

## **15.0 STRATEGIC PLANNING**

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### **- I N D E X -**

#### **15.1 COMMUNITY PLANNING**

15.1.1 Reserve 41267, Lot 1386 (54 -62) Golf Links Road, Middleton Beach

#### **15.2 MARKETING & COPORATE PLANNING**

#### **15.3 PROJECT DEVELOPMENT**

15.3.1 To Support the HMAS Perth to be Decommissioned as a Dive Reef in Albany Waters

15.3.2 City of Albany – Economic Development Unit

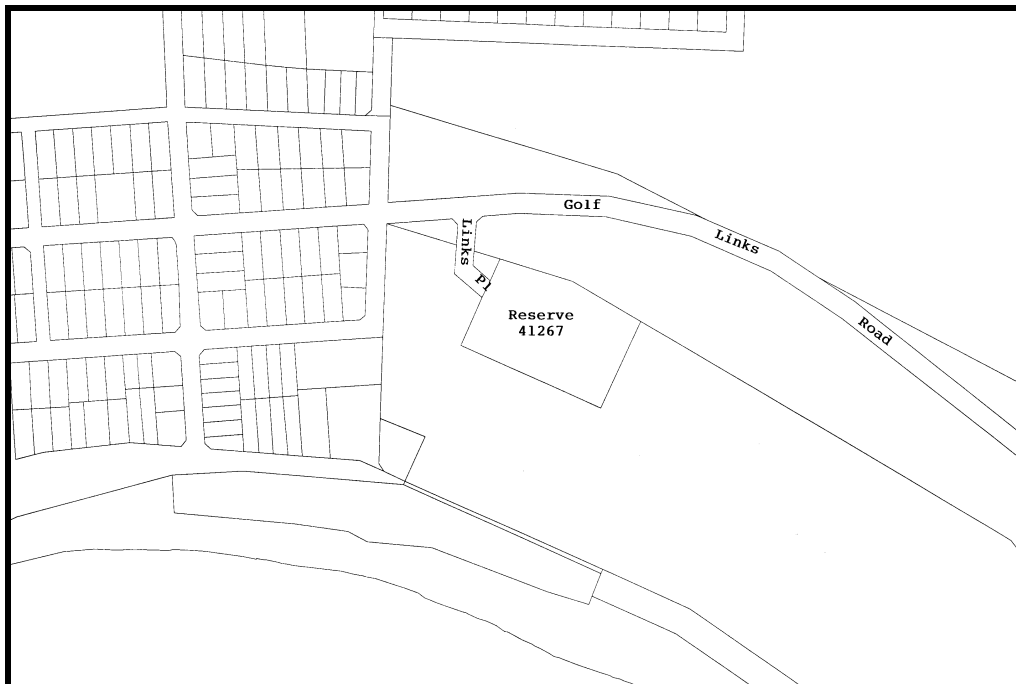
#### **15.4 STRATEGIC PLANNING**

## - R E P O R T S -

### 15.1 COMMUNITY PLANNING

#### 15.1.1 Reserve 41267, Lot 1386 (54 -62) Golf Links Road, Middleton Beach

<b>File/Ward</b>	:	A145725 Breaksea Ward
<b>Proposal/Issue</b>	:	Use of Premises
<b>Subject Land/Locality</b>	:	Reserve 41267, Lot 1386 (54 -62) Golf Links Road, Middleton Beach.
<b>Proponent</b>	:	Various Sporting Clubs
<b>Owner</b>	:	City of Albany, currently leased to Albany Golf Club
<b>Reporting Officer(s)</b>	:	Manager Community Planning (D Baesjou)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Invite Registrations of Interest
<b>Locality Plan</b>	:	



Item 15.1.1 continued

### **BACKGROUND**

1. A meeting was held on 29th June, 1999 between Council Officers and representatives from a number of sporting clubs to discuss the concept of establishing a multi-use facility at the Middleton Beach Club House.
2. Possible uses include:

Regional Tennis Facility (illuminated) possibly including grass courts, Badminton, Squash, Croquet, Lawn Bowls, Table Tennis, associated support facilities (physiotherapy, sports shop) and Combined Club house, Restaurant and Bar.
3. In the short to medium term the Albany Golf Club proposes to develop a new club house at the north east of the Golf links, at which time the existing premises will become available for Community purposes.
4. Reserve 41267 is approximately 1.7ha in area and contains the Club house, parking area and associated infrastructure. It is surrounded by Reserve 27629, which is approximately 72.5ha and generally contains the Fairways and Greens.

### **STATUTORY REQUIREMENTS**

5. Reserve 41267 is vested in the City of Albany for Community Purposes, With Power to Lease for 21 years. A 7 year Lease, with two 7 year options was taken up on 23 January 1990. The first option has been exercised and the current lease is valid until 23 January 2004.
6. Clauses within the lease specify that it will expire following construction of new premises or the sale/development of lots 1379 and 1380 (Barry Court - north eastern end of the Golf Course).
7. Any proposed lease of the site must go through a public advertising process as required by Section 3.58 of the Local Government Act.
8. Future use of the Reserve would require preparation of a Management Plan.
9. The Subject land is zoned “Clubs and Institutions” and “Tourist Residential”. Under the provisions of Town Planning Scheme 1A, a range of recreation, leisure and associated business activities could be considered on the site. Any change of use would require the prior approval of Council.

### **POLICY IMPLICATIONS**

Nil.

Item 15.1.1 continued

### **FINANCIAL IMPLICATIONS**

10. There is no specific Budget allocation for this project.
11. Future leasing arrangements would be subject to Council endorsement and compliance with relevant Policies and legislation. Although yet to be determined, a future lease could provide some financial return. It has been Council practice to lease premises at market value, subject to independent Valuation.

### **STRATEGIC PLAN IMPLICATIONS**

12. The City is undertaking a Recreation needs Study and will also prepare a Recreation Strategy. It is proposed to review existing services and facilities and to assess future needs. Rationalisation of some existing facilities is likely and shared use will be encouraged. The multi-use concept put forward by the various groups is consistent with current trends and represents efficient use of resources.
13. The proposal is consistent with The City of Albany Strategic Plan 1998 – 2000:

in particular under **Economic Development:**

“Role as a Regional Centre” Objective 1 to “*Foster the promotion of Albany as a Regional Centre*”,

within **Built and Natural Environment:**

“Public Places” Objective 2 “*Promote the extended usage of public places and development of Community Facilities*” and Objective 3 “*Manage and enhance an outstanding series of Parks and Reserves*”

“Planning” Objective 2,” which sets out “*Undertake strategic land use planning to identify desirable patterns of development and servicing requirements*”,

**Services for the People:**

“Sport and Recreation” Objective 1 “*Facilitate the Health and well being of the Community by ensuring the provision and promotion of leisure, sport and recreation facilities, services and programmes*”

and **Local Government Operations:**

“Asset Management” and “Governance” Objectives 1.

### **COMMENT/DISCUSSION**

14. It is intended to utilise the Club House premises for community purposes, as reflected in the previous negotiations and arrangements for the land swap and the current lease.
15. The concept of a multi-use regional facility has considerable merit and would be consistent with the vesting and purpose of the Reserve.



Item 15.1.1 continued

16. Any future use of Reserve 41267 would need to be compatible with the continued use of the surrounding Reserve by the Albany Golf Club. The standard Development Approval, Licensing and Leasing processes would all apply, however at this stage it is prudent to consider the broad options available to the community.
17. There are a variety of uses which could be appropriate for the site and a number of clubs and organisations may wish to consider utilising the premises. Prior to any decision on the future use of the Reserve it is suggested that Council invite Registrations of interest from sporting and community groups. This should provide an indication of potential users, the level of interest and commitment, but will not be binding on any parties.
18. Depending on the responses, subsequent steps may be establishment of a Steering Committee, which would include Councillors and Stakeholder representatives, consideration of funding options and preparation of a Draft Business Plan.

RECOMMENDATION

THAT Council invites Registrations of Interest from sporting and community groups for possible future use of the Middleton Beach Club House on Reserve 41267, Lot 1386 (54-62) Golf Links Road, Middleton Beach which address the following:

- type of facilities and services required/proposed,
- demonstrated need,
- range of organisations involved,
- level of commitment and contribution,
- compatibility with existing Golf Club activities.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR EVERS**

**THAT Council invites Registrations of Interest from sporting and community groups for possible future use of the Middleton Beach Club House on Reserve 41267, Lot 1386 (54-62) Golf Links Road, Middleton Beach which address the following:**

- **type of facilities and services required/proposed,**
- **demonstrated need,**
- **range of organisations involved,**
- **level of commitment and contribution,**
- **compatibility with existing Golf Club activities.**

**MOTION CARRIED 13 – 0**

**15.2 MARKETING & COPORATE PLANNING**

Nil.

### 15.3 PROJECT DEVELOPMENT

#### 15.3.1 To Support the HMAS Perth to be Decommissioned as a Dive Reef in Albany Waters

<b>File/Ward</b>	:	MAN097 All Wards
<b>Proposal/Issue</b>	:	To support the HMAS Perth to be decommissioned as a Dive Reef in Albany Waters.
<b>Subject Land/Locality</b>	:	King George Sound
<b>Proponent</b>	:	Albany Artificial Reef Group
<b>Owner</b>	:	Australian Navy
<b>Reporting Officer(s)</b>	:	Project Officer – Project Management (P Berkelaar)
<b>Previous Reference</b>	:	Briefing of Councillors 20/07/99
<b>Summary Recommendation:</b>		To allocate \$100,000 in the 1999/2000 Budget to the HMAS Perth Dive Reef Project.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. The Albany Artificial Reef Group has been working for two years or more to procure a major naval vessel to create a dive reef in the Albany waters, following the successful sinking of the HMAS Swan off Busselton.
2. During March and April of this year, the Group formulated a proposal and submitted it to the WA Premier's Department. In response the advice from the WA Premier's Department provided the following timetable:
  - i) A formal letter from the Premier of WA has been addressed to the Prime Minister requesting the HMAS Perth be gifted to WA for creation of a dive reef.
  - ii) In the letter there is a request that a public announcement is made the week of 24-30 August, 1999. The reason for this is HMAS Perth is actually in Fremantle during that time.
  - iii) WA then needs to wait on a formal decision from the Minister for Defence and Minister for Finance.

Item 15.3.1 continued

- iv) Immediately following the announcement, Expressions of Interest will be publicised in State and regional papers, calling for tenders.
  - v) The bids are expected to be open for three (3) months. The selection committee will sit for around 2-3 weeks, and then the announcement will be made end of December, 1999.
3. To date enquiries and/or submissions to procure the HMAS Perth as a dive reef have come from Albany, Joondalup, Esperance, Rockingham, Geraldton and the Retired Navy Services League, which prefers the “floating museum” option for the vessel.

**STATUTORY REQUIREMENTS**

4. For the HMAS Perth to function effectively as a dive reef, the City of Albany will require management authority. A formal request to the Department of Land Administration will be required to gain either a seabed lease or vesting of the sea floor area in which the HMAS Perth will be sunk.
5. The other major stakeholders will include the Department of Transport and the Albany Port Authority. Both are already involved in the concept and will continue to work with the Albany Artificial Reef Group and the City of Albany to enact the regulations required for the ongoing operational management of the HMAS Perth as a recreational dive reef in the King George Sound.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

6. The major implication of this proposal is that the HMAS Perth will become an asset of the City of Albany. Therefore not only is there an initial project capital undertaking, but also the management role of ongoing incomes and expenditures. The HMAS Perth Dive Reef Project costings are based on a not-for-profit situation for both the initial capital project and the ongoing management and maintenance.
7. The initial capital project income and expenditure have been recently mapped out in the project briefing to Council on 20th July, 1999, by Peter Cook of the Great Southern Development Commission.

Item 15.3.1 continued

<b>Expenditure</b>		<b>Income</b>	
Provision and decontamination	\$300,000	City of Albany Grant	\$100,000
Towing and insurance (Sydney-Perth)	\$400,000	Institutions	\$400,000
Towing and insurance (Perth-Albany)	\$150,000	Tourism Development Fund (Western Australian Tourism Commission)	\$100,000
Project Management	\$45,000	National Tourism Development Fund	\$200,000
Works Supervision	\$20,000	Salvage Value	\$140,000
Labour	\$30,000	Fund Raising/PubSubs	\$100,000
Gas	\$2,000	Donation of Moorings	\$8,000
Permits	\$16,000	Donation of Gas	\$2,000
Mooring and berthing	\$8,000	Marketing and Promotion (Tourism Industry)	\$40,000
Decontaminate & clean	\$50,000		
Sinking	\$22,000		
Marketing and Promotion	\$40,000		
<b>Total</b>	<b>1,083,000</b>	<b>Total</b>	<b>\$1,090,000</b>

8. The ongoing expenditure is calculated to cover the costs of management, administration maintenance, as well as continuous improvements to keep the HMAS Perth Dive Reef up to world class diving standards. This should include active involvement/membership in international groups such as the Artificial Reef Society of British Columbia (ARSBC) which has been involved in five artificial reef projects overseas, as well as the HMAS Swan at Busselton.

Annual income	6,000 divers/year @ \$10	\$60,000
	6 site moorings at \$1,500 pa	\$9,000
Annual expenditure	Maintain safe dive conditions	\$25,000
	Maintain safe moorings	\$14,000
	Marketing/Administration	\$30,000
		<u>\$69,000</u>

9. The City of Albany's contribution has not been allowed in the current 1999/2000 budget process at this stage, and it is observed that a successful tender bid for the HMAS Perth will be greatly strengthened by a commitment of the City of Albany, the stakeholders and the regional community.

Item 15.3.1 continued

10. As the City of Albany is expecting a surplus of funds on finalisation of accounts from the 1998/1999 financial year, adequate funding can be provided from the Council Reserves Funds to meet the cost of contribution to this project.

**STRATEGIC PLAN IMPLICATIONS**

11. Based upon Busselton's experience and investigations by the Albany Artificial Reef Group all indications point towards a likely influx of 6,000 divers every year, which places at least 120 people into Albany every week. The international experience is that 80% will fly in, stay three nights and fly out. This would, at minimum generate an extra 20 people making use of our airport facilities every day and create demand for 60 extra beds in local accommodation houses. Additional maritime facilities would also be needed to cater for these divers resulting from the creation of heavy demand for safe weather moorings, disembarkment jetties and maritime infrastructure.
12. When the HMAS Perth begins to operate as a diveable reef in some 12-18 months time, the action plans of the current Strategic Plan 1998-2000 will also be well under way, which includes Airport instrument landing system and the Vancouver Water Infrastructure Plan.

**COMMENT/DISCUSSION**

13. The process of obtaining the HMAS Perth as a dive reef will be managed by the WATC with the Premier's Department providing support and advice. Currently the Albany Artificial Reef Group is working diligently on details of a draft submission with both the WATC and the GSDC.
14. Both the media and the government authorities have publicly acknowledged that Albany has a stronger case than most and that Albany would be best suited for the sinking of a major vessel such as the HMAS Perth.
15. Estimates are that the successful dive reef project will generate new jobs and inject millions annually in the regional economy. Some projections have been collated by Murray McKinley, a local accountant and business operator, and these pages of his calculations have been included in the Bulletin.

Item 15.3.1 continued

RECOMMENDATION

THAT Council:

1. supports the Albany Artificial Reef Group in its tender bid and application to the State Government for the HMAS Perth to be scuttled in Albany waters as a dive reef, on the basis of a \$100,000 contribution from the City of Albany;
2. supports the formation of a management committee of the City of Albany, to formulate management, administration, marketing and maintenance plans for the HMAS Perth Artificial Reef; and
3. allocates \$100,000 in the Parks and Recreation Reserve to convert the HMAS Perth into a dive reef in Albany waters, subject to a successful bid to obtain the vessel

*Voting Requirement Absolute Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR CECIL**

- 1. supports the Albany Artificial Reef Group in its tender bid and application to the State Government for the HMAS Perth to be scuttled in Albany waters as a dive reef, on the basis of a \$100,000 contribution from the City of Albany;**
- 2. supports the formation of a management committee of the City of Albany, to formulate management, administration, marketing and maintenance plans for the HMAS Perth Artificial Reef; and**
- 3. allocates \$100,000 in the Parks and Recreation Reserve to convert the HMAS Perth into a dive reef in Albany waters, subject to a successful bid to obtain the vessel.**

**MOTION CARRIED 11 – 2  
ABSOLUTE MAJORITY**



### 15.3.2 City of Albany – Economic Development Unit

<b>File/Ward</b>	:	MAN008 All Wards
<b>Proposal/Issue</b>	:	Re-establishment of Albany Economic Development Unit
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director - Strategic Planning (R Jefferies)
<b>Previous Reference</b>	:	OCM 12/05/99 Item 16.1
<b>Summary Recommendation:</b>		That Council forms the City of Albany Economic Development Unit.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. At the meeting of 29th April, 1999, the City of Albany Economic Development Unit committee members reviewed the purpose and structure of the Unit and made the following recommendations, which the elected Council adopted at its meeting of 12th May, 1999:
  - “1. The City of Albany Economic Development Unit continues with a broader focus to the wider region.
  2. It included elected members, staff members and members of the community.
  3. The unit has a level of delegated authority.
  4. The unit has a budget allocation.
  5. The unit has a strategic alliance with other economic development organisations such as the Great Southern Development Commission, the Albany Business Centre, Albany Chamber of Commerce and Industry, the Southern Province Projects Group and Area Consultative Committee.”

Item 15.3.2 continued

2. Council also added the Resolution:

“That the Chief Executive Officer and Executive Director Strategic Planning provide a briefing to Her Worship The Mayor and Councillors on the role of the Economic Development Unit and options for its structure, and prepare a subsequent report for consideration of Council”

3. This report to Council follows a briefing of Her Worship The Mayor and Councillors on 20th July, 1999.

### **STATUTORY REQUIREMENTS**

4. Section 5.8 of the Local Government Act 1995 reads as follows:

*“5.8 A local government may establish \* committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.”*

5. Section 5.9 of the Local Government Act 1995 deals with the types of committees and states as follows:

*“5.9 (1) In this section –  
“other person” means a person who is not a council member or an employee*

*(2) A committee is to comprise –*

- (a) council members only;*
- (b) council members and employees;*
- (c) council members, employees and other persons;*
- (d) council members and other persons;*
- (e) employees and other persons; or*
- (f) other persons only.”*

### **POLICY IMPLICATIONS**

Nil.

Item 15.3.2 continued

### **FINANCIAL IMPLICATIONS**

6. The City of Albany provided specific budget allocations for Economic Development in the 1998/1999 budget, with a total expenditure totalling \$80,000. A similar amount is proposed in the current draft of the Budget for 1999/2000. This expenditure is broken down as follows:

Economic Development Unit Projects	\$15,000
City/Regional Marketing Plan	\$34,000
Albany Business Centre	\$11,000
Albany Convention Bureau	\$15,000

7. It is proposed in this report that the Economic Development Unit has delegated authority to expend the funds allocated within the City's Economic Development budget allocation. While most of the economic development projects are determined in the budget process, the delegation of authority allows the Economic Development Unit to act promptly to initiatives, needs and projects relevant to economic development, with a limit of \$15,000 on these discretionary projects in the draft Budget in 1999/2000.

### **STRATEGIC PLAN IMPLICATIONS**

8. The City of Albany's Strategic Plan is based around the vision that:

*“Albany will be the best regional city in which to live, work, invest and visit. It will be renowned for its lifestyle, outstanding natural beauty, heritage, friendliness and thriving, rural and urban economy.”*

9. An extract of the City of Albany's Mission states:

*“Through strong leadership and consultation, we will serve and respond to the needs of our community by:  
Working to ensure Albany has a thriving and diverse urban and rural economy.”*

10. The City's Economic Development Goal aims to:

*“Contribute to the creation of a positive climate of sustainable economic development which is compatible with the lifestyle and environment our citizens enjoy.”*

Item 15.3.2 continued

11. The City of Albany's Strategic Plan sets out 14 individual economic development objectives with supporting strategies which are grouped within the key areas of:

- Industry and Commerce
- Role as a Regional Centre
- Tourism and Special Events
- Primary Production.

**COMMENT/DISCUSSION**

12. It is recommended that Council establishes the Economic Development Unit as a relatively compact, decision-making unit, led by the City, however, it should be supplemented with key individuals with a high level of skill and experience in economic development.

13. The following individuals are listed as meeting the above criteria, and it is suggested they be invited to form the Economic Development Unit, as a committee of Council:

- Her Worship The Mayor, Alison Goode
- Two Councillors
- Chief Executive Officer – Andrew Hammond
- Executive Director Strategic Planning – Rob Jefferies
- Mr Bruce Sutherland
- Mr John Simpson
- Mr Chris Probert
- Mr Bob Emery
- Mr Bob Mason

14. In addition to the above it is suggested that the City actively progress its "partnership programme" which is already seeing a number of joint economic development initiatives and projects being progressed. To achieve this and to facilitate a united approach to economic development, it is recommended that the City of Albany Economic Development Unit also convenes regular (say each 6 months) Economic Forums.

15. This would involve the following suggested parties:

- Albany Chamber of Commerce and Industry
- Great Southern Development Commission
- Western Australian Tourism Commission
- Albany Port Authority
- Southern Province – Projects Group
- Area Consultative Committee for the region
- Services sector representative (eg Banking)
- Southern Regional Tourism Association
- Retail sector representative

Item 15.3.2 continued

- Agricultural industry representative
- Viticulture sector representative
- Transport sector representative
- All local Members of Parliament
- Representatives of Shires of Denmark, Plantagenet, Gnowangerup and Jerramungup
- Albany City Heart
- Manufacturing sector representative
- Information Technology sector representative
- University of Western Australia – representative
- Fisheries and Aquaculture sector representative
- Main Roads representative
- Department of Transport representative
- Albany Business Centre representative
- Ministry for Planning representative

together with the City of Albany Economic Development Unit.

RECOMMENDATION

THAT Council:

1. forms the City of Albany Economic Development Unit, as a committee of Council to assist the Council and to exercise the powers and to discharge the duties of the local government as set out in the City of Albany, Economic Development Unit Terms of Reference attached to this report;
2. approves and invites the following persons to constitute the Economic Development Unit committee:
  - Her Worship The Mayor, Alison Goode
  - Two Councillors \_\_\_\_\_ and \_\_\_\_\_
  - Chief Executive Officer – Andrew Hammond
  - Executive Director Strategic Planning – Rob Jefferies
  - Mr Bruce Sutherland
  - Mr John Simpson
  - Mr Chris Probert
  - Mr Bob Emery
  - Mr Bob Mason; and
3. approves that the Economic Development Unit has delegated authority to expend funds allocated within the City of Albany’s Budget for Economic Development.

*Voting Requirement Absolute Majority*

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Item 15.3.2. continued.

Councillor Wilson advised he wished to suggest an amendment to the above recommendation, as he did not agree non-Council bodies should be involved in voting on decisions related to use of Council funds. He proposed an amendment which provided for an increase in Elected Member representation from two to four, and the Mayor and four Councillors to have voting rights, with all other members to be non-voting.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVANS**

**THAT Council:**

- 1. forms the City of Albany Economic Development Unit, as a committee of Council to assist the Council and to exercise the powers and to discharge the duties of the local government as set out in the City of Albany, Economic Development Unit Terms of Reference attached to this report;**
- 2. approves - (voting)**
  - Her Worship The Mayor, Alison Goode**
  - Four Councillors – Councillors Dufty, Cecil, Walker and Wilson****appoints - (non-voting)**
  - Chief Executive Officer – Andrew Hammond**
  - Executive Director Strategic Planning – Rob Jefferies****invites – (non-voting)**
  - Mr Bruce Sutherland**
  - Mr John Simpson**
  - Mr Chris Probert**
  - Mr Bob Emery**
  - Mr Bob Mason**
  - Mr Michael Pemberton; and**
- 3. approves that the Economic Development Unit has delegated authority to expend funds allocated within the City of Albany’s Budget for Economic Development.**

**MOTION CARRIED 13 – 0  
ABSOLUTE MAJORITY**

**CITY OF ALBANY**  
**ECONOMIC DEVELOPMENT UNIT**  
**TERMS OF REFERENCE**

**1. Name**

The name of the Committee shall be the City of Albany Economic Development Unit, hereafter referred to as “the Committee”.

**2. Purpose**

- To better inform Council on the needs of economic and regional development.
- To provide an avenue of communication/consultation between Council and business, industry and economic development agencies.
- To avoid duplication and make maximal use of any resources to enhance the economic well-being of Albany and the Great Southern.
- To guide the economic development initiatives and projects undertaken by the City of Albany.
- To facilitate the achievement of the goals, objectives and strategies identified by the City of Albany’s Strategic Plan identified for economic development in the region.

**3. Terms of Reference**

The Committee shall:

- i) Advise the Council on the economic needs within the City of Albany and Great Southern Region
- ii) Act as a consultation forum between Council, industry and relevant economic development organisations
- iii) Advise the Council on ways to generate and promote ideas for the establishment of sustainable economic development in the region
- iv) Deal with matters referred to it by the Council from time to time
- v) Deal with matters referred to it by other sections of the community
- vi) Approve and guide economic development initiatives, studies and projects
- vii) Assist in achievement of the City of Albany’s economic goals, objectives and strategies as identified in the City’s Strategic Plan, which may be amended by Council from time to time.

**4. Members**

The Committee shall be established by the Council in accordance with Section 5.8 of the Local Government Act 1995. All members of the Committee will be appointed by Council in accordance with Section 5.10 of the Act.

2.

The Committee shall comprise 10 Committee members consisting of the following:

- The Mayor or a Councillor
- 2 elected representatives of Council
- 2 City of Albany officers
- 5 representatives of the community, industry or government agencies, involved in economic development activities.

**5. Meetings**

The Committee shall meet every six weeks or more frequently as required.

**6. Deputations**

The Committee may invite any person or organisation to attend any meetings, but such persons shall not be entitled to vote on any decision arising from such meetings.

**7. Sub-Committee**

The Committee may appoint a sub-committee to carry out a particular task. A sub-committee shall not exercise a power or perform a duty without the prior approval of the Committee.

**8. Quorum**

The Quorum for a meeting of the Committee shall be five members present.

**9. Voting**

Each member, including the Chairperson, who is present at the meeting shall be entitled to one vote.

If the vote of members present are equally divided, the Chairperson may cast a second vote.

**10. Minutes**

The Committee shall keep detailed minutes of all business transacted at its meetings.

A copy of the Minutes shall be presented to Council and all Committee members within 21 days of the meeting.

Minutes of all Committee meetings shall be permanently affixed to a minute book and shall be signed by the Chairperson of the meeting at which they were confirmed.



3.

### **11. Terms of Appointment**

All terms of office shall be 12 months.

Members may be appointed for consecutive terms pending ratification by Council.

If a member fails to attend three consecutive meetings of the Committee his or her appointment shall be automatically terminated, unless leave of absence has been granted.

### **12. Vacancies**

In the event of a resignation of a community representative the Committee may nominate a replacement to fill the vacancy for the remainder of the normal term. Any such nominations to be ratified by Council.

### **13. Council Appointment of Committee**

The Committee shall forward to the Council a list of names for appointment, in accordance with Section 5.10 of the Local Government Act 1995.

**15.4 STRATEGIC PLANNING**

Nil.

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## **12.0 DEVELOPMENT SERVICES**

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### **- I N D E X -**

#### **12.1 DEVELOPMENT**

- 12.1.1 Proposed Restricted Premises (Barbarellas) – Sanford Road, Centennial Park
- 12.1.2 Adoption of Amended Outbuilding Guidelines
- 12.1.3 Rezoning - Location 492 Lancaster Road, McKail
- 12.1.4 Parking Requirement - Redevelopment of Club 1912 Nightclub
- 12.1.5 Final Approval- Rezoning - Lot 316 (39-41) Cockburn Road
- 12.1.6 Rezoning - Lot 7, Location 416 Nanarup Road, Nanarup
- 12.1.7 Proposed Chalets – Racecourse Road, Robinson
- 12.1.8 Re-zoning Request – Lot 24 Link Road, McKail
- 12.1.9 Land Clearing - Lot 2 Location 393 Frenchman Bay Road, Big Grove
- 12.1.10 Proposed Town Planning Scheme Policy – Cosy Corner Chalets
- 12.1.11 Request to Attend National Conference
- 12.1.12 Ring Road – Public Meeting Resolutions
- 12.1.13 Special Residential Zone – Rocky Crossing Road, Warrenup
- 12.1.14 Delegation of Authority – Development Services Team
- 12.1.15 Albany Foreshore Redevelopment Project
- 12.1.16 Rezoning – Lots 104, 105, 106, 108 & Pt Location 384 Richard Street, Milpara
- 12.1.17 Rezoning - Bushby/Bon Accord/Prideaux Roads, Lower King

#### **12.2 EDUCATION & COMPLIANCE**

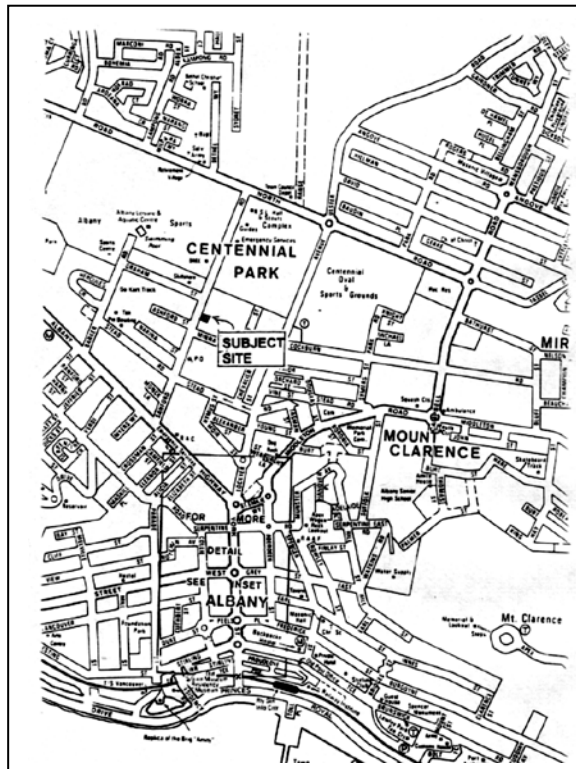
- 12.2.1 Withdrawal of a Notice Issued Under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960.

## - R E P O R T S -

### 12.1 DEVELOPMENT

#### 12.1.1 Proposed Restricted Premises (Barbarellas) – Sanford Road, Centennial Park

<b>File/Ward</b>	:	A131342	( Frederickstown Ward)
<b>Proposal/Issue</b>	:	Restricted Premises (Barbarellas Retail Store)	
<b>Subject Land/Locality</b>	:	Lot 200 (42A) Sanford Road, Centennial Park.	
<b>Proponent</b>	:	Barbarellas Australia Pty Ltd	
<b>Owner</b>	:	GJ Manley	
<b>Reporting Officer(s)</b>	:	Planning Officer (C Pursey) & Executive Director Development Services (R Fenn)	
<b>Previous Reference</b>	:	N/A	
<b>Summary Recommendation:</b>		Issue a conditional Planning Scheme Consent.	
<b>Locality Plan</b>	:		



Item 12.1.1 continued

## **BACKGROUND**

1. An application has been received from Barbarellas Australia Pty Ltd to develop a Restricted Premises (Barbarellas retail store) within an existing tenancy at Lot 200 (42A) Sanford Road, Centennial Park. The premises were previously used as the White Elephant Second Hand Store.
2. The applicant proposes to retail lingerie, restricted publications and a range of adult products from the premises. The use is purely retail and is distinguished from other retail uses only by the nature of the merchandise sold.
3. The applicant has stated that the store will be divided into three separate sections as follows:
  - (a) the window displays to only consist of lingerie;
  - (b) the front portion of the store will display clothing; and
  - (c) the rear portion will stock restricted publications and adult products. This portion of the store will be separated from the front by the service counter and a sign clearly warning patrons that they are entering a "restricted area".A copy of the applicant's covering letter and plans follow this report.
4. Lot 200 Sanford Road is 2048m<sup>2</sup> in area and zoned 'Industry'. A 'Restricted Premises' is an 'AA' use under Town Planning Scheme 1A, which is a use that is not permitted unless special consent is granted by Council.
5. The application was advertised for a period of twenty-one days, closing on the 27 July 1999. During this time a total of 81 written submissions and two petitions were received. Of these 42 were in opposition and 39 supported the proposal. The two petitions both opposed the proposal and contained a total of 563 signatures against, one in favour and one obviously fake name. Copies of the submissions have been distributed independently to Councillors.
6. The issues raised by the opposing submissions can be summarised as follows:
  - The location is inappropriate as children and young people may use this road for access to schools, the post office, sport and leisure facilities and other sites.
  - The use will detract from the quality of shops in the area by its presence and by creating a precedent for similar sorts of shops to locate in this area.
  - The approval of a Restricted Premises at this location will set a precedent for stores to open in the Central Area.
  - The use is morally offensive.
  - Detrimentially effect future development of Sanford Road.
  - If approved it is requested that there be no window displays.

Item 12.1.1 continued

7. The supporting submissions are mostly in the form of a standard letter. The issues raised by the supporting submissions can be summarised as follows:
  - The business is not near a school, nor along any road that is frequented by minors not under supervision.
  - The exterior of the store will not display any objectionable material and will appear similar to stores such as 'Satin and Lace' in York Street from the outside.
  - Much of the material sold is already available through various means.

## **STATUTORY REQUIREMENTS**

8. Restricted Premises are defined in Town Planning Scheme 1A as *“any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:*
  - (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 or*
  - (b) materials, compounds, preparations, or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;”*
9. This definition was introduced into Town Planning Scheme 1A in 1990. The provisions of the scheme restrict this land use class to the 'Industry' zone; it is a 'prohibited' land use in all other zones. The land use is then further restricted by a policy which was adopted on the 19<sup>th</sup> December 1989 pursuant to the scheme. This policy states that restricted premises will not be supported on any "Industrial" zoned land with frontage to Lockyer Avenue or Barker Road. A copy of the policy also follows this report.
10. Section 7.8 of Scheme 1A sets out the matters that Council shall take into consideration when making its decision on an application for planning consent. Included in the list is:
  - (a) the provisions of the scheme .....affecting the land the subject of the application;*
  - (c) any policy adopted by Council for the development of the locality, zone and or use;*
  - (i) any submissions received by the Council including representations made by any public or statutory authority;*
  - (k) any other matters the Council considers relevant.*

## **POLICY IMPLICATIONS**

11. Refer to comments above.

## **FINANCIAL IMPLICATIONS**

Nil.

Item 12.1.1 continued

## **STRATEGIC PLAN IMPLICATIONS**

Nil.

## **COMMENT/DISCUSSION**

12. In considering this application, Council assumes the role of a “*responsible authority*” for the enforcement of the observance of the scheme (Section 2) pursuant to the Town Planning and Development Act. Detailed above are matters which Council shall take into consideration when determining this application. The proposed land use is legal under WA laws and the products sold are controlled by independent state legislation.
13. Section 8(2)(c) of the Planning Act states that *provisions shall be inserted in every town planning scheme to deal with any special circumstances or contingencies for which adequate provision is not made by the general provisions.* Research by officers has revealed that the Restricted Premises policy, plus the scheme amendment which introduced the land use class of ‘Restricted Premises’ into Town Planning Scheme 1A, were initiated in late 1989 and early 1990. The possibility that a ‘sex shop’ could come to Albany lead to a public meeting in 1989 which is reported to have attracted 800 people. Community concern prompted the Council at that time to introduce the current controls; it would appear that a policy of containment was considered more appropriate than either ignoring the land use or leaving it up to the appeals system to determine such applications.
14. The use is a retail activity, however it falls within the definition of a ‘Restricted Premises’ due to the nature of the merchandise to be sold. Town Planning Scheme 1A limits the land use to the ‘Industry’ zone only. Town Planning Scheme 1A also requires that parking be provided at the rate of 1 bay per 20m<sup>2</sup> gross floor area, thereby establishing a parking requirement of 9 car bays. The application meets the statutory requirements of the scheme.
15. Council’s “Restricted Premises” policy limits the location of the proposed use to the Industry zone and seeks to prevent the use on those lots facing either Lockyer Avenue or Barker Road. The subject lot is on neither road and the application meets the requirements of this policy.
16. The control of public morality and the censorship of materials sold to the public is not a town planning function. The use is legal and involves the retailing of lingerie, restricted publications and a range of adult products; in the metropolitan and regional areas, Restricted Premises are, for the purpose of planning, treated as retail uses and located in central business districts, adjacent to other retail activities.
17. Individuals may consider the proposed land use to be morally offensive. Moral issues are irrelevant to the consideration of this proposal under the Scheme as a previous Council has established Restricted Premises as a legitimate land use within the area affected by Scheme 1A.

Item 12.1.1 continued

RECOMMENDATION

THAT Council resolves, pursuant to the City of Albany Town Planning Scheme 1A, to grant conditional Planning Scheme Consent for a Restricted Premises (Barbarellas Store) at Lot 200 (42A) Sanford Road, Centennial Park. The conditions are to include, but not be limited to:

- (i) No merchandise controlled by the Indecent Publications and Articles Act 1902 is to be visible from the exterior of the approved premises;
- (ii) Appropriate signage is to be erected in a prominent location which clearly warns that it is illegal for persons between the age of two and eighteen to enter that part of the premises where merchandise controlled by the Indecent Publications and Articles Act 1902 are displayed or visible; and
- (iii) A sign being erected warning patrons who are likely to be offended by things of a sexual nature not to enter the premises.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR BAIN**

**THAT Council resolves, pursuant to the City of Albany Town Planning Scheme 1A, to grant conditional Planning Scheme Consent for a Restricted Premises (Barbarellas Store) at Lot 200 (42A) Sanford Road, Centennial Park. The conditions are to include, but not be limited to:**

- (i) No merchandise controlled by the Indecent Publications and Articles Act 1902 is to be visible from the exterior of the approved premises;**
- (ii) Appropriate signage is to be erected in a prominent location which clearly warns that it is illegal for persons between the age of two and eighteen to enter that part of the premises where merchandise controlled by the Indecent Publications and Articles Act 1902 are displayed or visible; and**
- (iii) A sign being erected warning patrons who are likely to be offended by things of a sexual nature not to enter the premises.**

**MOTION CARRIED 9 – 4**

*Councillors Williams and Dufty requested their votes  
against the motion be recorded in the minutes.*



Barbarellas Australia Pty Ltd.,  
Unit 1, 13 Townsend Street,  
MALAGA WA 6062



Telephone : 9248 9666  
Facsimile : 9248 9566  
email headoffice@barbarellas.com.au

RAS:mt

Craig Pursey  
Planning Officer  
City of Albany  
Administration Offices  
PO BOX 484  
ALBANY WA 6331

CITY OF ALBANY RECEIVED		
- 9 JUL 1999		
FILE A131342	CORRO No. 9911180	OFFICER PLAN1
REPLY Y(N)	ACKNOW SENT / /	CNL/BLTN

Re: APPLICATION TO OPERATE A RESTRICTED PREMISES  
AT 42A SANFORD ROAD, CENTENNIAL PARK

Dear Mr Pursey,

In support of our application, I would point out that the window display would always consist of lingerie only, tastefully displayed on mannequins.

As such, no person passing the store would be offended in any way.

Once inside the store, you enter the clothing section and after passing the mandatory warning sign which reads "IF YOU ARE LIKELY TO BE OFFENDED BY THINGS OF A SEXUAL NATURE, DO NOT ENTER. NO PERSONS BETWEEN THE AGE OF 2 YEARS - AND 18 YEARS OLD ALLOWED ON PREMISES" you are then in the Adult toy area (vibrators) with the publications and videos being at the rear of the store.

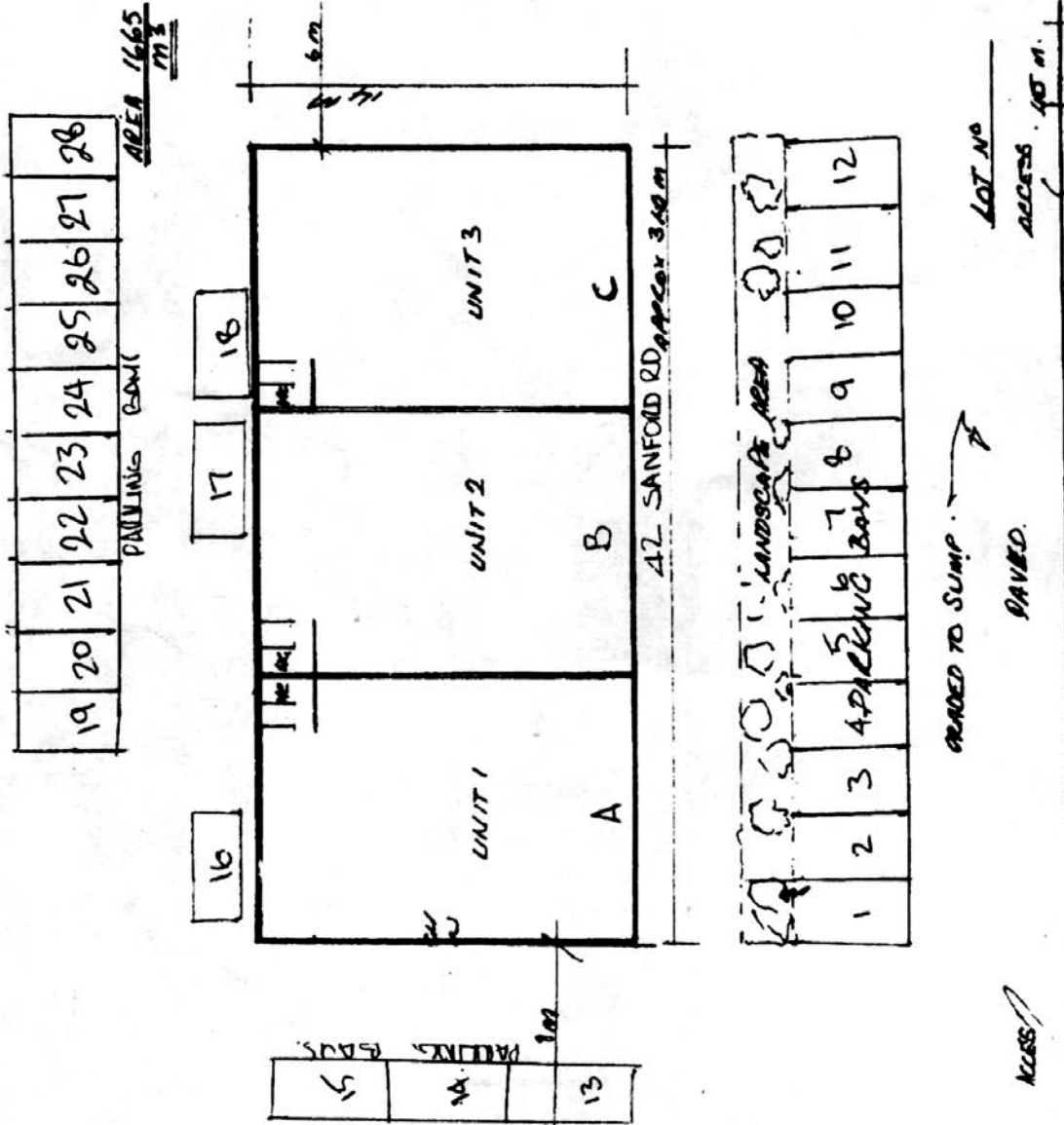
All publications are submitted to the West Australian Classification Board for approval.

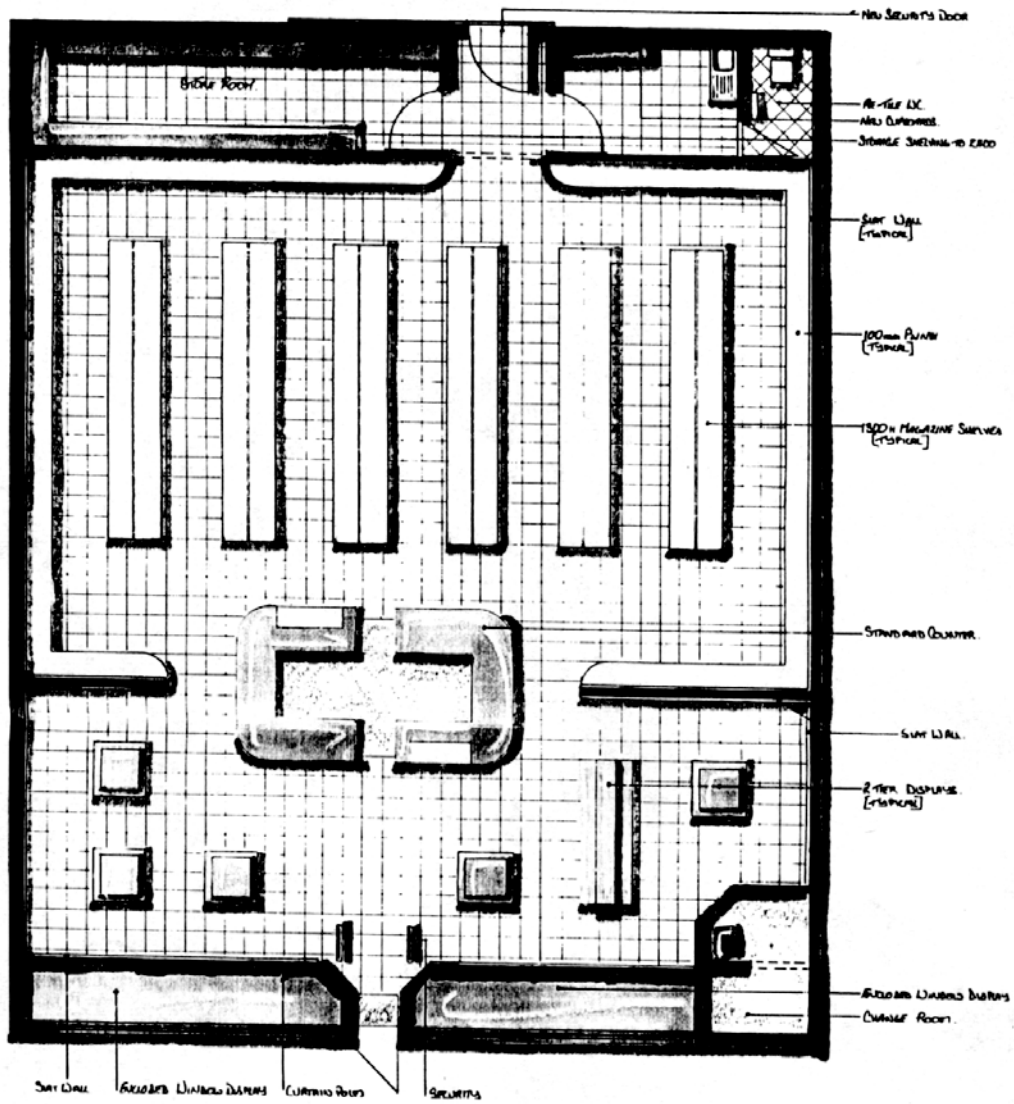
Should the council wish me to attend any meeting, then please contact me with date and time.

