



# **M I N U T E S**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 17<sup>th</sup> September 2002  
7.30pm  
Green Range Country Club,  
Hassell Highway, Green Range**

**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 \_\_\_\_\_

***Andrew Hammond***  
Chief Executive Officer

Date: 23<sup>rd</sup> September 2002

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## 1.0 DECLARATION OF OPENING

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

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

### Attendance:

Mayor	- A.E. Goode JP
Councillors	- M.J. Evans JP
	- S.M. Bojcun
	- A.H.M. Demarteau
	- D.M. Evers
	- D.J. Wolfe
	- D.W. Wellington
	- I.A. West
	- G Sankey
	- J.D. Williams
	- R.H. Emery
	- J. Cecil
	- J Walker
	- E.A. Barton
Chief Executive Officer	- A.C. Hammond
Executive Director – Development Services	- R. Fenn
Executive Director – Corporate & Community Services	- W.P. Madigan
Executive Director – Works & Services	- B Joynes
Minute Secretary	- L J Lewis
Approximately 18 members of the public	
2 media representatives	

### Apologies/Leave of Absence:

Councillor:	- I.W. Wilson
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## 3.0 OPENING PRAYER

Mayor Goode read the opening prayer.

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

## 4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- **Mr D Dufty – OCM 20<sup>th</sup> August 2002**

*“I refer to the concerns which you raised during the Open Forum session at the above mentioned meeting.*

*On examining Council's files relating to the development of the Orana District Neighbourhood Shopping Centre site, I was surprised with the level of consultation that has occurred between Council staff, you and potential site investors. I have taken the liberty of summarising that consultation and attach that record for your information.*

*The attachment demonstrates that Council staff have been presented with a multitude of development and subdivision concepts for your land and that they were asked to provide comment on proposals which were little more than ideas at that stage. Not surprisingly, Staff took a conservative approach to the advice they provided; where a development clearly fell outside the zoning provisions of the scheme, you were advised accordingly and a rezoning was recommended. I provide no apologise for staff acting in that manner and reiterate that it is not the function of the City's planners to manipulate land use planning controls to ensure an economic return is provided to a property investor.*

*You highlight apparent disparities between the way you have been treated, by Council and Council staff, relevant to other commercial developers. Your comments are not new and the issues you raise have been adequately answered in correspondence sent to you on the 19<sup>th</sup> October 1998, 20<sup>th</sup> November 2000, 26<sup>th</sup> July 2001 and 6<sup>th</sup> August 2001. I do not intend going back over that information in this letter, other than to state that Kingopen has prepared detailed economic modelling for additional floorspace and the MCS Group are required to do likewise before gaining development consents. You are also reminded that Council's actions can be examined by the Local Government Association's Planning Peer Review Panel, the Planning Appeals Tribunal or the Ombudsman's office if you wish to pursue those complaint/appeal processes.*

*The rezoning documentation for the Campbell Road land and the Catalina Structure Plan area have been cited as problematic. I remind you that those amendments have been examined by both the West Australian Planning Commission and the Minister for Planning and Infrastructure and the concerns you raise did not appear to be issues for the Commission or the Minister.*

*I am also disappointed that you continue to provide misinformation to Council on actions taken over the planned development of the Orana site. Your application has not been refused. Staff wrote to you on at least one occasion to ask you whether you wish to progress with that application; I am prepared to bring the matter "off the table" at any time.*

*The amendment documentation which my staff presented to Council, at its August meeting, seeks to provide uniform criteria for all the sites identified in the Commercial Strategy. You have consistently raised anomalies in the City's town planning schemes as being an issue in the past; therefore I find it frustrating that you are now advocating to Council the retention of controls which do not provide a level playing field for developers."*

## **5.0 PUBLIC QUESTION TIME**

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

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

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

### **\*Ms E Henderson**

Ms Henderson referred to Item 12.2.4 – Proposed Lease Renewal for Lockyer Community Kindergarten Inc. on Reserve 25383.

She said that the Lockyer Community Kindergarten found funding from the Education Department to run the kindergarten. Voluntary fees are the only other source of income apart from fundraising. She advised the building was Council's building on Council land, insured by Council, and that the kindergarten needed the benefit it provided to 84 children each year.

### **\*Mr R Hedderwick**

Mr Hedderwick spoke on behalf of Mr Bruce Young and referred to Item 11.3.2 – Initiation – Guided Development Scheme and Review of Shared Cost Schedule for the Bayonet Head Outline Development Plan Area.

Mr Hedderwick said that Stage 2 had now been completed and asked if Councillors were aware that the costs schedule had varied since the draft and that land owners had not been consulted in relation to the changes.

The Executive Director of Development Services responded by saying that the criteria under the Town Planning Scheme were reviewed on an annual basis. He said that any overpayments could be refunded. This can then create the lots to be sold. Under the terms they have had to go back and have the costs reviewed as a letter had been received from Peat & Co. He said they were endeavouring to solve a short-term problem and in place find a long-term solution.



## **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 20<sup>th</sup> August 2002;
- Special Meeting of Council held on 23<sup>rd</sup> August 2002; and
- Special Meeting of Council held on 27<sup>th</sup> August 2002.

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

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR DEMARTEAU**

**THAT the following minutes:**

- **Ordinary Council meeting held on 20<sup>th</sup> August 2002;**
- **Special Meeting of Council held on 23<sup>rd</sup> August 2002; and**
- **Special Meeting of Council held on 27<sup>th</sup> August 2002.**

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

**MOTION CARRIED 14-0**

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

Nil

## **8.0 DECLARATIONS OF FINANCIAL INTEREST**

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

Councillor Barton - Item 11.2.1 – Parking Facilities – Variation of Restrictions – Albany Highway.

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

Item 19.1 – Removal of Cocoa Beans from Bakers Junction Landfill Site.

## **10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# **Development Services**

## **REPORTS**

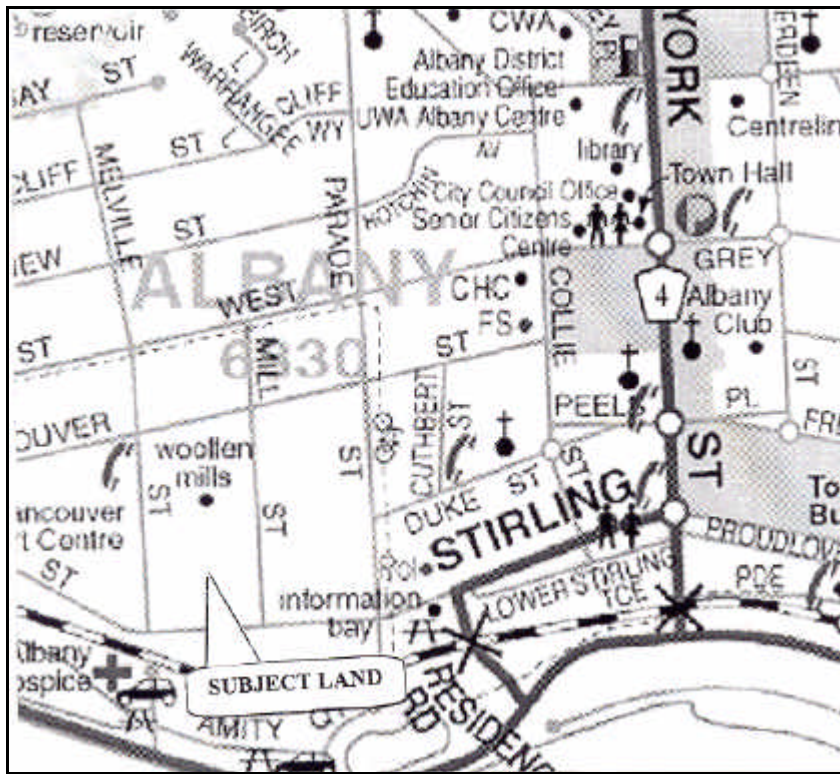
DEVELOPMENT SERVICES REPORTS

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

**11.1 DEVELOPMENT**

**11.1.1 Demolition Application – Various lots, Mill Street, Albany - Albany Woollen Mills**

- File/Ward** : A168739 (Vancouver Ward)
- Proposal/Issue** : Proposed Demolition of the Albany Woollen Mills
- Subject Land/Locality** : Lots 76, 77, 78, 79, 220 and Location 74, 75, 207, 221 and 208 Mill Street, Albany
- Proponent** : Grandeur Design & Construction Pty Ltd
- Owner** : Noble Investments Pty Ltd
- Reporting Officer(s)** : Manager Development (C Pursey)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/08/02 - Item 11.1.4
- Summary Recommendation** : Refuse Demolition
- Bulletin Attachment** : Yes
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**BACKGROUND**

1. This report has been prepared as a supplementary report, and should be read in conjunction with, the report presented to Council on the 20<sup>th</sup> August 2002 (found in the Elected Members Report/Information Bulletin).
2. At Council's meeting of the 20th August 2002 Council resolved:

*“THAT this matter lay on the table for one (1) month to allow Councillors to inspect the property and bring the matter to the next Council meeting.”*

3. On Monday 26<sup>th</sup> August 2002, Councillors and staff met with company representatives in response to the above resolution of Council. A tour was conducted and a number of further questions and clarifications requested of the applicant. These were communicated to the applicant in writing on the 2 September 2002.
4. The clarifications requested were as follows:
  - Confirmation that the cottage at 9 Mill Street is proposed to be demolished as it is listed as 'C Category' place in the Municipal Inventory;
  - Specifications on how the heritage-listed portion of the 1924 Woollen Mills building is to be made safe and secure once the remainder of the building is demolished;
  - Detail on what materials will be recycled and which materials are proposed to be deposited at the City's rubbish tip; and
  - Concerns as to what will occupy the site once the buildings are demolished were reinforced. There are no development plans or any documents to change the zoning for the site.
5. A response to this request was received on the same day stating that this requested information will be submitted to Council on the 16<sup>th</sup> September 2002 on the applicant's advisors' return from holidays. Staff intend that this information be made available to Councillors prior to the meeting.
6. In addition to the results of the site inspection, Council was forwarded a fax from the applicant prior to the last meeting that sought to:
  - Clarify the content of the application; and
  - Inform Council that the owner has an agreement with the State Government to demolish the site before 31 December 2003.

A copy of this fax is in the pages following this report.

**STATUTORY REQUIREMENTS**

7. Demolition is classified as a form of “development” under the Town Planning and Development Act 1928 and TPS1A. Planning Scheme Consent is required to be obtained prior to a demolition.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**POLICY IMPLICATIONS**

8. The Albany Woollen Mill is listed in the Municipal Heritage Inventory adopted by the City of Albany.
9. The property is listed in the Municipal Inventory as both Management Category ‘B’ and Management Category ‘D’. These categories apply to places throughout the City and not only to the subject property. These management categories seek to:

*Management Category B - “Requires a high level of protection: provide maximum encouragement to the owner under the City of Albany Town Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any development. Incentives to promote conservation should be considered.”*

*Management Category D - “Significant but not essential to an understanding of the history of the district. Photographically record the place prior to any major redevelopment or demolition.”*

10. Council has adopted a TPS1A policy “Interim Guidelines for the Assessment of Development Applications for Redeveloping Sites (Including Demolition)”.
11. Amongst other things, the TPS1A policy provides that:

*“c) Development applications seeking the demolition, in full or in part, of an item on the Municipal Inventory shall ... in addition to all other documentation required by the Town of Albany Scheme 1A, be accompanied by:  
A report of the buildings cultural and/or heritage value, in accordance with the principles of the Burra Charter, undertaken by a heritage architect or the Regional Heritage Adviser.”*

12. The TPS1A policy also provides that:

*“e) Development applications seeking the total demolition of items on the Municipal Inventory, will not generally be supported.”*

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

14. The strategic implications relate to the maintenance of the heritage places in Albany are outlined in TPS1A and the Municipal Inventory.
15. Further, the following Port of Call is identified within the *Albany 2020 Charting Our Course* Strategic Plan:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

□ PORT OF CALL - *Outstanding municipal & privately owned heritage assets*

❖ *Heritage Planning & Community Incentives – To identify those elements within the built environment reflecting the architectural history of the City of Albany and to ensure the City's heritage assets are managed sustainably and continue to be available for future generations.*

**COMMENT/DISCUSSION**

16. The applicants have indicated that they are mindful of the heritage report prepared by their own Heritage Consultants and have modified their application to keep all of the buildings on the site listed on the Municipal Inventory in the “B” Category.
17. There remain a number of unanswered questions, listed in paragraph 4, which require a satisfactory answer before staff consider that supporting the demolition of the Albany Woollen Mills is a safe and strategically sound proposal.
18. Of concern, is the question of what is to take the place of the Woollen Mills, should the buildings be demolished. The site is zoned “Industry” under the current Town Planning Scheme. Demolition of the existing buildings may leave the site open to redevelopment for industrial purposes that staff consider would be inappropriate given the surrounding residences.
19. The owner claims to have an agreement with the State Government that requires the buildings to be demolished prior to the 31 December 2003. The Department of Industry and Technology were consulted in regard to this agreement and confirmed that there is an agreement, the intention of this agreement is to:

*“...ensure that the property is cleared of all unwanted buildings or materials ready for a viable economic use, mindful of any heritage requirements that the Council may have. This was to ensure that the City of Albany or State would not be forced to clean up the site and that the owners would not simply walk away. There is no intent to force the demolition of any building with a heritage value. Yet at the same time there is an intent to encourage future economic development for the benefit of the people of Albany.”*
20. There remains plenty of time to formulate and initiate future plans (for the site) prior to approving a demolition, given the State government timeframes. It is questionable whether a vacant ‘Industrial’ zoned site leaves the site “*ready for a viable economic use*”.
21. In conclusion, Council needs to be satisfied that the heritage qualities of the site are adequately protected, the site is left in a safe state and that approving a demolition will not result in inappropriate development on the site at some time in the future.
22. Given the standard of information available at the time of writing this report, staff are not in a position to support the application.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

**RECOMMENDATION**

THAT Council issue a Notice of Planning Scheme REFUSAL for the application to demolish the existing buildings at Lots 76, 77, 78, 79, 220 and Locations 74, 75, 207, 221 and 208 Mill Street, Albany, for the following reasons:

- i) the application is in conflict with Council’s “Interim Guidelines for the Assessment of Development Applications for Redeveloping Sites (Including Demolition)”;
- ii) it is not clear how the remaining buildings will be supported so as not to pose a risk to public safety;
- iii) the application fails to meet objective 1.7(c) of the City of Albany Town Planning Scheme 1A; and
- iv) no detail has been provided to Council on what development, if any, is proposed on the site following demolition.

AND

THAT staff commence negotiations with the owners and applicant in an attempt to determine an appropriate level of development for the Albany Woollen Mills site whilst also retaining/refurbishing the Municipal Inventory listed buildings at Lots 76, 77, 78, 79, 220 and Locations 74, 75, 207, 221 and 208, Albany.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BOJCUN**

**THAT this matter lay on the table the application to demolish the existing buildings at Lots 76, 77, 78, 79, 220 and Location 74, 75, 207, 221 and 208 Mill Street, Albany**

**AND**

**THAT the Applicant be advised that Council would not be prepared to consider the application further until:**

- i) detailed plans have been submitted and approved by Council which show how the site is to be used following demolition;**
- ii) structural advice is available on how the remaining building(s) are to be secured following demolition;**
- iii) there is adequate detail on the concept plan to indicate/warrant the required level of demolition;**
- iv) every reasonable action is taken to retain both cottages on the subject land; and**
- v) accurate information is provided on the extent of waste to be sent to land fill.**

**MOTION CARRIED 11-3**

**Reason:** By refusing the development application, Council’s capacity to continue to negotiate an amicable outcome would be reduced.

Item 11.1.1 continued

## **MsCAD ENGINEERING CONSULTANTS**

*(Consulting Engineers, Project Managers, Autocad drafting and designers, Registered Builders)*

Reg.No: BN09439675

99A The Promenade  
Mt Pleasant WA 6153  
E-Mail: [mscadeng@bigpond.com](mailto:mscadeng@bigpond.com)

Tel: (08) 9315 3330  
Fax: (08) 9315 3331  
Mobile: 0419 948 979

Your Ref: A168739  
Our Ref: ALBANY MILL  
18<sup>th</sup> August 2002

Mayor and Councilors  
City of Albany,  
P.O Box 484  
Albany 6331

Dear Sir/Madam

### **Demolition of Albany Woolen Mills, Albany**

With reference to the Council letter dated 29<sup>th</sup> July 2002 and the council meeting agenda dated 15<sup>th</sup> August 2002; We, as the development consultant appointed by the owner, put before you the following facts for your kind consideration and necessary approval.

The owner is of the opinion that all the Heritage issues had been resolved by "HERITAGE TODAY" and "DAVID HEAVER ARCHITECT", the heritage consultant and local Heritage Architect appointed by him.

The application for Demolition was made as a formal one subject to the heritage and other condition agreed and imposed by the council.

Since the application for the demolition does not provide enough information, we like to put before you all the real intension of the application as below.

1. The owner is agreed to retain and preserve the buildings or part of the buildings adopted in the City of Albany Municipal Heritage Inventory, as management category "B".
2. The owner requested only to demolish the buildings adopted as management category "D".
3. Considering the structural Engineering point of view, we recommend to alter the boundary of the "R" category area in the main factory as shown



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

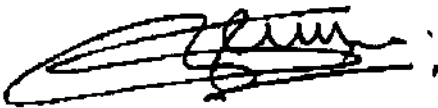
**We hope that you will appreciate the urgency of dismantling the building other than that of Heritage value.**

**As such we kindly request you to re-consider the decision and approve the dismantling of the roof and structure other than that listed as Heritage Management "B" in this Council meeting which will be held on 20<sup>th</sup> August 2002.**

**The owner is willing to develop the land to the full requirement of the Council and the owner is prepared to sign a statutory declaration for it.**

**Awaiting to hear your favorable decision.**

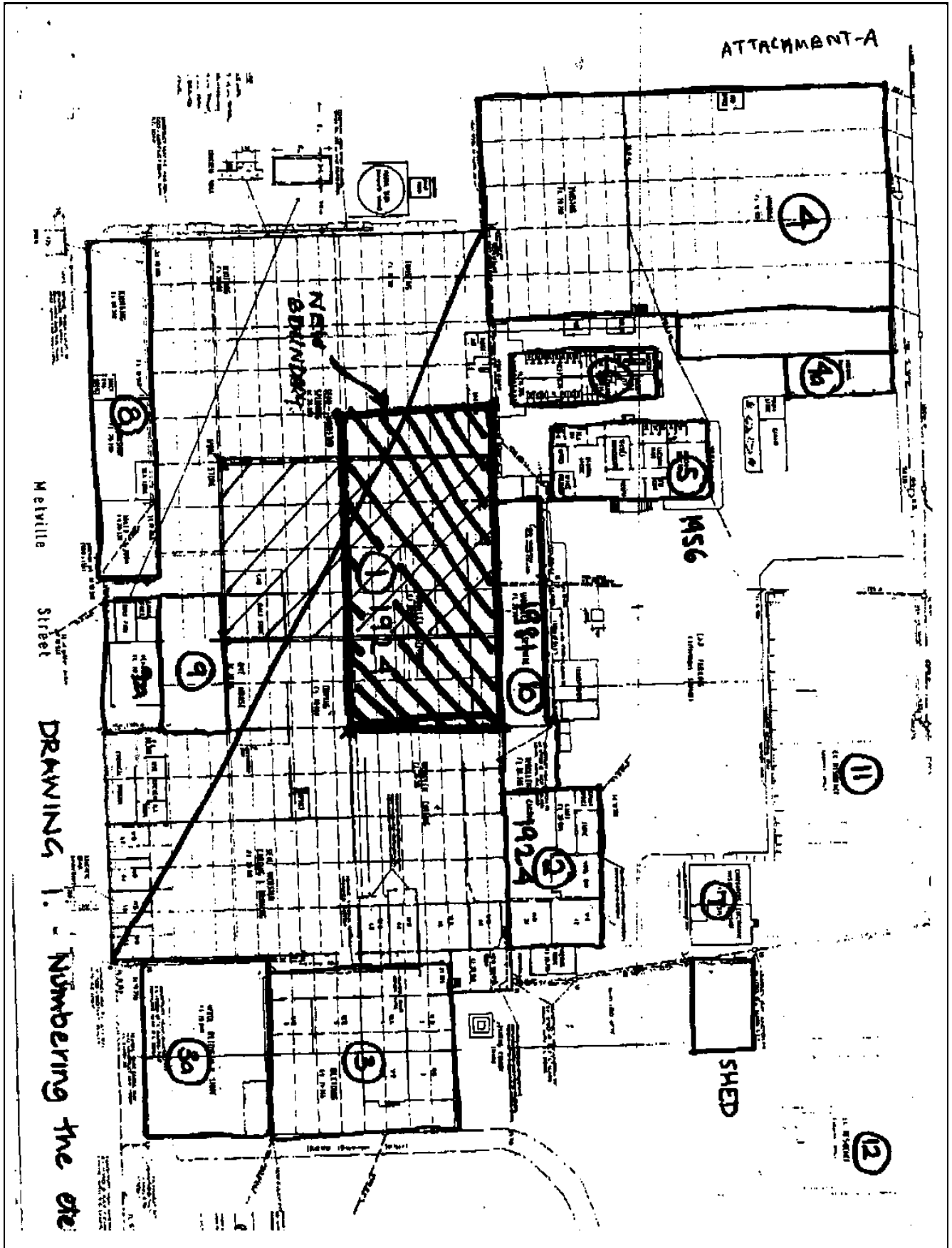
**With Complements**



**Muthu Lingam  
MIEAust., CPEng.  
Registered Professional Engineer**

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

ATTACHMENT-B

*P. H. SAUNDERS (P/S)*

2002

THE HON. ERIC STEPHEN RIPPER M L A

AND

NOBEL INVESTMENTS PTY LTD (ACN 092 208)

JACKSON FIBRES INDUSTRIES PTY LTD (ACN 072 336 862)

ALBANY SPINNING MILLS PTY LTD (ACN 071 212 578)

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DEED

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Crown Solicitor's Office  
Commercial  
141 St Georges Terrace  
PERTH WA 6000  
Telephone: (08) 9264 1888  
Ref: FIG:AWR:1176-01

Item 11.1.1 continued

- 4 -

of the receipt for the payment to the Department of State Revenue under clause 3.3(a).

