



A G E N D A

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 18th December 2001
7.30pm
City of Albany - Mercer Road Office**

City of Albany

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Signed _____ Date: 10th December 2001

Andrew Hammond
Chief Executive Officer



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 18th December, 2001 in the Council Chambers, Mercer Road, Albany commencing at 7.30 pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

10th December 2001

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1.0 DECLARATION OF OPENING

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

3.0 OPENING PRAYER

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

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

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

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

“AMENDED DRAFT MOTION”

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 20th November 2001

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

AMENDED DRAFT MOTION:

THAT the following minutes:

- **Ordinary Council meeting held on 20th November 2001**

as previously distributed be confirmed as a true and accurate record of proceedings, subject to the comments by Cllr Evers in relation to Item 14.4.3 Albany Boat Harbour Reference Groups Minutes of 7th November 2001 (Items 7 & 8) being amended to:

“Cllr Evers wanted it noted that by this motion, Council is not agreeing to the contribution of money to this matter.”

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

8.0 DISCLOSURE OF FINANCIAL INTERESTS

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

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 7-54]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow–See Pages 55-106]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 107-143]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 144-146]

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17.0 MAYORS REPORT

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

19.0 CLOSED DOORS

20.0 NEXT ORDINARY MEETING DATE

Tuesday 15th January 2002, 7.30pm

21.0 CLOSURE OF MEETING

Development Services

REPORTS

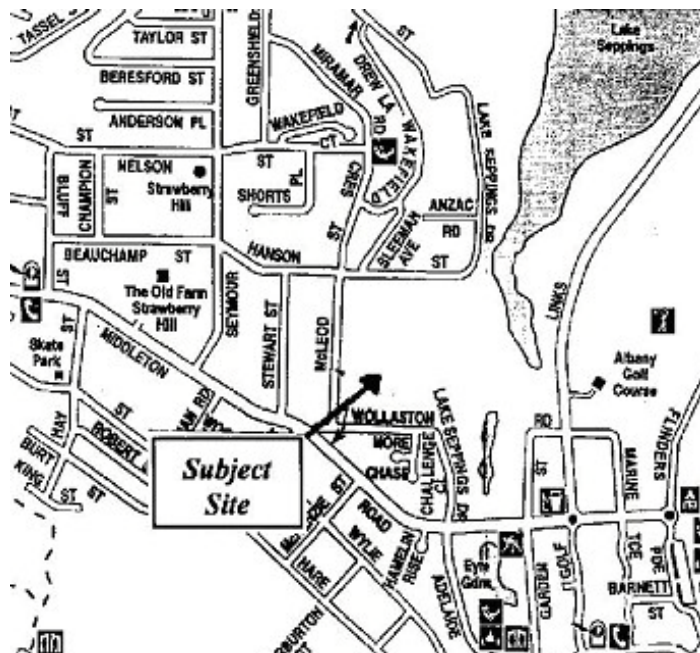
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Proposed Aged Persons Village – Surrey Street, Mira Mar

- File/Ward** : A78550/A79697/A78677/A78730/A79453/
A79516/A79570/A79633 (Breaksea Ward)
- Proposal/Issue** : Aged Persons Village (60 Units)
- Subject Land/Locality** : Lot 25, 26, 27, 28, 45, 46, 47, 48 & Loc 25 (17-18, 20-23, 26 & 27) Surrey St, Mira Mar
- Proponent** : Loughton Patterson – Architects
- Owner** : J & M Martin
- Reporting Officer(s)** : Planning Officer (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Delegate authority to the Executive Director Development Services to grant conditional planning consent
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application for Planning Scheme Consent was received on the 5th November 2001 to develop an Aged Persons Village comprising of 60 units and a Clubhouse occupying Lots 25, 26, 27, 28, 45, 46, 47 and 48 Surrey St, Mira Mar.
2. The site of the Aged Persons Village is zoned ‘Residential R20’ and comprises approximately 2.2 hectares and is located to the north of Wollaston Road, Mira Mar. The site is predominately cleared with a small stand of trees located on the eastern portion of the southern boundary.
3. The application was advertised in a local newspaper (The Weekender) appearing once on the 8th November 2001, with the advertising period ending 29th November 2001. A copy of the application was also referred to 15 neighbouring properties for comment.
4. Five written comments were received with three supporting the proposed development and two objecting. The objections were based on the intensity of development, the potential impact on the environment surrounding Lake Seppings and road access (including the proposed alignment of Lake Seppings Drive). Copies of the submissions are located in the Elected Members’ Report/Information Bulletin.
5. The application was referred to the Water and Rivers Commission (comments in Elected Members’ Report/Information Bulletin) who have referred it to the Department of Environmental Protection under Section 38 of the Environmental Protection Act 1986 (as amended). Any comments received as a result of this referral can be incorporated into an approval for the proposed development.

STATUTORY REQUIREMENTS

6. The subject land is zoned ‘Residential R20’ with an “Aged Persons Village” being an ‘SA’ use under Town Planning Scheme 1A. The ‘SA’ classification requires:
 - a) notice of the proposed development to be sent by post or delivered to the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the application;
 - b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty one days from the publication thereof; and
 - c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one days from the date of publication of the notice referred to in sub-paragraph (b) hereof.
7. An application will need to be submitted to the Western Australian Planning Commission for subdivision/amalgamation approval to facilitate the establishment of the sites boundaries and the vesting of residual land to the Crown.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

8. Where the proposed realignment of Lake Seppings Drive results in anomalous zonings, such as an absence of zone occurring on the eastern boundary of the proposed development site, a rezoning will be required to facilitate continuity in land use and zone. This minor anomaly will not prevent the majority of the land being developed in accordance with the Scheme.

POLICY IMPLICATIONS

9. The Residential Planning Codes (1991), which has been adopted within Town Planning Scheme No. 1A, states that when considering applications for aged accommodation, Council should consider whether such a proposal will be out of character with, or detrimental to, the amenity of the area. Clause 5.1.3 states:

“In the case of dwellings designed for the accommodation of aged or dependent persons, the number of dwellings permitted may, at the discretion of the Council, be up to 50% greater than provided for by the Code applying to the site.”

10. ‘Liveable Neighbourhoods’ was prepared to implement the objectives of the State Planning Strategy. The document operates as a development control policy, or code, to facilitate the development of sustainable communities drawing together, dealing in particular with;

- Community Design;
- Movement Networks;
- Lot Layout;
- Public Parkland;
- Urban Water Management; and
- Utilities.

11. The ‘Liveable Neighbourhoods’ document recommends that residential development should be encouraged within 400 metres of a town centre. A walking distance of less than 400 metres (or 5 minutes walk) is considered to be the optimal distance in order to encourage non-vehicular transport. The subject land is approximately 2.5km from the Albany Regional Hospital and is within 1 kilometre of additional doctors surgeries located on Middleton Road. There is extensive open space within 500m of the site including Eyre Park and a portion of Lake Seppings and the associated Reserve.

12. Whilst the ‘Liveable Neighbourhoods’ document is only a guide for developers and planning authorities, and not a policy of Council or the WAPC, it does encourage best design practice.

