



# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on**

**Tuesday, 21<sup>st</sup> October 2003**

**7.30pm**

**City of Albany - Mercer Road Office**

## City of Albany

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Signed \_\_\_\_\_

Date: 24<sup>th</sup> October 2003

***Andrew Hammond***  
Chief Executive Officer

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## 1.0 DECLARATION OF OPENING

Deputy Mayor, Milton Evans opened the meeting at 7.36pm and extended a welcome to all present.

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

Deputy Mayor	-	MJ Evans, JP
Councillors	-	SM Bojcun
	-	AHM Demarteau
	-	DJ Wolfe
	-	DW Wellington
	-	G Sankey (until 10.10pm)
	-	JD Williams
	-	RH Emery
	-	R Paver
	-	J Waterman
	-	P Lionetti

Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	B Joynes
Executive Director Development Services	-	R Fenn
Minute Secretary	-	S Day
Approximately 60 members of the public		
2 media representatives		

### Apologies / Leave of Absence:

Mayor	-	A Goode, JP
Councillors	-	E Barton
	-	I West

## 3.0 OPENING PRAYER

Councillor Wolfe 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

### **\*T Harrison – 6<sup>th</sup> October 2003**

*“I refer to your recent enquiries to Council and our subsequent telephone conversation regarding your concerns over Council’s methodologies/procedures when roadside clearing,*

*Council is endeavouring to work with organisations and individuals to present a sound procedure for roadside vegetation maintenance. To date, we have revised some of our methodologies, however, as you have highlighted, not all have been effective.*

*Your comments about the “brutal lopping” of limbs have some justification. Council does, however, only have limited resources with which to carry out these works, while at the same time having a large area to maintain. The use of the Woodanilling saw is effective for tree lopping, but is at the same time deficient when undertaking the entire removal of some trees, and not appropriate and costly when working in areas of weed eradication.*

*Council is always looking for new and improved ways to carry out work such as this, and input from the public is welcomed. As has already been offered verbally, when road verge maintenance is next carried out, we will invite you to inspect the operation with us and provide comments.”*

## **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.

### **\* J. Rowe**

Mr Rowe addressed Council in relation to his statement recorded in the OCM minutes of the 15<sup>th</sup> July 2003. Mr Rowe was miss quoted and would like to correct his statement with the following:-

*“If and when this extra land is approved we would work on a ground plan and quotes to submit to Council for any assistance they can give us.”*

Executive Director Corporate & Community Services advised Mr Rowe that the minutes could not be amended as they had been adopted prior to the error being identified and that the correction would be noted in open forum.

### **\* T. Stanton**

Mr Stanton addressed Council in regard to the public consultation period, funding and sport organisation regarding the ALAC re-development and commented that Albany needs a venue where people could enjoy a recreation facility without joining a club.

**\* B. Simms**

Mr Simms addressed Council in regard to Item 14.1.1 and spoke on behalf of a group of Afghan Hazara residents. Mr Simms has started a petition within Albany to assist with the Afghan Hazara Refugees obtaining permanent residency visas. He urged Council to assist by sending a letter of support to the Minister for Immigration.

**\* R. Alizadah**

Mr Alizadah spoke on behalf of the Albany Afghan Hazara community and thanked the Council for this opportunity. Mr Alizadah described the living conditions between Albany and Afghanistan and asked Council to support their permanent residency visa case.

**\*P. Romeo**

Mr Romeo addressed Council in regard to item 14.1.1. He believes the Afghan Hazara community have impacted positively on Albany and are a great asset. Fletchers International have employed most of the Afghan Hazara community and they assisted with the growth of Fletchers International.

**\*D. Simmons**

Mr Simmons addressed Council in regard to item 14.1.1 advising he has been involved the Albany Afghan Hazara group and stated that the community needs the City of Albany to help voice their concerns.

Open forum was extended. 11-0 by show of hands.

**\*F. Crugnale**

Mr Crugnale addressed Council in regard to item 11.1.1 and explained his situation regarding the retaining wall between his land and his neighbour. He advised he believed the wall to be unsafe and should be removed.

**\*S. Bennett-Ng**

Ms Bennett-Ng addressed Council in regard to item 14.1.1 and stressed the urgency of assistance from the Council.

**\*M. Jamieson**

Mrs Jamieson thanked the Council for allowing to speak in regard to the Afghan Azara and advised that they had assisted the refugees in regard to teaching them English as they were not permitted within the Australian Education Department. She also believes that if the Afghan Azara were sent back, it would not be safe and urged Council to help support their permanent residency application.

**\*G. Van-Kooten**

Mr Van-Kooten addressed Council in regard to the ALAC re-development project. He participated in the study tour and believed it was a great success. All outcomes of this tour were considered, however, only one plan was presented to Council. He is seeking further consultation with Councillors and interested parties.

**\*I. Milne**

Mr Milne addressed Council in regard to item 11.1.5 and urged Council not to approve the building permit. If a shed is built in the proposed location, this would affect the privacy of his property.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES**

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

AMENDED DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 16<sup>th</sup> September 2003;

as previously distributed be confirmed as a true and accurate record of proceedings subject to the following amendments:-

**Item 3.0 Opening Prayer**

The minutes to reflect that Councillor Demarteau read the opening prayer.

**Item 11.1.2 Lot 410 applies, not Lot 401.**

- “i) *THAT the applicant be advised that Council would be prepared to consider a request to construct a dwelling in the “Special Design Area” declared upon Lot 410 Shoal Bay Retreat, Big Grove provided;*
- a) *the dwelling is constructed in the position shown as “proposed development area” in the plan supplied by the applicant;*
  - b) *the dwelling is of single storey construction and it’s floor level is no higher than the existing ground level on the building site; and*
  - c) *all other provisions of clause 6.5 of Special Rural Area 8 in the City of Albany Town Planning Scheme No 3 are complied with and particularly those relating to minimising visual impact;.....”*

**Item 12.2.3 Amending Voting arrangements for Council Meetings.**

The following motion was:

*“MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR PAVER*

*THAT Council agree to amend the Standing Orders Local Law to reflect a requirement to detail all Elected Members voting decisions.*

*MOTION LOST 5-7”*

and not

*“THAT Council continue with the current process of recording the voting details of Council Meetings;*

*MOTION LOST 5-7”*

as currently recorded.

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WILLIAMS**

**THAT the following minutes:**

- **Ordinary Council meeting held on 16<sup>th</sup> September 2003;**

**as previously distributed be confirmed as a true and accurate record of proceedings subject to the following amendments:-**

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SECONDED COUNCILLOR PAVER**

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**MOTION LOST 5-7”**

**and not**

**“THAT Council continue with the current process of recording the voting details of Council Meetings;**

**MOTION LOST 5-7”**

**as currently recorded.**

**MOTION CARRIED 11-0**

**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 Waterman – Item 12.2.2 – Extended Trading Hours within the City of Albany

Councillor Wellington – Item 12.2.2 – Extended Trading Hours within the City of Albany

Councillor Lionetti – Item 12.2.2 – Extended Trading Hours within the City of Albany

Councillor Sankey – Item 12.2.2 – Extended Trading Hours within the City of Albany

Councillor Bojcun – Item 13.2.2 - Contract C03001 – Cleaning Services Biennial (2003/05)

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

Nil.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

# **Development Services**

## **REPORTS**

**DEVELOPMENT SERVICES REPORTS**

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

**11.1 DEVELOPMENT**

**11.1.1 Compliance - Garden Wall – 11 Festing Street, Albany**

<b>File/Ward</b>	: A97453 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Compliance of Garden Wall
<b>Subject Land/Locality</b>	: Location AT67 (11) Festing Street, Albany
<b>Proponent</b>	: N/A
<b>Owner</b>	: M & L Roberts
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Motion tabled for consideration
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. Councillor Paver has requested that an agenda item be prepared dealing with the processes involved in approving the garden wall on the common boundary between 11 and 13 Festing Street and whether the wall has been built in fill.
2. In October 1997, Mr and Mrs Roberts lodged an application with staff at the former Town of Albany for a two metre high wall they proposed to build in their front setback area and along the common property boundary. Consistent with Council operating guidelines, the application was referred to the neighbour for comment and comment was received. The applicants advised that they would “move the garden wall off the boundary” and they commenced construction on the basis that the wall was located on their property.

**STATUTORY REQUIREMENTS**

3. Several levels of legislation apply to developments in the front property setback, on common property boundaries. The issues being raised by Councillor Paver also call into play other approval processes.
4. The “Municipality of Town of Albany By-Laws Relating to Fencing” was gazetted on the 25th January 1985 and was operative when the application was lodged. The By-Law defined a “Dividing Fence” as a *“fence that separates the land of two different owners whether the fence is on the common boundary of adjoining lands or on a line other than a common boundary”*.
5. Section 3.3 of the By-Laws stated that *“a person shall not erect a fence higher than 900 mm on or within six metres of the frontage of an allotment until and unless he has lodged with the Council two copies of the plan and specifications of the proposed fence and the Council has approved a copy of the plan and specifications”*. Section 3.5 also requires *“approval by Council for a fence shall be in the form of a Building Licence”*.
6. Clauses 7.1 and 7.3 of the City of Albany Town Planning Scheme 1A deal with the requirements of landowners to gain a development approval and state;  
  
*“7.1 all development of land zoned and reserved under the Scheme requires the prior approval of the Council. A person shall not commence development or carry out any development without first obtaining the planning scheme consent of Council pursuant to the Scheme. And*  
*7.3(b) without limiting the generality of the expression “development” for the purposes of the scheme the Council’s planning scheme consent is required for the excavation or filling of or other earthworks on land which change the natural contours of the land by more than 600 mm.”*
7. Clause 7.9 (a) of the Scheme further states that the decision shall be conveyed to the applicant in the form of the approval notice set out in Appendix VI (i) of the Scheme.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

9. Council staff issued a building licence for the wall in October 1997 and the owner subsequently built the brick structure.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

11. Councillor Paver wishes to draw to Council's attention the following sequence of events;
- The neighbour drew to the attention of former Town Council staff in May 1997 that fill had been placed upon his property and over the western boundary of 11 Festing Street.
  - The "Comparison of Ground Level" map contained in the Council commissioned Cook Report indicates that Mr Roberts constructed the garden wall and fence on fill and not on the natural ground.
  - The neighbour commissioned an independent survey company (35 Degrees South) to undertake independent soil sampling and a site survey, which indicates that the garden wall and fence are constructed on fill exceeding 600 mm.
  - The landowners did not seek Council's planning scheme consent to raise the ground level along the western boundary by more than 600 mm.
  - The plans indicate that the garden wall and fence are to be constructed on the natural ground.
12. Beneath every land parcel in Albany is a variation in soil types. This is due to the levels of the land changing over time through natural erosion and/or soil being placed on the land. There would also be changes brought about by previous human activities and it is not uncommon for neighbours to disagree over their interpretation of "natural ground level". In most instances, natural ground level is acknowledged as being the level of the land at the time when the current owners take possession. Should a dispute arise over one landowner filling or excavating a neighbour's property, that dispute is usually resolved in the Courts as a civil matter.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

13. Councillors have been independently provided with information from the landowner’s property file to consider as part of their determination of this matter. Councillor Paver’s motion is reproduced below for Council’s determination.

RECOMMENDATION

THAT Council;

- i) instruct the Chief Executive Officer to immediately engage an independent surveyor nominated by the Institute of Surveyors, Australia (WA Division) to verify by survey and soil sampling the findings of 35 Degrees South within 30 days; and
- ii) in the event that the independent soil sampling and survey confirms that the garden wall and fence have not been constructed on the natural ground, serve notice upon Mr and Mrs Roberts under Section 401 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1960 requiring the garden wall and fence to be pulled down.

*Voting Requirement Simple Majority*

.....  
Executive Director Development Services advised the Council that the Officer’s Recommendation had been withdrawn

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council instruct the Chief Executive Officer that no further City resources are to be used to investigate, respond to or resolve the civil dispute which has arisen between the owners of 11 and 13 Festing Street, Albany.**

**MOTION CARRIED 7-4**

Reason:

- The capacity of City staff to undertake inspections and complete work for the benefit of all Albany ratepayers is being compromised by a single civil matter which is now into it’s seventh year of dispute.

**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Development Application Proposed Neighbourhood Centre – Lot 101 & Lot 40 Chester Pass Road, Albany**

- File/Ward** : A164826 (Yakamia Ward)
- Proposal/Issue** : Proposed Neighbourhood Centre
- Subject Land/Locality** : Lot 101 & Lot 40 Chester Pass Road
- Proponent** : Taylor Burrell Barnett
- Owner** : KingOpen Pty Ltd
- Reporting Officer(s)** : Planning Officer (W Carter)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Delegate to the Manager Development Services authority to issue a conditional Planning Scheme Consent approval.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. Council has received an application for a Neighbourhood Centre.
2. The Centre is located in the Catalina Central Structure Plan Area
3. The application deals with stage one of the development. Further stages are to include a bulky goods outlet and aged persons village, in accordance with the adopted structure plan.
4. The application follows on from the adoption of Amendment 220 to Town Planning Scheme 3, which created a “Mixed Business” zoning for the area and an “additional use” where this application is a permissible land use.

**STATUTORY REQUIREMENTS**

5. Amendment 220 of Town Planning Scheme 3 seeks to rezone the subject lots “Mixed Business” with an additional use “Neighbourhood Centre”. This use allows for a neighbourhood centre to a maximum size of 5000m<sup>2</sup> Net Retail Area. That amendment is yet to be gazetted by the Minister.
6. Clause 6.10 of the scheme defines the powers to delegate decisions and states the following:

*“6.10.1 The Council may, either generally or in a particular case or particular class of case of cases, by resolution passed by an absolute majority of Council, delegate to:*

- a) a Committee of the Council; or*
- b) an officer(s) of the Council any power conferred or duly imposed on the Council under the Scheme.*

*6.10.2 Any delegation made under sub-clause 6.10.1 shall have effect for the period of twelve (12) months following the resolution under the Council stipulates a lesser or greater period in the resolution;*

*6.10.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not prevent the Council from exercising the power;”*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**STRATEGIC IMPLICATIONS**

9. The Catalina Central Structure Plan relates directly to the area to be developed and has been approved by Council. All development is to be in accordance with this plan.

**COMMENT/DISCUSSION**

10. Staff have examined the proposal and consider it will be generally consistent with Town Planning Scheme 3, once Amendment 220 is gazetted.
11. Building design, setbacks and materials are generally in accordance with the Catalina Central Structure Plan. The only variation being that the wall facing Catalina Road will have portions of façade exceeding 6 – 10 m with no design variance. Staff are satisfied that this will be acceptable if additional landscaping is provided along the blank portions of wall. This area may be hidden from public view from the road with construction of future stages.
12. Staff believe that conditional approval should be granted, subject to, but not exclusive to, the following conditions:
  - a. The owners of the property giving a statement of undertaking that all non-conforming use rights applying to the existing retail development is to be extinguished within one (1) month of the opening of Woolworth's or other supermarket anchor tenant in the new centre.
  - b. The statement of undertaking is to be accompanied by a bond to the value of \$500,000 which is to be forfeited on default of the agreement.
  - c. The developers to have an ongoing responsibility for the maintenance and care of the landscaping and open space, in accordance with commitments in the Catalina Central Structure Plan.
  - d. All landscaping detailed on the Landscaping Master Plan to be planted prior to occupancy of new centre. Landscaping is to total at least 10% of the gross area of the stage 1 development area.
  - e. The developers of the property making suitable arrangements with the City of Albany Public Arts Committee, to ensure the provision of public art in the development. Arrangements are to be made prior to occupancy of development.
  - f. There being no direct vehicular access to the centre from Chester Pass Road
  - g. All costs incurred from relocation of roads, construction of new roads, relocation of infrastructure and all other associated costs being borne entirely by the developers.
  - h. Pylon signage shall be limited to consolidated signage and no signage shall be permitted on the facade of the building above the roofline. Locations of pylon signs are to be in accordance with the Catalina Central Structure Plan.
  - i. Dual use paths are to be a minimum of 2.5m wide.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

RECOMMENDATION

THAT Council pursuant to clause 6.10 of the City of Albany Town Planning Scheme No.3 delegate to the Manager of Development Services authority to issue a conditional Planning Scheme Consent approval to the application for a “Neighbourhood Shopping Centre” on Lot 101 and Lot 40 Chester Pass Road, following the gazetted of Amendment 220 and the advertising of the adopted Structure Plan.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR EMERY**

**THAT Council Pursuant to clause 6.10 of the City of Albany Town Planning Scheme No. 3 delegate to the Manager Development authority to issue a conditional Planning Scheme Consent for the application for a “Neighbourhood Shopping Centre” on Lot 101 and Lot 40 Chester Pass Road, following the advertising of the adopted Structure Plan “and on the understanding that the indicative conditions stated in point 12 of the Officer’s Report shall be included with the exception of conditions A and B which are to be deleted and replaced with:**

**“as soon as is reasonably practical after the transfer of the primary retail use within the “Farm Fresh building” to the new Neighbourhood Centre, the landowner and the occupier shall provide to Council an executed agreement in accordance with clause 4.4 (b) of Scheme 3 advising of the cessation and discontinuance of any non-conforming uses within the “Farm Fresh building””.**

**MOTION CARRIED 10-1  
ABSOLUTE MAJORITY**

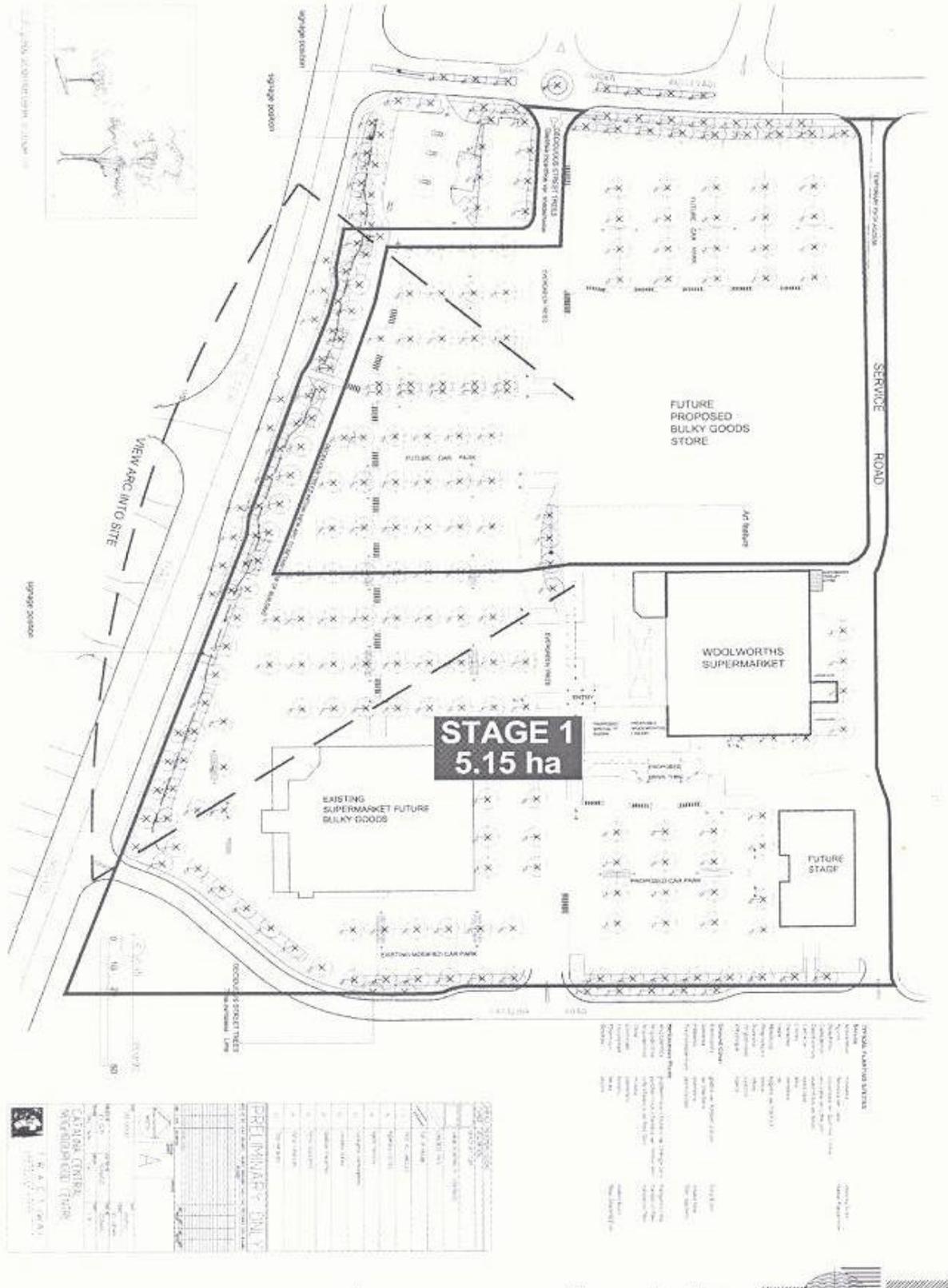
Reason:

- Council could, through the appropriate conditions, reinforce the fact that the retail use of Farm Fresh must cease upon the commencement of the Neighbourhood Centre, and this would be legally enforceable through the Scheme and the Town Planning and Development Act.
- A bond is unnecessary as floor space limitation should be legally enforceable under the Scheme.
- The applicant has undertaken to convert the Farm Fresh building into a bulky goods outlet as part of the current application.



ORDINARY COUNCIL MEETING MINUTES- 21/10/03  
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 DEVELOPMENT SERVICES REPORTS

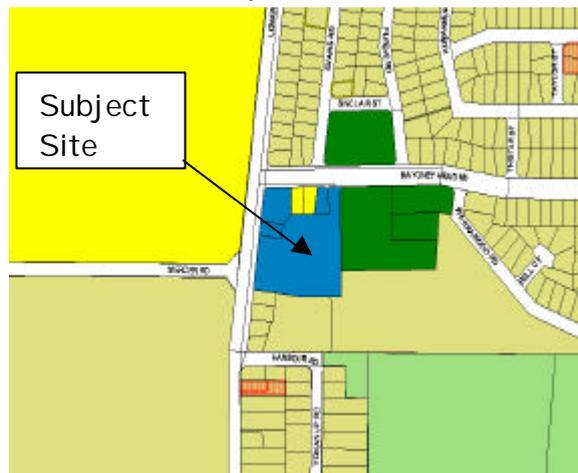
Item 11.1.2 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Development Application Shopping Centre/Restaurant – Fast Food Outlet – Lot 508 Bayonet Head Road, Bayonet Head**

- File/Ward** : A71182 (Yakamia Ward)
- Proposal/Issue** : Request extension to development approval
- Subject Land/Locality** : Lot 508, Location 1196 Bayonet Head Road, Bayonet Head
- Proponent** : Cuscuna Nominees
- Owner** : Sam Cuscuna
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/07/01 Item 11.1.5  
OCM 01/05/01 Item 11.1.9  
OCM 14/04/99 Item 12.1.8  
OCM 27/01/99 Item 12.1.3  
OCM 09/12/98 Item 12.1.4  
OCM 25/09/96 Item P9/19  
OCM 26/10/94 Item P10/9
- Summary Recommendation** : Council delegate to the Manager Development Services authority to approve the proposal.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. By an application for Planning Scheme Consent dated 10<sup>th</sup> September 2003, Cuscuna Nominees are requesting Planning Scheme Consent (P215106) for a shopping centre (3800m<sup>2</sup> Gross Floor Area), restaurant (300m<sup>2</sup>), fast food outlet (200m<sup>2</sup>), car parking facilities, landscaping and drainage areas, on Lot 508 Bayonet Head Road, Bayonet Head.
2. The application is identical to the proposal previously approved at Council's 17<sup>th</sup> July 2001 meeting where it was resolved:
  - "i) *That Council issue a conditional Planning Scheme Consent, valid for a period of 18 months, to Cuscuna Nominees Pty Ltd to develop a shopping centre, restaurant and fast food outlet, in accordance with the submitted plans, upon Lot 508, Location 1196 Bayonet Head Road, Bayonet Head.*
  - ii) *That Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No.3, delegate to the Executive Director Development Services the power to set up and impose appropriate conditions upon the Planning Scheme Consent but acknowledging:*
    - a) *the previous conditions of approval for the site; and*
    - b) *the need to define what constitutes substantial completion (buildings to lock up stage, services connected, site landscaping and carparking in place)*

*(Footnote: Council agrees to meet 50% of the cost of construction of the Lower King/Mercer Road roundabout in the budget year following construction (developer to refund) and the developer is to meet all costs associated with realigning existing drainage flows through the subject land).*
  - iii) *That staff be required, as a matter of high priority, to prepare suitable documentation to amend the City of Albany Town Planning Schemes 1A and 3 to ensure that the objectives, definitions and acceptable land uses for the Local Shopping Zones are compatible within both Schemes and consistent with the Review of the Commercial Strategy (2000) report."*
3. The previous planning approval issued by Council lapsed as development has not been commenced or completed within the allotted period.
4. The roundabout adjacent to the property has been constructed to Council's satisfaction and Cuscuna Nominees have been reimbursed by Council as originally agreed. Drainage flows have also been realigned through the property to Council's satisfaction.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

5. Staff have prepared the necessary documentation to amend the Town Planning Schemes and subsequently Council adopted Amendment number 226 on the 17<sup>th</sup> September 2002 (Item 11.3.1). Amendment 226 includes a modification of the Zoning Table to achieve consistency between Schemes 1A and 3 with respect to the development of shopping centres. The Amendment also identifies the property as a Local Shopping Zone with a maximum Net Lettable Area of 4320 m<sup>2</sup>.

**STATUTORY REQUIREMENTS**

6. Council is required to have regard to the City of Albany Town Planning Scheme No. 3 when considering an application for development on the subject land. The land is zoned “Local Shopping” as defined on the Scheme map, on which the use “Shopping Centre” is ‘P’ (permitted) and the uses “Restaurant and Fast Food Outlet” are not listed.
7. Town Planning Scheme No.3 objective for the “Local Shopping” zone is to “*provide facilities where required. To minimize pedestrian vehicle conflict. To minimise unproductive travel. To ensure even and adequate distribution of retail outlets.*”

**POLICY IMPLICATIONS**

8. Clause 6.10 of the scheme defines the powers to delegate decisions and states the following:

*“6.10.1 The Council may, either generally or in a particular case or particular class of case of cases, by resolution passed by an absolute majority of Council, delegate to:*

- a) a Committee of the Council; or*
- b) an officer(s) of the Council any power conferred or duly imposed on the Council under the Scheme.*

*6.10.2 Any delegation made under sub-clause 6.10.1 shall have effect for the period of twelve (12) months following the resolution under the Council stipulates a lesser or greater period in the resolution;*

*6.10.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not prevent the Council from exercising the power;”*

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

10. There are various policies and strategies that have relevance to this proposal. They include:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

- The “Commercial Strategy for Albany” (1994) consolidates the findings of the Commercial Centres Strategy and provides guidance for long term growth of suburban shopping centres.
  - The “Albany Commercial Strategy Review” (2000) affirms the City of Albany’s commitment to ensuring that the goods and services required on a daily or frequent basis by communities are readily accessible.
11. The draft Albany Commercial Strategy Review (2000) acknowledged in its report (pg48 & pg58) the current approval for retail development at Oyster Harbour (Lot 508), but recommends that its designation as a minor centre (ie approximately 600m<sup>2</sup> in area). The Bayonet Head (Central) site was to remain the preferred location within this locality for a Neighbourhood Centre.
12. Council, in considering public submissions on the document, resolved that the Albany Commercial Strategy Review (2000) to include Lot 508 Lower King Road as a neighbourhood centre (i.e. between 3,500m<sup>2</sup> – 5,000m<sup>2</sup> Net Lettable Area).

**COMMENT/DISCUSSION**

13. Substantial debate has previously occurred in relation to the location and size of this shopping centre, restaurant and fast food outlet. Planning documents have been forwarded to the Minister for gazettal which will reflect Council’s previous decision on this matter. Based on this, conditional approval is recommended to be granted using delegated authority provisions of the Scheme and the previous approval notice as a guide.

**RECOMMENDATION**

THAT Council pursuant to clause 6.10 of the City of Albany Town Planning Scheme 3, delegate to the Manager Development Services the power to grant conditional approval, valid for a period of two years, for the development of a shopping centre, restaurant and fast food outlet on lot 508 Bayonet Head Road, Bayonet Head.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR BOJCUN**

**THAT Council pursuant to clause 6.10 of the City of Albany Town Planning Scheme 3, delegate to the Manager Development Services the power to grant conditional approval, valid for a period of two years, for the development of a shopping centre, restaurant and fast food outlet on lot 508 Bayonet Head Road, Bayonet Head.**

**MOTION CARRIED 11-0  
ABSOLUTE MAJORITY**

**DEVELOPMENT SERVICES REPORTS**

**11.1.4 Development Application – Outbuilding - Lot 96, (9) Morley Place, Middleton Beach**

**File/Ward** : A95530 (Frederickstown Ward)

**Proposal/Issue** : Planning Approval for an Non Permitted (Over Height) Outbuilding

**Subject Land/Locality** : Lot 96, (9) Morley Drive, Middleton Beach

**Proponent** : Mr D Holland

**Owner** : Dr Ian Leggett

**Reporting Officer(s)** : Planning Officer (J Devereux)

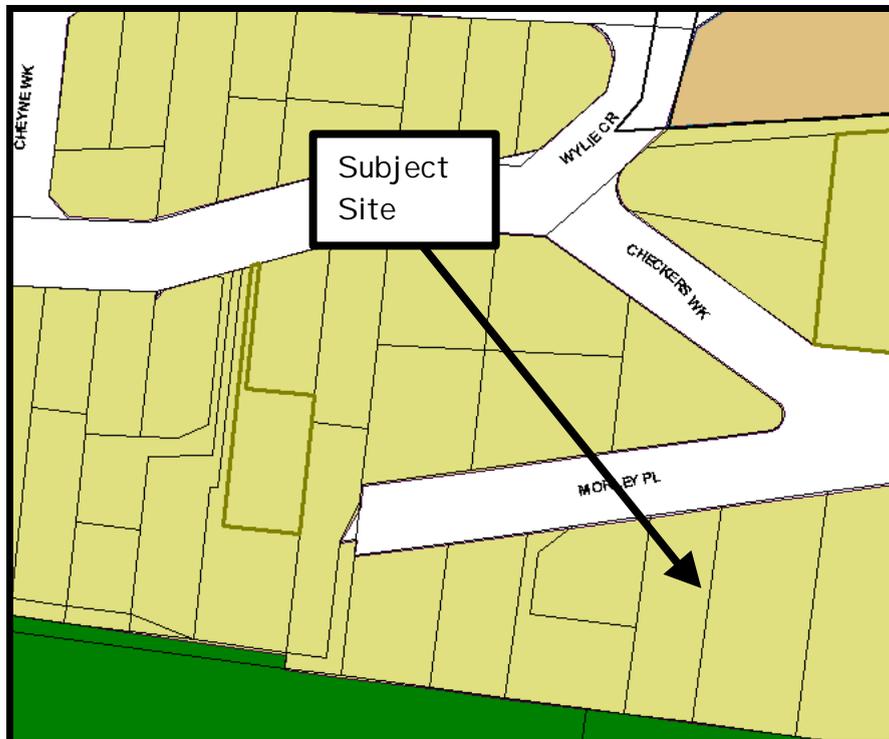
**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation** : Refuse the application

**Bulletin Attachment** : Nil.

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. Council has received an application for Planning Scheme Consent, on 22 August 2003, for the construction of an outbuilding at #9 Morley Place, Middleton Beach.
2. The application is for an 87m<sup>2</sup> outbuilding, with a section being constructed on the boundary. Please refer to Figure 1 that indicates the position of the outbuilding and Figure 2 that indicate the elevation of the proposed outbuilding. As attached at the rear of this item.
3. The site is relatively steep and can only be practically accessed from the rear. There is already an existing outbuilding in the position of the proposed outbuilding. The subject property and surrounding areas are relatively well vegetated.
4. The proposed outbuilding is outside the 'Standard' and 'Non Complying Outbuilding' requirements of Council's Outbuilding Policy for 'Residential' zoned land.
5. The applicant has consulted with the adjoining landowner in regards to the proposed retaining wall and outbuilding being constructed on the boundary. The adjoining landowner has indicated that the proposal was discussed onsite and that she did not have any issues with the proposal.

