

MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 20th July 2004
7.30pm
Mercer Road Council Chambers**

City of Albany

**** Disclaimer ****

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

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

Signed _____

Date: 22nd July 2004

Peter Madigan

Acting Chief Executive Officer

TABLE OF CONTENTS

1.0	Declaration of Opening	4
2.0	Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3.0	Opening Prayer	4
4.0	Response to Previous Public Questions Taken On Notice	4
5.0	Public Question Time	4
6.0	Confirmation Of Minutes of Previous Minutes	6
7.0	Applications For Leave Of Absence	6
8.0	Disclosure of Financial Interest	6
9.0	Matters for Which Meeting May Be Closed	6
10.0	Petitions/Deputations/Presentations	6
11.0	Reports – Development Services	9
11.1	Development	
11.1.1	Development Application – Office – 43–47 Duke Street, Albany	10
11.1.2	Development Application – Change of Use (Warehouse to Museum) - 159-197 Stirling Terrace, Albany	18
11.1.3	Development Application – Outbuilding - 68-70 Brunswick Road	23
11.1.4	Development Application – Proposed Family Day Care Centre – 18 Lower King Road, Collingwood Heights	29
11.1.5	Development Compliance – Junk Yard – 10 Rae Road, Lower King	36
11.2	Inspection Services	
11.2.1	Environmental Protection Act – Role of Environmental Health Officers	44
11.3	Development Policy	
11.3.1	Scheme Amendment Request – Lot 8 & 9 Princess Royal Drive, Albany	49
11.3.2	Scheme Amendment Request – Lot 1 & 2 Chester Pass Road, Orana	53
11.3.3	Scheme Amendment – Planning Scheme Consent Powers	57
11.4	Reserves Planning	
11.4.1	Adjustment to Reserve Boundaries – Mt Clarence Water Reserve	61
11.5	Development Service Committee	
11.5.1	Albany Streetscape Advisory Committee Minutes – 23 rd June 2004	64
12.0	Reports – Corporate & Community Services	66
12.1	Finance	
12.1.1	List of Accounts for Payment – City of Albany	67
12.1.2	Principal Activities Plan	69
12.1.3	Municipal Fund Budget 2004/05	71

12.2	Administration	
12.2.1	Waste Services Subsidy Scheme – Council Policy	81
12.2.2	Contract C02052 – Purchase, Periodic Replacement, Management and Maintenance of Commercial Vehicles	85
12.2.2	Proposed New Lease For Albany Athletics Group Inc	94
12.2.4	Adoption of Jetties, Bridges and Boat Pens Local Law	97
12.2.5	Extended Trading Hours Within The City Of Albany	101
12.3	Library Services	
	Nil.	106
12.4	Day Care Centre	
	Nil.	106
12.5	Town Hall	
	Nil.	106
12.6	Albany Leisure & Aquatic Centre	
	Nil.	106
12.7	Great Southern Regional Cattle Saleyards	
	Nil.	106
12.8	Corporate & Community Services Committee	
12.8.1	Seniors Advisory Committee meeting – 20 th May 2004	107
12.8.2	Disability Services and Community Access Advisory Committee meeting minutes – 19 th May 2004	108
12.8.3	Great Southern Regional Cattle Saleyards Joint Venture Committee meeting minutes – 9 th June 2004	109
12.8.4	Albany Town Hall Theatre Advisory Committee meeting minutes – 7 th April 2004	110
13.0	Reports – Works & Services	111
13.1	Waste Management	
	Nil.	112
13.2	Asset Management	
13.2.1	Albany Ring Road – Deputation	113
13.2.2	Policy – Engineering Conditions of Subdivision - Sections 6 and 9	120
13.2.4	Contract C03041 – Disposal of Plant & Equipment – Hanrahan Road Waste Site	128
13.2.5	Proposed Road Closure – Portion Wylie Crescent Albany	131
13.3	Works	
13.3.1	Heavy Haulage Permits – Kelly Street and Locke Street	134
13.3.2	Installation of Fatality Advisory Signage	137
13.4	Airport Management	
	Nil.	140
13.5	Reserves Management	
	Nil.	140
13.6	Works & Services Committee	
	Nil.	140

14.0	Reports – General Management Services	141
14.1	Strategic Development	
	Nil.	142
14.2	Organisational Development	
14.2.1	Amendment to Trial Council Meeting and Briefing Procedures	143
14.2.2	Review of Council External Committee Representation	146
14.3	Economic Development	
14.3.1	Community Events Financial Assistance Program	154
14.4	General Management Services Committee	
14.4.1	Minutes of Albany Waterfront Reference Group – 25 June 2004	162
14.4.2	Minutes of Convention and Entertainment Centre Steering Committee meeting minutes – 1 st June 2004	166
14.4.2	Minutes of Convention and Entertainment Centre Steering Committee meeting minutes – 23 rd June 2004	167
15.0	Elected Members’ Monthly Report / Information Bulletin	168
16.0	Motions Of Which Previous Notice Has Been Given	168
17.0	Mayors Report	168
18.0	Urgent Business Approved by Mayor or by Decision of the Meeting	169
19.0	Closed Doors	170
19.1	Building Compliance - Retaining Wall – 11 Festing Street, Albany	
19.2	Censure – Councillor Paver	
20.0	Next Ordinary Meeting Date	171
21.0	Closure of Meeting	171

1.0 DECLARATION OF OPENING

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

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

Mayor	-	A Goode, JP
Councillors	-	MJ Evans, JP
	-	AHM Demarteau
	-	SM Bojcun
	-	DJ Wolfe
	-	DW Wellington
	-	JD Williams
	-	RH Emery
	-	J Waterman
	-	E Barton
	-	R Paver
	-	J Jamieson
	-	G Sankey
	-	I West

Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	B Joynes
Executive Director Development Services	-	R Fenn
Minute Secretary	-	SM Day

Approximately 35 members of the public
3 media representatives

Apologies / Leave of Absence:

	-	P Lionetti
Chief Executive Officer	-	AC Hammond

3.0 OPENING PRAYER

Mayor Goode read the opening prayer

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

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

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer

shall make copies of such questions available to Members) but questions may be submitted without notice.

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

***P Brenton – Rae Road, Lower King**

Mr Brenton addressed Council in regard to item 11.1.5 and stated his current position.

***B Howard – Carlyle Street, Albany**

Mr Howard addressed Council in regard Mt Melville and surrounding area, and asked the following questions.

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?
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.

Executive Director Development Services took the questions on notice.

***J Brady – Sydney Street, Albany**

Mr Brady addressed Council in relation to Item 12.2.5 – Retail Trading Hours and asked Council how many owned businesses and employed staff?

***S Clements –**

Mr Clements addressed Council in regard item 12.2.4 – jetty, bridges local law and raised several points that needed further clarification. He also suggested that a working group be formed, including local boat owners to work through the draft local law.

Executive Director Corporate & Community Services responded to Mr Clements queries and advised that these points would be addressed during the submission period.

***M Roberts – Festing Street**

Mr Roberts addressed Council in regard to Item 19.1 – 11 Festing Street, Albany.

***B Scoof – C/- Direct Lighting**

Mr Scoof addressed Council in regard to Item 12.2.5 – Retail Trading Hours. He asked that Council think carefully about the effects of extended trading prior to voting.

***C Plowman – C/- Albany Retravision**

Mr Powman addressed Council in regard to Item 12.2.5 – Retail Trading Hours. Mr Powman believes that Albany will go backwards not forwards. Albany all ready operates 6 days per week.

***G Spandermann – C/- Rainbow Cycles**

Mr Spandermann addressed Council in regard to Item 12.2.5 – Retail Trading Hours and advised that opening on a Sunday goes against his and others religious beliefs.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 15th June 2004;and
- Special Meeting of Council held on 29th June 2004.

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

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BOJCUN**

THAT the following minutes:

- **Ordinary Council meeting held on 15th June 2004;and**
- **Special Meeting of Council held on 29th June 2004.**
as previously distributed be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

- Councillor Evans – Items 12.1.3 & 14.3.1
- Councillor Waterman – Item 12.2.5
- Councillor Barton – Item 12.2.5
- Councillor Wellington – Item 12.2.5
- Councillor Wolfe – Item 12.8.3

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Presented by Bob Howard – acquisition of block known as the ‘Fishponds’.

Development Services

REPORTS

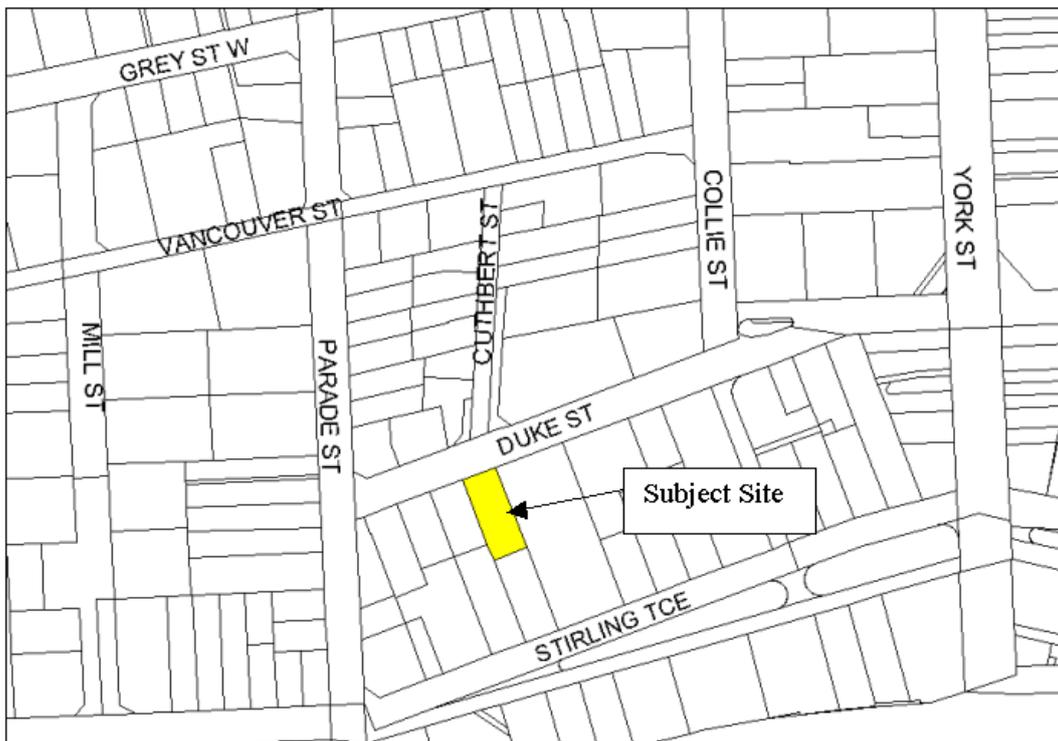
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application – Office – 43–47 Duke Street, Albany

File/Ward	: A99835 (Frederickstown)
Proposal/Issue	: Proposed Office (two tenancies)
Subject Land/Locality	: Lot ATL S46, 43-47 Duke Street, Albany
Proponent	: Michael Roberts Architect
Owner	: Southern Office Services Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (G Bride) Manager Development (M Selby)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Grant Planning Scheme Consent, subject to conditions
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Application has been received to develop Lot S46 (43-47) Duke Street, Albany for the purposes of offices. The building has been designed to accommodate two separate offices, one being used for legal purposes, with the other presently being shown as vacant. Plans submitted by the applicant have been attached to the rear of this report.
2. The land is zoned “Central Area” within Town Planning Scheme No. 1A, and is 1012m² in area. The use class ‘Office’ is one that is a permitted use within the Central Area zone.
3. The applicant has proposed (13) thirteen parking bays to serve the parking requirements of staff and patrons. Under the City of Albany Development Guidelines – Scheme 1A for the Central Area zone, an office requires 1 parking bay for every 30m² of gross floor area (GFA), which based on 658m² GFA would equate to 22 bays (rounded up from 21.93).
4. As the parking proposal is significantly less than that required under Council’s Policy, the application has been referred to Council for deliberation. Two-way vehicular access, between the street and car parking area, is also restricted on site, and will be addressed within this report.

STATUTORY REQUIREMENTS

5. Within the Use Development Table of Town Planning Scheme No. 1A, an office (located elsewhere in the scheme area) requires a parking ratio of 1 per 40m² GFA. By applying this ratio to the development, (17) seventeen parking bays would be required.
6. Clause 4.10 of Town Planning Scheme No. 1A allows Council the ability to vary a scheme standard or requirement where in it’s opinion the non-compliance will not have an adverse effect upon the occupiers or uses of the development or the inhabitants of the locality. This Clause also states that where there is likely to be an impact on adjoining landowners, the relaxation should be advertised in accordance with Clause 7.5 of the Scheme.
7. The application has not been advertised at this stage, as should Council uphold the requirements of it’s policy (City of Albany Development Guidelines – Scheme 1A), there is no need to consider a relaxation under the Scheme. Should Council decide instead to relax the scheme standard, advertising could be commenced, and subject to no objections being received, the Manager Development could be delegated the decision. If objections were received the matter could be referred back to Council at it’s August meeting.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

8. Clause 4.31 of Town Planning Scheme No. 1A, which provides the premise to adopt policies within the Central Area zone, states the following:

“The Council may prepare and adopt policies for development in the Central Area Zone relating to pedestrian facilities, landscaping, facades, vehicular access, weather protection, parking, building materials and provision for cash payments in lieu of the development of on site parking and landscaping.”

POLICY IMPLICATIONS

9. The City of Albany Development Guideline 6 – Scheme 1A (Section 6.2), further refines the above requirement for office developments contained within the Central Area zone (down to 1 per 30m²). This refinement was undertaken to reduce congestion within the Central Business District (CBD), by lessening the reliance on on-street parking.
10. The above policy was adopted in accordance with Clause 7.21 of Town Planning Scheme No. 1A on 27 January 1999.
11. Section 6.5 of the City of Albany Development Guidelines – Scheme 1A states the following in relation to parking:

“Each development in the Central Area zone shall provide the required number of car parking bays, consistent with the proposed use as part of the development. Where it is not practical to provide the additional car parking, Council may accept a cash payment or the transfer of land (free of cost) for carparking to be provided on the site, provided:

- (i) cash in lieu rates are calculated on the basis of 26 sq.m. per parking bay and include the cost of land within the development site, asphalt paving on a suitable basecourse, drainage, linemarking, landscaping and, where applicable, lighting; and*
- (ii) the additional site coverage will not preclude the integration of access and car parking across lot boundaries.”*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

13. In 1997 Council appointed Sinclair Merz Knights (SKM) to prepare the Albany Central Area Parking Strategy in order to provide a “Masterplan” (strategy) for the integration of parking facilities within the Albany Central Area. As part of this strategy it was recommended that for offices, 1 bay per 30m² GFA should be applied, given this was a proven standard applied by the majority of local governments across Western Australia.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

COMMENT/DISCUSSION

14. Whilst the applicant has proposed (13) thirteen parking bays, one of these bays (Bay 6) is located directly in front of a set of stairs providing access to patrons, promoting vehicle / pedestrian conflict, and should not be included in the parking provision.
15. Although the subject land is over 1000m² in size, it has a frontage of only 20 metres, making it difficult to accommodate 22 bays on site. It was suggested to the applicant, that 15 bays could be provided for, by extending the undercover parking area into the area designated as storerooms on the site plan. The applicant has advised that the storage areas are essential to the office development and repositioning the storage within the office would be cost prohibitive.
16. After taking out the six metre wide crossover, fourteen metres of street frontage would be available for on-street parking, which could accommodate two vehicles, however these bays are not contained on site, and the practice is not to include them within the parking calculations.
17. By examining the floor plan provided by the applicant, Tenancy 1 has five individual offices and two receptionist positions, in addition to a large general office area, which could accommodate additional staff. Without including the general office area, at least seven staff could operate within Tenancy 1, and should a similar provision be provided for in Tenancy 2, fourteen staff could be operating from the building, leaving little or no provision for the general public to use the off-street parking facilities.
18. Staff believe that at least thirteen bays should be provided for on site, with Council being compensated by a cash-in-lieu payment for the remaining nine bays, to go towards an improvement in parking provision for the Central Area. The cash in lieu payment to Council would be equivalent to approximately (9 spaces x 26m² x \$350 per m² = \$81,900). The value per m² is subject to valuation.

RECOMMENDATION

THAT Council resolves to issue a Conditional Planning Scheme Consent for an Office at 43-47 Duke Street, Albany and that the conditions include, but not be limited to, requirements that the developer:

- i) Provide twenty-two parking bays within the boundaries of the subject land, with the option of providing fifteen bays on site, or pay cash-in-lieu, in accordance with Clause 6.5 of the City of Albany Development Guidelines – Scheme 1A, for the remaining nine bays.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT subject to no objections being received during the public consultation period, Council resolves to issue a Conditional Planning Scheme Consent for an Office at 43-47 Duke Street, Albany and that the conditions include, but not be limited to, requirements that the developer:

- i) Provide the 13 parking bays within the boundaries of the subject land as shown on the approved plan.**
- ii) Those parts of the approved building shown as Storage shall permanently remain as storage areas and not be converted into office or similar floor space.**

MOTION CARRIED 14-0

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILLIAMS**

THAT Council resolves pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A delegate to the Manager Development Services authority to issue a Conditional Planning Scheme Consent for an Office at 43-47 Duke Street, Albany.

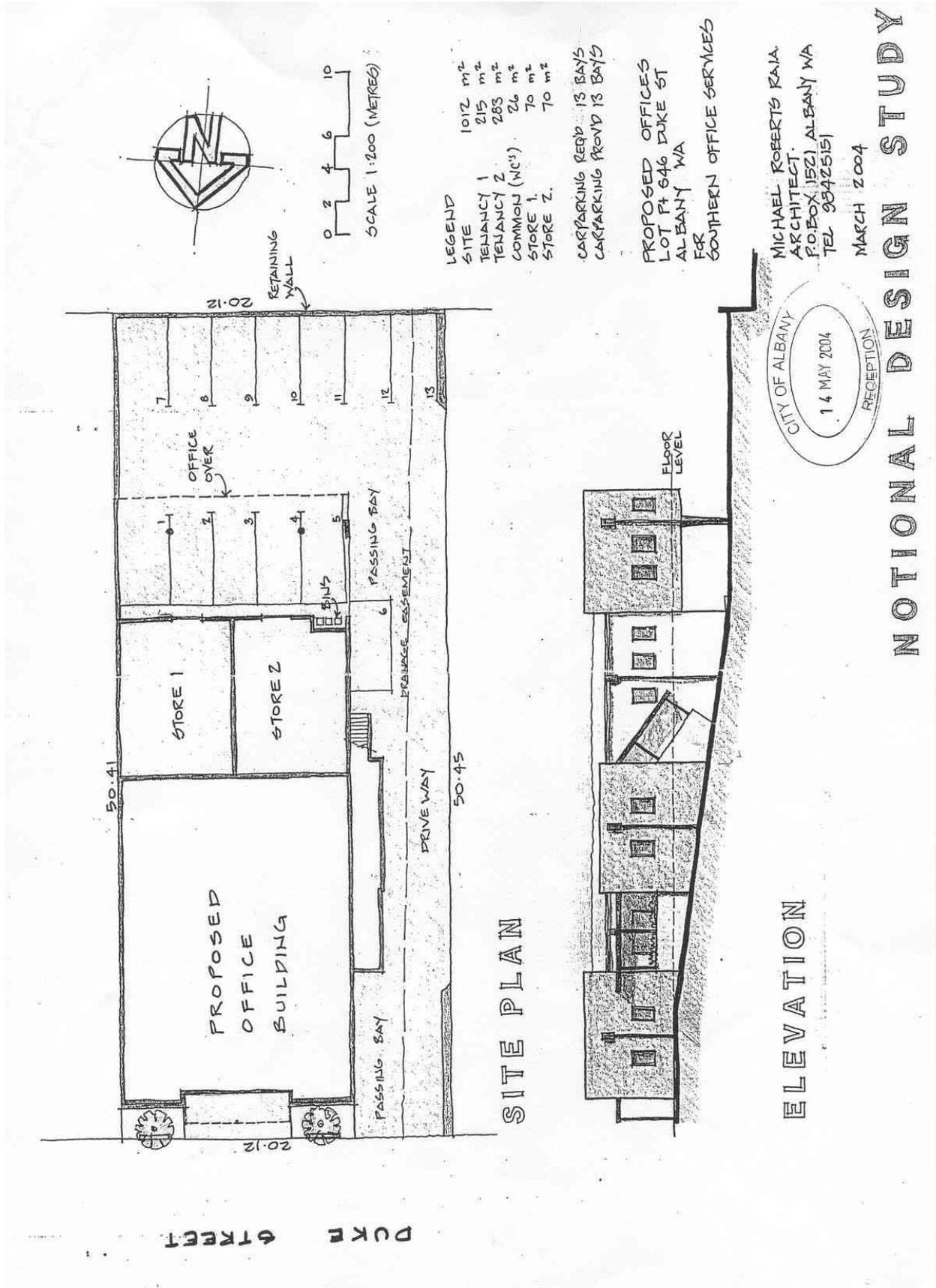
**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

Reason:

- The property is constrained and it is not practical to develop a moderate sized office and the required car parking on the site. As it is located at the western extremity of the Duke Street, on-street parking can be easily accommodated and any cash in lieu payment made by the applicant for deficiencies in on-site parking would not be capable of delivering the parking shortfall in reasonable proximity to the site.

DEVELOPMENT SERVICES REPORTS

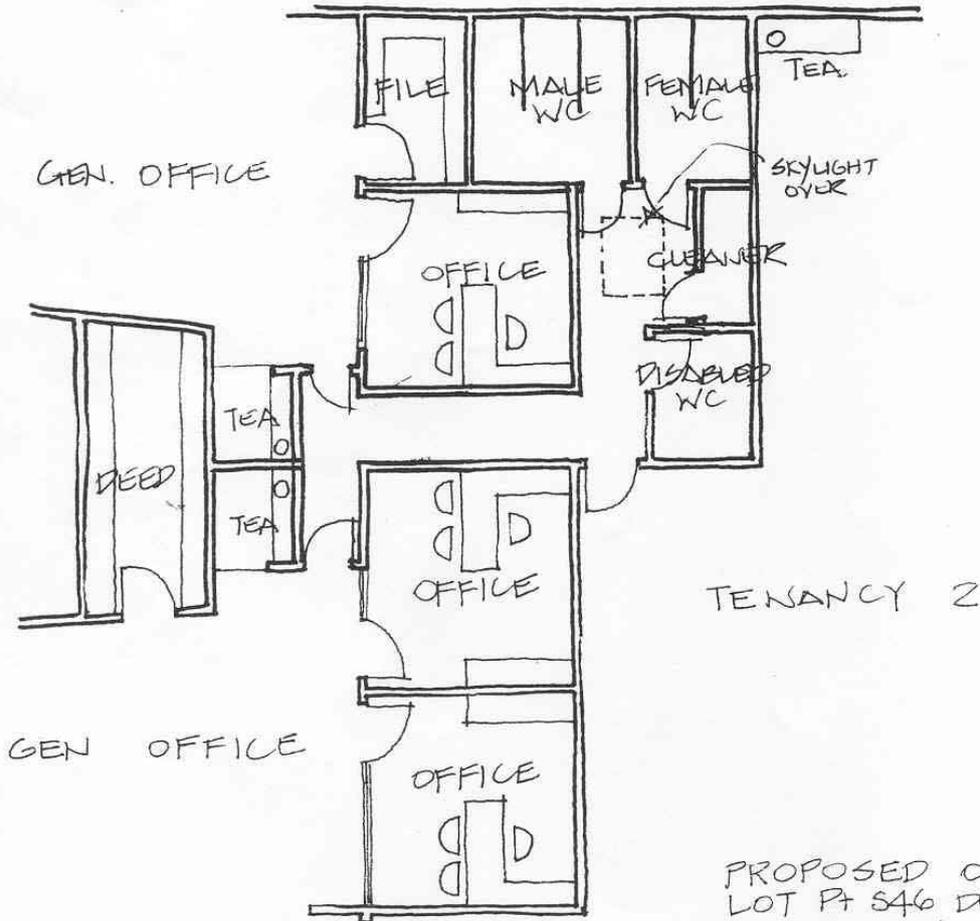
Item 11.1.1 continued



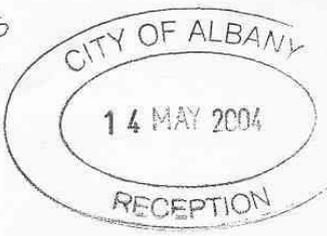
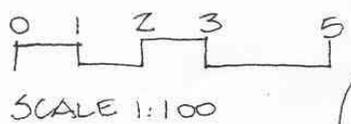
DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

ALTERNATIVE SERVICE CORE LAYOUT



PROPOSED OFFICES
LOT Pt 546 DUKE ST
ALBANY WA
FOR
SOUTHERN OFFICE SERVICES



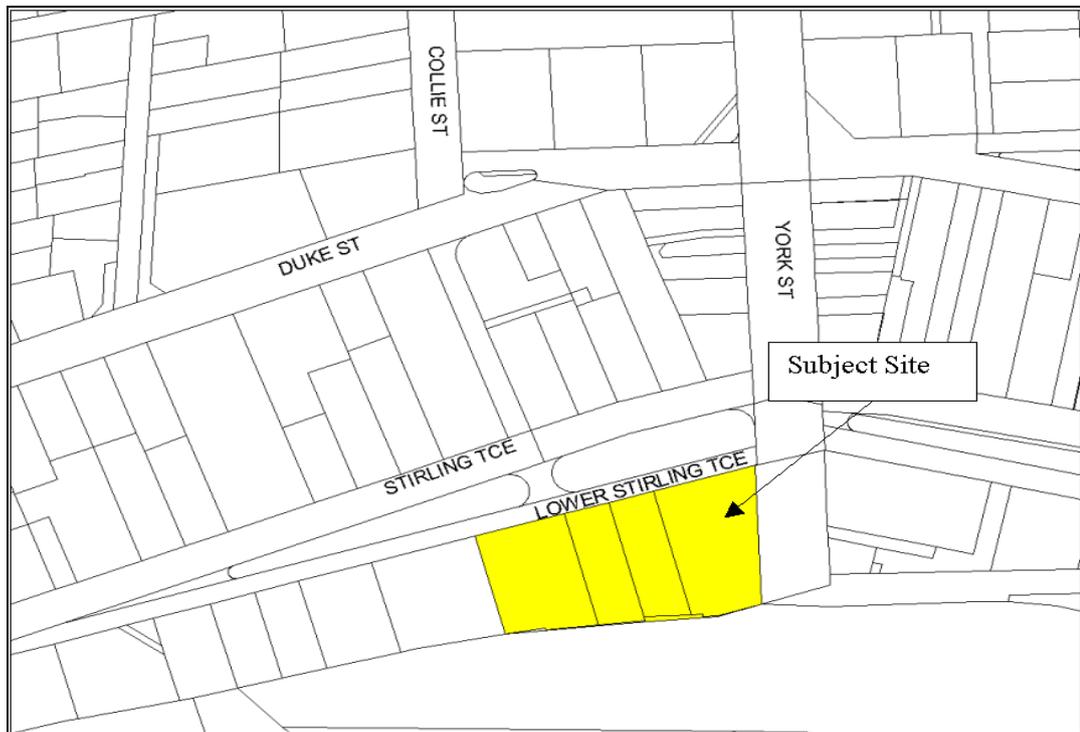
MICHAEL ROBERTS RAIA
ARCHITECT
P.O. BOX 1521 ALBANY WA
TEL 98425151
MAY 2004

NOTIONAL DESIGN STUDY

DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application – Change of Use (Warehouse to Museum) - 159-197 Stirling Terrace, Albany

- File/Ward** : A96762 (Frederickstown Ward)
- Proposal/Issue** : Proposed Change of Use to Museum
- Subject Land/Locality** : Lot B29 – B33 (159-197) Stirling Terrace, Albany
- Proponent** : Larry Boston Design
- Owner** : Prime King Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/3/04 Item 11.1.1
- Summary Recommendation** : To grant Planning Scheme Consent, subject to conditions
- Bulletin Attachment** : A copy of the applicant’s covering letter supporting the proposal
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. A Planning Scheme Consent application has been received for a Museum at 159 – 197 Stirling Terrace, Albany (old Wesfarmers building).
2. Council has recently granted Planning Scheme Consent (P245038) for a shop, liquor store, café and warehouse on the subject land. This application seeks to replace the area previously approved as a warehouse with a museum, necessitating the need for a new application.
3. The museum, to be known as the Maritime Historical Museum, includes a display area of around 2225m², and a lecture theatre capable of accommodating 50 people.
4. In addition to the proposed change of use, the new application also proposes the following modifications:
 - A new 34 bay above ground car park, to cater for the use of museum patrons.
 - A new crossover on Lower Stirling Terrace to accommodate the above ground car park.
 - The main entry to the car park, being relocated some 10 metres to the west, creating a skewed alignment with the intersection of Stirling Terrace and Lower Stirling Terrace.
 - Changes to the internal access ways and car park layout.
 - One-way access into and out of the car park adjacent to Liquor Barons.
 - A revised curved saw-tooth roof.
 - Change from weatherboard cladding on York Street elevation to colorbond.
 - A new storage area at ground level.