Yours sincerely,

R A SMITH  
MANAGING DIRECTOR







FLOOR PLAN

**PLANNING**

**POLICY TITLE : TOWN PLANNING SCHEME - RESTRICTED PREMISES**

**COUNCIL REFERENCE : ITEM 7.13.8 CPC 12/12/89**

**Definition -**

**Restricted Premises:** means any premises part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

- (a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902-1983; or
- (b) material compounds, preparations, or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activities;

**STATEMENT**

**THAT**

In view of public concern that restricted premises could be detrimental to the values of adjacent properties, likely to attract undesirable elements and possibly pose a danger to children, Council shall restrict such uses to the Industrial Zone. Further, restricted premises will not be supported on industrial land with frontage to Lockyer Avenue or Barker Rd.

Amended 8 August 1990  
June 1995

### 12.1.2 Adoption of Amended Outbuilding Guidelines

<b>File</b>	:	STR018
<b>Proposal/Issue</b>	:	Proposed adoption of the amendments to the Outbuilding Development Guidelines
<b>Reporting Officer</b>	:	Planning Officer (C Pursey)
<b>Previous Reference</b>	:	Council 9 Sept 1998 Item 12.1.5 Council 27 Jan 1999 Item 12.1.10 Council 12 May 1999 Item 12.1.1 Council 22 June 1999 Item 12.1.6
<b>Summary Recommendation:</b>		Adopt the proposed development guidelines for Outbuildings

### BACKGROUND

1. At Council's meeting of 12<sup>th</sup> May 1999 a resolution was made to proceed with the advertising of amendments to the Development Guidelines for Outbuildings in both Town Planning Scheme 1A and Town Planning Scheme 3.
2. The advertising period closed on the 15 July 1999 during which time no submissions were received.
3. A copy of the amended Outbuilding Guidelines is included in the Elected Members Report/Information Bulletin.

### STATUTORY REQUIREMENTS

4. Once they are formally adopted, the amended Outbuilding Guidelines are required to be advertised publicly in accordance with clause 7.21.2 (c) of Town Planning Scheme 1A and clause 6.9.2 (c) of Town Planning Scheme 3 before they become Council planning policies.

### POLICY IMPLICATIONS

5. The amended Outbuilding Development Guidelines would replace the existing Outbuilding Development policy.

### FINANCIAL IMPLICATIONS

Nil.

### STRATEGIC PLAN IMPLICATIONS

Nil.

Item 12.1.2 continued

**COMMENT/DISCUSSION**

The amended guideline was introduced to provide greater flexibility for staff to approve reflective materials on buildings in older suburbs where amenity would not be compromised.

**RECOMMENDATION**

THAT Council,

- i) In pursuance of Clause 7.21 of the City of Albany Town Planning Scheme 1A resolves to adopt the amended Outbuilding Development Guidelines as a Town Planning Scheme policy and Council's decision be advertised accordingly; and
- ii) In pursuance of Clause 6.9.2 of the City of Albany Town Planning Scheme 3 resolves to adopt the amended Outbuilding Development Guideline as a Town Planning Scheme policy and Council's decision be advertised accordingly;

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

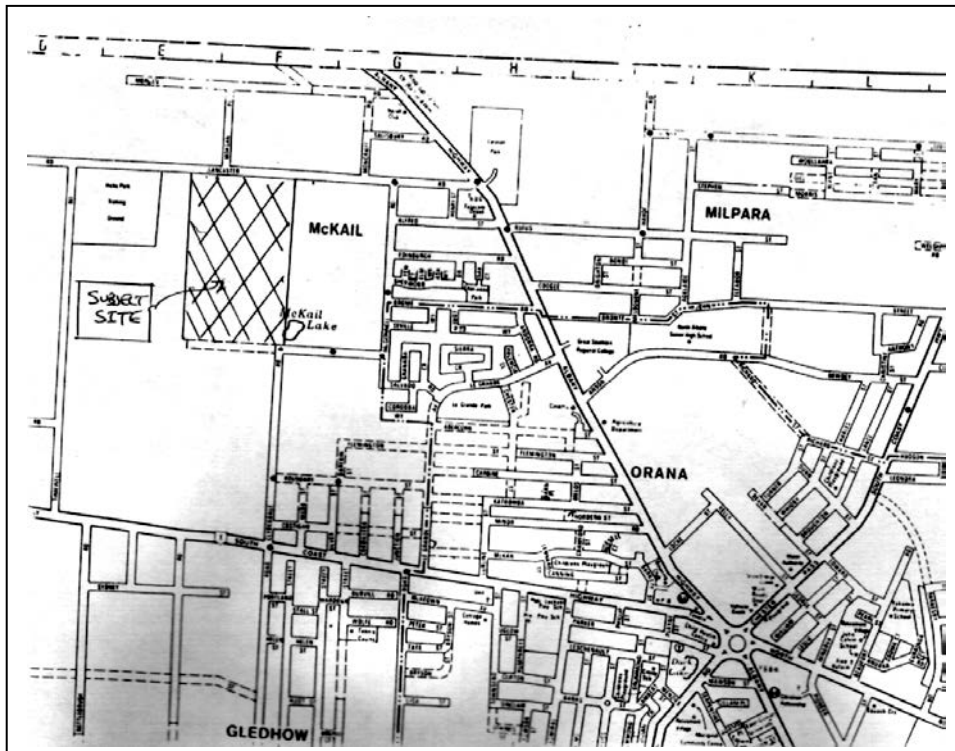
**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR LUBICH**

- i) In pursuance of Clause 7.21 of the City of Albany Town Planning Scheme 1A resolves to adopt the amended Outbuilding Development Guidelines as a Town Planning Scheme policy and Council's decision be advertised accordingly; and**
- ii) In pursuance of Clause 6.9.2 of the City of Albany Town Planning Scheme 3 resolves to adopt the amended Outbuilding Development Guideline as a Town Planning Scheme policy and Council's decision be advertised accordingly.**

**MOTION CARRIED 13 – 0**

### 12.1.3 Rezoning - Location 492 Lancaster Road, McKail

<b>File/Ward</b>	:	A16897A	( West Ward)
<b>Proposal/Issue</b>	:	Rezone Location 492 Lancaster Road, McKail from Rural to Residential and Parks and Recreation.	
<b>Subject Land/Locality</b>	:	Location 492 (125) Lancaster Road, McKail	
<b>Proponent</b>	:	Ayton Taylor Burrell	
<b>Owner</b>	:	Morven Rural Developments Pty Ltd	
<b>Reporting Officer(s)</b>	:	Planning Officer (C Pursey)	
<b>Previous Reference</b>	:	Cncl 28 April 1999 Item 12.1.1	
<b>Summary Recommendation:</b>		Initiate Amendment with Modifications	
<b>Locality Plan</b>	:		



Item 12.1.3 continued

## **BACKGROUND**

1. Council is requested to amend Town Planning Scheme 3 by rezoning Location 492 Lancaster Road, McKail from 'Rural' to 'Residential' and 'Parks and Recreation'.
2. Council considered a Scheme Amendment Request covering the subject site and the two lots to the south, Lots 1 and 2 South Coast Highway, at its meeting of 28<sup>th</sup> April 1999. At this meeting Council resolved as follows:

*“THAT Council, resolves to advise the proponent that it is prepared to receive amending documents for the purpose of initiating an amendment to TPS 3 to rezone Location 492 Lancaster Road, and Lots 1 and 2 South Coast Highway, McKail, consistent with the McKail Local Structure Plan.”*

3. The proponent has advised that separate documentation for the rezoning of Lots 1 and 2 South Coast Highway will be forwarded to Council shortly.
4. Council has received the Scheme Amendment document and the proponent seeks approval from Council to initiate the rezoning.
5. A copy of the Scheme Amendment documents is included in the Elected Members Report/Information Bulletin.

## **STATUTORY REQUIREMENTS**

6. Although Council previously considered the amendment “in principle”, it is now required to initiate the rezoning.
7. The documents are then forwarded to the Department of Environmental Protection for their input into the Scheme Amendment process. Then they are advertised for 42 days for public comment.

## **POLICY IMPLICATIONS**

8. It is suggested that a policy be drafted prior to the gazettal of the amendment to introduce the Residential Planning Codes of WA as development standards for housing in the McKail Structure Plan area, see below.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC PLAN IMPLICATIONS**

Nil.



Item 12.1.3 continued

### COMMENT/DISCUSSION

9. The documents meet the requirements of Council's previous resolution and are considered to be generally of an acceptable standard. However, two issues have been identified that require clarification prior to the documents being referred to the Department of Environmental Protection. These are issues of vegetation identification, retention and planting and the density of housing development for the locality.

#### 10. Vegetation

The documents identify vegetation that requires retention, trees that require removal and areas to be re-vegetated within the subject site and *recommends* that action be taken at the subdivision stage of development.

It is suggested that a modification to the documents be made stating that Council will seek, as a condition of subdivision, that a landscape plan be formulated and implemented, which identifies vegetation worthy of retention, vegetation which can be removed and areas which require revegetation for various reasons throughout the subject site.

This would further clarify the developer's responsibilities at the time of subdivision in regard to the landscaping of the public places within the subject site.

#### 11. Density of Housing Area

The amendment documents state in regard to proposed development:

*"The R20 density code will apply to the majority of the site, with a pocket of R30 density in the south east corner".*

12. This is in accordance with statements made in the McKail Structure Plan which recommend that housing within the study area should generally be developed at the 'R20' density with pockets of R30 and R40 (higher densities) near specific sites. The R20 code equates to a minimum lot size of 450m<sup>2</sup> and an average of 500m<sup>2</sup> under the Residential Planning Codes of WA.

13. Town Planning Scheme 3, which covers the subject area, has not adopted the Residential Planning Codes of WA as the standard for residential development and does not recognise the R20, 30 or 40 densities or any other provision of the codes. Town Planning Scheme 3 requires a minimum lot size of 680m<sup>2</sup> for 'Residential' zoned land connected to deep sewerage.

14. This situation creates uncertainty as to how the densities recommended in the McKail Structure Plan are to be implemented at both the subdivision stage and in the later development of housing.

Item 12.1.3 continued

15. Subdivision

The McKail Structure Plan has been adopted by Council and the Western Australian Planning Commission as the plan for the future development of a portion of the suburb of McKail. It is recommended that the future subdivision of lots be permitted at the recommended densities.

16. In order to achieve these densities without the Residential Planning Codes of WA being adopted, Clause 5.13 of Town Planning Scheme 3 would need to be applied. This clause allows for the relaxation of any provision of the Scheme given justification against certain criteria.

17. How the density codes from the Residential Planning Codes of WA are to be applied to a locality or portion of a lot within the area covered by Town Planning Scheme 3 needs to be further explained in the documents to avoid future confusion at the subdivision stage.

18. Housing Development Standards

The McKail Structure Plan recommends the development of the locality using the R20, R30 and R40 densities. Town Planning Scheme 3 standards for the development of housing do not recognise these densities. Setback requirements in Scheme 3 are generally greater than those required by the Residential Planning Codes of WA. The minimum lot size established in Town Planning Scheme 3 is also greater. If lot sizes are to be reduced in this proposal, housing development standards will also have to be amended at some time.

19. To achieve this change a separate policy could be generated for the McKail Structure Plan area establishing setbacks and requirements similar to those established in the R-Codes.

20. This would provide more clarity to both future developers and staff when assessing housing applications in the McKail Structure Plan area.

RECOMMENDATION

THAT Council;

1. In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), amends the City of Albany Town Planning Scheme 3 by:

“Rezoning Location 492 Lancaster Road, McKail from the Rural zone to the Residential zone and Parks and Recreation reserve (non-restricted)”.

2. Requires the following modifications to be made to the documents for Amendment 204 to the satisfaction of the Executive Director of Development Services prior to referring the documents to the Department of Environmental Protection:

Item 12.1.3 continued

- i) Reference being made in the documents that Council will request as a condition of subdivision approval a landscape plan to be formulated and implemented which identifies vegetation worthy of retention, that vegetation which can be removed and areas which require re-vegetating on the subject site; and
  - ii) Further explanation on why the 'R20' and 'R30' standards of development are to be used as the basis for determining lot size within the subject area.
3. Draft policy that introduces the Residential Planning Codes of WA standards for the development of housing in the McKail Structure Plan area.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR ARMSTRONG**

**THAT Council;**

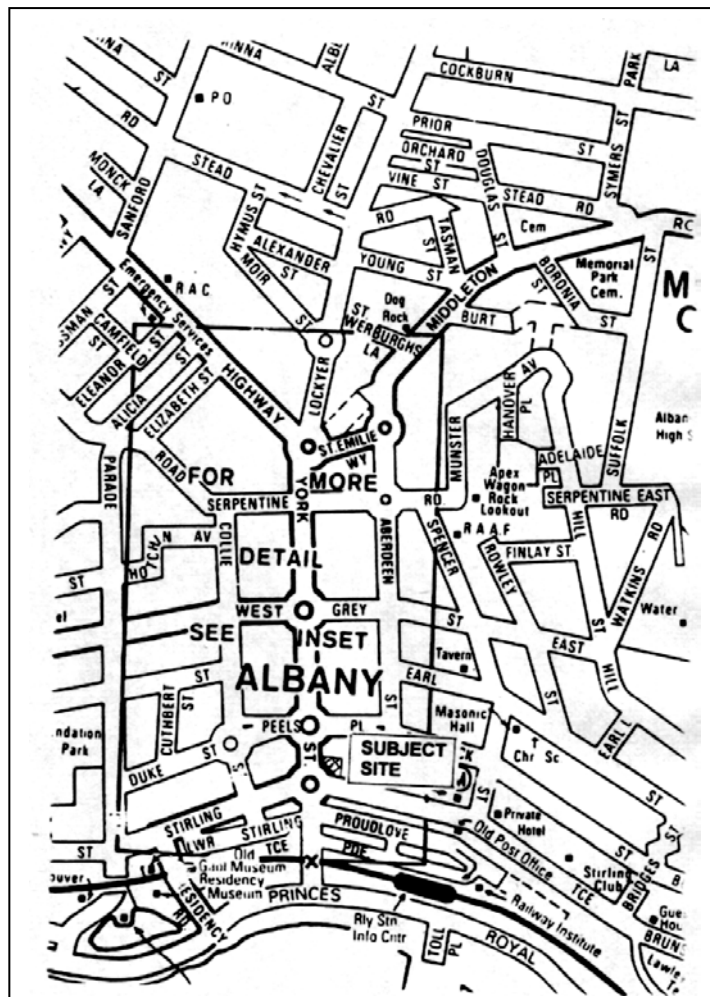
- 1. In pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), amends the City of Albany Town Planning Scheme 3 by:**  
  
**“Rezoning Location 492 Lancaster Road, McKail from the Rural zone to the Residential zone and Parks and Recreation reserve (non-restricted)”.**
- 2. Requires the following modifications to be made to the documents for Amendment 204 to the satisfaction of the Executive Director of Development Services prior to referring the documents to the Department of Environmental Protection:**
  - i) Reference being made in the documents that Council will request as a condition of subdivision approval a landscape plan to be formulated and implemented which identifies vegetation worthy of retention, that vegetation which can be removed and areas which require re-vegetating on the subject site; and**
  - ii) Further explanation on why the 'R20' and 'R30' standards of development are to be used as the basis for determining lot size within the subject area.**
- 3. Draft policy that introduces the Residential Planning Codes of WA standards for the development of housing in the McKail Structure Plan area.**

**MOTION CARRIED 13 – 0**

**12.1.4 Parking Requirement - Redevelopment of Club 1912 Nightclub**

- File/Ward** : A74192 ( Frederickstown Ward)
- Proposal/Issue** : To determine how the additional parking requirement for proposed redevelopment of Club 1912 nightclub is to be met.
- Subject Land/Locality** : Location TS31 (146-152) Stirling Terrace, Albany
- Proponent** : Danielle Nominees Pty Ltd
- Owner** : Danielle Nominees Pty Ltd
- Reporting Officer(s)** : Planning Officer (C Pursey)
- Previous Reference** : N/A
- Summary Recommendation:** Approve the location of eight parking bays on a nearby site.

**Locality Plan** :



Item 12.1.4 continued

## **BACKGROUND**

1. Council has received an application for the redevelopment of the existing nightclub on Location TS31 (146-152) Stirling Terrace, Albany. The proposal involves creating a second floor through the existing structure. The nightclub will then locate in this new floor space and the ground floor will be redeveloped into separate retail or office tenancies. A copy of this application is in the Elected Members Report/Information Bulletin.
2. Shops and Offices are land uses that are a 'Permitted Use' in Town Planning Scheme 1A, a Nightclub is an existing land use on the site. The majority of this application could therefore be assessed at officer level under delegated authority. However, as part of this application for Planning Scheme Consent, Council is being asked to consider allowing the additional parking requirement generated by the redevelopment to be met on Lot 1 Location 1390 Lower Stirling Terrace, Albany (Lionetti's Emporium).
3. Council adopted Guidelines for the assessment of off-site, verge and cash-in-lieu carparking proposals (The Guidelines) as a town planning scheme policy at its meeting of 22<sup>nd</sup> July 1998 following a twenty one day advertising period. The Guidelines were generated in recognition of the increasing number of development proposals in the Central Area and Middleton Beach areas and the limited opportunity in many cases to provide parking on-site in these localities.
4. The Guidelines have not been previously applied and staff bring the parking aspect of the development before Council to ensure there is universal acceptance of the outcome. A copy of the guidelines follow this report.
5. The change of use on the ground floor generates no additional requirement for parking bays as the floor area is not to be increased. The ratio of floor space to parking bays required is the same for retail and offices as it is for a nightclub land use.
6. The provision of the second floor is proposed. This space will generate the requirement for additional parking as it is additional floor space within the building. The land use for the second floor is proposed to be the nightclub.
7. The proposed internal alterations create an additional 290m<sup>2</sup> giving rise to an additional parking requirement of 8 parking bays.

## **STATUTORY REQUIREMENTS**

8. Any arrangement to allow a carparking shortfall to be met through providing carparking on an adjoining or nearby site is to be supported by a legal agreement drafted at the applicant's expense. Council should be party to this agreement to ensure that the terms of the agreement can not be altered unnecessarily or inadvertently.

Item 12.1.4 continued

### **POLICY IMPLICATIONS**

9. A copy of Council's policy follows and this application seeks to test the principles in the policy.

### **FINANCIAL IMPLICATIONS**

10. For similar projects in the past Council has requested that a cash payment in lieu of providing the required parking bays be paid. Council is then required to spend this money on providing parking bays in the Central Area. If the application of the Guidelines as requested is approved, Council will not receive the cash-in-lieu monies and will not be encumbered with the responsibility of providing additional parking bays.

### **STRATEGIC PLAN IMPLICATIONS**

Nil.

### **COMMENT/DISCUSSION**

11. The Guidelines require that a developer first explore the possibility of reducing the size of their proposal or provide the required parking on site before exploring more complex methods of providing the required number of parking bays. In this case, the nightclub building already covers most of the lot, leaving no possibility of providing additional parking on the lot.
12. The Guidelines allow one of three options to meet the parking requirements for a development. Providing parking on an adjoining site, in the road verge adjoining the site or paying cash-in-lieu for the parking bays for Council to utilise for parking in the general area.
13. The applicant has applied to utilise Clause 2.0 of The Guidelines and provide carparking on an adjoining or nearby site. This clause sets out nine criteria for a development to satisfy. This application meets the majority of the criteria established in The Guidelines with the possible exception of Clause 2.4.
14. Clause 2.4 of the Guidelines reads as follows:

2.4 *The site on which carparking is being provided must generally be separated by a distance of no more than 50 metres (via the road reserve or other accessible land, be it public or private) from the site where the development is taking place if the carparking is dedicated to any other use*

Item 12.1.4 continued

15. The nightclub building and Lionetti's Emporium are 45m apart as the crow flies. However, the distance when walking is at least 80m from the parking bays to the entrance to the nightclub due to the steep bank between the two sites. In support of the application, the Guidelines state that the car park must *generally* be separated by a distance of no more than 50 metres. Additionally the parking bays are in the immediate vicinity of the nightclub and it does not seem unreasonable for people to be expected to walk this distance to access the nightclub.
16. The application meets the remainder of the relevant provisions of the Guidelines. The parking bays are not utilised by the Emporium during the hours that the nightclub operates and the owner of the parking bays at Lionetti's Emporium has written a letter stating that he is willing to enter into a legal agreement giving the nightclub use of eight parking bays.

**RECOMMENDATION**

THAT Council,

1. Apply the 'Guidelines for the assessment of off-site, verge and cash-in-lieu carparking proposals' to the redevelopment of the premises at Location TS31 (146-152) Stirling Terrace, Albany to allow the redevelopment's parking requirement to be located on a nearby lot; and
2. Require a Caveat to be lodged on the Title of Lot 1, Location 1390 Lower Stirling Terrace, Albany (Lionetti's Emporium) securing eight parking bays for the exclusive use of the nightclub at 146-152 Stirling Terrace, Albany during the hours that the Emporium is not in operation and that the Mayor be given authority to affix the common seal to the appropriate documentation.

*Voting Requirement Simple Majority*

.....  
Councillor Armstrong advised that in view of comments made during the open forum session, it was obvious the matter required further investigation, therefore he believed the matter should not be considered at this meeting.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WEST**

**THAT this item lay on the table for a period of 3 weeks and be brought forward for consideration at the next Ordinary Council Meeting on 24<sup>th</sup> August, 1999 following further investigation by Council officers.**

**MOTION CARRIED 13 – 0**





## Town Planning Scheme 1A Policy

### Guidelines for the assessment of off-site, verge and cash-in-lieu carparking proposals.

#### PREAMBLE:

Increasingly, development proposals are being lodged with Council in which the amount of carparking to be provided on the site is not sufficient to meet the expected carparking demand generated by the site. Similarly, there are some existing developed sites for which insufficient carparking is available to meet current demand and the owners and/or occupiers of the land are investigating ways of providing more carparking for the site (these sites were generally developed prior to the introduction of town planning controls).

Any one of the options outlined below, or a combination of two or more of them can potentially help in the resolution of this issue:

- i) reduce the size of the development on the site;
- ii) provide more carparking on site;
- iii) provide additional carparking on an adjoining or nearby site;
- iv) utilise the verge area adjoining the site for carparking;
- v) make a cash payment to Council to cover the carparking shortfall and Council set that money aside for the provision of public carparking facilities in the locality in the future (cash-in-lieu carparking).

Whilst options (i) & (ii) above should generally be looked at first in all cases, there are a number of situations in which there may be planning merit in exploring one or more of the other three options.

#### OBJECTIVE:

To provide a framework in which proposals for off-site, verge and cash-in-lieu carparking can be assessed in a consistent manner and facilitate the approval of such proposals where appropriate.

#### POLICY:

##### 1.0) Policy Areas:

This policy shall apply to all land within the City of Albany. For the purposes of the policy the Middleton Beach and Albany Central Areas are as defined in sections 1.1 & 1.2.

- 1.1 The Middleton Beach Area is that area of Middleton Beach zoned 'Tourist Residential' in the Town of Albany Town Planning Scheme 1A (see Appendix One).
- 1.2 The Albany Central Area is that area zoned 'Central Area' in the Town of Albany Town Planning Scheme 1A (see Appendix Two).

##### 2.0) Providing carparking on an adjoining or nearby site:

Providing carparking for a development on one site on an adjoining or nearby site which forms a separate Certificate of Title (irrespective of the ownership of each site) may only be approved if it complies with the conditions outlined below-

- 2.1 The planning merit of approving the provision of carparking for a development on one site on an adjoining or nearby site is established. It should be noted that "Carpark" must be a use which can be approved by Council on the site where it is proposed to provide carparking.

- 2.2 Meeting a carparking shortfall through providing carparking on an adjoining lot should only where a boundary adjustment or lot amalgamation is not practical.
- 2.3 The site on which carparking is being provided should generally be separated by a distance of no more than 20 metres (via the road reserve or other accessible land, be it public or private) from the site where the development is taking place if the carparking is dedicated to a residential and/or holiday accommodation use.
- 2.4 The site on which carparking is being provided must generally be separated by a distance of no more than 50 metres (via the road reserve or other accessible land, be it public or private) from the site where the development is taking place if the carparking is dedicated to any other use.
- 2.5 Except where carparking is being provided on an adjoining site and adequate disabled access can be maintained, sufficient carparking for disabled persons must be provided on the site where the development is taking place.
- 2.6 The carparking area is to be designed and constructed at the applicant's expense to the satisfaction of Council and must be drained, sealed and linemarked.
- 2.7 The carparking areas are to be landscaped and constructed in accordance with the conditions of planing consent using finishes and materials (paving, kerbing etc) consistent with the surrounding streetscape or with any plan that Council may have for the redevelopment of that streetscape.
- 2.8 The required number of carparking spaces are to be exclusively available for the use of the site where the carparking shortfall exists unless the principle of 'reciprocal use' can be established (eg. A nightclub operating only at night may be able to share carparking with a shop open only during the day).
- 2.9 Any arrangement to allow a carparking shortfall to be met through providing carparking on an adjoining or nearby site is to be supported by a legal agreement drafted at the applicant's expense. Council and all affected landowners are to be parties to the agreement. Where carparking is provided on an adjoining lot then the arrangement is to be reflected through an easement registered on the title of the affected lot as well as the legal agreement.

**3.0) Use of a road verge for carparking:**

Use of the road verge for carparking may only be approved if it complies with the conditions outlined below-

- 3.1 The planning merit of approving use of the road verge for carparking is established.
- 3.2 With the exception of the Seppings Street precinct in the Middleton Beach Area or other nominated precincts verge parking should only be approved if:
  - there is an existing development for which insufficient carparking is available to meet current demand; or
  - a building of heritage significance is being redeveloped for a contemporary use and development of sufficient carparking on-site will compromise that heritage significance.
- 3.3 Use of a road verge for carparking does not reduce traffic safety.
- 3.4 The carparking areas are landscaped and constructed using finishes and materials (paving, kerbing etc) consistent with the surrounding streetscape or with any plan that Council may have for the redevelopment of that streetscape.

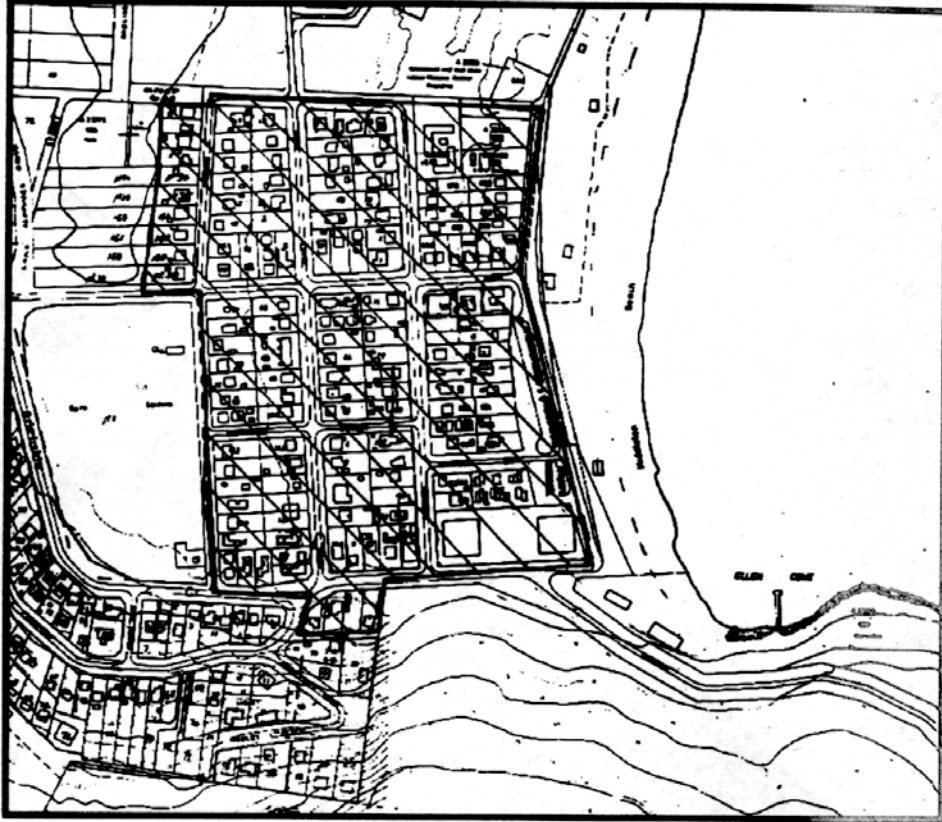
- 3.5 The carparking is designed and constructed by Council at the applicant's expense to the satisfaction of Council.
- 3.6 The applicant contributes toward the upgrading or installation of footpaths in the road verge adjoining the carparking to ensure pedestrian safety.
- 3.7 Carparking bays constructed in a road verge are directly accessible from the adjoining road (not via private property).
- 3.8 Any carparking constructed in the road verge is considered as being a general public carpark under the care and control of Council.
- 3.9 Council retains the discretion to utilise any section of the road reserve adjoining the site to construct the necessary carparking.

**4.0) Providing a cash payment in lieu of providing carparking:**

Providing a cash payment in lieu of providing carparking (referred to as 'cash-in-lieu') will only be approved if it complies with the conditions outlined below-

- 4.1 The planning merit of accepting a cash payment in lieu of providing carparking is established.
- 4.2 Providing a cash payment in lieu of providing carparking is only acceptable in the Middleton Beach or Albany Central Areas as defined in sections 1.1 & 1.2 of this policy.
- 4.3 Providing a cash payment in lieu of providing carparking is not proposed for residential or holiday accommodation uses.
- 4.4 The cost of providing a cash payment in lieu of providing carparking will be calculated on the basis of 26m<sup>2</sup> per bay and include the following elements-
  - The cost of land on the development site as determined by a licensed valuer.
  - Asphalt paving on a basecourse equivalent to a public parking area.
  - Drainage.
  - Linemarking.
  - Landscaping.
  - Lighting.

**APPENDIX ONE - MIDDLETON BEACH AREA**



**APPENDIX TWO - ALBANY CENTRAL AREA**



**12.1.5 Final Approval – Rezoning - Lot 316 (39-41) Cockburn Road, Mira Mar**

**File/Ward** : AMD117 (Frederickstown Ward)

**Proposal/Issue** : Request for Final Approval to Rezoning Request

**Subject Land/Locality** : Lot 316 (39-41) Cockburn Road, Mira Mar

**Proponent** : Smithson Planning.

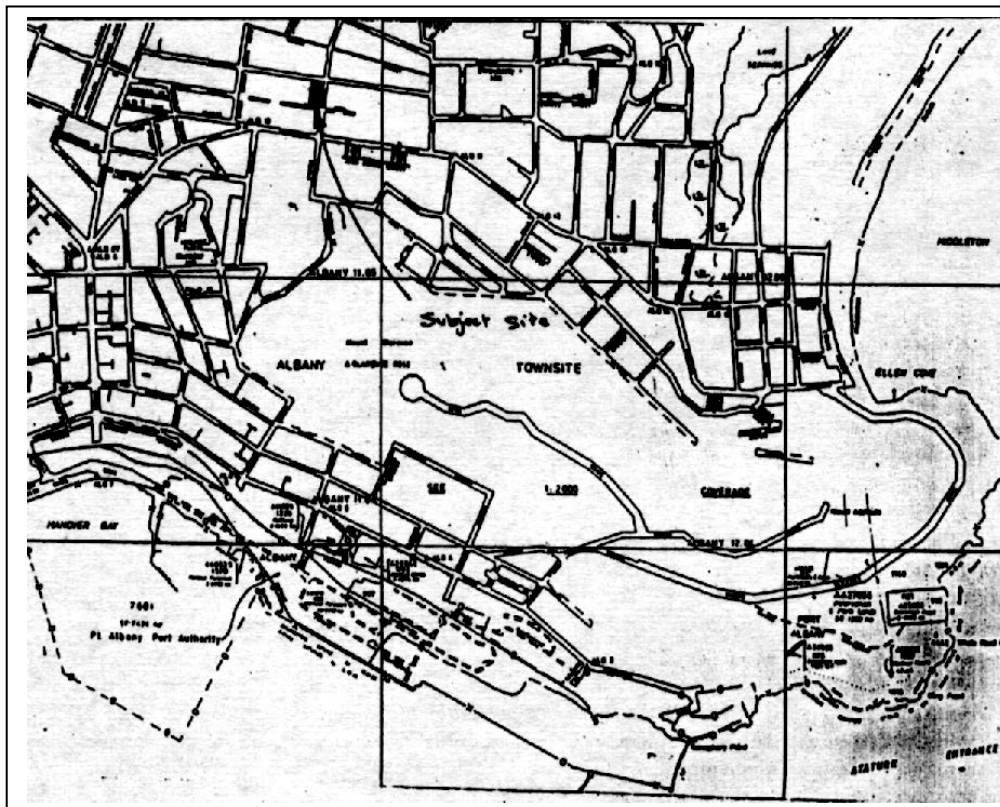
**Owner** : Ambridge Nominees Pty Ltd.

**Reporting Officer(s)** : Planning Assistant (J Roach)

**Previous Reference** : Cncl 9/9/98 Item 12.1.2  
Cncl 11/11/98 Item 12.1.1  
Cncl 10/3/99 Item 12.1.6

**Summary Recommendation:** Grant Final Approval

**Locality Plan** :



Item 12.1.5 continued

## **BACKGROUND**

1. The proposed amendment seeks to amend Town Planning Scheme 1A by rezoning Lot 316 (39-41) Cockburn Road from 'Residential' to 'Other Commercial'. The amendment documentation itself can be made available on request.
2. At its meeting on 10th March 1999 Council resolved in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) to amend Town Planning Scheme 1A by rezoning Lot 316 (39-41) Cockburn Road, Mira Mar from 'Residential' to 'Other Commercial' zone.
3. The original proposal involved rezoning the site from "Residential" to "Industrial". Following the closure of the advertising period Council resolved to seek modifications to the Scheme Amendment Report ("Industrial" to "Other Commercial") and amended documents were required which reflect this. Following this, the above response was sent to the Western Australian Planning Commission and the Minister for Planning for endorsement.

## **STATUTORY REQUIREMENTS**

4. A response to the Amendment was received from the Western Australian Planning Commission on June 18 1999. The response states:

*"it would not approve the subject Amendment until such time as Council undertakes the necessary modifications to the Amendment document in order to provide for the land to be rezoned to Other Commercial instead of the original Industry Zone."*

The Ministry for Planning also indicated that further advertising of the proposal will not be required.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC PLAN IMPLICATIONS**

Nil.

## **COMMENT/DISCUSSION**

5. Amended documents have been received to reflect the modifications as resolved by the Minister for Planning to rezone the subject site to "Other Commercial" rather than "Industrial".

Item 12.1.5 continued

RECOMMENDATION

THAT

- i) Council receive the documentation for Amendment 117 to the City of Albany Town Planning Scheme No. 1A to rezone Lot 316 (39-41) Cockburn Road, Mira Mar from 'Residential' to 'Other Commercial'
- ii) 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*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR ARMSTRONG**

**THAT**

- i) Council receive the documentation for Amendment 117 to the City of Albany Town Planning Scheme No. 1A to rezone Lot 316 (39-41) Cockburn Road, Mira Mar from 'Residential' to 'Other Commercial'**
- ii) 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**



**12.1.6 Rezoning - Lot 7, Location 416 Nanarup Road, Nanarup**

**File** : A2707 (AMD205) (Kalgan Ward)

**Proposal/Issue** : Rezone Lot 7, Location 416 Nanarup Road, Nanarup from Rural to Rural-Additional Use Site

**Subject Land/Locality** : Lot 7, Location 416 Nanarup Road, Nanarup.

**Proponent** : Ayton, Taylor and Burrell

**Owner** : DK & DO Ball

**Reporting Officer(s)** : Planning Assistant (J Roach)

**Previous Reference** : N/A

**Summary Recommendation:** Initiate rezoning.

**Locality Plan** :



Item 12.1.6 continued

## **BACKGROUND**

1. On 5 February, 1999 Council received a Scheme Amendment Request report from Ayton, Taylor and Burrell to rezone the subject land from “Rural” to “Additional Use” zone. At its meeting on 28<sup>th</sup> April Council resolved that;

*THAT Council resolves to advise the proponent that it is prepared to receive amending documents for the purposes of initiating an amendment to TPS 3 to rezone Lot 7, Location 416 Nanarup Road from “Rural” to “Rural-Additional Use”.*

2. The rezoning will permit up to 7 additional chalets and two group dwellings on the property. The owner has already developed 3 chalets and a private residence. The applicant believes there is enough demand for this type of accommodation in the locality to justify the development of up to ten chalets on the site.
3. A copy of the amended documents has now been received and is included in the Elected Members Report/Information Bulletin.

## **STATUTORY REQUIREMENTS**

4. Under the City of Albany Local Rural Strategy the development of more than three Chalets on land zoned as “Rural” requires a site rezoning.

## **POLICY IMPLICATIONS**

5. Within the City of Albany Local Rural Strategy the subject land is identified in the Eastern Coastal Catchment Planning Precinct. General Policies 46 & 47 of that strategy require rezoning to “Additional Use” or “Special Use” where more than 3 chalets are proposed. The policies state:

### ***GP46 Processing of Tourist Development Proposals***

- a) *Tourist development proposals affecting areas currently zoned rural will be processed in accordance with Table 1 on pages 35-36.*
- b) *If more than one tourist development is proposed or when a tourist development would become the predominant use, Council may require the land to be appropriately zoned.*

### ***GP47 Assessment Criteria***

- a) *Comply with Council’s Local Rural Strategy Policies;*
- b) *Satisfactory address any constraints listed in Table 2 on page 37; and*
- c) *Not have an adverse impact on the quality of life of the local community.*

Item 12.1.6 continued

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC PLAN IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

6. The property comprises 11ha and has frontage to Nanarup Road. It is in close proximity to Nanarup Beach and the Taylor Inlet. Additional chalets will consolidate the development and will result in further improvements to the facilities on the property. Proposed improvements include additional landscaping and recreational facilities.

**RECOMMENDATION**

THAT, Council in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended) resolves to amend the City of Albany Town Planning Scheme No. 3 by:

Rezoning Lot 7, Location 416 Nanarup Road from “Rural” to “Additonal Use” zone.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR MOUNTFORD**

**THAT, Council in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended) resolves to amend the City of Albany Town Planning Scheme No. 3 by:**

**Rezoning Lot 7, Location 416 Nanarup Road from “Rural” to “Additonal Use” zone.**

**MOTION CARRIED 13 – 0**

**12.1.7 Proposed Chalets – Racecourse Road, Robinson**

**File/Ward** : A15449 (Vancouver Ward)

**Proposal/Issue** : Two Chalets

**Subject Land/Locality** : Lot 24 Racecourse Road, Robinson

**Proponent** : G Kramer

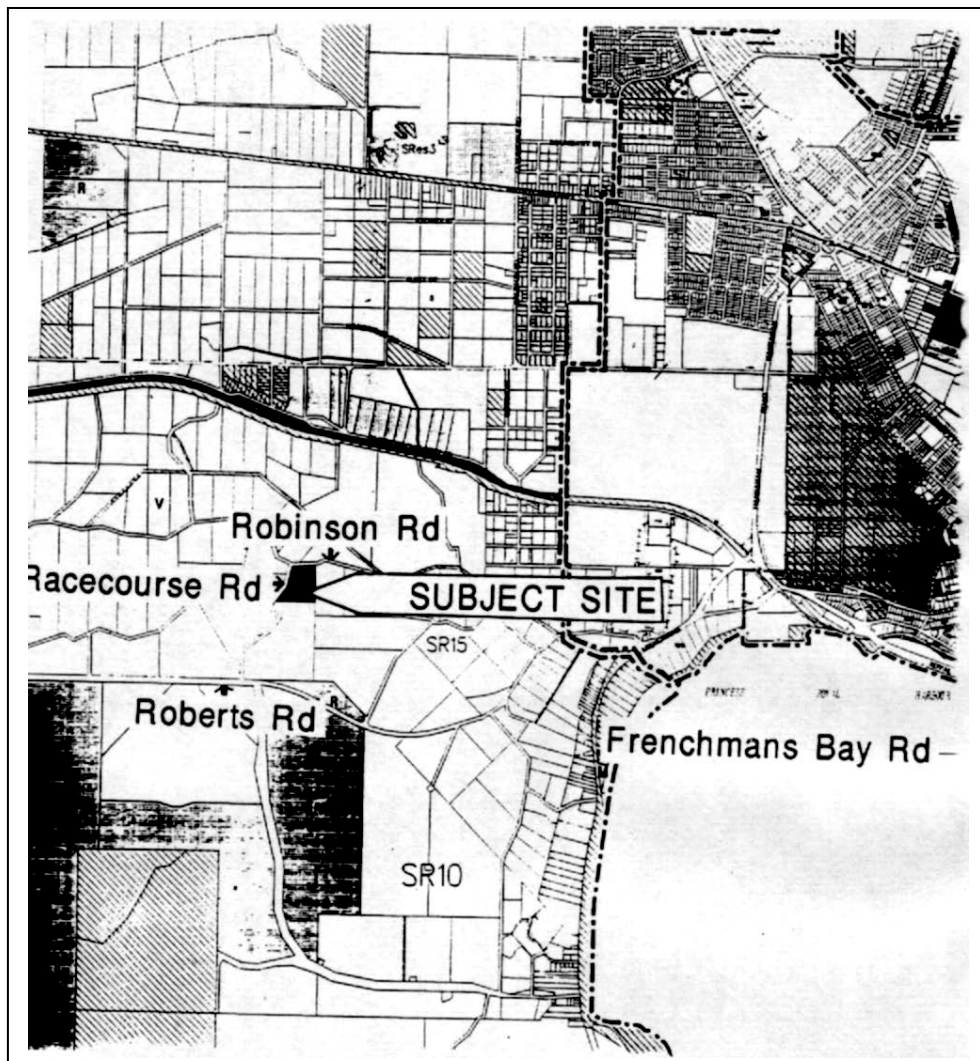
**Owner** : As above

**Reporting Officer(s)** : Planning Assistant (J Roach)

**Previous Reference** : Nil

**Summary Recommendation:** Refuse Development Consent

**Locality Plan** :



Item 12.1.7 continued

## **BACKGROUND**

1. An application has been received to develop two chalets on a 4.88 hectare land parcel located on the corner of Robinson and Racecourse Road, Robinson. The applicant wishes to construct two self contained chalets, each with a single bedroom, an undercover parking bay and a shared gazebo. (See attachment for details.)
2. The property currently contains a house, a studio and a workshop, an enclosed pool and tennis courts. These facilities would make it suitable for holiday style accommodation such as chalets.
3. The site is located near a number of tourist sites, such as the Torndirrup National Park, and its within close proximity to the Albany Central Area. The area has a rural setting which is also likely to promote tourism.
4. The premises is suitably screened from view to Racecourse and Robinson Roads. The chalets will be situated 20 meters from Racecourse Road and 10 meters from the side property boundary.
5. The subject site has been identified as being in the Priority 2 Groundwater Area and is zoned Rural.
6. The City of Albany Local Rural Strategy identifies the physical characteristics of the site as not generally having prime or good quality agricultural land, having the potential to export a high level of nutrients contributing to the eutrophication problem of the Princess Royal Harbour and low stocking capability due to sandy soils. Consequently it would not be considered prime agricultural land and some of the adjoining lots in the locality have been utilised with non agricultural activities.

## **STATUTORY REQUIREMENTS**

7. The Waters and Rivers Commission has assessed the application and would support one family size chalet (2 bedroom) or two single bedroom chalets in addition to the existing dwelling.
8. The City of Albany Town Planning Scheme 3 Development Guidelines sets a car parking standard of one bay per chalet. This requirement has been met with each chalet having providing one undercover parking bay.
9. *Chalet* is a use not listed in Town Planing Scheme No.3. As a “non defined use” staff advertised the proposed development and sought comments over a 21 day period. Two submissions were received and both were in support of the proposal.

Item 12.1.7 continued

### **POLICY IMPLICATIONS**

10. The City of Albany Town Planning Scheme 3 Development Guidelines at Clause 3.4 (b) states that a Chalet development requires a minimum lot size of 10 hectares if located within the Priority 2 Groundwater area, defined by the Water Corporation. The subject site however falls short of this requirement with a total area of 4.88 hectares.

### **STRATEGIC PLAN IMPLICATIONS**

11. Support of this proposal may create a precedence for the development of land parcels smaller than those suggested in the City of Albany Town Planning Scheme 3 Development Guidelines. (ie 10 hectares minimum for Groundwater areas 1 & 2 and 5 hectares through the remainder of the District).

### **COMMENT/DISCUSSION**

12. Access to the site can be made from Robinson or Racecourse Road and both are approximately similar distances. Racecourse Road is sealed and in poor condition. Robinson Road is also in a poor condition and it has been nominated for the 2001 – 2002 Capital Works Program. The applicant has advised that visitors will be encouraged to use Racecourse Road for access to the site to avoid using Robinson Road.
13. The subject site would have a minimal impact upon neighbours as the closest dwellings are located at least four hundred meters away. Surrounding uses include extractive (sand) industries, rural dwellings and some intensive agricultural pursuits. If approval was given to the application, it may create a precedent and consequently increase pressure for more chalet developments in the locality.
14. The facilities on site and the location make it suitable for chalet development. The City of Albany Town Planning Scheme 3 Development Guidelines recommends a minimum lot size to ensure building densities do not have adverse impacts on groundwater supplies. The Waters & Rivers Commission has supported the application, indicating that groundwater problems are unlikely to be caused from the development however this advice is contrary to the Commission policies.

### **RECOMMENDATION**

THAT

Council refuse to issue a planning scheme consent for the development of two one bedroom chalets on Lot 24 Racecourse Road, Robinson as the proposed development is:

- i) Inconsistent with the City of Albany Town Planning Scheme No. 3 Guidelines on Chalet developments at clause 3.4 (b).

