



MINUTES

ORDINARY MEETING OF COUNCIL

on
Tuesday, 16th April 2002
7.30pm
City of Albany - Mercer Road Office

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

City of Albany

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Signed _____

Date: 19th April 2002

Andrew Hammond
Chief Executive Officer

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1.0 DECLARATION OF OPENING

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

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

Attendance:

Mayor	- A.E. Goode JP
Councillors	- M.J. Evans JP
	- S.M. Bojcun
	- A.H.M. Demarteau
	- R.H. Emery
	- D.M. Evers
	- J.D. Williams
	- D.J. Wolfe
	- J. Cecil
	- D.W. Wellington
	- I.A. West
	- I.W. Wilson
	- E.A. Barton
	- G Sankey
Chief Executive Officer	- A.C. Hammond
Executive Director – Corporate & Community Services	- W.P. Madigan
Executive Director – Development Services	- R. Fenn
Executive Director – Works & Services	- B Joynes
Minute Secretary	- L J Lewis

Approximately 13 members of the public
2 media representatives

Apologies/Leave of Absence:

Councillor J Walker - apology

3.0 OPENING PRAYER

Councillor Emery read the opening prayer.

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

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

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

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

***Mrs B. Worrell**

Councillor Williams declared an interest in this item and left the Chambers at 7.32pm.

Mrs Worrell spoke on Item 11.1.3 – Development Application – Home Business (Hairdressing) – 181 Hare Street, Mt Clarence.

Mrs Worrell applicant in this matter, feels that anybody applying to Council to operate a home business is discriminated against. Under Amendment 215 she believed it did not state that home occupation and home business do run together and that she had covered all the criteria required.

Mrs Worrell stated that there were already three (3) existing businesses running from home in the City. She could offer facilities for the disabled or mentally ill, and that she had sufficient parking available.

Mrs Worrell said she was happy to have restrictions, but would like Council to take them into consideration when considering her application.

The Executive Director Development Services advised that there are differences between Scheme 3 and 1A was that the subject land was zoned “residential” and not “business”. He agreed the two Schemes were inconsistent and said they would be rectified once the new scheme become operative.

***Michael Pemberton**

Mr Pemberton spoke as President of the Albany Chamber of Commerce on Item 11.1.3 – Development Application – Home Business (Hairdressing) – 181 Hare Street, Mt Clarence.

He said the Chamber had sent a letter of objection to Council, stating this application delivered an unfair advantage in relation to commercial costs of rates, rent etc.. and that it would impact greatly on the business community of Albany.

Mr Pemberton asked Council not to grant approval for this business on residential land.

Councillor Williams returned to the Chamber at 7.42pm.

***John Reid**

Mr Reid referred to Item 11.1.2 – Sign Licence Application – Pylon Sign – Lot 1 Parker Brook Road, Willyung.

Mr Reid advised he had not been notified over the last 14 years that he could not have a sign on the property. He asked that more time be granted to rectify the problem and bring the sign into line with Council recommendations.

The Executive Director Development Services advised that the sign was one of several in the area that had never received a Council approval and which landowners had been asked to remove.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

6.1.1 DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 19th March 2002

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

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILSON**

THAT the following minutes:

- **Ordinary Council meeting held on 19th March 2002**

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

MOTION CARRIED 14-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

Councillor Williams – Item 11.1.3 – Development Application – Home Business (Hairdressing) – 181 Hare Street, Mt Clarence.

Councillor Wellington – Item 12.2.2 – Change of Purpose and obtain power to lease.

Councillor Wilson – Item 12.2.2 – Change of Purpose and obtain power to lease.

Councillor Cecil – Item 12.2.2 – Change of Purpose and obtain power to lease.

Councillor Evers – Item 12.2.2 – Change of Purpose and obtain power to lease.

Councillor Wolfe – Item 13.2.1 – Browns Road – Partial Road Closure.

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

19.1 Septage Waste Facility Joint Venture – Update

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Sign Licence Application – Roof Sign - Lot 120 Albert Street, Centennial Park

File/Ward : A167412 (Frederickstown Ward)

Proposal/Issue : Proposed Roof Sign

Subject Land/Locality : Lot 120 Albert Street, Centennial Park

Proponent : D Sherrell & C Hatton

Owner : G J Manley

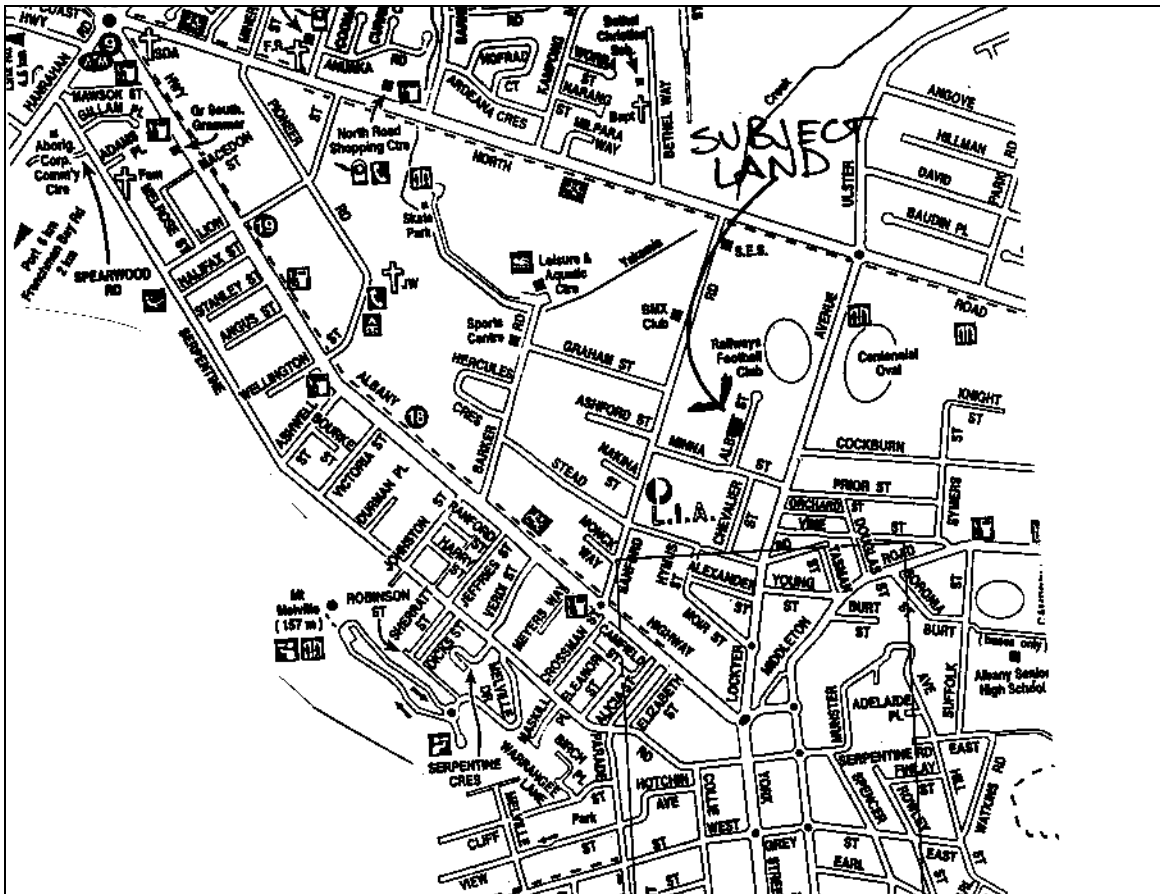
Reporting Officer(s) : Planning Officer (G Bride)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Grant approval to application.

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Application has been received for a roof sign advertising ‘Dean Shekell Kitchens’ and ‘Precision Polishing’ at Lot 120 (#47) Albert Street, Centennial Park.
2. The two small industrial units share a common wall and are located within the ‘Industry’ zone.
3. The proposed signs are both 5m in length and 1.5 metres in height and are connected to a façade measuring 10m in length by 1.5 metres in height. The highest point of the signs is equal to the apex of the roof being 5.75 metres from ground level. The sign has a clearance of 4.25 metres from ground level.

STATUTORY REQUIREMENTS

4. The former Town of Albany By-law (Signs, Hoardings and Bill Posting) No. 38 is the legal document by which all signs within Scheme 1A area of the City of Albany are assessed. With regards to roof signage the By-law states:

“5.7 Roof Signs

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

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

Building Height	Maximum Height of Sign Above Rooftop
4 – 5m	1.25m
5 – 6m	1.8m
6 – 12m	3m
12 – 18m	5m
18 – 24m	6m
24m+	7m

POLICY IMPLICATIONS

5. There are on policy implications relating to this item.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. The roof sign advertising ‘Dean Shekell Kitchens’ and ‘Precision Polishing’ would not have a detrimental impact on amenity and streetscape due to the following reasons:

- a. The sign does not protrude above the top of the roof;
- b. The sign does not extend laterally beyond the external walls of the building; and
- c. The sign is not within 4 metres of the ground.

RECOMMENDATION

THAT Council grant approval for the erection of the proposed roof signs located at Lot 120 (#47) Albert Street, Centennial Park and direct the Building Surveyor to issue a sign licence in accordance with the City of Albany Sign Bylaws No. 38.

Voting Requirement Simple Majority

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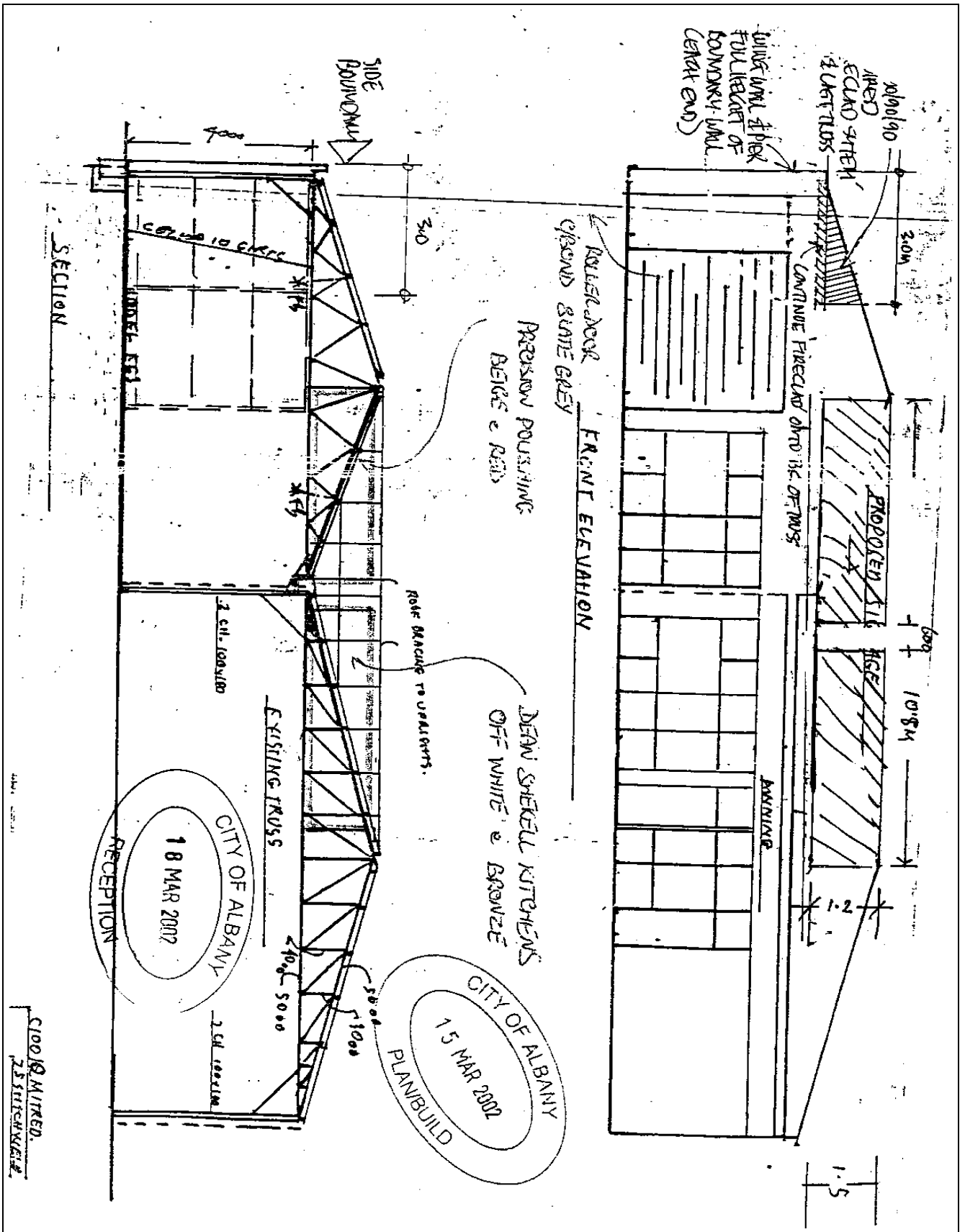
**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILLIAMS**

THAT Council grant approval for the erection of the proposed roof signs located at Lot 120 (#47) Albert Street, Centennial Park and direct the Building Surveyor to issue a sign licence in accordance with the City of Albany Sign Bylaws No. 38.

MOTION CARRIED 14-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

11.1.2 Sign Licence Application – Pylon Sign – Lot 1 Parker Brook Road, Willyung

File/Ward : A6656 (Kalgan Ward)

Proposal/Issue : Application for Sign Licence for KFC

Subject Land/Locality : Lot 1 Parker Brook Road, Willyung

Proponent : KFC

Owner : JTE & DM Reed

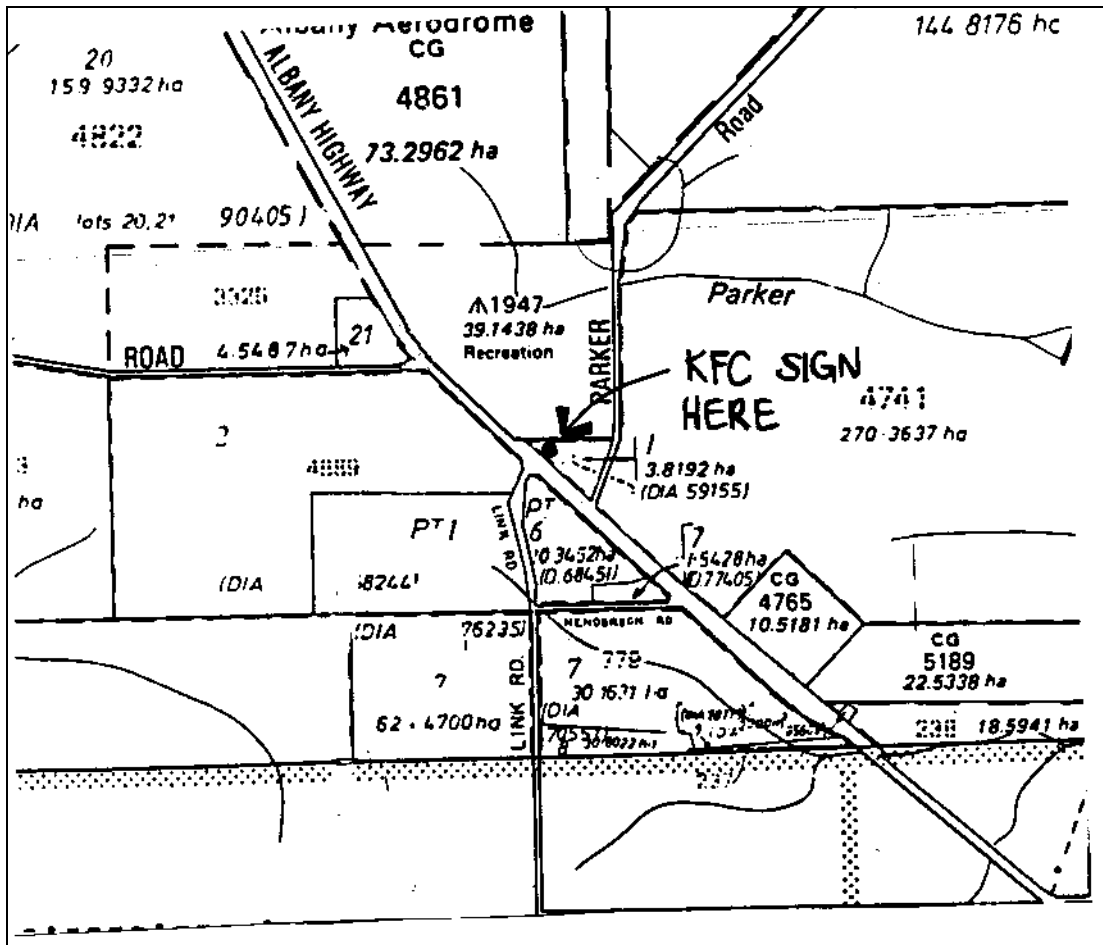
Reporting Officer(s) : Planning Officer (G Bride)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Refuse sign licence application.

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. A sign advertising Kentucky Fried Chicken is currently located on Lot 1 Parker Brook Road, Wilyung and is directed at oncoming traffic along Albany Highway.
2. A sign licence was not obtained by the land owner, and therefore this application seeks to validate the sign.
3. The former Shire of Albany Sign By-Laws are currently in force over this locality within the City of Albany. They were gazetted in June 1963 and updated in June 1974, the only changes being the conversion of measurements from imperial to metric.
4. As Council may be aware, staff have recently instructed landowners to remove more than twenty illegal signs which have been erected along major traffic routes such as Albany Highway and Chester Pass Road. These signs are known as third party advertising signs whereby the business being advertised is not located on the property, and in many instances is several kilometres away.
5. The above landowner is requesting that Council allow the KFC sign to remain on the site, due to the following reasons:
 - We were approached by Harry Riggs and Mr Des Cunningham around 14 years ago to relocate the sign from the Albany Highway Road Reserve.
 - We have never been advised that a sign licence was required.
 - KFC have kept the sign well maintained and we feel it is not a hazard to people or the environment.

STATUTORY REQUIREMENTS

6. The former Shire of Albany Sign By-Laws were adopted on 11th June 1963 and are the legal document by which all sign applications on private land are assessed. Signs within Council's road reserves are restricted to blue and white finger-boards and traffic directional signs.
7. Any proposed sign within close proximity to a road under the care and control of Main Roads WA (ie. Albany Highway and Chester Pass Road), also requires a licence from this agency. These signs are designated as Category 4 signs, and despite the fact that they are not located within the road reserve itself, they do have implications on amenity and traffic safety.
8. Signs within Main Roads WA's reserves require the approval of Main Roads, and are usually confined to directional signage and the brown and white tourist signs. Council is generally consulted on any applications likely to impact on amenity.
9. The Building Code of Australia also refers to signs as Class 10b structures, which requires that a building licence be lodged. Provided that a sign application complies with the Sign By-Laws, and meets the structural requirements of the Building Code of Australia, then a licence can be issued. The issue of a sign licence, which satisfies the Code, negates the need for a separate building licence with no additional approvals required.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

10. The former Shire of Albany Sign By-laws do not prohibit third party signage which was unlikely to be a problem at the time the by-laws were adopted. The majority of Local Government sign laws throughout the state, including the former Town of Albany sign By-laws preclude third party signage due to it's impact on amenity. The former Shire's By-laws do however allow Council to refuse licences on the following basis:

“ Objectionable Signs and Hoardings

26. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws and without limiting the provisions of sub-by-law (2) of by-law 24 of these by-laws, the Council may refuse a licence therefore, if the sign or hoarding would, in it's opinion, be injurious to the amenity or natural beauty of the area.”

11. A final draft of the new City of Albany Sign Local Law, which would replace both the former Shire and former Town By-laws, has been adopted by Council, but has yet to be gazetted and become operational. A “Signs Policy” linked to the Town Planning Scheme is also under preparation, which would eventually allow Council to receive a planning scheme consent and issues such as amenity can be more clearly described and enforced.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

13. In the event that Council does not approve this sign, and requires the sign be removed, a notice under the Local Government Act would need to be served on the landowner. In order to progress such a notice, additional time would need to be contributed from staff.

STRATEGIC IMPLICATIONS

14. The Albany 2020 ‘Charting Our Course’ document states the following in regards to signage:

“SIGNAGE

OBJECTIVE: To ensure directional, locational and advertising signage is clear, accurate & sensitive.”

15. In the event that this sign is approved, staff would expect that other landowners with illegal signs will lodge similar applications with Council in order to validate them. Approval for this sign may also be interpreted by the public that Council has no objection to “third party” advertising on rural lots, which if increased further, is likely to have a detrimental impact on the rural landscape and the entrance roads into the City.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

COMMENT/DISCUSSION

16. The existing sign By-law has been in place for almost 40 years and clearly states that a sign licence is required on private land. Main Roads WA is also required to grant approval for a Category 4 sign which is a sign that is on private land but is visible from a main road, such as Albany Highway. Fourteen years ago, when the KFC sign was apparently placed on the property, the By-law was in place and has not changed since this time; other signs have now been added to the rural landscape though.
17. Staff believe that this application should not be viewed in isolation, as the cumulative effect of signage is more likely to have a detrimental impact on the rural landscape. Roads such as Albany Highway and Chester Pass Road carry a large proportion of tourist traffic to and from Albany and form the first impression for many such visitors. The maintenance of the rural landscape, free of commercialism is in keeping with the City of Albany 2020 document. Whilst the rural landscape is becoming more diverse, motorists do not require signs advertising businesses within the CBD to be displayed 10 km from the CBD, making them aware that fast food outlets exist in the CBD.
18. Whilst the signage may be well kept and attractive in it’s own right, the colours of the sign (which are often in bright ‘eye-catching’ colours) contrast negatively with the green or brown backdrop of the rural landscape. Due to this contrast, motorists are often temporarily distracted as the sign becomes prominent in their field of view.
19. Staff believe that approval for this sign would set a precedent for other signage to be placed along major traffic routes; a proliferation of ‘unnecessary signage’ could ultimately result. By refusing the sign, a strong message could be sent to businesses and landowners situated close to main roads that third party advertising is not acceptable.

