



# **A G E N D A**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 16<sup>th</sup> March 2004  
7.30pm**

**Youngs Siding Progress Association Inc. Hall**

## City of Albany

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Signed \_\_\_\_\_

Date: 11<sup>th</sup> March 2003

***Andrew Hammond***  
Chief Executive Officer



## NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 16<sup>th</sup> March 2004 in the Youngs Siding Progress Association Inc. Hall commencing at 7.30 pm.

(Signed)

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*Andrew Hammond*  
CHIEF EXECUTIVE OFFICER

11<sup>th</sup> March 2004

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**1.0 DECLARATION OF OPENING**

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

**3.0 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**

**Peter Bowey, Little Grove**

*“I refer to the questions which you tabled at the meeting of Council on the 17<sup>th</sup> February 2004 and wish to respond as follows;*

*Preamble*

*If President, Peter McGowen, of the Town Planning Appeals Tribunal visited Mr Kennedy’s property, that inspection was conducted without a Council officer being present or initiating the inspection. Your statement that Mr Selby brought the Tribunal officer onto the Kennedy property is therefore incorrect.*

*Question 1 How could this appeal against Council’s decision be lodged and then be held within the City’s offices without the knowledge of the elected Councillors?*

*Once Council takes a decision, City of Albany staff then implement that decision through a range of administrative processes. Amongst those processes, staff may be required to respond to an Ombudsman’s Inquiry, handle inquiries from Government agencies and in some instances, present Council’s case before the Planning Appeals Tribunal. There has been a long standing practice, whereby Councillors will be advised of the outcomes of appeals and that they do not get personally involved in the administrative processes of defending their decision.*

*Question 2 Where in Council Regulations does it say that the City officer’s are not required to keep Councillor’s informed of an appeal to one of Council’s decisions?*

*Section 2.7 of the Local Government Act 1995 states that “the role of Council is to direct and control the Local Governments affairs and to be responsible for the performance of the Local Governments functions”. Those roles are usually discharged when Council establishes a policy and makes a determination on a particular application, leaving the administration of that decision to employed staff. There are a number of administrative functions undertaken by staff on a daily basis which do not involve a direct reporting of the outcomes to Council.*

*Question 3 Why did the planners not supply all the case facts to the Tribunal Officer, including a site visit to the affected properties?*

*The City Planners did supply all of the relevant case facts to President McGowen as clearly demonstrated by the determination handed down by the Tribunal.*

Question 4 *Why were the affected neighbours not informed that an appeal had been lodged?*

*This matter was taken up with the Town Planning Appeals Tribunal Principal Registrar and the City has now been advised that it has the capacity to notify affected landowners that they can apply to the Tribunal to make submissions at a hearing. Details previously supplied to the City lead staff to believe that these options were not available when Mr Kennedy's appeal was being determined.*

Question 5 *Will Council seek to have the Tribunal re-hear this appeal on the grounds that relevant evidence was not presented to the Tribunal by the City's employee?*

*No, there is currently no capacity in the legislation to request a re-hearing of this appeal.*

Question 6 *While Council is seeking a re-hearing will they also contact Mr Kennedy to ensure he does not start building his shed?*

*No, Mr Kennedy is required to refrain from commencing work during the period prescribed for the lodgement of an appeal the Supreme Court. After that date, he is entitled to apply for a building licence and commence construction.*

Question 7 *If Tribunal President will not reconsider his decision will the Council lodge an appeal to the Supreme Court to seek to overturn his planning decision – as this sets a dangerous precedent in that it removes the right of the Mayor and Councillors to act in the best interests of the City's ratepayers?*

*Most Acts of Parliament that are administered by the City of Albany have within them the opportunity for disaffected landowners to appeal a Council decision. In this instance, Council is unlikely to appeal the decision of the Planning Appeals Tribunal to the Supreme Court.*

Question 8 *Mr Kennedy has re-marked the shed site, but the marker pegs are not in place in accordance with the submitted plan. In the event construction does proceed will Councillors ensure the Executive Director Development Services enforces strict compliance with the approved plan?*

*Mr Kennedy will be required to construct his shed in full compliance with the plans approved by the City of Albany, acknowledging the modifications outlined in the decision of the Town Planning Appeals Tribunal.*

Question 9 *I have a letter from Mr David Mexsom, the City's then principal building surveyor, dated 6th December 2002. In that letter Mr Mexsom wrote that Mr Kennedy assured that he would fence his property to afford privacy to neighbours when funds became available. No such fencing has occurred. Will Council seek to ensure Mr Kennedy complies with that undertaking to fence his property?*



*The City of Albany has no statutory powers to force a landowner within a residential area to fence their property. However, your request to have the common boundary fence installed will be forwarded to Mr Kennedy and he will be once again reminded of his earlier commitment.*

*I understand that you have already received a copy of the Town Planning Appeals Tribunal Determination. I am prepared to supply you with a copy of that Determination if that is not the case.”*

## **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.

## **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES**

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 17<sup>th</sup> February 2004; as previously distributed be confirmed as a true and accurate record of proceedings.

## **7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor West is seeking Leave of Absence between the 15 and 29 March 2004.

## **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.]

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

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

**11.0 REPORTS – DEVELOPMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 8-94]

**12.0 REPORTS – CORPORATE & COMMUNITY SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 95-118]

**13.0 REPORTS – WORKS & SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 119-132]

**14.0 REPORTS – GENERAL MANAGEMENT SERVICES**

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 133-149]

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

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

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

**17.0 MAYORS REPORT**

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

**19.0 CLOSED DOORS**

19.1 Principal Building Surveyor

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 20<sup>th</sup> April 2004, 7.30pm

**21.0 CLOSURE OF MEETING**

# **Development Services**

## **REPORTS**

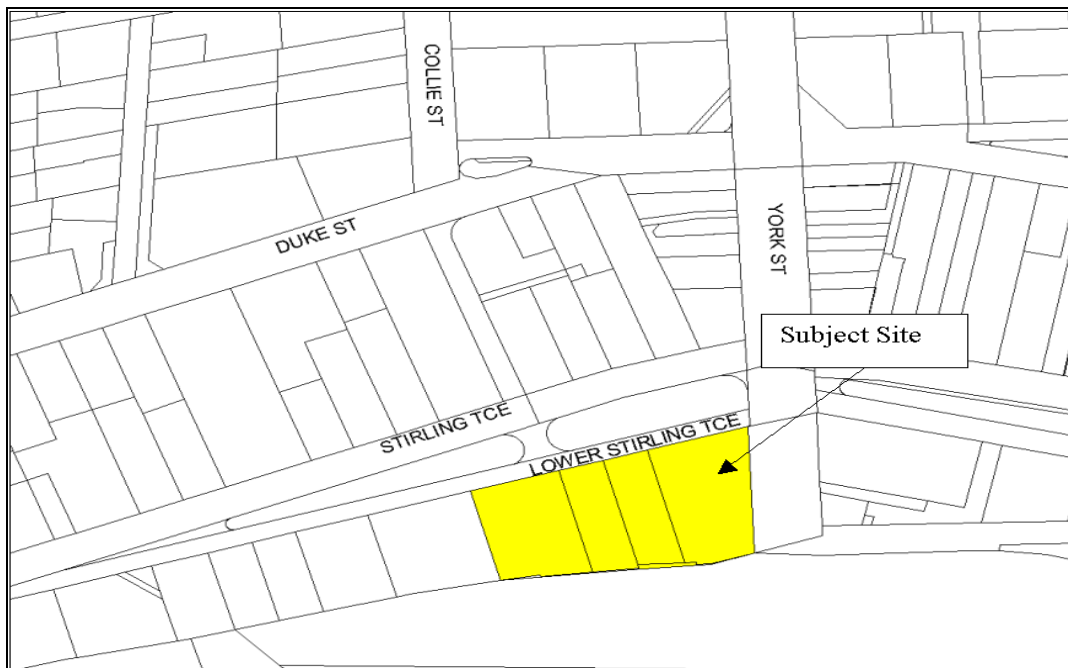
**DEVELOPMENT SERVICES REPORTS**

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

**11.1 DEVELOPMENT**

**11.1.1 Development Application – Shop, Liquor Store, Café and Warehouse - 159-197 Stirling Terrace, Albany**

- File/Ward** : A96762 (Frederickstown Ward)
- Proposal/Issue** : Proposed Change of Use to Shop, Liquor Store, Café and Warehouse
- Subject Land/Locality** : Lot B29 – B33 (159-197) Stirling Terrace, Albany
- Proponent** : Larry Boston Design
- Owner** : Prime King Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To grant Planning Scheme Consent, subject to a number of conditions
- Bulletin Attachment** : A copy of the Applicant’s concerns.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. Application has been received to develop 159-197 Stirling Terrace, Albany (old Wesfarmers building) for the purposes of shop, liquor store, café and warehouse. The proposal includes the relocation of Dewsons supermarket and Liquor Barons to the site, in addition to a new café, see plans following this report.
2. The land is zoned “Central Area” within Town Planning Scheme No. 1A, and is located within the Western Precinct policy area adopted under the Scheme. The Western Precinct policy sets guidelines on any new or infill development, inclusive of building height, colours and materials, signage and façade treatment.
3. Whilst the existing building on the site will be retained under the proposal, the ground floor will be expanded, and a second storey will be added. The second storey will include a ‘saw-tooth’ roof, consistent with the original roofing of the building.
4. Around 3000m<sup>2</sup> of Gross Floor Area on the second storey is to be used as food storage.

**STATUTORY REQUIREMENTS**

5. Within the Central Area zone the uses shop, liquor store, café and warehouse are permitted uses.
6. Under staff delegations, any commercial development over \$1 million requires the endorsement of Council prior to a Planning Scheme Consent being issued.
7. The Scheme requirements for plot ratio, setbacks and landscaping have been met.

**POLICY IMPLICATIONS**

8. The objectives contained within the Western Precinct Guidelines include:
  - A maximum height of two stories.
  - Walls to be cream, off-white or various ochre shades.
  - Roof to be iron or grey shingles.
  - Provision of verandahs in a heritage style.
  - Signage to be confined to traditional locations, with no illuminated signs permitted.
9. The proposed development meets the following requirements as stipulated in the policy:
  - The height of the development is under two stories at any one point.
  - The walls are to be dark cream (known as ‘Paperbark’).
  - The roof is to be Zinalume.
  - A verandah has been provided along the York Street frontage.
  - Signage has been located flush on parapet walls.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

10. In relation to the verandah, the applicant has proposed a flat roof, which is not in accordance with the policy. It is recommended that a condition be placed on the development requiring alternative verandah treatment (in accordance with the policy) prior to the issue of a building licence.
11. In relation to signage, Council's Sign Local Law states that, if a horizontal sign is below 7.5m from ground level, the maximum height of the sign should be 900mm. The applicant has proposed to erect three Dewsons signs at around 1.2 m in height and a Liquor Barons sign at around 1.7m in height, without taking into account the Liquor Baron corporate emblem.

**FINANCIAL IMPLICATIONS**

12. Some work is required within the adjoining road reserve and the cost of that work should be borne by the developer.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

14. Given the floor space allocations provided by the applicant the 118 bays provided, inclusive of 10 on-street bays, meet the requirements of the Scheme. Should the storage areas identified on the mid and upper floors be utilised for another use in the future, it is unlikely that the required parking could be accommodated on site.
15. Given the development will generate a significant increase in vehicular and pedestrian traffic along Lower Stirling Terrace, the upgrade of this road (including road widening), the provision of on-street parking, construction of the footpath, the provision of street lighting and the undergrounding of power are considered warranted by staff. Lower Stirling Terrace should continue to be one way with a left turn only onto York Street.
16. Council's Works and Services Department have advised that a detailed streetscape plan and traffic management plan should be provided prior to the issue of a building licence, incorporating no right turn from York Street into the car parking area adjacent to Liquor Barons on Lower Stirling Terrace.
17. The applicant has been in negotiations with WestNet to lease a portion of the railway reserve to accommodate emergency fire access from the upper floor of the building to ground level. Prior to a building licence being issued, Council would need to be given a copy of the lease agreement.
18. Given the proposal, inclusive of car parking, is being constructed over 4 lots the amalgamation of these lots into one title is also required.
19. Staff have met with the applicant who has expressed the following concerns;

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- The application of the provisions of the Signs Local Laws, given other establishments such as Coles has signage in excess of 900 mm in height.
- The requirement to erect a verandah based on the western precinct policy given a flat roof has been used elsewhere on York Street.
- The undergrounding of power, given the costs associated with doing so would be in the vicinity of \$100,000.

20. A copy of the applicant’s concerns is included in the Elected Members Report / Information Bulletin.

**RECOMMENDATION**

**THAT Council resolves pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A to delegate to the Manager Development authority to issue a Conditional Planning Scheme Consent for a Shop, Liquor Store, Café and Warehouse at 159-197 Stirling Terrace, Albany and that the conditions include, but not be limited to, requirements that the developer:**

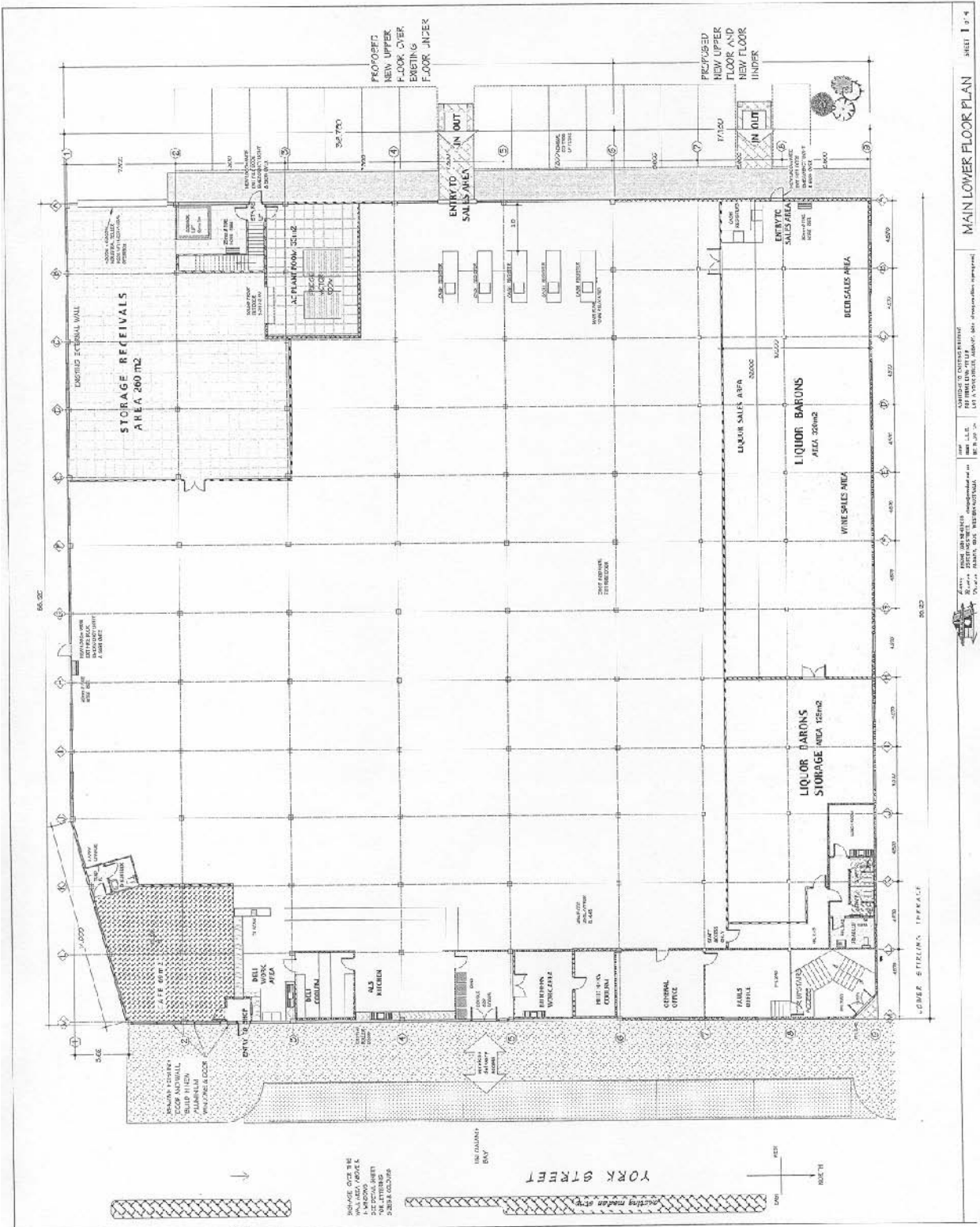
- i) lodge a traffic management plan to the satisfaction of Council;
- ii) lodge a detailed stormwater management plan to the satisfaction of Council;
- iii) lodge a streetscape plan to the satisfaction of Council;
- iv) construct a dual use path along Lower Stirling Terrace with a connection to the entrance of the Dewsons supermarket;
- v) amalgamate the lots into one title;
- vi) lodge an alternative verandah treatment that meets the specifications outlined in the Western Precinct Guidelines;
- vii) upgrade the street lighting, the road pavement, on-street parking bays, the widening of the road pavement and the undergrounding of power in Lower Stirling Terrace;
- viii) seek a further approval from Council should the storage areas on the mid and upper floor be converted into another use;
- ix) provide a copy of the lease agreement between WestNet and the owner of the site which secures access to WestNet’s land for emergency access (to be submitted to Council prior to the issue of a building licence);
- x) reduce the signage in height to a maximum of 900mm; and
- xi) ensure all landscaping identified on the approved plans being completed prior to occupancy of the building and maintained in the future.

*Voting Requirement Absolute Majority*

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DEVELOPMENT SERVICES REPORTS

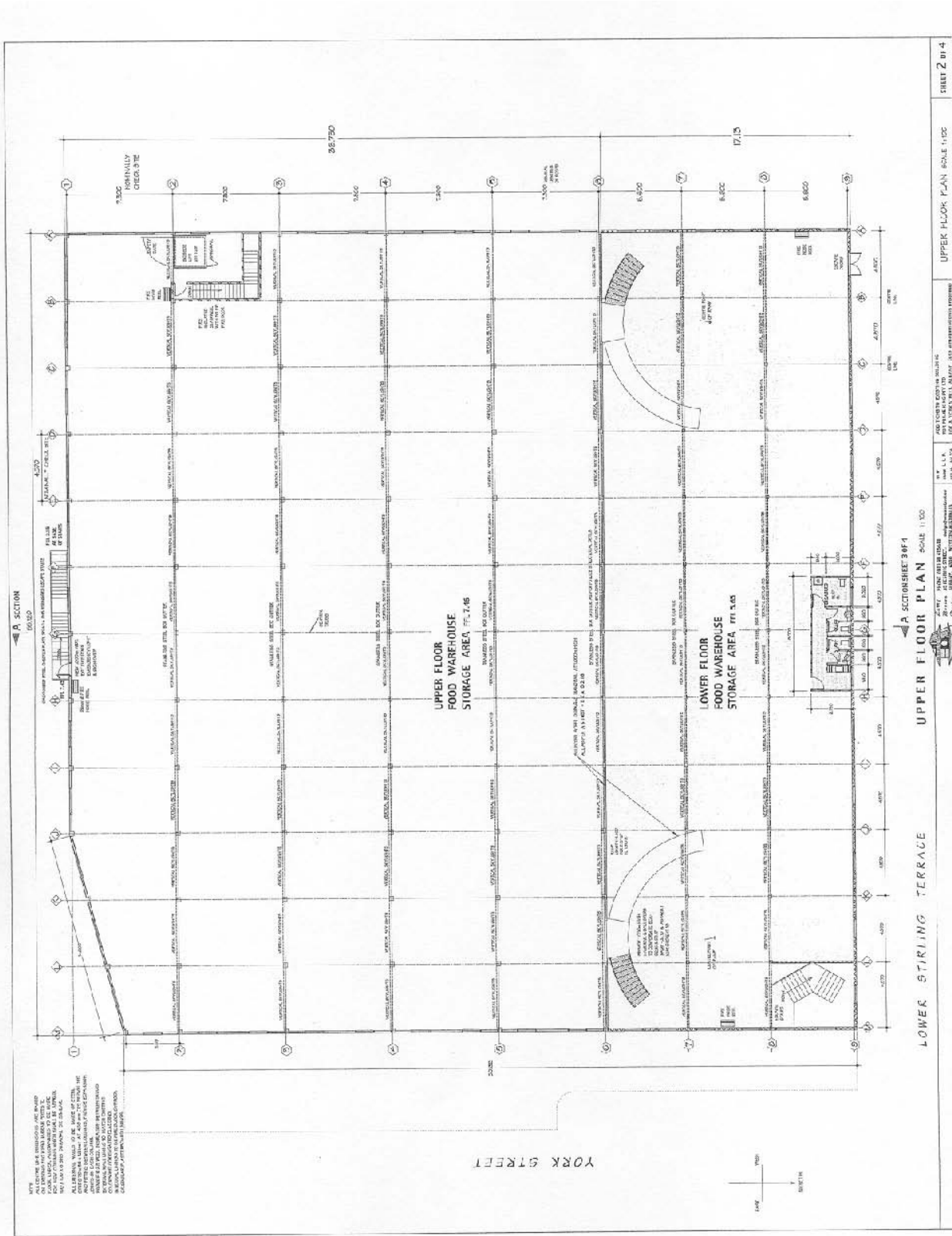
Item 11.1.1 continued





DEVELOPMENT SERVICES REPORTS

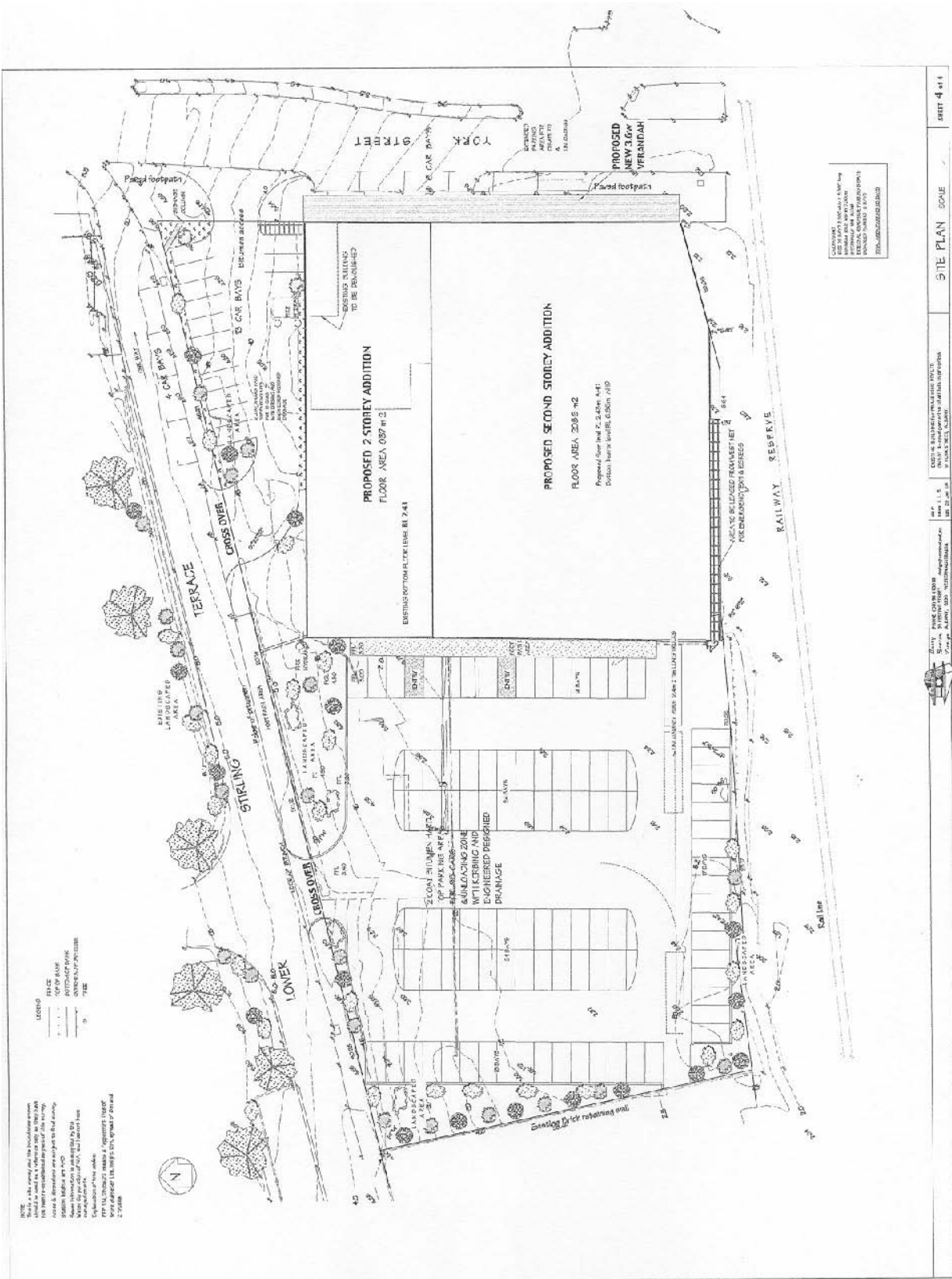
Item 11.1.1 continued





DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Development Application – Change of Non-Conforming Use (Private Recreation) - 196 Middleton Road, Mira Mar**

**File/Ward** : A137213 (Frederickstown Ward)

**Proposal/Issue** : Change of Non-Conforming Use : Shop to Private Recreation (Dance Studio)

**Subject Land/Locality** : Lot 1 (196) Middleton Road, Mira Mar

**Proponent** : R Sing

**Owner** : B Fuller

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

**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation** : To approve the dance studio subject to conditions

**Bulletin Attachment** : Nil

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. Application has been received to utilise the existing building at Lot 1 (196 Middleton Road, Mira Mar) for the purposes of a dance studio and single dwelling (refer attached plans).
2. The land is zoned “Residential R20” within Town Planning Scheme No. 1A, and currently has a non-conforming use right to operate as a ‘Shop’. The subject land is 2216m<sup>2</sup> in size.
3. At the rear of the building, there is the ability to cater for vehicles however this area is grassed. Three on-street parking bays are located adjacent to the building along Middleton Road, which are also used by the public accessing phone and postal services.
4. The building has previously been used for clothing (De-ja-vu) and a craft shop (Scrapbook Designs).
5. The applicant is proposing to live in a portion of the building, whilst conducting elsewhere in the same building belly-dancing lessons with groups of up to 12 people. The classes will be conducted from early evening until 9pm at night.

**STATUTORY REQUIREMENTS**

6. As the applicant is proposing to conduct dance lessons, the most relevant land use specified under the Scheme is ‘Private Recreation’.
7. The use ‘Private Recreation’ is a use not permitted within the Residential zone. The previous land use was not permitted in the zone.
8. However, clause 5.3 of Town Planning Scheme No. 1A, states the following:  
  
*“The Council may grant planning consent to the change of use of any land from one non-conforming use to another non-conforming use if the proposed use, is in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use and is, in the opinion of Council, closer to the intended uses of the zone.”*
9. In relation to the above clause, Council needs to decide whether the proposed “residential and dance studio” use is less detrimental to the amenity of the neighbourhood than the former “shop”.
10. In order to gauge the community’s position on the proposal, the application was referred to neighbouring landowners with advertising closing on 24 February 2004. During this time two submissions were received, with one raising no objection and the other having concerns in relation to parking (refer attached submissions).