STATUTORY REQUIREMENTS

5. The subject land is zoned “Central Area” within Town Planning Scheme No. 1A, and under this zoning the use ‘Museum’ can be approved subject to Council’s discretion.
6. Should Council grant consent to the application, it would not replace or override Council’s previous approval (P245038), as this application only seeks to modify a component of the original approval.
7. Within Town Planning Scheme No. 1A, there are no car parking standards which are applicable to the land use of ‘Museum’.

POLICY IMPLICATIONS

8. Under the City of Albany Development Guidelines – Scheme 1A, Guideline 6 (Central Area), there is no car parking ratio relevant to the use of museum, and therefore the parking standard would be at the discretion of Council.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

9. The applicant has also proposed to change the cladding on the York Street elevation from weatherboard to colorbond, which is not in keeping with the Western Precinct Guidelines. In this regard the Guidelines state:
- *The range of materials, traditionally used, and the relative extent of their use, are as follows:*
 - *Brickwork, equivalent to dark blend Albany bricks or light bend Albany bricks.*
 - *Painted render using Classical Revival proportioning and details.*
 - *Painted timber boarding, joinery and verandah glazing generally clear glass to windows, clear etched or patterned to door lights.*
 - *Painted signs with external illumination only, when provided.*
 - *Roofs in iron or shingle.*
10. In order to comply with Council's Sign Local Laws, the height of the new museum sign on the east and west elevation of the building, should be of a height no greater than 900mm.

FINANCIAL IMPLICATIONS

11. Some work is required within the adjoining road reserve and the cost of that work should be borne by the developer.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

13. Due to the repositioning of the car park entrance, the inclusion of an above ground car park and modifications to the internal access layout a total of 142 bays has now been provided. Given the shop, café and liquor outlet requires 124 bays under the Scheme, the applicant is providing 24 bays specifically for the museum use.
14. As there is no statutory or policy direction in relation to car parking for a museum, staff have investigated the parking provision available at the Albany Residency Museum. After consultation with staff at the Residency Museum the following information has been obtained:
- 18 parking bays are provided, which is generally sufficient, however during peak periods patrons are forced to park on the grassed area near the entry of the car park.
 - Tour Bus operators provide a significant amount of visitors to the museum, which caters for bus parking.
 - The car parking area also provides parking for those people visiting the Brig Amity.
 - The peak periods are seasonal, such as during school holidays, and there is generally no difference between weekdays and weekends.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

15. Although 24 bays may not be sufficient to serve the proposed museum during peak periods, this figure could be deemed acceptable on the following basis:
 - There is a segregated above ground 34 bay car park, which due to its location is likely to be utilised by museum patrons only.
 - The main car park adjacent to the supermarket would have parking available to cater for any shortfall on most occasions (with the possible exception of Sunday, when the supermarket would be operating within its peak period).
16. The applicant has stated that the lecture theatre would only be used to show historical archival documentary films and provide for guest speakers relevant to the museum's operation. As long as the lecture theatre and display area associated with the museum is not rented out for private functions, which are not related to the museum, then it is not expected that this infrastructure would generate a large parking demand.
17. One issue that has not been addressed in the application is the provision for bus parking, given the number of tourists such operations generally attract. Given the narrow width of Lower Stirling Terrace, and the lack of manoeuvring space within the boundaries of the property, there appears to be little capability to accommodate tour buses on or adjacent to the site. Prior to staff being in a position to grant planning scheme consent, it is recommended that the applicant submits an amended site plan showing the position of bus parking, or justification that an alternative arrangement would not result in traffic or parking congestion.
18. The main entrance to the car park has been realigned approximately 10 metres to the west, thereby creating a skewed four-way intersection with Lower Stirling Terrace and Stirling Terrace. Staff have reservations in relation to this entrance, and the applicant would need to prepare a traffic management plan (to be prepared by a qualified civil engineer) to the satisfaction of Council's Executive Director Works and Services, to ensure traffic flows in and out of the site could be undertaken in a safe and efficient manner.
19. The internal parking layout as proposed by the applicant is likely to exacerbate congestion and cause confusion for patrons accessing the supermarket. Staff's main area of concern relates to the proposed down-ramp to the parking area, which opens onto a four-way intersection.
20. Staff are also supportive of the applicant's proposal to change the external cladding from weatherboard to colorbond along the York Street frontage of the building. Whilst not completely in accordance with the guidelines for the precinct, the placement of a curved roof and metal wall cladding on the warehouse will give it a more contemporary appearance.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

THAT Council;

- i) advise the applicant that prior to the issuing of a planning scheme consent, for a Change of Use (Warehouse to Museum) at 159-197 Stirling Terrace, Albany, the following information is required:
 - a) the lodgement of a traffic management plan to the satisfaction of Council, specifically addressing the intersection of Stirling Terrace and Lower Stirling Terrace and the traffic flows in and out of the main entrance and along Lower Stirling Terrace.
 - b) a bus bay being designated on the site plan, or the applicant provides sufficient justification that alternative arrangements off-site would not cause any traffic or parking disruption, to the satisfaction of Council.
 - c) the internal parking layout being amended to allow for improved circulation, in order to reduce vehicle conflict points, to the satisfaction of Council.
 - d) confirmation being provided on the submitted plans that the proposed museum signage complies with the City of Albany Sign Local Laws, in relation to the proposed horizontal sign being below 900mm in height.
 - e) confirmation that the lecture theatre and floor area of the proposed museum is used for museum functions/events only, and not used for functions not directly connected with the operations of the museum.
- ii) upon receipt of the above information to a level which satisfies staff, Council act on Recommendation 2, as stated below.

Voting Requirement Simple Majority

.....

THAT Council resolves pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A to delegate to the Manager Development authority to issue a Conditional Planning Scheme Consent for a Change of Use (Warehouse to Museum) at 159-197 Stirling Terrace, Albany.

Voting Requirement Absolute Majority

.....

The Executive Director Development Services advised that further information had been received for consideration and suggested that this item lay on the table for one month.

**MOVED COUNCILLOR SANKEY
 SECONDED COUNCILLOR DEMARTEAU**

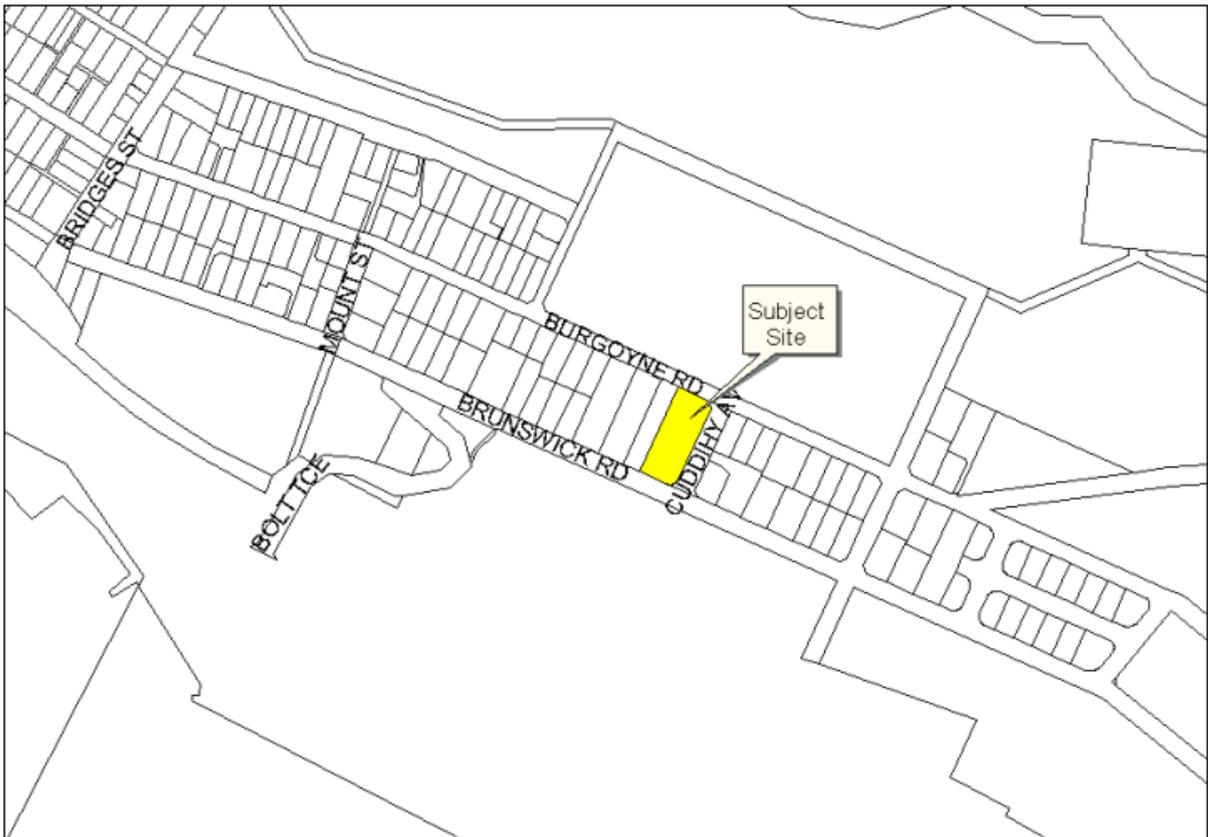
THAT this item lay on the table for one month.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Outbuilding - 68-70 Brunswick Road

File/Ward	: A134582 (Frederickstown)
Proposal/Issue	: Development application for a non permitted (over height/size) outbuilding.
Subject Land/Locality	: 68-70 Brunswick Road, Port Albany.
Proponent	: R & D Congdon.
Owner	: R & D Congdon.
Reporting Officer(s)	: Planning Officer (A Nicoll).
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: Delegate authority to the Manager Development to grant approval.
Bulletin Attachment	: Nil
Locality Plan	:

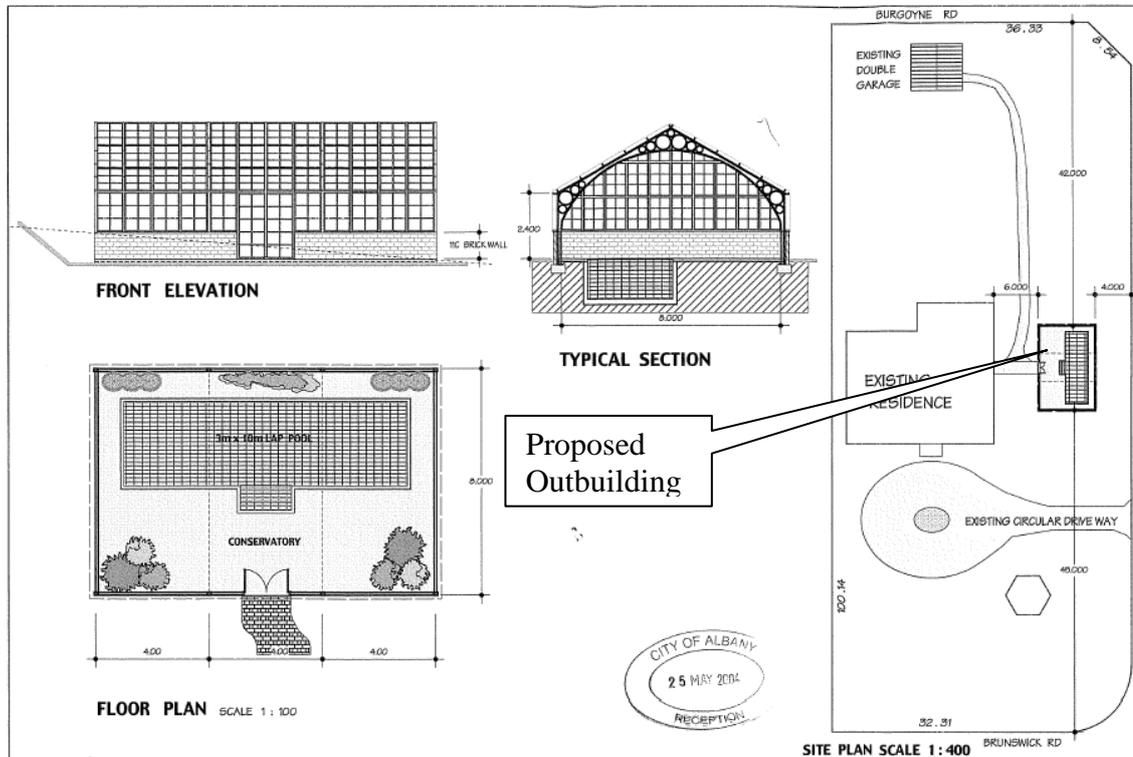


DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. Council received a development application on the 25th May 2004 for an outbuilding to house a lap (swimming) pool.
2. The outbuilding is over the acceptable height and area. Council’s policy makes the requirement for a maximum area of outbuilding (total on site) of 100m² and a height to the ridge of 4.2 metres. The outbuilding being proposed is approximately 5 metres in height and in excess of the total floor area permitted by approximately 45m².
3. The application was referred to the neighbouring properties in the locality and the City’s heritage advisor for an expert opinion.



STATUTORY REQUIREMENTS

4. The property in question is zoned Residential (R20), with an additional Special Site (18) zoning as per Town Planning Scheme 1A. As stated for the Special Site, all development requires the planning consent of Council pursuant to clause 6.2 as the land is listed as a place of Heritage Value. Clause 6.2 states:

“6.2 Despite any other provision of the Scheme a person is not to:

- (a) erect, demolish, or alter any building or structure;*
 - (b) clear land, or fell, lop, top, or damage any tree or otherwise damage the place; or*
 - (c) erect any advertising sign;*
- unless in accordance with planning consent granted by the Council.”*

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

The relevance of the clause to the application for the outbuilding is such that ‘*a person is not to...otherwise damage the place*’.

5. The City of Albany’s Municipal Heritage Inventory makes the following comments for the design, history, rating and management for the premises.

Design

PERIOD	Victorian (c1840-c1890)
Design Style	Victorian Regency
Construction Date	1881
Source/Details	Johnson, Les, <i>Town of Albany Heritage Survey</i> , 1994.

History

A report in the Perth ‘Inquirer’ on 23 Feb 1881 described the house as a “*fine commodious residence on a hill opposite the P & O Jetty, giving a full view of Princess Royal Harbour*”.

Rating

The Rating of the property is described as (1 being high and 5 being low):

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

Management

A management statement defined in the Municipal Heritage Inventory requires that the significance of the place be conserved.

POLICY IMPLICATIONS

6. The Albany Design Guidelines which apply to this property make objectives for development including:

“*c) to ensure that new infill development harmonises with and enhances the existing dwelling upon the lot where it is erected and also the locality.*”

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

TABLE 1 REQUIREMENTS FOR OUTBUILDINGS IN RESIDENTIAL, RESIDENTIAL DEVELOPMENT AND FUTURE URBAN ZONES	
1. Objective	The objective of these controls is to achieve a balance between: <ul style="list-style-type: none"> • Providing for legitimate garaging, storage and other domestic needs of people living in residential areas; and • Minimising the adverse impacts outbuildings may have on the amenity (eg peace and quiet), appearance and character residential neighbourhoods, and on neighbours.
2. Permitted uses of outbuildings	(a) Must be for legitimate domestic purposes incidental to the residential use. (b) Use of outbuildings for commercial/business uses or human habitation is not permitted.
3. Deemed to comply requirements	(a) Building License Application required (b) Must be sited behind the dwelling building line; (c) Comply with Town Planning Scheme requirements unless otherwise varied; (d) Maximum area of OB per lot - 60m ² ; (e) Maximum wall height - 2.4 metres; (f) Maximum ridge height - 4.2 metres;
4. Non complying outbuildings	Applications that do not meet the Deemed to Comply Requirements will be dealt with on a case by case basis and may be permitted subject to the following: <ul style="list-style-type: none"> (a) Application being made for Planning Consent; (b) Demonstration that larger size is required to satisfy specific domestic needs; (c) Use of satisfactory non-reflective materials; (d) Front setbacks are to be in accordance with the Scheme requirements; (e) The absolute maximum sizes not exceeding the following: <ul style="list-style-type: none"> • Area - 100m² • Wall height - 3.0 metres • Ridge height - 4.2 metres; and (f) Screening from the street and neighbours to the satisfaction of the City.
5. Non permitted outbuildings	Applications for outbuildings that do not comply with the deemed to comply requirements and fall outside of the non-complying standards will be refused.

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 11.1.3 continued

COMMENT/DISCUSSION

9. The outbuilding policy allocates a standard set of requirements to control the setback and size of outbuildings. If an outbuilding does not comply with these standards, staff have the delegation to permit a relaxation subject to performance criteria and a second set of requirements being met. If the application does not comply with the second set of criteria, the outbuilding ‘will not be permitted’.
10. The outbuilding in question does not comply with the second set of criteria for sizes as it is 45m² in excess of the maximum total area permitted and 800mm too high to the ridge. The proponents intentions do however comply with the performance criteria defined in the codes such that the outbuilding is:
 - well setback from property boundaries including the front setback facing the primary street of access;
 - to be used for domestic purposes; and
 - partially secluded from view by well established vegetation.
11. The Heritage advisor for the City made the comment that the proposed building does not have a significant impact on the significant elements of the place for the following reasons:
 - It does not involve any structural change to the house and is not located in the open spaces to the front and rear of the house;
 - the proposed building does not interfere with views to and from the Harbour; and
 - the proposed building is largely screened from public view by mature plantings and fencing.
12. In considering a number of factors, including:
 - the size of the outbuilding is only marginally greater than the second set of standards;
 - the outbuilding is being constructed on a large, 4199m² ‘Residential’ zoned property;
 - the heritage advisor could see no issues from a heritage perspective;
 - no objections were made from the neighbouring properties; and
 - well established vegetation will partially screen the outbuilding from the road and neighbouring properties;it may be argued that the outbuilding will not ‘*otherwise damage the place*’.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

RECOMMENDATION

THAT Council grant conditional Planning Scheme Consent for the construction of the outbuilding at 67-68 Brunswick Road subject to;

- i) outbuilding being used for domestic purposes only and not for commercial or business use; and
- ii) vegetation around the outbuilding being maintained for the purpose of secluding it from view from the street and neighbouring properties.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WATERMAN**

THAT Council grant conditional Planning Scheme Consent for the construction of the outbuilding at 68-70 Brunswick Road subject to;

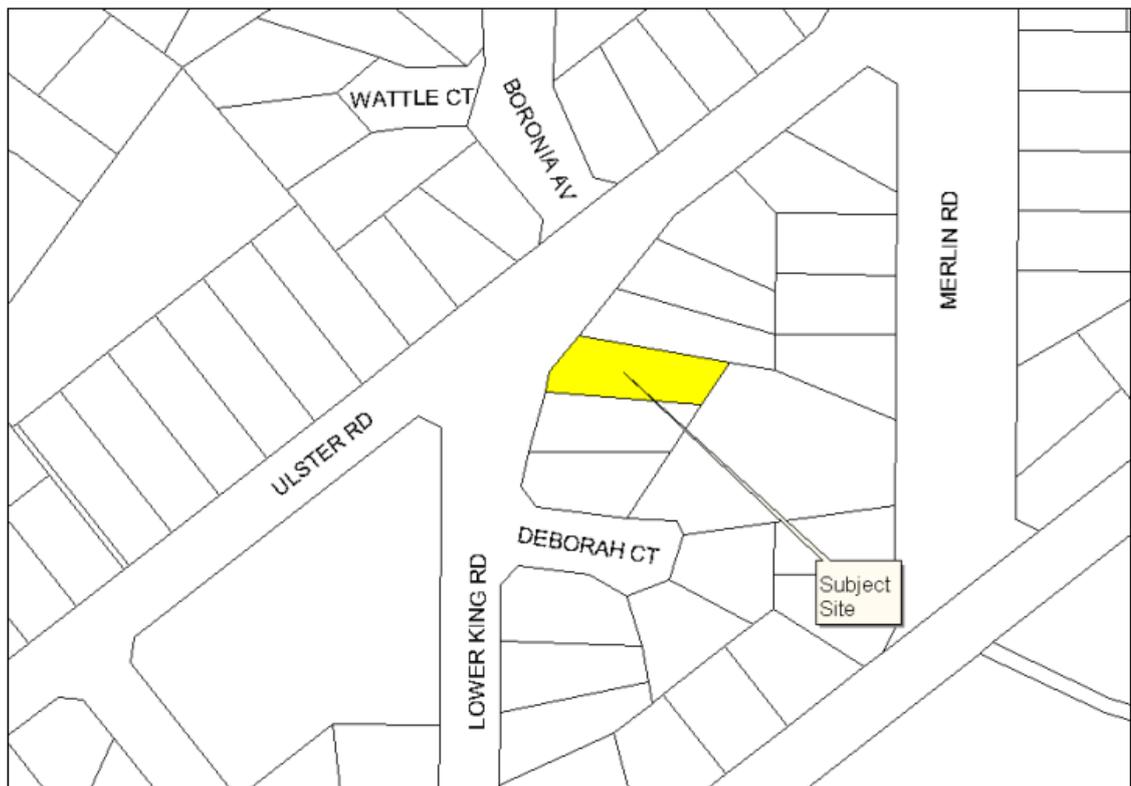
- i) outbuilding being used for domestic purposes only and not for commercial or business use; and**
- ii) vegetation around the outbuilding being maintained for the purpose of secluding it from view from the street and neighbouring properties.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.1.4 Development Application – Proposed Family Day Care Centre – 18 Lower King Road, Collingwood Heights

File/Ward	: A18738 (Yakamia Ward)
Proposal/Issue	: Family Day Care
Subject Land/Locality	: Lot 6, Plantagenet Location 43, 18 Lower King Road, Collingwood Heights
Proponent	: B & S Willock
Owner	: Sherri Anne May & Bradley Raymond Willock
Reporting Officer(s)	: Planning Officer (T Sounness)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Grant Planning Scheme Consent for a Family Day Care
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. An application has been made for the development of a Family Day Care Centre on the site.
2. The site is located at the corner of Troode Street and at the point where Ulster Road turns into Lower King Road. The house is located at a corner lot, with frontage to a turning lane from Lower King Road to Troode Street.
3. The land is zoned “Residential” under the City of Albany Town Planning Scheme No 3 (The Scheme).
4. The proposed Family Day Care Centre would entail a use on the site that allows for the caring of 5 children as well as existing family members, and would provide for an inside and outside play area.

STATUTORY REQUIREMENTS

5. The proposed use has been classified as a “use not listed” under the Town Planning Scheme No 3, and has therefore been subject to a public advertising and neighbourhood consultation period from 18 May 2004 to 21 June 2004.
6. The operation of the site as a Child Care Centre is regulated by Community Services Act 1972 under which the *Community Services (Outside School Hours Care) Regulations 2001* apply. The Department Community Development administers this Act and these regulations.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. Council’s Works and Services section, on assessing the proposal, recommended that the proposal be refused for the following reasons:
 - a. the site is inappropriate for introducing additional vehicle movement as the intersection of Troode Street, Ulster Road and Lower King Road is a significant traffic intersection which is among the 10 most busy intersections within Albany.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

- b. The site's crossover is located on an intersection slip road.
- c. Entry from all sides, other than from Lower King Road (from the east) is likely to entail an illegal movement over the double white line located on the eastern side of the intersection. (refer diagram).
- d. To avoid crossing the double white line, and to effect a manoeuvre to allow a legal entry into the dwelling's crossover, a vehicle travelling east would have to travel approximately 200 metres to the end of the double white lines, then an additional 100 to 200 metres to a safe place to do a three point turn (against oncoming traffic) or travel an additional 1.7 kilometres to the roundabout at the intersection of Lower King Road and Mercer Road.



- 11. Council's Health Services have no objections to the proposal, and recommend numerous conditions to ensure compliance with health and safety issues. These conditions will need to be met prior to the use commencing.
- 12. As of the close of the advertising period, one petition had been received which was in support of the application, as attached.
- 13. The use of the site is arguably similar to that of a standard residential property. Dwellings can have multiple vehicle movements during "normal daily activity", especially if the dwelling has a large family with vehicle owning teenagers.
- 14. Given that there has been no concerns raised by the public from the development of this childcare centre, and as there are no issues with the development of this use, which is similar in intensity to that of a standard residential use, the proposal can be supported on planning grounds.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

- 15. Works and Services comments are valid, however parents picking up the children can be informed of the difficulty of crossing to the site from all directions other than from an eastern route from the Lower King Road route. The applicant has offered to ensure that a statutory declaration be signed by the parent of each child prior to the child being accepted for child care services.
- 16. This application has highlighted a difficulty with residential property access to the road network at this point. Landowners currently have access to their properties and the question for Council is whether a family day care on one lot exacerbates the current problem.

RECOMMENDATION

THAT Council grant a conditional Planning Scheme Consent for a Family Day Care Centre at Location 18 Lower King Road, Collingwood Heights. Subject to, but not limited to, conditions to ensure that all prospective parents are advised of the vehicle manoeuvring requirements of the site in order to prevent illegal vehicle manoeuvring over a double white line.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WILLIAMS**

THAT Council grant a conditional Planning Scheme Consent for a Family Day Care Centre at Location 18 Lower King Road, Collingwood Heights. Subject to, but not limited to, conditions to ensure that all prospective parents are advised of the vehicle manoeuvring requirements of the site in order to prevent illegal vehicle manoeuvring over a double white line.

MOTION CARRIED 10-4

THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme No 3 delegate authority to the Manager Development to issue a conditional Planning Scheme Consent.

Voting Requirement Absolute Majority

.....

The Executive Director Development Services advised that there had been a change within the Town Planning Scheme and clause 6.9 is now referred to as clause 6.10.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WILLIAMS**

THAT Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate authority to the Manager Development to issue a conditional Planning Scheme Consent.

**MOTION CARRIED 9-5
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



Figure 1 - View facing Lower King Road opposite the subject site crossover.



Figure 2 - View to crossover of subject site from North - note double white lines enclosing painted island.



Figure 3 - crossover to subject site – Crossover located in-front of Give Way signs and line markings.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

1 June 2004

CITY OF ALBANY RECORDS	
FILE:	A18738
FILE:	
21 JUN 2004	
DOC:	ICR405141
OFFICE:	PLANN
ATTACH:	

TO WHOM IT MAY CONCERN

I would like to offer our full support and high recommendation for Mrs Sherri Willock's proposed Home Family Day Care at 18 Lower King Road, Albany.

I understand that Mrs Willock will be operating the Day Care from this address up to two (2) days a week for a maximum of five (5) children, including Mrs Willock's own two children.

Sherri Willock is an extremely conscientious and reponsible person and I would not hesitate to leave my children in her care, or refer friends and family to this service.

NAME	ADDRESS	COMMENTS
Karen Lloyd	176 Lower King Rd	Sherri would be an excellent children's caretaker.
TRISA BRANDENHORST	28 Bronte St.	would not hesitate to have Sherri take care of my child.
Gemma Shipley	126 Henry Rd	Fantastic child carer
Sharon Whittaker	7 Admirals St	loves children and is wonderful with them.
Melissa Chandler	54 Collingwood Rd	All of the above, will operate her business extremely well and without responsibility
WENDY ALLAN	486 LOWER KING ROAD	IS WONDERFUL WITH KIDS.
Melissa Benson	54 Allwood Parade Baynet Head	Sherri will have a wonderful home environment for children to feel welcome and happy.
Suzanne Bennetts	Deep creek Rd Albany.	I offer my support to Sherri in opening her daycare.
Clara Willock	31 seawolf Rd Albany	I Support Sherri in opening her daycare.
Renee Bradley	Albany.	i give my full support to her venture.
Barry May	Kabamba St, Albany.	Sherri's home is a wonderful setting for a home day care. I offer my full support.
Sherri Willock	18 Lower King Rd Albany.	I have put a lot of time money & effort into starting this project up & running, so I appreciate council consideration in approving my application. Thankyou

The above signed offer full support to Mrs Sherri Willock's Home Family Day Care application.

DEVELOPMENT SERVICES REPORTS

11.1.5 Development Compliance – Junk Yard – 10 Rae Road, Lower King

File/Ward	: A21826 (Kalgan Ward)
Proposal/Issue	: Non-compliance with Section 5.1 of Town Planning Scheme No. 3
Subject Land/Locality	: 10 Rae Road, Lower King
Proponent	: P Brenton
Owner	: P Brenton
Reporting Officer(s)	: Planning Officer (J Devereux)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: To issue a Notice pursuant to Section 10 of the Town Planning and Development Act 1928 (as amended)
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. In January 2004 Council received several complaints from residents in Lower King, regarding the materials being stored on 10 Rae Road, Lower King.
2. On the 6th February 2004, staff undertook a site inspection of the property and spoke to Philip Brenton. Mr Brenton advised that following the closing of his salvage yard business he had piled the materials on his property. He had only a short amount of time to vacate his business premises and was not able to sell the materials in time. As these remaining materials are valuable, he had been trying to sort the materials into piles to enable him to sell them. He only intended to have the materials on his property for another 4 to 6 weeks.
3. A letter was subsequently written to Mr Brenton giving him to the 17th February 2004 to clear the site of all materials (refer to attachment 1).
4. Mr Brenton wrote to Council on the 5th April 2004 (refer to attachment 2), asking for an extension to the time given to clear the property. Mr Brenton explained that he was having difficulties finding time to sort the material, enabling him to sell them, due to the amount of time he is spending away from home working.
5. As Mr Brenton had given Council a commitment to remove the materials, staff gave him till the 19th June 2004 to clear the property (refer to attachment 3).
6. During the time that Mr Brenton was first notified in writing, 17th February 2004, Council has received several telephone calls from residents of the area advising of there concerns regarding the materials be stored on the property. These residents were assured that Council was pursuing the matter and has given the landowner a certain amount of time to clear the property.