RECOMMENDATION

THAT Council;

- i) refuse to issue a licence for the sign licence application for KFC on Lot 1 Parker Brook Road, Willyung due to it’s injurious impact on the rural landscape as referred to in Clause 26 of the Shire of Albany Sign By-Laws; and
- ii) delegate to the Manager for Development and the Executive Director of Development Services authority to refuse applications for third party signage adjacent to rural roads and highways in the City of Albany and authorise those officers to prosecute those landowners who continue to display non-approved signage upon their land, contrary to notices issued for the removal of those signs.

Voting Requirement Absolute Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILSON**

THAT Council;

- i) refuse to issue a licence for the sign licence application for KFC on Lot 1 Parker Brook Road, Willyung due to its injurious impact on the rural landscape as referred to in Clause 26 of the Shire of Albany Sign By-Laws; and**
- ii) delegate to the Chief Executive Officer authority to refuse applications for third party signage adjacent to rural roads and highways in the City of Albany and authorise those officers to prosecute those landowners who continue to display non-approved signage upon their land, contrary to notices issued for the removal of those signs.**

**MOTION CARRIED 12-2
ABSOLUTE MAJORITY**

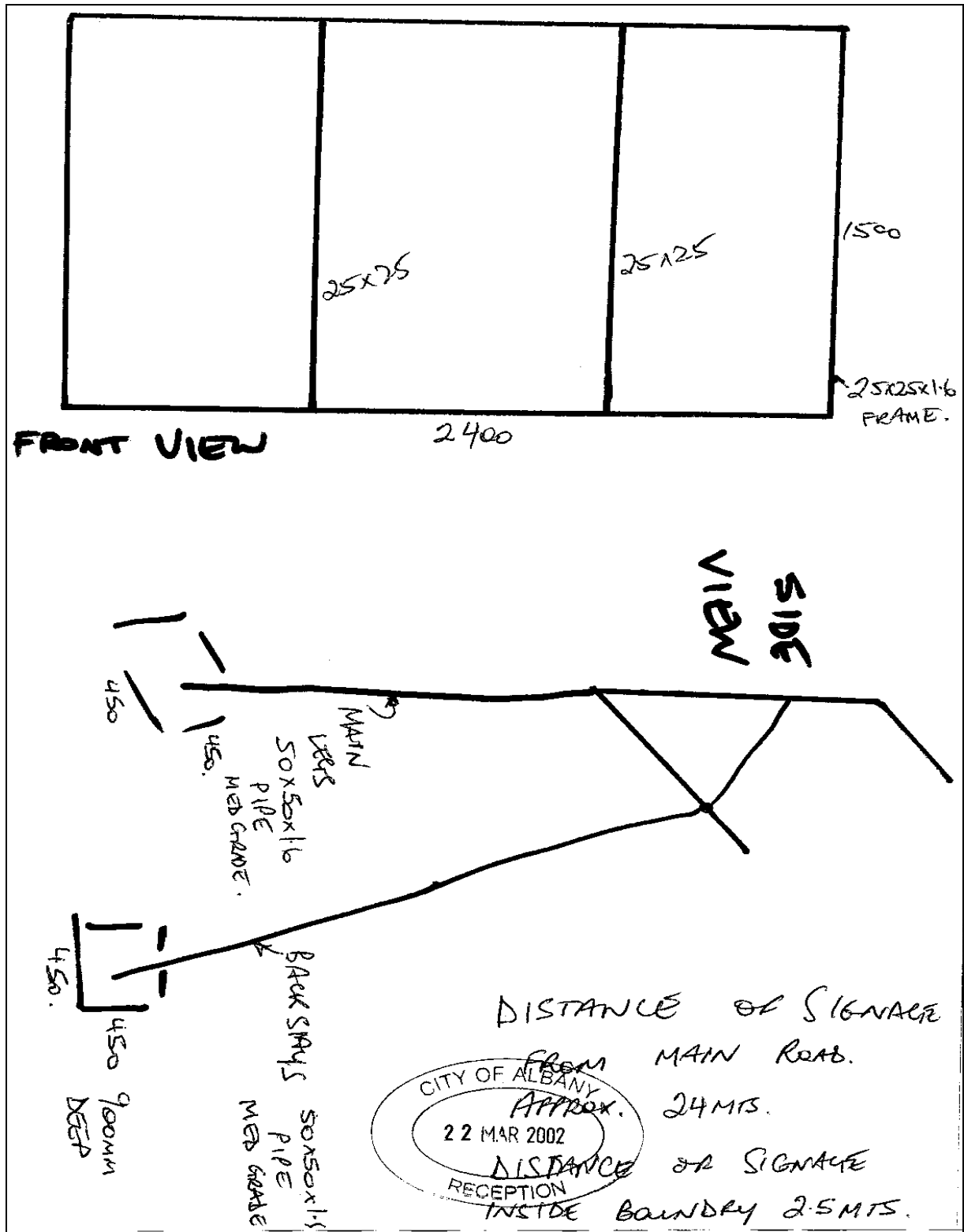
ORDINARY COUNCIL MEETING MINUTES – 16/04/02
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Home Business (Hairdressing) – 181 Hare Street, Mt Clarence

File/Ward : A80826 (Fredericktown Ward)

Proposal/Issue : Home Business – Hairdressing

Subject Land/Locality : Lot 12 Loc SA21 (181) Hare Street, Mt Clarence

Proponent : B Worrell

Owner : N & BJ Worrell

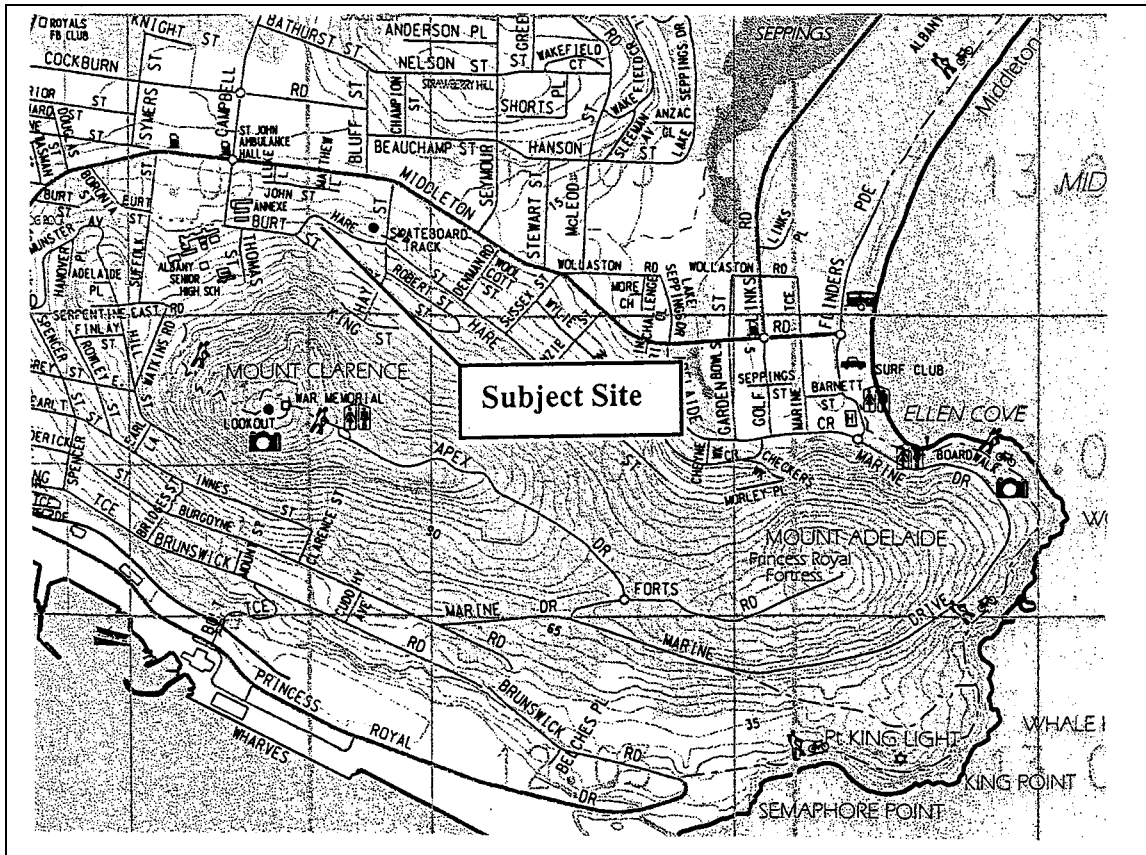
Reporting Officer(s) : Planning Officer (R. Hindley)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Refuse the application.

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application for Planning Scheme Consent was received on the 11th February 2002 for a Home Business – Hairdressing at Lot 12 (181) Hare Street, Mt Clarence (see attached).
2. The site of the proposed Home Business is zoned ‘Residential R20’ and is 782m² in area. The site and surrounding development is residential in nature consisting of dwellings and a bed and breakfast.
3. The application was advertised in a local newspaper (The Weekender) appearing once on the 21st February 2002, with the advertising period ending 14th March 2002. A copy of the application was also referred to 6 neighbouring properties for comment.
4. Two objections were received in response to the advertising. The objections were based on the creation of precedent, dilution of the impact of zoning as well as a range of commercial considerations. Copies of the submissions are located in the Elected Members’ Report/Information Bulletin.

STATUTORY REQUIREMENTS

5. The subject land is zoned ‘Residential R20 with a ‘Home Business’ being an ‘SA’ use under Town Planning Scheme 1A. The ‘SA’ classification requires the application to be advertised in the paper, neighbouring owners notified via post and a sign placed on site for a period of 21 days.
6. Appendix IX – Interpretations of Town Planning Scheme 1A defines ‘Home Business’ as:

“Home Business - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -

- a) does not employ more than 2 people not members of the occupier's household;*
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) does not occupy an area greater than 50 square metres;*
- d) does not involve the retail sale, display or hire of goods of any nature;*
- e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) does not involve the use of an essential service of greater capacity than normally required in the zone;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

7. Appendix IX – Interpretations of Town Planning Scheme 1A defines ‘Home Occupation’ as:

“Home Occupation - means a business or trade carried on with the special consent of the Council within a dwelling or curtilage of a dwelling;”

8. Town Planning Scheme 1A has specific provisions (Clause 4.24) pertaining to ‘Home Occupation’, in particular Clause 4.24 (a):

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

- (a) entails the establishment of a business other than hairdressing or similar personal bodycare businesses, office or workshop only, but does not include a retail sale or display of goods of any nature;*

POLICY IMPLICATIONS

9. There is potential concern over the conflict between the provisions for ‘Home Business’ and ‘Home Occupation’. ‘Home Business’ was intended as an extension to the ‘Home Occupation’ use. Hairdressing is expressly prohibited in the ‘Home Occupation’ provisions therefore it could be argued that it should not be considered under the ‘Home Business’ use class.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The proposed use may set an undesirable precedent for the location of commercial functions outside of appropriately zoned sites.
12. One of the key principles of the Commercial Strategy review was the careful allocation of new retail floor space in designated centres, business zones and specialised centres to maximise economic and social benefits. Permitting a hairdresser, a use principally developed in such zones, in a residential area may be contrary to this principle.

COMMENT/DISCUSSION

13. The provisions for ‘Home Business’ allow a doubling in the permitted floor space (50m²) and the employment of two additional persons not resident on the subject block when compared to ‘Home Occupation’.
14. Hairdressers have been approved under the ‘Home Occupation’ provisions of Town Planning Scheme No. 1A where the use is carried out off site and the only aspect of the use on site is the garaging of a vehicle and a minor office for the keeping of records. Council has not issued any approvals for a hairdresser on ‘Residential’ zoned land within this Scheme area.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

15. Two hairdressers were approved under the ‘Home Occupation’ provisions of Town Planning Scheme No. 3, with one located in Bayonet Head and the other in Robinson. The proposed use is located with the area covered by Town Planning Scheme 1A therefore any previous approvals of hairdressers as ‘Home Occupations’ do not set a precedent.
16. The proponent stated that the application to operate from home was not based on financial grounds, rather it was stated that it was to provide support to four children. The Scheme has no provision to consider compassionate grounds such as this when determining a planning application therefore these comments should not be taken into consideration as it is possible to ‘on sell’ the approval and a subsequent owner may not have similar circumstances.
17. Both objections stated that the proposed use would create an unfair commercial advantage through the reduction of lease costs and lower rates when compared to a business locating in the ‘Central Area’ or other appropriately zoned sites. Council cannot consider arguments of this nature under Town Planning Scheme 1A; however one of the submissions did raise the purpose, principle and effect of zoning. Allowing the establishment of a hairdresser in a residential zone may be considered contrary to the purpose of that zone.
18. Whilst no objections were received from surrounding landowners it should be noted that the proposal that was advertised described a business operated by one staff member with a limited clientele. The ‘Home Business’ provisions of the Scheme allow the approved development to employ two persons not resident in the subject dwelling, thus creating the potential for a significant increase in the intensity of the use.
19. The applicant has stated that there would generally only be one or two clients per day visiting the site and that there is plenty of parking. This level of development could normally be accommodated under the “Home Occupation” provisions of the Scheme. However, the Scheme provisions for ‘Home Occupation’ expressly prohibit the establishment of a hairdresser; these provisions are not replicated for the ‘Home Business’ use class. The report recommending final approval to the amendment which incorporated ‘Home Business’ into the Scheme stated:

A ‘home business’ use conducted from within a dwelling or on residential land should be ancillary or subordinate to the dwelling or residential use. It conveys special benefits and privileges to occupiers in relation to their employment circumstances, which may not otherwise be more suitably provided for in appropriately zoned areas or locations.

20. Any application for a hairdresser as the primary land use would be treated as an ‘Office – Hairdressing’ therefore restricting the use to the ‘Central Area’ and ‘Local Shopping’ zones. There is also potential to locate a hairdresser where it is incidental to other uses, however an ‘Office’ is an ‘X’, or non-permitted use in the ‘Residential’ zone. A hairdresser, as the primary land use, would therefore not be a permitted use in the ‘Residential’ zone.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued.

- 21. The majority of provisions contained within the ‘Home Business’ and ‘Home Occupation’ use classes are similar in nature, as stated in the amendment documentation, to ‘protect residential amenity’. The exclusion of a clause prohibiting the establishment of a hairdresser does not provide an argument for the approval of this proposal.

RECOMMENDATION

THAT Council resolve to refuse the application for Planning Scheme Consent for the establishment of a ‘Home Business – Hairdressing’ on Lot 12 Loc SA21 (181) Hare Street, Mount Clarence as the proposal would be contrary to the intent of the Home Business provisions as contained in Town Planning Scheme No. 1A and detrimentally affect the residential character and amenity of the locality.

Voting Requirement Simple Majority

.....

Councillor Williams declared an interest and left the Chambers at 7.51pm.
The nature of Councillor Williams’ interest is that she owns a hairdressing and beauty therapy business.

<p>MOVED COUNCILLOR CECIL SECONDED COUNCILLOR WILSON</p> <p>THAT Council resolve to refuse the application for Planning Scheme Consent for the establishment of a ‘Home Business – Hairdressing’ on Lot 12 Loc SA21 (181) Hare Street, Mount Clarence as the proposal would be contrary to the intent of the Home Business provisions as contained in Town Planning Scheme No. 1A and detrimentally affect the residential character and amenity of the locality.</p> <p style="text-align: right;">MOTION CARRIED 13-0</p>
--

Councillor Williams returned to the Chambers at 7.52pm.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

Boronia Worrell
181 Hare St
ALBANY WA 6330

31 Jan. 02

ATT. Richard Hindley
Planning PDT.
CITY OF ALBANY
PO Box 484
ALBANY WA 6331

Dear Richard

RE Home Business Application

Thankyou for your response to my phone calls today.

I have enclosed all of the necessary documents and application form for a Home Business.

I have studied all of the requirements stated in the fax that you sent and feel that the business that I wish to service from my home address will be run within the required guidelines.

It has been brought to my attention that the biggest draw back with having a business such as the one I propose in a residential area is the coming and going of traffic and parking.

We are able to mark out 4-5 car bays with the current set up, If that is still not enough we may have room to put in 1-2 more bays.

As to the coming and going of clients, I have a client base that I service with not just hairdressing but also acrylic nails. To service these clients takes approximately 2.5 hours. As you can imagine this makes for a slow turnover of clients and I would say probably in some cases less traffic than larger households would have.

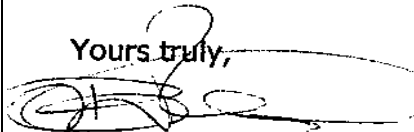
I have no plans to employ other staff and am also not planing to cross over clients, so on most days there will only be one client on the premises at any given time.

I am happy to keep my appointments to quieter times of the day to limit road access at busy times. ie. Schools drop off and pick up times

I feel that my children will benefit greatly with me being at home with them and as my husband's employment is taking him away from the home more this seems to be the best solution for our family at the moment.

Please feel free to contact me at anytime in regards to this mater on 98422081 or mble 0438422081.

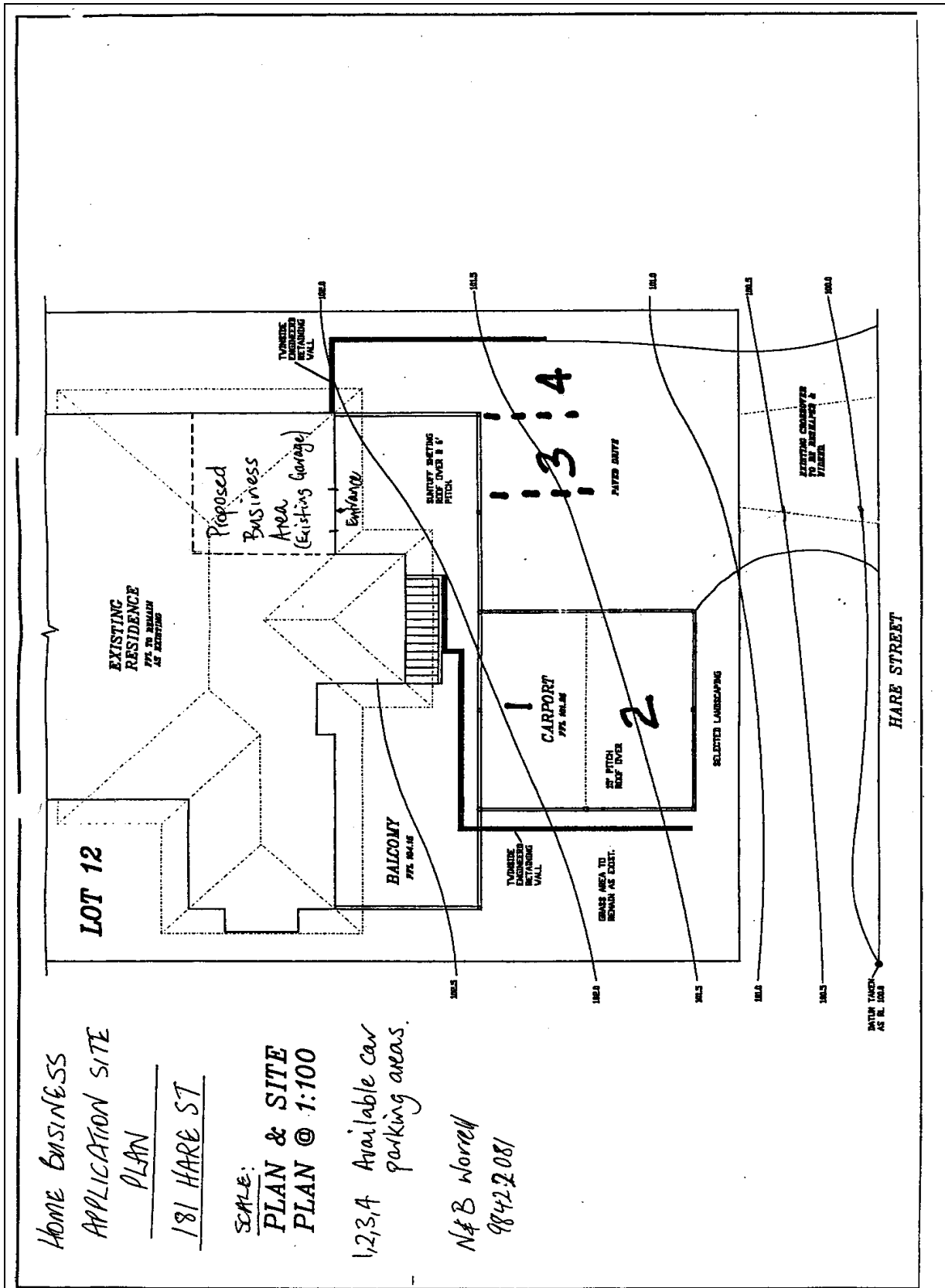
Yours truly,



Boronia Worrell

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

11.1.4 Final Approval for Amendment – Lot 52 Lancaster Road, McKail

File/Ward : A5989A/ AMD 223 (West Ward)

Proposal/Issue : Rezone subject land from “Rural” to “Special Residential”

Subject Land/Locality : Lot 52 Lancaster Road, McKail

Proponent : Ayton, Taylor & Burrell

Owner : P & F Boccamazzo

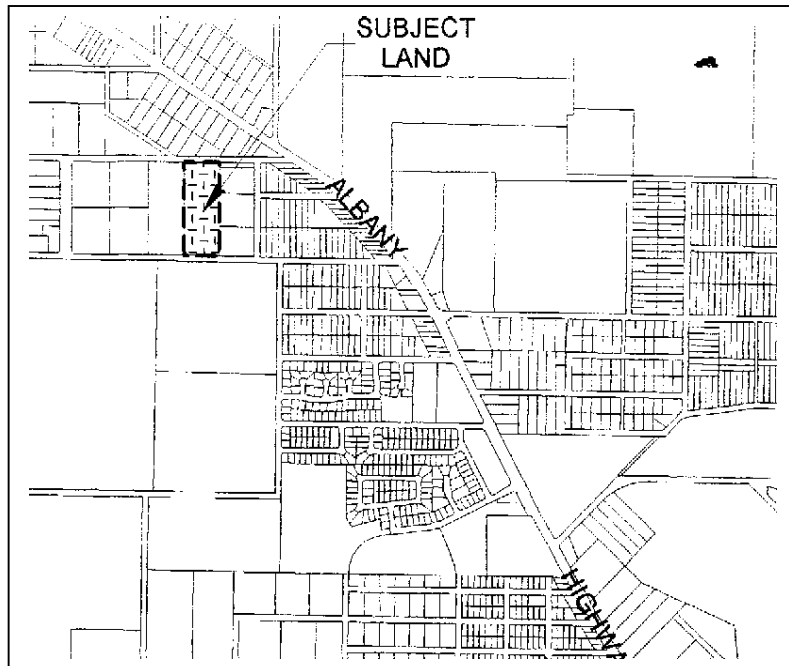
Reporting Officer(s) : Planning Officer (Policy) (P Tvermoes)

Disclosure of Interest : Nil.

