



# **A G E N D A**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 19<sup>th</sup> October 2004  
7.30pm  
City of Albany - Mercer Road Office**

## City of Albany

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Signed \_\_\_\_\_

Date: 8<sup>th</sup> October 2004

***Andrew Hammond***  
Chief Executive Officer



## NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 19<sup>th</sup> October 2004 in the Council Chambers, Mercer Road, Albany commencing at 7.30 pm.

(Signed)

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*Andrew Hammond*  
CHIEF EXECUTIVE OFFICER

8<sup>th</sup> October 2004

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**1.0 DECLARATION OF OPENING**

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

**3.0 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**

**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.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES**

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 21<sup>st</sup> September 2004; as previously distributed be confirmed as a true and accurate record of proceedings.

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**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.]

**9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**11.0 REPORTS – DEVELOPMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 6-48]

**12.0 REPORTS – CORPORATE & COMMUNITY SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 49-82]

**13.0 REPORTS – WORKS & SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 83-100]

**14.0 REPORTS – GENERAL MANAGEMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 101-119]

**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.

**16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**17.0 MAYORS REPORT**

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

**19.0 CLOSED DOORS**

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 16<sup>th</sup> November 2004, 7.30pm

**21.0 CLOSURE OF MEETING**

# **Development Services**

## **REPORTS**

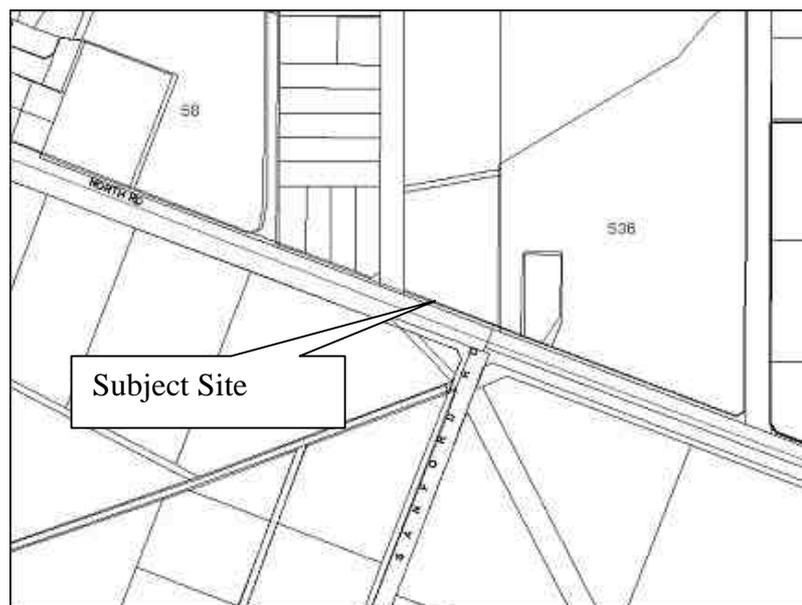
**DEVELOPMENT SERVICES REPORTS**

**- R E P O R T S -**

**11.1 DEVELOPMENT**

**11.1.1 Development Compliance – Sign – 130 North Road, Yakamia**

<b>File/Ward</b>	: A134069 (Yakamia Ward)
<b>Proposal/Issue</b>	: Non-compliance with Sign Bylaws
<b>Subject Land/Locality</b>	: Lot 221, (130) North Road, Yakamia
<b>Proponent</b>	: Ocean View Nominees Pty Ltd
<b>Owner</b>	: Ocean View Nominees Pty Ltd
<b>Reporting Officer(s)</b>	: Planning Officer (J Devereux)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: To issue a Notice pursuant to Section 10 of the Town Planning and Development Act 1928 (as amended)
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

**BACKGROUND**

1. A site inspection was undertaken on the 25 June 2004 of 130 North Road, Yakamia. After it was brought to the attention of Council staff that a ‘Dewsons’ sign had been erected on the property.



2. In accordance with the Council’s Sign By-Laws an advertising sign cannot be located on a lot separate from where the business is being carried out, and no development approval has been granted.
3. A letter was sent to the landowner giving them 14 days to remove the sign, prior to Council considering taking further action to ensure the removal of the sign.
4. A request was made to Council asking for an extension of time to remove the sign.
5. Staff replied to the landowner, giving them an extension of one week to remove the sign, being the 20 July 2004.

**STATUTORY REQUIREMENTS**

6. The land is zoned ‘Future Urban’ under Town Planning Scheme No. 1A(Scheme).
7. Under clause 7.1 of the Scheme, any development is required to obtain planning consent approval from the Council.
8. In accordance with the Town of Albany’s, ‘By-Laws No. 38 – Signs Hoardings and Bill Postings’ (1987), clause 3.1.1 a person shall not erect or maintain a sign without the prior approval of Council. Furthermore, in accordance with clause 4.1(j) of the sign bylaws, Council cannot approve a third party sign, namely when an advertising sign is located on a lot separate from where the business is being carried out.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

9. Council needs to consider taking action against the landowner for the removal of the sign as: -
  - the landowner did not gain planning consent from Council to erect the sign and no approval can be granted;
  - the sign is not permissible by the Town of Albany's, 'By-Laws No. 38 – Signs Hoardings and Bill Postings' (1987); and
  - the landowner has not been forthwith in removing the sign as requested.
10. Council has the power pursuant to Section 10 of the Town Planning and Development Act 1928 to require the removal of the sign. Council is required to give the landowner 60 days to rectify the breach, prior to undertaking legal proceedings.
11. Staff are not delegated to issue a notice under Section 10 of the Town Planning and Development Act 1928, without first gaining authority from Council.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

13. Should the applicant appeal the notice, or fail to adhere to its direction, legal fees may be incurred, pursuing the matter.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

15. As the landowner has not been forthwith in the removal of the sign, it is recommended that Council issue a Section 10 Notice requiring the removal of the sign from the property, within sixty (60) days. Should that not occur, further action by staff will be required.

ORDINARY COUNCIL MEETING AGENDA – 19/10/04  
\*\* REFER DISCLAIMER \*\*  
**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

**RECOMMENDATION**

**THAT Council;**

- i) delegates authority to the Manager Development to take action in accordance with Section 10(2) & 10(3) of the Town Planning and Development Act 1928 (as amended), against the landowner of 130 North Road, Yakamia, requiring the following to be undertaken within sixty (60) days of written notice:
  - a) remove the sign from the property.****
  
- ii) delegates authority to the Manager Development to take legal action against the landowner should the Section 10 (3) Notice not be complied with in the specified time.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.2 INSPECTION SERVICES**

**11.2.1 Local Law – Request to Permit Footpath Signage – Middleton Loop**

<b>File/Ward</b>	: MAN 052 (All Wards)
<b>Proposal/Issue</b>	: Relaxation of Council’s Local Law and Policy
<b>Subject Land/Locality</b>	: Middleton Loop, Albany
<b>Proponent</b>	: Middleton Loop Business Operators
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Manager Development (M Selby)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 21/9/2004 –Item 11.2.2
<b>Summary Recommendation</b>	: That Council maintain its current policy.
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. Council at its meeting in September 2004, was requested by Middleton Loop business operators to consider allowing footpath signage. Council laid the item on the table pending further investigation.

**STATUTORY REQUIREMENTS**

2. Council’s “Activities in Thoroughfares and Public Places and Trading Local Law 2001” states in part;

*“3.2 Advertising Signs*

*(1) A person shall not, without a permit –*

*(a) erect or place an advertising sign on a thoroughfare; or*

*(b) post any bill or paint, place or affix any advertisement on a thoroughfare.*

*(2) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –*

*(a) on a footpath;*

*(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;*

*(c) on or within 3 metres of a carriageway;*

*(d) in any location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or*

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued.

*(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.”*

3. The guidelines adopted by Council in March 2000 related to early By-Laws, but they remain as an essential tool for staff to define those signs, which are acceptable in a thoroughfare.

**POLICY IMPLICATIONS**

4. Council currently has a policy adopted in 2000, in relation to the policing of signs. This will need to be varied, should Council chose to change its Local Law. If the status quo remains, no change in policy will be required.

**FINANCIAL IMPLICATIONS**

5. Council cannot currently permit signage within the limits of the footpath and hence must modify it local law if it wishes to allow signage on the path. Costs will be incurred with preparation and advertising of a modified local law.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

7. Council staff, undertook a review of Metropolitan Council’s in relation to the way “A” frame (portable) signage is treated. The following Local Governments were visited:

- City of Fremantle
- City of Perth
- Town of Claremont
- Town of Cottesloe
- City of Subiaco

**Fremantle**

The City of Fremantle operates a Policy that excludes “A” frame signs from certain areas within the central area. The balance of the area within the municipal area, is permitted to have street signage. Proprietors are required to obtain a licence under the local law. Visual inspection of the Central area of Fremantle produced evidence that “A” frames are tolerated in areas where they are clearly not permitted.

**Perth**

The City of Perth has no power to approve “A” frame signage under its local law and given they are located within the road reserve no planning power exists to grant approval.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued.

**Claremont**

The Town of Claremont has a Local Law relating to signage, which clearly does not permit “A” frame signs to be located within the road reserve, but may be located in private property. The Town does tolerate signage within the road reserve, but only in certain areas.

**Cottelsoe**

The Town of Cottesloe does permit “A” frame signage within the road reserve and is deemed to be a sign which is not required to be licensed by Council, as long as meets 5 criteria:

- Height
- area (max 0.34m<sup>2</sup>)
- distance to shop
- limited to hours of operation
- does not obstruct the street

From visual observations, the signage was not a problem within the footpath area.

**Subiaco**

The City of Subiaco recently adopted a new Local Law, in which it prescribes that “A” frame or portable signage is exempt from approval if:

- it is associated with a ground floor tenancy;
- there is only one such sign per street frontage of the subject tenancy;
- it does not exceed 0.9m in height and 0.6m in width; and
- it is placed hard up against and attached to the wall of the subject tenancy.

7. From observation of these areas, Councils are not actively policing the signs within the road reserves. Some Council’s tolerate clear breaches whilst some will enforce it if areas become unsightly.
8. The issue of the provision of public liability insurance coverage by the sign owner, has been raised by several Councils. Some local laws require that a public liability insurance coverage be held. It is suggested by staff that should Council permit “A” frame signage, that as part of any modification to the local law, that a clause be inserted to require sign owners to have a current public liability insurance coverage.
9. Given the current attitude by other Council’s in relation to signage, staff suggest that Council can take the view that it should not be permitted, it is permitted only in certain areas or it is fully accepted within the road reserve. No one view is correct, but any position should reflect the wider views of the community.

Item 11.2.1 continued.

**RECOMMENDATION**

**THAT Council maintain its policy of requiring the removal of temporary signage placed on Council verges and footpaths and that exemptions to the City’s Activities in Thoroughfares and Public Places and Trading Local Law 2001 only be allowed in accordance with the “Policing of Signs on Council Reserves – 2000” guidelines.**

*Voting Requirement Simple Majority*

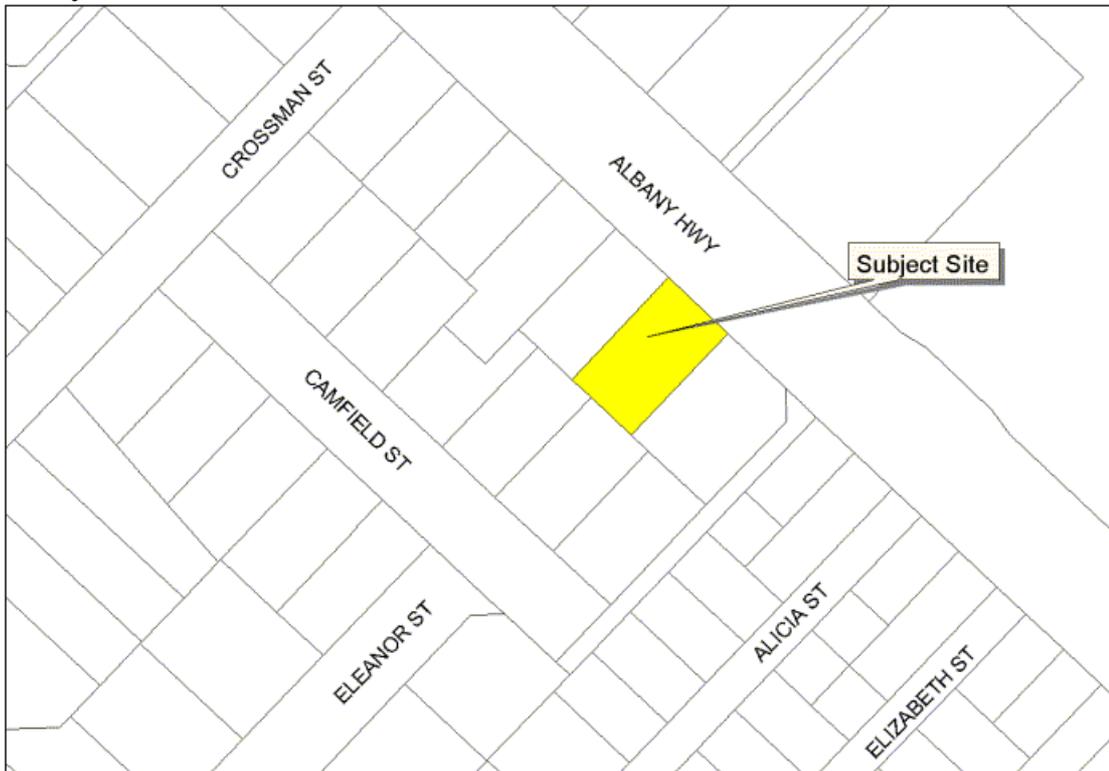
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**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Scheme Amendment Request – Lot 1013 Albany Highway, Mount Melville**

<b>File/Ward</b>	:	A85466A (Fredrickstown Ward)
<b>Proposal/Issue</b>	:	Preliminary request to rezone Lot 1013 from 'Clubs and Institutions' to 'Special Site'
<b>Subject Land/Locality</b>	:	Lot 1013 Albany Highway, Mount Melville
<b>Proponent</b>	:	Kingspath Pty Ltd
<b>Owners</b>	:	Kingspath Pty Ltd
<b>Reporting Officer(s)</b>	:	Planning Officer (Policy) (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Support the request
<b>Bulletin Attachment</b>	:	Scheme Amendment Request
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**BACKGROUND**

1. An application was received from Kingspath Pty Ltd seeking Council's preliminary support to rezone Lot 1013 Albany Highway from 'Clubs and Institutions' to 'Special Site'. The site is the former Albany Silver Band building and is located opposite McDonalds.
2. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin; that proposal contains the background information relating to this request.

**STATUTORY REQUIREMENTS**

3. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
4. If an applicant decides to pursue a scheme amendment as a result of this decision, the Council will be required to formally consider that request.

**POLICY IMPLICATIONS**

5. 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);
6. 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.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**COMMENT/DISCUSSION**

9. A copy of the draft proposal was referred to the Department for Planning and Infrastructure for initial comments. These comments include:
  - The proposed zoning is consistent with that of the adjoining land;
  - The building has been identified in the draft Defining Central Albany document as a landmark element within a character precinct; and
  - The heritage aspects of the building’s Albany Highway frontage should be maintained.
10. The subject site is not identified within the Scheme or Municipal Inventory as place of heritage significance.
11. Whilst the draft Defining Central Albany document recognises the building as a landmark element it does not make comment regarding its heritage significance.
12. The Department for Planning and Infrastructure is supportive of the adaptive re-use of the building.
13. Given the complementary nature of this proposal with adjoining land uses the preliminary request to rezone the land is supported.

**RECOMMENDATION**

**THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Lot 1013 Albany Highway, Mount Melville from ‘Clubs and Institutions’ to ‘Special Site’.**

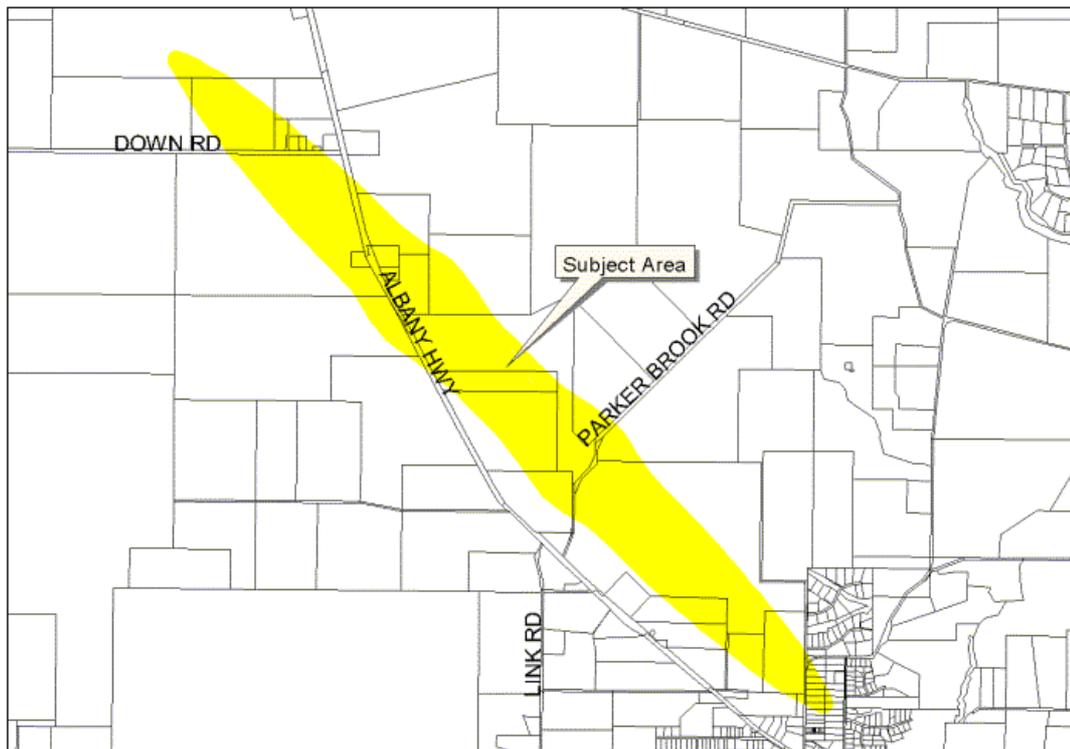
*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Proposed Town Planning Scheme Policy – ‘Albany Airport Noise Buffer’**

<b>File/Ward</b>	:	STR 127 (Kalgan and West Wards)
<b>Proposal/Issue</b>	:	Adopt Policy - Local Planning Policy ‘Albany Airport Noise Buffer’
<b>Subject Land/Locality</b>	:	Various
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Various
<b>Reporting Officer(s)</b>	:	Planning Officer (Policy) (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/08/2000 – Item 11.1.3
<b>Summary Recommendation</b>	:	Adopt policy in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.
<b>Bulletin Attachment</b>	:	Local Planning Policy ‘Albany Airport Noise Buffer’ and submission
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued.

