



MINUTES

ORDINARY COUNCIL MEETING

3rd April 2001

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

CITY OF ALBANY

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Signed:

Date: 4th April 2001

ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER

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	Nil.	

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**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE CITY OF ALBANY
HELD IN THE COUNCIL CHAMBERS, MERCER ROAD, ALBANY
ON TUESDAY 13th MARCH 2001 AT 7:30PM**

1.0 DECLARATION OF OPENING

Mayor Goode declared the meeting open at 7:30pm and extended a welcome to all present.

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

Attendance:

Mayor	- A.E. Goode JP
Councillors	- J.M. Walker
	- G. Mountford
	- J. Cecil
	- N. Bain
	- D. Evers
	- J. Williams
	- D. Wolfe
	- S.M. Bojcun
	- M. Evans
	- D. Dufty
	- I. West
	- L.W. Armstrong

Chief Executive Officer	- A.C. Hammond
Executive Director – Corporate & Community Services	- W.P. Madigan
Executive Director – Development Services	- R. Fenn
PA to Executive Director – Corporate & Community Services	- S.M. Day
Approximately 30 members of the public	
3 media representatives	

Apologies/Leave of Absence:

- J. Lubich – Leave of Absence
- I. Wilson – Apology
- C. Meeking – Apology

3.0 OPENING PRAYER

The opening prayer was read by Councillor L. Armstrong

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.0 PUBLIC QUESTION TIME

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

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice. Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

*** D Johnson**

Addressed the Council in regard to the future works for Home Road. Ms Johnson advised that the road had been surveyed twice, however, not yet bitumised. Ms Johnson asked the Council if works are going to be carried out on Home Road, as had been told that Home Road had been removed from the future works program.

Ms Johnson’s question was taken on notice as Mr Meeking, Executive Director Works & Services was not present at meeting.

*** T. Harrison**

Addressed the Council in regard to the Emu Point Erosion. Mr Harrison has concern at the 6 options which have been listed and asked why the removal of the groyne was not an option. In regard to the public forum, Mr Harrison advised he would be away and hoped the consultation forum could take place after 13th May.

Mr Hammond, Chief Executive Officer responded the issues to cost were irrelevant. A further study will be undertaken, which includes the option of removal. The consultation forum will be done through University of Western Australia, and will meet the timeframe requested if possible. The process will involve interviewing residents of 50-60 years age as to what was happening in a cyclic way before the introduction of the groyne.

***F. Crowley**

Ms Crowley addressed the Council on several issues

- Summary of Accounts – queried the cost of Panel Beater repairs;
- Summary of Accounts – Casual staff payments;
- Elected Members Bulletin – Ms Crowley believed that pages were omitted from Bulletin on purpose. Her Worship the Mayor advised Ms Crowley that this was a simple oversight and had been rectified, with pages being distributed prior to meeting;
- Ratepayers meeting referring to the Administration Building location, Ms Crowley advised the Council that no one wanted the new Administration Building to be located in a CBD location; and
- Ms Crowley had still not received letter from the Planning Department, which was sent to her in February 2001.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 13th March 2001.

as previously distributed be confirmed as a true and accurate record of proceedings, with the following amendment to Items 11.1.1 & 11.1.2.

Item 11.1.1 Proposed setback relaxation – Development Area – Lot 115
Eden Road, Youngs

MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WALKER

That this item be deferred to the next meeting of Council and an on site inspection be arranged in the interim.

MOTION CARRIED 13-1

Item 11.1.2 Proposed Setback Relaxation – Development Area – Lot 127
Eden Road, Youngs

MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILSON

That this item be deferred until a site inspection had taken place.

MOTION LOST 6-8

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR DUFTY**

THAT Council delegate pursuant to Section 6.10.1 of the Town Planning Scheme to the Manager Development authority to issue a Planning Scheme Consent Notice for a proposed development within the requested building envelope on Lot 127 Eden Road, Youngs, subject to the following requirements being incorporated into an approval:

- i) the proposed dwelling is to be screened by, and located entirely below, the small hill identified on the plan accompanying the application;
- ii) no clearing of the building envelope is permitted unless a building licence has been issued for a structure (being a dwelling or associated outbuilding); and
- iii) the requested building envelope being pegged in accordance with the approved plan.

**MOTION TIED
MAYOR EXERCISED CASTING VOTE
MOTION LOST**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR CECIL**

THAT the following minutes:

- **Ordinary Council meeting held on 13th March 2001; and**
- **as previously distributed be confirmed as a true and accurate records of proceedings with the amendments to Items 11.1.1 & 11.1.2.**

MOTION PASSED 13-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.0 DECLARATIONS OF FINANCIAL INTEREST

Councillor G. Mountford – Item 15.1

Nature of Interest – Councillor Mountford’s spouse works in this Industry.

Councillor L. Armstrong – Item 11.1.5

Nature of Interest – Councillor Armstrong’s owns a residence in this locality.

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 Final Approval for Amendment – Pt Lot 1000 Richard Street, Milpara

File/Ward : A167624A/AMD219 (Kalgan Ward)

Proposal/Issue : Request for Final Approval to Rezoning Request

Subject Land/Locality : Pt Lot 1000, Loc 384 Richard Street, Milpara

Proponent : Gray & Lewis

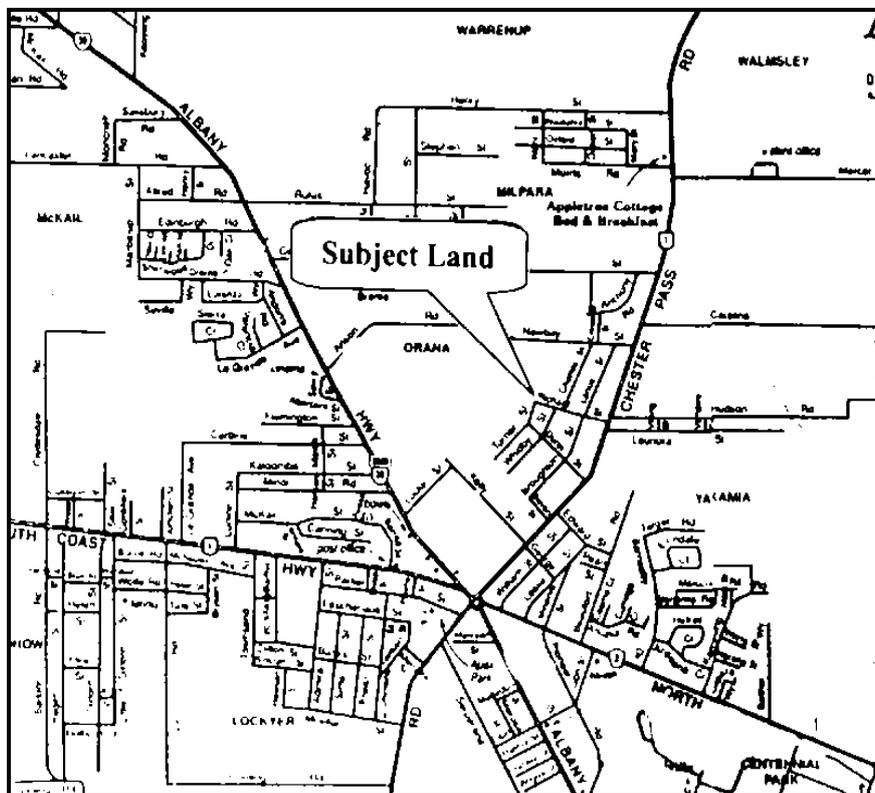
Owner : EA & W Harley & RJ & HM Hedderwick

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

Previous Reference : OCM 19/12/00 Item 11.1.2
OCM 26/09/00 Item 11.1.7

Summary Recommendation: Grant Final Approval

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Pt Lot 1000 Richard Street, Milpara is 6.275 hectares in area, and is zoned “Residential” within Town Planning Scheme No. 3. The land is bordered by a large light industrial zone to the north and east, and a parks and recreation reserve to the west. To the south (opposite side of Richard Street), a small residential neighbourhood can be found, with residences having primary frontages to Turner and Whidby Streets.
2. On 19th December 2000, Council resolved to initiate a town planning scheme amendment to change the zoning from “Residential” to “Light Industry”. The amendment was advertised for 42 days, up till the 15th March 2001, and three (3) submissions were received during that period. The amendment will facilitate the subdivision of a portion of Pt Lot 1000 into several light industrial lots ranging in size from 1000m² to 1900m².

STATUTORY REQUIREMENTS

3. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
4. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council’s recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if she considers Council’s decision is not consistent with orderly planning.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Only a small section of Richard Street is currently constructed and the proponent, upon the rezoning and subdivision of the land, would build the section fronting the proposed subdivision area. The applicant would also be responsible for the costs associated with road closures, if supported by Council.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

- 7. The proposed rezoning complies with the general intent of the Regional Industrial Strategy.
- 8. The Anson Road Draft Structure Plan area is located directly to the south and south-west of the subject land, the proposal does not have any impact on this strategy and complements the structure plan.

COMMENT/DISCUSSION

- 9. Attached is a copy of the Schedule of Submissions on the scheme amendment. That schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council’s consideration.
- 10. As no objections have been received during the advertising period, staff believe the amendment should be granted final approval.

RECOMMENDATION

THAT

- i) Council grant final approval, without modification, to Amendment 219 to the City of Albany Town Planning Scheme No. 3 to rezone a portion of Pt Lot 1000 from “Residential” to “Light Industry”;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.1 refers

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR DUFTY**

THAT

- i) Council grant final approval, without modification, to Amendment 219 to the City of Albany Town Planning Scheme No. 3 to rezone a portion of Pt Lot 1000 from “Residential” to “Light Industry”;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

Town Planning & Development Act 1928

Town Planning Scheme No. 3

Proposed Amendment No. 219

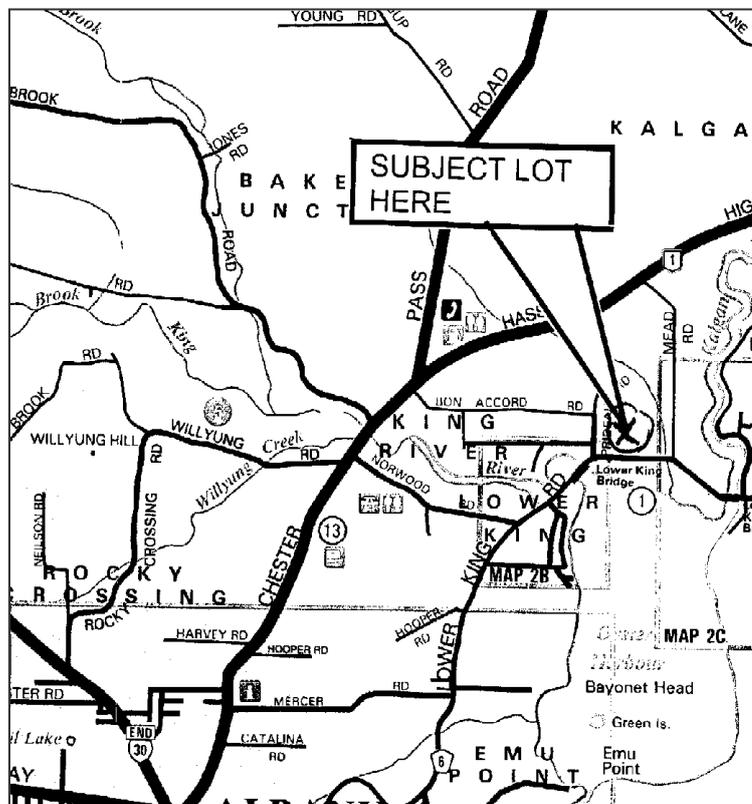
Schedule of Submissions

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	Department of Conservation and Land Management 120 Albany Highway, ALBANY WA 6330	(a) No objection.	(a) Noted.	(a) NOTED
2.	Health Department of Western Australia PO Box 8172 PERTH BUSINESS CENTRE WA 6849	(a) All development should be connected to reticulated sewerage. (b) Buffer distances to residential developments being to the requirements of the Department of Environmental Protection.	(a) At the time of subdivision all lots could be required to be connected to reticulated sewerage. (b) As the proposed zoning is 'light industry' the type of development permitted should not create significant off-site impacts. The EPA buffer distances primarily apply to those industries which are not usually permitted within the "Light Industry" zone.	(a) NOTED (b) NOTED
3.	Water Corporation PO Box 915 ALBANY WA 6631	(a) No objection.	(a) No objection.	(a) NOTED

DEVELOPMENT SERVICES REPORTS

11.1.2 Request for Relaxation of Policy – Outbuilding – Lot 82 Milne Close, Lower King

- File/Ward** : A169727 (Kalgan Ward)
- Proposal/Issue** : Seeking Council’s approval to construct an overheight shed on the lot.
- Subject Land/Locality** : Lot 82 Loc 1077 Milne Close, Lower King.
- Proponent** : F.J. Webb
- Owner** : F.J. Webb
- Reporting Officer(s)** : Planning Officer (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/10/00 Item 11.1.2
- Summary Recommendation:** Refuse application based on Council’s Scheme requirements.
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application has been received from FJ Webb to construct an overheight shed for personal use upon Lot 82, Milne Close. The shed is proposed to be 118.5m² in area and has an eave height of 4.0m from natural ground level. The shed is to be constructed with dark red Colorbond walls and roof.
2. The applicant has provided a small petition from neighbouring properties, a letter from the original owner of Sheringa Park and a list of large sheds elsewhere in the City of Albany. A copy of this information, as well as a copy of the application, are on the pages following this report.
3. The property is 1 hectare in area and is zoned “Special Rural” under Town Planning Scheme No.3.

STATUTORY REQUIREMENTS

4. Under Development Guideline No.4 of Council’s Town Planning Scheme No.3;
 - For outbuildings that are greater than 75m², the height of all openings to the outbuilding(s) are to be less than 3.3 meters.
 - The maximum height of an outbuilding permitted within the “Special Rural Zone” is 5m.
5. However, the Development Guideline No.4 (Outbuilding Policy) states that the proposed outbuilding must comply with any “special area provisions” for the lot. In this case, Council’s Town Planning Scheme No.3, Special Rural Zone Area No.11 (for Sheringa Park Estate). Clause 6.4 of the special provisions for Area No.11 stipulates for Lot 81-87, 90 & 92-101 of Milne Close that a maximum eave height of 3 metres applies.
6. The proposed shed exceeds the maximum opening height of 3.3m as provided for in the provisions of Guideline 4 – Outbuildings (a general Council policy) and this is further reduced as a result of the special provisions for ‘Special Rural Zone Area No.11’ (a scheme requirement) which stipulate a maximum eave height of 3m. The proposed shed has three doors with a height of 4.0m.
7. Clause 5.13 of the Scheme States:

“Where a development the subject of an application for Planning Scheme Consent does not comply with a development standard prescribed by the Scheme with respect to that development, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to conditions as the Council thinks fit if the Council is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- (b) *the non-compliance will not have any adverse effect upon the occupiers of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.”*

POLICY IMPLICATIONS

- 8. Under Special Rural Zone Area No.11 special provisions, there is no flexibility for staff to support an overheight outbuilding (eave height greater than 3m) within the exclusion area set in Clause 6.4.
- 9. The outbuilding restriction has been created for the exclusion area on the basis of;
 - protecting the amenity of the area and its visual impact.
 - ensuring outbuildings are not higher than residences.
 - preventing trucks and industrial activities from establishing on lots visible from Nanarup Road.
 - establishing a common development platform for all landowners in the southern portion of Sheringa Park.

