



# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on**

**Tuesday, 16th October 2001**

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

## **City of Albany**

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Signed \_\_\_\_\_ Date: 24<sup>th</sup> October 2001

***Andrew Hammond***  
Chief Executive Officer

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## 1.0 DECLARATION OF OPENING

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

Mayor Goode also welcomed Mr Brett Joynes, the new Executive Director of Works & Services.

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

### Attendance:

Her Worship the Mayor  
Councillors

A.E. Goode JP  
-M.J. Evans JP  
-E.A. Barton  
-S.M. Bojcun  
-J.A. Cecil  
-A.H.M. Demarteau  
-R.H. Emery  
-D.M. Evers  
-G.J. Sankey  
-D.W. Wellington  
-I.A. West  
-I.W. Wilson  
-D.J. Wolfe  
- J.M. Walker  
-J.D. Williams

Chief Executive Officer  
Executive Director  
-Development Services  
Executive Director  
- Works & Services  
Executive Director  
-Corporate & Community Services  
Minutes Secretary

-A.C. Hammond  
  
-R.J. Fenn  
  
- B Joynes  
  
-W.P. Madigan  
-L J Lewis

Approximately 40 members of the public  
2 media representatives

### Apologies/Leave of Absence:

Nil

## 3.0 OPENING PRAYER

Councillor E Barton read the opening prayer.

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

## 4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

### 4.1 B Appleyard

The following is an extract from the “Open Forum” section of the minutes of the Ordinary Council Meeting held on 21<sup>st</sup> August 2001:

*“Mr Appleyard represented the Frederickstown Progress Association and expressed concerns regarding parking in the C.B.D. Reference was made to the Newman Report and the Albany Local Planning Strategy Report both recommending angle centre parking in York Street north of Grey Street. If implemented this would add up to 600 parking bays during the course of a working day.*

*There would be immediate benefits to both public and business operators.*

*Mr Appleyard asked Council if during their deliberations during the budget, was any consideration given to this project and if not, why not as the benefits are as follows:*

- *Effectively slow traffic in York Street;*
- *Safer for pedestrians to cross the road;*
- *Discourage traffic using York Street as a through road and encourage traffic use of Aberdeen or Collie Street;*
- *York Street is an Albany Icon and if these ideas were implemented and landscaped the street would be complete adding to the City’s ambience;*
- *Encourage investment in this section of York Street and demonstrate Council encouragement to small business in the face of the proposed discount department store;*
- *Southern end of York Street has been a success and there is no reason as to why this should not happen at the North end;”*

The following response was provided to Mr Appleyard by letter dated 18<sup>th</sup> September 2001:-

*“I refer to the questions which Her Worship the Mayor took on notice during the Public Question Time of the Council meeting of 21<sup>st</sup> August 2001 and wish to provide to you the following response:*

Thank you for your enquiry at the City of Albany’s Council Meeting on the 21<sup>st</sup> August 2001 regarding parking within the CBD in relation to the York Street current streetscape design.

Upper York Street (north of Grey Street) is designed to distribute traffic to and from Aberdeen, Grey and lower York Street. This includes the ability to accommodate the additional traffic volume from Grey Street West, Albany Highway, Middleton Road and Lockyer Avenue. Hence the requirement for two lanes in each direction on this particular section of road.

Item 4.1 continued

Lower York Street was designed as a low speed traffic area because it only carries half the volume of traffic. In designing the transition between the upper and lower sections of York Street consideration was given to the Collie / Grey Streets intersection, which could not cope with additional traffic because of poor alignment, limited space and steep approach gradients.

You have highlighted concerns over parking and I am pleased to report that improvements have already been made as a result of the “Albany Central Area Parking Study 1997” recommendations. Council has redeveloped the former service station at Middleton Loop, private parking continues to be developed within access ways at the rear of CBD businesses and increased parking will result from the development of the Department Store, which all will have improved the parking situation within the northern end of the CBD.

The development of the Department Store will allow for improvement to approaches to the York Street / Albany Highway roundabout. Council has budgeted to provide traffic calming measures (a raised pedestrian crossing point) near the Medicare office and chemist.

Within York Street, plans are in place to upgrade the crossing point to a raised structure to further slow traffic and discussions continue with Main Roads WA to improve crossing points on St Emilie Way.

The design of the York Street precinct seeks to enhance and promote its visual appearance, as well as access to both pedestrian and vehicles for the benefit of businesses. Whilst the City is aware of the views of Professor Newman and others, it does not necessarily share those views. Specific research by professional traffic engineers has provided a holistic picture of the City’s traffic conditions. Decisions are being made with a view to ensuring aesthetic, traffic, pedestrian and car parking requirements are catered for in a balanced fashion; the deletion of 2 lanes of traffic, to supply extra parking at the northern extremity of York Street, may create parking opportunities and benefit businesses in the short term, however it will create major queues on the approaches to roundabouts (possibly forcing the need for traffic lights) and ultimately discourage shoppers from using York Street.

Council has, and continues to put considerable resources into improving the City’s streetscapes and developing transport infrastructure. Many of the shopkeepers and landowners in the CBD also need to review their development options and management arrangements to improve customer access to existing parking facilities.

In the meantime if you wish to discuss this matter further please do not hesitate to contact Mr John Willis, Councils’ Design Co-ordinator on 9841 9205.

I trust that this advice adequately responds to the questions you have raised”.



## 4.2 M Paynter

The following is an extract from the “Open Forum” section of the minutes of the Ordinary Council Meeting held on 18<sup>th</sup> September 2001:

*Mr Paynter spoke to Item 13.2.1 and thanked Council for their consideration and response to residents’ concerns, noting the preservation of the karri trees lining Robinson Road.*

*Mr Paynter expressed concerns there was nothing in the recommendation to Council which would ensure a 40-60kmh speed limit is implemented.*

The following response was provided to Mr Paynter by letter dated 3<sup>rd</sup> October 2001:-

*“As Robinson Road is mainly used by neighbourhood traffic, why is it that the residents stated preference for a 30-50km/h overall design speed for the road has not been included in the recent amendments to the consultants brief?”*

In reply to this question, I would like to advise you that the revised consultants brief has requested that the upgraded sealed road meet the following criteria:

- That the design reflects a 40-50km/hr speed environment matching the current road alignment.

Also I would like to advise you of the following information, which I feel will be of interest to you:

- In reflection to this current road condition/alignment, recent traffic data taken mid August 2001, indicates that the speeds at which 85% of vehicles are currently travelling is between 54km/h and 74km/h, being an overall average of 64km/h.
- The proposed maximum vehicle design capability will be 12.5m rigid vehicle with minimal semi trailer access.
  - In the interest of safety it must be noted that Main Roads WA do not speed zone gravel roads.
  - With sealing, Council can at least then approach Main Roads WA for Regulatory Signage.
  - The design process will give us the opportunity to design curvature and camber to reflect a low speed environment in keeping with all road users and residents needs.
  - The Stidwell Bridle Trail can be more defined including improved signage to highlight crossing points.

## **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.

### **\*P Robertson**

Mr Robertson spoke as a proxy on behalf of Gill Sellar and referred to Item 11.1.4 – Proposed Development Area – Lot 120 Eden Road, Youngs.

In relation to bullet point three (3) on Page 41 he stated that vegetation had been crushed and not cleared. No earthmoving equipment had been on the site. He said Ms Sellar wanted to build on a flat area, not on the slope. He questioned how far east she is required to go.

### **\*D Bird.**

Mr Bird referred to Item 11.1.5 – Proposed Private Recreation (Outdoor Cinema) – Old Farm Strawberry Hill, Middleton Road, Mira Mar.

Mr Bird was objecting to this development, and read out quite a number of points of objection.

The Executive Director Development Services took these written objections on notice.

### **\*Dr Darcy Smith**

Dr Smith spoke objecting to Item 11.1.5 - Proposed Private Recreation (Outdoor Cinema) – Old Farm Strawberry Hill, Middleton Road, Mira Mar.

### **\*Mr L Fraser**

Mr Fraser referred to Item 14.1.1 – Community Events Funding. Mr Fraser urged Council to support the recommendation.

### **\*Ms J Hummerston**

Ms Hummerston spoke in relation to Item 12.7.3 – Joint Retail Trading Hours Committee Minutes of 26<sup>th</sup> September 2001.

Item 5.0 continued

Councillor D Wellington disclosed an interest in the item. He is involved in the retail trading industry. The extent of Councillor Wellington's interest is that he derives income as proprietor of Leading Edge HiFi.

Councillor G Sankey disclosed an interest in the item. Councillor Sankey's daughter is involved in the retail trading industry. The extent of Councillor Sankey's interest is that her daughter derives income from Woolworth's Supermarket.

Councillor E Barton disclosed an interest in the item. She is involved in the retail trading industry. The extent of Councillor Barton's interest is that she derives income as an employee of Coles Supermarket.

Councillors Wellington, Sankey and Barton left the meeting at 7.52pm.

The Chief Executive Officer stated that under Section 5.68 of the Local Government Act the Councillors may be given approval to be involved in the debate and voting on any issue on the basis that the extent of the interests be held significantly in common with electors.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EMERY**

**THAT in terms of Section 5.68 of the Local Government Act, Councillors Barton, Wellington and Sankey be given approval to be involved in the debate and voting as the extent of Councillor Barton's interest is that she derives income as an employee of Coles Supermarket, the extent of Councillor Wellington's interest is that he derives income as the proprietor of Leading Edge HiFi and the extent of Councillor Sankey's interest is that her daughter derives income from Woolworths Supermarket.**

**MOTION CARRIED 12-0**

Councillor Wellington, Sankey and Barton returned at 7.54pm.

Ms Hummerston asked Council to consider the results of the survey of a number of members involved in retailing when making its decision in relation to extended trading hours over the pre-Christmas period.

**\*Mr R Sawyer.**

Mr Sawyer spoke in relation to Item 12.2.5 – Adoption of a Local Law relating to the former HMAS Perth.

Mr Sawyer spoke of concerns in relation to the Local Law and individual permits.

The Executive Director Corporate & Community Services explained both of these issues had been addressed in an amended recommendation being presented to Council.

Item 5.0 continued

**\*Mr D Phillips**

Mr Phillips spoke in relation to Item 13.5.1 – Emu Point. Mr Phillips endorsed the reopening of a section of Emu Beach.

Mr Phillips also suggested that after the recent drowning at the Natural Bridge last week, that life rings be put at The Gap, Salmon Holes and the Natural Bridge. He suggested that this could be a partnership with the State and the Community.

**\*Mr M Abbott**

Mr Abbott referred to Item 11.1.6 – Proposed Liquid Waste Disposal Facility – Location 4638 Albany Highway, Drome.

Mr Abbott requested Council support the application and requested access from Albany Highway.

**\*Mr L Black**

Mr Black referred to Item 11.1.6 - Proposed Liquid Waste Disposal Facility – Location 4638 Albany Highway, Drome.

Mr Black expressed concern with the application.

**The Public Question time was extended for a further fifteen (15) minutes by a show of hands.**

**\*Mr N Ayton**

Mr Ayton referred to Item 11.1.2 – Planning Scheme Consent – Sand Extraction – Location 824 Howell Road, Marbellup.

Mr Ayton urged Council to support the application.

**\*Mr D Dufty**

Mr Dufty referred to Item 11.3.2 – Amendment to Council Policy – Catalina Central Structure Plan.

He was asking whether the 5,000 square metres could be developed anywhere on site.

The Executive Director Development Services advised this was in accordance with the amendment that was currently with the Minister.

**\*Mr L Armstrong**

Mr Armstrong referred to Item 13.5.1 – Emu Point and supported the reopening of Emu Beach.

Mr Armstrong also referred to Item 14.3.1 – Vancouver Waterways Final Report. He spoke on the upgrading of Murray Road. The Chief Executive Officer advised that this item had been removed from the Agenda.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Ordinary Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 18<sup>th</sup> September, 2001

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

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR SANKEY**

**THAT the following minutes:**

- **Ordinary Council meeting held on 18<sup>th</sup> September, 2001**

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

**MOTION CARRIED 15-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8.0 DISCLOSURE OF FINANCIAL INTERESTS**

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

Councillor D Wellington – Item 12.7.3 Retail Trading Hours

Nature of Interest - Councillor Wellington is involved in the Retail Trading Industry. The extent of the interest is that he derives income as proprietor of Leading Edge HiFi.

Councillor G Sankey – Item 12.7.3 Retail Trading Hours

Nature of Interest - Councillor Sankey is involved in the Retail Trading Industry. The extent of her interest is that her daughter derives income from Woolworths Supermarket.

Councillor E Barton – Item 12.7.3 Retail Trading Hours

Nature of Interest - Councillor Barton is involved in the Retail Trading Industry. The extent of her interest is that she derives income as an employee of Coles Supermarket.

Item 8.0 continued

Councillor G Sankey – Item 13.2.1 – Katoomba Street Upgrade  
Nature of Interest - Councillor Sankey is a resident of Katoomba Street.

Councillor G Sankey – Item 13.1.1 – Manypeaks Waste Transfer Station  
Nature of Interest - Councillor Sankey's spouse is an employee of one of the tendering companies.

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

Councillor Wolfe raised a point of order as to whether tape recorders were permitted in the Chamber. The Chief Executive Officer advised it was contrary to Local Law and confirmed that the tape recorder was not switched on.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# **Development Services**

## **REPORTS**

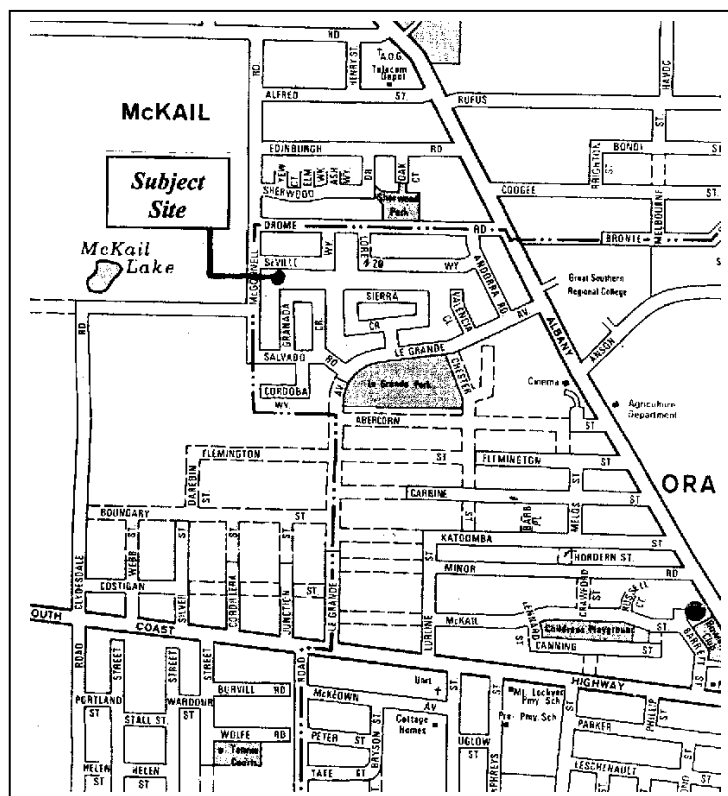
DEVELOPMENT SERVICES REPORTS

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

**11.1 DEVELOPMENT**

**11.1.1 Home Occupation (Family Day Care) – 25 Seville Way, Orana**

- File/Ward** : A129373 (Vancouver Ward)
- Proposal/Issue** : Home Occupation – Family Day Care
- Subject Land/Locality** : Lot 211 Location 270 (#25) Seville Way, Orana
- Proponent** : S Sproxton
- Owner** : SJ & DG Sproxton
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Grant Planning Scheme Consent
- Locality Plan** :





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. An application for the Grant of Planning Scheme Consent has been lodged with Council to establish a Home Occupation (Family Day Care) at 25 Seville Way, Orana. The applicant seeks to care for up to 4 children aged between 0 & 12, plus 3 of her own. The intended hours of care for the non-resident children are from 8.00am to 6.30pm. A copy of the application follows this report.
2. The lot is zoned “Residential” and a Home Occupation is an ‘SA’ use under Town Planning Scheme 1A. This requires that the proposal be advertised and that surrounding landowners are notified and given 21 days to lodge a submission. One submission was received opposing the application.
3. Under the Community Services (Child Care) Regulations 1988 a Family Day Care operation involves the care in an individual’s home, of up to seven children, a maximum of four being under the age of six years. This maximum includes the applicant’s own children.

**STATUTORY REQUIREMENTS**

4. Clause 4.25 of Scheme 1A states:

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

- (a) entails the establishment of a business other than hairdressing or similar personal bodycare businesses, office or workshop only, but does not include a retail sale or display of goods of any nature;*
- (b) does not create injury or prejudicially affect the amenity of the neighbourhood, including (but without limiting the generality of the foregoing) injury prejudicial affection due to the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, waste, water or waste products;*
- (c) does not entail the employment of any person not a member of the occupier's family, normally resident in the house;*
- (d) does not require the provision of any essential service of a greater capacity than normally required in the zone in which it is located;*
- (e) does not occupy an area greater than 25 square metres, including office accommodation, which in the case of the workshop or trade, shall not be less than 6 metres from the nearest part of a habitable room within an adjacent or adjoining residence other than that within the curtilage of the lot upon which the workshop is erected. The 25 square metres shall not be additional to any limitation set out in the Uniform Building By-laws;*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- (f) *will not result in the requirement of a greater number of vehicle parking facilities than normally required within the zone in which it is located and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (g) *does not entail the presence, parking or garaging of vehicles of more than four tonnes tare weight.”*

**POLICY IMPLICATIONS**

- 5. Where a submission objecting to the proposed use is received, applications for Home Occupations are referred to Council for determination. A copy of the submission follows this report.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

- 8. A Home Occupation is an activity or a business operated from home, where that business does not detrimentally affect the local neighbourhood in any way. To ensure this, Town Planning Scheme 1A sets out the requirements a proposed Home Occupation must meet if it is to be approved.
- 9. The Child Care Services Board licenses Family Day Care facilities. That body is responsible for all issues relating to safety and suitability of the residence and makes regular inspections to check these issues.
- 10. The proposal does not include retailing, the employment of any other persons other than members of the occupying family and will appear to be a normal residence for all intents and purposes from the outside.
- 11. The objection raised in response to this proposal was by an owner adjacent to the subject site and living elsewhere. The objection was based on the belief that the area is not large enough to absorb the increased noise from active children and vehicle traffic without having an impact on the peace and tranquillity of neighbouring properties.
- 12. Additional noise will occur as a result of this development, however this noise would not be dissimilar to that created by a large family. In addition, the proposed use is restricted to the property and specific times, therefore restricting the origin and timing of any noise that is created.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- 13. The proposed use is registered with the Department of Family and Children Services and they will monitor the site. Numerous family day care premises operate within the City of Albany and with minimal impact upon the suburbs into which they have been placed.

**RECOMMENDATION**

THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, delegate to the Manager Development authority to issue a conditional Planning Scheme Consent for a Home Occupation (Family Day Care) at Lot 211 Location 270 (#25), Seville Way, Orana.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WALKER**

**THAT Council, pursuant to clause 7.21 of the City of Albany Town Planning Scheme 1A, delegate to the Manager Development authority to issue a conditional Planning Scheme Consent for a Home Occupation (Family Day Care) at Lot 211 Location 270 (#25), Seville Way, Orana.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

**DEVELOPMENT SERVICES REPORTS**

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04111121  
jane@opt.on.net.au*

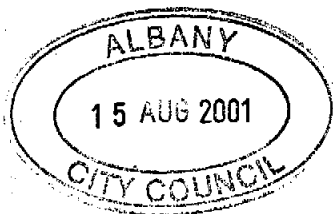
*16 August 2001*

*To Whom This May Concern,*

*I am writing to explain my intentions for a proposed business, run from 25 Seville way.  
I am intending to operate a Family Based Child Care, from these premises. Involving up to 5 children at any given time. The children will age from 0 - 12.  
If you require any additional information.*

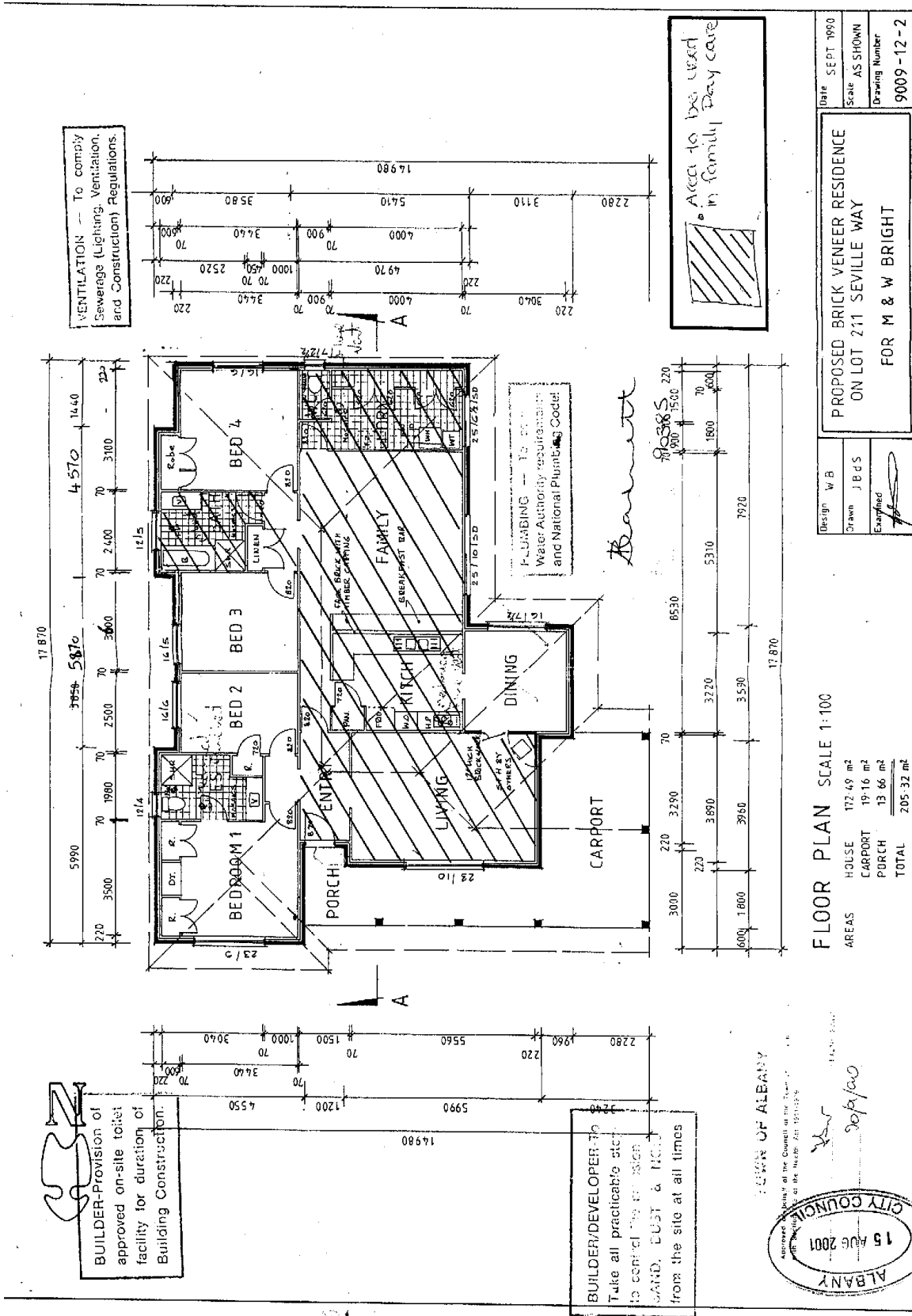
*Sincerely,*

*Sandra Sproxton.*

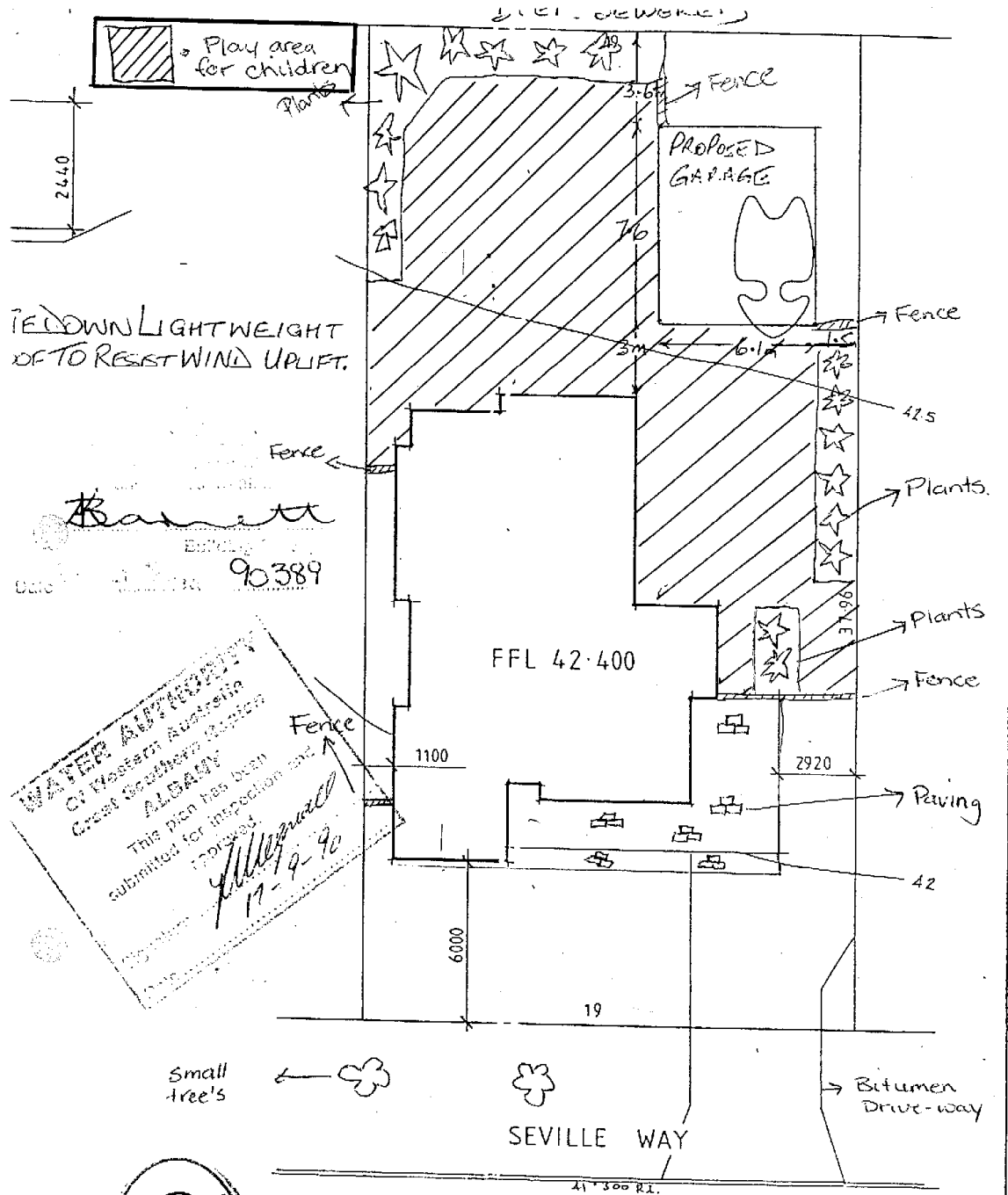


\*\* REFER DISCLAIMER \*\*

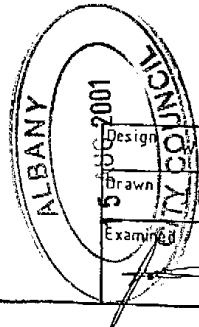
DEVELOPMENT SERVICES REPORTS



DEVELOPMENT SERVICES REPORTS



SITE PLAN SCALE 1:200



Design	B	Date	SEPT 1990
Drawn	B d S	Scale	AS SHOWN
Examined		Drawing Number	9009-12-3

PROPOSED BRICK VENEER RESIDENCE  
ON LOT 211 SEVILLE WAY  
FOR M & W BRIGHT

ORDINARY COUNCIL MEETING AGENDA – 16/10/01

\*\* REFER DISCLAIMER \*\*

DEVELOPMENT SERVICES REPORTS

**Adrian Nicoll**

---

**From:** Bob and Penny Abbott [bobnpen@iinet.net.au]  
**Sent:** Wednesday, 5 September 2001 1:47 PM  
**To:** adriann@albany.wa.gov.au  
**Subject:** Re: Home Occupation-Child Care

Thank you for sending a more detailed explanation with regard to Home Occupation - child care, and after much thought we would like to make a submission.

"We object to the application for a child care business operating from a residential home on the grounds that we do not believe the area is large enough to absorb the increased noise from active children and extra vehicular traffic without having an impact on the peace and tranquility of neighbouring properties"

we would appreciate being notified of the outcome of this application by e'mail

regards Bob & Penny Abbott

----- Original Message -----

**From:** "Adrian Nicoll" <adriann@albany.wa.gov.au>  
**To:** <bobnpen@iinet.net.au>  
**Sent:** Friday, August 24, 2001 2:34 PM  
**Subject:** Home Occupation-Child Care

> Bob,  
> The intentions of Sandra Sproxtton are to accommodate a maximum of 7 children  
> at any one time including her own which amount to 3. Sandra expects the children to be dropped off at around 8.00am and picked up at 6.00pm -  
> general working hours-Monday to Friday.  
>  
> Conditions for Home Occ...(Child Care) refer to the following;  
> The picking up and setting down of children to and from the premises shall be carried on entirely within the site at all times and shall be undertaken  
> in a manner so as to cause minimum interference with other vehicular traffic.  
>  
> A maximum of seven (7) children including the carers own children are to be minded on the premises at any one time in accordance with the Community Services (Child Care) Regulations 1988.  
>  
> There being no employment of any person who is not a member of the occupier's family or is not normally resident in the house.  
>  
> There being no retail sale or display of goods of any nature on lot 211.  
>  
> The term of licence for a home occupation shall be for an indefinite period,  
> subject only to the holder continuing to comply with requirements.  
>  
> Council reserves the right to rescind the home occupation approval where conditions of the Planning Consent are contravened subject to 21 days notice  
> in writing to the applicant.  
>  
> If in the opinion of Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality, Council may rescind the approval.  
>  
> No signs are to be erected on the lot without Council's approval, in accordance with the City Of Albany's Sign Bylaws.

>  
> Adrian Nicoll  
> Planning Officer  
>

**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Planning Scheme Consent – Sand Extraction – Location 824 Howell Road, Marbelup**

**File/Ward** : A4779 (West Ward)

**Proposal/Issue** : Proposal to extract sand from Location 824 Howell Road, Marbelup

**Subject Land/Locality** : Location 824 Howell Road, Marbelup

**Proponent** : Ayton, Taylor & Burrell

**Owner** : Z Vrban

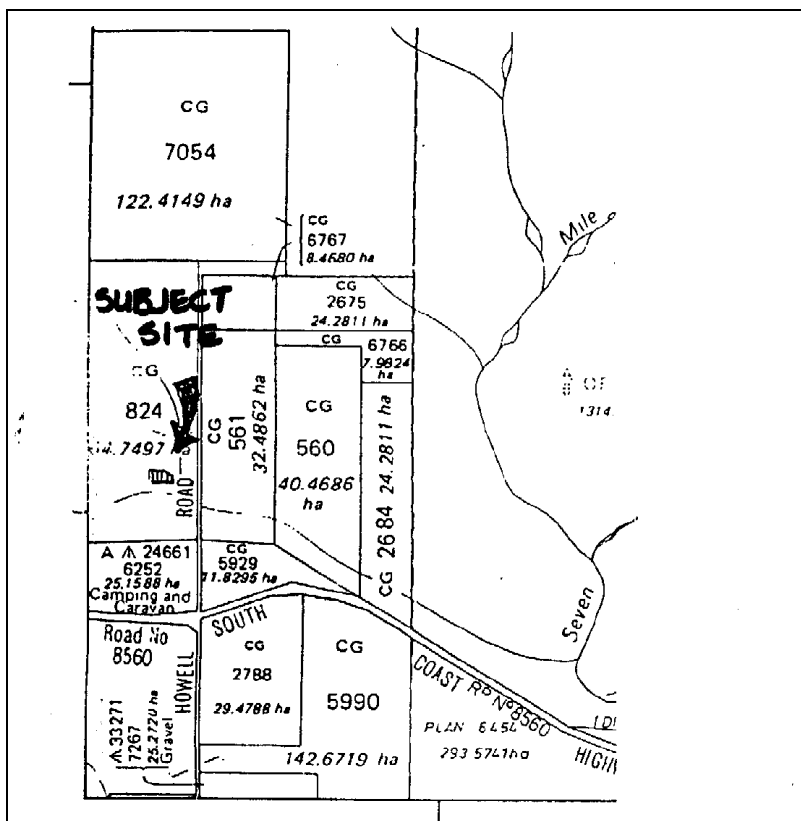
**Reporting Officer(s)** : Planning Officer (G Bride)

**Disclosure of Interest** : Nil

**Previous Reference** : OCM 15/08/00 Item 11.1.8

**Summary Recommendation:** To approve the proposal subject to conditions

**Locality Plan** :





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. Application has been received from Ayton, Taylor & Burrell, on behalf on Z Vrban (landowner), to extract sand from Location 824 Howell Road, Marbelup. The land is zoned “Rural” within Town Planning Scheme No. 3 and is 64.75 hectares in size.
2. The landowner has previously submitted an application to extract sand from the property. On 15<sup>th</sup> August 2001 Council considered the application and resolved:

*“THAT Council advise the applicant that it is not prepared to approve the use of Location 824 Howell Road, Marbelup for an extractive industry due to:*

  - i) *The traffic hazard for access onto the highway from Howell Road for heavy vehicles; and*
  - ii) *The grounds of objection received to the proposal.”*
3. As stated above, safety concerns relating to access onto South Coast Highway from Howell Road was the primary reason for refusing the proposal. Main Roads WA had determined that sight distances were not sufficient to allow safe traffic movements from the Howell Road intersection, which was positioned on the inner bend of a 110km/h zone. Council and Main Roads WA believed that, with slow moving trucks leaving the site fully laden, the lack of sight distances down South Coast Highway created a dangerous traffic arrangement.
4. An alternative access via a neighbouring Crown reserve (designated for the purposes of Camping and Caravan) was also not supported by Council and the Department of Land Administration on the basis that rubbish dumping would be further encouraged and the proposed use was in conflict with the designated purpose for the reserve.
5. Neighbouring landowners previously raised the following concerns in relation to the proposal:
  - there are already 3 extraction sites in the locality, and the need for an additional one was questionable;
  - the extraction site is at the headwaters of the creek that joins Seven Mile Creek and contaminated water could make it’s way into the creek and subsequently into Princess Royal Harbour; and
  - Howell Road is in poor condition, particularly at a flat section that crosses wet sand and may require forming and gravel sheeting.
6. The applicant has submitted a more comprehensive proposal attempting to address the initial concerns raised by Main Roads WA, Council and neighbouring landowners. As the proposal is not identical to the previous application, it has been referred to Council for consideration, rather than refused outright in line with Council’s previous resolution. A full copy of the applicant’s proposal can be found in the Elected Members’ Report/Information Bulletin.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

7. The amended proposal was advertised for a period of 21 days in accordance with the advertising provisions contained within Town Planning Scheme No. 3. During the advertising period it came to Council's attention that the owner had already extracted sand from the property without a valid Planning Scheme Consent. On 24<sup>th</sup> August 2001 staff inspected the property and found that a small pit, approximately 2000m<sup>2</sup> in size and around 2 metres in depth, existed and a front end loader was stationed immediately adjacent to the pit (refer attached photos).

**STATUTORY REQUIREMENTS**

8. Within the Rural zone the use 'Industry – Extractive' is classified as an 'AA' use in the zoning table of Town Planning Scheme No. 3. The 'AA' classification requires Council to advertise the proposal for a period of 21 days, whereby neighbouring landowners are consulted and an advertisement is placed in the local newspaper.

**POLICY IMPLICATIONS**

9. The City's Extractive Industries Local Law made under the Local Government Act 1995 applies to those applications where sand, gravel, clay, turf, soil, rock, stone minerals or similar substance from the land is extracted. The Local Law provides, amongst other things, that a person is not to carry on an extractive industry unless that person holds a valid and current licence issued by the City.

**FINANCIAL IMPLICATIONS**

10. The Extractive Industries Local Law provides for payment of an annual licence fee and for a bond to be given to the City to ensure the excavation site is properly restored or reinstated.
11. In the event that Council requires the upgrade of Howell Road, Council would be expected to undertake maintenance of the road in the future (although the road is likely to be a low priority in Council's road improvement schedule). If supported, the main improvements to the intersection need to occur within the South Coast Highway road reserve, which must be undertaken to the satisfaction of Main Roads WA.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

13. In the revised proposal, the applicant has provided the following information:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

- an environmental assessment of the site, conducted by Landform Research.
  - two access options onto South Coast Highway and advice from Main Roads WA.
14. The environmental assessment carried out on behalf of the landowners indicates that the land is capable of supporting a sand pit subject to the following requirements:
- the sandpit should be located 100 metres from the edge of the creekline as required by Water and Rivers Commission Guidelines;
  - the final land surface should be 2 metres above the highest known water table to allow for future development; and
  - all refuelling and servicing of vehicles is to take place off site.
15. On 27<sup>th</sup> September 2001, staff undertook a site visit to the property with a representative of the Water and Rivers Commission. At this meeting the following observations were made:
- the proposed pit is more than 100m from the eastern and southern creeklines;
  - the creeklines were well defined with sedges and rushes, however there was no prominent body of water pooling on the surface;
  - using the existing sand pit as a guide, the ground water was located approximately 2.5 metres from natural ground level. As this site represents the lowest lying land within the proposed pit area, one would expect that the distance between the water table and ground surface would increase as the topography of the land rises to the north; and
  - no remnant vegetation, with the exception of a few paddock trees, was evident within close proximity to the extraction site (these trees are to be saved under the proposal).
16. Main Roads WA has advised that, in order to improve the safety of the Howell Road/South Coast Highway intersection, a large amount of vegetation would need to be removed from the South Coast Highway road reserve to ensure that sight distances would comply with Austroads Standards. Further to this, gravel re-sheeting at the intersection to raise the road alignment to match the height of South Coast Highway would also be required.
17. Main Roads WA has suggested that the existing informal track through the neighbouring reserve would provide a better safety outcome than Howell Road, and that action should be initiated by Council to formalise this access. That department has recommended that a portion of the existing Howell Road reserve could be amalgamated into the existing crown reserve and a replacement road created to follow the northern and western perimeter of the reserve. This option would still allow existing residents who have access via Howell Road to access South Coast Highway.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

18. Whilst the closure and rededication of Howell Road has merit, staff have the following concerns:
- the relocation of Howell Road would only serve two property owners who already have legal road access;
  - the life of the proposed extractive industry operation is not expected to be long term;
  - Howell Road is a cleared sandy access track which should not be amalgamated into a reserve with 90% good quality remnant vegetation; and
  - the process to close Howell Road, redistribute land to adjacent landowners, and create a new road reserve would be complicated, prolonged (probably more than 2 years) and unlikely to be successful. The process is further complicated by the fact that the reserve is classified as an ‘A’ Class Reserve.
19. Staff believe that the current traffic movements on Howell Road (approximately 10 movements per day) does not pose a prominent safety risk for both local residents and users of South Coast Highway. The additional 10 traffic movements (4 to 5 loads per day), being fully loaded heavy vehicles increases the risk of vehicle conflict significantly. Even with vegetation reduction, warning signs (trucks entering/leaving – similar to logging operation signs) and an intersection upgrade (re-sheeting), Main Roads WA believe this access would not be appropriate for a commercial extractive industry operation.
20. The applicant has recognised that the Howell Road intersection is unsuitable to carry additional traffic, especially heavy vehicles with full loads of sand. They have sought advice from the Department of Land Administration (DOLA), who are effectively the owners of the ‘A’ Class Reserve, with regards to utilising the reserve for access on a temporary basis. DOLA has advised that the department is willing to negotiate a temporary access arrangement with the applicant subject to Council and the Department of Conservation and Land Management (CALM) agreeing to the proposal. As sight distances at the western edge of the reserve would comply with Austroads standards, it is clear that safer access onto South Coast Highway will be promoted.
21. A firebreak/track is already formed on the reserve and has been utilised consistently for access to stockyards on an adjacent property. Should Council support the use of this track to access the sand extraction pit, an upgrade of the surface (gravel re-sheeting) should be undertaken.
22. The objections raised from surrounding residents have been attached for Councillor’s information in the Elected Members’ Report/Information Bulletin. In summary the main concerns include:
- noise associated with trucks and dozers;
  - traffic hazard;
  - there appears no need for another pit in the area;

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

- concern regarding extraction and proximity of water table to ground level; and
  - scarring of landscape (visual amenity)
23. When Council originally assessed the proposal, concerns from neighbouring residents were cited as a reason for refusing the application. As the predominant issue affecting the application related to traffic concerns, issues such as proximity to ground water, the impact on Seven Mile Creek and visual amenity were not fully investigated at that time. Further investigation has revealed that, with the exception of the potential traffic hazard, the issues mentioned above do not represent sufficient justification to refuse the proposal. In addressing the concerns of neighbouring residents the following information is provided:
- Councillors previously inspected the site and noted that the nearest dwelling, with the exception of a dwelling upon the applicant's land, is more than 800 metres away from the proposed pit, and is partially screened by remnant vegetation. The effects of sand drift, noise and visual amenity are likely to be minimal;
  - the groundwater level at it's highest point is more than 2 metres from natural ground level, thereby promoting a 'dry' extraction operation;
  - with regard to the amount of pits in the area, competition is not a reason for refusal, as all applications need to be considered on a case-by-case basis.
24. Staff believe that, subject to an access agreement being reached between DOLA and the applicant and the various environmental management practices being adhered to, the previous areas of concern can be overcome. In the event that Council resolves to refuse the application, consideration may be given to serving the landowner with a Section 10 Notice for the illegal sand extraction. Such action would promote rehabilitation of the pit back to its original state (ie. pasture).