Item 12.17 continued

- ii) Provided with access from adjoining roads which are of a standard which is inappropriate for the traffic generated by the intended development.
- iii) Inconsistent with adjoining land uses and it would set an undesirable precedent for similar developments to the detriment of other lawful land uses.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

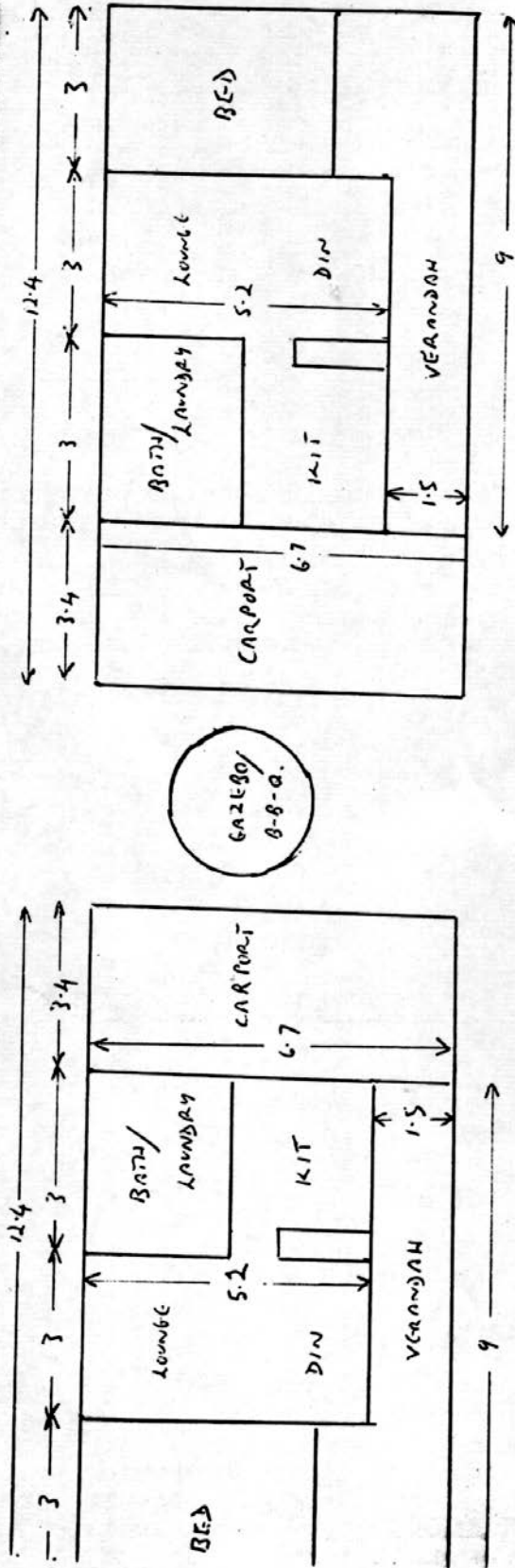
**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR MOUNTFORD**

**THAT**

**Council refuse to issue a planning scheme consent for the development of two one bedroom chalets on Lot 24 Racecourse Road, Robinson as the proposed development is:**

- i) Inconsistent with the City of Albany Town Planning Scheme No. 3 Guidelines on Chalet developments at clause 3.4 (b).**
- ii) Provided with access from adjoining roads which are of a standard which is inappropriate for the traffic generated by the intended development.**
- iii) Inconsistent with adjoining land uses and it would set an undesirable precedent for similar developments to the detriment of other lawful land uses.**

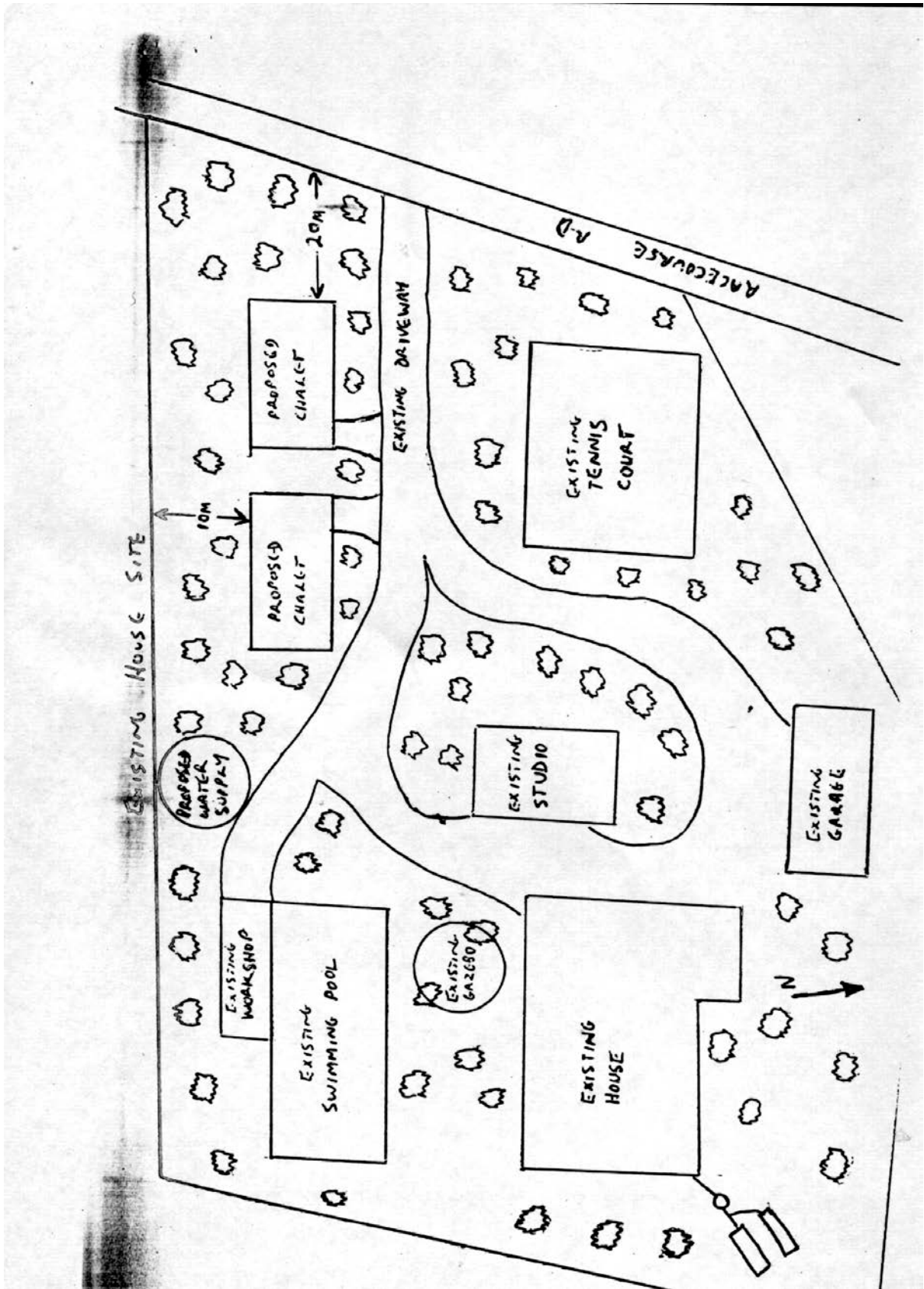
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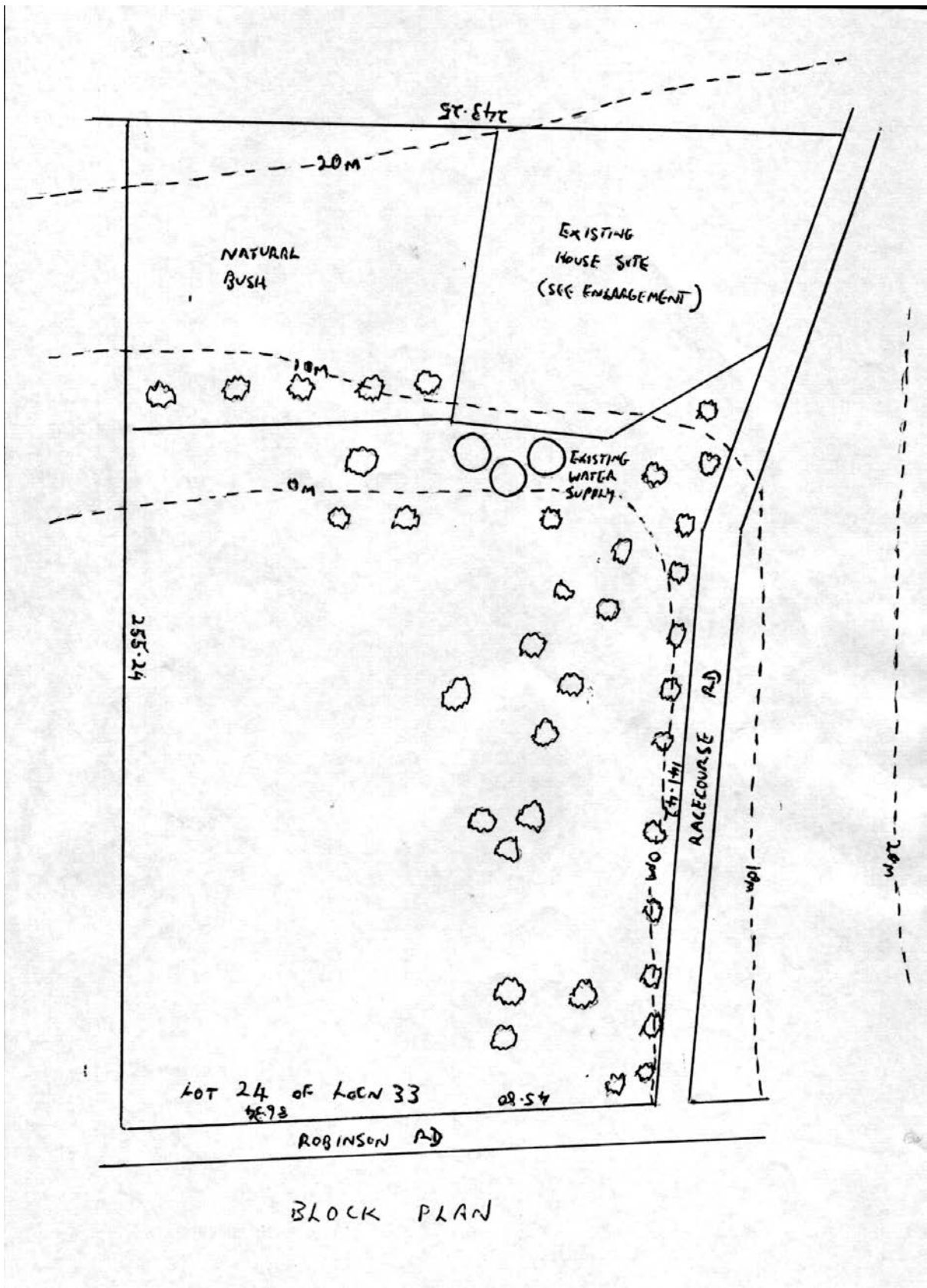


PROPOSED CHANGES LAYOUT

Scale 1cm = 1m







BLOCK PLAN

**12.1.8 Re-zoning Request – Lot 24 Link Road, McKail**

**File/Ward** : A67187 (West Ward)

**Proposal/Issue** : Proposed Re-zoning of Lot 24 Link Road, McKail from ‘Rural’ to ‘Special Rural’ or ‘Special Residential’

**Subject Land/Locality** : Lot 24 Link Road, McKail

**Proponent** : Dykstra & Associates

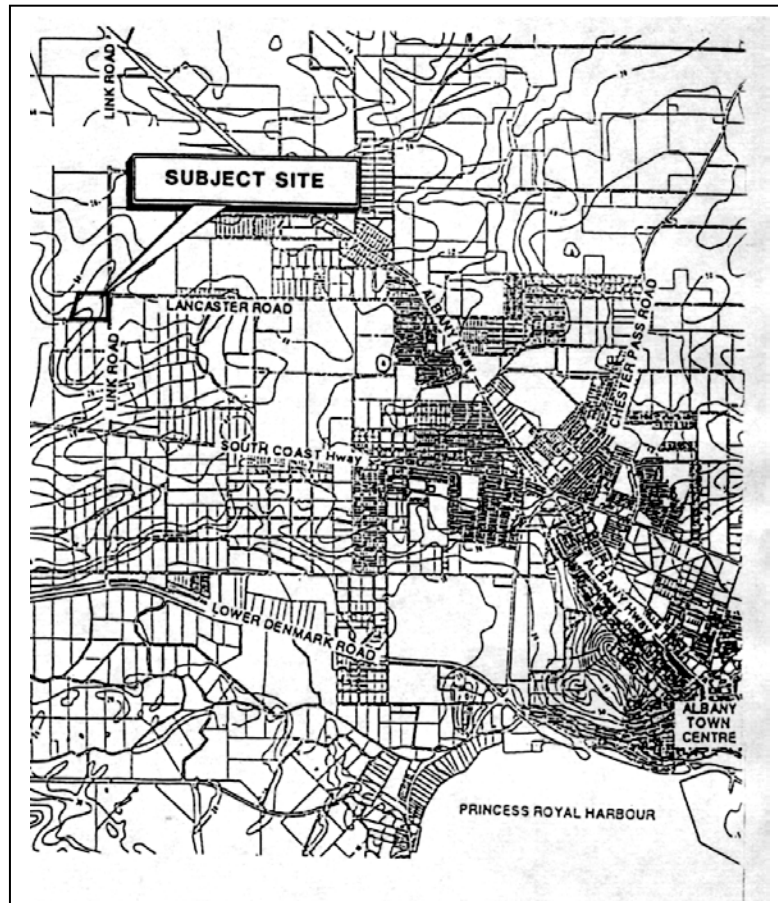
**Owners** : M & JP Vermeulen

**Reporting Officer** : Planning Assistant (P Watt)

**Previous Reference** : N/A

**Summary Recommendation:** Support Request for Re-zoning to ‘Special Rural’ and Invite Applicant to Submit Amending Documents

**Locality Plan** :



Item 12.1.8 continued

## **BACKGROUND**

1. Council's consideration is sought on a proposal to re-zone Lot 24 Link Road McKail from 'Rural' to 'Special Rural' or 'Special Residential'.
2. A Scheme Amendment Request report has been received from the proponent seeking support for the proposed re-zoning prior to the step of formulating scheme amendment documents. The proponents justification forms the majority of the background of this report and it is located in the Elected Members Report/Information Bulletin.
3. Lot 24 Link Road, McKail has a size of 11.2973 hectares and is currently zoned 'Rural'. To the North is Lot 6 Link Road which is the subject of a re-zoning amendment (No. 153) from 'Rural' to 'Special Rural'.

## **STATUTORY REQUIREMENTS**

4. Under the Local Rural Strategy, the objective of 'Rural' zoned land is to;

*Ensure that high quality agricultural land is retained for primary production. To regulate uses which might conflict with farming interests, and foster uses which are complementary to such interests. To preserve rural land within easy reach of urban areas.*

The objective of 'Special Rural' zoned land is;

*To provide areas where the members of the community who desire to live in a rural atmosphere may engage in a variety of activities appropriate to their area (as indicated in "Schedule 1" to this scheme, which might include hobby farming, horse breeding, rural residential retreats and intensive agriculture), if it is considered that such is consistent with the preservation of the local landscape and amenity.*

The objective of 'Special Residential' zoned land is;

*To permit the creation of lots between 2000m<sup>2</sup> and 1 Hectare in suitable locations so as to provide for a range of residential opportunities and lot sizes within the City of Albany. To ensure that development proposals are appropriate to the physical and landscape conditions of the zone subject to applicable standards and controls.*

## **POLICY IMPLICATIONS**

4. The land is in the Torbay 2 area of the Local Rural Strategy and has been identified as being suitable for re-zoning to Rural Residential or Special Residential.

Item 12.1.8 continued

5. General Policy 34 of the Local Rural Strategy states that “*Council will only consider rezoning proposals for rural residential development if the subject land is situated within a policy area designated as being potentially suitable for rural residential development and it can be demonstrated that the constraints and land management needs identified in that policy area can be overcome*”.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC PLAN IMPLICATIONS**

6. Main Roads WA previous preferred option for the Albany Ring Road is the Green Route which is on Link Road. However, no final decision has been made as to the actual route that will be taken. Link Road fronts the subject land.

## **COMMENT/DISCUSSION**

7. The land has been identified by the Local Rural Strategy as being suitable for rezoning due to it's small lot size, proximity to Albany and the general fragmentation of the area which makes it's use inconsistent with the objectives of the 'Rural' zone.
8. The applicant wishes to re-zone the land for either a 'Special Residential' or 'Special Rural' development. The lots under consideration in the subdivision guide plan are in the size range of 0.6 – 1.15ha. Under the Local Rural Strategy lots of 0.2– 1ha are categorised as 'Special Residential' whilst 'Special Rural' lots are 1 – 10ha.
9. If the Link road option for the future Albany Ring Road is chosen, then the current planning suggests road widening will occur on the opposite side of the road to the lot in question. Mains Roads would seek to have access from current and future Link Road lots minimised.
10. It is envisaged that most urban development will be contained within the outer boundary created by the Ring Road. The Local Rural Strategy seeks to create a transition zone between urban and rural areas. A 'Special Residential' zoning would therefore extend the semi-urban development across the Ring Road and could encourage similar smaller sized lots to be created in the transition to the 'Rural' area.
11. The density of housing which the Scheme Amendment Request proposes in the Subdivision Guide Plan would result in the loss of a significant amount of the remnant bushland for housing, fire protection, buildings and access.
12. If Council was to require a 'Special Rural' zoning it would result in fewer lots (1-10ha) resulting in greater bushland retention. It would also facilitate greater integration with the proposed 'Special Rural' area to the North.

Item 12.1.8 continued

13. In the formation of the re-zoning documentation, consideration also needs to be taken of other factors, which include:-

- The possible future subdivision of Pt. Lot 4 to the west;
- Visual impact of the proposal;
- The minimisation of the clearing of native vegetation;
- Development exclusion areas surrounding the creekline and flood prone areas;
- Integration with the subdivision proposed by Amendment 153 which relies on an access road to be shared with Lot 24 and Pt. Lot 4;
- The size of the lots created;
- Provision of scheme water and effluent disposal systems.

These requirements will be relayed administratively by staff.

14. In conclusion, it is considered that the request for rezoning to 'Special Residential' will set a precedent for lots of less than 1ha in the locality. The direct result of this will be the creation of a semi-urban area in a region that is typified by lots of a semi-rural nature.

15. Staff feel that re-zoning to 'Special Rural' is more appropriate as it will allow greater integration with the 'Special Rural' zoning proposed by Amendment 153. It will also provide greater retention of remnant bushland and have less visual impact.

#### RECOMMENDATION

That the applicant be advised that Council would support the request to amend the zoning of Lot 24 Link Road, McKail, and invites the submission of formal scheme amending documents, however, the re-zoning should be based on a change of zoning from 'Rural' to 'Special Rural'.

*Voting Requirement Simple Majority*

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#### **COUNCIL RESOLUTION**

**MOVED COUNCILLOR BAIN  
SECONDED COUNCILLOR DUFTY**

**That the applicant be advised that Council would support the request to amend the zoning of Lot 24 Link Road, McKail, and invites the submission of formal scheme amending documents, however, the re-zoning should be based on a change of zoning from 'Rural' to 'Special Rural'.**

**MOTION CARRIED 13 – 0**

**12.1.9 Land Clearing - Lot 2 Location 393 Frenchman Bay Road, Big Grove**

**File/Ward** : A32384 (Vancouver Ward)

**Proposal/Issue** : Land cleared without a permit.

**Subject Land/Locality** : Lot2 Location 393 Frenchman Bay Road, Big Grove

**Proponent** : Nil

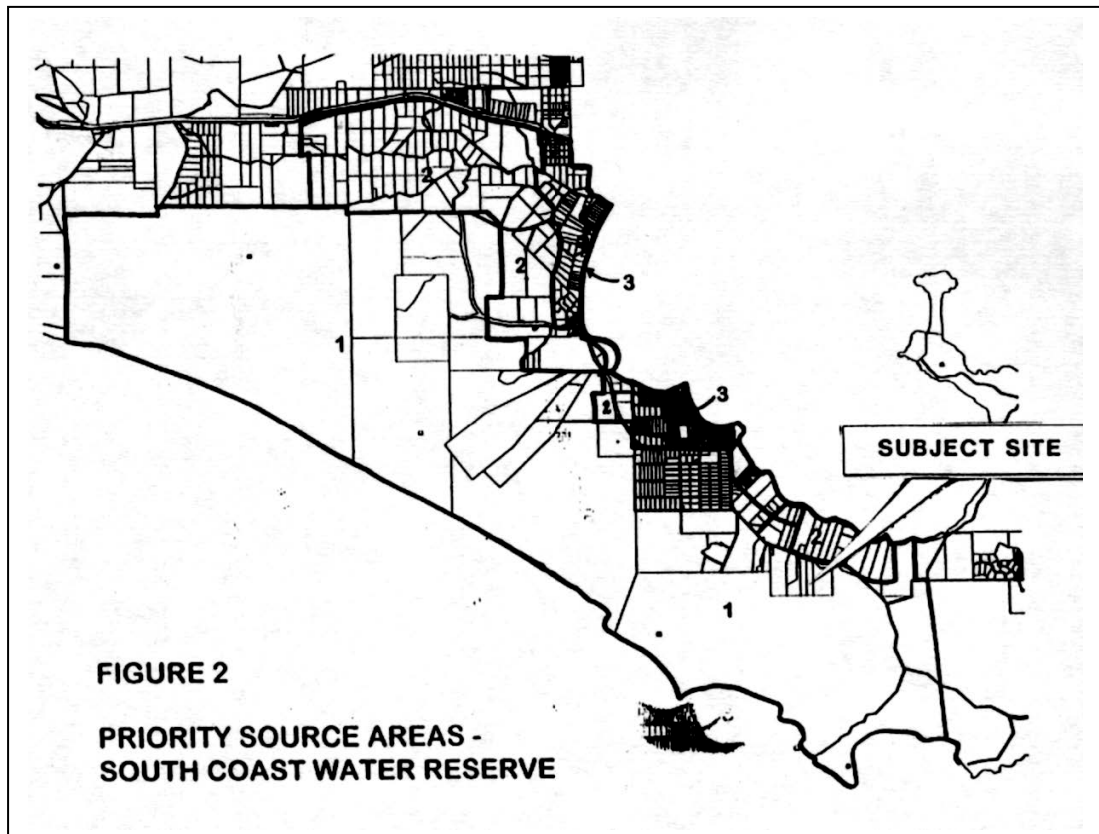
**Owners** : MJ, BJ & BW Nelson

**Reporting Officer** : Planning Assistant (P Watt)

**Previous Reference** : Cncl item 12.1.9 - 1 June 1999

**Summary Recommendation:** That revegetation be carried out through direct seeding

**Locality Plan** :



Item 12.19 continued

## **BACKGROUND**

1. In April extensive land clearing occurred on Location 393, Lot 2 Frenchman Bay Road, Big Grove. The 8 hectare lot is zoned Rural.
2. Clearing of a small portion of land at the front of the block occurred for the construction of a dwelling & curtilage. The remainder of the lot, which was natural vegetation was then heavily parkland cleared.
3. At the Council Meeting of 1 June 1999 it was resolved;

*“That Council provide 21 days for the owners and occupiers of Location 393, Lot 2, Frenchman Bay Road, Big Grove to advise Council on the action they propose to take to achieve the revegetation of the areas of land that were cleared on lot 2 without authorisation.”*

4. A Soil Conservation Notice was issued by Agriculture Western Australia requiring that the areas cleared be allowed to regenerate.
5. A letter was received from Mr Nelson on 9 July 1999 advising Council on his proposal to revegetate the land. That letter follows this report.

## **STATUTORY REQUIREMENTS**

6. Under section 6.5 of the City of Albany Town Planning Scheme No. 3 Council can enforce the provisions of the scheme where any breach occurs. Council may *‘...order such person to discontinue forthwith any such contravention; and within thirty (30) clear days after the service of such notice, to remove pull down, take up alter or otherwise make good any work which contravenes the scheme...’*
7. In the event of a failure to comply with a notice Council *‘...by it’s agents, servants or workmen will enter such persons property and cause to be done such works and things as shall be specified in such notice’* (Section 6.5). Expenses incurred by Council in such a manner *‘may be recovered from the person in default by action for a civil debt recoverable summarily in any court having jurisdiction in respect of the amount involved.’*

## **POLICY IMPLICATIONS**

8. The land is in the Princess Royal Harbour 6 area of the Local Rural Strategy. The area is in Visual Management Area ‘A’ and considered visually sensitive.
9. The remnant vegetation area has been identified by the Local Rural Strategy as needing protection with re-vegetation of previously cleared lots to be encouraged.



Item 12.1.9 continued

### **FINANCIAL IMPLICATIONS**

10. If an outcome acceptable to Council can not be achieved then seeking a legal resolution may be required. This solution has not been costed, however, Council has an obligation to ratepayers to enforce controls where breaches occur.

### **STRATEGIC PLAN IMPLICATIONS**

11. The City of Albany's Strategic Plan has identified the need to promote the preservation of native flora and fauna and protect water sources for present and future generations (Built and Natural Environment).

### **COMMENT/DISCUSSION**

12. The initial clearing occurred approximately 3 months ago by slashing, burning and ploughing. This has resulted in the removal of most of the seed stock. There is no evidence to date of any regeneration occurring.
13. The re-vegetation plan submitted by Mr Nelson to Council was based on fencing the area to be re-vegetated and allowing regrowth to occur through natural regeneration. A request was also made for a double width perimeter firebreak and two fire breaks through the centre of the lot.
14. Officers from Council and Agriculture Western Australia (AgWA) believe that the plan submitted by Mr Nelson for re-vegetation is inadequate. It is agreed that perimeter fencing of the area to be re-vegetated is appropriate. However, the request for extra firebreaks is difficult to justify. There is currently a low fuel zone surrounding the house and further firebreaks would cause fragmentation of the lot and hinder re-vegetation. The need for fire protection would appear to be grossly overstated.
15. There has been no natural regeneration to date. Following consultation with a professional bushland regenerator, the potential for this to occur in the short term is thought to be limited due to the removal of much of the seed source. Competition with weeds will also hinder the sites ability for recovery. It is acknowledged that natural regeneration will occur, however, it is considered that direct seeding will improve the rate of recovery.

### **RECOMMENDATION**

#### **THAT**

- 1) MJ, BJ and BW Nelson be advised that Council requires that part of Lot 2 Location 393 Frenchman Bay Road, Big Grove cleared without authorisation to be fenced, re-vegetated by direct seeding with local native plants and a standard perimeter fire break to be established within 60 days and the land left to regenerate.

Item 12.1.9 continued

- 2) No further action be taken at this time to prosecute the landowners and the situation be reviewed in 12 months to ensure compliance with Council's order.

*Voting Requirement Simple Majority*

.....

AMENDED RECOMMENDATION

THAT:

1. MJ, BJ and BW Nelson be advised that Council requires that part of Lot 2 Location 393 Frenchman Bay Road, Big Grove cleared without authorisation, be fenced, re-vegetated by direct seeding with local native plants and a standard perimeter fire break to be established within 60 days and the land left to regenerate.
2. No further action be taken at this time to prosecute the landowners and that staff inspect the site prior to December 1999 to assess the level of revegetation and that the situation be reviewed no later than July 2000 to ensure compliance with Council's order.

*Voting Requirement Simple Majority*

.....

The Executive Director Development Services advised an amended officer recommendation had been prepared and copies distributed. This had been prepared with an amended part 2), which provided for Council staff to inspect the site prior to December 1999 rather than wait until the end of the 12 month period before ensuring compliance with Council's order.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR ARMSTRONG**

**THAT:**

- 1. MJ, BJ and BW Nelson be advised that Council requires that part of Lot 2 Location 393 Frenchman Bay Road, Big Grove cleared without authorisation, be fenced, re-vegetated by direct seeding with local native plants and a standard perimeter fire break to be established within 60 days and the land left to regenerate.**
- 2. No further action be taken at this time to prosecute the landowners and that staff inspect the site prior to December 1999 to assess the level of revegetation and that the situation be reviewed no later than July 2000 to ensure compliance with Council's order.**

**MOTION CARRIED 13 – 0**

**SOUTHWAY DISTRIBUTORS**  
**PO BOX 5446**  
**ALBANY WA 6330**  
**PH: (08) 9842 2388**  
**FX: (08) 9842 378**

8<sup>th</sup> July, 1999

**City of Albany**  
**P.O Box 484**  
**ALBANY WA 6331**

<b>CITY OF ALBANY RECEIVED</b>		
- 9 JUL 1999		
FILE A032384	CORRO No. 9911179	OFFICER PLANS
REPLY VN	ACKNOW SENT	CNL/BLTN

**Ref: A32384**

**Re: Land clearing at location 393 Lot 2 Frenchman Bay Road Big Grove**

**Attn: Mr Paul Watt**

Dear Sir,

Having been in touch with Agriculture W.A and with regard to Council resolution we advise of the following action to rehabilitate said land.

A contract has been given to Allsorts Fencing Contractors to fence off the area in question so as to allow natural re-vegetation. This should be completed in the next 6-8 weeks. We request the right to maintain a double fire break around the perimeter and two single fire breaks at strategic points through the center.

The original clearing of this land was for fire protection and as we have National Park on both sides and a bush block on the other, we feel this request is reasonable. This request has been forwarded to Agriculture W.A as a supplement to their requirement for the area to be fenced and revegetation to be allowed as a natural process.

Hoping this will be a satisfactory resolution.

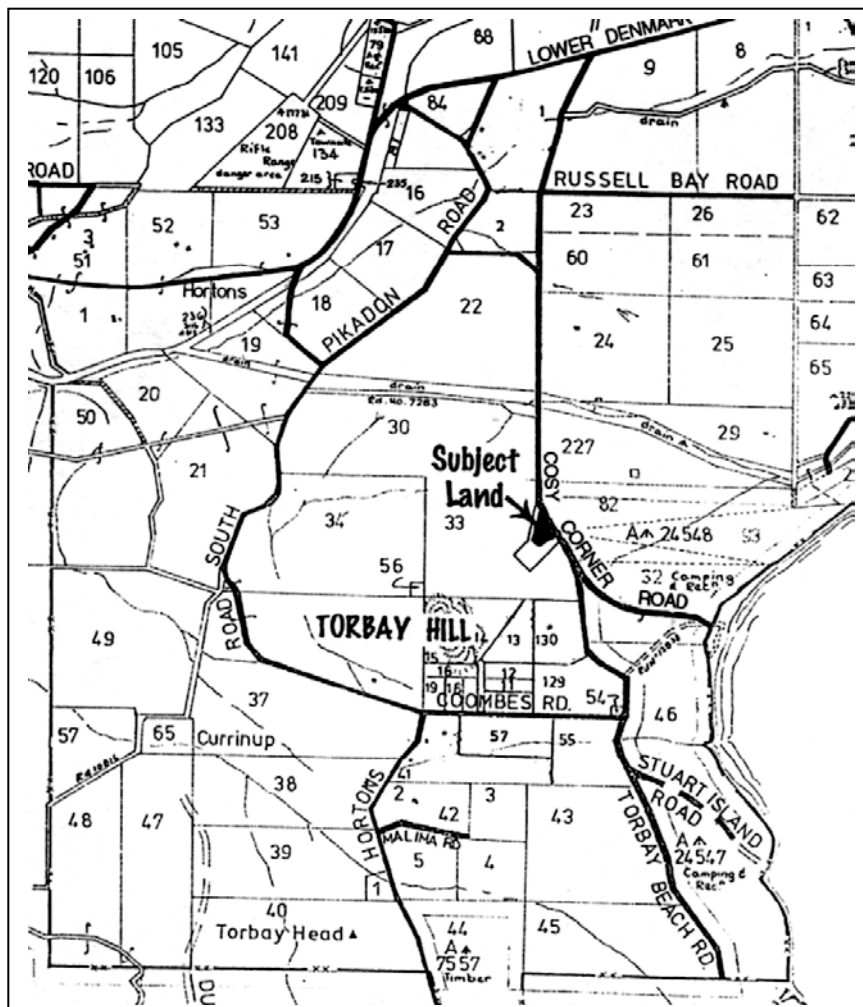
Yours faithfully,



Ginger Nelson  
84 Collie Street  
ALBANY WA 6330

### 12.1.10 Proposed Town Planning Scheme Policy – Cosy Corner Chalets

- File/Ward** : A11946 (West Ward)
- Proposal/Issue** : Chalet Design Guidelines – Special Use Zone No. 8
- Subject Land/Locality** : Lot 101 Location TAA 33 Cosy Corner Road, Torbay
- Proponent** : Ayton Taylor & Burrell
- Owner** : Justice Holdings P/L
- Reporting Officer(s)** : Planning Assistant (A Augustson)
- Previous Reference** : Amendment 167
- Summary Recommendation:** Adopt draft Policy and advertise in accordance with Town Planning Scheme requirements
- Locality Plan** :



Item 12.1.10 continued

### **BACKGROUND**

1. Town Planning Scheme No. 3 Amendment 167 was finalised in May 1999. The amendment sought to rezone a portion of the existing Torbay Motel site, to allow for a number of chalets and a shop to be developed on an area of the site adjacent to Cosy Corner Road.
2. In accordance with the special provisions for the zone, chalet design guidelines need to be prepared prior to the development of the site. It is proposed to adopt these guidelines as a policy pursuant Town Planning Scheme No.3.

### **STATUTORY REQUIREMENTS**

3. Chalet Design Guidelines must be prepared prior to the creation of any strata lots in accordance with Special Provision 2.6 of Special Use Zone No.8

### **POLICY IMPLICATIONS**

4. Council may make a Town Planning Scheme Policy in order to control development in part or all of the scheme Area.
5. Clause 6.9.2 of Scheme 3 states that a policy shall become operative only after the draft policy has been adopted by Council, the draft policy has been advertised for a period of at least 21 days and Council has reviewed the policy in light of any submissions made during the advertising period.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC PLAN IMPLICATIONS**

Nil.

### **COMMENT/DISCUSSION**

6. The subject land is included within Special Use Zone No.8. It is proposed to develop the site with 15 strata chalets, joint strata facilities, managers residence, reception facilities and a convenience store. To ensure consistency of design for the development, the special provisions for the zone require the preparation of Chalet Design Guidelines prior to the creation of any Strata lots.
7. A draft policy has now been prepared to satisfy this provision. A copy of the proposed "Chalet Design Guidelines" is attached. Staff have reviewed the guidelines and sought changes from the proponent where deficiencies existed.

Item 12.1.10 continued

RECOMMENDATION

THAT Council in pursuance of Clause 6.9.2 of the City of Albany's Town Planning Scheme No. 3 resolves to adopt the draft policy entitled "Chalet Design Guidelines Special Use Zone No.8 Cosy Corner Road, Torbay."

*Voting Requirements Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR EVANS**

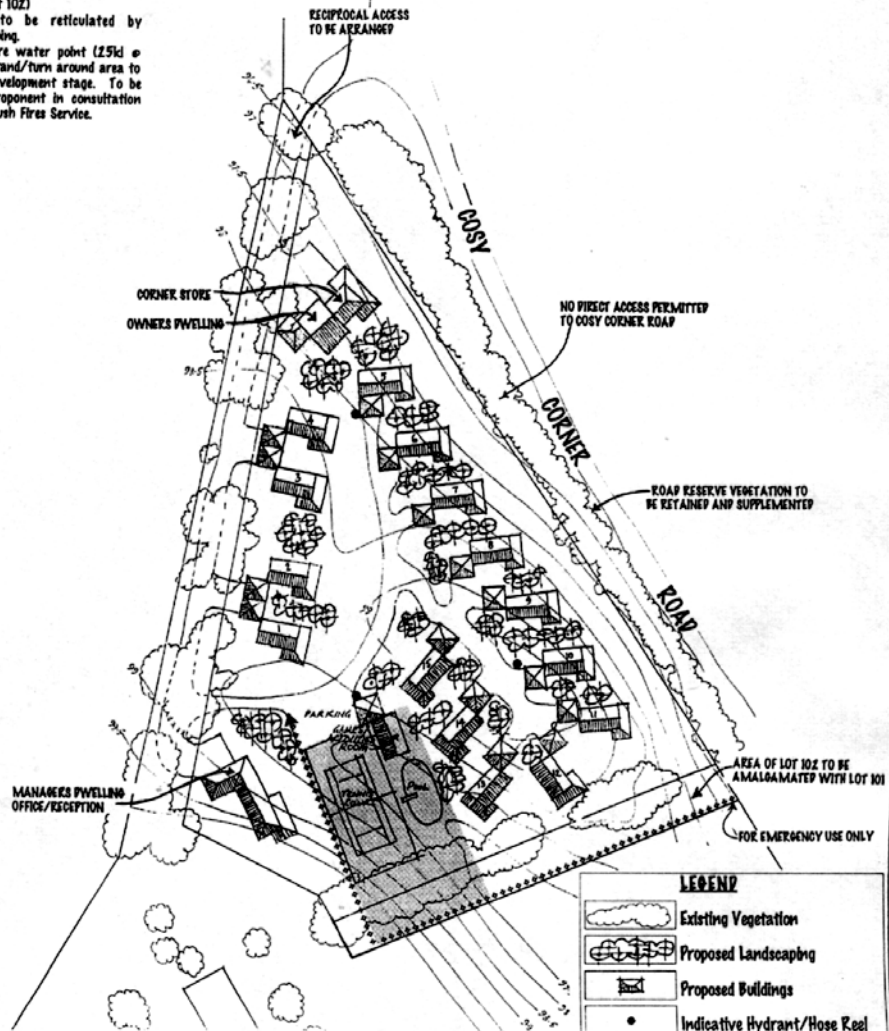
**THAT Council in pursuance of Clause 6.9.2 of the City of Albany's Town Planning Scheme No. 3 resolves to adopt the draft policy entitled "Chalet Design Guidelines Special Use Zone No.8 Cosy Corner Road, Torbay."**

**MOTION CARRIED 13 – 0**

Notes:

- All development to be subject to the issue of Planning Scheme Consent
- Landscaping Plan to be prepared as a condition of development. Plan to focus on brili planting of Cosy Corner Road, Screening whilst maintaining view opportunities and general site beautification.
- Site to be maintained in a low fuel condition.
- Emergency egress to remain available at all times. (May be via Lot 102)
- Internal servicing to be reticulated by underground cabling/piping.
- Strategic rapid fill fire water point (25kl @ 450l/min) and hard stand/turn around area to be provided at the development stage. To be located on site by proponent in consultation with Council and the Bush Fires Service.

ALL AREAS AND DIMENSIONS SUBJECT TO SURVEY



Adopted by Resolution of the Council of the Shire of Albany at the ..... meeting of the Council, held on the ..... day of JANUARY, 1997.....  
 Chief Executive Officer: *S. M. COO*

**LEGEND**

	Existing Vegetation
	Proposed Landscaping
	Proposed Buildings
	Indicative Hydrant/Hose Reel
	Indicative Fire Water Point
	Emergency Site Access
	Indicative Recreational Area

SCALE: 1 : 1 000     

**DEVELOPMENT GUIDE PLAN**  
 Lot 101 & Pt. Lot 102 Cosy Corner Road, Torbay

Figure 3

AYTON, TAYLOR & BURRELL  
 Consultants in Town Planning and Civic Design  
 11 Duke Street, Albany, Western Australia, 6330  
 Phone 098 422304 Fax 098 421340

DEC 97 Amended Mar 99

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**CHALET DESIGN GUIDELINES**  
**SPECIAL USE ZONE NO. 8**  
**COSY CORNER ROAD TORBAY**

---

**1.0 PREAMBLE**

Special Use Zone No. 8 comprises Lot 101 and a portion of Lot 102 Cosy Corner Road. Zone controls provide for the strata subdivision and construction of up to 15 short stay holiday accommodation chalets and a manager's dwelling on the site along with a corner store/deli and owners dwelling.

The subject land is located in close proximity to many local tourist attractions and fronts the important tourist route of Cosy Corner Road.

The controls of the Special Use Zone (Special Condition 2.6) require that prior to the creation of strata lots, Chalet Design Guidelines are to be prepared. The purpose of these design guidelines is to comply with this requirement.

**2.0 DEVELOPMENT CONCEPT**

In summary, it is proposed to develop the land with fifteen strata short-stay chalets, strata facilities, manager's residence and reception facilities and a convenience store with an attached owners residence. The indicative layout is shown on the Development Guide Plan acknowledging that minor modifications may need to be made at the subdivision and development stages. The controls of the zone will ensure that any such changes are at the discretion of Council.

The chalets will be strata titled so as to allow individual ownership. Provisions of the Management Statement and zoning limits stay to three months from any twelve month period and ensures that the chalets are available for holiday accommodation purposes at other times. The managers residence allows chalet management from on-site.

Only the chalet lots themselves are to be in individual ownership. All facilities and other open land is to be held in common so that coordinated management is assured.

The proposed convenience store is to be retained on a separate allotment to provide guaranteed tenure for financial security purposes. The construction standard is to be coordinated with the chalet component for early startup to ensure the service is available as soon as possible.

Strata facilities to be retained in common ownership may include:

- swimming pool/spa bath.
- games room.
- water supply facilities.
- fire protection measurers.
- tennis/basketball court.
- active play areas.
- effluent disposal devices.



It is also proposed that equipment be provided for the use of residents/tourists such as play equipment, games and hardware such as mountain bikes and boogie boards.

Primarily for the benefit of site residents but also for general tourists and locals alike, the convenience store will provide much sought after services in this area.

The need to provide common grouped effluent disposal and other servicing at the time of subdivision breaks the development of the site into the following stages:

- Corner Store/Deli & owners Residence.
- Chalets 1, 2, 3 & 4.
- Chalets 12, 13, 14 & 15 and Games/Activity Room and facilities.
- Chalets 5, 6, 7, 8, 9, 10 & 11.

The order of staging will be directed by demand with the objective being to establish and commission both the store and strata facilities as early in the program as possible.

### 3.0 DESIGN GUIDELINE OBJECTIVE

To ensure the location and design of all new development, in terms of building height, bulk, roof shapes, materials, colours and details, is compatible with the rural character of the area and coordinated along a common cottage/weekender theme.

### 4.0 DEFINITIONS

"Residential Planning Codes" means the Residential Planning Codes in Appendix 2 to the State Planning Commission Statement of Planning Policy No. 1.

### 5.0 GUIDELINES

#### 5.1 Size, Shape & Facilities

- 5.1.1 The maximum size of chalets (gross floor area) shall be 140m<sup>2</sup> which includes enclosed storage areas and any carports but excludes verandahs (areas less than ¾ enclosed).
- 5.1.2 Each chalet shall be provided with at least two carparking bays, one of which being undercover. In line parking may be permitted on a chalet by chalet basis.
- 5.1.3 Each chalet shall be provided with a full width verandah generally orientated to the most attractive vantage; i.e.:
  - East for chalets 5-11.
  - East and south for chalets 1-4 & 12.
  - South and west for chalets 13-15.

27/07 '99 TUE 14:58 FAX 0898421340

WO(A) &amp; GRIEVE

--- CITY-URBAN

004

0898421340

AYTON TAYLOR & BURRELL  
CONSULTANTS IN TOWN PLANNINGDESIGN GUIDELINES  
SPECIAL USE ZONE NO. 8

- 5.1.4 Height shall be limited to a single story, mezzanine or loft not exceeding 7.5m from natural ground level.
- 5.1.5 All buildings shall incorporate uniform roof pitch (around 30°) and uniform verandah - building attachment and treatment (i.e.; broken pitch or dropped pitch).
- 5.2 **Setbacks**
- 5.2.1 Notwithstanding the special conditions contained within Schedule 3 of Town Planning Scheme No. 3, the following setback standards shall apply to all chalets in Special Use Zone No. 8.
- |  |                    |
|--|--------------------|
| From Cosy Corner Road:                                 | Minimum 10metres.  |
| From southern zone boundary:                           | Minimum 10metres.  |
| Front, side and rear to adjoining strata chalet lot/s: | Minimum 1.5metres. |
- 5.2.2 Variations to front, side and/or rear setbacks shall be determined in accord with clause 1.5 of the Residential Planning Codes except that "adjoining owners and occupiers" referred to in clause 1.5.10 shall be individual strata lot owners within the strata company.
- 5.3 **Materials & Colour**
- 5.3.1 Rooves shall be clad in factory coated metal sheeting, "taurus blue" in colour.
- 5.3.2 External walls shall be constructed of double brick (earthy brown lightly bagged finish) with Perth yellow sand and cream cement, similar to the existing Torbay View Motel.
- 5.3.3 Any sub-floor enclosures shall be clad with red cedar planks/panels.
- 5.3.4 White, off white, reflective and high gloss colours shall not be permitted as an external colour/finish for any purpose other than architectural detail.
- 5.3.5 Further to clause 4.2.4 in approving the use of white, off white, reflective and/or high gloss colours for architectural detail, Council shall be satisfied that the architectural detail is not the dominant feature on the subject facade.
- 5.3.6 Similar external colours and materials shall be used for the games/activity room.
- 5.4 **Access**
- 5.4.1 Access to the chalet sites shall be via reciprocal access over the existing Torbay View Motel access way.

5.4.2 No direct access shall be permitted from strata chalet lots to Cosy Corner Road.

#### 5.5 Fencing

5.5.1 Site boundary fencing may be permitted where it is of rural construction to the satisfaction of Council.

5.5.2 The fencing of individual strata chalet lots shall not be permitted. Where the demarcation of individual strata lots is necessary, it shall be achieved through landscaping and/or planting.

#### 5.6 Services/Aerials

5.6.1 All services within the lot, such as power and telecommunication lines shall be placed underground.

5.6.2 Radio and TV aerials, other than domestic receivers, shall not be permitted. Individual satellite dishes will not be permitted.

#### 5.7 Landscaping and Planting

5.7.1 Applications for development approval shall be accompanied by detailed landscaping/planting layouts.

5.7.2 Where chalet development is proposed adjacent to the Cosy Corner Road reserve, landscaping/planting layouts shall make provision for infill planting of the road reserve to a density and with such species as may be directed by Council.

5.7.3 Road reserve planting required pursuant to guideline 4.6.2 above, shall be appropriately maintained for a period of three years from planting.

5.7.4 Landscaping/planting layouts shall use a majority of native species, selected and located to define strata sites, to define common property, to frame views, to obscure chalets from Cosy Corner Road and to maximise site amenity.

### 5.0 CONCLUSION AND IMPLEMENTATION

These design guidelines are to be adopted by Council as a Town Planning Scheme Policy (pursuant to clause 6.9 of Town Planning Scheme No. 3). As a result, the principal mechanism for the implementation of these guidelines is through the development approvals process following the lodgment of applications as required by Special Condition 1.4.

### 12.1.11 Request to Attend National Conference

<b>File</b>	:	STA001
<b>Proposal/Issue</b>	:	Request to Attend National RAPI Conference
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation:</b>		Approval be Granted for EDDS to Attend
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. From the 19<sup>th</sup> to the 22<sup>nd</sup> September 1999 the Royal Australian Planning Institute (RAPI) is holding its 27<sup>th</sup> National Congress in Darwin. The Executive Director Development Services is seeking Council approval to attend the congress.
2. The preliminary congress program lists amongst the sessions and workshops the following topics:
  - Regional Solutions
  - Planning System Reform
  - Fostering Communication, Participation, Negotiation and Advocacy
  - Responding to Diversity
  - Regional Infrastructure and Industrial Development
  - The City as a Livable Economic Region
  - Agricultural Land / Primary Industry / Resources
  - Coasts and Rivers / Strategic Planning / Planning Tools for Achieving Environmental Objectives.
  - Integrating the Natural Landscape / Litchfield Shire Wetlands
  - Urban Design and Revitalising Centres
  - Planning for Hazard Mitigation
  - Urban Consolidation and Housing
  - Tourism and Urban Design / Public Art and Planning / Energy Efficiency / Social Infrastructure in Rural and Remote Communities / Domestic Architecture.