FINANCIAL IMPLICATIONS

- 10. There is no financial implication relating to this item.

STRATEGIC IMPLICATIONS

- 11. If Council is to approve a relaxation of the Scheme requirement, and a variation to the stated special provisions of the “Special Rural Zone” Area No.11, a precedent may be set for other similar lots within the exclusion area, to seek approval to construct outbuilding/s with an eave height greater than 3m.

COMMENT/DISCUSSION

- 12. The provisions of Council’s Town Planning Scheme No.3 for the “Special Rural Zone” require that the application for an overheight outbuilding is refused. Whilst staff do not have delegated authority to override the Scheme requirements, Council does and the landowner has requested that Council consider his application pursuant to Clause 5.13 of the scheme.
- 13. The provisions of Guideline 4 – Outbuildings require a maximum opening height of 3.3m, reduced to 3.0m as a result of the special provisions for Special Rural Zone – Area No. 11.
- 14. In the event that Council resolves to approve the shed, consideration should be given to the issue of precedent. Such approval would form the basis of allowing future construction of overheight outbuilding/s within the exclusion area stated in Clause 6.4 of the “Special Rural Zone” Area No.11 of the Town Planning Scheme No.3. (note: this application is the first to be lodged for a shed in the exclusion area).

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

15. As part of a previous application (for the development of an oversized and overheight outbuilding on the site), the applicant has provided Council with a list of signatures obtained from neighbours supporting the application. He has also supplied a schedule of addresses, in the Scheme 3 area, which have large sheds erected upon their property (refer attached).

RECOMMENDATION

THAT Council resolves not to support the construction of a shed on Lot 82 Loc 1077 Milne Close, Lower King as the proposal would be contrary to the maximum allowed height for outbuilding/s, pursuant to Clause 6.4 of the “Special Rural Zone” Area No. 11 of the Town Planning Scheme No.3.

Voting Requirement Simple Majority

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Executive Director Development Services advised the Council that the petition included with the officers report was not directly related to this item, and he tabled the correct information at the meeting.

<p>MOVED COUNCILLOR BOJCUN SECONDED COUNCILLOR DUFTY</p> <p>THAT Council delegate the Executive Director Development Services the authority to issue a Planning Scheme Consent for the proposed overheight building on Lot 82 Milne Close, Lower King subject to conditions which include:</p> <ul style="list-style-type: none">i) the approved building should not be used, in part or whole for any commercial or industrial purpose; andii) the approved building should not be used for human occupation. <p style="text-align: right;">MOTION LOST 4-9</p>
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Reason:

This outbuilding will not adversely impact on the amenity of the area and the visual impact will be no greater than those existing sheds.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued.

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR CECIL**

THAT Council resolves not to support the construction of a shed on Lot 82 Loc 1077 Milne Close, Lower King as the proposal would be contrary to the maximum allowed height for outbuilding/s, pursuant to Clause 6.4 of the “Special Rural Zone” Area No. 11 of the Town Planning Scheme No.3.

MOTION CARRIED 9-4

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

ALL AREAS AND DIMENSIONS
SUBJECT TO SURVEY

Adopted by Resolution of the Council
of the City of Albany at the
meeting of the Council, held on the
day of, 1975.

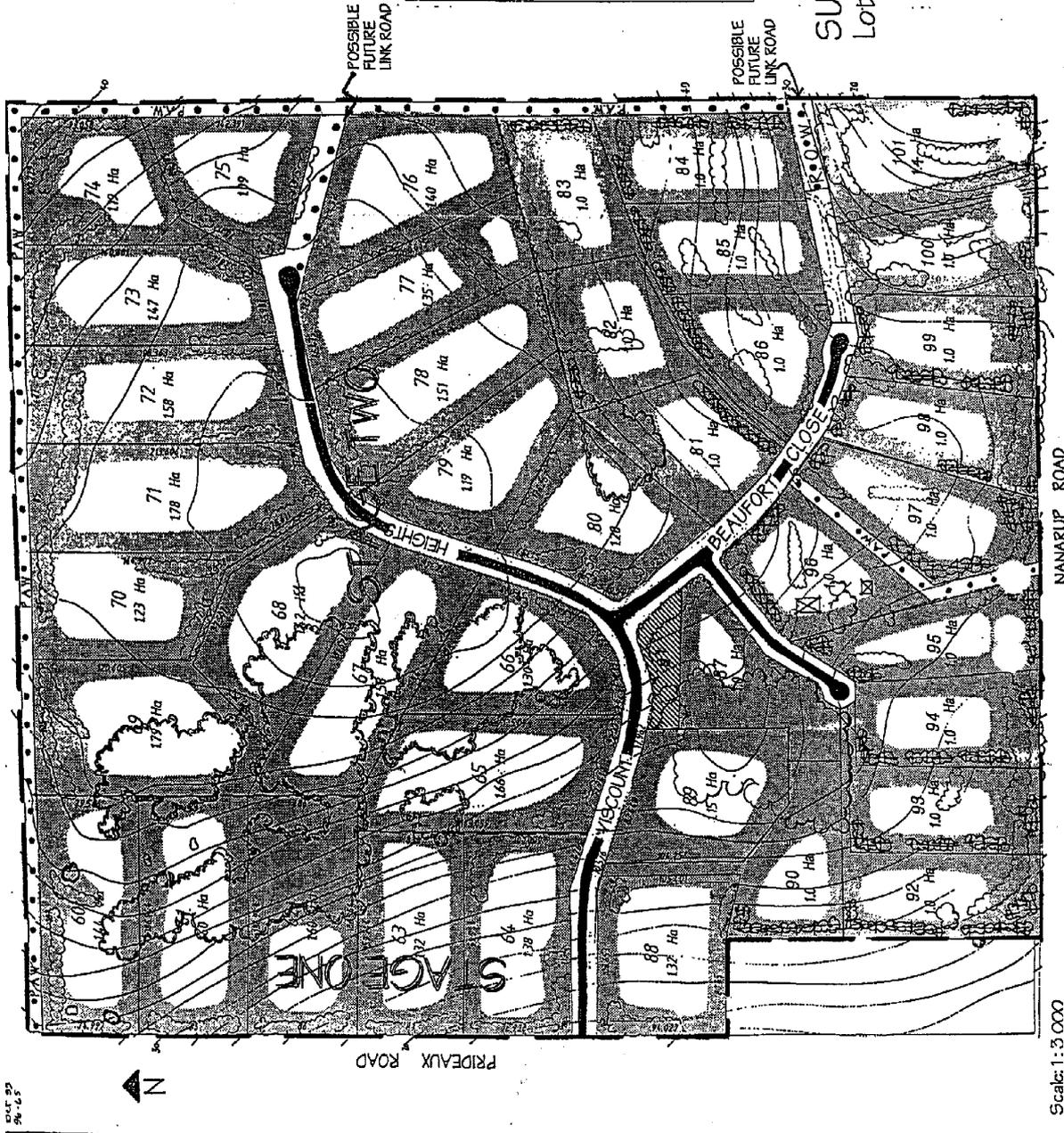
[Signature]
Chief Executive Officer

LEGEND

- SUBJECT LAND
- EXISTING BUILDINGS
- EXISTING VEGETATION
- REVEGETATION - includes 2-3m Shrubs, 5-10m Trees, 15-30m Trees.
- STRATEGIC FIREBREAK
- COMMUNITY SITE
- DEVELOPMENT EXCLUSION AREAS
- SUPPLEMENTARY TREE / SHIRUP PLANTING

SUBDIVISION GUIDE PLAN
Lot 2 of Plantagenet Loc. 1077
Nanarup Road, ALBANY
K.N.S. & C.A. Hyde

AYTON TAYLOR & BURRELL
Consultants in Town Planning and Civic Design
11 Dalrymple Street, Albany, Western Australia 6550
Phone 08 9492 2264 Fax 08 9492 1080



ORDINARY COUNCIL MEETING MINUTES – 03/04/01
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

NEW SHED PROPOSED FOR LOT 82 SHERINGA PARK
FOR F.J. & J.F. WEBB

As we are the new Land owners of Lot 82 Milne Close, Sheringa Park Estate.
We would like to build a Shed 140 square Metres with a eve height of 4metres as this is only 20 square metres larger and 1 metre higher than Council standards.
The New Proposed Shed would run north and south to minimise anyone's views.
Our Block of Land is on a slope and shed site has approximately 3.5 metres fall from the top of hill which is over boundary fence. This means the roof top of the shed would only be approximately 2 metres above the ridge line of hill as they are already some large sheds at Sheringa Park.
We ask you for your support so we can submit our proposal to Council for there approval.
The Shed will be neat and colour bond and meet all Council requirements.

The Shed will be build for use as G.P. workshop, storage for caravan, tractor, lawn movers, motor bikes and on odd occasions a truck for general maintenance and light repairs. This is why we need a 4 metre clearance to eves.

We are hoping neighbours will support our request.

Sign: I have no objections to this proposal ~~to~~ *to* ~~the~~ *above*

We have no objections to the above proposal. — *Sincerely Taken.*
Lot 77. Viscount Heights.

We have no objections. *A. Imome*
Lot 76 Viscount Heights *A*

WE HAVE NO OBJECTIONS TO THE ABOVE LOT 68 VISCOUNT HTS.
R.M. Lower.

We have no objections *to* ~~the~~ *above* Lot 78 Viscount HTs.

No objections, 21 Viscount Heights does not affect our views.

A.R. COOKE 42 VISCOUNT HEIGHTS LOWER KING. NO OBJECTIONS. A.R. COOKE.

N. GRAINGER 41 Viscount 46 Lower King

ORDINARY COUNCIL MEETING MINUTES – 03/04/01
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

NEW SHED PROPOSED FOR LOT 82 SHERINGA PARK

FOR F.J. & J.F. WEBB

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The New Proposed Shed would run north and south to minimise anyone's views.

Our Block of Land is on a slope and shed site has approximately 3.5 metres fall from the top of hill which is over boundary fence. This means the roof top of the shed would only be approximately 2 metres above the ridge line of hill as they are already some large sheds at Sheringa Park.

We ask you for your support so we can submit our proposal to Council for there approval.

The Shed will be neat and colour bond and meet all Council requirements.

The Shed will be build for use as G.P. workshop, storage for caravan, tractor, lawn movers, motor bikes and on odd occasions a truck for general maintenance and light repairs. This is why we need a 4 metre clearance to eves.

We are hoping neighbours will support our request.

Sign:



for MICHELLA P17 LTD:

DEVELOPER SHERINGA PARK ESTATE

377 FRENCIMAN BA7 RD

ALBANY WA 6330

(!! NO OBJECTIONS TO PROPOSED SITE)
K

ORDINARY COUNCIL MEETING MINUTES – 03/04/01

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

LARGE SHEDS IN THE ALBANY SHIRE

LowerKing:

473 Lower King Rd
 455 LowerKing Rd
 511 LowerKing Rd
 455 LowerKing Rd
 3 Norwood Rd
 15 Norwood Rd
 17 Norwood Rd
 43 Andrew St
 32 Baker St
 84 Elizabeth St
 13 The Esplanade
 75 The Esplanade
 87 Frances St
 79 Frances St

Oyster Harbour:

5 Jason Rd
 36 Kurannup Rd
 2 Taylor St
 71 Yatana Rd
 103 Bayonet Head Rd
 476 Sibbald St
 35 Green Island Cres
 22 Evans St
 K.L. Ramm Private Rd of Yatana Rd

Milpara:

45	Henry St	26	Rufus St
63	Henry St	54	Rufus St
79	Henry St	73	Rufus St
85	Henry St	77	Rufus St
540	Chesterpass Rd	79	Rufus St
17	Want St	81	Rufus St
18	Havoc Rd	85	Rufus St
39	Adelaide St	88	Rufus St
46	Adelaide St	95	Rufus St
49	Adelaide St	97	Rufus St
51	Adelaide St	111	Rufus St
59	Adelaide St	37	Coogee St
71	Adelaide St	47	Coogee St
1	Stephen St	4	John St
8	Stephen St	7	John St
15	Stephen St	19	John St
16	Stephen St	37	John St
41	Stephen St	41	John St
Lot 15	Woolahra St		

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS



POSTAL ADDRESS: P.O. BOX 83 CHARLESTOWN, 2060
9 GROVES ROAD, BENNETTS GREEN, NEWCASTLE, N.S.W.
TELEPHONE: (049) 489277 FAX: (049) 497288

CLADDING			
ITEM	PROFILE	FINISH	CLOUR
ROOF	TRIMDEK	COLORBOND	To be advised
WALLS	TRIMDEK	"	"
CORNERS	"	"	"
BARGES	"	"	"
GUTTER	SHEERLINE	"	"
D.P.	100x75	"	"
DOORS	"	"	"

ACCESSORY SCHEDULE & LEGEND		DESCRIPTION
No. OFF	MARK	
NIL	RD3030	3000Hx3000W ROLLER DOOR
NIL	RD4236	4200Hx3600W ROLLER DOOR
3	SD444.5	4560 W SLIDING DOOR
NIL	SD38	3900W SLIDING DOOR
1	AD	2040x620 ACCESS DOOR
NIL	W0912	900x1200 SLIDING WINDOW
2	W1218	900x1800 SLIDING WINDOW
4	SL	2800x760 SKYLIGHT PANEL
NIL	WL	1400x760 WALLLIGHT PANEL
NIL	G	SHEERLINE GUTTER
NIL	DP	100x75 DOWNPIPE
NIL	PW	FULL HEIGHT PARTITION
NIL	OE	OPEN END WALL SECTION
NIL	OS	OPEN SIDE WALL BAY

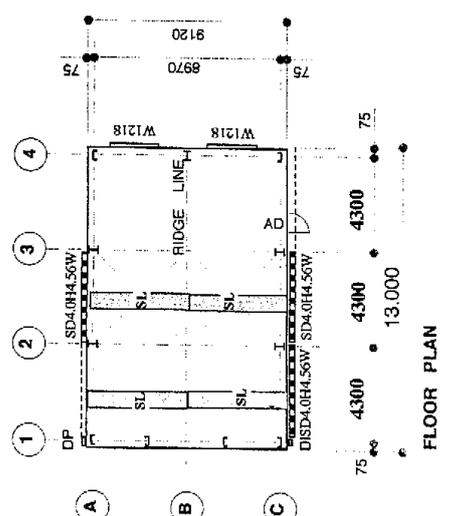
NOTES
Access doors, windows & wall lights may be located between columns as required

CLASS	DESIGN	WIND	LOAD
NORMAL	REGION A	TER	CAT 3

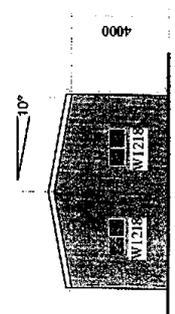
ARCHITECTURAL DRAWING ONLY
NOT FOR CONSTRUCTION USE

CLIENT: FJ WEBB
SITE: LOT B2 MILNE CLOSE SHERINGA PARK
BUILDING: 9.1 m x 13.00 m x 4.000 m
GABLE ROOF COVERMASTER

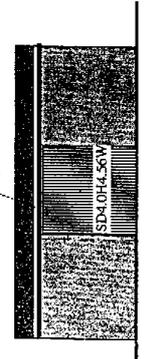
TITLE: FLOOR PLAN & ELEVATIONS
DRAWING NUMBER: CIR040607A
SCALE: A4 SHEET 1:200
A3 SHEET 1:200



