

# **STRATEGIC PLANNING**

## **REPORTS**

## 15.1 COMMUNITY PLANNING

### 15.1.1 Final Approval for Amendment No. 202 to Town Planning Scheme No. 3 – Bayonet Head Outline Development Plan Area.

<b>File/Ward</b>	:	AMD 202 Yakamia Ward
<b>Proposal/Issue</b>	:	Request for final approval to amend Town Planning Scheme No. 3.
<b>Subject Land/Locality</b>	:	Bayonet Head Outline Development Plan Area.
<b>Proponent</b>	:	City of Albany
<b>Owners</b>	:	E & M Cameron, Crescendo Pty Ltd, P & A Dawson, K & E Duggan, R Fenny, P Kennedy, I Medcalf , J De Jong, M Medcalf , J & J Pearce, Peet & Co, R & H Penny, Ryan Nominees, G Slee and Water Corporation.
<b>Reporting Officer(s)</b>	:	Project Officer (M Papalia)
<b>Previous Reference</b>	:	Shire of Albany OCM 27/05/98 Item 12.3.4 City of Albany OCM24/03/99 Item 15.1.1
<b>Summary Recommendation:</b>		To grant final approval, subject to modifications.
<b>Locality Plan</b>	:	

Item 15.1.1 continued

## **BACKGROUND**

1. The purpose of this report is for Council to consider final approval of an amendment to Town Planning Scheme No. 3. This amendment forms part of Council's strategic role in facilitating the co-ordinated land release within the Bayonet Head locality and is linked with the Bayonet Head Outline Development Plan.
2. At its meeting on 27th May, 1998 Council initiated this amendment to Town Planning Scheme No. 3 to facilitate development of land within the Bayonet Head Outline Development Plan area. On 24th March, 1999 the amendment was re-initiated due to the time lapse since the Council resolution, and the fact that documentation was not available at the time of initiation.
3. This amendment also relates to one other part of the resolution of 27th March, 1998 where Council resolved to:

*“...2. Adopt the Guided Development Scheme option to deal with the equitable sharing of costs between the subdividing landowners with the Bayonet Head Outline Development Plan Area.”*

4. The amendment defines the physical boundary of the Bayonet Head Outline Development Area and inserts a new clause to Town Planning Scheme No. 3. The new clause makes appropriate provisions to facilitate the subdivision of land whilst the Guided Development Scheme (GDS) is being prepared. Landowners will be required to pay their proportion of shared costs that are deemed by Council to be applicable at the time of subdivision.
5. The amendment was advertised for 42 days, up until the 24th June, 1999.
6. During the advertising period Council provided landowners with a preliminary schedule of shared costs so to best inform landowners of the likely impact of this amendment.

## **STATUTORY REQUIREMENTS**

7. Section 7 of the Town Planning and Development Act sets out the process by which a Town Planning Scheme may be amended. Having initiated and advertised the amendment, in accordance with the Act, Council is required to consider the submissions and make recommendations to the Minister for Planning on the course of action Council wishes to pursue.
8. Council can seek to progress the amendment with, or without change or it can recommend that the rezoning not proceed. The Minister can accept Council's recommendation or require his own modifications prior to gazettal. The Minister can also decline to withdraw the amendment if Council's decision is not considered consistent with orderly planning.

Item 15.1.1 continued

### **POLICY IMPLICATIONS**

9. It is proposed that the Bayonet Head Outline Development Plan (ODP) be adopted as a policy of Town Planning Scheme No. 3. Should Council adopt the ODP as a policy, this amendment will assist with the implementation of the policy.

### **FINANCIAL IMPLICATIONS**

10. Financial costs are not significant, however given that Council has initiated the amendment, Council will bear the cost to prepare the legal documentation and the associated advertising costs. This is covered by a current budget allocation.

### **STRATEGIC PLAN IMPLICATIONS**

11. This amendment will assist the development of the remaining Bayonet Head Locality and confirms Council's commitment to the "City of Albany Strategic Plan 1998-2000". The proposal is consistent with "Planning" Objective 2, within the "Built and Natural Environment" which states:

*"Undertake strategic land use planning to identify desirable patterns of development and servicing requirements".*

### **COMMENT/DISCUSSION**

12. Seven submissions were received during the advertising period and are set out in the attached schedule of submissions. This schedule summarises comments made by landowners in the ODP area and government agencies, and provides a draft comment and recommendation for Council's consideration.
13. Of the seven submissions received, one objection was received. This objection was raised by one of the landowners in the ODP area who does not want to be involved with the GDS process. Whilst this amendment does not relate to the initiation of the GDS it is intrinsically linked to the GDS process as providing an interim mechanism to require developers to pay contributions towards the shared cost items.
14. Council's consultant has advised that the landowner would have to prove to both Council and the Western Australian Planning Commission the following, before land would be excluded from the ODP, that:
  - i) there is justifiable grounds to support his/her land from being treated differently to the other landowners within the ODP;
  - ii) he/she is not going to derive any benefit from the arrangement being put in place to equitably contribute to the Shared Costs for POS, drainage etc.;
  - iii) he/she does not have on an equity basis any obligation to contribute to the proposed shared costs

The landowner has not provided any solid argument as to why the land in question should be excluded from the ODP area.

Item 15.1.1 continued

15. A fundamental principle of a GDS is that all benefiting owners contribute to the equitable apportionment of the predetermined shared costs. To exclude an owner's land from within the direct catchment area would clearly produce an inequitable situation that cuts across the sound principles upon which the Guided Development Schemes are based.
16. There is general support for this Scheme Amendment and preparation of the GDS. The Ministry for Planning has indicated that one landowner objection, with insufficient grounds, is unlikely to prevent the Western Australian Planning Commission supporting this Amendment nor the GDS. The Commission will, however, determine this matter independently of Council.
17. Other landowners raised concerns relating to the shared cost items, more specifically contributions towards the Lower King Road upgrade/construction, the proposed landscape buffer, drainage and public open space. It is important to note that this amendment ensures town planning scheme provisions are in place to request contributions from developers for shared cost items and does not make any decisions that relate to the shared cost items themselves. Council and landowners will deal with these issues via the GDS process, which will involve a separate consultation process and will require further consideration.
18. Three modifications to the documentation are required to be carried out which relate to:
  - i) the site description on page 3, dot point 2, change from "Rural" to "Residential Development" in respect of Lots 284 and 285;
  - ii) the site description on page 3 where the third dot point indicates that Lots 47 and 48 on Lower King Road are zoned "Residential Development", this is incorrect, as the land is zoned "Rural". Reference to Lots 47 and 48 should be deleted; and
  - iii) portion of Locations 284 and 285 which have already been developed being excluded from the illustrated ODP as there is no mechanism to retrospectively request developer contributions from the landowners of this development.
19. The ODP advocates a co-ordinated approach to development between the various landowners which requires a mechanism to be established to ensure that development costs are equitable between the subdividing landowners. A GDS approach was endorsed by Council and will require a considerable timeframe to finalise. This amendment will provide the interim measure to deal with those landowners who want to progress toward subdividing their land. This amendment makes appropriate provisions to facilitate the subdivision of land whilst the Guided Development Scheme is being prepared. Landowners will be required to pay their proportion of shared costs that are deemed by Council to be applicable at the time of subdivision.

Item 15.1.1 continued

20. Many issues raised in the schedule of submissions can be dealt with via the GDS process and do not impact on the principle intent of this amendment to facilitate development of the ODP area. As such this amendment should be supported for final approval, subject to two modifications.

RECOMMENDATION

THAT:

1. Council grants final approval, subject to modifications being carried out to Amendment 202 to Town Planning Scheme No 3 to:

define the Bayonet Head Outline Development Plan (ODP) Area as follows:

- i) the boundary of the Bayonet Head Outline Development Plan Area is comprised of the land within the area bounded by a continuous black line on the attached Bayonet Head Outline Development Plan Map – Figure 1; and
  - ii) inserting a new sub-clause 5.2.4 in the Scheme Text of Town Planning Scheme No. 3.
2. The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendation contained therein be either Noted or Dismissed as detailed.
3. The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR LUBICH**

**THAT consideration of this matter be deferred to the next Ordinary Council Meeting.**

**MOTION WITHDRAWN**

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Item 15.1.1. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR DUFTY**

**THAT:**

- 1. Council grants final approval, subject to modifications being carried out to Amendment 202 to Town Planning Scheme No 3 to:**

**define the Bayonet Head Outline Development Plan (ODP) Area as follows:**

- i) the boundary of the Bayonet Head Outline Development Plan Area is comprised of the land within the area bounded by a continuous black line on the attached Bayonet Head Outline Development Plan Map – Figure 1; and**
  - ii) inserting a new sub-clause 5.2.4 in the Scheme Text of Town Planning Scheme No. 3.**
- 2. The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendation contained therein be either Noted or Dismissed as detailed.**
  - 3. 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 14 – 0**

**Town Planning & Development Act 1928 (As amended) TPS 3**  
**Proposed Amendment No. 202**  
**Schedule of Submissions**

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommended Decision
1.	Peet & Co Ltd for Ryan Nominees Pty Ltd & Peet Bayonet Head Syndicate Ltd (joint venture) PO Box 7224, Cloisters Square, PERTH WA 6850	a) Request formal/professional valuation of the POS/drainage areas. b) Consider widening/reconstruction costs of Lower King Road to be very high and that the standard of upgrading is not warranted by the development of the Bayonet Head Area. Suggests that contributions should be made by other agencies. c) Object to the inclusion of the land value for the Lower King Road buffer strip as a shared cost.	a) This will be required at GDS stage. b) Council will review the standard of upgrading, however it should be noted that Lower King Road is currently Constructed to a rural road standard. The future developments of the Bayonet Head area will no doubt be more urban in nature and will demand an urban standard road. b) The Lower King Road buffer has been long established as adding value to the development of the Bayonet Head area. The buffer ensures enhancement of the rural character of Albany's outer areas and avoids the visual blight of sprawled residential areas. As such the buffer will be considered a shared cost item through the GDS process.  This amendment ensures town planning scheme provisions are in place to request contributions from developers for shared cost items and does not make any decisions that relate to the shared cost items themselves. This/these issues will be dealt with via the GDS process, which will involve a separate consultation process.	NOTED  Whilst these specific issues have some bearing on this amendment the details raised will be dealt with via the Guided Development Scheme process where a separate consultation process will occur.



MINUTES - ORDINARY COUNCIL MEETING 26/10/99

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Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommended Decision
2.	J & J Pearce Lot 1 Alison Parade BAYONET HEAD WA 6330	Objects to the proposed Guided Development Scheme (GDS) and its ultimate incorporation of "shared cost" provisions.	The submission contains no factual evidence to support the deletion of the GDS and/or more particularly, the principle of cost sharing which, is the central thrust of Amendment 202. The proposed items of shared cost with perhaps one or two exceptions and the method of apportionment contemplated by Amendment 202, is considered warranted and is the most appropriate form of equitably apportioning costs.	DISMISS  Inequity would result if no provisions were made to apportion shared cost items.
3.	GK Slee Ongerup Merino Stud, ONGERUP WA 6336	<p>a) Objects to share in the cost of upgrading/re-constructing of Lower King Road on the basis that he will be required to cost share the upgrading of Elizabeth Street with only two other owners.</p> <p>b) Owner is opposed to the rezoning of Lot 39 Elizabeth Street as he wishes to continue with present activity.</p> <p>c) Concerned at possible loss of tax exemption with zoning change.</p> <p>d) Concern regarding possible rate increase.</p>	<p>a) Elizabeth Street is a local distributor road and as such requires a standard of construction considerably less than that which is required for Lower King Road. Also refer to submission 1 (b)</p> <p>b) Neither Amendment No. 202 or the proposed GDS will alter the zoning of Lot 39 or other lots within the ODP area.</p> <p>c) As it is not proposed to change the zoning of Lot 39 at this time, the concern is groundless.</p> <p>d) Whilst a rate increase may occur, such an increase would relate to the assessed change in the value of the land holding and would no doubt be consistent with valuations/rate movements in the area generally.</p>	<p>DISMISS</p> <p>DISMISS</p> <p>DISMISS</p> <p>DISMISS</p>

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Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommended Decision
4.	Hon. Ian Medcalf 42 Gallop Street NEDLANDS WA 6009	Considers a more equitable approach to the cost sharing arrangement for the upgrading/construction of Lower King Road should be investigated. Further consideration of the users of the road generated from outside of the ODP Area, should be factored into the equation to ensure equity.	This is a valid concern and Council will be investigating the contributions of shared costs towards the upgrading/construction of Lower King Road in more detail, through the GDS process. Also refer to submission 1 (b)	NOTED
5.	R Fenny 2 Riverside Drive MOSMAN PARK WA 6012	<p>a) Objects to shared cost items outside of Public Open Space (POS) and drainage issues but has no objection to accepting own development costs.</p> <p>b) I object to the foreshore reserve becoming a shared cost item.</p> <p>c) The existing sealed standard of Lower King Road is satisfactory to serve the urbanisation of Bayonet Head. Any need for further upgrading would be generated from by urbanisation west of Lower King Road.</p>	<p>a) At the last landowner's meeting the shared cost items were discussed, unfortunately this landowner did not attend the meeting. However minutes of the meeting were forwarded to all landowners explaining the proposed shared cost items. It is important to note that the identified shared costs are not set in concrete and still have to be considered by Council and landowners through the GDS process. Also refer to submission 1 (d)</p> <p>b) Noted.</p> <p>c) Lower King Road is currently constructed to a rural road standard and will require upgrading as a result of the proposed increase in development in the Bayonet Head Locality. Also refer to submission 1 (b)</p>	<p>NOTED</p> <p>NOTED</p> <p>NOTED</p>

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Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommended Decision
6.	Water & River Commission Bevan Street, ALBANY WA 6330	Amendment not relevant to warrant comment. Comments made on ODP.	Noted.	NOTED
7.	Bush Fire Service of WA	Amendment not relevant to warrant comment. Comments made on ODP.	Noted	NOTED

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### 15.1.2 Final Approval of the Bayonet Head Outline Development Plan

<b>File/Ward</b>	:	STR 031 Yakamia Ward
<b>Proposal/Issue</b>	:	i) Final approval be granted to the Bayonet Head Outline Development Plan, subject to modifications. ii) The Bayonet Head Outline Development Plan be referred to the Western Australian Planning Commission for final endorsement.
<b>Subject Land/Locality</b>	:	Bayonet Head Outline Development Plan Area
<b>Proponent</b>	:	City of Albany
<b>Owners</b>	:	E & M Cameron, Crescendo Pty Ltd, P & A Dawson, K & E Duggan, R Fenny, P Kennedy, I Medcalf , J De Jong, M Medcalf , J & J Pearce, Peet & Co, R & H Penny, Ryan Nominees, G Slee and Water Corporation.
<b>Reporting Officer(s)</b>	:	Project Officer (M Papalia)
<b>Previous Reference</b>	:	Shire of Albany OCM 04/12/96 Item 13.3.8, OCM 29/01/98 Item 13.3.11, OCM 27/05/98 Item 12.3.4 City of Albany OCM 24/03/99 Item 15.1.1
<b>Summary Recommendation:</b>		To grant final approval to the plan, subject to modifications.
<b>Locality Plan</b>	:	

Item 15.1.2 continued

## **INTRODUCTION**

1. The purpose of this report is for Council to consider final approval of the Bayonet Head Outline Development, subject to modifications. The report will provide a brief summary of the history of the plan, comments on submissions received during the advertising period and then discuss the proposed changes to the plan.
2. The Bayonet Head Outline Development Plan (BHODP) area is situated on Lower King Road, approximately 7 kilometres north-east of the Albany Central Area. The BHODP comprises 284.08 hectares of residential, residential development and rural land.
3. The BHODP serves the same purpose as a structure plan that provides a planning framework for the coordinated provision of land use, development, infrastructure and allocation of services. It is estimated that the BHODP will cater for approximately 3,200 new homes for approximately 9,000 people over a 30 year timeframe. A copy of the BHODP (Attachment 1), as advertised, follows this Report.

## **BACKGROUND**

4. The former Shire of Albany was involved with Structure Plan work, which dates back to the late eighties, although preliminary work commenced in 1982. Several versions of the Structure Plan existed during the eighties and nineties. In 1996 the Bayonet Head Structure Plan was advertised to the general public. Council considered the submissions received and resolved to adopt the Bayonet Head Structure Plan, subject to modifications, at its August 1996 meeting.
5. However, Council's consultants, Taylor and Burrell, then suggested changes to the Structure Plan to reflect "New Urbanism" principles to create a "walkable community". The Western Australian Planning Commission has released the "New Urbanism" principles as the "Liveable Neighbourhoods – Community Design Codes". Council considered the consultant's suggestion at its meeting on 4th December, 1996 and endorsed using "new urbanism" concepts in the Bayonet Head Structure Plan. This process effectively saw the structure plan change from a "spaghetti" design of curved roads and cul-de-sacs to a more traditional grid like pattern design.
6. In January 1998 the former Shire of Albany Council endorsed the BHODP subject to modifications. Those modifications to the document were completed in May 1998 and Council formally received the document. The BHODP was referred to the Western Australian Planning Commission (Commission) for their endorsement May 1998.

Item 15.1.2 continued

7. In August 1998 negotiations started with the Ministry for Planning (the agency of the Commission) with regard to changes to the BHODP, the need to advertise the plan and to incorporate a drainage study. The Bayonet Head Outline Development Plan Working Group was formed in December 1998 to allow liaison between the Ministry for Planning and Council. The group met frequently to discuss and resolve issues, and to progress the Plan.
8. The Commission agreed to readvertise the BHODP, subject to modifications, including incorporation of a Drain (in accordance with Commission policy November 1998). Wood & Grieve were subsequently engaged to carry out the drainage study.
9. The Drainage Study was completed in January 1999 and a subsequent site visit in March 1999 with Water and Rivers Commission, Council's engineering consultants Wood and Grieve, Council planning and environmental staff highlighted some shortcomings of the study and changes were requested. These changes included the identification and protection of key wetland areas within the BHODP and suggested drainage treatments.
10. In May 1999 the BHODP and Drainage Study were advertised for public comment for 42 days. Notification letters were sent to all landowners and government agencies. During the advertising period 17 submissions were received. The BHODP Working Group considered the submissions and agreed on suggested modifications. The key issues are addressed in the Comment/Discussion section of this Report. The attached Schedule sets out the submissions, Working Group comments and a suggested recommendation or each main point. A Schedule of Modifications also follows this Report.

### **STATUTORY REQUIREMENTS**

11. There are no statutory requirements for Structure Plans, however the Document and process are in accordance with relevant Commission Policy and Guidelines.

### **POLICY IMPLICATIONS**

12. The Western Australian Planning Commission's Residential Policy includes 'guidelines for the preparation of local structure plans for urban release areas'. These guidelines set out the requirements of structure plans, including the approval process.
13. The approval process requires that once the BHODP has been advertised, Council considers the submissions and forwards the BHODP to the Western Australian Planning Commission (Commission) with its comments on the submissions. From this point the Commission will consider the BHODP for its endorsement.

Item 15.1.2 continued

14. It is proposed that once all the modifications are carried out and both Council and the Commission have received and endorsed the BHODP that the plan be adopted as a policy of Town Planning Scheme No. 3. The BHODP will provide a context for the rezoning, subdivision and development of land and as a policy of Town Planning Scheme No. 3 Council staff will have clear direction to deal with issues in the BHODP area.

**FINANCIAL IMPLICATIONS**

15. In order to carry out the modifications to BHODP and provide relevant staff with copies of the final documentation Council will be required to pay costs estimated at between \$4,000 and \$6,000. There is a current budget allocation for this project.

**STRATEGIC PLAN IMPLICATIONS**

16. This amendment will assist the development of the remaining Bayonet Head Locality and confirms Council's commitment to the "City of Albany Strategic Plan 1998-2000". The proposal is consistent with "Planning" Objective 2, within the "Built and Natural Environment" which states:

*"Undertake strategic land use planning to identify desirable patterns of development and servicing requirements".*

17. More specifically the BHODP helps to fulfill Strategies a) and b) of the above objective which state:
- a) Provide appropriate structure planning; and
  - b) Protect designated future urban land and service corridors.

**COMMENT/DISCUSSION**

***Submissions***

18. Seventeen submissions were received during the advertising period and are set out in the attached schedule of submissions. This schedule summarises comments made by landowners in the ODP area, residents and government agencies, and provides the Working Group's comments and recommendation for Council's consideration.
19. A number of significant modifications to the BHODP are suggested as a result of the advertising process. For the purpose of showing the likely impacts of the suggested modifications in comparison to the BHODP of April 1998, a sketch plan has been drafted (Refer to Attachment 2). It is anticipated that any additional modifications required by the Commission will be carried out at the same time as Council's modifications.

Item 15.1.2 continued

20. The issues raised by the opposing submissions have been considered by the Working Party and are addressed in the Schedule, but can be summarised as follows:
- loss of vegetation and fauna;
  - protection of wildlife;
  - control over developer's clearing methods;
  - question the appropriateness of residential development in the Bayonet Head Locality;
  - impact on sensitive foreshore, scarp and wetlands;
  - drainage and runoff not adequately addressed;
  - insensitive design which doesn't fully embrace the "Codes" (over emphasis on vehicular traffic and movements)
  - insufficient and/or inappropriate public open space;
  - pedestrian access to open space and foreshore areas;
  - lot sizes are too small.
21. The Bush Fires Services of WA highlighted that the BHODP area is within Council's voluntary brigade area and that the City should consider preparing a Strategic Plan over the area - this will ensure an adequate fire response is available to the area. This issue has major implications and will need to be considered further by the Council's Development Services Team.
22. The Department of Environmental Protection's submission raised a number of key issues which are summarised below, followed by Council officers' comment:
- Consideration of a mixture of POS areas to include more vegetated areas for active, passive/conservation uses in particular the area proposed for active use located north of the existing Primary School, known as P13.
- It is proposed to retain P13 for passive recreation as the whole area is covered with remnant vegetation and that the active area be moved to the north where the land is already cleared. All other Public Open Space areas will be reviewed in terms of their purpose for passive and/or active use with consideration of some areas being retained to protect conservation values.*
- POS should be positioned to also protect a range of vegetation communities and a linkage from the Oyster Harbour foreshore reserve and inland vegetation outside the study area.
- The former point will be addressed via an increase in the vegetation corridor from the existing POS area south of the ODP to the foreshore reserve, the latter comment can not be addressed without an overall Greenways strategy in place over the municipal area.*



Item 15.1.2 continued

- Supports an increase in the foreshore reserve to 100 metres from the original version of the plan as referred to DEP in 1997.
- Buffers around wetland areas should be a minimum of 50 metres.

*This issue will be addressed by Water and Rivers Commission as the DEP can only provide advice based on generic requirements and buffers should be determined on a site by site basis. The four key wetland areas identified in the Drainage Study will be further assessed by Water and Rivers Commission and the buffers will be determined on site characteristics rather than an arbitrary figure. In the interim the wetland buffer areas have been shown at 30 metres with the exception of the wetland situated on Location 284, 285 and 476 (P11) being shown as 50 metres. Water and Rivers Commission concur that a greater buffer is required for this wetland given its pristine condition.*

23. CALM's submission raised issues that can be addressed at the rezoning and/or subdivision stage of development rather than at the Structure Plan stage. In relation to the need for a flora and fauna survey it could be arranged at any stage of development but usually occurs at the subdivision stage at the cost of the subdivider. The cost to Council to carry out a flora and fauna survey over the whole BHODP area would be enormous. CALM's submission also mentioned the need for greater corridors from the foreshore reserve which, to some extent, will be addressed via an increase in the vegetation corridor from the existing POS area south of the ODP to the foreshore reserve.
24. The issues raised by the Water and Rivers Commission relate to the drainage site visit of March 1999 where a number of outcomes were reached. It is proposed to address any outstanding issues that have not already been addressed by the Drainage Study as modifications.

### **Drainage Study**

25. As a result of the drainage study being carried out a number of fundamental issues have been identified which could have created problems for the implementation of the BHODP at a later stage. Many of the outcomes have already been incorporated into the Drainage Study, however some issues raised at the drainage site visit and by submissions require the following modifications to be carried out:
- Identification and protection of four key wetland areas located on Lot 47, Lower King Road, Pt Lot 46 Elizabeth Street, Lot 1 Alison Parade and Locations 284, 285 and 476.
  - Inclusion of suitable foreshore reserves/buffers around these wetlands in particular the wetland located on Locations 284, 285 and 476, which is in pristine condition. (The foreshore reserves will be determined by Water and Rivers Commission and the outcomes to be included in the final version of the BHODP.)

Item 15.1.2 continued

- Other miscellaneous items as raised in the Water and River's Commission's submission.

26. As wetland areas and their associated foreshore reserves are not considered as Public Open Space, the 10% POS calculations have had to be amended from the figures calculated in the April 1998 plan. As a result of this there are more open space areas that incorporate the wetland areas. Once the foreshore reserve (buffers) widths are known the 10% land provision for POS can be accurately calculated and reflected throughout the BHODP.

**Oyster Harbour Foreshore Reserve**

27. Foreshore reserves are required to be given up free of cost in addition to Public Open Space in accordance with WAPC Policy DC 6.1. This policy provides objectives and development principles for determining foreshore reserve width. The widths will vary depending on topography and site characteristics. As the April 1998 plan depicted an arbitrary width of the foreshore reserve, further site assessment was required in order to determine the width of the foreshore reserve in accordance with WAPC policy.

28. To determine the extent of the foreshore reserve, Council's environmental planner and an officer of the Water and Rivers Commission carried out a site survey. The proposed foreshore reserve has been determined and should be illustrated on the final BHODP. The proposed foreshore reserve varies from 75 metres to approximately 100 metres.

29. The Ministry for Planning has also requested that a physical barrier in the form of a road be provided along the boundary of the foreshore reserve and the remaining development area. This request is in accordance with current WAPC practices. This issue has been illustrated on the sketch plan.

**School Site**

30. As a result of the Drainage Study being carried out a wetland area worthy of protection was identified within the proposed Primary School site (Attachment 1). Once the required wetland area is removed from the 4 hectare primary school site the configuration becomes less flexible for development opportunities. Negotiations were carried out with the Education Department and Council where it was agreed that a more appropriate location for the proposed primary school site would be north of the current location. Attachment 2 reflects this new location which should be included in the final modifications.

Item 15.1.2 continued

**Modifications**

- 31. In accordance with the submissions raised, the various issues discussed in this report and issues considered by the BHODP Working Group a list of suggested modifications has been provided and requires Council's endorsement. Some of the modifications listed have been addressed in more detail than others. Those discussed in this report were considered major issues that required Council's consideration.
- 32. Once Council has made a decision on this item the BHODP will be referred to the WAPC for endorsement. Upon the WAPC's endorsement all modifications to the Document and Plan will be carried out and Council will receive the BHODP as a finalized strategic town planning document.

**CONCLUSION**

- 33. In summary the BHODP provides a good framework to facilitate development in the Bayonet Head locality. The BHODP reflects current town planning principles, and will provide clear direction to staff dealing with rezonings, subdivisions and land use developments over the next 30 years.
- 34. There has been a long history with structure planning in the Bayonet Head Locality. The preparation and refinement of the current draft plan represents considerable community input and officer time. Endorsement of the Plan provides certainty and direction for landowners and the community and will enable development to proceed in this important growth corridor.

**RECOMMENDATION**

THAT:

- 1. Council grants final approval to the Bayonet Head Outline Development Plan, subject to modifications being carried out in accordance with the attached Schedule of 17 modifications;
- 2. the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendation contained therein be either Noted, Upheld or Dismissed as detailed;
- 3. the Bayonet Head Outline Development Plan be referred to the Western Australian Planning Commission for endorsement.

*Voting Requirement Simple Majority*

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Item 15.1.2. continued.

**COUNCIL RESOLUTION**

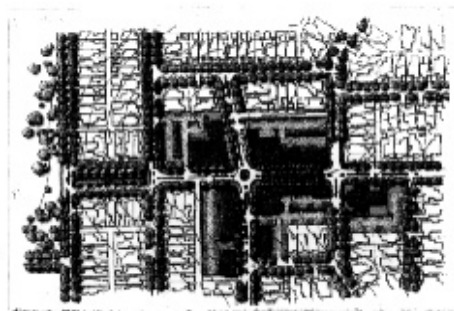
**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WALKER**

**That consideration of this matter be deferred pending meeting and consultation with the involved land owners and the results of technical investigations into the efficacy of drainage outfalls and other service infrastructure to the subject land.**

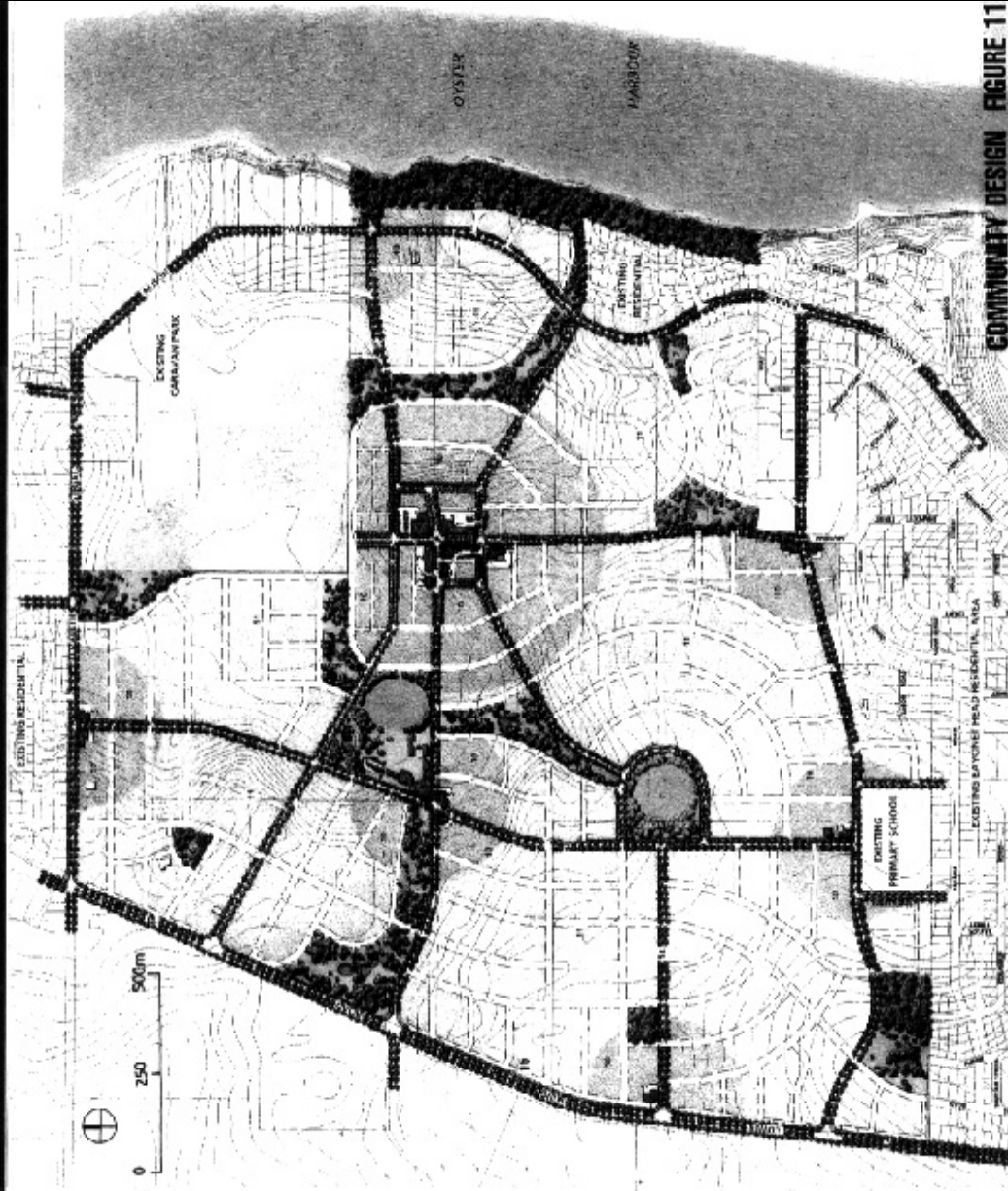
**MOTION CARRIED 14 – 0**

Bayonet Head Outline Development Plan

1. SHOPS
2. OTHER COMMERCIAL
3. VILLAGE HALL
4. CHURCH
5. NEIGHBOURHOOD NODE  
(Deli, Consulting Room or  
Child Care etc.)
6. PRIMARY SCHOOL
7. PUBLIC OPEN SPACE
8. WATER FEATURE / NUTRIENT STRIPPING
9. FORESHORE RESERVE
10. NEIGHBOURHOOD CORE (R30-R40)
11. LOW DENSITY RESIDENTIAL (R15-R20)
12. INTEGRATOR ARTERIAL
13. NEIGHBOURHOOD CONNECTOR
14. MAJOR LOCAL STREET
15. LANDSCAPE BUFFER STRIP

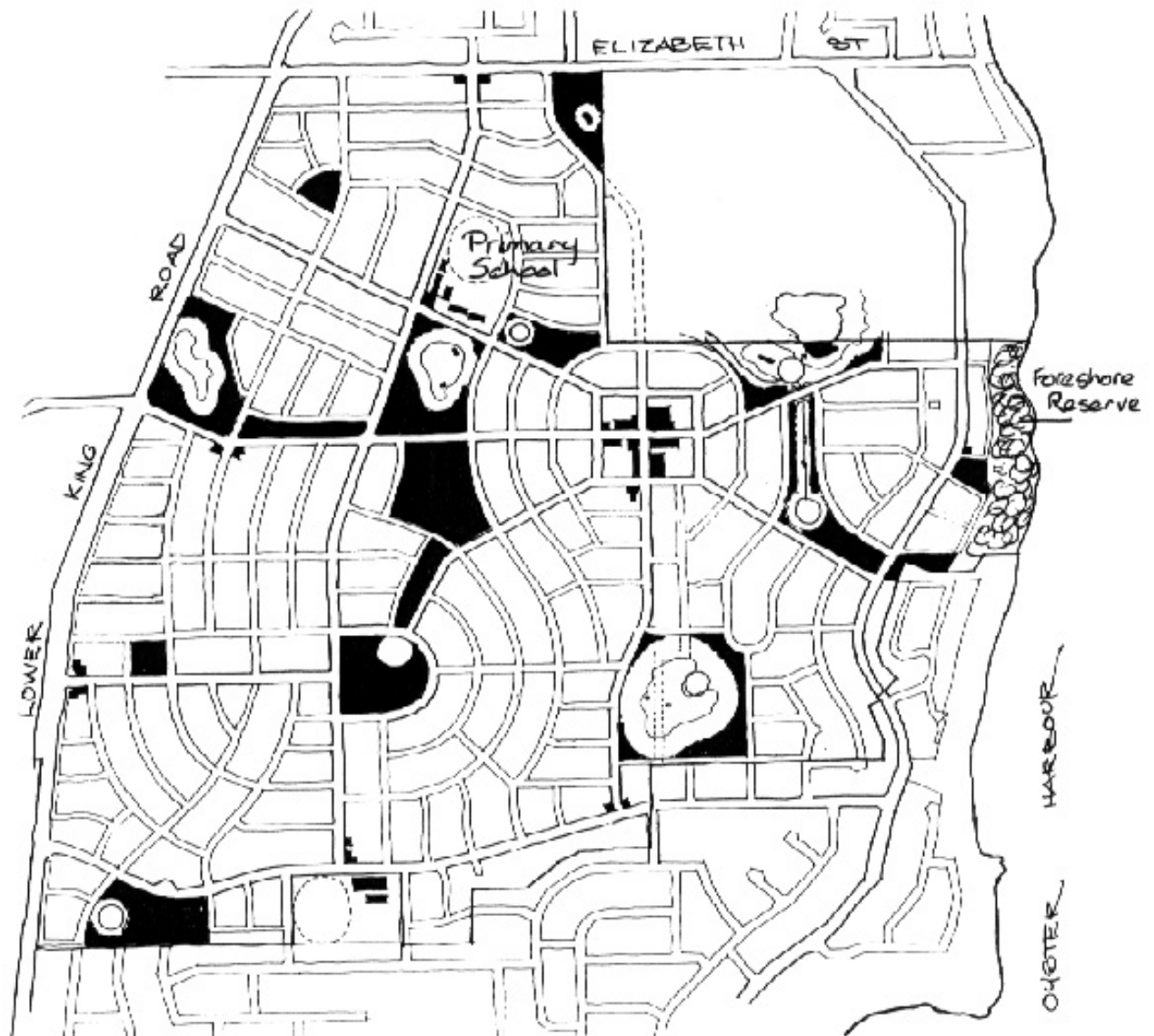


DETAIL SHOWING NEIGHBOURHOOD  
 CENTRE PRECINCT (R15)



COMMUNITY DESIGN FIGURE 11

## Attachment 2



BAYONET HEAD - REVISED DESIGN 24.9.99  
LOCAL PUBLIC OPEN SPACE (10%)

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**Schedule of Submissions - Bayonet Head Outline Development Plan**

No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
1.	Nancy Mitchell 70 Allwood Parade Bayonet Head	Objects. a) The document was difficult to understand and thus difficult to form an opinion of. b) Concern raised over clearing of vegetation and loss of fauna to be replaced by housing. c) Asks that Council consider making sanctuaries and escapes for wildlife.	a) Noted. b) Loss of vegetation is inevitable and there are constraints on the proportion of land that is set aside for open space/vegetation protection. Proposed modifications to the plan provide greater protection, increased areas of passive open space, wet land buffers and improved access. c) Noted.	a) NOTED b) NOTED c) NOTED
2.	Jennifer Lucas 49 Alison Parade Bayonet Head	a) Concern raised over loss of vegetation. b) Questions Bayonet Head as appropriate location for dense residential development and its possible impacts on existing urban areas. c) The Bayonet Head Development includes a large swamp and various wetlands which eventually drain into Oyster Harbour and whilst you have planned to protect this, an area is never the same once houses are built. The land should be kept as a natural bush and swamp buffer.	a) With average lot sizes being around 700m <sup>2</sup> it is difficult to effectively retain vegetation. It was found in previous subdivisions in Albany (notably Breaksea Estate) where vegetation removal was left to the new landowners that majority chose to clear their lot of all vegetation (Refer Submission 1b). b) The BHODP area has been identified as a future urban growth area since the early '80's. More recently the 1994 Residential Expansion Strategy identified this area formally. c) It is acknowledged that this area has some environmentally sensitive areas. The proposed modifications to the plan endeavour to accommodate these areas and provide further protection and more public access. Bayonet Head has been identified for further residential development since the '80's and its current location between two urban areas, finds it in a prime location.	a) NOTED b) DISMISSED c) DISMISSED