Previous Reference : OMC 01/05/01 Item 11.3.1
OMC 15/01/02 Item 11.1.2

Summary Recommendation:
Final approval to Amendment be granted

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. An amendment to Town Planning Scheme 3 (as attached in Elected Members Information/Report Bulletin) was initiated at the ordinary meeting of Council on 15 January 2002 and has been advertised for public inspection and comment. The amendment proposes to change the zoning for Lot 52 Lancaster Road, McKail from “Rural” to “Special Residential”.
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed ” and was advertised for public inspection until 4 April 2002.
3. At the close of the advertising period, two submissions had been received.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. The subject land is located within Policy Area - Oyster Harbour No. 3 of the City of Albany Local Rural Strategy, whereby the following Policy Statement applies:

“Following consultation with landowners Council may initiate/consider proposals for rezoning of the area to rural residential, special residential or residential in accordance with the availability of sewer and existing lot sizes.”

7. The Rural Strategy states that the minimum lot size for Special Residential lots shall be 2000m², and must be connected to reticulated water. This corresponds with the requirements of the Country Sewerage Policy, which recommends a minimum lot size of 2000m² for those lots not connected to reticulated sewerage.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

FINANCIAL IMPLICATIONS

8. The roads ultimately created by the subdivision (see following plan showing subdivision Guide Plan) will be under the control and maintenance of Council.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. At the close of advertising for the Amendment on 4 April 2002, two (2) submissions had been received. As required by the Town Planning Regulations 1967, a Schedule of Submissions and recommendations has been prepared and is attached to this report.
11. The submission from the Water Corporation has no objection to the amendment. However, the submission notes that sewer reticulation is not available for the area and water mains should retain one metre of cover at the access point opposite Salisbury Road.
12. The submission from the Water and Rivers Commission (WRC) raised specific concerns in relation to the road alignment and nutrient/drainage management. The WRC feels present alignment of the proposed Morgan Road shown on the Subdivision Guide Plan is a concern given that the proposed road's location would be located between the existing creek and the reserve. It is not recognised how the reserve would provide value as a buffer for the waterway if the reserve is separated from the creek by a road.
13. The Commission would recommend the alignment of the road be reconsidered so that the reserve is located adjacent to the creek. The road should preferably demarcate the reserve and creek's buffer from the development area. The 20m buffer zone recommended within the Amendment for drainage protection purposes is supported by the Commission.
14. The connection point to the east of Lot 52 has already been set by the Precinct Structure Plan (PSP) and by the subdivision of Lot 53 whilst the connection point to the west needs to provide for the subdivision of Lot 51 as per the PSP. As a result, it is impractical to move the east west road to the north to abut the Public Open Space (POS). In addition the WRC has already endorsed the alignment of the east west road through the TPS Amendment for Lot 53 and in the original approval of the PSP. Public access to the POS exists in the constructed and unconstructed portions of Moncreiff & Morgan Roads.
15. Roadways abutting POS are a preference in conventional residential areas. In the subject Special Residential area, the larger lot sizes created ensure that the provision of POS is an option (not a mandatory requirement). To be applying conventional residential development standards to this development is not considered appropriate.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

- 16. The WRC points to the potential for nutrient export to Willyung Creek (which is fed by the creek line) needs to be minimised and feels provisions should be made for future urban areas to ensure that the quantity of stormwater is reduced and the quality of stormwater run-off from future urban areas is improved. The Commission therefore recommends that drainage management within the proposal take into account the best management practices outlined in the Water Sensitive Urban Design Guidelines.
- 17. The current subdivision guide plan allow for the application of the Water Sensitive Urban Design Guidelines and these have been adopted by Council as the standard approach to stormwater management and are applied under the Local Government Guidelines for Subdivisional Development at the subdivision stage.

RECOMMENDATION

THAT:

- i) Council grant final approval without change to Amendment 223 to the City of Albany Town Planning Scheme No. 3 to rezone Lot 52 Lancaster Road, McKail “Rural” to “Special Residential”;
- ii) the Schedule of Submissions be received, the comments and recommendations contained therein be noted; and
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning & Infrastructure for execution and gazettal.

Voting Requirement Simple Majority

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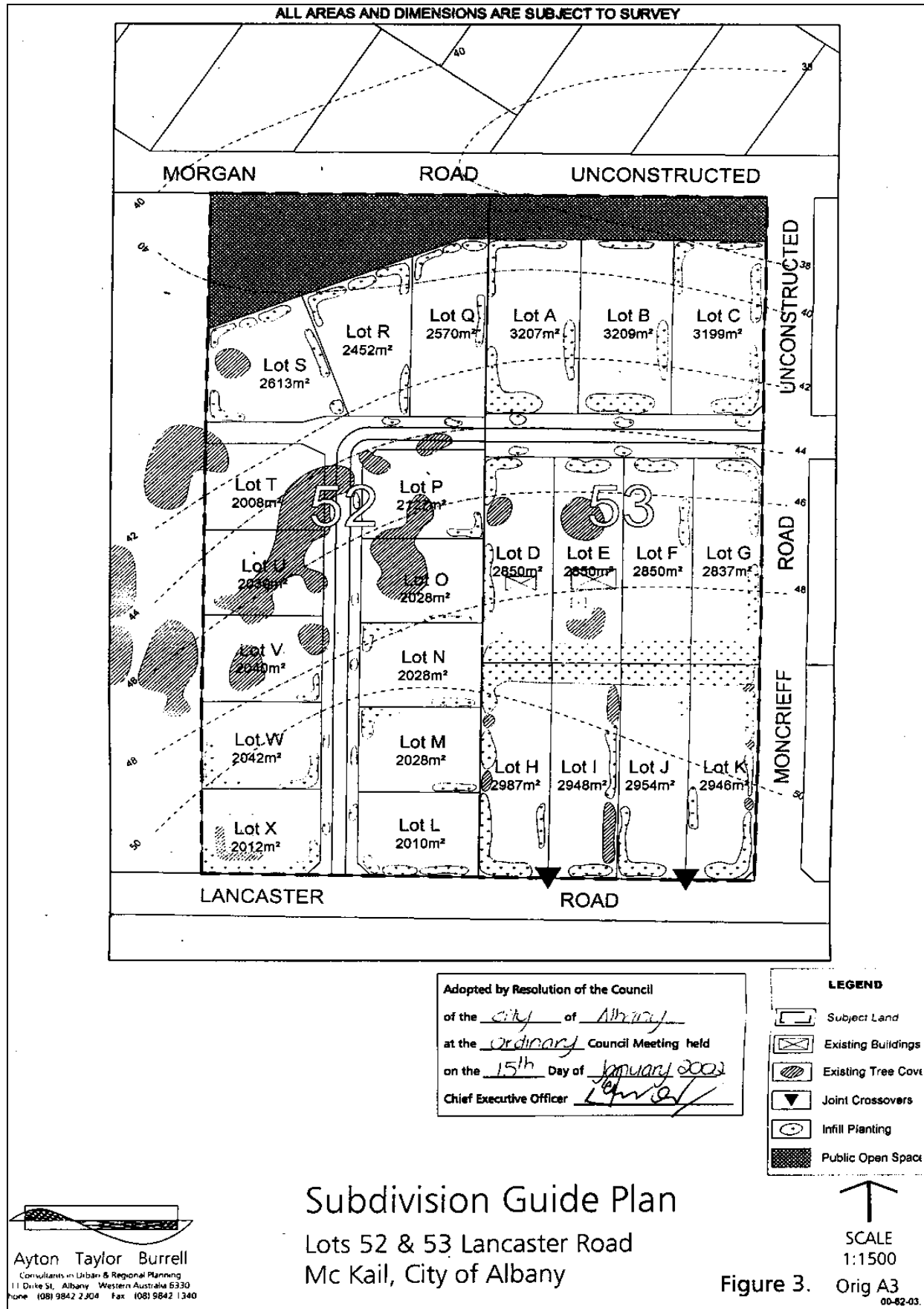
**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EMERY**

THAT:

- i) Council grant final approval without change to Amendment 223 to the City of Albany Town Planning Scheme No. 3 to rezone Lot 52 Lancaster Road, McKail “Rural” to “Special Residential”;**
- ii) the Schedule of Submissions be received, the comments and recommendations contained therein be noted; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning & Infrastructure for execution and gazettal.**

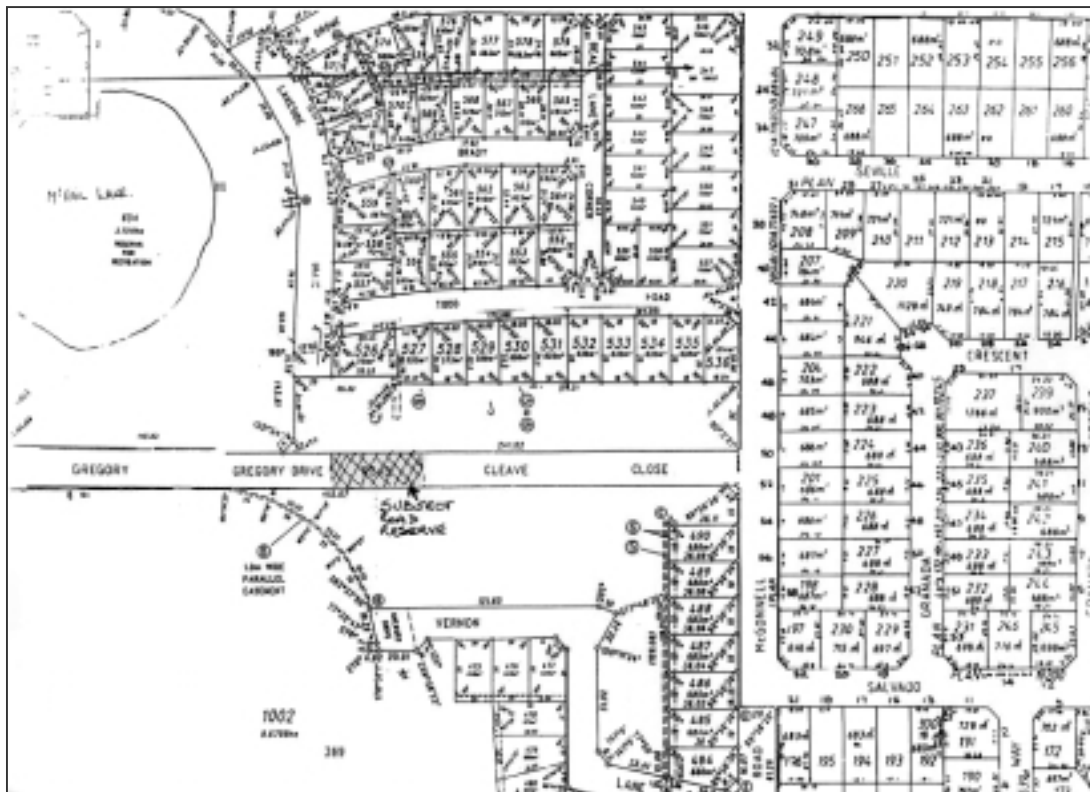
MOTION CARRIED 14-0

1.	Water Corporation PO Box 915 Albany WA 6331	The Corporation has no objection to the rezoning. It should be noted that sewer reticulation is not available for the area and water mains should retain one metre of cover at the access point opposite Salisbury Road.	None.
2.	Water and Rivers Commission PO Box 525 Albany WA 6331	<p>The present alignment of the proposed Morgan Road shown on the Subdivision Guide Plan is a concern given that the proposed road's location would be located between the existing creek and the reserve. It is not recognised how the reserve would provide value as a buffer for the waterway if the reserve is separated from the creek by a road.</p> <p>The Commission would recommend the alignment of the road be reconsidered so that the reserve is located adjacent to the creek. The road should preferably demarcate the reserve and creek's buffer from the development area. The 20m buffer zone recommended within the Amendment for drainage protection purposes is supported by the Commission.</p> <p>Revegetation of the reserve should be applied as a provision of the Amendment to enhance it's function as a drainage buffer.</p>	<p>The connection point to the east of already been set by the PSP subdivision of Lot 53 whilst the point to the west needs to provide subdivision of Lot 51 as per the result of this it is impractical to provide a west road to the north to abut the PO</p> <p>WRC has already endorsed the alignment of the east west road through the TPS Amendment Lot 53 and in the original approval</p> <p>Direct public access to the POS constructed and unconstructed Moncreiff & Morgan Roads.</p> <p>Roadways abutting POS are a problem in conventional residential areas. In Special Residential areas, the large lots created ensure that the provision of a road option (not a mandatory requirement) be applying conventional development standards to this development is not considered appropriate.</p>



11.1.5 Proposed Road Closure – Road Reserve Between Gregory Drive & Cleave Close McKail (formerly Clydesdale Road)

- File/Ward** : A039207S (Yakamia Ward)
- Proposal/Issue** : Closure of portion of road reserve between Gregory Drive & Cleave Close McKail
- Subject Land/Locality** : Formerly Clydesdale Road
- Proponent** : Harley Survey Group
- Owner** : Crown
- Reporting Officer(s)** : Asset Coordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/12/01 - Item 13.2.4
- Summary Recommendation:** Proceed with closure
- Locality Plan** :



Item 11.1.5 continued

BACKGROUND

1. Council resolved at its meeting on 18/12/01 to invite submissions from the community and from service authorities on the proposal to permanently close the portion of the road reserve (formerly Clydesdale Road) between Gregory Drive and Cleave Close.
2. Subdivision of Location 399 has been approved by WAPC (File 105619) but Lots 510 and 511 have been excluded from the approval pending closure of the road reserve, once the closure has occurred it is anticipated that the land would be acquired by Mr E Brook who would then provide a Public Access Way linking Gregory Drive and Cleave Close a subdivision plan indicating the closures is attached.
3. The proposed closure was advertised in accordance with the Land Administration Act, Section 58, on 22 December 2001.

STATUTORY REQUIREMENTS

4. Section 58 of the Land Administration Act details as follows the process for permanently closing road reserves:
 - (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
 - (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
 - (3) *A local government must not resolve to make a request under subsection (1), until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
 - (4) *On receiving a request to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –*
 - a) *By order grant the request;*
 - b) *Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - c) *Refuse the request.*
 - (5) *If the Minister grants a request under subsection (4) -*
 - a) *The road concerned is closed on and from the day on which the relevant order is registered;*
 - b) *Any rights suspended under section 55 (3) (a) cease to be so suspended; and*
 - c) *The Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.*

Item 11.1.5 continued

- (6) *When a road is closed under this section, the land comprising the former road –
a) Becomes unallocated Crown Land; or*
- (7) *If a lease continues to subsist in that land by virtue of section 57 (2), remains Crown Land.*

POLICY IMPLICATIONS

- 6. The City of Albany currently does not have a policy on permanently closing road reserves.
- 7. The closure of this portion of Clydesdale Road is in accordance with the McKail Structure Plan previously adopted by Council.

FINANCIAL IMPLICATIONS

- 8. There are no apparent financial implications for Council; the cost of the PAW and road closures (surveying, construction, infrastructure works and land cost) is to be borne by the developer of the proposed subdivision and/or DOLA.

STRATEGIC IMPLICATIONS

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

Port of Call:

Transport systems and services designed to meet current and future needs

Objective:

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

COMMENT/DISCUSSION

- 10. The closure of the road reserve would enable this portion of the road reserve to be amalgamated with the land to the south to facilitate development in accordance with the McKail Structure Plan.
- 11. The remainder of the road reserve should be rededicated from a public road to a Pedestrian Accessway (PAW) to provide access from the cul-de-sac, Cleave Close, to Gregory Drive
- 12. The developer would negotiate with DOLA the cost of surveying and purchasing of the existing road reserve.

Item 11.1.5 continued

RECOMMENDATION

THAT:

- i) pursuant to Section 58 of the Land Administration Act 1997 Council resolve to close the section of Clydesdale Road reserve between Gregory Drive and proposed Cleave Close shown on Plan 9937-19;
- ii) Council support the closed portion of road reserve being amalgamated into Location 399 in accordance with Plan 9937-19; and
- iii) Council resolves to rededicate the portion of road reserve shown as P.A.W. on Plan 9937-1 as a pedestrian accessway.

Voting Requirement Simple Majority

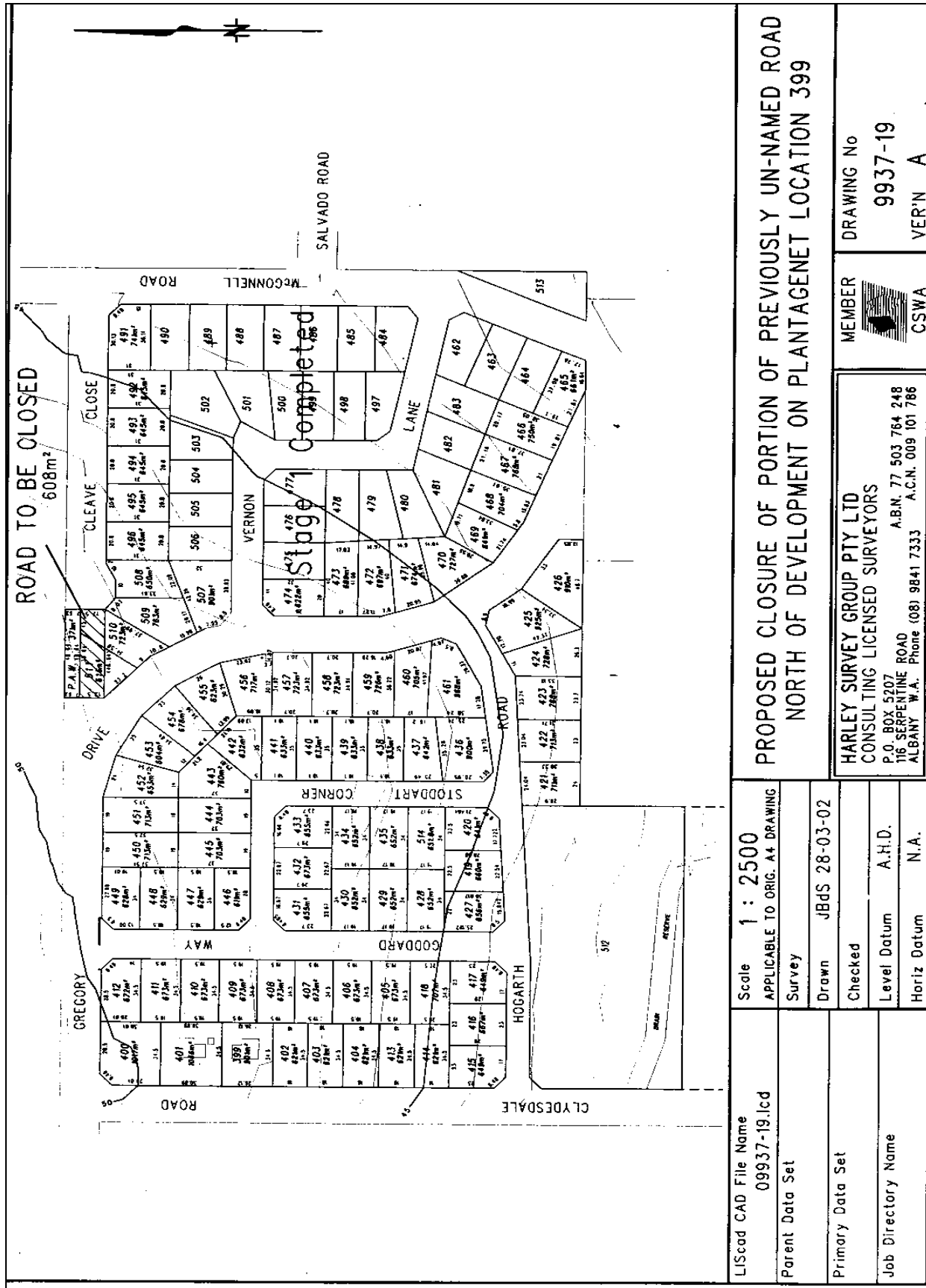
.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR DEMARTEAU**


THAT:

- i) pursuant to Section 58 of the Land Administration Act 1997 Council resolve to close the section of Clydesdale Road reserve between Gregory Drive and proposed Cleave Close shown on Plan 9937-19;**
- ii) Council support the closed portion of road reserve being amalgamated into Location 399 in accordance with Plan 9937-19; and**
- iii) Council resolves to rededicate the portion of road reserve shown as P.A.W. on Plan 9937-1 as a pedestrian accessway.**