**STATUTORY REQUIREMENTS**

6. The land is zoned 'Residential' under Town Planning Scheme No. 1A and is subject to the requirements of the 'Residential Design Codes of Western Australia' (R Codes).

**POLICY IMPLICATIONS**

7. The proposal is not in accordance with the 'Standard Requirements' or the requirements for a 'Non Complying Outbuilding' of the Council's Outbuilding Policy. If Council chooses to approve the proposed over height outbuilding it will need to consider the precedent it will set and the impact it may have when administrating the policy in the future.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**COMMENT/DISCUSSION**

10. With an application for planning scheme consent, Council Staff can allow an outbuilding with a wall height of 3m from ground level. The proposal is for a retaining wall being built on the boundary, with the outbuilding wall being directly on the wall, for approximately half its length and then the outbuilding steps in from the boundary.
11. The outbuilding wall does not exceed 3 metres in height but with it being on top of the retaining wall the overall height of the wall exceeds 3.5 metres. Council's outbuilding policy does not delineate between the retaining wall height and the outbuilding height and therefore the height must be calculated on the overall height of the wall above ground level.
12. The proposed retaining wall being constructed on the boundary also does not meet the 'Acceptable Development' standard or the 'Performance Criteria,' of clause 3.6.2, of the R-Codes. The proposed retaining wall would be required to be setback from the boundary as if it were a wall with a major opening. In this circumstance the retaining wall would be required to be setback 3.3m from the boundary, as the wall is approximately 13m long and reaches 2.7m in height. The 'Performance Criteria' states;

*'Retaining walls designed or set back to minimise the impact on adjoining property'*

13. The proposed development would not be readily visible from surrounding areas and would only really affect the immediate adjoining landowner, who has been consulted and has no issues with the proposal.
14. The proposed parapet wall being constructed on the boundary does not meet the 'Acceptable Development' standard, of clause 3.3.2, of the R-Codes. The R-Codes allow parapet walls up to 9m in length, to a maximum wall height of 3m with an average of 2.7m. The proposed wall is under 9m in length but exceeds the 3m wall height and does not average out to 2.7m. The 'Performance Criteria' states: -

*'Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development; and*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.'*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

15. As the parapet wall is only a minor variation from the acceptable standard and due to the nature of the wall it could be seen as meeting the associated 'Performance Criteria'.
16. As the proposal is outside the requirements of the Outbuilding Policy, if Council chooses to approve the application, it must consider the precedent that it will set. Council reviewed its policy on the 27 February 2003.

**RECOMMENDATION**

THAT Council resolves to issue a Notice of Planning Scheme Refusal for the application to an outbuilding at Lot 96, No. 9 Morley Place, Middleton Beach, on the following grounds:

- i) it does not meet the requirement of Council's Outbuilding Policy; and
- ii) does not meet the 'Acceptable Development' standards or 'Performance Criteria,' of clause 3.6.2, of the 'Residential Design Codes of Western Australia' (2002).

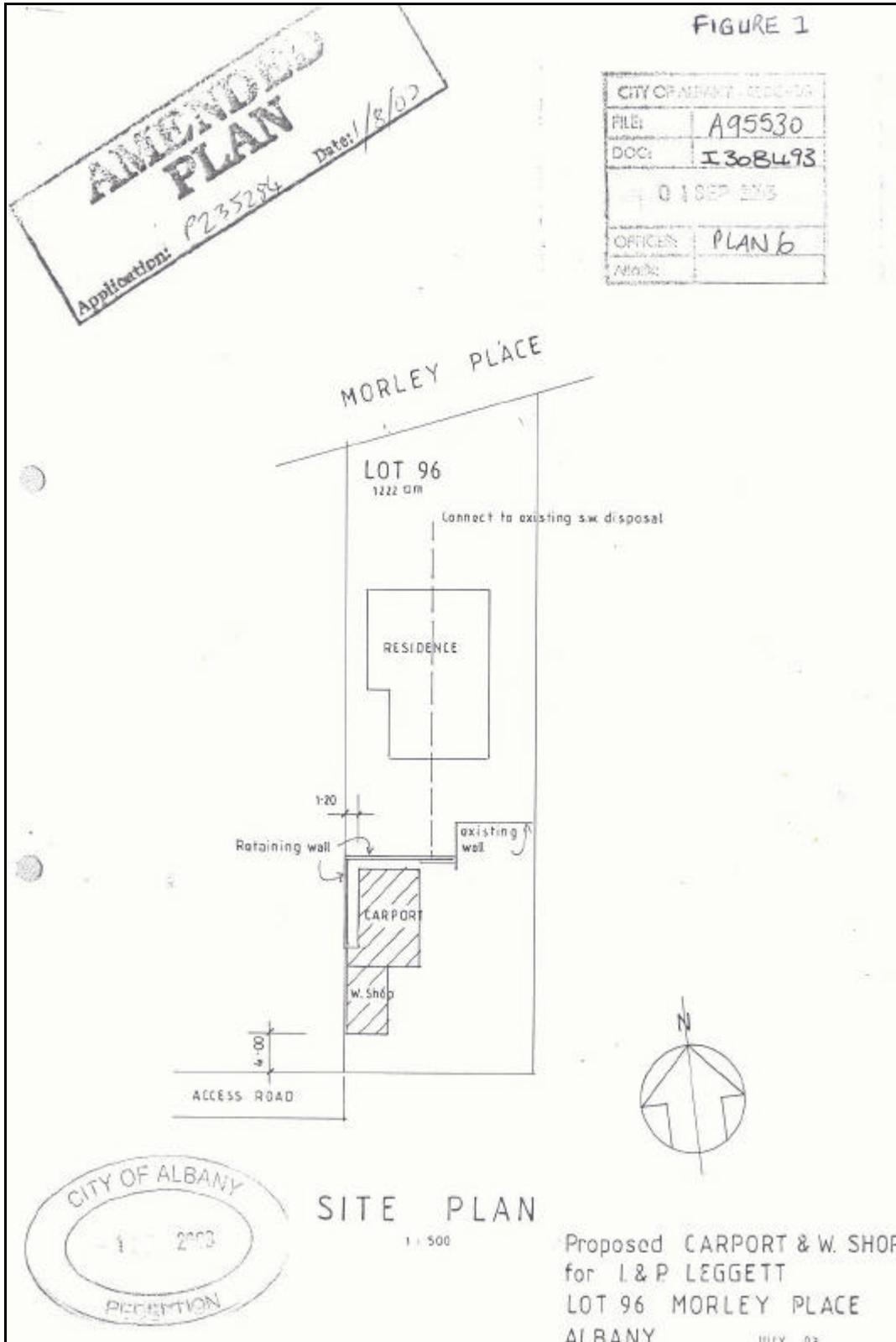
*Voting Requirement Simple Majority*

.....

The Executive Director Development Services advised the Council that a slight alteration to the plans had occurred while on a site inspection, resulting in this proposed Outbuilding being in accordance with the Council's Outbuilding Policy and therefore not being required, to be presented to Council.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

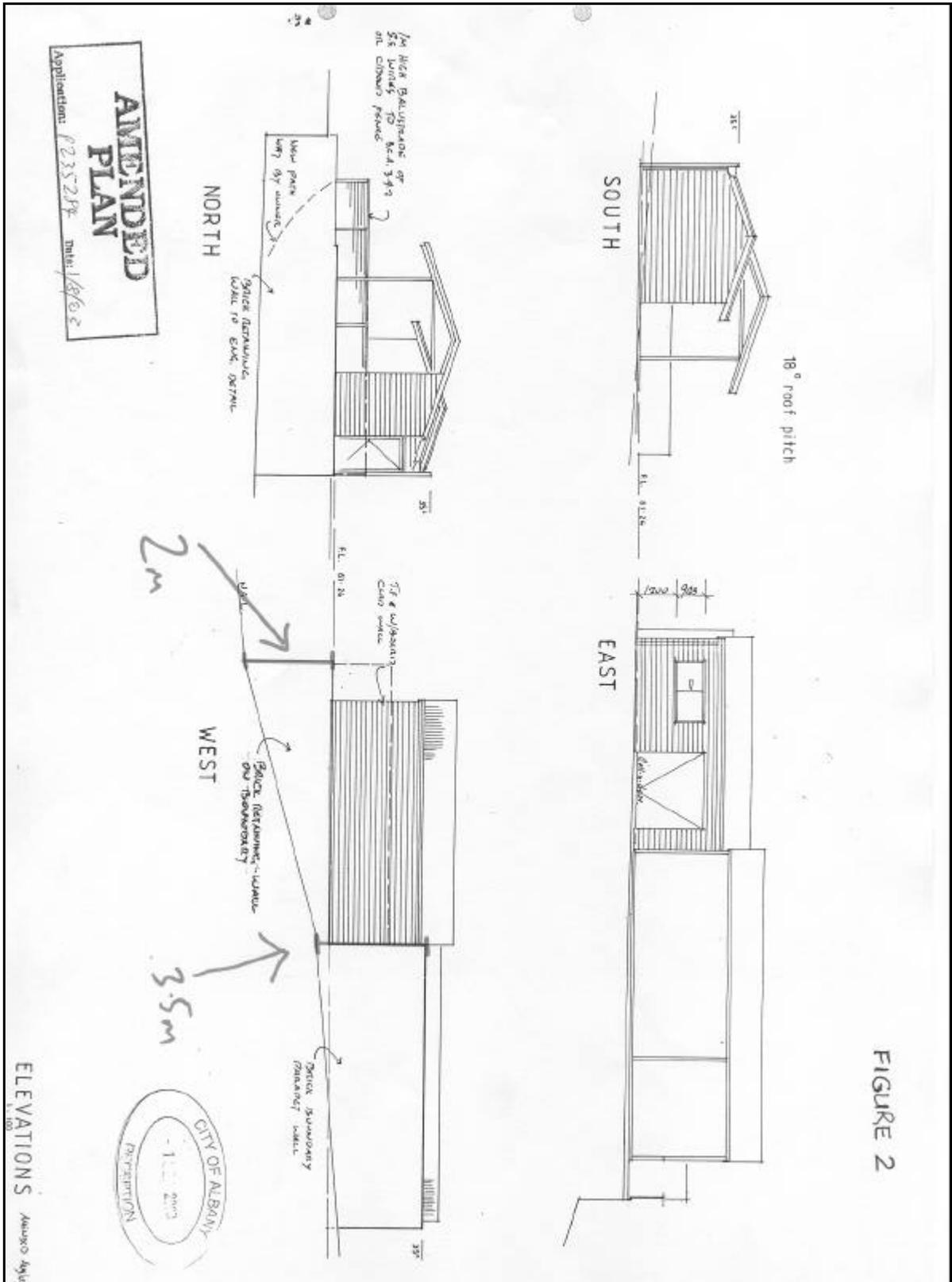


FIGURE 2

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**Dr Ian Leggett**  
9 Morley Place, Albany WA 6330  
Tel: 9841 2733

August 28, 2003

Mr J Devereaux  
Planning Officer  
City of Albany  
PO Box 484  
ALBANY 6331

CITY OF ALBANY - RECORDS	
FILE:	A95530
DOC:	J308456
01 SEP 2003	
OFFICER:	PLANN6
Attach:	

Dear John

Re: Planning Approval for Proposed Workshop & Carport - 9 Morley Place

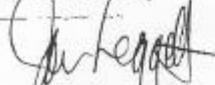
I understand my request for planning approval has been rejected on the basis that the height from the base of the retaining wall to the top of the building exceeds the planning limits.

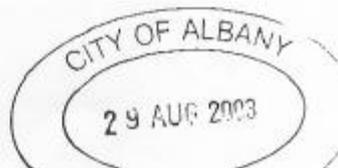
As you know, my residence at 9 Morley Place is on an extremely steep block. Currently there is no undercover parking and this plan is an endeavour to provide undercover parking without the need for roller doors or total enclosure. Consequently, the open entry is from the east or sheltered side of the building and this requires the entry to be some distance from the back boundary of my block to accommodate the turning circle of vehicles.

The proposed building is also in the back corner of my block and will not obstruct any potential views of the adjoining neighbours who have approved the plans and visited the site and have no objections to this proposal. I do understand that there are good reasons for planning regulations, however it seems to me that in this case there are significant reasons to reconsider your decision.

I would appreciate your consideration of this matter.

Yours faithfully

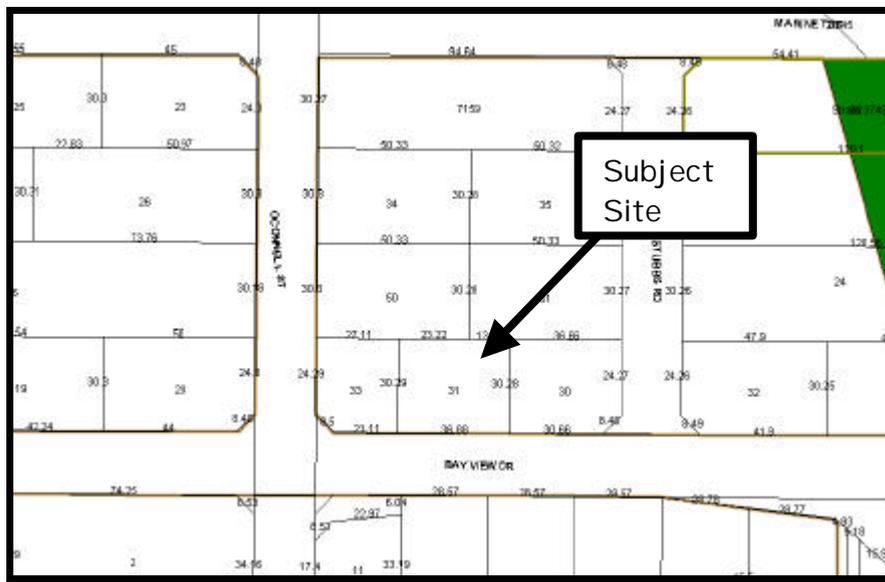
  
DR IAN LEGGETT



**DEVELOPMENT SERVICES REPORTS**

**11.1.5 Development Application – Outbuilding - Lot 31, (143) Bayview Drive, Little Grove**

- File/Ward** : A5800 (Vancouver Ward)
- Proposal/Issue** : Planning Approval for a Non Complying (Over Height) Outbuilding
- Subject Land/Locality** : Lot 31, (143) Bayview Drive, Little Grove
- Proponent** : Bradley Kennedy
- Owner** : Bradley Kennedy
- Reporting Officer(s)** : Planning Officer (J Devereux)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To grant planning scheme consent subject to conditions
- Bulletin Attachment** : Nil.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**BACKGROUND**

1. Council has received an application for Planning Scheme Consent, for the construction of an outbuilding at 143 Bay View Drive, Little Grove. A copy of the proposed plan is attached at the rear of this report.
2. The application was for a 9 x 6 metre shed, to be built with a 3m high wall, setback 1 metre from the side and rear boundary. The proposed outbuilding has a wall height of 3 metres, which is outside the standard requirements, but meets the requirements for a non-complying outbuilding under the Council's Outbuilding Policy for land zoned 'Residential Development'. Refer to Figure 1 for a site plan of the proposed development.
3. Since this original application, Council Staff have negotiations with the applicant, who has agreed to reduce the wall height of the outbuilding to 2.7 metres.
4. The policy requires that the applicant demonstrate the need for the extra wall height, for the proposed outbuilding. In this case, the applicant has indicated that the need for the extra wall height is for the garaging of his 4-wheel drive ute upon which he often carries bins and trays on the back.
5. The applicant proposes to construct the outbuilding in the indicated location, so as to reduce the need for new crossovers and hard stand surfaces. The orientation of the shed facing Bay View Drive is to give the ability to easily access the garage.
6. Correspondence was received from adjoining landowners and from the Albany Ratepayers and Residents Association Inc expressing their concerns over the height and use of the proposed outbuilding. Their concerns mainly relate to the retained level where the outbuilding is proposed to be located.
7. The level of the building area for the outbuilding has been retained approximately 1.7 meters above natural ground level. A building licence for the construction of the retaining wall was issued on the 27 February 2001, and subsequently was constructed in accordance with the licence.

**STATUTORY REQUIREMENTS**

8. The land is zoned 'Residential Development' under Town Planning Scheme No. 3 and is subject to the requirements of the 'Residential Design Codes'.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**POLICY IMPLICATIONS**

9. The proposal is not in accordance with the ‘Standard Requirements’ of Council’s Outbuilding Policy, but meets requirements of a ‘Non Complying Outbuilding’, which Council has discretion to approve.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

12. Adjoining landowners raised a number of concerns, with a copy of the correspondence received by Council, attached. Their main concerns are in regard to the location of the proposed outbuilding and its perceived impact on their property.

13. The Residential Design Codes of Western Australia (R-Codes) defines natural ground level as: -

*‘The levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development’*

14. As the land has been previously changed, by the construction of the retaining wall in 2001, the existing ground level becomes the natural ground level, which this application will be assessed in accordance with. In taking this into regard, the proposed wall height of the shed, being 2.7 metres from ground level, would be in accordance with a non-complying outbuilding of Council’s Outbuilding Policy.

15. Concern was raised regarding the structural adequacy of the retaining wall upon the construction of the outbuilding. This matter will be assessed at the time when a building licence is received. Initial comments from the Council’s Building Surveyors are that the wall would be adequate, as a Structural Engineer has certified the retaining wall. The construction of the proposed outbuilding is unlikely to inhibit the adequacy of the wall due to its minimal weight and setback from the boundary.

16. The setback of the outbuilding complies with the R-Codes, which requires the outbuilding to be setback 1 metre from both the side and rear boundaries, in accordance with Table 2a of the R-Codes.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

17. As the applicant is a Professional Fisherman, concern was also raised in regard to the use of the outbuilding. The applicant intends using the outbuilding to garage his personal vehicle, a small recreational vessel and for other domestic storage purposes. The applicant has indicated that he requires the extra wall height so that he can park his ute in the outbuilding, which he often carries fish bins and trays (etc.) on the back. This is not seen as being a commercial use of the outbuilding as these fish bins and trays are tools of his trade and are no different to an electrician or plumber parking their vehicles at a residential property.
18. It is acknowledged that there could be a perceived problem with odour from the fish bins and tray if they are not cleaned when the vehicle is garaged. This can be controlled by the imposition of a condition at the time of approval that requires the bins to be cleaned prior to the vehicle being garaged. If this becomes a problem, then the applicant will be required to store the bins off site.
19. Concern has also been raised about the loss of privacy to adjoining landowners with the construction of the outbuilding. Due to the height of the retained ground, the applicant overlooks the adjoining neighbouring properties. The proposed outbuilding would create a significant barrier between the applicant's block and the block to the North, increasing the privacy to this block. The garage has no windows located on the wall facing this lot.
20. The shed will also be screened from the block to the North, by the vegetation that is currently planted on the adjoining block, which will help to reduce the bulky nature of the proposed outbuilding when viewed from this block.
21. Overshadowing of adjoining properties is not seen as being an issue as the only area that would be affected by the proposed outbuilding would be an area on the Eastern adjoining property. The effected area would be approximately 2 metres wide, between the fence and the existing outbuilding and consists of a grassed area and some bushes.
22. In summary, the main concern regarding the proposed outbuilding is its location close to the boundary, the retained level of the proposed site and the extra wall height. The setback of the outbuilding meets the standard setback requirements of the R-Codes. The ground level has been changed previously and therefore becomes the existing ground level when assessing this application. The applicant has agreed to reduce the proposed wall height to 2.7m above ground level and has demonstrated the need for the extra wall height.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**RECOMMENDATION**

THAT Council pursuant to Clause 6.10 of Town Planning Scheme No. 3 delegates authority to the Manager Development Services to grant conditional Planning Scheme Consent for the construction of an outbuilding subject to the following conditions;

- i) the outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation; and
- ii) the proposed outbuilding being clad in factory applied colour finished sheet metal, the wall height of the outbuilding are to be a maximum of 2.7metres, the ridge/gable height is to be less than 4.2 metres.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR SANKEY  
SECONDED COUNCILLOR EMERY**

**THAT Council resolves to issue a Notice of Refusal of Planning Consent for the construction of an outbuilding at Lot 31 (143) Bayview Drive, Little Grove for the following reasons:**

- i) the combined height of the proposed outbuilding and retaining wall on the subject land results in a development which is inconsistent with Council's outbuilding policy; and**
- ii) the proposed development would have a detrimental impact upon the amenity of adjoining residential lots;**

**AND**

**THAT the proponent be advised that Council would support a proposal involving the construction of the proposed outbuilding in the north western corner of the subject land.**

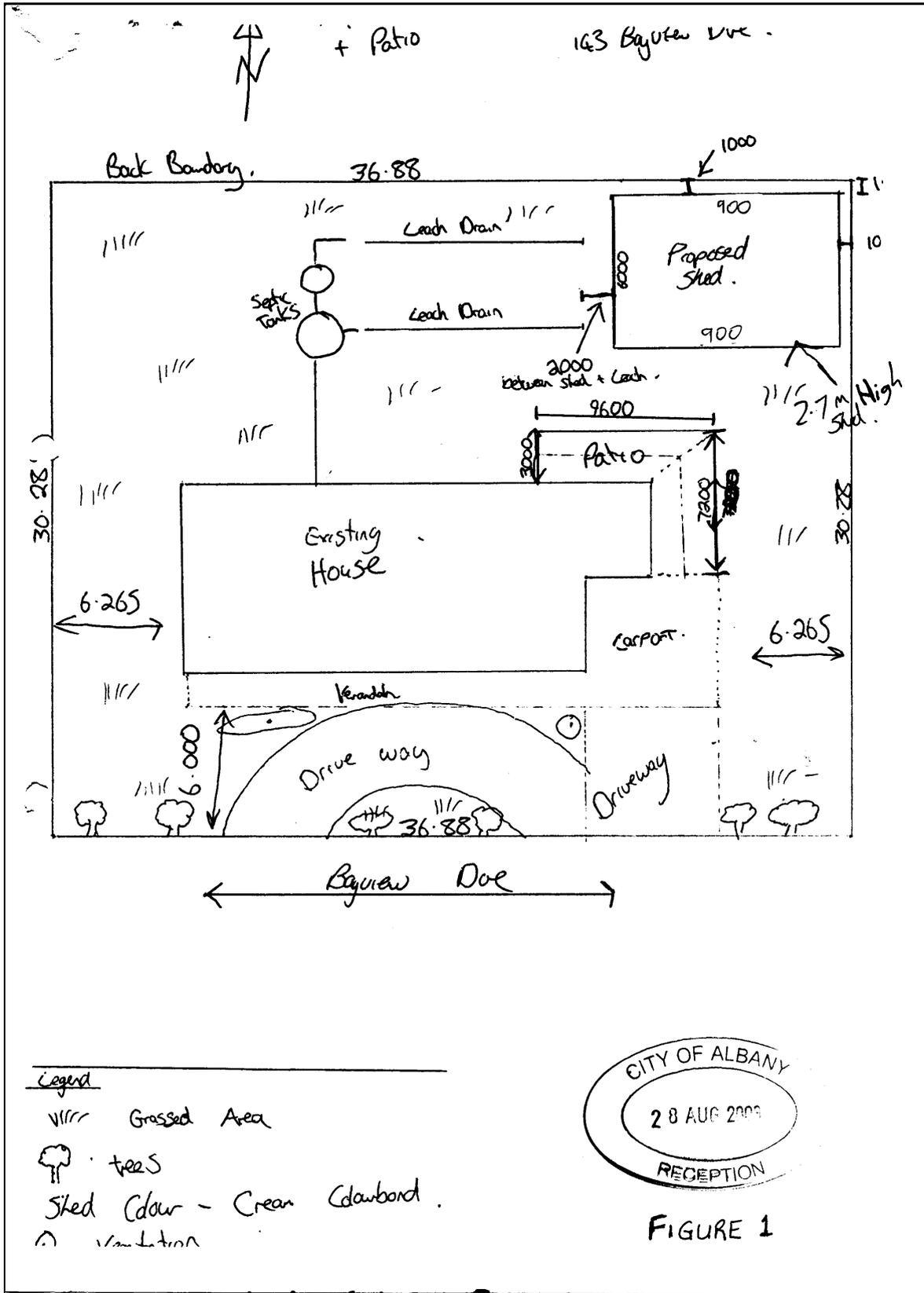
**MOTION CARRIED 11-0**

Reason:

- The construction of the outbuilding in the position requested would result in the structure having a dominant impact upon neighbouring lots.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

147 Bayview Drive and 4 Stubbs Road  
Little Grove  
Albany  
WA 6330  
Friday 29th August 2003

Mr Andrew Hammond  
Chief Executive Officer  
City of Albany  
Albany  
WA 6331

CITY OF ALBANY - RECORDS	
FILE:	A005800
DOC:	I30B485
02 SEP 2003	
OFFICER:	EDDS, MAYOR, PLAN 6.
Attach:	

Copies to all Councillors.

Dear Mr Hammond,

**Re: Development application by Mr B Kennedy to erect an oversized shed at, Lot 31 Bayview Drive Little Grove.**

**Summary:** We object to the proposed development application, because the proposed structure exceeds the dimensions of an approved domestic shed and that the filled height of his block in the North eastern corner is such that any structure, other than a privacy fence, would unreasonably impact on our properties, due to the extreme height of the fill on Mr Kennedy's block.

We ask that no approval be granted to the above-mentioned application of Mr Kennedy's without this matter going before Council. We ask that we also be allowed to address Council in Open Forum when they consider this matter.

Today, one of your planners, Mr John Deveraux told me the City of Albany has received an application from Mr B. Kennedy to build a shed on his property at lot 31 Bayview Drive. This application was received today, 29<sup>th</sup> August 2003.

We, the undersigned, object to this development on the following planning grounds:

1. The proposed shed is to be built on sand fill held in place by a retaining wall. The filled land height is 1.75 m above natural ground level. The fill brings the ground level of the Kennedy property level with the top of our adjoining boundary fences. From the engineer's report to Council which we saw when the retaining wall was constructed, we understand the retaining wall is designed to hold back sand fill and does not appear to be designed to carry the added load of a structure.
2. The proposed shed exceeds allowable area dimensions of a domestic shed and is to be 6 meters wide and 9 meters long. The proposed shed also exceeds the allowable overall height of 2.8 meters. According to Mr Deveraux, the walls alone are to be 3 meters high, not including the gable roof.
3. The plan seeks to build the shed 1 meter in from the boundary fence on the northern and eastern sides of the boundary. We checked the marker posts for

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

sight over our own fences. These are the marker pegs Mr Kennedy has already placed on the fill and the distance appears to be less than 1 meter from the boundary fence.

4. Mr Deveraux told me the maximum height of a permitted structure is 2.8 meters above natural ground level. In the case of Lot 31 Bayview Drive, a legal garden shed still will exceed legal height of 2.8 meters above natural ground level, except at the other end of the Lot which is at natural ground level, has no retaining wall and has not been filled.
5. The proposed shed does not appear to be a structure designed for domestic purposes. Mr Kennedy is a commercial fisherman and already keeps a Hilux Utility and a commercial fishing boat on the property and uses Lot 31 as a base from which he runs his fishing business.
6. We object to the erection of the proposed shed on the grounds that fish and fishing equipment will 1, cause unpleasant smells and 2, commercial fishing equipment stored on the property will adversely impact on neighbour's privacy, their properties and the quality of life of surrounding residents. We are concerned that if Mr Kennedy is allowed to build a commercially sized shed we will have commercial equipment parked in a shed a meter or less from our properties and whose base is 1.75 meters above our natural ground level.
7. The height of the proposed shed will impact on the privacy of the neighbouring properties and their occupiers. As a result of the high level of fill on the North-eastern corner of the Kennedy block we object to the erection of any structure there that exceeds the permitted height of 2.8 meters above natural ground level. In 2001, Mr Craig Pursey assured us that Mr Kennedy would not be allowed to erect a shed or other outbuildings on the filled portion of his block, due to its extreme height above natural ground level. Mr Deveraux told me the City Planners now regard the new, filled level as natural ground level. We would like this issue clarified.
8. The area of Little Grove is zoned Residential, not Light Industrial. This zoning was affirmed in the case where the Administrative Appeals Tribunal overturned the decision of the City's Planning Department which gave approval for a wood yard business to operate in the Little Grove area back in 2001. This decision has set a clear, legal precedent prohibiting Council from approving commercial operations and developments from taking place in the Little Grove area.
9. Contrary to Council regulations, Mr Kennedy's house has been occupied for 1 year and no permanent boundary fence has yet been erected, and the inadequate temporary fencing, consisting of a length of Sarlon cloth nailed to treated pine posts is a safety hazard to people who enter that block and is adversely affecting the privacy of surrounding property owners. A building inspector from the City responded to our requests for Mr Kennedy to erect a boundary fence and visited him earlier this year. Mr Kennedy said he would erect a fence

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

when he had the funds. Mr Kennedy now intends to erect a large, expensive shed, but not the fence that he assured Council he would do.