**BACKGROUND**

1. At it's meeting dated 15<sup>th</sup> August 2000 Council adopted the ANEF for Albany Regional Airport and the recommendations contained in the Australian Standard AS2021-1994 by resolving:

*'THAT:*

*Council adopt as a Town Planning Scheme policy, pursuant to Section 6.9 of the City of Albany Town Planning Scheme No. 3, the Westralia Airports Corporation Australian Noise Exposure Forecast for Albany Regional Airport (1998) and supports the recommendations contained in the Australian Standard AS2021-1994 "Acoustics – Aircraft Noise Intrusion – Building Siting & Construction"'*

2. The policy was advertised for comment for a period of 35 days, one submission was received in this period.
3. A copy of the policy and submission is included in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

4. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.
  - (a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.*

**POLICY IMPLICATIONS**

5. The Local Planning Policy 'Albany Airport Noise Buffer' will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme No. 3.

**FINANCIAL IMPLICATIONS**

6. Council is required to advertise the adoption of the policy in a local newspaper at it's own cost.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued.

**STRATEGIC IMPLICATIONS**

- 7. There are no strategic implications relating to this item.

**COMMENT/DISCUSSION**

- 8. The objective of the policy is to both protect the operation of the airport and its flight paths as well as to minimise the location of sensitive land uses in accordance with the requirements of Australian Standard AS2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.
- 9. At the close of advertising one submission had been received objecting to the policy.
- 10. The submission objects to the impact that the proposed policy will have on their property. The continuation of the existing uses will not be impacted on by the policy, only new development will be the subject to its provisions.
- 11. If adopted Council will be required to take into account the provisions of the policy and the objectives it was designed to achieve prior to making its decision.
- 12. It is proposed that this policy form the basis of a Special Control Area within the proposed Community Planning Scheme A.

**RECOMMENDATION**

**THAT Council, pursuant to clause 6.9.2 of the City of Albany Town Planning Scheme No. 3 resolves to adopt the final Local Planning Policy ‘Albany Airport Noise Buffer’ as a Town Planning Scheme policy and advertise as such in accordance with the Scheme.**

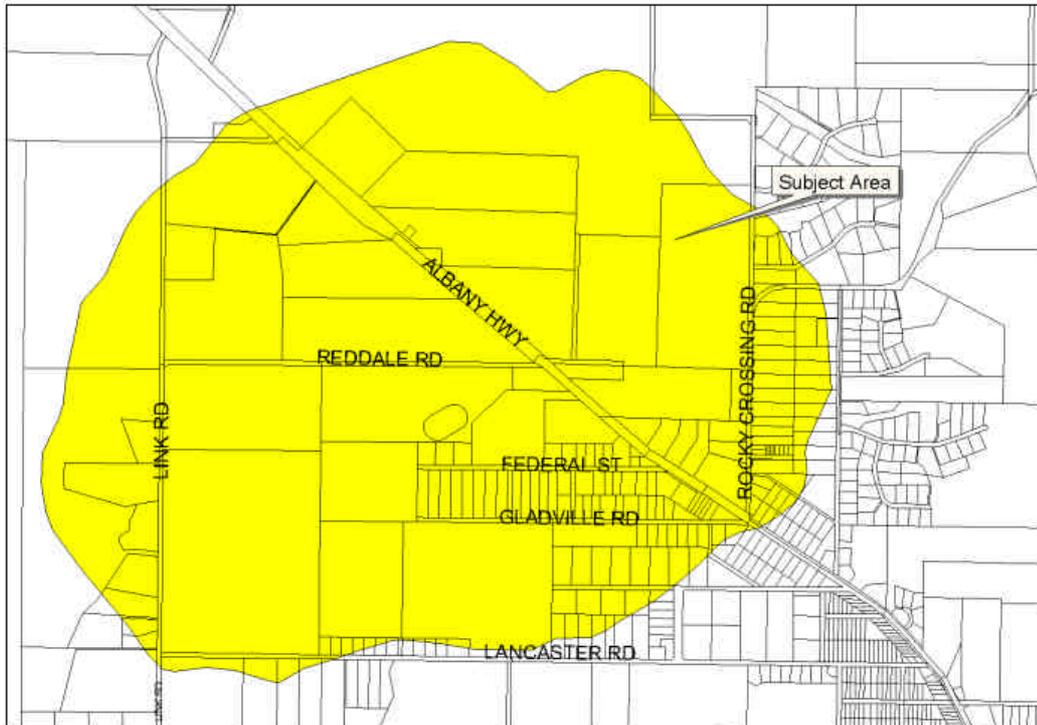
*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Proposed Town Planning Scheme Policy – Albany Speedway Noise Buffer**

- File/Ward** : STR 088 (West & Kalgan Wards)
- Proposal/Issue** : Speedway Noise Buffer
- Subject Land/Locality** : Land surrounding the Albany Speedway (Atwell Park)
- Proponent** : City of Albany
- Owner** : Various.
- Reporting Officer(s)** : Strategic Planning Officer (P Shephard)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/10/2003 – Item 11.3.2
- Summary Recommendation** : Adopt Modified Town Planning Scheme Policy.
- Bulletin Attachment** : Copies of Submissions and Modified Town Planning Scheme Policy ‘Albany Speedway Noise Buffer’.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued.

**BACKGROUND**

1. At its October 2003 meeting, Council resolved as follows:

*“THAT Council;*

- i) adopts the draft ‘City of Albany - Speedway Noise Buffer Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3; and.*
- ii) advise the Albany Speedway Club of the Buffer Study recommendations for their consideration and implementation.”*

2. The draft Policy was advertised for comment in accordance with the scheme requirements. In addition, information on the proposed speedway buffer was included in the City’s July 2004 ‘Our Place, Our Future’ brochure distributed to ratepayers within the City and copies were displayed and made available from the York Street and Mercer Road Offices and Library.

3. The formal advertising of the draft Policy closed on 6 August 2004, at the time of writing this report; a total of 40 submissions had been received. Copies of the submissions are included in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

4. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:

*“(a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*

*(b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*

*(c) Following Final Adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.”*

**POLICY IMPLICATIONS**

5. Upon adoption by Council, the Albany Speedway Noise Buffer will be a Town Planning Scheme Policy under the provisions of Town Planning Scheme No. 3.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued.

6. Council is required to consider a Town Planning Scheme Policy when considering a development application. Clause 6.9.4 of Town Planning Scheme No. 3 states:

*“(a) A Town Planning Scheme Policy shall not bind the Council in respect of an application for Planning consent, however, it may require the Council to advertise its intention to relax the provisions of the Policy once in a newspaper circulating in the district stating that submissions may be made to the Council within 21 days of the publication thereof.*

*(b) Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision.”*

**FINANCIAL IMPLICATIONS**

7. The adoption of the final Policy is required to be advertised in a local newspaper at Council’s cost.

**STRATEGIC IMPLICATIONS**

8. In discussions with officers from the noise abatement division of the Department of Environment (DEP), staff has been advised that the Department proposes to set up a new regime of noise management for speedways. In essence, they will require the preparation of a Noise Management Plan in consultation with relevant stakeholders (i.e. speedway operators/local government/DEP/affected landowners etc). The Plan is likely to cover matters such as the number and times of meetings, acceptable/maximum noise levels, track noise attenuation, management plan review, monitoring requirements, complaints procedures etc. The Department has advised that the new regulations are presently awaiting drafting by the Parliamentary Draftsmen being brought forward as a Bill. The timing of those changes is unknown and the current regulations affect existing speedway operations.

**COMMENT/DISCUSSION**

9. When the draft Policy was adopted by Council, Officers advised that it was intended to convert the Policy into a Special Control Area and scheme provisions within the new Community Planning Scheme (CPS). It is clear from the submissions received that residents are accepting of the present speedway operations which combined with possible changes to the legislation, make that initial planning unnecessary and the introduction of a Special Control Area will not be pursued.
10. The restrictions contained in the draft Policy are not supported by the affected landowners. Affected landowners object to the proposal to introduce a noise buffer for a number of reasons including:
- the speedway causes no concerns or complaints.
  - the conditions attached to the development of the speedway have not been enforced.
  - properties within the 65dB(A) buffer area will be prevented from developing dwellings including extensions/alterations etc.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued.

- there is no need for a memorial on title due to the limited number of events held.
  - the speedway should be required to control their impacts on their land rather than the landowners having to wear this cost.
  - consideration should be given to relocating the speedway.
  - potential for the buffer to devalue properties.
  - previous planning for the area under the Shire encouraged housing.
  - if the policy is adopted then compensation will be sought.
11. The approach taken in the draft Policy and the Regulations is essentially to treat the speedway similar to the Port. Given that the speedway only conducts a certain number of events on a seasonal basis, it is difficult to parallel this activity with the Port that operates 7 days a week/24 hours per day. This is supported by the submissions that also clearly highlight that existing residents have no complaints about the speedway operations. The restrictive nature of the draft policy now needs to be modified to take a pro-active approach to the speedway and its impacts.
12. Whilst the present landowners are accepting of the speedway, the consultants report indicates that the speedway club can take steps to reduce the noise beyond its property boundary. Whilst there has been some initial thought given to relocate the speedway, no firm proposals have been investigated and the costs involved would be considerable.
13. If the speedway is to continue its operations from its present position, clear direction and possibly assistance needs to be offered to the club to enable them to upgrade the noise attenuation at the site in accordance with the consultants report. Considerable work is required if the club is to meet their noise attenuation obligations on-site rather than transfer this responsibility to the nearby residents. The anticipated move by the DEP towards the preparation of Noise Management Plans, will better assist communities to address these sorts of impacts in a more consultative process. This approach is also supported by the submissions.
14. Due to the existence of the speedway, and the noise generated from their activities, the City is required to consider the impact of the speedway on future planning for the area. The area has been identified for further low-density 'rural-living' housing development and it is essential for owners of new developments to be made aware of the speedway activities and encouraged to incorporate sound attenuation measures into new dwellings. The draft Policy has been modified to achieve this aim. For existing residents, additional noise attenuation should be encouraged, but not made mandatory.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued.

**RECOMMENDATION**

**THAT Council:**

- i) receive and uphold in part the submissions received on the draft Policy;**
- ii) pursuant to Clause 6.9.2 of the City of Albany Town Planning Scheme No. 3 resolves to adopt the Modified Final Town Planning Scheme Policy ‘Albany Speedway Noise Buffer’ and advertise the resolution in accordance with the Scheme; and**
- iii) instruct staff to liaise with the Albany Speedway Club to identify noise attenuation measures that may be put in place to reduce the long-term impact of Atwell Park Speedway on adjoining residences and secure the future of the speedway club on the existing site.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Scheme Amendment Request – Lot 56 Havoc Road, Warrenup**

<b>File/Ward</b>	:	A20103A (Kalgan Ward)
<b>Proposal/Issue</b>	:	Preliminary request to rezone Lot 56 Havoc Road, Warrenup from 'Rural' to 'Special Residential'
<b>Subject Land/Locality</b>	:	Lot 56 Havoc Road, Warrenup
<b>Proponent</b>	:	Harley Survey Group
<b>Owners</b>	:	Prior Nominees Pty Ltd
<b>Reporting Officer(s)</b>	:	Planning Officer (Policy) (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Support the request
<b>Bulletin Attachment</b>	:	Scheme Amendment Request
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued.

**BACKGROUND**

1. An application was received from Harley Survey Group seeking Council's preliminary support to rezone Lot 56 Havoc Road, Warrenup from 'Rural' with an 'Additional Use' to 'Special Residential'.
2. The application seeks to create six special residential lots with a minimum size of 0.45 hectares. The land subject to this request has an area of 4.86 Hectares.
3. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

4. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
5. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

**POLICY IMPLICATIONS**

6. 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); and
  - The Local Rural Strategy (1996);
7. 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.
8. The subject site is located adjacent to Oyster Harbour Precincts 3 and 4 of the City's Local Rural Strategy.
9. 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**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

12. A copy of the proposal was referred to the Western Australian Planning Commission and the Department of Environment. The major issues and concerns that were identified include:
- The proposal at present fails to meet the basic principles of subdivision as set out in the WAPC's policy DC1.1;
  - It needs to be demonstrated that arrangements are in place for the provision of legal access to all lots and include any land required for that purpose as part of the proposal;
  - Any proposal must be supported by site specific testing and analysis that proves the land's capability for effluent disposal, development and effective drainage;
  - Relationship to neighbouring land uses and development;
  - The development should take into account flood levels that could occur as the result of a 100 year ARI event;
  - The proposal needs to demonstrate how the existing creek and drainage lines would be protected from damage due to erosion during flood events; and
  - The use of alternative treatment units for on site effluent disposal is essential, given the low lying nature of the land and proximity to watercourses.
13. The development, as currently proposed, is reliant on an adjoining lot to provide future road connections. The preliminary future road network for the City also identifies Henry Street connecting along the southern boundary of the land to Albany Highway
14. Land in the vicinity of the drainage line has been identified in draft mapping for the revised Albany Local Planning Strategy as a conservation/wetland reserve. This is compatible with the reservation of land to the south of the subject site for parks and recreation and will assist the establishment of a continuous open space spine.
15. Subject to the applicant addressing basic principles and issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued.

**RECOMMENDATION**

**THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 56 Havoc Road, Warrenup from ‘Rural’ to ‘Special Residential’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:**

- i) detailed land capability assessment;**
- ii) protection of the creek line;**
- iii) protection of the drainage line;**
- iv) establishment of 100 year ARI flood levels on the site and determining development areas accordingly;**
- v) provision being made for a north/south open space linkage;**
- vi) protection of remnant vegetation;**
- vii) preparation of an indicative Subdivision Guide Plan;**
- viii) preparation of a Revegetation Plan;**
- ix) servicing details;**
- x) extension of Henry Street across the frontage;**
- xi) arrangements being made for legal road frontage to all proposed lots; and**
- xii) visual amenity.**

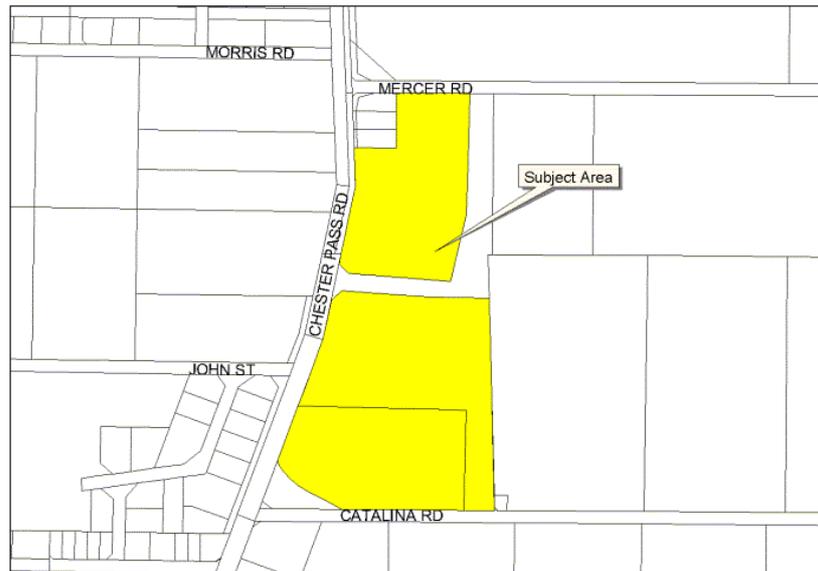
*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Catalina Central Planning Framework – Proposed Modification**

- File/Ward** : STR 049 (Yakamia Ward)
- Proposal/Issue** : Request to modify 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** : 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** : Prepare a variation to Precinct Plan 1
- Bulletin Attachment** : N/A
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

**BACKGROUND**

1. Council received an application for a Warehouse (Stage two) on Lot 101 Chester Pass Road, Lange, adjacent to the already approved bulky goods outlet of Harvey Norman (stage one). The application was unable to be approved by Council, as the use is not contained within the uses permitted for Precinct One, within the Catalina Central Planning Framework. As a result, Council at its Ordinary meeting of 21 September 2004 resolved:
  - “i) *defer the consideration of a Planning Scheme Consent application for a “Warehouse” to be located on Lot 101 (future lot 1003) Chester Pass Road, Lange, until the consideration of a revised Precinct Plan being adopted by Council permitting the use; and*
  - ii) *revisit the Precinct Plans prepared under the Catalina Central Planning Framework to ensure consistency between the zoning table within Town Planning Scheme No 3 and the Precinct Plans.”*
2. Part Two of Council’s resolution was unclear as to the extent of the consistency required by Council between the Catalina Central Planning Framework and the Town Planning Scheme. The Precinct plans will always be consistent with the Town Planning Scheme, but the number of uses that may locate in this area is at the absolute discretion of Council. To determine the acceptability of the potential land uses within the precinct/structure plan area, a briefing was provided to Councillor’s on 28 September 2004 and direction sought. Councillors requested that an item be brought forward to allow debate on the issue and for Council’s deliberation.

**STATUTORY REQUIREMENTS**

3. Council previously adopted the Catalina Central Structure Plan (CCSP) in June 2003, with a revised Catalina Central Planning Framework (CCPF) adopted in June 2004. The CCPF adopted in June 2004, endorsed a modification to Precinct One, allowing the relocation of bulky goods land uses amongst the buildings within the precinct (within the 6500m<sup>2</sup> cap). The Precinct Plan was then adopted under clause 5.22 of the Scheme, utilising provisions associated with a Local Planning Policy under clause 6.9 of the Town Planning Scheme No 3. Any modification to the CCPF will require advertising and re-adoption under the Scheme.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. The financial implications associated with any change, depends upon the scale of the modifications undertaken.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

6. If a textual modification is undertaken to the Precinct Plan (PP) only (by staff), then there will be no additional costs to Council other than normal operational costs. Advertising costs associated with the modification will be incurred, but can be accommodated within the current budget for Development Services.
7. Modifications involving adjustments to the precinct and structure plan maps will need to be outsourced to a Planning Consultant, due to the current workload of staff. No allocation has been made in the budget for this purpose.