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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
3.	John & Coral Pearce 100 Alison Parade Bayonet Head	a) In favour of the design layout. b) Would be involuntary participants of the Guided Development Scheme approach.	a) Noted. b) The submission contains no factual evidence to support the deletion of the GDS approach and/or more particularly, the principle of cost sharing which, will ensure equity amongst subdividing landowners.	a) NOTED b) DISMISSED
4.	T & BK Wheatcroft Lot 503 Elizabeth Street, Lower King	a) A drainage easement with an open drain bisects Lot 503. The plan will substantially increase run off through their property. The Drainage Study proposes to pipe the existing open drain in their property. This should be a condition of the initial stage of the development. They fully support the piping of the existing open drain. b) The Drainage Study indicates that the final outlet to Oyster Harbour is on a very flat grade and is of particular importance as the original overflow path has been built over.	a) & b) It should be noted that Lot 503 falls outside of the BHODP area, however the drainage impacts of the area should be addressed. Drainage in the BHODP area will be retained onsite to a 1/10 year level and as such the volume of the flows will not differ to the current flows, although the flows will pass through a lot quicker. The treatment of drainage on Lot 503 requires further investigation as it appears that the natural over land flow path has been built over. Whilst the Drainage Study suggests that the open drain be piped this is still subject to further investigation, together with the general outlet into Oyster Harbour. Council has advised the landowner of Lot 503 of the above and will keep them informed of the progress.	a) & b) UPHELD
5.	Jamie Ward 15 Baker Street South Lower King	Future and present residents of this area deserve a more sensitive and appropriate application of the design codes on this proposed development. The ODP in its current form does not meet the requirements of the “new urbanism” design codes.	The ODP was prepared prior to the final design codes being available to Council, and as such the plan embraces some aspects of the design codes. The design codes are currently on trial and the Ministry for Planning cannot force Councils to follow the codes prescriptively.	NOTED



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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
		<p>a) The BHODP will destroy the rural character of the area. It will degrade the quality of life for all residents by clearing the significant and valuable native bush in the area.</p> <p>b) Retention of most of the native bush will cost developers less and add significant community and cultural benefits to the area, and financial value to all blocks in the ODP.</p> <p>c) There is ample clear land in Albany to supply future housing demand without the need to clear any more native bush.</p> <p>d) The BHODP ignores the recommendation of the Bayonet Head Physical Assessment Study by proposing a road too close to the foreshore and making no mention of the recommendation that all clearing of vegetation and disturbance of topsoil are to be absolutely minimized.</p> <p>e) It is recommended that 80-90% of the native bush is retained for regional Public Open Space (POS) and that the landowners be compensated accordingly.</p>	<p>The ODP demonstrates a good, balanced design from the previous spaghetti design of the 1996 Plan to one that provides a sociable grid pattern that will enhance quality of life.</p> <p>a) Noted</p> <p>b) Refer to Submission 2 a)</p> <p>c) Refer to Submission 2 b)</p> <p>d) The Physical Assessment Study is one component of the background information to prepare a structure plan. This Study does not stand alone, other planning factors must be considered – any extension of Alison Parade is constrained by hilly countryside and the fact that a vested road reserve already exists through part of the BHODP area. The issue of clearing vegetation and disturbance of topsoil are dealt with via the rezoning and subdivision processes.</p> <p>e) This is not practical without Council purchasing land within the BHODP area. Within current legislation Council can only legally request subdividers to give up 10 % of land for Public Open Space. If a Regional Plan was in place over Albany there may be another mechanism to acquire more Public Open Space. The BHODP makes provision for 10% public open space, a foreshore reserve and the protection of wetlands and their associated foreshore reserves.</p>	<p>a) UPHELD</p> <p>b) DISMISSED</p> <p>c) DISMISSED</p> <p>d) DISMISSED</p> <p>e) DISMISSED</p>

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		<p>f) The proposed Public Open Space is fragmentary and consists of mostly drains and soaks. These will receive no regular maintenance (adding to public health problems). It will not be possible for residents to use the public open space as proposed.</p> <p>g) The road layout is a car/road-dominated space that is anti community creating more pollution for local residents and an increased chance of pedestrian casualty. The number of roads should be halved and refine the design to assist in the establishment of “cells” and nodes” that are of benefit to the residents and add to personal safety.</p> <p>h) The neighbourhood centre is divided by a road. A civic square primarily for pedestrians should be established which is surrounded by a commercial/civic mix of buildings.</p>	<p>f) The public open space areas have been linked as much as possible within the constraints of the area. It is acknowledged that public open space areas will contain drainage reserves, however these reserves will be provided in a complementary manner to the development of the public open space areas. All public open space areas will be usable.</p> <p>g) Noted.</p> <p>h) This is a valid point, however the design details will be looked at more closely through the rezoning stage where landowners will need to carry out a comprehensive design study. The community purpose site should include both an area for a building together with a community park and/or town square.</p>	<p>f) DISMISSED</p> <p>g) NOTED</p> <p>h) UPHELD</p>
6.	Elizabeth Swainson 4 Hicks Street Bayonet Head	<p>a) Concerns raised regarding removal of flora and fauna. Questions site as an appropriate location for residential development.</p> <p>b) There are insufficient provisions for habitat areas for wildlife.</p>	<p>a) Refer to Submission 2 a &amp;b)</p> <p>b) Noted</p>	<p>a) NOTED</p> <p>b) NOTED</p>

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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
7.	Peet & Co (Landowner of Locations 284 & 285)	Comment on the need for professional valuation of drainage and open space areas and inclusion of Lower King Road buffer as a shared cost item.	These issues relate to the GDS process and Amendment 202 and will be addressed through that process.	NOTED
8.	R Fenny (Landowner of Lot 42 and Pt Location 760)	a) Objects to shared cost items outside of Public Open Space (POS) and drainage issues but has no objection to accepting own development costs. b) Supports up to 10% public open space. c) Supports 100m foreshore setback, however suggests that this should comprise 30m foreshore reserve (as per Commission Policy) and 70m local open space..		a) NOTED. Shared cost items were generally agreed to by landowners at a previous meeting. There is still some flexibility. b) NOTED. c) DISMISSED. The width of the foreshore reserve has been determined on-site, based on topography, vegetation and site characteristics. The surveyed width varies from approximately 75-100m. All is to be ceded.
9.	Hon. Ian Medcalf (Landowner of Location 286)	Cliff Face: a) The vegetated cliff face on the eastern escarpment of the subject area has been identified as environmentally sensitive. Particularly those areas fronting Location 286 and the adjoining properties to the north to Simmons Street. These areas are still in good condition due to being in private ownership where access has been limited. The cliff face has suffered in other areas through uncontrolled use.	A number of valid points raised which were noted and resulted in various modifications, including the following: - inclusion of a Road Reserve (min. road width or an access place) along the foreshore reserve as per the design codes will ensure the protection of the foreshore area and that access be restricted to pedestrian access only with lookout points - redesign of Alison Parade alignment to accommodate a road adjacent to the foreshore reserve - modifications to the text, in particular, the need for a management plan at the time of rezoning of the land	a) NOTED

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		<p>b) The Physical Assessment Study states that unconstrained public access to the cliff face is most undesirable. The public should have access to the beach area, however access to the cliff face must be controlled</p> <p>Foreshore Management Plan:.</p> <p>c) Widening of the foreshore reserve and preparation of a Foreshore Management Plan is not satisfactory. The BHODP does not address the issue with sufficient authority.</p> <p>d) Approval has been granted for the subdivision of Locs 284 and 285 without the implementation of a foreshore management plan.</p> <p>e) Foreshore management principles/provisions should be outlined in the ODP. These should include the need to inhibit indiscriminate vehicular use, controlled access for pedestrians down the cliff face; and sympathetic clearing, fire safety.</p>		<p>b) UPHELD</p> <p>c) UPHELD</p> <p>d) NOTED</p> <p>e) NOTED</p>

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		<p>f) One ideal position for a viewing platform would be the high point at the northeastern area of Loc 285.</p> <p>Foreshore Reserve:</p> <p>g) It will be difficult for Council to police usage of the proposed foreshore. Uncontrolled access to the cliff face will destroy the park like qualities.</p> <p>h) The width of the foreshore should be based on the topography.</p> <p>i) Further modifications may need to be considered to make sure the boundary of the foreshore reserve in Lot 2 &amp; Loc. 286 (100m setback) is consistent with and meets the existing foreshore reserve in Loc. 285 (50m setback)</p>		<p>f) NOTED</p> <p>g) NOTED</p> <p>h) UPHELD</p> <p>i) UPHELD</p>
10.	GK Slee (Landowner of Lot 39 Elizabeth Street)	<p>e) Objects to share in the cost of upgrading/re-constructing of Lower King Road on the basis that he will be required to cost share the upgrading of Elizabeth Street with only two other owners.</p> <p>f) Owner is opposed to the rezoning of Lot 39 Elizabeth Street as he wishes to continue with present activity.</p>	<p>e) Elizabeth Street is a local distributor road and as such requires a standard of construction considerably less than that which is required for Lower King Road.</p> <p>b) Neither Amendment No. 202 or the proposed GDS will alter the zoning of Lot 39 or other lots within the ODP area.</p>	<p>c) DISMISS</p> <p>d) DISMISS</p>

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11.	Nina Konowalous 34 Alison Parade Lower King	a) It is commendable that the City is developing such a plan. b) Proposed lot sizes are too small, prefers quarter and half acre lots similar to the Pines. c) Greater consideration should be given to Albany's lifestyle rather than the developer's financial return and developments similar to suburban Perth. d) The existing lake and wetlands should be preserved and there should be no clearing of vegetation. e) Impact on animal habitats should be minimised.	a) Noted b) Noted c) Noted d) Noted. Council endeavouring to protect wetlands. e) Noted	a) NOTED b) NOTED c) NOTED d) NOTED e) NOTED
12.	John Powell 10 Rutherford Drive, Lower King & Lynn Dakin 71 Meananger Cres, Bayonet Head	a) Concerned with the lack of planning for the protection of native wildlife in the proposed development. b) The plan identifies Public Open Space areas but is concerned that there are no areas reserved for animals. c) An area of high density residential is proposed around the Flinders Park Primary School. This area consists of beautiful bushland which could be preserved for the following reasons: <ul style="list-style-type: none"> <li>• a refuge for animals</li> <li>• a buffer between residences and school</li> <li>• a study area for students of the school to learn more about environmental issues.</li> </ul>	a) Noted (Refer to Submission 2a &b) b) Noted (Refer to Submission 2a &b) c) Noted	a) NOTED b) NOTED c) NOTED

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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
13.	Bush Fires Service of WA	<p>a) The City of Albany and its bush fire organisation are responsible for fire protection within the ODP area. It may be appropriate for the City to prepare a strategic plan to address the following:</p> <ul style="list-style-type: none"> <li>• adequate fire response is available as the area is being developed; and</li> <li>• that fire protection systems are integrated into new subdivisions.</li> </ul> <p>b) Council may also consider the option of cost sharing.</p>	Noted	NOTED
14.	Department of Environmental Protection	<p>Public Open Space &amp; Vegetation:</p> <p>a) Allocation of public open space should be consistent with the existing wetlands and vegetation present. This has occurred in the case of wetlands but not in the case of remnant vegetation protection eg. no public open space areas have been designated for conservation purposes even though the study area supports a large proportion of remnant vegetation.</p> <p>b) Public open space should be positioned to protect a range of vegetation communities. Links from the Oyster Harbour foreshore reserve to vegetation outside the study area should be established.</p> <p>c) The ODP identifies vegetation protection in P1, P13 and P14. However P13 is proposed as an active playing field. P13 contains extensive coverage of remnant vegetation. It is preferred that this area is retained for conservation purposes and an active playing field is located in an existing cleared area.</p>	<p>Key wetland areas need to be clearly identified and justified. Statements need to be added to the ODP text to clearly identify wetlands and provide appropriate justification.</p> <p>a) Upheld. Should endeavour to provide a balance with proportion of vegetation areas.</p> <p>b) Upheld. Increase public open space corridor width from foreshore reserve area.</p> <p>c) Uphold – P13 remnant vegetation will be retained and public open space put to passive use.</p>	<p>a) UPHELD</p> <p>b) UPHELD</p> <p>c) UPHELD</p>

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		<p>d) Supports a Foreshore Management Plan to aid in the protection of the remnant vegetation and the reduction of impact on the foreshore due to community access and supports the increase of foreshore width to 100 metres.</p> <p><b>Wetlands:</b></p> <p>e) The ODP identifies wetland areas in P2, 3 and 11 with 30 metre buffers. DEP guidelines require a 50 metre buffer or 1 metre AHD higher than the furthest extent of the wetland vegetation.</p> <p>Drainage:</p> <p>f) Stormwater drainage presents a significant source of nutrient pollution, especially within residential developments. All stormwater is to be disposed of on site to the extent of a 1 in 10 year storm event. It is important that the bottom of retention basins is a suitable material to absorb nutrients such as phosphorus and nitrates.</p> <p>g) No direct drainage should occur into existing waterbodies or watercourses.</p> <p>h) Wetlands should not be used as detention basins. Detention basins should be developed in areas that will not impact on existing wetlands.</p> <p>i) The Drainage Study appears to be consistent with Water Sensitive Urban Design Guidelines, however comments should be sought from Water &amp; Rivers Commission.</p>	<p>d) Noted</p> <p>e) Upheld – site assessments will determine adequate buffers</p> <p>f) Noted</p> <p>g) Noted</p> <p>h) Noted</p> <p>i) Noted</p>	<p>d) NOTED</p> <p>e) UPHELD</p> <p>f) NOTED</p> <p>g) NOTED</p> <p>h) NOTED</p> <p>i) NOTED</p>



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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
15.	CALM	<p>a) There is 150ha of remnant bushland mainly in the southern portion. The vegetation consists of sheoak woodland, ti-tree scrub and heath plus several wetlands/swamps.</p> <p>b) The diversity of vegetation types within this area means it is likely to contain habitat for a variety of native animals. The list is likely to include western ringtail possum (a threatened species) and quenda (a priority 4 species), as well as western grey kangaroo, mardo and bush rat. It would also provide habitat for many birds and a number of reptiles and frogs.</p> <p>c) This natural bushland would play a major role in providing a connection from the foreshore around Oyster Harbour to the large areas of remnant native vegetation west of Lower King Road. A corridor such as this allows for the movement of wildlife that could be essential to the longer term survival of viable populations of these animals.</p> <p>d) The Bayonet Head Outline Development Plan refers to recommendations in the Albany Residential Expansion Strategy (1994). This document recommends retaining the biological diversity of the area and providing for wildlife corridors and habitats. The ODP does not adequately address this recommendation.</p>	<p>a) Noted</p> <p>b) Noted</p> <p>c) Upheld. The areas of public open space allocated to active/passive uses have been reviewed and more effective corridors provided. A buffer is also proposed along Lower King Road.</p> <p>d) Noted. Refer to 15 c).</p>	<p>a) NOTED</p> <p>b) NOTED</p> <p>c) UPHELD</p> <p>d) NOTED</p>

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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
		<p>e) CALM supports:</p> <ul style="list-style-type: none"> <li>• the identification of areas with populations of Albany pitcher plant; and</li> <li>• that further research be undertaken at the time of development to identify locations of species worthy of particular attention.</li> </ul> <p>f) Our records show that the “Declared Rare Flora” <i>Laxmania jamesi</i> is known to occur on the western side of Lower King Road, opposite PT 760. This species is likely to occur in the natural bush areas of the ODP as well. Survey by an expert botanist would be required to ascertain its presence. Other DRF potentially in the ODP include the orchids <i>Mictrotis globula</i> and <i>Drakea micrantha</i>.</p> <p>g) Most of the remnant vegetation will be cleared for housing, roads, schools and community facilities. Only a small percentage of the total area will be retained for Public Open Space. According to the Plan, the public open space has been allocated on the basis of the quality, disposition and character of remnant vegetation (p18). But Fig 11 indicates that many areas planned to be retained as public open space are already cleared.</p>	<p>e) Noted. A vegetation survey was carried out as part of the Physical Assessment Study in 1982.</p> <p>f) Upheld. Further survey work could be carried out at the time of subdivision.</p> <p>g) Noted/Upheld. It is acknowledged that the value of bushland within urban environments is compromised by urban development. Finding the balance between conservation and development is a challenge. The allocation of public open space areas has been modified to include more remnant vegetation.</p>	<p>e) NOTED</p> <p>f) UPHELD</p> <p>g) NOTED/UPHELD</p>

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		<p>h) The system of public open space appears to be primarily concerned with drainage/drainage infrastructure and associated nutrient sumps, etc. These areas of public open space will have little conservation value and will further compromise wildlife habitats. There has been insufficient regard for the retention of biological diversity at the site and no regard for retaining corridors of wildlife habitat.</p> <p>i) We recommend that before any development takes place:</p> <ul style="list-style-type: none"> <li>• the remnant vegetation in the Bayonet Head ODP area be surveyed by a qualified botanist for the presence of any Declared Rare Flora or Priority Listed plants.</li> <li>• fauna surveys be carried out to ascertain the presence of any rare or Priority Listed fauna.</li> <li>• In accordance with the results of these surveys, the ODP should be adjusted to allow for the preservation of significant examples of the variety of remnant vegetation types. Links with linkages within and outside to the development to allow for movement and dispersal of wildlife in the area should be developed.</li> <li>• Retention of the larger native trees occurring on both the cleared land and the natural bush should be considered..</li> </ul>	<p>h) Upheld. Refer 15g.</p> <p>i) Noted. The work done to date has addressed planning issues within a limited budget. A limited vegetation study was carried out as part of the 1982 Physical Assessment Study. Many of the recommendations of that study have been incorporated into the revised Plan. Flora and fauna surveys can be carried out at any stage, however, given the unknown time frame for development and the possible changes to the status of remnant vegetation, it is more beneficial to carry out the survey at the time of development. A 5 yearly review of the BHODP could include a flora and fauna survey, and link any findings with the Remnant Vegetation and Greenways Plan being undertaken by the City of Albany.</p>	<p>h) UPHELD</p> <p>i) NOTED</p>

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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
16.	BSD Consultants (On behalf of Van Village Pty Ltd - owners of Loc. 359, Oyster Harbour Caravan Park, Allwood Parade)	<ul style="list-style-type: none"> <li>• Van Villages land lies outside of the ODP area, however the ODP proposes to accommodate substantial drainage areas within Lot 559. This is clearly inequitable and not acceptable unless the owners receive either:               <ol style="list-style-type: none"> <li>1. compensation; or</li> <li>2. substantial development incentive.</li> </ol> </li> <li>• When the Shire of Albany first began preparing the ODP the subject land was to be included. However, it and adjoining property to the west, were excluded from this Plan.</li> <li>• In previous years approaches were made to the Shire of Albany to further develop Loc. 359 in accordance with its Tourist related zoning. A concept plan was submitted in 1995 proposing an extension of existing uses to include a variety of uses. Some support was given for the chalet part of the proposal, the remainder was not supported.</li> <li>• Concern is raised that the Drainage Study proposes to contain the vast majority of the drainage on their land. This would enable the development of adjoining land, but they will receive no benefit.</li> </ul>	<p>Noted. Council made a decision to exclude the subject land in 1995/96.</p> <p>The reality is that the wetland is at the bottom of the natural drainage line – currently water would drain into the wetland from the surrounding areas. Water will flow slightly quicker through the wetland area, however the detention basins are designed to retain water.</p> <p>The Drainage Study clearly indicates that no adverse impacts will occur and the creek structure will control the water level ensuring that the environment will not be compromised. Hence there would be no costs/compensation to the owner.</p> <p>In subsequent discussions with the landowner's representative, it was agreed not to pursue inclusion in the ODP, in lieu of Council considering the development potential of the caravan park and the drainage study will have no detrimental impacts to this.</p>	NOTED

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		<ul style="list-style-type: none"> <li>• If the subject land is excluded from the ODP, why should it contain any drainage associated with the development of the ODP area?</li> <li>• If the Van Village does not wish to accommodate the drainage, what is Council's intention (i.e. to compulsorily acquire the land and pay compensation, to offer a development incentive to the proprietors in return for losing a significant proportion of their land to district drainage, to devise an alternative drainage system?).</li> <li>• Is Council seeking to revise the ODP and if so can Location 359 be included and appropriate development scenarios developed with the Council for the future development of this land?</li> <li>• Clearly Council can no longer exclude Location 359 and the adjoining land to the west from the ODP if part of this land is required for infrastructure works to implement the ODP.</li> <li>• Van Village would be prepared to discuss future development options, expanding on the existing tourist facilities for the area. I believe such a discussion is essential if the Council wishes to progress the implementation of the ODP.</li> </ul>		

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17.	Water & Rivers Commission and Albany Waterways Management Authority	<p>Comments have previously been given with regard to the Drainage Study which will be incorporated into the plan the following comments relate to the apparent conflict between recommendations of the ODP and the Drainage Study:</p> <p>Public Open Space:</p> <p>a) P2 – the nutrient stripping basins mentioned in the text should be upstream of the existing wetland. Although it is recognised the existing basin will have nutrient stripping value, this should not preclude basins.</p> <p>b) P4 – The Drainage Study accurately shows the existing wetland and marks its protection, but this is the location of a school in the ODP. If the wetland is to be protected then the school will need relocating. The wetland shown in the ODP for this site is inaccurately shown.</p> <p>c) P5 – Overland flow is important in this site. Water should not be prevented from flowing through the site, given the type of vegetation.</p> <p>d) P6 – Does not contain the area of paperbarks identified on-site. The ODP needs to be redrawn so that the Public Open Space is extended to the west. The Drainage Study has already been redrawn. The term “remodelled” in the text should be excluded, as the natural values of the wetland should be given priority in any proposed “remodelling”.</p>	<p>These issues have been discussed previously at various times and Council will ensure that any outstanding issues be incorporated into the plan as modifications.</p> <p>a) Upheld</p> <p>b) Upheld. School to be relocated</p> <p>c) Noted</p> <p>d) Upheld, will be included and linked with identified wetland area.</p>	<p>a) UPHELD</p> <p>b) UPHELD</p> <p>c) NOTED</p> <p>d) UPHELD</p>

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No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
		<p>e) P7 – The existing wetland would be better protected if reference to the proposed detention basins made it clear the wetland should not be converted into one of these basins. As with all of the sites, the basins need to be sited and designed to safeguard existing wetlands and not substitute for them.</p> <p>f) P8 – The text states further widening of this Public Open Space is unwarranted, but it is worth repeating AWMA’s previous advice that the width of this corridor, is inadequate. As a major link to the foreshore reserve, and showing as a strategic recreational link on the urban expansion strategy for Albany, this width is not considered sufficient.</p> <p>g) P11 – The ODP text states this site has been altered and contains only minor examples of remnant vegetation. There has, in fact, been little disturbance, the site contains a high level of diversity of native vegetation. Again, the vegetation should not be destroyed or flooded by the stormwater devices. This site is considered a priority in terms of vegetation protection.</p>	<p>e) Upheld</p> <p>f) Upheld. P8 is part of an existing development which will be removed from ODP however, this corridor should be increased.</p> <p>g) Upheld. Site visit demonstrated the pristine condition of this wetland which should be protected.</p>	<p>e) UPHELD</p> <p>f) UPHELD</p> <p>g) UPHELD</p>

MINUTES - ORDINARY COUNCIL MEETING 26/10/99

\*\* REFER DISCLAIMER \*\*

No	Name & Address	Submission Summarised	Working Group Comment	Council Recommendation
		<p>Foreshore Reserve:</p> <p>a) The coastal foreshore reserve has a proposed width of 100m. Although AWMA would be supportive of such a width, it is important that the foreshore width should be primarily determined by site characteristics. The proposed foreshore width should be indicative at this stage. AWMA's advice on similar referrals to the south has resulted in foreshore reserve width of between 70 and 100 metres. Landform and factors such as vegetation cover, ease of public access, visual impact and location of existing development have determined the width.</p> <p>b) AWMA has provided papers on guiding foreshore width and also has provided advice on individual case studies. AWMA would be willing to provide advice on the appropriate width of this reserve.</p> <p>c) Road reserves or accessways to define the foreshore reserve boundary are supported, as is the recommendation for transparent fencing types.</p> <p>d) A foreshore management plan is certainly supported and should be made a condition of rezoning. As the foreshore will be used by all residents in the area, the preparation and implementation of the plan should be co-ordinated so that contributions are made from all adjacent landowners.</p>	<p>a) Upheld. Site survey carried out and proposed foreshore reserve base on site characteristics.</p> <p>b) Upheld. Advice received and considered.</p> <p>c) Upheld. Will provide road as per Ministry for Planning request also.</p> <p>d) Noted</p>	<p>a) UPHELD</p> <p>b) UPHELD.</p> <p>c) UPHELD.</p> <p>d) NOTED</p>



**Schedule of Modifications –  
Bayonet Head Outline Development Plan**

<b>No</b>	<b>Modifications</b>
1.	The suggested area for the community purpose site of 4,500m <sup>2</sup> be increased to 5,000m <sup>2</sup> + 1,000m <sup>2</sup> for a town square. This will ensure flexibility of design and any changing demands of community values. This area will be given up free of cost as part of Public Open Space contribution.
2.	Include in the text that at the time of rezoning, landowners will have to carry out design exercise for central area which will include guidelines to the development of the area.
3.	Drainage land and Public Open Space need to be identified separately as it's easier to manage in this manner. Tables, text need to demonstrate this.
4.	References to a 2% credit for drainage in public open space areas be deleted in light of (3).
5.	The outcomes of the drainage site meeting of 15 <sup>th</sup> March need to be incorporated into both the ODP and Drainage Study.
6.	The school site being relocated to the north as depicted in Sketch Plan of 24/09/99.
7.	Additional Public Open Space areas being shown as depicted on Sketch Plan of 24/09/99 with allowances for some areas to be slightly altered once calculations of buffers and public open space provisions are more accurately known. Alterations to the road layout are to be carried out, particularly around the wetland on Loc 284 & 285.
8.	Buffers around wetlands to be determined by environmental site assessment by the Water & Rivers Commission and reflected in the Plan.
9.	Review passive/active use of Public Open Space areas – in light of the DEP's comments. P13 shall be used for passive purposes where all remnant vegetation can be protected.
10.	The BHODP shall reflect the outcomes of the Drainage Study and March 1999 site visit throughout the text of the document. The Drainage Study shall be incorporated into the BHODP.
11.	The foreshore reserve shall be illustrated in accordance with the site assessment survey carried out by the Water & Rivers Commission and Council.
12.	Ministry for Planning has requested that a road be constructed abutting the foreshore reserve in line with current WAPC practices.
13.	A DUP should be shown adjacent to, or in the foreshore area. The DUP should also be highlighted as an issue for consideration as part of the foreshore management plan.
14.	The Peet & Co land already developed needs to be removed from the BHODP, particularly the public open space area P8, which was given up as part of a previous subdivision approval.
15.	Remove text referring to the High School Site on page 388 of ODP as Ministry for Education has advised Council that a High School site is not required within the ODP area.
16.	Peet & Co land already developed to be excluded from the ODP and land areas adjusted accordingly (portion of Location 284, 285).
17.	General modifications, typographical errors and text changes that relate to the above.

## 15.2 MARKETING & CORPORATE PLANNING

### 15.2.1 Quality Based Business Plan: The City of Albany Waste Services

<b>File/Ward</b>	:	STR 025 All Wards
<b>Proposal/Issue</b>	:	Quality Based Business Plan: The City of Albany Waste Services
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Waste Services Coordinator (M Zhuang) & Project Officer Corporate Development (C Grogan)
<b>Previous Reference</b>	:	OCM 24/08/99 Item 15.2.2
<b>Summary Recommendation:</b>		To adopt the City of Albany Waste Services Business Plan for implementation.-
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. At the Ordinary Council Meeting of the 24th August Council gave in principle endorsement for the City of Albany Waste Services, and authorised local advertising for a six-week public comments period closing on Friday 8th October, 1999.
2. Accordingly, advertisements informing the public that the plans were available from the York Street & Mercer Rd Administration Offices and that public comments were invited, were placed in:
  - The *Weekender* on 10th September and 1st October, 1999;
  - The *Albany Advertiser* on Thursday 26th August, 2nd and 16th September ;  
and
  - The *Weekend Extra* on Friday 27th August, and 17th September 1999.

Copies of the plans were also placed on display at the Albany Public Library.

### STATUTORY REQUIREMENTS

Nil.

### POLICY IMPLICATIONS

3. National Competition Policy.

Item 15.2.1 continued

**FINANCIAL IMPLICATIONS**

4. This Business Plan is a five-year plan, and as such it includes proposals that will be dependent upon future funding decisions. The plan will be the base framework upon which the Team prepares future budget submissions, however it is understood that Council will consider any future funding requests on their merits within the context of the availability of overall resources at that time.
5. The use of the Business Plan as a base framework for funding submissions will assist Council to ensure operational expenditure is geared to delivering value for money and achieving the Council's strategic objectives articulated within the City of Albany Strategic Plan.

**STRATEGIC PLAN IMPLICATIONS**

6. Under Local Government Operations the 'Strategic Planning' section includes Objective 2 'to implement a Strategic Plan for the City of Albany which is realistic, achievable and measurable'. One of the strategies under this objective is to 'develop annual business plans including appropriate performance assessment to achieve measurable objectives and actions'. The 'Quality Service' Section includes an objective to 'Provide excellence in service delivery to internal and external customers' by 'systematically planning and continuously improving Council services and processes'.
7. This Business Plan is the embodiment of these elements of the City of Albany Strategic Plan.

**COMMENT/DISCUSSION**

8. The City of Albany Waste Services Business Plan was widely advertised in the local press and was also on public display at the Albany Public Library over the period 25th August until the 8th October, 1999.
9. Members of the public requested several copies of the document however no written comments on the plan have been received. Accordingly it is recommended that the City of Albany Waste Services Business Plan (as attached in the Information Bulletin) be adopted for implementation.

**RECOMMENDATION**

THAT Council endorses the City of Albany Waste Services Business Plan, for implementation.

*Voting Requirement Simple Majority*

.....

Item 15.2.1. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council endorses the City of Albany Waste Services Business Plan, for implementation.**

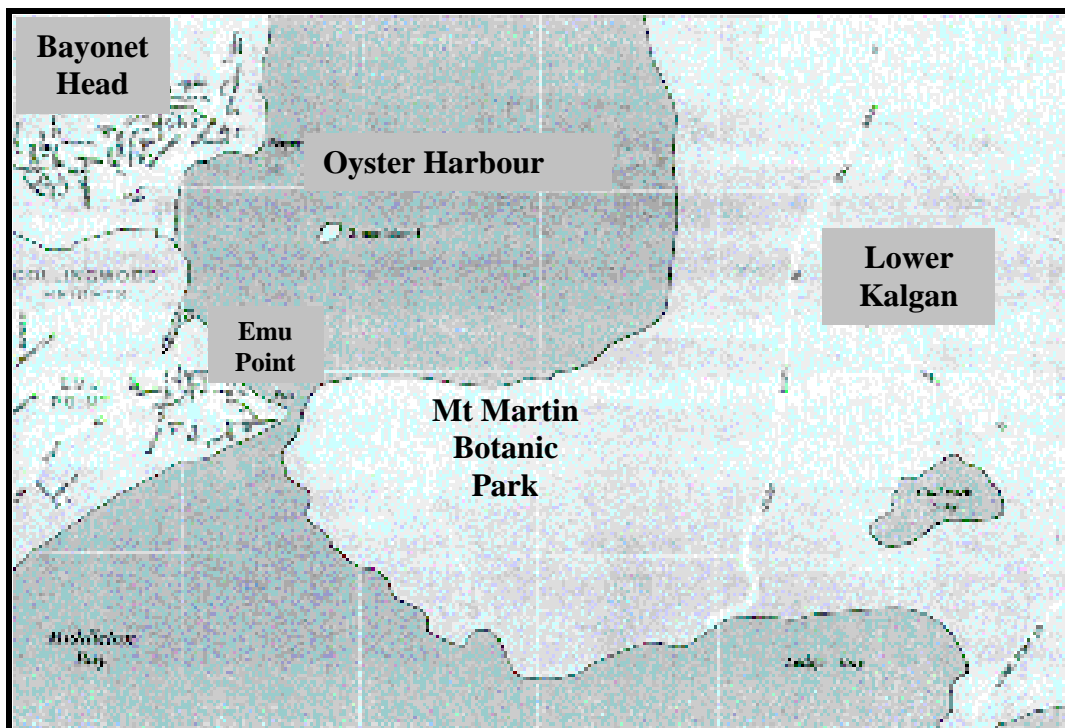
**MOTION CARRIED 14 – 0**

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### 15.3 PROJECT DEVELOPMENT

#### 15.3.1 Coastwest Coastcare Funding for Mt Martin Vegetation Survey and Weed Control

<b>File/Ward</b>	:	STR 004 Kalgan Ward
<b>Proposal/Issue</b>	:	To accept Coastwest Coastcare funding for the Mt Martin vegetation survey and weed control.
<b>Subject Land/Locality</b>	:	Mt Martin Regional Botanic Park (Reserve 33308)
<b>Proponent</b>	:	City of Albany/Mt Martin Advisory Committee
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Project Officer- Environmental Planning (M Price)
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation:</b>		To accept the \$4770 grant money from Coastwest Coastcare for works on Mt Martin
<b>Locality Plan</b>	:	



Item 15.3.1 continued

### **BACKGROUND**

1. The Mt Martin Regional Botanic Park Committee has successfully applied for funding from Coastwest Coastcare. The grant application is Attachment 1. \$4770 has been sent to the City of Albany to carry out a vegetation survey and weed management in the Park.

### **STATUTORY REQUIREMENTS**

2. Mt Martin (Reserve 33308) has management orders in favour of the City of Albany for the purpose of 'Recreation and Botanical Garden'. The City of Albany is responsible for the management of the Mt Martin reserve and is in the process of preparing a management plan with the advisory committee.

### **POLICY IMPLICATIONS**

3. The draft Mt Martin management plan has recently been out on public exhibition. When it is finalised by Council, it is proposed to adopt the management plan as Council policy. When the management plan has been adopted, it will provide the framework and direction to enable Council to budget to for works in the Park. These works will be made easier when the information from the Mt Martin Survey is available. In addition, the grant will pay for weed control in key areas, including Johnsons Cove.

### **FINANCIAL IMPLICATIONS**

4. The committee, which has Council officers as members will manage and acquit the grant. The City has committed some officer time, \$100 worth of pesticide and printing of the management plan. This work would have been carried out whether the grant had been successful or not. The works have been allowed for in existing budgets and works programs.

### **STRATEGIC PLAN IMPLICATIONS**

5. The management of the Mt Martin Regional Botanic Park is included in the 'Natural and Built Environment' section of the Strategic Plan under 'Parks & Reserves'. Objective 1 (f) states that the City will 'encourage and assist in the enhancement of the botanical reserve at Mt Martin'.
6. Acceptance of this grant is consistent with this and other more general objectives of the strategic plan.

### **COMMENT/DISCUSSION**

7. Acceptance of this grant money will greatly help the City and the Mt Martin Committee to meet the objectives of the management plan that is currently being prepared. The staff time and materials required to service the grant have already been allowed for in the 1999/2000 budget.

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Item 15.3.1 continued

8. A great deal of community interest has been shown in the new paths at Mt Martin. The area has great potential as a tourist destination. Also, local people have shown interest in flora studies in the Park.

RECOMMENDATION

THAT Council accepts \$4770 from Coastwest Coastcare for the Mt Martin Vegetation Survey and Weed Management Project.

*Voting Requirement Simple Majority*

.....

Councillor Bojcun congratulated the Mt Martin Advisory Committee on the work to date, and on its successful funding application.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WALKER**

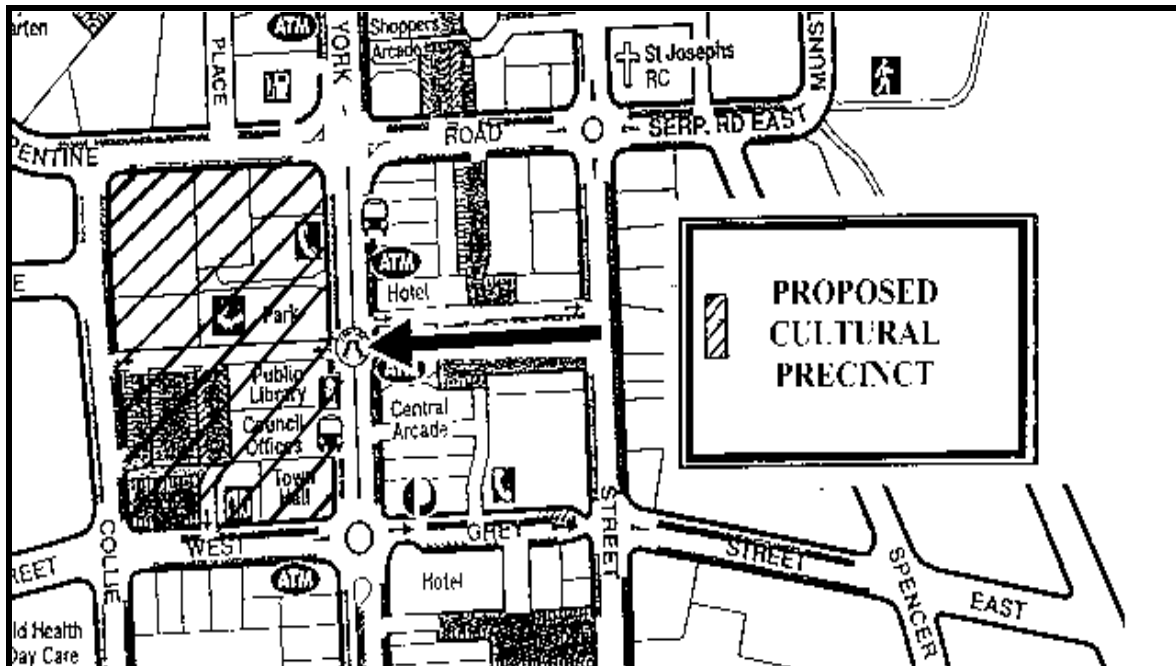
**THAT Council accepts \$4770 from Coastwest Coastcare for the Mt Martin Vegetation Survey and Weed Management Project.**

**MOTION CARRIED 14 – 0**

**15.3.2 Great Southern Regional Cultural Centre /Cultural Precinct Concept**

- File/Ward** : MAN 012  
All Wards
- Proposal/Issue** : Great Southern Regional Cultural Centre
- Subject Land/Locality:** N/A
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Executive Director – Strategic Planning  
(R Jefferies)/Project Officer Community  
Development (C Grogan)
- Previous Reference** : OCM 13/07/99 Item 15.3.2
- Summary Recommendation:** Council endorses the proposal to undertake further investigations into the proposed Cultural Precinct and Great Southern Regional Cultural Centre, subject to the support of the Great Southern Regional Cultural Centre Steering Committee.