FINANCIAL IMPLICATIONS

13. The intensification of use in this area will place additional demands on transport infrastructure. Where this infrastructure requires an upgrade, arrangements should be made with the developer to offset costs incurred by Council.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

14. The Draft Albany Local Planning Strategy identifies the majority of the subject site as ‘Residential Development’ with the remainder of the site, to the east of the proposed Lake Seppings Drive, identified for Environmental Protection Recreation and Reserves. The plan of development indicated in the draft strategy reflects the current zoning of the land.

COMMENT/DISCUSSION

15. According to the Australian Bureau of Statistics figures released 29 June 2001, there has been a surge in the number of people aged 85 and over in Western Australia. In addition to this, one of the highest concentrations of people aged 65 and over occurs in Albany (Central) with in excess of 18% of the population being in this age group. With trends showing an increase in older age groups the provision of aged persons facilities is an important consideration within the City of Albany.
16. The proposed Aged Persons Village is located in close proximity to local distributor roads, open space and local shopping facilities. The location of this facility is in accordance with the main principles of ‘Liveable Neighbourhoods’.
17. The subject lots currently extend to the road pavement of Wollaston Road and extend to the east into the Reserve adjacent to Lake Seppings. The applicant has identified a preparedness to cede, free of cost, a strip of land along Wollaston Road to provide a verge area and to relocate the proposed Lake Seppings Drive reservation to the east of its current alignment. A subdivision will be required to enable the creation of a verge on Wollaston Road, realign Lake Seppings Drive and to bring the reserve into public ownership.
18. Comment was received that expressed concern that the proposed density of development was too high. The site is predominately zoned Residential R20 and with the density bonus accorded under the R-Codes (based on the entire developable area being coded R20) the site has the potential for the development of 73 dwelling units. The proposed 60 units will result in a density below the maximum density permitted on the site.
19. An important component of this development is the closure of Surrey Street which is held in private ownership. Once the street is closed it could be transferred to the applicant to form part of the development; the closure is the subject of a separate administrative action.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

20. A minor Scheme Amendment will be required to correct anomalies that will occur in zoning as a result of this proposal. A subdivision concept appears on the scheme map which shows roads extending into the development area; the removal of these, along with the proposed realignment of Lake Seppings Drive, will require an amendment to give the site a consistent zoning. Due to the time taken to effect an amendment, it is recommended that development be allowed to be commenced prior to the amendment being finalised on those portions of the site which are suitably zoned (this is consistent with a development off Serpentine Road where a change in lot layout was mooted by the developer).
21. The Surrey Road drain extends into Lot 28 Surrey Street and discharges to the north of Lot 45. There is no formal drainage in the locality, with overland flow discharging into Lake Seppings. Work will be required to be undertaken to ensure that the path and outflow of this drain is dealt with.
22. The proposed development site is located adjacent the wetland area of Lake Seppings. Due to the proximity of the Lake, water sensitive urban design measures should be incorporated into any development.
23. The Waters and Rivers Commission has provided comment on the proposal (refer to the Elected Members' Report/Information Bulletin) and has recommended the following:
 - Consultation to occur to determine appropriate setbacks to ensure topographic factors, wetland vegetation, flood levels and value of existing flora and fauna prior to any approval being provided;
 - The proposed alignment of Lake Seppings Drive, as shown on the application has not been determined in consultation with the Water and Rivers Commission;
 - A foreshore reserve is to be provided for, which is sufficient to contain a fringing area not subject to flooding or inundation;
 - Retention of fringing vegetation within the reserve should be maximised consistent with the existing foreshores values as a wetland buffer;
 - Filling and grassing of the subject land's foreshore area is not recommended;
 - The Commission recommends a survey of the foreshore vegetation between Wollaston and Hanson Roads be undertaken as part of this proposal;
 - Standards should be developed for the management of stormwater to ensure that post development rates do not exceed pre development rates;
 - Measures to address stormwater and drainage management should be in accordance with the Commission's Sensitive Urban Water Design Principles; and
 - The Commission recommends that as part of the proposal, treatment of the drainage occurs to ensure no direct discharge into the wetland.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

24. The Water and Rivers Commission referred the application to the Department of Environmental Protection and as yet, comment has not been received.
25. The proposed development has its primary point of access on Wollaston Road. Developments of this nature generally do not create substantial vehicle volumes, in particular those associated with morning and afternoon travel to places of employment. The restricted nature of the occupants (those over 55) should not result in a substantial increase in vehicle movements on Wollaston Road, particularly night time movements.
26. The eventual construction of Lake Seppings Drive will reduce traffic volumes on Wollaston Road by improving access to Middleton Beach from Spencer Park; Wollaston Road will continue to carry substantial local traffic until Lake Seppings Drive is constructed.
27. The submissions from B & N Sutherland raises legitimate concerns over the location of the entrance driveway to the project and the developer has been asked to respond to that submission; that response will be tabled at the meeting.
28. Due to the nature of the proposal, two recommendations are put forward for Council's consideration. One recommendation delegates authority to the Executive Director Development Services to grant conditional planning scheme consent for an Aged Persons Village based on the submitted plans, and the other grants conditional Planning Scheme Consent pending the submission of an amended proposal with access of Lake Seppings Drive.

RECOMMENDATION

THAT delegated authority be issued to the Executive Director Development Services to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:

- i) all units within the site being subject to the Retirement Villages Act;
- ii) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
- iii) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
- iv) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

OR

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Subject to the proponent lodging amending plans for the development of an Aged Persons Village at Lots 25-28 & 45-48 Surrey Street, Mira Mar with primary access to the development off Lake Seppings Drive, delegated authority be issued to the Executive Director Development Services to grant a conditional Planning Scheme Consent for the development.

Voting Requirement Absolute Majority

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AMENDED RECOMMENDATION

THAT delegated authority be issued to the Executive Director Development Services to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:

- i) all units within the site being subject to the Retirement Villages Act;
- ii) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
- iii) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
- iv) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

Voting Requirement Absolute Majority

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**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVERS**

THAT upon receipt of a response from the Department of Environmental Protection and Waters & Rivers Commission, delegated authority be issued to the Executive Director Development Services to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:

- v) all units within the site being subject to the Retirement Villages Act;**
- vi) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;**
- vii) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and**
- viii) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.**