**STRATEGIC IMPLICATIONS**

8. Council is currently undertaking a review of the Commercial Strategy, the findings of which have not been reported back to Council as yet; they are expected in the near future. The review recommendations, may affect the future direction of the CCPF.

**COMMENT/DISCUSSION**

9. At this point in time Council has two options in relation to reviewing/modifying the CCPF.
10. ***Option One – Modify Precinct One Documentation***  
Council staff can modify Precinct Plan 1 so as to incorporate Warehouse/Warehouse Sales Outlet with a limit of 1800m<sup>2</sup> NLA of floor space, as a permitted use. The process for modification would be:
  - 1) advertise the modified precinct plan for three weeks in accordance with Council’s Town Planning Scheme
  - 2) present a report to the November meeting for consideration of adoption of the revised Precinct Plan
  - 3) issue an approval for the requested 1800m<sup>2</sup> of additional floor area for the Harvey Norman site.
11. ***Option Two – Revisit and Modify the CCSP and PP’s within the CCPF***  
In a recent letter from Kingopen’s Strategic Planner, Mr Lynn, it is evident that the proponents will be pursuing requests with Council in the future for a discount department store and considerably more bulky goods floorspace within the CCPF area. Mr Lynn is seeking to “...talk to these groups with confidence that our zoning and planning arrangements are flexible enough to allow both groups to come to a quick decision”.
12. The CCSP and PP’s has been drafted to allow Council to control the uses that may locate within the Mixed Business zone. The Scheme allows Council the ability to exercise its discretion and allow a mix of uses in each PP within the range of 36 land uses identified in the zoning table. Not all of the 36 identified land uses would be compatible with the existing uses and the planning context that already has been approved by Council, within this Mixed Business site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

13. Staff feel that Precinct One, apart from a potential minor modification to incorporate the Warehouse/Warehouse Sales Outlet, does not need to be modified further at this point in time. However Council will need to address in the near future the land owner/developer's request to add extra retail space floorspace within precincts 1,2 and an adjoining site.
14. Precinct Two will need to be reviewed as the land uses proposed in this area will not be proceeding, as advised by the land owner's representative. Other uses will obviously replace those no longer required and hence it is Council's duty to plan forward, to ensure that any future uses are consistent with the Harvey Norman site, the 140 Aged Persons Accommodation units on the eastern side of Viastra Drive, Chester Pass Road service industries and good planning practice.
15. Some of the compatible types of uses that could be incorporated into the area north of Brookes Garden Boulevard are:
  - Civic Building
  - Consulting Rooms
  - Cultural
  - Education Establishments
  - Garden Centre
  - Private Clubs
  - Professional Office
16. As part of the recommended review, it may also be desirable for Council to revisit the boundaries of the precinct. Currently the boundary of precinct one extends north of Brookes Garden Boulevard. This in planning terms appears to be an illogical boundary as roads are generally used as zoning/precinct boundaries.
17. Part of this review may also require re-examination of the traffic studies and economic impact assessment previously undertaken to facilitate the current level of development, to ensure future uses do not negatively impact upon the road network and infrastructure, as well as ensuring impacts are localised and do not affect the Central Area.
18. Within the planning framework for Catalina, design guidelines give direction for such items as:
  - Scale of buildings
  - Building bulk
  - Building height
  - Carparking design and function
  - vehicle access
  - windows openings and façade treatments
  - wall materials and colours
  - roof forms and materials
19. The above list albeit not exhaustive, needs to be replicated, modified or added to, to ensure that development occurs in a sympathetic manner with the existing approved development in the locality.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

- 20. To ensure that good development occurs in this area, proactive planning needs to occur. By preparing the necessary documents, Council will be setting a positive, integrated and comprehensive planning framework and not reacting to the isolated requests of developers.

***Conclusion***

- 21. To comply with Council’s resolution and, to assist with the timely construction of the Harvey Norman building, a short term modification should occur to the CCPF. Staff strongly suggest that the long term vision and framework needs to be adjusted, otherwise Council will constantly be reacting to development proposals from the landowners and incompatibility of land uses may result.

**RECOMMENDATION**

**THAT Council:**

- i) **modify Precinct One documentation within the Catalina Central Planning Framework by introducing Warehouse/Warehouse Sales Outlet as a listed discretionary land use, with a limit of 1800m<sup>2</sup> of net lettable floor area;**
- ii) **advertise the proposed modification in accordance with clause 5.22 and clause 6.9 of Town Planning Scheme No 3 and represent to Council at the earliest opportunity for consideration; and**
- iii) **following a Councillor workshop to discuss the planning framework, undertake a full review of the Catalina Central Planning Framework at the earliest opportunity.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.4 RESERVES PLANNING**

**11.4.1 Reserve Planning – Change Zoning and Possible Acquisition – Mt Melville and Fishponds Reserves**

<b>File/Ward</b>	:	STR 008 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	On-going ownership and Management of Reserves
<b>Subject Land/Locality</b>	:	Mt Melville Reserve (Reserve 2681) and Lot 1454 Festing Street, Albany (Fishponds).
<b>Proponent</b>	:	Mr B Howard
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Not support Request
<b>Bulletin Attachment</b>	:	Heritage Assessment Sheet for Fishponds
<b>Locality Plan</b>	:	

**BACKGROUND**

1. At the July Council meeting Mr Bob Howard raised five questions during the public forum session and presented a 133 signatory petition to Council calling for Council to acquire the block known as the fishponds for the purpose of conservation and recreation. At the meeting the Executive Director Development Services provided a partial response to Mr Howard's questions and the balance was taken on notice, requiring further research and a policy decision of Council.
2. In summary, Mr Howard requested;
  1. *Does the Council intend to change the current zoning in full or in part of Lion Street Reserve?*
  2. *If not, why is the current Mt Melville Management Plan being limited of Mokare Park and the Lion Street park which are only about 60% of the above area?*
  3. *Is the Council prepared to take responsibility for the Fishponds block listed with the Heritage Commission as a significant site to ensure its preservation? In regard to Public Liability, when does the public benefit outweigh the public liability? And has the Council, by slashing the vegetation around the fishponds, not increased the risk of drowning even though it has reduced the risk of the pond catching fire?*

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued.

4. *Will the Council approach Homeswest regarding the preservation of the bushland and of the access through their block between Lion Street and the Paddy Coyne flats?*
5. *Is the Council prepared to address the issue of regularising the status of otherwise unallocated crown land on Mt Melville.*

**STATUTORY REQUIREMENTS**

3. The properties to which Mr Howard has referred are a combination of private land holdings and Crown Reserves.

**POLICY IMPLICATIONS**

4. Council has adopted a Reserves Master Plan and the policy framework dealing with long term Reserve development and ownership is being developed. Council is scheduled to receive a briefing from staff on components of that master planning in the near future.

**FINANCIAL IMPLICATIONS**

5. Once the management order for a Crown Reserve is transferred to the City, the care and maintenance of that reserve transfers fully to Council. Council is currently managing over 800 hectares of urban bushland in Albany with limited resources.

**STRATEGIC IMPLICATIONS**

6. The City's urban bushland is a strategic asset, which helps to define the character of Albany. Council has not adopted a strategic position on the amount of urban bushland it wishes to manage into the future.

**COMMENT/DISCUSSION**

7. In the order of the points raised by Mr Howard, the following comments are submitted for Council's consideration;

**a) Does the Council intend to change the current zoning in full or in part of Lion Street Reserve?**

It is assumed that the reserve being referred to is the small cleared area adjacent to Serpentine Road, at the western terminus of Lion Street. This reserve is currently reserved for "Parks and Recreation" purposes and it is in Crown ownership. Staff see no reason to change the current reservation upon the introduction of a new District Town Planning Scheme.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued.

**b) If not, why is the current Mt Melville Management Plan being limited of Mokare Park and the Lion Street park which are only about 60% of the above area?**

Detailed reserve planning for Mt Melville was included in the 2003/04 budget and carried over to the 2004/05 budget. That planning is being undertaken only over land for which the City has management control and/or the vesting of the reserve. Where that planning has the potential to “flow over” to a non-City controlled reserve, a range of management options are being considered at the boundary. Implementation and funding of work identified in the management plans will then be limited to those Council controlled reserves. As highlighted by Mr Howard approximately 40% of the area commonly referred to as the Mt Melville reserve network is Unallocated Crown Land (UCL) or it is vested with another group or agency.

**c) Is the Council prepared to take responsibility for the Fishponds block listed with the Heritage Commission as a significant site to ensure its preservation? In regard to Public Liability, when does the public benefit outweigh the public liability? And has the Council, by slashing the vegetation around the fishponds, not increased the risk of drowning even though it has reduced the risk of the pond catching fire?**

The 133 signatories are calling upon Council to acquire this land citing the following matters as important considerations;

- The block is listed with State Register of Heritage Places.
- The block is significant to Noongah people as the last source of permanent fresh water on Mt Melville.
- It provides a critical green belt between Mt Melville and the sea.
- It is home to a significant wildlife population.

The “fishponds” site is 2.49 hectares in area, reserved under the Scheme for “Parks and Recreation” purposes and is situated with road frontage to Carlisle Street, Castle Street and Festing Street. The “fishponds” is a water feature listed on the State Register of Heritage Sites, it is recorded with the National Trust and it appears on the City’s Municipal Inventory (refer to Place Record Form in Elected Members Report / Information Bulletin). The reserve is vested with Westnet (it previously provided water to locomotives) and that agency has sought in recent years to divest itself of the management responsibility for the reserve, however no agency has taken up their request. Landcorp has undertaken a preliminary assessment of the development potential of the land and has not sought to pursue a rezoning on behalf of the Crown.

During the period when the City was administered by Commissioners, the possibility of the City assuming management responsibility was raised and the Commissioners agreed not to pursue that request. In reaching their decision, the Commissioners noted the potential liability problems associated with the water body and its immediate surrounds, the existing levels of protection afforded the site and the resource implications to effectively manage what is a difficult site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued.

Council does not have a policy position on the fishponds and this is an appropriate opportunity to determine that position.

**d) Will the Council approach Homeswest regarding the preservation of the bushland and of the access through their block between Lion Street and the Paddy Coyne flats?**

The land between the Mt Melville Reserve and Hanrahan Road owned by the Department of Housing and Works is approximately 10 hectares in area and is zoned “Future Urban” and “Residential R20”. The removal of vegetation in urban areas is now subject to the *Environmental Protection (Clearing of Vegetation) Regulations* and the Department will be not be able to clear that vegetation until approvals have been issued by the Department of Environment under those regulations.

It is understood that the area has significance to the Albany Noongah community. A District Ethnographic report is currently being prepared with funding from the Department of Indigenous Affairs and the City and a policy position does not currently exist for Council to consider this request.

**e) Is the Council prepared to address the issue of regularising the status of otherwise unallocated crown land on Mt Melville.**

It is assumed that request is calling for Council to assume ownership of the UCL within the Mt Melville reserve network. Details of the extent of this area and its implications will be brought to Council’s attention during the upcoming briefing session.

In conclusion, this agenda item provides an opportunity for Council to advise the public on its preparedness to assume additional management responsibility for bushland reserves within the City’s urban area. Previously, Council has intimated that it wished to limit the amount of urban bushland it wanted to have on-going management responsibility for and the following recommendation is framed accordingly.

Item 11.4.1 continued.

**RECOMMENDATION**

**THAT Council advise Mr Howard that;**

- i) Council is currently undertaking detailed planning of those reserves in the Mt Melville reserve network which are under the care, control and management of the City of Albany and is not intending to incorporate unallocated Crown Land or reserves vested with other agencies into that planning and management framework;**
- ii) it is unlikely that Council will be seeking to add to the number of reserves under its care and control within the Mt Melville reserve network;**
- iii) Council considers the current level of protection afforded the “fishponds” site is adequate and the City of Albany will not be seeking to assume the management order for the “fishponds” site;**
- iv) Council has no immediate plans to change the zoning of land under its care and control in the Mt Melville reserve network;**
- v) Council encourages him to directly approach the Department of Housing and Works on the department’s plans for the bush located between the Mt Melville reserve network and the Paddy Coyne flats; and**
- vi) Council will be briefed in the near future on the planning of the Mt Melville reserve network, undertaken with community consultation, and until that briefing occurs and the outcomes of the City’s Ethnographic Survey are known, finalisation of the management plan for the reserves will be held in obedience.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.4.2 Alteration to Reserve – Closure of Local Roads – Goodga River Reserve and Two Peoples Bay Nature Reserve**

<b>File/Ward</b>	: PRO 262 (Kalgan Ward)
<b>Proposal/Issue</b>	: Closure of road reserves in Goodga River Reserve and Two Peoples Bay Nature Reserve and consolidation of CALM estate.
<b>Subject Land/Locality</b>	: Reserve 24991 (Goodga River Reserve), Plantagenet Location 6453 Two Peoples Bay Road and Reserve 27956 (Two Peoples Bay Nature Reserve), Plantagenet Location 6744 Two Peoples Bay.
<b>Proponent</b>	: Department of Conservation and Land Management
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Support request & advertise proposed closures
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:

**BACKGROUND**

1. During the period from 2000 to 2002 the Department of Conservation and Land Management (CALM) has been in contact with City staff exploring the potential for the Goodga River Reserve, located to the north of Two Peoples Bay Road, to be added into the Two Peoples Bay Nature Reserve, and for several un-constructed road reserves which protrude into the CALM estate to be closed and added to the Nature Reserve. From a City asset management and an operational view point the closure of the road reserves would be to the City's advantage.
2. As detailed on the plan following this report, the request from CALM involves four separate actions;

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued.

**Closure Portion Road 15654:** This un-named road is approximately 2.52 km in length, is located along the western boundary of the Goodga River Reserve (24991), and if constructed would connect Dempster Road and Two Peoples Bay Road. The private lots to its west rely upon Dempster and Two Peoples Bay Roads for their physical access and a strategic fire break has been cut along the length of the road to provide fire protection from the Reserve to those properties. CALM is requesting that the road reserve be closed and added into the adjoining Goodga River Reserve.

**Incorporate Goodga River Reserve into the Two Peoples Bay Nature Reserve:** It was originally intended, through the *Two Peoples Bay Nature Reserve Management Plan 1995-2005* prepared by CALM, that this reserve would be included into the Nature Reserve and that the amalgamated area would become a National Park. Amendments to the Management Plan were gazetted in March 2004 which ensured the reserve retain its nature reserve status.

**Un-Gazetted Road Reserve adjoining Location 6455 Two Peoples Bay Road:** To the south of Two Peoples Bay Road, and along the western boundary of the Two Peoples Bay Nature Reserve, there exists on the cadastral records a road reserve which literally disappears into the nature reserve. It does not provide access to any land parcels and its southern terminus is the nature reserve. If a road was to be built upon the road reserve, it would serve no useful purpose.

**Re-aligned section of Two Peoples Bay Road Reserve:** At some time, the alignment of Two Peoples Bay Road (at its southern boundary with Location 6452) was changed and a portion of the original road reserve was maintained to provide security of access to the Water Corporation's water main. The need to retain the disused section of road reserve as a portion of Two Peoples Bay Road is now being questioned, given that the balance of the Corporation's water main is located within the boundary of the Nature Reserve and the Corporation continues to enjoy unrestricted access to that infrastructure.

**STATUTORY REQUIREMENTS**

3. Section 58 of the *Land Administration Act 1997* states that a local government wishing to permanently close a road within its district may request the Minister to close the road. That request cannot be submitted until the local government has advertised for 35 days its intention to close the road and it has considered any submissions received.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Apart from the cost of advertising Council's intentions, there are no financial implications relating to this matter.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued.

**STRATEGIC IMPLICATIONS**

- 6. There are no strategic implications relating to this matter.

**COMMENT/DISCUSSION**

- 7. The interface between the Goodga River Reserve / Two Peoples Bay Nature Reserve and the adjoining private properties will not change upon the closure of the road reserves and their incorporation into the CALM estate. Converting the land contained within the road reserves into nature reserves will however remove any future potential for an adjoining landowner to request access to their land along the road reserve, thereby increasing the length of roads Council is required to maintain in the long term.
- 8. Adding the Goodga River Reserve into the Two Peoples Bay Nature Reserve has no direct bearing upon the strategic direction or operational requirements of Council.

**RECOMMENDATION**

**THAT Council**

- i) **resolves to support the request from the Department of Conservation and Land Management to add into the Two Peoples Bay Nature Reserve (Reserve 27956):**
  - a) **the Goodga River Reserve (Reserve 24991);**
  - b) **the road reserve running along the western boundary of Reserve 24991;**
  - c) **the un-gazetted road reserve running along the eastern boundary of Plantagenet Location 6455; and**
  - d) **the section of widening of Two Peoples Bay Road adjoining the southern boundary of Plantagenet Location 6452; and**
- ii) **pursuant to Section 58 of the Land Administration Act 1997, Council resolves to advertise its intention to close those portions of road reserve identified on the accompanying Plan and the public be invited to comment on the proposal.**

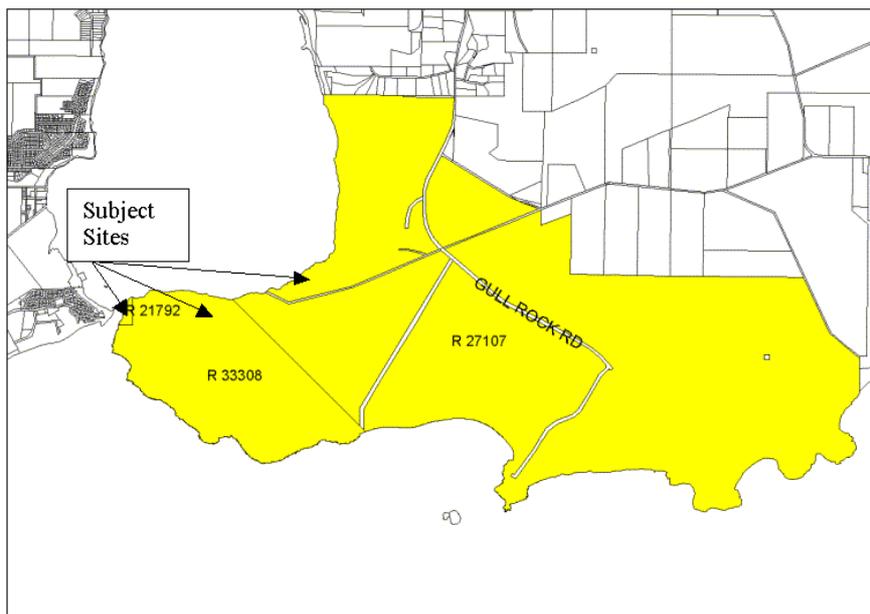
*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.4.3 Reserve Vesting – Gull Rock Reserve and Mount Martin Regional Botanic Park – Gull Rock Road, Kalgan**

- File/Ward** : A175019, PRO266 (Kalgan Ward)
- Proposal/Issue** : Vesting of Gull Rock Reserve and the Mt Martin reserve system.
- Subject Land/Locality** : Reserve 27107 being Gull Rock ‘National Park’, Reserve 33308 being the Mount Martin Regional Botanic Park and Reserve 21792 being Voyager Park.
- Proponent** : Conservation Commission of Western Australia
- Owner** : Crown (vested with City of Albany)
- Reporting Officer(s)** : Executive Director of Development Services (R Fenn); and Parks and Reserves Planner (B Green)
- Disclosure of Interest** : N/A
- Previous Reference** : N/A
- Summary Recommendation** : Council support the transfer of the Management Orders to the Conservation Commission of WA
- Bulletin Attachment** : N/A
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued.