**Locality Plan** :





Item 15.3.2 continued

### **BACKGROUND**

1. The purpose of this report is to request Council to reiterate it's support for further investigations on the proposed regional cultural centre project, including:
  - a) the employment of a temporary project officer to support the Working Party and to undertake consultation with the general arts community on the potential utilisation of the proposed regional cultural centre; and
  - b) contracting of an architect to review the existing infrastructure and prepare a range of 'building footprints' for the proposed cultural precinct.
2. The previous investigations into the cultural centre project essentially began with a broad based feasibility study in May 1997 that produced a generic performing arts/convention centre model (not site specific) and the criteria for success. In March 1998 the Site Assessment Study nominated the York Street site adjacent to Alison Hartman gardens as the preferred site for the centre.
3. A community-based working party was established in April 1998 and began its work by reviewing the feasibility study and site assessment reports. The working party subsequently proposed that the York Street 'super-block' bounded by Serpentine Rd, Collie Street, and Grey St West be established as a cultural precinct and that the cultural centre be a major component of that precinct.
4. At the Ordinary Council Meeting of the 13th July 1999 Council endorsed the work completed by the Great Southern Regional Cultural Centre Steering Committee & Working Party and expressed support for the continued investigations into the York Street Cultural Precinct proposal.
5. The next meeting of the Great Southern Regional Cultural Centre Steering Committee is planned to take place on Friday 29th October, where the proposed next steps in the investigations process, as outlined in this report, will be considered.

### **STATUTORY REQUIREMENTS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

6. The estimated operational costs of the Centre are between \$250,000 and \$300,000 per year, however, the purpose of the current work by the Regional Cultural Centre Working Party is to further investigate these costs.

Item 15.3.2 continued

7. The estimated capital cost of the Cultural Centre is \$18 million, which is intended to be funded by government grants.
8. The estimated regional economic benefit from construction works = \$20 million.
9. The estimated recurrent economic benefit projected = \$5,448,000 per annum
10. The 1999/2000 City of Albany Budget includes an allocation of \$35,000 to support the continuing investigations for the Great Southern Regional Cultural Centre project (COA 121520) of which \$5,000 is a contribution from the Shire of Denmark.

**STRATEGIC PLAN IMPLICATIONS**

11. Strategy J) of Economic Development Objective 2, states:  
“Develop Albany’s cultural infrastructure in consultation with the community.”
12. Strategy C) of the Arts and Culture Objective 1 proposes to:  
“Facilitate the establishment of a regional cultural centre.”
13. The proposal is consistent with these objectives.

**COMMENT/DISCUSSION**

14. The Cultural Precinct proposal is a relatively complex one given that it involves a number of existing or proposed facilities including:
  - Town Hall theatre;
  - Senior Citizens Centre;
  - Alison Hartman Gardens;
  - a privately owned commercial building;
  - Albany Public Library, the future of which is currently being reviewed;
  - City of Albany Administration offices, the future of which is also currently being reviewed;
  - recently established University of Western Australia Albany University Centre;
  - District Education Centre; and
  - proposed Regional Cultural Centre for which there is a generic model with an indicative floor plan.

## Item 15.3.2 continued

15. It would be helpful if the existing super-block and its infrastructure could be assessed to ascertain the challenges and opportunities afforded by the site. This would then allow a range of possible 'building footprints' to be developed demonstrating the various configurations afforded by the site and usage options. Such 'building footprints' would provide Council with the opportunity to consider and nominate locations within the site for a range of future uses. This would greatly assist Council in its deliberations and long term planning for the proposed Cultural Centre as well as for the other options currently being discussed. The planning is also important for the future of the Albany University Centre and potentially for the District Education Centre.
16. The Regional Cultural Centre feasibility study resulted in a generic cultural centre model with outline capital and operational costs, however the project cannot be taken forward any further until more detailed planning occurs.
17. A refined cultural centre model on which to base detailed capital and operational cost estimates needs to be developed to assist in further decision making. The next stage of the project would be to undertake detailed consultations with a range of potential users (arts and other community groups and with professional bodies) to determine more detailed operational needs and likely utilisation levels.
18. The progress of this project has to some extent been restricted by the lack of dedicated staff resources. It is proposed that the available resources be used to employ a temporary project officer to work with the Working Party & Steering Committee and to undertake detailed consultations over a six month period. The results of these consultations could then be used to produce more detailed models that could be used as a basis for producing capital and operational cost estimates.
19. It is recognised that more detailed estimates are required to progress discussions at a state, regional and local level on the future of this proposed facility.
20. A proposed budget is presented below:

<b>Expenditure Area</b>	<b>Estimated \$</b>
<ul style="list-style-type: none"> <li>• Level 5 Project Officer employed for 6 months</li> <li>• Staffing on-costs</li> </ul>	\$18,000 \$4,500
<b>Total cost of employing temporary Project Officer</b>	<b>\$22,500</b>
Review of Cultural Precinct and preparation of "Building Footprints"	<b>\$8,000</b>
Contingency fund for the purchase of additional specialist expertise as required.	<b>\$4,500</b>
<b>Total Budget</b>	<b>\$35,000</b>

21. If supported by Council these proposals will be presented to the Great Southern Regional Cultural Centre Steering Committee, which is due to hold its next meeting meet on the Friday 29th October 1999.

Item 15.3.2 continued

RECOMMENDATION

THAT Council endorses the proposal to undertake further investigations into the proposed Cultural Precinct & Great Southern Regional Cultural Centre proposals, subject to the support of the Great Southern Regional Cultural Centre Steering Committee.

*Voting Requirement Simple Majority*

.....

**COMMITTEE RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR EVERS**

**THAT Council defers further investigation into the Cultural Precinct and Great Southern Regional Cultural Centre proposals and urgently investigates building an entertainment facility in conjunction with the proposed fourth cinema on Albany Highway.**

**MOTION LOST 6 – 8**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT Council endorses the proposal to undertake further investigations into the proposed Cultural Precinct & Great Southern Regional Cultural Centre proposals, subject to the support of the Great Southern Regional Cultural Centre Steering Committee.**

**AMENDMENT**

**MOVED COUNCILOR EVERS  
SECONDED COUNCILLOR EVANS**

**THAT the words “including sharing a facility with the fourth cinema as a short term measure” be inserted in the above motion, after the word “proposals” in line 3.**

**AMENDMENT LOST 4 – 10**

**MOTION CARRIED 9 – 5**

MINUTES - ORDINARY COUNCIL MEETING 26/10/99  
\*\* REFER DISCLAIMER \*\*

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**15.4 STRATEGIC PLANNING**

Nil.

# **Development Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 DEVELOPMENT

#### 12.1.1 Albany Ring Road – Focus Group Membership

<b>File / Ward</b>	:	REL082 (West and Kalgan Wards)
<b>Proposal/Issue</b>	:	Membership of Albany Ring Road Focus Group
<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 24/08/99 Item 12.1.2
<b>Summary Recommendation:</b>		That the Membership of the Focus Group be Confirmed
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. At its meeting on the 24<sup>th</sup> August 1999, Council considered a report from officers regarding the status of the Albany Ring Road planning and it was suggested that a focus group be formed to assist Main Roads WA and the Albany Ring Road Steering Committee in route selection. The focus group was to have broad community and industry representation to ensure that the views of both the affected landowners and the end users of the road network were heard during the planning process.
2. Council resolved to “*call for expressions of interest for a representative from the following interest sectors to join the Albany Ring Road Focus Group. The representatives will participate in the on-going analysis of Ring Road options and provide advice to Main Roads WA;*”
  - *City of Albany (Cllrs Wolfe and Evans, Executive Director Development Services)*
  - *Landowner between Chester Pass Road and Albany Highway*
  - *Landowner between Albany Highway and South Coast Highway*
  - *Landowner between South Coast Highway and Hanrahan Road*
  - *Timber 2002*
  - *Albany Port User Liaison Group*



Item 12.1.1 continued

- *Transport Industry*
  - *Albany Residents and Ratepayers Association*
  - *Main Roads WA*
  - *Department of Transport*
  - *Waters and Rivers Commission*
  - *Ministry for Planning*
  - *Great Southern Development Commission”*
3. Expressions of interest were sought for the various vacancies and six (6) names have been submitted for the three (3) community positions. Main Roads has also advised that the consultant engaged to report on the various route options has completed the initial investigations on community options. The consultant’s findings were released to the Steering Committee on the 21<sup>st</sup> October and the initial meeting of the focus group is planned for the 4<sup>th</sup> November.

### **STATUTORY REQUIREMENTS**

4. Section 5.8 of the Local Government Act provides for committees to assist the Council and, where necessary, exercise the powers of Council. A committee’s membership continues until the committee is disbanded (section 5.11), and if a committee was to be created it must minute meetings (section 5.22) and hold meetings in public (section 5.23).
5. The focus group is not intended to be a decision-making committee of Council, as set out in subdivisions 2 and 3 of Part 5 of the Local Government Act. The purpose of the group is to provide direct feedback to the Main Roads Department on the social, environmental, political and physical impacts of the route options; the City of Albany will, independent of the focus group, report to Main Roads on the Council’s preferred strategic outcome for the ring road. It is emphasised that Main Roads WA will be responsible for selecting “the preferred alignment for the Ring Road” and recommending that option to the Minister for Transport.

### **POLICY IMPLICATIONS**

6. The Albany Ring Road has been mooted for over a decade and potential corridors for the road have been identified on policy documents released by the Ministry for Planning and Main Roads. The uncertainty over the final alignment of the road has impacted upon land use and investment decisions to the north and west of Albany.

### **FINANCIAL IMPLICATIONS**

7. Main Roads WA will be responsible for the acquisition and construction of the ring road, once an alignment has been settled and recorded in the City’s Town Planning Schemes.

Item 12.1.1 continued

### **STRATEGIC PLAN IMPLICATIONS**

8. The early resolution of the ring road alignment not only removes uncertainty for landowners along the route corridor, it also allows broader strategic planning to be undertaken and for appropriate buffers to be set in place to protect the future alignment from urban encroachment.

### **COMMENT/DISCUSSION**

9. For the three community representative positions, the following nominations (in alphabetical order) were received;
  - i) Ms Lynn Charlesworth (nominated by self and George Street/Link Road Residents Group).
  - ii) Mr Peter Duncan (self nominated).
  - iii) Mr Murray Gomm (nominated by self and George Street/Link Road Residents Group).
  - iv) Mrs Doreen Lyon (self nominated).
  - v) Mr Mark Rich (self nominated).
  - vi) Mr David Sims (nominated by self, Mr Kratochvill and Mr Baines).
10. With the limited number of nominations, and the relative importance of the focus group to the ring road debate, Council may wish to extend the membership numbers to include all of the nominees. During the initial consultation phases of the study, the majority of the submissions were received from landowners south of South Coast highway; the nominations, a copy of each is included in the Elected Members Report/Information Bulletin, reflect that trend.

### **RECOMMENDATION**

THAT Council;

- i) Conduct a ballot to determine community representation on the Albany Ring Focus Group by;
  - Voting to be first past the post system.
  - Tied voting to be determined by the drawing of lots.
  - Full details on voting to be disclosed.
  - Ballot papers to be retained in line with electoral provisions of the Local Government Act.
- ii) Confirm the following representatives to the Albany Ring Road Focus Group:
  - City of Albany (Cllrs Wolfe and Evans, Executive Director Development Services)
  - Landowner between Chester Pass Road and Albany Highway
  - Landowner between Albany Highway and South Coast Highway

Item 12.1.1 continued

- Landowner between South Coast Highway and Hanrahan Road
- Timber 2002 (Mrs Julia Levingston)
- Albany Port User Liaison Group (Mr Ian Peacock)
- Transport Industry (vacant)
- Albany Ratepayers and Residents Association (Mr Guy Wroth)
- Main Roads WA (Mr Rob Arnott)
- Department of Transport (Mr Roy Johnson)
- Waters and Rivers Commission (Mr Chris Gumby)
- Ministry for Planning ( Mr Philip Woodward)
- Great Southern Development Commission (Mr Maynard Rye)

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WOLFE**

**THAT Council confirm the following representatives to the Albany Ring Road Focus Group:**

- **City of Albany (Cllrs Wolfe and Evans, Executive Director Development Services)**
- **Landowner representatives (Ms L. Charlesworth, Mr P. Duncan, Mr M. Gomm, Mrs D. Lyon, Mr M. Rich and Mr D. Sims)**
- **Timber 2002 (Mrs Julia Levinson)**
- **Albany Port User Liaison Group (Mr Ian Peacock)**
- **Transport Industry (Mr Brian Hall)**
- **Albany Ratepayers and Residents Association (Mr Guy Wroth)**
- **Main Roads WA (Mr Rob Arnott)**
- **Department of Transport (Mr Roy Johnson)**
- **Waters and Rivers Commission (Mr Chris Gunby)**
- **Ministry for Planning ( Mr Philip Woodward)**
- **Great Southern Development Commission (Mr Maynard Rye)**

**MOTION CARRIED 13 – 1**

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

I draw Councillors' attention to paragraph 10 of the Officer's Report and concur with the comment in that paragraph. This is an important decision of land owners living in the path of the various ring road options and the Focus Group should be able to represent those concerns and interests.

### 12.1.2 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 04/08/99 Item 12.1.14 Cncl 24/08/99 Item 12.1.4
<b>Summary Recommendation:</b>		Delegated Authority be issued to the Chief Executive Officer for Development Approvals.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. Once in each year the delegations provided to officers are to be reviewed by Council and the delegated authority can be revoked, amended or renewed. The current delegations were established in 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.
4. Section 5.42 of the Local Government Act also allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.43(2)(b) of the Local Government Act, to allow another person to perform the required function.

Item 12.1.2 continued

### **POLICY IMPLICATIONS**

5. The delegations issued to staff are contingent upon proposals complying with the relevant Town Planning Schemes and/or policies adopted by Council.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC PLAN IMPLICATIONS**

6. 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**

7. Included in the Elected Members/Information Bulletin is a draft Delegation Register for both schemes. The Register contains 2 parts, the first details the actual clauses of the scheme where Council is required to perform a task and whether a delegation is extended to an officer (inclusive of any limit to the delegation). Part 2 establishes the guidelines which assist in decision making. The guidelines have been adopted as policies pursuant to the respective scheme to provide greater certainty in decision making.
8. The draft register seeks to provide a continuation of existing levels of delegation, other than the value of the projects that all officers can approve which have been increased to recognise the escalation of building costs.
9. 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.
10. The proposal before Council varies from earlier delegation requests in that it transfers the delegated powers provided through the Town Planning and Development Act to individual officers through the Chief Executive Officer. The Chief Executive Officer, acting in accordance with his powers under the Local Government Act, proposes to delegate authority to individual staff and withdraw that authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards; Council retains the capacity to review the "upper limit" of the delegated authority at any time and it must review annually the extent of its delegations.

Item 12.1.2 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 the Chief Executive Officer those functions specified in Schedule 1, 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 the Chief Executive Officer those functions specified in Schedule 2, 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
  - Peter Cameron Steele
  - Paul Watt
  - Alan Donald Watkins
  - Timothy Gerald Dolling
  - David Thomas Mexsom
  - John McKinnon Lucas
  - Matthew James Grey

*Voting Requirements Absolute Majority*

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The Executive Director Development Services advised Councillors had been briefed on the implications of the Delegations Register, and recommended that Guideline 1 of Schedules 1 and 2 (as included in the Information Bulletin) be modified by deleting the word “hotel” and replacing it with the words “licensed premises”.

He also recommended the name of Council’s newly appointed Planning Officer, Graeme Bride, be added to the list of officers shown in part iii) of the Officer Recommendation.

Item 12.1.2. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WALKER**

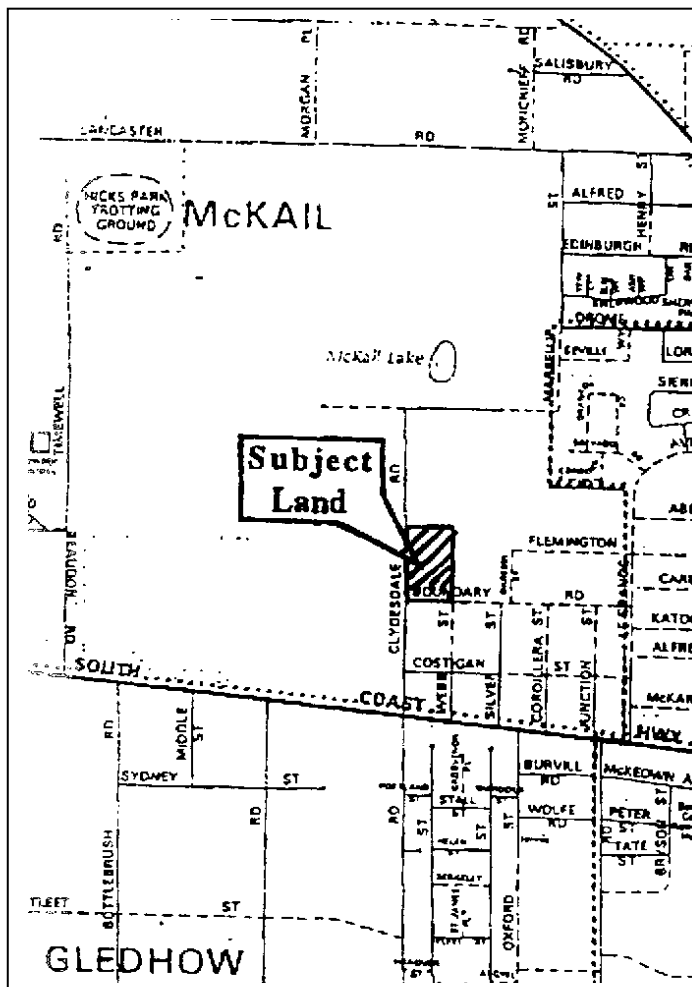
**THAT by an absolute majority, the Council of the City of Albany:**

- i) Pursuant to clause 6.10 of the City of Albany Town Planning Scheme No. 3 authorises to the Chief Executive Officer those functions specified in Schedule 1, 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 the Chief Executive Officer those functions specified in Schedule 2, 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**
  - Peter Cameron Steele**
  - Paul Watt**
  - Alan Donald Watkins**
  - Timothy Gerald Dolling**
  - David Thomas Mexsom**
  - John McKinnon Lucas**
  - Matthew James Grey**
  - Graeme John Bride**

**MOTION CARRIED 14 – 0  
ABSOLUTE MAJORITY**

**12.1.3 Initiate Rezoning – Part Lot 271 Clydesdale Road, McKail**

- File / Ward** : A16586 ( West Ward)
- Proposal / Issue** : Request for Rezoning from Rural to Residential, and Parks and Recreation Reserve
- Subject Land** : Plantagenet Location 399, Pt. Lot 271 Clydesdale Road, McKail
- Proponent** : Ayton, Taylor & Burrell
- Owner** : WL & LK Tichelaar
- Reporting Officer** : Manager – Development (R A Olsen)
- Previous Reference** : Nil
- Summary Recommendation** : Support the Rezoning Request and advise proponent to lodge amending documents
- Locality Plan** :





Item 12.1.3 continued

## **BACKGROUND**

1. Council's consideration is sought on a proposal to rezone Plantagenet Location 399, Part Lot 271 on the north east corner of Clydesdale Road and Boundary Road, McKail from "Rural" to "Residential" and "Parks and Recreation Reserve". The lot size is 3.8314ha and the land is located approximately 5km from the Albany City Centre.
2. The proponent's Scheme Amendment Request (SAR) report forms the majority of the background of this report and is located in the Elected Members Report/Information Bulletin.

## **STATUTORY REQUIREMENTS**

3. Following Council's consideration of a SAR and a decision to support the request, appropriate documentation is requested from the proponent for Council to initiate the amendment. This is the stage that begins the legal process of rezoning.
4. Under the City of Albany's Town Planning Scheme 3 the objective of "Residential" zoned land is to:

*"Provide a pleasant, healthy and convenient living environment incorporating the requisite facilities for all sections of the community from preschool children to senior citizens. To take advantage of the natural features of the various areas to be developed and to preserve an open aspect with ready access to natural bushland, rural areas and places of outdoor recreation."*

## **POLICY IMPLICATIONS**

5. The land is in the Oyster Harbour 2 Policy Area of the Local Rural Strategy. It is identified as being suitable for rezoning to "Residential".
6. The land is located within the McKail Local Structure Plan area. It is identified as being suitable for rezoning to "Residential".

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC PLAN IMPLICATIONS**

7. The subject land is identified in the Residential Expansion Strategy for Albany as suitable for rezoning to "Residential".

## **COMMENT / DISCUSSION**

8. The primary objective of "Rural" zoned land is to preserve possible agricultural uses. This objective is clearly incompatible with the small size of the subject land.

Item 12.1.3 continued

9. Due to its proximity to central Albany and urban services, the site has been identified in the Local Rural Strategy and the McKail Structure Plan as being suitable for rezoning to “Residential”.
10. A natural drainage line runs east/west through or near the northern portion of the subject land. The McKail Local Structure Plan identifies;
  - the need to cede a drainage reserve free of cost upon subdivision;
  - a parkland area along the drainage reserve. This parkland area can be the required contribution towards Public Open Space; and
  - the need for a drainage management plan for the management of stormwater within and off the subject land.
11. These issues need to be addressed by the amending documents.
12. The precinct that contains the subject land contains several lots. The amending documents will also need to address integration of the road network within the precinct.

**RECOMMENDATION**

THAT Council resolves to advise the proponent that it is prepared to receive amending documents to Town Planning Scheme 3 for the purpose of rezoning Location 399, Pt. Lot 271 Clydesdale Road McKail from the “Rural” zone to a “Residential” zone and a “Parks and Recreation” reserve.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

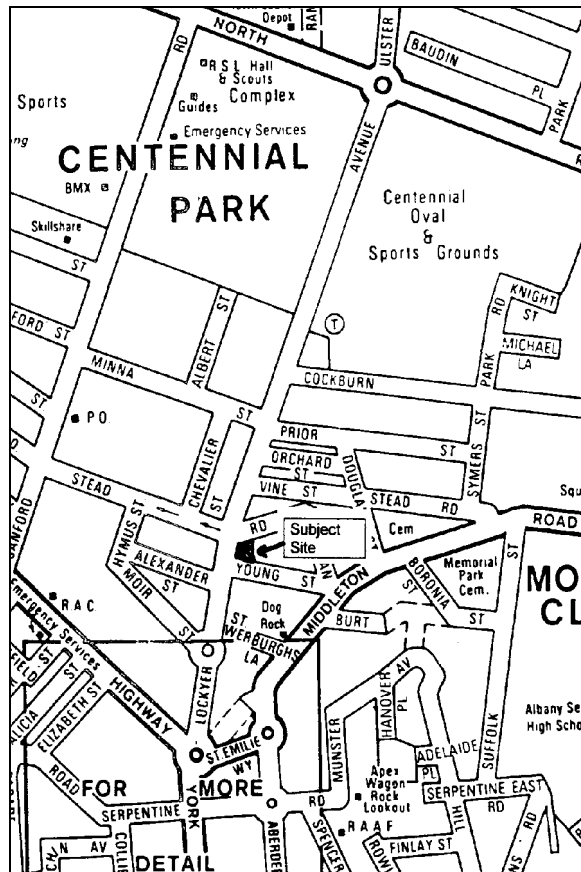
**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR ARMSTRONG**

**THAT Council resolves to advise the proponent that it is prepared to receive amending documents to Town Planning Scheme 3 for the purpose of rezoning Location 399, Pt. Lot 271 Clydesdale Road McKail from the “Rural” zone to a “Residential” zone and a “Parks and Recreation” reserve.**

**MOTION CARRIED 14 – 0**

**12.1.4 Initiate Rezoning- Lot 100 (82-88) Lockyer Avenue, Centennial Park**

- File / Ward** : A92778A (Frederickstown Ward)
- Proposal/Issue** : Rezone Lot 100 Lockyer Avenue from “Service Station” and “Other Commercial” to “Central Area”
- Subject Land/Locality** : Lot 100 (82 – 88) Lockyer Avenue, Centennial Park
- Proponent** : Planning Solutions Pty Ltd
- Owner** : George Royston Pty Ltd
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 14/09/99 item 12.1.5.
- Summary Recommendation:** Reconsider the request to rezone Lot 100 Lockyer Avenue.
- Locality Plan** :



Item 12.1.4 continued

## **BACKGROUND**

1. At the Council meeting on the 14<sup>th</sup> September 1999, Council considered an officer report on a request to rezone the land fronting Lockyer Avenue, between Young Street and Stead Road, to “Central Area” in Town Planning Scheme 1A. Council resolved that it did not support the rezoning application and invited the proponent to reapply after the review of the Commercial Strategy had been completed. A copy of the officer’s report to the previous meeting follows this agenda item.
2. Councillor Dufty has requested that this item be relisted for Council’s consideration following the decision of the Council, at its meeting on the 5<sup>th</sup> October 1999, to allow for office development to extend along Albany Highway.

## **STATUTORY REQUIREMENTS**

3. Section 10(1)(b) of the Local Government (Administration) Regulations 1996 states “*if a decision has been made at a Council or committee meeting then any motion to revoke or change the decision must be supported in any case by at least 1/3 of the number of offices (whether vacant or not) of members of the Council or committee.*” Any amended motion would need to be passed by an absolute majority.

## **POLICY IMPLICATIONS**

4. The decision of Council at its meeting on the 5<sup>th</sup> October to support an extension of professional office development along Albany Highway could be construed as setting a precedent for a review of the outer boundary of the Central Area zone.

## **FINANCIAL IMPLICATIONS**

5. Council proposes to upgrade that section of Lockyer Avenue which fronts the subject land within its 1999 / 2000 budget.

## **STRATEGIC PLAN IMPLICATIONS**

6. The Albany Commercial Strategy seeks to consolidate short term commercial expansion within the existing Central Business District of the City, whilst allowing for neighbourhood centres to be developed to meet the shopping needs of outer suburbs. That strategy is being reviewed to determine its effectiveness in light of known investment decisions and commercial trends.

## **COMMENT/DISCUSSION**

7. Council resolved at the meeting on the 14<sup>th</sup> September “*not to support the rezoning application and invites the proponent to reapply after the review of the Commercial Strategy has been completed.*” The officer’s recommendation was in support of the proposal.

Item 12.1.4 continued

8. A minimum of five Councillors must consent to this item being brought back to Council for debate, a motion should then be moved and seconded and a motion carried through normal meeting processes. The decision of Council then replaces or reaffirms the decision of the 14<sup>th</sup> September 1999 at item 12.1.5.

**RECOMMENDATION**

By a show of hands - Councillors consented to agenda item 12.1.5 of the meeting of the 14<sup>th</sup> September 1999 being reconsidered by Council.

THAT, by an absolute majority, Council;

- a) reaffirms its decision of the 14<sup>th</sup> September 1999 and advises George Royston Pty Ltd that Council does not support the application to rezone lot 100 (82-88) Lockyer Avenue and invites the proponent to reapply after the review of the Commercial Strategy has been completed.

OR

- b) advise George Royston Pty Ltd that Council supports the request for the rezoning of lot 100 (82-88) Lockyer Avenue from “Service Station” and “Other Commercial” to “Central Area” and requires the proponent to lodge amending documents.

*Voting Requirement Absolute Majority*

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**COUNCIL RESOLUTION**

Councillors Lubich, Walker, West, Mountford and Williams moved that agenda Item 12.1.3. of the meeting of 14<sup>th</sup> September 1999 be reconsidered by Council.

**MOTION CARRIED 12 – 2**

Item 12.1.4. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WILSON**

**THAT by an absolute majority, Council reaffirms its decision of the 14<sup>th</sup> September 1999 and advises George Royston Pty Ltd that Council does not support the application to rezone lot 100 (82-88) Lockyer Avenue and invites the proponent to reapply after the review of the Commercial Strategy has been completed.**

**MOTION LOST 6 – 8**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR BOJCUN**

**THAT by an absolute majority, Council agrees to advise George Royston Pty Ltd that Council supports the request for the rezoning of lot 100 (82-88) Lockyer Avenue from “Service Station” and “Other Commercial” to “Central Area” and requires the proponent to lodge amending documents.**

**MOTION CARRIED 8 – 6  
ABSOLUTE MAJORITY**

*Councillors Armstrong and Wilson voted against the motion*

Item 12.1.4 continued

**ATTACHMENT ONLY**

**BACKGROUND**

1. Council's consideration is sought on a proposed amendment to rezone Lot 100 (82-88) Lockyer Avenue, Centennial Park, from a mixed zoning of 'Service Station' and 'Other Commercial' to 'Central Area'. This application would effectively extend the Central Area zoning one block to the north.
2. A report has been received from the proponent, providing justification for the proposed rezoning and seeking Council's support prior to taking the step of formulating scheme amendment documents. The proponent's justification forms the majority of the background and comment for the purposes of this report, it is on the pages following this report.
3. Lot 100 (82-88) Lockyer Avenue has a lot size of 2182m<sup>2</sup> and is currently zoned both "Service Station" and "Other Commercial". The portion of the lot zoned Service Station currently has a Caltex Service station on it and the site has been used for that purpose for many years. The remainder of the lot has a variety of uses including a Warehouse, Service Industry (Pet Store) and vacant tenancy which has been used for a number of activities.
4. The site is surrounded on three sides by streets, Lockyer Avenue, Young Street and to the north, Stead Road. The site is joined to the east by lots zoned and developed for Residential purposes. The other surrounding zoning consists of 'Industry' to the north, 'Other Commercial' to the west and 'Central Area' to the south.

**STATUTORY REQUIREMENTS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

5. The Scheme Amendment Request process is designed to give Council the opportunity to consider the strategic implications of a rezoning before deciding whether to proceed with a Scheme Amendment. It is an opportunity for Council to advise a proponent of the unsuitability of their request at the earliest stages of the process.

Item 12.1.4 continued

**ATTACHMENT ONLY**

6. The Central Area zoning provides for a great range of land uses with the most flexible statutory requirements of any zone in Town Planning Scheme 1A. The change of zoning to “Central Area” is a significant change and it could be argued that the current proposal should be considered as part of the review of the Commercial Centres Strategy.
7. Applications of this nature clearly need to be considered in light of the entire Central Area so as to prevent undesirable and adhoc expansion of the Central Area.

### **COMMENT/DISCUSSION**

8. Rezoning the lot from “Service Station” and “Other Commercial” to “Central Area” would enable the site to be redeveloped for an office and retail project and would facilitate the upgrading of the existing service station to include a shop.

9. A particular objective of Town Planning Scheme 1A, objective 1.7(a), states:

*“to promote development in the Central Area within a framework of guidelines to consolidate central area functions, rehabilitate and revitalise existing premises and enhance the environment;”*

10. The request to extend the Central Area could therefore be considered to be contrary to the intent of this objective to consolidate central area functions. The Scheme was adopted in 1983, the last review of the Central Area zoning was undertaken in 1986. This review did not consider the expansion of the Central Area over this site.
11. The above objective however also aims to rehabilitate and revitalise existing premises and enhance the environment. The proponent claims that the change of zoning would enable the site to be redeveloped in a manner that would enhance the surrounding area and revitalise a site that has an aging Service Station and a mix of other uses.
12. It could also be argued that the rezoning may create an undesirable precedent for further expansion of the Central Area into the surrounding zones. However, each application should be assessed on it’s own merit, and in support of this application not creating an undesirable precedent, the following arguments can be made:
  - The lot is bounded by Stead Road to the north which forms a logical boundary to the Central Area (it has been advertised as the City’s northern by-pass road);
  - The land to the north of Stead Road, along the remainder of Lockyer Avenue is zoned “Industry”, expanding the Central Area zoning further in this direction could be seen as an invasion of another consolidated zone and would not be supported;
  - The majority of lots surrounding the Central Area are Residential. Expanding the Central Area into residential lots has a large impact upon these areas because residential land use and commercial land use are often incompatible. This proposal however is to change the zoning of a site that is already substantially commercial in nature.



Item 12.1.4 continued

**ATTACHMENT ONLY**

- 13. In conclusion staff feel the adhoc expansion of the Central Area zoning should not be entertained without the benefit of the information provided by the review of the Commercial Centres Strategy and an overall Central Area review. This would generally create an undesirable precedent for the inappropriate expansion of the central Area.
- 14. This application however may not create an undesirable precedent as Stead Road forms a natural boundary to the Central Area. The proposal does not invade established residential areas and has a strong case for being a 'rounding off' of the Central Area. A re-zoning of this site would facilitate the revitalisation of an aging commercial site.

**RECOMMENDATION**

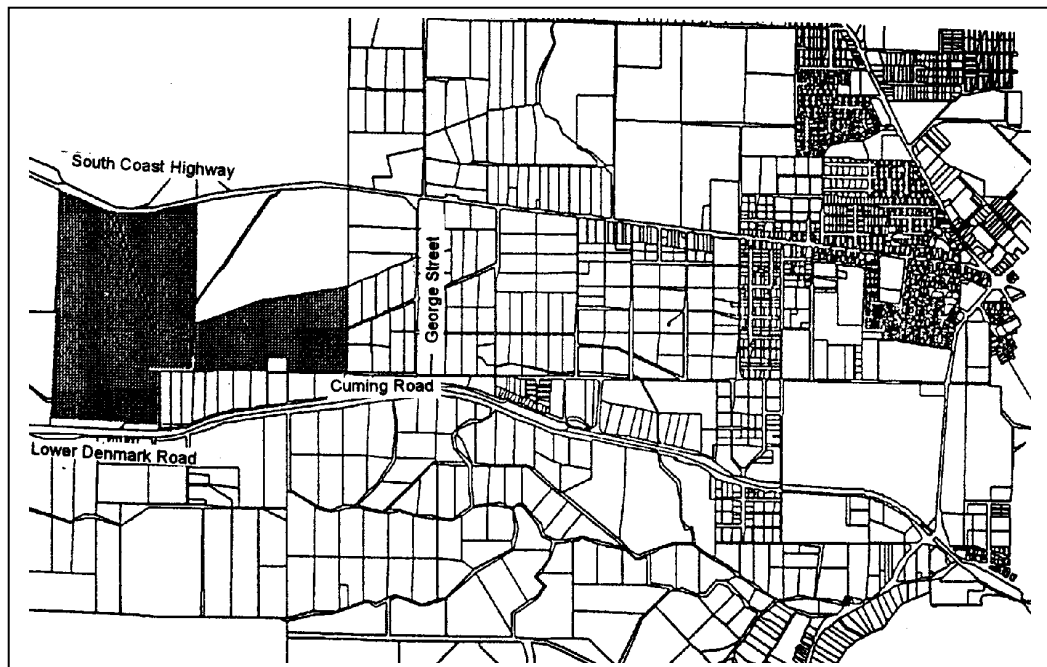
That the applicant be advised that Council supports the request for the re-zoning of Lot 100 (82-88) Lockyer Avenue from 'Service Station' and 'Other Commercial' to 'Central Area' and requires the proponent to lodge amending documents.

*Voting Requirement Simple Majority*

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**12.1.5 Final Approval for Amendment – Cuming Road, Gledhow and South Coast Highway, Cuthbert**

- File / Ward** : A8826A & A7117A (AMD196) / (West Ward)
- Proposal/Issue** : Request for Final Approval
- Subject Land/Locality** : Lot 126 Cuming Road, Gledhow and portion of Lots 44 and Part Lot 19 of Location 401, Portion Lot A6 of Location 401, Part Location 6874 and Part Location 77 South Coast Highway, Cuthbert.
- Proponent** : Harley Hedderwick and Webber
- Owner** : AB & LS Chivers and J & J Van Der Schaaf
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 24/08/99 item 12.1.10
- Summary Recommendation:** Grant Final Approval Subject to Modifications.
- Locality Plan** :



Item 12.1.5 continued

## **BACKGROUND**

1. At the ordinary meeting on the 24<sup>th</sup> August 1999, Council passed the following resolution;
  - “i) Council declines to grant final approval to Amendment 196 to the City of Albany Town Planning Scheme No.3 until the matters raised in the Schedule of Submissions have been addressed. And*
  - ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed.”*
2. Officers from the Ministry for Planning have advised that the resolution recommended by staff and passed by Council does not comply with the Development Control Regulations. An amended motion is required from Council prior to the amendment being referred to the West Australian Planning Commission and the Minister for Planning.

## **STATUTORY REQUIREMENTS**

3. Regulation 17 (2) of the Town Planning Regulations 1967 (as amended) states:  
*“After considering the submissions made pursuant to Regulation 16 or if no submissions have been lodged within the period specified under Regulation 15(5) for making submissions, the responsible authority shall pass a resolution either-*
  - (a) that the scheme be adopted with or without modification; or*
  - (b) that it does not wish to proceed with the scheme.”*

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC PLAN IMPLICATIONS**

4. Refer to agenda item 12.1.10 of the 24<sup>th</sup> August 1999, a copy of which is included in the Elected Members Report/Information Bulletin.

## **COMMENT/DISCUSSION**

5. The Regulations, in essence, require that Council resolve to;
  - i) grant final approval (unconditional); OR
  - ii) grant final approval subject to the modification of the amending documents as set out in the Schedule of Submissions; OR
  - iii) decline to grant final approval (due to planning arguments set out in the Schedule of Submissions) to the amending documents.

Item 12.1.5 continued

6. The current resolution seeks to grant conditional approval only after a redesign has been undertaken and the 'modified subdivision guide plan' can be re-evaluated by Council to ensure it is a true reflection of Council's expectations.
7. The development of the subject land is consistent with the City of Albany Local Rural Strategy and the submissions received highlight a number of site constraints which could substantially alter the subdivisional guide plan. Included in the 'unresolved issues' is uncertainty over the Albany Ring Road (Five Mile Creek option), local drainage requirements and on-site effluent disposal capability.
8. Council must decide whether it is comfortable that the applicant will be able to resolve the site concerns mentioned or whether they are of sufficient magnitude to warrant a rejection of the rezoning proposal at this point in time.

**RECOMMENDATION**

THAT Council, in lieu of part (i) of its resolution of the 24<sup>th</sup> August 1999 (Agenda Item 12.1.10), resolves to adopt amendment 196 to the City of Albany Town Planning Scheme No. 3 subject to the modifications detailed in the Schedule of Submissions.