**RECOMMENDATION**

- A. THAT Council, pursuant to Clause 6.10 of the City of Albany Town Planning Scheme No. 3, delegate to the Executive Director Development Services the power to issue and impose appropriate conditions upon the Planning Scheme Consent for an Extractive Industry on Location 824 Howell Road, Marbellup, but acknowledging;
- i) written confirmation would need to be obtained from the Department of Land Administration for access across Reserve 24661 and the applicant is to have temporary access arrangements in place prior to continuing the sand extraction process;
  - ii) the paddock trees adjacent to the proposed pit shall not be cleared;

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

- iii) no extraction activities shall occur within 2 metres of the ground water level;
- iv) all refuelling and vehicle maintenance shall be carried out off-site, unless a waste disposal management plan acceptable to the Council and the Water and Rivers Commission is submitted;
- v) no extraction shall occur outside of the approved area without the prior permission of Council; and
- vi) the applicant is to upgrade the informal reserve track to the satisfaction of Council, Department of Land Administration and Main Roads WA.

*Voting Requirement Absolute Majority*

- B. THAT the applicant be provided a maximum period of six months to gain the approval of the Department of Land Administration (DOLA) under the aforementioned Planning Scheme Consent and during the period taken to gain DOLA consent, no further sand extraction take place on the land.

*Voting Requirement Simple Majority*

- C. THAT delegated authority be issued to the Executive Director Development Services pursuant to Clause 6.10 of the City of Albany Town Planning Scheme No. 3 to commence legal proceedings against Z Vrban pursuant to Clause 6.4 of Town Planning Scheme No. 3 and Section 10 of the Town Planning and Development Act in the event that:

- i) the applicant/landowner continues to extract sand from the site without resolving suitable access arrangements to the satisfaction of DOLA, City of Albany and Main Roads WA.

OR

- ii) the applicant is unable to obtain DOLA approval for access across Reserve 24661 (thereby voiding the Planning Scheme Consent) and the land is required to be reinstated to its previous condition.

OR

- iii) the applicant fails to meet any of the conditions imposed upon the development within the Planning Scheme Consent.

*Voting Requirement Absolute Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WILSON**

**THAT Council issue a Notice of Planning Scheme Refusal for the application to develop an Extractive Industry on Location 824 Howell Road, Marbelup for the following reasons:**

- i) the applicant has not secured adequate access (meeting appropriate engineering and safety standards) to the proposed development for the type and volume of traffic that the proposed development will generate; and**
- ii) adequate safeguards have not been offered by the developer to ensure that Seven Mile Creek will not be subject to adverse environmental impacts.**

**AND**

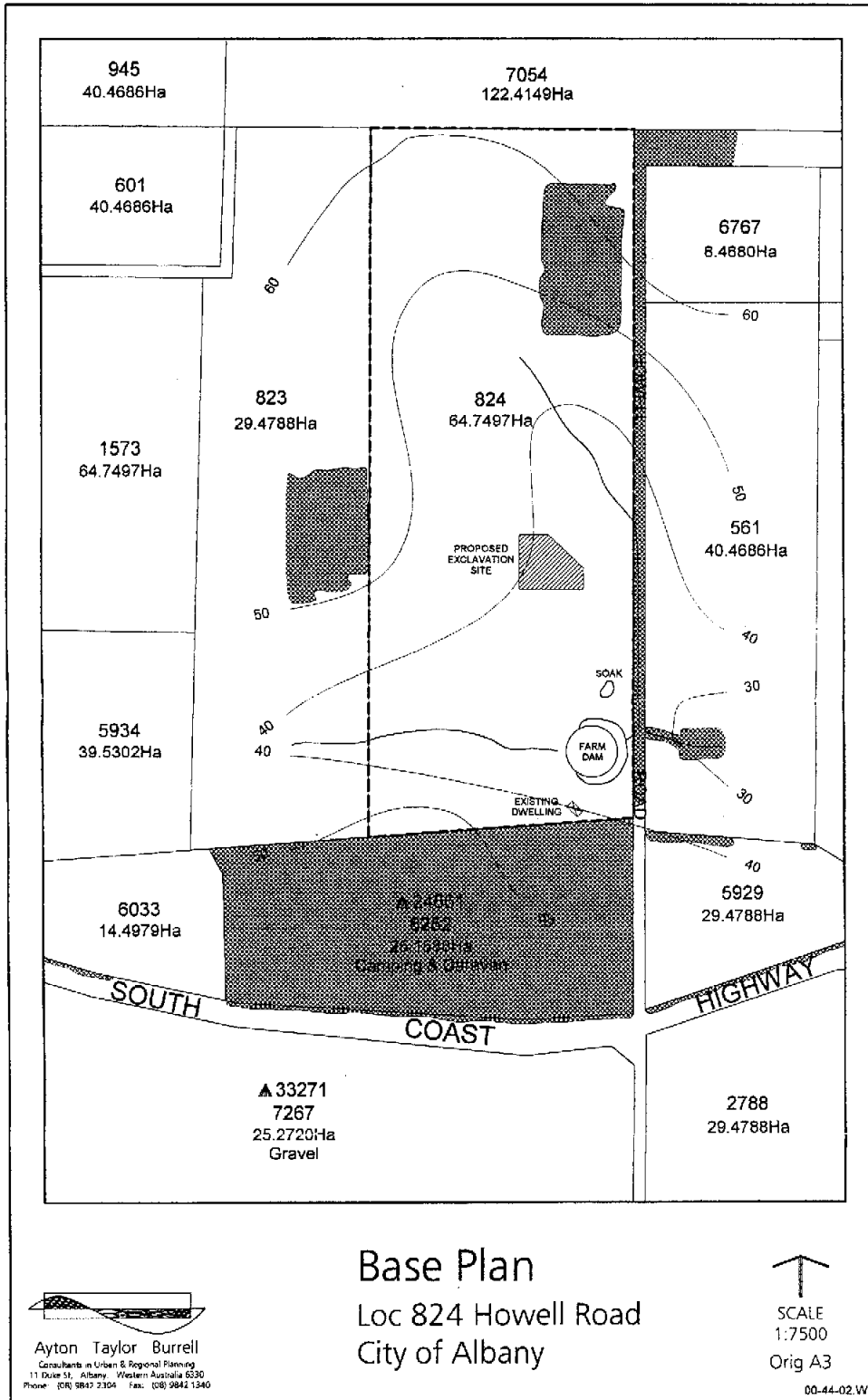
**THAT the landowner be served a Notice pursuant to Section 10 of the Town Planning and Development Act to rehabilitate the area used for sand extraction upon Location 824 Howell Road, Marbelup and that the Executive Director Development Services be delegated the authority to take appropriate action should the landowner fail to complete the works.**

**MOTION CARRIED 10-5  
ABSOLUTE MAJORITY**

Reason:

Howell Road is adequate for the levels of traffic that use the road and for the rural land uses it serves. Regulating a sand mining operation to certain movements per day is impractical and it is inappropriate for this development to rely upon an adjoining A class reserve to provide safe access for the vehicles needed to remove materials from the site. The landowner has also commenced sand extraction with the knowledge that he requires a Council approval and he does not have one.

DEVELOPMENT SERVICES REPORTS







ORDINARY COUNCIL MEETING AGENDA – 16/10/01  
\*\* REFER DISCLAIMER \*\*  
**DEVELOPMENT SERVICES REPORTS**





MIDLAND SQUARE, MIDLAND  
WESTERN AUSTRALIA  
Postal Address: PO Box 2222  
Midland, Western Australia 6936

## Facsimile Transmission

South East Regional Team

Fax: (08) 9273 7414

<b>TO:</b>	Burt - Ayton Taylor Burrell		
<b>FAX NO:</b>	08 9842 1340		
<b>FROM:</b>	Shelley Brindal	<b>TEL NO:</b>	(08) 9273 7217
<b>E-MAIL:</b>	shelley_brindal@doia.wa.gov.au		
<b>DATE:</b>	2 October, 2001	<b>NO. OF PAGES INCL. COVER:</b>	1

**SUBJECT:**

**Burt**

I refer to your request to use an already established firebreak on Reserve A24661 to gain access to the adjoining lands as a temporary measure, subject to the fire break being formally dedicated as road.

I advise that this *may be approved* upon written request and subject to CALM and the City of Albany agreeing.

Furthermore in order for dedication to be considered Council must first comply with Section 56 of the LAA. Other considerations are survey, Native Title, DME clearance, Minister for Environment and Parliamentary approval if dedication does proceed. Be warned however that the reserve is Class 'A' and excisions for roads is a lengthy process in these circumstances

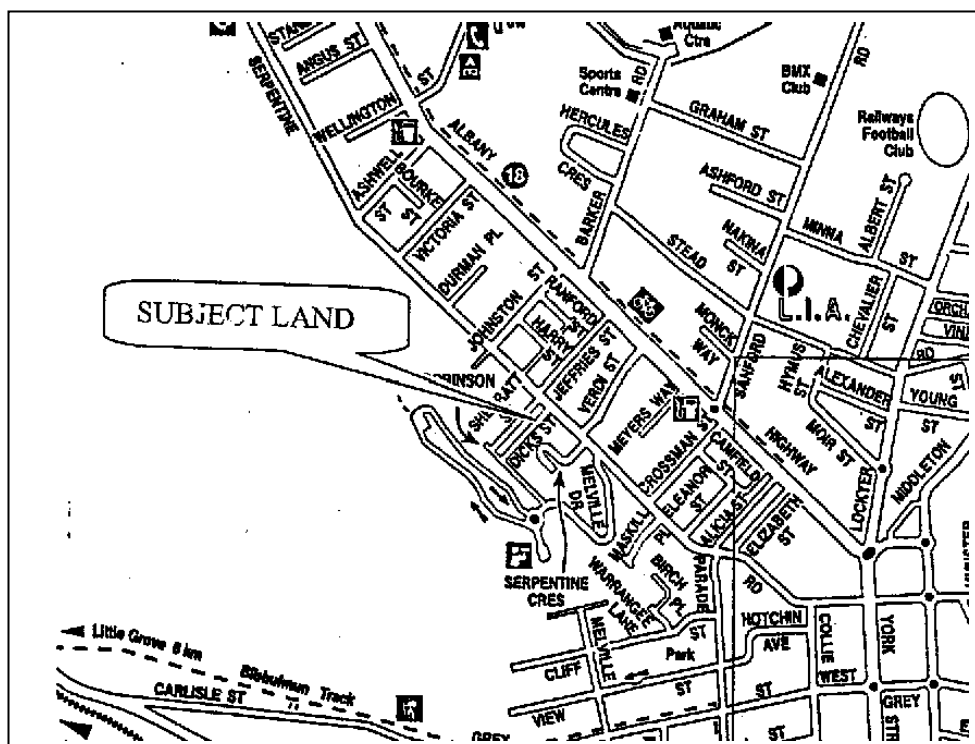
I hope this is sufficient.

**Shelley**

DEVELOPMENT SERVICES REPORTS

11.1.3 Proposed Dwelling – Lot 27 Dicks Street, Mt Melville

- File/Ward** : A114196 (Frederickstown Ward)
- Proposal/Issue** : Single Residential Dwelling with setback relaxation
- Subject Land/Locality** : Lot 27 (#14) Dicks Street, Mt Melville
- Proponent** : Delta Homes and Developments
- Owner** : K Fraser
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Issue conditional Planning Scheme Consent
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. Council received an application for a residential dwelling upon Lot 27 (#14) Dicks Street, Mt Melville on the 21<sup>st</sup> August 2001. The subject lot is 352m<sup>2</sup> in area, is sloping gradually from west to east and has one road frontage.
2. The proposed dwelling is effectively single storey with an undercroft to be used as a garage. The proposed dwelling does not meet the setback requirements to either side boundary. The application was referred to the adjoining landowners, with the neighbour to the eastern boundary having no objection to a small relaxation. The neighbour to the western side however has raised objections.
3. The wall on the western boundary does not meet the “deemed to comply” requirements for setbacks of the “Residential Planning Codes of Western Australia”. The wall is required to be setback 1.5 metres from the boundary, it is proposed to be setback 1.0 metres.
4. Council officers discussed the proposal with the owners, the proponents and the neighbour in order to achieve a compromise, however this was unsuccessful. Copies of the proponent and neighbour’s comments are attached to this report.

**STATUTORY REQUIREMENTS**

5. All residential development within the “Residential” zone of the City of Albany’s Town Planning Scheme 1A is subject to the “Residential Planning Codes of Western Australia”. Any relaxation of the requirements of these Codes requires referral to any adjoining landowners affected by the proposal for their comment. This is stipulated in Clause 1.5.10.
6. Clause 1.5.1 of the “Residential Planning Codes of Western Australia” states “*except as otherwise provided buildings shall be setback from lot boundaries not less than the relevant distance set out in Fig 3 and Tables 1 and 2*”. Table 2 being the most relevant reference whereby ‘*a wall with major openings to habitable rooms and not exceeding 3 metres in height, the setback requirement is 1.5 metres*’.
7. Clause 1.2 of the “Residential Planning Codes of Western Australia” states:

“*The objectives of these codes are to:*

  - *encourage the development of a wide range of dwelling types,*
  - *ensure adequate standards of privacy, daylight, sunshine and safety for all dwellings,*
  - *provide appropriate levels of car parking, access, incidental open space and storage and drying facilities for each type of dwelling,*
  - *protect the amenity of adjacent buildings by minimising overshadowing overlooking and visual intrusion,*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

- *enhance the amenity of residential areas in relation to building size, streetscape, space about buildings, density and landscaping,*

*Compliance with the express provisions of these codes shall be deemed to achieve these objectives”.*

8. Clause 1.5.7 of the “Residential Planning Codes of Western Australia” states:

*“Notwithstanding the minimum setbacks specified elsewhere in these Codes the Council may, in a particular case, allow a lesser setback, provided that in so doing the Council shall have regard to:*

- *the objectives set out in clause 1.2,*
- *the effect of such variation on the amenity of an adjoining lot,*
- *the existing and potential future use and development of any adjoining lots, and*
- *existing setbacks from the street alignment in the immediate locality, in the case of setback from the principal street alignment”.*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

12. Under Clause 1.5.10 of the R-Codes, the proposal was referred to affected adjoining landowners for their comment. Neighbours comment was received on the 7th September 2001, a copy of the submission is attached to this report. The submission opposed the development on the grounds that :-

- there is sufficient room on the eastern side, approximately 3 metres, to move the dwelling further east 500mm,
- as advised by real estate representatives, dwellings built so close to the boundary have an adverse effect when trying to sell a neighbouring property. (The property, #12 Dicks Street is for sale)
- if the setback is 1 metre, the plumbing pipes would require a trench to be dug only 200mm from the concrete footing holding the 1.7 metre high stone retaining wall.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

13. After receiving these comments Council staff met on site with the neighbour to discuss the issues raised. These issues were then passed onto the owner for the proposed dwelling to see if a compromise could be achieved.
14. Following discussions, it was realised that a compromise could not be reached for an alternative building design or setback relaxation. Both parties were informed that the proposal would go to Council for a decision.
15. Council is requested to assess the impact of the requested relaxation of 500mm on the amenity of the adjoining landowner and against the objectives of the R-Codes. The 500mm relaxation does not appear to detrimentally impact on the neighbouring property in terms of overshadowing and overlooking, safety or visually intrusion upon their dwelling. The reasons being;
  - the level of the natural ground on the proposed building site is at the least 1.5 metres lower than the ground level for the neighbouring property at the adjoining boundary;
  - a combined 3 metre retaining wall and fence exists along the common boundary;
  - the height of the proposed dwelling is single storey at their common boundary (3 metres to the gutter), therefore the dwelling would hardly be seen from the adjoining property to the west.
16. The issue of neighbouring amenity being effected by a 500mm relaxation is subjective. It is recognised that the neighbour may feel the impact of the relaxation upon their property, however this is not possible to quantify.
17. It is preferable to not move the dwelling further to the east because a relaxation has already been applied to this boundary and further relaxations would create possible overlooking issues and access problems to the rear of the subject site.
18. Council staff recognise that the proposal for the dwelling does not comply with the express provisions “Residential Planning Codes of Western Australia” for setback requirements. Staff consider the 0.5m setback relaxation is a reasonable request for a setback relaxation as the objectives of the R-Codes do not appear to have been compromised.

**RECOMMENDATION**

THAT Council resolves to grant a conditional Planning Scheme Consent for the proposed dwelling upon Lot 27 Dicks Street, Mt Melville with a lesser setback of 1.0metres to the western boundary.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council resolves to grant a conditional Planning Scheme Consent for the proposed dwelling upon Lot 27 Dicks Street, Mt Melville with a lesser setback of 1.0metres to the western boundary.**

**MOTION CARRIED 15-0**



DEVELOPMENT SERVICES REPORTS

02/10/2001 06:49

NO. 769

Development Services  
City of Albany Council  
PO Box 484  
ALBANY  
W.A. 6331

<b>CITY OF ALBANY RECEIVED</b>		
2/10/2001		
FILE	CORRO No.	OFFICER PLANS
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

5 Keats Place  
SPEARWOOD  
W.A. 6163

Attention: Mr Adrian Nicoll

**PLANNING APPROVAL LOT 27 (Street Number 14) DICKS STREET ALBANY**

Dear Adrian,

Thankyou for the opportunity to elaborate on reasons for building 1000mm from the uphill boundary.

1. We aim to maximize the use of land area in the most productive way. By moving our home 500mm closer to the uphill boundary we gain approximately 8M<sup>2</sup> for landscaping in a more productive area where sunlight is available for gardens etc.
2. We wish to minimise the visual impact of our home from the neighbouring downhill property.
3. We stand to gain privacy from the uphill property in bathrooms, laundry and a bedroom as the line of sight from above will be more acute.
4. The stability of the retaining wall will not be affected by site works as plumbing will be underslung beneath the floor and not trenched as the house is built on posts. Furthermore, the engineers detail supplied for the retaining wall footings show the wall to continue 150mm below the existing ground level. Given a 45° angle of repose and a distance of 1000mm from the wall face, excavation work to a depth of at least 900mm could be safely accomplished.
5. If building close to a boundary is an issue for resale value of adjoining properties, it should be noted my uphill neighbour has built his house to within 1000mm of our adjoining boundary. I would also like to add we were not asked for comment on this point and assumed it was within approved building guidelines to build this close to side boundaries.

We have chosen a design without eaves on the boundary in question to minimise crowding and maximise natural light in this area.

Should you require any further expansion on these comments please don't hesitate to call me on 9418 4648.

Yours faithfully,

  
Andy Ozolinleks

1<sup>st</sup> October 2001

DEVELOPMENT SERVICES REPORTS

Chief Executive Officer  
PO Box 484  
Albany WA 6331



07 September 2001

Thankyou for notification of the proposed residential dwelling at 14 Dicks Street.

Our concerns are not numerous, however quite sincere. We are not consenting to the western wall being so close to the boundary between our properties.

We believe the 1mtr setback is not necessary as there is sufficient room on the eastern side, approx 3mtrs, to move the dwelling further East 500mm

We are advised by Real Estate Representatives that dwellings built so close to the boundary have an adverse effect when trying to sell a neighboring property.

Also I bring to your attention that there is a 1700mm high stone retaining wall on our boundary. If the setback is 1000mm, the plumbing pipes would require a trench to be dug only 200mm from the concrete footing holding the 1700mm high stone retaining wall.

Kindest regards

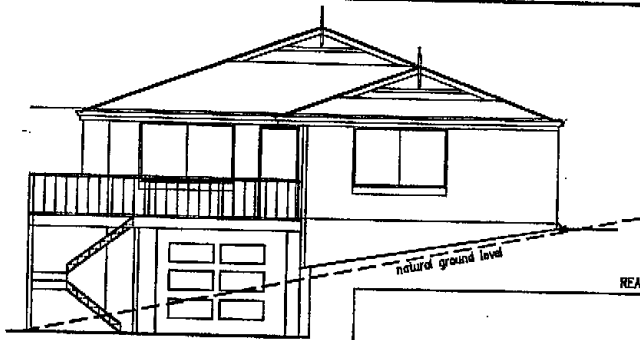
A handwritten signature in black ink that reads "Les W Ralston".

Mr Les W Ralston  
12 Dicks St  
Albany WA 6330

CITY OF ALBANY RECEIVED		
- 7 SEP 2001		
FILE A11419b	CORRO No. F114618	OFFICER DAAT
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

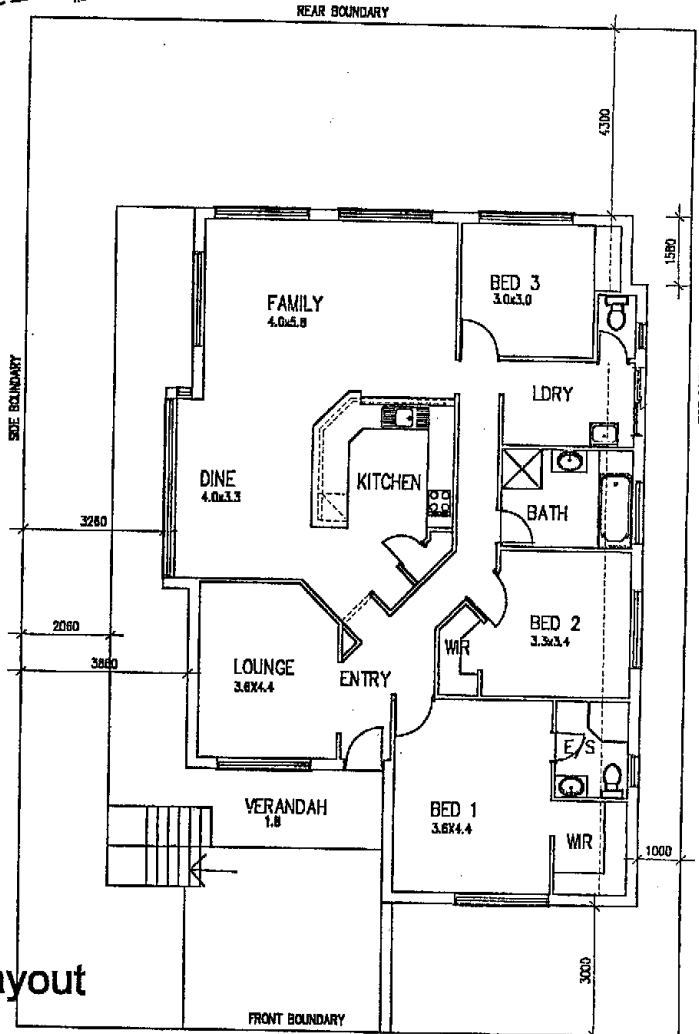
PLAN 3

DEVELOPMENT SERVICES REPORTS



Front Elevation  
scale: 1:100

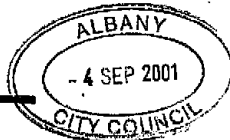
SITE AREA = 353.65  
SITE COVERAGE = 153.65  
LESS THAN 50% SITE COVERAGE



Floor Plan & Site Layout  
scale: 1:100

**DELTA**  
HOMES & DEVELOPMENTS  
28 PROR STREET, PO BOX 1972, ALBANY  
PHONE 9841 2000 FAX 98414671

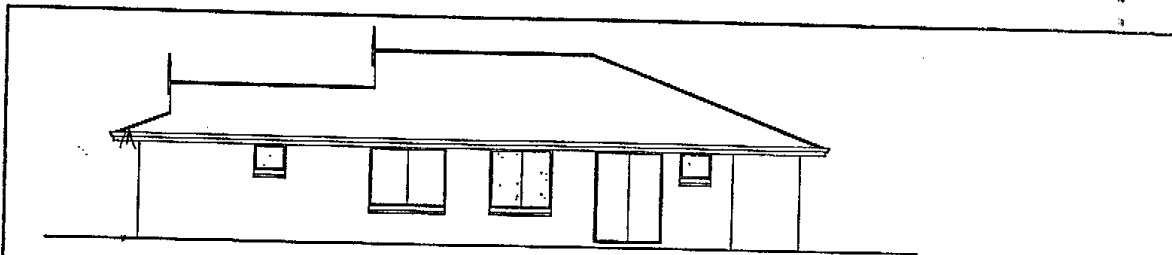
**powermark**  
ARCHITECTURAL DRAFTING  
88 COCKBURN ROAD ALBANY  
TEL: 9841 3311 FAX 9841 3388



Proposed Residence for:  
A & K OZOLNIECKS  
11/07/01

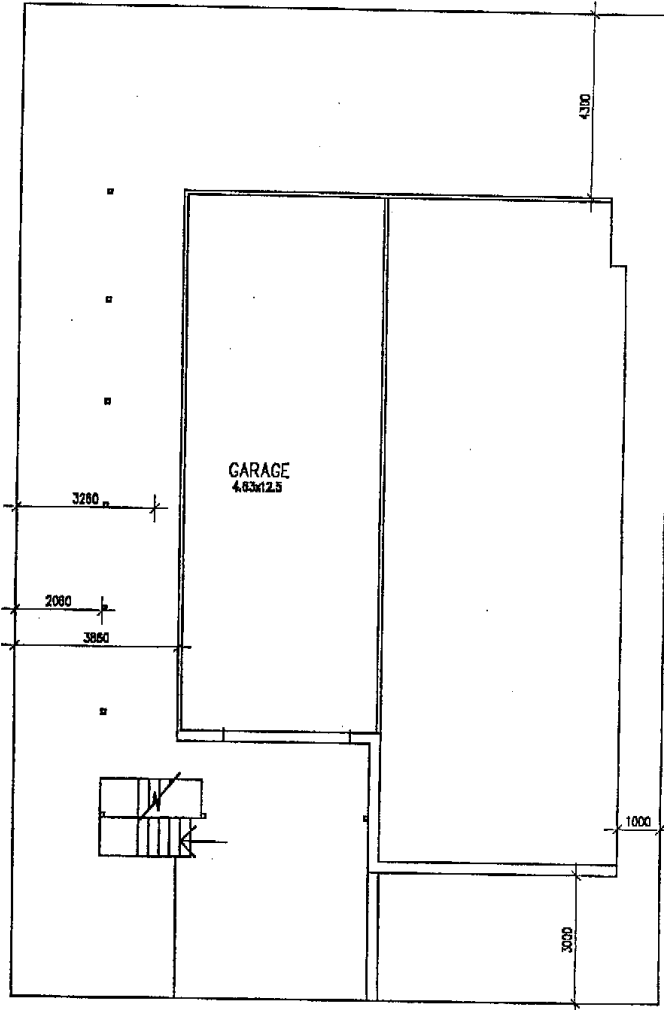
RDA © MEMBER OF

DEVELOPMENT SERVICES REPORTS



Side Elevation

scale: 1:100



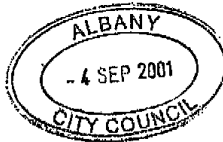
SITE AREA = 353.65  
SITE COVERAGE = 153.65  
LESS THAN 50% SITE COVERAGE

Floor Plan & Site Layout

scale: 1:100

**DELTA**  
HOMES & DEVELOPMENTS  
26 PRIOR STREET, PO BOX 1972, ALBANY  
PHONE 9841 2000 FAX 98414671

**powermark**  
ARCHITECTURAL DRAFTING  
88 COCKBURN ROAD ALBANY  
TEL: 9841 3311 FAX 9841 3368



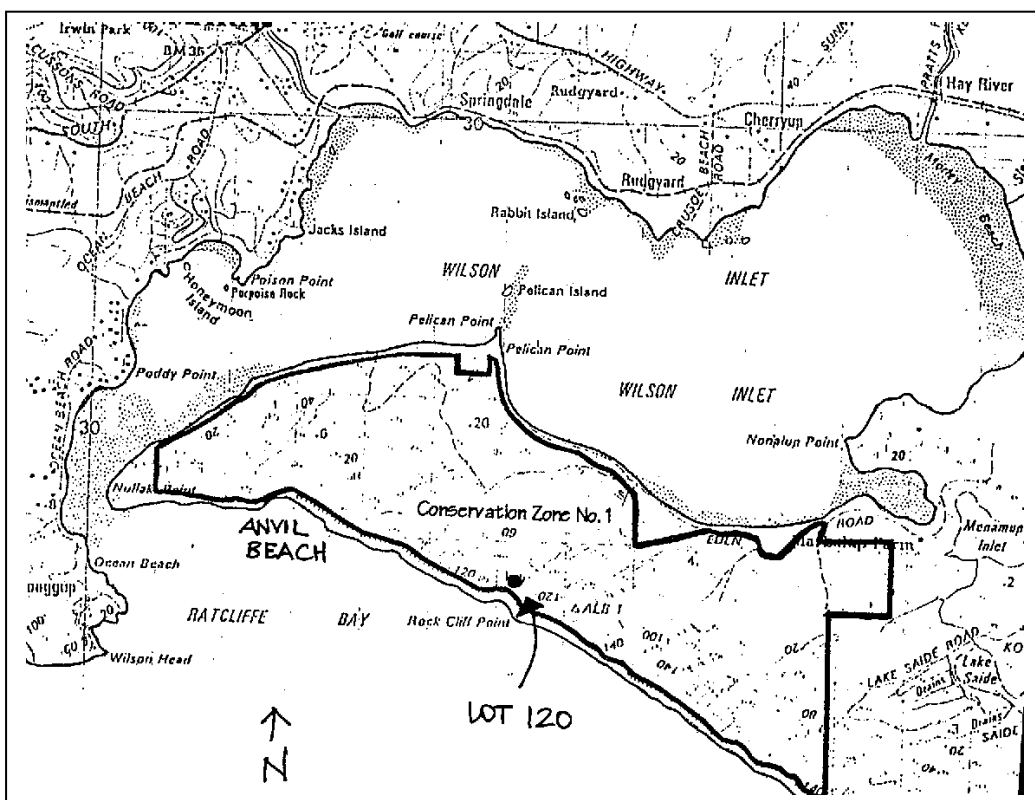
Proposed Residence for:  
A & K OZOLNIECKS  
ALL BY THE DECK ETC



ORDINARY COUNCIL MEETING AGENDA – 16/10/01  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

**11.1.4 Proposed Development Area – Lot 120 Eden Road, Youngs**

- File/Ward** : A7333 (West Ward)
- Proposal/Issue** : Proposed Development Area
- Subject Land/Locality** : Lot 120 Eden Road, Youngs
- Proponent** : G Sellar
- Owner** : Bennett Range Pastoral Company Pty Ltd
- Reporting Officer(s)** : Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** To support an alternative site within 200m setback
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. Application has been received from Ms Sellar seeking Council's support to locate a dwelling on Lot 120 Eden Road, Youngs. The applicant has placed an offer of acceptance on the property subject to Council's approval for a house site within the designated 200m coastal foreshore setback.
2. The property is zoned "Conservation" within Town Planning Scheme No. 3 and is 45.3914 hectares in size.
3. The proposed development area is located 70m from the coastal foreshore reserve and is 9900m<sup>2</sup> in area. The applicant has indicated that she would like to construct a dwelling on a ridgeline approximately 90m from the coastal reserve. The ridgeline is 101m above sea level and represents the highest point on the lot (a copy of the plan is attached to the rear of this report).
4. The proposed house site has views of the Southern Ocean and over towards Ocean Beach and Nullaki Point (although Anvil Beach is obscured due to the adjoining rocky cliffs found within the coastal reserve). A ridgeline of similar height immediately north west of the house site effectively screens the proposed house from the majority of Eden Road.

**STATUTORY REQUIREMENTS**

5. In accordance with the Nullaki Estate special provisions as prescribed within Town Planning Scheme No. 3 (Clause 4.5), the location of development areas are subject to the following criteria:
  - (a) *be setback a minimum of 50 metres from the Wilson Inlet Foreshore Reserve, 200 metres from the coastal foreshore reserve and 20 metres from any other lot boundaries;*
  - (b) *notwithstanding the above, Council may permit variations to the setback requirements where it can be clearly demonstrated to Council's satisfaction that a lesser setback will be necessary to satisfy visual and/or environmental objectives of the zone and where it can be clearly demonstrated that the location of the Development Area at another location is not practical;*
  - (c) *avoid the sand blowouts and highly exposed steeply sloping sites where low coastal heath does not provide for effective screening of development and where erosion potential is high;*
  - (d) *not to be located in Development Exclusion Areas shown on the Subdivision Guide Plan to ensure development blends in with the landscape and does not stand out or dominate a particular view from public roads and adjacent view;*
  - (e) *be located off significant ridge lines and preferably within sheltered well vegetated swales;*
  - (f) *be located, where possible, on the calcareous sands or podzols;*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

- (g) be located to ensure access roads/driveways can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area;*
- (h) be located to ensure sites can accommodate fire control measures and low fuel areas can be achieved and readily maintained; and*
- (i) be located to address the cost of constructing access roads and providing services such as telecommunications and electricity.*

**POLICY IMPLICATIONS**

6. The owners of the property, and the original developers of Nullaki Estate, have questioned the validity of the 200m coastal foreshore setback, which applies to all lots fronting the Southern Ocean. Research undertaken by staff suggests that the 200m requirement was inserted into the amendment documents late in the rezoning process at the request of the then Hon. Minister for Planning. Staff have liaised with the local branch of the Western Australian Planning Commission as to the reasoning behind the provision, however no detailed information could be located on file. The only reference made in relation to the requirement involves the protection of visual and environmental elements and staff will be writing to the Minister's office seeking information on the reasoning for the 200m setback which was not originally part of the amending documents or Council's requirements.
7. It is important to note however, that the special provisions for this area state that the 200m requirement can be relaxed in special circumstances, where all other criteria in Clause 4.5 (listed above) can be satisfied.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

9. Council at its meeting dated 13<sup>th</sup> March 2001 resolved to support a development area on Lot 127 Eden Road, Youngs, which was similarly located within the 200m coastal foreshore setback. In comparison to Lot 120, Lot 127 is defined by a prominent ridgeline centrally located on the lot, which offered limited opportunities to position the dwelling in alternative locations. Secondly, the proposed dwelling on Lot 127 is to be completely screened from adjacent views and coastline areas by a small knoll.

**COMMENT/DISCUSSION**

10. On 3<sup>rd</sup> September 2001, staff and West Ward Councillors undertook a site visit on Lot 120, which was also attended by the applicant. At this meeting the following observations were made:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

- The site was located on a partially exposed knoll, which promoted views over the Southern Ocean, Ocean Beach and Nullaki Point;
  - A well vegetated swale was located immediately east of the proposed house site, between this ridgeline on Lot 120 and the larger ridgeline on Lot 127; and
  - The proposed house site had already been cleared despite no approvals being obtained from Council.
11. The applicant has provided a letter of justification for the proposal, which is attached to the rear of this report. In summary the applicant states:
- The proposed site is on level ground, thereby reducing the physical impact of development;
  - The proposed development will be well screened as indicated on the attached plan prepared by Harley, Hedderwick & Webber;
  - The proposed development area will not dominate the landscape and is back-dropped by a higher more significant ridgeline; and
  - The proposed site is well suited to the requirement of a low fuel zone surrounding the dwelling.
12. Clause 4.5 within Conservation Zone Area 1 (Nullaki) states that a setback less than 200 metres can only be entertained in the event that it can be clearly demonstrated that the location of the development area at another location is not practical. The special provisions for Nullaki also state that development areas should be located off significant ridgelines and preferably within well vegetated swales.
13. Staff believe the proposed development area should be located within the adjacent vegetated swale, whereby views to the Wilson Inlet and the Southern Ocean will be maintained (and improved with regards to the Wilson Inlet), and development would be screened from Ocean Beach and adjacent views. In line with the special provisions for Nullaki Estate, staff would be supportive of a setback relaxation where the proposed dwelling was to be located within the swale, as improved environmental and visual outcomes would result.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**RECOMMENDATION**

THAT Council delegate pursuant to Section 6.10.1 of the Town Planning Scheme to the Manager Development, authority to issue a Planning Scheme Consent Notice for a proposed development and a modification to the development area on Lot 120 Eden Road, Youngs, subject to the following requirements being incorporated into an approval:

- i) the proposed dwelling is to be located entirely within the well vegetated swale to the east;
- ii) the development area being modified to exclude the potential for a development on top of the ridgeline; and
- iii) no clearing of the building envelope is permitted unless a building licence has been issued for a structure (being a dwelling or associated outbuildings).

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVERS**

**THAT a Notice of Planning Scheme Refusal be issued for the application to construct a proposed residence and to modify the development area applying to that development on Lot 120 Eden Road, Youngs for the following reasons:**

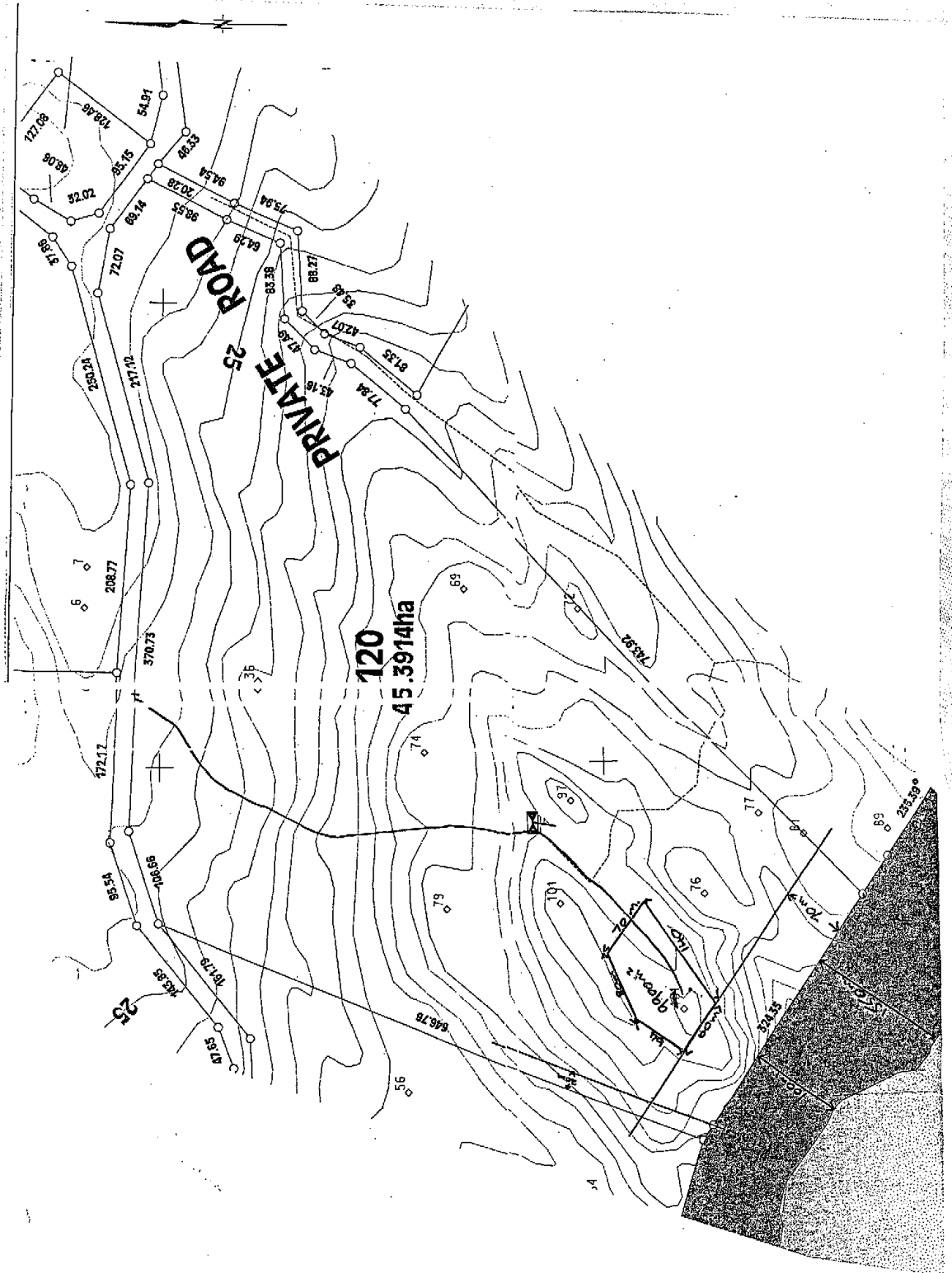
- i) the application fails to meet the objectives set out in clause 4.5 of the Nullaki Special provisions of Town Planning Scheme 3; and**
- ii) insufficient justification has been provided to grant a relaxation to the 200 metre coastal setback requirement of the scheme.**

**MOTION CARRIED 8-7  
ABSOLUTE MAJORITY**

Reason:

The lots upon the Nullaki Peninsula are 40 hectares in area and it is inconceivable that an alternate site to construct a residence cannot be found on Lot 120 without having to encroach within the coastal setback. The alternate site recommended by the applicant is also being questioned by staff and the recommendation before Council requires an alternate site to be agreed upon.

