve, Yakamia	18
11.2	Inspection Services	
	Nil.	23
11.3	Development Policy	
11.3.1	Initiate Scheme Amendment – Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head	24
11.3.2	Final Approval of Scheme Amendment – Planning Scheme Consent Powers	28
11.3.3	Review of Shared Cost Schedule for the Bayonet Head Outline Development Plan Area	33
11.3.4	Catalina Central Planning Framework – Proposed Modification	38
11.4	Reserves Planning	
	Nil.	41
11.5	Development Service Committee	
	Nil.	41
12.0	Reports – Corporate & Community Services	42
12.1	Finance	
12.1.1	List of Accounts for Payment – City of Albany	43
12.1.2	Finance Strategic Advisory Committee	45

12.2	Administration	
12.2.1	Annual Electors Meeting	50
12.2.2	New Lease – Reserve 2681 Mt Melville Lookout	53
12.2.3	Proposed New Licence – Martyn Mettam – Portion of Reserve 21337	58
12.2.4	Adoption of Jetties, Bridges and Boat Pens Local Law	65
12.2.5	New Leases for South Stirlings, Torbay, Napier and Redmond Community Halls	69
12.3	Library Services	
12.3.1	Public Library Agreements	74
12.4	Day Care Centre	
	Nil.	81
12.5	Town Hall	
	Nil.	81
12.6	Albany Leisure & Aquatic Centre	
12.6.1	Awarding of Contract – CO4019 Upgrade of Albany Synthetic Hockey Surface	82
12.6.2	Self-Supporting Loan – Lower Great Southern Hockey Association	90
12.7	Great Southern Regional Cattle Saleyards	
	Nil.	93
12.8	Corporate & Community Services Committee	
12.8.1	Disability Services and Community Access Advisory Committee meeting minutes –8 th September 2004	94
12.8.2	Disability Services and Community Access Advisory Committee meeting minutes – 13 th October 2004	95
12.8.3	Seniors Advisory Committee meeting minutes – 21 st October 2004	96
12.8.4	Albany Arts Advisory Committee meeting minutes –13 th October 2004	97
13.0	Reports – Works & Services	98
13.1	Waste Management	
	Nil.	98
13.2	Asset Management	
13.2.1	Timber Industry Road Evaluation Strategy – Additional Funds	99
13.3	Works	
	Nil.	101
13.4	Airport Management	
	Nil.	101
13.5	Reserves Management	
	Nil.	101
13.6	Works & Services Committee	
	Nil.	101

14.0	Reports – General Management Services	102
14.1	Strategic Development	
14.1.1	City of Albany Administration Complex – Naming of Meeting Rooms	103
14.1.2	Review of Streetscape and Public Art Committees	106
14.2	Organisational Development	
	Nil.	111
14.3	Economic Development	
	Nil.	111
14.4	General Management Services Committee	
14.4.1	Albany Waterfront Reference Group meeting minutes – 29 October 2004	112
14.4.2	Albany Entertainment and Convention Centre Steering Committee meeting minutes – 22 nd October 2004	114
15.0	Elected Members’ Monthly Report / Information Bulletin	115
16.0	Motions Of Which Previous Notice Has Been Given	
16.1	Rescind a Motion – Community Safety & Crime Prevention Partnership	115
17.0	Mayors Report	116
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	
18.1	Appointment of Replacement Fire Control Officers – Vary Previous Appointments.	118
18.2	Development Application – Officer – 87-89 Aberdeen Street, Albany	121
19.0	Closed Doors	
19.1	Great Southern Regional Cattle Saleyards Disposition	125
20.0	Next Ordinary Meeting Date	126
21.0	Closure of Meeting	126

1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.30pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	DW Wellington
	-	RH Emery
	-	J Waterman
	-	E Barton
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	B Joynes
Manager Development Services	-	R Fenn
Minute Secretary	-	S Day
Approximately 15 members of the public		
2 media representatives		

Apologies / Leave of Absence:

-	AHM Demarteau
-	G Sankey

3.0 OPENING PRAYER

Mayor Goode read the opening prayer

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

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

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

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

***A Partington**

Mr Partington addressed Council in regard to dangerous driving along Seymour Street. He also presented a petition signed by Seymour Street residents.

Executive Director Works and Services responded in regard to the Safety Audit.

***D Stevens**

Mr Stevens addressed Council in regard to item 12.6.1 and asked that Council support the staff recommendation.

***M Abbott**

Mr Abbott addressed Council in regard to the Planning Strategy for Little Grove and the backlog sewerage program. He also presented Council with a petition.

Executive Director Development Services responded to Mr Abbott's request.

***A Wright**

Mr Wright addressed Council in regard to item 12.2.5 and asked that Council assist association halls, by supporting an annual lease fee of \$10.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 19th October 2004; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR PAVER**

THAT the following minutes:

- **Ordinary Council meeting held on 19th October 2004;
as previously distributed be confirmed as a true and accurate record
of proceedings.**

MOTION CARRIED 13-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Paver – December Ordinary Council Meeting

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

**THAT Councillor Paver be granted leave of absence from the December 2004
Ordinary Council Meeting.**

MOTION CARRIED 13-0

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

- Councillor Barton – Item 11.3.4
- Councillor Bojcun – Item 16.1
- Councillor Wolfe – Item 19.1

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Disposition of Great Southern Regional Cattle Saleyards

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

10.1 Planning strategy and deep sewerage of Little Grove;
10.2 Seymour Street

Development Services

REPORTS

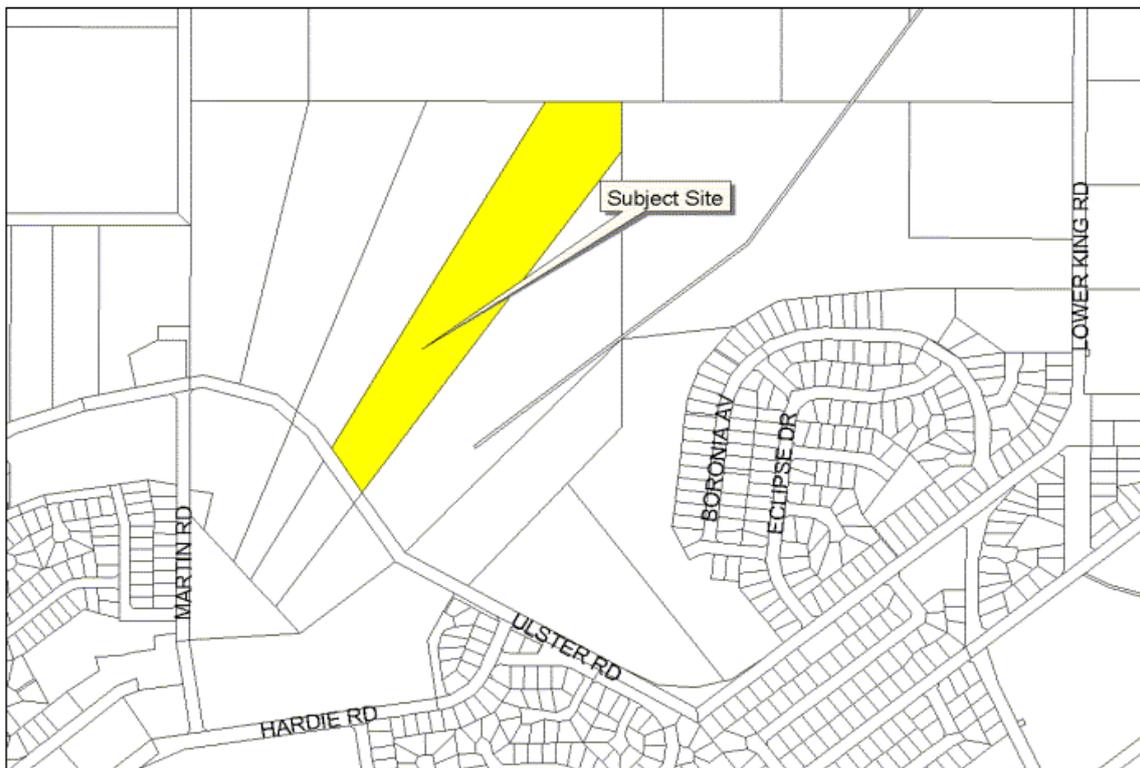
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application – Radio / TV Installation (Radio Transmitter Tower) – 235–239 Ulster Road, Collingwood Heights

File/Ward	: A67452 (Yakamia Ward)
Proposal/Issue	: Proposed Radio Transmitter Tower
Subject Land/Locality	: Lot 33 (235-239) Ulster Road, Collingwood Heights
Proponent	: World Audio Limited (Phillip Chaney)
Owner	: G & V Sutton
Reporting Officer(s)	: Senior Planning Officer (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: To grant planning scheme consent approval
Bulletin Attachment	: Submissions
Locality Plan	:

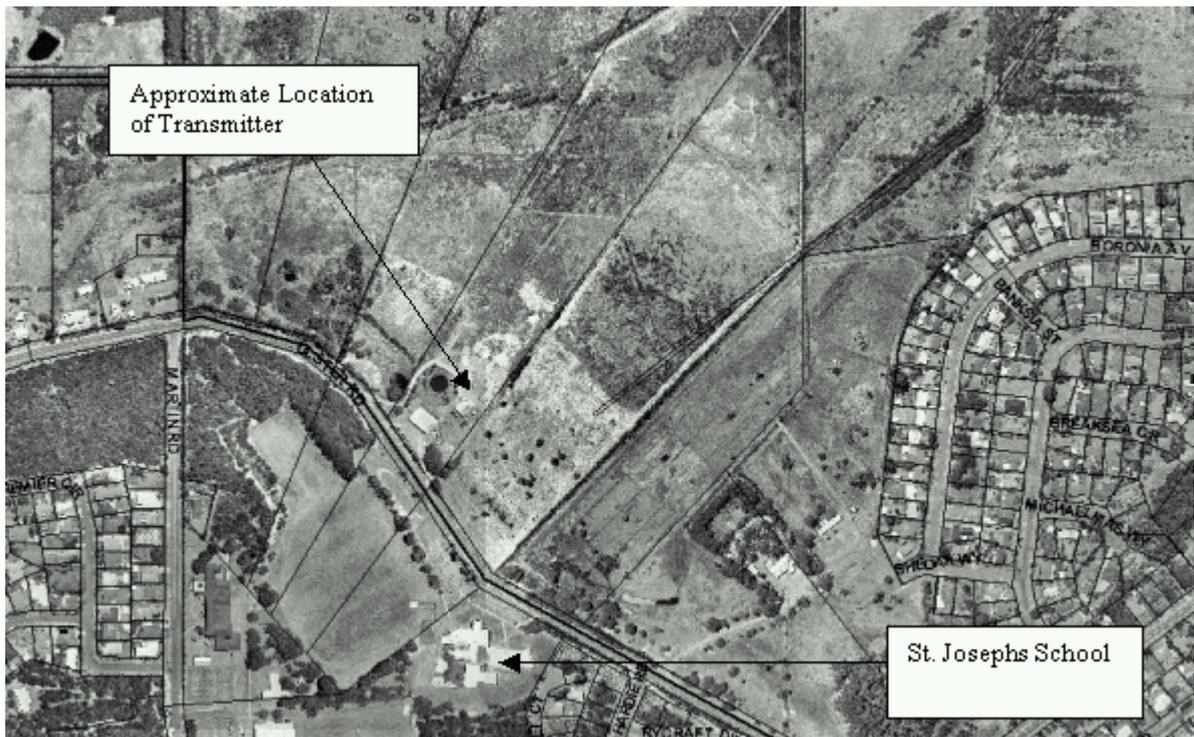


DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received from World Audio Limited, requesting Council's approval for an existing radio transmitter tower located at Lot 33 (235-239) Ulster Road, Collingwood Heights.
2. The tower was erected on the subject land, without Council's prior consent, in late July this year and started transmitting radio signals in mid August. After speaking to Phillip Chaney (General Manager Technical Operations - World Audio Limited), he advised that World Audio had erected 44 other transmitter's around all parts of Australia, and was not aware of Council's requirement for planning scheme consent to be obtained.
3. The existing tower is an 18 metre high, 200mm wide monopole supported by 3 groups of steel guy wires (4 in each group) with each group attached to a concrete base. The transmitter is approximately 110 metres from the nearest residence, not including the dwelling on the subject land, and approximately 230 metres from the existing St. Josephs Primary School (refer map below).



4. The Australian Communications Authority (ACA) has granted World Audio Limited a licence to transmit from the subject land on frequency 1,629kHz AM Narrowband at 400 watts.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STATUTORY REQUIREMENTS

5. The land is zoned “Rural” within Town Planning Scheme No 3, whereby the use ‘Radio/TV Installation’ is a discretionary (A) use. Although the Scheme does not require the application to be advertised, staff wrote to surrounding landowners inviting comments on the application.
6. Clause 5.1.1 of Town Planning Scheme No 3 applies to this application:

“Subject to clause 5.1.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the Scheme.”
7. Council has the ability to grant planning scheme consent approval for the application, and in doing so, will bring the development into conformity with the Town Planning Scheme, as of the date of that approval.
8. In the event that Council refuses planning scheme consent for the Transmitter, a notice under Clause 6.5 of Town Planning Scheme will need to be served on the landowner requiring the structure to be removed from the subject land within a specified time (must be more than 30 days).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City; Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Priority Projects:

Nil.”

COMMENT/DISCUSSION

12. After the advertising period closed, two objections have been received, one being from St. Josephs College and the other being from the Catholic Education Office of Western Australia. Both responses objected to the tower on the basis that it should have received approval prior to being erected, and that electro-magnetic radiation (EMR) concerns may have a detrimental impact on future enrolments at the College.
13. The applicant has advised that the transmitter is licensed to emit 400 watts, about the power of 4 standard light globes, which would attract an EMR safety specification of around 5 metres. The ACA which considers human health and EMR emission as part of it's licence process has applied standard conditions to World Audio's licence which include:
 - The erection of a fence around the transmitter (at a 3 metre setback) to protect the public from injuring themselves (through burns).
 - The measuring of radio frequency fields in accordance with Australian Standard 2772.2; or
 - Calculating radio frequency fields using a model or method that is derived from mathematical calculation.
14. Other radio transmitters around Albany and the Great Southern Region emit the following wattage:
 - Hot FM (Mt Barker) – 50,000 Watts
 - 100.9 (Mt Clarence) – 10,000 Watts
 - 6VA (Mt Elphinstone – CSBP site) – 2,000 Watts
 - 6AL (ABC Radio) – 5,000 Watts.

(Source: Australian Broadcasting Authority [ABA])
15. Albany Community Radio (100.9) transmits from a tower on Mount Clarence that emits 10,000 Watts and is located within 430 metres from residential dwellings. Although the Albany Community Radio tower does not pose any health concerns to these residents, it highlights that the transmitter used in the World Audio proposal is towards the lower end of the radio spectrum, and more in tune with emissions from TV antennas (SBS and WIN transmitters emit 400 watts).
16. As the transmitter emits a low wattage output, and is more than 100 metres from the nearest residence (who did not object to the proposal) and 230 metres from St Josephs College, all safety specifications relevant to EMR would be met under the application. It is also noted that the existing school is to be demolished over the Christmas holidays and will be re-built adjacent to Martin Road.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

- 17. Given the low height and narrow width of the transmitter, and it’s generous setback from the front boundary, staff belief the structure does not dominate views from Ulster Road or surrounding residential areas (Collingwood Heights and Spencer Park) and should be granted approval.
- 18. Another advantage is that the transmitter is located adjacent to the Yakamia Flood Plain, which is not suitable for residential development, thereby ensuring that a buffer from the tower is maintained well into the future.

RECOMMENDATION

THAT Council;

- i) resolves to grant Planning Scheme Consent approval for a Radio/TV Installation (Radio Transmitter Tower) at Lot 33 (235-239) Ulster Road, Collingwood Heights, subject to the maximum height of the transmitter mast shall be 18 metres above natural ground level; and

Footnote:

Should there be any increase in the height of the tower or any increases in power emissions from the transmitter, further approval will be required from Council.

- ii) advises the applicant that a building licence for unapproved work be lodged, which shall include a structural engineers report detailing that the transmitter is structurally sound.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT Council;

- i) resolves to grant Planning Scheme Consent approval for a Radio/TV Installation (Radio Transmitter Tower) at Lot 33 (235-239) Ulster Road, Collingwood Heights, subject to;
 - the maximum height of the transmitter mast not exceeding 18 metres above natural ground level; and
 - the transmission not exceeding a broadcast power output of 400 watts.

Footnote:

Should there be any increase in the height of the tower or any increases in power emissions from the transmitter, further approval will be required from Council.

- ii) advise the applicant that a building licence will also be required for the structure.

AND

THAT Council requires staff to withhold issuing a building licence for the existing unapproved tower until a detailed report has been received from a structural engineer, verifying that the tower is structurally sound, and Council has issued its formal approval to the issuing of the licence at an ordinary meeting of Council.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WILLIAMS**

THAT Council;

- i) **resolves to grant Planning Scheme Consent approval for a Radio/TV Installation (Radio Transmitter Tower) at Lot 33 (235-239) Ulster Road, Collingwood Heights, subject to;**
- **the maximum height of the transmitter mast not exceeding 18 metres above natural ground level; and**
 - **the transmission not exceeding a broadcast power output of 400 watts.**

Footnote:

Should there be any increase in the height of the tower or any increases in power emissions from the transmitter, further approval will be required from Council.

- ii) **advise the applicant that a building licence will also be required for the structure.**

AND

THAT Council requires staff to withhold issuing a building licence for the existing unapproved tower until a detailed report has been received from a structural engineer, verifying that the tower is structurally sound, and Council has issued its formal approval to the issuing of the licence at an ordinary meeting of Council.

MOTION CARRIED 10-3

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Offices – 103-105 Aberdeen Street, Albany

- File/Ward** : A148686 (Frederickstown Ward)
- Proposal/Issue** : Application for offices
- Subject Land/Locality** : 103-105 Aberdeen Street, Albany.
- Proponent** : Howard and Associates
- Owner** : Everpark Holdings Pty Ltd
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Recommend that Council support the application.
- Bulletin Attachment** : Planning Consent's 87007 and 91063
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application to change the use of the building at 103-105 Aberdeen Street, Albany, from a Community Centre to Offices, was received on the 7th October 2004.



2. The concern from staff's point of view is the lack of proposed car parking as required by the Town Planning Scheme.
3. Previous planning approvals (No's. 87007 and 91063) granted approval for additions to the community centre, did not require car parking to be provided as per the requirements defined in the Town Planning Scheme.