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

14. An adjacent property owner has expressed concerns that on-street parking at or near the intersection of Bluff Street and Middleton Road will reduce sight lines and promote congestion.
15. Staff share this concern and believe that off-street parking should be provided at the rear of the property with access off Bluff Street. It is recommended that this parking area accommodates at least 12 vehicles and is sealed, drained and marked.
16. In relation to whether the change of non-conforming use will be more or less detrimental to the amenity of the neighbourhood, the character of the area and the usage patterns of the properties needs to be considered. The studio will not be in use for the majority of the day, when the adjoining businesses will themselves be operating and creating local traffic. During the evenings, no one is residing on the adjoining business premises. The neighbour on Bluff Street was contacted but raised no objection.
17. Staff believe that the following measures should be implemented to reduce the impact on the amenity of the neighbourhood from the proposed use;
- The proposed use should not breach the Environmental Protection (Noise) Regulations.
  - A new car parking area being constructed at the rear of the building, which is sealed, drained and marked and designed to accommodate a minimum of 12 vehicles.
  - A half-hour break between scheduled dance lessons being implemented to reduce traffic congestion and reduce pressure on the available on-site parking.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**RECOMMENDATION**

**THAT Council;**

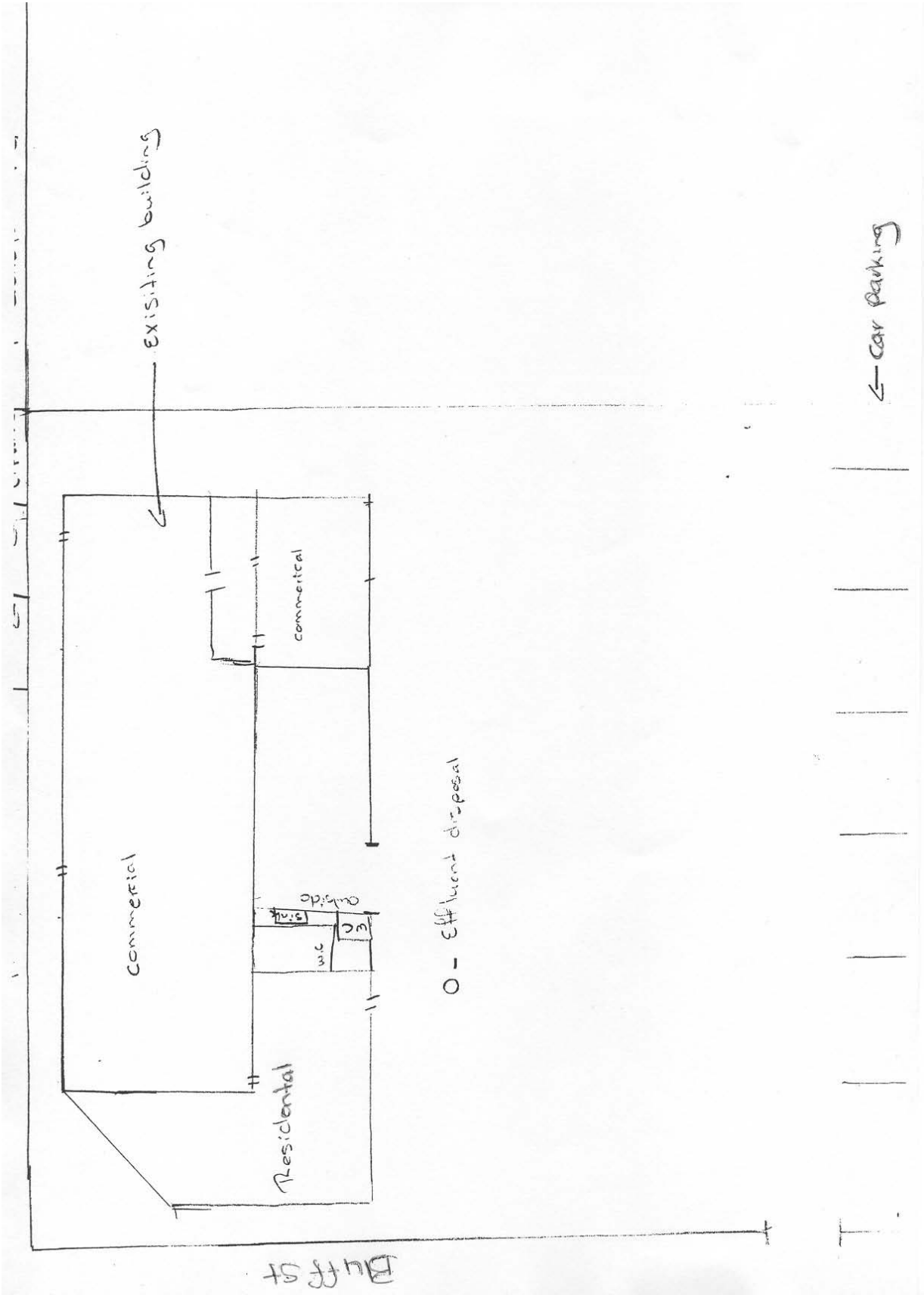
- i) pursuant to clause 5.3 of the City of Albany Town Planning Scheme 1A resolves to determine that the proposed land use of “dance studio” at Lot 1 (196) Middleton Road, Mira Mar is less detrimental than the previous non-conforming use of “shop”;**
  
- ii) resolve to issue a Planning Scheme Consent for a Change of Use – Shop to Private Recreation (Dance Studio) at Lot 1 (196) Middleton Road, Mira Mar subject to, but not limited to, the following conditions:**
  - a) the proposed development is to comply with the Environmental Protection (Noise) Regulations at all times;**
  - b) a car park is to be constructed at the rear of the building, which is sealed, drained, line marked and designed to accommodate a minimum of 12 vehicles; and**
  - c) the scheduling of the classes is to provide for a one half-hour break between scheduled dance lessons to reduce traffic congestion on the adjoining road network and to reduce the pressure on the available on-site car parking; and**
  
- iii) delegate pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, to the Manager Development the authority to issue the Conditional Planning Scheme Consent.**

*Voting Requirement Absolute Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

Rose Sing  
Principal of “Sahara Belly Dance School”  
4 Halifax St  
Mt.Melville  
Albany  
08 98412653  
email singandance2004@yahoo.com.au

To the town planner,

Letter of proposal to use ~~Lot 196~~ Middleton Rd premises for residential / commercial purposes. I intend to use the front section of the building as a dance studio, and the rear of the building as residential premises.

It is my intention to run dance classes during the day, early evening and night time with the last class finishing at 9 PM. I teach children and adults of all ages.

Class sizes average at 10/12 people per session. I intend to mount mirrors on the north wall but leave the entire floor space open for maximum room. The room off the studio on the west wall will be an office / change room.

There is access to a toilet/ hand basin through the residential area but I am considering putting a door and steps with a hand rail directly from the studio onto the back toilet area thereby bypassing the residential area.

There is car parking space at the front, on the side verges on Bluff St and at the back of the building.

I will use some low key signage to promote the studio i.e.; in the windows and on the outside upper front of the building.

I consider this venue to ideal for my purposes and I look forward to your positive response.

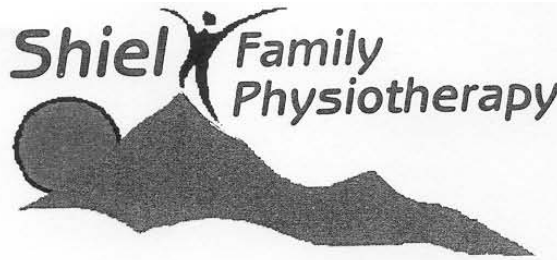
Rose Sing

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

Craig Shiel  
Physiotherapist  
Reg No: 3290  
Provider No. 2426542L

Emily Shiel  
Physiotherapist  
Reg No. 3291  
Provider No: 2500021J



198 Middleton Road  
Albany WA 6330

Tel: (08) 9842 3020  
Fax: (08) 9842 3021  
Mobile: 0419 901 043

ABN 68 855 450 278

12th February 2004

Chief Executive Officer  
Senior planning officer  
City of Albany  
Po Box 484  
Albany  
WA 6331

P245024

CITY OF ALBANY - RECORDS	
FILE:	A137213
DOC:	I400928
17 FEB 2004	
OFFICER:	SP
Attach:	

Dear Sir/Madam,

Thank You for your letter dated 3/2/04 advising us of an application regarding the use of the property at 196 Middleton road, Mira Mar. As owners of the property at 198 Middleton road we would like to submit comments on this development proposal.

While we have no objections to the proposed purpose of use for the property we do wish the following to be noted. No mention is made on the highlighted proposal of consideration to parking. Middleton road does get fairly busy with people parking to use the phone box and post mail even at present. Our concern would be that with classes of 10-12 that parking would become a problem and may affect access for our property. People accessing our physiotherapy practice and using our car park do need a clear view of the road in order to pull out.

May I also bring your attention to the issue of paving on the footpath along Middleton Road. As use of Middleton Road properties increases there is an increasing requirement for the footpath to be attended to. We have had an incident where one of our elderly patients attending physiotherapy tripped on the pavement where paving stones were broken and injured her knee.

In some areas of Middleton Road the paving is none existent for pedestrians. With any consideration of developing properties we feel that this should be examined.

We hope that you will consider these comments.

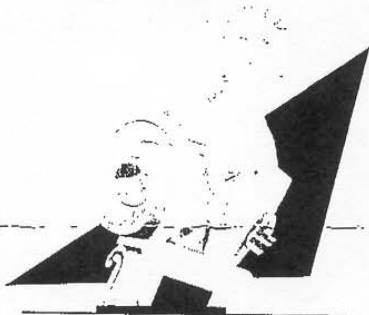
Kind Regards,

Craig and Emily Shiel

*Emily Shiel, PT*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued



AMITY DENTAL CENTRE

Dr Michael Lyons B.D.S. F.R.A.C.D.S.  
200 Middleton Road Albany Western Australia 6330  
Phone 08 9841 5653 Fax 08 9841 7187  
Email amitydtl@iinet.net.au  
ABN 55 031 457 610

4<sup>th</sup> February, 2004

The Chief Executive Officer  
City Of Albany  
PO Box 484  
ALBANY WA 6330

CITY OF ALBANY - RECORDS.	
FILE: <del>13</del>	A137213
DOC:	I400683
10 FEB 2004	
OFFICER:	SP
Attach:	

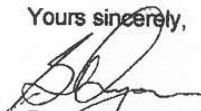
P2450

Dear Sir,

**Re: Proposed Dance Studio  
196 Middleton Road, Albany**

We wish to advise Council that we have no objections to the proposed Dancing Studio being located at 196 Middleton Road (cnr of Bluff Street).

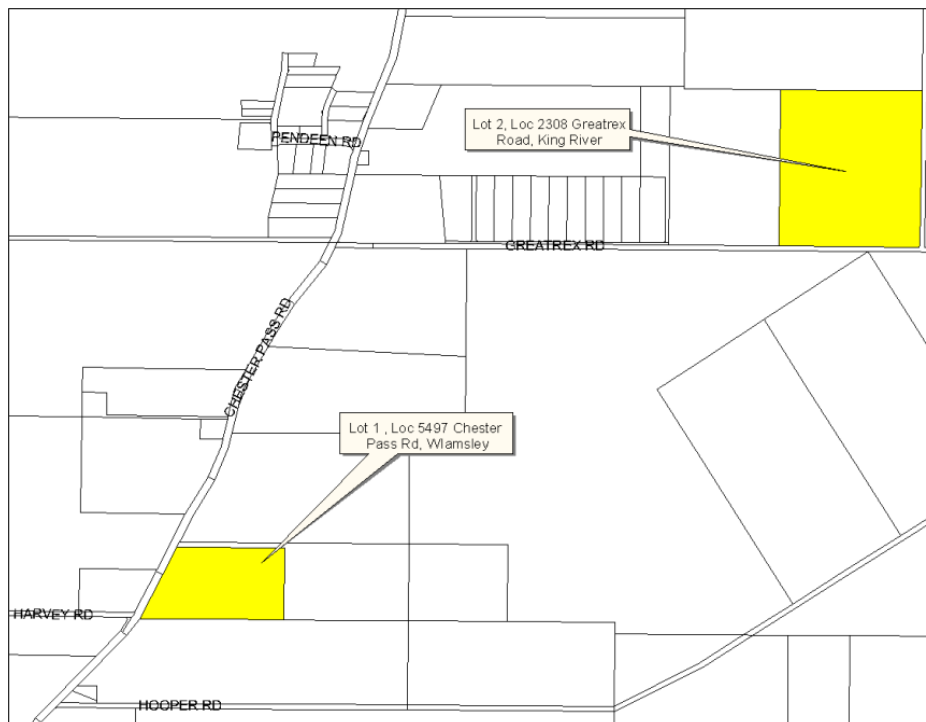
Yours sincerely,

  
Bronwyn Lyons  
200 Middleton Road,  
Albany WA 6330

**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Development Application – Workers’ Accommodation – Lot 2 Greatrex Road, King River and Lot 1 Chester Pass Road, Walmsley.**

- File/Ward** : A55730 (Kalgan Ward) and A19497 (Yakamia Ward)
- Proposal/Issue** : Workers’ Accommodation for Strawberry Farms
- Subject Land/Locality** : Lot 2, Loc 2308 Greatrex Road, King River and Lot 1, Loc 5497 Chester Pass Road, Walmsley
- Proponent** : Neil Handasyde and G P Walker & Associates
- Owner** : Neil Handasyde and Tweedie Family Trust
- Reporting Officer(s)** : Planning Officer (J Devereux)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Refuse both applications and seek removal of existing units.
- Bulletin Attachment** : Submissions from proponents and objectors.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. Two (2) applications for the use ‘Workers’ Accommodation’, were received around the same time, and as both are in the same area it was decided that both applications should be consider together by Council.
2. The first application was received from Neil Handasyde for Lot 2, Loc 2308 Greatrex Road, King River (Application No.1). The second application was received from G P Walker & Associates for Lot 1, Loc 5497 Chester Pass Road, Walmsley (Application No.2).

*Application No. 1*

3. The subject property is 36.4 hectares in area and located approximately 7.2km from the roundabout at the end of York Street.
4. The site is currently being used for the cultivation and packaging of strawberries. The property has an existing dwelling on the property and packing sheds. Refer to attachment for a site plan.
5. A letter was also received from Neil Handasyde on the 4th July 2003 requesting Council’s consideration of the matter and providing reasoning for the need for the accommodation on site, refer to attachment. An additional letter has since been received for the application, refer to the Elected Members Report/Information Bulletin.
6. The proposal consists of four (4) temporary “donger” structures. Two (2) of the dongers will provide ten (10) single bedrooms and the other two (2) will provide for ablutions, laundry, kitchen and dining facilities. The dongers are already on site.

*Application No. 2*

7. The subject property is 14.8 hectares in area and located approximately 5.2km from the roundabout at the end of York Street.
8. The site is currently being used for the cultivation and packaging of strawberries. The property has an existing dwelling on the property and packing sheds. Refer to attached site plan.
9. A letter was received from Geoff Walker on the 8th December 2003 in support of the application, refer to attachment.
10. This proposal consists of two (2) temporary structures, which provide nine (9) single bedrooms. It also has an ablution block, kitchen and a roofed recreation area. The structures are already on site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**STATUTORY REQUIREMENTS**

11. Within Town Planning Scheme No. 3, the use ‘Workers Accommodation’ is a ‘Use Not Listed’.
12. The requirement for Council to consider a ‘Use Not Listed’ is for the application to be advertised for a period of 21 days with an advert being placed in the local newspaper for three consecutive weeks.
13. It was also felt appropriate by Council staff to consult with the adjoining landowners regarding the proposed development.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

15. Should Council resolve to issue notices against the two landowners to remove the structures, legal costs may be incurred should the owners fail to comply with those notices or if an appeal is lodged against the notices.

**STRATEGIC IMPLICATIONS**

16. There are no strategic implications related to this item.

**COMMENT/DISCUSSION**

17. As there is no direction from Council on how to deal with an application of this nature. There are a number of areas that need to be considered:
  - What is the need for the accommodation?
  - Is there suitable accommodation available in the surrounding area?
  - What is the style of the accommodation?
  - How will it impact on adjoining landowners? and;
  - How will the use of the accommodation be controlled?
18. Both applicants indicate that the need for the accommodation is to accommodate transient and itinerant workers employed on site for a period of around four (4) months. By offering such accommodation, they feel that they will be able to attract reliable staff that will work through the peak periods.
19. Neil Handasyde identifies that cheap onsite accommodation would help to alleviate a number of issues he had with worker availability and turnover levels. In his letter to Council, he outlines two scenarios justifying the need for the accommodation:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

*“Firstly the Australian resident that has accommodation in the city metro area and is out of work. He hears of work in Albany and has nowhere to stay. So he has to pay for accommodation in Albany for work and obviously if he is in a rental contract in the Metro area, he would be still paying for that. Therefore, this person does not come down for work for one reason it is not worth it.”*

*“Secondly the Australian or International Backpacker that has accommodation but is saving money on that type of holiday does not have a car. Yes some backpacker Lodges have a complimentary car for transport. However, not for everyday transport for work and when it does happen, they are never on time as we start on average at 6.00am and our daily finish time changes.”*

20. In support of Neil Handasyde’s application, it is noted that his property is over 36 hectares and Council’s policy would allow for a second dwelling to be constructed on his property if there is a legitimate farm management need. Also, the site for the dongers is screened from Greatrex Road by well establish blue gums.
21. Providing on-site accommodation for transient workers associated with an intensive agricultural pursuit is a real concern for some businesses however, the need for accommodation as part of a land use must be looked at in context of what is available in the surrounding locality.
22. Within the urban area there is a number of relatively cheap accommodation options available. There is backpacker accommodation and there is also a caravan park located at King River. The caravan park is no further than 4.2km from either farm.
23. The proposed onsite accommodation does not provide the range of food service and entertainment options that would be available to workers if they stayed in the available budget accommodation in town. In lieu of providing accommodation remote from those services, the applicants could investigate on a joint arrangement is for the provision of there own private transport of workers. The applicants could arrange to pick up workers from their individual accommodation and then drop them back when they finish at the end of the day. This would alleviate the need for workers to provide their own transport, or to rely on others for transport.
24. The land surrounding both sites has been identified in the Draft Albany Local Planning Strategy as being suitable for “future urban” growth. The subject lot for Application 1 is identified as ‘Long Term Residential’ and the subject lot for Application 2 is identified as potentially being ‘Special Rural’.
25. One letter of support was received for Application 1 and one letter of objection was received for Application 2. Please refer to Elected Members Report/Information Bulletin for copies of these letters. The letter of support for Application 1, advises that they are favour of the application but would like to see the upgrading of roads in the surrounding area.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

26. The letter of objection received for Application 2, identifies concerns with increased traffic, noise and other related problems. They also acknowledge that there is plenty of accommodation available in town and at the caravan park located nearby. They are also concerned about the number of people using the accommodation and who would monitor the amount of people using it.
27. The issue of increased traffic cannot be justified, as the onsite accommodation would reduce the need for workers to move to and from the property. There is the possibility that the accommodation may be used all year round, to provide accommodation for workers who are not directly employed onsite; It would be impossible for Council Staff to monitor day-to-day use of the units should that situation arise.
28. The Great Southern Regional Development Commission has prepared a report that looks at promoting Working Holiday Makers. The report identifies the provision of seasonal labour and the benefits that they bring to the economy of the surrounding areas. The report does not look at how and where to accommodate the workers, but does investigate options for making funding available for the upgrading of existing caravan parks. Refer to the Elected Members Report/Information Bulletin for a summary of the key recommendations for the 'Back Packer Harvest Trail Study'.
29. As there is no direction from Council on how to deal with applications of this nature, Council may wish to look at writing and adopting a policy, as there is potential for an increase in the number of these applications.
30. As the accommodation exists on both sites and has been built without a building licence, if the applications are refused, there is a need for a section 401A(1) Notice under the Local Government Act (Miscellaneous Provision) Act 1960, to be issued.

**RECOMMENDATION**

**THAT Council;**

- i) **resolves to issue a Notice of Refusal of Planning Consent for both applications for 'Workers Accommodation' at Lot 2, Loc 2308 Greatrex Road, King River and for Lot 1, Loc 5497 Chester Pass Road, Walmsley for the following reasons:**
  - a) **affordable alternate Workers Accommodation is available in close proximity to the subject land which also provides the infrastructure and services required by those workers;**
  - b) **the development would set an undesirable precedent for the provision of workers accommodation on the urban fringe; and**
  - c) **the applicant has not provided a demonstrable need for the proposed accommodation units;**



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

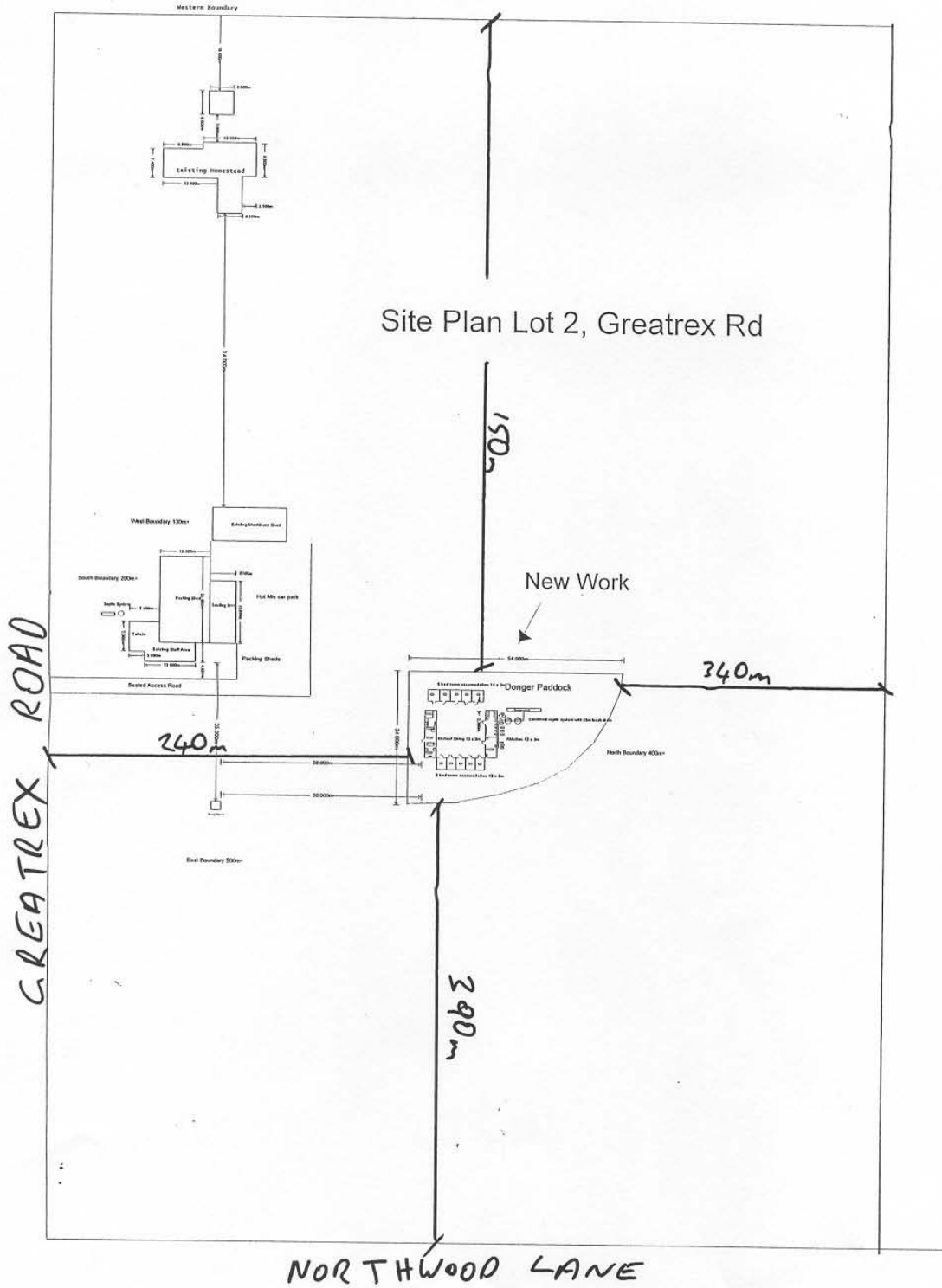
- ii) **issue a Notice, pursuant to Section 401(1)(C) Notice of the Local Government (Miscellaneous Provision) Act 1960, requiring the removal of the accommodation units from the land;**
- iii) **issue a Notice, pursuant to clause 6.5 of Town Planning Scheme No. 3 requiring the structures to be removed from the site within 60 days as the building was placed on the land without the appropriate Council approval; and**
- iv) **liaise with appropriate stakeholders with the intention of preparing a policy dealing with future ‘Workers Accommodation’ applications.**

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
\*\* REFER DISCLAIMER \*\*  
DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued



CITY OF ALBANY - RECORDS	
FILE:	A055730
DOC:	I306769
04 JUL 2003	
OFFICER:	PLANG.
Attch	

ATTACHMENT 2



**Handasyde Strawberries Albany**

Neil & Lyn Handasyde  
RMB 8549  
Albany, WA, 6330

A B N 42 853 863 474

Telephone: (08)98 443419  
Fax: (08)98 443594  
Mobile: 0418 443419  
E-mail: [neilhandasyde@hotmail.com](mailto:neilhandasyde@hotmail.com)  
[rhysdale@bigpond.com.au](mailto:rhysdale@bigpond.com.au)

4/07/2003  
City Of Albany  
Andrew Hammond,  
CEO of the City of Albany

Dear Andrew,

**Proposal of Short term staff accommodation.**

I would like to thank you for your time to consider my proposal. My wife and I currently run a medium size strawberry growing operation in the King River area. We have been here growing strawberries for 13 years. We have found one of our major and constant problems in running our business is finding good reliable staff. We have just finish processing last financial year's staff payment summaries and we have had over 130 different people. We are finding it hard to find good quality skilled labor for this task. Mechanizing is just not possible for Strawberries for the fresh market. We have about 4 months that is Nov - Feb that are good for strawberries in this area and which are our peak production. Before that and after that time of the year we have enough good local people able to do a great job for us. It is just in our peak times of the year. Yep we have a rather large amount of Uni. -Students and Secondary -Students that love to work in the Holidays. However, we still do not find enough people.

We have approached Planning Officer John Devereux concerning installing Short-term accommodation. After understanding my concerns the answer I received, I believe not to be satisfactory. I was told because I was so close to the City I was not in the need of accommodation for staff. In addition, if I wanted to I could apply for a second Dwelling or Chalets on the property as we have over 20Ha of property.

We constantly have people asking us from the metro area or from Backpackers that have we got accommodation. Yes we are close to Town and yes we are there is Backpacker lodges in town and yes there is accommodation in town not far away from town. The problem is quite simple. So, please indulge me a little.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

ATTACHMENT 2

Firstly the Australian resident that has accommodation in the city metro area and is out of work. He hears of work in Albany and has no where to stay, So he has to pay for accommodation in Albany for work and obviously if he is in a rental contact in the Metro area, he would be still paying for that. Therefore, this person does not come down for work for one reason it is not worth it.

Secondly the Australian or International Backpacker that has accommodation but is saving money on that type of holiday does not have a car. Yes some backpacker Lodges have a complimentary car for transport. However, not for everyday transport for work and when this does happen. They are never on time as we start on average at 6.00am and our daily finish times change.

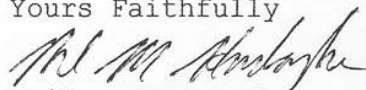
So I hope you can see my problem. I propose a 12 person transportable accommodation. Why Transportable? Moreover, not chalets as proposed by the Albany City planning dept.? I believe that the mining industry have very high standards for staff accommodation. I believe that to keep my staff happy is the best policy. So I wish to supply them the best Accommodation available. Transportable Accommodation is it, its hardwaring and ease of use design is necessary. Yes cost is a factor. In addition, we need this in place for this up coming season. So timing is of the utmost importance.

In addition, we guarantee that this accommodation will only be for staff and will not be hired out. These people coming down are new to the Albany Area. We are not taking away jobs or business from local people in anyway.

Our only way of economic survival is to grow. This will benefit the local economy as well.

Thank you again for your time to hear of my proposal. If anymore detail is required then please contact me.