Item 12.1.11 continued

**STATUTORY REQUIREMENTS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

3. To send a delegate to the congress is estimated to cost \$2750. This estimate comprises registration (\$800), accommodation (\$700), flights (\$950) and meals / incidentals (\$300). Provision has been made in the draft 1999/2000 Development Services budget for one interstate conference to assist senior officers further their professional training and keep pace with national trends.

**STRATEGIC PLAN IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

4. The last interstate conference attended by the Executive Director Development Services was in 1995. The program detailed above highlights that the congress contains topics and issues of relevance to the City of Albany and the role performed by the Executive Director Development Services at the City of Albany.
5. The Executive Director seeks to keep abreast of planning issues nationally and contributes to the planning profession as the member responsible for regional issues on the State Executive of the RAPI. In addition, RAPI corporate members are required to undertake on-going professional development (training, etc.) to maintain membership of the Institute.

**RECOMMENDATION**

THAT the Executive Director Development Services be authorised to attend the 27<sup>th</sup> National Congress of the Royal Australian Planning Institute to be held in Darwin from the 19<sup>th</sup> to the 22<sup>nd</sup> September 1999 and that \$2750 be made available from the 1999 / 2000 budget.

*Voting Requirements Absolute Majority*

.....

Item 12.1.11. continued.

**COUNCIL RESOLUTION**

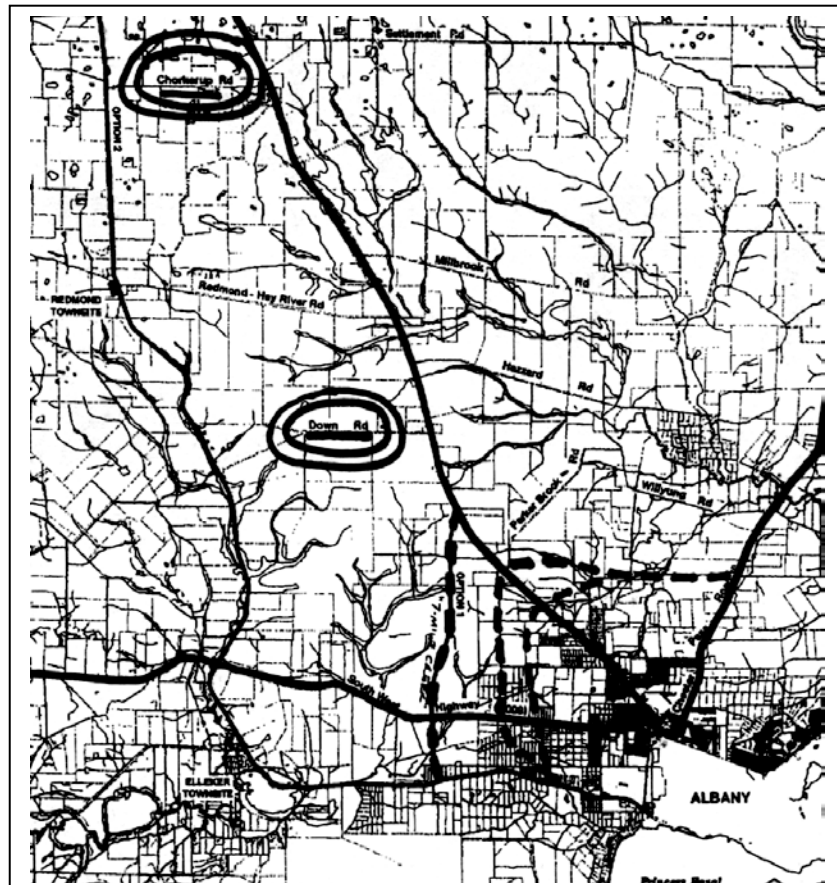
**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR ARMSTRONG**

**THAT the Executive Director Development Services be authorised to attend the 27<sup>th</sup> National Congress of the Royal Australian Planning Institute to be held in Darwin from the 19<sup>th</sup> to the 22<sup>nd</sup> September 1999 and that \$2750 be made available from the 1999 / 2000 budget.**

**MOTION CARRIED 13 – 0  
ABSOLUTE MAJORITY**

### 12.1.12 Albany Ring Road – Proposed Road Alignment

- File** : REL082 (West Ward)
- Proposal/Issue** : Response to Public Comments on Ring Road
- Subject Land/Locality** : Alignment of the Albany Ring Road and Siting of Wood Chip Mill
- Proponent** : Mrs M Hotop
- Owner** : N/A
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 9<sup>th</sup> December 1998 Item 13.2.4  
SMDE 11<sup>th</sup> November 1998
- Summary Recommendation:** Council Commence Negotiations on Siting of Chip Mill and the Planning of the Ring Road.
- Locality Plan** :



Item 12.1.12 continued

## **BACKGROUND**

1. Mrs M Hotop has provided to the City of Albany a copy of the record of the Public Meeting of Albany residents and landowners held on the 24<sup>th</sup> May 1999 to discuss the proposed ring road and wood chip mill. Eight Councillors and approximately 105 residents were in attendance. Six motions were presented and five were carried at that meeting.
2. Motion 1 : Moved; C Plowman                      Seconded; D Sims  
*To limit the George Street, Link Road, Elizabeth Street roads to a 25 tonne maximum.*  

*LOST*
3. Motion 2 : Moved; H. Sharp                      Seconded; D. Phillips  
*The wood chip industry be supportive of rail transport to the port and further negotiations be carried out with State Government and Westrail to achieve a satisfactory outcome to keep as much chips off our road system as possible.*  

*CARRIED*
4. Motion 3 : Moved; R. Knotts                      Seconded; L. Charlesworth  
*In light of the comments made by a representative of the wood chip industry can the industry support the community's wishes and concerns and support the building of a heavy haulage route to the west of Albany at the 7 Mile Creek so it is in place if required for road transport.*  

*CARRIED*
5. Motion 4 : Moved; J. Hale                      Seconded; P. Lindsay  
*That the City of Albany advise the State Government that, in addition to its previous resolution, the City also gives "agreement in principle" to the alternate Chorkerup Site and requests that a Financial and Community Resource cost benefit analysis be conducted on both sites taking into account anticipated traffic movements of logs to mills and chips to the port, anticipated vehicle volumes, future road planning of ring road and heavy haulage by-pass, full environmental and financial impacts before making any further commitments.*  

*CARRIED*
6. Motion 5 : Moved; B. Van Den Berg                      Seconded; L. Charlesworth  
*That the Chester Pass Road to Albany Highway link be reviewed if the chip mill is located at Down Road.*  

*CARRIED*
7. Motion 6 : Moved; T. Davis                      Seconded; E. Thomas  
*That the motions passed at tonight's meeting be forwarded to the Minister for Transport and the Minister for Resources, all local politicians, the City of Albany, TIRES and Timber 2002 and the Port Authority.*  

*CARRIED*



Item 12.1.12 continued

8. Council received a briefing from the parties involved in the ring road and the wood chip mill debate in June and has supported in principle the development of a wood chip mill at Down Road. The Department of Resources Development has been advised that Council's support has been predicated on the wood chip mill proponents lodging suitable environmental and town planning documentation and gaining Council's development consent and/or rezoning approval. The planning of the ring road was suspended by the Minister for Transport in November 1998 until a decision was taken on the location of the proposed wood chip mill; Main Roads has only just announced its decision to reconvene the meetings of the Ring Road Steering Committee.
9. Recent newspaper reports indicate that the proponents and the State Government have made public their intention to develop a wood chip mill on a Down Road site.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC PLAN IMPLICATIONS**

10. The City's Strategic Plan promotes the development of the timber industry, value adding to local produce, the development of existing zoned area, development of the Albany Ring Road and the orderly planning of the District

#### **COMMENT/DISCUSSION**

11. In 1994, the then State Planning Commission (now WA Planning Commission) showed on the Residential Expansion Strategy for Albany plan a ring road around the northern and western extremities of Albany's future urban area. The route was to provide an east-west connection for commuter traffic and to act as a heavy haulage route for produce from the hinterland to the Albany port.
12. Whilst a number of announcements have been made recently on the proposed wood chip mill, there has been no formal communication from either the State Government or the proponent on the actual site for the proposed development. Council previously relayed to the proponent and Main Roads WA the concerns expressed by the local community on the siting of the chip mill and reinforced the community's desire to have chips transported from the mill to the port by rail. There has also been no active lobbying of government by Council during the period that Oji Paper and Itochu Corporation have been negotiating with the State a development site.

Item 12.1.12 continued

13. Without an understanding of the project and its site, it is not possible to provide Council or the community with an understanding of the documentation that should accompany the development application. Council would be in a position to ask for a full cost benefit analysis for the project and a comparison of alternate sites, if a rezoning is proposed. However, a cost benefit analysis would not normally accompany a development application, Council would be required by law to determine the application against the site zoning and land use control provisions of the scheme and the benefits of other sites would be irrelevant to that consideration.
14. Of the motions passed at the aforementioned public meeting, Council has supported the intent of Motion 2. Council representatives can now be more proactive (to transfer chips off road onto rail) if there is a commitment from the proponent to undertake a development. It may also be an opportune time to commence negotiations with the independent tree growers and Timber 2002 on harvesting and chipping programs.
15. Motion 3 would appear to be asking the wood chip industry to build a dedicated heavy haulage route to the west of Albany. Main Roads has yet to determine an alignment for the ring road, however the planning for that road to date has been based upon the need for a joint use (commuter traffic and heavy haulage) route. The City of Albany is an active partner on both the TIRES committee and the Albany Ring Road Steering Committee and Council's representatives would be in a position to progress discussions on these matters. The construction of a dedicated heavy haulage route parallel to a rail corridor could ultimately encourage the transfer of freight off rail onto road. More importantly, the advice of Main Roads WA should be sought on the implications of these options, including their benefits/constraints compared to previously advertised proposals, before a commitment is made one way or the other.
16. It may be premature to require the proponents or the Department of Resources Development to provide a cost benefit analysis as required through Motion 4. The request to examine a Chorkerup site has recently produced a written response from the Department of Resources Development. That response follows this report. If an application is lodged to develop on a Down Road site, Council can require full details on anticipated traffic volumes, environmental impacts, etc. irrespective of whether a rezoning is required.
17. The interconnection of the road network from the Hassell Highway to Albany Highway will be reviewed by the Albany Ring Road Steering Committee, together with other road options when meetings of the committee are reconvened in August. The requirements of Motion 5 can be addressed by Council's representatives at that time.

#### RECOMMENDATION

THAT in response to the concerns raised by the community over the Albany Ring Road and the proposed wood chip mill at Down Road, Council;

Item 12.1.12 continued

- Instructs its representatives on the Albany Ring Road Steering Committee to explore with Main Roads WA alternate ring road alignments from Chester Pass Road to Albany Highway and to the west of Albany (using 7 Mile Creek).
- Commence negotiations with Timber 2002 and independent timber producers to explore opportunities to minimise the transport of timber products from the hinterland to the port and/or to a wood chip mill by road through existing and planned urban areas.
- Seek to hold discussions with representatives of Oji Paper and Itochu Corporation on the proposed wood chip mill at Down Road with the intention of obtaining company feedback on community concerns and providing information to the company on the requirements of Council when a development application and/or rezoning proposal is lodged.

*Voting Requirement Simple Majority*

.....

Councillor Armstrong advised he would like to see this matter lay on the table for a period of three weeks until the next Ordinary Council Meeting, to allow Councillor Des Wolfe to be in attendance when the matter was considered as he is Council's representative on the Ring Road Committee. That Committee will be meeting some time in the next week and some of the issues outlined above will be discussed at that time, therefore in three week's time there should be a lot more information available for Council's consideration.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR DUFTY**

**THAT this matter lay on the table for a period of 3 weeks, and be referred to the next Ordinary Council Meeting for consideration.**

**MOTION CARRIED 13 – 0**

**SELECTION OF MIRAMBEENA vs CHORKERUP**

Chorkerup was once mooted, about 15 years ago by Whittakers, as the possible site of its wood chip mill, if it were to build one. It is a site owned by Whittakers situated on the rail line and on the border between the Shire of Plantagenet and City of Albany.

There is no doubt that the choice of site for the mill was largely governed by where Whittakers owned land adjacent to the rail line, and considering that the project never eventuated there must be some doubt over the economic viability of the project and the site chosen. The economic evaluation was also carried out many years ago in a totally different set of economic circumstances than today, for example, third party track access to rail lines and a port operating as a business enterprise.

Apart from any feasibility studies which may have been carried out by Whittakers, there have been no feasibility studies carried out on that site by Government. This is due to the fact that Government has never been interested in the site as a future industrial area, the only interest being shown was by the land owners. All studies commissioned by Government have focused on land closer to Albany and other services like power, water, roads, sewerage and waste disposal. Since 1983 local industry has been advising Government that a site situated further than 20 kilometers from Albany would be too far away from the workforce and the port to be considered further.

In 1983 Max Hipkins and Associates was commissioned to undertake the Albany Region Industrial Study. The aim of this was to identify site(s) within 20 kms of Albany for establishment of special industry. The study evaluated 21 sites for industrial potential, arrived at a short list of three sites and favoured one being Down Road as the preferred location. The Down Road (Mirambeena) site was purchased by Government in 1987.

In 1989, Binnie and Partners completed the Industrial Locations and Wastewater Study. The objective was to prepare a detailed industrial development strategy for the Albany region which would, in particular, allow for the development of environmentally acceptable sites and disposal systems for existing and future effluent producing industries. The report recommended that Down Road be retained and developed as a low growth scenario site catering for low toxicity waste-producing industries until development of new wastewater treatment facilities allows much higher growth scenarios to be developed.

In 1993, Alan Tingay and Associates carried out the Environmental and Engineering Analysis of Mirambeena and in 1994 Evangelisti and Associated carried out a Drainage Management Plan. In 1995 a 'special use zone' was established around the industrial park. This zone extends for one kilometer and permits only activities that are compatible with special industry.

Mirambeena has been well-planned and studied over a 15 year duration and has been consistently identified as the suitable site for special industrial activity which by its nature is not suitable to locate in built up areas or in close proximity to residential areas.

Chorkerup has not been studied and planned to anywhere near this level of detail and for good reasons. Chorkerup requires a longer journey to port by rail, thus it will be more expensive to produce wood chips at that site. The site is not near services such as power, water, telecommunications and sewerage, and to connect to these incur considerable cost to a business. Another disadvantage of Chorkerup is its distance from Albany for local service

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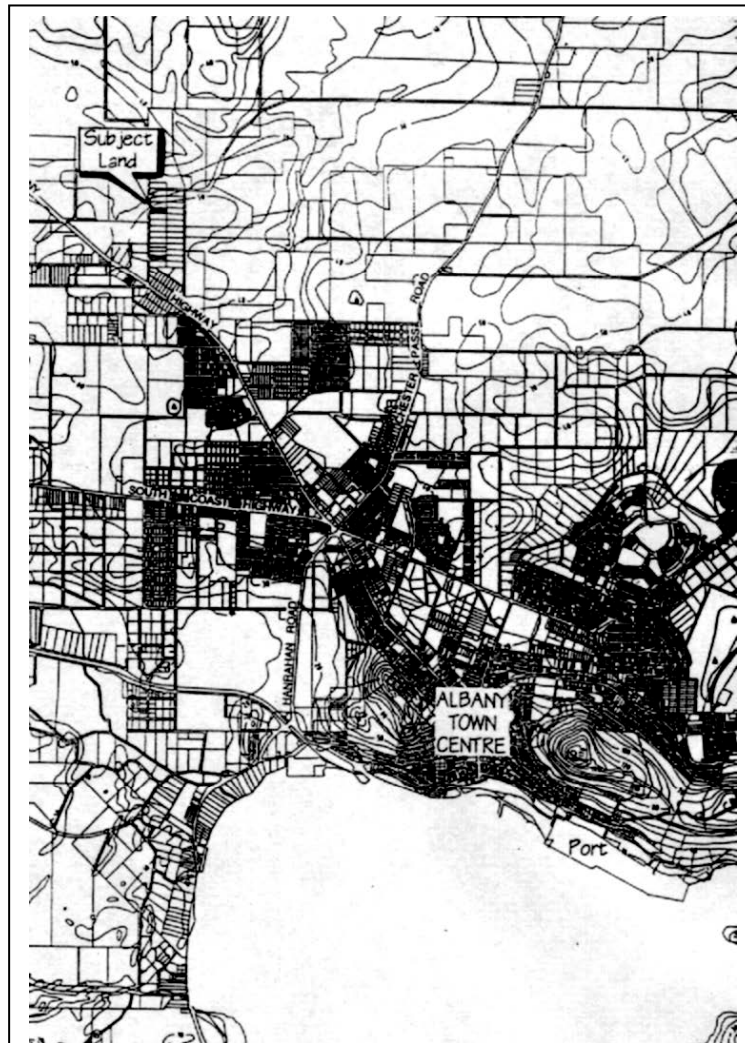
people, trades people and workers. Workers would have to travel further after long shifts and shifts that extend into the night, ultimately to a possibility of 24 hour operation. Local industry has previously advised that this is unacceptable.

Some of the local community of Albany would prefer that industrial activity occur as far from Albany as possible but without substantiation. Previous studies and industry views however, confirm that Chorkerup is not viable. In short, it is not the Government's preferred site for special industrial activity in Albany, and is too far from Albany Port to be economically viable by rail. The cost of providing services is prohibitive and would lead to a fragmentation of industry over a number of sites in the region rather than one coordinated estate.

The choice of Down Road by APFL endorses the planning and site selection process undertaken by Government in identifying the Down Road location.

**12.1.13 Special Residential Zone – Rocky Crossing Road, Warrenup**

- File** : AMD172 & A16360A (Kalgan Ward)
- Proposal/Issue** : Impact of Airport Noise on Locality
- Subject Land/Locality** : Lot 136 Rocky Crossing Road, Warrenup
- Proponent** : Ayton Taylor and Burrell
- Owner** : DM & TR Lines
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Shire of Albany Cncl 23<sup>rd</sup> April 1998  
Item 13.3.12  
Cncl 27<sup>th</sup> January 1999 Item 12.1.6
- Summary Recommendation:** Council proceed with Amendment.
- Locality Plan** :



Item 12.1.13 continued

## **BACKGROUND**

1. The subject lot has an area of 1.2ha and it is one of several lots bounded by Rocky Crossing Road and Kooyong Avenue which are zoned Rural, however they have a Special Rural character. A report was submitted to the former Shire of Albany in April 1998 advising that the Local Rural Strategy promoted the redevelopment of the lots for Rural Residential, Special Residential or Residential purposes. The report went on to say that there was a need for Council to undertake some structure planning of the area to co-ordinate the fragmentation of the lots and the integration of services.
2. Frustrated by Council's inability to undertake the structure planning, the proponent approached Council in January 1999 with a request that the landowners be permitted to rezone their land using a "limited structure plan". A copy of that concept follows this report. Council was not in a position to allocate funds or resources to complete the structure planning over the broader area and resolved to initiate a Scheme Amendment.
3. In accordance with the Planning Regulations, the rezoning documents were referred to the Department of Environmental Protection for advice and the Department responded by stating;

*"It is noted that part of the site is within the 20 ANEF noise contour around Albany Airport. The criteria for development for residential and other "noise sensitive" purposes in the vicinity of Albany Airport are being currently looked at by Council and the DEP with assistance from Westralia Airports Corporation. The DEP has urged that the criteria take into account:*

- *L<sub>Amax</sub> of 75 dB(A) for a single flight of a jet aircraft;*
- *L<sub>Amax</sub> of 65 dB(A) for the typical general aviation aircraft; and*
- *L<sub>DN</sub> of 55/65 dB(A) as an average for all aircraft.*

*The alternative is to base criteria on the ANEF contours. However, these are not considered as suitable criteria for regional airports. Criteria categories may allow some development in areas affected by noise provided that noise attenuation measures are adopted, consistent with the Australian Standard AS 2021-1994. It is recommended that the criteria be resolved and applied to this amendment prior to finalisation of the amendment."*

## **STATUTORY REQUIREMENTS**

4. The DEP has advised that the scheme amendment is not to be formally assessed and the Department is providing advice only. Whilst Council needs to address the concerns raised by the DEP, it will be the WA Planning Commission and the Minister for Planning who ultimately determine the suitability of the rezoning proposal. The Commission has advised that it will accept the appropriate Australian Standard as the planning instrument for determining noise requirements around an airport.

Item 12.1.13 continued

**POLICY IMPLICATIONS**

5. The Local Rural Strategy has in Policy Area Oyster Harbour 3 identified the land as being suitable for Rural Residential, Special Residential or Residential purposes in accordance with the availability of sewer and existing lot sizes.

**FINANCIAL IMPLICATIONS**

6. As the owner of the Albany Airport, Council has a vested interest in ensuring that traffic through the airport grows and that no urban development encroach upon the buffer areas of the airport. The rezoning of the land will have no financial implications for Council.

**STRATEGIC PLAN IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

7. The ANEF system is derived from the Noise Exposure Forecast (NEF) System which was developed in the United States. The ANEF was established following a major study carried out by the Commonwealth Government’s National Acoustic Laboratories in the early 1980’s. The ANEF varies from the NEF in the weightings that are applied to night time flights. The NEF treats every flight between 10 p.m. and 7 a.m. as being equivalent to 12 day time flights whereas the ANEF treats every flight between 7 p.m. and 7 a.m. as being equivalent to 4 day time flights.
8. The ANEF is a land use planning tool and it is recognised nationally within Australian Standard AS 2021 – 1994. The table below shows the recommended ANEF land use planning controls and it highlights that houses should be noise attenuated between the 20 and 25 ANEF contour and restricted inside the 25 ANEF contour. The Australian Standard also acknowledges that the “actual” location of the 20 ANEF is difficult to define accurately mainly because of the variation in aircraft flight paths.

**\*\*\* BUILDING SITE ACCEPTABILITY BASED ON ANEF ZONES \*\*\***

BUILDING TYPE	ANEF ZONE OF SITE		
	ACCEPTABLE	CONDITIONAL	UNACCEPTABLE
House, home, unit, flat, caravan park	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public Building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial Building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light Industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other Industrial	Acceptable in all ANEF zones		



Item 12.1.13 continued

9. In discussions with representatives from the WA Planning Commission, Westralia Airports Corporation, Department of Transport (Aviation Division) and the Department of Environment Protection it became apparent that the representatives from the DEP have no policy on noise at “Regional Airports”. Furthermore, the DEP considers the Australian Standard is unacceptable because they cannot physically measure an outcome (ie they wish to stand on a property and determine whether the planned noise levels are obtained or exceeded); this position is different to every other State in Australia where the ANEF is accepted as the universal planning instrument. More concerning was an acknowledgment by DEP officers that the Noise Regulations exempt aircraft in flight.
10. Following this report are plans showing the subject land and how it is affected by the ANEF contours and the DEP criteria. The subject lot is 3.7km from the airport and just within the 20 ANEF contour. Council must determine whether it wishes to exclude development of the subject land, require the proponent to meet the building noise attenuation requirements of AS 2021 –1994 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) or exclude the area from the 20 ANEF based upon the uncertainty with flight paths.
11. Acknowledging the flight frequencies through Albany Airport (current and planned) and the current flight paths used by pilots on approaches to, and departures from the airport it is obvious that the extent of the 20 ANEF is generous. The technician who produced the ANEF contours acknowledged that there is no data available on the actual departure and approach patterns to the airport and he had to assume a “standard approach pattern” is in place. Those living close to the airport (including the writer) can verify that aircraft are banking over the McKail and Orana areas on the approach to the airport and not flying over the town centre.

RECOMMENDATION

THAT Council proceed with the formal advertising of Amendment 172 to the City of Albany Town Planning Scheme No.3 as currently drafted and that, for the purposes of establishing the noise buffers to the Albany Airport, the proponent be advised that Council will require the amending documents to be altered to reflect Council’s desire that lots on the eastern side of Rocky Crossing Road be excluded from the requirements of Australian Standard AS 2021-1994, notwithstanding that it is located within the plotted 20 ANEF contour.

*Voting Requirement Simple Majority*

.....

Councillor Armstrong declared an interest as his property is located on Rocky Crossing Road, and left the meeting at 8:40pm.

Item 12.1.13. continued

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council proceed with the formal advertising of Amendment 172 to the City of Albany Town Planning Scheme No.3 as currently drafted and that, for the purposes of establishing the noise buffers to the Albany Airport, the proponent be advised that Council will require the amending documents to be altered to reflect Council's desire that lots on the eastern side of Rocky Crossing Road be excluded from the requirements of Australian Standard AS 2021-1994, notwithstanding that it is located within the plotted 20 ANEF contour.**

**MOTION CARRIED 12 – 0**


Councillor Armstrong returned to the meeting at 8:41pm.

This Precinct Structure Plan does not form part of Amendment No 172 but has been included, for information purposes only, to indicate

- how the development and/or subdivision of the land may occur in the future; and
- the likely requirements for the future development and/or subdivision of the land.

Separate approvals are necessary for zoning, subdivision and development of the land within this Precinct Structure Plan which may or may not result in changes to this plan.

**LEGEND**

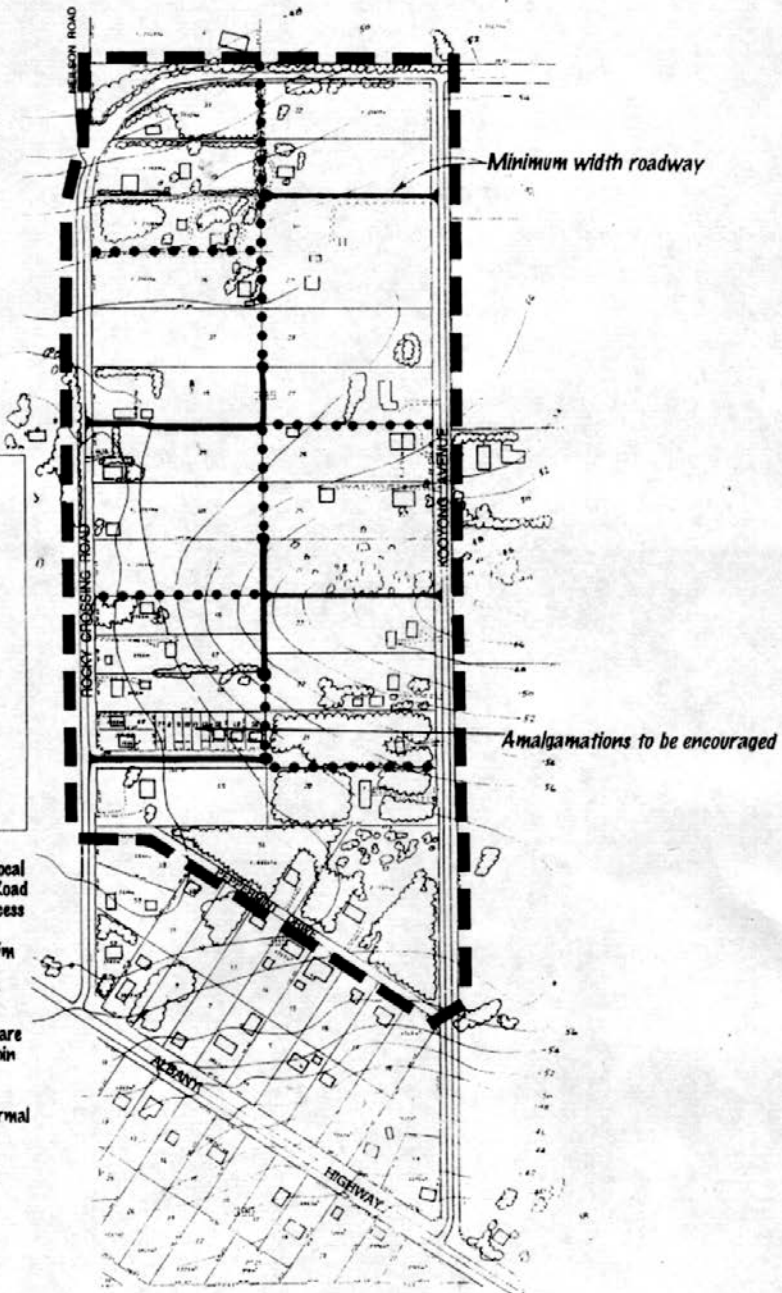
-  Subject Land
-  Existing Buildings
-  Existing Vegetation
-  Existing Roads
-  Existing Driveways
-  Proposed Roads
-  Strategic Fire Breaks

 N

Scale 1 : 5 000

**NOTES:**

- Maximise use of joint crossovers and reciprocal access for access points to Rocky Crossing Road and Kooyong Avenue, where alternative access is unobtainable.
- Widening of Peppermint Drive proposed at 5m on northern side.
- Taylorina in road reserves to be removed at subdivision.
- Tree/shrub planting to be required within bare road reserves and in strategic locations within lots.
- Reciprocal access to be decommissioned by agreement where internal road provides formal access.
- Subject to the outcome of the Albany Ring Road Planning Study, this plan may require modification.
- Truncations to be provided at subdivision.

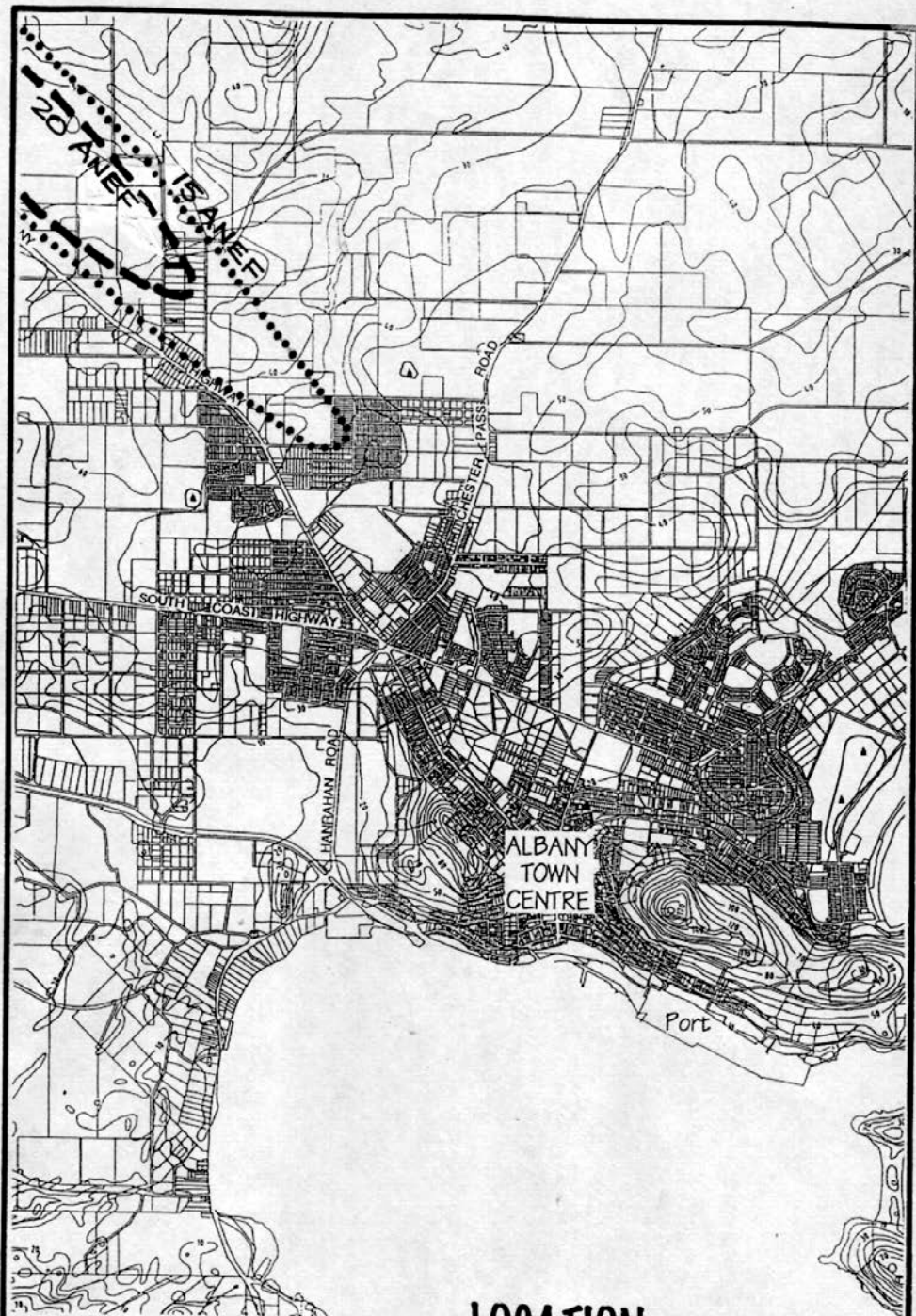


## PRECINCT STRUCTURE PLAN

### Rocky Crossing Road, Kooyong Ave & Peppermint Drive

YTON, TAYLOR & BURRELL  
 consultants in Town Planning and Civic Design  
 Duke Street, Albany, Western Australia 6330  
 phone 08 9842 2304 Fax 08 9842 1340

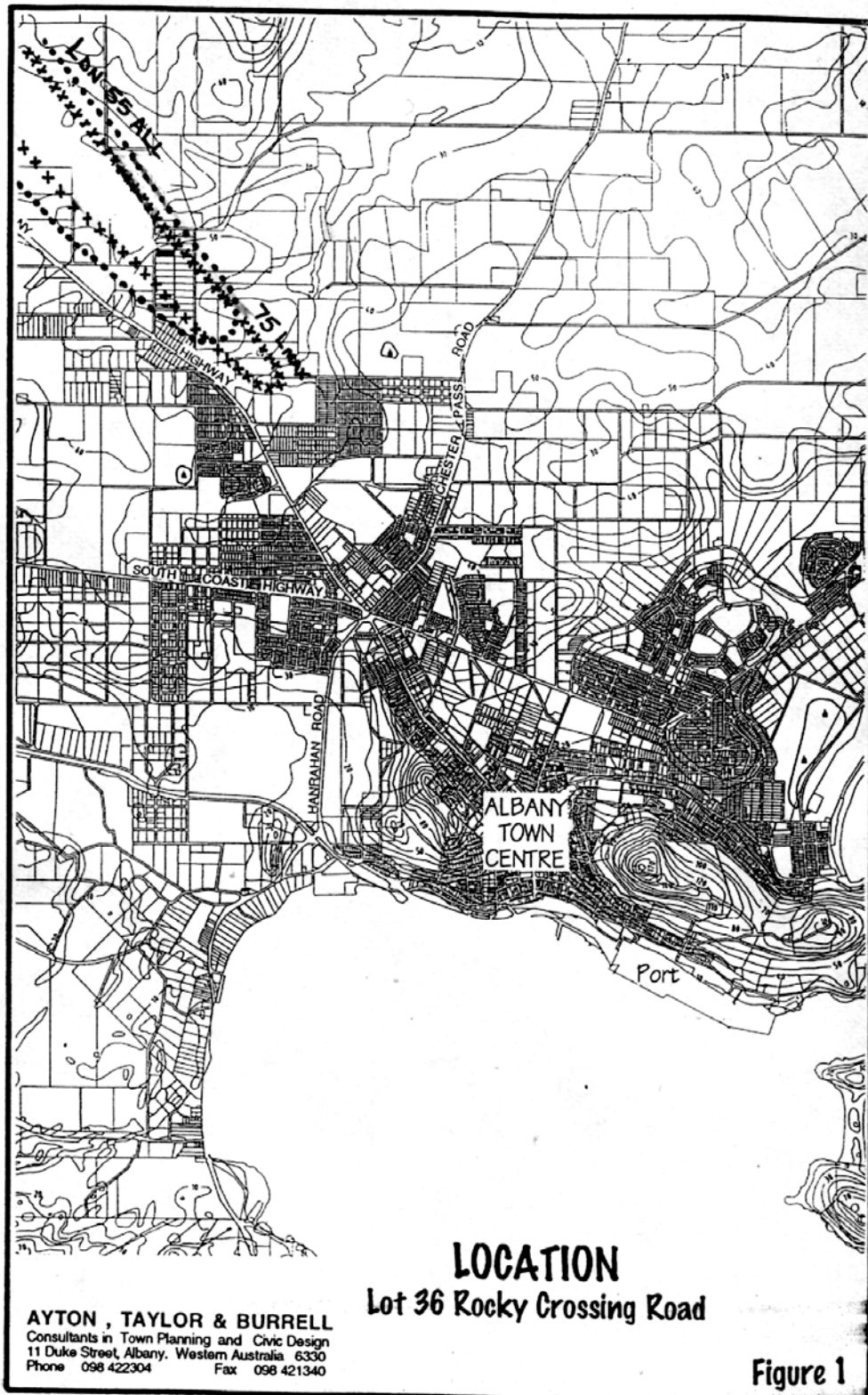
Figure 2



**LOCATION**  
**Lot 36 Rocky Crossing Road**

**AYTON, TAYLOR & BURRELL**  
Consultants in Town Planning and Civic Design  
11 Duke Street, Albany, Western Australia 6330  
Phone 098 422304 Fax 098 421340

**Figure 1**



#### **12.1.14 Delegation of Authority – Development Services Team**

<b>File</b>	:	LEG007
<b>Proposal/Issue</b>	:	Review Delegations to Development Services Team
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Previous Reference</b>	:	Cncl 22/07/98 item 12.1.6
<b>Summary Recommendation:</b>		Delegated Authority be issued to Officers within the Development Services Team.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Once in each year the delegations provided to the Development Services Team are to be reviewed by Council the delegated authority can be revoked, amended or renewed. The current delegations were established in July 1998.
2. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Town Planning and Development Act. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

Nil.

Item 12.1.14 continued

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC PLAN IMPLICATIONS**

4. Council's Strategic Plan promotes the empowerment of staff and the transfer of decision making to those officers who have the appropriate expertise and training to assist customers.

### **COMMENT/DISCUSSION**

5. Included in the Elected Members/Information Bulletin is a draft Delegation Register for both schemes. The Register contains 3 parts, the first details the actual clauses of the scheme where Council is required to perform a task. Part 2 details whether a delegation is extended to an officer and provides a limit to the delegation and part 3 establishes the guidelines which assist in decision making. The guidelines have been adopted as policies pursuant to the respective scheme to provide greater certainty in decision making.
6. The draft register seeks to provide a continuation of existing levels of delegation other than in the following areas;
  - Additional responsibility is to be extended to Craig Pursey in recognition of his position, training and experience.
  - The value of the projects that all officers can approve has been increased to recognise the escalation of building costs.
  - Delegations are to be extended to Peter Steele, Paul Watt, Melissa McCracken and Matt Grey following completion of their probationary periods and a demonstrated capacity to undertake the tasks proposed to be delegated.
7. Of all the applications that are lodged with the City of Albany fewer than 5% come before Council for determination. Projects totalling more than \$45 million were constructed last year and Planning Consents were issued for a number of large projects which have not yet been constructed. An inspection of the tasks listed in the registers also highlights that a number of 'administrative' tasks technically should be performed by Council; for example, without delegations, staff would not be in a position to advertise a development application or even determine what category of land use a development application should be considered under. To place each application before Council would add months to the approval periods for developments in Albany.

Item 12.1.14 continued

RECOMMENDATION

THAT by an absolute majority, the Council of the City of Albany:

- i) Pursuant to clause 6.10 of the City of Albany Town Planning Scheme No. 3 authorises to those officers mentioned in Schedule 1 those functions specified in the schedule, as they relate to Town Planning Scheme No. 3, subject to the specified parameters.
- ii) Pursuant to clause 7.21 of the City of Albany Town Planning Scheme No. 1A authorises to those officers mentioned in Schedule 2 those functions specified in the schedule, as they relate to Town Planning Scheme No. 1A, subject to the specified parameters.
- iii) Pursuant to clause 7.12 (a) of the City of Albany Town Planning Scheme No. 1A and clause 6.3 of the City of Albany Town Planning Scheme No. 3 authorises the following officers the powers of Council to enter and inspect land or buildings within the scheme area :
  - Robert John Fenn
  - Richard Allen Olsen
  - Keith Barnett
  - Craig Thomas Pursey
  - Alan Douglas Augustson
  - Jonathan Charles Roach
  - Peter Cameron Steele
  - Paul Watt
  - Alan Donald Watkins
  - Timothy Gerald Dolling
  - David Thomas Mexsom
  - John McKinnon Lucas
  - Matthew James Grey

*Voting Requirements Absolute Majority*

.....

Councillor Wilson suggested this item should lay on the table for a period of 3 weeks, to allow further discussion between Council and officers.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVANS**

**THAT this item lay on the table for a period of 3 weeks, to allow further discussion between Council and officers and be re-listed for consideration at the Ordinary Council Meeting on 24<sup>th</sup> August, 1999.**

**MOTION CARRIED 13 – 0**









Section	LEVEL OF DELEGATION					
	No 1	No 2	No 3	No 4	No 5	No 6
10. Section 5.1	Delegated <ul style="list-style-type: none"> <li>All projects to comply with Council guidelines and polices</li> <li>Includes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>All projects to comply with Council guidelines and polices</li> <li>With performance reviewed by EDDS on quarterly basis.</li> <li>Includes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>Residential dwellings and outbuildings up to \$500,000 value.</li> <li>Industrial and commercial projects up to \$500 000 value</li> <li>All projects to comply with Council guidelines and policies.</li> <li>Excludes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>Dwelling additions and outbuildings up to \$100,000 value</li> <li>All projects to comply with Council guidelines and policies.</li> <li>Excludes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>Residential dwellings and outbuildings up to \$200,000 value.</li> <li>Industrial and commercial projects up to \$200 000 value</li> <li>All projects to comply with Council guidelines and policies.</li> <li>Excludes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>Residential dwellings and outbuildings up to \$200,000 value.</li> <li>All projects to comply with Council guidelines and policies.</li> <li>Excludes authority to refuse an application.</li> </ul>
11. Section 5.1(i)	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
12. Section 5.2.1	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
13. Section 5.3(f)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
14. Section 5.7	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
15. Section 5.8	Delegated	Delegated	Delegated	Not Delegated	Delegated	Delegated
16. Section 5.9	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
17. Section 5.10.4	Delegated	Delegated	Delegated	Not Delegated	Delegated	Delegated

MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

\*\* REFER DISCLAIMER \*\*

Section	LEVEL OF DELEGATION					
	No 1	No 2	No 3	No 4	No 5	No 6
18. Section 5.11(b)(i)	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
19. Section 5.11(b)(ii)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
20. Section 5.13	Delegated <ul style="list-style-type: none"> <li>All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>with performance reviewed on EDDS on quarterly.</li> <li>All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>As per 2.</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>restricted to the authorisation of Building Licence after Planning Consent has already been issued.</li> </ul>	Not Delegated
21. Section 5.15(a)	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
22. Section 5.15(d)(ii)	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
23. Section 5.15(e)	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
24. Section 5.15(f)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
25. Section 5.15(g)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
26. Section 5.15(h)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
27. Section 5.16(a)	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated

MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

\*\* REFER DISCLAIMER \*\*

Section	LEVEL OF DELEGATION					
	No 1	No 2	No 3	No 4	No 5	No 6
28. Section 5.16(b)	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
29. Section 5.16(d)(iii)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
30. Section 5.16(d)(iv)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
31. Section 5.16(d)(vi)	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
32. Section 5.17(a)	Delegated <ul style="list-style-type: none"> <li>• authority to determine an application contrary to Guideline 1.7(c)</li> <li>• All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• up to a maximum value of \$500,000</li> <li>• subject to total compliance with all other policies and guidelines.</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>• up to a maximum value of \$200 000</li> <li>• excludes authority under guideline 1.7(b)</li> <li>• subject to total compliance with all other policies and guidelines.</li> </ul>	Not Delegated
33. Section 5.17(c)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
34. Section 5.17(c)(ii)	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
35. Section 5.18(a)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
36. Section 5.18(d)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Delegated
37. Section 5.18(g)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
38. Section 5.18(h)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated



MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

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Section	LEVEL OF DELEGATION					
	No 1	No 2	No 3	No 4	No 5	No 6
56. Section 6.9.2(A)	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
57. Section 6.9.2(B)	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
58. Section 6.9.3(B)	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
59. Section 6.9.4(A)	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
60. Section 6.9.4(B)	Delegated <ul style="list-style-type: none"> <li>• authority to determine an application contrary to Guideline 1.7(c)</li> <li>• All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• up to a maximum value of \$500,000</li> <li>• subject to total compliance with all other policies and guidelines.</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>• up to a maximum value of \$200 000</li> <li>• excludes authority under guideline 1.7(b)</li> <li>• subject to total compliance with all other policies and guidelines</li> </ul>	Not Delegated
61. Policies – Section 6.9.1 of Scheme	Delegated <ul style="list-style-type: none"> <li>• All projects to comply with Council guidelines and polices</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• All projects to comply with Council guidelines and polices</li> <li>• subject to quarterly performance review of EDDS</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• development to comply with Council Policy</li> <li>• As per 2.</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>• development to comply with Council Policy</li> </ul>	Not Delegated



MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

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DELEGATE	SIGNATURE	LEVEL OF DELEGATION
R FENN		1
R OLSEN		2
C PURSEY		3
J ROACH		4
A AUGUSTSON		4
P STEELE		4
P WATT		4
D MEXSOM		5
J LUCAS		6
M GREY		6
A WATKINS		6
M MCCRACKEN		4

WITNESS \_\_\_\_\_  
CEO

**CITY OF ALBANY  
TOWN PLANNING SCHEME 1A  
SCHEDULE 1  
LIMITS TO STAFF DELEGATIONS**

T/P SCHEME SECTION	LEVEL OF DELEGATION					
	1	2	3	4	5	6
A. Section 2.2	Delegated	Delegated	Delegated Up to maximum value of \$100 000	Not Delegated	Delegated up to a maximum value of \$10 000	Not Delegated
B. Section 3.4	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
C. Section 3.6	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
D. Section 3.8	Delegated	Delegated	Delegated up to a maximum value of \$500,000	Not Delegated	Delegated up to a maximum value of \$200,000	Not Delegated
E. Section 4.1(a)	Delegated <ul style="list-style-type: none"> <li>• all projects to comply with Council guidelines and polices.</li> <li>• Includes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• all projects to comply with Council guidelines and polices.</li> <li>• Includes authority to refuse an application.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• Residential dwellings and outbuildings up to \$500,000 value.</li> <li>• Industrial and commercial projects up to \$500 000 value</li> <li>• all projects to comply with Council guidelines and polices.</li> <li>• excludes authority to refuse an application</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• Dwelling additions and outbuildings up to \$100 000 value</li> <li>• all projects to comply with Council guidelines and polices</li> <li>• excludes authority to refuse an application</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• Residential dwellings and outbuildings up to \$200 000 value.</li> <li>• Industrial and commercial projects up to \$200 000 value</li> <li>• All projects to comply with Council guidelines and polices.</li> <li>• excludes authority to refuse an application</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• Residential dwellings and outbuildings up to \$200 000 value.</li> <li>• all projects to comply with Council guidelines and polices</li> <li>• excludes authority to refuse an application</li> </ul>

MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

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T/P SCHEME	LEVEL OF DELEGATION					
	1	2	3	4	5	6
F. Section 4.1(b)	Delegated • subject to limits at E above.	Delegated • subject to limits at E above.	Delegated • subject to limits at E above.	Delegated • subject to limits at E above	Delegated • subject to limits at E above	Delegated • subject to limits at E above
G. Section 4.5	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
H. Section 4.7	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
I. Section 4.8	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
J. Section 4.9	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
K. Section 4.10	Delegated • all projects to comply with Council guidelines and polices.	Delegated • with performance reviewed by EDDS on quarterly basis.  • all projects to comply with Council guidelines and polices.	Delegated • As per 2.	Not Delegated	Delegated • restricted to the authorisation of Building Licence after Planning Consent has already been issued.	Not Delegated

MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

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T/P SCHEME	LEVEL OF DELEGATION					
	1	2	3	4	5	6
L. Section 4.14	Delegated <ul style="list-style-type: none"> <li>all projects to comply with Council guidelines and polices.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>all projects to comply with Council guidelines and polices.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>as per 2.</li> </ul>	Delegated for projects up to \$100 000 <ul style="list-style-type: none"> <li>as per 2.</li> </ul>	Delegated for projects up to \$200,000. <ul style="list-style-type: none"> <li>as per 2.</li> </ul>	Delegated for projects up to \$200 000 <ul style="list-style-type: none"> <li>as per 2.</li> </ul>
M. Section 4.20	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
N. Section 4.22	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
O. Section 4.23	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
P. Section 4.24	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
Q. Section 4.26	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
R. Section 4.38	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
S. Section 4.43	Delegated	Delegated	Delegated <ul style="list-style-type: none"> <li>up to a maximum value of \$300 000</li> <li>subject to total compliance with policy provisions and guidelines</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>up to a maximum value of \$200 000</li> <li>subject to total compliance with policy provisions and guidelines</li> </ul>	Not Delegated
T. Section 4.2	Delegated	Delegated	Delegated	Not Delegated	Delegated	Not Delegated
U. Section 5.3	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
V. Section 6.2	Delegated	Delegated	Delegated <ul style="list-style-type: none"> <li>up to a maximum value of \$300 000</li> <li>subject to total</li> </ul>	Not Delegated	Not Delegated	Not Delegated

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T/P SCHEME	LEVEL OF DELEGATION					
	1	2	3	4	5	6
			compliance with policy provisions and guidelines <ul style="list-style-type: none"> <li>to seek comment from Heritage Adviser</li> </ul>			
W. Section 7.1	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
X. Section 7.4	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
Y. Section 7.5	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
Z. Section 7.6	Delegated	Delegated	Delegated <ul style="list-style-type: none"> <li>up to a maximum value of \$500,000</li> <li>subject to Guideline 1</li> <li>excludes authority under guideline 1.7(b)</li> <li>subject to total compliance with all other policies and guidelines</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>up to a maximum value of \$200 000</li> <li>subject to Guideline 1</li> <li>excludes authority under Guideline 1.7(b)</li> <li>subject to total compliance with all other policies and guidelines</li> </ul>	Not Delegated

MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

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T/P SCHEME	LEVEL OF DELEGATION					
	1	2	3	4	5	6
AA. Section 7.8	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
AB. Section 7.9(a)	Delegated <ul style="list-style-type: none"> <li>• authority to determine an application contrary to Guideline 1.7(c)</li> <li>• all projects to comply with Council guidelines and policies.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• all projects to comply with Council guidelines and policies.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>• up to a maximum value of \$500,000</li> <li>• subject to total compliance with all other policies and guidelines</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>• up to a maximum value of \$200 000</li> <li>• excludes authority under guideline 1.7(b)</li> <li>• subject to total compliance with all other policies and guidelines</li> </ul>	Not Delegated
AC. Section 7.9(b)	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
AD. Section 7.10	Delegated	Delegated	Delegated	Not Delegated	Not Delegated	Not Delegated
AE. Section 7.11	Delegated	Delegated	Delegated	Delegated	Delegated	Delegated
AF. Section 7.12(b)	Delegated	Delegated	Delegated <ul style="list-style-type: none"> <li>• only in circumstances where a Council Policy is in place to stipulate value and circumstance</li> </ul>	Not Delegated	Not Delegated	Not Delegated

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T/P SCHEME	LEVEL OF DELEGATION					
	1	2	3	4	5	6
AG. Policies (Various)	Delegated <ul style="list-style-type: none"> <li>all projects to comply with Council guidelines and polices.</li> </ul>	Delegated <ul style="list-style-type: none"> <li>all projects to comply with Council guidelines and polices.</li> <li>subject to quarterly performance review by EDDS</li> </ul>	Delegated <ul style="list-style-type: none"> <li>as per 2.</li> </ul>	Not Delegated	Delegated <ul style="list-style-type: none"> <li>development to comply with Council Policy</li> </ul>	Not Delegated

MINUTES - ORDINARY COUNCIL MEETING - 04/08/99

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OFFICER	SIGNATURE	LEVEL OF DELEGATION
R FENN		1
R OLSEN		2
C PURSEY		3
J ROACH		4
A AUGUSTSON		4
P STEELE		4
P WATT		4
D MEXSOM		5
J LUCAS		6
M GREY		6
A WATKINS		6
M MCCRACKEN		4

WITNESS .....