DEVELOPMENT SERVICES REPORTS



**DEVELOPMENT SERVICES REPORTS**

<b>CITY OF ALBANY RECEIVED</b>		
20 SEP 2001		
FILE A165391	CORRID No. I/15354	OFFICER MDEV
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

Gill Sellar  
Lot 34 Weedon Hill  
Denmark WA 6333

28 September 2001

Shire of Albany  
221 York St  
Albany, WA 6331  
Attention Planning Department

COPY

Dear Mr C Purcey,

**RE: Development area approval for Lot 120 Nullaki Wilderness Estate**

I submit for council approval the attached plans and forms for my development area on lot 120, Eden Road, Nullaki Wilderness Estate.

As part of this submission I am applying for a reduction of the ocean side setback, from two hundred metres down to seventy metres (as indicated on the attached plan). The reasons for this setback reduction are as follows:

- The proposed site is on level ground, thereby reducing the physical impact on the landform associated with clearing a building site. This reduces any possibility of erosion and destabilization of the landform.
- In keeping with the principals of the Nullaki Wilderness Estate and the concerns with impact on the visual amenity of the area, the proposed development area is well hidden due to the reduction of the setback to seventy metres. The proposed site is not visible from any of the public areas. I am moving to the Nullaki because I value my privacy and the environment. The last thing I would like is to be forced to the front edge of the bluff where I would be far more visible and not have privacy. I also feel that this would not be in keeping with maintaining the principal of low visual and environmental impact that the Nullaki Wilderness Estate is all about. To remove any ambiguity from the question of what is visible and what is not, I asked Harley Hedderwick and Webber Surveyors to examine the site and survey in the limit of what is visible from the public areas. They have done so and the grey area indicated on the plan represents the secluded area. As you can see my application area falls within this secluded area.
- The scheme calls for buildings not to be built on ridgelines and not to dominate the landscape. As you can see from the attached contour plan there is a large hill and ridge system to the east which is twenty five to thirty metres higher than my entire block as well as my proposed building area. This means that my proposed site is not on the skyline, nor on the dominant ridge. The skyline is a hill thirty metres above my proposed house. Because of the local topography I will not in anyway be dominating a landform and I will be protected and screened from the public areas.
- The scheme provisions for low fuel zones around buildings, is more suited to the flatter area of the proposed site than the sloping topography of the side of the hills. We are keen to maintain as much of the native vegetation as possible whilst still complying with the scheme. This also relates back to the environmental and visual impact on the lot. The proposed site is far less impactful than any other.
- My application calls for a reduction in the coastal setback based on the previously mention factors and for the council to exercise there right to approve such applications as specifically detailed under section 4.5, bulleted point two of Albany

ORDINARY COUNCIL MEETING AGENDA – 16/10/01

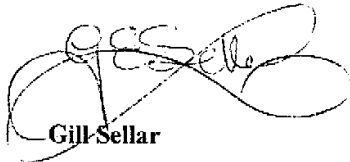
\*\* REFER DISCLAIMER \*\*

**DEVELOPMENT SERVICES REPORTS**

Town Planning Scheme number 3, Schedule 5 which I have received, examined, and understand in full.

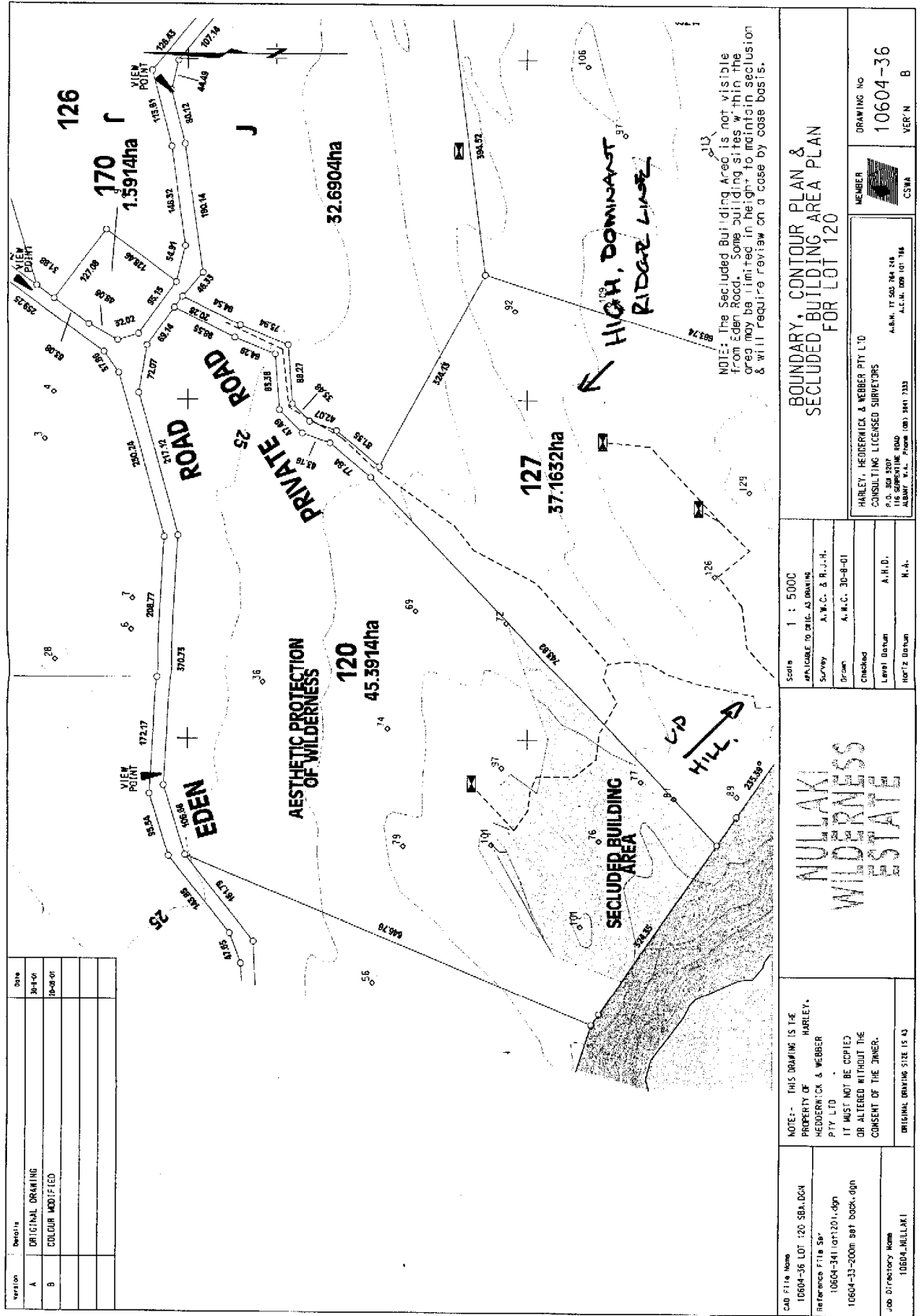
Bearing these factors in mind I ask that council support my proposed development area, not just for my own sake but for the sake of the principals that the Nullaki Wilderness Estate upholds and for the good of the community at large.

Yours sincerely,



Gill Sellar

DEVELOPMENT SERVICES REPORTS



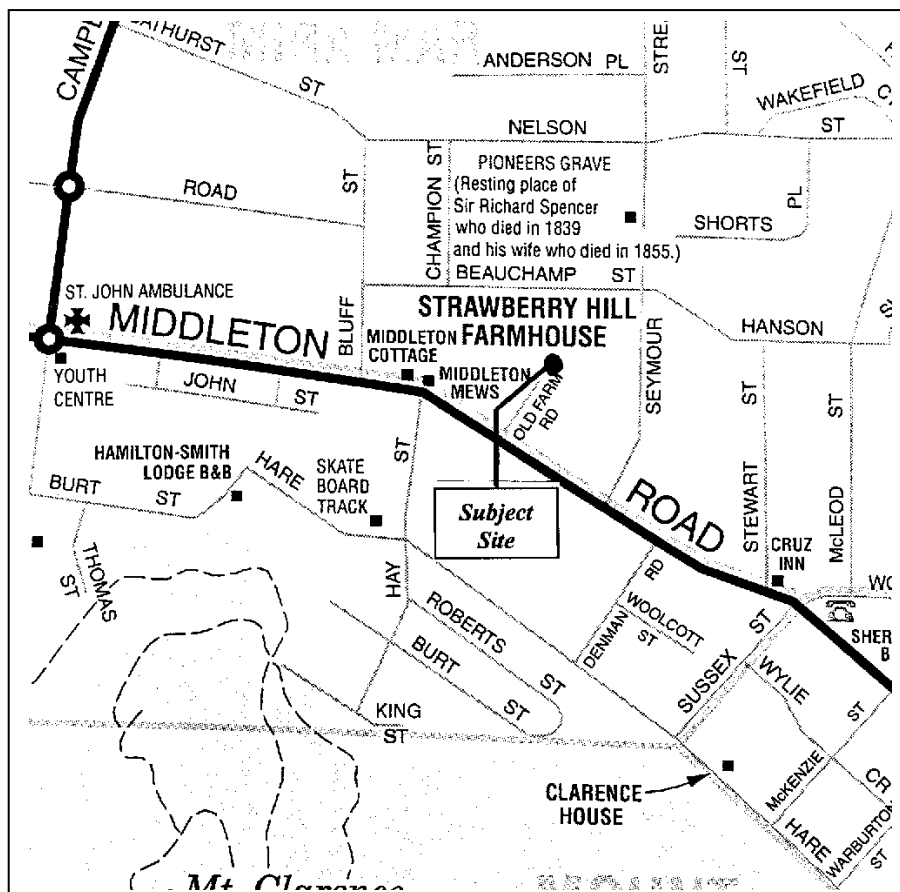
Version	Details	Date
A	ORIGINAL DRAWING	20-05-01
B	COLOR MODIFIED	20-05-01

CAD File Name 10604-36 LOT 120 SEA.DGN Reference File Sp 10604-341 lot1201.dgn 10604-33-200m sst book.dgn	NOTE:- THIS DRAWING IS THE PROPERTY OF HARLEY, HEDDERICK & WEBBER PTY LTD IT MUST NOT BE COPIED OR ALTERED WITHOUT THE CONSENT OF THE JINNER.	Scale 1 : 5000 AVAILABLE TO SITE AS DRAWING Survey A.W.C. & R.J.H. Drawn A.H.C. 30-8-01 Checked Layout Harlan A.H.D. Plot Mark H.A.	NULAKI WILDERNESS ESTATE	BOUNDARY, CONTOUR PLAN & SECLUDED BUILDING AREA PLAN FOR LOT 120	MEMBER CSWA DRAWING NO 10604-36 VER 'N B

DEVELOPMENT SERVICES REPORTS

**11.1.5 Proposed Private Recreation (Outdoor Cinema) - Old Farm Strawberry Hill, Middleton Road, Mira Mar**

- File/Ward** : A136851 (Breaksea Ward)
- Proposal/Issue** : Private Recreation – Outdoor Cinema
- Subject Land/Locality** : The Old Farm Strawberry Hill, Mira Mar
- Proponent** : West Coast Events Pty Ltd
- Owner** : National Trust of Australia (WA)
- Reporting Officer(s)** : Planning Officer (P Steele)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Approve the proposed Private Recreation with conditions
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**BACKGROUND**

1. Council received an application from West Coast Events Pty Ltd for ‘Private Recreation – Outdoor Cinema’ at the Old Farm Strawberry Hill on Middleton Road, Mira Mar.
2. The Old Farm at Strawberry Hill is located on Lots Pt 19 and 1105 Beauchamp Street and Lots 123, 124 and 125 Middleton Road, Mira Mar.
3. The subject land is zoned “Clubs & Institutions” under the City of Albany’s Town Planning Scheme No 1A and is owned by the National Trust of Australia (WA).
4. It is proposed to show movies ranging from classics such as “Gone with the Wind” to family favourites and festival type movies, with the gates opening between 6:00pm and 6:30pm, movies commencing at either 7:30pm or 8:00pm and the evening closing at approximately 10:00pm. There would be a limit of 200 people and all staff, including security would be provided by the proponent. A copy of the proposal follows this report.
5. ‘Private Recreation’ is a “P” use in a “Clubs & Institutions” zone which is a permitted use and does not require any advertising. Nonetheless, the proposal was referred to surrounding landowners by staff for a two week comment period due to possible impacts.
6. Eighteen (18) submissions were received during the advertising period, of which 14 opposed the proposal, three supported the proposal and one neither supported nor opposed the proposal. A copy of all submissions is located in the Elected Members’ Report/Information Bulletin.
7. The proposal was also referred to the Great Southern Regional Heritage Adviser, Naomi Lawrance, to obtain the opinion of a representative of the Heritage Council of Western Australia.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**COMMENT/DISCUSSION**

12. The proposal for a “Private Recreation (Outdoor Cinema)” is a use that is permitted at the Old Farm, Strawberry Hill, because it is zoned “Clubs and Institutions” under the City’s Town Planning Scheme No 1A (TPS 1A). However, planning approval is required from Council. This proposal is separate from any previous activities conducted at the Old Farm at Strawberry Hill and is therefore to be assessed on its own merits as an ancillary use on the site.
13. Due to the nature of the application, Council staff believed it was appropriate to refer the proposal to surrounding landowners for a two week comment period.
14. The proponent intends to screen movies in the outdoor setting of the Old Farm at Strawberry Hill during the months of December through to April (inclusive) on Friday, Saturday and Sunday nights.
15. It is intended to open the gates at 6:30pm to enable the patrons to have a picnic dinner prior to the movie commencing at 8:00pm and finishing at approximately 10:00pm.
16. As outlined on the proposal following this report, the cinema will be situated on the grassed area in front of the existing stage. A temporary screen will be erected and removed following each screening, with the projector and speakers also being removed after each screening. The site plan shows that four 200-watt speakers will be used.
17. The proponent has outlined that they will restrict the number of patrons to a maximum of 200 persons. The existing toilet facilities would be utilised and they are sufficient, under the Building Codes of Australia requirements for cinemas to cater for this number of people.
18. Although the Old Farm property is zoned “Clubs and Institutions”, the surrounding properties are zone “Residential” and there is therefore a possibility that the noise generated from the cinema may be a nuisance to the surrounding property owners.
19. Following the two week advertising period, a total of eighteen (18) submissions were received. Of the submissions, which opposed the proposal, the major issues raised included increased noise, increased parking and traffic in Beauchamp Street, security concerns and the potential for damage to the historic property and its grounds. It has also been noted through some submissions that there has been no trial period.
20. In relation to the noise issue, the proponent has indicated that they will be restricting the noise to 35 decibels (dB). Noise regulations for public places are controlled under the Environmental Protection Act (1997) Regulation 8, Section 6. A copy of Table 1 of these regulations follows this report. This table outlines that the maximum noise level is limited to 40 dB at the nearest residence.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

21. Should any complaints be received regarding noise levels and tests indicate unacceptable noise levels then it becomes a compliance issue. There are a number of steps available to Council to control any problems, including the requirement for a reduction in noise or the possible action of requiring the activity to cease. The Department of Environmental Protection would also become involved with excessive noise level complaints.
22. As previously mentioned, the proponents have indicated that they will be employing security staff who would man the entrance and patrol the grounds each night that the cinema is running.
23. The existing parking facilities include 72 sealed car bays. Carparking requirements are not specified for cinemas in TPS 1A, however the existing cinemas at the Albany 3 Cinema complex has a requirement of one parking bay per four seats. If this figure was applied to this proposal, there would be sufficient parking bays already existing at the Old Farm. All of these bays are located at the southern end of the property and are accessed via Middleton Road, there is therefore no requirement for parking in or access via Beauchamp Street.
24. The Old Farm at Strawberry Hill is included on the City's recently adopted Municipal Inventory of Heritage Places and has been given the highest Management Category of 'A+', the property is also listed on the Heritage Council of Western Australia's Register of Heritage Places. Due to the significance of the Old Farm, any proposals that threatened the integrity of the property would not be supported by the Heritage Council of WA.
25. The property's owner, The National Trust of Australia (WA), through the Old Farm Board, have given their consent for the proposal. Although Council staff do possess some heritage training, most proposals involving heritage are referred to the Great Southern Regional Heritage Adviser, Naomi Lawrance. The proposal has also been shown to David Heaver of David Heaver Architects Pty Ltd who has prepared the Draft Conservation Plan for the Old Farm. Both have indicated that the proposal is acceptable.
26. There were a number of other issues that were raised through the submissions, some of these have no planning relevance and are issues relevant only to the proponent and the land owner (including commercial viability). The following issues were raised:
  - Mosquitoes – Mosquitoes are located at subject property, however the recent mosquito report prepared by Council shows that the notification of the Ross River and Barmah Forest viruses is low in this area and not considered a problem;

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

- Not appropriate venue & other sites better suited – Council assesses each application on its merits and this site has the appropriate zoning for the proposed use of ‘Private Recreation’. Council is required to issue a planning approval where the proposal complies with the provisions of the relevant Town Planning Scheme;
  - The proposal would encourage undesirable people to the area – this is a subjective issue which is not appropriate for staff to comment on;
  - Reduce quality of life for neighbours – this also is a subjective issue;
  - 3 nights a week for 5 months may become overbearing – it is noted that numerous objectors have expressed opinions on this matter, however this issue is not possible to quantify;
  - Movies running overtime – As outlined in the attached Table 1 taken from the Environmental Protection Act (1997), after 10:00pm the level of noise permitted is reduced from 40dB to 35dB and noise levels would be subject to these levels.
27. The submissions received supporting the proposal stated that it would be beneficial to Albany and the community.
28. Taking all of the issues raised in the submissions into account it is noted that there may be an impact on surrounding landowners and occupiers, however the proposed use of a ‘Private Recreation (Outdoor Cinema)’ in a “Clubs and Institutions” zone is a use that is permitted. There may need to be a review of the proposal after speaker placement and other matters are trialled and some “working experience” is gained.
29. The issues raised can be addressed through appropriate conditions imposed on a planning approval and compliance with the relevant regulations.

**RECOMMENDATION**

THAT Council delegate to the Executive Director Development Services the power to approve and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Private Recreation (Outdoor Cinema) upon Pt Lot 19 Beauchamp Street, Mira Mar, and in formulating the approval the following requirements shall be imposed:

- i) noise levels are not to exceed the Noise Regulations of the Environmental Protection Act at any time; and
- ii) the approval shall be valid for a period of 6 months after which time Council shall review the proposal.

*Voting Requirement Absolute Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR DEMARTEAU**

**THAT Council issue a Notice of Planning Scheme Refusal for the application to develop Private Recreation (Outdoor Cinema) facilities upon Pt Lot 19 Beauchamp Street, Mira Mar for the following reasons:**

- i) the proposed development would create unacceptable impacts, particularly noise and light spillage, within the adjoining neighbourhood and not be capable of containing its impacts within the confines of the subject land; and**
- ii) the location of the proposed development would encourage patrons to park in adjoining residential areas and result in unacceptable traffic impacts upon the local road network.**

**MOTION CARRIED 12-3  
ABSOLUTE MAJORITY**

Reason:

The majority of adjoining landowners have objected to this application based upon their previous experiences with entertainment activities at Strawberry Hill Farm. An outdoor cinema has no capacity to contain noise from both the large speakers being suggested by the proponents and also from other activities that will occur onsite prior to, during and after screenings. Whilst a dedicated car park exists adjacent to Middleton Road, most patrons will access the proposed outdoor cinema from local roads, particularly Beauchamp Street.

**DEVELOPMENT SERVICES REPORTS**

**Proposal for out door cinema at The old Farm Strawberry Hill**

Please find the following proposal for the operation of an out door picture theatre in the picturesque grounds of The Old Farm Strawberry Hill. The operating period would be held between the months of December through to April and movies would be screened Friday through to Sunday nights. Opening time would be 6.30pm with screening commencing at 8pm and finishing at approximately 10pm.

**Firstly - West Coast Events**

West Coast Events is owned and operated by Neil and Karen Augustson (nee Humphries) both of whom were raised locally and lived in Albany for around 20 years. West Coast Events is one of the larger events management and entertainment companies in Perth and is currently based at the Perth Zoo where it specialises in digital inter-active photography. Having worked in highly sensitive environments, such as the zoo and having a degree in Environmental Management Neil understands what is required to maintain grounds to their best condition. The company has catered for many and varied types of corporate functions over the years and understands the professionalism required to ensure an event runs smoothly.

With the owners now looking at returning to their home town to live they have decided that an out door cinema is exactly what the Albany region is missing. With their expertise and the right venue it is a venture that is destined for success.

**The Old Farm**

The Old Farm at Strawberry Hill we believe, is the perfect location for this type of venue. With its pristine grounds and historical significance tourists are immediately attracted to it. The amphitheatre area located in front of the restaurant is the perfect setting for this type of event. We believe this area is suitable for approximately 200 patrons who could watch the movie in a relaxed picnic style atmosphere. People would be encouraged to bring rugs, pillows and low backed folding chairs to relax on while watching the movie. With a 6.30pm gate opening time people would be welcomed to sit back and enjoy a picnic before the show start time of 8pm.

During The Old Farms normal operating times there would be little evidence of the movies ever taking place. The projector and speakers would be removed by our staff after the show each night along with any rubbish etc that may be left by patrons. The projector screen itself, which is approximately 8m wide by 5m high, would also be taken down after each performance with only a small amount of frame work remaining alongside the stage area. This would be designed to blend into the surrounding scenery giving it a very inconspicuous appearance, it could also be dismantled at the end of each season.

West Coast Events would provide all necessary staff to ensure the nights run smoothly including security who would man the entrance and ensure the grounds were patrolled the night of each performance.

**DEVELOPMENT SERVICES REPORTS**

**The Movies**

The types of movies that would be shown would range from the classics ie "Gone with the Wind" to family favourites and festival type movies. Movies attracting an R rated classification or of an undesirable nature would not be screened. We are well aware of the locations high standard of reputation and would not want to jeopardize it in any way.

**Council Requirements**

From discussions taken place with The City of Albany's planning officers we are aware of the restrictions placed on venues operating such events and will ensure that all council requirements are met before commencement of the season. Noise will be restricted to a level of approximately 35 decibels, or to a level barely audible at the properties boundary. As mentioned previously, the evening would commence at approximately 6 - 6.30pm depending on the time of year with the movie starting at either 7.30 or 8pm. We would envisage a closing time of around 10pm, depending on the length of the movie.

A maximum of 200 people will be permitted to enter the grounds in accordance with the venues public toilets usage. The venue already has a car park suitable for this type of event and as discussed we would ensure adequate lighting was provided. Obviously there will be other issues to discuss and we are more than happy to meet to resolve these at any time.

**The Old Farm Board and National Trust**

The plan has been discussed with the Old Farm Board and they have approved the concept. They will receive financial gains, a higher profile and increased day patronage through greater advertising. A web site along with news paper articles etc, will give information about the cinema as well as history about the farm itself. Naomi Lawrance from the National Trust has been shown the envisaged site lay out. David Heaver has also been told of the concept and along with Naomi has expressed his approval.

We trust that this proposal will be looked at in a positive manner with the view of seeing the benefits that can be obtained. A number of outdoor cinemas now operate in Perth at locations such as Kings Park and Edith Cowan Universities Joondalup campus. These institutions would never have considered such an idea a few years ago but now can see the benefits of providing such a venue. They have given people a place where they can experience wholesome family entertainment similar to that of an age gone by. Hopefully we can emulate this and give the people of Albany and its visitors, something to look forward to.

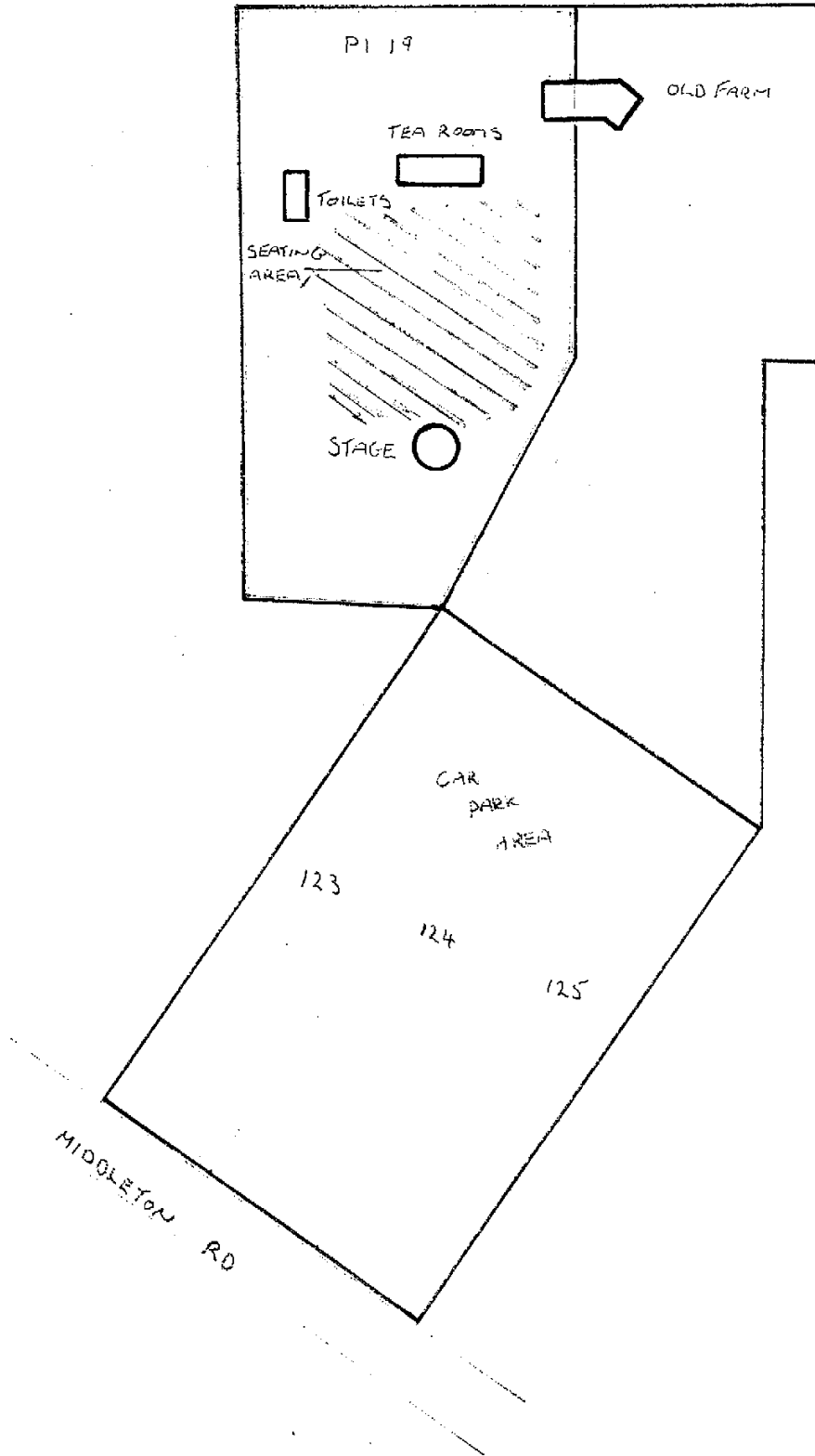
**Contact Details**

Neil Augustson  
West Coast Events  
25 David Crescent  
Hillarys 6025  
Western Australia

Ph / Fax (08)94030500  
Mobile 0438120502

ORDINARY COUNCIL MEETING AGENDA – 16/10/01  
\*\* REFER DISCLAIMER \*\*  
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CINEMA LOCATION



\*\* REFER DISCLAIMER \*\*

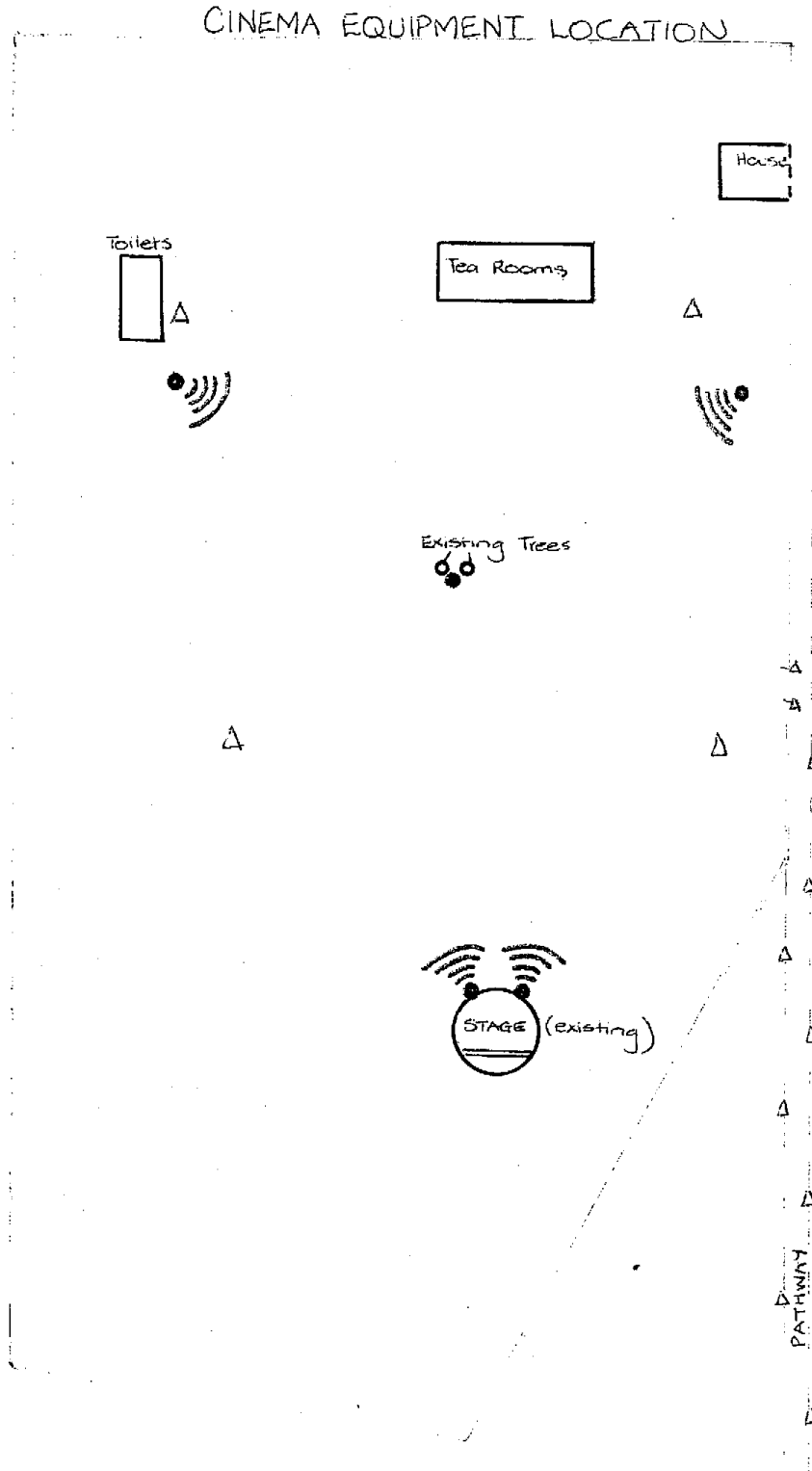
**DEVELOPMENT SERVICES REPORTS**

● Loud Speakers (200 watts)

● DVD Projector

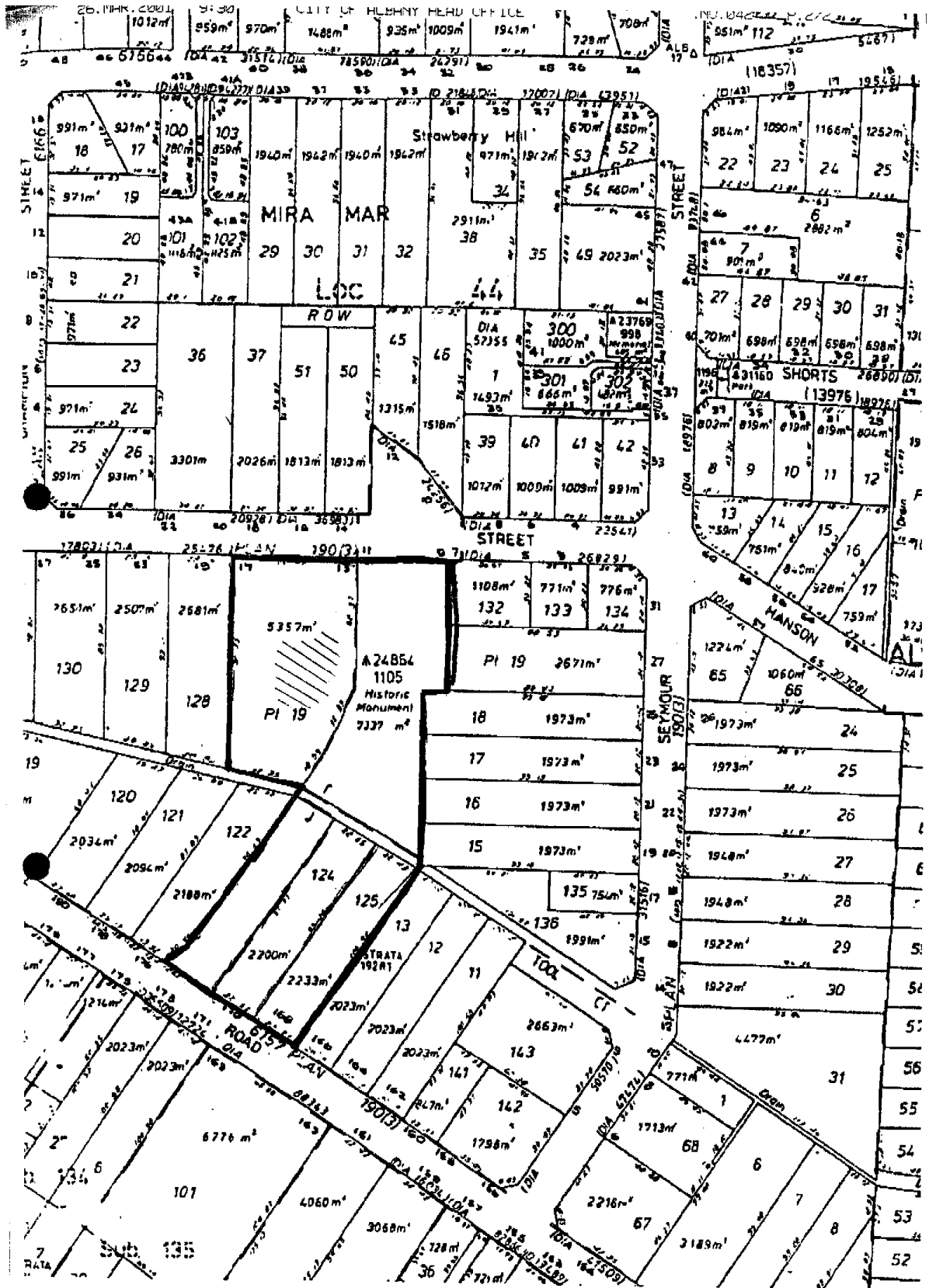
==== Projector Screen 8m (w) x 5m (h)

△ Lighting



\*\* REFER DISCLAIMER \*\*

DEVELOPMENT SERVICES REPORTS





**DEVELOPMENT SERVICES REPORTS**

*Environmental Protection (Noise) Regulations 1997*

“**influencing factor**”, in relation to noise received at noise sensitive premises, means the influencing factor determined under Schedule 3;

“**L<sub>A max</sub> assigned level**” means an assigned level which, measured as a L<sub>A Slow</sub> value, is not to be exceeded at any time;

“**L<sub>A 1</sub> assigned level**” means an assigned level which, measured as a L<sub>A Slow</sub> value, is not to be exceeded for more than 1% of the representative assessment period;

“**L<sub>A 10</sub> assigned level**” means an assigned level which, measured as a L<sub>A Slow</sub> value, is not to be exceeded for more than 10% of the representative assessment period.

(2) The assigned level for all premises is to be determined by reference to the table to this regulation.

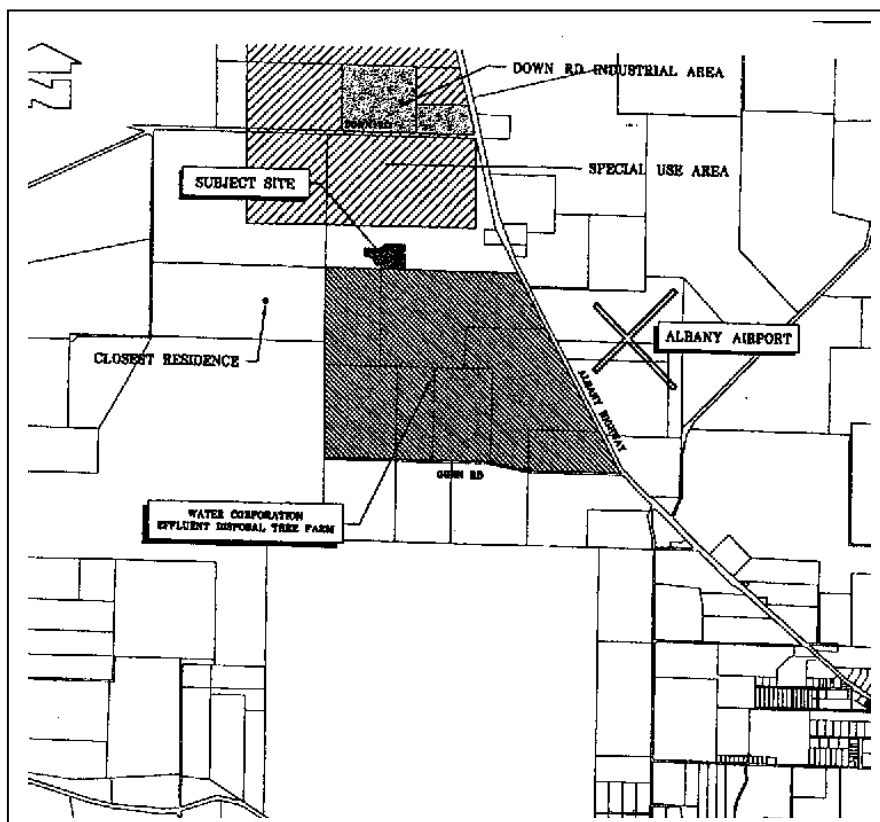
TABLE 1

Type of premises receiving noise	Time of day	Assigned level (dB)		
		L <sub>A 10</sub>	L <sub>A 1</sub>	L <sub>A max</sub>
Noise sensitive premises at locations within 15 metres of a building directly associated with a noise sensitive use	0700 to 1900 hours Monday to Saturday	45 + influencing factor	55 + influencing factor	65 + influencing factor
	0900 to 1900 hours Sunday and public holidays	40 + influencing factor	50 + influencing factor	65 + influencing factor
	1900 to 2200 hours all days	40 + influencing factor	50 + influencing factor	55 + influencing factor
	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
Noise sensitive premises at locations further than 15 metres from a building directly associated with a noise sensitive use	All hours	60	75	80
Commercial premises	All hours	60	75	80
Industrial and utility premises	All hours	65	80	90

**DEVELOPMENT SERVICES REPORTS**

**11.1.6 Proposed Liquid Waste Disposal Facility - Location 4638 Albany Highway, Drome**

- File/Ward** : A63107 (West Ward)
- Proposal/Issue** : Proposed Liquid Waste Disposal Facility
- Subject Land/Locality** : Location 4638 Albany Highway, Drome
- Proponent** : R Gerovich
- Owner** : A Gerovich
- Reporting Officer(s)** : Planning Officer (P Steele)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Approve the proposed Liquid Waste Disposal Facility with conditions
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

**BACKGROUND**

1. Council received an application from Mr Ray Gerovich for a Liquid Waste Disposal Facility at Location 4638 Albany Highway, Drome. The proposal is not separately defined in Town Planning Scheme No. 3 and has been treated as a “Use Not Listed”.
2. The subject land is currently used for farming and is zoned “Rural” under the City of Albany’s Town Planning Scheme No 3.
3. The subject land is located directly to the north of the existing Water Corporation’s tree farm, to the south of the Mirambeena/Down Road Special Industry Area and to the east of the Marbellup Brook Catchment Area.
4. The Marbellup Brook Catchment is a declared Water Reserve under the Country Areas Water Supply Act.
5. The initial application was referred to surrounding landowners and relevant Government Agencies. Through this referral process a number of issues were raised in the submissions and by Council Officers and additional information was requested.
6. A revised application prepared by Wood & Grieve Engineers was received on the 16<sup>th</sup> August 2001. The revised plan was then referred out to Government Agencies and to those individuals who, in previous submissions, requested additional information. A copy of the revised proposal has been distributed to Councillors under separate cover and the proposal will be tabled at the meeting.
7. During the two referral periods nineteen (19) submissions were received. A copy of all submissions are to be tabled.