MOTION CARRIED 14-0



**PROPOSED CLOSURE OF PORTION OF PREVIOUSLY UN-NAMED ROAD
NORTH OF DEVELOPMENT ON PLANTAGENET LOCATION 399**

MEMBER  DRAWING No
9937-19
VER'N A

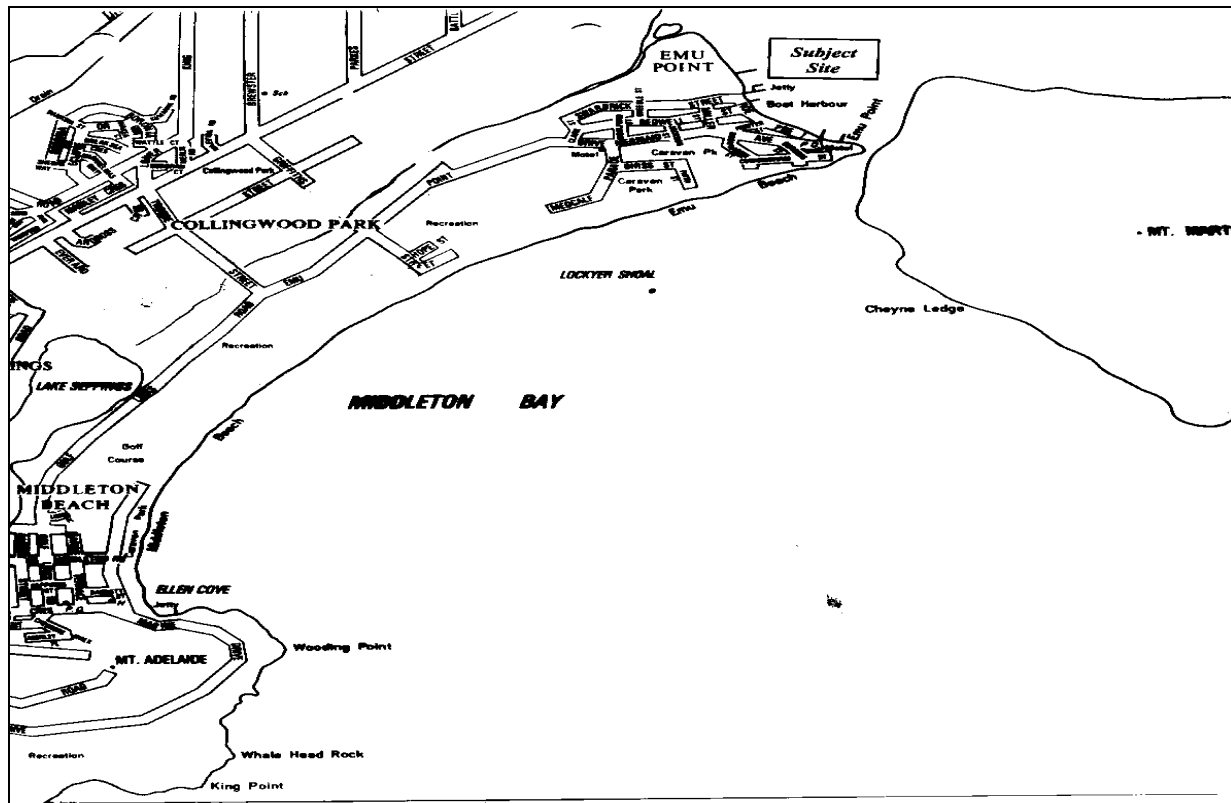
HARLEY SURVEY GROUP PTY LTD
CONSULTING LICENSED SURVEYORS
P.O. BOX 5207 A.B.N. 77 503 764 248
116 SERPENTINE ROAD A.C.N. 009 101 786
ALBANY W.A. Phone (08) 9841 7333

LIScad File Name	Scale	1 : 2500
09937-19.lcd	APPLICABLE TO ORIG. A+ DRAWING	
Parent Data Set	Survey	
Primary Data Set	Drawn	JBdS 28-03-02
Job Directory Name	Checked	
	Level Datum	A.H.D.
	Horiz Datum	N.A.

11.2 INSPECTION SERVICES

11.2.1 Sewer Connection – Reserve 42964 – Emu Point Marina

File/Ward	:	PRO296 (Breaksea Ward)
Proposal/Issue	:	Sewer Connections within Emu Point Marina
Subject Land/Locality	:	Location 1423 Swarbrick Street (Reserve 42964) Emu Point
Proponent	:	City of Albany
Owner	:	Crown (vested with City of Albany with power to lease)
Reporting Officer(s)	:	Executive Director Development Services (R. Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Secure loan funds to provide sewer connection.
Locality Plan	:	



Item 11.2.1 continued

BACKGROUND

1. Within Reserve 42964 Emu Point three businesses and a public toilet have been developed with each using a conventional septic system to dispose of effluent from toilets and other facilities provided within the business. The soils below the site consist primarily of shell-grit and sands, which aid in the downward movement of “grey water”, however the site also has a reasonably high water table which results in the rapid transfer of nutrients within groundwater to Oyster Harbour.
2. The Water Corporation has installed reticulated sewer to the suburb of Emu Point and a sewer connection point exists within Swarbrick Street for developments within Reserve 42964. However, that connection point is “too high” to allow for the effluent from the existing developments within the Emu Point Marina to be fed into the Minister’s sewer mains using gravity.
3. The Albany Boating and Offshore Fishing Club (Inc) has lodged a development and building application with the City of Albany to construct their new club rooms upon leased land on the reserve and there are a number of ways in which the effluent from that development can be accommodated;
 - Connect the development directly into the sewer connection available for the entire reserve.
 - Gravitrate the club’s effluent to an internal pump station on the reserve and pump the effluent to the Minister’s sewer connection.
 - Allow the club to install conventional septic systems within their lease area, consistent with other developments on the reserve; or
 - Require the club to put in an ATU system within their lease area.

STATUTORY REQUIREMENTS

4. The Director of Public Health pursuant to the Health (Treatment of Sewerage & Disposal of Effluent & Liquid Waste) Regulations, 1974 determines what type of effluent disposal system should be located on a property for the type of development and the quality of effluent generated by that development. The Director has delegated authority to handle those applications to Local Government Environmental Health Officers.
5. The Health Act, 1911 also states that any development within 90 metres of a Minister’s sewer should be required to connect to that sewer unless it is not technically possible to do so.

POLICY IMPLICATIONS

6. Council is encouraging private landowners to connect their properties to the Minister’s sewer wherever possible to minimise nutrient transmission to Albany’s waterways. The effluent disposal system for the Emu Point Marina toilet block is an open brick system which allows for the maximum dispersal of effluent into the adjoining soils but is unsatisfactory for retaining nutrients generated by the effluent.

Item 11.2.1 continued

FINANCIAL IMPLICATIONS

7. A single pumping station / pit would be capable of handling all the effluent generated by the existing and proposed development (approximately 5000 sq. m. of the reserve is yet to be developed) on the reserve and a preliminary estimate to build a pump station is \$100,000. To connect the existing development to that pump station would be an additional \$25,000.
8. If Council was to secure a loan to install a sewer pump station, the Local Government Act allows a Specified Area Rate to be imposed upon ratepayers gaining the benefit of the service. In this instance that would be a small number of businesses, the sea rescue squadron, the Albany Boating and Offshore Angling Club and Council.

STRATEGIC IMPLICATIONS

9. The developments on the reserve should be connected to the Minister's sewer for environmental and public health reasons.

COMMENT/DISCUSSION

10. Following this report is a letter from the Albany Boating and Offshore Fishing Club (Inc.) agreeing to partly fund a sewer pumping station if Council was to agree to install such a facility on the reserve. Other businesses at the Emu Point Marina have not been approached on the proposal, nor has the system been designed and accurately costed. Staff have also received an inquiry for another land based lease area upon the reserve for a business venture, however there is no area currently available; that business will also produce effluent which needs to be appropriately disposed of.
11. Meetings have recently been held with the Friends of Emu Point and the Emu Point community to discuss a local area traffic management plan (LATM) for Emu Point; there is strong support amongst local residents for access into the marina to be diverted behind the existing toilet block and in front of the proposed boating / fishing clubrooms. This deviation will be considered as part of the LATM and as a means of increasing the number of boat trailer parking bays and improving traffic safety. If the road is deviated, Council will be required to remove the existing effluent disposal system for the toilet block.
12. On the plan following this report is a potential site where a sewer pump station / pit could be developed and Staff consider it would greatly assist in the long term planning and management of this reserve if Council was to construct that facility immediately. No funding has been provided in the current budget for this construction.

RECOMMENDATION

THAT:

- i) Council agree in principle to the raising of a loan for the purpose of developing a sewerage pumping station/pit upon Reserve 42964 to accommodate effluent from all public and club buildings and businesses located on the reserve;

Item 11.2.1 continued

- ii) Delegated authority be provided to the Chief Executive Officer to secure a loan and to establish a mechanism to ensure the repayment of the loan is achieved through an equitable cost sharing arrangement amongst businesses and facilities supplying effluent to the pumping station / pit; and
- iii) A detailed design and costing be prepared for the construction of a sewerage pumping station / pit upon Reserve 42964 Emu Point.

Voting Requirement Absolute Majority

AMENDED RECOMMENDATION

THAT:

- i) Council agree in principle to the raising of a loan for the purpose of developing a sewerage pumping station/pit upon Reserve 42964 to accommodate effluent from all public and club buildings and businesses located on the reserve;
- ii) That staff report back to Council on a mechanism to secure a loan to ensure the repayment of the loan is achieved through an equitable cost sharing arrangement amongst businesses and facilities supplying effluent to the pumping station / pit; and
- iii) A detailed design and costing be prepared for the construction of a sewerage pumping station / pit upon Reserve 42964 Emu Point.

Voting Requirement Absolute Majority

NB: Amended Recommendation requires Simple Majority Voting only.

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR BOJCUN**

THAT:

- i) Council agree in principle to the raising of a loan for the purpose of developing a sewerage pumping station/pit upon Reserve 42964 to accommodate effluent from all public and club buildings and businesses located on the reserve;**
- ii) That staff report back to Council on a mechanism to secure a loan to ensure the repayment of the loan is achieved through an equitable cost sharing arrangement amongst businesses and facilities supplying effluent to the pumping station / pit; and**
- iii) A detailed design and costing be prepared for the construction of a sewerage pumping station / pit upon Reserve 42964 Emu Point.**

MOTION CARRIED 14-0

Reason: A complete financial analysis needs to be undertaken on the proposal before securing a loan and it is appropriate to report back to Council on the equitability of the cost sharing.

Item 11.2.1 continued

ALBANY BOATING AND OFFSHORE FISHING CLUB (INC)
P O Box 1485
Albany WA 6331

Mr Robert Fern
Executive Director Development Services
City of Albany
P O Box 484
Albany WA 6331

CITY OF ALBANY - RECEIVED RECORDS OFFICE		
22 MAR 2002		
FILE	CORRO NO.	OFFICER
Pro 396	I202456	1 EDDB
CC	ATTACHMENTS	OFFICER
		2 EDWSI

22nd March 2002-03-22

Dear Robert

Proposed New Clubhouse at Emu Point Marina – Effluent Disposal

Further to discussions between yourself, myself and the City's Executive Director Works and Services, Mr Brett Joynes, I am pleased to confirm the Albany Boating and Offshore Fishing Club's acceptance of the proposal to link the effluent disposal systems of those businesses and organisations that operate on leased sites adjacent to the Marina, as well as the public ablution block, into the deep sewerage system via a sewerage pump pit arrangement.

The Club understands this would involve a financial a contribution from the Club of up to \$10,000 should such a project proceed. If this becomes the case the Club commits to involvement in the scheme and to reimbursing Council its pro-rata share of the costs. As discussed the Club's contribution would need to be funded over a period of 2 to 4 years, particularly if it is in the vicinity of \$10,000.

If this proposal is delayed for some reason the Club is prepared to install a dual septic tank and French drain effluent disposal system, in the interim period. French drain being preferred to leach drain due to cost . The septic tanks would be removed once sewer connection was achieved.

With the Club having to progress construction of the proposed clubhouse and satisfactory effluent disposal being necessary before building approval can be obtained, your earliest confirmation of the acceptance of the Club's commitment to the proposed sewerage effluent disposal system would be greatly appreciated.

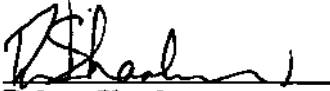
Also in accordance with our discussion and on the understanding that the existing public ablution block will be demolished as part of the effluent disposal system changes, the Club is prepared to commit to a vehicle access way being constructed across the south-eastern corner of the leased area., This will contribute to an improved traffic flow within the Marina car park, while also providing vehicle access to the Club's lease area and car park. As discussed this project will be carried out as a joint project between the Club and Council, with the Club's contribution being

Item 11.2.1 continued

restricted to the construction of roadway and car park area that it would otherwise have done for its own purposes, in accordance with its own standards.

I trust this advice correctly reflects the understanding reached during our discussion and look forward to your response. I can be contacted on 98419353 (W) or 98451246 (H) should you require clarification of these issues.

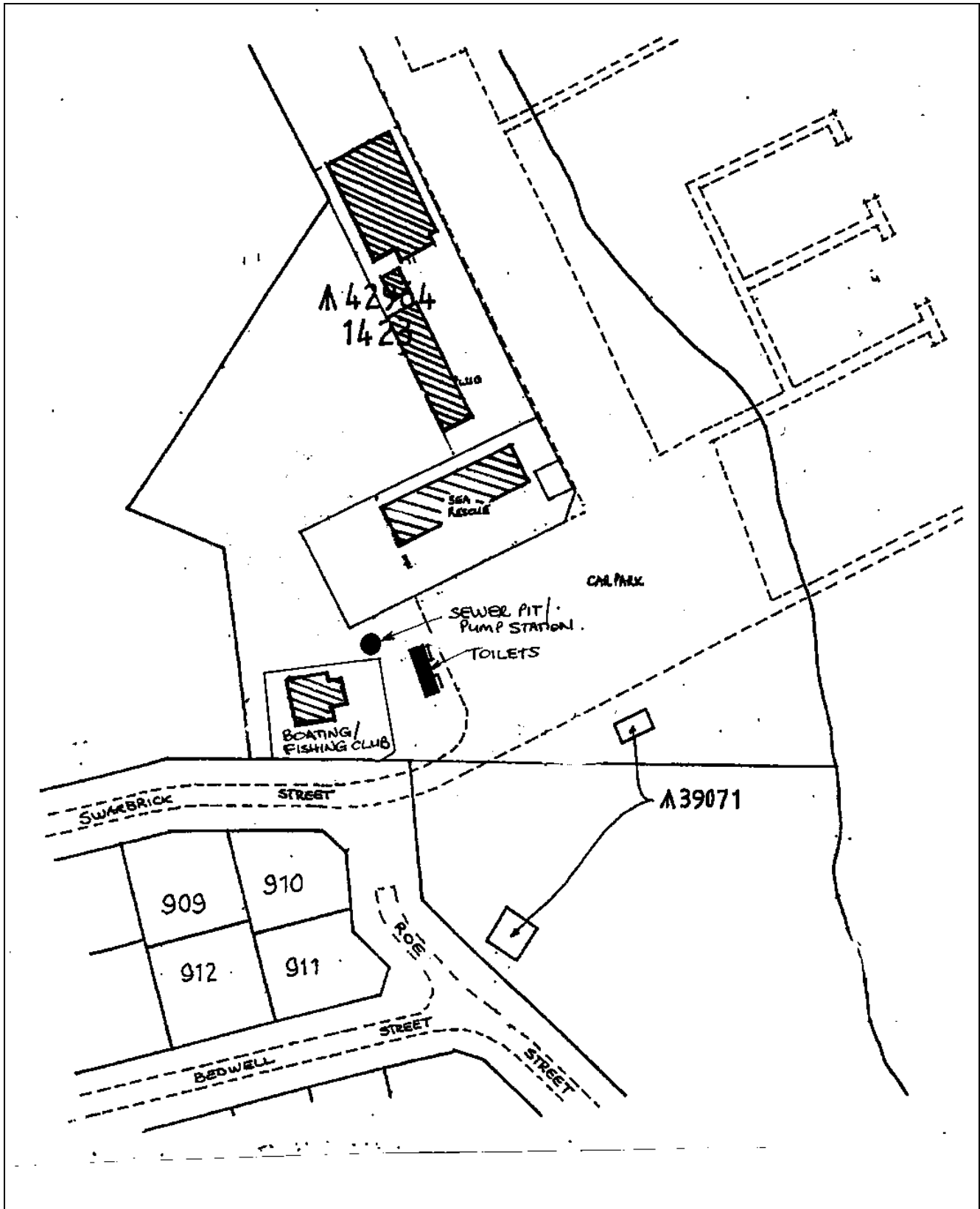
Kind Regards



Robert Shanhan
President

CC. Mr Brett Joynes
Executive Director Works and Services

Item 11.2.1 continued



11.3 DEVELOPMENT POLICY

11.3.1 Final Adoption of Policy - Local Rural Strategy (South Coast Water Reserve)

File/Ward : STR069 (Vancouver Ward)

Proposal/Issue : Modify Local Rural Strategy to Reflect Changes to South Coast Water Reserve Boundary

Subject Land/Locality : Private Land in Princess Royal Harbour and Torbay Policy Areas

Proponent : City of Albany

Owner : Numerous

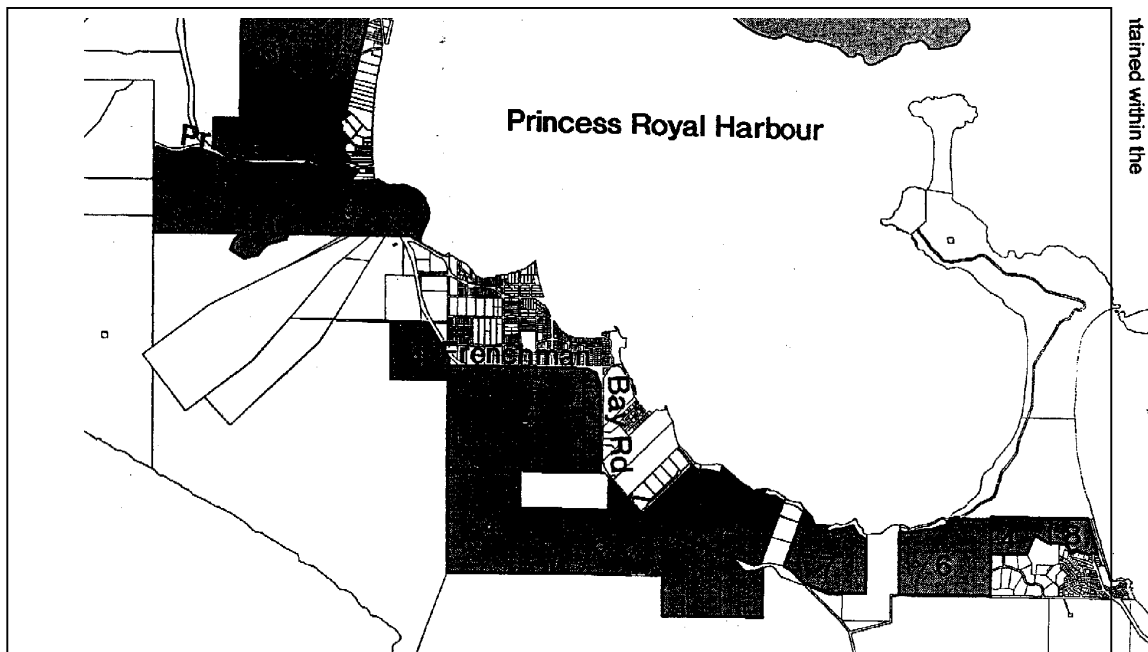
Reporting Officer(s) : Planning Officer (R Hindley)

Disclosure of Interest : Nil

Previous Reference : OCM 5/09/00 Item 11.3.4
OCM 4/07/00 Item 11.3.2
OCM 18/09/01 Item 11.3.3

Summary Recommendation: Approve Final Amendments to Specified Policies within the Princess Royal Harbour and Torbay Policy Areas.

Locality Plan :



Item 11.3.1 continued

BACKGROUND

1. The Waters and Rivers Commission (W&RC) commenced the process in 1999 of redefining the outer boundary of the South Coast Water Reserve (SCWR) and to amend the development control requirements for land within the declared water reserve (groundwater protection area). The original SCWR was based upon reasonably unsophisticated research. The W&RC conducted extensive research and modelling in the mid 1990's which ultimately concluded that the original SCWR boundary covered an excessive area.
2. Within the City of Albany Local Rural Strategy, several policy areas were established to control developments and set the framework for the future subdivision/development of rural land on Vancouver Peninsula. The policies for those areas were heavily influenced by the information contained in the then groundwater protection provisions administered by the W&RC. If the SCWR's outer boundary was to be reduced in size, and the land use controls within the SCWR amended by the W&RC, the foundations upon which the City's policy direction were established would then be seriously flawed.
3. Attached to this report is a copy of the plans showing the previous and proposed boundary of the South Coast Water Reserve. The implementation of the land use controls applying to some of the Princess Royal Harbour (PRH) and Torbay policy areas of the City of Albany Local Rural Strategy relied heavily upon the City's and the W&RC's control mechanisms being compatible. The W&RC adopted the Water Source Protection Plan for the SCWR in June 2001 which effectively allows some lots to be further developed or subdivided in a manner which is inconsistent with the City's Local Rural Strategy.
4. The amendments to the City's Local Rural Strategy were put up for adoption at Council's meeting of the 19 September 2001, where it was resolved:

“THAT Council;

- i) pursuant to Section 6.9.2 of the City of Albany Town Planning Scheme No.3, formally adopts the amended clauses for the Princess Royal Harbour policy areas 1 to 9 and the Torbay 1 and 7 policy area provisions of the City of Albany Local Rural Strategy;*
- ii) pursuant to clause 6.9.3 of the Scheme, resolves to have the amended clauses supercede the existing provisions of that policy;*
- iii) advertise the adoption of the amended policy provisions; and*
- iv) advise the Ministry for Planning and Infrastructure accordingly”*

Item 11.3.1 continued

5. The West Australian Planning Commission (WAPC) was forwarded a copy of the amendments in accordance with Council's resolution and a series of amendments were proposed by officers of the Department for Planning and Infrastructure; these were:
 - *Darken the outline for policy area number 1;*
 - *Modify the boundary between precincts 2(b) and 3;*
 - *Consolidate points (i) & (j) into one, and renumber thereafter (Princess Royal Harbour 4);*
 - *Inclusion of landowners effectively surrounded by Policy Area No. 6; and*
 - *Correction of numerous typographical errors.*

6. The recommendation of the WAPC is that a series of modification be made to the Local Rural Strategy prior to Council giving it final approval.