STATUTORY REQUIREMENTS

7. Under clause 5.1.1 of Town Planning Scheme 3 (TPS3) any development is required to obtain planning consent approval from the Council. Clause 5.1.1 states:

“Subject to clause 5.1.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the Scheme”

Development is defined as:

“the use or development of any land and includes the erection, construction alteration or carrying out as the case may be of any building excavation, filling or other works on any land. Development includes the felling of timber on property”

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

8. Within the “Residential” zone a ‘Junk Yard’ is a use not permitted, under TPS3, and thereby there is no discretion to approve such a use. The definition of a ‘Junk Yard’, within TPS3 states:

“means land used for the collection, storage, abandonment or sale of scrap metal, building materials, waste paper, rags, bottles or other scrap materials or goods, or used for the collecting, dismantling, storage, salvaging or abandonment of buildings, automobiles or other vehicles or machinery or for the sale of parts thereof”

9. As the landowner did not get approval from Council to use the site as a ‘Junk Yard’ and due to the use not being permitted within the zone, Council can take action under Clause 6.5 of TPS3. Clause 6.5 states:

“(a) If any person contravenes or fails or neglects to comply with any of the provisions of this Scheme, the Council may, by notice in the manner set out in Clause 6.6 hereof, order such person to discontinue forthwith any such contravention; and within thirty (30) clear days after the service of such notice, to remove, pull down, take up, alter or otherwise make good any work which contravenes the Scheme, or carry into effect any provisions of the Scheme which are not being complied with; and at the same time, pursuant to Section 10 of the Town Planning and Development Act 1928 (as amended), advise such person that, in the event of him failing to comply with the provisions thereof in the time limited for compliance, the Council by its agents, servants or workmen will enter such person’s property and cause to be done such works and things as shall be specified in such notice.

(b) Any expense incurred by the Council in doing any works pursuant to any default under paragraph (a) hereof may be recovered from the person in default by action for a civil debt recoverable summarily in any court having jurisdiction in respect of the amount involved.”

10. Under Clause 6.5 of TPS3, Council has the power pursuant to Section 10 of the Town Planning and Development Act 1928 to remove, pull down or alter any development, which contravenes the Scheme. Council is required to give the applicant 60 days to rectify the contravention, before legal proceedings can be taken.
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 cease the use, by clearing the property, legal fees may be incurred.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

15. The general comments from residents of the area were in regard to the appearance of the development, and its impact on the amenity of the area. They felt that the upgrading of the road by Council had improved the appearance of the area overall and it was a shame that this development had detracted from these improvements. There was also some concern regarding the increase in fire risk.
16. The issue was brought to the attention of the landowner and he was given a period of time to clear the site. A subsequent extension was given to the landowner, following a request, due to his circumstances. The landowner has already been given 123 days since the first letter was sent, 17th February 2004, till the date to when the extension was granted for the site to be cleared, being the 19th June 2004.
17. Staff visited the site on the 23rd and 29th June 2004, to take photos. It was noted that a significant amount of material had been removed, from the site, between this time. If it resolved to issue a notice, Council must give the landowner 60 days to rectify the situation before any legal action can be taken. As the landowner has made an effort already to clear the site, it is felt that the landowner should be able to rectify the situation prior to it being necessary to take any legal action.
18. It is recommended that Council issue a Section 10 Notice requiring the following to be undertaken within sixty (60) days:
- The use of the premises upon the land for ‘Junk Yard’ purposes should cease forthwith;
 - That all stored material being removed from the property; and
 - The premises should only be used for residential purposes or in accordance with a valid planning scheme consent issued pursuant to the Scheme.

RECOMMENDATION

THAT Council;

- i) delegates authority to the Manager Development to take action in accordance with Town Planning Scheme No.3 clause 6.5 and Section 10(2) & 10(3)(b) of the Town Planning and Development Act 1928 (as amended), against the landowner of 10 Rae Road, Lower King, requiring the following to be undertaken within sixty (60) days of written notice:

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

- a) the use of the premises upon the land for ‘Junk Yard’ purposes should cease forthwith;
 - b) that all stored material being removed from the property; and
 - c) the premises should only be used for residential purposes or in accordance with a valid planning scheme consent issued pursuant to the Scheme; and
- ii) take legal action against the landowner should the Section 10 (3)(b) Notice not be complied with in the specified time.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EMERY**

THAT Council;

- i) **delegates authority to the Manager Development to take action in accordance with Town Planning Scheme No.3 clause 6.5 and Section 10(2) & 10(3)(b) of the Town Planning and Development Act 1928 (as amended), against the landowner of 10 Rae Road, Lower King, requiring the following to be undertaken within sixty (60) days of written notice:**
 - a) **the use of the premises upon the land for ‘Junk Yard’ purposes should cease forthwith;**
 - b) **that all stored material being removed from the property; and**
 - c) **the premises should only be used for residential purposes or in accordance with a valid planning scheme consent issued pursuant to the Scheme; and**
- ii) **take legal action against the landowner should the Section 10 (3)(b) Notice not be complied with in the specified time.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

Attachment 1

Our Ref.: A21826 / O400603
Cross Ref:
Your Ref:
Enquiries: John Devereux

17 February 2004

Philip Brenton
10 Rae Street
LOWER KING WA 6330

Dear Philip

NOTICE OF INTENTION TO APPLY SECTION 10 (3) – NOTICE OF TOWN PLANNING AND DEVELOPMENT ACT – 10 RAE STREET, LOWER KING.

Further to our conversation held onsite on the 6 February 2004, where it was brought to your attention that you were in contravention of the City of Albany's Town Planning Scheme No.3, as your land is zoned 'Residential' which the current illegal use of 'Junk Yard' is not permitted. In accordance with Section 10 (3) of the Town Planning and Development Act 1928, you have 60 days to cease operations, being the 17 April 2004.

Should you ignore this direction, Council may consider taking legal action via the Court system against you. Under Section 10(3) of the *Town Planning and Development Act*, the penalties faced could be up to \$50,000, and a daily penalty of \$5,000.

As per our conversation on site, you informed me that you only planned on having the subject materials on site for the next 4 to 6 weeks. If the materials on the site were removed and the use of the land for a 'Junk Yard' ceased prior to 17 April 2004, there will be no need for Council to pursue legal action.

As soon as all the material have been removed and the site cleaned up, please contact myself so that a site inspection can be arranged and ensure that works have been done to the satisfaction of Council.

Should you have any further queries with regard to this matter, please do not hesitate to contact the undersigned on direct telephone 9841 9322 or via email johnd@albany.wa.gov.au. If I am unavailable please contact Graeme Bride, Senior Planning Officer on 9841 9368.

Yours sincerely

John Devereux
PLANNING OFFICER

jd/jd

O400603

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

Attachment 2

CITY OF ALBANY - RECORDS	
FILE:	A21826
DGC:	T402513
05 APR 2004	
OFFICER:	PLAN6
Attach:	

John Devereux
Planning Officer
City of Albany
1st April 2004

Dear John,

Further to your correspondence dated 17th February regarding the Timber etc we have stored on our property.

Unfortunately at this stage I have been unable to make major in roads into the disposal or removal of the goods due to work and other commitments. I have continued to sort the timber with the short time I have been able to spend at home.

At this time I will not be able to meet your deadline, however I am committed to clearing the property as soon as possible.

I would also like to point out that your accusation that I am “operating a junk yard” is both offensive and totally untrue. As I explained earlier when spoken to by a council employee, I was the owner of a Salvage yard and was forced to vacate the premises at short notice. What is stored on my property is the timber etc we where unable to sell at short notice and is in fact in the main quite valuable. Nothing at all has been added to the yard stock and it is being depleted as quickly as I am currently able.

I will require an extension of your deadline of at least 2 months, but as I have already stated I am committed to clearing the stock as soon as is possible.

I trust that you will appreciate the circumstances we find ourselves in and that you grant the extension of time for me to clear the property.

Regards



Phil Brenton
10 Rae Road
Lower King
Albany
Ph 98441214

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

Attachment 3

Our Ref: A21826 / O401714
Cross Ref: I402513
Your Ref:
Enquiries: John Devereux

19 April 2004

Philip Brenton
10 Rae Street
LOWER KING WA 6330

Dear Philip

**EXTENSION OF TIME FOR REMOVAL OF MATERIALS - 10 RAE STREET,
LOWER KING**

In regards to your correspondence received 5 April 2004, Council is prepared to allow an extension of two months, being 19 June 2004, for the removal of the subject materials as outlined in my previous correspondence dated 17 February 2004. However Council would prefer to see the site cleared of the materials as soon as possible.

If the materials have not been removed prior to 19 June 2004, Council may consider taking legal action via the Court system against you. Under Section 10(3) of the *Town Planning and Development Act*, the penalties faced could be up to \$50,000, and a daily penalty of \$5,000.

As soon as all the material have been removed and the site cleaned up, please contact myself so that a site inspection can be arranged and ensure that works have been done to the satisfaction of Council.

Should you have any further queries with regard to this matter, please do not hesitate to contact myself on direct telephone 9841 9322 or via email johnd@albany.wa.gov.au.

Yours sincerely

John Devereux
PLANNING OFFICER

DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Environmental Protection Act – Role of Environmental Health Officers

File/Ward	: GOV 024 (All Wards)
Proposal/Issue	: Council Involvement in policing the Environmental Protection Act
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15/06/04 - Item 11.2.1
Summary Recommendation	: Define Council Involvement in Policing Act and Regulations
Bulletin Attachment	: Nil
Locality Plan	:

BACKGROUND

1. At the June meeting of Council a report was submitted for Council’s consideration, questioning the on-going capacity for the City’s Environmental Health Officers (EHOs) to be involved in handling complaints from the public on nuisances which are defined through the *Environmental Protection Act 1986* and the regulations made under that Act. The report dealt primarily with noise issues, but also highlighted that the State Government had introduced regulations dealing with “unauthorised discharges” and the Department of Environment was encouraging Local Governments to police those regulations.
2. Council resolved to lay the matter on the table for a period of one month and to arrange a briefing on this issue from Department of Environment and WA Police officials on the roles of the various agencies in noise nuisances.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

STATUTORY REQUIREMENTS

3. Amongst the 17 regulations created under the *Environmental Protection Act 1986* are the following;
 - *Environmental Protection Regulations 1987*
 - *Environmental Protection (Controlled Waste) Regulations 2001*
 - *Environmental Protection (Domestic Solid Fuel Burning Appliances and Firewood Supply) Regulations 1998*
 - *Environmental Protection (Noise) Regulations 1997*
 - *Environmental Protection (Unauthorised Discharges) Regulations 2004.*
4. The City's EHOs and the City's Chief Executive Officer can seek a delegated authority to take actions under these regulations and the parent Act and in some instances the authority is already incorporated into the Act or regulation.

POLICY IMPLICATIONS

5. Local Authorities are called upon to perform various functions under a range of legislation. Some of those functions are mandatory (eg. issuing Section 39 and 40 notices under the Liquor Licensing Act, appointing officers under the Bush Fires Act and policing the Dog Act). Others are discretionary and Council can determine if it wishes to engage in those functions or not [eg. Actioning a complaint under the Environmental Protection (Unauthorised Discharges) Regulations].
6. The resources available to local authorities for community service delivery varies considerably. Several of the larger metropolitan Councils operate security patrols and there is no expectation from the State Government that similar patrols will operate in regional centres or country Councils.
7. The South Coast Regional office of the Department of Environment has requested that Council maintain a role in handling noise nuisances and has sought to negotiate a memorandum of understanding amongst the three agencies involved in noise policing to define areas of responsibility.

FINANCIAL IMPLICATIONS

8. The earlier report to Council sought to reinforce that the City's EHOs should not be expected to be the public's first contact point if any of the above mentioned regulations are being breached. There are considerable resource requirements involved in investigating a breach of legislation and the onus of proof continually falls upon the agency taking the action against the individual. If an action cannot be resolved through negotiation, then direct costs are incurred if legal action needs to be pursued for non-compliance with an order or Pollution Abatement Notice.

STRATEGIC IMPLICATIONS

9. The EHOs have a primary role of enforcing the *Health Act 1911* and the *Local Government Act 1995*.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

COMMENT/DISCUSSION

10. Over time, the functions and role of EHOs has changed, primarily in response to technological advances and community expectations. Technological advances in the handling of liquid wastes is a case in point; with the advent of reticulated sewers, ATU household septic units and plastic piping, EHOs are no longer managing “night cart” operations and they are now required to undertake soil suitability analysis for nutrient retention, understand the chemistry of waste breakdown and determine the movement of nutrients below ground.
11. Under the *Noise Abatement Act 1972* and *Noise Abatement (Neighbourhood Annoyance) Regulations 1979*, the direct responsibility for noise nuisance fell upon Local Authorities and that role was accepted in the knowledge that the method of determining nuisance was clearly defined and easily administered. The transfer of noise matters into the environmental legislation and the *Environmental Protection (Noise) Regulations 1997* substantially redefined the mechanics of determining and measuring noise, plus it removed the statutory role of Local Government in noise management. Staff therefore seriously question the statements made by Department of Environment officers that “Local Governments have to enforce noise laws, as it is a reasonable expectation for the good governance of the community that a service be provided”. As mentioned earlier, good governance in local government involves accepting some functions (security patrols for some Councils and employing local doctors for others) and determining from time to time what other functions will no longer be undertaken (collecting household waste).
12. In the previous report, it was staff’s recommendation that Council continue to maintain a role in handling noise complaints in residential areas. Such complaints would involve issues such as band practice, home businesses, noisy air conditioners, etc. The MOU proposed by the Department of Environment may assist in defining activities that are “grey areas” and could include matters such as noise associated with shops and businesses backing onto residential areas. It should also be noted that some land use conflicts could also be resolved through the enforcement of Town Planning conditions.
13. In regards to the other regulations mentioned in paragraph 3, it has been mentioned that Council staff may want to use the regulations “from time to time” to resolve individual site nuisances and the Department would not be calling upon Council to handle initial complaints under those regulations.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

RECOMMENDATION

THAT Council;

- i) continue to receive and handle noise nuisance complaints from the public where they relate to land use activities occurring on Residential and Special Residential zoned land parcels;
- ii) authorise staff to negotiate with the Albany Police and the Department of Environment and report back to Council on activities where Council would be prepared to receive and handle noise nuisance complaints, where the complaint originates from land zoned Residential and Special Residential;
- iii) advise the Department of Environment that Council will be seeking to withdraw from the handling of any noise complaint which originates from land of a commercial, industrial or rural nature, other than for the exceptions outlined above; and
- iv) advise the Department of Environment that it will be directing any public complaints relating to the Controlled Wastes, Domestic Solid Fuel Burning Appliances and Firewood Supply, and Unauthorised Discharges regulations to the Department of Environment to administer.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT Council;

- i) continue, on an interim basis, to receive and handle noise nuisance complaints from the public where they relate to land use activities occurring on Residential and Special Residential zoned land parcels;
- ii) instruct staff to prepare a draft Memorandum of Understanding, in conjunction with the Albany Police and the Department of Environment, detailing those areas and activities where Council would be prepared to receive and handle noise nuisance complaints; and
- iii) provide a briefing to Council on the outcomes of the MOU discussions and any resourcing impacts that may result for its implementation.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council;

- i) continue, on an interim basis, to receive and handle noise nuisance complaints from the public where they relate to land use activities occurring on Residential and Special Residential zoned land parcels;**
- ii) instruct staff to prepare a draft Memorandum of Understanding, in conjunction with the Albany Police and the Department of Environment, detailing those areas and activities where Council would be prepared to receive and handle noise nuisance complaints; and**
- iii) provide a briefing to Council on the outcomes of the MOU discussions and any resourcing impacts that may result for its implementation.**

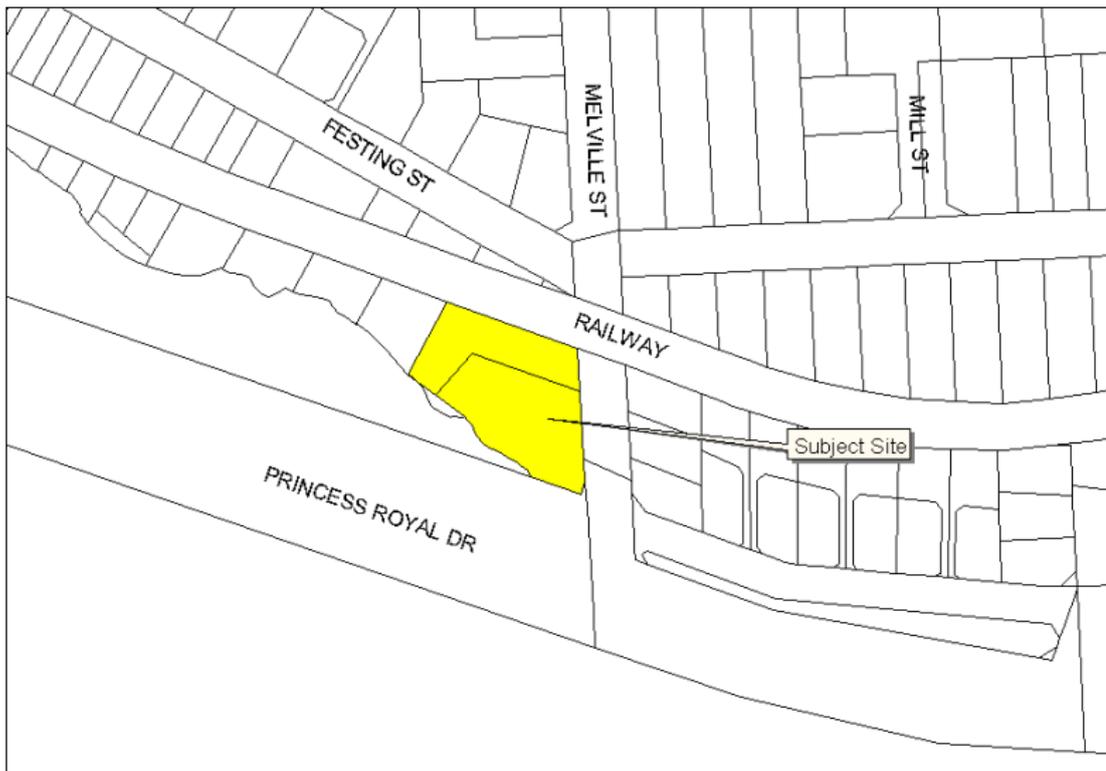
MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request – Lot 8 & 9 Princess Royal Drive, Albany

File/Ward	:	A176390A (Frederickstown Ward)
Proposal/Issue	:	Preliminary request to rezone Lot 8 & 9 from 'Parks and Recreation' Reserve to 'Tourist Residential' Zone
Subject Land/Locality	:	Lot 8 & 9 Princess Royal Drive, Albany
Proponent	:	Ayton Taylor Burrell
Owners	:	AW & KW Bell
Reporting Officer(s)	:	Planning Officer (Policy) (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the request
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Lot 8 & 9 Princess Royal Drive, Albany from 'Parks and Recreation' Reserve to the 'Tourist Residential' zone.
2. The application seeks to facilitate residential development at a density of R20 and tourist residential development at a density of R50.
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 as a result of this decision, 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); and
 - The Albany Regional Strategy (1994).
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.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

COMMENT/DISCUSSION

10. A copy of the draft proposal was referred to the Department for Planning and Infrastructure, Department of Environment and Main Roads WA for initial comments. The comments include:
 - Appropriate noise attenuation measures are to be incorporated into any proposed development;
 - The amendment document should clearly identify that the land is not ‘Parks and Recreation’ reserve vested under Section 20A of the Town Planning and Development Act;
 - The amendment document should identify the original intention of the reserve and an explanation as to why it is no longer required/appropriate;
 - Site investigations are required to establish any groundwater contamination under the subject site. This analysis should be used to determine the sites suitability for the ‘Tourist Residential’ zone.
 - Foreshore setbacks are required for any future development.
 - Main Roads WA does not favour any rezoning of the subject site; and
 - No significant redevelopment is to take place on the lots without due consideration for traffic and amenity issues.
11. Whilst it is recognised that Main Roads WA do not support the rezoning of this site, it is not considered sufficient to prevent an amendment from proceeding. The applicant should liaise with Main Roads WA to establish how their concerns can be addressed prior to preparing the amendment documents.
12. It has been identified by the Department of Environment that, with the exception of minor contamination on the hospice verge, there is no other soil contamination apparent on the site.
13. The Department of Environment has recognised that contaminated groundwater has migrated from the former gasworks site to towards Princess Royal Harbour. It had also identified that no investigation into groundwater has been undertaken on the subject site, a requirement prior to any further development.
14. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

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 8 & 9 Princess Royal Drive, Albany from 'Parks and Recreation' Reserve to 'Tourist Residential ' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) establish appropriate noise attenuation measures to be used in the proposed development;
- ii) a site investigation is required to establish any groundwater contamination;
- iii) liase with Main Roads WA to address concerns relating to traffic and amenity issues; and
- iv) foreshore setbacks are required for any future development.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WOLFE**

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 8 & 9 Princess Royal Drive, Albany from 'Parks and Recreation' Reserve to 'Tourist Residential ' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

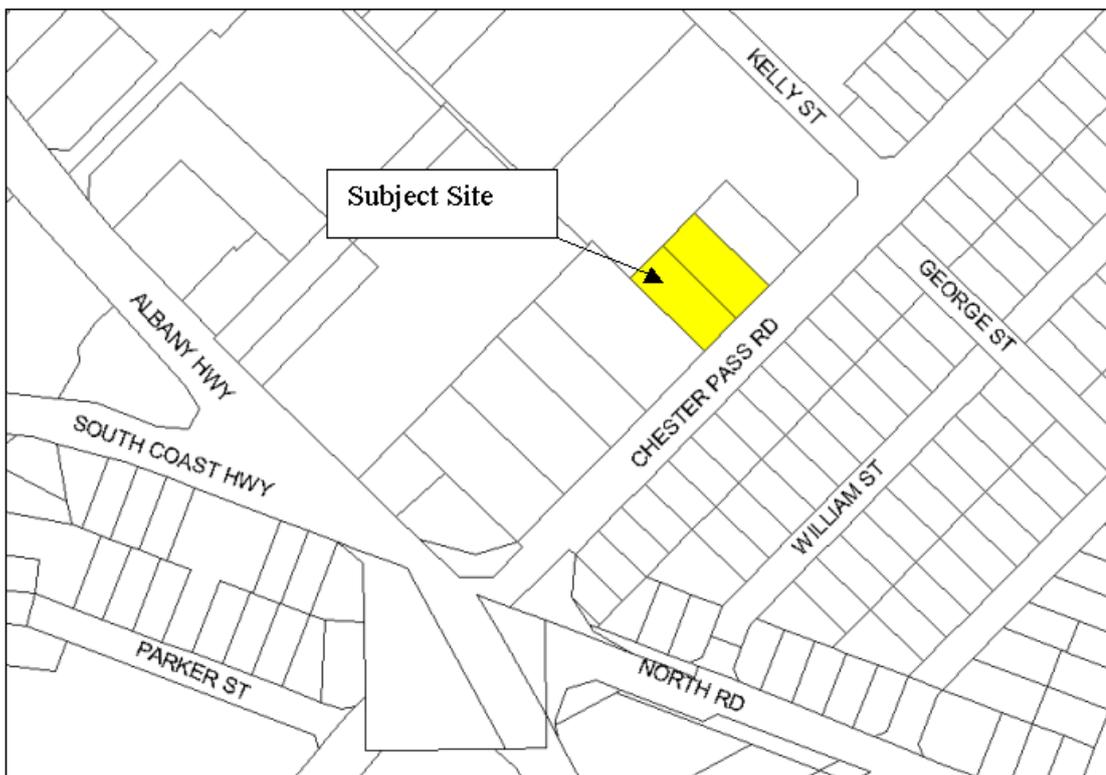
- i) establish appropriate noise attenuation measures to be used in the proposed development;**
- ii) a site investigation is required to establish any groundwater contamination;**
- iii) liase with Main Roads WA to address concerns relating to traffic and amenity issues; and**
- iv) foreshore setbacks are required for any future development.**

MOTION CARRIED 13-1

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request – Lot 1 & 2 Chester Pass Road, Orana

File/Ward	:	A120244A (Vancouver Ward)
Proposal/Issue	:	Preliminary request to rezone Lot 1 & 2 from ‘Service Station’ and ‘Industry’ to ‘Other Commercial’
Subject Land/Locality	:	Lot 1 & 2 Chester Pass Road, Orana
Proponent	:	Ayton Taylor Burrell
Owners	:	CA & CP Remaj
Reporting Officer(s)	:	Planning Officer (Policy) (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the request
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Lot 1 & 2 Chester Pass Road from 'Service Station' and 'Industry' to the 'Other Commercial' zone.
2. The owners are presently decommissioning the closed service station.
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 as a result of this decision, 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
 - Commercial Strategy Review (2000)
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 Commercial Strategy recognises the existence of mixed business areas such as bulky goods retail, warehousing, showrooms, service industries located along the major roads into Albany.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The City has recently commenced the preparation of a Retail Development Strategy to review the existing Commercial Strategy Review.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

COMMENT/DISCUSSION

11. A copy of the draft proposal was referred to the Department for Planning and Infrastructure, Department of Environment and Main Roads WA for initial comments. The comments include:
- No Stormwater shall be discharged onto the South Coast Highway (Chester Pass) Road Reserve;
 - One vehicle access per lot is permitted. Developers should apply to the Regional Manager Main Roads Great Southern prior to the development of the site;
 - There may be a requirement for land resumption as a result of road widening but the exact requirements are yet to be established;
 - Any further development of South Coast Highway will result in access to these lots being left turn in and left turn out only;
 - The service station is required to be decommissioned in accordance with Department of Environment requirements, as it is a known contaminated site; and
 - Should the proposed zoning be considered appropriate it should be extended to include Lot 3 to achieve consistency in the immediate locality.
12. The Commercial Strategy Review identifies the subject site and its surrounds as being mixed business development. The proposed zoning does not prejudice this intention.
13. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, 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 1 & 2 Chester Pass Road, Orana from ‘Service Station’ and ‘Industry’ to ‘Other Commercial’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) the decommissioning of the service station site in accordance with Department of Environment requirements; and
- ii) access arrangements being established in consultation with Main Roads WA.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR WOLFE**

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 1 & 2 Chester Pass Road, Orana from ‘Service Station’ and ‘Industry’ to ‘Other Commercial’ subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) the decommissioning of the service station site in accordance with Department of Environment requirements; and**
- ii) access arrangements being established in consultation with Main Roads WA.**

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment – Planning Scheme Consent Powers

File/Ward	: STR 196 (All Wards)
Proposal/Issue	: Planning Scheme Consent Powers
Subject Land/Locality	: Various
Proponent	: City Of Albany
Owner	: Nil.
Reporting Officer(s)	: Strategic Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Initiate scheme amendment
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. The recent gazettal of two scheme amendments to Town Planning Scheme No. 1A and 3 have incorporated the following scheme provision relating to approvals granted and the conditions under which Council could revoke its consent:

“5.1A. PLANNING CONSENT APPROVALS

5.1A.3 If the Council grants its planning consent subject to conditions and any condition is not fulfilled or complied with to the satisfaction of the Council, the Council may revoke its consent.”

2. Officers recommend that this scheme provision be supplemented with additional powers to enable Council to:
 - Revoke either a condition or consent when requested by an applicant; and
 - Amend or alter a condition or consent when requested by an applicant.

STATUTORY REQUIREMENTS

3. A Scheme Amendment is a statutory process under the Town Planning and Development Act 1928 and Council is required to resolve to initiate the amendment under Section 7 of the Town Planning and Development Act to commence the amendment process.

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

FINANCIAL IMPLICATIONS

5. The scheme amendment is required to be advertised in local newspapers and the government gazette at Council’s cost (approx. \$900).
6. Officers will prepare the scheme amendment documentation internally.

STRATEGIC IMPLICATIONS

7. The inclusion of the additional scheme powers will provide additional flexibility for Council to handle the changes in activities that naturally occur over time from the original approval. It specifically allows Council the powers to amend, alter and revoke a condition or entire consent either at the request of an applicant or for non-compliance.

COMMENT/DISCUSSION

8. Whilst the present scheme powers do allow for Council to revoke a consent, it relies on the non-compliance of the applicant. The inclusion of the additional powers will enable Council to deal with these matters early in the process and provide alternatives to the complete revocation of a consent for a minor non-fulfilment or non-compliance issue.
9. These powers are intended to form part of the new Community Planning Scheme and are derived from the Model Scheme Text provisions for town planning schemes.
10. Officers recommend that the present scheme provision be modified to include the supplementary powers in the interim period.
11. It is intended to also undertake some minor modifications to the existing schemes to renumber sections and remove redundant definitions.