STATUTORY REQUIREMENTS

4. The property in question is zoned "Central Area" in the City's Town Planning Scheme 1A. The scheme specifies car parking to be provided at a rate of 1 car park for every 40m² of gross floor area for the land use of office. Considering the floor area of the building is 400m², 10 car-parking bays are required.
5. As defined by clause 4.10 of the scheme, if a development is the subject of an application for planning consent and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

POLICY IMPLICATIONS

6. The City's policy for car parking in the central area zone requires 1 car park for every 30m² of gross floor area, which calculates to 14 car parking bays. Where it is not practical to provide car parking, Council may accept cash payment or the transfer of land for car parking to be provided.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

FINANCIAL IMPLICATIONS

7. Council may ask for a cash payment or a transfer of land as per its car parking policy.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

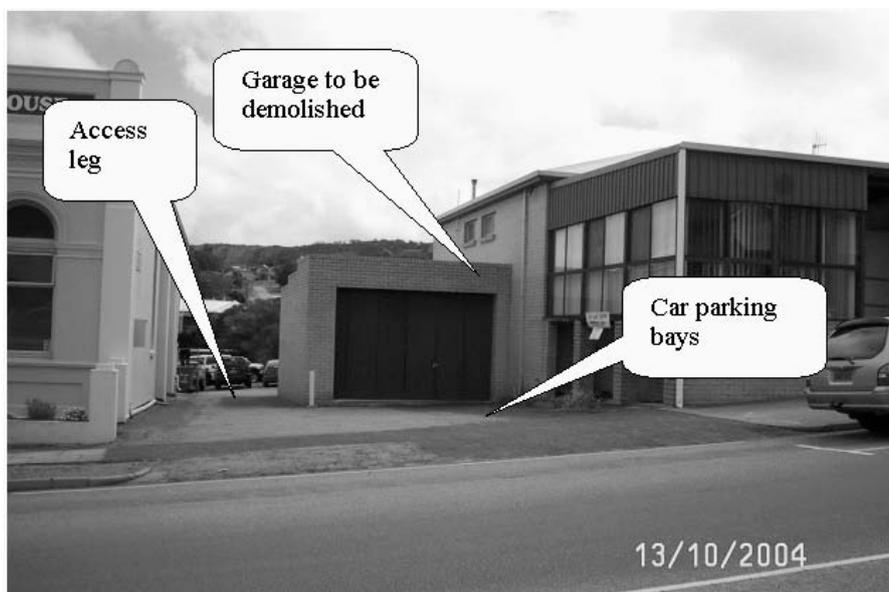
- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The application makes the provision for 5 car-parking bays. An existing garage is to be demolished to cater for the car parking bays. Access to the bays is via a 3 meter wide right of carriageway. Practically, there is no other land that can be utilized on the property for car parking.



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- 10. A short fall of at the least 5 car parking bays exists and Council could ask for a cash payment to provide car parking elsewhere in the locality. The building has however been used in the past and it can reasonably be argued that the intended use is not dissimilar to previous uses and therefore the need to provide car parking is avoided.
- 11. Council recently resolved to vary the development standards for car parking at 43-47 Duke Street, item 11.1.1.
- 12. Considering the applicant is increasing the amount of on site car parking staff recommend Council support this application.

RECOMMENDATION

THAT Council pursuant to Clause 4.10 (b) of the City of Albany Town Planning Scheme 1A, resolves to vary the development standards for 103-105 Aberdeen Street, Albany to reduce the number of car parking bays required to be provided on that site to 5 bays as detailed on the plan attached to the development application; and

Voting Requirement Simple Majority

AND

THAT Council resolves, subject to no objections being received during the advertising period, pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, to delegate to the Manager Development Services authority to issue a Conditional Planning Scheme Consent for an office at 103-105 Aberdeen Street, Albany.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR LIONETTI**

THAT Council pursuant to Clause 4.10 (b) of the City of Albany Town Planning Scheme 1A, resolves to vary the development standards for 103-105 Aberdeen Street, Albany to reduce the number of car parking bays required to be provided on that site to 5 bays as detailed on the plan attached to the development application.

MOTION CARRIED 13-0

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR PAVER**

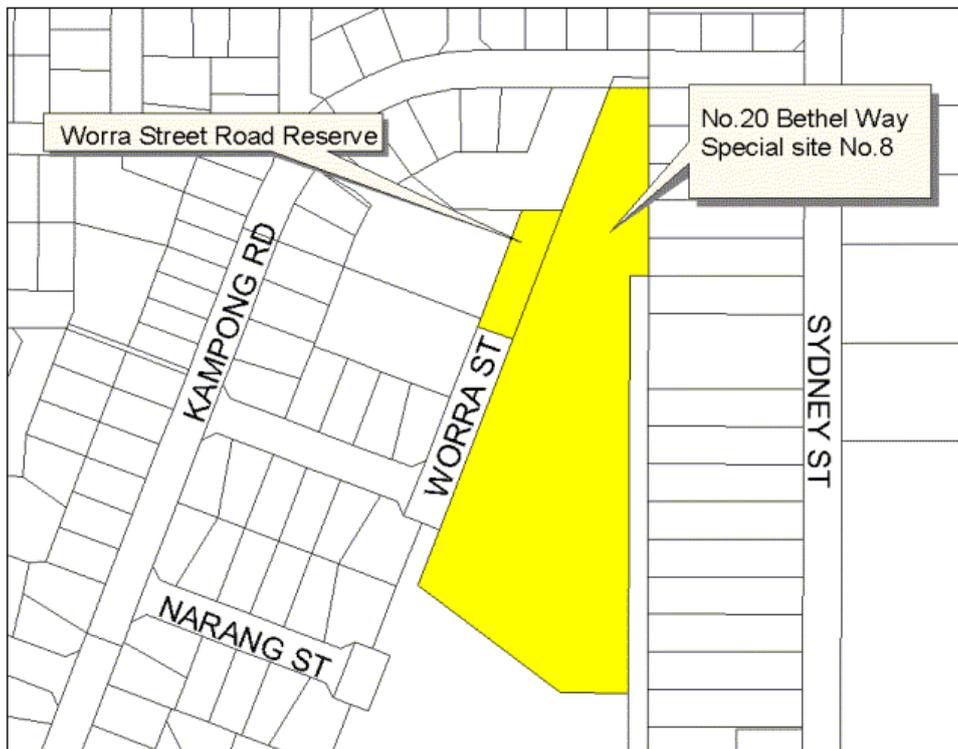
THAT Council resolves, subject to no objections being received during the advertising period, pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, to delegate to the Manager Development Services authority to issue a Conditional Planning Scheme Consent for an office at 103-105 Aberdeen Street, Albany.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Education Establishment – 20 Bethel Way and Worra Street Road Reserve, Yakamia

- File/Ward** : A145559 (Yakamia Ward)
- Proposal/Issue** : Education Establishment
- Subject Land/Locality** : 20 Bethel Way and portion of closed Worra Street Road Reserve, Yakamia.
- Proponent** : Gary Robinson
- Owners** : Baptist Union of WA and Crown Land managed by the City of Albany
- Reporting Officer** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/4/02 - Item 13.2.2
- Summary Recommendation** : Council support the proposal
- Bulletin Attachment** : Public and applicant comments
- Locality Plan** :

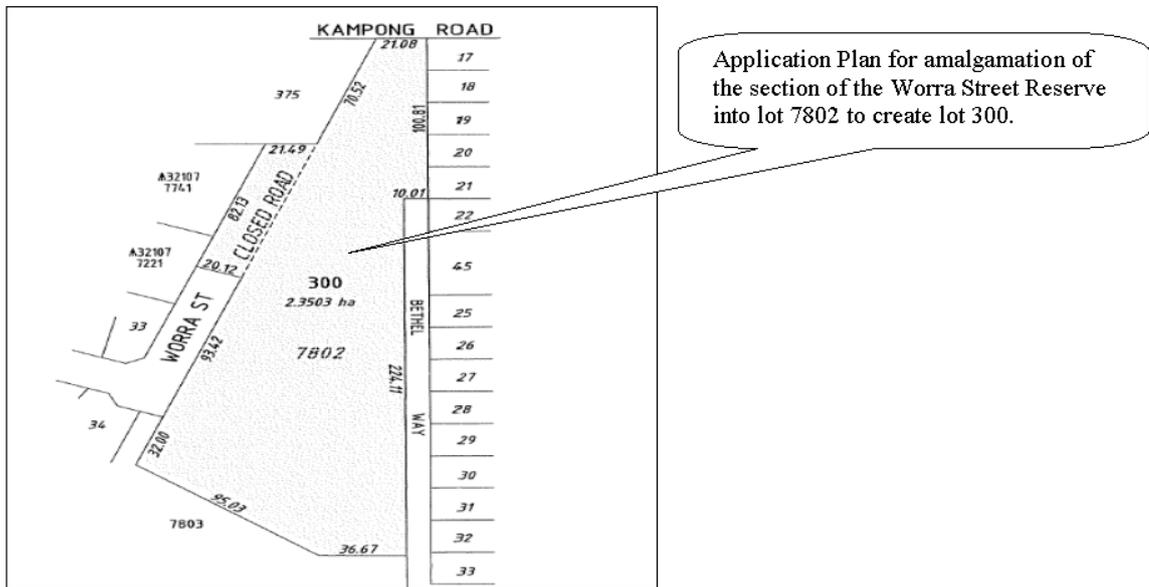


DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application for Planning Scheme Consent has been received for the development of classrooms and a library fronting Bethel Way and classrooms and toilets within the Worra Street Reserve.
2. Staff received written comment for that portion of the development proposed within the Worra Street Reserve and hence these issues are presented to Council for information and determination.
3. Staff previously submitted a report to Council (Item 13.2.2, 16 April 2002) for the closure of the portion of Worra Street Reserve, which Council resolved to support.
4. The Department of Land Information (DLI) made an offer to the Bethal Christian School for the sale of the portion of road reserve, which was accepted and paid for. DLI then forwarded an application for amalgamation to the Department for Planning and Infrastructure (DPI) seeking their approval. The DPI are now dealing with the application for a new lot No.300 which will include the closed portion of road reserve.



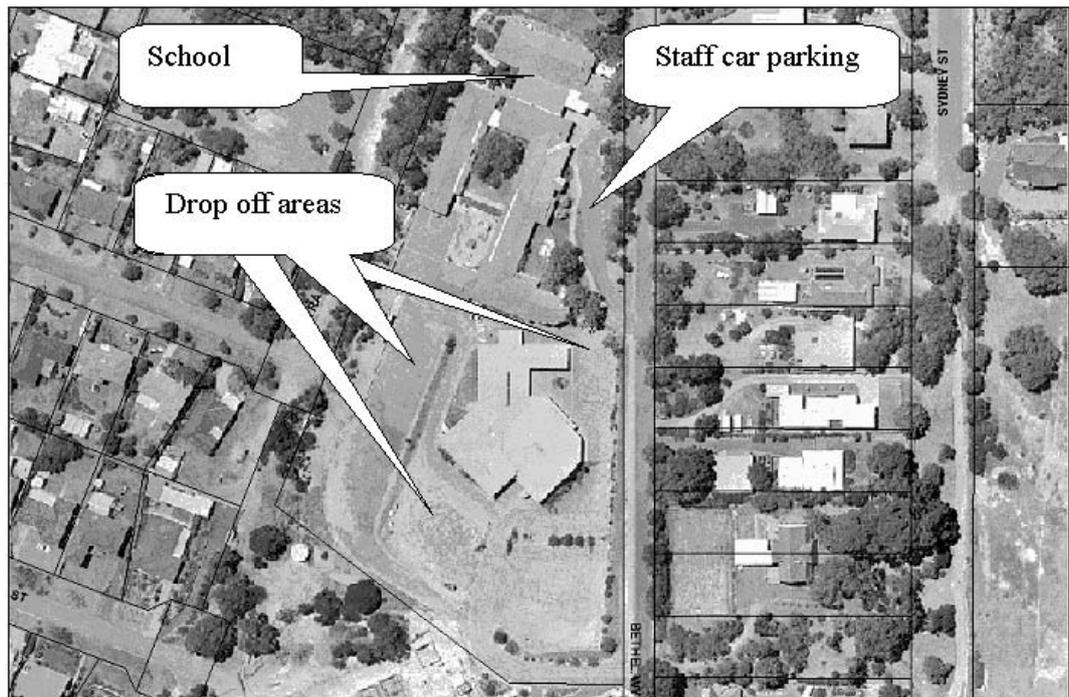
STATUTORY REQUIREMENTS

5. Worra Street is a gazetted road, ‘reserved’ for parks and recreation in Town Planning Scheme 1A. In giving approval to carry out development, the Council shall have regard to the ultimate purpose intended for the reserve; it is to be transferred into private ownership for use as an education establishment.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

6. The school is a ‘Junior Primary’ meaning it caters for students up to year 10. As defined by the Scheme, car parking for a primary school is to be provided at a rate of 1.25 per classroom. This standard is catered for with staff car parking fronting Bethel Way and sealed drop-off areas adjacent to the Baptist Union Church (Please refer to the following diagram).



POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to item.

STRATEGIC IMPLICATIONS

9. This item relates directly to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Learning City; Albany will be Western Australia’s premier Learning City, through...

- *Excellent Primary and Secondary schooling options.*

Mission Statement:

The City of Albany is committed to...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. As outlined in the background section of this report, the main reason for bringing this report to Council is to properly address the issues raised by public comment. In summary they are;
 - Access;
 - Vegetation clearing; and
 - Dumping of materials on site.
 - Access via Worra Street

Concern was raised as to the potential increase of movement along Worra Street via parents dropping and picking up their children, by pedestrians, including school children and by potential builders.
11. As stated by the applicant, during the construction stages of development there will be some soil removed from the site and some materials delivered necessitating the use of Worra Street; however, access is expected to be mostly via Bethel Way.
12. Once construction is completed the applicant has stated that the property will be enclosed with fencing, meaning access via Worra Street to the school will not change from the current situation. The fence will also isolate the school from the reserve next door.
13. A plan submitted by the applicant showing access, the section of Worra Street to be acquired, and the location of fencing is attached to this bulletin for viewing.
 - Protection of bushland

Concern was raised regarding the clearing of vegetation at the parkland reserves adjacent to the development site.
14. The applicant states that some trees will be removed from the Worra Street development site. No mention was made of any clearing necessary on the adjacent Council reserves.
 - Dumping of materials on site

A truckload of sand has been dumped on the Worra Street road reserve where the development has been proposed. This is an illegal use of the site considering no approvals for development have been issued.
15. The applicant has assured staff that no further dumping will occur until such time as all development approvals have been issued. In the mean time, the applicant advises, the sand will be used to top dress the school oval.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

16. In considering that:

- Council has already approved the section of road for closure;
 - An offer and acceptance between DLI and the Bethel School was agreed to and paid for;
 - An application for amalgamation into the proposed lot 300 is in the process for dealing;
 - The proposed use is consistent with the existing school site; and
 - The concerns raised by public are being addressed;
- Staff recommend that the Council support the application.

RECOMMENDATION

THAT Council:

- i) note the submissions and provide a copy of the officers comments to the submitter(s); and
- ii) grant Planning Scheme Consent for the Education Establishment subject to but not limited to the following condition;
 - a) the proponent shall reinstate Worra Street as a result of any damage occurring during construction, prior to the occupation of use.

Voting Requirement Simple Majority

.....

THAT Council, pursuant to clause 7.22 of the City of Albany Town Planning Scheme No.1A delegate authority to the Manager Development to issue a conditional Planning Scheme Consent for the development of an Education Establishment at 20 Bethel Way and Worra Street Road Reserve, Yakamia.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WILLIAMS**

THAT Council:

- i) note the submissions and provide a copy of the officers comments to the submitter(s); and
- ii) grant Planning Scheme Consent for the Education Establishment subject to but not limited to the following condition;
 - a) the proponent shall reinstate Worra Street as a result of any damage occurring during construction, prior to the occupation of use.

MOTION CARRIED 13-0

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WELLINGTON**

THAT Council, pursuant to clause 7.22 of the City of Albany Town Planning Scheme No.1A delegate authority to the Manager Development to issue a conditional Planning Scheme Consent for the development of an Education Establishment at 20 Bethel Way and Worra Street Road Reserve, Yakamia.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

11.2 INSPECTION SERVICES

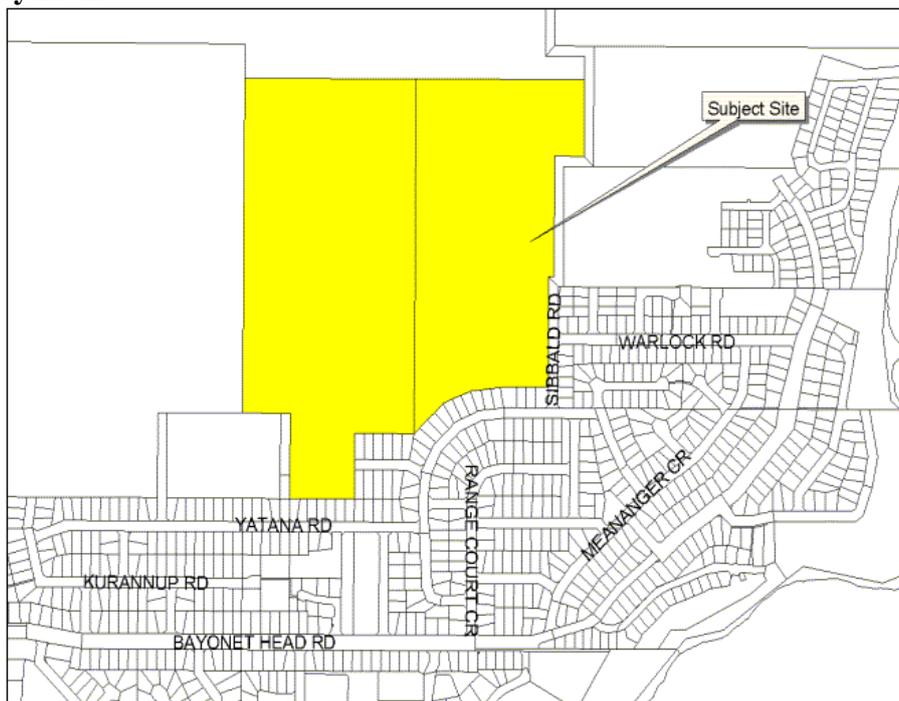
Nil

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Initiate Scheme Amendment – Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head

- File/Ward** : A31102A (Yakamia Ward)
- Proposal/Issue** : Initiate Scheme Amendment to rezone Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head from 'Rural' to 'Residential Development'
- Subject Land/Locality** : Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head
- Proponent** : Chappell & Lambert Planning Consultants
- Owners** : The State Housing Commission and EM & MB Cameron
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Initiate Amendment subject to modification
- Bulletin Attachment** : Amendment Document
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. Council has received a request from Chappell & Lambert Planning Consultants to amend Town Planning Scheme No. 3 by rezoning Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head, from 'Rural' to 'Residential Development'.
2. The subject site is included in the Bayonet Head Outline Development Plan (ODP) area, which was adopted by Council in 2001. The ODP identifies the site as suitable for residential purposes and sets out a structure plan to guide future development in the locality.
3. A copy of the amending documents are included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

4. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the Scheme.
5. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
6. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
7. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994);
 - Residential Expansion Strategy for Albany (1994);
 - The Local Rural Strategy (1996); and
 - Bayonet Head Outline Development Plan.
9. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.31 continued

10. The subject site is located within Oyster Harbour Precinct 1 of the City's Local Rural Strategy. The policy statement for this precinct states that the land is suitable for future urban uses and should be rezoned accordingly.
11. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

FINANCIAL IMPLICATIONS

12. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

13. This item relates directly to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision – A Thriving City:

Albany's community will enjoy economic growth and outstanding opportunities for our youth through innovative development complementing Albany's unique character, natural environment and heritage.

City of Albany Mission Statement:

The City of Albany is committed to providing sound governance; and promoting our Community's vision for the future.

Priority Projects:

Major Planning Project No. 2, namely the proposal will be reflected in the proposed Planning Strategy and new Scheme.”