STATUTORY REQUIREMENTS

7. Clause 6.9 of the City of Albany Town Planning Scheme 3 establishes the legal framework for the amendment of scheme policies. That clause states:

“6.9.3 A Town Planning Scheme Policy may only be altered or rescinded by:-

- (a) Preparation and Final Adoption of a new Policy pursuant to this Clause, specifically worded to supercede an existing policy.*
- (b) Publication of a formal Notice of Rescission by the Council twice in a newspaper circulating in the area.”*

POLICY IMPLICATIONS

8. The City of Albany Local Rural Strategy is a town planning scheme policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. The City of Albany Draft Local Planning Strategy (ALPS) is currently reviewing the long term planning direction for land on Vancouver Peninsula. The City's Local Rural Strategy remains an important planning tool for land usage controls in this locality until the ALPS is completed and the City's District Town Planning Scheme is prepared and gazetted.

Item 11.3.1 continued

COMMENT/DISCUSSION

- 11. The current and the proposed clauses for Princess Royal Harbour 2 to 6 policy areas will be tabled at the meeting. These changes will integrate the W&RC policies for groundwater protection into the City’s Local Rural Strategy; they propose a “no development” option where the SCWR guidelines suggest land use controls be removed and the affected land is located in prominent visual landscape areas.
- 12. The modifications proposed are minor in nature. Where they have impacted on specific landholders these landowners have been invited to make comment (i.e. those land holdings proposed to be incorporated into Princess Royal Harbour 6).

RECOMMENDATION

THAT Council;

- i) pursuant to clause 6.9.3 of the Scheme, resolves to have the amended clauses and policy boundaries supercede, in the Princess Royal Harbour Precincts 2(b), 3, 4 and 6, the existing provisions of that policy;
- ii) advertise the adoption of the amended policy provisions; and
- iii) advise the West Australian Planning Commission accordingly.

Voting Requirement Simple Majority

**MOVED COUNCILLOR BARTON
SECONDED COUNCILLOR EVERS**

THAT Council;

- i) pursuant to clause 6.9.3 of the Scheme, resolves to have the amended clauses and policy boundaries supercede, in the Princess Royal Harbour Precincts 2(b), 3, 4 and 6, the existing provisions of that policy;**
- ii) advertise the adoption of the amended policy provisions; and**
- iii) advise the West Australian Planning Commission accordingly.**

MOTION CARRIED 14-0

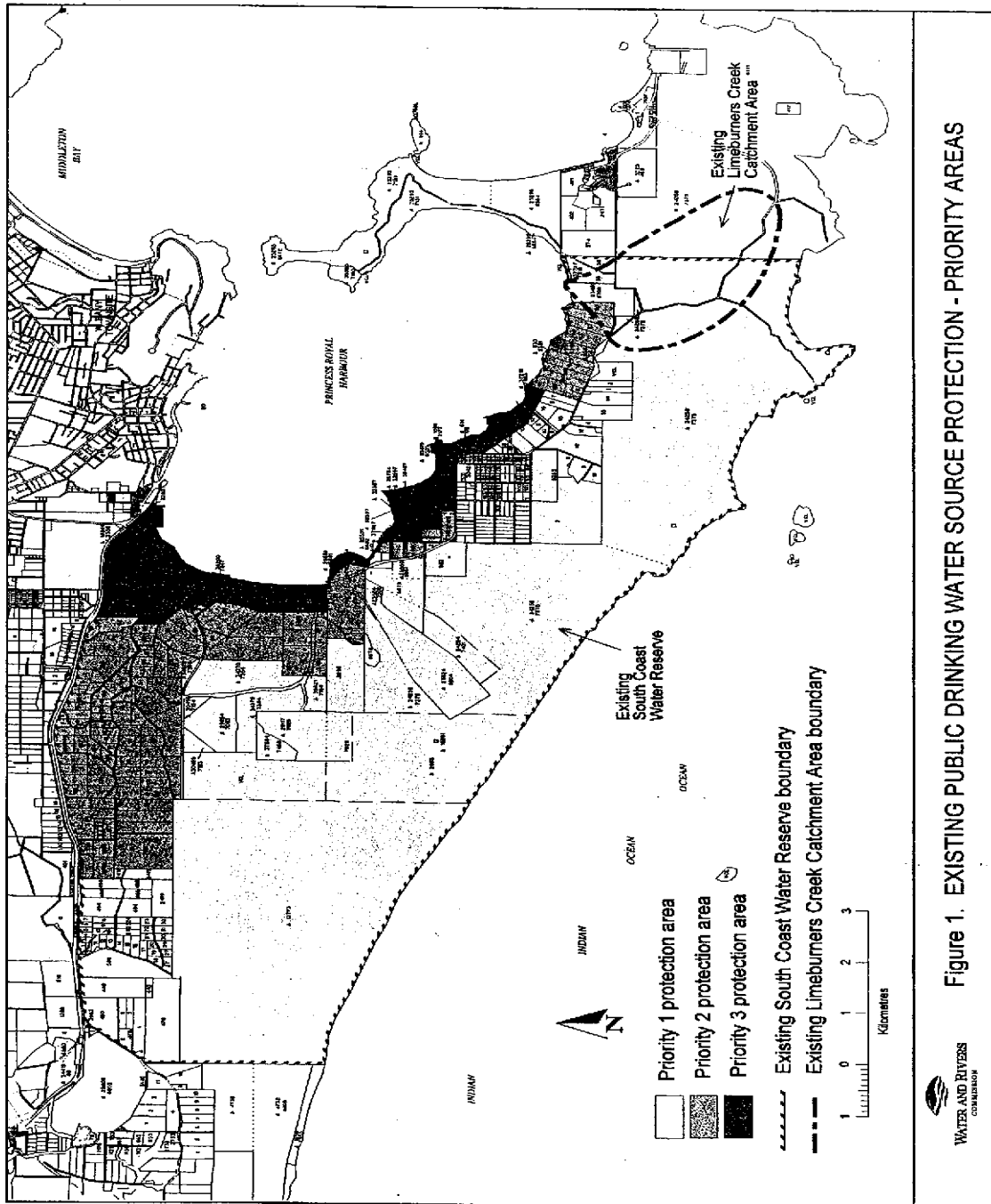
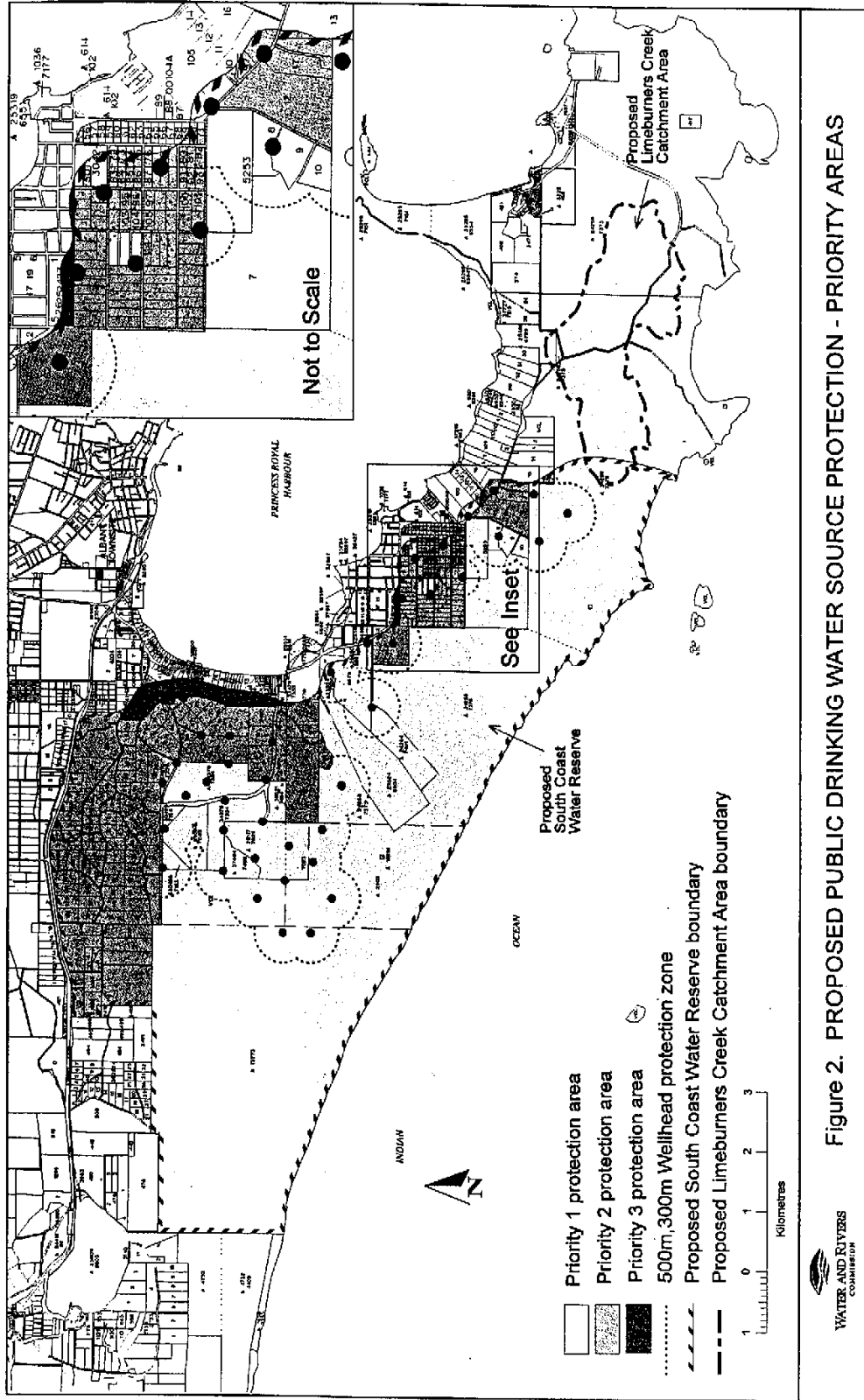


Figure 1. EXISTING PUBLIC DRINKING WATER SOURCE PROTECTION - PRIORITY AREAS





11.3.2 Scheme Amendment Request - Lot 14 (14) Campbell Road, Mira Mar

- File/Ward** : A139956A (Fredericktown Ward)
- Proposal/Issue** : Preliminary request to rezone Lot 14 from “Residential” to “Special Site – Professional Offices”
- Subject Land/Locality** : Lot 14 (14) Campbell Road Mira Mar
- Proponent** : Ayton Taylor Burrell
- Owner** : AJ Barnesby
- Reporting Officer(s)** : Policy Planning Officer (P Tvermoes)
- Disclosure of Interest** : Nil.
- Previous Reference** : Nil.
- Summary Recommendation:** That Council does not support amendment application.
- Locality Plan** :



Item 11.3.2 continued

BACKGROUND

1. An application has been received from Ayton Taylor & Burrell to rezone Lot 14 Campbell road from “Residential” to “Special Site – Professional Offices”. A copy of the applicant’s report is included in the Elected Members Report/Information Bulletin.
2. Lot 14 has a total area of 764m², is zoned Residential R20, and is located on Campbell Road adjacent to land zoned “Industry – Showrooms” and on the adjoining site to the south is the St John Ambulance, zoned “Clubs and Institutions”.
3. The proponent has included a City of Albany letter, dated 22 December 2000, to the then owner of the property, Mr Giuseppe Muso, which indicated that “rezoning the site was not an unreasonable proposal given the majority of lots fronting Campbell Road were being used for non residential activities”. No undertaking was given that an application to rezone would be successful, as the decision to rezone would rest with the Council of the City of Albany and the then Minister for Planning.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8).
 - A Commercial Strategy for Albany (1994)
 - Albany Commercial Strategy Review (2000)
 - The Draft Albany Local Planning Strategy (2001)

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The proposed rezoning would be consistent with a number of recent rezonings that Council has considered and approved. Lot 4 (#292) Middleton Road, Centennial Park was rezoned from ‘Residential’ to ‘Special Site - Professional Offices’, and Lots 4, 6, 7, 8 & 19 Albany Hwy, Mt Melville was rezoned “Residential” to “Special Site - Professional Offices”.

Item 11.3.2 continued

9. Such “spot” rezoning are all within the immediate vicinity of the “Central Area” zone and would likely have a two fold impact, reducing the demand for office space within the core of the CBD and expanding, in a de facto fashion, the Central Area zone into locations which may be residential or industrial in nature.
10. The proposal would set a precedent for professional office development along Campbell Road and this proposal would be the first in this locality.

COMMENT/DISCUSSION

11. The subject land lies in an area that is considered a transitional area/interface to the residential areas within the immediate locality of Campbell and Middleton Beach Roads. Whilst the area has a number of sites zoned “Industrial” and “Residential”, the subject locality needs to be developed in a coordinated manner. This is highlighted in the draft Albany Local Planning Strategy, which proposes to overcome the ad hoc development which has occurred in the immediate vicinity of this site in the past.
12. A recent decision by Council, with regard to 64-66 Frederick Street, is relevant to this application. That proposal sought to rezone the site from the “Residential (R30)” zone to “Special Site” with an additional use of “Offices” and was refused at the meeting of Council held on 19 March 2002.
13. Beyond the immediate locality, a number of professional offices have been developed along Middleton Beach Road. This gradual creep of professional offices, has led to the development of a de facto professional office strip (dentists and other professions) in this vicinity.
14. The proposed rezoning would be considered a spot rezoning as no professional offices exist on Campbell Road. It would set a precedent for the development of this locality into another informal office strip before the strategic planning has been finalised. The draft ALPS will determine those locations within the City which would best accommodate professional offices.
15. Consultants will be engaged in the near future to undertake detailed planning for the Central Area, and its interface. In light of this, and the fact that the amendment is considered a spot rezoning, this proposal could be considered premature. The treatment and zoning of the interface areas is to be considered in a holistic manner, as opposed to the ad hoc development that has occurred in surrounding areas to the CBD,
16. This proposal does represent a spot rezoning and may set a precedent for other spot rezonings. Sound planning practice would dictate that Council stop this process and wait until a number of studies can be undertaken to look at the extent of the formal and informal central area. How those areas should develop from both a design and economic/land use perspective, will have long term ramifications on the City’s form.

Item 11.3.2 continued

RECOMMENDATION

THAT Council advise the applicant that it is not prepared to support the request for an amendment to Town Planning Scheme No. 1A to rezone Lot - Lot 14 (14) Campbell Road Mira Mar from the “Residential (R20)” zone to “Special Site” with an additional use of “Offices”.

Voting Requirement Simple Majority

.....

The Executive Director Development Services advised that he had received a request from the applicant to modify the proposal.

The Executive Director Development Services requested that this matter lay on the table for a period of 30 days to allow modification of the proposal.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILSON**

THAT this matter lay on the table for a period of 30 days.

MOTION CARRIED 14-0

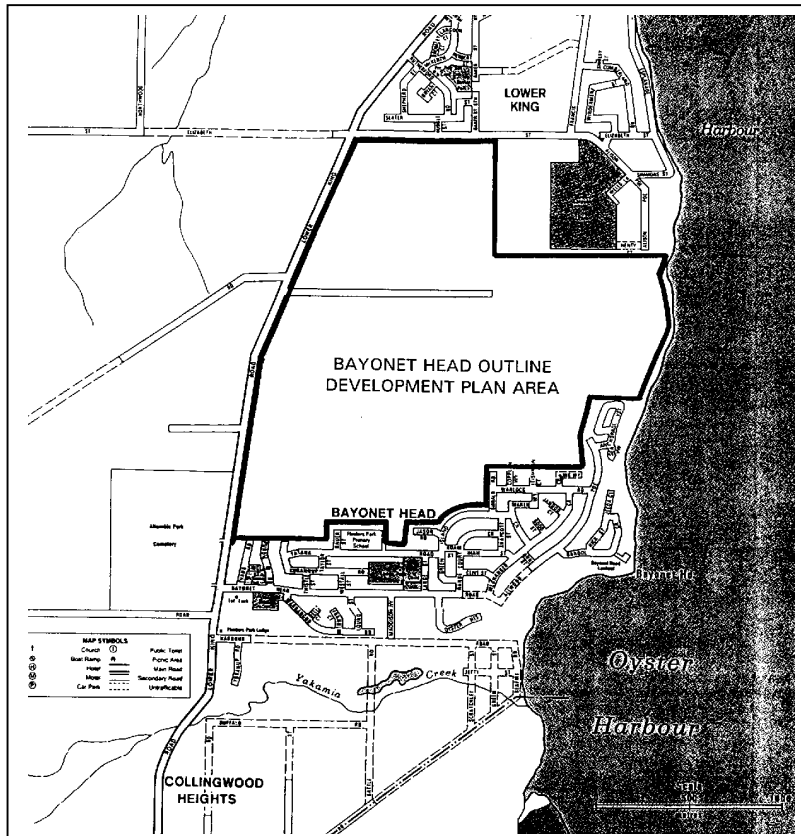
DEVELOPMENT SERVICES REPORTS

11.3.3 Preparation of the Guided Development Scheme for the Bayonet Head Outline Development Plan area.

- File/Ward** : STR077 (Yakamia Ward)
- Proposal/Issue** : Initiate the Guided Development Scheme
- Subject Land/Locality** : Bayonet Head Outline Development Plan area
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Strategic Planning Officer (M Papalia)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM20/03/01
OCM 23/05/00 Item 12.3.1
OCM 26/10/99 Item 15.1.2
OCM 24/03/99 Item 15.1.1
OCM 27/05/98 Item 12.3.4
OCM 29/01/98 Item 13.3.11
OCM 04/12/96 Item 13.3.8

Summary Recommendation: Support initiation of Guided Development Scheme.

Locality Plan :



Item 11.3.3 continued

BACKGROUND

The Bayonet Head Outline Development Plan

1. The Bayonet Head Outline Development Plan (BHODP) area (refer to Elected Members Report/Information Bulletin) is situated on Lower King Road, approximately 7 kilometres northeast of the Albany Central Area and generally includes the undeveloped land between Bayonet Head Road and Elizabeth Street. The BHODP comprises 282.30 hectares of land zoned residential, residential development and rural owned by 15 landowners.
2. 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.
3. It is estimated that the BHODP will cater for approximately 3,750 new homes for approximately 11,000 people over a 30 – 35 year timeframe.
4. Council at its meeting of 20th March 2001 adopted the BHODP as a Town Planning Policy of Town Planning Scheme No. 3. The Western Australian Planning Commission has also endorsed the BHODP.

Guided Development Scheme

5. The Bayonet Head Outline Development Plan advocates a co-ordinated approach to development between the various landowners to ensure that implementation is effective on the ground. This co-ordinated approach requires a mechanism to be established to ensure that development costs are shared equitably between the subdividing landowners.
6. In April 1998 consultants, Urban Focus was engaged to discuss the options of equitable developer contributions through a shared cost mechanism. The consultant addressed the Council of the day and landowners on two options for cost sharing. The consultant prepared a report for Council and landowners summarizing the issues relating to the two options.
7. At the Council meeting of 27th May 1998 the Guided Development Scheme (GDS) option was approved. This option was considered more practical as it provided a concrete mechanism for the establishment of a statutory Town Planning Scheme that would ensure the equitable sharing of development costs between landowners within the Bayonet Head Outline Development Plan area.
8. A landowners meeting was held on 24th March 1999 to discuss the Guided Development Scheme and the items to be considered as shared costs between the subdividing landowners. Ten shared cost items were discussed at this meeting. Landowners were sent a summary of the meeting and have been updated since with the progress of the draft GDS by mail.

Item 11.3.3 continued

STATUTORY REQUIREMENTS

9. Section 7 of the Town Planning and Development Act sets out the process by which a Town Planning Scheme may be prepared.

POLICY IMPLICATIONS

10. This scheme once finalised will provide the legal mechanism to facilitate the implementation of the Bayonet Head Outline Development Plan, which, is a Town Planning Policy of Scheme No. 3.

FINANCIAL IMPLICATIONS

11. The financial commitments at this stage include the costs associated with the land valuations and determining the shared costs items that have already been budgeted for and associated officer time to manage the project to date. The cost of the scheme itself is one of the shared cost items and will be recovered by the Guided Development Scheme process.

STRATEGIC IMPLICATIONS

12. The BHODP will assist the development of the remaining Bayonet Head locality and confirms Council's commitment to "Albany 2020 – Charting Our Course". The BHODP is relevant to a number of Ports of Call but predominantly fits into the following Port of Call:

"Managed healthy land/harbour environment identify desirable patterns of development and servicing requirements"

13. More specifically the BHODP fulfils the Port of Call Code, ENV 2 – Land Use Planning and Objective Four:

"To develop an integrated plan for long-term land use planning Albany"

COMMENT/DISCUSSION

14. Urban Focus has prepared the Guided Development Scheme documentation for Council and landowners consideration. This documentation provides the legal framework and the detailed management arrangements that are applicable over the life of the scheme.
15. The main objective of the "scheme is to define and make provision for the equitable apportionment of the cost of specific infrastructure items and works that collectively benefit the owner."
16. The aims of the Scheme are to:
 - a) Facilitate the development of the Scheme area into a properly and comprehensively planned urban estate;

Item 11.3.3 continued

- b) Provide a mechanism whereby the local government can recover contributions to the provisions of specific infrastructure items and works from owners in the Scheme area on an equitable basis; and
 - c) Following collection of the contributions referred in (b) above, to then allocate such contributions to and between owners according to their respective entitlement pursuant to the provisions of the Scheme.
17. The Scheme considers the shared cost items listed below together with a table of the *Cost Apportionment Schedule of Shared Costs* (which will be tabled at the meeting), which states the developer contributions against each property.
18. The shared cost items to be considered by the Guided Development Scheme include:
- 1. Land required for Public Open Space, Community Purpose & Buffer
 - 2. Land required for drainage (this does not include general subdivision drainage)
 - 3. Construction of Main Drain
 - 4. Upgrading of Lower King Road
 - 5. Buffer Landscaping
 - 6. Valuation Costs
 - 7. Administration/Management of Guided Development Scheme
 - 8. Scheme Preparation Costs
 - 9. Interest if applicable
19. It should be noted that the cost of the Guided Development Scheme is recoverable through the process as highlighted above as a scheme preparation cost.