**STATUTORY REQUIREMENTS**

8. In addition to obtaining planning approval from the City, the proponent is required to obtain a licence from the Department of Environmental Protection (DEP) to be able to operate a liquid waste facility.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. There are no financial implications to Council relating to this item. Amendments to the Environmental Protection Act relating to contaminated sites will soon become law and the onus will be placed on the landowner to fund any site contamination resulting from land use activities.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

**STRATEGIC IMPLICATIONS**

11. The Health Act and the City of Albany's Health Local Law specify that certain types of liquid waste must be disposed of at an approved/licensed site and those handling the waste must be registered with the City.

**COMMENT/DISCUSSION**

12. The proposed liquid waste disposal facility is to be constructed by the landowner and utilised by Abbots Liquid Salvage (Abbots). Currently that contractor disposes of his liquid waste at the City of Albany's Prideaux Road facility. The DEP has advised the City that the licence to use this site will not be renewed after December 2001.
13. In order for Abbots to continue their current services they have approached Mr Gerovich to construct a facility for the treatment and disposal of septage and grease trap waste.
14. The documentation that was initially submitted with the application, apart from lacking in technical details, showed the proposal being located with a portion of remnant vegetation and on the eastern edge of the Marbellup Brook Catchment Area. That application promoted the use of broadacre irrigation to dispose of the final liquid product.
15. The initial proposal was advertised for a three week period, this included an advert in a local paper, referral to relevant government agencies and all surrounding landowners. Twelve (12) submissions were received following this advertising.
16. Council staff employed the services of an independent professional, this being Geoff Bastyan of Bastyan & Associates for advice on the design of the facility. Mr Bastyan's assessment outlined a number of key issues, outlined in the response following this report, which he felt needed to be addressed before an informed decision could be taken on the proposal.
17. Wood & Grieve Engineers prepared the modified documents, which included the technical details for the proposal. The modified documents altered the location of the facility from the remnant vegetation on the edge of the Marbellup Brook Catchment to a cleared location slightly to the east and out of the catchment area. The proposal also moved away from the irrigation of the liquid waste to include larger evaporation ponds.
18. This proposal was then referred back to the appropriate parties for an additional two week advertising period. During this referral process an additional seven (7) submissions were received.
19. Of the agencies which support, or had no problems with the proposal, the following comments were made:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

- The Water and Rivers Commission – suggested pre-development tests of water table be conducted;
  - Health West – no requirements other than acceptable to DEP;
  - Main Roads – access via existing crossover, but would prefer access via Down Road;
  - FESA – have the facility made a “Registered Site”; and
  - CALM – No response after second referral;
20. The submissions received opposing the proposal had a number of similar concerns, these included:
- Proposed access – access would be more appropriate via Down Road;
  - Location of proposal – possibly relocate slightly north to increase distance from existing residence;
  - Odour – possible odour generated by proposal which could affect existing residence and businesses, including Mt Romance;
  - Visual pollution – passenger aeroplanes fly over site;
  - Building restrictions - any buffer zones required may enforce building restrictions on surrounding lots;
  - Devaluation of surrounding land; and
  - Proposal better suited to be run by government body.
21. Odour issues are dealt with under legislation other than the Town Planning and Development Act. It is acceptable to presume that the DEP will assess and control this part of the application.
22. Whilst the remainder of the issues raised may have some merit, none of them are compelling planning reasons to refuse the application by themselves.
23. Apart from these issues there were also a number of technical issues raised which Council does not have the expertise to comment on and are more relevant to DEP licensing requirements. These were referred to Wood & Grieve Engineers for their comment.
24. It should be noted that for applications of this nature a separate licence is required to be obtained from the DEP. The DEP has informed Council that no formal assessment of the proposal is required. The DEP has numerous guidelines and controls that are required to be satisfied both initially and ongoing.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.6 continued

**RECOMMENDATION**

THAT Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme 3, delegate to the Executive Director Development Services the power to issue and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Liquid Waste Disposal Facility upon Location 4638 Albany Highway, Drome and that the conditions of approval incorporate:

- i) pre-development testing of water tables on the site;
- ii) relocation of access to the development off Down Road;
- iii) the preparation of an appropriate Management Plan to remediate the site upon closure of the waste facility and the protection of that plan by a legal agreement and the registering of a caveat on the title for the land; and
- iv) appropriate approvals and licenses being obtained from the Department of Environmental Protection prior to any site work commencing.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WALKER**

**THAT Council issue a Notice of Planning Scheme Refusal for the development of a Liquid Waste Disposal Facility upon Location 4638 Albany Highway, Drome because the proposal is not consistent with proper and orderly planning as required by clause 5.13 (a) of the City of Albany Town Planning Scheme No. 3.**

**MOTION CARRIED 11-4**

Reason:

The proposed Liquid Waste Facility is to be operated by the current landowner, who has no previous management experience in operating a liquid waste facility. The developer will be relying upon the honesty of contractors to ensure the quality of the liquid effluent is of a suitable standard to ensure the facility operates without odour and the owner has no mechanism to police contractors for non-compliance. The facility is located within the Torbay Creek catchment (a potential future water resource for the City) which will be polluted if management of this site fails. Also the buffers are determined on the basis of a properly operating facility; odour problems will be experienced at the City's airport and major industrial estate if system failure occurs and the landowner fails to correct that failure.


DEVELOPMENT SERVICES REPORTS

Geoff Bastyan  
 Bastyan & Associates  
 C/- Post Office  
 Lower king, WA 6330  
 Phone/Fax 08 98 447 904  
 Email: [gbastyan@omninet.net.au](mailto:gbastyan@omninet.net.au)

6 March 2001

Greg Harwood  
 Senior Environmental Health Officer  
 The City of Albany  
 ALBANY, WA 6330

Dear Mr Harwood

 CITY OF ALBANY RECEIVED		
- 8 MAR 2001 A063107		
FILE SEW/133	CORRO No. 0103866	OFFICER SEHC
REPLY Y	ACKNOW SENT / /	CNL/BLTN

Re: Proposed Waste Water Disposal Facility for Abbotts Liquid Salvage

The following assessment in relation to the proposed Waste Water Facility has been made following a site visit with Officers from the City of Albany and the proponents. The proposed facility is to replace the existing Prideaux Road facility.

Technical details relating to the construction and functioning of the Plant are outside my field of expertise and as such should be referred to an independent engineer.

Discussions with Wood & Grieve have not been possible to date; their intention is to commence assessment in 2 weeks time.

Information received to date has been limited and relates only to the siting and construction of the Plant. As the proposed site appears to be located at the upper most edge of the Marbelup Catchment, and given that the Water Corporation has designated Marbelup Brook as a potable water source, additional information from a number of fields are required. Key issues include:

- Direction of surface water flow, particularly during above average rainfall events (eg. bund requirements).
- The close proximity of clay to the surface may aid horizontal water transport through the laterite layer (from rainfall or spillage).
- Ground water flow (hydraulic gradient) data is required.
- Will a presumed lowering of the water table over time (by the adjacent Water Corporation Tree Farm) affect contaminated ground water movement?
- More detailed data on soil structure, to a depth of at least 4 metres.

**DEVELOPMENT SERVICES REPORTS**

- Information on phosphorus retention ability of the clay.
- The construction, type and life of pond liners needs to be assessed.
- Siting within remnant vegetation is not desirable. Aside from the initial loss by clearing, further loss is possible due to exposure to elevated nutrient concentrations.
- It appears that pond C cannot be de-sludged if required, as the system would have to cease operating.

Additional points relating to operation guidelines and controls may include:

- Irrigation details (rates, quality and quantity).
- Environmental monitoring details, including siting of bores.
- The Water Corporation has a monitoring bore within several hundred metres, how will this affect their long term monitoring of the Tree Farm?
- Controls on industrial waste being disposed within the system.
- Future expansion as demand increases.
- Use/disposal of sludge (including monitoring for contaminant levels).

The availability of more comprehensive information on this proposal is definitely required.

Yours sincerely



**Geoff Bastyan**



**DEVELOPMENT SERVICES REPORTS**

**11.2 INSPECTION SERVICES**

**11.2.1 Adoption of Signs Local Law 2001**

<b>File/Ward</b>	:	MAN049 (All Wards)
<b>Proposal/Issue</b>	:	To make a new Signs Local Law 2001
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Inspection Services (K Barnett)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		To make the Signs Local Law 2001
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Traditionally, the regulation of advertising signs in the City has been achieved through the use of local laws adopted under the provisions of the Local Government Act. The objective of these local laws has been to address the structural integrity of signs and to deal with issues of amenity and character.
2. The general consensus in local government is that many current Local Laws relating to Signs, including the City's Local Laws, are a duplication of existing legislation in that structural integrity is controlled by the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989. Likewise, issues of amenity and character in a particular area are planning matters and should be dealt with under a Town Planning Scheme and supporting policy.
3. While the enforcement provisions of the Town Planning Scheme have greater power and higher penalties than the Local Government Act 1995, the infringement penalties, which is the most effective method of enforcement, cannot be imposed under the Town Planning Act 1928. To overcome this drawback and provide the City with an effective and efficient method of enforcement there is a need to adopt a Signs Local Law made under the Local Government Act. Also, both schemes would need to be amended to introduce appropriate clauses to control signs.
4. A review of the City's current Signs Local Laws has resulted in the preparation of a draft Local Law relating to Signs which embraces administrative issues only. Topics included in the draft local law are:

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

- Licence requirements and exemptions;
  - Restrictions on the placement and maintenance of advertising signs;
  - The issue of special event permits;
  - Removal of signs for breach of local law;
  - Public liability insurance; and
  - Penalties.
5. The standards that apply to different types of advertising devices, such as pylon signs, horizontal signs etc, will be incorporated into a planning policy document and presented for Council consideration prior to adoption of the draft Signs Local Law.
6. By using an “interim” local planning policy to set standards applicable to a particular category of advertisement, Council will be afforded the maximum flexibility to trial and amend its standards during the period leading up to the preparation of the new District Town Planning Scheme.
7. A draft of the Signs Local Law 2001 has been prepared for Council consideration and is included in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

8. Section 3.12 of the Local Government Act states:-

- "3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*
- (3) The local government is to -*
- a) give Statewide public notice stating that -*
    - i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
    - ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
  - b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law\* as proposed or make a local\* that is not significantly different from what was proposed.*
- \* Special Majority Required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice -*
- a) stating the title of the local law;*
  - b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*

**POLICY IMPLICATIONS**

9. There are no Council policies relating to this item.

**FINANCIAL IMPLICATIONS**

10. There will be statutory advertising costs which will be funded from the 2001/2002 budget.

**STRATEGIC IMPLICATIONS**

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

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

12. Under this Port of Call is an objective:

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**COMMENT/DISCUSSION**

- 13. The procedure for making Local Laws requires Council to advertise statewide, advising of its intention to make Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.
- 14. In addition, the procedure for making Local Laws requires the person presiding at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed Local Law.**

**Purpose and Effect**

- 15. The purpose of this local law is to provide for the regulation, control and management of signs within the district, in support of the town planning scheme sign provisions.
- 16. The effect of this local law is to establish the requirements with which any person seeking to erect a sign within the district must comply and the means of enforcing those requirements.

**RECOMMENDATION**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, agrees to make the Signs Local Law 2001, as detailed in the Elected Members' Report/Information Bulletin.

*Voting Requirement Simple Majority*

.....

**Before the motion was moved the Chief Executive Officer read out the purpose and effect.**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, agrees to make the Signs Local Law 2001, as detailed in the Elected Members' Report/Information Bulletin.**

**MOTION CARRIED 15-0**

**DEVELOPMENT SERVICES REPORTS**

**11.2.2 Adoption of Parking and Parking Facilities Local Law 2001**

<b>File/Ward</b>	:	MAN052 (All Wards)
<b>Proposal/Issue</b>	:	To make a new Parking and Parking Facilities Local Law 2001
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Inspection Services (K Barnett)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		To make a Parking and Parking Facilities Local Law 2001
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Under the provisions of the Local Government Act 1995, Council is required to review its Local Laws within a period of eight years from the day those laws commenced. While the City's current Parking and Parking Facilities Local Law was only adopted in 1998 the introduction of the Road Traffic Code 2000 has necessitated a review of this Local Law.
2. The Road Traffic Code 2000 became operative from 1 December 2000 and includes Australian road rules aimed at removing inconsistencies which have previously existed between Australian States. Some of these changes impact on the City's Parking and Parking Facilities Local Law.
3. Major changes to the Local Law include:
  - "No Standing" becomes "No Stopping" and this means where these signs are installed vehicles shall not stop unless held up by traffic, in an emergency, or involved in a crash.
  - Where there is a "No Parking " sign, a person can stop, briefly (2 minutes maximum) to drop off or pick up people or goods, but the driver must not move more than 3 metres from the vehicle.
  - Under the new "No Stopping" provisions, the distances within which the prohibition applies, from children's crossings, pedestrian crossings and the like have increased.
  - Vehicles displaying ACROD stickers now have extended privileges

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

4. In addition, the proposed Local Law now incorporates clauses that allow the City to apply the provisions of the Local Law to private property subject to a formal agreement with the property owner.
5. A draft of the Parking and Parking Facilities Local Law 2001 has been prepared for Council consideration and is included in the Elected Members' Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

6. Section 3.12 of the Local Government Act states:-

- "3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*
  - (3) The local government is to -*
    - a) give Statewide public notice stating that -*
      - i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
      - ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
      - iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
    - b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
    - c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
  - (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
  - (4) After the last day for submission, the local government is to consider any submissions made and may make the local law\* as proposed or make a local\* that is not significantly different from what was proposed.*

*\* Special Majority Required.*
  - (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
  - (6) After the local law has been published in the Gazette the local government is to give Statewide public notice –*

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

- a) *stating the title of the local law;*
  - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*

**POLICY IMPLICATIONS**

7. There are no Council policies relating to this item.

**FINANCIAL IMPLICATIONS**

8. There will be statutory advertising costs which will be funded from the 2001/2002 budget.

**STRATEGIC IMPLICATIONS**

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

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

10. Under this Port of Call is an objective:

- To provide a range of ranger services for the benefit and safety of our community.

**COMMENT/DISCUSSION**

11. The procedure for making Local Laws requires Council to advertise statewide, advising of its intention to make Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

- 12. In addition, the procedure for making Local Laws requires the person presiding at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed Local Law.**

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

**Purpose**

13. The purpose of these local laws is to:

- constitute a parking region
- enable the local government to regulate the parking of vehicles within the parking region; and
- provide for the management and operation of parking facilities occupied by the local government.

**Effect**

14. A person parking a vehicle within the parking region is to comply with the provisions of this Local Law.

**RECOMMENDATION**

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, agrees to make the Parking and Parking Facilities Local Law 2001, as detailed in the Elected Members' Report/Information Bulletin.

*Voting Requirement Simple Majority*

.....  
**Before the motion was moved the Chief Executive Officer read out the purpose and effect.**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR CECIL**

**THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, agrees to make the Parking and Parking Facilities Local Law 2001, as detailed in the Elected Members' Report/Information Bulletin.**

**MOTION CARRIED 15-0**

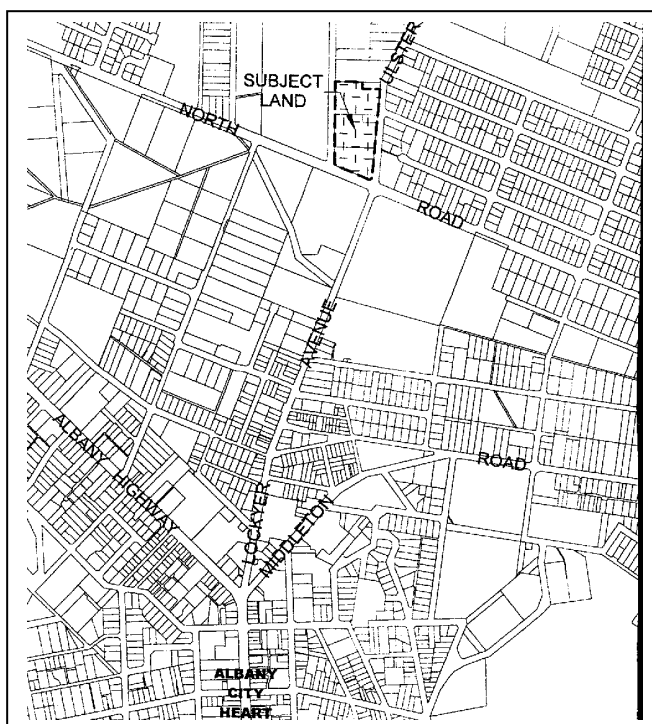


**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Initiate Amendment - Lots 9, 10, 11 & 70 Ulster Road, Yakamia**

- File/Ward** : A96776A/AMD133 (Yakamia Ward)
- Proposal/Issue** : Request to rezone Lots 9, 10, 11 & 70 from the “Yakamia Creek” zone to a “Special Site”, with a “Residential R30” base zone and “Additional Use, Aged Persons Village”
- Subject Land/Locality** : Lots 9, 10, 11 & 70 Ulster Road, Yakamia
- Proponent** : Ayton Taylor & Burrell
- Owner** : Albany Heights Pty Ltd
- Reporting Officer(s)** : Planning Officer- Policy (P Tvermoes)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 15/05/01 Item 11.3.1
- Summary Recommendation:** Support Initiation of Amendment with modifications
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**BACKGROUND**

1. Council has received a request from Ayton Taylor Burrell town planners, on behalf of Albany Heights Pty Ltd, to rezone Lots 9, 10, 11 & 70 from the “Yakamia Creek” zone to a “Special Site”, with a “Residential R30” base zone and “Additional Use” of Aged Persons Village. The amendment would accommodate the development of an aged person’s village, with a range of community facilities.

2. At the meeting on 15<sup>th</sup> May 2001, Council resolved:

*“THAT Council;*

- i) advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No. 1A to rezone Lots 9, 10, 11 & 70 Ulster Road, Yakamia from the “Yakamia Creek” zone to “Special Site” with an additional use of ‘Aged Persons Village’ subject to, in the formal amendment documents, the proponent;*
  - a) establishing by detailed research the floodplain for Yakamia Creek and fill levels on the subject land;*
  - b) undertaking geotechnical analysis of the site to determine soil characteristics and drainage capacity;*
  - c) establishing fencing and development controls which promote a suitable urban form, consistent with the adjoining locality;*
  - d) establishes suitable provisions for the site within the Special Site clauses of the Scheme;*
  - e) clearly documenting how the balance of the cell will integrate with the proposed land use;*
  - f) demonstrating that active open spaces can be integrated into the designs for the development of the subject land; and*
  - g) committing to the cost of upgrading pedestrian and vehicle access arrangements resulting from the site development.*
- ii) encourages the proponent, prior to submitting formal documents, to liaise with staff to derive appropriate development controls for the aged persons village.”*

3. This amendment has been prepared in accordance with Council’s resolution.

4. Council is now required to formally resolve to amend Town Planning Scheme 1A (TPS1A).

5. A copy of the amending documents is available on request and an abridged version is included in the Elected Members’ Report/Information Bulletin.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**STATUTORY REQUIREMENTS**

6. Within the “Yakamia Creek” zone the use class of “Aged Persons Village” is not a permitted use. In order to gain approval for an aged persons village the land must first be either rezoned to “Residential” or designated as a “Special Site”.
7. Clauses 3.7 within Town Planning Scheme No. 1A states:  
  
*“Notwithstanding that a parcel of land described as a Special Site is within another zone, the land or any building thereon may be used for the purpose set against that parcel in the Schedule in addition to the uses permitted in the zone in which the land is situated, unless any of those uses is excluded or modified by a condition specified in the Schedule. The use of the parcel of land is also subject to any other conditions considered appropriate by the Council and stated opposite the parcel in the Schedule.”*
8. Council’s resolution under the Town Planning & Development Act 1928 is required to amend TPS1A.
9. An amendment to a Town Planning Scheme adopted by resolution of a Council is to be referred to the Environmental Protection Authority (EPA) for assessment.
10. A resolution to amend a Town Planning Scheme at this stage should not be construed to mean that final approval would be granted to the amendment.

**POLICY IMPLICATIONS**

11. If developed, lots 12 and 13 (the adjoining sites) would, according to the Structure Plan, be required to cede a 30 metre foreshore reserve as a general condition of sub division within the existing Yakamia Zone. The reserve should be included in any future plan for the area, as the intent is to protect Yakamia Creek.

**FINANCIAL IMPLICATIONS**

12. Potential storm water treatment from the site is proposed, potentially in conjunction with the City in an off site location, although specific details to the location and costing of this proposal have not been provided in the existing amending document. Consequently when the treatment facility is required there may be potential pressure on Council to bear the full cost for its construction. Further details of the costing and construction in relation to storm water treatment need to be provided by the proponent.
13. Any potential pedestrian crossing across North Road or the proposed Yakamia Drive, which may need to be constructed, should require a full contribution from the applicant, as the development would be the prime generator for pedestrian traffic in the immediate vicinity.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**STRATEGIC IMPLICATIONS**

14. The Residential Expansion Strategy for Albany (1994) indicates that there is an intent to consolidate existing residential areas and accommodate a range of lot sizes, while also ensuring residential areas are located close to employment and facilities.
15. The Residential Planning Codes (1991), which forms an integral component of Town Planning Scheme No. 1A, states that when considering applications for aged accommodation, Council should consider whether such a proposal will be out of character with, or detrimental to, the amenity of the area.

**COMMENT/DISCUSSION**

**Additional Use - Aged Persons**

16. The proposal includes 120 independent living units (in a two and three bedroom configuration), with one parking area provided per unit and on-site recreation facilities, on the proposed site. A copy of the concept plan follows this report.
17. The subject site (3.47 hectares) is in a prime location for an aged person's village. The site is adjacent to extensive public open space to the south of North Road and has access to public transport. Within a 1.5 kilometre radius a number of facilities can be easily accessed by car or alternate transport. These facilities include the North Road Shopping Centre, Albany Regional Hospital and the Albany Leisure and Aquatic Centre. The site also has ready access to essential infrastructure such as deep sewerage, scheme water and power.
18. The site however does have a number of constraints. The site is in excess of 400 metres from essential facilities, which is beyond what is considered a comfortable distance to walk. There is potential impact of noise on the site from its proximity to North Road and the future Yakamia Drive. There is also a need to provide pedestrian access across North Road to the dual use path and public open space network.

**Base Zoning – R30**

19. A base zoning of Residential R30 has been proposed and justified in the amending documents. This has been proposed rather than retaining the existing Yakamia Creek zone because:
  - retention of the “Yakamia Creek” base zoning is considered contrary to the Residential Expansion Strategy which recommends consolidation of residential development in order to encourage sustainable development;
  - the Residential Expansion Strategy recommends provision be made for reducing lot sizes and for allowing for a wider variety of housing types in different situations including new development and infill;

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

- the site provides an opportunity to provide alternate housing choice and that an R30 density is at the upper limit of the Low Density (residential design) Codes;
  - the proposed code allows for the development of detached single dwellings, similar to adjoining residential areas which are zoned R20; and
  - the Yakamia Structure Plan identifies the area as being similar to the surrounding suburb of Spencer Park.
20. Council recommended at its meeting on 15<sup>th</sup> May 2001 to support a “Special Site” zoning for the site, to allow for an additional use of ‘Aged Persons Village’. Keeping a base zoning of “Yakamia Creek” removes the option for the land to become a series of housing lots, a fall back position which a residential base zoning would allow for. The initial decision not to rezone the land “Residential” was largely focussed on the lack of suitable overall planning to integrate development over multiple lots.
21. If a residential base zoning is to be adopted for the site, it could be argued that it should reflect the base zoning in the immediate vicinity, which is R20. However, given Council’s desire to locate the Council’s offices at the North Road site, an increase in density would reflect the intensification of land use in the immediate vicinity of this site. Given the impetus and thrust of the Residential Expansion Strategy, the site does have the potential for a denser urban fabric, should the site be developed as a residential subdivision, beyond R20 zoning of properties in the immediate vicinity.

**The Site**

22. Flooding upon the subject site is of concern to Council, as is the level of potential contamination of the site. The proponents undertook a drainage and geotechnical assessment of the site and those assessments will be reviewed by the EPA. The drainage study undertaken indicated that drainage and ground water flow from the site appears to head in a northerly direction to Yakamia Creek.
23. The report recommends that sub soil drainage be installed to capture ground water on the site and that the open drain between lots 9 and 11 be piped to the Range Road road reserve. However, any storm water and treatment from the site needs to be addressed specifically, with a comprehensive undertaking in regards to costing or provision of funds towards the development of a storm water treatment facility. One option is for the proponent to treat all storm water on-site in an artificial wetland/retention basin. This matter needs further exploration, beyond the current undertaking in the Schedule of Conditions for the Special Site zoning (proposed).
24. The proponent has undertaken to develop a range of design guidelines to Council’s satisfaction, in the Schedule of Conditions, with specific regard to fencing design, materials and colours of the development would contribute to an attractive urban landscape when viewed from surrounding localities. The design guidelines need to ensure a degree of visual permeability when the development is viewed from adjoining localities and this concern needs to be specifically outlined in the Schedule of conditions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

25. Given the age and the target market of the potential residents, the provision of open space for active pursuits needs to be considered in context. The amending document submitted indicates that residents will have access to swimming pool, spa, gymnasium, and a covered barbecue area. These would constitute active open space given the context of the development. The site is also in the immediate vicinity of a range of extensive public open space area, where residents could pursue more active and passive forms of recreation.

**Conclusion**

26. The proposal meets most of the concerns raised in the last session of Council on 15<sup>th</sup> May 2001. The development is to comprise of 120 independent living units, with a two and three bedroom configuration, with one parking area provided per unit and on-site recreational facilities, on the proposed site. The documentation needs to address the issue of treating storm water on-site and meeting the full cost of pedestrian crossings across North Road or the proposed Yakamia Drive.

27. The proponent in the submitted document does not indicate any clear and determined intent to contribute a specific or proportional sum towards the provision of upgrading pedestrian and vehicle access arrangements resulting from the site development.

28. The documentation addresses the decision to amend the base zoning from “Yakamia Creek” to “Residential” and the argument is soundly based.

**RECOMMENDATION**

THAT:

- i) prior to Council advertising Scheme Amendment 133 to Town Planning Scheme 1A, Development Guidelines are to be prepared and considered by Council for advertising concurrently with the Scheme Amendment;
- ii) modification be sought to the amending documents, to clarify the contribution towards the construction of storm water treatment facilities and provision of upgrading pedestrian and vehicle access arrangements resulting from the proposed development; and
- iii) 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 1A by:
  - a) rezoning Lots 9, 10, 11 and 70 Ulster Road Albany as a Special Site, with a Residential R30 base zoning and Additional Use, Aged Persons Village; and
  - b) adding a “Special Site” in Appendix II.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WELLINGTON**

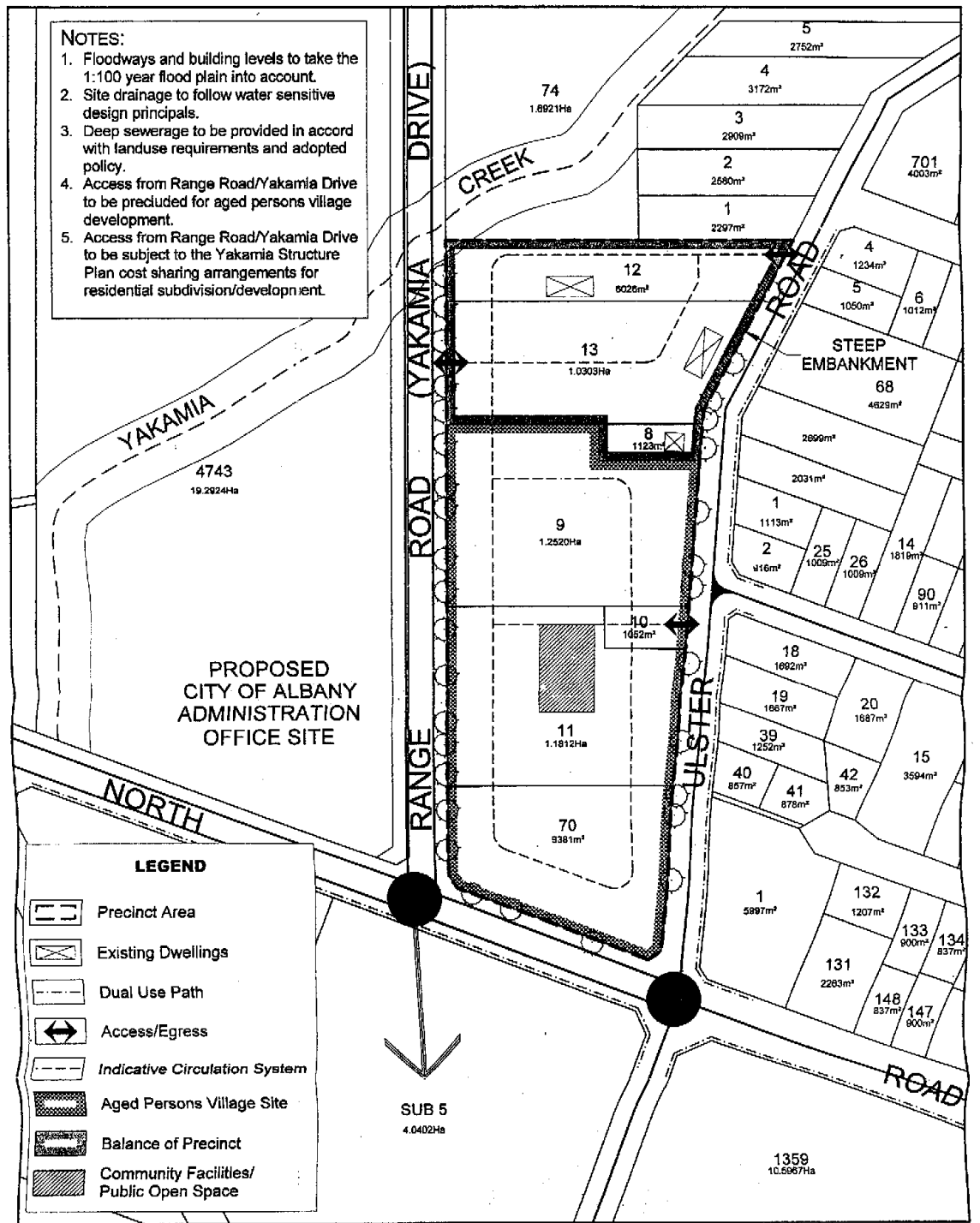
**THAT:**

- i) prior to Council advertising Scheme Amendment 133 to Town Planning Scheme 1A, Development Guidelines are to be prepared and considered by Council for advertising concurrently with the Scheme Amendment;**
- ii) modification be sought to the amending documents, to clarify the contribution towards the construction of storm water treatment facilities and provision of upgrading pedestrian and vehicle access arrangements resulting from the proposed development; and**
- iii) 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 1A by:**
  - a) rezoning Lots 9, 10, 11 and 70 Ulster Road Albany as a Special Site, with a Residential R30 base zoning and Additional Use, Aged Persons Village; and**
  - b) adding a “Special Site” in Appendix II.**

**MOTION CARRIED 15-0**

DEVELOPMENT SERVICES REPORTS

ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY



Ayton Taylor Burrell  
 Consultants in Urban & Regional Planning  
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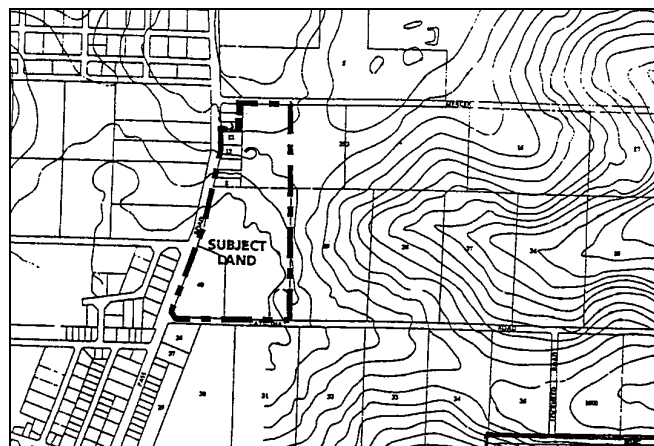
**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Amendment to Council Policy - Catalina Central Structure Plan**

- File/Ward** : STR049/AMD220 (Yakamia Ward)
- Proposal/Issue** : To modify the Catalina Central Structure Plan and adopt as a Town Planning Scheme Policy
- Subject Land/Locality** : Lots 8, 12, 13, 40 & 101 Chester Pass, Catalina & Mercer Roads, Lange
- Proponent** : Taylor Burrell
- Owner** : KingOpen Pty Ltd
- Reporting Officer(s)** : Planning Consultant (D Gray)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 26/06/01 Item 11.1.2  
OCM 23/01/01 Item 11.1.10  
OCM 05/09/00 Item 11.3.3  
OCM 14/12/99 Item 15.1.1  
OCM 01/06/99 Item 15.1.3  
OCM 28/04/99 Item 15.1.2  
OCM 10/03/99 Item 15.1.1

**Summary Recommendation:** To lay on the table the modifications to the Catalina Central Structure Plan

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. An application has been received from Taylor Burrell on behalf of KingOpen Pty Ltd for modifications to the Catalina Central Structure Plan, and adoption of those modifications as a proposed Town Planning Scheme policy. A copy of the proposed addendum is contained in the Elected Members' Report/Information Bulletin.
2. The Catalina Central Structure Plan has been considered by Council, advertised for public comment, adopted by Council subject to modifications and referred to the Western Australian Planning Commission for endorsement. The WAPC has deferred its further consideration pending the current application.

**STATUTORY REQUIREMENTS**

3. A Town Planning Scheme policy is made by Council in accordance with clause 6.9 of Town Planning Scheme No. 3. Council is not bound by any policy, but is to take into account the policy objectives and provisions when determining an application for which the policy is relevant.

**POLICY IMPLICATIONS**

4. There are various policies and strategies that have relevance to the Catalina Central Structure Plan. They include:
  - The State Planning Strategy
  - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8).
  - The Albany Regional Strategy (1994)
  - The Residential Expansion Strategy for Albany (1994)
  - The Commercial Strategy Review (2000)
  - The Albany Local Planning Strategy (in preparation)
  - The Yakamia Structure Plan (adopted in part).
5. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

**FINANCIAL IMPLICATIONS**

6. There are no financial implications relating to the recommendation for this item.

**STRATEGIC IMPLICATIONS**

7. Development of the site will be consistent with the City of Albany Strategic Plan 1998-2000 and the Commercial Strategy Review 2000.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**COMMENT/DISCUSSION**

8. The proponent has asked that Council adopt modifications to the Catalina Central Structure Plan (CCSP) for:
  - i) removal of the Catalina Road realignment to accommodate MRWA's recent concerns regarding access to Chester Pass Road;
  - ii) removal of service roads along Chester Pass Road for the same reason;
  - iii) removal of references to municipal offices in the civic precinct (Precinct 2) of the Structure Plan area and their replacement with a hospital;
  - iv) Structure Plan boundary modifications to reflect Amendment 220; and
  - v) transfer of the proposed 5,000m<sup>2</sup> NLA retail floorspace from the Farmfresh site to a more centrally located site within the Structure Plan and corresponding downgrading of the existing Farmfresh building to Mixed Business only.
9. The proponent has submitted a schedule of proposed modifications (the addendum) which is included in the Elected Members' Report/Information Bulletin.
10. Items (i) and (ii) of the proponent's request (above) may not cause any difficulty, but MRWA has previously raised concerns about traffic projections and the treatment of access onto Chester Pass Road, a primary freight route to the Port. It is expected that the MRWA concerns will be addressed at a meeting to be held after preparation of this report but before the Council meeting. Further information should be available for consideration by Council.
11. Items (iii) and (iv) are consistent with Council decisions on the CCSP and Amendment 220.
12. Item (v) has implications for the form of the overall development and the CCSP as previously considered by Council. The proposed modifications are to set new buildings at the southern end of the site about 45-50 metres behind the existing Farmfresh building and to use all of the area in front of those buildings for parking. The southern end of the new north-south road on the eastern side of the carpark would be a private road. The CCSP considered by Council shows buildings facing Chester Pass Road in accordance with design principles set out in the CCSP as follows.

**6.1.1 Principles**

*A major international planning and urban design trend emerging in recent years has been "New Urbanism". This trend has moved towards redefining urban spaces and addresses the location and distribution of land uses. New Urbanism challenges the notion of separating so called "incompatible uses" and examines integrated, sustainable development.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

*Key principles of “New Urbanism” in relation to the CCSP include:*

- *bringing buildings up to the street boundary wherever possible in a traditional “Main Street” fashion,*
- *creating a robust building form which is readily adaptable to successive uses without the need for “knock down” and redevelopment,*
- *reintroducing parking on street,*
- *accommodating additional on-site parking internally within street blocks,*
- *encouraging finer grained and more responsive architecture facing the street,*
- *facilitating the design of streets to be substantially pedestrian oriented spaces, which still accommodate significant traffic, and*
- *enabling the creation of public spaces within the town setting that maximises opportunities creating a strong sense of place by enabling community and cultural expression in addition to the needs of commercial identification and exposure.*

*These principles are consistent with the principles of the Western Australian Community Design Code released by the Western Australian Planning Commission for testing, and consequently is a form of development receiving greater encouragement by the Ministry for Planning and planning professionals.*

**6.1.2 Urban Design Concept**

*Succinctly, the CCSP aims to discourage the creation of multiple free-standing commercial developments and centres which would make little or no contribution towards community formation (Yakamia) or the development of a sense of place for the district.*

*It is intended that urban design guidelines be applied to the development of each individual precinct within the Structure Plan area so that the ultimate urban form can achieve a degree of consistency and unity.*

*In addition to the placement of buildings on the primary street alignments, it is intended that urban design guidelines together with reciprocal rights of access easements establish an integrated carparking network at the rear of buildings. This urban design concept would presume the encouragement of shared parking arrangements.*

13. The proponent has not proposed any modification to the stated design principles for this southern part of the CCSP, nor referred to reasons for the change other than to locate Farmfresh more centrally to the proposed future residential development for medium density/aged persons housing.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

14. The amended CCSP shows a number of large buildings in close proximity to each other and a large expanse of bitumen developed between those buildings and Chester Pass Road. The zoning of the site allows for a neighbourhood shopping centre (5000m<sup>2</sup> retail) to be built on the land and the balance of the buildings are to be used for showroom/warehouse uses.
15. Amendment 220 specifically limits retail uses to a neighbourhood centre with a maximum of 5,000m<sup>2</sup> nett lettable area (NLA) plus no more than 200m<sup>2</sup> floor space each for shops and for offices. In accordance with the Commercial Strategy Review, and an economic impact assessment submitted by the proponent, the site should not to be a major shopping centre and office development. Some of the notations on the plans will need to be changed accordingly.
16. The proponent's schedule of proposed modifications (attached to this report) includes references to future retail floorspace development in excess of the 5,000m<sup>2</sup> permitted under Amendment 220, which is beyond the scope of a neighbourhood centre. These references (sections 7.0(v), (vi), and (xv)) should be deleted on the basis that any additional floorspace is to be determined at the time by Council having regard for matters including the Commercial Strategy Review and a further economic impact assessment.
17. The indicative development plan as submitted shows medium density housing/aged persons housing in the north eastern corner of the site off Mercer Road, with a notation that proposes extension of the uses eastwards along Mercer Road. Any such extension is on land that is now in the Rural zone and where Council has not considered any proposal for this form of development. The notation on the plan should be deleted.
18. The request for modifications does not address changes to urban design principles or the buffering of land uses espoused in the approved CCSP. The road issues were also not able to be resolved at the time of report preparation. Whilst Council may not have difficulty in accepting most of the proposed modifications, staff recommends that further information be obtained on other aspects and that consideration of the modified CCSP be deferred accordingly.
19. The modifications should be consolidated into the Structure Plan so that Council can consider the whole document.
20. The proponent has separately sought clarification of requirements for design guidelines. The CCSP proposes preparation of design guidelines for each Precinct to promote development in accordance with the vision of the CCSP. The design guidelines will be required when development applications are submitted for Council's approval and should include:

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

- details of land uses;
- road reserves and dual use paths, car parking, and service access standards;
- details of landscaping including principles of landscaping for soft and hard elements;
- proposed land tenure and subdivision ;
- building materials, external building colours, façade treatments, building heights; and
- signage.