COMMENT/DISCUSSION

14. The rezoning of the land to 'Residential Development' will enable the development of the land to occur in accordance with the requirements of the ODP.
15. The Adoption and Final Resolution pages need to be modified to reflect correct titles and references.
16. Given that the rezoning of the subject site is supported by the ODP it is recommended that Council initiate this amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

RECOMMENDATION

THAT subject to modifications being made to the Adoption and Final Resolution pages, Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:

- i) removing Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head from ‘Rural’ zone;
- ii) including Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head within the ‘Residential Development’ zone; and
- iii) amending the Scheme Maps accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT subject to modifications being made to the Adoption and Final Resolution pages, Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:

- i) removing Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head from ‘Rural’ zone;**
- ii) including Pt Lot 1 Yatana Rd & Lot 476 Sibbald Rd, Bayonet Head within the ‘Residential Development’ zone; and**
- iii) amending the Scheme Maps accordingly.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Approval of Scheme Amendment – Planning Scheme Consent Powers

File/Ward : STR 196 (All Wards)

Proposal/Issue : Final Approval to modify Planning Scheme Consent Powers

Subject Land/Locality : Various

Proponent : City of Albany

Owner : Various

Reporting Officer(s) : Planning Officer - Policy (R Hindley)

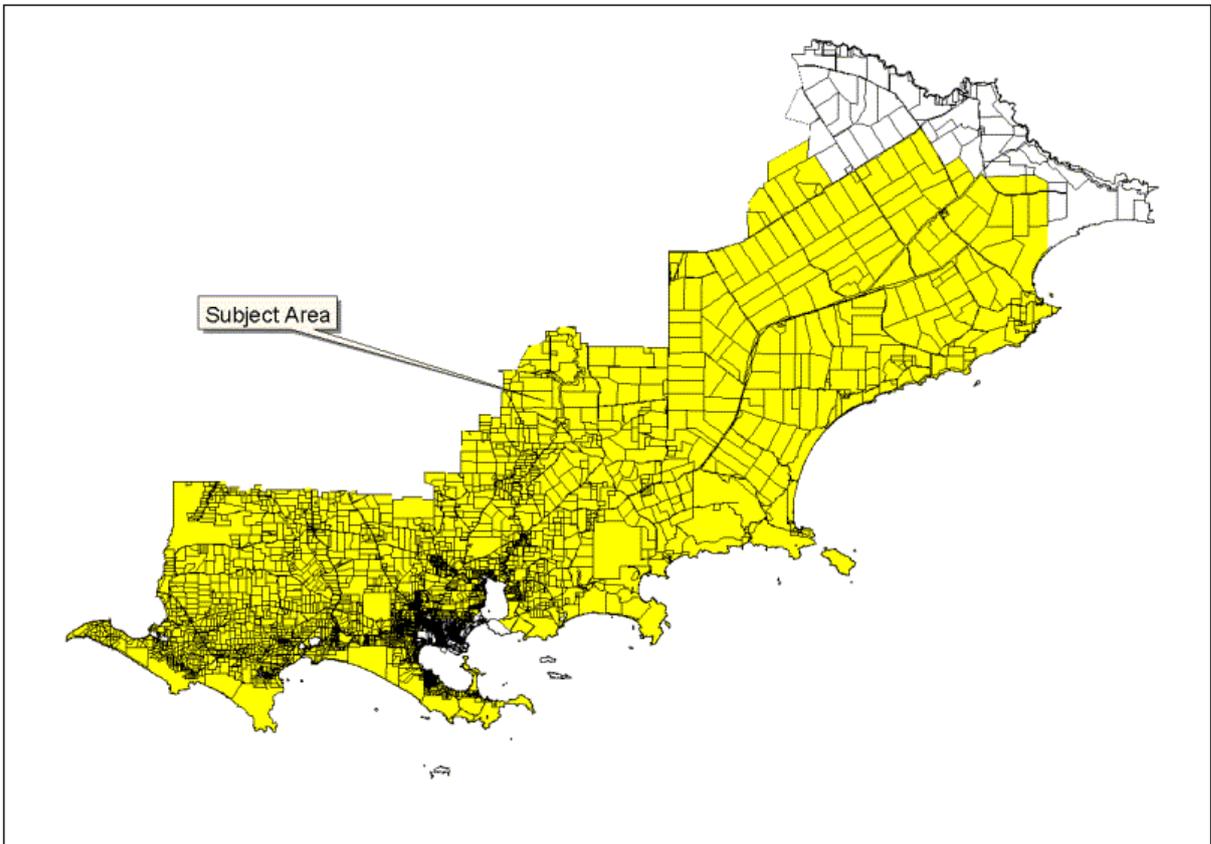
Disclosure of Interest : Nil

Previous Reference : OCM 20/07/04 – Item 11.3.3

Summary Recommendation : Grant Final Approval

Bulletin Attachment : Scheme Amendment Document

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. At its meeting of the 20th July 2004 Council resolved:

“THAT Council pursuant to Section 7 of the Town Planning and Development Act 1928 hereby amends Town Planning Scheme No 1A by:

- i) modifying those existing clauses and incorporate scheme powers to:*
 - a) revoke either a condition or consent when requested by an applicant;*
 - &*
 - b) amend or alter a condition or consent when requested by an applicant.*

AND

THAT Council pursuant to Section 7 of the Town Planning and Development Act 1928 hereby amends Town Planning Scheme No 3 by:

- i) modifying those existing clauses and incorporate scheme powers to:*
 - a) revoke either a condition or consent when requested by an applicant;*
 - and*
 - b) amend or alter a condition or consent when requested by an applicant; and*
- ii) deleting redundant definitions for shop and showroom in Clause 1.6 ‘Interpretation’; and*
- iii) undertaking renumbering of clauses and sub-clauses in Part V – General Provisions accordingly; and*
- iv) amending the Table of Contents accordingly.”*

2. Two amendments were associated with this resolution being Amendment 144 to Town Planning Scheme No 1A and Amendment 241 to Town Planning Scheme No. 3.

3. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed (No Appeals)” and was advertised for public inspection until 7th October 2004.

4. At the close of the advertising period no submissions had been received.

5. These amendments propose to amend the Schemes to allow the revocation of either a condition or consent when requested by an applicant, and to also allow the amendment or alteration of a condition or consent when requested by an applicant. Amendment 241 also renumbers clauses within Scheme 3 and deletes two redundant definitions.

6. A copy of the amending documents is included in the Elected Members Report/Information Bulletin.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STATUTORY REQUIREMENTS

7. 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 made to the Minister for Planning and Infrastructure 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.
8. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning and Infrastructure. The Minister can accept Council’s recommendation or she can require her 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 she considers Council’s decision is not consistent with orderly planning.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

11. The inclusion of the additional scheme powers will provide additional flexibility for Council to handle the changes in activities that naturally occur over time from the original approval. It specifically allows Council the powers to amend, alter and revoke a condition or entire consent either at the request of an applicant or for non-compliance.
12. This item relates directly to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City; Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Priority Projects:

Major Planning Project No. 2, namely the proposal will be reflected in the proposed Planning Strategy and new Scheme.

COMMENT/DISCUSSION

- 13. Whilst the present scheme powers do allow for Council to revoke a consent, that action can only be implemented where there has been non-compliance by the applicant. The inclusion of the proposed clauses will allow, prior to a project being commenced, for the proponent and Council to review the conditions of approval and modify those conditions if they are inappropriate. To achieve that review, proponents are currently being forced to appeal Council’s decision which has a direct cost and is time consuming.
- 14. The clauses are intended to be incorporated into the new Community Planning Scheme and are derived from the Model Scheme Text provisions for town planning schemes.
- 15. These amendments allow the present schemes to be modified, to provide Council with the supplementary powers in the interim period. No action is currently being planned for the “powers” to be delegated to staff; once it is gazetted, Council would handle all modifications to approval conditions, irrespective of the scale of the modification.
- 16. Amendment 241 also contains some minor modifications to the Scheme No 3 by removing redundant definitions and renumbering sections.
- 17. As no submissions were received during the advertising period it is recommended that Council grant final approval to the amendments without modification.

RECOMMENDATION

THAT;

- i)** Council grant final approval to Amendment 144 to the City of Albany Town Planning Scheme No. 1A to revoke or amend a condition or consent when requested by an applicant; and
- 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 and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

.....
AND

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

THAT;

- i) Council grant final approval to Amendment 241 to the City of Albany Town Planning Scheme No 3 to revoke or amend a condition or consent when requested by an applicant, delete redundant definitions for shop and showroom in Clause 1.6 ‘Interpretation’, undertake renumbering of clauses and sub-clauses in Part V – General Provisions and amend the Table of Contents accordingly; and
- 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 and Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WATERMAN**

THAT;

- i) Council grant final approval to Amendment 144 to the City of Albany Town Planning Scheme No. 1A to revoke or amend a condition or consent when requested by an applicant; and**
- 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 and Infrastructure for execution and gazettal.**

AND

THAT;

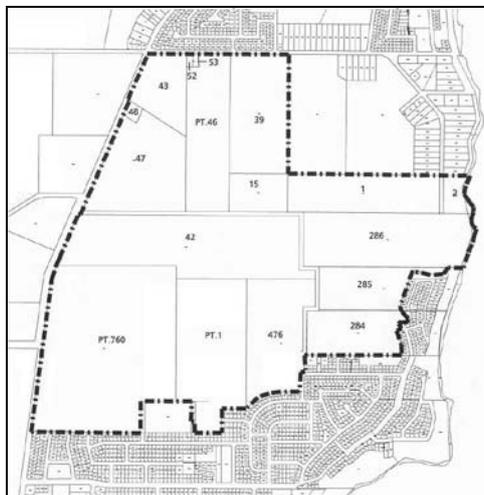
- i) Council grant final approval to Amendment 241 to the City of Albany Town Planning Scheme No 3 to revoke or amend a condition or consent when requested by an applicant, delete redundant definitions for shop and showroom in Clause 1.6 ‘Interpretation’, undertake renumbering of clauses and sub-clauses in Part V – General Provisions and amend the Table of Contents accordingly; and**
- 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 and Infrastructure for execution and gazettal.**

MOTION CARRIED 12-1

DEVELOPMENT SERVICES REPORTS

11.3.3 Review of Shared Cost Schedule for the Bayonet Head Outline Development Plan Area

- File/Ward** : STR 031 (Yakamia Ward)
- Proposal/Issue** : Annual review of adopted Cost Sharing Schedule for Bayonet Head ODP.
- Subject Land/Locality** : Bayonet Head Outline Development Plan area
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Strategic Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/10/03 - Item 11.3.1
OCM 17/09/02 - Item 11.3.2
OCM 21/05/02 - Item 11.3.6
OCM 16/04/02 - Item 11.2.1
OCM 20/02/01 - Item 11.3.3
OCM 23/05/00 - Item 12.3.1
OCM 26/10/99 - Item 15.1.2
OCM 24/03/99 - Item 15.1.1
OCM 27/05/98 - Item 12.3.4
- Summary Recommendation** : Adopt reviewed cost sharing schedule for Bayonet Head Outline Development Plan.
- Bulletin Attachment** : Submission
- Locality Plan** :



BAYONET HEAD OUTLINE DEVELOPMENT PLAN AREA

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. This item relates to:
 - The Bayonet Head Outline Development Plan (BHODP) that was adopted as a Town Planning Scheme Policy by Council on 20th February 2001; and
 - The annual review of the Schedule of Shared Costs adopted by Council on 21st October 2003 under Clause 5.2.4 of Town Planning Scheme No. 3.

STATUTORY REQUIREMENTS

2. Clause 5.2.4 of Town Planning Scheme No. 3 sets out the planning provisions that require developer contributions in the BHODP Area until the Guided Development Scheme has been gazetted.
3. Clause 5.2.4e) of Town Planning Scheme No. 3 states:
“The Schedule of Shared Costs are to be reviewed annually in the month of July in each year. The Council shall, prior to the adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.”

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The financial implication relates to the costs associated with the review of the Schedule of Shared Costs as prepared by the sub-consultants (Wood and Grieve Engineers and Albany Valuation Services).
6. These costs will be recovered upon completion of the Guided Development Scheme from the affected landowners as they undertake the development of their land.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Healthy City; Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through ...

- *Diverse and affordable cultural, recreational and sporting opportunities; and*
- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

A Thriving City; Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

Mission Statement:*The City of Albany is committed to ...*

- *Delivering excellent community services; and*
- *Providing sound governance; and*
- *Promoting our Community's vision for the future.*

Priority Projects:*The BHODP will ultimately form part of the Major Planning Projects No. 2 Albany Local Planning Strategy and Community Planning Scheme."***COMMENT/DISCUSSION**

8. The sub-consultants have advised that the review has resulted in the increase of some Shared Costs as follows:

Item	2003 Cost (\$)	% Increase	2004 Annual Review Shared Cost (\$)
Public Open Space, Community Purpose and Buffer			
Land Value	1,017,000	0	1,017,000
Main Drainage			
Installation, Basin Construction & Minor Landscaping	1,777,100	5.50	1,874,868
Land Value	88,700	0	88,700
Lower King Road			
Upgrade, Drainage & Footpaths	1,007,400	9.29	1,101,027
Buffer Landscaping	63,300	0	63,300
Valuation Allowance	45,200	0	45,200
Administration/Management	246,700	0	246,700
Scheme Preparation	33,000	0	33,000
TOTALS	4,278,400	4.47	4,469,795

9. At the completion of the 21-day notice period to landowners, one submission on behalf of a landowner was received, which raised the following concerns:
- *An assurance that their client will receive 'an equitable credit against his contribution liability, for all works undertaken, and land provided';*
 - *'Suitable compensation for their client's land to be taken as a road widening along Lower King Road is provided; and*
 - *The costs of upgrading Lower King Road should fairly represent only that portion generated by the Bayonet Head development.'*
10. The concerns raised in the submission are addressed as follows:
- The existing BHODP/Schedule of Shared Costs provides the City with a means to determine, apply and administer shared development costs resulting from the development of the Bayonet Head area. The scheme sets out the method to apportion the shared costs, requires an annual review of those costs and includes an arbitration clause should a dispute over the amount of a contribution arise, which provides the assurance sought in the submission that costs are fairly and equitably distributed.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- The road widening along Lower King Road is included within the draft Guided Development Scheme as a cost to be shared amongst the subdividers.
 - The road upgrading costs required to be paid by the subdividers within the BHODP area for Lower King Road have been determined by:
 - o The subdividers being required to contribute to the upgrade of one carriageway only (as in this case only one side of Lower King Road abuts the subject land); and
 - o An independent analysis to determine the amount of contribution based on the percentage of traffic that would be generated from the full development of the BHODP area (Development Traffic) at 64% and the percentage of traffic using that portion of the road from outside of the BHODP area (Non-Development Traffic) at 36%. This has ensured that the subdividers contribution is fair and based on the proportion of traffic generated by the internal development.
11. The concerns raised in the submission do not require any modification to the Schedule of Shared Costs and Council can now proceed to adopt the revised Schedule of Shared Costs.

RECOMMENDATION

THAT Council adopt the attached annual reviewed Schedule of Shared Costs pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3 for the Bayonet Head Outline Development Plan Area.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WILLIAMS SECONDED COUNCILLOR WOLFE</p> <p>THAT Council adopt the attached annual reviewed Schedule of Shared Costs pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3 for the Bayonet Head Outline Development Plan Area.</p> <p style="text-align: right;">MOTION CARRIED 13-0</p>

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

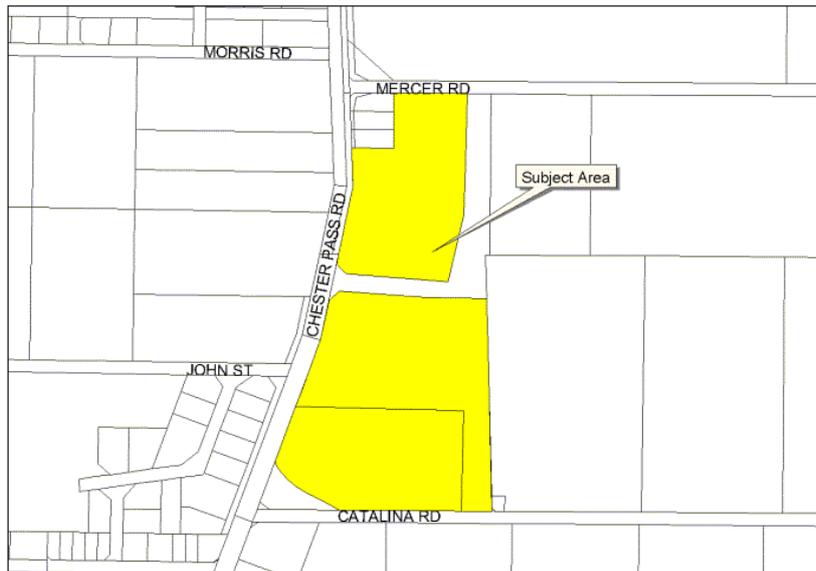
**COST APPORTIONMENT SCHEDULE
SHARED COSTS - REVIEWED SEPTEMBER 2004**

	Total Estimated Cost	Pt. Lot 1 10.02%	Lot 1 4.78%	Lot 2 0.44%	Lot 15 2.40%	Lot 39 6.68%	Lot 42 12.85%	Lot 43 3.73%	Lot 46 6.09%	Lot 47 8.06%	Lot 48 0.27%	Loc. 284 3.49%	Loc. 285 4.23%	Loc. 286 7.14%	Loc. 476 7.73%	Pt. Lot 760 22.09%
Infrastructure Items and Works																
POS, Community Purpose & Buffer Land Value	1,017,000	101,903	48,613	4,475	24,408	67,936	130,665	37,934	61,935	81,970	2,746	35,493	43,019	72,614	78,614	224,655
Main Drainage Installation, Basin Construction & Minor Landscaping Land Value	1,874,868	187,861	89,619	8,250	44,997	125,242	240,921	69,932	114,179	151,114	5,062	65,432	79,307	133,866	144,927	414,158
	88,700	8,888	4,240	390	2,129	5,925	11,398	3,309	5,402	7,149	239	3,056	3,752	6,333	6,857	19,594
Lower King Road Upgrade, Drainage & Footpaths	1,101,027	110,322	52,630	4,845	26,425	73,549	141,463	41,068	67,052	88,743	2,973	38,426	46,573	78,614	85,109	243,217
Buffer Landscaping	63,300	6,343	3,026	279	1,519	4,228	8,134	2,361	3,855	5,102	171	2,209	2,678	4,520	4,893	13,983
Valuation Allowance	45,200	4,529	2,161	199	1,065	3,019	5,808	1,686	2,753	3,643	122	1,577	1,912	3,227	3,494	9,985
Administration/Management	246,700	24,719	11,792	1,086	5,921	16,480	31,701	9,202	15,024	19,884	666	8,610	10,435	17,614	19,070	54,496
Scheme Preparation	33,000	3,307	1,577	145	792	2,204	4,241	1,231	2,010	2,660	89	1,152	1,396	2,356	2,551	7,290
TOTALS	4,469,795	447,872	213,658	19,668	107,275	298,584	574,371	166,723	272,209	360,265	12,069	155,995	189,072	319,144	345,515	967,376

DEVELOPMENT SERVICES REPORTS

11.3.4 Catalina Central Planning Framework – Proposed Modification

- File/Ward** : STR 049 (Yakamia Ward)
- Proposal/Issue** : Adoption of modified Precinct Plan 1 – Catalina Central Structure Plan
- Subject Land/Locality** : Lots 6, 7, 8, 12, 13, 39, 40, 101 & 293 (Proposed Lots 1001, 1003 – 5, 1007) Chester Pass/Catalina/Mercer Roads, Lange
- Proponent** : Taylor Burrell Barnett on behalf of Kingopen Pty Ltd
- Owner** : Kingopen Pty Ltd
- Reporting Officer(s)** : Manager Development (M Selby)
- Disclosure of Interest** : Nil
- Previous Reference** : OMC 19/10/04 – Item 11.3.5
OCM 15/06/04 – Item 11.3.2
OCM 18/05/04 - Item 18.2
OCM 17/06/03 - Item 11.3.2
OCM 18/03/03 - Item 11.3.1
OCM 18/02/03 - Item 11.3.3
OCM 16/10/01 - Item 11.3.2
OCM 26/06/01 - Item 11.1.2
- Summary Recommendation** : Adopt variation to Precinct Plan 1
- Bulletin Attachment** : N/A
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. Council at its last meeting resolved to advertise a variation to the Catalina Central Planning Framework (CCPF), which is proposing to allow the establishment of Warehouse/Warehouse Sales Outlet on the approved Harvey Norman Site on Chester Pass Road.
2. The variation has been advertised in accordance with Council’s Town Planning Scheme No 3 and at the time of writing this report, no comments had been received.