CEO



### 12.1.15 Albany Foreshore Redevelopment Project

- File/Ward** : STR013 (Frederickstown Ward)
- Proposal/Issue** : Planning of the Albany Foreshore Redevelopment Project.
- Subject Land/Locality** : Princess Royal Drive, Albany
- Proponent** : Landcorp
- Owner** : Crown
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : N/A
- Summary Recommendation:** A Committee of Council be Formed to Review the Foreshore Plan.
- Locality Plan** :



Item 12.1.15 continued

## **BACKGROUND**

1. On the 4<sup>th</sup> June 1999 Council received a briefing from parties on both sides of the Albany Foreshore Redevelopment Project debate to gain an appreciation of the issues confronting those parties with the current foreshore design. A copy of the briefing notes follows this report.
2. With the decision of Landcorp to withdraw from the planning of this project until Council can provide a “community consensus” on the form of development, there is an onus upon Council to bring the parties together and provide direction for the State Government.

## **STATUTORY REQUIREMENTS**

3. Section 5.8 of the Local Government Act states that Council may establish a committee to assist Council to exercise the powers and discharge the duties of a local government. The Act sets out in respect of committees the processes for nominating members (s5.10), allows for Council to delegate decision making powers to committees (s5.16), requires that a committee keep minutes of meetings (s5.22) and that the committee hold its meetings in public (s5.23).
4. The task proposed is one which will involve Councillors and community/interest groups discussing development options and then reporting back to Council on a possible course(s) of action. The task is best performed by a working party which has no decision making powers. The Local Government Act has no procedural or administrative requirements or restrictions for such a group.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

5. There is a substantial cost in terms of officer and Councillor time in trying to achieve a community consensus on this project. It would not be expected that Council or a committee progress the design beyond concepts.

## **STRATEGIC PLAN IMPLICATIONS**

Nil.

Item 12.1.15 continued

### COMMENT/DISCUSSION

6. There would appear to be general agreement amongst those groups who attended the briefing session that there should be some form of development on the subject land between Princess Royal Drive and Princess Royal Harbour. The residential component of the project drew the most criticism from the community. It is proposed to set up a focus group to explore a compromise solution on the development of the site and to feed back to the State Government the community's option(s).
7. The objectives of the reference group could include, but not be limited to;
  - (a) Describe the preferred and acceptable land uses for the foreshore area.
  - (b) Describe acceptable densities and heights for developments.
  - (c) Define traffic parameters, reclamation limits and building requirements.
  - (d) Describe 'unacceptable' elements.
  - (e) Obtain community and Council acceptance for the reference group's outcomes
  - (f) Present user friendly information for regional consumption and to gain regional recognition of the stated position of the City of Albany.

### RECOMMENDATION

THAT

- i) Council establish a focus group to explore options for the development of the Albany Foreshore Redevelopment site and that the Group be made up of the following representatives:
  - Council (Mayor and 3 Councillors)
  - Administration (CEO, EDDS and project officer)
  - Great Southern Development Commission
  - Albany City Heart
  - Albany Port Authority
  - Albany Port User Liaison Group
  - Albany Chamber of Commerce
  - Albany Port, Harbours and Foreshores Group
  - Hon. Kevin Prince
  - Hon. Monty House
  - Hon. Bob Thomas
  - Main Roads WA
  - Community Representatives (1 urban, 1 rural and 1 regional)
- ii) The Council representatives on the focus group be Mayor Goode, Councillors \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

Item 12.1.15 continued

- iii) Invitations be extended to the aforementioned groups and individuals to nominate a representative or personally participate in a focus group to progress the planning of the Albany Foreshore Redevelopment site.
- iv) Advertisements be placed in Albany and regional newspapers seeking nominations for community representatives with urban, regional and rural expertise to participate in a focus group to progress the planning of the Albany Foreshore Redevelopment site.

*Voting Requirement Simple Majority*

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The Chief Executive Officer advised part i) of the officer recommendation required amendment to include the Albany Ratepayers and Residents Association and Westrail, as these had been omitted from the list.

Item 12.1.15. continued

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVANS**

**THAT**

- i) Council establish a focus group to explore options for the development of the Albany Foreshore Redevelopment site and that the Group be made up of the following representatives:**
- **Council (Mayor and 3 Councillors)**
  - **Administration (CEO, EDDS and project officer)**
  - **Great Southern Development Commission**
  - **Albany City Heart**
  - **Albany Port Authority**
  - **Albany Port User Liaison Group**
  - **Albany Chamber of Commerce**
  - **Albany Port, Harbours and Foreshores Group**
  - **Hon. Kevin Prince**
  - **Hon. Monty House**
  - **Hon. Bob Thomas**
  - **Main Roads WA**
  - **Community Representatives (1 urban, 1 rural and 1 regional)**
  - **Albany Ratepayers and Residents Association**
  - **Westrail**
- ii) The Council representatives on the focus group be Mayor Goode, Councillors Dufty, Evans and Mountford.**
- iii) Invitations be extended to the aforementioned groups and individuals to nominate a representative or personally participate in a focus group to progress the planning of the Albany Foreshore Redevelopment site.**
- iv) Advertisements be placed in Albany and regional newspapers seeking nominations for community representatives with urban, regional and rural expertise to participate in a focus group to progress the planning of the Albany Foreshore Redevelopment site.**

**MOTION CARRIED 13 – 0**

**City of Albany**

**Notes from Briefing Session on the Albany Foreshore Redevelopment Project  
Held at the Mercer Road Office on the 4<sup>th</sup> June 1999.**

**Attendance:** Mayor Goode, Councillors Walker, West, Wolfe, Evers, Lubich, Evans, Wilson, Armstrong, Dufty, Cecil, Bojcun and Bain, Mr Kelly (CEO), Mr Fenn (EDDS), Mr Meeking (EDWS), Mr Jefferies (EDSP) and invited guests.

**Welcome:** Mayor Goode thanked the invited guests for their attendance and outlined the format of the briefing session.

**Great Southern Development Commission (Mr Peter Cook):** Mr Cook advised that the project is at a point in time. It is one of several points in time for the project and the GSDC has been working on behalf of the Albany community to deliver a project for the region. He showed a series of plans to demonstrate the progressions and produced a document for Council to demonstrate that there is a way forward.

Mr Cook highlighted the advantages of building upon the information that had already been assembled and felt there were 2 options available. Option 1 involved starting with a clean sheet (\$200,000 had already been spent on consultation) and option 2 involved building upon the accord that had been established. The demographic trends for Albany highlighted a major shift in employment and population trends and projects needed to developed for regional growth. Approximately \$15 mil. is available for development projects in Albany of a tourist nature.

Project evolution involves three stages, Concept Development, Design and Project Approval. The City of Albany, as the elected representatives of the community, can provide guidance on the concept development (mix of uses / balance of uses / community amenity) and assist the State Government to progress the project.

**Q. Cllr Bain** Does Fletcher's Abattoir change the employment details.

**A. Mr Cook** Does not have a large impact.

**Albany Port Harbours and Foreshores Preservation Group (Mrs. Elizabeth Barton)**  
Also appearing as a wider community representative. Since 1997 concerns have been expressed over the residential and the large commercial / hotel development. Most people were aware that the project has been going since 1983 but were not adequately informed of the high density of the development.

Community doesn't want port access hindered and the accord is not enough. The majority of the community wants to see the foreshore as a park land with BBQs, made safe from port traffic by a fence screened from the road by vegetation. The tourist appeal will be from the preservation of the beauty of the foreshore. Princess Royal Harbour is the second largest natural harbour in the world and it is not spoilt by development.

The APHFPG is about sensible development and is not anti development. Mrs Barton stated that she felt people were becoming aware of what we are loosing for the almighty dollar. The port is growing and creating employment and the APHFPG believes this development won't create employment.

Any option which doesn't reflect community desires (parks and a few shops, no hotel or tavern) will leave the community out of the process. Consideration should also be given to a memorial park on the foreshore. The APHFPG will continue to support the community wishes and put forward that point of view.

**Q. Cllr Cecil** Councillors are elected representatives of the community. How many members does the APHFPG represent.

**A. Mrs Barton** 95 members.

**Q. Cllr Wilson** How does Mrs. Barton feel about a marina without reclamation.  
**A. Mrs. Barton** Prepared to receive as an option and throw up for community feedback. Wind on the north side of the harbour is an issue.

**Q. Cllr Walker** Has Mrs. Barton any idea how much money the City spends on parks and gardens.

**A. Mrs Barton** No

**Mr Meeking** advised that in excess of \$1 mil.

**A. Mrs Barton** It is an issue of the way funds are allocated in the budget and community may be prepared to sacrifice expenditure in other areas to develop and maintain a foreshore park.

**Q. Cllr. Lubich** One reason to support a development is the wind on the site. A park will suffer from exposure to the weather.

**A. Mrs Barton** people will select the appropriate time to visit the site, like they do at Middleton Beach.

**Q. Cllr Cecil** Does Council have a role to determine the viability of businesses or simply provide sites and opportunities.

**A. Mrs Barton** Considers that is a role of Council.

**Q. Cllr Evans** Can Mrs. Barton provide an overview of the APHFPG survey  
**A. Mrs Barton** 702 people surveyed, 560 participated and were drawn from urban, rural and regional areas. Random sampling was used. Mrs. Barton advised that she felt a government funded survey of the region was not needed.

**Q. Cllr Cecil** What was the cost of the survey

**A. Mrs Barton** \$300 and a larger survey is currently being planned with a \$1000 budget.

**Returned and Services League of Australia (Mrs. Barton read a statement from Digger Cleak** – League would like to see an Anzac Memorial Park as a component of the foreshore development. An important part of our military history has never been the recognition and honour it deserves. Albany has been selected as the major WA site to commemorate Anzac day 2001 with federal funding for the event, it would provide the ideal opportunity to unveil a new memorial.

**Q. Cllr Wilson** Were staff aware of funding.  
**A. Mr Kelly** No. The funding is for the event not a memorial.

**Q. Cllr Dufty** Thought we already had a nationally recognised memorial.  
**A. Mayor Goode** RSL more concerned about Anzac day parade and sufficient land for the service.

**Q. Cllr Lubich** The removal of the existing memorial would be inappropriate  
**A. Mrs Barton** The existing memorial has significance to St Johns Church and the memorial needs to remain on the site and a new one built.

**Department of Transport – Marine Branch (Mr Patrick Dick)** Mr Dick advised that he would like to discuss the foreshore project from a departmental and personnel perspective. The Department of Transport is responsible to protect state assets and the Port of Albany is a strategic asset linking producers and users. Ports are strategically located and pressure is placed on them and the access corridors to the ports worldwide. The handling processes for commodities is changing (eg. containerisation) and some ports are expanding or moving to meet transportation demands, moves to bulk cargo and processing changes to commodities (eg canola oil instead of canola seed).

Pressure to integrate port and community uses can be accommodated if governments have to do it however the introduction of specific planning tools (State Strategy, State Industrial Policy and statutory planning framework) has been undertaken to ensure compatible land uses are introduced in buffer areas to ports. The strategic links to the port need to be firmed up then new town planning scheme provisions are needed to protect those links and prevent developments which compromise those links.

From a personnel perspective, Mr Dick relayed some examples of port developments and felt that any project on the foreshore needed to be designed in a logic manner. All planning should start with an understanding of the water usage; Albany is fortunate that zoning of the water has already been done, however some additional detail is required. The interface between the water and the city then needs to be determined (marina, boardwalks, etc). Next, planning of compatible uses that work with the waterfront should occur. Those uses would include dive shops, marine based offices, tourist accommodation, etc. Don't do the project in one stage and funding will not become an issue if the project is worthwhile.

The key issues are;

1. Safety issues should be avoided in tourist areas.
2. Development should be at a sympathetic scale.



3. No high rise development and consider the views to and from the city as well as the water.
4. Arrange compatible uses
5. Protect port access – how it will be done is to be managed by Council.

**Q. Cllr Bain**

Why did they move the port at Calk

**A. Mr Dick**

The depth of water did not accommodate modern shipping and the land area was needed for port related industries.

**Q. Cllr Lubich**

Should a safety fence be developed along Princess Royal Drive.

**A. Mr Dick**

Doesn't want to speculate on design issues. Separation can be achieved by the use of structures such as buildings, or by uses such as plantings and car parks

**Q. Mr Jefferies**

Has Mr Dick or the DoT reviewed the plans for the foreshore.

**A. Mr Dick**

Yes, but he is taking a position of trying to move forward, is addressing safety and land use issues, particularly the introduction of a major attractor into the project.

**Q. Cllr Walker**

Is Mr Dick against the use of a footbridge.

**A. Mr Dick**

Think about a footbridge from the users point of view. It must be useful if it is to work

**Albany Waterways Management Authority (Mr Matt Stevens)** Mr Stevens provided an overview of the roles and membership of the AWMA, highlighting that the 11 members appointed by the Minister are representative of the regional community. AWMA's policy is to support only those projects which are required to be located on the water's edge (ports, etc). The authority's policy is to set up foreshore reserves.

AWMA became involved in 1994 and opposed the reclamation on environmental grounds. Minister ensured that most of the issues that AWMA requested were provided.

**Q. Cllr Bain**

What were AWMA objecting to

**A. Mr Stevens**

Can't recall. It related to reclamation.

**Mr Fenn**

The extent of reclamation was reduced in 1994 following the release of the CER to ensure the dense seagrass beds were not affected.

**Q. Cllr Cecil**

Is AWMA opposed to all reclamation

**A. Mr Stevens**

Opposed only to reclamation for residential or commercial purposes.

**Mr Fenn**

Does AWMA own or manage any reserves it seeks to establish

**Mr Stevens**

It is state policy to request the reserves. Local Government and other state agencies are better equipped to take control and manage

the reserves. Under extreme circumstances AWMA would take control of a reserve if no one else is prepared to.

**Accord Group (Mr Mike Pemberton, Mr Bob Emery, Mr Ian Peacock & Mrs Jan Waterman)** Sixteen years ago the press was very supportive of the project, that has changed recently and the 4 groups met to retrieve the project and talk up the commercial development. They are seeking an anchor development centred around leisure and tourism, enhanced economic development and commercial viability. Residential is considered inappropriate on the site.

**Albany Port Authority (Mr Bob Emery)** By the year 2007/08 approximately 6.5 mil. tonnes of commodities, worth \$1.8 billion, will be shipped through the Albany port. The authority set out to protect the port and generate trade. Governments worldwide are taking action to prevent urban encroachment onto ports. Albany has one road and rail access to handle the 6.5 million tonnes if it is not restricted. There is room for the port to grow and the APA is opposed to the residential development only. Concern is expressed over safety with the truck and people mix.

APA supportive of a phased development and a mix of uses up to the boundary of the port, including the marina concept. The decision on what is built on the foreshore rests with the Council and the community.

The Albany port does not belong to or deal with the City. It caters for the region and people in the region. Those people should be taken into consideration during the planning. The APA embraces tourism and supports a more concerted effort in that area. Cruise ships can be attracted to Albany but there must be something for them to look at in close proximity to the port. The APA doesn't think the current design provides sufficient safety.

**Albany Port Users Liaison Group (Ian Peacock)** APULG had the least reason to join the accord group. They have most of the regional Councils in the group. APULG has safety concerns with the project and some concessions achieved; pedestrian safety concerns remain and development of a parkland would be no different to housing or commercial, with people still moving across the road.

To fill one large ship with woodchips would require nine 40 tonne trucks operating 270 days with 24 hour operation. Employment in the timber industry alone will create 1100 to 1700 jobs by 2005 without value adding industries. 24 hour access to the port is required if it is to remain competitive. 1.2 million tonne of grain, as a result of rail improvements, can now be diverted to Kwinana if the port becomes uncompetitive.

APULG feels a business based forum is needed to progress the development. Any compensation payable for a future development will not be met by the port users.

**Albany City Heart (Mrs Jan Waterman)** Commercial development within the CBD can employ 3000 people (inclusive of the foreshore project) and can make a valuable

contribution to the community. City Heart wishes to have both the port and the CBD expand and prosper. Stage 1 of the foreshore has proceeded and there is an expectation that stages 2 and 3 would follow. The completion of the view down York Street to a town square was supported.

ACH had no problems with the planned POS within the development and are concerned that converting the entire area to parks would remove rating revenue and place a burden on others. What use would the area be to the people of Albany, it is the most hostile real estate in Albany. A park must have a purpose with an appropriate justification to gain funding.

An anchor development is needed on the site. The Esplanade is a prime example of a good anchor development which has attracted other projects to Middleton Beach. ACH would endorse a quality development, with purpose built POS, which does not hamper port access. Neither the port nor the business should be disadvantaged if a world class development is planned for the site.

**Albany Chamber of Commerce (Mr Mike Pemberton)** Development equals tourism and tourism equals jobs. Develop the foreshore for everyone.

**Q. Cllr Bain**

What is the location and status of the footbridge.

**A. Mr Fenn**

A footbridge was shown on a similar alignment to the original structure however concerns were raised that its position would make it difficult for general use. The footbridge would revert to Council and it was important that it be sited and constructed with long term maintenance and usage in mind. The design and planning of the footbridge is at a very preliminary stage.

**Q. Cllr Dufty**

Is APA preference for short stay accommodation

**A. Mr Emery**

Prefer that there is no accommodation however short stay does have people residing for shorter periods and the visitors have no financial interest in the site.

**Q. Cllr Dufty**

Visitors enjoy watching ships and APA has fenced off the port.

**A. Mr Emery**

The fencing is require to manage public risk.

**Landcorp (letter read to participants)** Mr Fenn read a letter from Landcorp which stated ;

The role of Landcorp since 1994 has been to implement a development which was initiated as a locally conceived vision.

There is now a divergence in community opinion on the project.

Further Landcorp involvement in the project has been put on hold by the Landcorp Board.

The lead responsibility for the project will revert back to the Minister for Regional Development and the GSDC.

Further dilution of the income generating components of the project will result in an increase in the support funding requirements.

Given the hiatus in the project Landcorp trusts that Council appreciate their decision to step back and hand the leadership role to the local community until the future direction of the project is resolved. Landcorp is prepared to reengage at a future stage on an agreed development approach.

**Honorable Kevin Prince MLA** He observed that Albany developed as a port town and has progressed to a port / tourist town. The port was a series of jetties and moved to a land backed facility to accommodate changing needs. About one third of the buildings along Stirling Terrace were boarded up in the 1960s when the town turned its back on the port. The port and town were severed by the railway.

Community interest was generated in 1983 for a change, by 1986 Albany Tomorrow was produced and the GSDA formed and in 1993 the rail crossing was opened 50 years after it was closed. The Albany community now has a foreshore to have a debate over.

People are continually using the town jetty and recreation areas need access. Port access is sacrosanct and compatible land uses need to be planned. A project should include commerce with tourism and maritime themes.

Misinformation has hijacked the foreshore debate and it is important that Council doesn't throw out what has been done in the past. But it is also important that we don't get hung up on them. Council needs to debate with the community what the project will be.

**Q. Cllr Wilson** Hillaries is not a good project to build upon for Albany  
**A. Mr Prince** It is not a commercial port and not comparable to Albany where rail and road access are involved.

**Honourable Monty House MLA** The public has demonstrated its views on the current proposal and there is a lot of goodwill to move forward. A plan needs to be developed which is broadly accepted to all players and the public. That support can be gained through open debate, including the hinterland.

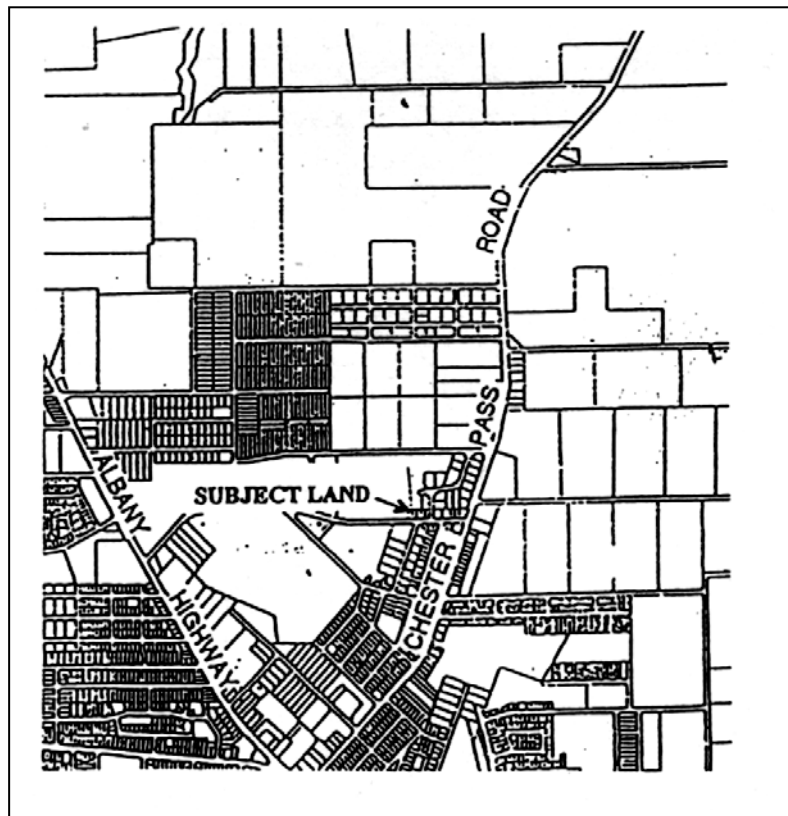
Albany needs to get some development on the foreshore and the project should not die. Council and the community need to prepare a diagram on what they want.

Mayor Goode declared the briefing session closed after calling for questions and receiving no response.

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**12.1.16 Rezoning – Lots 104, 105, 106, 108 & Pt Location 384 Richard Street, Milpara**

- File/Ward** : AMD176 – Town Planning Scheme No. 3 (Kalgan Ward)
- Proposal/Issue** : Modifications to Policy required prior to re-advertising
- Subject Land/Locality** : Lots 104, 105, 106, 108 and Pt. Loc 384 Richard Street, Milpara
- Proponent** : Smithson Planning
- Owner** : Meldrum, Male, Fairhead, Wilson, Harley and Hedderwick
- Reporting Officer(s)** : Planning Assistant (A Augustson)
- Previous Reference** : CNL Item 12.1.4 – 23/12/98
- Summary Recommendation:** Modify draft Policy and Amendment text in accordance with Minister’s requirements
- Locality Plan** :



Item 12.1.16 continued

## **BACKGROUND**

1. At the meeting of Council on the 9<sup>th</sup> December, 1998 a resolution was passed to grant final approval to Amendment 176 for the purpose of rezoning lots 104, 105, 106, 108 and Pt. Loc 384 Richard Street Milpara from the 'Residential' to the 'Light Industry' zone.
2. To address the concerns raised during the advertising period, with regard to the impact of the industrial development on the adjacent residential area, it was proposed to introduce a policy pursuant to Scheme 3 to limit the type of activities that could be developed on the site. A draft policy was prepared by the landowner's consultant and considered by Council on 23<sup>rd</sup> December, 1998.
3. A previous Council resolution, following the close of formal advertising, for the proposal resulted in the Minister for Planning giving Council two options to progress the amendment. One was to introduce yet another industrial zone into TPS 3 (7 different industrial zones currently exist) and the other to prepare new documentation for a Special Use zoning over the site. Both options were considered to be inconsistent with Councils objectives for the area.
4. The Minister was requested to consider 'Councils option' for the proposal to progress the Amendment and rezone the site to 'Light Industry' with a complementary scheme policy to control potentially conflicting land uses.
5. A response from the Minister has now been received.

## **STATUTORY REQUIREMENTS**

6. 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. Council must consider any comments received and Council then makes a recommendation to the Minister for Planning on the course of action Council wishes to pursue. 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.
7. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, without or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council's recommendation or he can require his own modifications to the documents prior to them being gazetted and coming into force (this is where this application currently sits in the process). The Minister can also decline to withdraw from the rezoning if he considers Council's decision is not consistent with orderly planning.

Item 12.1.16 continued

**POLICY IMPLICATIONS**

8. Clause 6.9.2 of Scheme 3 states that a policy shall become operative only after the draft policy has been adopted by Council, it has been advertised for a period of 21 days and Council has reviewed the policy in light of any submissions made during the advertising period.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC PLAN IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

9. The Minister for Planning has agreed to proceed with the Amendment subject to modifications to the Amendment text (to make reference to the proposed scheme policy) and modifications are made to the draft policy prior to advertising. The Amendment will then need to be re-advertised for a period of 28 days.
10. Should Council resolve to proceed with the Amendment, it must advise the Minister of the modifications to the Amendment and Policy prior to the commencement of the advertising period.
11. A copy of the proposed draft policy is attached. The letter from the Western Australian Planning Commission with the modifications required follows this report.

**RECOMMENDATION**

**THAT**

- i) Council modify the draft policy and Amendment text and request consent from the Minister to advertise, Amendment 176 to the City of Albany Town Planning Scheme No. 3.
- ii) Council re-advertise Amendment 176 to the City of Albany Town Planning Scheme No. 3 to rezone Lots 104, 105, 106, 108 and Pt Location 384 Richard Street, Milpara from the 'Residential' to 'Light Industry' zone,
- iii) Pursuant to section 6.9.2 of Town Planning Scheme No. 3 Council resolves to adopt the modified draft policy entitled "Design Guidelines: Richard Street Light Industrial Zone, Lots 104, 105, 106, 108 and Pt Location 384 Richard Street, Milpara.

*Voting Requirement Simple Majority*

.....

Item 12.1.16. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR CECIL**

**THAT**

- i) Council modify the draft policy and Amendment text and request consent from the Minister to advertise, Amendment 176 to the City of Albany Town Planning Scheme No. 3.**
- ii) Council re-advertise Amendment 176 to the City of Albany Town Planning Scheme No. 3 to rezone Lots 104, 105, 106, 108 and Pt Location 384 Richard Street, Milpara from the 'Residential' to 'Light Industry' zone,**
- iv) Pursuant to section 6.9.2 of Town Planning Scheme No. 3 Council resolves to adopt the modified draft policy entitled "Design Guidelines: Richard Street Light Industrial Zone, Lots 104, 105, 106, 108 and Pt Location 384 Richard Street, Milpara.**

**MOTION CARRIED 13 – 0**





WESTERN AUSTRALIAN  
PLANNING COMMISSION

Our Ref: 853/5/4/5 Pt 176  
Your Ref:  
Enquiries: Dale Bastin (9264 632)

24 May 1999

Chief Executive Officer  
City of Albany  
Po Box 484  
ALBANY WA 6331

<b>CITY OF ALBANY RECEIVED</b>		
- 3 JUN 1999		
FILE PR	CORR No. 9907211	OFFICER MOEV
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

Dear Sir

**TOWN PLANNING SCHEME NO 3  
AMENDMENT NO 176**

I refer to your letter of March 15, 1999 and advise that the Hon Minister for Planning has:

- (a) noted the submissions of no objection, uphold in part those submissions opposing the Amendment and require Council to modify the Amendment where appropriate to make reference to the proposed scheme policy for the subject land;
- (b) recommended that Council rectify inconsistencies between the proposed scheme policy and the scheme by making adjustments to the proposed policy (especially in relation to permissible land uses [clause 3] and setbacks [clause 5]) prior to advertising;
- (c) agreed to pursue the original amendment proposal to rezone the land to 'Light Industry' with a complementary scheme policy subject to re-advertising the amendment concurrently with advertising of the proposed policy;

In accordance with the provisions of Regulations 14(4) and 25AA(6) of the Town Planning Regulations, 1967 (as amended), Council is required to return the modified documents to the Commission within 42 days, or any longer period approved by the Hon Minister, of being notified of the modifications, if Council resolves to proceed with the Amendment.

Council is advised that re-advertising of the amendment is necessary in view of the passage of time since the initial advertising of the Amendment.

Upon receipt of amending documents modified in accordance with (a) above, the Amendment will be re-advertised for a period of 28 days subject to:

- (i) sign/s to the satisfaction of the Council describing the proposal being placed on-site within 7 days of the commencement of the re-advertising period and remaining on-site for the duration of the advertising period;

- (ii) adjoining/nearby landowners being notified in writing of the proposal within 7 days of the commencement of the re-advertising period and invited to make submissions; and
- (iii) the proposed town planning scheme policy being advertised concurrently with re-advertising of this amendment.

Three sets of amending documents are returned herewith.

When returning the documents to the Commission, please forward them directly to our Albany Regional Office. This will alleviate any delays in the processing of the Amendment.

Yours faithfully



↑  
CLAIRE KRUMMENACHER  
FOR SECRETARY  
WESTERN AUSTRALIAN PLANNING COMMISSION

Attach

### **Design Guidelines**

## **Richard Street Light Industry Zone - Lots 104, 105, 106, 108 and Pt Location 384 Richard Street, Milpara**

### **1.0 PREAMBLE**

The subject lots were zoned Residential under the City of Albany's Town Planning Scheme No.3, and form a peripheral component of the Milpara Light Industrial Area where the boundary between light industrial activity is effectively Richard Street.

The subject lots derive public road access from Richard Street (north side) and Charles Street (west side), Milpara and adjoin what was the municipal boundary between the former Shire of Albany and Town of Albany.

In June 1997, Council resolved to rezone the subject lots from the Residential zone to Light Industry zone

The rezoning of the lots from Residential to Light Industry was endorsed, subject to the preparation of design guidelines to address development issues that would apply at the interface of an industrial and residential area.

### **2.0 EXISTING CHARACTER**

The north side of Richard Street east of Charles Street is developed Light Industrial land, while the north side of Richard Street west of Charles Street is vacant cleared bushland. There are several developed industrial properties in Charles Street, and the south side of Richard Street is fully developed with residential single houses.

In view of the existing circumstances, the subject lots were virtually:-

- ◆ Incapable (economic feasibility) of development for residential purposes; and
- ◆ Incapable (planning constraints) of development for light industrial purposes; and
- ◆ Unsaleable as vacant residential land given the nature of potential future land use of adjoining lands

### **3.0 DEVELOPMENT OBJECTIVES**

The development of the subject lots should be based on low-key small-scale light industrial development with inoffensive activities (ie. Minimal visual impact, noise, odour, fumes, vibration, light, electrical interference, soot, ash, dust, grit, oil, waste emissions and traffic impact) arising from the development.

Notwithstanding the zoning/land use provisions of the City of Albany's Town Planning Scheme No.3 the development of the following landuses on the subject lots will be treated as 'AA' uses pursuant to the scheme;

- ◆ Light Industry, Rural Industry, Service Industry, Fish Shop, Milk Depot, Motor Repair Station, Sports Ground, Radio TV Installation, Public Recreation, Winehouse, Rural Storage Yard.

All other landuses shall be subject to the requirements of the Scheme.

-2-

#### 4.0 POLICY OBJECTIVES

The objectives of this policy are:-

- i. To develop the subject lots for light industrial, service industrial, showroom and warehouse uses that will be compatible with adjoining residential lots on the south side of Richard Street between Turner and Broughton Streets.
- ii. To preclude those industrial landuses that would prejudice the visual and aesthetic amenity (refer to issues in section 3) of the adjoining residential lots on the south side of Richard Street between Turner and Broughton Streets.
- iii. To promote visual and aesthetic amenity by the judicious placement of:-
  - ◆ Wastewater disposal to reticulated sewerage
  - ◆ On-site stormwater retention and disposal
  - ◆ Landscape vegetation retention and enhancement
  - ◆ Boundary fencing
  - ◆ Car parking location
  - ◆ Street frontage access

#### 5.0 DESIGN GUIDELINES

In accordance with Clause 5.13 of the Scheme, Council may relax the scheme provisions to allow:-

- ◆ buildings to maintain a minimum five (5) and average ten (10) metre front setback to Richard Street on the subject lots
- ◆ buildings to have a nil setback from side and rear boundaries where vehicle access is provided internally within the building or to one side
- ◆ a minimum front landscaping area of 5% of the total site area with a minimum width of ten (10) metres and a minimum depth of five (5) metres as measured from the Richard Street frontage

All buildings shall not exceed eight (8) metres in height above natural ground level

All waste water products shall be either retained and stored on-site in an appropriate receptacle for later disposal or discharged to reticulated sewer in a safe effective manner

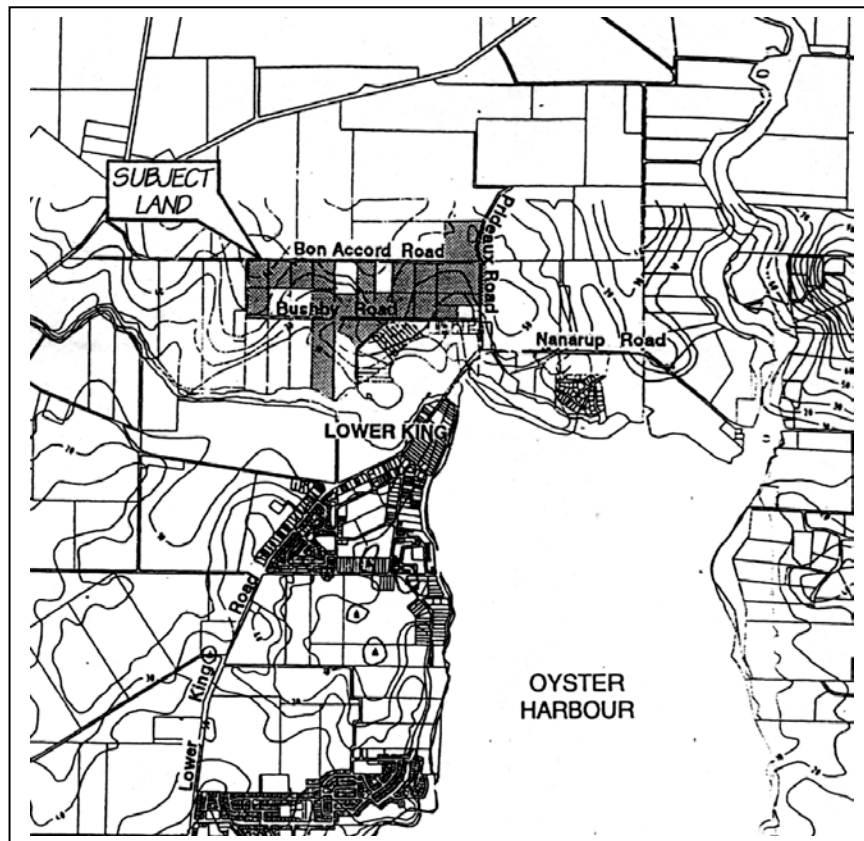
Each lot shall be limited to one (1) vehicle crossover with access to Charles Street in preference to Richard Street and provision of internal turning areas such that all vehicles enter and leave the premises in a forward gear

All carparking and accessways are to be constructed, drained, edged with kerbing and sealed

Dated: 27 July, 1999

**12.1.17 Rezoning Bushby/Bon Accord/Prideaux Roads, Lower King**

- File** : AMD159
- Proposal/Issue** : Adequacy of Amending Documents
- Subject Land/Locality** : Lots bounded by Bushby, Bon Accord, and Prideaux Roads
- Proponent** : Ayton, Taylor & Burrell
- Owner** : Various
- Reporting Officer(s)** : Executive Director of Development Services (R Fenn)
- Previous Reference** : Cncl S of A 23/04/98 Item 13.3.4  
Cncl S of A 11/06/97
- Summary Recommendation:** Require further modifications to amending documents
- Locality Plan** :



Item 12.1.17 continued

## **BACKGROUND**

1. The proposal is to include “Rural” zoned land generally located in the vicinity of Bushby and Bon Accord Roads, Lower King in a “Special Rural” zone. The rezoning would facilitate the subdivision of the area into 84 lots. The Development plan follows this report.
2. The history of the amendment is as follows:-
  - Was originally lodged with Shire of Albany on 9<sup>th</sup> October 1996.
  - Council at its Meeting of 11<sup>th</sup> June 1997 resolved that it may initiate the Amendment subject to clarifying various issues.
  - Revised draft amendment was received 12<sup>th</sup> December 1997.
  - Council at its Meeting of the 23<sup>rd</sup> April 1998 resolved to adopt the amendment subject to the further modifications to the Amendment document being carried out.
  - Response received 17<sup>th</sup> June 1998 (but not the amended documents).
3. The original requirements requested by the former Shire of Albany can be summarised as:-
  - a) Require commitment from residents for service provision and land uses in perpetuity;
  - b) Require the provision of sealed roads and cycleways;
  - c) Include all of the Policy Area No. 10 in the Amendment;
  - d) Extend the building exclusion area;
  - e) Alter the provisions for mosquito control;
  - f) Improve fire access for the battle axe legs;
  - g) Require a minimum road pavement width of 6 metres;
  - h) Alter the provisions for the foreshore management areas;
  - i) Include chalets as a ‘AA’ use; and
  - j) Prohibit development within the buffer area for the septage disposal site.
4. The requested alterations are complex and have required lengthy examination by both Council officers and a consultant engaged to assist in resolving the amendment. Two residents meetings were also held (on the 15<sup>th</sup> March and the 24<sup>th</sup> May 1999 respectively) to discuss the proposal and the outstanding issues.
5. The discussions with the residents, focussed upon the costs outlined below and responsibility for the provision of services to subdivided lots. The land owners had a false expectation of Council’s contributions towards road works.
6. Three options for proceeding were put forward as being:-
  - zone all of the policy area;
  - zone all of the area with a provision to prepare a guide plan for the total area (this effectively stages the development); and
  - only zone the eastern half.

Item 12.1.17 continued

## **STATUTORY REQUIREMENTS**

Nil.

## **POLICY IMPLICATIONS**

7. The subject area is included within the Oyster Harbour 10 Policy Area of the City of Albany Local Rural Strategy. The Strategy promotes the development of the area for rural residential purposes subject to:-
  - a) relocation of the septage disposal facility; and
  - b) zoning provisions based upon the identified constraints and land management needs. These are summarised as follows:-
    - area is visually sensitive
    - part of the area is low lying
    - revegetation would be desirable
    - the potential for small scale tourist development needs to be assessed; and
    - provision of foreshore reserves along King River.

## **FINANCIAL IMPLICATIONS**

8. The most significant issue relates to that of service provision and cost apportionment between the landowners. The main services that are affected by this are:-
  - road upgradings for Bushby, Bon Accord and Prideaux Roads;
  - provision of new subdivisional roads and accessways;
  - provision of reticulated water supply;
  - underground electricity; and
  - strategic firebreaks.
9. The proposed subdivision of the area, if left uncoordinated, may result in servicing difficulties. These are summarised as follows:-
  - a) the first developer will act as a 'pioneer' and may have to incur significant head works cost which will then benefit other landowners;
  - b) the draft provisions in the amending documents would potentially allow developers to appeal against any Council request for subdivisions requiring contributions towards the upgrading of roads etc; and
  - c) as a result of the above two issues there may be frustration from landowners that the subdivision is impractical or difficult to achieve. This could place additional pressure upon Council to coordinate and pre fund works so that development can occur.

Item 12.1.17 continued

10. Further examination of the proposal has indicated the following indicative servicing costs:-

Roadworks	
- upgrading of existing roads	\$ 204,000
- new roads	\$ 106,000
Accessways/Crossovers	\$ 100,000
Underground Power	\$ 420,000
Water Reticulation	\$ 225,000
Water Headworks	\$ 210,000
Strategic Firebreaks	\$ 100,000
Landscaping	\$ 85,000
Survey	\$ 70,000
Council fees	\$ 10,000
Engineering	\$ 65,000
Contingency	\$ 100,000
<b>Total</b>	<b>\$1,695,000</b>
Average Cost per lot	\$ 20,200

## STRATEGIC PLAN IMPLICATIONS

Nil.

## COMMENT/DISCUSSION

11. After some discussion at the resident's meeting it was agreed that the whole area should be rezoned, with specific provisions to address appropriate staging of development and servicing. The individual owners would then be responsible for their own costs.
12. The Amendment will require examination by the Western Australian Planning Commission and referral to a number of government departments; including the EPA. There is likely to be a number of issues arising from this however the Regional Manager of the Ministry for Planning attended the resident's meetings and endorses the actions proposed.
13. Following is a schedule of suggested modifications which reflect the previous the general intentions of Council's resolutions and the outcomes of the resident's meetings.
14. There is a clear indication in the Rural Strategy that the area has potential for development, and a strong public expectation has been created, over a long period of time, that Council supports the initiative to rezone the land. As the main servicing issue has been addressed and the residents are now fully aware of the likely implications, the Amendment should proceed to public advertising at the earliest opportunity.



Item 12.1.17 continued

RECOMMENDATION

THAT Council

- i) Given the consultation that has occurred with the residents, and their desire to proceed in the knowledge of the potential servicing issues, Council resolves that it is prepared to adopt Amendment No. 159 upon receipt of the necessary documentation.
- ii) The proponent be required to provide suitable amending documents which include the modifications contained in the attachment.
- iii) The residents and their consultant be advised of the above and informed that the purpose of this resolution is to allow Amendment No. 159 to proceed to public advertising and examination by government agencies. No commitment can be given by Council that the Amendment will be adopted for final approval, without further modifications.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR MOUNTFORD  
SECONDED COUNCILLOR BAIN**

**THAT Council**

- i) Given the consultation that has occurred with the residents, and their desire to proceed in the knowledge of the potential servicing issues, Council resolves that it is prepared to adopt Amendment No. 159 upon receipt of the necessary documentation.**
- ii) The proponent be required to provide suitable amending documents which include the modifications contained in the attachment.**
- iii) The residents and their consultant be advised of the above and informed that the purpose of this resolution is to allow Amendment No. 159 to proceed to public advertising and examination by government agencies. No commitment can be given by Council that the Amendment will be adopted for final approval, without further modifications.**

**MOTION CARRIED 11 – 2**

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**Amendment No 159  
Schedule of Modifications**

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Plan

**8 In Clause 3.0 Land Use**

That Provision 3.0 only contain a list of specified land uses. The conditions which relate to the approval of these be included in other sections.