RECOMMENDATION

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

- i)** modifying those existing clauses and incorporate scheme powers to:
 - a)** revoke either a condition or consent when requested by an applicant;
and
 - b)** amend or alter a condition or consent when requested by an applicant;
and
- ii)** deleting redundant definitions and renumber those sections of the scheme text accordingly.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

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

- i)** modifying those existing clauses and incorporate scheme powers to:
 - c)** revoke either a condition or consent when requested by an applicant; and
 - d)** amend or alter a condition or consent when requested by an applicant; and
- ii)** deleting redundant definitions and renumber those sections of the scheme text accordingly.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

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

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

Voting Requirement Simple Majority

.....

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

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

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

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

- i) modifying those existing clauses and incorporate scheme powers to:
 - a) revoke either a condition or consent when requested by an applicant; and**
 - b) amend or alter a condition or consent when requested by an applicant;****
- ii) modifying the delegated provisions to remove the capacity for Council to delegate the revocation or modification of planning scheme consents; &**
- iii) deleting redundant definitions and renumber those sections of the scheme text accordingly.**

MOTION LOST 2-12

Reason:

- Following further discussions with the Department for Planning and Infrastructure, it was agreed that the modified adoption clause better describes the changes proposed.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WELLINGTON**

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

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

MOTION CARRIED 14-0

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WELLINGTON**

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

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

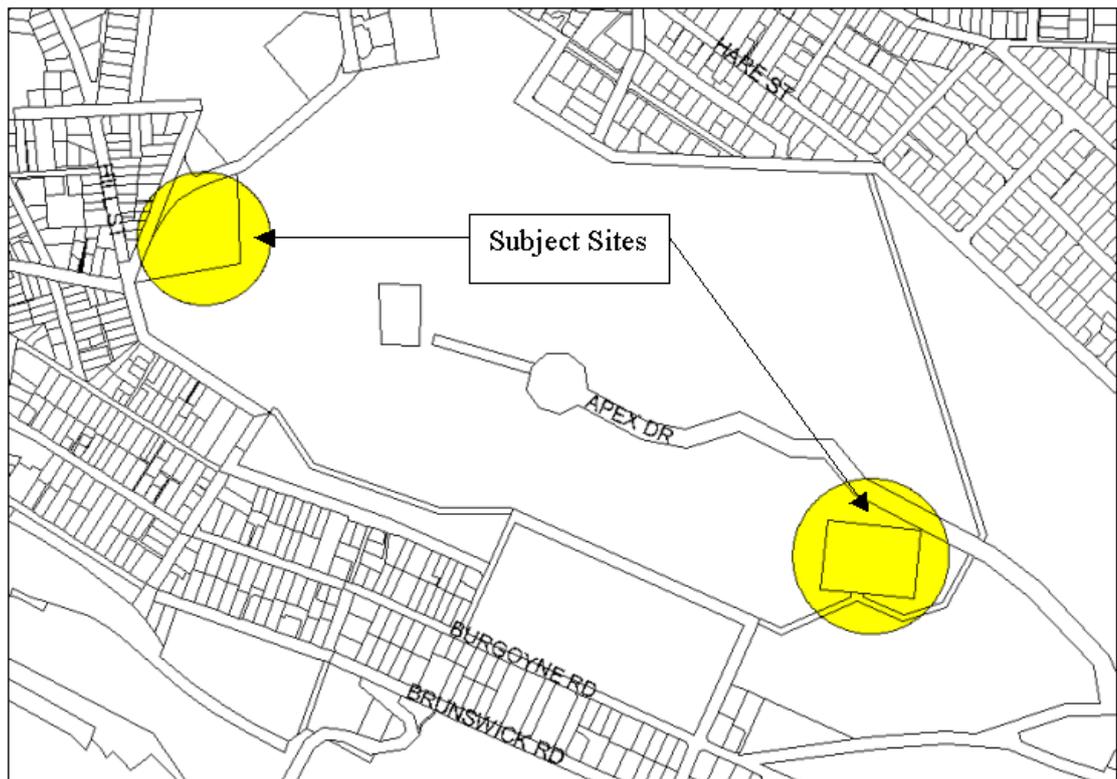
MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 Adjustment to Reserve Boundaries – Mt Clarence Water Reserve

File/Ward	: PRO132 (Frederickstown Ward)
Proposal/Issue	: Realign Boundary of Water Reserve 29075, Mt Clarence with Crown Reserve 2682
Subject Land/Locality	: A Class Reserve 2682 and Water Reserves 29075 and 16746.
Proponent	: Water Corporation
Owner	: Crown
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Support in Principle the Request to Modify Reserve Boundaries
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

BACKGROUND

1. On the 3rd June 2004 the Water Corporation submitted a request to the City to expand the area available within Reserve 29075 to provide space for the Corporation to develop water storage infrastructure into the future. The expansion would necessitate a 0.96 hectare reduction of the area within the “A” class conservation reserve 2682, see attached letter. The Corporation has undertaken to prepare an ethnographic and a flora survey over the affected area.
2. To compensate the community, the Corporation has offered a 2.2 hectare Reserve (referred to as a freehold site in the Corporation’s letter) on the western side of Mt Clarence, containing the decommissioned soft water tank, as part of the land exchange. The lot could be incorporated into the Mt Clarence conservation reserve and the Corporation has undertaken to remove man-made structures and restore the vegetation on the site prior to the transfer.

STATUTORY REQUIREMENTS

3. The Mt Clarence conservation reserve is classified as an “A” class reserve for “Public Park” under the Land Act and any adjustment to the boundary of the reserves requires the consent of both Houses of Parliament. The process is time consuming and is unlikely to be completed before 2006.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The undertakings provided by the Water Corporation would result in the capital costs associated with reinstating the local environment back to a pre-development condition being met by the Corporation. Council would then be responsible for managing the modified reserve into the future as part of the Mt Clarence network.

STRATEGIC IMPLICATIONS

6. The provision of an area large enough to accommodate the placement of several water storage tanks on Mt Clarence is essential to the Corporation’s community obligations to supply potable water for the City into the future. Issues associated with the scale and appearance of the tanks have previously been placed before Council and design of the upgraded storage facilities on Mounts Clarence and Melville is progressing.
7. The management plan for Mount Clarence has not been completed and there is no agreed Council or community position on pathway development, etc on the Mount.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

COMMENT/DISCUSSION

8. Site contours adjacent to the Mount Clarence water reservoir are critical to the ultimate siting of water storage tanks and any new facilities would need to be developed on the same level as the Mt Melville reservoir. The least amount of earthworks, and reserve disturbance, would be achieved if the new storage tanks were developed to the east and west of the existing reservoir.
9. Prior to submitting the initiative to the Department of Planning and Infrastructure, the nominated research will need to be completed so that Council can make a more informed decision on the merits of the request. Staff consider the proposal has merit and recommend that the detailed preparatory work be commenced.

RECOMMENDATION

THAT Council “approve in principle” the request from the Water Corporation to expand Reserve 29075 into ‘A’ class Reserve 2682 and to extinguish Reserve 16746 and incorporate it into ‘A’ class Reserve 2682 subject to the investigations and conditions outlined in the Corporation’s letter of the 3rd June 2004 being completed by the Corporation and submitted to Council prior to the matter being reconsidered by Council.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR DEMARTEAU</p> <p>THAT Council “approve in principle” the request from the Water Corporation to expand Reserve 29075 into ‘A’ class Reserve 2682 and to extinguish Reserve 16746 and incorporate it into ‘A’ class Reserve 2682 subject to the investigations and conditions outlined in the Corporation’s letter of the 3rd June 2004 being completed by the Corporation and submitted to Council prior to the matter being reconsidered by Council.</p> <p style="text-align: right;">MOTION CARRIED 13-1</p>

DEVELOPMENT SERVICES REPORTS

11.5 DEVELOPMENT SERVICE COMMITTEES

11.5.1 Albany Streetscape Advisory Committee Minutes – 23rd June 2004

- File/Ward** : MAN 161 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Summary Recommendation** : That the Minutes of the Albany Streetscape Advisory Committee held on the 23rd June 2004 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Advisory Committee held on 23rd June 2004 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

Item 6.1

THAT Council accept;

- i) Mr Harley Coyne's resignation from his position as a Noongar Community representative; and
- ii) Miss Alisia Coyne as the replacement Noongar Community representative.

Item 6.2

THAT Council endorse Mr Robert Fenn as the replacement of Mr Brett Joyne's position as a City of Albany representative.

Item 6.3

THAT Council accept apologies be received from Jo Hummerston for the next three meetings and Peter Trapnell from the second week of September for three meetings.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.5.1 continued.

**MOVED COUNCILLOR SANKEY
SECONDED COUNCILLOR WOLFE**

THAT the minutes of the Albany Streetscape Advisory Committee held on 23rd June 2004 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

Item 6.1

THAT Council accept;

- i) Mr Harley Coyne's resignation from his position as a Noongar Community representative; and**
- ii) Miss Alisia Coyne as the replacement Noongar Community representative.**

Item 6.2

THAT Council endorse Mr Robert Fenn as the replacement of Mr Brett Joyne's position as a City of Albany representative.

Item 6.3

THAT Council accept apologies be received from Jo Hummerston for the next three meetings and Peter Trapnell from the second week of September for three meetings.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund			
Cheques		totalling	625,810.84
Electronic Fund Transfer		totalling	4,488,945.46
Payroll		totalling	1,007,003.26
TOTAL			<u><u>\$6,121,759.56</u></u>

2. As at 5th July 2004, the total outstanding creditors, stands at \$123,239.36
3. Cancelled cheques – 19305, 19349, 19351 & 19394.

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
REFER DISCLAIMER
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment: -
Municipal Fund totalling \$6,121,759.56
Total \$6,121,759.56

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR EVANS SECONDED COUNCILLOR WELLINGTON</p> <p>THAT the following City of Albany accounts be passed for payment: - Municipal Fund totalling \$6,121,759.56 Total <u>\$6,121,759.56</u></p> <p>MOTION CARRIED 14-0</p>
--

12.1.2 Principal Activities Plan

File/Ward	:	STR 014 (All Wards)
Proposal/Issue	:	Council requested to adopt the Principal Activities Plan
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the Principal Activities Plan.
Bulletin Attachment	:	Nil.
Locality Plan	:	N/A

BACKGROUND

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

STATUTORY REQUIREMENTS

2. Section 5.56 of the Local Government Act (1995) requires that Council prepare a plan of principal activities each year, and make the plan available for public discussion over a period of at least six weeks. Submissions relating to the Plan must be considered before the City's annual budget is approved. Council must report any significant variances from the 2004/08 Plan in its 2004/05 Annual Report.

POLICY IMPLICATIONS

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

Item 12.1.2 continued.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. The proposed principal action plan has been prepared in accordance with existing strategic plans.

COMMENT/DISCUSSION

6. A Draft Principal Activities Plan was prepared in April 2004. The availability of the plan has been advertised locally, and the statutory period of 6 weeks allowed for public comment. There have been no public submissions.
7. At the time the Draft Principal Activities Plan was prepared, the operating budget had not been finalised. The proposed Principal Activities Plan has been amended in accordance with budget changes since that time. There are no major changes in the activities.
8. Council is requested to adopt the 2004/05 Principal Activities Plan.

RECOMMENDATION

THAT Council adopt the 2004/05 Principal Activities Plan.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR EMERY</p> <p>THAT Council adopt the 2004/05 Principal Activities Plan.</p> <p>MOTION CARRIED 14-0</p>
--

12.1.3 Municipal Fund Budget 2004/05

File/Ward	:	FIN 021 (All Wards)
Proposal/Issue	:	Municipal Fund Budget 2004/05
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That the 2004/05 Budget be adopted.
Bulletin Attachment	:	Nil.
Locality Plan	:	N/A

BACKGROUND

1. The draft annual budget for 2004/05 has been prepared in accordance with the Local Government Act 1995.

STATUTORY REQUIREMENTS

Adoption of Budget

2. Section 6.2(1) of the Local Government Act 1995 requires that prior to 31st August 2004, Council to adopt a budget for its municipal fund for the year ending 30th June 2005.
3. The annual budget is to incorporate:-
 - a) particulars of the estimated expenditure proposed to be incurred by the local government;
 - b) detailed information relating to the rates and service charges which will apply to land within the district including:-
 - i. the amount it is estimated will be yielded by the general rate; and
 - ii. the rate of interest (if any) to be charged by the local government on unpaid rates and service charges.
 - c) the fees and charges proposed to be imposed by the local government;
 - d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;
 - e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;

Item 12.1.3 continued.

- f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
- g) such other matters as are prescribed.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 5. The adopted budget will form the financial basis for operations of the City of Albany in 2004/05. Once adopted, the budget will be reviewed in October 2004, January 2005 and April 2005.

STRATEGIC IMPLICATIONS

- 6. The proposed budget has been reviewed against existing strategic plans.

COMMENT/DISCUSSION

Rating

- 7. The proposed increase in 2004/05 rates is 4.8%.

Capital Works Programme

- 8. Total Programme \$ 23.5 million

Funding Sources

Municipal Fund	\$3.2 million
External Sources (mainly grants & asset trade-ins)	\$7.7 million
Loan Funds	\$6.6 million
Land Sales	\$1.0 million
City Reserve Funds	\$5.0 million

Major Projects

Civic / Admin Centre design (carryover)
Strategic Bushfire Equipment
Assets Management Strategy Roads Programme
Various Parks / Reserves
Plant Replacement

Loans

- 9. Loan funding is proposed for the Assets Management Strategy Roads Programme (\$ 2.1 million), the Plant Business Unit (\$ 0.2million), a short term three to four year loan (\$ 3.0 million), and twenty year loan (\$1.5 million) to fund the Administration Building)

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
 REFER DISCLAIMER
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued.

Reserve Funds

10. City Reserves Funds show an estimated balance as at 30th June 2004 of \$4.1 million.

Fees and Charges

11. The proposed schedule of fees and charges is included in the Draft budget document.

Waste Charges

11. In determining a refuse collection/recycling fee for 2004/05, the following components of the proposed Waste Budget were considered:-

Operation of Tips/Transfer stations(net)	490,000	
Waste minimisation Contract	1,036,000	
Greenwaste Operations	299,000	
Tip Rehabilitation/Capital	347,000	
Transfers to reserve – future rehabilitation	132,000	
Other	18,000	
<i>Income Required</i>		<i>2,322,000</i>

Urban Residential

Number of Services		11,500
Recommended Refuse Collection/Recycling Fee		\$199.00
Total Waste Charge		\$2,288,000
Less : Bio-insert bin reduction		(24,000)
Net revenue – Urban Residential		\$2,264,000

Rural Residential

Number of Services		1,665
Recommended Refuse Collection/Recycling Fee		\$35
Total Waste Charge		\$58,000

RECOMMENDATION

- i) **Budget Adoption**
 That the 2004/05 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) and has incorporated AAS27 principles, be adopted.
- ii) **General Rates**
- a) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 10.3196 cents in the dollar be imposed on Gross Rental Valuations for those properties to be rated on Gross Rental Value.
- b) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of .6211 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued.

- iii) Discount for Early Payment
That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 3% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 14th September 2004.
- iv) Minimum Rates – All Properties
That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$466 for all categories.
- v) Refuse Service Charges (Rubbish Disposal & Recycling Service)
That the domestic urban Refuse Services Charge for 2004/05 be \$199.00 per annum.
- vi) Rural Waste Service Charge
That the Rural Waste Services Charge for 2004/05 be \$35.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.
- vii) Instalment Options
That in accordance with Section 6.45 of the Local Government Act 1995, the following payment options are available:
- Option 1 Payment in full up to 35 days after date of issue of Rate Notice – Due Date 14th September 2004.
- Option 2 Payment of two equal or nearly equal instalments:
1st Instalment Due Date 14th September 2004;
2nd Instalment Due 4 months after 1st
Due date: 14th January 2005.
(Instalment interest payable on rate amount only, all arrears to be paid in 1st instalment)
- Option 3 Payment of four equal or nearly equal instalments:
1st Instalment Due 35 days after date of issue of Rate Notice. Due date 14th September 2004.
2nd Instalment Due 2 months after 1st. Due date 15th November 2004.
3rd Instalment Due 2 month after 2nd. Due Date 14th January 2005.
4th Instalment Due 2 months after 3rd. Due Date 15th March 2005.
(Instalment interest payable on rate amount only, all arrears to be paid in 1st Instalment)
- viii) Instalments – Interest Rates & Administrative Charges
That in accordance with Section 6.45 of the Local Government Act 1995:
- an additional charge by way of interest where payment of a rate is made by instalments with the rate of interest being set at 5.5%;
 - an additional charge by way of an instalment fee, where payment of a rate is made by instalment be set at \$3.00 for each instalment excluding the first of any payment option. Therefore option 2 will attract a total administration charge of \$3.00 and option 3 will attract a total administration charge of \$9.00.

Item 12.1.3 continued.

- xi) Late Payment Interest Rates
Interest on Overdue Rates ,Service Charges.
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears rates and service charges, and current rates and service charges that remain unpaid after 35 days from the date of issue.
- x) Interest on Overdue Rubbish Collection Fees
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears Rubbish Collection Fees, and current rubbish charges that remain unpaid after 35 days from the date of issue.
- xi) Interest on Overdue Debtors Accounts.
Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 35 days from the date of issue.
- xii) Early Payment Prize
That nine prizes will be awarded as follows:

A \$2000 Commonwealth Bank Streamline account

Eight minor prizes provided by the following suppliers

- Cottesloe Beach Chalets
- Banksia Garden Resort Motel
- Ascot Quays Apartment Hotel
- Comfort Inn Albany
- Waterside Apartments South Perth
- Esplanade Hotel
- Balneaire Seaside Resort
- Wignalls Wines

In order to be eligible to enter the draw for the prizes, all rates and charges on the individual assessment must be paid in full 2 weeks prior to the due date (ie on or before 31st August 2004)

- xiii) Fees and Charges
That the schedule of fees and charges for the City of Albany be adopted.
- xiv) Budget Surplus
That any budget surplus arising from 2004/05 operations be transferred to reserve accounts for purposes as designated by Council.

Voting Requirement Absolute Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
REFER DISCLAIMER
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued.

Councillor Evans declared an impartial interest within this item. The nature of his interest is that he is a patron of the Albany City Band.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT the City fund an additional \$5,000 towards the Community Events program to be funded from the “ Other Special Events” budget of \$5,000.

MOTION CARRIED 14-0

Reason:

- It is considered that funding should be provided for the following major events which have either been recommended for part funding or no funding:-
 - Brass Extravaganza, which commemorates the 125th Birthday of the City of Albany Band;
 - The ‘Proms’ concerts, which have not been allocated any funding; and
 - Youth Orchestra Concert.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WEST**

THAT the City fund \$24,000 towards the cost of maintaining the position of Aboriginal Liaison Officer for the full 2004/05 financial year, to be funded by a reduction in loan interest made possible by delaying drawing down of one of the Administration Building loans.

MOTION CARRIED 14-0

Reason:

- Retention of the Aboriginal Liaison Officer position after Dept of Indigenous Affairs funding ceases is necessary to complete the City’s undertakings under the Aboriginal Accord. As Council is seeking external funding to assist in its program it should make a contribution to retention of the position.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT Council reduce the amount of the community financial assistance program by \$9,611 and allocate that amount to Rainbow Coast Family Services for the purposes of migrant resource facilities.

MOTION LOST 2-6

A members of the City’s Financial Assistance Committee, Councillors Evans, Williams, Wolfe, Demarteau and Barton indicated they had a conflicting interest in this item and left that Chambers at 8.52pm.

Councillor West declared an interest in this item and left the Chambers at 8.59pm. The nature of Councillor West’s interest was that he sold sheep to Fletcher’s International.

Item 12.1.3 continued.

Reason:

- Rainbow Coast Family Services require urgent funds for use in establishing and maintaining migrant resource facilities in the City of Albany. With many recent successful applications by Hazaran Afghans for permanent resident status being approved by the Department of Immigration and Multicultural Affairs, there has been an increase in demand for the services they provide.

Councillors Evans, Williams, Wolfe, Demarteau, Barton and West returned to the Chambers at 9.03pm.

**MOVED COUNCILLOR SANKEY
SECONDED COUNCILLOR DEMARTEAU**

That Council not allocate \$50,000 for public art and that this amount be allocated to funding the pathways master plan.

MOTION CARRIED 8-6

Councillor Demarteau tabled a document titled 'Prevent Falls'.

Reason:

- That the existing \$50,000 that is being held for the purposes of public art is considered to be sufficient for the project.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILOR WILLIAMS**

i) Budget Adoption

That the 2004/05 Budget which has been prepared in accordance with the Local Government Financial Regulations (1997) and has incorporated AAS27 principles, be adopted.

That the existing budget item Stirling Terrace Pathways Preservation budget, be increased by \$22,500 to allow Streetscape works adjacent to the new Police complex, funded by State Government.

ii) General Rates

a) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of 10.3196 cents in the dollar be imposed on Gross Rental Valuations for those properties to be rated on Gross Rental Value.

b) That in accordance with Section 6.32 of the Local Government Act 1995, a General Rate of .6211 cents in the dollar be imposed on all Unimproved Valuations for properties to be rated on Unimproved Value

vi) Discount for Early Payment

That in accordance with Section 6.46 of the Local Government Act 1995, an early payment discount equal to 3% of current rates levied be allowed where payment of the account is made in full by no later than 4.30pm on the 14th September 2004.

Item 12.1.3 continued.

- vii) Minimum Rates – All Properties**
That in accordance with Section 6.35 of the Local Government Act 1995, a minimum rate be set at \$466 for all categories.
- viii) Refuse Service Charges (Rubbish Disposal & Recycling Service)**
That the domestic urban Refuse Services Charge for 2004/05 be \$199.00 per annum.
- vi) Rural Waste Service Charge**
That the Rural Waste Services Charge for 2004/05 be \$35.00 per annum per residential component for properties which do not have a weekly/fortnightly rubbish disposal service.
- vii) Instalment Options**
That in accordance with Section 6.45 of the Local Government Act 1995, the following payment options are available:
- Option 1** Payment in full up to 35 days after date of issue of Rate Notice – Due Date 14th September 2004.
- Option 2** Payment of two equal or nearly equal instalments:
1st Instalment Due Date 14th September 2004;
2nd Instalment Due 4 months after 1st
Due date: 14th January 2005.
(Instalment interest payable on rate amount only, all arrears to be paid in 1st instalment)
- Option 3** Payment of four equal or nearly equal instalments:
1st Instalment Due 35 days after date of issue of Rate Notice. Due date 14th September 2004.
2nd Instalment Due 2 months after 1st. Due date 15th November 2004.
3rd Instalment Due 2 month after 2nd. Due Date 14th January 2005.
4th Instalment Due 2 months after 3rd. Due Date 15th March 2005.
(Instalment interest payable on rate amount only, all arrears to be paid in 1st Instalment)
- viii) Instalments – Interest Rates & Administrative Charges**
That in accordance with Section 6.45 of the Local Government Act 1995:
- an additional charge by way of interest where payment of a rate is made by instalments with the rate of interest being set at 5.5%;
 - an additional charge by way of an instalment fee, where payment of a rate is made by instalment be set at \$3.00 for each instalment excluding the first of any payment option. Therefore option 2 will attract a total administration charge of \$3.00 and option 3 will attract a total administration charge of \$9.00.

Item 12.1.3 continued.

- xv) **Late Payment Interest Rates**
Interest on Overdue Rates ,Service Charges.
 Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears rates and service charges, and current rates and service charges that remain unpaid after 35 days from the date of issue.
- x) **Interest on Overdue Rubbish Collection Fees**
 Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears Rubbish Collection Fees, and current rubbish charges that remain unpaid after 35 days from the date of issue.
- xi) **Interest on Overdue Debtors Accounts.**
 Late payment interest be set at a rate of 11% per annum (.0301% daily) and continue to be charged on overdue/arrears debtors accounts that remain unpaid after 35 days from the date of issue.

- xvi) **Early Payment Prize**
 That nine prizes will be awarded as follows:

- A \$2000 Commonwealth Bank Streamline account**
Eight minor prizes provided by the following suppliers
- Cottesloe Beach Chalets
 - Banksia Garden Resort Motel
 - Ascot Quays Apartment Hotel
 - Comfort Inn Albany
 - Waterside Apartments South Perth
 - Esplanade Hotel
 - Balneaire Seaside Resort
 - Wignalls Wines

In order to be eligible to enter the draw for the prizes, all rates and charges on the individual assessment must be paid in full 2 weeks prior to the due date (ie on or before 31st August 2004)

- xvii) **Fees and Charges**
 That the schedule of fees and charges for the City of Albany be adopted with the following amendments

Description	Fee in Draft Budget	Amended Fee
Synthetic Surface		
Adult Hockey Player	\$ 3.95	\$ 4.35
Child Hockey Player	\$ 3.20	\$ 3.45

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.3 continued.

Reason for change:

In accordance with the agreement with the Lower Great Southern Hockey Association (LGSHA), fees for the Synthetic Surface are to be set at the general ALAC admission fee plus the hockey levy to repay the LGSHA self supporting loan

xviii) Budget Surplus

That any budget surplus arising from 2004/05 operations be transferred to reserve accounts for purposes as designated by Council.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

12.2 ADMINISTRATION

12.2.1 Landfill Subsidy Scheme – Council Policy

File/Ward	:	FIN 022 (All Wards)
Proposal/Issue	:	Consideration and adoption of draft policy relating to the provision of subsidized landfill for eligible organisations
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Community Development Officer (R Shanhun)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation	:	That the draft Landfill Subsidy Scheme Policy be adopted.
Locality Plan	:	N/A

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

2. There are no current policy implications relating to this item. The draft policy and recommendations are referred to Council for consideration as part of the policy adoption process.

FINANCIAL IMPLICATIONS

3. Adoption of the draft policy will have no direct budgetary impact. Those organisations that will be eligible for the proposed subsidy, have historically not been charged for waste disposal.
4. There is no allocation within the draft budget for the Landfill Subsidy, nor is an allocation necessary, as the subsidy means eligible organisations will not be charged for waste services. Potential revenue forgone by Council through absorption of the subsidised landfill fees is estimated at between \$3,000 and \$4,000 per annum.

Item 12.2.1 continued.

STRATEGIC IMPLICATIONS

5. Support for this proposal is in line with the following sections Council’s Albany 2020 Strategic Plan:
Social, Cultural and Economic Development
- To attract and develop a broad range of social, cultural and economic entities.
 - To encourage and assist community organisations to develop services and facilities that benefit the community.

COMMENT/DISCUSSION

6. For many years local charitable and benevolent organisations have been provided with landfill dumping at the Hanrahan Road Landfill site free of charge, in recognition of the charitable or benevolent nature of their work and the contribution they make to the community.
7. With the introduction of the new Waste Management Services and implementation of more rigid controls, these organisations are now being charged for their waste services and disposal.
8. In the past the administration of subsidies has been adhoc, lacking in formal guidance and been inconsistent. To facilitate a more controlled method of administering the provision of subsidised fees and charges for waste services, the attached draft policy ‘Landfill Subsidy Scheme’ is presented for Council consideration.
9. Should the overall subsidy exceed \$10,000 in any one year the policy will be reviewed and brought back to Council for reconsideration.

RECOMMENDATION

THAT Council;

- i) adopt the draft Landfill Subsidy Scheme Policy, as presented; and
- ii) delegate authority to the Chief Executive Officer to administer the Landfill Subsidy Scheme, in accordance with provisions of Delegated Authority as contained in the draft policy.

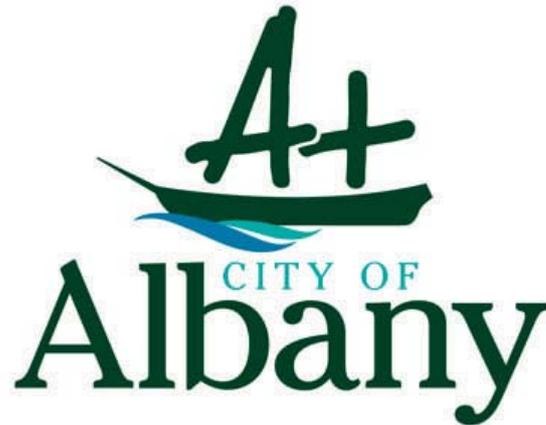
Voting Requirement Absolute Majority

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Council;

- i) adopt the draft Landfill Subsidy Scheme Policy, as presented; and**
- ii) delegate authority to the Chief Executive Officer to administer the Landfill Subsidy Scheme, in accordance with provisions of Delegated Authority as contained in the draft policy.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**



LANDFILL SUBSIDY SCHEME

COUNCIL POLICY

DOCUMENT CONTROL – for office use only

Officer Title: Community Development Officer

Author (if different from above):

Date & Reference of Council Adoption: Not yet adopted by Council

Copy Lodged with Corporate Library: e.g. 3 July 2003

File No: e.g. FIN022

Contract File No.:

Associated Strategic Expenditure Document:

File Name & Path: (see footer): N/General/Policy.Procedure/Policies/Waste Services Subsidy Scheme

Version: Draft 1

Status of Document: e.g. Under development/Open for Public Consultation/Final Draft/Adopted by Council (underline as appropriate).