STATUTORY REQUIREMENTS

3. Council advertised the proposal in accordance with clause 6.9.2.a of Town Planning Scheme No 3. This report seeks to review the policy as required under clause 6.9.2.b of the Scheme and is now presented for Final Adoption under clause 6.9.3.c.
4. The CCPF also requires that the CCPF (which incorporates a Structure Plan) to be adopted by Council under clause 5.22.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item apart from the cost of advertising the policy in the local paper which can be accommodated within Council’s existing budget.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Being the regional and retailing services hub*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*

Priority Projects:

Nil.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

COMMENT/DISCUSSION

8. The Precinct Plan has been modified to incorporate the modifications initially adopted by Council. Once adopted, the variation will allow Harvey Norman to commence construction of their new building.

RECOMMENDATION

THAT Council adopt for final approval the Catalina Central Planning Framework, which incorporates Warehouse/Warehouse Sales Outlet as a listed discretionary land use, with a limit of 1800m² of net lettable floor area, in accordance with clause 5.22 and clause 6.9 of Town Planning Scheme No 3

Voting Requirement Simple Majority

.....

Councillor Barton declared an interest in this item and left the Chambers at 8.05pm. The nature of her interest is that she is an employee of Coles Myer.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT Council adopt for final approval the Catalina Central Planning Framework, which incorporates Warehouse/Warehouse Sales Outlet as a listed discretionary land use, with a limit of 1800m² of net lettable floor area, in accordance with clause 5.22 and clause 6.9 of Town Planning Scheme No 3.

MOTION CARRIED 8-4

Councillor Barton returned to the Chambers at 8.06pm.

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil

11.5 DEVELOPMENT SERVICE COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Approve accounts for payment
Bulletin Attachment	:	Summary of Accounts
Locality Plan	:	N/A

COMMENT/DISCUSSION

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

Municipal Fund		
Cheques	totalling	167,199.36
Electronic Fund Transfer	totalling	2,827,537.62
Payroll	totalling	1,011,428.75
TOTAL		<u>\$4,006,165.73</u>

2. As at 2nd November 2004, the total outstanding creditors, stands at \$1,088,094.85.
3. Cancelled cheques 19757-19770, 19772-19778, 19795-19816, 19842-19851, 19860.

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment: -
Municipal Fund totalling \$4,006,165.73
Total \$4,006,165.73

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR EVANS**

**THAT the following City of Albany accounts be passed for payment: -
Municipal Fund totalling \$4,006,165.73
Total \$4,006,165.73**

MOTION CARRIED 13-0

12.1.2 Finance Strategic Advisory Committee

File/Ward	:	FIN 064 (All Wards)
Proposal/Issue	:	Establishment of Committee
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council establish the Finance Strategy Advisory Committee
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Following the February 2004 presentation to Council of the draft Fifteen Year Economic Sustainability Plan (FYESP), Councillors requested the opportunity to have a more direct input into the preparation of such plans in the future.

STATUTORY REQUIREMENTS

2. Section 5.8 of the Local Government Act 1995 – “Establishment of Committees” states that a local government may establish committees of 3 or more persons to assist the council and exercise the powers and discharge the duties of local government that can be delegated to committees.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Item 12.1.2 continued.

STRATEGIC IMPLICATIONS

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy, and Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services and diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to... Sustainably managing Albany’s municipal assets, providing sound governance; and promoting our Community’s vision for the future , strategic integration, and all times respecting the Community’s aspirations and resources.

Priority Projects:

Major Planning Project 5- Fifteen Year Economic Sustainability Plan.”

COMMENT/DISCUSSION

6. It is proposed that an advisory committee of Council be established. The Committee would provide a forum for a group of Councillors and senior staff to provide strategic input for Council’s draft 5 year business plan.
7. The proposed terms of reference for the committee are:
- a) *Oversee the preparation of a 5 year business plan for consideration by Council that contains:*
- Estimate of recurrent surpluses
 - Projected Project Cost Expenditure
 - Projected Major Capital Expenditure
 - Projected Service Delivery Expenditure
 - Projected Asset Masterplan Expenditure
 - Projected revenues
 - Rates
 - Sale of surplus land
 - Major grant funding
 - Fees and Charges
 - Current and future loan position
 - Current and future reserves position
 - Business rules for City Business Units
 - Strategic financial performance indicators
 - Population growth impact analysis

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

- b) *Based on the adopted 5 year Business Plan oversee the preparation of a 15 year economic financial sustainability plan for Council consideration.*
 - c) *Make recommendations to Council on most appropriate mode and system of realising revenues from sale of surplus land.*
 - d) *Review adopted 5 and 15 year plans annually and make recommendations to Council.*
8. To provide continuity, it is further proposed that the initial membership of the committee consist of three Councillors whose terms expire in 2005, and three whose terms expire in 2007.

RECOMMENDATION

THAT Council;

- i) establish the Finance Strategic Advisory Committee;
- ii) agree to the following terms of reference for the Finance Strategy Advisory Committee
 - a) Oversee the preparation of a 5 year business plan for consideration by Council that contains:
 - Estimate of recurrent surpluses
 - Projected Project Cost Expenditure
 - Projected Major Capital Expenditure
 - Projected Service Delivery Expenditure
 - Projected Asset Masterplan Expenditure
 - Projected revenues
 - Rates
 - Sale of surplus land
 - Major grant funding
 - Fees and Charges
 - Current and future loan position
 - Current and future reserves position
 - Business rules for City Business Units
 - Strategic financial performance indicators
 - Population growth impact analysis;
 - b) based on the adopted 5 year Business Plan oversee the preparation of a 15 year economic financial sustainability plan for Council consideration;
 - c) make recommendations to Council on most appropriate mode and system of realising revenues from sale of surplus land; and
 - d) review adopted 5 and 15 year plans annually and make recommendations to Council; and

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

- iii) appoint Councillors
- a) _____
 - b) _____
 - c) _____ (retiring 2005)
- and Councillors
- a) _____
 - b) _____
 - c) _____ (retiring 2007) to the Committee.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

- i) establish the Finance Strategic Advisory Committee;**
- ii) agree to the following terms of reference for the Finance Strategy Advisory Committee**
 - a) Oversee the preparation of a 5 year business plan for consideration by Council that contains:**
 - Estimate of recurrent surpluses
 - Projected Project Cost Expenditure
 - Projected Major Capital Expenditure
 - Projected Service Delivery Expenditure
 - Projected Asset Masterplan Expenditure
 - Projected revenues
 - Rates
 - Sale of surplus land
 - Major grant funding
 - Fees and Charges
 - Current and future loan position
 - Current and future reserves position
 - Business rules for City Business Units
 - Strategic financial performance indicators
 - Population growth impact analysis;
 - b) based on the adopted 5 year Business Plan oversee the preparation of a 15 year economic financial sustainability plan for Council consideration;**
 - c) make recommendations to Council on most appropriate mode and system of realising revenues from sale of surplus land; and**
 - d) review adopted 5 and 15 year plans annually and make recommendations to Council; and**

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

iii) appoint Councillors

a) **Emery**

b) **Williams**

c) **Demarteau** (retiring 2005)

and Councillors

a) **Goode**

b) **Wolfe**

c) **Lionetti** (retiring 2007) to the Committee.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

12.2 ADMINISTRATION

12.2.1 Annual Electors Meeting

File/Ward	:	FIN 047 (All Wards)
Proposal/Issue	:	Council requested to set a date for the Annual Electors Meeting
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Disclosure of Interest	:	Nil
Reporting Officer	:	Manager Finance (S Goodman)
Previous Reference	:	Nil
Summary Recommendation	:	That Council hold the Annual Electors Meeting on 7 th December 2004
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

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, and any other nominated general business.
3. The Chief Executive Officer is required to give at least 14 days local public notice of an electors meeting.

POLICY IMPLICATIONS

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

Item 12.2.1 continued.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.

Mission Statement

The City of Albany is committed to....providing sound governance.

Priority Projects

Nil.”

COMMENT/DISCUSSION

7. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 7:30pm on Tuesday 7th December 2004 in the reception room of the City’s Mercer Road Office and that the meeting be advertised locally.

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 Chambers at 7:30pm on 7th December 2004, for the purpose of receiving the 2003/2004 Annual Report of the City of Albany and other General Business as listed.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT;

- i) 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 Chambers at 7:30pm on 7th December 2004, for the purpose of receiving the 2003/2004 Annual Report of the City of Albany and other General Business as listed; and

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

- ii) the minutes of the City of Albany Audit Committee meeting held on 12th November 2004, as tabled, be adopted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR EMERY**

THAT;

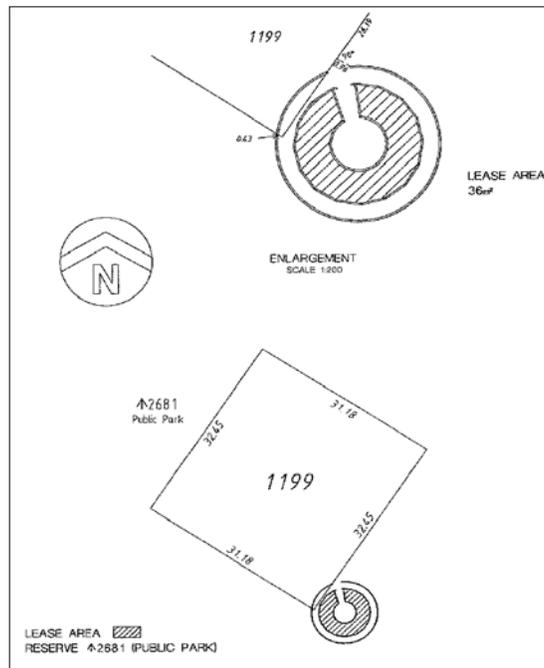
- i) **in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Mercer Road Chambers at 7:30pm on 7th December 2004, for the purpose of receiving the 2003/2004 Annual Report of the City of Albany and other General Business as listed; and**
- ii) **the minutes of the City of Albany Audit Committee meeting held on 12th November 2004, as tabled, be adopted.**

MOTION CARRIED 13-0

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 New Lease – Reserve 2681 Mt Melville Lookout

File/Ward	:	PRO 060 (Frederickstown Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Reserve 2681 – JA Barnesby Memorial Lookout at Mt Melville
Proponent	:	Gordon Gibbon
Owner	:	Crown Land (Managed by City of Albany)
Reporting Officer(s)	:	Corporate Services Officer (J Twaddle)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/08/04 - Item 12.2.3
Summary Recommendation	:	THAT Council approve the request for a lease to be prepared between Gordon Gibbon and the City of Albany for the area formerly used as the Mt Melville Kiosk on Reserve 2681.
Bulletin Attachment	:	Nil
Locality Plan	:	



Item 12.2.2 continued.

BACKGROUND

1. The City of Albany called for registrations of interest to lease a portion of the JA Barnesby Memorial Lookout on a portion of Reserve 2681, previously utilised as a kiosk. At the end of the advertising period on 26 July 2004 only 2 submissions were received.
2. Reserve 2681 is owned by the Crown, managed by the City of Albany with power to lease for periods up to and including 21 years for the purpose of ‘Public Park’.
3. At Council’s meeting held 17 August 2004, the following was resolved:

“THAT based on the information provided, Council agree to enter into preliminary negotiations to lease a portion of the JA Barnesby Memorial Lookout on Reserve 2681 to Gordon Gibbon. Once the term of lease, rental amount and other conditions have been discussed further Council approval be sought prior to entering into a new lease agreement.”

STATUTORY REQUIREMENTS

4. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land. Preliminary approval from the Minister has been granted on 7 October 2004.
5. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
6. Council is however able to dispose of property by other means, provided that it gives statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
7. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of to a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
8. This lease is clearly a commercial operation and therefore the proposed disposition of land is not exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

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

Item 12.2.2 continued.

FINANCIAL IMPLICATIONS

10. All costs associated with any proposed lease are to be borne by the applicant including any legal, survey and advertising fees.
11. Albany Valuation Services has prepared a rental valuation on the premises and determined that an annual rental of \$1,067.00 would be a fair market rent subject to GST and annual CPI increases.

STRATEGIC IMPLICATIONS

12. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

Community Vision:

A Healthy City: Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through... diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to... Sustainably managing Albany's municipal assets.

Priority Projects:

Nil

COMMENT/DISCUSSION

13. This premises comprises a lettable area of approximately 42.70m² and has vinyl-covered floors in poor condition, with aluminium-framed windows to the external elevations, fluorescent tube lighting and bare painted concrete ceilings. The facilities include power and a stainless steel sink with cold water.
14. As a condition of the lease, the Lessee is also required to pay for rates and taxes, keep insured the furniture, floor coverings, fixtures and fittings and to clean the public toilets each day the kiosk is open (7 days) to keep the toilets in a clean and sanitary condition.
15. Due to the above-mentioned factors, Albany Valuation Services considers that a rental of \$25.00 per square metre would be appropriate; to give an annual rent of \$1,067 per annum, subject to GST and annual CPI increases.
16. It is proposed that a clause be included in the Lease that the Lessee is not responsible for the payment of water rates and consumption in lieu of cleaning the City of Albany Public Toilets.

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

17. The Mt Melville tower is also used to mount mobile and radio wave aerials, and another tower is located in close proximity.
18. In consideration to any possible long term health risks to Lessees of the kiosk who are exposed to this environment on a daily basis, and the possibility of future litigation, a clause is to be inserted into the lease agreement to draw attention to the fact that Lessee is aware that the Mt Melville Lookout is primarily used as a telecommunications tower.

RECOMMENDATION

THAT, subject to approval from the Minister for Lands and no submissions being received as a result of advertising, Council agree:

- i) to the request from Gordon Gibbon for a new lease to be prepared for a period of five years, with a five year option, commencing from 1 January 2005 on portion of Reserve 2681;
- ii) the rental be set at \$1067.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI;
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with the following stipulations:
 - a) All maintenance and general upkeep of the lookout and surrounding areas to be undertaken by the Lessee;
 - b) The cleaning and sanitising of the public toilets be undertaken by the Lessee every day that the kiosk is open for business;
 - c) The Lessee will not be responsible for paying water rates and consumption in lieu of cleaning the public toilets; and
 - d) The Lessee is aware that the Mount Melville Lookout is primarily used as a telecommunications transmitting tower;
- iv) All fees associated with this lease be payable by Gordon Gibbons; and
- v) The Common Seal of the City of Albany be affixed to this documentation.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT, subject to approval from the Minister for Lands and no submissions being received as a result of advertising, Council agree:

- i) to the request from Gordon Gibbon for a new lease to be prepared for a period of five years, with a five year option, commencing from 1 January 2005 on portion of Reserve 2681;
- ii) the rental be set at \$1067.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI;

CORPORATE & COMMUNITY SERVICES REPORTS

- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with the following stipulations:
 - a) all maintenance of the Leased area and general upkeep of the lookout and surrounding areas to be undertaken by the Lessee;
 - b) the cleaning and sanitising of the public toilets be undertaken by the Lessee every day that the kiosk is open for business;
 - c) the Lessee will not be responsible for paying water rates and consumption in lieu of cleaning the public toilets;
 - d) the Lessee is aware that the Mount Melville Lookout is primarily used as a telecommunications transmitting tower; and
 - e) a clause be included in the Lease to state that the Lease may be terminated by either party giving 1 months notice;
- iv) all fees associated with this lease be payable by Gordon Gibbons; and
- v) the Common Seal of the City of Albany be affixed to this documentation.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR LIONETTI**

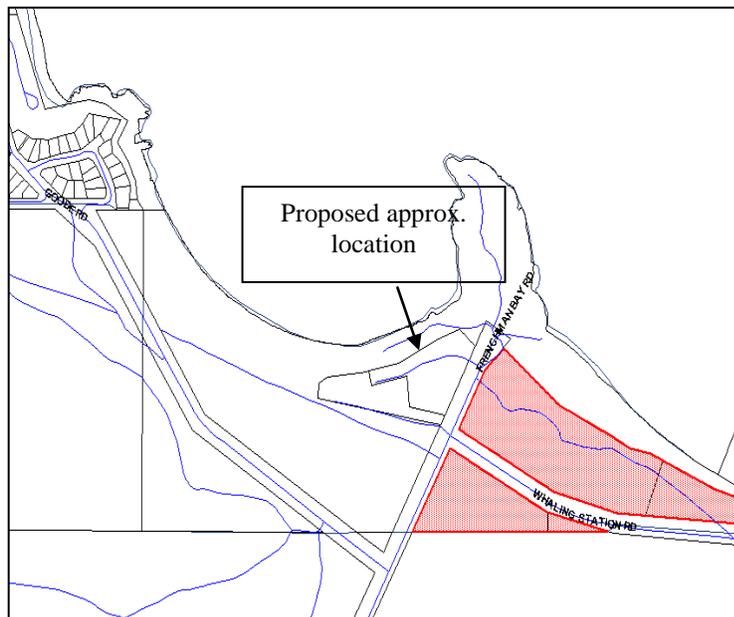
THAT, subject to approval from the Minister for Lands and no submissions being received as a result of advertising, Council agree:

- i) **to the request from Gordon Gibbon for a new lease to be prepared for a period of five years, with a five year option, commencing from 1 January 2005 on portion of Reserve 2681;**
- ii) **the rental be set at \$1067.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI;**
- iii) **the lease be prepared in accordance with Council’s standard leasing terms and conditions, with the following stipulations:**
 - a) **all maintenance of the Leased area and general upkeep of the lookout and surrounding areas to be undertaken by the Lessee;**
 - b) **the cleaning and sanitising of the public toilets be undertaken by the Lessee every day that the kiosk is open for business;**
 - c) **the Lessee will not be responsible for paying water rates and consumption in lieu of cleaning the public toilets;**
 - d) **the Lessee is aware that the Mount Melville Lookout is primarily used as a telecommunications transmitting tower; and**
 - e) **a clause be included in the Lease to state that the Lease may be terminated by either party giving 1 months notice;**
- iv) **all fees associated with this lease be payable by Gordon Gibbons; and**
- v) **the Common Seal of the City of Albany be affixed to this documentation.**

MOTION CARRIED 13-0

12.2.3 Proposed New Licence – Martyn Mettam – Portion of Reserve 21337

File/Ward	:	PRO 344 (Vancouver Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Reserve 21337
Proponent	:	Martyn Mettam
Owner	:	Crown Land – Department of Land Administration (Managed by the City of Albany)
Reporting Officer(s)	:	Corporate Services Officer (N Franich)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve the request for a new licence to be prepared for a 5 year term from 1 January 2004 on Reserve 21337.
Bulletin Attachment	:	Nil
Locality Plan	:	



Item 12.2.3 continued.