## 5. DEVELOPER'S WARRANTIES AND RELEASE

### 5.1 Developer's Warranties

The Developer warrants that:

- (a) it will, subject to the provisions of the *Heritage Act 1990 (W.A.)*, by 31 December 2003:
  - (i) demolish the factory and all other buildings, structures, equipment and other improvement erected on the Property; and
  - (ii) level, clear, remediate and repair any damage to, the Property;
- (b) it will not make any further claims for funding or any other form of financial assistance or exemption under the Agreement; and
- (c) it will not take any legal or other action to receive any further benefits from the Treasurer or the State.

### 5.2 Developer's Release

The Developer releases the State, the Treasurer, any Minister of the State or any officer, servant or agent of the State from all actions, claims, suits and demands whatsoever:

- (a) which the Developer now has;
- (b) which the Developer may have at any time after the date of this Deed; or
- (c) which, but for the execution of this Deed, the Developer could or might have had against the State, the Treasurer, any Minister of the State or any officer, servant or agent of the State,

relating to the Agreement.

### 5.3 Effect of Release

This Deed may be pleaded in bar to any action, claim, suit or demand brought by the Developer against the State, the Treasurer, any Minister of the State or any officer, servant or agent of the State relating to the Agreement.

## 6. TREASURER'S WARRANTIES

The Treasurer warrants that, subject to clause 8.1, the State will not seek to recover any amounts paid by the State to the Developer under the Agreement.

**DEVELOPMENT SERVICES REPORTS**

**11.2 INSPECTION SERVICES**

**11.2.1 Parking Facilities – Variation of Restrictions – Albany Highway**

**File/Ward** : SER 044 (Frederickstown Ward)

**Proposal/Issue** : Variation to parking restrictions.

**Subject Land/Locality** : Albany Highway, Albany

**Proponent** : City of Albany

**Owner** : City of Albany

**Reporting Officer(s)** : Manager Inspection Services (K Barnett)

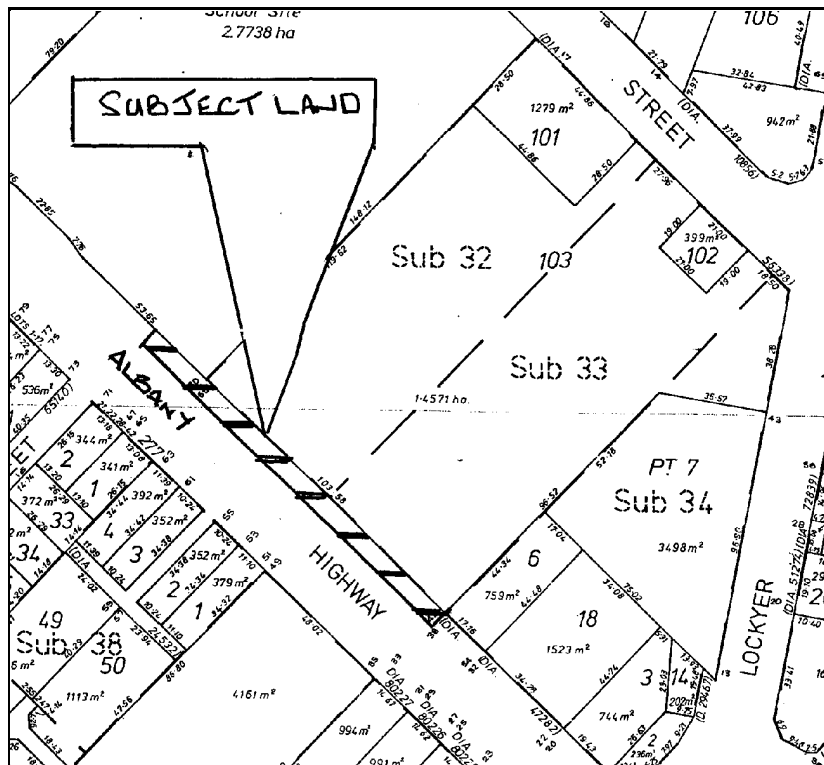
**Disclosure of Interest** : Nil

**Previous Reference** : OCM 19/12/00 - Item 11.2.1

**Summary Recommendation:** Approve the implementation of amended parking restrictions.

**Bulletin Attachment** : Nil

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**BACKGROUND**

1. Council at its ordinary meeting held on 19<sup>th</sup> December 2000 considered a report on a variation to parking restrictions in Albany Highway, adjacent to Albany Plaza Shopping Centre, and resolved to:  
  
*“(i) Approve the changes to the existing parking arrangements in Albany Highway, adjacent to the Albany Plaza Shopping Centre, as proposed;  
(ii) Erect signage indicating the parking restrictions as proposed; and  
(iii) Advertise the restrictions.”*
2. Due to the redevelopment of the Albany Plaza Shopping Centre, the implementation of the proposed restrictions was delayed until the impact of the redevelopment on parking in Albany Highway was known.
3. The redevelopment of the centre is almost finished. The main impact on kerbside parking in Albany Highway was a planned relocation of the existing loading zone from outside the main entrance to within the Albany Plaza site; the centre managers wish to retain this bay but staff are concerned that there appears to be considerable emphasis on commercial activity when allocating “public parking” to the detriment of the public.
4. With the removal of the loading zone and the relocation of the Albany Primary School, Council now has the opportunity to formalize the existing bus zone, provide an additional taxi bay, a taxi “call-forward” area (using the former school bus bay) and eight half-hour bays for the community. A plan showing the existing and the proposed arrangements follows this report.

**STATUTORY REQUIREMENTS**

5. Clause 3.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:  
  
*"3.1 The local government may by resolution constitute, determine and vary and also indicate by signs -:  
(a) parking stalls;  
(c) permitted time and conditions of parking stalls ... which may vary with the locality;  
(e) permitted classes of persons who may park in specified parking stalls.; and  
(f) the manner of parking in parking stalls..."*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. The cost of the proposed signage would be funded from existing budgets.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**STRATEGIC PLAN IMPLICATIONS**

8. The Albany 2020 Charting Our Course Strategic Plan includes the following Ports of Call:

*"Transport systems & services designed to meet current & future needs."*

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

**COMMENT/DISCUSSION**

9. The proposed changes have been discussed with and accepted by representatives of the Albany Taxi industry, Loves Bus Service, the management of the Albany Plaza Shopping Centre and the Department of Planning & Infrastructure.
10. A plan of the proposed changes follows this report.

**RECOMMENDATION**

THAT Council resolve to:

- i) approve the changes to the existing parking arrangements in Albany Highway, adjacent to the Albany Plaza Shopping Centre, as proposed;
- ii) erect signage indicating:
  - a) a bus zone;
  - b) a taxi zone for three taxis;
  - c) eight (8) half-hour parking bays; and
  - d) a taxi "call-forward" area; and
- iii) advertise the restrictions.

*Voting Requirement Simple Majority*

.....

Councillor Barton declared an interest and left the Chambers at 7.58pm.  
The nature of Councillor Barton's interest is that she is an employee of Coles Supermarket.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WOLFE**

**THAT Council resolve to:**

- i) approve the changes to the existing parking arrangements in Albany Highway, adjacent to the Albany Plaza Shopping Centre, with the addition of two (2) bays (immediately forward of the bus zone) being allocated as “Pick Up and Set Down” bays with a five-minute parking restriction applied;**
- ii) erect signage indicating:**
  - a) bus zone;**
  - b) a taxi zone for three taxis;**
  - c) eight (8) half-hour parking bays;**
  - d) a taxi “call-forward” area;**
  - e) pick-up and set-down zone for two vehicles; and**
- iii) advertise the restrictions.**

**MOTION CARRIED 11-2**

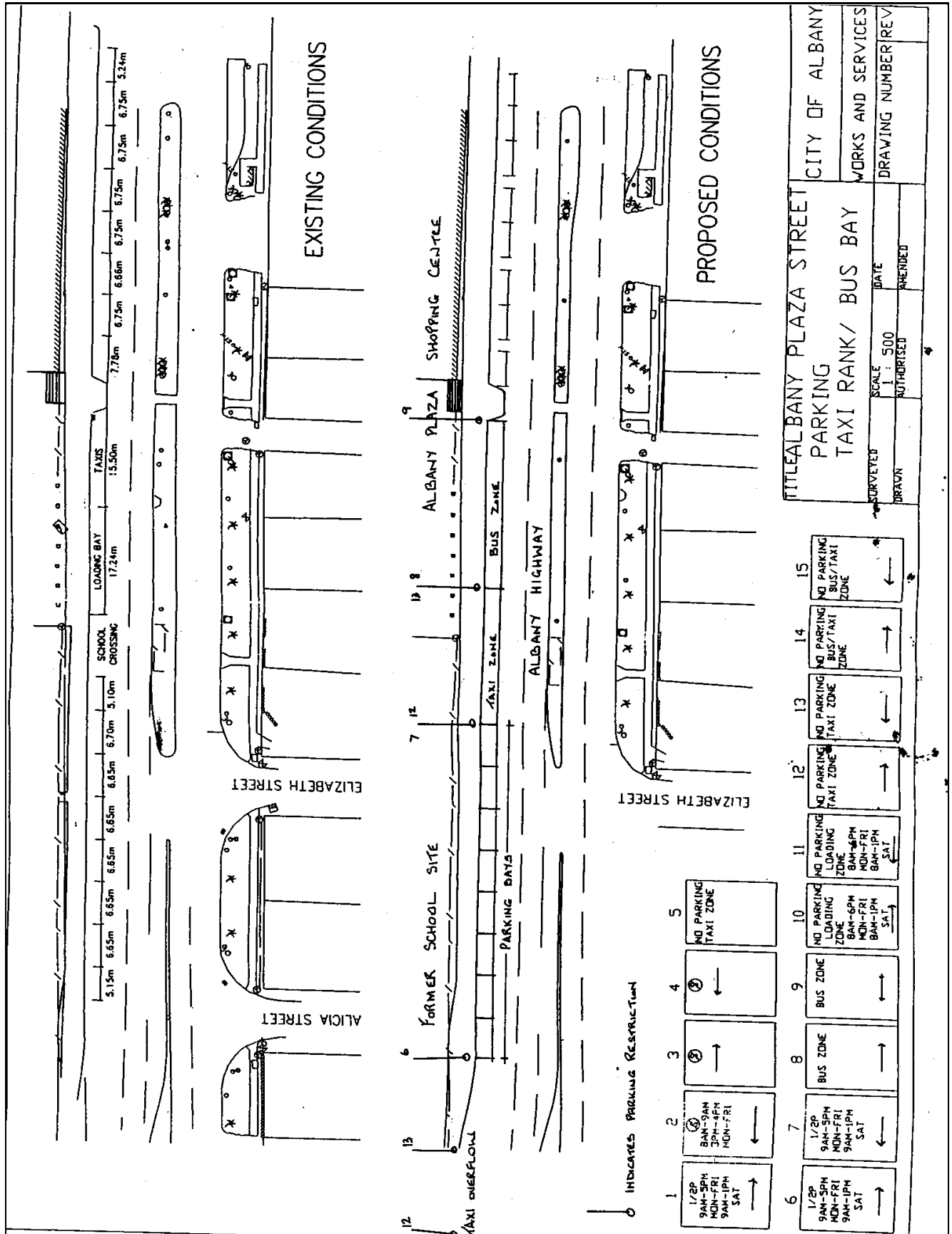
**Reason:** The proposed parking arrangements do not allow the opportunity for shoppers to stop for a short period of time and collect food or beverages from those shops fronting Albany Highway. Also, someone waiting with goods to be picked up would direct their driver to the bus bay as no pick-up area was proposed.

Councillor Barton returned to Chambers at 8.05pm.



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued



DEVELOPMENT SERVICES REPORTS

11.2.2 Parking Facilities – Variation of Restrictions – Stirling Terrace

**File** : SER 044 (Frederickstown Ward)

**Proposal/Issue** : Adjustment to parking restrictions – taxi zone.

**Subject Land/Locality** : Stirling Terrace, Albany.

**Proponent** : City of Albany

**Owner** : City of Albany

**Reporting Officer(s)** : Manager Inspection Services (K Barnett)

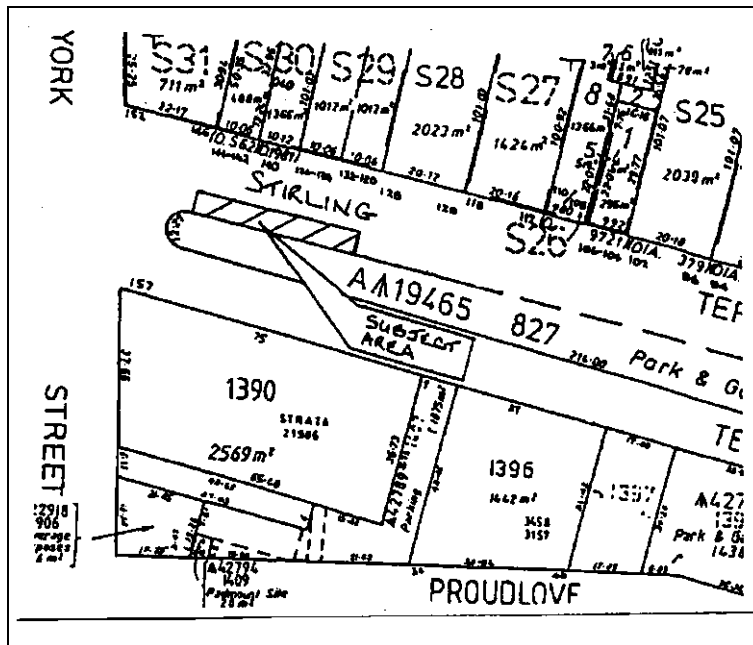
**Disclosure of Interest** : Nil

**Previous Reference** : OCM 19/12/00 - Item 11.2.5

**Summary Recommendation:** Approve the implementation of amended parking restrictions.

**Bulletin Attachment** : Nil

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

**BACKGROUND**

1. Council at its ordinary meeting held on 19<sup>th</sup> December 2000 resolved to:
  - “(i) *Establish a taxi rank for ten vehicles on the south side of Stirling Terrace between the hours of 12.00 midnight and 6.00am only, as shown on the locality plan; and*
  - “(ii) *Advertise the restrictions for public information.*”
2. A request has now been received from the Department of Planning & Infrastructure (DPI) to adjust the time restrictions on the first four bays.
3. The DPI has suggested that in order to provide a more functional taxi zone for the community after-hours, the first four bays should operate as a taxi zone between the hours of 6.00pm and 6.00am. The other six bays would continue to operate between 12.00 midnight and 6.00am.

**STATUTORY REQUIREMENTS**

4. Clause 3.1 of the City's Parking and Parking Facilities Local Law 2001 stipulates, inter alia:
  - “3.1 *The local government may by resolution constitute, determine and vary and also indicate by signs -:*
  - “(b) *parking stalls;*
  - “(d) *permitted time and conditions of parking stalls ..... which may vary with the locality;*
  - “(g) *permitted classes of persons who may park in specified parking stalls; and*
  - “(h) *the manner of parking in parking stalls...*”

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. The cost of altering the existing signage would be funded from the budget for parking signs.

**STRATEGIC IMPLICATIONS**

7. The Albany 2020 Charting Our Course Strategic Plan includes the following Ports of Call:
  - “*Transport systems & services designed to meet current & future needs.*” and
  - “*The continual development of Council services & facilities to meet the needs of all stakeholders.*”

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.2 continued

**COMMENT/DISCUSSION**

8. As the proposed operating period would not commence until after “normal business hours” the proposed restrictions would have negligible impact on other motorists. The usual 2-hour parking restriction would apply during the day.

**RECOMMENDATION**

THAT Council resolve to:

- i) approve the change to the taxi zone on the south side of Stirling Terrace as proposed;
- ii) erect signage indicating that the first four bays operate as a taxi zone between the hours of 6.00pm and 6.00am Monday to Sunday; and
- iii) advertise the restrictions for public information.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR EVERS**

**THAT Council resolve to:**

- i) approve the change to the taxi zone on the south side of Stirling Terrace as proposed;**
- ii) erect signage indicating that the first four bays operate as a taxi zone between the hours of 6.00pm and 6.00am Monday to Wednesday and Friday to Sunday, and between the hours of 9.00pm and 6.00am on Thursdays; and**
- iii) advertise the restrictions for public information.**

**MOTION CARRIED 14-0**

**Reason:**

Thursday is the only night of the week where businesses along Stirling Terrace are open and it is inappropriate that public car parking bays are left vacant during trading hours to accommodate taxi access for the nightclub, which commences its business later in the evening.

**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Initiate Scheme Amendment – Commercial & Residential Provisions**

<b>File/Ward</b>	: STR 126/AMD 137 & 226 (All Wards)
<b>Proposal/Issue</b>	: Modify the commercial and residential provisions of Town Planning Schemes 1A and 3; and Include provisions for consultation with other authorities when determining applications.
<b>Subject Land/Locality</b>	: Applies to all land identified in Town Planning Schemes No.1A and 3.
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Planning Officer – Policy (R Hindley)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 04/07/00 – Item 11.3.3 OCM 17/07/01 – Item 11.1.5 OCM 20/08/02 – Item 11.3.4
<b>Summary Recommendation</b>	: Initiate Amendment
<b>Bulletin Attachments</b>	: Extract of Item 11.3.4 (OCM 20/8/02)
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. At its meeting of 20<sup>th</sup> August 2002 a report was presented to Council supporting the initiation of Amendments 137 and 226 (contained in Elected Members Report/Information Bulletin). These amendments were developed to provide consistency in the dealings of applications relating to residential and commercial development between both Scheme areas. The following was resolved by Council:

*“THAT this matter lay on the table pending a detailed briefing at the next Council briefing session.”*

The reason provided for the above resolution was:

*“It is necessary for discussions to be held before any decisions are made.”*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

2. Following the Council meeting further information was presented at a briefing session in which the content of the amendments was shown to be consistent with other amendments and previous resolutions. In addition, inconsistencies in the current Schemes were identified to show how the amendments would bring consistency in how applications are dealt with in each Scheme area.

**STATUTORY REQUIREMENTS**

3. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.
4. 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.
5. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that the amendment is environmentally acceptable.
6. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval would be granted to that amendment.

**POLICY IMPLICATIONS**

7. There are various policies and strategies that have relevance to these proposals. They include:
  - The Residential Planning Codes (R-Codes) (1991).
  - Commercial Centres Strategy for Albany (1994).
  - The Albany Commercial Strategy Review (2000).
  - The Draft Albany Local Planning Strategy.
8. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
9. The Review is adopted as a policy under both Town Planning Schemes 1A and 3.
10. The R-Codes are to be adopted by reference under Town Planning Scheme 3.

**FINANCIAL IMPLICATIONS**

11. Council will be required to advertise the amendments at its own cost

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**STRATEGIC IMPLICATIONS**

12. The Commercial Strategy Review (2000) provides strategic direction for commercial development within Albany. The findings will be incorporated into the Lower Great Southern Region Strategy being prepared by the Department of Planning and Infrastructure and the Albany Local Planning Strategy.