**BACKGROUND**

1. This report deals with two separate, but inter-related matters;

**A. Gull Rock**

The Department of Land Information (DLI) is seeking City of Albany support for the transfer of the management order for the Gull Rock National Park to the Conservation Commission of WA (CCWA). The National Park has been an 'A' class Crown reserve since 1964 and under the Land Act the vesting (management order) for the reserve should have been provided to the CCWA.

This reserve has, since 2001, been managed by the Department of Conservation and Land Management (CALM) under the Department's temporary interim management guidelines, acknowledging that Gull Rock has significant:

- Landscape and aesthetic values – high granite domes with a variety of vegetation cover edging the coast.
- Environmental values – The endangered Noisy Scrub Bird may be found in the reserve, declared rare flora is present, quality community of *Banksia coccinea* and is an important part of the regions macro corridor linkages.
- Social values – recreational fishing, surfing, walking, nature appreciation, four wheel driving, important aboriginal heritage.
- Economic values (indirect) – 'wilderness' destination within easy reach of the City centre, nature-based tourism opportunities such as walking tours, four wheel driving tours.
- Educational values – unique opportunity to educate people about the nature of Albany.

**B. Mount Martin and Voyager Park**

The area commonly referred to as Mount Martin consists of two reserves vested with the City of Albany for the purposes of Recreation and Botanic Garden. The reserves have major historical, cultural and environmental value given:

- Mount Martin reserve has an extensive maritime and military history.
- In 1938 Voyager Park was vested to the Town of Albany to celebrate the Commonwealth's 150<sup>th</sup> year.
- In 1975 the separation of Mount Martin from the Gull Rock reserve created the previous Local Government boundary.
- Mount Martin gained national recognition in 1992 as a Regional Botanic Park because of its floristic richness.
- The botanical survey undertaken by Dr J.S Beard in 1995 provided the foundation for the funding of a trail system and recreation infrastructure on the reserve.

The request from DLI did not include Mount Martin or Voyager Park, however it is necessary to consider the fait of these two reserves during the discussion on the Gull Rock National Park as road access to the Council reserves can only be achieved through the National Park.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued.

**STATUTORY REQUIREMENTS**

2. Subject to Council's agreement, the process to cancel the vesting order for a reserve and the allocation of a new management order to the Conservation Commission of Western Australia is an administrative process undertaken by the DLI.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. The City of Albany has not been active in managing Mount Martin and Voyager Park reserves, beyond maintaining fire breaks and toilets. The reserves are an extreme fire risk for the City, given its steep slopes and the opportunities provided by the City for people to walk through the reserve.
5. As with many of the City's reserves, the resources and expertise available within the City's workforce to manage the reserve's flora and fauna is limited. Under the CALM Act, considerable expense could be incurred if Council is required to protect and manage rare or endangered flora and fauna on the reserve.

**STRATEGIC IMPLICATIONS**

6. Ledge and other beaches in this reserve network are identified as the "local beach" for many of the residents living on the eastern side of Oyster Harbour. CALM continues to manage many of its coastal reserves with community requirements in mind and it is anticipated that the transfer of these reserves to the CCWA, with CALM assuming responsibility for daily management, will not change that arrangement.

**COMMENT/DISCUSSION**

7. Council has been previously briefed on the proposal to relinquish the vesting of Gull Rock reserve and to consider the Mount Martin / Voyager Park reserves also being transferred to the CCWA.
8. As requested, Staff have sought more information from the Conservation Commission concerning the implications of transferring the Mount Martin and Voyager Park reserves. The following provides a brief overview of the answers received from CALM on behalf of the CCWA.
  - Vehicle access will remain to Ledge Beach and Boiler Beach. Retaining vehicle access to Casey's Beach may be subject to change, but will be the subject of further deliberations, following the consideration of submissions to the reserve's management plan, to which the public will be encouraged to contribute.
  - If CALM assume responsibility for the management of the Gull Rock and Mount Martin reserves, it would prefer that the existing road reserves (Gull Rock Road and Ledge Point Road) be included in the new consolidated reserve and that CALM maintain these roads within the reserve boundary.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued.

- In the short term, CALM would seek to maintain the facilities of Mount Martin and Voyager Park to a similar degree as at present. During the management planning process, provision of facilities would be reviewed.
- CALM has begun developing the Albany Coastal Reserves Management Plan and these reserves would be considered in this plan if the change in vesting is supported. Management planning would include rigorous community consultation and the formation of a community advisory group.
- CALM will support the continued involvement of the Mount Martin Regional Botanic Park Advisory Committee in the management of the Mount Martin reserves.
- A low-key tourist accommodation site a Johnson Cove is unlikely to be a priority as there is limited vehicle access to the reserve and difficulties exist in providing potable water, electricity, sewage and water disposal. Nevertheless, if this suggestion was raised by the community advisory committee during the management planning process, it would be discussed.
- CALM’s intention would be to continue to allow and encourage reasonable community access to all reserves. The extent of this access would be determined during the management planning process and in consultation with the community.

9. The benefits of supporting the transfer of the management orders to the Conservation Commission of WA include:

- Albany surrounded by National Park – a unique situation in Western Australia.
- The reserve will be actively managed in keeping with its purpose.
- CALM has the specialist staff and resources to deal with nature conservation issues and fire management.
- CALM has committed to maintaining public access to the beaches in the Gull Rock National Park.
- CALM will develop a statutory management plan in consultation with all stakeholders.
- Existing community groups like the Mount Martin Regional Botanic Park Committee can continue to have an active role in the maintenance and development of the reserve network.

**RECOMMENDATION 1:**

**THAT Council support the request from the Department of Land Information to relinquish the vesting of the Gull Rock National Park, Reserve 27107 and that the management order for the reserve be transferred to the Conservation Commission of Western Australia.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued.

**RECOMMENDATION 2:**

**THAT Council**

- i) resolves to relinquish the vesting orders for the Mount Martin and Voyager Park reserves, Reserves 33308 and 21792 respectively, on the understanding that the management order will be transferred to the Conservation Commission of Western Australia and the reserves will be incorporated into the Gull Rock National Park and that;**
  - the community will be provided the opportunity to remain involved in the on-going management of the reserves in consultation with the Department of Conservation and Land Management;**
  - the community will continue to have reasonable access to local beaches within the reserve system; and**
  - prior to the management plan being adopted for the reserve system, community consultation will occur on the plan; and**
  
- ii) write to members of the Mount Martin Regional Botanic Park Committee, making them aware of the Council’s decision and thanking them for the considerable effort and support they have provided in the past to develop and maintain the infrastructure and values of the Mount Martin and Voyager Park reserve system and encouraging them to maintain that commitment into the future.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

**11.5 DEVELOPMENT SERVICE COMMITTEES**

**11.5.1 Minutes of Mt Martin Regional Botanic Park Committee**

- File/Ward** : MAN 072 (Kalgan Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Parks and Reserves Planner (B Green)
- Summary Recommendation** : THAT the minutes of the Mt Martin Regional Botanic Park Committee meeting held on 15<sup>th</sup> September 2004 be received.

**RECOMMENDATION**

**THAT Council receives the minutes of the Mt Martin Regional Botanic Park Committee meeting held on 15<sup>th</sup> September 2004 (*copy of the minutes are in the Elected Members Report/Information Bulletin*).**

*Voting Requirements Simple Majority*

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# **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

<b>File/Ward</b>	:	FIN 040 (All Wards)
<b>Proposal/Issue</b>	:	N/A
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager of Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Approve accounts for payment
<b>Bulletin Attachment</b>	:	Summary of Accounts
<b>Locality Plan</b>	:	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		211,810.70
Electronic Fund Transfer	totalling		1,833,470.09
Payroll	totalling		679,604.19
<b>TOTAL</b>			<b><u>2,724,884.98</u></b>

2. As at 27<sup>th</sup> September 2004, the total outstanding creditors, stands at **\$1,297,291.30**.

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Item 12.1.1 continued.

**RECOMMENDATION**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$2,724,884.98</b>
<b>Total</b>		<b><u>\$2,724,884.98</u></b>

*Voting Requirement Simple Majority*

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### 12.1.2 First Quarter 2004/05 Budget Review

<b>File/Ward</b>	: FIN 047 (All Wards)
<b>Proposal/Issue</b>	: Council requested to adopt the 1 <sup>st</sup> Quarter Review
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Senior Accounting Officer (D Evers)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: That Council adopt the 1 <sup>st</sup> Quarter Review and waive the requirement for a 4 <sup>th</sup> quarter review.
<b>Bulletin Attachment</b>	: Review adjustments
<b>Locality Plan</b>	: N/A

### BACKGROUND

1. Council officers have reviewed the quarterly operating results for their areas together with determinations by Council for the first three months of the 2004/05 financial year.
2. Variances in the anticipated full year results have been identified.

### STATUTORY REQUIREMENTS

3. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed and contain the prescribed information. Clause 35(d) of the Local Government (Financial Management Regulations 1006 states; ‘A quarterly reports is to be in a form, which identifies any significant variations between the year to date income and expenditure totals and identifies areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year’. 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).

Item 12.1.2 continued.

4. Clause 35(i)(c, d) of the Local Government (Financial Management) Regulations 1996 states:-  
*“A quarterly or tri-annual financial report is to be in a form, which identifies any significant variations between the year to date income and expenditure totals and identifies areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year.”*
5. Financial Management Regulations 34 (1a) specifies that Council may waive the requirement for a quarterly review covering the quarter to the 30<sup>th</sup> June (the 4<sup>th</sup> quarter review).

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

7. Council has adopted a balanced budget for 2004/05. Any surplus for the financial year can be used to fund the following year's budget with the balance to be reviewed by Council and transferred to reserves for specified purposes. An end of year deficit would require funding from the following year's budget.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT/DISCUSSION**

9. The quarter review conducted by officers in September 2004 identifies savings, deferred projects and additional costs, resulting in a projected net surplus of \$ 7,264. A comprehensive list of the proposed reallocations by responsibility and relevant Council items, are contained in the Elected Members Report and Information Bulletin.
10. The following information on significant proposed adjustments:
  - a) The hot water system for the showers at the Albany Leisure & Aquatic Centre has expired and needs immediate replacement. It is expected that a replacement will cost \$15,000. The replacement system will be compatible with any future developments.
  - b) Grants Commission funding and Local Road grants were adjusted after the budget was adopted. The decrease to funding for 03/04 was applied for 03/04 and the additional funding for 04/05 provides a budget increase of \$20,000 for the general purpose grants and \$12,000 for local roads.

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Item 12.1.2 continued.

c) Budget Carryovers – 03/04

Expenditure commitments totalling \$332,386, which were funded out of the 03/04 operating budget were not completed by 30<sup>th</sup> June 2004, although completion was expected when the 04/05 budget was finalised. In addition, \$23,000 of income was received in 03/04 for projects to be completed in 04/05. The amount of \$355,386 was transferred to reserves to ensure that the 03/04 surplus was not overstated. It is proposed that the 04/05 budget be increased to cover the carried over commitments, offset by transfers from reserves.

d) Budget Re-alignments

A few changes have been made to correct the code number or to change the responsibility for a budget. They have a nil impact on the budget balance.

11. The Financial Management Regulations specify a requirement for four quarterly reviews. They provide an exemption from the 4<sup>th</sup> quarter review if Council agrees to waive the requirement. It is recommended that the 4<sup>th</sup> Quarter review be waived on the basis that the third quarter review, which is generally presented to Council in May is a comprehensive review, and provides the basis for the forthcoming annual budget. A 4<sup>th</sup> quarter review is unnecessary, and would take required resources away from the budget processes.

**RECOMMENDATION**

**THAT Council;**

- i) adopt the 1<sup>st</sup> Quarter Review; and**
- ii) waive the requirement for the preparation of a 4<sup>th</sup> quarter review.**

*Voting Requirement Simple Majority*

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## 12.2 ADMINISTRATION

### 12.2.1 Modifications to Lease – Request to Freehold Reserve – 9 Medcalf Parade, Emu Point

<b>File/Ward</b>	: A152401 (Breaksea Ward)
<b>Proposal/Issue</b>	: Request to Freehold the holiday chalet site on Medcalf Parade
<b>Subject Land/Locality</b>	: Reserve 35165, Albany Town Lot 1316, Medcalf Parade, Emu Point
<b>Proponent</b>	: Karriside Pty. Ltd.
<b>Owner</b>	: Crown (Management Order with City of Albany)
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Not support request
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil.

### BACKGROUND

1. Upon Reserve 35165 there has been developed six (6) buildings each containing two (2) self contained holiday units.
2. The Reserve has a total area of 1.0065 hectares, it is currently set aside for the purpose of “Holiday Chalets” and is vested with the City of Albany with power to lease for 50 years. Karriside Pty. Ltd. are the current lessees and will retain the lease of the reserve through to 2032.
3. Karriside Pty. Ltd. has approached the Department of Planning and Infrastructure with a request that the reserve be converted into freehold title.

### STATUTORY REQUIREMENTS

4. The lessee is required to abide by any terms and conditions attached to the lease document for the term of the lease and the City may terminate the lease upon its expiration in 2032. Within the lease the maximum number of units that were permitted on the site was eight (four buildings, each with two units).

Item 12.2.1 continued.

### **POLICY IMPLICATIONS**

5. All of the tourism infrastructure backing onto King George Sound has been developed upon Crown Reserves by lessees. From time to time requests have been forwarded to the City to convert those reserves into freehold tenure. Previous requests to freehold the caravan parks at Middleton Beach and Emu Point have been opposed by Council.

### **FINANCIAL IMPLICATIONS**

6. The existing leases have been structured so that the lessees pay an annual fee commensurate with 30% of the gross rental value of the land, as well as a requirement to meet all rates and taxes affecting the land. If the reserve is converted to freehold title, the land would be sold and any proceeds sent to the State Government. Council would only realise an increase in rateable income from the property, if it was to be converted.

### **STRATEGIC IMPLICATIONS**

7. The State Government allowed a number of Crown Reserves in the Busselton and Margaret River area which were being used for holiday accommodation purposes to be converted from Crown Reserves into freehold titles. That decision was predicated upon the range of holiday accommodation options that were available in the locality and the expectation that, by freeholding the land, there was the potential to inject further capital investment into the existing infrastructure.
8. One of the issues associated with the conversion of the caravan parks and chalet sites into freehold title is the potential for those lower yielding activities to be removed from the site, the land to then be subdivided and the tourism product removed altogether from the locality.

### **COMMENT/DISCUSSION**

9. Reserve 35165 is zoned “Tourist Residential” in Town Planning Scheme 1A and the scheme allows development of the land to an R50 standard. With suitable design, the one hectare site could provide for some 30 or so holiday units in lieu of the 12 that currently occupy the land. With 28 years remaining on the lease, there would appear to be adequate time available for the lessee to invest in the site and to recoup that additional investment. Variations to the lease document would be required, if Council wishes to increase the viability of the current business on the site.
10. The beach in front of this suite is also being subjected to erosion and the foreshore between the site and the beach will be modified over time. Resolution of the Emu Point coastal processes does not directly affect the ownership of this site, but it has the potential to affect the long term development potential of the area surrounding this site.

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11. There are compelling arguments for and against the conversion of the Crown leases at Emu Point and those can be summarised as;

**FOR:**

- With the lease periods involved (51 years and 90 years) the land will be retained by intergenerational members of the same families.
- Raising capital with freehold title is easier than with leased sites.
- Council’s has no effective role in management of these coastal sites under the current lease arrangements.
- The full potential of the site for tourism purposes is not being realised under the current restrictions and arrangements.
- The income Council derives from the leases is negligible.

**AGAINST:**

- As icon tourism sites become harder to find, the value of this land to Council and the State increases.
- There is adequate time available under the current lease arrangements for developers to improve the tourism product and recoup their investment.
- Converting the land to freehold would allow the landowners to remove the checks and balances that are currently in place to ensure the land is retained for tourism uses.
- Once converted, there would be nothing to prevent the landowners subdividing the land as the highest value would be as residential lots.
- If this site is converted, the capacity for Council to prevent the caravan parks and the budget motel sites at Emu Point and Middleton Beach from also being converted from Crown ownership.

12. To date, no attempt has been made by the lessees of sites in this locality to review their lease arrangements to encourage innovation in the development of tourism products or to increase the development potential of their leased area. The chalet site and the adjoining budget motel occupy 4.2 hectares of land and the current tourism yield from that land is well below industry standards for comparable sites in the State.

