



# MINUTES

## ORDINARY COUNCIL MEETING

**16<sup>th</sup> September 2003**

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

## **CITY OF ALBANY**

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Signed:

18<sup>th</sup> September 2003

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

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**1.0 DECLARATION OF OPENING**

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

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

Attendance:

Mayor	-	AE Goode, JP
Councillors	-	MJ Evans JP
	-	G Sankey
	-	R Paver
	-	IA West
	-	RH Emery
	-	DW Wellington
	-	J Waterman
	-	EA Barton
	-	P Lionetti
	-	AHM Demarteau
	-	SM Bojcun
Chief Executive Officer	-	AC Hammond
Executive Director – Corporate & Community Services	-	WP Madigan
Executive Director – Development Services	-	RJ Fenn
Executive Director – Works & Services	-	B Joynes
Minute Secretary	-	SM Day
Approximately 30 members of the public 2 media representatives		

Apologies/Leave of Absence:

Apologies	-	JD Williams
	-	DJ Wolfe

**3.0 OPENING PRAYER**

Councillor Evans 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.”*

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#### **4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

##### **\*T Stanton**

*“I refer to your questions which were read and taken on notice at the August 2003 Council Meeting.*

*The adopted 2003/2004 budget for capital improvements for the City of Albany is \$16,545,464.*

*The Albany Leisure and Aquatic Centre capital budget is \$5,000. This covers replacement of a basketball scoreboard and swimming pool furniture.”*

##### **\* Mr Stanton**

*“I am writing in response to your question raised at the Ordinary Council meeting of 19<sup>th</sup> August 2003.*

*The minutes note you asked for “an overall plan for all sporting facilities to be drawn up for Council examination and public comment”.*

*As part of the City of Albany’s Recreation Strategy, adopted by Council in February 2001, Recreation precinct plans were scheduled to be developed for areas of Albany.*

*One of these plans, the Centennial Park and Yakamia Recreation Precinct Plan, encapsulates the major sporting precinct of Albany. This plan involved the gathering of extensive community comment, including an extended public comment period. The plan was then adopted by Council in June 2003.*

*The Feasibility Study for Indoor Recreation and Aquatic facilities was developed concurrently with the Centennial Park Plan and involved the same extensive public comment period. This study made recommendations regarding upgrading of the Albany Leisure and Aquatic Centre, the City of Albany’s major recreation facility and was then adopted by Council in June 2003.*

*These plans can be viewed at the Albany Library or downloaded in PDF format from [www.albany.wa.gov.au](http://www.albany.wa.gov.au) (public notices section)*

*In August this year Council awarded a tender to Ian Howard and Associates Architects for completion of the preliminary design stage for the Albany Leisure and Aquatic centre upgrade project. This process is currently being undertaken.”*

#### **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**

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**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.

**\*D Phillips – Frenchman Bay Rd, Albany**

Mr Phillips addressed the Council in regard to provision of the life buoys along the Southern Coast to assist in emergency, such as a person being washed off rocks. Mr Phillips and other local businesses would be happy to sponsor a life buoy.

Through Her Worship the Mayor, the Chief Executive Officer advised Mr Phillips that consideration had been investigated along with the implementation of a pontoon. CALM has also advised that they do not wish to take action in this regard.

**\*N Ayton – Whyllie Crescent, Albany**

Mr Ayton addressed Council in regard to the proposed development in Nannarup (Item 11.3.5) and encouraged Council to approve this development. He also suggested that the zoning be changed from “Special Residential” to “Special Type Tourism”.

**\*J McArtney – Swan Point Road, Kalgan**

Mrs McArtney addressed Council in regard to item 11.3.5 and advised that the proponent/owner already had a proposed large subdivision adjacent to the Lower Kalgan Hall which has not even started to be developed.

Mrs McArtney believes it is not wise for the Council to grant approval, and that the subdivision be finished before the proponent/owner requests another scheme amendment.

**\*J Bocian – Kalgan**

Mr Bocian addressed Council in regard to Item 11.3.5 and conveyed his concern on the first development not going ahead and Council should not support a second development at this time. He does not see how it could benefit tourism.

**\*T Harrison – Torbay Hill, Kronkup**

Mr Harrison address Council on two issues, the first being the manner in which the road verge natives to cut back. He suggested that a more appropriate machine be purchased to a more appropriate pruning system.

Executive Director Works & Services advised Mr Harrison that he would investigate his concern about the South Horton Road pruning and would formally respond. He also advised that the City of Albany used several methods of cutting back bush from road verges - pending the type of vegetation.



Mr Harrison also supported Mr Phillip's concerns and supported the need to life buoys along Albany's coastline.

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**\*R Hensel – Mt Barker**

Mr Hensel addressed Council in regard to item 11.1.2 and clarified the meaning of Schedule 1, Special Rural Area 8 and believed the current proposal does comply with these requirements.

He suggested the following recommendation be considered by Council.

*“That Council advises the applicant that the development area (building envelope) proposed for Lot 410 Shoal Bay Retreat, Big Grove be supported subject to any dwelling and out buildings located within the building envelope complying with the requirements of Clause 6.0 of the Special Rural Area No. 8.”*

**\*M McCrae – Nelson Street, Albany**

Mr McCrae addressed Council in regard to the proposed Administration Building (Item 14.1.1) and believed that the Princess Royal Harbour site should be investigated.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES**

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 19<sup>th</sup> August 2003; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR EMERY**

**THAT the following minutes:**

- **Ordinary Council meeting held on 19<sup>th</sup> August 2003; as previously distributed be confirmed as a true and accurate record of proceedings, subject to the following amendments being made:-**

**Item 12.2.5**

**The recommendation where it states “*subject to approval from the Minister for Lands*”, delete this clause as the land is not a Reserve but City of Albany freehold land; and**

**the Lease term states “*for a period of 10 years, from 1 January 2004 to 31 December 2014*” to be changed to “*from 1 January 2004 to 31 December 2013*”.**

**Item 19.0 – To include the reason for Council sitting behind closed doors as follows:-**

**“19.1 Grant Concession – Chester Pass Road, Orana**

*Section 5.23 (2)(e) (iii) Local Government Act – Information about the business, professional, commercial or financial affairs of a person.*

**19.2 Structural Adequacy – Retaining Wall – 11 Festing Street, Albany**

*Section 5.23 (2)(e) (iii) Local Government Act – Information about the business, professional, commercial or financial affairs of a person.”*

**Item 19.2 – To reflect that the actual motion of rescission was lost, and the proposed motion was not considered by Council, as follows:-**

**“MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR EVANS**

**THAT Council:**

- i) accepts the findings of the Wood and Grieve report of the 5<sup>th</sup> June 2003 relating to the retaining wall at 11 Festing Street, Albany;**
- ii) request Mr and Mrs Roberts, within the next 60 days to implement the additional work noted in the Wood and Grieve report to the satisfaction of the City’s Principal Building Surveyor; and**
- iii) authorise the issuing of a Section 401(1) Notice under the Local Government (Miscellaneous Provisions) Act 1960, if the outstanding work nominated in the Wood and Grieve Report is not completed within 60 days.**

**MOTION LOST 5-9**

*It was requested that names be recorded, Councillors voting for the motion:*

*Councillor Paver, Councillor West, Councillor Evans, Councillor Evers, Councillor Demarteau.”*

**MOTION CARRIED 12-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8.0 DECLARATIONS OF FINANCIAL INTEREST**

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

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

Nil.

**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 Designation of Biosphere over Part of District**

<b>File/Ward</b>	: GOV 111 (West Ward)
<b>Proposal/Issue</b>	: UNESCO designation of Biosphere
<b>Subject Land/Locality</b>	: All land within Wilson and Torbay Catchment areas
<b>Proponent</b>	: Green Skills Inc.
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Provide conditional support to concept
<b>Bulletin Attachment</b>	: UNESCO webpage
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. The Department of Conservation and Land Management (CALM) is currently preparing a management plan for a number of State Forest areas to the west of Albany, located within the Shires of Plantagenet, Denmark and Manjimup and the City of Albany. Approximately 350,000 hectares of reserve is being examined and the State Government is exploring the possibility of placing at least one 8,000 hectares area upon the Australian Heritage Council's National Wilderness Inventory. Preparation of the Management Plan is currently in its initial stages and CALM is consulting with agencies on issues affecting the relevant State Forests.
2. Green Skills Inc., has concurrently begun to co-ordinate efforts to gain broad community support for a "Biosphere" reserve to be declared by UNESCO in the Great Southern Region, centred around the potential Walpole Wilderness Area. Green Skills Inc. considers that the biosphere reserve should cover the Irwin, Parry, Wilson and Torbay catchments. They claim that designation as a Biosphere would bring significant economic and employment opportunities to the area. The area to be contained in the Biosphere would be approximately

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

509,500 hectares comprising a 176,000 hectare 'core' area which includes the proposed wilderness area and state forests, a 65,900 hectare 'buffer' area made up of isolated Crown reserves and pockets of remnant vegetation and 267,500 hectares of 'transition' area comprising mostly private farms. A copy of Green Skills proposal has previously been supplied to Elected Members and will be tabled.

3. To understand the implications of designating the area as a Biosphere, the UNESCO website was accessed and a copy of the frequently asked questions on Biospheres was downloaded. A copy of that document is included in the Elected Members Report / Information Bulletin.

**STATUTORY REQUIREMENTS**

4. Information supplied by Green Skills indicates that it is possible for any agency to apply to UNESCO for the designation of an area as a Biosphere. In so doing, the agency must demonstrate that the area has certain qualities and that there is broad support from within the community for the registration. The applicants have included in their submission to Council, letters of support from the South Coast Regional Initiative Planning Team (SCRIPT), the Chairman of the Fitzgerald Biosphere Group, the Albany Visitor Centre, and local members of Parliament (Monty House, Wilson Tuckey and Peter Watson).

**POLICY IMPLICATIONS**

5. The draft vision created through the Albany 3D process states;

*"Historic Albany - A vibrant, learning, and culturally diverse City, nestled around a spectacular natural harbour in a region of unique beauty, enhanced by a spirit of generosity, enterprise and opportunity."*

6. The draft document then lists three goals, one of which reads;

*Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through;*

- *Diverse and affordable cultural, recreational and sporting opportunities;*
- *Major regional health services providing a complete range of quality health services, for all ages;*
- *An effective public transport system; and*
- *Re-establishment of healthy freshwater and marine ecosystems.*

7. No specific Council policy direction exists on the reservation of land for future or current conservation purposes.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**FINANCIAL IMPLICATIONS**

8. The information from Green Skills and UNESCO would indicate that there are no direct financial implications from registration of the Biosphere. The reports are silent on the funding opportunities available once the Biosphere is designated, plus the costs incurred (reporting, research, etc) in maintaining Biosphere recognition.
9. The UNESCO report indicates that a Biosphere to the west of Albany should “form an integral part of national biodiversity plans for the Convention on Biological Diversity”. What reporting and submission requirements are required to meet the convention undertakings also has not been specified.
10. The Green Skills submission indicates that there are branding and marketing advantages that would flow from the designation of the Biosphere and those comments are consistent with promotional material on the web pages for some of the 408 biosphere reserves already established in 94 countries. How individual tourist operators and farmers claim “biosphere accreditation” for their goods and services is not specified, nor is the impacts upon individuals or neighbouring properties who are not deemed to be operating in an environmentally sustainable manner.
11. With the Centre of Excellence in NRM located in Albany and international interest being drawn to the Fitzgerald Biosphere, designation of this area as a Biosphere may also assist agencies such as UWA, SCRIPT and Green Skills to attract research grant funding into Albany and set Albany on the path to becoming a “Learning City”.

**STRATEGIC IMPLICATIONS**

12. There is no doubt that the South Coast region is an extremely diverse and attractive part of the State of Western Australia, the nation and the planet. The State Government has already set aside 350,000 hectares of land to the west of Albany as State Forest and it is now pursuing, through CALM, the potential for portion(s) of the State Forest to be included on the National Wilderness Inventory through the Australian Heritage Council.
13. The private land within the City of Albany, located in the Torbay and Wilson Inlet catchments, is currently being examined by the Western Australian Planning Commission and Agriculture Western Australia to determine if it is of regional significance for agriculture. Already the area supports the State’s seed potato industry and a substantial part of the region’s dairy industry. The Lower Great Southern Region Strategy may indicate that privately owned land in these two catchment districts has significance at a broader scale for the goods it produces.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**COMMENT/DISCUSSION**

14. It is difficult for any planner or citizen to argue that the community should not be moving towards sustainable land management practices. The work being undertaken, as a pilot project, in the Torbay catchment clearly indicates that where there is a community will, some funding assistance and a co-ordinated action plan, considerable progress can be achieved in putting existing land use practices onto a more sustainable footing.
15. CALM is actively exploring the possibility of designating parts of the existing State Forest as a Wilderness Area and it could be argued that a high level of protection is already afforded to the ecosystem in that area. CALM's plans are reviewed every decade and a process exists for community input to management planning of that reserve network. The regional population can raise concerns over issues such as access to fire wood, fire management regimes, control of feral animals, public access to the reserve network, etc. "What additional advantages or disadvantages does designation as a Biosphere produce?", then becomes the operative question that Council needs to ask and have addressed.
16. Not surprising, the literature produced by UNESCO and Green Skills espouses the benefits of designating a Biosphere over this portion of the South Coast region. Details on many issues still remain sketchy and a cynic would be concerned with comments in the UNESCO fact sheet which state;
  - *Biosphere reserves are areas of terrestrial and coastal ecosystems promoting solutions to reconcile the conservation of biodiversity with its sustainable use.*
  - *Establishing a biosphere reserve obviously poses an enormous challenge, namely to set up an appropriate mechanism, for instance a committee, to plan and co-ordinate all the activities that will take place there.*
  - *Their conservation objective is all the better achieved in that it is supported by research, monitoring and training activities, on the one hand, and is pursued by involving systemically the cooperation and interests of the local populations concerned, on the other hand.*
  - *It is here (the outer transition area) that the local communities, conservation agencies, scientists, civil associations, cultural groups, private enterprises and other stakeholders must agree to work together to manage and sustainably develop the area's resources for the benefit of the people who live there.*
  - *Biosphere reserves provide access to training and demonstration projects on alternate land-uses and management strategies which maintain natural values, such as soil fertility and water quality, which make the best use of the available human and financial resources.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

- *Biosphere reserves serve as tools to enable countries to meet their obligation under international Conventions, such as those on Biological Diversity and Desertifications, and Agenda 21.*
- 17. The words used above have differing meanings and expectations to individuals. Sustainability is usually thought of in terms of triple bottom line components of environment, economy and society; how a biosphere addresses the economic and social components of sustainability would only be resolved through detailed management planning, particularly if community aspirations are for certain existing land uses to be phased out of the transitional area.
- 18. Staff consider there is currently insufficient information available to recommend support for the request. Staff are also concerned that those people most affected by the proposal, the landowners in the transitional area, may not have been adequately briefed and consulted on the concept to date.

**RECOMMENDATION**

THAT Council defer consideration of the request from Green Skills Inc, for Council's support to designate the Torbay and Wilson Inlet catchments as a UNESCO Biosphere reserve, until Green Skills Inc can provide to Council;

- i) the results of a comprehensive consultation program involving all land owners within the transitional zone of the Biosphere reserve;
- ii) more detailed information on the reporting requirement to maintain UNESCO accreditation as a Biosphere reserve;
- iii) an indicative financial strategy for the Biosphere reserve, indicating expected local government contributions to the management of the reserve; and
- iv) examples of reporting requirements and management programs developed within an existing Biosphere reserve, of similar characteristics to the current proposal, particularly as they relate to the transitional area.

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING- 16/09/03  
\*\* REFER DISCLAIMER \*\*  
DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR EVANS**

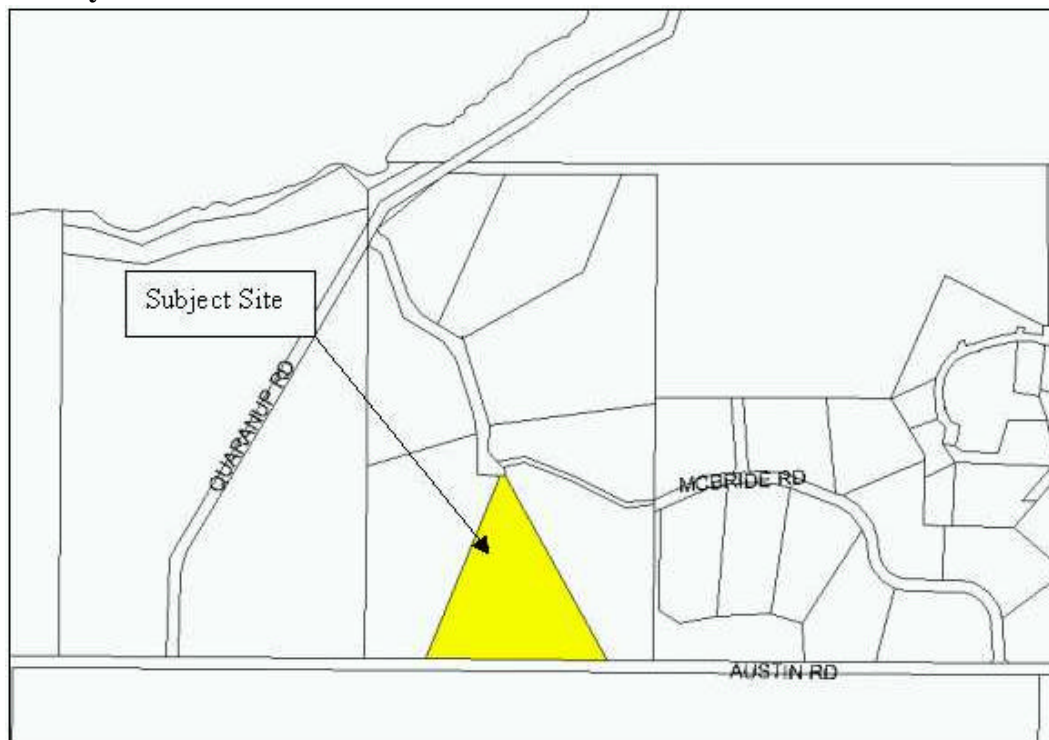
**THAT Council defer consideration of the request from Green Skills Inc, for Council's support to designate the Torbay and Wilson Inlet catchments as a UNESCO Biosphere reserve, until Green Skills Inc can provide to Council;**

- i) the results of a comprehensive consultation program involving all land owners within the transitional zone of the Biosphere reserve;**
- ii) more detailed information on the reporting requirement to maintain UNESCO accreditation as a Biosphere reserve;**
- iii) an indicative financial strategy for the Biosphere reserve, indicating expected local government contributions to the management of the reserve; and**
- iv) examples of reporting requirements and management programs developed within an existing Biosphere reserve, of similar characteristics to the current proposal, particularly as they relate to the transitional area.**

**MOTION CARRIED 12-0**

**11.1.2 Relaxation of Scheme Provision – Lot 410 Shoal Bay Retreat, Big Grove**

- File/Ward** : A164434 (Vancouver Ward)
- Proposal/Issue** : Proposed Development Area within Special Control Area of Special Rural Area 8
- Subject Land/Locality** : Lot 410 Shoal Bay Retreat, Big Grove
- Proponent** : R & G Swatek
- Owner** : JA & JA Cochrane
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Advise applicant that the proposed development area does not comply with Scheme 3 provisions.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**BACKGROUND**

1. Application has been received by R & G Swatek to locate a ‘building development area’ on Lot 410 Shoal Bay Retreat, Big Grove.
2. The property is zoned “Special Rural (Area 8)” within Town Planning Scheme No. 3 and is 5.063 hectares in size.
3. The applicant has expressed a desire to purchase the property subject to the development area, as shown on the attached plans, being acceptable to Council.
4. Staff have visited the site on three separate occasions; the last being accompanied by several Councillors. Staff have previously advised the applicant that the proposed location does not comply with the requirements of the Scheme, and have suggested other locations on the property where a view of Princess Royal Harbour and the City can be enjoyed from a site which is visually less exposed. The applicant has not accepted these suggestions based on financial reasons and a reduction in the quality of the view.
5. In relation to the siting of a development area, Clause 5.4 of Special Rural Area 8 states:

*“Buildings shall be grouped within a building envelope not exceeding 3000m<sup>2</sup>. Building envelopes shall be sited by the landowner in conjunction and with the approval of Council with a view to minimising visual impact and minimising the impact on existing tree cover....”*

6. In addition to the above, any application for a development area within the defined Special Control Area must address the following (Clause 6.5):
  - *Visual impact and the impact on existing tree cover;*
  - *Provision 6.1 to 6.4 (which relate to building materials, fencing etc);*
  - *Setbacks from property boundaries and creek lines;*
  - *Existing and proposed vegetation/revegetation;*
  - *Low fuel zones;*
  - *The cut and fill of the site shall be kept to a minimum with preference given to split level development and the breaking up of building mass;*
  - *The house sites shall avoid highly exposed ridges and/or knolls;*
  - *That driveways be designed to minimise visual impact and erosion by being aligned with the contours of the site and planted with trees and shrubs. Stormwater run-off shall be attenuated to ensure erosion does not occur; and*
  - *The preparation of a landscape plan that shall indicate the number, type and location of shrubs and trees to be planted and maintained as a condition of building approval to effectively minimise the visual impact of all development on the site.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

7. Staff have not been in a position to support the proposed development area as it is situated on a knoll and is highly exposed from a section of Quaranup Road, surrounding dwellings and from the City. The knoll is approximately 39m AHD, being only 4 metres lower than the highest point of the block located in the north-west corner of the property.
8. Attached to the rear of this report, the applicant has submitted a letter outlining why the development area should be supported. In summary, these reasons are:
  - The site would not require the removal of large peppermint trees;
  - Building down the slope would be more expensive and more dangerous in relation to bushfire;
  - The proposed site is not highly exposed and appropriate building materials will be used;
  - It will not be highly visible from Shoal Bay Retreat and the adjacent dwelling on Lot 409;
  - A single storey house will be constructed;
  - Areas of cut and fill will be revegetated in line with special conditions.

**STATUTORY REQUIREMENTS**

9. No formal application is required in relation to a development area, however should a dwelling be proposed, a planning scheme consent application will need to be lodged. In relation to the siting of a development area, the special provisions for Special Rural Area 8 state that the site is required to be approved by Council, with a view to minimising visual impact.
10. A decision of Council either to support or refuse the proposed development area will need to be conveyed to the applicant in writing.

**POLICY IMPLICATIONS**

11. The subject land is identified within the City of Albany Local Rural Strategy (1996) as being contained within Visual Management Area A (ie. most visually sensitive). The siting of development within Visual Management Area A states that any dwelling shall not detract from significant views, are not be located on ridge tops (preferably not located on slopes greater than 1:10) and be sympathetic to existing landscape elements.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**COMMENT/DISCUSSION**

14. Staff believes that the proposed development area is highly exposed and will detract from significant views from the City across to the Frenchman Bay peninsula, and from local roads within close proximity to the site.
15. Whilst the applicant has proposed to use colours and materials which will help blend the dwelling into the landscape, this is a requirement for all dwellings within Special Rural Area No. 8; the plans for the house are also not available as the applicant has not purchased the land. It is the combination of using these materials, in addition to locating the dwelling outside of a visually sensitive area that provides the best results in relation to screening. It is also advised approximately 4000sqm of land around and including the dwelling site will need to have reduced tree coverage to meet the required 20 metre low fuel zone, which in itself can be highly visible.
16. The neighbouring dwelling (Lot 409) was built at a finished floor level (FFL) of 33.6m AHD, which is approximately 4.4 metres lower than the proposed development area on Lot 410, or 3.4 metres if 1 metre of cut was proposed. This dwelling is single storey and the roof gable is consistent with the height of surrounding vegetation, something which cannot be achieved within the proposed development area on Lot 410.
17. The applicant has stated that building on the slope will require the removal of some peppermint trees and that extensive earthworks will be required. Staff believe that if the development area was moved to the north, to the point where the roof line was at a similar level to the height of the knoll, only a small number of peppermint trees would need be removed to comply with fire guidelines. In relation to earthworks, the special provisions state that split level development is preferred over a flat concrete pad as this would reduce the need for earthworks, maintain the natural topography of the site and blend in with surrounding revegetation.
18. It is also advised that the northern third of the property is relatively flat and is either cleared or infested with taylorina, therefore suiting a conventional dwelling.
19. Similar controls, requiring buildings to be located below the ridgeline on the subject land also exist in the "Rainbows End Estate".

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

**RECOMMENDATION**

THAT Council advises the applicant that the proposed development area upon Lot 410 Shoal Bay Retreat, Big Grove cannot be supported as it is located on a highly exposed knoll, and therefore does not meet the requirements of Clause 6.5 of Special Rural Area No. 8.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR WELLINGTON</b></p> <p><b>1. THAT the applicant be advised that Council would be prepared to consider a request to construct a dwelling in the “Special Design Area” declared upon Lot 401 Shoal Bay Retreat, Big Grove provided;</b></p> <p><b>i) the dwelling is constructed in the position shown as “proposed development area” in the plan supplied by the applicant;</b></p> <p><b>ii) the dwelling is of single storey construction and it’s floor level is no higher than the existing ground level on the building site; and</b></p> <p><b>iii) all other provisions of clause 6.5 of Special Rural Area 8 in the City of Albany Town Planning Scheme No 3 are complied with and particularly those relating to minimising visual impact;</b></p> <p><b>AND</b></p> <p><b>2. THAT Council receive a briefing from staff on the visual amenity principles of the City’s Local Rural Strategy with the possibility of considering a review of policy direction relating to visual amenity issues in Special Rural and Special Residential zoned areas.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 8-4</b></p>
---

Reason:

- Several residences in the Big Grove Special Rural areas are visually prominent from vantage points outside the subdivisional area. This applicant highlights the need for Council policy directions to be reviewed from time to time and bringing this issue to a briefing session in the near future will allow Councillors an opportunity to understand why the policy was initially created.



**DEVELOPMENT SERVICES REPORTS**

- Item 11.1.2 continued

CITY OF ALBANY - RECORDS	
FILE:	ALB4434
DOC:	1307466
29 JUL 2003	
OFFICER:	PLAN 6
ATTACH:	PHOTOS / MAPS

21<sup>st</sup> July 2003

R & G Swatek  
61 Pinnaster Road  
ALBANY WA 6330

Graeme Bride  
Senior Planning Officer  
City of Albany  
221 York Street  
ALBANY WA 6330

Dear Graeme,

**Proposed Development Area – Lot 410 Shoal Bay Retreat, Big Grove**

I refer to our recent discussion and on site inspection of a suitable area to build a house on the above site.