**RECOMMENDATION**

- i) THAT Council lay on the table the request to consider modifications to the Catalina Central Structure Plan (CCSP) as a proposed Town Planning Scheme Policy, to allow for the submission of further information by the proponent on the following matters:
  - a) the urban design concepts for the modifications that are not consistent with the principles promoted in the Catalina Central Local Structure Plan and result in a substantially different project when viewed from Chester Pass Road and the internal access roads;
  - b) the notation of proposed land uses that show retail floor space that is substantially greater than permitted under Amendment 220 to Town Planning Scheme No. 3 or the existing adopted policy;
  - c) clarification of traffic impact assessment and changes that include a private road into the development off Catalina Road and retaining Catalina Road on its existing alignment;
  - d) Main Roads WA requirements for traffic management having regard for the number and position of access points onto Chester Pass Road;
  - e) submission of a consolidated structure plan report incorporating proposed modifications; and
  - f) the removal of medium density residential development along the eastern boundary of the CCSP area, thereby creating potential land use conflicts.
- ii) THAT the proponent be advised that reference on the indicative development plan to medium density housing/aged persons housing extending eastwards along Mercer Road on to Rural zoned land not the subject of the CCSP is to be deleted.
- iii) THAT the proponent be advised future applications to Council for planning consent are to be accompanied by Precinct Plans including design guidelines as proposed in the Catalina Central Structure Plan.

*Voting Requirement Simple Majority*

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Item 11.3.2 continued

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR EMERY**

- i) **THAT Council lay on the table the request to consider modifications to the Catalina Central Structure Plan (CCSP) as a proposed Town Planning Scheme Policy, to allow for the submission of further information by the proponent on the following matters:**
- a) **the urban design concepts for the modifications that are not consistent with the principles promoted in the Catalina Central Local Structure Plan and result in a substantially different project when viewed from Chester Pass Road and the internal access roads;**
  - b) **the notation of proposed land uses that show retail floor space that is substantially greater than permitted under Amendment 220 to Town Planning Scheme No. 3 or the existing adopted policy;**
  - c) **clarification of traffic impact assessment and changes that include a private road into the development off Catalina Road and retaining Catalina Road on its existing alignment;**
  - d) **Main Roads WA requirements for traffic management having regard for the number and position of access points onto Chester Pass Road;**
  - e) **submission of a consolidated structure plan report incorporating proposed modifications; and**
  - f) **the removal of medium density residential development along the eastern boundary of the CCSP area, thereby creating potential land use conflicts.**
- ii) **THAT the proponent be advised that reference on the indicative development plan to medium density housing/aged persons housing extending eastwards along Mercer Road on to Rural zoned land not the subject of the CCSP is to be deleted.**
- iii) **THAT the proponent be advised future applications to Council for planning consent are to be accompanied by Precinct Plans including design guidelines as proposed in the Catalina Central Structure Plan.**

**MOTION CARRIED 15-0**

**DEVELOPMENT SERVICES REPORTS**

**11.4. DEVELOPMENT SERVICES COMMITTEES**

**11.4.1 Local Planning Strategy Steering Committee Minutes of 6<sup>th</sup> September 2001**

<b>File/Ward</b>	:	STR078 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer</b>	:	Executive Director Development Services (R Fenn)
<b>Summary Recommendation</b>	:	That the minutes of the Local Planning Strategy Steering Committee held on 6 <sup>th</sup> September 2001 be adopted.

**Confirmation of the minutes of the Local Planning Strategy Steering Committee of 6<sup>th</sup> September 2001**

**RECOMMENDATION**

THAT the minutes of the Local Planning Strategy Steering Committee held on the 6<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 4.0 and 5.0 be adopted.

**Item 4.0 Terms of Reference of Committee**

That the Albany Local Planning Strategy Steering Committee continue as a Committee of Council with responsibility to;

Purpose :

- To guide and participate in the process of preparing the Albany Local Planning Strategy.
- To provide feedback to Council on the extent to which the co-ordination of the City of Albany Town Planning Scheme with the City's Local Planning Strategy has been achieved and to make recommendations on changes that may be required to either document.

Tasks / Responsibilities:

The general tasks / responsibilities of the Steering Committee are to;

- Provide assistance and advice to Council, Council staff and the consultant on preparation of the Albany Local Planning Strategy.
- Make recommendations to Council on the consultant's proposals for strategic outcomes contained in the Albany Local Planning Strategy.
- Provide advice and guidance to Council and Council staff on the co-ordination of the Albany Local Planning Strategy short term objectives into the City's District Town Planning Scheme.



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

More specifically, the Steering Committee shall;

- Provide guidance and local knowledge to Council and Council Staff during the preparation of the Albany Local Planning Strategy and the District Town Planning Scheme.
- Develop lists of key stakeholder groups to assist in the development of planning strategy and policy as it directly relates to the Albany Local Planning Strategy.
- Make recommendations to Council and the Consultant regarding responses to the submissions received on the draft of the Albany Local Planning Strategy and changes required to the Strategy.
- Act as a reference group to which Council and Council staff can refer strategic land use planning matters for comment.

**Item 5.0 Membership of the Steering Committee**

That:

1. Council call for expressions of interest from the public for members to join the Albany Local Planning Strategy Steering Committee and the applicants be required to demonstrate;
  - an affiliation with the real estate or development industry (1 representative);
  - a background within the administrative, retail or commercial industry (1 representative);
  - membership of a community group representing the interests of a broad cross section of the community (2 representatives): and
2. The following agencies be requested to nominate representatives to sit on the Albany Local Planning Strategy Steering Committee;
  - Department of Planning & Infrastructure (2 representatives);
  - Agriculture WA , Waters and Rivers Commission/DEP, GSDC and DEP (Assessment Division) (1 representative each)

*Voting Requirement Absolute Majority*

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**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Local Planning Strategy Steering Committee held on the 6<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 4.0 and 5.0 be adopted.**

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

**Item 4.0 Terms of Reference of Committee**

**That the Albany Local Planning Strategy Steering Committee continue as a Committee of Council with responsibility to;**

**Purpose :**

- **To guide and participate in the process of preparing the Albany Local Planning Strategy.**
- **To provide feedback to Council on the extent to which the co-ordination of the City of Albany Town Planning Scheme with the City's Local Planning Strategy has been achieved and to make recommendations on changes that may be required to either document.**

**Tasks / Responsibilities:**

**The general tasks / responsibilities of the Steering Committee are to;**

- **Provide assistance and advice to Council, Council staff and the consultant on preparation of the Albany Local Planning Strategy.**
- **Make recommendations to Council on the consultant's proposals for strategic outcomes contained in the Albany Local Planning Strategy.**
- **Provide advice and guidance to Council and Council staff on the co-ordination of the Albany Local Planning Strategy short term objectives into the City's District Town Planning Scheme.**

**More specifically, the Steering Committee shall;**

- **Provide guidance and local knowledge to Council and Council Staff during the preparation of the Albany Local Planning Strategy and the District Town Planning Scheme.**
- **Develop lists of key stakeholder groups to assist in the development of planning strategy and policy as it directly relates to the Albany Local Planning Strategy.**
- **Make recommendations to Council and the Consultant regarding responses to the submissions received on the draft of the Albany Local Planning Strategy and changes required to the Strategy.**
- **Act as a reference group to which Council and Council staff can refer strategic land use planning matters for comment.**

**Item 5.0 Membership of the Steering Committee**

**That:**

1. **Council call for expressions of interest from the public for members to join the Albany Local Planning Strategy Steering Committee and the applicants be required to demonstrate;**

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued

- **an affiliation with the real estate or development industry (1 representative);**
  - **a background within the administrative, retail or commercial industry (1 representative);**
  - **membership of community groups representing the interests of a broad cross section of the community (2 representatives): and**
- 2. The following agencies be requested to nominate representatives to sit on the Albany Local Planning Strategy Steering Committee;**
- **Department of Planning & Infrastructure (2 representatives);**
  - **Agriculture WA , Waters and Rivers Commission/DEP, GSDC and DEP (Assessment Division) (1 representative each)**

**MOTION CARRIED 14-1  
ABSOLUTE MAJORITY**

Reason:

Council wanted the term “community group” changed to “community groups” to encourage broader participation.

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

**COMMENT/DISCUSSION**

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

Municipal Fund Vouchers			
Cheques	14620-14747	totalling	80,743.81
EFT	EF7779-EF8157	totalling	980,626.12
Municipal Fund Direct Debits			
Payroll		totalling	575,726.19
<b>Total Municipal Fund</b>			<b><u>1,637,096.12</u></b>
Trust Fund Vouchers			
136-137		totalling	9,200.00
<b>Total Trust Fund</b>			<b><u>9,200.00</u></b>
<b>TOTAL</b>			<b><u>1,646,296.12</u></b>

**RECOMMENDATION**

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

Municipal Fund	totalling	\$1,637,096.12
Trust Fund	totalling	\$ 9,200.00
Total		<u>\$1,646,296.12</u>

*Voting Requirement Simple Majority*

ORDINARY COUNCIL MEETING – 16/10/01  
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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EMERY**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$1,637,096.12</b>
<b>Trust Fund</b>	<b>totalling</b>	<b>\$ <u>9,200.00</u></b>
<b>Total</b>		<b><u>\$1,646,296.12</u></b>

**MOTION CARRIED 15-0**

## 12.2 ADMINISTRATION

### 12.2.1 Adoption of Local Government Property Local Laws 2001

<b>File/Ward</b>	:	MAN048 (All Wards)
<b>Proposal/Issue</b>	:	To make a new Local Law for Local Government Property
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Inspection Services (K Barnett) Senior Administration Officer (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 17/07/01 Item 12.2.5
<b>Summary Recommendation</b>	:	To make the Local Government Property Local Laws 2001
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. At its 17<sup>th</sup> July 2001 meeting, Council commenced the process to create a Local Government Property Local Laws 2001 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise statewide, advising of its intention to make a Local Law and seeking submissions within a six week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

### STATUTORY IMPLICATIONS

3. Section 3.12 of the Local Government act, states:-

*“3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

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**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued

- (2) *At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*
- (3) *The local government is to-*
- a) *give Statewide public notice stating that-*
    - i) *the local government proposes to make a local law the purpose and effect of which is summarised in then notice;*
    - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
  - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Special Majority Required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice-*
- a) *stating the title of the local law;*
  - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*



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**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them.*”

**POLICY IMPLICATIONS**

- 4. There are no Council policies in place relating to this item.

**FINANCIAL IMPLICATIONS**

- 5. There will be statutory advertising costs, which will be funded from the current budget.

**STRATEGIC IMPLICATIONS**

- 6. The Council’s Albany 2020 objectives and Council activities strategic plan has identified the need to provide good Government for the City.

**COMMENT/DISCUSSION**

- 7. Council advertised, both statewide and locally for public comment on the draft Local Government Property Local Laws 2001, but at the closing date for submissions, 25<sup>th</sup> September 2001, had not received any feedback.
- 8. The intention of this review is to remove obsolete local laws and align the new Local Law with current State legislation and to address the care, control and management of all property vested or owned by the City, in keeping with public expectations.

**RECOMMENDATION**

That Council in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Local Government Property Local Law 2001, as detailed in the Elected Members’ Report/Information Bulletin.

*Voting Requirement Special Majority*

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WOLFE**

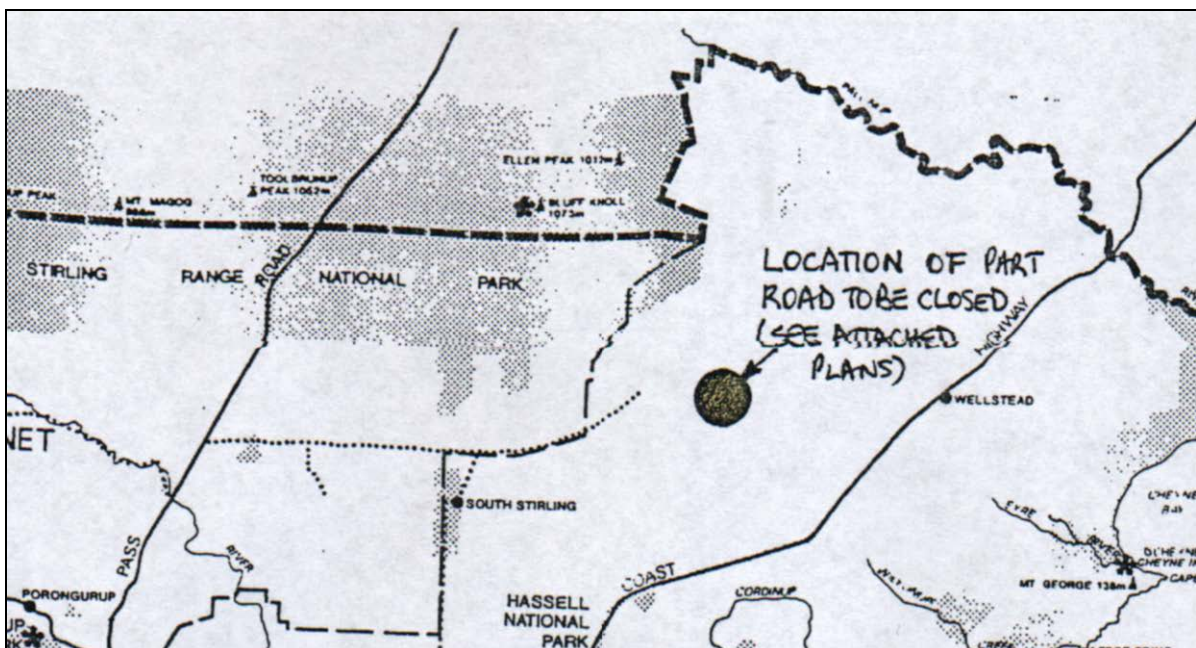
**That Council in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Local Government Property Local Law 2001, as detailed in the Elected Members’ Report/Information Bulletin.**

**MOTION CARRIED 15-0  
SPECIAL MAJORITY**

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**12.2.2 Proposed Closure of Portions of Chillinup and Kojaneerup Spring Roads to create a Crown Reserve**

<b>File/Ward</b>	:	SER088 (Hassell Ward)
<b>Proposal/Issue</b>	:	Closure of Portions of Chillinup and Kojaneerup Spring Roads, to create a Crown Reserve
<b>Subject Land/Locality</b>	:	Kojaneerup
<b>Proponent</b>	:	Kojaneerup Bushfire Brigade
<b>Owner</b>	:	Crown Land
<b>Reporting Officer(s)</b>	:	Senior Administration Officer (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	To Close Portions of Chillinup and Kojaneerup Spring Roads to create a Crown Reserve
<b>Locality Plan</b>	:	



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Item 12.2.2 continued

**BACKGROUND**

1. The Kojaneerup Bushfire Brigade is seeking Council approval to locate its fire station on the corner of Kojaneerup and Chillinup Roads. The intention of the proposal is to increase the efficiency of the bushfire service, by locating its station and equipment in an area central to the district.
2. To effect this proposal, it will be necessary to close portion of Chillinup and Kojaneerup Spring Roads and seek Ministerial approval to create a new reserve.

**STATUTORY REQUIREMENTS**

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

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Item 12.2.2 continued

- c) the Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.
9. When a road is closed under this section, the land comprising the former road
- a) becomes unallocated Crown Land; or
  - b) if a lease continues to subsist in that land by virtue of section 57 (2), remains Crown Land.
10. Section 18 of the Land Administration Act, addresses the requirements relating to obtaining Ministerial approval to create a reserve, which can then be vested in the City of Albany for a nominated purpose

**POLICY IMPLICATIONS**

11. There are no policies relating to this item.

**FINANCIAL IMPLICATIONS**

12. There are no costs to Council other than administrative costs, which can be absorbed within the budget.

**STRATEGIC IMPLICATIONS**

13. In the City of Albany's 2020 Charting Our Course, the following Port of Call is identified:

*Port of Call:*

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

*Objective:*

□ *To plan Albany's transport infrastructure to meet future needs complementary to the City's form and sense of place.*

**COMMENT/DISCUSSION**

14. The area of land in question (see drawing KVBFB.3, appended to this item) is a portion of road reserve, that is not currently utilised and there is no proposal for future development.
15. The proposal to close portions of Chillinup and Kojaneerup Spring Roads was advertised by publication of a notice in the Albany Advertiser on 22<sup>nd</sup> August 2001 and a letter to all owners of lots in the immediate area. At the end of the advertising period on 21<sup>st</sup> September 2001, six (6) submissions had been received (all from service authorities). There were no objections to the proposed road closure.

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Item 12.2.2 continued

16. Once the closure has been affected, it is proposed to seek Ministerial approval to have the 3,800m<sup>2</sup> area created as a Crown Reserve, with a Management Order in the name of the City of Albany, and a purpose of “Fire Station Site”. This action will enable the Kojaneerup Bushfire Brigade to establish its fire station and house necessary equipment, on crown land with security of tenure, as is the case with most other brigades.

**RECOMMENDATION**

THAT Council:

- i) in accordance with section 58 of the Land Administration Act, request the Minister to proceed with the permanent closure of portions of Chillinup and Kojaneerup Spring Roads, as detailed on drawing KVBFB.3; and
- ii) in accordance with section 18 of the Land Administration Act, request the Minister’s approval to create a reserve from the resultant land, with a Management Order in the name of the City of Albany, with a purpose of “Fire Station Site”.

*Voting Requirement Simple Majority*

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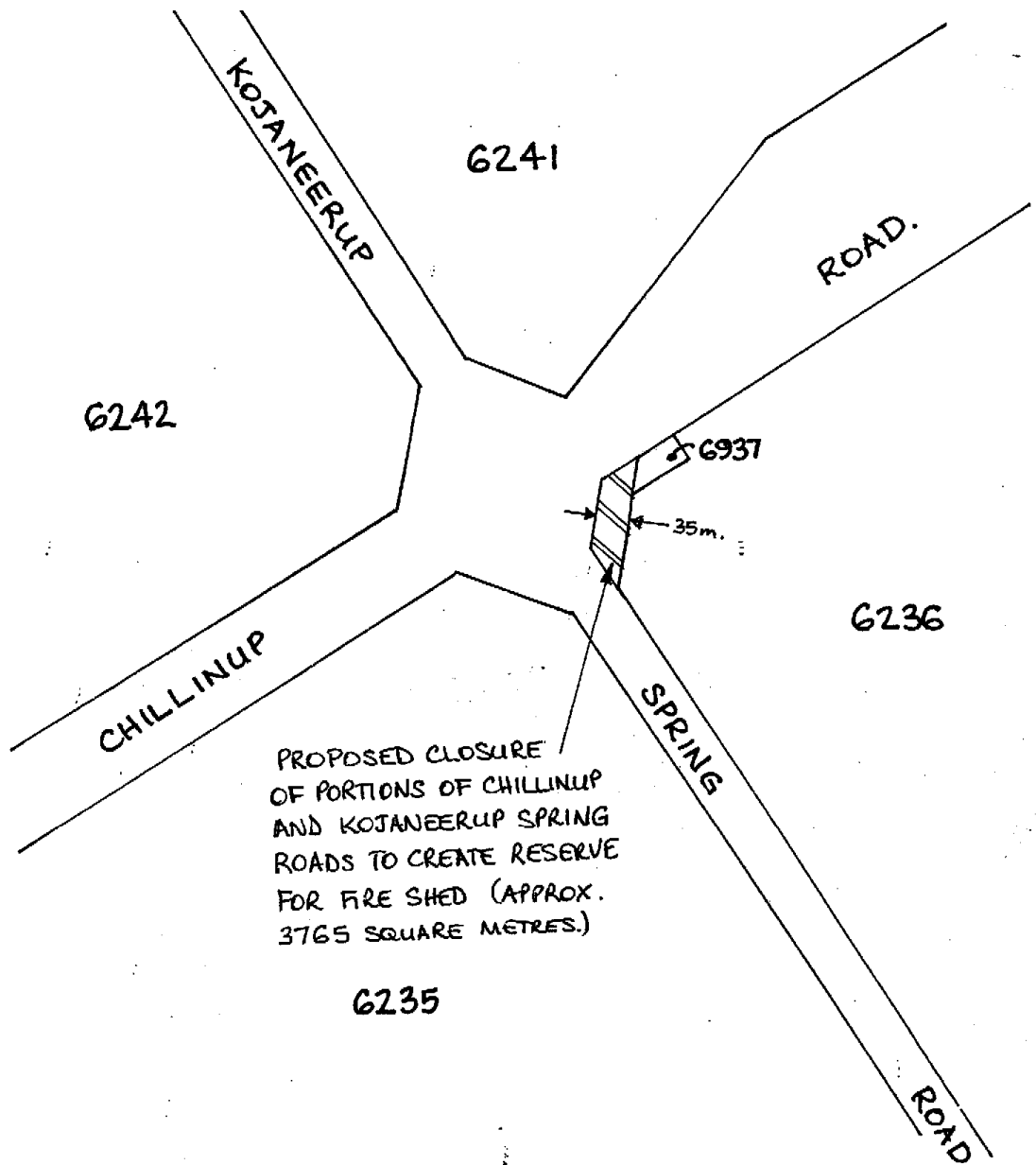
**MOVED COUNCILLOR WEST  
SECONDED COUNCILLOR WALKER**


**THAT Council:**

- i) in accordance with section 58 of the Land Administration Act, request the Minister to proceed with the permanent closure of portions of Chillinup and Kojaneerup Spring Roads, as detailed on drawing KVBFB.3; and**
- ii) in accordance with section 18 of the Land Administration Act, request the Minister’s approval to create a reserve from the resultant land, with a Management Order in the name of the City of Albany, with a purpose of “Fire Station Site”.**

**MOTION CARRIED 15-0**

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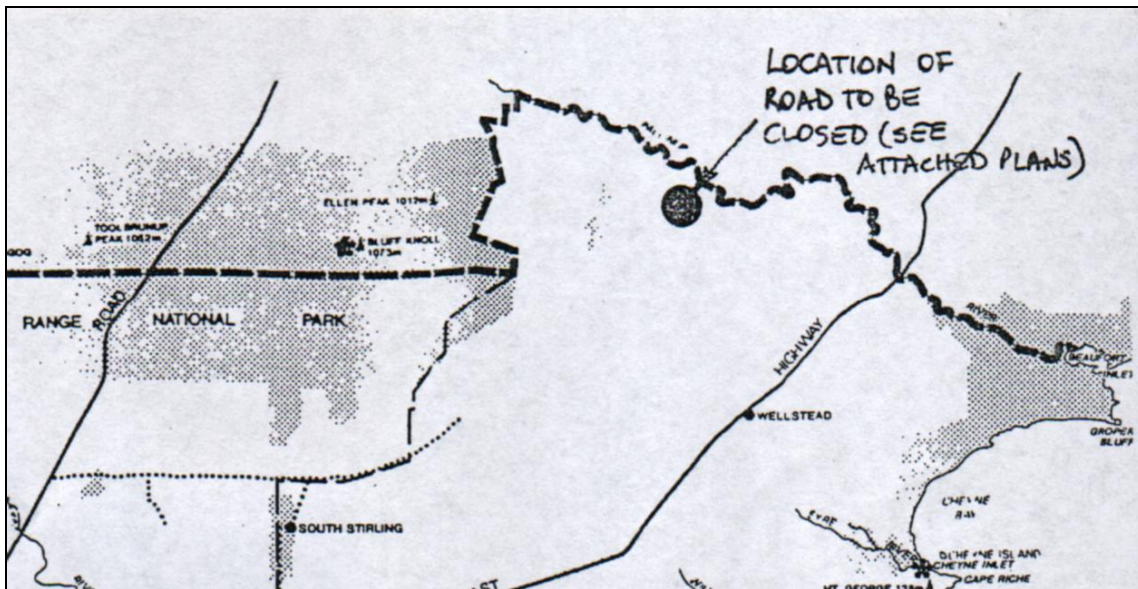


<b>DEVELOPMENT SERVICES</b>			
PROPOSED ROAD CLOSURE TO CREATE SITE FOR KOJANEERUP BUSH FIRE BRIGADE SHED - DETAILED PLAN			
Date: Aug '01	Drawn: RJT	Scale: 1 : 6000	File: KVBFB. 3

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**12.2.3 Proposed Closure of Unnamed Road off Kuch Road to create a Crown Reserve**

<b>File/Ward</b>	:	SER088 (Hassell Ward)
<b>Proposal/Issue</b>	:	Closure of Unnamed Road off Kuch Road to create a Crown Reserve
<b>Subject Land/Locality</b>	:	Gnowellen
<b>Proponent</b>	:	Gnowellen Bushfire Brigade
<b>Owner</b>	:	Crown Land
<b>Reporting Officer(s)</b>	:	Senior Administration Officer (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	To Close Unnamed Road off Kuch Road to create a Crown Reserve
<b>Locality Plan</b>	:	



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**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.3 continued

**BACKGROUND**

1. The Gnowellen Bushfire Brigade is seeking Council approval to locate its fire station on the corner of Kuch Road. The intention of the proposal is to increase the efficiency of the bushfire service, by locating its station and equipment in an area central to the district.
2. To effect this proposal, it will be necessary to close the unnamed road off Kuch Road, and seek Ministerial approval to create a new reserve.

**STATUTORY REQUIREMENTS**

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



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Item 12.2.3 continued

- c) the Minister must cause notice of the registration of the relevant order to be published in a newspaper circulating in the district of the relevant local government.
9. When a road is closed under this section, the land comprising the former road –
- a) becomes unallocated Crown Land; or
  - b) if a lease continues to subsist in that land by virtue of section 57 (2), remains Crown Land.
10. Section 18 of the Land Administration Act, addresses the requirements relating to obtaining Ministerial approval to create a reserve, which can then be vested in the City of Albany for a nominated purpose

**POLICY IMPLICATIONS**

11. There are no policies relating to this item.

**FINANCIAL IMPLICATIONS**

12. There are no costs to Council other than administrative costs, which can be absorbed within the budget.

**STRATEGIC IMPLICATIONS**

13. In the City of Albany's 2020 Charting Our Course, the following Port of Call is identified:

*Port of Call:*

- ❖ *Transport systems and services designed to meet current and future needs.*

*Objective:*

- ❑ *To plan Albany's transport infrastructure to meet future needs complementary to the City's form and sense of place.*

**COMMENT/DISCUSSION**

14. The area of land in question (see drawing GBFB.3, appended to this item) is a portion of road reserve, that is not currently utilised and there is no proposal for future development.
15. The proposal to close the unnamed road off Kuch Road, was advertised by publication of a notice in the Albany Advertiser, on 22nd August 2001, and a letter to all owners of lots in the immediate area. At the end of the advertising period on 21st September 2001, seven (7) submissions had been received (five service authorities, one from the Shire of Gnowangerup, and a member of the public). There were no objections to the proposed road closure.

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Item 12.2.3 continued

16. Once the closure has been affected, it is proposed to seek Ministerial approval to have 6,500m<sup>2</sup> created as a Crown Reserve, with a Management Order in the name of the City of Albany, and a purpose of “Fire Station Site”, with the balance of the closed road, incorporated in Reserve 33521. This action will enable the Gnowellen Bushfire Brigade to establish its fire station and house necessary equipment, on crown land with security of tenure, as is the case with most other brigades.

**RECOMMENDATION**

THAT Council:

- i) in accordance with section 58 of the Land Administration Act, request the Minister to proceed with the permanent closure of portion of unnamed road off Kuch Road, as detailed on drawing GBFB.3; and
- ii) in accordance with section 18 of the Land Administration Act, request the Minister’s approval:
  - a) to create a 6,500m<sup>2</sup> reserve from portion of the resultant land, with a Management Order in the name of the City of Albany, with a purpose of “Fire Station Site”; and
  - b) to have the balance of the closed road incorporated in Reserve 33521.

*Voting Requirement Simple Majority*

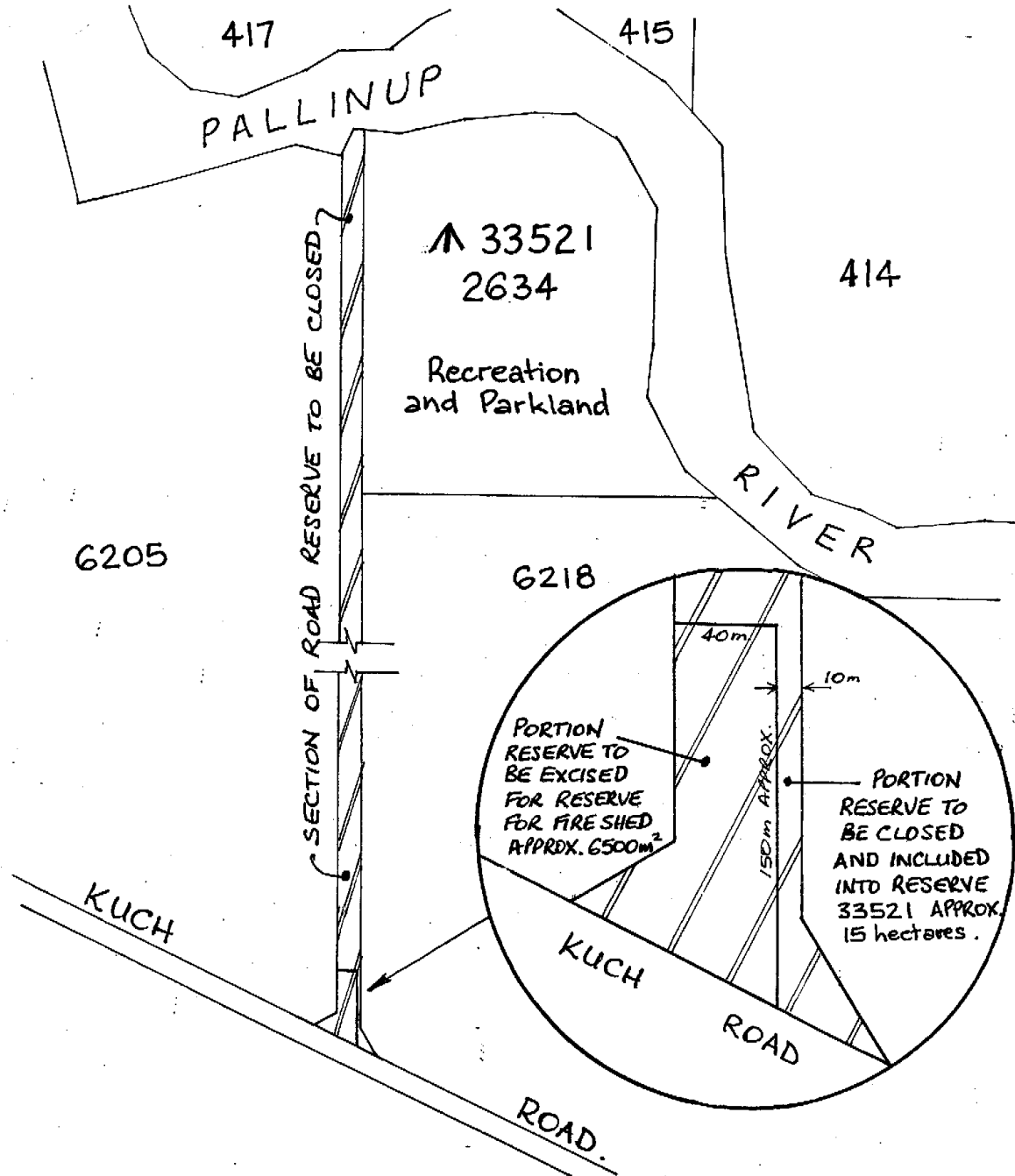
**MOVED COUNCILLOR WEST  
SECONDED COUNCILLOR WALKER**

**THAT Council:**

- i) in accordance with section 58 of the Land Administration Act, request the Minister to proceed with the permanent closure of portion of unnamed road off Kuch Road, as detailed on drawing GBFB.3; and**
- ii) in accordance with section 18 of the Land Administration Act, request the Minister’s approval:**
  - a) to create a 6,500m<sup>2</sup> reserve from portion of the resultant land, with a Management Order in the name of the City of Albany, with a purpose of “Fire Station Site”; and**
  - b) to have the balance of the closed road incorporated in Reserve 33521.**

**MOTION CARRIED 15-0**

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DEVELOPMENT SERVICES			
PROPOSED ROAD CLOSURE TO CREATE SITE FOR GNOWELLEN BUSH FIRE BRIGADE SHED - DETAILED PLAN			
Date:	Drawn:	Scale:	File:
AUG '01	RJF	INDICATIVE SKETCH	GRFB . 3

**12.2.4 Community Sporting and Recreational Facilities Fund (CSRFF) 2002/03 – 2004/05 Triennium applications**

<b>File/Ward</b>	:	FIN022 (All Wards)
<b>Proposal/Issue</b>	:	Assessment of CSRFF Applications
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner:</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Community Development Officer (R Shanhun)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	That consideration be given to the CSRFF applications received by Council and these be ranked in priority
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The CSRFF is administered by the Department of Sport and Recreation, with applications being called each year. Part of the assessment process involves Council consideration of the applications with a priority ranking being given to the applications received. The applications are then submitted to the Ministry of Sport and Recreation on behalf of the applicants.

**STATUTORY REQUIREMENTS**

2. There are no statutory requirements in relation to this item.

**POLICY IMPLICATIONS**

3. There are no statutory requirements in relation to this item.

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Item 12.2.4 continued

**FINANCIAL IMPLICATIONS**

4. The following table indicates the “Local Government contribution” as detailed on each of the CSRFF applications. While no Council decision has been made, or will be made, in relation to any of these contributions, the Department of Sport and Recreation’s CSRFF guidelines require Council to provide an indicative priority ranking and to assess the project’s financial viability.

<b>APPLICANT</b>	<b>PROJECT</b>	<b>TOTAL COST</b>	<b>LGA CONTRIBUTION</b>
City of Albany, PCYC, Southern Edge Arts and CRANK	Joint use – multi purpose Youth Recreation Venue	EST. \$1,700,000	\$250,000.00 plus \$200,000 (land)
City of Albany	Replacement of synthetic playing surface (hockey)	\$280,000	\$186,667
South Coast Tennis Club	Resurfacing of tennis courts	\$15,195	\$5,064
St John’s Croquet Club	Reticulation of croquet lawns	\$2,540	\$770
Southern Ocean Surfers	Feasibility Study – Artificial reef	\$15,000	\$5,000
Albany City Kart Club	Connection of mains power to Clubrooms/facilities	\$21,000	Nil
Napier Progress Association	Resurfacing of tennis courts	\$21,794	\$7,265
Middleton Beach Bowling Club	Demolition and replacement of Kitchen/Dining area	\$420,000	Nil

5. Projects which involve CSRFF grants of \$50,000 or more are subject to triennium funding approval. That is approval may be granted, however funds becoming available in one year of the following 3 year period. As such any proposed Council contribution would need to be considered in that year.

**STRATEGIC IMPLICATIONS**

6. Council’s “Albany 2020 Charting Our Course” strategic plan provides for “the continual development of Council services and facilities to meet the needs of all stakeholders”.

**COMMENT/DISCUSSION**

7. Copies of the applications received from:

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Item 12.2.4 continued

- The City of Albany/PCYC/SEA/CRANK
- The City of Albany
- South Coast Tennis Club
- St John’s Croquet Club
- Southern Ocean Surfers
- Albany City Kart Club
- Napier Progress Association
- Middleton Beach Bowling Club

are included in the Elected Members’ Report/Information Bulletin. Attachments to the applications will be tabled at the meeting.

8. The grant guidelines require Council to provide a priority ranking for the projects, i.e. first, second, third etc.. as well as providing an assessment of how well the applicants have addressed the following criteria:

	<b>Satisfactory</b>	<b>Unsatisfactory</b>	<b>Not Relevant</b>
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Project Rating:**

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

9. It is suggested that Council rank the applications in priority order and refer the completion of assessment criteria to the Community Development Officer, for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation.

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Item 12.2.4 continued

**RECOMMENDATION**

THAT:

- i) Council provide a priority ranking for the eight CSRFF applications received and these be referred to the Community Development Officer for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation; and
- ii) those organisations seeking a Council contribution towards their CSRFF projects be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council’s budget process for the year of CSRFF funding approval.

*Voting Requirement Simple Majority*

**AMENDED RECOMMENDATION:**

NB: To assist Council in prioritising CSRFF applications, staff have prioritised the various projects.

THAT

- (i) Council rank the CSRFF applications in the following order:

	Applicant	Project	Total Cost	LGA Contribution
1	City of Albany, PCYC, Southern Edge Arts and CRANK	Joint Use – multi purpose Youth Recreation Venue	EST. \$1,700,000	\$250,000.00 plus \$200,000 (land
2	City of Albany	Replacement of synthetic playing surface (hockey)	280,000	\$186,667
3	St Johns Croquet Club	Reticulation of croquet lawns	\$2,540	\$770
4	Albany City Kart Club	Connection of mains power to Clubrooms/facilities	\$21,000	Nil
5	Napier Progress Association	Resurfacing of tennis courts	\$21,794	\$7,265
6	South Coast Tennis Club	Resurfacing of tennis courts	\$15,195	\$5,064
7	Middleton Beach Bowling Club	Demolition and replacement of Kitchen/Dinning area	\$420,000	Nil
8	Southern Ocean Surfers	Feasibility Study – Artificial Reef	\$15,000	\$5,000

Contd.....

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.4 continued

- (ii) The above CSRFF applications be referred to the Community Development Officer for completion of the criteria assessment section of the application and subsequent submission to the Department of Sport and Recreation; and
- (iii) those organisations seeking a Council contribution towards their CRSFF projects be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council's budget process for the year of CSRFF funding approval.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR BARTON**

**THAT**

- (i) **Council rank the CSRFF applications in the following order:**

	<b>Applicant</b>	<b>Project</b>	<b>Total Cost</b>	<b>LGA Contribution</b>
<b>1</b>	<b>City of Albany, PCYC, Southern Edge Arts and CRANK</b>	<b>Joint Use – multi purpose Youth Recreation Venue</b>	<b>EST. \$1,700,000</b>	<b>\$250,000.00 plus \$200,000 (land</b>
<b>2</b>	<b>City of Albany</b>	<b>Replacement of synthetic playing surface (hockey)</b>	<b>280,000</b>	<b>\$186,667</b>
<b>3</b>	<b>St Johns Croquet Club Reticulation of croquet lawns</b>	<b>Reticulation of croquet lawns</b>	<b>\$2,540</b>	<b>\$770</b>
<b>4</b>	<b>Albany City Kart Club</b>	<b>Connection of mains power to Clubrooms/facilities</b>	<b>\$21,000</b>	<b>Nil</b>
<b>5</b>	<b>Napier Progress Association</b>	<b>Resurfacing of tennis courts</b>	<b>\$21,794</b>	<b>\$7,265</b>
<b>6</b>	<b>South Coast Tennis Club</b>	<b>Resurfacing of tennis courts</b>	<b>\$15,195</b>	<b>\$5,064</b>
<b>7</b>	<b>Middleton Beach Bowling Club</b>	<b>Demolition and replacement of Kitchen/Dinning area</b>	<b>\$420,000</b>	<b>Nil</b>
<b>8</b>	<b>Southern Ocean Surfers</b>	<b>Feasibility Study – Artificial Reef</b>	<b>\$15,000</b>	<b>\$5,000</b>

**Contd.....**



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**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.4 continued

- (ii) The above CSRFF applications be referred to the Community Development Officer for completion of the criteria assessment section of the application and subsequent submission to the Department of Sport and Recreation; and**
- (iii) those organisations seeking a Council contribution towards their CRSFF projects be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council's budget process for the year of CSRFF funding approval.**

**MOTION CARRIED 15-0**

### 12.2.5 Adoption of a Local Law relating to the former HMAS Perth

<b>File/Ward</b>	:	MAN048 (All Wards)
<b>Proposal/Issue</b>	:	To make a new Local Law relating to the former HMAS Perth
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Senior Administration Officer (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/08/01 Item 12.2.3
<b>Summary Recommendation</b>	:	To make a Local Law relating to the former HMAS Perth
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. At its 21<sup>st</sup> August 2001 meeting, Council commenced the process to create a Local Law relating to the former HMAS Perth (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

#### STATUTORY IMPLICATIONS

3. Section 3.12 of the Local Government act, states:-

*“3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

*(2) At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

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Item 12.2.5 continued

- (3) *The local government is to-*
- a) *give Statewide public notice stating that-*
    - i) *the local government proposes to make a local law the purpose and effect of which is summarised in then notice;*
    - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
  - ii) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
  - iii) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*
- \* Special Majority Required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice-*
- a) *stating the title of the local law;*
  - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) *advising that copies of the local law may be inspected or obtained from the local government’s office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them.”*

Item 12.2.5 continued

### **POLICY IMPLICATIONS**

4. There are no Council policies in place relating to this item.

### **FINANCIAL IMPLICATIONS**

5. There will be statutory advertising costs, which will be funded from the current budget.

### **STRATEGIC IMPLICATIONS**

6. The Council's Albany 2020 objectives include Tourism Development, with the following approach –

*“To lead the development of value adding tourism projects to increase the overall level of visitor nights and visitor spends in Albany.”*

### **COMMENT/DISCUSSION**

7. To ensure the local law is in place before the ship is sunk on the 24<sup>th</sup> November 2001, Council needs to consider this item at this meeting.
8. Council advertised, both statewide and locally for public comment on the draft Local Law relating to the former HMAS Perth, with the closing date being 11<sup>th</sup> October 2001.
9. As the Council agenda deadline closes before the advertised submission date, should any further submissions be received they will be processed and an amended report presented to Council for consideration.
10. At the 3<sup>rd</sup> October, Council has received three submissions, namely:
  - Minister for Fisheries – advising a ‘fishing exclusion zone’ is required, which should be organised through their Department
  - King River Homestead – concerns with non-divers being required to have a permit
    - query on the requirement to hold an advanced open water qualification, rather than other qualifications
  - S Hand - concerns with non-divers being required to have a permit
    - query on qualification, and suggestion to use a disclaimer for applicants to be responsible for their actions
11. Council has liaised with Fisheries Department throughout the project's life, had sought from their Office to have an ‘exclusion zone’, but was subsequently advised it was not required.