13. Staff cannot support the request based upon the level of information provided to date.

**RECOMMENDATION**

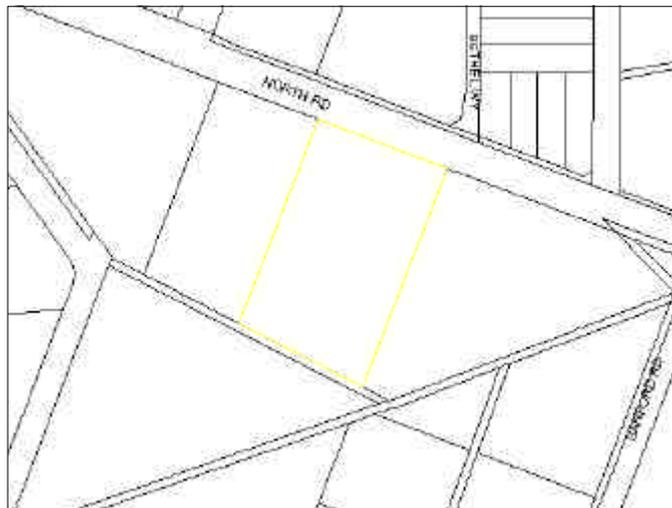
**THAT Council advise the Department of Planning and Infrastructure that it does not support the request from Karriside Pty. Ltd. to convert Reserve 35165, Albany Town Lot 1316, Medcalf Parade, Emu Point, or any other Crown Reserves backing onto King George Sound, into a freehold title.**

*Voting Requirement Simple Majority*

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**12.2.2 Australia Day Celebrations 2005 – Change of Venue**

- File/Ward** : REL 021 (All Wards)
- Proposal/Issue** : Change of Venue for the 2005 Australia Day Free Family Fun Day, Australia Day Citizenship Ceremony and Premiers Australia Day Active Citizenship Awards.
- Subject Land/Locality** : Lot 742 North Road and being the land described in Certificate of Title Volume: 1179 Folio: 118
- Proponent** : City of Albany
- Owner** : City of Albany
- Reporting Officer(s)** : Project Officer – City Events (N Tulloch)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Approve the change of venue to the Albany Leisure and Aquatic Centre for the 2005 Australia Day Free Family Day, Australia Day Citizenship Ceremony and Premiers Australia Day Active Citizenship Awards.
- Bulletin Attachment** : Correspondence received.
- Locality Plan** :



Item 12.2.2 continued

### **BACKGROUND**

1. The Australia Day Free Family Day, Australia Day Citizenship Ceremony and Premiers Australia Day Active Citizenship Awards (herein referred to as Australia Day Events), has been running for a number of years at the Princess Royal Fortress.
2. However, following the 2003 Australia Day Event, it was decided to relocate the event to Eyre Park after finding that the Princess Royal Fortress was too dusty and lacked adequate cover. A large volume of water was used at the Fortress prior to the event in an attempt to alleviate the dust problem and refresh the yellowing grass.
3. The appeal of being able to utilise the shaded parkland areas, playground equipment and space of Eyre Park was a deciding factor in it being chosen as the alternate location for the 2004 event.
4. However, the Australia Day Free Family Fun Day was cancelled upon receiving advice from the Bureau of Meteorology that extreme weather conditions would set in, which would have an adverse effect on the planned activities.
5. Whilst all efforts were made by City staff to cancel booked activities and hire equipment, some people could not be contacted in time and were informed of the cancellation upon arrival.
6. The Australia Day Citizenship Ceremony and the Premiers Australia Day Active Citizenship Awards were moved to a new venue (Monet's), adding additional cost to the event and losing crowd participation. Due to the loss of the extra BBQ's that the park would have offered for the free sausage sizzle, long queues resulted adding to the discontented feeling of the crowds.
7. In order to avoid a recurrence of having to cancel the event together with the disappointment this creates for participants, it is considered an alternate venue should be selected for the 2005 Australia Day Event that would be conducive to all weather conditions. The Albany Leisure & Aquatic Centre is proposed as the alternate location.

### **STATUTORY REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

9. The City of Albany Events Policy is applicable to this item.

### **FINANCIAL IMPLICATIONS**

10. The cancellation of the previous event cost the City approximately \$4,000 in cancellation fees, new booking fees and wasted promotional materials.

Item 12.2.2 continued

11. The budgeted amount for the Australia Day Event is \$15,000. This amount could be reduced by \$2,500 by holding the event at the Albany Leisure and Aquatic Centre (including the Centre's booking fee) due savings on hire fees and potential cancellation fees.
12. Free entry to the event's attendees is also proposed from 9am to 1pm for the event. This will not have a negative impact upon the Albany Leisure and Aquatic Centre's revenue, as a booking fee of \$1,000 for the event is applicable, and normal attendance at the Centre on a public holiday is low.

**STRATEGIC IMPLICATIONS**

13. In the City's "Albany 2020 Charting Our Course" Strategic Plan, the following Port of Call is identified:

***Port of Call:***

A reputation for professional excellence.

**Objective:**

▪ **Community Events**

To promote Albany and facilitate the celebration of events and achievements of significance to the Albany Community.

**COMMENT/DISCUSSION**

14. As the Albany Leisure and Aquatic Centre is indoors, the event will not be affected by poor weather conditions, therefore diminishing the risk of public disappointment and potential cancellation.
15. The Albany Leisure and Aquatic Centre is situated in a central location with ample parking and ease of access to attendees. There is a designated 'drop off and pick up' area at the entrance for the use of buses and taxi's, and disabled parking is also available.
16. Advertising and conducting the event at the Albany Leisure and Aquatic Centre will also increase the publicity for the Centre, which may potentially increase the Centre's clientele and revenue for the City.
17. The Albany Leisure and Aquatic Centre contains the following resources that may be utilised for the event, therefore saving on hire costs:
  - Stage
  - BBQ's
  - Rubbish bins
  - Seating
  - Toilets and baby change facilities
  - Fully trained staff
  - Available on-location activities: ie wall climbing, roller blading, basketball, volleyball and flexball.

Item 12.2.2 continued

**RECOMMENDATION**

**THAT Council:**

- i) approves the change of venue for the Australia Day Free Family Fun Day, Australia Day Citizenship Ceremony and the Premiers Australia Day Active Citizenship Awards to the Albany Leisure and Aquatic Centre for 2005; and**
- ii) allows free entry to the Albany Leisure and Aquatic Centre, excluding the pool, from 0900hrs to 1300hrs on 26<sup>th</sup> January 2005, with entry fees being reinstated after this time.**

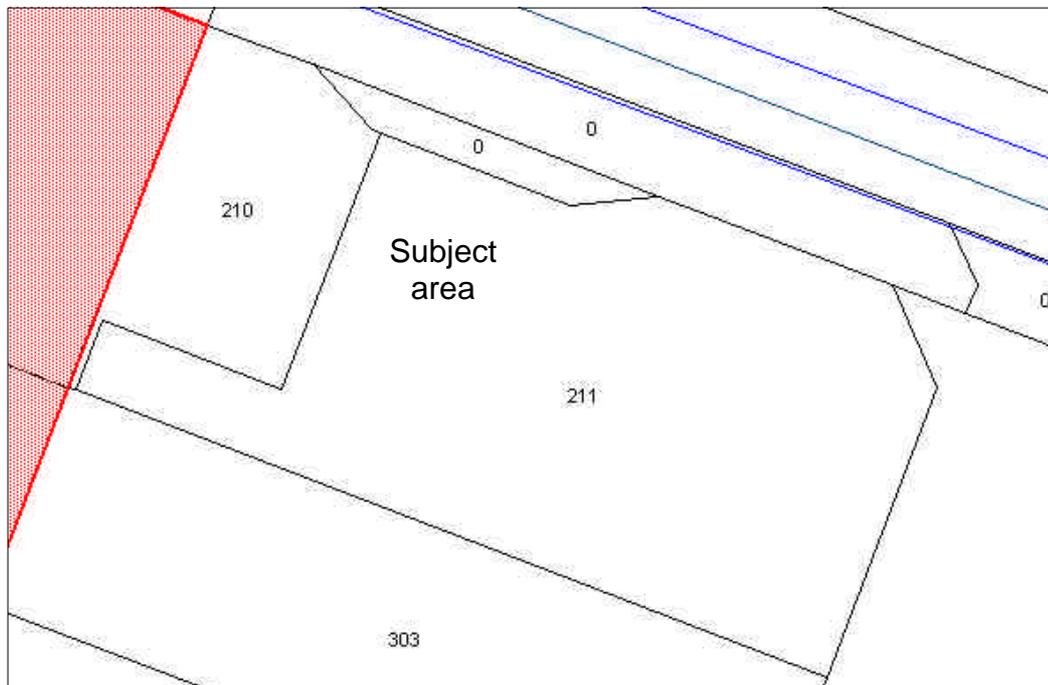
*Voting Requirement Simple Majority*

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**12.2.3 Proposed Surrender of Lease for WA State Masters Games Association Inc.**

<b>File/Ward</b>	:	MAN 071 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Surrender of Lease
<b>Subject Land/Locality</b>	:	Albany Suburban Lot 304 and Albany Suburban Lot 305, 211-217 North Road
<b>Proponent</b>	:	WA State Masters Games Association Inc
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Corporate Services Officer (J Twaddle)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council approve the request for a surrender of lease to be prepared.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



Item 12.2.3 continued.

### **BACKGROUND**

1. WA State Masters Games Association Inc lease a portion of Lotteries House located on Albany Suburban Lots 304 & 305 within the City of Albany.
2. Albany Suburban Lots 304 & 305 are situated on City of Albany Freehold land, North Road.
3. A request has been received from WA State Masters Games Association Inc to relinquish their lease.

### **STATUTORY REQUIREMENTS**

4. 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.
5. 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.
6. Clause 30 of the Local Government (Functions 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.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

8. All costs associated with this proposed surrender of lease are to be borne by the applicant.

### **STRATEGIC IMPLICATIONS**

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

### **COMMENT/DISCUSSION**

10. WA State Masters Games Association Inc has leased a portion (6m2) of Lotteries House floor space since 10 February 1997, with their current Lease expiring on 30 June 2006.

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Item 12.2.3 continued.

11. With Public Liability premiums on the increase and a rental of \$401.70 (subject to GST), WA State Masters Games Association Inc have advised that these expenses no longer make the Lease a viable option.

**RECOMMENDATION**

**THAT Council agree:**

- i) to a surrender of Lease being prepared for WA State Masters Games Association Inc for a portion of Albany Suburban Lots 304 & 305, Lotteries House dated 1 October 2004;**
- ii) all fees associated with the surrender of lease be payable by the applicant; and**
- iii) the Common Seal of the City of Albany be affixed to the documentation.**

*Voting Requirement Simple Majority*

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#### 12.2.4 Adoption of Jetties, Bridges and Boat Pens Local Law

<b>File/Ward</b>	:	MAN 048 (All Wards)
<b>Proposal/Issue</b>	:	To make a new Local Law for Jetties, Bridges and Boat Pens within the municipality of the City of Albany
<b>Subject Land/Locality</b>	:	Various
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Corporate Services Officer (J Twaddle)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 20/07/04 - Item 12.2.4
<b>Summary Recommendation</b>	:	To make the Jetties, Bridges and Boat Pens Local Law
<b>Bulletin Attachment</b>	:	Jetties, Bridges and Boat Pens Local Law
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. At the Ordinary Council meeting of 20<sup>th</sup> 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.*

*(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.*

Item 12.2.4 continued.

- (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.”*

## **POLICY IMPLICATIONS**

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

Item 12.2.4 continued.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. *The Council’s Albany 2020 objectives include Tourism Development, with the following approach –  
To lead the development of value adding tourism projects to increase the overall level of visitor nights and visitor spends in Albany.*

**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 13<sup>th</sup> 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)
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.

**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.**

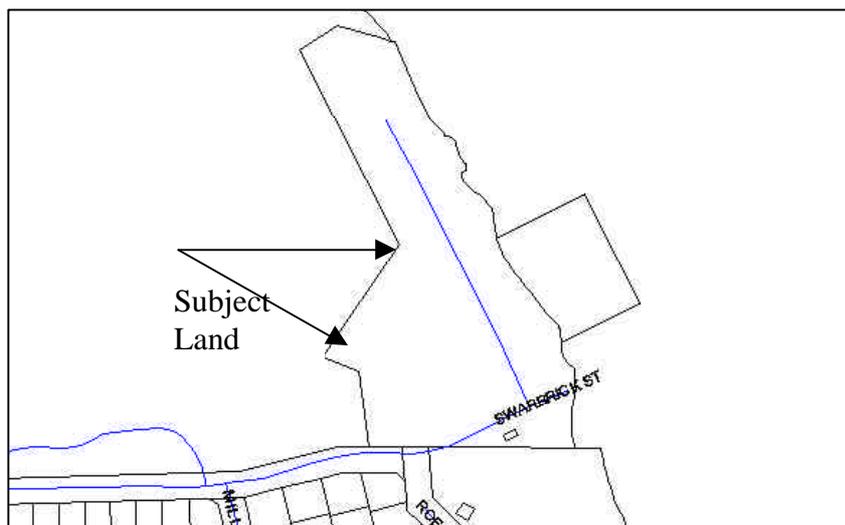
*Voting Requirement Special Majority*

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**12.2.5 Proposed New Lease for D & L Russell – Portion of Albany Lot 1423, Reserve 42964, Emu Point and Excision from Reserve 6862 into Reserve 42964**

- File/Ward** : PRO 345 (Breaksea Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Portion of Reserve 42964, Lot 1423 and Portion of Reserve 6862, Lot 1519
- Proponent** : Darren & Linda Russell
- Owner** : Crown Land (Management Order to the City of Albany)
- Reporting Officer(s)** : Corporate Services Officer (J Twaddle)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 9 year and 10 month term from 1 January 2005 with an option of a further 10 years, and a portion of Reserve 6862 to be excised and included into Reserve 42964.
- Bulletin Attachment** : N/A
- Locality Plan** : N/A



Item 12.2.5 continued.

### **BACKGROUND**

1. A request has been received from Darren and Linda Russell, the operators of the Emu Point Slipway to consider leasing a portion of Lot 1423 Reserve 42964 for the purpose of establishing a hardstand area for vessels under maintenance at Emu Point.
2. Reserve 42964 is located at Emu Point. Council has a Management Order for this Reserve which states the purpose as “Marine and Associated Purposes”, with power to lease for periods up to and including 50 years. Council currently has various leases on this Reserve including a lease for a portion of Reserve 42964, Lot 1423 to Darren and Linda Russell. The term of this lease is for a period of 12 years and 3 months commencing 1 August 2002 with a further term of 10 years expiring on 31 October 2024.
3. Reserve 6862 is also located at Emu Point. Council has a Management Order for this Reserve which states the purpose as “Protection of Boronia”.

### **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.
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.

### **POLICY IMPLICATIONS**

6. The proposal for a hardstand area complies with the draft Emu Point Precinct Plan in principle, which designates this area to be developed for hardstand purposes.

### **FINANCIAL IMPLICATIONS**

7. All costs associated with this proposed new lease are to be borne by the applicant.

### **STRATEGIC IMPLICATIONS**

8. This request complies with Council’s “Albany 2020 – Charting Our Course’, which in part states as follows:

*“Managed healthy land/harbour environment*

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

Item 12.2.5 continued.

**COMMENT/DISCUSSION**

9. Currently at Emu Point there are no designated areas for which to store and work on vessels. Mr Russell is a shipwright who plans to establish a hardstand area including two covered areas for sanding and spray painting.
10. The area will be security fenced, avoiding theft and vandalism that occur at the site, and prevent people transgressing into the adjacent Boronia reserve.
11. The land comprises an area of 4,517 square metres, which is currently undeveloped and will need considerable earthworks and cleanup, as there are a number of car bodies and old boats that have accumulated at the site.
12. A valuation obtained suggests an annual rental comprising of \$1.00 per square metre.
13. Mr Russell has requested a Lease term on the basis as the term for the Emu Point Slipway commencing 1 January 2005 until 31 October 2014 with a further term of 10 years.
14. To allow for transportation of vessels under repair, it is proposed to excise a 10 metre piece of land from Reserve 6862 into Reserve 42964. This land has been degraded over the years with dumpings of scrap metal and is infested with weeds such as kikuyu, pampas grass and bridal creeper.
15. City of Albany Planning Officer – Parks & Reserves, Barb Green has attended the site and agreed that this portion of land has not been maintained and carries no benefit to the Boronia Reserve.
16. Once the excision is complete, fencing will be erected on the Reserve boundaries, preventing any further degradation or transgression into the Boronia Reserve.

**RECOMMENDATION**

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

- i) **to recommend to the Minister for Lands to excise a portion of Lot 1519 Reserve 6862, and to include this portion into Lot 1423, Reserve 42964 for the use of “Marine and Associated Purposes”;**
- ii) **to prepare a new Lease for Darren and Linda Russell for a period of 9 years and 10 months, from 1 January 2005 with a further term of 10 years expiring on 31 October 2024 on a portion of Lot 1423 Reserve 42964;**

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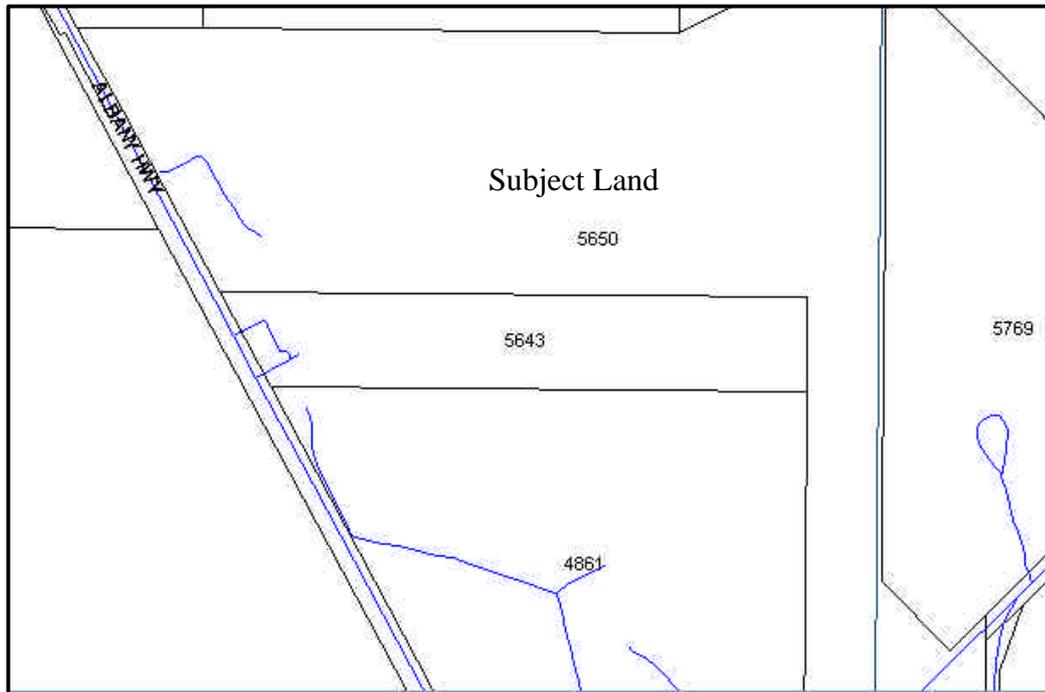
- ii) rental for the Lease area be set as per independent sworn valuation at \$1.00 per square metre, subject to GST, with rent reviews being carried out every 3 years based on the commercial return of the business and CPI being applied every other year”;**
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions;**
- iv) all fees associated with these leases be payable by Darren and Linda Russell; and**
- v) the Common Seal of the City of Albany be affixed to the documentation.**

*Voting Requirement Simple Majority*

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**12.2.6 Proposed New Lease for Aircraft Hangar Site 30**

<b>File/Ward</b>	:	PRO 343 (Kalgan Ward)
<b>Proposal/Issue</b>	:	New Lease
<b>Subject Land/Locality</b>	:	Portion of Location 5650 Albany Highway (Harry Riggs Regional Airport)
<b>Proponent</b>	:	AR Cusack
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Corporate Services Officer (N Franich)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council approve the request for a new lease to be prepared for a 10 year term from 1 December 2004.
<b>Bulletin Attachments</b>	:	Nil
<b>Locality Plan</b>	:	



Item 12.2.6 continued.