BACKGROUND

1. A request has been received from Martyn Mettam for Council to consider granting a licence agreement to set up a Kayak hire service on Frenchman Bay beach.
2. The beach is located on Reserve 21337 and Council currently has a Management Order for the purpose of “Recreation Pleasure Resort and Caravan Park” with power to lease for periods up to and including 21 years subject to consent of the Minister for Lands.
3. Preliminary approval was requested from the Minister for Lands on 12 October 2004.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a licence over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. All costs associated with this proposed new licence are to be borne by the applicant.
7. Given the restricted area and the time in which the kayaks are able to operate, the independent valuation indicates that a fair market rental would be \$400 per annum plus GST.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through... diverse and affordable cultural, recreational and sporting opportunities

Mission Statement:

The City of Albany is committed to... sustainably managing Albany’s municipal assets.

Priority Projects:

Nil”

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

COMMENT/DISCUSSION

9. A licence is required under this circumstance due to the fact that Mr Mettam will not have exclusive use of the land, as it will not be removed from public use.
10. Mr Mettam proposes have six sea kayaks available for hire (two double and four single) from Frenchman Bay. These kayaks will be available for hire over the Christmas and Easter school holidays and perhaps until May (weather permitting), from 8:00am to 6:00pm daily.
11. These kayaks will be placed on the beach within an area of approximately six square metres, which will include a small fold up table, chair, umbrella and sign advertising kayaks for hire.
12. The attached map indicates the area intended for the location of the kayak hire. This location is within fifty metres of a car park and two hundred metres of a toilet block.
13. Mr Mettam will obtain all necessary approvals from the Department of Planning & Infrastructure prior to commencing operations. The Department of Planning & Infrastructure requires Council approval prior to issuing a license to hire and drive.
14. This proposal is seen as a positive tourism/recreation activity for this protected area of water.
15. Whilst the car parking at Frenchman Bay is already over-burdened in peak periods, it is unlikely that this activity will exacerbate the problem.
16. The City of Albany will be investigating vehicle and pedestrian access to the beach in the near future, and it is recommended that the operator delivers the kayaks onto the beach and then parks the vehicle and trailer in the upper car park.
17. It is also recommended that a clause be entered into the license agreement that no compensation be paid to the Licensee should he be affected by any future development or change of access to the area.

RECOMMENDATION

THAT, subject to approval from the Minister for Lands, Council:

- i) Agree to the request from Martyn Mettam for a new licence to be prepared for a period of five years with a five year option from 1 January 2005 on a portion of Reserve 21337;

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

- ii) The rental be set at \$400.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI, and a market review being conducted immediately prior to commencement of the five year option;
- iii) The licence be prepared in accordance with Council’s standard licensing terms and conditions;
- iv) clauses be entered into the license agreement to instruct:
 - a) that no compensation be paid to the Licensee should he be affected by any future development or change of access to the area; and
 - b) that the operator delivers the kayaks onto the beach and then parks the vehicle and trailer in the upper car park;
- v) All fees associated with this licence be payable by the applicant; and
- vi) The Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR LIONETTI**

THAT, subject to approval from the Minister for Lands, Council:

- i) Agree to the request from Martyn Mettam for a new licence to be prepared for a period of five years with a five year option from 1 January 2005 on a portion of Reserve 21337;**
- ii) The rental be set at \$400.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI, and a market review being conducted immediately prior to commencement of the five year option;**
- iii) The licence be prepared in accordance with Council’s standard licensing terms and conditions;**
- iv) clauses be entered into the license agreement to instruct:**
 - c) that no compensation be paid to the Licensee should he be affected by any future development or change of access to the area; and**
 - d) that the operator delivers the kayaks onto the beach and then parks the vehicle and trailer in the upper car park;**
- v) All fees associated with this licence be payable by the applicant; and**
- vi) The Common Seal of the City of Albany be affixed to the documentation.**

MOTION LOST 5-8

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

AMENDED RECOMMENDATION

THAT, subject to approval from the Minister for Lands, Council:

- i) Agree to the request from Martyn Mettam for a new licence to be prepared for a period of five years with a five year option from 1 January 2005 on a portion of Reserve 21337;
- ii) The rental be set at \$400.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI, and a market review being conducted immediately prior to commencement of the five year option;
- iii) The licence be prepared in accordance with Council’s standard licensing terms and conditions, including the requirement to hold public liability insurance of not less than \$10,000,000;
- iv) clauses be entered into the license agreement to instruct:
 - a) that no compensation be paid to the Licensee should he be affected by any future development or change of access to the area; and
 - b) that the operator delivers the kayaks onto the beach and then parks the vehicle and trailer in the upper car park;
- v) All fees associated with this licence be payable by the applicant;
- vi) The Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WATERMAN**

THAT, subject to approval from the Minister for Lands, Council:

- i) Agree to the request from Martyn Mettam for a new licence to be prepared for a period of five years with a five year option from 1 January 2005 on a portion of Reserve 21337;**
- ii) The rental be set at \$400.00 per annum, subject to GST, with rent reviews being carried out annually based on CPI, and a market review being conducted immediately prior to commencement of the five year option;**
- iii) The licence be prepared in accordance with Council’s standard licensing terms and conditions, including the requirement to hold public liability insurance of not less than \$10,000,000;**

CORPORATE & COMMUNITY SERVICES REPORTS

- iv) clauses be entered into the license agreement to instruct:**
 - a) that no compensation be paid to the Licensee should he be affected by any future development or change of access to the area; and**
 - b) that the operator delivers the kayaks onto the beach and then parks the vehicle and trailer in the upper car park;**
- v) All fees associated with this licence be payable by the applicant;**
- vi) The Common Seal of the City of Albany be affixed to the documentation.**

**MOTION CARRIED 8-5
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS



12.2.4 Adoption of Jetties, Bridges and Boat Pens Local Law

File/Ward	:	MAN048 (All Wards)
Proposal/Issue	:	To make a new Local Law for Jetties, Bridges and Boat Pens within the municipality of the City of Albany
Subject Land/Locality	:	Various
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Corporate Services Officer (J Twaddle)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/07/04 Item 12.2.4 OCM 19/10/04 Item 12.2.4
Summary Recommendation	:	To make the Jetties, Bridges and Boat Pens Local Law
Bulletin Attachment	:	Jetties, Bridges and Boat Pens Local Law
Locality Plan	:	N/A

BACKGROUND

1. At the Ordinary Council meeting of 20th July 2004, Council commenced the process to create a Jetties, Bridges and Boat Pens Local Law (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise statewide, advising of its intention to make a Local Law and seeking submissions within a six-week period. Council is to consider all submissions, publish the Local Law in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY IMPLICATIONS

3. Section 3.12 of the Local Government act, states:-

“3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

(2) *At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

(3) *The local government is to-*

- a) *give Statewide public notice stating that-*
 - i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

(3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

(4) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Special Majority Required.*

(5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

(6) *After the local law has been published in the Gazette the local government is to give Statewide public notice-*

- a) *stating the title of the local law;*
- b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them.”*

Item 12.2.4 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. There will be statutory advertising costs, which will be funded from the current budget.

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through... diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany will always be renowned for... Our high-performance system of governance.

Priority Projects:

Major Review Project No. 14, namely the proposal to set business rules for the Emu Point Boat Pens and Town Jetty operations.”

COMMENT/DISCUSSION

7. Council advertised, both statewide and locally for public comment on the draft Jetties, Bridges and Boat Pens Local Law, with the closing date being 13th September 2004.
8. Council also formed a working group with a number of Emu Point Boat Pen holders and Council staff, to review the draft Local Law.
9. Council received two submissions, as summarised below:
 - W Cuss - concerns relating to refuelling and carrying out repairs within pen
 - E James - concerns relating to carrying out minor sanding and paintwork within pen in complying with regulation 3.6(a) (vessel must be maintained)

Item 12.2.4 continued.

10. Council also received recommendations from the Department of Local Government and Regional Development. These recommendations included:
 - formatting changes
 - inclusion of Live on Board Policy into Local Law and change of title to “Requirements to Live on Board”
 - inclusion of references to relevant sections of the Local Government Act (applying fees)
 - inclusion of execution clause.
11. The working group reviewed the draft local law and the suggested changes were recommended for inclusion.
12. This item was held over at the last meeting of Council so the following minor additions could be made to the Local Law:

3.11(b) “*reasonable*” has been inserted on the third line of the paragraph to read “...*the reasonable option*...”;

3.11(c) “*stipulated*” on the second line of the paragraph has been replaced with “*reasonable*” to read “...*within a reasonable time period*...”;

3.11(g) “*absolute*” on the second line of the paragraph has been replaced with “*reasonable*” to read “...*in the reasonable discretion*...”;

3.12 “*in an emergency, in breach of this Local Law or any other circumstances as deemed necessary by an authorised person that; in the absolute discretion of the authorised person, may warrant such action,...*” has been replaced with “*in any of the instances mentioned in Clause 4.8*”

4.8 Clause 4.8 has been created to read:

“4.8 *Notwithstanding the powers and functions of the authorised officer prescribed in parts 1, 2 and 3, no action shall be taken by an authorised officer unless such action is related to:*

- (a) *an inspection that serves to either verify compliance or remedy non-compliance with the conditions of the Local Law.*
- (b) *the rectification of a situation that could be reasonable expected to lead to either damage to private or public property or threaten personal safety.*
- (c) *The overall efficient and effective management of the facility.*

RECOMMENDATION

THAT Council in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Jetties, Bridges and Boat Pens Local Law, as detailed in the Elected Members Report/Information Bulletin.

Voting Requirement Special Majority

.....

Item 12.2.4 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WATERMAN**

THAT Council in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Jetties, Bridges and Boat Pens Local Law, as detailed in the Elected Members Report/Information Bulletin.

**MOTION CARRIED 13-0
SPECIAL MAJORITY**



Offices: 221 York Street & Mercer Road
Postal Address: PO Box 484, ALBANY WA 6331
Telephone: (08) 9841 9333
Facsimile: (08) 9841 4099

MEMORANDUM

TO : Her Worship the Mayor, Councillors and Executive Staff

FROM : Jennifer Twaddle
: Corporate Services Officer

DATE : 10 November 2004

OUR REF : MAN048/MM401523

SUBJECT : AMENDED LOCAL LAW

Two further minor changes to the Jetties, Bridges and Boat Pens Local Law, had previously been distributed:-

Clause 3.11 (a) the words “or emergency” on the first line have been deleted being covered later in the clause; and

Clause 4.8 (b) the words “be reasonable” have been replaced with “reasonably be”

Jennifer Twaddle
Corporate Services Officer

12.2.5 New Leases for South Stirlings, Torbay, Napier and Redmond Community Halls

File/Ward	: PRO 342 (All Wards)
Proposal/Issue	: New Leases for South Stirlings, Torbay, Napier and Redmond Community Halls
Subject Land/Locality	: Various
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Corporate Services Officer (J Twaddle)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT Council approve leases to be prepared for community organisations currently managing community halls
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. The City of Albany holds 197 Leases, 74 with community groups, 47 with commercial operators and 75 with non-commercial groups such as the Cheynes Beach and Airport Hangar Leases.
2. Eight community halls are currently leased from the City of Albany including Elleker, Lower King, South Coast and Wellstead.
3. These Leases operate for a 21-year period with an average rental of \$10.00 per annum.
4. There are four community halls constructed on Council managed land with no Lease in place. These are Napier, South Stirlings, Redmond and Torbay.

STATUTORY REQUIREMENTS

5. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land.

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.

6. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
7. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
8. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
9. These Community Associations are not for profit community-based organisations and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit sporting, and community groups. The rental is reviewed annually in accordance with Council’s budget and is subject to GST. For the 2004/2005 financial year the Council adopted a minimum land rate of \$466.00.
12. Due to the value of services provided to the community by these community-based organisations, an annual rental of \$10.00 is proposed to bring the lease rentals into line with the rentals charged on the other community halls.
13. All costs associated with any proposed lease are to be borne by the applicant including any legal, survey and advertising fees.

STRATEGIC IMPLICATIONS

14. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through... diverse and affordable cultural, recreational and sporting opportunities.

Item 12.2.5 continued.

Mission Statement:

The City of Albany is committed to... Sustainably managing Albany's municipal assets.

Priority Projects:

Nil

COMMENT/DISCUSSION

15. Council staff have contacted these community organisations and advised them of the current situation.

RECOMMENDATION

THAT, subject to approval from the Minister for Lands, Council agree:

- i) to new leases being prepared for periods of 21-years, commencing from 1 January 2005 for a portion of Reserve 19162 (Napier Progress Association), a portion of Reserve 32825 (Redmond Progress Association), a portion of Reserve 25807 (South Stirlings Progress Association), and a portion of Reserve 13507 (Torbay Agricultural Hall Committee);
- vii) the rentals be set at \$10.00 per annum, subject to GST, with rent reviews being carried out annually as part of the budget process;
- viii) the leases be prepared in accordance with Council's standard leasing terms and conditions;
- ix) all fees associated with these leases be payable by the community associations; and
- x) the Common Seal of the City of Albany be affixed to this documentation.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT, subject to approval from the Minister for Lands, Council agree:

- i) to new leases being prepared for periods of 21-years, commencing from 1 January 2005 for a portion of Reserve 19162 (Napier Progress Association), a portion of Reserve 32825 (Redmond Progress Association), a portion of Reserve 25807 (South Stirlings Progress Association), and a portion of Reserve 13507 (Torbay Agricultural Hall Committee);**
- ii) the rentals be set at \$10.00 per annum, subject to GST;**
- iii) the leases be prepared in accordance with Council's standard leasing**

CORPORATE & COMMUNITY SERVICES REPORTS

terms and conditions;

- iv) all fees associated with these leases be payable by the community associations; and**
- v) the Common Seal of the City of Albany be affixed to this documentation.**

MOTION CARRIED 13-0

12.3 LIBRARY SERVICES

12.3.1 Public Library Agreements

File/Ward	: INF 007 (All Wards)
Proposal/Issue	: Public Library Service Strategic Partnership between State and Local Government through a new Framework Agreement
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Library Services (J Flottmann)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: The City of Albany supports the proposed State and Local Government commitments for a Framework Agreement for the Delivery of Public Library Services in W.A.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. The provision of public library service in Western Australia has been undertaken on a joint basis between the State Government and individual local governments since the 1950s. Formal agreements under the Library Board of WA Act were made between the Library Board of Western Australia and Local Governments covering the rights and responsibilities of each party.
2. The basis for these agreements is that the State Government provides resources (books and other stock), and local government provides infrastructure and staffing for public libraries. These agreements are now over 40 years old and considered by both State and Local Government to be outdated and do not provide for the current or future direction of WA's public library services. Therefore, negotiations on a new Framework Agreement for the Delivery of Public Library Services in WA commenced four years ago. Through a Memorandum of Understanding, the WA Local Government Association (WALGA) has been the body representing Local Government in the negotiations.

Item 12.3.1 continued.

3. WALGA is now seeking feedback from Council's on proposed State and Local Government commitments to Public Library Service provision and funding under a new Framework Agreement.

STATUTORY REQUIREMENTS

4. Current agreements between State and Local Government are based on the Library Board of Western Australia Act 1951 and the Library Board (Registered Public Libraries) Regulations 1985. Following amalgamation of the Town and Shire of Albany a new agreement between the City of Albany and the Library Board of WA for the provision of public library services was made in January 2000.

POLICY IMPLICATIONS

5. The proposed Framework Agreement commitments for Local Government will require the City of Albany to establish a Collection Development Policy for its Public Library Service. Currently, the Albany Public Library's collection management practices are guided by the State Library of WA's "Collection Development Policy for Public Libraries".

FINANCIAL IMPLICATIONS

6. The existing formal agreements between state and local government provide for cost sharing in the provision of public library services with the State Government contribution being up to 50%. However, declining State Government funding for resources for public libraries has resulted in Local Government contributing approximately 79% of funding across the State.
7. Following a public lobbying campaign earlier in 2004, the State Government committed an unprecedented increase in funding for public library resources of \$10.3million over the next four years.
8. The principles of the proposed Framework Agreement commitments do not represent a significant change in the structure of the partnership between State and Local Government for delivery of public library services.
9. The proposed Local Government commitments would see the City of Albany continue to fund the same range of public library service operations that it currently does. However, improved State Government funding certainty for Library resources will have significant benefits for the Albany community and enable the Albany Public Library to improve customer service.

Item 12.3.1 continued.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Learning City: Albany will be Western Australia’s premier Learning City, through...

Strong links with knowledge-based organisations;

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles through... diverse and affordable cultural, recreational and sporting opportunities.

A Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...Excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to... Delivering excellent community services; and Promoting our Community’s vision for the future.

Priority Projects:

Operational Improvement Projects No. 50, the Library’s role in the Learning City.... Improve access to information through a range of Library resources, on-line facilities and programs.”

11. The State Library of WA released its Draft Strategic Plan in July 2004. A Key Objective in the draft plan is to implement the Framework Agreement for the delivery of public library services. This will set the foundation for the future strategic partnership between the State Library and Public Libraries in service delivery.”

COMMENT/DISCUSSION

12. The following information has been provided by WALGA:

“The purpose of the Framework Agreement is to deliver a number of outcomes, as outlined in the MOU between State and Local Government, including:

- *Community Needs*
- *Shared Vision for the provision of the WA public library services and the system required to support it*
- *Roles, responsibilities, obligations and accountability linked to service delivery and defined outcomes*
- *Funding principles*
- *Infrastructure (Physical and Technological)*
- *Performance outcomes*
- *Forward planning mechanisms*

Item 12.3.1 continued.

State Government Commitments:

Negotiations have been stalled over agreement regarding the State Government commitment to public library resources as enshrined in the Agreement. The Local Government position was that the State Government agrees to:

- Provide resources, consultancy, advisory and training services
- Commit to capital funding standards for resources whereby:
 - Base stock provision is 1.25 items per capita; and
 - Replacement stock provision is a rate of 12.5% per annum

The State Government's position was

- Commit to provide funding which will progress towards the achievement of optimum standards for resource provision to public library services

13. It has been made clear by the State negotiators that the Minister will not sign an Agreement which includes funding linked to the articulated standards. The Negotiating Committee has developed the following alternative for consideration by both parties:

The State Government agrees to provide resources, consultancy, advisory and training services.

The State Government commits to maintaining a minimum base level of annual capital funding for the public library service of \$6.5M

The State Government will commit as a minimum to capital funding as outlined in the forward estimates for the years to, and including, 2007/08.