FLOOR PLAN



ELEVATION GRID 4

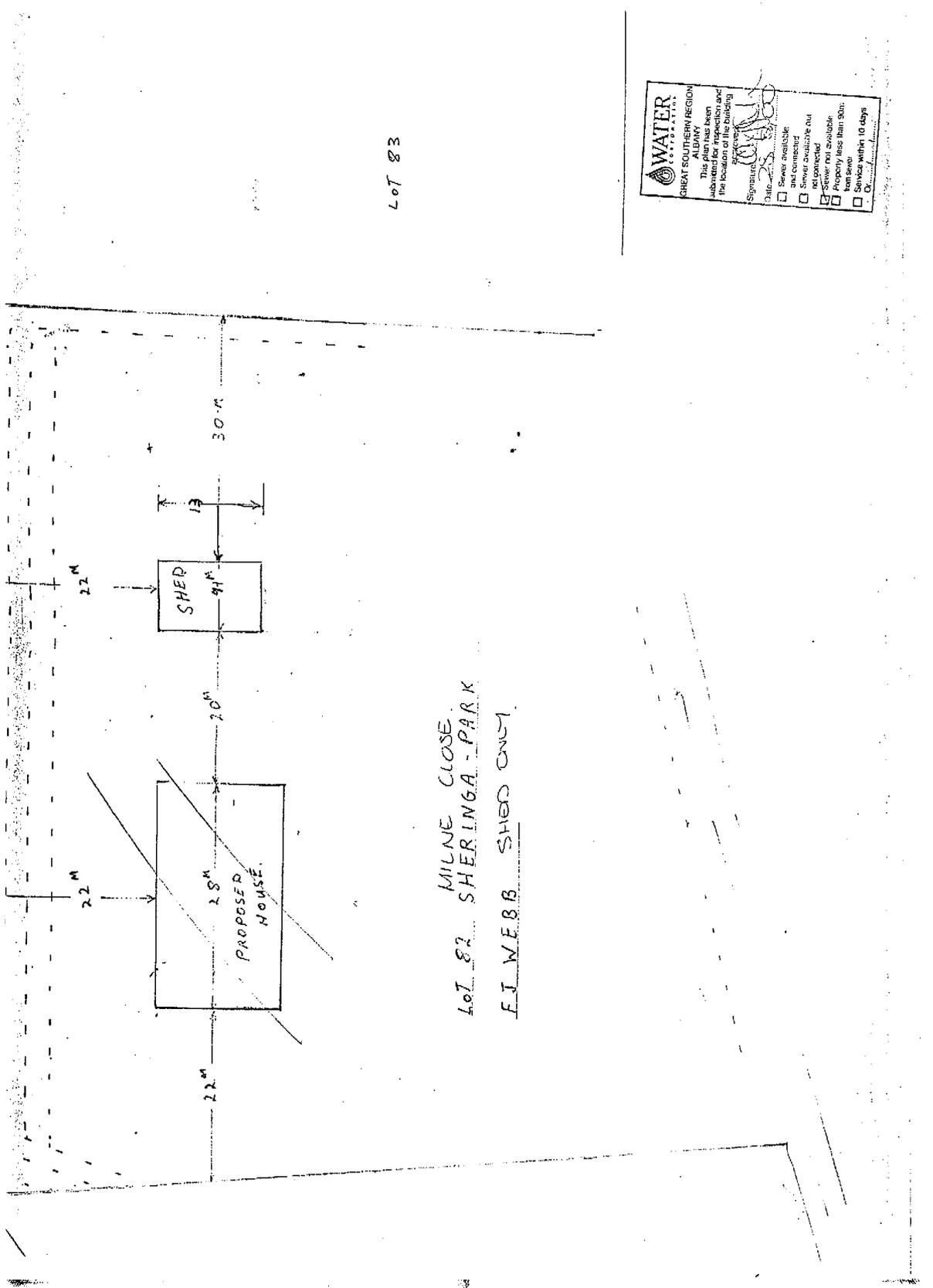


ELEVATION GRID C



ELEVATION GRID 1

DEVELOPMENT SERVICES REPORTS



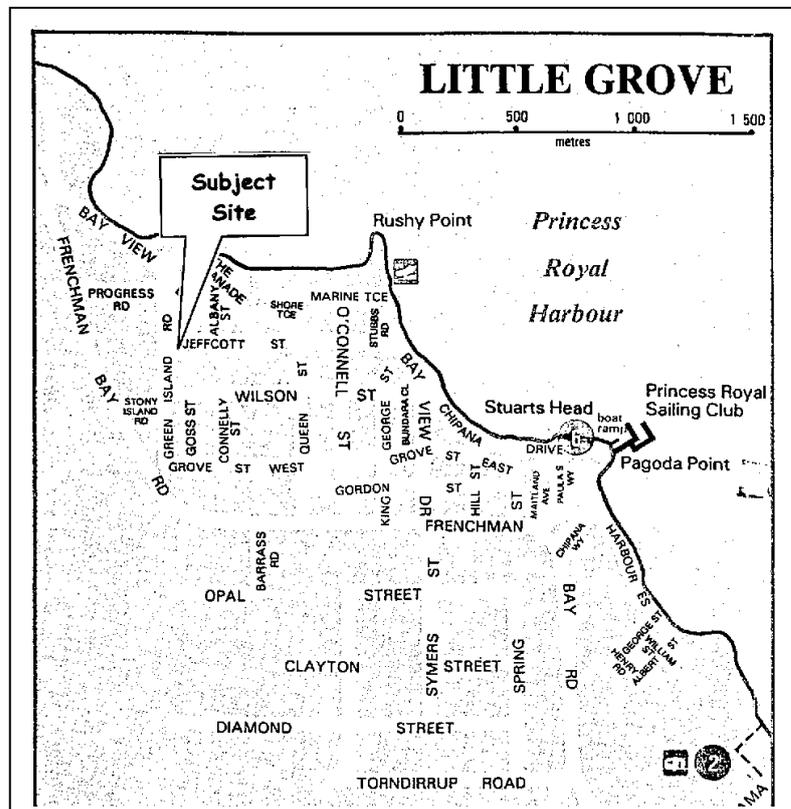
MILNE CLOSE
LOT 82 SHERLINGA - PARK

F.J. WEBB SHED ONLY

DEVELOPMENT SERVICES REPORTS

11.1.3 Request for Relaxation of Policy – Outbuilding – Lot 12 Jeffcott Street, Little Grove

- File/Ward** : A48248 (Vancouver Ward)
- Proposal/Issue** : Seeking Council’s approval to construct two sheds on the lot which exceed the maximum area of outbuildings permitted by Council policy.
- Subject Land/Locality** : Lot 12, Loc 24, Jeffcott Street, Little Grove.
- Proponent** : R & T Slobe
- Owner** : R & T Slobe
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Refuse Application.
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received to construct two sheds on Lot 12 Jeffcott Street, Little Grove. The sheds are both 10m x 7.8m (156m² in aggregate area), 3.0m in height from ground level to the gutter and all openings are to a maximum height of 3.0m.
2. The property is 1.8616 hectares in area and is zoned “Residential Development” under Town Planning Scheme No.3.
3. The proponent requires two sheds with an aggregate size of 156m² to provide for the storage of a caravan, a boat, trailers, personal and outdoor equipment. The sheds will be constructed out of a ‘Mistgreen’ colourbond and located side by side concealed from view in amongst native peppermint and banksia trees.

STATUTORY REQUIREMENTS

4. Under Development Guideline No.4 of Council’s Town Planning Scheme No.3;
 - the maximum floor area of a single outbuilding permitted within a lot in the “Residential Development” zone (1001m² and greater) is 100m² and,
 - the maximum aggregate floor area of, outbuildings permitted on a lot within the “Residential Development” zone (1001m² and greater) is 120m².
5. As the applicant is proposing to establish an outbuilding 36m² in excess of the permitted floor area of all the outbuildings, approval for the shed is required from Council. Council will also need to grant a relaxation to the standards set by its policy.
6. It must be noted that Clause 6.9.4 of Scheme 3 states;

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

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

POLICY IMPLICATIONS

7. Under Guideline No.4 there is no flexibility for staff to support an aggregate floor area of outbuildings (greater than a floor area of 120m²) within the “Residential” and “Residential Development” zones, even if the lot is considerably larger than 1000m², as is the case in this instance. Similar sized lots in “Special Rural’ zones are being allowed to accommodate up to 250m² of outbuildings; those lots do not have further subdivision potential however.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

8. In essence, the Guideline applicable to the “Residential” and “Residential Development” zones give no recognition for a 1.8616 hectare lot to sustain a greater area of outbuildings than a lot 1001m² in size; this restriction is in place to facilitate the ultimate conversion of the larger lot into residential sites and preclude uses detrimental to future residents.

FINANCIAL IMPLICATIONS

9. There is no financial implication relating to this item.

STRATEGIC IMPLICATIONS

10. If Council was to approve a relaxation of its policy, a further precedent would be set for other “Residential” or “Residential Development” zoned lots, with an area greater than 1001m², to have large or additional outbuildings.

COMMENT/DISCUSSION

11. The proponent believes that, due to the size of the property (1.8616 hectares) and the sheds are only 36m² over the required aggregate floor area, there will be minimum additional impact on the surrounding area.
12. The proponent is planning to construct the sheds on the property in a manner which would allow for their relocation if in due course the property is subdivided and the sheds conflict with any new boundaries.

RECOMMENDATION

THAT Council resolves not to support the establishment of two sheds on Lot 12 Jeffcott Street, Little Grove as the proposal would be contrary to the maximum floorspace provisions of the Development Guideline No.4 of the Town Planning Scheme No.3.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR EVANS**

THAT Council resolves not to support the establishment of two sheds on Lot 12 Jeffcott Street, Little Grove as the proposal would be contrary to the maximum floorspace provisions of the Development Guideline No.4 of the Town Planning Scheme No. 3.

MOTION CARRIED 10-3

DEVELOPMENT SERVICES REPORTS

11.1.4 Initiate Amendment – Lots 22 & 23 Suburban Lot P12 Albany Highway, Centennial Park

- File/Ward** : A129030/A129062A/AMD132
(Frederickstown Ward)
- Proposal/Issue** : To rezone Lots 22 & 23 Suburban Lot P12 Albany Highway, Centennial Park, from “Residential” to “Tourist Residential”
- Subject Land/Locality** : Lots 22 & 23 Suburban Lot P12 Albany Highway, Centennial Park
- Proponent** : Ayton, Taylor & Burrell
- Owner** : GB & FJ Lembo
- Reporting Officer(s)** : Planning Consultant (D Gray)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 13/03/01 Item 11.1.4
- Summary Recommendation:** Initiate amendment with minor modifications
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. At the meeting of 13th March 2001, Council resolved to advise the proponent that it would be prepared to support an amendment to Town Planning Scheme No. 1A to rezone Lots 22 and 23 Suburban Lot P12 Albany Highway, Centennial Park, from “Residential” to “Tourist Residential” subject to the Scheme Amendment addressing the following issues to the satisfaction of the Council:
 - i) *assessment of traffic management for access and egress to the site.*
 - ii) *the term of occupancy of the holiday accommodation by a person being limited to 3 months in a 12 month period, and the Amendment is to modify the definition of “holiday accommodation” in TPS1A accordingly.*
2. Amending documents have now been received from the proponent requesting the Council formally resolve to amend Town Planning Scheme 1A (TPS1A).

STATUTORY REQUIREMENTS

3. Council’s resolution under the Town Planning & Development Act 1928 is required to amend the scheme.
4. An amendment to a town planning scheme adopted by resolution of a Council is to be referred to the Environmental Protection Authority (EPA) for assessment.
5. The Town Planning Regulations 1967, under specified conditions, allow advertising of an amendment to be commenced without obtaining consent from the Western Australian Planning Commission (WAPC). Advertising for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
6. A resolution to amend a town planning scheme should not be construed to mean that final approval will be granted to the amendment.

POLICY IMPLICATIONS

7. There are various policies and strategies that have relevance to this proposal. They include:
 - Statement of Planning Policy No. 8 (SPP 8).
 - The Albany Regional Strategy (1994)
 - Albany Commercial Strategy Review (2000)
 - Local Planning Strategy (in preparation).
8. 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.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

11. Amending documents have been received. They are generally consistent with Council’s resolution of 13th March 2001 and may be adopted subject to the following minor modifications:

- (i) references being made in the Scheme Amendment Report to the modification to the definition of “holiday accommodation” so that it limits occupancy by a person to 3 months in a 12 month period; and
- (ii) The proposed definition of “holiday accommodation” in the Amendment being modified to read:

“holiday accommodation: means accommodation which by way of trade or business or for the purpose of any trade or business is held out as being available or is being made available for holiday purposes for occupation by a person for not more than 3 months in a 12 month period.

RECOMMENDATION

THAT:

- i) Council resolve under section 7 of the Town Planning and Development Act 1928 to adopt Amendment No. 132 to Town Planning Scheme No. 1A, to rezone Lots 22 and 23 Suburban Lot P12, Albany Highway Centennial Park, from “Residential” to “Tourist Residential”, subject to the modifications to the amending documents as set out in this report;
- ii) the Mayor and Chief Executive Officer be authorised to certify Adoption of the Amendment; and
- iii) the Amendment be advertised for public inspection in accordance with the requirements of the *Town Planning Regulations 1967*.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued.