### **BACKGROUND**

1. The City of Albany has recently released five new sites at the Harry Riggs Regional Airport for the construction of aircraft accommodation.
2. A request has been received from Mr AR Cusack for Council to consider granting a lease agreement for a 10 year term, for a portion of Location 5650 (Site 30), at the Harry Riggs Regional Airport.
3. Location 5650 is located on City of Albany freehold land adjacent to the Airport Terminal on Certificate of Title Volume 2158 Folio 588.

### **STATUTORY REQUIREMENTS:**

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property”, states that Council may issue leases over properties provided that it gives statewide public notice (2 weeks) of the proposed disposition, inviting submissions for consideration on the proposal.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

6. All costs associated with this proposed new lease are to be borne by the applicant.

### **STRATEGIC IMPLICATIONS**

7. In the “Albany 2020 Charting Our Course” Strategic Plan, the following port of call is identified:

#### **Port of Call**

Transport systems and services designed to meet current and future needs

#### **Management of Transport Infrastructure and Services**

- To effectively and efficiently manage the City’s transport infrastructure:
  - To provide a high quality service;
  - To meet community expectations;
  - To minimise whole life costs; and
  - In alignment with transport plans.

### **COMMENT/DISCUSSION**

8. A recent valuation of the five sites has determined an open market rental value of \$5.50 per square metre per annum. Site 30 on Location 5650 has dimensions of 18 x 13.4 metres and is valued at \$1326.60 per annum subject to GST.

Item 12.2.6 continued.

9. Mr Cusack will construct an aircraft hangar on the site at his own expense, subject to appropriate approvals and licences being obtained.
10. Mr Cusack will be responsible for ongoing maintenance and insurance of all buildings within the leased area.
11. All costs relating to the Lease, including connection to various services, are to be borne by the applicant.

**RECOMMENDATION**

**THAT subject to no submissions being received as a result of advertising, Council agree:**

- i) **to a new lease for Mr AR Cusack being prepared for a period of 10 years from 1 December 2004 to 30 November 2014 on a portion of Location 5650 at the Harry Riggs Regional Airport with a rental review being conducted in the fifth year (2009);**
- ii) **the rental for Site 30 be set at \$1326.60 per annum, subject to GST, in accordance with the independent sworn valuation;**
- iii) **the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance, repairs, insurance and service connection costs being the responsibility of the applicant;**
- iv) **a clause be entered into the agreement that no compensation be paid to the Lessee should he be affected by any future redevelopment of the Harry Riggs Regional Airport;**
- v) **all fees associated with this lease be payable by the applicant; and**
- vi) **the Common Seal of the City of Albany be affixed to the documentation.**

*Voting Requirement Simple Majority*

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**12.2.7 Community Sporting and Recreation Facilities Fund (CSRFF) 2004/05 – 2006/07  
Triennium Applications**

<b>File/Ward</b>	:	FIN 022 (All Wards)
<b>Proposal/Issue</b>	:	Assessment of CSRFF Applications
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Recreation Development Officer (M Weller)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	That consideration be given to the CSRFF applications received by Council and these be given a priority ranking.
<b>Bulletin Attachment</b>	:	Submissions
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The CSRFF is administrated by the Department of Sport and Recreation, with applications being called each year. Part of the assessment process involves Council consideration of the applications with a priority ranking being given to the applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. The following table provides detail of all applications received and indicates the proposed local government contribution, which may be requested of council in relation to a community financial assistance funding round.

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5. While no Council decision has been made, or may be made, in relation to any of these contributions, the Department of Sport and Recreation’s CSRFF guidelines require Council to provide an indicative priority ranking and to assess the projects financial viability.

<b>Organisation</b>	<b>Project detail</b>	<b>Total Project Cost (inc GST)</b>	<b>Applicant contribution (inc GST)</b>	<b>CSRFF Grant (inc GST)</b>	<b>Proposed Council contribution (inc GST)</b>
Albany Pistol Club	Improvements to the shooting range complex on Simpson rd. Includes significant increase in disabled access.	25,986	10,440	7,773	7,773
Merrifield Park Tennis Club	Asphalt and synthetic court paint of two courts and replace perimeter fencing for four courts	39,500	16,400	13,100	10,000
Emu Point Sporting Club	Replacement of current surface with a synthetic grass surface.	124,300	71,904	41,393	11,000
Albany Equestrian Centre	Installation of indoor arena floor	22,780	7594	7,593	7,593
*Albany Cricket Association	Fit out of an Indoor cricket training venue including a bowling machine.	unknown	unknown	unknown	\$2,500**

\* A request has been made for an extension on the application deadline and as such full application details have not been forwarded by the Albany Cricket Association. Given the merits of the project cannot be assessed until these are received and in order to ensure equity for organisations which complied with given deadlines it is recommended that this application is given the lowest priority ranking.

\*\* This amount was granted in the City of Albany in the 04/05-community financial assistance funding round and is yet to be acquitted. Given that the CSRFF funding would occur in the 05/06 financial year it is anticipated that the cricket association may request for the City of Albany community financial assistance grant amount to be carried over to that financial year.

6. All of the above projects involve requests for CSRFF funding of less than \$50,000. Under the CSRFF guidelines funding for these projects would be granted in the 2005/2006 financial year, as such any proposed Council contribution would need to be considered in that year.

**STRATEGIC IMPLICATIONS**

7. Council’s Albany 2020 Charting our Course, strategic plan provides for ‘the continual development of Council services and facilities to meet the needs of all stakeholders’.

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Item 12.2.7 continued.

8. Copies of project summaries completed by the applicants (with the exception of the Albany Cricket association application which is pending) are included in the bulletin. The grant guidelines require Council to provide ranking for the project i.e. first, second, third etc, as well as providing an assessment of how well the applicants have addressed the following criteria.

	<b>Satisfactory</b>	<b>Unsatisfactory</b>	<b>Not Relevant</b>
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access & opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. Project Rating:
- a. Well planned and needed by municipality;
  - b. Well planned and needed by applicant;
  - c. Needed by municipality, more planning required;
  - d. Needed by applicant, more planning required;
  - e. Idea has merit, more preliminary work needed; and
  - f. Not recommended.
10. It is suggested that Council rank the applications in priority order and refer the completion of assessment criteria to the Community Development Officer and Recreation Development Officer prior to submission of applications to the Department of Sport and Recreation.
11. A ranking recommendation has been given based on the merits of each project as demonstrated in the submitted CSRFF application.

Item 12.2.7 continued.

**RECOMMENDATION**

**THAT;**

- i) **Council rank the seven CSRFF applications received in the following order:-**

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
<b>1</b>	<b>Albany Pistol Club</b>	<b>Improvements to the shooting range complex on Simpson rd. Includes significant increase in disabled access.</b>
<b>2</b>	<b>Merrifield Park Tennis Club</b>	<b>Refurbishment of two courts</b>
<b>3</b>	<b>Emu Point Sporting Club</b>	<b>Replacement of current surface with a synthetic grass surface.</b>
<b>4</b>	<b>Albany Equestrian Centre</b>	<b>Installation of indoor arena floor</b>
<b>5</b>	<b>*Albany Cricket Association</b>	<b>Fit out of an indoor cricket-training venue including a bowling machine.</b>

\* A request has been made for an extension on the application deadline and as such full application details have not been forwarded by the Albany Cricket Association. Given the merits of the project cannot be assessed until these are received and in order to ensure equity for organisations which complied with given deadlines it is recommended that this application is given the lowest priority ranking.

- ii) **all applications be referred to the Community Development Officer and Recreation Development Officer for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and**
- iii) **those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council’s budget process for the relevant year of CSRFF program, and that the Council’s priority ranking does not indicate funding will or wont be approved.**

*Voting Requirement Simple Majority*

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**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**

Nil.

**12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS**

Nil.

**12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.8.1 Seniors Advisory Committee meeting minutes – 16<sup>th</sup> September 2004**

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 16<sup>th</sup> September 2004 be adopted.

**RECOMMENDATION**

**THAT the minutes of Seniors Advisory Committee held on 16<sup>th</sup> September 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING AGENDA – 19/10/04  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.8.2 Aboriginal Accord Advisory Committee meeting minutes – 14<sup>th</sup> September 2004**

- File/Ward** : REL 114 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Aboriginal Accord Advisory Committee held on 14<sup>th</sup> September 2004 be adopted.

**RECOMMENDATION**

**THAT the minutes of Aboriginal Accord Advisory Committee held on 14<sup>th</sup> September 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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**12.8.3 Albany Arts Advisory Committee meeting minutes – 8<sup>th</sup> September 2004**

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 8<sup>th</sup> September 2004 be adopted.

**RECOMMENDATION 1.**

**THAT Council establish the emerging artists development reserve to hold funding for distribution to emerging artists by apparel established for that purpose.**

*Voting Requirement Absolute Majority*

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**RECOMMENDATION 2.**

**THAT the minutes of Albany Arts Advisory Committee held on 8<sup>th</sup> September 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

*Voting Requirement Simple Majority*

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# **Works & Services**

# **REPORTS**

**- R E P O R T S -**

**13.1 WASTE MANAGEMENT**

Nil.

**13.2 ASSET MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

**13.3.1 C04010 – Rural Verge Mulching**

<b>File/Ward</b>	:	C04010 (All Wards)
<b>Proposal/Issue</b>	:	Rural Verge Mulching by Public Tender
<b>Subject Land/Locality</b>	:	Nil
<b>Proponent</b>	:	Nil
<b>Owner</b>	:	Nil
<b>Reporting Officer(s)</b>	:	Depot Services Co-ordinator (J Harbach)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the tender C04010 from Bill Gibbs Excavations at the schedule of rates submitted.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. Tenders were called for the mulching and clearing of roadside verges on selected roads for the 2004/05 financial year road construction and maintenance works program within the City of Albany.
2. A request for tenders was published in the Albany Advertiser on 19<sup>th</sup> August 2004 with a copy in the Albany Extra 20<sup>th</sup> August 2004 and in the West Australian on 21<sup>st</sup> August 2004 for these works.
3. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

<b>Criteria</b>	<b>% Weight</b>
Cost	60
Relevant Skills, Experience & Reliability	20
Reliability of Tenderer	20
<b>Total</b>	<b>100</b>

**STATUTORY REQUIREMENTS**

3. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is or is expected to be more or worth more than \$50,000.
4. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
5. Regulation 19 requires Council to advise each tenderer in writing the result of Councils decision.

**POLICY IMPLICATIONS**

6. The City of Albany Regional Price Preference Policy is applicable to this item.

**FINANCIAL IMPLICATIONS**

7. Funds for the completion of these works are budgeted for each year within budgeted capital works and maintenance programs as well as in the cost estimates for Capital Works projects

**STRATEGIC IMPLICATIONS**

8. In the City of Albany’s 2020 Plan Charting Our Course, the following Port of Call is identified:

***Port of Call***

*Transport systems and services designed to meet current and future needs.*

• **Objective: -**

To effectively and efficiently manage the City’s transport infrastructure:

- To provide a high quality service;
- To meet community expectations;
- To minimise whole life costs;
- In alignment with transport plans.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

**COMMENT/DISCUSSION**

9. A total of twelve specifications were issued, the following table summarizes those submissions received by the close of the tender period. A tender submission was received after the close of the tender period, was not accepted and returned unopened to the tenderer.

Road Name	Commencing From	Approx length in Kilometres	Density Rating	TENDERER	
				Bill Gibbs Excavations	Jadecrest Holdings
				Total Amount \$	Total Amount \$
<b>Two Peoples Bay Road</b>	Nanarup Road to the Bridge	5.1	Medium	<b>6,380.00</b>	<b>8,751.60</b>
<b>Millstream Road</b>	Albany Highway	3	Medium * Flora Markers	<b>3,960.00</b>	<b>5,148.00</b>
<b>Pikadon Road</b>	Hartmans Road	0.7	Light	<b>2,420.00</b>	<b>1,144.00</b>
<b>Shapland Road</b>	Wolfe Pump Road	1	Medium	<b>2,420.00</b>	<b>1,716.00</b>
<b>Bailey Road</b>	Millbrook Road	1.5	Medium * Flora Markers	<b>2,420.00</b>	<b>2,574.00</b>
<b>Drawbin Road</b>	Start 5 km from Pfeiffer Road	4	Heavy	<b>10,340.00</b>	<b>9,152.00</b>
<b>Bluff Creek Road</b>	South Coast Highway	4	Medium	<b>6,050.00</b>	<b>6,864.00</b>
<b>Pfeiffer Road</b>	Start 2.5 km from South Coast Highway as far as Corimup East Road	3.2	Heavy	<b>8,470.00</b>	<b>7,321.60</b>
<b>TOTAL LUMP SUM TENDER PRICE</b>				<b>\$42,460.00</b>	<b>\$42,671.20</b>
<b>Additional Rate on Hours - Mulching</b>			<b>Per Hour</b>	<b>Variable – dependant on equipment used</b>	<b>\$286.00</b>
<b>TENDER WEIGHTING</b>				<b>56</b>	<b>54</b>

10. The standard formula used by Council to weight tender submissions when applied to abnormally high tenders (+30% of the median) will result in a grade score of 0 which will discount the high priced tenders.
11. Therefore the tender submission from Yarnell Contracting Ltd. was excluded from evaluation due to the abnormally high tender price submitted by this company.
12. As a result of the lower than anticipated tender prices that were submitted, tenderers were requested to confirm that they would agree to perform an additional 200 hours of work on other Council road as instructed at the hourly rate submitted.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

13. Following evaluation of the tender submission received, it is recommended that the submission from Bill Gibbs Excavations is acceptable to Council. The schedule of prices is consistent with rates for works previously carried out by the City of Albany.
14. Bill Gibbs Excavations has the necessary capacity, experience, skills and expertise to undertake these works for the City of Albany.
15. It is recommended that Council accept the tender C04010 from Bill Gibbs Excavations for rural verge mulching as per the schedule of rates as submitted.

**RECOMMENDATION**

**THAT Council accept the tender C04010 from Bill Gibbs Excavations for Rural Verge Mulching as per the following schedule of rates.**

Road Name	Commencing From	Approx length in Kilometres	Total Amount \$
Two Peoples Bay Road	Nanarup Road to the Bridge	5.1	<b>6,380.00</b>
Millstream Road	Albany Highway	3	<b>3,960.00</b>
Pikadon Road	Hartmans Road	0.7	<b>2,420.00</b>
Shapland Road	Wolfe Pump Road	1	<b>2,420.00</b>
Bailey Road	Millbrook Road	1.5	<b>2,420.00</b>
Drawbin Road	Start 5 km from Pfeiffer Road	4	<b>10,340.00</b>
Bluff Creek Road	South Coast Highway	4	<b>6,050.00</b>
Pfeiffer Road	Start 2.5 km from South Coast Highway as far as Corimup East Road	3.2	<b>8,470.00</b>
<b>TOTAL LUMP SUM TENDER PRICE</b>			<b>\$42,460.00</b>
<b>Additional Rate on Hours - Mulching</b>		<b>Per Hour</b>	<b>Variable – dependant on equipment used</b>

*Voting Requirement Simple Majority*

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**WORKS & SERVICES REPORTS**

**13.3.2 Upgrading of Shopping Complex Car Park and Pedestrian Facilities**

<b>File/Ward</b>	:	SER 177 (Breaksea Ward)
<b>Proposal/Issue</b>	:	Upgrading of Car Park
<b>Subject Land/Locality</b>	:	Road Reserve / Spencer Park
<b>Proponent</b>	:	Mr Ian & Mrs Catena Skalko
<b>Owner</b>	:	Mrs Catena Skalko
<b>Reporting Officer(s)</b>	:	Executive Director Works & Services (B Joynes)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That upgrading is funded on asset management merit
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil.

**BACKGROUND**

1. Mrs Skalko is the owner of lots 62, 63 and 64 Angove Road, Spencer Park. These properties (Doralane Pastries) are part of the shopping complex at the corner of Hardie and Angove Roads.
2. Mr Skalko has approached City of Albany officers requesting the upgrade of the car park, footpath and steps leading into his bakery; the area in question is road reserve.
3. Mr Skalko has advised:
  - There is a safety issue for pedestrians.
  - Elderly customers require assistance to enter and exit the pastry shop.
  - The area has older style paving and is unsightly.
  - Rates have been paid for these properties and for over 50 years Council has not spent any money in this area.
  - His dissatisfaction that the project is not included in the asset master plans.

**WORKS & SERVICES REPORTS**

Item 13.3.2 continued

4. Advice has been given to Mr Skalko that:
  - Upgrading is beyond the scope of routine maintenance and could involve significant expense.
  - Upgrading will be considered on relative merit against the many other projects competing for funding priority.
  - Although not currently identified, the request will be considered during the development of asset management plans, which are under continuous review as improved data is gathered.
  - Inspection would be carried out and maintenance attention given to hazards of immediate concern.
  