- *\$2M in 2004/05; \$2.2M in 2005/06; \$2.2M in 2006/07 and \$2.4M in 2007/08*

In addition the State will commit as a minimum \$1.5M over the same four year period for staffing to ensure the selection, acquisition, processing and distribution of additional resources to public libraries..

The parties recognize the Library Board of Western Australia standards as:

- *Base stock provision of 1.25 items per capita; and*
- *Replacement stock provision at a rate of 12.5% per annum.*

for the effective delivery of public library services in WA and agree to work together to assist the State Government achieve and exceed these standards.

14. The State Library is confident that by the end of 2007/08, it will be approaching the Library Board standards of base stock provision of 1.25 items per capita and replacement stock provision at a rate of 12.5% per annum based on forward estimates

15. This proposed agreement delivers for Local Government:

16. Public Library Funding Certainty

- The Agreement enshrines for the first time a base level of annual public library capital funding, and
- Enshrines current forward estimates as annual minimum funding increases.

Item 12.3.1 continued.

17. Agreed resource standards

- The base stock provision rate of 1.25 is current Library Board policy. The Agreement enshrines a base stock and replacement rate of 12.5%, which was agreed to by Local Government.
- The establishment of standards as minimum accountability mechanisms and as the effective standards for the delivery of the public library service.
- The Agreement provides the capacity for Local Government to lobby for funding and resources to meet these standards as they are acknowledged by both parties as the required minimum for the effective public library service delivery

18. Joint Decision Making Process

- The Agreement establishes a mechanism for joint decision making. A Joint Advisory Committee will be established, to implement the Agreement. The responsibilities of the Committee would be to develop policies, establish regulations, standards and operating guidelines, performance indicators and monitoring and, forward planning mechanisms. The composition of the Committee will ensure that Local Government is an active, equal participant in the monitoring and planning of the State wide public library service.

19. The Local Government representatives on the Public Library Framework Negotiating Committee recommend to Local Government the acceptance of this position.”

Comment: In relation to Library resource provision, the current situation for the City of Albany is:

- *Base Stock Provision is 38,207 items which equates to 1.22 items per capita.*
- *New stock input rates for 2003 were 6.63% in 2003. This is approximately half the rate proposed in the agreement to maintain an adequate service level.*

20. Local Government Commitments

WALGA also seeks feedback on Local Government’s proposed commitment under the Framework Agreement.

The commitment for Local Government is to:

- Provide physical and technological infrastructure, staffing and meet operating costs to agreed standards
- Establish collection development policies which are aligned with community needs
- Ensure core service, provided free of direct charge, are maintained consistently and comprehensively through the State
- Ensure that State assets are properly managed

21. Infrastructure

- The provision of an automated library management system.

Comment: The City of Albany Public Library Service already meets this commitment.

Item 12.3.1 continued.

22. Core Services

Provide, free of direct charge:

- State-wide membership for all WA citizens
- Loans (and renewals) of items from fiction and non-fiction lending collections, whether book, non-book or electronic formats, for adults and children
- Access to any library resource and to any information forming part of the information service of the library, for use on the library premises, including Internet and electronic databases, for basic research purposes.
- Access to state-wide catalogue and SLWA website, and interlibrary loan of any eligible resource not held in the library service collection
- Basic reference / information services

23. Notes

(1) Public Access to Internet excludes use of email and other communication modes, which may be considered value-added.

Comment: The City of Albany Public Library Service already meets this commitment.

24. Staffing Levels

- Employment of public library staff with core competencies

Comment: Actual core competencies for staff are yet to be defined though the Framework Agreement, however the City of Albany already employs qualified Librarians and undertakes ongoing formal development and training of all Library staff, thereby demonstrating a commitment to core competencies for its staff.

25. Asset Management

- Resources are deemed state government assets, maintained according to set policies and made available to all people in WA through a state-wide system

Comment: This commitment is a continuation of the current partnership arrangement for public library resource provision. The City of Albany Public Library Service participates in the state wide sharing of library resources through the State Library's exchange and inter library loan systems. However, in consideration of our partnership with the University of Western Australia, the term "resources" should be clarified to refer to "State provided resources" only.

RECOMMENDATION

i) State Government Commitment:

The City of Albany supports the acceptance of the proposed commitment by State Government for inclusion in the Framework Agreement for the Delivery of Public Library Services, that is:

- *The State Government agrees to provide resources, consultancy, advisory and training services.*
- *The State Government commits to maintaining a minimum base level of annual capital funding for the public library service of \$6.5M;*

CORPORATE & COMMUNITY SERVICES REPORTS

- *The State Government will commit as a minimum to capital funding as outlined in the forward estimates for the years to, and including, 2007/08.*
- *In addition the State will commit as a minimum \$1.5M over the same four year period for staffing to ensure the selection, acquisition, processing and distribution of additional resources to public libraries .*
- *The parties recognize the Library Board of Western Australia standards as:*
 - *Base stock provision of 1.25 items per capita; and*
 - *Replacement stock provision at a rate of 12.5% per annum**for the effective delivery of public library services in WA and agree to work together to assist the State Government achieve and exceed these standards”.*

ii) Local Government Commitment:

The City of Albany agrees to commit to the provision of Infrastructure, Core Services, Staffing Levels; and Asset Management (of State provided Library Resources) as specified by the WALGA representatives on the Negotiating Committee for inclusion in the Framework Agreement for Delivery of Public Library Services.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT this item lay on the table to enable a full concept briefing to be undertaken.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVANS
 SECONDED COUNCILLOR WILLIAMS**

THAT this item lay on the table to enable a full concept briefing to be undertaken.

MOTION CARRIED 13-0

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

12.6.1 Awarding of Contract – CO4019 Upgrade of Albany Synthetic Hockey Surface

File/Ward	:	MAN 167 (All Wards)
Proposal/Issue	:	Awarding a contract to complete civil works and supply and install a new Synthetic Surface.
Subject Land/Locality	:	Albany Leisure and Aquatic Centre (Barker Rd.)
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Recreation Development Officer (M Weller)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/06/03 - Item 12.2.2 OCM 7/8/03 - Item 12.2.10 OCM 12/12/03 - Item 12.2.5.
Summary Recommendation	:	<p>That Council not accept any tenders, nominate Tiger Turf as the nominated contractor and delegate authority to the CEO or nominated representative to negotiate the preferred option.</p> <p>That in the event of successful negotiation council enters into contract with Tiger Turf for the prescribed works</p> <p>That commencement of the works is subject to the City of Albany and Lower Great Southern Hockey Association satisfactorily entering into a management agreement for the Surface.</p> <p>Disposal of current (worn) layers</p>
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. In February 1991 investigation into options for the creation of a Synthetic Surface for hockey in Albany were commenced.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

2. In August 1995 a system design was signed off by the Town of Albany, the Lower Great Southern Hockey Association, the Department of Sport and Recreation and Synthetic Surface consultant Mr David Brown of the company 'Sports Technology Centre' whose services had been retained by the Town of Albany for the project.
3. During the tender process the surface design was criticised by several synthetic surface suppliers who indicated that they believed the "design was flawed" and "the specification for the synthetic turf is not workable and will result in failure, with the surface grass breaking down at the joints and rippling very quickly".
4. A response was issued by Consultant David Brown in relation to the specifications being sound and it is believed it was indicated to tendering companies that non-conforming tenders for systems other than the one specified would not be accepted. The design has been described as 'original' and research failed to find any other surface of similar design in Australia.
5. The contract (project No. 14553A Contract 50/95) was awarded to the Lower Great Southern Hockey association who completed the installation of the surface layers under supervision of the consultant (Mr Brown). Civil works, including the sub base were completed by the Shire of Albany and irrigation and lighting systems completed by local contractors.
6. The project was completed in April 1996 at a final cost of \$848, 000 with the following funding scenario:

➤ State Government Contribution	\$214,000
➤ Town of Albany	\$220,000
➤ Other Local Government	\$60,000
➤ Cricket Association	\$8,000
➤ Western Power (subsidy)	\$9,000
➤ Lower Great Southern Hockey Association (Cash)	\$126,000
➤ Lower Great Southern Hockey (Self Support. loan)	\$100,000
➤ Lower Great Southern Hockey (Volunteer Labour)	\$111,000
7. A Management agreement was signed by the Town of Albany and Lower Great Southern Hockey Association, which included the setting up of a reserve fund to allow replacement of the surface at the end of its useful life.
8. Financial reports indicate that the surface operated at "break even" for the first three financial years then at a deficit for the remaining four years. The last financial year (2003/2004) deficit was \$26,000. It is believed that the following factors resulted in the deficit:

➤ The deteriorating condition of the surface as a result of inappropriate design, resulting in a reduced number of entrances and the inability to host a summer competition on the surface.
➤ The fee structure not being reviewed to reflect the deficit.
➤ Program opportunities identified in the original planning for the surface not being present or not being capitalised on.

Item 12.6.1 continued.

9. It is believed that two years after the surface was installed the surface began to ripple and drainage problems became evident with water pooling on areas of the surface.
10. In 2002 the surface rippled and delaminated to a point that it was not safe for play. Council resolved to commit \$26,000 from the reserve fund, which was utilised to restitch and reglue seams on the current surface enabling play for two subsequent seasons. It was indicated that at the conclusion of these seasons the surface would have reached the end of its useful life.
11. In 2003 the condition of the surface and options for replacement was investigated as part of the Centennial Park Recreation Precinct Plan. The report (adopted by Council June 2003) recommended that the surface be upgraded in its current location and that “before replacing the synthetic surface a new sub-base must be constructed in order to ensure that historical problems are not repeated”.
12. As part of the Albany Leisure and Aquatic centre design project, soil testing and a levels survey was completed on the current surface. It was recommended that:
 - The top two layers of synthetic carpet be removed and salvaged
 - The sub-base be regraded with a turtle back slope
 - A Bituminised layer is added
 - A ‘shock pad’ layer is added
 - An upper carpet layer is fixed to the shock pad under layer
13. The City of Albany Recreation Development Officer, Lower Great Southern Hockey Association and Synthetic Surface suppliers/ installers agree that the current surface is extremely worn, has reached the end of its useful life and that the risk of injury due to the degraded condition of the surface may be too great for play to be scheduled on it in the 2004/2005 season.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

15. The City of Albany Buy Local Policy is applicable to this item

FINANCIAL IMPLICATIONS

16. The upgrade project quantity surveyor indicated that the turf upgrade would cost \$450,000 (ex GST).
17. Given the defects in the design and sub-base of the current surface the amount set aside in reserve is not sufficient to fund the surface upgrade.

Item 12.6.1 continued.

18. The City of Albany council adopted 2004/2005 budget for capital works indicates the following project funding scenario:
- City of Albany contribution \$145,000
 - Reserve Fund \$180,895
 - Lower Great Southern Hockey Assoc. Contribution \$124,105
19. It was previously indicated that there was some resale value in the second layer of turf of the current surface, which has not received UV or abrasive wear. As part of the tender process it was requested that suppliers/ installers indicate the credit amount, which they would offer in return for salvage of the turf layers. Even though they inspected the surface none of the three tenderers offered a credit for salvage of the turf.
20. It is recommended that the Management agreement for the surface contains provisions which protect the financial interests of the City including:
- That the surface operates at 'break even' and that council does not subsidise the new surfaces operation.
 - Sufficient funds are set aside to allow for replacement of key surface components at the end of their respective warranty periods
 - Additional insurance is carried to protect the City in the event that Supplier/Installer Company's do not meet their warranty commitments in the event of bankruptcy or merger.

STRATEGIC IMPLICATIONS

21. This item directly relates to the following elements from the City of Albany 3D Corporate plan...

“Community Vision:

A Healthy City, Albany's community will enjoy healthy, fulfilling lifestyles and a flourishing natural environment through diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects:

Determine most effective option (upgrade or repair); establish funding level agreement with LGSMA and prepare contract documentation.”

Item 12.6.1 continued.

COMMENT/DISCUSSION

22. Tenders were called for completion of the surface upgrade. The tender process called for suppliers/ installers to offer up to 6 different options for the upgrade including full specifications and warrantee provisions. In addition to this tenderers were asked to answer a qualitative criteria including demonstrated experience, familiarity with regional issues, skills of key personnel and resources.
23. Three tenders were received from companies Sports Technology International, Court Track and Field and Tiger Turf respectively. Unfortunately none of these companies fully answered the selection criteria and as a result the weighted attribute method could not be utilised. While this resulted in all tenders being non conforming and it is a disappointing reflection on the companies involved it was decided by the assessment panel that sufficient information was provided to in the financial and options sections of each tender to allow the selection of a preferred tenderer. It was also noted that given the small number of companies who complete this type of work and the fact that the tender was advertised Australia wide and open for a four week period that readvertising the tender was unlikely to net any additional benefit.
24. Tenders were assessed by a panel consisting of individuals with expertise in specific aspects of the project. The panel consisted of:
 - Peter Madigan, Executive Director Corporate and Community Services, City of Albany
 - Les Hewer, Manager City Works, City of Albany
 - Mark Weller, Recreation Development Officer, City of Albany
 - Damien Stevens, President, Lower Great Southern Hockey Association
 - Andrew Heberle, Facilities co-ordinator, Lower Great Southern Hockey Association
 - Ron Heberle, Lower Great Southern Hockey Association.
25. After assessing all the specifications the group unanimously agreed to recommend Tiger Turf as the nominated contractor and specified one of their options, with some modifications as being highly desirable and having the highest cost benefit ratio. Attributes displayed by the tiger Turf Submission included:
 - Significantly more detail regarding options and specifications than other tenders
 - Greater Warranty than other suppliers, Tiger Turf offered a 10 year warranty on their ‘shock pad’ and a seven year warranty on synthetic carpet compared to the nearest competitors 5 year ‘shock pad’ and 5 year synthetic carpet warranty’s.
 - Tiger Turf’s Price was comparable with other suppliers however in the opinion of the panel the specific option combination represented better value for money than other tenders options.
26. In assessing the tenders the panel noted that options were provided to maintain the current (oversized) field size at 109m x 68m or achieve a higher specification and quality field of a smaller size (National Standard Size) of 101.5m x 63m.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

27. It was noted that the current large size was designed to allow soccer to be played on the field however few games were played. It is also noted that the larger size allows an increased number of players to train on the field and helps facilitate larger fields for side by side junior games.
28. The benefits of a higher specification, standard field would be that a Closed grade asphalt would be able to be used on the sub base (rather than a tack coat bitumen in the oversized option) which was strongly recommended by the Manager of city works.
29. It was unanimously decided by the panel that the comparative disadvantages of having a standard rather than oversize field were outweighed by the benefits of ensuring that the sub-base was of a high standard in order to help ensure that previous sub-base related problems were avoided. It was also believed that all other Western Australian facilities were of a standard size.
30. The option recommended by the panel consists of:
 - Selection of Tiger Turf as the nominated and entering into contract subject to final option negotiation
 - Lower Great Southern Hockey Association removing current surface layers with voluntary labour
 - Tiger Turf Regrading sub-base
 - Tiger Turf supply and install of a 25mm Asphalt layer
 - Tiger Turf installation of a preformed 10mm shock pad (10 yr Warranty)
 - Tiger Turf supply and Installation of a TT37 type synthetic carpet (7 year warranty)
 - Tiger Turf supply and installation of lateral drainage system
 - Lower Great Southern Hockey Association completion of perimeter landscaping, this would recycle part of the upper layer and utilise part of the upper layer and is seen as essential to ensure dirt and grit is not trodden onto the new surface.
31. Given the tenderers submission this option would be equal to the project budget of \$450,000 (ex GST) [in the event of successful negotiation].
32. Extensive independent survey and testing of each stage of the upgrade has been built into the contract price to ensure that the surface complies with specified standards and performs as desired.
33. As the option involves substitution of certain elements within Tiger Turfs tender proposal it is requested council delegate Authority to the CEO or nominated representative to negotiate within the limits of the proposed option and given budget. It is also anticipated that final specification testing tolerances will need to be negotiated.

Item 12.6.1 continued.

34. It is also recommended that the commencement of works is subject to the City of Albany and Lower Great Southern Hockey Association satisfactorily entering into a management agreement for the new surface.
35. Representatives of the Lower Great Southern Hockey association have agreed in principal with the Cities main requirements of this agreement being:
 - That the Surface is operated at a 'break even' situation and the City of Albany does not subsidise its operation
 - That while money is set aside for future replacement, the City is in no way obligated to complete this replacement at the end of the surfaces useful life.
36. The agreement is currently being drafted by Solicitors Haynes Robinson and will be required to be ratified at a general or special meeting of the Lower Great Southern Hockey Association before being presented to council for determination.
37. Tiger Turf have indicated that they can commence works by the 15th January 2005 and complete all elements by no later than 2nd march 2005.
38. Given that no satisfactory tender offers were made by tenderers for the salvage of existing turf layers, recommended options for the disposal of these layers includes:
 - Utilisation of part of the upper layer for landscaping of turf surrounds (Listed in part 30. of this item)
 - Utilisation of layers for City of Albany projects including but not limited to Youth venue, landscaping, and any ALAC projects.
 - Offer remaining layers of turf for sale with profits received from the sale is to be contributed back towards the Synthetic Surface Upgrade Project.
39. It is noted that the City has received several expressions of interest by community groups who wish to recycle surface layers at their premises. It is also noted that some layers may be utilised in landscaping and may be considered useful by local landscaping contractors. It is further noted that the once removed the turf layers will deteriorate quickly if not stored under cover and that any transportation/ disposal and storage of the layers by the City of Albany may involve significant expense.

RECOMMENDATION

THAT;

- i) Council not accept any tenders, nominate Tiger Turf as the nominated contractor and delegate authority to the CEO or nominated representative to negotiate with the company aim of achieving the recommended option within the given budget of 450,000 (ex GST).
- ii) in the event of successful negotiation council enters into contract with Tiger Turf for the prescribed works
- iii) commencement of the works is subject to the City of Albany and Lower Great Southern Hockey Association satisfactorily entering into a management agreement which includes the provisions that:

Item 12.6.1 continued.

- The surface is operated at a ‘break even’ situation and the City of Albany does not subsidise its operation; and
- That while money is set aside for future replacement, the City is in no way obligated to complete this replacement at the end of the surfaces useful life.

iv) surface layers not used for synthetic surface landscaping or other City of Albany projects are offered for sale with a fair market price determined by the CEO after research, and that the sale is on a first come first served basis with removal from the premises to be at the purchasers expense. Any profits received from the sale are to be contributed back towards the Synthetic Surface Upgrade Project.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR JAMIESON**

THAT;

- i) Council not accept any tenders, nominate Tiger Turf as the nominated contractor and delegate authority to the CEO or nominated representative to negotiate with the company aim of achieving the recommended option within the given budget of 450,000 (ex GST).**
- ii) in the event of successful negotiation council enters into contract with Tiger Turf for the prescribed works**
- iii) commencement of the works is subject to the City of Albany and Lower Great Southern Hockey Association satisfactorily entering into a management agreement which includes the provisions that:**
 - **The surface is operated at a ‘break even’ situation and the City of Albany does not subsidise its operation; and**
 - **That while money is set aside for future replacement, the City is in no way obligated to complete this replacement at the end of the surfaces useful life.**
- iv) surface layers not used for synthetic surface landscaping or other City of Albany projects are offered for sale with a fair market price determined by the CEO after research, and that the sale is on a first come first served basis with removal from the premises to be at the purchasers expense. Any profits received from the sale are to be contributed back towards the Synthetic Surface Upgrade Project.**

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

12.6.2 Self-Supporting Loan – Lower Great Southern Hockey Association

File/Ward	: FIN 012 (All Wards)
Proposal/Issue	: Request for self-supporting loan
Subject Land/Locality	: N/A
Proponent	: Lower Great Southern Hockey Association (LGSHA)
Owner	: N/A
Reporting Officer(s)	: Senior Accounting Officer (D Evers)
Disclosure of Interest	: N/A
Previous Reference	: N/A
Summary Recommendation	: That the City of Albany agree to provide a self supporting loan to the Lower Great Southern Hockey Association (LGSHA)
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. The LGSHA has requested a self-supporting loan for \$125,000 to fund their contribution to the synthetic surface replacement.
2. The LGSHA would repay the loan over seven years at the rate of interest as per the loan drawn down by the city to cover the self-supporting loan.