Enclosed is an aerial map and a subdivision plan map showing contour lines and proposed Building Zone and Building Protection Zone of 20 metres around the building zone.

The low fuel area commences at the edge of the grove of large peppermint trees below the knoll area and extends up the steep incline of the ridge/knoll area for the required 20 metres. The building zone then commences and takes in the knoll area where the ground flattens out. The house pad will require the shaving of the top of the knoll area as per attached diagram marked "A".

Following are reasons and points in support of the above:-

- Does not require the chopping down of any large peppermint trees. There is only a small grove on the whole block which is located at the bottom of the knoll area. Will also enable retention of some good sized Banksia trees.
- Building halfway up the slope will require some cut and fill and a lot of expensive retaining walls and will do more environmental damage than shaving the top off the knoll where there is only very low scrub – see enclosed photos.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued

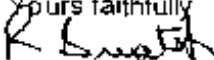
- Building half way down the slope will create a much higher danger from a bushfire leaping across the low fuel area from the tall peppermint trees. Most bushfires are fanned by east to north east winds which is where the grove of large peppermints are.
- We do not consider the proposed building zone to be a "Highly exposed ridge or knoll area" as defined in the special conditions. To minimize the visual impact we will use green colourbond on the roof as against red or a beige colour used by some owners in this and the Rainbow End subdivision. Enclosed photos demonstrate the green blends into the hill side background much better.
- At most, only the green roof will be visible by anyone driving up Shoal Bay Retreat Road as well as from the house on Lot 409 next door. It will not be visible from the other lots in the subdivision. Lot 411 has not been built on yet. The house will only be visible from a short stretch of Quaranup Road. Use of green roof etc will minimise visual impact from city.
- We propose to only build a single storey house to reduce visual impact.
- All cut and fill area will be revegetated in line with the special conditions.

We believe that what we propose is within the guide lines of the Special Conditions of the subdivision and will have less environmental impact then building half way down the slope. The visual impact to the other lots in the subdivision is minimal or non existent as previously stated as well as from Quaranup Road and the City with the choice of colours we will use.

There is nothing in the Special Conditions to say that you can't build to take advantage of the wonderful views. If this was to be the case it should have been clearly spelled out in the conditions that "if we can see you then you can't build there". We believe that it is only fair and reasonable that we be allowed to take advantage of the view.

Council has approved over recent times other building zones for houses both in this subdivision and Rainbows End that are clearly visible as stated above. Lot 409 Shoal Bay Retreat and Lot 24 Rainbows End are 2 examples. The colours we intend to use will blend into the background better than the abovementioned two. We are not asking for anything more than Council has approved for others in the abovementioned two subdivisions.

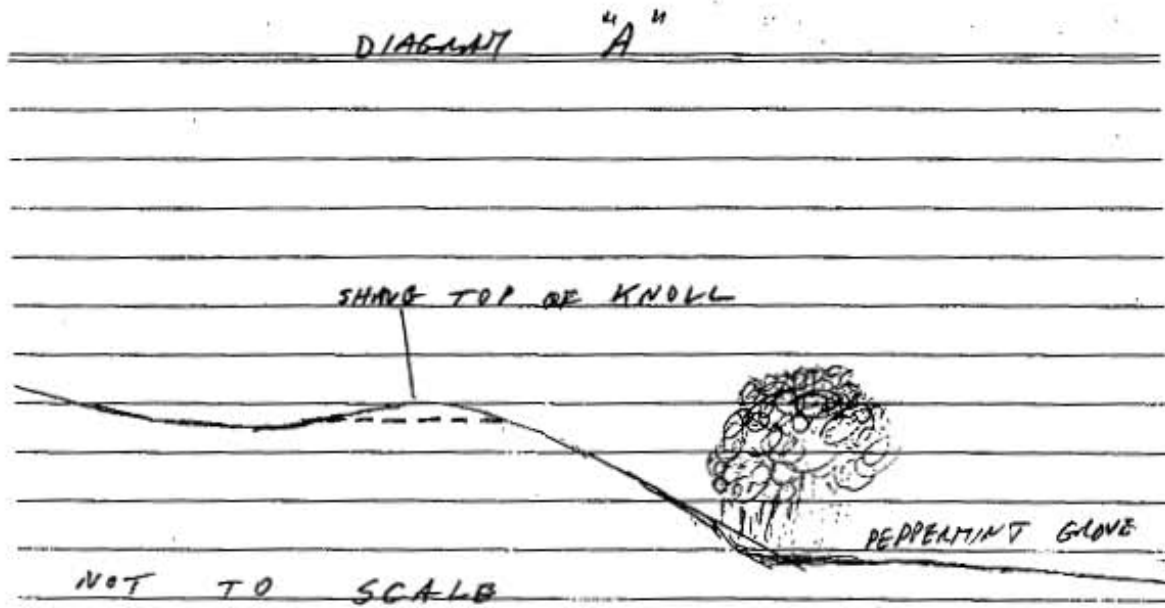
We trust that this will meet with favourable consideration.

Yours faithfully  


R SWATEK

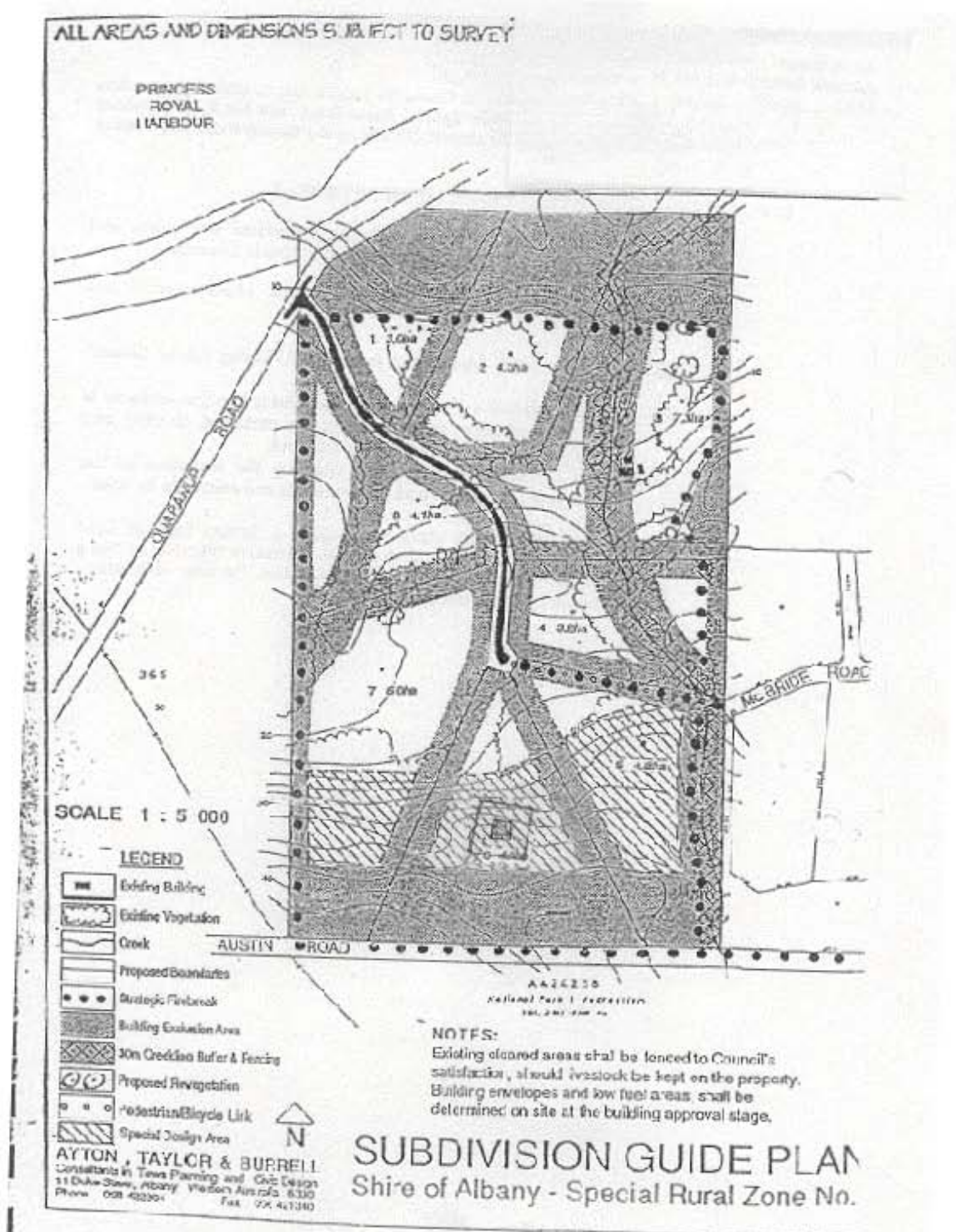
ORDINARY COUNCIL MEETING- 16/09/03  
\*\* REFER DISCLAIMER \*\*  
DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued



ORDINARY COUNCIL MEETING- 16/09/03  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS

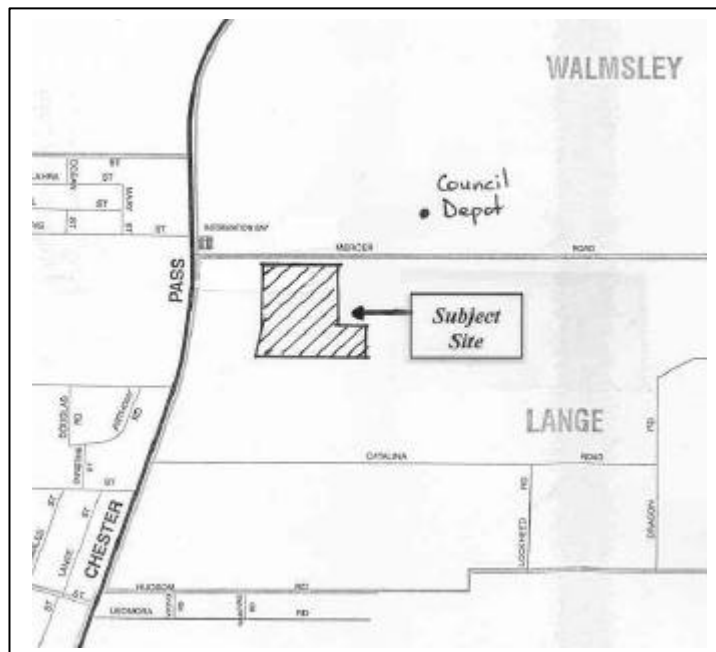
Item 11.1.2 continued



**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Proposed Aged Persons Village – Pt Lot 101, Pt Lot 39 and Pt Location 293  
Mercer Road, Lange – Planning Consent Fees**

<b>File/Ward</b>	:	A164826/ A67290 (Yakamia Ward)
<b>Proposal/Issue</b>	:	Aged Persons Village (149 Units)
<b>Subject Land/Locality</b>	:	Pt Lot 101, Pt Lot 39 and Pt Location 293 Mercer Road, Lange
<b>Proponent</b>	:	Taylor Burrell Barnett
<b>Owner</b>	:	Kingopen Pty Ltd
<b>Reporting Officer(s)</b>	:	Senior Planning Officer (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/01/02 – Item 11.1.1
<b>Summary Recommendation</b>	:	Require \$10,800 in planning fees
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



Item 11.1.3 continued

### **BACKGROUND**

1. Application has been received to construct 149 aged persons units upon Location Pt 293 and portion of Lots 101 and Pt39, Mercer Road, Lange. This application was previously approved by Council on 26 February 2002 and is due to expire on 26 February 2004.
2. As construction on the aged persons village has not commenced and is unlikely to be substantially commenced prior to 26 February 2004, the applicant has lodged an application for planning scheme consent to comply with the requirements of Council's Town Planning Scheme No. 3.
3. The cost of the development is \$25 million and would attract a planning fee of \$10,800. The applicant has requested that Council review this figure to a nominal sum given the application is the same as that originally proposed and the delay in construction was brought about by a dispute with the Western Australian Planning Commission over an application to amalgamate the above properties.
4. A letter from the applicant is attached to the rear of this report.

### **STATUTORY REQUIREMENTS**

5. A fee is required to be paid to make the application legal in accordance with the Town Planning and Development Act 1928 (as amended).

### **POLICY IMPLICATIONS**

6. Council has no policy on fee requirements where planning consents have expired. Any decision on the reduction of fees has the potential to establish a precedent.

### **FINANCIAL IMPLICATIONS**

7. Cost would be applicable, if Council does not require the full amount to be paid.

### **STRATEGIC IMPLICATIONS**

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

Item 11.1.3 continued

**COMMENT/DISCUSSION**

9. As the previous Planning Scheme Consent (P215246) is due to expire before work on-site can commence, a new application can be considered in isolation of any previous decisions and can take on board changes in policy. Whilst staff will spend less time on this application, as many of the issues have already been addressed, staff will need to ensure that the plans and accompanying documentation are consistent with the previous approval, that external factors have not changed and the scheme/Council policies have not altered.
  
10. As this is to be treated as a new application staff believe it is not unreasonable to ask for the prescribed planning fees as set by Council in its annual budget.

**RECOMMENDATION**

THAT Council advises the applicant that a planning fee of \$10,800 needs to be paid prior to staff granting planning scheme consent to the proposed aged persons village at Pt Lot 101, Pt Lot 39 and Pt Location 293 Mercer Road, Lange.

*Voting Requirement Simple Majority*

.....

**AMENDED RECOMMENDATION**

THAT Council advises the applicant that no reimbursement of the \$10,800 planning scheme consent fee will be issued.

*Voting Requirement Simple Majority*

.....

**AMENDED RECOMMENDATION**

THAT, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3, Council delegate to the Manager of Development Services authority to grant conditional planning scheme consent for the Aged Persons Village on Pt Lot 101, Pt Lot 39 and Pt Location 293 Mercer Road, Lange on the understanding that:-

- i) those conditions imposed upon the previous planning scheme consent (P215246) which have been already met will be deleted; and
  
- ii) condition A1 to read “Provision being made for disabled access and facilities throughout the entire Aged Persons Village and all buildings shall meet Australian Standard AS 4299 (Adaptable Housing), to the Adaptable Housing class B standard.”

*Voting Requirement Absolute Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

Reason:

Staff have recently received correspondence from Jones Coulter Young (architect for the village) requesting that condition A1 of Council's previous planning scheme consent dated 26 February 2002 (P215246) be deleted.

Condition A1 states:

*"Provision being made for disabled access and facilities for the Aged Persons Village throughout the entire development, including all buildings being constructed in accordance with the provisions contained in the Building Code of Australia and Australian Standard 1428."*

The architect has stated that the village will cater for fit and independent people aged over 55 years and that it is not an aged care facility. Australian Standard 1428 (Design for Access and Mobility) recommends wider doorways and corridors, lower benches and tables, grab rails and accessible light switches, wheelchair access to toilet and bathroom facilities and larger garage. The intent of this standard is to allow wheelchair bound people and those with any form of disability to reside in a dwelling without the need to modify the building.

Since the planning scheme consent was approved by Council in February 2002, the Residential Design Codes were adopted by the State Government (gazetted 4 October 2002). Within this document, which applies to the whole of Western Australia, all aged persons units are required to comply with Australian Standard 4299 – Adaptable Housing.

The intent of Australian Standard 4299 is to design a dwelling in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with disabilities or progressive frailties. Should someone residing in an aged persons unit suddenly become incapacitated due to illness or injury only minor, inexpensive modifications to the building would be required, and the person would not have to move out of their home.

An example of adaptive housing would be the provision of a non-structural wall separating the toilet and bathroom, which could be removed at a later date, at little cost, should the applicant become disabled.

Whilst not as onerous as Australian Standard 1428, Australian Standard 4299 does require lower benches and wider doorways and corridors as part of the standard construction.

As the Residential Design Codes are a state-wide document and the principle of the Australian Standard 4299 is to accommodate people of all abilities, staff believe that Condition A1 of Council's previous planning scheme consent, needs to be modified to: *"reflect the change in construction standard."*



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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued.

This condition was also applied to the Aged Persons Village (Amity Village) located at the corner of North Road and Ulster Road.

It is also advised that since writing the original report, the applicant has paid the planning fee of \$10,800 and is now seeking reimbursement of all or some of this figure.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WELLINGTON**

**THAT;**

**i) Council reimburse Kingopen Pty Ltd the sum of \$5,400.00 being 50% of the scheduled planning fee for the proposed aged persons village at Lot 101, Pt Lot 39 and Pt Location 293 Mercer Road, Lange; and**

**ii) staff submit to Council, at it's October meeting, a report on an appropriate fee structure for the renewal of development applications which have expired and minimal additional work is needed to renew the development consent.**

**MOTION CARRIED 12-0**

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR EMERY**

**THAT pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3, Council delegate to the Manager of Development Services authority to grant conditional planning scheme consent for the Aged Persons Village on Pt Lot 101, Pt Lot 39 and Pt Location 293 Mercer Road, Lange on the understanding that;**

**i) those conditions imposed upon the previous planning scheme consent (P215246) which have been already met will be deleted; and**

**ii) condition A1 to read "Provision being made for disabled access and facilities throughout the entire Aged Persons Village and all buildings shall meet Australian Standard AS 4299 (Adaptable Housing), to the Adaptable Housing class B standard".**

**MOTION CARRIED 12-0  
ABSOLUTE MAJORITY**

Reason:

- Council recently provided a 50% reduction in the planning fee for a large project at the Albany Port and, in the absence of a policy void on this issue, a similar reduction in fees appears warranted when the application has previously been considered by Council. A policy does need to be developed to provide certainty for staff when dealing with future planning scheme consent renewals and the officers request to incorporate new design standards ensures consistency amongst development projects.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**Kingopen Pty Ltd**

ABN 68 009 225 576

PO Box 524

Cnr Chester Pass Road and Catalina Road

**ALBANY WA 6330**

Tel: (08)9842 2111

Fax: (08) 9842 2555

Mr Robert Fenn  
Executive Director  
City of Albany  
York Street  
ALBANY WA 6330

Dear Robert

**re: Extended Development Application – “Brooks Garden Lifestyle Village”**

We attach a copy of our Development Application for the Retirement Village seeking an extension of the application for a further two years.

As you are aware, this application has been made necessary as a result of the lengthy delays in obtaining approval for the subdivision from the West Australian Planning Commission, which was approved by the City. These delays have been beyond the control of both the City and Kingopen and the application has been the subject of an Appeal to Western Australian Planning Appeals Tribunal.

Accordingly, we would seek the Agreement of Council for the extension to be approved subject to a 'nominal' administrative fee only.

We look forward to your early response.

Yours sincerely



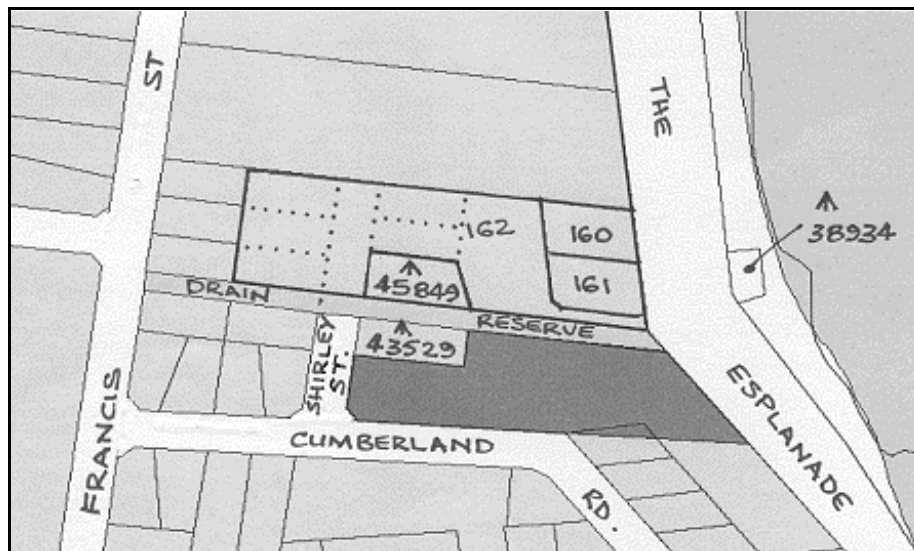
PHA (Peter) Spanbroek  
Chairman  
25<sup>th</sup> August 2003

cc Lex Barnett, Taylor Burrell Barnett

**DEVELOPMENT SERVICES REPORTS**

**11.1.4 Change of Reserve Purpose – Recreation to Sewer Pump Station – Lower King**

- File/Ward** : A72544 & A175483 (Kalgan Ward)
- Proposal/Issue** : Transfer of Lower King sewer pump station site from foreshore to Shirley Street
- Subject Land/Locality** : Reserve 38934 The Esplanade and Reserves 45849 and 43529 Shirley Street, Lower King.
- Proponent** : Water Corporation
- Owner** : Crown
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Conditionally support request
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. In 1984 the Water Corporation acquired a 388 sq.m. future sewer pump station site (Reserve 38934) on the Oyster Harbour foreshore reserve at Lower King. The Water Corporation has now advised that, with changes to environmental policy, and with a requirement to provide for increased overflow storage in areas that are identified as environmentally sensitive, the existing site is now too small to accommodate a sewer pump station.
2. Water Corporation sewer mains have been laid so that the sewerage flows to a temporary pump station located in a manhole in front of lot 161 The Esplanade (opposite Reserve 38934 The Esplanade). Approximately 100 metres from the temporary manhole are Council managed Public Open Space reserves 45849 and 43529 comprising 1120 and 1012sqm respectively. The Water Corporation is proposing that the purpose of these reserves be changed to Sewer Pump Station sites and that existing reserve 38934 become portion of the existing Oyster Harbour Foreshore.
3. A sign has been erected on the site to advise the community of the proposal, neighbours have received letters asking for their comments, the Lower King and Bayonet Head Progress Assoc. has been notified and newspaper advertisements placed. Two submissions have been received from adjoining landowners.

**STATUTORY REQUIREMENTS**

4. Land ceded to the Crown under Section 20A of the Town Planning and Development Act as Public Open Space cannot be used for another purpose, converted to freehold title or assigned without the Minister's approval. No formal process exists to gain that approval however the Department of Planning and Infrastructure (formerly DOLA) requires the steps outlined in paragraph 3 above to be followed.

**POLICY IMPLICATIONS**

5. Council has no policy direction on the use of this reserve or the transfer of POS reserves to government agencies.

**FINANCIAL IMPLICATIONS**

6. A drainage reserve dissects Reserves 45849 and 43529 and an open drain approximately 1 metre deep has been dug within that reserve. If the sewer pump station infrastructure is to be built across both reserves, the drain will need to be piped through, or diverted around the Water Corporation infrastructure. That cost should be borne by Water Corporation.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**STRATEGIC IMPLICATIONS**

7. Council is encouraging household effluent disposal from existing urban lots to be connected into Water Corporation sewer mains for environmental and health reasons. Once into the mains, the sewerage needs to be appropriately managed and that management includes the building of infrastructure to contain, pump and treat the effluent.

**COMMENT/DISCUSSION**

8. The foreshore between The Esplanade and Oyster Harbour is relatively narrow and is covered with wetland vegetation, including immature paperbark trees. The placement of a pump station on this reserve would dramatically affect the foreshore vegetation and place the infrastructure close to the western shoreline of Oyster Harbour.
9. In discussions with Water Corporation staff, it was indicated that the pump station (similar to one recently constructed near the boarding kennels on Ulster Road) would be built on the cleared land on the southern side of the drain (Reserve 43529) and design work is currently being undertaken to show the area that would be occupied by that infrastructure. As Lower King and Bayonet Head develops, additional storage may need to be added to the pump station (this recently happened with the North Road pump station) and the storage would be constructed on Reserve 45849, located to the north of the drain. The two storage tanks would be interconnected with pipes positioned below the invert level of the drain.
10. During the consultation process Mr Ebert (owner of lot 161 The Esplanade, see locality plan) has highlighted that the temporary pump station exists in front of his residence and he requires the decommissioning of that facility and the removal of the overhead power lines to occur. The Water Corporation officer accepted that work would be undertaken when the permanent pump station was constructed. Mr Ebert also highlighted that he originally subdivided his land to create Reserve 45849 and was seeking an assurance that the removal of the POS reservation would not jeopardise that future subdivision plan (see details on locality plan).
11. Mr and Mrs Normington have purchased the original land owned by Mr. Ebert and enjoy the peaceful location and abundant bird life that use the “very old” paperbarks and the tea trees which remain on Reserve 45849 and their land. They are opposed to the transfer of Reserve 45849 to Water Corporation on environmental grounds and request that the pump station revert to the current foreshore site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

12. An inspection of the site by the reporting officer indicated that Reserve 43529 is totally cleared and the construction of the pump station on this reserve would have considerably less environmental impact than the development of a pump station development between The Esplanade and the shoreline of Oyster Harbour.
13. Several large paperbarks exist on Reserve 45849 and the concern of the Normington's is understandable. Below the paperbarks on Reserve 45849 is well maintained lawn which to the general public appears to be an extension of the Normington's yard. It would appear from the Water Corporation staff comments that the Normingtons' will continue to enjoy the visual and environmental qualities of the reserve for some considerable time to come and it may even be practical for the underground storage tank to be installed on the reserve in the future with minimal disturbance to the trees on the reserve.
14. The drain reserve supports Taylorina bushes which should be removed for environmental reasons but currently provide a visual screen along the southern boundary of the Worthington's land.

**RECOMMENDATION**

**THAT;**

- i) Council request the Minister for Lands to change the purpose of Reserves 43529 and 45849 from "Public Open Space" to "Sewerage Pumping Station" and provide the Management Orders for the reserves to the Water Corporation and that Reserve 38934 be cancelled and the land contained within the reserve be amalgamated into the Oyster Harbour Foreshore Reserve (Location 7529);
- ii) the Water Corporation be requested, upon the transfer of the management order for Reserves 43529 and 45849, to;
  - decommission the temporary pump station adjacent to the frontage of Lot 161 The Esplanade and remove the overhead powerlines connected to that infrastructure;
  - construct stage 1 of the Sewerage Pump Station upon Reserve 43529 to minimise the removal of trees upon Reserve 45849;
  - when required to construct additional sewerage storage infrastructure on Reserve 45849, consult with adjoining landowners and develop a construction solution which minimises disturbance to the existing mature trees on the reserve; and
  - minimise disturbance to the existing drainage located between Reserves 43529 and 45849 and any alteration to the drainage system shall be done in accordance with plans approved by the City of Albany and at the full cost of the Water Corporation;

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued.