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR BOJCUN**

THAT:

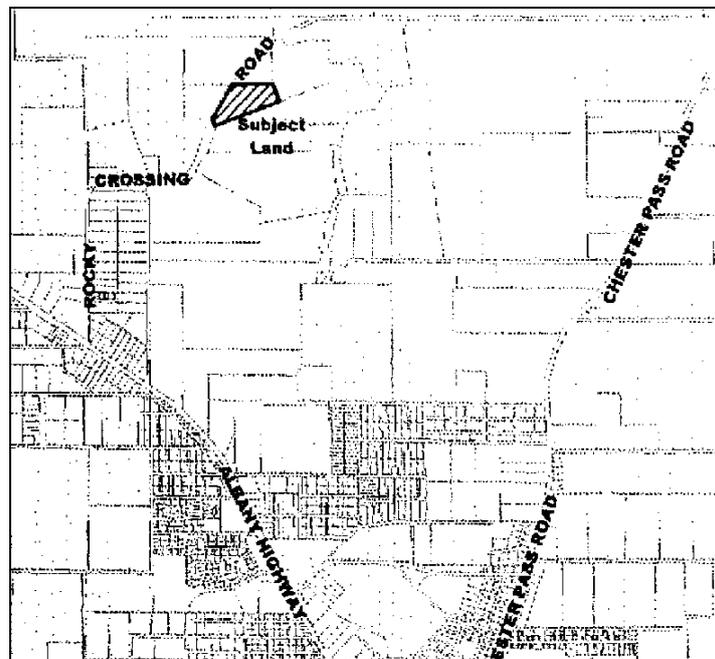
- i) Council resolve under section 7 of the Town Planning and Development Act 1928 to adopt Amendment No. 132 to Town Planning Scheme No. 1A, to rezone Lots 22 and 23 Suburban Lot P12, Albany Highway Centennial Park, from “Residential” to “Tourist Residential”, subject to the modifications to the amending documents as set out in this report;**
- ii) the Mayor and Chief Executive Officer be authorised to certify Adoption of the Amendment; and**
- iii) the Amendment be advertised for public inspection in accordance with the requirements of the *Town Planning Regulations 1967*.**

MOTION CARRIED 13 - 0

DEVELOPMENT SERVICES REPORTS

11.1.5 Final Approval for Amendment – Lot 14 Rocky Crossing Road, Warrenup

- File/Ward** : A63305A/AMD141 (Kalgan Ward)
- Proposal/Issue** : To rezone Lot 14 Rocky Crossing Road, Warrenup, from “Rural” to “Special Rural”
- Subject Land/Locality** : Lot 14 Rocky Crossing Road, Warrenup
- Proponent** : Ayton, Taylor & Burrell
- Owner** : S Gillett & R Hunter
- Reporting Officer(s)** : Planning Consultant (D Gray)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/12/00 Item 11.1.1
OCM 15/08/00 Item 11.1.3
OCM 11.04.00 Item 12.1.12
S of A OCM 12.12.95 Item P12/10
- Summary Recommendation:** Recommend final approval to the Amendment, with modifications
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. Amendment No. 141 to Town Planning Scheme No. 3 (TPS3) was initiated by Council at its meeting on 19th December 2000 and has been advertised for public inspection. The Amendment is to rezone Lot 14 Rocky Crossing Road, Warrenup, from “Rural” to “Special Rural”.
2. The Amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed” and was advertised for public inspection until 15th March 2001.
3. At the close of the advertising period five (5) submissions had been received. One late submission was received.

STATUTORY REQUIREMENTS

4. Council must now consider all submissions, make a recommendation on each and forward the submissions and Council’s recommendations to the Western Australian Planning Commission (WAPC). (Council is not required to consider late submissions and in this case the late submission is only included for information.)
5. The WAPC is to report to the Minister for Planning and Infrastructure who is to consider the submissions and the recommendations made by Council and the WAPC. The Minister will decide whether to approve the Amendment, refuse to approve the Amendment, or require Council to modify the Amendment before approval is given. The Amendment documents are not to be modified until the Minister for Planning and Infrastructure has made her decision.

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy
 - Statement of Planning Policy No. 8 (SPP 8).
 - The Albany Regional Strategy (1994)
 - The Albany Regional Rural Strategy (1991)
 - Local Rural Strategy (1996)
 - Local Planning Strategy (in preparation).
7. The purpose of SPP 8 is to bring together State and regional policies that apply to land use and development in Western Australia. When preparing a Town Planning Scheme or Town Planning Scheme Amendment local government is to have regard for Statements of Planning Policy that are made under the Town Planning & Development Act 1928.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. At the close of the advertising period for the Amendment (on 15th March 2001), five (5) submissions had been received. One late submission was received. The submissions have been numbered 1 to 6 by date order of receipt by the City. A Schedule of Submissions and recommendations has been prepared, as required by the Town Planning Regulations 1967 and is attached to this report. A copy of each of the submissions is included in the Elected Members' Report/Information Bulletin.
11. Submissions 1, 3, and 6 are from service providers that have no objection/comment. Submission 2 is from landowners in the area who have no objections. It is recommended these submissions be noted.
12. Submission 4 is from Agriculture WA restating land characteristics that render the land unsuitable for agricultural uses.
13. In Submission 5, the Albany Waterways Management Authority/Water and Rivers Commission supports provisions in the Amendment relating to effluent disposal management; recommends protection of remnant vegetation; and suggests development controls. It is recommended the Amendment be modified in response to this submission as set out in the Schedule of Submissions.
14. It is considered that Council may recommend that the Minister for Planning and Infrastructure grant final approval to Amendment No. 141 subject to;
 - (i) the modifications set out in the Schedule of Submissions; and
 - (ii) minor modifications to change "Shire of Albany" to "City of Albany", and "Minister for Planning" to "Minister for Planning and Infrastructure".

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

RECOMMENDATION

THAT:

- i) in accordance with Section 7 of the Town Planning & Development Act 1928, Council resolve to recommend that final approval be granted to Amendment No. 141 to Town Planning Scheme No. 3 subject to modifications as recommended in this report and the Schedule of Submissions;
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

.....
Councillor Armstrong declared an interest and left the room at 7.53pm.
The nature of Councillor Armstrong's interest is that he owns property within the subject area.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR DUFTY**

THAT:

- i) in accordance with Section 7 of the Town Planning & Development Act 1928, Council resolve to recommend that final approval be granted to Amendment No. 141 to Town Planning Scheme No. 3 subject to modifications as recommended in this report and the Schedule of Submissions;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 12-0

Councillor Armstrong returned to the Chambers at 7.54pm.

DEVELOPMENT SERVICES REPORTS

Town Planning & Development Act 1928

Town Planning Scheme No. 3

Proposed Amendment No. 141

Schedule of Submissions

No.	Ratepayer/Resident or Agency	Submission	Comment	Local Government's Recommendation
1.	Bush Fire Service-Fire and Emergency Services.	No objection. The Subdivision Guide Plan addresses fire prevention measures in part, and FESA will provide further comment on receipt of the final development proposal.	Noted.	The submission be noted.
2.	AM & KR Gillett Rocky Crossing Road Albany	Map may have misled some neighbours to think that the land was to be for parks or housing.	Noted.	The submission be noted.
3.	Department of Minerals & Energy	No objections or comments.	Noted.	The submission be noted.
4.	Agriculture WA South Coast Region	Restate comments probably already covered in the Amendment a. Land has considerable exposed laterite and discontinuous boulders and is unsuitable for agriculture. b. Land is unsuitable for other development involving clearing c. Remnant vegetation is to be protected d. Livestock to be excluded from existing vegetation.	a. Noted b. Noted. c. Noted. As provided in the Amendment. d. Noted. As provided in the Amendment.	a. The submission be noted. b. The submission be noted c. The submission be noted. d. The submission be noted.
5.	Albany Waterways Management Authority. Water and Rivers Commission.	a. Support provisions relating to effluent disposal management.	a. Noted.	a. The submission be noted.

ORDINARY COUNCIL MEETING MINUTES – 03/04/01

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

No.	Ratepayer/Resident or Agency	Submission	Comment	Local Government's Recommendation
		<p>b. Although there is significant reference to protection of vegetation, no reference is made to the proposed lot boundary that transects remnant vegetation. Suggest realignment of the boundary or other methods to reduce clearing for demarcation of the boundary. Firebreaks should be along existing access that surrounds the vegetation.</p> <p>c. Recommend fencing of the remnant vegetation to exclude stock.</p>	<p>b. The Special Provisions define circumstances for clearing of vegetation, and do not refer to a boundary fence. Specific reference may be made to fencing to avoid any confusion. Firebreaks should use the existing tracks.</p> <p>c. The Special Provisions include this requirement.</p>	<p>b. The Special Provisions be modified to include the following clauses:</p> <p><i>7.3 Clearing of vegetation for internal boundary fencing is not permitted. Internal boundary fencing is to be of a type that does not require clearing of remnant vegetation</i></p> <p>and</p> <p><i>10.3 Internal firebreaks are to use existing tracks around remnant vegetation.</i></p> <p>c. The submission be noted.</p>

DEVELOPMENT SERVICES REPORTS

No.	Ratepayer/Resident or Agency	Submission	Comment	Local Government's Recommendation
		<p>d. Include requirement for building envelopes with clearing restricted to within that area. Recommend minimum provisions to require:</p> <ul style="list-style-type: none"> • Development to avoid large areas of remnant vegetation. • Lot size, boundary position, and location of buildings and roads be designed to minimise clearing. • Development to have regard for the above and management of nutrient and irrigation to minimise nutrient exports from the land. 	<p>d. These principles are central to the Amendment as it has been prepared but may be enunciated further to provide for future management. Development Exclusion Areas are preferred to as Building Envelopes.</p>	<p>d. The Special Provisions be modified as follows:</p> <p>Reword clause 2.0: <i>The objectives for Special Rural Area 19 are to:</i></p> <ul style="list-style-type: none"> • <i>Provide for rural-residential living;</i> • <i>Conserve remnant vegetation; and</i> • <i>Manage all development so as to minimise any nutrient export from the land.</i> <p>Insert clause 5.1 and renumber existing clauses accordingly <i>5.1 Buildings, and all other structures are not to be permitted within the Development Exclusion Area designated on the Subdivision Guide Plan.</i></p> <p>Modify the Subdivision Guide Plan to show the Development Exclusion Area encompassing all large areas of remnant vegetation.</p>
6. LATE	Health Department of WA	No objection.	Noted.	The Submission be noted.

DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Variation of Parking Restrictions – Central Business District – Loading Zones

File/Ward	:	SER044 (Frederickstown Ward)
Proposal/Issue	:	Variation to existing parking restrictions
Subject Land/Locality	:	Central Business District
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Manager Inspection Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Approve the implementation of amended parking restrictions.
Locality Plan	:	N/A

BACKGROUND

1. A recent survey of parking facilities in the Central Business District has shown that some loading zones signs carry no restriction times whereas other show differing time restrictions.
2. To ensure uniformity and overcome any misunderstanding that might occur it is proposed that all vehicles, other than commercial vehicles, be prohibited from using loading zones between 8.00am and 6.00pm, Monday to Friday, and 8.00am to 1.00pm on Saturdays.

STATUTORY REQUIREMENTS

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

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

(a) parking stalls;

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

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

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

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

POLICY IMPLICATIONS

4. There is no Council policy in place relating to this item.

FINANCIAL IMPLICATIONS

5. The cost of any signage would be funded from the existing budget.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

7. To be effective and to assist the general motorist all loading zones should have the same time restrictions.

RECOMMENDATION

THAT Council resolve to:

i) resolve to prohibit all vehicles, other than commercial vehicles, from using loading zones within the Central Business District between 8.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays; and

ii) advertise the restrictions.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WILLIAMS**

THAT Council resolve to:

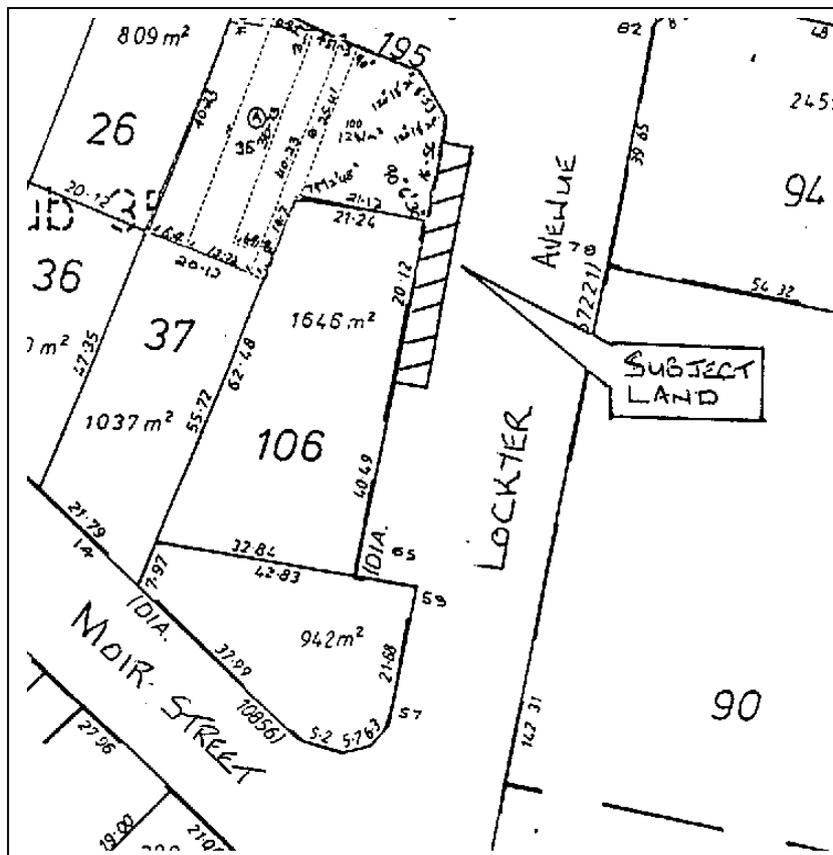
- i) resolve to prohibit all vehicles, other than commercial vehicles, from using loading zones within the Central Business District between 8.00am and 6.00pm, Monday to Friday and 8.00am to 1.00pm on Saturdays; and**
- ii) advertise the restrictions.**

MOTION CARRIED 13-0

DEVELOPMENT SERVICES REPORTS

11.2.2 Implementation of Parking Restrictions – Lockyer Avenue, Centennial Park

File/Ward	:	SER044 (Frederickstown Ward)
Proposal/Issue	:	Introduction of parking restrictions
Subject Land/Locality	:	Lockyer Avenue, Centennial Park
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Manager Inspection Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Approve the implementation of parking restrictions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

BACKGROUND

1. Recent works in Lockyer Avenue necessitated the removal of the parking bays adjacent to 65-75 Lockyer Avenue, Centennial Park.
2. With the re-establishment of this parking area, which consists of eleven (11) standard parking bays and one bay for people with disabilities, there is a need to erect signs regulating the time vehicles are allowed to park.
3. It is proposed that a half-hour restriction be implemented for the six standard bays immediately after the bay for people with disabilities. The remaining five bays would be assigned a two-hour parking limit.
4. The time restrictions would apply from 9.00am to 5.00pm, Monday to Friday and 9.00am to 1.00pm on Saturdays.

STATUTORY REQUIREMENTS

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

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

(b) parking stalls;

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The cost of any signage would be funded from the existing budget.

STRATEGIC 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 needs of all stakeholders."

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

COMMENT/DISCUSSION

9. While a half-hour restriction is usually applied to parking in the Central Business District, clients visiting some of the businesses in this area require both short and longer-term parking. Five two-hour parking bays should satisfy longer stays and the six half-hour bays accommodate “drop in” customers.

RECOMMENDATION

THAT Council resolve to:

- i) approve the implementation of:
- (a) a parking bay for people with disabilities;
 - (b) Six (6) half -hour parking bays; and
 - (c) Five (5) two-hour parking bays
- adjacent to 65-77 Lockyer Avenue, Centennial Park as proposed; and
- ii) advertise the restrictions.