5. The site has been inspected and maintenance has been undertaken by City Works.



**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. Funds have not been allocated in the 2004/2005 Adopted Budget, nor has a scope of works been identified for upgrading of the car park and pedestrian facilities.
  
9. Assuming that the upgrading would involve pavement correction, asphalt overlay, the replacement of all paths and kerbing, remarking of parking bays and landscaping then an expenditure exceeding \$50,000 is anticipated.

**WORKS & SERVICES REPORTS**

Item 13.3.2 continued

**STRATEGIC IMPLICATIONS**

- 10. The City of Albany has embarked upon the development of asset management plans, which provide a strategic approach to the prioritisation of projects for the expenditure of finite funds to the greatest advantage for community benefit.
- 11. At present, the project has not been identified as a priority in the asset master plans. Nonetheless, the asset master plans are evolving documents, which are under continuous review. As the plans are refined due to improved data, the requested project may become a priority based upon asset management merit.

**COMMENT/DISCUSSION**

- 12. The car park and footpaths that have been provided and maintained by the City of Albany primarily benefits the proprietors and customers of the shopping complex.
- 13. Options available to the City of Albany include:
  - a. Relocation of funds from the 2004/2005 Adopted Budget.
  - b. Fund the upgrading on merit based upon inclusion in the Asset Master Plan Pathways.
  - c. Seek and fund the upgrading through direct contributions by business proprietors benefiting from the improvement.
- 14. Over the past 3 months and on numerous occasions various staff have met or discussed with Mr Skalko this issue and have not been able to remedy the situation to Mr Skalko’s satisfaction, as a consequence staff have now put this matter for Council to deliberate.

**RECOMMENDATION**

**THAT Council;**

- i) include improvements to the parking areas fronting Lot 62, 63 & 64, Angove Road, in the Asset Management Master Plan; and**
- ii) undertake a review of the Master Plan by December 2005 and that the work to be completed upon merit within the Master Plan after the review.**

*Voting Requirement Simple Majority*

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**WORKS & SERVICES REPORTS**

Item 13.3.2 continued

MERCER ROAD

To:	The City of Albany Councilors	CITY OF ALBANY RECORDS	
From:	Ian and Catena Skalko	FILE:	S57083
Subject:	Spencer Park Shopping Complex (Doralanes Pastries)	FILE:	
Date:	28 September 2004		28 SEP 2004
		DOB:	ICR4010043
		OFFICE:	HCW: @WSI@
		ATTACH:	

Attention Brett Joynes,

We, Ian and Catena, would like to once again, bring to your attention to the poor status of curbing and unsafe footpaths out side of Doralanes Pastries (32-36 Angove Road).

The foot paths are dangerously un-level and are of the old 2 by 2 foot slabs; the curbing is the square type, which are an eyesore and we believe a safety concern to public personal (especially the elderly who make up a large part of the area involved); there is also an open drainage (storm water) in front of Mariela's Deli which is flowing against the boundary walls which also needs attention.

These are matters which we feel, need immediate attention and conversations with Les Hewer, Steve Broad, Graeme Edwards, Robert Finn and yourself have brought no result.

With conversations to the above Councilors there is no action forecasted within the 15 or 27 year plans and as the building has paid rate's for many year's we are urging this to be a priority

With the redevelopment of areas such as Woodrise Estate; R.A.A.F. Retirement Village, etcetera, bringing more traffic to Angove road and Hardie road, we feel that this matter needs to be addressed immediately.

Regards Ian and Catena

**WORKS & SERVICES REPORTS**

**13.3.3 Great Southern Regional Council**

<b>File/Ward</b>	: MAN 092 (All Wards)
<b>Proposal/Issue</b>	: Sale of Property
<b>Subject Land/Locality</b>	: Great Southern Region
<b>Proponent</b>	: Great Southern Regional Council
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Works & Services (B Joynes)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 15/06/04 – Item 13.1.1 OCM 20/04/02 – Item 13.1.3 OCM 17/02/04 – Item 13.1.1
<b>Summary Recommendation</b>	: THAT Council does not elect representatives for management committee and start proceedings for the sale of Council’s portion of Chillinup Road.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. Since the wind up of the Great Southern Regional Council, the CEO for the Shire of Plantagenet has requested that the City of Albany Council to elect 2 representatives to sit on the proposed Chillinup Road Landfill Site Advisory Committee.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. The original purchase price of this land was \$230,000 and indications are that the land has increased in value since the time of purchase in 1996. The sale would see a higher return than was paid.

**WORKS & SERVICES REPORTS**

Item 13.3.3 continued.

- 5. Should Council elect two (2) representatives to serve on this committee, there will be a cost of approximately \$1,500 per year to Council as these representatives would be required to travel to these meetings.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

- 7. The Ordinary Council Meeting held on the 20<sup>th</sup> April 2004, Council resolved that
  - “i) *the Chillinup Road site, purchased for the purpose of a regional landfill site, be disposed of with the proceeds to be dispersed amongst its joint owners; and*
  - i) *any other waste management activities, such as secondary waste treatment, be developed through Regional cooperation and forums, rather than continuing with the expense of the Regional Council.”*
- 8. As a result of a request from the four other Councils on the Great Southern Regional Council, the Shire of Plantagenet established a Management Committee comprising of all the owners of the Great Southern Regional Refuse Site to manage the land and review issues concerning the refuse site. As Council’s decision was to proceed with the disposal of this land there is no need to be part of the long-term management committee.

**RECOMMENDATION**

**THAT Council;**

- i) **does not appoint representatives to sit on the newly formed Chillinup Road Landfill Advisory Committee; and**
- ii) **instruct staff to proceed with the disposal of the City of Albany’s portion of the Chillinup property.**

*Voting Requirement Simple Majority*

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**WORKS & SERVICES REPORTS**

**13.3.4 Contract C04015 – Supply & Delivery of a Multi Tyre Roller  
Contract C04016 – Supply & Delivery of a Smooth Drum Vibrating Roller  
Contract C04017 – Supply & Delivery of 2-3 Tonne Roller**

<b>File/Ward</b>	: C04015, C04016 & C04017 (All Wards)
<b>Proposal/Issue</b>	: Supply & Delivery of a Multi Tyre Roller, Smooth Drum Vibrating Roller & 2-3 Tonne Roller by Public Tender
<b>Subject Land/Locality</b>	: Nil
<b>Proponent</b>	: Nil
<b>Owner</b>	: Nil
<b>Reporting Officer(s)</b>	: Depot Services Co-ordinator (J Harbach)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council accepts tenders from plant & equipment suppliers as detailed.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. At the Ordinary Council meeting held on the 18<sup>th</sup> June 2002, Council adopted the Asset Replacement Program – Plant. As part of this program of plant management a review of Council’s fleet of vibrating and multi tyre rollers was undertaken.
2. Council currently owns and operates three multi-tyre and three vibrating rollers within the construction and maintenance teams. As a result of recent changes to the works structure and the incorporation of better procedures, the review recommended that two multi-tyre rollers and two vibrating rollers be disposed of, with one replacement multi-tyre roller, one vibrating roller and a smaller 2-3 tonne roller being purchased.
3. The 2004/05 financial years budget has provision for the disposal of the Pacific Multi-tyre roller P2008, licence A27293 and the replacement of the Pacific Multi-tyre roller P59, licence AL13668 roller. The 2004/05 budget also allowed for the replacement of the Ingersoll-Rand vibrating roller P49, licence 1ADH369 and the replacement of the Ingersoll-Rand vibrating roller P50, licence AL14221.

**WORKS & SERVICES REPORTS**

Item 13.3.4 continued

4. A request for tenders was published in the Albany Advertiser on 2<sup>nd</sup> September 2004 with a copy in the Albany Extra on 3<sup>rd</sup> September 2004 and in the West Australian on 4<sup>th</sup> September 2004 for the Supply & Delivery of a Multi Tyre Roller, including disposal of both Pacific Multi Tyre Rollers, the Supply & Delivery of a Smooth Drum Vibrating Roller, within a 10.5 – 15 tonne operating weight, and the Supply & Delivery of a 2-3 Tonne Roller.
5. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	50
Relevant Maintenance & Operational Suitability	40
Reliability of Tenderer	10
<b>TOTAL</b>	<b>100%</b>

**STATUTORY REQUIREMENTS**

6. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
7. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
8. Regulation 19 requires Council to advise each tenderer is writing the result of Council’s decision.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. \$315,000.00 has been allocated in the 2004/2005 budget for the disposal of a multi-tyre roller and the replacement of a multi tyre roller, a smooth drum vibrating roller and a 2-3 tonne roller.
11. Should Council choose to purchase the recommended rollers at a cost of \$205,311.00 (excluding GST), this will result in an under expenditure of \$109,689.00 (excluding GST) on these items. These savings will be used to reduce Council’s loan borrowing for the plant replacement program for 2004/2005 financial year.

**WORKS & SERVICES REPORTS**

Item 13.3.4 continued

**STRATEGIC IMPLICATIONS**

12. In the City of Albany's 2020 Plan Charting Our Course, the following Port of Call is identified:

***Port of Call***

Transport systems and services designed to meet current and future needs.

- **Objective:**

To effectively and efficiently manage the City's transport infrastructure:

- To provide a high quality service;
- To meet community expectations;
- To minimise whole life costs;

**COMMENT/DISCUSSION**

13. A total of twenty-one specifications were issued. The following tables summarize those submissions received by the close of the tender period.

**C04015 - Multi-tyre roller**

Of the four tender submissions received, the tender from Dynapac Australia Pty Ltd was considered non-compliant and received no further evaluation.

<b>Tenderer</b>	<b>Roller Offered</b>	<b>Pricing After Trade (exc. GST)</b>	<b>Weighting</b>
Wel-Quip	Multipac VP2400	\$109,311.00	64
BT Equipment	Bomag BW24R	\$125,000.00	58
Westrac Pty Ltd	Cat PF-300B	\$140,700.00	56
Westrac Pty Ltd	Cat PS-300C	\$155,800.00	50

**C04016 – Smooth drum vibrating roller**

Of the five tender submissions received, two tenders were considered non-compliant and received no further evaluation.

<b>Tenderer</b>	<b>Roller Offered</b>	<b>Pricing After Trade (Excl. GST)</b>	<b>Weighting</b>
BT Equipment	Bomag BW211D-4	\$89,000.00	61
Wel-Quip	Vibromax VM106D	\$79,962.00	59
Wel-Quip	Vibromax VM116D	\$91,817.00	57
Westrac	Cat CS-563E	\$103,500.00	51
Wel-Quip	Vibromax VM146D	\$103,026.00	49

**WORKS & SERVICES REPORTS**

Item 13.3.4 continued

**C04017 – 2-3 Tonne roller**

Of the six tender submissions received, one tender was considered non-compliant and received no further evaluation.

<b>Tenderer</b>	<b>Roller Offered</b>	<b>Pricing After Trade (exc. GST)</b>	<b>Weighting</b>
BT Equipment	Bomag BW120AD-4	\$7,000.00	69
E&MJ Rosher	Ammann AV26	\$7,590.00	65
Dynapac Aust.	Dynapac CC102	\$7,797.30	60
Westrac Pty Ltd	Cat CB-214E	\$9,500.00	50
Westrac Pty Ltd	Cat-CB-224E	\$11,800.00	37
Wel-Quip	Vibromax W265	\$13,963.00	30

14. The Multipac VP2400 Multi-tyre roller submitted by Wel-Quip represents the highest weighted score and is recommended to be the most advantageous option for the change over to Council. Council currently owns a Caterpillar PS-300B multi-tyre roller that was purchased in August 2001. This type of roller was purchased for its performance capabilities and suited the work practices at that time.
15. Whilst these practices have not varied significantly, staff are of the opinion that the multi-tyre roller submitted by Wel-Quip will meet current expectations and be adequate for required tasks. The Caterpillar roller will be used for specific projects and this level of performance will be maintained at time of replacement.
16. The Bomag BW211D-4 Vibrating roller submitted by BT Equipment represents the highest weighted score and is recommended to be the most advantageous option for the change over to Council. The Vibromax VM116D is equivalent to the Bomag BW211D in operating weight. Whilst the Vibromax VM106D tendered by Wel-Quip is of a lesser operating weight. The additional weight improves the compaction rate for road construction.
17. The Bomag BW120AD-4 2-3 Tonne roller submitted by BT Equipment represents the highest weighted score and is recommended to be the most advantageous option for the change over to Council.
18. Evaluation of works teams commitments over the next several years has highlighted an increase in smaller projects such as Black Spot and Intersection projects that will require construction. Council staff was given the opportunity to conduct trials on a 2-3 tonne roller earlier this year. It was determined that the purchase of this smaller roller would be the most advantageous option for Council to allow the programmed works to be carried out.

Item 13.3.4 continued

**RECOMMENDATION**

**THAT Council;**

- i) award the tender C04015 to Wel-Quip Road Construction Equipment for the Supply & Delivery of a Multi-Tyre Roller at a nett cost to Council of \$109,311.00 (excluding GST);**
- ii) award the tender C04016 to BT Equipment for the Supply & Delivery of a Smooth Drum Vibrating Roller at a nett cost to Council of \$89,000.00 (excluding GST); and**
- iii) award the tender C04017 to BT Equipment for the Supply & Delivery of a 2-3Tonne Roller at a nett cost to Council of \$7,000.00 (excluding GST).**

*Voting Requirement Simple Majority*

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**WORKS & SERVICES REPORTS**

**13.4 AIRPORT MANAGEMENT**

Nil.

**13.5 RESERVES PLANNING & MANAGEMENT**

Nil.

**13.6 WORKS & SERVICES COMMITTEES**

Nil.

# **General Management Services**

## **REPORTS**

## 14.1 STRATEGIC DEVELOPMENT

### 14.1.1 City of Albany Future Directions Corporate Plan

<b>File/Ward</b>	: STR 070 (All Wards)
<b>Proposal/Issue</b>	: City of Albany Future Directions Corporate Plan
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager Executive Services (C Grogan)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 18.11.03 - Item 14.1.1
<b>Summary Recommendation</b>	: Adoption of the City of Albany 3D Corporate Plan.
<b>Bulletin Attachment</b>	: City of Albany 3D Corporate Plan
<b>Locality Plan</b>	: N/A

### BACKGROUND

1. The purpose of an organisation's corporate plan is to provide the medium to long-term direction, to provide guidance for decision making towards achieving the stated goals and to promote unity amongst the stakeholders of the organisation.
2. At its meeting on the 18<sup>th</sup> November 2003 Council adopted the community driven "Albany's 3D Future" plan which identified the Community's vision and priority objectives for Albany, and endorsed the proposal to commence the City of Albany 3D Corporate Planning process.
3. Since that time a comprehensive strategic review of the City's operations has been undertaken through which the organisation's mission and core values have been reviewed and where every area of Council's operations have been subjected to...
  - Examination of the *Albany 3D Future* objectives to determine the implications of these Community priorities for service delivery and projects.
  - Assessment of relevant known and anticipated changes in the local environment and related industries;
  - Assessment of internal strengths and weaknesses; and
  - Review of core services standards and their related costs.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.1.1 continued

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

5. This item relates directly to the ‘Strategic Functions’ section of the Human Resources Operational Policies, adopted by Council at its meeting on the 5<sup>th</sup> June 2001: -

*“The Chief Executive Officer is directed and delegated authority to achieve the strategic objectives of the Council as provided for in Albany 2020 Charting Our Course – or any other strategic document as Council so decides”*

**FINANCIAL IMPLICATIONS**

6. The implementation of the *City of Albany 3D Corporate Plan* must be budget compliant.

**STRATEGIC IMPLICATIONS**

7. Albany 2020: Charting Our Course, with particular reference to the *Reputation for Professional Excellence* Port of Call key result area. Within this Port of Call is the Strategic Focus objective to “create a suite of strategies, plans and programs that:
  - Are transparent, results orientated and not duplicated;
  - Are constantly and dynamically reviewed;
  - Serve the City’s Vision, Mission and Values above all else; and
  - Form the basis of decision making and service delivery.”
8. Upon Council adoption this *City of Albany 3D Corporate Plan* will replace the Albany 2020 Charting our Course Strategic Plan as Council’s principal guide for strategic decision-making.

**COMMENT/DISCUSSION**

9. The strategic review of Council’s operations that has been undertaken has resulted in a draft *City of Albany 3D Corporate Plan*.
10. The first section of the document is a new Mission Statement that has been developed by staff and includes statements articulating the organisation’s purpose, broad commitments, and operational values. This Mission Statement is a critical component of the organisation’s human resource management system, and will be used to guide a whole range of management processes including staff recruitment, induction, performance review and personal development appraisal processes and performance management.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.1.1 continued

11. The remainder of the plan focuses on the projects the City of Albany aims to undertake in order to fulfil its commitment to the Albany 3D Future vision as developed by the Community, and those required to ensure improved operational efficiency and effectiveness.
12. The Corporate Plan includes six categories of projects, namely
  - Planning Projects (major and minor)
  - Review Projects (major and minor)
  - Albany Infrastructure Projects
  - City Facilities Projects (major and minor)
  - IT based Operational Projects (organisation wide and departmental)
  - Non IT based Operational Projects (organisation wide and departmental)
13. For each project there is a brief description, an indication of the anticipated year of implementation, nomination of responsible officer and an indication of the type and level of Council reporting and control. As indicated in the document many of the listed projects will require further Council scrutiny, prior to project implementation.
14. While these projects are focussed on the period 2004 – 2007, they will be reviewed annually to ensure that operational priorities match current circumstances.
15. Thus in adopting the City of Albany 3D Corporate Plan, Council will be endorsing a planning framework which will be used to guide the City's operational and strategic decision making, until the next mini strategic review falls due after the Council elections in May 2005.
16. The *City of Albany 3D Corporate Plan* is included in the bulletin.