- iii) the Department of Planning and Infrastructure be made aware of the concerns of Council outlined in point (ii) above and the department be requested to draft their management order accordingly; and
- iv) Council staff draft a suitable response to the submissions lodged by Mr. Ebert and Mr and Mrs. Normington and advise them that, upon the future subdivision of lot 162, Council will not be requesting that additional Public Open Space be provided from a future subdivision of the land.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR DEMARTEAU**

**THAT;**

- i) Council request the Minister for Lands to change the purpose of Reserves 43529 from “Public Open Space” to “Sewerage Pumping Station” and provide the Management Orders for the reserves to the Water Corporation and that Reserve 38934 be cancelled and the land contained within the reserve be amalgamated into the Oyster Harbour Foreshore Reserve (Location 7529);**
- ii) the Water Corporation be requested, upon the transfer of the management order for Reserves 43529 to:-**
  - decommission the temporary pump station adjacent to the frontage of Lot 161 The Esplanade and remove the overhead powerlines connected to that infrastructure; and**
  - minimise disturbance to the existing drainage located between Reserves 43529 and 45849 and any alteration to the drainage system shall be done in accordance with plans approved by the City of Albany and at the full cost of the Water Corporation; and**
- iii) the Department of Planning and Infrastructure be made aware of the concerns of Council outlined in point (ii) above and the department be requested to draft their management order accordingly.**

**MOTION CARRIED 12-0**

Reason:

The Water Corporation recently developed a sewerage pumping station on 1392sqm of land adjacent to Ulster Road and Reserve 43529 has 1012sqm. The retention of Reserve 45849 for Public Open Space will protect the trees on the reserve and remove any potential conflict with Council’s drainage network.

## **11.2 INSPECTION SERVICES**

Nil.

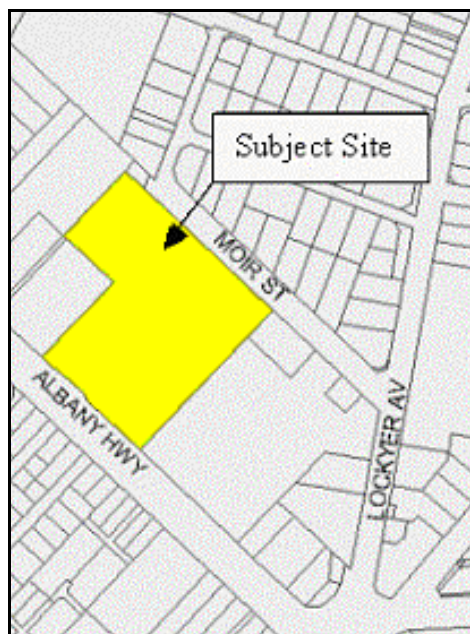


**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Development Guide Plan - Lot 1274 (70-88) Albany Highway**

<b>File/Ward</b>	:	STR 018 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Development Guide Plan for former Albany Primary School site.
<b>Subject Land/Locality</b>	:	Lot 1274 (70-88) Albany Highway, Centennial Park
<b>Proponent</b>	:	BSD Consultants
<b>Owner</b>	:	Macquarie Asset Services Ltd
<b>Reporting Officer(s)</b>	:	Planning Officer (Policy) (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	The Development Guide Plan be advertised.
<b>Bulletin Attachment</b>	:	Covering letter and Development Guide Plan
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**BACKGROUND**

1. The proponent lodged an application for Planning Scheme Consent for the development of a Bulky Goods Outlet on the subject site on the 29 August 2003.
2. A Development Guide Plan was lodged with Council as part of the Planning Scheme Consent for the proposed development.

**STATUTORY REQUIREMENTS**

3. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative;
  - “(a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - (b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - (c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
4. Appendix II – Schedule of Special Sites lists the subject site as Special Site Number 36. As a condition of development a Development Guide Plan is to be prepared which addresses:
  - The proposed mix, extent and layout of land uses and the layout of movement systems;
  - Consideration of provision of linkages to the adjoining Albany Plaza;
  - Traffic impact and location of vehicular access points;
  - Preparation of design guidelines by a suitably qualified heritage professional in consultation with the Heritage Council that address the Conservation Plan, building scale, form and materials, and the relationship to the residential area on the northern side of Moir Street;
  - Proposed subdivision (if any) of the site;
  - Incorporation of an impact assessment in accordance with section 11.5 of the Albany Commercial Centres Strategy of January 1994 (these impact will be considered in the assessment of the DGP and modifications to the DGP may be required as a result); and
  - Such other matters as considered appropriate by Council.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

5. The Development Guide Plan is to be approved by the Western Australian Planning Commission, in addition to its adoption by the City, before any subdivision or development can occur.

**POLICY IMPLICATIONS**

6. The Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A

**FINANCIAL IMPLICATIONS**

7. Council is required to advertise the policy in a local newspaper at it's own cost.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

9. The Scheme outlines the factors that need to be considered in developing a Development Guide Plan.
10. The plan that has been submitted shows the proposed mix, extent and layout of land uses and the layout of movement systems.
11. The proposed uses are considered 'P' or permitted uses under the provisions of Town Planning Scheme No. 1A.
12. The special conditions for the development of the site make reference to the inclusion of an economic impact assessment prepared in accordance with the requirements of Section 11.5 of the Albany Commercial Centres Strategy 1994. The proponent has committed to supply this assessment prior to Council's September ordinary meeting.
13. The proposed development guide plan shows two new access points to the car park in Albany Plaza with an access point on each level of the car park. A new pedestrian access point is also proposed in the Albany Plaza building towards the north of the site.
14. Concern has been raised over the location of the south most access point in the McDonald's car park. Those concerns may be allayed by relocating this access point some 45m further north and by making the access point an exit only.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

15. Concern has been also raised over the interaction of traffic exiting the service lane, the service area on Moir and Hymus Streets. Treatments need to be identified that will resolve any confusion caused by this intersection.
16. There is no provision for safe pedestrian access from the lower level car park in Albany Plaza to the proposed development. The inclusion of a cross walk that connects with the base of the pedestrian ramp would resolve this situation.
17. A heritage consultant has been engaged by the proponent to prepare a plan addressing the heritage aspects of the site. Given the status of the Primary School building on the State Register the development guide plan will be referred to the Heritage Council during the consultation period.
18. Based on the content of the submission, it is considered that there is sufficient detail in the Development Guide Plan to proceed to advertising.
19. Development of the site cannot proceed, irrespective of Council adoption of the 'Development Guide Plan', until such time as the plan has also been endorsed by the Western Australian Planning Commission.
20. A copy of the draft policy (in the form of the Development Application) is included in the Elected Members Report/Information Bulletin.

**RECOMMENDATION**

THAT Council adopts the 'Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park' and agrees to advertise it as a policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A subject to:

- i) an economic impact assessment being prepared in accordance with Section 11.5 of the Albany Commercial Centres Strategy 1994;
- ii) the preparation of design guidelines by a suitably qualified heritage professional, in consultation with the Heritage Council, that addresses the Conservation Plan, building scale, form and materials, and the relationship to the residential area on the northern side of Moir Street;
- iii) the southern entry point from the McDonalds car park being modified by moving it 45m to the north;
- iv) the entrance located adjacent to the western portion of the Heritage Zone being modified to exit only;
- v) treatment of intersection of Hymus Street and Moir Street to prevent potential conflict between the service area, service lane and general traffic;
- vi) a crosswalk being created to facilitate pedestrian access between the lower car park at Albany Plaza and the proposed development;

**DEVELOPMENT SERVICES REPORTS**

- vii) the building outline in the Heritage Zone being modified to reflect the exact outline of the building and any potential modifications; and
- viii) identification of access opportunities to the Heritage Zone.

*Voting Requirement Simple Majority*

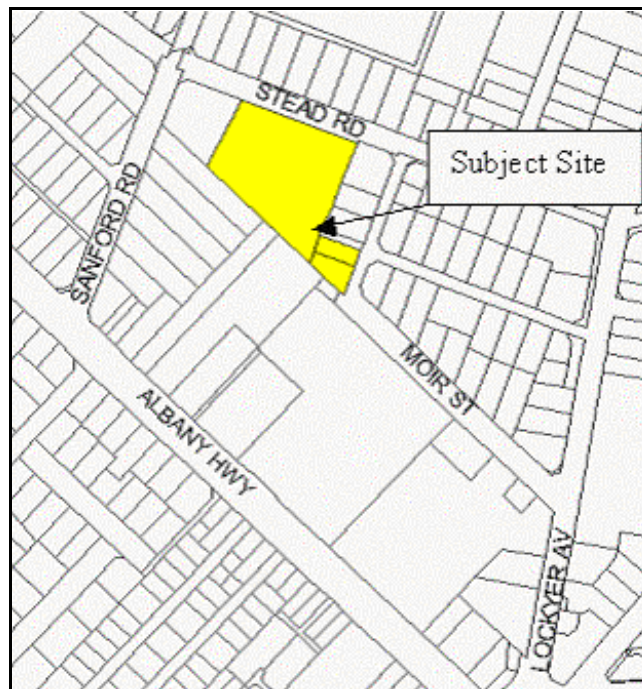
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**Executive Director Development Services advised the Council that the Applicant has requested that this item be withdrawn from consideration until further information was available.**

ORDINARY COUNCIL MEETING- 16/09/03  
\*\* REFER DISCLAIMER \*\*  
**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Development Guide Plan - Lot 1342 (69-77) Stead Road**

<b>File/Ward</b>	:	STR 018 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Development Guide Plan for former Albany Primary School Oval site.
<b>Subject Land/Locality</b>	:	Lot 1342 (69-77) Stead Road & Lot 1513 and 1514 Hymus St (1-3), Centennial Park
<b>Proponent</b>	:	Howard and Associates
<b>Owner</b>	:	Goldyield Investments Pty Ltd
<b>Reporting Officer(s)</b>	:	Planning Officer (Policy) (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	The Development Guide Plan be advertised.
<b>Bulletin Attachment</b>	:	Draft Development Guide Plan
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. Howard and Associates lodged a Development Guide Plan for the development of a residential/office development within Special Site No. 37 on the 28<sup>th</sup> August 2003.
2. The Development Guide Plan illustrates a mixture of office and residential development occurring on the site.

**STATUTORY REQUIREMENTS**

3. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.
  - “(a) *The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
  - “(b) *The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
  - “(c) *Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.”*
4. Appendix II – Schedule of Special sites lists the subject site as Special Site Number 37. As a condition of development a Development Guide Plan is to be prepared which addresses:
  - *“The management of traffic impacts generated by the proposed use of the land on Stead Road;*
  - *Provision for the mixed land uses that are compatible with uses on adjoining land and land on the opposite side of Stead Road;*
  - *Preparation of design guidelines for the frontage to Stead Road to require buildings with a residential scale.*
  - *If more than 200m<sup>2</sup> Net Leaseable Area of office space is proposed across the whole Special Site, incorporation of an impact assessment in accordance with Section 11.5 of the Albany Commercial Centres Strategy of January 1994 (these impacts will be considered in the assessment of the DGP and modification to the DGP may be required as a result);*
  - *Proposed subdivision (if any) of the site; and*
  - *Such other matters considered appropriate by Council.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

5. The Development Guide Plan is to be approved before any subdivision or development can occur.

**POLICY IMPLICATIONS**

6. The Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A.

**FINANCIAL IMPLICATIONS**

7. Council is required to advertise the policy in a local newspaper at it's own cost.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

9. The Scheme outlines the factors that need to be considered in developing a Development Guide Plan.
10. The Development Guide Plan identified that a traffic study was prepared by BSD Consultants. This study was applicable specifically to Lot 1274 (70-88) Albany Highway (the former Albany Primary School site). Further study is required to determine the traffic impact of the proposed use and any management outcomes.
11. The Development Guide Plan illustrates a range of uses in particular office and residential development. The residential development is clustered on the southern boundary of the site.
12. The proposed development is complementary to that proposed on the former Albany Primary School site.
13. The proponent has provided a brief statement examining the economic impact of the proposed development. The statement outlines the uniqueness of the proposed development and the minimal impact that it will have on other office development within the Central Area and other zones. A copy has been attached to the draft policy.
14. Provided further details are provided as requested, it is considered that there is sufficient detail in the Development Guide Plan to proceed to advertising.
15. A copy of the draft policy is included in the Elected Members Report/Information Bulletin.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

RECOMMENDATION

THAT Council adopts the 'Development Guide Plan for Lot 1342 (69-77) Stead Road, Centennial Park' and agrees to advertise it as a policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A subject to:

- i) details being given on the management of traffic impacts generated by the proposed use of the land on Stead Road; and
- ii) incorporation of the economic impact statement into the Development Guide Plan.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council adopts the 'Development Guide Plan for Lot 1342 (69-77) Stead Road, Centennial Park' and agrees to advertise it as a policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A subject to:**

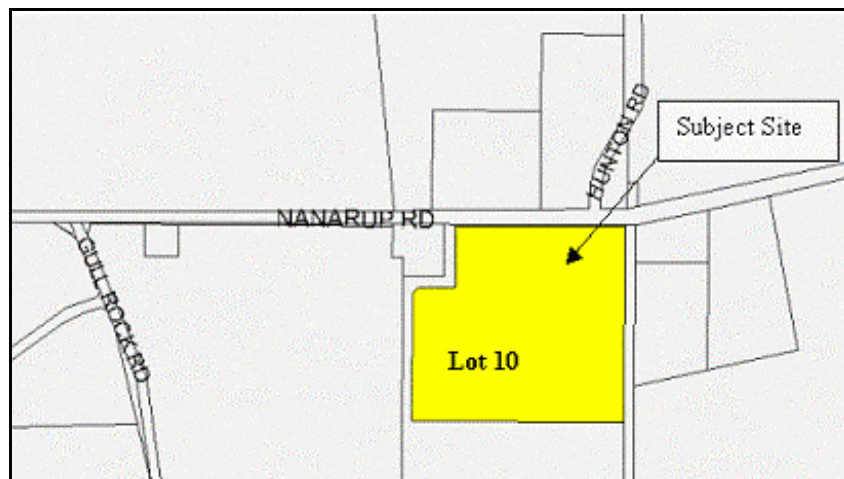
- i) details being given on the management of traffic impacts generated by the proposed use of the land on Stead Road; and**
- ii) incorporation of the economic impact statement into the Development Guide.**

**MOTION CARRIED 12-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Amendment Request – Lot 10, Location 21 Nanarup Rd, Lower Kalgan**

- File/Ward** : A3092A (Kalgan Ward)
- Proposal/Issue** : Preliminary request to rezone Lot 10, Location 21 Nanarup Rd, Lower Kalgan from 'Rural' and 'Special Site' to 'Rural' and 'Special Site'
- Subject Land/Locality** : Lot 10, Location 21 Nanarup Rd, Lower Kalgan
- Proponent** : Ayton Taylor Burrell
- Owner** : JB & JL Keays
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Support the request.
- Bulletin Attachment** : Rezoning report.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Lot 10, Location 21 Nanarup Rd, Lower Kalgan from 'Rural' and 'Special Site' to 'Rural' and 'Special Site'. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.

*(Additional information to Paragraph 1 on Page 42)*

*The proposal before Council seeks to allow the owners of Lot 10 Nanarup Road to incorporate a caravan park adjacent to their existing four holiday chalets and manager's residence. The boundary of the "Special Site" will be rotated 90 degrees to allow the development to occur on an existing cleared portion of the site.*

2. The application was internally referred to the Strategic Planning Officer and Manager Development Services and externally referred to the Department of Planning and Infrastructure.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

5. There are various policies and strategies that have relevance to this proposal. 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 Local Rural Strategy (1996)
  - Draft Local Planning Strategy (2001)
6. 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.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

7. The subject site is located within Precinct 15 of the City's Local Rural Strategy. The policy statement for this precinct states that land use proposal are to be determined in accordance with the general policies.
8. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

11. A copy of the proposal was referred to the Western Australian Planning Commission for preliminary comment (A copy of this submission is in the Elected Members Report/Information Bulletin). The major issues identified by the Commission and Council staff include:
  - The proposed use would be an extension of an existing tourist use.
  - There needs to be adequate provision of suitable infrastructure including potable reticulated water, on-site effluent disposal, on-site storm water management, safe vehicle access and egress from the site and refuse management.
  - The potential impact of the use on the amenity of the area.
  - The development is to comply with all relevant standards.
  - There needs to be justification for the increase in site area proposed.
12. A development guide plan is required to be prepared to show the distribution of uses on the site as well as the boundary of the proposed zone. The remainder of the site will retain its current zoning and form a separate agricultural lot.
13. Given the vegetated nature of the site there is a potential fire hazard for development. A Fire Management Plan should be prepared as part of the amendment documents demonstrating how this risk is to be addressed.
14. The proposed use is an extension to an existing use and it is not considered that a precedent would be formed in this instance.
15. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

Item 11.3.3 continued

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 10, Location 21 Nanarup Rd, Lower Kalgan from 'Rural' and 'Special Site' to 'Rural' and 'Special Site' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed Land Capability Assessment;
- ii) preparation of a Development Guide Plan;
- iii) preparation of a Fire Management Plan;
- iv) visual amenity (including built form and signage controls); and
- v) impact on surrounding sites and uses.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR DEMARTEAU**

**THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 10, Location 21 Nanarup Rd, Lower Kalgan from 'Rural' and 'Special Site' to 'Rural' and 'Special Site' subject to the Scheme Amendment addressing the following to the satisfaction of Council:**

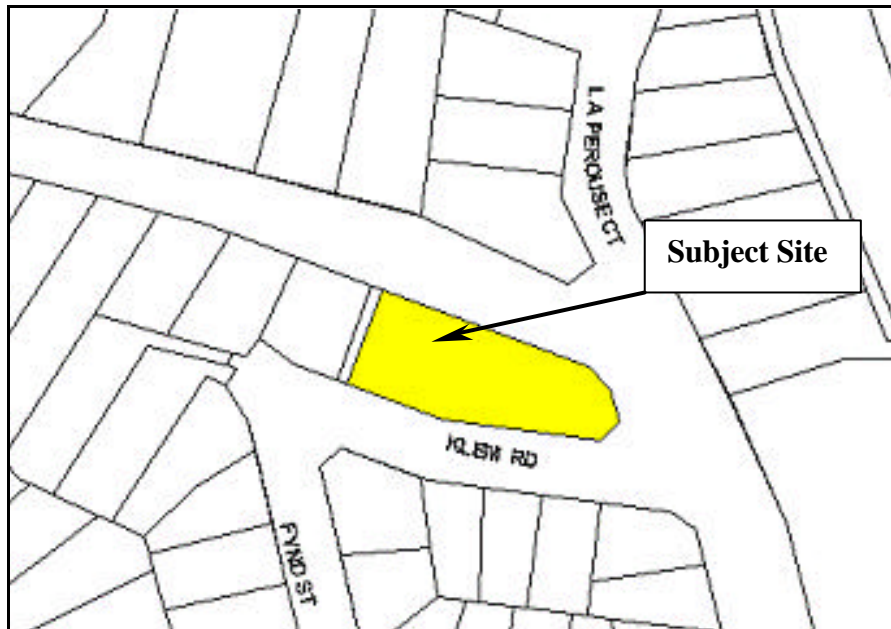
- i) detailed Land Capability Assessment;**
- ii) preparation of a Development Guide Plan;**
- iii) preparation of a Fire Management Plan;**
- iv) visual amenity (including built form and signage controls); and**
- v) impact on surrounding sites and uses.**

**MOTION CARRIED 12-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Initiate Scheme Amendment – Pt Lot 376 La Perouse Road, Goode Beach**

<b>File/Ward</b>	:	A168757A (Vancouver Ward)
<b>Proposal/Issue</b>	:	Initiate on Amendment to Rezone the subject land from 'Local Shopping' to 'Residential' with an 'Additional Use'
<b>Subject Land/Locality</b>	:	Pt Lot 376 (37) La Perouse Road, Goode Beach
<b>Proponent</b>	:	City of Albany
<b>Owner(s)</b>	:	EA Harley & MA & CA Stephenson
<b>Reporting Officer(s)</b>	:	Planning Officer – Policy (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/08/03 - Item 11.1.2
<b>Summary Recommendation</b>	:	Initiate Amendment
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. Council is requested to amend Town Planning Scheme No. 3 by rezoning Pt Lot 376 (37) La Perouse Road, Goode Beach, which has an area of 2608m<sup>2</sup>, from 'Local Shopping' to 'Residential' with an 'Additional Use'.
2. The adjoining lot is subject to Amendment No 227 which rezones the site from 'Local Shopping' to 'Residential'. Amendment No. 227 is currently waiting the approval of the Minister.
3. A copy of the amending documents has previously been provided to elected members. This application was laid on the table at the August meeting of Council.

**STATUTORY REQUIREMENTS**

4. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.
5. An amendment to a Town Planning Scheme adopted by resolution of a local government, is to be referred to the Environmental Protection Authority (EPA) for assessment. Advertising of the amendment cannot occur until EPA has assessed and determined the levels of assessment.
6. Advertising of the amendment for public inspection is proposed to be for a period of 42 days.
7. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

**POLICY IMPLICATIONS**

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

Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

9. The purpose of SPP 8 is to bring together existing State and Regional policies that apply to land use and development in Western Australia.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

10. The Commercial Strategy Review 2000 does not recognise a commercial development within Goode Beach. The removal of the 'Local Shopping' Zone and its replacement with 'Residential' and limited retail space (as an additional use) will adequately serve the localities needs.
11. The proposed lot sizes reflect those in the surrounding residential area however since the gazettal of Amendment No. 221 an R5 coding applies to all 'Residential' zoned land in the area, providing for a minimum lot size of 2000m<sup>2</sup>. Whilst the R5 coding will have no impact on existing residential lots, it will prevent the subdivision of the subject lot.

**FINANCIAL IMPLICATIONS**

12. Council will be required to advertise the amendment using a portion of the applicant's fees for the amendment process.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

14. It is proposed to incorporate an R12.5 density code with the Additional Use to facilitate the development of the site in accordance with the Development Guide Plan.
15. The Amendment Document, based on a basic soil and land capability assessment, indicates that the site is suitable for the proposed development.
16. Based on the above, and the details contained within the Amendment Document, it is recommended that Council resolve to initiate this amendment.

**RECOMMENDATION**

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany's Town Planning Scheme 3 by:

- i) rezoning Pt Lot 376 La Perouse Road, Goode Beach from 'Local Shopping' to 'Residential';
- ii) adding an "Additional Use" in Schedule II; and
- iii) amending the Scheme Maps accordingly.

*Voting Requirement Simple Majority*

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Item 11.3.4 continued.

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR SANKEY**

**THAT;**

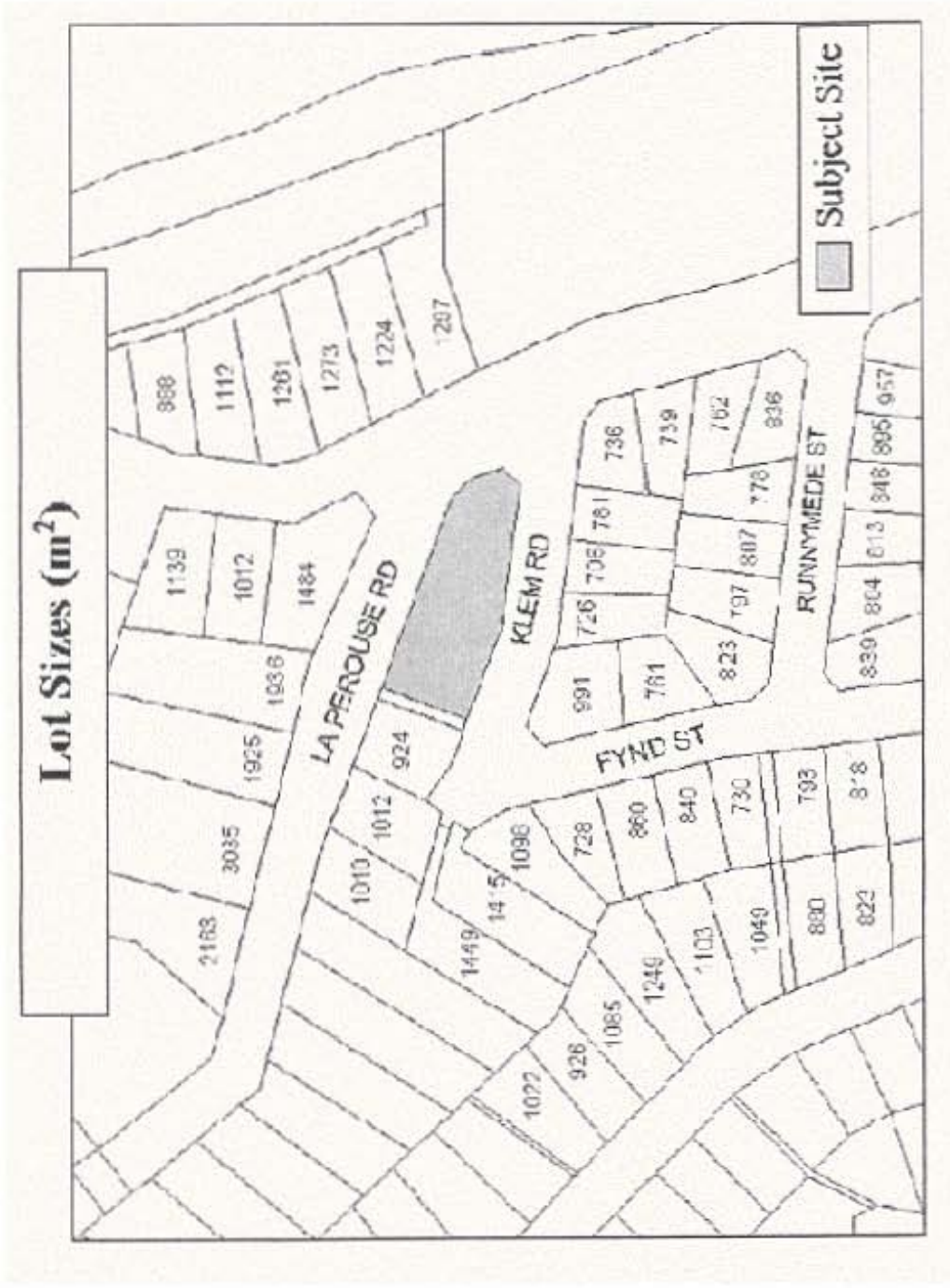
- i) Council resolve to request the proponent to modify the documentation for Amendment 228 to the City of Albany Town Planning Scheme No 3 as follows:**
- a) appropriate references in the amendment document to the subdivision of Part Lot 376 La Perouse Road (area of 2598 sqm) into three lots at a density of R12.5 be altered to read two lots at a residential density of R10; and**
  - b) the subdivision guide plan is to show two lots and to provide for a built form reflecting primary shop exposure to La Perouse Road and the transfer of on-site car parking to a position less visually prominent (eg south west corner of site); and**
- ii) subject to the above modifications being made, 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 3 by:**
- a) rezoning Pt Lot 376 La Perouse Road, Goode Beach from 'Local Shopping' to 'Residential';**
  - b) adding an "Additional Use" in Schedule II; and**
  - c) amending the Scheme Maps accordingly.**

**MOTION CARRIED 10-2**

Reason:

- The prevailing lot size in the locality is more consistent with an R10 density coding and the proposed shop car parking area should not be the prominent design feature of this site when travelling down La Perouse Road.