Voting Requirement Simple Majority

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR WALKER**

THAT Council resolve to:

- i) approve the implementation of:**
- a) a parking bay for people with disabilities;**
 - b) Six (6) half -hour parking bays; and**
 - c) Five (5) two-hour parking bays**
- adjacent to 65-77 Lockyer Avenue, Centennial Park as proposed;
and**
- ii) advertise the restrictions.**

MOTION CARRIED 13-0

11.3 DEVELOPMENT POLICY

Nil

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- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund Vouchers	totalling	
Cheques 13472-13589	totalling	141,950.69
EFT EF4805-EF5079	totalling	1,244,909.80
Payroll	totalling	551,788.72
Total Municipal Fund		<u>1,938,649.21</u>
Trust Fund Vouchers	totalling	13,600.00
Total Trust Fund		<u>13,600.00</u>
TOTAL		<u>1,952,249.21</u>

RECOMMENDATION

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

Municipal Fund	totalling	\$1,938,649.21
Trust Fund	totalling	\$ <u>13,600.00</u>
Total		<u>\$1,952,249.21</u>

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 03/04/01
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Item 12.1.1 continued.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WALKER**

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

Municipal Fund	totalling	\$1,938,649.21
Trust Fund	totalling	\$ <u>13,600.00</u>
	Total	<u>\$1,952,249.21</u>

MOTION CARRIED 13-0

12.1.2 Adoption of Community Financial Assistance Policy

File/Ward	:	FIN 022 (All Wards)
Proposal/Issue	:	Adoption of Community Financial Assistance Policy.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Community Development Officer (R Shanhun)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation	:	That Council adopt the Financial Assistance Community Organisations Policy.
Locality Plan	:	N/A

BACKGROUND

1. Each year Council provides financial assistance to community organisations through its Community Financial Assistance Funding Program. While the program operates under written guidance, there is no official Council policy to control the administration of the program. The guidelines are no outdated and require an overhaul to address various shortcomings. It would also be appropriate to encompass new guidelines within the Council policy.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

3. The adoption of the recommendation will create a new Council policy to control the administration of the Community Financial Assistance Program.

FINANCIAL IMPLICATIONS

4. There are no financial implications directly related to the adoption of the policy.

Item 12.1.2 continued.

STRATEGIC IMPLICATIONS

5. The adoption of a Financial Assistance Policy will complement various sections of the Albany 2020 Strategic Plan, including the ‘Attraction and development of a broad range of social, cultural and economic entities’; ‘Quality parks, gardens and reserves maintaining their feature status’; and ‘ A reputation for professional excellence’.

COMMENT/DISCUSSION

6. The draft policy – ‘Financial Assistance – Community Organisations’ has been prepared to provide direction and greater consistency in the administration of Council’s Community Financial Assistance Program.
7. Each year Council provides a budget allocation which is used to assist community organisations to run their clubs or associations, to maintain their facilities, to conduct events or to construct new facilities.
8. Previous guidelines for the administration of the program have required organisations to submit applications during April in the lead up to the new budget. Applications received outside the April 30 deadline were either refused under Chief Executive Officer’s delegated authority or referred to Council for a decision. Such decisions were often made in isolation and without due consideration of other applications or funding priorities.
9. The new policy attempts to address these anomalies by providing a mid year funding round and by providing additional guidance for the implementation of the funding program. It also separates the various types of assistance being provided - minor, major and recurrent grants. This has been done so that one or two major projects do not prejudice a raft of smaller projects from gaining funding approval.
10. A further initiative of the policy will see the amount allocated for the funding program established before applications are considered. That way approvals will be restricted by the budget limitation, rather than being used to set it.
11. Major projects (over \$10,000) will now be considered within the budget process and assessed against other Council priorities.
12. The policy also recommends changes to the Community Financial Assistance Committee, which has previously been comprised of three Councillors plus the Community Development Officer. Under the new policy the Committee will comprise five Councillors, to be appointed for two year terms after each Council election. This should ensure greater community representation, through elected members, in the approval process.

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Item 12.1.2 continued.

13. Small community donations are still provided for within the new policy. These are approved under authority delegated to the Chief Executive Officer, to a maximum of \$200. The previous guidelines were similar, however the limit was \$250. With the second funding round being introduced the limit was reduced to prevent organisations applying outside the deadlines and thereby avoiding the scrutiny of the minor grant approval process.
14. The new policy also provides details for the administration of funding once applications are approved, and outlines the role and responsibilities of the Community Financial Assistance Committee.
15. Details of the proposed policy are attached to this report.

RECOMMENDATION

THAT Council adopt the policy – Financial Assistance Community Organisations, as presented, including the delegation of authority to the Chief Executive Officer to approve sundry donations to the value of \$200.00.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR MOUNTFORD**

THAT Council adopt the policy – Financial Assistance Community Organisations, as presented, including the delegation of authority to the Chief Executive Officer to approve sundry donations to the value of \$200.00

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**



CITY OF ALBANY POLICY

FINANCIAL ASSISTANCE - COMMUNITY ORGANISATIONS

OBJECTIVES:

1. To provide financial assistance for organisations and/or projects, which benefit the community.
2. To assist community based (not for profit) organisations to develop and maintain facilities.
3. To provide community based (not for profit) organisations with relief from Council imposed fees and charges.
4. To provide guidelines for the consideration and approval, or otherwise, of financial assistance applications.

INTERPRETATION:

‘Community Organisation’ any organisation which has as its members, members of the Albany Community and which operates on a ‘not for profit’ basis.

‘Not for Profit’ means that the proceeds of the organisation are used for the benefit of the organisation and are not available for disbursement to the members of the organisation.

‘Major Community Grant’ means any financial assistance grant over \$10,000. Usually provided for the development of a capital works project eg. Building construction, major purchase of equipment, ground works etc.

‘Minor Community Grant’ means any financial assistance up to \$10,000. Usually provided for building construction, maintenance or repair, minor projects, equipment purchase, operating expenses, relief from Council fees and charges etc. a minimum grant of \$200 applies.

‘Triennium Community Grant’ means a Community Grant provided on a recurrent annual basis, for a period of 3 years. Usually provided for recurrent operational expenditure.

‘Community Donation’ means a donation up to \$200 provided to any community organisation or person, for any purpose. Approved by the CEO under delegated authority of Council.

‘GST’ means the Federal Government’s Goods and Services Tax. Provision of grant funds will be exclusive of GST unless the recipient organisation is registered for GST, in which case the grant amount will be grossed up by 10%.

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‘Community Financial Assistance Committee’ means the committee appointed by the Council to administer the provisions of the Community Financial Assistance Program.

‘CEO’ means the Chief Executive Officer of the City of Albany.

DETAIL

Funding Rounds

The Community Financial Assistance Program – Minor Community Grants, will be conducted in two separate funding rounds each financial year, with applications being called at the beginning of April and October, and closing at the end of May and November respectively.

Major Community Grants and Triennium Community Grants will be conducted in single funding rounds, with applications being invited in April and closing at the end of May.

The April Minor Community Grant funding round will provide 2/3 of the pool of funds budgeted by Council, with the October round providing the remaining 1/3.

Funds for the Major Community Grants and Triennium Community Grants will be allocated from within Council’s general revenue budget.

Council will also budget an additional amount per year as contingency funding for Community Donations.

Advertising

Each year, at the beginning of April and October, Council shall advertise its intention to consider applications for financial assistance under the Community Financial Assistance Program. Applications for Major Community Grants and Triennium Community Grants will be invited in April only. The advertisement will be placed in at least 2 editions of a local newspaper(s).

- Major Community Grants – Advertised April
- Minor Community Grants – Advertised April & October
- Triennium Grants – Advertised April

Applications

All applications shall be made on the form available from the Council and shall close on 31st May or 30th November, as appropriate. Applicants must address the selection criteria provided within the application guidelines. Late applications shall be referred to the next funding round. Unsuccessful applicants will have their application forwarded to the next funding round, without the need to reapply.

Major Community Grants (Over \$10,000)

Council will consider Major Community Grant applications once per year, in accordance with the Community Financial Assistance Program. Funding for approved grants will be allocated from within Council’s general revenue budget.

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Major Community Grants may be used for any purpose, but are generally provided for purposes such as building purchase or construction, purchase of equipment, ground works etc. applications must be received by 30th April, (one funding round only) and should address the following criteria:

- Type of organisation (eg sport, community, hobby, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Project details / planning / design / timing;
- Financial position of the applicant;
- Financial viability of project;
- Other financial / in kind contributions;
- On-going management;
- Existing services and facilities of a like nature, within Albany;
- Provision of quotes (2) for all items greater than \$500 in value; and
- Provision of a detailed project budget including GST breakdown.

Minor Community Grants (up to \$10,000)

The Community Financial Assistance Committee will consider applications for Minor Community Grants in two funding rounds, which close on either 31st May or 30th November, respectively. Minor Community Grants may be used for any purpose, including building construction, maintenance or repair, equipment purchase, operating expenses, relief from Council fees and charges etc. A minimum grant of \$200 applies. Applications should address the following criteria:

- Type of organisation (eg sport and recreation, community based, general interest, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service / facility provided;
- Demonstrated need or community benefit;
- Applicant's financial position;
- Purpose of the grant; and
- Provision of a detailed project budget including GST breakdown.

Triennium Community Grant (3 year approval)

Consideration will be given to providing Community Grants on a recurrent basis, where an organisation can demonstrate there is an ongoing need and/or a substantial community benefit.

Provision of Recurrent Grants shall be made on a triennium basis, without the need to reapply annually, over a 3 year period. Where the grant is \$5,000 or greater the organisation involved will be required to provide a face to face briefing for the Community Financial Assistance Committee at the beginning of the triennium, on the viability of their services and operation and to demonstrate the need for a recurrent grant.

The criteria for consideration of Triennium Community Grant shall be that provided for either Major (Over \$10,000) or Minor (up to \$10,000) Community Grants, whichever is appropriate.

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Organisations receiving Triennium Community Grants will be made aware that approval for an initial triennium does not guarantee approval for any subsequent triennium. Organisations receiving Triennium Community Grants will be encouraged to implement measures to ensure their ongoing financial viability, without reliance on Council funding.

Community Donations

Applications for Community Donations, to a maximum of \$200, may be submitted at any time for any purpose. Applications will be received from community based organisation, or individuals, where an individual can demonstrate sufficient justification for the provision of financial assistance. Such justification may include selection as a representative on a state or national team, with associated costs.

Community Donations shall be referred to the Chief Executive Officer for consideration and approval under delegated authority of Council.

ADMINISTRATION OF FINANCIAL ASSISTANCE

Financial assistance approvals shall be administered in accordance with the following:-

1. Where financial assistance is approved by Council for projects that are dependent upon funding from an outside source, eg Ministry of Sport and Recreation, Lotteries Commission etc, and that funding application is unsuccessful, then subject to section 4., those funds shall be held in trust until the following financial year. The funds will then again be made available to the organisation involved, conditional upon their application for funding from the outside source being approved in that financial year.
2. Where such funding application is again unsuccessful, the approved funding shall be withdrawn and made available to other community organisations in the next funding round.
3. Where funding from an outside source is approved, Council funding (as approved) shall be paid to the applicant, on receipt of and up to the value of copy invoices, statements and receipts.
4. Where approved financial assistance is not claimed by 30th April, and the organisation involved has failed to provide an explanation and request for those funds to be carried forward, the Chief Executive Officer shall advise the organisation that the approval is revoked and that they should re-apply in the following funding round.
5. Where the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall. In such circumstances the Community Financial Assistance Committee will reassess the viability of the project and may, if project viability is not substantiated, revoke the grant approval. Those funds shall be made available to other organisations in the next funding round.
6. Where requests for financial assistance are received outside the deadline for receipt of applications they shall be referred to the next funding round and the applicants advised accordingly.

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CONSIDERATION OF FINANCIAL ASSISTANCE APPLICATIONS

After each ordinary Council election, a Community Financial Assistance Committee, comprising 5 Councillors, shall be formed with the following functions:

- Annually review and make recommendations to Council on the efficiency of the Community Financial Assistance Program;
- Analyse and assess all applications for Major Community Grants and make prioritised recommendations to Council in June of each year;
- Analyse and assess all applications for Minor Community Grants and make prioritised recommendations to Council in June and December of each year;
- Analyse and assess all applications for Triennium Community Grants, conduct briefings where applicable and make prioritised recommendations to Council in June of each year;
- Make recommendations, as part of Council Budget deliberations, on the amount of the Minor Community Grant budget, based on previous years expenditure; and
- Make recommendation, as part of Council budget deliberations, on the amount of the contingency funding budget, based on previous years expenditure.

DELEGATION OF AUTHORITY – CHIEF EXECUTIVE OFFICER

Authority is delegated to the Chief Executive Officer to:

Consider and approve/refuse applications for Community Donations, to a maximum value of \$200.00

12.2 ADMINISTRATION

12.2.1 Whaleworld Lease – Reserve 36721 (Plantagenet Location 7900)

File/Ward	:	PRO 234 (Vancouver)
Proposal/Issue	:	Request to have the Reserve 36721 vesting order changed from the City of Albany to the Jaycees Community Foundation Inc.
Subject Land/Locality	:	Reserve 36721, Frenchman Bay
Proponent	:	Jaycees Community Foundation Inc.
Owner	:	City of Albany
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 27.01.99 Item 13.2.1
Summary Recommendation	:	Agree to seek Ministerial approval to have the Reserve 36721 vesting changed from the City of Albany to the Jaycees Community Foundation Inc.
Locality Plan	:	Nil.

BACKGROUND

1. Reserve 36721 (Whaleworld) is currently leased to the Jaycees Community Foundation Inc. for a period of 11 years, expiring on 11th December 2001. The original lease was issued in the name of Cheynes Beach Whaling Co. (1963) Pty Ltd on the 12th December 1980 for a period of ten years, with an option of renewal for a further term of eleven years. A Deed of Assignment was signed on the 15th December 1980, transferring the lease from the Cheynes Beach Whaling Co. to Jaycees Community Foundation Inc.
2. In August 1990, the former Shire of Albany received a request from Jaycees seeking, either to obtain a further 21-year lease at the end of the current lease option, or a new 35-year lease, to secure long term tenure to protect further significant capital expenditure.

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Item 12.2.1 continued.

3. The Shire agreed to the request for a new lease for 35 years, but still required the approval of the Department of Land Administration to amend the Vesting Order to provide the Shire with the power to lease up to 35 years. (The then current vesting provided the Shire with the power to lease the land for not more than 21 years).
4. In 1996, Jaycees commissioned the preparation of the Cheynes Beach Whaling Station Conservation Plan, to address the heritage aspects of the project and to provide guidance on future restoration and maintenance issues.
5. Ministerial approval for the vesting amendment was finally granted by the Department of Land Administration on the 4th November 1997. The new Vesting Order states-Reserve 36721 (Plantagenet Location 7900) is vested in the City of Albany for the designated purpose of “Museum and Marine Interpretive Centre” with power, subject to Ministerial approval being obtained, to lease the whole or any portion of the land for any term not exceeding 35 years.
6. In the interim, the Great Southern Development Commission, Department of Commerce and Trade, and Jaycees engaged consultants to prepare a major development plan for Whaleworld, the Cheynes Beach Whaling Station Albany, Development Plan 1998, which detailed capital works required over a 5-year period.
7. Negotiations over the terms of the new lease have continued between Jaycees and Council.
8. The matter was reconsidered in January 1999, when the Council resolved-

“That the request from the Jaycees Community Foundation Inc. for a new 35 year lease of the Whaleworld Museum site, situated on Reserve 36721 be received and in order to positively progress the request, ongoing negotiations be undertaken in respect of:

- i) The proposed lease fee being set at the current market valuation and be subject to annual review in accordance with movements in the consumer price index;*
- ii) The proposed lease agreement containing suitable clauses to address accountability requirements, milestones (including a schedule of works to include the items listed in the Development Plan), heritage aspects, term of the lease, lease termination conditions (ie: the value of buildings, displays, etc), and any other conditions; and*
- iii) The Chief Executive Officer be authorised to negotiate on the conditions of the proposed lease, and that a further report is to be submitted to Council for consideration.”*

Item 12.2.1 continued.