Landowners

20. The consultant and Council staff held a preliminary meeting with landowners on 26th March 2002 to discuss a draft version of the Guided Development Scheme and in particular the schedule of costs. A number of issues were raised at this meeting relating to the process of the Guided Development Scheme and some of the detailed clauses. Where appropriate, changes have been made to incorporate the issues raised.
21. One landowner in particular requested that Council delay consideration of the Guided Development Scheme to provide landowners with more time to consider the draft Guided Development Scheme. However this was considered unnecessary, as there are a number of statutory processes involved with the preparation of a Guided Development Scheme, similar to a scheme amendment process, that give landowners further opportunities to provide comments on the scheme.
22. The Guided Development Scheme will need to be advertised for a 90 day statutory period, after Council agrees to initiate the scheme and the WA Planning Commission gives its consent to advertise.

Item 11.3.3 continued

CONCLUSION

- 23. The development of both the Bayonet Head Outline Development Plan and the Guided Development Scheme has been a lengthy process to date. To assist with the implementation of the development of the remaining land within the Bayonet Head locality Council is asked to provide support to the initiation of this scheme.

RECOMMENDATION

THAT pursuant to Section 7 of the Town Planning and Development Act Council resolves to prepare the City of Albany Town Guided Development Planning Scheme No. 12 for the Bayonet Head Outline Development Plan area.

Voting Requirement Simple Majority

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The Executive Director Development Services tabled Schedule 3 to the Guided Development Scheme which was omitted from page 33 of the EMR/IB. He also tabled a letter received from Koltasz Smith dated 15th April 2002 objecting to Council considering this item.

The Executive Director Development Services asked that this matter lay on the table for a period of 30 days to assess the figures.

AMENDED RECOMMENDATION

THAT this matter lay on the table for a period of one month.

Voting Requirement Simple Majority

.....

MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON

THAT this matter lay on the table for a period of one month.

MOTION CARRIED 14-0

Reason: There are complex legal implications and a number of other concerns that have been expressed by the stakeholders that need to be resolved prior to Council adopting the City of Albany Town Guided Development Planning Scheme No. 12. If this matter is laid on the table until the May meeting, it will allow all participants and Councillors to fully understand the issues.

DEVELOPMENT SERVICES REPORTS

11.4 DEVELOPMENT SERVICES COMMITTEES

11.4.1 Local Planning Strategy Steering Committee – 22 March 2002

- File/Ward** : STR 078 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Summary Recommendation:** That the minutes of the Local Planning Strategy Steering Committee held on 22nd March 2002 be adopted.

Confirmation of the minutes of the Local Planning Strategy Steering Committee of 22nd March 2002.

RECOMMENDATION

THAT the minutes of the Local Planning Strategy Steering Committee held on 22nd March 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
 SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of the Local Planning Strategy Steering Committee held on 22nd March 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

MOTION CARRIED 14-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund			
Cheques	totalling		170,064.62
Electronic Fund Transfer	totalling		1,540,467.48
Payroll	totalling		861,125.20
Cancelled cheques	totalling		0.00
TOTAL			2,571,657.30

2. As at 3rd April 2002, the total outstanding creditors, stands at \$61,827.38.

RECOMMENDATION

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

Municipal Fund	totalling	\$2,571,657.30
Total		<u>\$2,571,657.30</u>

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES – 16/04/02
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

AMENDED RECOMMENDATION

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

Municipal Fund	totalling	\$2,570,147.30
Total		<u>\$2,570,147.30</u>

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR CECIL**

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

Municipal Fund	totalling	\$2,570,147.30
Total		<u>\$2,570,147.30</u>

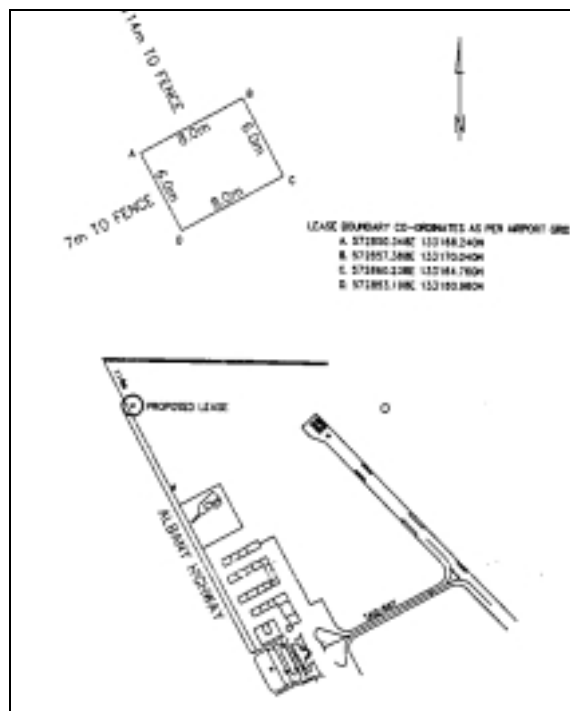
MOTION CARRIED 13-1

Reason: In the Summary of Accounts it was recorded that an amount had been processed twice. The first payment did not transact electronically, so a cheque was then raised.

12.2 ADMINISTRATION

12.2.1 WA Billboards – Sign at Albany Airport Terminal Building

File/Ward	:	PRO303 (Kalgan Ward)
Proposal/Issue	:	New Lease for a Sign
Subject Land/Locality	:	Lots 4861, 5643 & 5650 Albany Highway, Albany Airport Terminal
Proponent	:	WA Billboards
Owner	:	City of Albany
Reporting Officer(s)	:	Administration Officer (A Wiseman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve a new lease to WA Billboards for a term of 3 years with another 3 year option commencing on 1 June 2002.
Locality Plan	:	see map below



Item 12.2.1 continued.

BACKGROUND

1. WA Billboards has approached Council to request a new lease for a billboard sign to be located along the Albany Highway boundary on the north side of the Albany Airport terminal building.
2. The entire airport area is land which is owned and operated by the City of Albany.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

6. There are no policy implications in regard to this item.

FINANCIAL IMPLICATIONS

7. In accordance with Section 3.58 of the Local Government Act 1995, an independent sworn valuation has been carried out and an annual rental has been determined at \$1,000.00 per annum, before GST.
8. In the letter received from WA Billboards they state that they are prepared to offer a site rental of \$1000.00 per annum on a lease of 3 years with a further option of 3 years.
9. All costs associated with this proposed lease are to be borne by the applicant; this includes legal and advertising fees, construction and maintenance, and all insurance aspects.

Item 12.2.1 continued.

STRATEGIC IMPLICATIONS

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

Quality Parks, gardens and reserves maintaining their feature status – A diverse range of passive and active recreational areas that are creative, safe and enjoyable to use.

COMMENT/DISCUSSION

11. WA Billboards are willing to enter into a new lease for a term of 3 years with a 3 year option, effective from 1 June 2002, under the same terms and conditions as Council's standard leasing agreements.
12. It is proposed that the Billboard Sign lease be located along Albany Highway just north of the Airport Terminal Building (area 6 metres by 8 metres.) The billboard itself is proposed to be 6m x 6m, a size which in a lease area, is in accordance with the existing sign bylaws.
13. A meeting of the Albany Airport Advisory Committee was held on 4 February 2002, where it was noted:
- “That a request from WA Billboards to establish a permanent billboard on the Albany Highway boundary had been received. The billboard is to receive advertising material from the Road Safety Council and compatible use only.”
14. At the 19 March 2002 Council meeting, it was resolved to endorse and adopt the Airport Advisory Committee minutes.
15. Council's planning officers have been advised of this proposed lease and do not raise any objections to the proposal, provided that the purpose of the sign is for road safety purposes only. This billboard is different to other signs in the area as it will be for community purposes only.

RECOMMENDATION

THAT should no submissions be received as a result of advertising, Council in accordance with Section 3.58 of the Local Government Act 1995 agree;

- i) To enter into a new lease agreement with WA Billboards for a term of 3 years with a 3 year option commencing on 1 June 2002;
- ii) To the rental being set in accordance with independent sworn valuation, that being \$1000.00 per annum and being subject to GST;
- iii) To Council's standard terms and conditions being applied to the proposed lease, including a clause for GST;

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.1 continued.

- iv) That at all times the purpose of the billboard be for advertising material from the Road Safety Council and compatible use only;
- v) That all costs associated with the preparation of a lease, including advertising costs and legal fees, be borne by the applicant; and
- vi) The Common Seal of the City of Albany be attached to all relevant documentation.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR BOJCUN**

THAT should no submissions be received as a result of advertising, Council in accordance with Section 3.58 of the Local Government Act 1995 agree;

- i) To enter into a new lease agreement with WA Billboards for a term of 3 years with a 3 year option commencing on 1 June 2002;**
- ii) To the rental being set in accordance with independent sworn valuation, that being \$1000.00 per annum and being subject to GST;**
- iii) To Council's standard terms and conditions being applied to the proposed lease, including a clause for GST;**
- iv) That at all times the purpose of the billboard be for advertising material from the Road Safety Council and compatible use only;**
- v) That all costs associated with the preparation of a lease, including advertising costs and legal fees, be borne by the applicant; and**
- vi) The Common Seal of the City of Albany be attached to all relevant documentation.**

MOTION LOST 5-9

Councillor Bojcun requested that a record of the names recorded as voting for the motion:

- Councillor Bojcun
- Councillor West
- Councillor Evers
- Councillor Barton
- Mayor Goode

12.2.2 Reserve 43591 – Change of Purpose and obtain power to lease

- File/Ward** : PRO307 (Kalgan Ward)
- Proposal/Issue** : Amending the purpose of Reserve 43591 and obtaining Power to Lease
- Subject Land/Locality** : Willyung Hill/Reserve 43591, Plantagenet Location 7727
- Proponent** : Telstra Corporation Limited
- Owner** : Crown Land (Managed by the City of Albany)
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : N/A
- Previous Reference** : Nil
- Summary Recommendation** : To apply for an amendment to Reserve 43591, Plantagenet Location 7727, to grant Power to Lease and change the reserve purpose from “Navigational Aid Site” to “Navigational Aid Site and Telecommunications”
- Locality Plan** :



Item 12.2.2 continued.

BACKGROUND

1. Council has received an application from Telstra Corporation Limited to lease a portion of Crown Reserve 43591, located on Willyung Hill. The purpose for the lease will be to upgrade Council operational and emergency radio facilities by installing a replacement tower that will also result in a higher level of service to both the GSM and CDMA mobile phone networks.
2. The current Management Order for Reserve 43591 is for the purpose of a “Navigational Aid Site” with no power to lease.

STATUTORY REQUIREMENTS

3. Section 18 of the Land Administration Act, addresses the requirements relating to obtaining Ministerial approval to create a reserve, which can then be vested in the City of Albany for a nominated purpose.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. There are no other costs involved with amending the reserve except for administrative costs, which can be absorbed within Council’s budget.

STRATEGIC IMPLICATIONS

6. In the City of Albany’s 2020 – Charting our Course, the following Port of Call is identified:
Port of Call:
Managed Healthy land/harbour environment
Objective:
Reserve Management – to manage reserves for environmentally sustainable use, community enjoyment and benefit.

COMMENT/DISCUSSION

7. The land in question is a portion of Reserve 43591, being Plantagenet Location 7727 and has a Management Order to the City of Albany for the purpose of Navigational Aid Site. Council currently utilises this site for bushfire brigade communication’s purposes and to display navigational lights for the airport.
8. It is proposed to seek Ministerial approval to have the Management Order for Reserve 43591 amended, to allow the City of Albany power to lease for

ORDINARY COUNCIL MEETING MINUTES – 16/04/02
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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued.

periods up to and including 21 years, and the Reserve purpose changed from “Navigational Aid Site” to “Navigational Aid Site and Telecommunications”. Telstra Corporation Limited have indicated that they intend to apply for a lease with the City of Albany to construct a new tower and storage hut for their mobile telephone network and service base station on Willyung Hill. (item to be presented to Council at a late date) This tower will then be available for the upgrading of Council’s works and bushfire communication network and will result in a higher level of service to both the GSM and CDMA mobile phone networks for Telstra.

RECOMMENDATION

THAT Council, in accordance with Section 18 of the Land Administration Act, request the Minister’s approval to amend the purpose of the Management Order for Reserve 43591 from “Navigational Aid Site” to “Navigational Aid Site and Telecommunications”, with power to lease for periods up to and including 21 years.

Voting Requirement Simple Majority

.....

Councillor Wellington declared an interest and left the Chambers at 8.06pm. The nature of Councillor Wellington’s interest is that he is the proprietor of a company involved in the sale of telephones.

Councillor Wilson declared an interest and left the Chambers at 8.06pm. The nature of Councillor Wilson’s interest is that he holds Telstra shares.

Councillor Cecil declared an interest and left the Chambers at 8.06pm. The nature of Councillor Cecil’s interest is that she holds Telstra shares.

Councillor Evers declared an interest and left the Chambers at 8.06pm. The nature of Councillor Evers’ interest is that she holds Telstra shares.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

THAT Council, in accordance with Section 18 of the Land Administration Act, request the Minister’s approval to amend the purpose of the Management Order for Reserve 43591 from “Navigational Aid Site” to “Navigational Aid Site and Telecommunications”, with power to lease for periods up to and including 21 years.

MOTION CARRIED 10-0

Councillors Wellington, Wilson, Cecil and Evers returned to the Chambers at 8.08pm.

CORPORATE & COMMUNITY SERVICES REPORTS

12.2.3 Council Representation on Prawn Rock Channel Working Group

File/Ward	:	MAN003 (All Wards)
Proposal/Issue	:	Council Representation on Committees/Community Organisations
Subject Land/Locality	:	N/A
Proponent	:	Shire of Denmark
Owner	:	N/A
Reporting Officer(s)	:	Administration Officer (L Freegard)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation	:	Councillor Diane Evers be appointed to represent Council on the Prawn Rock Channel Working Group.
Locality Plan	:	N/A

BACKGROUND

1. Correspondence has been received from the Shire of Denmark requesting Council to nominate a representative for the Prawn Rock Channel Working Group.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

3. There are no policies implications relating this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. Councils Albany 2020 Plan encourages compliance with the provisions of the Local Government Act 1995 and all other relevant legislation, and establishing effective two way communication between Council, residents and other stakeholders.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.3 continued.

COMMENT/DISCUSSION

- 6. Prawn Rock Channel is situated at the western boundary between the City of Albany and the Shire of Denmark. For a number of years the Shire of Denmark has been constructing a causeway to allow vehicle and pedestrian traffic to access the eastern section of Ocean Beach, which is located within the City of Albany boundary.
- 7. This year the Shire of Denmark resolved not to construct the causeway due to vehicular/pedestrian and environmental concerns. Instead it was agreed to prepare an access management plan with the view to installing the causeway again in 2003. The access management plan is to be prepared by a working group, which will include Councillor representation from both the Shire of Denmark and City of Albany.
- 8. Councillor Evers accepted the invitation to the first meeting of the Prawn Rock Channel Working Group held on 4 April 2002 and therefore, should no objections be received, it be recommended Councillor Evers be nominated as the delegate for the City of Albany on the Prawn Rock Channel Working Group.

RECOMMENDATION

THAT Councillor Evers, be appointed to represent Council on the Prawn Rock Channel Working Group.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BARTON
SECONDED COUNCILLOR WOLFE**

THAT Councillor Evers, be appointed to represent Council on the Prawn Rock Channel Working Group.

MOTION CARRIED 14-0

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

Nil.

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

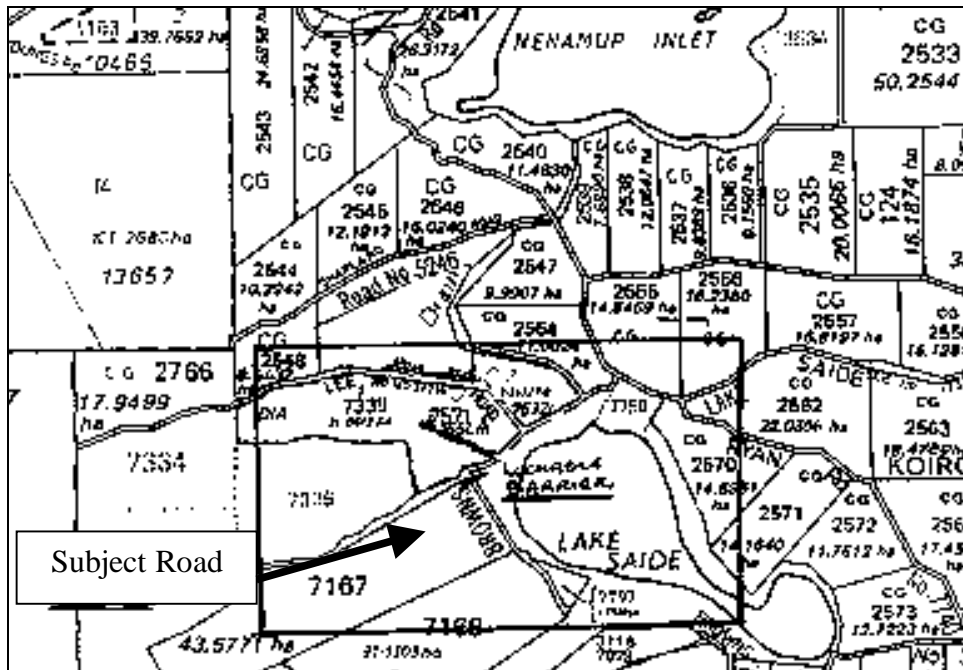
Nil

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Browns Road – Partial Road Closure

File/Ward	:	SER 123 (West Ward)
	:	
Proposal/Issue	:	Partial Closure of Browns Road, Youngs
Subject Land/Locality	:	Browns Road Youngs
Proponent	:	D.J. Wolfe
Owner	:	N/A
Reporting Officer(s)	:	Assets Coordinator (S Broad)
Disclosure of Interest	:	Nil
Previous Reference	:	CNCL 18/12/01 – Item 13.2.1
Summary Recommendation	:	That Council proceed with proposed road closure.
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.2.1 continued

BACKGROUND

1. Council resolved at its meeting on 18/12/01 to invite submissions from the community and service authorities on the proposal for the partial closure of Browns Road Youngs by the installation of a lockable barrier.
2. The purpose of the closure is to prevent illegal entry and removal of equipment from farming properties

STATUTORY REQUIREMENTS

3. Section 3.50 of the Local Government Act details as follows the process of closing thoroughfares (roads) to vehicles:
 - (1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles.
 - (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
 - (3) The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.
 - (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –
 - a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
 - b) give written notice to each person who –
 - i) is prescribed for the purposes of this section; or
 - ii) owns land that is prescribed for the purposes of this section; and
 - c) allow a reasonable time for submissions to be made and consider any submissions made.
 - (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

WORKS & SERVICES REPORTS

Item 13.2.1 continued

- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- (7) Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.
- (8) If, under subsection (7), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

POLICY IMPLICATIONS

4. The City of Albany currently does not have a policy on wholly or partially closing thoroughfares. However the consideration of closing thoroughfares where there is no benefit to the community of keeping the thoroughfare open enables resources to be utilised effectively for other roads and issues.

FINANCIAL IMPLICATIONS

5. The applicant will responsible for the provision of the lockable barrier.

STRATEGIC IMPLICATIONS

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

Port of Call:

Managed healthy land/harbour environment

Objective:

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

Port of Call:

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

Objective:

- To effectively and efficiently manage the City's transport infrastructure and minimise whole of life costs.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

COMMENT/DISCUSSION

- 7. No written submissions were received from the public in response to an advertisement placed in the Albany Advertiser regarding the proposal.
- 8. No objections to the proposed closure were received from the service authorities, however Fire and Emergency Services have requested that the local bushfire brigades be provided with keys, enabling them to gain access to the area in the event of a fire.
- 9. Council has met all the requirements of Section 3.50 of the Local Government Act and should now proceed with the closure.

RECOMMENDATION

THAT Council;

- i) proceed with the partial closure of Browns Road by means of a lockable barrier, with the precise location of the barrier being as agreed with the adjacent landowners; and
- ii) that the local bushfire brigades be provided with keys for access to the area.

Voting Requirement Simple Majority

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Councillor Wolfe declared an interest and left the Chambers at 8.10pm. The nature of Councillor Wolfe’s interest is that he is the lessee of a block which Browns Road gives access to.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR BOJCUN**

THAT Council:

- i) **proceed with the partial closure of Browns Road by means of a lockable barrier, with the precise location of the barrier being as agreed with the adjacent landowners; and**
- ii) **that the local bushfire brigades be provided with keys for access to the area.**

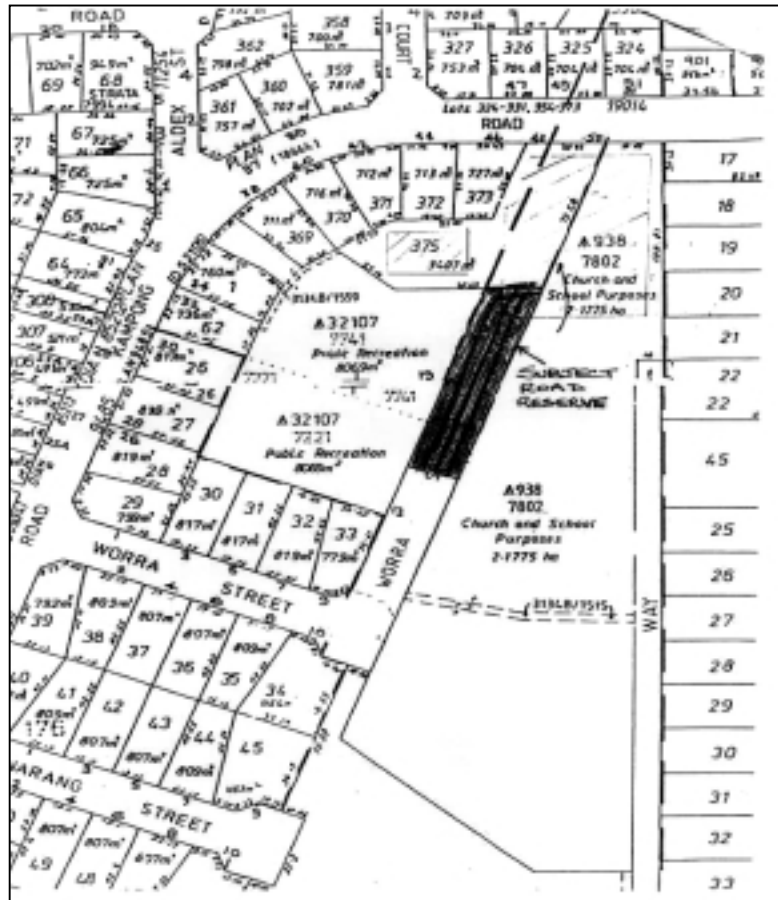
MOTION CARRIED 13-0

Councillor Wolfe returned to the Chambers at 8.11pm.