**COMMENT/DISCUSSION**

13. The main objective of these amendments is to achieve consistency between Town Planning Schemes No. 1A and 3 when dealing with commercial and residential development in the City. As a new district-wide Town Planning Scheme is being prepared, these amendments will tidy up various aspects of the Schemes to assist with decision making.
14. In relation to the commercial aspects, the amendments include definitions and provisions to provide greater clarity when dealing with commercial developments. Shopping centres which will be dealt with in accordance with the hierarchy identified in the Review. Controls are to be created by incorporating the maximum net lettable area for centres. Definitions and the zoning table will be modified accordingly.
15. The residential issues addressed in the two amendments relate to the following:
  - application of the Residential Planning Codes to residential development within the area covered by Town Planning Scheme No. 3;
  - definitions to be made consistent with the Residential Planning Codes;
  - definition of development for which planning consent is required; and
  - variations to site and development requirements.
16. Further to the modified commercial and residential provisions contained within the amendment, provision is made for consultation with other authorities. The provisions relating to the matters to be considered when determining an application for planning consent are also modified.

**CONCLUSION**

17. Whilst the amendment documents are quite technical in detail, these amendments provide the essential tidy ups needed to bring both Schemes in line with each other, ensuring consistency across the City.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

RECOMMENDATION

THAT:

- i) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 1A to:
  - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;
  - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
  - c) including definitions relating to commercial development;
  - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and
  - e) amending the scheme provisions relating to residential development.

AND

- ii) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 3 to:
  - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;
  - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
  - c) including definitions relating to commercial development;
  - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;
  - e) including the residential planning codes to apply to residential development; and
  - f) including provision relating to applications for planning consent.

*Voting Requirement Simple Majority*

.....



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WILLIAMS**

**THAT:**

- i) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 1A to:**
  - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;**
  - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;**
  - c) including definitions relating to commercial development;**
  - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and**
  - e) amending the scheme provisions relating to residential development.**

**AND**

- ii) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 3 to:**
  - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review; with the exception of the Oyster Harbour centre which shall be included as a neighbourhood centre to recognise the existing development;**
  - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;**
  - c) including definitions relating to commercial development;**
  - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;**
  - e) including the residential planning codes to apply to residential development; and**
  - f) including provision relating to applications for planning consent.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

**Reason:** The Review of the Commercial Strategy (2000) proposed that the Oyster Harbour site be designated as a local centre and the planned Bayonet Head site become the neighbourhood centre site. This strategic direction fails to acknowledge that an approval is already in place and a building licence has been issued to construct a neighbourhood centre at Oyster Harbour. The proposed Bayonet Head site may not become available for development for a decade or more as it relies upon urban development to create the site and to provide the essential infrastructure for commercial development; residents of Bayonet Head and Oyster Harbour will be denied access to their daily and weekly shopping needs in the interim.

**DEVELOPMENT SERVICES REPORTS**

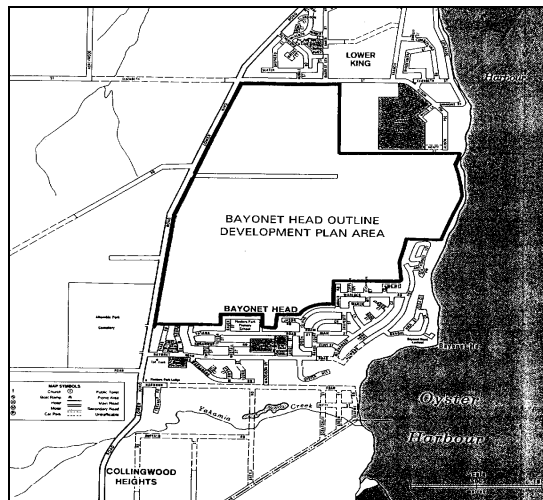
**11.3.2 Initiation - Guided Development Scheme and Review of Shared Cost Schedule for the Bayonet Head Outline Development Plan Area**

- File/Ward** : STR 077 (Yakamia Ward)
- Proposal/Issue** : Initiate the Guided Development Scheme and adopt cost sharing schedule.
- Subject Land/Locality** : Bayonet Head Outline Development Plan area
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Strategic Planning Officer (M Papalia )
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/05/02 - Item 11.3.6  
OCM 16/04/02 - Item 11.2.1  
OCM 20/02/01 - Item 11.3.3  
OCM 23/05/00 - Item 12.3.1  
OCM 26/10/99 - Item 15.1.2  
OCM 24/03/99 - Item 15.1.1  
OCM 27/05/98 - Item 12.3.4  
OCM 29/01/98 - Item 13.3.11  
OCM 04/12/96 - Item 13.3.8

**Summary Recommendation:** Delay initiation of Guided Development Scheme and adopt cost sharing schedule.

**Bulletin Attachment** : Nil.

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. This item relates to the Bayonet Head Outlined Development Plan (BHODP) that was adopted as a Town Planning Scheme Policy by Council on 20<sup>th</sup> February 2001. The Bayonet Head Guided Development Scheme is a mechanism to implement the BHODP and was considered by Council at its 21<sup>st</sup> May 2002 meeting (copy included in the Elected Members Report/Information Bulletin) where it resolved:

*“THAT:*

- i) consideration of the Bayonet Head Guided Development Scheme be deferred for a period of three (3) months and landowners be advised that any subdivision proposal considered during that period will be assessed against the current Town Planning Scheme No. 3 provisions, with contribution costs being applied in accordance with the cost sharing schedule attached to the draft Bayonet Head Guided Development Scheme;*
- ii) during the period mentioned in point (i) above, landowners be requested to provide to Council a proposal, endorsed by all landowners involved, which details the mechanism and process they wish to pursue to ensure an equitable distribution of subdivision costs over the current Bayonet Head Outline Development Plan area for the period taken to complete the subdivision of all the existing lots;*
- iii) should landowners accept and pursue the Peet and Company offer to revisit the Bayonet Head Outline Development Plan, Council requires any proposed replacement plan to:*
  - a) be prepared by consultants engaged and funded by landowners;*
  - b) meet the objectives and principles achieved in the adopted Bayonet Head Outline Development Plan in regards to stormwater management, the allocation of active and passive public open space areas, community facility sites, protection of wetland systems/areas, integrated traffic management planning and the provision of a greenway corridor within the development plan area;*
  - c) be referred by the consultant to relevant government agencies and the consent of these agencies be obtained, prior to the revised Bayonet Head Outline Development Plan being submitted for Council’s consideration;*
  - d) be developed with minimal Council staff resources being consumed, other than when statutory processes need to be undertaken; and*
  - e) fully document the process and legal mechanism to be pursued upon the adoption of the Outline Development Plan, to set in place the equitable apportionment of the subdivision costs within the development plan area;*  
*and*
- iv) the Bayonet Head Outline Development Plan area for the provision of stormwater drainage outfall and the widening of Lower King Road and that staff review the input data supporting the design outcomes and the cost estimates provided to ensure they are relevant and accurate.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

*Reason:*

*At a meeting of landowners held last week, concern was raised over the impact of the Bayonet Head Guided Development Scheme upon the very group that it is planned to assist. Peet and Company, and their consultant planner, suggested an alternate methodology to progress the long term subdivision of the land between Bayonet Head and Lower King.*

*The motion to defer consideration of the Guided Development Scheme is not a reflection on the work undertaken by staff on that document, but rather it provides an opportunity for the landowners to discuss and resolve amongst themselves a way forward.*

*The motion also amplifies the design parameters that landowners will be required to meet should they decide to prepare a replacement plan. It also reinforces that external impacts from the subdivision of the Outline Development Plan area must be addressed and funded by the proposed subdivision of the area.”*

2. The above resolution was a direct result of issues raised by landowners at a meeting held with landowners, Councillors and staff on 16<sup>th</sup> May 2002.
3. The three month time period lapsed on 16<sup>th</sup> August 2002.

**STATUTORY REQUIREMENTS**

4. Clause 5.2.4 of the City of Albany’s Town Planning Scheme No. 3 sets out an interim measure to require developer contributions in the Bayonet Head Outline Development Plan whilst the Guided Development Scheme is being prepared. Clause 5.2.4 e) requires a review of the Schedule of Shared Costs to be carried out annually every July. This item also discusses the review of this Schedule.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. The financial commitments at this stage include the costs associated with the land valuations and determining the shared costs items that have already been budgeted for and associated officer time to manage the project to date. The cost of the scheme itself is one of the shared cost items and will be recovered following the completion of the Guided Development Scheme process.
7. Over the development life of the Scheme area, Council will be required to contribute approximately \$160,000 towards drainage upgrades and approximately \$2 million towards the upgrading of Lower King Road respectively.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**STRATEGIC IMPLICATIONS**

8. The Bayonet Head Outline Development Plan will co-ordinate the development of the balance of Bayonet Head and confirms Council's commitment to "Albany 2020 – Charting Our Course". The BHODP is relevant to a number of Ports of Call but predominantly fits into the following Port of Call:

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

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

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

**COMMENT/DISCUSSION**

**Guided Development Scheme**

- 10 In accordance with Council's resolution (stated in paragraph 1 of this report) the three month timeframe, for landowners to provide Council with a proposal detailing the mechanism and process they wish to pursue an equitable distribution of subdivision costs over the BHODP area, has passed. No proposals were received during this time.
11. Council has, received letters (included in the Elected Members Report/Information Bulletin from the following four landowners: Peet & Co, Mr Pearce, Mr Fenny & Mr Medcalf and one phone call from Mr Slee. These letters were forwarded to Council's consultant, Urban Focus for comment. These letters were received just prior to the Council agenda deadline, Council's consultant's has only been able to provide the City with preliminary advice.
12. The preliminary advice confirms that the main landowner concern is the life of the Guided Development Scheme (ie 30 years or more), over which time it would be difficult to accurately forecast and/or control the Shared Costs. There were also other inter-related concerns and matters that needed clarification.
13. To address this issue, Council's consultant has suggested an alternative option that will maintain the integrity of the principle of sharing certain infrastructure costs between landowners, and also including the actual items of shared cost that have been nominated to date.
14. The total Scheme Area as currently defined, could be declared a "**Development Contribution Area**". In designating the area a Development Contribution Area (DCA), Council would qualify the designation in its District Zoning Scheme by making reference to the fact that –

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

- a) All subdivision within the DCA Area would need to be undertaken in accordance with the adopted Structure Plan for the area;
  - b) The area would be divided into a specified number (possibly 4-5) development nodes;
  - c) The currently drafted Guided Development Scheme would be modified marginally to apply to the first identified development node and introduced over that area;
  - d) No subdivision and or development would be permitted in the remaining development nodes until such time as a Guided Development Scheme (or similar appropriate mechanism), was adopted by Council in respect to each of the subsequent development nodes.
15. The above approach would result in all estimated costs being calculated for the total DCA as has currently occurred, but would then be apportioned on an **area basis** to the first development node and then subsequently, to each remaining development node. Each development node would be identified so that, based on the current take up rate of say 100 new residential lots per annum, the life of each development node spanned a period of 5-7 years. This would result in the shared cost for that development node being more controllable and subject to the development node being fully developed, would result in the GDS over that development node being virtually completed within a more acceptable timeframe of 5-7 years.
16. The above approach would also provide Council with the flexibility of addressing any other issues that might arise over that period in respect to the subsequent undeveloped development nodes so that when a GDS is introduced over each node, it can be specifically tailored to the issues directly applicable to that node. At the same time, it would not lose sight of the overall infrastructure costs pertaining to the entire DCA Area. This approach would also have the advantage of tailoring any future GDS to address any changes in planning design standards and criteria, including changes to densities and or any other requirements that may arise in future years.
17. The use of DCA's is becoming common practice within the Perth Metropolitan Region, however their individual life span is foreseen to occupy a period of approximately 5-7 years due to the much faster rate of development that occurs within the Perth region.
18. This option needs to be fully explored in terms of it's impact on the implementation of the Bayonet Head Outline Development Plan and the need to review the draft Guided Development Scheme in light of this proposal. Staff wish to investigate this option further and report to Council at its next meeting, given the current level of concern over the more traditional GDS that is under consideration.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**Review of the Shared Costs**

19. Current provisions require a review of the Shared Cost Schedule and this Review should have occurred in July of this year. However, with the Guided Development Scheme held in abeyance for three months it did not occur. With one landowner currently at subdivision clearance stage, it is essential that the Schedule be reviewed and adopted by Council as soon as possible.
20. The following Shared Cost items have been reviewed in line with the Consumer Price Index using the weighted capital city average of 2.8%:
  - Main drainage
  - Lower King Road
  - Valuation allowance
  - Administration/Management
  - Scheme preparation
21. The items relating to land values and the buffer landscaping were not adjusted as these figures were provided this year.
22. The cost of upgrading Lower King Road again was raised as a concern by the landowners in their letters. Accordingly, the estimated cost for the Lower King Road upgrade has been adjusted to require that landowners contribute their portion toward the upgrade of only one carriageway, not two as was previously considered by Council. Council can require a contribution toward upgrading of that portion of the road that abuts the subject land. In this case only one side of Lower King Road abuts the subject land.
23. To ensure equitable developer contributions for the upgrading of Lower King Road, Council arranged for independent consultants (BSD) to carry out traffic modeling. The purpose of the modeling was to calculate the percentage of traffic that would be generated from the full development of the BHODP area (Development Traffic) and the percentage of traffic using that portion of the road from outside of the BHODP area (Non-Development Traffic).
24. The results concluded that the breakdown of the volume of traffic using that portion of Lower King Road abutting the Bayonet Head Outline Development Plan area would be:
  - Development Traffic - 64%
  - Non Development Traffic - 36%



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

The consultants analysis resulted in the following contributions:

	<b>Carriageway contribution</b>	<b>Calculation of contribution</b>		<b>Total</b>
<b>Developer Contribution</b>	The cost of one dual carriageway - abutting the subdivisional area.	64% of \$1, 513, 850	\$968 900	<b>\$968 900</b>
<b>Council Contribution</b>	The cost of one dual carriageway - abutting the subdivisional area.	36% of \$1,513, 850	\$530 140	
	The cost of one dual carriageway - abutting the cemetery, & other private and public land	\$1,513 850	\$1,513 850	<b>\$2,043 990</b>
<b>Total Cost of Upgrading</b>				<b>\$3,012 890</b>

25. Landowners, in their letters also questioned the administration costs of the scheme. Here is an extract from Council’s consultant’s advice on this matter:

*“The original administration value was based on an annual cost of \$8,000 over 30 years. This component was designed to cover the following –*

- a) Ensuring developers comply with the Scheme’s provisions*
- b) Annual shared cost reviews*
- c) Assessment of developers’ scheme cost contributions*
- d) Recording and allocating contributions as received*
- e) Setting and maintaining scheme accounts*
- f) Responding to developers’ reasonable requests regarding Scheme requirements.*

*In the light of our past experience in administering such schemes, we do not consider the annual allowance to be excessive.”*

26. To comply with the proposed provisions of the Guided Development Scheme, it will be necessary for Council to formally adopt the revised schedule of Shared Costs as outlined in the following attachment.

**CONCLUSION**

27. The development of both the BHODP and the Guided Development Scheme has been a lengthy process to date. Whilst none of the landowners were able to provide an alternative solution to the Guided Development Scheme mechanism prior to initiation of the Guided Development Scheme, it is suggested that the alternative option presented by Council’s consultants be further investigated.

28. It is important that the Shared Cost Schedule be adopted to facilitate subdivision of land within the BHODP area.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

RECOMMENDATION

THAT:

- i) Council staff investigate the alternative proposal to administer the Bayonet Head Guided Development Scheme as outlined by Urban Focus and report back to Council at its next meeting; and
- ii) Council adopt the Cost Apportionment Schedule of Shared Costs pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR BOJCUN**

**THAT:**

- i) Council staff investigate the alternative proposal to administer the Bayonet Head Guided Development Scheme as outlined by Urban Focus and report back to Council at its next meeting; and**
- ii) Council adopt the Cost Apportionment Schedule of Shared Costs pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3.**

**MOTION CARRIED 14-0**

\*\* REFER DISCLAIMER \*\*

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**COST APPORTIONMENT SCHEDULE  
SHARED COSTS - REVIEWED AS AT JULY 2002**

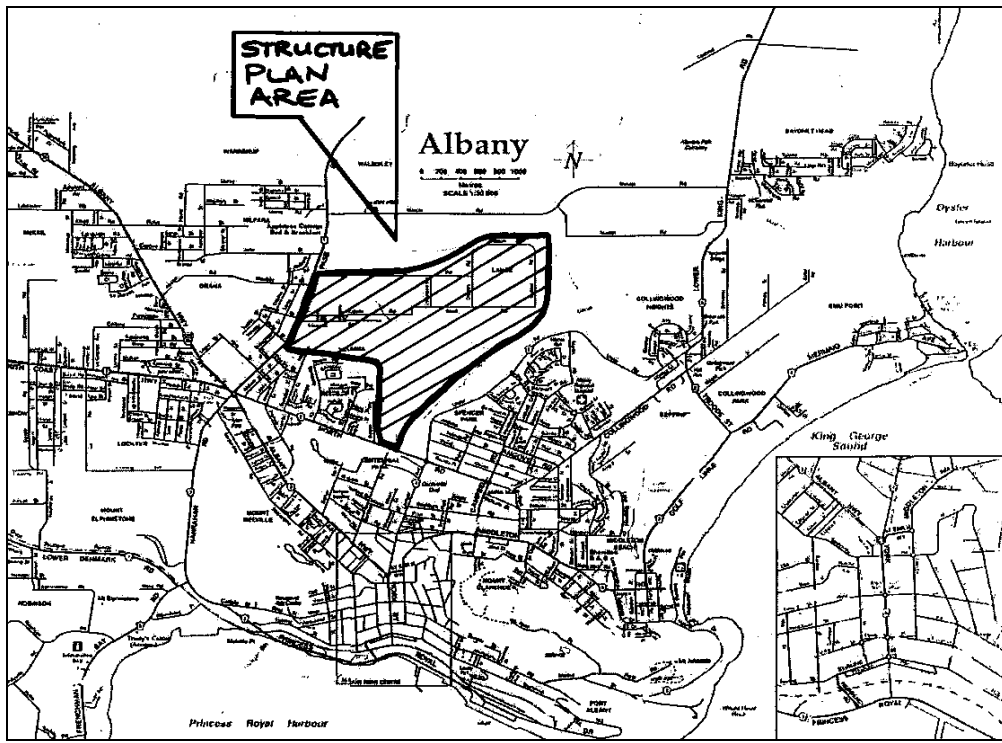
Infrastructure Items & Works	Total Estimated Cost	Pt. Lot 1	Lot 1	Lot 2	Lot 15	Lot 39	Lot 42	Lot 43	Lot 46	Lot 47	Lot 48	Loc.	Loc.	Loc.	Loc.	Loc.	Pt. Lot
		10.02%	4.78%	0.44%	2.40%	6.68%	12.85%	3.73%	6.09%	8.06%	0.27%	3.49%	4.23%	7.14%	7.73%		760
POS, Community Purpose & Buffer Land Value	1,017,000	101,903	48,613	4,475	24,408	67,936	130,685	37,934	61,935	81,970	2,746	35,493	43,019	72,614	78,614		224,655
Main Drainage Installation, Basin Construction & Minor Landscaping	1,741,100	174,458	83,225	7,661	41,786	116,305	223,731	64,943	106,033	140,333	4,701	60,764	73,649	124,315	134,587		384,609
Land Value	88,700	8,888	4,240	390	2,129	5,925	11,398	3,309	5,402	7,149	239	3,096	3,752	6,333	6,857		19,593
Lower King Road Upgrade, Drainage & Footpaths	968,900	97,084	46,313	4,263	23,254	64,723	124,504	36,140	59,006	78,093	2,616	33,815	40,984	69,179	74,896		214,030
Buffer Landscaping	62,000	6,212	2,964	273	1,488	4,142	7,967	2,313	3,776	4,997	167	2,164	2,623	4,427	4,793		13,695
Valuation Allowance Administration/	45,200	4,529	2,161	199	1,085	3,019	5,808	1,686	2,753	3,643	122	1,577	1,912	3,227	3,494		9,985
Management	246,700	24,719	11,792	1,085	5,921	16,480	31,701	9,202	15,024	19,884	666	8,610	10,435	17,614	19,070		54,497
Scheme Preparation	33,000	3,307	1,577	145	792	2,204	4,241	1,231	2,010	2,660	89	1,152	1,396	2,356	2,551		7,290
<b>TOTALS</b>	<b>4,202,600</b>	<b>421,101</b>	<b>200,884</b>	<b>18,491</b>	<b>100,862</b>	<b>280,734</b>	<b>540,034</b>	<b>156,757</b>	<b>255,938</b>	<b>338,730</b>	<b>11,347</b>	<b>146,671</b>	<b>177,770</b>	<b>300,066</b>	<b>324,861</b>		<b>928,354</b>

6 September 2002

**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Contract C02020 – Yakamia Structure Plan Consultancy Services**

- File/Ward** : STR 038 / C02020 (Yakamia Ward)
- Proposal/Issue** : Consultancy services by public tender.
- Subject Land/Locality** : Yakamia urban growth corridor.
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council accept tender.
- Bulletin Attachment** : Nil
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. The former Town and Shire of Albany jointly prepared a limited Structure Plan over the land bounded by Hooper Road, Chester Pass Road, North Road and Lower King Road, to provide an indicative layout of the primary road system and to determine the potential lot yield from that area in the future. The majority of that work involved the “desk top” analysis of information and it was seen as a broad brush analysis of growth over the next 50 years.
2. In order to facilitate the progression of the Yakamia urban development front, and to provide a foundation upon which zoning applications can be assessed, a thorough field analysis and more detailed examination of the road network, public open space requirements and the layout of lots needs to be undertaken.
3. The Yakamia Structure Plan consultancy was anticipated to be undertaken in the 2000/2001 financial year. However, staff were unable to program that work during that period. Tenders have recently been called for planning consultancy firms to undertake this task and five firms have responded to the tender process.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

6. One of the tenderers is an Albany based planning consultancy and the appropriate provisions of the Council’s local preference policy has been incorporated into the evaluation scoring highlighted in this agenda item.