**9 In Clause 5.0 Location of Buildings and Structures**

Add

5.6 No development shall occur within the buffer to the liquid waste disposal site (as shown on the SGP) unless:-

- (a) the liquid waste disposal facility has ceased operation and the site has been rehabilitated to the satisfaction of the EPA; or
- (b) the development is considered by Council to be ancillary to an existing residence.

**10 In Clause 5.0 Location of Buildings and Structures**

Delete clause 5.3 and re number the other clauses.

**11 In Clause 7.0 Vegetation, Revegetation and Waterbody Protection**

Replace sections 7.6, 7.7 and 7.7 with

Prior to any subdivision or development occurring on any lot within the Landscape Protection Area a foreshore management plan shall be prepared and adopted by the Council. This plan shall show the 1:100 year flood level, mosquito control and all other matters considered necessary to protect the intertidal and salt marsh area.

**12 In Clause 10.0 Bushfire Management & Control**

Alter clause 10.4 to read

Low fuel buffers, at least 20 metres wide shall be established and maintained around all dwellings.

**13 Clause 12.2 Mosquito Nuisance**

This be replaced with

Notification in the form of a memorial is to be placed on the Certificate of Titles of all lots within the subdivision advising of the existence of a hazard or other factor, in accordance with Section 12A of the Act to the satisfaction of the Commission and at the developer's cost. The memorial is to state as follows:

*"This lot is in close proximity to mosquito breeding areas. The mosquito species is known to carry Ross River Virus and other diseases."*

**MAPS AND PLANS**

**14 Subdivision Guide Plan**

This be modified to include all of the policy area.

**15 Zoning Plan**

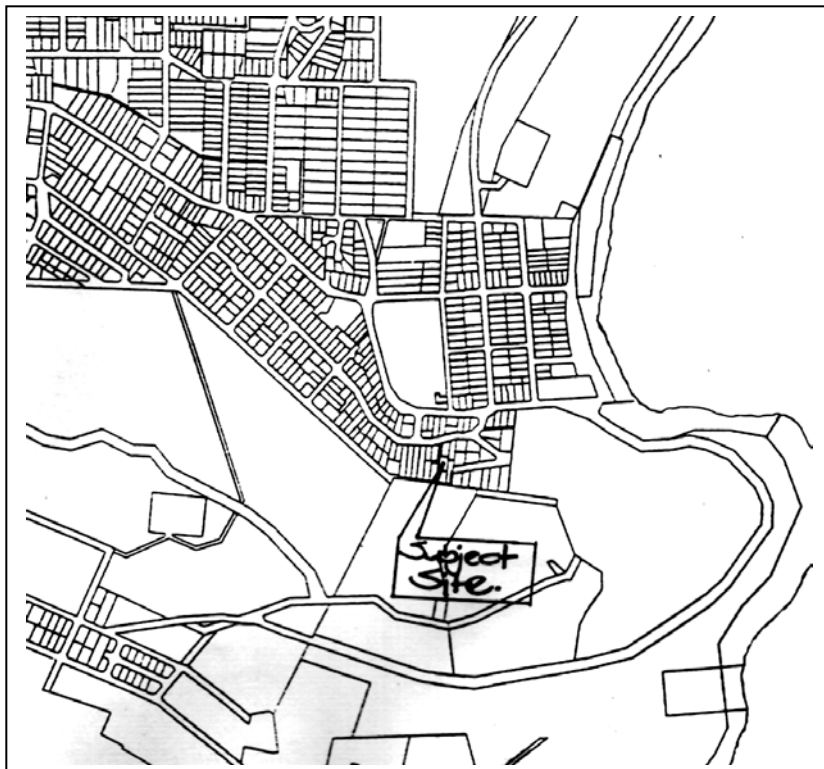
This be modified to include all of the policy area.



## 12.2 EDUCATION & COMPLIANCE

### 12.2.1 Withdrawal of a Notice Issued Under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960.

<b>File/Ward</b>	:	A142850 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Consider withdrawing the Notice served on Mr R A & Mrs J Fagents
<b>Subject Land/Locality</b>	:	Part lot 70 (9C) Wylie Crescent Middleton Beach
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Mr RA & Mrs J Fagents
<b>Reporting Officer(s)</b>	:	Manager - Education & Compliance (K Barnett)
<b>Previous Reference</b>	:	Item 4, Special Council Meeting 13/1/97.
<b>Summary Recommendation:</b>		Withdraw the Notice issued to Mr RA & Mrs J Fagents under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960.
<b>Locality Plan</b>	:	



Item 12.2.1 continued

## **BACKGROUND**

1. In January 1993, a building licence was issued to a registered builder for the construction of a dwelling on Lot 70 (9B) Wylie Crescent, Middleton Beach. The address is now Strata Lot 1, Part Lot 70 (9C) Wylie Crescent.
2. Included in the licence was approval for the construction of a masonry and concrete retaining wall on the boundary adjacent to Lot 71 (11A) Wylie Crescent.
3. The dwelling and retaining wall were completed in May 1995. However, the owner of Lot 71 claimed that the construction of the retaining wall was not in accordance with the approved plans. These claims were investigated on at least three occasions and could not be substantiated on those occasions.
4. In December 1996, the former Town of Albany received information from a practising structural engineer, acting for the owner of Lot 71, which indicated that the retaining wall, as constructed, may not be in compliance with the approved plans and specifications and may be unsafe.
5. The approved plans and specifications require that the width of the concrete footings should be at least 1200 millimetres whereas it was alleged that the footings are only a maximum width of 900 millimetres. In addition, it was claimed that the reinforcing mesh in the retaining wall was F62, not the required F72.
6. Acting upon this information, and legal advice, Council resolved, at a special meeting held on 13<sup>th</sup> January 1997, to issue a Notice under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 requiring the owners of Lot 70 to alter the retaining wall so that it complied with the approved plans and specifications.
7. Under the provisions of the Local Government (Miscellaneous Provisions) Act 1960 the owners of Lot 70 have the right of appeal to referees or the Minister for Local Government, and in February 1997 an appeal was submitted to the Minister.
8. However, the Minister of Local Government decided to postpone determination of the appeal until a District Court action instigated by the owner of Lot 71, against the owner of Lot 70, had been heard and a decision handed down. The appeal is still pending.
9. In the meantime, the owners of Lot 70 have carried out further site investigations, which included drilling holes in the concrete floor slab to determine the width of the concrete footing and exposing a portion of the vertical steel reinforcing mesh in the retaining wall. It was found that the reinforcing mesh in the portion of the retaining wall exposed is F72, and the width of the concrete footing is greater than 900 millimetres. The owners of Lot 70 has submitted a copy of a report prepared by a practising structural engineer that confirms these findings.

Item 12.2.1 continued

10. The owners of Lot 70 have requested Council to withdraw the Notice issued under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 as two of the issues mentioned in the Notice have been refuted.
11. The use of F72 reinforcing mesh in the retaining wall had been confirmed by the Manager - Education & Compliance during an original site inspection. It would appear that the original notice is inaccurate based upon the supporting professional advice and it should be withdrawn.

### **STATUTORY REQUIREMENTS**

12. The Local Government (Miscellaneous Provisions) Act 1960 provides the local government with the authority to issue notices on owners, occupiers and/or builders for any breaches of the Act.
13. Section 401 (1) states, inter alia:

*"401. (1) A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building -*

- (a) Which tends to render the building unsafe or prejudicial to the public interest;*
- (b) Which is not in compliance with, or is a departure from, the plans and specifications the approval, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act;"*

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC PLAN IMPLICATIONS**

Nil.

### **COMMENT/DISCUSSION**

14. As the circumstances surrounding the issue of the Notice in January 1997 have altered, the request from the owners of Lot 70 (9C) Wylie Crescent, Middleton Beach to withdraw the Notice would appear reasonable.

Item 12.2.1 continued

15. Withdrawal of the Notice issued under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 does not preclude Council from issuing a further Notice should the need arise.

RECOMMENDATION

THAT Council resolve to:

- (i) Withdraw the Notice issued to Mr R A & Mrs J Fagents under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960;  
and
- (ii) Advise the Minister for Local Government of this action.

*Voting Requirement Absolute Majority*  
.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR DUFTY**

THAT Council resolve to:

- (i) Withdraw the Notice issued to Mr R A & Mrs J Fagents under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960;**  
**and**
- (ii) Advise the Minister for Local Government of this action.**

**MOTION CARRIED 13 – 0  
ABSOLUTE MAJORITY**





## **14.0 WORKS & SERVICES**

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### **- I N D E X -**

#### **14.1 WASTE MANAGEMENT**

#### **14.2 DESIGN SERVICES**

#### **14.3 OPERATIONS**

14.3.1 Contract 99023 - Supply & Delivery of Single Axle Truck Cab-Chassis & Tipper Tray

14.3.2 Australian Airports Association

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

**14.1 WASTE MANAGEMENT**

Nil

**14.2 DESIGN SERVICES**

Nil

### 14.3 OPERATIONS

#### 14.3.1 Contract 99023 - Supply & Delivery of Single Axle Truck Cab-Chassis & Tipper Tray

<b>File/Ward</b>	:	99023 All Wards
<b>Proposal/Issue</b>	:	Contract for supply and delivery of a new single axle truck cab-chassis & tipper tray
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Workshop Team Leader (B Robinson)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		Accept the tender from Mark Loveridge Holden for the Isuzu FVR 950 (5650).
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Tenders have been called and received for the supply and delivery of a single axle truck cab-chassis & tipper tray to be used as a construction and maintenance truck. P2036 registration A – 26772, 1990 Isuzu Truck is to be used as a trade-in.

#### STATUTORY REQUIREMENTS

2. As per the Local Government Act 1995 (Local Government, Functions and General, Amendment Regulations 1997) a number of regulations and requirements are listed as to the tendering process for goods and services. As per regulation 11(1), the contract may be worth more than \$50,000, so tenders have been called and received.

Item 14.3.1 continued

3. Regulation 18, outlines a number requirements relating to choice of tender. This is as follows:
  - 18(1) A tender is required to be rejected unless it is submitted at a place and within the time, specified in the invitation for tenders.
  - 18(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
  - 18(3) If, under regulation 23(4), the local government has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
  - 18(4) Tenders that have not been rejected under sub-regulation (1), (2), or (3) are to be considered by the local government and it is to decide which of them it thinks it would be most advantageous to the local government to accept.
  - 18(5) The local government may decline to accept any tender.
4. As per Regulation 19, all tenderers must be notified of the outcome.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

5. The City of Albany has budgeted \$56,796 as a nett figure to changeover this vehicle. The money for this comes from the carryover from the reserves of last year's budget.
6. Eleven tenders have been submitted for council's consideration as follows:

Dealer	Model	New Price (Cab& Chassis)	Trade- in	Nett Changeover	
				HP Body	Evertrans Body
Mark Loveridge Holden	Isuzu FVR 900 (6060)	57,596	30,000	46,036	46,936
Mark Loveridge Holden	Isuzu FVR 900 (5650)	59,576	30,000	48,036	48,916
Mark Loveridge Holden	Isuzu FVR 950 (6060)	65,456	30,000	53,896	54,796
Mark Loveridge Holden	Isuzu FVR 950 (5650)	67,456	30,000	55,896	56,796
Mark Loveridge Holden	Isuzu FVR 950 HD(6060)	69,072	30,000	57,512	58,412
AV Trucks	Nissan PN 220	70,302	31,000	57,742	58,642
Mark Loveridge Holden	Isuzu FVR 950 HD(5650)	71,072	30,000	59,512	60,412
Skipper Trucks	Mitsubishi FM 658HV	83,548	17,500	67,988	
Brentford Holdings	Outright Purchase		29,500		
W&P Truck & Machinery	Outright Purchase		27,611		
E. Livesey	Outright Purchase		10,150		

Item 14.3.1 continued

Given that the budget is yet to be adopted by Council, the voting requirement is by Absolute Majority.

### **STRATEGIC PLAN IMPLICATIONS**

7. Asset replacement and acquisition is outlined in the principal Activity plan. The change-over of the single-axle truck would meet the following objectives outlined in the plan:
  - To provide for the timely purchase and replacement of assets in accordance with acquisition and replacement programs
  - To optimise performance of the plant fleet
  - To minimise plant replacement costs
  - Ensure that adequate plant resources are available when necessary

### **COMMENT/DISCUSSION**

8. From the table the lowest changeover cost is the tender offered by Mark Loveridge Holden to purchase an Isuzu FVR 900. The truck, however, does not satisfy all the requirements of the specification, as it only has two seats.
9. The next model up, Isuzu FVR 950, offered by Mark Loveridge Holden does satisfy all the requirements of the specification. The shorter wheelbase model, FVR 950 (5650), was considered the most advantageous truck. The shorter wheelbase allows for better maneuverability around objects such as roundabouts. The Isuzu FVR 950 (5650) changeover sum does not exceed the budgeted amount for this tender.
10. The Isuzu 950 model has a modern fuel efficient engine, higher kilowatt power, a larger power assisted clutch and vehicle stabiliser bars.
11. The Evertrans body is at a cost of \$900 more than the Howard Porter body. The reason the Evertrans body has been recommended is as the body is built locally, therefore parts and service are easier to obtain.
12. The remaining tenders exceed the allowed budget for this vehicle.
13. The trade-in value Council would get from Mark Loveridge Holden exceeds any of the outright purchases of Council's current truck.

Item 14.3.1 continued

RECOMMENDATION

THAT Council award Contract 99023 – Supply & Delivery of Single Axle Truck Cab-Chassis & Tipper Tray to Mark Loveridge Holden for the supply and delivery of one Isuzu FVR 950 (5650) single axle truck cab-chassis and tipper tray with the Evertrans body for the changeover sum of \$56,796.

*Voting Requirement Absolute Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council award Contract 99023 – Supply & Delivery of Single Axle Truck Cab-Chassis & Tipper Tray to Mark Loveridge Holden for the supply and delivery of one Isuzu FVR 950 (5650) single axle truck cab-chassis and tipper tray with the Evertrans body for the changeover sum of \$56,796.**

**MOTION CARRIED 13 – 0  
ABSOLUTE MAJORITY**

**14.3.2 Australian Airports Association**

<b>File/Ward</b>	:	SER 097 All Wards
<b>Proposal/Issue</b>	:	Send two delegates to the Australian Airports Association Annual Conference
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Operations Manager (C Mibus)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		Council send the Chairperson of the Airport Advisory Committee and the Operations Manager to the Australian Airports Association Conference.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The Association was founded in 1982 and with over 220 member airports across metropolitan and regional Australia, AAA provides the one voice for all Australian airports. Its membership includes regional and rural airports, the recently privatised major airports as well as corporate members.
2. The City of Albany is a member of the Australian Airports Association.
3. The Operations Manager is seeking approval for both himself and the Council's Chairperson of the Airport Advisory Committee, Cr Ian West to attend the AAA, "Airports & Aviation Outlook '99" Conference and General Meeting to be held in Melbourne from 8-12th August inclusive.
4. The Conference program is specifically designed to address the current challenges facing airport owners, managers, users, airlines, technical staff, industry suppliers and advisors.

**STATUTORY REQUIREMENTS**

Nil.

Item 14.3.2 continued

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

5. An amount of \$5,000 has been provided in the airport operations budget for conference expenses.
6. Given that the budget is yet to be adopted by Council, an absolute majority vote is required.
7. Conference Fees :
  - 2-DAY Annual Conference & Awards Dinner \$675 per delegate
  - 2-Day Technical workshop \$395 per delegate
  - Airfares are \$174 per person to Perth and \$461 to Melbourne (must stay a Sat night or else will cost \$1,172. (Return)
  - Accommodation \$170/night x 6

Total estimated for two delegates \$4,500

**STRATEGIC PLAN IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

8. The Pre-Conference and the AAA Annual General Meeting is conducted on the first day.
9. The second and third days revolve around the current aviation scene, regulators of the industry, the 'Aust' competition & Consumer Commission', 'Future Direction for Airport Operators & Post Privatisation Issues'. A panel forum on THE AIRLINE OPERATORS VIEW "Working with the Owners – Perspectives on Gateway, Regional and Rural Airports" will be of particular interest. On the following day there are case studies looking at, 'Lessons and Innovative Approaches for Australian Airports': 'Developing Specialised Freight Centres', and 'How Small Airports Meet the Challenges and Strategies for Success'.



Item 14.3.2 continued

10. The fourth and fifth days are specifically set up as Technical Workshops and Site Inspections. Particular aspects involve 'The Local Aerodrome/Airport as a Valuable Community Resource', 'Environmental issues –Overview of the Regulators Role', 'Emergency Planning', 'OH&S –Where Does the Duty of Care Rest?', 'Business Plans & Alternative Revenue Streams', 'Future Planning and Regional/Rural Growth Expectation', 'Airport Lighting and Technical inspections', 'Y2K Compliance', plus a half day presentation by CASA on various airport related subjects.
11. This is a major conference and exhibition, and is the only official event that brings together at a national level, the major players and stakeholders in our airports, aviation and support industries.
12. The Technical Sessions reflects the latest operational issues facing staff and elected members that are responsible for the safe and efficient running/administration of our airport.
13. Albany Airport has experienced exceptional growth over the past five years. It is essential that Council send its representatives to this conference, to not only keep abreast with the latest issues facing the aviation industry, but participate in the forums and discussions on issues that we are facing with our own airport.
14. It also provides a valuable medium in which to network with other airport operators.

RECOMMENDATION

THAT Council send the Airport Advisory Chairperson, Councillor Ian West and the Operations Manager Mr Colin Mibus as its representatives to the Australian Airports Association "Airports & Aviation Outlook '99" Conference in Melbourne.

*Voting Requirement Absolute Majority*

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The Executive Director Works & Services advised he would like to amend the above recommendation, as the Airport Advisory Committee has not yet met to elect a Chairperson, therefore it is inappropriate to include the title and it should be deleted.

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Item 14.3.2. continued

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT Council send Cr Ian West and the Operations Manager Mr Colin Mibus as its representatives to the Australian Airports Association "Airports & Aviation Outlook '99" Conference in Melbourne.**

**MOTION CARRIED 12 – 1  
ABSOLUTE MAJORITY**

## **13.0 CORPORATE & COMMUNITY SERVICES**

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### **- I N D E X -**

#### **13.1 FINANCE**

13.1.1 Summary of Accounts – City of Albany – July 1999

13.1.2 Impose Differential Rates

#### **13.2 ADMINISTRATION**

13.2.1 Code of Conduct for Elected Members and Staff

13.2.2 Impact of the WA Local Government Grants Commission’s Revised Policy on Amalgamated Local Governments

13.2.3 New Lease – PJ Manassah Pty Ltd

13.2.4 Great Southern Regional Cattle Saleyards Joint Venture Committee (GSRCSJVC)

13.2.5 Sister Port Agreement – Aburatsu and Albany

13.2.6 Representation on External Bodies, Committees and Organisations

13.2.7 Local Government Statutory Compliance Return

13.2.8 Vancouver Arts Centre

13.2.9 Albany Sportsperson of the Year Awards

13.2.10 Council Policy Manual and Delegations

13.2.11 Mental Health Week

13.2.12 Neighbourhood Watch Co-ordinator

13.2.13 Visitor Guide Sign – Request For a Further Three Year Option

13.2.14 Appointment of Insurers

13.2.15 Delegation of Authority

13.2.16 Vancouver Lecture

13.2.17 Council Meeting Arrangements & Decision Making Review

13.2.18 Lift and Replace Drainage Easement

**13.3 LIBRARY SERVICES**

**13.4 DAY CARE CENTRE**

**13.5 TOWN HALL**

**13.6 ALBANY LEISURE & AQUATIC CENTRE**

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

**13.1 FINANCE**

**13.1.1 List of Accounts for Payment – City of Albany**

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

**COMMENT/DISCUSSION**

1. The list of accounts for payment for the City of Albany is attached and contains the following:-

Municipal Fund Vouchers		
6314 to 6821	totalling	1,304,472.67
Municipal Fund Direct Debits		
Payroll	totalling	260,143.16
Loan Repayments	totalling	Nil
Other Direct Debits	totalling	5,172.00
<b>Total Municipal Fund</b>		<u>1,569,787.83</u>
Trust Fund Vouchers		
40 to 42	totalling	15,675.68
Trust Fund Direct Debits	totalling	Nil.
<b>Total Trust Fund</b>		<u>15,675.68</u>
<b>TOTAL</b>		<u><u>1,585,463.51</u></u>

**RECOMMENDATION**

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

Municipal Fund	totalling	\$1,569,787.83
Trust Fund	totalling	<u>\$ 15,675.68</u>
Total		<u><u>\$1,585,463.51</u></u>

*Voting Requirement Simple Majority*

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Item 13.1.1. continued

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$1,569,787.83</b>
<b>Trust Fund</b>	<b>totalling</b>	<b>\$ <u>15,675.68</u></b>
<b>Total</b>		<b><u>\$1,585,463.51</u></b>

**MOTION CARRIED 13 – 0**

### 13.1.2 Impose Differential Rates

<b>File</b>	:	FIN021 & REL067 All Wards
<b>Proposal/Issue</b>	:	Council to impose differential rates in 1999/2000
<b>Subject Land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Finance (S Goodman) Project Officer Corporate Development (C Grogan)
<b>Previous Reference</b>	:	OCM 22/6/99 Item 13.1.3 OCM 22/6/99 Item 15.2.2
<b>Summary Recommendation</b>	:	That Council approve the levying of differential rates to support the Albany City Heart Project, and the Albany Tourist Bureau.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Council has previously funded at least part of its funding of the Albany Tourist Bureau, and Albany City Heart (previously Project Mainstreet) through the levying of differential rates.
2. The Albany Tourist Bureau and Albany City Heart have again approached Council for support for the 1999/2000 financial year, in the amounts of \$135,000 and approximately \$110,000 respectively. Albany City Heart has requested a levy of 1 cent in the dollar in both 1998/99 and 1999/2000.
3. At its 22 June 1999 meeting, Council adopted a recommendation that a simple City Heart Central Area Survey be conducted to help guide the budget process. This survey was conducted over the period 28th June to 15<sup>th</sup> July 1999.

Item 13.1.2 continued.

### **STATUTORY REQUIREMENTS**

4. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and / or land use of the property. Section 6.36 (1) requires a local government which is considering the imposition of a differential rate to give local public notice of its intention and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

5. If adopted, the differential rates will form part of the adopted 1999/2000 Budget.

### **STRATEGIC PLAN IMPLICATIONS**

6. Economic Development Objective 2 within the Industry & Commerce section of the City's Strategic Plan aims to "help create an investment climate and social infrastructure which attracts new businesses and encourages existing businesses to expand". Under this objective is a strategy to "Create a vibrant and attractive city centre". The option of using a differential rate to raise monies for City Heart could be perceived as part of this strategy.

### **COMMENT/DISCUSSION**

7. The City Heart Differential Rate survey, (copy included in the Bulletin) was developed in consultation with the Mayor and Deputy Mayor following the Council meeting on the 22<sup>nd</sup> July. 132 central area ratepayers were mailed copies of the survey pack on the 28<sup>th</sup> June, and 333 surveys were hand-delivered to central area based businesses and organisations over the period 28<sup>th</sup> to 30<sup>th</sup> June. During the hand delivery process businesses were asked if they were tenants in the building; where the respondents indicated that were not tenants, they were advised their surveys would be received by mail. In the event of a person being unsure as to whether the building was owned or tenanted they were given a survey pack.
8. The survey packs included a covering letter, the survey form and reply paid envelope, and respondents were asked to return their completed survey forms to the City of Albany by the 15<sup>th</sup> July 1999.
9. A total of 242 completed survey forms were received by the 15<sup>th</sup> July, of which 7 were returned due to incorrect mailing details or invalid responses, leaving 234 eligible responses. This represents a 51% response rate and the results are summarised below.

Item 13.1.2 continued.



Type of Respondent	Yes, I support the City Heart Differential Rate proposal	No, I do not support the City Heart Differential Rate proposal	<u>Don't Know</u>	<u>Total of responses</u>
Central Area Business Operators (ie tenants)	77	52	12	141 (60%)
Central Area Property Owners (ie ratepayers, but not business operators)	6	4	3	13 (5.5%)
Owner/operators	43	36	1	81 (34.5%)
<b>TOTALS</b>	<b>126</b>	<b>92</b>	<b>16</b>	<b>234</b>
	54%	39%	7%	100%

10. 60% of responses came from central area business operators who lease premises in the central area and of these 54.5% expressed support; 37% opposed the proposal, and the remaining 8.5% were not sure.
11. Just 5.5% of responses were received from central area property owners who did not operate a business from the premises. Of these 13 responses 6 supported the proposal with the remaining 7 being equally against the proposal or were unsure.
12. The remaining 34.5% of responses was received from people who owned central area property and operated a business or organisation from the central area. Of these 81 were supportive, 45% opposed the proposal and there was just 1 'don't know'.
13. In overall terms, 54% of respondents expressed support for the City Heart Central Area Differential Rate proposal, 39% opposed the proposal and the remaining 7% of respondents marked the 'don't know' option.
14. Council advertised its intention to levy differential rates in the Albany Advertiser and the Weekender. Copies of the four responses to the advertisement are included in the Council Bulletin.
15. It is proposed that Council note the results of the Central Area survey, and raise its annual contribution to Albany City Heart through the levying of a differential rate on properties within Town Planning Scheme 1A zoned "Central Area", with the exception of properties with a land use of single residential or grouped dwelling. It is further proposed that the contribution to the Albany City Heart Project be limited to \$85,000, rather than the 1% of GRV values as requested.

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Item 13.1.2 continued.

16. It is proposed that Council advertise its intention to consider raising \$50,000 of its annual contribution to the Albany Tourist Bureau through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Tourist Residential", "Licensed Premises", "Local Shopping", "Other Commercial", "Service Station", and "Central Area", with the exception of properties with a land use of single residential or grouped dwelling. The former Shire of Albany rating system currently does not contain land use categories. There is no acceptable method of identifying properties that would be subject to the Tourism differential rate. The recommendation therefore restricts the 1999/2000 differential rate to former Town of Albany properties, but if the tourism rate is continued in 2000/2001, it would be extended to all relevant City properties.

RECOMMENDATION

THAT Council:

- i) note the result of the Central Area Albany City Heart Survey;
- ii) raise its annual contribution to Albany City Heart (\$85,000) through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Central Area", with the exception of properties with a land use of single residential or grouped dwelling;
- iii) raise \$50,000 of its annual contribution to the Albany Tourist Bureau; and through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Tourist Residential", "Licensed Premises", "Local Shopping", "Other Commercial", "Service Station", and "Central Area", with the exception of properties with a land use of single residential or grouped dwelling; and
- iv) instruct the EDCCS to investigate and make the necessary arrangements to enable Council to impose the tourism differential rate to properties where tourist related activities are conducted in the 2000/2001 financial year.

*Voting Requirement Absolute Majority*

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Her Worship the Mayor advised Councillors would vote on each part of the above recommendation as a separate item.

Councillor Wilson requested it be recorded that while he endorsed and supported City Heart for the work they do, he was unable to support any compulsory subscription, therefore would be voting against the motion to levy a differential rate.

Item 13.1.2. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT Council notes the result of the Central Area Albany City Heart Survey**

**MOTION CARRIED 13 – 0**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council raises its annual contribution to Albany City Heart (\$85,000) through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Central Area", with the exception of properties with a land use of single residential or grouped dwelling.**

**MOTION CARRIED 8 – 5  
ABSOLUTE MAJORITY**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR EVANS**

**THAT Council raises \$50,000 of its annual contribution to the Albany Tourist Bureau; and through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Tourist Residential", "Licensed Premises", "Local Shopping", "Other Commercial", "Service Station", and "Central Area", with the exception of properties with a land use of single residential or grouped dwelling.**

**MOTION CARRIED 12 – 1  
ABSOLUTE MAJORITY**

Item 13.1.2. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR ARMSTRONG**

**THAT Council instructs the EDCCS to investigate and make the necessary arrangements to enable Council to impose the tourism differential rate to properties where tourist related activities are conducted in the 2000/2001 financial year.**

**MOTION CARRIED 12 – 1**

## 13.2 ADMINISTRATION

### 13.2.1 Code of Conduct for Elected Members and Staff

<b>File</b>	:	MAN081
<b>Proposal/Issue</b>	:	Code of Conduct for Elected Members and Staff
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Chief Executive Officer (EH Jim Kelly) Manager Administration (R Boardley)
<b>Previous Reference</b>	:	OCM 08/07/99 Item 13.2.4
<b>Summary Recommendation</b>	:	Council specify the value of ‘token gifts’ and the types of ‘hospitality’ that do not need to be recorded and the amended ‘Code of Conduct’ be referred to Council for consideration and adoption.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. Prior to amalgamation both the former Town and Shire had adopted a code of conduct as required by the provisions of the Local Government Act.
2. At the Ordinary Council Meeting held on 8<sup>th</sup> July 1998 the draft “Code of Conduct for Elected Members and Staff” as prepared by the Western Australian Municipal Administration, was adopted for the City of Albany, with a few minor amendments largely reflecting clauses from the former Councils code.
3. A copy of the adopted Code of Conduct is attached.
4. The legislative requirements of the Local Government Act places great emphasis on the importance of the “Code of Conduct” and the Mayor and Councillors were required to declare that they ‘will observe the code of conduct adopted by the City of Albany under section 5.103 of the Local Government Act 1995’, when they recently made their oath or affirmation of allegiance and their declaration of office.

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Item 13.2.1 continued.

5. This is also highlighted in the “Councillors Guide – the Complete Guide to the Local Government Act 1995” which has been distributed to all elected members.
6. The “Report of the Inquiry into the City of Cockburn” also makes extensive reference to the code of conduct and one of the many recommendations is “that two (2) of the elected members provide an undertaking to the Minister for Local Government that they will abide by the Council Code of Conduct.”

### **STATUTORY REQUIREMENTS**

7. Section 5.103 of the Local Government Act 1995 states as follows:-  
*“5.103 (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.  
(2) A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.  
(3) Regulations may prescribe the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government is of effect only to the extent to which it is not inconsistent with regulations.”*

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

8. Governance – Objective 1.  
Provide good governance for the City of Albany.

Strategy:-

- a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation.

### **COMMENT/DISCUSSION**

9. The Local Government (Administration) Regulations 1996 were amended by notice published in the Government Gazette on 23 April 1999.
10. A copy of the amendments that affect the “Code of Conduct” are also attached.

Item 13.2.1 continued.

11. In summary the amendments require that the code of conduct contain a requirement that:-
  - ◆ a council member or employee cannot accept a gift, other than a token gift, from a person who is undertaking or likely to undertake business with Council;
  - ◆ the Chief Executive Officer is to keep a register of token gifts;
  - ◆ a council member or an employee who accepts a token gift is to record-
    - a) the names of the persons who gave and received the token gift;
    - b) the date of receipt of the token gift; and
    - c) a description, and the estimated value of the token gift.

Note: Council can however decide that a specified thing given by way of hospitality or belonging to a specified class, do not need to be recorded.

  - ◆ a council member or an employee is to disclose any interest (affecting impartiality) that he or she has in any matter to be discussed at a council or committee meeting that will be attended by the member or employee;
  - ◆ a council member or an employee is to disclose any interest that he or she has in any matter in respect of which the member or employee has given, or will give, advice; and
  - ◆ disclosure of an interest is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the relevant meeting.
12. It is our understanding that the above mentioned amendments are as a result of the Royal Commission into the (former) City of Wanneroo.
13. To enable these amendments to be incorporated into the Code of Conduct, it is necessary for Council to specify the value of token gifts as required by Clause 34B(1) of the amended regulations and also specify what type of hospitality if any that does not need to be recorded in the register.
14. What should the value of the “token gifts” be? At this early stage in the application of this new regulation local government industry standard is unknown. A reasonable amount could be \$200.00
15. It is suggested that there be no category of gifts or hospitality whether token or otherwise, that do not need to be recorded (Regulation 34(B)(5)(a) and (b)).
16. In order to maintain the integrity of local government and to ensure that the business of council is conducted without favour, council members cannot accept gifts other than token gifts, as provided for in the amended regulations.
17. Having decided on what should be the value of token gifts the new draft Code will be circulated to the Mayor, all Councillors and staff for comment prior to submission to Council for adoption. The new legislative requirements will be included in the new Code.

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Item 13.2.1 continued

RECOMMENDATION

THAT:

- i) Council, in accordance with Clause 34B(I) of the Local Government (Administration) Regulations specify the value of ‘token gifts’ that do not need to be recorded in the register at \$200.00;
- ii) Council, in accordance with Clause 34B(5) of the Local Government (Administration) Regulations resolve that there be no category of hospitality, whether token or otherwise that does not need to be recorded in the register; and
- iii) the amended draft Code of Conduct be circulated to the Mayor, Councillors and staff for comment prior to submission to Council for adoption.

*Voting Requirement Simple Majority*

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The Chief Executive Officer advised that as a new legislative provision Council must adopt a Code of Conduct and review the document annually prior to each election, and this item is part of that review. He advised it is a requirement that the Code of Conduct includes an amount which satisfies what is a “token gift”, and therefore the officer recommendation should be amended by:

- Deleting the words “that do not need to be recorded in the register” from line 3 of part i);
- Deleting part ii) in total;
- Retaining part iii) unaltered, to become part ii).



Item 13.2.1. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WILLIAMS**

**THAT:**

- i) Council, in accordance with Clause 34B(I) of the Local Government (Administration) Regulations specify the value of ‘token gifts’ at \$200.**
- ii) the amended draft Code of Conduct be circulated to the Mayor, Councillors and staff for comment prior to submission to Council for adoption.**

**MOTION CARRIED 13 – 0**



# CITY OF ALBANY

**CODE OF CONDUCT  
FOR ELECTED MEMBERS  
AND STAFF**

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## **PREAMBLE**

The Code of Conduct provides elected members and staff in the City of Albany with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations, which incorporates four fundamental aims to result in:

1. better decision-making by local governments;
2. greater community participation in the decisions and affairs of local governments;
3. greater accountability of local governments to their communities; and
4. more efficient and effective local government.

The Code provides a guide and a basis of expectations for elected members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

## **ROLE OF ELECTED MEMBERS**

An Councillor's primary role is to represent the community and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the elected member's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is, therefore, entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- ◆ achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- ◆ achieving sound financial management and accountability in relation to the City's finances;
- ◆ ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- ◆ working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- ◆ having an awareness of the statutory obligations imposed on elected members and on Local Governments.

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## **1 CONFLICT AND DISCLOSURE OF INTEREST**

### **1.1 Conflict of Interest**

- a) Members and staff will ensure there is no conflict of interest between their personal interests and the impartial fulfillment of their professional duties.
- b) Members and staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- c) Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- d) Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause.

An individual's right to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

### **1.2 Pecuniary Interest**

Members and staff will adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

### **1.3 Disclosure of Interest**

- a) Members and appropriate staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.
- b) Whenever a disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

## **2 PERSONAL BENEFIT**

### **2.1 Use of Confidential Information**

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation

### **2.2 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the City of Albany upon its creation unless otherwise agreed to separate contract.

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**2.3 Improper or Undue Influence**

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

**2.4 Gifts and Bribery**

- a) Members and staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, of moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the City of Albany or their performance of any duty of work which touches or concerns the City.
- b) If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

**3. CONDUCT OF MEMBERS AND STAFF**

**3.1 Personal Behaviour**

- a) Members and staff will:
  - i) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
  - ii) perform their duties impartially and in the best interests of the City uninfluenced by fear or favour;
  - iii) act in good faith (ie., honestly, for the proper purpose, and without exceeding their powers) in the interests of the City and the community;
  - iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
  - v) always act in accordance with their obligation of fidelity to the City.
- b) Members will represent and promote the interests of the City while recognising their special duty to their own constituents.

**3.2 Honesty and Integrity**

Members and staff will:

- i) observe the highest standards of honesty and integrity and avoid conduct which might suggest any departure from these standards;
- ii) bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other members, and in the case of an employee to the Chief Executive Officer.
- iii) be frank and honest in their official dealings with each other.

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### **3.3 Performance of Duties**

- i) While on duty, staff will give their whole time and attention to the City's business and ensure that their work is carried out efficiently, economically and effectively and that their standard of work reflects favourably both on them and on the City.
- ii) Members will, at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat members of the community honestly and fairly.

### **3.4 Compliance and Lawful Orders**

- a) Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- b) Members and staff will give effect to the lawful policies of the City, whether or not they agree with or approve of them.

### **3.5 Administrative and Management Practices**

Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

### **3.6 Corporate Obligations**

- a) **Standard of Dress**  
Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.
- b) **Communication and Public Relations**
  - i) All aspects of communication by staff (including verbal, written or personal), involving the City's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.
  - ii) As a representative of the community, members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so, members should acknowledge that:
    - as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
    - information of a confidential nature ought not be communicated until it is no longer treated as confidential;

- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

### **3.7 Relationships between Members and Staff**

An effective elected member will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position members need to:

- accept that their role is one of leadership, not of management or administration;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.

### **3.8 Appointments to Committees**

As part of their representative role, members are often asked to represent the Council on external organisations. It is important that members:

- ◆ clearly understand the basis of their appointment; and
- ◆ provide regular reports on the activities of the organisation.

## **4. DEALING WITH COUNCIL PROPERTY**

### **4.1 Use of Local Government Resources**

Members and staff will:

- i) be scrupulously honest in their use of City's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- ii) use the City's resources entrusted to them effectively and economically in the course of their duties; and
- iii) not use City's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract or employment) unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

**4.2 Travelling and Sustenance Expenses**

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the City in accordance with City policy and the provisions of the Local Government Act.

**4.3 Access to Information**

- i) Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members
- ii) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.



**14. Regulations 34A, 34B and 34C inserted**

After regulation 34 the following regulations are inserted —

“

**34A. Allowances in lieu of reimbursement of telecommunications expenses — s. 5.99A**

For the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2 000.

**34B. Codes of conduct (token gifts) — s. 5.103(3)**

(1) In this regulation —

“**gift**” does not include —

- (a) a gift from a relative as defined in section 5.74(1);
- (b) a gift as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*;

“**token gift**” means a gift of, or below, a value specified by the particular local government.

(2) A code of conduct is to contain a requirement that a council member or an employee cannot accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business —

- (a) that requires the person to obtain any authorization from the local government;
- (b) by way of contract between the person and the local government; or
- (c) by way of providing any service to the local government.

(3) A code of conduct is to contain a requirement that the CEO is to keep a register of token gifts that are recorded under subregulation (4).

- (4) A code of conduct is to contain a requirement that a council member or an employee who accepts a token gift from a person referred to in subregulation (2) is, subject to subregulation (5), to record —
- (a) the names of the persons who gave, and received, the token gift;
  - (b) the date of receipt of the token gift; and
  - (c) a description, and the estimated value, of the token gift.
- (5) If the particular local government decides that —
- (a) a specified thing given by way of hospitality; or
  - (b) a thing given by way of hospitality that belongs to a specified class of things,

does not need to be recorded under subregulation (4), the specified thing, and things belonging to the specified class, do not need to be so recorded.

**34C. Codes of conduct (disclosure of interests affecting impartiality) — s. 5.103(3)**

- (1) In this regulation —
- “employee”** has the meaning given by section 5.70;
- “interest”** means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.
- (2) A code of conduct is to contain a requirement that a council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a council or committee meeting that will be attended by the member or employee.

- (3) A code of conduct is to contain a requirement that a council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a council or committee meeting in respect of which the member or employee has given, or will give, advice.
- (4) A code of conduct is to contain a requirement that disclosure of an interest under subregulation (2) or (3) is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the relevant meeting.

”.

By Command of the Lieutenant-Governor and Administrator,

M. C. WAUCHOPE, Clerk of the Executive Council.

### 13.2.2 Impact of the WA Local Government Grants Commission's Revised Policy on Amalgamated Local Governments

<b>File</b>	:	GOV058
<b>Proposal/Issue</b>	:	Impact of the WA Local Government Grants Commission's Revised Policy on Amalgamated Local Governments
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager Administration (R Boardley)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That the information be received and noted.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. During the 1998/99 financial year, Council engaged the services of Local Government Consultant, Ray Hadlow to prepare our submission to the WA Local Government Grants Commission.
2. In addition to the work associated with the preparation of the submission, Mr Hadlow was requested to prepare a report regarding the impact on Council of the WALGGC's policy on the treatment of General Purpose grants to amalgamated local governments. A copy of the report is included in the Elected Members Report / Information Bulletin.
3. The following is an extract from the report:-

***“Commission Policy on Amalgamation***

*Prior to the 11<sup>th</sup> December 1998 the Commission's policy was basically to make no special allowance where two local governments merged. Therefore in the new local government's first year the grant would be based on an aggregation of the grant assessments for each of the original local governments. In the second year when statistical data for the amalgamated local government first became available a single grant assessment would be made based on that data. A single assessment would continue to be made in subsequent years. The Commission's policy of using a 3 year rolling average of grant assessments for the calculation of the final grant was intended to still apply and would therefore cushion the impact of the merging of the assessments.*

Item 13.2.2 continued

*Additional costs incurred in undergoing structural change were not recognised because the Commission considered the councils would benefit from the changes in the future.*

*The City's 1998/99 General Purpose Grant was calculated in accordance with the above policy.*

*At its meeting of the 11<sup>th</sup> December 1998 the Grants Commission resolved to modify its policy on grants to councils affected by amalgamations.*

*Under the new policy, "grants to amalgamated councils will be held constant to the total grant level prior to amalgamation for two years. In subsequent years grants will be determined by the Commission in the normal manner (based on the 3 year average of equalisation requirement) with any further consideration subject to the Commission being satisfied that a disability still exists as a result of amalgamation. Any additional costs incurred by councils in undergoing structural change will generally not be recognised, consistent with the effort neutral principle."*

4. At the request of the former Town and Shire of Albany a Special Joint Hearing of the Grants Commission was held on 21<sup>st</sup> April 1998 and we believe that this hearing was very successful and resulted in the changes to the Grants Commission policy on "amalgamated councils", as outlined above.
5. As indicated in Mr Hadlow's report, "the Grants Commission policy of fixing of the grant will expire in 2000/01 when Councils grant will be based on the actual assessments averaged over 3 years in the same way as other local government. Indications based on currently available data is that the grant will reduce significantly at this stage unless the Commission makes significant changes in areas such as its calculation of Adjusted Population."

*"If the Commission does not overcome the shortcoming in the calculation of Adjusted Population the section of the new policy which states '..... with any further consideration subject to the Commission being satisfied that a disability still exists as a result of amalgamation.' appears to leave it open for the Commission to continue to maintain the City's grant at its 1998/99 level."*

6. The appropriate time to pursue this issue is during the 1999/00 year when the 1999/00 assessment (due for release in June-Sept 1999) is known and the issue can be re-evaluated in the light of changes made by the Commission. Council is also due for a visit from the Commission this year and this will be an ideal opportunity to address the issues directly with the Commission.

## **STATUTORY REQUIREMENTS**

Nil.

Item 13.2.2 continued

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

7. Provision was made in the 1998/99 budget for this purpose and all costs associated with the preparation of the report have been met within the budget provision.
8. Provision has been made in the 1999/00 draft budget to engage Mr Hadlow to prepare our grants submission and to address the issues outlined in his report.

### **STRATEGIC IMPLICATIONS**

Nil.

### **COMMENT/DICUSSION**

9. The WALGGC allocates general purpose grants to local governments on a full horizontal equalisation basis, using the balanced budget process. This is a very complex process, however, a brief explanation is included in the 'Introduction' section of Mr Hadlow's report.
10. Allocations to local governments can vary significantly from year to year as a result of changes to the commissions methodology.
11. In the 1998/99 allocation, very small council's with a population of less than 500 people appeared to suffer quite significant reductions in percentage terms, however, council's in the south of the state with a population of between 500 to 3,000 suffered the most. Remote council's generally received increases due to an increase in location factors.
12. Fringe metropolitan council's such as Gosnells, Armadale and Mundaring received increases and will continue to do so under the present methodology.
13. In general terms, as a council grows its grant reduces to the extent that the larger council's receive only the minimum grant based on population as provided for in the Financial Assistance Grants legislation.
14. Such council's receive grants based on population of \$13.98 per head. Councils grant is \$64.00 per head of population.
15. The Country Urban Council's Association has made a submission to the Grants Commission seeking an increase in grants for its member Council's in recognition of the regional type of facilities provided by such councils, which are not contributed to by the neighbouring councils. Such increases would be offset by a reduction in the grants to the neighbouring council's.

Item 13.2.2 continued.

16. Details of “General Purpose Grants” received just prior to and since amalgamation, are as follows:-

1997/98	Shire of Albany	\$1,000,122	
	Town of Albany	\$ 906,758	\$1,906,880
1998/99	City of Albany		\$1,940,970
1990/00	City of Albany	- anticipated grant	
		based on the WALGGC’s current policy	\$1,940,970
		(ie, the same as 1998/99)	

17. The following comparison of General Purpose Grants received by Council and similar types of local governments for the 1998/99 financial year are provided for information:-

City of Albany		\$1,940,970
City of Bunbury		\$ 835,453
Shire of Busselton		\$ 573,348
Shire of Esperance		\$1,431,984
City of Geraldton	\$986,096	
Shire of Greenough	<u>\$622,813</u>	\$1,608,909
City of Kalgoorlie / Boulder		\$1,274,090

**RECOMMENDATION**

THAT the information regarding the impact of the WA Local Government Grants Commission’s revised policy on amalgamated local governments be received and noted.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

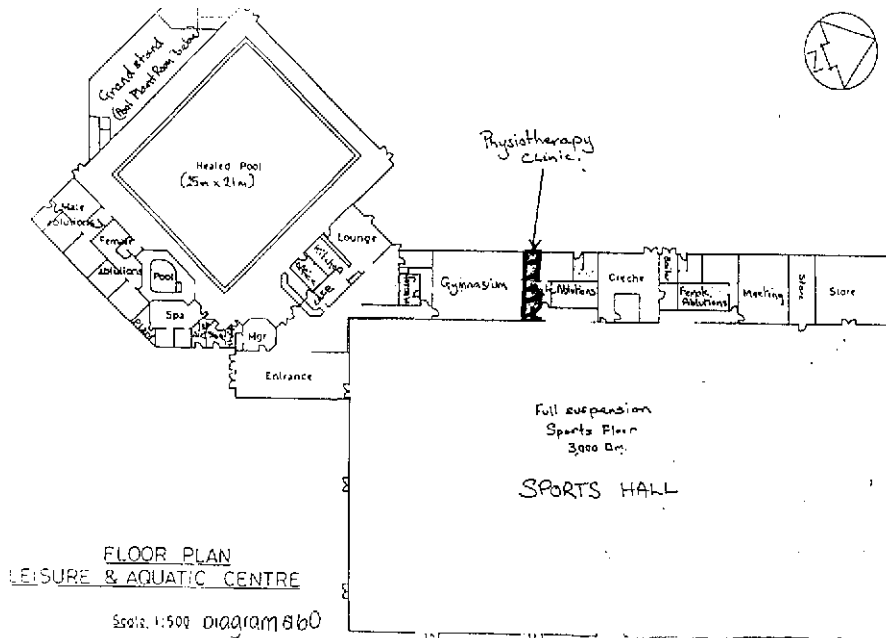
**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR ARMSTRONG**

**THAT the information regarding the impact of the WA Local Government Grants Commission’s revised policy on amalgamated local governments be received and noted.**

**MOTION CARRIED 13 – 0**

**13.2.3 New Lease – PJ Manassah Pty Ltd**

<b>File/Ward</b>	:	PRO066 Frederickstown Ward
<b>Proposal/Issue</b>	:	New lease
<b>Subject Land/Locality</b>	:	Portion of ALAC building Lot 742 Barker Road
<b>Proponent</b>	:	PJ Manassah Pty Ltd
<b>Owner</b>	:	City of Albany
<b>Reporting Officer</b>	:	Administration Officer (A Loveridge)
<b>Previous Reference</b>	:	OCM 8.7.97 Item 6.4.1
<b>Summary Recommendation</b>	:	That Council advertise its intention to lease, and should no submissions be received, Council grant a new lease for PJ Manassah Pty Ltd for a 2 year term with a 2 year option commencing from 23 <sup>rd</sup> August 1999.
<b>Locality Plan</b>	:	See below





Item 13.2.3 continued

### **BACKGROUND**

1. A request has been received from Mr Paul Manassah for a lease of 2 years with a 2 year option, effective from 23<sup>rd</sup> August 1999 at the Albany Leisure and Aquatic Centre. The current lease was for a 2 year period, with a 2 year option, expiring on 22<sup>nd</sup> August 1999.