WORKS & SERVICES REPORTS

13.2.2 Worra Street, Yakamia – Proposed Partial Road Reserve Closure

File/Ward	:	A084739 (Yakamia Ward)
Proposal/Issue	:	Closure of Portion of Worra Street
Subject Land/Locality	:	Worra Street Yakamia
Proponent	:	Bethel Christian School
Owner	:	Crown Land managed by City of Albany
Reporting Officer(s)	:	Asset Coordinator (S Broad)
Disclosure of Interest	:	Nil
Previous Reference	:	CNCL 20/11/01 : Item 13.2.1
Summary Recommendation:		Proceed with closure.
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.2.2 continued

BACKGROUND

1. Council resolved at its meeting on 20/11/01 to invite submissions from the community and from service authorities on the proposal to permanently close a portion of Worra Street Yakamia.
2. The purpose of the closure of this portion of Worra Street is to have the subject portion of road reserve through the Department of Land Administration (DOLA) incorporated into the adjoining Reserve 938 (7802) (Church and School Purposes) to enable the Bethel Christian School to expand the playing field and oval.
3. The proposed closure was advertised in accordance with the Land Administration Act, Section 58, on 11 December 2001.

STATUTORY REQUIREMENTS

4. Section 58 of the Land Administration Act details as follows the process for permanently closing road reserves:
 - 1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
 - 2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
 - 3) *A local government must not resolve to make a request under subsection (1), until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
 - 4) *On receiving a request to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –*
 - a) *By order grant the request;*
 - b) *Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - c) *Refuse the request.*

WORKS & SERVICES REPORTS

Item 13.2.2 continued.

- 5) *If the Minister grants a request under subsection (4) -*
 - a) *The road concerned is closed on and from the day on which the relevant order is registered;*
 - b) *Any rights suspended under section 55 (3) (a) cease to be so suspended; and*
 - c) *The Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.*
- 6) *When a road is closed under this section, the land comprising the former road –*
 - a) *Becomes unallocated Crown Land; or*
- 7) *If a lease continues to subsist in that land by virtue of section 57 (2), remains Crown Land.*

POLICY IMPLICATIONS

5. The City of Albany currently does not have a policy on permanently closing road reserves.

FINANCIAL IMPLICATIONS

6. There are no costs to Council other than administrative costs which can be absorbed within the Operating Budget.

STRATEGIC IMPLICATIONS

7. In the City of Albany's 2020 Charting Our Course, the following Port of Call is identified:
Port of Call:
Transport systems and services designed to meet current and future needs.
Objective:
 - *To plan Albany's transport infrastructure to meet future needs complementary to the City's form and sense of place.*

COMMENT/DISCUSSION

8. The proposal to close a portion of Worra Street Yakamia was advertised by publication of a notice in the Albany Advertiser, on 11 December 2001, and a letter to all owners of lots in the immediate area. At the end of the advertising period on 15 January 2002, three (3) submissions had been received from the community. There were no objections to the proposed road closure.
9. A response from Water Corporation advised that it has no objection to the proposal, however Water Corporation require a 5 metre wide easement to provide access to their existing sewer reticulation mains.

WORKS & SERVICES REPORTS

Item 13.2.2 continued.

RECOMMENDATION

THAT Council, in accordance with the Section 58 of the Land Administration Act 1997;

- i) request the Minister to proceed with the permanent closure of a portion of Worra Street, Yakamia;
- ii) request the Department of Land Administration to undertake the inclusion of the former road reserve into Reserve 938 (Location 7802) (Church and School Purposes); and
- iii) request the Department of Land Administration to grant a 5 metre easement in favour of the Water Corporation as identified on Water Corporation plan .

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE**

THAT Council, in accordance with the Section 58 of the Land Administration Act 1997;

- i) request the Minister to proceed with the permanent closure of a portion of Worra Street, Yakamia;**
- ii) request the Department of Land Administration to undertake the inclusion of the former road reserve into Reserve 938 (Location 7802) (Church and School Purposes); and**
- iii) request the Department of Land Administration to grant a 5 metre easement in favour of the Water Corporation as identified on Water Corporation plan .**

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.2.3 Amendment - Delegation of Authority to the Chief Executive Officer to Grant Drainage Easements

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	Amendment Delegation of Authority to Obtain All Future Easements
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Asset Co-ordinator (S Broad)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/8/00 Item 13.3.3
Summary Recommendation	:	That Council agree to the amendments to the Delegated Authority to the Chief Executive Officer to Grant of Drainage Easements.
Locality Plan	:	

BACKGROUND

1. Delegation of Authority to the Chief Executive Officer to obtain Drainage Easements in accordance with Section 5.42 of the Local Government Act was adopted by Council at it's meeting of 15 August 2000 with the following criteria:
 - a) All alternative routes with regard to stormwater discharge shall be investigated as part of the easement process.
 - b) Easement location be based on sound engineering principles taking into account existing and future drainage systems.
 - c) Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00.
 - d) No payment of compensation is to be paid until the easement has been registered with the Titles Office.

WORKS & SERVICES REPORTS

Item 13.2.3 continued

- e) Easement width shall be to a maximum of 3 metres wide (urban) or 10 metres wide (rural).
- f) Location of easement is agreed to by the affected land owner.
- g) Agreement has been obtained from the affected land owner for the grant of easement.

STATUTORY REQUIREMENTS

- 2. The relevant sections in the Local Government Act 1995 referring to drainage are:

“Schedule 3.2 (1) Carry out works for the drainage of land

(2) Do earthworks or other works on land for preventing or reducing flooding

Schedule 9.1 (9) Protection of watercourses, drains, tunnels and bridges”

- 3. Schedule 5.42 of the Local Government Act enables the delegation of some powers and duties to Chief Executive Officer:

“(1) A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”

POLICY IMPLICATIONS

- 4. There are no adopted policies on drainage and ancillary easements, however, the acquisition of drainage easements ensures that drainage infrastructure can be developed to protect residential properties.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

- 6. The City of Albany’s Strategic Plan lists stormwater under the *Port Of Call - Managed healthy land/harbour environment*. The objectives outline the requirements to provide the community with an effective & environmentally appropriate drainage network and to reduce polluted discharge to and from the stormwater system.

WORKS & SERVICES REPORTS

Item 13.2.3 continued

COMMENT/DISCUSSION

7. Easement widths under the delegated authority were to a maximum of 3 metres wide for (urban) or 10 metres wide (rural), however easements that will be required in the future for the Sanford Road/ Minna Street drainage system will be in excess of 6 metres and would result in separate items be put before Council for grant of easements.
8. To facilitate the efficiency of the easement process, for subsequent easements, it is desirable that an amendment to the criteria be approved. The Delegation of Authority shall apply to easements that fall within the strict criteria as outlined below.
 - h) All alternative routes with regard to stormwater discharge shall be investigated as part of the easement process.
 - i) Easement location be based on sound engineering principles taking into account existing and future drainage systems.
 - j) Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00.
 - k) No payment of compensation is to be paid until the easement has been registered with the Titles Office.
 - l) Easement width shall be to a maximum of 7 metres wide (urban) or 10 metres wide (rural).
 - m) Location of easement is agreed to by the affected land owner.
 - n) Agreement has been obtained form the affected land owner for the grant of easement.

RECOMMENDATION

THAT Council, in accordance with the provisions of Section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer or his nominee the power to obtain drainage easements for Council's drainage needs subject to the following criteria:

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

WORKS & SERVICES REPORTS

Item 13.2.3 continued

- iii) Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;
- iv) No payment of compensation is to be paid until the easement has been registered with the Titles Office;
- v) Easement width shall be to a maximum of 7 metres wide (urban) or 10 metres wide (rural);
- vi) Location of easement is agreed to by the affected landowner; and
- vii) Agreement has been obtained from the affected landowner for the grant of easement.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR WILLIAMS**

THAT Council, in accordance with the provisions of Section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer or his nominee the power to obtain drainage easements for Council's drainage needs subject to the following criteria:

- i) All alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;**
- ii) Easement location be based on sound engineering knowledge taking into account existing and future drainage systems;**
- iii) Should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;**
- iv) No payment of compensation is to be paid until the easement has been registered with the Titles Office;**
- v) Easement width shall be to a maximum of 7 metres wide (urban) or 10 metres wide (rural);**
- vi) Location of easement is agreed to by the affected landowner; and**
- vii) Agreement has been obtained from the affected landowner for the grant of easement.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

WORKS & SERVICES REPORTS

13.2.4 Road Rehabilitation – Lower Denmark, Rutherford, and Chillinup Roads

File/Ward	:	C02006 (West Ward)
Proposal/Issue	:	Road Rehabilitation – Lower Denmark Road, Rutherford Road, and Chillinup Road.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager, Asset & Client Services (P Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil.
Summary Recommendation:		To be submitted with tender evaluation on 16 th April 2002.
Locality Plan	:	N/A

BACKGROUND

1. The 2001/2002 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors and engineering consultants, in addition to Council's day labour force and Design Services. Where applicable these works are to be undertaken by a public tender process; the rehabilitation of areas of failed pavement on Lower Denmark Road, Rutherford Road and Chillinup Road is one of these projects.
2. The documentation, tender evaluation and site superintendence for this project is being carried out by Opus International Consultants, on behalf of Council's Design Services.
3. All three nominated roads for this project have been identified as having areas of significant pavement failure under Council's Road Asset Management Strategy.
4. A thorough geotechnical investigation of the identified sections was undertaken by Golder Associates with the prime objectives being:
 - Characterise surface and pavement defects
 - Identify possible causes of the defects
 - Identify appropriate rehabilitation treatment
 - Design preferred rehabilitation treatment
 - Provide information to be included in tender documents
5. Golder Associate's report was finalised in January 2002, and fully met all of the required objectives. The recommended treatments were used as the basis of the preparation of tender documents to be issued to rehabilitation contracts.

WORKS & SERVICES REPORTS

Item 13.2.4 continued.

6. The actual works to be executive under this contract consists of pavement rehabilitation work including insitu cement stabilisation and overlay treatments to the existing road pavements. The main works include
 - Setting up and maintaining traffic control
 - Cleaning, re-cutting and regarding table drains
 - Neat cutting of seal around perimeter
 - Supply of gravel base course makeup
 - Compacting, trimming and application of bitumen primer seal
7. The works are located on the following roads:
 - Lower Denmark Road (27 sections) (between SLK 1.20 and SLK 19.54)
 - Rutherford Road (1.3km from end of existing 2 coat seal)
 - Chillinup Road (0.420km from Cape Road Intersection East)
8. Rehabilitation works were also planned to be carried out on Homestead Road. The geotechnical report showed extensive pavement deformation due to inadequate base course thickness and poor sub-grade strength. The recommended treatment is for the total reconstruction of the areas nominated as pavement stabilisation would not be a suitable treatment. Full reconstruction of this road is beyond this projects scope of works and the budget allocation made in the 2001/2002 Capital Works Budget. It was therefore not included in the tender documents for contract C02006.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

12. A total allocation has been made in the 2001/2002 Capital Works Budget for rehabilitation projects as follows:

Lower Denmark Road	\$200,000
Rutherford Road	\$25,000
Chillinup Road	\$75,000
Homestead Road	\$52,000

WORKS & SERVICES REPORTS

Item 13.2.4 continued.

In addition to the above, a further \$64,000 has been granted to Council by the Regional Road Group to be used on Lower Denmark Road. As Homestead Road project is beyond the scope of this contract and its budget allocation well short of the required funds to reconstruct, it is proposed to re-allocate its money to Rutherford Road. The final proposed budget allocation is therefore:

Lower Denmark Road	\$264,000
Rutherford Road	\$77,000
Chillinup Road	\$75,000

13. The insitu pavement stabilisation of pavements is a very specialised field. Large cost variations may occur due to mobilisation distances of plant, time of construction, and amount of work to be undertaken. Because of the possibility of cost fluctuations in the overall price, tenderers are to provide lump sum prices for each of the nominated sections for each individual road. This will give Council flexibility to award all or part of the contract, should the total works exceed the budget allowance.
14. Sets of tender documents were issued as below:
- Fulton Hogan
 - Briery Contractors
 - Western Stabilising
 - Pavement Technology

STRATEGIC IMPLICATIONS

15. Albany 2020 – Charting Our Course includes the following Ports of Call:
- ◆ *Transport systems and services designed to meet current future needs.*
The quality and range of our transport systems are important factors in the present and future well being of our community. Roads, paths, maritime and aviation facilities improve our working, social and recreation lives, and a sensible, well-planned transport system is also a key ingredient in the development of our economic future. The City has established the following major objectives to ensure this Port of Call is realised.
 - ◆ *Transport infrastructure planning*
To plan Albany's transport infrastructure to meet future needs complementary to the City's form and sense of place.
 - ◆ *Transport infrastructure and services management*
To effectively and efficiently manage the City's transport infrastructure
 - ◆ to provide a high quality service;
 - ◆ to meet community expectations;
 - ◆ to minimise whole life costs; and
 - ◆ in alignment with transport plans.

WORKS & SERVICES REPORTS

Item 13.2.4 continued.

COMMENT/DISCUSSION

Tender Process

16. A request for Tenders was published in the West Australian on 23 March, with closing date on 11 April 2002.

Tender Evaluation

17. Tender evaluation to be submitted at Council meeting on 16th April 2002.
18. The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:

Financial Accounting (Price)	60%
Relevant Skills and Experience	20%
Safety Management	5%
Reliability of Tenderer	5%
Quality Accreditation	5%
Other Considerations	5%

19. The City of Albany's Design Co-ordinator and Opus International Consultants will carry out the tender evaluation with the evaluation report to be tabled at the Council meeting. The City of Albany regional price preference policy was applied to this tender.

RECOMMENDATION

To be supplied under separate cover after completion of the tender evaluation process.

AMENDED RECOMMENDATION

THAT Council:

- i) Award tender Contract C02006 to Ertech Pty Ltd for Road Rehabilitation – Lower Denmark Road, Rutherford Road and Chillinup Road for the lump sum price of \$349,518.10 (inc GST) providing an actual cost to Council of \$317,743.72 (ex. GST).
- ii) Negotiate a variation to the current Contract C02006 with Ertech Pty Ltd after award to carry out further stabilisation and rehabilitation works on Rutherford Road or Lower Denmark Road up to an amount of \$78,140.28 (ex. GST) subject to final variation price being authorised by contract superintendent and providing good value for money to the principle.

WORKS & SERVICES REPORTS

Item 13.2.4 continued.

- iii) That the budget allocation for rehabilitation works on Homestead Road of \$52,000.00 be allocated to Rutherford Road.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR EVERS**

THAT Council:

- i) **Award tender Contract C02006 to Ertech Pty Ltd for Road Rehabilitation – Lower Denmark Road, Rutherford Road and Chillinup Road for the lump sum price of \$349,518.10 (inc GST) providing an actual cost to Council of \$317,743.72 (ex. GST);**
- ii) **Negotiate a variation to the current Contract C02006 with Ertech Pty Ltd after award to carry out further stabilisation and rehabilitation works on Rutherford Road or Lower Denmark Road up to an amount of \$78,140.28 (ex. GST) subject to final variation price being authorised by contract superintendent and providing good value for money to the principle; and**
- iii) **That the budget allocation for rehabilitation works on Homestead Road of \$52,000.00 be allocated to Rutherford Road.**

MOTION CARRIED 14-0

WORKS & SERVICES REPORTS

13.2.5 Purchase of Maintenance Grader

File/Ward	:	C02004 (All Wards)
Proposal/Issue	:	Purchase of Maintenance Grader
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Operations (G Steel) Works Co-ordinator (G Logan)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/12/01 Item 13.3.2 OCM 19/02/02 Item 13.3.2
Summary Recommendation:		Purchase Volvo 710 VHP grader from CJD Equipment
Locality Plan	:	N/A

BACKGROUND

1. Tenders were called for the purchase of a new maintenance grader, with trade-in or outright purchase of the current Caterpillar 130G grader (AL11041). Tenders closed on the 27th March 2002.
2. A total of five specifications were issued, with a total of seven submissions received from five suppliers, and no outright purchases at the close of tender.
3. All suppliers were offered the opportunity to provide machines submitted for tender for trial. Four tendered machines were evaluated by Council staff (operators and mechanics) with the results tabled.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.2.5 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. An allocation of \$208,911 has been made in the 2001/2002 Plant Purchases Budget for changeover of this grader, following Council's decision at the 19th February 2002 meeting (Item 13.2.4).
7. The attached table outlines those prices submitted by suppliers for the changeover of the grader. It includes additional calculations to show the actual net cost (excluding GST) to the City of Albany and recommended tender (in bold).
8. The net cost to the City of Albany 2001/2002 Plant Purchases Budget would be \$208,912 if Council were to accept the recommended tender.

STRATEGIC IMPLICATIONS

9. In the City of Albany's 2020 Plan Charting Our Course, the following Ports of Call are identified:
Port of Call
Transport systems & services designed to meet current & future needs
Objective:
➤ To effectively and efficiently manage the City's transport infrastructure

COMMENT/DISCUSSION

Tender Process

10. Requests for tender were published in the West Australian on Saturday 9th March 2002

Tender Evaluation

11. The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria and sub- criteria are:
 - *Suitability for task requirements* 50%.
Operator Occupational Health and Safety
Practicability (City of Albany operational use)
Serviceability (turn around times)
Spare Parts, service & technical information/backup, warranty
Reliability of Components
 - *Price* 50%
Capital Cost

WORKS & SERVICES REPORTS

Item 13.2.5 continued

Supplier	Grader Offered	Score
CJD	Volvo G710 VHP	89.31%
Westrac Equipment	Caterpillar 120H	86.08%
BT Equipment	Mitsubishi MG460E	81.70%
Komatsu	Komatsu GD530A-2C	79.74%
BT Equipment	Mitsubishi MG330E	78.00%
CJD	Volvo G720 VHP	75.45%
Hitachi Construction Machinery	John Deere 670CH Series II	68.99%

12. Following the opening of tenders, the staff carried out detailed evaluation of submissions for the maintenance grader. All tenderers were invited to present their machines for further field test evaluation by staff.
13. During the field test evaluation process Hitachi Machinery withdrew their opportunity to supply a machine for assessment by Councils staff, because they would not be able to supply a grader for test within the required timeframe.
14. All four graders presented for field testing were evaluated by 3 Council driver/operators and 2 workshop mechanics for operational performance, operator OH&S, serviceability, parts & technical backup and warranty.
15. The Volvo 710 VHP grader, as the highest weighted scorer, was examined in detail. It is mechanically well constructed and suitable for its intended task of operation in road maintenance grading.
16. Concerns were raised with the lack of standardisation of the fleet (all existing graders are Caterpillar), however, the City of Albany currently operates three Volvo loaders. CJD Equipment have supplied excellent after sales support and parts supply to these loaders, and staff believe that this will be extended to the grader. The Volvo 710 VHP grader also comes with a three year full machine, no cost, warranty as standard.
17. Westrac's tender for a Caterpillar 120H, included \$11,000 for ground engaging tools (rippers, tyres, blades, etc.), but this was not included in the tender evaluation as it is not a capital item. If it were included the weighted score on this machine would be 88.03, which would still not alter the ranking of the Caterpillar.
18. As such, it is recommended that Council purchase a new Volvo 710 VHP grader for \$282,933 (including GST) with a trade of \$48,400 (including GST) for Council's current grader, with the new grader having an actual total net changeover cost of \$208,912 (within the allocated budget).