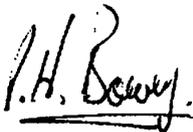
In summary, we object to Mr Kennedy's proposed shed, because it exceeds the dimensions of an approved domestic shed and that the filled height of his block in the North eastern corner is such that any structure, other than a privacy fence, would unreasonably impact on our properties, due to the extreme height of the fill on Mr Kennedy's block.

We do not object to Mr Kennedy erecting a domestic garden shed of similar dimensions to those erected by his immediate neighbours, provided it is at the North Western corner of Lot 31, the corner that has not been bounded by a retaining wall and filled above natural ground level.

We ask that no approval be granted to the above-mentioned application of Mr Kennedy's without this matter going before Council. We also ask that Mr Kennedy's property be viewed by Councillors at a site inspection prior to any decision being taken by Council on this matter. We ask that we be allowed to address Council in Open Forum when they consider this matter.

For these reasons we ask that Council rejects this development application.

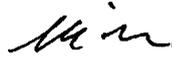
Yours sincerely,



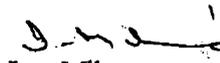
Peter Bowey



Dianne Bowey



Hugh Milne



Iran Milne

Owners of the Adjoining Properties to Mr Kennedy.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

ARRA  
PO Box 1470  
Albany  
Western Australia  
6331  
Tel/fax 9844 4080 - email seaside@omninet.net.au

Albany Ratepayers  
and Residents  
Association Inc.  
ABN 97 974 906 601

CITY OF ALBANY - RECORDS	
FILE:	AS800
DOC:	I308860
12 SEP 2003	
OFFICER:	PLAN6
Attach:	

11<sup>th</sup> September 2003

CEO  
City Of Albany  
York St.  
Albany 6330

Dear Mr Hammond,

At the ARRA General Meeting on 28<sup>th</sup> August Mr P. Bowey of 4 Stubbs Rd & adjacent neighbour H Milne whose address is 147 Bay View Drive, Little Grove spoke to the meeting during General Business about Mr. Kennedy's proposed shed. Both properties about the back & side fence of Mr Kennedy of Lot 31 Bay View Dr. Little Grove.

Both residents have concerns about the City of Albany possibly granting the approval for the erection of an oversize shed on Mr Kennedy's property. In fact they claim, due to landfill that has taken place on Lot 31 Bay View Drive, any shed erected at the marked point on his land will overlook their premises, thus causing loss of their privacy and other problems.

This Association considers their concerns are justified & supports their approach to the City of Albany to ensure approval is not given pending further investigation of the matter by you.

Yours faithfully

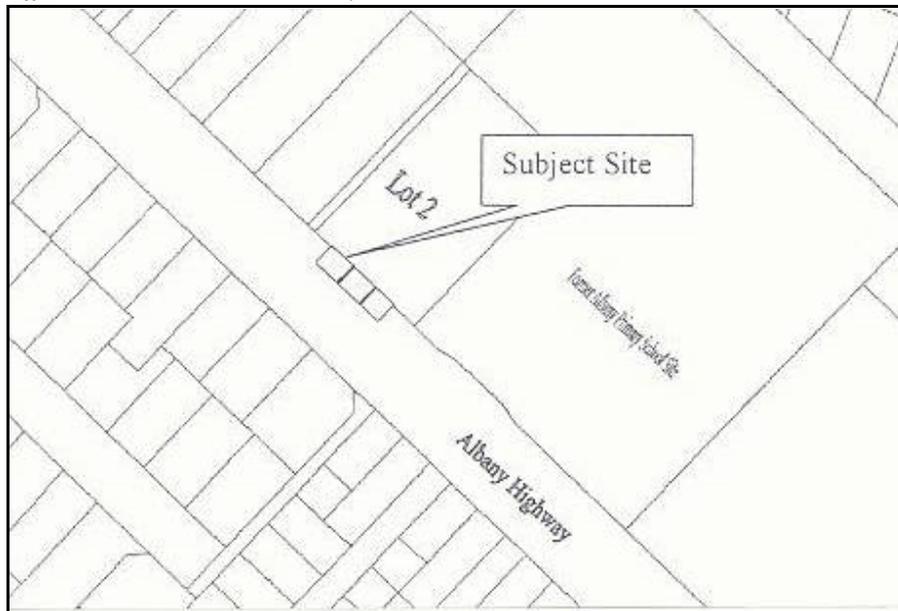
  
Tony Stanton  
President.

**DEVELOPMENT SERVICES REPORTS**

**11.2 INSPECTION SERVICES**

**11.2.1 Parking Facilities – Erection of “No Stopping” Signs**

<b>File/Ward</b>	:	SER 044 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Erection of “No Stopping Signs”
<b>Subject Land/Locality</b>	:	Albany Highway, Centennial Park
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Manager Inspection Services (K Barnett)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Approve the erection of “No Stopping” signs in Albany Highway
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**BACKGROUND**

1. Council has received a request to consider removing one of the kerbside parking bays directly in front of Lot 2 (90-106) Albany Highway, Centennial Park (McDonalds) and the erection of “No Stopping” signs.
2. The parking bay is the most northwesterly bay in a group of three bays located between the entry and exit driveways to McDonalds and has no time restrictions attached to it.
3. Motorists, and in particular those with four wheel drive vehicles, wanting to carry out a “U-Turn” from the north-west bound lanes of Albany Highway into the south-east bound lanes often find they are unable to complete the manoeuvre safely if the subject bay is occupied.
4. Due to the limited turning circle on some vehicles, and limited space in the road reserve, many motorists are required to reverse into on-coming traffic in order to complete the “U-Turn” thus creating a dangerous situation for other road users.
5. Removal of the bay should allow motorists to complete a “U-Turn” in one manoeuvre and reduce the conflict currently being experienced on a busy section of Albany Highway.

**STATUTORY REQUIREMENTS**

6. Clause 5.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:

*"5.1. (1) No Stopping- A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.”*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

8. The cost of implementing the proposed change will be funded from the current budget.

**STRATEGIC PLAN IMPLICATIONS**

9. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
  - The continual development of Council services and facilities to meet the need of all stakeholders.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

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

**COMMENT/DISCUSSION**

10. While the elimination of this parking bay would reduce the amount of kerbside parking in the area, the removal of the bay is recommended, as it will provide motorists with the opportunity to complete a “U-Turn” in relative safety.

**RECOMMENDATION**

THAT Council resolve to:

- i) remove the most north-westerly parking bay directly in front of Lot 2 (90-106) Albany Highway, Centennial Park (McDonalds);
- ii) erect signage to indicate that “no stopping” is permitted in that portion of the carriageway; and
- iii) advertise the prohibition.

*Voting requirement Simple Majority*

.....

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR PAVER**

**THAT Council;**

- i) retain the most north-westerly parking bay directly in front of Lot 2 (90-106) Albany Highway, Centennial Park; and**
- ii) instruct the Executive Director Works and Services to monitor turning movements through the turning pocket to determine the need to install “NO U TURN” signs at the turning pocket.**

**MOTION CARRIED 11-0**

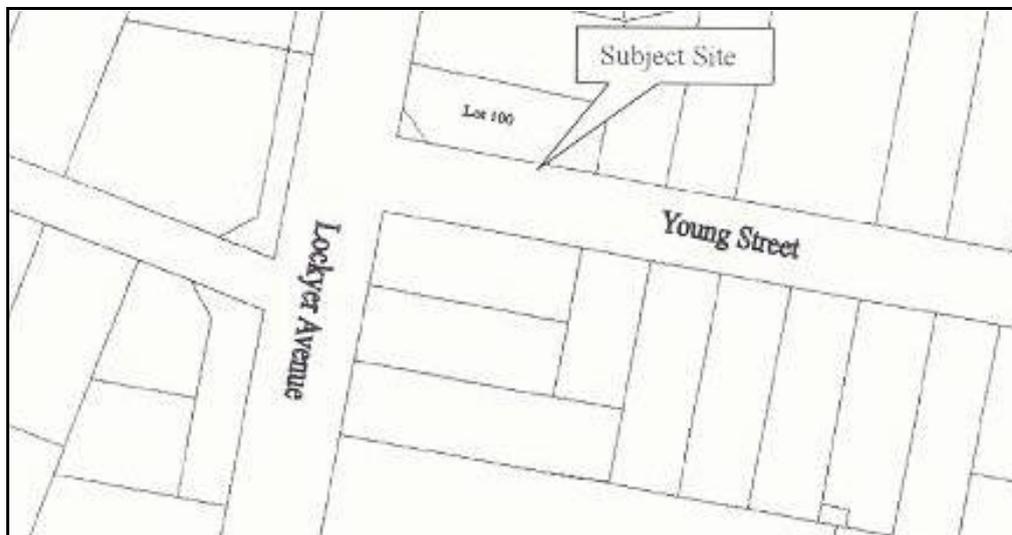
Reason:

- The turning pocket in Albany Highway to the McDonald’s restaurant is located less than 100 metres from the Sanford Road roundabout where larger vehicles can turn safely.

**DEVELOPMENT SERVICES REPORTS**

**11.2.2 Parking Facilities – Erection of “No Stopping” Signs**

<b>File/Ward</b>	:	SER 044 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Erection of “No Stopping” signs
<b>Subject Land/Locality</b>	:	Young Street, Centennial Park
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Manager Inspection Services (K Barnett)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Approve the erection of “No Stopping” signs in Young Street
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued.

**BACKGROUND**

1. Council has received several requests to consider erecting “No Stopping” signs on the northern side of Young Street, Centennial Park. The signs would be erected adjacent to the boundary of Lot 100 (84-88) Lockyer Avenue (approximately 34 metres).
2. The creation of an entry/exit point from Young Street to the Dog Rock Shopping Centre has increased the traffic load on this short section of road. While the road pavement is wide enough to support two-way traffic, vehicles parking on the northern side of Young Street to visit or deliver goods to businesses located on Lot 100 reduce the effective width to one lane creating a blockage at a very busy intersection.
3. Parking is available on Lot 100 (84-88) Lockyer Avenue.
4. As the erection of signs should improve traffic safety, it is proposed that on-street parking be prohibited on the northern side of Young Street by erecting “No Stopping” signs from the intersection of Young Street/Lockyer Avenue for a distance of approximately 34 metres east of the intersection.

**STATUTORY REQUIREMENTS**

5. Clause 5.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:  
*"5.1. (1) No Stopping - A driver shall not stop on a length of carriageway, or in an area, to which a "no stopping" sign applies."*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. The cost of implementing the proposed change will be funded from the current budget.

**STRATEGIC PLAN IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 Continued

**COMMENT/DISCUSSION**

9. The erection of “No Standing” signs should assist the flow of traffic along Young Street and reduce some of the delay and frustration currently being experienced by motorists.

**RECOMMENDATION**

THAT Council resolve to:

- i) erect signage to indicate that “No Stopping” is permitted in the portion of the carriageway on the northern side of Young Street from the intersection of Young Street/Lockyer Avenue for a distance of approximately 34 metres east of the intersection; and
- ii) advertise the prohibition.

*Voting requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council resolve to:**

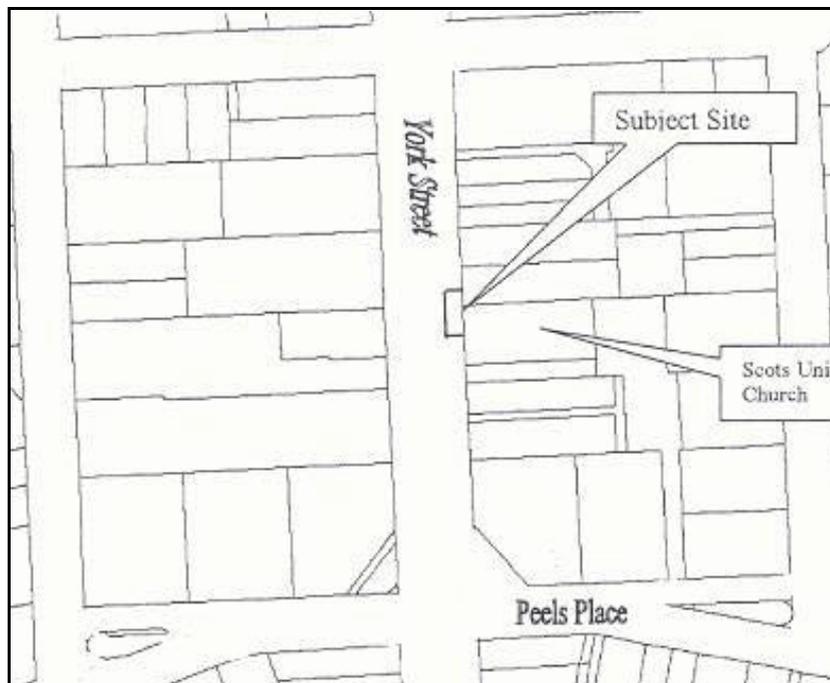
- i) erect signage to indicate that “No Stopping” is permitted in the portion of the carriageway on the northern side of Young Street from the intersection of Young Street/Lockyer Avenue for a distance of approximately 34 metres east of the intersection; and**
- ii) advertise the prohibition.**

**MOTION CARRIED 11-0**

**DEVELOPMENT SERVICES REPORTS**

**11.2.3 Parking Facilities – Removal of Parking Bays**

<b>File/Ward</b>	:	SER 044 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Removal of two parking bays
<b>Subject Land/Locality</b>	:	York Street, Albany.
<b>Proponent</b>	:	Uniting Church in Australia
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Manager Inspection Services (K Barnett)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Approve the removal of two parking bays in York Street
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.3 continued

**BACKGROUND**

1. The Uniting Church has written to Council requesting the removal of the kerbside parking bays located in front of the crossover to their property at Part Location TS101 (168-174) York Street, Albany (Scots Uniting Church).
2. While the crossover to the property was installed during the York Street upgrade in 1992, kerbside parking bays were inadvertently marked on the road. This action has effectively blocked vehicle access to the grounds of Scots Uniting Church.
3. Access to the property, via the crossover, is not possible most days and members of the Church are required to block-off two parking bays early in the morning when vehicular access to the property is needed for services or other events.
4. To provide permanent vehicle access to the property from York Street will require the removal of two parking bays and the erection of “no stopping” signs.

**STATUTORY REQUIREMENTS**

5. Clause 5.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:

*"5.1. (1) No Stopping - A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies”.*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. The cost of implementing the proposed change will be funded from the current budget.

**STRATEGIC PLAN IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.3 continued

**COMMENT/DISCUSSION**

9. While the loss of parking bays in the Central Business District is unfortunate, the removal of the two bays and the erection of “no stopping” signs is supported as the City has an obligation to allow vehicular access to private property.

**RECOMMENDATION**

THAT Council resolve to:

- i) remove two parking bays directly in front of Part Location TS101 (168-174) York Street (Scots Uniting Church);
- ii) erect signage to indicate that “no stopping” is permitted in that portion of the carriageway; and
- iii) advertise the prohibition.

*Voting requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR LIONETTI**

**THAT Council;**

- i) retain the two parking bays directly in front of Part Location TS101 (168-174) York Street; and**
- ii) instruct staff to liaise with church representatives on appropriate long term strategies to allow vehicles onto the church site, including the possibility of temporarily denying the general public access to the designated bays for scheduled funerals and weddings and/or providing access off the Council car park at the rear of the property.**

**MOTION CARRIED 11-0**

Reason:

- The designated bays are in continual demand by the public during the week and to remove the bays completely for intermittent church usage is not an effective use of this portion of road reserve.

**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

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

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

**Summary Recommendation:** Adopt reviewed cost sharing schedule for Bayonet Head Outline Development Plan.

**Bulletin Attachment** : Nil.

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**BACKGROUND**

1. This item relates to:
  - The Bayonet Head Outline Development Plan (BHODP) that was adopted as a Town Planning Scheme Policy by Council on 20th February 2001; and
  - The Schedule of Shared Costs adopted by Council on 17th September 2002 under Clause 5.2.4 of Town Planning Scheme No 3.

**STATUTORY REQUIREMENTS**

2. Clause 5.2.4 of Town Planning Scheme No. 3 sets out the planning provisions that require developer contributions in the BHODP Area until the Guided Development Scheme has been gazetted.

3. Clause 5.2.4(e) of Town Planning Scheme No. 3 states:

*“The Schedule of Shared Costs are to be reviewed annually in the month of July in each year. The Council shall, prior to the adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.”*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. The financial commitments at this stage include the costs associated with the review of the Schedule of Shared Costs by the consultant (Urban Focus) being approximately \$800-\$1000; and any associated sub-consultant costs relating to revaluation, engineering etc., which have been included in this years budget.
6. These costs will be recovered upon completion of the Guided Development Scheme from the affected landowners.

**STRATEGIC IMPLICATIONS**

7. The Schedule of Shared Costs and BHODP is relevant to the following Port of Call from “Albany 2020 - Charting Our Course”:

*“Managed healthy land/harbour environment - to take an integrated and strategic approach to land use planning”.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**COMMENT/DISCUSSION**

8. The Consultant has advised that the review has resulted in the increase of some Shared Costs as follows:

<b>Item</b>	<b>2002 Cost (\$)</b>	<b>% Increase</b>	<b>Total Shared Cost 2003 Review (\$)</b>
<b>Public Open Space, Community Purpose and Buffer</b>			
Land Value	1,017,000	0	1,017,000
<b>Main Drainage</b>			
Installation, Basin Construction & Minor Landscaping	1,741,100	2.07	1,777,100
Land Value	88,700	0	88,700
<b>Lower King Road</b>			
Upgrade, Drainage & Footpaths	968,900	3.97	1,007,400
<b>Buffer Landscaping</b>	62,000	2.10	63,300
<b>Valuation Allowance</b>	45,200	0	45,200
<b>Administration/Management</b>	246,700	0	246,700
<b>Scheme Preparation</b>	33,000	0	33,000
<i>TOTALS</i>	<b>4,202,600</b>	<b>n/a</b>	<b>4,278,600</b>

9. At the completion of the 21 day notice period to landowners, no submissions were received.
10. Council can now proceed to adopt the revised Schedule of Shared Costs.

**RECOMMENDATION**

THAT Council adopt the annual reviewed Schedule of Shared Costs (as at July 2003) pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3 for the Bayonet Head Outline Development Plan Area (as attached).

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council adopt the annual reviewed Schedule of Shared Costs (as at July 2003) pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3 for the Bayonet Head Outline Development Plan Area (as attached).**

**MOTION CARRIED 11-0**

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**COST APPORTIONMENT SCHEDULE  
SHARED COSTS - REVIEWED AS AT JULY 2003**

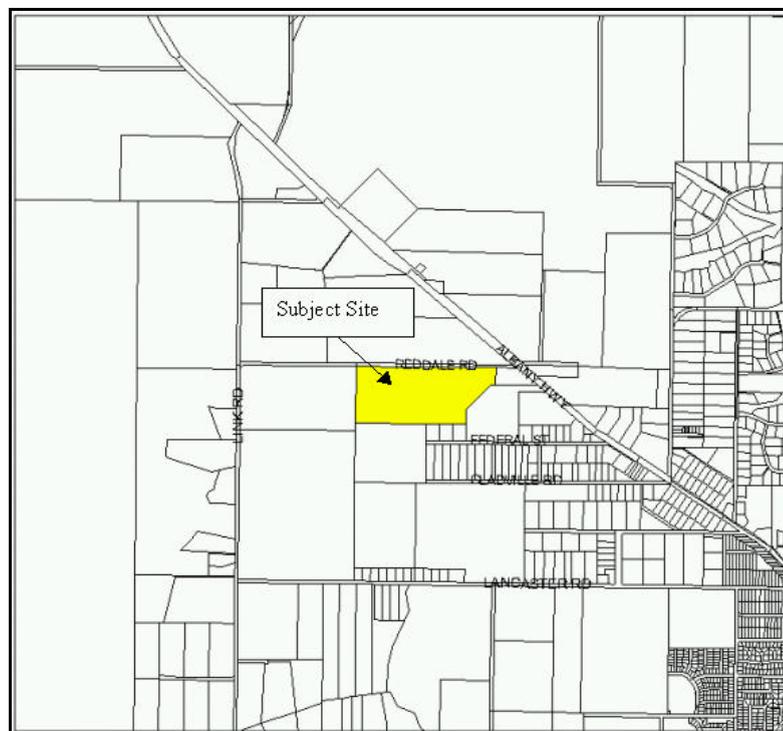
Infrastructure Items & Works	Total Estimated Cost	Pt. Lot 1	Lot 1	Lot 2	Lot 15	Lot 39	Lot 42	Lot 43	Lot 46	Lot 47	Lot 48	Loc.	Loc.	Loc.	Loc.	Loc.	Pt. Lot
	Cost	10.02%	4.78%	0.44%	2.40%	6.68%	12.85%	3.73%	6.09%	8.06%	0.27%	3.49%	4.23%	7.14%	7.73%	760	22.09%
POS, Community Purpose & Buffer Land Value	1,017,000	101,903	48,613	4,475	24,408	67,936	130,685	37,934	61,935	81,970	2,746	35,493	43,019	72,614	78,614		224,655
Main Drainage Installation, Basin Construction & Minor Landscaping	1,777,100	178,066	84,945	7,819	42,650	118,710	228,358	66,286	108,225	143,234	4,798	62,021	75,171	126,885	137,370		392,562
Land Value	88,700	8,888	4,240	390	2,129	5,925	11,398	3,309	5,402	7,149	239	3,096	3,752	6,333	6,857		19,593
Lower King Road Upgrade, Drainage & Footpaths	1,007,400	100,941	48,154	4,433	24,178	67,294	129,451	37,576	61,351	81,196	2,720	35,158	42,613	71,928	77,872		222,535
Buffer Landscaping	63,300	6,343	3,026	279	1,519	4,228	8,134	2,361	3,855	5,102	171	2,209	2,678	4,520	4,893		13,982
Valuation Allowance	45,200	4,529	2,161	199	1,085	3,019	5,808	1,686	2,753	3,643	122	1,577	1,912	3,227	3,494		9,985
Administration/ Management	246,700	24,719	11,792	1,085	5,921	16,480	31,701	9,202	15,024	19,884	666	8,610	10,435	17,614	19,070		54,497
Scheme Preparation	33,000	3,307	1,577	145	792	2,204	4,241	1,231	2,010	2,560	89	1,152	1,396	2,356	2,551		7,290
<b>TOTALS</b>	<b>4,278,400</b>	<b>428,696</b>	<b>204,508</b>	<b>16,825</b>	<b>102,682</b>	<b>285,797</b>	<b>549,775</b>	<b>159,584</b>	<b>260,555</b>	<b>344,839</b>	<b>11,552</b>	<b>149,316</b>	<b>180,976</b>	<b>305,478</b>	<b>330,720</b>		<b>945,097</b>

8 August 2003

**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Proposed Town Planning Scheme Policy - Albany Speedway Noise Buffer.**

- File/Ward** : STR 088 (West & Kalgan Wards)
- Proposal/Issue** : Speedway Noise Buffer
- Subject Land/Locality** : All land surrounding the Albany Speedway at Atwell Park.
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil.
- Previous Reference** : Nil.
- Summary Recommendation** : Request that policy be advertised in accordance Clause 6.9.2 of Town Planning Scheme No. 3.
- Bulletin Attachment** : Nil.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. A Buffer Definition Study for the Albany Speedway has been completed by Herring Storer Acoustics (acoustic consultants).
2. The Study was undertaken to achieve the following aims:
  - measure noise emissions from the speedway during a race meeting.
  - model noise emissions from the speedway.
  - establish a buffer zone for the speedway.
  - provide advice and recommendations on planning control mechanisms to be introduced into new Town Planning Scheme.
  - provide advice and recommendations on the requirements for a buffer zone.
3. A copy of the draft policy is attached to this report.

**STATUTORY REQUIREMENTS**

4. Clause 6.9.1 of Town Planning Scheme No. 3 states:

*“In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.”*
5. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:
  - “(a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - (b) The Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
6. The speedway is required to ensure that race meetings are operated in accordance with *Environmental Protection (Noise) Regulations 1997*. The report highlights that the present operations may exceed the levels of noise permitted under the Regulations.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**POLICY IMPLICATIONS**

7. The Albany Speedway Buffer Policy will be a Town Planning Scheme Policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme No. 3.
8. It should be noted that although an adopted Town Planning Scheme Policy does not bind Council when making a decision, it should take into account the provisions of the policy and the objectives, which the policy was designed to achieve.

**FINANCIAL IMPLICATIONS**

9. Council is required to advertise the draft policy in a local newspaper for two consecutive weeks at it's own cost.
10. The recommendations of the Buffer Study that affect the existing operations of the speedway will be the Club's responsibility to fund.

**STRATEGIC IMPLICATIONS**

11. This policy will affect land use and development proposals (including subdivision and scheme amendments) within the subject area upon final adoption by Council.
12. The Policy and Buffer Area will be:
  - referred to and included within the review of the draft Albany Local Planning Strategy (ALPS); and
  - converted into a Special Control Area and scheme provisions within the new Community Planning Scheme (CPS).
13. The implementation of the recommendations regarding improved operating procedures and noise barrier construction at the speedway will ensure that the meetings are conducted in accordance with relevant legislative controls. The completion of the works, namely the barrier fencing, recommended in the report would reduce the buffer zone required. The report recommends that upon completion of these works, additional modelling will need to be undertaken to redefine the buffer zone boundary shown in this Policy.

**COMMENT/DISCUSSION**

14. The adoption of a policy dealing with the speedway noise buffer will allow Council to consider the implications of noise generated from that activity on sensitive land uses such as residential dwellings.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

15. The draft policy establishes the boundaries of the control areas and sets out the policy measures that apply to development within those boundaries.
16. The boundaries have been established in accordance with relevant legislation and the Department of Environment has supported the findings of the consultant's work.
17. The consultants report made additional recommendations regarding the management of future speedway operations. The recommendations of this report will be forwarded to the Albany Speedway Club for consideration and implementation.

RECOMMENDATION

THAT Council;

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

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR SANKEY**

**THAT Council;**

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

**MOTION CARRIED 11-0**

DEVELOPMENT SERVICES REPORTS

**CITY OF ALBANY  
SPEEDWAY NOISE BUFFER AREA POLICY**

OBJECTIVE

The objectives of the policy are to:

- protect the operations of the speedway.
- acknowledge existing approved residential developments within the buffer area and to progressively reduce noise impacts into these residences by imposition of this Policy.
- restrict the development and occupation of new residential buildings that may be adversely affected by speedway noise.
- require the incorporation of specific design and construction requirements for any approved developments to ensure noise levels within buildings comply with the standards contained in the *Environmental Protection (Noise) Regulations 1997*.

POLICIES

**1. GENERAL**

- 1.1 Planning Scheme Consent is required for the development of any residential buildings (including the extension or alteration of an existing dwelling) or other habitable accommodation within the buffer area as designated on Map 1.
- 1.2 In considering an application, the Council shall have regard to:
- (a) The objectives of this Policy;
  - (b) The position and zone of the subject site as designated on Map 1;
  - (c) The requirements of the relevant Town Planning Scheme;
  - (d) The recommendations of *Australian Standard AS2021-1994 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*; and
  - (e) The standards contained in the *Environmental Protection (Noise) Regulations 1997*.
- 1.3 Where any development is affected by more than one zone as designated on map 1, Council shall apply the most stringent controls.
- 1.4 Prior to determining any application, the Council may consult with any landowner, individual, relevant stakeholder or other interested party.

**2. <55db(A) ACCEPTABLE DEVELOPMENT ZONE**

Council shall permit any premises within the <55dB(A) acceptable development zone to be developed for residential and other habitable accommodation providing that the land use activity is deemed compatible with the objectives of this Policy.

**3. 55-65Db(A) CONDITIONAL DEVELOPMENT ZONE**

The following standards shall apply to all land contained within the 55-65dB(A) conditional development zone:

- i) Council shall not grant approval to any residential development that compromises the purpose of this buffer area.
- ii) Council shall only approve a dwelling (including any alteration or extension), or other habitable accommodation on land contained within the 55-65dB(A) zone, subject to the following conditions:
  - the proponent to provide a specialist report (prepared by a suitably qualified acoustic consultant) with any application to show that the proposal can achieve the following internal noise levels:
    - common areas 55dB(A)
    - living areas 45dB(A)
    - sleeping areas 40dB(A)
  - the property boundary being fencing so that it that forms a continuous and solid barrier between the speedway and the dwelling with a minimum density of 10kg/m<sup>2</sup>.

**DEVELOPMENT SERVICES REPORTS**

- the incorporation of ‘quiet house’ designs and construction methods/materials including:
    - locate habitable rooms such as bedrooms on opposite side of dwelling to speedway.
    - locate non-habitable rooms such as laundries/bathrooms on same side of dwelling as speedway.
    - protect main entrance from speedway noise.
    - enclose eaves.
    - insulate roofs.
    - double brick construction.
  - a memorial to be placed on the Certificate of Title stating:
    - the premises are subject to high noise levels from the speedway activity; and
    - any development will be required to incorporate ‘quiet house’ designs and construction methods/materials.
- iii) Council may permit non-residential buildings to be developed within this zone, providing that Council deems the land use activity compatible with the objectives of this Policy and any necessary noise attenuation measures have been incorporated into the design for the subject site.