ORDINARY COUNCIL MEETING MINUTES – 18/12/01

** REFER DISCLAIMER **

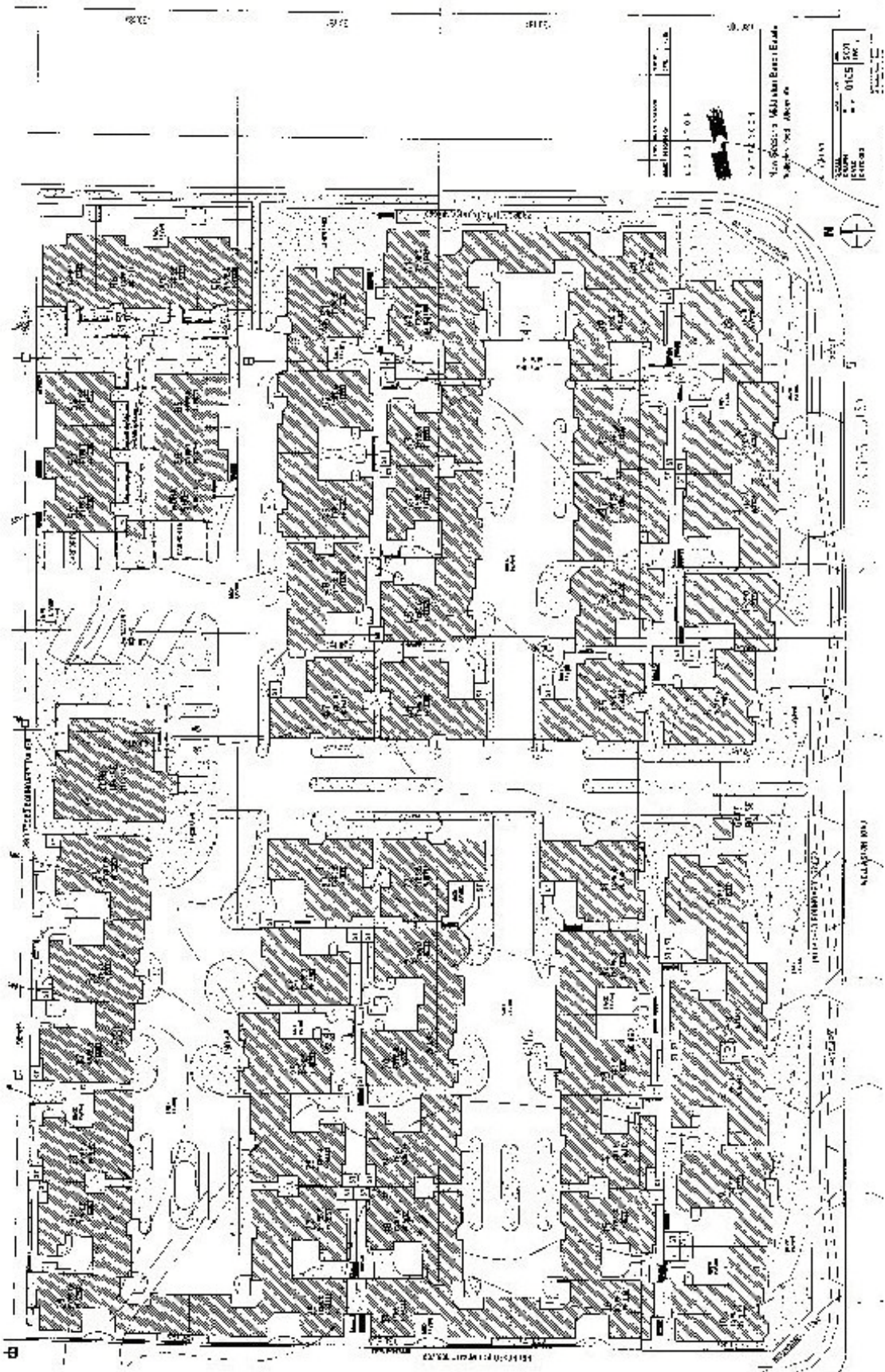
DEVELOPMENT SERVICES REPORTS

Voting Requirement Absolute Majority

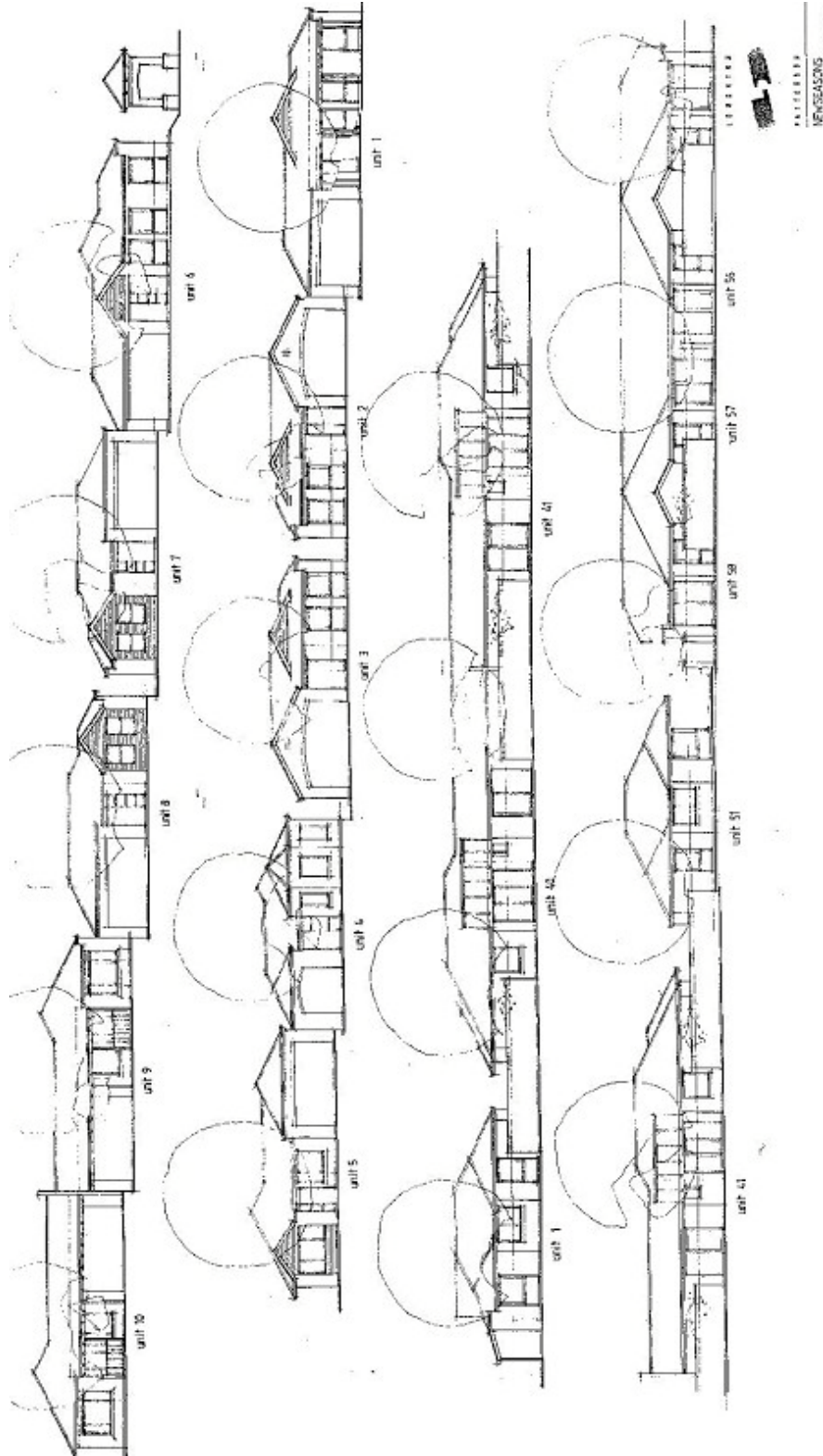
ORDINARY COUNCIL MEETING MINUTES – 18/12/01

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS



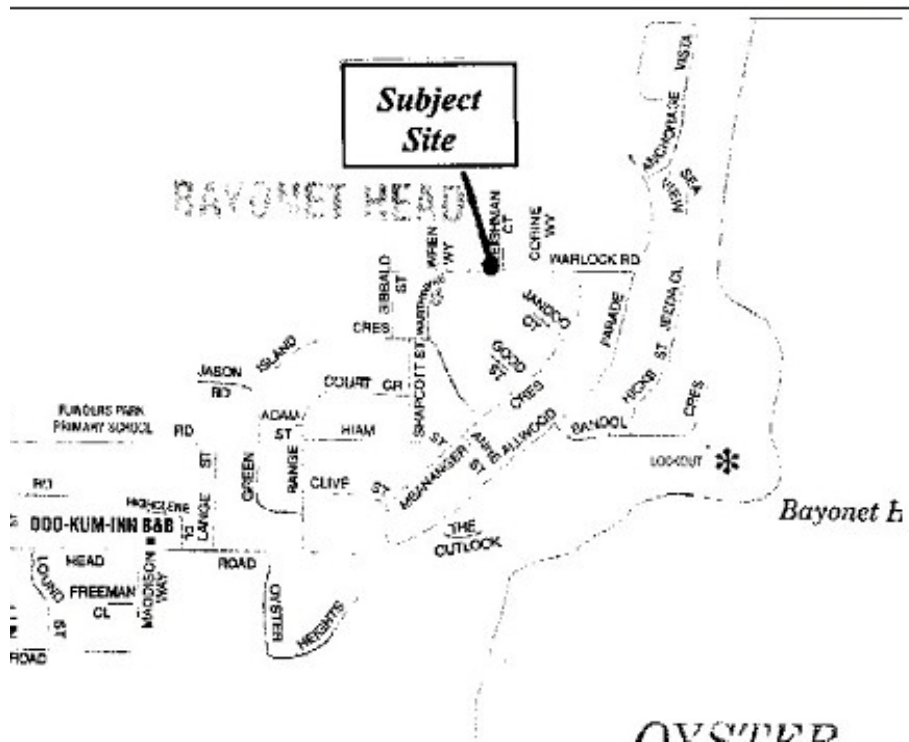
ORDINARY COUNCIL MEETING MINUTES – 18/12/01
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS



DEVELOPMENT SERVICES REPORTS

11.1.2 Request for Relaxation of Policy – Outbuilding – Lot 643 Warlock Road, Bayonet Head

- File/Ward** : A64569 (Yakamia Ward)
- Proposal/Issue** : Non Complying Outbuilding
- Subject Land/Locality** : Lot 643 (36) Warlock Road, Bayonet Head
- Proponent** : Metroof Albany
- Owner** : G Cooper
- Reporting Officer(s)** : Planning Officer (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Approve subject to conditions
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. An application for Planning Scheme Consent was received on the 22nd October 2001 to develop an outbuilding on Lot 643 (36) Warlock Road, Bayonet Head, a vacant residential block.
2. The owner of the subject site owns and occupies the adjacent block – Lot 644 (38) Warlock Road, Bayonet Head.
3. The proposed outbuilding is to have a floor area of 34.5m² and is to be constructed of ‘Rivergum’ coloured Colorbond sheeting. The maximum opening height is to be 3.0m in accordance with the City’s Guidelines.
4. The proposed outbuilding is to be located in the back corner of a corner block and is setback 1.8m from Lot 644 (38) Warlock Road, Bayonet Head.
5. The property is 675m² in area and is zoned “Residential” under Town Planning Scheme No.3.

STATUTORY REQUIREMENTS

6. Clause 6.9.4 of the Scheme States:

“A Town Planning Scheme Policy shall not bind the Council in respect of an application for Planning Scheme Consent...”

POLICY IMPLICATIONS

7. The proposed outbuilding does not comply with part g) of Guideline 4 of Town Planning Scheme No. 3 (Outbuildings) which states:

“In the Residential, Residential Development and Special Residential zones no outbuildings shall be built on a lot where no dwelling already exists on the lot or an approved dwelling is not under construction.”