*Voting Requirement Absolute Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WOLFE**

**THAT Council:**

- i) **Pursuant to Regulation 17(2) of the Town Planning Regulations (as amended), resolves that it does not wish to proceed with Amendment 196 to the City of Albany Town Planning Scheme No.3 as the requirements outlined in the Schedule of Submissions at 4, 9, 13(a) and 13(d) may require substantial alterations to the amending documents and further community consultation;**
- ii) **Receives the Schedule of Submissions, the comments on individual submissions be tabled and the recommendations contained therein be either noted, upheld or dismissed as detailed.**

**MOTION CARRIED 11 – 3**  
*Councillor Evers voted against the motion.*

Item 12.1.5. continued.

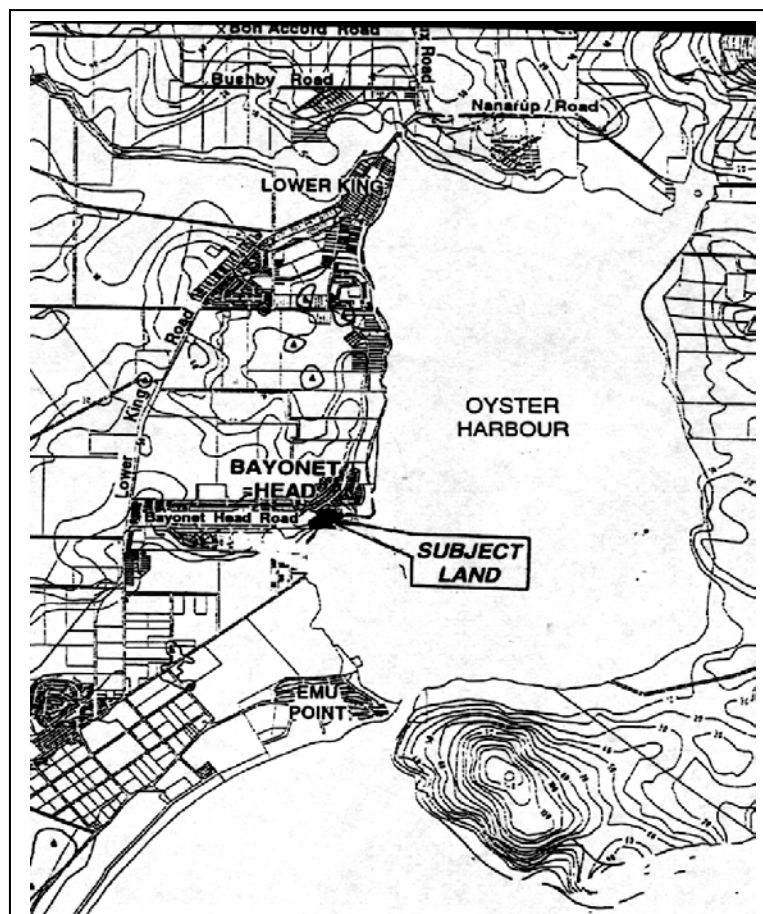
Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

Council's decision of the 24<sup>th</sup> August 1999, at agenda Item 12.1.10, sought to progress the amendment only after Council was satisfied that site constraints (such as the Ring Road alignment and the suitability of some lots for on-site effluent disposal) could be documented and the plan of subdivision adjusted accordingly. These constraints need to be fully documented before Council agrees to progress the amendment.

To progress the amendment as recommended provides no clarity for Council or the community on the final form or outcome of the amending process.

### 12.1.6 Initiate Rezoning - Portion of Part Lot 241, Bayonet Head Road, Bayonet Head

<b>File / Ward</b>	:	A162476 / AMD 207 (Yakamia Ward).
<b>Proposal / Issue</b>	:	Rezoning a portion of Pt. Lot 241 Bayonet Head Road, Bayonet Head from the “Motel” zone to “Residential” and “Parks and Recreation” zones.
<b>Subject Land</b>	:	Plantagenet Location 281, Pt. Lot 241 Bayonet Head Road, Bayonet Head.
<b>Proponent</b>	:	Alan Tingay and Associates
<b>Owner</b>	:	Lowe Pty Ltd
<b>Reporting Officer</b>	:	Manager – Development (R A Olsen)
<b>Previous Reference</b>	:	Cncl 22/6/99 Item 12.1.4
<b>Summary Recommendation</b>	:	Initiate Amendment
<b>Locality Plan</b>	:	



Item 12.1.6 continued

## **BACKGROUND**

1. Council is requested to amend Town Planning Scheme 3 by rezoning a portion of Pt. Lot 241, Bayonet Head Road, Bayonet Head. The land has a dual zoning, with approximately equal portions of the site zoned "Residential" and "Motel".
2. The request is to:
  - a) rezone approximately 2600m<sup>2</sup> of the site adjacent to the proposed local access road from "Motel" to "Residential";
  - b) rezone two sites adjoining the "Motel" zone, one of approx. 1600m<sup>2</sup> at the eastern end and the other of approx. 1920m<sup>2</sup> at the western end; and
  - c) rezone the balance of the "Motel" zone ( approx. 1.3ha) to "Parks and Recreation"

## **STATUTORY REQUIREMENTS**

3. Although Council previously considered the amendment "in principle", it is now requested to formally initiate the rezoning. This action which will commence the legal process pursuant to the Town Planning and Development Act 1928 (as amended).
4. The documents will be forwarded to the Department of Environmental Protection (DEP) upon passing the resolution to initiate the amendment. The DEP has the capacity to require a formal assessment of the proposal at this stage. Following receipt of the DEP's advice the documents are advertised over 42 days for public comment and they are then referred back to Council for final approval.

## **POLICY IMPLICATIONS**

5. The subject land is not included within any endorsed strategies or policies due to the "Motel" zoning over the land.
6. The proponent has engaged an architect with extensive experience in residential design on sloping lots, lots with views, solar design, pole and framed housing. He will work with Council in preparing design guidelines, which can be adopted by Council as a policy, to ensure that the residential development of the lots has due regard to the topography, character and amenity of the locality.

## **FINANCIAL IMPLICATIONS**

7. The proposed development will result in the widening of the existing foreshore reserve. This portion of land will be ceded to the City of Albany and the ongoing management will become Council's responsibility.

## **STRATEGIC IMPLICATIOIS**

Nil.

Item 12.1.6 continued

**COMMENT / DISCUSSION**

8. A Scheme Amendment Request report was presented to Council at its ordinary meeting on 24<sup>th</sup> August 1999. Council resolved to advise the proponent that it is prepared to receive amending documents to rezone the subject land.
9. The amending documents have been received. They meet the requirements of Council's previous resolution. This amendment will result in the ceding of a large portion of low-lying land, adjacent to the existing foreshore reserve, for "Parks and Recreation". The higher ground will be included into the adjoining "Residential" zone. All the residential lots will be connected to reticulated sewer and services
10. The land is covered with dense remnant vegetation and abuts the existing foreshore reserve adjacent to the harbour. A Foreshore Management Plan has been developed for the existing foreshore reserve area as a condition of a recent subdivision.

**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 3 by rezoning a portion of Pt. Lot 241 Bayonet Head Road, Bayonet Head from "Motel" zone to "Residential" and "Parks and Recreation" zones.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR ARMSTRONG**

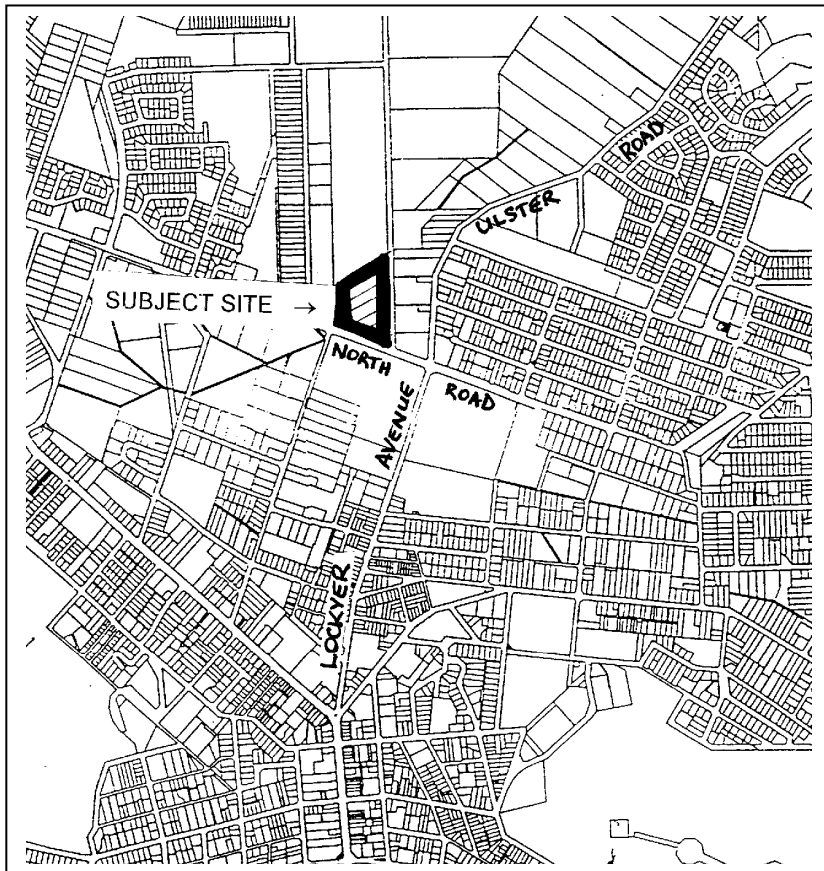
**THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend the City of Albany Town Planning Scheme 3 by rezoning a portion of Pt. Lot 241 Bayonet Head Road, Bayonet Head from "Motel" zone to "Residential" and "Parks and Recreation" zones.**

**MOTION CARRIED 14 – 0**



**12.1.7 Scheme Amendment Request – Part of Lot 102 North Road, Yakamia**

- File/Ward** : A133940 (Yakamia Ward)
- Proposal/Issue** : Rezoning from “Yakamia Creek” to “Special Site (Municipal and Government Use)”
- Subject Land/Locality** : Part of Lot 102 North Road, Yakamia
- Proponent** : City of Albany
- Owner** : City of Albany
- Reporting Officer** : Planning Assistant (P Watt)
- Previous Reference** : Nil
- Summary Recommendation:** Support request for rezoning from “Yakamia Creek” to “Special Site”.
- Locality Plan** :



Item 12.1.7 continued

## **BACKGROUND**

1. Council's consideration is requested on an amendment to Town Planning Scheme 1A to allow additional uses to occur on a site within the Yakamia Creek zone. The proposal involves the rezoning of part of lot 102 North Road, Yakamia from "Yakamia Creek" to "Special Site (Municipal and Government Use)". A "Special Site" classification would mean that the base zoning of "Future Urban" and Yakamia Creek would be retained and that specified uses would be permitted on the subject lot which the current zoning does not accommodate.
2. A portion of the 19ha site is currently being considered as a potential location for the proposed new Council administration building. However, the proposed use, if the site is selected, is not permitted under the current zoning and an amendment to the scheme will be necessary.

## **STATUTORY REQUIREMENTS**

3. If the scheme amendment request is given preliminary support, then formal amending documents will be drawn up and lodged to commence the scheme amendment requirements.
4. The existing depot use will not be affected by the proposed amendment. Part V of the City of Albany's Town Planning Scheme 1A allows a non-conforming use to continue when zoning changes occur.

## **POLICY IMPLICATIONS**

5. Other Government offices (eg Agriculture WA) are located outside of the CBD area where they are closer to customers and the site requirements (eg. parking) cannot be accommodated within the Central Area of the City.

## **FINANCIAL IMPLICATIONS**

6. To prepare the amending documentation will cost approximately \$2,000.

## **STRATEGIC PLAN IMPLICATIONS**

7. The Yakamia District Structure Plan has identified approximately 700ha of land in the surrounding locality for further development. This includes residential, industrial, commercial and educational uses.
8. A "Special Site" classification will take into consideration the proposed Yakamia Drive (a main local thoroughfare) and the difficulties associated with residential development in the area between Yakamia Creek and North Road because of the high watertable and the limited land area for residential development. These local features affect the potential use of the area.

Item 12.1.7 continued

**COMMENT/DISCUSSION**

9. A rezoning is requested so that, if the site is selected for a future Council administration building, minimal time loss will result from statutory requirements. Some advanced planning will enable development to proceed at the earliest possible opportunity. A report on the development of administration facilities is expected to be put to Council in November.
10. Potential uses of the site would not be altered by a “Special Site” classification. “Government and Municipal Uses” as defined under the amending documentation would be permitted. The development potential of the site will remain unaltered if the administration building is to be built elsewhere, or Council may decide not to proceed with the amending documents.
11. The Yakamia region has been identified as one of the key development areas catering for the growth of Albany to 2021. The Yakamia District Structure Plan has identified regions which are suitable for various development types. The lot is of sufficient size to be able to accommodate a range of proposed uses if required.

**RECOMMENDATION**

That the request to rezone 102 North Road, Yakamia from “Future Urban” and “Yakamia Creek” to “Special Site (Municipal and Government Use)” be supported and that formal scheme amendment documents be lodged.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR WALKER**

**THAT the item be deferred, pending the report on the development of administration facilities and the result of the review of the Commercial Strategy.**

**MOTION CARRIED 8 – 6**

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

- i) In paragraph 6 of the Officer Report it is stated to prepare the amending documentation will cost approximately \$2,000.

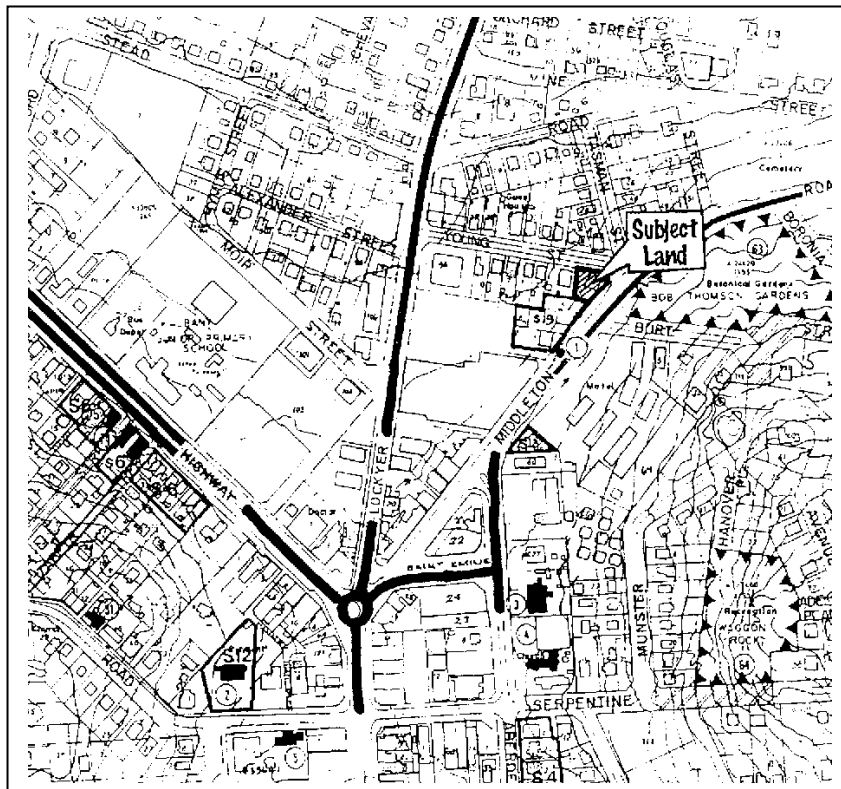
Item 12.1.7. continued.

- ii) In paragraph 9 of the Officer Report it is stated the rezoning is requested so that if the site is selected for a future Council administration building, minimal time loss will result from statutory requirements.

It would be appropriate for Council to await the final determination of a site.

**12.1.8 Initiate Rezoning - Lot 4 (292) Middleton Road, Centennial Park**

- File/Ward** : A98554 (Frederickstown Ward)
- Proposal/Issue** : Rezoning of Lot 4 Cnr Middleton Road & Young Street from “Residential” to “Special Site” (Professional Offices)
- Subject Land/Locality** : Lot 4 (292) Middleton Road, Centennial Park
- Proponent** : Ayton, Taylor & Burrell
- Owner** : AO Bowman
- Reporting Officer** : Planning Assistant (P Steele)
- Previous Reference** : Nil
- Summary Recommendation:** Support the rezoning request and request appropriate documentation.
- Locality Plan** :



Item 12.1.8 continued

## **BACKGROUND**

1. Council's consideration is sought on a proposal to initiate an amendment to rezone Lot 4 (292) Middleton Road from "Residential - R30" to "Special Site – Professional Offices".
2. A report has been received from the proponent, providing justification and seeking support for the proposed rezoning initiative prior to taking the step of formulating scheme amendment documents. The proponent's justification forms the majority of the background and comment for the purposes of this report and it is located in the Elected Members' Report/Information Bulletin.
3. The lot has an area of 898m<sup>2</sup> and is currently zoned "Residential – R30". The lot is occupied by a residential dwelling with access from Young Street.

## **STATUTORY REQUIREMENTS**

4. If the scheme amendment request is given preliminary support, then formal amending documents will be drawn up and lodged to commence the scheme amendment requirements.

## **POLICY IMPLICATIONS**

5. At Council's previous Ordinary Meeting held on October 5<sup>th</sup> 1999 it was resolved for a similar proposal "*THAT the applicant be advised that Council supports the request for rezoning of Lots 4, 6, 7, 8 & 19 Albany Highway from "Residential - R30" to "Special Site - Professional Offices" and requires the proponent to lodge amending documents.*"

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC PLAN IMPLICATIONS**

6. Objective 1.7(a) of Town Planning Scheme 1A, states:

*"to promote development in the Central Area within a framework of guidelines to consolidate central area functions, rehabilitate and revitalise existing premises and enhance the environment;"*

7. Applications of this nature need to be considered in light of the entire Central Area so as to prevent undesirable and ad hoc expansion of the Central Area.

Item 12.1.8 continued

### COMMENT/DISCUSSION

8. Rezoning of these lots from “Residential – R30” to “Special Site – Professional Offices” would enable the lot to be used as an office. The character of the existing building can be preserved by requiring it to remain on the lot and for modification to be consistent with the residential character of the buildings fronting Middleton Road.
9. A “Professional Office” is defined in the City of Albany’s Town Planning Scheme 1A as *‘a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropractor, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or music teacher), town planner, or valuer, or a person having and occupation of a similar nature.’*
10. Professional offices are a prohibited use on residential zoned land. The proponent contends that such uses in this area could be seen as a ‘rounding off’ of the existing “Central Area”.
11. The subject land is located in an area that has numerous uses. The adjoining land, lot 5 (294-296) Middleton Road is zoned “Special Site #19 - Professional Offices”. The “Central Area” boundary finishes along this lot’s boundary. On the opposite side of Middleton Road are the Botanical Gardens, with the Dog Rock Motel being separated from this by Burt Street. Further along Middleton Road are “Residential” zoned lots, including two that have been approved to be used as consulting rooms. The Cemetery is located just past these lots.
12. Along Young Street, the next three lots (lots 1, 2 & 3) are zoned “Residential – R30”, with lot 3 (#3) having approval for a “Home Occupation – Amway Office”. On a whole, this end of Young Street is residential in nature. The other end of Young Street is the boundary between the “Central Area”, “Other Commercial” and “Industry” zoned areas along Lockyer Avenue. Uses here include a hostel (Young House), showroom sales, a service station and a car park for Dock Rock Shopping Centre. This car park has access to Young Street.
13. To support the rezoning encourages ‘spot’ (single lot) rezoning applications. However, each application should be assessed on it’s own merit. In support of this particular application not creating an undesirable precedent, the following arguments can be made:
  - The lot is bounded on one side by two existing “Special Site – Professional Offices” lots, which separate it from the “Central Area”, with “Consulting Rooms” and “Residential” lots on the other side. A rezoning to “Special Site – Professional Offices” could be seen as providing a transition between these zones.
  - Although this end of Young Street is residential in nature, the Dog Rock Shopping Centre car park access opens Young Street up to increased traffic.

Item 12.1.8 continued

- Council Staff have, in the past, responded to rezoning inquiries on this and similar lots by advising that Council would probably not be prepared to support any 'spot' rezoning until the finalisation of new Town Planning Scheme. This position was taken by the former Town of Albany at its Council Meeting of 27<sup>th</sup> May 1997.
- The City of Albany supported, at the Ordinary Meeting of October 5<sup>th</sup> 1999, a similar rezoning request for lots 4, 6, 7, 8 & 19 Albany Highway.

14. It is on the basis of Council's decision of the 5<sup>th</sup> October 1999 that staff recommend in favour of the application.

#### RECOMMENDATION

THAT the applicant be advised that Council supports the request for rezoning of Lot 4 Middleton Road from "Residential - R30" to "Special Site - Professional Offices" and requires the proponent to lodge amending documents.

*Voting Requirement Simple Majority*

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#### **COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILOR DUFTY**

**THAT the applicant be advised that Council supports the request for rezoning of Lot 4 Middleton Road from "Residential - R30" to "Special Site - Professional Offices" and requires the proponent to lodge amending documents.**

**MOTION CARRIED 13 – 1.**



**12.1.9 Home Occupation – Mail Order Business, 24 Parade Street, Albany**

**File/Ward** : A107492 (Frederickstown Ward)

**Proposal/Issue** : Application for a Home Occupation – ‘Mail Order Business’

**Subject Land/Locality** : 24 Parade Street, Albany

**Proponent** : G Walters & S R Howell

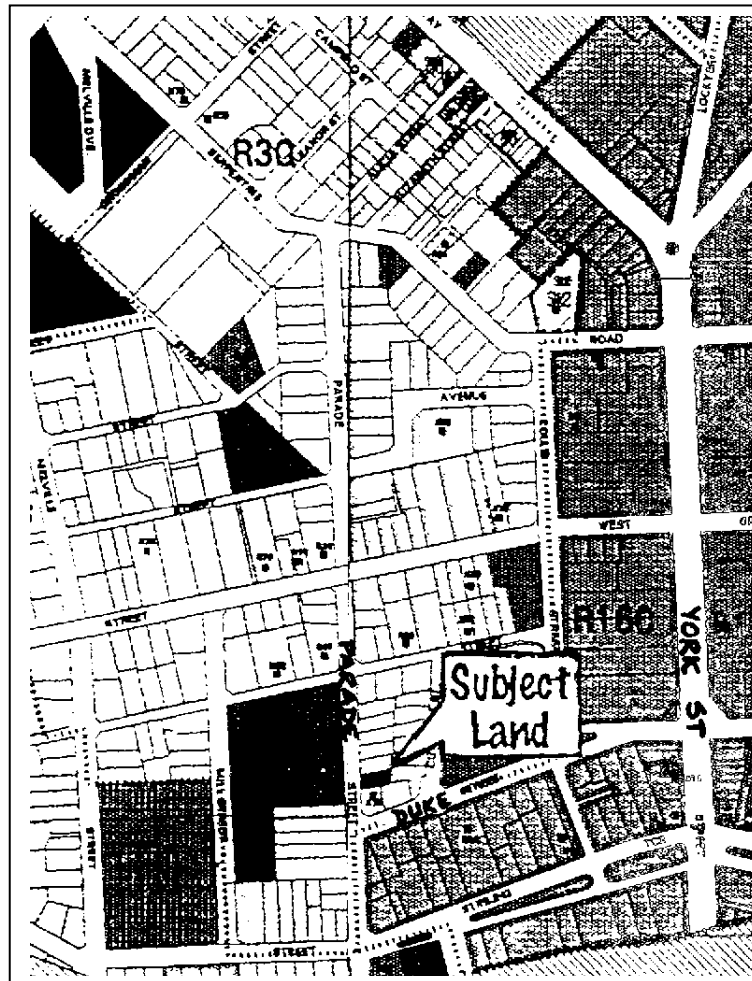
**Owner** : G Walters & S R Howell

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

**Previous Reference** : Nil

**Summary Recommendation:** Approve the Home Occupation with conditions.

**Locality Plan** :



Item 12.1.9 continued

## **BACKGROUND**

1. Council received an application for a Home Occupation (Mail Order Business) from G Walters & S R Howell for their property at 24 Parade Street, Albany.
2. As outlined in the letter accompanying the application, this mail order business is specialised and no physical customer contact would take place at the premises. All contact with clients would be via phone, fax, email and mail.
3. No modifications would be done to the house for this business, with the storage and handling of products being conducted on the kitchen and dining room tables.
4. The property is zoned "Residential" and a Home Occupation is an 'SA' use under Town Planning Scheme 1A. The application requires advertising and the special consent of Council after consideration of submissions. The proposal was advertised for twenty-one days; during which time one submission was received.
5. The surrounding landowners raised no objection to the application.
6. The submission received objected to the application. The major issues raised in this submission are as follows:
  - The belief that there has been prolonged unauthorised sales activity at 24 Parade Street;
  - Advertising in magazines for the business includes name, address and contact phone and fax numbers;
  - The belief that Home Occupations, such as this application are in breach of the Albany Commercial Strategy;
  - That there is ample commercial space available for such businesses;
  - Disadvantages existing commercial operators;
  - The belief that the number and type of items for sale is too many for a mail order business and this suggests that this operation is retail;
  - That the volume of traffic would increase in the area.
7. The submission has been distributed to Councillors under separate cover.
8. Staff inspected the site and reviewed the application with the proponent.

## **STATUTORY REQUIREMENTS**

Nil.

## **POLICY IMPLICATIONS**

Nil.

Item 12.1.9 continued

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC PLAN IMPLICATIONS**

Nil.

### **COMMENT/DISCUSSION**

9. Staff believe, after the site inspection, that this application would have minimal impact on the area.

10. In addressing the concerns that were raised from the opposing submission, it is the council staff's belief that:

- Although the advertising includes street address, business name and contact numbers, no visitation from prospective purchasers would occur. This would also be controlled by a condition that could be placed on the Planning Scheme Consent. If customers did turn up to the site, an approval would require they would be turned away. In regards to providing contact numbers, any increase in use of phone and fax should have very little, if any, impact on the surrounding areas. It is noted that there were no objections from surrounding land owners.
- Under Town Planning Scheme 1A home occupations have the ability to be approved with the special consent of Council.
- In terms of disadvantaging existing commercial operators, this proposal is small scale and does not involve the employment of any staff, apart from the proponents. It could be seen as being a disadvantage to them to force them into a commercial area. Similar operations (eg. Amway, Tupperware, Postie and similar franchises) have been approved in residential areas and, as indicated above, they have the ability to be approved under the scheme.
- There is no limit to the number and variety of items that may be provided via a mail order business and the proponents have indicated that the business is highly specialised and they trade globally. They have little or no local sales.
- The proponent indicated to council staff that there would be minimal use of courier services direct to their residence. The subject property is located in a residential area, close to the Central Area and is also opposite Foundation Park.

11. Issues contained in the objection raised are valid and staff consider they can be effectively addressed or managed via appropriate conditions on a Planning Scheme Consent.

Item 12.1.9 continued

RECOMMENDATION

THAT subject to appropriate conditions being imposed by the Executive Director Development Services, Council grant a Planning Scheme Consent for a “Home Occupation – Mail Order Business” at 24 Parade Street Albany.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT subject to appropriate conditions being imposed by the Executive Director Development Services, Council grant a Planning Scheme Consent for a “Home Occupation – Mail Order Business” at 24 Parade Street Albany.**

**MOTION CARRIED 14 – 0**

Councillor Cecil advised she believed the acceptance of “secret” objections denies the applicants natural justice and undermines the principles of open and accountable government.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR LUBICH**

**THAT the substance of the submission received on this item be tabled.**

**MOTION CARRIED 13 – 1.**

The substance of the submission received is as follows:

- “(i) A prolonged unauthorised sales activity at 24 Parade Street Albany – see “Market Place” magazine February 1999, pages 1, 4, 5, 8, 9, 10, 12, 15, 20, 23, 28, 33, 38, 50, 66, totalling goods of \$20,790 in value, offered for sale. “Market Place” magazine, May 1999, pages 2, 11, 14, 20, 22, 26, 29, 32, 35, 40, 51, 59, 60, 64, 65, totalling goods of \$13,565 in value, offered for sale.

Item 12.1.9. continued.

The grand total for 4 months is \$34,355, which would indicate a well established sales operation and hardly a small, low key mail order scheme.

- (ii) The advertising includes business name, locational street address, phone and fax contacts. Mail order sales should only show business name and a post box contact. Please check 7 examples submitted of key mail order operations. Providing other contact details invites direct customer contact at point of sale – a retail activity.
- (iii) The Albany Commercial Strategy clearly denotes the pattern and controls of commercial activity. I believe that the existing operation at 24 Parade Street, Albany is in clear breach of this strategy and urge Council to enforce compliance.
- (iv) Albany has ample commercial space available for such a commercial operation. The applicant should avail themselves of this opportunity.
- (v) The existing commercial operators in Albany pay:
  - (a) commercial rates/charges
  - (b) insurance
  - (c) leases/rents
  - (d) wages
  - (e) superannuation
  - (f) government costs/charges
  - (g) other outgoings.

Any proposed operation that seeks to operate outside the controls of the Commercial Strategy would gain unfair commercial advantage, as well as breaching planning controls. Council needs to be consistent in applying its by-laws.

- (vi) There is a variety/volume of items offered for sale (as per “Market Place” advertisements) which suggests a retail operation and not just a mail order activity at 24 Parade Street, Albany.
- (vii) The volume of traffic would increase in a residential area due to courier trucks delivering and obtaining goods from 24 Parade Street, Albany. This location is next door to a National Trust listed residence, in a historic precinct.

I urge Council to examine carefully the application for home occupation at 24 Parade Street, Albany, based upon the facts provided. Mail order should be just that – business name and post office box only. The operation at 24 Parade Street appears to be a well organised commercial activity that has been in operation for some time. I look forward to Council making an informed and equitable decision upon this application.”



Sue & George Waller

CITY OF ALBANY RECEIVED		
24 Parade St Albany W.A. 6330		
29 JUL 1999		08 98 421 974
FILE 4107492	CORR NO. 9911963	OFFICER PLAN3
<del>Y/N</del> Y/N	ACKNOWLEDGMENT	CNL/BLTN

City of Albany  
Att: Jon R

We received your form thankyou and have enclosed same.

As discussed with you on the phone, none of the planning or development items are applicable to us, as we are a specialist mail order business.

We have no showroom, ~~not~~ retail outlet, no office.

We do no business in Albany at all. Our business is done by phone/fax which is in our kitchen, we deal mostly with the Eastern States and overseas.

Our purchases come in by Post and after we have sold them over the phone or by mail, they go out by Post.

We do all of our purchasing, writing, packing on our kitchen table and the goods whilst waiting to be sent out are on our dining room table.

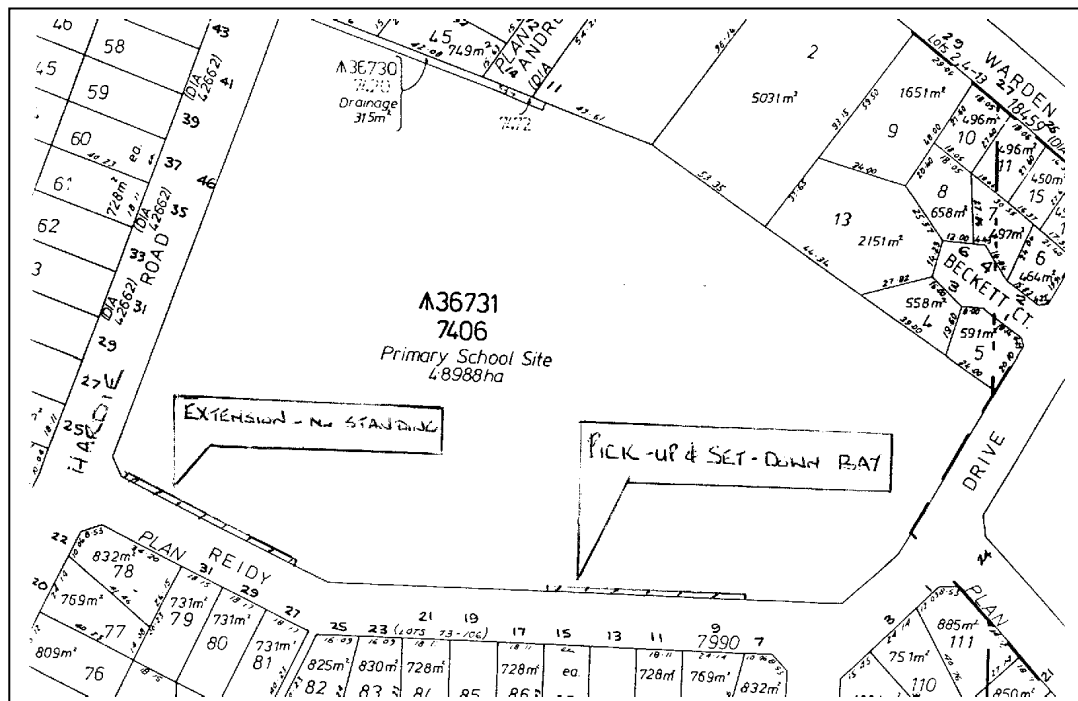
As we are not a retail outlet we have no need of parking space, and to all intents and purposes we are probably one of the quieter houses in the street, simply getting on with our business which interferes with no-one. We simply live in Albany because we enjoy it, we could run our business unobtrusively from any house any where.

Regards Sue & George Waller

**12.2 EDUCATION & COMPLIANCE**

**12.2.1 Parking Facilities – Variation to Restrictions**

- File** : SER044 (Breaksea Ward)
- Proposal/Issue** : Additional parking restrictions.
- Subject Land/Locality** : Reidy Drive, Spencer Park
- Proponent** : Spencer Park Primary School
- Owner** : City of Albany
- Reporting Officer(s)** : Manager – Education & Compliance  
(K Barnett)
- Previous Reference** : Nil
- Summary Recommendation:** Approve the implementation of additional parking restrictions.
- Locality Plan** :





Item 12.2.1 continued

## **BACKGROUND**

1. Council has received a request for an extension of the "No Standing" restriction to the northern side of Reidy Drive, and the installation of "pick-up and set-down" signs to the recently constructed parking bay in the road reserve opposite Lots 87-90 Reidy Drive.

## **STATUTORY REQUIREMENTS**

2. Clause 26 of the City's Parking and Parking Facilities Local Law 1998 stipulates, inter alia:

*"26. The local government may by resolution prohibit or regulate by signs or otherwise the parking and standing of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law."*

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

3. The proposal has not been costed, however Council has an obligation to provide a safe environment for the community.

## **STRATEGIC PLAN IMPLICATIONS**

Nil.

## **COMMENT/DISCUSSION**

4. Parking is currently permitted within the first 48 metres of Reidy Drive, however when vehicles park in this area the road is narrowed substantially making two-way traffic hazardous.
5. In addition, there is a slight bend in the road that restricts visibility ahead and shortens the response time for drivers should a child choose to cross Reidy Drive between the parked cars.
6. An extension of the "No Standing" restriction on the northern side of Reidy Drive will provide a safer environment for the Spencer Park School community, especially before 9.00am and between 3.00 and 4.00pm.
7. The recently constructed bay in the Reidy Drive road reserve requires signage to identify its purpose and to allow Council's Rangers to regulate its use.

Item 12.2.1 continued

RECOMMENDATION

THAT:

- i) Council approves:
  - a) an extension of the "No Standing" restriction to the northern side of Reidy Drive; and
  - b) the installation of pick-up and set-down signs to the recently constructed bay in the Reidy Drive road reserve.
- ii) The restrictions be advertised to the general public.

*Voting Requirement Simple Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WOLFE**

**THAT:**

- i) Council approves:**
  - a) an extension of the "No Standing" restriction to the northern side of Reidy Drive; and**
  - b) the installation of pick-up and set-down signs to the recently constructed bay in the Reidy Drive road reserve.**
- ii) The restrictions be advertised to the general public.**

**MOTION CARRIED 14 – 0**

# **Works & Services**

## **REPORTS**

## 14.1 WASTE MANAGEMENT

### 14.1.1 Evaluation of Future Waste Disposal Sites

<b>File/Ward</b>	:	SER 132 Shire of Plantagenet
<b>Proposal/Issue</b>	:	Formally table BSD Consultants report into feasibility of a developing waste facility at the alternative landfill site
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Works & Services (C Meeking)
<b>Previous Reference</b>	:	OCM 14/04/99 Item 14.1.1 OCM 24/11/98 Item 14.1.1 OCM 24/04/99 Item 14.1.1
<b>Summary Recommendation:</b>		The development of the Great southern Regional Landfill site is considered to be the most beneficial to the City of Albany and the region.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The City of Albany's two major waste disposal sites at Hanrahan Road and Bakers Junction are nearing the end of their lives. A recent survey of the Hanrahan Road Refuse site and Bakers Junction site indicated that they have an expected life expectancy of approximately 6 and 4 years respectively. The City is therefore in the process of assessing its future waste disposal options.