**4. >65dB(A) UNACCEPTABLE DEVELOPMENT BUFFER ZONE**

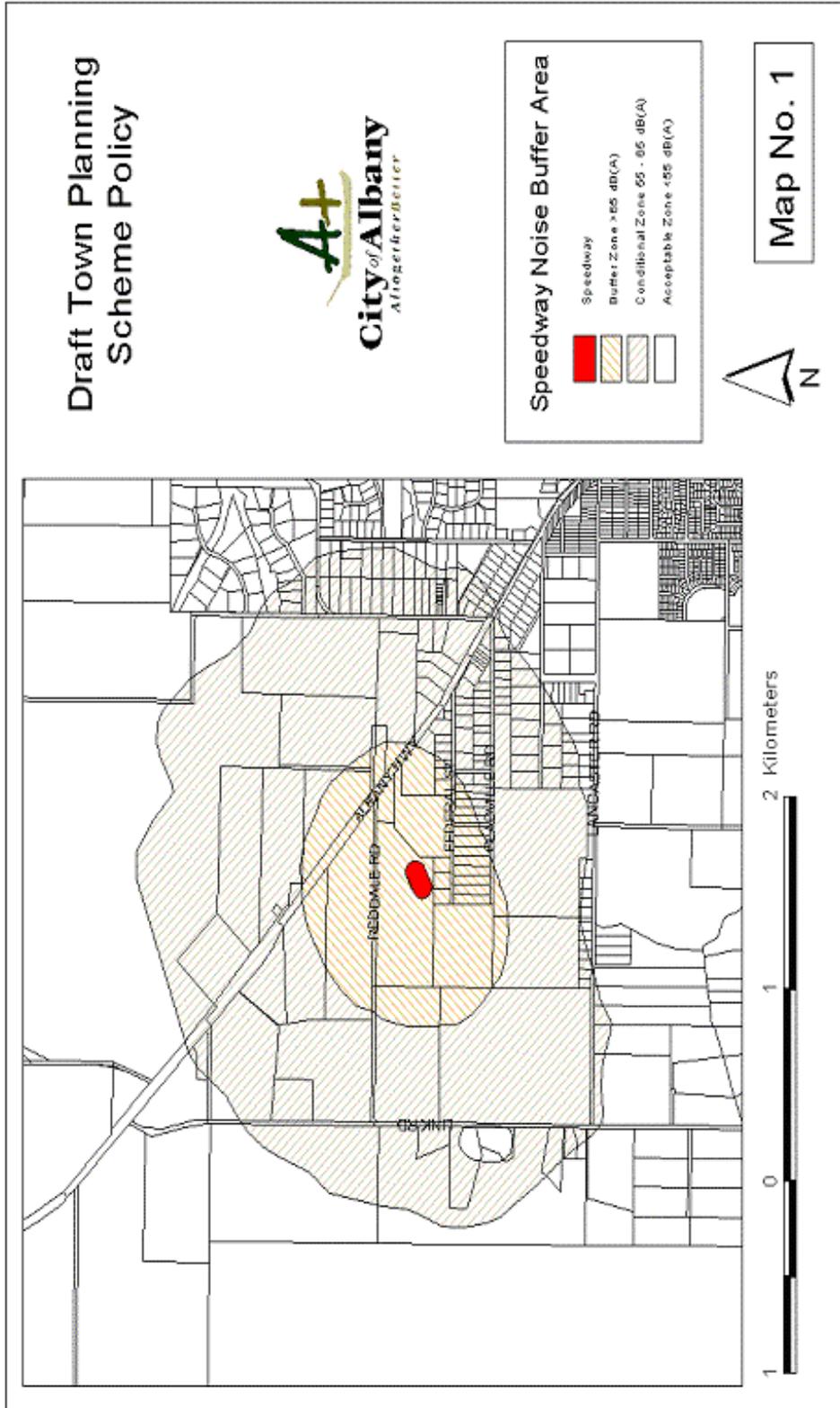
The following standards shall apply to all land contained within the >65dB(A) unacceptable development zone:

- i) Council shall not grant approval to any residential development that compromises the purpose of this buffer area.
- ii) Council shall not approve a dwelling (including any alteration or extension), or other habitable accommodation on land contained within the >65dB(A) zone.
- iii) Council may permit non-residential buildings to be developed within the zone providing that the land use activity is deemed compatible with the objectives of this Policy by Council, subject to the following conditions:
  - the proponent to provide a specialist report (prepared by a suitably qualified acoustic consultant) with any application containing details on the proposal, likely impacts of noise generated from the speedway on the activity and any associated measures and techniques to be utilised to achieve acceptable noise levels.
  - a memorial to be placed on the Certificate of Title stating that the premises are subject to high noise levels from the speedway activity.

**ADDITIONAL INFORMATION**

1	<i>The data for this Policy was prepared by Hering Storer Acoustics (Acoustic Consultants) for specific use in this Policy.</i>	
2.	<i>The Hering Storer Acoustics report for the speedway contains some recommendations on future works at the speedway including the construction of barrier fencing that would reduce the buffer zone required. The report recommends that upon completion of these works, additional modelling will need to be undertaken to redefine the buffer zone boundary shown in this Policy.</i>	
3.	<i>For information purposes, the approximate density of some commonly used construction materials are:</i>	
	<i>6mm compressed cement fence sheeting</i>	<i>11kg/m<sup>2</sup></i>
	<i>common brick</i>	<i>180kg/m<sup>2</sup></i>
	<i>200mm limestone blocks</i>	<i>350kg/m<sup>2</sup></i>
	<i>100mm concrete</i>	<i>260kg/m<sup>2</sup></i>
<i>4. Preliminary discussion with Council Officers is encouraged for any application likely to be affected by this Policy to ascertain the particular requirements for submitting an application and process to be followed in determining the application.</i>		

Item 11.3.2



ORDINARY COUNCIL MEETING MINUTES– 21/10/03  
\*\* REFER DISCLAIMER \*\*  
**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Amendment Request – Loc 7250 Gwydd Close, Elleker**

<b>File/Ward</b>	:	A6158A (West Ward)
<b>Proposal/Issue</b>	:	Preliminary request to rezone Loc 7250 Gwydd Close, Elleker from ‘Rural’ to ‘Special Use’
<b>Subject Land/Locality</b>	:	Location 7250 Gwydd Close, Elleker
<b>Proponent</b>	:	Ayton Taylor Burrell
<b>Owner</b>	:	AE Taylor
<b>Reporting Officer(s)</b>	:	Planning Officer – Policy (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Support the request.
<b>Bulletin Attachment</b>	:	Scheme Amendment Report
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Location 7250 Gwydd Close, Elleker from 'Rural' to 'Special Use' zone. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.
2. The application seeks to extend the existing manager's accommodation, community/workshop centre and chalet to provide for a full time caretaker's house and four short stay chalets.
3. The application was internally referred to the Strategic Planning Officer and Manager Development Services and externally referred to the Department of Planning and Infrastructure.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

6. There are various policies and strategies that have relevance to this proposal. They include:
  - The State Planning Strategy
  - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8)
  - The Albany Regional Strategy (1994)
  - The Local Rural Strategy (1996)
  - Draft Local Planning Strategy (2001)
7. 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.
8. The subject site is located within Torbay Precinct 9 of the City's Local Rural Strategy. The policy statements for this precinct states that land use proposals are to be determined in accordance with the general policies.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

9. General Policy 46 requires an amendment to be prepared where a proposal involves more than 3 chalets, if more than one tourism use is proposed or when it becomes the predominant use on the land.
10. The Local Rural Strategy seeks to encourage and facilitate development, which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

13. A copy of the proposal was referred to the Western Australian Planning Commission for preliminary comment. The major issues and concerns identified by the Commission and Council staff include:
  - There is extensive native vegetation on the site;
  - FESA is to be consulted in relation to fire protection and control measures to meet the requirements of FESA's "Planning for Bushfire Protection" document;
  - Clarification is required in relation to the proposed form of strata titling and the overall management of the retreat;
  - There is to be no residential use in either the existing or proposed chalets; and
  - The proposal is to build on health function, not just tourism.
14. A development guide plan is required to be prepared to show the distribution and relationship of uses on the site.
15. Given the vegetated nature of the site there is a potential fire hazard for development. A Fire Management Plan should be prepared as part of the amendment documents demonstrating how this risk is to be addressed.
16. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Location 7250 Gwydd Close, Elleker from 'Rural' to 'Special Use' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed Land Capability Assessment;
- ii) provision of a potable water supply;
- iii) preparation of a Development Guide Plan;
- iv) preparation of a Fire Management Plan;
- v) protection of remnant vegetation;
- vi) provision being made for the primacy of the health use; and
- vii) visual amenity (including built form and signage controls).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE**

**SECONDED COUNCILLOR BOJCUN**

**THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Location 7250 Gwydd Close, Elleker from 'Rural' to 'Special Use' subject to the Scheme Amendment addressing the following to the satisfaction of Council:**

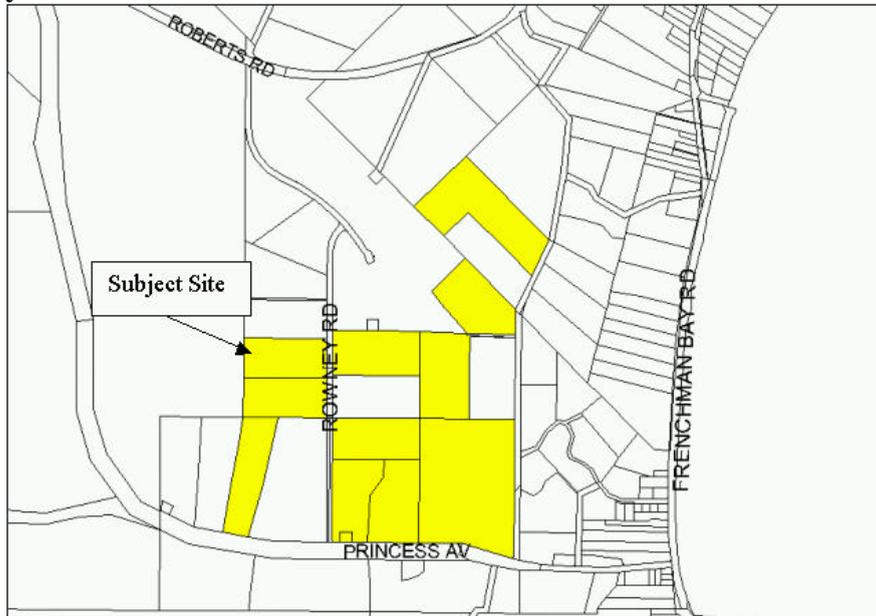
- i) detailed Land Capability Assessment;**
- ii) provision of a potable water supply;**
- iii) preparation of a Development Guide Plan;**
- iv) preparation of a Fire Management Plan;**
- v) protection of remnant vegetation;**
- vi) provision being made for the primacy of the health use; and**
- vii) visual amenity (including built form and signage controls).**

**MOTION CARRIED 11-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Scheme Amendment Request – Special Rural Area No. 10**

- File/Ward** : A175861A (Vancouver Ward)
- Proposal/Issue** : Preliminary request to amend subdivision guide plan for Special Rural Area No.
- Subject Land/Locality** : Lots Pt 70, 106 & 108 Home Rd, Lots Pt 2480, 124, 122, 150 & 121 Princess Avenue and Lots 110, 113, 114 & 123 Rowney Road, Robinson
- Proponent** : Ayton Taylor Burrell
- Owners** : Various
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Support the request.
- Bulletin Attachment** : Scheme Amendment Report
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to amend the subdivision guide plan for Special Rural Area No. 10. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.
2. The application seeks to apply a minimum lot size of 2ha to the subject lots which is in accordance with the requirements of the South Coast Water Reserve.
3. The application was internally referred to the Strategic Planning Officer and Manager Development Services and externally referred to the Department of Planning and Infrastructure.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

6. There are various policies and strategies that have relevance to this proposal. They include:
  - The State Planning Strategy
  - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8)
  - The Albany Regional Strategy (1994)
  - The Local Rural Strategy (1996)
  - Draft Local Planning Strategy (2001)
  - South Coast Water Reserve – Public Drinking Water Source Area (2001)
7. 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.
8. The subject site is located within Princess Royal Harbour Precinct 3 of the City's Local Rural Strategy. The policy statement for this precinct states that Council will consider requests for rezoning to Special Rural and subsequent

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

subdivision, with an average of one (1) lot per 2.0 hectares, subject to compliance with relevant general policies and proponents being able to demonstrate that the constraints and land management needs can be overcome/met.

9. The Local Rural Strategy seeks to encourage and facilitate development, which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.
10. South Coast Water Reserve – Public Drinking Water Source Area (2001) identifies Special Rural Area No. 10 as falling within the Priority 2 area. Within this area subdivision down to 2 ha is subject to the following:
  - i) Lots should only be created where land capability allows effective on-site soakage disposal of treated wastewater. Conditions apply to siting 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.
  - ii) 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.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

13. A copy of the proposal was referred to the Western Australian Planning Commission for preliminary comment. The major issues and concerns identified by the Commission and Council staff include:
  - Increase in density is reasonable but not based on land capability;
  - The City of Albany Local Rural Strategy notes that the land in the areas generally has a low capability for housing development and that significant drainage issues exist. These constraints should be specifically addressed in relation to the proposed intensification of development;
  - Wherever possible, battleaxe access should be minimised;

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

- Connection to reticulated water is required for lots less than 4ha in the northern portion of Special Rural Zone No. 10;
  - The sand extraction buffer should be revisited in line with the proposed increased density; and
  - Should include all of Special Rural Area No. 10 in amendment.
14. An overlay plan was prepared as part of Amendment No. 224, which demonstrated how the existing subdivision pattern could be converted into 2 hectare lots. This proposal builds on this plan.
  15. The existing subdivision guide plan for Special Rural Area No. 10 is to be replaced with a new plan showing how the site will be developed with a reduced minimum lot size.
  16. The subdivision guide plan is to include all lots within Special Rural Area No. 10. It is not considered appropriate to approach the modification of the guide plan in a piecemeal manner.
  17. Given the proposed increase in density it is considered appropriate that the buffer area around the sand extraction site be revisited. Investigation is to be undertaken to ensure no development is permitted in areas injuriously affected by this operation.
  18. Given the vegetated nature of the site there is a potential fire hazard for development. A Fire Management Plan should be prepared as part of the amendment documents demonstrating how this risk is to be addressed.
  19. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

**RECOMMENDATION**

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to modify the subdivision guide plan for Special Rural Area No. 10 and associated provisions subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed Land Capability Assessment;
- ii) provision of a reticulated potable water supply for lots under 4ha;
- iii) preparation of a Fire Management Plan;
- iv) protection of remnant vegetation;
- v) review of the sand extraction buffer; and
- vi) the revised Subdivision Guide Plan for Special Rural Area No. 10 to include all lots within the zone.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council advise the applicant that 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 No. 10 and associated provisions subject to the Scheme Amendment addressing the following to the satisfaction of Council:**

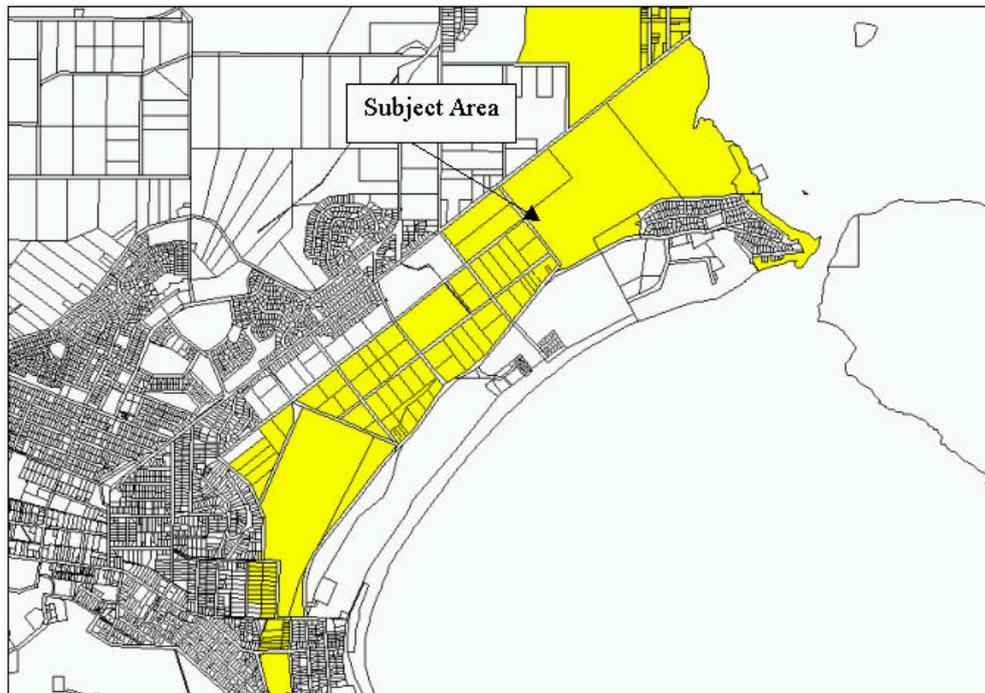
- i) detailed Land Capability Assessment;**
- ii) provision of a reticulated potable water supply for lots under 4ha;**
- iii) preparation of a Fire Management Plan;**
- iv) protection of remnant vegetation;**
- v) review of the sand extraction buffer; and**
- vi) the revised Subdivision Guide Plan for Special Rural Area No. 10 to include all lots within the zone.**

**MOTION CARRIED 11-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Proposed Town Planning Scheme Policy - Lake Seppings Flood Prone Area**

- File/Ward** : STR 127 (Breaksea & Yakamia Wards).
- Proposal/Issue** : Flood Protection.
- Subject Land/Locality** : All land surrounding the Lake Seppings area.
- Proponent** : City of Albany.
- Owner** : Various.
- Reporting Officer(s)** : Planning Officer (Policy) (R Hindley)
- Disclosure of Interest** : Nil.
- Previous Reference** : Nil.
- Summary Recommendation** : Advertise draft Town Planning Scheme Policy.
- Bulletin Attachment** : Nil.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**BACKGROUND**

1. The Lake Seppings Drainage Report has been completed by Wood and Grieve (Consultant Engineers).
2. The report addressed the following matters:
  - investigate the use of establishing a defined drainage path and berm as a means of addressing the drainage issues within the Lake Seppings Catchment.
  - identify the existing and future areas of inundation based upon varying flood frequencies, historic data, future development, and the latest scientific data relating to the potential rise in sea level due to global warming.
  - develop an overall plan defining the boundary limits to which potential future urban development and landfill should be restricted to ensure that the drainage function of the study area is not detrimentally affected.
  - provide information on management arrangements which need to be established to maintain the long-term integrity of the Lake Seppings drainage system.

**STATUTORY REQUIREMENTS**

3. Clause 7.21.1 of Town Planning Scheme No. 1A states:

*“In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.”*
4. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:

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

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

*(c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
5. Clauses 6.9.1 and 6.9.2 in Town Planning Scheme No. 3 mirror the above procedure to make a Town Planning Scheme Policy operative under Scheme No. 3.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

6. Council has a principal role in floodplain management by implementing strategies to address matters such as:
  - implementing land use and development controls
  - applying building regulations, and
  - promoting flood awareness at a community level.
7. The Wood and Grieve report highlights that there are areas around Lake Seppings that are subject to flooding and are required to be protected from development.

**POLICY IMPLICATIONS**

8. The Lake Seppings Flood Prone Area Policy will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.
9. It should be noted that although an adopted Town Planning Scheme Policy does not bind Council when making a decision, it should take into account the provisions of the policy and the objectives, which the policy was designed to achieve.

**FINANCIAL IMPLICATIONS**

10. Council is required to advertise the draft Policy in a local newspaper for two consecutive weeks at it's own cost.

**STRATEGIC IMPLICATIONS**

11. This Policy will affect land use and development proposals (including subdivision and scheme amendments) within the subject area upon final adoption by Council.
12. The Policy and Map will be:
  - referred to and included within the review of the draft Albany Local Planning Strategy (ALPS).
  - converted into a Special Control Area and scheme provisions within the new Community Planning Scheme (CPS).

**COMMENT/DISCUSSION**

13. A copy of the draft Policy and map are attached to this report.
14. The adoption of a policy dealing with the Lake Seppings flood area will allow Council to consider the implications of development upon the floodway as well as ensuring that only compatible development occurs within this area.
15. The draft policy establishes controls that apply to land as shown on the Policy map.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

16. The boundary of the policy area has been established in accordance with the findings of the Wood and Grieve Lake Seppings Drainage Report.

**RECOMMENDATION**

THAT Council adopts the draft ‘City of Albany - Lake Seppings Flood Prone Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

*Voting Requirement Simple Majority*

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The Executive Director Development Services advised the Council that the following adjustments had been made to the draft ‘City of Albany - Lake Seppings Flood Prone Area Policy’ and that Council would be voting on the revised Policy and not the Policy attached to this item.

**Part 1 General Policies**

- **Clause 1.2**  
Sub clause (e) added to ensure that the drainage function and floodway are part of the primary consideration by Council.
- **Clause 1.4**  
New 1.4 added to advise that Council would not approve development that would sever the necessary connection between Lake Seppings and Oyster Harbour.
- **Clause 1.5**  
Renumbered from 1.4.

**Part 2 Development Policies**

- **Clause iii)**
  - 1<sup>st</sup> dot point**  
Building height for non-habitable buildings changed from 2.1m AHD to 1.8m AHD.
  - 2<sup>nd</sup> dot point**  
Memorial on title requirement changed to landowner being advised that building may be subject to flooding in 1 in 100 year ARI flood event. (NOTE: Wood and Grieve report shows that this height will still exceed 100 year flood level and highest predicted tide level (including greenhouse sea level rise)).
  - 3<sup>rd</sup> dot point**  
Deleted.
- **Clause iv)**  
Opening altered to reflect that requirements apply to all lots within the flood prone area not just newly created lots.
  - 1<sup>st</sup> dot point**  
Requirement for minimum fill level deleted in favour of no fill permitted unless required.
  - 2<sup>nd</sup> dot point**

**DEVELOPMENT SERVICES REPORTS**

New provision added to not support subdivision to reduce potential for flood impacts generally.

**3<sup>rd</sup> dot point**

New provision added to require floodway to be provided to protect linkage between Lake Seppings and Oyster Harbour (NOTE: may require ceding of an appropriate reserve under Town Planning and Development Act or easement etc.).

**4<sup>th</sup> dot point**

Deleted.

**5<sup>th</sup> dot point**

Altered to allow new landowners to be notified of flooding issue upon transfer of land.

**6<sup>th</sup> dot point**

New provision added to require all development to incorporate protection of the drainage function and floodway link.

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR LIONETTI**

**THAT Council adopts the draft ‘City of Albany - Lake Seppings Flood Prone Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.**

**MOTION CARRIED 11-0**

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

***CITY OF ALBANY  
LAKE SEPPINGS FLOOD PRONE AREA POLICY***

**OBJECTIVE**

**The objectives of the policy are to:**

- **limit the damage to private property caused by flooding and/or inundation in the Lake Seppings area.**
- **preserve the natural function of the Lake Seppings floodplain to convey and store floodwaters; and**
- **require the incorporation of specific minimum heights levels for any acceptable development within the Lake Seppings flood prone area.**

**POLICIES**

**1. GENERAL**

- 1.1 Planning Scheme Consent is required for the development of any land and all buildings (including the extension or alteration of an existing dwelling) within the flood prone area as designated on Map 2.
- 1.2 In considering any application the Council shall have regard to:
  - i) The objectives and purpose of this Policy;
  - ii) The position of the subject site within the flood prone area as designated on Map 2;
  - iii) The requirements of the relevant Town Planning Scheme; and
  - iv) The recommendations of Lake Seppings Drainage Report (Wood and Grieve, April 1998).
- 1.3 Where any development is affected by more than one zone, Council shall apply the most stringent controls.
- 1.4 Prior to determining any application, the Council may consult with any landowner, individual, relevant stakeholder or other interested party.

**2. CONDITIONAL DEVELOPMENT AREA**

The following policy statements shall apply to all land contained within the conditional development zone:

- i) Council shall not grant approval to any development that compromises the purpose of this Policy.
- ii) Council shall only approve a habitable building to be developed on land contained within the flood prone area, subject to the following conditions:
  - the proponent to provide details (certified by a licensed surveyor) with any application, that the proposed building will be constructed at a finished floor level of no less than 2.3m AHD.
  - a memorial to be placed on the Certificate of Title stating that:
    - the land may be subject to flooding from Lake Seppings during a 1 in 100 year ARI event.
    - any habitable building development will be required to incorporate a minimum floor level height of 2.3m AHD.
- iii) Council may permit other non-habitable buildings (such as outbuildings) to be developed on land contained within the flood prone area, subject to the following conditions:

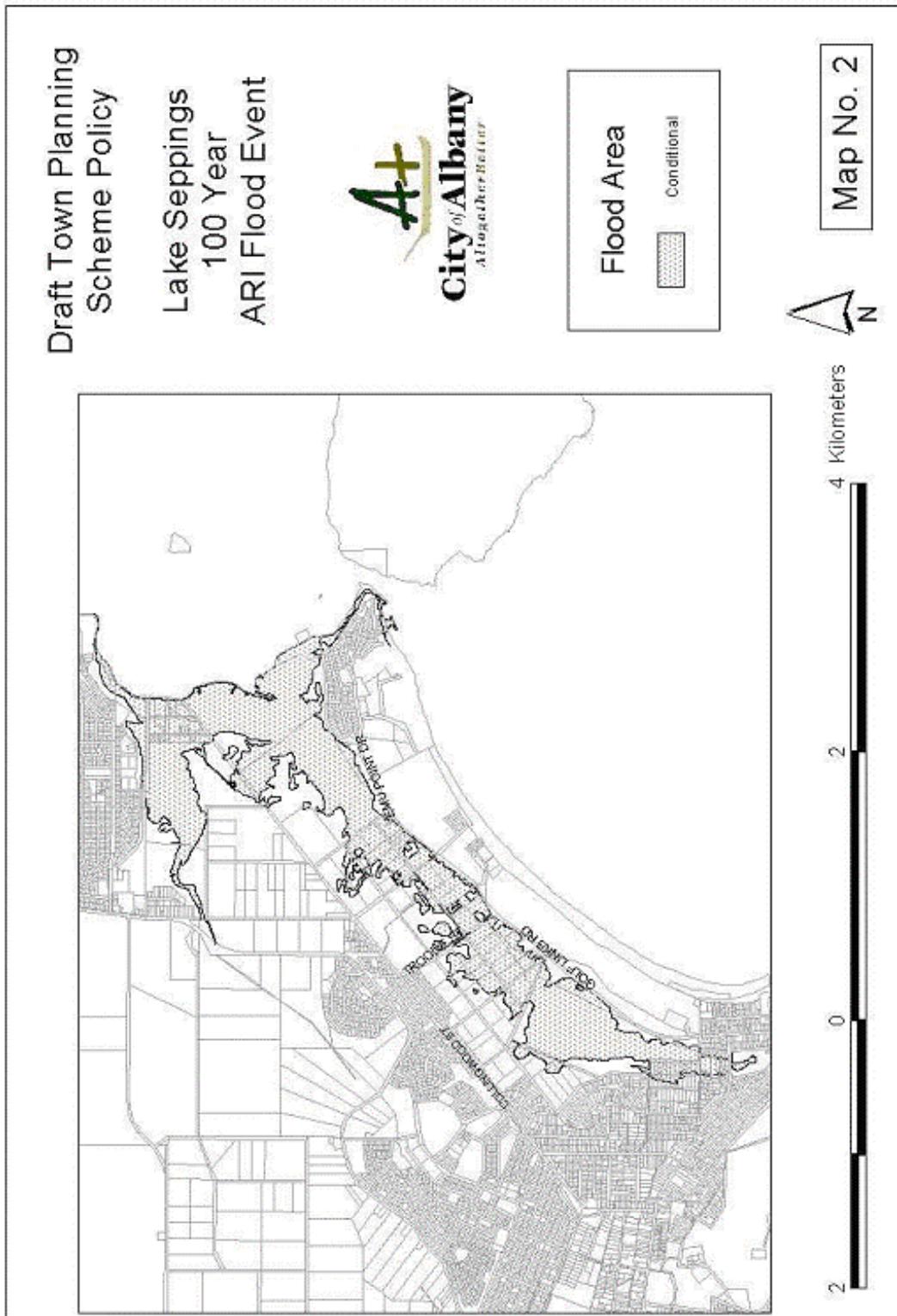
**DEVELOPMENT SERVICES REPORTS**

- the proponent to provide details (certified by a licensed surveyor) with any application, that the proposed building will be constructed at a finished floor level of no less than 2.1m AHD.
  - a memorial to be placed on the Certificate of Title stating that:
    - the land may be subject to flooding from Lake Seppings during a 1 in 100 year ARI event.
    - any non-habitable building development will be required to incorporate a minimum floor level height of 2.1m AHD.
- iv) Council shall require that all new lots created as a result of subdivision within the flood prone area be subject to the following conditions:
- the land being filled to a minimum height of 2.1m AHD (to be certified by a licensed surveyor) prior to being made available for development.
  - a memorial to be placed on the Certificate of Title stating that:
    - the land may be subject to flooding from Lake Seppings during a 1 in 100 year ARI event.
    - any building development will be required to incorporate minimum floor levels.
  - prospective purchasers shall be made aware (in writing) that the land may be subject to flooding from Lake Seppings and any building development is required to meet minimum floor levels heights.