8. Under Guideline No.4 – Outbuildings, there is no flexibility for staff to support a non complying outbuilding such as is the case in this instance.
9. Guideline No.4 takes into account issues of amenity. In this regard the proposed outbuilding should:
 - (a) be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding;
 - (b) not have a detrimental impact upon streetscape, the amenity of the locality or land uses in the vicinity of the subject land;

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- (c) be clustered with other outbuildings and/or residence to limit the visual impact; and
- (d) be constructed of masonry, timber, hardi-plank or similar non-reflective material or clad in factory applied colour finished sheet metal.

FINANCIAL IMPLICATIONS

10. There is no financial implication relating to this item.

STRATEGIC IMPLICATIONS

11. If Council was to approve a relaxation of its policy, a precedent could be set for other vacant ‘Residential’ zoned lots throughout the City. The policy was formulated to prevent vacant blocks from being used as ‘parking lots’ for domestic vehicles or for defacto industrial sites (the shed being the only development on the land and capable of being sold to a third party).

COMMENT/DISCUSSION

- 12. The proposed outbuilding is in accordance with all of Council’s Guidelines other than part g) of Guideline 4 - Outbuildings. An approval can be conditioned to ensure that the intent of the policy is adhered to, however Council cannot control the sale of Lot 643 and ensuring the conditions of approval are complied with becomes an administrative problem of Council.
- 13. The proposed outbuilding has a negligible impact on amenity in the area, being located to the rear of the property and partially screened by established vegetation in proximity to the property boundary.

RECOMMENDATION

THAT Council issue a Notice of Planning Scheme Refusal for the development of a non-complying outbuilding on Lot 643 Warlock Road, Bayonet Head, because the outbuilding is contrary to Council’s policy regarding the siting of outbuildings on vacant residential lots.