**FINANCIAL IMPLICATIONS**

7. The following table summarises the tender bids (including GST) submitted by the consultants to complete the brief, together with their final overall scores after evaluation.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

CONSULTANCY	CONSULTANCY COST	EVALUATION SCORE
Allerding Burgess	\$73,480	66.5%
Ayton Taylor Burrell	\$62,458	68.0%
Greg Rowe & Associates	\$68,200	71.4%
Koltasz Smith	\$117,095	57.2%
Thompson McRobert Edgeloe	\$79,450	67.2%

**STRATEGIC IMPLICATIONS**

- Under the Albany 2020 Port of Call “Managed Healthy Land/Harbour Environment” is the objective “to take an integrated and strategic approach to land use planning”. The preparation of the detailed Yakamia Structure Plan will ensure the co-ordination of urban development in the Yakamia growth corridor and it will ensure that the existing fragmented land ownership does not jeopardize a strategic outcome.

**COMMENT/DISCUSSION**

- A request for tenders was published in the West Australian and the tender process closed on the 28<sup>th</sup> August 2002.
- The tender documents include tender valuation criteria using a weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tenderer. The criteria and sub-criteria are:

- Management capability** **30%**

Documented evidence that the key personnel have the necessary skill, experience and capacity to undertake the consultancy.  
The Tenderer is to nominate the project manager, the personnel responsible for day-to-day contact and demonstrate the ability of those personnel to perform the task on time and in an efficient manner.  
An adequate quality system and effective human resource and safety plans are important.
- Technical capability** **20%**

The technical capacity of the key personnel, their innovative approach to urban design solutions and their use of technological solutions in report production to be outlined.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

- **Methodology** **20%**  
 The method by which the tenderer proposes to address the issues and the process to manage and deliver the project, including the ability to meet the project timetable.  
 The proposed approach to the consultation processes and to address management and social issues to be outlined.  
 Details on the extent of Council staff involvement in the consultancy to meet the stated timeframe.
- **Price** **20%**  
 While least cost is important, the tendered price plus any added cost for probable additional work must be seen to be sufficient for the work to be performed to the specified standard of quality.
- **Documentation Quality** **10%**  
 Ability of consultant, through tender documents, to demonstrate capacity to prepare concise, easily read report.  
 Consultant to highlight any peer commendations and/or awards issued for similar projects undertaken by prime or sub consultants.

11. Following the opening of tenders, the Executive Director Development Services, Strategic Planning Officer and Policy Planning Officer carried out valuation of the submissions for the consultancy service. The evaluation score included in this report, evaluates the performance of the respective consultancies based upon the detail provided in the tender documents. Prior to this agenda item being prepared, there was insufficient time available to staff to undertake a detailed reference check. This will ensure that the evaluation scores truly reflect the capacity of the consultancies, to draw together a number of landowners and government agencies and to produce a suitable design outcome within budget, meeting the needs of the consumer.

12. The consultancy is anticipated to take six months to complete and it is important that the contract be awarded at the earliest possible opportunity to ensure that landowners and government agencies are not being asked to provide input into the design solution over the Christmas/New Year period. The recommendation that follows this report, is silent on the consultancy firm. Staff will provide Council with a written report on the outcomes of the reference checking prior to the meeting to allow a decision to be taken at the meeting.

**RECOMMENDATION**

THAT Council award Contract C02020 – Yakamia Structure Plan Consultancy Services to \_\_\_\_\_ for a consultancy fee of \$\_\_\_\_\_ (including GST).

*Voting Requirement Absolute Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

AMENDED RECOMMENDATION

THAT Council award Contract C02020 – Yakamia Structure Plan Consultancy Services to Allering Burgess for a consultancy fee of \$73,480.00 (including GST).

AND

THAT \$8,000.00 be transferred from Job 4003 (City Town Planning Scheme) to Job 4006 (Yakamia Structure Plan).

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR SANKEY**

**THAT Council award Contract C02020 – Yakamia Structure Plan Consultancy Services to Allering Burgess for a consultancy fee of \$73,480.00 (including GST).**

**AND**

**THAT \$8,000.00 be transferred from Job 4003 (City Town Planning Scheme) to Job 4006 (Yakamia Structure Plan).**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**Reason:**

On the completion of reference checking and the further examination of the tender submissions, the evaluation team considered the optimum result would be achieved by using the consultancy firm of Allering Burgess with sub-consultants Bowman Bishaw Gorham and Connell Wagner.



**DEVELOPMENT SERVICES REPORTS**

**11.4 DEVELOPMENT SERVICES COMMITTEE**

**11.4.1 Bushfire Management Committee Minutes – 28<sup>th</sup> August 2002**

- File/Ward** : STR078 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Manager Inspection Services (K Barnett)
- Summary Recommendation:** That the minutes of the Bushfire Management Committee held on 28<sup>th</sup> August 2002 be adopted.

Confirmation of the minutes of the Bushfire Management Committee of 28<sup>th</sup> August 2002.

RECOMMENDATION

THAT the minutes of the Bushfire Management Committee held on 28<sup>th</sup> August 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of the Bushfire Management Committee held on 28<sup>th</sup> August 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin).**

**MOTION CARRIED 14-0**

# **Corporate & Community Services**

## **REPORTS**

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

**12.1 FINANCE**

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

<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>	:	Nil.
<b>Locality Plan</b>	:	N/A

**COMMENT/DISCUSSION**

- 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		159,762.35
Electronic Fund Transfer	totalling		1,270,483.04
Payroll	totalling		564,223.43
Investment Transfers	totalling		3,500,000.00
<b>TOTAL</b>			<b>5,494,468.82</b>

- As at 3<sup>rd</sup> April 2002, the total outstanding creditors, stands at \$855,901.59 and the following cheques were cancelled 16298-16305, 16318, 16340.

**RECOMMENDATION**

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

Municipal Fund	totalling	\$5,494,468.82
Total		<b>\$5,494,468.82</b>

*Voting Requirement Simple Majority*

.....

ORDINARY COUNCIL MEETING MINUTES– 17/09/02  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.1 continued

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EMERY**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$5,494,468.82</b>
<b>Total</b>		<b><u>\$5,494,468.82</u></b>

**MOTION CARRIED 14-0**

## 12.2 ADMINISTRATION

### 12.2.1 Council Representation - Great Southern Thoroughbred Racing Industry Taskforce (GSTRIT)

<b>File/Ward</b>	:	GOV 029 (All Wards)
<b>Proposal/Issue</b>	:	Council representation on taskforce
<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>	:	A Councillor be nominated to sit on the Great Southern Thoroughbred Racing Industry Taskforce
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Correspondence has been received from the Great Southern Development Commission requesting Council nominate a Councillor to sit on the Great Southern Thoroughbred Racing Industry Taskforce.

#### STATUTORY REQUIREMENTS:

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

#### POLICY IMPLICATIONS

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

Item 12.2.1 continued.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

- 5. This request complies with Council’s Albany 2020 Plan which states as follows:

*“A reputation for professional excellence – Civic Leadership and Corporate Image”.*

**COMMENT/DISCUSSION**

- 6. The Great Southern Development Commission has requested that a Councillor be nominated to sit on the Great Southern Thoroughbred Racing Industry Taskforce (GSTRIT). The Commission would prefer to appoint an Elected Member experienced in economic and social development of the region as the Great Southern Development Commission co-ordinates and promotes economic development in the region. It is involved in maximising job creation, broadening local economics, identifying infrastructure needs, providing information and advice to businesses and ensuring access to government services.
- 7. Immediate objectives of the GSTRIT are to develop a Financial Management Plan and a Marketing and Promotions Strategy for the Albany Racing Club. Future objectives include the establishment of a plan enabling the Great Southern Region to achieve one of their long-term goals, this being a joint code racing facility that may be utilised by other groups.
- 8. The term of appointment is not defined at present as the GSTRIT has only recently formed to address immediate financial and strategic issues for the Albany Racing Club. At present the GSTRIT meets once fortnightly on Monday evenings, with the intent to reduce meeting frequency to once monthly, pending resolution of the aforementioned pressing issues.

**RECOMMENDATION**

THAT Councillor \_\_\_\_\_ be nominated to represent Council as a member of the Great Southern Thoroughbred Racing Industry Taskforce.

*Voting Requirement Simple Majority*

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ORDINARY COUNCIL MEETING MINUTES– 17/09/02  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WILLIAMS**

**THAT Councillor Des Wolfe be nominated to represent Council as a member of the Great Southern Thoroughbred Racing Industry Taskforce.**

**MOTION CARRIED 14-0**

**12.2.2 Defer the Establishment of the Draft Policy “Council Leasing Standards and Conditions”**

<b>File/Ward</b>	: GOV 029 (All Wards)
<b>Proposal/Issue</b>	: Defer the establishment of the Draft Policy “Council Leasing Standards and Conditions”
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: City of Albany and Department of Land Administration Land
<b>Reporting Officer(s)</b>	: Manager Customer Services (S Langford)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 20/08/02 - Item 12.2.4
<b>Summary Recommendation(s)</b>	: That Council defer the establishment of the Draft Policy “Council Leasing Standards and Conditions” until such time as the Works and Services Department have completed their Asset Management Strategy – Buildings, which will set the framework for management and maintenance of Council’s buildings.  That all other leases requiring renewal in the interim be considered by Council on an individual basis.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. At the previous Ordinary Council Meeting dated 20 August 2002 Council supported an Amended Motion recommending the following:
  - “i) *Defer consideration of the renewal of all leases of Council owned property until such time as Council has developed a Policy that categorises uses of Leased Properties and defines within each category the roles, rights and responsibilities and general conditions of the lessor and lessee of each lease relative to that category; and*



Item 12.2.2 continued.

*ii) Establish a Working Group to develop a Draft Policy “Council Leasing Standards and Conditions” for Council consideration comprising of Community Development Officer, Manager of Asset and Client Services, Manager Customer Services and Councillors Evers and Demarteau.”*

2. The reason cited for raising the Amended Motion at the Ordinary Council Meeting of 20 August 2002 was to establish a uniform approach to the process of leasing arrangements that establishes clear guidelines of lessor and lessee rights and responsibilities.

### **STATUTORY REQUIREMENTS**

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

### **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. This request complies with Council’s ‘Albany 2020’, which in part states as follows:

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

### **COMMENT/DISCUSSION**

7. The Working Group met on two occasions prior to the preparation of this item to discuss policy development. However, it quickly became apparent to the group that in order to make an informed decision, Council would be best served by first being privy to further information with regards to Council’s buildings, specifically the approximate maintenance cost required to restore these buildings to a reasonable state of repair and maintain them in a reasonable state thereafter.
8. The Works and Services Department have commenced work on an Asset Management Strategy - Buildings, which will define the framework for management and maintenance of Council’s buildings for the next 15 years. It is envisaged that this management strategy may be another 3 months to completion.

ORDINARY COUNCIL MEETING MINUTES– 17/09/02  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.2 continued.

RECOMMENDATION

THAT Council:

- i) defer the establishment of the Draft Policy on “Council Leasing Standards and Conditions” until such time as the Works and Services Department have completed the Asset Management Strategy – Buildings with regards to all Council’s community and commercial building assets; and
- ii) consider all other leases requiring attention in the interim on an individual basis.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WALKER**

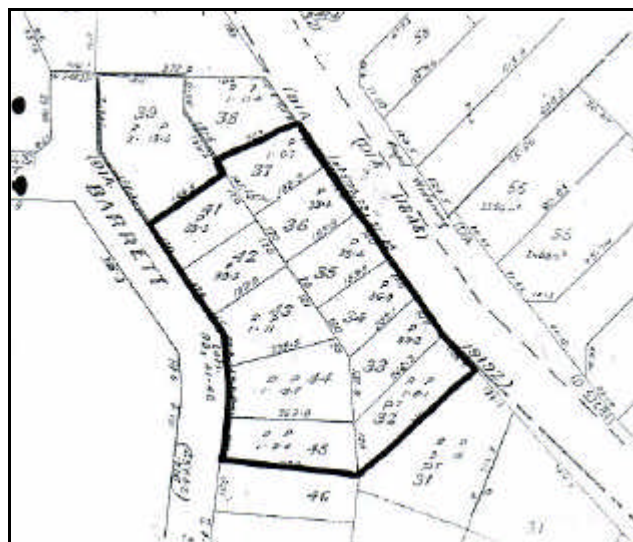
**THAT Council:**

- i) defer the establishment of the Draft Policy on “Council Leasing Standards and Conditions” until such time as the Works and Services Department have completed the Asset Management Strategy – Buildings with regards to all Council’s community and commercial building assets; and**
- ii) consider all other leases requiring attention in the interim on an individual basis.**

**MOTION CARRIED 14-0**

### 12.2.3 Proposed New Lease for Albany Bowling Club Inc

<b>File/Ward</b>	:	PRO 030 (Vancouver Ward)
<b>Proposal/Issue</b>	:	New Lease
<b>Subject Land/Locality</b>	:	Lots 32, 33, 34, 35, 36, 37, 41, 42, 43, 44 and 45 Barrett Street, Lockyer
<b>Proponent</b>	:	Albany Bowling Club Inc
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Administration Officer (A Wiseman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 20/08/02 – Item 12.2.2
<b>Summary Recommendation</b>	:	That Council approve the request for a new lease to be prepared for a 21 year term from 11 December 2002
<b>Bulletin Item</b>	:	Business Plan and diagram showing the future expansion of the lease area
<b>Locality Plan</b>	:	See map below



Item 12.2.3 continued.

### **BACKGROUND**

1. A request has been received from the Albany Bowling Inc for Council to consider renewing their lease agreement which is due to expire on 10 December 2002. The current lease is for a term of 21 years, which commenced on 11 December 1981.
2. The Club is located along Barrett Street in Lockyer and Council owns the entire area freehold.

### **STATUTORY REQUIREMENTS:**

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
5. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
6. The Albany Bowling Club Inc is a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

8. The current rent is fixed at a peppercorn rental of \$2.00 per annum for the term of the lease. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit sporting, and community groups. The rental is reviewed annually in accordance with Council’s budget and is subject to GST. For the 2002/2003 financial year the Council adopted minimum land rate is \$413.00.
9. All costs associated with this proposed new lease are to be borne by the applicant.

Item 12.2.3 continued.

**STRATEGIC IMPLICATIONS**

- 10. This request complies with Council’s ‘Albany 2020’, which in part states as follows:  
*“Quality Parks, gardens and reserves maintaining their feature status – A diverse range of passive & active recreational areas that are creative, attractive, safe and enjoyable to use.”*

**COMMENT/DISCUSSION**

- 11. The Albany Bowling Club Inc has written to Council requesting a lease for 21 years. They have also enclosed a brief business plan to support their application, which shows that the Albany Bowling Club Inc is embarking on a project of installing synthetic greens. Refer to Elected Members Report /Information Bulletin.
- 12. Being a non-profit organization, the Club requires security of tenure regarding this lease before proceeding with the synthetic greens.
- 13. The question was raised whether or not the Club would in the future utilise Lots 39 and 45. They have provided a diagram of the area, which shows that Lot 45 will be necessary for the future development of the Club. Lot 39 has been sold freehold and will not be included in the new lease area.

**RECOMMENDATION**

THAT subject to Council approval:

- i) the request from the Albany Bowling Club Inc for a new lease to be prepared for a period of 21 years, from 11 December 2002 until 10 December 2023 on Lots 32, 33, 34, 35, 36, 37, 41, 42, 43, 44 and 45 Barrett Street, Lockyer be agreed;
- ii) the rental be set at \$413.00 per annum, subject to GST, in accordance with Council’s 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;
- iv) all fees associated with this lease be payable by the Albany Bowling Club Inc; and
- v) the Common Seal of the City of Albany be affixed to the documentation.

*Voting Requirements Simple Majority*

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Item 12.2.3 continued.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WILLIAMS**

**THAT subject to Council approval:**

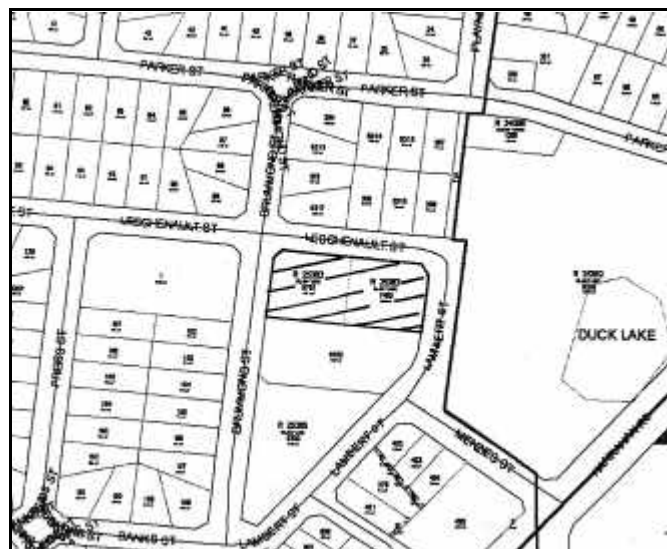
- i) the request from the Albany Bowling Club Inc for a new lease to be prepared for a period of 21 years, from 11 December 2002 until 10 December 2023 on Lots 32, 33, 34, 35, 36, 37, 41, 42, 43, 44 and 45 Barrett Street, Lockyer be agreed;**
- ii) the rental be set at \$413.00 per annum, subject to GST, in accordance with Council's 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- iii) the lease be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;**
- iv) all fees associated with this lease be payable by the Albany Bowling Club Inc; and**
- v) the Common Seal of the City of Albany be affixed to the documentation.**

**MOTION CARRIED 14-0**

ORDINARY COUNCIL MEETING MINUTES– 17/09/02  
\*\* REFER DISCLAIMER \*\*  
CORPORATE & COMMUNITY SERVICES REPORTS

**12.2.4 Proposed Lease Renewal for Lockyer Community Kindergarten Inc on Reserve 25383**

- File/Ward** : PRO 064 (Vancouver Ward)
- Proposal/Issue** : Lease renewal
- Subject Land/Locality** : Reserve 25383, Plantagenet Location 6701 and 7490 Leschenault Street
- Proponent** : Lockyer Community Kindergarten Inc
- Owner** : Crown Land – Department of Land Administration (Managed by the City of Albany)
- Reporting Officer(s)** : Executive Director Corporate and Community Services (P Madigan)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/08/02 – Item 12.2.4
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 21 year term from 1 January 2003
- Bulletin Attachment** : Nil
- Locality Plan** :



Item 12.2.4 continued.

### **BACKGROUND**

1. A request has been received from the Lockyer Community Kindergarten Inc for Council to consider renewing their lease agreement which is due to expire on 31 December 2002. The current lease is for a term of 21 years, which commenced on 1 January 1982.
2. The Kindergarten is located on Reserve 25383 Leschenault Street in Lockyer and Council currently has a Management Order for the purpose of a “Pre-School Centre” with power to lease for periods up to and including 21 years.

### **STATUTORY REQUIREMENTS:**

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
5. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of 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, recreational, sporting or other like nature.
6. The Lockyer Community Kindergarten Inc is clearly an educational body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.
7. Section 18 (1) of the Land Administration Act 1997 refers to the fact that “a person must not without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land. A preliminary approval for this lease has been sought from the Department of Land Administration and Council is currently still waiting for the Ministers lease agreement in principle.

### **POLICY IMPLICATIONS**

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



Item 12.2.4 continued.