***ADDITIONAL INFORMATION***

- |   |
|---|
| <p>1. <i>The data for this Policy was prepared by Wood and Grieve (Engineers) for specific use in this Policy.</i></p> <p>2. <i>The Wood and Grieve report for Lake Seppings contains some recommendations on future works required to improve catchment management of Lake Seppings including the construction of controllable outlet structure and floodway outlet path and management practices that would assist the overall function of the floodway.. These future works would not affect the boundaries of this Policy.</i></p> <p>3. <i>Preliminary discussion with Council Officers is encouraged for any application likely to be affected by this Policy to ascertain the particular requirements for submitting an application and process to be followed in determining the application.</i></p> |
|---|

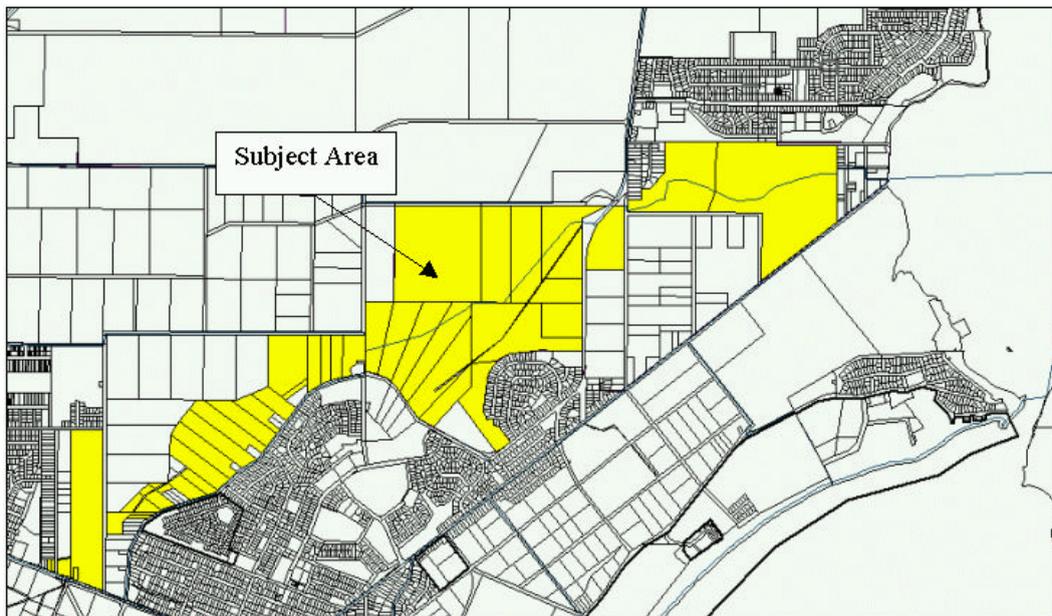
**DEVELOPMENT SERVICES REPORTS**



**DEVELOPMENT SERVICES REPORTS**

**11.3.6 Proposed Town Planning Scheme Policy - Yakamia Creek Flood Management Area.**

- File/Ward** : STR 127 (Yakamia Ward).
- Proposal/Issue** : Flood Protection.
- Subject Land/Locality** : All land surrounding Yakamia Creek.
- Proponent** : City of Albany.
- Owner** : Various.
- Reporting Officer(s)** : Planning Officer (Policy) (R Hindley)
- Disclosure of Interest** : Nil.
- Previous Reference** : Nil.
- Summary Recommendation** : Advertise Town Planning Scheme Policy.
- Bulletin Attachment** : Nil.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued.

**BACKGROUND**

1. The Yakamia Creek Floodplain Management Strategy has been completed by Aquaterra Consulting Pty Ltd (Consultant Engineers).
2. The report was commissioned by the Water and Rivers Commission to assist the City in developing land use and development controls for floodprone areas of the Yakamia Creek catchment which extends from North Road to Oyster Harbour.
3. The Aquaterra report highlights areas adjacent to Yakamia Creek that are subject to flooding and therefore required to be protected from development.

**STATUTORY REQUIREMENTS**

4. Clause 7.21.1 of Town Planning Scheme No. 1A states:

*“In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.”*

5. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:

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

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

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

6. Clause 6.9.2 of Town Planning Scheme No. 3 requires the same procedure as Clause 7.21.2 of Town Planning Scheme No. 1A to be undertaken to make a policy operative.

**POLICY IMPLICATIONS**

7. The Yakamia Flood Prone Area will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A and Clause 6.9 of Town Planning Scheme 3.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued.

8. It should be noted that although an adopted Town Planning Scheme Policy does not bind Council when making a decision, it shall take into account the provisions of the policy and the objectives which the policy was designed to achieve.

**FINANCIAL IMPLICATIONS**

9. Council is required to advertise the draft Policy in a local newspaper for two consecutive weeks at its own cost.

**STRATEGIC IMPLICATIONS**

10. This Policy will affect land use and development proposals (including subdivision and scheme amendments) within the policy area upon final adoption by Council.
11. The Policy and Map will be:
  - referred to and included within the review of the draft Albany Local Planning Strategy (ALPS).
  - converted into a Special Control Area and scheme provisions within the new Community Planning Scheme (CPS).
12. The implementation of the report's recommendations will ensure that adverse effects from flooding within the Yakamia Creek catchment is minimised.

**COMMENT/DISCUSSION**

13. A copy of the draft Policy and map are attached to this report.
14. The Water and Rivers Commission (now part of the Department of Environment Water and Catchment Protection) is the lead State agency for providing floodplain mapping and advice. They have undertaken the flood study for Yakamia Creek and their Floodplain Management Strategy recommends:
  - **against any development in a floodway**, which forms the river channel and main flow path for floodwaters. Any development that creates a blockage or obstruction can lead to an increase in upstream flood levels and inundation of additional areas to occur. The establishment of parks and recreation may be appropriate subject to their being no obstruction to flows occurring.
  - **conditional development only in the flood fringe**, which forms the still or very slow moving waters outside the floodway. A minimum habitable floor level of 0.50 metre above the designated 100 year ARI Flood Level is recommended to ensure adequate protection.
15. The Commission recommends that local governments incorporate suitable controls within town planning schemes and policy statements such as this.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.6 continued.

16. Council has a principal role in floodplain management by implementing strategies to address the matter such as:
  - Land use and development controls;
  - Application of building regulations; and
  - Promotion flood awareness at a community level.
17. The adoption of a policy dealing with Yakamia Creek flood management area will allow Council to consider the implications of development upon the floodway and flood fringe areas as well as ensuring that only compatible development occurs within this area.
18. The draft policy establishes controls that apply to land as shown on the Policy map.

**RECOMMENDATION**

THAT Council adopts the draft ‘City of Albany - Yakamia Creek Flood Management Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council adopts the draft ‘City of Albany - Yakamia Creek Flood Management Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3.**

**MOTION CARRIED 11-0**

**DEVELOPMENT SERVICES REPORTS**

***CITY OF ALBANY  
YAKAMIA CREEK FLOOD MANAGEMENT AREA POLICY***

**OBJECTIVE**

The objectives of the policy are to:

- limit the damage to buildings on private property caused by flooding and/or inundation in the Yakamia Creek catchment.
- preserve the natural function of Yakamia Creek floodplain to convey and store floodwaters; and
- require the incorporation of specific minimum heights levels for any acceptable development within the Yakamia Creek catchment area.

**POLICIES**

**1. GENERAL**

- 1.1 Planning Scheme Consent is required for the development of any land and all buildings (including the extension or alteration of an existing dwelling) within the flood prone area as designated on Map 3.
- 1.2 In considering any application the Council shall have regard to:
- a.) The objectives and purpose of this Policy;
  - b.) The position of the subject site within the flood prone area as designated on Map 3;
  - c.) The requirements of the relevant Town Planning Scheme; and
  - d.) The recommendations of Yakamia Creek Floodplain Management Strategy (Aquaterra, December 2002).
- 1.3 Where any development is affected by more than one zone, Council shall apply the most stringent controls.
- 1.4 Prior to determining any application, the Council may consult with any landowner, individual, relevant stakeholder or other interested party.

**2. CONDITIONAL DEVELOPMENT AREA**

The following policy statements shall apply to all land contained within the conditional development zone:

- i) Council shall not grant approval to any development that compromises the purpose of this Policy.
- ii) Council shall only approve a building to be developed on land contained within the conditional development zone, subject to the following conditions:
  - the proponent to provide details (certified by a licensed surveyor) with any application, that the proposed building will be constructed at a finished floor level of no less than 500mm above the designated 100 year ARI Flood Level.
  - a memorial to be placed on the Certificate of Title stating that:
    - the land may be subject to flooding from Yakamia Creek during a 1 in 100 year ARI event.
    - any building development will be required to incorporate a finished floor level of no less than 500mm above the designated 100 year ARI Flood Level.

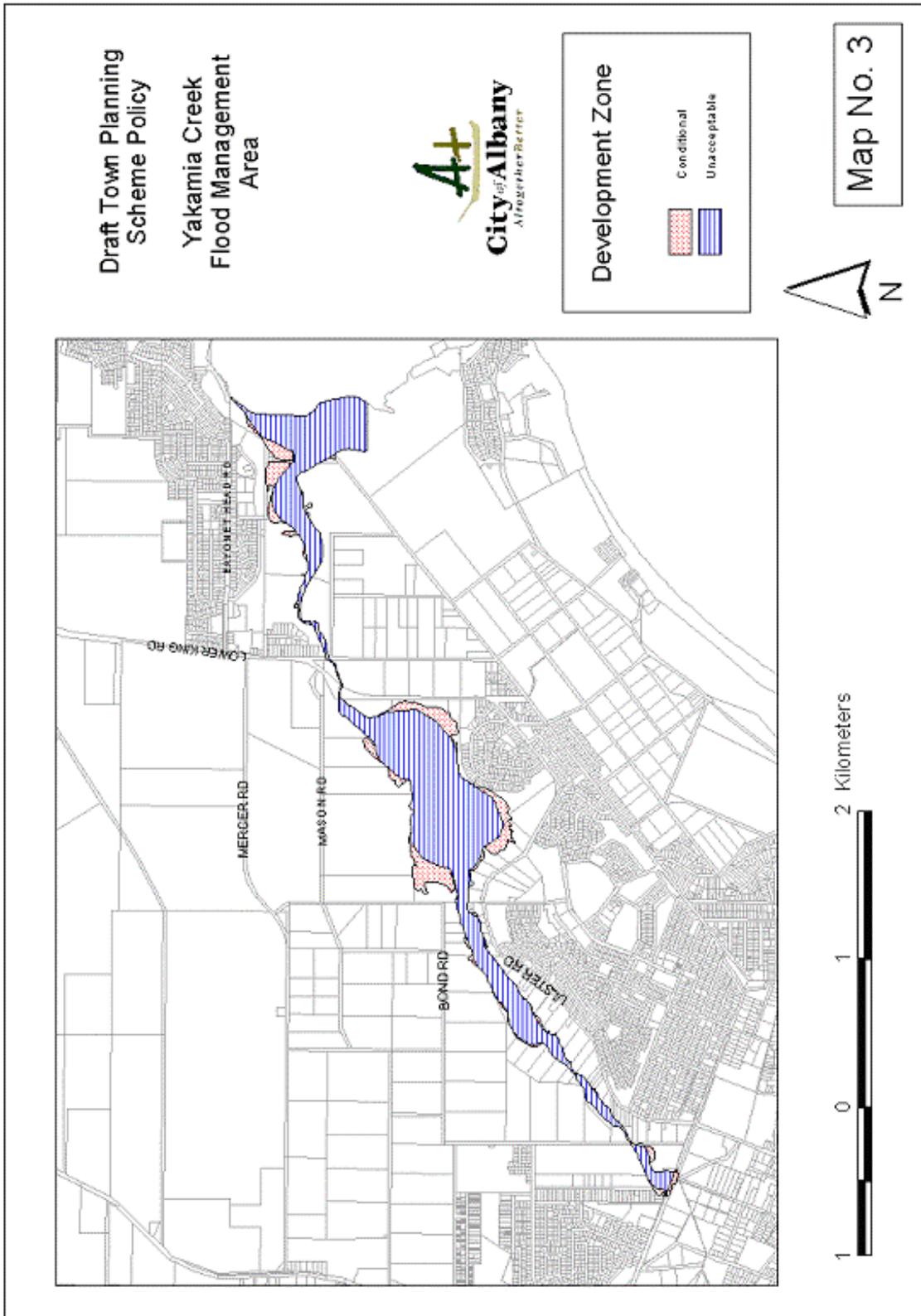
**3. UNACCEPTABLE DEVELOPMENT AREA**

Council shall not grant approval to any development on land contained within the unacceptable development zone or that compromises the purpose of this buffer area.

***Additional Information***

- |    |  |
|----|--|
| 1  | <i>The data for this Policy was prepared by Aquaterra Consulting Pty Ltd for specific use in this Policy.</i>  |
| 2. | <i>The Aquaterra report for Yakamia Creek contains some recommendations on future works required to improve catchment management of the creekline including managing siltation that would assist the overall function of the floodway.</i>                   |
| 3. | <i>Preliminary discussion with Council Officers is encouraged for any application likely to be affected by this Policy to ascertain the particular requirements for submitting an application and process to be followed in determining the application.</i> |

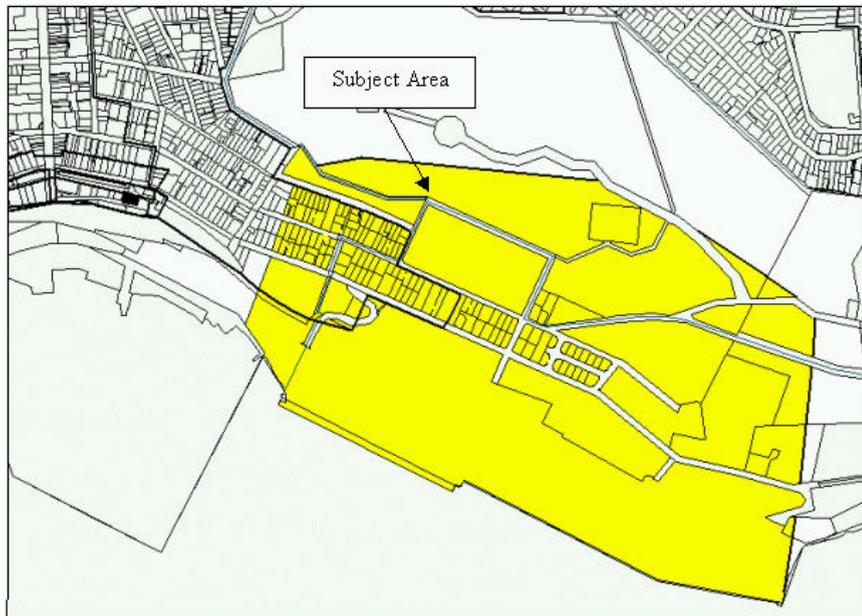
**DEVELOPMENT SERVICES REPORTS**



**DEVELOPMENT SERVICES REPORTS**

**11.3.7 Proposed Town Planning Scheme Policy - Albany Port Noise Buffer Area Policy**

<b>File/Ward</b>	: STR 127 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Albany Port Noise Buffer Area Policy
<b>Subject Land/Locality</b>	: All land surrounding the Albany Port.
<b>Proponent</b>	: City of Albany.
<b>Owner</b>	: Various.
<b>Reporting Officer(s)</b>	: Planning Officer – Policy (R Hindley)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: Advertise the draft Town Planning Scheme Policy.
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	:



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

**BACKGROUND**

1. A Noise Buffer Study for the Albany Port has been completed by Vipac Engineers and Scientists (Acoustic Consultants).
2. The Study was commissioned by the City to examine a previously established noise model of the Port and recommend planning control mechanisms to be incorporated into the planning scheme.
3. An appropriately determined noise buffer will assist Council in the planning of the area around the port and will allow the continued operation of the port and related activities which is considered vital to the economic wellbeing of the Great Southern region.

**STATUTORY REQUIREMENTS**

4. Clause 7.21.1 of Town Planning Scheme No. 1A states:  
  
*“In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.”*
5. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative:
  - (a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - (b) *The Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
6. The port is required to ensure that their operations are conducted in accordance with the Environmental Protection (Noise) Regulations 1997.

**POLICY IMPLICATIONS**

**DEVELOPMENT SERVICES REPORTS**

7. The Albany Port Noise Buffer Policy will be a Town Planning Scheme Policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme No. 1A.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

8. It should be noted that although an adopted Town Planning Scheme Policy does not bind Council when making a decision, it should take into account the provisions of the policy and the objectives, which the policy was designed to achieve.

**FINANCIAL IMPLICATIONS**

9. Council is required to advertise the draft policy in a local newspaper for two consecutive weeks at it's own cost.

**STRATEGIC IMPLICATIONS**

10. This policy will affect land use and development proposals (including subdivision and scheme amendments) within the subject area upon final adoption by Council.
11. The Policy and Buffer Area will be:
  - referred to and included within the review of the draft Albany Local Planning Strategy (ALPS); and
  - converted into a Special Control Area and scheme provisions within the new Community Planning Scheme (CPS).
12. The report's recommendation requires the Port to ensure that any new industrial facilities be designed to minimise their impact on the amenity of residential areas. This action will ensure that the buffer area boundary and existing, plus future port operations are consistent with the WA Planning Commission Policy 4.1 'State Industrial Buffer Policy'.

**COMMENT/DISCUSSION**

13. A copy of the draft Policy is attached to this report.
14. The adoption of a policy dealing with the port noise buffer will allow Council to consider the implications of noise generated from that activity on sensitive land uses such as residential dwellings. The report dealt with noise generated from road and rail noise activities separately to that generated by plant and facilities operations.
15. The draft policy establishes the extent of the control area and sets out the policy measures that apply to development within this area. This area has been established in accordance with the report findings and relevant legislation.
16. The Port, in proposing a development that is likely to generate additional noise that would affect residences within the buffer area, will be required to provide details from an acoustic consultant regarding potential noise levels from the activity methods proposed to be incorporated into the development to limit its

**DEVELOPMENT SERVICES REPORTS**

impact on affected residences and meet the standards set out in the Regulations, will also be required.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.7 continued

RECOMMENDATION

THAT Council adopts the ‘City of Albany - Albany Port Noise Buffer Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21 of Town Planning Scheme No. 1A.

*Voting Requirement Simple Majority*

.....  
...

The Executive Director Development Services advised the Council that the following adjustments had been made to the draft ‘City of Albany - Albany Port Noise Buffer Area Policy’ and that Council would be voting on the revised Policy and not the Policy attached to this item:-

**Overview**

This introduction has been added to:

- clearly spell out the purpose for the Policy,
- set down the ‘base-line’ noise levels identified in the Acoustic Consultant report from existing and potential port operations, and
- identify the Port Authority’s obligations in regards to the buffer policy.

**Objective**

New objective added (as 4<sup>th</sup> dot point) to state obligations of the Port Authority in regards to the noise buffer policy.

**Part 1 General Policies**

Clauses 1.2(b) and 1.3 changed wording from ‘zone’ to ‘area’ to remove any potential confusion with town planning scheme terminology.

**Part 3 Port Industry Zone Area**

These clauses added to set out the obligations of the Port Authority in regards to the buffer policy including the ‘base-line’ noise levels to be used by Council and application requirements for any new developments or upgrading of existing activities.

Councillor Lionetti left the Chambers at 9.07pm.

Councillor Lionetti returned to the Chambers at 9.09pm.

<p><b>MOVED COUNCILLOR EMERY</b> <b>SECONDED COUNCILLOR WATERMAN</b></p> <p><b>THAT Council adopts the draft ‘City of Albany - Albany Port Noise Buffer Area Policy’ and agrees to advertise the policy for public comment in accordance with Clause 7.21 of Town Planning Scheme No. 1A.</b></p> <p><b>MOTION CARRIED 11-0</b></p>
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**DEVELOPMENT SERVICES REPORTS**

**CITY OF ALBANY  
ALBANY PORT NOISE BUFFER AREA POLICY**

**OBJECTIVE**

The objectives of the policy are to:

- **Protect the operations of the Albany Port.**
- **Acknowledge existing approved residential developments within the buffer area and to progressively reduce noise impacts into these residences by imposition of this Policy.**
- **Require the incorporation of specific design and construction requirements for any approved residential developments to ensure noise levels within buildings comply with the standards contained in the Environmental Protection (Noise) Regulations 1997.**

**POLICIES**

**1. GENERAL**

- 1.1 Planning Scheme Consent is required for the development of any residential buildings (including the extension or alteration of an existing dwelling) or other habitable accommodation within the buffer area as designated on Map 4.
- 1.2 In considering an application, the Council shall have regard to:
  - (a) The objectives of this Policy;
  - (b) The position and zone of the subject site as designated on Map 4;
  - (c) The requirements of the relevant Town Planning Scheme;
  - (d) The standards contained in the *Environmental Protection (Noise) Regulations 1997*.
- 1.3 Where any development is affected by more than one zone, Council shall apply the most stringent controls.
- 1.4 Prior to determining any application, the Council may consult with any landowner, individual, relevant stakeholder or other interested party.

**2. CONDITIONAL DEVELOPMENT AREA**

The following standards shall apply to all land contained within the conditional development area:

- i) Council shall not grant approval to any residential development that compromises the purpose of this buffer area.
- ii) Council shall only approve a dwelling (including any alteration or extension), or other habitable accommodation on land contained within the conditional area, subject to the following conditions:
  - the proponent to provide a specialist report (prepared by a suitably qualified acoustic consultant) with any application to show that the proposal can achieve the standards set out in the *Environmental Protection (Noise) Regulations 1997*.
  - the incorporation of design and construction methods/materials including:

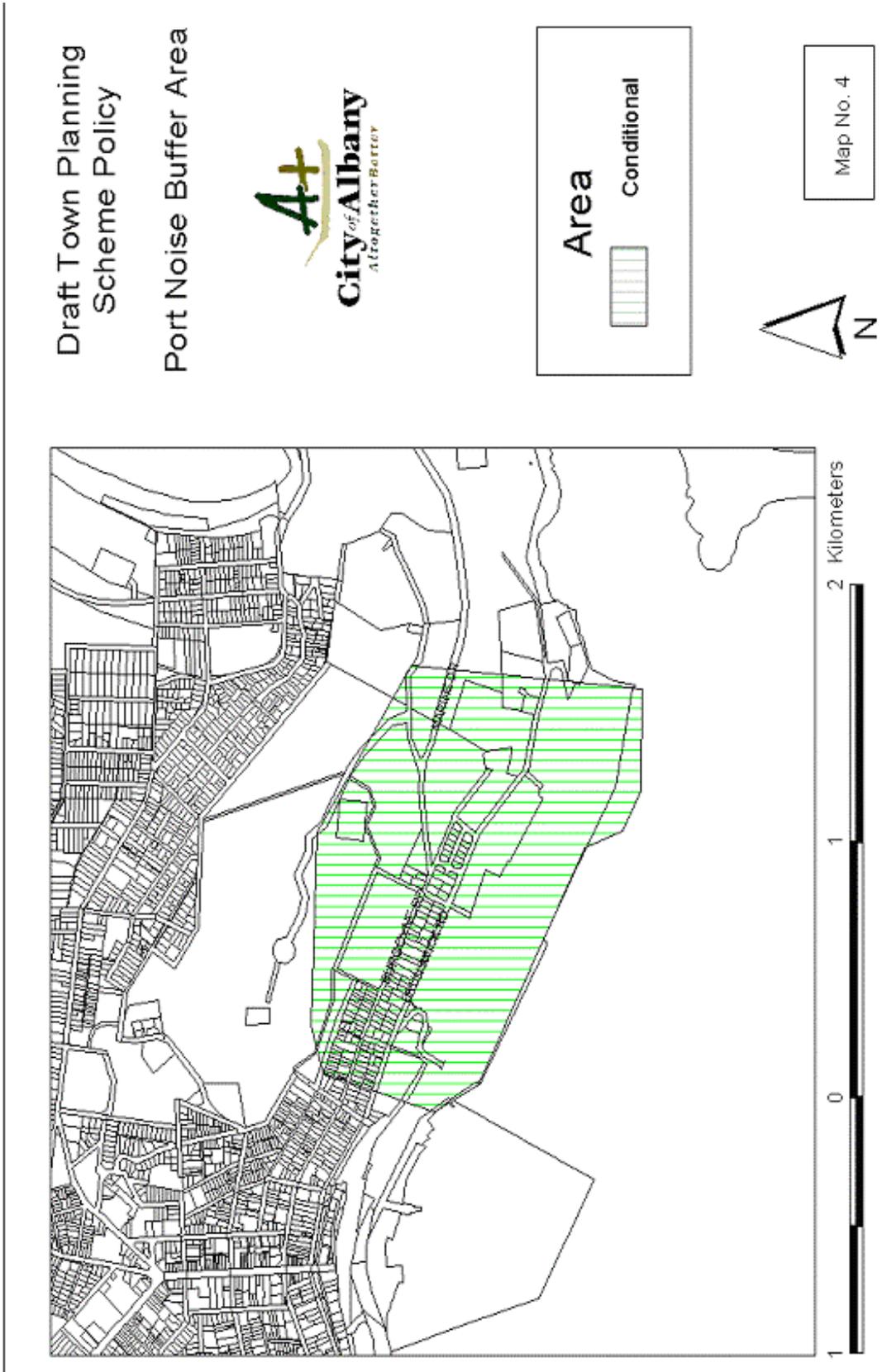
**DEVELOPMENT SERVICES REPORTS**

- locating bedrooms on opposite side of dwelling to port.
  - walls should be Sound Transmission Class (STC) 45-50.
  - all glazing should be minimum of 10mm laminated with acoustic seals on rooms facing the port (windows need to remain closed to achieve attenuation).
  - doors facing the port need to be solid core and appropriately sealed.
  - additional treatment (including insulation) to roof and ceiling may be required.
  - a memorial to be placed on the Certificate of Title stating:
    - the premises are subject to high noise levels from the port operations; and
    - any residential development will be required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.
- iii) Council may permit non-residential buildings to be developed within this zone providing that Council deems the land use activity compatible with the objectives of this Policy.
- iv) Council shall require that all new lots created as a result of subdivision within this zone be subject to the following conditions:
- a memorial to be placed on the Certificate of Title stating that:
    - the land may be subject to high noise levels from the port operations; and
    - any residential development will be required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.
  - prospective purchasers shall be made aware (in writing) that the land may be subject to high noise levels from the port operations and any residential development is required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.

**ADDITIONAL INFORMATION**

1. *The data for this Policy was prepared by Vipac Engineers and Scientists for specific use in this Policy.*
2. *The City will continue to apply the measures contained within the WA Planning Commission State Planning Policy 4.1 'State Industrial Buffer Policy' which advises "Proposals for new development and expansion/upgrading of existing facilities in established industrial estates, single-site industries and infrastructure (including new activities associated with the growth of trade at ports) should have regard to the interests of affected landowners in surrounding areas, where unacceptable impacts extend beyond any existing buffer areas. In recognition of these interests, the developer may need to upgrade processing systems to mitigate impacts and negotiate with affected landowners, in the same way as with proposals for new facilities and industrial estates in greenfield sites, where indirect solutions in the form of compatible land uses cannot be applied."*
3. *Preliminary discussion with Council Officers is encouraged for any application likely to be affected by this Policy to ascertain the particular requirements for submitting an application and process to be followed in determining the application.*

**DEVELOPMENT SERVICES REPORTS**



**DEVELOPMENT SERVICES REPORTS**

**11.3.8 Proposed Interim City of Albany Transport Strategy**

<b>File/Ward</b>	: STR 078 (All Wards).
<b>Proposal/Issue</b>	: Transport Network Strategy.
<b>Subject Land/Locality</b>	: Various
<b>Proponent</b>	: City of Albany.
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Strategic Planning Officer (P Shephard)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: Endorse draft Transport Strategy as interim position to assist in preparing Albany Local Planning Strategy.
<b>Bulletin Attachment</b>	: Draft Transport Network Strategy
<b>Locality Plan</b>	: Nil.

**BACKGROUND**

1. The draft Transport Network Strategy was released to Councillors at the recent briefing held on 23 September 2003.
2. The Strategy has been prepared by Officers and resulted from a review and consolidation of the many strategic documents that deal with transport matters within the City.

**STATUTORY REQUIREMENTS**

3. Due to the nature of the draft Transport Network Strategy (being advisory only at this stage), there are no particular statutory requirements that pertain to its adoption.
4. In the future, the adoption of a final Transport Network Strategy as part of the review of the Albany Local Planning Strategy – ALPS) will result from the formal advertising and adoption of ALPS to be undertaken by Council. This would enable the inclusion of appropriate statutory controls and mechanisms within the new Community Planning Scheme, which also necessitates formal advertising and adoption by Council.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.8 continued

**POLICY IMPLICATIONS**

5. The Transport Network Strategy will ultimately form part of the Local Planning Strategy and Town Planning Scheme for the City and will provide a mechanism to implement the road network system as outlined in the accompanying maps.

**FINANCIAL IMPLICATIONS**

6. Officers are proposing to include the draft Strategy within a proposed 'special' edition of a local newspaper to encourage public input, which has been included in this year's budget allocation.
7. In the future, the adoption of a final Transport Network Strategy will require budgetary consideration to finance the construction of roads that constitute the road network and in some cases the purchase of lands affected by road widening or resumptions.

**STRATEGIC IMPLICATIONS**

8. The draft Strategy will affect land use and development proposals (including subdivision and scheme amendments) within the City upon final adoption by Council.
9. The draft Strategy will be:
  - referred to and included within the review of the draft Albany Local Planning Strategy (ALPS).
  - converted into scheme provisions and shown on scheme mapping within the new Community Planning Scheme (CPS).
10. The release of the draft Strategy will assist in addressing one of the main areas of concern expressed by the public in organisational surveys, by ensuring that the community are made aware of the City's strategic direction for road network planning.
11. The implementation of the draft Transport Network Strategy will ensure that the preferred future road network required to service the City and its growth is protected from inappropriate development.

**COMMENT/DISCUSSION**

12. A copy of the draft Strategy and Maps is included in the Elected Members Report and Information Bulletin.
13. The strategy is intended to be used as the broad outlook (or philosophical position) of Council only at this stage. Is not intended to be used for detail planning such as budget or engineering purposes.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.8 continued

14. The Strategy highlights the following categories for roads within the Transport Network:

**Regional Roads** namely highways and other roads under the care and control of Federal/State Governments and which form the highest order roads within the City such as Albany Highway, South Coast Highway, Chester Pass Road, proposed Ring Road etc.

**Local Distributor** namely main distributor roads under the care and control of the City and which form the ‘backbone’ of the local road transport network providing middle order roads within the City such as Lower Denmark Road, Chillinup Road, Frenchman’s Bay Road, Lower King Road, Mercer Road, proposed Yakamia Drive etc.

**Local Connector** namely main local connector roads under the care and control of the City and which form the connectors for the local commuter traffic providing middle/lower order roads within the City such as Serpentine Road, Henry Street, Ulster Road, Collingwood Road etc.

**Local Road** Servicing local street access needs / functions.

15. Additional detail has been requested from Council’s Works and Services Section regarding the preferred road reserve widths for certain roads within the Strategy, which will also be incorporated into the document.
16. Whilst Officers acknowledge that there is no process to release the draft Strategy for public input at this stage, due to the lack of any formal advertising and adoption procedure for this type of item, it is suggested that public opinion on the concept can be sought as part of the ‘special edition’ release.
17. The Strategy is intended to be used by Officers in preparing the review of the Albany Local Planning Strategy (ALPS) and it recommends the preferred future road network within the City.

**RECOMMENDATION**

THAT Council adopts the interim draft Transport Network Strategy for the City of Albany:

- i) for inclusion in the proposed ‘Special Edition’ of the local newspaper seeking public input; and
- ii) as a reference for inclusion within the review of the draft Albany Local Planning Strategy (ALPS) and consequently being converted into scheme provisions and shown on scheme mapping within the new Community Planning Scheme (CPS).