9. As the proposed lease conditions have not been able to be resolved, other occupancy options have been investigated with Jaycees.
10. The Jaycees Community Foundation has now requested that Council support their request to have the Vesting Order changed to allow Reserve no 36721 to be vested with their organisation.

STATUTORY REQUIREMENTS

11. Section 18 of the Land Administration Act requires that any transactions relating to Crown land must have the prior written approval of the Minister for Lands.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

13. Under the terms of their lease, Jaycees Community Foundation Inc. is required to pay annual rates and rent, which this financial year total \$7,228.31.

STRATEGIC IMPLICATIONS

14. Council's Albany 2020 Strategic Plan – Port of Call – Managed healthy land/harbour environment has as one of its objectives the following:
 - *Reserve Management – to manage reserves for environmentally sustainable use, community enjoyment and benefit.*

COMMENT/DISCUSSION

15. Although protracted negotiations over the terms of the new lease have continued between Jaycees and Council, little progress has been made in resolving Jaycees' concerns about three points, namely the rent, the Development Plan and the ownership of the buildings.
16. Council resolved in December 2000, to agree to the 35-year lease with various conditions, that included-
 - the rental being set at the current market valuation and subject to an annual CPI adjustment
 - milestones such as a schedule of works to include the items listed in the Jaycees initiated Development Plan and in compliance with the Conservation Plan
 - at the termination of the lease, the ownership of the site and all property thereon, revert back to Council at no cost.

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Item 12.2.1 continued.

17. Jaycees have now requested Council consider agreeing to have the reserve vested with their organisation, as this proposal would satisfy their concerns relating to long term security of tenure.
18. The ownership of the buildings has been a point of contention in lease negotiations, with Council supporting the claim that the Whaleworld project and all its assets are a community asset.
19. Advice has been received from Jaycees, in the form of a statutory declaration from the then Company Secretary of Cheynes Beach Whaling Company (1963) Pty Ltd, Mr Peter J McGrath, that , in part states-
 - *“on 26th June 1980, the Company resolved to gift the whaling station equipment, artifacts and the two whalechasers Cheynes 111 and Cheynes IV to the Jaycees Community Foundation Inc.*
 - *on 15th December 1980, the Company resolved to gift the buildings and improvements and the benefit of the lease to the Foundation and caused Cheynes to execute a Deed of Assignment dated that day in favour of the Foundation.”*
20. Jaycees also wish to highlight the details of their constitution, which in part states-

“Object.

The object of the Foundation is the establishment of the following funds:

 - (c) *Whaleworld Museum Fund.*

To provide funds for financing the restoration, maintenance and development of Whaleworld Museum, its buildings, the acquisition and maintenance of exhibits and other direct costs of operating the Museum.

18. Dissolution.

 - (b) *If upon the winding up or dissolution of the Foundation there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed amongst the members of the Foundation but shall be given or transferred to a fund or institution gifts to which are allowable under Section 78(1)(a) of the Income Assessment Act 1936 and its amendments provided however that in respect of each of the Benevolent, General and Whaleworld Museum funds such transfer shall only be to a fund or institution having objects similar to those of the respective funds and approved by the Commissioner of Taxation under the said section of the said Act.”*
21. It is contended by Jaycees that the protection of the Whaleworld project as a community asset, would not be compromised, should Council agree to their request to have the reserve revested in the name of Jaycees Community Foundation Inc.

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Item 12.2.1 continued.

22. Were Council to support a re-vesting of the reserve, it is recommended the following conditions be applied-
- The property being valued and rated according to land use
 - A development plan and work schedule being established and agreed upon between Council and the Jaycees, in accordance with the Cheynes Beach Whaling Station Development Plan and Cheynes Beach Whaling Station Conservation Plan, and the schedule of works being adhered to particularly in terms of adequate building maintenance
 - It being acknowledged, on the vesting order, that should the Jaycees entity be wound up or alternatively Jaycees choose not to continue managing or controlling Whaleworld, then the site, buildings, fixtures, fittings and all business assets would revert automatically to the City of Albany, for no consideration irrespective of the circumstances (ie: the ownership of Whaleworld in its entirety, vests with the community through the auspices of the Crown).

RECOMMENDATION

THAT Council, in accordance with section 18 of the Land Administration Act, agree to the Jaycees Community Foundation Inc request to seek the approval of the Department of Land Administration, to have Reserve 36721 re-vested with Jaycees Community Foundation Inc., subject to-

- i) the property being valued and rated according to land use;
- ii) a development plan and work schedule being established and agreed upon between Council and the Jaycees, in accordance with the Cheynes Beach Whaling Station Development Plan and Cheynes Beach Whaling Station Conservation Plan, and the schedule of works being adhered to particularly in terms of adequate building maintenance; and
- iii) it being acknowledged, on the vesting order, that should the Jaycees entity be wound up or alternatively Jaycees choose not to continue managing or controlling Whaleworld, then the site, buildings, fixtures, fittings and all business assets would revert automatically to the City of Albany, for no consideration, irrespective of the circumstances (ie: the ownership of Whaleworld in its entirety, vests with the community through the auspices of the Crown).

Voting Requirement Simple Majority

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Item 12.2.1 continued.

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR DUFTY**

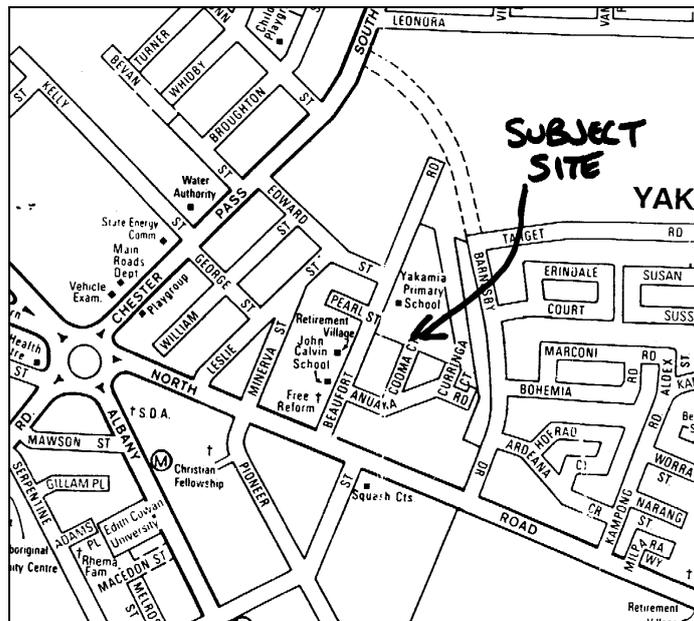
THAT Council, in accordance with section 18 of the Land Administration Act, agree to the Jaycees Community Foundation Inc request to seek the approval of the Department of Land Administration, to have Reserve 36721 revested with Jaycees Community Foundation Inc., subject to-

- i) the property being valued and rated according to land use;**
- ii) a development plan and work schedule being established and agreed upon between Council and the Jaycees, in accordance with the Cheynes Beach Whaling Station Development Plan and Cheynes Beach Whaling Station Conservation Plan, and the schedule of works being adhered to particularly in terms of adequate building maintenance; and**
- iii) it being acknowledged, on the vesting order, that should the Jaycees entity be wound up or alternatively Jaycees choose not to continue managing or controlling Whaleworld, then the site, buildings, fixtures, fittings and all business assets would revert automatically to the City of Albany, for no consideration, irrespective of the circumstances (ie: the ownership of Whaleworld in its entirety, vests with the community through the auspices of the Crown).**

MOTION CARRIED 13-0

12.2.2 Proposed Pedestrian Access Way Closure – off Cooma Court, Yakamia

- File/Ward** : A102947 (Yakamia Ward)
- Proposal/Issue** : To close a Pedestrian Access Way off Cooma Court, Yakamia
- Subject Land/Locality** : Pedestrian Access Way off Cooma Court, Yakamia
- Proponent** : N/A
- Owner** : Crown Land (dedicated as a Pedestrian Access Way)
- Reporting Officer(s)** : Planning Consultant (D Gray)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 23/01/01 Item 11.1.3
- Summary Recommendation:** Recommend the Pedestrian Access Way be closed to the public, but retained as public land for a water main
- Locality Plan** :



Item 12.2.2 continued

BACKGROUND

1. The proposed closure of a Pedestrian Access Way (PAW) off Cooma Court, Yakamia, has been advertised in accordance with a resolution of Council at the meeting on 23rd January 2001.
2. Submissions have been received on the proposed closure of the PAW. Council is now to consider the submissions and determine whether to recommend that the PAW be closed.
3. The subject PAW is between Cooma Court and Reserve 31858, the site of the Yakamia Primary School.

STATUTORY REQUIREMENTS

4. Section 58 of the Land Administration Act 1997 (the Act) provides for the “closure of streets”. Regulation 9 of the Land Administration Regulations 1998 (the Regulations) sets out the requirements for a local government when requesting the Minister for Lands to close a street. A PAW is to be closed under these same provisions.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There are no apparent financial implications directly relating to this item, but parking provided for the school is likely to require a financial commitment by the Council.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. The proposal to close the PAW was advertised by publication of a notice in the Albany Advertiser, a sign at each end of the PAW and a letter to all owners of lots fronting Cooma Court. At the end of the advertising period on 8th March 2001, ten (10) submissions had been received. The submissions and staff recommendations are summarised in the following table. A copy of each of the submissions is included in the Elected Members’ Report/Information Bulletin

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Item 12.2.2 continued.

SCHEDULE OF SUBMISSIONS

Name/Address	Nature of Interest	Summary of Submission	Staff Comment
Water Corporation	Service provider	Strongly object due to a water main in the PAW that connects to a water main in Curringa Court via the east-west section of PAW.	The water main was looped through the PAW to Curringa Court about 1 – 2 years ago to address a water quality problem. The Corporation is not opposed to the PAW being closed if the land remains in public ownership, with an easement (if necessary) in favour of the Corporation.
Telstra	Service provider	No effect on existing or proposed plant. No objection.	Note no objection.
CE & EM Fernie 3 Neave Street, Pickering Brook	Owners of Lot 258 Cooma Court (adjoining the PAW).	Strongly support closure of the PAW.	Note support to close PAW.
Western Australian Planning Commission	Planning authority to be consulted under the Land Administration Regulations 1998	No objection subject to the land being amalgamated with an adjoining property.	The proponent of the closure who is the owner of Lot 257 Cooma Court has indicated an interest in acquiring the land.
Alinta Gas	Service provider.	No conditions.	Note no objection to closure.
Various – petition. (9 signatories)	Parents of children attending Yakamia Primary School.	The school has a shortage of parking. Some parents park in Cooma Court or at the North Road Shopping Centre, and use the PAW to access the school. Any inconvenience to residents is minimal compared with safety of children using the PAW. Beaufort Road is dangerous due to traffic. Bridges over the creek would allow for parking areas off Barnesby Drive to provide safe access and help distribute traffic.	The school site is larger than the 4 hectares required by the Education Department for a primary school, but the Department does not allow for on-site parking drop-off/pick-up of children. Parking in nearby residential streets is not a good solution to this parking problem. Elsewhere in the state parking may be provided in a road verge adjacent to a school, with joint funding from the local government and the P & C Association. Council has not given consideration to providing parking at this school. The suggestion of parking on the recreation reserve may be considered.
RK & CR Westcott RMB 9222 Cuthbert.	Owners of Lot 255 Cooma Court.	Agree wholeheartedly with closure of the PAW.	Note support to close PAW.

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Item 12.2.2 continued.

J & A Koster 3 Cooma Court.	Owners of Lot 253 Cooma Court.	Support closure of the PAW.	Note support to close PAW.
Secretary Yakamia Primary School P & C Association.	P & C Association	Request Council consider following suggestions before closure, appreciate that if the problems continue further consultations will be necessary. 1. Investigate more effective street lighting 2. Construct bollards or “railway crossing walkways” at both ends of the PAW 3. Increase police and security patrols in the area.	See Submission 6. Furthermore, the suggested measures will not overcome the problems with anti-social and inconsiderate behaviour referred to in the original application, and also contained in some of the submissions in support of closure.
AR & D Ward 9 Curringa Court.	Residents of Curringa Court	Object to closure on the following grounds: On occasions use the PAW for its intended purpose. PAW is by parents to drop off children at the school. Closure of the PAW would increase traffic in objectors’ street and other streets. Alternative drop off points are not as safe for children.	See Submission 6.

9. The Water Corporation has objected to closure because a water main is located within the PAW. The water main is part of a loop water service in Cooma Court, the PAW, Curringa Court, and Anuaka Road, which was constructed about 1 – 2 years ago to address a water quality problem. Whilst the Water Corporation will not accept a situation whereby a water main is located within private property (unlike sewerage), the PAW may be closed to public access and dedicated as a “Public Utility” Reserve. In that case, gates would be fixed across each end of the Reserve to exclude public access, and the authority holding the Management Order would maintain the land.

10. Closing the PAW will not apparently change the access for residents to community and other facilities in the vicinity, but it will affect residents from elsewhere in Albany who transport children to and from the primary school via Cooma Court.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

11. Parking in nearby residential streets is not a good solution to providing parking for a primary school. It is not equitable that school parking should inconvenience residents in Cooma Court, which would otherwise be a quiet residential cul-de-sac. The street was neither designed nor constructed to perform this function.
12. Elsewhere in the state parking spaces may be provided in a road verge adjacent to a school, with joint funding from the local government and the P & C Association.
13. The reason for providing the PAW when the area was first developed has been lost in the passage of time. However, it is probable that the intent was to facilitate pedestrian movement by residents though the area, in this case with particular emphasis on primary school age children from the immediate area. At that time the percentage of children driven to and from school would no doubt have been significantly lower than today.
14. Parking for the school should be addressed at a strategic level, and the ad-hoc use of residential streets as in this case should not continue where the residents suffer nuisance or inconvenience.
15. It is suggested that the objections to the PAW being closed on the grounds of the street being used for school parking (and therefore the PAW being used for access) not be supported. It is further suggested that Council resolve to proceed with a request to the Minister for Lands to close the PAW to public access, for the land to be dedicated as a “Public Utility” Reserve to protect the existing water main.

RECOMMENDATION

THAT Council recommend to the Minister for Lands that the Pedestrian Access Way off Cooma Court, Yakamia, be closed in accordance with the Land Administration Act 1997 and the land dedicated as a “Public Utility” Reserve.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 03/04/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

THAT this item lay on the table for sufficient time to allow staff to explore the legal and practical implications of closing the Pedestrian Access Way, dedicating the land as a public utility reserve and leasing, at a peppercorn rental, the Public Utility Reserve to adjoining landowners.