### **FINANCIAL IMPLICATIONS**

9. The current rent is fixed at a peppercorn rental of \$2.00 per annum for the term of the lease. Council no longer enters into peppercorn rentals but charges a rental equivalent to the minimum GRV land rate to all non-profit sporting, educational and community groups. The rental is reviewed annually in accordance with Council's budget and is subject to GST. For the 2002/2003 financial year the Council adopted minimum land rate is \$413.00.
10. All costs associated with this proposed new lease are to be borne by the applicant including both legal and advertising fees.

### **STRATEGIC IMPLICATIONS**

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

*"Managed healthy land/harbour environment – To manage reserves for environmentally sustainable use, community enjoyment and benefit."*

### **COMMENT/DISCUSSION**

12. The Lockyer Community Kindergarten Inc has written to Council requesting several issues be considered when renewing this lease agreement.
13. The Kindergarten would like to agree on a very minimal rental amount that would take into consideration that they are a non-profit organization whose program is funded by the Education Department only and all other income has to be raised through the parent body.
14. The Kindergarten feels that the rent reviews should either stay the same to allow for their minimal budget or to be increased with movements in Consumer Price Index (CPI) only.
15. The Kindergarten considers it is not a commercial enterprise and believes it would be more appropriate to have the maintenance, repairs and painting items dealt with along the lines of a residential lease. This would mean that the City be responsible for the outside of the building including glass windows and doors and the Kindergarten be responsible for fencing as this is specific to their needs. They would also assume all responsibility for the inside of the premises. The City of Albany currently attends to the mowing of all lawns at the Lockyer Community Kindergarten Inc and they feel that it would be appropriate for the City to continue to cut the lawns. It should be noted however that Council does not perform these functions for other leased premises.
16. The Kindergarten however does compete in the market place.

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Item 12.2.4 continued.

17. At its July Ordinary Council Meeting, Council resolved that this request lay on the table for one month while the financial implications were assessed.
18. In relation to the Lockyer Community Kindergarten, an amount of \$7250.00 (COA 2742) has been allocated in the 2002/2003 budget for building maintenance. The program for the budgeted funding is as follows:-
- Rectify storm water problem - \$1,300.00 (est)
  - Paint external walls of building - \$3,800.00 (est)
  - Repair damaged gates - \$1,150.00 (est)
  - Annual electrical and plumbing allowance - \$1,000.00
19. Should Council consider agreeing to the request of the Lockyer Community Kindergarten, and extend it to other community based Kindergartens leasing from Council, there is one other community based Kindergarten in this category. The Albany Kindergarten Association Inc leases portion of Lot 34, Rutherford Drive, Lower King.
20. The terms of that lease provide -
- “The Tenant shall keep and maintain:*
- (a) *the Land and all buildings, structures improvements and fixtures thereon, or which may during the Term or any extension or renewal thereof be placed thereon, in good and tenantable repair and condition and clean and in good order to the satisfaction of the Lessor; and*
- (b) *the Land in a clean and tidy state free from dirt and rubbish to the satisfaction of the Lessor.”*
21. Should Council consider an all embracing policy for community based groups, the following leases may be affected:

**Community Groups**

Albany Agricultural Society Inc  
Albany Historical Society  
Albany Maritime Foundation  
Albany Women’s Institute & Rest House  
Girl Guide Association  
Navy League of Australia  
Scout Association of Australia  
Senior Citizens of Albany (MOW)  
Surf Life Saving Club

**Childcare/Kindergartens**

Albany Occasional Centre

**Volunteer Groups**

Albany Sea Rescue Squad Inc  
Albany Volunteer Fire Brigade  
Albany Volunteer SES  
South Coast Volunteer Bushfire  
Brigade

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.4 continued.

**Lotteries House**

Safer WA Committees Executive  
 Albany Community Radio Inc  
 Albany Halfway House Association  
 Albany Summer School  
 Association for the Blind  
 Arthritis Foundation  
 Great Southern Community Partnerships  
 Lower Great Southern Family Support  
 Association  
 Rainbow Coast Toy Library  
 Resource Unit for Children with Special Needs

**Country Clubs/Progress Assn**

Bornholm Kronkup Country Club  
 Elleker Progress Association  
 King River Recreation Club Inc  
 Lower King Croquet Progress &  
 Recreation  
 Many Peaks Community &  
 Recreation Association  
 South Coast Progress Association

22. Given the time frame for this report, it has not been possible to include a condition assessment of each of the buildings. Listed below are the estimates of the additional works costs including all internal and external plumbing and electrical services and external vandalism repairs:

CATEGORY	NUMBER OF LEASES	LOW ESTIMATE	HIGH ESTIMATE
Community Groups	9	\$6,100	\$23,200
Childcare/Kindergartens	3	\$1,500	\$6,000
Volunteer Groups	4	\$6,300	\$14,600
Country Clubs/Progress Associations	6	\$3,000	\$12,000
Lotteries House	10	\$1,000	\$3,000
<b>TOTAL</b>	<b>32</b>	<b>\$17,900</b>	<b>\$58,800</b>

**RECOMMENDATION**

THAT:

- i) subject to approval from the Minister for Lands; Council agree to the request from the Lockyer Community Kindergarten Inc for a new lease to be prepared for a period of 21 years, from 1 January 2003 until 31 December 2023 on Reserve 25383, being Plantagenet Location 6701 and 7490;
- ii) the rental be set at \$413.00 per annum, subject to GST, in accordance with Council’s 2002/2003 minimum land rate figure, with rent reviews being carried out annually based on the minimum land rate set by Council’s budget;
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs being carried out by the Kindergarten;

Item 12.2.4 continued.

- iv) the Council agree to the City of Albany continuing to insure the premises, with the Kindergarten continuing to insure the contents and public liability;
- v) all fees associated with this lease be payable by the Lockyer Community Kindergarten Inc; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WALKER**

**THAT:**

- i) **subject to approval from the Minister for Lands; Council agree to the request from the Lockyer Community Kindergarten Inc for a new lease to be prepared for a period of 21 years, from 1 January 2003 until 31 December 2023 on Reserve 25383, being Plantagenet Location 6701 and 7490;**
- ii) **the rental be set at \$413.00 per annum, subject to GST, in accordance with Council's 2002/2003 minimum land rate figure, with rent reviews being carried out annually based on the minimum land rate set by Council's budget;**
- iii) **the lease be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance and repairs being carried out by the Kindergarten, and maintenance and repairs to the exterior of the Council owned building be carried out by Council at the discretion of Council;**
- iv) **the Council agree to the City of Albany continuing to insure the premises, with the Kindergarten continuing to insure the contents and public liability;**
- v) **all fees associated with this lease be payable by the Lockyer Community Kindergarten Inc; and**
- vi) **the Common Seal of the City of Albany be affixed to the documentation.**

**MOTION CARRIED 14-0**

**Reason:** As the building is an asset of Council it is to our benefit to see it maintained at our discretion.

**12.2.5 Proposed Surrender of Lease and New Lease for the Albany City Kart Club Inc on Reserve 1947**

**File/Ward** : PRO 170 (Kalgan Ward)

**Proposal/Issue** : Surrender of Lease and New Lease

**Subject Land/Locality** : Reserve 1947, Albany Highway

**Proponent** : Albany City Kart Club Inc

**Owner** : City of Albany

**Reporting Officer(s)** : Administration Officer (A Wiseman)

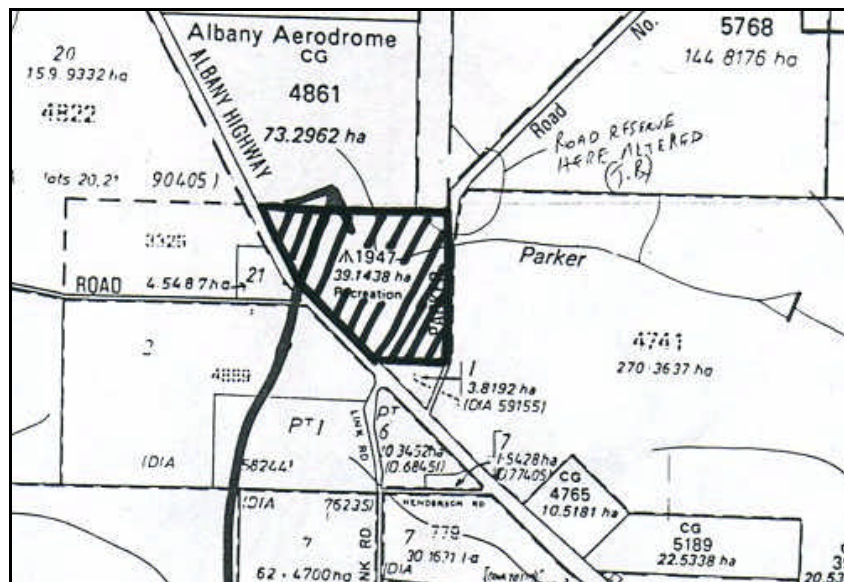
**Disclosure of Interest** : N/A

**Previous Reference** : N/A

**Summary Recommendation** : That Council approve the surrender of lease and preparation of new lease for a 10 year term from 1 November 2002.

**Bulletin** : Nil.

**Locality Plan** :



Item 12.2.5 continued.

### **BACKGROUND**

1. It has been brought to Council's attention that the Albany City Kart Club Inc (previously called the Albany Sprint Kart Club Inc) has built their racetrack outside of their agreed lease area. This anomaly was only recently discovered during a survey of the land. The club was unaware of this breach and are also keen to resolve the issue. The club also uses a constructed access track, which is outside their lease area and has done since the lease was originally prepared many years earlier.
2. The Club is located along Albany Highway on Reserve 1947, which is vested in the City of Albany for the purpose of "Recreation" with power to lease for periods up to and including 21 years. The current lease is for a period of 10 years, which commenced on 1 July 2000 and is due to expire on 30 June 2010.

### **STATUTORY REQUIREMENTS:**

3. Section 3.58 of the Local Government Act 1995 – "Disposing of Property" requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
5. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
6. The Albany City Kart Club Inc is a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

8. The current rent is based on the minimum gross rental value land rate set by Council on an annual basis. The rental is reviewed annually in accordance with Council's budget and is subject to GST. For the 2002/2003 financial year the Council adopted minimum land rate payable by the Club is \$413.00, subject to GST.

Item 12.2.5 continued.

9. All costs associated with this proposed surrender of lease and new lease are to be borne by the Club.

### **STRATEGIC IMPLICATIONS**

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

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

### **COMMENT/DISCUSSION**

11. The Albany City Kart Club Inc has written to Council requesting that a surrender of lease and new lease be prepared to incorporate the portion of land not currently included in the lease area. The Club currently leases only a portion of Reserve 1947 and with this change in lease area they would be leasing the entire reserve.
12. The option of redesigning the track and access way so that it does not encroach on land outside of the lease area would put enormous pressure on the current members and could be very detrimental to the club's future survival. The club still has an ongoing financial commitment, paying off a loan received in 1993 from the then Shire of Albany for the redesigning and upgrading of the current bitumen track which was undertaken in 1992/1993.
13. There are no planning concerns with the proposal.

### **RECOMMENDATION**

THAT subject Ministerial approval Council approve:

- i) the request from the Albany City Kart Club Inc for the surrender of the current lease and preparation of a new lease for a period of 10 years, from 1 November 2002 until 31 October 2012 on Reserve 1947 be agreed;
- ii) the rental be set at \$413.00 per annum, subject to GST, in accordance with Council's 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;
- iii) the lease be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;

Item 12.2.5 continued.

- v) all fees associated with this lease be payable by the Albany City Kart Club Inc; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WELLINGTON**

**THAT subject Ministerial approval Council approve:**

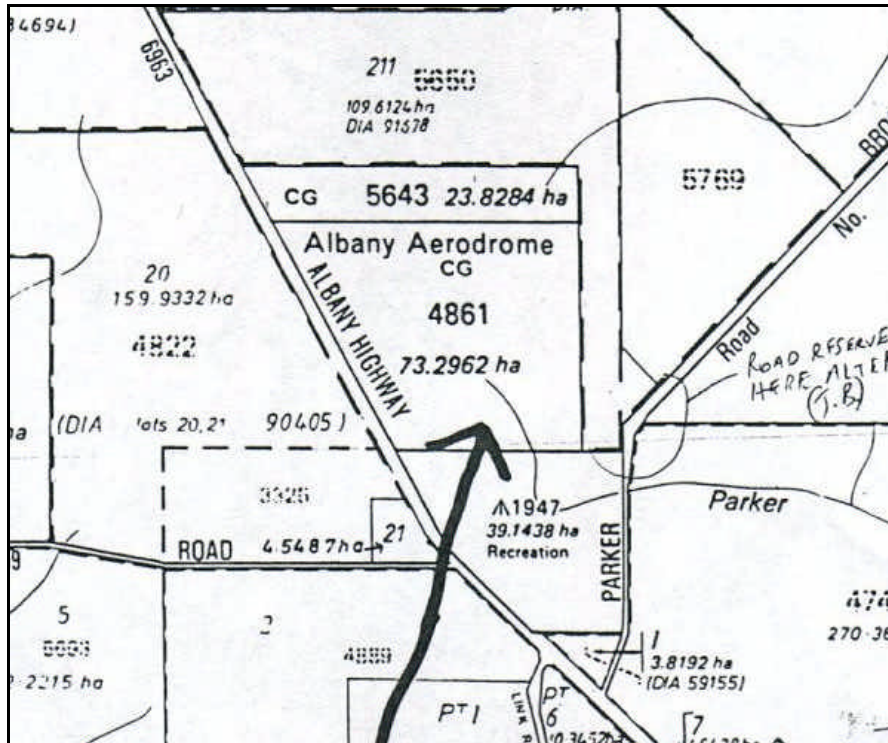
- i) the request from the Albany City Kart Club Inc for the surrender of the current lease and preparation of a new lease for a period of 10 years, from 1 November 2002 until 31 October 2012 on Reserve 1947 be agreed;**
- ii) the rental be set at \$413.00 per annum, subject to GST, in accordance with Council's 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- iii) the lease be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;**
- iv) all fees associated with this lease be payable by the Albany City Kart Club Inc; and**
- v) the Common Seal of the City of Albany be affixed to the documentation.**

**MOTION CARRIED 13-1**



**12.2.6 Surrender of Lease – Barnesby Ford Pty Ltd – Albany Airport Terminal**

- File/Ward** : PRO 294 (Kalgan Ward)
- Proposal/Issue** : Surrender of Lease
- Subject Land/Locality** : Portion Plantagenet Locations 4741, 5650, 5768 and 5769 Albany Highway, Albany
- Proponent** : Barnesby Ford Pty Ltd
- Owner** : City of Albany
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : N/A
- Previous Reference** : OCM 20.11.01 - Item 12.2.4
- Summary Recommendation** : That Council agree to surrender the lease for Barnesby Ford Pty Ltd as at 30<sup>th</sup> September 2002
- Bulletin Attachment** : Nil.
- Locality Plan** :



Item 12.2.6 continued.

### **BACKGROUND**

1. Barnesby Ford Pty Ltd (Dennis Knox) has requested that Council surrender the current lease agreement for car hire rental space at the Albany Airport Terminal. There is still another 4.5 years remaining on the term, and the lease is for a 5 year period, which commenced on 1 December 2001 and expires on 30 November 2006. The reason for the surrender of lease is that Dennis Knox will be relinquishing the Europcar Agency and no longer requires the lease.

### **STATUTORY REQUIREMENTS:**

2. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
3. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
4. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of the a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

### **POLICY IMPLICATIONS**

5. There are policy implications relating to this item.

### **FINANCIAL IMPLICATIONS**

6. All costs associated with the Surrender of Lease are to be borne by Dennis Knox at Barnesby Ford Pty Ltd.

### **STRATEGIC IMPLICATIONS**

7. This complies with Council’s Albany 2020, which in part states as follows:

*“COUNCIL BUILDINGS to provide communities with quality buildings that are functional, well maintained and meet social and cultural needs (Leases on Council buildings/Reserves).”*

Item 12.2.6 continued.

**COMMENT/DISCUSSION**

8. It is recommended that the City of Albany agree to Barnesby Ford Pty Ltd's request to surrender their lease on 30 September 2002 and that an advertisement be prepared to appear in both local and state newspapers advertising car hire counter space for leasing.

**RECOMMENDATION**

THAT Council agree;

- i) to the request from Barnesby Ford Pty Ltd to surrender their lease effective from 30 September 2002;
- ii) all costs associated with the surrender of lease be borne by the applicant; and
- iii) that an advertisement be placed in both local and statewide newspapers calling for submissions from interested parties to lease car hire counter pace at the Albany Regional Airport.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WEST**

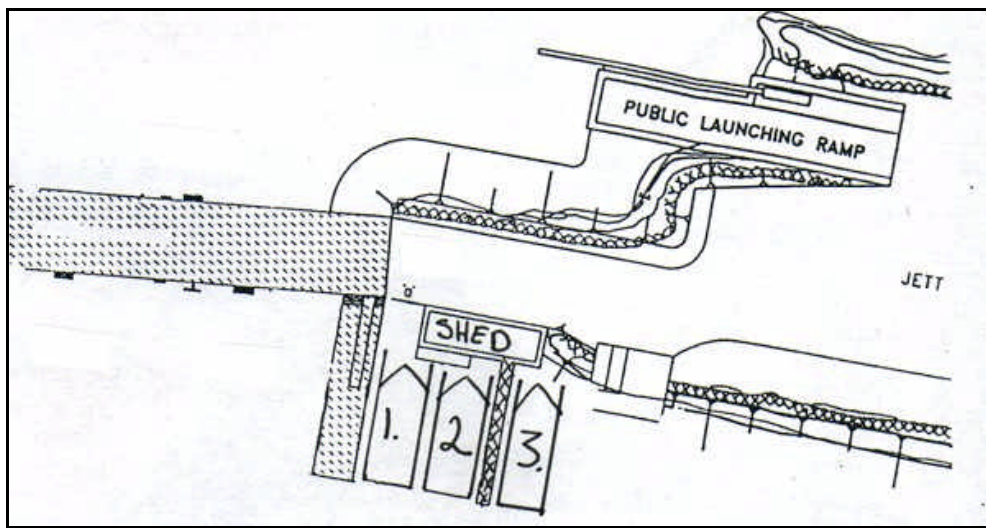
**THAT Council agree;**

- i) to the request from Barnesby Ford Pty Ltd to surrender their lease effective from 30 September 2002;**
- ii) all costs associated with the surrender of lease be borne by the applicant; and**
- iii) that an advertisement be placed in both local and statewide newspapers calling for submissions from interested parties to lease car hire counter pace at the Albany Regional Airport.**

**MOTION CARRIED 14-0**

**12.2.7 Boating Facilities – Albany Town Jetty**

- File/Ward** : PRO 265 (Vancouver Ward)
- Proposal/Issue** : To lease three berthing facilities at the Town Jetty.
- Subject Land/Locality** : Town Jetty Berthing Pens
- Proponent** : N/A
- Owner** : City of Albany
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Disclosure of Interest** : Nil.
- Previous Reference** : Nil.
- Summary Recommendation** : That in accordance with Section 3.58 of the Local Government Act lease three berth pens located at the Town Jetty.
- Bulletin Attachment** : Nil.
- Locality Plan** :



Item 12.2.7 continued.

### **BACKGROUND**

1. There are currently three permanent berths available at the Town Jetty.
2. Applications to utilise these facilities have been received from:
  - a) Albany Reef Explorer (Berth Area No 2.)
  - b) Blueback Marine Industries (Berth Area No 3.)
  - c) Spinners Charters (Berth Area No 3.)
3. BlueBack Marine Industries is currently located in Bremer Bay, and includes fishing charters, whale watching and commercial fishing and will be relocated to Albany should the application be successful.
4. BlueBack Marine Industries has also requested use of part of the adjoining shed to allow access to the vessel, and to store ice, bait and fishing equipment.
5. Spinners Charters has requested use of the pen for a 6 month period with an option to continue.
6. The use of section of the shed is necessary to provide access to berths 2 and 3. Berth 1 has independent access.

### **STATUTORY REQUIREMENTS**

7. In relation to the use of the shed; Section 3.58 of the Local Government Act 1995 – ‘Disposing of Property’ requires that Council may issue a lease of a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
8. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
9. Section 3.58 further requires that the reasons for Council’s decision are also to be recorded in the minutes of the meeting at which a decision to issue a lease is made.
10. The approval of the Department of Planning and Infrastructure would also be required.

### **POLICY IMPLICATIONS**

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

Item 12.2.7 continued.

**FINANCIAL IMPLICATIONS**

- 12. In addition to fees charged for berthage, Council will receive rental in accordance with an independent sworn valuation, and this will be credited to the Town Jetty income for general maintenance.

**STRATEGIC IMPLICATIONS**

- 13. The item complies with Council’s ‘Albany 2020’ Port of Cal which states:

*“Protection of the City’s Harbours – To maximise partnerships with other stakeholders to ensure the sustainable use and care of our harbours.”*

**COMMENT/DISCUSSION**

- 14. The use of the shed for storage, access and ticket sales only would be subject to a rental set by sworn valuation and statewide advertising and would be a shared cost attributed to berths 2 and 3.
- 15. No retailing, other than ticket sales, would be permitted to be conducted in the shed.

**RECOMMENDATION**

THAT subject to no submissions being received, and approval sought from the Department of Infrastructure and Planning, Council in accordance with Section 3.58 of the Local Government Act 1995 agree:

- i) to license a portion of Lot 1370 on Reserve 40635 (small shed) to users of Berths 2 and 3;
- ii) an early termination clause be written into the agreement giving one months notice stating that no compensation will be paid in the event of redevelopment occurring in the area;
- iii) maintenance of the shed is the sole responsibility of the licensees;
- iv) all costs associated with the licence being borne by the applicants;
- v) the Common Seal of Council being attached to the relevant document; and
- vi) the berths being allocated as follows:-
  - a. Spinners Charters – Berth 1.
  - b. Albany Reef Explorer – Berth 2.
  - c. BlueBack Marine Industries – Berth 3.

*Voting Requirement Simple Majority*

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Item 12.2.7 continued.

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WALKER**

**THAT subject to no submissions being received, and approval sought from the Department of Infrastructure and Planning, Council in accordance with Section 3.58 of the Local Government Act 1995 agree:**

- i) to license a portion of Lot 1370 on Reserve 40635 (small shed) to users of Berths 2 and 3;**
- ii) an early termination clause be written into the agreement giving one months notice stating that no compensation will be paid in the event of redevelopment occurring in the area;**
- iii) maintenance of the shed is the sole responsibility of the licensees;**
- iv) all costs associated with the licence being borne by the applicants;**
- v) the Common Seal of Council being attached to the relevant document; and**
- vi) the berths being allocated as follows:-**
  - a. Spinners Charters – Berth 1.**
  - b. Albany Reef Explorer – Berth 2.**
  - c. BlueBack Marine Industries – Berth 3.**

**MOTION CARRIED 14-0**

**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**

Nil.



**12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.7.1 Great Southern Regional Cattle Saleyards Committee minutes –12<sup>th</sup> August 2002**

- File/Ward** : REL 087 (Shire of Plantagenet)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Great Southern Regional Cattle Saleyards Committee held on 12<sup>th</sup> August 2002 be adopted.

**Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Committee of 12<sup>th</sup> August 2002.**

**RECOMMENDATION**

THAT the minutes of Great Southern Regional Cattle Saleyards Committee held on 12<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of Great Southern Regional Cattle Saleyards Committee held on 12<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

**MOTION CARRIED 14-0**

**12.7.2 Disability & Community Access Advisory Committee Minutes – 14<sup>th</sup> August 2002**

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Disability & Community Access Advisory Committee held on 14<sup>th</sup> August 2002 be adopted.

**Confirmation of the minutes of the Disability & Community Access Advisory Committee of 14<sup>th</sup> August 2002.**

RECOMMENDATION

THAT the minutes of Disability & Community Access Advisory Committee held on 14<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WILLIAMS**

**THAT the minutes of Disability & Community Access Advisory Committee held on 14<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

**MOTION CARRIED 14-0**

**12.7.3 Seniors Advisory Committee Minutes – 15<sup>th</sup> August 2002**

- File/Ward** : MAN 197 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 15<sup>th</sup> August 2002 be adopted.

**Confirmation of the minutes of the Seniors Advisory Committee of 15<sup>th</sup> August 2002.**

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 15<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following item be adopted.

Item 7.4 Oral Health Service – aged care facilities in WA

RECOMMENDATION

THAT Council express its support and that of the Seniors Advisory Committee, for the proposal to introduce a subsidised oral health service for residents of Aged Care Facilities in WA, and indicate that both Council and the Seniors Advisory Committee look forward to the service being extended so as to benefit seniors in rural and regional WA.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WELLINGTON**

**THAT the minutes of Seniors Advisory Committee held on 15<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following item be adopted.**

**Item 7.4 Oral Health Service – aged care facilities in WA**

**Contd...**

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Item 12.2.7 continued.

**AND**

**THAT Council express its support and that of the Seniors Advisory Committee, for the proposal to introduce a Government subsidised oral health service for residents of Aged Care Facilities in WA, and indicate that both Council and the Seniors Advisory Committee look forward to the service being extended so as to benefit seniors in rural and regional WA.**

**MOTION CARRIED 14-0**

# **Works & Services**

# **REPORTS**

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

**13.1 WASTE MANAGEMENT**

Nil

**WORKS & SERVICES REPORTS**

**13.2 ASSET MANAGEMENT**

**13.2.1 Proposed Right of Way Closure – Between Francis Street & The Esplanade Lower King**

<b>File/Ward</b>	:	SER 141 (Kalgan Ward)
<b>Proposal/Issue</b>	:	Closure of Right of Way
<b>Subject Land/Locality</b>	:	Lower King
<b>Proponent</b>	:	Mr C Holden
<b>Owner</b>	:	Crown Land
<b>Reporting Officer(s)</b>	:	Asset Coordinator (S Broad)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 18/06/02 Item 13.2.2.
<b>Summary Recommendation</b>	:	Proceed with closure.
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**BACKGROUND**

1. Council resolved at its meeting on 18<sup>th</sup> June 2002 to invite submissions from the community and from service authorities on the proposal to permanently close the right of way behind Francis Street and The Esplanade, Lower King.
2. The right of way has been created as a condition of subdivision under Section 20A of the Town Planning and Development Act.
3. The right of way is inaccessible from either Thorne Street, Francis Street or The Esplanade, and there is currently no point where access can be gained to undertake fire management or weed eradication.
4. The proposed closure was advertised in accordance with the Land Administration Act, Section 58 on 25 June 2002.

**STATUTORY REQUIREMENTS**

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



**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

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

**POLICY IMPLICATIONS**

6. The City of Albany currently does not have a policy on permanently closing right of ways.

**FINANCIAL IMPLICATIONS**

7. The costs to Council (administrative costs) are estimated at \$250.00.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

9. The proposal to close the right of way behind Francis Street and the Esplanade was advertised by publication of a notice in the Albany advertiser, on 25 June 2002, and a letter was forwarded to all adjoining landowners, service authorities, Main Roads and Department of Planning and Infrastructure.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

10. To date thirteen (13) submissions have been received, of the submissions there is only one (1) objection to the proposal. The respondent does not support the closure of the Road as it has no benefit to them.

**RECOMMENDATION**

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

- i) Request the Minister to proceed with the permanent closure of the right of way behind properties of Francis Street and The Esplanade Lower King; and
- ii) Request the Department of Land Administration to undertake the necessary negotiations with the adjoining landowners of Francis Street and The Esplanade to effect disposal of the land.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WELLINGTON**

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

- i) Request the Minister to proceed with the permanent closure of the right of way behind properties of Francis Street and The Esplanade Lower King; and**
- ii) Request the Department of Land Administration to undertake the necessary negotiations with the adjoining landowners of Francis Street and The Esplanade to effect disposal of the land.**

**MOTION CARRIED 14-0**

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

**13.3.1 Contract C02016 – Plumbing Services - Biennial (2002/04)**

<b>File/Ward</b>	:	C02016 (All Wards)
<b>Proposal/Issue</b>	:	Plumbing Services by public tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager City Services (G Steel) Contracts Officer (R W Henley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the tender for Biennial Plumbing Services from Active Plumbing
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At Council’s Ordinary Meeting of 26 June 2001 it was resolved:  
  
*“THAT Council award Contract C01034 - Plumbing Services Biennial (2001/03) to M J Conway Plumbing... “*
2. On several occasions after award of this contract, M J Conway Plumbing did not respond to work requests or make alternative arrangements as required under the contract specification. M J Conway Plumbing was made aware that the City of Albany had to employ another plumbing company to carry out urgent repair works.
3. It appeared that M J Conway Plumbing was unable or unwilling to carry out the works that were required under this contract. Following due process, they were required to show cause in writing why the City of Albany should not terminate this contract. A written response was not received; as such the contract was terminated.
4. Tenders were invited for plumbing services for maintenance and repair of all Council controlled infrastructure within the City of Albany for a two-year period.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued.

5. The contract will expire on 30 June 2004, and works are to be carried out on an "as and when required" basis as requested with a purchase order. The estimated value of this contract is in the region of \$50,000 per annum.
6. A total of seven specifications were issued, with three tender submissions received by close of tender.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

9. There is no policy implication relating to this item.

**FINANCIAL IMPLICATIONS**

10. The following table summarizes those rates and charges (including GST) submitted by contractors for the supply of trade services together with their final overall scores after evaluation.

<b>All classifications of plumbing services work</b>	<b>Active Plumbing</b>	<b>Knotts Plumbing</b>	<b>Tricoast Holdings</b>
Rate/Hour (\$)	40.00	30.50	44.00
Minimum charge for Minor callout (\$)	40.00	30.50	44.00
After Hours Loading (\$)	+\$15.00	nil	\$60.00 callout fee & \$60.00/hour
Supply materials as required at current Trade List Price	+15%	+10%	+10%
Minimum notice	as required	none	2 hours
<hr/>			
Evaluation score	69.0%	62.4%	41.0%

**STRATEGIC IMPLICATIONS**

11. Plumbing Services fall under the Albany 2020 Port of Call:  
*“The continual development of Council services & facilities to meet the needs of all stakeholders.”*

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued.

**COMMENT/DISCUSSION**

**Tender Process**

12. A Request for Tenders was published in the West Australian on 3 August 2002 and the Albany Advertiser on 6 August 2002, with closing date on 21 August 2002.

**Tender Evaluation**

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

◆ <i>Cost</i>	50%
Schedule of rates and prices	
◆ <i>Relevant Skills and Experience</i>	40%
Demonstrated skills as listed in specification	10%
Demonstrated experience with similar works in a local government	10%
Demonstrated abilities to deliver work on time	20%
◆ <i>Safety Management</i>	10%
Where possible the tenderer is to provide the following information:	
Lost Time Injury (LTI) record in the past 24 months	
Record of accidents in the last 12 months	
In-house safety plan	

14. Provision of services will be seen as an indication of the tenderer's expertise and commitment to safety.
15. Following the opening of tenders, the Trades & Building Co-ordinator and Waste Services Co-ordinator carried out evaluation of the submissions for plumbing services.
16. It is recommended that Council accept the tender from Active Plumbing; they have on occasion provided similar services to the City of Albany, during which time they have provided excellent service, requiring minimal supervision.
17. Active Plumbing did not tender the lowest rates. However, their tender submission met the full requirements for the contract. Further to this, familiarity with their work quality and punctual response, by those Council officers carrying out the evaluation meant that there were no reservations with Active Plumbing's experience, skills and expertise to provide Plumbing Services to the City of Albany.
18. Knotts Plumbing have also provided services in the past for the City of Albany, however, on occasion their response time was below the required standard and work required considerable supervision.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued.

19. Further to this, Safety Management information was requested as part of the tender submission, for which Active Plumbing provided the detail required. Knotts Plumbing on this occasion provided no information in this area.

RECOMMENDATION

THAT Council award Contract C02016 - Plumbing Services - Biennial (2002/04) to Active Plumbing at the following Schedule of Rates (including GST):

All classifications of plumbing services work	Active Plumbing
Rate/Hour (\$)	\$40.00
Minimum charge for Minor callout (\$)	\$40.00
After Hours Loading (\$)	\$15.00
Supply materials as required at current Trade List Price	+15%
Minimum notice	as required

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR EMERY**

**THAT Council award Contract C02016 - Plumbing Services - Biennial (2002/04) to Active Plumbing at the following Schedule of Rates (including GST):**

All classifications of plumbing services work	Active Plumbing
<b>Rate/Hour (\$)</b>	<b>\$40.00</b>
<b>Minimum charge for Minor callout (\$)</b>	<b>\$40.00</b>
<b>After Hours Loading (\$)</b>	<b>\$15.00</b>
<b>Supply materials as required at current Trade List Price</b>	<b>+15%</b>
<b>Minimum notice</b>	<b>as required</b>

**MOTION CARRIED 14-0**

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**WORKS & SERVICES REPORTS**

**13.4 AIRPORT MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.5 RESERVES PLANNING & MANAGEMENT**

**13.5.1 Streetscape Advisory Committee**

<b>File/Ward</b>	:	MAN 152 (All Wards)
<b>Proposal/Issue</b>	:	Establishment of Streetscape Advisory Committee - Nominations for Members.
<b>Subject Land/Locality</b>	:	City of Albany, urban area road reserves.
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director, Works & Services (B Joynes) Environmental Planning Officer-Reserves (M Price)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	OCM 21/05/02 Item 13.5.1 OCM 20/8/02 Item 13.5.1
<b>Summary Recommendation</b>	:	That Council accepts the nominations for membership to the newly formed Streetscape Advisory Committee.
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At its Ordinary Council Meeting on 20<sup>th</sup> August 2002, the City of Albany resolved to expand the membership of the City of Albany Streetscape Committee to include representatives for youth and indigenous issues.
2. In addition, the existing representative for people with disabilities, Mrs Colleen Hansen has resigned due to relocation from Albany. Ms Lorraine Wolfe has been nominated to replace her.
3. Danielle Clements has been nominated to represent interests of Youth.
4. Mr Harley Coyne has been nominated as a representative of Aboriginal interests
5. The Albany Chamber of Commerce and Industry has also nominated a representative for local business interests – Jo Hummerston.



**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

7. This committee will consider and guide the development of Streetscape Plans for the City of Albany.

**FINANCIAL IMPLICATIONS**

8. The preparation of a Streetscape Master Plan for Albany Highway (York St roundabout to Chester Pass Roundabout) is included in the budget for 2002-2003.

**STRATEGIC IMPLICATIONS**

9. The Albany 2020 Port of Call:  
*Port of Call:*  
Quality parks, gardens and reserves maintaining their feature status.  
Objective:
  - To develop safe, functional and aesthetically pleasing streetscapes”.
10. In the implementation plan for Albany 2020 - Charting our Course, there is an action to ‘establish a Streetscape Advisory Committee’ before June 2002. Actions leading from the formation of the Streetscape Advisory Committee as outlined in Albany 2020 include:
  - Determining practical standards and themes for the City streetscapes incorporating traffic management plans;
  - Considering public submissions;
  - Preparing a costed and prioritised plan for paving, street furniture and road side planting in accordance with the agreed standards;
  - Implement the streetscape program and incorporate standards and themes in the Reserves Master Plan 15 year Expenditure Program.

**COMMENT/DISCUSSION**

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

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

RECOMMENDATION

THAT Council endorse the nomination of the following people to complete the membership of the Streetscape Advisory Committee:

- Representative for People with Disabilities - Ms Lorraine Wolfe
- Representative for Youth interests - Danielle Clements
- Representative for Aboriginal interests - Mr Harley Coyne
- Representative for business interests – Jo Hummerston

*Voting Requirement Absolute Majority*

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**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WALKER**

**THAT Council endorse the nomination of the following people to complete the membership of the Streetscape Advisory Committee:**

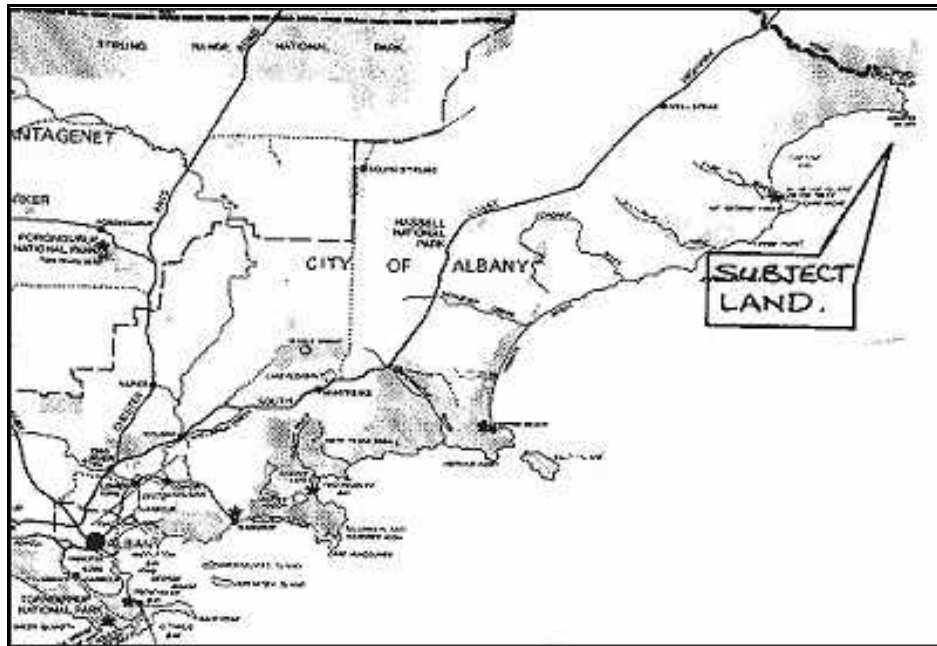
- **Representative for People with Disabilities - Ms Lorraine Wolfe**
- **Representative for Youth interests - Danielle Clements**
- **Representative for Aboriginal interests - Mr Harley Coyne**
- **Representative for business interests – Jo Hummerston**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.5.2 Vesting of Reserves Near Pallinup River**

- File/Ward** : PRO 132 (Hassell Ward)
- Proposal/Issue** : Request for City of Albany to accept Management Order for Reserves
- Subject Land/Locality** : Reserves 14986 and 14987 Boat Harbour Road
- Proponent** : Department of Conservation and Land Management
- Owner** : Crown
- Reporting Officer(s)** : Executive Director of Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/03/02 - Item 11.4.2
- Summary Recommendation** : Decline request for Management Order
- Bulletin Attachment** : Nil
- Locality Plan** :



**WORKS & SERVICES REPORTS**

Item 13.5.2 continued

**BACKGROUND**

1. At the most eastern portion of the City of Albany is 2,000 hectares of Crown reserves which have frontage to the Beaufort Inlet and the Southern Ocean. The reserves are a regular holiday spot for residents living to the east of Albany, as well as a popular fishing spot. Access to the reserves is gained via approximately 12kms of gravel road, (located on the Boat Harbour Road road reserve) and then via approximately 11kms of tracks which traverse Reserves 31240, 14987 and 14986 (refer to attached plan no. 1). Also located on the beach where Beaufort Inlet discharges water into the Southern Ocean is a shack from which commercial fishermen operate during certain times of the year.
2. Following a recommendation from the Bush Fire Management Committee, Council resolved at its March meeting that:  
*“Council endorse the recommendation to re-vest Reserves 14987 and 14988 on the western side of the Pallinup River from the Shire of Jerramungup to the City of Albany, as detailed in item 8.4 of the Bush Fire Advisory Committee meeting of 11<sup>th</sup> February 2002.”*
3. Information was sourced from the Department of Land Administration on the current vesting of reserves in the vicinity of the Pallinup River within the City of Albany. Attached plan no. 2 shows those reserves vested with the Shire of Jerramungup and it should be noted that that Shire currently has the management responsibility for large tracts of Crown Land within the City of Albany (approximately 1,400 hectares) as well as the Beaufort Inlet itself. Attached plan no. 3 shows those reserves which currently are Unallocated Crown Land and the areas marked represent approximately 25,000 hectares of reserve. Plan no. 4 identifies the existing reserves for which the City of Albany and the National Parks Authority have management responsibility.
4. In April 2002, the Department of Conservation and Land Management contacted the City of Albany to advise that Reserves 14986 and 14987 form part of a proposal to establish a Conservation Park around the Pallinup River and Beaufort Inlet. Several reserves on the east side of the Pallinup River, within the Shire of Jerramungup, are also included in that proposal. CALM has identified that the proposed Conservation Park would allow for recreation, as well as conservation of the area’s environmental values.

**WORKS & SERVICES REPORTS**

Item 13.5.2 continued

5. CALM has requested Council's agreement for Reserves 14986 and 14987 to be vested in the Conservation Commission of Western Australia as part of the Conservation Park, to be managed by the Department of Conservation and Land Management. It has also been suggested that the City of Albany may prefer that Reserves 14986 and 14987 remain as a separate Conservation Park, vested in the Conservation Commission of WA and that it not be amalgamated with the reserves on the eastern side of the Pallinup River. This alternate proposal would simplify the ability's for CALM to continue liaison with the City regarding management issues such as fire management, and would also simplify ongoing local community involvement in the reserve network: CALM has indicated full support for joint management in the Pallinup/Cape Riche area. The extent of the proposed Conservation Park is shown on plan no. 5.

**STATUTORY REQUIREMENTS**

6. The ongoing care and maintenance of Unallocated Crown Land rests with the Department of Land Administration and that department arranges with other government agencies to have periodic weed spraying, fire control etc. undertaken on those reserves.
7. Upon receipt of the Management Order for a reserve, the receiving agency accepts all the rights and responsibilities that would normally be associated with the freehold ownership of the land, with the exception that the land must be used in accordance with the purpose that is attached to that reserve.

**POLICY IMPLICATIONS**

8. Council has no policy framework dealing with accepting management orders for Crown reserves. There is no strategic documents prepared by the City of Albany which highlight a strategic requirement for Council to assume management control or divest itself of Crown reserves.

**FINANCIAL IMPLICATIONS**

9. The rural community to the east of Albany has recently constructed composting toilets upon Reserve 14987 to reduce the impact of camping on that reserve.
10. Should Council accept the management order for the reserve, there may be an expectation that the 23kms of gravel track providing access to Beaufort Inlet and the Southern Ocean will receive additional upgrading and/or maintenance attention. Council is also poorly placed to provide ranger services, weed management, litter control, wildlife protection and land management for a 2,000 hectare reserve located approximately 120kms from Albany. There are also legal and financial implications associated with appointing temporary rangers and/or managers to assist the City of Albany in the ongoing management of the reserve network.

**WORKS & SERVICES REPORTS**

Item 13.5.2 continued

**STRATEGIC IMPLICATIONS**

11. Under the City of Albany's Port of Call "Managed healthy land/harbour environment" there is an objective to manage reserves for environmental sustainable use, community enjoyment and benefit. The mouth of the Pallinup River is an area where residents throughout the Great Southern seek to recreate and holiday. As shown on plan no. 1 following this report, access to Beaufort Inlet and the Southern Ocean is gained through the City of Albany and the Shire of Jerramungup to the points marked with an asterisk.

**COMMENT/DISCUSSION**

12. Experience gained through the management of the Sandpatch Reserve, which is located less than 10kms from Albany's CBD, would indicate that the City of Albany's resources and expertise in bush management is limited. The Great Southern Region is renowned for the bio-diversity that exists within the Crown reserve network. It is highly probable that the reserve network in proximity to Beaufort Inlet contains a broad diversity of flora and fauna which is worthy of conservation and active management. The Department of Conservation and Land Management is seeking the Management Order for over 20,000 hectares of Crown reserve surrounding Beaufort Inlet. It would be difficult for Council to manage and maintain approximately 2,000 hectares of land which is surrounding by conservation estate.
13. The ability of residents within the Great Southern to have access to coastal reserves is of considerable concern to rural communities. There appears to be a high level of mistrust expressed when CALM seeks to manage those reserves on behalf of local communities. To provide long term land sustainability and to protect bio-diversity, portions of reserves may need to be closed to the public; that action is often in conflict with the recreational desires of individuals who have enjoyed unrestricted access to that reserve in the past.
14. The request from the Bush Fire Advisory Committee reflects the community's desire for Council to be maintaining coastal reserves, rather than the Department of Conservation and Land Management. However, Council is ill equipped to take on the management role of such a large tract of land that is remotely located. The offer from the Department of Conservation and Land Management to have Reserves 14986 and 14987 remain as separate components within the Conservation Park, clearly identified as having recreational opportunities, may be a suitable alternative to protect the region's bio-diversity and to put in place an effective management regime for the land.

**WORKS & SERVICES REPORTS**

Item 13.5.2 continued

**RECOMMENDATION**

THAT based upon the additional information provided, Council advise the Department of Conservation and Land Management that it may be prepared to conditionally support a request from the Department of Conservation and Land Management to have the Management Order for Reserves 14986 and 14987 allocated to the Conservation Commission of WA on the clear understanding that:

- i) the purpose for the reserves remain as “Recreation, Camping and Conservation Purposes”;
- ii) that management plans for the Reserves be developed in close consultation with the Pallinup/Cape Riche community;
- iii) that the Department of Conservation and Land Management agrees to maintain unrestricted public access to Beaufort Inlet and the Southern Ocean through the proposed Conservation Park;

AND

THAT a period of 90 days be provided to the Department of Conservation and Land Management and to residents in the Pallinup/Cape Riche area to examine Council’s proposal and to provide an effective mechanism to achieve the stated outcome.

*Voting Requirement Simple Majority*

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**MOVED COUNCILLOR WEST  
SECONDED COUNCILLOR WALKER**

**THAT based upon the additional information provided, Council advise the Department of Conservation and Land Management that it may be prepared to conditionally support a request from the Department of Conservation and Land Management to have the Management Order for Reserves 14986 and 14987 allocated to the Conservation Commission of WA on the clear understanding that:**

- i) the purpose for the reserves remain as “Recreation, Camping and Conservation Purposes”;**
- ii) management plans for the Reserves be developed in close consultation with the Pallinup/Cape Riche community; and**
- iii) the Department of Conservation and Land Management agrees to maintain unrestricted public access to Beaufort Inlet and the Southern Ocean through the proposed Conservation Park;**

**Contd....**

**WORKS & SERVICES REPORTS**

Item 13.5.2 continued

**AND**

**THAT a period of 90 days be provided to the Department of Conservation and Land Management and to residents in the Pallinup/Cape Riche area and that the residents of the Pallinup/Cape Riche area be invited to nominate a representative to examine Council's proposal and to provide an effective mechanism to achieve the stated outcome.**

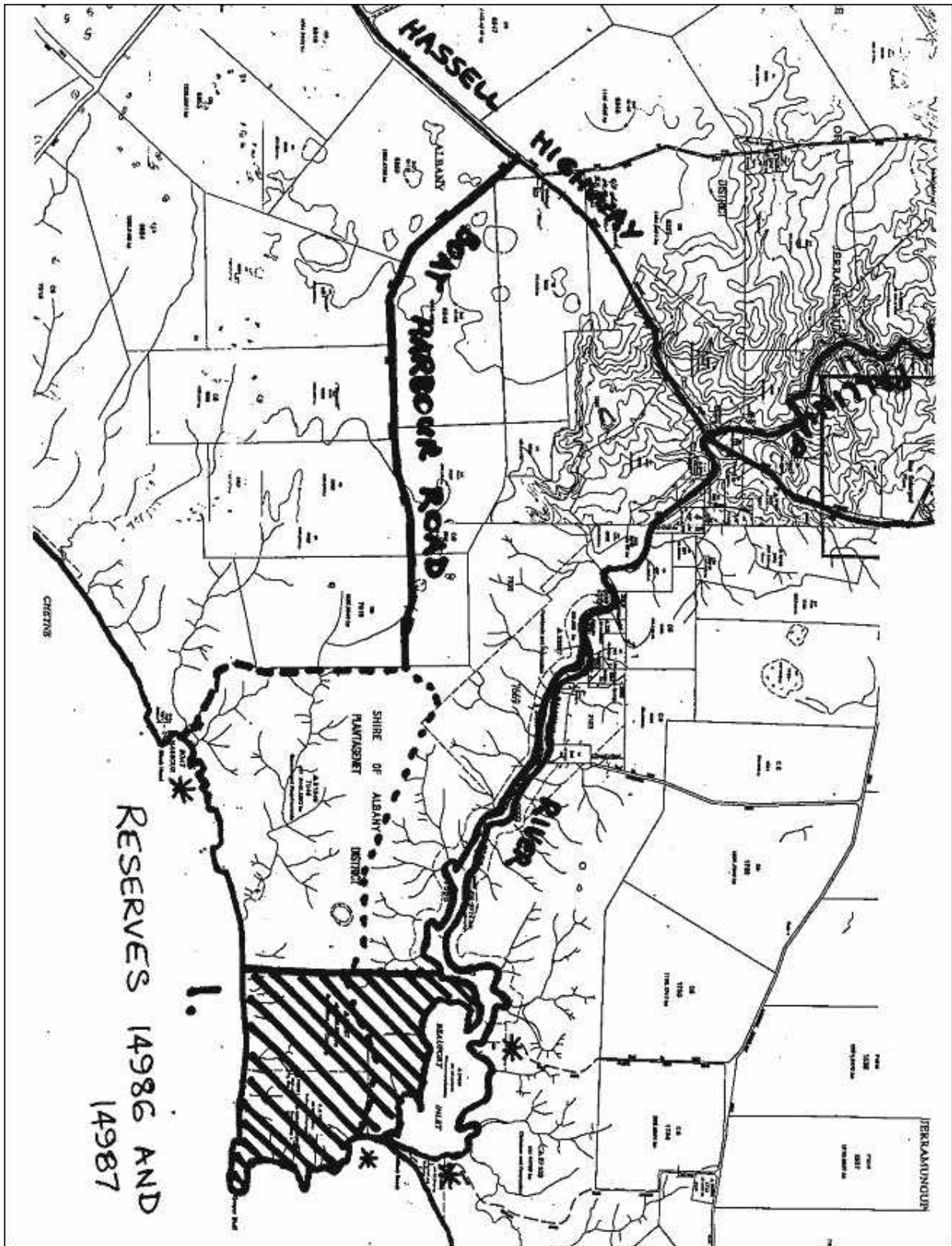
**MOTION CARRIED 14-0**

**Reason:** Having a local representative oversee the interests of the City of Albany to provide the City with a more effective control mechanism to ensure that the best interests of all stakeholders are protected.



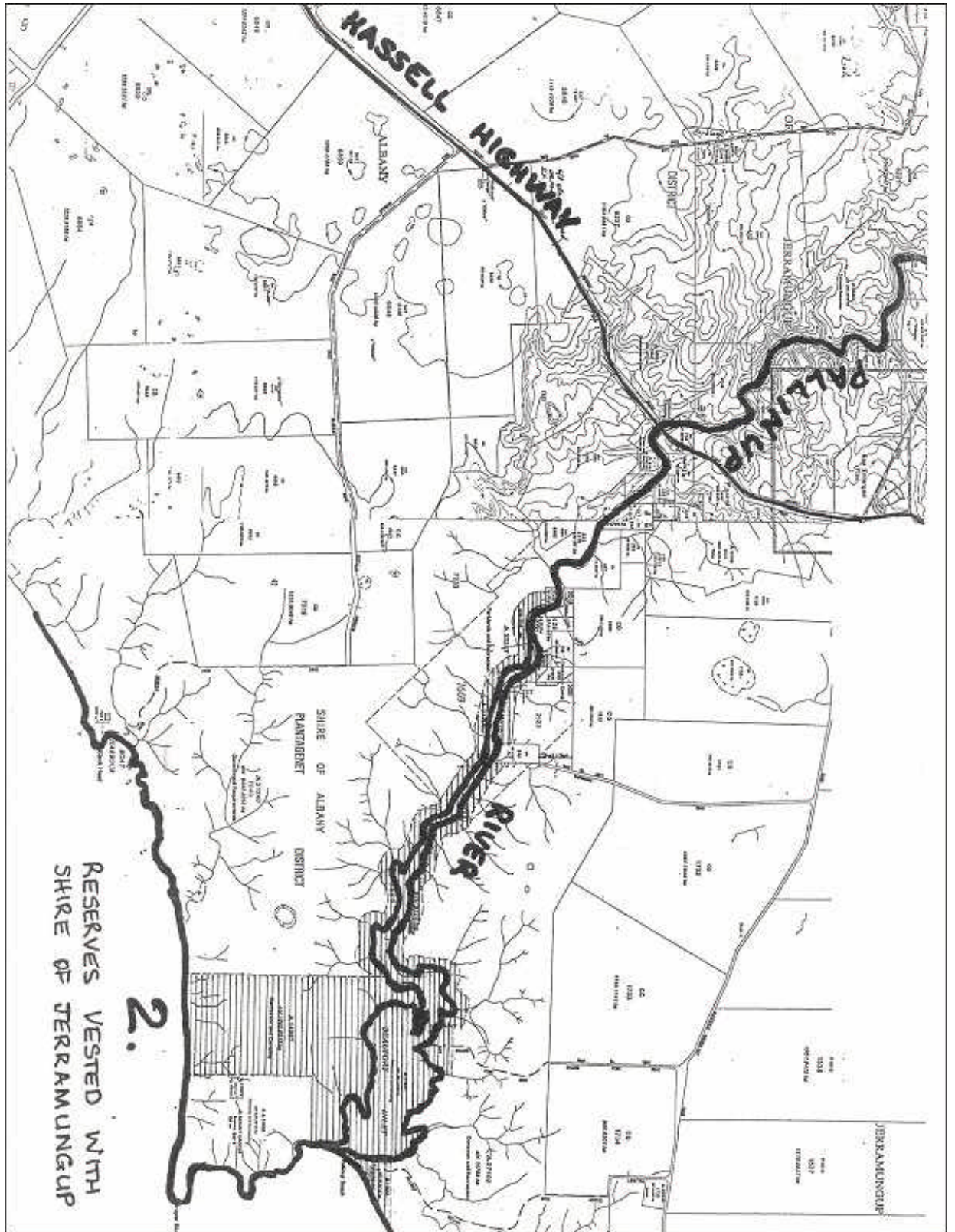
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Item 13.5.2 continued.



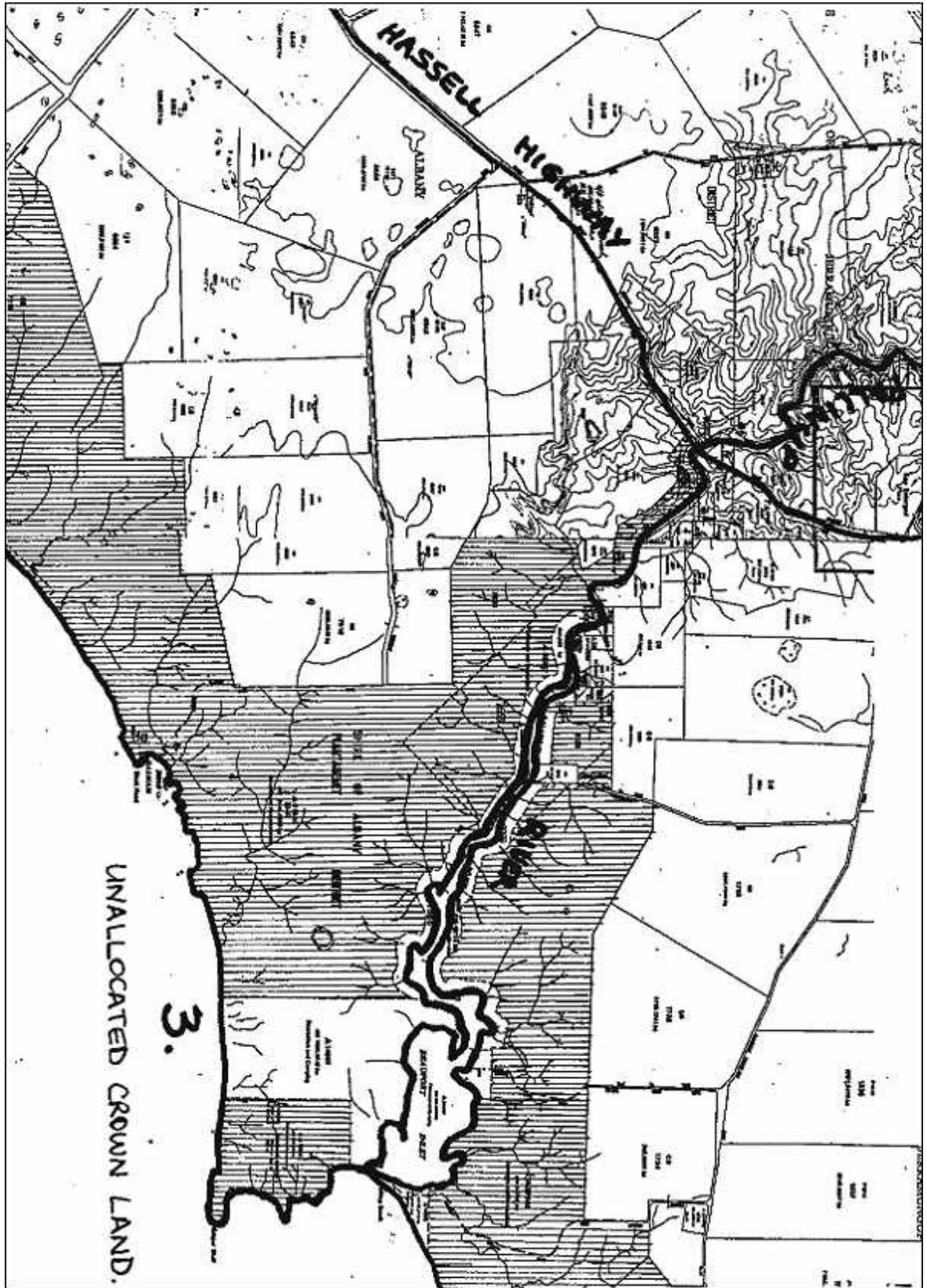
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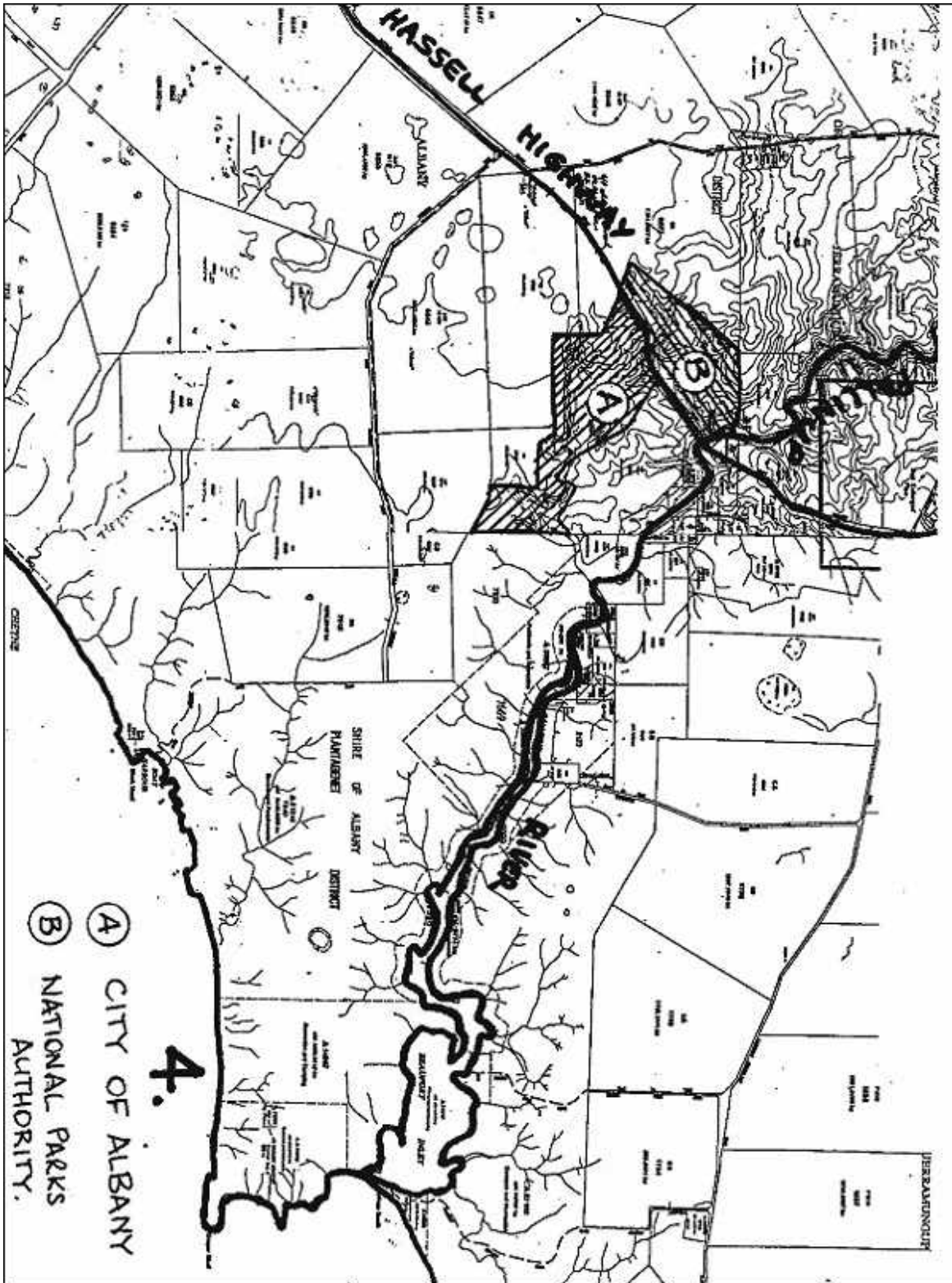
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Item 13.5.2 continued



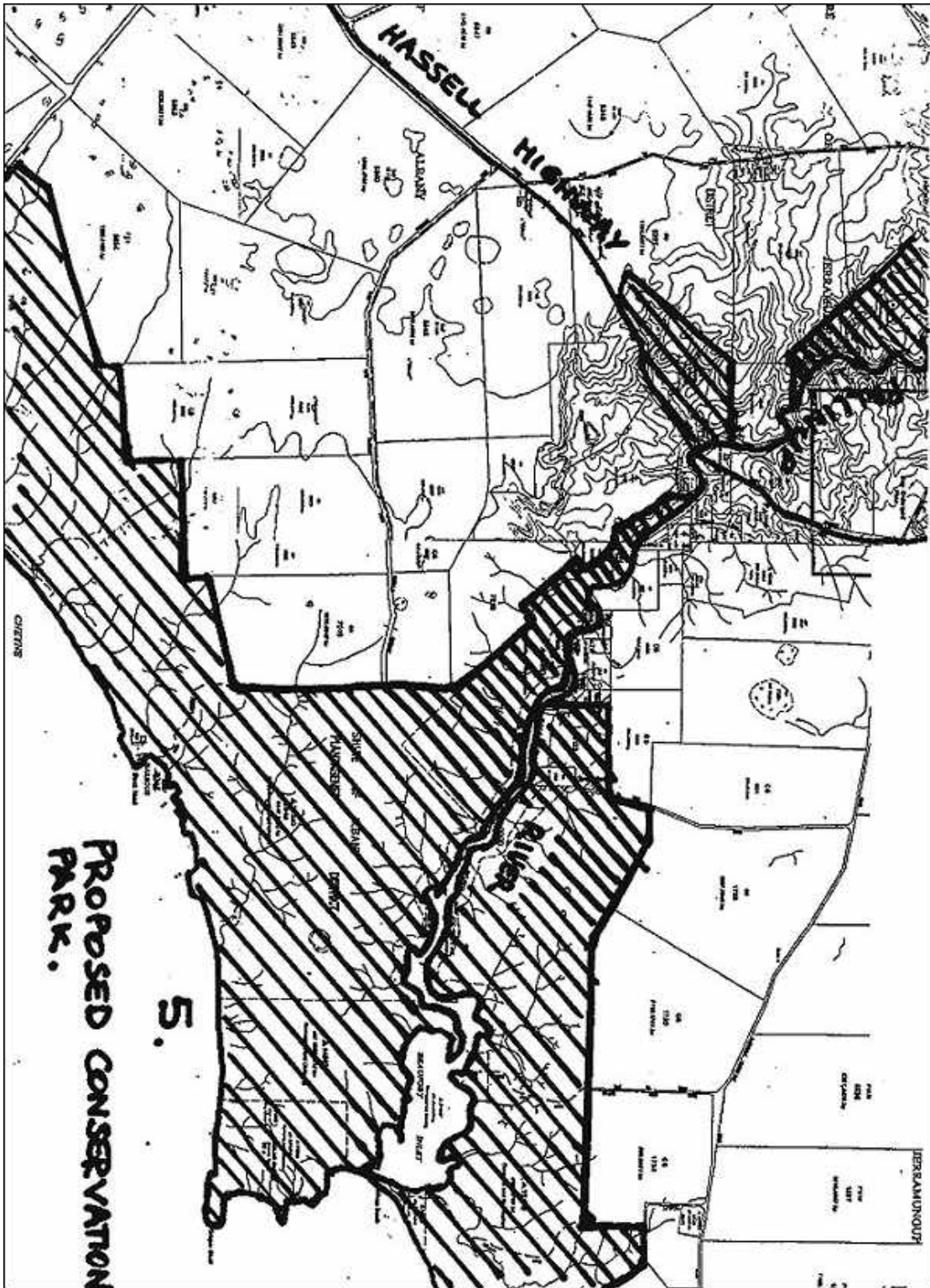
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Item 13.5.2 continued.



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**WORKS & SERVICES REPORTS**

**13.5 WORKS AND SERVICES COMMITTEES**

Nil.

# **General Management Services**

## **REPORTS**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.0 REPORTS – GENERAL MANAGEMENT SERVICES**

**14.1 STRATEGIC DEVELOPMENT**

Nil



## 14.2 ORGANISATION DEVELOPMENT

### 14.2.1 Freedom of Entry Rights and Privileges to the Royal Australian Air Force No 2 Flying Training School

<b>File/Ward</b>	: REL011 (All Wards)
<b>Proposal/Issue</b>	: Grant of the Freedom of Entry
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Mayoral Liaison Officer (G Clarke)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: THAT Council proceed to request approval from the Chief of Air Force to grant the Freedom of Entry rights and privileges to the Royal Australian Air Force No 2 Flying Training School.
<b>Bulletin Attachment</b>	: Historical References to the Tradition of the Freedom of Entry Ceremony
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. The City of Albany currently has four military units who have the right of the Freedom of Entry – the 11<sup>th</sup> /28<sup>th</sup> Battalion The Royal Western Australian Regiment (initially granted in 1987), HMAS ANZAC (initially granted in 1996), RAAF No 5 Flight Air Training Corp (initially granted in 1980) and TS Vancouver Naval Cadets (initial grant date unknown).
2. The City of Albany has a rich military history with strong ties to our local army unit - The 11<sup>th</sup>/28<sup>th</sup> RWAR, the Fremantle based Naval Ship HMAS ANZAC and local cadet units TS Vancouver Naval Cadets and the No 5 Flight Air Training Corp. This proposed alliance with RAAF No 2 Flying Training School completes the ceremonial affiliations the City of Albany holds with the three armed services – Navy, Army and Airforce.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.2.1 continued

3. The RAAF No 2 Flying Training School is the largest Air Force Unit in WA based at Pearce Air Base and have formed closed links with the City of Albany over many years using our airport facilities for two major deployments per year along with countless other training visits to Albany. A deployment often involves more than 60 members of the RAAF Unit and support crew.
4. The past deployments and other training exercises conducted by the RAAF in Albany have had a positive economic and social impact on the City. The conferring Freedom of Entry rights onto the unit will formalise the alliance, strengthen and encourage continuation of the relationship already in place with the City of Albany.
5. The RAAF No 2 Flying Training School do not currently hold the right of Freedom of Entry to any other municipality in Australia.
6. In modern times the granting of “Freedom of Entry” bestows no legal right nor privilege on the recipient body so honoured but is accepted that the conferment is the most honourable distinction that a City may bestow.
7. Council’s responsibility is to assist in staging parades and to host receptions upon the awarding of the initial privilege and once every so many years (there is no set term, it could be three, five, ten years whatever) invite the unit to exercise their Right to the Freedom of Entry.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. The most recent staging of a Freedom of Entry Parade was for the 11/28<sup>th</sup> RWAR during the Federation Festival on 24<sup>th</sup> April, 2001. Approximate total costs of staging the event were as follows:

i.	Production of commemorative booklet	\$1,200
ii.	Hire of equipment (seating, chairs, PA systems	
iii.	set up, dismantle)	\$ 900
iv.	Civic reception (180 attendees)	\$2,500
v.	Advertising (street closures)/promotion	\$ 250
vi.	Production of Certificate/Scroll	\$ 50
vii.	Total	\$4,900

11. Note: the 11/28<sup>th</sup> RWAR contributed half of the costs of the brochure therefore the City of Albany’s total expense was reduced to \$4,300.

Item 14.2.1 continued

12. A budget item for this financial year currently exists for the sum of \$4,000 therefore no additional funding is required.

**STRATEGIC IMPLICATIONS**

13. In the City of Albany’s 2020 – Charting our Course, the following Port of Call is 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**

14. The conferment of the Freedom of Entry onto the Royal Australian Air Force No 2 Flying Training School is dependant on approval being obtained from the Chief of Air Force – Canberra.

RECOMMENDATION:

THAT the Mayor and Councillors of the City of Albany indicate by way of a formal letter to the Chief of Air Force their desire to proceed with the formal adoption of the Royal Australian Air Force No 2 Flying Training School and thereby confer upon the Commanding Officer, Officers and Men in perpetuity, the privilege, honour and distinction of the freedom of the City of Albany with the right of entry on ceremonial occasions in full panoply.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR EVANS**

**THAT the Mayor and Councillors of the City of Albany indicate by way of a formal letter to the Chief of Air Force their desire to proceed with the formal adoption of the Royal Australian Air Force No 2 Flying Training School and thereby confer upon the Commanding Officer, Officers and Men in perpetuity, the privilege, honour and distinction of the freedom of the City of Albany with the right of entry on ceremonial occasions in full panoply.**

**MOTION CARRIED 14-0**

### 14.3 ECONOMIC DEVELOPMENT

#### 14.3.1 Proposed Friendship Agreement with City of Gallipoli, Turkey

<b>File/Ward</b>	: REL 035 (All Wards)
<b>Proposal/Issue</b>	: Proposed Friendship Agreement with City of Gallipoli, Turkey
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Economic Development Manager (J Berry)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: THAT Council initiate a Friendship Agreement Declaration with the City of Gallipoli in Turkey
<b>Bulletin Attachment</b>	: Correspondence between Gallipoli & Albany.
<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.
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 the ANZAC Park on the foreshore
  - the national focus of ANZAC celebrations being centred on Albany in 2001;
  - the construction of a statue of the former President of Turkey (Mustafa Kemal Ataturk) overlooking the Ataturk Channel entering Princess Royal Harbour
  - well attended Dawn and Mid morning services on ANZAC day

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued.

4. The City of Albany has written to the Turkish Embassy in Canberra, seeking support and assistance in establishing a formal friendship agreement with the City of Gallipoli in Turkey based on the ANZAC legend. Both the Turkish Ambassador in Australia and the Mayor of the City of Gallipoli have responded favourably to the City of Albany's letter of invitation, strongly supporting the proposal to establish a formal affiliation. An unofficial translation of the responding letter from the Mayor of Gallipoli has been provided by the Turkish Embassy (refer attachment 1) and a more detailed translation has been provided by the Turkish Australian Cultural House (refer attachment 2).

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

6. There are no policy implications associated with this proposal. Council has previously resolved to only support international affiliations that promote real cultural, economic and educational opportunities for Albany. The City of Albany currently has two active Japanese affiliations being Nichinan (based on the woodchip trade) and Tomioka (based on a strong school educational exchange program).

**FINANCIAL IMPLICATIONS**

7. There are no immediate financial implications associated with this proposal however a reciprocal visit to Turkey to sign a friendship agreement will require a financial allocation from Council in the order of \$5,000 sourced from the existing economic development budget. An application for supporting financial assistance has been submitted to an aviation development funding program administered through Westralia Airports Corporation, based on the possible tourism benefits to Albany and associated increases in aviation traffic through both Albany and Perth airports.

**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*

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

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.3.1 continued.

**COMMENT/DISCUSSION**

9. It is proposed the City of Albany invite the Mayor of Gallipoli to sign a Friendship Agreement Declaration between Albany and Gallipoli. Assistance in preparing the necessary documentation will be provided by the Turkish Australian Cultural House. An opportunity to formally recognise this arrangement will be available when the Ataturk Statue is to be unveiled in Albany at a formal ceremony proposed for 1 November 2002.
10. The City of Gallipoli has written to Her Worship the Mayor of Albany inviting a delegation from Albany to visit Gallipoli as guests of the Council.
11. The establishment of a friendship affiliation with Gallipoli will reinforce Albany's association with the ANZAC legend. The expected benefits of the proposal are the strengthening of cultural relationships between Albany residents (including schools) and increased tourism development (particularly around ANZAC day). The proposal forms part of a wider strategy to recognise Albany as Australia's 'ANZAC Capital', which will culminate with significant events in November 2014, which will be the Centenary of the departure of Australian and New Zealanders from Albany to the Great War. Other initiatives that provide 'strategic fit' with the centenary and will be explored over the coming years are a proposed column of bronze soldiers to be placed around the Marine Drive precinct and an interpretive centre to recognise Albany's role in the ANZAC legend.
12. City Staff have discussed the proposed Friendship Agreement with the RSL (Albany Branch) who are fully supportive of the concept.

**RECOMMENDATION**

THAT Council initiate a friendship agreement declaration with the City of Gallipoli in Turkey and accept the invitation from the Mayor of Gallipoli to reciprocate a signing ceremony in Turkey in 2003.

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR EVANS**

**THAT Council initiate a strategic alliance and friendship agreement declaration with the City of Gallipoli in Turkey and accept the invitation from the Mayor of Gallipoli to reciprocate a signing ceremony in Turkey in 2003.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**GENERAL MANAGEMENT SERVICES REPORTS**

**Notes on Bilateral Relations with Australia**

*Overview*

Turkey has a population of 63.7 million people and has an area of 779,452 sq km (slightly smaller than NSW) It is a member of NATO and the OECD and in December 1999 was declared a candidate for membership of the European Union. The capital of Turkey is Ankara, which has a population of around three million people. Gallipoli itself is in the province of Canakkale and is situated in European Turkey. It has a population of approximately 41,000. Canberra has a sister city relationship with Canakkale.

Following the brief but seminal contact between Australia and the Ottoman Empire at Gallipoli in 1915, relations between Australia and the new Turkish Republic developed slowly. Contact remained occasional. However, the introduction of an official Turkish migration program and exchange of Ambassadors in 1968 marked the beginnings of a new and increasingly dynamic relationship. The shared experience of Gallipoli, which played an important role for both countries in forging their nationhood doubtless lies at the foundation of the relationship. Every year, on Anzac Day, thousands of Australians attend traditional dawn and other memorial services at Gallipoli. The Australian Government donated 3.5 million dollars to a relief effort following a devastating earthquake in August 1999. The Australian people donated over \$2.2 million to Turkey through public appeals, demonstrating their depth of sorrow over the havoc reeked by the earthquake.

Turkey remains an important market for Australia. Australia's exports to Turkey grew strongly from 1993 to 1998 (valued at AUD 638 million in 1997/98). Due largely to a slowdown in the Turkish economy this value of exports fell over the following years. The value of Australia's annual exports to Turkey for 2000 was AUD 295 million. Imports from Turkey have experienced consistently strong growth and were valued at AUD 144 million last year. In 2000 Turkey was Australia's 37th largest merchandise export market.

While Australia's exports to Turkey are largely commodity based, with sales of coal, iron ore and wool, there have been some recent successes in diversifying our exports. In 1990s Australia sold 8 fast ferries to the Istanbul Municipality and Turkey has become a significant market for wheat, cotton and rice.

Australia buys from Turkey mainly dried fruit and nuts, televisions, household type equipment, clay construction materials, and glassware.

A Joint Economic Committee (JEC) was established to promote bilateral trade and investment. The fourth meeting in Sydney in October 1997 identified agriculture, mining and energy, environmental protection and transportation as sectors with particular potential for closer co-operation.

Though the level of two-way investment between Australia and Turkey is small, a number of Australian companies are currently pursuing investment opportunities, particularly in energy, infra-structure (eg port development and highways), and mining. A number of Australian companies have won tenders for development projects in Turkey. The potential is considerable but, as with most commerce in Turkey, the chances of success generally depend upon satisfactory partnership arrangements with local interests.

*Source: Department of Foreign Affairs and Trade*

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.4.1 Mayoral Regalia and City Crest Committee meeting – 30<sup>th</sup> May and 27<sup>th</sup> August 2002**

- File/Ward** : MAN 005 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the minutes of the Mayoral Regalia and City Crest Committee held on the 30<sup>th</sup> of May and 27<sup>th</sup> August 2002 be adopted.

**Confirmation of the minutes of the Mayoral Regalia and City Crest Committee of 30<sup>th</sup> May and 27<sup>th</sup> August 2002.**

**RECOMMENDATION**

THAT the minutes of the Mayoral Regalia and City Crest Committee held on 30<sup>th</sup> May and 27<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

NB: “City Crest Submission Guidelines” design briefing document is to be tabled at the meeting.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR BARTON**

**THAT the minutes of the Mayoral Regalia and City Crest Committee held on 30<sup>th</sup> May and 27<sup>th</sup> August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)**

**MOTION CARRIED 14-0**



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

DRAFT MOTION

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

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WELLINGTON**

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

**MOTION CARRIED 14-0**

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

Nil

**17.0 MAYORS REPORT**

Mayor Goode advised there would be no Mayor's Report this month as she had only returned to work today after having been absent for the last three weeks, and in Hospital for an operation. Mayor Goode thanked Councillor Evans for his support over the last three weeks.

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

Nil

**19.0 CLOSED DOORS**

Item 19.1 – Removal of Cocoa Beans from Bakers Junction Landfill Site.

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council go behind closed doors to discuss the removal of cocoa beans from Bakers Junction Landfill Site.**

**MOTION CARRIED 14-0**

Item 19.1 continued

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR EVANS**

**THAT Council come out from behind closed doors.**

**MOTION CARRIED 14-0**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WOLFE**

**THAT Council agree to sell, by public auction as soon as practicable, under Section 3.5B of the Local Government Act, the cocoa beans currently buried at the Bakers Junction Landfill site, subject to the following:**

- i) that Council receives written approvals from the Australian Quarantine and Inspection Service (AQIS) and the Department of Environment, Catchment and Water Protection (DECWP) to do so;**
- ii) that Council receives payment in full, for all outstanding fees and charges incurred in relation to the depositing of the cocoa beans, prior to going to auction; and**
- iii) delegate to the Chief Executive Officer to set the terms, conditions and reserve price of the auction, in line with the legal advice and licensed valuation received by Council, dated 17<sup>th</sup> September 2002, namely:**
  - 1. prior to the auction being held, all of the outstanding fees owed by the McArthur Shipping and Agency Company Pty Ltd for the disposal of the cocoa beans at the Bakers Junction Landfill site, be paid in full to the City;**
  - 2. the contract of sale for the cocoa beans be subject to, among other standard conditions which we will not outline in this correspondence, the following conditions:**
    - (a) the City set a reserve price for the cocoa beans (based upon the valuation of the cocoa beans which will be provided to us by Theco's solicitors);**
    - (b) all costs associated with the extraction of the cocoa beans from the Bakers Junction Landfill site be borne solely by the purchaser;**

**Contd...**

Item 19 continued

- (c) the purchaser extract the cocoa beans in accordance with the requirements of the City, Australian Quarantine and Inspection Service ('AQIS') and Department of Environmental Protection ('DEP') and any other relevant authority;
- (d) the purchaser be required to make good the site at the Bakers Junction Landfill site from which the cocoa beans are removed, to the satisfaction of the City, AQIS, DEP any other relevant authority;
- (e) the purchaser to provide a bond to ensure that condition (d) is properly complied with;
- (f) the purchaser indemnify the City against any future action, liability, claim, demand, suit or other proceedings of any kind in relation to the cocoa beans whatsoever, including the sale of the cocoa beans;
- (g) the purchaser accept the cocoa beans in the condition that they are in at the time of extraction;
- (h) the City does not warrant that the cocoa beans are in a condition fit for the purpose for which the purchaser desires or that there is a precise amount of cocoa beans;
- (i) the purchaser waive its right to take legal action or other proceedings against the City in relation to the cocoa beans (including, but not limited to, the sale of the cocoa beans, and the condition of the cocoa beans);
- (j) prior to extracting the cocoa beans, the purchaser provide the City with evidence that the necessary approvals have been obtained for the extraction of the cocoa beans, including from AQIS and the DEP; and
- (k) if the purchaser is unable to obtain the approvals outlined in (j) the City will refund the purchase price in full to the purchaser.

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 15<sup>th</sup> October 2002, 7.30pm

**21.0 CLOSURE OF MEETING**

9.00pm.

Confirmed as a true and correct record of proceedings.

---

AE Goode, JP  
**Mayor**

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST  
MINUTES OF THE ORDINARY COUNCIL MEETING 17<sup>th</sup> September 2002**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor Barton	Item 11.2.1 – Parking Facilities – Variations of Restrictions – Albany Highway	Councillor Barton’s nature of interest is that she is an employee of Coles Supermarket.

**APPENDIX B**

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 17<sup>th</sup> September 2002**

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

**APPENDIX C**

**CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)  
DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 17<sup>th</sup> September 2002**

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

[Agenda Item 12.1.1 refers]  
[COUNCIL – 17<sup>th</sup> September 2002]



## SUMMARY OF ACCOUNTS

Municipal Fund Vouchers			
Cheques	totalling	159,762.35	
Electronic Fund Transfer	totalling	1,270,483.04	
Payroll	totalling	564,223.43	
Investment Transfers	totalling	3,500,000.00	
<b>TOTAL</b>			<b><u><u>\$5,494,468.82</u></u></b>

### CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$5,494,468.82 which was submitted to each member of the Council on 17th September 2002 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**  
(A Hammond)

### MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$5,494,468.82 which was submitted to the Council on 17th September 2002 and that the amounts are recommended to the Council for payment.

\_\_\_\_\_  
**MAYOR**  
(A Goode JP)