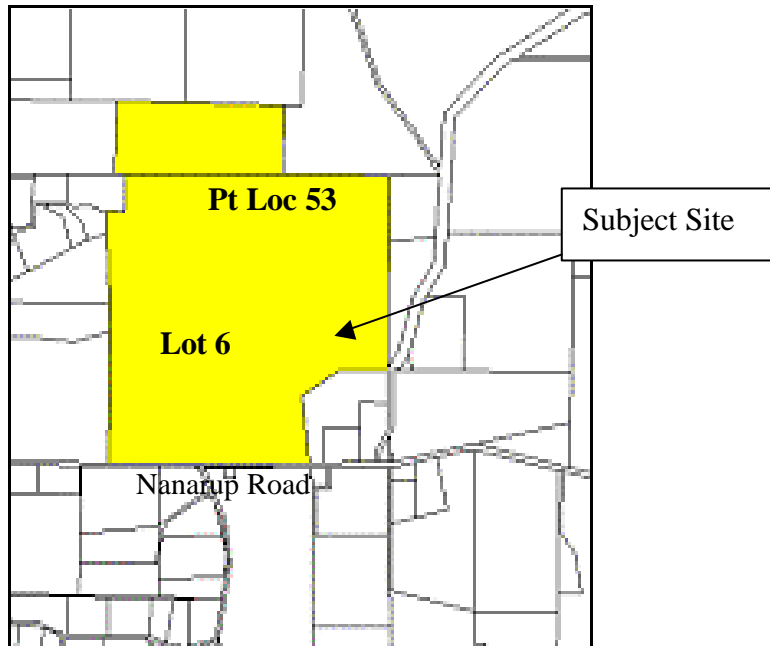
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DEVELOPMENT SERVICES REPORTS



**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Scheme Amendment Request – Lot 6 & Pt Loc 53 Nanarup Road, Kalgan**

<b>File/Ward</b>	:	A66969A (Kalgan Ward)
<b>Proposal/Issue</b>	:	Preliminary request to rezone Lot 6 & Pt Loc 53 Nanarup Road, Kalgan from 'Rural' to 'Special Rural'.
<b>Subject Land/Locality</b>	:	Lot 6 & Pt Loc 53 Nanarup Road, Kalgan
<b>Proponent</b>	:	Ayton Taylor Burrell
<b>Owner</b>	:	Erujin Pty Ltd
<b>Reporting Officer(s)</b>	:	Planning Officer – Policy (R Hindley) and Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/08/03 - Item 11.3.1
<b>Summary Recommendation</b>	:	That Council decline the request.
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**BACKGROUND**

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Lot 6 & Pt Loc 53 Nanarup Road, Kalgan from 'Rural' to 'Special Rural'.
2. The proposal was referred internally as well as to the Department of Planning and Infrastructure and the Department of Environment (formerly the Water and Rivers Commission) to gauge the level of support from those agencies to the proposal.
3. A copy of the applicant's proposal was provided to Council at its August Ordinary Meeting of Council.
4. At the August meeting of Council it was resolved that the application lay on the table for a period of one month and that Councillors inspect the site during that period. An inspection took place on the 1<sup>st</sup> September 2003 and there were six Councillors, three staff, Mr O'Dea and Mr Ayton in attendance.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

7. There are various policies and strategies that have relevance to this proposal. They include:
  - (a) The State Planning Strategy
  - (b) The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8)
  - (c) The Albany Regional Strategy (1994)
  - (d) The Local Rural Strategy (1996)
  - (e) Draft Local Planning Strategy (2001)
  - (f) Draft Town Planning Scheme No. A (being prepared)
8. 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.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

9. The subject site is partially located within Oyster Harbour Precinct 14 of the City's Local Rural Strategy. The policy statement for this precinct states;

*“Council may support proposals for rural residential/tourist development subject to compliance with relevant general policies, the land being revegetated to the satisfaction of Council and the proponents being able to demonstrate that the constraints and land management needs identified [within the precinct] would be overcome / met. In particular, it will be necessary for proponents to carefully consider the effect any proposals will have on the visual amenity of the area.”*

10. The Local Rural Strategy is a two volume document and its primary aim is to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits. The Strategy identified in 1996 that “there is a demand for the further subdivision of rural land to create various forms of rural residential development. There may also be many cleared and vacant blocks that may not have been sold and are causing both financial and environmental difficulties. The costs of providing services to rural residential development is also much higher than in urban areas.”

11. Many of the areas identified in the strategy (a 10 to 15 year plan) that have since been rezoned and have subdivisions at various stages of completion. General Policy 34 in the Local Rural Strategy places an obligation on Council to examine certain matters before progressing an amendment to the scheme;

*“Council will only consider rezoning proposals for rural residential development if the subject land is situated within a policy area designated as being potentially suitable for rural residential development and it can be demonstrated that the constraints and land management needs identified in that policy can be overcome / met.”*

**FINANCIAL IMPLICATIONS**

12. There are no financial implications relating to the amendment request. Once a subdivision pattern is developed over the land some financial implications may develop (eg. protection of steep slopes, additional drainage and road infrastructure).

Item 11.3.5 continued

### **STRATEGIC IMPLICATIONS**

13. The subject land is identified in the Local Rural Strategy as an area that “may” be considered for rural residential / tourist development. The rezoning of this site would open up a new development front for Special Rural development to the north of Nanarup Road and east of the Kalgan River. Currently, the available zoned land to the south of Nanarup Road and east of Oyster Harbour has not been fully developed, nor has the Special Rural development front between Willyung Road and the King River.

### **COMMENT/DISCUSSION**

14. In addition to rezoning the site, the Scheme Amendment Request (SAR) outlines potential modifications to the Local Rural Strategy. The Local Rural Strategy is to be reviewed as part of the development of the Albany Local Planning Strategy and on-going interim modifications of this policy document are pre-empting the outcomes of the Albany Local Planning Strategy. Already Council has supported a SAR to rezone land between Little Grove and Big Grove for Special Rural purposes which had not been identified in the Local Rural Strategy for that purpose.
15. A copy of the proposal was referred to the Western Australian Planning Commission and Department of Environment for preliminary comment. The major issues identified by those agencies and Council staff include:
  - (a) *There is no demonstrated need for this land to be rezoned. There is sufficient zoned Special Rural land available within existing areas to cater for this kind of subdivision.*
  - (b) *There is some concerns with opening a new Special Rural development front and fragmenting Council’s infrastructure when existing areas remain underdeveloped.*
  - (c) *The subject land included in the Local Rural Strategy as an area which “may” be considered for development “subject” to some pre-conditions being met.*
  - (d) *Nanarup Road and the Kalgan River form the ‘hard edges’ or boundaries to existing subdivisions and the small lots fronting the eastern side of the Kalgan River are from historic subdivisions.*
  - (e) *The subdivision is being promoted on the basis that the development will create lots on cleared land with un-paralleled views over the surrounding countryside which is inconsistent with the visual sensitivity concerns expressed in the Local Rural Strategy.*
  - (f) *The proposal should demonstrate how lot size, density and alignment have regard to fragmentation of remnant vegetation.*

**DEVELOPMENT SERVICES REPORTS**

## Item 11.3.5 continued

16. Based on advice received from the Department for Planning and Infrastructure and the Department of Environment, as well as an assessment made by Council officers, it is considered that the site specific concerns can be documented as part of the amendment process but that a more fundamental question of whether the land needs to be rezoned at this time remains. The Local Rural Strategy is a 10 to 15 year plan and after 6 years most of the identified area in the strategy have, or are in the process of being rezoned and subdivided. The only “strategic argument” provided by the developer for the land to be rezoned at this time centre upon providing him with certainty in his development program and to assist him to defray the high costs that he is incurring with the provision of water supply infrastructure to a development he has on an adjoining site.
  
17. Most Councillors have now visited the site and are aware that the SAR is requesting that Council look at rezoning land beyond the area identified in the Local Rural Strategy. The characteristics of the site also require a detailed analysis of the planning issues through the rezoning process and staff suggest that, if Council considers supporting the proposal, the following matters be listed as requiring detailed attention in the amending documents;
  - (a) *Demonstrate the need to rezone the land at this time*
  - (b) *Detailed contours of the site and vegetation coverage is to be provided*
  - (c) *Soil sampling across the site to determine soil profiles and drainage capacity*
  - (d) *Fire management arrangements to be resolved in accordance with the “Planning for Fire” guidelines provided by FESA*
  - (e) *At least two access roads are to be developed into the site for emergency evacuation*
  - (f) *View shed mapping to be undertaken and the subdivision guide plan is to respond to visual constraints map developed, with suburbanisation of the escarpment to be avoided*
  - (g) *Lot sizes should vary across the site in response to opportunities and constraints mapping and site analysis*
  - (h) *Remnant vegetation is to be protected using mechanism(s) which do not involve its transfer to Council or a requirement for Council to be continually policing the outcome*
  - (i) *Clear commitments and design outcomes to justify that this is a self contained project and it will not encourage the transfer of this type of development across the rural landscape*
  - (j) *How tourism projects potentially could be integrated into the development site; and*
  - (k) *How servicing of the site is to be achieved and integrated into the landscape.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

RECOMMENDATION

THAT Council advise the applicant that it is not prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lot 6 & Pt Loc 53 Nanarup Road, Lower Kalgan from 'Rural' to 'Special Rural'.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council advise the applicant that it is prepared to support the request for an amendment to Town Planning Scheme No 3 to rezone portion of Lot 6 and Pt Lot 53 Nanarup Road, Lower Kalgan from "Rural" to "Special Residential" and "Special Site (Tourism)" zone subject to the scheme amendment addressing the following to the satisfaction of Council:**

- i) demonstrate the need to rezone the land at this time;**
- ii) detailed contours of the site and vegetation coverage is to be provided;**
- iii) soil sampling across the site to determine soil profiles and drainage capacity;**
- iv) fire management arrangements to be resolved in accordance with the "Planning for Fire" guidelines provided by FESA;**
- v) at least two access roads are to be developed into the site for emergency evacuation;**
- vi) view shed mapping to be undertaken and the subdivision guide plan is to respond to visual constraints map developed, with development of the escarpment to be designed to blend in with the landscape;**
- vii) lot sizes should vary across the site in response to opportunities and constraints mapping and site analysis;**
- viii) remnant vegetation is to be protected using mechanism(s) which do not involve its transfer to Council or a requirement for Council to be continually policing the outcome;**
- ix) the subdivision guide plan is to guarantee a minimum 5 ha site for future tourism development;**
- x) how servicing of the site is to be achieved and integrated into the landscape;**
- xi) a minimum lot size of 3000sqm and an overall average lot size of 1 ha to apply;**
- xii) rezoning to apply to the whole of Pt Location 53 and all of Lot eastern portion of Lot 6;**
- xiii) the subdivision pattern is to reflect a detailed site analysis, with the appropriate planning response detailed to address site constraints; and**



**DEVELOPMENT SERVICES REPORTS**

**xiv) the land use planning constraints identified by the Department of Planning and Infrastructure and the Department of Environment, Water and Catchment Protection are to be addressed and a suitable planning response provided.**

**MOTION CARRIED 7-5**

Reason:

- The land is identified in the City's Local Rural Strategy as a potential development site and the developer should be provided the opportunity to progress the development. The above recommendation addresses the issues that need further documentation as part of the formal scheme amendment process.

**DEVELOPMENT SERVICES REPORTS**

**11.4 DEVELOPMENT SERVICES COMMITTEES**

**11.4.1 Bushfire Management Committee Minutes – 27th August 2003**

<b>File/Ward</b>	:	MAN 089 (All Wards)
<b>Proposal/Issue</b>	:	Committee items for Council consideration
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Summary Recommendation</b>	:	That the minutes of the Bushfire Management Committee held on 27th August 2003 be adopted.

Confirmation of the minutes of the Bushfire Management Committee of 27th August 2003.

**RECOMMENDATION**

THAT the minutes of the Bushfire Management Committee held on 27th August 2003 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items be moved.

**Item 7.2.2**

THAT Council;

- i) endorse the appointment of City of Albany Bushfire Control Officers and Deputy Bushfire Control Officers for the 2003/04 fire season, as per the appended list;
- ii) endorse the appointment of the following brigade officers from adjoining local governments as bushfire control officers within the City of Albany:
  - Shire of Plantagenet
    - Ross Backhouse (Narrikup VBFB)
    - Warren Forbes (Narrikup VBFB)
    - John Russel (Porongurup VBFB)
  - Shire of Gnowangerup
    - Colin King (Borden VBFB)
    - Graham Moir (Borden VFBB)
  - Shire of Jerramungup
    - Anthony Thomas (Boxwood VBFB); and
- iii) note the submission of the following City of Albany Brigade Officer, as Bushfire Control Officers in adjoining local governments:
  - Shire of Plantagenet
    - John Hood (Kojaneerup VBFB)
    - Tony Slattery (Kojaneerup VBFB)
    - Tom Collins (Napier VBFB)
    - Lance Flett (Redmond VBFB)
  - Shire of Gnowangerup
    - Peter Moir (Gnowellen VBFB)

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued.

Shire of Jerramungup  
Peter Moir (Gnowellen VBFB)  
Chris Gilmour (Wellstead VBFB)

Item 7.2.8

THAT;

- i) Council be requested to support in principle the relocation of the Goode Beach fire appliance from Whaleworld to a more central site in Goode Beach, to be identified by the SCVBFB in consultation with Council staff, to improve the response capability of that unit.
- ii) following an appropriate consultation process with Council on a suitable site, a request be forwarded to the Department of Planning and Infrastructure (Land Asset Management Services Branch) to excise an appropriate fire station site from an existing reserve in Goode Beach;
- iii) Council's Strategic Plan be altered to acknowledge the need for potential fire stations at Goode Beach, Cheynes Beach and Torbay (Torbay Hill) as identified in the Fire Prevention Plan report;
- iv) forward financial planning be undertaken, through the ESL, to identify future fire stations requirements and funding be sought from those stations in a strategic manner.

Item 7.2.10

THAT Council

- i) adopt the revised standard of meals to be provided at major wildfires;
- ii) provide sustenance, in accordance with the revised standard of meals, during mop-up operations following a major wildfire if requested by the Incident Controller; and
- iii) amend Section 3.5 of the Strategic Bushfire Plan 2000-2005 by:
  - a) inserting the phrase, "or involved in mop-up operations", after the words "the scene of a wildfire" in the third sentence of the first paragraph;
  - b) deleting the words 'normal meals are missed, the safety of fire fighters is at risk and other criteria dictate that a meal should be provided' in the third sentence of the first paragraph and inserting the words 'the Incident Controller deems otherwise'; and
  - c) deleting the word 'Rangers' in the last sentence of the first paragraph and inserting the words 'an authorised City officer'.

*Voting Requirement Simple Majority*

.....

Item 11.4.1 continued.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR BARTON**

**THAT the minutes of the Bushfire Management Committee held on 27th August 2003 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items be moved.**

**Item 7.2.2**

**THAT Council;**

- i) endorse the appointment of City of Albany Bushfire Control Officers and Deputy Bushfire Control Officers for the 2003/04 fire season, as per the appended list;**
- ii) endorse the appointment of the following brigade officers from adjoining local governments as bushfire control officers within the City of Albany:**
  - Shire of Plantagenet**
    - Ross Backhouse (Narrikup VBFB)**
    - Warren Forbes (Narrikup VBFB)**
    - John Russel (Porongurup VBFB)**
  - Shire of Gnowangerup**
    - Colin King (Borden VBFB)**
    - Graham Moir (Borden VBFB)**
  - Shire of Jerramungup**
    - Anthony Thomas (Boxwood VBFB); and**
- iii) note the submission of the following City of Albany Brigade Officer, as Bushfire Control Officers in adjoining local governments:**
  - Shire of Plantagenet**
    - John Hood (Kojaneerup VBFB)**
    - Tony Slattery (Kojaneerup VBFB)**
    - Tom Collins (Napier VBFB)**
    - Lance Flett (Redmond VBFB)**
  - Shire of Gnowangerup**
    - Peter Moir (Gnowellen VBFB)**
  - Shire of Jerramungup**
    - Peter Moir (Gnowellen VBFB)**
    - Chris Gilmour (Wellstead VBFB)**

**Item 7.2.8**

**THAT;**

- i) Council be requested to support in principle the relocation of the Goode Beach fire appliance from Whaleworld to a more central site in Goode Beach, to be identified by the SCVBFB in consultation with Council staff, to improve the response capability of that unit.**
- ii) following an appropriate consultation process with Council on a suitable site, a request be forwarded to the Department of Planning and Infrastructure (Land Asset Management Services Branch) to excise an appropriate fire station site from an existing reserve in Goode Beach;**

**DEVELOPMENT SERVICES REPORTS**

- iii) Council's Strategic Plan be altered to acknowledge the need for potential fire stations at Goode Beach, Cheynes Beach and Torbay (Torbay Hill) as identified in the Fire Prevention Plan report;**
- iv) forward financial planning be undertaken, through the ESL, to identify future fire stations requirements and funding be sought from those stations in a strategic manner.**

**Item 7.2.10**

**THAT Council**

- i) adopt the revised standard of meals to be provided at major wildfires;**
- ii) provide sustenance, in accordance with the revised standard of meals, during mop-up operations following a major wildfire if requested by the Incident Controller; and**
- iii) amend Section 3.5 of the Strategic Bushfire Plan 2000-2005 by:**
  - a) inserting the phrase, "or involved in mop-up operations", after the words "the scene of a wildfire" in the third sentence of the first paragraph;**
  - b) deleting the words 'normal meals are missed, the safety of fire fighters is at risk and other criteria dictate that a meal should be provided' in the third sentence of the first paragraph and inserting the words 'the Incident Controller deems otherwise'; and**
  - c) deleting the word 'Rangers' in the last sentence of the first paragraph and inserting the words 'an authorised City officer'.**

**MOTION CARRIED 12-0**

# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

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

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

#### COMMENT/DISCUSSION

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

Municipal Fund		
Cheques	totalling	124,231.05
Electronic Fund Transfer	totalling	698,095.08
Payroll	totalling	664,307.53
<b>TOTAL</b>		<b><u><u>\$1,486,633.66</u></u></b>

2. As at 2<sup>nd</sup> September 2003, the total outstanding creditors, stands at \$1,750,072.04

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Item 12.1.1 continued.

**RECOMMENDATION**

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

Municipal Fund	totalling	\$1,486,633.66
Total		<u>\$1,486,633.66</u>

*Voting Requirement Simple Majority*

.....

<b>MOVED COUNCILLOR WELLINGTON</b> <b>SECONDED COUNCILLOR EVANS</b>
--

<b>THAT the following City of Albany accounts be passed for payment: -</b>		
<b>Municipal Fund</b>	<b>totalling</b>	<b>\$1,486,633.66</b>
	<b>Total</b>	<b><u>\$1,486,633.66</u></b>

**MOTION CARRIED 12-0**



### 12.1.2 Community Financial Assistance Program

<b>File/Ward</b>	:	FIN 022 (All Wards)
<b>Proposal/Issue</b>	:	Policy Review – Major Grants
<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>	:	OCM 17/06/03 – Item 14.2.1
<b>Summary Recommendation</b>	:	That Council amend the Community Financial Assistance Policy.
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. The City of Albany adopted a new Community Financial Assistance Policy on 17<sup>th</sup> June 2003.
2. Provision is made under the Community Financial Assistance Policy for community based organisations to make application for grants in excess of \$10,000 – Major Grants.
3. Major Grants are dealt with under round 1 of the program with applications being invited in March/April and closing on 31<sup>st</sup> May.
4. The Community Financial Assistance Committee considers major grant applications and makes recommendations of priority ranking for full Council's consideration as part of the budget adoption process.
5. Timing of the round one (1) Community Financial Assistance Program, which closes on 31<sup>st</sup> May for consideration during June, has resulted in the applications for Major Grants being referred to Council too late for meaningful consideration within the budget process.

Item 12.1.2 continued.

### **STATUTORY REQUIREMENTS**

6. Section 5.16(1) of the Local Government Act 1995 provides Local Governments with the power to delegate certain powers to a committee, to administer on its behalf.

### **POLICY IMPLICATIONS**

7. Adoption of the officer's recommendation will result in amendments being made to Council's Community Financial Assistance Policy.

### **FINANCIAL IMPLICATIONS**

8. There are no financial implications in relation to the review and amendment of the Community Financial Assistance Policy.

### **STRATEGIC IMPLICATIONS**

9. Alignment with Council's Strategic Plan – Albany 2020 Charting our Course is provided within the Community Financial Assistance Policy.

### **COMMENT/DISCUSSION**

10. To ensure the Community Financial Assistance Policy and in particular those sections relating to the administration of grants exceeding \$10,000 ie. Major Grants, the following amendments are suggested:-
  - The deadline for receipt of Major Grant applications be brought forward to 30<sup>th</sup> November in the proceeding year and they be advertised and conducted in conjunction with round 2 of the proceeding minor grants program;
  - The Community Financial Assistance Committee's role in relation to Major Grants be amended to include the consideration of applications and the making of recommendations for consideration by Council of applications that warrant funding, the recommended level of funding and the amount that should be included within the first draft budget;
  - Major Grants recommended by the Committee will be subject to consideration by full Council prior to inclusion in the draft budget and will still be required to compete against all other budgeted items; and
  - The term "Major Grant" should be amended to read 'Major Forward Planning Grant' to reflect and emphasise the necessity for applicants to plan in advance and to make application in the year preceding the provision of funding.

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Item 12.1.2 continued.

**RECOMMENDATION**

THAT Council amend the Community Financial Assistance Policy to reflect the following changes:-

- the deadline for the receipt of Major Grants to be 30<sup>th</sup> November in the year preceding the financial year in which the funds may be budgeted;
- Major Grants be advertised and considered by the Community Financial Assistance Committee in conjunction with round 2 of the preceding Community Financial Assistance Program;
- the Community Financial Assistance Committee consider Major Grant applications and make recommendations to Council as to which applications warrant funding and the amount of grant funding to be budgeted;
- the Committee recommendations to be referred to Council, for a decision on what, if any, provision should be made within the first draft budget, and thereafter by subject to budget deliberations; and
- the term Major Grant be amended to read ‘Major Forward Planning Grant’.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EVANS**

**THAT Council amend the Community Financial Assistance Policy to reflect the following changes:-**

- **the deadline for the receipt of Major Grants to be 30<sup>th</sup> November in the year preceding the financial year in which the funds may be budgeted;**
- **Major Grants be advertised and considered by the Community Financial Assistance Committee in conjunction with round 2 of the preceding Community Financial Assistance Program;**
- **the Community Financial Assistance Committee consider Major Grant applications and make recommendations to Council as to which applications warrant funding and the amount of grant funding to be budgeted;**
- **the Committee recommendations to be referred to Council, for a decision on what, if any, provision should be made within the first draft budget, and thereafter by subject to budget deliberations; and**
- **the term Major Grant be amended to read ‘Major Forward Planning Grant’.**

**MOTION CARRIED 12-0  
ABSOLUTE MAJORITY**

## 12.2 ADMINISTRATION

### 12.2.1 Albany Italian Club Inc.

<b>File/Ward</b>	: PRO 138 (Yakamia Ward)
<b>Proposal/Issue</b>	: Proposed Lease, Albany Italian Club Inc.
<b>Subject Land/Locality</b>	: Part Lot 5 Mercer Road, Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (P Madigan)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 18/03/03 – Item 12.2.2 OCM 20/05/03 – Item 12.2.4
<b>Summary Recommendation</b>	: That Council decline the request.
<b>Bulletin Attachment</b>	: Item 12.2.4 of OCM 20/05/03
<b>Locality Plan</b>	: N/A

## BACKGROUND

1. At the May Ordinary Meeting of Council it was resolved:-

*“THAT*

- i) final settlement of this matter be deferred until such time as the Centennial Park and Yakamia Recreation Precinct Plan is finalised; and*
- ii) in the meantime, the administration seek clarification as to which legal entity the Council will be dealing with in regard to finding a suitable site.”*

2. The first part of the resolution has been achieved, and it has been established that the legal entity Council will be dealing with is the Albany Italian Club Inc.
3. Although the resolution did not specifically require the identification of sites, in line with the basic concept, proposed by the Club, two sites have been suggested, but do require further negotiation by the Club with third parties.

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Item 12.2.1 continued.

4. The first such site was the area on the corner of Campbell and North Roads, which is currently leased to the Albany Soccer Federation Inc, and the Club would need to negotiate with that body. This site would compliment the recommendations of the Centennial Park Recreation Precinct Plan concepts.
5. The second site identified is Reserve 36236 (opposite the intersection of Collingwood Road and Parkes Street). This Reserve is currently unallocated Crown Land under the control of the Department of Planning and Infrastructure (previously known as the Department of Land Administration) which authority may be amenable to issuing a Management Order for the whole area (or section of it) to the Albany Italian Club Inc.
6. The Club has indicated it does not wish to negotiate with third parties, and has indicated its preference is the Mercer Road site.

**STATUTORY REQUIREMENTS**

7. Section 3.58 of the Local Government Act 1995 ‘Disposing of Property’ requires that Council may issue a lease over a property, however if must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
8. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of the Section 3.58 of the Act if the land is being disposed of to a body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreation or sporting or other like nature.

**POLICY IMPLICATIONS**

9. The final report on the Centennial Park and Yakamia Recreation Plan has addressed soccer into the future and recommended that Council:-

- “- retain the present general layout of soccer pitches;*
- improve and make drainage safer;*
- develop a new western pitch for spectator viewing adjacent to a new multi-sport club; and*
- soccer facilities to be consolidated as part of the new multi-sports club, this area will be the major area for soccer for the scope of this plan (15 years).”*

**FINANCIAL IMPLICATIONS**

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

Item 12.2.1 continued.