First Review Date: July 2006

Landfill Subsidy Scheme Council Policy

LANDFILL SUBSIDY SCHEME

- OBJECTIVE:** *To provide subsidised waste disposal facilities for eligible charitable or benevolent community based organisations within the City of Albany.*
- STRATEGIC ALIGNMENT:** **Social, Cultural and Economic Development**
- To attract and develop a broad range of social, cultural and economic entities.
- To encourage and assist community organisations to develop services and facilities that benefit the community.
- SUBSIDY SCOPE:** The subsidy is only available specifically for waste that has already had all reusable materials removed i.e. recyclables and greenwaste. The scheme is to offset landfill charges only and is not offset each organisation's responsibility to minimise waste going to landfill.
- ELIGIBILITY:** Bona-fide charitable or benevolent organisations providing economic, social, community or environmental services and benefits to the citizens of the City of Albany.
- APPLICATIONS:** Applications must be submitted in writing addressed to the Chief Executive Officer and should include information verifying eligibility and details of expected waste types, volumes and regularity of disposal.
- DELEGATION OF AUTHORITY:** **Authority is delegated to the Chief Executive Officer to determine eligibility of organisations to qualify for the Waste Services Subsidy.**

12.2.2 Contract C02052 – Purchase, Periodic Replacement, Management and Maintenance of Commercial Vehicles

File/Ward	:	C02052 (All Wards)
Proposal/Issue	:	Purchase, Replacement, Management and Maintenance of Commercial Vehicles until June 2006 by Public Tender
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach) Manager, Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender C02052 - Purchase, Replacement, Management and Maintenance of Commercial Vehicles until June 2006 through a split tender from Barnesby Ford & Albany Toyota
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany has traditionally managed its commercial vehicles on an individual, case-by-case basis. As a result of discussions with various business representatives in respect of Council's total commercial vehicle fleet, it was considered viable to tender for management of all of Council's commercial vehicles and analyse the information received through this process to establish the most advantageous option to Council.
2. A request for tenders was published in the West Australian on 5th May 2004 and the Albany Advertiser on 6th May 2004 with a copy in the Albany Extra on 7th May 2004 for the Initial Purchase, Replacement, Management and Maintenance of Commercial Vehicles until June 2006.
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:

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 continued

Evaluation Criteria	% Weighting
Financial Costing (whole of contract)	60
Operational Costs	10
Relevant Experience	10
Services Offered	10
Vehicle Safety Features	10
TOTAL	100

STATUTORY REQUIREMENTS

4. 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.
5. 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.
6. Regulation 19 requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. The 2004/2005 budget includes a capital allocation of \$424,552.00 for the replacement of all of Council's commercial vehicles. Further allocations are provided in the operating budgets for registration, insurance and fuel for these vehicles. Vehicles are currently replaced on the basis of either of three (3) years or 60,000 kilometres.

STRATEGIC IMPLICATIONS

9. In the City of Albany's 2020 Plan Charting Our Course, the following Ports of Call are identified:
 - A reputation for professional excellence and transport systems and services designed to meet current and future needs.

COMMENT/DISCUSSION

10. A total of eight specifications were issued. Four tender submissions were received by the close of the tender period.

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

11. The financial analysis of the tenders received for the management of the light commercial fleet has been based on the replacement of the vehicles on the following basis.
 - ◆ Replacement of the entire fleet of 33 commercial vehicles with a two year agreement (with options of one year plus one further year) with one or more specified dealers to manage and maintain the fleet and provide replacement vehicles at pre-determined intervals. Both Council and the suppliers must agree to any extension of the contract beyond two years.
12. The comparisons of the various cases included the following components (net of GST) based on net present value at 0% (cash basis) and 6% discounted cash flow:
 1. Cost of the new vehicle and trade in (initial changeover).
 2. Costs of subsequent changeovers based on the conditions agreed with each dealer, and expected trade in values after two years.
 3. Cost to the City of Albany of annual maintenance
13. Under the tender process, Council has the provision to accept a portion of any tender provided that there is a minimum of 12 vehicles. It was found that the Barnesby Ford and Albany Toyota tender submissions provided exceptional value to Council if we were to apply this option. This benefit can be seen in the table at the rear of this report.
14. The cost of purchase, changeovers and maintenance of the total commercial vehicle fleet for the next two years under the various options is attached to the rear of this report.
15. A brief summary of the tenders follows:

Albany City Holden – proposes to replace 33 vehicles every 30,000km – regardless of time.

Barnesby Ford – proposes to replace 33 vehicles every 12 months/20,000km.

Albany Toyota – proposes to replace 33 vehicles every 9 months/15,000km.

Northside Mitsubishi – propose ‘fully maintained operating leases’ for all 33 vehicles for 24 months with Diamond Leasing (Custom Service Leasing Limited). Northside Mitsubishi would supply the vehicles.
16. The tender submission from Northside Mitsubishi, whilst not conforming to tender requirements, was evaluated as it was a different option than previously considered and worth considering on its merits.
17. The evaluation indicated that a split contract with the Albany Toyota and Barnesby Ford tenders was superior on the basis of both price and suitability for Council’s purposes. The total tender evaluation weighting were:

Split Contract – Albany Toyota & Barnesby Ford	79.6
Albany Toyota	64.0
Barnesby Ford	60.0
Northside Mitsubishi	54.7
Albany City Holden	42.7

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

18. The Council is also disposing of the following five (5) vehicles, as they are surplus to our requirements.

P101	Isuzu NQR 200	AL20360	\$15,500
P2080	Toyota Hilux	A48501	\$11,000
P2236	Mitsubishi Triton	A48155	\$11,000
P2242	Mitsubishi Triton	A2824	\$10,500
P2295	Toyota Hilux	A48250	\$10,500

RECOMMENDATION

THAT Council award tender C02052 as follows:

- i) To Barnesby Ford for the replacement of the following vehicles:

Vehicle	Purchase Price (inc. GST)	Trade In (Inc. GST)	Changeover Price (Inc. GST)
P605 A48334 – Ford Courier	\$27,965.00	\$18,000.00	\$9,965.00
P2071 A48335 – Ford Courier	\$27,965.00	\$18,000.00	\$9,965.00
P2073 A2897 – Ford Courier	\$21,830.00	\$12,500.00	\$9,330.00
P714 A47601 – Ford Courier	\$19,490.00	\$10,500.00	\$8,990.00
P103 A47439 – Ford Courier	\$23,539.00	\$11,000.00	\$12,539.00
P2201 A46049 – Ford Courier	\$23,539.00	\$9,000.00	\$14,539.00
P2213 A47433 – Ford Courier	\$26,179.00	\$10,000.00	\$16,179.00
P2214 A47438 – Ford Courier	\$26,303.00	\$10,000.00	\$16,303.00
P2105 A48346 – Ford Courier	\$26,179.00	\$11,500.00	\$14,679.00
P2190 A48347 – Ford Courier	\$26,303.00	\$11,500.00	\$14,803.00
P2212 A47434 – Ford Courier	\$23,689.00	\$10,000.00	\$13,689.00
P2011 A48156 – Ford Courier	\$26,353.00	\$10,000.00	\$16,353.00
P666 A48205 – Ford Courier	\$26,040.00	\$9,000.00	\$17,040.00
P2240 A48808 – Ford Courier	\$27,797.00	\$19,500.00	\$8,297.00
P2211 A47149 Ford Courier	\$24,888.00	\$10,000.00	\$14,888.00
P2103 A45639 – Ford Courier	\$30,476.00	\$18,000.00	\$12,476.00
P662 A48154 – Ford Courier	\$30,163.00	\$12,000.00	\$18,163.00

- ii) To Albany Toyota for the replacement of the following vehicles:

Vehicle	Purchase Price (inc. GST)	Trade In (Inc. GST)	Changeover Price (Inc. GST)
P657 A48139 – Toyota Hilux	\$34,000.00	\$17,500.00	\$16,500.00
P658 A48138 – Toyota Hilux	\$34,000.00	\$16,500.00	\$17,500.00
P660 A48140 – Toyota Hilux	\$34,000.00	\$17,700.00	\$16,300.00
P661 A2775 – Toyota Hilux	\$34,000.00	\$16,500.00	\$17,500.00
P651 A2953 – Toyota Hilux	\$31,000.00	\$11,000.00	\$20,000.00
P659 A2692 – Toyota Hilux	\$31,000.00	\$20,800.00	\$10,200.00
P2016 A48926 – Toyota Hilux	\$31,000.00	\$14,000.00	\$17,000.00
P2210 A47473 – Toyota Hilux	\$31,000.00	\$16,500.00	\$14,500.00
P2083 A18927 – Toyota Hilux	\$31,000.00	\$14,250.00	\$16,750.00

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

P701 A2968 – Toyota Hilux	\$17,800.00	\$13,750.00	\$4,050.00
P664 A48163 – Toyota Hilux	\$21,850.00	\$18,500.00	\$3,350.00
P2072 A48502 – Toyota Hilux	\$23,200.00	\$10,800.00	\$12,400.00
P2048 A3248 – Toyota Hilux	\$32,050.00	\$22,800.00	\$9,250.00
P2101 A48249 – Toyota Hilux	\$32,000.00	\$9,750.00	\$22,250.00
P2204 A51271 – Toyota Hilux	\$31,400.00	\$28,500.00	\$2,900.00
P2124 A48331 – Toyota Hilux	\$30,163.00	\$12,000.00	\$18,163.00

- iii) Council dispose of the following vehicles to Albany Toyota, at the listed disposal price.

P101	Isuzu NQR 200	AL20360	\$15,500
P2080	Toyota Hilux	A48501	\$11,000
P2236	Mitsubishi Triton	A48155	\$11,000
P2242	Mitsubishi Triton	A2824	\$10,500
P2295	Toyota Hilux	A48250	\$10,500

Voting Requirement Simple Majority

AMENDED RECOMMENDATION

THAT Council award tender C02052 as follows:

- i) To Barnesby Ford for the replacement of the following vehicles:

		Purchase Price (inc GST)	Trade-In (inc GST)	Change- over
P701	Ford Courier	19,128	12,500	6,628
P714	Ford Courier	19,490	10,500	8,990
P2073	Ford Courier	21,830	12,500	9,330
P103	Ford Courier	23,613	11,000	12,613
P2201	Ford Courier	23,613	9,000	14,613
P2072	Ford Courier	23,763	9,000	14,763
P2212	Ford Courier	23,763	10,000	13,763
P2211	Ford Courier	24,962	10,000	14,962
P666	Ford Courier	26,114	9,000	17,114
P2213	Ford Courier	26,253	10,000	16,253
P2105	Ford Courier	26,253	11,500	14,753
P2214	Ford Courier	26,501	10,000	16,501
P2190	Ford Courier	26,501	11,500	15,001
P2210	Ford Courier	26,702	16,000	10,702
P605	Ford Courier	27,965	18,000	9,965
P2240	Ford Courier	27,995	19,500	8,495
P2071	Ford Courier	28,039	18,000	10,039
P662	Ford Courier	30,237	12,000	18,237
		452,722	220,000	232,722

CORPORATE & COMMUNITY SERVICES REPORTS

ii) To Albany Toyota for the replacement of the following vehicles:

		Purchase Price (inc GST)	Trade-In (inc GST)	Change-over
P657	Toyota Hilux	34,000	17,500	16,500
P658	Toyota Hilux	34,000	16,500	17,500
P660	Toyota Hilux	34,000	17,700	16,300
P661	Toyota Hilux	34,000	16,500	17,500
P651	Toyota Hilux	31,000	11,000	20,000
P659	Toyota Hilux	31,000	20,800	10,200
P2016	Toyota Hilux	31,000	14,000	17,000
P2083	Toyota Hilux	31,000	14,250	16,750
P664	Toyota Hilux	21,850	18,500	3,350
P2011	Toyota Hilux	28,650	10,000	18,650
P2103	Toyota Hilux	35,000	22,500	12,500
P2048	Toyota Hilux	32,050	22,800	9,250
P2101	Toyota Hilux	32,000	9,750	22,250
P2204	Toyota Hilux	31,400	28,500	2,900
P2124	Toyota Hilux	32,900	19,750	13,150
		473,850	260,050	213,800

iii) Council dispose of the following vehicles to Albany Toyota, at the listed disposal price.

P2080	Toyota Hilux	A48501	\$11,000
P2236	Mitsubishi Triton	A48155	\$11,000
P2242	Mitsubishi Triton	A2824	\$10,500
P2295	Toyota Hilux	A48250	\$10,500

iv) Council dispose of the following vehicle to Albany City Holden, at the listed disposal price.

P101	Isuzu NQR 200	AL20360	\$18,000
------	---------------	---------	----------

Voting Requirement Simple Majority

.....

Item 12.2.2 continued.

**MOVED COUNCILLOR DEMARTEAU
 SECONDED COUNCILLOR WOLFE**

THAT Council award tender C02052 as follows:

i) To Barnesby Ford for the replacement of the following vehicles:

		Purchase Price (inc GST)	Trade-In (inc GST)	Change-over
P701	Ford Courier	19,128	12,500	6,628
P714	Ford Courier	19,490	10,500	8,990
P2073	Ford Courier	21,830	12,500	9,330
P103	Ford Courier	23,613	11,000	12,613
P2201	Ford Courier	23,613	9,000	14,613
P2072	Ford Courier	23,763	9,000	14,763
P2212	Ford Courier	23,763	10,000	13,763
P2211	Ford Courier	24,962	10,000	14,962
P666	Ford Courier	26,114	9,000	17,114
P2213	Ford Courier	26,253	10,000	16,253
P2105	Ford Courier	26,253	11,500	14,753
P2214	Ford Courier	26,501	10,000	16,501
P2190	Ford Courier	26,501	11,500	15,001
P2210	Ford Courier	26,702	16,000	10,702
P605	Ford Courier	27,965	18,000	9,965
P2240	Ford Courier	27,995	19,500	8,495
P2071	Ford Courier	28,039	18,000	10,039
P662	Ford Courier	30,237	12,000	18,237
		452,722	220,000	232,722

ii) To Albany Toyota for the replacement of the following vehicles:

		Purchase Price (inc GST)	Trade-In (inc GST)	Change-over
P657	Toyota Hilux	34,000	17,500	16,500
P658	Toyota Hilux	34,000	16,500	17,500
P660	Toyota Hilux	34,000	17,700	16,300
P661	Toyota Hilux	34,000	16,500	17,500
P651	Toyota Hilux	31,000	11,000	20,000
P659	Toyota Hilux	31,000	20,800	10,200
P2016	Toyota Hilux	31,000	14,000	17,000
P2083	Toyota Hilux	31,000	14,250	16,750
P664	Toyota Hilux	21,850	18,500	3,350
P2011	Toyota Hilux	28,650	10,000	18,650
P2103	Toyota Hilux	35,000	22,500	12,500
P2048	Toyota Hilux	32,050	22,800	9,250
P2101	Toyota Hilux	32,000	9,750	22,250
P2204	Toyota Hilux	31,400	28,500	2,900
P2124	Toyota Hilux	32,900	19,750	13,150
		473,850	260,050	213,800

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

iii)	Council dispose of the following vehicles to Albany Toyota, at the listed disposal price.			
	P2080	Toyota Hilux	A48501	\$11,000
	P2236	Mitsubishi Triton	A48155	\$11,000
	P2242	Mitsubishi Triton	A2824	\$10,500
	P2295	Toyota Hilux	A48250	\$10,500
iv)	Council dispose of the following vehicle to Albany City Holden, at the listed disposal price.			
	P101	Isuzu NQR 200	AL20360	\$18,000
MOTION CARRIED 14-0				

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
 ** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

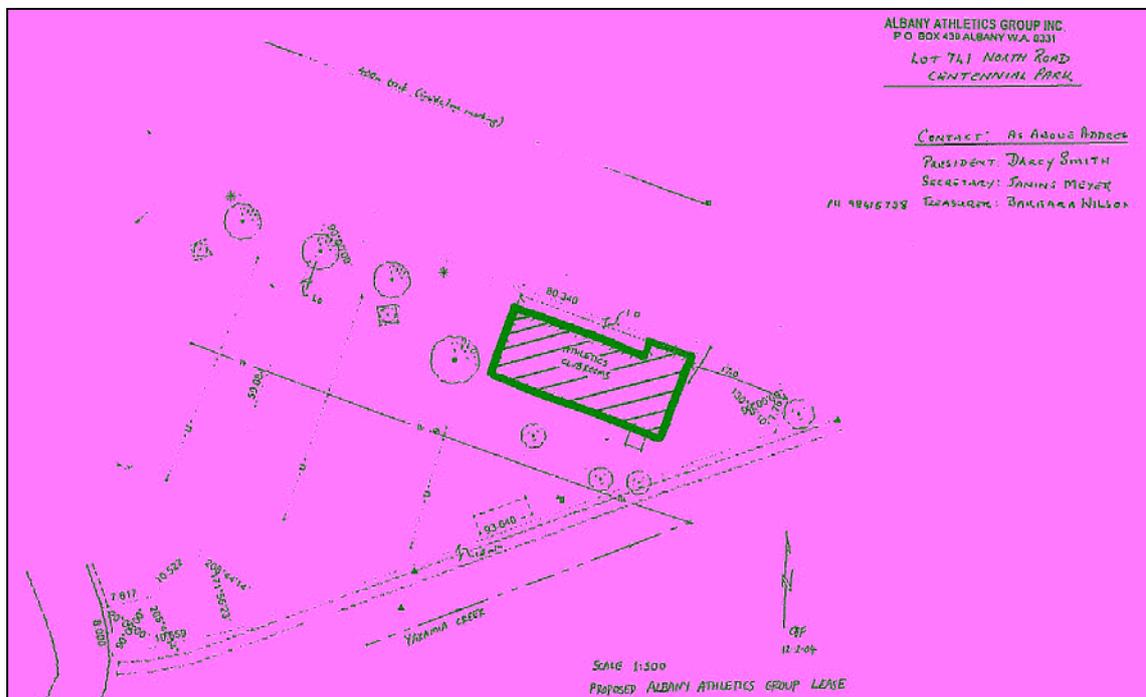
Item 12.2.2 continued

	Northside Mitsubishi	Albany City Holden	Albany Toyota	Barnesby Ford	Split Contract		
					Toyota 16 Vehicles	Ford 17 Vehicles	Combined Total
Initial Purchase of Vehicles	\$0	\$1,000,637	\$947,100	\$889,151	\$473,850	\$452,722	\$926,572
Trade in of existing Fleet	(\$509,500)	(\$554,000)	(\$546,400)	(\$516,500)	(\$318,550)	(\$220,000)	(\$538,550)
Year 1 Changeovers & Service	\$0	\$71,952	\$163,229	\$101,319	\$62,656	\$13,124	\$75,780
Year 2 Changeovers & Service	\$0	\$285,460	\$154,310	\$248,633	\$62,710	\$125,148	\$187,858
Lease Costs – Fully Maintained Operating Lease	\$562,059						
Fleet cost upgrade to new vehicle	\$902,582	\$231,820	\$179,255	\$189,919	\$126,890	\$63,360	\$195,249
Net Cost – over 2 years	\$955,141	\$1,035,870	\$897,494	\$912,522	\$407,556	\$439,354	\$846,909

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.2.3 Proposed New Lease For Albany Athletics Group Inc

- File/Ward** : PRO 028 (Frederickstown Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Portion of Lot 741
- Proponent** : Albany Athletics Group Inc
- Owner** : City of Albany
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 21 year term from 1 April 2004.
- Bulletin Attachment** : Nil
- Locality Plan** :



Item 12.2.3 continued.

BACKGROUND

1. A request has been received from the Albany Athletics Group Inc for Council to consider renewing their lease agreement, which expired on 31 March 2004. The current lease was for a term of 21 years, which commenced on 1 April 1983.
2. The Albany Athletics Group Inc is located off Sanford Road on a portion of Lot 741, which the City of Albany owns freehold.

STATUTORY REQUIREMENTS:

3. 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.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
5. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
6. The Albany Athletics Group Inc is a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. The current lease fee is a peppercorn rental of \$10.00 per annum.
9. All costs and fees associated with both the preparation of this proposed new lease and ongoing reviews are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

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

Item 12.2.3 continued.

COMMENT/DISCUSSION

- 11. The Albany Athletics Group Inc has written to Council requesting a new lease be prepared for a term of 21 years commencing from 1 April 2004.
- 12. This proposed new lease will have no affect on the planned multi-sport facility in the area.
- 13. A \$10,000 Financial Assistance Grant has been approved by Council for the construction of a car park by the Albany Athletics Group Inc. It is proposed that this car park would be built on Council owned land separate to the area currently leased to the Albany Athletics Group Inc.

RECOMMENDATION

THAT Council agree:

- i) to a new lease for the Albany Athletics Group Inc being prepared for a period of 21 years, from 1 April 2004 until 31 March 2025 on Portion of Lot 741;
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council’s 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs to the premises being carried out by the Club;
- v) all fees and charges associated with this lease be payable by the Albany Athletics Club Inc; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR SANKEY**

THAT Council agree:

- i) to a new lease for the Albany Athletics Group Inc being prepared for a period of 21 years, from 1 April 2004 until 31 March 2025 on Portion of Lot 741;**
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council’s 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs to the premises being carried out by the Club;**
- v) all fees and charges associated with this lease be payable by the Albany Athletics Club Inc; and**
- vi) the Common Seal of the City of Albany be affixed to the documentation.**

MOTION CARRIED 14-0

12.2.4 Adoption of Jetties, Bridges and Boat Pens Local Law

File/Ward	:	PRO 109 (All Wards)
Proposal/Issue	:	To make a new Local Law for Jetties, Bridges and Boat Pens within the municipality of the City of Albany
Subject Land/Locality	:	Various
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Administration Officer (J Twaddle)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To make the Jetties, Bridges and Boat Pens Local Law
Bulletin Attachment	:	Copy of the Local Law
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany currently manages and maintains the Emu Point Boat Pens with 59 pens fully leased throughout the year.
2. The City of Albany currently manages and maintains the Town Jetty.
3. The City of Albany also maintains various other jetty and bridge structures within the municipality of the City of Albany, including the Ellen Cove Jetty and Lower King and Kalgan bridges.
4. The City needs to enact a series of local laws to facilitate the ongoing control and management of these structures. These include matters such as limitations on use, pen licences and general prohibitions.
5. Under the provisions of the Local Government Act Council is able to make Local Laws prescribing all matters that are required or permitted by a Local Law or are necessary or convenient to be so prescribed for it to perform any of its functions.
6. A draft Local Law for Jetties, Bridges and Boat Pens has been prepared for Council consideration. (See Elected Members Report/Information Bulletin)

Item 12.2.4 continued.

STATUTORY IMPLICATIONS

7. 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.

(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.

Item 12.2.4 continued.

- (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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. 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

11. The procedure for making Local Laws, requires Council to advertise Statewide on at least two days, advising of its intention to make a Local Law, and seeking submissions within a six week period. Council is to consider all submissions before making a Local Law, publish it 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.
12. In addition, the procedure for making Local Laws requires the person presiding at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed Local Law.

Purpose and Effect

The purpose of this Local Law is to regulate the care, control and management of Jetties, Bridges and Boat Pens under the care, control or management of the City of Albany including the Town Jetty and Emu Point Boat Pen structures.

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

The effect of this Local Law is to control the use of Jetties, Bridges and Boat Pens under the care, control or management of the City of Albany, including limitation on use; cargo or other goods; vehicles; general prohibitions; consents; pen licence; licensees' obligations; power to terminate, enter and remove. General provisions provide for fees and charges; recovery of debt due; offences and penalties; cost of repair; appointment of authorised person; and designated areas.

13. The Department of Local Government and Regional Development has extended the area subject to application of the Jetties, Bridges and Boat Pens Local Law 2004 to include the Town Jetty and Emu Point Boat Pens, which are constructed outside the jurisdiction of the City of Albany.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 advertises its intention to make the Jetties, Bridges and Boat Pens Local Law 2004, as detailed in the Elected Members Report/Information Bulletin and invites submissions on this proposal.

Voting Requirement Simple Majority

.....

Executive Director Corporate & Community Services read out the 'Purpose & Effect' of the draft Local Law.

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WELLINGTON**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995 advertises its intention to make the Jetties, Bridges and Boat Pens Local Law 2004, as detailed in the Elected Members Report/Information Bulletin and invites submissions on this proposal.

MOTION CARRIED 14-0

12.2.5 Extended Trading Hours within the City of Albany

File/Ward	:	LEG 005 (All Wards)
Proposal/Issue	:	Extended Trading Hours
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Administration Officer (J Twaddle)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/11/03 - Item 12.2.2 OCM 21/10/03 - Item 12.2.2
Summary Recommendation	:	That Council recommend to the Minister to extend trading hours within the municipality of the City of Albany
Bulletin Attachment	:	A copy of the submissions received.
Locality Plan	:	Nil

BACKGROUND

1. At the Ordinary Council Meeting on 19 March 2002, it was resolved:

“THAT Council request the Albany Chamber of Commerce, Albany Merchants Association and Albany Visitors Centre to undertake a joint survey of their membership by the 15th May 2002 on the issue of extended trading hours and the results of that survey be used to prepare a proposal for consideration by the Council that provides for transition from the current situation to a situation that accommodates extended trading. The proposal to be subject to 30 days community consultation prior to being submitted to Council for consideration.”

2. Subsequently at the Ordinary Council Meeting on 20 August 2002, it was resolved:

“THAT Council supports the Albany Chamber of Commerce and Industry Inc proposal to deregulate trading hours as follows:

Item 12.2.5 continued.

THAT the City of Albany adopt extended retail trading for the Christmas school holiday period (i.e. The standard Christmas school holidays determined by the Education Department of WA), with the exception of Christmas Day, and the Easter holidays excluding Good Friday. That the hours be limited to between 8.00am and 6.00pm on Monday, Tuesday, Wednesday and Friday. 8.00am to 5.00pm on Saturday. 8.00am to 9.00pm on Thursday and 9.00am to 5.00pm on Sunday. Albany Chamber of Commerce and Industry recommends that this be definitely considered as a ‘trial’ for two years with a review at the end of June 2004. This review should involve all relevant parties, namely the Albany Visitor Centre, Albany Chamber of Commerce and Industry and the Albany Merchants Association, and should definitely allow for a period of public consultation.”

3. The trial has now ended and a complete review of trading hours has been carried out.

STATUTORY REQUIREMENTS

4. Under the Retail Trading Hours Act 1987, Section 15 empowers the Minister to vary trading hours.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. In the City of Albany’s 2020 – Charting our Course, the following Port of Call is identified:

- *A reputation for professional excellence*
- *Governance*
- *To comply with statutory requirements of the organisation*

COMMENT/DISCUSSION

8. The City of Albany advertised calling for submissions in relation to the trial. 7 submissions were received, which are contained in the Elected Members Report and Information Bulletin.

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.

9. A summary of the submissions is as follows:

Coles Myer Ltd	Supports extended trading hours
Retail Traders Association of WA	Supports extended trading hours
Woolworths Supermarket	Supports extended trading hours
A Rossiter	Supports extended trading hours
Shopping Centre Council of Australia	Supports extended trading hours
WA Independent Grocers Association Inc	Opposed extended trading hours
A & J van Burgel	Opposed Sunday trading

10. A joint survey of members of the Albany Chamber of Commerce and Industry (ACCI) and the Albany Visitor Centre (AVC) was carried out in May 2004. A copy is included within the Elected Members Report & Information Bulletin. Of the 566 members, 139 responses were received and 38 of these were retail stores. The results from this survey are as follows:

55% of responses supported the concept of all retail outlets in Albany, including the large stores, being allowed to trade 7 days per week throughout the year within reasonable hours if they wish to.

Of the 45% of responses who opposed this concept, 67% supported extended trading for all stores for the gazetted school summer holiday period only (December to Easter or Anzac Day long weekend).

26% of responses opposed 7 day per week trading for Albany at all times of the year.

11. A survey was carried out of all retail outlets within the Central Business District and outer lying areas affected by trading hours. The survey asked the following questions:

Question 1: Is your business regulated by the Retail Trading Hours Act?

Question 2: Is your business permitted to open on Sundays and Public Holidays?

Question 3: If yes, do you regularly open on a Sunday or Public Holiday?

Question 4: During the two year trial period, did your business open on a Sunday or Public Holiday during the designated school holiday period?

Question 5: In considering future trading hours, what would be your preference:

- Six day trading;
- Seven day trading; or
- Seven day trading only during the Christmas school holiday and Easter school holiday period, as applied during the trial.

Question 6: Should businesses wishing to trade on a Sunday or Public Holiday be permitted to do so?

12. Of over 200 surveys distributed, 99 surveys were returned, three of which were invalid due to insufficient information. The results are as follows:

- Of the 96 responses, 41 businesses were regulated by the Retail Trading Hours Act.

CORPORATE & COMMUNITY SERVICES REPORTS

- Of the 80 businesses that are able to trade on Sundays and Public Holidays, 19 regularly open on these days throughout the year and 34 were open during the trial period.
- Of the 16 businesses that are not permitted to open on Sundays and Public Holidays, 8 participated in the trial period.
- 61 businesses would prefer to trade 6 days a week, 13 seven days a week and 21 would like to trade on Sundays and Public Holidays during the Christmas and Easter School Holidays.
- Of the 80 businesses that are able to trade on Sundays and Public Holidays, 34 agreed that businesses wishing to open on Sundays and Public Holidays should be permitted to do so.
- Of the 16 businesses unable to trade on Sundays and Public Holidays 7 agreed that businesses wishing to open on Sundays and Public Holidays should be permitted to do so.

RECOMMENDATION

THAT Council recommend to the Minister for Consumer and Employment Protection to extend the retail trading hours for the municipality of the City of Albany as follows:

Sundays	8.00am – 6.00pm
Public Holidays (<i>excluding Good Friday, Anzac Day & Christmas Day</i>)	8.00am – 6.00pm
Anzac Day	12.00pm – 6.00pm

to enable all appropriate businesses within the City of Albany to trade on a Sunday and/or a Public Holiday should they elect to do so.

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.5 continued.

Councillors Barton, Waterman and Wellington declared an interest in this item and left the Chambers at 9.15pm. The nature of their interest is that all Councillors work within the Retail industry.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILLIAMS**

THAT Council recommend to the Minister for Consumer and Employment Protection to extend the retail trading hours for the municipality of the City of Albany for three years until 30th April 2007 as follows:

December 1st to April 30th. (Summer period)

Monday to Friday	0800 a.m. - 6.00 p.m.
Saturday	0800 a.m. - 6.00 p.m.
Sunday	10.00 a.m. – 6.00 p.m.
Public holidays (excluding Good Friday and Christmas Day)	12.00 p.m. - 6.00 p.m.

May 1st to November 30th (Winter period)

Monday to Saturday including Public Holidays	0800 a.m. - 6.00 p.m.
---	------------------------------

MOTION CARRIED 6-5

Councillors Barton, Waterman and Wellington returned to the Chambers at 9.25pm.

Reason:

- To enable all appropriate businesses within the City of Albany to trade during the summer period on a Sunday and/or Public Holiday should they elect to do so.

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 – 20th May 2004

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 20th May 2004 be adopted.

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 20th May 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR WOLFE**

THAT the minutes of Seniors Advisory Committee held on 20th May 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Disability Services and Community Access Advisory Committee meeting minutes – 19th May 2004

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Disability Services and Community Access Advisory Committee held on 19th May 2004 be adopted.

RECOMMENDATION

THAT the minutes of Disability Services and Community Access Advisory Committee held on 19th May 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of Disability Services and Community Access Advisory Committee held on 19th May 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING AGENDA – 20/07/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

**12.8.3 Great Southern Regional Cattle Saleyards Joint Venture Committee meeting minutes
– 9th June 2004**

- File/Ward** : REL 087 (Shire of Plantagenet)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director
- Summary Recommendation** : That the Minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 9th June 2004 be adopted.

RECOMMENDATION

THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 9th June 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

Councillor Wolfe declared an impartial interest. The nature of his interest is that utilises the Saleyards on occasions.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR SANKEY**

THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 9th June 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

12.8.4 Albany Town Hall Theatre Advisory Committee meeting minutes – 7th April 2004

- File/Ward** : SER 047 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on 7th April 2004 be adopted.

RECOMMENDATION

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 7th April 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR DEMARTEAU</p> <p>THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 7th April 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>
--

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Albany Ring Road – Deputation

File/Ward	: REL 082 (West Ward)
Proposal/Issue	: Albany Ring Road Deputation to the Premier and Minister for Planning and Infrastructure
Subject Land/Locality	: City of Albany
Proponent	: City of Albany
Owner	: Main Roads WA
Reporting Officer(s)	: Executive Director Works & Services (B Joynes)
Disclosure of Interest	: Nil
Previous Reference	: OCM 15//08/00 - Item 11.3.2 OCM 11/04/00 - Item 12.1.13 OCM 08/02/00 - Item 12.1.3 OCM 24/08/99 - Item 12.1.2 OCM 04/08/04 - Item 12.1.12
Summary Recommendation	: That Council send a deputation to the Premier and Minister for Planning & Infrastructure to proceed with the construction of the Albany Ring Road as soon as possible.
Bulletin Attachment	: Plans to be tabled.
Locality Plan	: N/A

BACKGROUND

1. In 1996 Main Roads WA began investigating the alignment for the Albany Ring Road as identified in the Residential Expansion Strategy to the Year 2021 (Department of Planning and Urban Development – 1993). In that document, an indicative alignment for the ring road was shown in the vicinity of Elizabeth Street and Timewell Road.
2. The stage 1 study identified 4 potential routes for the ring road to the west of Albany Highway, with Harrogate Road (the purple route) and Cumming Road being favoured. Residents affected by the road alignment objected to that option and a stage 2 investigation was conducted which found that the Link Road / George Street alignment (connecting onto Lower Denmark Road) appeared to have greater performance value. The performance criteria was based on a range of environmental, social, technical and cost factors with weightings given to each.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

3. The stage 2 investigations were released for public comment in November 1998 and residents along the Link Road / George Street alignment (the Green Route) objected strongly to that option based upon the social and property impacts it would have on adjoining residents.
4. Main Roads then completed a detailed analysis of the option further west known as the Five Mile Creek alignment (the Brown Route) and released that option for comment in February 2000. The consultation period resulted in the community being split on their preference for either a Five Mile Creek or a Link Road/George Street alignment.
5. In April 2000 Council resolved:

“THAT:
 - i) *Council instructs its representatives on the Albany Ring Road Steering Committee to support the Link Road route option on the basis that the preferred option best meets the future needs of the entire community of Albany;*
 - ii) *Council requests Main Roads WA to upgrade the roundabout at the intersection of North Road, Chester Pass Road, Hanrahan Road and Albany Highway (the large roundabout) as a matter of urgency with preference for turning Chester Pass Road into an underpass at the roundabout; and*
 - iii) *Council requests Main Roads WA to investigate providing funding and design assistance for the upgrade of existing urban links between Chester Pass Road, South Coast Highway and Lower Denmark Road.”*
6. In June 2000 Council hosted a workshop with representatives of Main Roads WA. That workshop examined the City’s local road network and the relationship of local distributor roads with the planned Albany Ring Road.
7. Main Roads WA staff wrote to Council following the aforementioned workshop advising of the outcome as follows:
 - Chester Pass Road to remain the primary access to the Port from the north east,
 - A new east-west link, known as the “Red Route”, to be planned between Chester Pass Road and Albany Highway, generally along Elizabeth Street,
 - A new north-south route, known as the “Green Route”, to be planned generally along Link Road and George Street from Albany Highway to Lower Denmark Road, and
 - A new road/rail corridor to be planned generally along the existing Lower Denmark Road and railway alignment to the Port.

Council has reviewed the consultants assessment of the ring road options in light of some key local issues and has resolved to support the Link Road/George Street alignment as the preferred route for the following reasons:

WORKS & SERVICES REPORTS

Item 13.2.1 continued

- **Road User Benefits – the “Green” route will benefit a great number of road users.**
Being closer to the existing and future population areas, this route better integrates with the local road network and therefore attracts more local traffic. Being about 1km shorter than the “Five Mile Creek” route, it would also be more beneficial to regional traffic.
- **Cost Effectiveness – reduced overall road network costs.**
The existing Link Road and George Streets are important local roads, which would still require a major upgrade in the future if the “Five Mile Creek” route was adopted. The “Green” route represents a “one road” rather than “two roads” solution and hence minimises overall road network construction and maintenance costs.
- **Social Impacts – local road upgrades also have a social impact.**
Although the planning study found social impacts to be slightly greater for the “Green” route, the study found that the “Five Mile Creek” route would also have some impacts. Furthermore, as Link Road and George Streets are significantly local roads, the City of Albany envisages having to undertake a major upgrade of these roads even if the “Five Mile Creek” route is adopted. Such an upgrade would also have social impacts.
- **Safety Concerns / Land Use Impacts – concerns and impacts are manageable.**
The major safety concerns and land use impacts along the “Green” route relate to proposed rezoning and subdivision. These impacts are manageable through proper land use planning. The City of Albany in conjunction with the Ministry for Planning is prepared to undertake this work.
- **Connectivity – better connectivity with the “Red” route and the local road network.**
The “Green” route provides a better fit with the existing and proposed State and local road networks, by providing the flexibility for a more effective connection to the “red” route.

8. Main Roads WA sought and gained Council’s confirmation of the outcome of the workshop, together with a commitment that it will undertake the necessary land use planning to facilitate future construction of the Link Road/George Street route to a safe, high standard regional route.

9. At the August 2000 meeting, Council resolved as follows:

“THAT Main Roads WA be advised that the City of Albany reiterates its support for the use of Link Road/George Street as the preferred alignment for the Albany Ring Road, based upon the reasons outlined above, and that Council will commit to undertake the necessary land use planning to ensure the selected alignment will be a safe, high standard regional route.”

WORKS & SERVICES REPORTS

Item 13.2.1 continued

STATUTORY REQUIREMENTS

10. Planning and consultation has been conducted at the regional level through Main Roads WA and the City of Albany. The City of Albany has been working with the Department of Planning and Infrastructure through Planning approvals in taking land to widen the existing road reserve to allow for the route. The City would be keen to record the alignment on the new District Town Planning Scheme map.

POLICY IMPLICATIONS

11. The final alignment of the ring road will have implications on the local transport network and on the City's Local Planning Strategy and other policy documents.

FINANCIAL IMPLICATIONS

12. Acquisition of the land for the road will occur either just prior to construction or as a result of compensation claims being lodged against Council through the designation of the road alignment on the scheme map. Council will need to obtain assurances from Main Roads WA that the Department will accept all liability for the road alignment prior to it being included into the scheme.
13. Upon completion of the project, Main Roads have indicated that they would review the designation of South Coast Highway (from George to Albany Highway), and potentially Albany Highway, Chester Pass and Hanrahan Roads inside the new Ring Road. This could lead to a proposal to hand the management of these roads over to the City of Albany if they no longer met the requirements to remain under State (Main Roads) control. The implication to the City would be substantial in terms of maintenance and upgrade portions of these roads, as they are currently in need of upgrading, widening and in some cases additional dual lanes are already required.

STRATEGIC IMPLICATIONS

14. In the City of Albany's strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:

Transport systems and services designed to meet current and future needs

Objective:

To plan Albany's transport infrastructure to meet future needs complementary to the City's form and sense of place.

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; and
- In alignment with transport plans.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

COMMENT/DISCUSSION

Progress To Date

15. This State has recently placed the design of the Ring Road in the 2006/07 forward estimates. The construction of stage 1 (Elizabeth St, East-West link) is also in the forward estimates to commence in 2007/08. There is no commitment to the remaining (majority) portion of the Ring Road to date.
16. Funding for the construction of the Albany Ring Road has not been forthcoming to date due to a number of factors, including the Minister of Planning and Infrastructure requirement for this issue to be further clarified through the Lower Great Southern Regional Strategy. This attempted to address the combined issue of greater freight usages onto rail (primarily through increased usage of the Down Road Industrial area and an analysis of the Inland Freight Terminal Concept), and appropriate heavy freight access directly to the Port.
17. This resulted in a “Draft Transport Discussion Paper” in early 2002 (document to be tabled at the meeting), that subsequently drew numerous objections such as the “Back On Track - A Sustainable Plan For Heavy Freight In The Albany Region” by Dr Peter Cole. The Minister then sought to provide a common plan and the issue was further discussed through the “Albany Heavy Freight Forum” in March 2003. This resulted in the “Albany Heavy Freight Action Plan” and a Committee to oversee its implementation. This process has yet to conclude and subsequently the issue of providing a management plan for freight movements through the Albany region to the Port is yet again delayed.

Impact of Plantation Industry and Increased Grain Yields

18. The harvesting of Blue Plantations has commenced with an estimated 300,000 Tonnes transported to the Down Road chipping mill this year. With other Plantation companies commencing chipping this calendar year, this figure is estimated through the cooperation of the TIRES Committee (Tree Industry Road Evaluation Study Committee) to be around 750,000 this coming year ramping to around 3,000,000 Tonnes per year in around three years.
19. Figures supplied by the Albany Port have estimated an increase from an average total freight yield to the Port alone rising from 2,000,000 Tonnes last year to 5,700,000 Tonnes at full Plantation harvesting in 2006. This includes the potential increase in grain movements as yields increase. This does not include the potential iron-ore mining development with an estimated 2,000,000 to 4,000,000 Tonnes per annum in the Green Range area. These figures still exclude normal freight movements to the City as part of its normal daily activities.
20. The impact of this has been evaluated through the Lower Great Southern Regional Strategy transport evaluation study in 2003 that estimated that a Road Train will be waiting an average of 9 minutes at the Albany Highway / Chester Pass Road Roundabout when both grain harvesting and plantation hauling combine at their peaks.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

21. Clearly the commencement of construction of only Stage 1 of the Ring Road in 2007/08 is too late to meet these demands, let alone with no commitment to the construction of the remaining two thirds ($\frac{2}{3}$) of the Ring Road. The issue of Freight onto Rail will clearly be assisted through the construction of the East-West Elizabeth Street connection, but this will not be sufficient alone to handle the increased transport issues related to freight movements through the City to the Port.
22. Already the City is experiencing severe transport difficulties as trucks and other large vehicles are taking alternative routes from the Main Roundabout through neighbouring local streets (such as Playne and Parker Streets, Barker and Beaufort Streets etc.). The inability to currently construct the Main Roundabout as a dual lane Roundabout due to the length of the Road Trains, and the subsequent cost of expansion, is also causing severe problems. The Police cannot enforce many of the apparent breaches (such as lane crossings, failing to signal, etc), as the roundabout is not marked as a dual lane roundabout. The Main Roundabout is the City's worse intersection for accidents, and there are no immediate plans by Main Roads to address this issue. The construction of the Ring Road would allow the Roundabout to be upgraded to dual lanes and subsequently improve the safety issues at minimal cost.

New Concept – Priority Route

23. The City of Albany commenced discussions at a Technical level with local Managers and Officers of the related State Government Bodies (namely MRWA, Albany Port, DPI – Planning, DPI – Regional Services and the City) in May 2004, in order to ascertain the current progress of the Ring Road as a project, and look at some of the issues currently delaying the project outside of funding.
24. One of the main issues discussed at the Technical Level was the actual layout and efficiency of the proposed concept plans, as the Transport Industry has widely criticised the Ring Road. Their criticisms centered around the additional travel distance and time it would take to access the Port, the introduction of four to five additional intersection and the steepness of the terrain through which the Ring Road was proposed. This also added to both noise pollution and increased emissions as the number of times the road trains stopped and started increased.
25. The Technical Group, under the guidance of Main Roads, considered a new concept in making the Ring Road a priority route directly into the City and concept drawings of these will be tabled at the meeting. The purpose of this was to decrease the time taken to get to the Port, reduce noise and emissions, and provide a far safer access route than previous. This "Priority Route" concept is estimated to be more expensive as it would involve grade separation over Albany Highway, and potential grade separation of the rail line at the crossing with Frenchman Bay Road. However, the additional costs would be mitigated somewhat through offsetting the requirement to upgrade South Coast Highway (estimated around \$10M) and through increased safety at critical points.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

- 26. The cost estimate for the current plans for the Albany Ring Road (prepared as part of the Albany Ring Road Planning Studies) is around \$7.5M for stage 1 and \$16.1M for stage 2 – total \$23.6M. The Priority Route Concept has been estimated at (+/- 25%) \$12.5M for stage 1 and \$18-\$20M for stage 2 – total of \$30.5M to \$32.5M.

Summary

- 27. Clearly the Ring Road provides a multiplicity of solutions from direct unimpeded Port access (under the Priority Route concept), through to increased access to Down Road (East West link), to safety upgrades at the Main Roundabout and surrounding local streets, to enhancing rail usage at Mirrambeena Chip Mill, the proposed Biomass plant and the proposed Lignor Project (one third (¹/₃) of all plantations are harvested to the East of Albany).
- 28. It is imperative that the State ensure that the land transport system around the City is made safe through the construction of the entire ring road before the issues develop into significant impacts on safety, freight losses and unacceptable emissions.
- 29. To wait until 2008/09 for the completion of stage 1 only will be far too late, as the freight movements will have peaked some 2-3 years earlier to nearly three times their current tonnages. Simply constructing the East West Link (Elizabeth St) will not be sufficient, as grain, general freight that is expected to double over the next 10 years (AUSLINK White Paper 2004), and other industry require safe Port access.

RECOMMENDATION

THAT Council submit a deputation to the Premier and the Minister for Planning and Infrastructure to proceed with the construction of the Albany Ring Road – Priority Route, as soon as possible.

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR BOJCUN</p> <p>THAT Council submit a deputation to the Premier and the Minister for Planning and Infrastructure to proceed with the construction of the Albany Ring Road – Priority Route, as soon as possible.</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>

WORKS & SERVICES REPORTS

13.2.2 Policy – Engineering Conditions of Subdivision - Sections 6 and 9

File/Ward	: STR 097 (All Wards)
Proposal/Issue	: Clarification of the existing Engineering Conditions of Subdivision Policy Section 6, Clause 6.1.1 – Bond Applications, and Section 9, Clause 9.4.1 – Public Open Space.
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Asset Services (G Edwards)
Disclosure of Interest	: Nil
Previous Reference	: OCM 18/11/2003 – Item 13.2.1
Summary Recommendation	: THAT Council adopts as policy the amendments to Engineering Conditions of Subdivision Section 6, Clause 6.1.1 – Bond Applications, and Section 9, Clause 9.4.1 – Public Open Space as proposed and attached.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. At its meeting held 18 November 2003, Council adopted the “Engineering Conditions of Subdivision” policy document.
2. The policy is to advise developers, planners, engineers and contractors about the approach the City of Albany will adopt when dealing with the engineering aspects of subdivision development. It is acknowledged that occasionally variations may be justified.
3. To date, several incidences have occurred where:
 - i) developers have advised that City of Albany has imposed a bonding arrangement upon the developer and/or accepted a bond as the basis for the City of Albany completing subdivision construction; and
 - ii) difficulty has arisen on a regular basis over the development of areas designated for future public open space. This matter has been discussed with the Western Australian Planning Commission, and the advice received has been that the issue is one for resolution by the local government.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

4. An amendment of Sections 6.1.1 which relates to Bond Applications and 9.4.1 of the policy, which relates to Public Open Space, is proposed to clarify and strengthen advice within the existing policy.

STATUTORY REQUIREMENTS

5. With regard to Section 6.1.1 - Bond Applications, the Local Government (Miscellaneous Provisions) Act 1960, section 295, sub section 6 (a) states:

“Where a person who is subdividing land is by the provisions of this part is required to construct and drain streets shown in the plan of subdivision he may -

- i) *Carry out or cause to be carried out the construction and drainage at his own cost and expense; or*
- ii) *Arrange for the local government to carry out the work on his behalf and at his cost and expense.”*

6. With regard to Section 9.4.1 – Public Open Space, the development of land designated as future public open space is regarded as a matter for appropriate resolution by the local government, consequent to activities initiated through the Town Planning and Development Act 1928.

POLICY IMPLICATIONS

7. This is a clarification to strengthen advice within the policy “Engineering Conditions of Subdivision”.

FINANCIAL IMPLICATIONS

8. The financial implications relating to this item are limited to the risks associated with accepting bonds for subdivision construction and asset management objectives.

STRATEGIC IMPLICATIONS

9. The Port of Call identified in the City of Albany’s Strategic Plan, ‘Albany 2020, Charting Our Course’ is:

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

Objective:-

- To support local investment through the professional and expedient delivery of development approval processes and by providing guidance, which protects Albany’s natural environment, heritage and uniqueness.

COMMENT/DISCUSSION

Section 6.1.1 – Bond Applications

10. Section 295 of the Local Government (Miscellaneous Provisions) Act 1960, does not provide for the bonding of subdivision construction. Either the subdivider carries out the construction or arranges for the local government to undertake the construction at the subdivider’s expense.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

11. Local government therefore, may request, but has no authority to impose upon the developer the bonding of incomplete subdivision construction. Similarly, the developer may request, but there is no obligation for the local government to accept, the bonding of incomplete subdivision construction.
12. The local government may refuse to accept bonding and withhold clearances until subdivision construction is satisfactorily completed. Bonding is an arrangement between the developer and the local government, which can only proceed by mutual agreement.

Section 9.4.1 – Public Open Space

13. The Western Australian Planning Commission frequently imposes the surrender of land for public open space, as a condition of subdivision. Commonly, however, development of the land is not required.
14. Developers frequently wish to proceed to develop areas designated as future public open space regardless of the Western Australian Planning Commission conditions of subdivision.
15. In the circumstances where there is not an imposed WAPC requirement to develop areas designated for future public open space, technically, the City of Albany is unable to participate in negotiation about the development from a position of right, even though the land will become a reserve managed by the City of Albany, nor disagree with the developer's proposal or prevent the owner proceeding, unless the development requires Planning Scheme Consent.
16. At the time of the developers request for subdivision clearances, however, the City of Albany may:
 - i) Refuse to accept land designated for public open space, which may have been developed, but is regarded as encumbered, degraded or delivered in a condition unsatisfactory to the City of Albany;
 - ii) Require that all conditions of subdivision, including those related to the designated public open space, are satisfied before any subdivision clearances are issued;
 - iii) Negotiate with the developer about development of the land after the land has been ceded as public open space and management responsibility rests with the City of Albany.
17. Whilst there may be an element of goodwill, the development of land designated as future public open space is often undertaken by the developer for marketing purposes. These improvements:
 - i) Are frequently undertaken far earlier than would be the case if left to the City of Albany;
 - ii) May not be consistent with the future asset management intentions of the City of Albany;

WORKS & SERVICES REPORTS

Item 13.2.2 continued

- iii) May be retained or removed at any time following subdivision clearance at the discretion of the City of Albany;
 - iv) Usually create an expectation among residents, compelling the City of Albany to retain or maintain the improvements.
18. The circumstances sometimes can lead to conflict for officers, developers and consultants, and are contrary to City of Albany asset management objectives.
19. It is proposed that for acceptance the developer’s proposal must comply with the Strategic Classifications for the development of public open space and the IPWEA Local Government Guidelines for Subdivisional Development already adopted by the Council at the Ordinary Meeting of 18/11/2003.
20. Therefore, as indicated by the IPWEA Guidelines, irrespective of the imposed conditions of subdivision, the City of Albany will treat the development of land designated as future Public Open Space as though WAPC conditions of subdivision do exist.
21. It is also consistent with the IPWEA Guidelines, that among other requirements, the developer must:
- i) Submit an overall Master Plan, for approval in principle, prior to the preparation and submission of design drawings;
 - ii) Submit design drawings for approval, prior to commencing development of the land designated as future Public Open Space;
 - iii) Agree to maintain and water all landscaping and grassing for at least two (2) summer periods to ensure full establishment;
 - iv) Lodge with the City of Albany a maintenance bond, in the form of cash or a guarantee from a financial institution acceptable to the local government. The bond will be returned when the maintenance period has been satisfactorily completed.
22. The IPWEA Guidelines do not nominate a maintenance bond amount. In keeping with the maintenance bond for road and drainage works it is proposed that the maintenance bond be 5% of the cost of the landscaping and grassing. Landscaping includes all paths, structures, furniture and features.

RECOMMENDATION

THAT Council adopts as policy the amendment to Engineering Conditions of Subdivision Section 6 Clause 6.1.1 and Section 9 Clause 9.4.1 as proposed and attached.

Voting Requirement Absolute Majority

.....

WORKS & SERVICES REPORTS

Item 13.2.2 continued.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT this item lay on the table for one month.

MOTION CARRIED 14-0

Reason:

- To allow further discussion and consideration.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

EXISTING POLICY

6. PRACTICAL COMPLETION

6.1 Bond Applications

6.1.1 *The City of Albany requires that construction of the subdivision be completed prior to issuing final clearances and is therefore not in favour of bonding incomplete works.*

PROPOSED POLICY

6. PRACTICAL COMPLETION

6.1 Bond Applications

6.1.1 The Local Government (Miscellaneous Provisions) Act 1960, section 295, sub section 6 (a) states:

Where a person who is subdividing land is by the provisions of this part is required to construct and drain streets shown in the plan of subdivision he may –

- i. Carry out or cause to be carried out the construction and drainage at his own cost and expense; or*
- ii. Arrange for the local government to carry out the work on his behalf and at his cost and expense.*

Section 295 of the Local Government (Miscellaneous Provisions) Act 1960, does not provide for the bonding of subdivision construction. Consequently:

- The local government may request, but has no authority to impose upon the developer the bonding of incomplete subdivision construction;
- The developer may request, but there is no obligation for the local government to accept, the bonding of incomplete subdivision construction.
- The local government may refuse to accept bonding and withhold clearances, until subdivision construction is satisfactorily completed.
- Bonding is an arrangement between the developer and the local government, which can only proceed by mutual agreement.

The City of Albany requires that construction of the subdivision be completed prior to issuing final clearances and is therefore not in favour of bonding incomplete construction.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

EXISTING POLICY

9.4 Public Open Space

9.4.1 Service Authority Sub-stations

Service authority plant, such as Western Power transformer sites and Water Corporation pumping stations, are to be located on separate parcels of land, under the control of the relevant authority, and connected to the public road network. Boundaries are to be arranged such that they do not intrude into road reserves or public open space to be managed by the City of Albany.

PROPOSED POLICY

9.4 Public Open Space

9.4.1 General Requirements

It is acknowledged that the Western Australian Planning Commission frequently does not impose the development of public open space as a condition of subdivision.

Irrespective of the imposed conditions of subdivision, the City of Albany will treat the development of land designated as future Public Open Space as though Western Australian Planning Commission conditions of approval do exist.

Development shall therefore satisfy the requirements of the City of Albany, including consistency with the IPWEA Local Government Guidelines for Subdivisional Development.

The proposed development must be consistent with the strategic asset management objectives of the City of Albany and therefore must satisfy the relevant strategic reserve classification nominated below.

Reserve Classification	
Recreation	Conservation
Regional Facility	Regional Significance
Family Park	Wetland / Foreshore
Suburban Park	Vegetation Retention
Minor Reserve	Federal / State Reserve System
Active Reserve	Public Use Reserve

Prior to the City of Albany considering proposals for the development of land designated for future public open space the developer must:

WORKS & SERVICES REPORTS

Item 13.2.2 continued

- Submit a Master Plan of the proposed development;
- Receive development approval from the City of Albany.

It is also consistent with the IPWEA Local Government Guidelines for Subdivisional Development, that among other requirements, the developer must:

- Submit design drawings for approval, prior to commencing development of the land designated as future Public Open Space;
- Agree to maintain and water all landscaping and grassing for at least two (2) summer periods to ensure full establishment;
- Lodge with the City of Albany a maintenance bond, in the form of cash or a guarantee from a financial institution acceptable to the local government. The bond will be returned when the maintenance period has been satisfactorily completed.

The maintenance bond shall be 5% of the cost of all landscaping and grassing. Landscaping shall include all paths, structures, furniture and features.

9.4.2 Service Authority Sub-stations

Service authority plant, such as Western Power sites and Water Corporation pumping stations, are to be located on separate parcels of land, under the control of the relevant service authority, and connected to the public road network. Boundaries are to be arranged such that they do not intrude into road reserves to be managed by the City of Albany.

WORKS & SERVICES REPORTS

13.2.4 Contract C03041 – Disposal of Plant & Equipment – Hanrahan Road Waste Site

File/Ward	:	C03041 (All Wards)
Proposal/Issue	:	Disposal of Equipment by Public Tender from Hanrahan Road Waste Site
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/04/04 – Item 13.3.2
Summary Recommendation	:	That Council accepts the tender C03041 from the various tenderers as detailed.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At the Ordinary Council Meeting held 20th April 2004, Council approved the disposal by public tender of surplus plant and equipment previously used by staff located at the Hanrahan Road Waste Site.
2. A request for tenders was published in the Albany Advertiser on 27th May 2004 with a copy in the Albany Extra on 28th May 2004 and in the West Australian on 29th May 2004 for the “Outright Sale of Equipment”.

STATUTORY REQUIREMENTS

3. Part 3, Section 3.58 of the Local Government Act 1995 states: “that a local government can only dispose of property to the highest bidder at public auction or to the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.”

POLICY IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.4 continued

FINANCIAL IMPLICATIONS

5. Should Council accept the recommended tenderers, the amount received will be \$92,755.70. These funds will be allocated to Account 136730 (Waste Plant - Sale) and will offset other Waste Management Plan costs and may assist in limiting further increases in the annual rubbish charge.

STRATEGIC IMPLICATIONS

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

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

- **Objective:**
To provide a clean, efficient & effective waste collection service.

COMMENT/DISCUSSION

7. A total of twenty four specifications were issued. The following table summarises those submissions received by the close of the tender period.