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Item 12.2.5 continued

12. The Minister for Fisheries was advised, in accordance with the provisions of the Local Government Act, of Council’s intention to make the local law, and Council has now been instructed that the ‘fish exclusion zone’ is necessary. This issue has been referred back to the Minister for Fisheries, seeking his urgent attention to finalise the legislative requirements.
  
13. The concerns of King River Homestead and S Hand have been noted, with a recommendation to require only divers to obtain a permit. In regards to the open water qualification, staff have checked with the Ministry for Sport and Recreation, who administer recreational diving activities, and have been advised that while the Australian Standard 4005 – Training and Certification of Recreational Divers is not enforceable, it may be the most appropriate qualification to use. A draft Diver Code of Practice is being finalised and this will be tabled at the Council meeting.

**RECOMMENDATION**

That Council in accordance with Section 3.12 of the Local Government Act 1995, agrees to make the Local Law relating to the former HMAS Perth as detailed in the Elected Members’ Report/Information Bulletin, subject to the following areas of review being addressed and Council’s solicitors preparing the necessary amendments –

- Permits being issued to vessels rather than individuals
- Vessels not to be left attended
- A section included addressing “hire vehicles”
- Qualification and/or experience of divers
- The Diver Code of Practice being included as a policy document

*Voting Requirement Special Majority*

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Item 12.2.5 continued

**AMENDED ITEM:**

Reason: Closing date for submissions being 11<sup>th</sup> October 2001 was after the agenda deadline and so this item has been amended to incorporate all submissions.

**Amendments have been highlighted and put in italics, to assist in easy identification**

12.2.5 Adoption of a Local Law relating to the former HMAS Perth

File/Ward	:	MAN048 (All Wards)
Proposal/Issue	:	To make a new Local Law relating to the former HMAS Perth
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s):		Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21.08.01 – Item 12.2.3
Summary Recommendation	:	To make a Local Law relating to the former HMAS Perth
Locality Plan	:	N/A

**BACKGROUND**

4. At its 21<sup>st</sup> August 2001 meeting, Council commenced the process to create a Local Law relating to the former HMAS Perth (copy included in the Elected Members' Report/Information Bulletin).
5. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

Item 12.2.5 continued

## STATUTORY IMPLICATIONS

6. Section 3.12 of the Local Government act, states:-

*“3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

*(2) At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

*(3) The local government is to-*

*d) give Statewide public notice stating that-*

*iv) the local government proposes to make a local law the purpose and effect of which is summarised in then notice;*

*v) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

*vi) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

*e) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

*f) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

*(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Special Majority Required.*

*(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

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Item 12.2.5 continued

- (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice-*
- a) *stating the title of the local law;*
  - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them.”*

**POLICY IMPLICATIONS**

4. There are no Council policies in place relating to this item.

**FINANCIAL IMPLICATIONS**

5. There will be statutory advertising costs, which will be funded from the current budget.

**STRATEGIC IMPLICATIONS**

6. *The Council's Albany 2020 objectives include Tourism Development, with the following approach –*  
*To lead the development of value adding tourism projects to increase the overall level of visitor nights and visitor spends in Albany.*

**COMMENT/DISCUSSION**

7. To ensure the local law is in place before the ship is sunk on the 24<sup>th</sup> November 2001, Council needs to consider this item at this meeting.
8. Council advertised, both Statewide and locally for public comment on the draft Local Law relating to the former HMAS Perth, with the closing date being 11<sup>th</sup> October 2001.
9. As the Council agenda deadline closes before the advertised submission date, should any further submissions be received they will be processed and an amended report presented to Council for consideration.
10. Council has received five submissions, namely:



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Item 12.2.5 continued

- Minister for Fisheries – advising a ‘fishing exclusion zone’ is required, which should be organised through their Department
  - King River Homestead – concerns with non-divers being required to have a permit
    - query on the requirement to hold an advanced open water qualification, rather than other qualifications
  - S Hand - concerns with non-divers being required to have a permit
    - query on qualification, and suggestion to use a disclaimer for applicants to be responsible for their actions
  - *Scuba Schools International Australia – concerns about the use of the advanced open water dive qualification, discriminating against other types of diver qualifications*
    - *Allowing divers without suitable advanced experience, being able to dive the wreck under the supervision of a dive supervisor or instructor*
    - *Amend clause 3.5. Application for a Commercial Permit, to enable commercial operators to collect fees and issue permits for divers, rather than individuals seeking separate dive permits*
  - *Dean and Bolton Solicitors - concerns about the use of the advanced open water dive qualification, discriminating against other types of diver qualifications*
11. Council has liaised with Fisheries Department throughout the project’s life, had sought from their Office to have an ‘exclusion zone’, but was subsequently advised it was not required.
12. The Minister for Fisheries was advised, in accordance with the provisions of the Local Government Act, of Council’s intention to make the local law, and Council has now been instructed that the ‘fish exclusion zone’ is necessary. This issue has been referred back to the Minister for Fisheries, seeking his urgent attention to finalise the legislative requirements.
13. The concerns of King River Homestead and S Hand have been noted, with a recommendation to require only divers to obtain a permit. In regards to the open water qualification, staff have checked with the Ministry for Sport and Recreation, who administer recreational diving activities, and have been advised that while the Australian Standard 4005 – Training and Certification of Recreational Divers is not enforceable, it may be the most appropriate qualification to use. A draft Divers Code of Practice is being finalised and this will be tabled at the Council meeting, *for inclusion as a policy document to be read in conjunction with the proposed local law.*

Item 12.2.5 continued

- 14. Staff have been advised there are protocols relating to Australian Navy vessels when they are decommissioned, in that, the continued use of the term ‘HMAS Perth’ once the ship is sunk is unacceptable. It is therefore recommended the title of the Local Law and references to the ship be amended to read ‘former Perth’.*
- 15. Discussions with some of the local dive firms have highlighted minor amendments to some of the clauses in the Local Law, which are considered relevant. The areas relate to-*
- 3.1. Requirement for Permit – include the term ‘or pleasure vessel’ in clause 3.1(1)(b) to cover the vessel requirements.*
  - 3.4. Information to Accompany Application for Individual Permit - acknowledging International diving qualifications; if a diver does not hold an advanced open water qualification ticket, proof of suitable level of experience be acceptable; and evidence to support the certification card, should it not be carried on the diver’s person when applying for a permit.*
  - 3.5. Application for a Commercial Permit – if a person does not hold an aquatic eco-tourism licence, he/she should substantiate a commitment to the industry.*
  - 3.9. Conditions which may be Imposed on a Permit – amend the commercial permit requirements by removing clauses relating to the number of persons and trips, as these are already covered under separate legislation; and apply these clauses to pleasure and hire vessels.*
  - 5.10. Mooring not to be used by Other Vessels – remove the requirement to have prior approval of Council; and include a provision to allow vessels to raft while transferring passengers from one boat to another, but for no longer than 15 minutes.*
  - 6.2. Safe Navigation of Vessels – include a clause addressing not entering the area within the perimeter of the moorings.*
  - 6.4. Speed Limit within the Ship Zone – reduce the speed from 8 knots to 5 knots.*
  - 7.1. Rubbish – include a clause to ensure sullage tanks are not emptied in the ship zone.*

#### RECOMMENDATION

That Council,

- (1) in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Local Law relating to the former HMAS Perth as detailed in the Elected Members’ Report/Information Bulletin, subject to the following areas of review being addressed and Council’s solicitors preparing the necessary amendments –
- Permits being issues to vessels, rather than individuals
  - Vessels not to be left unattended, *competent operator to remain on board at all times*

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Item 12.2.5 continued

- A section addressing ‘hire’ vessels
  - Qualification and/or experience of divers – *suggest using terms ‘open water/advanced open water/deep diver qualification or relevant experience’ to describe the various types of diver qualifications*
  - *Amend title and all references to the ship to read ‘former Perth’.*
  - *3.1. Requirement for Permit – include the term ‘or pleasure vessel’ in clause 3.1(1)(b) to cover the vessel requirements.*
  
  - *3.4. Information to Accompany Application for Individual Permit - acknowledging International diving qualifications; if a diver does not hold an advanced open water qualification ticket, proof of suitable level of experience be acceptable; and evidence to support the certification card, should it not be carried on the diver’s person when applying for a permit.*
  - *3.5. Application for a Commercial Permit – if a person does not hold an aquatic eco-tourism licence, he/she should substantiate a commitment to the industry.*
  - *3.9. Conditions which may be Imposed on a Permit – amend the commercial permit requirements by removing clauses relating to the number of persons and trips, as these are already covered under separate legislation; and apply these clauses to pleasure and hire vessels.*
  - *5.10. Mooring not to be used by Other Vessels – remove the requirement to have prior approval of Council; and include a provision to allow vessels to raft while transferring passengers from one boat to another, but for no longer than 15 minutes.*
  - *6.2. Safe Navigation of Vessels – include a clause addressing not entering the area within the perimeter of the moorings.*
  - *6.4. Speed Limit within the Ship Zone – reduce the speed from 8 knots to 5 knots.*
  - *7.1. Rubbish – include a clause to ensure sullage tanks are not emptied in the ship zone;*
  - *Amend clause 3.5. Application for a Commercial Permit, to enable commercial operators to collect fees and issue permits for divers, rather than individuals seeking separate dive permits; and*
- (2) adopt the Divers Code of Conduct as a policy document to be read in conjunction with the local law ‘former HMAS Perth’.**

*Voting Requirement Special Majority*

Item 12.2.5 continued

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR EMERY**

**THAT Council,**

**(1) in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Local Law relating to the former HMAS Perth as detailed in the Elected Members' Report/Information Bulletin, subject to the following areas of review being addressed and Council's solicitors preparing the necessary amendments –**

- **Permits being issues to vessels, rather than individuals**
- **Vessels not to be left unattended, competent operator to remain on board at all times**
- **A section addressing 'hire' vessels**
- **Qualification and/or experience of divers – suggest using terms 'open water/advanced open water/deep diver qualification or relevant experience' to describe the various types of diver qualifications**
- **Amend title and all references to the ship to read 'former Perth'.**
- **3.1. Requirement for Permit – include the term 'or pleasure vessel' in clause 3.1(1)(b) to cover the vessel requirements.**
- **3.4. Information to Accompany Application for Individual Permit - acknowledging International diving qualifications; if a diver does not hold an advanced open water qualification ticket, proof of suitable level of experience be acceptable; and evidence to support the certification card, should it not be carried on the diver's person when applying for a permit.**
- **3.5. Application for a Commercial Permit – if a person does not hold an aquatic eco-tourism licence, he/she should substantiate a commitment to the industry.**
- **3.9. Conditions which may be Imposed on a Permit – amend the commercial permit requirements by removing clauses relating to the number of persons and trips, as these are already covered under separate legislation; and apply these clauses to pleasure and hire vessels.**
- **5.10. Mooring not to be used by Other Vessels – remove the requirement to have prior approval of Council; and include a provision to allow vessels to raft while transferring passengers from one boat to another, but for no longer than 15 minutes.**
- **6.2. Safe Navigation of Vessels – include a clause addressing not entering the area within the perimeter of the moorings.**
- **6.4. Speed Limit within the Ship Zone – reduce the speed from 8 knots to 5 knots.**
- **7.1. Rubbish – include a clause to ensure sullage tanks are not emptied in the ship zone;**
-

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Item 12.2.5

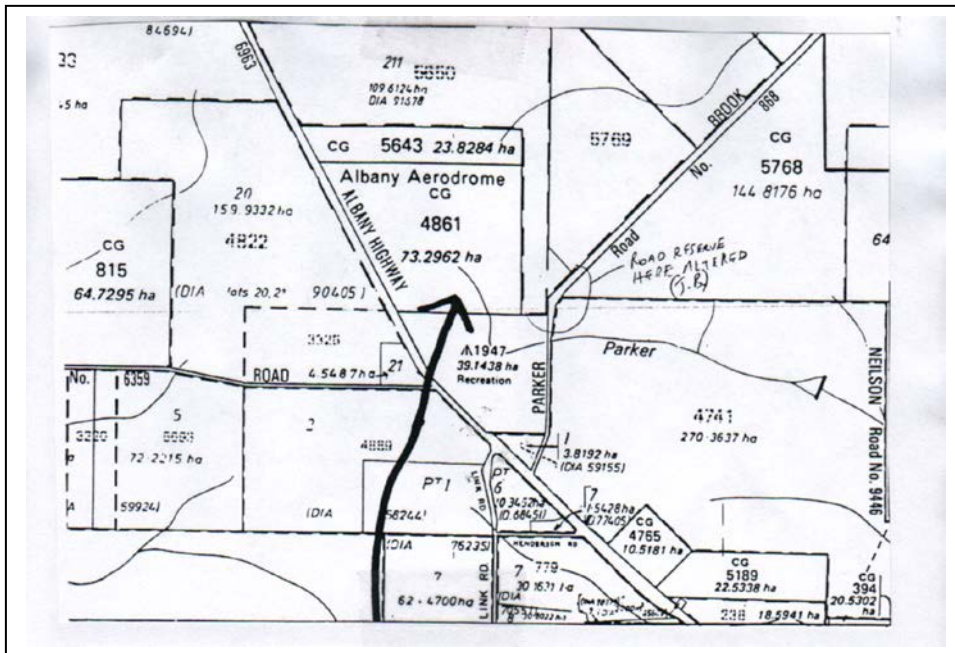
- **Amend clause 3.5. Application for a Commercial Permit, to enable commercial operators to collect fees and issue permits for divers, rather than individuals seeking separate dive permits; and**
- (2) adopt the Divers Code of Conduct as a policy document to be read in conjunction with the local law 'former HMAS Perth'.**

**MOTION CARRIED 15-0  
SPECIAL MAJORITY**

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**12.2.6 Visitor Guide Sign – Albany Airport Terminal Building**

<b>File/Ward</b>	:	PRO291 (Kalgan Ward)
<b>Proposal/Issue</b>	:	New Lease for a Visitor Guide Sign
<b>Subject Land/Locality</b>	:	Lots 4861, 5643 & 5650 Albany Highway, Albany Airport Terminal
<b>Proponent</b>	:	T Eddy
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Administration Officer (A Wiseman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council approve a new lease to Mr Eddy for a term of 6 years with a 6 year option commencing from 1 December 2001
<b>Locality Plan</b>	:	



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Item 12.2.6 continued

**BACKGROUND**

1. Mr Eddy has approached Council to request a new lease for a Visitor Guide Sign to be mounted on the wall adjacent to the ingress-embarking corridor at the Albany Airport Terminal Building.
2. The entire airport area is land which is owned by the City of Albany.

**STATUTORY REQUIREMENTS:**

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

**POLICY IMPLICATIONS**

6. There are currently no policies in place with regard to this item.

**FINANCIAL IMPLICATIONS**

7. In accordance with Section 3.58 of the Local Government Act 1995, an independent sworn valuation has been carried out and an annual rental has been determined at \$7,920.00 per annum, before GST.
8. All costs associated with this proposed new lease are to be borne by the applicant including both legal and advertising fees.

**STRATEGIC IMPLICATIONS**

9. This request complies with Council’s ‘Albany 2020’ which in part states as follows:
  - ❖ *COUNCIL BUILDINGS to provide communities with quality buildings that are functional, well-maintained and meet social and cultural needs (Leases on Council buildings/Reserves).*

Item 12.2.6 continued

**COMMENT/DISCUSSION**

10. Mr Eddy is willing to enter into a new lease for a term of 6 years with a 6 year option, effective from 1 December 2001, under the same terms and conditions as Council’s standard leasing agreements.
11. It is proposed that the illuminated wall mounted sign be 3.2 metres by 1.24 metres, and be installed adjacent to the ingress-embarking corridor at the Albany Airport Terminal
12. At a meeting of the Albany Airport Advisory Committee held on 18<sup>th</sup> June 2001, it was recommended:  
  
*“That the Airport Advisory Committee support in principal the introduction of a Visitor Guide sign at the airport terminal.”*
13. At the 17<sup>th</sup> July 2001 Council meeting, it was resolved to endorse and adopt the Airport Advisory Committee recommendation as above.

**RECOMMENDATION**

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

- i) to enter into a new lease with Mr Eddy for a term of 6 years with a 6 year option commencing on 1<sup>st</sup> December 2001;
- ii) to the rental being set in accordance with independent sworn valuation, that being \$7,920.00 per annum and being subject to GST;
- iii) to Council’s standard terms and conditions being applied to the proposed lease, including a clause for GST;
- iv) that all costs associated with the preparation of a lease, including advertising costs and legal fees, be borne by the applicant; and
- v) the Common Seal of the City of Albany be attached to all relevant documentation.

*Voting Requirement Simple Majority*

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Item 12.2.6 continued

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR DEMARTEAU**

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

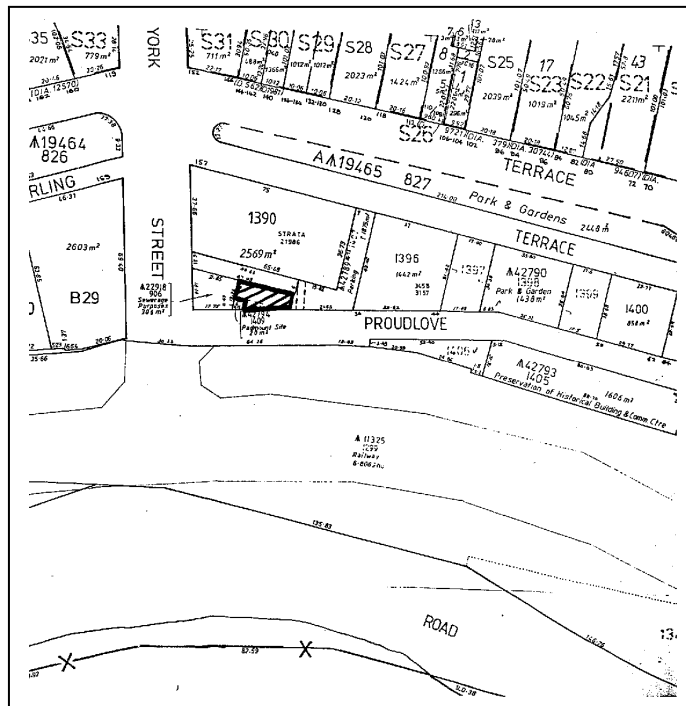
- i) to enter into a new lease with Mr Eddy for a term of 6 years with a 6 year option commencing on 1<sup>st</sup> December 2001;**
- ii) to the rental being set in accordance with independent sworn valuation, that being \$7,920.00 per annum and being subject to GST;**
- iii) to Council's standard terms and conditions being applied to the proposed lease, including a clause for GST;**
- iv) that all costs associated with the preparation of a lease, including advertising costs and legal fees, be borne by the applicant; and**
- v) the Common Seal of the City of Albany be attached to all relevant documentation.**

**MOTION CARRIED 15-0**

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**12.2.7 Amendment to Reserve 42789 Albany Lot 1407, Proudlove Parade, Albany**

<b>File/Ward</b>	:	A140252 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Amending the purpose of Reserve 42789 and obtaining Power to Lease
<b>Subject Land/Locality</b>	:	Lot 1407 Reserve 42789, Proudlove Parade, Albany
<b>Proponent</b>	:	Oceanview Nominees Pty Ltd
<b>Owner</b>	:	Crown Land – Management Order to the City of Albany
<b>Reporting Officer(s)</b>	:	Administration Officers (A Wiseman & L Freegard)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	To apply for an amendment to Reserve 42789, Albany Lot 1407, to grant Power to Lease and change the purpose to ‘Parking and Storage’.
<b>Locality Plan</b>	:	



Item 12.2.7 continued

### **BACKGROUND**

1. Council has received an application from Oceanview Nominees Pty Ltd, trading as Supa Valu (Mr P Lionetti), to lease adjoining area of land to their supermarket on Proudlove Parade, Albany. The proposed purpose of this lease would be for a storage and receival area for the fruit and vegetable department, which may involve the construction of a storage shed.
2. The current Management Order for Reserve 42789 is for the purpose of “Parking” with no power to lease.

### **STATUTORY REQUIREMENTS:**

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

### **POLICY IMPLICATIONS**

4. There are no policies relating to this item.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

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

*Port of Call:*

❖ *Managed healthy land/harbour environment*

*Objective:*

□ *Reserve Management – to manage reserves for environmentally sustainable use, community enjoyment and benefit.*

### **COMMENT/DISCUSSION**

7. The area of land in question (see sketch as depicted in locality plan) is a portion of Reserve 42789, being Albany Lot 1407 and has a Management Order to the City of Albany for the purpose of parking. The specific portion hatched on the sketch is however not currently used as parking space, it is unutilised and there is no proposal for future development as car parking space.

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Item 12.2.7 continued

8. It is proposed to seek Ministerial approval to have the Management Order for Reserve 42789 amended, to allow the City of Albany power to lease for periods up to and including 21 years, and the Reserve purpose changed from “Parking” to “Parking and Storage”. This will allow Oceanview Nominees Pty Ltd to apply for a lease with the City of Albany to construct a storage and receival area for their fruit and vegetable department located next to their premises.

**RECOMMENDATION**

THAT Council in accordance with Section 18 of the Land Administration Act, request the Minister’s approval to amend the purpose of the Management Order for Reserve 42789 from “Parking” to “Parking and Storage”, with power to lease for periods up to and including 21 years.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVERS**

**THAT Council in accordance with Section 18 of the Land Administration Act, request the Minister’s approval to amend the purpose of the Management Order for Reserve 42789 from “Parking” to “Parking and Storage”, with the power to lease for periods up to and including 21 years.**

**AND**

**THAT Oceanview Nominees Pty Ltd be advised that, should the Minister support the City of Albany’s request to amend the Management Order for Reserve 42789, the City of Albany will not support any redevelopment of the site or the expansion of existing buildings in a manner which would result in a reduction of the number of car parking bays from within the Albany Station Precinct.**

**MOTION LOST 7-8**

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Item 12.2.7 continued

**MOVED COUNCILOR CECIL  
SECONDED COUNCILLOR EMERY**

**THAT Council in accordance with Section 18 of the Land Administration Act,  
request the Minister's approval to amend the purpose of the Management Order  
for Reserve 42789 from "Parking" to "Parking and Storage", with power to lease  
for periods up to and including 21 years.**

**MOTION CARRIED 10-5**

### 12.2.8 Annual Electors Meeting

<b>File/Ward</b>	:	FIN047 (All Wards)
<b>Proposal / Issue</b>	:	Council requested to set a date for the Annual Electors Meeting
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager Finance (S Goodman)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		That Council hold the Annual Electors Meeting on 4 <sup>th</sup> December 2001
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. Council is required to convene an Annual Meeting of Electors each year and publicly advertise its intention of holding such a meeting

### STATUTORY REQUIREMENTS

2. Section 5.27 of the Local Government Act 1995 requires that a General Meeting of the electors of a district be held once every financial year, not more than 56 days after the Local Government accepts the annual report for the previous financial year, and any other nominated general business.
3. The Chief Executive Officer is required to give at least 14 days local public notice of an electors meeting.

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

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

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Item 12.2.8 continued

**COMMENT / DISCUSSION**

7. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 6:30 pm on Tuesday 4th December 2001 in the reception room of the City's Mercer Road Office and that the meeting be advertised locally.

**RECOMMENDATION**

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Mercer Road Chambers at 6:30pm on 4<sup>th</sup> December 2001, for the purpose of receiving the 2000/2001 Annual Report of the City of Albany and other General Business as listed.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WEST**

**THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Mercer Road Chambers at 7:30pm on 4<sup>th</sup> December 2001, for the purpose of receiving the 2000/2001 Annual Report of the City of Albany and other General Business as listed.**

**MOTION CARRIED 15-0**

Reason:

To accommodate those people who had to travel long distances and it is a more appropriate time for people with young families. Council wants to encourage as many people as possible at the meetings.

**12.3 LIBRARY SERVICES**

Nil

**12.4 DAY CARE CENTRE**

Nil

**12.5 TOWN HALL**

Nil

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**

Nil



## 12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

### 12.7.1 Albany Artificial Reef Committee Minutes of 27<sup>th</sup> September 2001

<b>File/Ward</b>	:	MAN109(All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer</b>	:	Executive Director Corporate and Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the minutes of the Albany Artificial Reef Committee held on 27 <sup>th</sup> September 2001 be adopted.

### Confirmation of the minutes of the Albany Artificial Reef Committee of 27<sup>th</sup> September 2001

#### RECOMMENDATION

THAT the minutes of the Albany Artificial Reef Committee held on the 27<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 3.0, 4.0, 5.0, and 6.0 be adopted.

#### Item 3.0 Committee Representation

That the Albany Artificial Reef Committee representation be:

Cllr. Wellington	City of Albany
P Madigan	City of Albany
C Gunby	Albany Waters & Rivers Commission
S Campbell	G.S.D.C.
C Shuttleworth	WA Tourism Commission
G Wellstead	Dive Industry representative
R Moore	Dive Industry representative
P Berlelaar	Project Co-Ordinator – City of Albany
L Bail	Albany Visitor Centre

#### Item 4 Committee –Terms of Reference

That the terms of reference practice for the Committee be:

“To make recommendations to Council in relation to strategic marketing opportunities, fees and strategic policy in respect of the Artificial Reef project once the former Perth is scuttled”.

Item 12.7.1 continued

**Item 5 Update of Various Legal Aspects  
(a) Obtaining Land Tenure in the Sea Bed.**

That the Executive Director Corporate & Community Services be authorised to finalise the lease with the Albany Port Authority, and the Common Seal of Council be attached to all necessary documentation.

**Item 6 Moorings**

That formal expressions of interest be invited for the use of the 6 commercial moorings, to be available around the decommissioned HMAS Perth.

*Voting Requirement Absolute Majority*  
.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Albany Artificial Reef Committee held on the 27<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 3.0, 4.0, 5.0, and 6.0 be adopted.**

**Item 3.0 Committee Representation**

**That the Albany Artificial Reef Committee representation be:**

<b>Cllr. Wellington</b>	<b>City of Albany</b>
<b>P Madigan</b>	<b>City of Albany</b>
<b>C Gunby</b>	<b>Albany Waters &amp; Rivers Commission</b>
<b>S Campbell</b>	<b>G.S.D.C.</b>
<b>C Shuttleworth</b>	<b>WA Tourism Commission</b>
<b>G Wellstead</b>	<b>Dive Industry representative</b>
<b>R Moore</b>	<b>Dive Industry representative</b>
<b>P Berlelaar</b>	<b>Project Co-Ordinator – City of Albany</b>
<b>L Bail</b>	<b>Albany Visitor Centre</b>

**Item 4 Committee –Terms of Reference**

**That the terms of reference practice for the Committee be:**

**“To make recommendations to Council in relation to strategic marketing opportunities, fees and strategic policy in respect of the Artificial Reef project once the former Perth is scuttled”.**

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Item 12.7.1 continued

**Item 5 Update of Various Legal Aspects  
(b) Obtaining Land Tenure in the Sea Bed.**

**That the Executive Director Corporate & Community Services be authorised to finalise the lease with the Albany Port Authority, and the Common Seal of Council be attached to all necessary documentation.**

**Item 6 Moorings**

**That formal expressions of interest be invited for the use of the 6 commercial moorings, to be available around the decommissioned HMAS Perth.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING – 16/10/01  
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**12.7.2 Albany Arts Advisory Committee Minutes 16<sup>th</sup> August & 20<sup>th</sup> of September 2001**

<b>File/Ward</b>	:	MAN116 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer</b>	:	Executive Director Corporate and Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the minutes of the Albany Arts Advisory Committee held on 16 <sup>th</sup> August and the 20 <sup>th</sup> of September 2001 be adopted.

**Confirmation of the minutes of the Albany Arts Advisory Committee of 16<sup>th</sup> of August and the 20<sup>th</sup> September 2001**

**Recommendation**

THAT the minutes of the Albany Arts Advisory Committee held on the 16<sup>th</sup> of August and 20<sup>th</sup> of September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following item, 5.0 (iii) of the 20<sup>th</sup> of September minutes be adopted.

**Item 5.0 General Business**  
Christmas Decoration Update

(iii) That new Shooting Star street frames be purchased; an upgrade of Alison Hartman Gardens Christmas Tree Lights be approved and a new power box installed; and more festoon lighting be installed on Middleton Loop.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Albany Arts Advisory Committee held on the 16<sup>th</sup> of August and 20<sup>th</sup> of September 2001 be received and the following item, 5.0 (iii) of the 20<sup>th</sup> of September minutes be adopted.**

**Item 5.0 General Business**  
**Christmas Decoration Update**

**(iii) That new Shooting Star street frames be purchased; an upgrade of Alison Hartman Gardens Christmas Tree Lights be approved and a new power box installed; and more festoon lighting be installed on Middleton Loop.**

**MOTION CARRIED 15-0**

ORDINARY COUNCIL MEETING – 16/10/01  
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**12.7.3 Joint Retail Trading Hours Committee Minutes of 26<sup>th</sup> September 2001**

<b>File/Ward</b>	:	REL070 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer</b>	:	Executive Director Corporate and Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the minutes of the Joint Retail Trading Hours Committee held on 26 <sup>th</sup> September 2001 be adopted.

**Confirmation of the minutes of the Joint Retail Trading Hours Committee of 26<sup>th</sup> September 2001**

**Recommendation**

THAT the minutes of the Joint Retail Trading Hours Committee held on the 26<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 4.1 and 4.2 be adopted.

**4.1 Christmas/New Year Trading Hours for 2001/2002**

The dates for the Christmas/New Year period are as follows:

Friday 21 <sup>st</sup> December 2001	Normal Trading
Saturday 22 <sup>nd</sup> December 2001	Normal Trading
Sunday 23 <sup>rd</sup> December 2001	Closed
Monday 24 <sup>th</sup> December 2001	Normal Trading
Tuesday 25 <sup>th</sup> December 2001	Closed for Public Holiday – Christmas Day
Wednesday 26 <sup>th</sup> December 2001	Closed for Public Holiday – Boxing Day
Thursday 27 <sup>th</sup> December 2001	Normal Trading
Friday 28 <sup>th</sup> December 2001	Normal Trading
Saturday 29 <sup>th</sup> December 2001	Normal Trading
Sunday 30 <sup>th</sup> December 2001	Closed
Monday 31 <sup>st</sup> December 2001	Normal Trading
Tuesday 1 <sup>st</sup> January 2002	Closed for Public Holiday – New Years Day
Wednesday 2 <sup>nd</sup> January 2002	Normal Trading

THAT (1) as the Committee considers there to be sufficient trading opportunities leading into Christmas and the New Year period, no extended trading hours be approved for the upcoming Christmas/New Year period, and (2) the trading hours for Saturday 24<sup>th</sup> November 2001 be extended to 6.00 pm to allow retailers to view the sinking of the HMAS Perth.

Item 12.7.3 continued

**4.2 Review of Committee Terms of Reference and Membership**

- That (1) the terms of reference are to make recommendations to Council in respect of the Retail Trading Hours across the City, and in particular, requests to vary the hours; and
- (2) the membership be amended to Executive Director Corporate & Community Services (P Madigan), City of Albany Councillor (J Walker), Albany Chamber of Commerce (M Pemberton), City of Albany Merchants Association (Dennis Wellington), and the Albany Visitor Centre (Leslie Briscoe).

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of the Joint Retail Trading Hours Committee held on the 26<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin).**

**MOTION CARRIED 15-0**

**4.1 Christmas/New Year Trading Hours for 2001/2002**

Councillor Wellington declared an interest in this matter. Councillor Wellington's nature of interest is that he is involved in the retail trading industry. The extent of Councillor Wellington's interest is that he derives income as proprietor of Leading Edge Hi Fi.

Councillor Sankey declared an interest in this matter. Councillor Sankey's nature of interest is that her daughter is involved in the retail trading industry. The extent of Councillor Sankey's interest is that her daughter derives income from Woolworths supermarket.

Councillor Barton declared an interest in this matter. Councillor Barton's nature of interest is that she is involved in the retail trading industry. The extent of Councillor Barton's interest is that she derives income as an employee of Coles Supermarket.

The Chief Executive Officer advised that the Councillors had previously voted to permit Councillors Wellington, Sankey and Barton to participate in the debate and vote on this item.

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Item 12.7.3 continued

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WILSON**

**THAT the dates for the Christmas/New Year period are as follows:**

- |            |   |  |
|------------|---|--|
| <b>i)</b>  | <b>Friday 21<sup>st</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Saturday 22<sup>nd</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Sunday 23<sup>rd</sup> December 2001</b>   | <b>Trading 10am-5pm</b>                              |
|            | <b>Monday 24<sup>th</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Tuesday 25<sup>th</sup> December 2001</b>  | <b>Closed for Public Holiday-<br/>Christmas Day</b>  |
|            | <b>Wednesday 26<sup>th</sup> December 2001</b>  | <b>Trading 10am-5pm</b>                              |
|            | <b>Thursday 27<sup>th</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Friday 28<sup>th</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Saturday 29<sup>th</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Sunday 30<sup>th</sup> December 2001</b>   | <b>Trading 10am-5pm</b>                              |
|            | <b>Monday 31<sup>st</sup> December 2001</b>   | <b>Normal Trading</b>                                |
|            | <b>Tuesday 1<sup>st</sup> January 2002</b>  | <b>Closed for Public Holiday –<br/>New Years Day</b> |
|            | <b>Wednesday 2<sup>nd</sup> January 2002</b>  | <b>Normal Trading</b>                                |
| <b>ii)</b> | <b>Further that Sunday Trading between 10.00am and 5.00pm be<br/>allowed for the dates of 6<sup>th</sup> January 2002, 13<sup>th</sup> January 2002,<br/>20<sup>th</sup> January 2002, 27<sup>th</sup> January 2002, 3<sup>rd</sup> February 2002 and<br/>that trading be allowed for Australia Day 26<sup>th</sup> January 2002<br/>between 10.00am and 5.00pm</b> |  |

**MOTION CARRIED 8-7**

Reason:

Albany relies significantly on the Tourism industry and seven day trading is a prerequisite to effectively servicing visitors needs.

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Item 12.7.3 continued

**4.2 Review of Committee Terms of Reference and Membership**

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WILSON**

**THAT:**

- (1) The terms of reference are to make recommendations to Council in respect of the Retails Trading Hours across the City, and in particular, requests to vary the hours; and;
- (2) That membership be amended to Executive Director Corporate & Community Services (P Madigan), City of Albany Councillor (J Walker), Albany Chamber of Commerce (M Pemberton), City of Albany Merchants Association (Dennis Wellington), Albany Visitors Centre (Leslie Briscoe), Albany Residents and Ratepayers Association (B Hughes) and General Retail representative (R Bryan).

**MOTION LOST 6-9**

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR CECIL**

**THAT the matter lay on the table.**

**AMENDMENT  
MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR BOJCUN**

**THAT this item lay on the table until no later than January 2002.**

**AMENDMENT CARRIED 15-0  
AMENDED MOTION CARRIED 15-0**

Reason:

Council decided that it needed to review the terms of reference of the committee and its representation.



# **Works & Services**

## **REPORTS**

## WORKS &amp; SERVICES REPORTS

**- R E P O R T S -****13.1 WASTE MANAGEMENT****13.1.1 Manypeaks Waste Transfer Station**

<b>File/Ward</b>	:	C01012 – (Hassell Ward)
<b>Proposal/Issue</b>	:	Construction of the Manypeaks Waste Transfer Station by public tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Design Services Co-ordinator (John Willis)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation:</b>		Accept alternative tender from DeVaugh Pty Ltd for Contract C01012 – Construction of Manypeaks Waste Transfer Station
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The 2001/2002 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors, in addition to Council's day labour force and Design Services. Where applicable these works are to be undertaken by a public tender process; the construction of the reinforced concrete Waste Transfer Station is one of these projects.
2. The detailed design for this project was carried out by Council's Design Services in combination with Etech Consultants who supplied the structural design. Howard and Associates Architects provided the technical specification and will carry out site superintendence for this project.
3. This particular contract comprises only the steel reinforced concrete transfer station section and associated works. Construction of the following items to complete the whole Waste Transfer and Recycling Facility, will be carried out by in-house or subcontract labour:
  - ◆ Access Roads
  - ◆ Main Transfer Station Compound and Turning Area
  - ◆ Modified Gate House
  - ◆ Recycling Shed and Waste Oil Compound
  - ◆ Waste Bins

**WORKS & SERVICES REPORTS**

Item 13.1.1 continued

- ◆ Fencing
  - ◆ Existing Tip Rehabilitation.
4. The capacity of Manypeaks as a landfill is limited due to ground conditions. Any continued operations on this site will involve extensive clearing of natural vegetation and an unnatural final profile that is considered inappropriate in this location.
  5. The construction of the Manypeaks Waste Transfer and Recycling Facility supports Council's commitment towards the eventual provision of a regional waste management facility.
  6. The project was originally allocated funding in the 2000/2001 Capital Works Budget. However, design and resource issues prevented its completion in that year and as such was carried forward for completion in this years budget.
  7. The contract is a lump sum construction type project that comprises the following:
    - ◆ site preparation minor earthworks and fill
    - ◆ reinforced concrete retaining walls
    - ◆ reinforced concrete slabs on fill
    - ◆ architectural metalwork
    - ◆ all other associated work.A total of twenty-five specifications were issued, with eleven submissions (including one alternative) received by close of tender.

**STATUTORY REQUIREMENTS**

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

In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council and it may also decline any tender.

**POLICY IMPLICATIONS**

There are no policy implications related to this item.

**FINANCIAL IMPLICATIONS**

9. \$153,274 has been provided in the 2001/2002 Capital Works Budget for total construction of the Manypeaks Waste Transfer Facility (this comprises \$40,000.00 external funding and \$113,274.00 ex reserves) and is to include:
  - ◆ Contract C01012 Reinforced Concrete Waste Transfer Station
  - ◆ Access Roads
  - ◆ Main Transfer Station Compound and Turning Area
  - ◆ Modified Gate House
  - ◆ Recycling Shed and Waste Oil Compound

**WORKS & SERVICES REPORTS**

## Item 13.1.1 continued

- ◆ Fencing
- ◆ Existing Tip Rehabilitation.

10. Budget allocations for this contract totalled approximately \$100,000. As actual costs for items have yet to be finalised, apart from this contract, the chosen tenderer must provide Council value for money, so as to maximise funds available for the remaining construction.
11. Tenderers were required to provide prices for construction of the transfer station. A total of ten conforming tenders and one alternative tender were submitted for Council's consideration. The following table outlines those prices submitted by all ten tenderers; these include Goods and Services Tax (GST).

<b>CONTRACTOR</b>	<b>TENDER PRICE</b>
Aarde Constructions	\$154,965.00
Centreline Constructions	\$97,152.00
Conbrio Constructions	\$114,345.00
DeVaugh Pty Ltd (1)	\$103,836.00
DeVaugh Pty Ltd (2)	\$92,836.00
Fields Herring Edwards	\$174,042.00
Monaveen Civils	\$177,557.00
Tricoast Holdings Pty Ltd	\$93,375.00
Urban Building Company	\$101,847.00
Wauters Enterprises	\$105,530.00
Wylie & Skene	\$157,313.00

**STRATEGIC IMPLICATIONS**

12. Albany 2020 – Charting Our Course includes the following Ports of Call:

- ◆ ***Managed healthy land/harbour environment***  
Our community and our visitors value Albany's precious environment, and there is growing awareness that how we treat our land directly affects the quality of our unique harbours and inlets.  
The City of Albany plays a key role in raising community awareness and promoting the care of our beautiful environment, and has set the following objectives to guide our operational activities:
- ◆ ***Waste Management***  
To participate in a regional waste program, which is environmentally responsible, cost efficient and effective.