### **STATUTORY REQUIREMENTS**

2. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” provides that Council may lease property by private treaty, however, it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons. Should any submissions be received, Council must then give consideration to those submissions before resolving whether or not to lease. Section 3.58 further requires that the reasons for Council’s decision also need to be recorded in the minutes of the meeting at which a decision to lease or otherwise is made.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC PLAN IMPLICATIONS**

Nil.

### **COMMENT/DISCUSSION**

3. The current rental figure is \$1,937.38 per annum. This figure is based on the valuation of \$1,870.00 per annum, which was obtained from Albany Valuation Services in June 1997 and increased in accordance with movements in CPI, as provided for in the lease agreement;
4. In compliance with Section 3.58 of the Local Government Act 1995, a new valuation of \$1,870.00 has been obtained from Albany Valuation Services and will apply to the new lease if approved.
5. Council should advertise its intention to grant PJ Manassah Pty Ltd a 2 year lease with a 2 year option on a portion of the Albany Leisure and Aquatic Centre building, with rental commencing at \$1,870.00 per annum

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Item 13.2.3 continued

RECOMMENDATION

THAT:

- i) in accordance with Section 3.58 of the Local Government Act 1995, Council advertise its intention to grant PJ Manassah Pty Ltd a 2 year lease on a portion of the Albany Leisure and Aquatic Centre building;
- ii) if no submissions are received as a result of advertising, Council agree to a lease for a period of 2 years with a 2 year option, for P J Manassah Pty Ltd for a portion of the Albany Leisure and Aquatic Centre, as per Diagram No. B160 on portion of Albany Lot 742 Barker Road, effective from 23<sup>rd</sup> August 1999;
- iii) Council agree to the rental being assessed by independent sworn valuation, that figure being \$1,870.00 per annum;
- iv) the terms and conditions of the previous agreement be extended to the proposed agreement;
- v) all costs associated with this lease be borne by the applicant; and
- vi) the Common Seal be attached to the appropriate documentation.

*Voting Requirement Simple Majority*

.....

Item 13.2.3. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR CECIL**

**THAT:**

- i) in accordance with Section 3.58 of the Local Government Act 1995, Council advertise its intention to grant PJ Manassah Pty Ltd a 2 year lease on a portion of the Albany Leisure and Aquatic Centre building;**
- ii) if no submissions are received as a result of advertising, Council agree to a lease for a period of 2 years with a 2 year option, for P J Manassah Pty Ltd for a portion of the Albany Leisure and Aquatic Centre, as per Diagram No. B160 on portion of Albany Lot 742 Barker Road, effective from 23<sup>rd</sup> August 1999;**
- iii) Council agree to the rental being assessed by independent sworn valuation, that figure being \$1,870.00 per annum;**
- iv) the terms and conditions of the previous agreement be extended to the proposed agreement;**
- v) all costs associated with this lease be borne by the applicant; and**
- vi) the Common Seal be attached to the appropriate documentation.**

**MOTION CARRIED 13 – 0**

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**13.2.4 Great Southern Regional Cattle Saleyards Joint Venture Committee (GSRCSJVC)**

<b>File/Ward</b>	:	PRO136
<b>Proposal / Issue</b>	:	Appointment of Deputies
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager Administration (R Boardley)
<b>Previous Reference</b>	:	OCM 22/06/99 Item 13.2.1
<b>Summary Recommendation</b>	:	Council appoint Shire of Plantagenet representatives as deputies to the GSRCSJVC.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At the meeting of Council held on 22<sup>nd</sup> June 1999, Council appointed the following Shire of Plantagenet representatives as members of the GSRCSJVC:-  
Cllr Kevin Forbes  
Cllr Jeff Moir  
Cllr Michael Skinner
2. At that time the Shire of Plantagenet had not appointed deputies for these members of the joint venture committee.

**STATUTORY REQUIREMENTS**

3. Section 5.8 of the Local Government Act 1995 allows Council to establish committees “to assist the Council to exercise the powers and discharge the duties of the local government that can be delegated to committees”.
4. The “terms of reference” of the GSRCSJVC were also endorsed by Council at the meeting held on 22<sup>nd</sup> June 1999.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

Item 13.2.4 continued

**STRATEGIC IMPLICATIONS**

5. Governance – Objective 1.  
Provide good governance for the City of Albany  
Strategy:
- a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation;
  - b) Establish effective two way communication between Council, residents and other stakeholders.

**COMMENT/DISCUSSION**

6. Advice has now been received from the Shire of Plantagenet that the following deputies have now been appointed to the GSRCSJVC, and it is necessary for Council to also appoint these deputies:-  
Cllr Corrine Adams as deputy for Cllr Kevin Forbes  
Cllr Joan Cameron as deputy for Cllr Michael Skinner  
Cllr Stephen Carter as deputy for Cllr Jeff Moir

**RECOMMENDATION**

THAT Council appoint the following Shire of Plantagenet representatives as deputies for their members on the Great Southern Regional Cattle Saleyards Joint Venture Committee:-  
Cllr Corrine Adams as deputy for Cllr KevinForbes  
Cllr Joan Cameron as deputy for Cllr Michael Skinner  
Cllr Stephen Carter as deputy for Cllr Jeff Moir

*Voting Requirement Absolute Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR MOUNTFORD  
SECONDED COUNCILLOR DUFTY**

**THAT Council appoint the following Shire of Plantagenet representatives as deputies for their members on the Great Southern Regional Cattle Saleyards Joint Venture Committee:-  
Cllr Corrine Adams as deputy for Cllr KevinForbes  
Cllr Joan Cameron as deputy for Cllr Michael Skinner  
Cllr Stephen Carter as deputy for Cllr Jeff Moir**

**MOTION CARRIED 13 - 0  
ABSOLUTE MAJORITY**

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### 13.2.5 Sister Port Agreement – Aburatsu and Albany

<b>File/Ward</b>	:	GOV005
<b>Proposal / Issue</b>	:	Proposed Synergetic Agreement between the Sister Ports of Aburatsu and Albany.
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	Albany Port Authority
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	That Council formally endorse the proposed agreement.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. The Ports of Aburatsu and Albany have reached an agreement to work together to achieve the most efficient service possible for the new woodchip trade that will start in 2001 involving the Albany Plantations Forrest Company and the Oji Paper Company. The Port of Aburatsu is within the Japanese City of Nichiman.
2. The Ports will encourage the interchange of technical information and personnel to ensure the loading and discharging of vessels is carried out in a fast and economic way.
3. Both Ports serve large regions, which are very similar in climatic conditions, culture and trade.
4. The development of trade, tourism, student exchange, arts and crafts and the whole range of cultural pursuits has the potential to be of considerable benefit to both communities.

#### **STATUTORY IMPLICATIONS**

Nil.

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Item 13.2.5 continued

### **POLICY IMPLICATIONS**

5. Although this relationship refers to a ‘sister port’, generally ‘sister city’ arrangements are seen to have considerable benefits for local governments as they present the opportunity to exchange ideas and knowledge, and also open up economic opportunities through tourism and networking. Trade and business can also benefit at a national level as cultural ties improve relations between the different cultures.
6. Sister city arrangements are informal, and it is usual for the Mayor or President of a local government to contact the Mayor or President of the Sister City. Once the invitation has the support of both Council’s, a sister city arrangement is declared between them.
7. The City of Albany has the following ‘sister’ city type relationships:-

Treaty of Friendship with Draguignan, France  
Twin City Relationship with Fielding, New Zealand  
Sister City Relationship with Albany, Oregon, USA  
Informal Relationship with Kesenuma, Japan  
Friendship Agreement with City of Subiaco

This proposed ‘Sister Port’ arrangement will be similar to the above.

### **FINANCIAL IMPLICATIONS**

8. Any official reception on modest hospitality offered visitors to Albany will be met from appropriate existing budget allocations.

### **STRATEGIC IMPLICATIONS**

Nil.

### **COMMENT/DISCUSSION**

9. The proposed basis for the operation of the agreement is:-
  - ◆ *“The Ports and the Forestry Industry will interchange personnel as required to ensure the development of the new trade progresses with speed and efficiency.*
  - ◆ *Using this as a platform it is the intention of the respective Chambers of Commerce to discuss with their opposite numbers and the possible prospective trade that can be developed between them.*
  - ◆ *Both Councils will have the opportunity to visit/or correspond with their counterparts to develop cultural, educational, administrative and tourist initiatives.*
  - ◆ *Arrangement for student swaps will be organised by the relevant authorities with assistance from the proponents of the Agreement.”*

Item 13.2.5 continued

10. The City has been requested to formally endorse the Agreement.

RECOMMENDATION

THAT the City of Albany formally endorse the Synergetic Agreement between the Ports of Aburatsu and Albany.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BAIN  
SECONDED COUNCILLOR WILSON**

**THAT the City of Albany formally endorse the Synergetic Agreement between the Ports of Aburatsu and Albany.**

**MOTION CARRIED 13 – 0**



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## SYNERGETIC AGREEMENT

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The Ports of Aburatsu and Albany have reached an agreement to work together collaboratively to achieve the most efficient service possible for the new woodchip trade that will start in 2001.

The Ports will encourage the interchange of technical information and personnel to ensure the loading and discharging of vessels is carried out in a fast and economic way.

Both Ports serve large regions, which are very similar in climatic conditions, culture and trade. There is a sincere wish within the Nichinan Region and the Great Southern Region to increase trade and the Port Agreement is seen as a unique opportunity by both parties to develop trade, cultural, student and personal relationships.

This Agreement has been initiated by a visit to Aburatsu by the Albany Port Authority and the return visit to Albany by the Aburatsu Port. Nichinan City Council, the Albany City Council, and the Oji Paper Company have indicated their complete support for the project and wish to see it develop for the benefit of their communities.

It is intended to formalise the relationship by signing this Agreement which seeks to start a process that will lead to a better mutual understanding and sets out the basis of its likely operation.

1. The Ports and the Forestry Industry will interchange personnel as required to ensure the development of the new trade progresses with speed and efficiency.
2. Using this as a platform it is the intention of the respective Chambers of Commerce to discuss with their opposite numbers and the possible prospective trade that can be developed between them.
3. Both Councils will have the opportunity to visit and/or correspond with their counterparts to develop cultural, educational, administrative and tourist initiatives.

4. Arrangements for student swaps will be organised by the relevant authorities with assistance from the proponents of this Agreement.

The Agreement will be operative from 1 January 2000 and will be under the joint responsibility of:

- The Chairman of the Port Promotion Committee of Aburatsu;
- The Chairman of the Port of Albany.

They will be assisted as the Agreement progresses by:

- The Nichinan City;
- The City of Albany;
- The Nichinan Chamber of Commerce;
- The Albany Chamber of Commerce;
- Albany Plantation Forest Company;
- Oji Paper Company (Nichinan Mill).

**Signed on behalf of:**

..... DATE  
ALBANY PORT

..... DATE  
PORT PROMOTION COMMITTEE  
OF ABURATSU

**Supported by:**

..... DATE  
NICHINAN CITY

..... DATE  
ALBANY CITY

..... DATE  
NICHINAN CHAMBER OF COMMERCE

..... DATE  
ALBANY CHAMBER OF COMMERCE

..... DATE  
ALBANY PLANTATION FOREST LIMITED

..... DATE  
OJI PAPER COMPANY (NICHINAN MILL)

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### 13.2.6 Representation on External Bodies, Committees and Organisations

<b>File/Ward</b>	:	OSH001 All Wards.
<b>Proposal / Issue</b>	:	Representation on external bodies, committees and organisations.
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Senior Administration Officer (S Pepper)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	Council nominate representatives to various external bodies and committees.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Council has received invitations to nominate representatives for various external committees namely the Great Southern Area Consultative Committee, the RSL – Albany 2001 ANZAC Committee and the Sydney 2000 Olympic Torch Relay Judging Panel. Also as the Director of the Albany Arts Council has advised of her resignation from the Albany Town Hall Theatre Promotion Committee (a Committee of Council), this vacancy will need to be filled.

#### STATUTORY REQUIREMENTS

2. Section 5.9 of the Local Government Act 1995 deals with the types of committees and states as follows:-
  - “5.9 (1) *In this section-  
‘other person’ means a person who is not a council member or an employee.*
  - (2) *A committee is to comprise-*
    - a) *council members only;*
    - b) *council members and employees;*
    - c) *council members, employees and other persons;*
    - d) *council members and other persons;*
    - e) *employees and other persons; or*
    - f) *other persons only.”*

Item 13.2.6 continued

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

3. Governance – Objective 1.  
Provide good governance for the City of Albany.  
Strategy:
  - a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation.
  - b) Establish effective two way communication between Council, residents and other stakeholders.

**COMMENT/DISCUSSION**

*Great Southern Area Consultative Committee*

4. The Great Southern Consultative Area Committee (ACC) have written inviting the Mayor or her nominee to represent the City on its board. Formally, the Town of Albany was represented on this Committee by the then Mayor, Mrs Annette Knight.
5. The ACC is funded by the Department for Employment, Workplace Relations, Small Business to monitor the employment status of the region, to report to Government on the employment impact of government initiatives and to identify and support initiatives that have the potential for sustainable employment growth. Under a MOU between five Federal Ministers, the ACC reports to Ministers Reith, Abbott, Kemp, Anderson and Campbell on such matters. The ACC represents a partnership between business, the community and government and works in a facilitating networking role to bring together stakeholders to address employment issues through a ‘whole of community’ process.
6. The Committee meets monthly on the Friday of the last week of each month for three hours from 8am to 11am at the Esplanade Hotel. Membership of the ACC includes key people with expertise from government bodies that make decisions that impact on employment, and business and community representation from across the Great Southern region.
7. Her Worship the Mayor, Mrs Alison Goode has indicated she would not be able to fulfil this commitment, but would recommend Mr Rob Jefferies in his capacity on Council, Executive Director Strategic Planning as Council’s representative.

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Item 13.2.6 continued

***Albany 2001 Anzac Committee***

8. The Chairman of the RSL (WA Branch) Albany 2001 Anzac Committee, Mr Don Meredith has written to Council promoting this project and inviting a Council representative to be nominated to act as liaison between the Albany RSL and Council.
9. As Albany was not only the last part of Australia seen by many of the nation's young men, before sailing off to their deaths in battle during the Great War of 1914-18, but was also the scene, in 1930, for the first Dawn Service to commemorate the Gallipoli landing, thereby commencing one of the RSL's most treasured traditions, the Dawn Service. In recognition of the historical importance of Albany in events which led to the birth of the "ANZAC" tradition, the Federal Government, through its specially convened Centenary of Federation Committee, has asked the RSL to organise suitable ANZAC Day commemoration services and activities in Albany for the year 2001.
10. Other projects, the local RSL branch, wish to undertake include establishing new head-quarters for the RSL and associated organisations, developing an ANZAC Memorial Park on the foreshore and the ANZAC Day 2001 celebration.

***Sydney 2000 Community Torch Bearers Judging Panel***

11. The Sydney 2000 Olympic Torch Relay Committee have been co-ordinating the community Torchbearer selection process for each local authority involved in the Torch Relay. As part of this process, a local Government Area Judging Panel is to be formed, which consists of representation from local government areas, multicultural and indigenous groups and other associated bodies, with the Chairperson being appointed by the National Australia Day Council.
12. The SOCOG Torch Relay Committee is seeking nomination of a Council representative for the Judging Panel for the Albany area. The panel is to meet at the Vancouver Arts Centre on the weekend of 27-28 November 1999 between the hours of 8.30am and 5.30pm daily (a light lunch and refreshments will be provided). Depending upon the number of nominations received, the judging may not extend through the two days
13. As Councillor Evans is already Council representative for the Sydney 2000 Olympic Torch Relay Committee, his knowledge of this project would be beneficial in the Community Torchbearer selection process. Cllr Evans has been approached and indicated he is more than willing to be nominated for the panel.

Item 13.2.6 continued

***Albany Town Hall Theatre Promotion Committee***

14. The Director of the Vancouver Arts Centre, M/s Lee Ord has resigned from the Albany Town Hall Theatre Promotion Committee due to her current workload with the Albany Arts Council. Under the terms of the Council committee structure for this committee a committee representative should be nominated. Mr Ian Haines has been put forward as representative.

**RECOMMENDATION**

THAT Council:

- i) nominate Executive Director Strategic Planning, Mr Rob Jefferies, to represent the City of Albany on the Great Southern Area Consultative Committee;
- ii) nominate Cllr \_\_\_\_\_ to represent the City of Albany on the Albany 2001 ANZAC Committee;
- iii) nominate Cllr Evans to represent the City of Albany on the Sydney 2000 Community Torchbearer Judging panel; and
- iv) accept M/s Lee Ord's resignation from the Albany Town Hall Theatre Production Committee and appoint Mr Ian Haines as her replacement.

*Voting Requirement Simple Majority*

.....

**ADDITIONAL INFORMATION**

***Rainbow Coast Regional Council (RCRC)***

The Rainbow Coast Regional Council (RCRC) is an informal forum with an advisory role on Local Government regional matters, whose membership included the Shire of Plantagenet, Denmark, Albany and Town of Albany.

Each member Council was represented by a maximum of two elected members and the Chief Executive Officer/nominee. With the amalgamation of the Town and Shire of Albany and the Ministerial appointment of the Commissioners, the City of Albany elected to appoint only one Commissioner – Chairman of Commissioners, Dr Ken Michael to the committee.

After the City of Albany's inaugural elections, Councillors nominations were sought for various committees, including the RCRC and Her Worship the Mayor was appointed at the 12<sup>th</sup> May 1999 Council meeting. A vacancy still remains for the committee and it is recommended appropriate deputies also be appointed.

**RECOMMENDATION**

THAT Council nominate Councillor \_\_\_\_\_ to represent the City of Albany on the Rainbow Coast Regional Council with appropriate deputy/s being nominated.

*Voting Requirement Simple Majority*

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Item 13.2.6 continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR BOJCUN**

**THAT Council:**

- i) nominates Executive Director Strategic Planning, Mr Rob Jefferies, to represent the City of Albany on the Great Southern Area Consultative Committee;**
- ii) nominates Cllr Armstrong to represent the City of Albany on the Albany 2001 ANZAC Committee;**
- iii) nominates Cllr Evans to represent the City of Albany on the Sydney 2000 Community Torchbearer Judging panel; and**
- iv) accepts M/s Lee Ord's resignation from the Albany Town Hall Theatre Production Committee and appoint Mr Ian Haines as her replacement.**
- v) nominates Councillor Walker to represent the City of Albany on the Rainbow Coast Regional Council.**

**MOTION CARRIED 13 – 0**



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### 13.2.7 Local Government Statutory Compliance Return

<b>File/Ward</b>	:	GOV039 All Wards.
<b>Proposal / Issue</b>	:	Local Government Statutory Compliance Return for period 1 <sup>st</sup> January 1999 to 13 <sup>th</sup> August 1999.
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager Administration (R Boardley)
<b>Previous Reference</b>	:	OCM 24/03/99 Item 13.2.1
<b>Summary Recommendation</b>	:	Adoption of Statutory Compliance return and endorsement of certification.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. The Department of Local Government produces a Statutory Compliance Return for Local Government to use as a check list of statutory obligations and compliance. While completion of the return is voluntary at present, the Local Government (Audit) Regulations are being amended and from January 2000 there will be a legal requirement to annually complete a Statutory Compliance Return.
2. The completed return for the period 1<sup>st</sup> July 1998 to 31<sup>st</sup> December 1998 was considered by Council at the meeting held on 24<sup>th</sup> March 1999 and has been submitted to the Department of Local Government.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

Nil.

Item 13.2.7 continued

**COMMENT/DISCUSSION**

3. One of the requirements for the completion of the return is that where there is a change of responsible personnel during the year, then separate returns should be completed for the relevant periods.
4. This means that for the City of Albany, three separate returns should be completed for the 1999 calendar year as follows:-

<u>Period</u>	<u>Responsible Personnel</u>
i) 1 <sup>st</sup> January to 30 <sup>th</sup> April	Chairman of Commissioners, Dr Ken Michael Chief Executive Officer, EH (Jim) Kelly
ii) 1 <sup>st</sup> May to 13 <sup>th</sup> August	Mayor, Alison Goode JP Chief Executive Officer, EH (Jim) Kelly
iii) 16 <sup>th</sup> August to 31 <sup>st</sup> December	Mayor, Alison Goode JP Chief Executive Officer, AC Hammond

5. As the Statutory Compliance Return forms were not received until 29<sup>th</sup> April 1999 it was not possible to complete the separate return for the period 1<sup>st</sup> January to 30<sup>th</sup> April, prior to Dr Michael ceasing his duties as Chairman of Commissioners and therefore we have combined the first two periods referred to in 5 (i) and (ii) above into one return which covers the period from 1<sup>st</sup> January to 13<sup>th</sup> August 1999 which is the last day for Jim Kelly as Chief Executive Officer.
6. This should not present any problems due to the voluntary nature of the return.
7. A copy of the completed return for the City of Albany for the period 1<sup>st</sup> January 1999 to 13<sup>th</sup> August 1999 is included in the Elected Members Report/Information Bulletin.
8. As indicated in the return, Council has not fully complied with the requirements of the Local Government Act 1995, in the following areas:-

- a) **Item 1.3 – Council Resolution to make local laws:**  
Section 3.12(4) of the Local Government Act requires that any resolution to make a local law is by special (75%) majority of the council and to be recorded in the minutes as such.

The resolution passed by Council at the meeting held on 22<sup>nd</sup> June 1999 is recorded as **CARRIED 15-0**, but is not recorded as a “**Special Majority**”.

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Item 13.2.7 continued

**b) Item 1.5 – Decision to repeal or amend local laws:**

Section 3.16(4) of the Local Government Act requires that any decision to repeal or amend a local law is by absolute majority. The resolution passed by Council at the meeting held on 22<sup>nd</sup> June 1999 is recorded as **CARRIED 15-0**, but is not recorded as a “**Absolute Majority**”.

**c) Item 10.3 – Employees Performance Reviews:**

Section 5.38 of the Local Government Act requires that “the performance of each employee who is employed for a term of more than one year, including the Chief Executive Officer and each senior employee, is to be reviewed at least once in relation to every year of the employment.”

The performance reviews of all employees have not yet been completed for their first year of service with the City of Albany.

**d) Items 10.5/6 – Employees Termination Policy**

Section 5.50(c) of the Local Government Act requires that ‘a local government is to prepare a policy in relation to employees whose employment is finishing setting out the circumstances in which an employee will be paid an amount in addition to any entitlements under a contract of employment or award.

Policy now under review by the new Council that was elected on 1<sup>st</sup> May 1999. No payments were made to employees under this section.

9. The Mayor and Councillors are encouraged to study the return and to raise any queries they have in relation thereto.
10. A specific requirement of the adoption procedures is that the Chief Executive Officer or Mayor **reads aloud** to the meeting the certification contained on Page 26 of the Return, prior to it being signed. Other particulars of the Certificate must also be complied with prior to its endorsement.

The certification states as follows:-

- ◆ *“The information contained in Parts A and B of this return are true and correct to the best of our knowledge;*
- ◆ *This return was included in the agenda papers and considered by Council at the Ordinary Meeting of Council held on 4<sup>th</sup> August 1999;*
- ◆ *The contents of this Certification were read aloud to the meeting;*
- ◆ *Each Councillor has had the opportunity to review the Return and to make comment to the Council;*
- ◆ *The particulars of any matters of concern relating to the Return were recorded in the minutes of the meeting;*

Item 13.2.7 continued

- ◆ *The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes;*
- ◆ *Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of Council for the period 1<sup>st</sup> January 1999 to 13<sup>th</sup> August 1999.*
- ◆ *The resolution of adoption was carried \_\_\_\_\_ (state vote detail) eg 7/2.”*

RECOMMENDATION

THAT the Local Government Statutory Compliance Return for the City of Albany for the period 1<sup>st</sup> January 1999 to 13<sup>th</sup> August 1999 be adopted.

*Voting Requirement Simple Majority*

.....

The Chief Executive Officer advised that in paragraph 4 iii) of the Officer Report, the name of the Chief Executive Officer should be amended to read “AC Hammond” in place of “EH Kelly”.

<p><b>COUNCIL RESOLUTION</b></p> <p><b>MOVED COUNCILLOR ARMSTRONG</b> <b>SECONDED COUNCILLOR EVERS</b></p> <p><b>THAT the Local Government Statutory Compliance Return for the City of Albany for the period 1<sup>st</sup> January 1999 to 13<sup>th</sup> August 1999 be adopted.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 13 – 0</b></p>
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*The Mayor will read aloud to the meeting the certification contained on Page 26 of the return.*

THAT the certificate contained within the Local Government Statutory Compliance Return be endorsed appropriately by the Mayor and the Chief Executive Officer.

*Voting Requirement Simple Majority*

.....

*The Chief Executive Officer read aloud to the meeting the certification contained on Page 26 of the return.*

Item 13.2.7. continued

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR BOJCUN**

**THAT the certificate contained within the Local Government Statutory Compliance Return be endorsed appropriately by the Mayor and the Chief Executive Officer.**

**MOTION CARRIED 13 – 0**

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### 13.2.8 Vancouver Arts Centre

<b>File/Ward</b>	:	PRO027 Frederickstown Ward
<b>Proposal/Issue</b>	:	Vancouver Arts Centre Operations
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	N/A
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. The Albany Arts Council / Vancouver Arts Centre is housed in the former Albany Cottage Hospital, built in 1887 to a design of the Colonial Architect, George Temple Poole.
2. This building had remained a hospital until 1962, when it became too small to meet the demands of the growing district. For the next ten years it served as a school hostel and holiday accommodation, then fell into disuse and for eight years lay neglected and a prey to vandals.
3. In 1980, the State Government leased the buildings and grounds to the then Town of Albany and the buildings were subleased to the Albany Arts Council Inc, for a term expiring on 30<sup>th</sup> November 2000.
4. It has been stated that since that time the Arts Council has raised over \$800,000 from community donors, fundraising and assisted by federal, state and local governments to restore the exterior as nearly as possible to its original form and appearance, while adapting the interior to its new use.
5. The Vancouver Arts Centre is heritage building registered by the National Trust.
6. In early 1999, a request was received from the Vancouver Arts Centre for Council to provide immediate financial assistance of \$20,000 to enable the Arts Council to continue its administration and activities and undertake local fundraising to carry it through the financial year.

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Item 13.2.8 continued

7. The amount requested was in addition to the \$35,000 allocation in the City's 1998/99 budget for the management of its Community Arts Program, together with an additional allocation for the estimated project costs.
8. The Arts Centre indicated it was facing a financial crisis brought about by a further reduction in grant funding to \$25,000 (originally \$35,000); increased expenses; and the major fundraising not progressing at that stage.
9. In addition, there were ongoing costs of maintaining and operating a heritage building.
10. The proposed distribution of the funds would be directed to:-

• Payback of loans to Executive Board Members	\$4,500
• Back pay superannuation July – December 1998	\$3,600
• Superannuation January – March 1999	\$1,889
• Public Liability Insurance due 8 <sup>th</sup> February 1999	\$2,500
• Ongoing wages and salaries	<u>\$7,511</u>
<b>Total</b>	<b><u>\$20,000</u></b>
11. The request was only for support to June 1999.
12. At the same time, the Vancouver Arts Centre had asked the City of Albany to frame guidelines on the following:-
  - a) The future role of the City and the Albany Arts Council in developing and supporting the Arts;
  - b) What form the management of the Arts would take;
  - c) What Arts programs the City would expect;
  - d) The future leasing and operations of the Vancouver Arts Centre; and
  - e) The ongoing restoration, renovation and maintenance of the Vancouver Arts Centre building.
13. In agreeing to the request, the Council also undertook to:-
  - Review the systems of internal operations and control of the Centre;
  - Continue discussions with the Centre in relation to the future role of the City in respect of the Centre; and
  - Actively support the Vancouver Arts Centre in their submission to the State Government to increase the level of funding to the Centre.
14. The report has been completed and distributed to elected members and the Albany Arts Council.

## STATUTORY REQUIREMENTS

Nil.

Item 13.2.8 continued.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

15. The adoption of the recommendations would have budgetary implications. The budget, however, has been framed with these recommendations in mind.

### **STRATEGIC PLAN IMPLICATIONS**

16. As an objective under its Strategic Plan, the City aims to foster the diverse artistic and cultural pursuits of the Albany community.
17. The operations of the Albany Arts Council and Vancouver Arts Centre would be included within this objective.

### **COMMENT/DISCUSSION**

18. Mrs Joan Campbell, Chairperson, addressed Council on behalf of the Albany Arts Council, during the Council's Open Forum Session on 12<sup>th</sup> May 1999.

*“Council will be aware of the several funding crises that have troubled the Albany Arts Council in the last few years. This have been brought about by the erosion of State funding, together with a continual widening of community interest, expectation and participation across a wide arts spectrum.*

*Previous resources have had to be used in the restoration and preservation of the Vancouver Arts Centre – a heritage icon.*

*With the financial assistance of the Town of Albany a study was undertaken to establish the feasibility of raising locally two million dollars – half of which was to establish a foundation, the investment and interest from which would assist in making the Albany Arts Council less reliant on Government funding, and half would be seed funding for a Regional A Class Art Gallery.*

*While the outcome of the study was positive and substantial pledges were given, in cordial discussion with the Commissioners the Albany Arts Council was advised to await election of the net City Council as it was appreciated that such fund raising could not be successful without significant input from State and Local Government.*

*Appreciating that the City budget will be among the first order of business for Council, we would ask:*



Item 13.2.8 continued

1. *To what level will Albany City fund the establishment of a one million dollar Arts Foundation?*
2. *In addition, can the Albany Arts Council anticipate annually a City funding input which will allow permanence for administrative staff and continuance of arts programmes?*
3. *Will Council relieve the Albany Arts Council of the maintenance of the Vancouver Arts Centre?*
4. *Will Council assist by lobbying the State Government for financial assistance in the major fund raising anticipated?"*

19. In undertaking a review of the operations of the Centre, the following key areas were identified for consideration.

Organisation

*Structure*

Role of the Executive and Standing Committees

Future direction of the Vancouver Arts Centre:-

- Business Plan / Strategic Plan
  - Visions
  - Mission
  - Aims and Objectives
- Annual Plan

Decision Making Process

Reporting Mechanisms

Financial Controls and Mechanisms

- Account keeping
- Controls
- Budgeting
- Contingent liabilities
- Major fundraising

Staffing

- Staffing levels
- Direction and position descriptions
- Key Performance Indicators

20. It is considered the City of Albany should take a pro-active and leading role in the operations of the Centre and its financial controls/oversight and the arrangement as recommended by for a 12 month period to 30<sup>th</sup> June 2000 and be subject to review after that time.

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Item 13.2.8 continued.

21. Mrs Joan Campbell, Council, Chairperson, together with representatives of the Albany Arts Council and the Managing Director further addressed Council on 20<sup>th</sup> July 1999 in relation to the report prepared by the Executive Director Corporate & Community Services, Mr Peter Madigan. During this presentation, the City of Albany was requested to undertake financial controls and reporting on behalf of the Albany Arts Council.
22. Discussions have also been held between the Chief Executive Officer, Country Arts and Councils Executive Director Corporate & Community Services in respect of the importance of the arts presence in Albany and how this may be maintained.
23. Following these discussions, the recommendations have been modified in an endeavor to produce the best possible outcome for all parties.

#### RECOMMENDATION

THAT Council recommend to the Albany Arts Council that it support the following recommendations as a proposed way forward:-

- i) the Executive continue to act in the role of Board of Directors;
- ii) two Council officers nominated by the Chief Executive Officer be appointed as members of the Board of Directors to assist in guiding the Board in its operations and overall direction and decision making;
- iii) the Executive review the Business Plan and determine the future direction of the AAC/VAC for the next 5 years;
- iv) clear delegation and reporting structures for the Managing Director in the day to day operation of the Vancouver Arts Centre be developed;
- v) More detail be incorporated in the minutes of the decisions taken;

Staffing Role and responsibilities of staff to be reviewed, including

- vi) Position Descriptions be amended taking into account (iii) above, and incorporate all financial aspects, including budget and account preparation;
- vii) annual performance reviews be established / undertaken;
- viii) key performance indicators be established and reported on;
- ix) training needs be assessed; and
- x) a Memorandum of Understanding be developed between Council and the Vancouver Arts Centre in relation to such aspects as the Managing Director attending Council training courses etc.
- xi) the Managing Director be required to continue to reduce time-in-lieu accruals.

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Item 13.2.8 continued

Financial

- xii) Financial reports of expenditure be further reviewed by Council, to ensure such reports meet the Executive needs, and all such reports continue to incorporate budgetary comparisons.
- xiii) Provision for all contingent liabilities be provided in the budget.
- xiv) The City of Albany agree to provide financial services for the Albany Arts Council / Vancouver Arts Centre including, but not limited to:-
  - ◆ Receipting and banking of all revenues received;
  - ◆ Payment of invoices following authorisation by the Vancouver Arts Centre/Albany Arts Council;
  - ◆ Presentation of financial reports and recommendations on a monthly basis;
  - ◆ Preparation of an annual cash flow statement;
  - ◆ Preparation by Council of a balance sheet reflecting all assets and liabilities at the present time, and future balance sheets as part of the annual financial statements; and
  - ◆ Oversight and acquittal of all Community Arts projects.

City of Albany Future Role provided the above issues are adopted

That the City:

- xv) indicate it is prepared to continue with the Albany Arts Council co-ordinating its Community Arts programme, and will continue to contribute a management fee for this purpose, provided this remains a cost-effective option, and subject to the submission of detailed program budgets and costings to Council prior to the release of project funds.
- xvi) agree to contribute towards the Conservation Plan of the Vancouver Arts Centre as a once only contribution, and thereafter consider contributions on a project by project basis, depending on the overall priority and the availability of funds.
- xvii) actively support the Vancouver Arts Centre in its submission to the State Government to increase the level of funding to the Centre, and assist in the preparation of funding applications where appropriate.
- xviii) review the request for Council to lease the Vancouver Arts Centre, with the Albany Arts Council becoming a tenant at the time of lease renewal.
- xix) agree for Council to undertake the building maintenance responsibilities, and include a provisional sum in this 1999/2000 budget for this purpose, noting that a maintenance program is to be developed and implemented by Council on a planned basis.
- xx) the report on the operations of the Vancouver Arts Centre be tabled as a public document.

*Voting Requirement Simple Majority*

.....

## **COUNCIL RESOLUTION**

### **MOVED COUNCILLOR ARMSTRONG SECONDED COUNCILLOR DUFTY**

**THAT Council recommend to the Albany Arts Council that it support the following recommendations as a proposed way forward:-**

- i) the Executive continue to act in the role of Board of Directors;**
- ii) two Council officers nominated by the Chief Executive Officer be appointed as members of the Board of Directors to assist in guiding the Board in its operations and overall direction and decision making;**
- iii) the Executive review the Business Plan and determine the future direction of the AAC/VAC for the next 5 years;**
- iv) clear delegation and reporting structures for the Managing Director in the day to day operation of the Vancouver Arts Centre be developed;**
- v) More detail be incorporated in the minutes of the decisions taken;**

**Staffing Role and responsibilities of staff to be reviewed, including**

- vi) Position Descriptions be amended taking into account (iii) above, and incorporate all financial aspects, including budget and account preparation;**
- vii) annual performance reviews be established / undertaken;**
- viii) key performance indicators be established and reported on;**
- ix) training needs be assessed; and**
- x) a Memorandum of Understanding be developed between Council and the Vancouver Arts Centre in relation to such aspects as the Managing Director attending Council training courses etc.**
- xi) the Managing Director be required to continue to reduce time-in-lieu accruals.**

#### **Financial**

- xii) Financial reports of expenditure be further reviewed by Council, to ensure such reports meet the Executive needs, and all such reports continue to incorporate budgetary comparisons.**
- xiii) Provision for all contingent liabilities be provided in the budget.**
- xiv) The City of Albany agree to provide financial services for the Albany Arts Council / Vancouver Arts Centre including, but not limited to:-**
  - ◆ Receipting and banking of all revenues received;**
  - ◆ Payment of invoices following authorisation by the Vancouver Arts Centre/Albany Arts Council;**
  - ◆ Presentation of financial reports and recommendations on a monthly basis;**
  - ◆ Preparation of an annual cash flow statement;**
  - ◆ Preparation by Council of a balance sheet reflecting all assets and liabilities at the present time, and future balance sheets as part of the annual financial statements; and**
  - ◆ Oversight and acquittal of all Community Arts projects.**

**Item 13.2.8. continued....**

**City of Albany Future Role provided the above issues are adopted**

**That the City:**

- xv) indicate it is prepared to continue with the Albany Arts Council co-ordinating its Community Arts programme, and will continue to contribute a management fee for this purpose, provided this remains a cost-effective option, and subject to the submission of detailed program budgets and costings to Council prior to the release of project funds.**
- xvi) agree to contribute towards the Conservation Plan of the Vancouver Arts Centre as a once only contribution, and thereafter consider contributions on a project by project basis, depending on the overall priority and the availability of funds.**
- xvii) actively support the Vancouver Arts Centre in its submission to the State Government to increase the level of funding to the Centre, and assist in the preparation of funding applications where appropriate.**
- xviii) review the request for Council to lease the Vancouver Arts Centre, with the Albany Arts Council becoming a tenant at the time of lease renewal.**
- xix) agree for Council to undertake the building maintenance responsibilities, and include a provisional sum in this 1999/2000 budget for this purpose, noting that a maintenance program is to be developed and implemented by Council on a planned basis.**
- xx) the report on the operations of the Vancouver Arts Centre be tabled as a public document.**

**MOTION CARRIED 13 – 0**

### 13.2.9 Albany Sportsperson of the Year Awards

<b>File/Ward</b>	:	GOV045 - All Wards.
<b>Proposal / Issue</b>	:	Nomination of Judging Panel representation
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	Ministry of Sport and Recreation
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Community Development Officer (R Shanhun)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	Nomination of _____ as Council representative on Sportsperson of Year Judging Panel.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Each year Council, in conjunction with the Ministry of Sport and Recreation, conducts the Sportsperson of the Year Awards. Council's involvement has in the past been restricted to organising the annual awards presentation function and provision of trophies. The Ministry of Sport and Recreation has conducted all other aspects of the awards including convening a Judging Panel consisting of one Ministry of Sport and Recreation representative and one community representative.
2. The Albany Advertiser is a strong supporter of the Awards, providing ongoing promotion and publicity.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

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Item 13.2.9 continued

**STRATEGIC IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

3. The Ministry of Sport and Recreation is looking to expand the Judging Panel to include representation from Council as well as representation from the Albany Advertiser.
4. Judging of the monthly awards is carried out every 2 months with the panel meeting at the Ministry of Sport and Recreation's office on Stirling Terrace. Duration of the meeting is usually about 30 minutes.
5. Given the City of Albany's involvement in the Sportsperson of the Year Awards it would be appropriate for Council to be represented on the Judging Panel.

**RECOMMENDATION**

That Councillor \_\_\_\_\_ or (in the absence of a Councillor nomination) the Community Development Officer represent Council on the Sportsperson of the Year Awards Judging Panel.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR CECIL**

**That Councillor Williams represents Council on the Sportsperson of the Year Awards Judging Panel.**

**MOTION CARRIED 13 – 0**

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### 13.2.10 Council Policy Manual and Delegations

<b>File/Ward</b>	:	MAN056 - All Wards.
<b>Proposal / Issue</b>	:	To receive Draft Policy Manual
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Senior Administration Officer (S Pepper)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	Receive the Draft Policy Manual
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. With the amalgamation of the Town and Shire of Albany a new set of policies have been drafted to address the operations issues of the new City.
2. To assist in the administration of these policies, suggested delegations to the Chief Executive Officer have been noted on the appropriate policies together with subsequent delegation to relevant staff.

#### STATUTORY REQUIREMENTS

3. Relevant sections of the Local Government Act 1995. The Role of the Council:-

- “2.7** (1) *The council-*
- a) *directs and controls the local government’s affairs; and*
  - b) *is responsible for the performance of the local governments functions.*
- (2) *Without limiting subsection (1), the council is to-*
- a) *oversee the allocation of the local government’s finances and resources; and*
  - b) *determine the local government’s policies.*

***Delegation of some powers and duties of CEO.***

- 5.42** (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act other than those referred to in section 5.43.*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”*



Item 13.2.10. continued.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

4. Governance

Objective 1: Provide good governance for the City of Albany/

Strategy:

- a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation.
- b) Establish effective two way communication between Council, residents and other stakeholders.
- c) Fulfill Council’s civic and ceremonial roles and responsibilities.

**COMMENT/DISCUSSION**

- 5. The Policy Manual has been prepared to provide staff with clear direction on the administrative requirements of the City of Albany strategic direction eg. Retail Trading Hours, Financial Assistance – Community Organisations, Incentives for Heritage Reconstruction, Restoration or Adaptation etc.
- 6. The Draft Policy Manual is to be circulated as a separate document with copies available for public comment at the administration centres and library.
- 7. It is proposed to invite public comment of these policies, prior to further consideration and adoption by Council.

**RECOMMENDATION**

THAT Council:

- i) Receive the Draft Policy Manual as circulated;
- ii) Invite public comment in regard to the policies; and
- iii) Further consider this matter at the next ordinary meeting of Council.

*Voting Requirement Simple Majority*

.....

Item 13.2.10. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WILSON**

**THAT Council:**

- i) Receive the Draft Policy Manual as circulated;**
- ii) Invite public comment in regard to the policies; and**
- iii) Further consider this matter at the next ordinary meeting of Council.**

**MOTION CARRIED 13 – 0**

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### 13.2.11 Mental Health Week

<b>File/Ward</b>	:	GOV074 – All Wards.
<b>Proposal/Issue</b>	:	Council support for the Mental Health Week.
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	Great Southern Public Health Services.
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Community Development Officer (R Shanhun)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	Council provide in kind support the Mental Health Week project.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Mental Health Week is an opportunity to raise public awareness of Mental Health issues and to provide information to those who may be in need of treatment.
2. It is also an opportunity reduce the stigma associated with Mental Health.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

3. Support requested is 'in-kind' and subject only to internal accounting requirements. Current budgetary provision is made within the Community Development budget under the heading of Community Development Officer projects.

Item 13.2.11 continued

## **STRATEGIC IMPLICATIONS**

4. An objective of the Law Order and public awareness section of Council's Strategic Plan is to "take a leading role in seeking solutions to community health problems:  
Strategy:
  - a) Liaise with local and regional medical service providers."

## **COMMENT/DISCUSSION**

5. Council has received a request from the Great Southern Public Health Service to assist in Mental Health Week promotion by providing some 'in kind support'. The application reads in part:

### ***"MENTAL HEALTH WEEK***

#### ***Aims and Objectives***

- ◆ *To raise public awareness about mental health and well being;*
- ◆ *To provide information on how to prevent mental illness;*
- ◆ *To provide information for those who require support and/or treatment;*
- ◆ *To reduce the stigma associated with mental illness.*

#### ***Rationale***

##### ***Prevalence***

*Almost 20 per cent of all children and adolescents in Australia are affected by mental health problems and at least half of these show impaired schooling and social development (Zubrick, Silburn and Garton et al 1995)*

*18 percent of adults in the Australian community suffer from a mental disorder (McLennan 1998) and the prevalence of anxiety, depressive and substance use disorders among adults is 9.7 per cent. The highest level of mental disorder occurs in young adulthood (18-24 years) with more than a quarter suffering a mental disorder (McLennan, 1998).*

##### ***Cost***

*It has been estimated that the burden of mental disorders accounts for 11 per cent of all disease burden worldwide (Murray and Lopez 1996). The direct cost of mental disorders in Australia was estimated to be \$2 billion in 1989 – 90 (Australian Institute of Health and Welfare).*

#### ***The Project***

*Duration: Mental Health Week (5 year plan 1999-2004)*

*Dated for 1999: 17<sup>th</sup> to 23<sup>rd</sup> October 1999*

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Item 13.2.11 continued

*The project involves a public education campaign involving a television launch and a series of advertisements. The advertisements will provide information on mental illness and how it can be prevented. The education campaign will direct people to the Health Information Service for more information. They will be able to provide brochures and details of support and treatment networks in Albany.*

*During mental health week there will also be an information stall manned by staff from Community Mental Health Services, the Consumer Advocacy Group, the Early Intervention Project and Fellowship House.*

*A banner will be hung in York Street during Mental Health Week.*

***Funding Request***

*Written support from the City Council for Mental Health Week activities detailing ‘in kind’ support for the five year plan.*

*The ‘in kind’ support requested:*

- 1. Free use of the Town Hall during Mental Health Week (1999-2004) (equivalent to \$150 per year); and*
- 2. The labour and space needed to display the banner be provided free of charge (equivalent to \$200 per year).*

*The Council’s support will be acknowledged in the television and newspaper campaign, on the brochures produced and at the Information Stall.”*

6. Mental Illness has been described as the fastest growing epidemic in the world today. Council has an opportunity to assist in raising community awareness of this growing problem by providing some in kind support over the next 5 years.