**RECOMMENDATION**

**THAT Council endorse City of Albany 3D Corporate Plan, as its principal strategic guide for its future.**

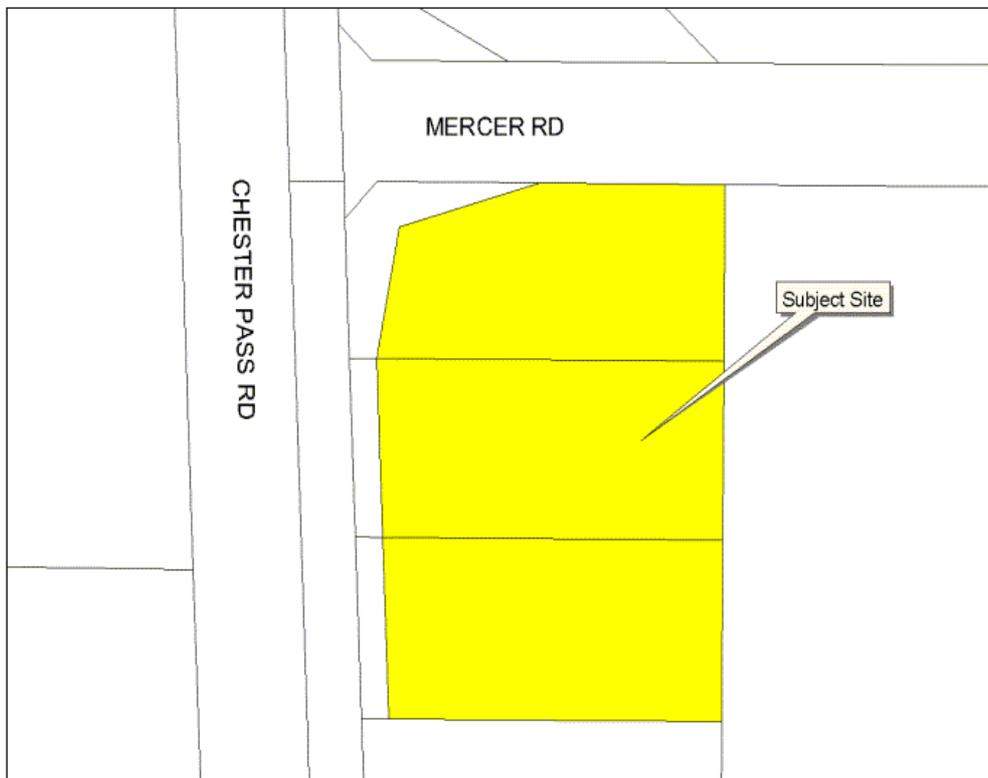
*Voting Requirement Simple Majority*

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.1.2 Request for Private Treaty Acquisition of Council Land**

- File/Ward** : A176516 (Yakamia Ward)
- Proposal/Issue** : Private Treaty Acquisition of Council Land
- Subject Land/Locality** : Lots 1, 2 and 3 Chester Pass Road
- Proponent** : King Open Pty Ltd
- Owner** : City of Albany
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Disclosure of Interest** : N/A
- Previous Reference** : N/A
- Summary Recommendation** : Agree to Advertise the Proposal
- Bulletin Attachment** : N/A
- Locality Plan** :



**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.1.2 continued

**BACKGROUND**

1. The Council has been requested by the Directors of King Open Pty Ltd to consider the sale of the subject land without going to public tender or auction.
2. A portion of the land is currently maintained as a park in recognition of Archibald Menzies (1754/1842), the Scottish naturalist who accompanied Captain George Vancouver on his visit to King George Sound in 1791 and during this visit collected a large range of dried and living botanical specimens. The land is not a popular passive or active recreation area and is planted principally in exotic species.
3. Council manages other natural bushland reserves that could more appropriately recognise Mr Menzies's contribution to Albany botany.
4. The current rural zoning is inappropriate and the highest and best use of the land would be derived by way of a mixed business zone.

**STATUTORY REQUIREMENTS**

5. Section 3.58 of the Local Government Act provides that Council may dispose of land outside of a public auction or tender process if it:
  - Gives State-wide public notice of the disposition describing the property concerned, the prospective purchasers, the sale price and a market valuation less than 6 months notice.
  - Considers submissions receives and in making the decision records the reasons for which the decision is made.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. Proceeds for the proposed sale should be directed to asset management program reserve. It may also be appropriate to set aside \$5000 to establish an interpretive recognition of Archibald Menzies on more appropriate Council reserve land containing quality remnant vegetation.

**STRATEGIC IMPLICATIONS**

8. The subject land carries little strategic benefit for Council if retained in an operational sense however retention of the land for sale at a later time may provide Council with better returns subject to property market value growth.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.1.2 continued

**COMMENT/DISCUSSION**

9. Any approval to sell the land must be considered totally separately from any future rezoning or development application which must be based upon town planning considerings that are relevant at the time of application.
10. The actual decision to proceed with the sale would occur at a subsequent meeting after consideration of any submissions received.

**RECOMMENDATION**

**THAT Council give State-wide Public Notice to sell Lots 1,2 and 3 Chester Pass Road Albany to Kingopen Pty Ltd for the market valuation for \$775,000**

*Voting Requirement Simple Majority*

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Item 14.1.2 continued

Menzies, Archibald - botanical collector

Page 1 of 1



Australian Government  
Department of the Environment and Heritage

Australian National  
Botanic Gardens  
BIOGRAPHY

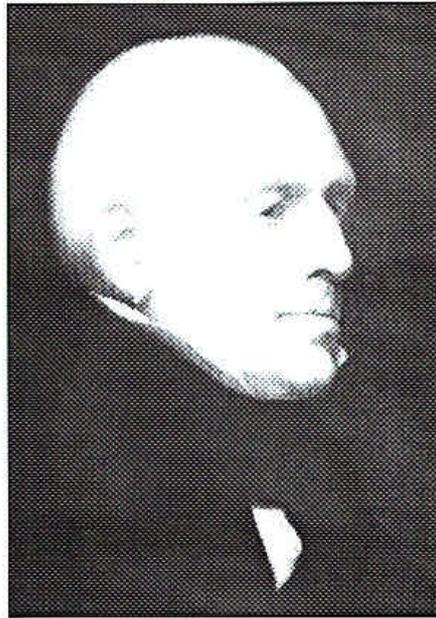


[Home > Biography](#)

## Menzies, Archibald (1754 - 1842)

Born in Weem, Perthshire, Scotland, on 15 March 1754, died in Notting Hill, England, on 15 February 1842.

Accompanied Captain Vancouver on his round-the-world voyage (1791-1795) in *Discovery*, on the recommendation of Banks. Vancouver explored the West Australian coastline from Cape Chatham [Chatham Island] to about the middle of the Great Australian Bight, discovering and anchoring at King George Sound for two weeks in 1791. Here Menzies made a large number of dried and living collections, particularly Proteaceae. The ship also touched at Doubtful and Termination Islands in the Recherche Archipelago. Specimens were forwarded to Banks from Sydney, others returned with the ship in 1796. Seed from King George Sound was raised at Kew. His Australian herbarium is now lodged at BM and K. Smaller numbers of specimens are also at CGE, LINN, LIV, MANCH, MO, OXF and P.



Extracted from: A.E Orchard (1999) *A History of Systematic Botany in Australia*, in *Flora of Australia Vol.1*, 2nd ed., ABRIS. [consult for source references]

Australian National Botanic Gardens growing, studying and promoting Australia's flora.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.1.2 continued

Our Ref: STR018 / LT404275  
Cross Ref:  
Your Ref:  
Enquiries: Andrew Hammond

31 August 2004

Mr John Lynn  
Managing Director  
Lawrence Stoddart Pty Ltd  
PO Box 2066  
CHURCHLANDS WA 6018

Dear John

I refer to our recent discussions relating to the purchase of land situated on the intersection of Chester Pass Road and Mercer Road.

I have today commissioned a Valuation service to undertake a valuation on the subject land and now await your official application for purchase of the land so I can proceed with actions pursuant to Section 3.58 of the Local Government Act regarding disposition of Local Government property.

Please contact me should you wish to discuss further.

Yours sincerely

Andrew Hammond  
**Chief Executive Officer**

Enc.  
cc. 1. Peter Spanbroek  
2. Perry Spanbroek

[ach:vd]

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued

**Kingopen Pty Ltd**

AEN 68 689 225 576

PO Box 524

Cur Chester Pass Road and Catalina Road

ALBANY WA 6330

LT 404275

CITY OF ALBANY RECORDS	
FILE:	SMC 618
FILE:	
07 SEP 2004	
FOUW 8858	
CEO: GALS	

Tel: (08) 9842 2111  
Fax: (08) 9841 5399

Mr Andrew Hammond  
Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY WA 6330

Good morning Andrew

**Acquisition of Local Government Property**  
**Land situated Cur Chester Pass Road and Mercer Road Albany**

We refer to your letter of 31 August 2004 concerning possible acquisition of the above land by Kingopen Pty Ltd.

The Directors of Kingopen wish to confirm the intention to acquire the above property from Council on mutually acceptable terms and conditions.

It would be the intention of Kingopen to apply for a modification to the Catalina Structure Plan that would permit the subject land to be converted to a Mixed Business Zoning and allow application for the land to be partially used as a Bulky Goods site within the Mixed Business Zoning.

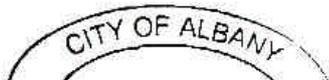
It is the intention of the Directors to recognise the achievements of Archibald Menzies within the proposed Public Open space areas of the total development. This would include plantation of appropriate trees within the proposed area of open space which will be named after Archibald Menzies (which have not been included in the current park location).

We look forward to receiving your further comments.

Yours sincerely

PHA (Peter) Spanbroek  
Chairman  
7<sup>th</sup> September 2004

PHJ (Perry) Spanbroek  
Director/Secretary



originals: Records  
A Hammond

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.2 ORGANISATIONAL DEVELOPMENT**

**14.2.1 Council Committee Representation**

<b>File/Ward</b>	:	MAN 006 (All Wards)
<b>Proposal/Issue</b>	:	Council Committee Representation
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Various Councillors
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Chief Executive Officer (A Hammond)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	OCM 20/01/04 - Item 14.2.1 OCM 20/07/04 - Item 14.2.2
<b>Summary Recommendation</b>	:	Final Determination of Committee Representations
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At the July 2004 Council, meeting it was resolved *'that Council should not be represented on any non Council Committee unless there is seen to be a direct financial or policy reason and then the representative shall act as an observer and not as a Committee member'*.

**STATUTORY REQUIREMENTS**

2. Council has no statutory obligation to maintain representation on external 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.

**STRATEGIC IMPLICATIONS**

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

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued

**COMMENT/DISCUSSION**

6. Council's decision of 20<sup>th</sup> July 2003 now provides adequate direction for staff to make specific recommendations on current committee representations.
7. 'Financial' reasons, has been interpreted as Council funding organisations on an on-going basis outside of the Community Financial Assistance or Community Events Program or having a self supporting loan repayable.
8. 'Policy reasons' has been interpreted as Council adopting specific policy on membership to certain community organisations or project management groups.
9. It may be appropriate for Council to maintain a register of Councillors who have special interests in specific community groups or the activities they are engaged in so as if requests are received for Council representation, names can be submitted on a personal basis for consideration by the organisation for a committee seat.

**RECOMMENDATION**

**THAT Council:**

- i) **discontinue representation on all external committees other than maintaining observer / non voting status on:**
  - a) **The Albany Visitor Centre Board;**
  - b) **Senior Citizens Centre / Meals on Wheels; and**
  - c) **UWA Albany Scholarship Program;**
- ii) **advise the organisations of all external committees that staff and/or Councillors are available to attend committee meetings on an as needed basis to discuss specific Council issues;**
- iii) **invite Councillors to register their interest in sitting on external committees as private individuals and such details be forwarded to those committees for their consideration; and**
- iv) **continue to use the Agenda Briefing sessions as the forum to advise Council on committee meeting outcomes of relevance to Council.**

*Voting Requirement Absolute Majority*

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.2.2 Review of Council Meeting and Briefing Arrangements**

<b>File/Ward</b>	: MAN 006 (All Wards)
<b>Proposal/Issue</b>	: Council Meeting and Briefing Arrangements
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Chief Executive Officer (A Hammond)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: OCM 20/01/04 – Item 14.2.1 OCM 20/04/04 – Item 14.2.1 OCM 18/05/04 – Item 14.2.1 OCM 20/07/04 – Item 14.2.1
<b>Summary Recommendation</b>	: Endorse current system subject to minor amendment, as Council Policy.
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. Since May 2004 Council has been operating a system of meetings and briefings based upon Department of Local Government and Regional Development guidelines.
2. The only real change to the processes has been the meal commencement time for the Ordinary meeting evenings and an opportunity to discuss external committee matters of interest at Agenda Briefings.

**STATUTORY REQUIREMENTS**

3. Part 5 of the Local Government Act 1995 sets out the framework for Council meetings and decision making processes.

**POLICY IMPLICATIONS**

4. A policy for Council Meeting and Briefings is proposed.

**FINANCIAL IMPLICATIONS**

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

Item 14.2.2 continued

### **STRATEGIC IMPLICATIONS**

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

### **COMMENT/DISCUSSION**

7. Positive feedback has been received from Councillors, Staff and the Community with the new system, with far greater opportunities now existing for discussion and information exchange on topical and important issues.
8. Many Councillors consider that a regular opportunity should be provided for general confidential discussions on any issue that they consider to be relevant.
9. The agenda briefing session typically runs for about an hour so time would normally exist after the close of the briefing for confidential discussions.

### **RECOMMENDATION**

**THAT Council adopt the following Briefing and Meeting Arrangement Policy.**

- i) **Council shall conduct meetings on the third Tuesday of each month commencing at 7.30pm preceded by a meal commencing at 6.00pm for Councillors and senior staff;**
- ii) **Council shall conduct an Agenda briefing session on the second Tuesday of each month commencing at 6.00pm. The Agenda briefing is to be open to the public except for matters that are prescribed as ‘behind closed doors items’ in the Local Government Act;**
- iii) **Council shall provide an opportunity (maximum timeframe, one hour) for Councillors at the conclusion of the Agenda Briefing session to discuss relevant general interest items in a confidential forum;**
- iv) **Council shall conduct Concept briefing sessions on the first, fourth and fifth Tuesday of each month as required, behind closed doors commencing at 6.00pm;**
- v) **Council shall issue the Ordinary Council Meeting Agenda on the Friday afternoon prior to the Agenda Briefing Session; and**

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.2 continued

- vi) **Briefing Session Guidelines for Members at Briefing sessions:**
  - a) **all discussion shall be channelled be through the chair;**
  - b) **elected members shall not reveal their intention on how they will vote on the issue under discussion;**
  - c) **no opportunity shall be provided to create a collective Council decision;**
  - d) **elected members shall declare interests and leave the briefing meeting room as provided for in the Financial Interest Provisions of the Local Government. The provision relating to seeking approval to remain in the chamber is not to apply if the briefing is being conducted behind closed doors;**
  - e) **chairing arrangements for briefings shall be the same as those for ordinary Council meetings; and**
  - f) **agenda Briefing Session business shall be limited to matters listed for debate at the next ordinary Council Meeting and information arising from Councillor attendance at external Committee attendance.**

*Voting Requirement Simple Majority*

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### 14.3 ECONOMIC DEVELOPMENT

#### 14.3.1 Membership of National Seachange Taskforce

<b>File/Ward</b>	: GOV 117 (All Wards)
<b>Proposal/Issue</b>	: National Sea Change Taskforce
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager Economic Development (J Berry)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: THAT Council join the National Sea Change Taskforce
<b>Bulletin Attachment</b>	: WA Sea Change Conference Program and 2004 National General Assembly
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. In early February 2004, 27 Chief Executive Officers from high growth coastal Councils from around Australia attended a Sea Change Summit in Maroochydore, Queensland. This initial meeting was followed by a Mayor's and Deputy Mayor's Summit held in Melbourne between 26-27 May 2004.
2. The purpose of these forums was to discuss a phenomenon known as 'Sea Change', which involves the unprecedented movement of the population to coastal lifestyles around Australia. The movement of the population to the coast is expected to continue for the next 20 years, driven to a large extent by the ageing and imminent retirement of the baby boomer generation.
3. The challenge of rapid population growth is generating high demand for essential infrastructure such as roads, water and sewerage as well as the provision of public transport, health care, police, education, and community services. The protection of the natural amenity of these areas and their beaches and waterways is also becoming a major challenge.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

4. Due to limited involvement by Western Australian Councils at previous forums held at Maroochydore and Melbourne, a specific WA Sea Change Conference was convened at the City of Rockingham on Friday 1 October 2004. Representatives from the City of Albany included the CEO, Manager Economic Development and Councillor Ian West (*The conference program is included in the Elected Members Bulletin*). The Conference invited registrations of interest from WA Councils to the National Sea Change Taskforce, a body that has been established to lobby government for infrastructure funding, commission research into the impacts of the sea change movement and identify and implement strategies to better manage growth.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. Costs of travel to Canberra and Conference registration fees are budgeted in 2004/2005 and will be approximately \$3,000 for two representatives. Ongoing membership fees of the National Taskforce are not resolved at this time.

**STRATEGIC IMPLICATIONS**

8. *ECONOMIC DEVELOPMENT- “To identify & facilitate outstanding economic development opportunities for the City of Albany”*

**COMMENT/DISCUSSION**

9. Albany’s population is growing at a rate of approximately 1.6% pa and based on prospective industry development opportunities coupled with the Sea Change trend as described above and being experienced in other coastal locations around Australia, is likely to accelerate over the next ten to twenty years. The city is currently in an enviable position in that it does not yet have growth rates of 4-5%pa that are being experienced in Mandurah and other coastal locations closer to the metropolitan area that are experiencing difficulties financing infrastructure to support the influx of residents. Albany does however have significant ageing infrastructure that requires upgrading or replacement.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued

10. It is considered essential that the City of Albany participates in national efforts to recognize Sea Change regions so that State and Federal Government's are aware of the pressures facing Councils in these areas and that they respond with appropriate measures of assistance. It is recommended that a staff and elected member represent Albany at the next meeting of the Interim National Sea Change Taskforce scheduled to co-incide with the Australian Local Government Association conference in Canberra between 7-10 November 2004 (refer Program attached). It is planned that the Interim Taskforce be formalized at the meeting in November and that elected members of Councils retain voting rights.

**RECOMMENDATION**

**THAT Council support membership of the City of Albany on the National Sea Change Taskforce and nominate Councillor \_\_\_\_\_ and the CEO or his delegate as delegates.**

*Voting Requirement Absolute Majority*

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ORDINARY COUNCIL MEETING AGENDA – 19/10/2004  
\*\*REFER DISCLAIMER\*\*  
**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEES**

Nil.