### **STRATEGIC IMPLICATIONS**

11. This request could comply with Council’s Albany 2020 – Charting our Course, which in part states as follows:-

*“Parks, Gardens and Playgrounds  
A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use.”*

### **COMMENT/DISCUSSION**

12. The Albany Italian Club has provided the following basic concepts and funding options:-

Stage 1.

- A main soccer pitch;
- A training soccer pitch;
- Changerooms; and
- Fencing.

Stage 2.

- Clubrooms (300 seat capacity); and
- Car parking, in accordance with the Council’s Town Planning Scheme.

Funding: Sponsorship and voluntary labour.

13. The area of land requested to lease forms part of Council’s Mercer Road complex, and would require access across the site.
14. Historically, by letter dated 4<sup>th</sup> October 1979, Ten Year Developments Pty Ltd donated this area of land to the Shire of Albany, with the wish it to be used as a soccer field and that ‘it should be leased to the Albany Tricolore Soccer Club for a period of 30 years.’
15. While the lease document itself has not been located, it is very clear that a lease did exist with the Albany Italian Club (Tricolore Soccer Club) and also that the Club did not follow up the necessary administrative functions to secure a renewal of the lease. In the circumstances it is believed the lease has expired and no option or right to tenure of the subject land exists. A copy of the previous item is included in the Elected Members Report and Information Bulletin.
16. Not having considered the final use of its Mercer Road site following the construction of the new administrative complex, it would not be in Council’s best strategic interest to encumber this land with a long term lease.

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**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

**RECOMMENDATION**

THAT Council;

- i) given the strategic importance of the Mercer Road site, decline the request by the Albany Italian Club Inc to lease portion of the site; and
- ii) urge the Albany Italian Club Inc to enter negotiations with the relevant body, with the aim of consolidating and rationalising soccer in line with the recommendations of the Centennial Park Recreation Precinct Plan.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EVANS**

**THAT Council;**

- i) given the strategic importance of the Mercer Road site, decline the request by the Albany Italian Club Inc to lease portion of the site; and**
- ii) urge the Albany Italian Club Inc to enter negotiations with the relevant body, with the aim of consolidating and rationalising soccer in line with the recommendations of the Centennial Park Recreation Precinct Plan.**

**MOTION CARRIED 11-1**

### 12.2.2 Council Agendas availability to Elected Members

<b>File/Ward</b>	: MAN 006 (All Wards)
<b>Proposal/Issue</b>	: To modify the Council Agenda preparation schedule so that Elected Members receive Council Meeting Agendas no later than Monday afternoon prior to the following week's monthly Council Meeting.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager Customer Services (S Langford)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council retain the current Council Meeting Agenda schedule.
	OR
	That Council modify the current Council Meeting Agenda schedule so that Elected Members receive Council Agendas on the Monday in the week preceding monthly Council Meetings.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

### BACKGROUND

1. Councillor Demarteau has requested that Council consider the proposal to amend the distribution timetable for Council Agendas to allow Elected Members 8 day's access to the documentation prior to Council Meetings.
2. The schedules for monthly Ordinary Council Meetings have been designed to allow maximum time for both Officers to prepare recommendations, as well as Elected Members to consider Agenda Items prior to Council Meetings.



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Item 12.2.2 continued.

3. The current monthly cycle using August-September as an example is as follows:

Ordinary Council Meeting –	Third Tuesday of each month (e.g. 19 <sup>th</sup> August 2003)
Minutes Prepared -	Wednesday following the Council meeting (e.g. 20 <sup>th</sup> August 2003)
Minutes Checked –	Thursday following the Council meeting (e.g. 21 <sup>st</sup> August 2003)
Unconfirmed Minutes Available –	Friday following the Council meeting (e.g. 22 <sup>nd</sup> August 2003)
Agenda Item Preparation –	Period between minutes being made available and deadline date (e.g. 23 <sup>rd</sup> August – 4 <sup>th</sup> September 2003 - 9 days)
Agenda Item Deadline –	Deadline for Council Agenda Item preparation (e.g. 4 <sup>th</sup> September 2003)
Agenda Collation –	Deadline for collation of Agenda (e.g. 5 <sup>th</sup> September 2003)
Agenda Checking –	Deadline for checking of Agenda (e.g. 6 <sup>th</sup> September 2003)
Agenda Printing –	Printing of Agenda (e.g. 9 <sup>th</sup> September 2003)
Agenda Distribution –	Agendas distributed on the Wednesday/Thursday of the week preceding the Council meeting. (e.g. 10 <sup>th</sup> - 11 <sup>th</sup> September 2003).
Council Meeting-	Third Tuesday of the Month (e.g. 16 <sup>th</sup> September 2003)

4. A modified cycle with Councillors receiving agendas 8 days prior to meetings:

Ordinary Council Meeting –	Third Tuesday of each month (e.g. 19 <sup>th</sup> August 2003)
Minutes Prepared -	Wednesday following meeting (e.g. 20 <sup>th</sup> August 2003)
Minutes Checked –	Thursday following meeting (e.g. 21 <sup>st</sup> August 2003)
Unconfirmed Minutes Available –	Friday following the Council meeting (e.g. 22 <sup>nd</sup> August 2003)
Agenda Item Preparation –	Period between minutes being made available and deadline date (e.g. 23 <sup>rd</sup> August – 2 <sup>nd</sup> September 2003 (6 days))
Agenda Item Deadline –	Deadline for Council Agenda Item preparation (e.g. 2 <sup>nd</sup> September)
Agenda Collation –	Deadline for collation of Agenda (e.g. 3 <sup>d</sup> September)
Agenda Checking –	Deadline for checking of Agenda (e.g. 4 <sup>th</sup> September)

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\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.2 continued.

Agenda Printing –	Printing of Agenda (e.g. 5 <sup>th</sup> September)
Agenda Distribution –	Agendas distributed on the Monday/Tuesday of the week preceding the Council meeting. (e.g. September 8 – 9 <sup>th</sup> 2003)
Council Meeting-	Third Tuesday of the Month (e.g. 16 <sup>th</sup> September 2003)

5. In this instance the modified cycle allows 6-business days from the distribution of the previous months' unconfirmed minutes for Council Officers to prepare Agenda Items (that require action from the previous month's resolutions) for the forthcoming September meeting. The current cycle allows for a 9-business days of preparation time.
6. The modified cycle reduces Council Agenda Item preparation time and the public consultation period with an applicant who is awaiting a Council resolution. This may also have flow-on effects for the public, as there would be a reduced timeframe between Council Meetings for the public to make contact with Councillors/Council Officers to have their issues addressed.
7. The combined effect of the modified preparation period may increase the likelihood of Late Council Item submissions; and not allow Elected Members sufficient time to consider these submissions.
8. The modified cycle would mean that Council would have an extended period to review Council Agenda Items prior to the Ordinary Council Meetings.

#### **STATUTORY REQUIREMENTS**

9. The Local Government Act provides a requirement for the distribution of unconfirmed minutes only. In accordance with the Local Government (Administration) Regulations 1996, Clause 13; Local Government is to ensure that the unconfirmed minutes of each Council Meeting are to be available for inspection by members of the public within 10 business days after the meeting.

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

11. There are no financial implications relating to this item

Item 12.2.2 continued.

**STRATEGIC IMPLICATIONS**

12. Albany 2020 Charting Our Course

Port of Call – A reputation for Professional Excellence

*“Organisational Development*

*To create a quality environment in which to work and develop/deliver services to the community, and to develop programs for the continual development of Councillors and Council’s most important assets, our staff members.*

*Communications*

*To increase community awareness of Council facilities, services and community issues.”*

**COMMENT/DISCUSSION**

13. Modification of the monthly Ordinary Council Meeting schedule would impact on the time available for Council Officers to thoroughly research and prepare Council Agenda Items as per statutory requirements. The impact of modifying the schedule as suggested would mean that in some instances (depending on the month of the year) Council Officers would have as little as one week to prepare Council Items following completion of the previous Council Meeting’s unconfirmed Minutes. This may adversely impact on resource allocation and customer service due to the high volume of work being required in a shorter timeframe.
14. Alternatively, modification of the schedule would also allow Council an extended period by which to consider Council Agenda Items prior to the Ordinary Meetings of Council.

**RECOMMENDATION**

THAT Council;

i) retain the current Council Meeting Agenda schedule;

OR

ii) modify the current Council Meeting Agenda schedule so that Council receives Council Agendas on the Monday in the week prior to Ordinary Council Meetings.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR EVANS**

**THAT Council modify the current Council Meeting Agenda schedule so that Council receives Council Agendas on the Monday in the week prior to Ordinary Council Meetings.**

**MOTION CARRIED 12-0**

### 12.2.3 Amending voting arrangements for Council Meetings

<b>File/Ward</b>	: MAN 006 (All Wards)
<b>Proposal/Issue</b>	: Councillor names to be recorded for those voting against recommendations in the Council Meeting Minutes
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager Customer Services (S Langford)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: THAT Council; continue with the current process of recording the voting details of Council Meetings; or agree to amend the Standing Orders Local Law to reflect a requirement to detail all Elected Members voting decisions.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

### BACKGROUND

1. Councillor Demarteau has requested that Council consider the proposal to record in the minutes of all Council Meetings, those Councillors who have voted against any Council resolution.

### STATUTORY REQUIREMENTS

2. In accordance with Section 5.21 (4) of the Local Government Act, a member of the Council or a Committee may specifically request that either his or her vote be recorded or the vote of all members present be recorded, and the person presiding the meeting is to ensure that this is recorded in the minutes.
3. Council's Standing Orders Local Law does not address the voting options of Elected Members as it was felt the Local Government Act adequately covered this need.

Item 12.2.3 continued.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Should Council elect to amend its Standing Orders Local Law, there will be advertising costs incurred.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

7. The Local Government Act already provides Elected Members with the opportunity to request voting details to be recorded against any item they so choose. It is suggested that should Council elect to require the full voting details of all items be recorded, this could unduly lengthen the administrative process and duration of Council Meetings.
8. Should Council consider the need to record all voting details, the Standing Orders Local Law would need to be amended to accommodate this direction. The process involves an administrative requirement to seek public comment, consider submissions, resolve to amend the Local Law and then seek Ministerial approval, for the amendment.

**RECOMMENDATION**

THAT Council;

- i) continue with the current process of recording the voting details of Council Meetings;

OR

- ii) agree to amend the Standing Orders Local Law to reflect a requirement to detail all Elected Members voting decisions.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR PAVER**

**THAT Council continue with the current process of recording the voting details of Council Meetings.**

**MOTION LOST 5-7**

**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**

Nil.

**12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS**

Nil.

**12.8 CORPORATE & COMMUNITY SERVICES COMMITTEES**

**12.8.1 Albany Arts Advisory Committee meeting minutes – 19<sup>th</sup> August 2003**

- File/Ward** : MAN 116 (Vancouver Ward)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 19<sup>th</sup> August 2003 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 19<sup>th</sup> August 2003.

**RECOMMENDATION**

THAT the minutes of Albany Arts Advisory Committee held on 19<sup>th</sup> August 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

.....  
**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WEST**

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

**MOTION CARRIED 12-0**

# **Works & Services**

# **REPORTS**



**WORKS & SERVICES REPORTS**

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

**13.1 WASTE MANAGEMENT**

**13.1.1 Contract C03012 – Hire of Two Side Loading Waste Trucks**

<b>File/Ward</b>	:	C03012 (All Wards)
<b>Proposal/Issue</b>	:	Hire of Two (2) Side-Loading Waste Trucks
<b>Subject Land/Locality</b>	:	All Areas
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Contracts Officer (H Harvey)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	That Council accepts the Tender from South West Waste for the hire of one (1) International 2350G 2 axle Garbage Wagon with McDonald Johnstone SL9318 body, and endorses the continued use of a waste truck currently on hire from Avon Waste.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. In order for the City of Albany to continue to supply an effective waste pick up service to the residents of Albany, Council is currently hiring four Side Loading Waste trucks, three from Avon Waste and one from South West Waste.
2. Due to the necessity to ensure waste collection services are not compromised, this hiring process took place to enable the service to continue during the tendering process.

**WORKS & SERVICES REPORTS**

Item 13.1.1 continued

3. Because of the forthcoming Waste Minimisation Contract, it is not desirable for Council to purchase trucks in order to continue the waste service, but rather to hire or lease vehicles until such time as the Waste Minimisation Contract is awarded, or otherwise. The City therefore needs to hire waste collection vehicles for approximately the next 4-6 months.
4. As the total hiring costs for this period may exceed the \$50,000 required for tendering processes under the Local Government Act, and to ensure Council gets the best possible value for money, tender advertisements were placed in the Albany Advertiser and the West Australian newspapers on 19<sup>th</sup> August 2003 and 16<sup>th</sup> August 2003 respectively.

**STATUTORY REQUIREMENTS**

5. Regulation 11 (1) of the Local Government (Functions & General) Regulations 1996 states:  
  
*“Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless subregulation (2) states otherwise.”*
6. 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. It may also decline to accept any tender.
7. Regulation 19 requires Council to advise each tender in writing the result of Council’s decision.

**POLICY IMPLICATIONS**

8. The City of Albany’s Regional Price Preference Policy is applicable to this item.

**FINANCIAL IMPLICATIONS**

9. Costs involved in the hire of waste trucks are included in the Works & Services Waste/Recycling budget under Chart of Account 120520 Job No. 3001 (Rubbish-Refuse Collection) - \$221,650.

**STRATEGIC IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.1.1 continued

Port of Call

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

- Objective :  
To provide a clean, efficient & effective waste collection service.

**COMMENT/DISCUSSION**

11. Tender specifications were issued to six possible tenders, with one submission received by close of tender at 2.00pm, Friday 29<sup>th</sup> August 2003 and one non conforming tender in the form of a letter from W&P Truck & Machinery Sales in Victoria.
12. The tender received from South West Waste was for the hire of a truck currently being used by the City of Albany on an hourly hire basis. The tendered hire rate is \$71.50 per hour (including GST).
13. Of the waste trucks currently on hire from Avon Waste, one which is surplus to Council's requirements, will be returned at the completion of the tender process. A second truck is to be kept on site, with Avon Waste's agreement, as a back up truck to cater for downtime on the normal trucks used daily. This backup truck will be at no cost to Council, apart from the actual hours of use. Actual hours of use will occur only during periods when normally used waste trucks are under repair, at a rate of \$55.00 (including GST) per hour. The third will be kept and used for the daily waste collection service at a cost of \$55.00 (including GST) per hour for each hour of operation only.
14. The decision to recommend the acceptance of the South West Waste truck is based on the known reliability of the vehicle. The truck is a later model and has minimal downtime in comparison with the other truck currently in use by the City of Albany.
15. During the course of the tendering process, one potential tenderer, Cleanaway, advised Council officers of the difficulty in obtaining trucks of this nature in Western Australia, and withdrew their interest.
16. The letter received from W&P Truck & Machinery Sales advised of two trucks available for purchase. Their company advised that they would be prepared to negotiate a hire rate, however, they would not be in a position to fulfil the terms of the contract with regard to the servicing of the vehicles or two day turnaround time for the replacement of the vehicle should major breakdowns occur. They did not indicate an hourly rate for hire.
17. Avon Waste, whose trucks are currently in use by the City of Albany, did not place a tender.

**WORKS & SERVICES REPORTS**

Item 13.1.1 continued

RECOMMENDATION

THAT Council;

- i) accepts the tender from South West Waste for the tendered price of \$71.50 (including GST) per hour; and
- ii) endorses the continuation of the hiring of one waste truck from Avon Waste at the rate of \$55.00 (including GST) per hour, and to accept Avon Waste's offer to locate a second truck in Albany as a replacement waste truck at a rate of \$55.00 per hour (including GST), to be used only in case of downtime of vehicles used in the normal daily waste collection.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR LIONETTI**

**THAT Council;**

- i) accepts the tender from South West Waste for the tendered price of \$71.50 (including GST) per hour; and**
- ii) endorses the continuation of the hiring of one waste truck from Avon Waste at the rate of \$55.00 (including GST) per hour, and to accept Avon Waste's offer to locate a second truck in Albany as a replacement waste truck at a rate of \$55.00 per hour (including GST), to be used only in case of downtime of vehicles used in the normal daily waste collection.**

**MOTION CARRIED 12-0**

**WORKS & SERVICES REPORTS**

**13.2 ASSET MANAGEMENT**

**13.2.1 Contract C03001 – Cleaning Services Biennial (2003/2005)**

<b>File/Ward</b>	:	C03001 (All Wards)
<b>Proposal/Issue</b>	:	Awarding of Cleaning Contract
<b>Subject Land/Locality</b>	:	City of Albany Buildings: <ul style="list-style-type: none"><li>- Albany Airport</li><li>- Library</li><li>- Town Hall &amp; Intimate Theatre</li><li>- Depot – Mercer Road</li><li>- Albany Day Care Centre</li><li>- York Street Administration Office</li><li>- Mercer Road Administration Office</li></ul>
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Contracts Officer (H Harvey)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	That Council accepts the tender from Prestige Property Services for cleaning services for buildings listed above at a rate of \$100,863.60 for 2003/04 and \$103,518.48 for 2004/05.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. As part of the ongoing maintenance and management of Council's buildings, tenders are called for on a biennial basis for the supply of cleaning services. The successful tender is required to ensure the buildings listed above are kept in a clean and hygienic manner throughout the term of the contract.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**STATUTORY REQUIREMENTS**

2. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
3. Regulation 19 requires Council to advise each tender in writing the result of Council's decision.
4. Clause 6.8 of the Local Government Act, states an Absolute Majority is required when expenditure from the Municipal Fund, which is not included in the annual budget, is obtained

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. The total cost to Council of accepting Prestige Property Services tender for the 2003/04 financial year (including pre cleaning of buildings on commencement of the Contract) is \$100,863.60. The total cost for the financial year 2004/05 is \$103,518.48.
7. These costs do not include any additional cleaning for the Town Hall/Theatre or the Airport Conference Room, which has been quoted at \$21.16 per hour for 2003/04 and \$21.79 per hour for 2004/05. In the event of additional cleaning required by the Library, York Street Administration Office or Mercer Road Administration Office, Prestige Property Services has quoted an hourly rate of \$21.16 for 2003/04 and \$21.79 for 2004/05 with an emergency call out response time of 30 minutes.
8. Budget allocations for buildings listed against costs of service by Prestige Property Services (not including additional or emergency cleaning hourly rates) are as follows.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

<b>Location</b>	<b>Budget Allocation 2003/04</b>	<b>Tendered Price 2003/04</b>	<b>Tendered Price 2004/05</b>
Harry Riggs Airport	16,518.42	16,518.42	16,944.36
Library	29,360.00	22,824.72	23,416.68
Town Hall/Theatre	12,000.00	13,142.16	13,490.04
Depot – Mercer Road	8,300.00	9,184.59	9,425.40
Day Care Centre	11,000.00	5,286.99	5,410.80
York Street Admin Office	15,000.00	18,410.28	18,916.20
Mercer Road Admin Office	12,000.00	15,496.44	15,915.00
<b>Total</b>	<b>104,178.42</b>	<b>100,863.60</b>	<b>103,518.48</b>

9. Of the seven locations, four will require a minor budget adjustment, generally within maintenance, to be adjusted at the next quarterly review.

**STRATEGIC IMPLICATIONS**

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

*Port of Call*

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

- Objective :

To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs.

**COMMENT/DISCUSSION**

11. On Thursday, 10<sup>th</sup> July 2003 and Saturday, 12<sup>th</sup> July 2003 Council placed advertisements in the Albany Advertiser and the West Australian respectively, calling for tenders for the supply of cleaning services to the buildings listed above. Tender documents contained detailed lists of the work required in each location, which varies depending on the nature of work carried out in each building.
12. Specifications were issued to thirteen possible tenderers, with seven submissions received by close of tender at 2.00pm on Wednesday, 30<sup>th</sup> July 2003.
13. A panel, comprising Managers from the relevant buildings involved and the Contracts Officer, evaluated the submissions received from the tenderers.
14. Managers indicated they had concerns with the standard of the current Contractors. Managers found there had been little quality control carried out by the Contractors and considerable City of Albany staff time has been taken up with follow up calls to Contractors in order to lift the level of service to an acceptable standard.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

15. Of the tenders received, the overall scoring indicates Westralian Pty Ltd as being the most successful tender, however Westralian Pty Ltd do not have an office, or staff employed in Albany. The company was not highly recommended by their referees with the main problems being identified as similar to those currently causing concern to City of Albany Managers.
16. The next highest ranked tenderer, Prestige Property Services, were recommended highly by their referee in the Education Department, who maintains contracts with Prestige Property Services in several locations in regional WA. Local staff are currently engaged on contracts with the Education Department and the ANZ Banking Corporation. The company has a Regional Manager-South West who although is Perth based, is in continual contact with local staff and is believed to make regular visits to the area.
17. Of the other five tenders, two were from the existing contractors, Delron Cleaning and Narrikup Cleaning Services, the third, Rainbow Coast Property Services, was not economically viable, and the final two, being One Complete Solution and Airlite Cleaning, are not locally based businesses, and were scored third and fifth in the overall scoring.
18. Tenders were received from the companies listed and evaluated as per the table attached.

**RECOMMENDATION**

THAT Council;

- i) accepts the tender from Prestige Property Services to supply cleaning services to the Albany Airport, Library, Town Hall and Intimate Theatre, Depot – Mercer Road, Day Care Centre, York Street Administration Offices and Mercer Road Administration Offices, for a quoted price of \$100,863.60 (including pre clean) for 2003/04 and \$103,518.48 for 2004/05;
- ii) accepts the price quoted of \$21.16 per hour for 2003/04 and \$21.79 per hour for 2004/05 for any additional cleaning required for the Town Hall/ Intimate Theatre and Airport Conference Room, and additional call outs to the Library, York Street Administration Centre and Mercer Road Administration Centre, with a call out response time of 30 minutes; and
- iii) reallocates additional funds totalling \$8,933.47 to fund the shortfall as follows:
  - a) Mercer Road Depot - \$884.59 from COA 168220 Job No 5722 (Operations) to COA 168220 Job No 5863 (Cleaning);
  - b) York Street Administration - \$3,410.28 from COA 104120 Job No 9002 (Building Maintenance) to COA 103820 Job No 1140 (Cleaning);



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**WORKS & SERVICES REPORTS**

- c) Mercer Road Administration - \$3,496.44 from COA 104020 Job No 0001 (Building Maintenance) to COA 103920 Job No 1020 (Cleaning); and
- d) Town Hall - \$1,142.16 from COA 127330 (Ticketing – Revenue) to COA 130920 Job No 7425 (Cleaning).

*Voting Requirement Absolute Majority*

.....

**Executive Director Works and Services advised the Council that this item be deferred until the next Ordinary Meeting of Council to allow further investigation.**

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**ASSESSMENT ON MERIT AGAINST EVALUATION CRITERIA  
CONTRACT C03001 – CLEANING SERVICES – BIENNIAL (2003/05)**

		CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR		CONTRACTOR	
		Westralian Pty Ltd		Prestige Property Services		OCS (One Complete Solution)		DelIron Cleaning		Airlite Cleaning		NKP Narrikup Cleaning Services		Rainbow Coast Property Services	
CRITERIA	Weight %	Score 1-10	Weighted Score	Score 1-10	Weighted Score	Score 1-10	Weighted Score	Score 1-10	Weighted Score	Score 1-10	Weighted Score	Score 1-10	Weighted Score	Score 1-10	Weighted Score
Quality Accred.	5	6	30	6	30	10	50	10	50	10	50	0	0	3	15
Safety Mngmnt	5	8	40	8	40	8	40	9	45	9	45	0	0	4	20
Relevant Skills & Experience	20	7	140	7	140	8	160	8	160	8	160	0	0	4	80
Reliability of Tenderer	30	6	180	9	270	7	210	3	90	8	240	2	60	4	120
Cost	40	7.47	298.8	9	200	3.48	139.2	5.5	220.0	-0.39	-15.6	6.02	240.8	-1.67	-66.8
<b>TOTAL</b>			688.8		680		599.2		565		479.4		300.8		168.2

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**CONTRACT ASSESSMENT****Buy Local Policy and Weighted Cost Evaluation****Contract C03001 – Cleaning Services – Biennial (2003/05)**

<b>Tenderer</b>	<b>Tendered Price</b>	<b>Price Component if Buy Local Policy Claimed</b>	<b>Adjusted Price used for Evaluation Purposes</b>	<b>Rank</b>	<b>Score (out of 10)</b>	<b>Weighted Score (x 40)</b>
Westralian Property Management & Cleaning Services	\$154,498.32	\$92,684.64	\$145,229.86	1	7.47	298.8
Prestige Property Services	\$204,382.08	\$114,547.08	\$192,927.34	4	5	200
OCS (One Complete Solution)	\$230,510.13	\$82,312.88	\$222,278.84	5	3.48	139.2
Delron Cleaning	\$203,570.00	\$20,357.00	\$183,213.00	3	5.5	220
Airlite Cleaning	\$304,610.00	\$76,049.13	\$297,005.09	6	-.39	-15.79
NKP Narrikup Cleaning Services	\$173,245.00	Not claimed	\$173,245.00	2	6.02	240.8
Rainbow Coast Property Services	\$357,375.75	\$35,737.57	\$321,638.18	7	-1.67	-66.8

**WORKS & SERVICES REPORTS**

**13.2.2 Creation of Recreation Reserve – Lower King Boat Ramp**

<b>File/Ward</b>	: MAN 153 (Kalgan Ward)
<b>Proposal/Issue</b>	: Creation of Recreation Reserve – Lower King Boat Ramp
<b>Subject Land/Locality</b>	: Unallocated Crown Land Reserve
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Asset Coordinator (S Broad)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Request Department of Land Information to create a reserve for recreational purposes over the area where the Lower King Boat Ramp exists.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:



**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**BACKGROUND**

1. In 2001-2002, Council constructed a boat ramp adjacent to The Esplanade, Lower King, with funding from a grant that was received through the Recreational Boating Facilities Scheme.
2. In January 2002, Council was advised that as part of the grant funding conditions a jetty licence would be required through the Department for Planning and Infrastructure Coastal Facilities section. Subsequently, the jetty licence was approved in July 2002, however the Department for Planning and Infrastructure have now advised that the land where the boat ramp exists is not vested in Council as it is an unallocated crown reserve.

**STATUTORY REQUIREMENTS**

3. In accordance with Section 41 of the Land Administration Act 1997, the Minister may by order reserve Crown Land to the Crown for one or more purposes in the public interest.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Council will be required to pay any survey costs that may apply for the creation of the reserve. Maintenance of this area is within the Parks and Reserves maintenance budget.