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.8 continued.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR PAVER**

**THAT Council adopts the interim draft Transport Network Strategy for the City of Albany:**

- i) for inclusion in the proposed ‘Special Edition’ of the local newspaper seeking public input; and**
- ii) as a reference for inclusion within the review of the draft Albany Local Planning Strategy (ALPS) and consequently being converted into scheme provisions and shown on scheme mapping within the new Community Planning Scheme (CPS).**

**MOTION CARRIED 9-2**

**11.4 DEVELOPMENT SERVICE COMMITTEES**

Nil.

# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

#### 12.1.1 List of Accounts for Payment – City of Albany

<b>File/Ward</b>	:	FIN 022 (All Wards)
<b>Proposal/Issue</b>	:	N/A
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager of Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Approve accounts for payment
<b>Bulletin Attachment</b>	:	Summary of Accounts
<b>Locality Plan</b>	:	N/A

#### COMMENT/DISCUSSION

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

Municipal Fund			
Cheques	totalling		297,729.43
Electronic Fund Transfer	totalling		1,540,761.99
Payroll	totalling		647,895.92
<b>TOTAL</b>			<u><u>\$2,486,387.34</u></u>

#### RECOMMENDATION

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

Municipal Fund			
TOTAL	totalling		<u><u>\$2,486,387.34</u></u>

*Voting Requirement Simple Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 21/10/03  
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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

<b>MOVED COUNCILLOR WILLIAMS</b>		
<b>SECONDED COUNCILLOR WELLINGTON</b>		
<b>THAT the following City of Albany accounts be passed for payment: -</b>		
<b>Municipal Fund</b>	<b>totalling</b>	<b>\$2,486,387.34</b>
<b>TOTAL</b>		<b><u>\$2,486,387.34</u></b>
<b>MOTION CARRIED 11-0</b>		

### 12.1.2 Appointment of Representative to the Audit Committee

<b>File/Ward</b>	: FIN 020 (All Wards)
<b>Proposal/Issue</b>	: Replace Councillor on the Audit Committee
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager – Finance (S Goodman)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council appoint a Councillor to the Audit Committee.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

### BACKGROUND

1. The City of Albany Audit Committee consists of the CEO and two elected members. The current members of the Committee are Andrew Hammond, Councillor Bob Emery, and former Councillor Diane Evers.
2. The Audit Committee terms of reference are:
  - 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.

### STATUTORY REQUIREMENTS

3. Section 5.10 of the Local Government Act 1995 provides Local Governments with the power to appoint members of its Committees (Absolute Majority Required)

Item 12.1.2 continued.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. Alignment with Council’s Strategic Plan – Albany 2020 – Reputation for professional excellence.

**COMMENT/DISCUSSION**

7. With the resignation of Councillor Evers, there is an Audit Committee vacancy. It is considered important to fill the vacancy prior to the presentation of the 2002/2003 Annual Accounts to the Committee, and the opportunity to meet with Council’s auditor prior to the Electors’ Meeting in November 2003.

**RECOMMENDATION**

THAT Council appoint Councillor \_\_\_\_\_ to the Audit Committee.

*Voting Requirement Absolute Majority*

.....

<p><b>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR DEMARTEAU</b></p> <p><b>THAT Council appoint Councillor Wellington to the Audit Committee.</b></p> <p><b>MOTION CARRIED 11-0 ABSOLUTE MAJORITY</b></p>
---

### 12.1.3 Albany Visitors Centre (AVC) Bank Guarantee

<b>File/Ward</b>	:	REL 026 (All Wards)
<b>Proposal/Issue</b>	:	Council requested to provide collateral security
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager – Finance (S Goodman)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council provide collateral security for an AVC Bank Guarantee.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. The Tourism Industry maintains the “Tourism Compensation Fund” to compensate customers in the event that an operator goes out of business. An operator is not permitted to take bookings unless they maintain their membership in the fund. A condition of the fund requires that in the event that an operator has experienced recent trading losses, the operator’s fund membership must be secured by a bank guarantee. This guarantee cannot be secured against the operator’s assets.

#### STATUTORY REQUIREMENTS

2. Section 3.1(1) of the Local Government Act requires that the use of a local government’s funds must be justified on the basis that the expenditure will provide for the good government of persons in its districts.
3. Section 6.8 of the Local Government Act requires an Absolute Majority when Council is incurring expenditure from the Municipal Fund for an additional purpose during the financial year.

#### POLICY IMPLICATIONS

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

Item 12.1.3 continued.

**FINANCIAL IMPLICATIONS**

- 5. The acceptance of the guarantee would require the City to move \$9,000 from current to non-current assets. This would have the impact of reducing the working capital surplus in the initial year, and improving the surplus in the year in which the guarantee is no longer required. If there is a default, the guarantee would be forfeited.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

- 7. The Albany Visitors' Centre has suffered trading losses in the past three years, and is no longer eligible to participate in the Tourism Compensation Fund unless a bank guarantee is provided. If the AVC is not permitted to take bookings, it would suffer a revenue loss of some \$ 30,000 per year, which would seriously impact its operating position.
- 8. Council is requested to place \$9,000 in a fixed term deposit and transfer \$9,000 from current assets to non current assets within its accounts. This would to secure a bank guarantee on behalf of the Albany Visitors Centre. The Centre has undertaken to improve their trading position as quickly as possible to release the City from its obligation should Council agree.

**RECOMMENDATION**

THAT Council provide collateral security by way of a term deposit to service a \$9,000 bank guarantee by the Albany Visitors' Centre to the Tourism Development Fund.

*Voting Requirement Absolute Majority*

.....

<p><b>MOVED COUNCILLOR PAVER SECONDED COUNCILLOR WELLINGTON</b></p> <p><b>THAT Council provide collateral security by way of a term deposit to service a \$9,000 bank guarantee by the Albany Visitors' Centre to the Tourism Development Fund.</b></p> <p><b>MOTION CARRIED 11-0 ABSOLUTE MAJORITY</b></p>
---

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

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

**BACKGROUND**

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

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

Item 12.1.4 continued.

**FINANCIAL IMPLICATIONS**

4. The following table provides detail of all applications received and indicates the ‘Local Government contribution’ as included on each of the CSRFF applications. While no Council decision has been made, or will be made, in relation to any of these contributions, the Department of Sport and Recreation’s CSRFF guidelines require Council to provide an indicative priority ranking and to assess the projects financial viability.

<b>Organisation</b>	<b>Project detail</b>	<b>Total Project Cost (inc GST)</b>	<b>Applicant contribution (inc GST)</b>	<b>CSRFF Grant (inc GST)</b>	<b>Proposed Council contribution (inc GST)</b>
Albany Volunteer Fire & Rescue Service	Full electrical upgrade – fire and rescue training facility	8,500	5,300	3,200	Nil
Albany Speedway Club Inc.	New toilet block	24,270	7,836	8,217	8,217
Lawley Park Tennis Club Inc.	Repairs and resurface tennis courts	66,495	33,330	22,165	11,000
Lower Great Southern Hockey Association Inc.	Development of Clubrooms and associated amenities	118,834	39,612	39,611	39,611
King River Horse & Pony Club Inc.	Construction of ablution facility and connection to water main	9,515	3,515	3,000	2,500
City of Albany	Redevelopment of Albany Leisure & Aquatic Centre (stage 1).	7,132,400	5,013,067	2,119,333	N/A
Albany Athletics Club Inc.	Club rooms renovations, car park and sewer connection	62,000	12,000 plus other grants	20,000	20,000

5. Projects which involve CSRFF grants of \$50,000 or more are subject to triennium funding approval. That is approval may be granted, however funds becoming available in one year of the following 3 year period. As such any proposed Council contribution would need to be considered in that year.

**STRATEGIC IMPLICATIONS**

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

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Item 12.1.4 continued.

7. Copies of all applications will be tabled at the meeting. The grant guidelines require Council to provide ranking for the project ie first, second, third etc, as well as providing an assessment of how well the applicants have addressed the following criteria.

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

8. Project Rating:
- Well planned and needed by municipality;
  - Well planned and needed by applicant;
  - Needed by municipality, more planning required;
  - Needed by applicant, more planning required;
  - Idea has merit, more preliminary work needed; and
  - Not recommended.
9. It is suggested that Council rank the applications in priority order and refer the completion of assessment criteria to the Community Development Officer and Recreation Development Officer prior to submission of applications to the Department of Sport and Recreation.

**RECOMMENDATION**

**THAT;**

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

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
1	City of Albany	Redevelopment of Albany Leisure & Aquatic Centre (stage 1).
2	Lawley Park Tennis Club Inc.	Repairs and resurface tennis courts
3	Lower Great Southern Hockey Association Inc.	Development of Clubrooms and associated amenities
4	Albany Athletics Club Inc.	Club room renovations, car park and sewer connection

Item 12.1.4 continued.

5	Albany Speedway Club Inc.	New toilet block
6	King River Horse & Pony Club Inc.	Construction of ablution facility and connection to water main
7	Albany Volunteer Fire & Rescue Service	Full electrical upgrade – fire and rescue training facility

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

*Voting Requirement Simple Majority*

.....

The Executive Director Corporate & Community Services advised the Council that the Lower Great Southern Hockey Association Inc. had withdrawn their funding submission.

<b>MOVED COUNCILLOR DEMARTEAU</b>		
<b>SECONDED COUNCILLOR SANKEY</b>		
<b>THAT;</b>		
<b>i) Council rank the seven CSRFF applications received in the following order:-</b>		
	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
<b>1</b>	<b>City of Albany</b>	<b>Redevelopment of Albany Leisure &amp; Aquatic Centre (stage 1).</b>
<b>2</b>	<b>King River Horse &amp; Pony Club Inc.</b>	<b>Construction of ablution facility and connection to water main</b>
<b>3</b>	<b>Albany Volunteer Fire &amp; Rescue Service</b>	<b>Full electrical upgrade – fire and rescue training facility</b>
<b>4</b>	<b>Albany Speedway Club Inc.</b>	<b>New toilet block</b>
<b>5</b>	<b>Albany Athletics Club Inc.</b>	<b>Club room renovations, car park and sewer connection</b>
<b>6</b>	<b>Lawley Park Tennis Club Inc.</b>	<b>Repairs and resurface tennis courts</b>
<b>7</b>	<b>Lower Great Southern Hockey Association Inc.</b>	<b>Development of Clubrooms and associated amenities</b>
<b>ii) all applications be referred to the Community Development Officer and Recreation Development Officer for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and</b>		

Item 12.1.4 continued.

- iii) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council’s budget process for the relevant year of CSRFF program, and that the Council’s priority ranking does not indicate funding will or wont be approved.**

**MOTION LOST 2-9**

Reason:

- Following discussions with the Department of Sport and Recreation, the Lower Great Southern Hockey Association Inc, has requested this funding application be withdrawn.

**MOVED COUNCILLOR BOJCUN  
 SECONDED COUNCILLOR WELLINGTON**

**THAT;**

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

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
1	City of Albany	Redevelopment of Albany Leisure & Aquatic Centre (stage 1).
2	Lawley Park Tennis Club Inc.	Repairs and resurface tennis courts
3	Albany Athletics Club Inc.	Club room renovations, car park and sewer connection
4	Albany Speedway Club Inc.	New toilet block
5	King River Horse & Pony Club Inc.	Construction of ablution facility and connection to water main
6	Albany Volunteer Fire & Rescue Service	Full electrical upgrade – fire and rescue training facility

- ii) all applications be referred to the Community Development Officer and Recreation Development Officer for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and**

- iii) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council’s budget process for the relevant year of CSRFF program, and that the Council’s priority ranking does not indicate funding will or wont be approved.**

**MOTION CARRIED 9-2**

## 12.2 ADMINISTRATION

### 12.2.1 Annual Electors Meeting

<b>File/Ward</b>	:	FIN 047 (All Wards)
<b>Proposal/Issue</b>	:	Council requested to set a date for the Annual Electors Meeting
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Disclosure of Interest</b>	:	Nil
<b>Reporting Officer</b>	:	Manager Finance (S Goodman)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council hold the Annual Electors Meeting on 25 <sup>th</sup> November 2003
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

### BACKGROUND

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

### STATUTORY REQUIREMENTS

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

### POLICY IMPLICATIONS

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

Item 12.2.1 continued.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

13. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 7:30pm on Tuesday 25<sup>th</sup> November 2003 in the reception room of the City's Mercer Road Office and that the meeting be advertised locally.

**RECOMMENDATION**

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Mercer Road Chambers at 7:30pm on 25<sup>th</sup> November 2003, for the purpose of receiving the 2002/2003 Annual Report of the City of Albany and other General Business as listed.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR PAVER**

**THAT**

- i) in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Mercer Road Chambers at 7:30pm on 25<sup>th</sup> November 2003, for the purpose of receiving the 2002/2003 Annual Report of the City of Albany and other General Business as listed; and**
- ii) a letter be forwarded to all known ratepayer groups and progress groups within the City of Albany, within five working days, inviting them to the Annual Electors Meeting on the 25<sup>th</sup> November 2003.**

**MOTION CARRIED 9-2**

Reason:

Often the Annual Electors meetings are poorly attended. As this is a requirement to have these meetings, and it is a benefit to the Electors of Albany, point ii) of the recommendation will encourage maximum participation at the meeting.

### 12.2.2 Extended Trading Hours within the City of Albany

<b>File/Ward</b>	:	LEG 005 (All Wards)
<b>Proposal/Issue</b>	:	Extended Trading Hours
<b>Subject Land/Locality</b>	:	City of Albany Municipality
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Administration Officer (J Twaddle)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/03/03 - Item 12.2.3
<b>Summary Recommendation</b>	:	THAT Council recommend to the Minister for Consumer and Employment Protection to extend retail trading hours for the Christmas shopping period.
<b>Bulletin</b>	:	Nil
<b>Locality Plan</b>	:	Nil

#### BACKGROUND

1. At the Ordinary Council Meeting on 19 August 2003, it was resolved:  
*“THAT as a two-year trial period of extended trading hours is currently being undertaken and will continue until June 2004 when it will be reviewed, Council decline to recommend the application from Coles Supermarket for extended trading hours.”*
2. General retailers around Albany have requested extended trading hours in the two weeks proceeding Christmas Day and in lieu of Christmas night (Thursday).

#### STATUTORY REQUIREMENTS:

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

#### POLICY IMPLICATIONS

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

Item 12.2.2 continued.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

7. In the City of Albany's 2020 – Charting our Course, the following Port of Call is identified:
- A reputation for professional excellence
  - Governance
  - To comply with statutory requirements of the organisation

### COMMENT/DISCUSSION

8. The two year extended retail trading trial period, which commenced on 22<sup>nd</sup> December 2002 allows for the following extended retail trading before Christmas:
- |  |                 |
|--|-----------------|
| Sunday, 21 <sup>st</sup> December 2003 | 9.00am – 5.00pm |
|--|-----------------|
9. Retailers have expressed concerns over the lack of extended trading to accommodate the Christmas shopping period.
10. The recommended extended retail trading days preceding Christmas are:
- |  |                 |
|--|-----------------|
| Sunday, 14 <sup>th</sup> December 2003 | 9.00am - 5.00pm |
| Monday 22 <sup>nd</sup> December 2003  | 5.00pm - 9.00pm |
| Tuesday 23 <sup>rd</sup> December 2003 | 5.00pm - 9.00pm |
11. This proposal would affect all retailers within the Municipality of Albany, however it will not be compulsory to trade on these days.

### RECOMMENDATION

THAT Council recommend to the Minister for Consumer and Employment Protection to extend the retail trading hours for the Christmas shopping period as follows:

Sunday, 14 <sup>th</sup> December 2003	9.00am - 5.00pm
Monday 22 <sup>nd</sup> December 2003	5.00pm - 9.00pm
Tuesday 23 <sup>rd</sup> December 2003	5.00pm - 9.00pm

*Voting Requirement Simple Majority*

.....

Item 12.2.2 continued.

**AMENDED RECOMMENDATION**

THAT Council recommend to the Minister for Consumer and Employment Protection to extend the retail trading hours for the Christmas shopping period as follows:

Monday 22 <sup>nd</sup> December 2003	5.00pm – 9.00pm
Tuesday 23 <sup>rd</sup> December 2003	5.00pm – 9.00pm

*Voting Requirement Simple Majority*

Reason:

- Although retailers have expressed interest to trade on Sunday 14<sup>th</sup> December 2003 and this proposal has been supported by the Albany Visitor Centre, correspondence from the Albany Chamber of Commerce and Industry and the City of Albany Merchants Association indicates that the City of Albany should continue with the two-year trial of extended trading on Sundays during Christmas and Easter school holidays which excludes this particular Sunday.

The Minister is yet to make a decision in relation to Christmas trading in the metropolitan area, however recommendation by the Department of Consumer and Employment Protection provides for the following extended retail trading hours:

Sunday 14 <sup>th</sup> December 2003	10.00am – 5.00pm
Friday 19 <sup>th</sup> December 2003	5.00pm – 9.00pm
Sunday 21 <sup>st</sup> December 2003	10.00am – 5.00pm
Monday 22 <sup>nd</sup> December 2003	5.00pm – 9.00pm
Tuesday 23 <sup>rd</sup> December 2003	5.00pm – 9.00pm
Friday 2 <sup>nd</sup> January 2004	5.00pm – 9.00pm

This amended recommendation allows for extended trading in line with the above hours on Monday 22<sup>nd</sup> December and Tuesday 23<sup>rd</sup> December 2003.

Councillors' Waterman, Wellington, Lionetti declared an interest item, as they work within the retail industry.

Councillor Sankey declared an interest in this item as her daughter works for Woolworths.

The Chief Executive Officer advised that the item was to be deferred to the next Ordinary Meeting of Council as there was no quorum present.

**12.3 LIBRARY SERVICES**

Nil.

## 12.4 DAY CARE CENTRE

### 12.4.1 Fees and Charges – Albany Regional Day Care Centre

<b>File/Ward</b>	: SER 033 (Vancouver Ward)
<b>Proposal/Issue</b>	: Increase in Day Care fees
<b>Subject Land/Locality</b>	: Albany Regional Day Care Centre, Collie Street, Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (P Madigan) Manager Day Care Centre (R Southall)
<b>Disclosure of Interest</b>	: Nil.
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: That an increase in the existing fees be implemented and publicly advertised.
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	: Nil.

#### BACKGROUND

1. It has become necessary to review the fees and charges at the Albany Regional Day Care Centre.
2. The recommended changes have been brought about by:-
  - Some substantial changes to Child Care industry wage scales which have prompted a 7.5% increase on gross salaries for child care workers in WA.
  - The increased cost of caring for babies under two years of age. The ratio of caregivers required and their level of skill and qualifications to care for babies under two is greater per head of children than it is for older children. This means that it costs more to staff a babies room than it does the older age groups.

Item 12.4.1 continued.

- Additional costs in caring for children in the morning sessions as opposed to the afternoon sessions. The cost of caring for children in the morning sessions is higher than the afternoons due to the meals provided in the morning that are not costed against the afternoon sessions. In the morning all children receive morning tea and a two course cooked meal at lunch time, thus making the session more expensive.

**STATUTORY REQUIREMENTS**

3. Section 6.16 of the Local Government Act (1995) allows a Local Government to impose fees and charges and amend such fees and charges from time to time during a financial year. Section 6.19 requires a Local Government to give local public notice of its intention to impose or adopt fees if such fees are imposed after the annual budget has been adopted. Section 1.7 (2) specifies a local public notice period of 7 days.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. The Albany Regional Day Care Centre provides a self funded child care service, which promotes equity of access and meets the changing needs of stakeholders.

**STRATEGIC IMPLICATIONS**

6. The City of Albany provides a range of services that promote the community’s quality of life through the continual development of Council services and facilities to meet the needs of all stakeholders.

**COMMENT/DISCUSSION**

7. The proposed revised fee structure is:

	<b>Flat Rate</b>	<b>100% CCB</b>	<b>16.80% CCB</b>
Daily 0-2 years	48.00	17.86	42.94
Daily 2-3 years	43.00	12.86	37.94
Daily 3-6 years	41.00	10.86	35.94
Weekly –3 years	200.00	63.00	176.99
Weekly 3-6 years	195.00	58.00	171.99
Morning sessions	35.00	19.93	32.47
Afternoon sessions	25.00	9.93	22.47
House fee	10.00	6.99	9.50
Admin fee per week	2.00		

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Item 12.4.1 continued.

8. The proposal has been discussed at the Parent Advisory meeting, where it was supported, and details circulated in the Day Care Newsletter (September issue)

**RECOMMENDATION**

THAT Council;

- i) revise the fees charged at the Albany Regional Day Care Centre as follows:-

	Flat Rate	100% Child Care Benefit	16.80% Child Care Benefit
Daily 0-2 years	48.00	17.86	42.94
Daily 2-3 years	43.00	12.86	37.94
Daily 3-6 years	41.00	10.86	35.94
Weekly –3 years	200.00	63.00	176.99
Weekly 3-6 years	195.00	58.00	171.99
Morning sessions	35.00	19.93	32.47
Afternoon sessions	25.00	9.93	22.47
House fee	10.00	6.99	9.50
Admin fee per week	2.00		

effective from 1<sup>st</sup> November 2003; and

- ii) advertise details of this variation in fees.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR EMERY  
 SECONDED COUNCILLOR BOJCUN**

**THAT Council;**

- i) revise the fees charged at the Albany Regional Day Care Centre as follows:-**

	<b>Flat Rate</b>	<b>100% Child Care Benefit</b>	<b>16.80% Child Care Benefit</b>
<b>Daily 0-2 years</b>	<b>48.00</b>	<b>17.86</b>	<b>42.94</b>
<b>Daily 2-3 years</b>	<b>43.00</b>	<b>12.86</b>	<b>37.94</b>
<b>Daily 3-6 years</b>	<b>41.00</b>	<b>10.86</b>	<b>35.94</b>
<b>Weekly –3 years</b>	<b>200.00</b>	<b>63.00</b>	<b>176.99</b>
<b>Weekly 3-6 years</b>	<b>195.00</b>	<b>58.00</b>	<b>171.99</b>
<b>Morning sessions</b>	<b>35.00</b>	<b>19.93</b>	<b>32.47</b>
<b>Afternoon sessions</b>	<b>25.00</b>	<b>9.93</b>	<b>22.47</b>
<b>House fee</b>	<b>10.00</b>	<b>6.99</b>	<b>9.50</b>
<b>Admin fee per week</b>	<b>2.00</b>		

**effective from 1<sup>st</sup> November 2003; and**

- ii) advertise details of this variation in fees.**

**MOTION CARRIED 11-0  
 ABSOLUTE MAJORITY**

**12.5 TOWN HALL**

Nil.

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**

Nil.

**12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS**

Nil.

**12.8 CORPORATE & COMMUNITY SERVICES COMMITTEES**

**12.8.1 Disability Services and Community Access Advisory Committee – 10<sup>th</sup> September 2003**

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Disability Services and Community Access Advisory Committee held on 10<sup>th</sup> September 2003 be adopted.

Confirmation of the minutes of the Disability Services and Community Access Advisory Committee of 10<sup>th</sup> September 2003

**RECOMMENDATION**

THAT the minutes of Disability Services and Community Access Advisory Committee held on 10<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation adopted:-

**5.2 Committees Membership and Terms of Reference**

THAT the Terms of Reference for the Disability Services Advisory Committee remain unchanged other than the following nominations for the Committee being accepted:-

- Karen Sigley, Disability Services Commission;
- Fran Fehrman, Activ Foundation;
- Lorraine Wolf, Disabled Persons' Representative;
- Colin May, Disabled Persons' Representative;
- Jaime Wilson, Disabled Persons' Representative;
- Alan Triplett, Great Southern Personnel; and
- Liz O'Brien, MS Society.

*Voting Requirement Absolute Majority*

.....

Item 12.8.1 continued.

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WATERMAN**

**THAT the minutes of Disability Services and Community Access Advisory Committee held on 10<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendation adopted:-**

**5.3 Committees Membership and Terms of Reference**

**THAT the Terms of Reference for the Disability Services Advisory Committee remain unchanged other than the following nominations for the Committee being accepted:-**

- **Karen Sigley, Disability Services Commission;**
- **Fran Fehrman, Activ Foundation;**
- **Lorraine Wolf, Disabled Persons' Representative;**
- **Colin May, Disabled Persons' Representative;**
- **Jaime Wilson, Disabled Persons' Representative;**
- **Alan Triplett, Great Southern Personnel; and**
- **Liz O'Brien, MS Society.**

**MOTION CARRIED 11-0  
ABSOLUTE MAJORITY**

**12.8.2 Albany Arts Advisory Committee Meeting Minutes – 19<sup>th</sup> August 2003**

- File/Ward** : MAN 116 (Vancouver Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 19<sup>th</sup> August 2003 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 19<sup>th</sup> August 2003.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 19<sup>th</sup> August 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WELLINGTON**

**THAT the minutes of Albany Arts Advisory Committee held on 19<sup>th</sup> August 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 11-0**

**12.8.3 Albany Arts Advisory Committee Meeting Minutes – 9<sup>th</sup> September 2003**

- File/Ward** : MAN 116 (Vancouver Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 9<sup>th</sup> September 2003 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 9<sup>th</sup> September 2003.

**RECOMMENDATION**

THAT the minutes of Albany Arts Advisory Committee held on 9<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WELLINGTON**

**THAT the minutes of the Albany Arts Advisory Committee of 9<sup>th</sup> September 2003 be deferred until the next Ordinary Meeting of Council.**

**MOTION CARRIED 11-0**

Reason:

- Due to the Albany Arts Advisory Committee meeting minutes being incomplete it was moved that the minutes be deferred.

**12.8.4 Seniors Advisory Committee meeting minutes – 18<sup>th</sup> September 2003**

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 18<sup>th</sup> September 2003 be adopted.

Confirmation of the minutes of the Seniors Advisory Committee of 18<sup>th</sup> September 2003.

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 18<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EMERY**

**THAT the minutes of Seniors Advisory Committee held on 18<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 11-0**

**12.8.5 Albany Town Hall Theatre Advisory Committee meeting minutes – 1<sup>st</sup> October 2003.**

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on 1<sup>st</sup> October 2003 be adopted.

Confirmation of the minutes of the Albany Town Hall Theatre Advisory Committee of 1<sup>st</sup> October 2003.

RECOMMENDATION

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 1<sup>st</sup> October 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted:-

COMMITTEE RECOMMENDATION

THAT

- i) the Grants from the Lotteries Commission for the preparation of the conservation plan for the Albany Town Hall be accepted;
- ii) additional funds of \$4,600 be allocated towards the preparation of the conservation plan and be subject of the December quarterly review; and
- iii) the conservation plan incorporate options for the future usage of the Albany Town Hall.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR PAVER**

**THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 1<sup>st</sup> October 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted: -**

**COMMITTEE RECOMMENDATION**

**THAT**

- i) the Grants from the Lotteries Commission for the preparation of the conservation plan for the Albany Town Hall be accepted;**
- ii) additional funds of \$4,600 be allocated towards the preparation of the conservation plan and be subject of the December quarterly review; and**
- iii) the conservation plan incorporate options for the future usage of the Albany Town Hall.**

**MOTION CARRIED 11-0  
ABSOLUTE MAJORITY**

# **Works & Services**

# **REPORTS**

**WORKS & SERVICES REPORTS**

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

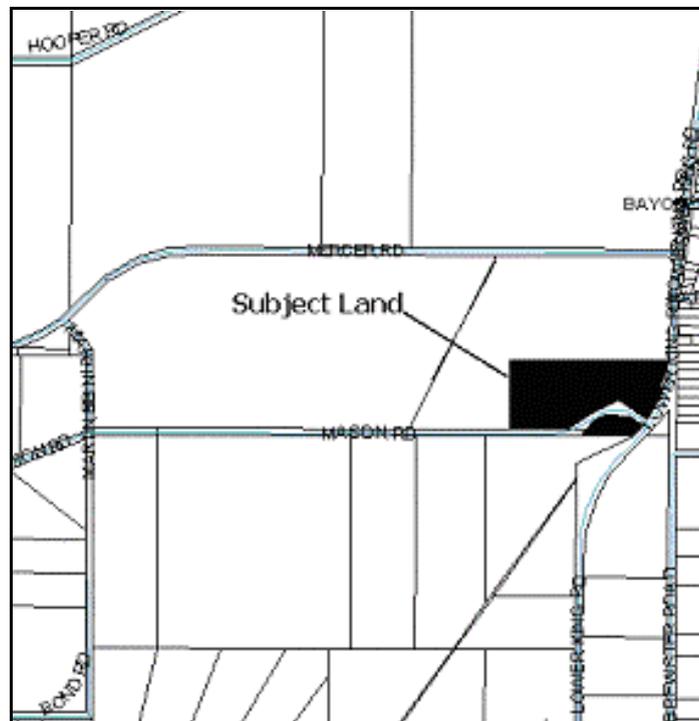
**13.1 WASTE MANAGEMENT**

Nil

## 13.2 ASSET MANAGEMENT

### 13.2.1 Proposed Road Closure – Road Reserve Portion Mason Road, Lange

<b>File/Ward</b>	: SER 088 & A15750 (Yakamia Ward)
<b>Proposal/Issue</b>	: Close portion of road reserve Mason Road, Lange
<b>Subject Land/Locality</b>	: Lot 2, Lower King Road
<b>Proponent</b>	: Ayton Taylor Burrell
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Technical Officer (D Morgan)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 19/08/03 - Item 13.2.3
<b>Summary Recommendation</b>	: Approve closure of portion of Mason Road Lange.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	:



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**BACKGROUND**

1. Council resolved, at its meeting on 19/08/03, to invite submissions from the community and from service authorities on the proposal to permanently close a portion of unformed road reserve on Mason Road, Lange.
2. An application has been lodged, with the Western Australian Planning Commission, for subdividing Lot 2 of Location 7181 Lower King Road into 80 residential lots, pending closure of the road reserve. Once the closure has occurred, it is proposed that the land would be amalgamated with Lot 2, Lower King Road. During subdivision, a safer, more practical intersection would be provided to Lower King Road. A subdivision plan indicating the proposed closure and alternative road layout is attached.
3. The proposed closure was advertised, in accordance with Section 58 of the Land Administration Act 1997, on 28<sup>th</sup> August 2003.