STATUTORY REQUIREMENTS

3. Section 6.20 of the Local Government Act 1995 gives council the power to borrow money.
4. No provision has been made in the 2004/05 budget for the City of Albany to borrow these funds, therefore an absolute majority resolution of Council is required and one month's local public notice of the proposal must be given in accordance with Section 6.20(2)(a) and 6.20(2)(b).

POLICY IMPLICATIONS

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

Item 12.6.2 continued.

FINANCIAL IMPLICATIONS

- 6. The LGSHA self-supporting loan will have the same terms as that drawn down by the City of Albany. There are no other financial implications.

STRATEGIC IMPLICATIONS

- 7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City – Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

Diverse and affordable cultural, recreational and sporting opportunities;

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s municipal assets. And, at all times we will respect the Community’s aspirations and resources.

Priority Projects:

City Facilities Project No 36, namely Synthetic Hockey Field – Establish funding agreement with LGSHA and prepare contract documentation.”

COMMENT/DISCUSSION

- 8. It is proposed that the City of Albany borrow the funds on behalf of the LGSHA on a self-supporting basis. The LSHA will sign a loan agreement and provide a minimum of five guarantors for the loan. The LGSHA will pay any legal or statutory costs associated with the loan.

RECOMMENDATION

THAT;

- i) Council borrow \$125,000 in order to provide a \$125,000 self-supporting loan to the LGSHA, subject to the LGSHA signing a loan agreement and paying any legal or statutory costs associated with the loan; and
- ii) the intention to borrow be advertised locally with the public being given one month in which they may comment on the proposal.

Voting Requirement Absolute Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.2 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT;

- i) Council borrow \$125,000 in order to provide a \$125,000 self-supporting loan to the LGSHA, subject to the LGSHA signing a loan agreement and paying any legal or statutory costs associated with the loan; and**
- ii) the intention to borrow be advertised locally with the public being given one month in which they may comment on the proposal.**

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

Nil.

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Disability Services and Community Access Advisory Committee meeting minutes –8TH September 2004

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director
- Summary Recommendation** : That the Minutes of Disability Services and Community Access Advisory Committee held on 8th September 2004 be adopted.

RECOMMENDATION

THAT the minutes of Disability Services and Community Access Advisory Committee held on 8th September 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation be adopted:-

- ii) the committee recommendation in relation to items 5.3 (Universal Lock and Key System) and 6.1 (Eyre Park – Disability Access Issues) be referred to Council’s Works and Services division for consideration.

Voting Requirement Simple Majority

.....

Councillor Evans asked that Mayor Goode convey appreciation onto the Disability Services Advisory Committee.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR EVANS**

THAT the minutes of Disability Services and Community Access Advisory Committee held on 8th September 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation be adopted:-

- ii) the committee recommendation in relation to items 5.3 (Universal Lock and Key System) and 6.1 (Eyre Park – Disability Access Issues) be referred to Council’s Works and Services division for consideration.**

MOTION CARRIED 13-0

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Disability Services and Community Access Advisory Committee meeting minutes – 13th October 2004

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director
- Summary Recommendation** : That the Minutes of Disability Services and Community Access Advisory Committee held on 13th October 2004 be adopted.

RECOMMENDATION

THAT the minutes of Disability Services and Community Access Advisory Committee held on 13th October 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation be adopted:-

Item 6.1 – Roads, Parks and other infrastructure issues, be referred to Council’s Works and Services Division for consideration.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Disability Services and Community Access Advisory Committee held on 13th October 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation be adopted:-

Item 6.1 – Roads, Parks and other infrastructure issues, be referred to Council’s Works and Services Division for consideration.

MOTION CARRIED 13-0

12.8.3 Seniors Advisory Committee meeting minutes – 21st October 2004

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 21st October 2004 be adopted.

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 21st October 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of Seniors Advisory Committee held on 21st October 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 13-0

ORDINARY COUNCIL MEETING MINUTES – 16/11/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.4 Albany Arts Advisory Committee meeting minutes –13th October 2004

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 13th October 2004 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 13th October 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Arts Advisory Committee held on 13th October 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 13-0

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Timber Industry Road Evaluation Strategy – Additional Funds

File/Ward	: GOV 089 (Kalgan Ward)
Proposal/Issue	: Additional Funds
Subject Land/Locality	: Palmdale Road
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Works & Services (B Joynes)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That the amount of \$175,000 and \$141,100 be received and budget adjusted.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. At the Timber Industry Road Evaluation Strategy (TIRES) meeting held on the 10th June 2004, it was agreed amongst the committee to fund 100% of the cost of works on Palmdale Road as follows:
(A) \$175,000 to stabilise weaker sections of the road.
(B) \$141,100 to resheet road

STATUTORY REQUIREMENTS

2. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued

FINANCIAL IMPLICATIONS

- 4. The City of Albany will receive funding of \$175,000 and \$141,100 for works to be carried out on Palmdale Road which is 100% funded.

STRATEGIC IMPLICATIONS

- 5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

Mission Statement

The City of Albany is committed to: Sustainably managing Albany’s municipal assets.

Priority Projects

Nil.”

COMMENT/DISCUSSION

- 6. The funds received will be used to upgrade Palmdale Road. The \$175,000 will be utilized to stabilise weaker sections of the road and \$141,100 will be utilized to resheet the road in preparation for 300,000 tonnes of wood chips to be transported over this road during the next 3 years.

RECOMMENDATION

THAT Council receives the amount of \$175,000 and \$141,100 to fund works on Palmdale Road and adjust the budget accordingly.

Voting Requirement Absolute Majority

.....

<p>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR BOJCUN</p> <p>THAT Council receives the amount of \$175,000 and \$141,100 to fund works on Palmdale Road and adjust the budget accordingly.</p> <p style="text-align: right;">MOTION CARRIED 13-0 ABSOLUTE MAJORITY</p>
--

WORKS & SERVICES REPORTS

13.2 WORKS

Nil.

13.3 AIRPORT MANAGEMENT

Nil.

13.5 RESERVES PLANNING & MANAGEMENT

Nil.

13.6 WORKS & SERVICES COMMITTEES

Nil.

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

14.1.1 City of Albany Administration Complex – Naming of Meeting Rooms

File/Ward	: A133940A (Yakamia Ward)
Proposal/Issue	: City of Albany Administration Centre
Subject Land/Locality	: Location 4743 North Road, Yakamia
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Acting Project Administration Officer (G Clarke)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council selects a theme for the naming of the designated rooms and elect a three-member committee of Council to report back with recommendations to the December meeting of Council.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Construction of the new City of Albany Administration Centre and Council Chambers is currently underway with the building expected to be ready for occupation in May 2005.
2. The new Administration Centre has five small meeting rooms and a boardroom. Two function rooms form part of the Council Chambers.
3. It is suggested that these rooms should have easily identifiable names that have some significant meaning to Albany and the community. A total of 8 names are required.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.1 continued.

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this item as signage forms part of the construction contract and is already included in the approved budget.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City, Albany’s community will enjoy...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to...

- *Sustainably managing Albany’s municipal assets;*
- *Delivering excellent community services;*
- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

City Facilities Project No. 33, namely the proposal to relocate the City civic and administration functions from York St and Mercer Rd to the new North Rd facility.”

COMMENT/DISCUSSION

8. In considering the naming of the rooms, the following themes are provided as a guideline for discussion and recommendation.

9. It is important from a commercial perspective to not duplicate the names of other function/meeting rooms in other commercial premises throughout Albany (eg: The Esplanade Hotel has the Middleton, Flinders & Adelaide rooms). It is also important to consider any implications relating to a named person or the relatives or descendants of any named person either living or deceased.

10. Themes:

- A Historical – Naval Explorers
- B Historical - Early Settlers
- C Historical – ANZAC connection
- D Geographical – Mounts
- E Geographical – Islands
- F Geographical – National Parks
- G Geographical – Lakes & Waterways
- H Cultural – Traditional Indigenous names of local significance (note: appropriate approval would need to be sought from elders prior to use.)

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.1 continued.

- I Cultural – Renowned artists and writers of the region.
- J Flora & Fauna – unique to the Albany locality
- K Past elected members of Council with outstanding, distinguished and eminent service
- L Community members with outstanding, distinguished and eminent service.

RECOMMENDATION

THAT Council select the _____ theme as the basis for naming designated rooms in the new City of Albany Administration Centre and Council Chamber complex, and nominate Councillor _____, Councillor _____ and Councillor _____ to establish a committee to provide recommendations to the December Ordinary meeting of Council.

Voting Requirement Absolute Majority

Chief Executive Officer left the Chambers at 8.35pm.

Chief Executive Officer returned to the Chambers at 8.37pm.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT Council select the Geographical Islands theme as the basis for naming designated rooms in the new City of Albany Administration Centre and Council Chamber complex.

MOTION LOST 5-8

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR LIONETTI**

THAT Council select the early governors and settlers theme as the basis for naming designated rooms in the new City of Albany Administration Centre and Council Chamber complex.

MOTION LOST 4-9

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WOLFE**

THAT Council select the past elected members of Council theme as the basis for naming designated rooms in the new City of Albany Administration Centre and Council Chamber complex.

MOTION CARRIED 7-6

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR LIONETTI**

THAT Council nominate Mayor Goode, Councillor Evans and Councillor Bojcun to establish a committee to provide recommendations to the December Ordinary meeting of Council.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS

14.1.2 Review of Streetscape and Public Art Committees

File/Ward	: MAN 161 & REL 130 (All Wards)
Proposal/Issue	: Review of Streetscape and Public Art Committees
Subject Land/Locality	: N/A
Proponent	: Previous Direction from Council
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: N/A
Previous Reference	: OCM 17/08/04 - Item 12.2.8 OCM 20/07/04 - Item 11.5.1
Summary Recommendation	: Establish New Structure for Streetscape Committees
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. Recent minutes of both Committees have suggested a need to review terms of reference and functions.
2. In validating this review, it is also appropriate to consider the composition and size of the committee as well as the processes involved in dealing with design issues.

STATUTORY REQUIREMENTS

3. The Local Government Act 1995, Section 5.8 provides that Council can establish Committees of three or more Councillors to assist the Council and to exercise power and discharge the duties of the Local Government that can be delegated to committees.

POLICY IMPLICATIONS

4. The Public Art Policy will require revision.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.2 continued.

FINANCIAL IMPLICATIONS

5. Streetscape works are funded by budgeted funds. Public Art is funded by City contributions based upon 1% of new urban works when projects exceed \$250k and upgraded road works. Private developments over \$500k (excluding residential) are also required to contribute 1% of total project cost.

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City, Albany’s community will enjoy health fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities; and*

A Thriving City, Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to...

- *Sustainably managing Albany’s municipal assets,*
- *Delivering excellent community services;*
- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. Research of the minutes of the Committees demonstrate that few outcomes have been achieved despite many meetings.
8. Streetscape Committees traditionally deal with discrete design projects i.e townscape entrance beautification, Lockyer Avenue Streetscape design in conjunction with Council staff and expert consultants.
9. It would appear that the actual size and composition of the Streetscape Committee is actually limiting its effectiveness, particularly in dealing with actual design issues for a discrete project.
10. An absence of projects and clear and succinct terms of referencing may also be limiting the committee effectiveness.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.2 continued.

11. In a streetscape context, public art is one component, along with other elements such as street trees, street furniture, pathways, lighting etc. A Streetscape Committee should call in expert advice generally from urban designers, engineers and landscape architects. Public Art components of streetscape should also be the subject of professional assessment, normally an artist is engaged to undertake works.
12. The Public Arts Committee role is currently to oversee the selection of artists and make recommendations to Council on commissioning of works. If invited the Committee can also project manage with the developers works. The public Arts Committee in its current context would therefore be the 'expert advice' the Streetscape Committee would engage to facilitate the public art component of its project.
13. The current composition of the Public Arts Committee does not have Councillor representation, notwithstanding that Councillor Waterman is the Albany Arts Advisory Committee representative. This situation is considered to be inappropriate, particularly given that the Albany Arts Advisory Committee already exists, has Councillor representation and enjoys executive support from the Vancouver Arts Centre Committee.
14. Irrespective of the nature, scope and terms of reference for the Streetscape Committee it is proposed to abolish the Public Arts Committee and amend the Albany Arts Advisory Committee terms of reference to include:
 - To be the principal advisory body to Council on:
 - i. Public Art for installations in Council Parks and Gardens, Streetscapes and Municipal buildings;
 - ii. Public Art associated with the development of private facilities on private land; and
 - iii. Public Art associated with the development of State and Federal government facilities.
15. Fees incurred by the Committee in undertaking advisory functions should be borne by each projects budget or a Public Art Reserve fund established for the purpose. It is proposed that in the future the 1% Public Art Levy on major works be transferred to reserve prior to works commencing and that the scale and scope of art works should not be limited by its budgeted project cost. For example the public art installations at the town entrance may well exceed the 1% levy sum of the capital costs of that project but in other projects receiving less visual statement the 1% sum would not be achieved.
16. Notwithstanding the Albany Arts Advisory Committee's proposed role in project managing public art installations, it is important that the Streetscape Committee, have control over the artistic theme, scope and scale of the projects. The Streetscape Committee would also have the final say on recommendations to Council, much the same as they would in dealing with an urban designer or landscape Architect.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.2 continued.

17. In better defining the role and function of the Streetscape Committee, the following terms of reference are proposed:
- a) To identify discrete streetscape projects from within Council's Road Asset Master plan for major new urban works.
 - b) To identify civic design themes and concepts for all discrete projects as a guide for the commissioning or acquisition of public art.
 - c) To engage expert advice on all relevant aspects of the design process and in conjunction with relevant staff develop concept plans for recommendation to Council after undertaking consultation with major stakeholders and the community.
 - d) To have concept designs complete at least 12 months prior commencement of works by 2007.

RECOMMENDATION

THAT;

- i) the Public Arts Committee be abolished;
- ii) the terms of reference of the Albany Arts Advisory Committee be amended to include:
 - a) Public Arts for installations in Council Parks and Gardens, Streetscapes and Municipal buildings;
 - b) Public Art associated with development of private facilities on private land;
 - c) Public Art associated with the development of State and Federal Government facilities; and
 - d) the allocation of funds from the Public Art Reserve Fund;
- iii) the Streetscape Committee Terms of reference be revised as follows:
 - a) to identify discrete streetscape projects from within Council's Road Asset Master plan for major new urban works;
 - b) to identify civic design themes and concepts for discrete projects as a guide for the commissioning or acquisition of public art;
 - c) to engage expert advice on all relevant aspects of the design process and in conjunction with relevant staff develop concept plans for recommendation to Council after undertaking consultation with major stakeholders and the community;
 - d) to have concept designs complete at least 12 months prior commencement of works by 2007;
- iv) composition of the Streetscape Committee be Councillor _____
Councillor _____ Councillor _____ Councillor _____
_____ and Council Representation for Albany arts Advisory Committee, the Executive support to be Manager Asset services;
- v) all past members be thanked for their services and advised that their organisations will be consulted fully when Streetscape theme concepts and designs are being developed by the Committee for recommendation to Council; and

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.2 continued.

- vi) the Public Art Policy be amended to reflect these changes.

Voting Requirement Absolute Majority

.....

<p>MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR EMERY</p> <ul style="list-style-type: none">i) the Public Arts Committee be abolished;ii) the terms of reference of the Albany Arts Advisory Committee be amended to include:<ul style="list-style-type: none">a) Public Arts for installations in Council Parks and Gardens, Streetscapes and Municipal buildings;b) Public Art associated with development of private facilities on private land;c) Public Art associated with the development of State and Federal Government facilities; andd) the allocation of funds from the Public Art Reserve Fund;iii) the Streetscape Committee Terms of reference be revised as follows:<ul style="list-style-type: none">a) to identify discrete streetscape projects from within Council’s Road Asset Master plan for major new urban works;b) to identify civic design themes and concepts for discrete projects as a guide for the commissioning or acquisition of public art;c) to engage expert advice on all relevant aspects of the design process and in conjunction with relevant staff develop concept plans for recommendation to Council after undertaking consultation with major stakeholders and the community;d) to have concept designs complete at least 12 months prior commencement of works by 2007;iv) composition of the Streetscape Committee be Councillor West, Councillor Barton, Councillor Sankey, Councillor Wellington and Council Representative for Albany Arts Advisory Committee, the Executive support to be Manager Asset services;v) all past members be thanked for their services and advised that their organisations will be consulted fully when Streetscape theme concepts and designs are being developed by the Committee for recommendation to Council; andvi) the Public Art Policy be amended to reflect these changes. <p style="text-align: right;">MOTION CARRIED 13-0 ABSOLUTE MAJORITY</p>

GENERAL MANAGEMENT SERVICES REPORTS

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Minutes of Albany Waterfront Reference Group – 29th October 2004

- File/Ward** : MAN 168 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Waterfront Reference Group meeting held on 29th October 2004 be received and the recommendations adopted

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Reference Group meeting held on 29th October 2004 (*copy of the minutes and attachments are in the Elected Members Report/Information Bulletin*) and adopts the Committee's recommendations:-

ITEM 6.1 – Endorsement of Revised Albany Waterfront Concept Plan (*as presented by Minister for Planning and Infrastructure in September 2004*)

THAT Council

Endorse for further review and consideration, the principles of the revised Albany Waterfront Concept Plan dated 27th September 2004 (*refer Appendix 1 of Committee minutes*) subject to:-

- Land uses to the West of the Town Jetty remaining as per resolution of 20th July 2004 and 26th September 2000 (*refer Appendix 3 of Committee minutes*), which provides for parkland, mixed business and short-stay tourist accommodation land uses.
- A Memorandum of Understanding being prepared between the City of Albany and the State Government as per previous Council resolution (*refer Appendix 2 of Committee minutes*), Item 6.1(i), and;
- Previously adopted Council resolutions of 20th July 2004 [Item 6.1(ii, iii, iv)] as they relate to the revised concept plan of September 2004.