Item 14.1.1 continued

2. Together with the Shires of Plantagenet, Denmark, Cranbrook and Gnowangerup, the City is part owner of Lot 6781, Chillinup Road, South Stirling, referred to as the proposed Great Southern Landfill site. The purchase was made by the former Town of Albany prior to the amalgamation. The former Shire of Albany did not participate in the purchase of the proposed Great Southern Landfill Site, but instead investigated the possible purchase of an alternative site, located 20 to 25 kilometres from the Albany City centre (referred to as the City of Albany Alternative Site), which is significantly closer to the Albany City centre than the proposed Great Southern Landfill Site.
3. The Great Southern Landfill Site has been issued with a works approval from the Department of Environmental Protection.
4. Council at its meeting held on the 28<sup>th</sup> April 1999 resolved:

“THAT:

Council receive and note BSD Consultants recommendations contained in the report for future waste sites; and further meetings are held with the Shires of Plantagenet, Denmark, Cranbrook and Gnowangerup to investigate the creation of a Regional Council:

- i) Council officers prepare a future report to Council detailing the timing and costs to investigate and develop the Alternative Landfill site; and
  - ii) BSD Consultants' recommendations be discussed at the next meeting of the Great Southern Landfill Site Committee”.
5. The initial report from BSD included the following conclusions:

*There are longer term financial advantages to the City of Albany and the Shires of Denmark and Plantagenet (the other two local governments analysed) in developing a regional waste disposal facility at the City of Albany Alternative Site, rather than the proposed Great Southern Landfill Site. Despite the fact that the City of Albany Alternative Sites are more expensive than the proposed Great Southern Landfill Site, its closer proximity to the towns of Albany, Denmark and Mount Barker produces travel cost savings that more than offset the higher purchase price over the life of the site.*

*The City of Albany Alternative Site has 30% more capacity than the proposed Great Southern Landfill Site, even though the capacity of both sites is very large (more than thirty years).*

*The cost savings are such that consideration should be given to the feasibility of developing a regional disposal facility at the City of Albany Alternative Site, rather than the proposed Great Southern landfill Site. Discussions should be held with the other local governments involved in that site to determine their support for such a move. As the City produces approximately 80% of the waste in the region, the position of the City is critical to the viability of a regional facility.*

Item 14.1.1 continued

*Conversely, there are cost advantages to the City in being involved in a regional facility. These could be greater if regional waste collection is introduced.*

*In considering the feasibility of developing the waste facility at the City of Albany alternative landfill site, the following factors should be considered:*

- *The delay in getting an approval for the site, by having to recommence the process;*
- *The need for negotiations with the current owner of the site;*
- *The possible reaction of the local community;*
- *The disposal of the proposed Great Southern Landfill Site and funding for the City of Albany Alternative Site;*
- *The management structure for the site, eg the creation of a Regional Council.*

*If a delay in getting approval for the City of Albany Alternative Site creates a difficulty for one or more of the local governments through a lack of available tip space, existing tips in the region (ie Bakers Junction and Hanrahan Road) could be used to receive their waste during the intervening period. This will have the added advantage of accelerating the filling and closure of these sites.*

*BSD Consultants with regard to future waste disposal site recommend that:*

- a) *The City agrees in principle to joining with the Shires of Plantagenet, Denmark, Cranbrook and Gnowangerup to create a Regional Council to provide waste services.*
  - b) *Consideration be given to including waste disposal and waste collection in the designated functions of the Regional Council, if it is created.*
  - c) *The City commences discussions with the other owners of Lot 6781 Chillinup Road with the view of securing agreement to develop a regional waste disposal facility at City of Albany Alternative Site as an alternative to the proposed Great Southern Landfill Site.*
6. In the interests of genuine and open communication a copy of the BSD report was provided to the Shires of Plantagenet and Denmark as the report recommendations have an effect on the future plans of these two Councils as well as the City of Albany.
  7. The importance of carefully and comprehensively working through the waste disposal issue with Plantagenet and Denmark is obviously linked to the possible establishment of a regional council for all waste management needs.
  8. Also, if we enter into harmonious and mutually agreeable regional waste management arrangements, the benefits will flow to other proposed regional facilities and services, eg the cultural centre and saleyards.
  9. Preliminary discussions were held with representatives from the Shire of Denmark and Plantagenet on the 14<sup>th</sup> April 1999 regarding the BSD report.

Item 14.1.1 continued

10. Council at its meeting held on the 14<sup>th</sup> April 1999 offered the Hanrahan Road and Bakers Junction Refuse sites as alternative landfill sites for the Shires of Denmark and Plantagenet until a regional landfill site is operational.
11. The Shires of Denmark and Plantagenet have agreed to accept Councils offer.
12. Discussions have continued with our neighbouring Councils at the Great Southern Landfill Committee which includes representatives from the Shires of Cranbrook and Gnowangerup.
13. The Executive Director Works and Services presented the report from BSD Consultants regarding the preliminary evaluation of the options for future waste disposal sites.
14. The Great Southern Regional Landfill Site Committee at its meeting on the 29<sup>th</sup> April 1999 resolved; .....not to proceed with the development of the landfill site at this time other than the required fencing and to wait on the outcome of the City of Albany investigation into the alternative site and for this deferral to be current for a period of six months.
15. BSD Consultants prepared a report comparing the proposed waste disposal sites; Great Southern Regional Landfill Site and the City of Albany Alternative Landfill Site at Millbrook Road. The Executive Management Team, when considering the draft report from BSD also considered that the initial Alternative Site at Chester Pass should be analysed (refer attached plan).
16. The BSD report investigates the feasibility of developing the Alternative Landfill site and takes into consideration costs, timing, land acquisition, social issues, investigations, public consultation, licencing DEP and planning

**STATUTORY REQUIREMENT**

Nil.

**POLICY IMPLICATIONS**

17. The City of Albany does not currently have any adopted policies relating to the issue of waste, however, establishing agreements with our neighbouring Councils and the continual review of the collection and disposal services is part of the City of Albany's commitment to improve waste management in the region.

**FINANCIAL IMPLICATIONS**

18. The costs to investigate the Alternative Landfill Site is estimated at \$215,000.

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Item 14.1.1 continued

19. The costs to investigate, develop and utilise the Great Southern Landfill Site and Alternative Landfill sites over a thirty year life are summarised as follows:

Great Southern Landfill Site	\$3,070,000
Alternative Landfill Site (A) *	\$2,200,000
Alternative Landfill Site (B) *	\$2,230,000

Therefore the difference in additional costs is approximately \$870,000 equating to a saving over the thirty years of approximately \$28,900 per annum

- Site (A) \* Millbrook Road
- Site (B) \* Chesterpass Road

### **STRATEGIC PLAN IMPLICATIONS**

20. The City of Albany Strategic Plan 1998 – 2000 under sections Physical and Development Infrastructure and Economic Development states:

#### ***Waste Management***

Objective 1:

Provide, improve and maintain environmentally responsible Waste Management.

Strategy:

- a) Undertake a feasibility study on regional waste management infrastructure needs; and
- b) Development and adopt a waste minimisation strategy.

#### ***Role as a Regional Centre***

Objective 1:

Foster the promotion of Albany as a regional centre.

Strategy:

- a) Continue involvement in the Rainbow Coast Regional Council and the Albany Economic Development Unit.

### **COMMENT/DISCUSSION**

21. The following issues have been analysed to compare the advantages and disadvantages for the development of the Great Southern Landfill Site and the Alternative Landfill sites:

- Ownership
- Purchase Price
- Capacity
- Residual Value
- Distance form Population Centre
- DEP & Planning Approvals
- Upgrading of existing roads
- Support from local residents
- Future population expansion
- Total Costs
- Timing & Resources



## Item 14.1.1 continued

**Ownership**

22. The Proposed Great Southern Landfill Site has been jointly purchased by the City of Albany and the Shires of Plantagenet, Denmark, Cranbrook and Gnowangerup.
23. The City of Albany Alternative Sites are privately owned properties, which are currently used for pastoral purposes and zoned rural.
24. Previous negotiations with the owners of the Alternative Sites have indicated that the sites would cost significantly more than the valuation attained by Council:
- |        |                             |                   |
|--------|-----------------------------|-------------------|
| Site A | owners non-negotiable price | - \$1.5 million   |
|        | valuation                   | - \$1.135 million |
| Site B | owners non-negotiable price | -\$1.8 million    |
|        | valuation                   | - \$834,000       |
25. The acquisition of the sites could be obtained through a negotiated purchase which could take up to 12 months. This process would require significant time from Council officers and it is considered from previous negotiations that it would be highly unlikely that a mutually agreeable price could be negotiated.
26. The alternative is to acquire either site by compulsory acquisition. It is envisaged this process would take up to 15 months and significant Council resources. If the site was acquired through compulsory purchase and the site investigations found that the site was not suitable for use as a landfill site, the property would have to be offered for sale back to the original owner. The acquisition of the site through compulsory purchase may attract adverse reaction from both the community and media.
27. The purchase of the alternative site, through either negotiated or compulsory acquisition is defined as a major land transaction. Under Section 3.59 of the Local Government Act 1995, the local authority is to prepare a business plan before it enters into a major land transaction. The business plan is to give Statewide public notice of the major land transaction, provide a copy of the business plan for inspection and accept submissions about the proposed undertaking for at least 6 weeks.

**Purchase Price**

28. The proposed Great Southern Landfill Site has been purchased for \$230,000.
29. The owners of the Alternative Sites have indicated that they are firm on a non-negotiable price of \$1,500,000 site A and \$1,800,000 site B. The Alternative Sites have been valued at \$1,135,000 and \$834,000. It is considered that the property could be compulsorily purchased for this value plus 15%, ie \$1,305,000 and \$959,100 respectively

Item 14.1.1 continued

### **Capacity**

30. The Proposed Great Southern Landfill Site has an estimated capacity of 3 million cubic metres, consisting of 1 million cubic metres below the existing surface and 2 million cubic metres above the existing surface. However, the capacity of the site could be increased significantly to cater for the regions waste disposal for the next eight years if the adjacent property is purchased.
31. Both City of Albany Alternative Sites have an estimated capacity of 4 million cubic metres.
32. The capacities for the sites were determined as part of the earlier site investigations undertaken for the sites.

### **Residual Value**

33. Upon the completion of landfilling operations, the area of the sites not used for landfilling could be sold and bring a return to the owners. Also to take into account the additional capacity of the City of Albany Alternative Sites, the residual value of the sites has been determined following the tipping of 3 million cubic metres of waste.
34. The current value of the remaining area of the two landsites are:

Great Southern Landfill Site	\$220,000
Alternative Landfill Site (A)	\$795,000
Alternative Landfill Site (B)	\$469,000

### **Distance from Population Centre**

35. The City of Albany is the major population centre of the region, with approximately 80% of the population living in the City.
36. The Proposed Great Southern Landfill Site is located 68 kilometres from the Albany city centre.
37. The City of Albany Alternative Site (A) is located 22 kilometres site B is 18 kilometres from the Albany city centre.

### **DEP & Planning Approvals.**

#### **DEP Approval**

38. Four detailed site investigations and reports on the Proposed Great Southern Landfill Site have been prepared and submitted to the DEP, who have issued a Works Approval for the development of the site.

Item 14.1.1 continued

39. A preliminary site investigation on the potential of the City of Albany Alternative Sites have been prepared. The process of obtaining a Works Approval from the Department of Environmental Protection for these sites would need to be recommenced.
40. The Department of Environmental Protection has verbally indicated to BSD Consultants that it will approve the development of only one major landfill site to service the Great Southern Region. Sufficient investigations of the Proposed Great Landfill Site have been undertaken for the Department of Environmental Protection to issue a Works Approval and the construction works to commence.
41. Under the *Environmental Protection Act 1986*, an approval is required prior to the establishment of a landfill facility. Prior to an approval being granted, the Environmental Protection Authority shall determine the level of assessment for the proposal. The level of assessment is advertised by the Environmental Protection Authority and may be appealed by the public. The Minister for the Environment then considers the appeals and sets the level of assessment.
42. If the proposal does not have significant environment impacts, an informal assessment may be made. This shall involve the Department of Environmental Protection reviewing the documentation submitted by the City in support of its application for a landfill site. The documentation shall consist of the report produced as part of the investigations detailed in Task 1. If the proposal is acceptable, the Department of Environmental Protection shall issue a Works Approval under Part V of the Act, allowing construction to commence, and the Department of Environmental Protection shall determine the conditions of the licence under which the landfill shall operate.
43. The process for informal assessment can take three to six months to complete.
44. However, it is considered that the development of either of the Alternative Landfill Sites is likely to create public concern and a formal assessment maybe required. For this process, formal documentation of the proposal must be prepared and submitted to the Department of Environmental Protection for release and public comment. The City may then prepare a response to the public submissions. The Department of Environmental Protection then considers the proposal, preparing a bulletin which contains recommendations to the Minister for the Environment. There is a period for the public to appeal the recommendations of the Department of Environmental Protection . The Minister then considers the Department of Environmental Protection bulletin and the appeals and, if the proposal is acceptable, grants an approval under Part IV of the Act, often subject to conditions. Following Ministerial approval, a Works Approval will need to be sought under Part V of the Act to allow construction works to commence, and a Licence to enable operations to commence.
45. The process for formal assessment can take twelve months or more to complete.

Item 14.1.1 continued

46. Prior to developing the Alternative Landfill Site planning approval is required. The majority of public concerns would be addressed in obtaining the environmental approval from the Department of Environmental Protection.
47. However, as illustrated by the Tyre Disposal Site public concern and comment may be significant and this process could take up to 3 months.

**Upgrading of Existing Roads**

48. The existing road network providing access to the Proposal Great Southern Landfill Site is of good standard and quality and would require minimal upgrading. However, a good quality access road of some 2 kilometres in length is required to be constructed from the existing public road into the site.
49. The existing road network providing access to the City of Albany Alternative Site (A) is of a lesser standard and quality. Upgrading of a section of the road network would be required to increase the level of safety. An access road of a much shorter length into the site would be required. The road network to access Site B is of good standard and would require minimal upgrading, however an access road would require construction.
50. The costs of the upgrading of existing roads and the construction of access roads would be similar for the two sites.

**Support from Local Residents**

51. The Proposed Great Southern Landfill Site is located well away from any townsites. Concern is raised that the site may be visible from the peaks of the Stirling Ranges.
52. The City of Albany Alternative Sites are also located well away from townsites. However, a greater number of smaller communities and smaller rural properties are located in the vicinity of this site. The increased heavy vehicle traffic that maybe expected from the establishment of a waste disposal site may cause concern among the local communities.
53. However, Council should take into consideration the proposal for a Tyre Disposal Site at Churchlane that attracted significant concerns from abutting owners.

**Future Population Expansion**

54. The Proposed Great Southern Landfill Site is a considerable distance from the Albany city centre and is located in an area that is unlikely to attract many new residents in the foreseeable future.
55. The City of Albany Alternative Sites are located closer to the Albany city centre however the area is likely to attract new residents in the future.

Item 14.1.1 continued

56. The City of Albany Alternative Sites, therefore would be more suited to current development as landfill sites, prior to pressures from residents and developments being maximised. The Proposed Great Southern Landfill Site is suited to development later than the City of Albany Alternative Site, as it is unlikely it will have such pressures, even in the long term future.

**Total Costs**

57. In the report "*City of Albany – Waste Management Services Audit*", prepared by BSD Consultants in March 1999, the transportation costs were calculated for a number of scenarios regarding the Great Southern & Alternative Site (A). A further report was commissioned with regard to Alternative Tip Site (B).
58. The analysis determined the net present value of additional travel costs over a thirty year life of the sites, as well as the value of the Transfer Station and the additional purchase price of the City of Albany Alternative Site.
59. As part of the analysis it has been assumed that the future changes in fuel prices are to match changes in the Consumer Price Index.
60. It should be noted that no consideration of the impacts of the GST were included in this analysis, as at the time of the analysis the GST package regarding Diesel was not known.
61. The cost evaluation using net present values over the 30 year life of the sites include transportation, land purchase and site investigation costs and takes into consideration residual value of the sites.

Great Southern Landfill Site	\$3,070,000
Alternative Landfill Site (A)	\$2,200,000
Alternative Landfill Site (B)	\$2,230,000

Therefore the difference in additional cost is approximately \$870,000 equating to a saving over thirty years of approximately \$28,900 per annum.

**Timing & Resources**

62. As mentioned previously works approval has been issued from the DEP for the Great Southern Landfill Site.
63. It is estimated that it could take up to 22 months (negotiated purchase) or 31 months (compulsory purchase) to obtain a works approval for the Alternative Landfill Site (refer attached graphs).
64. It is estimated that it will cost approximately \$215,000 and will require senior officers and consultants to obtain the relevant approvals and prepare the design and contract documentation.

Item 14.1.1 continued

65. The Waste Advisory Committee held a special meeting on the 6<sup>th</sup> October 1999, to evaluate the Regional Tip Sites. Following consideration of the Report from BSD and the briefing from the Executive Director Works & Services the committee recommendation to Council is:

That the Waste Advisory Committee view the Great Southern Regional Landfill Site as the preferred site.

Moved: Maurice McCormak  
Carried: John Blaney-Murphy

66. The Major reasons for the Waste Advisory Committees recommendation are:
- The close proximity of water catchments to the Alternative Tip Sites.
  - The cost of the land for the Alternative Sites.
  - Compulsory acquisition should be avoided.
  - The alternative sites are located in good grazing country
  - If the regional tip was located at one of the Alternative Sites the land would only be suitable for grazing in the future.
  - Time to develop the alternative sites.
  - The close proximity of the Alternative Sites may discourage recycling
  - The Great Southern Regional Landfill site has average annual rainfall of 18 inches compared to 30 for the alternative sites.

### Summary

67. Please refer to the attached table:

With regard to the Consultants report and Waste Advisory Committees recommendation, it is considered that the development of the Great Southern Regional Landfill Site would be the most beneficial to the City of Albany and the region. It is considered that the development of a tip at one of the Alternative Sites is not appropriate for the following reasons:

- Would require significant time and officer resources to undertake further testing and obtaining of licences.
  - Environmental – close proximity to river catchments.
  - Close proximity to future development.
  - Require compulsory acquisition of site.
68. Although the Millbrook Site is less expensive (\$28,900 per annum) the Great Southern Regional Landfill Site is considered the most beneficial:
- As the site has a Department of Environmental Protection works approval to enable development to commence immediately.
  - Will encourage a Regional approach to Waste management.
  - Will encourage recycling.

Item 14.1.1 continued

RECOMMENDATION

THAT Council:

- i) notes and receives the report from BSD Consultants regarding the City of Albany Alternative Site for Waste Disposal;
- ii) considers the development of Great Southern Regional Landfill Site to be the most beneficial to the City of Albany and the Region; and
- iii) notifies the Great Southern Regional Landfill Committee of its decision.

*Voting Requirement Simple Majority*

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The Executive Director Works & Services advised the reference to “eight” years in paragraph 30 of the Officer report should be amended to read “eighty”.

Councillor Lubich excused himself and left the Chambers at 8:55pm.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BOJCUN**

**THAT Council:**

- i) notes and receives the report from BSD Consultants regarding the City of Albany Alternative Site for Waste Disposal;**
- ii) considers the development of Great Southern Regional Landfill Site to be the most beneficial to the City of Albany and the Region; and**
- iii) notifies the Great Southern Regional Landfill Committee of its decision.**

**MOTION CARRIED 13 – 0**

	The Proposed Great Southern Landfill Site	The City of Albany Alternative Site (A)	The City of Albany Alternative Site (B)
<b>Ownership</b>	Jointly owned by the City of Albany and the Shires of Plantagenet, Denmark, Cranbrook and Gnowangerup.	Privately owned property used for pastoral purposes.	Privately owned property used for pastoral purposes
<i>Comment: 12 – 15 months will be required for the City of Albany Alternative Site to be purchased.</i>			
<b>Purchase Price</b>	\$230,000	Owners set a non-negotiable price of \$1.5 million. Property valued at \$1.135 million. Property could be compulsorily purchased for valued price + 15% (ie \$1,305 million).	Owners set a non negotiable price of \$1.8 million. Property valued at \$834,000. Property could be compulsorily purchased for valued price + 15% (ie \$959,100)
<i>Comment: The City of Albany Alternative Sites are considerably more expensive to purchase and the current owners maybe unwilling to sell either of the properties. A business plan for the major land transaction will be required for the purchase of the other Alternative Site.</i>			
<b>Capacity</b>	3,000,000 m <sup>3</sup>	4,000,000 m <sup>3</sup>	4,000,000m <sup>3</sup>
<i>Comment: The City of Albany Alternative has a significantly more capacity.</i>			
<b>Residual Value</b>	\$220,000	\$795,000	\$469,000
<i>Comment: The City of Albany Alternative Site (A) has a significantly higher residual value.</i>			
<b>Distance From Population Centre</b>	68 kms from Albany city centre.	22 kms from Albany city centre.	18 kms
<i>Comment: The City of Albany Alternative Sites are significantly closer to the Albany city centre.</i>			
<b>Approval from DEP</b>	Site investigations undertaken and submitted to DEP, who have issued a Works Approval.	Preliminary site investigation undertaken.	Preliminary site investigation undertaken
<i>Comment: The City of Albany Alternative Sites require detailed site investigations to be undertaken taking between 3 – 12 months.</i>			
<b>Upgrading of Existing Roads</b>	Existing roads of good quality, but 2 km of access road required.	Some upgrading may be required, but access road of 1km required.	Existing roads of good quality. Access track of 1.5km required.
<i>Comment: The scope of roadworks required is similar for each of the sites.</i>			
<b>Support from Local Residents</b>	Located well away from townships, but may be visible from peaks of Stirling Ranges.	Located well away from townships, but townships are in the vicinity. Potential future development adjacent to site	. Located well away from townships, but townships are in the vicinity. Potential future development adjacent to site
<i>Comment: All sites are located well away from townships however, recent proposals similar to the landfill site have attracted adverse comments from abating landowners.</i>			
<b>Future Population Expansion</b>	Unlikely to attract new residents in the foreseeable future.	More likely to attract new residents in the foreseeable future.	More likely to attract new residents in the foreseeable future.
<i>Comment: With the expected increase in population around the Albany city centre, the City of Albany Alternative Sites are more suited to current rather than future development.</i>			
<b>Total Costs</b>	\$3,070,000	\$2,200,000	\$2,230,00
<i>Comment: The City of Albany Alternative Site (A) is less expensive, over the 30 year period, \$870,000 (\$23,900 per annum).</i>			
<b>Timing &amp; Resources</b>	Works approval has been issued.	To obtain works approval will require between 22 and 31 months and significant senior officer time.	To obtain works approval will require between 22 and 31 months and significant senior officer time.









**14.2 DESIGN SERVICES**

Nil

### **14.3 OPERATIONS**

#### **14.3.1 Special Roads Program - Rural Drainage, Urban Roads, Rural Road Maintenance**

<b>File/Ward</b>	:	SER 076, FIN 049 West, Kalgan & Hassell Wards
<b>Proposal/Issue</b>	:	Special Rural Drainage Program
<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>	:	Budget Meeting 18th August 1999
<b>Summary Recommendation:</b>		Approve suggested program.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Council at the special budget meeting provided additional funds for a Program covering three areas namely; an Urban Road Program; a Drainage Program and a Rural Road Maintenance Program.
2. This brief is for Council to consider and adopt a suggested schedule for each of the Programs listed below for the funds allocated in the budget and arrange for the works to be completed as scheduled.

#### **STATUTORY REQUIREMENTS**

3. Council adopted its budget on the 18th August 1999 and included an allocation for special programs which were subject to a further report and adoption by council.

#### **POLICY IMPLICATIONS**

4. Provision of resources for asset preservation works is part of the City of Albany's commitment to provide a safe, effective, utilisation of the road network.

Item 14.3.1 continued

### **FINANCIAL IMPLICATIONS**

5. The additional funds were provided in part by lessening the rate differential between the pre-amalgamated councils. These funds are split into the areas from which the rates are raised, namely:
- |      |                       |           |
|------|-----------------------|-----------|
| -GRV | -Urban Road           | \$67,475  |
| -UV  | -Drainage             | \$100,000 |
| -UV  | -Rural Rd Maintenance | \$24,264  |

### **STRATEGIC PLAN IMPLICATIONS**

6. The City of Albany Strategic Plan 1998-2000 under the sections dealing with **Physical and Development Infrastructure** and **Local Government Operations** states:

#### **Drainage**

##### *Objective 1:*

Develop and maintain urban and rural drainage infrastructure.

##### *Strategy:*

Develop a stormwater drainage management plan recognising appropriate design standards.

#### **The Transport System**

##### *Objective 1:*

Ensure transport infrastructure is planned and intergrated on a local and regional basis, and with balance and co-ordination between alternative modes of transport.

##### *Strategy:*

- a) Provide safe access to all properties and facilities of an appropriate scale and standard for the function of the road, path or cycleway.
- b) Kerb and drain road within existing developed urban areas.

#### **Asset Management**

##### *Objective 1:*

Responsibly manage Council's physical assets.

##### *Strategy:*

- a) Regularly assess Council's physical assets in the light of Council's objectives.
- b) Ensure that options and opportunities for the best use or return of Council's assets are developed.

### **COMMENT/DISCUSSION**

#### **7. Special Rural Drainage Program**

The following criteria were used as a means of prioritising roads that:

- suffer from bad drainage
- are subject to flooding, and
- present a hazard to traffic with high speed limits.

Item 14.3.1 continued

8. **Lower Denmark Road** has the largest priority with the following works required:

- a) Straight Line Kilometres 13.25-14.57 -clean out north side verge drain only
- b) Straight Line Kilometres 13.22 and Straight Line Kilometres 13.32 increase existing culverts to 1200 x 600 box culvertS
- c) Straight Line Kilometres 15.75 – 16.12 -clean out north side only verge drain only
- d) Straight Line Kilometres 16.12 -clean out culvert drain distance of 20m on downstream side from road.
- e) Straight Line Kilometres 16.16 – 17.50 -clean out north side only verge drain only
- f) Straight Line Kilometres 16.16 increase culvert size under driveway on north side of road to 450mm dia
- g) Straight Line Kilometres 16.26 –replace twin 375mm dia with 1200 x 600 box culvert
- h) Straight Line Kilometres 16.45 –replace existing twin 375mm dia with 1200 x 450 box and upgrade culvert under driveway
- i) Straight Line Kilometres 16.86 –replace existing twin 375mm dia with 1200 x 450 box culvert
- j) Straight Line Kilometres 29.19 –replace existing 600 mm dia culvert
- k) Straight Line Kilometres 30.36 –(Tennessee South Intersection) Upgrade existing culvert
- l) Straight Line Kilometres 33.25 – 34.31 -clean out south-west side road verge drain
- m) Straight Line Kilometres 33.25 –upgrade culvert to next size
- n) Straight Line Kilometres 34.31 –clean out existing culvert.

9. **Dawson Road**

- a) Straight Line Kilometres 0.3 - 0.65 -clean out verge drain on both sides of road
- b) Straight Line Kilometres 0.65 -install new culvert crossing

10. **Thomas Road**

- a) Straight Line Kilometres 3.30 - 4.17 -(from Bird Rd to Meanwood Rd) clean out verge drain on both sides
- b) Straight Line Kilometres 3.30 upgrade existing culvert
- c) Straight Line Kilometres 3.43 – 4.17 -clean out west side verge drain only.

11. It is proposed that these works will be put to tender after being approved by Council. It will be the responsibility of the contractor to carry out all works associated with the program including excavating and disposing of all material from the drains and supplying of all materials in upgrading culverts as scheduled.

Item 14.3.1 continued

**12. Special Urban Road Program**

The funding for this program is relatively small when considering urban road works. A number of factors were used in putting together a program for Council's consideration:

- the program should have a high profile (get the best impact); and
- improve the overall standard of the road network.

13. To be effective officers believe that this be staged over two years. The first stage is to kerb a number of streets that have no kerbing, or the kerbing is in various stages of disrepair, vertical alignment and contribute little to urban drainage solution. The second stage is to program asphalt in these streets in the following year to remove any surface irregularities and provide a final wear coarse. The roads are badly out of shape and haven't been resurfaced since construction. It is hoped that this will be an ongoing program for all the fringe (former Shire) urban areas

14. The suggested roads are essentially those that service Flinders Park School or serve as a collector roads in the Bayonet Head area.

15. Stage 1 (1999/2000 financial year)

Lange St	-kerb both sides	\$8400
Yatana Rd	-kerb both sides	\$32600
Kuranup Rd	-kerb one side	\$5000
Thistle St	-kerb one side	\$2000
Meananger Cres	-replace kerb b/s	<u>\$19475</u>
		<u>\$67475</u>

16. Stage 2 (2000/2001 financial year).

Asphalt above roads including Taylor Street at an estimated cost of \$170,000.

17. The Stage 1 works would principally be undertaken by Council's day labour workforce. Stage 2 Will be wholly undertaken by contract.

**18. Special Rural Road Maintenance Program**

The amount budgeted for this program is \$24,264. It was allocated as a means to bring forward a maintenance project. It is recommended to Council that these funds be allocated to Millbrook Road. An amount of \$95,000 has been allocated in this years budget. However, this is only going to be the first stage and additional funding will be required for this road in next years budget. Works proposed for Millbrook Road is to carry out pavement stabilisation, some gravel sheeting and resealing. Some of the verge drainage needs to be lowered also in order to minimise the road failures that are presently being experienced on this road. The additional funding will allow more work to be completed now.



Item 14.3.1 continued

RECOMMENDATION

THAT Council adopts the following program of works:

1. Special Drainage Works Program (in order of priority) up to a maximum amount of \$100,000.

Lower Denmark Road

- a) Straight Line Kilometres 13.25-14.57 -clean out north side verge drain only
- b) Straight Line Kilometres 13.22 and Straight Line Kilometres 13.32 increase existing culverts to 1200 x 600 box culverts
- c) Straight Line Kilometres 15.75 – 16.12 -clean out north side only verge drain only
- d) Straight Line Kilometres 16.12 -clean out culvert drain distance of 20m on downstream side from road.
- e) Straight Line Kilometres 16.16 – 17.50 -clean out north side only verge drain only
- f) Straight Line Kilometres 16.16 increase culvert size under driveway on north side of road to 450mm dia
- g) Straight Line Kilometres 16.26 –replace twin 375mm dia with 1200 x 600 box culvert
- h) Straight Line Kilometres 16.45 –replace existing twin 375mm dia with 1200 x 450 box and upgrade culvert under driveway
- i) Straight Line Kilometres 16.86 –replace existing twin 375mm dia with 1200 x 450 box culvert
- j) Straight Line Kilometres 29.19 –replace existing 600 mm dia culvert
- k) Straight Line Kilometres 30.36 –(Tennessee South Intersection) Upgrade existing culvert
- l) Straight Line Kilometres 33.25 – 34.31 -clean out south-west side road verge drain
- m) Straight Line Kilometres 33.25 –upgrade culvert to next size
- n) Straight Line Kilometres 34.31 –clean out existing culvert.

Dawson Road

- a) Straight Line Kilometres 0.3 - 0.65 -clean out verge drain on both sides of road
- b) Straight Line Kilometres 0.65 -install new culvert crossing

Thomas Road

- a) Straight Line Kilometres 3.30 - 4.17 -(from Bird Rd to Meanwood Rd) clean out verge drain on both sides
- b) Straight Line Kilometres 3.30 upgrade existing culvert
- c) Straight Line Kilometres 3.43 – 4.17 -clean out west side verge drain only

Item 14.3.1 continued

2. Special Urban Roadworks Program.

Lange St	- kerb both sides	\$8400
Yatana Rd	- kerb both sides	\$32600
Kuranup Rd	- kerb one side	\$5000
Thistle St	- kerb one side	\$2000
Meananger Cres	- replace kerb both sides	<u>\$19475</u>
		<u>\$67475</u>

3. Special Rural Road Maintenance Program, Millbrook Road – pavement stabilisation, verge drainage \$24,264.

*Voting Requirement Simple Majority*

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Councillor Lubich returned to the Chambers at 9:00pm.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR CECIL**

**THAT Council adopts the following program of works:**

**1. Special Drainage Works Program (in order of priority) up to a maximum amount of \$100,000.**

**Lower Denmark Road**

- a) **Straight Line Kilometres 13.25-14.57 -clean out north side verge drain only**
- b) **Straight Line Kilometres 13.22 and Straight Line Kilometres 13.32 increase existing culverts to 1200 x 600 box culverts**
- c) **Straight Line Kilometres 15.75 – 16.12 -clean out north side only verge drain only**
- d) **Straight Line Kilometres 16.12 -clean out culvert drain distance of 20m on downstream side from road.**
- e) **Straight Line Kilometres 16.16 – 17.50 -clean out north side only verge drain only**
- f) **Straight Line Kilometres 16.16 increase culvert size under driveway on north side of road to 450mm dia**
- g) **Straight Line Kilometres 16.26 –replace twin 375mm dia with 1200 x 600 box culvert**
- h) **Straight Line Kilometres 16.45 –replace existing twin 375mm dia with 1200 x 450 box and upgrade culvert under driveway**

**Continued over page.....**

Item 14.3.1. continued.

- i) **Straight Line Kilometres 16.86 –replace existing twin 375mm dia with 1200 x 450 box culvert**
- j) **Straight Line Kilometres 29.19 – replace existing 600 mm dia culvert**
- k) **Straight Line Kilometres 30.36 –(Tennessee South Intersection) Upgrade existing culvert**
- l) **Straight Line Kilometres 33.25 – 34.31 -clean out south-west side road verge drain**
- m) **Straight Line Kilometres 33.25 –upgrade culvert to next size**
- n) **Straight Line Kilometres 34.31 –clean out existing culvert.**

**Dawson Road**

- a) **Straight Line Kilometres 0.3 - 0.65 -clean out verge drain on both sides of road**
- b) **Straight Line Kilometres 0.65 -install new culvert crossing**

**Thomas Road**

- a) **Straight Line Kilometres 3.30 - 4.17 -(from Bird Rd to Meanwood Rd) clean out verge drain on both sides**
- b) **Straight Line Kilometres 3.30 upgrade existing culvert**
- c) **Straight Line Kilometres 3.43 – 4.17 -clean out west side verge drain only**

**2. Special Urban Roadworks Program.**

<b>Lange St</b>	<b>- kerb both sides</b>	<b>\$8400</b>
<b>Yatana Rd</b>	<b>- kerb both sides</b>	<b>\$32600</b>
<b>Kuranup Rd</b>	<b>- kerb one side</b>	<b>\$5000</b>
<b>Thistle St</b>	<b>- kerb one side</b>	<b>\$2000</b>
<b>Meananger Cres</b>	<b>- replace kerb both sides</b>	<b><u>\$19475</u></b>
		<b><u>\$67475</u></b>

**3. Special Rural Road Maintenance Program, Millbrook Road – pavement stabilisation, verge drainage \$24,264.**

**MOTION CARRIED 10 – 4**

# **Corporate & Community Services**

## **REPORTS**

**13.1 FINANCE**

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

<b>File</b>	:	FIN022
<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>	:	N/A
<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			
7782 – 8284	totalling		788,870.27
Municipal Fund Direct Debits			
Investments	totalling	3,050,000.00	
Payroll Vouchers	totalling	547,432.25	
Loan Repayments	totalling	16,845.42	
Other Direct Debits	totalling	366.00	
<b>Total Municipal Fund</b>			<b><u>4,403,513.94</u></b>
Trust Fund Vouchers			
46	totalling		5,000.00
Trust Fund Direct Debits	totalling		
<b>Total Trust Fund</b>			<b><u>5,000.00</u></b>
<b>TOTAL</b>			<b><u>4,408,513.94</u></b>

**RECOMMENDATION**

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

Municipal Fund	totalling	\$4,403,513.94
Trust Fund	totalling	\$ <u>5,000.00</u>
<b>Total</b>		<b><u>\$4,408,513.94</u></b>

*Voting Requirement Simple Majority*

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Item 13.1.1. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR LUBICH**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$4,403,513.94</b>
<b>Trust Fund</b>	<b>totalling</b>	<b><u>\$ 5,000.00</u></b>
<b>Total</b>		<b><u>\$4,408,513.94</u></b>

**MOTION CARRIED 14 – 0**

### 13.1.2 First Quarter 1999/2000 Budget Review

<b>File</b>	:	FIN047
<b>Proposal/Issue</b>	:	Council requested to adopt the First Quarter Review
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager – Finance (S Goodman)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council adopt the First Quarter Review

#### BACKGROUND

1. Council Officers have reviewed the quarterly operating results for their areas and identified anticipated variances in the full year results. The summary indicates no significant total variance from the adopted budget.

#### STATUTORY REQUIREMENTS

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

Clause 35 of the Local Government (Financial Management) Regulations 1996 states:

*“(1) A quarterly report is to be in a form which sets out:*

- a) The annual budget estimates; and*
- b) The operating revenue, operating income, and all other income & expenses*
- c) Identifies any significant variations between the year to date areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year;”*

#### POLICY IMPLICATIONS

Nil.

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Item 13.1.2 continued.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC PLAN IMPLICATIONS**

Nil.

**COMMENT/DISCUSSION**

3. A summary of the reallocations which have been approved in Council meetings from 1<sup>st</sup> July 1999 to 5<sup>th</sup> October 1999, together with additional reallocations requested by Council Officers is included in the Elected Members' Report / Information Bulletin.
4. A request for reconsideration of the decision to decline funding under Council's Financial Assistance Programme for 1999/2000 was received from the St John Ambulance Brigade. An undertaking was given to consider such a request if Council were showing a surplus in the first quarter review. There is no such surplus, and Council Officers recommend that the original decision be upheld.

**RECOMMENDATION**

THAT Council adopt the First Quarter 1999/2000 review.

*Voting Requirement Absolute Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR BOJCUN**

**THAT this matter lay on the table for 3 weeks until the next Ordinary Council meeting so Councillors can be briefed on the Quarterly Review.**

**MOTION CARRIED 14 – 0**



## 13.2 ADMINISTRATION

### 13.2.1 Council Meeting Arrangements – Christmas & New Year Period

<b>File</b>	:	MAN006
<b>Proposal/Issue</b>	:	Council meeting arrangements – Christmas/New Year period.
<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 24/08/99 – Item 13.2.2
<b>Summary Recommendation</b>	:	The Council Meeting scheduled for the 7 <sup>th</sup> December 1999 be re-scheduled on 14 <sup>th</sup> December 1999 and the meeting scheduled for 28 <sup>th</sup> December 1999 be cancelled.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. Ordinary meetings of Council are currently being held on every third Tuesday commencing at 7.30pm at the Mercer Road Administration Centre.
2. In accordance with the present meeting schedule, meetings are scheduled during the December/January period as follows:-
  - 7<sup>th</sup> December 1999
  - 28<sup>th</sup> December 1999
  - 18<sup>th</sup> January 2000
3. As the meeting scheduled for 28<sup>th</sup> December 1999 falls on a public holiday consideration needs to be given to alternative meeting arrangements during the period December 1999/ January 2000.

Item 13.2.1 continued.

### **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 at least once each year 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 the conduct of meetings, voting requirements, quorums, establishing committees etc.

### **POLICY IMPLICATIONS**

7. There are no existing policies of specific relevance to this item.

### **FINANCIAL IMPLICATIONS**

8. The 1999/2000 Budget provides for the necessary expenses for the conduct of Council meetings and if the recommendation is adopted by Council some savings will be made.

### **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 and all other relevant legislation.
  - b) Establish effective two way communication between Council, residents and other stakeholders.

### **COMMENT/DISCUSSION**

10. Both the former Town and Shire of Albany were also required to consider such a problem in the past, with the former Shire resolving to shift meetings to alternative dates and the former Town cancelling meetings scheduled for early January.
11. It is suggested that the meeting scheduled for 7<sup>th</sup> December, be deferred to the 14<sup>th</sup> December and the meeting scheduled for 28<sup>th</sup> December be cancelled.
12. Meetings would then be held as follows:
  - 16<sup>th</sup> November 1999 (scheduled date)
  - 14<sup>th</sup> December 1999 (re-scheduled)
  - 18<sup>th</sup> January 2000 (scheduled date)

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Item 13.2.1 continued.

13. This will result in a period of 4 weeks between the meeting to be held on 16<sup>th</sup> November and the meeting proposed for 14<sup>th</sup> December and a period of 5 weeks between the meeting proposed for 14<sup>th</sup> December and the meeting to be held on 18<sup>th</sup> January 2000.