WORKS & SERVICES REPORTS

Item 13.2.5 continued

RECOMMENDATION

THAT Council accepts the tender from CJD Equipment for the contract C02004 for the supply of a Volvo 710 VHP grader with all selected options at a total cost of \$282,933 (including GST) and trade current Caterpillar 130G grader (AL11041) at \$48,400 (including GST), providing an actual net cost to the City of Albany of \$208,911 (excluding GST)

Voting Requirement Simple Majority

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR CECIL**

THAT Council accepts the tender from CJD Equipment for the contract C02004 for the supply of a Volvo 710 VHP grader with all selected options at a total cost of \$282,933 (including GST) and trade current Caterpillar 130G grader (AL11041) at \$48,400 (including GST), providing an actual net cost to the City of Albany of \$208,911 (excluding GST)

MOTION CARRIED 14-0

ORDINARY COUNCIL MEETING MINUTES – 16/04/02

** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

Contract	Supplier	Grader offered	Price Less GST	Trade Less GST	Optional Equipment Cost	Optional Equipment Not Taken	Total Cost to Council	Evaluation Final Overall Ranking of Tenderers
C02004	CJD	Volvo G710 VHP	\$ 257,211.82	\$44,000.00	\$ -	\$4,300.00	\$208,911.82	89.31%
	Westrac Equipment	Caterpillar 120H	\$ 255,800.00	\$35,000.00	\$ 9,210.91	\$ -	\$230,010.91	86.08%
	BT Equipment	Mitsubishi MG460E	\$ 268,000.00	\$45,000.00	\$ 4,950.00	\$2,500.00	\$225,450.00	81.70%
	Komatsu	Komatsu GD530A-2C	\$ 280,120.00	\$44,000.00	\$ -	\$ -	\$236,120.00	79.74%
	BT Equipment	Mitsubishi MG330E *	\$ 236,500.00	\$45,000.00	\$ 4,950.00	\$2,500.00	\$193,950.00	78.00%
	CJD	Volvo G720 VHP *	\$ 281,316.36	\$44,000.00	\$ -	\$4,300.00	\$233,016.36	75.45%
	Hitachi Construction Machinery	John Deere 670CH Series II *	\$ 259,624.55	\$38,500.00	\$10,064.00	\$2,500.00	\$228,688.55	68.99%

* Machines Not Demonstrated

WORKS & SERVICES REPORTS

13.3 WORKS

Nil

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil

13.6 WORKS AND SERVICES COMMITTEES

Nil

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT
Nil

14.2 ORGANISATIONAL DEVELOPMENT
Nil

ECONOMIC DEVELOPMENT

14.3.1 Amendment to wording of the City of Albany Buy Local Policy (Regional Price Preference)

File/Ward	:	MAN008 (All Wards)
Proposal/Issue	:	To clarify eligibility definitions associated with the City of Albany Buy Local Policy (Regional Price Preference) adopted at the OCM 05/06/01
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Economic Development Manager (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 07/11/00 - Item 14.3.1 OCM 05/06/01 – Item 14.3.1
Summary Recommendation:		THAT Council adopt the proposed preference definitions and amend the wording contained within the City of Albany Buy Local Policy (Regional Price Preference) and associated operational guidelines
Locality Plan	:	N/A

BACKGROUND

1. The Local Government (Functions and General) Regulations (1996) were amended and gazetted on 25th February 2000. Part 4A was inserted which makes provisions to enable non-metropolitan local governments to offer a price preference to regional suppliers when deciding which tender to accept.
2. A price preference can only applied if a local government authority has adopted a regional price preference policy. The objective of the policy is to seek to maximise the use of competitive local businesses in goods, services and works purchased or contracted on behalf of the City of Albany.
3. A draft City of Albany Buy Local Policy was endorsed by the Albany City Council at its meeting on 7 November 2000 and was advertised in local and state newspapers in March 2001. A discussion paper was forwarded to peak business groups (Albany Chamber of Commerce and Industry, Albany Business Centre) for comment by their respective members and was made available to the public for viewing at City of Albany Offices.

Item 14.3.1 continued

4. Council adopted the City of Albany Buy Local Policy (Regional Price Preference) at its Ordinary meeting held on 5 June 2001. A summary of the policy is provided below:-

Extract from City of Albany Buy Local Policy (Regional Price Preference) adopted 05/06/01

“3.3 Policy

3.3.1 *A price preference will apply to all tenders invited by the City of Albany for the supply of goods and services and construction (building) services, unless Council resolves that this policy not apply to a particular tender.*

3.3.2 *The following levels of preference will be applied under this policy:*

Goods and Services up to a maximum price reduction of \$50,000

- *10% to businesses located within the City of Albany.*
- *5% to businesses located within the Shire of Plantagenet or the Shire of Denmark.*

Construction (building) services up to a maximum price reduction of \$50,000

- *5% to businesses located within the City of Albany*
- *2.5% to businesses located within the Shire of Plantagenet or the Shire of Denmark.*

Goods and Services, including construction (building) services up to a maximum price reduction of \$500,000, if Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by Council.

- *10% to business located within the City of Albany*
- *5% to businesses located within the Shire of Plantagenet or the Shire of Denmark*

3.3.3 *The levels of preference outlined in 3.3.2 above, will only apply to businesses that have been located within the local government areas specified for at least six (6) months prior to the closing date of tenders.*

3.3.4 *Only those goods or services identified in the tender as being supplied locally (regardless of their origin) will be included in the discounted calculation that forms a part of the assessment of a tender*

3.3.5 *It should be noted that price is only one factor to be considered when the City of Albany assesses tender submissions. Value for Money principles will be used to achieve the best possible outcome for every dollar spent by the City of Albany. This is achieved by assessing all costs and benefits rather than simply selecting the lowest purchase price.”*

Item 14.3.1 continued.

STATUTORY REQUIREMENTS

5. The 'City of Albany Buy Local Policy' is consistent with the Local Government (Functions and General) Regulations (1996), Part 4A Regional Price Preference, amended and gazetted on 25th February 2000. These regulations are consistent with National Competition Policy.

POLICY IMPLICATIONS

6. The City of Albany Buy Local Policy is generally consistent with the Western Australian Government's Buy Local Policy, however Local Government Regulations only allow for a maximum price preference up to 5% when the contract is for construction (building) services up to a maximum price reduction of \$50,000.
7. Under the Western Australian Government Buy Local policy a regional business preference (up to 5%) is available to businesses tendering for works contracts in ADDITION to a regional content preference (up to 5%) applied to the portion of goods, services and labour sourced locally. The City of Albany is only able to provide a MAXIMUM 5% price preference for works contracts under Local Government regulations.
8. It is recommended that the wording of the City of Albany Buy Local Policy be expanded to include reference to the two types of regional preferences that tenderers are able to apply for. The operational guidelines to the policy (prepared for use by City of Albany staff) will also be expanded to include eligibility criteria; preference application criteria and additional implementation documentation.

FINANCIAL IMPLICATIONS

9. There are no financial implications arising from the recommendation. An annual review of the operations and cost of the Buy Local Policy to Council will be conducted in June 2002.

STRATEGIC IMPLICATIONS

10. PORT OF CALL - Attraction & development of a broad range of social, cultural and economic entities

Economic Development - To identify & facilitate outstanding economic development opportunities for the City of Albany

Item 14.3.1 continued.

COMMENT/DISCUSSION

11. It is proposed that the wording of the City of Albany Buy Local Policy and operational guidelines include reference to the following preference types:-

Regional Business Preference

12. This preference enables businesses within the municipal areas of Albany, Denmark and Plantagenet to claim a price preference for their whole bid, regardless of the origin of the labour or materials as all labour and materials are deemed to be regional content.

13. When undertaking purchases of goods, services or works for delivery to Albany, the City of Albany will apply a price preference to bids received from businesses located within the prescribed area. The price of the bids from the local business will be reduced (for evaluation purposes only), by the amounts set out in section 3.3.2 of the City of Albany Buy Local Policy.

14. The regional business preference is only available to regional businesses that bid and manage/deliver the majority of the contract outcomes from their regional business location.

Regional Content Preference

15. This preference provides an incentive for businesses outside the prescribed preference zone (Albany, Denmark, Plantagenet) to purchase goods, services and construction from within the prescribed area. The preference applies to the value of the goods, materials or services purchased and used in the Albany region, and is referred to as 'regional content'.

16. Travel and accommodation costs associated with sending people from outside the prescribed preference zone to work on a regional contract are not considered regional content and are not eligible for the regional content preference.

The preference percentages set out in section 3.3.2 of the policy.

17. Businesses wishing to claim any of the above price preferences must complete a preference questionnaire that is distributed with each quotation and is included in tender documentation. Eligible businesses within the prescribed preference zone must clearly state their full business location and postal address and the preference is only available to regional businesses who bid and manage/deliver the majority of the contract outcomes from their regional business location.

18. Businesses outside the local prescribed area who claim that they will use regional businesses (regional content) in the delivery of the contract outcomes may be required, as part of the contract conditions, to demonstrate that they have actually used them.

Item 14.3.1 continued.

RECOMMENDATION

THAT Council endorses the proposed preference definitions as listed and amends the wording contained within the City of Albany Buy Local Policy (Regional Price Preference) and associated operational guidelines, namely

Regional Business Preference

This preference enables businesses within the municipal areas of Albany, Denmark and Plantagenet to claim a price preference for their whole bid, regardless of the origin of the labour or materials as all labour and materials are deemed to be regional content.

When undertaking purchases of goods, services or works for delivery to Albany, the City of Albany will apply a price preference to bids received from businesses located within the prescribed area. The price of the bids from the local business will be reduced (for evaluation purposes only), by the amounts set out in section 3.3.2 of the City of Albany Buy Local Policy.

The regional business preference is only available to regional businesses that bid and manage/deliver the majority of the contract outcomes from their regional business location.

Regional Content Preference

This preference provides an incentive for businesses outside the prescribed preference zone (Albany, Denmark, Plantagenet) to purchase goods, services and construction from within the prescribed area. The preference applies to the value of the goods, materials or services purchased and used in the Albany region, and is referred to as ‘regional content’.

Travel and accommodation costs associated with sending people from outside the prescribed preference zone to work on a regional contract are not considered regional content and are not eligible for the regional content preference. The preference percentages set out in section 3.3.2 of the policy.

Businesses wishing to claim any of the above price preferences must complete a preference questionnaire that is distributed with each quotation and is included in tender documentation. Eligible businesses within the prescribed preference zone must clearly state their full business location and postal address and the preference is only available to regional businesses who bid and manage/deliver the majority of the contract outcomes from their regional business location.

Businesses outside the local prescribed area who claim that they will use regional businesses (regional content) in the delivery of the contract outcomes may be required, as part of the contract conditions, to demonstrate that they have actually used them.

Voting Requirement Simple Majority

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Item 14.3.1 continued.

AMENDED RECOMMENDATION

THAT Council endorses the proposed preference definitions as listed and amends the wording contained within the City of Albany Buy Local Policy (Regional Price Preference) and associated operational guidelines subject to reciprocal arrangements, namely

Regional Business Preference

This preference enables businesses within the municipal areas of Albany, Denmark, Plantagenet, Jerramungup and Gnowangerup to claim a price preference for their whole bid, regardless of the origin of the labour or materials as all labour and materials are deemed to be regional content.

When undertaking purchases of goods, services or works for delivery to Albany, the City of Albany will apply a price preference to bids received from businesses located within the prescribed area. The price of the bids from the local business will be reduced (for evaluation purposes only), by the amounts set out in section 3.3.2 of the City of Albany Buy Local Policy.

The regional business preference is only available to regional businesses that bid and manage/deliver the majority of the contract outcomes from their regional business location.

Regional Content Preference

This preference provides an incentive for businesses outside the prescribed preference zone (Albany, Denmark, Plantagenet, Jerramungup and Gnowangerup) to purchase goods, services and construction from within the prescribed area. The preference applies to the value of the goods, materials or services purchased and used in the Albany region, and is referred to as 'regional content'.

Travel and accommodation costs associated with sending people from outside the prescribed preference zone to work on a regional contract are not considered regional content and are not eligible for the regional content preference. The preference percentages set out in section 3.3.2 of the policy.

Businesses wishing to claim any of the above price preferences must complete a preference questionnaire that is distributed with each quotation and is included in tender documentation. Eligible businesses within the prescribed preference zone must clearly state their full business location and postal address and the preference is only available to regional businesses who bid and manage/deliver the majority of the contract outcomes from their regional business location.

Businesses outside the local prescribed area who claim that they will use regional businesses (regional content) in the delivery of the contract outcomes may be required, as part of the contract conditions, to demonstrate that they have actually used them.

Voting Requirement Simple Majority

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Item 14.3.1 continued.

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR DEMARTEAU**

THAT Council endorses the proposed preference definitions as listed and amends the wording contained within the City of Albany Buy Local Policy (Regional Price Preference) and associated operational guidelines subject to reciprocal arrangements, subject to concurrence by the Denmark, Plantagenet, Jerramungup and Gnowangerup Council’s offering reciprocal arrangements.

Regional Business Preference

This preference enables businesses within the municipal areas of Albany, Denmark, Plantagenet, Jerramungup and Gnowangerup to claim a price preference for their whole bid, regardless of the origin of the labour or materials as all labour and materials are deemed to be regional content.

When undertaking purchases of goods, services or works for delivery to Albany, the City of Albany will apply a price preference to bids received from businesses located within the prescribed area. The price of the bids from the local business will be reduced (for evaluation purposes only), by the amounts set out in section 3.3.2 of the City of Albany Buy Local Policy.

The regional business preference is only available to regional businesses that bid and manage/deliver the majority of the contract outcomes from their regional business location.

Regional Content Preference

This preference provides an incentive for businesses outside the prescribed preference zone (Albany, Denmark, Plantagenet, Jerramungup and Gnowangerup) to purchase goods, services and construction from within the prescribed area. The preference applies to the value of the goods, materials or services purchased and used in the Albany region, and is referred to as ‘regional content’.

Travel and accommodation costs associated with sending people from outside the prescribed preference zone to work on a regional contract are not considered regional content and are not eligible for the regional content preference. The preference percentages set out in section 3.3.2 of the policy.

Businesses wishing to claim any of the above price preferences must complete a preference questionnaire that is distributed with each quotation and is included in tender documentation. Eligible businesses within the prescribed preference zone must clearly state their full business location and postal address and the preference is only available to regional businesses who bid and manage/deliver the majority of the contract outcomes from their regional business location.

Contd...

Item 14.3.1 continued.

Contd...

Businesses outside the local prescribed area who claim that they will use regional businesses (regional content) in the delivery of the contract outcomes may be required, as part of the contract conditions, to demonstrate that they have actually used them.

MOTION CARRIED 14-0

Reason: The communities of Gnowangerup and Jerramungup are supportive of Albany by rural production, specialist services, schools and recreation pursuits. It is our duty as the regional centre to encourage and strengthen some of their industries.

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 The Albany Boat Harbour Reference Group Minutes of 22 March 2002

- File/Ward** : MAN 127 (All Wards)
- Proposal/Issue** : Committee Item for Council Consideration
- Reporting Officer(s)** : Economic Development Manager (J Berry)
- Summary Recommendation** : THAT the following recommendations made at the Committee meeting held on 22 March 2002 be adopted

RECOMMENDATION

THAT the minutes of the Albany Boat Harbour Reference Group meeting held on the 22 March 2002 be received (copy of minutes in the Elected members' Report/Information Bulletin) and Item 5.0 be adopted.

Item 5.0 New Members

THAT Council invite the Albany Chamber of Commerce and Industry to nominate a representative as a member of the Albany Boat Harbour Reference Group

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR EVERS**

THAT the minutes of the Albany Boat Harbour Reference Group meeting held on the 22 March 2002 be received (copy of minutes in the Elected members' Report/Information Bulletin) and Item 5.0 be adopted.

Item 5.0 New Members

THAT Council invite the Albany Chamber of Commerce and Industry to nominate a representative as a member of the Albany Boat Harbour Reference Group

MOTION CARRIED 14-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILSON**

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

MOTION CARRIED 14-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

MAYORS REPORT

“Fellow Councillors:

It has been another busy month since the last Council meeting on the 19th of March with a mixture of activities covering such important sectors as the arts, sport, tourism, the environment, social and civic protocols.

The 40th City of Albany Art Prize Competition held before Easter again attracted much attention from the 300 artists who contributed works to the thousands who were treated to a feast for the eyes when they attended the exhibition at Centennial Oval. I again congratulate Annette Grant and her host of volunteers for all their energy in ensuring that the competition is such a success and now held in such high esteem throughout the artistic world.

The Sportsperson of the Year Awards were held during the month and again well attended by the sporting fraternity of Albany. This year we were lucky to have special guest Justin Langer attend which made for a memorable night for all. Congratulations to all the winners whose intense passion for their sport has been recognised.

Another tree planting ceremony was held after Easter to mark the 100th birthday of Albany lady – Winifred Horgan. When this idea of planting trees in honour of Albany's centenarians was first raised by the City of Albany Seniors Advisory Committee, we thought we would be lucky indeed to have one or two ceremonies a year. However, this is our 5th ceremony in just 15 months with another coming up next week. It must be the clean Albany environment that promotes such good health throughout our community.

Speaking of the environment, last Saturday I participated in the official launch of the Watershed Torbay project for the Torbay Catchment Group. This is a four year project that will draw up a comprehensive restoration plan for the Torbay catchment and is a jointly funded project involving the Waters and Rivers Commission, Water Corporation, Land & Water Australia and the Department of Agriculture. The project is a national demonstration project where the results will be shared across Australia. It is an exciting project and one which I am certain the Torbay community will embrace wholeheartedly. I look forward to witnessing the results of the project over the next four years. Our precious environment needs as much care as we can give it.

I was pleased to meet with Jan Axe last week, the new manager for the Albany Visitor Centre. Jan's enthusiasm and professionalism will be a great asset to the centre and I know that I can speak for all at the City of Albany when I wish her well in her new role. Congratulations to the Albany Visitor Centre Board for their successful recruitment of Jan into this key position.

During the month we had a significantly higher number of people taking up Australian Citizenship with 13 new Australians added to our community. It is always interesting to see the range of ethnic backgrounds represented in Albany which proves what a diverse and multicultural nation we have become. It is also a very proud moment for me to officiate at these ceremonies and I am often overwhelmed by the excitement displayed by the candidates.

I also had the privilege of attending Equitopia 2002 on Saturday 13th and Sunday 14th April at Centennial Park. This is a showcase of Equine excellence in the Great Southern in partnership with the Great Southern Wine Producers and the Regional Branding Group.

.Equitopia is the largest Equestrian Showcase held in Regional Australia and recognised as a major official event for Polo, Dressage and Carriage Driving.

Equitopia has set a benchmark for Equestrian events in Western Australia. It has now gained momentum and the Committee are already planning for 2003.

James Blundell, an Equitopia Ambassador, was special guest for this event.

Other guests included Mr Harry Bott, an International Dressage Judge who was an Olympic Gold Medallist (Dressage) and National Coach for the German team; Ms Victoria Hamilton, a top International and Australian Dressage Competitor and a member of the Australian Dressage team; and Mr Roger Fitzharding, an International Dressage Judge, Equestrian Journalist & Photographer and a National Team Selector.

Members of the State Polocrosse Team and members of the State Carriage Driving Team also attended this event.

A total of 410 horses and ponies competed in seven disciplines, with over 200 horses travelling from outside the Great Southern Region.

Visiting competitors spent on average \$200.00 each in Albany during the weekend on fuel, horse feed and gear, food, wine and accommodation. It is estimated that the total spent in Albany by competitors and guests was approximately \$42,000.00. The cost of staging the event of the two days was \$33,000.00.

Major sponsors for this event were City of Albany, Goundrey Wines, The Weekender newspaper, WIN television, Harvey World Travel, Albany Printers and All Events Sound Hire and Equipment.

Finally, I would like to remind everyone that next week's Celebrate Albany and ANZAC Day 2002 community festival starts on the Thursday. I encourage you all to participate and join in a range of activities commencing with the Dawn Service at Mt Clarence on ANZAC Day. This is Albany's special time and I personally look forward to the events.

**MOVED: COUNCILLOR SANKEY
SECONDED: COUNCILLOR DEMATEAU**

THAT the Mayor report be received.

MOTION CARRIED 14-0

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

Nil

19.0 CLOSED DOORS

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR DEMARTEAU**

THAT Council go behind closed doors to discuss Septage Waste Facility Joint Venture – Update.

MOTION CARRIED 14-0

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILSON**

THAT Council come out from behind closed doors.

MOTION CARRIED 14-0

The Chief Executive Officer read the following:

RECOMMENDATION:

THAT Council;

- i) continues to proceed with the establishment of the Joint Venture Facility with the Water Corporation subject to:
 - a) budget compliance;
 - b) compliance with National Competition Policy and other relevant statutes; and
 - c) environmental clearance from the Department of Environmental Protection; and
- ii) delegate authority to the Chief Executive Officer to finalise the joint venture agreement and commission the construction of the project.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WELLINGTON**

THAT Council:

- i) continues to proceed with the establishment of the Joint Venture Facility with the Water Corporation subject to:**
 - a) budget compliance;**
 - b) compliance with National Competition Policy and other relevant statutes; and**
 - c) environmental clearance from the Department of Environmental Protection; and**
- ii) delegate authority to the Chief Executive Officer to finalise the joint venture agreement and commission the construction of the project.**

**MOTION CARRIED 14-0
ABSOLUTE MAJORITY**

19.0 NEXT ORDINARY MEETING DATE

Tuesday 21st May 2002, 7.30pm

21.0 CLOSURE OF MEETING

8.26pm.

APPENDIX A

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST
MINUTES OF THE ORDINARY COUNCIL MEETING 16th April 2002**

Name	Item	Nature of Interest
Councillor Williams	Item 11.1.3 – Development Application – Home Business (Hairdressing) – 181 Hare Street, Mt Clarence	Councillor Williams’ nature of interest is that she owns a hairdressing and beauty therapy business.
Councillor Evers	Item 12.2.2 – Reserve 43591 – Change of Purpose and obtain power to lease	Councillor Evers’ nature of interest is that she owns Telstra Shares.
Councillor Cecil	Item 12.2.2 – Reserve 43591 – Change of Purpose and obtain power to lease	Councillor Cecil’s nature of interest is that she owns Telstra Shares.
Councillor Wilson	Item 12.2.2 – Reserve 43591 – Change of Purpose and obtain power to lease	Councillor Wilson’s nature of interest is that he owns Telstra Shares.
Councillor Wellington	Item 12.2.2 – Reserve 43591 – Change of Purpose and obtain power to lease	Councillor Wellington’s nature of interest is that he is the proprietor of a company involved in the sale of telephones.
Councillor Wolfe	Item 13.2.1 – Browns Road – Partial Road Closure	Councillor Wolfe’s nature of interest is that he is the lessee of a block which Browns Road gives access to.

APPENDIX B

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING 16th April 2002**

Name	Item	Nature of Interest
Councillor Williams	Item 11.1.3 – Development Application – Home Business (Hairdressing) – 181 Hare Street, Mt Clarence	Councillor Williams’ nature of interest is that she owns a hairdressing and beauty therapy business.

APPENDIX C

**CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)
DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING 16th April 2002**

Name	Item	Nature of Interest
Nil	Nil	Nil