**STATUTORY REQUIREMENTS**

4. Section 58 of the Land Administration Act 1997 requires that the proposal is advertised for a period of 35 days for public comment and is referred to all affected government agencies. Following advertising, Council is to consider the proposal in light of any submissions received.
5. Given further support from Council, the proposal is then submitted to the Department of Land Information (ex DOLA), which proceeds to administer the closure and disposal of the land.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. There are no financial implications for Council. The proponent has paid the road closure fee. The cost of the road closures (surveying, construction, infrastructure works and land cost) is to be borne by the developer of the proposed subdivision and/or the Department of Land Information.

**STRATEGIC IMPLICATIONS**

8. 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.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**COMMENT/DISCUSSION**

- 9. Closure of the road reserve would enable rationalisation of the unconstructed portion of Mason Road and provide an improved intersection with Lower King Road within the proposed subdivision of Lot 2.
- 10. The developer would be required to negotiate with Department of Land Information the cost of surveying and purchasing of the existing road reserve.
- 11. There were no objections to the proposed road closure. The five submissions received were from government agencies, whose standard condition is that existing utility services have adequate protection for future augmentation and maintenance. It will be the responsibility of the developer to ensure the condition is satisfied.

**RECOMMENDATION**

THAT Council:

- i) given consideration of all submissions and that there are no objections, support the closure of the portion of Mason Road, Lange, as requested for the subdivision of Lot 2 of Location 7181, Lower King Road;
- ii) support is conditional upon all costs for the closure of the portion of Mason Road, Lange, being met by the developer of Lot 2 of Location 7181 in negotiation with the Department of Land Information; and
- iii) support is also conditional upon the developer providing for continued satisfactory access, by government agencies for the augmentation and maintenance of any existing assets located on the closed portion of Mason Road, during the subdivision of Lot 2 Location 7181, Lower King Road.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR EMERY</b></p> <p><b>THAT Council:</b></p> <ul style="list-style-type: none"> <li><b>i) given consideration of all submissions and that there are no objections, support the closure of the portion of Mason Road, Lange, as requested for the subdivision of Lot 2 of Location 7181, Lower King Road;</b></li> <li><b>ii) support is conditional upon all costs for the closure of the portion of Mason Road, Lange, being met by the developer of Lot 2 of Location 7181 in negotiation with the Department of Land Information; and</b></li> <li><b>iii) support is also conditional upon the developer providing for continued satisfactory access, by government agencies for the augmentation and maintenance of any existing assets located on the closed portion of Mason Road, during the subdivision of Lot 2 Location 7181, Lower King Road.</b></li> </ul> <p style="text-align: right;"><b>MOTION CARRIED 11-0</b></p>
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ORDINARY COUNCIL MEETING MINUTES- 21/10/03  
 \*\* REFER DISCLAIMER \*\*  
 WORKS & SERVICES REPORTS

Item 13.2.1 continued



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**SUMMARY OF SUBMISSIONS – MASON ROAD CLOSURE**

<b>RESIDENT</b>	<b>ADDRESS</b>	<b>COMMENTS</b>
Main Roads	.	<ul style="list-style-type: none"> <li>• No objection to the proposal.</li> </ul>
Western Power		<ul style="list-style-type: none"> <li>• No objection to the proposal</li> </ul>
Department for Planning and Infrastructure		<ul style="list-style-type: none"> <li>• No objection to the proposal.</li> </ul>
Telstra		<ul style="list-style-type: none"> <li>• No objection to the proposal, subject to access for existing assets being maintained for augmentation and maintenance purposes.</li> </ul>
Water Corporation		<ul style="list-style-type: none"> <li>• No objection to the proposal.</li> </ul>

**WORKS & SERVICES REPORTS**

**13.2.2 Contract C03001 – Cleaning Services Biennial (2003/2005)**

<b>File/Ward</b>	:	C03001 (All Wards)
<b>Proposal/Issue</b>	:	Awarding of Cleaning Contract
<b>Subject Land/Locality</b>	:	City of Albany Buildings: <ul style="list-style-type: none"><li>- Albany Airport</li><li>- Library</li><li>- Town Hall &amp; Intimate Theatre</li><li>- Depot – Mercer Road</li><li>- Albany Day Care Centre</li><li>- York Street Administration Office</li><li>- Mercer Road Administration Office</li></ul>
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Contracts Officer (H Harvey)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 16/09/03 – Item 13.2.1
<b>Summary Recommendation</b>	:	That Council accepts the tender from Prestige Property Services for cleaning services for buildings listed above at a rate of \$100,863.60 for 2003/04 and \$103,518.48 for 2004/05.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. As part of the ongoing maintenance and management of Council’s buildings, tenders are called for on a biennial basis for the supply of cleaning services. The successful tender is required to ensure the buildings listed above are kept in a clean and hygienic manner throughout the term of the contract.

**STATUTORY REQUIREMENTS**

2. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

3. Regulation 19 requires Council to advise each tender in writing the result of Council’s decision.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. The total cost to Council of accepting Prestige Property Services tender for the 2003/04 financial year (including pre cleaning of buildings on commencement of the Contract) is \$100,863.60. The total cost for the financial year 2004/05 is \$103,518.48.
5. These costs do not include any additional cleaning for the Town Hall/Theatre or the Airport Conference Room, which has been quoted at \$21.16 per hour for 2003/04 and \$21.79 per hour for 2004/05. In the event of additional cleaning required by the Library, York Street Administration Office or Mercer Road Administration Office, Prestige Property Services has quoted an hourly rate of \$21.16 for 2003/04 and \$21.79 for 2004/05 with an emergency call out response time of 30 minutes.
6. Budget allocations for buildings listed against costs of service by Prestige Property Services (not including additional or emergency cleaning hourly rates) are as follows.

<b>Location</b>	<b>Budget Allocation 2003/04</b>	<b>Tendered Price 2003/04</b>	<b>Tendered Price 2004/05</b>
Harry Riggs Airport	16,518.42	16,518.42	16,944.36
Library	29,360.00	22,824.72	23,416.68
Town Hall/Theatre	12,000.00	13,142.16	13,490.04
Depot – Mercer Road	8,300.00	9,184.59	9,425.40
Day Care Centre	11,000.00	5,286.99	5,410.80
York Street Admin Office	15,000.00	18,410.28	18,916.20
Mercer Road Admin Office	12,000.00	15,496.44	15,915.00
<b>Total</b>	<b>104,178.42</b>	<b>100,863.60</b>	<b>103,518.48</b>

7. Of the seven locations, four will require a minor budget adjustment, generally within maintenance, to be adjusted at the appropriate quarterly review, if necessary.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**STRATEGIC IMPLICATIONS**

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

*Port of Call*

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

• Objective:

To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs.

**COMMENT/DISCUSSION**

9. On Thursday, 10<sup>th</sup> July 2003 and Saturday, 12<sup>th</sup> July 2003 Council placed advertisements in the Albany Advertiser and the West Australian respectively, calling for tenders for the supply of cleaning services to the buildings listed above. Tender documents contained detailed lists of the work required in each location, which varies depending on the nature of work carried out in each building.
10. Specifications were issued to thirteen possible tenderers, with seven submissions received by close of tender at 2.00pm on Wednesday, 30<sup>th</sup> July 2003.
11. A panel, comprising Managers from the relevant buildings and the Contracts Officer, evaluated the submissions received from the tenderers.
12. Managers indicated they had ongoing concerns with the standard of the current Contractors, NKP and Delron. Managers found there had been little quality control carried out by the current Contractors and considerable City of Albany staff time has been taken up with follow up calls to Contractors in order to lift the level of service to an acceptable standard. The Depot Services Coordinator has discussed cleaning issues with NKP Cleaning who had interpreted their previously accepted low tender as an indication of the City's wish for minimal hours of work. Discussions were held with the proprietor who agreed the standard of work was poor. The proprietor agreed to bring the cleaning up to a better standard, however, the standard has not been sustained.
13. The Managers of the Library and York Street Administration building have both expressed their dissatisfaction with the standard of cleaning carried out by Delron Pty Ltd and have stated that they prefer not to have this contractor continuing servicing these areas. .

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

14. Of the tenders received, the overall scoring (prior to reference checking) indicated Westralian Pty Ltd as being the highest scoring tender, however Westralian Pty Ltd do not currently have an office, or staff employed in Albany. The company was not highly recommended by their referees who stated their contracts with Westralian are unlikely to be renewed, the main problems being identified as similar to those currently causing concern to City of Albany Managers, such as poor service and lack of managerial support to ensure cleaning staff are notified of problem areas and standards to be improved.
15. The next highest ranked tenderer, Prestige Property Services, were recommended highly by their referee in the local Education Department, who maintains contracts with Prestige Property Services in several locations in regional WA. Prestige Property Services has Albany based staff who are currently engaged on contracts with Education Department schools and the ANZ Banking Corporation in Albany. The company has a Regional Manager-South West who although is Perth based, is in continual contact with local staff and makes regular visits to the area.
16. Of the other five tenders, two were the existing contractors, Delron Cleaning and Narrakup Cleaning Services. The third, locally based firm, Rainbow Coast Property Services, was not economically viable and had unsatisfactory references. The final two, One Complete Solution and Airlite Cleaning, are not locally based businesses, and were ranked third and fifth.
17. Tenders were received from the companies listed and evaluated as per the attached table.

**RECOMMENDATION**

THAT Council:

- i) accepts the tender from Prestige Property Services to supply cleaning services to the Albany Airport, Library, Town Hall and Intimate Theatre, Depot – Mercer Road, Day Care Centre, York Street Administration Offices and Mercer Road Administration Offices, for a quoted price of \$100,863.60 (including pre clean) for 2003/04 and \$103,518.48 for 2004/05; and
- ii) accepts the price quoted of \$21.16 per hour for 2003/04 and \$21.79 per hour for 2004/05 for any additional cleaning required for the Town Hall/ Intimate Theatre and Airport Conference Room, and additional call outs to the Library, York Street Administration Centre and Mercer Road Administration Centre, with a call out response time of 30 minutes.

*Voting Requirement Simple Majority*

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**WORKS & SERVICES REPORTS**

Item 13.2.2 continued.

Councillor Bojcun declared an interest in this item as her husband works within the commercial cleaning industry and left the Chambers at 9.35pm.

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WATERMAN**

**THAT Council:**

- i) accepts the tender from Prestige Property Services to supply cleaning services to the Albany Airport, Library, Town Hall and Intimate Theatre, Depot – Mercer Road, Day Care Centre, York Street Administration Offices and Mercer Road Administration Offices, for a quoted price of \$100,863.60 (including pre clean) for 2003/04 and \$103,518.48 for 2004/05; and**
- ii) accepts the price quoted of \$21.16 per hour for 2003/04 and \$21.79 per hour for 2004/05 for any additional cleaning required for the Town Hall/ Intimate Theatre and Airport Conference Room, and additional call outs to the Library, York Street Administration Centre and Mercer Road Administration Centre, with a call out response time of 30 minutes.**

**MOTION CARRIED 8-2**

Councillor Bojcun returned to the Chambers at 9.38pm.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**ASSESSMENT ON MERIT AGAINST EVALUATION CRITERIA  
CONTRACT C03001 – CLEANING SERVICES – BIENNIAL (2003/05)**

		CONTRACTORS													
		Westralian Pty Ltd		Prestige Property Services		OCS (One Complete Solution)		Delron Cleaning		Airlite Cleaning		NKP Narrikup Cleaning Services		Rainbow Coast Property Services	
CRITERIA	Weight %	Score 1-10	Weight Score	Score 1-10	Weight Score	Score 1-10	Weight Score	Score 1-10	Weight Score	Score 1-10	Weight Score	Score 1-10	Weight Score	Score 1-10	Weight Score
Quality Accred.	5	6	30	6	30	10	50	10	50	10	50	0	0	3	15
Safety Mngmnt	5	8	40	8	40	8	40	9	45	9	45	0	0	4	20
Relevant Skills & Experience	20	7	140	7	140	8	160	8	160	8	160	0	0	4	80
Reliability of Tenderer	30	6	180	9	270	7	210	3	90	8	240	2	60	4	120
Cost	40	7.47	298.8	5	200	3.48	139.2	5.5	220.0	-3.9	-15.6	6.02	240.8	-1.67	-66.8
<b>TOTAL</b>			688.8		680		599.2		565		479.4		300.8		168.2

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**CONTRACT ASSESSMENT****Buy Local Policy and Weighted Cost Evaluation****Contract C03001 – Cleaning Services – Biennial (2003/05)**

<b>Tenderer</b>	<b>Tendered Price</b>	<b>Amount of Buy Local Policy Claimed</b>	<b>Adjusted Price (after subtracting Buy Local Policy Allowance)</b>	<b>Rank</b>	<b>Score (out of 10)</b>	<b>Weighted Score (x 40)</b>
Westralian Property Management & Cleaning Services	\$154,498.32	\$92,684.64	\$145,229.86	1	7.47	298.8
Prestige Property Services	\$204,382.08	\$114,547.08	\$192,927.34	4	5	200
OCS (One Complete Solution)	\$230,510.13	\$82,312.88	\$222,278.84	5	3.48	139.2
Delron Cleaning	\$203,570.00	\$20,357.00	\$183,213.00	3	5.5	220
Airlite Cleaning	\$304,610.00	\$76,049.13	\$297,005.09	6	-.39	-15.79
NKP Narrikup Cleaning Services	\$173,245.00	Not claimed	\$173,245.00	2	6.02	240.8
Rainbow Coast Property Services	\$357,375.75	\$35,737.57	\$321,638.18	7	-1.67	-66.8

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

**13.3.1 Great Southern Regional Co-ordination Project**

<b>File/Ward</b>	: REL 088 (All Wards)
<b>Proposal/Issue</b>	: Role of Regional Road Groups Draft Report
<b>Subject Land/Locality</b>	: Nil
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Works & Services (B Joynes)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 16/09/03 Item 18.2 OCM 19/11/02 Item 13.2.1
<b>Summary Recommendation</b>	: That Council supports in principle the Asset Management option as detailed in the discussion paper.
<b>Bulletin Attachment</b>	: LGIP Great Southern Regional Co-ordination Project Discussion Paper and Consultation.
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. Council has received the Local Government Incentive Program Great Southern Regional Coordination Project Discussion Paper and Consultation as attached in the bulletin, and have been asked to provide a formal comment on its preferred option in relation to the draft report.
2. A major issue for local governments in the Great Southern, is its transport networks with a lack of state funding for regional transport. The importance of the Regional Road Group functioning more effectively than is current is paramount as it will affect the way priorities are allocated for individual projects.
3. The issue is to determine whether the Regional Road Group should take on a different role from the one for which it was established (the development of criteria for identification and prioritisation of regionally significant roads projects and recommend funding for the local road network).

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

4. To address future transport issues in the Great Southern Region, WALGA obtained funding under the Commonwealth's Local Government Incentive Program (LGIP) in May 2001 to implement a Regional Transport Coordination Project involving the Great Southern Regional Road Group (GSSRG) local governments.
5. The project's strategic objectives include:
  - improving regional cooperation between Councils and regional industries in transport infrastructure planning and implementation;
  - demonstrate local government is effective in leading transport infrastructure planning and implementation in a local area;
  - identifying transport infrastructure that targets regional economic development;
  - identifying opportunities for new transport infrastructure funding sources.
6. These objectives aim to highlight the opportunities for local government in the development of strategic transport infrastructure, with two fundamental streams of activities; one to describe the regional transport planning task and to establish a framework for developing a Regional Transport Plan, and the other as the feasibility of the RRG taking a broader transport focus in the context of a regional transport planning framework.
7. The opportunity to enhance both the RRG's structure and role to serve as a model for wider application throughout local government is seen as the project's ultimate achievement.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. Whilst there are no financial implications relating to this item, future road and other transport funding may be influenced through any changes brought in as a result of the report.

**STRATEGIC IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

*Port of Call*

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

Objective:

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**

12. Three options have been developed for discussion with local governments, as detailed in LGIP Great Southern Regional Coordination Project Discussion Paper, included in the bulletin. Summarised, they are:

- **Status Quo Option**

This option is a continuation of the existing arrangement with its focus on projects on regionally significant roads outlined in Roads 2020.

- **Extended Status Quo Option**

Maintain a road project focus, but recognise that a regional local road network (essentially Roads 2020 but defined as a network) is part of a regional transport system including a freight logistics chain. The existing Multi-Criteria Analysis (MCA) would be modified to reflect the change in emphasis. The RRG Technical Committee would provide advice to the RRG based on the modified MCA. There would also be an opportunity for the Technical Committee to develop a regional deployment strategy of day labour forces to meet the need for each Local Government to gainfully employ its staff.

- **Asset Management Option**

An asset management role with respect to the regional local road network. The RRG would take ownership of a regional road network (as the common interest between local governments) and develop and implement an asset management plan. The Technical Committee role would change to providing advice on asset management strategies and identifying regional priorities within an asset management framework.

13. The Asset Management Option is recommended as it is seen as a step towards a future role for the RRG within a State sponsored regional land-use-transport planning arrangement. It will also lead to better asset management and transport outcomes for the region, and bring the planning of the regional local road system in line with better practices. Benefits would be brought from a more streamlined approach to asset management of the regional road system and the development of an enhanced regional planning capacity. A combined Asset Management Plan would provide the information and data needed to make the strongest case for funding from both State and Commonwealth sources.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

- 14. The disadvantage to this option would be a cost in establishing and maintaining the asset management framework required to support this option. However, consideration could be given to negotiating with Main Roads the possibility of funding coming from the share of the Commonwealth Financial Assistance Grants that is used for State local road priorities, or from some other appropriate source.
- 15. The challenge with this option would be to gain a consistent set of asset management principles across the region and set standards more in line with sustainable practices. This would generally see a reduction in the current Roads 2020 standards and a rationalisation of Regionally Significant Local Roads.

**RECOMMENDATION**

**THAT Council;**

- i) support in principle the Asset Management Option as detailed in the LGIP Great Southern Regional Coordination Project Discussion Paper; and
- ii) convey in writing to the Western Australian Local Government Association Council's support of this option for consideration by the State Advisory Committee and Regional Road Groups.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR EMERY**

**THAT Council;**

- i) **support in principle the Asset Management Option as detailed in the LGIP Great Southern Regional Coordination Project Discussion Paper; and**
- ii) **convey in writing to the Western Australian Local Government Association Council's support of this option for consideration by the State Advisory Committee and Regional Road Groups.**

**MOTION CARRIED 11-0**

**WORKS & SERVICES REPORTS**

**13.4 AIRPORT MANAGEMENT**

**13.4.1 Financial Strategy – Albany Airport**

<b>File/Ward</b>	:	MAN 007 (All Wards)
<b>Proposal/Issue</b>	:	Financial Strategy - Airport
<b>Subject Land/Locality</b>	:	City of Albany
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager City Services (S Massimini) Manager of Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 16/09/03 - Item 13.4.1
<b>Summary Recommendation</b>	:	That Council receive and adopt the Financial Strategy as outlined in this report.
<b>Bulletin Attachment</b>	:	Report
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At the Ordinary Council Meeting held on 16/09/03, an absolute majority was not achieved to endorse the change of fees and business principles for the operation of the Albany Airport, and the item was subsequently rescinded.
2. In June 2001, Connell Wagner Pty Ltd was appointed to prepare an Airport Master Plan. The key issues to be addressed included:
  - i) The strategic need for the airport's operations to fulfill a role regionally and locally.
  - ii) The targeted role for the airport's operations based on future usage projections, and the development strategy.
  - iii) The financial impact and funding basis for future development.
  - iv) The infrastructure required to enable the airport to develop.
  - v) That a life cycle asset management approach be used to ensure appropriate funding is set aside for future capital and unforeseen operational expenditure.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

3. The preparation of the Master Plan has included consultation with key stakeholders including Skywest Airlines, the City of Albany Airport Advisory Committee, Airport Users Group, Great Southern Development Commission and Department of Planning and Infrastructure.
4. At the Airport Advisory Committee meeting held on 4<sup>th</sup> June 2002, the Airport Master Plan was recommended for ‘adoption in principle’ pending further discussion on landing fees. The current basis for charging Regular Passenger Transport (RPT) operators is deemed to be deficient because it focuses only on passenger numbers, and offers little inducement for the carriers to fill their aircraft.
5. The main costs associated with the running of the Airport are the maintenance and supervision of the runway surface, the provision of infrastructure for handling passengers and luggage, and having systems and processes to deal with emergencies. These costs are both fixed and variable in nature. Consideration is given in this report of the introduction of a dual system of charging to accommodate these fixed and variable costs.
6. This report provides an assessment of the recommendations provided by the Consultant, and final recommendations for Council’s approval in relation to fees and charges associated with use of the Airport, and financial “rules” for the business unit.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

8. The adoption of the Financial Plan will provide strategic guidelines for the development and implementation of sustainable expenditure and revenue programs.
9. Section 6.8 of the Local Government Act requires an Absolute Majority when Council is incurring expenditure from the Municipal Fund for an additional purpose during the financial year.

**FINANCIAL IMPLICATIONS**

10. The financial strategy establishes a 15 year development plan for the Airport Business Unit. It identifies projected revenues and expenditure, and funding sources for:
  - Capital expenditure – Costs associated with preservation of asset life and asset improvement.
  - Operating costs – Day to day costs of running the airport operation.
  - Management services – Services provided by the City of Albany to manage and support the business unit.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- Tax equivalent payment – Under the National Competition Policy a charge based on a percentage of profit is levied by the City.
  - Return on invested capital by Council – Payment to Council recognising its previous cash contributions and providing a return to cover ongoing commercial risk.
11. The primary objectives are to establish a financially viable business unit, and comply with the Australian National Competition Policy which ensures that government enterprises compete fairly with private enterprise. Local government cannot subsidise such business, and tax free enterprises shall not have an advantage over enterprises that pay tax. The facility must be capable of meeting current obligations, and setting funds aside to ensure future preservation of the infrastructure/business.
12. The Asset Masterplan Summary (attached) provides projected operating figures and cash flows. The base case indicates positive net cash flow for all years. The plan assumes capital expenditure of \$3 million through the 15 year period, with \$2.4 million funded from current operations. It is anticipated that at the end of the 15 year period, the loan principal liability will be \$300,000 and cash backed reserves will be \$1.5m.
13. Net present values of future cash flows have been calculated based on the Council contribution to capital for the facility, as the original capital expenditure (\$5.08 million) was largely funded by a series of Commonwealth grants and loans. Based on the net Council investment of approximately \$916,000, the net present value of cash flows for the next 15 years is 17.5%. This is considered to be a satisfactory rate of return and commensurate with the commercial risks associated with running the venture

**STRATEGIC IMPLICATIONS**

14. Albany 2020 – Charting Our Course includes the following Ports of Call:

**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 recreational 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.

- Objective:

**Transport infrastructure planning.**

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

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- Objective:  
**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.

15. The Airport Master Plan establishes a 15-year program for 2004 to 2018 that links the objectives of Albany 2020 to its prioritised expenditure program.

**COMMENT/DISCUSSION**

16. The outcome of the Albany Airport Financial Strategy will be to provide strategic direction and the necessary financial resources to fund capital infrastructure requirements to accommodate the predicted growth in passenger and aircraft volumes to 2018. This strategy addresses the issues of:
- Structure of the RPT service charge
  - Introduction of an RPT landing fee
  - Determination of RPT landing fee and passenger levy based on a price sensitivity review of charge set by Airports within the southern part of the state.
  - Impact of proposed changes to the fee
  - Introduction of a landing fee for all general aviation movements
  - Retention of the Instrument Landing System (ILS)
  - Business rules for the Albany Airport Business Unit
  - Creation of an Airport Users' Group
  - Long term economic viability of the facility
17. The imposition of a landing fee on Regular Passenger Transport (RPT) aircraft, without a reduction in the current rate of Passenger levy, could significantly increase current revenue levels. These costs would directly impact on RPT operating costs and it is assumed that costs would be passed on to passengers. By changing to a system that is being proposed which reduces the Passenger levy but applies a fixed landing fee cost it will provide a more consistent income stream while rewarding the RPT operator if they have more passengers on the service, as this will reduce the impact of the fixed landing cost. The attached financial summaries indicate that the facility is viable with minor increases in current levels of revenue and growth estimates for the future. A decision to impose landing fees for Regular Passenger Transport (RPT) aircraft could have a detrimental effect on the viability of the existing operator and result in a lower level of service to the region. Therefore, by reducing the passenger levy, it is considered prudent to ensure a sustainable revenue stream is procured that allows operators the flexibility to increase operations bringing follow on benefits to the region.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

18. In order to review the fee structure, it is assumed that;
- a. The current schedule of RPT and GA operations will be maintained and increase proportionately with population increases.
  - b. RPT operations, on F50 aircraft, currently have 25 to 26 passengers per flight and this can increase in the future to at least 34 passengers.
  - c. Currently the majority of RPT passengers are business people.
  - d. 5% of passengers will be children (ie half fare). This is a conservative estimate given that an analysis of existing usage shows that children constitute 2%. The proportion of children is expected to increase as tourist traffic is encouraged.
19. The proposed landing fees have been based on a price sensitivity review of charges set by airports within our area.

	<b>Greenough</b>	<b>Esperance</b>	<b>Kalgoorlie - Boulder</b>
<b>Passenger levy</b>	\$13.00	\$13.00	\$15.72
<b>RPT Landing fee (per 1000kg)</b>	\$9.00	\$20.00	\$7.00
<b>GA Landing Fee</b>	\$9.00	\$5.00	\$7.00

*NB : All prices exclude GST*

20. Landing fees and passenger charges for Albany are recommended as follows:

- **Landing Fees RPT** (currently nil)

**Proposed (ex GST):**

- |   |          |            |
|---|----------|------------|
| 0 – 1500kg  | \$ 5.50  | per 1000kg |
| 1500-3000kg   | \$ 8.80  | per 1000kg |
| 3000-5000kg   | \$ 13.20 | per 1000kg |
| 5000-15000kg  | \$ 18.00 | per 1000kg |
| over 15 000kg   | \$ 22.00 | per 1000kg |
| Local non commercial – choice of \$100/annum or pay per landing |          |            |
- **Passenger Levy (RPT Aircraft) (ex GST) to be:**

<b>Adults</b>	\$10.00	(currently \$17.00)
<b>Children</b>	\$ 5.00	(currently \$8.50)

**WORKS & SERVICES REPORTS**

## Item 13.4.1 continued

21. Under the proposal in this study, the comparative fee charged to the RPT operator for a return flight on an F50 aircraft with 28 passengers each way would be:

Greenough	\$ 872
Esperance	\$1,092
Kalgoorlie	<u>\$ 977</u>
<b>Average</b>	<b>\$ 980</b>

Albany	Current rate	\$ 904
	<b>Proposed rate</b>	<b>\$ 932</b>

22. The current landing fees for general aviation (GA) at the Albany Airport are:

- Aircraft weighing less than 1950 kg No charge
- Aircraft from 1950kg to 20000kg \$5.15 per tonne plus GST
- Aircraft weighing more than 20000kg \$15.45 plus GST

23. It is proposed that the structure be changed to the following

## Aircraft weighing:

- 0 – 1500kg \$ 5.50 per 1000kg
- 1500-3000kg \$ 8.80 per 1000kg
- 3000-5000kg \$ 13.20 per 1000kg
- 5000-15000kg \$ 18.00 per 1000kg
- over 15 000kg \$ 22.00 per 1000kg
- Local non commercial – choice of \$100/annum or pay per landing

24. The major change would be to users of the facility flying aircraft weighing less than 1950kg who would absorb a charge for the first time. The additional revenue could be between \$12,000 and \$24,000 per annum (net of collection costs). There is deemed to be little or no financial risk associated with this charge as it is common practice at other facilities and users should accept the requirement for all users to contribute to the finances of the facility. The proposed amendments to the landing charges for General Aviation (GA) and Regular Passenger Transport (RPT) aircraft would bring Albany Airport in line with similar facilities within our part of Western Australia.

25. The financial risks / opportunities associated with these changes have been studied and can be summarised as follows:

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- RPT Landing Fee and Passenger Head Charge - The proposed total charge represents an increase to the service provider of 3% based on average loadings. There is deemed to be minimal downside risk to the additional revenues as the increase is minor, and the total cost to the supplier has been maintained in the mid range of comparable services (Greenhough, Esperance, Kalgoorlie). There is a risk of reduced revenue should the major supplier, or a competitor decide to use smaller aircraft on the run and take advantage of the lower fee for lighter aircraft. The use of a lower landing fee is justified by the much lower relative impact of landing a lighter aircraft. It is considered unlikely that the current supplier would make a fleet decision based on the difference in landing fee rates. The reduction in the passenger head charge is considered to be an opportunity to promote the increased use of the airport by other market segments - eg - the tourist industry.
26. Previous studies have assumed significant grant funding to offset capital expenditure. With the current state and federal government sources under cost pressure, it is considered unlikely that such funds will be available in the future. This study assumes no grant funding, but every effort will be made to access such funding where appropriate.
27. The Instrument Landing System (ILS) currently in place is rarely required but costs the Business Unit \$110,000 per year in maintenance costs (29% of fixed cash operating costs). The impact of not shutting the system down is reduced cash flow of roughly \$800,000 and a reduction in net present value of two percentage points. At present the City has a contract with Airservices Australia to maintain the ILS till June 2006. Between 2004 and 2006, possible new business opportunities will be explored, some of which may require the ILS system. If no significant new business is sourced, the ILS system will be shut down in July 2006 unless the RPT operator is willing to fund a major portion of the cost.
28. It is proposed that the following business rules be adopted for the Albany Airport Business Unit:
- That the Albany Airport Business Unit will:
- Comply with National Competition Policy Principles including a tax equivalent payment to Council of 30% of annual operating surplus.
  - Depreciate capital assets annually based on the anticipated life of the asset.
  - Reimburse the Council for any services provided and ensure that all dealings with Council departments are on an arms length basis.
  - Ensure that any net cash flow be transferred annually to a cash backed reserve for future business unit use.
  - Test any future capital and operating project funding requests against a required rate of return of no less than 12%. Fund any future capital requirements out of accumulated reserves or loan funds.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- Provide an annual return to Council based on Council’s previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council’s cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council’s cost of capital for infrastructure assets is calculated on its investment in the project. Over the past eight years, Council has provided capital funds of \$916,000 (net of loans and government grants). For comparative purposes, a major West Australian Utility uses a 12% rate and major public companies have costs of capital between 12% and 20%.
29. The role of the Airport Advisory Committee is another area which will need to be addressed. The Committee was established in the former Shire of Albany days, prior to amalgamation. Council last assessed the Advisory Committee on 19 March 2002, and the Terms of Reference was advising Council on the strategic development of the Airport to meet the future needs of the Region.
30. A meeting of the advisory committee has been convened to discuss this report and feedback from that meeting will be tabled.
31. The business unit would be far better served by an Airport Users Group who would focus upon feedback between airport customers (aircraft owners, RPT operators, hangar lessees, terminal concession holders) and operations staff to ensure that high levels of customer service and client communication are maintained. Strategic review of the airport business unit will be undertaken every three years by Council and staff in line with our normal strategic plan functions. An example of this was the strategic review of library services undertaken in 2000.
32. The attached summary indicates that in the short and long term, the Albany Airport Business Unit is currently a viable operation, and in the future, with good management, will be able to maintain its viability, adequately preserve its major assets, and continue to provide excellent service to all Airport users as well as providing a financial return to its owners which may then be applied to areas such as tourism marketing, district and area promotion and attraction of more economic activity to the region.