RECOMMENDATION

THAT the Ordinary Council Meeting scheduled for 7<sup>th</sup> December 1999 be rescheduled to 14<sup>th</sup> December and the Ordinary Council Meeting scheduled for 28<sup>th</sup> December 1999 be cancelled.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

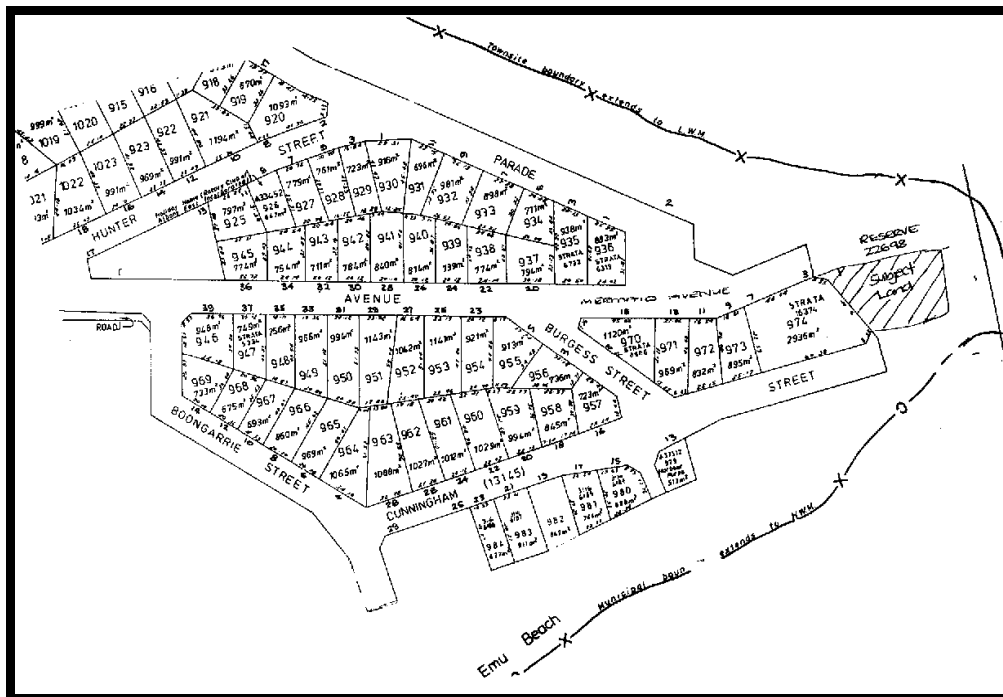
**MOVED COUNCILOR WALKER  
SECONDED COUNCILLOR LUBICH**

**THAT the Ordinary Council Meeting scheduled for 7<sup>th</sup> December 1999 be rescheduled to 14<sup>th</sup> December and the Ordinary Council Meeting scheduled for 28<sup>th</sup> December 1999 be cancelled.**

**MOTION CARRIED 14 – 0**

**13.2.2 Request for Assignment of Sub-Lease – Portion of Reserve 22698 – Cravings Restaurant**

<b>File &amp; Ward</b>	:	A152433/PRO055 – Breaksea
<b>Proposal/Issue</b>	:	Assignment of Sub-Lease
<b>Subject Land</b>	:	Portion of Reserve 22698
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	Crown Land under Management Order to City of Albany
<b>Reporting Officer</b>	:	Administration Officer (L Fregard) Manager Administration (R Boardley)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Approve Application for Assignment of the sub-lease and granting of additional term of three years.
<b>Locality Plan</b>	:	



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Item 13.2.2 continued.

### **BACKGROUND**

1. Reserve 22698 situated at Emu Point, has a management order to the City of Albany for the purpose of "Recreation and Associated Business Purposes" and subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, Council can lease the whole or any portion thereof for any term not exceeding 21 years.
2. NP and CJ Gray are the current sub-leasees of the restaurant known as "Cravings Waterfront Bistro" and the adjoining ablution block situated on a portion of Reserve 22698. This sub lease is for a 3 year period to 1 July 2000 with a further 3 year option until 30 June 2003. The head lease is held by Walker Paddon Pty Ltd and Vally Pty Ltd and expires on 14 December 2013.

### **STATUTORY REQUIREMENTS**

3. Approval of the Minister for Lands is required for the assignment of sub-lease, of which an application has been submitted.

### **POLICY IMPLICATIONS**

4. No policy currently in place on this subject.

### **FINANCIAL IMPLICATIONS**

5. Council at present receives \$1,050.00 per annum in rent, subject to movements in CPI at 5 year intervals. All cost for the preparation of the lease are to be borne by the applicant.

### **STRATEGIC IMPLICATIONS**

6. This request complies with Council's Strategic plan for 1998-2000, which in part states as follows:-

*"Help create an investment climate and social infrastructure which attracts new business and encourages existing businesses to expand".*

### **COMMENT/DISCUSSION**

7. Council has received correspondence from Wellington and Reeves, Real Estate advising that Cravings Restaurant is currently under offer and the intending purchasers are Jun Fujiki and Swan Prince Pty Ltd as trustee for the Nakada Restaurant Trust. The settlement date is 29<sup>th</sup> October 1999.
8. The intending purchasers have requested an assignment of the sub-lease as well as an additional option of a further 3 year term from 1<sup>st</sup> July 2003 to 30<sup>th</sup> June 2006.

Item 13.2.2 continued.

9. It is considered that the assignment of the sub-lease should be approved.
10. As the head lease does not expire until 14 December 2013, the request for an additional three year option should also be approved as this has no impact on any possible future use of the Reserve beyond the present term of the lease.

RECOMMENDATION

THAT:-

- i) Subject to Ministerial approval being granted, Council approve an assignment of the sub-lease on the premises known as Cravings Waterfront Bistro, from NP and CJ Gray to Jun Fujiki and Swan Prince Pty Ltd and trustee for the Nakada Restaurant Trust, effective from the date of settlement – 29th October 1999.
- ii) Council approve the request for an additional option of a further three year term from 1 July 2003 to 30 June 2006.
- iii) All legal fees and costs associated with the assignment of the sub lease be borne by the assignee
- iv) The Common Seal of the City of Albany be affixed to the assignment documentation.

*Voting Requirement Simple Majority*

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR WILLIAMS**

**THAT:-**

- i) Subject to Ministerial approval being granted, Council approve an assignment of the sub-lease on the premises known as Cravings Waterfront Bistro, from NP and CJ Gray to Jun Fujiki and Swan Prince Pty Ltd and trustee for the Nakada Restaurant Trust, effective from the date of settlement – 29th October 1999.**
- ii) Council approve the request for an additional option of a further three year term from 1 July 2003 to 30 June 2006.**
- iii) All legal fees and costs associated with the assignment of the sub lease be borne by the assignee**
- iv) The Common Seal of the City of Albany be affixed to the assignment documentation.**

**MOTION CARRIED 14 - 0**

### 13.2.3 Vancouver Arts Centre Operations

<b>File</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>	:	OCM 04/08/99 – Item 13.2.8
<b>Summary Recommendation</b>	:	Council support ‘in principle’ the continuation of the Vancouver Arts Centre as a Arts and Craft centre as from 1 <sup>st</sup> January 2000.
<b>Locality Plan</b>	:	Nil.

#### BACKGROUND

1. The Albany Arts Council has advised that at its meeting on September 7, the following resolutions were adopted:-
  - the Albany Arts Council immediately commence winding down the operations of the Vancouver Arts Centre, closing the doors no later than December 31<sup>st</sup>, 1999; and
  - the Albany Arts Council request the City of Albany to accept the Surrender of the Lease of the Vancouver Arts Centre as from January 1<sup>st</sup>, 2000.
2. These resolutions were presented to a Special Members Meeting on September 9<sup>th</sup>, 1999 and endorsed by a full quorum of members as required by the Constitution.
3. An additional resolution passed at the same meeting was authority to sell all assets at the Vancouver Arts Centre (as necessary) to ensure all debts are met.
4. The Albany Arts Council is keen to learn of the City’s decision in relation to:
  - whether the City is interested in acquiring the assets.
5. The Albany Arts Council has provided an inventory of all equipment and assets. There is, however, some conjecture as to the ownership of particular items.

Item 13.2.3 continued.

### **STATUTORY REQUIPMENTS**

6. The lease of the Vancouver Arts Centre expires on 30<sup>th</sup> November 2000.
7. The purpose of the lease is an “Arts and Crafts Centre” and the premises may not be used for any other purpose without the prior consent of the lessor.
8. The options therefore available for Council are:
  - Close the premises;
  - Continue to operate the premises as an Arts & Crafts Centre; and
  - Seek the appropriate approval to use the building for a different purpose.

### **POLICY IIMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

9. Council’s budget provided for the management of Council’s Community Arts Program, and a provisional sum towards the maintenance of the building, noting that a maintenance program is to be developed and implemented by Council on a planned basis.
10. No provision has been included for the acquisition of assets, or for any possible additional operating costs, and these would have to be the subject of a reallocation at a future time should Council decide to progress in this manner.
11. Due to the proposed winding down by 31<sup>st</sup> December, the Community Arts Program has been reviewed with the overall objective of maintaining continuity of the program. In this regard, the following changes have been initiated:
  - Albany Art Prize – registrations of interest to be invited to maintain continuity;
  - Sculpture By the Sea – preliminary work has been rescheduled for the first half of 2000 to maintain continuity;
  - Photographic Exhibition – discontinued; and
  - Youth Program – cancelled.

### **COMMENT/DISCUSSION**

12. Through its Ordinary Council Meeting on 4<sup>th</sup> August 1999, Council adopted a number of recommendations aimed at assisting the Albany Arts Council.
13. These recommendations were supported by the Albany Arts Council and agreed to ‘in principle’.
14. In relation to the request, a recommendation to agree to the surrender of the lease has previously been agreed to by Council.



Item 13.2.3 continued.

15. The most pressing issue is the future use of the building.
16. Discussions have been held with the Chief Executive Officer, Country Arts, in relation to options which may be available to continue the operation of the Centre as an arts and crafts centre into the future.
17. The preferred model would be the establishment of a community based centre, involving the creation of an arts advisory committee, supported by the appointment of a part time administration officer, with a background in the Arts.
18. Should Council agree 'in principle' to the continued operation of the Centre as a arts and crafts centre from 1<sup>st</sup> January 2000, it would be necessary to:-
  - Further develop the above model including the terms of reference and membership of the proposed arts advisory committee;
  - Develop financial reporting mechanisms and controls including budgets, balance sheets, operating income and expenditure reports, together with a proposed budget for the period 1<sup>st</sup> January 2000 to 30<sup>th</sup> June 2000.
  - Develop a funding submission for Country Arts, incorporating a 12 month program;
  - Liaise with the Albany Arts Council in relation to the possible acquisition of the Albany Arts Council assets; and
  - Request government to issue a Management order in respect of the property in favour of the City of Albany.

#### RECOMMENDATION

THAT:

- i) Council agree 'in principle' to the continuation of the Vancouver Arts Centre as an arts and crafts centre as from 1<sup>st</sup> January 2000;
- ii) The Executive Director Corporate & Community Services prepare a report for Council incorporating:-
  - to further develop the above model including the terms of reference and membership of the proposed arts advisory committee;
  - to develop financial reporting mechanisms and controls including budgets, balance sheets, operating income and expenditure reports, together with a proposed budget for the period 1<sup>st</sup> January 2000 to 30<sup>th</sup> June 2000.
  - to develop a funding submission for Country Arts, incorporating a 12 month program;
- iii) The Executive Director Corporate & Community Services be authorised to liaise with the Albany Arts Council in relation to the possible acquisition of the Albany Arts Council assets;
- iv) Government be requested to issue a Management Order with power to lease not exceeding 21 years in respect of the property in favour of the City of Albany; and

Item 13.2.3. continued.

- v) A funding submission be prepared and submitted for Country Arts' consideration for the next 12 month period.

*Voting Requirement Absolute Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR ARMSTRONG**

**THAT:**

- i) Council agree "in principle" to the continuation of the Vancouver Arts Centre as an arts and crafts centre as from 1<sup>st</sup> January 2000;
- ii) The Executive Director Corporate & Community Services prepare a report for Council incorporating:
- to further develop the above model including the terms of reference and membership of the proposed arts advisory committee;
  - to develop financial reporting mechanisms and controls including budgets, balance sheets, operating income and expenditure reports, together with a proposed budget for the period 1<sup>st</sup> January 2000 to 30<sup>th</sup> June 2000;
  - to develop a funding submission for Country Arts, incorporating a 12 month programme.
- iii) The Executive Director Corporate & Community Services be authorised to liaise with the Albany Arts Council in relation to the possible acquisition of the Albany Arts Council's assets;
- iv) Government be requested to issue a Management Order with power to lease not exceeding 21 years in respect of the property in favour of the City of Albany; and
- v) A funding submission be prepared and submitted for Country Arts' consideration for the next 12 month period.

**MOTION CARRIED 14 – 0  
ABSOLUTE MAJORITY**

#### **13.2.4 Council Representation on Committees/Community Organisation**

<b>File</b>	:	REL052
<b>Proposal / Issue</b>	:	Council Representation on Committees/ Community Organisation
<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>	:	CNCL 14/09/99 – Item 13.2.2 CNCL 01/06/99 – Item 13.2.6 CNCL 12/05/99 – Item 13.2.2
<b>Summary Recommendation</b>	:	Councillor _____ be appointed to represent Council on the Albany Hospice Board of Management.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Correspondence has been received by Her Worship the Mayor, from the Albany Hospice requesting Council to nominate a representative to the Hospice Board of Management.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.

Item 13.2.4 continued.

**STRATEGIC IMPLICATIONS**

2. 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**

- 3. The Albany Hospice Board of Management meets on the second Tuesday of each month from 6.30pm to 8.30pm. Meetings are held at Storm Cottage in the hospice grounds.
- 4. Membership of the board is on a voluntary basis and encompasses medical, business and community representatives with members of staff and project officers as ex-officio members with other people being co-opted as needed.
- 5. The Albany Hospice is a community owned asset, non denominational and ‘belongs to the people of Albany’. The Board is seeking the appointment of a Council representative to ensure effective liaison with Council.

**RECOMMENDATION**

THAT Councillor Evans be appointed to represent Council on the Albany Hospice Board of Management, with Councillor Lubich as his deputy.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILOR EVERS**

**THAT Councillor Evans be appointed to represent Council on the Albany Hospice Board of Management, with Councillor Lubich as his deputy.**

**MOTION CARRIED 14 – 0**

### 13.2.5 Albany Maritime Museum

<b>File</b>	:	MAN060
<b>Proposal / Issue</b>	:	Tenure of the Land
<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>	:	N/A
<b>Summary Recommendation</b>	:	That Council enter into a formal lease with Department of Transport and sub-lease to the Albany Maritime Foundation.
<b>Locality Plan</b>	:	

#### BACKGROUND

1. Construction of the Albany Lotteries Dufken Boat Shed was completed earlier this year.
2. The Shed is situated on land vested in the Department of Transport.
3. All parties were in agreement that the chosen site represented the best location for the Shed. Given the timeframe of the project, the formal resolution of land tenure issues prior to beginning construction of the Shed was not possible.
4. At its meeting of 24<sup>th</sup> March 1999, Council resolved to:  
  
*“THAT Council resolve to undertake a land/vesting exchange with the Department of Transport in the locality of the Albany Lotteries Dufken Boat Shed, Department of Transport slipway and boat ramp car park subject to the preparation of survey documents and the completion of a legal agreement between the City and the Department of Transport to the satisfaction of the Executive Director – Strategic Planning.”*
5. The land transfer has not eventuated and the Council has been negotiating with the Department of Transport to lease the area to the Council.

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Item 13.2.5 continued.

6. These discussions have proceeded to the point where the Department of Transport is having a formal lease prepared, with power for the Council to sub-lease.

#### **STATUTORY REQUIREMENTS**

7. The Council would be required to execute the lease and approve the attachment of the Common Seal to all appropriate documents.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

8. Apart from the legal expenses incurred in the preparation of the lease (to be funded from within the Council's budget allocation) there would be no direct financial commitments.

#### **STRATEGIC IMPLICATIONS**

9. The operation of the Albany Lotteries Dufken Boat Shed would complement the City's strategies with its Economic Development framework.

#### **COMMENT/DISCUSSION**

10. It was proposed that further planning and ongoing management of the shed would be the responsibility of the "Albany Maritime Foundation", a Foundation set up as an incorporated body (probably a charitable trust) with responsibility for:
  - ◆ co-ordinating the management;
  - ◆ strategically planning for and ensuring the financial viability;
  - ◆ establishing and promoting Albany as a centre in small wooden boat building;
  - ◆ encouraging community and craft groups to become affiliated with and utilise the Foundations facilities for training, meeting and promotional purposes;
  - ◆ establishing links with other maritime groups and institutions, heritage groups and tall ship associations; and
  - ◆ promoting and recording Albany's maritime heritage.
11. An honorary board was subsequently established to co-ordinate the activities of the Foundation.
12. As the site has not been formally leased to the City, and therefore no sub-lease extended to the Foundation, the Foundation has no legal status in relation to the site.

Item 13.2.5. continued.

13. It is important that this legal status be developed.

RECOMMENDATION

THAT:

- i) Council agree to enter into a formal lease with the Department of Transport for the lease of the Albany Lotteries Dufken Boat Shed site, with power to sub-lease;
- ii) All details of the lease be to the satisfaction of the Chief Executive Officer or his nominated representative;
- iii) Approval be granted for the attachment of the Common Seal of Council to all appropriate documents; and
- iv) Subject to the approval of the Department of Transport, Council indicates its intention to formally sub-lease the site to the Albany Maritime Foundation, with subsequent power to further sub-lease.

*Voting Requirement Simple Majority*

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**COUNCIL RESOLUTION**

**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR WALKER**

**THAT:**

- i) Department of Transport for the lease of the Albany Lotteries Dufken Boat Shed site, with power to sub-lease;**
- ii) All details of the lease be to the satisfaction of the Chief Executive Officer or his nominated representative;**
- iii) Approval be granted for the attachment of the Common Seal of Council to all appropriate documents; and**
- iv) Subject to the approval of the Department of Transport, Council indicates its intention to formally sub-lease the site to the Albany Maritime Foundation, with subsequent power to further sub-lease.**

**MOTION CARRIED 14 – 0**

### **13.2.6 Prohibition of the Transport, Storage and Processing of Nuclear Waste in the City of Albany**

<b>File</b>	:	MAN058
<b>Ward</b>	:	N/A
<b>Proposal/ Issue</b>	:	Prohibition of the transport, storage and processing of nuclear waste in the City of Albany
<b>Subject Land</b>	:	Municipal district
<b>Proponent</b>	:	Councillor D. Evers, Ms Giz Watson MLC, Christine McCoy, Elizabeth Barton
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Chief Executive Officer (A Hammond)
<b>Previous Reference</b>	:	Nil
<b>Summary/ Recommendation</b>	:	i) Seek CUCA and CSCA support for the State to enact legislative prohibition. ii) Advise Pangea Resources of opposition to nuclear waste activity.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. The Shire of Chapman Valley recently initiated a Town Planning Scheme Amendment seeking to prohibit the transportation, storage and processing of nuclear waste throughout their municipal district.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil.



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Item 13.2.6 continued.

## **STRATEGIC IMPLICATIONS**

2. Built and Natural Environment:  
**Environment / Conservation**  
Objective 1:  
Develop a sustainability strategy for development management and conservation of Albany's environment.

## **COMMENT/ DISCUSSION**

3. Advice has been sought from Council's solicitors, who advise that whilst the Shire of Chapman Valley has used the powers available to it to advertise the amendment, the Minister has given a very clear indication that he will not give the proposal final approval. The Minister is legally entitled to decline to approve the amendment.
4. Whether the Scheme amendment was given approval or not, should a large scale nuclear waste activity be given approval to proceed, it would most likely be done so by way of a direct agreement between the State and the proponent (State Agreement Act) enacted by statute. Such agreements can be structured to ignore local planning laws and would provide for a site and give licence for the use of infrastructure to and from the facility. As such, the pursuit of a Town Planning Scheme amendment to prohibit this activity is considered to be not only unlikely in terms of Ministerial approval, but questionable in terms of its efficacy. In terms of the transportation of the material, Town Planning Schemes do not control the types of materials that are transported on either road reserves, railways, shipping routes or aircraft routes.
5. Irrespective of the legislative shortcomings of Local Government in this regard, it would be prudent for Council to seek the support of other Local Governments throughout the State to lobby the State Government to enact legislation that would prohibit the activity.
6. There is a very real issue relating to the proximity of shipping carrying nuclear waste to the State's coastline, particularly in terms of shipwreck, and as such a sizeable exclusion zone subject to the tenets of maritime law, should be included into any prohibition legislation.
7. Advice to Pangea Resources, the proponents of a nuclear waste facility in the State, that the City opposes their proposal could also be appropriate.
8. This proposal refers only to nuclear waste disposal activities and is not intended to extend to the medical use of nuclear facilities or the visits of naval vessels to the Albany port.

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Item 13.2.6 continued.

RECOMMENDATION:

THAT the City of Albany requests the Country Urban Councils' Association and the Country Shire Councils' Association to adopt as a matter of Statewide Local Government policy, total and unequivocal opposition to the transport, storage and processing of nuclear waste in Western Australia, and further that the WA Municipal Association seek immediate action from the Premier to legislate to prohibit such an activity. The prohibition should extend to an effective maritime exclusion zone.

Further, that the City of Albany advise Pangea Resources Australia Pty Ltd that any activity relating to the transport, storage or processing of nuclear waste is unwelcome in its municipal district. The City of Albany will vociferously oppose, using all the resources available to it, the establishment of such an activity within the boundaries of the City or alternatively the transport of materials through the City.

*(Voting requirement simple majority)*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WALKER**

**THAT the City of Albany requests the Country Urban Councils' Association and the Country Shire Councils' Association to adopt as a matter of Statewide Local Government policy, total and unequivocal opposition to the transport, storage and processing of nuclear waste in Western Australia, and further that the WA Municipal Association seek immediate action from the Premier to legislate to prohibit such an activity. The prohibition should extend to an effective maritime exclusion zone.**

**MOTION CARRIED 14 – 0**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EVERS**

**Further, that the City of Albany advise Pangea Resources Australia Pty Ltd that any activity relating to the transport, storage or processing of nuclear waste is unwelcome in its municipal district.**

**MOTION CARRIED 14 – 0**

Item 13.2.6. continued.

Pursuant to Section 11 (da) of the Local Government Administration Regulations 1996, the reason for this decision is as follows:

The recommendations, whilst based on the same subject, differ in their intent and objective.

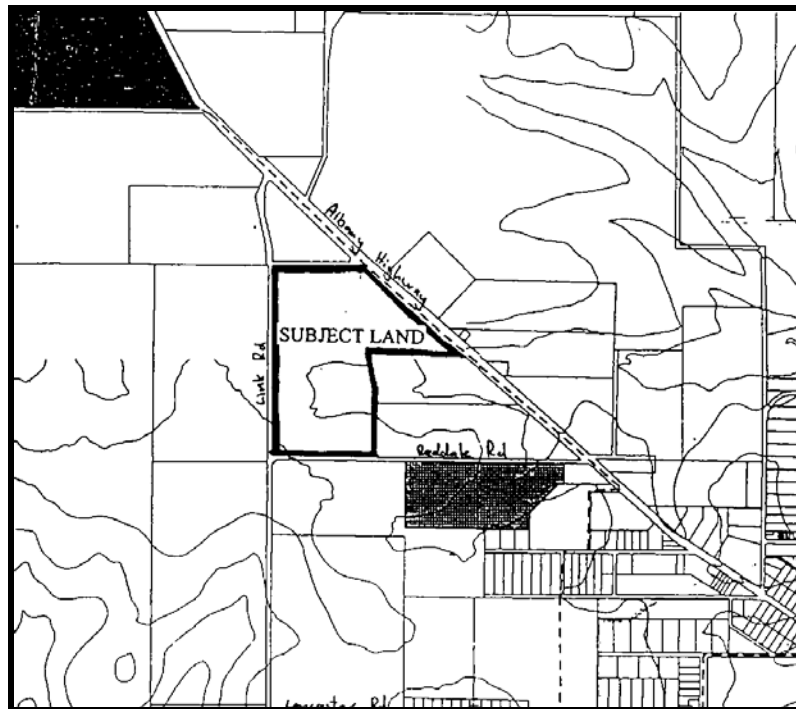
The word “voiciferously” can infer violent or other types of inappropriate behaviour which could lead to unacceptable civil disobedience.

The term “using all resources available to it” could infer that Council would allocate resources to oppose the establishment of such an industry at the expense of our normal municipal service delivery activities.

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**13.2.7 Amendment to Record of Minutes, Acknowledgement of Town Planning Scheme Amendment Submission Errors**

<b>File</b>	:	A066040
<b>Ward</b>	:	N/A
<b>Proposal/ Issue</b>	:	Amendment to record of minutes, acknowledgement of Town Planning Scheme amendment submission errors.
<b>Subject Land</b>	:	Lots 7 and 8 of Plantagenet Location 779, Link Road, Albany
<b>Proponent</b>	:	E.H., P.A., L.A. & V.A. Davis
<b>Owner</b>	:	Proponent
<b>Reporting Officer</b>	:	Chief Executive Officer (A Hammond)
<b>Previous Reference</b>	:	OCM 23/4/98 Item 13.3.1. OCM 13/5/98 Item 4.3.
<b>Summary/ Recommendation</b>	:	Amend previous minute, acknowledge errors in submission.
<b>Locality Plan</b>	:	



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## BACKGROUND

1. On 23<sup>rd</sup> April 1998, Council considered a report relating to the rezoning of Lots 7 and 8 of Location 779 Link Road. The report was comprised of recommended actions arising from submissions received regarding the rezoning.
2. One submission received was from the Albany Airport Manager and is as follows:

***“Submission***

- a. *The area is directly under the DME (Distance Measuring Equipment) approach for runway 32 for the airport. Whilst at present aircraft arriving and landing at this airport are probably not likely to cause any disturbance, it is most likely that the size, frequency and noise of aircraft using this facility will increase in the near future.*

***Recommendation***

- a. ***UPHOLD.*** *Long term future airport usage must be considered.*

***Submission***

- b. *It is very likely that the Albany Airport will be used as a training facility in the future, therefore aircraft movements will increase.*

***Recommendation***

- b. ***UPHOLD.*** *Additionally, growth of metropolitan Albany will necessarily increase usage.*

***Submission***

- c. *The new administration for Albany is bound to come under pressure concerning any developments agreed for the airport region pertaining to the noise factor. This has been frequently documented in airport areas all around Australia and the Council should be sure to distance itself from these sensitive areas.*

***Recommendation***

- c. ***UPHOLD.*** *Concerns justified in long term planning.*

***Submission***

- d. *My personal feeling is that for any development to be agreed to for the immediate airport area, it should be accompanied by a disclaimer of some sort.*

***Recommendation***

- d. ***UPHOLD.*** *Addendum to Amendment Report required. Proponent concurs with such a disclaimer.”*

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Item 13.2.7 continued.

3. The minutes of the meeting (Item 13.3.1.) relating to the matter are as follows:

*Moved: Cmr Smithson*

*Seconded: Cmr Edmondson*

*THAT council:-*

- 1. Notes, dismisses and upholds submissions as listed in the "schedule of submissions" contained in the report submitted to council.*
- 2. Pursuant to section 7 of the town planning and development act 1928 (as amended) and regulation 17 (2), resolves to adopt for final approval amendment no. 156 to town planning scheme no. 3 subject to alternations and addenda to the documents in accordance with schedule of submissions.*

*carried*
4. The minutes of the meeting were never correctly endorsed as a true and correct record at the subsequent meeting (13<sup>th</sup> May, 1998) as an incorrect date was used in the endorsing motion. The date should have been "the 23<sup>rd</sup> April 1998" and not "the 13<sup>th</sup> May 1998". The intent of endorsement however is quite clear and this matter is correctable.
5. Subsequent to the meeting and acting upon advice that had been provided verbally, at the meeting and not in terms of the submitted report, the Commissioners believed that the minute and report did not reflect the intent of the motion because the report upon which the motion was contingent should have been amended to reflect the advice.
6. The advice tendered at the meeting was for the Council to amend the recommendation to include a mechanism (process) that would advise prospective purchasers of the disclaimer relating to noise intrusion.
7. The reasons behind the advice to Council was related to concerns about noise intrusion on the subject land due to proximity of the flight path. Subsequent investigations undertaken by consultants Westralia Airports Corporation Pty. Ltd. provided that concerns regarding intrusion of noise were unfounded.
8. Notwithstanding that the minutes were received and motion carried as to their authenticity, the statements contained in the verbal advice to Council were ensconded into an amended report which became the official record of Council minute. The amended report/Council minute then formed the basis of communication to the Ministry for Planning, the State Government agency involved in progressing the matter through to final approval.

Item 13.2.7 continued.

9. The amended report reads as follows:

***“Submission***

- a. *The area is directly under the DME (Distance Measuring Equipment) approach for Runway 32 for the airport. Whilst at present aircraft arriving and landing at this airport are probably not likely to cause any disturbance, it is most likely that the size, frequency and noise of aircraft using this facility will increase in the near future.*

***Recommendation***

- a. ***UPHOLD.*** *Long term airport usage must be considered.*

***Submission***

- b. *It is very likely that the Albany airport will be used as a training facility in the future, therefore aircraft movements will increase.*

***Recommendation***

- b. ***UPHOLD.*** *Additionally, growth of metropolitan Albany will necessarily increase usage.*

***Submission***

- c. *The new administration for Albany is bound to come under pressure concerning any developments agreed for the airport region pertaining to the noise factor. This has been frequently documented in airport areas all around Australia and the Council should be sure to distance itself from these sensitive areas.*

***Recommendation***

- c. ***UPHOLD.*** *Concerns justified in long term planning.*

***Submission***

- d. *My personal feeling is that for any development to be agreed to for the immediate airport area, it should be accompanied by a disclaimer of some sort.*
- e. ***UPHOLD.*** *Addendum to Amendment Report required. Proponent concurs with such a disclaimer.*

***Council Recommendation*** – *Addendum to Amendment Report required to include a satisfactory disclaimer and an appropriate mechanism to advise prospective purchasers of the constraint.”*

10. The Scheme amendment given final approval by the Minister for Planning (21<sup>st</sup> March 1999) and gazetted (26<sup>th</sup> March 1999) contains no provisions relating to mechanisms to advise prospective purchasers of noise intrusion issues.

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Item 13.2.7 continued.

11. The proponents are aggrieved by the actions of Council on the following grounds:
  - The report which was submitted to Council, became part of the substantive motion and was confirmed as a true and correct record, was not the report that became an official copy of the minutes, nor was it acted upon in terms of communication to the Ministry for Planning.
  - In essence, the officially recorded minute does not reflect the actual resolutions made and subsequently confirmed by the Council.
  - The minute was subsequently amended without the legal authority of the Council, ie no subsequent rescission or amending motion.
  - The communication to the Ministry for Planning differs from the actual resolution made by Council.
  - Further complaint lies with not the process of this matter, but the content of submission. Specific issues are:
    - Statements contained in the schedule of submissions that the subject land was directly under the flightpath approach for runway 32 are incorrect.
    - Submission 6 from the Waters and Rivers Commission makes reference to a creek that, whilst indicated on a map, in fact does not exist.
12. The proponents have also sought Public Notice of any corrections or errata relating to the matter and have further requested the negotiation of reasonable financial recompense. These matters have been forwarded to Local Government Insurance Services, who will deal direct with the proponent in this regard, in line with Council's contractual obligations under its insurance policies.

### **STATUTORY REQUIREMENTS**

13. Given that the matter refers to decisions previously made by the Council, at least 5 Councillors will be required to support any motion to change or amend the decisions (Local Government Regulations 1996 Clause 10 (1)(b)).
14. Any motions to change or amend a previous decision of Council must be carried by an absolute majority. Local Government (Administration) Regulations 1996 Clause 10 (2)(b).

### **POLICY IMPLICATIONS**

Nil.



Item 13.2.7 continued.

### **FINANCIAL IMPLICATIONS**

Nil.

### **STRATEGIC IMPLICATIONS**

15. Local Government Operations.

Governance

Objective 1: Provide good governance for the City of Albany.

Strategy: Comply with the provisions of the Local Government Act 1995.

### **COMMENT/DISCUSSION**

16. Mr Davis's requests to resolve the situation are not considered unreasonable and as such, two motions are suggested that serve to:

- regularise the incorrectly recorded minutes
- acknowledge the inaccuracy of some statements made in the submission.

17. Furthermore, administrative procedures have been introduced to avoid a repeat of the situation. The main problem in this regard has been the use of a report external to the main body of the minutes, which forms a substantive part of the decision. In future, minutes will be recorded in full, irrespective of whether portions of the officer's report are duplicated.

### **RECOMMENDATION 1:**

THAT minute number R98134 (Item 13.3.1. of meeting dated 23<sup>rd</sup> April 1998) be amended as follows:

THAT Council:-

- i) Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) and Regulation 17 (2), resolves to adopt for final approval amendment No. 156 to Town Planning Scheme No. 3 subject to the following alterations to the initial amending document arising from the outcomes of the public consultation process:
  - inclusion of a clause allowing Council to impose revegetation as a condition of development
  - inclusion of a clause providing that all development on the subject land be undertaken with the full knowledge that:
    - the land could be affected by aircraft noise associated with the nearby Albany Airport
    - future use of the land should not compromise the future operations of the airport.

Item 13.2.7 continued.

- ii) Acknowledges receipt of the submissions.
- iii) Acknowledges that:
  - The subject land is not situated under the flightpath for runway 32.
  - The creek referred to in submission 6 does not exist, therefore any proposed actions or acknowledgements related thereto be reversed and/or retracted.

*Voting Requirement Absolute Majority*

.....

By a show of hands, Councillors Lubich, Walker, Mountford, Wolfe and Evers consented to Item 13.3.1. of meeting dated 23<sup>rd</sup> April 1998 being reconsidered by Council.

Item 13.2.7. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR DUFTY**

**THAT minute number R98134 (Item 13.3.1. of meeting dated 23<sup>rd</sup> April 1998) be amended as follows:**

**THAT Council:-**

- i) Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) and Regulation 17 (2), resolves to adopt for final approval amendment No. 156 to Town Planning Scheme No. 3 subject to the following alterations to the initial amending document arising from the outcomes of the public consultation process:**
- inclusion of a clause allowing Council to impose revegetation as a condition of development
  - inclusion of a clause providing that all development on the subject land be undertaken with the full knowledge that:
    - the land could be affected by aircraft noise associated with the nearby Albany Airport
    - future use of the land should not compromise the future operations of the airport.
- ii) Acknowledges receipt of the submissions.**
- iii) Acknowledges that:**
- The subject land is not situated under the flightpath for runway 32.
  - The creek referred to in submission 6 does not exist, therefore any proposed actions or acknowledgements related thereto be reversed and/or retracted.

**MOTION CARRIED 14 – 0  
ABSOLUTE MAJORITY**

**RECOMMENDATION 2:**

**THAT Council amends the date contained in minute number R98168 of the Ordinary Council Meeting of 13<sup>th</sup> May 1998 from the 13<sup>th</sup> May 1998 to the 23<sup>rd</sup> April 1998.**

*Voting Requirement Absolute Majority*

.....

Item 13.2.7. continued.

By a show of hands, Councillors Wilson, Bojcun, Armstrong, Dufty and Cecil consented to Item 5 of the Council meeting dated 13<sup>th</sup> May, 1998 being reconsidered by Council.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR DUFTY**

**THAT Council amends the date contained in minute number R98168 of the Ordinary Council Meeting of 13<sup>th</sup> May 1998 from the 13<sup>th</sup> May 1998 to the 23<sup>rd</sup> April 1998.**

**MOTION CARRIED 14 – 0  
ABSOLUTE MAJORITY**

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

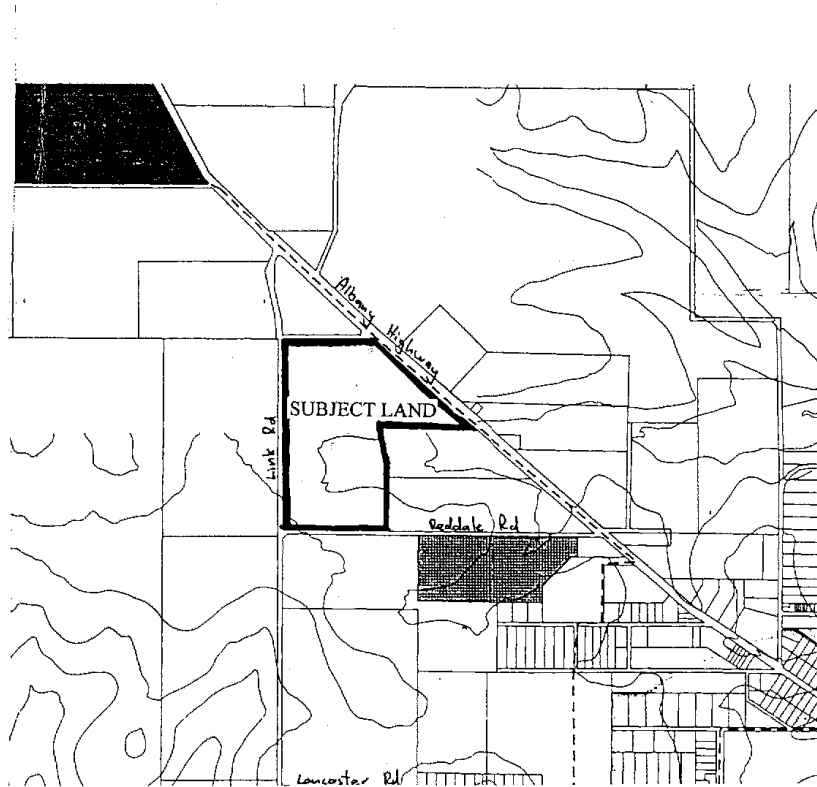
13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3 PLANNING

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD

AMENDMENT NO. : 156  
SUBJECT LAND : LOTS 7 AND 8 OF LOCATION  
779 LINK ROAD, DROME  
APPLICANT : EH, PA LA & LV DAVIS  
CURRENT ZONING : RURAL  
PROPOSED ZONING : SPECIAL USE AND  
ADDITIONAL USE  
SUMMARY RECOMMENDATION : FINAL APPROVAL

LOCALITY PLAN



AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

**13. REPORTS - PLANNING & DEVELOPMENT SERVICES**

**13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD**  
(Continued)

**BACKGROUND**

1. Council resolved as follows at its meeting 17th September, 1996:-

"1) SUBJECT TO THE MODIFICATIONS LISTED IN 3 BELOW COUNCIL, IN PURSUANCE OF SECTION 7 OF THE TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) AMEND THE ABOVE TOWN PLANNING SCHEME BY:-

(A) REZONING PORTION OF LOT 8 LOCATION 779 LINK ROAD, DROME FROM RURAL TO SPECIAL USE ZONE CODE NO. 7 WITH THE FOLLOWING PERMITTED USED:-

- ◆ DEER PARK;
- ◆ ZOOLOGICAL GARDENS;
- ◆ TEAROOM AND KIOSK;
- ◆ CARETAKERS DWELLING; AND
- ◆ OTHER INCIDENTAL OR NON-DEFINED ACTIVITIES CONSIDERED APPROPRIATE BY COUNCIL WHICH WILL NOT DETRACT FROM THE AMENITY OF THE AREA.