Voting Requirement Simple Majority

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** REFER DISCLAIMER **

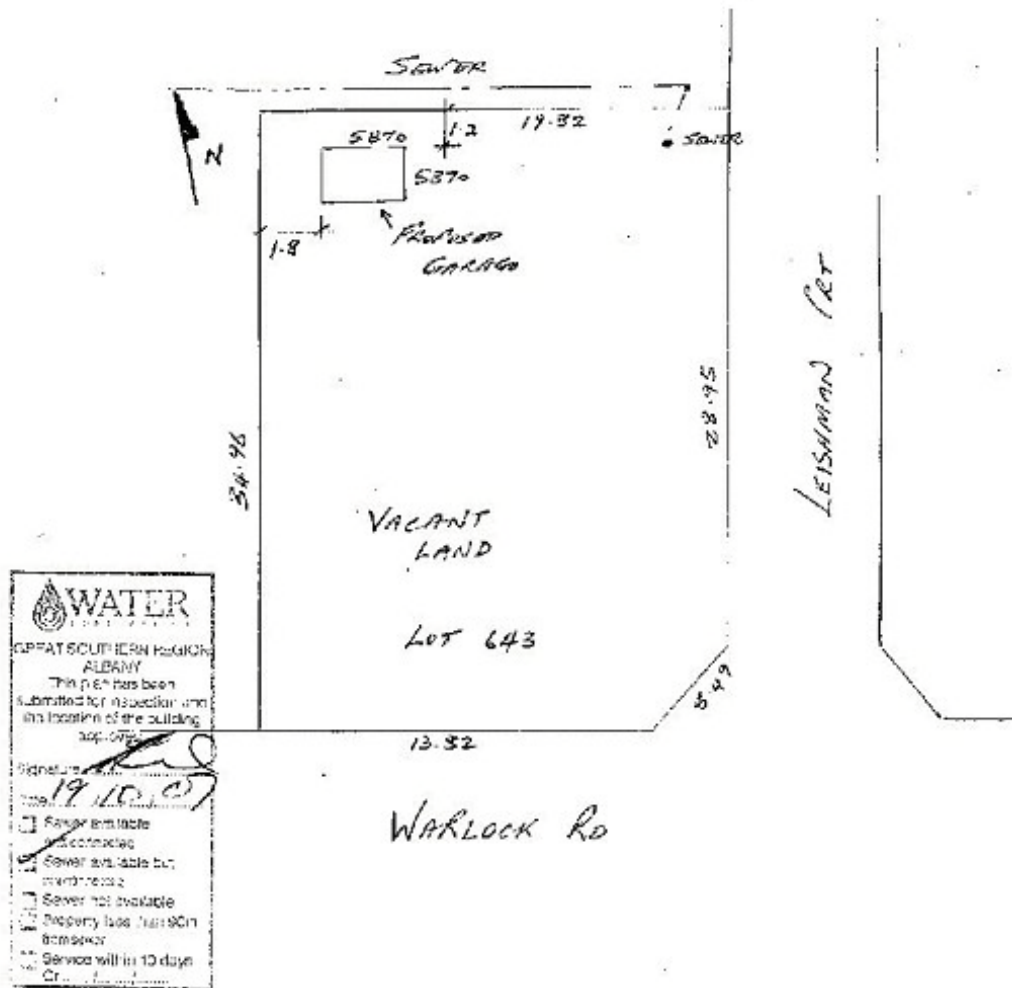
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SITE PLAN

PROPOSED - GARAGE

AT - 36 WARLOCK RD (Lot 643)

FOR - G. COOPER



SCALE - N.T.S

METROOF

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

PLAN

TRUSS
TRUSS
TRUSS

FRONT ELEVATION

1/2" SCALE
ROOF SHEET

2000mm
2000mm
2000mm
2000mm
2000mm

2000mm
2000mm
2000mm
2000mm
2000mm

SIDE ELEVATION

2000mm
2000mm
2000mm
2000mm
2000mm

2000mm
2000mm
2000mm
2000mm
2000mm

TYPICAL TRUSS

18 TRUSS
18 TRUSS
18 TRUSS
18 TRUSS
18 TRUSS

DETAIL 1
TRUSS JOINT
18 TRUSS
18 TRUSS
18 TRUSS
18 TRUSS

DETAIL 2
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DETAIL 3
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SPECIFICATION

STRUCTURE: TIMBER CLAD
ROOF: 18 TRUSS
WALLS: 18 TRUSS
FLOORING: 18 TRUSS
FINISHES: 18 TRUSS
GLAZING: 18 TRUSS
INSULATION: 18 TRUSS
DRAINAGE: 18 TRUSS
ELECTRICAL: 18 TRUSS
MECHANICAL: 18 TRUSS
PLUMBING: 18 TRUSS
PAINTING: 18 TRUSS
OTHER: 18 TRUSS

TYPICAL SHEET FIXINGS

LOCATION	FIXING	SPACING	NOTE
ROOF TRUSS	18 TRUSS	18 TRUSS	18 TRUSS
WALL TRUSS	18 TRUSS	18 TRUSS	18 TRUSS
FLOOR TRUSS	18 TRUSS	18 TRUSS	18 TRUSS
CEILING TRUSS	18 TRUSS	18 TRUSS	18 TRUSS

CONTRACTOR INFORMATION

AUSSIE OUTDOOR

18 TRUSS ALBANY 64 PROBERT ST.
18 TRUSS BUNBURY
PHONE: 07 264 035

GABRIEL ROOF GARAGE

18 TRUSS STREET
BUNBURY, 2536

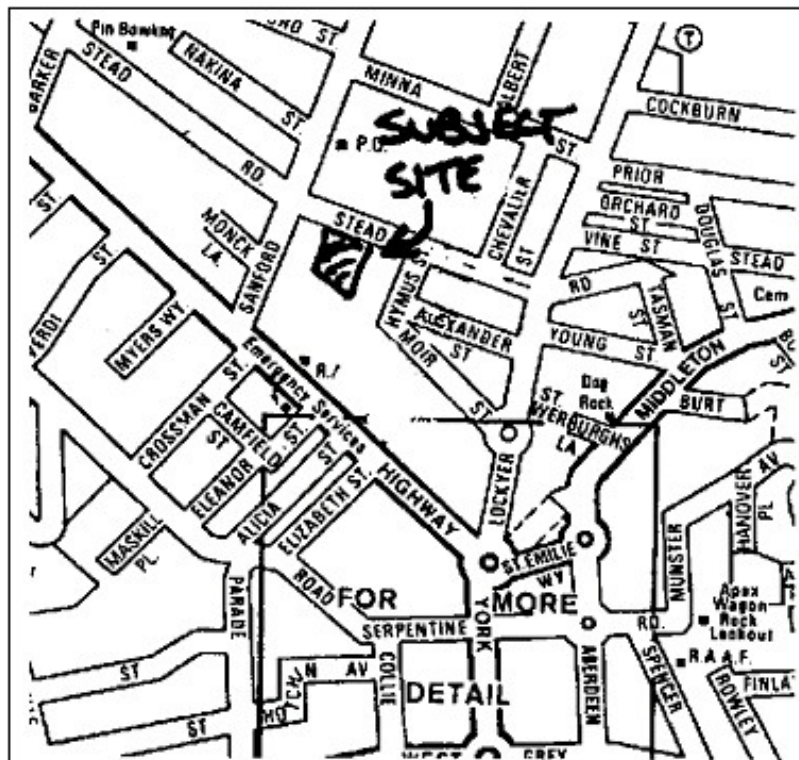
Civil & Structural

18 TRUSS STREET
BUNBURY, 2536

DEVELOPMENT SERVICES REPORTS

11.1.3 Final Approval for Amendment – Lot 1342 (69-77) Stead Road and Lot 38 and Pt Lot 39 Hymus Street, Centennial Park

- File/Ward** : A88264A/AMD130 (Frederickstown Ward)
- Proposal/Issue** : Request for Final Approval to Rezone portion Reserve 34020 to “Residential R40” and “Special Sites” zones
- Subject Land/Locality** : Lot 1342 (69-77) Stead Road and Lot 38 and Pt Lot 39 Hymus Street, Centennial Park
- Proponent** : SJB Town Planners
- Owner** : Education Department of WA
- Reporting Officer(s)** : Planning Officer Policy (P Tvermoes)
- Previous Reference** : OCM 21/08/01 Item 11.1.1
- Summary Recommendation:** Final approval to the amendment be granted
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. Amendment 130 of Town Planning Scheme 1A was initiated at the ordinary meeting of Council on 21st August 2001 and has been advertised for public inspection and comment. The amendment proposes to change the zoning for portion Reserve 34020 to “Residential R40” and “Special Sites” on Lot 1342 (69-77) Stead Road and Lot 38 and Pt Lot 39 Hymus Street, Centennial Park .
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed – Advice Given” and was advertised for public inspection until 14th November 2001.
3. At the close of the advertising period four (4) submissions had been received.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

7. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. At the close of advertising the Amendment on 14th November 2001, four (4) submissions had been received.
11. Attached is a copy of the Schedule of Submissions on the scheme amendment. That schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council's consideration.
12. The submission from Western Power has no objections to the amendment. However, the submission highlighted that any costs relating to the removal and relocation of any Western Power plant or equipment located on or near the proposed location will be the responsibility of the individual developer.
13. The submission from the Water Corporation, has no objection to the amendment. However, the submission notes that all relevant water and sewer services are to be provided by the developer.
14. The purchaser of the land will be required to satisfy the requirements of the service providers at the subdivision/development stage, and this is not an issue to be resolved at the rezoning stage.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

RECOMMENDATION

THAT:

- i) Council grant final approval, without modification, to Amendment 130 to the City of Albany Town Planning Scheme No. 1A to rezone portion Reserve 34020 (Lot 1342 [69-77] Stead Road and Lot 38 and Pt Lot 39 Hymus Street, Centennial Park from “Public Use” to “Residential R40” and “Special Sites” zones;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Town Planning & Development Act 1928

Town Planning Scheme No. 1A

Proposed Amendment No. 130

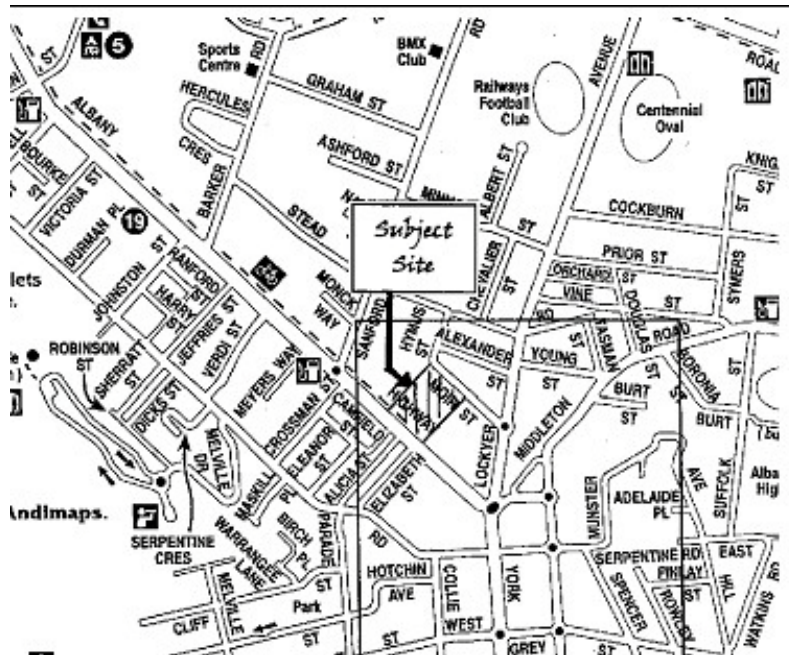
Schedule of Submissions

No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	Water & Rivers Commission	No objections	None	Noted
2.	Main Roads	No objections	None	Noted
3.	Water Corporation	No objections. All relevant water and sewer services to be provided by the developer	Infrastructure costs are to be resolved at either the subdivision or development approval stages.	Noted
4.	Western Power	No objections. Any costs relating to relocation and or removal of Western Power plant and equipment located upon or near the site will be the responsibility of the developer.	Infrastructure costs are to be resolved at either the subdivision or development approval stages.	Noted

DEVELOPMENT SERVICES REPORTS

11.1.4 Final Approval for Amendment – Lot 1274 Albany Highway, Centennial Park

- File/Ward** : A131518A/AMD127 (Frederickstown Ward)
- Proposal/Issue** : Request for Final Approval to Rezone Portion Reserve 34020 from “Public Use” to “Central Area” and “Special Site”
- Subject Land/Locality** : Lot 1274 Albany Highway, Centennial Park (Reserve 34020)
- Proponent** : SJB Town Planners
- Owner** : Education Department of WA
- Reporting Officer(s)** : Planning Officer Policy (P Tvermoes)
- Previous Reference** : OCM 21/08/01 Item 11.1.2
- Summary Recommendation:** Final approval to the amendment be granted
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. Amendment 127 of Town Planning Scheme 1A was initiated at an ordinary meeting of Council on 21st August 2001 and has been advertised for public inspection and comment. The amendment is to change the zoning of Lot 1274 Albany Highway, Centennial Park, from “Public Use” to “Central Area” and “Special Site”.
2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed – Advice Given” and was advertised for public inspection until 14th November 2001.
3. At the close of the advertising period four (4) submissions had been received.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

7. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The Commercial Centres Review report (2000) noted that adjoining non-residential areas, such as the primary school site, could be included in the CBD boundaries, to facilitate consolidation of development with the Central Area.

COMMENT/DISCUSSION

10. At the close of advertising the Amendment on 14th November 2001, four (4) submissions had been received. As required by the Town Planning Regulations 1967, a Schedule of Submissions and recommendations has been prepared and is attached to this report.
11. The submission from Western Power has no objections to the amendment. However, the submission highlighted that any costs relating to the removal and relocation of any Western Power plant or equipment located on or near the proposed location will be the responsibility of the individual developer.
12. The submission from the Water Corporation has no objection to the amendment. However, the submission notes that sewer mains crosses the lot and will need to be protected during development of site.
13. The purchaser of the land will be required to satisfy the requirements of the service providers at the subdivision/development stage, and this is not an issue to be resolved at the rezoning stage.
14. The EPA gave the following advice when it assessed the proposed amendment:

Noise and Other Land Use Conflicts

It is noted that the Special Site zoning provide for the requirements of a Development Guide Plan to be prepared by the proponent and approved by local government prior to any subdivision or development is supported. As the development of the Albany School Site may have an impact upon the adjacent residential area, the Development Guide Plan should be required to address land use conflicts, including noise. It is recommended that the scheme provisions be amended to include this requirement.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

15. The issues raised in the advice from the EPA relate to the future uses and development of the subject land. They are best addressed at the subdivision/development stage or in the subdivision guide plan and not included in the scheme provisions as suggested by the EPA.

16. The issues raised in the submission from Hames Sharley, on behalf of Macquarie Asset Services Ltd, the owners of the adjoining shopping centre, included:
 - Central Area should not be extended to the west of the Albany Plaza shopping centre. The core retail area should be retained to the north western boundary of the shopping centre site, as indicated in the draft Local Planning Strategy, and this is a logical boundary to the retail core of the Albany town centre.
 - Any development on the school site will have a significant impact upon the residential amenity of the dwellings north of Moir Street.
 - Protection of heritage values of main building is a significant issue which needs to be considered as a high priority. Any development of the site should have regard to the scale, height of the structure. Current amending document does not address protection of heritage issues as a high priority and should be a specific condition of the Development Guide Plan and not just included in design guidelines.
 - Relationship of proposed development to residential area on the north side of Moir Street and should be separate specific condition of the Development Guide Plan, to highlight importance of this interaction.
 - Preservation of Albany streetscape and should be addressed in the development guide plan and highlighted in the amendment documentation.
 - No mention in amending documentation of residential development on the site and that the site is ideal for mixed use format of development, as highlighted in the Albany Draft Local Planning Strategy. The site should be considered as 'Mixed Use' zone, instead of being part of the 'Central Area' zone, which may allow a supermarket to be developed upon the site.