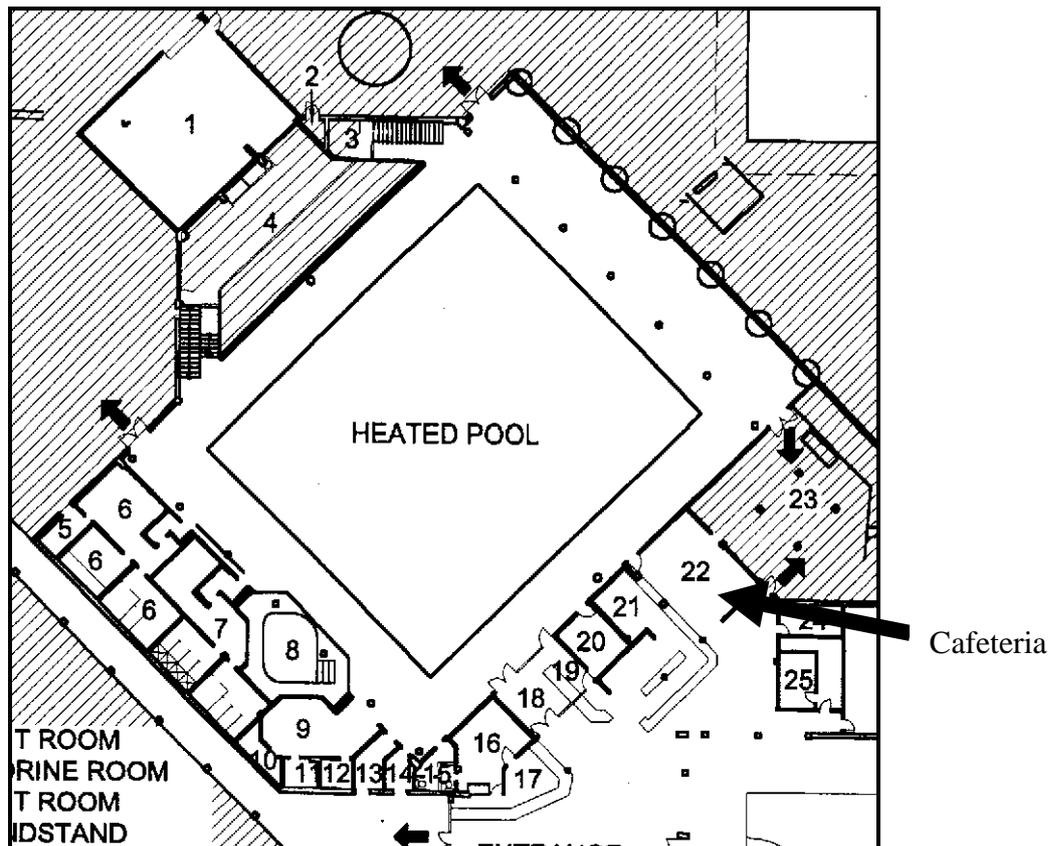
MOTION CARRIED 13-0

Reason

The conversion of the access way into a public utility reserve will still leave the land in public ownership and allow the public to walk on the land, create anti-social behaviour and retain the status quo. The land needs to be managed by an adjoining landowner but a solution needs to be found on how the Water Corporation's water main can also be protected before Council debates this matter.

12.2.3 New Lease – Cafeteria at Albany Leisure and Aquatic Centre

File/Ward	:	PRO290 (Frederickstown Ward)
Proposal/Issue	:	New Lease – Albany Leisure and Aquatic Centre Cafeteria
Subject Land/Locality	:	Portion of ALAC Building Lot 742 Barker Road
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Manager ALAC (P Sporton)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation	:	Approve Application
Locality Plan	:	



Item 12.2.3 continued.

BACKGROUND

1. The operation of the cafeteria has been a financial cost to the City of Albany. As such, and as this is a service that can be operated by private enterprise, it was decided to call for an expression of interest (under the National Competition Policy) to lease this section of the premises.
2. Upgrades have been carried out to ensure that the area occupied by the cafeteria can be leased out as a commercial entity similar to the current Physiotherapy arrangements. Cafeteria equipment will also be sold to relieve Council of legal liabilities.
3. An advertisement was placed in the West Australian newspaper on the 3rd February 2001 inviting submissions from interested parties to put forward a proposal to Council to lease the cafeteria building. A total of four parties applied for registration of interest documents. They included, local, interstate and Perth based companies.

STATUTORY REQUIREMENTS

4. Section 3.58 of the Local Government Act 1995 – Disposing of Property” (including leases) and requires Council to either dispose of property to the highest offer at auction or by public tender to the person who, in the opinion of Council makes the most acceptable tender.
5. Council is however able to dispose of property by other means provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invites submissions on the proposal.
6. The lease for the ‘cafeteria’ was advertised as per section 3.58 of the Local Government Act for a period of 2 weeks. Submissions closed on 21st February 2001, at which time one expression of interest was received. The expression of interest was received from Mrs. Sandra Towie, who is currently an employee of the City of Albany (Café Counterhand).

POLICY IMPLICATIONS

7. The operation of the cafeteria is in accordance with the National Competition Policy

FINANCIAL IMPLICATIONS

8. The operation of the cafeteria has been subsidised by Council, and during 1999/2000, it recorded a deficit of \$39,899.00.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

9. Mrs Sandra Towie has tendered the initial lease rental be \$3,000.00 per annum with an annual review. Mrs Sandra Towie has also offered \$3,000.00 for all equipment, allowing Council a future "buy back" option if required. Mrs Sandra Towie has offered to pay \$50.00 per month for utilities.

STRATEGIC IMPLICATIONS

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

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

Planning Operations of Albany Leisure and Aquatic Centre”.

11. Council’s ongoing commitment to excellent customer services and facilities will be continued by the operation of the cafeteria.

COMMENT/DISCUSSION

12. From the submission received, it appears that the respondent has the potential to manage the cafeteria to a suitable level for Council’s benefit.

Selection criteria covered the following:

- Compliance with the specification
- Compliance with the conditions with the specification
- Demonstrated experience to carry out the specified service
- Demonstrated ability to provide the service
- Costings

RECOMMENDATION

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

- i) to lease the cafeteria at the Albany Leisure and Aquatic Centre to Mrs Sandra Towie for a 5 years lease with three 5 years options effective from 2nd May 2001;
- ii) with the rental being set at \$3,000pa including GST, review this annually;
- iii) all costs associated with the preparation of the lease be borne by the applicant; and
- iv) the Common Seal be attached to the appropriate documentation.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 03/04/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR CECIL**

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

- i) to lease the cafeteria at the Albany Leisure and Aquatic Centre to Mrs Sandra Towie for a 3 years lease with one 3 years options effective from 2nd May 2001;**
- ii) with the rental being set at \$3,000pa including GST, review this annually;**
- iii) all costs associated with the preparation of the lease be borne by the applicant; and**
- iv) the Common Seal be attached to the appropriate documentation.**

MOTION CARRIED 13-0

Reason:

A 5 years lease with three 5 years options is too long for planning purposes, and a 3 year lease with a 3 year option is a sufficient period to recoup the capital outlay.

CORPORATE & COMMUNITY SERVICES REPORTS

12.3 LIBRARY SERVICES

12.3.1 Albany Public Library Redevelopment – Architectural Consultancy Services

File/Ward	:	STR 081 (Frederickstown Ward)
Proposal/Issue	:	Consider report on tender evaluation for the Albany Public Library Redevelopment - Contract C00053
Subject Land/Locality	:	Locations S110, S111 & Pt S112 York Street, Albany
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Corporate & Community Services (P Madigan) Manager Library Services (J Flottmann)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/03/00 Item 13.2.7
Summary Recommendation	:	Council not accept either of the tenders provided in the request for services - C00053.
Locality Plan	:	N/A

BACKGROUND

1. In 1999 the City of Albany engaged consultants Macroplan to undertake a Strategic Review of Library Services.
2. The Strategic Review identified that the existing floor space in the Library on York Street is considerably inadequate for current and future needs. The Review identified that an additional 1,000 to 1,400m² is required.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.3.1 continued.

3. The results and recommendations of the review were presented in a final report with the following motions being adopted by Council on 21st March 2000;
“*THAT Council:*
 - i) *Receives the public submissions on the Strategic Review of Library Services Draft Report November 1999;*
 - ii) *Adopts the Strategic Review of Library Services Report, March 2000 and the recommendations contained therein;*
 - iii) *Adopts a staged approach to Infrastructure Option 3 of the Report, including extension of the existing mezzanine floor as Stage 1 within approximately 12 months to be shared with UWA, subject to UWA funding commitment, and a Stage 2 major external ground floor extension and renovation to be completed in approximately three years time; and*
 - iv) *Acknowledges the request from the Rainbow Coast Toy Library for space in the future expanded library and considers it during the planning and design of Stage 2, subject to operational and financial implications.”*
4. The Strategic Review identifies significant benefits to the community in establishing a joint use library with the University of WA and recommended that such a partnership should be pursued. An operational partnership with UWA commenced in 1999 with the provision of a small collection of UWA materials in the Albany Public Library for students and community use.
5. Following the adoption of the recommendations of the Strategic Review, a working party was established to develop the specifications and evaluation criteria for Expressions of Interest for Architectural Consultancy Services to proceed with the Library Redevelopment Project.
6. Advertisements were placed in the West Australian and the Albany Advertiser calling for Expressions of Interest. Submissions closed on Wednesday 30th August 2000.
7. Expressions of Interest were received from the following five companies/groups:
 - Bollig Design Group;
 - Ferguson Architects;
 - Hobbs Smith & Holmes;
 - Howard & Associates and Woodhead International (joint submission); and
 - Tsigulis & Zuvella.
8. The tender process resulted in two shortlisted tenderes, Ferguson Architects and Howard & Associates/Woodhead International BDH being requested to provide a lump sum tender for services.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.3.1 continued.

9. The Request for Services resulted in a significant disparity in the proposed lump sum fees. The disparity was enhanced by one tender including subconsultants fees and the other excluding the subconsultants fees and qualifying the fees on a percentage basis should the estimated construction cost vary by more than 5%. This made any comparison on fees impossible and had the potential to lock Council into a contract with a high lump sum fee with no achievement or performance milestones and a variable scope.
10. The tender evaluation process selected Ferguson Architects as the preferred tenderer although the disparity in the fees and a number of other concerns made a final selection difficult.
11. In addition, a number of key issues remain to be resolved including the impact of the construction on the library operations, the need to relocate the library services and the cost of the project.

STATUTORY REQUIREMENTS

12. Council is required, on behalf of the residents of the District, to manage buildings for cultural, sporting and civic purposes. As part of that management process, decisions need to be taken on the effective life of the buildings and the cost benefits of extending onto, rehabilitating and replacing them.
13. Proposals to extend the library are subject to the land use controls in the City of Albany's Town Planning Scheme 1A. The library is a 'P' use in the Central Area zoned in the scheme and plans for the expansion of the building would only be subject to the Scheme requirements for car parking, access, setbacks etc.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

15. The University of Western Australia advises that it has secured a 'one off' grant of \$770,000 from the Department of Employment, Training and Education for capital, infrastructure and equipment costs of developing joint use library facilities with the City of Albany. Ongoing operational costs and agreements are to be negotiated.
16. In its 2000/01 Budget, Council has allocated \$385,000 to progress Stage 1 of the Library Redevelopment.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.3.1 continued.

17. In the Strategic Review of Library Services Report, Macroplan identified estimated construction and refurbishment costs per square metre for library buildings. Using these costings and the recommended floor area required, the proposed Library Redevelopment project would be costed between \$4.0 million and \$5.0 million.
18. Additional project costs could include the costs of relocating all or part of the library service during construction.

STRATEGIC IMPLICATIONS

19. The Albany 2020 Charting our Course Strategic Plan includes the following Port of Call key result areas:-
“The continual development of Council services & facilities to meet the needs of all stakeholders.”

Council objectives under Library Services and Council Buildings aim to achieve this Port of Call.

Library Services:

“To plan and provide for equity of access to, and the continual development of library services, which enhance the quality of life for a growing community.”

Council Buildings:

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

COMMENT/DISCUSSION

20. The working party consists of the Executive Director Corporate & Community Services; Manager Library Services; Librarian General Services; Strategic Projects Officer and the Senior Building Surveyor and a UWA representative. Tenders were evaluated in January and due to the Senior Building Surveyor being on leave, the Executive Director of Development Services also participated in the evaluations.
21. Due to the wide variance in the costs proposed by both Ferguson Architects and Howard & Associates and Woodhead International Pty Ltd, Peter Oliver of Sinclair Knight Merz was commissioned to evaluate the tenders.
22. As part of the supplementary information each tender provided lump sum fees for the schematic and concept design phase as follows:-

Ferguson Architects	\$51,227 plus GST
Woodhead International	\$10,000 plus GST

Item 12.3.1 continued.

23. From the original submissions, interviews and supplementary information provided for the schematic and concept design option, Sinclair Knight Merz recommended that the City of Albany select one of the architects to undertake only the schematic and concept design work at this stage. The purpose is to enable an approved functional layout and budget to be prepared for the Library Redevelopment Project. This will enable the City of Albany to finalise the tender process and provides an option to obtain future competitive and value for money tenders for the ongoing work on the basis of an approved layout and budget.

RECOMMENDATION

THAT in accordance with the recommendations of Sinclair Knight Merz, the City of Albany:-

- i) not accept either of the tenders provided in the Request for Services C00053;
- ii) accept Ferguson Architects lump sum fee of \$51,227 plus GST for architectural services to undertake the schematic and concept design work for Stages 1 and 2 of the Library Redevelopment Project as set out in the City of Albany brief dated 15th March 2001;
- iii) request Ferguson Architects to obtain firm lump sum fees from all subconsultants to provide inputs to the schematic and concept design phase to achieve the purpose set out in the brief. (A minimum of two subconsultants for each area to provide lump sum fees);
- iv) reserve the right to proceed in any way it thinks fit for the balance of the work. (This could include not proceeding with the project or retendering all or part of the work for Stage 1 and 2);
- v) establish clear guidelines and constraints for budget, timing and staging for communication to the Architects; and
- vi) establish the circumstances under which relocation of the Library is or is not acceptable to establish the constraints for the schematic and concept design guidelines.

Voting Requirements Simple Majority

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Item 12.3.1 continued.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WALKER**

THAT Council;

- i) not accept either of the tenders provided in the request for services C00053;**
- ii) invite both tenderers to submit a lump sum proposal to design and provide documentation to tender ready stage for the construction of a 200m² in fill mezzanine floor;**
- iii) invite both tenderers to submit a fee proposal for the calling of building tenders, tender evaluation, contract administration and project supervision of the project; and**
- iv) consider proposals at the next Council meeting.**

MOTION CARRIED 12-1

Reason:

The accommodation of the UWA Albany Campus Library facilities in the Albany Public Library is urgently required and a focus on the first stage of the project to provide 200m² of extra floor space is necessary. Council has already made a decision not to renovate the administration offices and based on the same premise, major redevelopment as proposed in Stage 2 of the library project should be accommodated in a new development. The timing of the construction of the proposed Albany Regional Cultural Centre appears to be contemporaneous with the Stage 2 proposal and therefore the implementation of the library upgrade could be incorporated with the Cultural Centre project in terms of project construction, builtform and design synergy.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Purchase of Multi-Tyred Self Propelled Roller

File/Ward	:	C01002 (All Wards)
Proposal/Issue	:	Purchase of Multi-Tyred Self Propelled Roller
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Operations (G Steel)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		That Council agree to the purchase of a Caterpillar PS300B Multi-Tyred Self Propelled Roller
Locality Plan	:	N/A

BACKGROUND

1. Tenders were called for the supply of a new Multi-Tyred Self Propelled Roller, trading in AL5062 Pacific RP16 1979 model Multi-Tyred Roller.
2. Tenders were received from Wel-Quip, Westrac Equipment, Banbury, and Hitachi.