(B) REZONING PORTION OF LOT 7 LOCATION 779 LINK ROAD, DROME FROM RURAL TO ADDITIONAL USE SITE, CODE 5 WITH THE FOLLOWING ADDITIONAL USES:-

- ◆ CHALETS;
- ◆ CARETAKERS DWELLING; AND
- ◆ OTHER INCIDENTAL OR NON-DEFINED ACTIVITIES CONSIDERED APPROPRIATE BY COUNCIL WHICH WILL NOT DETRACT FROM THE AMENITY OF THE AREA.

2) COUNCIL NOTIFY THE ENVIRONMENTAL PROTECTION AUTHORITY OF ITS INTENTION TO AMEND THE TOWN PLANNING SCHEME IN ACCORDANCE WITH THE TOWN PLANNING REGULATIONS AND THE ENVIRONMENTAL PROTECTION ACT.

3) THE FOLLOWING MODIFICATIONS ARE REQUIRED PRIOR TO THE DOCUMENTS BEING FORWARDED TO THE ENVIRONMENTAL PROTECTION AUTHORITY AND THE HON MINISTER FOR PLANNING:-

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

- ◆ INCLUDE THE CORRECT WORDING FOR THE RESOLUTION AND ADOPTION PAGES;
  - ◆ INTRODUCE APPROPRIATE DEFINITIONS FOR THE PROPOSED LAND USES;
  - ◆ INCORPORATE SPECIAL CONDITIONS RELATING TO:-
    - THE SITING OF STRUCTURES;
    - BUILDING DESIGN AND MATERIALS;
    - PROTECTION OF WATER COURSES;
    - LANDFILL AND STORMWATER DISPOSAL;
    - REVEGETATION;
    - EFFLUENT DISPOSAL;
    - FIRE SAFETY;
    - WATER SUPPLY;
    - CAR PARKING REQUIREMENTS AND CONSTRUCTION OF ACCESS WAYS.
  - ◆ SUBMIT ACCURATE AMENDMENT MAPS;
  - ◆ INCLUDE THE CORRECT REFERENCE TO CODE NUMBERS AND SCHEDULES; AND
  - ◆ INCLUDE MORE SPECIFIC DETAILS RELATING TO THE LOCAL RURAL STRATEGY.
- 4) THE PROPONENT BE ADVISED PAYMENT OF COUNCIL'S APPLICATION FEE OF \$400 IS REQUIRED.
- 5) THE MINISTER BE REQUESTED TO ADVERTISE AMENDMENT 156 FOR PUBLIC COMMENT."
2. The advertised document (see Attachment 1) was finalised by the proponent on 12th November, 1997 and referred to Department Environmental Protection and Western Australian Planning Commission. DEP's advice includes "... it is the expectation of the EPA that you will implement the Scheme Amendment in an environmentally responsible manner."
3. Western Australian Planning Commission granted approval to advertise, gazetted on 6th February, 1998. Referral to government agencies was effected, along with letters to neighbouring landowners. Advertising closed on 20th March, 1998.
4. 8 submissions were received as detailed in the following Schedule of Submissions, a Council decision being required in respect of each point.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

5. The proponent is still negotiating with Main Roads WA in relation to proposed Albany Ring Road Alignment. Correspondence is attached, (Attachment 2).
6. Western Australian Planning Commission also notified of a minor report (map title) adjustment required prior to Final Approval, when it granted approval to exhibit

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
1.	Water Corporation	<i>Submission</i> a. No objection  <i>Recommendation</i> a. NOTE.
2.	Western Power	<i>Submission</i> a. No objection  <i>Recommendation</i> a. NOTE.
3.	Eric Thomas RMB 9684 Albany	<i>Submission</i> a. As an adjoining land-holder, I support the Amendment to the Scheme No. 3  <i>Recommendation</i> a. UPHOLD. Support of neighbouring landowner in Rural zone signifies no spill-over effects perceived.
4.	Agriculture WA	<i>Submission</i> a. It is apparent there is little native vegetation remaining on the property and what is left can generally be best described as being unsustainable. Some revegetation has been undertaken, but primarily along existing fence lines and around buildings.  <i>Recommendation</i> a. NOTE.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
4.	Agriculture WA  (Continued)	<p><b>Submission</b></p> <p>b. As there are defined watercourses traversing the property, I would recommend protection of these areas, provided that the floor of the drainage lines are not disturbed by cultivation or ripping. It is important that these areas remain intact to allow the natural flow of water in higher rainfall events.</p> <p><b>Recommendation</b></p> <p>b. <b>UPHOLD.</b> This can be effected via Special Condition (e) (both proposed zones) which allows Council to impose revegetation as a condition of development.</p> <p>The proponent agrees that revegetation of creeklines would be beneficial and is willing to undertake the necessary plantings.</p>
5.	Cyril Ecob Manager Albany Airport	<p><b>Submission</b></p> <p>a. The area is directly under the DME (Distance Measuring Equipment) approach for Runway 32 for the airport. Whilst at present aircraft arriving and landing at this airport are probably not likely to cause any disturbance, it is most likely that the size, frequency and noise of aircraft using this facility will increase in the near future.</p> <p><b>Recommendation</b></p> <p>a. <b>UPHOLD.</b> Long term future airport usage must be considered.</p> <p><b>Submission</b></p> <p>b. It is very likely that the Albany Airport will be used as a training facility in the future, therefore aircraft movements will increase.</p> <p><b>Recommendation</b></p> <p>b. <b>UPHOLD.</b> Additionally, growth of metropolitan Albany will necessarily increase usage.</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
5.	Cyril Ecob Manager Albany Airport  (Continued)	<p><i>Submission</i></p> <p>c. The new administration for Albany is bound to come under pressure concerning any developments agreed for the airport region pertaining to the noise factor. This has been frequently documented in airport areas all around Australia and the Council should be sure to distance itself from these sensitive areas.</p> <p><i>Recommendation</i></p> <p>c. UPHOLD. Concerns justified in long term planning.</p> <p><i>Submission</i></p> <p>d. My personal feeling is that for any development to be agreed to for the immediate airport area, it should be accompanied by a disclaimer of some sort.</p> <p><i>Recommendation</i></p> <p>d. UPHOLD. Addendum to Amendment Report required. Proponent concurs with such a disclaimer.</p>
6.	Water And Rivers Commission	<p><i>Submission</i></p> <p>a. Thank you for the opportunity to comment on the above proposal.</p> <ul style="list-style-type: none"> <li>◆ Details of the creek which traverses Lot 7, see Plan 6, have not been provided.</li> <li>◆ Information obtained from site visit by officer, and maps (see attached map) appear to show a conflict with the development and location of the existing creek.</li> </ul> <p><i>Recommendation</i></p> <p>a. UPHOLD. Addition to Plan 6 to depict.</p> <p><i>Submission</i></p> <p>b. In light of the above, it is requested that the proponent revise the plan to show the location of the creek, flood plain area and wetlands and how the development will be managed to avoid conflict with the creeks ecological values.</p> <p><i>Recommendation</i></p> <p>b. UPHOLD. As per actions required by both 4b and 6a above.</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
6.	Water And Rivers Commission  (Continued)	<p><b><i>Submission</i></b> c. Creeklines that traverse the property drain in Willyung Creek, King River and ultimately into Oyster Harbour. Oyster Harbour has suffered from deteriorating water quality that has resulted in the increased growth of algae and epiphytes, and the extensive loss of seagrass meadow. Improving the water quality of Oyster Harbour is a major objective for AWMA.</p> <p><b><i>Recommendation</i></b> c. UPHOLD. As per 6b above.</p> <p><b><i>Submission</i></b> d. Due to the potential impact on Oyster Harbour, nutrients should be prevented from discharging into the waterways and on-site effluent disposal should be designed to contain nutrients on site. This should be to the satisfaction of the Health Department and Local Government Authority and meet the Department of Environmental protection's policies in this regard.</p> <p><b><i>Recommendation</i></b> d. NOTE. On-site wastewater effluent requirements: Special Conditions (k) (Special Use zone) and (j) (Additional Use zone) stipulate this.</p> <p><b><i>Submission</i></b> e. As the result of the construction of impervious surfaces such as roads, the volume of stormwater runoff from this site will increase. AWMA is concerned with the increase of stormwater draining into waterways and the quality of that stormwater. <b>Therefore, AWMA has preference for stormwater disposal that is designed to retain a 1:10 year flood event on site for 72 hours.</b></p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
6.	Water And Rivers Commission  (Continued)	<p><b>Recommendation</b> e. <b>UPHOLD.</b> Consistent with requirements for stormwater disposal in all similar situations. Special conditions (l) (Special Use zone) and (k) (Additional Use zone) require retention of stormwater on site. Additional performance standards (1 in 10 year flood event – retention for 72 hour period) can be imposed by Council on any subsequent development approvals.</p> <p>AWMA assistance to determine 1 in 100 year flood boundary will also be sought prior to development approval.</p>
7.	Environmental Health Service Health Department WA	<p><b>Submission</b> a. The Health Department notes that the proposal is to rezone part of Lot 8 so an existing tearoom can be extended and for the development of a zoo, and part of Lot 7 so that 7 chalets and a manager's residence can be developed, serviced by a communal wastewater system.</p> <p><b>Recommendation</b> a. <b>NOTE.</b> Concise summary of the proposal.</p> <p><b>Submission</b> b. Local government officers indicate that the nominated communal wastewater disposal area on Lot 8 consists of sandy soil with an estimated depth of between 2-5 metres and that the land is not affected by high groundwater and will therefore be suitable for on-site wastewater disposal.</p> <p><b>Recommendation</b> b. <b>UPHOLD.</b> Siting to meet DEP water clearance standards (100m horizontal, 2m vertical) can be achieved.</p> <p><b>Submission</b> c. Based on the above advice, the Health Department has no objections to the proposal.</p> <p><b>Recommendation</b> c. <b>NOTE.</b></p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
8.	Main Roads WA	<p><b>Submission</b></p> <p>a. This application is affected by the preferred route option submitted by HGM Consultants for the proposed Albany Ring Road. This option is yet to be adopted by the Steering Committee.</p> <p><b>Recommendation</b></p> <p>a. NOTE.</p> <p><b>Submission</b></p> <p>b. Main Roads has conducted preliminary discussions with the proponent Mr Tony Davis. As a result of these discussions Mr Davis proposes to approach Council with the view to have his application held in abeyance. Main Roads would support this application and liaise on a ongoing basis with Mr Davis as our planning progresses.</p> <p><b>Recommendation</b></p> <p>b. <b>DISMISS.</b> Further negotiations have taken place between Main Roads WA and the proponent, effectively shifting alignment of (proposed) Ring Road to the south eastern apex of Lot 7, well away from proposed chalets and wastewater treatment system. Attached sketch map (<u>Attachment 3</u>) illustrates this. This is the basis of a recommended addendum to the Scheme Amendment report.</p>

**DISCUSSION**

The rezoning process has worked well in this case to analyse social impact as well as environmental impacts. Final approval is recommended, subject to minor alterations and addenda to report, as outlined in the Schedule of Submissions and the minor modification as required by Western Australian Planning Commission being undertaken.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

**RECOMMENDATION**

THAT Council:-

1. Notes, dismisses and upholds submissions as listed in the "Schedule of Submissions" contained in the report submitted to Council.
2. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) and regulation 17(2), resolves to adopt for final approval amendment No. 156 to Town Planning Scheme No. 3 subject to alternations and addenda to the documents in accordance with Schedule of Submissions.

MINUTES OF THE PROCEEDINGS OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, SHIRE OF ALBANY, MERCER ROAD, ALBANY ON THURSDAY, 23RD APRIL, 1998

13. REPORTS – PLANNING AND DEVELOPMENT SERVICES

13.2.2 ITINERANT VENDOR (Continued)

3. THE VAN IS TO BE PARKED IN SUCH A MANNER TO ENSURE SAFE FLOW OF TRAFFIC, SAFE ACCESS FOR PEDESTRIANS AND COUNCIL FACILITIES ARE LEFT ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES.
4. THE VAN'S MOTOR NOISE IS TO BE KEPT AT A LEVEL SO AS TO NOT CREATE ANNOYANCE TO USERS OF THE NEARBY COMMUNITY FACILITIES AND TO THE SATISFACTION OF COUNCIL.

CARRIED

13.3 PLANNING

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD

(R98134) MOVED: Cmr Smithson                      SECONDED: Cmr Edmondson

Amo  
156

THAT COUNCIL:-

1. NOTES, DISMISSES AND UPHOLDS SUBMISSIONS AS LISTED IN THE "SCHEDULE OF SUBMISSIONS" CONTAINED IN THE REPORT SUBMITTED TO COUNCIL.
2. PURSUANT TO SECTION 7 OF THE TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) AND REGULATION 17(2), RESOLVES TO ADOPT FOR FINAL APPROVAL AMENDMENT NO. 156 TO TOWN PLANNING SCHEME NO. 3 SUBJECT TO ALTERNATIONS AND ADDENDA TO THE DOCUMENTS IN ACCORDANCE WITH SCHEDULE OF SUBMISSIONS.

CARRIED

13.3.2 PROPOSED OVERSIZED SHED/CARPORT LOT 5 BALSTON ROAD, GLEDHOW

(R98135) MOVED: Cmr Smithson                      SECONDED: Cmr Edmondson

THAT COUNCIL REFUSE THE APPLICATION FOR A CARPORT 81M<sup>2</sup> ON LOCATION 366, LOT 5 BALSTON ROAD, GLEDHOW FOR THE FOLLOWING REASONS:-

\_\_\_\_\_  
CHAIRMAN

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)  
SHIRE OF ALBANY – TOWN PLANNING SCHEME NO. 3  
PROPOSED AMENDMENT NO. 156

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Council Decision</i>
1.	Water Corporation	<p><b>Submission</b></p> <p>a. No objection</p> <p><b>Council Decision</b></p> <p>a. NOTE.</p>
2.	Western Power	<p><b>Submission</b></p> <p>a. No objection</p> <p><b>Council Decision</b></p> <p>a. NOTE.</p>
3.	Eric Thomas RMB 9684 Albany	<p><b>Submission</b></p> <p>a. As an adjoining land-holder, I support the Amendment to the Scheme No. 3</p> <p><b>Council Decision</b></p> <p>a. UPHOLD. Support of neighbouring landowner in 'Rural' zone signifies no spillover effects perceived.</p>
4.	Agriculture WA	<p><b>Submission</b></p> <p>a. It is apparent there is little native vegetation remaining on the property and what is left can generally be best described as being unsustainable. Some revegetation has been undertaken, but primarily along existing fence lines and around buildings.</p> <p><b>Council Decision</b></p> <p>a. NOTE.</p> <p><b>Submission</b></p> <p>b. As there are defined watercourses traversing the property, I would recommend protection of these areas, provided that the floor of the drainage lines are not disturbed by cultivation or ripping. It is important that these areas remain intact to allow the natural flow of water in higher rainfall events.</p> <p><b>Council Decision</b></p> <p>b. UPHOLD. This can be affected via Special Condition (e) (both proposed zones) which allows Council to impose revegetation as a condition of development.</p> <p>The proponent agrees that revegetation of creeklines would be beneficial and is willing to undertake the necessary plantings.</p>



TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)  
SHIRE OF ALBANY – TOWN PLANNING SCHEME NO. 3  
PROPOSED AMENDMENT NO. 156

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Council Decision</i>
5.	Cyril Ecob Manager Albany Airport	<p><b>Submission</b> a. The area is directly under the DME (Distance Measuring Equipment) approach for Runway 32 for the airport. Whilst at present aircraft arriving and landing at this airport are probably not likely to cause any disturbance, it is most likely that the size, frequency and noise of aircraft using this facility will increase in the near future.</p> <p><b>Council Decision</b> a. <b>UPHOLD.</b> Long term future airport usage must be considered.</p> <p><b>Submission</b> b. It is very likely that the Albany Airport will be used as a training facility in the future, therefore aircraft movements will increase.</p> <p><b>Council Decision</b> b. <b>NOTE.</b> Additionally, growth of metropolitan Albany will necessarily increase usage.</p> <p><b>Submission</b> c. The new administration for Albany is bound to come under pressure concerning any developments agreed for the airport region pertaining to the noise factor. This has been frequently documented in airport areas all around Australia and the Council should be sure to distance itself from these sensitive areas.</p> <p><b>Council Decision</b> c. <b>UPHOLD.</b> Concerns justified in long term planning.</p> <p><b>Submission</b> d. My personal feeling is that for any development to be agreed to for the immediate airport area, it should be accompanied by a disclaimer of some sort.</p> <p><b>Council Decision</b> d. <b>UPHOLD.</b> Addendum to Amendment Report required. Proponent concurs with such a disclaimer.</p>
6.	Water And Rivers Commission	<p><b>Submission</b> a. Thank you for the opportunity to comment on the above proposal.</p> <ul style="list-style-type: none"> <li>• Details of the creek which traverses Lot 7, see Plan 6, have not been provided.</li> </ul>

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)  
 SHIRE OF ALBANY – TOWN PLANNING SCHEME NO. 3  
 PROPOSED AMENDMENT NO. 156

Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Council Decision</i>
6.	Water And Rivers Commission  (Continued)	<ul style="list-style-type: none"> <li>• Information obtained from site visit by officer, and maps (see attached map) appear to show a conflict with the development and location of the existing creek.</li> </ul> <p><i>Council Decision</i></p> <p>a. UPHOLD. Addition to Plan 6 to depict.</p> <p><i>Submission</i></p> <p>b. In light of the above, it is requested that the proponent revise the plan to show the location of the creek, flood plane area and wetlands and how the development will be managed to avoid conflict with the creeks ecological values.</p> <p><i>Council Decision</i></p> <p>b. UPHOLD. As per actions required by both 4b and 6a above.</p> <p><i>Submission</i></p> <p>c. Creeklines that traverse the property drain in Willyung Creek, King River and ultimately into Oyster harbour. Oyster Harbour has suffered from deteriorating water quality that has resulted in the increased growth of algae and epiphytes, and the extensive loss of seagrass meadow. Improving the water quality of Oyster Harbour is a major objective for AWMA.</p> <p><i>Council Decision</i></p> <p>c. UPHOLD. As per 6b above.</p> <p><i>Submission</i></p> <p>d. Due to the potential impact on Oyster harbour, nutrients should be prevented from discharging into the waterways and on-site effluent disposal should be designed to contain nutrients on site. This should be to the satisfaction of the Health Department and local government authority and meet the Department of Environmental protection's policies in this regard.</p> <p><i>Council Decision</i></p> <p>d. NOTE. On-site wastewater effluent requirements: Special conditions (k) (Special Use Zone) and (j) (Additional Use Zone) stipulate this.</p> <p><i>Submission</i></p> <p>e. As the result of the construction of impervious surfaces such as roads, the volume of stormwater runoff from this site will increase. AWMA is concerned with the increase of stormwater draining into waterways and the quality of that stormwater. Therefore, AWMA has preference for stormwater disposal that is designed to retain a 1:10 year flood event on site for 72 hours.</p>

**TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)  
SHIRE OF ALBANY – TOWN PLANNING SCHEME NO. 3  
PROPOSED AMENDMENT NO. 156**

<b>Sub- mission No.</b>	<b>Name: Ratepayer/ Resident or Agency</b>	<b><i>Submission/Council Decision</i></b>
6.	Water And Rivers Commission  (Continued)	<p><i>Council Decision</i></p> <p>e. <b>UPHOLD.</b> Consistent with requirements for stormwater disposal in all similar situations. Special Conditions (l) (Special Use Zone) and (k) (Additional Use Zone) require retention of stormwater on-site. Additional performance standards (1 in 10 year flood event – retention for 72 hour period) can be imposed by Council on any subsequent development approvals.</p> <p>AWMA assistance to determine 1 in 100 year flood boundary will also be sought prior to development approval.</p>
7.	Environmental Health Service Health Department WA	<p><i>Submission</i></p> <p>a. The Health Department notes that the proposal is to rezone part of Lot 8 so an existing tearoom can be extended and for the development of a zoo, and part of Lot 7 so that 7 chalets and a manager's residence can be developed, serviced by a communal wastewater system.</p> <p><i>Council Decision</i></p> <p>a. <b>NOTE.</b> Concise summary of the proposal.</p> <p><i>Submission</i></p> <p>b. Local government officers indicate that the nominated communal wastewater disposal area on Lot 8 consists of sandy soil with an estimated depth of between 2-5 metres and that the land is not affected by high groundwater and will therefore be suitable for on-site wastewater disposal.</p> <p><i>Council Decision</i></p> <p>b. <b>UPHOLD.</b> Siting to meet DEP water clearance standards (100m horizontal, 2m vertical) can be achieved.</p> <p><i>Submission</i></p> <p>c. Based on the above advice, the Health Department has no objections to the proposal.</p> <p><i>Council Decision</i></p> <p>c. <b>NOTE.</b></p>
8.	Main Roads WA	<p><i>Submission</i></p> <p>a. This application is affected by the preferred route option submitted by HGM Consultants for the proposed Albany Ring Road. This option is het to be adopted by the Steering Committee.</p> <p><i>Council Decision</i></p> <p>a. <b>NOTE.</b></p>

**TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)  
SHIRE OF ALBANY – TOWN PLANNING SCHEME NO. 3  
PROPOSED AMENDMENT NO. 156**

Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Council Decision</i>
8.	Main Roads WA  (Continued)	<p><i>Submission</i></p> <p>b. Main Roads has conducted preliminary discussions with the proponent Mr Tony Davis. As a result of these discussions Mr Davis proposes to approach Council with the view to have his application held in abeyance. Main Roads would support this application and liaise on a ongoing basis with Mr Davis as our planning progresses.</p> <p><i>Council Decision</i></p> <p>b. <b>DISMISS.</b> Further negotiations have taken place between Main Roads WA and the proponent, effectively shifting alignment of (proposed) Ring Road to the south eastern apex of Lot 7, well away from proposed chalets and wastewater treatment system. Attached sketch map (<u>Attachment 3</u>) illustrates this. This is the basis of a recommended addendum to the Scheme Amendment Report.</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL – THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES

13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE – LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	<i>Submission/Recommendation</i>
4.	Agriculture WA  (Continued)	<p><b>Submission</b></p> <p>b. As there are defined watercourses traversing the property, I would recommend protection of these areas, provided that the floor of the drainage lines are not disturbed by cultivation or ripping. It is important that these areas remain intact to allow the natural flow of water in higher rainfall events.</p> <p><b>Recommendation</b></p> <p>b. <b>UPHOLD.</b> This can be effected via Special Condition (e) (both proposed zones) which allows Council to impose revegetation as a condition of development.</p> <p>The proponent agrees that revegetation of creeklines would be beneficial and is willing to undertake the necessary plantings.</p>
5.	Cyril Ecob Manager Albany Airport	<p><b>Submission</b></p> <p>a. The area is directly under the DME (Distance Measuring Equipment) approach for Runway 32 for the airport. Whilst at present aircraft arriving and landing at this airport are probably not likely to cause any disturbance, it is most likely that the size, frequency and noise of aircraft using this facility will increase in the near future.</p> <p><b>Recommendation</b></p> <p>a. <b>UPHOLD.</b> Long term future airport usage must be considered.</p> <p><b>Submission</b></p> <p>b. It is very likely that the Albany Airport will be used as a training facility in the future, therefore aircraft movements will increase.</p> <p><b>Recommendation</b></p> <p>b. <b>UPHOLD.</b> Additionally, growth of metropolitan Albany will necessarily increase usage.</p>

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL - THURSDAY, 23RD APRIL, 1998

13. REPORTS - PLANNING & DEVELOPMENT SERVICES13.3.1 SPECIAL USE ZONE AND ADDITIONAL USE ZONE - LINK ROAD  
(Continued)

SCHEDULE OF SUBMISSIONS		
Sub- mission No.	Name: Ratepayer/ Resident or Agency	Submission/Recommendation
5.	Cyril Ecob Manager Albany Airport  (Continued)	<p><b>Submission</b> c. The new administration for Albany is bound to come under pressure concerning any developments agreed for the airport region pertaining to the noise factor. This has been frequently documented in airport areas all around Australia and the Council should be sure to distance itself from these sensitive areas.</p> <p><b>Recommendation</b> c. UPHOLD. Concerns justified in long term planning.</p> <p><b>Submission</b> d. My personal feeling is that for any development to be agreed to for the immediate airport area, it should be accompanied by a disclaimer of some sort.</p> <p><b>Recommendation</b> d. UPHOLD. Addendum to Amendment Report required. Proponent concurs with such a disclaimer.</p> <p><b>"Council Recommendation</b> - Addendum to Amendment Report required to include a satisfactory disclaimer and an appropriate mechanism to advise prospective purchasers of the constraint."</p>
6.	Water And Rivers Commission	<p><b>Submission</b> a. Thank you for the opportunity to comment on the above proposal.</p> <ul style="list-style-type: none"> <li>◆ Details of the creek which traverses Lot 7, see Plan 6, have not been provided.</li> <li>◆ Information obtained from site visit by officer, and maps (see attached map) appear to show a conflict with the development and location of the existing creek.</li> </ul> <p><b>Recommendation</b> a. UPHOLD. Addition to Plan 6 to depict.</p> <p><b>Submission</b> b. In light of the above, it is requested that the proponent revise the plan to show the location of the creek, flood plain area and wetlands and how the development will be managed to avoid conflict with the creeks ecological values.</p> <p><b>Recommendation</b> b. UPHOLD. As per actions required by both 4b and 6a above.</p>

MINUTES OF THE PROCEEDINGS OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, SHIRE OF ALBANY, MERCER ROAD, ALBANY ON WEDNESDAY, 13TH MAY, 1998

4. OPEN FORUM/QUESTION TIME FOR THE PUBLIC: (Continued)

4.4 HARBOUR AND YOKANUP ROAD - PETITION FOR DRAINAGE AND WALKWAY IMPROVEMENTS

Mr Milton Evans of Yokanup Road, Albany, advised that he had read the petition presented to Council and supported it. He said that although he understood the budgetary restraints, he strongly suggested that the Commissioners visit the area before supporting part 3 of the recommendation.

4.5 CONSTABLE CARE PROGRAM

Mr Milton Evans advised that the Constable Care Program was an important aspect of children's education and safety. He encouraged Council to support this very useful and very important program by way of donation.

The Chairman advised Mr Evans that his comments had been noted and that Council would consider a donation to the Constable Care Program if an application is received.

5. CONFIRMATION OF MINUTES:

5.1 ORDINARY MEETING OF COUNCIL HELD ON 13TH MAY, 1998

The Director Corporate Services advised that the following amendments were required to the Minutes:-

- (a) ITEM 15.4 ACCOUNTS FOR PAYMENT - PAGE 31  
Insert page numbers "48" to "52".
- (b) ITEM 15.5 FINANCIAL STATEMENTS - PERIOD ENDED 31ST MARCH, 1998 - PAGE 31  
Insert page numbers "56" to "77".
- (c) ITEM 15.6 QUARTERLY BUDGET REVIEW - PAGE 32  
Insert page numbers "53" to "55".

(R98168) MOVED: Cmr Dawson                      SECONDED: Cmr Edmondson

THAT SUBJECT TO THE FOLLOWING AMENDMENTS, THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 13TH MAY, 1998, BE CONFIRMED AS A TRUE RECORD OF PROCEEDINGS.

- (a) ITEM 15.4 ACCOUNTS FOR PAYMENT - PAGE 31  
Insert page numbers "48" to "52".



CHAIRMAN  
27 MAY 1998

MINUTES OF THE PROCEEDINGS OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS, SHIRE OF ALBANY, MERCER ROAD, ALBANY ON WEDNESDAY, 13TH MAY, 1998

5. CONFIRMATION OF MINUTES (Continued)

5.1 ORDINARY MEETING OF COUNCIL HELD ON 13TH MAY, 1998  
(Continued)

- (b) ITEM 15.5 FINANCIAL STATEMENTS - PERIOD ENDED 31ST  
Insert page numbers "56" to "77".
- (c) ITEM 15.6 QUARTERLY BUDGET REVIEW - PAGE 32  
Insert page numbers "53" to "55".

CARRIED

6. BUSINESS ARISING:

Nil.

7. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

8. DECLARATIONS OF INTEREST:

Nil.

9. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS:

The Chairman gave notice of the following two items to be dealt with behind closed doors:-

- Regional Waste Disposal; and
- Organisational Structure - City of Albany From 1st July, 1998.

10. RESOLUTION REQUIRED FOR COMMISSIONER'S TRAVEL:

Nil.

11. GUESTS OF COUNCIL:

Nil.



CHAIRMAN

27 MAY 1998



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### 13.2.8 Community Sporting & Recreation Facilities (CSRFF) Applications

<b>File</b>	:	FIN 038
<b>Proposal / Issue</b>	:	Community Sporting & Recreation Facilities Fund (CSRFF) Applications Year 2000/01.
<b>Subject land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Community Development Officer (R Shanhun)
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Prioritise CSRFF Applications
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. Each year the Ministry of Sport and Recreation calls for applications under its Community Sporting and Recreation Facilities Fund (CSRFF) Program. The purpose of the fund is to provide State Government financial assistance to community groups and Local Government Authorities (LGAs) to develop well planned facilities for sport and recreation.
2. Part of the application assessment procedure involves Local Governments assessing those applications relevant to their district and giving them a ranking of priority, regardless of whether or not the Local Government Authority is contributing to, or participating in the particular project.

#### **STRATEGY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

Item 13.2.8 continued.

### **FINANCIAL IMPLICATIONS**

3. The following applications have included a financial contribution from Council:-

Middleton Beach Bowling Club	\$85,000
Youngs Siding Progress Association	\$30,000
Napier Tennis Club	\$2,600
Albany Clay Target Club	\$1,400
South Coast Tennis Club	\$3,000

of these only Albany Clay Target Club (\$1,400) and Napier Tennis Club (\$2,600) have current financial assistance approval in Council's 1999/2000 budget.

### **STRATEGIC IMPLICATIONS**

Nil.

### **DECLARATION OF INTEREST**

4. Reporting officer (R Shanhun) declares an interest in the application from Albany Boating and Offshore Fishing Club as he is a former member and office holder of the Club, has retained an involvement and is likely to rejoin as a member.
5. Executive Director Corporate and Community Services (P Madigan) declares an interest in the applications from Albany Equestrian Centre (2) and King River Horse and Pony Club as he is a member and office holder with both organisations.

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 Item 13.2.8 continued.
**COMMENT/DISCUSSION**

6. The following applications have been received:-

**CITY OF ALBANY  
CSRFF Applications**

ORGANISATION	PROJECT	CNCL	TOTAL	TOTAL
Albany Golf Club	New clubhouse development	-	2.472m	300,000.00
Middleton Beach Bowling Club	Renovation of clubhouse	85k	255k	85,000.00
Youngs Siding Association	Development of recreation facilities	30k	90k	25,000.00
Albany Equestrian Centre	Lighting of indoor Arena		45,000.00	15,000.00
Albany Boating & Offshore Fishing Club	New clubhouse development	-	44.5k	10,000.00
Albany Equestrian Centre	Sprinkler system and lining for indoor arena	-	27,000.00	9,000.00
Albany Clay Target Club	Two skeet clay target throwers	1,400.00	15,422.00	5,141.00
Napier Tennis Club	Resurface tennis courts	2,600.00	10,650.00	3,500.00
King River Horse & Pony Club	International dressage arena	-	980.00	3,250.00
South Coast Tennis Club	Resurface tennis courts	3,000.00	9,000.00	3,000.00

7. The Albany Golf Club project involves the construction of a new clubhouse facility. Through a regional CSRFF prioritisation process this project has been ranked number 1 throughout the Great Southern. The existing clubhouse is to be vacated and gifted to the City of Albany. Membership of the club is approximately 700. The course is open to members and the general public.
8. The Middleton Beach Bowling Club project involves the replacement of an old section of their building which houses the kitchen, dining room and toilets. It will also provide disabled access to the building. This project was ranked 4<sup>th</sup> on the regional priorities for the 2000/01 year. The club has a membership of approximately 210.
9. The Youngs Siding Progress Association project involves the development of a grassed oval, hard court facility and toilets. Currently there are no sport/recreation facilities in Youngs Siding. This project has no regional ranking (grant below \$50,000). Membership of the Progress Association is approximately 60. The facilities will be open to members and the public.

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Item 13.2.8 continued.

10. The Albany Equestrian Centre has 2 projects:-

- a) lighting of their indoor arena; and
- b) sprinkler system and lining of their indoor arena.

They have indicated their first priority to be the sprinkler and lining project.

Neither project has a regional priority ranking. Membership of the centre stands at approximately 700, including associated horse and pony clubs.

11. The Albany Boating and Offshore Fishing Club project involves the construction of a new clubhouse building. This project has no regional priority ranking. Membership stands at approximately 50. The facility will be shared by onshore angling club/s and diving club.

12. The Albany Clay Target Club project involves the purchase of skeet target throwers and construction of associated infrastructure. The project has no regional priority. Membership of the club is approximately 30. This project has been granted financial assistance from Council (\$1,400)

13. The Napier Progress Association project involves the repair and resurfacing of their tennis courts. The project has no regional priority ranking. Membership of the Association is approximately 50. There are not other sporting facilities in the Napier area other than the hall. The project has been granted financial assistance from Council (\$2,600).

14. The King River Horse and Pony Club project involves the development of an international dressage arena. This project has no regional priority ranking. Membership of the club is approximately 120. The facility will also provide a venue for Riding for the Disabled.

15. The South Coast Tennis Club project involves the resurfacing of their tennis courts and knock up area. The project has no regional priority ranking. Membership of the club is approximately 13. The courts are made available to the public.

#### RECOMMENDATION

THAT Council:

- i) Ranks the Albany Golf Club project as its top priority in recognition of the overall benefit to the golfing fraternity and community generally. (Note this project was the City's No 1 priority in 1998/99);
- ii) Prioritises the remaining applications based on perceived community benefit; and
- iii) Submits the CSRFF applications to the Department of Sport and Recreation in accordance with the standard procedure.

*Voting Requirement Simple Majority*

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Item 13.2.8. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR DUFTY**

**THAT Council ranks the Albany Golf Club project as its top priority in recognition of the overall benefit to the golfing fraternity and community generally, and conducts a ballot to prioritise the applications referred to in part ii) of the Officer Recommendation.**

**MOTION CARRIED 14 – 0**

Councillor Armstrong advised he is President of the Albany Boating and Offshore Fishing Club.

Councillor Lubich advised he is President of the Albany Golf Club.

Councillor Bojcun advised she is President of the Albany Carriage Driving Club, a nationally accredited coach and whip for the South Coast Disabled Driving Group, a former member of the Albany Equestrian Centre and a former member of the King River Pony Club, however she has no financial interest any of the organisations.

A ballot was conducted by the Chief Executive Officer, to determine the priority of CSRFF applications received.

Councillor Lubich excused himself to take a telephone call and left the Chambers at 8:38pm.

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Item 13.2.8. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR ARMSTRONG**

**THAT the remaining applications be prioritised as follows:**

- 1. Middleton Beach Bowling Club – renovation of club house**
- 2. Youngs Siding Association – development of recreation facilities**
- 3. Albany Boating & Offshore Fishing Club – new club house development**
- 4. Albany Equestrian Centre – sprinkler system and lining for indoor arena  
and Napier Tennis Club – resurface tennis courts (tied vote)**
- 6. Albany Clay Target Club – two skeet clay target throwers**
- 7. King River Horse & Pony Club – international dressage arena**
- 8. South Coast Tennis Club – resurface tennis courts**

**and the CSRFF applications be submitted to the Department of Sport and Recreation in accordance with the standard procedure.**

**MOTION CARRIED 11 – 3**

Councillor Lubich returned to the Chambers at 8:40pm.

### 13.3 LIBRARY SERVICES

#### 13.3.1 Library Board Agreements

<b>File &amp; Ward</b>	:	INF007
<b>Proposal/Issue</b>	:	Library Board Agreements
<b>Subject Locality/Land</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting officer</b>	:	Manager Library Services (J Flottmann)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Council approves the replacement of the former Town and Shire Library Service Agreements with new agreements between the Library Board of WA and the City of Albany.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. The Albany Public Library and Information Service operates as a joint service between the City of Albany and the Library and Information Service of WA (LISWA). The existing formal agreements under which this partnership operates are between the former Town of Albany, the former Shire of Albany and the Library Board of WA pursuant to the Library Board of Western Australia Act (1951 –1983). These existing agreements now need to be replaced with agreements with the City of Albany.
2. The existing agreements comprise of one agreement for the provision of library services within the former Town and Shire areas and a second agreement for the provision of regional library services to the Great Southern Region.
3. Apart from minor changes to terminology, the new agreements are the same as the existing agreements.

#### STATUTORY REQUIREMENTS

4. Public Library Services operate under the Library Board of Western Australia Act (1951 –1983). Under the Act the Library Board is the responsible authority for registering public libraries in WA and this takes the form of an agreement between the Board and the Local Authority.

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Item 13.3.1 continued.

5. The Library Board has the responsibility for regulations for public libraries under the Act and other standards and policies affecting the operations of public libraries.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

6. Under the agreement for the provision of Library Services within the City of Albany, LISWA agrees to provide the majority of stock for the public libraries within the City at a ratio of 1.25 items per head of population, and other specified support services. The City agrees to provide building, staffing, equipment and other infrastructure and operating requirements to house the stock and provide public library services.
7. Under the Library Board of WA Act, the expenditure by the Library Board in the maintenance of library stock supplied to the City of Albany may not exceed the expenditure by the City of Albany.
8. The 1999/2000 budget for Library Services is \$754,455 for operating expenditure and \$187,247 for capital works.
9. Under the agreement for the Provision of Regional Library Services to the Great Southern Region, the Library Board agrees to pay the City of Albany an annual subsidy to provide these services. This is currently set at \$18,604 per annum with provision for CPI increases.

#### **STRATEGIC IMPLICATIONS**

10. Under "Services for People", the City's Strategic Plan 1998 - 2000 contains the objective to "Provide and plan for library services which support and enhance the quality of life of a growing community".

#### **COMMENT/DISCUSSION**

10. Replacement of these agreements has been delayed pending the replacement of the existing Library Board Act with a new Culture, Libraries and the Arts Act. However the Bill for the proposed new Act has been delayed due to significant opposition from many of the key stakeholders, including WAMA. It is anticipated to be quite some time before a new Act is passed and new agreements subsequently negotiated with Local within the new Act. In the interim, it is appropriate to endorse new agreements between the City of Albany and the Library Board of WA based on the existing agreements.