17. The issues raised in the submission by Hames Sharley relate to the future uses and development of the subject land. They are adequately addressed by the amending documents and conditions for proposed 'Special Site' 36, with specific regard to the conditions relating to what would have to be included in any development guide plan created for the site.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

RECOMMENDATION

THAT

- i) Council grant final approval, without modifications, to Amendment 127 to the City of Albany Town Planning Scheme No. 1A, to rezone Lot 1274 Albany Highway, Centennial Park (Portion Reserve 34020) from ‘Public Use’ to ‘Central Area’ and ‘Special Site’;**
- ii) the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld and Dismissed as detailed; and**
- iii) the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Town Planning & Development Act 1928

Town Planning Scheme No. 1A

Proposed Amendment No. 127

Schedule of Submissions

No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	Western Power	No objection. Any costs relating to the removal and relocation of any Western Power plant or equipment located on or near the proposed location will be the responsibility of the individual developer.	Infrastructure costs are to be resolved at either the subdivision or development approval stages.	Noted.
2.	Water Corporation	No objection. Sewer mains crosses the lot and will need to be protected during development of site.	Infrastructure costs are to be resolved at either the subdivision or development approval stages.	Noted.
3.	Water & Rivers Commission	No objection.	None.	Noted.
4.	Hames Sharley (on behalf of Macquarie Asset Services Ltd)	Central Area should not be extended to the west of the Albany Plaza shopping centre and the core retail area should be retained to the north western boundary of the shopping centre site, as indicated in the draft Local Planning Strategy, and this is a logical boundary to the retail core of the Albany town Centre.	<p>The draft Local Planning Strategy is only a draft document. It is still in a form that may be subject to considerable change.</p> <p>The Commercial Centres Strategy (1994) highlighted the requirement to consolidate commercial expansion within the existing CBD of the City</p> <p>The Commercial Centres Strategy Review (2000) noted that adjoining non-residential areas, such as the primary school site, could be included in the CBD boundaries, to facilitate consolidation of development within the Central Area.</p>	Dismiss.

ORDINARY COUNCIL MEETING MINUTES – 18/12/01

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
		<p>Expansion of the Central Area zone will require the owners of the Albany Plaza Shopping Centre to make modifications to the development currently under way, to satisfy objectives of a potential competitor.</p> <p>Any development on the school site will have a significant impact upon the residential amenity of the dwellings in north of Moir Street.</p>	<p>The primary school site is currently the boundary of the CBD and expanding the Central Area zoning would allow the site to be used for a range of commercial or residential purposes, and bring the site in line with adjoining commercial properties which front Albany Highway.</p> <p>The amending documents require Council to develop design guidelines which would limit the potential size of commercial structures to be erected upon the site.</p> <p>If a competitor did develop the site in accord with the requirements of Council, the planning process should not establish a competitive advantage to one commercial operation over another.</p> <p>This matter is adequately addressed in the amending documents and the specific condition of the proposed “Special Site” 36. Any proposal must have regard to the residential amenity in the locality. The development guide plans design guidelines will control the height, massing and materials of any development and must have regard to the residential area on the northern side of Moir Street.</p>	<p>Dismiss.</p> <p>Dismiss.</p>

DEVELOPMENT SERVICES REPORTS

No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
		<p>Protection of heritage values of main building significant issue which needs to be considered as a high priority. Any development of the site should have regard to the scale, height of the structure. Current amending document does not address protection of heritage issues as a high priority and should be a specific condition of the Development Guide Plan and not just included in design guidelines.</p> <p>Relationship of proposed development to residential area on the north side of Moir Street and should be separate specific condition of the Development Guide Plan, to highlight importance of this interaction.</p> <p>Preservation of Albany streetscape should be addressed in the development guide plan and highlighted in the amendment documentation.</p>	<p>This matter is adequately covered in the conservation plan prepared for the primary school building. In addition the development guide plan must include design guide lines which, when drafted, must have regard for the building bulk, materials and scale of the primary school building.</p> <p>Any development would have to have regard to the design guidelines and recommendations of the conservation plan prepared for the heritage listed 1915 school building.</p> <p>This matter is adequately addressed in the conditions relating to proposed ‘Special Site’ 36, where the development guide plan must address, in the design guidelines the relationship of any structures to be constructed on the northern side of Moir Street.</p> <p>This matter is adequately addressed in the proposed development guide plan, which would have to be prepared to Council’s satisfaction and would have to adequately address the potential impact upon the streetscapes along both Albany Highway and Moir Street. This issue is also highlighted and adequately addressed in the amending documents.</p>	<p>Dismiss.</p> <p>Dismiss.</p> <p>Dismiss.</p>

ORDINARY COUNCIL MEETING MINUTES – 18/12/01

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
		<p>No mention in amending documentation of residential development on the site and that the site ideal for mixed use format of development, as highlighted in the Albany Draft Local Planning Strategy.</p> <p>Site should be considered as 'Mixed Use' zone instead of being part of the 'Central Area' zone, which may allow a supermarket to be developed upon the site.</p>	<p>The draft Local Planning Strategy is only a draft document, is still in a form that may be subject to considerable change.</p> <p>“Central Area” zoning does not preclude residences being developed upon the site.</p> <p>“Central Area” zoning allows the site to be developed as a mixed use site, that being a mix of residential and commercial development.</p> <p>Any potential development on the site is to be restrained by design guidelines, included as a condition in Special Site 36.</p>	<p>Dismiss.</p> <p>Dismiss.</p>

DEVELOPMENT SERVICES REPORTS

11.1.5 Delegations of Authority – Town Planning

File/Ward	:	MAN122 (All Wards)
Proposal/Issue	:	Review Delegations
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/11/01 Item 12.2.1 OCM 07/11/00 Item 12.2.5
Summary Recommendation:		Delegations be adjusted
Locality Plan	:	N/A

BACKGROUND

1. At the November 2001 meeting of Council, the previous delegations granted to the Chief Executive Officer for Town Planning Schemes 1A and 3 were renewed for a further period of 12 months. In response to concerns expressed at that meeting, Councillors were provided with a briefing on the current delegation levels and the decision-making results over the previous 12 months; the research showed that 90% of the planning applications during that period were determined by staff under the delegated powers provided by Council.

STATUTORY REQUIREMENTS

2. Clause 7.24 of the City of Albany Town Planning Scheme 1A and clause 6.10.3 of the City of Albany Town Planning Scheme 3 state:

“A delegation of power pursuant to the provisions of this sub-clause has effect and may be exercised according to the tenor, but is revocable at the will of the Council and does not preclude Council from exercising the power.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

POLICY IMPLICATIONS

3. The town planning delegations provided under the schemes can only be exercised where the proposed development complies with the Council policies appended to the delegations. Those policies have previously been endorsed by Council under the respective schemes.