STATUTORY REQUIREMENTS

3. The tendering process for Goods & Services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.
4. In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council; it may also decline any tender.

POLICY IMPLICATIONS

5. There is no Council policy in place relating to this item.

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

FINANCIAL IMPLICATIONS

6. \$138,000 has been allocated in the 2000/2001 budget for the replacement of the current AL5062 Pacific RP16 1979 model Multi-Tyred Roller.

STRATEGIC IMPLICATIONS

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

Port of Call

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

Objective:

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

COMMENT/DISCUSSION

Dealer	Make	Model	Price inc GST	Trade inc GST	Change over inc GST	Actual changeover to Council
Well-Quip	Multipac	VP 2400	\$139617.50	\$22000.00	\$117617.50	\$106925.00
Banbury	Bomag	BW24R	\$141643.80	\$10450.00	\$131193.80	\$119267.10
Westrac Equipment	Caterpillar	PS300B	\$153200.00	\$20000.00	\$133200.00	\$121090.91
Hitachi	Protec	PR20	\$165381.70	\$14300.00	\$151081.70	\$137347.00

8. **Multipac VP 2400** Following an inspection of Narrogin Council's VP2400 roller, faults were found with turning stability, air, electrics and all servicing is done 1.5 metres above ground. Independent front suspension, fixed rear suspension.
9. **Bomag BW 24R** Identical to Multipac (manufactured in the same factory) with exception to longer body, cab & electrics. Independent front suspension, fixed rear suspension.
10. **Protec PR20** Has the best drive specifications and the highest purchase price, however, has the lowest production output with pivoting fixed front suspension and fixed rear suspension.
11. **Caterpillar PS300B** This roller has fully independent suspension (a new concept in WA). Noosa Council found improved efficiency in operations. Five Eastern States Councils were contacted, who reported job quality improvement and optimal savings. Since 1998, 23 units have been purchased Australia-wide. The recommending Councils were:
- Miriam Vale Shire Council, QLD Ph: (07) 4974 5101
 - Noosa Shire Council, QLD Ph: 0410 512 501
 - Dimantina Shire Council, QLD Ph: 0417 461 202
 - Banana Shire Council, QLD Ph: (07) 4992 9519
 - Tara Shire Council, QLD Ph: (07) 4665 3898

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

12. A demonstration of the CAT PS300B roller at Down and Mountain Roads, indicated operational time saving (less passes), and resulted in even compaction, traction, stability, serviceability, and extra use on base material. It is estimated that Council’s road construction efficiency will improve both in construction and maintenance, using an independent suspension roller.

13. The Caterpillar PS300B roller is recommended for the following:

- Strongest/robust frame
- Safest for daily operational maintenance
- Local service availability
- Dealer backup
- Operator and workshop preferred
- 48 month warranty
- A 15-20 year machine life is expected and the changeover cost is \$16,909 below budget.

RECOMMENDATION

THAT Council Accept tender C01002 from Westrac Equipment to supply a new PS300B Self Propelled Multi-Tyred Roller at a cost of \$153,200 (including GST), trading in Council’s current Pacific RP16 for \$20,000 (including GST), providing an actual nett change over cost to the City of Albany of \$121,090.91.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WILLIAMS**

THAT Council Accept tender C01002 from Westrac Equipment to supply a new PS300B Self Propelled Multi-Tyred Roller at a cost of \$153,200 (including GST), trading in Council’s current Pacific RP16 for \$20,000 (including GST), providing an actual nett change over cost to the City of Albany of \$121,090.91

MOTION CARRIED 13-0

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

ROLLER COMPARISON CHART

Details	VP2400	BW24R	PS300B	PR20	Comments
Power kw (150)	71	71	67	80	PR20 has 6 cylinder engine
Speed km/hr	19	22	18	20	Roller transported distances exceeding 10kms
Weight unballasted – kg	11370	10500	14000	11600	Cat PS300B has a stronger frame
Weight ballasted - kg	18500	18900	17500	20000	For extra cost if required the Cat PS300B can be ballasted to 21000kg
Ballast Type	(S) + (W)	(S) + (W)	(S)	(S) + (W)	(S) = Steel Ballast (W) = Water ballast
Suspension	Fixed rear	Fixed rear	<i>Independent</i>	Fixed rear	Cat PS300B achieves faster job times
Rolling Width	1986	1986	1900	2092	Independent suspension eliminates double rolling
Force	9.3kg/cm	9.5kg/cm	9.2kg/cm	9.5kg/cm	3% variation
Brakes	Air Hydraulic	Air hydraulic	Oil disc	Hydrostatic	Air hydraulic brake system obsolete and expensive
Personal Safety	Bad	Bad	<i>Very good</i>	Fair	Cat PS300B operator daily maintenance done at near ground level.
Dealer Service	Perth	Perth	Albany	Perth	Cat PS300B Local warranty and repair reduces downtime.
Operator Station	2 seat	2 seat	1 seat	1 seat	PR20 seat swivels 180 degrees. Cat 30 degrees
Warranty	12 months	12 months	24 months	12 months	
Extended warranty cost	Not available	36 months \$5564 + (1) & (2)	48 months Power train overtime if required	24 months Power train (1) & (2)	(1) = Labour travelling (2) = Transport cost

= Preferred Option

WORKS & SERVICES REPORTS

13.3 WORKS

Nil

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil

General Management Services

REPORTS

- R E P O R T S -

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

15.0. ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

- 15.1 Minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee meeting held on 12th March 2001.
[Bulletin Item 2.1 refers]

DRAFT MOTION

THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee meeting, be endorsed and the recommendations adopted.

Councillor Mountford declared an interest in this item and left the Council Chambers at 8.11pm.

The nature of Councillor Mountford's interest is that her spouse works within the industry.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee meeting held on 12th March 2001, be endorsed and the recommendations adopted.

MOTION CARRIED 12-0

Councillor Mountford returned to the Council Chambers at 8.12pm.

- 15.2 Minutes of the Albany Arts Advisory Committee meeting held on 15th March 2001.
[Bulletin Item 2.2 refers]

DRAFT MOTION

THAT the minutes of the Albany Arts Advisory Committee meeting, be endorsed and the recommendations adopted.

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR EVANS**

THAT the minutes of the Albany Arts Advisory Committee not be received due to insufficient Committee Representatives at Committee meeting to form a quorum.

MOTION LOST 4-9

Item 15.2 continued

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WALKER**

THAT the minutes of the Albany Arts Advisory Committee meeting held on 15th March 2001, be received and the recommendations adopted subject to item 4.7 of the Minutes be referred back to Committee for adoption.

MOTION CARRIED 12-1

- 15.3 Minutes of the Bushcareres Advisory Committee meeting held on 22nd March 2001.
[Bulletin Item 2.3 refers]

DRAFT MOTION

THAT the minutes of the Bushcareres Advisory Committee meeting held on 22nd March 2001 be endorsed and the recommendations adopted.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT the minutes of the Bushcareres Committee meeting held on 22nd March 2001 be endorsed and the recommendations adopted.

MOTION CARRIED 13-0

- 15.4 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BAIN**

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

MOTION CARRIED 13-0

16.0. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 MAYOR'S REPORT

“Fellow Councillors

On Wednesday 21st March, I attended the launch of a new book entitled ‘Albany’s Nineteenth Century Building’s’ revised by Judith Swain and Joan Blight. This work is an update of an earlier work ‘Albany’s First 100 Year 1791 – 1891’ and includes some new drawings, photos and information collated by Judith and Joan on behalf of the Albany Historical Society Inc. It features 24 local Albany buildings and structures around town including monument and headstones. This new book produced and printed locally and available for just \$5, is a true reflection of the hard work put in by Judith and Joan and their commitment to preserving the history of our town.

The Great Southern Regional College held their annual Awards Presentation Night on Friday 23rd March 2001. I was again asked to attend and give the honour of presenting the City of Albany Awards. The night acknowledged the 2001 graduates which included 7 Advance Diplomas, 56 Diplomas, 10 Associate Diplomas, 61 Certificate of Trade Studies and 694 Certificates. We specifically celebrated the years outstanding achievements with 79 Awards being presented and 10 special awards. The City of Albany contributed two of these special awards: The Benno Lange Award for Landcare – Certificate IV of Land Management to Max Michael and the Mike Whitehead Award for Certificate II of Aquaculture to Clinton Cheney. I was again impressed with the quality of our college students, the professional, mature manner in which they conduct themselves and the dedication that they displayed towards their studies.

On Saturday 24th March I attend the Royal Australian Air Force Association’s Bomber Command Breakfast at the Quality Inn. I thoroughly enjoyed the company and the breakfast provided on this morning. There was also a very moving blessing and brief reading about the events undertaken by different squadrons on the 24 March 1943, 1944 and 1945. A number of Australians from various services were involved in Bomber Command flights on those dates – from ground personnel to aircraft pilots and our remembrance of the commitment they made to protect us all is a crucial aspect of maintaining our traditional values and heritage.

Later that same day I opened the APEX State Conference at Camp Quaranup and I thank the local APEX Club for the opportunity to share in the enthusiasm displayed by the many APEX members state wide. The community benefits enormously from the many initiatives and projects which groups such as APEX contribute to our infrastructure. For example, APEX Drive at Mt Clarence is apparently the largest single service club achievement in Australia. It was built with totally voluntary labour

and community donated equipment. What a superb monument to volunteer endeavour. I look forward to witnessing the product of APEX club initiatives from many years to come.

Item 17.0 continued

The newly formed branch of the RSPCA opened an opportunity shop in Terrace Arcade on Wednesday the 28th March at which I was privileged to officiate. Pat Woodhams, the local fundraiser and publicity officer has been overwhelmed by the interest shown in re-starting the Albany RSPCA particularly from the young generation. We all know the essential work that the RSPCA does to protect animals from neglect and abuse, however, as a totally self funded organisation they are always in need of funds and volunteers to continue their work. I urge everyone who is an animal lover like me to get behind the local RSPCA branch and help with either donations of goods or time for the opportunity shop, helping with fund raising activities or becoming active members of the RSPCA. I wish the local RSPCA every success for the future looking after all creatures great and small.

Thank you.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILLIAMS**

THAT the Mayors Report be received.

MOTION CARRIED 13-0

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

18.1 GST on Tip Fees

File/Ward	:	FIN014 (Frederickstown Ward)
Proposal/Issue	:	Charge GST on Tip Fees.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	S Goodman – Manager - Finance
Disclosure of Interest	:	N/A

Previous Reference	:	Nil
Summary Recommendation	:	That Council charge GST on Tip Fees
Locality Plan	:	N/A

Item 18.1 continued

BACKGROUND

1. Council established a schedule of fees in its 2000/2001 Budget. The Tip Fees were set on the assumption that GST did not apply to such fees (per the draft Division 81 ruling issued by the Federal Government and noted on the fee schedule)
2. In the revised Division 81 ruling dated 16th March 2001 (promulgated by WAMA on 29th March 2001), the exemption for tip fees was eliminated.

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. If the Tip Fees are not adjusted, GST would be paid out of the revenue actually received and would cost the City about \$525.00 per week.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. The impact of the proposed change is to increase all tip fees by 10%. This would have no impact on commercial operators who are currently registered for GST as they can claim an input tax credit. Persons or organisations which are not registered for GST will experience the full effect of the increase.
8. It should be noted that domestic rubbish collection charges to properties which are levied at the same time as rates remain exempt from GST.

9. The proposed fees with GST included are provided in appendix 1.

Item 18.1 continued

RECOMMENDATION

THAT

- i) Council charge GST on Tip Fees, with changes as noted in Appendix 1 (attached); and
- ii) the proposed changes be advertised locally.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR CECIL**

THAT;

- i) Council charge GST on Tip Fees, with changes as noted in Appendix 1 (attached); and**
- ii) the proposed changes be advertised locally.**

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**

APPENDIX 1 – Proposed Tipping Fees

WASTE DISPOSAL	2000-2001 Proposed	2000-2001 Original Budget
Hanrahan Road Disposal Site		
Household/Putrescible per cubic metre or part thereof	\$ 11.00	\$10.00
Building Material " "	\$ 11.00	\$10.00
Industrial/Commercial " "	\$ 11.00	\$10.00
Compacted " "	\$ 13.20	\$12.00
Clean Fill " "	No Charge	No charge
Asbestos " "	\$ 44.00	\$40.00
Algae " "	\$ 1.10	\$1.00
Green Waste " "	\$ 4.40	\$4.00
Organic Waste-Non Offensive " "	\$ 6.60	\$6.00
Compacted " "	\$ 13.20	\$12.00
Medical ** " "	\$ 17.60	\$16.00
Car Tyre " " ea	\$ 1.65	\$1.50
Light Truck Tyre " " ea	\$ 5.50	\$5.00
Heavy Truck Tyre " " ea	\$ 11.00	\$10.00
Tractor Tyre " " ea	\$ 16.50	\$15.00
** The minimum payable for the deposit and burial of medical Waste shall be \$26.40		
Bakers Junction Disposal Site		
Household/Putrescible per cubic metre or part thereof	\$ 11.00	\$10.00
Building Material " "	\$ 11.00	\$10.00
Industrial/Commercial " "	\$ 11.00	\$10.00
Commercial Organic " "	\$ 16.50	\$15.00
Compacted " "	\$ 13.20	\$12.00
Clean Fill " "	No Charge	No charge
Green Waste " "	\$ 4.40	\$4.00
Kronkup Refuse Disposal Sites		
Household/Putrescible per cubic metre or part thereof	\$ 11.00	\$10.00
Building Material " "	\$ 11.00	\$10.00
Industrial/Commercial " "	\$ 11.00	\$10.00
Compacted " "	\$ 13.20	\$12.00
Clean Fill " "	No Charge	No charge
Green Waste " "	\$ 4.40	\$4.00

19.0 CLOSED DOORS

Nil.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 1st May 2001, 7.30pm at the Council Chambers, Mercer Road.

21.0 CLOSURE

8.30pm

Confirmed as a true and correct record of proceedings.

A.E. Goode JP
MAYOR

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

MINUTES OF THE ORDINARY COUNCIL MEETING – 3RD APRIL 2001

Name	Item	Nature of Interest
Councillor L. Armstrong	Item 11.1.5 – Approval for Amendment	Councillor Armstrong owns land within this locality.
Councillor G. Mountford	Item 15.1 – Great Southern Regional Saleyards	Councillor Mountford's spouse works within the industry.

APPENDIX B

MINUTES OF THE ORDINARY COUNCIL MEETING – 3RD APRIL 2001

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.



[Agenda Item 12.1.1. refers]

[COUNCIL – 3rd April 2001]

SUMMARY OF ACCOUNTS

Municipal Fund Vouchers	totalling	
Cheques 13472-13589	totalling	141,950.69
EFT EF4805-EF5079	totalling	1,244,909.80
Payroll	totalling	551,788.72
Total Municipal Fund		<u>1,938,649.21</u>
Trust Fund Vouchers	totalling	13,600.00
Total Trust Fund		<u>13,600.00</u>
TOTAL		<u>\$1,952,249.21</u>

CERTIFICATE OF CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$1,952,249.21 submitted to each member of the Council on 3rd April 2001 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 \$1,952,249.21 which was submitted to the Council on 3rd April 2001 and that the amounts are recommended to the Council for payment.

MAYOR
(A. Goode JP)