**COMMENT/DISCUSSION****13. Tender Process**

A request for Tenders was published in the West Australian on 18 August 2001 and the Albany Advertiser on 21 August 2001, with closing date on 12 September 2001.

**Tender Evaluation**

The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:

**WORKS & SERVICES REPORTS**

## Item 13.1.1 continued

Relevant Skills and Experience	40%
Reliability of Tenderer	20%
Appropriate Resources	20%
Financial	10%
Safety Management	10%

John Willis (Design Services Co-ordinator), Daniel Storey (Design Officer) and David Mexsom (Senior Building Surveyor) carried out the Tender Evaluation. The City of Albany regional price preference policy was applied to these tenders.

A listing of the final overall ranking for the tenderers is as follows:

- |                                   |                      |
|-----------------------------------|----------------------|
| 1) DeVaugh Pty Ltd                | (Alternative Tender) |
| 2) DeVaugh Pty Ltd                | (Conforming Tender)  |
| 3) Wauters Enterprises            | (Conforming Tender)  |
| 4) Conbrio Constructions          | (Conforming Tender)  |
| 5) Albany Drainage & Construction | (Conforming Tender)  |
| 6) Centreline Constructions       | (Conforming Tender)  |
| 7) Wylie & Skene                  | (Conforming Tender)  |
| 8) Aarde Constructions            | (Conforming Tender)  |
| 9) Urban Building Company         | (Conforming Tender)  |
| 10) Fields Herring Edwards        | (Conforming Tender)  |
| 11) Monaveen Civils               | (Conforming Tender)  |

## 14. The Conditions of Tendering provide for:

**" Alternative Proposals**

To ensure consideration, a conforming Tender is to be submitted strictly in accordance with the Tender Documents. However, Tenderers may, in addition to the conforming Tender, submit alternative Tenders that will meet the intent of the Contract and which would offer some benefit in terms of:

- ◆ cost;
- ◆ completion date;
- ◆ use of innovative technology or process."

Details of the alternative tender submitted by DeVaugh Pty Ltd were thoroughly researched and considered. As their proposal offered benefit to the City of Albany it was included in the evaluation process.

## 15. The alternative proposal involves the use concrete tilt-up panel walls instead of concrete walls poured in-situ. The alternative requires minimal structural redesign and allows for the deletion of significant amounts of formwork; this is achieved by pouring the wall-panels on the ground and erecting them by crane. Once backfilling of the walls is completed, the slabs on ground are poured as per the original design.

The benefits of this method include:

- ◆ Decreased cost
- ◆ Time savings of up to 8 days in construction
- ◆ Structure would be able to be modified or easily relocated as compared to in –situ concrete walls, should there be a requirement to do so in the future.

**WORKS & SERVICES REPORTS**

Item 13.1.1 continued

- 16. The evaluation process ranked the DeVaugh Pty Ltd. alternative proposal first and their conforming tender second. Selection of the alternative provides a cost saving of \$11,000.00.
- 17. Further comment was sought from Etech Consultants, designers of the reinforced structure, and Howard and Associates Architects the site superintendent for the project.

Their comment is as follows:

*Etech Consultants*

"... confirm the suitability to construct the concrete retaining walls as "tilt-up" panels. This form of construction should result in a substantial saving in formwork costs."

*Howard and Associates*

"In our opinion the alternative proposal using tilt up technique will be acceptable..."

Clarifications listed by Howard & Associates have already been addressed or will be made a requirement in the letter of award.

**RECOMMENDATION**

THAT Council accept the alternative tender from DeVaugh Pty Ltd, and award them Contract C01012 – Construction of Manypeaks Waste Transfer Station for the lump sum price of \$92,836.00, subject to approval by Council’s Design Services of the submission of new structural design drawings and construction specifications by DeVaugh Pty Ltd.

*Voting Requirement Simple Majority*

.....  
Councillor Sankey declared an interest in this item. The nature of Councillor Sankey’s interest is that her spouse is an employee of one of the tendering companies. Further, Councillor Sankey declared an interest in item 13.2.1. The nature of Councillor Sankey’s interest is that she is a resident of Katoomba Street.

Councillor Sankey left the Chambers at 9.48pm.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR DEMARTEAU**

**THAT Council accept the alternative tender from DeVaugh Pty Ltd, and award them Contract C01012 – Construction of Manypeaks Waste Transfer Station for the lump sum price of \$92,836.00, subject to approval by Council’s Design Services of the submission of new structural design drawings and construction specifications by DeVaugh Pty Ltd.**

**MOTION CARRIED 14-0**

**WORKS & SERVICES REPORTS****13.2 ASSET MANAGEMENT****13.2.1 Katoomba Street Road Upgrade**

<b>File/Ward</b>	:	C01069 – (Vancouver Ward)
<b>Proposal/Issue</b>	:	Road upgrade - Katoomba Street by public tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Design Services Co-ordinator (John Willis)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation:</b>		Accept tender from Albany Industrial Services for contract C01068 –Katoomba Street upgrade
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The 2001/2002 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors, in addition to Council's day labour force and Design Services. Where applicable these works are to be undertaken by a public tender process; the upgrade of Katoomba Street is one of these projects.
2. The detailed design, documentation, tender evaluation and site superintendence for this project is being carried out by Wood and Grieve Engineers, on behalf of Council's Design Services.
3. Katoomba Street is located in Orana. The street runs east - west and extends from Albany Highway to Le Grande Avenue, and comprises the following sections:
  - ◆ Albany Highway (0.000) to Melos Street (0.280) - consists of a 6.4m wide asphalt seal with semi-barrier kerbing and underground drainage. There are no works to be carried out in this section.
  - ◆ Melos Street (0.280) to Lurline Street (0.690) - consists of a single coat chip seal with semi-barrier kerbing and underground drainage on the southern side only. The road has a one way crossfall to the southern side. Works in this section are to include the provision of kerb and backfill to the northern side of the road, narrowing of the seal width to 6.0m, application of a 25mm asphalt overlay and associated work.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

- ◆ Lurline Street (0.690) to Le Grande Avenue (0.960) - consists of a minimum width gravel access track with rural type open drains and poorly defined alignment. Works in this section are to include full construction of the road to an urban standard, including semi-barrier kerbing, 6.0m asphalt seal, underground piped-drainage and associated work.
- 4. The Katoomba Street seal links with a T intersection at Lurline Street. The road upgrade will eliminate an existing unofficial intersection priority that has been created from Lurline Street to Katoomba Street east. It will be formalised back to a T intersection with Katoomba Street having the priority.
- 5. Reconstruction of the road will provide an upgraded asset for Council to maintain over its projected design life.
- 6. The contract is a lump sum civil construction type project that includes the following:
  - ◆ minor clearing and earthworks
  - ◆ underground piped-stormwater drainage
  - ◆ sub-grade preparation
  - ◆ sub-base and basecourse construction
  - ◆ bituminous seal application
  - ◆ poured in situ concrete kerbing
  - ◆ asphalt application
  - ◆ all other associated work.

A total of eight specifications were issued, with five submissions received by close of tender.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

There are no policy implications relating to this item

**FINANCIAL IMPLICATIONS**

- 9. A total allocation of \$306,000.00 has been made in the 2001/2002 Capital Works Budget for the upgrade of Katoomba Street.
- 10. Tenderers were required to provide prices for the upgrade and reconstruction. A total of five tenders were submitted for Council's consideration. The following table outlines those prices submitted by all five tenderers; these include Goods and Services Tax (GST).



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

<b>CONTRACTOR</b>	<b>TENDER PRICE</b>
ALBANY INDUSTRIAL SERVICES	\$210,277.73
BRIERTY CONTRACTORS	\$268,848.00
DENMARK EARTHMOVING	\$261,461.00
ERTECH PTY LTD	\$219,396.00
GORDON WALMSLEY PTY LTD	\$207,296.00

**STRATEGIC IMPLICATIONS**

11. Albany 2020 – Charting Our Course includes the following Ports of Call:

- ◆ *Transport systems and services designed to meet current future needs.*

The quality and range of our transport systems are important factors in the present and future well being of our community. Roads, paths, maritime and aviation facilities improve our working, social and recreation lives, and a sensible, well-planned transport system is also a key ingredient in the development of our economic future. The City has established the following major objectives to ensure this Port of Call is realised.

- ◆ *Transport infrastructure planning*

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

- ◆ *Transport infrastructure and services management*

To effectively and efficiently manage the City's transport infrastructure

- ◆ to provide a high quality service;
- ◆ to meet community expectations;
- ◆ to minimise whole life costs; and
- ◆ in alignment with transport plans.

**COMMENT/DISCUSSION****12. Tender Process**

A request for Tenders was published in the West Australian on 8 September 2001 and the Albany Advertiser on 11 September 2001, with closing date on 26 September 2001.

**Tender Evaluation**

The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:

Financial Accounting (Price)	50%
Relevant Skills and Experience	20%
Safety Management	10%
Reliability of Tenderer	10%

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

Quality Accreditation	5%
Other Considerations	5%

13. Wood & Grieve Engineers carried out the tender evaluation. Extracts of their evaluation report are included in this section. The City of Albany regional price preference policy was applied to this tender.

*Extracts from Wood & Grieve report*

- ◆ It should be noted that 50% of the final rating is obtained by careful consideration of specific topics identified in the tender documents i.e.
  - Relevant skills & experience
  - Safety management
  - Reliability
  - Quality accreditation
  - Risk management
  - Environmental management
- ◆ The only Tenderer to provide documentation covering these aspects was Ertech Pty Ltd.
- ◆ To be as fair as possible and in the interests of ensuring ‘cost effectiveness’ an evaluation of the remaining Tenderers was carried out based on the assessment panels knowledge of the companies.
- ◆ In particular the assessment panel noted that Ertech Pty Ltd is a Quality Endorsed Company with ISO 9002 accreditation and operates a safe work environment complying with NSCA-3star rating.
- ◆ Ertech Pty Ltd also provided documentation relating to previous projects undertaken for the City of Albany, Main Roads WA and the Shire of Laverton and has advised that they are prequalified to RO1 status with MRWA.
- ◆ The above information helped Ertech Pty Ltd to score highly in the non financial sections and as a result placed them just above Albany Industrial Services who were the cheapest tenderer (taking into account the local preference adjustment)"

14. A listing of the final overall ranking for the tenderers is as follows:

1. Ertech Pty Ltd
2. Albany Industrial Services
3. Brierty Contractors
4. Gordon Walmsley Pty Ltd
5. Denmark Earthmoving

15. Under Council's adopted Asset Management Strategy - Roads, Katoomba Street is classified as a Local Distributor U4 which includes the provision of a footpath. It is anticipated that the installation of the footpath can be accommodated as additional works within the budget allocation.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**RECOMMENDATION**

THAT Council accept the tender from Ertech Pty Ltd and award them Contract C01068 - Road Upgrade - Katoomba Street for the lump sum price of \$219,396.00.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR BOJCUN**

**THAT Council accept the tender from Ertech Pty Ltd and award them Contract C01068 - Road Upgrade - Katoomba Street for the lump sum price of \$219,396.00.**

**MOTION CARRIED 14-0**

Councillor Sankey returned to the Chamber at 9.55pm.

**WORKS & SERVICES REPORTS****13.2.2 Nanarup Road Upgrade**

<b>File/Ward</b>	:	C01069 – (Kalgan Ward)
<b>Proposal/Issue</b>	:	Road upgrade - Nanarup Road by public tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Design Services Coordinator (John Willis)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation:</b>		Accept tender from Denmark Earthmoving for contract C01069 – Road Upgrade Nanarup Road
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The 2001/2002 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors, in addition to Council's day labour force and Design Services. Where applicable these works are to be undertaken by a public tender process; the upgrade of Nanarup Road is one of these projects.
2. The detailed design, documentation, tender evaluation and site superintendence for this project is being carried out by Wood and Grieve Engineers, on behalf of Council's Design Services.
3. Nanarup Road is a distributor road, feeding rural and semi-rural traffic into the major arterial routes of Lower King Road and Ulster Road, and is located approximately 12.3km east of Albany. It also acts as an important tourist route to Two Peoples Bay and Nanarup Beach.
4. The section of Nanarup Road involved is from chainages 3.00 to 5.50, Lower Kalgan Bridge to Hunton Road.
5. The road is currently sealed with widths varying between 5.5m and 6m and is recognised as a regionally significant road by the Great Southern Regional Road Group. Extensive pavement deformation has occurred indicating a poor subgrade, hence the requirement to lift the road considerably as part of the construction process.
6. Reconstruction of the road will provide an upgraded asset for Council to maintain over its projected design life.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

7. The contract is a lump sum civil construction type project that includes the following:

- ◆ clearing and earthworks
- ◆ stormwater drainage
- ◆ subgrade preparation
- ◆ sub-base and basecourse construction
- ◆ bituminous seal application
- ◆ all other associated work.

A total of seven specifications were issued, with four submissions received by close of tender.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

11. A total allocation of \$650,000.00 has been made in the 2001/2002 Capital Works Budget for the upgrade of Nanarup Road. This comprises \$216,667.00 from Council and a grant of \$433,333.00 from the Great Southern Regional Road Group
12. Tenderers were required to provide prices for the upgrade and reconstruction. A total of four tenders were submitted for Council's consideration. The following table outlines those prices submitted by all four tenderers; these include Goods and Services Tax (GST).

<b>CONTRACTOR</b>	<b>TENDER PRICE</b>
ALBANY INDUSTRIAL SERVICES	\$820,000.00
BRIERTY CONTRACTORS	\$851,897.00
DENMARK EARTHMOVING	\$476,009.00
ERTECH PTY LTD	\$908,339.00

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**STRATEGIC IMPLICATIONS**

13. Albany 2020 – Charting Our Course includes the following Ports of Call:

- ◆ *Transport systems and services designed to meet current future needs.*

The quality and range of our transport systems are important factors in the present and future well being of our community. Roads, paths, maritime and aviation facilities improve our working, social and recreation lives, and a sensible, well-planned transport system is also a key ingredient in the development of our economic future. The City has established the following major objectives to ensure this Port of Call is realised.

- ◆ *Transport infrastructure planning*

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

- ◆ *Transport infrastructure and services management*

To effectively and efficiently manage the City's transport infrastructure

- ◆ to provide a high quality service;
- ◆ to meet community expectations;
- ◆ to minimise whole life costs; and
- ◆ in alignment with transport plans.

14. The upgrade of Nanarup Road complies with the Council's adopted Asset Management Strategy - Roads and the proposed scheduling of this work is in accordance with the Strategy's priority ranking.

**COMMENT/DISCUSSION****15. Tender Process**

A request for Tenders was published in the West Australian on 8 September 2001 and the Albany Advertiser on 11 September 2001, with closing date on 26 September 2001.

**Tender Evaluation**

The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:

Financial Accounting (Price)	50%
Relevant Skills and Experience	20%
Safety Management	10%
Reliability of Tenderer	10%
Quality Accreditation	5%
Other Considerations	5%

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

16. Wood & Grieve Engineers carried out the tender evaluation. Extracts of their evaluation report are discussed in this section. The City of Albany regional price preference policy was applied to this tender.

*Extracts from Wood & Grieve report*

"The price tendered by Denmark Earthmoving was substantially lower than the 3 other tenders and as such was subjected to greater scrutiny in the form of an interview with Mr Robert Link their principal works superintendent.

Mr Link confirmed that he would be supervising the job and satisfied the interviewing panel that the scope of works was fully understood by the Tenderer and priced accordingly.

17. Denmark Earthmoving have previously carried out similar work for Main Roads WA and are classified R2+ with that department (ie. eligible for Main Roads contracts for projects valued \$2 - \$5 million dollars)."

18. A listing of the final overall ranking for the tenderers is as follows:

1. Denmark Earthmoving
2. Ertech Pty Ltd
3. Brierty Contractors
4. Albany Industrial Services

**RECOMMENDATION**

THAT Council accept the tender from Denmark Earthmoving and award them Contract C01069 - Road Upgrade - Nanarup Road for the lump sum price of \$476,009.00.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WALKER**

**THAT Council accept the tender from Denmark Earthmoving and award them Contract C01069 - Road Upgrade - Nanarup Road for the lump sum price of \$476,009.00.**

**MOTION CARRIED 15-0**

**WORKS & SERVICES REPORTS****13.2.3 Weed and Pest Control Services (2001/03)**

<b>File/Ward</b>	:	C01039 (All Wards)
<b>Proposal/Issue</b>	:	Weed and Pest Control Services by public tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Operations (G Steel)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		That Council awards contract to Edenborn Pty Ltd
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The contract for Weed and Pest Control Services in the City of Albany expired on 30 June 2001. Tenders were invited for the eradication of annual and perennial weeds and nominated trees and shrubs within the City of Albany boundaries for a 2-year period. The contract will expire on 30 June 2003.

A total of five specifications were issued, with three submissions received by close of tender.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Tenderers were required to provide prices and a schedule of rates for their services. Three tenders were submitted for Council's consideration from the following companies:
  - ◆ Albany Pest & Weed Control
  - ◆ DME Contractors
  - ◆ Edenborn Pty Ltd



**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

6. The tender comprises two parts:

- ◆ Programmed Works; and
- ◆ Non-Programmed Works.

An attached table outlines those prices and rates submitted by all three tenderers; these include Goods and Services Tax (GST).

**STRATEGIC IMPLICATIONS**

7. In the City of Albany’s 2020 Charting our Course the following Ports of Call are identified:

- ◆ *Transport systems & services designed to meet current and future needs*  
To effectively and efficiently manage the City's transport infrastructure.
- ◆ *Quality parks, gardens and reserves maintaining their feature status*
  - i) To develop safe, functional and aesthetically pleasing streetscapes.
  - ii) A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.

**COMMENT/DISCUSSION**

8. **Tender Process**

A request for Tenders was published in the West Australian on 25 August 2001 and the Albany Advertiser on 23 August 2001, with closing date on 19 September 2001.

**Tender Evaluation**

The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:

Relevant Skills and Experience	40%
Reliability of Tenderer	20%
Appropriate Resources	20%
Financial	10%
Safety Management	10%

9. The Evaluation Panel comprised the Parks & Reserves Co-ordinator and the Mowing & Sporting Leading Hand. The City of Albany regional price preference policy was applied to this tender.

10. A listing of the final overall ranking for the tenderers is as follows:

1. Edenborn Pty Ltd
2. Albany Pest & Weed Control
3. DME Contractors

**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**RECOMMENDATION**

THAT Council accept the tender for Contract C01039 Weed and Pest Control Services

-

Biennial (2001/03 from Edenborn Pty Ltd at the following tendered prices and schedules of rates (including GST):

**A. - PROGRAMMED WORKS**

Work Description	
1. Spray streets	\$49,500.00
2. Spray stone-lined drains	\$2,940.00
3. Spray open drains	\$5,040.00
4. Spray Yakamia Creek	\$4,200.00
5. Spray Forts Area (Mt Adelaide)	\$5,760.00
6. Spray around fences and buildings at Centennial Oval	\$2,370.00
7. Spray bus shelter surrounds	\$2,110.00
8. Spray rural roads	\$5,080.00
<b>TOTAL - 2001/02</b>	<b>\$77,000.00</b>

Work Description	
1. Spray streets	\$51,480.00
2. Spray stone-lined drains	\$3,060.00
3. Spray open drains	\$5,242.00
4. Spray Yakamia Creek	\$4,368.00
5. Spray Forts Area (Mt Adelaide)	\$5,991.00
6. Spray around fences and buildings at Centennial Oval	\$2,466.00
7. Spray bus shelter surrounds	\$2,193.00
8. Spray rural roads	\$5,284.00
<b>TOTAL - 2002/03</b>	<b>\$80,083.00</b>

<b>TOTAL (2001/02 + 2002/03)</b>	<b>\$157,083.00</b>
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**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**B. - NON-PROGRAMMED WORKS - 2001/02**

Work Description	<i>Edenborn Pty Ltd</i>
	\$ Rate/Hr
1. Supply and spray fungicides as required (Provisional 50 hours)	\$88.00
2. Supply and spray insecticides as required (Provisional 50 hours)	\$104.50
3. Supply and spray herbicides as required (Provisional 100 hours)	\$88.00

**B. - NON-PROGRAMMED WORKS - 2002/03**

Work Description	<i>Edenborn Pty Ltd</i>
	\$ Rate/Hr
1. Supply and spray fungicides as required (Provisional 50 hours)	\$92.40
2. Supply and spray insecticides as required (Provisional 50 hours)	\$109.20
3. Supply and spray herbicides as required (Provisional 100 hours)	\$92.40

*Voting Requirement Simple Majority*

**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**A. - PROGRAMMED WORKS**

<b>Work Description</b>	<b>Albany Pest &amp; Weed Control</b>	<b>DME Contractors</b>	<i>Edenborn Pty Ltd</i>
1. Spray streets	\$26,250.00	\$41,910.00	\$49,500.00
2. Spray stone-lined drains	\$6,750.00	\$18,810.00	\$2,940.00
3. Spray open drains	\$5,420.00	31,900.00	\$5,040.00
4. Spray Yakamia Creek	\$3,930.00	\$9,570.00	\$4,200.00
5. Spray Forts Area (Mt Adelaide)	\$2,040.00	\$5,390.00	\$5,760.00
6. Spray around fences and buildings at Centennial Oval	\$1,050.00	\$8,580.00	\$2,370.00
7. Spray bus shelter surrounds	\$1,230.00	\$2,475.00	\$2,110.00
8. Spray rural roads	\$11,300.00	\$48,400.00	\$5,080.00
<b>TOTAL - 2001/02</b>	<b>\$57,970.00</b>	<b>\$167,035.00</b>	<b>\$77,000.00</b>

<b>Work Description</b>	<b>Albany Pest &amp; Weed Control</b>	<b>DME Contractors</b>	<i>Edenborn Pty Ltd</i>
1. Spray streets	\$26,250.00	\$43,167.30	\$51,480.00
2. Spray stone-lined drains	\$6,750.00	\$16,074.30	\$3,060.00
3. Spray open drains	\$5,420.00	\$32,857.00	\$5,242.00
4. Spray Yakamia Creek	\$3,930.00	\$9,857.10	\$4,368.00
5. Spray Forts Area (Mt Adelaide)	\$2,040.00	\$5,551.70	\$5,991.00
6. Spray around fences and buildings at Centennial Oval	\$1,050.00	\$8,837.40	\$2,466.00
7. Spray bus shelter surrounds	\$1,230.00	\$2,549.25	\$2,193.00
8. Spray rural roads	\$13,300.00	\$49,852.00	\$5,284.00
<b>TOTAL - 2002/03</b>	<b>\$59,970.00</b>	<b>\$168,746.05</b>	<b>\$80,083.00</b>

<b>TOTAL (2001/02 + 2002/03)</b>	<b>\$117,940.00</b>	<b>\$335,781.05</b>	<b>\$157,083.00</b>
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**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**B. - NON-PROGRAMMED WORKS - 2001/02**

<b>Work Description</b>	<b>Albany Weed &amp; Pest Control</b>	<b>DME Contractors</b>	<i>Edenborn Pty Ltd</i>
	\$ Rate/Hr	\$ Rate/Hr	\$ Rate/Hr
1. Supply and spray fungicides as required (Provisional 50 hours)	\$70.00	\$56.00	\$88.00
2. Supply and spray insecticides as required (Provisional 50 hours)	\$60.00	\$56.00	\$104.50
3. Supply and spray herbicides as required (Provisional 100 hours)	\$55.00	\$56.00	\$88.00

**B. - NON-PROGRAMMED WORKS - 2002/03**

<b>Work Description</b>	<b>Albany Weed &amp; Pest Control</b>	<b>DME Contractors</b>	<i>Edenborn Pty Ltd</i>
	\$ Rate/Hr	\$ Rate/Hr	\$ Rate/Hr
1. Supply and spray fungicides as required (Provisional 50 hours)	\$70.00	\$56.00	\$92.40
2. Supply and spray insecticides as required (Provisional 50 hours)	\$60.00	\$56.00	\$109.20
3. Supply and spray herbicides as required (Provisional 100 hours)	\$55.00	\$56.00	\$92.40

## WORKS &amp; SERVICES REPORTS

Item 13.2.3 continued

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR CECIL****THAT Council accept the tender for Contract C01039 Weed and Pest Control Services -****Biennial (2001/03 from Edenborn Pty Ltd at the following tendered prices and schedules of rates (including GST):****A. - PROGRAMMED WORKS**

<b>Work Description</b>	
<b>1. Spray streets</b>	<b>\$49,500.00</b>
<b>2. Spray stone-lined drains</b>	<b>\$2,940.00</b>
<b>3. Spray open drains</b>	<b>\$5,040.00</b>
<b>4. Spray Yakamia Creek</b>	<b>\$4,200.00</b>
<b>5. Spray Forts Area (Mt Adelaide)</b>	<b>\$5,760.00</b>
<b>6. Spray around fences and buildings at Centennial Oval</b>	<b>\$2,370.00</b>
<b>7. Spray bus shelter surrounds</b>	<b>\$2,110.00</b>
<b>8. Spray rural roads</b>	<b>\$5,080.00</b>
<b>TOTAL - 2001/02</b>	<b>\$77,000.00</b>

<b>Work Description</b>	
<b>1. Spray streets</b>	<b>\$51,480.00</b>
<b>2. Spray stone-lined drains</b>	<b>\$3,060.00</b>
<b>3. Spray open drains</b>	<b>\$5,242.00</b>
<b>4. Spray Yakamia Creek</b>	<b>\$4,368.00</b>
<b>5. Spray Forts Area (Mt Adelaide)</b>	<b>\$5,991.00</b>
<b>6. Spray around fences and buildings at Centennial Oval</b>	<b>\$2,466.00</b>
<b>7. Spray bus shelter surrounds</b>	<b>\$2,193.00</b>
<b>8. Spray rural roads</b>	<b>\$5,284.00</b>
<b>TOTAL - 2002/03</b>	<b>\$80,083.00</b>

<b>TOTAL (2001/02 + 2002/03)</b>	<b>\$157,083.00</b>
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ORDINARY COUNCIL MEETING MINUTES – 16/10/01  
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**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**B. - NON-PROGRAMMED WORKS - 2001/02**

Work Description	<i>Edenborn Pty Ltd</i>
	\$ Rate/Hr
<b>4. Supply and spray fungicides as required (Provisional 50 hours)</b>	<b>\$88.00</b>
<b>5. Supply and spray insecticides as required (Provisional 50 hours)</b>	<b>\$104.50</b>
<b>6. Supply and spray herbicides as required (Provisional 100 hours)</b>	<b>\$88.00</b>

**C. - NON-PROGRAMMED WORKS - 2002/03**

Work Description	<i>Edenborn Pty Ltd</i>
	\$ Rate/Hr
<b>4. Supply and spray fungicides as required (Provisional 50 hours)</b>	<b>\$92.40</b>
<b>5. Supply and spray insecticides as required (Provisional 50 hours)</b>	<b>\$109.20</b>
<b>6. Supply and spray herbicides as required (Provisional 100 hours)</b>	<b>\$92.40</b>

**MOTION CARRIED 15-0**

**WORKS & SERVICES REPORTS****13.2.4 Contract C01065 - Mowing Services - Biennial (2001/03)**

<b>File/Ward</b>	:	C01039 (All Wards)
<b>Proposal/Issue</b>	:	Mowing Services by public tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Operations (G Steel)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		That Council awards contract to Edenborn Pty Ltd
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. With the expansion of Council's parks and reserves, as well as the expected increase in the requirement for level of service, tenders were invited for the monthly mowing and line trimming (whippersnipping) of specific road reserve verges within the City of Albany for a 2-year period. The contract will expire on 30 June 2003.

A total of eleven specifications were issued, with five submissions received by close of tender.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Tenderers were required to provide prices and a schedule of rates for their services. Five tenders were submitted for Council's consideration from the following companies:
  - ◆ Albany Spray-on Lawns
  - ◆ DME Contractors
  - ◆ Edenborn Pty Ltd
  - ◆ ND & KMHounsfild
  - ◆ Southern Aboriginal Corporation



**WORKS & SERVICES REPORTS**

Item 13.2.4 continued

6. An attached table outlines those prices and rates submitted by all five tenderers; these include Goods and Services Tax (GST).

**STRATEGIC IMPLICATIONS**

7. In the City of Albany’s 2020 Charting our Course the following Ports of Call are identified:

- ◆ *Transport systems & services designed to meet current and future needs*

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

- ◆ *Quality parks, gardens and reserves maintaining their feature status*

i) To develop safe, functional and aesthetically pleasing streetscapes.

ii) A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.

**COMMENT/DISCUSSION**

**8. Tender Process**

A request for Tenders was published in the West Australian on 25 August 2001 and the Albany Advertiser on 23 August 2001, with closing date on 19 September 2001.

**Tender Evaluation**

The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:

Relevant Skills and Experience	40%
Reliability of Tenderer	20%
Appropriate Resources	20%
Financial	10%
Safety Management	10%

9. The Evaluation Panel comprised the Parks & Reserves Co-ordinator and the Mowing & Sporting Leading Hand. The City of Albany regional price preference policy was applied to this tender.

A listing of the final overall ranking for the tenderers is as follows:

1. Edenborn Pty Ltd
2. DME Contractors
3. Southern Aboriginal Corporation
4. Albany Spray-on Lawns
5. ND & KMHounsfeld

**WORKS & SERVICES REPORTS**

Item 13.2.4 continued

**RECOMMENDATION**

THAT Council accept the tender for Contract C01065 Mowing Services - Biennial (2001/03) from Edenborn Pty Ltd at the following tendered prices and schedules of rates (including GST):

## SCHEDULE OF PRICES (PRICE PER CALENDAR MONTH)

<i>SERVICE LOCATION</i>	(2001/02)	(2002/03)
South Coast Highway	\$330.00	\$341.55
Chester Pass Roundabout	\$286.00	\$296.00
Chester Pass Road	\$286.00	\$296.00
Albany Highway	\$1,364.00	\$1,411.75
Middleton Road	\$682.00	\$705.85
Collie Street - Grey Street West car park banks	\$220.00	\$227.70
MONTHLY TOTALS	\$3,168.00	\$340.70

## SCHEDULE OF RATES

<i>ADDITIONAL MOWING SERVICE</i>	RATE / HOUR 2001/02	RATE / HOUR 2002/03
	\$66.00	\$68.30

*Voting Requirement Simple Majority*

.....

**AMENDED RECOMMENDATION**

THAT Council accept the tender for Contract C01065 Mowing Services - Biennial (2001/03) from Edenborn Pty Ltd at the following tendered prices and schedules of rates (including GST):

## SCHEDULE OF PRICES (PRICE PER CALENDAR MONTH)

<i>SERVICE LOCATION</i>	(2001/02)	(2002/03)
South Coast Highway	\$330.00	\$341.55
Chester Pass Roundabout	\$286.00	\$296.00
Chester Pass Road	\$286.00	\$296.00
Albany Highway	\$1,364.00	\$1,411.75
Middleton Road	\$682.00	\$705.85
Collie Street - Grey Street West car park banks	\$220.00	\$227.70
MONTHLY TOTALS	\$3,168.00	\$3,278.85*

## SCHEDULE OF RATES

<i>ADDITIONAL MOWING SERVICE</i>	RATE / HOUR 2001/02	RATE / HOUR 2002/03
	\$66.00	\$68.30

*Voting Requirement Simple Majority*

.....

The Executive Director Works & Services advised there was a mathematical error in the 2002/03 monthly totals figure\*.

**WORKS & SERVICES REPORTS**

Item 13.2.4 continued

**MOVED COUNCILLOR BOJCON****SECONDED COUNCILLOR DEMARTEAU**

**THAT Council accept the tender for Contract C01065 Mowing Services - Biennial (2001/03) from Edenborn Pty Ltd at the following tendered prices and schedules of rates (including GST):**

**SCHEDULE OF PRICES (PRICE PER CALENDAR MONTH)**

<i>SERVICE LOCATION</i>	(2001/02)	(2002/03)
South Coast Highway	\$330.00	\$341.55
Chester Pass Roundabout	\$286.00	\$296.00
Chester Pass Road	\$286.00	\$296.00
Albany Highway	\$1,364.00	\$1,411.75
Middleton Road	\$682.00	\$705.85
Collie Street - Grey Street West car park banks	\$220.00	\$227.70
<b>MONTHLY TOTALS</b>	<b>\$3,168.00</b>	<b>\$3,278.85</b>

**SCHEDULE OF RATES**

<i>ADDITIONAL MOWING SERVICE</i>	<b>RATE / HOUR 2001/02</b>	<b>RATE / HOUR 2002/03</b>
	\$66.00	\$68.30

**MOTION CARRIED 15-0**

ORDINARY COUNCIL MEETING MINUTES – 16/10/01

\*\* REFER DISCLAIMER \*\*

**WORKS & SERVICES REPORTS**

Item 13.2.4 continued

**SUMMARY OF PRICES**

CONTRACTOR	Albany Spray-on Lawns	DME Contractors	Edenborn Pty Ltd	ND & KMHounsfeld	Southern Aboriginal Corporation
<i>ROAD RESERVE MOWING</i>					
ANNUAL COST 2001/02(\$)	\$59,400.00	\$38,610.00	\$38,016.00	\$49,608.00	\$37,082.55
ANNUAL COST 2002/03(\$)	\$61,200.00	\$40,194.00	\$39,360.00	\$52,088.40	\$38,009.61
<b>TENDER TOTALS</b>	<b>\$120,600.00</b>	<b>\$78,804.00</b>	<b>\$77,376.00</b>	<b>\$101,696.40</b>	<b>\$75,092.16</b>

**SCHEDULE OF RATES**

<i>ADDITIONAL MOWING SERVICE</i>					
RATE / HOUR 2001/02(\$)	\$45.00	\$61.60	\$66.00	not tendered	\$40.56
RATE / HOUR 2002/03(\$)	\$45.00	\$64.90	\$68.30	not tendered	\$41.57

**SCHEDULE OF PRICES (PRICE PER CALENDAR MONTH (2001/02))**

<i>SERVICE LOCATION</i>					
South Coast Highway	\$675.00	\$319.00	\$330.00	\$504.00	\$412.03
Chester Pass Roundabout	\$180.00	\$99.00	\$286.00	\$384.00	\$103.01
Chester Pass Road	\$540.00	\$506.00	\$286.00	\$540.00	\$412.03
Albany Highway	\$1,980.00	\$1,760.00	\$1,364.00	\$1,920.00	\$1,442.10
Middleton Road	\$1,305.00	\$352.00	\$682.00	\$690.00	\$412.03
Collie Street - Grey Street West car park banks	\$270.00	\$181.50	\$220.00	\$96.00	\$309.02
<b>MONTHLY TOTALS</b>	<b>\$4,950.00</b>	<b>\$3,217.30</b>	<b>\$3,168.00</b>	<b>\$4,134.00</b>	<b>\$3,090.21</b>

**SCHEDULE OF PRICES (PRICE PER CALENDAR MONTH (2002/03))**

<i>SERVICE LOCATION</i>					
South Coast Highway	\$695.00	\$341.00	\$341.55	\$529.20	\$422.33
Chester Pass Roundabout	\$186.00	\$115.50	\$296.00	\$403.20	\$105.58
Chester Pass Road	\$557.00	\$522.50	\$296.00	\$567.00	\$422.33
Albany Highway	\$2,039.00	\$1,925.00	\$1,411.75	\$2,016.00	\$1,478.15
Middleton Road	\$1,345.00	\$253.00	\$705.85	\$724.50	\$422.33
Collie Street - Grey Street West car park banks	\$278.00	\$192.50	\$227.70	\$100.80	\$316.75
<b>MONTHLY TOTALS</b>	<b>\$5,100.00</b>	<b>\$3,349.50</b>	<b>\$3,278.85</b>	<b>\$4,340.70</b>	<b>\$3,167.47</b>

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

Nil

**13.4 AIRPORT MANAGEMENT**

Nil

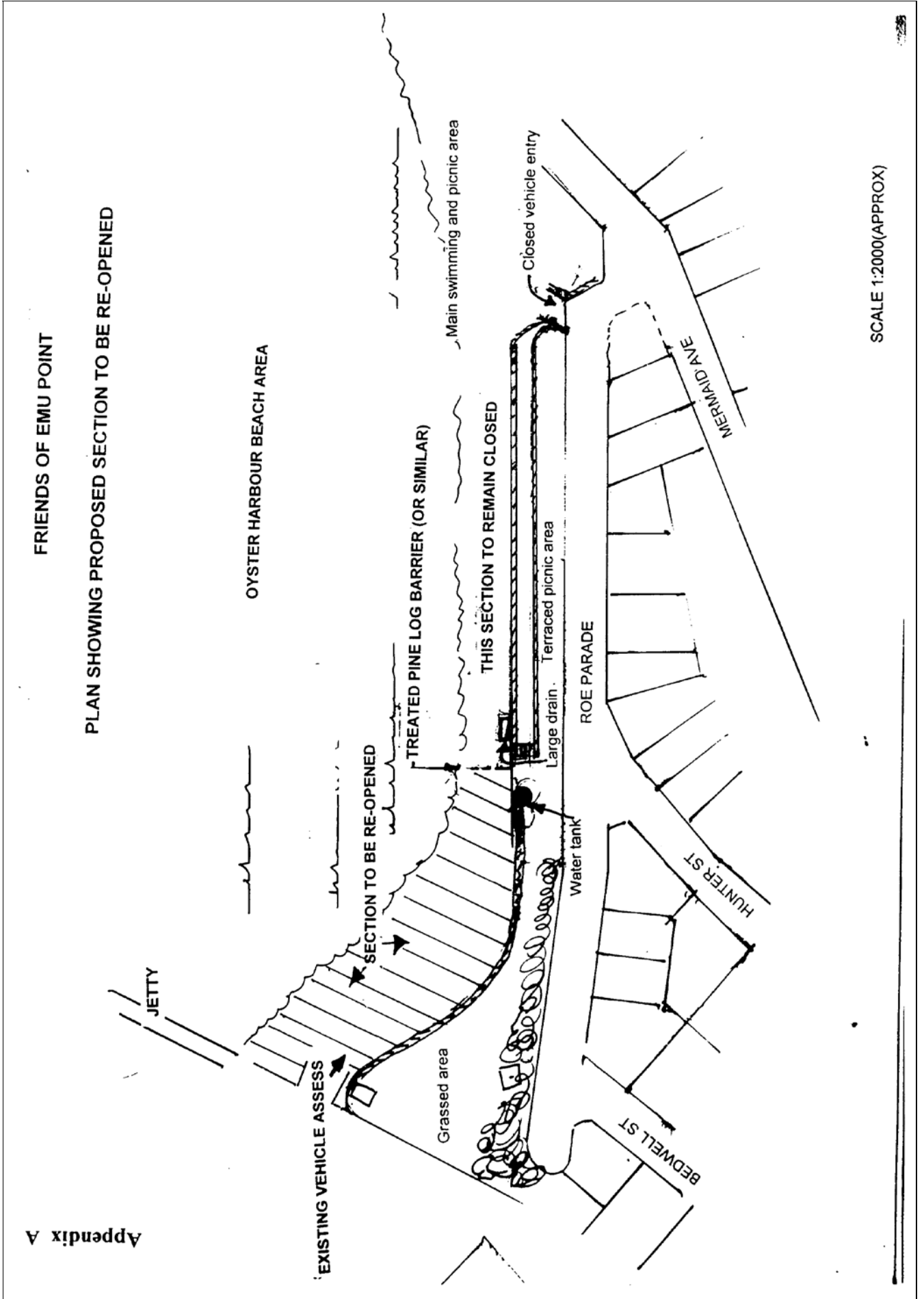
**WORKS & SERVICES REPORTS**

**13.5 RESERVES PLANNING & MANAGEMENT**

**13.5.1 Emu Point**

<b>File/Ward</b>	:	REL100 / PRO155 (Breaksea Ward)
<b>Proposal/Issue</b>	:	Request to re-open a portion of Emu Point Beach, Oyster Harbour for vehicle parking.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	Crown Land
<b>Reporting Officer(s)</b>	:	Manager Asset & Client Services (P.Brown)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 29/02/00 Item 14.2.1
<b>Summary Recommendation:</b>		That a portion of Emu Point Beach between Boat Harbour & swimming enclosure be re-opened for limited access.
<b>Locality Plan</b>	:	Attached Appendix A

**WORKS & SERVICES REPORTS**



Appendix A

SCALE 1:2000(APPROX)

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

**BACKGROUND**

1. Council's Ordinary meeting of 29th February 2000 resolved to 'Close the trafficable section of beach (between Roe Parade and the Emu Point boat ramp)'
2. The entire section of beach was closed due to concerns over the possible conflict between vehicles and young children.
3. Since closure, parking congestion on residential streets has reportedly increased during peak times causing concerns amongst local residents as per submission received from the Friends of Emu Point (See Elected Members Report/Information Bulletin).