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Item 13.3.1 continued.

11. Copies of the agreements are attached with this item.

RECOMMENDATION

THAT:

- i) Council approves the replacement of the former Town and Shire Library Service Agreements with new agreements between the Library Board of WA and the City of Albany for the provision of Library Services in the City of Albany and for the provision of Regional Library Services in the Great Southern; and
- ii) The Common Seal of the City of Albany be affixed to the relevant documents.

*Voting Requirement Absolute Majority*

.....

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR DUFTY**

**THAT:**

- i) Council approves the replacement of the former Town and Shire Library Service Agreements with new agreements between the Library Board of WA and the City of Albany for the provision of Library Services in the City of Albany and for the provision of Regional Library Services in the Great Southern; and**
- ii) The Common Seal of the City of Albany be affixed to the relevant documents.**

**MOTION CARRIED 14 – 0**

## **ATTACHMENT 1.**

### **THE LIBRARY BOARD OF WESTERN AUSTRALIA ACT, 1951- 1983**

An Agreement for the provision, organisation and supervision, pursuant to the provisions of the above Act, of registered public libraries and registered public library services within the area of the City of Albany.

#### **I. DEFINITIONS**

In this Agreement -

BOARD means The Library Board of Western Australia.

LIBRARY AUTHORITY means the City of Albany.

LIBRARIES means the libraries established by the City of Albany.

LISWA means The Library and Information Service of Western Australia.

#### **II. PRESENT POSITION**

1. There is a public library in York Street, Albany and a public library at Wellstead.
2. The formal Agreements between the Board and the Town of Albany and the Shire of Albany are hereby rescinded and replaced by this Scheme.

#### **III. AGREEMENT**

1. The Library Authority and the Board each for their own part agree to enter into an Agreement of cooperation for the provision of a public library service for the City of Albany upon the following terms and conditions.
2. The Libraries shall be conducted for the following three purposes:
  - To make available to all citizens, young and old, books, videos and other library resources of relevance and interest;
  - To provide information on any subject which may reasonably be expected to be of value to the public;
  - To encourage and promote the use of books and information.
3. The Libraries shall be free both in the sense that no payment shall be required of a user of the libraries except in accordance with the Regulations for the Conduct of Public Libraries and also in the sense that they will, as far as practicable, represent in their stock all facets of opinion and all aspects of knowledge leaving to the reader the choice and decision as to their truth and value.
4. The Library Authority agrees -

- 
- a. to maintain the Libraries and fittings in a fit and serviceable condition, properly lighted, cleaned and if necessary heated;
  - b.
    - (i) to employ an adequate staff of librarians and assistants to operate the Libraries;
    - (ii) to appoint a Librarian and to fill any subsequent vacancy in that office by the appointment of a person eligible for Professional Membership of the Australian Library and Information Association or equivalent qualification and to consult with the Board when making such an appointment;
    - (iii) to send the Librarian, or other approved member of the library staff as their representative, to the Alexander Library Building, regularly at monthly intervals, to select library resources to be sent by the Board to the library;
  - c. to conduct the Libraries in accordance with the Regulations for the Conduct of Public Libraries approved by the Governor in Executive Council 13 May 1954, and any amendments or additions thereto;
  - d. to do all in its power to assist the efficiency of the system of interloan of library resources between libraries;
  - e. to furnish the Board, on request, information and other such financial information and statistics on the use of library resources, and of the Libraries, as the Board may need for the better conduct of its work or for the information of the Minister;
  - f. to supply to the Board copies of any annual or other public reports or publications issued by the Library Authority concerning the Libraries;
  - g. to permit the State Librarian or any authorised officer of the Board to visit and inspect the Library, as required by the Act, and to afford that person all reasonable assistance and co-operation;
  - h. to carry out or cause to be carried out the reasonable requests of the Board concerning minor repairs to and other care of library resources;
  - i. to notify the Board of any library resources irrecoverable from readers or lost or damaged by readers, and to take all reasonable measures to recover from the readers concerned the cost of such losses or damage as assessed by the Board;
  - j. to receive from the Board on loan library resources for use in the Libraries and to take all proper measures to safeguard the library resources;

- 
- k. to pay to the Board the value of any library resources as determined by the Board, which become lost or damaged while on loan from the Board, fair wear and tear excepted;
  - l. to use, when requested to do so by the Board, standard stationery which is needed for the convenient and efficient conduct of the service;
  - m. to pay the cost of return carriage to LISWA or other libraries on library resources returned or exchanged;
  - n. to pay the cost of outward postage or carriage on particular library resources sent to other libraries at the request of the Board to meet readers' requests;
  - o. not to alter the location of the Libraries stated in Section II.1. above without the prior approval of the Board;
5. The Board, subject to the continuing performance by the Library Authority of its obligations stated herein, agrees pursuant to its powers under the Act:
- a. to provide all library resources necessary for the Libraries, such library resources to be and remain the property of the Board, and in particular:
    - (i) at convenient intervals, to exchange library resources, as required to maintain the efficiency of the service and the number of library resources in the library;
    - (ii) to maintain the library resources in good condition;
    - (iii) since the bookstock of the Library Authority should be in the proportion of 1.25 items per capita, to supply additional library resources in the future if the population of the local government increases, upon terms then to be decided;
  - b. to provide an interlibrary loan and information service;
  - c. to provide a cataloguing service and access to LISWA's catalogue of statewide resources;
  - d. to consult with the Librarian on the needs of the Libraries for particular types of library resources;
  - e. to provide advice and consultancy services as required;
  - f. to pay the cost of outward carriage on books despatched to the library;
6. It is jointly agreed:
- a. (i) that the financial basis of the Agreement is that laid down in the Act under which the expenditure by the Board in the maintenance of the stock may not exceed the expenditure by the Library Authority;
  - (ii) that in any year ending 30th June in which the expenditure of the Library

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Authority in the provision of the library service is less than the expenditure of the Board in its performance of its obligations under this Agreement, the Library Authority will pay the Board such a balancing payment as will equalise the expenditure by both parties.

7. The Board will not normally provide periodicals under its power of subsidy.
8. This Agreement will come into effect upon its approval by the Board.

**Signed:**

**For the City of Albany**

.....  
Alison Goode, Mayor

Date: .....

.....  
Andrew Hammond, Chief Executive Officer

Date: .....

**For The Library Board of Western Australia**

.....  
Prof. Brian de Garis, Chairperson

Date: .....

.....  
Dr. Lynn Allen, State Librarian & Chief Executive Officer,  
The Library and Information Service of Western Australia

Date: .....

**ATTACHMENT 2.**

Attachment to be read in conjunction with the Addendum to the Library Board of Western Australia Act 1951 - 1983 negotiated on regional services in 1994.

**REGIONALISATION**

The concept of regionalisation was approved by the Library Board in 1977 as a means of utilising the expertise of the professional librarians outside the metropolitan area, to improve service to public library users in country areas.

Eleven regions have now been set up based on existing State Government regions:

East Pilbara  
West Pilbara  
Gascoyne  
Geraldton  
Goldfields  
Great Southern  
Kimberley  
Merredin  
Northam  
South West  
Upper Great Southern

**AIMS AND OBJECTIVES**

To develop and maintain the effective delivery of public library services within the region, working in conjunction with the individual local governments and The Library and Information Service of Western Australia.

To enable initiatives to be taken at the regional level to improve the level of service to the user.

To develop regional co-operation and unity.

To minimise the effects of isolation.

**THE LIBRARY BOARD OF WESTERN AUSTRALIA ACT 1951 - 1983**

**ADDENDUM TO -**

An Agreement for the provision, organisation and supervision pursuant to the provisions of the above Act, of registered public libraries and registered public library services with the City of Albany.

1. The Library Authority and the Library Board wish to provide regional services for a region based upon the Albany Library.

- 
2. It is jointly agreed that the local authorities in the region will be:-
- |                           |                           |
|---------------------------|---------------------------|
| Broomehill Shire Council  | Katanning Shire Council   |
| Cranbrook Shire Council   | Kent Shire Council        |
| Denmark Shire Council     | Kojonup Shire Council     |
| Gnowangerup Shire Council | Plantagenet Shire Council |
| Jerramungup Shire Council | Tambellup Shire Council   |
3. The public libraries served by the region are:-
- i.
- |             |             |             |
|-------------|-------------|-------------|
| Bremer Bay  | Jerramungup | Pingrup     |
| Broomehill  | Katanning   | Rocky Gully |
| Cranbrook   | Kojonup     | Tambellup   |
| Denmark     | Mt. Barker  | Wellstead   |
| Frankland   | Nyabing     |             |
| Gnowangerup | Ongerup     |             |
- ii. additional libraries may be opened in the future
4. The Library Authority will be required to undertake the following regional functions.
- i. Assist library officers with operational issues but not advising local government on policy matters.
  - ii. Alert LISWA to major policy issues with local government if and when they arise.
  - iii. Visit and report to LISWA on all libraries in the region once annually.
  - iv. Organise and conduct one meeting in the region per annum with a maximum of two staff subsidised to attend including the regional librarian.
  - v. Submit quarterly reports to LISWA.
  - vi. Maintain regional communications, eg. newsletter.
  - vii. Process subject requests and bulk loans of regional stock for the region.
  - viii. Arrange and conduct training programmes for library officers.
  - ix. Maintain regional statistics.
  - x. Attend regional librarians' meeting at LISWA.
  - xi. Select items from the AOL for the region.
  - xii. Any additional services which the Library Authority may wish to undertake.

**NOTE**

- A. Should any additional services require funding from the Library Board, the provision of the additional service must be negotiated between the two parties before its introduction.
- B. The Library Authority must notify LISWA of any functions in paragraph 4 which it does not perform.

- 
5. The Library Board will provide funding to the Library Authority for the following:
    - ◆ Salary subsidy of \$12840 p.a. which is agreed to be sufficient to undertake the duties specified in paragraph 4.
    - ◆ 100% travel and subsistence costs at public service rates to enable the Regional Librarian to visit every library in the region annually.
    - ◆ .50% subsistence and travel costs at public service rates to enable the Regional Librarian to visit LISWA up to 12 times per annum to attend meetings, select exchanges and perform duties pertaining to the regional role.
    - ◆ .Other costs of providing regional services. eg. telecommunications, postage, stationery, etc.
  
  6. The following annual escalators will apply:
    - ◆ .Local government salary increase based on CPI
    - ◆ .airline cost increases
    - ◆ .kilometrage increases in WA Public Service rates
    - ◆ .subsistence increases in WA Public Service rates
    - ◆ .CPI increases for other costs.
  
  7. The Agreement can be varied as a result of negotiations between the Regional Authority and LISWA to either increase or reduce services with corresponding subsidy adjustment. This may be conducted as part of the annual budgetary process.
  
  8. This Agreement will be subject to review every five years.
  
  9. Either party may cancel the Agreement giving minimum notice of six months.

**Signed:**

**For the City of Albany**

..... Date: .....

Alison Goode, Mayor

..... Date: .....

Andrew Hammond, Chief Executive Officer

**For The Library Board of Western Australia**

..... Date: .....

Prof. Brian de Garis, Chairperson

..... Date: .....

Dr. Lynn Allen, State Librarian & Chief Executive Officer,  
The Library and Information Service of Western Australia



**13.4 DAY CARE CENTRE**

Nil.

**13.5 TOWN HALL**

Nil.

## **13.6 ALBANY LEISURE & AQUATIC CENTRE**

### **13.6.1 Submission for Lockers**

<b>File</b>	:	PRO002
<b>Proposal/Issue</b>	:	Submission for Lockers
<b>Subject Land/Locate</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Leisure and Aquatic Centre Manager (P Sporton)
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	That the City of Albany signs an agreement between Vendalot Pty Ltd to provide lockers at ALAC.
<b>Locality Plan</b>	:	N/A

#### **BACKGROUND**

1. The City of Albany has been approached by Vendalot Pty Ltd to sign a contract for the provision of lockers at A.L.A.C.

#### **STATUTORY REQUIREMENTS**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

2. The City of Albany will receive 20% of monies received from the use of lockers.

#### **STRATEGIC IMPLICATION**

Nil.

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Item 13.6.1 continued.

**COMMENT/DISCUSSION**

3. An agreement to provide lockers was signed between Eurolocker and the City of Albany on the 11/02/98.
4. The company did not fulfill the agreement to provide lockers and as a result the City of Albany have now been approached by Vendalot Pty Ltd to sign a similar agreement.
5. The first agreement is to be rescinded with the signing of the proposed agreement.
6. The City of Albany does not currently provide lockers at Albany Leisure and Aquatic Centre. There have been a number of requests from customers for lockers to be available.
7. There will be no capital cost to the City of Albany with this agreement.
8. A number of Centres in Western Australia provide lockers under similar agreements.
9. Council's Senior Administration Officer Shelley Pepper has been consulted throughout negotiations to date in the signing of this agreement.

**RECOMMENDATION**

That Council authorises the C.E.O. or his delegate to sign the contract as presented by Vendalot Pty Ltd. provided that the following sections are altered:

- i) Point 3
  - a) The Operator shall, in consultation with Centre Management, determine the number of lockers appropriate for A.L.A.C.
  - b) The Operator shall, in consultation with Centre Management be entitled to increase or decrease the number of lockers at A.L.A.C. depending on the demand for the lockers.
- ii) Point 6 The Operator shall, in consultation with Centre Management, be entitled to:
- iii) Vendalot Pty Ltd satisfy Council of their level of public liability insurance.

*Voting Requirement Simple Majority*

.....

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Item 13.6.1. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WILSON**

**THAT the motion be amended to include the reason for the signing of an agreement between Vandalot Pty Ltd and the City of Albany.**

**MOTION LAPSED – NO SECONDER**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR EVERS**

**That Council authorises the C.E.O. or his delegate to sign the contract as presented by Vandalot Pty Ltd. provided that the following sections are altered:**

- i) Point 3**
  - a) The Operator shall, in consultation with Centre Management, determine the number of lockers appropriate for A.L.A.C.**
  - b) The Operator shall, in consultation with Centre Management be entitled to increase or decrease the number of lockers at A.L.A.C. depending on the demand for the lockers.**
- ii) Point 6** **The Operator shall, in consultation with Centre Management, be entitled to:**
- iii) Vandalot Pty Ltd satisfy Council of their level of public liability insurance.**

**MOTION CARRIED 12 – 2**



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**26<sup>TH</sup> OCTOBER, 1999**

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

## CITY OF ALBANY

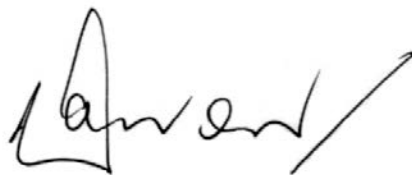
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Signed:



Date: 27<sup>th</sup> October, 1999

**ANDREW HAMMOND**  
**CHIEF EXECUTIVE OFFICER**

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\*\* REFER DISCLAIMER \*\*

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**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE CITY OF ALBANY  
HELD IN THE COUNCIL CHAMBERS, MERCER ROAD, ALBANY  
ON TUESDAY 26<sup>TH</sup> OCTOBER 1999 AT 7:30PM**

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ATTENDANCE : Mayor - A.E. Goode JP  
Councillors - J.M. Walker  
- L.W. Armstrong  
- I.A. West  
- J.M. Lubich  
- G. Mountford  
- J. Cecil  
- J. Williams  
- S.M. Bojcun  
- M.J. Evans  
- I.W. Wilson  
- D.J. Wolfe  
- D.M. Evers  
- A.D. Dufty  
- A.C. Hammond  
Chief Executive Officer  
A/Executive Director-  
Corporate & Community Services - R. Boardley  
Executive Director –  
Strategic Planning - R. Jefferies  
Executive Director –  
Works & Services - C Meeking  
Executive Director –  
Development Services - R Fenn  
PA to Chief Executive Officer - S M Sandison  
Approximately 45 members of the public  
2 media representatives

**1.0. MEETING OPENED AT 7:30PM**

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

**2.0. APOLOGIES**

Councillor N. Bain

### **3.0. OPENING PRAYER**

The opening prayer was read by Councillor J. Williams.

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

### **4.0 OPEN FORUM**

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

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

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

#### **\* G. Wroth**

Mr Wroth referred to Item 13.2.6. and spoke in support of the Officer Recommendation. Mr Wroth said that more than 25,000 people have petitioned Parliament opposing any move to establish a nuclear waste facility in this State, however he believed Pangea Resources were prepared to bide their time and wait for a change in public opinion. He said Local Government is the form of government closest to the people it represents, and should therefore represent the aspirations and concerns of those people. Mr Wroth said he believed the Officer Recommendation did that, and commended it to the meeting.

#### **\* N. Smithson**

Mr Smithson referred to Item 12.1.7. – the rezoning of Lot 102 North Road, from “Yakamia Creek” to “Special Site (Municipal and Government Use)”. Mr Smithson said he believed that as a “Special Site” the proposed use of Council administration building is not consistent with the residential objectives of the Yakamia Structure Plan. He also felt that the proposal would introduce commercial activity into an area not recognised in the Commercial Strategy for that use. He asked why this rezoning was being proposed at this time (prior to finalisation of the Commercial Centres Strategy), and why the site was being promoted above others.

Item 4.0. continued.

The Executive Director Development Services advised the recommendation sought to commence a process for a rezoning which may be required if the site is selected for the future Council administration building. The adoption of the recommendation assists in a reduction of the lead time which would be required for statutory requirements and it would allow the project to proceed with minimal delays.

He advised that when considering the question of zoning, Council will need to make a decision on whether a Council administration office is comparable with private commercial development.

**\* K. Duggan**

Mr Duggan referred to Item 15.1.2. – final approval of the Bayonet Head Outline Development Plan and said he wished to lodge an objection to the fact that although this process had taken a very long time, the land owners had only received advice of the 17 modifications last Thursday, when they were told the matter would be decided at the Council Meeting tonight. He said the land owners felt they had not been given sufficient notice, considering that some 40% of their land would now be required for a primary school, public open space and drainage and the street layout had been changed. Mr Duggan said he believed a final decision should not be made at this stage, to allow more time for discussion and consultation with the land owners concerned.

The Executive Director Strategic Planning agreed that this process had taken a long time, and that an undertaking had previously been given to progress the matter, therefore staff resources had been allocated to do so. He said there were two main issues:

1. Looking at public open space and making changes to ensure it is allocated where the best and most pristine vegetation is located – this is reflected in a lot of the submissions.
2. A drainage study has been undertaken and these requirements have been incorporated. These requirements affect two land owners and Council is happy to make a commitment to liaise with them to finalise the matter.

**\* Y. Attwell**

Mrs Attwell referred to Item 15.1.2., and advised her interest is as a developer negotiating with Mr Duggan. Mrs Attwell said her concern was that if the Officer Recommendation was adopted, there would be 17 changes to the original Plan and these changes would come into force immediately. She said Mr Duggan had spent a great deal of money and 10 years of his life on this development, therefore it was not unreasonable to ask that the matter be looked at with great care and concern prior to a final decision being made, and urged Councillors to do that this evening.

Item 4.0. continued.

**\* G. Slee**

Mr Slee referred to Item 15.1.2. and advised he is a land owner affected by the proposed modifications to the development plan. He said the plan has changed considerably since the last meeting was held with the land owners, and implored Council not to make a final decision on the matter tonight.

The Mayor declared the public forum session closed and thanked everyone for their comments and questions.

**5.0. CONFIRMATION OF MINUTES**

5.1. Ordinary and Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION

That the following minutes:

- Ordinary Council meeting held on 5<sup>th</sup> October, 1999

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

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR LUBICH  
SECONDED COUNCILLOR WOLFE**

**THAT the following minutes:**

- **Ordinary Council meeting held on 5<sup>th</sup> October, 1999**

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

**MOTION CARRIED 14 – 0**

**6.0 BUSINESS ARISING**

Nil

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillors Lubich and Bojcun sought leave of absence for the 16<sup>th</sup> November Ordinary Council Meeting.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WILSON**

**THAT Councillors Lubich and Bojcun be granted leave of absence for the 16<sup>th</sup> November Ordinary Council Meeting.**

**MOTION CARRIED 14 – 0**

**8.0 DECLARATIONS OF INTEREST**

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

Councillor D. Wolfe – Item 22.1.

Nature of Interest – he is the property owner of Pit A referred to in the tenders.

**9.0 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Nil.

**10.0 RESOLUTION REQUIRED FOR ELECTED MEMBER'S TRAVEL**

Nil.

**11.0 GUESTS OF COUNCIL**

Nil.

## 16.0. REPORTS OF COMMITTEE

### 16.1 Joint Retail Trading Hours Committee Meeting – 4<sup>th</sup> October 1999

DRAFT MOTION:

THAT;

- i) Council appoint the following members to the Committee:-  
John Houweling – Member (Albany Chamber of Commerce)  
Michael Pemberton – Deputy Member (Albany Chamber of Commerce)  
Jan Waterman – Deputy Member (Albany City Heart)  
  
and, accept the following resignations from the Committee:-  
Ian Wilson - (Albany Chamber of Commerce)  
George Burcher – (Albany City Heart); and
- ii) the minutes of the Joint Retail Trading Hours Committee meeting held on 4<sup>th</sup> October be endorsed and the recommendations adopted.

#### **COUNCIL RESOLUTION**

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR CECIL**

**THAT:**

- i) **Council appoint the following members to the Committee:-  
John Houweling – Member (Albany Chamber of Commerce)  
Michael Pemberton – Deputy Member (Albany Chamber of Commerce)  
Jan Waterman – Deputy Member (Albany City Heart)  
  
and, accept the following resignations from the Committee:-  
Ian Wilson - (Albany Chamber of Commerce)  
George Burcher – (Albany City Heart); and**
- ii) **the minutes of the Joint Retail Trading Hours Committee meeting held on 4<sup>th</sup> October be endorsed and the recommendations adopted.**

**MOTION CARRIED 14 – 0**

16.2 Albany Airport Advisory Committee Minutes - 28th September 1999

DRAFT MOTION:

THAT the minutes of the Albany Airport Advisory Committee Meeting held on 28<sup>th</sup> September 1999 be endorsed with the following recommendations adopted:

THAT the Albany Airport Advisory Committee:

- i) endorses the report from Trudy Robins & Associates for the implementation of an Instrument Landing System.
- ii) notes that the Consultants estimate is \$828,000, which is \$78,000 over the existing budget of \$750,000.
- iii) recommend to Council to undertake surveys to enable a detailed estimate to be prepared.
- iv) review the benefits of installing an Instrument Landing System at the Albany Airport to the region.
- v) recommends to Council to pursue additional funding as a matter of priority particularly from Air Services Australia for the implementation of an Instrument Landing System.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WEST  
SECONDED COUNCILLOR MOUNTFORD**

**THAT the minutes of the Albany Airport Advisory Committee Meeting held on 28<sup>th</sup> September 1999 be endorsed with the following recommendations adopted:**

**THAT the Albany Airport Advisory Committee:**

- i) endorses the report from Trudy Robins & Associates for the implementation of an Instrument Landing System.**
- ii) notes that the Consultants estimate is \$828,000, which is \$78,000 over the existing budget of \$750,000.**
- iii) recommend to Council to undertake surveys to enable a detailed estimate to be prepared.**
- iv) review the benefits of installing an Instrument Landing System at the Albany Airport to the region.**
- v) recommends to Council to pursue additional funding as a matter of priority particularly from Air Services Australia for the implementation of an Instrument Landing System.**

**MOTION CARRIED 14 – 0**



16.3 Waste Management Advisory Committee Meeting Minutes – 20<sup>th</sup> September 1999

DRAFT MOTION:

THAT the minutes of the Waste Management Advisory Committee Meeting held on 20<sup>th</sup> September 1999 be endorsed with the following recommendations adopted:

THAT the Waste Management Advisory Committee move to recommend that Council:

- i) considers to man Redmond Tip to improve site condition
- ii) use media to educate public of their responsibilities in waste management
- iii) reinforce the policing of illegal dumping following the tip being manned.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR DUFTY**

**THAT the minutes of the Waste Management Advisory Committee Meeting held on 20<sup>th</sup> September 1999 be endorsed with the following recommendations adopted:**

**THAT the Waste Management Advisory Committee move to recommend that Council:**

- i) considers to man Redmond Tip to improve site condition**
- ii) use media to educate public of their responsibilities in waste management**
- iii) reinforce the policing of illegal dumping following the tip being manned.**

**MOTION CARRIED 14 – 0**

16.4 Waste Management Advisory Committee Meeting Minutes – 6<sup>th</sup> October 1999

DRAFT MOTION:

THAT the minutes of the Waste Management Advisory Committee Meeting held on 6<sup>th</sup> October 1999 be endorsed with the following recommendation adopted:

That the Waste Management Advisory Committee view the Great Southern Regional Landfill Site as the preferred site.

The major reasons for the Waste Management Advisory Committee's recommendation are:

- The close proximity of water catchments to the Alternative Tip Sites
- The cost of the land for the Alternative Sites.
- Compulsory acquisition should be avoided.
- The alternative sites are located in good grazing country
- If the regional tip was located at one of the Alternative Sites the land would only be suitable for grazing in the future.
- Time to develop the alternative sites.
- The close proximity of the Alternative Sites may discourage recycling
- The Great Southern Regional Landfill site has average annual rainfall of 18 inches compared to 30 for the alternative sites.

Item 16.4 continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Waste Management Advisory Committee Meeting held on 6<sup>th</sup> October 1999 be endorsed with the following recommendation adopted:**

**That the Waste Management Advisory Committee view the Great Southern Regional Landfill Site as the preferred site.**

**The major reasons for the Waste Management Advisory Committees recommendation are:**

- **The close proximity of water catchments to the Alternative Tip Sites.**
- **The cost of the land for the Alternative Sites.**
- **Compulsory acquisition should be avoided.**
- **The alternative sites are located in good grazing country**
- **If the regional tip was located at one of the Alternative Sites the land would only be suitable for grazing in the future.**
- **Time to develop the alternative sites.**
- **The close proximity of the Alternative Sites may discourage recycling**
- **The Great Southern Regional Landfill site has average annual rainfall of 18 inches compared to 30 for the alternative sites.**

**MOTION CARRIED 14 – 0**

16.5 Town Hall Management Committee Meeting Minutes – 13<sup>th</sup> September 1999

**DRAFT MOTION:**

**THAT the minutes of the Town Hall Management Committee Meeting held on 13<sup>th</sup> September 1999, be endorsed and the recommendations adopted.**

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR DUFTY  
SECONDED COUNCILLOR WILSON**

**THAT the minutes of the Town Hall Management Committee Meeting held on 13<sup>th</sup> September 1999, be endorsed and the recommendations adopted.**

**MOTION CARRIED 14 – 0**

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16.6 Commercial Strategy Steering Committee Meeting Minutes –4<sup>th</sup> October 1999

DRAFT MOTION:

THAT the minutes of the Commercial Strategy Steering Committee Meeting held on 4<sup>th</sup> October 1999, be endorsed and the recommendations adopted.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR MOUNTFORD**

**THAT the minutes of the Commercial Strategy Steering Committee Meeting held on 4<sup>th</sup> October 1999, be endorsed and the recommendations adopted.**

**MOTION CARRIED 14 – 0**

**17.0. ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN**

DRAFT MOTION

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

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WILSON**

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

**MOTION CARRIED 14 – 0**

**18.0 RECEPTION OF PETITIONS AND MEMORIALS**

A petition containing 353 signatures and a number of letters supporting adoption of the Officer Recommendation at Item 13.2.6.

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

Nil.

**20.0 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil.

**21.0 MAYORS REPORT**

“Fellow Councillors –

National Weedbuster Week was successfully launched here in Albany on Sunday 10<sup>th</sup> October on Mount Clarence. With around 100 people signing on, we all pitched in and attempted to make an impact on what is clearly a serious threat to our bushland reserves. The experience was an educational one for me, and I have to confess that I was unaware of the extent of the problem until I saw it for myself.

I would like to make mention, in relation to Weedbuster Day, the tremendous effort put in by our staff members Melanie Price, Jane Davies and Chris Grogan who gave up their precious Sunday so willingly.

Recently around 20 Fire and Rescue Service firefighters set out to “Pedal for Princess Margaret Hospital”, raising funds for the burns unit at PMH by cycling in convoy 480Kms from Albany to Perth. The ride took in Mt Barker, Cranbrook, Tambellup, Broomehill, Katanning, Wagin, Narrogin, Pingelly and Brookton before finally arriving in Perth. Based at the Perth Fire Station, the driving force behind the ride was David Young of C Platoon. As Mayor, I was invited to “flag” the riders off on their journey, and on behalf of Council I presented David with a donation of \$100.00 towards their fundraising efforts. To everyone’s great amusement, David Young literally fell off his bike twice within the first 10 feet of the trip. I dread to think what state he was in if he repeated that performance for 480 kilometres.

On Sunday 17<sup>th</sup> the Walk for the Cure took place at Middleton Beach. The Walk was one of many occurring State-wide to raise awareness of and funds for research into juvenile diabetes. I am pleased to say that nearly 300 people took part in the walk, with \$1045 raised on the day. With more donation coming in, the total looks to be around \$2,500 – an excellent start, and I look forward to being able to actively participate again next year.

Item 21.0. continued.

This morning it was my genuine pleasure to take part in a workshop to discuss the draft document for reconciliation. The workshop, which took place at the Esplanade, attracted a large group of people to discuss the formation of national strategies to advance reconciliation between aboriginal and Torres Strait islanders and non-aboriginal peoples.

I confess to feeling some concern when I realised that in Council's efforts to establish working and focus groups and committees to deal with the issues that are relevant to our City, we may have inadvertently overlooked invitations to include representatives from within our own local Noongar community. I hope that Council can give consideration to this issue and encourage the valuable input of an integral community group.

In closing, I would like to thank our CEO Andrew Hammond and Sue Sandison who, on behalf of you all, organised a gift basket and card to be sent to my husband Gerry during his recent stay in hospital. As most of you are aware, Gerry was taken to hospital by ambulance after his back deteriorated to the point that movement without severe pain was impossible. This happened to coincide with our wedding anniversary, and now that Gerry is out of hospital and slowly recovering, we can look back and laugh at all the jokes.

On Gerry's behalf, I would like to thank those of you who have extended your good wishes for his recovery.

Thank you Councillors."

**22.0 URGENT BUSINESS AT THE DISCRETION OF THE MAYOR**

**22.1. Tender C99048 – Winning and Stockpiling of Gravel**

<b>File/Ward</b>	:	C99048 All Wards
<b>Proposal/Issue</b>	:	Contract for Winning and Stockpiling of Gravel
<b>Subject Land/Locality</b>	:	Within City of Albany
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Operations Manager (C. Mibus)
<b>Previous Reference</b>	:	Annual Contract
<b>Summary Recommendation:</b>		Approve recommendations

**BACKGROUND:**

1. Tenders have been called for the winning and pushing up of gravel materials required for construction and maintenance works in the 1999/00 roads programme.

**STATUTORY REQUIREMENTS**

2. The tendering process for Goods and Services must be in accordance with Sections 11(1), 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.

**POLICY IMPLICATIONS**

3. Former Council policy is to pay a nominal royalty rate of 50 cents per cubic metre, as compensation for loss of use for the land while being used as a gravel pit.
4. The City of Albany currently does not have any adopted policies relating to procurement of road making materials and reinstatement of gravel pits. A new procedure being adopted this year will require Council to apply for extractive approvals for each of these pits. The approvals will outline operational and reinstatement procedures for Council to comply.

## STRATEGIC PLAN IMPLICATIONS

5. The Corporate Plan has a number of strategies which are satisfied or serviced by this contract, namely to:
  - Responsibly manage Council’s physical assets
  - Meeting National Competition policy requirements
  
6. Provision is made in each road project or maintenance works for materials to be procured via a combined tender. The contract is a schedule of rates contract and may vary according to requirements. Estimates are given however of likely requirements needed for the year. The price for crushed material last year varied from \$3.75m<sup>2</sup> for crushed material at Marbellup to \$0.91 - \$2.40 for non-screened material from other pits.
  
7. Seven tenders have been submitted for council’s consideration as follows:

Push up gravel at pits ( )	Estimated quantity Loose m <sup>3</sup>	Bill Gibbs Excavations		AD Contractors		Palmer Earthmoving		Blue Line Excavations	Coromup Contracting	Harris crushing & Transport	PF Boccamazzo
		Screened	Non Screened	Crushed	Non Screened	Screened	Non Screened	Non Screened	Non Screened	Screened	Screened
Pit A –Wolfe’s	7000	3.15		4.00	3.20	3.95	2.80	2.20	2.02		5.45
Pit B –Marbellup	24000			3.75	3.20	3.76	2.44	3.10	4.05	4.80	5.85
Pit C –Keenans	7000	3.20		5.50	4.00	3.95	2.70	2.50	3.00	4.80	5.60
Pit D –Bell’s	4800	2.90		5.50	4.20	4.10	3.00	2.40	2.45		5.70
Pit E –Thomas	4500	3.20		4.00	3.00	4.00	2.95	2.20	2.02		5.60
Pit F –Prison	3000	3.20	2.50	4.00	3.00	4.20	2.90	1.35			
Pit G (*)											
Pit H (*)											
Pit I (*)											
Pit J (*)											
Pit K (*)											

### NOTES:

- (\*) denotes pits still to be sourced at a future date if contractor do not source from an alternate source under this contract. All persons tendering for his contract will be given the opportunity to submit tender prices.
- The shaded portions indicate the most advantageous price.



Item 22.1. continued.

ALTERNATE SUPPLY OF GRAVEL FROM CONTRACTORS OWN SOURCE/  
PIT FOR ALL OR ANY PIT.

In lieu of council pit ( ) above	Bill Gibbs Excavations	AD Contractors	PF Boccamazzo
	Screened	Crushed	Screened
Pit A	4.15		
Pit B	5.20	7.00	7.30
Pit H		6.88	

**COMMENT/DISCUSSION:**

8. The Contract provides for the pricing of a screen/crushed product less than 100mm and a non-screened price where the maximum size product shall be no larger than 100mm. The tender is a schedule of rates tender.
9. Contractors inspected all pits with a Council officer and were informed that assessment of tenders would be based on the following:
  - quality of product (based on past contracts);
  - ability to carry out the contract (current commitments, size and plant available for the contract); and
  - price.
10. The lowest priced tender will not necessarily be accepted. The material from Marbellup is used mainly within the urban area and accordingly the crushed material is preferred as it does not require the use of vibrating rollers to breakdown the gravel. Given that it costs council approximately \$1.00/m<sup>3</sup> to break down the gravel, any other screened price that is within the \$1 range of the lowest non screened price, has then been selected. Outside of this range, the lowest price has then been selected on the remaining pits.
11. The tender this year is based on pushing up a similar quantity of material to last year of 65,000 cubic metres.
12. Council has in the past tried where possible to spread the work amongst a number of contractors. This ensured that:
  - the workload on any one contractor was not too great;
  - maintained competition;
  - allowed more material to be pushed up in a shorter time; and
  - spreads the risk of contractors not completing their commitments.

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Item 22.1. continued.

13. Given the above, Council should accept the:
- a) Screened price for pits ‘C’ and ‘D’, from Bill Gibb Excavations;
  - b) Non-screen price for pit ‘A’ and ‘E’ from Coromup Contracting;
  - c) Crushed price for pit ‘B’ from AD Contractors; and
  - d) Non-screen price for pit ‘F’ from Blue Line Excavations.
14. Pits G, H, I, J and K, were yet to be located at the time tenders were called. However contractors were given the attached schedule of roads indicating material requirements, so that tenderers could submit prices for alternate pits. None of the prices for alternate pits are acceptable. It is proposed that all persons who submitted tenders for consideration under this contract will be given the opportunity to submit prices for further consideration.

RECOMMENDATION:

THAT Council divide the tender for ‘Winning and Stockpiling of Gravel’ material in accordance with Tender C99048 on the following basis:

- i) Coromup Contractors
  - Pit A non-screened price of \$2.02/m<sup>3</sup>
  - Pit E non-screened price of \$2.02/m<sup>3</sup>
- ii) AD Contractors
  - Pit B crushed price of \$3.75/m<sup>3</sup>
- iii) Bill Gibbs Excavations
  - Pit C screened price of \$3.20/m<sup>3</sup>
  - Pit D screened price of \$2.90/m<sup>3</sup>
- iv) Blue Line Excavations
  - Pit F non-screened price of \$1.35/m<sup>3</sup>
- v) Pits G,H, I, J and K be subject to a further report to Council.

*Voting Requirement Simple Majority*

.....

Councillor Wolfe declared an interest in this item and left the Chambers at 9:44pm. The nature of Councillor Wolfe’s interest is that he is the property owner of Pit A referred to in the tenders.

Item 22.1. continued.

**COUNCIL RESOLUTION**

**MOVED COUNCILLOR ARMSTRONG  
SECONDED COUNCILLOR WEST**

**THAT Council divide the tender for ‘Winning and Stockpiling of Gravel’ material in accordance with Tender C99048 on the following basis:**

- i) Coromup Contractors**
  - Pit A non-screened price of \$2.02/m<sup>3</sup>
  - Pit E non-screened price of \$2.02/m<sup>3</sup>
- ii) AD Contractors**
  - Pit B crushed price of \$3.75/m<sup>3</sup>
- iii) Bill Gibbs Excavations**
  - Pit C screened price of \$3.20/m<sup>3</sup>
  - Pit D screened price of \$2.90/m<sup>3</sup>
- iv) Blue Line Excavations**
  - Pit F non-screened price of \$1.35/m<sup>3</sup>
- v) Pits G,H, I, J and K be subject to a further report to Council.**

**MOTION CARRIED 13 – 0**

Councillor Wolfe returned to the Chambers at 9:45pm.

**23.0 CLOSED DOORS**

Nil.

**24.0 NEXT ORDINARY MEETING**

7:30pm on Tuesday, 26th October 1999, at Mercer Road Council Chambers.

**25.0 CLOSURE**

Her Worship the Mayor thanked everyone for their attendance and comments and closed the meeting at 9:47pm.

Confirmed as a true and correct record of proceedings.

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*Alison Goode JP*  
MAYOR.

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURES OF INTEREST**

MINUTES OF THE ORDINARY COUNCIL MEETING – 5<sup>TH</sup> OCTOBER, 1999

Councillor D. Wolfe	Item 22.1. Tender C99048 – Winning and Stockpiling of Gravel	The nature of the interest is Councillor Wolfe is the property owner of Pit A referred to in the tenders.
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**APPENDIX B**

MINUTES OF THE ORDINARY COUNCIL MEETING – 5<sup>TH</sup> OCTOBER, 1999  
INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil