



MINUTES

ORDINARY MEETING OF COUNCIL

on

Tuesday, 20th November 2001

7.30pm

City of Albany - Mercer Road Office

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

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Signed _____

Date: 26th November 2001

Andrew Hammond
Chief Executive Officer

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1.0 DECLARATION OF OPENING

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

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

Attendance:

Her Worship the Mayor

A.E. Goode JP

Councillors

-M.J. Evans JP
-E.A. Barton
-S.M. Bojcun
-J.A. Cecil
-A.H.M. Demarteau
-R.H. Emery
-D.M. Evers
-G.J. Sankey
-D.W. Wellington
-I.A. West
-I.W. Wilson
-D.J. Wolfe
- J.M. Walker
-J.D. Williams

Chief Executive Officer

-A.C. Hammond

Executive Director

-Development Services

-R.J. Fenn

Executive Director

- Works & Services

- B Joynes

Executive Director

-Corporate & Community Services

-W.P. Madigan

Minutes Secretary

-L J Lewis

Approximately 35 members of the public

2 media representatives

Apologies/Leave of Absence:

Nil

3.0 OPENING PRAYER

Councillor Demarteau 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.

***Mr John Healy**

Mr Healey spoke on Item 14.3.1 – Vancouver Waterways Final Report.

Mr Healey requested that Council consider changing the recommendation to:

“That Council notes the Vancouver Waterways Final Report and will deal with the projects listed in the report on a case-by-case basis when they are presented to Council on an individual basis by the proponents”.

***Mr Mark Paynter**

Mr Paynter spoke on Item 13.2.3 – Robinson Road Upgrade.

Mr Paynter asked whether Council staff would make a submission to Main Roads for a 40-50kph speed zone along Robinson Road.

Mr Paynter was in favour of Option 3 of the Council recommendations.

***Ms Maria Kohlhagen**

Ms Kohlhagen referred to Item 13.2.3 – Robinson Road Upgrade.

Ms Kohlhagen spoke in support of Robinson Road being sealed end to end. She stated that no notice was given for a change of options, and that consideration was not given to residents who wanted the road sealed.

***Ms Clare Dobson**

Ms Dobson referred to Item 13.2.3 – Robinson Road Upgrade.

Ms Dobson asked Council if it was financially prudent to purchase land that the owner has made clear he does not want to sell and build a new stretch of road around the karris.

Item 5.0 continued

***Mr Adrian Valley**

Mr Valley referred to Item 13.2.3 – Robinson Road Upgrade

Mr Valley said that 400 signatures had been presented at the first consultation meeting with the engineer to save the karri trees and preserve the road. He felt that Options 1, 3 and 4 of Council recommendations met these criteria, but asked if Council could guarantee that the character of the road will be maintained.

***Ms Marie Bennett**

Ms Bennett spoke on Item 13.2.3 – Robinson Road Upgrade.

Ms Bennett supported Option 3 of Council recommendations, and asked what measures Council proposed to introduce during the upgrade to ensure traffic speed slows at the bridle trail crossings, and also takes into account equestrian use of the area generally.

The Executive Director of Works and Services responded that this would depend on the final alignment, and he would discuss appropriate signage with Main Roads WA.

***Mr John Askevold**

Mr Askevold spoke on Item 13.2.3 – Robinson Road Upgrade.

Mr Askevold supported Option 3 of Council recommendations because the school bus route was important. He said that corrugation in the road caused damage to horse floats and other vehicles and that there were dangerous bends in the road.

The Executive Director of Works and Services stated that there are no changes planned at this stage.

***Mr Tony Harrison**

Mr Harrison referred to Item 14.3.1 – Vancouver Waterways Final Report.

Mr Harrison agreed with the concept of a harbour, but was against the use of a breakwater, particularly given that ships would be using the harbour. He was concerned about dredging costs as a result of sand and sediment drift into the harbour. Mr Harrison opposes the use of a rock wall and said that baffles around the jetty would stop the water.

Mr Harrison also opposed the upgrade of the jetty at Ellen Cove (Middleton Beach) – he felt it would be a waste of money and stated that there is a lot of sand moving and it would become a major problem.

***Mr Rob Lucas**

Mr Lucas referred to Item 14.3.1 – Vancouver Waterways Final Report.

Mr Lucas opposed what has been written on Camp Quaranup. He felt there were serious inaccuracies and unreliable information.

In relation to Misery Beach, Mr Lucas supported keeping this beach open and in relation to closing the boat ramp at Frenchman Bay, he wanted to register his objection.

The Public Question time was extended for a further fifteen (15) minutes by a show of hands.

Item 5.0 continued

***Mr J Hawkings**

Mr Hawkings referred to Item 14.3.1 – Vancouver Waterways Final Report. Mr Hawkings felt that the report contains issues that need further discussion, and that it was a consultation issue.

***Mr John Boltwood**

Mr Boltwood referred to Item 13.2.1 – Worra Street, Yakamia – Proposed Road Reserve Closure.

Mr Boltwood wanted to see a pedestrian crossing for people to walk through from the unmade section of Worra Street to Kampong Road.

He requested Council consider making the current end of Worra Street into a cul-de-sac, because of heavier traffic on Worra Street. He also requested that consideration be given to parking limitations in the cul-de-sac, as vehicles parked for long periods of time would cause problems with people turning around in the cul-de-sac.

The Executive Director of Works and Services advised the recommendation was to advertise the proposal and invite submissions.

***Mrs Melissa Collins**

Mrs Collins spoke in relation to Item 11.1.3 – Home Occupation (Family Day Care) – 5 Clifton Street, Lockyer.

Mrs Collins requested 24 hour/7 day operation, and objected to restricted hours of operation for her day care centre. She felt that there would be limited impact on the area in relation to dropping off and picking up of the children.

***Ms Jo Collett**

Ms Collett spoke in relation to Item 11.1.2 – Proposed Home Occupation – Lot 101 (#89) Spencer Street, Albany.

Ms Collett requested Council to reconsider her application.

***Ms Kim Stanton**

Ms Stanton spoke in relation to Item 14.3.1 – Vancouver Waterways Final Report.

Ms Stanton was concerned that there had been insufficient consultation given on the project. She felt that each section should be given careful consideration, and with the knowledge of the community.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 16th October 2001

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

Item 6.0 continued

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILSON**

THAT the following minutes:

- **Ordinary Council meeting held on 16th October, 2001**

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

MOTION CARRIED 15-0

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 Tony Demarteau – Item 12.1.2 – Annual Report – Acceptance by Local Authority.

Nature of Interest - Councillor Demarteau's wife works for Mr Russell Harrison, of Lincoln's Chartered Accountants. The extent of the interest is that Lincoln's Accountants is the current City's Auditor.

Councillor Tony Demarteau – Item 12.7.3 – Audit Committee Minutes of 6th November 2001

Nature of Interest - Councillor Demarteau's wife works for Mr Russell Harrison, of Lincoln's Chartered Accountants. The extent of the interest is that Lincoln's Accountants is the current City's Auditor.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Item 19.1 – Minutes of the Chief Executive Officer Appraisal Committee held on 19th October 2001.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

Item 11.1.1 continued

BACKGROUND

1. David and Naomi Palfrey have lodged an application for a roof sign advertising the sale of food at 394 Albany Highway.
2. Attached is an illustration of the proposed sign which highlights the relationship of the building to which it is to be attached and the ground level. Also represented is the artwork which is to be displayed on the proposed sign.

STATUTORY REQUIREMENTS

3. The City of Albany Local Law No.38 - pertaining to the roof sign stipulates;

5.7.1. Approval for the erection of a sign shall be granted by a resolution of Council and where approval has been granted, a roof sign shall-

- (a) not at any part be within 4 metres of the ground;*
- (b) not extend laterally beyond the external walls of the building;*
- (c) comply, as regards height above ground and height of sign, with the following table:-*

Building Height	Maximum Height of Sign above Rooftop
4.0 – 5.0 metres	1.25m
5.0 – 6.0 metres	1.80m
6.0 – 12.0 metres	3.00m
12.0 – 18.0 metres	5.00m
18.0 – 24.0 metres	6.00m
24.0 metres and above	7.00m

4. The application was lodged prior to Council resolving to introduce a new Signs Local Law.

POLICY IMPLICATIONS

5. Under the original Local Laws, approval for the erection of a roof sign can only be granted by a resolution of Council. This requirement involves a lengthy approval process, often for a sign of minimal aesthetic impact, and staff will be preparing a policy under the new Local Law to minimise those delays.

FINANCIAL IMPLICATIONS

6. There are no financial implications relating to this matter

STRATEGIC IMPLICATIONS

7. There are no strategic implications relating to this matter

Item 11.1.1 continued

COMMENT/DISCUSSION

- 8. The roof sign advertising food would not have a detrimental impact on amenity and streetscape due to the following reasons:
 - The proposed roof sign is in conformance with the statutory requirements outlined in the Local Law No.38. That is, the sign:
 - a) is not within 4 metres of the ground,
 - b) does not extend laterally beyond the external walls of the building,
 - c) and does not exceed 1.8 metres above the roof top for a building height of 5-6 metres.
 - The sign is relatively small in size in relation to the scale of its surroundings.
- 9. The new Local Law and policy will to offer a greater priority on matters such as streetscape and to come in line with the City of Albany’s new Town Planning Scheme.

RECOMMENDATION

THAT Council grant approval for the erection of the proposed roof sign located at Lot 21 (#394) Albany Highway, Orana in accordance with the City of Albany Sign Local Law No.38.

Voting Requirement Simple Majority

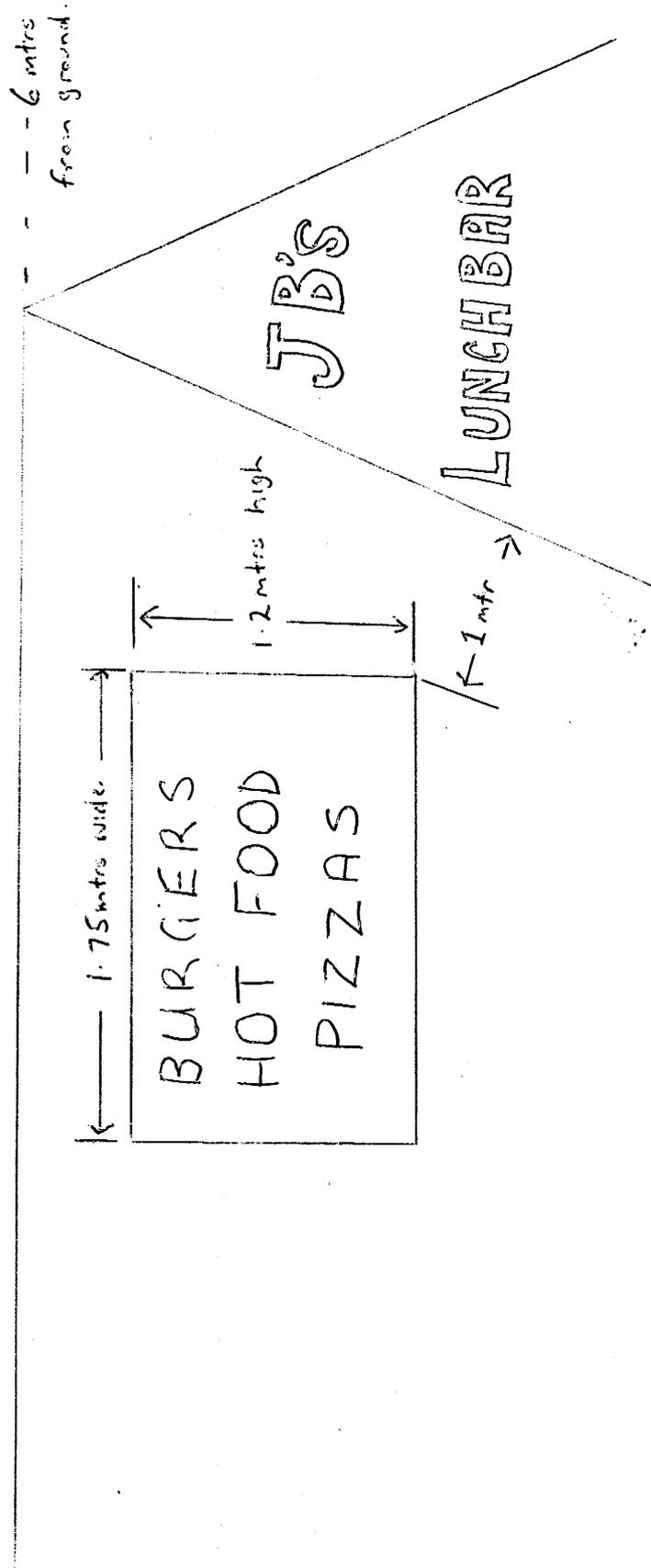
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**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR DEMARTEAU**

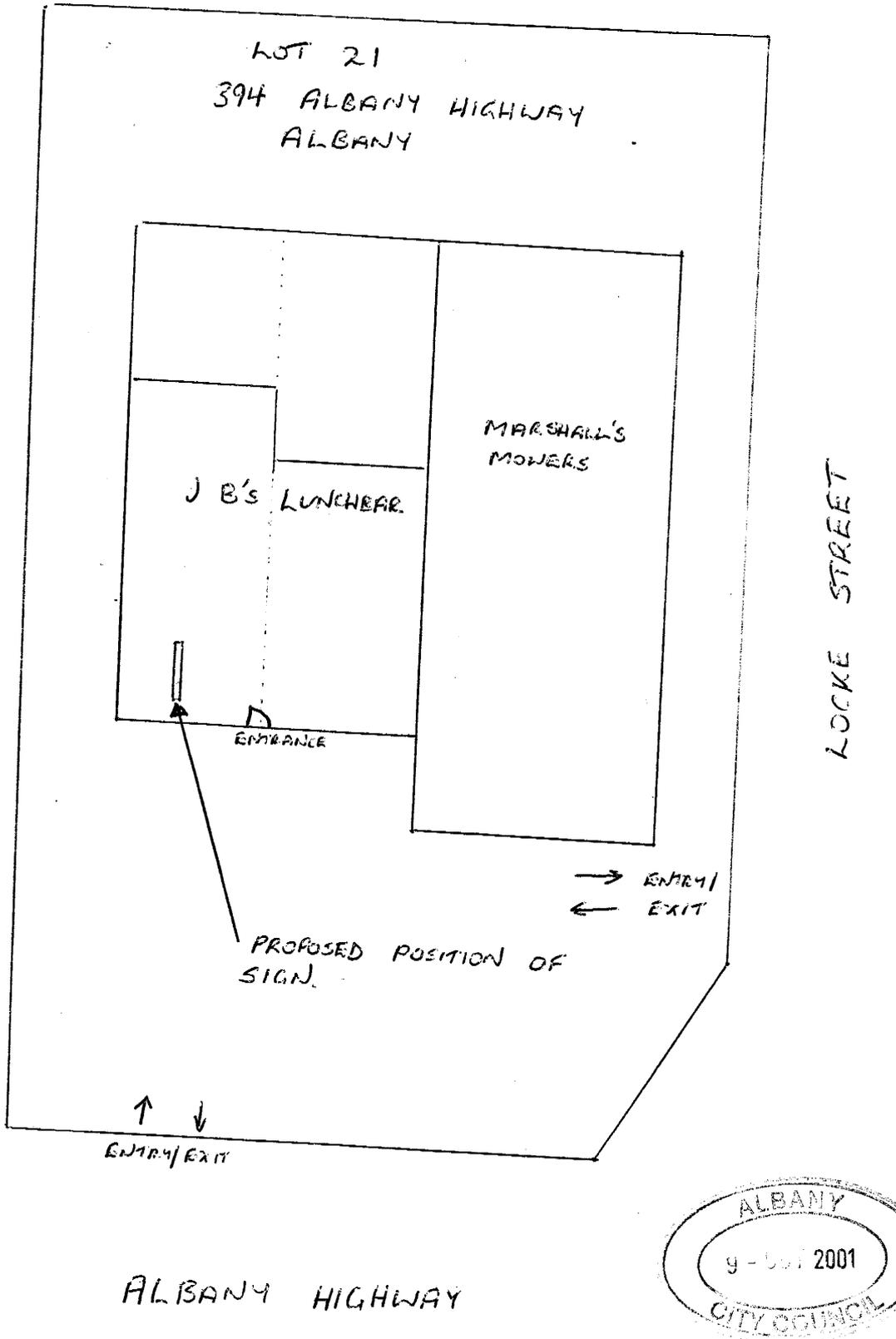
THAT Council grant approval for the erection of the proposed roof sign located at Lot 21 (#394) Albany Highway, Orana in accordance with the City of Albany Sign Local Law No.38.

MOTION CARRIED 15-0

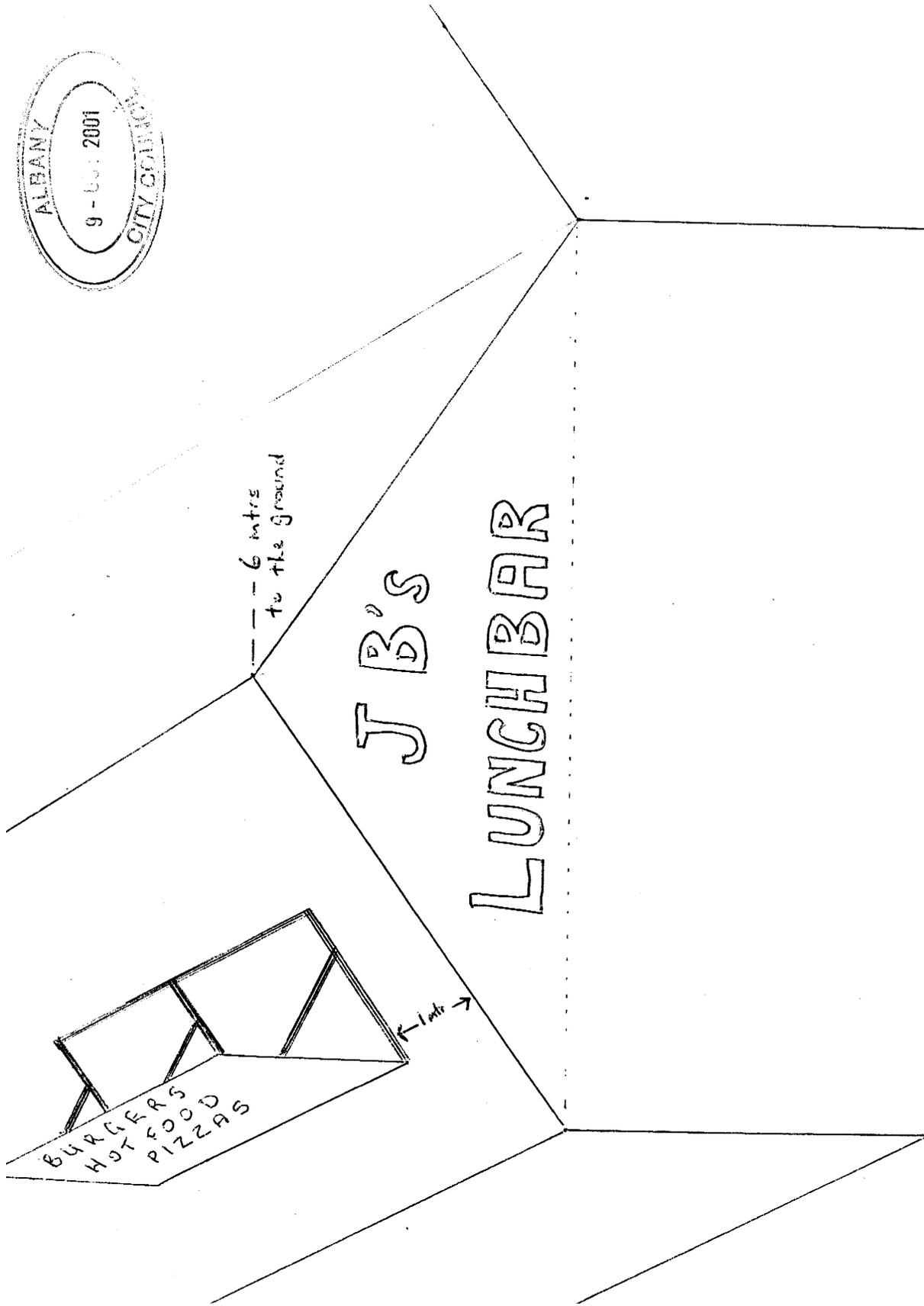
DEVELOPMENT SERVICES REPORTS



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ORDINARY COUNCIL MEETING- 20/11/01
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APPLICATION FOR SIGN LICENCE

SIGN SPECIFICATIONS

SIGN LOCATION: ON THE ROOF OF THE PREMISES OF J B's LUNCHBAR AT 394 ALBANY HIGHWAY,ALBANY.

SIGN SIZE: 1.2 metres HIGH x 1.75 metres WIDE & IS CONSTRUCTED OF 1mm SHEET METAL. SIGN IS MOUNTED TO SIGN FRAME USING NUMEROUS TECH SREWS & POP RIVETS

SIGN FRAME: 40mm x 40mm GALVANISED TUBED STEEL (square) WITH 40mm ANGLE BRACING.

SIGN WILL BE SECURED TO THE ROOF USING NUMEROUS COACH BOLTS (150mm LONG x 10mm) SECURING SIGN TO BUILDING ROOF RAFTERS.

SIGN WILL NOT EXCEED HEIGHT OF BUILDING (TOP OF ROOF PITCH).

SIGN COLOURS - BLUE , WHITE , RED , YELLOW

DEVELOPMENT SERVICES REPORTS

11.1.2 Proposed Home Occupation – Lot 101 (#89) Spencer Street, Albany

File/Ward : A163842 (Frederickstown Ward)

Proposal/Issue : Proposed Home Occupation

Subject Land/Locality : Lot 101 (#89) Spencer Street, Albany

Proponent : J Collett

Owner : E S McLean

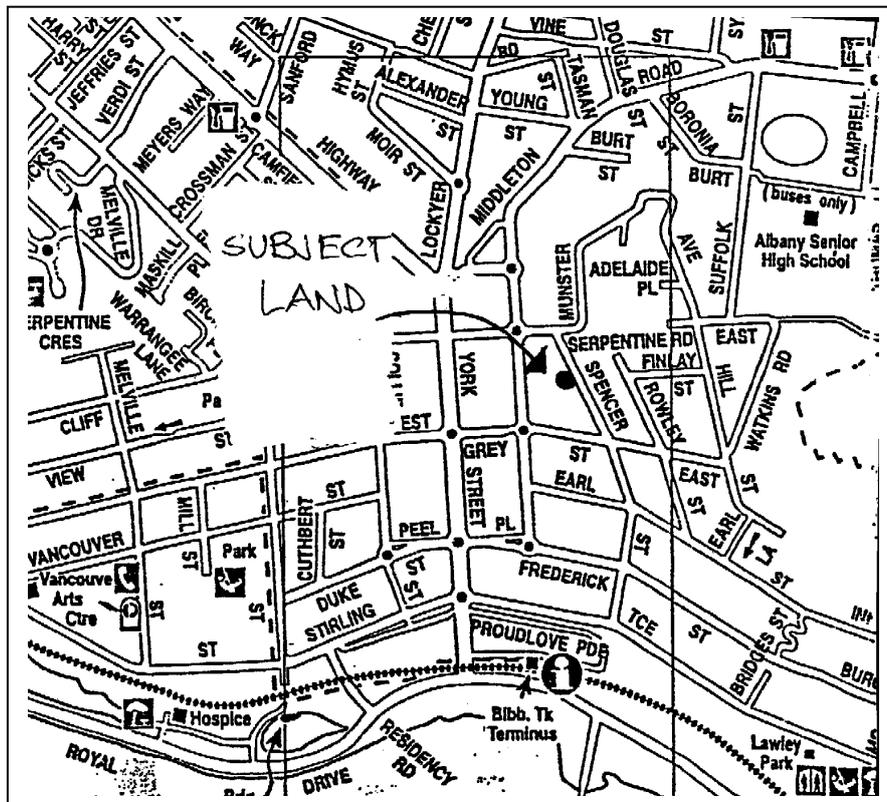
Reporting Officer(s) : Planning Officer (G Bride)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: To refuse application

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. Application has been received by J Collett to establish a home occupation (Homeloans WA) at Lot 101 (#89) Spencer Street, Albany (refer applicant's letter). The proposed business involves the lending of finance for home purchases, whereby the applicant will process applications for home loans and assist clients with necessary documentation.
2. Homeloans WA is a statewide business with its head office located within Perth's CBD. The applicant is proposing to establish a sub-branch of Homeloans WA in Albany which will also serve customers in Esperance and Kalgoorlie.
3. Lot 101 Spencer Street, Albany is zoned "Residential (R30)" within Town Planning Scheme No.1A, and is 350m² in area.
4. Spencer Street has a narrow pavement width of around seven metres, which is further exacerbated by on-street parking. On-street parking is especially common in this area due to the historical nature of the dwellings which did not cater for garages and driveways. In instances where on-street parking occurs on both sides of the street, the road does not allow for two-way traffic.
5. Lot 101 Spencer Street has the capacity to accommodate two vehicles, with one being required for the applicant's use (garage).

STATUTORY REQUIREMENTS

6. Within Town Planning Scheme No. 1A, the use class 'Home Occupation' is an 'SA' use within the residential zone. Consistent with the requirements of the Scheme the proposal was advertised in the local newspaper for a period of 21 days, a sign was placed on site and adjoining residents were invited to make comments.
7. Clause 4.25 of Town Planning Scheme No. 1A outlines the requirements that home occupations must comply with in order to be approved. In summary a home occupation should not be approved unless the use:
 - (a) *Entails the establishment of a business other than hairdressing or similar body care businesses, office or workshop only, but does not include a retail display of goods or any nature;*
 - (b) *Does not create injury or prejudicially affect the amenity of the neighbourhood;*
 - (c) *Does not entail the employment of any person not a member of the occupiers family, normally resident in the house;*
 - (d) *Does not require the provision of any essential service of a greater capacity than normally required in the zone in which it is located;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- (e) *Does not occupy an area greater than 25m²;*
- (f) *Will not result in the requirement of a greater number of vehicle parking facilities than normally required within the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (g) *Does not entail the presence, parking or garaging of vehicles of more than four tonnes tare weight.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

11. At the end of the advertising period a total of nine (9) submissions were received (refer to Elected Members' Report/Information Bulletin) for full copies of submissions). The majority of the respondents (seven) objected to the proposal on the following grounds:

- The proposed business should be located within an appropriately zoned area, especially since there is a lot of empty office space within the CBD;
- The street is residential in nature and is family orientated (15 children reside in Spencer Street);
- Allowing such a business in this location would set a precedent for other commercial operations, which may see this street becoming similar to Aberdeen Street;
- The proposal would create a significant traffic increase which would impact on safety and congestion;
- The applicant will not provide any off-street parking as the two vehicles belonging to the occupiers of the dwelling are parked on-site regularly;
- It would be wrong to allow this sort of business in a residential area when other similar business are forced to pay commercial rents; and
- It is inappropriate for a lending institution to be located within a residential area, especially one that is as prominent as Homeloans WA.

12. The two letters of support came from the owner of Lot 101 (#89) Spencer Street, Albany (E S McLean) and Peter Watson MLA. In these submissions the following points were raised:

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- The street has a mix of residential and business activities;
 - The encouragement of business in Albany is vital; and
 - The business is to be run by only one person, and client visits will be restricted to appointments.
13. A petition signed by eight Spencer Street residents has also been received objecting to the proposal.
14. The proposed home occupation appears to meet the majority of requirements listed within Clause 4.25 of Town Planning Scheme No. 1A, however there is some concern over it's potential to impact on the amenity of Spencer Street, particularly by way of increased vehicular traffic. Although the applicant has suggested that customer contact will be undertaken via appointment only, the nature of the business requires frequent customer contact during the processing of the loan.
15. Staff believe the proposed business should be located within the Central Area, Local Shopping or Special Site zones as are other lending institutions within Albany. The intent of the home occupation provisions is to allow a person or persons to develop a business with minimal off-site impacts from their own home. If the business expands and further staff are required then the applicant can relocate to a commercial area with a degree of confidence. In this instance the proposed business represents a franchise or sub-branch of a larger institution, which has already reached a number of business related goals.
16. On the following basis staff believe the application should be refused:
- Additional traffic along Spencer Street should not be encouraged given its narrow road pavement and occurrence of on-street parking;
 - The business is a sub-branch of a large lending institution which conflicts with the principles of the home occupation provisions;
 - Similar businesses are located within appropriately zoned areas and approval for this proposal would represent an unfair commercial advantage;
 - Approval for this application may set a precedent for similar institutions to establish small regional offices in residential areas; and
 - The proposal does not represent proper and orderly planning.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

RECOMMENDATION

THAT Council issue a Planning Scheme Refusal for a home occupation (Homeloans WA) at Lot 101 (#89) Spencer Street, Albany due to the following reasons:

- i) the proposal would prejudicially affect the amenity of the neighbourhood by promoting a substantial increase in the amount of vehicular traffic within a narrow and congested residential street;
- ii) the business is a sub-branch of a large lending institution which conflicts with the principles of the home occupation provisions;
- iii) similar businesses are located within appropriately zoned areas and approval for this proposal would represent an unfair commercial advantage;
- iv) approval for this application may set a precedent for similar institutions to establish small regional offices in residential areas; and
- v) the proposal does not represent proper and orderly planning.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WILLIAMS**

THAT Council issue a Planning Scheme Refusal for a home occupation (Homeloans WA) at Lot 101 (#89) Spencer Street, Albany due to the following reasons:

- i) the proposal would prejudicially affect the amenity of the neighbourhood by promoting a substantial increase in the amount of vehicular traffic within a narrow and congested residential street;**
- ii) the business is a sub-branch of a large lending institution which conflicts with the principles of the home occupation provisions;**
- iii) similar businesses are located within appropriately zoned areas and approval for this proposal would represent an unfair commercial advantage;**
- iv) approval for this application may set a precedent for similar institutions to establish small regional offices in residential areas; and**
- v) the proposal does not represent proper and orderly planning.**

MOTION CARRIED 15-0

ORDINARY COUNCIL MEETING- 20/11/01
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DEVELOPMENT SERVICES REPORTS

UTS



10 September 2001

Homeloans WA
89 Spencer Street
ALBANY WA 6330
Ph: (08) 9841 7553
Fax: (08) 9851 7560

Development Services
City of Albany
PO Box 484
ALBANY WA 6330

CITY OF ALBANY RECEIVED		
12 SEP 2001		
FILE A163842	CORRHO No. ITP 4746	OFFICER DAAT
REPLY (Y/N)	ACKNOWLEDGMENT	CNL/BLTN

PLANZ

To Whom it May Concern,

RE: Application for Grant of Planning Scheme Consent

I am writing to apply to operate my business from my residence being 89 Spencer Street, Albany.

My business is Homeloans WA. I am a finance consultant who will have clients come to my home for appointments when I cannot go to see them. This may be for initial consult or for signing of documents. This is one at a time, so additional traffic and parking is minimal on other residents in the street. This is purely an office arrangement and I am the only person operating the business. My office space within the home would be not more than 10 square metres, if I'm lucky.

Attached is the required documentation.

Please contact me if you require any additional information.

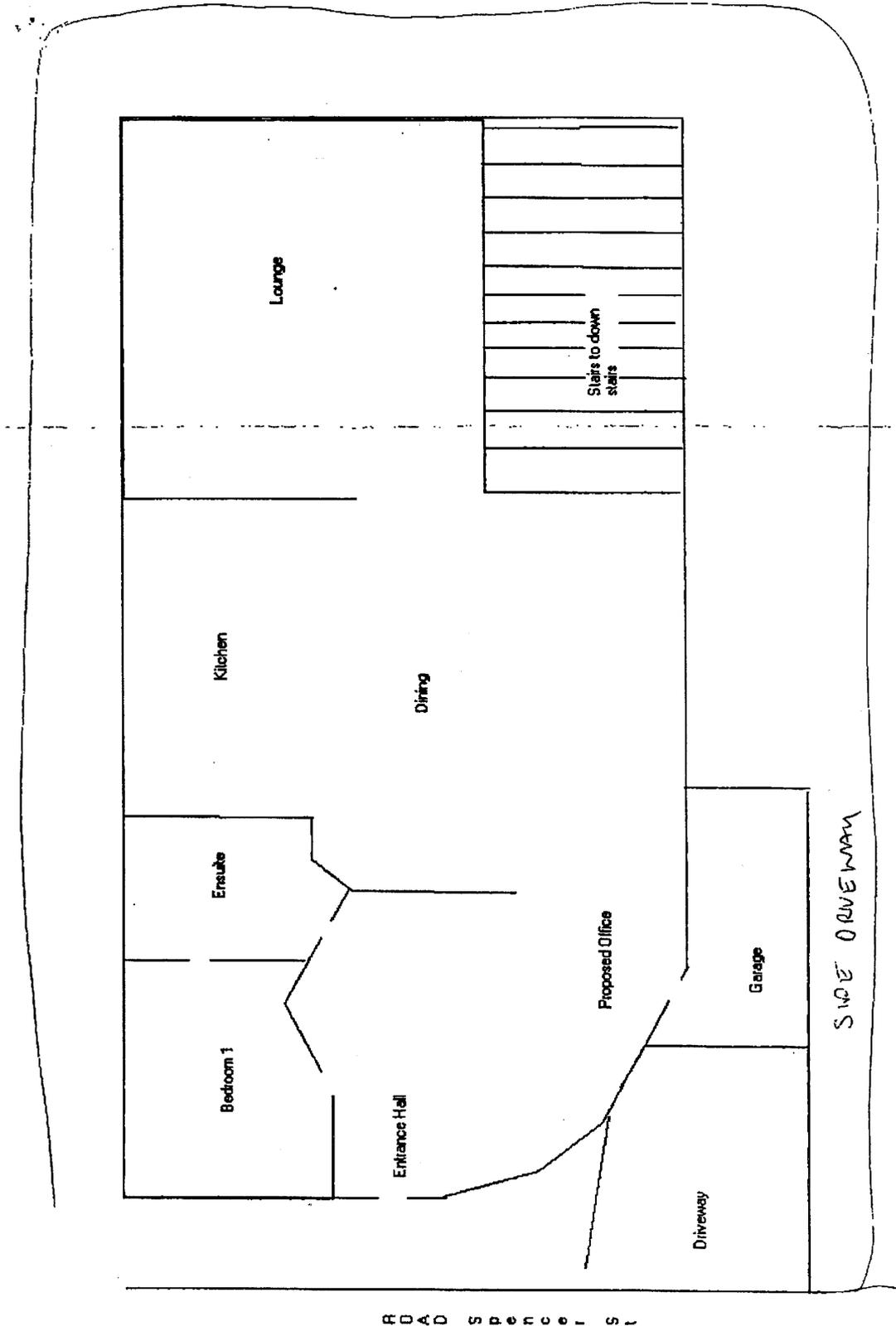
Yours faithfully


Jo Collett
Homeloans WA
Albany/Esperance/Kalgoorlie

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\$50.00 K
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ORDINARY COUNCIL MEETING- 20/11/01
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS



R O A D S P E C I A L S

DEVELOPMENT SERVICES REPORTS

11.1.3 Home Occupation (Family Day Care) - 5 Clifton Street, Lockyer

File/Ward : A122414 / PSC215199 (Vancouver Ward)

Proposal/Issue : Home Occupation – Family Day Care

Subject Land/Locality : Lot 6561 (#5) Clifton Street, Lockyer

Proponent : M Collins

Owner : DM Lindeamore

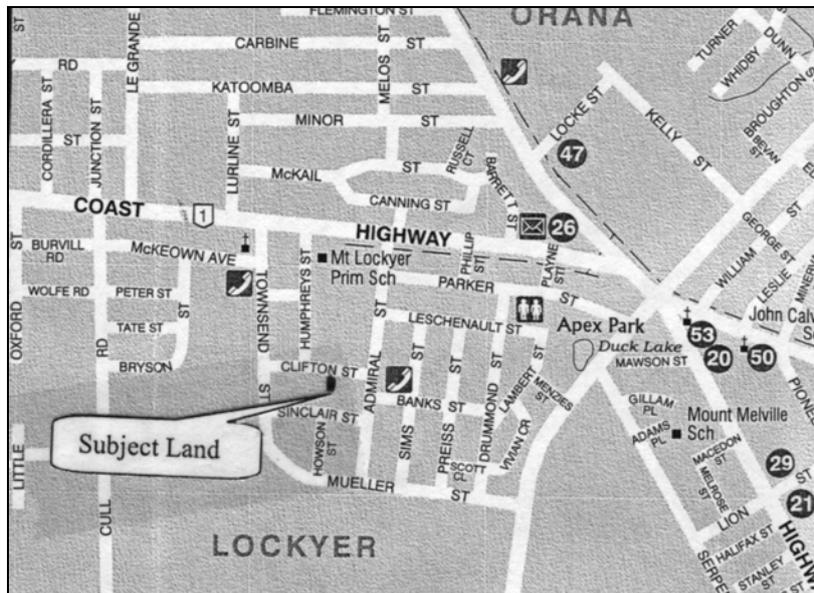
Reporting Officer(s) : Planning Officer (P Steele)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Approve subject to conditions

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received from M Collins for the establishment of a 'Home Occupation (Family Day Care)' on Lot 6561 (#5) Clifton Street, Lockyer. No major changes are proposed to be made to the building. A copy of the application is included in the Elected Members Information Bulletin.
2. The property is 911m² in area and is zoned 'Residential – R20' under the City's Town Planning Scheme No 1A and is located opposite a public park which abuts Mt Lockyer Primary School. Home occupation is an 'SA' use requiring the proposal to be advertised for a three-week period.
3. The proposal was advertised for three weeks, a sign erected on the site and a direct mail out to adjacent properties. Four submissions were received during the advertising period from adjoining owners (refer Elected Members' Report/Information Bulletin) of which two opposed and two supported the proposal.
4. Under the Community Services (Child Care) Regulations 1988 a Family Day Care operation involves the care in an individual's home, of up to seven children, a maximum of four being under the age of four years old. This maximum includes the applicant's own children.

STATUTORY REQUIREMENTS

5. Clause 4.25 of Scheme 1A states:

“Land or building shall not be used for the purpose of a Home Occupation unless the use:

- (a) entails the establishment of a business other than hairdressing or similar personal bodycare businesses, office or workshop only, but does not include a retail sale or display of goods of any nature;
- (b) does not create injury or prejudicially affect the amenity of the neighbourhood, including (but without limiting the generality of the foregoing) injury prejudicial affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, waste, water or waste products;
- (c) does not entail the employment of any person not a member of the occupier's family, normally resident in the house;
- (d) does not require the provision of any essential service of a greater capacity than normally required in the zone in which it is located;

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

- (e) does not occupy an area greater than 25 square metres, including office accommodation, which in the case of the workshop or trade, shall not be less than 6 metres from the nearest part of a habitable room within an adjacent or adjoining residence other than that within the curtilage of the lot upon which the workshop is erected. The 25 square metres shall not be additional to any limitation set out in the Uniform Building By-laws;*
- (f) will not result in the requirement of a greater number of vehicle parking facilities than normally required within the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (g) does not entail the presence, parking or garaging of vehicles of more than four tonnes tare weight.”*

- 6. The proposed use can only be permitted after being publicly advertised.

POLICY IMPLICATIONS

- 7. Where submissions objecting to the proposed use are received with substantive arguments the application shall be referred to Council for determination.

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. A “Home Occupation” is an activity or a business operated from home, where that business does not detrimentally affect the amenity of the local neighbourhood. To ensure this, Town Planning Scheme 1A sets out the requirements a proposed Home Occupation must meet if it is to be approved.
- 11. The proposal does not include retailing, the employment of any other persons other than members of the occupying family and will appear to be a normal residence for all intents and purposes from the outside.
- 12. All submissions received in response to this proposal were by residents adjacent to the subject site. One of the submissions opposing the proposal has request that it is kept confidential, a copy of this submission will be made available to Councillors prior to the meeting.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

13. The authors of the supporting letters for the proposal believe it would be an advantage to the area and they don't believe there would be any parking problems.
14. Traffic considerations were a major concern for those parties objecting to the proposal. The concern is that there would be an increase in the number of vehicle movements, thus creating an increase in the noise level.
15. Also of concern is the possibility of congestion before and after school, when parents and buses are most prevalent.
16. The proposal will have limited additional vehicle movements. A maximum of seven (7) children will be on-site at any given time. Parents will usually "drop off" children in the morning and pick them up in the afternoon. The parking requirements can be catered for on site.
17. Additional noise may occur as a result of this development, however this noise would not be dissimilar to that created by a large family.
18. Council staff feel that two points of one of the submissions against the proposal contradict each other. In the first dot point it states that additional noise would be generated from an increase in children and vehicles, as does the conclusion where it states that 'Clifton Street is a quiet residential street...'. However the final dot point outlines that 'Clifton Street is used by school buses and parents picking up and dropping off children' and that the 'street can become fairly congested at peak periods'.
19. The final major issue raised in the two opposing submissions is the concern that this proposal may exacerbate the medical conditions that the objectors suffer from, letters from their respective doctors are included with their submissions.

Conclusion

20. The proposed use is contained on site and will have negligible impacts on adjacent properties. Similar projects throughout the City, which had objections during the planning stages, have been operating with no follow up complaints from neighbours.
21. The approval and licence for a Family Day Care is for a 24 hour period, however the proponent only intends to operate between the hours of 8:00am to 5:30pm. This time however may be varied in an emergency situation.
22. The proposed use is registered with the Department of Family and Children Services. That Department is responsible for and will monitor the facilities operation.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

RECOMMENDATION

THAT Council grants Planning Scheme Consent for the proposed ‘Home Occupation (Family Day Care)’ on Lot 6561 (#5) Clifton Street, Lockyer subject to the following conditions:

- A maximum of seven (7) children including the carer’s own children are to be minded on the premises at any time in accordance with the Community Services (Child Care) Regulations 1988;
- The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic;
- The applicant complying with the home occupation provisions of Town Planning Scheme 1A; and

If in the opinion of Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality, Council reserves the right to rescind the approval.

Voting Requirement Simple Majority

.....

AMENDED RECOMMENDATION

THAT Council grants Planning Scheme Consent for the proposed ‘Home Occupation (Family Day Care)’ on Lot 6561 (#5) Clifton Street, Lockyer subject to the following conditions:

- A maximum of seven (7) children including the carer’s own children are to be minded on the premises at any time in accordance with the Community Services (Child Care) Regulations 1988;
- The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic;
- The Family Day Care facility shall operate between the hours of 7:00am and 7:00pm and no minded child shall be on the premises, other than in emergency situations, outside those hours;
- The applicant complying with the home occupation provisions of Town Planning Scheme 1A; and

If in the opinion of Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality, Council reserves the right to rescind the approval.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

Reason:

The Executive Director of Development Services provided an alternate recommendation (including dot point 3) for Council's consideration, should Council wish to restrict the hours of operation.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WELLINGTON**

THAT Council grants Planning Scheme Consent for the proposed 'Home Occupation (Family Day Care)' on Lot 6561 (#5) Clifton Street, Lockyer subject to the following conditions:

- **A maximum of seven (7) children including the carer's own children are to be minded on the premises at any time in accordance with the Community Services (Child Care) Regulations 1988;**
- **The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken in a manner so as to cause minimum interference with other vehicular traffic;**
- **The applicant complying with the home occupation provisions of Town Planning Scheme 1A; and**

If in the opinion of Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality, Council reserves the right to rescind the approval.

MOTION CARRIED 13-2

DEVELOPMENT SERVICES REPORTS**11.1.4 Proposed Hoardings – Former HMAS Perth**

File/Ward	:	MAN 109 (All Wards)
Proposal/Issue	:	Eight Hoardings advertising the former HMAS Perth.
Subject Land/Locality	:	Various prominent sites on approaches to and within the City of Albany.
Proponent	:	BKay Design
Owner	:	City of Albany
Reporting Officer(s)	:	Manager Development (C Pursey)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Split Recommendation
Locality Plan	:	

BACKGROUND

1. In late October 2001 Council received applications from BKay Design for six hoardings to be located on land vested with or owned by Council and two to be located on privately owned land. The hoardings are to advertise the Former Perth as a dive site and have a space for sponsors of the project to display their logo.
2. The hoardings are proposed at the following locations:

No.	Address	Ownership	Reserve Purpose/Land Use
1	Reserve 647, Chester Pass Road, Napier	Vested – City of Albany	Camping and Public Use
2	Lot 211, Albany Highway	Freehold	Airport/Aerodrome
3	Reserve 37325, South Coast Hwy, Gledhow	Vested - City of Albany	Public Recreation
4	Reserve 1189, Chester Pass Road, Bakers Junction	Vested - City of Albany	Recreation
5	Road Reserve, Chester Pass Road, Milpara (near tourist information bay)	Main Roads WA	Road Reserve
6	Reserve 28157, Chester Pass Road, King River	Vested - City of Albany	Rubbish Disposal Site
7	Location B29 (159-197) Stirling Terrace, Albany	Westfarmers Rural	Showroom/Warehouse
8	Lot 3 (14-20) Albany Highway, Albany	E.L. Wake	Music Shop

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued.

3. A copy of a typical hoarding design, and a letter of support from the Former Perth Project Manager, Mr Pieter Berkelaar, are on the pages following this report. The locations for the proposed signs are shown on plans included in the Elected Members Information Bulletin.
4. The hoardings are proposed to be 7.0m wide and 3.2m high. They are proposed to be placed within 15m of the road reserve to be seen as people approach the city centre. The hoardings in the Council reserves are all to be located next to the main access roads into Albany which are administered by Main Roads WA.
5. The hoardings proposed for privately held land are attached to the Wakes Building at the York Street/Albany Highway roundabout and parallel to the Westfarmers building at the bottom of York Street.
6. The hoardings were referred to Main Roads WA for their assessment and who raise no objection to the hoardings as they are to be located within private property. They did raise safety and content issues which need to be incorporated should Council decide to approve the proposed hoardings. A copy of their response is in the pages following this report.

STATUTORY REQUIREMENTS

7. Signs and hoardings are assessed under two separate Local Laws of the former Shire and Town of Albany. These Local Laws both define a hoarding as:
“hoarding” means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs...”
8. Both of these Local Laws approach hoardings in a similar manner, that is:
 1. Hoardings require the approval of Council and a licence to be granted;
 2. Council has complete discretion in granting approval or refusal for a hoarding;
 3. A hoarding shall not be constructed within 15m of any street without the express approval of Council; and
 4. A hoarding is not have an area greater than 22square metres.

POLICY IMPLICATIONS

9. There are no policy implications apparent.

FINANCIAL IMPLICATIONS

10. There are no apparent financial implications for Council. However the hoardings are proposed as part of the marketing strategy for the Former Perth. It is claimed that they will influence the desirability of the project for sponsors therefore having an influence upon the financial viability of the Former Perth project.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued.

STRATEGIC IMPLICATIONS

11. The strategic implications for Council resolve around the issue of equity of decision making and the desire to create attractive entry into the City.

COMMENT/DISCUSSION

12. The signs are proposed to advertise the Former Perth dive site and to display the sponsors logos. They are to serve as part of the Former Perth's marketing strategy to raise awareness of the Former Perth and promote it as part of the Albany tourist experience.

Hoardings on the main approaches to the city

13. Whilst they may effectively advertise the Former Perth, these hoardings are unlikely to function effectively for sponsors logos unless people are able to stop and read the signs or at least slow down to a reasonable speed.

14. The benefit of locating hoardings next to highways with a maximum speed of 110km/h or even 80km/h is questionable. The writing on the hoarding needs to be of a sufficient size and nature to be read quickly without distracting the driver. In the case of the proposed hoardings, the lettering is generally of sufficient size to meet and exceed Australian Standards, however the smaller writing and any logos from companies wishing to use these signs will not be immediately visible.

15. There are currently many hoardings and signs located on the approaches into Albany, most of which do not appear to have the approval of Council. It is staff's intention to investigate these hoardings in the near future and have non-approved structures removed. Given that staff intend to remove the unapproved hoardings, it does raise a question of equity if Council are then placing their own hoardings adjacent to the road reserve.

16. Staff have generally not supported hoardings in, or adjacent to road reserves because of their questionable benefit to business. Also they create unnecessary clutter on the main access points into Albany; these thoroughfares give a visitor to Albany their first impression of Albany.

17. Additionally it may not be equitable to allow one business to advertise on a property next to a main highway and then refuse another applicant. Therefore, allowing one verge hoarding may create the precedent to allow other signage, resulting in the cluttering of the main approaches into Albany.

18. It can be argued that the Former Perth project is not of benefit to just one company or business but could be said to have benefit to the wider community by increasing the number of tourists to Albany and having those tourists stay longer. Therefore, the hoardings applied for could be said to be advertising Albany's tourism product rather than a single business.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued.

19. On the other hand, the matter of precedent remains valid for community signs. If the Former Perth is allowed to be advertised next to the road reserve, then other tourism/community groups could be justified in expecting the same treatment from Council.
20. The number, size and location of these hoardings needs to be questioned. Eight hoardings may be an excessive number, particularly as they will cover the same main road many times with the same message. The applicant has indicated that three hoardings on the main approaches to town is their minimum requirement, but would prefer all six if possible. The most important hoardings to the applicant would be the Albany Airport, beside the information bay on South Coast Highway and in a nature reserve opposite Wignall's Wines on Chester Pass Road.
21. If Council chooses to support these hoardings, the treatment of these sites is important to prevent them becoming an eyesore over time. Measures could include landscaping around the signs and ensuring that the image displayed on the hoarding does not fade and become unsightly.

Hoardings in the central area

22. The advertising displays on the Wakes Building and the corner of the Westfarmers' building will be prominent and would create the same precedent that the other sites would do on the highways into town, albeit that signage in the CBD tends to be more commonplace.
23. The sign at the corner of the Westfarmers' building, facing the town jetty, is subject to Council's Town Planning policy, the Western Precinct Guidelines. These guidelines govern the streetscape and building treatments and discuss building signage. The guidelines state:

“Exterior identification signage only shall be permitted....Signage shall be integral with the construction of the building.”
24. Therefore in order to approve this hoarding, Council should make the conscious decision to disregard their policy and approve it as a relaxation of that policy.
25. There is no specific policy of Council that addresses the sign at the Wakes Building. There is an existing unapproved poster on this wall, the hoarding would replace this sign. This is a highly visible site and if approved should be reduced in size so as not to dominate the wall on which it would be attached to and to not cause a distraction to drivers on the roundabout.
26. If Council view the advertising of the Former Perth as being of a wider community benefit, then the hoardings may serve a purpose. If the signs were treated with some landscaping and reduced in size, they may be acceptable in these locations.

Item 11.1.4 continued.

Conclusion

- 27. In conclusion, there are two ways in which to consider the application. The first would assume that the hoardings are not appropriate because Council does not generally support hoardings from private business and it would set a precedent. This approach acknowledges that staff will have unapproved hoardings and signs along Chester Pass Road and Albany Highway removed shortly.
- 28. For the alternate approach, to approve the hoardings, Council will have to relax the Sign Local Laws and a town planning scheme policy. The basis for that decision may include an acknowledgment that the Former Perth will be a world class tourism project which benefits Albany as a whole and could be considered to be information boards for one of Albany’s tourism products.

RECOMMENDATION

THAT delegated authority be issued to the Executive Director Development Services to grant conditional planning approval for the erection of five of the proposed hoardings (*Lot 211, Albany Highway; Reserve 37325, South Coast Hwy, Gledhow; Reserve 28157, Chester Pass Road, King River; Location B29 (159-197) Stirling Terrace, Albany; and Lot 3 (14-20) Albany Highway, Albany*) and direct the Principal Building Surveyor to issue sign licences in accordance with the City of Albany Sign Bylaws;

AND

Council issue a Notice of Planning Scheme Refusal for the remaining three hoardings.

Voting Requirement Absolute Majority

.....

OR

THAT Council issue a Notice of Planning Scheme Refusal for the application for eight hoardings at various locations in the City of Albany for the following reasons:

- i) The proposed hoardings will set an undesirable precedent for further hoardings of a similar size to be located in prominent localities; and
- ii) The hoardings will be detrimental to the amenity of the main approaches to Albany.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVANS**

THAT Council issue a Notice of Planning Scheme Refusal for the application for eight hoardings at various locations in the City of Albany for the following reasons:

- i) The proposed hoardings will set an undesirable precedent for further hoardings of a similar size to be located in prominent localities; and**
- ii) The hoardings will be detrimental to the amenity of the main approaches to Albany.**

MOTION CARRIED 15-0

Albany Artificial Reef created from the former HMAS Perth DGG38 Why have Prominent Signage??

To promote a world class tourism asset that is self funding, creating Albany as a destination of choice, and gaining International recognition for assimilation of a man-made treasure into our fantastic natural asset the King George Sound.

- **New Natural/Man-made attraction that is non commercial and owned by all the people of this nation through their Local Government.**
- **National treasure of significance providing a window into our Under Water Natural Environment by a known piece of our Naval History.**
- **A unique Educational opportunity that from hour Zero provides a Living Experiment of a living reef starting on the historic wreck.**
- **Owned by the Nation, yet beneficial for a vast range of commercial enterprises to profit from it without touching or using this wonderful asset, not to the exclusion of others.**
- **Similar to the Tree Top Walk, a new natural asset that brings prosperity to both the ocean environment and the Albany Region.**
- **Enticement to come and enjoy Albany as a place to live, work and play.**

**Pieter Berkelaar
Project Manager
Albany Artificial Reef.**

DEVELOPMENT SERVICES REPORTS

Enquiries: Laurina Pickin
Our Ref:
Your Ref: 851-52V3



**MAIN ROADS
Western Australia**

PO Box 503
ALBANY WA 6106
ABN: 50 860 676 021
Telephone: (08) 9892 0533
Facsimile: (08) 9841 8213

Mr Craig Pursey
Manager Development
221 York Street
ALBANY WA 6330

Dear Craig

HOARDINGS ADJACENT TO ROAD RESERVE

Thank you for your letter of 26 October 2001 seeking approval for the placement of 'Dive the Perth in Albany' signs within the City of Albany.

Main Roads Western Australia has no objection in principal to the installation and display of the proposed sign however due to the close proximity to the highway, approval is subject to satisfying the following conditions:

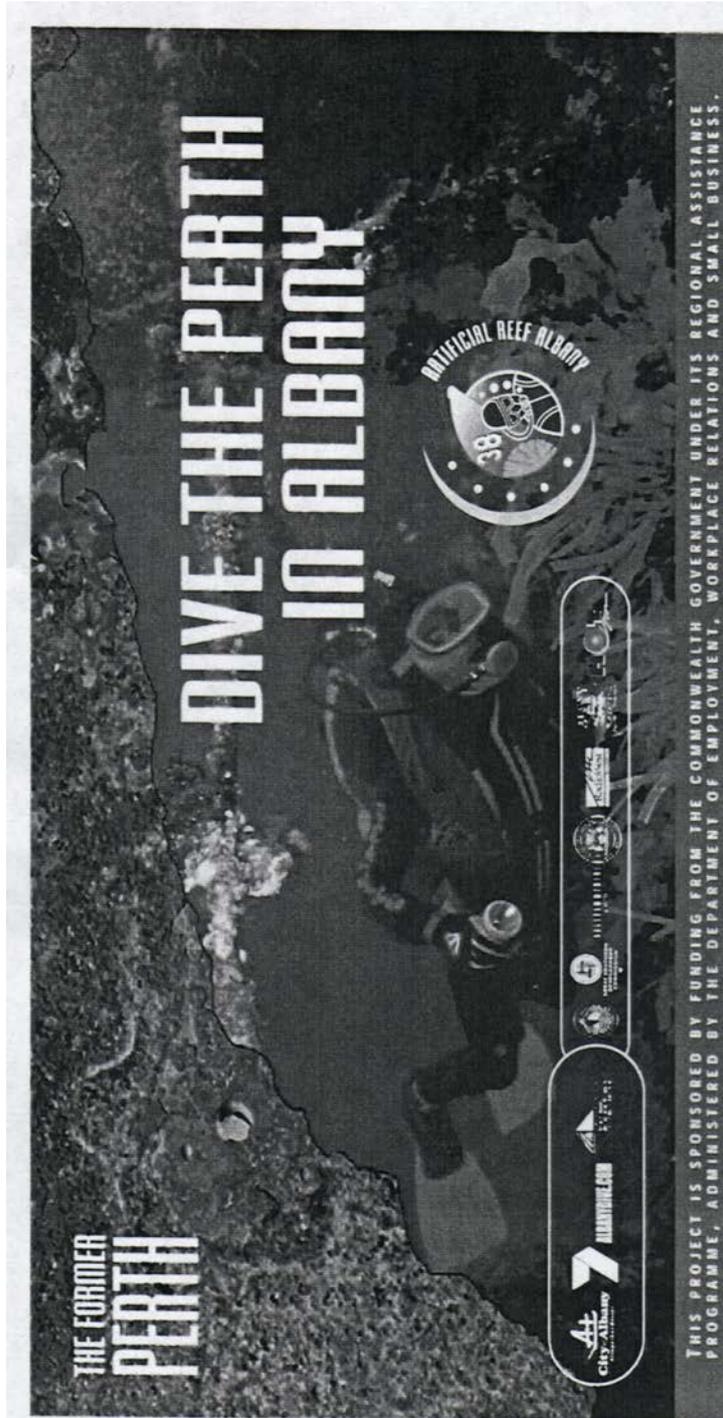
1. The type of sign and location complies fully with all relevant by-laws and planning schemes made by Council.
2. The letters are to be clear and legible therefore it is recommended that the minimum letter height be to Australian Standards.
3. To assist with glance appreciation it is recommended that the sign contain a maximum of 5 lines of text.
4. The sign and sign structure shall be placed on private property and **shall not hang over or encroach upon** the road reserve.
5. The sign and sign structure shall be removed or relocated to an approved position, at no expense to Main Roads, if the land is required for future road use.
6. The sign shall not obstruct sight lines for motorists or interfere with traffic signs.
7. A low level of illumination is used and the sign shall not flash, pulsate or chase.
8. The sign must not be modified without Main Roads approval.

If you require any further information please contact Laurina Pickin 9892 0533.

Yours sincerely

Albert Symcox
TRAFFIC MANAGER

7 November 2001

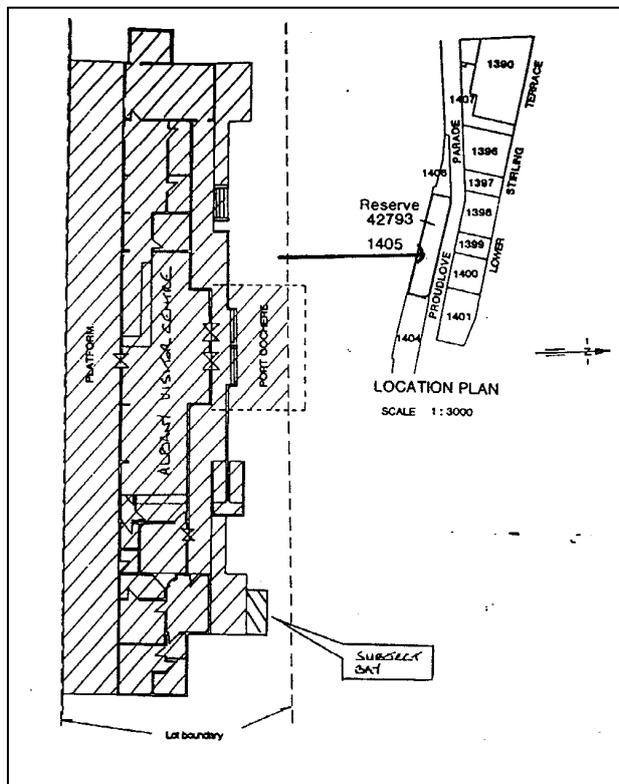


DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Parking Bay for People with Disabilities – Proudlove Parade, Albany

- File** : SER044 (Frederickstown Ward)
- Proposal/Issue** : Provide a parking bay for people with disabilities.
- Subject Land/Locality** : Proudlove Parade, Albany
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Manager – Inspection Services (K Barnett)
- Previous Reference** : Nil
- Summary Recommendation:** Approve the installation of a parking bay for people with disabilities.
- Locality Plan** :



Item 11.2.1 continued

BACKGROUND

1. Council has received a request from the Albany Visitor Centre to consider the installation of a parking bay for people with disabilities adjacent to the Centre.
2. The development of commercial sites in the vicinity of the Visitor Centre has resulted in an increase in vehicular traffic using Proudlove Parade which is creating difficulties for people with disabilities accessing the Centre.
3. The installation of a parking bay for people with disabilities on the same site as the Visitor Centre will negate the need to cross the road and will therefore provide a safer environment for people with disabilities.

STATUTORY REQUIREMENTS

4. Clause 16 of the City's Parking and Parking Facilities Local Law 1998 stipulates, inter alia:

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

(a) parking stalls;

(c) permitted time and conditions of parking stalls and parking stations which may vary with the locality;

(e) permitted classes of persons who may park in specified parking stalls..; and

(f) the manner of parking in parking stalls..."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The cost of the proposed changes will be funded from the current budget.

STRATEGIC IMPLICATIONS

7. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
 - The Continual development of Council services & facilities to meet the needs of all stakeholders.
8. Under this Port of Call is an objective:
 - *to provide a range of ranger services for the benefit and safety of our community.*

Item 11.2.1 continued

COMMENT/DISCUSSION

9. The proposal has been discussed with Westrail staff members and the parking bay will be located in an area that should not obstruct the Westrail buses picking up and dropping off passengers.

RECOMMENDATION

THAT Council approves the installation of a parking bay for people with disabilities adjacent to the Albany Visitor Centre.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WALKER**

THAT Council approves the installation of a parking bay for people with disabilities adjacent to the Albany Visitor Centre.

MOTION CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.2.2 Authorisation of Honorary Rangers – Reserves 31240 and 14987, Wellstead

File/Ward : MAN052 (Hassell Ward)

Proposal/Issue : Authorisation of Honorary Rangers

Subject Land/Locality : Reserves 31240 and 14987, Wellstead

Proponent : City of Albany

Owner : N/A

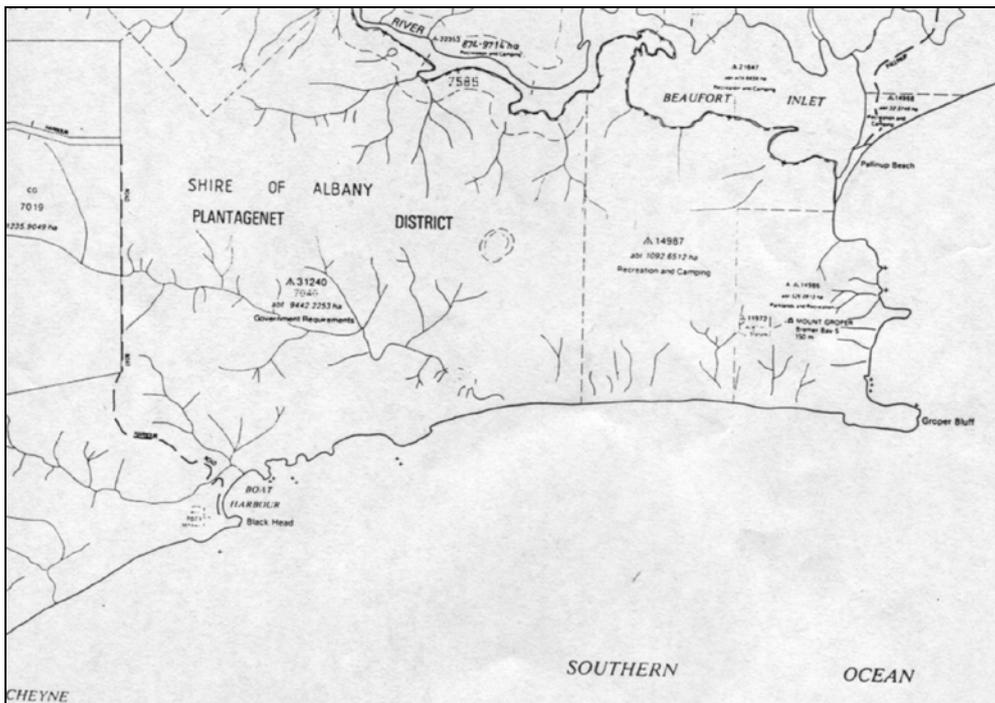
Reporting Officer(s) : Manager – Inspection Services (K Barnett)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Grant Authorisation

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued.

BACKGROUND

1. For many years Boat Harbour, Wellstead, has been a popular recreation destination for residents and tourists. However, as the popularity of the area continues to grow there is a need to oversee the activities of visitors to ensure that the natural beauty of the area is not spoiled by irresponsible acts such as lighting fires and littering.
2. Mr Nicholas John Gorman and Mrs Anna Therese Gorman, who live on a property adjacent to Boat Harbour, have indicated that they are willing to act as Honorary Rangers within Reserves 31240 and 14987. To enable Mr & Mrs Gorman to undertake this role, Council is required to grant the appropriate authorisations.

STATUTORY REQUIREMENTS

3. Section 9.10 of the Local Government Act 1995 stipulates, inter alia, that: "The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. There are no financial implications associated with this item.

STRATEGIC PLAN IMPLICATIONS

6. The Albany 2020 Charting Our Course Strategic Plan includes the following Ports of Call:

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

- *Under this Port of Call is an objective "to provide a range of ranger services for the benefit of our community."*

Managed healthy land/harbour environment.

- *Under this Port of Call is an objective "To manage reserves for environmentally sustainable use, community enjoyment and benefit."*

Item 11.2.2 continued.

COMMENT/DISCUSSION

7. At this point, neither of the reserves (31240 and 14987) is vested with an agency, however it is expected that the Department of Conservation and Land Management (CALM) will ultimately assume responsibility for both pieces of land.
8. Until both reserves are vested with CALM it is considered appropriate that Honorary Rangers be appointed to provided some form of control to protect the area and enforce various Acts and the City's Local Laws.

RECOMMENDATION

THAT Council appoints Nicholas John Gorman and Anna Therese Gorman as Honorary Rangers to exercise the powers granted under the City of Albany Local Laws and the following Acts within Reserves 31240 and 14987:

- Bush Fires Act 1976;
- Dog Act 1976;
- Litter Act 1979-81; and
- Control of Vehicles (Off-road areas) Act 1978.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WEST**

THAT Council appoints Nicholas John Gorman and Anna Therese Gorman as Honorary Rangers to exercise the powers granted under the City of Albany Local Laws and the following Acts within Reserves 31240 and 14987:

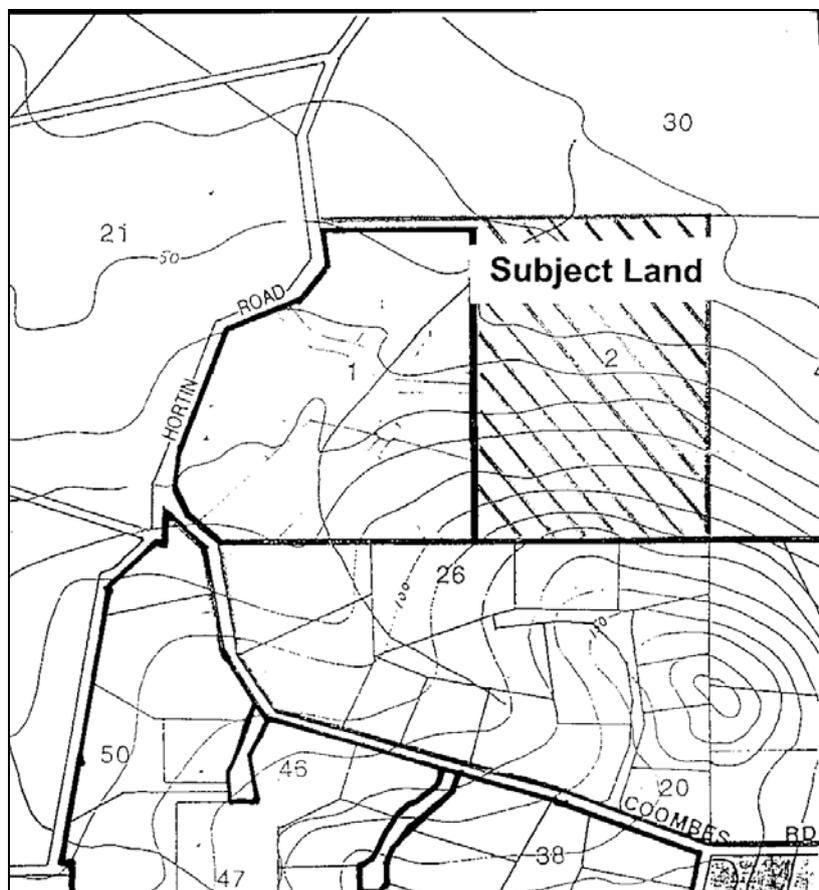
- **Bush Fires Act 1976;**
- **Dog Act 1976;**
- **Litter Act 1979-81; and**
- **Control of Vehicles (Off-road areas) Act 1978.**

MOTION CARRIED 15-0

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Amendment Request – Lot 2 Hortin Road Kronkup

File/Ward	:	A54657 (West Ward)
Proposal/Issue	:	Rezone from Rural to Special Rural
Subject Land/Locality	:	Lot 2 Hortin Road Kronkup
Proponent	:	C & A Barker
Owner	:	C & A Barker
Reporting Officer	:	Planning Officer - Policy (P Tvermoes)
Disclosure of Interest	:	Nil.
Previous Reference	:	Nil.
Summary Recommendation:		Support request.
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

BACKGROUND

1. An application has been received from C & A Barker to rezone from “Rural” to “Special Rural” Lot 2, Hortin Road, Kronkup, located on the north side of Torbay Hill. The site slopes downwards from south to north.
2. Lot 2 has a total area of 32.61 hectares, and has access to Hortin Road, through an existing battle/axe driveway. Development on the land comprises 1 dwelling and associated outbuildings. About 15 hectares is remnant vegetation. The balance of the land has been cleared but has extensive regrowth. The lower portion of the block is comprised of wetland sedges.
3. The land is zoned “Rural” in Town Planning Scheme No. 3 and is adjacent to Special Rural Area 14 in Town Planning Scheme No.3. Those provisions have been included in Elected Members Report / Information Bulletin.
4. Rural uses in the area include the grazing of stock, dairy farming, olive groves, viticulture and holiday accommodation.
5. The application for rezoning is to allow for subdivision into 9 lots, ranging from 2 to 4.5 hectares in size.
6. A copy of the Scheme Amendment Request is in the Elected Members Report / Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

9. There are various policies and strategies that have relevance to this proposal. They include:
 - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8).
 - The Local Rural Strategy (1996)
 - The Draft Albany Local Planning Strategy

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

10. The purpose of SPP 8 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.
11. The land (Lot 2) is identified in the Albany Local Rural Strategy, Torbay Policy Area 4, as having potential for Special Rural development.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

13. The future development of the site, although earmarked for rezoning from Rural to Special Rural, must be able to demonstrate that the constraints and land management needs identified within Policy Area 4 can be met and/or overcome. These include:
 - land is located within Visual Management Area A,
 - there are some steep slopes unsuitable for development,
 - there is remnant vegetation which needs protection,
 - need to ensure adequate separation between rural residential housing and intensive agriculture land uses to avoid conflicts; and
 - need to protect the creek line on Lots 1 and 2.
14. The locality (Torbay – Precinct 12) is identified in the Draft Albany Local Planning Strategy as having opportunities for rural retreats and hobby farms. In addition, land capability studies will be required to justify any special rural development, including any potential intensification of rural activities. The protection of visual resources is a high priority to ensure the long-term sustainability of the precincts natural assets.
15. The Draft Albany Local Planning Strategy recommends:

Protect major ridgelines and landscape features from inappropriate development...by using Special Control Areas.

Rural land use proposals (including rezoning, subdivisions and developments) will need justification to ensure that the proposal will not adversely affect natural resources including:

 - *Water quality in all ground and surface water systems;*
 - *Native flora and fauna, and in particular rare or endangered species;*
 - *Wetland areas;*
 - *Land and soil resources; and*
 - *Natural landscapes.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

COMMENT/DISCUSSION

16. One primary requirement for the on-going development of the site, is the protection of the extensive coverage of remnant vegetation, as identified within the Local Rural Strategy. The concept plan, submitted with the SAR, identifies 9 lots from the original land parcel. On the area with extensive Karri and Jarrah vegetation, two lots are proposed.
17. The two proposed lots are on a site with a relatively steep incline. Although the proponent has indicated tentative building sites, it is unlikely that those sites would be chosen. Views are available from the higher elevation, to Torbay Inlet, the Porongurups and inland. Extensive clearing of remnant vegetation would be required on these proposed blocks to provide adequate fire protection for a residential structure and associated out buildings. It would be more appropriate to combine both blocks into one to ensure that the remnant vegetation is adequately protected and the requirements of the Local Rural Strategy are met.
18. To ensue that the remnant vegetation on the site is adequately protected, now and into the future, there will be a need to develop a specified development exclusion zone upon the subdivision guide plan attached to the scheme. In addition, within each of the proposed lots a building envelope will be established to ensure construction occurs in a specified location. This would add another level of surety to reduce the potential impact on remnant vegetation. This would build upon tentative building envelopes the proponent has indicated on the initial mapping for the SAR.
19. The retention of remnant vegetation also needs to be tied to adequate identification and recognition of significance; this may include requirements for fencing where livestock is to be kept.
20. The site is located within Visual Management Area A and there are number of considerations for any potential development on the site. The developer will need to ensure that any proposed roads, driveways and buildings blend in with the landscape on such a site.
21. In the immediate vicinity landowners have used light brick, corrugated water tanks and the like upon the respective sites. More stringent controls may need to be implemented in the form of design guidelines, to counter any potential for inappropriate materials to be used on the subject land which is more visually prominent.
22. Given the vegetation and potential fuel loading on the site the issue of fire protection also needs to be addressed in any potential development. Strategic firebreaks on the site should not lead to visual scarring and should not go through existing stands of vegetation on the lot.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

23. The plans submitted with the SAR documentation, although tentative, do not adequately address the issue of providing roads for a future proposed subdivision. The road corridor also has an ancillary function of acting as a service corridor for the provision of power and other infrastructure. The proponent wishes to keep the road width and reserve to a minimum, to reduce the need to clear vegetation and to have a road, which would reflect the rural retreat status of the intended development. This desire needs to be considered in context of the site and its potential connection to Hortin Road, through adjoining Special Rural Area 14, which has a road reserve in existence to allow for this.
24. Access from the proposed sub-division to services such as the Cosy Corner Store and Cosy Corner Road would require extensive travel, which is currently the case for residences in Special Rural Area 14. The potential exists for the proponent to develop a limited structure plan for Lot 2 and the adjoining property, Lot 4, to improve access to the shops and Cosy Corner Road.
25. If an access road is developed, the number of vehicles potentially travelling through Lot 2 would increase would, potentially, could reduce the residential amenity of the special rural sub-division. An alternative to developing a road would be to allow the proponent to put in cul de sac at the end of the main road on the proposed subdivision. There may be the option to facilitate a public right of way across the adjoining property to allow for pedestrian and bicycle traffic to access the Cosy Corner Shop. The right of way may also have an ancillary function of acting as a strategic firebreak.
26. The maps submitted with the SAR documentation indicate a wetland in the northern corner of the site; the extent of this wetland needs to be determined.
27. The current proposal identifies two lots, on the lower northern portion of the site, which would be adjacent to agricultural land. The current adjoining property, Lot 30, is utilised for stock grazing and there is possible conflict between residential and rural uses. When the amending documents are prepared, to adequately separate any potential conflict a suitable set/back from the lot boundary will be required to reduce this conflict potential.
28. Any proposed development on Lot 2 needs to address the protection of the creek line which runs through the site. The protection of the creek line was identified as a land management requirement/issue within the City of Albany Local Rural Strategy Torbay Policy Area 4.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

RECOMMENDATION

THAT Council advise the applicants:

it is PREPARED to support the request for an amendment to Town Planning Scheme No. 3 to rezone Lot 2 Hortin Road Kronkup from “Rural” to “Special Rural” subject to a number of issues to be addressed by the amending documents and subdivision guide plan:

- (a) the proposal addresses the constraints identified in the City of Albany Local Rural Strategy (1996) that identifies the land for “Special Rural” purposes;
- (b) limited structure planning is required to indicate how residents will access the Cosy Corner store and the design of roads within the proposed subdivision which would comply to Council standards;
- (c) visual impact assessment is required as part of a comprehensive site analysis, as the location is within an area identified as Visual Management Area A;
- (d) specific identification and mapping of remnant vegetation and indication of how it is to be protected;
- (e) identification, mapping and measures to protect creek line; and
- (f) adequate mapping of the proposed development and subdivision guide plan

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EVERS**

THAT Council advise the applicants:

It is PREPARED to support the request for an amendment to Town Planning Scheme No. 3 to rezone Lot 2 Hortin Road Kronkup from “Rural” to “Special Rural” subject to a number of issues to be addressed by the amending documents and subdivision guide plan:

- (a) the proposal addresses the constraints identified in the City of Albany Local Rural Strategy (1996) that identifies the land for “Special Rural” purposes;**
- (b) limited structure planning is required to indicate how residents will access the Cosy Corner store and the design of roads within the proposed subdivision which would comply to Council standards;**
- (c) visual impact assessment is required as part of a comprehensive site analysis, as the location is within an area identified as Visual Management Area A;**
- (d) specific identification and mapping of remnant vegetation and indication of how it is to be protected;**
- (e) identification, mapping and measures to protect creek line; and**
- (f) adequate mapping of the proposed development and subdivision guide plan**

MOTION CARRIED 15-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request –Lots 117 and 188 Allmore Road, Robinson & Lot 100 Roberts Road East, Robinson

File/Ward : A72611, A 72689 & A72693 (Vancouver Ward)

Proposal/Issue : Modification to subdivision guide plan

Subject Land/Locality : Lots 117 and 188 Allmore Road, Robinson & Lot 100 Roberts Road East, Robinson

Proponent : Ayton Taylor & Burrell

Owner : T R Ackley

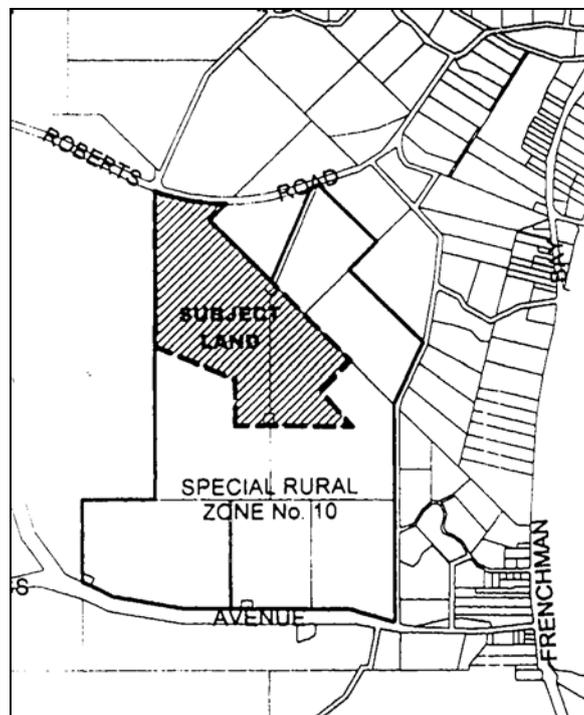
Reporting Officer/s : Planning Officer Policy (P Tvermoes)

Disclosure of Interest : Nil

Previous Reference : SOA 20/12/95 Item 10.1
OMC 16/09/01 Item 11.3.3

Summary Recommendation: Support request

Locality Plan



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

BACKGROUND

1. The original subdivision guide plan and the scheme provisions for Special Rural Area 10, (attached in Elected Members Report / Information Bulletin), highlighting the objective of the development:

“to provide for low density rural retreats, conserve remnant existing vegetation and protect the underground water resource, contain all nutrients within the site, minimise the visual impact of new development and allow for low intensity rural pursuits.”

2. The initial subdivision guide plan for Lots 117 and 188 Allmore Road, Robinson & Lot 100 Roberts East Road, Robinson and the Amendment 122 of TPS 3 limited the size of the lots to a minimum of 4 hectares each.
3. The site fell within the Water & Rivers Commission (WRC) Ground Water Priority Area 2 and as identified within the City of Albany Rural Strategy, “ Septic Tank Density should be limited to one system per lot (ie. 1 septic tank per 4 hectares)”.
4. The WRC adopted the Water Source Protection Plan for the SCWR in June 2001 which effectively allows some lots to be further developed or subdivided.
5. This change has a direct impact upon the minimum size of some lots, which fall within the Princess Royal Harbour policy areas within the City of Albany Local Rural Strategy, and were previously restricted to a minimum lot size of 4 hectares. This control has been amended by Council on 18 September 2001.

STATUTORY REQUIREMENTS

6. The subject land falls within a Priority 2 area proclaimed under the Country Areas Water Supply Act 1947. The Commission’s policies on land use within Priority 2 areas requires that all development activities within the area are conditional in accordance with Commission guidelines for land use compatibility.
7. “Special Rural” subdivision in Priority 2 (P2) areas with a minimum lot size of 2 hectares is considered conditional on the following:
 - Lots should only be created where land compatibility allows effective on-site soakage disposal of treated wastewater. Conditions apply to fitting of wastewater disposal systems in areas with poor land drainage and/or a shallow depth to groundwater, animals are held or fertiliser is applied. Alternative wastewater treatment systems, where approved by the Health Department, may be accepted with maintenance requirements.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

- An average rather than minimum lot size may be acceptable if the proponent can demonstrate that the water quality objectives of the source protection area are met, and caveats are placed on titles of specified blocks stating that further subdivision cannot occur.
8. A Scheme Amendment Request (SAR) is not a statutory process under the *Town Planning & Development Act 1928*. The purpose of the SAR process is to give feedback to an applicant on whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
 9. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.

POLICY IMPLICATIONS

10. There are various policies and strategies that have relevance to this proposal. They include:
 - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8).
 - The Local Rural Strategy (1996)
 - The Draft Albany Local Planning Strategy
11. The purpose of SPP 8 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

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

STRATEGIC IMPLICATIONS

13. The amended clauses for Princess Royal Harbour policy area 3 within the City of Albany Local Rural Strategy allow the minimum lot size to be reduced to 2 hectares from the previous 4 hectare minimum.

COMMENT/DISCUSSION

14. The removal of a minimum lot size of 4 hectares will allow all current lots, which fall within the down graded groundwater protection areas of the Local Rural Strategy, to be subdivided into smaller holdings, to a minimum of 2 hectares each.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

15. The subdivision guide plan, within Special Rural Area 10 of Scheme 3, creates areas for the protection of remnant vegetation, revegetation on lots, development exclusion zones on ridgelines, and minimising the impact of new development consistent with the objectives for the zone.
16. The current subdivision guide plan, does not adequately address issues related to the provision of bridle ways, strategic firebreaks, and buffering of the sandpit on portion of Lot 66.
17. The subdivision and locality caters for largely equestrian related activities. The reduction in lot sizes offers the opportunity to address the lack of strategic bridle paths and to reduce the incidence of horses on roads. The provision of the bridle paths may also complement existing firebreaks in the locality, by also acting as strategic firebreaks.
18. The sandpit on portion of Lot 66 was not originally included in the subdivision guide plan, nor was the issue of visual amenity impact from its operation and existence of the sand pit addressed in any meaningful manner. As density of the lots of the subdivision is increased, the impact of the sandpit is likely to be greater.
19. Amending documents will need to address the issue of providing adequate protection of remnant vegetation. Council has received letters of intent from the landowners indicating respective intentions to undertake revegetation. These letters, however, have little force. Amending documents may indicate the locations for revegetation, vegetated areas to be protected and species to be replanted.
20. The Scheme provisions cover a range of issues, which have adequately been addressed and do not need to be re-examined. This includes such issues as water supply, effluent disposal, high voltage electrical lines, land use, keeping of livestock/animals, location of buildings and structures, building design materials and colour.
21. The current proposal for Lots 100, 117 & 118 Roberts Road treat the development as a separate entity from the adjoining lots at Allmore Park. Any proposal of this nature should be considered in the light of the whole of Special Rural Area 10, which has the potential to be redeveloped. A limited structure plan is required to address issues which would reduce an adhoc development to the location.
22. A limited structure plan can address issues such as road networks, bridle paths, re-vegetation and fire management. The existing road infrastructure has the potential to increase future access to Princess Avenue. However, if the majority of the lots on the site are reduced in size, access to Home Road will also need to be allowed for.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued.

- 23. The current subdivision guide plan highlights a number of development exclusion areas and designates area for specific revegetation. If the density of lots were to increase then the impact on remnant vegetation would have to be addressed by adequate mapping, as lot boundaries will alter. Such an approach would complement the proposed management controls for ridgelines and buffers for visual management put forward by the proponent.
- 24. The proposal is consistent with current Council policy and the Scheme Amending documents will need to address the issues raised above.

RECOMMENDATION

THAT Council advise the applicants it is **PREPARED** to support the request for an amendment to Town Planning Scheme No. 3, to modify the subdivision guide plan for Special Rural Area 10, subject to a number of issues being addressed by the amending documents and subdivision guide plan which include:

- limited structure planning is required to indicate how future residents and road network will access Home Road,
- amended subdivision guide plan is to encompass Lot 66 and Lot 67 Roberts Road,
- provision of strategic firebreaks/bridleways,
- appropriate buffering to the sand pit on lot 66,
- effluent disposal to Water & rivers Commission, Environmental Protection Authority and Council standards,
- adequate fencing of remnant vegetation; and
- maintenance of existing development exclusion areas.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WOLFE**

THAT Council advise the applicants it is **PREPARED to support the request for an amendment to Town Planning Scheme No. 3, to modify the subdivision guide plan for Special Rural Area 10, subject to a number of issues being addressed by the amending documents and subdivision guide plan which include:**

- **limited structure planning is required to indicate how future residents and road network will access Home Road,**
- **amended subdivision guide plan is to encompass Lot 66 and Lot 67 Roberts Road,**
- **provision of strategic firebreaks/bridleways,**
- **appropriate buffering to the sand pit on lot 66,**
- **effluent disposal to Water & rivers Commission, Environmental Protection Authority and Council standards,**
- **adequate fencing of remnant vegetation; and**
- **maintenance of existing development exclusion areas.**

MOTION CARRIED 15-0

Corporate & Community Services

REPORTS

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- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund Vouchers 14748- 14909	totalling	143,334.57
Municipal Fund Direct Debits	totalling	788,885.21
Payroll	totalling	626,664.29
Total Municipal Fund		<u>1,558,884.07</u>
TOTAL		<u>1,558,884.07</u>

RECOMMENDATION

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

Municipal Fund	totalling	\$1,558,884.07
Total		<u>\$1,558,884.07</u>

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
 SECONDED COUNCILLOR BOJCUN**

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

Municipal Fund	totalling	\$1,558,884.07
Total		<u>\$1,558,884.07</u>

MOTION CARRIED 15-0

12.1.2 Annual Report – Acceptance by Local Authority

File /Ward	:	FIN047 (All Wards)
Proposal / Issue	:	Acceptance of Annual Report
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager – Finance (S Goodman)
Previous Reference	:	Nil
Summary Recommendation	:	That Council accept the 2000/2001 City of Albany Annual Report

BACKGROUND

1. Council is required to consider and accept the 2000/2001 Annual Report prior to the report being put to an Annual Meeting of Electors.

STATUTORY REQUIREMENTS

2. Section 5.54 of the Local Government Act 1995 requires the Local Government accept the annual report for the previous financial year no later than 31 December after that financial year.

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.

COMMENT / DISCUSSION

6. The 2000/2001 Annual Report for the City of Albany has been prepared in accordance with the provisions of the Local Government Act (Section 5.53) and the financial statements have been audited. A copy will be circulated with the Council agenda.

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Item 12.1.2 continued.

7. The Audit Committee has met, reviewed the financial statements and discussed any relevant issues with the City’s Auditor, Mr Russell Harrison of Lincoln’s Chartered Accountants. It is their recommendation that the Annual Accounts be adopted.

8. Under the requirements of the Accounting Regulations, approximately \$125,000 of expenditure which was budgeted for and committed in 2000/2001 was required to be excluded from the accounts on the grounds that the activity had not materially commenced as at 30th June 2001. This created a surplus in 2000/2001, and a potential deficit in 2001/2002 when the expenditure will be made. When the 2000/2001 budget was adopted, Council required that any surplus should be transferred to reserve for purposes to be identified. It is now proposed that the 2000/2001 surplus be transferred to the Planning Reserve, for use in the 2001/2002 First Quarter review to offset the prior year commitments.

RECOMMENDATION

THAT:

- i) in accordance with the requirements of Section 5.54 of the Local Government Act, Council accept the City of Albany 2000/2001 Annual Report and Audited Financial Statements; and
- ii) the \$125,105 surplus from 2000/2001 operations be transferred to the Planning Reserve.

Voting requirement Simple Majority

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Councillor Tony Demarteau declared an interest and left the Chambers at 8.29pm. The nature of Councillor Demarteau’s interest is that his wife works for Mr Russell Harrison, of Lincoln’s Chartered Accountants. The extent of the interest is that Lincoln’s Accountants is the current City’s Auditor.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR EMERY**

THAT:

- i) in accordance with the requirements of Section 5.54 of the Local Government Act, Council accept the City of Albany 2000/2001 Annual Report and Audited Financial Statements; and**
- ii) the \$125,105 surplus from 2000/2001 operations be transferred to the Planning Reserve.**

MOTION CARRIED 14-0

Councillor Demarteau returned to the Chambers at 8.30pm.

12.1.3 First Quarter 2001/2002 Budget Review

File/Ward	:	FIN047 (All Wards)
Proposal/Issue	:	Council requested to adopt the 1st Quarter Review
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Senior Accounting Officer (R Marchesi)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the 1st Quarter Review
Locality Plan	:	Nil.

BACKGROUND

1. Council officers have reviewed the quarterly operating results for their areas together with determinations by Council in the first three months of 2001/2002 financial year. Anticipated variances in the full year results have been identified.

STATUTORY REQUIREMENTS

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

Clauses 35 (c, d) of the Local Government (Financial Management) Regulations 1996 states:

A quarterly report is to be in a form, which identifies any significant variations between the year-to-date income and expenditure totals and identifies areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year.

POLICY IMPLICATIONS

3. There is no Council Policy in place relating to this item.

Item 12.1.3 continued.

FINANCIAL IMPLICATIONS

4. Council has adopted a balanced budget for 2001/2002. Any surplus for the financial year can be used to fund the following year's budget with the balance to be reviewed by Council and transferred to reserves for specified purposes.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. The quarterly review conducted by officers in October 2001 identified savings and additional costs, indicating a deficit for the year.
7. Quarterly budget review detail is contained in the Elected Members' Report / Information Bulletin. It includes both a summary and comprehensive list of proposed reallocations.
8. The following is information on significant proposed reallocations:

1. **Insurance**

- An increase in Public Liability insurance premiums has resulted in increased expenditure of \$12,672. Other insurance cost allocations have been adjusted.

2. **Purchase of Computers for the Development Team**

- It is proposed to spend \$13,200 to replace six Development Team computers. These computers are not powerful enough to handle Synergy Soft hardware and are too unstable for Synergy Soft data processing. This can be funded by additional planning fees anticipated from increased building activity (possibly due to the Home Owner's Grant).

3. **HMAS Perth Ball**

- The Gala Ball is due to be held on the 24th November and is predicted to be self supporting.

4. **Library Building**

- Council decided to increase the size of the library project. An additional projected cost of \$251,000 has been included in the quarterly review offset by an increase in loan funding.

5. **Tourism Subsidies**

- At the 2001/2002 Budget deliberations, Council resolved that at the 1st quarter review, it would consider an additional \$25,000 subsidy to the Albany Visitors Centre to bring the current funding up to the level of the prior year.

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Item 12.1.3 continued.

6. Airport Landing Fees

The collapse of Ansett airlines (subsidiary Skywest) left the City as an unsecured creditor for Airport landing fees from July – mid September 2001. The potential loss of \$130,000 (net of a minor recovery from the Administrator) will be offset by a reserve transfer.

7. Prior Year Commitments

In 2000/2001, the City entered into commitments relating to the Town Planning Scheme, GDS for Bayonet Head, Skateboard Track, Library Building Architect, etc, which were covered in that year's budget. The work on these projects had not commenced at year-end and the City was not permitted by accounting regulations to accrue the expenditure and no allowance was made in the 2001/2002 budget. This had the impact of generating an artificial surplus in the 2000/2001 accounts of \$125,000. It is proposed that these commitments be funded from the reserve transfer of the prior year surplus.

The projected net deficit in the 1st Quarter review will be \$28,256 should Council agree to fund the additional \$25,000 subsidy to the Albany Visitors Centre.

RECOMMENDATION

THAT Council adopt the 1st Quarter 2001/2002 review.

Voting requirement Simple Majority

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**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

That Council adopt the first quarter 2001/2002 review, subject to the \$25,000 Albany Visitors Centre additional subsidy not being funded.

**MOTION CARRIED 8-7
ABSOLUTE MAJORITY**

Reason:

It is not considered to be financially prudent to allow optional funding that would see the City's net position fall to an unacceptable deficit.

12.2 ADMINISTRATION

12.2.1 Annual Review of Council Delegations – Development Approvals

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	To review delegations for development approvals granted to the Chief Executive Officer.
Subject land	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	N/A
Previous Reference	:	CNCL 07.11.00 Item 12.2.5
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer's delegation for development approvals.
Locality Plan	:	N/A

BACKGROUND

1. Once in each year the delegations provided to officers are to be reviewed by Council and the delegated authority can be revoked, amended or renewed. The current delegations were established in November 2000.
2. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Town Planning and Development Act. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.

STATUTORY REQUIREMENTS

3. Section 7.21 of the City of Albany Town Planning Scheme No 1A and Section 6.10 of the City of Albany Town Planning Scheme No 3 establish the mechanisms for Council to delegate decision making. The wording in the two documents is slightly different however they both provide that Council can delegate at any time and the delegation must be reviewed annually. The actual wording is included in the Delegation Register.

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Item 12.2.1 continued.

4. Section 5.42 of the Local Government Act also allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function.

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. The City's Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the organization.

COMMENT/DISCUSSION

8. A review of the 2000/2001 delegations for development approvals has been conducted, and it is felt the delegations should continue, as they form the basis of Council's 2020 Strategic Plan, in endeavouring to provide a more efficient and effective service to our customers.
9. Included in the Elected Members/Information Bulletin is a 2000/2001 Delegation Register for both schemes. The Register contains 2 parts, the first details the actual clauses of the scheme where Council is required to perform a task. Part 2 establishes the guidelines which assist in decision making. The guidelines have been adopted as policies pursuant to the respective scheme to provide greater certainty in decision making.
10. As these delegations are available under the two schemes, it is intended to continue to promote these efficiencies, by seeking such delegations to the Chief Executive Officer, who may then, under the Local Government Act, delegate some or part of those tasks to relevant staff.
11. The Chief Executive Officer proposes to delegate authority to individual staff and withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards. Council retains the capacity to review the 'upper limit' of the delegated authority at any time and it must review annually the extent of its delegations.

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Item 12.2.1 continued.

RECOMMENDATION

THAT Council;

- i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.
- ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 those functions specified in Schedule 2 in the Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WALKER**

THAT Council;

- i) **pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.**
- ii) **pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 those functions specified in Schedule 2 in the Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.**

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

12.2.2 Annual Review of Council Delegations

File/Ward	:	MAN122 (All Wards)
Proposal/Issue	:	To Review Delegations granted to the Chief Executive Officer
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 07.11.00 Item 12.2.2
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer's various delegations as listed
Locality Plan	:	N/A

BACKGROUND

1. Under the provisions of the Local Government Act, a local authority may delegate some of its powers and duties to the Chief Executive Officer (there are restrictions detailed in the Act), to help facilitate the many services it provides to the community. These delegations must be in writing and may either be of a general nature or specific, but in all cases there is a requirement to review them at least once each year.
2. Over the past twelve months, Council has granted numerous delegations (using various legislation eg – Local Government, Bushfires, Dog, Strata Titles etc), to the CEO, in an effort to streamline the provision of services (refer table in Elected Members Report/Information Bulletin).

STATUTORY REQUIREMENTS:

3. Section 5.42 of the Local Government Act enables the delegation of some powers and duties to the Chief Executive Officer:
 - 1) a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43
4. a delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

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Item 12.2.2 continued.

5. Also under the provisions of section 5.46 of the Local Government Act, delegations must be reviewed at least once every financial year.

POLICY IMPLICATIONS

6. There are no Council policies relating to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The City’s Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the organization.

COMMENT/DISCUSSION

9. A review of the 2000/2001 delegations has been conducted, and it is felt many of these delegations should continue, as they form the basis of Council’s 2020 Strategic Plan, in endeavouring to provide a more efficient and effective service to our customers.
10. As delegations are available under the various types of legislation, it is intended to promote these efficiencies, by seeking such delegations to the Chief Executive Officer, who may then, under the Local Government Act, delegate some or part of those tasks to relevant staff.
11. Staff has also identified the need for a delegation to write off small amounts of penalty interest (not exceeding \$1.99) raised on rates accounts. This occurs when a customer forwards their payment by post, and while actually sending the correct amount, incurs further daily costs, while the paperwork is in transit. It is considered a good public relations exercise, to write off these trivial amounts, as the follow-up time and resources required to explain what the amount represents, far outweighs the benefit in collecting such moneys.
12. While this item seeks delegations from Council to the CEO only, it should be noted, that any subsequent delegations to staff, are handled administratively, as a function of the CEO.

RECOMMENDATION
THAT Council,

- 1) in accordance with the provisions of section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:-

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Item 12.2.2 continued.

- a) Review of City of Albany's Gross Rental Valuation (GRV) Rating Area

*Local Government Act, Section 6.28
Report Requirement – FILE*

- b) Contracts – Power to Accept Contracts for Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (inclusive of GST), subject to the said matter

- (i) being detailed in Council's annual budget, and
(ii) complying with any relevant Council policy.

*Local Government Act, Section 5.43(b)
Report Requirement – FILE*

- c) Process requests related to leases –

- Current Lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- Lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
- Current lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.

*Land Administration Act, section 18 and Local Government Act,
section 3.58*

Report Requirement: BULLETIN

- d) Process requests related to the application of the Common Seal. The Mayor and the Chief Executive Officer (and their respective absences the Acting Mayor and the Acting Chief Executive Officer) be authorised to affix the Seal to the following legal documents:

- Grants of Easement, Town Planning Scheme and associated documents;
- Contracts, Leases, Licences and Agreements (or Assignments thereof) where, by resolution Council has agreed to the terms thereof;
- Withdrawals of Caveat where the conditions leading to the lodging of the Caveats have been fulfilled;
- Grant and Service Agreements arranged with the Bushfire Services of WA;
- Department of Community Development – Integration
- Mortgage Consent requests from Council lessees

*Local Government Act, section 2.5
Report Requirement – BULLETIN*

- e) Pursuant to Council's Local Laws, authorises the authority to:

- approve street trading licences; - Local Government Act
- grant approvals for the placement of signs on private property; - Local Government Act

ORDINARY COUNCIL MEETING – 20/11/01
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Item 12.2.2 continued.

- issue building licences for property fences; - Local Government Act
- issue extractive industry licence; - Local Government Act
- issue dog kennel licences; - Dog Act
- for motels in the City of Albany; - Local Government Act
- licence to operate lodging houses in the City; - Local Government Act
- remove and dispose of unlawfully displayed signs and advertising devices; - Local Government Act
- issue annual licence for Holiday Accommodation – Local Government Act
- to implement the provisions of the Prevention and Abatement of Sand Drift Local Law

Local Government Act
Report Requirement – FILE

- f) To execute Grant and Service Agreements arranged with the Bushfire Services of WA

Local Government Act, section 5.43
Report Requirement – FILE

- g) To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.

Local Government Act, schedule 9.1, section 2
Report Requirement – FILE

- h) The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997;

Local Government Act, section 6.10 and Financial Management Regulations
Report Requirement – FILE

- i) To approve and refuse applications from organizations within the City of Albany municipality to use the ‘Altogether Better’ brand within the parameters of the Brand Management Guidelines

Local Government Act, section 2.5
Report Requirement – FILE

- j) To obtain drainage easements for Council’s drainage needs subject to the following criteria:

- all alternative routes with regard to stormwater discharge shall be investigated as part of the easement process
- easement location be based on sound engineering knowledge taking into account existing and future drainage systems

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Item 12.2.2 continued.

- should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00
- no payment of compensation is to be paid until the easement has been registered with the Titles Office
- easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural)
- location of easement is agreed to by the affected land owner
- agreement has been obtained from the affected landowner for the grant of easement.

Local Government Act, schedules 3.2, 9.1
Report Requirement: File

- k) to implement the provisions of the policy –“Payments to Employees in Addition to Contractor Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

Local Government Act, section 5.50
Report Requirement: Bulletin

- l) to approve sundry donations to the value of \$200.00 in accordance with the policy “Financial Assistance Community Organisations”.

Local Government Act
Report Requirement – to Council Records

- m) to approve the writing off of penalty interest relating to rates payments to the value of \$1.99

Local Government Act, section 6.47
Report Requirement – to Council Records

- 2) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:-

- The power to approve and refuse the issue of building licences;
- The power to serve a stop order upon a builder;
- To grant approval for a building which encroaches over a public place or street; and
- To require in-completed buildings completed or removed.

- 3) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:-

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Item 12.2.2 continued.

- a) Process requests related to Leases
- Current Lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
 - Lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
 - Current lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.

Land Administration Act, section 18 and Local Government Act,
section 3.58

Report Requirement: BULLETIN

- b) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council’s “Development Area and Street Names” Policy

Land Administration Act, section 56

Report Requirement – FILE

- c) Process requests related to Crown Reserves
- Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
 - Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme
 - Creation of a crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme

Land Administration Act and Regulations

Report Requirement – BULLETIN

- d) To obtain road widenings for Council’s road infrastructure improvement, subject to the following criteria:
- all alternative routes with regard to road construction or re-construction shall be investigated as part of the design process
 - road widening location to be based on sound engineering principles taking into account existing and future road systems
 - should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50,000.00
 - agreement has been obtained from the affected land owners for the land to be resumed
 - no payment of compensation is to be paid until the road widening has been registered with the Titles Office.

Land Administration Act, section 177

Report Requirement – File

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Item 12.2.2 continued.

- 4) in accordance with section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Bush Fires Act.

Bush Fires Act
Report Requirement – FILE

- 5) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Strata Titles Act in the following areas:-

- a) authority to sign certificates issued:
- b) the ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
- c) the ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.

Strata Titles Act, sections 6, 23(5), 42
Report Requirement – FILE

- 6) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Dog Act, 1976.

Dog Act 1976
Report Requirement – FILE

- 7) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the authority to approve the operation of helicopter joy flights from the Albany Foreshore serve, adjacent to Princess Royal Harbour.

Town Planning Scheme 1A, clause 7.21
Report Requirement – FILE

Voting Requirement Absolute Majority

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WELLINGTON**

THAT Council,

- 1) in accordance with the provisions of section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:-**

contd...

ORDINARY COUNCIL MEETING – 20/11/01
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Item 12.2.2 continued.

a) **Review of City of Albany's Gross Rental Valuation (GRV) Rating Area**

*Local Government Act, Section 6.28
Report Requirement – FILE*

b) **Contracts – Power to Accept Contracts for Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (inclusive of GST), subject to the said matter**

- (iii) being detailed in Council's annual budget, and
- (iv) complying with any relevant Council policy.

*Local Government Act, Section 5.43(b)
Report Requirement – FILE*

c) **Process requests related to leases –**

- **Current Lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.**
- **Lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.**
- **Current lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.**

*Land Administration Act, section 18 and Local Government Act, section 3.58
Report Requirement: BULLETIN*

d) **Process requests related to the application of the Common Seal. The Mayor and the Chief Executive Officer (and their respective absences the Acting Mayor and the Acting Chief Executive Officer) be authorised to affix the Seal to the following legal documents:**

- **Grants of Easement, Town Planning Scheme and associated documents;**
- **Contracts, Leases, Licences and Agreements (or Assignments thereof) where, by resolution Council has agreed to the terms thereof;**
- **Withdrawals of Caveat where the conditions leading to the lodging of the Caveats have been fulfilled;**
- **Grant and Service Agreements arranged with the Bushfire Services of WA;**
- **Department of Community Development – Integration**
- **Mortgage Consent requests from Council lessees**

*Local Government Act, section 2.5
Report Requirement – BULLETIN*

e) **Pursuant to Council's Local Laws, authorises the authority to:**

- **approve street trading licences; - Local Government Act**

contd....

Item 12.2.2 continued.

- grant approvals for the placement of signs on private property; - Local Government Act
- issue building licences for property fences; - Local Government Act
- issue extractive industry licence; - Local Government Act
- issue dog kennel licences; - Dog Act
- for motels in the City of Albany; - Local Government Act
- licence to operate lodging houses in the City; - Local Government Act
- remove and dispose of unlawfully displayed signs and advertising devices; - Local Government Act
- issue annual licence for Holiday Accommodation – Local Government Act
- to implement the provisions of the Prevention and Abatement of Sand Drift Local Law

Local Government Act
Report Requirement – FILE

- f) To execute Grant and Service Agreements arranged with the Bushfire Services of WA

Local Government Act, section 5.43
Report Requirement – FILE

- g) To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.

Local Government Act, schedule 9.1, section 2
Report Requirement – FILE

- h) The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997;

Local Government Act, section 6.10 and Financial Management Regulations
Report Requirement – FILE

- i) To approve and refuse applications from organizations within the City of Albany municipality to use the ‘Altogether Better’ brand within the parameters of the Brand Management Guidelines

Local Government Act, section 2.5
Report Requirement – FILE

- j) To obtain drainage easements for Council’s drainage needs subject to the following criteria:

- all alternative routes with regard to stormwater discharge shall be investigated as part of the easement process

contd...

Item 12.2.2 continued.

- easement location be based on sound engineering knowledge taking into account existing and future drainage systems
- should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00
- no payment of compensation is to be paid until the easement has been registered with the Titles Office
- easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural)
- location of easement is agreed to by the affected land owner
- agreement has been obtained from the affected landowner for the grant of easement.

Local Government Act, schedules 3.2, 9.1

Report Requirement: File

- k) to implement the provisions of the policy –“Payments to Employees in Addition to Contractor Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

Local Government Act, section 5.50

Report Requirement: Bulletin

- l) to approve sundry donations to the value of \$200.00 in accordance with the policy “Financial Assistance Community Organisations”.

Local Government Act

Report Requirement – to Council Records

- m) to approve the writing off of penalty interest relating to rates payments to the value of \$1.99

Local Government Act, section 6.47

Report Requirement – to Council Records

- 2) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:-

- The power to approve and refuse the issue of building licences;
- The power to serve a stop order upon a builder;
- To grant approval for a building which encroaches over a public place or street; and

Item 12.2.2 continued.

- To require in-completed buildings completed or removed.
- 3) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:-
- a) Process requests related to Leases
- Current Lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
 - Lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
 - Current lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
- Land Administration Act, section 18 and Local Government Act, section 3.58
Report Requirement: BULLETIN
- b) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council’s “Development Area and Street Names” Policy
- Land Administration Act, section 56
Report Requirement – FILE
- c) Process requests related to Crown Reserves
- Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
 - Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme
 - Creation of a crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme
- Land Administration Act and Regulations
Report Requirement – BULLETIN
- d) To obtain road widenings for Council’s road infrastructure improvement, subject to the following criteria:
- all alternative routes with regard to road construction or re-construction shall be investigated as part of the design process

contd...

Item 12.2.2 continued.

- road widening location to be based on sound engineering principles taking into account existing and future road systems
- should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50,000.00
- agreement has been obtained from the affected land owners for the land to be resumed
- no payment of compensation is to be paid until the road widening has been registered with the Titles Office.

Land Administration Act, section 177

Report Requirement – File

- 4) in accordance with section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Bush Fires Act.

Bush Fires Act

Report Requirement – FILE

- 5) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Strata Titles Act in the following areas:-

- a) authority to sign certificates issued:
- b) the ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
- c) the ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.

Strata Titles Act, sections 6, 23(5), 42

Report Requirement – FILE

- 6) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Dog Act,1976.

Dog Act 1976

Report Requirement – FILE

- 7) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the authority to approve the

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contd...

Item 12.2.2 continued.

**operation of helicopter joy flights from the Albany Foreshore serve,
adjacent to Princess Royal Harbour.**

**Town Planning Scheme 1A, clause 7.21
*Report Requirement – FILE***

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

12.2.3 South Coast Regional Initiative Planning Team Management Committee – Membership Invitation

File/Ward	:	MAN 097 (All Wards)
Proposal/Issue	:	Council representation on the South Coast Regional Initiative Planning Team Management Committee
Subject Land/Locality	:	N/A
Proponent	:	South Coast Regional Initiative Planning Team Management Committee (SCRIPT)
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil.
Previous Reference	:	Nil.
Summary Recommendation	:	Nominate a representative to the South Coast Regional Initiative Planning Team Management Committee
Locality Plan	:	N/A

BACKGROUND

1. The South Coast Regional Initiative Planning Team (SCRIPT) is a community-owned, non-profit incorporated body, whose aim is to bring together the people, organisations and information needed to ensure that communities in the South Coast Region are able to drive the better management of natural resources to achieve environmental, social and economic sustainability.
2. SCRIPT has advised it is keen to strengthen links with local government to assist in the delivery of improved natural resource management for the region.
3. The role of the SCRIPT management committee involves determining the broad directions and policies of the organisation. Council has been asked to nominate a representative to this committee.

STATUTORY REQUIREMENTS

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

Item 12.2.3 continued.

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. Albany 2020 Port of Call – Managed healthy land/harbour environment, by maximising partnerships with other stakeholders to ensure the sustainable use and care of our land and harbours.

COMMENT/DISCUSSION

- 8. SCRIPT had sought a Council nomination by the 22nd October 2001, to enable the committee representation to be endorsed at its 26th October 2001 AGM. As this deadline is before the November Council meeting, expressions of interest to sit on the committee were sought from Councillors.
- 9. As Councillor Wolfe had indicated his willingness to act as a representative, a nomination was forwarded to the committee.

RECOMMENDATION

THAT Council endorse the actions of the Senior Administration Officer in submitting Councillor Wolfe’s name as its representative to the South Coast Regional Initiative Planning Team Management Committee.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WALKER**

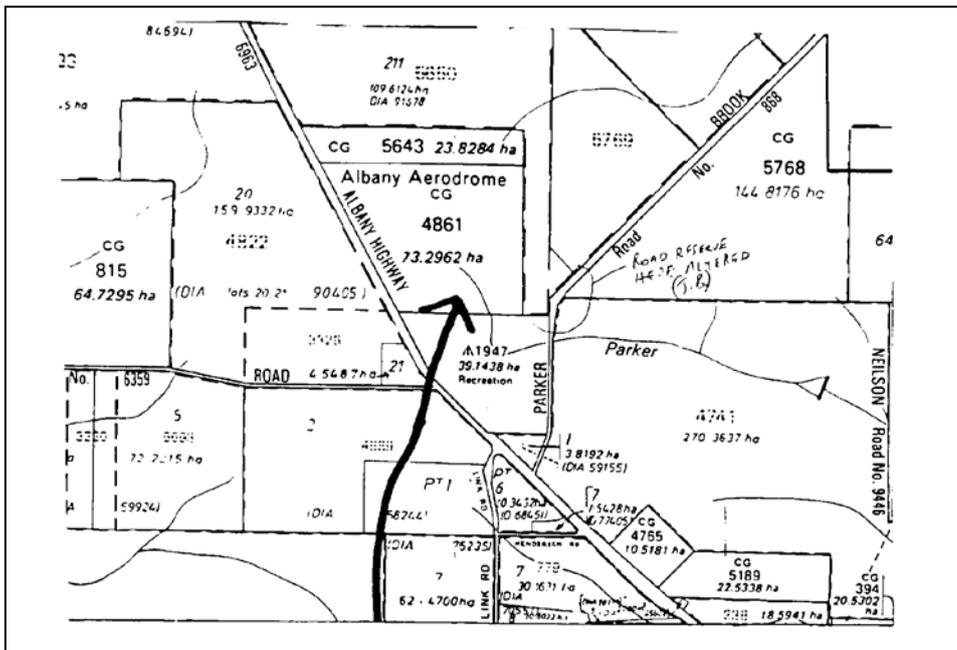
THAT Council endorse the actions of the Senior Administration Officer in submitting Councillor Wolfe’s name as its representative to the South Coast Regional Initiative Planning Team Management Committee.

MOTION CARRIED 15-0

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12.2.4 Car Hire Leases – Albany Airport Terminal Building

File/Ward	:	PRO184; PRO268; PRO185 (Kalgan Ward)
Proposal/Issue	:	Leases for Car Hire Sites
Subject Land/Locality	:	Lots 4861, 5643 & 5650 Albany Highway, Albany Airport Terminal
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve new leases for the Airport hire car sites
Locality Plan	:	



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Item 12.2.4 continued.

BACKGROUND

1. The City of Albany has called for registrations of interest for the Albany Airport hire car sites, in an attempt to formalise arrangements with current users.
2. In the past, Council has allowed the local car hire operators to use the Airport facilities, which include counter space, a common area and shared car-parking area, until licence/lease matters were negotiated.
3. The negotiations have been protracted, due to the completion of extensions at the Airport building, concerns about the rental levied and whether it was more appropriate to issue a licence or lease.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. In accordance with Section 3.58 of the Local Government Act 1995, an independent sworn valuation has been carried out and an annual rental has been determined at \$2,000.00 per booth per annum, before GST.
9. All costs associated with the proposed new lease are to be borne by the applicant, including both legal and advertising fees.

Item 12.2.4 continued.

STRATEGIC IMPLICATIONS

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

❖ *COUNCIL BUILDINGS to provide communities with quality buildings that are functional, well-maintained and meet social and cultural needs (Leases on Council buildings/Reserves).*

COMMENT/DISCUSSION

11. After lengthy discussions with Council staff, the car hire operators currently using the airport facilities have indicated their preference for a lease arrangement, and to this end, registrations of interest were sought. Interested parties have been offered a five-year lease, which includes an individual public booths in the Airport lounge area, a common area and a shared parking area.
12. As there is only sufficient room for a maximum of three car hire operators, interested parties were advised, it would be recommended that should Council receive
- more than three submissions, the selection method be by ballot; or
 - less than three submissions, the size of the lease areas be adjusted accordingly; and
- the specific sites be allocated by ballot.
13. In accordance with the provisions of the Local Government Act, staff sought an independent sworn valuation of not more than six months old (information supplied on 22nd October 2001) for the proposed airport car hire lease areas. The fair market rental valuation for each proposed lease area is \$2,000.00 per annum. An annual CPI and GST component are to be included in any legal agreement.
14. The registrations of interest for the Airport hire car sites were advertised both statewide and locally, in accordance with the Local Government Act provisions. At the close of submissions, Council has received four proposals.
- The proposals received are as follows –
- D Knox – Barnesby Ford (accepted proposal in its entirety)
 - W Robbins – Avis Albany (subject to negotiating a new rental)
 - G Vander Ros – Budget Rent-a-Car (subject to negotiating a new rental)
 - P Williams – Albany Car Rentals (maximum annual rent \$520.00 offered)
15. The valuation was obtained from independent certified practicing valuers and property consultants, who have assessed the proposed lease areas, after considering rental evidence in a number of airports around the state (Busselton, Kalgoorlie, Geraldton, Esperance, Karratha and Port Hedland).

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Item 12.2.4 continued.

RECOMMENDATION

THAT Council in accordance with Section 3.58 of the Local Government Act 1995 agree to:

- i) enter into separate leases with D Knox (Barnesby Ford), W Robbins (Avis Albany), and G Vander Ros (Budget Rent-a-Car) for terms of 5 years commencing on 1st December 2001 (with the specific sites being allocated by ballot) ;
- ii) the rental being set in accordance with independent sworn valuation, that being \$2,000.00 per annum, with annual CPI and being subject to GST;
- iii) Council's standard terms and conditions being applied to the proposed leases, including a clause for GST;
- iv) all costs associated with the preparation of the leases, including advertising costs and legal fees, being borne by the applicants; and
- v) the Common Seal of the City of Albany being attached to all relevant documentation.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR BOJCUN**

THAT Council in accordance with Section 3.58 of the Local Government Act 1995 agree to:

- i) enter into separate leases with D Knox (Barnesby Ford), W Robbins (Avis Albany), and G Vander Ros (Budget Rent-a-Car) for terms of 5 years commencing on 1st December 2001 (with the specific sites being allocated by ballot) ;**
- ii) the rental being set in accordance with independent sworn valuation, that being \$2,000.00 per annum, with annual CPI and being subject to GST;**
- iii) Council's standard terms and conditions being applied to the proposed leases, including a clause for GST;**
- iv) all costs associated with the preparation of the leases, including advertising costs and legal fees, being borne by the applicants; and**
- v) the Common Seal of the City of Albany being attached to all relevant documentation.**

MOTION CARRIED 15-0

12.3 LIBRARY SERVICES

12.4 DAY CARE CENTRE

12.5 TOWN HALL

12.6 ALBANY LEISURE AND AQUATIC CENTRE

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Albany Town Hall Theatre Advisory Committee Minutes of 24th October 2001

- File/Ward** : SER047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Executive Director Corporate and Community Services (P Madigan)
- Summary Recommendation** : That the minutes of the Albany Town Hall Theatre Advisory Committee held on the 24th of October 2001 be adopted.

Confirmation of the minutes of the Albany Town Hall Theatre Advisory Committee of the 24th October 2001

Recommendation

THAT the minutes of the Albany Town Hall Theatre Advisory Committee held on the 24th of October 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin) be adopted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee held on the 24th of October 2001 be received.

MOTION CARRIED 15-0

12.7.2 The Great Southern Regional Cattle Saleyards Joint Venture Committee Minutes of 15th October 2001

File/Ward	:	REL087 (N/A)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee held on 15 th October 2001 be adopted.

Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee of 15th October 2001

Recommendation

THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee held on the 15th October 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), noting that the meeting was held at the City of Albany, and the confirmation of minutes referred to meetings held on 13th August and 15th September 2001, and the following items 3.1 and 8.1 be adopted.

Item 3.1 Strategic Plan – Feedback Recommendation

THAT the Strategic Plan be amended to incorporate the comments at the meeting and referred to the joint stakeholders, and incorporated within the submission to the Minister.

Item 8.1 Brian Gee – Lease of Land Recommendation

That, subject to statutory requirements being satisfied, it be recommended the current lease with B Gee be continued for a further 12 month period, with the Chief Executive Officer (City of Albany) being authorised to finalise the lease, adjustment and attachment of the common seal.

Voting Requirement Absolute Majority

.....

ORDINARY COUNCIL MEETING – 20/11/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.2 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee held on the 15th October 2001 be received, noting that the meeting was held at the City of Albany, and the confirmation of minutes referred to meetings held on 13th August and 15th September 2001, and the following items 3.1 and 8.1 be adopted.

**Item 3.1 Strategic Plan – Feedback
Recommendation**

THAT the Strategic Plan be amended to incorporate the comments at the meeting and referred to the joint stakeholders, and incorporated within the submission to the Minister.

**Item 8.1 Brian Gee – Lease of Land
Recommendation**

That, subject to statutory requirements being satisfied, it be recommended the current lease with B Gee be continued for a further 12 month period, with the Chief Executive Officer (City of Albany) being authorised to finalise the lease, adjustment and attachment of the common seal.

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

12.7.3 Audit Committee Minutes of 6th November 2001

File/Ward	:	FIN020(All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Audit Committee held on 6 th November 2001 be adopted.

Confirmation of the minutes of the Audit Committee of 6th November 2001

Recommendation

THAT the minutes of the Audit Committee held on the 6th November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 2 and 5, be adopted. (Item 3 - Review of 2000/2001 Annual Results is the subject of a separate Report in this agenda).

Item 2 Confirmation of Terms of Reference

Recommendation:

That Council agree to the Audit Committee terms of reference as follows:

- Review annual results with external auditor prior to Council adoption of annual accounts
- Review contents of the annual management letter and action taken by Officers.
- Participate in the selection process for the appointment of the external auditor.

Item 5 Audit Selection

Recommendation:

That Council, in light of the new software implementation period, agree to retain Mr Russell Harrison as Auditor for the 2001/2002 financial year.

Voting Requirement Absolute Majority

.....

Councillor Tony Demarteau declared an interest and left the Chambers at 8.45pm. The nature of Councillor Demarteau's interest is that his wife works for Mr Russell Harrison, of Lincoln's Chartered Accountants. The extent of the interest is that Lincoln's Accountants is the current City's Auditor.

ORDINARY COUNCIL MEETING – 20/11/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.3 continued

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WEST**

THAT the minutes of the Audit Committee held on the 6th November 2001 be received and the following items 2 and 5, be adopted. (Item 3 - Review of 2000/2001 Annual Results is the subject of a separate Report in this agenda).

Item 2 Confirmation of Terms of Reference

Recommendation:

That Council agree to the Audit Committee terms of reference as follows:

- **Review annual results with external auditor prior to Council adoption of annual accounts**
- **Review contents of the annual management letter and action taken by Officers.**
- **Participate in the selection process for the appointment of the external auditor.**

Item 5 Audit Selection

Recommendation:

That Council, in light of the new software implementation period, agree to retain Mr Russell Harrison as Auditor for the 2001/2002 financial year.

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

Councillor Demarteau returned to the Chambers at 8.46pm.

12.7.4 Albany Artificial Reef Committee Minutes of 7th November 2001

File/Ward	:	MAN109(All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Albany Artificial Reef Committee held on 7 th November 2001 be adopted.

Confirmation of the minutes of the Albany Artificial Reef Committee of 7th November 2001

Recommendation

THAT the minutes of the Albany Artificial Reef Committee held on the 7th November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following item 5.0 be adopted.

Item 5.0 Permits And Fees

Recommendation:

THAT the following fee structures for diving the Perth, be adopted -:

Commercial Vessels	\$1500pa for mooring \$5 per diver/day
Recreational Vessels	\$100pa Sticker to be displayed on vessel
Hire Vessels	\$5 per person in accordance with vessel licence/day Daily licences to be recorded when fees paid.

Voting Requirement Absolute Majority

.....

ORDINARY COUNCIL MEETING – 20/11/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.4 continued

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Albany Artificial Reef Committee held on the 7th November 2001 be received and the following item 5.0 be adopted.

Item 5.0 Permits And Fees

Recommendation:

THAT the following fee structures for diving the Perth, be adopted -:

**Commercial Vessels \$1500pa for mooring
 \$5 per diver/day**

**Recreational Vessels \$100pa
 Sticker to be displayed on vessel**

**Hire Vessels \$5 per person in accordance with vessel
 licence/day
 Daily licences to be recorded when fees paid.**

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

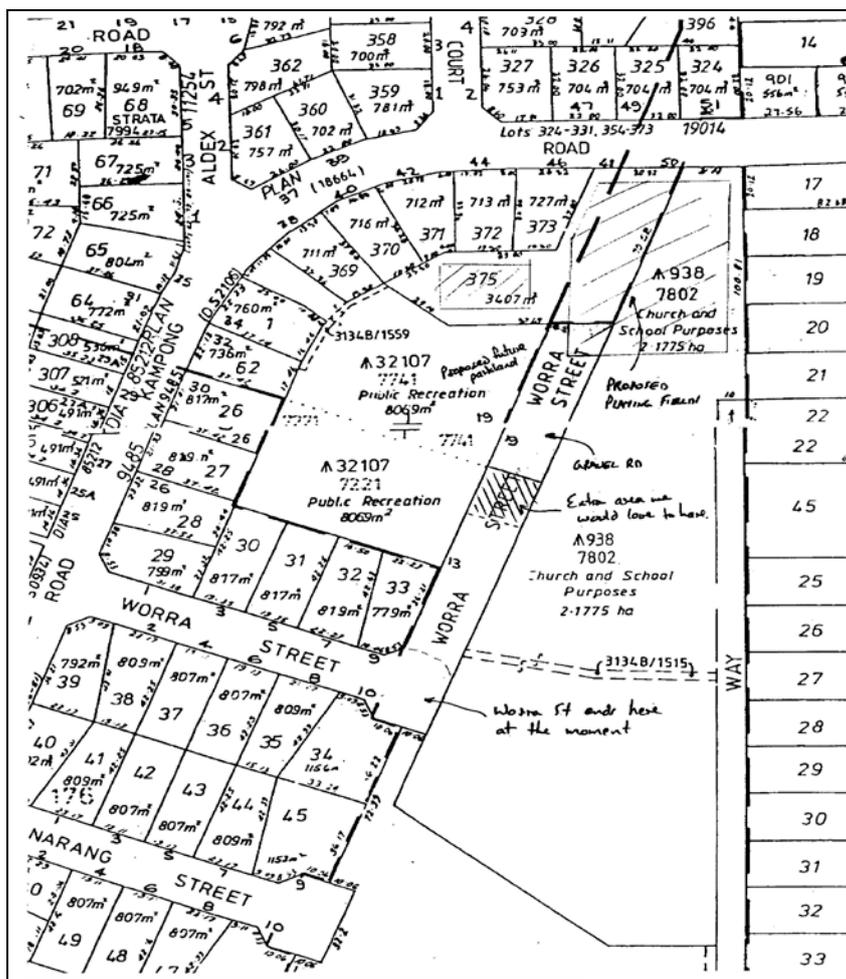
Nil

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Worra Street, Yakamia – Proposed Road Reserve Closure

- File/Ward** : A084739 (Yakamia Ward)
- Proposal/Issue** : To close a portion Worra Street Yakamia
- Subject Land/Locality** : Worra Street Yakamia
- Proponent** : Bethal Christian School
- Owner** : Crown land managed by City of Albany
- Reporting Officer(s)** : Manager Asset and Client Services (P Brown)
- Previous Reference** : Nil.
- Summary Recommendation:** Advertise proposal for closure.
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.2.1 continued.

BACKGROUND

1. In their correspondence of 22nd October 2001, the Bethel Christian School outlined a request for the closure of the section of Worra Street reserve marked on the locality plan.
2. The purpose of this request is to progress towards having the subject portion of road reserve reallocated through the Department of Land Administration (DOLA). This would result in the amalgamation with adjoining reserve no 938 (7802) (Church and School Purposes).

STATUTORY REQUIREMENTS

3. Council is required to comply with Section 58 of the Land Administration Act and Regulation 9 of the Land Administration Regulations 1998, when considering objections and service authorities responses, before formally resolving to close the road reserve and advising DOLA in writing.

POLICY IMPLICATIONS

4. The City of Albany does not have a policy relating to road closures.

FINANCIAL IMPLICATIONS

5. There are no costs to Council in this particular case. An advertisement is required in the local paper, however, the cost of this will be paid for by Bethel Christian School.

STRATEGIC PLAN IMPLICATIONS

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

Port of Call:

Transport systems and services designed to meet current and future needs

Objective:

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

COMMENT/DISCUSSION

7. It is considered unlikely that there will be any future requirement for further road construction. The surrounding properties have access via Kampong Road and Bethel Way and urban development within the vicinity of Worra Street has been completed.
8. Service vehicle access can be maintained to Reserve 32107 (Public Recreation) via the remaining section of Worra Street.

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

RECOMMENDATION

THAT Council;

- i) in accordance with Section 58 of the Land Administration Act, advertise the proposal for the closure of Worra Street within the boundaries of Lot 375 Kampong Road, reserve 32107 and reserve 938 (7802) and invite comments from the community and service authorities to enable consideration of the closure; and
- ii) agree to close portion of the road, should there be no objections received.

Voting Requirement Simple Majority

.....

Councillor Walker informed Council that he was a founding member of Bethel School.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR CECIL**

THAT Council;

- i) in accordance with Section 58 of the Land Administration Act, advertise the proposal for the closure of Worra Street within the boundaries of Lot 375 Kampong Road, reserve 32107 and reserve 938 (7802) and invite comments from the community and service authorities to enable consideration of the closure; and**
- ii) agree to close portion of the road, should there be no objections received.**

MOTION CARRIED 15-0

WORKS & SERVICES REPORTS

Item 13.2.1 continued.



BETHEL CHRISTIAN SCHOOL

Bethel Way
Albany WA
PO Box 731
Albany WA 6331

Phone (08) 9842 2100
Fax (08) 9842 1532
Email office@bethel.wa.edu

18 October 2001

Mr Andrew Hammond
The Chief Executive Officer
City of Albany
York Street
ALBANY WA 6330

CITY OF ALBANY RECEIVED		
22 OCT 2001		
FILE A145559 REPLY YAN	COORD No. J116175 ACKNOWLEDGMENT / /	OFFICER MACS, PRC GNL/BLTN

Dear Sir

As you are aware, Bethel Christian School has been working with the Council to try and come to an arrangement whereby we could share the building and maintenance of a playing field. Having spoken to Peter Brown and Mike Richardson, it seems that there are too many complications to proceed with the idea.

Mike has suggested that in the near future we may be able to work together in turning the Reserve into parkland that could be used by the school and local residents. It could be an environmental project for our school community.

I would like to propose a different idea that will still give the school a much bigger playing field without encroaching on to the Reserve. From the enclosed diagram you will see that we are proposing to raise the level of our current oval and expand it significantly by removing a considerable amount of soil, most of which will be used to raise the level of the current oval and expand it closer to our boundaries. We would be building sloped and planted retaining walls all around the playing field.

From the diagram you can see that our plan involves using some of the Worra Street road reserve. By using some of the road reserve the proposed playing field would be able to be shaped in such a way as to give a much more functional area. The final size and shape will be determined after consultation with Council and contractors.

Mike has indicated that the Council is likely to support an application to DOLA to have some of the road reserve annexed to our land, as it is no longer required for road construction. I have indicated in green the part of the road reserve that we would like to obtain. I have also indicated in red some more of the road reserve that the school would love to own. This land runs behind some of our classrooms. Could you let me know if Council will support the annexing of the land and if so how much of the road reserve Council would consider appropriate?

I am obtaining quotes for the earth works and will be submitting more detailed plans to Council for approval soon. We will work closely with council to ensure the development does not cause any water run off problems. The road reserve at the moment is a gravel track that is slowly eroding.

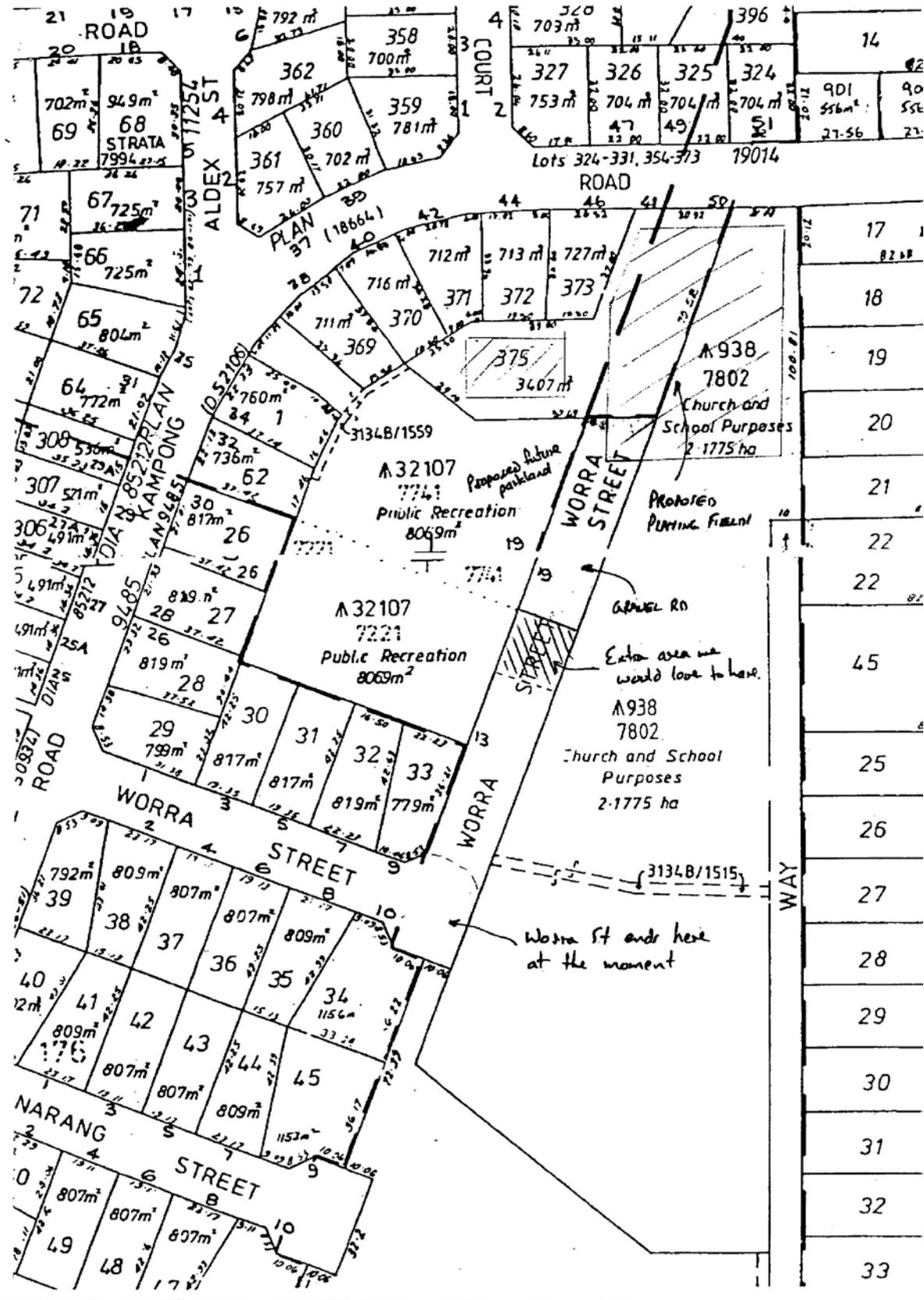
The school would like to plant out the area of the road reserve not used in local native plants, so that the Bush Reserve is extended. I have spoken to the Water Authority and City Council and there appears to be no problems concerning sewers or storm water pipes.

Thank you for your consideration of this matter.

Gary Robinson
PRINCIPAL

ORDINARY COUNCIL MEETING- 20/11/01
 ** REFER DISCLAIMER **
 WORKS & SERVICES REPORTS

Item 13.2.1 continued.



WORKS & SERVICES REPORTS

13.2.2 Proposed Funding Contribution to Road Construction

File/Ward : 070586 (West Ward)

Proposal/Issue : Funding contribution for Access Road No. 13890 (50%).

Subject Land/Locality : Lot 1995 Eden Road, Youngs

Proponent / Owner GR & MK Greenhalgh

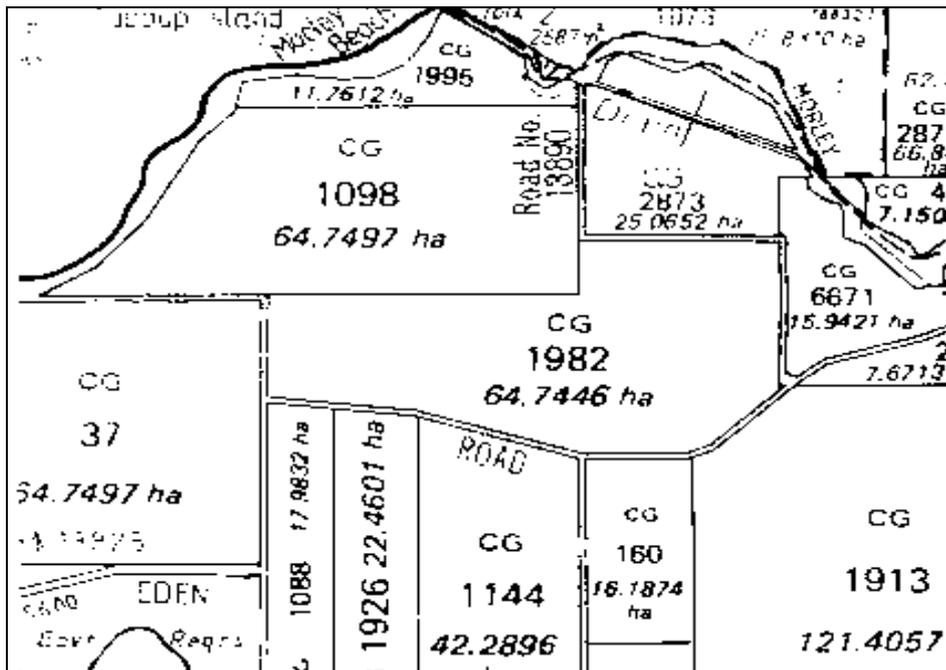
Reporting Officer(s) : Manager Asset and Client Services (P Brown)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Recommend no funding contribution

Locality Plan :



WORKS & SERVICES REPORTS

Item 13.2.2 continued.

BACKGROUND

1. Mr Greenhalgh purchased Lot 1995 (off Eden Road) Albany in 1997 with the verbal understanding from a previous officer employed by the former Shire of Albany that the Shire would contribute 50% to the cost of construction of the access road (No.13890), subject to Council approval.
2. Mr Greenhalgh was advised by correspondence on 20th May 1998 that budget deliberations had not allocated funds for the construction of this road. Mr Greenhalgh subsequently elected to construct the subject road at his own cost.
3. Council has not made provision in subsequent 1999/2000 and 2000/2001 budgets for the construction of the subject road.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. The City of Albany currently does not have a policy regarding funding contributions for access roads.

FINANCIAL IMPLICATIONS

6. No funds are available for this proposal.

STRATEGIC IMPLICATIONS

7. In the City of Albany's 2020 Charting Our Course, the following Port of Call is identified:
Port of Call:
Transport systems and services designed to meet current and future needs.
Objective:
 - To effectively and efficiently manage the City's transport infrastructure and minimise whole of life costs.

COMMENT/DISCUSSION

8. The former Shire of Albany had a procedure of applying for road access whereby applicants requested the Shire to carry out access road construction works. On completion of the works, actual costs were apportioned equally between Council and the applicant, subject to a report to Council and approval thereof for Council's 50% subsidy.
9. No written agreement exists between the City (former Shire) and Mr Greenhalgh for the construction of the subject road. Records indicate that an 'Application for Road Access' form was completed outlining the estimated costs. The form qualifies that subsidies are subject to Council approval.
10. The former Shire officer has been contacted regarding this matter. The officer has advised that it was explained clearly that there was no suggestion of delegated authority to approve payments of a 50% contribution for the construction of the subject road and that the matter would be subject to Council approval.

WORKS & SERVICES REPORTS

Item 13.2.2 continued.

11. The subject road has limited public use and neighbouring property owners have their major access via other roads.
12. Upon reviewing file records on this issue, City officers firmly believe that there is no evidence of a commitment towards funding a 50% subsidy, and that the matter was subject to Council approval.

RECOMMENDATION

THAT Council not proceed to retrospectively approve the 50% contribution for the construction of Road No. 13890.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR SANKEY**

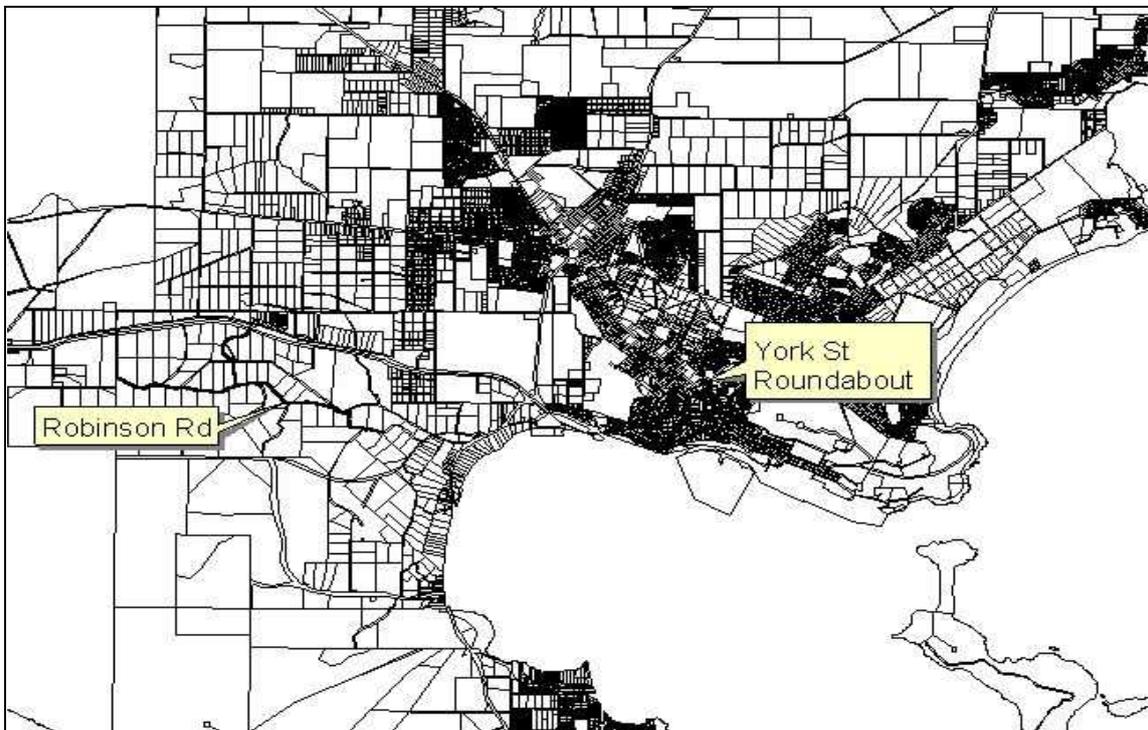
THAT Council not proceed to retrospectively approve the 50% contribution for the construction of Road No. 13890.

MOTION CARRIED 13-2

WORKS & SERVICES REPORTS

13.2.3 Construction of Robinson Road

- File/Ward** : C01066 (Vancouver and West Wards)
- Proposal/Issue** : Alignment for the Construction of Robinson Road
- Subject Land/Locality** : N/A
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Executive Director of Works & Services (B Joynes)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/09/01 Item 13.2.1
- Summary Recommendation:** That Council adopts a final alignment for the Robinson Road Construction Project.
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.2.3 continued.

BACKGROUND

1. At the Ordinary Council Meeting on the 18th of September 2001, Council appointed WML Consultants to undertake the Design and Construction Services for the Robinson Road Project. Part of this work has involved additional Community Consultation to involve the Community in the design process and to try to achieve a mutually acceptable final design, achieving as many aims as possible.
2. Two community workshops were held on Thursday 27th September and Saturday 20th October 2001, with 15 members of the public, 3 staff and a number of Councillors attending both workshops. The final workshop culminated in an onsite meeting where all options were discussed, and it was agreed to appoint a qualified Arborist to provide advice on the impact of construction at the ‘twin Karri’ area. At this meeting, the options of constructing the road completely around the twin Karri trees, and splitting the road with one lane through twin Karri trees were discussed in detail.
3. Following this final meeting, five further letters were received by Council requesting the road to be constructed completely through the trees, or left gravel, for further traffic control and speed measures, and for special precinct designation at either ends of the road. This has further highlighted that the Community still has differing views and expectations on the capability of the design options presented. For this reason, the issue needs to be progressed through Council to determine the most appropriate alignment. The issues of signage, traffic calming, precinct designation and bridle crossings will be further investigated with appropriate changes incorporated into the final design.
4. The Arborist, Mr W Bijl, of Southern Professional Tree Service, Bridgetown, met with staff and members of the community on Friday, October 26th 2001. The subsequent report (attached) provides for an optimum tree protection zone of 9 times the trunk diameter for trees with good tolerance and of mature age, and 12 times for old aging trees with low vigour. For optimum conditions, this requires a tree protection zone of around 14 metres for the ‘twin Karris’.

STATUTORY REQUIREMENTS

5. Council has the duty of care and control of the Road Reserve under the Section 3.54 of the Local Government Act 1995.

POLICY IMPLICATIONS

6. The Robinson Road Project originated from Council’s Asset Management Strategy – Roads, and was approved for completion this financial year (2001/2002).

FINANCIAL IMPLICATIONS

7. The budget allocation is \$806,600 for this project. The change to design in the reduction of width and vertical / horizontal alignment, will result in savings to the original estimated costs. Options 2, 4, 5, and 6 (concerning the various alignments) are considered to be within the total budgeted allocation, considering the savings expected due to the reduced standards. However, options 1 and 3 may require a reallocation of funds, in that the sealing of Gledhow

WORKS & SERVICES REPORTS

Item 13.2.3 continued.

South Road would be brought forward by one year, and the sealing of the western end of Robinson Road deferred by one year (equivalent value), unless the tender process allows for both to be done this year.

STRATEGIC IMPLICATIONS

8. Council has adopted the following Port of Call as part of ‘Albany 2020 – Charting Our Course’:

- *Transport systems and services designed to meet current future needs.*
The quality and range of our transport systems are important factors in the present and future well-being of our community. Roads, paths, maritime and aviation facilities improve our working, social and recreation lives, and a sensible, well-planned transport system is also a key ingredient in the development of our economic future. The City has established the following major objectives to ensure this Port of Call is realised.
- *Transport infrastructure planning*
To plan Albany’s transport infrastructure to meet future needs complementary to the City’s form and sense of place.
- *Management of transport infrastructure and services*
To effectively and efficiently manage the City’s transport infrastructure
 - to provide a high quality service;
 - to meet community expectations;
 - to minimise whole life costs; and
 - in alignment with transport plans.

COMMENT/DISCUSSION

9. There are a number of options for the alignment, with many different permutations or slight variations, but the main options are as detailed below, with plans attached for options 1, 2 and 3.

10. *Option 1 – Close the Road at the Twin Karri’s*

This option would close the road permanently at the twin Karri’s, deviating all traffic originating from the eastern end of the road, along Gledhow Road South, and traffic west of the closure, back along the western end of Robinson Road. The positive of this option for local residence (and negative for non local traffic) is that western end of Robinson Road cannot be used as a thoroughfare to the racecourse. However, this would significantly increase traffic along Gledhow South, and would require further advertising and public consultation over the proposed closure of Robinson Road, and impact to Gledhow South residences.

This would also not achieve the requirements of the public of driving through the Twin Karri’s, or Council’s Asset Management Strategy – Roads, but it would mean that there was no disturbance of the area around the Twin Karri’s. The sealing of the portion of

WORKS & SERVICES REPORTS

Item 13.2.3 continued.

Robinson Road to the west of the twin karri trees would be undertaken as part of next year's budget process, essentially bringing forward the sealing of Gledhow Road South by one year and deferring the west end of Robinson Road by one year.

11. *Option 2 – Construct the Road Completely Around the Twin Karri's*

This option was proposed by the staff to try to achieve all of the objectives set. The downside to this option is that the public will not drive directly under the Twin Karri's, but around them, and that there would be land resumption issues with the affected landowners. The Council has the ability to resume the land, but staff would endeavour to amicably settle the issue with the affected landowner. With replanting and rehabilitation, the verge on the resumed land would provide a visual buffer to the affected landowner.

The positive side to this option is that it introduces further traffic calming measures by the introduction of more curves and corners, that the entire road can be sealed, that the Bridal Trail is unaffected, and that the parcel of land immediately under the Twin Karri's becomes available for some sort of Community endeavour (bridle rest point etc.).

12. *Option 3 – Seal Gledhow Road South and Leave the Portion Through the Twin Karri's Gravel*

This is similar to option 1, but would see Robinson Road left open and gravel west of the Twin Karri's for a short distance. Signage would be required at the Twin Karri's due to the one lane through the restricted space. Again this would require further advertising and public consultation over the impact to Gledhow South residences. This would achieve the result of driving through the Twin Karri's, but would increase traffic along Gledhow Road South and not seal the remaining portion of Robinson Road.

This would not resolve the one lane issue through the Twin Karri's, or achieve the aims of Councils Asset Management Strategy – Roads. The sealing of the portion of Robinson Road to the west of the twin karri trees would be undertaken as part of next year's budget process, essentially bringing forward the sealing of Gledhow Road South by one year and deferring the west end of Robinson Road by one year.

13. *Option 4 – Leave Robinson Road Gravel*

Due to the differing opinions and the request to keep the road through the trees, Council could elect to leave the entire road gravel. This would still require signage at the twin Karri's, but would allow the allocation of the remaining funds to Council's discretion at the next review. This would, however, directly contradict Council's Asset Management Strategy –Roads, and not meet the objectives set (safety, seal, traffic counts, etc.).

14. *Option 5 - Construct Two Lanes Either Side of One Karri (Splitter Island)*

This option is a combination of option two and three, and partially meets the objective of driving through the Twin Karri's (eastbound bound traffic only). There are still land resumption issues involved, and a permanent hazard (although controllable through signage) still exists.

WORKS & SERVICES REPORTS

Item 13.2.3 continued.

15. *Option 6 – Construct A Two-Way, One Lane Sealed Road Through The Twin Karri’s*

This would meet the objective of retaining visual amenity. The negative side to this is that Council would be creating a far greater safety hazard than exists now, due the road being sealed, lack of site distance, and the hazard becoming permanent. It would also be under the jurisdiction of Main Roads WA to approve, erect and maintain the signage needed (give way). During discussions with the Albany Office, it is unclear whether Main Roads WA would even approve this, but it has been indicated that at the very least, a Road Safety Audit of the proposal would be required before consideration could be given.

16. The Arborist report, in Conclusion, point 5, highlights that “...any kind of construction activity with the vicinity of trees will cause some sort of root injury – managing the injury is the key element.” Point 3, also states that “Filling and compacting layers of soil alters the physical properties of the soil, smothering the roots causing anaerobic conditions (oxygen starvation).” This highlights to Council that whilst manageable, it is in the tree’s best long term survival to not construct a sealed road over the root system of the Twin Karri’s. This means that options that propose a seal through the Twin Karri’s should not be considered as long term solutions (options 5 and 6).

RECOMMENDATION

THAT Council choose a final alignment for the Robinson Road Project, to enable detailed design and construction to begin, from the following options:

1. Option 1 – Close the road at the twin karri trees, with staff proceeding with the requirements of a road closure (advertising a 35 day objection period);
2. Option 2 – Construct the road completely around the twin karri trees, with staff instigating land resumption procedures;
3. Option 3 – Seal Gledhow Road South and leave the portion through the twin karri trees gravel; or
4. Option 4 – Leave Robinson Road unsealed (gravel).

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR DEMARTEAU**

THAT the final alignment for the Robinson Road Project be Option 2 “Construct the road completely around the twin karri trees, with staff instigating land resumption procedures”, to enable detailed design and construction to begin.

MOTION CARRIED 12-3

ARBORICULTURAL REPORT

SOUTHERN
PROFESSIONAL
TREE SERVICE



arborists



ROBINSON ROAD IMPACT ASSESSMENT ON EXISTING MATURE TREES

Client: WML

Contact: Mr Ron Lowes

Site: Robinson Road

Prepared By: Southern Professional Tree Service

Proprietor: W.Bijl
Nat. Cert. Tree Surgery (UK)
Dip. Hort. (Arboriculture)

PO Box 487
Bridgetown WA 6255
Telephone/Facsimile: (08) 9761 2067

November 2001

ASSIGNMENT

- Provide recommendations as to minimise the effect of road construction works on the health of the existing tree status.

FINDINGS

- An existing population of mature and over mature Karri trees (*Euc. diversicolour*), parallel to both sides of the existing gravel road.
- The remaining land directly north and south of the subject road being predominantly cleared, grassed farmland.
- The majority of the trees within the inspected area are overall structurally sound, displaying acceptably good form and branch structure and reasonably well foliated canopies with sporadic dead wood throughout the crowns, typical for the size and age of the species.
- The Western end of the subject area has a number of specimens displaying characteristic symptoms of stress and the initial stages of root degradation. This can be seen by the degree of dieback of the crown's apical and lateral stems and the proliferation of epicormic shoots throughout the inner canopies. Other specimens are displaying just the initial stages of light periphery canopy dieback only.
- However, all in all the majority are structurally sound and of sufficient health, providing good aesthetics and worthy of retention.

CONCLUSION

- As the brief of the assignment indicates the importance of the retention of the subject trees this then necessitates the importance of minimising disturbance to the root zone.
- Common construction activities include cutting of the original soil grade, raising the original soil grade and compacting the soil - all of which impacts negatively upon the trees' health.
- Filling and compacting layers of soil alters the physical properties of the soil, smothering the roots causing anaerobic conditions (oxygen starvation).

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CONCLUSION (CONT'D)

- Cutting the soil grade by removing soil from under a tree canopy can seriously damage roots and may even impair the stability of a tree.
- From the above it can be seen that any kind of construction activity with the vicinity of trees will cause some sort of root injury - managing the degree of root injury is the key element.
- The degree of root injury which a tree can tolerate cannot be easily quantified as it is species dependant as well as the overall condition, size and stage of maturity of the individual specimen.
- Ageing and over-maturing trees have a lower tolerance level to root disturbance compared to young, maturing vigorous trees.
- Similarly the species Jarrah (*Enc. marginata*) has a low tolerance level compared to the species Karri which is deemed to have a good tolerance level.

LEANING TREES

- Trees displaying moderate to considerable leans have developed long guy-rope like roots on the upper side (opposite side of the direction of lean) which are loaded under tension and are the most important roots for such trees. Therefore, cutting the soil grade too deeply on the tension side of the root zone can destabilise the tree in the long term through resulting root decay and root death.

RECOMMENDATIONS

- Sealing the existing road should not impact negatively on the existing trees providing preventive measures are implemented.
- Designate a tree protection zone (protection of the root area) of the subject trees the protection zone would be the current undisturbed (non road) surface area radiating out from the trunk.
- The distance of the radius is calculated per unit of trunk distance.

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RECOMMENDATIONS (CONT'D)

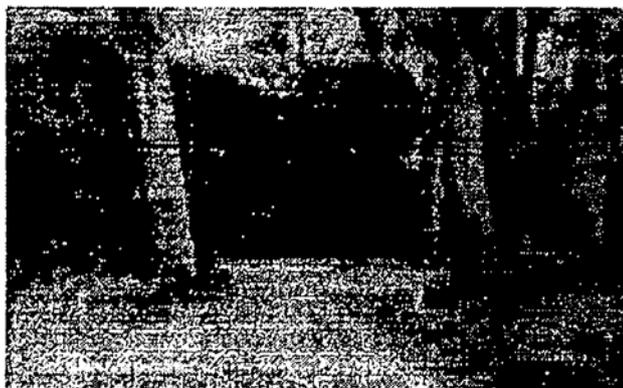
- The optimum tree protection zone for trees with good tolerance and of mature age is 9 times the trunk diameter measured at breast height (DBH).

Example: DBH = 1.0 metre then protection radius = 9.0 metres

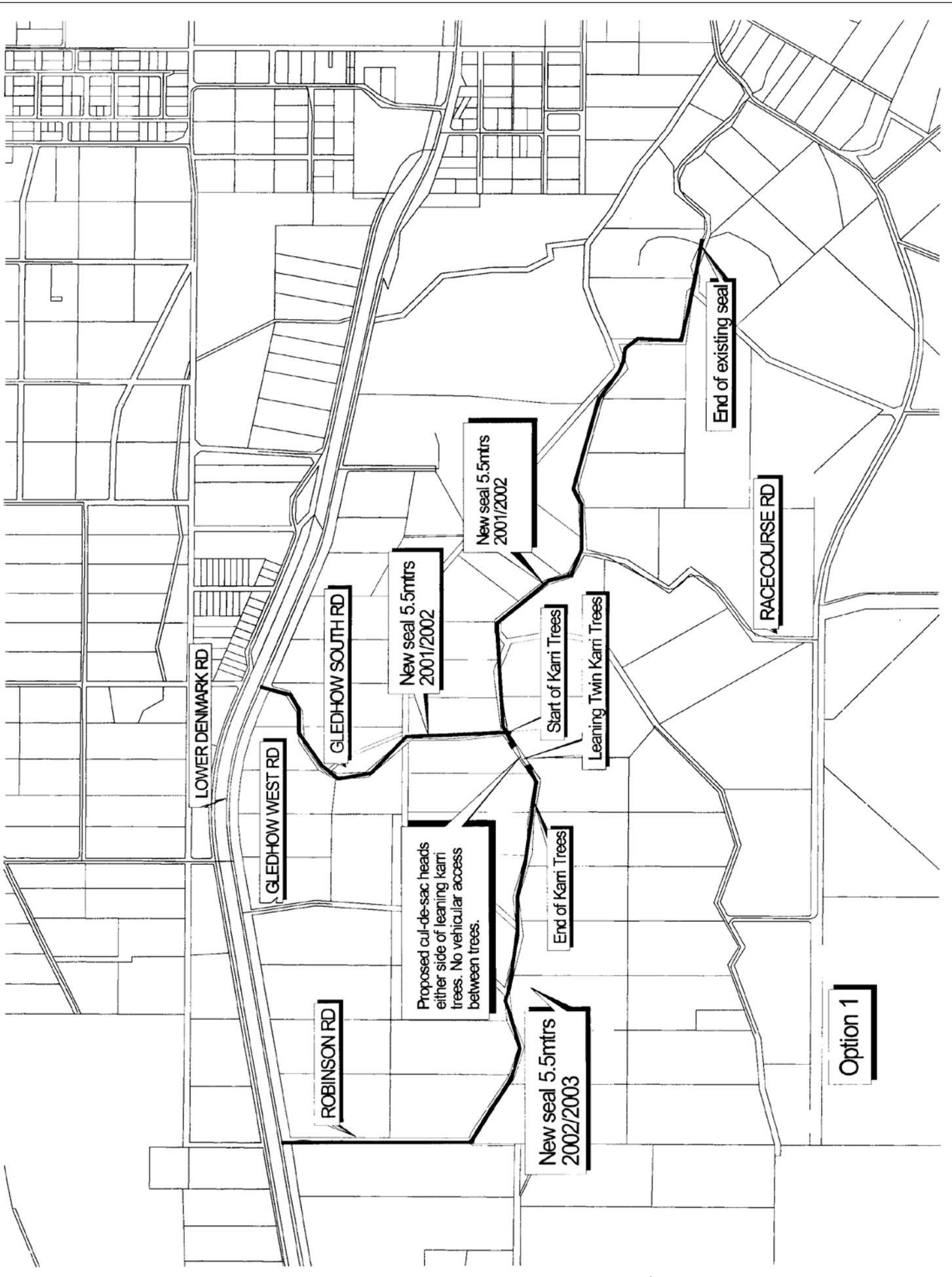
- An old aging tree and of low vigour the recommended radius increases to x 12.
- Minimise the movement of heavy construction equipment over the root protection zone, including parking.

EXISTING ROAD

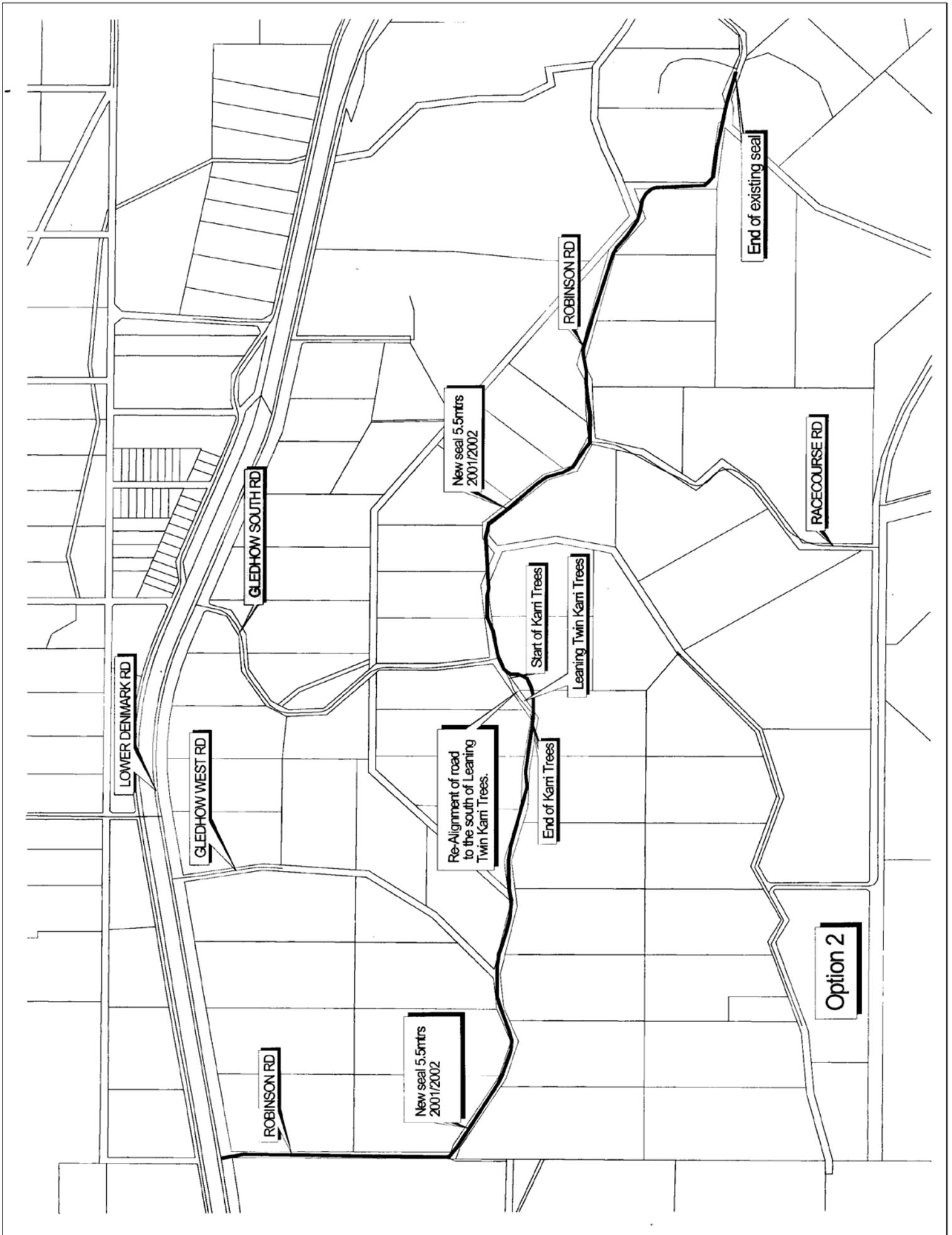
- If feasible, do not lower the grade significantly.
- Further widening of the road within the subject area is not recommended as this would encroach further into the protection zone.
- Instruct machinery operators to respect the protection zone and that the accidental scraping of trees, causing bark loss is not acceptable (a far too common sight).
- Consider using a penalty system where operators have scraped or damaged trees - this is usually effective.



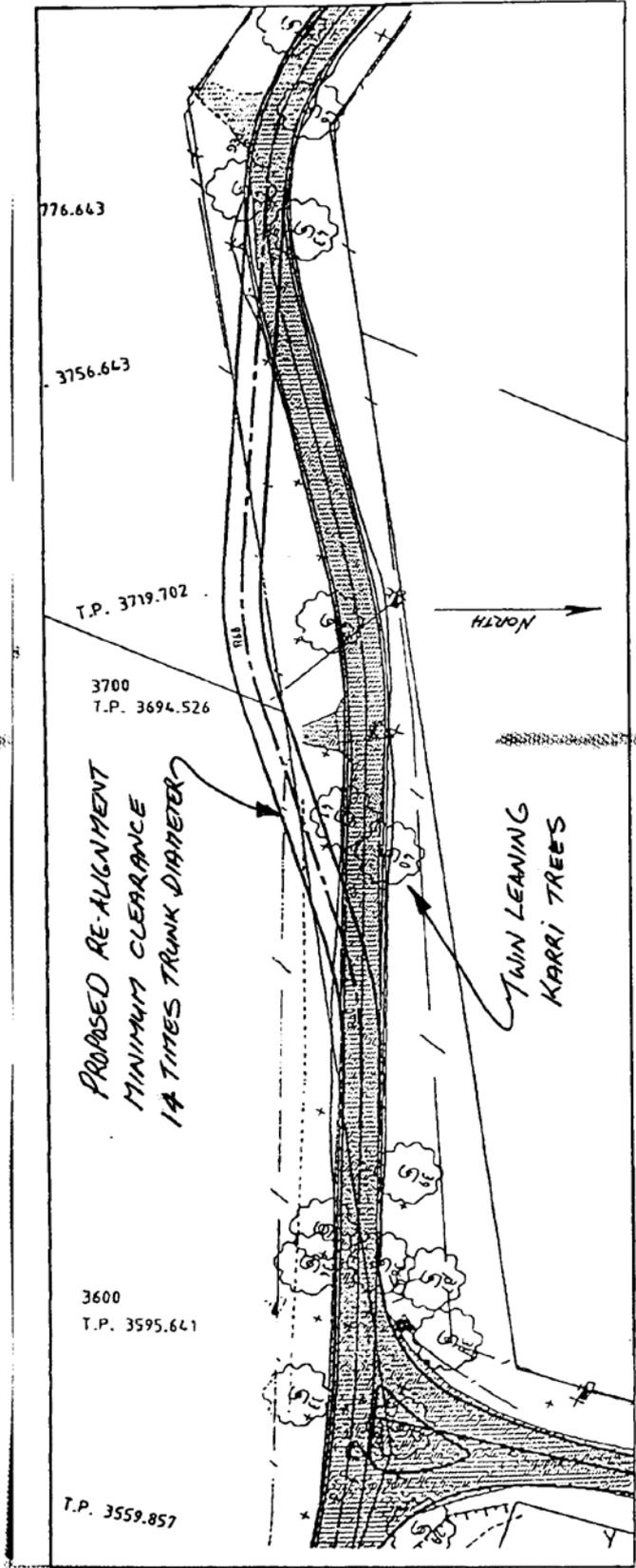
WORKS & SERVICES REPORTS



Item 13.2.3 continued

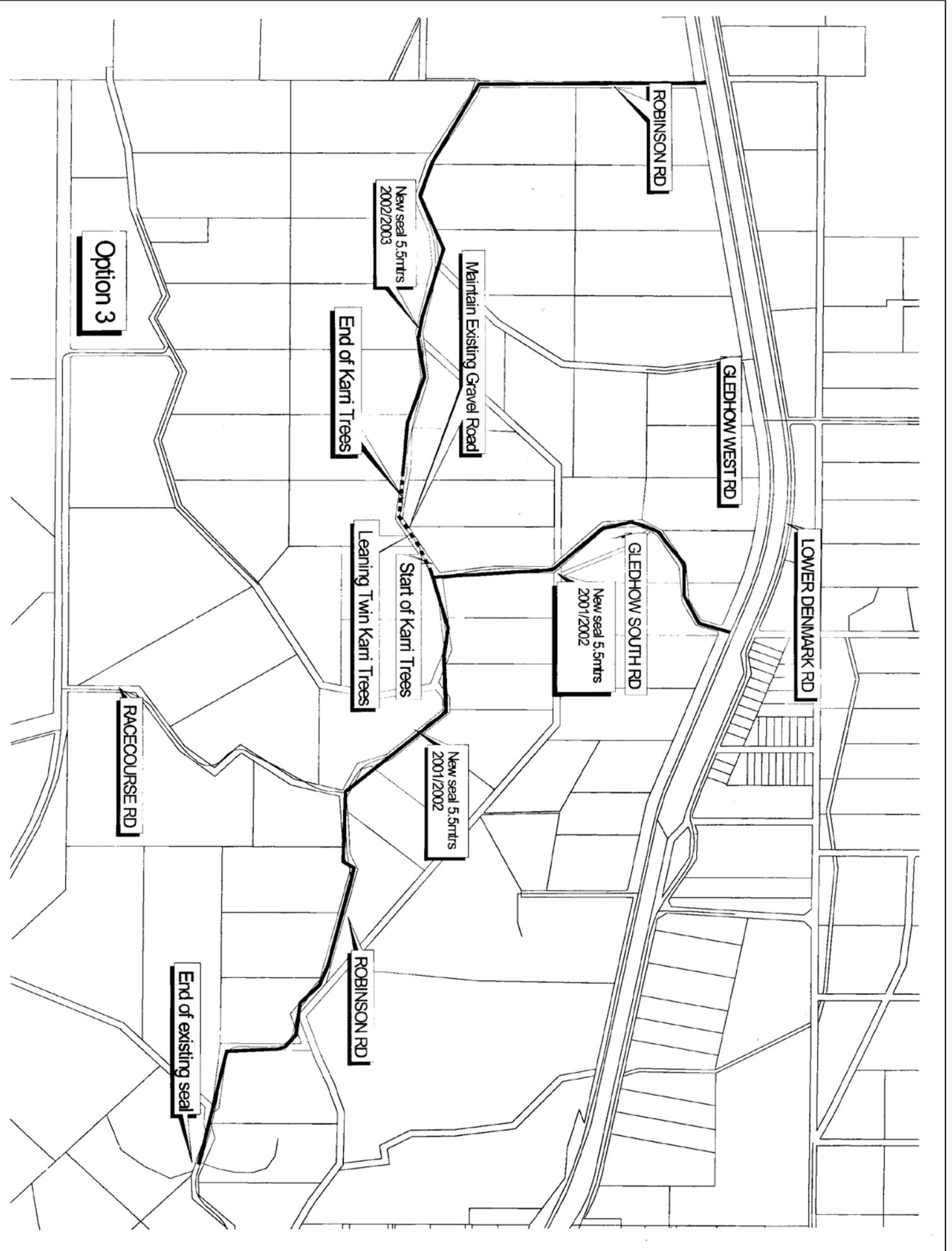


Item 13.2.3 continued



OPTION 2 - DETAIL.

Item 13.2.3 continued



13.3 WORKS

Nil

WORKS & SERVICES REPORTS

13.4 AIRPORT MANAGEMENT

13.4.1 Waive Airport Landing Tax for Skywest During Christmas Holiday Period

File/Ward	:	A99054 (West Ward)
Proposal/Issue	:	Waiver of Airport Landing Tax for Skywest During Christmas Holiday Period
Subject Land/Locality	:	Harry Riggs – Albany Regional Airport
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Asset and Client Services (P Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		That Council not waive head tax for the subject period.
Locality Plan	:	N/A

BACKGROUND

1. Skywest made a presentation to Council that the Airport Landing Tax be waived during the Christmas Holiday period, at the Council Briefing on 22nd August 2000.
2. In correspondence received on 26th July 2001, Skywest requested that the \$34.00 landing fee (landing and departure) for the Regular Passenger Transport (RPT) be waived between 25th December 2001 to 2nd February 2002 for promotional fares.
3. At the Airport Advisory Committee meeting held on 24th August 2001 it was recommended that the request from Skywest be deferred until the completion of the Airport Masterplan. The Airport Masterplan is now close to finalization, and once finalised income and expenditure forecasts will be available and details of future infrastructure needs.
4. Skywest Airlines are planning to undertake a major advertising campaign to encourage additional visitors into Albany using the airport during Skywest's low demand period between 25th December 2001 and February 2002.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Items 13.4.1 continued.

POLICY IMPLICATIONS

6. The City of Albany currently does not have any adopted policies relating to the airport, however, the stimulation of additional passengers using the airport assists the region's economy, and may enhance regular passenger transport services.

STATUTORY REQUIREMENTS

7. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that services and facilities that it provides are managed efficiently and effectively.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. The demise of Ansett Australia in September 2001 has effected the project income for the Airport. The appointed administrators for Ansett Australia have yet to finalise creditor returns.
10. Without a detailed analysis from Skywest on the promotion, it is not possible to project what, if any, loss of revenue would occur due to the waiving of passenger landing fees on promotional airfare packages, but an estimation would be in order of \$60,000.

STRATEGIC IMPLICATIONS

11. In the City of Albany's 2020 Charting Our Course, the following Ports of Call are identified:

Port of Call

Economic Development - Attraction and development of a broad range of social, cultural and economic entities:

Objective:

- To identify and facilitate outstanding economic development opportunities for the City of Albany.

Port of Call

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.
- Maintain Albany Regional Airport services and infrastructure standard to accommodate economic growth.

COMMENT/DISCUSSION

12. Passenger landing fees are a major source of funding for capital and maintenance works.

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

13. Skywest have indicated in their letter and in the August 2001 presentation that, traditionally, Christmas to mid February is a period of low demand for Skywest Airlines. To minimise their loss of income and to avoid the reduction of service frequency during this period, Skywest are planning to promote their reduced airfares to Albany and other regional destinations.
14. If Council waives the passenger landing fees on the promotional airfares, Skywest will be able to maintain a comprehensive schedule during this period, however, without the promotion, Skywest have stated that they would operate less services per week during the Christmas to mid February period.
15. Skywest have not demonstrated what the impact of including passenger landing fees will have on the marketing promotion.
16. To waive the passenger landing fees will ensure a comprehensive service is maintained between Christmas and mid February. There may be some reduction in revenue to the City of Albany.
17. Skywest have indicated that the promotional airfares would not be available to Albany if the passenger landing fees were only partially reduced.
18. To reduce all passenger landing fees by 50% is considered a significant risk for the City of Albany. To break even, the promotion would require Skywest's aim to generate an extra 1000 passengers during this period.
19. As Skywest have indicated, the frequency of passenger services will be reduced if the passenger landing fees are not reduced.

RECOMMENDATION

THAT:

- i) Skywest's request to waiver Head Tax during the period from 25th December 2001 to 2nd February 2002 not be accepted at this stage; and
- ii) A letter be sent to Skywest commending them on their proposal, and request them to provide further clarification as to their proposed management of their submission.

Voting Requirement Simple Majority

RECOMMENDATION

THAT:

- i) **Skywest's request to waiver Head Tax during the period from 25th December 2001 to 2nd February 2002 not be accepted at this stage; and**
- ii) **A letter be sent to Skywest commending them on their proposal, and request them to provide further clarification as to their proposed management of their submission.**

MOTION CARRIED 15-0

WORKS & SERVICES REPORTS

Item 13.4.1 continued.



SKYWEST

Perth Domestic Airport
Western Australia 6105
PO Box 176
Cloverdale 6985
Australia
www.skywest.com.au

Tel: (08) 9478 9999
Fax: (08) 9478 9928

25th July 2001.

Mr Colin Meeking,
Executive Director,
Works & Services.
City of Albany
PO Box 484,
Albany WA 6330.

CITY OF ALBANY RECEIVED		
26 JUL 2001		
FILE SERIQI	CORBO No. 0111909	OFFICER EDWS
REPLY YN	ACKNOW SENT / /	CNL/BLTN

'Commercial in Confidence'

-Dear Colin

Skywest Summer Sale Promotional Fare 25th Dec 2001/ 2nd Feb 2002.

As you are aware The City of Albany and Skywest have over the past two years entered into a partnership over the Christmas / New Year period to stimulate additional passenger traffic into Albany and the surrounding region.

The City of Albany has, in the past, agreed to waiver the head tax attributable to a heavily discounted promotional fare for the period. In return Skywest has run a strong media campaign based on fares well below the norm. The previous campaigns have seen an increase in passenger traffic over and above the passengers availing themselves of the heavily discounted fare.

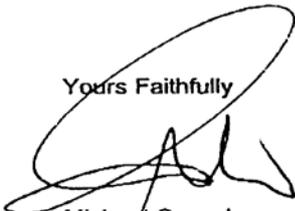
Skywest is keen to embark down that road again and requests that City of Albany join us in this dual promotion by the waiver of head tax on the special fare for the period.

The period in question is notorious in the aviation industry for a down- turn in passenger traffic, giving Skywest two options; either decrease flying or maintain schedules by increasing passenger numbers with the lure of heavily discounted fares. The latter is our preferred option.

Through the success of this joint promotion Skywest can maintain its regular services into Albany and hopefully, as before increase the overall passenger numbers from that achieved last year.

Please advise at your earliest as if you are in agreement we may do some initial advertising as early as September. Would it be possible to speak with you either by phone or in person in the next few days to discuss the finer points of the campaign?

Yours Faithfully



Michael Crawshaw
Manager
Sales & Marketing

13.5 RESERVES PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.6 WORKS AND SERVICES COMMITTEES

13.6.1 Albany Airport Advisory Committee Minutes of 9th October 2001

File/Ward	:	MAN007 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Works and Services (B Joynes)
Summary Recommendation	:	That the minutes of the Albany Airport Advisory Committee held on 9 th October 2001 be adopted.

Confirmation of the minutes of the Albany Airport Advisory Committee of 9th October 2001

Recommendation

THAT the minutes of the Albany Airport Advisory Committee held on the 9th October 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Albany Airport Advisory Committee held on the 9th October 2001 be received.

MOTION CARRIED 15-0

WORKS & SERVICES REPORTS

13.6.2 Albany Airport Emergency Committee Minutes of 20th September 2001

- File/Ward** : MAN007 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Executive Director Works and Services (B Joynes)
- Summary Recommendation** : That the minutes of the Albany Airport Emergency Committee held on 20th September 2001 be adopted.

Confirmation of the minutes of the Albany Airport Emergency Committee of 20th September 2001

Recommendation

THAT the minutes of the Albany Airport Emergency Committee held on the 20th September 2001 be received (copy of minutes in the Elected Members’ Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Albany Airport Emergency Committee held on the 20th September 2001 be received.

MOTION CARRIED 15-0

WORKS & SERVICES REPORTS

13.6.3 Bushcarers Advisory Committee Minutes of 1st November 2001

File/Ward	:	MAN090 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Works and Services (B Joynes)
Summary Recommendation	:	That the minutes of the Bushcarers Advisory Committee held on 1 st November 2001 be adopted.

Confirmation of the minutes of the Bushcarers Advisory Committee of 1st November 2001

Recommendation

THAT the minutes of the Bushcarers Advisory Committee held on the 1st November 2001 be received (copy of minutes in the Elected Members’ Report/Information Bulletin) and the following recommendations adopted:

3.1 Nominations for Representatives

Recommendation

THAT the following appointments for the Bushcarers Advisory Committee be approved

Jane Davies - Bushcarers Coordinator

Stuart Wheeler - Department of Agriculture

Gwen Sankey - City of Albany Councillor and Chairperson.

Sandra Maciejewski - Bushcare Natural Heritage Trust

Paul Blechyndon - Department of Conservation and Land Management

3.2 Assess Terms of Reference

THAT the following Terms of Reference be adopted.

1. Co-ordinate and prioritise external assistance and resources to community bush care groups within the Albany municipality and promote the implementation of the Environmental Weeds Strategy.
2. Promote increased community involvement in the management of bushland areas in partnership with the City of Albany, Agriculture Western Australia, Department of Conservation and Land Management and other relevant agencies.
3. Investigate and seek funding to implement bush land management and the Environmental Weeds Strategy.
4. Promote an education and awareness-raising program to ensure bush land management activities have the resources to manage bushland.

Voting Requirement Absolute Majority

.....

Item 13.6.3 continued

The Executive Director Works & Services advised that point 5 “*Evaluate recommendation from the Bushcarer’s Group*” had inadvertently been omitted from the Committee minutes.

**MOVED COUNCILLOR BARTON
SECONDED COUNCILLOR EVERY**

THAT the minutes of the Bushcarers Advisory Committee held on the 1st November 2001 be received and the following recommendations adopted:

3.1 Nominations for Representatives

Recommendation

THAT the following appointments for the Bushcarers Advisory Committee be approved

Jane Davies - Bushcarers Coordinator

Stuart Wheeler - Department of Agriculture

Gwen Sankey - City of Albany Councillor and Chairperson.

Sandra Maciejewski - Bushcare Natural Heritage Trust

Paul Blechyndon - Department of Conservation and Land Management

3.2 Assess Terms of Reference

THAT the following Terms of Reference be adopted.

- 1. Co-ordinate and prioritise external assistance and resources to community bush care groups within the Albany municipality and promote the implementation of the Environmental Weeds Strategy.**
- 2. Promote increased community involvement in the management of bushland areas in partnership with the City of Albany, Agriculture Western Australia, Department of Conservation and Land Management and other relevant agencies.**
- 3. Investigate and seek funding to implement bush land management and the Environmental Weeds Strategy.**
- 4. Promote an education and awareness-raising program to ensure bush land management activities have the resources to manage bushland.**
- 5. Evaluate recommendation from the Bushcarer’s Group.**

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

General Management Services

REPORTS

ORDINARY COUNCIL MEETING– 20/11/01
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GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

Nil.

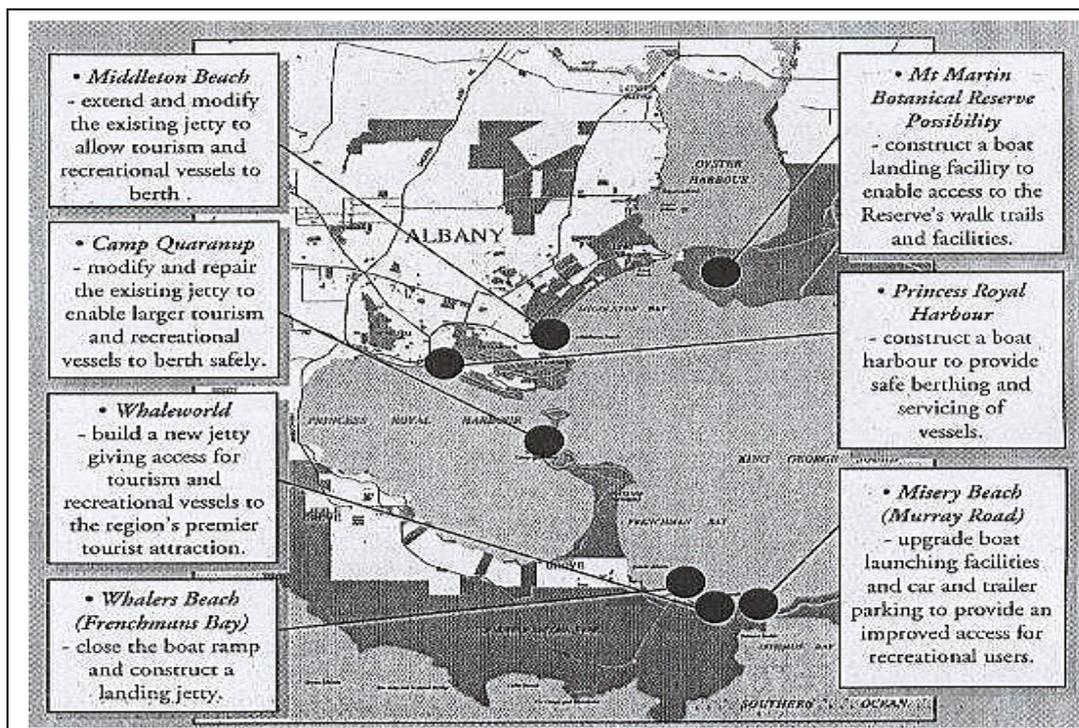
14.3 ECONOMIC DEVELOPMENT

14.3.1 Vancouver Waterways Final Report

File/Ward	:	MAN 100 (All Wards)
Proposal/Issue	:	Vancouver Waterways final report
Subject Land/Locality	:	N/A
Proponent	:	Great Southern Development Commission
Owner	:	N/A
Reporting Officer(s)	:	Economic Development Manager (J.Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A

Summary Recommendation: THAT Council adopts the Vancouver Waterways Final Report ‘in-principle’ and that consideration be given on a case-by-case basis of the financial, environmental and management implications for Council of each of the project’s components.

Locality Plan :



Item 14.3.1 continued

BACKGROUND

1. The Vancouver Waterways Study was commissioned by the Great Southern Development Commission to investigate a range of options for further development and integration of maritime infrastructure and support facilities around Albany. The final report was completed in May 2000 by a consortium of consulting firms including Clifton Coney Stevens; Space Consultants; Wood and Grieve; Ray Bird and Associates; and The Planning Group.
2. The study provides an excellent opportunity for improving and increasing waterways usage, promoting commercial maritime business activity, creating employment, increasing tourism yield and encouraging private sector investment in maritime industries.
3. The Vancouver Waterways can be identified as King George Sound, Oyster Harbour and Princess Royal Harbour. The report identifies seven key sites within these waterways for further development to provide improved integration. These are:-
 - **Whaleworld** – build a new jetty giving access for tourism and recreational vessels to the region's premier tourist attraction
 - **Middleton Beach** – extend and modify the existing jetty to allow tourism and recreational vessels to berth
 - **Camp Quaranup** – modify and repair the existing jetty to enable larger tourism and recreational vessels to berth safely
 - **Princess Royal Harbour** - construct a small boat harbour to provide safe berthing and servicing of vessels
 - **Whalers Beach (*Frenchman Bay*)** – close the boat ramp and construct a landing jetty
 - **Mt Martin Botanical Reserve** - construct a boat landing facility to enable access to the Reserve's walk trails and facilities.
 - **Misery Beach (*Murray Road*)** – upgrade boat launching facilities and car and trailer parking to provide an improved access for recreational users.
4. Little Grove and Breaksea Island were also nominated in the report as good linkage points for an integrated tourism experience however they were not deemed priorities for government funding.
5. By improving and integrating the above sites, the project hopes to deliver effective and efficient marine infrastructure for use by the tourism industry, commercial fishing industry and recreational boating users

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

6. In response to the report, Council established two working groups to further explore the implications of the recommendations at the local level. They were the:-
 - Maritime Recreational Advisory Committee (MRAC) to determine priority marine infrastructure requirements for recreational users and consider maintenance implications for Council (Council representative is Cr Gwen Sankey)

MRAC has recommended the priority projects for recreational users are

- a) Upgrading boat launching and parking facilities at Murray Road (Misery Beach) including water based infrastructure to assist launching and landing of boats. Frenchman Bay (Whalers beach) could then be closed
- b) Development of the jetty at Whaleworld for recreational use
- c) Extension of existing jetty at Ellen Cove (Middleton Beach) for access by recreational users.

A strategic expenditure plan will now be developed by MRAC for consideration by Council. Any future Council funding may also be used to provide leverage against the State Government's Recreational Boating Facilities Fund which is a suitable source of funding for additional works not identified in the Vancouver Waterways report.

- Albany Boat Harbour Reference Group (ABHRG), to investigate the business case for a small boat harbour and associated land based enterprises around the existing town jetty (Council representative is Cr Elizabeth Barton).

Through the auspices of the ABHRG the City of Albany commissioned International Marina Consultants to conduct a demand study into the need for a boat harbour near the town jetty. At its September Ordinary meeting, Council received this report and endorsed a public consultation process, which was open until 31 October 2001, including a public workshop on 23 October 2001. Subject to Council adopting the report's recommendations, State Government funding will be sought to proceed to a master planning stage for the boat harbour including detailed design, technical and cost options accompanied by a thorough community consultation process.

7. Council received a briefing on the VWW project by the GSDC on 10 April 2001 and a personal tour of the sites was provided to the Council elected members of the MRAC and ABHRG committees after the last Council election.

STATUTORY REQUIREMENTS

8. There are no statutory requirements associated with this item

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

POLICY IMPLICATIONS

9. Council has adopted a tourism policy which states:-

Item 9

‘the City of Albany will encourage tourism product development and investment throughout the area and will facilitate the development application process’

Item 11

‘the City of Albany will ensure the welfare of the whole community when supporting tourism development and the provision of facilities’

Item 12

‘when considering tourism developments, the City of Albany will consider the social, cultural, economic and environmental impact of the proposal on the area’.

FINANCIAL IMPLICATIONS

10. There will be financial implications for the City of Albany associated with various elements of the Vancouver Waterways project. The whole-of-life maintenance costs associated with new land and marine based infrastructure development will likely be the responsibility of the City of Albany. For example the first cluster of projects (listed below) will require an ongoing maintenance task:-

- Construction of a jetty at Whaleworld (maintenance agreement likely between Jaycees Inc and City of Albany);
- Construction of a jetty at Whalers Beach (maintenance unresolved)
- Upgrading the car park and boat ramp facilities at Misery Beach and closure of the boat ramp at Whalers Beach (maintenance unresolved)

11. The City of Albany has requested the GSDC to include an estimate of these costs in the Civil Engineering consultancy recently issued.

STRATEGIC IMPLICATIONS

12. Council has adopted the following Port of Call as part of ‘Albany 2020 – Charting Our Course’

“The attraction and development of a broad range of social, cultural and economic entities”

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

13. The Vancouver Waterways project is consistent with the objectives associated with this port of call being economic development and recreational planning. In its first review of Albany 2020, Council also adopted Tourism Development as a specific objective. Council has agreed to lead key tourism industry groups in establishing an integrated approach to visitor servicing, district & area promotion and product development. The agreed approach by Council is to:-

- identify the roles & responsibilities of key industry groups.
- align City operations to complement tourism development.
- lead the development of value adding tourism projects to increase the overall level of visitor nights & visitor spends in Albany.

COMMENT/DISCUSSION

14. The State Government has allocated \$1.35m over four years to the Great Southern Development Commission for the project. This includes \$117,000 (2000-01); \$135,000 (2001-02); \$180,000 (2002-03) and \$920,000 (2003-04) for further planning and infrastructure development of the sites recommended in the report.

15. An implementation Committee has been established by the GSDC and is represented by government and community representatives including City of Albany Councillor Elizabeth Barton and staff member Jon Berry (Economic Development Manager). This committee has met once and will meet again when the environmental and civil engineering consultants have been appointed by GSDC.

16. The first stage of the VWW project is the development of infrastructure in the group of sites in and around Whaleworld known as the “Whaleworld Cluster”. GSDC has sought a civil engineering consultant to undertake survey and geo-technical investigations and preliminary designs to assist a proposed environmental consultant in the preparation of referral documents for submission to the Department of Environmental Protection (DEP) and other relevant agencies for approval. The consultant will be required to examine the following sites:-

Whaleworld

It is proposed to construct a landing jetty at Whaleworld located to the west of the existing Visitor Centre. However, the final location, length and design details of the jetty will depend on the outcomes of further investigations.

A rudimentary jetty existed at the site adjacent to the flensing deck when it operated as a Whaling Station. Another jetty was constructed more recently at the Western end of the Whaleworld Foreshore adjacent to the public carpark. However, both jetties were damaged by storms. There is an existing approval in place for a jetty on the alignment of the western most jetty.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

Whalers Beach

It is proposed to construct a landing jetty with adjacent mooring facilities on Whalers Beach to provide all weather tour boat landing availability. When Whaleworld is inaccessible, the Whalers Beach Jetty would be protected from the easterly winds and visitors could be bussed less than 1km to Whaleworld. The exact location and length of the jetty is yet to be defined as it will depend on the outcomes of the environmental, bathymetric and geotechnical investigations. The current boat landing arrangements at Whalers Beach are in conflict with the landscape and recreational amenity of the area. Also, the turning and parking at Whalers Beach is inadequate for the boat trailers that use the facility. For this reason, it is intended to close the Whalers Beach boat ramp. The consultant will be required to liaise with relevant authorities (including the City of Albany) regarding this issue, undertake any studies required and obtain the approvals for the existing ramp to be closed.

Misery Beach (Murray Road)

The existing vehicle and trailer parking facility at Misery Beach is proposed to be expanded to cater for approximately 60 cars and trailers within the boat ramp reserve and adjoining road reserve. Extensive earthworks will be required to achieve this. The final design of the car park will depend on survey and further investigations.

It is also proposed to upgrade the Misery Beach boat ramp to a double boat ramp with a small boat holding structure. No other water-based works are proposed to be undertaken as part of the VWW project. However, the City’s MRAC committee supports development of a water based structure to provide a protected area in the water for launching and retrieving vessels onto trailers. Funding for this infrastructure would be required from Council and the Recreational Boating Facilities Fund.

Future stages of the VWW report will be progressively implemented by the GSDC through the auspices of the Project Implementation Committee from 2001/02 to 2003/04 when most of the physical infrastructure will be constructed.

RECOMMENDATION

THAT Council supports the principle of developing maritime and land based infrastructure as recommended in the Vancouver Waterways Final Report to promote tourism and encourage recreational use of Albany harbours subject to consideration on a case-by-case basis, the financial; environmental; and management implications for the City of Albany resulting from the development of each of the project’s components.

Voting Requirement Simple Majority

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVERS**

THAT:

- 1. This matter lay on the table until such time as:
 - a. The financial, legal, environmental, planning and management implications for the City of Albany resulting from each of the recommendations in Vancouver Waterways Final Report can be determined and assessed;**
 - b. Approval has been received from relevant government agencies; and**
 - c. Public consultation has been sought on each recommendation****
- 2. The Great Southern development Commission be advised that the calling and awarding of tenders may have been premature prior to the recommendations in the Vancouver Waterways Final Report being endorsed by the City of Albany.**

MOTION LOST 6-9

Reason:

It would be inappropriate for Council to endorse the report (even in principle) without broader community input and consideration of the financial, legal, environmental, planning and management implications for the City of Albany given the magnitude of the project.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR BOJCUN**

THAT Council supports the principle of developing maritime and land based infrastructure as recommended in the Vancouver Waterways Final Report to promote tourism and encourage recreational use of Albany harbours, subject to consideration on a case-by-case basis, the financial; environmental; and management implications for the City of Albany resulting from the development of each of the project's components.

MOTION CARRIED 12-3

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14.3.2 Ratification and Appointment of a New Member to the Albany Economic Development Unit

File/Ward	:	MAN008 (All Wards)
Proposal/Issue	:	One vacancy exists on the Albany Economic Development Unit as a result of the resignation of the Chairman
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Economic Development Manager (J Berry)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation	:	THAT Council appoint Mr Les Bail to the Albany Economic Development Unit for a period of up to two years expiring at the date of the next Ordinary Council election.
Locality Plan	:	N/A

BACKGROUND

1. The Albany Economic Development Unit is established to act as an Advisory Committee to the Albany City Council. It recommends actions and strategies aimed at optimising the City's economic development in an environmentally sustainable manner and responds to economic development issues referred to it by Council. The Unit has no executive power or financial accountability.
2. The primary aims of the Albany Economic Development Unit are to:-
 - Provide leadership
 - Motivate and inspire
 - Create confidence in the community
 - Encourage expansion of existing business
 - Provide incentives for new and expanding business
 - Provide a credible link between the City and key generators of its economy
 - Foster partnerships with other economic development groups such as the Albany Chamber of Commerce and Industry, Albany Port Authority, Great Southern Development Commission and Great Southern Area Consultative Committee.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued

3. The Unit considers new economic development initiatives for the City that are not already being progressed by the City or other Local, State or Federal government agencies. It is primarily an economic development ‘think tank’. Once the Unit has launched initiatives and has gained the consent of Council, responsibility for implementation belongs to the City’s executive team, in particular the Economic Development Manager.

STATUTORY REQUIREMENTS

4. The WA Local Government Act (1995), section 5.10, requires Council endorsement of new membership to its Committees, and that the term can continue to the next ordinary elections day.

POLICY IMPLICATIONS

5. The Economic Development Policy (adopted at the 17/07/01 OCM) outlines corporate governance of the Albany Economic Development Unit and guidelines for its operations.

FINANCIAL IMPLICATIONS

6. There are no financial implications for Council

STRATEGIC IMPLICATIONS

7. ‘Albany 2020 – Charting Our Course’ is the City of Albany’s principal guide for policy and strategic planning. Council has adopted the following Port of Call:-

“The attraction and development of a broad range of social, cultural and economic entities”

The Albany Economic Development is an administrative arrangement to assist Council reach this Port of Call.

COMMENT/DISCUSSION

8. A vacancy exists on the AEDU as a result of the Chairman Mr Bob Mason tendering his resignation due to his appointment as Chief Executive Officer of the Regional Aviation Association of Australia based in Canberra

9. Membership as at 6 November 2001 is:-

Cr Bob Emery (Deputy Chairman)
Mr Andrew Hammond - Ordinary Member

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.2 continued

- Mr Bruce Sutherland – Ordinary Member
- Mr Michael Pemberton – Ordinary Member
- Prof. John Maloney – Ordinary Member
- Mr John Hayden – Ordinary Member
- Mr Len Armstrong – Ordinary Member
- Mr Jon Berry (Executive Officer with no voting rights)

RECOMMENDATION

THAT Council appoint Mr Les Bail to the Albany Economic Development Unit for a period of up to two years expiring at the date of the next Ordinary Council election

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WILLIAMS
 SECONDED COUNCILLOR EVERS**

THAT Council appoint Mr Les Bail to the Albany Economic Development Unit for a period of up to two years expiring at the date of the next Ordinary Council election

**MOTION CARRIED 15-0
 ABSOLUTE MAJORITY**

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 The Maritime Recreational Advisory Committee Minutes of 5th August 2001

File/Ward	:	MAN128 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Chief Executive Officer (A Hammond)
Summary Recommendation	:	That the minutes of the Maritime Recreational Advisory Committee meeting held on 5 th August 2001 be adopted.

Confirmation of the minutes of the Maritime Recreational Advisory Committee of 5th August 2001

Recommendation

THAT the minutes of the Maritime Recreational Advisory Committee held on the 5th August 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....

The Chief Executive Officer advised that this item had been deferred to the next Council Meeting.

14.4.2 The Economic Development Unit Minutes of 5th November 2001

File/Ward : MAN008 (All Wards)

Proposal/Issue : Committee Items for Council Consideration

Reporting Officer : Chief Executive Officer (A Hammond)

Summary Recommendation : That the minutes of the Economic Development Unit held on 5th November 2001 be adopted.

Confirmation of the minutes of the Economic Development Unit of 5th November 2001

Recommendation

THAT the minutes of the Economic Development Unit held on the 5th November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 7.4 and 7.5 be adopted.

Item 7.4 Proposed Farmers Markets

Recommendation:

THAT the City of Albany contribute \$1,000 to the Great Southern Marketing Association to assist with the organisation of a professional workshop on establishing and managing a Farmers' Market in Albany.

Item 7.5 Tasting Australia

Recommendation:

THAT the City of Albany support the concept of conducting an annual regional culinary competition 'Tasting Western Australia' in Albany on a partnership basis with Great Southern TAFE and the Great Southern Marketing Association.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR CECIL**

THAT the minutes of the Economic Development Unit held on the 5th November 2001 be received and the following items 7.4 and 7.5 be adopted.

Item 7.4 Proposed Farmers Markets

Recommendation:

THAT the City of Albany contribute \$1,000 to the Great Southern Marketing Association to assist with the organisation of a professional workshop on establishing and managing a Farmers' Market in Albany.

contd....

ORDINARY COUNCIL MEETING– 20/11/01
REFER DISCLAIMER
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.2 continued

Item 7.5 Tasting Australia

Recommendation:

THAT the City of Albany support the concept of conducting an annual regional culinary competition ‘Tasting Western Australia’ in Albany on a partnership basis with Great Southern TAFE and the Great Southern Marketing Association.

MOTION CARRIED 15-0

14.4.3 The Albany Boat Harbour Reference Group Minutes of 7th November 2001

File/Ward	:	MAN127 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Chief Executive Officer (A Hammond)
Summary Recommendation	:	That the minutes of the Albany Boat Harbour Reference Group held on 7 th November 2001 be adopted.

Confirmation of the minutes of the Albany Boat Harbour Reference Group of 7th November 2001

Recommendation

THAT the minutes of the Albany Boat Harbour Reference Group held on the 7th November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 7.0 and 8.0 be adopted.

Item 7.0 Strategic Direction of Project Recommendation

That the City of Albany supports the establishment of the Albany Boat Harbour in Princess Royal Harbour in line with the recommendations of the Albany Boat Harbour Demand Study Final Report, and seeks financial assistance from State and Commonwealth Government Agencies to:

- a) prepare a detailed master plan for land and marine uses associated with the proposed boat harbour area and the mixed business and marine industrial zone as adopted at the Ordinary Council Meeting of 26/9/2000 (*refer concept map attached*);
- b) prepare detailed boat harbour design options, capital cost estimates and relevant technical and engineering studies for further consideration by Council following consultations with the community and relevant government agencies; and
- c) prepare a concept design plan for Anzac Park, Town Square and the mixed business, parkland and open space zone as adopted at the Ordinary Council Meeting of 26/9/2000; incorporating linkages with the detailed master plan for the mixed business and marine industrial zone.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.4.3 continued.

**Item 8.0 Project Financing Arrangements
Regional Infrastructure Funding Program**

Recommendation:

THAT (subject to Council formally supporting the establishment of a boat harbour), the City of Albany write to the Minister for Planning and Infrastructure indicating there is strong community support for the boat harbour project and requests the Minister to allocate the necessary financial resources to enable detailed master planning and associated technical studies.

Voting Requirement Simple Majority

.....

Councillor Evers wanted it noted that she believed Council would not be, by any means, contributing money to this matter.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Albany Boat Harbour Reference Group held on the 7th November 2001 be received and the following items 7.0 and 8.0 be adopted.

Item 7.0 Strategic Direction of Project

Recommendation

That the City of Albany supports the establishment of the Albany Boat Harbour in Princess Royal Harbour in line with the recommendations of the Albany Boat Harbour Demand Study Final Report, and seeks financial assistance from State and Commonwealth Government Agencies to:

- a) **prepare a detailed master plan for land and marine uses associated with the proposed boat harbour area and the mixed business and marine industrial zone as adopted at the Ordinary Council Meeting of 26/9/2000 (refer concept map attached);**
- b) **prepare detailed boat harbour design options, capital cost estimates and relevant environmental, technical and engineering studies for further consideration by Council following consultations with the community and relevant government agencies; and**
- c) **prepare a concept design plan for Anzac Park, Town Square and the mixed business, parkland and open space zone as adopted at the Ordinary Council Meeting of 26/9/2000; incorporating linkages with the detailed master plan for the mixed business and marine industrial zone.**

contd...

Item 14.4.3 continued.

**Item 8.0 Project Financing Arrangements
Regional Infrastructure Funding Program**

Recommendation:

THAT (subject to Council formally supporting the establishment of a boat harbour), the City of Albany write to the Minister for Planning and Infrastructure indicating there is strong community support for the boat harbour project and requests the Minister to allocate the necessary financial resources to enable detailed master planning and associated technical studies.

MOTION CARRIED 15-0

Reason:

A focus on environmental best practice with the Boat Harbour is essential.

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR EVERS**

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

MOTION CARRIED 15-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

“Fellow Councillors:

During the month since the last Council meeting on the 16th of October, 2001, I have been extremely busy with an enormous volume of civic, corporate and community functions, presentations, receptions, openings and meetings which truly prove what a diverse, exciting and special place we all live in.

Item 17.0 continued

A Civic Reception was held to welcome the No 2 Flight Training School from the RAAF base at Pearce. The school were training in the skies around Albany for 2 weeks – which no doubt you all would have heard. From all reports they thought Albany was fantastic. Not just for great flying conditions, but for the local hospitality, friendly people and beautiful scenery. They vow to return and we will be delighted to see them around town again.

Other receptions were held to welcome delegates attending the Business Enterprise Centres State Conference held over 3 days in late October, the Royal Australian Planning Institute's State Conference held early November and the Australian Scrimshaw & Whale enthusiasts Tour from the USA. These three conferences alone encouraged more than 250 attendees to Albany some of whom brought their families and stayed on for a few days R&R following their conferences. The City of Albany strongly supports the initiative of all those involved in “winning” these types of events which attract visitors to our region.

Item 17.0 continued

Of course on the 26th of October we saw the official opening of the Albany Windfarm at Sandpatch– which really lived up to it's name as the windiest place in WA. Coinciding with this, was the Western Power Games held over the same weekend attracting more than 400 contestants along with their families to Albany. The games were a huge success and my thanks go to Peter Sporton and his team for their assistance in making it such an enjoyable and memorable time for these visitors. As an added bonus, the teams also raised more than \$6,000 from raffles held during the weekend which was presented to the Albany Hospice during a presentation ceremony I attended at the conclusion of the games.

Our town was just about bursting at the seams on this particular weekend in October as Albany was host to the National Servicemen's Reunion. We saw a huge influx men and women who completed their national service training in the armed forces from 1951 to 1972. After a memorial service at ANZAC Park, I addressed the crowd who really let their hair down at a luncheon at Centennial Oval. The weekend was topped off with the Annual Nurses Memorial Service and the popular Desert Mounted Corp Pilgrimage hosted by the RSL.

This time of year I am delighted to be invited to the many graduation and presentation ceremonies for our local schools and colleges. During the last month I attended assemblies and awards nights for St Josephs College and Albany Residential College. Coming up soon there will be the Albany Senior High School and North Albany Senior High School Graduations, and the Mt Lockyer, Little Grove and Albany Primary School end of year assemblies. As a side note, this will be Albany Primary School's final assembly at the present site and I am sure it will be an emotional time for staff and students past and present.

I attended a few other significant openings during the month. For the benefit of our diverse community we saw the opening of the new Aged Care Units at Banksia Gardens, the Dare to Try Day for the Over 50's at ALAC and the new Activ Foundation independent accommodation units in Serpentine Road. It was also the opening of the Princess Royal Sailing Club's Summer Season and the official opening of the new Berth 6 for the Albany Port Authority. All of these events show that our community is well balanced and growing stronger.

The first weekend in November was very spiritual and inspiring time. It started with a reception to welcome the new Catholic Bishop of Bunbury on his first visit to the Albany parishes which fall under his care. On Saturday the 3rd of November I was again delighted to be involved in the Mayor's Prayer Breakfast hosted by the Albany Committee of the Christian Businessmen's Association. The guest speaker this year was Graham Mabury and I must admit that I have never heard a speaker who has inspired me more than Graham did that morning. The last event for the weekend was the opening of the McGonnell Park Memorial Gazebo. This gazebo has been co-ordinated by the McGonnell family and the City of Albany with assistance from many local clubs, businesses and individuals. It is dedicated to those who have been lost without trace and it is a place where family and friends can gather in remembrance and love as they do not have the comfort of a grave to visit. I commend the McGonnell family for persuing this project to it's final completion.

Item 17.0 continued

I was thrilled to make a quick trip to Perth to attend the Local Government Association Best Practice Awards Night on Friday the 9th of November. Thrilled because the trip was made all the more worthwhile when the City of Albany picked up three awards. Two awards in the Effective Communication sector – one for the Albany 2020 – Charting our Course strategic plan document and the other for the Antarctic Connection document. Our other award came in the Innovation sector again for Albany 2020 - Charting our Course. I am proud that the hard work put in by the management, staff and Councillors of the City of Albany guided by the very capable hand of the CEO Andrew Hammond, along with the input from the local community has been recognised. It was particularly rewarding to see that comparatively few rural and regional councils received awards, which goes to prove that our performance is right up there with our metropolitan counterparts.

On the 10th of November, 2001 I was privileged to be the MC at the inaugural Reconciliation Ball held at the Albany Sports Centre. It was a delightful evening full of fun, fashion and entertainment. I sincerely thank the organising committee and Rainbow Coast Family Services for staging this memorable evening with enormous support from government agencies and the local community alike.

Lastly, and on a more serious note, it is with sincere sadness that we learnt of the death of one of the foremost citizens of Albany – Benno Lange. Benno served the community diligently with an illustrious career spanning 27 years in local government firstly with the Albany Road Board and subsequently the Shire of Albany. He served as President of the Shire from 1961 to 1975 and was a quiet, proud achiever. He was an Honorary Freeman of the City and was a recipient of the Order of Australia medal. A true gentleman left us on the 17th of October, 2001.

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR BARTON**

That the Mayor's Report be received.

MOTION CARRIED 15-0

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

Item 18.1 Joint Retail Trading Hours

Councillor Wellington declared an interest in this matter. Councillor Wellington's nature of interest is that he is involved in the retail trading industry. The extent of Councillor Wellington's interest is that he derives income as proprietor of Leading Edge Hi Fi.

Councillor Sankey declared an interest in this matter. Councillor Sankey's nature of interest is that her daughter is involved in the retail trading industry. The extent of Councillor Sankey's interest is that her daughter derives income from Woolworths supermarket.

Item 18.1 continued

Councillor Barton declared an interest in this matter. Councillor Barton's nature of interest is that she is involved in the retail trading industry. The extent of Councillor Barton's interest is that she derives income as an employee of Coles Supermarket.

The Chief Executive Officer explained the nature and extent of the interest of Councillors Wellington, Sankey and Barton.

Councillors Wellington, Barton and Sankey left the Chamber at 9.37pm.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WALKER**

THAT Councillors Wellington, Barton and Sankey seek leave of Council to participate in the debate.

MOTION CARRIED 12-0

Councillors Wellington, Barton and Sankey returned to the Chamber at 9.38pm.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR BARTON**

THAT a late Item be considered as urgent business.

MOTION CARRIED 10-5

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR SANKEY**

THAT Council be prepared to amend Item 12.7.3 of Council Minutes of 16th October 2001.

**MOTION CARRIED 9-6
ABSOLUTE MAJORITY**

Item 18.1 continued

Extract of Ordinary Council Meeting – 16/10/01.

Item 12.7.3 Joint Retail Trading Hours Committee Minutes of 26th September 2001

*“MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILSON*

THAT the dates for the Christmas/New Year period are as follows:

- i) *Friday 21st December 2001 Normal Trading*
Saturday 22nd December 2001 Normal Trading
Sunday 23rd December 2001 Trading 10am-5pm
Monday 24th December 2001 Normal Trading
*Tuesday 25th December 2001 Closed for Public Holiday-
Christmas Day*
Wednesday 26th December 2001 Trading 10am-5pm
Thursday 27th December 2001 Normal Trading
Friday 28th December 2001 Normal Trading
Saturday 29th December 2001 Normal Trading
Sunday 30th December 2001 Trading 10am-5pm
Monday 31st December 2001 Normal Trading
*Tuesday 1st January 2002 Closed for Public Holiday –
New Years Day*
Wednesday 2nd January 2002 Normal Trading
- ii) *Further that Sunday Trading between 10.00am and 5.00pm be
allowed for the dates of 6th January 2002, 13th January 2002,
20th January 2002, 27th January 2002, 3rd February 2002 and
that trading be allowed for Australia Day 26th January 2002
between 10.00am and 5.00pm*

MOTION CARRIED 8-7

Reason:

*Albany relies significantly on the Tourism industry and seven day trading is a
prerequisite to effectively servicing visitors needs.”*

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVANS**

**THAT Minute No. 12.7.3 of the Council Meeting of the 16th October 2001 be
amended to delete the approval to open Boxing Day and to additionally approve
of opening on Sunday the 16th December 2001.**

All other approvals remain as stated.

**MOTION CARRIED 8-7
ABSOLUTE MAJORITY**

19.0 CLOSED DOORS

19.1 Minutes of the Chief Executive Officer Appraisal Committee held on 19th October 2001.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR DEMARTEAU**

That Council sit behind closed doors in order to consider a matter affecting an employee [Reference: Local Government Act 1995, Part 5.23, Paragraph (2)(a)].

MOTION CARRIED 15-0

The Chamber was vacated at 10.10pm.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT Open Doors be resumed.

MOTION CARRIED 15-0

Open Doors were resumed at 10.14pm.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WALKER**

THAT:

- 1. the summary of CEO's Performance Appraisal be endorsed; and**
- 2. the term of the Chief Executive Officer's employment contract be extended by two (2) years and the salary component of the contract be adjusted in line with CPI movement over the period of review.**

MOTION CARRIED 15-0

20.0 NEXT ORDINARY MEETING DATE

Tuesday 18th December 2001, 7.30pm

21.0 CLOSURE OF MEETING

10.15pm.

Confirmed as a true and accurate record of proceedings.

**A Goode JP
Mayor**

APPENDIX A

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST
MINUTES OF THE ORDINARY COUNCIL MEETING – 20th November 2001**

Name	Item	Nature of Interest
Councillor Demarteau	12.1.2 – Annual Report – Acceptance by Local Authority	Financial interest – Councillor Demarteau’s wife works for Mr Russell Harrison of Lincoln’s Chartered Accountants, who is the City’s Auditor.
Councillor Demarteau	12.7.3 – Audit Committee Minutes of 6 th November 2001	Financial interest – Councillor Demarteau’s wife works for Mr Russell Harrison of Lincoln’s Chartered Accountants, who is the City’s Auditor

APPENDIX B

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING – 20th November 2001**

Name	Item	Nature of Interest
Councillor Sankey	18.1 - Retail Trading Hours	Councillor Sankey’s daughter is involved in the retail trading industry.
Councillor Wellington	18.1 - Retail Trading Hours	Councillor Wellington is involved in the retail trading industry.
Councillor Barton	18.1 – Retail Trading Hours	Councillor Barton is involved in the retail trading industry

APPENDIX C

**CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)
DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING – 20th November 2001**

Name	Item	Nature of Interest
		Nil.