**STATUTORY REQUIREMENTS**

4. Local Government Act (1995), section 3.54, relates to the management and control of Reserves for Local Government.

**POLICY IMPLICATION**

5. Council has no policy relating to the partial vehicle access to this reserve. However, public submissions should be invited prior to re-opening. Consideration for this proposed access should be given in the development of the management plan for this reserve.

**FINANCIAL IMPLICATIONS**

6. The budget allocation for advertising is adequate for this provision.
7. The cost of signage and the erection of bollards restricting vehicle access can be allocated from Parks and Reserves Maintenance budget.

**STRATEGIC IMPLICATIONS**

8. The Albany 2020 Charting our Course Strategic Plan includes the following Port of Call:

◆ *Managed healthy land / harbour environment*

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

**COMMENT / DISCUSSION**

9. By restricting the extent of vehicle access to the beach area and the installation of appropriate signage the potential for conflict between young children and vehicles is minimised.
10. Allowing controlled vehicle access from the existing boat harbour carpark only will allow for improved disabled access and overflow parking at peak times.



**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

- 11. The proposal includes the installation of bollards from the retaining wall to low water mark, located approximately from the corner of Roe Parade and Hunter Street. This equates to approximately 50% of the beach area between the swimming jetty enclosure and the boat harbour carpark.

**RECOMMENDATION:**

THAT Council;

- i) revoke their resolution of 29/02/00, item 14.2.1  
*"THAT Council*
  - i) *Close the trafficable section of beach (between Roe Parade and the Emu Point boat ramp);*
  - ii) *Request the Disability Services Committee to comment on the disabled access requirements of the beach;*
  - iii) *Identify and build further parking areas throughout the Emu Point/Roe Parade/Swarbrick Road area; and*
  - iv) *Extend Roe Parade through to Swarbrick Street to increase parking and access as a matter of priority."*

*Voting Requirement Simple Majority*

Then

- ii) allow the re-opening of the section Emu Point Beach, Oyster Harbour between boat harbour carpark and Hunter Street drain;
- iii) restrict access by allowing a beach access from the Boat Harbour carpark only; and
- iv) install appropriate bollards and advisory signage to prevent vehicles travelling further than the Hunter Street drain.

*Voting Requirement Simple Majority*

.....  
The Chief Executive Officer advised that he had received a submission signed by five Councillors requesting that this item be reconsidered.

**MOVED COUNCILLORS DEMARTEAU, EVANS, WOLFE, WALKER AND WEST**

**THAT this Item be reconsidered.**

**MOTION CARRIED 8-7**

Reason:

To allow time for the newly appointed Executive Director of Works and Services to investigate and research the matter so that the closure or partial closure of the beach and the associated issues of public safety, proximity parking and beach access can be resolved in an informed and satisfactory manner.

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WALKER**

**THAT Council;**

**i) revoke their resolution of 29/02/00, item 14.2.1**

**"THAT Council**

- i) Close the trafficable section of beach (between Roe Parade and the Emu Point boat ramp);**
- ii) Request the Disability Services Committee to comment on the disabled access requirements of the beach;**
- iii) Identify and build further parking areas throughout the Emu Point/Roe Parade/Swarbrick Road area; and**
- iv) Extend Roe Parade through to Swarbrick Street to increase parking and access as a matter of priority."**

**MOTION LOST 6-9**

**WORKS & SERVICES REPORTS**

**13.6 WORKS AND SERVICES COMMITTEES**

**13.6.1 The Albany Airport Advisory Committee Minutes of 24<sup>th</sup> August 2001**

<b>File/Ward</b>	:	MAN007 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer</b>	:	Executive Director Works and Services (B Joynes)
<b>Summary Recommendation</b>	:	That the minutes of the Albany Airport Advisory Committee held on 24 <sup>th</sup> August 2001 be adopted.

**Confirmation of the minutes of the Albany Airport Advisory Committee  
of 24<sup>th</sup> August 2001**

**Recommendation**

THAT the minutes of the Albany Airport Advisory Committee held on the 24<sup>th</sup> August 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 6.2 and 6.3 be adopted.

**6.2 Australian Airports Association National Convention (Airports &  
Aviation Outlook 2001)**

THAT Councillor Ian West attend the Australian Airport Association's annual conference to be held in Sydney from the 11<sup>th</sup> – 13<sup>th</sup> November 2001.

**6.3 Skywest Summer Sale Promotional Fare**

Skywest have requested that the passenger-landing fee for the RPT service be waived between the 25<sup>th</sup> December 2001 to 2<sup>nd</sup> February 2002 for promotional fares.

THAT the request from Skywest, be deferred until the completion of the Airport Master Plan.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WEST  
SECONDED COUNCILLOR WALKER**

**THAT the minutes of the Albany Airport Advisory Committee held on the 24<sup>th</sup>  
August 2001 be received.**

**MOTION CARRIED 15-0**

**WORKS & SERVICES REPORTS**

Item 13.6.1 continued

**6.2 Australian Airports Association National Convention (Airports & Aviation Outlook 2001)**

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR EVERS**

**That attendance of the Australian Airport Owners Association Conference be limited to staff representation only.**

**MOTION CARRIED 8-7**

Reason:

The issues to be covered at the conference are mainly technical and therefore should be limited to staff involvement. Further that sending one representative in lieu of two will halve conference attendance costs.

**6.3 Skywest Summer Sale Promotional Fare**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVANS**

**THAT the request from Skywest be deferred until the completion of the Airport Master Plan and the Airport Advisory Committee investigate other means to collect fees.**

**MOTION CARRIED 9-6**

.....

**WORKS & SERVICES REPORTS**

**13.6.2 The Mt Martin Regional Botanic Park Committee Minutes of 6<sup>th</sup> September 2001**

<b>File/Ward</b>		MAN072 (Kalgan)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration
<b>Reporting Officer</b>	:	Executive Director Works and Services (B Joynes)
<b>Summary Recommendation</b>	:	That the minutes of the Mt Martin Regional Botanic Park Committee held on 6 <sup>th</sup> September 2001 be adopted.

**Confirmation of the minutes of the Mt Martin Regional Botanic Park Committee of 6<sup>th</sup> September 2001**

**Recommendation**

THAT the minutes of the Mt Martin Botanic Park Committee held on the 6<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 2, 3, 4 and 5 be adopted.

**Item 2 Review of Committee**

That the terms are:

- 1) to review the Mt Martin Regional Botanic Park Management Plan
- 2) to monitor implementation of the Management Plan
- 3) to make recommendations to Council about actions proposed in the Reserve

The following membership is recommended:

Pat & Peter	Johns	Wildflower Society
Eileen	Croxford	Albany Herbarium
Ray & Joan	Garstone	Community
Hazel	Mitchell	Community
Dennis & Teresa	Greeve	Community
Councillor Diane	Evers	Chairman
Melanie	Price	City of Albany
Libby	Sandiford	Wildflower Society

It was also recommended that Neil Scott from Department of Conservation be included as a regular guest (non-voting).

**Item 3 Boundary of Mt Martin Regional Botanic Park**

That the Committee requests Council write to DOLA to seek clarification and permission regarding the construction of the car park at Ledge Beach.

**WORKS & SERVICES REPORTS**

Item 13.6.2 continued

**Item 4 Layout plan for Ledge Beach Car Park**

That Council :

- (1) accept the layout plan and forward it to DOLA and Department of Conservation for permission to construct; and
- (2) recognises that toilets are a high priority at this site, and liaison needs to be carried out to determine who should be responsible for the installation and maintenance of the toilets.

**Item 5 Memorial Cairn in Voyager Park**

That Council :

- (1) endorse the construction of the Memorial (Note: the committee is using its own funds for construction);
- (2) endorse the brick paving in Voyager Park, pending approval of concept, design and standard by Mike Richardson (Coordinator of Parks and Gardens);
- (3) acknowledge and thank the committee for their efforts in raising the profile of the reserve and its history through the input of its time and capital; and
- (4) endorse the concept of the opening ceremony in December 2001 with Mayor Alison Goode presiding.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Mt Martin Botanic Park Committee held on the 6<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 2, 3, 4 and 5 be adopted.**

**Item 2 Review of Committee**

**That the terms are:**

- 1) to review the Mt Martin Regional Botanic Park Management Plan**
- 2) to monitor implementation of the Management Plan**
- 3) to make recommendations to Council about actions proposed in the Reserve**

**The following membership is recommended:**

<b>Pat &amp; Peter</b>	<b>Johns</b>	<b>Wildflower Society</b>
<b>Eileen</b>	<b>Croxford</b>	<b>Albany Herbarium</b>
<b>Ray &amp; Joan</b>	<b>Garstone</b>	<b>Community</b>
<b>Hazel</b>	<b>Mitchell</b>	<b>Community</b>
<b>Dennis &amp; Teresa</b>	<b>Greeve</b>	<b>Community</b>
<b>Councillor Diane</b>	<b>Evers</b>	<b>Chairman</b>
<b>Melanie</b>	<b>Price</b>	<b>City of Albany</b>
<b>Libby</b>	<b>Sandiford</b>	<b>Wildflower Society</b>

Contd.....

Item 13.6.2 continued

**It was also recommended that Neil Scott from Department of Conservation be included as a regular guest (non-voting).**

**Item 3 Boundary of Mt Martin Regional Botanic Park**

**That the Committee requests Council write to DOLA to seek clarification and permission regarding the construction of the car park at Ledge Beach. Item 4 Layout plan for Ledge Beach Car Park**

**That Council :**

- (1) accept the layout plan and forward it to DOLA and Department of Conservation for permission to construct; and**
- (2) recognises that toilets are a high priority at this site, and liaison needs to be carried out to determine who should be responsible for the installation and maintenance of the toilets.**

**Item 5 Memorial Cairn in Voyager Park**

**That Council :**

- (1) endorse the construction of the Memorial (Note: the committee is using its own funds for construction);**
- (2) endorse the brick paving in Voyager Park, pending approval of concept, design and standard by Mike Richardson (Coordinator of Parks and Gardens);**
- (3) acknowledge and thank the committee for their efforts in raising the profile of the reserve and its history through the input of its time and capital; and**
- (4) endorse the concept of the opening ceremony in December 2001 with Mayor Alison Goode presiding.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

# **General Management Services**

## **REPORTS**



## 14.1 STRATEGIC DEVELOPMENT

### 14.1.1 Community Events Funding

<b>File/Ward</b>	:	STR070 (All Wards)
<b>Proposal/Issue</b>	:	Approval of funding for General Community Event
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Western Australian National Servicemen's Association
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Strategic Projects Officer – (P Terry)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation:</b>		That funding for this event be approved.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. An initial request from the Chairman of the Western Australian State Reunion committee was received on 8 August 2001 requesting assistance from Council for various resources for the holding of their State Reunion on Saturday 27 & Sunday 28 October 2001.
2. A reply was sent requesting further information from the committee to enable the funding request to be considered as a General Community Event for consideration for funding as an Other Special Event in the 2001/02 budget.
3. This information was subsequently received on 25 September 2001.

### STATUTORY REQUIREMENTS

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

### POLICY IMPLICATIONS

5. Criteria to be classed as a General Community Event is contained in the Community Events Policy. This event satisfies the criteria for a General Community Event.

Item 14.1.1 continued

6. In the guidelines of the policy it is required that Community organisations submit an application by 31 May of each year. Obviously for events in the Financial Year 2001/02 this is not possible. It is therefore proposed that funding for events in this financial year be allocated on a similar basis as has been done in previous years to ensure that funding is made for these events.

#### **FINANCIAL IMPLICATIONS**

7. The funding request falls within the total allocation in the Financial Year 2001/02 budget for Other Special Events

#### **STRATEGIC IMPLICATIONS**

8. Albany 2020 Charting Our Course

*Port of Call* – A reputation for professional excellence

To promote Albany and facilitate the celebration of events and achievements of significance to the City of Albany.

#### **COMMENT/DISCUSSION**

9. The Western Australian National Servicemen's Association State Reunion has the capacity to attract a significant number of visitors from across the State and will provide even more focus on Albany as a tourist destination given other events that will be occurring in the region on the same weekend.

10. The State Reunion will also build on the military links that Albany has and ties in well with the strategic direction to commemorate the Centenary of the departure of ANZAC troops to be held in November 2014.

11. The funding request from the National Servicemen's Association amounts to \$676. This is broken down as follows;

▪ Printing of parade programme	\$195.00
▪ Hire of public address system	\$240.00
▪ Hire of Dais (in kind from the Leisure Centre)	\$45.00
▪ Hire of Chairs	\$196.00

12. A covering letter and application for funds from the Western Australian National Servicemen's Association follows this report.

#### **RECOMMENDATION:**

THAT Council approve funding to the value of \$676 for the Western Australian National Servicemen's Association State Reunion to be held on Saturday 26 October 2001.

*Voting Requirement Simple Majority*

.....

Item 14.1.1 continued

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BOJCUN**

**THAT Council approve funding to the value of \$676 for the Western Australian National Servicemen's Association State Reunion to be held on Saturday 26 October 2001.**

**MOTION CARRIED 15-0**

Western Australian  
State Reunion



Albany 2001

P. O. Box 521  
Albany WA 6330

25<sup>th</sup> September 2001

Mr Paul Terry  
Strategic Projects Officer  
City of Albany  
PO Box 484  
ALBANY WA 6331

Dear Paul,

Reference: Your REL 111

Thank you for your letter dated 5<sup>th</sup> September last detailing the procedures to apply for a General Community Event Grant. Please find enclosed our application for this assistance.

This will be the first state wide national service reunion held in Western Australia. It is attracting a wide range of visitors from across the state. This in turn will boost the local economy and highlight some of the attractions, which make Albany the top tourist town in the state.

Sponsoring this event will also build on the links Albany have with the Anzac tradition and our military history. It should also meet the guidelines for the strategic planning to celebrate the Centenary of Anzac to be held in 2014.

We look forward to the support of the City of Albany Council when our submission is put to council on 16<sup>th</sup> October 2001.

Please do not hesitate to contact me should you require any further detail. Thank you for your assistance in this matter.

Yours faithfully,

L.E.Fraser MBE  
Parade Co-ordinator

COPY

CITY OF ALBANY RECEIVED		
26 SEP 2001		
FILE REL111	CORRO No.	OFFICER
REPLY Y/N	ACKNO W SENT / /	GENL/BLIN

No applie enclosed  
Reverts

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**THE WESTERN AUSTRALIAN NATIONAL SERVICE  
50<sup>th</sup> ANNIVERSARY REUNION TO BE HELD AT ALBANY  
ON 27<sup>th</sup> - 28<sup>th</sup> OCTOBER 2001**

**APPLICATION FOR FUNDS  
FOR A GENERAL COMMUNITY EVENT**

**Preamble**

The Steering Committee of the Western Australian National Service Association has chosen to conduct the Western Australian celebration of the National Service 50<sup>th</sup> Anniversary Reunion in the City of Albany because of its long association with our military history. The reviewing officer will be Commodore Peter Clarke ADC RAN the senior military commander in Western Australia. VIPs invited include federal and state politicians, mayor of City of Albany and representatives of local military service organizations.

The National Service Reunion is a **non-profit** event aimed at rekindling and maintaining friendships between members of all those called up for National Service from 1951-1972 in the Navy, Army and Airforce.

The reunion will consist of **Saturday**, a parade down York Street to Anzac Park, a luncheon at Centennial Oval, followed by a voluntary attendance at the Nurses Memorial Service. **Sunday**, activities include a visit to the Forts followed by a BBQ luncheon and finally a pilgrimage to the Desert Corps Memorial at Mount Clarence.

**Selection Criteria**

The following information if forwarded to meet the selection criteria of a General Community Event:

- **Must be managed and overseen by an incorporated community organization:**
  - The event is being organised by a small steering committee of Albany residents on behalf of the Western Australian National Service Association Inc., York Sub Branch. The steering committee have also taken out public liability insurance with Albany District Insurance Brokers to the amount of \$10,000,000.
- **Must demonstrate revenue-raising opportunities for local community organizations and have broad community participation:**
  - To date the committee have received 654 registrations to attend the weekend reunion of which 105 reside in Albany,

- information on local accommodation has been sent to all visitors. Registrations are still coming in.
- The following local community organizations are being utilised:
    - Hire of centenary hall at show grounds.
    - Sambo's Catering Service.
    - ABC bus hire
    - Hire of equipment from "Lets Party Hire"
    - London Hotel for luncheon refreshments
    - Albany District Insurance Brokers for public liability insurance.
    - Mark Pemberton public address system
    - South Coast Security
    - Albany Pipe Band
    - Albany City Chorus
    - St Johns Ambulance Service
    - Refreshment Van- Charity for the Needy
    - Local Cadet Units.
  - Broad based community appeal will come from the fact that National Service in the fifties required all male eighteen year old Australian Citizens to serve 90 days in one of the armed forces. This would mean that there would be few families in Australia who would not have had some family member undertaking National Service. The Vietnam era from 1965-1972 although conducted on a ballot system saw national servicemen conscripted for two years to serve in the armed forces.
  - **Must demonstrate a contribution to Tourism and District Area Promotion.**
    - The steering committee are expecting at least one thousand visitors to Albany for some part of the reunion celebrations. Information has been sent to all visitors attending on the many and varied tourist attractions available in Albany and the surrounding area.
    - The event is expected to receive wide television and newspaper coverage.
    - Visitors will be spending their 'tourist dollar' utilising local accommodation, restaurants and visiting local attractions during their stay.
    - The program will enable a lot of flexibility for visitors, between the core activities, to do their own thing during the weekend.

**Assistance requested**

Financial assistance is requested under the City of Albany Community Events Policy to conduct the **National Service 50<sup>th</sup> Anniversary Parade** on Saturday, 27<sup>th</sup> October 2001 for the amount of **\$676.00**.

These funds are required for the following:

• Printing of parade programme	\$195.00
• Hire of public address system	\$240.00
• Hire of dais.	\$45.00
• Hire of chairs	\$196.00
• <b>Total</b>	<b><u>\$676.00</u></b>

**Funding from committee**

The committee have charged participants to the reunion a registration fee of \$40.00 pp to cover the cost of: (Budget)

• Administration of reunion	\$1,500.00
• Lunch	\$25.00pp
• Security	\$360.00
• Public liability insurance	\$1,136.00
• Bus hire	\$120.00
• Tables & chairs for lunch	\$900.00
• Hire of Centennial hall/wool pavilion	\$750.00

**Post activity report**

The committee undertake to provide a full acquittal of all financial details, community group involvement, attendance figures and a summary of the event within two months of the completion of the event.

**Acknowledgement of City of Albany support**

The Host Officer will publicly acknowledge City of Albany support in his welcome address and the parade programme will also acknowledge the support given to the organisers.



L.E.Fraser MBE  
Parade Co-ordinator  
25<sup>th</sup> September 2001.

Enclosure: Promotional material sent to visitors.

**14.2 ORGANISATIONAL DEVELOPMENT**

NIL



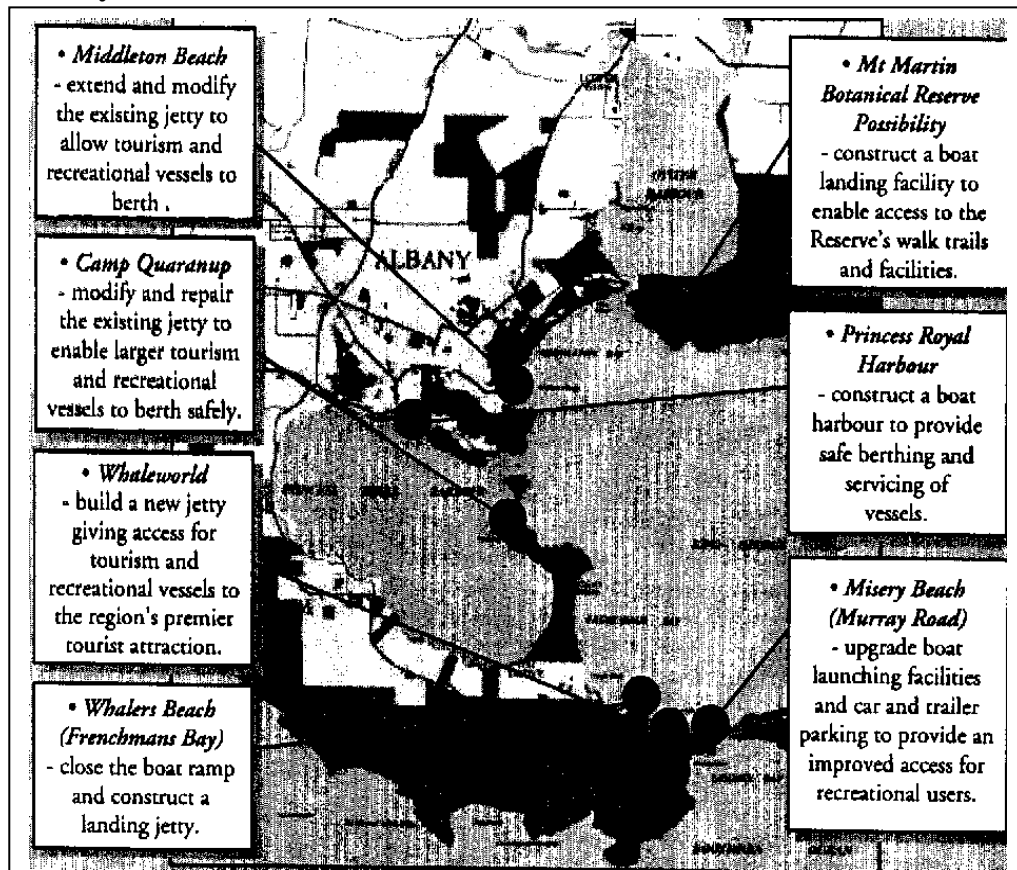
## 14.3 ECONOMIC DEVELOPMENT

### 14.3.1 Vancouver Waterways Final Report

<b>File/Ward</b>	:	(All Wards)
<b>Proposal/Issue</b>	:	Vancouver Waterways final report
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Great Southern Development Commission
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Economic Development Manager (J.Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A

**Summary Recommendation:** THAT Council adopts the Vancouver Waterways Final Report 'in-principle' and that consideration be given on a case-by-case basis of the financial, environmental and management implications for Council of each of the project's components.

#### Locality Plan :



Item 14.3.1 continued

**BACKGROUND**

1. The Vancouver Waterways (VWW) Study was commissioned by the Great Southern Development Commission to investigate a range of options for further development and integration of maritime infrastructure and support facilities around Albany. The final report was completed in May 2000 by a consortium of consulting firms including Clifton Coney Stevens; Space Consultants; Wood and Grieve; Ray Bird and Associates; and The Planning Group.
2. The study provides an excellent opportunity for improving and increasing waterways usage, promoting commercial maritime business activity, creating employment, increasing tourism yield and encouraging private sector investment in maritime industries.
3. The Vancouver Waterways can be identified as King George Sound, Oyster Harbour and Princess Royal Harbour. The report identifies seven key sites within these waterways for further development to provide improved integration. These are:-
  - **Whaleworld** – build a new jetty giving access for tourism and recreational vessels to the region’s premier tourist attraction
  - **Middleton Beach** – extend and modify the existing jetty to allow tourism and recreational vessels to berth
  - **Camp Quaranup** – modify and repair the existing jetty to enable larger tourism and recreational vessels to berth safely
  - **Princess Royal Harbour** - Construct a small boat harbour to provide safe berthing and servicing of vessels
  - **Whalers Beach (*Frenchman Bay*)** – close the boat ramp and construct a landing jetty
  - **Mt Martin Botanical Reserve** - construct a boat landing facility to enable access to the Reserve’s walk trails and facilities.
  - **Misery Beach (*Murray Road*)** – upgrade boat launching facilities and car and trailer parking to provide an improved access for recreational users.
4. Little Grove and Breaksea Island were also nominated in the report as good linkage points for an integrated tourism experience however they were not deemed priorities for government funding.
5. By improving and integrating the above sites, the project hopes to deliver effective and efficient marine infrastructure for use by the tourism industry, commercial fishing industry and recreational boating users
6. In response to the report, Council established two working groups to further explore the implications of the recommendations at the local level. They were the:-
  - Maritime Recreational Advisory Committee (MRAC) to determine priority marine infrastructure requirements for recreational users and consider maintenance implications for Council (Council Representative is Cr Sankey)

Item 14.3.1 continued

MRAC has recommended the priority projects for recreational users are

- a) Upgrading boat launching and parking facilities at Murray Road (Misery Beach) including water based infrastructure to assist launching and landing of boats. Frenchman Bay (Whalers beach) could then be closed
- b) Development of the jetty at Whaleworld for recreational use
- c) Extension of existing jetty at Ellen Cove (Middleton Beach) for access by recreational users.

A strategic expenditure plan will now be developed by MRAC for consideration by Council. Any future Council funding may also be used to provide leverage against the State Government's Recreational Boating Facilities Fund which is a suitable source of funding for additional works not identified in the Vancouver Waterways report.

- Albany Boat Harbour Reference Group (ABHRG) to investigate the business case for a small boat harbour and associated land based enterprises around the existing town jetty (Council Representative is Cr Barton).

Through the auspices of the ABHRG the City of Albany commissioned International Marina Consultants to conduct a demand study into the need for a boat harbour near the town jetty. At its September Ordinary meeting, Council received this report and endorsed a public consultation process, which is currently open until 31 October 2001, including a public workshop on 23 October 2001. Subject to Council adopting the report's recommendations, State Government funding will be sought to proceed to a master planning stage for the boat harbour including detailed design, technical and cost options accompanied by a thorough community consultation process.

7. Council received a briefing on the VWW project by the GSDC on 10 April 2001 and a personal tour of the sites was provided to the Council elected members of the MRAC and ABHRG committees after the last Council election.

### **STATUTORY REQUIREMENTS**

8. There are no statutory requirements associated with this item

### **POLICY IMPLICATIONS**

9. Council has adopted a tourism policy which states:-

Item 9

the City of Albany will encourage tourism product development and investment throughout the area and will facilitate the development application process'

Item 11

'the City of Albany will ensure the welfare of the whole community when supporting tourism development and the provision of facilities''

Item 14.3.1 continued

Item 12

‘when considering tourism developments, the City of Albany will consider the social, cultural, economic and environmental impact of the proposal on the area’

### **FINANCIAL IMPLICATIONS**

10. There will be financial implications for the City of Albany associated with various elements of the Vancouver Waterways project. The whole-of-life maintenance costs associated with new land and marine based infrastructure development will likely be the responsibility of the City of Albany. For example the first cluster of projects (see below) will require an ongoing maintenance task:-

- Construction of a jetty at Whaleworld (maintenance agreement likely between Jaycees Inc and City of Albany);
- Construction of a jetty at Whalers Beach (maintenance unresolved)
- Upgrading the car park and boat ramp facilities at Misery Beach and closure of the boat ramp at Whalers Beach (maintenance unresolved)

11. The City of Albany has requested the GSDC to include an estimate of these costs in the Civil Engineering consultancy recently issued.

### **STRATEGIC IMPLICATIONS**

12. Council has adopted the following Port of Call as part of ‘Albany 2020 – Charting Our Course’

“The attraction and development of a broad range of social, cultural and economic entities”

13. The Vancouver Waterways project is consistent with the objectives associated with this port of call being economic development and recreational planning. In its first review of Albany 2020, Council also adopted Tourism Development as a specific objective. Council has agreed to lead key tourism industry groups in establishing an integrated approach to visitor servicing, district & area promotion and product development. The agreed approach by Council is to:-

- identify the roles & responsibilities of key industry groups.
- align City operations to complement tourism development.
- lead the development of value adding tourism projects to increase the overall level of visitor nights & visitor spends in Albany.

Item 14.3.1 continued

### COMMENT/DISCUSSION

14. The State Government has allocated \$1.35m over four years to the Great Southern Development Commission for the project. This includes \$117,000 (2000-01); \$135,000 (2001-02); \$180,000 (2002-03) and \$920,000 (2003-04) for further planning and infrastructure development of the sites recommended in the report.
15. An implementation Committee has been established by the GSDC and is represented by government and community representatives including City of Albany Councillor Elizabeth Barton and staff member Jon Berry (Economic Development Manager). This committee has met once and will meet again when the environmental and civil engineering consultants have been appointed by GSDC.
16. The first stage of the VWW project is the development of infrastructure in the group of sites in and around Whaleworld known as the “Whaleworld Cluster”. GSDC has sought a civil engineering consultant to undertake survey and geotechnical investigations and preliminary designs to assist a proposed environmental consultant in the preparation of referral documents for submission to the Department of Environmental Protection (DEP) and other relevant agencies for approval. The consultant will be required to examine the following sites:-

#### **Whaleworld**

It is proposed to construct a landing jetty at Whaleworld located to the west of the existing Visitor Centre. However, the final location, length and design details of the jetty will depend on the outcomes of further investigations.

A rudimentary jetty existed at the site adjacent to the flensing deck when it operated as a Whaling Station. Another jetty was constructed more recently at the Western end of the Whaleworld Foreshore adjacent to the public carpark. However, both jetties were damaged by storms. There is an existing approval in place for a jetty on the alignment of the western most jetty.

#### **Whalers Beach**

It is proposed to construct a landing jetty with adjacent mooring facilities on Whalers Beach to provide all weather tour boat landing availability. When Whaleworld is inaccessible, the Whalers Beach Jetty would be protected from the easterly winds and visitors could be bussed less than 1km to Whaleworld. The exact location and length of the jetty is yet to be defined as it will depend on the outcomes of the environmental, bathymetric and geotechnical investigations. The current boat landing arrangements at Whalers Beach are in conflict with the landscape and recreational amenity of the area. Also, the turning and parking at Whalers Beach is inadequate for the boat trailers that use the facility. For this reason, it is intended to close the Whalers Beach boat ramp. The consultant will be required to liaise with relevant authorities (including the City of Albany) regarding this issue, undertake any studies required and obtain the approvals for the existing ramp to be closed.

Item 14.3.1 continued

**Misery Beach (Murray Road)**

The existing vehicle and trailer parking facility at Misery Beach is proposed to be expanded to cater for approximately 60 cars and trailers within the boat ramp reserve and adjoining road reserve. Extensive earthworks will be required to achieve this. The final design of the car park will depend on survey and further investigations.

It is also proposed to upgrade the Misery Beach boat ramp to a double boat ramp with a small boat holding structure. No other water-based works are proposed to be undertaken as part of the VWW project. However, the City’s MRAC committee supports development of a water based structure to provide a protected area in the water for launching and retrieving vessels onto trailers. Funding for this infrastructure would be required from Council and the Recreational Boating Facilities Fund.

Future stages of the VWW report will be progressively implemented by the GSDC through the auspices of the Project Implementation Committee from 2001/02 to 2003/04 when most of the physical infrastructure will be constructed.

**RECOMMENDATION**

THAT Council supports the principle of developing maritime and land based infrastructure as recommended in the Vancouver Waterways Final Report to promote tourism and encourage recreational use of Albany harbours subject to consideration on a case-by-case basis, the financial; environmental; and management implications for the City of Albany resulting from the development of each of the project’s components.

*Voting Requirement Simple Majority*

.....

**The Chief Executive Officer advised this item had been withdrawn from the agenda.**

### 14.3.2 Proposed Tourism Promotion Campaign

<b>File/Ward</b>	:	MAN008(All Wards)
<b>Proposal/Issue</b>	:	Council contributes to a marketing campaign to promote Albany as an alternative destination in light of the US crisis and recent grounding of Ansett Airlines (including Skywest)
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Economic Development Manager (J.Berry)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>	:	THAT Council allocates \$5,000 from the economic development budget as a contribution to a proposed marketing campaign promoting Albany as an alternative tourist destination over the next six months
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The recent terrorist attacks on the USA and the grounding of Ansett airlines has severely impacted on the domestic tourism industry and is being felt by many Albany businesses.
2. A major intrastate marketing campaign aimed at encouraging West Australians to holiday at home has been initiated by the Western Australian Tourism Commission and includes new radio and newspaper advertisements in the metropolitan and regional areas.
3. In addition, Regional Tourism Associations throughout Western Australia are eligible for a grant of up to \$50,000 for additional approved advertising activities over the next 12 months.
4. With the support of the City of Albany a consortium of tourism industry operators and the Great Southern Development Commission plan to undertake a promotional campaign to penetrate the Perth market in this current period of uncertainty in the travel industry.

Item 14.3.2 continued

### **STATUTORY REQUIREMENTS**

5. There are no statutory requirements associated with this item.

### **POLICY IMPLICATIONS**

6. Council has adopted a tourism policy which states:-

#### Item 1

The City of Albany will liaise with the Western Australian Tourism Commission and other relevant Tourism and Government organisations and members of the public in all aspects of tourist development.

#### Item 3

The City of Albany will endeavour to provide an adequate budget allocation for tourism expenditure

#### Item 4

The City of Albany will endeavour to assist (financially and by other means) tourist organisations or events which have the potential to develop tourism in the area.

### **FINANCIAL IMPLICATIONS**

7. It is proposed \$5,000 be provided by the City of Albany as a grant to the Great Southern Tourism Association from the Economic Development budget. An amount of \$30,000 has been pledged from selected businesses and the total pool of funds will be used to leverage up to \$50,000 from the Western Australian Tourism Commission.

### **STRATEGIC IMPLICATIONS**

8. Council has adopted the following Port of Call as part of '*Albany 2020 – Charting Our Course*'

“The attraction and development of a broad range of social, cultural and economic entities”. A specific objective ‘tourism development’ was added in the first review of the strategy. Council has agreed to lead key tourism industry groups in establishing an integrated approach to visitor servicing, district & area promotion and product development.

The agreed approach to achieving this objective was

- To identify the roles & responsibilities of key industry groups.
- To align City operations to complement tourism development.
- Lead the development of value adding tourism projects to increase the overall level of visitor nights & visitor spends in Albany.



Item 14.3.2 continued

**COMMENT/DISCUSSION**

9. The US crisis and Ansett demise collectively provides a 'window of opportunity' for increased visitation to Albany as research has shown that many people have safety concerns regarding overseas travel and there is uncertainty about the future of aviation services on a number of routes. Albany is in close proximity to Perth (by air and road) and there is an opportunity to further penetrate the Perth market over the coming summer and into 2002.
10. An industry led meeting of key tourism operators, businesses and government agencies was held on 4th October 2001 to discuss a quick and decisive strategy to promote Albany as a visitor destination over the next six months. Industry representatives that have pledged support include airlines, tourism accommodation, wineries and tourist operators.
11. The Great Southern Tourism Association has access to \$50,000 from the State Government if there is sufficient industry and local support for a marketing campaign. At the meeting on 4th October 2001 the organisations present pledged approximately \$35,000 support for the initiative which will be used to leverage the additional \$50,000 from the State Government.
12. The campaign elements will likely include television advertising, print media, shopping centre displays and personal selling and will focus primarily on the Perth market. The campaign will be developed to complement any Statewide initiatives of the WATC and will focus on Albany as a tourist destination rather than any individual businesses. A campaign program will be developed over the next week for endorsement by the City and contributing organisations.

**RECOMMENDATION**

THAT Council grants \$5,000 from the economic development budget to the Great Southern Tourism Association as a contribution to the proposed marketing campaign promoting Albany as an alternative tourist destination over the next six months

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR DEMARTEAU**

**THAT Council grants \$5,000 from the economic development budget to the Great Southern Tourism Association as a contribution to the proposed marketing campaign promoting Albany as an alternative tourist destination over the next six months**

**MOTION CARRIED 15-0**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEE**

**14.4.1 The Albany Boat Harbour Reference Group Minutes of 20<sup>th</sup> September 2001**

**File/Ward** : MAN127(All Wards)  
**Proposal/Issue** : Committee Items for Council Consideration  
**Reporting Officer(s)** : Chief Executive Officer( A Hammond)  
**Summary Recommendation:** That the minutes of the Albany Boat Harbour Reference Group held on the 20<sup>th</sup> September be adopted.

**Confirmation of the minutes of the Albany Boat Harbour Reference Group of the 20<sup>th</sup> September 2001**

**Recommendation**

THAT the minutes of the Albany Boat Harbour Reference Group held on the 20<sup>th</sup> September 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following Item 7.1 be adopted

**7.1 IMC Demand Study**

THAT the City of Albany allocate up to \$3,000 from the Economic Development budget for a public consultation program on the Albany Boat Harbour Study and seek additional funding support from Reference Group organisations.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BARTON  
SECONDED COUNCILLOR EMERY**

**THAT the minutes of the Albany Boat Harbour Reference Group held on the 20<sup>th</sup> September 2001 be received and the following Item 7.1 be adopted**

**7.1 IMC Demand Study**

**THAT the City of Albany allocate up to \$3,000 from the Economic Development budget for a public consultation program on the Albany Boat Harbour Study and seek additional funding support from Reference Group organisations.**

**MOTION CARRIED 15-0**

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

### 15.1 Elected Members' Report/Information Bulletin

#### DRAFT MOTION

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

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WILLIAMS**

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

**MOTION CARRIED 15-0**

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

Nil

## **17.0 MAYORS REPORT**

Fellow Councillors

During the four weeks since the last Council Meeting, I have made a number of visits to primary schools in the Albany region and have been treated to a real showcase of the different skills and talents of our young children. On Thursday the 20<sup>th</sup> of September, I attended the Flinders Park Primary School Arts Night which was a feast of music, theatre, art, dance and displays of students works. The students had put in an enormous effort to make the evening such a great success and I commend them all. The next day, I attended the Bethel Christian School Open Day Assembly and was again made to feel extremely welcome. I was delighted to have my portrait painted by some of the students. On Monday the 24<sup>th</sup> I attended the Spencer Park Primary School's Noongar Week Opening Assembly and was again very impressed by the work the students are doing learning to work in harmony with other cultures. It is these visits to schools and interacting with the children that reminds me of the important role we have as a Council and as community leaders, to ensure that the future of Albany is protected for our future generations to enjoy in years to come.

On Friday the 28<sup>th</sup> of September, I again addressed the gathering at the Police Remembrance Service in Lawley Park. It was a particularly emotional day as our thoughts were focused on the lives lost in the line of duty, not only in our own Australian Police Service, but also those who were caught in the tragic events in New York. Our Police Officers are called upon to perform an ever expanding role in our community – providing support, guidance and counsel during trauma, providing manpower and leadership during catastrophe, providing friendship, camaraderie and solidarity for fellow officers as well as maintaining law and order. A tough and demanding job and one which we should all be thankful is carried out by such a special team of dedicated individuals.

Item 17.0 continued

Recently I took the opportunity to attend the Perth Royal Show for the first time in many years. I was extremely impressed with the district displays, and in particular the Great Southern, which of course included Albany and surrounds. The display attracted several first prizes and sixth overall for the Southern Division. I sincerely congratulate the dedicated team of volunteers including our own Francis Crowley for their efforts.

On Sunday last I led off the diabetes walk for the cure down at Middleton Beach. The walk for the cure is a nationwide event staged to raise funds to secure more research to find a cure for the debilitating disease, Diabetes.

I would like to congratulate the huge City of Albany staff who dressed in their t-shirts depicting the “Altogether Better” logo, who walked the 9.5 kms to raise funds. Well Done.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EVERS**

**That the Mayor’s Report be received.**

**MOTION CARRIED 15-0**

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

Nil

**19.0 CLOSED DOORS**

Nil

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 20<sup>th</sup> November 2001, 7.30pm

**21.0 CLOSURE OF MEETING**

10.25pm.

Confirmed as a true and accurate record of proceedings.

---

**A Goode JP  
Mayor**

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST**

**MINUTES OF THE ORDINARY COUNCIL MEETING – 16<sup>TH</sup> OCTOBER 2001**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor Sankey	12.7.3 – Retail Trading Hours	Councillor Sankey's daughter is involved in the retail trading industry.
Councillor Wellington	12.7.3 – Retail Trading Hours	Councillor Wellington is involved in the retail trading industry.
Councillor Barton	12.7.3 – Retail Trading Hours	Councillor Barton is involved in the retail trading industry
Councillor Sankey	13.2.1 – Katoomba Street Upgrade	Councillor Sankey is a resident of Katoomba Street
Councillor Sankey	13.1.1 – Manypeaks Waste Transfer Station	Councillor Sankey's spouse is an employee of one of the tendering companies

**APPENDIX B**

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING**

**MINUTES OF THE ORDINARY COUNCIL MEETING – 16<sup>TH</sup> OCTOBER 2001**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
		Nil.

**APPENDIX C**

**CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)  
DISCLOSED DURING THE COURSE OF THE MEETING**

**MINUTES OF THE ORDINARY COUNCIL MEETING – 16<sup>TH</sup> OCTOBER 2001**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
		Nil.