TENDERER	Isuzu FRR500 Truck (P2026) A13228	Tandem Axle Trailer (P2058) A34895	Hako Sweeper (P2069)	Tandem Axle Trailer (P2032) A35716	Cat Forklift (P2044)	Freight-liner FL80 Truck (P2046) A13126	Freight-liner FL80 Truck Parts	Howard Porter Pak Spare Parts
Smith, Broughton & Sons	\$29,447	\$20,000	\$1,177	\$847	\$4,147	\$47,047	\$770	\$110
Eastside Commercials	\$30,186	-	-	-	-	-	-	-
Albany City Holden	\$21,700	-	-	-	-	-	-	-
East Coast Commercial	\$30,131	-	-	-	-	-	-	-
John Bell	\$24,660	\$1,340	-	\$990	-	-	-	-
City, Shire Truck & Plant Sales	\$20,618	\$681	\$1,857	\$1,555	\$2,567	\$35,177	\$1,637.70	\$50
V Simitsis Metals	-	-	-	\$500	-	-	-	-
PW Johnston	-	\$3,475	-	\$1,275	\$4,100	-	-	-
Wilson Wrecking	\$8,000	\$1,100	\$1,500	\$700	\$4,500	\$36,000	\$550	\$330
AD Contractors	-	-	-	-	\$5,800	-	-	-
Dodd & Dodd Pty Ltd	\$20,800	\$1,120	\$2,475	\$1,080	\$3,250	\$31,275	-	-
Fletchers Block Pave	\$25,200	\$2,200	-	-	\$6,050	-	-	-
Craig Wales	-	\$1,200	-	\$1,100	-	-	-	-
WP Truck Sales	\$28,611	-	-	-	-	\$43,611	\$660	-
Flank Holdings Pty Ltd	\$27,669	\$2,769	\$2,169	\$1,269	\$2,069	-	-	-
Trevor Coyne	\$21,650	-	-	-	-	-	-	-
T&T Gorman Pty Ltd	\$15,200	\$1,260	-	\$550	-	-	-	-

8. The submitted purchase prices from the recommended tenderers are acceptable and meet budget expectations.

WORKS & SERVICES REPORTS

Item 13.2.4 continued

9. Should any of the successful tenderers decline to enter into a contract to purchase, then Part 4, Section 18.6 of the Local Government (Functions & General) Regulations 1996 allows Council to accept from among the other tenders, the most advantageous tender for Council to accept.

RECOMMENDATION

THAT Council accept the tender C03041 from:

- i) East Side Commercials for the disposal of Council’s Isuzu FRR500 Truck (P2026), licence A13228 at a sale price of \$30,186;
- ii) PW Johnston for the disposal of Council’s Trailer (P2058) licence A34895 at a sale price of \$3,475;
- iii) Dodd & Dodd Pty Ltd for the disposal of Council’s Hako Sweeper (P2069) at a sale price of \$2,475;
- iv) City, Shire Truck & Plant Suppliers for the disposal of Council’s Trailer (P2032) licence A35716 at a sale price of \$1,555;
- v) Fletchers Block Pave for the disposal of Council’s Caterpillar Forklift (P2044) at a sale price of \$6,050;
- vi) Smith Broughton & Sons (Auctioneers) for the disposal of Council’s Freightliner FL80 Truck (P2046) licence A13126 at a sale price of \$47,047;
- vii) City, Shire Truck & Plant Suppliers for the disposal of Freightliner FL80 Truck Parts at a sale price of \$1,637.70; and
- viii) Wilson Wrecking for the disposal of Howard Porter Pak Parts at a sale price of \$330.00 (all prices include GST).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EMERY**

THAT Council accept the tender C03041 from:

- i) East Side Commercials for the disposal of Council’s Isuzu FRR500 Truck (P2026), licence A13228 at a sale price of \$30,186;**
- ii) PW Johnston for the disposal of Council’s Trailer (P2058) licence A34895 at a sale price of \$3,475;**
- iii) Dodd & Dodd Pty Ltd for the disposal of Council’s Hako Sweeper (P2069) at a sale price of \$2,475;**
- iv) City, Shire Truck & Plant Suppliers for the disposal of Council’s Trailer (P2032) licence A35716 at a sale price of \$1,555;**
- v) Fletchers Block Pave for the disposal of Council’s Caterpillar Forklift (P2044) at a sale price of \$6,050;**
- vi) Smith Broughton & Sons (Auctioneers) for the disposal of Council’s Freightliner FL80 Truck (P2046) licence A13126 at a sale price of \$47,047;**
- vii) City, Shire Truck & Plant Suppliers for the disposal of Freightliner FL80 Truck Parts at a sale price of \$1,637.70; and**
- viii) Wilson Wrecking for the disposal of Howard Porter Pak Parts at a sale price of \$330.00 (all prices include GST).**

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

Item 13.2.5 continued

BACKGROUND

1. Council has received an application from David Moss & Co. Solicitors on behalf of Remry Pty Ltd, owners of Lot 50 Wittenoom Street, for the closure of a portion of unformed road reserve adjoining their property.
2. Lot 50 is located on the corner of Wittenoom Street and Wylie Crescent. Following a recent survey of this property, it was discovered that a section, believed to be included in the purchase, which also includes part of the driveway and retaining walls, in fact forms part of the road reserve.
3. The proponents are seeking the closure of part of the unmade road reserve along the north eastern boundary, being 5.0 metres at the frontage to Wittenoom Street, tapering to 2.5 metres at the rear of Lot 50, which totals a length of 46.35 metres.
4. The closure of this portion of Wylie Crescent and the re-gazettal of the land to private property would relieve Council of the requirement to maintain this portion of the road reserve.

STATUTORY REQUIREMENTS

5. In accordance with Section 58 of the Land Administration Act 1997, the proposal will need to be advertised for a period of 35 days for public comment and referred to all affected agencies. Following advertising, Council is to again consider the proposal in light of any submissions received.
6. Given further support from Council, the proposal is then submitted to the Department of Land Information (DLI) who processes the proposal and administers the closure and disposal of the land.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to this item. The proponents have paid the administration fees pertaining to the road closure. Any revenue received from the sale of this land would be received by the State, with no benefit payable to the City.

STRATEGIC IMPLICATIONS

9. In the City of Albany's strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:
Transport systems and services designed to meet current and future needs
Objective:
 - To plan Albany's transport infrastructure to meet future needs complimentary to the City's form and sense of place.

WORKS & SERVICES REPORTS

Item 13.2.5 continued

COMMENT/DISCUSSION

10. This section of Wylie Crescent currently has a road reserve width of approximately 27 metres, whereas most of Wylie Crescent and other surrounding roads have a reserve width of 20 metres.
11. Currently the verge at this location is approx 16 metres wide and very steep. Remry Pty Ltd have advised that they have been maintaining the verge area since purchasing the property in 1996.
12. The proponents will be required to negotiate with the Department of Land Information (DLI) regarding the cost of surveying and purchasing this portion of the existing unformed crown road reserve.

RECOMMENDATION

THAT Council:

- i) in accordance with Section 58 of the Land Administration Act 1997, advertise the proposal to close a portion of road reserve formally known as Wylie Crescent and invite comments from the community and service authorities; and
- ii) consider all submissions prior to bringing this matter back to Council to resolve the closure.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR JAMIESON
SECONDED COUNCILLOR BOJCUN**

THAT Council:

- i) **in accordance with Section 58 of the Land Administration Act 1997, advertise the proposal to close a portion of road reserve formally known as Wylie Crescent and invite comments from the community and service authorities; and**
- ii) **consider all submissions prior to bringing this matter back to Council to resolve the closure.**

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Heavy Haulage Permits – Kelly Street and Locke Street

File/Ward : MAN 166 (Vancouver Ward)

Proposal/Issue : Heavy Haulage Permits

Subject Land/Locality : Kelly and Locke Streets

Proponent : N/A

Owner : N/A

Reporting Officer(s) : Engineering Technical Officer (C Prescott)

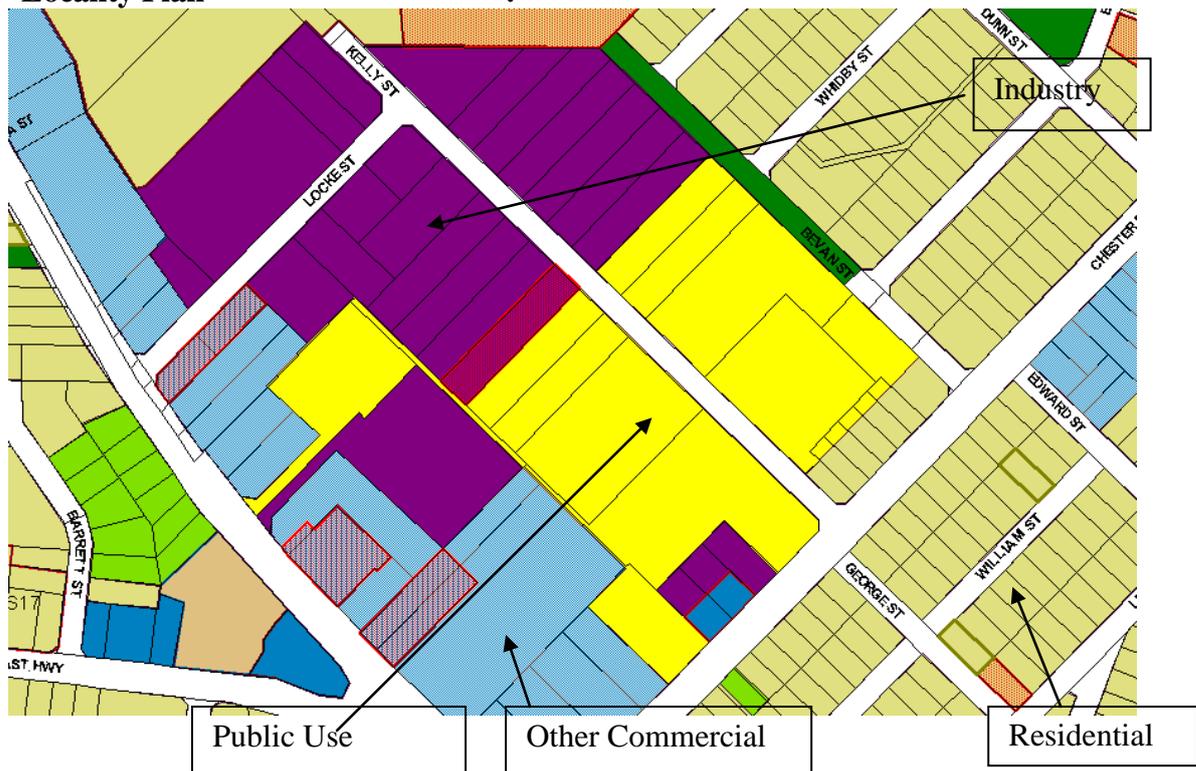
Disclosure of Interest : Nil

Previous Reference : N/A

Summary Recommendation : That the full length of Kelly and Locke Streets be approved for use by all operators of Multi Combination Vehicles (MCV's) up to 27.5 metres in length, with the condition that there be no left hand turn into Kelly Street from South Coast Highway (Chester Pass Road).

Bulletin Attachment : N/A

Locality Plan :



WORKS & SERVICES REPORTS

Item 13.3.1 continued

BACKGROUND

1. Under sections 1107 and 1402 of the Road Traffic Vehicle Standards Regulations and Section 1612 of the Road Traffic Code, the Commissioner of Main Roads is empowered to issue permits for the operation of combinations of vehicles that exceed the regulation mass and/or dimension limits. Local government has no legislative power to issue Heavy Haulage permits.
2. However, where the haul routes requested are local government roads, written permission from the relevant local government authority must accompany the application to Main Roads.
3. Main Roads have reviewed access to Kelly and Locke Streets by Multi Combination Vehicles (MCV's) following a number of concerns raised by the local community, members of the industry and those in a compliance role.
4. The resultant assessments have now been considered and the following configurations and conditions summarise Main Road's approach to what will be considered for approval in the future.

KELLY STREET- 36.5m MCV's NOT recommended
27.5m MCV's recommended, with the condition that no left turn be made into Kelly Street from South Coast Highway (Chester Pass Road).

LOCKE STREET- 36.5m MCV's NOT recommended
27.5m MCV's recommended

5. Main Roads currently have a number of applications pending for access to these roads. All have received agreement from the City of Albany. Main Roads are now requesting that these roads, with Council's agreement, be added to the general endorsement system so that the full length of these roads may be used by all operators of MCV's up to 27.5 metres in length with the condition that no left turn be made into Kelly Street from South Coast Highway (Chester Pass Road). The condition restricting left turns into Kelly Street was placed following assessment by Main Roads, which identified a safety issue with this manoeuvre. A 27.5 metre Long Vehicle would encroach into the oncoming carriageway when completing the turn.
6. By approving the use of the full length of Kelly and Locke Streets by all operators of Multi Combination Vehicles (MCV's) up to 27.5 metres in length, this would in effect add the roads to the existing network of roads for these vehicle types, cut down on repetitive administration work and make it easier for operators to obtain their necessary approvals.

STATUTORY REQUIREMENTS

7. Sections 1107 and 1402 of the Road Traffic Vehicle Standards Regulations and Section 1612 of the Road Traffic Code.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

POLICY IMPLICATIONS

8. There are no policy implications to this item.

FINANCIAL IMPLICATIONS

9. There are no financial implications to this item.

STRATEGIC IMPLICATIONS

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

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

Objective:

- To effectively and efficiently manage the City’s transport infrastructure.

COMMENT/DISCUSSION

11. Kelly and Locke Streets are located in a non-residential, industrial area containing a number of transport oriented businesses and government depots that will benefit from this approval.

RECOMMENDATION

THAT Kelly and Locke Streets be added to the Main Roads general endorsement system for Multi Combination Vehicles (MCV’s) up to 27.5 metres in length with the following condition “No left turn into Kelly Street from South Coast Highway (Chester Pass Road).”

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR WEST SECONDED COUNCILLOR JAMIESON</p> <p>THAT Kelly and Locke Streets be added to the Main Roads general endorsement system for Multi Combination Vehicles (MCV’s) up to 27.5 metres in length with the following condition “No left turn into Kelly Street from South Coast Highway (Chester Pass Road).”</p> <p style="text-align: right;">MOTION CARRIED 14-0</p>

WORKS & SERVICES REPORTS

13.3.2 Installation of Fatality Advisory Signage

File/Ward	: GOV 077 (West and Kalgan Wards)
Proposal/Issue	: Installation of Fatality Advisory Signage
Subject Land/Locality	: Albany Highway
Proponent	: Main Roads WA and Roadwise
Owner	: N/A
Reporting Officer(s)	: Manager City Works (L Hewer)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT Council support in principle RoadWise and Main Roads in installing fatality advisory signage in the Southern region on Albany Highway near Woodanilling and Albany.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. White crosses on highways were originally installed to raise greater awareness in motorists of the dangers on our roads, and to warn of the result of careless and inattentive driving behaviours. However, these crosses are now becoming numerous and the impact of this message is lessening.
2. To create a stronger message, Main Roads WA and RoadWise plan to install signage on Albany Highway advising motorists of the number of fatalities in the region.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.2 continued

STRATEGIC IMPLICATIONS

- 6. The City of Albany’s Strategic Plan “Albany 2020 – Charting Our Course” includes the following Port of Call:

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

- To effectively and efficiently manage the City’s transport infrastructure.

Transport infrastructure and services management

- 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

- 7. The Albany RoadWise Committee wish to initiate the use of these signs in the Southern Region on Albany Highway near Woodanilling and Albany.
- 8. As the South Coast Highway also has a history of severe accidents, it is also proposed to install signs at the Denmark and Ravensthorpe Shires so the message covers the north, south east, and west areas of the Great Southern region.
- 9. Despite efforts to reduce the road toll on these highways, accidents continue to occur. The RoadWise Committee believe that the impact of this message, displayed as proposed, may be more successful in reminding the community of the importance of driving carefully. A copy of the proposed sign is attached.

RECOMMENDATION

THAT Council support RoadWise and Main Roads in installing fatality signage in the Southern region, specifically on Albany Highway near Woodanilling and Albany.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR DEMARTEAU
 SECONDED COUNCILLOR BOJCUN**

THAT Council support RoadWise and Main Roads in installing fatality signage in the Southern region, specifically on Albany Highway near Woodanilling and Albany.

MOTION CARRIED 9-5

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

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Amendment to Trial Council Meeting and Briefing Procedures

File/Ward	: MAN 006 (All Wards)
Proposal/Issue	: Council Meeting Arrangements
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Assistant Chief Executive Officer (L Freegard)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/01/04 - Item 14.2.1 OCM 20/04/04 - Item 14.2.1 OCM 18/05/04 - Item 14.2.1
Summary Recommendation	: Approve amendment to: i) allow Councillors the opportunity at agenda briefing sessions to brief fellow Councillors on outcomes of their attendance at Committee meetings of Council; and ii) commence meal time at 6.00pm for Council Meetings.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. At the Council meeting of 18/05/04, Council agreed to trial a new briefing and meeting format, adopting the following motion:

“THAT Council;

- i) conduct Council meetings on the third Tuesday of each month commencing at 7.30pm preceded by a meal commencing at 6.30pm for Councillors and staff;*
- ii) 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;*

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

- iii) *conduct Concept briefing sessions on the first, fourth and fifth Tuesday of each month as required, behind closed doors commencing at 6.00pm;*
- iv) *issue the Ordinary Council Meeting Agenda on the Friday afternoon prior to the Agenda Briefing Session.*
- v) *adopt the following policy:-*

Briefing Session Policy:-

Guidelines for the conduct of elected members at briefing sessions

- *All discussion shall be channelled through the chair.*
 - *Elected members shall not reveal their intention on how they will vote on the issue under discussion.*
 - *No opportunity shall be provided to create a collective Council decision.*
 - *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.*
 - *Chairing arrangements for briefings shall be the same as those for ordinary Council meetings.*
 - *Agenda Briefing Session business shall be limited to matters listed for debate at the next ordinary Council Meeting; and*
- vi) *review the changes in September 2004 and at that time consider enshrining the guidelines for the conduct of elected members at briefing sessions into Council's Standing Orders Local Laws."*

STATUTORY REQUIREMENTS

- 2. Part 5 of the Local Government Act 1995 sets out the framework for Council meetings and decision making processes.
- 3. It is the intent of the Act that Councils make decisions:
 - Openly and transparently
 - With a high level of accountability to the community
 - Efficiently and effectively
 - With due probity and integrity
 - Acknowledging relevant community input
 - With all available information and professional advice
 - With the fullest possible participation of elected members.

POLICY IMPLICATIONS

- 4. Changes to the trial system may create a need for change to Council's Standing Orders Local Law.

FINANCIAL IMPLICATIONS

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

Item 14.2.1 continued

STRATEGIC IMPLICATIONS

- 6. Albany 2020 – Charting Our Course and the draft corporate plan aligned to Albany 3D both provides for sound governance and statutory systems.

COMMENT/DISCUSSION

- 7. The new briefing arrangement, although still in a trial stage until September 2004, has been well received and is achieving good communication flows from staff, proponents and Councillors.
- 8. To further enhance the current proceedings, a request has been received from Councillors to include an allocation of time at the commencement of the agenda briefing session to provide Councillors who wish, the opportunity to present an update on various outcomes from the Committees of Council meetings they have attended as the Council representative.
- 9. A request also has been received to commence the meal for Councillors and staff at 6.00pm to ensure that this is finalised well before the early arrival of the public at 7.15pm. The earlier time will also provide further discussion time for Councillors on issues if required.

RECOMMENDATION

THAT Council amend Council Meeting and Briefing arrangements to:

- i) include an opportunity for Councillors at the commencement of the Agenda Briefing Session to provide an update on outcomes of Committee meetings of Council that they have attended; and
- ii) change the commencement time of the meal to 6.00pm on Council Meeting nights.

Voting Requirement Absolute Majority

.....

<p>MOVED COUNCILLOR DEMARTEAU SECONDED COUNCILLOR BOJCUN</p> <p>THAT Council amend Council Meeting and Briefing arrangements to:</p> <ul style="list-style-type: none">i) include an opportunity for Councillors at the commencement of the Agenda Briefing Session to provide an update on outcomes of Committee meetings of Council that they have attended; andii) change the commencement time of the meal to 6.00pm on Council Meeting nights. <p style="text-align: right;">MOTION CARRIED 14-0 ABSOLUTE MAJORITY</p>

14.2.2 Review of Council External Committee Representation

File/Ward	: MAN 006 (All Wards)
Proposal/Issue	: To review Council Representation on various Committees.
Subject Land/Locality	: N/A
Proponent	: Various Councillors
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 20/01/04 - Item 14.2.1
Summary Recommendation	: That Council review the various Committees
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. At the January Council Meeting, Council resolved to direct the Chief Executive Officer to undertake a consultative review of meeting, briefing and committee representation arrangements which included an objective of establishing the relevance and effectiveness of external committee representation.

STATUTORY REQUIREMENTS

2. Council has no statutory obligation to maintain representation on these 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 14.2.2 continued.

COMMENT/DISCUSSION

6. As part of the review process a survey was conducted with elected members and the executive officer/secretaries of the committees were written to seeking their views on Council representation.
7. The following table provides the responses to the surveys and demonstrates a significant difference of opinion between Councillors and the organisation involved.
8. Analysis of Representation on Committees Table

Committee	Resign	As Needed	Continue	Staff Member Only	Analysis Result	Committee Response	Councillor/s
Albany Chamber of Commerce and Industry	1	6	1	4	As needed	As needed	Emery
Albany Classic Car Events	1	3	4	3	Continue representation	Not required	Wolfe
Albany Employment Development Committee <i>Now Great Southern Employment Development Committee Inc</i>	2	5	2	1	As needed	Representation Maintained	Evans
Albany Hospice	3	4	3	1	As needed	Representation Maintained	Evans
Albany Maritime Foundation Board	5	4	2		Resign	As needed	Vacant
Albany Port Authority Community Liaison Group		4	5	2	Continue representation	Representation Maintained	West
Albany Residency Museum	4	4	3		As needed	Representation Maintained	Emery
Albany Tidy Town Committee	2	2	4	3	Continue representation	Representation Maintained	Sankey
Albany University Foundation		5	4	2	As needed	Representation Maintained	Vacant
Albany Visitor Centre Board	1	3	7	1	Continue representation	Representation Maintained	Paver

ORDINARY COUNCIL MEETING MINUTES – 20/07/04

REFER DISCLAIMER

GENERAL MANAGEMENT SERVICES REPORTS

Committee	Resign	As Needed	Continue	Staff Member Only	Analysis Result	Committee Response	Councillor/s
Albany Youth Support Association	2	5	4	1	As needed	Representation Maintained	Bojcun
Albany Justice / Police Complex Community Reference Group	2	3	3	2	Tied voting: as needed / continue representation	Representation Maintained	Evans
Directions for Youth in Education and Training	4	3	1	3	Resign	Representation Maintained	Bocjun
Southern Horse Council	7	4			Resign	Representation Maintained	Bojcun
Lotteries House Management Committee	3	2	4	2	Continue representation	Not required	Vacant
NRM Centre of Excellence Policy Board	4	5	4		As needed	As needed	Vacant
Old Farm Strawberry Hill	2	5	3	1	As needed	Representation Maintained	Waterman
Roadwise Committee	1	2	6	2	Continue representation	As needed	West
Senior Citizens Centre / Meals on Wheels	1	4	3	3	As needed	Representation Maintained	Sankey
South Coast Management Group	3	2	4	2	Continue	Representation Maintained	West
South Coast Regional Initiative Planning Team and Management Committee	2	3	3	3	Tied voting	Can only be elected to committee via WALGA	Can only be elected via WALGA
Timber 2020 Inc		7	2	2	As needed	Request Staff Member	Emery
Timber Industry Road Evaluation Strategy		4	5	3	Continue representation	Representation Maintained	Wolfe
UWA Albany Scholarship Program	1	5	1	5	Tied voting: As needed/ staff member only	Representation Maintained	Vacant
Vancouver Waterways Projects Reference Group	1	2	5	3	Committee in recess	In recess at present but maintain representation when committee is active	Barton

GENERAL MANAGEMENT SERVICES REPORTS

Committee	Resign	As Needed	Continue	Staff Member Only	Analysis Result	Committee Response	Councillor/s
Watershed Torbay Project	4	3	3	2	Resign	Representation Maintained	Vacant
Celebrate Albany Committee	2	6	2	1	As needed	Representation Maintained	Evans
Albany Port Users Liaison Group		2	6	3	Continue representation	Representation Maintained	Evans
Hay River Land Conservation Committee – Ministerial Appointment.						Received recent request for member	Vacant
Wilson Inlet Management Advisory Group						Received recent request for member	Vacant

9. An information sheet detailing the function, aims and objectives of all organisations will be circulated prior to the Agenda Briefing Session.
10. Given the variation of the response it is suggested that Council debate representation on each committee individually.
11. Since the research was undertaken requests have been received by:
 - Hay River Land Conservation Committee – Ministerial Appointment.
 - Wilson Inlet Management Advisory Group.

These requests have been included as part of the Council recommendation.

RECOMMENDATIONS

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Chamber of Commerce and Industry.

Voting Requirement Simple Majority

.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Classic Car Events.

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

THAT Council continue representation on / resign from / attend meetings when requested by Great Southern Employments Development Committee Inc.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Hospice.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Maritime Foundation Board.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Port Authority Community Liaison Group.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Residency Museum.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Tidy Town Committee.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany University Foundation.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Visitor Centre Board.

Voting Requirement Simple Majority
.....

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Youth Support Association.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Justice /Police Complex Community Reference Group.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Directions for Youth in Education and Training.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Southern Horse Council.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Lotteries House Management Committee.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the NRN Centre of Excellence Policy Board.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Old Farm Strawberry Hill.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Roadwise Committee.

Voting Requirement Simple Majority
.....

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

THAT Council continue representation on / resign from / attend meetings when requested by the Senior Citizens Centre / Meals on Wheels.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the South Coast Management Group.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Timber 2020 Inc.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Timber Industry Road Evaluation Strategy.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the UWA Albany Scholarship Program.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Vancouver Waterways Projects Reference Group.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Watershed Torbay Project.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Celebrate Albany Committee.

Voting Requirement Simple Majority
.....

ORDINARY COUNCIL MEETING MINUTES – 20/07/04
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

THAT Council continue representation on / resign from / attend meetings when requested by the Albany Port Users Liaison Group.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Hay River Land Conservation District Committee.

Voting Requirement Simple Majority
.....

THAT Council continue representation on / resign from / attend meetings when requested by the Wilson Inlet Management Advisory Group.

Voting Requirement Simple Majority
.....

<p>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR JAMIESON</p> <p>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.</p> <p style="text-align: right;">MOTION CARRIED 10-4</p>

Reason:

- The review of external committees is worth pushing I believe as it will set the guidelines for working out the various committees which can be done at the next briefing meeting after Andrew returns. It does not restrict any Councillor attending any of the Committees as observer if they wish to. However it will clarify what direct liaison the Council wants with the various external organisations.

14.3 ECONOMIC DEVELOPMENT

14.3.1 Community Events Financial Assistance Program

File/Ward	: FIN 061 (All Wards)
Proposal/Issue	: Consideration of applications for Financial Assistance under the Community Events Financial Assistance Program
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager, Economic Development (J Berry)
Disclosure of Interest	: CEO is a member of the Princess Royal Sailing Club and abstained involvement in analysing or making recommendations to Council on funding
Previous Reference	: OCM 15/07/03 - Item 14.3.2
Summary Recommendation	: Council adopt the recommendations for funding under the 2004 Community Events Financial Assistance Program
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. The Community Events Financial Assistance Program is a competitive grants program of the City of Albany. The scheme is conducted in one round, with applications being invited in April and closing at the end of May. Council advertises its intention to consider applications for financial assistance under this scheme in local newspapers with all applications to be submitted by 31st May 2004.
2. Council provides a specific budget allocation for community event grants and in 2004/05, it is \$38,000. Funding for community event grants is provided on a dollar for dollar matching basis, with the community organisation being required to contribute the equivalent in cash or in-kind. The applicant must demonstrate that other funding opportunities have been investigated and that attempts to source other external funds have been or are being made.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

3. Organisations that are funded by a parent organisation that is Government, quasi government, professional or commercial in its foundation, or that is primarily funded by Government, quasi government, professional or commercial sources is not eligible for funding, other than in exceptional circumstances. Funding will not be provided for paid professional services, consultancies or the employment of personnel.

STATUTORY REQUIREMENTS

4. Financial regulations require that funding of Community Financial Assistance applications is subject to prior budget approval and budgeted expenditure limitation.

POLICY IMPLICATIONS

5. Council adopted the Community Events Policy on 17th June 2003. The policy is outlined below:-

“Objective:

To increase the economic yield from tourism by sponsoring and developing significant events that become annual tourist drawcards.

To assist community based organisations and committees in conducting and managing events.

Strategic Alignment:

Professional Excellence

Community Events:

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

Social Cultural and Economic Development

To encourage a vibrant community where all are encourage to participate and contribute

Tourism Development

To lead key tourism groups in establishing an integrated approach to visitor servicing district and area promotion and product development.

Grant Types:

Icon Events

Events of State or Regional significance that can demonstrate on past performance that they will generate significant Tourism activity, stimulate large scale community interest and involvement and are conducted annually at the same time of the year

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

Community Events

Events of local or regional significant that stimulate community involvement and interest.

Sporting Events

Significant, and preferably the major event on a sporting organisations annual program.

Eligibility:

Not for profit organisations that are incorporated and can demonstrate the financial and human resources necessary to conduct the event applied for. Organisations qualifying for funding from State or Federal agencies must demonstrate assistance from those agencies in the funding application where practical.

Funding Round:

Applications close on the 31st of May each year.