**STRATEGIC IMPLICATIONS**

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

*Port of Call*

**Managed healthy land/harbour environment**

- Objective:  
Reserve Management
  - To manage reserves for environmentally sustainable use, community enjoyment and benefit.
- Objective:  
Protection of the City's Harbours
  - To maximise partnerships with other stakeholders to ensure the sustainable use and care of our harbours.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

*Port of Call*

**Attraction and development of a broad range of social, cultural and economic entities.**

• Objective:

Recreational Planning

- To encourage a healthy and active community through the development of a range of recreational and cultural pursuits.

**COMMENT/DISCUSSION**

7. Since 1996, Council has maintained and improved this reserve with the installation of a boat ramp, gardens, car and trailer parking and grassed areas. A dimensional plan showing the proposed reserve follows this report.

**RECOMMENDATION**

THAT Council request Department of Land Information to create a reserve for recreational purposes over the area where the Lower King Boat Ramp exists, pursuant to Section 41 of the Land Administration Act 1997.

*Voting Requirement Simple Majority*

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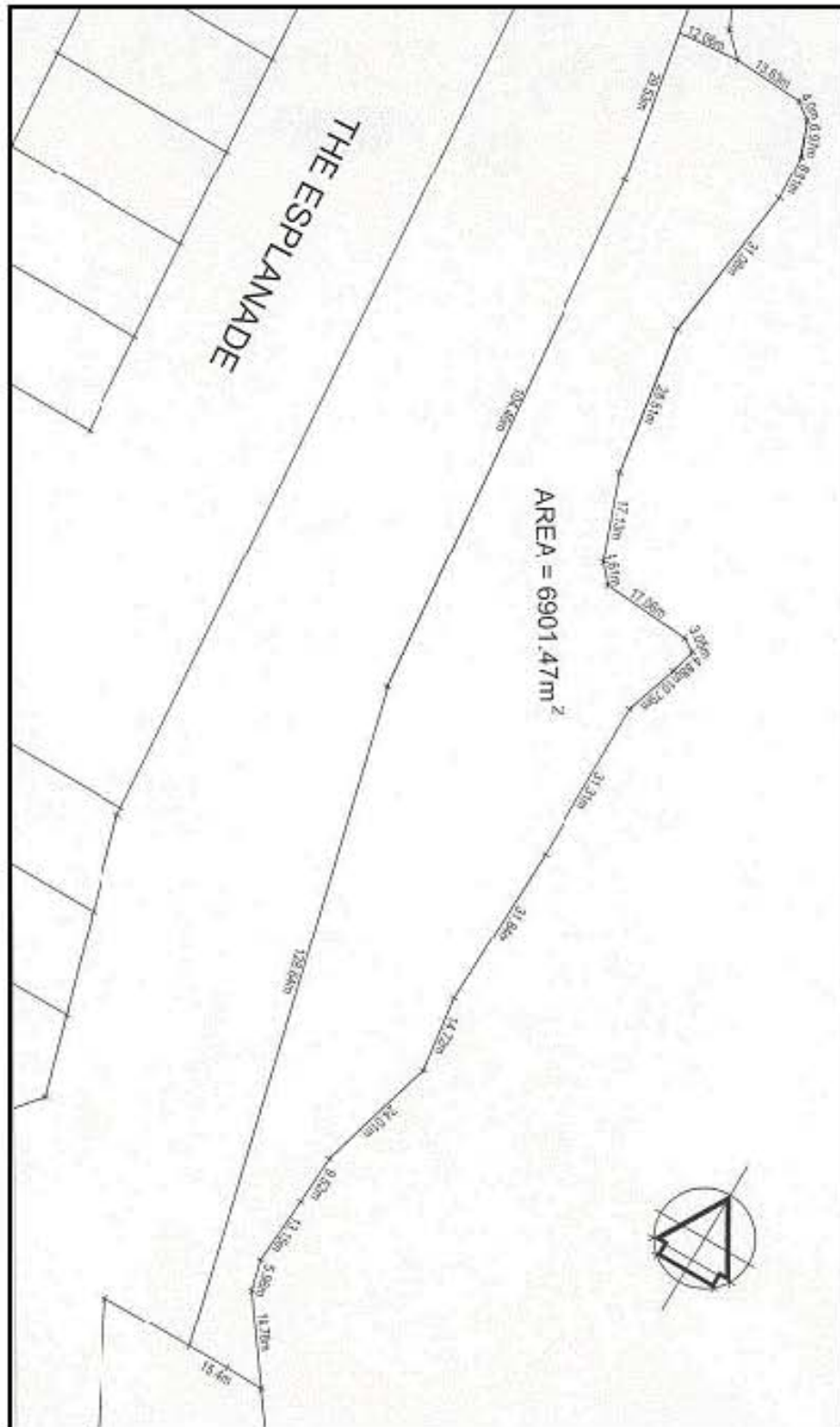
**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EMERY**

**THAT Council request Department of Land Information to create a reserve for recreational purposes over the area where the Lower King Boat Ramp exists, pursuant to Section 41 of the Land Administration Act 1997.**

**MOTION CARRIED 12-0**

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued



**WORKS & SERVICES REPORTS**

**13.3 WORKS**

Nil



**WORKS & SERVICES REPORTS**

**13.4 AIRPORT MANAGEMENT**

**13.4.1 Financial Strategy – Albany Airport**

<b>File/Ward</b>	: MAN 007 (All Wards)
<b>Proposal/Issue</b>	: Financial Strategy - Airport
<b>Subject Land/Locality</b>	: City of Albany
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Services (S Massimini) Manager of Finance (S Goodman)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council receive and adopt the Financial Strategy as outlined in this report.
<b>Bulletin Attachment</b>	: Report
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. In June 2001, Connell Wagner Pty Ltd was appointed to prepare an Airport Master Plan. The key issues to be addressed included:
  - i) The strategic need for the airport's operations to fulfill a role regionally and locally.
  - ii) The targeted role for the airport's operations based on future usage projections, and the development strategy.
  - iii) The financial impact and funding basis for future development.
  - iv) The infrastructure required to enable the airport to develop.
  - v) That a life cycle asset management approach be used to ensure appropriate funding is set aside for future capital and unforeseen operational expenditure.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

2. The preparation of the Master Plan has included consultation with key stakeholders including Skywest Airlines, the City of Albany Airport Advisory Committee, Airport Users Group, Great Southern Development Commission and Department of Planning and Infrastructure.
3. At the Airport Advisory Committee meeting held on 4<sup>th</sup> June 2002, the Airport Master Plan was recommended for ‘adoption in principle’ pending further discussion on landing fees. The current basis for charging Regular Passenger Transport (RPT) operators is deemed to be deficient because it focuses only on passenger numbers, and offers little inducement for the carriers to fill their aircraft.
4. The main costs associated with the running of the Airport are the maintenance and supervision of the runway surface, the provision of infrastructure for handling passengers and luggage, and having systems and processes to deal with emergencies. These costs are both fixed and variable in nature. Consideration is given in this report of the introduction of a dual system of charging to accommodate these fixed and variable costs.
5. This report provides an assessment of the recommendations provided by the Consultant, and final recommendations for Council’s approval in relation to fees and charges associated with use of the Airport, and financial “rules” for the business unit.

**STATUTORY REQUIREMENTS**

6. Under section 3.18 of the Local Government Act 1995, the City of Albany is to satisfy itself that the services and facilities it provides are managed effectively and efficiently.

**POLICY IMPLICATIONS**

7. The adoption of the Financial Plan will provide strategic guidelines for the development and implementation of sustainable expenditure and revenue programs.

**FINANCIAL IMPLICATIONS**

8. The financial strategy establishes a 15 year development plan for the Airport Business Unit. It identifies projected revenues and expenditure, and funding sources for:
  - Capital expenditure – Costs associated with preservation of asset life and asset improvement.
  - Operating costs – Day to day costs of running the airport operation.
  - Management services – Services provided by the City of Albany to manage and support the business unit.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- Tax equivalent payment – Under the National Competition Policy a charge based on a percentage of profit is levied by the City.
  - Return on invested capital by Council – Payment to Council recognising its previous cash contributions and providing a return to cover ongoing commercial risk.
9. The primary objectives are to establish a financially viable business unit, and comply with the Australian National Competition Policy which ensures that government enterprises compete fairly with private enterprise. Local government cannot subsidise such business, and tax free enterprises shall not have an advantage over enterprises that pay tax. The facility must be capable of meeting current obligations, and setting funds aside to ensure future preservation of the infrastructure/business.
10. The Asset Masterplan Summary (Appendix A) provides projected operating figures and cash flows. The base case indicates positive net cash flow for all years. The plan assumes capital expenditure of \$3 million through the 15 year period, with \$2.4 million funded from current operations. It is anticipated that at the end of the 15 year period, the loan principal liability will be \$300,000 and cash backed reserves will be \$1.5m.
11. Net present values of future cash flows have been calculated based on the Council contribution to capital for the facility, as the original capital expenditure (\$5.08 million) was largely funded by a series of Commonwealth grants and loans. Based on the net Council investment of approximately \$916,000, the net present value of cash flows for the next 15 years is 17.5%. This is considered to be a satisfactory rate of return and commensurate with the commercial risks associated with running the venture

**STRATEGIC IMPLICATIONS**

12. 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 recreational 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.

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

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

- Objective:  
**Management of transport infrastructure and services.**
  - 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.

13. The Airport Master Plan establishes a 15-year program for 2004 to 2018 that links the objectives of Albany 2020 to its prioritised expenditure program.

**COMMENT/DISCUSSION**

14. The outcome of the Albany Airport Financial Strategy will be to provide strategic direction and the necessary financial resources to fund capital infrastructure requirements to accommodate the predicted growth in passenger and aircraft volumes to 2018. This strategy addresses the issues of:
  - Structure of the RPT service charge
  - Introduction of an RPT landing fee
  - Determination of RPT landing fee and passenger levy based on a price sensitivity review of charge set by Airports within the southern part of the state.
  - Impact of proposed changes to the fee
  - Introduction of a landing fee for all general aviation movements
  - Retention of the Instrument Landing System (ILS)
  - Business rules for the Albany Airport Business Unit
  - Creation of an Airport Users' Group
  - Long term economic viability of the facility
15. The imposition of a landing fee on Regular Passenger Transport (RPT) aircraft, without a reduction in the current rate of Passenger levy, could significantly increase current revenue levels. These costs would directly impact on RPT operating costs and it is assumed that costs would be passed on to passengers. By changing to a system that is being proposed which reduces the Passenger levy but applies a fixed landing fee cost it will provide a more consistent income stream while rewarding the RPT operator if they have more passengers on the service, as this will reduce the impact of the fixed landing cost. The attached financial summaries indicate that the facility is viable with minor increases in current levels of revenue and growth estimates for the future. A decision to impose landing fees for Regular Passenger Transport (RPT) aircraft could have a detrimental effect on the viability of the existing operator and result in a lower level of service to the region. Therefore, by reducing the passenger levy, it is considered prudent to ensure a sustainable revenue stream is procured that allows operators the flexibility to increase operations bringing follow on benefits to the region.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

16. In order to review the fee structure, it is assumed that;
- i) The current schedule of RPT and GA operations will be maintained and increase proportionately with population increases.
  - ii) RPT operations, on F50 aircraft, currently have 25 to 26 passengers per flight and this can increase in the future to at least 34 passengers.
  - iii) Currently the majority of RPT passengers are business people.
  - iv) 5% of passengers will be children (ie half fare). This is a conservative estimate given that an analysis of existing usage shows that children constitute 2%. The proportion of children is expected to increase as tourist traffic is encouraged.
17. The proposed landing fees have been based on a price sensitivity review of charges set by airports within our area.

	<b>Greenough</b>	<b>Esperance</b>	<b>Kalgoorlie - Boulder</b>
<b>Passenger levy</b>	\$13.00	\$13.00	\$15.72
<b>RPT Landing fee (per 1000kg)</b>	\$9.00	\$20.00	\$7.00
<b>GA Landing Fee</b>	\$9.00	\$5.00	\$7.00

*NB : All prices exclude GST*

18. Landing fees and passenger charges for Albany are recommended as follows:
- **Landing Fees RPT** (currently nil)  
**Proposed (ex GST):** 0 – 1 5000kg \$ 5.00 per 1000kg  
over 15 000kg \$ 20.00per 1000kg
  - **Passenger Levy (RPT Aircraft) (ex GST) to be:**  
**Adults** \$10.00 (currently \$17.00)  
**Children** \$ 5.00 (currently \$8.50)
19. Under the proposal in this study, the comparative fee charged to the RPT operator for a return flight on an F50 aircraft with 28 passengers each way would be:

Greenough	\$ 872
Esperance	\$1,092
Kalgoorlie	<u>\$ 977</u>
<b>Average</b>	<b>\$ 980</b>

Albany	Current rate	\$ 904
	<b>Proposed rate</b>	<b>\$ 932</b>

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

20. The current landing fees for general aviation (GA) at the Albany Airport are:
- Aircraft weighing less than 1950 kg      No charge
  - Aircraft from 1950kg to 20000kg      \$5.15 per tonne plus GST
  - Aircraft weighing more than 20000kg      \$15.45 plus GST
21. It is proposed that the structure be changed to the following
- Aircraft weighing:
- less than 15,000kg      \$5 per tonne plus GST (\$5.50)
  - more than 20000kg      \$20 per tonne plus GST (\$22.00)
22. The major change would be to users of the facility flying aircraft weighing less than 1950kg who would absorb a charge for the first time. The additional revenue could be between \$12,000 and \$24,000 per annum (net of collection costs). There is deemed to be little or no financial risk associated with this charge as it is common practice at other facilities and users should accept the requirement for all users to contribute to the finances of the facility. The proposed amendments to the landing charges for General Aviation (GA) and Regular Passenger Transport (RPT) aircraft would bring Albany Airport in line with similar facilities within our part of Western Australia.
23. The financial risks / opportunities associated with these changes have been studied and can be summarised as follows:
- RPT Landing Fee and Passenger Head Charge - The proposed total charge represents an increase to the service provider of 3% based on average loadings. There is deemed to be minimal downside risk to the additional revenues as the increase is minor, and the total cost to the supplier has been maintained in the mid range of comparable services (Greenhough, Esperance, Kalgoorlie). There is a risk of reduced revenue should the major supplier, or a competitor decide to use smaller aircraft on the run and take advantage of the lower fee for lighter aircraft. The use of a lower landing fee is justified by the much lower relative impact of landing a lighter aircraft. It is considered unlikely that the current supplier would make a fleet decision based on the difference in landing fee rates. The reduction in the passenger head charge is considered to be an opportunity to promote the increased use of the airport by other market segments - eg - the tourist industry.
24. Previous studies have assumed significant grant funding to offset capital expenditure. With the current state and federal government sources under cost pressure, it is considered unlikely that such funds will be available in the future. This study assumes no grant funding, but every effort will be made to access such funding where appropriate.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

25. The Instrument Landing System (ILS) currently in place is rarely required but costs the Business Unit \$110,000 per year in maintenance costs (29% of fixed cash operating costs). The impact of not shutting the system down is reduced cash flow of roughly \$800,000 and a reduction in net present value of two percentage points. Between 2004 and 2007, possible new business opportunities will be explored, some of which may require the ILS system. If no significant new business is sourced, it is assumed that the ILS system will be shut down in 2007 unless the RPT operator is willing to fund a major portion of the cost.
26. It is proposed that the following business rules be adopted for the Albany Airport Business Unit:
- That the Albany Airport Business Unit will:
- Comply with National Competition Policy Principles including a tax equivalent payment to Council of 30% of annual operating surplus.
  - Depreciate capital assets annually based on the anticipated life of the asset.
  - Reimburse the Council for any services provided and ensure that all dealings with Council departments are on an arms length basis.
  - Ensure that any net cash flow be transferred annually to a cash backed reserve for future business unit use.
  - Test any future capital and operating project funding requests against a required rate of return of no less than 12%. Fund any future capital requirements out of accumulated reserves or loan funds.
  - Provide an annual return to Council based on Council's previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council's cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council's cost of capital for infrastructure assets is calculated on its investment in the project. Over the past eight years, Council has provided capital funds of \$916,000 (net of loans and government grants). For comparative purposes, a major West Australian Utility uses a 12% rate and major public companies have costs of capital between 12% and 20%.
27. The role of the Airport Advisory Committee is another area which will need to be addressed. The Committee was established in the former Shire of Albany days, prior to amalgamation. Council last assessed the Advisory Committee on 19 March 2002, and the Terms of Reference was advising Council on the strategic development of the Airport to meet the future needs of the Region.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued

28. A meeting of the advisory committee has been convened to discuss this report and feedback from that meeting will be tabled.
29. The business unit would be far better served by an Airport Users Group who would focus upon feedback between airport customers (aircraft owners, RPT operators, hangar lessees, terminal concession holders) and operations staff to ensure that high levels of customer service and client communication are maintained. Strategic review of the airport business unit will be undertaken every three years by Council and appropriate staff in line with our normal strategic plan functions. An example of this was the strategic review of library services undertaken in 2000.
30. The attached summary indicates that in the short and long term, the Albany Airport Business Unit is currently a viable operation, and in the future, with good management, will be able to maintain its viability, adequately preserve its major assets, and continue to provide excellent service to all Airport users as well as providing a financial return to its owners which may then be applied to areas such as tourism marketing, district and area promotion and attraction of more economic activity to the region.

**RECOMMENDATION**

THAT Council;

- i) acknowledge the report from Connell Wagner;
- ii) endorse the change of fees (effective 1<sup>st</sup> January 2004) and advertise the changes in a local newspaper.
  - a) Landing Fees (all aircraft including GST):
    - 0 – 15000kg \$ 5.50 per 1000kg
    - over 15 000kg \$ 22.00 per 1000kg
  - b) Passenger Levy (RPT Aircraft) to be;
    - Adults \$11.00 (including GST)
    - Children \$ 5.50 (including GST);
- iii) endorses the Business principles for the operation of the Albany Airport as follows:

That the Albany Airport Business Unit will:

- Comply with the principles of the National Competition Policy including a tax equivalent payment to Council of 30% of net annual operating surplus;
- Depreciate capital assets annually based on the anticipated life of the asset;



**WORKS & SERVICES REPORTS**

Item 13.4.1 continued.

- Reimburse the Council for any services provided and ensure that all dealings with Council departments are on a fee for service basis;
  - Transfer all net cash flows and cash backed reserve for future business unit use;
  - Test any future capital and operating project funding requests against a required rate of return of no less than 12%;
  - Fund any future capital requirements out of accumulated reserves or loan funds; and
  - Provide an annual return to Council based on Council's previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council's cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council's cost of capital for infrastructure assets is calculated on its investment in the project; and
- iv) accepts, in principle, a change in the Terms of Reference for the Airport Advisory Committee into an Airport Users Group providing communication and consultation between airport users and the City on all operational issues, with the User Group to meet quarterly and be chaired by a Councillor delegate.

*Voting Requirement Absolute Majority*

.....

**AMENDED RECOMMENDATION**

THAT Council:

- i) acknowledge the report from Connell Wagner as tabled;
- ii) endorse the change of fees (effective 1<sup>st</sup> January 2004) and advertise the changes in a local newspaper.
  - a) Landing Fees (all aircraft including GST):
    - 0 – 1500kg \$ 5.50 per 1000kg
    - 1500-3000kg \$ 8.80 per 1000kg
    - 3000-5000kg \$ 13.20 per 1000kg
    - 5000-15000kg \$ 18.00 per 1000kg
    - over 15 000kg \$ 22.00 per 1000kg
    - Local non commercial – choice of \$100/annum or pay per landing
  - b) Passenger Levy (RPT Aircraft) to be:
    - Adults \$11.00 (including GST)
    - Children \$ 5.50 (including GST)

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued.

iii) endorses the Business principles for the operation of the Albany Airport as follows:

That the Albany Airport Business Unit will:

- Comply with the principles of the National Competition Policy including a tax equivalent payment to Council of 30% of net annual operating surplus.
- Depreciate capital assets annually based on the anticipated life of the asset.
- Reimburse the Council for any services provided and ensure that all dealings with Council departments are on a fee for service basis
- Transfer all net cash flows and cash backed reserve for future business unit use.
- Test any future capital and operating project funding requests against a required rate of return of no less than 12%.
- Fund any future capital requirements out of accumulated reserves or loan funds.
- Provide an annual return to Council based on Council’s previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council’s cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council’s cost of capital for infrastructure assets is calculated on its investment in the project.

iv) accepts, in principle, a change in the Terms of Reference for the Airport Advisory Committee into an Airport Users Group providing communication and consultation between airport users and the City on all operational issues, with the User Group to meet quarterly and be chaired by Councillor delegate.

*Voting Requirement Absolute Majority*

.....

**Reasons**

The Airport Advisory Committee has recommended that the draft 2 tier landing fee structure be replaced with a 5 tier structure which is more closely related to the categories of commercial aircraft using the facility. The net impact would be a small increase in the projected general aviation revenue. The fees paid by light aircraft (under 1500 kg) would not be impacted.

It is further proposed that local non-commercial operators be offered the opportunity to pay either an annual charge of \$100, or pay per landing. This would provide administration benefits to the aviation community and the Airport as it would remove the need to invoice local recreational pilots \$5.50 each time they take off or land at the facility.

**WORKS & SERVICES REPORTS**

Item 13.4.1 continued.

**MOVED COUNCILLOR WEST  
SECONDED COUNCILLOR LIONETTI**

**THAT this item lay on the table for 1 month to allow for further investigation and consideration.**

**MOTION LOST 5-7**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR DEMARTEAU**

**THAT Council:**

- i) acknowledge the report from Connell Wagner as tabled;**
- ii) endorse the change of fees (effective 1<sup>st</sup> January 2004) and advertise the changes in a local newspaper.**
  - a) Landing Fees (all aircraft including GST):**
    - *0 – 1500kg* \$ 5.50 *per 1000kg*
    - *1500-3000kg* \$ 8.80 *per 1000kg*
    - *3000-5000kg* \$ 13.20 *per 1000kg*
    - *5000-15000kg* \$ 18.00 *per 1000kg*
    - *over 15 000kg* \$ 22.00 *per 1000kg*
    - *Local non commercial – choice of \$100/annum or pay per landing*
  - b) Passenger Levy (RPT Aircraft) to be;**
    - **Adults** \$11.00 (including GST)
    - **Children** \$ 5.50 (including GST)
- iii) endorses the Business principles for the operation of the Albany Airport as follows:**

**That the Albany Airport Business Unit will:**

  - **Comply with the principles of the National Competition Policy including a tax equivalent payment to Council of 30% of net annual operating surplus.**
  - **Depreciate capital assets annually based on the anticipated life of the asset.**
  - **Reimburse the Council for any services provided and ensure that all dealings with Council departments are on a fee for service basis**
  - **Transfer all net cash flows and cash backed reserve for future business unit use.**
  - **Test any future capital and operating project funding requests against a required rate of return of no less than 12%.**
  - **Fund any future capital requirements out of accumulated reserves or loan funds.**

**WORKS & SERVICES REPORTS**

- **Provide an annual return to Council based on Council's previous net capital expenditure on behalf of the business unit. The rate to be charged shall be Council's cost of capital plus a 5% allowance for infrastructure risk. The current rate is 10.5% per annum. Council's cost of capital for infrastructure assets is calculated on its investment in the project.**

**iv) accepts, in principle, a change in the Terms of Reference for the Airport Advisory Committee into an Airport Users Group providing communication and consultation between airport users and the City on all operational issues, with the User Group to meet quarterly and be chaired by Councillor delegate.**

**MOTION LOST 7-5  
ABSOLUTE MAJORITY REQUIRED**

Councillors Demarteau, Bojcun, Evans, Lionetti and Mayor Goode moved to have the previous motion rescinded.