**RECOMMENDATION**

THAT Council;

- i) acknowledge the report from Connell Wagner;
- ii) endorse the change of fees (effective 1<sup>st</sup> January 2004) and advertise the changes in a local newspaper.
  - a) Landing Fees (all aircraft including GST):
    - 0 – 1500kg \$ 5.50 per 1000kg
    - 1500-3000kg \$ 8.80 per 1000kg
    - 3000-5000kg \$ 13.20 per 1000kg
    - 5000-15000kg \$ 18.00 per 1000kg
    - over 15 000kg \$ 22.00 per 1000kg
    - Local non commercial – choice of \$100/annum or pay per landing

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- b) Passenger Levy (RPT Aircraft) to be;
- Adults \$11.00 (including GST)
  - Children \$ 5.50 (including GST);

iii) endorses the Business principles for the operation of the Albany Airport as follows:

That the Albany Airport Business Unit will:

- Comply with the principles of the National Competition Policy including a tax equivalent payment to Council of 30% of net annual operating surplus;
- Depreciate capital assets annually based on the anticipated life of the asset;
- Reimburse the Council for any services provided and ensure that all dealings with Council departments are on a fee for service basis;
- Transfer all net cash flows and cash backed reserve for future business unit use;
- Test any future capital and operating project funding requests against a required rate of return of no less than 12%;
- Fund any future capital requirements out of accumulated reserves or loan funds; and
- Provide an annual return to Council based on Council's previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council's cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council's cost of capital for infrastructure assets is calculated on its investment in the project;

iv) accepts, in principle, a change in the Terms of Reference for the Airport Advisory Committee into an Airport Users Group providing communication and consultation between airport users and the City on all operational issues, with the User Group to meet quarterly and be chaired by a Councillor delegate; and

v) requests that all possibilities be investigated by Council staff to finding users or systems to help recover costs of operating the ILS and should this not be achieved by June 2006 then decommissioning of the ILS will be undertaken.

*Voting Requirement Absolute Majority*

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**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR PAVER**

**THAT Council;**

- i) acknowledge the report from Connell Wagner;**
- ii) endorse the change of fees (effective 1<sup>st</sup> January 2004) and advertise the changes in a local newspaper.**

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- a) **Landing Fees (all aircraft including GST):**
- **0 – 1500kg**                    \$ **5.50**            per 1000kg
  - **1500-3000kg**                \$ **8.80**            per 1000kg
  - **3000-5000kg**                \$ **13.20**          per 1000kg
  - **5000-15000kg**               \$ **18.00**          per 1000kg
  - **over 15 000kg**               \$ **22.00**          per 1000kg
  - **Local non commercial – choice of \$100/annum or pay per landing**
- b) **Passenger Levy (RPT Aircraft) to be;**
- **Adults**                        \$**11.00** (including GST)
  - **Children**                      \$ **5.50** (including GST);

iii) **endorses the Business principles for the operation of the Albany Airport as follows:**

**That the Albany Airport Business Unit will:**

- **Comply with the principles of the National Competition Policy including a tax equivalent payment to Council of 30% of net annual operating surplus;**
- **Depreciate capital assets annually based on the anticipated life of the asset;**
- **Reimburse the Council for any services provided and ensure that all dealings with Council departments are on a fee for service basis;**
- **Transfer all net cash flows and cash backed reserve for future business unit use;**
- **Test any future capital and operating project funding requests against a required rate of return of no less than 12%;**
- **Fund any future capital requirements out of accumulated reserves or loan funds; and**
- **Provide an annual return to Council based on Council's previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council's cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council's cost of capital for infrastructure assets is calculated on its investment in the project;**

iv) **accepts, in principle, a change in the Terms of Reference for the Airport Advisory Committee into an Airport Users Group providing communication and consultation between airport users and the City on all operational issues, with the User Group to meet quarterly and be chaired by a Councillor delegate; and**

v) **requests that all possibilities be investigated by Council staff to finding users or systems to help recover costs of operating the ILS and should this not be achieved by June 2006 then decommissioning of the ILS will be undertaken.**

**MOTION CARRIED 11-0  
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING – 21/10/03

\*\* REFER DISCLAIMER \*\*

**WORKS & SERVICES REPORTS**

**AIRPORT MASTER PLAN - FINANCIAL SUMMARY**

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Assumptions</b>														
Movements - RPT	1,352	1,352	1,352	1,352	1,352	1,456	1,456	1,456	1,456	1,456	1,560	1,560	1,560	1,560
Passengers per movement	26	27	29	30	31	32	33	34	34	34	34	34	34	34
Total Passengers (RPT)	35,693	37,045	39,749	41,101	42,453	47,174	48,630	50,086	50,086	50,086	53,664	53,664	53,664	53,664
Landing fee ( excl GST)- based on F50	300	300	300	300	300	300	300	300	300	300	300	300	300	300
Passenger Levy - adult (excl GST)	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Movements - GA - light aircraft	3,000	3,150	3,308	3,473	3,647	3,829	4,020	4,221	4,432	4,654	4,887	5,131	5,388	5,657
General Aviation Annual Growth	0%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
General Aviation light plane fee	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
<b>Operating Revenue</b>														
RPT Landing Fees	348,005	361,187	387,551	400,733	413,915	459,950	474,146	488,342	488,342	488,342	523,224	523,224	523,224	523,224
RPT Passenger Levy	202,800	202,800	202,800	202,800	202,800	218,400	218,400	218,400	218,400	218,400	234,000	234,000	234,000	234,000
General Aviation	22,000	23,100	24,255	25,468	26,741	28,078	29,482	30,956	32,504	34,129	35,836	37,627	39,509	41,484
Other	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
	<b>602,805</b>	<b>617,087</b>	<b>644,606</b>	<b>659,001</b>	<b>673,456</b>	<b>736,429</b>	<b>752,029</b>	<b>767,699</b>	<b>769,246</b>	<b>770,872</b>	<b>823,060</b>	<b>824,851</b>	<b>826,733</b>	<b>828,708</b>
<b>Operating Expenditure</b>														
Maintenance - ILS	110,000	110,000	110,000	0	0	0	0	0	0	0	0	0	0	0
Maintenance - Other	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500
Airport Contractor	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000
Marketing / Promotion	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Interest on Loans	6,650	6,073	5,455	4,795	4,088	3,333	2,524	39,046	36,403	33,840	31,892	29,818	27,608	25,255
Other Operating	39,422	38,845	38,227	37,567	36,861	36,105	35,296	34,431	33,506	32,772	32,772	32,772	32,772	32,772
ILS Grant Refund			200,000											
City Management / Service Charges	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990
Depreciation	190,201	198,776	204,726	207,175	207,875	204,254	335,726	151,540	151,577	152,277	152,357	194,182	194,882	195,582
	<b>582,763</b>	<b>590,184</b>	<b>794,899</b>	<b>486,027</b>	<b>485,314</b>	<b>480,181</b>	<b>610,036</b>	<b>461,508</b>	<b>457,977</b>	<b>455,380</b>	<b>453,512</b>	<b>493,262</b>	<b>491,753</b>	<b>490,099</b>
<b>Net Income - Operating</b>	20,042	26,903	(150,293)	172,974	188,142	256,248	141,992	306,191	311,269	315,492	369,548	331,589	334,980	338,609
Tax Equivalent Payment	(6,013)	(8,071)	0	(51,892)	(56,443)	(76,874)	(42,598)	(91,857)	(93,381)	(94,647)	(110,864)	(99,477)	(100,494)	(101,583)
City of Albany - Return on invest.	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)
Loan Principal	(8,270)	(8,847)	(9,464)	(10,125)	(10,831)	(11,587)	(12,395)	(39,685)	(42,328)	(29,971)	(31,919)	(33,994)	(36,204)	(38,557)
<b>Capital Expenditure</b>	(20,000)	(245,000)	(170,000)	(87,000)	(20,000)	(20,000)	(1,195,000)	(20,000)	(20,000)	(20,000)	(20,000)	(1,195,000)	(20,000)	(20,000)
Funded ex Reserve	20,000	245,000	170,000	87,000	20,000	20,000	595,000	20,000	20,000	20,000	20,000	1,195,000	20,000	20,000
Funded ex Loans							600,000							
Funded ex grants														
<b>Add back Depreciation</b>	190,201	198,776	204,726	207,175	207,875	204,254	335,726	151,540	151,577	152,277	152,357	194,182	194,882	195,582
<b>Net Cash Flow - Airport</b>	<b>99,737</b>	<b>112,538</b>	<b>(51,254)</b>	<b>221,909</b>	<b>232,520</b>	<b>275,817</b>	<b>326,501</b>	<b>229,965</b>	<b>230,915</b>	<b>246,927</b>	<b>282,898</b>	<b>296,077</b>	<b>296,941</b>	<b>297,828</b>
Reserve Balance	364,392	250,757	228,439	158,841	380,577	1,553,949	413,375	641,037	878,107	1,140,158	1,448,663	607,687	908,935	1,223,121

**WORKS & SERVICES REPORTS**

**13.5 RESERVES PLANNING & MANAGEMENT**

**13.5.1 Mt Martin Botanic Park Committee Representative**

<b>File/Ward</b>	:	MAN 072 (All Wards)
<b>Proposal/Issue</b>	:	Council representation on Mt Martin Botanic Park Committee.
<b>Subject Land/Locality</b>	:	Mt Martin Botanic Park
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director, Works & Services (B Joynes)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	OCM 16/10/2001 Item 13.6.2
<b>Summary Recommendation</b>	:	That Councillor _____ be appointed to represent Council on the Mt Martin Botanic Park Committee.
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At its Ordinary Council Meeting on 16<sup>th</sup> October 2001, the City of Albany resolved to accept the memberships and terms of reference for the Mt Martin Botanic Park Committee.
2. Councillor Diane Evers was nominated to represent elected members on the Committee as Chairperson.
3. Councillor Evers recently resigned from her Council duties to take up employment within the organisation.

**STATUTORY REQUIREMENTS**

4. Section 5.11 (1) (a) of the Local Government Act provides that a person appointed as a member of a committee may tenure their membership when that person no longer holds the office by virtue of which that person became a member.

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued.

- 5. Section 5.10 of the Local Government Act provides that Council is to appoint persons to become members of the committee, and if a Council member nominates himself or herself to be a member of a committee, Council is to appoint that person to the committee.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

*Port of Call*

**A managed healthy land and harbour environment**

Objective:

Reserve Management

- To manage reserves for environmentally sustainable use, Community enjoyment and benefit.

**COMMENT/DISCUSSION**

- 9. As Diane Evers has resigned from her duties as Councillor, another Council member is invited to replace her as Council representative at committee meetings.
- 10. Nominations are sought to take over this role, and assist in carrying out the terms of reference for the committee, being:
  - 1) to review the Mt Martin Regional Botanic Park Management Plan;
  - 2) to monitor implementation of the Management Plan; and
  - 3) to make recommendations to Council about actions proposed in the Reserve.

**RECOMMENDATION**

THAT Councillor \_\_\_\_\_ be appointed to represent Council on the Mt Martin Botanic Park Committee.

*Voting Required Absolute Majority*

.....

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR LIONETTI**

**THAT Councillor Bojcun be appointed to represent Council on the Mt  
Martin Botanic Park Committee.**

**MOTION CARRIED 11-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.6 WORKS & SERVICES COMMITTEES**

**13.6.1 Airport Advisory Committee Minutes – 15<sup>th</sup> September 2003**

- File/Ward** : MAN 007 (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 Airport Advisory Committee meeting held on 15<sup>th</sup> September 2003 be adopted.

Confirmation of the minutes of the Airport Advisory Committee meeting of 15<sup>th</sup> September 2003.

**RECOMMENDATION**

THAT the minutes of the Airport Advisory Committee meeting held on the 15<sup>th</sup> September 2003 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR DEMARTEAU</b> <b>SECONDED COUNCILLOR WATERMAN</b></p> <p><b>THAT the minutes of the Airport Advisory Committee meeting held on the 15<sup>th</sup> September 2003 be received (copy of minutes in the Elected Members' Report/Information Bulletin).</b></p> <p style="text-align: right;"><b>MOTION CARRIED 11-0</b></p>
--

# **General Management Services**

## **REPORTS**

## **14.1 STRATEGIC DEVELOPMENT**

### **14.1.1 Request for Support for the Albany Afghan Refugee Group**

<b>File/Ward</b>	: REL 010 (All Wards)
<b>Proposal/Issue</b>	: Support for the Albany Afghan Refugee Group
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: Councillor Paver
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Chief Executive Officer (A Hammond)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: For Council consideration
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

#### **BACKGROUND**

1. 60 Afghan refugees have been living in Albany for approximately the last 3 years under the auspices of temporary protection visas granted by the Australian Government.
2. In May this year several of the group were assessed for qualification as refugees but were advised in late August they did not qualify, and as such face the prospect of being returned to Afghanistan.
3. The applicants have 28 days to appeal against the decision.
4. In the past 10 years the Federal Government has granted Humanitarian Program Visas to approximately 7500 Afghan Nationals.

#### **STATUTORY REQUIREMENTS**

5. Immigration issues are covered by Federal statutes.

#### **POLICY IMPLICATIONS**

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

14.1.1 continued.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

8. *Albany 2020 Charting Our Course vision provides ‘that the City will advocate strongly to maximise opportunities offered by external influences and to minimise any adverse impacts.’*

**COMMENT/DISCUSSION**

9. The Action for Albany Afghan Refugees Group comprising of Albany citizens concerned about the plight of the Albany Hazara Afghan Refugees has lobbied strongly at a Local, State and Federal level seeking support for the appeal against the refusal of refugee status.
10. Councillor Paver has put forward the following motion for consideration:

*“That the City of Albany supports the Albany Hazara Afghan Refugees claim for permanent protection visas”*

**RECOMMENDATION**

For Council consideration.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR LIONETTI**

**THAT Part of 7 of the City of Albany Standing Order be suspended.  
MOTION CARRIED 6-5**

Reason:

- To ensure no procedural motions could be used to stifle debate.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR LIONETTI**

**THAT the City of Albany supports Albany Hazara Afghan Refugees claim for permanent protection visas.**

Item 14.1.1 continued.

Amendment to the motion:

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR PAVER**

**THAT the motion be expanded to include:-**

**....that Council officially register with the Minister for Immigration their support for Hazara Afghan Refugees and their families highlighting that they are gainfully employed and have been successfully assimilated into the local community. In view of their outstanding efforts and their contribution to the local economy the Minister is requested to give consideration to allowing them to remain permanently in Australia.**

**AMENDMENT CARRIED 11-0**

Reason:

- The view of the Community on this matter need to be conveyed to the Minister for Immigration to assist her in finally deciding the future of these refugees. The economic and social benefits that this group have contributed, together with the efforts that they have made to simulate with community necessitate an official communication with the Minister copying these facts.

Councillor Sankey departed the Chambers at 10.10pm.

**The amendment then became the motion, as follows: \_**

***“THAT the City of Albany supports Albany Hazara Afghan Refugees claim for permanent protection visas and that Council officially register with the Minister for Immigration their support for Hazara Afghan Refugees and their families highlighting that they are gainfully employed and have been successfully assimilated into the local community. In view of their outstanding efforts and their contribution to the local economy the Minister is requested to give consideration to allowing them to remain permanently in Australia.”***

**AMENDED MOTION CARRIED 9-1**

**14.1.2 Administration Building Design, Financial Implications and Direction for Architects to proceed with the Final Design and Contract Documentation**

<b>File/Ward</b>	: PRO 284 (All Wards)
<b>Proposal/Issue</b>	: City of Albany Administration Building
<b>Subject Land/Locality</b>	: Location 4743 North Road Yakamia
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 16/09/03 – Item 14.1.1 OCM 18/02/03 – Item 14.1.2 OCM 19/11/02 – Item 12.2.2 OCM 19/02/02 - Item 11.1.10 OCM 17/07/01 - Item 11.1.4 OCM 15/05/01 - Item 18.1 OCM 20/02/01 - Item 14.1.1 OCM 23/01/01 - Item 14.1.1 OCM 07/11/00 - Item 12.2.4
<b>Summary Recommendation</b>	: That Council endorses the Administration Building design and financial implications and directs the Architect to proceed with the final design and Contract Documentation.
<b>Bulletin Attachment</b>	: Design Development Drawings Design Development Artist Impressions
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. On the 18<sup>th</sup> February 2003, Council resolved that:  
  
*“Council support the Executive Committee’s recommendation to appoint James Christou & Partners Architects, for the provision of Architectural Services for the new City of Albany Administration Building to be situated at Location 4743 North Road, Yakamia”*
2. Since being appointed in February, James Christou & Partners Architects have completed Project Scope & Brief, Conceptual Design, Design Development and some elements of Contract Documentation.

Item 14.1.2 continued.

3. During the initial phase of the indicative program, James Christou & Partners Architects met with all Managers, Councillors and staff representatives to establish what facilities would be required in the Administration Building and Civic Centre.
4. The information received during the interview process established the basis for conceptual design. On the 24<sup>th</sup> June 2003, James Christou & Partners Architects presented the design concept to Council. Council established that they were unhappy with the external visual amenity of the building. James Christou & Partners Architects were able to provide alternative design options of which the current design was selected.
5. Council endorsed conceptual design based on the alternative design option which enabled James Christou & Partners Architects to commence Design Development. This phase of the indicative program allowed the Architect to transform the design from a fluid concept into a working concept that was able to be costed within + or – 10%.
6. In order to progress further, the Architect requires Council to endorse the design and financial implications so that the tender documentation can be developed for the construction of the Administration Building and Civic Centre.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

9. The building budget has been priced to approximately within + or – 10%, with a total construction cost of \$6,385,000.
10. The development of the North Road Site will allow surplus land behind the proposed Administration Building/Civic Centre to be sold as a future residential development.
11. The City of Albany is currently identifying all freehold land that is owned by the City of Albany and is having it valued. Strategic recommendations will accompany this study to recommend what parcels of land need to be sold to fund future capital projects.
12. It is estimated that the sale of this portion of land behind the new Administration Building and Civic Centre will net the City of Albany \$3,000,000 over the next three to five years. If this parcel of land does not net \$3,000,000, other parcels of land will be considered to fund the shortfall.

ORDINARY COUNCIL MEETING MINUTES – 21/10/03  
 \*\*REFER DISCLAIMER\*\*  
 GENERAL MANAGEMENT SERVICES REPORTS

Item 14.1.2 continued.

13. Council has the ability to borrow short and long term funds, currently of rates between 5.5% and 6.5%. It is proposed that a short term (interest only) loan be used to fund the \$3,000,000 land sales component of the project prior to the actual sale of land, and a longer term, 20-year loan (principal and interest) be used to fund the balance.

Total Building Cost	\$6,385,000
Expended in 02/03	(\$35,000)
Reserve Funds 03/04	(\$800,000)
Working Capital Surplus 04/05 Budget	(\$925,000)
Balance to be funded in the 04/05 Budget	\$4,615,000
Short term loan (interest loan)	(\$3,000,000)
Long Term (20 year principal and interest)	(\$1,625,000)

14. The annual impact on recurrent costs would be payment of interest and principal on the loans taken out to fund the project. The annual loan costs are expected to be.

15. Short term \$3 million – 3-5 years Interest Only = \$180,000 per annum. This loan would be paid in full when the proceeds of the land sales are available.

Long term \$1.6 million – 20 years Principal and Interest = \$145,000 per annum.

**STRATEGIC IMPLICATIONS**

16. The City of Albany’s Strategic Plan states;

*“The continual development of Council Services and facilities to meet the needs of all stakeholders: - To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs.”* And

*“A reputation for professional excellence: - To create a quality environment in which to work and develop / deliver services to the Community, and to develop programs for the continual development of Councillors and Council’s most important assets, our staff members.”*

**COMMENT/DISCUSSION**

17. James Christou & Partners Architects are aiming to have a builder on site to begin construction in January or February 2005.

18. It is important to the status of the project that James Christou & Partners Architects are given permission to proceed as soon as possible as the site remediation, earth works and the early phase of construction have been programmed to eliminate delays due to inclement weather.

Item 14.1.2 continued.

**RECOMMENDATION**

THAT Council endorses;

- i) James Christou & Partners Architects Administration and Civic Centre Design so that the Architect can finalise Contractual Documentation and develop the Tender Documents; and
- ii) the proposed financial implications created by the construction of the Administration and Civic Centre that consist of:-
 

a) Capital Surplus & Reserve Funds	\$ 1,760,000
b) Long Term Loan	\$ 1,625,000
c) Short Term Loan	<u>\$ 3,000,000</u>
<b>TOTAL</b>	<b>\$ 6,385,000</b>

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR LIONETTI  
 SECONDED COUNCILLOR WELLINGTON**

**THAT Council defer consideration of this item until the December meeting of Council so as the outcomes of workshops conducted by Taylor Burrell on the Defining Central Albany Strategy can be taken into consideration.**

**MOTION TIED 5-5  
 DEPUTY MAYOR CAST DECIDING VOTE  
 MOTION LOST 5-6**

Reason:

- The Defining Central Albany Strategy is a major component in terms of the long term planning process and opportunities for the Albany CBD. Notwithstanding previous decisions that have been made on the siting of the administration centre it would be prudent to await the outcomes of this extremely important planning process prior to committing to development of the administration centre outside of the CBD

**MOVED COUNCILLOR WILLIAMS  
 SECONDED COUNCILLOR DEMARTEAU**

**THAT Council endorses;**

- i) James Christou & Partners Architects Administration and Civic Centre Design so that the Architect can finalise Contractual Documentation and develop the Tender Documents; and**
- ii) the proposed financial implications created by the construction of the Administration and Civic Centre that consist of:-**

<b>a) Capital Surplus &amp; Reserve Funds</b>	<b>\$ 1,760,000</b>
<b>b) Long Term Loan</b>	<b>\$ 1,625,000</b>
<b>c) Short Term Loan</b>	<b><u>\$ 3,000,000</u></b>
<b>TOTAL</b>	<b>\$ 6,385,000</b>

**MOTION CARRIED 6-4**

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil.

**14.3 ECONOMIC DEVELOPMENT**

Nil.

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.4.1 Albany Convention and Entertainment Centre Steering Committee meeting minutes – 11<sup>th</sup> September 2003**

- File/Ward** : MAN 075 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the Minutes of Albany Convention and Entertainment Centre Steering Committee held on 11<sup>th</sup> September 2003 be adopted.

Confirmation of the minutes of the Albany Convention and Entertainment Centre Steering Committee of 11<sup>th</sup> September 2003.

**RECOMMENDATION**

THAT the minutes of Albany Convention and Entertainment Centre Steering Committee held on 11<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted:-

**MOTION**

THAT Council invite Mr John Hayden as a member of the Albany Convention and Entertainment Centre Steering Committee.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR WOLFE**

**SECONDED COUNCILLOR WATERMAN**

**THAT the minutes of Albany Convention and Entertainment Centre Steering Committee held on 11<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted: -**

**MOTION**

**THAT Council invite Mr John Hayden as a member of the Albany Convention and Entertainment Centre Steering Committee.**

**MOTION CARRIED 10-0  
ABSOLUTE MAJORITY**

**14.4.2 Mayoral Regalia and City Crest Committee meeting minutes – 9<sup>th</sup> September 2003**

- File/Ward** : MAN 005 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the Minutes of Mayoral Regalia and City Crest Committee held on 9<sup>th</sup> September 2003 be adopted.

Confirmation of the minutes of the Mayoral Regalia and City Crest Committee of 9<sup>th</sup> September 2003.

RECOMMENDATION

THAT the minutes of Mayoral Regalia and City Crest Committee held on 9<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted:-

MOTION

THAT the committee request that the artist (Ellen Hickman) consult with the heraldic artist (Rev Denis Towner) to redraw concept B & C to ensure compliance with international heraldry standards.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR EMERY**

**THAT the minutes of Mayoral Regalia and City Crest Committee held on 9<sup>th</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted:-**

**MOTION**

**THAT the committee request that the artist (Ellen Hickman) consult with the heraldic artist (Rev Denis Towner) to redraw concept C to ensure compliance with international heraldry standards**

Reason:

Of the six designs displayed for public consultation, concept C was clearly identified by the public as the preferred choice. Council should select concept C and move this design into the next phase of the design process.

Councillor Demarteau advised that he would like to withdraw this item from consideration.

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Item 14.4.2 continued.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of Mayoral Regalia and City Crest Committee held on 9<sup>h</sup> September 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following motion adopted: -**

**MOTION**

**THAT the committee request that the artist (Ellen Hickman) consult with the heraldic artist (Rev Denis Towner) to redraw concept B & C to ensure compliance with international heraldry standards.**

**MOTION CARRIED 10-0**

**15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN**

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR BOJCUN**

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

**MOTION CARRIED 10-0**

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

Nil.

**17.0 MAYORS REPORT**

Nil.

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

**18.1 MV Cormo Express**

<b>File/Ward</b>	: REL 104 (All Wards)
<b>Proposal/Issue</b>	: MV Cormo Express
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: No recommendation pending further advice
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. The MV Cormo Express left Fremantle on the 6<sup>th</sup> August 2003, with a consignment of more than 57,000 sheep purchased by a Saudi Arabian livestock importer, Hmood Alali Alkhalaf. The consignment arrived in Jeddah on 21<sup>st</sup> August.
2. The shipment was inspected by a Saudi Ministry of Agriculture vet who claimed that six per cent of the sheep had a condition - similar to cold sores in humans - called scabby mouth. This is not a condition that can be passed on to humans through consumption of meat. The sheep were vaccinated twice against scabby mouth before leaving Australia and the Australian veterinary on board the vessel estimated the number of cases of scabby mouth to be 0.3 per cent, well below the 5 per cent accepted level in the specifications for the trade.
3. Since initially being rejected by Saudi Arabia, the sheep have also been rejected by a number of other countries. The MV Cormo Express is currently on its way to Cocos Islands where it should arrive in 10 days. When the ship arrives at the Cocos Islands the sheep will be tested and treated for any internal and external parasites that will satisfy Australian Quarantine Requirements and at that time a destination port will be decided.

Item 18.1 continued.

4. The Federal Government has advised that although no destination port had been decided, Albany for logistical reasons is being considered.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

8. The City of Albany's Strategic Plan states under the Port of Call - A managed healthy land and harbour environment that:

*“The City of Albany plays a key role in raising community awareness and promoting the care of our beautiful environment”*  
and

Under the Port of Call – A reputation for professional excellence that;

*“The City of Albany has undertaken to generate and maintain a reputation for professional excellence in the way it approaches all of its responsibilities, transactions and communication”*

#### **COMMENT/DISCUSSION**

9. John Pugh from the local branch of the Farmers Federation has expressed concern over this move but acknowledges that the Federal Government are within their rights to redirect the ship to Albany. If Albany is selected as the destination port the Farmers Federation want to ensure that the Federal and State Government follow correct protocols in regards to diseased animals to ensure minimum impact on the Great Southern. They also request that the Federal Government take full responsibility for the consequences of this activity.
10. Brad Williamson from the Albany Port Authority has not received a berthing notification or been contacted by the State or Federal Government in regards to this issue. The Albany Port Authority has expressed concern about the ship coming to Albany and the fact that it would have to be docked at the Port for up to three weeks creating a significant smell.

Item 18.1 continued.

11. The Albany Port Authority has stressed that the sheep would have to satisfy Federal Quarantine Regulations, however, was unsure if the Federal Government could over rule these regulations in exceptional circumstances such as this.
12. The Albany Port Authority has also expressed concerns that this event will create worldwide media attention and protesters.

RECOMMENDATION

No recommendation pending further advice

Voting Requirement Simple Majority

.....  
**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR EMERY**

**THAT the City of Albany, subject to stringent Australian Quarantine Inspection Services control, supports the Federal Government in dealing with the predicament currently facing the MV Cormo Express and has no objections to the offloading of live sheep cargo at Albany Port for processing at Fletchers Abattoir in Narrikup.**

**MOTION CARRIED 10-0**

**19.0 CLOSED DOORS**

Nil.

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 18<sup>th</sup> November 2003, 7.30pm

**21.0 CLOSURE OF MEETING**

10.50pm.

Confirmed as a true and correct record of proceedings.

---

*M Evans, JP*  
DEPUTY MAYOR

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURES OF INTEREST**

MINUTES OF THE ORDINARY COUNCIL MEETING – 21<sup>st</sup> OCTOBER 2003

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor M Bojcun	Item 13.2.2 - Contract C03001 – Cleaning Services Biennial (2003/05)	Partner is engaged in commercial cleaning business
Councillor J Waterman	Item 12.2.2 - Extended Trading Hours within the City of Albany	Local retailer
Councillor D Wellington	Item 12.2.2 - Extended Trading Hours within the City of Albany	Local retailer
Councillor P Lionetti	Item 12.2.2 - Extended Trading Hours within the City of Albany	Local retailer
Councillor G Sankey	Item 12.2.2 - Extended Trading Hours within the City of Albany	Daughter works for Woolworths.

**APPENDIX B**

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

**MINUTES OF THE ORDINARY COUNCIL MEETING – 21<sup>st</sup> OCTOBER 2003**

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1 refers]  
[COUNCIL – 21<sup>st</sup> October 2003]

## SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	totalling		297,729.43
Electronic Fund Transfer	totalling		1,540,761.99
Payroll	totalling		647,895.92
TOTAL			<u>\$2,486,387.34</u>

### CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,486,387.34 which was submitted to each member of the Council on 21<sup>st</sup> October 2003 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**  
(A Hammond)

### MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$2,486,387.34 which was submitted to the Council on 21<sup>st</sup> October 2003 and that the amounts are recommended to the Council for payment.

\_\_\_\_\_  
**DEPUTY MAYOR**  
(M Evans JP)