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council receive the minutes of the Albany Waterfront Reference Group meeting held on 29th October 2004 (*copy of the minutes and attachments are in the Elected Members Report/Information Bulletin*) and adopts the Committee's recommendations:-

ITEM 6.1 – Endorsement of Revised Albany Waterfront Concept Plan (*as presented by Minister for Planning and Infrastructure in September 2004*)

THAT Council

Endorse for further review and consideration, the principles of the revised Albany Waterfront Concept Plan dated 27th September 2004 (*refer Appendix 1 of Committee minutes*) subject to:-

- **Land uses to the West of the Town Jetty remaining as per resolution of 20th July 2004 and 26th September 2000 (*refer Appendix 3 of Committee minutes*), which provides for parkland, mixed business and short-stay tourist accommodation land uses.**
- **A Memorandum of Understanding being prepared between the City of Albany and the State Government as per previous Council resolution (*refer Appendix 2 of Committee minutes*), Item 6.1(i), and;**
- **Previously adopted Council resolutions of 20th July 2004 [Item 6.1(ii, iii, iv)] as they relate to the revised concept plan of September 2004.**

MOTION CARRIED 12-1

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Minutes of Albany Entertainment and Convention Centre Steering Committee

- File/Ward** : MAN 075 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : THAT the minutes of the Albany Entertainment and Convention Centre Steering Committee meeting held on 22nd October 2004 be received and the Committee recommendations be adopted.

RECOMMENDATION

THAT Council receives the minutes of the Albany Entertainment and Convention Centre Steering Committee meeting held on 22nd October 2004 (*copy of the minutes are in the Elected Members Report/Information Bulletin*).

RECOMMENDATION

THAT Council appoint Ms Jenni Flottmann, Manager Albany Public Library and Information Service to the Albany Entertainment and Convention Centre Steering Committee

RECOMMENDATION

THAT Council appoint Mr Dan Roth, President of the Senior Citizens Centre Inc to the Albany Entertainment and Convention Centre Steering Committee.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT Council receives the minutes of the Albany Entertainment and Convention Centre Steering Committee meeting held on 22nd October 2004 (*copy of the minutes are in the Elected Members Report/Information Bulletin*).

RECOMMENDATION
THAT Council appoint Ms Jenni Flottmann, Manager Albany Public Library and Information Service to the Albany Entertainment and Convention Centre Steering Committee

RECOMMENDATION
THAT Council appoint Mr Dan Roth, President of the Senior Citizens Centre Inc to the Albany Entertainment and Convention Centre Steering Committee.

**MOTION CARRIED 12-1
ABSOLUTE MAJORITY**

15.0 ELECTED MEMBERS’ MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members’ Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

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

MOTION CARRIED 13-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Community Safety & Crime Prevention Partnership

COUNCILLOR MOTION

Supported by Mayor Goode, Councillor Sankey, Evans, Demateau and Paver.

MOTION:

THAT Council rescind the decision taken at the Ordinary Council Meeting on Tuesday 20th April 2004, item 12.2.2.

“THAT Council decline the offer to enter into a Community Safety & Crime Prevention Partnership with the Government of WA.”

Voting Requirement Absolute Majority

MOTION:

THAT Council accept the offer to enter into a Community Safety & Crime Prevention Partnership with the Government of WA.

Voting Requirement Simple Majority

Councillor Bojcun declared an interested in this item and left the Chambers at 8.57pm. The nature of her interest is that she is a member of WA Police Force.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR PAVER**

THAT Council rescind the decision taken at the Ordinary Council Meeting on Tuesday 20th April 2004, item 12.2.2.

“THAT Council decline the offer to enter into a Community Safety & Crime Prevention Partnership with the Government of WA.”

**MOTION CARRIED 8-4
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR PAVER
THAT Council give reconsideration the involvement in the Community Safety and Crime Prevention Partnership with the Government of Western Australia at the December 2004 meeting following the Community Development Strategy Workshop to be conducted on 23 November 2004.**

MOTION CARRIED 8-4

Reason

- Council will be in a better position to consider involvement in Community Safety and Crime Prevention issues after participating in the Community Development Strategy workshop which will look at all aspects of the City's community development function.

Councillor Bojcun returned to the Chambers at 9.10pm.

17.0 MAYORS REPORT

"Fellow Councillors:

This month a City of Albany Delegation, consisting of myself, Deputy Mayor Milton Evans and CEO Andrew Hammond travelled to Japan to participate in the 50th Anniversary Celebrations of Tomioka City, at the invitation of Tomioka's Mayor Sejiro Imai. I understand that it was a very rare honour for us to be included in Tomioka's 50th Anniversary Ceremony and that privilege, combined with other verbal comments made throughout the trip, reinforced just how important the Friendship Agreement that exists between our two cities is to the people of Tomioka. The visit was a very valuable cultural exchange and we were overwhelmed by the hospitality and generosity we received from the Japanese people over the duration of our time in Japan. A full report on the trip will be presented at a subsequent Council Meeting.

On the 21st October I officially opened the Keep Australia Beautiful – Garden of the Year Awards ceremony and presented certificates to prize winners. The City of Albany proudly sponsors these awards and it is fantastic to see it becoming more and more competitive every year. In my opinion, each of the participants deserves recognition because their individual efforts to beautify their garden results in an overall beautifying of Albany.

Following on from those awards, on Monday 1st November, Gwen Sankey officiated for me at the Tidy Towns Regional Awards where the Great Southern Awards finalists were announced. The City of Albany won 3 categories on the day; 2004 Recycling & Waste Management Achievement Award, 2004 Natural Heritage Achievement Award and 2004 Finalist for the Great Southern (along with Kojonup and Ongerup), making us eligible for the State awards in all three categories. I extend my thanks to Gwen Sankey, not only for representing me on the day but for the work she has done in promoting and coordinating Keep Australia Beautiful events in Albany.

On the 22nd October the Albany Historical Society officially transferred the ownership and ongoing management of their Archives to the City of Albany Public Library for long-term preservation and access of the records. This transfer is the first known example of co-operative sharing of such resources in the State and will set a precedent for other cities and towns to follow. The agreement will serve to strengthen ties, resources and knowledge between the Albany Historical Society and the City of Albany and will allow similar initiatives to be co-operatively shared in the future.

As part of Senior's Week activities, the City of Albany once again sponsored the Over 50's Recreation Association "Have a Go Day" at the Albany Leisure and Aquatic Centre. The event was very well attended with a diverse range of activities available for Seniors to participate in, as well as providing them with an opportunity for social interaction. The feedback I have received is that the day was very much enjoyed by all participants.

Three RSL Memorial Services took place over the last month; the Nurses Memorial Service on the 31st October, the Desert Mounted Corps Memorial Service on the 1st November and the Remembrance Day Memorial Service on the 11th November. The City of Albany laid wreaths at all 3 services. I thank Councillor Des Wolfe for representing me at the Desert Mounted Corps Service.

With the end of the school year fast approaching, the student Presentation and Awards nights have commenced. I presented Mayoral Awards to the Head Boy and Head Girl of the Albany Residential College on the 29th October, attended the Albany Districts Education Awards on the same evening and Councillor Tony Demarteau represented me at the St Joseph's College Awards Night on 4th November.

Thank you.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PAVER**

THAT the Mayor's report be received.

MOTION CARRIED 13-0

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

18.1 Appointment of Replacement Fire Control Officers – Vary Previous Appointments

File/Ward	: MAN 089 (All Wards)
Proposal/Issue	: Replace the Previously Appointed Fire Control Officers
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Administration Officer - Bush Fires (S Gray) Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/09/04 - Item 11.5.1
Summary Recommendation	: Appoint Fire Control Officers
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. At the September meeting of Council, the Chief Bush Fire Control Officer, Two Deputy Chief Bush Fire Control Officers and the Fire Control Officers for the various brigades were appointed for the coming fire season.
2. Over the past month, a Deputy Fire Control Officer and a Fire Control Officer for one of the City's brigades have been admitted to Perth hospitals with major health concerns. To provide the two volunteers with the ability to make a full recovery, and to ensure that fire management regimes are not compromised, replacement officers have been sourced and Council is asked to appoint them to the respective positions.

STATUTORY REQUIREMENTS

3. Under Section 38 of the *Bush Fires Act 1954*, the City of Albany is required to appoint the Chief Bush Fire Control Officer, Deputy Bush Fire Control Officers and determine the seniority of Fire Control Officers.

Item 18.1 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. All Fire Control Officers are empowered to take charge and give directions to any fire brigade on the outbreak of a bush fire. If a volunteer is thought to be medically unfit or physically unable to assume the role of a Fire Control Officer, the City would be negligent in having that volunteer on a fire ground or in command of a brigade until their fitness can be proven.

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...restoration and protection of areas of high biodiversity within land, river and sea ecosystems.

Mission Statement

At all time we will...value and develop our people.

Priority Projects

Nil.”

COMMENT/DISCUSSION

7. The Kalgan Volunteer Bush Fire Brigade (VBFB) has approached City staff with a request that a second member of the brigade be gazetted as a Fire Control Officer for the purposes of the *Bush Fires Act 1954*.
8. Due to his recent health problems, the current Kalgan Deputy Fire Control Officer, Mr John Powis, is unable to fulfil his duties as a Fire control Officer for the entire 2004/05 fire season. The Kalgan VBFB has requested that Mr Ross Fenwick be gazetted in his place as Deputy Fire Control Officer.
9. The condition of the Deputy Chief Fire Control officer (South West) remains unknown. No immediate replacement is required for this position as the *Bush Fires Act 1954* provides appropriate mechanisms for existing Senior Fire Control Officers and Fire Control Officers to be promoted to the higher positions without Council’s formal resolution. Should the Deputy’s condition warrant permanent replacement, a further report will be submitted to Council.

Item 18.1 continued.

RECOMMENDATION

THAT;

- i) Council endorse the appointment of Mr Ross Fenwick as a Bush Fire Control Officer within the City of Albany; and
- ii) Council's best wish and thoughts be conveyed to Mr Ken Johnson and Mr John Powis during their periods of ill health.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT consideration of this item be approved by Council.

MOTION CARRIED 13-0

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

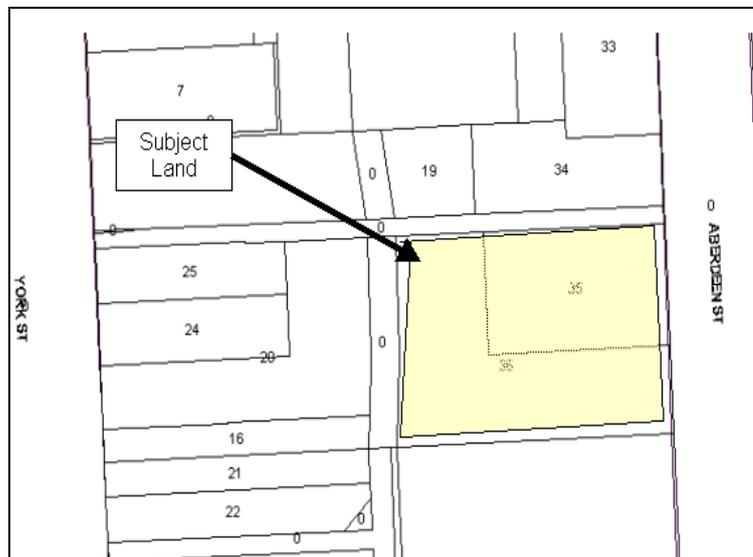
THAT;

- i) Council endorse the appointment of Mr Ross Fenwick as a Bush Fire Control Officer within the City of Albany; and**
- ii) Council's best wishes and thoughts be conveyed to Mr Ken Johnson and Mr John Powis during their periods of ill health.**

MOTION CARRIED 13-0

18.2 Development Application - Office – 87-89 (Lot 35 & 36) Aberdeen Street, Albany

- Files/Ward** : A150970 / A148753 (Fredericktown Ward)
- Proposal/Issue** : Planning Scheme Consent for conversion of building under croft to Offices and construction of a Boundary Fence.
- Subject Land/Locality** : Lot 35 & 36 Aberdeen Street, Albany
- Proponent** : Robert Forgioni of Concept Building Design and Drafting.
- Owner** : Porters (Australia) Pty Ltd
- Reporting Officer(s)** : Planning Officer (T Sounness)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Grant delegated approval to the Manager Planning to issue conditional approval.
- Bulletin Attachment** : Nil
- Locality Plan** :



BACKGROUND

1. Council has received an application for conversion of an under croft car parking area within the existing building on Lot 35 Aberdeen Street to Offices (creating 292m² of usable office space) and construction of a Boundary Fence on the adjoining Lot 36 Aberdeen Street.

Item 18.2 continued.

2. The land is zoned ‘Central Area’ under the City of Albany Town Planning Scheme No 1A where an office use is deemed to be a ‘P’ or ‘Permitted’ use.
3. The land presently has 4 commercial use tenancies on Lot 36, 3 office use tenancies on Lot 35, and has 44 paved open area car parking spaces.
4. The applicant advises that the majority of cars parking in this private car park are there all day whilst at work in the near vicinity, and that this is detrimentally affecting the ability to lease out vacant space as no dedicated parking is available close by.
5. To manage the car parking areas to the benefit of all lessees, it is proposed to erect a 12-course brick fence with 1 Metre high gates, to prevent non-tenants or visitors from parking in this area.

STATUTORY REQUIREMENTS

6. For land used for the purpose of ‘Office’, Council’s adopted policy for TPS 1A specifies one car parking bay per 30m² of office space. The proposal provides 44 car parking bays, exceeding the amount of car parking required regardless of the application of private or public car parking standards.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

9. This item has bearing on the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City; Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

Nil.”

Item 18.2 continued.

COMMENT/DISCUSSION

10. The conversion of the undercroft car parking space to Offices is acceptable under Council's Town Planning Scheme and Adopted Policy, with no issues other than the construction of the boundary fencing.
11. Council has no public car parking strategy for the CBD to ensure the maintenance and development of public car parking areas.
12. The development of a boundary fence around the car park would limit the capacity of the public to access this area, and travel by foot between York Street and Aberdeen Street.
13. A public pedestrian access way may be required to be developed in the future so as to link the two streets in accordance with the 'Defining Central Albany' concept plan. (Refer item 11.3.1 of Council Agenda from 15.6.2004). This concept plan has little planning weight at this present time, however, the prospect of public access linkages needs to be considered.
14. This land has been accessible by public vehicles for car parking purposes for more than 10 years. The removal of public car parking from the Central Area would create the potential for adverse impacts to Council's Public Car Parking areas, the existing Pedestrian linkages and the safe operation of Council's adjacent under-width vehicle accessway system.
15. The current system of public and private car parking and circulation will start to fail if the current pedestrian and vehicle linkages are broken through this application. If this continues with other car parking areas within the CBD, who are unable to establish their own private car parking arrangements, and may cause failure of the overall car parking and pedestrian system.
16. As Council has no public car parking strategy for the CBD to ensure the maintenance and development of public car parking areas, measures should be taken to ensure that public car parking is maintained until such time as an adopted management strategy is in place.
17. It is recommended that Council issue a notice of planning scheme consent approval with a condition requiring the deletion of the boundary fences and gates as shown on the plans.

RECOMMENDATION

THAT Council grant Planning Scheme Consent approval under the City of Albany's Town Planning Scheme 1A for additional office space being developed at 85-87 (Lot 35 – 36) Aberdeen Street, Albany subject to conditions but not limited to:

- no boundary fencing being erected on the lot boundary of the lot;
- no traffic control measures being implemented on the site to limit access of the public to this land;
- the two lots being amalgamated to form one lot; and

- a truncation being placed at the northwestern corner of Lot for vehicle manoeuvring purposes to be amalgamated into the adjoining underwidth roadway.

Voting Requirement Simple Majority

.....

THAT Council under clause 7.22 of the City of Albany Town Planning Scheme 1A delegate to the Manager Development authority to issue a Conditional Planning Scheme Consent Approval for an Office at 85-87 (Lot 35 – 36) Aberdeen Street, Albany.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WILLIAMS**

THAT consideration of this item be approved by Council.

MOTION CARRIED 13-0

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR WELLINGTON**

THAT Council grant Planing Scheme Consent approval under the City of Albany’s Town Planning Scheme 1A for additional office space being developed at 85-87 (Lot 35 – 36) Aberdeen Street, Albany subject to conditions but not limited to:

- the boundary fence shown on the lot boundary being deleted from the approved development; and
- all the car parking associated with the approved development at 85 – 87 Aberdeen Street being contained within the subject land.

MOTION CARRIED 13-0

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR LIONETTI**

THAT Council under clause 7.22 of the City of Albany Town Planning Scheme 1A delegate to the Manager Development authority to issue a Conditional Planning Scheme Consent Approval for an Office at 85-87 (Lot 35 – 36) Aberdeen Street, Albany.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

19.0 CLOSED DOORS

19.1 Disposition of the Great Southern Regional Cattle Saleyards

Councillor Wolfe declared an interest in this item and left the Chambers at 9.17pm. The nature of interest is that Cllr Wolfe is that he is occasionally involved in cattle production, and sold 35 head of cattle through the yards in 2003/04. Cllr Wolfe requested the approval of Council to remain in the Chamber, take part in the debate, and vote on this item.

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR JAMIESON**

THAT Councillor Wolfe be permitted to remain within the Chambers and take part in the debate and vote on this item.

**MOTION LOST 7-6
On the casting vote of HWM**

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT Council go behind closed doors.

MOTION CARRIED 12-0

Public gallery left the Chambers.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT Council come out from behind closed doors.

MOTION CARRIED 12-0

The public gallery returned to the Chambers.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR LIONETTI**

THAT subject to all statutory requirements being completed, Council:-

- i) **accept the offer of the Shire of Plantagenet to purchase the City of Albany's 50% interest in the Great Southern Regional Cattle Saleyards for an amount of \$850,000 provided the City of Albany receives an amount of \$63,128 for each of the next 15 years funded from the agents levy to repay the balance of the City's outstanding loan commitments in respect of the Great Southern Regional Cattle Saleyards;**
- ii) **should this offer not be accepted, the City of Albany indicate to the Shire of Plantagenet that it would continue to manage the Great Southern Regional Cattle Saleyards and request the Shire of Plantagenet to agree to:-**
 - a) **an increase in fees to:-**

Weighing and Penning	\$7.90
Penning only	\$6.00
Weighing only	\$1.90

Stud Bull weigh	\$2.50
Private / Shipper weigh	\$1.90
Stud Bull sale	\$7.00
Feed and Water	\$1.50 / head/day
Removal	\$100.00
Agent Levy	\$1.00
Truckwash fee (min \$5)	\$0.36c minute

to reduce both Council’s ongoing subsidisation of the Cattle Saleyards;

b) a further increase in fees to undertake the works required by the Department of Environmental Protection once these costs are known;

c) taking into account the purpose of the yards is for cattle, closure of the truck wash facility to sheep trucks; and

d) formally nominate Shire of Plantagenet representatives as both members and deputy members of the Great Southern Regional Cattle Saleyards Joint Venture Committee.

**MOTION CARRIED 12-0
ABSOLUTE MAJORITY**

Councillor Wolfe returned to the Chambers at 9.39pm.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 21st December 2004, 7.30pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 9.40pm. .

Confirmed as a true and correct record of proceedings.

A Goode, JP
Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Councillor Barton	11.3.4	Employee of Coles Myer
Councillor Bojcun	Item 16.1	Member of the WA Police Force
Councillor Wolfe	Item 19.1	Occasional user of the Saleyards

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1 refers]
[COUNCIL – 16th November 2004]

SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	totalling	167,199.36	
Electronic Fund Transfer	totalling	2,827,537.62	
Payroll	totalling	1,011,428.75	
TOTAL			<u><u>\$4,006,165.73</u></u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$4,006,165.73 which was submitted to each member of the Council on 16th November 2004 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$4,006,165.73 which was submitted to the Council on 16th November 2004 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)