**MOVED MAYOR GOODE  
SECONDED COUNCILLOR BOJCUN**

**THAT the previous item be rescinded.**

**MOTION LOST 7-5  
ABSOLUTE MAJORITY REQUIRED**

ORDINARY COUNCIL MEETING AGENDA – 16/09/03

\*\* REFER DISCLAIMER \*\*

Item 13.4.1 continued

**WORKS & SERVICES REPORTS**

**AIRPORT MASTERPLAN - FINANCIAL SUMMARY**

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Assumptions</b>															
Movements - RPT	1,352	1,352	1,352	1,352	1,352	1,456	1,456	1,456	1,456	1,456	1,560	1,560	1,560	1,560	1,560
Passengers per movement	26	27	29	30	31	32	33	34	34	34	34	34	34	34	34
Total Passengers (RPT)	35,693	37,045	39,749	41,101	42,453	47,174	48,630	50,086	50,086	50,086	53,664	53,664	53,664	53,664	53,664
Landing fee ( excl GST)- based on F50	300	300	300	300	300	300	300	300	300	300	300	300	300	300	300
Passenger Levy - adult (excl GST)	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Movements - GA - light aircraft	3,000	3,150	3,308	3,473	3,647	3,829	4,020	4,221	4,432	4,654	4,887	5,131	5,388	5,657	5,940
General Aviation Annual Growth	0%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
General Aviation light plane fee	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
<b>Operating Revenue</b>															
RPT Landing Fees	348,005	361,187	387,551	400,733	413,915	459,950	474,146	488,342	488,342	488,342	523,224	523,224	523,224	523,224	523,224
RPT Passenger Levy	202,800	202,800	202,800	202,800	202,800	218,400	218,400	218,400	218,400	218,400	234,000	234,000	234,000	234,000	234,000
General Aviation	22,000	23,100	24,255	25,468	26,741	28,078	29,482	30,956	32,504	34,129	35,836	37,627	39,509	41,484	43,558
Other	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
	<b>602,805</b>	<b>617,087</b>	<b>644,606</b>	<b>659,001</b>	<b>673,456</b>	<b>736,429</b>	<b>752,029</b>	<b>767,699</b>	<b>769,246</b>	<b>770,872</b>	<b>823,060</b>	<b>824,851</b>	<b>826,733</b>	<b>828,708</b>	<b>830,782</b>
<b>Operating Expenditure</b>															
Maintenance - ILS	110,000	110,000	110,000	110,000	0	0	0	0	0	0	0	0	0	0	0
Maintenance - Other	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500	141,500
Airport Contractor	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000	62,000
Marketing / Promotion	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Interest on Loans	6,650	6,073	5,455	4,795	4,088	3,333	2,524	39,046	36,403	33,840	31,892	29,818	27,608	25,255	22,748
Other Operating	39,422	38,845	38,227	37,567	36,861	36,105	35,296	34,431	33,506	32,772	32,772	32,772	32,772	32,772	32,772
ILS Grant Refund				200,000											
City Management / Service Charges	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990	22,990
Depreciation	190,201	198,776	204,726	207,175	207,875	204,254	335,726	151,540	151,577	152,277	152,357	194,182	194,882	195,582	196,282
	<b>582,763</b>	<b>590,184</b>	<b>594,899</b>	<b>796,027</b>	<b>485,314</b>	<b>480,181</b>	<b>610,036</b>	<b>461,508</b>	<b>457,977</b>	<b>455,380</b>	<b>453,512</b>	<b>493,262</b>	<b>491,753</b>	<b>490,099</b>	<b>488,293</b>
<b>Net Income - Operating</b>	20,042	26,903	49,707	(137,026)	188,142	256,248	141,992	306,191	311,269	315,492	369,548	331,589	334,980	338,609	342,489
Tax Equivalent Payment	(6,013)	(8,071)	(14,912)	41,108	(56,443)	(76,874)	(42,598)	(91,857)	(93,381)	(94,647)	(110,864)	(99,477)	(100,494)	(101,583)	(102,747)
City of Albany - Return on invest.	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)	(96,223)
Loan Principal	(8,270)	(8,847)	(9,464)	(10,125)	(10,831)	(11,587)	(12,395)	(39,685)	(42,328)	(29,971)	(31,919)	(33,994)	(36,204)	(38,557)	(41,063)
<b>Capital Expenditure</b>	(20,000)	(245,000)	(170,000)	(87,000)	(20,000)	(20,000)	(1,195,000)	(20,000)	(20,000)	(20,000)	(20,000)	(1,195,000)	(20,000)	(20,000)	(20,000)
Funded ex Reserve	20,000	245,000	170,000	87,000	20,000	20,000	595,000	20,000	20,000	20,000	20,000	1,195,000	20,000	20,000	20,000
Funded ex Loans							600,000								
Funded ex grants															
<b>Add back Depreciation</b>	190,201	198,776	204,726	207,175	207,875	204,254	335,726	151,540	151,577	152,277	152,357	194,182	194,882	195,582	196,282
<b>Net Cash Flow - Airport</b>	<b>99,737</b>	<b>112,538</b>	<b>133,833</b>	<b>4,908</b>	<b>232,520</b>	<b>275,817</b>	<b>326,501</b>	<b>229,965</b>	<b>230,915</b>	<b>246,927</b>	<b>282,898</b>	<b>296,077</b>	<b>296,941</b>	<b>297,828</b>	<b>298,738</b>
Reserve Balance	364,392	250,757	228,439	158,841	380,577	653,949	413,375	641,037	878,107	1,140,158	1,448,663	607,687	908,935	1,223,121	1,550,784

**13.5 RESERVES PLANNING & MANAGEMENT**

Nil

**13.6 WORKS & SERVICES COMMITTEES**

Nil

# **General Management Services**

## **REPORTS**

## 14.1 STRATEGIC DEVELOPMENT

### 14.1.1 Request for Council to Rescind Previous Motion and Suspend Contract C02048 (North Road Administration Centre)

<b>File/Ward</b>	: PRO 284 (Yakamia Ward)
<b>Proposal/Issue</b>	: City of Albany Administration Building
<b>Subject Land/Locality</b>	: Lot 4743 North Road Yakamia
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Project/Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 18/02/03 – Item 14.1.2 OCM 19/11/02 – Item 12.2.2 OCM 19/02/02 – Item 11.1.10 OCM 17/07/01 – Item 11.1.4 OCM 15/15/01 – Item 18.1 OCM 20/02/01 – Item 14.1.1 OCM 23/01/01 – Item 14.1.1 OCM 07/11/00 – Item 12.2.4
<b>Summary Recommendation</b>	: Council rescind previous motion and suspend Contract C02048
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

## BACKGROUND

1. On the 19<sup>th</sup> November 2002, it was resolved that:
  - “i) Council proceed to plan for the construction of a new Administration Building/Civic Centre and the site of the proposed development be location 4743 North Road Yakamia; and.....
  - iv) The Chief Executive Officer and Executive Directors progress the Administration Building / Civic Centre project and that regular progress reports be supplied to Council during monthly or extraordinary briefing sessions, as appropriate.”



Item 14.1.1 continued.

2. As a result of this decision, on the 18<sup>th</sup> February 2003, Council voted by simple majority to:

*“Support the Executive Committee’s recommendation to appoint James Christou & Partners Architects, for the provision of Architectural Services for the new City of Albany Administration Building to be situated at Location 4743 North Road Yakamia”.*

3. A request has been submitted to rescind these motions.

#### **STATUTORY REQUIREMENTS**

4. Regulation 10(1) of the Local Government (Administration) Regulations 1996 states:

*“If a decision has been made at a Council or a committee meeting then the motion to revoke or change the decision must be supported –*

*a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority;*

*or*

*b) in any other case, by at least 1/3 of the number of officers (whether vacant or not) of the Council or committee,*

*inclusive of the mover”*

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

6. Contract C02048 between the City of Albany and James Christou & Partners Architects states under Section 2.0 – Special Conditions of Contract (SC3 Termination of Services), that;

*“The City of Albany has the discretion to terminate the services of a consultant if that consultant does not achieve the City’s expectations, by payment of reasonable costs and fees due for the work completed to that time and stage, without any further cost penalty”*

Item 14.1.1 continued.

7. The Architect has progressed to a point where Project Scope & Brief, Conceptual Design, Design Development and 30% of Contract Documentation is complete. The following costs have been incurred as of 15<sup>th</sup> September 2003.

Project Scope & Brief	\$ 31,032
Conceptual Design	\$ 55,843
Design Development	\$ 74,377
30% Contract Documentation	\$ 55,982
<b>TOTAL COSTS INCURRED</b>	<b>\$217,234</b>

### STRATEGIC IMPLICATIONS

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

### COMMENT/DISCUSSION

9. Council is required to move a motion, by absolute majority, to rescind the previous motion before it can debate the motion put by Councillor Lionetti and reproduced below. If the rescission motion is lost, the original decision of Council remains operative and the merits of Councillor Lionetti's motion would not be debated.
10. A notice of motion to rescind Item 12.2.2 parts i) and iv) at the November Ordinary Council Meeting 2002 and Item 14.1.2 at the February Ordinary Council Meeting 2003 has been received and is supported by Councillor Lionetti, Waterman, West, Emery and Wellington.

### RECISSION MOTION

THAT Council resolves, in accordance with Regulation 10(1) of the Local Government (Administration) Regulations 1996, to rescind the motion at Item 12.2.2 parts i) and iv) of the Ordinary Council Meeting of the 19<sup>th</sup> November 2002 and Item 14.1.2 of the 18<sup>th</sup> February 2003 Ordinary Meeting of Council, which reads:

Item 12.2.2

*“THAT;*

- “i) Council proceed to plan for the construction of a new Administration Building/Civic Centre and the site of the proposed development be location 4743 North Road Yakamia;*
- iv) the Chief Executive Officer and Executive Directors progress the Administration Building / Civic Centre project and that regular progress reports be supplied to Council during monthly or extraordinary briefing sessions, as appropriate”*

Item 14.1.1 continued.

Item 14.1.2:

*“THAT Council support the Executive Committee’s recommendation to appoint James Christou & Partners Architects, for the provision of Architectural Services for the new City of Albany Administration Building to be situated at Location 4743 North Road Yakamia”.*

*Voting Requirement Absolute Majority*

.....

RECOMMENDED MOTION BY COUNCILLOR LIONETTI

THAT Council;

- i) suspends the current Contract C02048 for a period of three months between the City of Albany and James Christou & Partners Architects for Architectural Services for the new Administration Building/Civic Centre to be built at Location 4743 North Road Yakamia; and
- ii) forms a working party consisting of Councillors and Executive Staff to investigate the suitability of the Old Gas Works Site, in preference to the North Road Site for the new Administration Building/Civic Centre.

*Voting Requirement Simple Majority*

.....

Item 14.1.1 continued.

**MOVED COUNCILLOR LIONETTI  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council resolves, in accordance with Regulation 10(1) of the Local Government (Administration) Regulations 1996, to rescind the motion at Item 12.2.2 parts i) and iv) of the Ordinary Council Meeting of the 19<sup>th</sup> November 2002 and Item 14.1.2 of the 18<sup>th</sup> February 2003 Ordinary Meeting of Council, which reads:**

**Item 12.2.2**

***“THAT;***

- “i) Council proceed to plan for the construction of a new Administration Building/Civic Centre and the site of the proposed development be location 4743 North Road Yakamia;***
- iv) the Chief Executive Officer and Executive Directors progress the Administration Building / Civic Centre project and that regular progress reports be supplied to Council during monthly or extraordinary briefing sessions, as appropriate”***

**Item 14.1.2:**

***“THAT Council support the Executive Committee’s recommendation to appoint James Christou & Partners Architects, for the provision of Architectural Services for the new City of Albany Administration Building to be situated at Location 4743 North Road Yakamia”.***

**MOTION LOST 4-7**

Councillor Lionetti left the Council Chambers at 9.20pm.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WELLINGTON**

**THAT the Standing Orders 6.5 and 5.5 apply to allow an open discussion prior to voting on the rescinding motion**

**6-6 - Mayor Goode, cast the deciding vote  
MOTION LOST 7-6**

#### 14.1.2 Railway Turntable

<b>File/Ward</b>	: REL 102 (All Wards)
<b>Proposal/Issue</b>	: Railway Turntable
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 15/07/2003 - Item 14.1
<b>Summary Recommendation</b>	: That Council Retain the Railway Turntable
<b>Bulletin Attachment</b>	: Registration of interest submissions
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. On the 15<sup>th</sup> July 2003, it was resolved:  
  
*“That Council advertise the proposal to transfer ownership of the Railway Turn Table to the Kojonup Railway Association for a 28 day period, prior to consideration of the item”*
2. The proposal was advertised and submissions were received from Albany Model Railway Association, Australian Historical Railway Association, David Thackrah, Highway Wreckers and the Peel Development Commission.
3. The feedback received from the submissions alludes to the tourism potential of the Railway Turntable.
4. The Albany Model Railway Association believes that the installation of the Turntable in Albany would allow diesel hauled passenger trains to be turned in Albany and allow a full line speed return to Katanning. At present any steam locomotive arriving in Albany has to run in reverse at reduced speeds all the way to Katanning, where a turning facility exists.
5. The Albany Model Railway Association has included in their submission an e-mail from the Hotham Valley Railway Association that suggests if a turntable was operational in Albany, train services such as the Great Southern Wizards Express would run to, and terminate in Albany. As there is no operational turning facility in Albany, the Great Southern Wizards Express is terminated in Katanning, at the last turning facility on route to Albany.

Item 14.1.2 continued.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

8. City of Albany’s Strategic Plan states under the Port of Call: The attraction and development of a broad range of social, cultural and economic entities.

*“To lead key tourism industry groups in establishing an integrated approach to visitor servicing, district and area promotion and product development”.*

**COMMENT/DISCUSSION**

9. The previous recommendation from the Ordinary Council Meeting - 15<sup>th</sup> July 2003 was to transfer ownership of the Railway Turntable to the Kojonup Tourist Railway Association so that the facility is retained in the Great Southern.
10. It has now become apparent that the Kojonup Tourist Railway is no longer connected to the Great Southern Railway Line; the spur line that connected Kojonup to Katanning was removed a number of years ago.

**RECOMMENDATION**

THAT;

- i) Council retains ownership of the Railway Turntable located at the Albany Port Depot given it’s economic, historical and tourism potential and to allow flexibility for future planning;
- ii) professional advice be sought as to the correct storage and short-term maintenance of the Railway Turntable, in order to create maximum longevity of the facility, until a strategic decision is made as to the future use of the turntable; and
- iii) the Hotham Valley Railway Association and other related Associations be requested to evaluate the feasibility of extending rail services such as the Great Southern Wizards Express to Albany.

*Voting Requirement Simple Majority*

.....

Item 14.1.2 continued.

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR BARTON**

**THAT;**

- i) Council retains ownership of the Railway Turntable located at the Albany Port Depot given it's economic, historical and tourism potential and to allow flexibility for future planning;**
- ii) professional advice be sought as to the correct storage and short-term maintenance of the Railway Turntable, in order to create maximum longevity of the facility, until a strategic decision is made as to the future use of the turntable; and**
- iii) the Hotham Valley Railway Association and other related Associations be requested to evaluate the feasibility of extending rail services such as the Great Southern Wizards Express to Albany.**

**MOTION CARRIED 11-0**

## 14.2 ORGANISATIONAL DEVELOPMENT

### 14.2.1 Appointment of Chief Executive Officer as City of Albany Public Interest Disclosure Officer

<b>File/Ward</b>	: MAN 118 (All Wards)
<b>Proposal/Issue</b>	: Procedures relating to the City of Albany's obligations under the Public Interest Disclosure Act.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: i) That Council adopts the internal procedures relating to the City of Albany's obligations under the Public Interest Disclosure Act. ii) That the Chief Executive Officer be appointed as the City of Albany's Public Interest Disclosure Officer.
<b>Bulletin Attachment</b>	: Internal Procedures Document
<b>Locality Plan</b>	: N/A

## BACKGROUND

1. The Public Interest Disclosure Act became effective as of 1<sup>st</sup> July 2003. The Act aims to facilitate and encourage the disclosure of public interest information and to provide protection for those who make disclosures and for those about whom disclosures are made.
2. The Public Interest Disclosure Act 2003 is a significant step toward reducing and eliminating corrupt conduct and maladministration. The Act provides a system for the matters disclosed to be investigated and for appropriate action to be taken.



Item 14.2.1 continued.

3. Section 23(1) (e) requires that the principal executive officer of each public authority must prepare and publish internal procedures relating to those authorities obligations under the Act. These internal procedures must be consistent with the guidelines prepared by the Commissioner for Public Sector Standards.
4. In addition to these internal procedures, the Act requires that every public authority designate a person as the Public Interest Disclosure Officer. This person is responsible for receiving disclosures under the Act.

#### **STATUTORY REQUIREMENTS**

5. The draft internal procedures relating to the obligations of public authorities is enforced under The Public Interest Disclosure Act 2003.

#### **POLICY IMPLICATIONS**

6. There are no policy implications relating to this item

#### **FINANCIAL IMPLICATIONS**

7. There are no financial implications relating to this item

#### **STRATEGIC IMPLICATIONS**

8. Within the City of Albany’s Strategic Plan Albany 2020 it states under the Port of Call – A reputation for professional excellence, that:

*“The City of Albany has undertaken to generate and maintain a reputation for professional excellence in the way it approaches all its responsibilities, transactions and communication”*

#### **COMMENT/DISCUSSION**

9. The City of Albany has based the internal procedures relating to the obligations of public authorities on the guidelines prepared by the Commissioner for Public Sector Standards.

#### **RECOMMENDATION**

THAT Council;

- i) adopt the internal procedures relating to the City of Albany’s obligations under the Public Interest Disclosure Act 2003 in an effort towards reducing and eliminating corrupt conduct and maladministration; and

Item 14.2.1 continued.

- ii) appoint the Chief Executive Officer as the Public Interest Disclosure Officer pursuant to the Public Interest Disclosure Act 2003.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EMERY**

**THAT Council;**

- i) adopt the internal procedures relating to the City of Albany’s obligations under the Public Interest Disclosure Act 2003 in an effort towards reducing and eliminating corrupt conduct and maladministration; and**
- ii) appoint the Chief Executive Officer as the Public Interest Disclosure Officer pursuant to the Public Interest Disclosure Act 2003.**

**MOTION CARRIED 11-0**

#### 14.2.2 City of Albany Vancouver Lecture

<b>File/Ward</b>	:	REL 039 (All Wards)
<b>Proposal/Issue</b>	:	Decision on discontinuing with the City of Albany Vancouver Lecture and providing one off sponsorship to the Friends of UWA – Albany Centre to assist in providing a community lecture.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Mayoral Liaison Officer (G Clarke)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 04/08/99 – Item 13.2.16
<b>Summary Recommendation</b>	:	That Council remove the City of Albany Vancouver Lecture from the range of events hosted by Council and provide a one off sponsorship of \$2,000 to Friends of UWA Albany Centre to stage a community lecture in the 2003/04 financial year and reallocate the balance of the City of Albany Vancouver Lecture budget to the Other Special Events project budget.
<b>Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Since early 2000 attempts have been made to secure a prominent speaker to deliver the City of Albany Vancouver Lecture in accord with the resolution of Council at the 4<sup>th</sup> August, 1999 ordinary council meeting.
2. A number of issues have prevented all speakers approached to date from being available to deliver the lecture. A summary of the major issues is as follows:

Item 14.2.2 continued.

- Budgetary constraints: Many quality speakers are now requesting a speaking fee or at least a donation to their preferred charity. These fees average from \$2,000 to \$15,000 depending on the speaker's profile. Another prohibitive cost is for transport because many of the "better" speakers are based in the Eastern States. They often request a minimum "Business Class" level of air travel, plus accommodation in both Perth (in transit) and Albany. The budget has been increased from \$2,000 in 2001/02 to \$5,000 2003/04 – although it is unlikely that this budget would be sufficient to cover all expenses including hire of the Town Hall and promotion of the event.
  - Timing of the lecture: Historically the lectures have always been held to coincide with Capt Vancouver's first visit to Albany between 27<sup>th</sup> September and the 18<sup>th</sup> of October. It is very difficult to offer a guest speaker such a tight time frame. Many speakers have expressed an interest in presenting the lecture, however, it is difficult to fit a date into their schedules when there is only a three week window.
3. City of Albany Vancouver Lecture does not fit into the overall City of Albany community events portfolio which are generally activities of broad based appeal such as the Christmas Pageant, New Year Fire Works and Australia Day Family Fun Day.
  4. Friends of UWA – Albany Centre have expressed an interest in hosting a lecture of a similar nature to the City of Albany Vancouver Lecture. They have access to the University of Western Australia's speakers schedule which will allow them to secure a prominent speaker with potential financial and/or resource support from the University of Western Australia.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

7. It is proposed to relocate \$5,000 as follows:  
  
\$2,000 to the Friends of the University of Western Australia; and  
\$3,000 to the Other Special Events Budget.

Item 14.2.2 continued.

**STRATEGIC IMPLICATIONS**

- 8. In the City of Albany’s 2020 – Charting our Course, the following Ports of Call are identified:

*“A reputation for professional excellence*

*Community Events – to promote Albany and facilitate the celebration of events and achievements of significance to the Albany Community.”*

**COMMENT/DISCUSSION**

- 9. Council is now requested to consider removing the City of Albany Vancouver Lecture from the range of events hosted by Council.
- 10. Council is requested to consider a one off sponsorship of \$2,000 to the Friends of UWA – Albany Centre to assist them with staging a community lecture this financial year with future sponsorship being considered under the Community Events Financial Assistance Program.
- 11. Council is requested to consider reallocation the balance of the current \$5,000 budget to the Other Special Events project budget.

**RECOMMENDATION**

THAT Council remove the City of Albany Vancouver Lecture from the range of events hosted by Council and provide a one off sponsorship of \$2,000 to Friends of UWA Albany Centre to stage a community lecture in the 2003/04 financial year and reallocate the balance of the City of Albany Vancouver Lecture budget to the Other Special Events project budget.

*Voting Requirement Absolute Majority*

.....

<p><b>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR BOJCUN</b></p> <p><b>THAT Council remove the City of Albany Vancouver Lecture from the range of events hosted by Council and provide a one off sponsorship of \$2,000 to Friends of UWA Albany Centre to stage a community lecture in the 2003/04 financial year and reallocate the balance of the City of Albany Vancouver Lecture budget to the Other Special Events project budget.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 10-1 ABSOLUTE MAJORITY</b></p>
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**14.2.3 Resignation and Renomination for Councillor Representation on Albany Chamber of Commerce and Timber 2020 Committees**

<b>File/Ward</b>	: MAN 102 (All Wards)
<b>Proposal/Issue</b>	: Committee Appointments
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Project Administration Officer (B Parker)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: SCM 05/05/03 – Item 6.2.1 and Item 6.2.29
<b>Summary Recommendation</b>	: That Council appoint representatives for Albany Chamber of Commerce and Timber 2020 Committees
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. On Monday 5<sup>th</sup> May 2003 at a Special Meeting of Council, it was resolved that:  
  
*“Councillor Emery be nominated to the Albany Chamber of Commerce & Industry”*  
  
and  
  
*“Councillor Emery be nominated to the Timber 2020”*
2. Councillor Bob Emery has withdrawn his representation from these Committees. Council is invited to re-elect one representative for each Committee to replace Councillor Emery.

**STATUTORY REQUIREMENTS**

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

Item 14.2.3 continued.

**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. Within the City of Albany’s Strategic Plan it states within the Vision, Mission and Values section that Council will:

*“Advocate strongly to maximize opportunities offered by external influences and to minimise any adverse impacts”*

**COMMENT/DISCUSSION**

- 7. Councillor Emery has become a member of the Albany Plantation Export Company (APEC), and has committed to representing APEC on the Albany 202 and Chamber of Commerce & Industry Committee. The City of Albany has therefore been invited to nominate another Councillor to represent the City of Albany.
- 8. The Timber 2020 Committee meets every 6 weeks and the Albany Chamber of Commerce meets on a monthly basis.

**RECOMMENDATION**

THAT;

- i) Councillor \_\_\_\_\_ be nominated to the Albany Chamber of Commerce and Industry Committee; and
- ii) Councillor \_\_\_\_\_ be nominated to the Timber 2020 Committee.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR WATERMAN</b></p> <ul style="list-style-type: none"><li><b>i) Councillor Lionetti be nominated to the Albany Chamber of Commerce and Industry Committee; and</b></li><li><b>ii) Councillor Lionetti be nominated to the Timber 2020 Committee.</b></li></ul> <p style="text-align: right;"><b>MOTION CARRIED 11-0</b></p>
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### 14.3 ECONOMIC DEVELOPMENT

#### 14.3.1 Friendship Agreement between the City of Albany and the City of Gallipoli

<b>File/Ward</b>	: REL 035 (All Wards)
<b>Proposal/Issue</b>	: Continuation and reinforcement of Friendship Agreement between the City of Gallipoli and the City of Albany
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager, Economic Development (J Berry)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 17/09/02 Item 14.3.1
<b>Summary Recommendation</b>	: THAT a Council delegation visit Gallipoli to commemorate Anzac Day 2004 and to reciprocate an official signing ceremony reinforcing the Friendship Agreement Declaration between the City of Albany and the City of Gallipoli.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. Albany has a significant association with the ANZAC legend, which is building into a unique regional value in terms of promoting tourism development and serves as a time of remembrance for the many lives lost in World War I.
2. Albany was the location of the first ANZAC Dawn Service and it was the point of assemblage and departure for a fleet of 40 transport ships and five naval escort vessels along with some 30,000 men departing for foreign shores (including Gallipoli) on 1 November 1914. Thousands of those men touched Australian soil in Albany for the last time.



Item 14.3.1 continued.

3. In recent times, the City of Albany has been proactive in recognising the ANZAC association through a number of initiatives including:-
  - the establishment of an ANZAC Park;
  - the national focus of ANZAC celebrations being centred on Albany in 2001, continuing with a Celebrate Albany and Anzac Day festival;
  - the construction of a statue of the former President of Turkey (Mustafa Kemal Ataturk) overlooking the Ataturk Channel entering Princess Royal Harbour;
  - continued well attended Dawn and mid morning services on ANZAC day;
4. On ANZAC Day 2003, the Mayor of Gallipoli Mr Cihat Bingol visited Albany to participate in ANZAC Day services and to sign a Friendship Agreement Declaration between the two cities. The Friendship Agreement reads:-

*“We, the undersigned representatives of the City of Gallipoli in Turkey and the City of Albany in Western Australia, declare our mutual will to establish a Friendship Agreement between our two municipalities, with the aim of creating bonds and gaining wider understanding of our respective municipalities, citizens, community life and traditions.*

*In support of these ideals, the City of Gallipoli and the City of Albany agree to promote their similar aims and objectives, with the primary relationship to be based on people to people contact, and therefore the respective elected authorities are charged with the responsibility of encouraging the development of greater understanding and exchange of knowledge and experience in many fields by individuals and groups throughout their municipalities.*

*By emphasising mutual interests and fostering individual consciousness, the City of Gallipoli and the City of Albany will strive to promote close and friendly relations between the citizens of their two communities.*

***Let our two communities who were divided by adversity be united in friendship to remember our ancestors with honour and move on to a prosperous future together.”***

## **STATUTORY REQUIREMENTS**

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

## **POLICY IMPLICATIONS**

6. The City of Albany Economic Development Policy encourages international affiliations that promote real cultural, economic and educational opportunities for Albany. The City of Albany currently has two other active affiliations being the Japanese cities of Nichinan (based on the woodchip trade) and Tomioka (based on a strong school educational exchange program). The Albany/Gallipoli agreement is based on two communities once divided by adversity being united to create a prosperous economic future, particularly tourism that both cities can benefit from.

Item 14.3.1 continued.

### **FINANCIAL IMPLICATIONS**

7. The estimated cost of sending a delegation to Turkey is \$3,500 per person, which includes air and land travel, accommodation and insurance. The Aviation Development Program of the Westralia Airports Corporation has approved \$4,000 to support the Gallipoli affiliation based on likely tourism benefits to Western Australia. A reallocation in the first quarterly review is recommended to fund the outstanding balance of \$10,000.

### **STRATEGIC IMPLICATIONS**

8. This proposal aligns with Albany 2020 Charting in our Course in two strategic areas:-

*“Economic Development*

*To identify & facilitate outstanding economic development opportunities for the City of Albany; and*

*Tourism Development*

*To lead key tourism industry groups in establishing an integrated approach to visitor servicing, district & area promotion and product development.”*

### **COMMENT/DISCUSSION**

9. The Mayor of the City of Gallipoli has previously written to Her Worship the Mayor of Albany inviting a delegation from Albany to visit Gallipoli as guests of the Gallipoli Council. It was agreed between the two Cities that Albany would host the inaugural visit of the Mayor of Gallipoli in 2003 to sign a Friendship Agreement Declaration. This visit successfully transpired in April 2003.
10. The visit of the Mayor of Gallipoli to Albany drew the attention of national and state print media highlighting the significant role of Albany in the ANZAC legend. The visit also received national broadcasting on Turkey’s television networks.
11. The expected benefits of the continuation of the friendship agreement are the strengthening of cultural relationships between Albany residents (including schools) and increased tourism development (particularly around ANZAC day). The relationship and visit will also enhance the city’s prospects of achieving a wider objective to recognise Albany as Australia’s ‘ANZAC Capital’. This objective includes a range of strategies including:-

Item 14.3.1 continued.