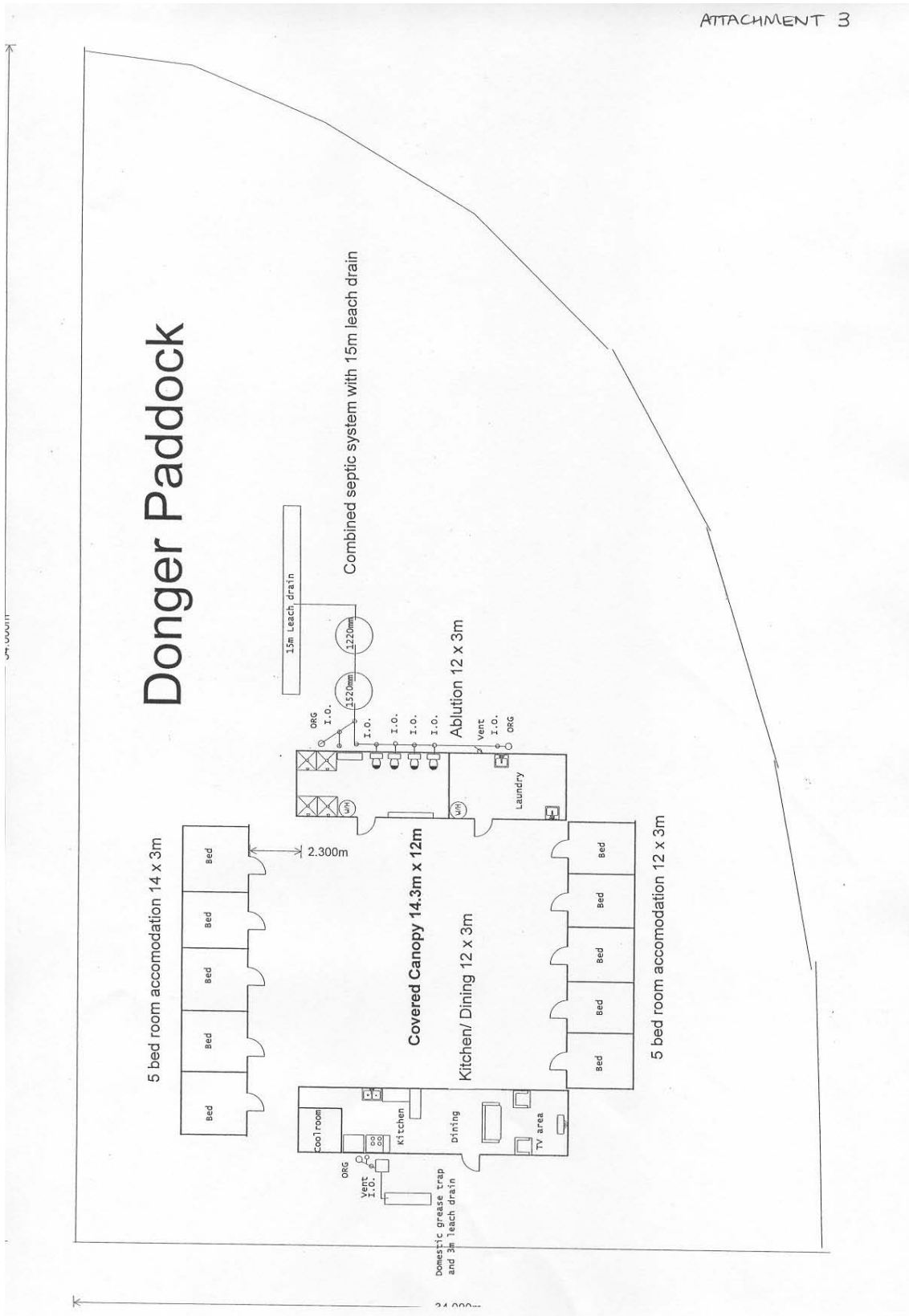
Yours Faithfully



Neil M Handasyde

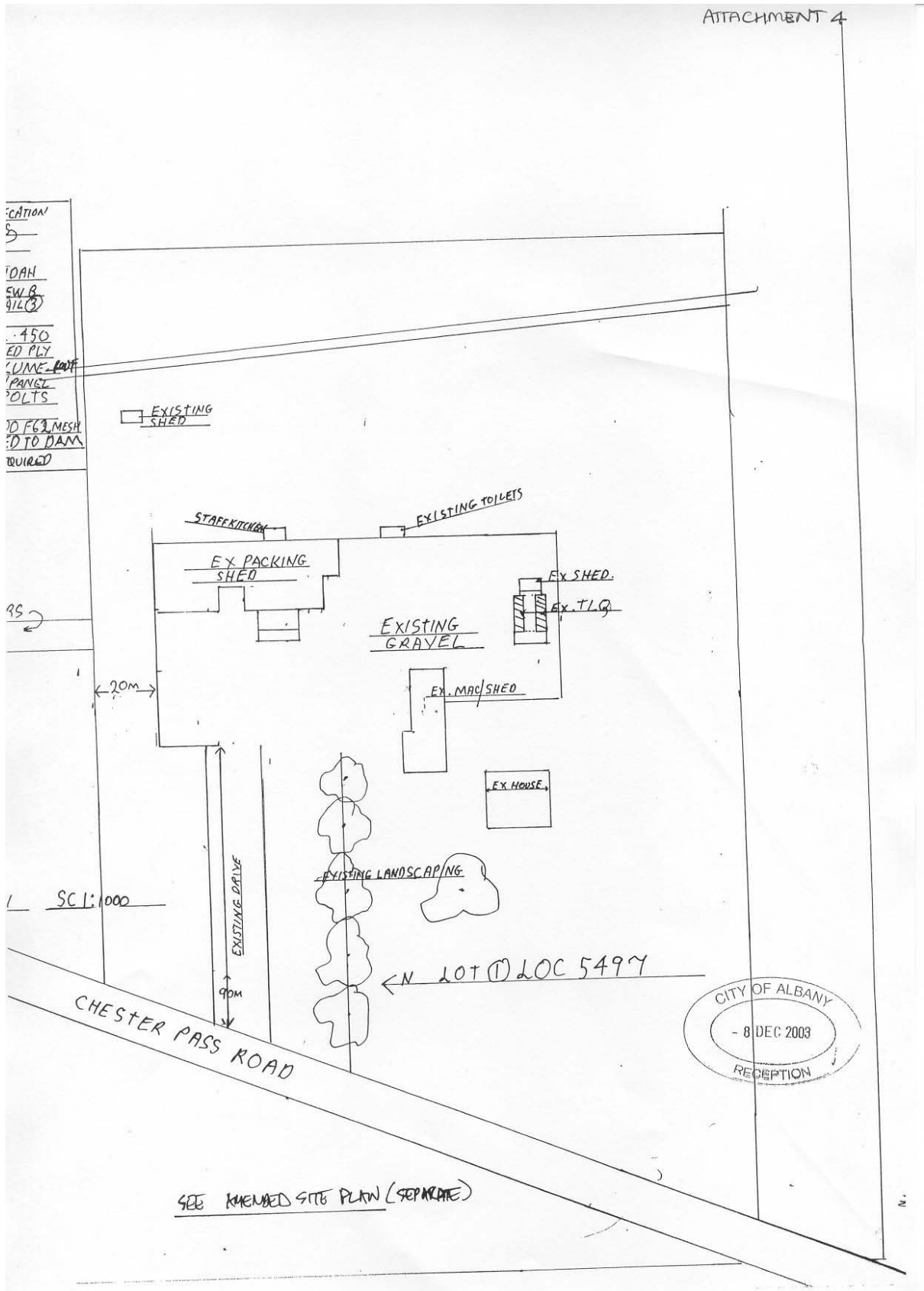
**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

ATTACHMENT 5

**G.P. WALKER & ASSOCIATES**

STRUCTURAL & CIVIL ENGINEERS

14A Bridges Street, Albany WA 6330

Telephone: 0500 522 977 Fax: 9842 2977

Mobile: 0439 881 814

Principal: G.P. Walker,  
BE, MIE(Aust), CPEng.

Senior Development Officer  
City of Albany  
PO Box 484  
Albany WA 6331

8th December 2003

Job 200061

Dear Sir

**Accommodation Units Freshpict Strawberry Farm Chester Pass Road Albany**  
**Your Ref A19497/0306126**

Further to your letter of the 27th November 2003 and a subsequent meeting on the 1st December 2003 attended by the writer representing Mr Ron Carter of Esca Constructions, and Mr Graeme Bride (Planning) and Mr Peter Butcher (Building) from the City of Albany, we attach an Application for Grant of Planning Scheme Consent as required in support of the two applications for a building licence previously submitted in January and September 03. The relevant fee of \$40 is attached as is two sets of drawings.

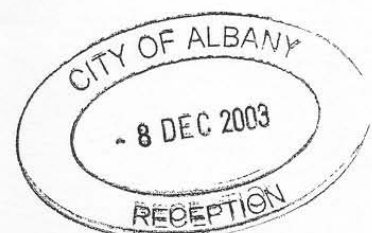
In support of this application, it should be noted that the nature of the proposal is to provide short term accommodation to transient and itinerant workers employed on the site for the picking season, which we understand can extend up to 4 months. Such accommodation provides more certainty in the supply of labour required on a day to day and week to week basis for the efficient running of the intense picking and packaging operation. We believe that the proposal meets the requirements of items 2.3(c) and (d) of the Guidelines for TPS 3, particularly the justification for "farm management purposes" of item 2.3(c)(i).

Since the building is almost complete, we understand that a building licence cannot be issued retrospectively, and that the two previous building licence applications should be cancelled, namely No's 230052 and 230802. On behalf of the owner, we therefore apply for "Recognition of Unapproved Structure" with an attached fee of \$100 as required. A Structural Engineer's appraisal of the building will be submitted as soon as practicable.

Should you require any clarification or further information on this submission, please contact this office.

Yours faithfully

  
Geoff Walker



**DEVELOPMENT SERVICES REPORTS**

**11.1.4 Development Application – Horticulture – Lot 1 Sand Pit Road, Robinson**

**File/Ward** : A71380 (West Ward).

**Proposal/Issue** : Application for Horticulture.

**Subject Land/Locality** : Lot 1, Sand Pit Road, Robinson.

**Proponent** : Chippendale Cherry Farm Trust

**Owner** : John Ainsworth

**Reporting Officers** : Planning Officer (A Nicoll)  
B Environmental Health Officer (L Forsyth)  
A

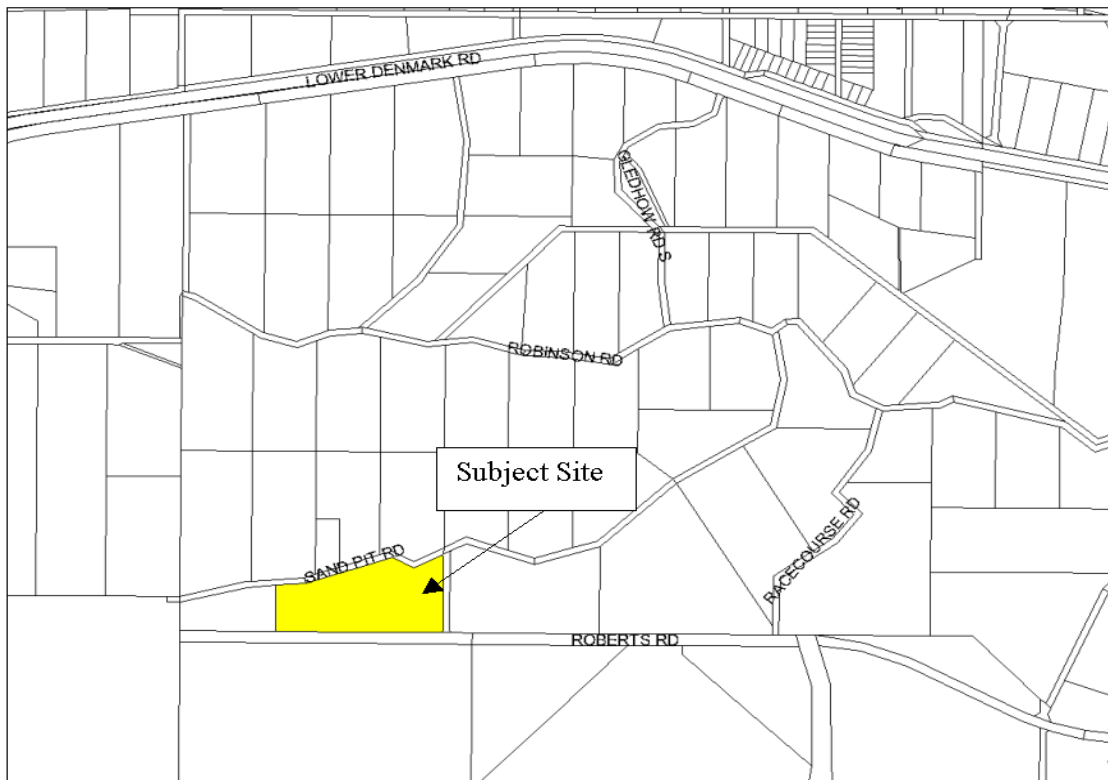
**Disclosure of Interest** : Nil  
K

**Previous Reference** : Nil  
R

**Summary Recommendation** : Council support the application.  
U

**Bulletin Attachment** : Nil  
D

**Locality Plan** :





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. At Council's meeting dated 16<sup>th</sup> December 2003, during the Open Forum, a resident commented that the Cherry Farm at lot 1, Sand Pit Road was using amplified bird calls to detract birds from eating the fruit off the trees.
2. Staff contacted the occupiers requesting that they gain Council's planning consent for the use 'Horticulture' on the property. An application was lodged with Council giving details on the location of the cherry trees and the activities on site, which includes the processing of the cherries and the use of a 'Bird Gard' to protect the fruit.
3. The application was referred to the neighbouring landowners for comment. Six submissions were made, four of which made complaints against the use of the 'Bird Gard'.
4. For the purpose of establishing the level of compliance of the 'Bird Gard' with the Environmental Protection (Noise) Regulations 1997, noise measurements were taken on the 13th February 2004 between the hours of 6am and 7am at each of the complainant's properties. Two, five minute readings were taken within 15 metres of each dwelling.
5. Staff also contacted the suppliers for 'Bird Gard' to confirm specific details on the function of the Bird Gard including the ability to vary its level of amplification (i.e. volume). The response was made that 'volume can be varied' but 'at all times the volume must be on full to be effective'.

**STATUTORY REQUIREMENTS**

6. The property is zoned 'Rural' in Town Planning Scheme No.3. The scheme makes the following provisions pertinent to the use of the property in question:
  - *5.1.1; 'all land zoned and reserved under the scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the scheme';*
  - *3.1.1; the broad objective of rural zoned land is, 'to regulate uses which may conflict with farming interests, and foster uses which are complimentary to such interests. To preserve rural land within easy reach of urban areas'.*
7. The Environmental Protection (Noise) Regulations 1997 set noise limits, which have been carefully designed to ensure that noise from other premises is kept to acceptable levels. Assigned noise levels are the levels of noise allowed to be received at a premises at a particular time of the day or night.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

- *Under Section 3 of the Environmental Protection Act 1986, causing or allowing noise emissions which exceed the prescribed standard is an offence in itself, and can be regarded as “pollution” or “unreasonable noise”.*
- *Regulation 7 of the Environmental Protection (Noise) Regulations 1997 requires that the noise character must be “free” of annoying characteristics, namely: tonality (eg whining, droning), modulation (eg like a siren) and impulsiveness (eg banging, thumping).*
- *Regulation 17 of the Environmental Protection (Noise) Regulations 1997 makes provisions where assigned levels cannot reasonably or practicably be met. In such cases, the person can apply to the Environmental Minister for approval to allow the noise emission to exceed or vary from the assigned level. Any person, either the applicant or another person, who disagrees with the Minister’s decision, may appeal within 14 days of the gazettal.*

**POLICY IMPLICATIONS**

8. As defined in the Local Rural Strategy, the property in question is located within the Princess Royal Harbour 3 precinct which identifies constraints for land management including:
  - *There is a need to restrict further intensive agriculture to meet State Government objectives for the protection of groundwater.*

**FINANCIAL IMPLICATIONS**

9. Sand Pit Road is not sealed and an intensive horticultural use on the subject land has the potential to increase maintenance demands on the road.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

11. Comments have been made by neighbouring landowners that they have no objection to the use of the property for horticulture however the ‘Bird Gard’ being used to scare birds from the cherry trees is seriously affecting their lifestyle. The type of noise, its high pitch levels, high sound levels and its duration are all issues experienced with the ‘Bird Gard’.
12. The ‘Bird Gard’ emits recorded bird noises to detract birds entering the fruit trees and is amplified through the use of speakers located amongst the cherry trees. The noise emitted is most effective when positioned above the canopy, run on full volume and facing outwards towards the extremities of the plantation.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

13. The ‘Bird Gard’ is triggered by a ‘light sensor’ to come on at sunrise and go off at sunset. The machine in use has eight different computer generated sounds designed and tested to scare different species of birds. The ‘Bird Gard’ can be programmed so only certain sounds are used, their volumes are altered and/or the frequency of the sounds generated is altered.
14. The proponent’s are applying to use the ‘Bird Gard’ for approximately 3 months, beginning 2 weeks prior to picking (October) when the fruit is changing colour up until the end of picking (January). As mentioned by the applicant, ‘since the use of the ‘Bird Gard’, the fruit damage effected by the birds has dropped dramatically from 40% down to 2%’.
15. The proponent has taken the initiative, to reduce the amplification of noise, by turning the speakers inwards. However, the volume setting used at the time of testing and required for effective use remains at its highest limit (Level 4).
16. Below is a table showing the results from noise measurements taken from the complainants’ properties. Those measurements highlighted in the table exceed the assigned levels for noise taken within 15 metres of a complainant’s dwelling as required by the *Environmental Protection (Noise) Regulations 1997*. See also following map.

Position	READINGS TAKEN AT PROPERTIES							
	Property 1		Property 2		Property 3		Property 4	
	1	2	3	4	5	6	7	8
<b>L<sub>A10</sub></b>	32.7dB	36.4dB	43.6dB	39.5dB	35.0dB	39.2dB	38.9dB	39.0dB
<b>L<sub>A1</sub></b>	36.9dB	38.7dB	49.3dB	45.9dB	42.2dB	44.4dB	42.8dB	46.9dB
<b>L<sub>Amax</sub></b>	39.9dB	41.9dB	51.4dB	50.1dB	46.5dB	48.7dB	51.3dB	49.4dB

17. Below is a table defining the assigned levels as per the *Environmental Protection (Noise) Regulations 1997*.

Assigned Level from the Environmental Protection (Noise) Regulations 1997.				
Type of premises receiving noise	Assigned level (dB)			
	Time of day	L <sub>A10</sub>	L <sub>A1</sub>	L <sub>Amax</sub>
Noise sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use.	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays	35 + influencing factor	45 + influencing factor	55 + influencing factor

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

18. In accordance with the *Environmental Protection (Noise) Regulations 1997*, it was determined that the influencing factor for properties 1 and 2 is 0 whilst the influencing factor for properties 3 and 4 is 1. A reading within 2dB of the assigned level, inclusive of the influencing factor, is also considered by those Regulations as being acceptable.
19. Each measurement from table 1 is then compared to the assigned level that is stipulated in table 3. The comparative results obtained from table 1 and 3 can be described as:
  - The  $L_{A10}$  and  $L_{A1}$  reading 2 at property 1 is 1.4dB over the assigned level;
  - The  $L_{A10}$  and  $L_{A1}$  for reading 3 at property 2 is 8.6dB and 4.3dB respectively over the assigned level. Again at property 2, reading 4, the  $L_{A10}$  and  $L_{A1}$  is 4.5dB and 0.9dB over the assigned level;
  - At property 3, reading 6, the  $L_{A10}$  is 3.2dB over the assigned level; and
  - At property 4, reading 7, the  $L_{A10}$  is 2.9dB over the assigned level. For reading 8 on this property the  $L_{A10}$  and  $L_{A1}$  is 3dB and 1dB over the assigned level.
20. In summary, the preliminary measurements highlighted in the Table at paragraph 16 suggest measurements taken exceed the assigned level for those premises, which suggests a non-compliance with the *Environmental Protection (Noise) Regulations 1997*; it should be noted that the City's noise meter has not been recently calibrated and additional recordings may be required.
21. Provisions have been made within the noise regulations to relax noise standards in special cases, including 'agriculture noise'. However, under the special case regulation dealing with rural activities, no exemption is provided for noise emissions occurring from bird scarer's.
22. It would appear that the use of the land for 'Horticulture' is in keeping with the intent of the Town Planning Scheme No.3 and the Local Rural Strategy, however based on the preliminary measurements, the 'Bird Gard' would be in breach of the *Environmental Protection (Noise) Regulations 1997* if continued to be used with it's current settings. Staff recommend that the farming of cherry's be granted, however the use of the 'Bird Gard' should be disbanded until such time that the proponent either applies to the Environmental Minister for approval to allow the noise emission to exceed or vary from the assigned level or the applicants can provide independent verification that the device can be operated in accordance with those regulations.
23. It may be noted that any person, either the applicant or another person, who disagrees with the Minister's decision may appeal within 14 days of the gazettal.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**RECOMMENDATION**

**THAT Council support the application to change the land use on Lot 1 Sand Pit Road, Robinson, from ‘Rural’ to ‘Horticulture’ and delegate to the Manager Development to issue the Planning Scheme Consent subject to conditions including, but not limited to;**

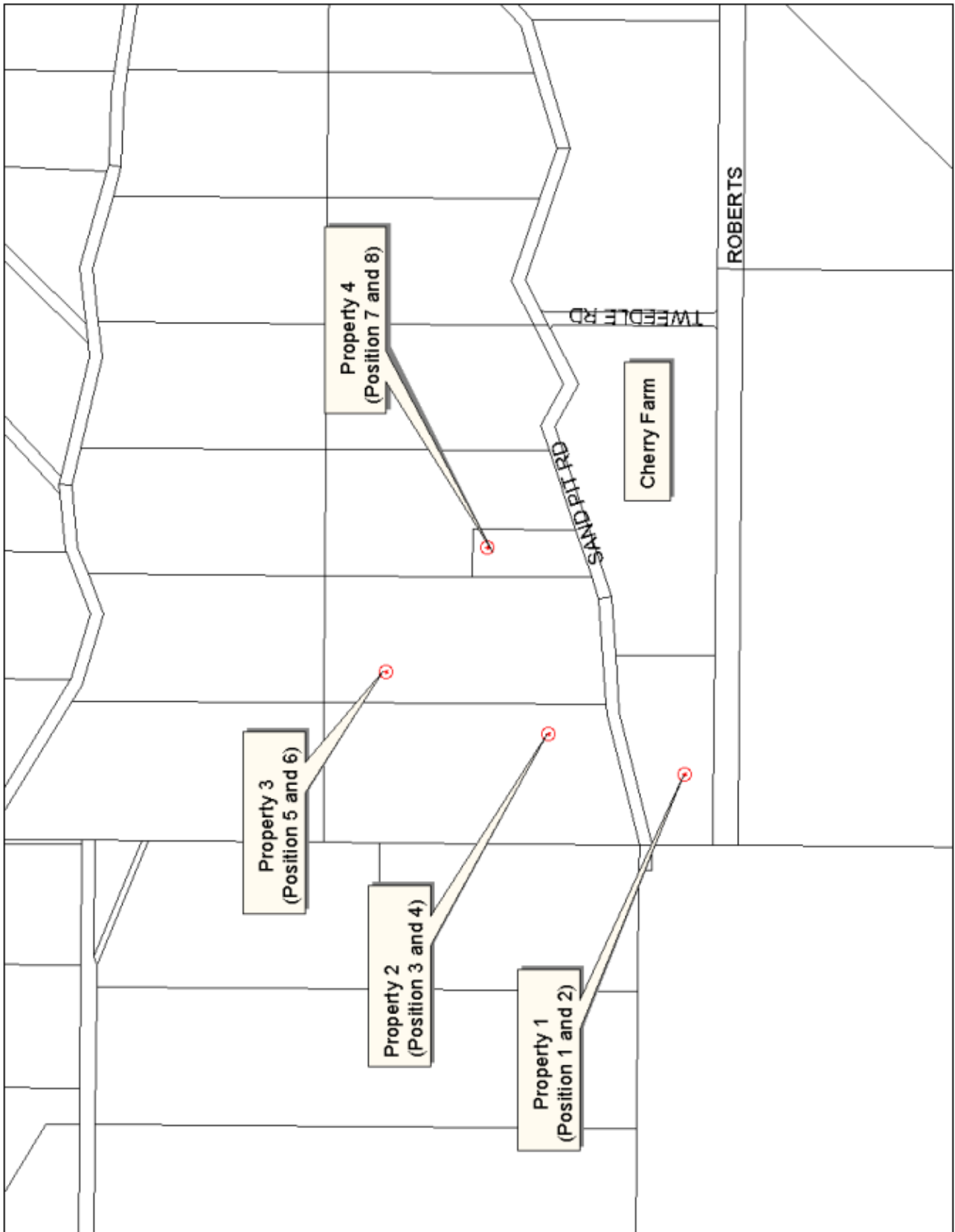
- i) at all times, the proponent shall ensure that any noise created upon the property does not exceed the Environmental Protection (Noise) Regulations 1997.**

*Voting Requirement Absolute Majority*

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**DEVELOPMENT SERVICES REPORTS**

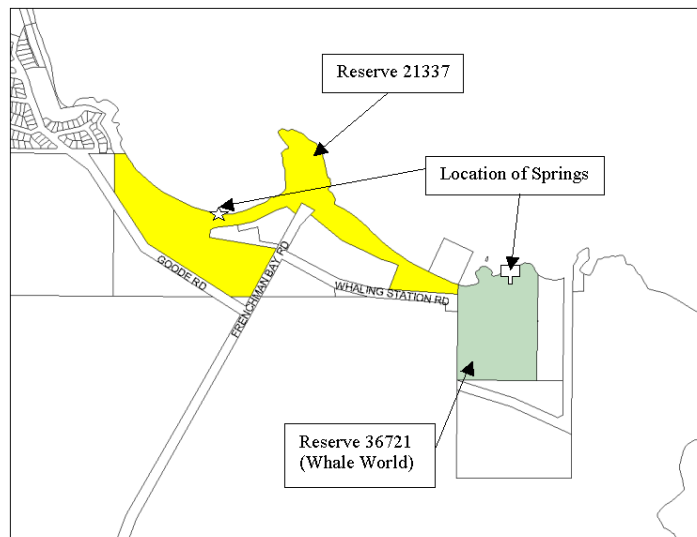
Item 11.1.4 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.5 Naming Geographical Feature – Spring within Whaleworld – Reserve 36721 Whaling Station Road, Frenchman Bay**

- File/Ward** : MAN 100 (Vancouver Ward)
- Proposal/Issue** : Applying the name ‘Vancouver’s Watering Place’ to the spring within Reserve 36721 and rewording the existing plaque at the springs located at Whalers Beach.
- Subject Land/Locality** : Reserve 36721 Whaling Station Road, Frenchman Bay
- Proponent** : E Harley
- Owner** : Crown
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 26/10/94 – Item 19.4  
OCM 29/03/95 – Item P3/19  
OCM 15/07/96 – Item W7/7  
OCM 18/11/03 – Item 11.1.1  
OCM 20/01/04 – Item 11.1.3
- Summary Recommendation** : To apply the name ‘Vancouver’s watering place’ to the spring within the grounds of Whaleworld, and reword the existing plaque at Vancouver’s Spring.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**BACKGROUND**

1. At it's meeting dated 20 January 2004, Council considered a request to rename Vancouver Spring to P & O Springs, and apply the name Vancouver Spring to the spring within Whaleworld. At this meeting Council resolved not to support the following staff recommendation:

*“THAT Council;*

- i) resolves to write to the Geographic Names Committee requesting that the name ‘Vancouver Spring’ be applied to the spring within the grounds of Whaleworld, and a new name of ‘P & O Springs’ be applied to springs at Whalers Beach (on Reserve 36721); and*
  - ii) upon gaining the necessary approval from the Geographic Names Committee, instruct staff to undertake the following works:*
    - a. take down existing directional signage for Vancouver Spring.*
    - b. replace the information plate on the existing memorial with a new plate and make funds available through a re-allocation of municipal funds, to undertake such work; and*
    - c. modify the Municipal Heritage Inventory to recognise that Vancouver spring is located within the grounds of Whaleworld and modify the listing for the Whalers Beach spring accordingly.”*
2. As no alternative motion was put forward during consideration of the item, there was no direction for the applicant in relation to the concerns of Council.
3. Following the January meeting, the applicant spoke to a number of Councillors and Les Bail from Whaleworld, and has now proposed an alternative to his original proposal for the consideration of Council. Mr Harley's request follows this report.
4. The applicant is proposing to maintain the name ‘Vancouver Spring’ at the Whalers Beach springs, and apply a new name to the spring located within Whaleworld, to be called ‘Vancouver's Watering Place’. The applicant has also suggested that the plaque associated with the existing Vancouver Spring be modified to read as follows “These springs were charted by Vancouver during his visit in 1791”, with more detail if Council sees fit.

**STATUTORY REQUIREMENTS**

5. To apply a name to the Whaleworld Spring, Council will need to endorse a name and then write to the Geographic Names Committee of the Department of Land Information requesting endorsement of that name.

**POLICY IMPLICATIONS**

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



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**FINANCIAL IMPLICATIONS**

- 7. If Council wishes to modify the plaque at the Vancouver Spring site, a cost will be incurred to replace the information plate.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

- 9. If the request is supported, the springs at Whalers Beach will retain the name ‘Vancouver Spring’ and the proposal addresses the concerns raised by residents in relation to downgrading this site. The new name proposed for the spring within Whaleworld is based on comprehensive research undertaken by Mr Harley.
- 10. Any change to the wording on the existing Vancouver Spring memorial, to reflect the charting of the watering place, would need to be supported by Council (the following recommendation includes appropriate wording to achieve that outcome).

**RECOMMENDATION**

**THAT Council;**

- i) resolves to write to the Geographic Names Committee requesting that the name ‘Vancouver’s Watering Place’ be applied to the spring within the grounds of Whaleworld (Reserve 36721);**
- ii) upon gaining the necessary approval from the Geographic Names Committee, instruct staff to replace the information plate on the existing Vancouver Spring memorial with a new plate reflecting the amendments contained within the above report, and make funds available through a re-allocation of municipal funds, to undertake such work; and**
- iii) advises the management at Whaleworld that any new monument and/or plaque on Reserve 36721 would need to be referred to Council and the Heritage Council of Western Australia for endorsement prior to construction.**

*Voting Requirement Absolute Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

Eric Harley,  
P.O.Box 5414,  
Albany,  
W.A.6332.

9 February 2004

The Chief Executive Officer,  
City of Albany,  
P.O. 484,  
Albany,  
W.A. 6331.

CITY OF ALBANY - RECORDS	
FILE:	A175091
DOC:	I400682
10 FEB 2004	
OFFICER:	SP
APPROVED:	

Dear Sir,

**Your Ref A 175091-----Vancouver Spring**

Attention Graeme Bride

Further to my recent discussion following comment from Councillor Paver and a meeting with Mr Les Bail from Whaleworld I suggest that a variation be made to the approach in the above matter. Namely that the name Vancouver Spring be left for the springs at Whalers Beach and the spring at Whaleworld be named "Vancouver's Watering Place". Mr Bail and I consider that this would be satisfactory from our point of view and should not provoke opposition from other sources.

However it will be necessary to remove the plaque at Whalers Beach, possibly replacing it with a statement that "these springs were charted by Vancouver in September, 1791". The wording for the proposed site at Whaleworld can then read "at a spring in this vicinity Captain George Vancouver watered his ships Discovery and Chatham in September 1791." There may be some more descriptive information added to this when the granite slab is prepared. There will also be additional information displayed within one of the buildings on site.

Would you please consider presenting this information as a new item for the first available Council meeting.

Yours faithfully,

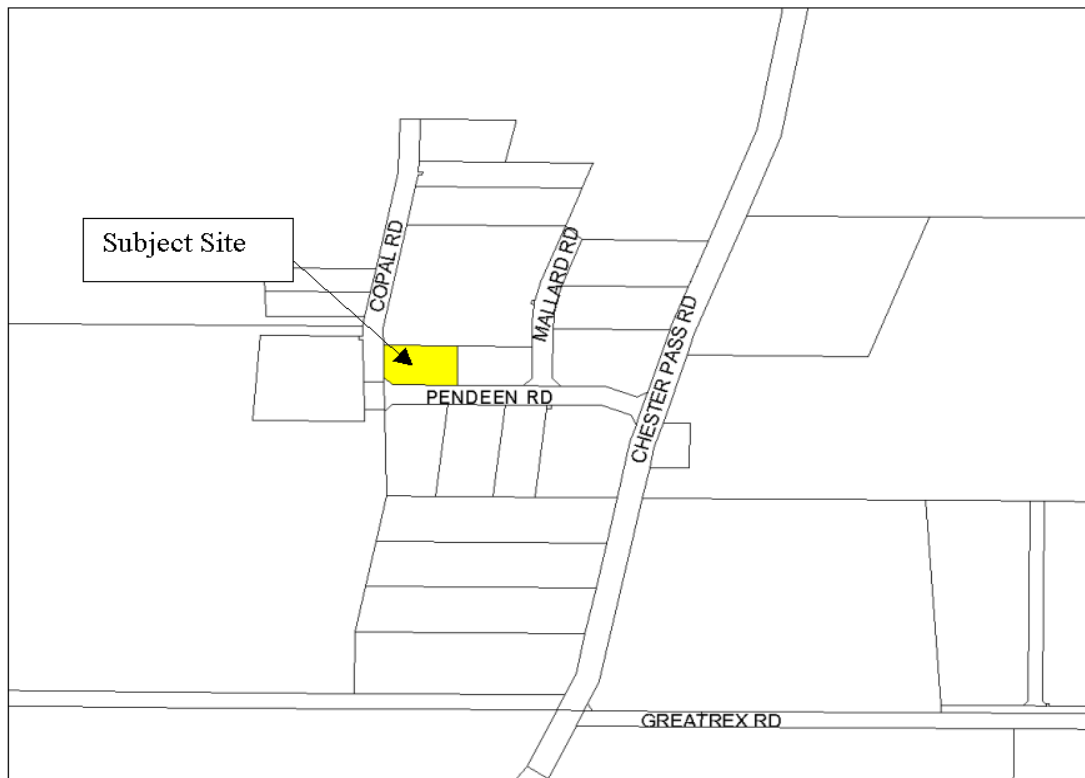


Eric Harley.

**DEVELOPMENT SERVICES REPORTS**

**11.1.6 Development Compliance – Industrial Development – Lot 69 Pendeen Road, Warrenup**

- File/Ward** : A119493 (Kalgan Ward)
- Proposal/Issue** : Non-compliance with Planning Scheme Consent conditions
- Subject Land/Locality** : Lot 69 Pendeen Road, Warrenup
- Proponent** : R & LG Spaanderman
- Owner** : R & LG Spaanderman
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To issue a Notice under Section 6.5 of Town Planning Scheme No. 3.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6

**BACKGROUND**

1. On the 8th July 2002 Council issued a Planning Scheme Consent for an extension to an industrial shed at Lot 69 Pendeen Road, Warrenup (Application P225096). As part of this approval the following conditions were placed on the development:

*“B1 Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair.*

*B2 All land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council.*

*B3 All runoff from impervious surfaces being contained within the property and disposed off to Council’s satisfaction.*

*C1 No vehicle parts, equipment, machinery, tools of trade or materials connected with the process being stored, either temporarily or permanently, on any part of the lot other than within the industrial unit or it’s service yard.”*

2. The business being conducted on the property is ‘All Road Motor Body Builders’, which fabricate and fit trays for utes and light commercials up to semi-trailer compartments. A copy of the approved Planning Scheme Consent, inclusive of plans is attached to the rear of this report.

3. On 10<sup>th</sup> April 2003 staff conducted a site inspection to the above property, which revealed the following:

- All vehicular parking, manoeuvring and circulation areas were not sealed, marked or drained. A portion on the gravel truck yard shown on the approved plan was being utilised by trucks for manoeuvring and circulation purposes, and therefore this area was also required to be sealed in accordance with Condition B1.
- No landscaping had been planted in those areas identified on the approved plan.
- Given the access and circulation areas were gravelled and stormwater drainage from the industrial shed was directed onto this area, which sloped towards a neighbouring property, the ability to retain stormwater on site is highly questionable.
- Equipment and materials were being stored on Council’s verge and outside of the service yard (located at the rear of the shed).

**STATUTORY REQUIREMENTS**

4. Staff are not delegated the authority to issue a notice under Clause 6.5 of Town Planning Scheme No. 3 for non-compliance, without first gaining Council’s endorsement.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

5. Clause 6.5 of Town Planning Scheme No. 3 states the following:

*“(a) If any person contravenes or fails or neglects to comply with any of the provisions of this Scheme, the Council may, by notice in the manner set out in Clause 6.6 hereof, order such person to discontinue forthwith any such contravention; and within thirty (30) clear days after the service of such notice, to remove, pull down, take up, alter or otherwise make good any work which contravenes the Scheme.....pursuant to Section 10 of the Town Planning and Development Act 1928 (as amended)...”*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. Should the applicant appeal the notice, or fail to undertake the work in order to meet the requirements of their Planning Scheme Consent, legal fees may be incurred.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

9. Staff met with the owner of the land, who advised that due to financial constraints he is unable to undertake the work for a period of between 18 months and 24 months.

10. Council has three options in progressing this matter, which are:

- Issue a notice under Clause 6.5 of Town Planning Scheme No. 3 requiring the outstanding work to be done within a period of 30 days.
- Issue a notice under Clause 6.5 of Town Planning Scheme No. 3 requiring the outstanding work to be done within an 18 month, 24 month or any other time period Council sees fit.
- Resolve not to take any action and let the non-compliance stand.

11. Staff believe that if the landowner had sufficient funds to expand his business, inclusive of providing the standard infrastructure (ie. stormwater drainage, the sealing, draining, and marking of vehicular access areas and landscaping) then the owner should not have been proceeded with the development in the first place. By not providing this infrastructure, the owner is receiving a competitive edge against those businesses who do the right thing and comply with conditions of their Planning Scheme Consent.

12. Staff recommend that a notice be served against the owner of Lot 69 Pendeen Road, Warrenup in accordance with Clause 6.6 of Town Planning Scheme No. 3, requiring the work to be carried out within 30 days.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

**RECOMMENDATION**

**THAT Council resolves to issue a Notice under Section 6.6 of the City of Albany Town Planning Scheme No. 3 to the owner of Lot 69 Pendeen Road, Warrenup advising that they are not complying with clause 6.5 of the Scheme and requiring the following work to be carried out within 30 days of the date of the Notice:**

- i) compliance with Condition B1 of Notice of Planning Scheme Consent P225096 by sealing, draining and marking those areas identified on the attached plan (Attachment B);**
- ii) compliance with Condition B2 of Notice of Planning Scheme Consent P225096 by landscaping those areas identified on the approved plan;**
- iii) compliance with Condition B3 of Notice of Planning Scheme Consent P225096 by installing a stormwater disposal system that would retain stormwater on site to the satisfaction of Council’s Works and Services Department; and**
- iv) compliance with Condition C1 of Notice of Planning Scheme Consent P225096 by removing equipment and items from Council’s Road Reserve and within identified landscaping and vehicular circulation areas and placing them in a screened service yard.**

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

**TOWN PLANNING SCHEME 3 - DISTRICT SCHEME**

**GRANT OF PLANNING CONSENT**

<b>File Ref:</b>	A160206	<b>Application No:</b>	P225096
<b>Corro No:</b>	PAS 75	<b>Date:</b>	8 July 2002
<b>Owner of Land:</b>	R & LJ Spaanderman PO Box 5819 ALBANY WA 6332		
<b>Applicant:</b>	Walson Pty Ltd 16 Merrifield Street MILPARA WA 6330		

Planning consent is hereby GRANTED for:

(Lot) 69 (Loc) 401 (Property) **Pendeen Road Warrenup**

for the purpose of: **Workshop Extensions**

and carry out development in accordance with the approved plans dated 8<sup>th</sup> July 2002 subject to the Schedule of Conditions specified on page two (2) of this Consent.

If development is not completed within two years, a fresh approval must be obtained before commencing or continuing development.

**It should be noted that this is a planning consent only and is not a building licence.** You are advised that before commencing any construction a building licence must be obtained, and before occupancy of the building the conditions of your planning consent must be complied with.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

- 2 -

**SCHEDULE OF CONDITIONS:**

**B. Conditions to be complied with prior to occupancy of use:**

- B1 Vehicular parking, maneuvering and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council. All parking spaces being marked out and maintained in good repair.
- B2 All land indicated as landscaped area on the approved plan being developed prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council. Landscaping areas shall contain at least one tree capable of growing to a height of 3 metres or more for every 10m<sup>2</sup> of area. All landscaped areas are to be maintained in good condition thereafter.
- B3 All runoff from impervious surfaces being contained within the property and disposed of to Council's satisfaction.

**Before occupying the development you must contact Richard Hindley on 98419381 and demonstrate that conditions B1 – B3 have been complied with.**

**C. Conditions of an ongoing nature:**

- C1 No vehicle parts, equipment, machinery, tools of trade or materials connected with the process being stored, either temporarily or permanently, on any part of the lot other than within the industrial unit or its service yard.
- C2 Any lighting device is to be so positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
- C3 No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.

**ADVICE TO THE APPLICANT:**

All development is required to comply with the Building Regulations and the Building Code of Australia;

The landscaping plan required by condition B2 of this approval should detail the plants to be used, the manner in which they will be reticulated and not include the following species:

Pampas Grass, Watsonia, Purple Senecio, Sydney golden wattle, Victorian tea tree, Dolichos pea, Blackberry, Bridal creeper, Taylorina, Arum lily and Gorse.

Development is required to comply with all relevant Health regulations;

**NOTES:**

This Planning Scheme Consent contains the following number of conditions: 6



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

- 3 -

You may appeal against any condition contained in this consent provided it is lodged within sixty (60) days of the date of issue. The Planning Section of the Development Services Team can provide further information regarding this.

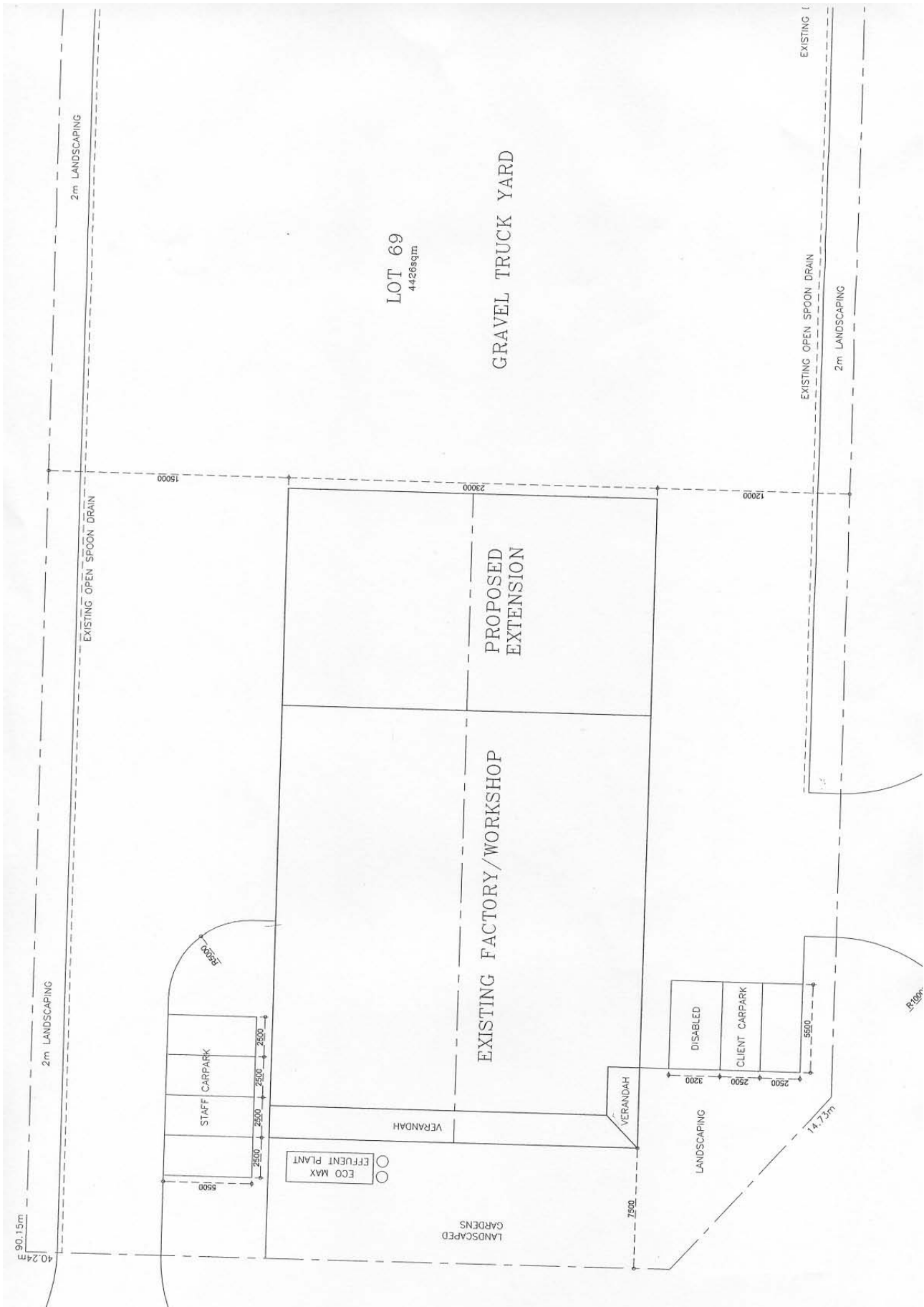


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**Richard Hindley**  
Planning Officer

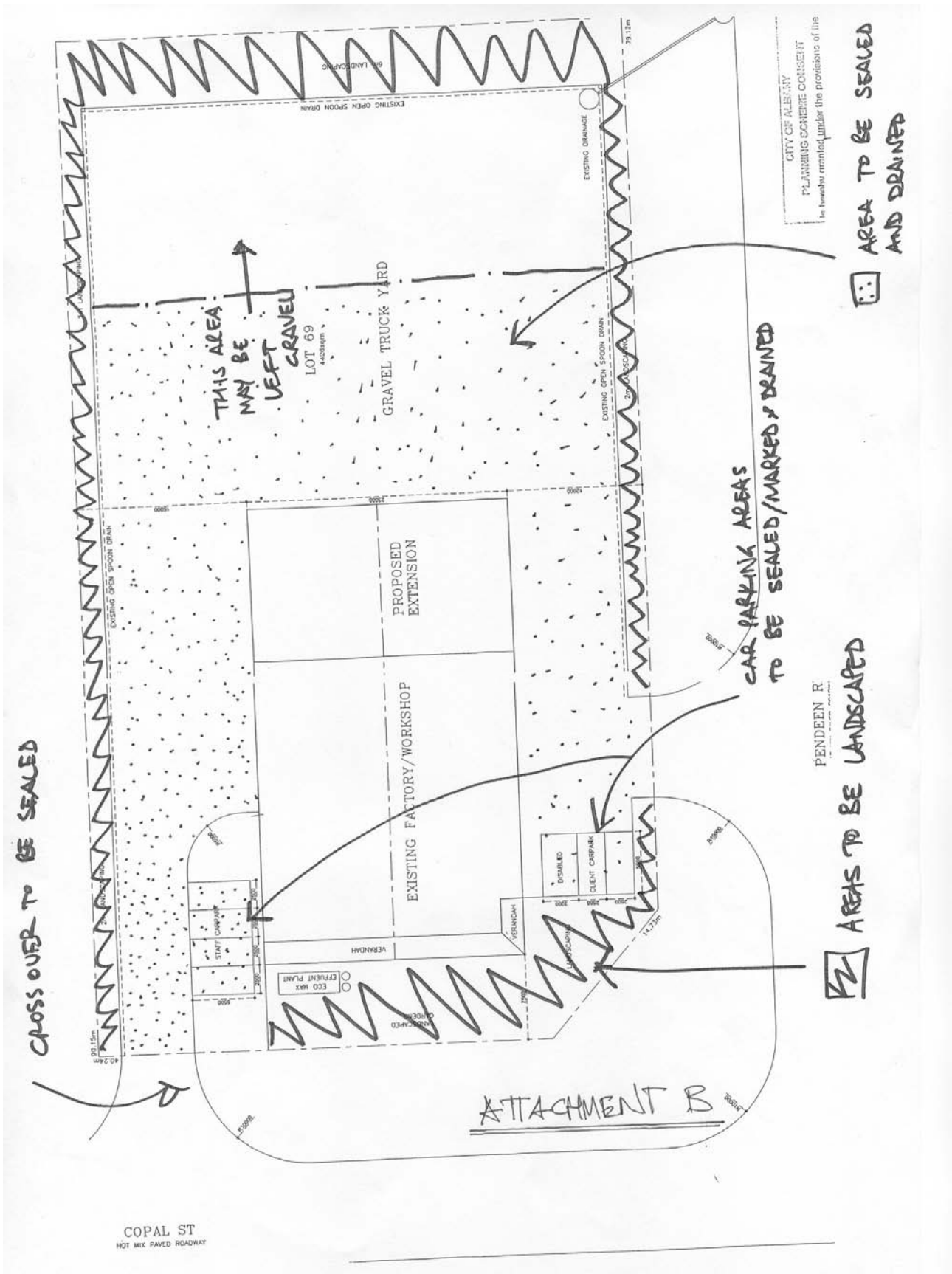
DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued



DEVELOPMENT SERVICES REPORTS

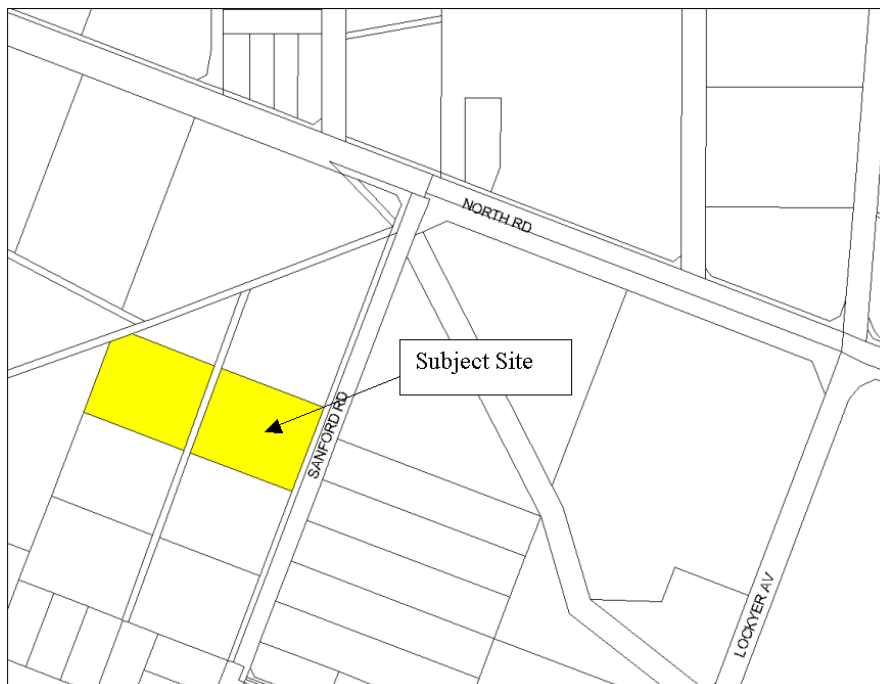
Item 11.1.6 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.7 Development Application – PCYC Youth Recreation Centre – 73-79 Sandford Road, Centennial Park, Albany**

- File/Ward** : A074219 (Frederickstown Ward)
- Proposal/Issue** : Development of a youth focussed recreation centre incorporating Gym, Sports Facilities, Multi-Function Hall, Audio Recording Studio, Operations & Administration area and Café.
- Subject Land/Locality** : Albany Lot 745, (73-79) Sanford Road, Centennial Park
- Proponent** : Howard and Associates
- Owner** : City of Albany (Landowner) / Police and Citizens Youth Club (tenant)
- Reporting Officer(s)** : Planning Officer (T Sounness)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 15/07/03 - Item 12.2.5  
SCM 24/06/03 - Item 7.1
- Summary Recommendation** : Grant Conditional Planning Scheme Consent.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

**BACKGROUND**

1. The site is a 1.3558 ha parcel of land, adjacent to Sanford Road, north of the BMX track held in fee simple by the City of Albany. The land is currently being used for passive recreation use, is generally flat grassed land and has a dual use path across the Sanford Road frontage.
2. The land is zoned under the City of Albany Town Planning Scheme No 1A as ‘Parks and Recreation’ with a reserve for drainage (Reserve 18552) splitting the centre, and another reserve for drainage (Reserve 34381) excising part of the northern corner of the land. These open drains carry water to the north into the Yakamia Creek.
3. On 15 July 2003 Council resolved as follows:  
  
*“THAT Council contribute \$240,000 plus land in trust to the proposed Youth Recreation Venue subject to:*
  - i) *project cost matching available funding;*
  - ii) *original project outcomes being achieved; and*
  - iii) *project management and contract administration being*
  - iv) *undertaken by PCYC or the appropriate State Government Agency.”*
4. An application was received by Council on 9 February 2004 for the development of a \$2,000,000.00 sports and recreation centre on the site, where the proposed uses are consistent with “Private Recreation” and “Club Premises” use definitions under the Scheme. The proposed uses include Gym, Sports Facilities, Multi-Function Hall (incorporating Public Hall or Performance Venue), Audio Recording Studio, High-Wire gymnastics, Martial Arts, and ancillary administration, café and storage areas. Additional details of the Cafe seating was provided on 2nd March 2004 showing a maximum of 24 patrons.
5. The proposal shows sanitary facilities with a total of 7 closet pans, 2 urinals and 4 hand basins with a total of 6 showers, including one disabled toilet facility. Car parking for 50 cars is provided, as well as a pick-up and drop-off area. Landscaping areas are shown but more details are required.
6. As the proposal is in excess of \$1 million Council consideration is required for this proposal (Development Services Directorate Development Guidelines - Scheme 1A).

**STATUTORY REQUIREMENTS**

7. Council’s Planning Scheme does not provide detailed guidance as to the development standards for developments proposed for land zoned ‘Parks and Recreation’ other than that generally shown in Part II of the Scheme. The Scheme requires Council to “...*have regard to the ultimate purpose intended for the reserve ...*” in assessing any application for any form of development on the land, apart from the erection of boundary fences.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

8. The use class can be considered to be that of ‘Private Recreation’ as described under Appendix IX of the Scheme. The proposal is in compliance with the ‘Private Recreation’ development requirements as outlined in Appendix IV of the Scheme.
9. Car Parking requirements for ‘Private Recreation’ uses are not stated in the Scheme. However, it is possible to assess the site using a mix of ‘Office’, ‘Restaurant’ and ‘Clubs & Institution’ uses as defined under the Scheme. This assessment results in a requirement of 42 car parking spaces. Refer below:

USE	AREA (m <sup>2</sup> )	Car Parking Requirement	Car Parking Calculation
Administration	112.00	‘Office’ = 1 bay per 40m2	2.80
Audio Recording Studio	40.00	‘Office’ = 1 bay per 40m2	1.00
Café – Eating Areas	100.00	‘Restaurant’ = 1 per 4 seats	6.00
Café – Kitchen	45.00	nil	0.00
Gym (Multi-Purpose)	562.20	Clubs & Institutions = 1 per 40m2	14.05
Gym (Small)	60.00	Clubs & Institutions = 1 per 40m2	1.50
Martial Arts	266.00	Clubs & Institutions = 1 per 40m2	6.65
Southern Extreme Arts	403.00	Clubs & Institutions = 1 per 40m2	10.075
Toilet / Bathroom	70.00	nil	0.00
Other (Halls, Foyer etc..)	476.80	nil	0.00
<b>Total</b>	<b>2135.00</b>		<b>42.075</b>

10. 54 car parking bays are shown on the site plan and several can be converted to landscape areas to ‘soften’ the appearance of the car parks.

*Assessment of Sanitary Amenities*

11. In assessing the provision of sanitary facilities under the Building Code of Australia (BCA), the proposed floor spaces and the uses described for them, staff have identified a significant shortfall. Whilst this is not a town planning requirement, a change in the plans for the project to comply with the Building Code will affect the overall size of the building, the location of car parks, etc. The detailed calculations are attached, and the summary of the shortfall is shown below.

	Closet Pans	Urinals	Hand Basins	Showers
<b>Required</b>	24.4	15.1	30.1	n/a
<b>Proposed</b>	7	2	4	6
<b>Shortfall</b>	17.4	13.1	26.1	n/a

12. The applicants have submitted a report on the supply of sanitary facilities under the BCA within the use category of 9b, see attached letter.
13. When assessing sites under the BCA, staff are required to consider the maximum occupancy of the site as if all uses were being undertaken at once. This then gives the maximum load on the sanitary facilities. Any request to reduce this ‘maximum load’ needs to be substantiated by the applicants. Presently it can be argued that there may be circumstances where intensive use can occur, such as at a social event (Blue Light Disco), sporting event (Martial Art’s Competition) or Theatre performance (Circus event through Southern Extreme Arts).

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

14. If the toilets are not provided Council's officers would issue a certificate of occupancy limiting the number of people allowed on the site at any time. Special events may then need to provide additional sanitary facilities as a condition of the event being able to proceed. Occupancy limits may be enforced through a condition on the Planning Scheme Consent as well as the relevant Health and Building legislation; the outcome is not the preferred solution.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

16. No financial implications apply at this stage, however Council has previously considered the financial matters. Refer to the Council's decision of the 15<sup>th</sup> July 2003.

**STRATEGIC IMPLICATIONS**

17. The Scheme does not provide guidance on the assessment of developments within land zoned 'Parks and Recreation'.
18. The proposal will produce a youth focussed community asset with opportunities for the linkage of this site to pedestrian access ways, bicycle paths, other youth sport activities and existing sports facilities. Such linkages are being planned within the City's strategic policy framework.

**COMMENT/DISCUSSION**

19. As the proposed currently stands, there appears to be severe limitations to the full functionality of the site being reached, due to the lack of sanitary facilities.
20. Additional information has been sought from the applicant on the assessment of the proposal's compliance with the BCA and it is recommended that the proposal 'lay on the table' to provide sufficient time for this information to be provided to Council. That information may be forthcoming prior to Council considering this item and an amended officer's recommendation would be supplied at the meeting.
21. It is noted that the proposed restaurant/café would be the closest café to several activities in the vicinity of North Road and may result in sportspersons and workers using the facility for their daily lunch requirements. This also needs to be addressed by the applicants as general public access to the site changes the site's requirements.
22. If an approval is being considered, staff will be requesting that conditions be imposed addressing the finished floor level, compliance with the BCA, noise matters, drainage, access to the 'rear' of the land, access over the drainage reserve, and the disposal of storm water on-site.

Item 11.1.7 continued

**RECOMMENDATION**

**THAT Council resolves to grant Conditional Planning Scheme Consent for the proposal to develop a Youth Recreation Centre on Lot 745 (33-37) Sanford Road, Centennial Park, Albany, as depicted on the submission and plans dated 9 February 2004, and include conditions including but not limited to a requirement that adequate toilet facilities be incorporated in to the building to match the floor space as specified in the Building Code of Australia.**

*Voting Requirement Simple Majority*

.....

**AND**

**That delegated authority be issued to the Manager Development pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A to issue a Conditional Planning Scheme Consent to the above application.**

*Voting Requirement Absolute Majority*

.....



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

**PROPOSED PCYC YOUTH RECREATION CENTRE - LOT 745 (73-79) SANDFORD ROAD, CENTENNIAL PARK, ALBANY**

**AREA PER PERSON ACCORDING TO USE - REQUIREMENTS UNDER BUILDING CODE OF AUSTRALIA**

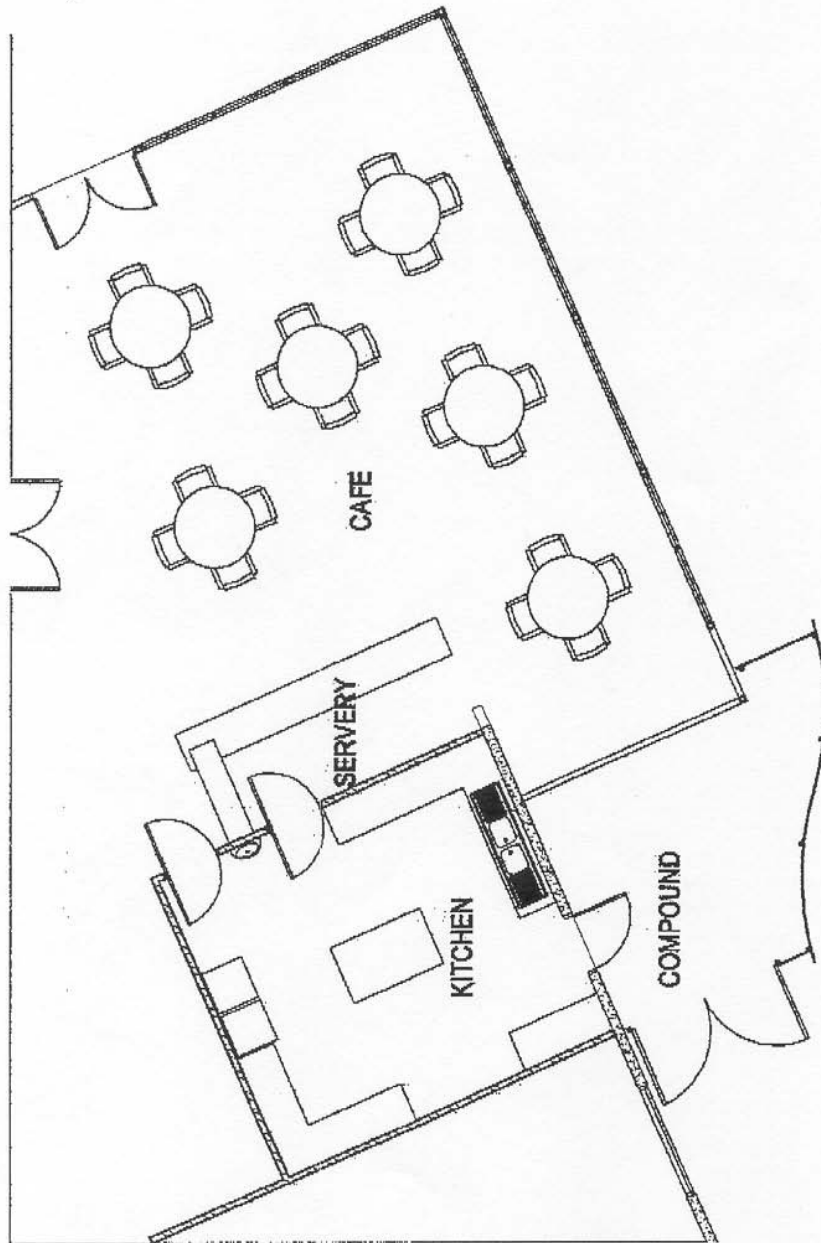
Location	Area m <sup>2</sup>	Persons	Gender	Persons	Closet Pans		Urinals		Hand Basins	
					M <sup>2</sup> / Person	Number	M <sup>2</sup> / Person	Number	M <sup>2</sup> / Person	Number
Administration	112	11.2	Male	5.6	20	0.3	25	0.2	30	0.2
Audio Recording	40	4.0	Female	5.6	15	0.4	25	0.1	30	0.2
			Male	2.0	10	0.2			30	0.1
Café	100	100.0	Female	2.0	10	0.2	50	1.0	30	0.1
			Male	50.0	100	0.5			50	1.0
Kitchen	45	4.5	Female	50.0	25	2.0	25	0.1	50	1.0
			Male	2.3	20	0.1			30	0.1
Gymnasiums	622	207.3	Female	2.3	15	0.2	10	10.4	30	0.1
			Male	103.7	20	5.2			10	10.4
Martial Arts	266	26.6	Female	103.7	10	10.4	10	1.3	10	10.4
			Male	13.3	20	0.7			10	1.3
Southern Extreme Arts	403	40.3	Female	13.3	10	1.3	10	2.0	10	1.3
			Male	20.2	20	1.0			10	2.0
Female	20.2	10	2.0	10	2.0	10	2.0	10	2.0	
<b>Totals</b>	<b>1588</b>	<b>393.9</b>		<b>393.9</b>		<b>24.4</b>		<b>15.1</b>		<b>30.1</b>

Note : Preliminary assessment only - final calculation shall take place on assessment of Building Licence

Note : based on plans dated 29-01-2004

ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
\*\* REFER DISCLAIMER \*\*  
**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued

**Howard**  
& Associates

Architects  
Urban designer  
Interior designers

Tuesday 13<sup>th</sup> January, 2004

**ALBANY YOUTH CENTRE**  
REPORT ON AMENITIES REQUIREMENTS

The closest classification under the BCA is 9b  
However it is not really used as a sports venue but is more closely related to a school.  
Various age groups are left at the venue to undertake a number of varied activities for periods of 1 to 2 hours duration.

The patrons are dropped off and collected generally by parents they are dressed for their activity and do not bring a change of clothes or use showers at the venue

**TOTAL NUMBER OF USERS**

Various uses and number of people options are set out below

**Youth centre**

Average size of any group is around 35 children which could be spread into 4 separate activity areas plus staff

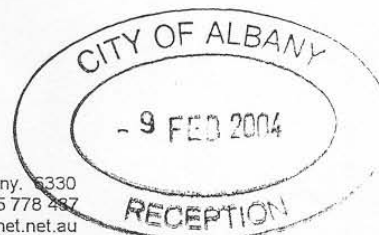
Female	70	4 pans		3 basins
Male	70	2 pans	2 urinals	3 basins
Staff	10	1 pan unisex		1 basin
Disabled		1 pan also double as staff toilet		

**Public hall or performance venue**

**Performers**

Female	10	1 pan		1 basin	1 shower
Male	10	1 pan	1 urinal	1 basin	1 shower
Patrons					
Female	150	4 pans (180)		1 basin	
Male	150	1 pan	2 urinals	1 basin	
Staff	10	(1 pan unisex		1 basin	
Disabled		(1 pan also double as staff toilet			

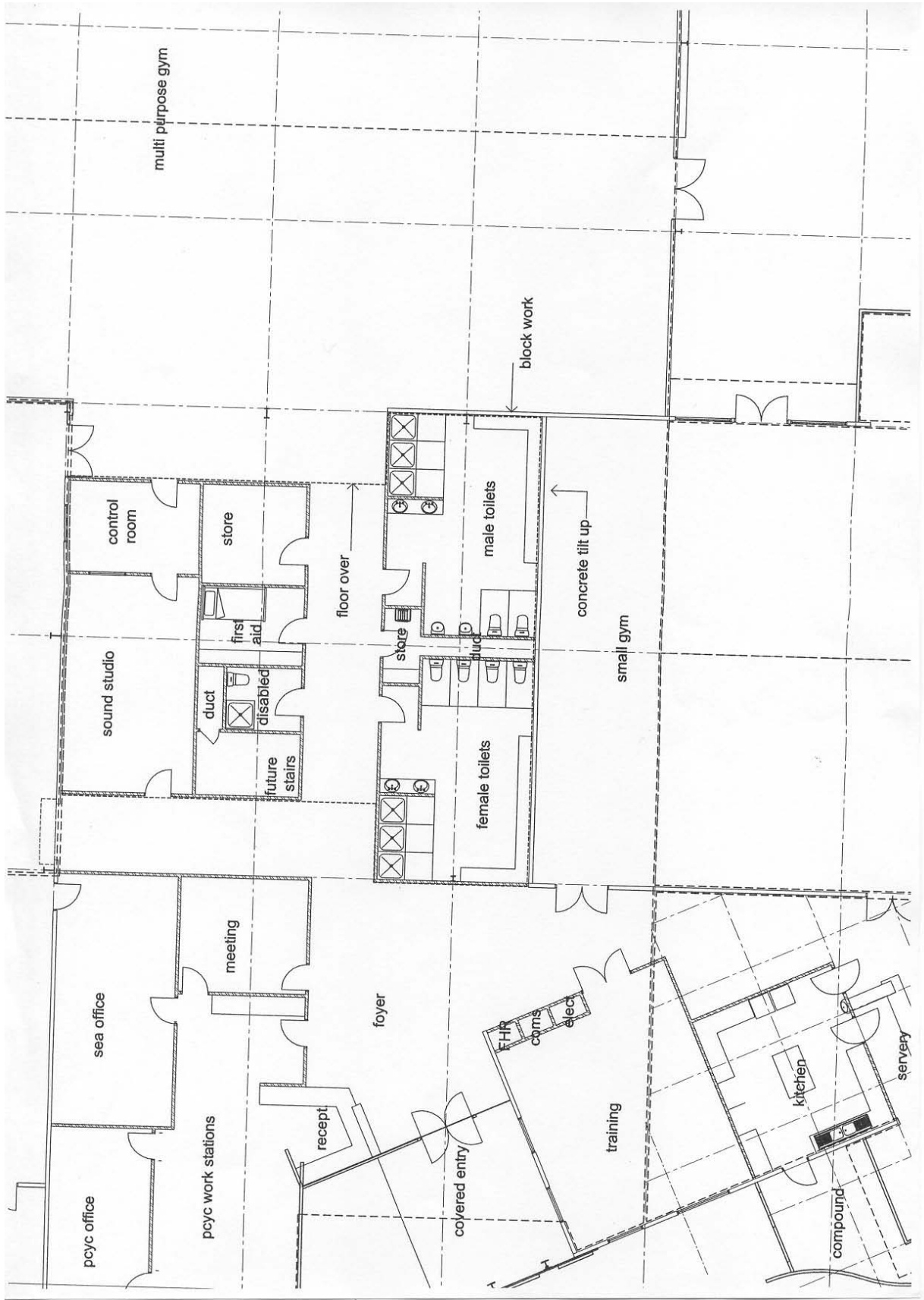
Note: the female performers can be included in the surplus capacity in the patrons toilet



First Floor Coach House, Cnr, Peels Place and York Street, Albany, 6330  
Phone: 98 42 5277 ABN 51 875 778 287  
Fax: 98 42 5266. E Mail: howarch@inet.net.au

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.7 continued



**DEVELOPMENT SERVICES REPORTS****11.2 INSPECTION SERVICES****11.2.1 Appointment of Chief Bush Fire Control Officer**

<b>File/Ward</b>	: SER 042 (All Wards)
<b>Proposal/Issue</b>	: Appointment of Chief Bush Fire Control Officer
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Explore options for the appointment of Chief Bush Fire Control Officer.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. At the Bush Fire Association meeting held in the Manypeaks Hall on the 9<sup>th</sup> February 2004, volunteer bush fire brigade members elected the volunteers from within their ranks to fill the key positions that are required to organise and manage the bush fire brigade network over the next 12 months. All positions were filled, with the exception of the Chief Bush Fire Control Officer (CBFCO). At that meeting, the North East sector moved a motion “*THAT the position of Chief Bush Fire Control Officer be occupied by a fully qualified, trained, paid employee of the City of Albany*”. That motion was passed on a 26 to 20 vote. At the meeting, the role of the CBFCO was also confirmed (see attached description).
2. The Association minutes were then referred to the City’s Bush Fire Management Committee for discussion. This committee is a formal committee of Council and comprises four Councillors and four volunteers representing the brigades. That Committee met on the 25th February 2004 and moved an alternate motion for Council’s consideration, namely “*THAT the Executive Director Development Services provide an appropriate report to Council on options to fill the position of Chief Bush Fire Control Officer before June 30*”. The minutes of the management Committee’s meeting are included in this agenda. It was considered necessary for this item to be extracted and for an independent report to be submitted to Council.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**STATUTORY REQUIREMENTS**

3. Section 38 of the Bush Fires Act, 1954 states;

*“38(1)(b) A Local Government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall, subject to Section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*

*38(2)(c) The Local Government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority (FESA) may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.”*

4. The Act further provides that the Authority (FESA) can appoint a CBFCO if the local authority fails to do so after being served with notice.
5. Under Section 39, Fire Control Officers (FCOs) have powers to enter any land or building, to remove any fence, plough land, take water, direct bush fire brigade members, employ other persons and/or equipment and do any other thing incidental to extinguish or prevent the spread of a bush fire. The CBFCO is also charged with the responsibility of responding to media inquiries during a major fire, for representing the City at a range of meetings, for negotiating with brigades on administrative issues and to promote bush fire matters amongst the community and brigade members.
6. The State Emergency Management Committee policy statement 7 and State Wildfire Management Plan also list the local authority as a hazard management agency and each places the responsibility upon the local authority to establish bush fire brigades and manage fire suppression and protection. It can be further argued that the local authority would thereby be held responsible for the suitability of the person they appoint into the important position of CBFCO.

**POLICY IMPLICATIONS**

7. The City does not have a written policy on the appointment of its CBFCO, however it has been common practice amongst local authorities within this region to appoint the CBFCO from amongst the volunteer bush fire brigade ranks. The City’s Bush Fire Strategy identifies as one of the CBFCO’s functions, the desirability to promote training and the advancement of brigade members to more senior positions in the brigade network. Historically the replacement for the CBFCO has come from amongst the Deputy Chief Bush Fire Control Officers (DCBFCO), the Senior Fire Control Officers (SFCO) or the 14 Fire Control Officers (FCO).



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**FINANCIAL IMPLICATIONS**

8. Should Council decide to employ a CBFCO, the wages and operating costs of that officer would not be covered by the Emergency Services Levy. There are a number of options available to Council, if it wishes to fill the CBFCO as a staff member. The budget to do so would range from several thousands of dollars to cover some variations to an existing officer's employment conditions, through to approximately \$100,000 if a dedicated appointment is made and a vehicle supplied.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

10. The decision of the Bush Fire Association meeting not to appoint a CBFCO was primarily based upon concerns that the position is becoming more complex; several Coronial inquests, produced after recent devastating fires, have reinforced the need for people in authority to have the necessary skills and training to command fire fighters during life threatening situations. Some volunteers felt the position would be best undertaken by a staff member who possessed qualifications and training in emergency management, strategic fire planning and also had the time to assist in the implementation of Council's fire planning.
11. The decision to appoint a Deputy Chief Bush Fire Control Officer for the North East and South West was also a direct response to brigades' concerns that it was unreasonable for a CBFCO, with a single DCBFCO, to manage a district as complex as the City of Albany. The Bush Fires Act sets out clear command arrangements during a bush fire with a brigade FCO taking command at the fire scene (category 1 fire) until it requires a City wide response (category 2), when the DCBFCO for that sector takes control. Where there are multiple fires or the intensity of the fire reaches a level where a multiple agency response is needed (category 3) the CBFCO takes strategic command, but allows the respective DCBFCO for the sectors and the FCO to maintain control at the fire scene(s).
12. A volunteer CBFCO has previously been able to work amongst the brigades and resolve political conflicts which a paid Council employee would have difficulty resolving. The autonomy of the CBFCO has also allowed him to bring matters to the attention of the City which brigades may be reluctant to raise. Added to that, the role has involved large time commitments during "non office" hours, with potential employment issues that would need to be resolved if the position is paid.
13. Given the reluctance of the brigades to appoint a CBFCO from within their ranks, Council may be forced to install a "caretaker" for the position until such time as a volunteer appointment can be made. The current CBFCO's term expires in June 2004.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

14. Options available to Council are;
- Advertise for interested persons to register for the volunteer position of CBFCO and consider the suitability of nominees.
  - Review existing staffing arrangements and provide for Council staff to be caretaker for the position of CBFCO for a period of 12 months.
  - Consider the financial implications of contracting the position of CBFCO as part of the 2004/05 budget discussions.
  - Advise the Bush Fire Advisory Committee that Council is not prepared to pay for a CBFCO and the committee be requested to provide alternate options for Council's consideration.
  - Review the role of the CBFCO to determine what actions can be shed to make the position less time consuming for the incumbent.
15. The next meeting of the Bush Fire Advisory Committee is scheduled for the 19<sup>th</sup> April 2004, giving Council the opportunity to refer the issue back to the volunteers for further consideration. In the meantime, a more detailed evaluation of the capacity for Council to install a caretaker(s) can be explored and the option fully costed.

**RECOMMENDATION**

**THAT Council;**

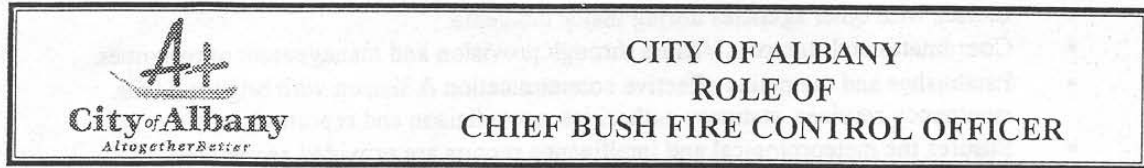
- i) advise the Bush Fire Advisory Committee that it does not consider that the appointment of the Chief Bush Fire Control Officer with a fully qualified, trained, paid employee of the City of Albany is an option and that the committee be requested to provide alternate options for the appointment;**
- ii) advertise for expressions of interest from suitable people to fill the voluntary role of Chief Bush Fire Control Officer at the City of Albany for a period of 12 months; and**
- iii) receive a briefing and a supplementary report from the Executive Director Development Services, no later than the May 2004 meeting, advising on the options available to Council to allow a staff member to be a caretaker for the Chief Bush Fire Control Officer for a period of 12 months, should a suitable volunteer not come forward.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued



1. POSITION IDENTIFICATION

**TITLE:** Chief Bush Fire Control Officer

2. POSITION OBJECTIVE

- Provide decisive leadership to Volunteer Bush Fire Brigades.
- Foster liaison between Volunteer Bush Fire Brigades members, the City of Albany and the community.
- Identify future leaders of the volunteer bush fire brigade organisation and promote their development.

3. ORGANISATIONAL RELATIONSHIPS

**Responsible to:** Executive Director Development Services (City of Albany)

**Liaison:** Mayor & Councillors  
Volunteer Bush Fire Brigades  
City officers  
Department of Conservation & Land Management  
Fire & Emergency Services Authority  
General public  
Media

4. KEY RESPONSIBILITIES

**GENERAL**

- Assist the City of Albany to implement the Bushfire Fire Prevention Plan and the Strategic Bushfire Plan throughout the district and advocate for a strategic approach to bush fire control in the City.
- Provides decisive leadership for City of Albany Volunteer Bush Fire Brigades.
- Assists in monitoring bushfire brigades' resources, equipment (including protective clothing) and training levels and report thereon at least once a year to the City.
- Liaises with the City of Albany concerning fire prevention and on suppression matters and directions which are from time-to-time issued by the City to Bush Fire Control Officers (including those who issue permits to burn), Volunteer Bush Fire Brigades or Brigade Officers.
- Ensures that bush fire brigades are registered with the City of Albany and that lists of brigade members are maintained.
- Advocates on behalf of and represent City of Albany Volunteer Bush Fire Brigades at functions, committee meetings and in deputations.

**DURING A FIRE INCIDENT**

- Ensures the relevant Bush Fire Control Officer has taken command and established Incident Control procedures.
- Provides assistance, if requested, to the Deputy Chief Bush Fire Control Officers or Bush Fire Control Officers during a wildfire.
- Attends the City's operation room during Type 2 & 3 incidents.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

- Liaises with other agencies during major incidents.
- Coordinates and supports VBFs through provision and management of resources.
- Establishes and maintains effective communication & liaison with brigade FCOs, emergency services, statutory authorities, press liaison and reports.
- Ensures the meteorological and intelligence reports are provided as required.
- Assists the Incident Controller through advice on strategy, plans and tactics to combat the fire and reduce escalation of incidents.
- Ensures that brigade FCOs complete Fire Incident Reports and initiate Fire Incident investigation procedures if required.

5. **REQUIREMENTS OF THE POSITION**

**Desired Skills and Knowledge**

- Sound knowledge of the Bushfires Act
- Well-developed interpersonal, verbal communication and public relation skills
- Well-developed organisation skills
- Sound negotiation skills

**Desired Experience**

- Minimum 5 years experience as a Fire Control Officer
- Considerable experience in fire prevention and suppression
- Considerable experience in the administration of the Bush Fires Act and Bush Fire Regulations

**Desired Qualifications and Training**

- FESA Modules 1-3 and 9-12
- Accredited Fire Control Officer
- Incident Control Systems – Battleboard Course
- Incident Control Systems – Module 4.04

6. **EXTENT OF AUTHORITY**

**What are the limits of authority within which this position operates?**

- This position operates within the authority provided by the Bush Fires Act for Bush Fire Control Officers, and within the guidelines established by the City of Albany local laws and policy relating to bush fires.
- Authorise the hire of machinery during a bush fire.
- Authorise the supply of sustenance in accordance with Council policy.
- Make statements to the media on matters relating to the prevention and control of bush fires.

**To whom can this position give direction?**

- Volunteer Bush Fire Brigades.

**What recommendations can this position make?**

- Make recommendations on fire control and preventative measures to Council, the Volunteer Bush Fire Brigades and the public.

**What documents can this position approve and officially sign for/on behalf of the Council?**

- Burning permits.

**DEVELOPMENT SERVICES REPORTS**

**11.2.2 Modification to Bush Fire Strategy – South Stirlings Fire Truck**

<b>File/Ward</b>	: SER 111 (Hassell Ward)
<b>Proposal/Issue</b>	: Modification to Bush Fire Strategy – South Stirlings Fire Truck
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Shire of Plantagenet
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Modify strategy and enter into Memorandum of Understanding with Shire of Plantagenet.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. The Manager of Funding Services at the Fire and Emergency Services Authority (FESA) drew to the attention of the City of Albany and the Shire of Plantagenet an anomaly with the funding arrangements for the South Stirlings Fire Brigade as part of the 2003/04 Emergency Services Levy (ESL). The brigade crosses the two municipal boundaries and both Councils applied for ESL funding for the operating requirements of the brigade. To avoid the possibility of future “double dipping” the FESA has requested that the brigade’s operations be totally transferred to one local authority.
2. A series of meetings were held with the Shire of Plantagenet, plus the brigade, and there was a general consensus that the City’s ESL budget submission would incorporate the entire operations of the South Stirling’s brigade. The City provided a new heavy-duty appliance and fire station to the brigade in 2000/01, both positioned within the South Stirling townsite. A heavy-duty appliance is also located on a farm property within the northern half of the brigade area, the unit being approximately 21 years old.

**STATUTORY REQUIREMENTS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

**POLICY IMPLICATIONS**

4. There is no existing Council policy relating to this matter. The brigade is dual registered, with the capacity of Albany and Mt Barker farmers holding positions within the brigade to take control at a wild fire in either local government area.

**FINANCIAL IMPLICATIONS**

5. As part of the arrangements, the City would be required to assume full responsibility for the second brigade appliance (registration, insurance, maintenance, etc) and the operating costs (protective clothing, etc.) of those volunteers that are located within the Shire of Plantagenet. Those costs are fully recouped through the ESL.
6. Council is not expected to take any administrative responsibility for the daily operations of that part of the brigade located within the Shire of Plantagenet.

**STRATEGIC IMPLICATIONS**

7. The City's Bush Fire Strategy has set a limit on the City's fleet of bush fire appliances (34 units) and the Management Committee is recommending the City fast attack be sold to comply with the strategy, see minutes included in the Elected Members Report / Information Bulletin. Taking responsibility for the second South Stirling appliance would automatically require an adjustment to the strategy. The replacement of the unit also needs to be factored into the City's strategy and brigades are concerned that the additional appliance should not compromise replacement of vehicles in the existing City fleet.

**COMMENT/DISCUSSION**

8. The Brigade members in the City of Albany were reluctant to have the assets supplied by the City transferred to the Shire of Plantagenet's budget and the ESL submission (required to be lodged before the 1st February 2004) was lodged accordingly. The 2004/05 ESL budget for the City will be announced in May and it is expected that the funding for the South Stirlings Brigade will be increased to cover the additional operating costs and another heavy duty appliance.
9. In the minutes of the Bush Fire Management Committee, see separate agenda item, it is recommended that a memorandum be prepared between the two local authorities to cover operational issues associated with the unit, however it will be necessary to transfer the registration, insurance, etc for the unit to the City. The agreement will also need to address issues associated with the replacement of the appliance, on-going maintenance regimes and operating procedures for the appliance; the age of the appliance and current maintenance regimes applied by the Shire of Plantagenet are inconsistent with the operating guidelines adopted by the City and contained within the City's strategy.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

**RECOMMENDATION**

**THAT Council accept the South Stirlings heavy duty appliance into the City’s fleet for the purpose of resolving the funding requirements under the Emergency Services Levy, that a memorandum of understanding be prepared between the City of Albany and Shire of Plantagenet to resolve on-going operational issues associated with that appliance and that the City’s Bush Fire Strategy document be amended accordingly, but not to the detriment of the existing City fleet of fire appliances.**

*Voting Requirement Simple Majority*

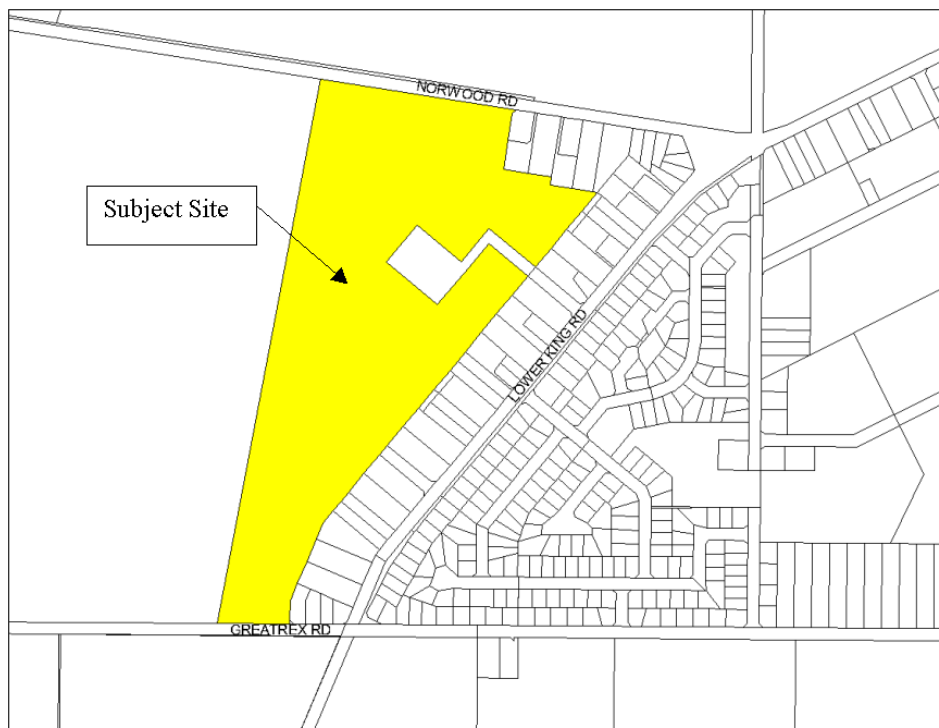
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**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Outline Development Plan - Request to Introduce Outline Development Plan – Pt Lot 29 Greatrex Road, Lower King**

<b>File/Ward</b>	:	A49105 (Kalgan Ward)
<b>Proposal/Issue</b>	:	Draft Outline Development Plan
<b>Subject Land/Locality:</b>		Pt Lot 29 Greatrex Road, Lower King
<b>Proponent</b>	:	Ayton Taylor Burrell
<b>Owner</b>	:	Scorpio Nominees Pty Ltd, W D & P Hemsley, Imala Holdings Pty Ltd And IMC Palmer
<b>Reporting Officer(s)</b>	:	Planning Officer (J Devereux)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Endorse Outline Development Plan for Development Zone.
<b>Bulletin Attachment</b>	:	Draft Outline Development Plan
<b>Locality Plan</b>	:	





**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**BACKGROUND**

1. The proponent submitted the draft Outline Development Plan (ODP) to Council for endorsement.
2. The lot is bounded to the south by Greatrex Road, the north by Norwood Road, the east by existing residential development and to the west by cleared rural land.
3. The lot is 24.1109ha in area and comprises of land zoned 'Residential' and 'Residential Development'.
4. The proponent outlines that the objective of the ODP is to co-ordinate the staged residential development of the area firstly to super lots then to appropriately serviced large lot residential.

**STATUTORY REQUIREMENTS**

5. Clause 5.2.1 of Town Planning Scheme No. 3 states, that before granting approval for any of the uses permitted within the Development Zones or endorsing an application for subdivision the Council will require the submission to, and approval by, the Western Australian Planning Commission of an Outline Development Plan (ODP).
6. An ODP shall have regard to:
  - a) The major road systems under the Scheme;
  - b) Topographic conditions;
  - c) Land holdings adjacent to or in the vicinity of the subject land;
  - d) The necessity of providing civic and public facilities;
  - e) Preservation of the environment.
7. Clause 5.2.3 requires an ODP to show the principles under which it is proposed to develop or subdivide the land and as a minimum requirement shall show -
  - a) The location and width of the distributor road system proposed;
  - b) The approximate location and quantity of shopping, civic and public facilities proposed together with an analysis of the factors used in determination of such facilities;
  - c) The distribution of the recreation and open space areas proposed;
  - d) The population and residential densities proposed;
  - e) The physical condition of the land having regard to the need for deep sewerage and/or main drainage.

**POLICY IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

11. The Scheme outlines the factors that need to be considered in developing an Outline Development Plan.
12. The plan that has been submitted shows the proposed ‘super lot’ subdivision, further residential lot subdivision, positioning of POS, drainage catchments and the layout of movement systems. Refer to attachment for a copy of the Outline Development Plan.
13. As part of the preparation of the ODP the proponents have prepared a report. This provides reasoning and justification for the proposed use and development of the land. Please refer to the Elected Members Report/Information Bulletin for a copy of this report. Below is a summary of the ODP statistics, taken from this report.

Total area of Outline Development Plan	24.1109
Maximum Density R5 – 2000m <sup>2</sup> Min Lot size	~3 dwelling units/Gross ha
Target Dwelling Units (DU)	60-70
Population (2.8 PPD)	~180
Schools (1 PS/1250 DU DHS/5500 DU)	Nil – contribute to existing facilities
POS 10% of 24.1109	2.4ha
Retail (0.53m <sup>2</sup> NLA/person)	96m <sup>2</sup> NLA - contribute to existing facilities
Other Non Residential Uses	Nil
Services Drainage allowance @ 2%	1x2000m <sup>2</sup> Site & 1x3000m <sup>2</sup> @ 50% credit
Total	3500m <sup>2</sup>

14. The proponent has identified that the overall objective of the ODP is to co-ordinate the staged residential development of firstly to super lots then to appropriately serviced large lot residential. They identify this is to be achieved in terms of providing for housing, roads, service infrastructure, public open space and any necessary community facilities within the context of Council’s preference for larger residential lots more in keeping with the amenity and the area and site servicing constraints.
15. The site servicing constraints being the lack of reticulated sewerage. The proponent has identified that it falls outside the limited gravity sewer catchment provisions for Lower King and that it is likely that Pt Lot 29 may never be able to be serviced with reticulated sewerage. With this in mind it was suggested by Council Officers to design and develop the smaller residential lots at a R5 density coding, meaning a minimum lot size of 2000m<sup>2</sup>. This is in accordance with Town Planning Scheme No 3, which specifies that any ‘Residential’ zoned land without reticulated sewerage be coded with an R5 density.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

16. Council's Environmental Health Officers have given the preliminary advice that lots created within the ODP area may require the use of 'Alternative Treatment Unit' effluent disposal systems.
17. The ODP illustrates the existing road network, the proposed road layout and connection to the existing network. The road layout is of a regular nature and is legible for access through the area. The proposed ODP shows a connection from the site through to Norwood Road and to Greatrex Road. There are two unconstructed access legs from Lower King Road through to the site. The continued of northern access leg would become the access leg servicing the reserve vested in the Water Corporation.
18. Pt lot 29 surrounds a Public Purpose reservation held by the Water Corporation. The site is currently vacant and the proponent advises in his report that the Water Corporation has no current plans for the land. They also note that the Water Corporation has identified their general satisfaction to provide access over this reserve should the subdivision of the residential lots proceed.
19. As the underlying residential subdivision has been designed without sewerage, the residential density coding of the area would be R5, with a minimum lot area of 2000m<sup>2</sup>. This leaves the potential for the super lots to be subdivided down, under this proposed ODP design, to 2000m<sup>2</sup>.
20. The lot layout in the ODP shows the potential for a few blocks to be further subdivided, thereby increasing the long term yield from the subdivision/ODP area: To alleviate this issue, upon the adoption of the ODP, Council could look at changing the density coding of this area to R2.5. This would inhibit any further break down of the land and reduce the pressures on infrastructure and services. Historically, such subdivisions seldom occur after the initial super lot is created and developed.
21. The ODP illustrates the provision of Public Open Space (POS) in two main areas. The proponent has indicated that the main reasoning for the choice of POS positioning is to provide an area suitable for a joint recreation and drainage use and a area for the protection of vegetation.
22. The standard requirement for the provision of POS in a Residential Subdivision is the vesting of 10% of the overall subdivision site. The proponent has outlined that they intend to seek a 50% land area credit towards the POS contribution for the drainage reserve, located to the South. This is in accordance with Western Australian Planning Commission Policy, DC 2.3, for suitably landscaped and contoured features holding permanent water.
23. In the report prepared by the proponent they identify that the site naturally drains into two catchments, to the north and to the south. The ODP outlines a drainage reserve to the north and an integrated drainage and POS area to the south. Due to the size of the individual lots, there is the ability to contain the stormwater onsite, therefore these POS areas will primarily be used to retain road runoff.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

- 24. All services such as water, electricity and telephone will be provided below ground to the lots.

**RECOMMENDATION**

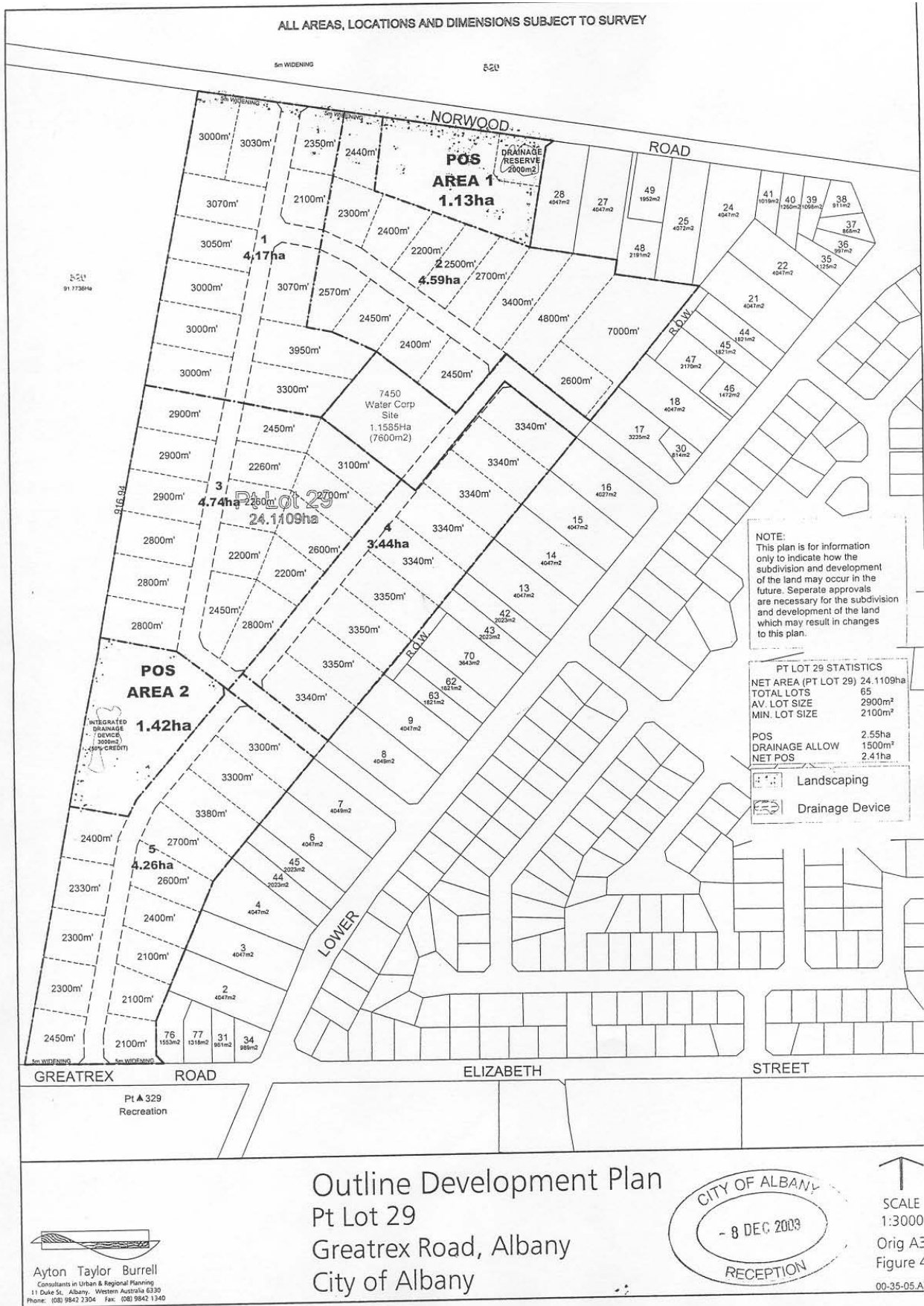
**THAT Council endorse the Outline Development Plan and agrees to forward a copy to the Western Australian Planning Commission for approval in accordance with Clause 5.2.1 of Town Planning Scheme No. 3.**

*Voting Requirement Simple Majority*

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DEVELOPMENT SERVICES REPORTS

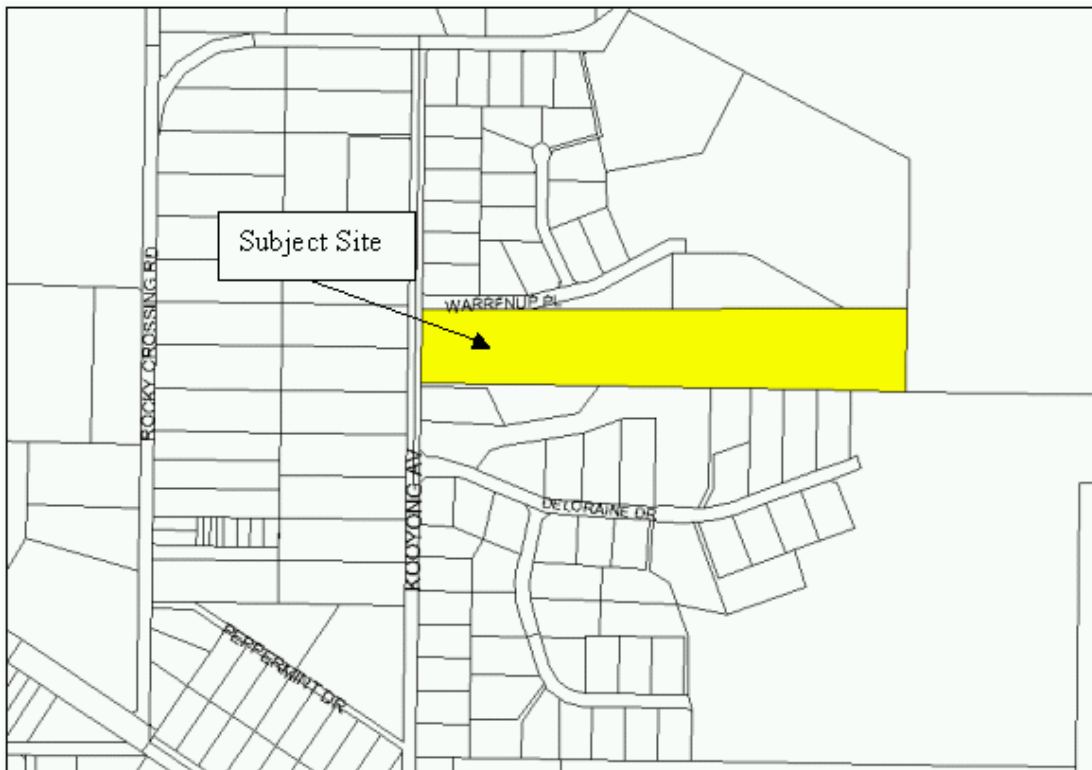
Item 11.3.1 continued



**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Final Approval of Scheme Amendment – Lot 6 Kooyong Avenue, Warrenup**

- File/Ward** : A66919A (Kalgan Ward)
- Proposal/Issue** : Final approval of Amendment to rezone Lot 6 Kooyong Avenue, Warrenup from ‘Rural’ to ‘Special Residential’.
- Subject Land/Locality** : Lot 6 Kooyong Avenue, Warrenup
- Proponent** : Harley Survey Group
- Owner** : AP & RM May
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 18/11/2004 – Item 11.3.2
- Summary Recommendation** : Grant Final Approval Subject to Modifications.
- Bulletin Attachment** : Scheme Amendment Documents and Submissions
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. At its meeting of the 18<sup>th</sup> November 2003 Council resolved:  
  
*“THAT Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme No. 3 by:*
  - i) *removing Lot 6 Kooyong Avenue, Warrenup from the ‘Rural’ Zone;*
  - ii) *including Lot 6 Kooyong Avenue, Warrenup within the ‘Special Residential’ Zone No. 12;*
  - iii) *modifying the provisions for ‘Special Residential’ Zone No. 12; and*
  - iv) *amending the Scheme Maps accordingly.”*
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed (no appeals)” and was advertised for public inspection until 26<sup>th</sup> February 2004.
3. At the close of the advertising period six submissions had been received (refer to the Elected Members Report/Information Bulletin for a copy of each submission).
4. The amendment proposes to modify Town Planning Scheme No. 3 by rezoning Lot 6 Kooyong Avenue, Warrenup, which has an area of 8.4135 hectares, from the ‘Rural’ Zone to ‘Special Residential Zone No. 12’.
5. The proposal covers land that is surrounded by Special Residential Zone No. 12 to the south, Special Residential Zone No. 3, Kooyong Avenue to the west and ‘Rural’ zoned land to the east.
6. A copy of the amending documents is included in the Elected Members’ Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

7. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council must resolve to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation made to the Minister for Planning and 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.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

8. 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 and 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**

9. There are various policies and strategies that have relevance to this proposal. They include:
  - The State Planning Strategy;
  - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
  - Draft Albany Local Planning Strategy;
  - The Albany Regional Strategy (1994); and
  - The Local Rural Strategy (1996).
10. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
11. The subject site is located within Oyster Harbour Precinct 3 of the City's Local Rural Strategy. The policy statement for this precinct states that Council may initiate/consider proposals for the rezoning of the area to Rural Residential, Special Residential or Residential in accordance with the availability of sewer and existing lot sizes.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

14. The subject site represents the residual 'Rural' zoned land between two 'Special Residential' zoned areas. The proposal will not form a precedent, rather it 'rounds off' the zoning in the area.
15. A Precinct Structure Plan was prepared for the area contained within 'Special Residential Zone No. 12'. This plan shows Special Residential subdivision on the subject site.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

16. The subject land will be incorporated into ‘Special Residential Zone No. 12’ the zone to the immediate south of the site.
17. The amendment modifies the existing provision for ‘Special Residential Zone No. 12’ to reflect the inclusion of the subject land as well as modifying the permitted uses in the zone to better reflect the residential nature of the area. The only use to be removed has been ‘Livestock Grazing’, a use not suited to this style of residential subdivision.
18. FESA requested that a condition be included, requiring a fire hydrant system at intervals not exceeding 200m. A requirement for hydrants is included in the existing provisions for Special Residential Area No. 12 and it is requested that this provision be retained to address this requirement.
19. A Schedule of Submissions has been prepared and attached in which Staff have prepared a draft comment and recommendation for Council’s consideration.

**RECOMMENDATION**

**THAT;**

- i) **Council grant final approval to Amendment 230 to the City of Albany Town Planning Scheme No. 3 to rezone Lot 6 Kooyong Avenue, Warrenup from ‘Rural’ to ‘Special Residential’ Zone No. 12 subject to the following modification;**
  - a) **The inclusion of a provision for fire hydrants to be provided at intervals of 200m along the proposed subdivisional roads.**
- ii) **the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and**
- iii) **the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning and Infrastructure for execution and gazettal.**

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**Town Planning & Development Act 1928 (As Amended) TPS3  
Proposed Amendment No. 230  
Schedule of Submissions**

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommended Decision
1.	Water Corporation PO Box 915 ALBANY WA 6330	No objection – water is available, sewerage is not	Noted	NOTED
2.	FESA 74 Chesterpass Road ALBANY WA 6330	Request an approved hydrant system of intervals not exceeding 200m included as a dot point in section 10.0.	A similar provision was originally applicable to zone, this should be retained.	UPHELD
3.	Harley Survey Group PO Box 5207 ALBANY WA 6332	a) Supports the amendment. b) Require that Lot 60 is provided with legal access as shown on the Precinct Guide Plan.	a) Noted b) Access is shown on Subdivision Guide Plan for Special Residential Area No. 12.	NOTED NOTED
4.	CE Bray 38 Warrenup Place WARRENUP WA 6330	a) Increased development with result in a need to upgrade Kooyong Avenue and Warrenup Place. b) Concerned over drainage line through site not reflecting the potential for strong flows. c) Concern over land becoming POS to the east of their property. d) Proposed alignment of path results in loss of vegetation.	a) The size of the development is not sufficient to warrant the upgrading of these roads. b) The drainage line is located within the proposed Parks and Recreation Reserve and all development is set back from this area. c) The land being referred to is already reserved for Parks and Recreation under the Scheme. d) Given the vegetated nature of the reserve to the north of the subject site some loss of vegetation may occur when a path is put through it. Care should be taken to minimise the adverse impact on vegetation.	DISMISS DISMISS DISMISS NOTED
5.	Department of Health PO Box 8172 PERTH WA 6849	The proposed lot sizes meet the large lot criteria of the Country Sewerage Policy. The Department of Health has no objection to the proposal.	Noted	NOTED

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

Submission No.	Ratepayer/Resident or Agency	Submission	Comment	Recommended Decision
6.	C & D Weaver 51 Deloraine Drive WARRENUP WA 6330	<p>a) Concerned with dust created by strong winds during development.</p> <p>b) Concerned over increased runoff from hard surface areas.</p> <p>c) The proposed plantings appear quite small and there is a limited survival rate for plantings in this area.</p> <p>d) There are significant amounts of Taylorina on the property.</p> <p>e) Access to Lot 60 does not appear to have any access.</p> <p>f) Alternative effluent disposal systems will loose nutrients unless continuously monitored or managed.</p> <p>g) Proposal may be acceptable with removal of proposed lots 59 and 60.</p>	<p>a) The Prevention and Abatement of Sand Drift Local Law can be applied.</p> <p>b) The POS area and development exclusion areas are in place to protect the natural drainage line that runs through the site.</p> <p>c) The plantings are consistent with those required for the existing Special Residential area.</p> <p>d) Noted</p> <p>e) Refer to submission 3 b);</p> <p>f) Alternative effluent disposal systems have been used successfully elsewhere in the City.</p> <p>g) Insufficient rationale presented to support removal of these lots. The development exclusion areas and POS provide sufficient separation to the drainage line.</p>	<p>NOTED</p> <p>DISMISS</p> <p>DISMISS</p> <p>NOTED</p> <p>NOTED</p> <p>DISMISS</p> <p>DISMISS</p>

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Future Water Supply Options – Denmark River**

<b>File/Ward</b>	: STRO 030 (Breaksea, Frederickstown, Yakamia, West and Vancouver Wards)
<b>Proposal/Issue</b>	: Future Water Supply Options – Denmark River
<b>Subject Land/Locality</b>	: Denmark River
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Arrange for delegation to meet with Minister.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: See attachment to report.

**BACKGROUND**

1. The Department of Conservation and Land Management (CALM) is currently preparing a management plan for the existing National Park, plus the Weld, Wattle, Mattaband, Burnside, Mossop, Styx, Hay, Sheepwash and Redmond State Forests to create the Walpole Wilderness Area, see locality plan following this report. Mr Paul Roberts from CALM has previously briefed Council on the actions being taken by CALM during the preparation of the management plan.
2. In recent months, concern has been raised by the agencies responsible for securing the City's future water resources that the work being undertaken by CALM may result in the water resources in the Denmark River being incorporated into the Walpole Wilderness Park and the agencies denied the opportunity to exploit that resource.

**STATUTORY REQUIREMENTS**

3. The Waters and Rivers Commission within the Department of Environment is responsible for sourcing and allocating water resources for the present and future needs of the State. In co-operation with the Water Corporation, the agencies have identified the Marbellup Creek catchment and the Denmark River as the most likely sources of potable water for the City to supplement and/or replace the existing resources.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**POLICY IMPLICATIONS**

- 4. Council has a responsibility, by advocating on behalf of the residents of the South Coast, to secure the infrastructure and basic services needed by the residents. The City does not have a policy on the provision of potable water for the City.

**FINANCIAL IMPLICATIONS**

- 5. The inability of the service agencies to extract available potable water resources, at the required time, may result in alternate water supply options being pursued at considerably higher costs. Alternatively, the capacity of the City to expand may be restricted.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

- 7. The status of a Crown reserve changes once it is declared a Wilderness Park and the capacity of other State Government agencies to access portion of the reserve is made considerably more difficult. It would be preferable for the required water reserve to be established during the current planning of the reserve network.
- 8. A series of meetings have been held between Water Corporation, the Department of Environment, City of Albany and CALM staff to discuss the Walpole Wilderness Park planning and the Denmark River water resource. It remains unclear what actions are required to be undertaken to excise a water reserve from a CALM estate. Experiences from the past (eg. the Harris Dam near Collie) indicate that the process can be onerous and add considerably to the cost of the project.
- 9. The following recommendation proposes that a delegation of stakeholders meet with the Minister for Environment to raise the concerns of the service agencies and the City of Albany.

**RECOMMENDATION**

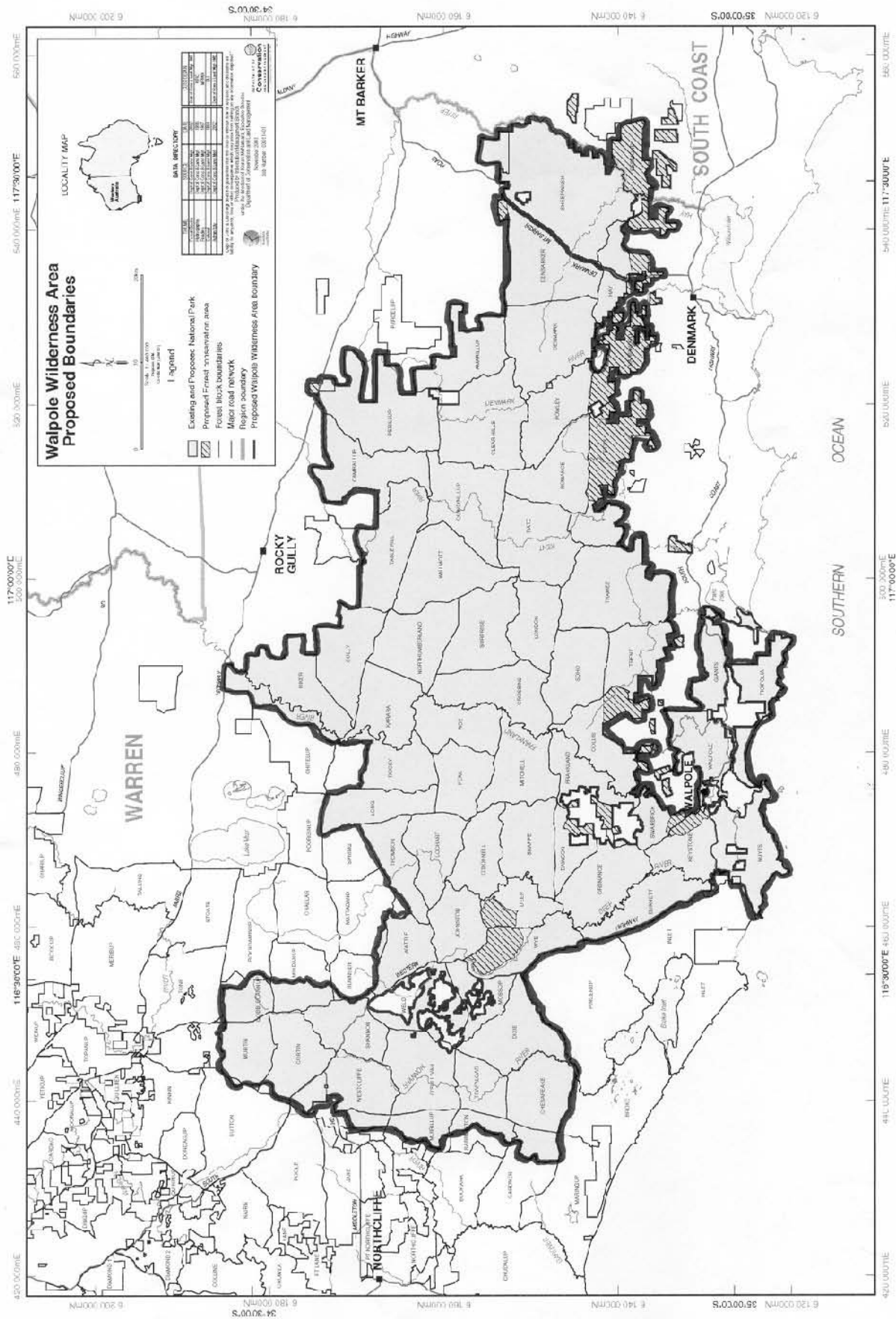
**THAT Council request a meeting with the Minister for Environment and the Minister for the Midwest, Wheatbelt and Great Southern to receive a delegation comprising the Great Southern Development Commission, the City of Albany, the Waters and Rivers Commission and the Water Corporation to discuss the planning for the Walpole Wilderness area and access to future water resources located within the boundary of the reserve network under planning consideration.**

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued



**DEVELOPMENT SERVICES REPORTS**

**11.4 DEVELOPMENT SERVICE COMMITTEES**

**11.4.1 Bushfire Management Committee Minutes – 25<sup>th</sup> February 2004**

<b>File/Ward</b>	: MAN 089 (All Wards)
<b>Proposal/Issue</b>	: Committee items for Council consideration
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Summary Recommendation</b>	: That the minutes of the Bushfire Management Committee held on 25 <sup>th</sup> February 2004 be adopted.

Confirmation of the minutes of the Bushfire Management Committee of 25<sup>th</sup> February 2004.

**RECOMMENDATION**

**THAT the minutes of the Bushfire Management Committee held on 25<sup>th</sup> February 2004 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items be moved.**

**Item 7.2.1 Position Descriptions for Senior Positions (BAC 9/2/04 - Item 4.1)**

THAT;

- i) the proposed Position Descriptions for Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and Senior Fire Control Officers, as attached, be adopted subject to the following inclusions:

**DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS**

**KEY RESPONSIBILITIES**

- a) Assume responsibility for organising the morning radio schedule;
- b) Obtain weather reports to assist in determining whether a harvest and vehicle movement ban should be declared;
- c) Consult with the Chief Bush Fire Control Officer and the City of Albany on decisions to place or lift harvest and vehicle movement bans;
- d) Represent Volunteer Bush Fire Brigades at functions and committee meetings such as DOAC;
- e) Request support from other brigades as required;
- f) Ensure that meteorological and intelligence reports are obtained as required;
- g) Report to the CBFCO on fire related matters when appropriate;
- h) Liaise with other agencies during major incidents.

**EXTENT OF AUTHORITY**

- a) Authorise the hire of machinery during a bush fire;
  - b) Authorise the supply of sustenance in accordance with Council policy.
- ii) the Bushfire Administration Officer make the relevant changes to the Bushfire Strategic Plan to reflect the new position descriptions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

**Item 7.2.2 Chief Bushfire Control Officer's Position (BAC 9/2/04 - Item 4.2)**

THAT;

- i) the Executive Director Development Services provide an appropriate report to Council on options to fill the position of Chief Bush Fire Control Officer before June 30, 2004.

**Item 7.4.1 Volunteer Fire Fighting Training (BAC 9/2/04 - Item 7.1)**

THAT;

- i) Upon the finalisation of the FESA training manual, Figure 4 in the City's Strategic Bush Fire Strategy be reviewed by the Bushfire Advisory Committee with the recommended levels of training for volunteer fire fighters being adjusted to reflect the profiles of the various brigades (eg. rural, urban defensive).
- ii) To maintain a range of skills and to meet future demands for control officers, etc within the City of Albany, volunteer bush fire brigade members be encouraged, within their educational and personal capability, to expand the level of accredited training provided to them by FESA.
- iii) That the Administration Officer (Bush Fire) consults with the Chief Bush Fire Control Officer and/or the Deputy Chief Bush Fire Control Officers over planned reductions in training to individual brigade members where FESA advises that training opportunities are limited and a requested course is oversubscribed.

**Item 7.4.2 Reduction in City's Plant Inventory (BAC 9/2/04 – Item 7.2)**

THAT;

- i) the Kalgan 3.4 be rebadged and sent to Cheynes, and the City 3.4 be rebadged and redeployed to Kalgan VBFB.
- ii) the former City heavy duty remain available to the City's rangers for vehicle recovery.
- iii) the City fast attack be offered for sale by public tender.
- iv) the Kalgan, King River, Highway, South Coast and Elleker Brigades acknowledge the requirement to make available to the City's rangers, upon request, the appliances they require to conduct preventative programs within the City's urban area.

**Item 7.4.4 In-truck Radiant Heat Protection (BAC 9/2/04 – Item 7.4)**

THAT;

- i) the City of Albany forward this letter, through the next District Operations Advisory Committee (DOAC) to be held 24 March 2004, to the Vehicle Equipment Advisory Committee (VEAC) to consider the provision of pull-down reflective blinds in future appliances, and consideration be given to fitting these in current fire appliances.

**Item 7.4.5 New Broad-acre Tanker (BAC 9/2/04 – Item 8.4)**

THAT;

- i) the City of Albany forward a letter, through the next District Operations Advisory Committee (DOAC) to be held 24 March 2004, to the Vehicle Equipment Advisory Committee (VEAC) to consider the provision of suitable diesel pumps on the new 'Broad-acre tanker' instead of the Inline PTO pumps.



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

**Item 7.4.6 Locking of Strategic Fire Access Breaks**

THAT;

- i) Council document throughout the City its Fire service Access and Emergency Access tracks.
- ii) The protocols concerning the locking of access routes be in accordance with the recommendations contained within the “Planning for Bush Fire Protection” document.
- iii) Within new subdivisions any deviations from recommendation 2 are to be enacted only with the joint agreement of City of Albany and FESA staff.

*Voting Requirement Simple Majority*

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# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

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

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

#### COMMENT/DISCUSSION

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

Municipal Fund			
Cheques		totalling	105,603.41
Electronic Fund Transfer		totalling	8.6,816.18
Payroll		totalling	676,724.79
<b>TOTAL</b>			<b><u>\$1,619,144.38</u></b>

2. As at 23<sup>rd</sup> February 2004, the total outstanding creditors, stands at \$792,116.79.

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Item 12.1.1 continued.

**RECOMMENDATION**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$1,619,144.38</b>
<b>Total</b>		<b><u>\$1,619,144.38</u></b>

*Voting Requirement Simple Majority*

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## 12.2 ADMINISTRATION

### 12.2.1 Community Safety & Crime Prevention Partnership

<b>File/Ward</b>	:	GOV 082 (All Wards)
<b>Proposal/Issue</b>	:	Development of a Community Safety and Crime Prevention Partnership with the State Government.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Department of Premier and Cabinet – Government of WA
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Community Development Officer (R Shanhun)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	That Council enter into a Community Safety and Crime Prevention Partnership with the Government of WA
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The City of Albany has been invited by the Government of Western Australia to enter into a Community Safety and Crime Prevention Partnership, which is directed at the development of local solutions to community safety and crime issues through community consultation, analysis of crime profiles and the development / implementation of appropriate strategies.
2. The introduction of the Community Safety and Crime Prevention Partnership Guide reads:-

*“1.1 What is the purpose of this guide? The Community Safety and Crime Prevention Partnership Guide will assist in the understanding and enrolment of partners in a Community Safety and Crime Preventions Partnership Agreements.*

Item 12.2.1 continued.

*This agreement will be between the Government of WA and individual Local Government or regional groupings when this is agreed. This guide should be read in conjunction with the Community Safety and Crime Prevention Planning Manual.*

**1.2 Proposed Partnership Agreement.** *At the end of this document is a proposed agreement to assist in the development of Local Government / State Government partnerships. The Office of Crime Prevention will work with Local Government to ensure the agreement reflects the needs of Local Government, their community and the State Government of WA.*

**1.3 Defining the Partnership.** *The partnership agreement exists to clearly define the roles and responsibilities of each of the partners. It is necessary to ensure that each partner fully understand the principles by which the partnership exists and how each partner to the agreement desires to proceed.*

*The Government of WA accepts that all State Government departments and agencies have a role in crime prevention. This includes responsibility for law enforcement, policing and community safety and crime prevention. This will be supported by the Human Services Director Generals Group and the Cabinet Standing Committee on Social Policy.*

**1.4 Communication between Partners.** *An agreement is to be based on principles of shared responsibility and effective communication.*

**Open Communication** *Parties to this agreement accept the need to develop open communications. The Office of Crime Prevention, will be the chief mechanism of communicating needs, values and objectives to all stakeholders.*

**Sharing Information** *Throughout this planning and implementation process it is essential to share information with State Government, Local Government, Agencies and communities to create and maintain group synergy around Community Safety and Crime Prevention. The Office of Crime Prevention undertakes to post all plans onto a website, along with best practice case studies and other resources.*

**1.5 Review and Evaluation.** *Effective crime prevention strategies need to be based on sound and credible knowledge about the size of the problem and demonstrated evidence about what does and does not work. Successful crime prevention programs include:*

- *A proactive, evidence based approach;*
- *Targeted priorities; and*
- *Supported and enabled collaborative partnership that engage the community.*

Item 12.2.1 continued.

*Partners to this agreement accept that an evidence-based approach is strengthened by targeted evaluations to measure whether significant programs have been successful in meeting their objectives. These evaluations will enable program improvements to further deliver safer communities and reduced crime.*

*Community Safety and Crime Prevention Agreements, will be reviewed after the first 12 months and thereafter every 3 years.*

**1.6 Break Clause.** *The Community Safety and Crime Prevention Agreement can be modified or amended with the consent of the party's. This Agreement can be terminated by either of the party's giving written notice to the other party. On termination of this agreement uncommitted grant monies must be returned within 3 months."*

### **STATUTORY REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

4. The City of Albany Seniors Policy – Safety and Security reads:-

*"The City of Albany recognises that every citizen has a right to feel safe and secure, whether that is in their home, on the streets, in parks or gardens or anywhere else within the City. The City understands that not all safety and security issues fall within its jurisdiction, however is committed to providing a safe and secure environment for all citizens. The City of Albany also recognises that seniors have additional safety and security concerns, and that these concerns must be addressed."*

### **FINANCIAL IMPLICATIONS**

5. A decision to enter into the Community Safety and Crime Prevention Partnership will not impact on Council's 2003/04 budget, nor will it carry any direct financial implication.
6. Details in relation to potential financial implications – income and expenditure are covered in more detail within the comment/discussion section of this report.

Item 12.2.1 continued.

### **STRATEGIC IMPLICATIONS**

7. The Vision statement contained in Albany 2020 reads in part:-  
  
*“The superbly located rural city of Albany will be a safe, caring community in harmony with its natural environment, historic past, prosperous hinterland and unique sense of place.”*
8. Albany 2020 includes the Port of Call:-  
*“The continual development of Council Services and facilities to meet the needs of all stakeholders.”*
9. Specific objectives under this Port of Call are:-
  - *“Streetscape Design & Implementation – to develop safe, functional and aesthetically pleasing streetscapes;*
  - *Parks, Gardens and Playgrounds – A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.”*
10. Community safety and crime prevention includes aspects of about environmental design, including streetscape, parks and garden design.

### **COMMENT/DISCUSSION**

11. The following is the forward to the Community Safety and Crime Prevention Planning manual, by the Minister for Police, Hon Michelle Roberts, MLA. Copy of letter is attached to the rear of this report.
12. *“Through the Office of Crime Prevention the State Government will provide funding to Local Governments for the development of Community Safety and Crime Prevention Plans. This will be achieved by the following process:-*
  - i) *Local Governments engage with the Office of Crime Prevention and enter into a formal partnership agreement;*
  - ii) *Applications for planning funding are received and assessed by the Office of Crime Prevention, and funding released;*
  - iii) *A locally based Community Safety and Crime Prevention Partnership is formed;*
  - iv) *The local Community Safety and Crime Prevention Partnership undertakes planning exercise to develop a Community Safety and Crime Prevention Plan (see Chapter 2 of the Community Safety and Crime Prevention Planning Manual);*
  - v) *The local Community Safety and Crime Prevention Partnership endorses the plan. Local Government houses the plan on behalf of the local community;*
  - vi) *Local Government registers the Community Safety and Crime Prevention Plan with the Office of Crime Prevention; and*



**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

vii) *The local Community Safety and Crime Prevention Partnership implements the plan, and the plan is integrated into the review cycle to ensure monitoring of programs on a regular basis.”*

- 13. A copy of the proposed Community Safety and Crime Prevention Partnership agreement is attached. This can be amended to suit Council, however the conditions included are reasonable and no amendment is suggested. A break clause is included should Council believe it was prejudiced by the agreement.
- 14. Upon signing the Agreement the City of Albany will receive a \$10,000 grant with which to undertake a review of its Community Security Audit and development of a Community Safety and Crime Prevention Plan.
- 15. Upon completion of the Community Safety and Crime Prevention Plan, to the satisfaction of tis WA Government, the City of Albany will receive a \$20,000 grant to facilitate implementation of the recommendations of the plan.
- 16. Entering into the Agreement will also facilitate access to other community safety and crime prevention funding / grants.
- 17. Council’s financial commitment to the recommendations of the Community Safety and Crime Prevention Plan will be subject to normal budget process and financial constraints.

**RECOMMENDATION**

**THAT the City of Albany enter into a Community Safety and Crime Prevention partnership with the Government of Western Australia.**

*Voting Requirement Simple Majority*

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## “Making Our Community Safer”

Reducing crime and improving community safety are key priorities of the State Government. As Minister for Community Safety, I will be ensuring a whole of government response to these issues as there is an expectation that action will be taken at all levels and by all agencies of Government to make our communities safer and prevent crime. This is because community safety is a basic human right and an important factor in the quality of life of individuals, our families and our local communities.

The complex nature of crime demands that it be addressed at a number of levels, with a mixture of short, medium, and long-term strategies directed at all life stages, from early intervention programs with families to prevent the development of anti-social and criminal behaviour, to assisting vulnerable groups in the community.

It is clear the responsibility for addressing the means to make our communities safer and prevent crime is beyond the scope of any one agency or sector. Only by working together in a targeted manner can we make a difference to crime and antisocial behaviour.

This Community Safety and Crime Prevention Planning Manual has been developed by the Office of Crime Prevention to assist Community Safety and Crime Prevention Partnerships develop and implement local plans that will address crime and safety issues. Community Safety and Crime Prevention Partnerships membership will comprise State Government agencies, Local Government, Police, the non-government and business sectors, and the community.

This Community Safety and Crime Prevention Planning Manual sets out the means by which Community Safety and Crime Prevention Partnerships can develop local solutions by consulting the local community, analysing crime profiles, developing appropriate strategies, implementing them and measuring the reduction in crime and improvements in community safety.

Local Government is strategically placed to 'house' the plan on behalf of the local community. This role does not shift responsibility for crime prevention to Local Government, but rather, recognises the strong role that Local Government can play in facilitating and supporting the development of the plan as well as its role as an equal partner with State Government agencies, Police, the non-government and business sectors, and the community in the Community Safety and Crime Prevention Partnerships.

The key to achieving better results in community safety and crime prevention is through a commitment to working together more effectively and coordinating all participants' efforts to meet each community's circumstances and needs. This will be achieved through a strategic approach that identifies and addresses local crime and safety concerns.

*Michelle Roberts*

MON MICHÈLE ROBERTS MIA

**3. COMMUNITY SAFETY AND CRIME PREVENTION  
PROPOSED PARTNERSHIP AGREEMENT TEMPLATE**

*PROPOSED TEMPLATE PARTNERSHIP AGREEMENT*

A COMMUNITY SAFETY AND CRIME PREVENTION

PARTNERSHIP AGREEMENT

BETWEEN

THE GOVERNMENT OF WESTERN AUSTRALIA

AND

<COUNCIL NAME>

**The prevention and reduction of crime and its causes is the responsibility of each and every Western Australian. The parties to this agreement recognise that the most effective approach to tackling crime and its causes to enhance community safety is through partnerships involving the WA Police Service, State Government agencies, Local Government and the community.**

**1. Title**

<Year> <Council name> Community Safety and Crime Prevention Partnership Agreement.

**2. Partners**

The partners to this agreement are the Government of Western Australia (State Government) and the <Council name>.

**3. Purpose of the Agreement**

The State Government and the <Council name> recognise the important role each party has in the prevention of crime and sustainable community safety and security.

The purpose of this agreement is to:

- i. Acknowledge that the State Government has primary responsibility for law enforcement, policing, community safety and crime prevention.
- ii. Acknowledge the important role the <Council name> has to play in the area of community safety and crime prevention.

**CORPORATE & COMMUNITY SERVICES REPORTS**

- iii. Promote the development and implementation of a *Community Safety and Crime Prevention Plan* for the <Council name> community.
- iv. Develop effective lines of communications between the State Government and the <Council name>.

**4. Principles**

The community safety and crime prevention principles that underpin this agreement are:

- i. Recognise that partnerships between the community, and State and Local Government are essential to achieve sustainable community safety and crime prevention outcomes.
- ii. Recognise and respect the role that State and Local Government plays in enhancing sustainable community safety and crime prevention.
- iii. Engage all levels of the community in working to reduce and prevent crime.
- iv. Develop an evidence-based and planned approach to crime prevention that focuses on areas of highest need and where outcomes can be observed.
- v. Continually work to improve the efficiency and effectiveness of government service delivery.
- vi. Promote fairness, openness and transparency in managing community safety and crime prevention planning and service delivery.

**5. Scope of the Agreement**

This partnership agreement commits the parties to:

- i. Supporting, coordinating and administering a local community safety and crime prevention partnership and developing and implementing a local *Community Safety and Crime Prevention Plan*.
- ii. Engaging and involving the whole community in planning and implementing community safety and crime prevention strategies.
- iii. Evidence-based decision making that targets areas of greatest need, and monitors and evaluates policies, programs and services.
- iv. Sharing information and experiences between the State Government and the <Council name>.
- v. Promoting greater community awareness and involvement in community safety and crime prevention efforts to reduce fear of crime levels.

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- vi. Coordinating and integrating community safety and crime prevention activities through local service agreements between local government and State Government agencies.
- vii. Establishing measures to monitor progress towards improving community safety and reducing crime.

**6. Responsibilities**

State Government

- i. To provide leadership and direction for crime prevention in Western Australia.
- ii. To develop a State Crime Prevention Strategy.
- iii. To ensure that appropriate law enforcement strategies are maintained.
- iv. To support the <Council name> community safety and crime prevention activities.
- v. To provide funds to support the <Council name> community safety and crime prevention planning and initiatives.
- vi. To adopt a whole of Government approach to community safety and crime prevention and ensure that relevant State Government agencies participate in local *Community Safety and Crime Prevention Partnerships*.
- vii. To produce relevant data to assist the <Council name> in its community safety and crime prevention planning and activities.
- viii. To support the development of the <Council name> capacity to participate in community safety and crime prevention by providing information and advice about “what works” and “what does not work” in crime prevention.

<Council name>

- i. To support, coordinate and administer local *Community Safety and Crime Prevention Partnership*.
- ii. To support and facilitate the development and implementation of a local *Community Safety and Crime Prevention Plan*.
- iii. To ensure that the *Community Safety and Crime Prevention Plan* is consistent with the overall State Crime Prevention Strategy.
- iv. To engage and involve the community, State Government agencies and non-government organisations in local *Community Safety and Crime Prevention Partnerships*.
- v. To build the community’s capacity to participate in the *Community Safety and Crime Prevention Partnership*.
- vi. To adopt evidence-based decision-making processes that target areas of greatest need.
- vii. To monitor and evaluate the effectiveness of community safety and crime prevention activities.
- viii. To build community capacity to participate in community safety and crime prevention by providing information and advice about “what works” and “what does not work” in crime prevention.

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**7. Management**

The Office of Crime Prevention and <Council name> will manage this agreement jointly.

**8. Reviews**

This agreement will be reviewed in twelve months and thereafter every three years.

**9. Break Clause**

This Agreement can be modified or amended with the consent of the parties. This Agreement can be terminated by either of the parties giving written notice to the other party.

**10. Agreement in Good Faith**

This agreement is made in good faith based on the party's commitment to an effective and sustainable relationship.

Signed on behalf of the Government  
of Western Australia by the Minister  
for Community Safety

Signed on behalf of the <Council  
Mayor/President> by <insert name>

DATED: \_\_\_\_\_ DAY OF \_\_\_\_\_ 2003

**12.2.2 Great Southern Regional Cattle Saleyards Joint Venture Agreement**

<b>File/Ward</b>	: MAN 109 (Shire of Plantagenet)
<b>Proposal/Issue</b>	: Transfer of Management of the GSRCs to the Shire of Plantagenet.
<b>Subject Land/Locality</b>	: Albany Highway, Mt Barker
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Shire of Plantagenet and City of Albany
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: THAT subject to all statutory requirements, the City dispose of its interest in the Great Southern Regional Saleyards to the Shire of Plantagenet.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. In May 1994 the City of Albany and Shire of Plantagenet agreed, via joint venture, to establish a Regional Cattle Saleyard at Yerriminup North, a site of 41.1201 hectares, located 7km south of Mt Barker. The Great Southern Regional Cattle Saleyards was officially opened on the 10<sup>th</sup> March 2000 and first sales conducted on the official opening day.
2. Although initially managed by the Shire of Plantagenet, in May 2001 the City agreed to take over this responsibility with the Plantagenet Shire Council acknowledging that all operational functions of the Saleyards will be the responsibility of staff and strategic / policy decisions being the role of Councils and the Committee.
3. The Great Southern Regional Cattle Saleyards Joint Venture Committee recommends on strategic / policy decisions.
4. A proposed Joint Venture Agreement has been endorsed by the Joint Venture Committee in April 2003, with a final amendment in June 2003.

Item 12.2.2 continued.

5. This agreement has been endorsed by the City of Albany.
6. Clause 5.1 of the Agreement provides:-

*“The appointment of the City of Albany as Manager referred to in Clause 5.1 continue for the first five years of operation, and then be reviewed in line with the Budget and Business Plan Key Performance Indicators (Clause 5.3).”*

#### **STATUTORY REQUIREMENTS**

7. The Joint Venture Agreement has not been endorsed by the Shire of Plantagenet.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

9. The Great Southern Regional Cattle Saleyards operates as a joint venture, with any surplus / deficits being share equally between the joint venture partners.

#### **STRATEGIC IMPLICATIONS**

10. Council’s ‘Albany 2020 – Charting our Course’ objectives provide for the continual development of Council services and facilities to meet the needs of all stakeholders.
11. Specifically in relation to the Regional Cattle Saleyards, it aims to develop the long term viability and efficiency of the Regional Cattle Saleyards, to satisfy the needs of all stakeholders.

#### **COMMENT/DISCUSSION**

12. In discussing the proposed Joint Venture Agreement in February 2004, the Shire of Plantagenet resolved to defer consideration of the joint venture agreement and instead resolved the following:-

*“THAT the City of Albany be advised that the Shire of Plantagenet would be pleased to explore management of the Great Southern Regional Cattle Saleyards reverting to the Shire of Plantagenet, with such negotiations being finalised by 30<sup>th</sup> June 2004.”*

13. Recognising that the operation of the cattle saleyards is not a core function of Council, and as the Shire of Plantagenet wishes to explore management of the Cattle Saleyards, it may provide an opportunity for the City to negotiate for the Shire of Plantagenet to acquire the City’s interest in the yards.



Item 12.2.2 continued.

14. Should it not be possible to negotiate the disposition of the City’s interest in the yards, the spirit of the proposed Joint Venture Agreement, endorsed by the Committee in 2003, should prevail.

**RECOMMENDATION**

**THAT Council advise the Shire of Plantagenet that:-**

- i) **subject to all statutory requirements, the City of Albany offer to dispose of its interest in the Great Southern Regional Cattle Saleyards to the Shire of Plantagenet; and**
- ii) **should the disposition outlined in (i) above not occur, the spirit of the proposed Joint Venture Agreement, endorsed by the Great Southern Regional Cattle Saleyards Joint Venture Committee in June 2003 remain in place.**

*Voting Requirement Simple Majority*

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**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 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS**

Nil.

**12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.8.1 Seniors Advisory Committee – 15<sup>th</sup> January 2004**

- File/Ward** : MAN 131 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 15<sup>th</sup> January 2004 be adopted.

**Confirmation of the minutes of the Seniors Advisory Committee of 15<sup>th</sup> January 2004.**

**RECOMMENDATION**

**THAT the minutes of Seniors Advisory Committee held on 15<sup>th</sup> January 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
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CORPORATE & COMMUNITY SERVICES REPORTS

**12.8.2 Disability Services and Community Access Advisory Committee – 21<sup>st</sup> January 2004**

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Disability Services And Community Access Advisory Committee held on 21<sup>st</sup> January 2004 be adopted.

**Confirmation of the minutes of the Disability Services And Community Access Advisory Committee of 21<sup>st</sup> January 2004.**

**RECOMMENDATION**

**THAT the minutes of Disability Services And Community Access Advisory Committee held on 21<sup>st</sup> January 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

*Voting Requirement Simple Majority*

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**12.8.3 Public Arts Committee – 2<sup>nd</sup> December 2003**

- File/Ward** : REL 130 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Public Arts Committee held on 2<sup>nd</sup> December 2003 be adopted.

**Confirmation of the minutes of the Public Arts Committee of 2<sup>nd</sup> December 2003.**

**RECOMMENDATION**

**THAT the minutes of Public Arts Committee held on 2<sup>nd</sup> December 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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**12.8.4 Public Arts Committee – 22<sup>nd</sup> January 2004**

- File/Ward** : REL 130 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Public Arts Committee held on 22<sup>nd</sup> January 2004 be adopted.

**Confirmation of the minutes of the Public Arts Committee of 22<sup>nd</sup> January 2004.**

**RECOMMENDATION**

**THAT the minutes of Public Arts Committee held on 22<sup>nd</sup> January 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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**12.8.5 Albany Arts Advisory Committee meeting – 10<sup>th</sup> February 2004**

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 10<sup>th</sup> February 2004 be adopted.

**Confirmation of the minutes of the Albany Arts Advisory Committee of 10<sup>th</sup> February 2004**

**RECOMMENDATION**

**THAT the minutes of Albany Arts Advisory Committee held on 10<sup>th</sup> February 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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**12.8.6 Premiers Australia Day Active Citizenship Awards – 15<sup>th</sup> December 2003.**

- File/Ward** : (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Premiers Australia Day Active Citizenship Awards Committee held on 15<sup>th</sup> December 2003 be adopted.

**Confirmation of the minutes of the Premiers Australia Day Active Citizenship Awards Committee of 15<sup>th</sup> December 2003.**

**RECOMMENDATION**

**THAT the minutes of Premiers Australia Day Active Citizenship Awards Committee held on 15<sup>th</sup> December 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
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CORPORATE & COMMUNITY SERVICES REPORTS

**12.8.7 Albany Town Hall Theatre Advisory Committee meeting minutes – 25<sup>th</sup> February 2004**

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Town Hall Theatre Advisory Committee held on 25<sup>th</sup> February 2004 be adopted.

**Confirmation of the minutes of the Albany Town Hall Theatre Advisory Committee of 25<sup>th</sup> February 2004.**

**RECOMMENDATION**

**THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 25<sup>th</sup> February 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

*Voting Requirement Simple Majority*

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# **Works & Services**

# **REPORTS**

**WORKS & SERVICES REPORTS**

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

**13.1 WASTE MANAGEMENT**

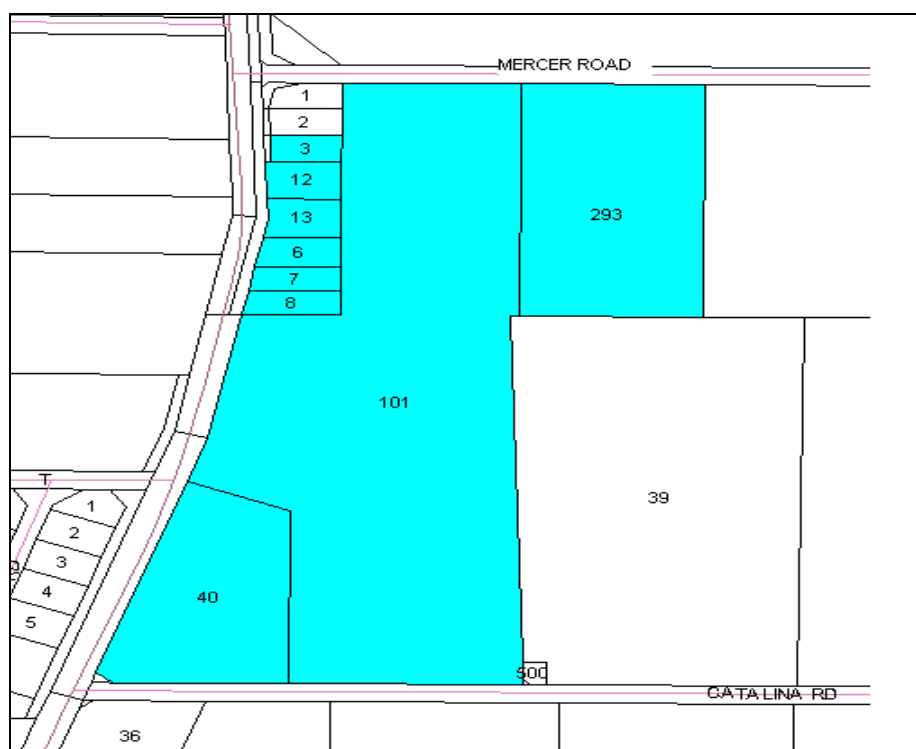
Nil

**WORKS & SERVICES REPORTS**

**13.2 ASSET MANAGEMENT**

**13.2.1 Catalina Central – Request to Bond Subdivisional Works**

<b>File/Ward</b>	: 122777 (Yakamia Ward)
<b>Proposal/Issue</b>	: Request to Bond Subdivisional Works
<b>Subject Land/Locality</b>	: Lots 101, 293, 3, 12, 13, 6, 7, 8, 40. Chester Pass Road, Yakamia (Farm Fresh)
<b>Proponent</b>	: Taylor Burrell Barnett.
<b>Owner</b>	: Kingopen Pty Ltd
<b>Reporting Officer(s)</b>	: Manager Asset & Client Services (G Edwards)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That the request for bonded clearance of subdivision WAPC 122777 be denied at this stage.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**BACKGROUND**

1. On 26<sup>th</sup> February 2004, Taylor Burrell Barnett requested that Council grant early clearance of the Catalina Central subdivision (WAPC 122777), with conditions of approval based upon:
  - A strategy for construction of the subdivision in three (3) stages;
  - The lodging of a bond with Council to the value of the contract price plus 50%.
2. Taylor Burrell Barnett have requested that the works be completed in the following stages (see attached plan):
  - Stage 1 Three (3) months
  - Stage 2 Approximately six (6) months
  - Stage 3 April 2005

**STATUTORY REQUIREMENTS**

3. Section 295 of the Local Government (Miscellaneous Provisions) Act 1960 concerns the provision of streets in subdivisions under the Town Planning and Development Act 1928. In particular, attention is drawn to:

*“4 (a) Where proposals for the subdivision of land in a district include the provision of streets for use by the public, and the proposals have been approved, on or after 11 February 1933, whether under this or another Act, the owner of the land shall not, unless under paragraph (b) or (c), dispose of the land, or part of it, or an estate or interest in it, except to an authority which under an Act has power to take or resume it, until he has caused those streets to be constructed and drained to the satisfaction of the local government.*

*6 (a) Where a person who is subdividing land is by the provisions of this Part required to construct and drain streets shown in the plan of subdivision he may:*

*(i) Carry out, or cause to be carried out, the construction and drainage at his own cost and expense; or*

*(ii) Arrange for the local government to carry out the work on his behalf and at his cost and expense.”*

**POLICY IMPLICATIONS**

4. Council’s ‘Engineering Conditions of Subdivision’ policy, adopted at the Ordinary Meeting of Council held 18<sup>th</sup> November 2003, applies. Section 6 concerns ‘Practical Completion’ with subsections 6.1 and 6.2 referring to Bond Applications and Agreements.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**“6.1 Bond Applications**

6.1.1 *The City of Albany requires that construction of the subdivision be completed prior to issuing final clearances and is therefore not in favour of bonding incomplete works.*

6.1.2 *The acceptance of bonds is a major concession to the developer by the City of Albany, to facilitate the release of titles. Bonding of incomplete works will only be considered under exceptional circumstances. Through the Consultant Engineer, the developer may request lodgement of a bond, in the form of cash or an unconditional guarantee from a financial institution acceptable to the City of Albany, in lieu of incomplete subdivision works.*

6.1.3 *The City of Albany will not accept bonds for incomplete works to accommodate pre selling of lots by the developer.*

6.1.4 *Requests to bond incomplete work must include:*

- i) A concise reference to the extent, nature and location of the work to be bonded;*
- ii) A timetable for completion of the bonded work;*
- iii) An itemised estimate of the costs or a binding contract sum for the bonded work;*
- iv) Agreement to lodge an amount 50% above the contracted cost of the bonded works;*
- v) The name and address of the Contractor responsible for the bonded works;*
- vi) Reasons for requesting the bonding of the incomplete works;*
- vii) Any other information that will assist the assessment of the application;*
- viii) Agreement to pay a non-returnable \$500 fee to compensate the City of Albany for the additional inspection and administration costs incurred by the acceptance of each bond.*

6.1.5 *Bonds will only be considered when the subdivision work is deemed by the Engineering Officer to be at least 90% complete and the postponement of completion is not:*

- i) Detrimental to the commencement of building activity and subsequent occupation of the subdivision;*
- ii) Adversely affected by the commencement of building activity within the subdivision.*

6.1.6 *Compliance with the above requirements does not imply acceptance of the bond and each request shall be subject to the approval of the City of Albany’s Manager Asset and Client Services following consultation with the City of Albany’s Technical Advisory Group.*

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**6.2 Bond Agreement**

*Where bonding is approved, the developer shall enter into a written bond agreement with the City of Albany, which clearly states the following information:*

- i) Name and address of the person or persons responsible for the cash payment or arranging the unconditional bank guarantee;*
- ii) The amount of the cash payment or unconditional bank guarantee;*
- iii) Name, stage number and location of the subdivision;*
- iv) WAPC reference number of the subdivision;*
- v) A concise explanation of the purpose of the bond referring to all items for which it is to be utilised with the value of the appropriate portion of the bond attributed to that item;*
- vi) The name of the contractor responsible for completing the work;*
- vii) The anticipated date of completion of the bonded work;*
- viii) Details of actions to be taken by the developer, the contractor and the City of Albany should a breach of agreement occur;*
- ix) Any other information which is relevant to the processing and disposal of the bond in part or in full;*
- x) Agreement by the developer that portioned release of bonds will not be requested for amounts below \$20,000 or until items to the minimum value of 60% of the total bond amount have been completed. The greater value shall apply.”*

**FINANCIAL IMPLICATIONS**

5. The developer will be required to lodge a bond equal to 50% greater than the contract amount for the subdivisional works. Nonetheless, bonding arrangements introduce a potential financial risk not otherwise present for the City of Albany.

**STRATEGIC IMPLICATIONS**

6. In the City of Albany’s 2020 Strategic Plan, “Charting Our Course”, the following Port of Call is identified:

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

Objective:

- To support local investment through the professional and expedient delivery of development approval processes and by providing guidance, which protects Albany’s natural environment, heritage and uniqueness.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**COMMENT/DISCUSSION**

7. Council's 'Engineering Conditions of Subdivision' policy gives guidance to developers requesting early clearance. Clearly stated in paragraph 6.1.5, Council has deemed that bonds will only be given when works are 90% complete. This is to ensure that all new lots have adequate road access and other infrastructure services such as stormwater.
8. There is currently still no approved construction plans for civil works, but these are expected to be provided shortly. To date, only minor stripping of top soil in one location has occurred, or less than 1% of works have been completed.
9. The proponent has not provided reasons for requesting early clearance. It is believed that the request is to expedite early building approvals for the Brooks Garden Estate for display homes and for access to the new Woolworths Plus Service Station on this site.
10. Providing an early clearance of engineering conditions at this stage would enable building plans to be approved that have currently been submitted for Brooks Garden Estate. It is also highly probable that, should approval be given, these dwellings would be completed before any drainage or roadworks were established.
11. Upon granting clearance to the engineering conditions, it becomes Council's responsibility to ensure the infrastructure is completed. Whilst this is covered in the short term by the 50% loading of estimated costs, the risk is still disproportionate. Upon approval of subdivision, all road reserves have full public access and it would be Council that is obligated to ensure all correct measures have been taken to ensure public safety whilst work is in progress on the public roads. The developer would relinquish control of these road reserves and have no power to deny public access to the public roads.
12. The staging request would not accommodate the concerns mentioned above. The issues of stormwater drainage disposal and road access on the public road reserves accessing the proposed lots would be inadequate. It is therefore not recommended that Council agree to the proposed staging in its early bonding of works.

**RECOMMENDATION**

**THAT:**

- (i) the request dated 26 February 2004 by the proponent Taylor Burrell Barnett for the early clearance of subdivision WAPC 122777 by bonding be denied at this stage;**
- (ii) Council agree to waiver condition 6.1.5 of it's 'Engineering Conditions of Subdivision' policy and delegate to the Chief Executive Officer authority to accept bonding of all incomplete works upon the completion of the following:**



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

- a) **all roadworks completed to a first coat sealed standard with kerbs and drainage, with the exception of Mercer Road and Catalina Road;**
- b) **that all longitudinal drainage pipes be installed and connected; and**
- c) **all drainage basin earthworks be completed.**

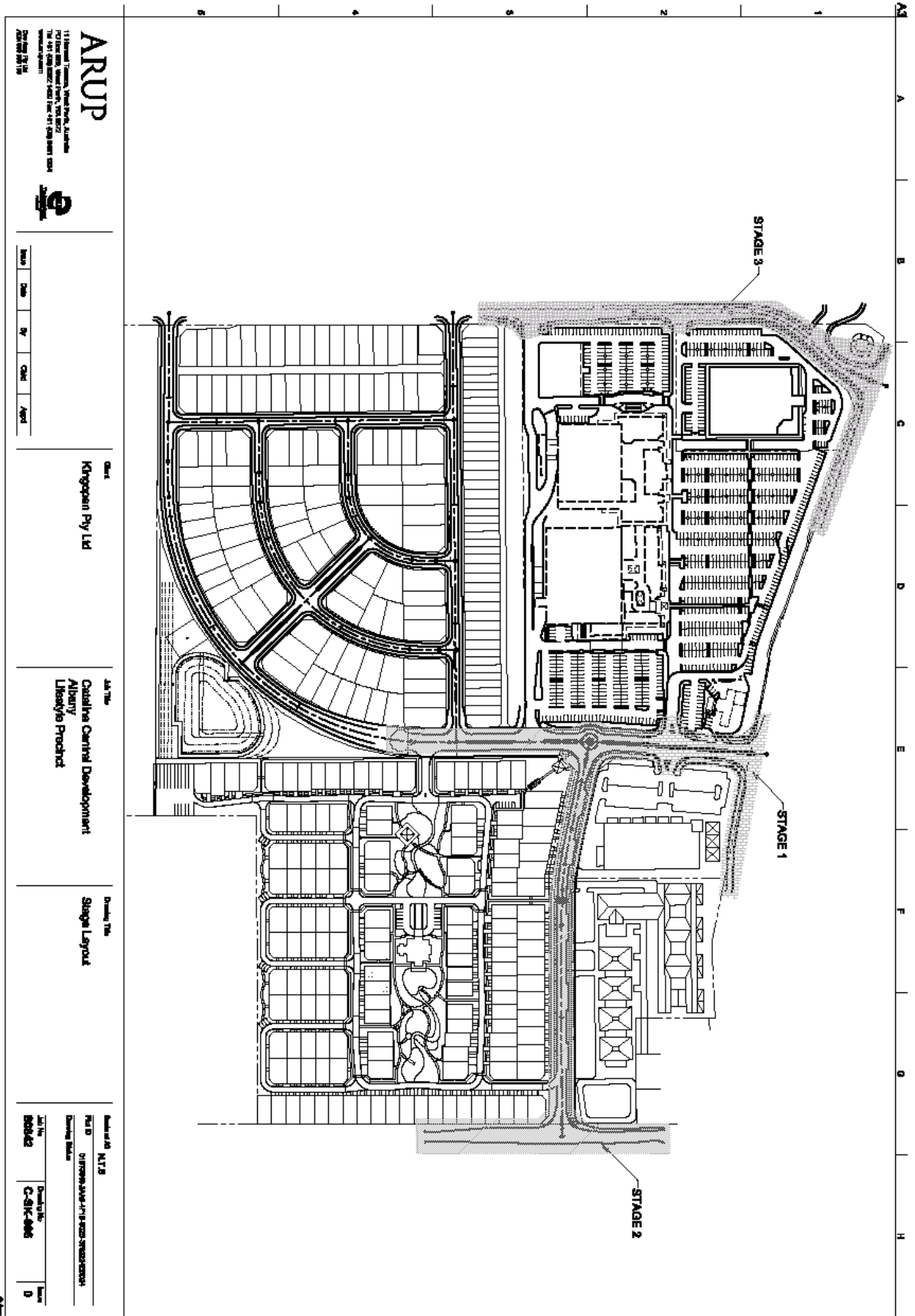
*Voting Requirement Absolute Majority*

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**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

<http://www.arup.com>



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**WORKS & SERVICES REPORTS**

**13.2 WORKS**

Nil

**13.4 AIRPORT MANAGEMENT**

Nil

**WORKS & SERVICES REPORTS**

**13.5.1 RESERVES PLANNING & MANAGEMENT**

**13.5.1 Membership Nominations for the Streetscape Advisory Committee**

<b>File/Ward</b>	: MAN 152 (All Wards)
<b>Proposal/Issue</b>	: Nomination for members of the Streetscape Advisory Committee
<b>Subject Land/Locality</b>	: City of Albany road reserves
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Planning Officer, Parks and Reserves (B Green)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 21/5/02 Item 13.5.1 OCM 20/8/02 Item 13.5.1 OCM 17/9/02 Item 13.5.1 OCM 19/11/02 Item 13.6.1
<b>Summary Recommendation</b>	: Endorse nominations for membership to the Streetscape Advisory Committee and nominate a second Council representative to the committee.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

**BACKGROUND**

- At its meeting on 21<sup>st</sup> May 2002, the City of Albany identified the need to take a strategic approach to the planning and implementation of streetscape design, and the need to draw on the expertise of various stakeholders to guide the development of a Streetscape Strategy, as per its Terms of Reference. Upon establishment, this committee would have ten members comprising the following representatives:
  - City of Albany Councillors x 2
  - City of Albany Executive Director of Works and Services
  - Community representatives x 2
  - Tidy Towns member
  - Chamber of Commerce member
  - WA Tourism Commission member
  - Disability Services member
  - Seniors Advisory Group member

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

2. In August 2002, nominations for membership to the committee were adopted by Council with the inclusion of two new seats for both Indigenous and Youth representatives.
3. In September 2002, all nominations for membership to the committee were filled and adopted by Council.
4. In November 2002, minutes of the established Streetscape Advisory Committee were adopted by Council.
5. As there has been a delay in meetings, new nominations have been sought where necessary and are presented for Council's consideration.

**STATUTORY REQUIREMENTS**

6. Section 5.8 of the Local Government Act provides that a Local Government may establish committees of three or more persons to assist the Council in carrying out its duties and responsibilities.

**POLICY IMPLICATIONS**

7. This committee will consider and guide the development of a Streetscape Strategy for the City of Albany as per the Terms of Reference. The Streetscape Strategy will define the City of Albany's approach to streetscaping.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

*Quality parks, gardens and reserves maintaining their feature status.*

Objective:

- To develop safe, functional and aesthetically pleasing streetscapes.

**COMMENT/DISCUSSION**

10. The additional representatives nominated to the Streetscape Committee will provide a wide range of technical expertise, as well as community input.
11. Membership of the Committee will be reviewed as per the adopted terms of reference.

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

**RECOMMENDATION**

**THAT Council:**

- i) **Endorse the following nominations as members of the Streetscape Advisory Committee:**

<b>Councillor</b>	<b>- Cr Gwen Sankey</b>
<b>Councillor</b>	<b>- Cr Jan Waterman</b>
<b>Executive Director Works and Services</b>	<b>- Mr Brett Joynes</b>
<b>Keep Albany Beautiful Representative</b>	<b>- Mrs Margaret Martin</b>
<b>People with Disabilities Representative</b>	<b>- Mrs Lorraine Wolfe</b>
<b>Indigenous Interests Representative</b>	<b>- Mr Harley Coyne</b>
<b>Business Interests Representative</b>	<b>- Ms Jo Hummerston</b>
<b>Tourism Interests Representative</b>	<b>- Mr Henry Kudja</b>
<b>Seniors Interests Representative</b>	<b>- Mrs Middy Dumper</b>
<b>Youth Interests Representative</b>	<b>- Ms Carmen Riley</b>
<b>Community Representative</b>	<b>- Ms Dorothy Redreau</b>
<b>Community Representative</b>	<b>- Mr Peter Trapnell</b>

*Voting Requirement Absolute Majority*

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**WORKS & SERVICES REPORTS**

**13.5 WORKS & SERVICES COMMITTEES**

**13.6.1 Mt Martin Regional Botanic Park Committee Minutes – 4<sup>th</sup> February 2004**

- File/Ward** : MAN 072 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Executive Director Works and Services  
(B Joynes)
- Summary Recommendation** : That the minutes of the Mt Martin Regional Botanic Park Committee meeting held on 4<sup>th</sup> February 2004 be adopted.

**Confirmation of the minutes of the Mt Martin Regional Botanic Park Committee meeting of 4<sup>th</sup> February 2004.**

**RECOMMENDATION**

**THAT the minutes of the Mt Martin Regional Botanic Park Committee meeting held on the 4<sup>th</sup> February 2004 be received (copy of minutes in the Elected Members’ Report/Information Bulletin).**

*Voting Requirement Simple Majority*

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# **General Management Services**

## **REPORTS**



**14.1 STRATEGIC DEVELOPMENT**

Nil.

## 14.2 ORGANISATIONAL DEVELOPMENT

### 14.2.1 Selection of Artist – City of Albany Administration Building

<b>File/Ward</b>	: PRO 284 (All Wards)
<b>Proposal/Issue</b>	: Selection of Artist - City of Albany Administration Building
<b>Subject Land/Locality</b>	: Location 4743 North Road Yakamia
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council endorses the Public Art Committees recommendation to appoint a consultant to commence design development & Documentation.
<b>Bulletin Attachment</b>	: Artist submissions and reports.
<b>Locality Plan</b>	: Nil

### BACKGROUND

1. The City of Albany Public Art Policy was established to develop and promote community identity and cultural assets within the City of Albany. This will be achieved with reference to identified opportunities provided through the natural and built environments.
2. As a direct result of the implementation of the Public Art Policy, the Public Art Committee was established to administer the objectives and principles as stated in the Public Art Policy.
3. The role of the Public Art Committee is to;
  - To approve the public art acquisition or commission development prior to it being referred to the City's Development Services team to assess its status under the building and planning legislation or to the Works and Services Team as part of the development.
  - To be involved in the selection of artists and or the development of proposals as required.
  - Project management if required.
  - Public education as reflected in the aims of the policy.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued.

- To work with the Streetscape Advisory Committee to develop strategies to identify and include public art opportunities in streetscape planning and development.
- 4. When the City of Albany Administration Building & Civic Centre Design Brief was established, the Public Art Policy was applied and subsequently Anne Neil (Artist & Designer) was appointed to the Consultancy Team of James Christou & Partners Architects. A budget of \$40,000 was established in accordance with the policy guidelines to produce this artwork.
- 5. As a part of the Consultancy Team, Anne Neil developed the Artists Brief and with the assistance of the Public Art Committee, invited expressions of interest.
- 6. Seven (7) Artists submitted expressions of interest. The Public Art Committee short-listed the seven (7) expressions of interest to four (4) artists. These four (4) artists were required to submit a conceptual design in response to the artists brief.
- 7. The conceptual designs were evaluated by the Public Art Committee and were ranked according to the committee preference.
  1. David Walker & Margaret Ainscow
  2. Claire Bailey, Kate Campbell-Pope & Kati Thamo
  3. Tunya Versluis & Kim Potter
  4. Kevin Draper
- 8. The Public Art Committee has recommended that David Walker & Margaret Ainscow be appointed to commence design development & documentation to construct the Public Art Component of the City of Albany Administration Building & Civic Centre.

**STATUTORY REQUIREMENTS**

9. There are no statutory requirements that relate to this item

**POLICY IMPLICATIONS**

10. The City of Albany Public Art Policy relates to this item. The policy states;

*“All Urban Upgrade or new works by the City of Albany valued over \$250,000, including road works, excluding routine maintenance, are required to allocate 1% of the estimated total project cost for the development of public artwork which will reflect or enhance local cultural identity.”*

**FINANCIAL IMPLICATIONS**

11. For the City of Albany Administration Building & Civic Centre, a budget of \$40,000 was established to complete this artwork.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued.

12. David Walker & Margaret Ainscow of WA Creative Associates have established a budget for their artwork that consists of:

• Artist Fees	\$8,000
• Materials	\$6,000
• Fabrication Template	\$2,000
• Profile Bending Process	\$10,000
• Welding & Grinding	\$5,000
• Sandblasting & Galvanising	\$2,000
• Rust Treatment	\$500
• Transport & Crane Services	\$2,300
• Installation	\$1,500
• Public Liability Insurance	\$700
<b>Total</b>	<b><u>\$38,000</u></b>

**STRATEGIC IMPLICATIONS**

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

*“Community Arts*

*To develop a diverse Community and public arts program of general appeal, and to creatively utilize the Vancouver Arts Centre to its full potential.”*

**COMMENT/DISCUSSION**

14. The design comprises of stainless steel tubing that is shaped like a granite outcrop that grows directly out of the ground. The structure symbolizes the “transparent means by which Council is democratically elected and the framework through which its professional staff operates and is accessible to the public”.
15. The Architect for the City of Albany Administration Building Project is happy with the Public Art Committee’s recommendation. James Christou & Partners Architects feel that the proposed Public Art will compliment the external fabric of the building.
16. James Christou & Partners Architects have suggested that WA Creative Associates conceptual design submission may have to change slightly. The area for the artwork nominated by the artist is not suitable for the paved area outside the Council Chambers due to weight bearing factors. The artwork will be moved to a more suitable position.

ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

**RECOMMENDATION**

**THAT Council endorses the Public Art Committees recommendation to commission David Walker & Margaret Ainscow of WA Creative Associates to commence design development and documentation for the Public Art component of the City of Albany Administration Building & Civic Centre.**

*Voting Requirement Simple Majority*

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.2.2 Award Tender for the Construction of the City of Albany Administration Centre**

<b>File/Ward</b>	:	PRO 284 (All Wards)
<b>Proposal/Issue</b>	:	City of Albany Administration Building
<b>Subject Land/Locality</b>	:	Location 4743 North Road Yakamia
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/10/03 – Item 14.1.2 OCM 16/09/03 – Item 14.1.1 OCM 18/02/03 – Item 14.1.2 OCM 19/11/02 – Item 12.2.2 OCM 19/02/02 - Item 11.1.10 OCM 17/07/01 - Item 11.1.4 OCM 15/05/01 - Item 18.1 OCM 20/02/01 - Item 14.1.1 OCM 23/01/01 - Item 14.1.1 OCM 07/11/00 - Item 12.2.4
<b>Summary Recommendation</b>	:	That Council award the construction of the City of Albany Administration Building to Devaugh Pty Ltd
<b>Bulletin Attachment</b>	:	Architects Tender Assessment Report
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

1. On the 21<sup>st</sup> October 2003, Council resolved that;

“i) Council endorses James Christou & Partners Architects Administration and Civic Centre design so that the Architect can finalise contractual documentation and develop the tender documents.

ii) Council endorses the proposed financial implications created by the construction of the Administration and Civic Centre that consist of;

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

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.2 continued.

2. As a result of this decision, James Christou & Partners Architects were able to finalise contractual documentation and develop the tender documents. The City of Albany Administration Building & Civic Centre was released for state-wide public tender on Wednesday 21<sup>st</sup> January 2004. Tenders closed at 2:00pm on Wednesday 11<sup>th</sup> February 2004 at the City of Albany York Street Administration Building.
3. Nine (9) companies expressed interest in the project and received tender documents. Of the nine (9) companies that received tender documents, three (3) submitted acceptable tenders, three (3) submitted late tenders, two (2) did not submit and one (1) withdrew from the process.
4. Acceptable tenders were received from;
  - a) Devaugh Pty Ltd
  - b) Wauters Enterprise
  - c) Cooper & Oxley
5. James Christou & Partners Architects assessed these three tenders. The tenders were evaluated according to;
 

a) Technical Skills	10%
b) Relevant Experience	10%
c) Resources	4%
d) Quality Assurance	4%
e) Industrial Relations	4%
f) Safety	4%
g) Environmental Management	4%
Price	<u>60%</u>
TOTAL	100%
6. After evaluation, the tenders were ranked according to overall scores;

Tenderer	Score	Price
1. Devaugh Pty Ltd	9.74	\$5,245,440.00
2. Wauters Enterprise	8.98	\$5,407,000.00
3. Cooper & Oxley	4.89	\$5,925,000.00

7. Based on the tender evaluation, James Christou & Partners Architects recommend that Devaugh Pty Ltd be awarded the contract for the sum of \$5,245,440.00.

**STATUTORY REQUIREMENTS**

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

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.2 continued.

**POLICY IMPLICATIONS**

9. The City of Albany Buy Local Policy was applied to this tender process. The Buy Local Policy states under “the size and application of the price preference” that a price reduction of;
 

*“Up to 5% when the contract is for construction (building) services, up to a maximum price reduction of \$50,000.00”.*
10. All of the acceptable tenders proposed to use a considerable amount of local content and were therefore able to claim the maximum \$50,000.00 reduction.

**FINANCIAL IMPLICATIONS**

11. When previously reported to Council, the Quantity Surveyor was able to give a cost estimate of \$6,385,000 + or – 10%. This figure was for the building construction, fit out and landscaping but did not include site remediation, the upgrade of Yakamia Creek (retention basins) and the establishment of the initial stages of Yakamia Drive.
12. These three components were seen as being additional to the construction of the City of Albany Administration Building & Civic Centre and were to be allocated to the Works & Services Capital Works Budget over two reporting periods being 2003/2004 and 2004/2005.
13. City of Albany Administration Building Financial Implications

	<b><u>TOTAL PROJECT COST</u></b>		
	<b>Devaugh Pty Ltd</b>	<b>Wauters Enterprises</b>	<b>Cooper &amp; Oxley</b>
<b>1 Tender Sum</b>	<b>\$5,245,440.00</b>	<b>\$5,407,000.00</b>	<b>\$5,925,000.00</b>
2 JCPA Professional Fees	\$675,000.00	\$675,000.00	\$675,000.00
3 Public Art	\$40,000.00	\$40,000.00	\$40,000.00
4 Construction Contingency	\$100,000.00	\$100,000.00	\$100,000.00
<b>5 Cost of Building</b>	<b>\$6,060,440.00</b>	<b>\$6,222,000.00</b>	<b>\$6,740,000.00</b>
6 Remediation	\$270,000.00	\$270,000.00	\$270,000.00
7 Retention Basin	\$170,000.00	\$170,000.00	\$170,000.00
8 Yakamia Drive	\$90,000.00	\$90,000.00	\$90,000.00
9 Retirement Village Drainage	\$15,000.00	\$15,000.00	\$15,000.00
<b>TOTAL PROJECT COST</b>	<b>\$6,605,440.00</b>	<b>\$6,767,000.00</b>	<b>\$7,285,000.00</b>



**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.2 continued.

	FUNDING SOURCE		
	Devaugh Pty Ltd	Wauters Enterprises	Cooper & Oxley
1 Expended in 02/03	\$35,000.00	\$35,000.00	\$35,000.00
2 Expended in 03/04	\$270,000.00	\$270,000.00	\$270,000.00
3 Quarterly Review 03/04	\$255,000.00	\$255,000.00	\$255,000.00
4 Reserve Funds 03/04	\$800,000.00	\$800,000.00	\$800,000.00
5 Budget Surplus 02/03	\$925,000.00	\$925,000.00	\$925,000.00
6 Short Term Loan (Interest Only)	\$3,000,000.00	\$3,000,000.00	\$3,000,000.00
7 Long Term Loan (Principle & Interest)	\$1,320,440.00	\$1,482,000.00	\$2,000,000.00
<b>TOTAL PROJECT COST</b>	<b>\$6,605,440.00</b>	<b>\$6,767,000.00</b>	<b>\$7,285,000.00</b>

14. The tenders received from Devaugh Pty Ltd and Wauters Enterprises are both under the project cost of \$6,385,000 advised to Council at the Ordinary Council Meeting of 21<sup>st</sup> October 2003.
15. Council has the ability to borrow short and long term funds, currently of rates between 5.5% and 6.5%. It is proposed that a short term (interest only) loan be used to fund the \$3,000,000 land sales component of the project prior to the actual sale of land, and a longer term, 20-year loan (principal and interest) be used to fund the balance of \$1,320,440. This principal and interest loan is \$294,560 less than what was reported to Council at the Ordinary Council Meeting of 21<sup>st</sup> October 2003.
16. The annual impact on recurrent costs would be payment of interest and principal on the loans taken out to fund the project. The annual loan costs are expected to be.
17. Short term \$3 million – 3-5 years Interest Only = \$180,000 per annum. This loan would be paid in full when the proceeds of the land sales are available.
18. Long term \$1.4 million – 20 years Principal and Interest = \$122,000 per annum.

**STRATEGIC IMPLICATIONS**

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

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

and

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

ORDINARY COUNCIL MEETING AGENDA – 16/03/04  
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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.2 continued.

**COMMENT/DISCUSSION**

17. The indicative program produced by the architect has suggested that if builder is on site by April 2004, the City of Albany Administration Building will be fully completed by January 2005.

**RECOMMENDATION**

**THAT Council;**

- i) **Appoints Devaugh Pty Ltd for a tender sum of \$5,245,440.00 to construct the City of Albany Administration Building & Civic Centre and proceeds with the remediation, drainage and roadwork's in line with project scheduling using funding sources as follows:**

• Expended in 02/03	\$35,000.00
• Expended in 03/04	\$270,000.00
• Quarterly Review 03/04	\$255,000.00
• Reserve Funds 03/04	\$800,000.00
• Budget Surplus 02/03	\$925,000.00
• Short Term Loan (Interest Only)	\$3,000,000.00
• Long Term Loan (Principle & Interest)	\$1,320,440.00
• TPC	\$6,605,440.00

*Voting Requirement Absolute Majority*

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### 14.3 ECONOMIC DEVELOPMENT

#### 14.3.1 Invitation for City delegation to attend the City of Tomioka's 50<sup>th</sup> Anniversary Commemoration in November 2004

<b>File/Ward</b>	: REL 035 (All Wards)
<b>Proposal/Issue</b>	: The City of Tomioka, Japan has invited a delegation from Albany to participate in a commemorative ceremony to celebrate the 50 <sup>th</sup> anniversary of the establishment of Tomioka City
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Tomioka
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager, Economic Development (J Berry)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: THAT Council accept/decline the invitation from the City of Tomioka to participate in its 50 <sup>th</sup> Anniversary on 3 November 2004.
<b>Bulletin Attachment</b>	: Letter of invitation from City of Tomioka Copy of Friendship Agreement (Feb 2001)
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. In 1992, a group of Albany students, through a tour organisation called Interlink, visited Tomioka City in Japan. Tomioka City is approximately 150km north of Tokyo, and has a population of about 50,000 people.
2. Tomioka reciprocated by sending a group of students to Albany and since that time, Tomioka students have been visiting Albany every year during their summer holidays. Members of the Tomioka City Council and representatives of Tomioka's Education Department accompany the visiting students at various times.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued.

3. Groups of primary school students from Albany visited Tomioka in 1994 and 1995, and in January 2000, a group of 12 students and 2 teachers from North Albany Senior High School travelled to Tomioka for a 10 day homestay visit – the first as part of a sister schools programme. There are currently 14 public and private schools in Albany (including a high school and primary school in Denmark) exchanging students with 14 schools in Tomioka City (five junior highs and nine primaries). The sister school’s program is based on a home-stay program where students gain an insight into each other’s lifestyle and culture.
4. Due to the strength of the school exchange program, in February 2001 the City of Albany signed a Friendship Agreement Declaration with the City of Tomioka with the aim of creating bonds and gaining a wider understanding of the respective municipalities, citizens, community life and traditions. The Agreement states “... *the City of Tomioka and the City of Albany agree to promote their similar aims and objectives, with the primary relationship to be based on people to people contact, and therefore the respective elected authorities are charged with the responsibility of encouraging the development of greater understanding and the exchange of knowledge and experience in many fields by individuals and groups throughout their municipalities...*”.  
  
(A copy of the Declaration is included in the Elected Members’ Bulletin)
5. On 18 February 2004 the Mayor of Tomioka City Mr Seijiro Imai wrote to the City of Albany inviting Council to send a delegation to Tomioka on 3 November 2004 to participate in the 50<sup>th</sup> Commemorative Ceremony and consider further development of the Friendship Agreement through a reciprocal signing ceremony.

**POLICY IMPLICATIONS**

6. Council’s Economic Development Policy states that Council will support international affiliations that promote cultural, economic and educational opportunities for Albany.

**FINANCIAL IMPLICATIONS**

7. The cost per member of a delegation is estimated at:-

• Airfare – Albany Perth return	\$350*
• Airfares – Perth Tokyo	\$1,600
• Transit Accommodation and meals	\$250#
	<b>\$2,200 per delegate</b>

\* Based on all delegates flying to Perth from Albany

# Dependant on suitable connections through Perth and Tokyo

Tomioka City will pay the cost of three to five invitees to be transported from Narita Airport in Tokyo to Tomioka and return and all transportation and accommodation whilst in Tomioka.

Item 14.3.1 continued.

**STRATEGIC IMPLICATIONS**

8. The Friendship Agreement with Tomioka City is supported in Albany 2020 – Charting Our Course:-
- A Reputation for Professional Excellence - The development of a range of appropriate and influential networks beneficial for the City.
  - Economic Development - To identify & facilitate outstanding economic development opportunities for the City of Albany

**COMMENT/DISCUSSION**

9. The principal activity associated with the Albany Tomioka Friendship Agreement is the sister schools programme which provides both social, cultural and economic benefits to the City of Albany. Since the establishment of the Agreement there has been several further visits by Tomioka officials including the Tomioka International Association which represents community and business interests.
10. The Mayor of Tomioka has invited a delegation to visit Tomioka on several occasions particularly to reciprocate the signing ceremony held in Albany in February 2001. Council has declined past invitations to visit Tomioka.
11. If Council agrees to sending a delegation to Tomioka it is advisable to also budget for the costs of translation services to assist communication during the visit.

**RECOMMENDATION**

**THAT Council accepts the invitation from the Mayor of the City of Tomioka to participate in its 50<sup>th</sup> Anniversary Commemorative Ceremony on 3 November 2004 and nominates a three person Council delegation consisting of the:-**

- **Chief Executive Officer; and**
- **Mayor/Councillor \_\_\_\_\_ & Councillor \_\_\_\_\_**  
**and;**

**subject to appropriation of costs in the 2004/2005 budget deliberations.**

**OR**

**THAT Council declines the invitation from the Mayor of the City of Tomioka to participate in its 50<sup>th</sup> Anniversary Commemorative Ceremony on 3 November 2004.**

*Voting Requirement Absolute Majority*

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.4.1 Minutes of Convention and Entertainment Centre Steering Committee Meetings – 5<sup>th</sup> February 2004**

- File/Ward** : MAN 075 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That Minutes of the Convention and Entertainment Centre Steering Committee meetings held on 5 February 2004 be received and the Committee recommendations be adopted.

**Confirmation of the minutes of the Convention and Entertainment Centre Steering Committee meeting held on the 5th February 2004.**

**RECOMMENDATION**

**THAT the minutes of the Convention and Entertainment Centre Steering Committee meeting held on the 5<sup>th</sup> of February 2004 be received (copy of minutes are in the elected member Report/Information Bulletin) and the following item be adopted:-**

**Item 4 Membership**

**MOTION**

**THAT Council appoint Ms Stevie Cole (Great Southern Development Commission) as a member of the Albany Convention and Entertainment Centre Steering Committee.**

*Voting Requirement Absolute Majority*

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GENERAL MANAGEMENT SERVICES REPORTS

**14.4.2 Minutes of Convention and Entertainment Centre Steering Committee Meetings – 26<sup>th</sup> February 2004**

- File/Ward** : MAN 075 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That Minutes of the Convention and Entertainment Centre Steering Committee meetings held on 26 February 2004 be received and the Committee recommendations be adopted.

**Confirmation of the minutes of the Convention and Entertainment Centre Steering Committee held on 26 February 2004.**

**RECOMMENDATION**

**THAT the minutes of the Convention and Entertainment Centre Steering Committee meeting held on the 26<sup>th</sup> of February 2004 be received (copy of minutes are in the elected member Report/Information Bulletin) and the following item be adopted:-**

**Item 4 Update on Concept Design by Peter Hunt Architect**

**MOTION**

**THAT Council authorise Peter Hunt Architect to proceed with developing concept plans for the Albany Convention and Entertainment Centre based on a seating capacity in the auditorium of between 600 and 650.**

*Voting Requirement Simple Majority*

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**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4.3 Minutes of Albany Waterfront Reference Group – 24<sup>th</sup> February 2004**

- File/Ward** : MAN127 (Frederickstown Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of the Albany Waterfront Reference Group meeting held on 24 February 2004 be received and the recommendations adopted

**Minutes of the Albany Waterfront Reference Group of 24 February 2004.**

**RECOMMENDATION**

**THAT Council receive the minutes of the Albany Waterfront Reference Group held on 24 February 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin)**

*Voting Requirement Simple Majority*

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GENERAL MANAGEMENT SERVICES REPORTS

**- AMENDED RECOMMENDATION -**

**14.4.3 Minutes of the Albany Waterfront Reference Group held on 24 February 2004**

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Reference Group held on 24 February 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin)

**AMENDED RECOMMENDATION**

**THAT Council receive the minutes of the Albany Waterfront Reference Group held on 24 February 2004 (copy of the minutes are in the Elected Members Report/Information Bulletin).**

**AND**

**THAT Council lead a delegation to visit selected and relevant boat harbours and waterfront developments in eastern Australia and that the delegation consist of:-**

**Council representatives<sup>1</sup>**

- Her Worship the Mayor;
- Councillor \_\_\_\_\_
- and Councillor \_\_\_\_\_
- A community representative on the Albany Waterfront Reference Group<sup>2</sup>
- Member \_\_\_\_\_
- Two City of Albany Staff

**Invited Guests (self funded)**

- Mr Peter Watson (Member for Albany and Chair of Waterfront Reference Group)
- Great Southern Development Commission
- Mr Jon Bettink, Project Manager, Albany Waterfront
- Department for Planning and Infrastructure

<sup>1</sup> Travel, accommodation and meal costs are estimated at \$1,500 per delegate funded by City of Albany in current budget

<sup>2</sup> Community Members of the Albany Waterfront Reference Group are:-

- Mr Ian Lunt – Recreational Boating rep
- Mr John O’Neil – ACCI rep
- Mr Graham Kennedy - Albany Maritime Advisory Committee rep

*Voting Requirement Simple Majority*

Reason:

- The Albany Waterfront Reference Group has discussed benefits in a Council lead delegation to visit selected eastern states waterfront and boat harbour developments to generate ideas and explore successful models that are relevant to Albany.