**RECOMMENDATION**

THAT Council recognises the importance of Mental Health Week and:-

- i) assist the Great Southern Public Health Service promote Mental Health Week with ‘in kind’ support by way of free use of the lessor Town Hall during mental health week and waiving the fees and charges associated with hanging a banner across York Street during Mental Health Week. Funds for the above support be allocated from within the Community Development – CDO projects budget; and
- ii) commit to providing the above level of support for a period of 5 years to 2004.

*Voting Requirement Simple Majority*

.....

Item 13.2.11. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR EVERS**

**THAT Council recognises the importance of Mental Health Week and:-**

- i) assists the Great Southern Public Health Service promote Mental Health Week with ‘in kind’ support by way of free use of the lessor Town Hall during mental health week and waiving the fees and charges associated with hanging a banner across York Street during Mental Health Week. Funds for the above support be allocated from within the Community Development – CDO projects budget; and**
- ii) commits to providing the above level of support for a period of 5 years to 2004.**

**MOTION CARRIED 13 – 0**

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### 13.2.12 Neighbourhood Watch Co-ordinator

<b>File/Ward</b>	:	GOV050 – All Wards.
<b>Proposal/Issue</b>	:	Appointment of Part time Neighbourhood Watch Co-ordinator
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	Neighbourhood Watch – Albany Branch
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Community Development Officer (R Shanhun)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	Council submit an application for funding to employ a Neighbourhood Watch Co-ordinator
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Neighbourhood Watch groups operate around Albany under the direction and guidance of the Albany Police and Albany Community Policing. Neighbourhood Watch Suburb Managers co-ordinate the service at a local level and meet monthly with Police to discuss relevant Neighbourhood Watch issues.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

2. No current budge allocation exists. Funding may be available through the Safer WA Community Security Program.

Item 13.2.12 continued

### STRATEGIC IMPLICATIONS

3. Council's Strategic Plan includes the following objective in relation to Law, Order and Public Awareness.

*“Support programmes and organisations which safe guard the wellbeing of the community.*

*Strategy:*

- a) *Maintain enforcement of all relevant law, order and public safety acts, regulations and Council local laws.*
- b) *Undertake and promote awareness and health education campaigns which complement Council's core activities;*
- c) *Seek to identify substance abuse issues and explore options.”*

### COMMENT/DISCUSSION

4. Council has received correspondence from the Albany branch of Neighbourhood Watch requesting that Council seek funding through Safer WA to employ a part time Co-ordinator. The Co-ordinator would be responsible for co-ordinating Neighbourhood Watch and Rural Watch within the City of Albany.

5. The correspondence has been accompanied by a public petition containing 329 signatures (tabled). The prayer of the petition reading:-

*“We, the undersigned request that the City Council support a part time Co-ordinator to promote and expand Neighbourhood Watch in Albany Town and Rural Watch in rural Albany.”*

6. Also accompanying the correspondence was a “resume of Neighbourhood Watch in Albany”, which reads:-

*“This community based scheme has stagnated a little in latter months. The Community Policing Officer who was responsible for co-ordinating NHW activities was transferred away and was not replaced.*

*We have all the structures in place for the scheme to operate as it should. The NHW shop and office at the Dog Rock Shopping Centre is equipped with a computer, printer, photocopier, fax and phones. Volunteers staff the ship for part of the week. We have Suburb Managers, Area Co-ordinators and Street Reps who contact the residents and make them aware of NHW. What we require however, is a person to co-ordinate the activities, recruit additional leaders, promote the scheme and generally draw together the NHW and the Rural Watch of the district.*



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Item 13.2.12 continued

*It is envisaged that NHW employ a suitable qualified person, with people and administration skills, for approximately 16-20 hours per week.”*

7. Senior Constable Dave Sweet, State Co-ordinator of Neighbourhood Watch has provided the following list of responsibilities normally undertaken by Local Government Neighbourhood Watch Co-ordinators.
  - ◆ *“promote Neighbourhood Watch*
    - *to minimise the incidents of preventable crime in the Neighbourhood watch suburbs;*
    - *to increase the incidences of reporting crime and suspicious activity and improve the quality of information provided to Police within the neighbourhood watch suburb;*
    - *to reduce the fear of crime in the Neighbourhood Watch suburb;*
    - *to improve the degree of personal and household security by conducting ‘Operation Identification’ and training programmes for representatives throughout the Neighbourhood Watch suburb;*
    - *to deter criminal activity by increasing the probability of apprehension through observation and recognition of suspicious activity; and*
    - *to ensure effective management of the program by planning monitoring and evaluation.*
  - ◆ *recruit volunteers for Neighbourhood Watch*
  - ◆ *establish and maintain a volunteer organisational structure that achieves the objectives of Neighbourhood Watch*
  - ◆ *establish and maintain a close relationship with suburb managers and area co-ordinator*
  - ◆ *liaise with the community, Community Police Command and officers, other law enforcement agencies, sponsoring local governments and relevant government agencies*
  - ◆ *liaise with Neighbourhood Watch co-ordinators from other suburbs and regions*
  - ◆ *organise and implement short and long term strategies for the development of Neighbourhood Watch*
  - ◆ *attend meetings of Suburb Managers, Area Co-ordinators, participating Councils and the State Advisory Panel*
  - ◆ *to perform other duties as directed by council sponsored Neighbourhood Watch Committee.”*
8. Funding is available through the Safer WA Community Security Program, with grants generally to a maximum of \$25,000. The Program’s funding purposes specifically include assistance for the employment of a Neighbourhood Watch Co-ordinator. While there is no necessity for a Council contribution, an application which included a provision from Council would be viewed more favorably. In any event the funding would be provided for this financial year only, with no guarantee of ongoing funding being provided in future years.

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Item 13.2.12 continued

RECOMMENDATION

THAT

- i) an application be submitted to the Safer WA Community Security Program to employ a part time Neighbourhood Watch Co-ordinator for Albany Neighbourhood Watch and Rural Watch; and
- ii) continuance of the Neighbourhood Watch Co-ordinator's position be contingent upon funding being ongoing through the Safer WA Community Security program.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR DUFTY**

- i) An application be submitted to the Safer WA Community Security Program to employ a part time Neighbourhood Watch Co-ordinator for Albany Neighbourhood Watch and Rural Watch; and**
- ii) Continuance of the Neighbourhood Watch Co-ordinator's position be contingent upon funding being ongoing through the Safer WA Community Security program.**

**MOTION CARRIED 11 – 2**

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### 13.2.13 Visitor Guide Sign – Request For a Further Three Year Option

<b>File/Ward</b>	:	PRO046 – Frederickstown Ward
<b>Proposal / Issue</b>	:	Visitor Guide Sign - Request for a Further Three Year Option
<b>Subject Land</b>	:	Albany Town Lot S110 - 221 York Street Albany
<b>Proponent</b>	:	Trifield Nominees Pty Ltd
<b>Owner</b>	:	City of Albany
<b>Reporting Officer</b>	:	Senior Administration Officer (S Pepper)
<b>Previous Reference</b>	:	OCM 28.10.97 - Item 6.4.1
<b>Summary Recommendation</b>	:	Decline Request for Further Three Option
<b>Locality Plan</b>	:	Nil

#### BACKGROUND

1. Trifield Nominees Pty Ltd are seeking Council approval for a further three option to their lease known as Visitor Guide Australia which is located on portion of Albany Town Lot S 110 in front of Albany Public Library. This request is based on a lessee's belief that to continue negotiations for advertising space for his clients, an assurance from Council is needed, indicating that the structure will be available beyond the 2000 expiry. The current lessee purchased the business on the 18<sup>th</sup> of December 1997, and elected to renew the three year option which extended the lease to 17<sup>th</sup> December 2000.

#### STATUTORY REQUIREMENTS

2. Section 3.58 of the Local Government Act 1995 – Disposing of Property provides that Council may lease property by private treaty, however, it must first give statewide public notice of its intention to do so and therein invite public submissions from interested persons. Should any submissions be received, Council must then give consideration to those submissions before resolving whether or not to lease. Section 3.58 further requires that the reason for Council's decision must be recorded in the minutes of a meeting at which a decision to lease or otherwise is made.

#### POLICY IMPLICATIONS

Nil.

Item 13.2.13 continued.

### **FINANCIAL IMPLICATIONS**

3. Council currently receives rental for this lease of \$850.92 per annum (subject to annual review), and this amount has been provided for in the 1999/2000 budget.

### **STRATEGIC IMPLICATIONS**

#### **4. “Financial and Asset Management**

**Objective 1:** Effectively manage the City’s Financial services to meet statutory, community and organisational requirements.

##### Strategy

- a) Continually reassess Council’s financial management strategies and tools in the light of Council’s objectives.
- b) Ensure financial control systems are appropriate to the requirements of a cost effective organisation.
- c) Explore options to meet National Competition Policy requirements.
- d) Foster regional co-operation to maximise resources.
- e) Utilise risk management techniques to protect the communities’ investment.
- f) Develop a local purchasing policy.”

### **COMMENT/DISCUSSION**

5. In October 1997, the previous lessee sought Council permission for a further three year option on top of the existing three year option. This request was declined as the Council of the day had not yet resolved the redevelopment timetable for the administration and library buildings. This was further complicated by the prospect of the Town/Shire amalgamation and it was felt the current lease arrangements which included a clause 10.3 “subject to mutual agreement of both parties the landlord may relocate the premises to an alternative site and costs incurred to be shared equally”, sufficiently covered both parties needs.
6. The current lease expires on the 17<sup>th</sup> December 2000 and does not provide for any further options. Council would need to comply with the Local Government Act 1995 as detailed in the Statutory Compliance section, should it consider a request for a new lease. Council has formed a City of Albany Administration Building Working Party to investigate the new Council’s accommodation needs and a relevant timetable to complete any such works is yet to be determined.
7. It is therefore suggested that Council decline Trifield Nominees Pty Ltd request for an extension to their current lease based on the Council’s need to assess it’s own accommodation requirements.

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Item 13.2.13 continued

RECOMMENDATION

THAT:

- i) Council decline Trifield Nominees Pty Ltd request for a further three year option to their current lease – Visitor Guide Australia located at the front of the Albany Public Library; and
- ii) Council advise the lessee that Council is willing to consider an application for a new lease once Council has concluded its investigation into its own accommodation requirements.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BAIN  
SECONDED COUNCILLOR WILLIAMS**

**THAT:**

- i) Council decline Trifield Nominees Pty Ltd request for a further three year option to their current lease – Visitor Guide Australia located at the front of the Albany Public Library; and**
- ii) Council advise the lessee that Council is willing to consider an application for a new lease once Council has concluded its investigation into its own accommodation requirements.**

**MOTION CARRIED 13 – 0**

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### 13.2.14 Appointment of Insurers

<b>File/Ward</b>	:	COM009 – All Wards.
<b>Proposal/Issue</b>	:	Approval to appoint Insurance Brokers
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Seniors Administration Officer (S Pepper)
<b>Previous Reference</b>	:	OCM 08/07/98 Item 13.2.5
<b>Summary Recommendation</b>	:	Appoint Municipal Insurance Brokers to co-ordinate insurance portfolio.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. With the amalgamation, the insurance portfolio of the Town and Shire of Albany required reviewing to provide appropriate cover for the new City. As both Councils were using Municipal Insurance Brokers (MIBS) to co-ordinate their portfolios, it was seen as opportune to use this broker to help assess the City's insurance needs.
2. Council elected to appoint MIBS for a one year period to allow the amalgamation process to settle, before assessing its insurance needs.

### STATUTORY REQUIREMENTS

3. Clause 11(1) of the Local Government (Functions and General) Regulations 1996:-

***“Tenders to be invited for certain contracts***

- 11.** (1) *Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods and services if the consideration under the contract is, or is expected to be, more or worth more, than \$50,000 unless subregulation (2) states otherwise.*

Item 13.2.14 continued

- (2) *Tenders do not have to be publicly invited according to the requirements of this Part if -*
- a) *the supply of goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;*
  - b) *the supply of the goods or services is to be obtained through the Council Purchasing Services of WAMA;*
  - c) *within the last 6 months-*
    - i) *the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that was thought to be satisfactory; or*
    - ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*
  - d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;*
  - e) *the goods or services are to be supplied by or obtained through the government of the State or Commonwealth or any of its agencies, or by a local government or a regional local government;*
  - f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.”*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

4. Quotations have been obtained from MIBS for the renewal of Council's various insurance portfolios for the 1999/2000 year and provision has been made in the budget for these premiums.

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Item 13.2.14 continued

**STRATEGIC IMPLICATIONS**

5. Financial and Asset Management

Objective 1: Effectively manage the City's financial services to meet statutory, community and organisational requirements.

Strategy:

- a) Continually reassess Council's financial management strategic and tools in the light of Council's objectives
- b) Ensure financial control systems are appropriate to the requirements of a cost effective organisation
- c) Explore options to meet National Competition Policy requirements.
- d) Foster regional co-operation to maximise resources
- e) Utilise risk management techniques to protect the community's investment
- f) Develop a local purchasing policy

**COMMENT/DISCUSSION**

- 6. In order to comply with the statutory requirements, MIBS seeks registration of interest from the insurance industry every two years, for each local authority's portfolio quotations, which are confidential, were supplied to council in 1998 indicating reasonable savings through the merging of the two Council's.
- 7. It is MIBS intention to remain Council's insurance brokers in to the future and look to Council for an appointment for the next three years. This will assist MIBS in providing the high level of service that has been provided to Council in the past. This includes ensuring that it obtain the best possible renewal terms from the entire market and continue to provide sound risk management and claims handling facilities.

**RECOMMENDATION**

THAT Council agree to appoint Municipal Insurance Brokers for the city for the next three years to 2002, to co-ordinate the insurance portfolio.

*Voting Requirement Simple Majority*

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Item 13.2.14. continued

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR ARMSTRONG**

**THAT Council agree to appoint Municipal Insurance Brokers for the city for the next three years to 2002, to co-ordinate the insurance portfolio.**

**MOTION CARRIED 13 – 0**

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### 13.2.15 Delegation of Authority

<b>File/Ward</b>	:	MAN041 – All Wards.
<b>Proposal/Issue</b>	:	Approval to Delegate Powers/Duties
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Senior Administration Officer (S Pepper)
<b>Previous Reference</b>	:	Various
<b>Summary Recommendation</b>	:	Various delegations be provided to the Chief Executive Officer.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The Local Government Act provides the legislative framework for the control of building activity, signage, fencing and extractive industries, amongst other things. The capacity to delegate decision making in these areas provides for rapid decision making and allows Council to focus upon strategic issues. This is consistent with the strategic (Council) and administrative (Staff) functions outlined in the Act.

### STATUTORY REQUIREMENTS

2. The provisions of Section 5.42, 5.43 and 5.46 of the Local Government Act 1995 (as amended) state:-

*“Delegation of some powers and duties to Chief Executive Officer*

5.42 (1) *A local government may delegate\* to the CEO the exercise any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

*\* Absolute Majority Required*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

*Limits on delegations to CEO's*

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Item 13.2.15 continued

- 5.43 *A local government cannot delegate to a CEO any of the following powers or duties:-*
- a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
  - b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
  - c) *appointing an auditor;*
  - d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
  - e) *any of the local governments powers under section 5.98, 5.99 or 5.100;*
  - f) *borrowing money on behalf of the local government;*
  - g) *hearing or determining an objection of a kind referred to in section 9.5;*
  - h) *any power or duty that requires the approval of the Minister or the Governor; or*
  - i) *such other powers or duties as may be prescribed.*

*Register of, and records relevant to, delegations to CEO's and employees.*

- 5.46 (1) *The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.”*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

3. Objective 1. Provide excellence in service delivery to internal and external customers.

Strategy:

- a) Systematically plan and continuously improve Council services and processes.
- b) Enhance customer service skills of staff.

Item 13.2.15 continued.

## COMMENT/DISCUSSION

4. Following is a number of recommendations which seek to delegate the functions of Council under various Acts and Regulations to the Chief Executive Officer. Pursuant to the Local Government Act the CEO may decide to then delegate those functions to individual staff; clear mandates would be established on those sub-delegations to match the relevant staff roles and officer capabilities.
5. The capacity exists pursuant to the Local Government Act to revoke the delegations at any time if required.

## RECOMMENDATION

THAT by an absolute majority, the Council of the City of Albany:

- i) pursuant to Section 23 of the Strata Titles Act authorises the Chief Executive Officer authority to sign certificates issued under the Strata Titles Act.
- ii) pursuant to Council's Local Laws, authorises the Chief Executive Officer the authority to:
  - a) approve street trading licences
  - b) grant approvals for the placement of signs on private property
  - c) issue building licences for property fences
  - d) issue extractive industry licence
  - e) issue dog kennel licences
  - f) grant approvals for motels in the City of Albany
  - g) grant approvals to develop and licences to operate lodging houses in the City
  - h) remove and dispose of unlawfully displayed signs and advertising devices
  - i) issue annual licence for Holiday Accommodation
- iii) pursuant to Section 5.42 of the Local Government Act 1995 (as amended) authorises the Chief Executive Officer
  - a) the power to approve and refuse the issue of building licences.
  - b) to execute Grant and Services Agreements arranged with the Bushfire Services of WA
  - c) to approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.
  - d) the power to make payments from the Municipal and Trust Funds in accordance with section 12 and 13 of the Local Government (Financial Management) Regulations 1997

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Item 13.2.15 continued.

- e) to negotiate on the condition of the proposed lease with Jaycees Community Foundation Inc for a new 35 year lease of the Whaleworld Museum site situated on Reserve 36721, and that a further report be submitted to Council for consideration.
- f) to approve and refuse applications from organisations within the City of Albany municipality to use the ‘Altogether Better’ brand within the parameters of the Brand Management Guidelines and to authorise all associated documentation including the affixing of Council’s Common Seal on relevant licences.
- iv) Pursuant to Section 5.42 of the Local Government Act and Clause 7.21 of the City of Albany Town Planning Scheme 1A, Council delegates to the Chief Executive Officer the authority to approve the operation of helicopter joy flights from the Albany Foreshore Reserve, adjacent to Princess Royal Harbour;
- v) Authorises Robert George Hall to administer and ensure compliance with the Caravan and Camping Ground Regulations.
- vi) cancels the authority for Murray Gordon Clarke to administer the provisions of the following Acts:-
  - ‘- Part XX Local Government (Misc Provisions) Act 1960;
  - Section 9.13, 9.16 Local Government Act 1995;
  - Section 3.39(i) Local Government Act 1995;
  - Section 26(i)C(i) and (ii) Litter Act 1979-81;
  - Section 29 Dog Act 1976;
  - Section 3 Dog At 1976 – Registration Officer
  - Section 38 Control of Vehicles (off road areas) Act 1978;
  - Section 38 Bush Fires Act 1954-77;
  - Section 59, 59A Bush Fires Act 1954-77;
  - Section 3 Spear Guns Control Act 1955-72; and
  - Caravan and Camping Ground Regulations.’
- vii) pursuant to section 29(1) of the Dog Act 1976, delegate authority to Keith Barnett and Garry Phillip Turner to approve the keeping of more than the prescribed number of dogs (2) on a particular premises within the City of Albany, subject to Rangers inspecting the property, and the proposal being referred to affected neighbours for comment

*Voting Requirement Absolute Majority*

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Item 13.2.15. continued.

Councillor Evans expressed concern at the number of issues which arose from this item and suggested it should be deferred until the next Ordinary Council Meeting to allow further consideration by Councillors.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR EVERS**

**That consideration of this item be deferred until the next Ordinary Council Meeting on 24<sup>th</sup> August, 1999.**

**MOTION CARRIED 10 – 3**

### 13.2.16 Vancouver Lecture

<b>File/Ward</b>	:	REL039 – All Wards.
<b>Ward</b>	:	N/A
<b>Proposal/ Issue</b>	:	Decision on continuing with the Vancouver Lecture
<b>Subject Land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Chief Executive Officer (E H Kelly)
<b>Previous Reference</b>	:	Nil
<b>Summary/ Recommendation</b>	:	In principle the Vancouver Lecture be continued. The next lecture be conducted in the year 2000.
<b>Locality Plan</b>	:	Nil

### BACKGROUND

1. The Vancouver Lecture was a former Town of Albany event which began in 1975 and has been held every two years since then. It was traditionally held on a mutually convenient date as close as possible to the Vancouver's first visit to Albany between 27<sup>th</sup> September and 18<sup>th</sup> October 1791.
2. The Vancouver Lecture was begun as a memorial to Captain George Vancouver RN who visited Albany in 1791, formally hoisted the British flag at Point Possession and took possession of the Western part of the continent of Australia on behalf of Great Britain. His company then explored and charted the area.
3. People who have presented the lecture in the past include the following.
  - Sir Charles Court
  - Sir John Kerr
  - Sir Zelman Cowen
  - Dame Roma Mitchell OBE
  - Professor Gordon Reid AC
  - Sallyanne Atkinson
  - Professor Geoffrey Blainey
  - Bruce Ruxton OBE
  - Harry Butler CBE

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Item 13.2.16 continued

4. The evening's programme is a relatively formal affair and in addition to presentation of the Vancouver Lecture itself, there is a role for an MC and some introductory comments by the Mayor. Traditionally a bracket of light entertainment is provided prior to the lecture and this has been provided by many local groups over the years.
5. Supper is provided to invited guests at the conclusion of the event and if the presenter's arrival time in Albany allowed it, generally the Mayor and Councillors hosted a dinner for that person. (This began as a means of expressing Council's appreciation to the presenter, who receives no payment for giving the lecture although travel and accommodation costs are met).
6. Guests included parliamentarians and community leaders who were invited to also attend the supper, and in addition advertisements were placed in the local press inviting members of the community to attend the lecture. No admission charge was made.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

7. Provision has been in the 1999/2000 Budget for \$3500 which will cover the direct costs of the lecture which would include travelling and accommodation costs for the presenter. In addition to the direct costs there are significant indirect costs which are usual with a special event of this type. The event would be co-ordinated through the Chief Executive Officer's section and the main responsibilities would fall to his Personal Assistant.

#### **STRATEGIC IMPLICATIONS**

8. Mission Statement:
  - Seeking opportunities which would preserve our heritage and lifestyle whilst enhancing our future growth.
9. Tourism and Special Events Objective:
  - Foster the growth of tourism and special events in the Albany region through a planned and co-ordinated approach.
10. Strategy:
  - Future mechanism for financing and supporting local and regional tourism and special events.



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Item 13.2.16 continued

**COMMENT/DISCUSSION**

11. Apart from the important principle of recognising the significance of Vancouver to Albany, the event does provide an opportunity to invite a person of State or National note to the City to speak to a relatively large audience on a relevant topic. Depending on the topic or speaker it could receive positive publicity and overall credibility to Albany.
12. The organisation of the event would follow past practice by the former Town of Albany however, it would be impossible to arrange the event during 1999 mainly because of the lead time needed to invite and arrange the attendance of a speaker of some credibility and importance. Whilst it is unfortunate to have missed the biennial time slot, it could be fitting to focus the lecture now on the year 2000 (September/October) and use the event as a part of the launch of the City into the new millenium. The lecture could for example be a part of Council's launch of its Strategic Plan.

**RECOMMENDATION:**

**THAT:**

- i) Council supports the continuation of the Vancouver Lecture and it be known as the City of Albany Vancouver Lecture, and it be conducted in the year 2000 on a date to be arranged during September/ October; and
- ii) that Her Worship the Mayor in conjunction with the Chief Executive Officer be delegated to make all the necessary arrangements for the conduct of the lecture generally in accordance with the details of past lectures and as set out in this report.

*Voting Requirement Simple Majority*

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Councillor Cecil advised she was happy to support the recommendation, providing the full Council had the opportunity to make the choice of presenter for each Vancouver Lecture, rather than the CEO and Mayor as suggested above.

Item 13.2.16. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT:**

- i) Council supports the continuation of the Vancouver Lecture and it be known as the City of Albany Vancouver Lecture, and it be conducted in the year 2000 on a date to be arranged during September/ October; and**
- ii) The full Council make the choice of presenter of the lecture, and Her Worship the Mayor in conjunction with the Chief Executive Officer be delegated to make all the necessary arrangements for the conduct of the lecture generally in accordance with the details of past lectures and as set out in this report.**

**MOTION CARRIED 13 – 0**

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### 13.2.17 Council Meeting Arrangements and Decision Making Review

<b>File/Ward</b>	:	MAN006 – All Wards.
<b>Proposal/Issue</b>	:	Council Meeting arrangements
<b>Subject Land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Chief Executive Officer (E H Kelly)
<b>Previous Reference</b>	:	OCM 14/04/99 Item 13.2.3 SCM 03/05/99 Item 7.0 OCM 12/05/99 Item 13.2.1
<b>Summary Recommendation</b>	:	Council meet every third week on Tuesdays commencing at 5.30p.m.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. This matter was considered by Council at the Ordinary Council Meeting 12<sup>th</sup> May 1999 when the following was resolved:  
*"That:*
  - a) *Ordinary Meetings of Council be held every third Tuesday commencing at 7.30p.m. at the Mercer Road Administration Centre;*
  - b) *Briefing Sessions for the purpose of providing the Mayor and Councillors with the opportunity to obtain further information on the Council meeting agenda and other matters, be held at 5.30p.m. prior to the Council meeting;*
  - c) *No standing committees be appointed, however specific purpose committees, working parties and project teams be appointed as required, with clear terms of reference, reporting requirements and delegated powers as appropriate.*
  - d) *Presentations and Deputations generally be dealt with by way of the "Open Forum" session at Council meetings, however, special arrangements including attending the briefing sessions with the Mayor's approval be made as appropriate depending on the subject matter and who the party wishes to meet with.*
  - e) *That the above procedures be trialled for a period of three months."*
2. The full copy of the report leading to that resolution is *attached* as it provides information and background that need not be repeated in this report.

Item 13.2.17 continued

3. The purpose of reporting again to Council on this matter is in line with the previously agreed three month trial of the above arrangements.

**STATUTORY REQUIREMENTS**

4. Section 5.3(2) of the Local Government Act requires a Council to hold Ordinary Meetings not more than three months apart.
5. Local Government (Administration) Regulation 12 requires a Council to give local public notice of the dates, time and place of Ordinary Council Meetings that are to be held in the next 12 months.
6. There are extensive provisions throughout the Act and Regulations that deal with other matters relating to conduct of meetings, voting requirements, quorums, establishing committees etc. These provisions will need to be referred to when dealing in detail with the actual conduct of meetings, formation of committees, etc.

**POLICY IMPLICATIONS**

7. There are no existing policies of specific relevance to this item.

**FINANCIAL IMPLICATIONS**

8. Budget provision in the 1999/2000 Budget will cover the meeting arrangements as recommended although if Council decides to meet fortnightly instead of every third week, there would be a marginal increase in costs involving Councillors travel, stationery and administration. It could be argued that those costs would be offset against the benefit to the community of decision making more frequently.

**STRATEGIC IMPLICATIONS**

9. Governance - Objective 1.  
Provide good governance for the City of Albany.  
Strategy:
  - a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation.
  - b) Establish effective two way communication between Council, residents and other stakeholders.

Item 13.2.17 continued.

**COMMENT/DISCUSSION**

10. Council is aware of the issues involved with setting meeting times and dates and the key issues are:
  - a) day of the meeting
  - b) time of the meeting
  - c) frequency of the meeting
11. Meeting day. Currently Council meets on Tuesday and there is no known reason to change. Tuesday does suit the media.
12. Time of the meeting. This point together with the frequency of the meetings are the two crucial issues. Basically there are three options:
  - a) day time meetings - either a.m. or p.m.
  - b) evening meetings - commencing from say 5.00p.m.
  - c) night meetings - commencing from 7.00p.m.
13. Day time meetings (a) are not recommended due to commitments of some Councillors to their employers and the inability of some members of the public to attend. Although the latter point may in fact be an advantage to some people. It is noted that there is no Council in the State of the size of Albany or larger that meets during the day.
14. The second option (b) of evening meetings deals with the disadvantages of daytime meetings and is the favoured option.
15. Over the past three months Council have met at night time (option c) and although the Councillors will have their own views on the advantages and disadvantages, the fact remains that few people perform at their best late into the night particularly when they have already worked a long day.
16. On the point of frequency of the meetings there are probably three options
  - a) fortnightly
  - b) monthly
  - c) every three weeks (as at present).
17. Monthly is not recommended due to the inconvenience and delay that would be caused to the community with the month gap in the decision making.
18. Fortnightly meetings can have the advantage of rapid turnaround of decisions however, there are significant disadvantage to the organisation in that it is continually in a meeting mode.
19. The present three weekly cycle seems to be a reasonable compromise between the above two options.

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Item 13.2.17 continued.

20. Whatever arrangements the Council determines it is intended to provide delegation and flexibility to Her Worship the Mayor in conjunction with the Chief Executive Officer to fit in any required agenda review, briefing sessions and meal arrangements.
21. *Attached* is an extract from the Local Government Department publication "Update" June 1999 which has some relevance to this report.
22. Whatever arrangements Council decides it is proposed that a three month trial be a part of the decision.

RECOMMENDATION

THAT:

- i) ordinary Meetings of Council be held on every third Tuesday commencing at 5.30p.m. at the Mercer Road Administration Centre;
- ii) all other arrangements including agenda review, briefing sessions (whether associated with the Ordinary Council Meetings or not), presentations and deputations and meal arrangements be left in the hands of Her Worship the Mayor and the Chief Executive Officer to arrange as deemed appropriate; and
- iii) the Ordinary Council Meeting arrangements be trialled for a period of three months.

*Voting Requirement Simple Majority*

.....

The Chief Executive Officer advised that as two Councillors were absent from the meeting and there had been some indication that there may be a move to significantly change the recommendation, it may be prudent to defer this important matter and present an amended report item and recommendation at the next Ordinary Council Meeting, and presented the following amended recommendation:

PREAMBLE

It is important that all Council members have input into this important matter and at this meeting there are two Councillors, including the Deputy Mayor, not present.

It is therefore proposed that the item be deferred until the next meeting.

There has also been a strong indication from a number of Councillors who favour daytime meetings and would look to put this proposal before Council when the matter is next considered and the amended recommendation makes provision for the information on a daytime meeting to be highlighted in the report – ie reasons in support of such a proposal.

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Furthermore, it is important that if the Council is to consider a daytime meeting, then any community concern that may exist will come to light over the next 3 weeks prior to Council considering the matter.

Whatever proposal is eventually determined by Council, there is still strong support for it being trialled for 3 months.

AMENDED RECOMMENDATION

THAT

- i) The meeting arrangements as determined by Council at the meeting on 12<sup>th</sup> May, 1999 be continued with.
- ii) The report currently before Council be added to by way of detailed proposal regarding daytime meetings and referred to the next Ordinary Meeting of Council on 24<sup>th</sup> August, 1999 for consideration.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR EVANS**

**THAT**

- i) The meeting arrangements as determined by Council at the meeting on 12<sup>th</sup> May, 1999 be continued with.**
- ii) The report currently before Council be added to by way of a detailed proposal regarding daytime meetings and referred to the next Ordinary Meeting of Council on 24<sup>th</sup> August, 1999 for consideration.**

**MOTION CARRIED 13 – 0**

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### 13.2.1 New Council Meeting Arrangement and Decision Making Process

<b>File</b>	:	MAN006
<b>Proposal/Issue</b>	:	Council meeting arrangements
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager Administration (R Boardley)
<b>Previous Reference</b>	:	OCM 14/04/99 – Item 13.2.3 SCM 03/05/99 – Item 7.0
<b>Summary Recommendation</b>	:	
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. A report regarding this matter was considered by Council at the Special Meeting of Electors held on 3<sup>rd</sup> May 1999 when the following resolution was passed:-  
*“That the next ordinary meeting of Council be held at 7.30pm on Wednesday 12<sup>th</sup> May 1999 at the Mercer Road Council Chambers and a report regarding future Council Meeting Arrangements and the Decision Making Process be considered at that meeting.”*
2. Copies of the reports to the Special Meeting held on 3<sup>rd</sup> May and the Ordinary Council Meeting held on 14<sup>th</sup> April 1999, are included in the Elected Members Information Bulletin.

#### **STATUTORY REQUIREMENTS**

3. Section 5.3(2) of the Local Government Act requires a Council to hold Ordinary Meetings not more than three months apart.
4. Local Government (Administration) Regulation 12 requires a Council to give local public notice of the dates, time and place of Ordinary Council Meetings that are to be held in the next 12 months.



Item 13.2.1 continued

5. There are extensive provisions throughout the Act and Regulations that deal with other matters relating to conduct of meetings, voting requirements, quorums, establishing committees etc. these provisions will need to be referred to when dealing in detail with the actual conduct of meetings, formation of committees etc.

#### **POLICY IMPLICATIONS**

6. All policies will be reviewed by the new Council. There are no existing policies of specific relevance at this time.

#### **FINANCIAL IMPLICATIONS**

7. A budget provision has been made for meeting arrangements for the remainder of the 1998/99 year and the Council decisions on what is to occur mainly in 1999/2000 will be provided for in the new budget.

#### **STRATEGIC IMPLICATIONS**

8. Governance – Objective 1.  
Provide good governance for the City of Albany.  
Strategy:
  - a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation.
  - b) Establish effective two way communication between Council, residents and other stakeholders.

#### **COMMENT/DISCUSSION**

9. Any decision on meeting arrangements and the decision making process is for Council to decide, taking into account the issues raised in the discussion paper.
10. The meeting arrangements and Council decision making process of Council prior to 1<sup>st</sup> May were put in place to accommodate all those then involved.
11. In deciding what should be done, it is logical however to look at the past arrangements including those of the former Town and Shire and other local governments. The final decision will be what best suits the City of Albany – Mayor, Councillors and importantly, the community.
12. The discussion paper does indicate some options for Ordinary Council meetings however, following discussion with Her Worship the Mayor, following is suggested:
  - a) Ordinary Council Meetings – on a 3 weekly cycle commencing Wednesday 12<sup>th</sup> May 1999. Commencing at 4pm (anticipate concluding no later than 7pm).

Item 13.2.1 continued

- b) Briefing Sessions – to be held prior to Ordinary Council Meetings commencing at 1pm (lunch would be provided at 12.30pm). These sessions would enable Mayor and Councillors to discuss the Agenda items for the Ordinary Council Meeting and other matters of relevance and interest.
- c) Committees, Working Parties etc – No standing committees are proposed (standing committees usually meet regularly, say monthly, and deal with a general subject matter, eg finance), however specific purpose committees, working parties and project teams could be established to meet a particular need, with clear terms of reference, reporting requirements and possibly some delegated powers.
- d) Presentations and Deputations - Some of the requirements could be met by people “having their say” at the normal question time/open forum at the Council Meetings, otherwise special arrangements will be made depending on the subject matter and who the party wishes to meet with. Also such presentations could, with the Mayors approval, be included in the briefing sessions.

It is emphasised again that decisions on meeting arrangements and the decision making process are for council to decide.

- 13. The Chief Executive Officer will provide separate notes to the Mayor and Councillors on the particular issues of:
  - Ordinary Council Meeting frequency – eg Fortnightly, three weekly and monthly
  - Ordinary Council Meeting day and time
  - Briefing sessions – time and need etc.
- 14. It is emphasised again that discussions on meeting arrangements with decision making process are for Council to decide. However the Chief Executive Officer and staff who are required to attend these meetings request to be consulted if after hours committee meetings are involved.

#### RECOMMENDATION

##### THAT:

- a) Ordinary Meetings of Council be held every third Wednesday commencing at 4.00pm at the Mercer Road Administration Centre;
- b) Briefing sessions for the purpose of providing the Mayor and Councillors with the opportunity to obtain further information on the Council meeting agenda and other matters, be held at 1.00pm prior to the Council meeting;
- c) No standing committees be appointed, however specific purpose committees, working parties and project teams be appointed as required, with clear terms of reference, reporting requirements and delegated powers as appropriate.

Item 13.2.1 continued.....

- d) Presentations and Deputations generally be dealt with by way of the “Open Forum” session at Council meetings, however, special arrangements including attending the briefing sessions with the Mayor’s approval be made as appropriate depending on the subject matter and who the party wishes to meet with.

*Voting Requirement Simple Majority*

The Chief Executive Officer advised the amended recommendation took into account the comments made during Open Forum and also a letter received from the ABC, and provided for a trial period of three months.

Also the Mayor and Councillors had, prior to the meeting, informally discussed the various options and whilst there were differing opinions on the time, day and frequency for Council meetings, the proposal to be considered involved compromise and importantly a review after three months.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BAIN  
SECONDED COUNCILLOR LUBICH**

**THAT:**

- a) **Ordinary Meetings of Council be held every third Tuesday commencing at 7:30pm at the Mercer Road Administration Centre;**  
b) **Briefing sessions for the purpose of providing the Mayor and Councillors with the opportunity to obtain further information on the Council meeting agenda and other matters, be held at 5:30pm prior to the Council meeting;**  
c) **No standing committees be appointed, however specific purpose committees, working parties and project teams be appointed as required, with clear terms of reference, reporting requirements and delegated powers as appropriate.**  
d) **Presentations and Deputations generally be dealt with by way of the “Open Forum” session at Council meetings, however, special arrangements including attending the briefing sessions with the Mayor’s approval be made as appropriate depending on the subject matter and who the party wishes to meet with.**  
e) **That the above procedures be trialled for a period of three months.**

**MOTION CARRIED 14 – 0**



# Local Government Update

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## Statistics Confirm the LGA 1995 is Working

The June 1996 edition of *Local Government Update* featured the article *Council Meetings – Are they as Long as they Seem?* The Department conducted a survey of local governments to establish whether there is a relationship between the

population of a local government and the amount of time that elected members spend in ordinary and committee meetings. The same survey was conducted in February of this year and the results for 1999 are included in the following tables.

Category	Population <2,500	Population 2,500-10,000	Population >10,000	Metropolitan Local Governments
Number of local governments	70	37	37	29
Number with one ordinary meeting per month	69	33	19	17
Number with two ordinary meetings per month	1	4	18	12
Number with standing committees	47	22	29	23
Number without standing committees	23	15	8	6
Number of meetings a month-standing committees:				
Average	1.4	2.3	2.4	2.2
Number of hours a month-ordinary meetings:				
Average	4.9	3.6	2.6	2.8
Minimum	1.5	0.5	0.5	1.0
Maximum	9.0	7.0	6.0	6.0
Number of hours a month-committee meetings:				
Average	1.9	2.2	2.8	2.1
Maximum	7.5	6.0	7.5	4.5
Average number of hours-ordinary meetings:				
Local governments with committees	4.9	3.5	2.6	2.5
Local governments without committees	4.9	4.3	3.5	3.5

Let's compare the results from 1996 with 1999.

### Meetings Per Month

Nearly all non-metropolitan local governments have one ordinary meeting per month and this has not changed in the last three years. In the metropolitan area the number of councils with two meetings per month has increased from 9 to 12.

### Time Spent in Ordinary Meetings

The average number of hours spent in ordinary council meetings across the State has decreased over the three years from 5.3 to 4.0 hours per month.

A significant change has occurred in local governments with a population of less than 2,500. In these councils, average ordinary meeting time has dropped from 6.6 to 4.8 hours per month.

The maximum number of hours per month for the councils with a

population less than 2,500 and between 2,500 and 10,000, is nine and seven hours respectively. This may seem excessive, however, the figures for three years ago were 12 and 10.5. There has been an improvement throughout local government.

The average number of hours per month spent in committee meetings has dropped from 4.2 hours in 1996 to 2.2 in 1999.

The Department applauds these results because, as you are all aware, the thrust of the *Local Government Act 1995* was to get elected members more involved in the policy and strategic planning issues. Councillors should discuss, debate and decide on the important issues and leave implementation to the staff. Day-to-day matters and trivial issues should not come to council, but instead should be part of the standard management decisions made by the

Continued on page 4 >

> Continued from page 1

## Statistics Confirm the LGA 1995 is Working

staff. Such an approach implies shorter, decisive and productive meetings. Shorter meetings means the elected members can spend more time with the community listening to what is required. The above data indicates that local government is taking up the challenge of the Act.

Another important aspect is the starting time for meetings. In the past few years through the Council Advice Program and in other venues we have been advocating afternoon or evening starts for meetings. It seemed to us that a morning start implied that the whole day was available for the meeting. The time spent on each issue (or trivial issues) expanded to meet the time.

The data for 1999 is as follows:

Council Meetings				
Start Time and Duration by Local Government Population and Metropolitan Type				
Category	Population <2,500	Population 2,500-10,000	Population >10,000	Metropolitan Local Governments
Start times of Ordinary meetings				
Morning (8.00am - 11.59am)	28	7	0	1
Afternoon (12.00pm - 4.59pm)	36	15	3	0
Evening (5.00pm+)	5	12	31	28
Average duration of Ordinary meetings - Hours				
Morning start	6	4.9	0	0
Afternoon start	4.3	4.3	2.8	0
Evening start	2.6	2.3	2.4	2.9

## Changes to Administration and Audit Regulations

A number of important changes to regulations were gazetted for commencement on Friday 23 April 1999. They included the following matters:

### A. Local Government (Administration) Amendment Regulations 1999

#### 1. Reasons for Certain Decisions to be Included in the Minutes - Regulation 11

A new paragraph (da) has been included that requires reasons for decisions to be included in the minutes of a meeting. That is, where a council makes a decision which is significantly different to a written recommendation from a committee or an employee. This will not apply where a matter is only noted or returned to the committee or employee for further consideration and recommendation.

The recent survey has identified an important trend.

In 1996, 47 local governments with a population less than 2,500 started their meetings in the morning compared with 28 in 1999. The figures indicate that commencing the meetings in the afternoon instead of the morning resulted in an average saving of 1.7 hours per month.

We encourage those remaining local governments with a morning start to consider changing to an afternoon or evening. You will find your meetings are more efficient and productive. There will be more time for your staff to implement the decisions you have made.

#### 2. Value of Shares Requiring a Disclosure - Regulation 20

Section 5.62 of the *Local Government Act 1995* requires that when a council member has shares valued at more than an amount set in regulations, then the member has an interest in the relevant company. The previous amount of \$2,000 has now been increased to \$10,000.

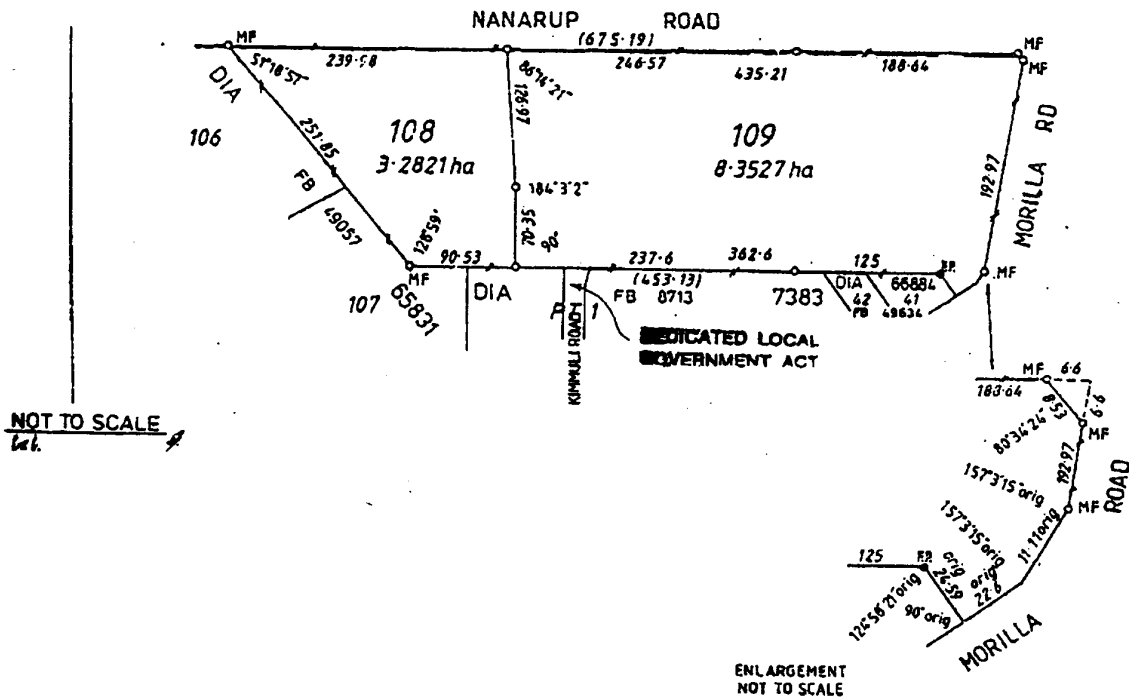
#### 3. Financial Interests - Public Question Time - Regulation 21

Financial interests that may arise during public question time have now been exempted from the financial interest provisions in a new regulation 21(3). This acknowledges that there are practical difficulties in having the provisions apply to that part of the meeting and the fact that it is not part of the decision making process.

However, to alleviate public concern about council members or employees speaking on issues that they have a financial interest,

**13.2.18 Lift and Replace Drainage Easement**

<b>File/Ward</b>	:	A14271 – Hassell
<b>Proposal / Issue</b>	:	Lift and replace drainage easement.
<b>Subject land</b>	:	Lot 109 Nanarup Road
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	JC & GJ Manley
<b>Reporting Officer</b>	:	Senior Administration Officer (S Pepper)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Approval to lift and replace drainage easement.
<b>Locality Plan</b>	:	



Item 13.2.18 continued

### **BACKGROUND**

1. The owners of Lot 109 Nanarup Road, JC and GJ Manley have obtained approval to subdivide Lot 109 Nanarup Road, Kalgan Heights. As part of this process, a council drainage easement registered on their property had to be removed to allow for the subdivision, and then registered on the new titles.

### **STATUTORY REQUIREMENTS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

2. *Drainage*  
*Objective 1. – Develop and maintain urban and rural drainage infrastructure.*  
  
*Strategy:*
  - a) *Develop a stormwater drainage management plan recognising appropriate design standards.*
  - b) *Ensure recognised stormwater quality standards are achieved.*

### **COMMENT/DISCUSSION**

3. Mr Manley has completed the sub-divisional works in accordance with plans approved by Council and he has met all the conditions imposed on the sub divisional approval issued by Council on the final diagram of survey for the subdivision.
4. To obtain titles for the newly created lots the applicant required Council to remove temporarily the caveat which protect the easement which exists on the un-subdivided land.
5. Upon the creation of the new titles the original easement has be reinstated and new caveats registered on each of the newly created lots over which the former drainage easement now pass.

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Item 13.2.18 continued

RECOMMENDATION

THAT Council endorse the actions of the Senior Administration Officer in lifting and re-registering a drainage easement on Lot 109 Nanarup Road, Kalgan Heights and applying the Common Seal of Council to the appropriate documentation.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR EVANS**

**THAT Council endorse the actions of the Senior Administration Officer in lifting and re-registering a drainage easement on Lot 109 Nanarup Road, Kalgan Heights and applying the Common Seal of Council to the appropriate documentation.**

**MOTION CARRIED 13 – 0**



**13.3 LIBRARY SERVICES**

Nil.

**13.4 DAY CARE CENTRE**

Nil.

**13.5 TOWN HALL**

Nil.

**13.6 ALBANY LEISURE & AQUATIC CENTRE**

Nil.