Funding Pool:

The funding pool for Icon, Community and Sporting Events will be allocated via the annual budget process. Council may grant up to three years funding approval for Icon events.

Administration:

The Manager, Economic Development will make recommendations to Council on the allocation of events grants.

Delegation Of Authority:

Nil.”

FINANCIAL IMPLICATIONS

5. Adoption of recommended funding approvals is subject to the expenditure limitation provided within the budget. In 2004, the limit is \$38,000 for the Community Event Financial Assistance Program.

STRATEGIC IMPLICATIONS

6. Community Events Objective
To promote Albany and facilitate the celebration of events & achievements of significance to the Albany Community

Overall Performance Measure

Level of community support & participation.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

Approach

- Recognise events and achievements through a program of appropriate events, for the benefit of the general community.
- Promote Albany by supporting suitable community events.

COMMENT/DISCUSSION

7. Applications for the Community Events Financial Assistance Program closed on 31st May 2004. There were 21 applications seeking a total of \$85,020 financial assistance from Council. A table outlining applicants, their details and staff recommendation is attached to the rear of this report.
8. There was a high diversity of applications including major regional festivals, theatre productions, heritage events, sporting and multi-cultural activities.
9. The funding recommendations presented are based on assessment against multiple criteria outlined in the Community Events Policy adopted in June 2003. Maintaining support for the diverse community-based activities which meet the Council's social equity and cultural development objectives have also been recommended.

RECOMMENDATION

THAT Council adopt the following recommended funding allocations for the 2004/05 Community Event Financial Assistance Program and designate the Albany Classic Motor and the Perth International Arts Festival (Great Southern Program) as Icon events (guaranteeing full funding at current level for 2005, 2006 and 2007):-

<u>Applicant</u>	<u>Officer Recommendation</u>
Albany Agricultural Society Inc	\$2,000
Albany Amateur Swimming Club	\$0*
Albany Aussi Masters Swimming Club	\$500
Albany Classic Motor Event Organising Committee	\$8,000
Albany & Districts Trotting Club Inc	\$0
Albany Eisteddfod (Inc)	\$1,000
Albany Police & Citizens Youth Club	\$0
Albany Racing Club Inc	\$2,000
Albany Sinfonia Inc	\$0
Albany Surf Life Saving Club Inc	\$1,000
Albany Youth Orchestra	\$0*
Albany Vintage & Classic Motorcycle Club Inc	\$1000
Celebrate Albany	\$5,000
City of Albany Band Inc	\$3,000
Little Grove Primary School	\$0*
Lower Kalgan Progress Association Inc	\$2,000
Lower Great Southern Family Day Care Association Inc	\$0*
Perth International Arts Festival	\$10,000
Princess Royal Sailing Club Inc	\$1,000

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

The Major Lockyer Proclamation Soc. Inc	\$800
Viewpoint Inc	\$700
TOTAL	<u>\$38,000</u>

Voting Requirement Simple Majority

.....

Councillor Evans declared an impartial interest within this item. The nature of his interest is that he is a patron of the City of Albany Band and his wife is involved with the Albany Choral Society and Albany Sinfonia.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT Council adopt the following recommended funding allocations for the 2004/05 Community Event Financial Assistance Program and designate the Albany Classic Motor and the Perth International Arts Festival (Great Southern Program) as Icon events:-

Albany Agricultural Society Inc	\$2,000
Albany Amateur Swimming Club	\$0*
Albany Aussi Masters Swimming Club	\$500
Albany Classic Motor Event Organising Committee	\$8,000
Albany & Districts Trotting Club Inc	\$0
Albany Eisteddfod (Inc)	\$1,000
Albany Police & Citizens Youth Club	\$0
Albany Racing Club Inc	\$2,000
Albany Sinfonia Inc	\$2,000
Albany Surf Life Saving Club Inc	\$1,000
Albany Youth Orchestra	\$1,000
Albany Vintage & Classic Motorcycle Club Inc	\$1000
Celebrate Albany	\$5,000
City of Albany Band Inc	\$5,000
Little Grove Primary School	\$0*
Lower Kalgan Progress Association Inc	\$2,000
Lower Great Southern Family Day Care Association Inc	\$0*
Perth International Arts Festival	\$10,000
Princess Royal Sailing Club Inc	\$1,000
The Major Lockyer Proclamation Soc. Inc	\$800
Viewpoint Inc	\$700
TOTAL	<u>\$43,000</u>

MOTION CARRIED 14-0

Reason:

- It is believed that musical groups (Albany Sinfonia Inc, Albany Youth Orchestra & City of Albany Band Inc) should be funded through the community events budget.
- In relation to finance for PIAF, this should be assessed on an annual basis.

ORDINARY COUNCIL MEETING MINUTES – 20/07/04

REFER DISCLAIMER

GENERAL MANAGEMENT SERVICES REPORTS

2004/05 COMMUNITY EVENT FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request	Total Cost	Other grants sponsorship	Officer Rec.	Rationale	Grant Type
Albany Agricultural Society Inc	2004 Albany Agricultural Show and Trade Exhibition	\$6950	\$273,000	Pending (business)	\$2,000	Medium tourism benefit, intra-regional. Has good track record. Funds to be used for services previously provided in-kind by CoA works and services (toilets, waste, road closures, mowing etc) <u>Recommendation: Support with part-funding</u>	C
Albany Amateur Swimming Club	Shells Novice Swim Meet and Short Course Pentathlon	\$2000	\$5,478	Investigated Not eligible	\$0*	Limited tourism benefit. Will provide naming rights giving City of Albany PR exposure <u>*Recommendation: Support through \$200 Sundry Donations</u>	S
Albany Aussi Masters Swimming Club	11 th Annual Open Swimming Race Across Princess Royal Harbour from the Town Jetty to the Yacht Club.	\$1500	\$5,255	Pending (Healthway)	\$500	Medium tourism benefit. through competitors and families travelling to Albany Will provide naming rights giving City of Albany exposure. <u>Recommendation: Support with part-funding</u>	S
Albany Classic Motor Event Organising Committee	Albany Classic Motor Event 2005	\$8000	\$62,150	Healthway	\$8,000	This has been an annual event since 1991 bringing a significant number of visitors to Albany. <u>Recommendation:- Support with full funding as an Icon Event (guaranteed funding each year for 3 years)</u>	Icon
Albany & Districts Trotting Club Inc	30 th Anniversary Cup	\$10000	\$10,000	Nil	\$0	Money used as stakes only. Limited tourism benefit and no demonstration of \$ for \$ contributions <u>Recommendation: Decline funding support</u>	S
Albany Eisteddfod (Inc)	2005 Albany Music Eisteddfod	\$2000	\$16,480	Lotterywest Healthway	\$1,000	Well supported, good track record. Brings people from the metro area. Major cultural activity <u>Recommendation: Support with part-funding</u>	C
Albany Police & Citizens Youth Club	(1) Girls Gymnastic Competition (2) Air Rifle Competition	\$1500 \$1600	\$3,950	Nil	\$0 \$0	Limited tourism value and not major events on the Albany sporting calendar. <u>Recommendation: Decline funding support</u>	S
Albany Racing Club Inc	City of Albany Handicap	\$5000	\$57,780	Pending (Business)	\$2,000	Medium tourism benefit. Major and regular regional sporting event. Major PR opportunity for the City of Albany <u>Recommendation:- Support with part funding</u>	S

ORDINARY COUNCIL MEETING MINUTES – 20/07/04

REFER DISCLAIMER

GENERAL MANAGEMENT SERVICES REPORTS

2004/05 COMMUNITY EVENT FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request	Total Cost	Other grants sponsorship	Officer Rec.	Rationale	Grant Type
Albany Sinfonia Inc	Albany Proms 2004 (Nov)	\$2130	\$4,260	Pending business sponsors	\$0	Low tourism benefit, however has good cultural spin-offs for locals. Is financially sustainable without Council assistance <u>Recommendation:- Decline funding</u>	C
Albany Surf Life Saving Club Inc	Whale World Surf Boat Challenge 2005	\$7,000.00	\$10,000	Business Sponsors	\$1,000	Low tourism impact. Has value in retaining maritime heritage. Can still be held with reduced Council contribution <u>Recommendation: Support with part-funding</u>	S
Albany Youth Orchestra	Joint concert with Albany Sinfonia	\$897.00	\$2,122	Nil	\$0*	Popular event for youth music and local cultural development <u>* Recommendation: Support through \$200 Sundry Donations</u>	C
Albany Vintage & Classic Motorcycle Club Inc	Albany Vintage and Classic Motorcycle Hill Climb	\$2000.00	\$23,573	Nil	\$1000	Medium Tourism benefit. Has an 8-year history (good track record). People travel to Albany to participate. <u>Recommendation:- Support with part funding</u>	S
Celebrate Albany	Community Festival with Anzac Day being the Major Focus	\$7500.00	\$28,732	Pending (Lotteries)	\$5,000	High tourism value. Strategically important as it recognises and builds on Albany's ANZAC military heritage. Festival build up to centenary in 2014 <u>Recommendation:- Support with part funding</u>	C
City of Albany Band Inc	Brass Extravaganza Festival – COA Band 125 th birthday.	\$5000.00	\$55,228	Pending (Festivals Australia, GSDC Lotterywest)	\$3,000	An excellent business plan was submitted for this new initiative. Although unproven, has good tourism potential as will attract musicians and families from throughout WA for the Easter period – making this a magnificent time to enjoy Albany. <u>Recommendation:- Support with part funding</u>	C
Little Grove Primary School	The school is producing and performing a play called "Tribe".	\$1200.00	\$4,350	Nil	\$0*	Limited tourism value. Depicts Aboriginal culture and consistent with Aboriginal Accord objectives/reconciliation <u>*Recommendation:- Support through \$200 Sundry Donations</u>	C

ORDINARY COUNCIL MEETING MINUTES – 20/07/04

REFER DISCLAIMER

GENERAL MANAGEMENT SERVICES REPORTS

2004/05 COMMUNITY EVENT FINANCIAL ASSISTANCE PROGRAM							
Applicant	Project Details	Grant Request	Total Cost	Other grants sponsorship	Officer Rec.	Rationale	Grant Type
Lower Kalgan Progress Association Inc	Centenary of the Kalgan River Bridge – 'Life in the Kalgan'	\$4734	\$14,175	Pending (Lotterywest)	\$2,000	Intra-regional tourism benefit. Strong community building exercise. Well planned through workshopping <u>Recommendation:- Support with part-funding</u>	C
Lower Great Southern Family Day Care Association Inc	Family Fun Day	\$1000	\$1,000	Pending (Healthway)	\$0*	Low tourism benefit. Positive event for strengthening local families <u>*Recommendation:- Support through \$200 Sundry Donations</u>	C
Perth International Arts Festival	Perth International Arts Festival – Great Southern Programme 2005	\$10000	120,776	GSDC WARIS	\$10,000	Recommended as City Icon event. Attracts world class acts to Albany. Town Hall takings were \$7,500 in 2004. (Net impact on City is \$2,500). Very high tourism value and significant economic multiplier. <u>Recommendation:- Support with full funding as an Icon Event (guaranteed funding each year for 3 years)</u>	Icon
Princess Royal Sailing Club Inc	City of Albany Australia Day Cup	\$2000	\$2,000	Nil	\$1,000	Low tourism benefits. Creates a spectacle on harbour. Naming rights will provide City of Albany PR benefits. Has not demonstrated \$ for \$ funding	S
The Major Lockyer Proclamation Soc. Inc	Re-enactment of the official proclamation by Major Edmund Lockyer on 21/1/1827.	\$1009	\$3,362	WA 175 th for uniform upgrades	\$800	Added cultural experience for tourists in Albany and locals. Has significant heritage values that require City support. High level of volunteer support and adds colour and vibrancy to CBD. <u>Recommended for partial support</u>	C
Viewpoint Inc	Viewpoint Fine Craft Awards	\$2000	\$14,360	Pending	\$700	Low tourism benefit as is mostly of interest to local residents. Good track record in past. Grant used for Town Hall Hire <u>Recommendation:- Support with part funding</u>	C
		\$85,020.00			\$38,000		

Funds available for allocation this (one round) \$38,000.00

Grant Types

(refer Community Events Council Policy adopted 17 June 2003)

I = Icon

C= Community

S = Sporting

14.4 GENERAL MANAGEMENT SERVICES COMMITTEE

14.4.1 Albany Waterfront Reference Group meeting minutes – 25th June 2004

- File/Ward** : MAN 127 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Waterfront Reference Group meeting held on 25th June 2004 be received and the recommendations adopted

RECOMMENDATION

THAT Council receives the minutes of the Albany Waterfront Reference Group held on 25th June 2004 (copy of the minutes and attachments are in the Elected Members Report/Information Bulletin) and adopts the Committee’s recommendations:-

Item 6.1

- i) THAT Council enter into a Memorandum of Understanding with the Department for Planning and Infrastructure and the Albany Port Authority that;
- facilitates development of the Albany Waterfront in accordance with Concept, Structure and Precinct plans adopted by Council;
 - prohibits non-tourism related residential activity
 - prescribes leasehold land tenure and associated instruments that will enforce prohibition of residential activity separate to the Town Planning Scheme.

Voting Requirement Simple Majority

.....

- ii) THAT Council adopt the “Draft Albany Waterfront Concept Plan (*Revised June 2004*) and proceed to prepare a Structure Plan for the Albany Foreshore Development Zone which addresses:-

- Site constraints
- Development principles
- Broad land uses
- Environmental commitments
- Other matters required by the City’s Town Planning Scheme

AND

THAT the Structure Plan be prepared with the principle of maintaining 24 hour / 7 day per week road and rail access to the Port of Albany

Voting Requirement Simple Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.1 continued.

- iii) THAT tourist accommodation be a recognised leasehold land use within the Albany Foreshore Development Zone with a preference for it to be located in the Western Precinct as shown on the Albany Waterfront Concept Plan

Voting Requirement Simple Majority

.....

- iv) THAT Council, upon the adoption of the Albany Foreshore Development Zone Structure Plan, then proceed to develop a Precinct Plan(s) for the zone which will:-
- Provide greater clarity to the development concepts outlined in the Structure Plan
 - Quantify land uses within the precinct(s)
 - Define building heights, conditions and design guidelines
 - Define planning guidelines
 - Guide landscaping and detailed urban design

Voting Requirement Simple Majority

.....

<p>MOVED COUNCILLOR EVANS SECONDED COUNCILLOR DEMARTEAU</p> <p>THAT Council prior to receiving the minutes of the Albany Waterfront Reference Group held on 25th June 2004 (copy of the minutes and attachments are in the Elected Members Report/Information Bulletin) modify item 6.1 as follows:</p> <p>Item 6.1</p> <p>i) THAT Council enter into a Memorandum of Understanding with the Department for Planning and Infrastructure and the Albany Port Authority that (amongst other requirements);</p> <ul style="list-style-type: none">• facilitates development of the Albany Waterfront in accordance with Structure and Precinct plans adopted by Council;• prohibits non-tourism related residential activity;• prescribes that the whole of the Foreshore Development Zone shall only be made available for development using leasehold land tenure arrangements; and• requires the Crown to incorporate lease and sub-lease requirements, with associated registration and management instruments, that will enforce a prohibition on residential activity consistent with the Precinct Plan, but be capable of being actioned independently of the Town Planning Scheme. <p style="text-align: right;">MOTION CARRIED 13-1</p>
--

GENERAL MANAGEMENT SERVICES REPORTS

**MOVED COUNCILOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT Council receive the minutes of the Albany Waterfront Reference Group held on the 25th June 2004 and adopts the Committee's recommendations 6.2, 6.3 and 6.4.

MOTION CARRIED 14-0

Reason:

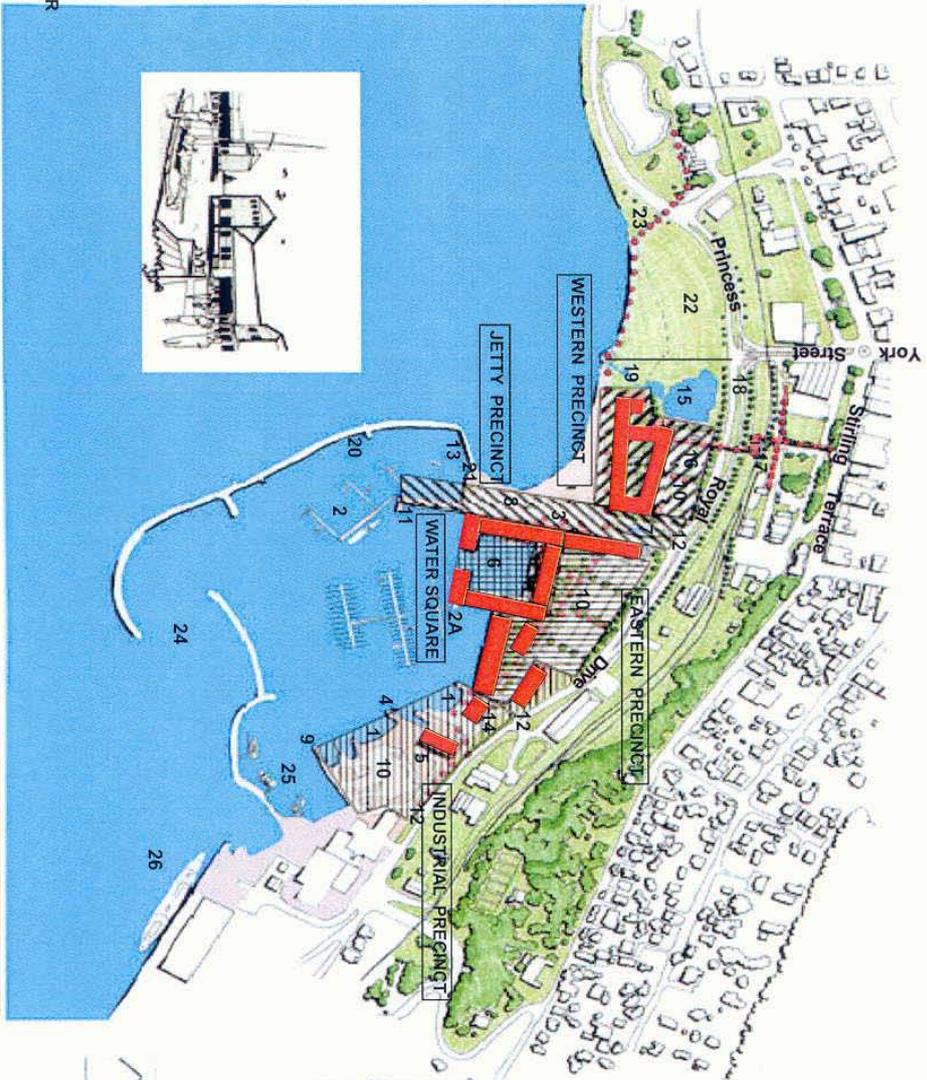
- Portions (ii) to (iv) of the recommendation remain unchanged with this motion. The motion sets out to more clearly define Council's position that:
 - a) the MOU will need to address a number of issues and not be limited to those described above.
 - b) reinforces that the entire zone is likely to be developed by several investors and that each site can only be made available through a lease arrangement. The scheme cannot prevent the Crown from applying for freehold titles whereas the proposed MOU could.
 - c) Places an onus on the Crown, when preparing lease documents, to reinforce the Precinct Plan obligations, but the motion also allows the MOU and the leases to sit alongside the Town Planning Scheme and be separately actioned should there be a breach of the Precinct Plan requirements.

REFER DISCLAIMER

GENERAL MANAGEMENT SERVICES REPORTS

AWERG MEETING 25 JUNE 2004 - DRAFT MOTION A

- LEGEND**
- 1. BEACHES
 - 2. HARBOUR (A = STAGE 1)
 - 3. CONVENIENCES, TICKETING, KIOSK, BUILDING
 - 4. SLIPWAY
 - 5. MARINE SERVICE YARD
 - 6. WATER SQUARE & TOUR BOATS
 - 7. MUSEUM SHIP / MARINE ICON
 - 8. FISHERMANS WHARF, PARKING
 - 9. BOAT RAMPS
 - 10. MAIN CAR PARKS
 - 11. SERVICE JETTY
 - 12. ACCESS POINTS
 - 13. BRIDGE
 - 14. ALBANY BOAT SHED
 - 15. STORMWATER LAKE
 - 16. FARMERS MARKET
 - 17. LOOKOUT/ FOOTBRIDGE
 - 18. FUTURE DUAL CARRIAGEWAY (YORK ST TO TOLL PL.)
 - 19. PARKLAND
 - 20. FISHING PLATFORMS ON BREAKWATER
 - 21. FUEL, SULLAGE, FISH CLEANING, WASTE, WATER, POWER
 - 22. ANZAC MEMORIAL PARK, TOWN SQUARE
(To be developed by City of Albany)
 - 23. WALKWAY
 - 24. HARBOUR ENTRY (Subject to change)
 - 25. TUG HARBOUR
 - 26. PORT BERTH NO.1



- Building Area Outline**
- Jetty Precinct
 - Western Precinct
 - Water Square Precinct
 - Industrial Precinct
 - Eastern Precinct



Albany Harbour & Waterfront
Final Draft Concept Plan **REVISED JUNE 2004**

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Convention and Entertainment Centre Steering Committee meeting minutes – 1st June 2004

- File/Ward** : MAN 075 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : THAT the Minutes of the Albany Convention and Entertainment Centre Steering Committee meetings held on 1st June 2004 be received and the Committee recommendations be adopted

RECOMMENDATION

THAT Council receives the minutes of the Albany Convention and Entertainment Centre Steering Committee meeting held on 1st June 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin) and adopts the following recommendation:-

THAT a representative of the Senior Citizens Centre Inc be invited as a member of the Albany Convention and Entertainment Centre Steering Committee.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT Council receives the minutes of the Albany Convention and Entertainment Centre Steering Committee meeting held on 1st June 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin) and adopts the following recommendation:-

THAT a representative of the Senior Citizens Centre Inc be invited as a member of the Albany Convention and Entertainment Centre Steering Committee.

MOTION CARRIED 14-0

GENERAL MANAGEMENT SERVICES REPORTS

14.4.2 Convention and Entertainment Centre Steering Committee meeting minutes – 23rd June 2004

- File/Ward** : MAN 075 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : THAT the Minutes of the Albany Convention and Entertainment Centre Steering Committee meetings held on 23rd June 2004 be received and the Committee recommendations be adopted

RECOMMENDATION

THAT Council receives the minutes of the Albany Convention and Entertainment Centre Steering Committee meeting held on 23 June 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

MOVED COUNCILLOR WOLFE

SECONDED COUNCILLOR WELLINGTON

THAT Council receives the minutes of the Albany Convention and Entertainment Centre Steering Committee meeting held on 23 June 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 14-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

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

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYORS REPORT

Fellow Councillors:

On the 16th June the City of Albany and the Seniors Advisory Committee once again hosted a commemorative Tree Planting ceremony for local centenarian Mrs Rose Towell at Lawley Park. Despite strong winds and threatening rain the weather held off to allow the tree planting ceremony to take place without interruption. Approximately 50 people witnessed the ceremony, including a large representation of family members. Rose is a very sprightly 100 year old who, being an avid gardener for most of her life, was keen to complete the whole process of the tree planting and not just apply the first trowel of soil. Family members were very appreciative of the City of Albany and Seniors Advisory Committee involvement in organising the tree planting ceremony and their letter of thanks is included in Agenda Bulletin Items.

On the 17th June I was formally introduced to the new Managing Director of Albany Plantation Forest Company, Mr Masahiro (Andy) Ando. Mr Ando replaces Jimmy Shimamura who returns to Japan after 6 years in Albany. I had the privilege of conducting the Opening Welcome speech at Jimmy's farewell function on the 18th June. Jimmy was a very popular, active community person and will be sadly missed by the many friends he made over the duration of his time in Albany. He was not only instrumental in laying the foundations of the plantation industry in this region, contributing much to the progress of the industry over his time at the helm of APFL, but from a cultural point of view he encouraged and contributed to the student exchange program which enabled our local students and Japanese students to relocate to experience a culture different from their own. Jimmy was also instrumental in setting up a Sister Port Agreement between Aburatsu (Nichinan) and Albany.

I had great pleasure in launching the Department of Local Government and Regional Development's, "Regional Achievers Awards" and the Kleenheat Gas "Community of the Year Award" at Whaleworld on the 22 June, on behalf of Hon Tom Stephens MLC. The Awards aim to encourage, acknowledge and reward the valuable contribution individuals

and groups have made to regional and rural Western Australia. There will be five individual Regional Achiever Award winners who will each receive \$1000 and the winning Community will receive \$2000 and a community plaque. An advertising campaign is now underway and nominations for the awards close on Friday 17th September.

On the 23rd June the City of Albany hosted a Civic Reception to welcome delegates attending the National Beef Improvement Association Conference at the Esplanade Hotel. The Albany Advantage video was played to the 90 delegates who attended from various parts of Western Australian and Interstate, and Albany Advantage kits were distributed, which were very favourably received. The delegates seemed very impressed with what they'd seen of Albany and gave a strong indication that they would return again with their families.

Local Volunteer Bush Fire Brigade members were thanked for their efforts over the 2003/2004 Fire Season at a Civic Reception on Saturday 17 July 2004. Over 140 attended the social evening with a mix of outgoing and incoming committee members. Albany has a Volunteer Bush Fire Brigade Service that is envied throughout the State. The Strategic Plan and Fire Prevention Plan is touted as a best practice model at National and International conferences and the actions of our volunteers on the fire ground has resulted in considerable property being saved from the devastating effects of fire. The volunteers have demonstrated over the past five years that they are capable of working with CALM and FESA to embrace and enhance the changes occurring around them. The volunteers are well trained and equipped and present themselves as a very professional and competent organization.

In conclusion, I would like to acknowledge the recent passing of Homer White a highly respected community member of Albany. Homer prided himself on being recognized as the "United States Ambassador for Albany" and represented Albany with great pride at events in Perth, the most recent being the 62nd Commemoration of the Battle of the Coral Sea. Homer was a tireless worker, involved in many organizations and committees and his passing is a sad loss to the community.

Thank you.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR BARTON**

THAT the Mayor's report be received.

MOTION CARRIED 14-0

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

Nil.

19.0 CLOSED DOORS

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EVANS**

THAT Council sit behind closed doors.

MOTION CARRIED 14-0

Executive Director Development Services and the public left the Chambers at 10.13pm.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Standing Orders 5.1, 5.5 & 6.5 be suspended.

MOTION CARRIED 14-0

Acting on advise from DLG, Councillor Demarteau left the Chambers at 10.17pm.
Executive Director Works & Services and the minute taker left the Chambers at 10.17pm.
Councillor Paver declared an impartial interest and left the Chambers at 10.22pm.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT Council come out from behind closed doors and resume standing orders.

MOTION CARRIED 12-0

Councillor Demarteau returned to Chambers at 10.25pm.
Executive Director Works & Services, Executive Director Development Services and
minute taker returned to the Chambers at 10.25pm.

19.1 **Building Compliance – Retaining Wall – 11 Festing Street, Albany**

**MOVED MAYOR GOODE
SECONDED COUNCILLOR EVANS**

**THAT Council take no further action in regard to 11 Festing Street, until the
appeal is determined.**

MOTION CARRIED 10-3

Councillor Demarteau withdrew from the Chambers on advice received from the
Department of Local Government at 10.35pm.

19.2 **Censure - Councillor Paver**

**MOVED MAYOR GOODE
SECONDED COUNCILLOR WELLINGTON**

**THAT Council censure the actions and do not support the statement of
Councillor Paver with respect to his comments relating to Item 18.1 (Festing
Street Retaining Wall) at the Ordinary Council meeting held on June 15th 2004.**

MOTION CARRIED 12-0

20.0 NEXT ORDINARY MEETING DATE

Tuesday 17th August 2004 at 7.30pm.

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 10.35pm.

Confirmed as a true and correct record of proceedings.

A Goode, JP

Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cllr Barton	12.2.5 – Extended Trading Hours	Employee of Coles
Cllr Wellington	Item 12.2.5 – Extended Trading Hours	Works within the Retail Industry
Cllr Wolfe	Item 12.8.3 – Saleyards Meeting Minutes	Interest in Common – occasional user of the Saleyards
Cllr Evans	Item 12.1.3 – Budget 04/05 Item 14.3.1 – Events Funding	Patron of City of Albany Band & wife is a member of the Albany Sinfonia & Albany Choral Society
Cllr Waterman	Item 12.2.5 – Extended Trading Hours	Works within the Retail Industry.

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Cllr West	Item 12.1.3 – budget 04/05	Alternate Motion – Cllr Paver
Cllr Paver	Item 19.2 – Censure of Cllr Paver	

INTERESTS DISCLOSED BY OFFICERS

[Agenda Item 12.1.1 refers]

[COUNCIL – 20th July 2004]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		totalling	625,810.84
Electronic Fund Transfer		totalling	4,488,945.46
Payroll		totalling	1,007,003.26
TOTAL			<u>\$6,121,759.56</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$6,121,759.56 was submitted to each member of the Council on 20th July 2004 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

ACTING CHIEF EXECUTIVE OFFICER
 (P Madigan)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$6,121,759.56 which was submitted to the Council on 20th July 2004 and that the amounts are recommended to the Council for payment.

MAYOR
 (A Goode JP)