- National focus of ANZAC Day on Albany in November 2014, which will be the Centenary of the departure of Australian and New Zealanders from Albany to the Great War
  - Development of a proposed column of full-sized bronze soldiers
  - Development of an interpretive centre to recognise Albany's role in the ANZAC legend.
12. Under the banner '*Anzacs to Albany*', financial assistance is being sought from State and Commonwealth agencies to progress preliminary planning for these projects. The visit to Gallipoli will provide a significant face-to-face opportunity to lobby senior State and Commonwealth Government ministers regarding funding the above projects.

RECOMMENDATION

THAT;

- i) Council support a delegation to visit Gallipoli to commemorate Anzac Day 2004 and to reciprocate an official signing ceremony reinforcing the Friendship Agreement Declaration between the City of Albany and the City of Gallipoli and expenditure be reallocated at the first quarterly review. The delegation to consist of:-
  - Her Worship the Mayor;
  - Chief Executive Office;
  - Manager, Economic Development;
  - President RSL Branch (Albany); and
- ii) further that Council invite the Hon. Geoff Gallop MLA (Premier of Western Australia) and Mr Peter Watson MLA (Member for Albany) to join the Albany delegation.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WELLINGTON**

**THAT**

- i) Council support a delegation to visit Gallipoli to commemorate Anzac Day 2004 and to reciprocate an official signing ceremony reinforcing the Friendship Agreement Declaration between the City of Albany and the City of Gallipoli and expenditure be reallocated at the first quarterly review. The delegation to consist of:-
- Her Worship the Mayor;
  - Chief Executive Officer;
  - Elected Member of Council; and
- ii) Council extend an invitation to the Premier of Western Australia – Hon. Geoff Gallop, the Member for Albany - Mr Peter Watson and a representative from the Albany RSL, at their own expense.

**MOTION LOST 5-6**

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR PAVER**

**THAT**

- i) Council support a delegation to visit Gallipoli to commemorate Anzac Day 2004 and to reciprocate an official signing ceremony reinforcing the Friendship Agreement Declaration between the City of Albany and the City of Gallipoli and expenditure be reallocated at the first quarterly review. The delegation to consist of:-
- Her Worship the Mayor;
  - Chief Executive Officer; and
- ii) Council extend an invitation to the Premier of Western Australia – Hon. Geoff Gallop, the Member for Albany - Mr Peter Watson and the President of the Albany RSL at their own expense.

**MOTION CARRIED 7-4**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEE**

Nil.

## 15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

### 15.1 Elected Members' Report/Information Bulletin

#### DRAFT MOTION

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

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR BOJCUN**

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

**MOTION CARRIED 11-0**

## 16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

## 17.0 MAYORS REPORT

“Fellow Councillors:

The month since last Council meeting has been extremely varied providing me with a broad range of issues to address and interesting activities. The following are just a few of the highlights of this diverse month.

On the 25<sup>th</sup> August it was a sincere pleasure to meet Kelvin Crombie during his brief visit to Albany on Monday 25<sup>th</sup> August 2003. Kelvin lives in Jerusalem and conducts tours throughout Israel and Turkey and has a particular significance in the unique place that Albany holds in those legends. Kelvin presented a photograph to Council which shows the 10<sup>th</sup> Light horsemen in Jerusalem in 1917 and is another poignant reminder of our heroic service men and women whose last contact with Australian soil was on Albany shores.

As you will know doubt all be aware, the State Parliament will be holding their March sitting Albany next year. This was an exciting announcement being the first parliamentary sitting outside of Perth and one that will bring reciprocal benefits to the whole community. A couple of weeks ago, clerks and managers of parliamentary services visited Albany to start the enormous job of planning and preparation for this full week of major events. The City of Albany has offered every assistance and will be working closely with them to ensure that everything runs as smoothly as possible and Albany is portrayed in the very best way because the eyes of Western Australia will be focussed on us during that time.

On Saturday the 6<sup>th</sup> September, I was honoured to officially open the new premises of Western QBE in York Street. At a time when many national organisations are reassessing and relocating out of country areas, it was refreshing to witness the enthusiasm that Western QBE put into their relocation proving their ongoing support for the local community in Albany.

On Monday the 8<sup>th</sup>, I was pleased to be on the receiving end of the handover of a grant cheque by Peter Watson MLA on behalf of the Lotteries Commission. This \$22,000 cheque is to provide essential funding to assist with the employment of a Safer Albany Co-ordinator. The need for a co-ordinator was identified after a Community Security Audit in May 2000 and their role will be to liaise with government agencies, organisations and the general public regarding crime reduction strategies, anti social behaviour and early intervention programs. They will also co-ordinate the Neighbourhood Watch Program and Operation ID property marking project. This is an important initiative and one which I am sure will result in some very positive results for making Albany a safer place to live and work.

Friday last week, I was thrilled to welcome the Telethon Trekkers to Albany and to wish them well on their 8 day epic journey through the heartland of the southern parts of Western Australia as they raise much needed funds for the children's ward at the Albany Hospital. Despite the obvious hardships that they will endure, their enthusiasm and motivation was inspiring and I know that they have the Albany kids interests close to their hearts."

**MOVED COUNCILLOR BARTON  
SECONDED COUNCILLOR SANKEY**

**THAT the Mayor's Report be received.**

**MOTION CARRIED 11-0**

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

**18.1 2003 Extra-ordinary Election – Choice of Methods of Conducting the Election**

<b>File/Ward</b>	:	MAN 019 (All Wards)
<b>Proposal / Issue</b>	:	2003 Extra-ordinary Election
<b>Subject land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Senior Records Officer (S Pepper)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Agree to allow the Electoral Commissioner to be responsible for the conduct the 2003 Extra-ordinary election as a postal election.
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. With the employment of Councillor Evers as a Council staff member, in accordance with the Local Government Act, section 2.32(e), the office of elected member becomes vacant and an extra-ordinary election is required to be held.
2. As Council has previously employed the Western Australian Electoral Commission to co-ordinate its bi-annual elections, with success, it is recommended the Commission continue to handle this process. Currently, each time Council elects to use the Western Australian Electoral Commission, it is required to formally resolve to request such action.
3. The Department of Local Government and Regional Development has been asked by the Western Australian Electoral Commission, to consider a proposal to allow a local government's decision to hold postal elections to continue until rescinded. Unfortunately, until the Local Government Act 1995 is amended, local governments must vote on the matter prior to each election.



Item 18.1 continued.

### **STATUTORY REQUIREMENTS**

4. Section 4.61 of the Local Government Act 1995, states in part as follows:

*“4.61 (1) The election can be conducted as a –*

*“postal election” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or*

*“voting in person election” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*

*(2) The local government may decide \* to conduct the election as a postal election.*

*\* Special majority required “*

*(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20 (4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.”*

5. Section 4.20 (4) of the Act states as follows:

*“(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare \* the Electoral Commissioner to be responsible for the conduct of an election and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election.*

*\* Special majority required”*

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

7. The cost of the Extra-ordinary election will be covered in the next quarterly re-allocation of the budget.

### **STRATEGIC IMPLICATIONS**

8. Council’s Albany 2020 – Charting our Course Objectives include governance to comply with statutory requirements of the organisation. The Local Government Act details the statutory requirements for running Local Government elections.

Item 18.1 continued.

**COMMENT/DISCUSSION**

9. The vacancy caused by Councillor Evers' employment is in the West Ward and the term for the position expires in May 2005.
10. Postal elections attract significantly higher voter turnouts than in person elections, and thereby ensure as many electors as possible exercise their democratic right to vote.
11. Should Council decide to proceed with a postal election using the Electoral Commission, it is required, having first obtained the written agreement of the Electoral Commissioner, to declare by special majority (75%) resolution, the Electoral Commissioner to be responsible for the conduct of the election. To facilitate this process, the Electoral Commissioner has advised, that should Council agree to the proposal, his correspondence dated 15<sup>th</sup> September 2003 will suffice as proof of his agreement (section 4.20(4) of the Local Government Act).
12. Preliminary discussions with the WA Electoral Commission, about the earliest time the election could be held, indicate the polling day could be Thursday, 11 December 2003 (electoral timetable attached to the item).

**RECOMMENDATION**

THAT Council;

- i) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2003 Extra-ordinary election; and
- ii) decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.

*Voting Requirement Special Majority*

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR DEMARTEAU**

**THAT Council;**

- i) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2003 Extra-ordinary election; and**
- ii) decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be as a postal election.**

**MOTION CARRIED 11-0  
SPECIAL MAJORITY**

## 18.2 Regional Road Group Funding 2003/04

<b>File/Ward</b>	:	REL 088 (All Wards)
<b>Proposal/Issue</b>	:	Regional Road Group Funding 2003/04
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Works & Services (B Joynes)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/11/02 Item 13.2.1
<b>Summary Recommendation</b>	:	That Council oppose the State Advisory Committee's decision regarding 20% capping of Regional Road Group Funding and send a delegation to the Minister for Planning and Infrastructure on the issue.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The Regional Road Group meeting on the 15<sup>th</sup> July 2002 had adopted its first Policy and Procedures Manual, where it had decided to introduce \$500,000 per project capping. According to the adopted Policy and Procedures Manual, the City would have received funding for:

Lower Denmark Road	\$470,800	this was declared <u>urgent</u> preservation
Ulster Road	\$262,160	this was an ongoing project (final year)
Nanarup Road (part funding)	<u>\$361,706</u>	this was a continuing project
	\$1,094,666	
2. However, at the very next Regional Road Group meeting on the 21<sup>st</sup> October 2002, it was passed 10/3, to cap the maximum allowable funding per Council to 20% of the available funds. The debate was centered on the following facts by the smaller Councils:
  - Funding should not be population based
  - No residential roads should be funded
  - The City's roads were all residential
  - Public utilities should not be funded
  - Lower Denmark was a parallel road anyway

Item 18.2 continued.

- The money should be spread
- Smaller Council's may not be able to operate
- The Country is missing funding

3. The City of Albany, and Shires of Plantagenet and Denmark opposed the motion. The result was that the Regional Road Group has recommended that the City is to receive only:

Lower Denmark Road	<u>\$278,000</u>
	\$278,000

4. This is a drop of \$816,666. In 2002/03 the City received \$1,053,000. In 2001/02 the City was to receive \$970,000, but only received \$780,000 after the Regional Road Group withdrew prior approval of \$190,000 for Lockyer Avenue.

5. At Council's Ordinary Council Meeting of 19<sup>th</sup> November 2002, the following motion was carried:

*“THAT Council approve the following actions:*

- i) *The City of Albany request to make a deputation to the next Advisory Committee meeting on December 12, 2002, to have the relevant decision overturned of the Great Southern Regional Road Group on October 21, 2002, at Ravensthorpe. The requested deputation is to consist of Councillor Des Wolfe (delegate); Chief Executive Officer, Andrew Hammond; and Executive Director Works & Services, Brett Joynes. The issues to be raised are:*
  - a) *Capping and the impact of this on the City of Albany and its residents. Whilst capping is recognised in some other Regional Road Groups, the Great Southern demographically and physically is in stark contrast to those Regional Road Groups who do accept capping.*
  - b) *Failure of the Great Southern Regional Road Group to follow its own Policies and Procedures (in light of the Katanning – Dumbleyung Bypass, and the Borden Bremer Bay Road).*
  - c) *The untenable situation that has arisen where the majority of Great Southern Regional Road Group member Councils see the Regional Road Group as a form of direct grant, and a means to keep staff employed, the result of which is a complete bias against the City of Albany in decisions by the Regional Road Group.*
- ii) *If the Advisory Committee is unable to provide a solution to this issue, then the deputation be made directly to the Minister for Planning and Infrastructure, and any other appropriate Ministers.”*

Item 18.2 continued.

6. Upon deputation to the Commissioner of Main Roads and WA Local Government Association (WALGA) in December 2002, the State Advisory Committee sent a letter to the Regional Road Group instructing it to reconsider capping, amongst other issues, and in particular quotes:

“The Advisory Committee stresses that Road Project Grant funding is allocated to reach the areas of highest identified need for the Region, and not for individual shires. By imposing a capping of 20% of the pool funds, this priority is not achieved. The Advisory Committee recommends that the GSRRG reviews its policy to reflect an allocation method for prioritizing projects which best suits the principle of funding the highest ranking projects in the Great Southern Region.”

7. Attempts were made at the Regional Road Group level to comply with the State Advisory Committee’s request at the Great Southern Regional Road Group Meetings held on 16<sup>th</sup> June 2003 at Tambellup, and 25<sup>th</sup> August 2003 at Gnowangerup, where the following motion was presented and subsequently defeated:

*“That the Great Southern Regional Road Group, in accordance with direction received from the State Funds to Local Government Advisory Committee received 10 March 2003:*

1. *Comply with adopted guidelines and remove capping of individual projects at 20% of the pool funds, and reinstate the original decision to cap per project to \$500,000.*
2. *Comply with the adopted policy principle that projects are to be prioritised in line with the principle of funding the highest ranking projects in the Great Southern, and as such:*
  - i) *remove funding for GN1 Borden Bremer Bay Road (\$200k Shire of Gnowangerup), and place it back in its order of rating and coding; and*
  - ii) *remove funding for KA1 – Katanning Dumbleyung Road, and it be recoded back to a new improvement project and ranked accordingly.”*
8. As a result of the defeat of this motion, and a number of other decisions made at the meeting that contradicted the Regional Road Group’s Adopted Policy and Procedures Manual, the State Advisory Committee met with a deputation of the Great Southern Regional Road Group on 11<sup>th</sup> September 2003 (this did not include the City of Albany).
9. At this meeting, it was resolved to not alter the 20% capping this year, but to review it the following year.

Item 18.2 continued.

### **STATUTORY REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

12. Should the capping and amendments to the Regional Road Group Policy and Procedures Manual take place, the City of Albany will lose an estimated \$700,000 in funding.

### **STRATEGIC IMPLICATIONS**

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

Port of Call

Transport systems and services designed to meet current future needs.

Objective:

Transport infrastructure planning

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

Port of Call

Transport systems and services designed to meet current future needs.

Objective:

Management of transport infrastructure and services

- 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**

14. The recommendations made by the Great Southern Regional Road Group to cap per Council, that has now been endorsed by the State Advisory Committee for this year, do not comply with the State Funding Agreement.
15. The State Road Funds to Local Government Agreement 2000/01 to 2004/05 stipulates that RRG funds are to be distributed to projects on a priority basis using a multi criteria analysis (MCA). This is clearly stated in the agreement, and was further reinforced by the State Advisory Committee in its own letter of March 2003 (attached).

Item 18.2 continued.

16. The move to endorse the 20% CAP by the State Advisory Committee was reportedly explained (through the Coastal Subgroup delegate at that meeting) to be due to a lack of time, and was further justified through a statement that the issue of capping would be dealt with for the following year's funding (2004/05).
17. The State Road Funds to Local Government Advisory Committee plays a role in providing recommendations to the Minister for Planning and Infrastructure on approval of the following year's funding program, for the Minister's ultimate approval. This is the last step in the approval process, prior to funding becoming available for works to commence. The Minister is yet to be presented with this latest recommendation from the State Advisory Committee, and this represents the City of Albany's next step, should it wish to further seek intervention into this situation.
18. This also means that through the recent amalgamation process of the Town and Shire, the City's residents have had funding availability halved, and this is not fair or reasonable.
19. The often used justification, that other Regional Road Groups in the state have capped per Council, does not adequately explain a 20% cap, or capping at all, but demonstrates a lack of awareness of the demographic differences between regions. The two Wheatbelt Regional Road Groups are often used as comparisons, however none of these have a City (biggest Towns in each has less than 15% and 23% of our population with both Towns having less than 6% of our road length), or preservation and upgrade requirements.

RECOMMENDATION

THAT Council:

- i) oppose the decision of the State Road Funds to Local Government Advisory Committee to endorse the 20% capping of funding for the Great Southern Regional Road Group, for this financial year;
- ii) present the City's position to the Minister for Planning and Infrastructure, requesting non-approval of the 20% capping placed upon the City of Albany, and reinstatement of funding based upon the State Road Funds to Local Government Agreement that stipulates that RRG funds are to be distributed to projects on a priority basis using a multi criteria analysis (MCA); and
- iii) the delegation consist of the Mayor, the Regional Road Group delegate (Cr Wolfe), the Chief Executive Officer and the Executive Director Works and Services.

Voting Requirement Simple Majority

.....

Item 18.2 continued.

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council:**

- i) oppose the decision of the State Road Funds to Local Government Advisory Committee to endorse the 20% capping of funding for the Great Southern Regional Road Group, for this financial year;**
- ii) present the City's position to the Minister for Planning and Infrastructure, requesting non-approval of the 20% capping placed upon the City of Albany, and reinstatement of funding based upon the State Road Funds to Local Government Agreement that stipulates that RRG funds are to be distributed to projects on a priority basis using a multi criteria analysis (MCA); and**
- iii) the delegation consist of the Mayor, the Regional Road Group delegate (Cr Wolfe), the Chief Executive Officer and the Executive Director Works and Services.**

**MOTION CARRIED 11-0**



<i>Great Southern</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Albany	4,315	30,279	647	996	1,643
Katanning	1,523	4,506	255	529	784
Plantagenet	4,792	4,434	326	908	1,234
Denmark	1,842	4,358	260	467	727
Kojonup	2,937	2,320	342	909	1,251
Gnowangerup	5,000	1,724	313	883	1,196
Ravensthorpe	12,872	1,482	242	1,221	1,463
Jerramungup	6,540	1,460	43	1,101	1,144
Cranbrook	3,390	1,170	314	794	1,108
Kent	6,552	830	121	1,186	1,306
Tambellup	1,437	725	124	397	521
Broomehill	1,376	550	148	357	506
Woodanilling	1,126	409	76	445	522

<i>Mid West</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Geraldton	28	21,451	184	2	186
Gereenough	1,748	12,244	295	384	679
Northampton	13,513	3,022	358	935	1,293
Irwin	2,223	3,500	175	335	510
Meekatharra	99,973	2,100	607	2,375	2,982
Coorow	4,137	1,600	295	663	958
Mullewa	10,707	1,090	330	1,157	1,487
Morawa	3,528	1,058	195	850	1,045
Carnamah	2,835	1,015	284	475	759
Chapman Valley	4,007	975	140	830	970
Three Springs	2,629	844	159	612	771
Mt Magnet	13,877	727	202	827	1,030
Perenjori	8,214	685	237	1,453	1,690
Mingenew	1,927	611	191	327	518
Yalgoo	33,258	415	258	1,216	1,474
Cue	13,716	372	111	762	873
Murchison	43,800	150	3	1,719	1,722
Sandstone	28,218	166	3	1,049	1,052

<i>Goldfields Esperance</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Kalgoorlie/Boulder	95,229	28,573	358	995	1,353
Esperance	42,450	13,500	710	3,241	3,951
Coolgardie	30,400	4,241	428	800	1,228
Leonora	31,743	4,190	330	1,246	1,576
Wiluna	184,000	1,189	20	1,833	1,853
Dundas	92,725	1,800	842	500	1,342
Ngaayatjarraku	159,948	1,643	12	1,444	1,456
Menzies	128,353	230	5	1,463	1,468

<i>Kimberley</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Broome	56,000	18,507	126	760	886
Wyndham-East Kimberley	121,189	6,556	405	1,135	1,540
Derby-West Kimberley	102,706	7,981	371	1,408	1,779
Halls Creek	142,908	4,118	360	1,433	1,793

<i>Pilbara</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Port Hedland	11,844	15,000	168	482	650
Roebourne	15,196	14,534	525	375	900
East Pilbara	378,533	7,100	815	2,225	3,039
Ashburton	105,647	6,515	1,140	2,275	3,415

<i>Gascoyne</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Carnarvon	53,000	8,616	674	1,283	1,957
Exmouth	6,261	2,500	140	300	440
Meekathara	99,973	2,100	607	2,375	2,982
Shark Bay	25,000	950	306	602	908
Upper Gascoyne	46,602	262	2	1,855	1,857

<i>Wheatbelt South</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Narrogin Town	13	4,696	62	13	75
Wagin	1,950	1,979	259	627	886
Beverley	2,310	1,616	239	517	755
Lake Grace	9,245	1,539	406	2,086	2,492
Corrigin	3,095	1,276	405	768	1,173
Bruce Rock	2,772	1,250	496	763	1,259
Quairading	2,000	1,224	288	654	942
Kondinin	7,340	1,186	254	1,202	1,456
Pingelly	1,223	1,135	202	385	587
Williams	2,295	1,040	78	428	506
Narembeen	3,821	1,020	281	1,159	1,440
Brookton	1,626	1,016	203	440	643
Kulin	4,790	1,000	279	1,315	1,594
West Arthur	2,850	952	190	664	854
Narrogin Shire	1,618	897	229	567	796
Wickepin	1,989	879	157	717	874
Cuballing	1,250	840	172	468	640
Dumbelyung	2,553	701	209	822	1,031
Wandering	1,955	365	82	321	403

<i>Wheatbelt North</i>	<i>Area</i>	<i>Population</i>	<i>Sealed Roads</i>	<i>Unsealed Roads</i>	<i>Total Road Length</i>
Northam Town	24	7,000	99	8	107
Toodyay	1,683	4,200	382	194	576
Gingin	3,325	4,000	395	426	821
Merredin	3,372	3,808	540	841	1,381
Northam Shire	1,400	3,580	332	287	619
Dandaragan	6,934	3,072	332	1,018	1,350
Chittering	1,220	3,000	168	187	355
Moora	3,788	2,780	258	683	941
Dalwallinu	7,187	1,767	449	1,490	1,939
Cunderdin	1,872	1,490	376	466	842
Kellerberrin	1,852	1,443	271	686	957
Goomalling	1,845	1,100	207	482	689
Victoria Plain	2,563	1,029	292	625	917
Dowerin	1,867	861	196	773	969
Mukinbudin	3,414	820	189	733	922
Mount Marshall	10,134	762	307	1,440	1,747
Koorda	2,662	596	245	840	1,085
Tammin	1,087	500	266	195	461
Trayning	1,632	485	176	599	775
Nungarin	1,145	300	249	390	639

**Percentage of Funding Previously Received**

<i>Great Southern</i>	<i>Pool</i>	<i>City of Albany</i>	<i>%</i>
	<i>\$m</i>	<i>\$m</i>	
<b>99-00</b>	2.779	0.582	20.94%
<b>00-01*</b>	2.7	0.306	11.33%
<b>01-02**</b>	2.7	0.78	28.89%
<b>02-03</b>	2.5	1.053	42.12%
<b>03-04</b>	1.33	0.266	20.00%




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STATE & LOCAL GOVERNMENTS WORKING TOGETHER FOR BETTER ROADS

MRWA 60-2123

Chairman  
Cr R L Baxter JP  
Great Southern Regional Road Group  
PO Box 503  
ALBANY

State Road Funds to  
Local Government  
Advisory Committee

10 MAR 2003

Dear Cr Baxter

In a letter dated 7 November 2002 to the State Road Funds to Local Government Advisory Committee, the Chairman of the Coastal Sub Group of the Great Southern Regional Road Group expressed concerns in relation to a change in policy in the method used to prioritise Road Project Grant Funds provided by the State to the Great Southern Regional Road Group (GSRRG).

Main Roads' Regional Manager Great Southern Region has provided background on the issue of capping and the re-prioritising of projects. It is understood that at the GSRRG meeting on 15 July 2002, endorsement was given for the implementation of a Policy and Procedure Manual. Provision was made under item 2.3 of the manual for a maximum allowable funding allocation of \$500K (total project value of \$750K) in any one financial year for an individual project.

At the GSRRG meeting held in Ravensthorpe on 21 October 2002, it was agreed to:

Amend Item 2.3 of the Policy and Procedure Manual to read "the maximum allowable allocation in any one financial year for an individual Council is to be 20% of pool funds".

Fund Project KA1 – Katanning Dumbleyung Road, even though it fell below the cut off line for funding in 2003/04, on the basis that it was a new improvement project where planning and design works had previously been funded.

Fund Project GN1 Borden Bremer Bay Road (\$200K Shire of Gnowangerup). This project was coded as a continuing improvement project but due to the relative scoring of the project, was not allocated any funding in 2003/04. The GSRRG agreed to fund this as it represented the final year of a six year project.

The Coastal Sub Group contest that the status of projects was being elevated on a basis, which falls outside the adopted guidelines. They also believe that capping individual Local Governments restricts the availability of funds for allocation on a project priority basis.

The State Road Funds to Local Government Agreement 2000/01 to 2004/05 stipulates that RRG funds are to be distributed to projects on a priority basis using a multi criteria analysis (MCA) agreed to by the RRG and endorsed by the Advisory Committee. Therefore, there is a need for a prioritized approach to be undertaken with the distribution of the funds, utilizing an MCA that justifies the allocation and priority of the project.

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Address all correspondence to the Chairman, State Road Funds to Local Government Advisory Committee  
PO Box 6202, East Perth WA 6892 Attention: S. Potter Telephone: (08) 9323 4462 Facsimile: (08) 9221 9306

Item 18.2 continued

Although capping is not recommended as a method for controlling funding allocations, it is used. The previous position of the GSRRG of a \$500K capping seemed fair and achieved good results leading to a general acceptance of the practice. However, the amendment to item 2.3 of the Policy and Procedure Manual from a capping of \$500K per project in any one year to a maximum allocation for an individual council of 20% of Road Project funds is a radical change. This new rule impacts adversely upon shires that previously had high ranking projects that required funding greater than the maximum 20% quantum and jeopardises the intent of allocating Road Project Grants provided by the State for Local Roads.

The Advisory Committee stresses that Road Project Grant funding is allocated to reach the areas of highest identified need for the Region and not for individual shires. By imposing a capping of 20% of the pool funds this priority is not achieved. The Advisory Committee recommends that the GSRRG reviews its policy to reflect an allocation method for prioritising projects which best suits the principle of funding the highest ranking projects in the Great Southern Region.

Yours sincerely

  
Mr Menno Henneveld  
**COMMISSIONER OF MAIN ROADS**

  
Cr Clive Robartson  
**PRESIDENT  
WESTERN AUSTRALIAN  
LOCAL GOVERNMENT  
ASSOCIATION**

cc Coastal Sub-Group of the Great Southern Regional Road Group

**19.0 CLOSED DOORS**  
Nil.

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 21<sup>st</sup> October 2003

**21.0 CLOSURE OF MEETING**

10.05pm

Confirmed as a true and correct record of proceedings.

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A E Goode, JP  
**Mayor**

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST  
MINUTES OF THE ORDINARY COUNCIL MEETING 19 August 2003**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>

**APPENDIX B  
INTEREST DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 19 August 2003**

<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 19 August 2003**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Nil		