FINANCIAL IMPLICATIONS

4. There are no financial implications resulting from an amendment to the levels of delegation provided by Council to staff. There may be some delays experienced by developers in gaining a planning scheme consent from Council if projects are to be submitted to Council for consideration, however developers can be made aware of the decision-making process when lodging their development application.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. Within the delegation register is a requirement that “*projects exceeding \$1 million in value other than those of a residential nature or involving the subdivision of land*” must automatically be referred to Council for determination. Of the projects that have been queried by Council over the preceding 24 months, it is those involving residential activities that have drawn criticism and /or concern.
7. Larger group housing projects have the potential to exceed \$1 million in value. Council needs to determine whether this form of land use needs to come before Council for determination, or whether it should remain delegated to staff; the fact that it is delegated does not preclude staff from referring the more controversial applications to Council (as was the case with a residence in Earl Street).
8. Council can resolve to take no action (in which case the delegation levels determined at the November meeting will remain) or it can decide to amend or revoke existing delegations.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

RECOMMENDATION

THAT Council note its capacity to amend delegations to Staff, should circumstances warrant a review of the existing levels of delegation.

OR

THAT pursuant to clauses 7.24 and 6.10.3 of the City of Albany Town Planning Schemes 1A and 3 respectively, Council amend clause 1.1 (o) of “Guideline 1 – Authority to Issue Planning Consents” by deleting the words “of a residential nature or” and the delegation register be amended accordingly.

Voting Requirement Absolute Majority

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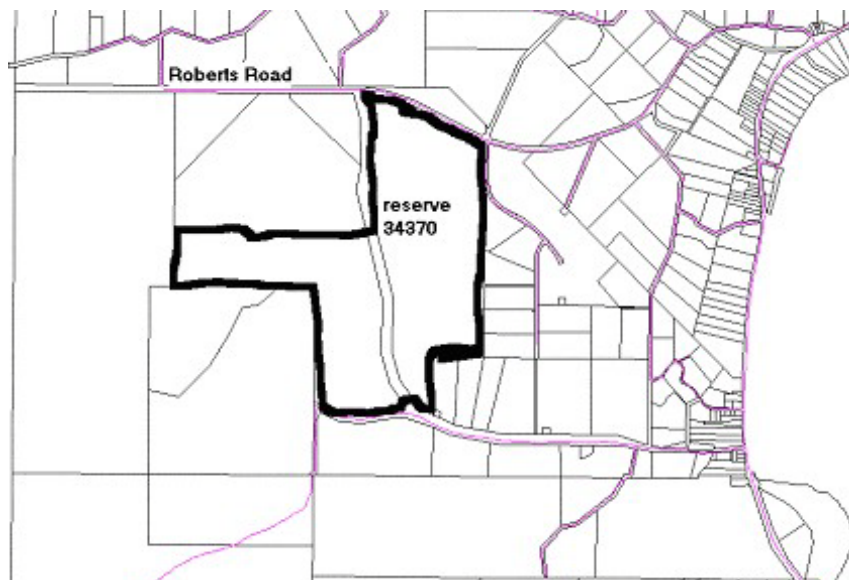
DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Proposed Caretaker Caravan Accommodation– Albany Equestrian Centre

- File/Ward** : A64848 (West Ward)
- Proposal/Issue** : Proposed Caretaker Caravan Accommodation
- Subject Land/Locality** : Location 34370 Roberts Rd, Robinson
- Proponent** : Albany Equestrian Centre
- Owner** : City of Albany (leased to the Albany Equestrian Centre)
- Reporting Officer(s)** : Environmental Health Officer (K MacFarlane)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:**
1. Conditional support for the use a caravan for caretaker accommodation; and
 2. A "Policy for Camping and Temporary Accommodation on Private Property and on Council Reserves" be drafted.

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

BACKGROUND

1. In response to the need for an increased security presence due to vandalism and theft, the Albany Equestrian Centre has applied to the Minister for Local Government and Regional Development for permission to locate a caretaker's caravan on the grounds of the Albany Equestrian Centre (Reserve 34370, Roberts Road, Robinson). The Minister has subsequently requested that Council consider this application as part of its approval process.
2. Location 34370, Roberts Road is 8.7 hectares of Crown reserve, which the City of Albany leases to the Albany Equestrian Centre.
3. Under the provisions of the Caravan Parks and Camping Regulations 1997, Council can permit temporary accommodation on private property for up to one year providing a building permit for a dwelling has been issued for the property in question. Where a building permit has not been issued, then Council can only grant approval for three months.
4. There has been several such applications from community organisations requesting permission to “camp” on reserves for similar reasons to the Albany Equestrian Centre. While the use of a caretaker's caravan will resolve some of the difficulties being experienced by these organisations, the use of a caravan is a short-term solution only as the Regulations do not support the indefinite use of a caravan.
5. To assist organisations, the Minister can approve “camping” on properties for up to one year, however no extensions are generally given after this time.
6. To overcome this difficulty, organisations should be encouraged to use a transportable dwelling for caretakers rather than a caravan. The purpose of the reserve would also need to be changed to allow this additional use. Approval to place the transportable dwelling on the reserve would then be conditional on the building being removed at the end of the lease period or when required by Council.

STATUTORY REQUIREMENTS

7. Regulation 11 of the Caravan Parks and Camping Grounds Regulations 1997 allows persons or organisations to “camp” on land subject to the approval of the Minister.
8. A Local Government Authority can approve camping on land for up to 12 months where a building licence has been issued for a habitable structure on the property and up to 3 months without.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

POLICY IMPLICATIONS

9. Currently, there are no Council policies relating to this item. The outcome of this application will assist in the preparation of a policy for Council consideration covering the use of caravans as temporary accommodation on reserves and private property.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

❖ *“Managed healthy land/harbour environment.”*

12. Under this Port of Call is an objective:

□ *“to manage reserves for environmentally sustainable use, community enjoyment and benefit.”*

COMMENT/DISCUSSION

13. The Minister for Local Government and Regional Development can approve camping for longer than 3 months in a 12-month period, after which time generally no extensions are given. Should an approval be given to the Albany Equestrian Centre, or to any other community organisation that may apply in future, it is unlikely to be granted for more than twelve months.
14. It is also unlikely that after this time the problems experienced by these organisations (vandalism and theft) will be resolved as there will be no occupant on-site to deter these crimes. The problem will essentially remain and no long-term solution to the situation will have been achieved.
15. The longer temporary accommodation and illegal camps remain; the more established they become and more difficult to remove in the future.
16. As on-site accommodation is not the intended purpose for most of the reserves which are under the care and control of the City and leased to community organisations, a request to change the purpose of reserves will require the approval of both Council and the Department of Land Administration.
17. It is recommended that Council support this application for a maximum period of twelve months to allow discussion to occur on a long-term solution for the Albany Equestrian Centre.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

18. It is also recommended that a policy be prepared for Council consideration on the use of caravans as temporary accommodation on reserves and private property.

RECOMMENDATION

THAT Council:

- i) advises the Minister for Local Government and Regional Development that it supports the Albany Equestrian Centre’s use of a caravan for caretaker accommodation upon Location 34370 Roberts Rd, Robinson for a maximum period of twelve months; and**
- ii) directs that a policy on “Camping and Temporary Accommodation on Reserves and Private Property” be prepared by Staff for Council consideration.**

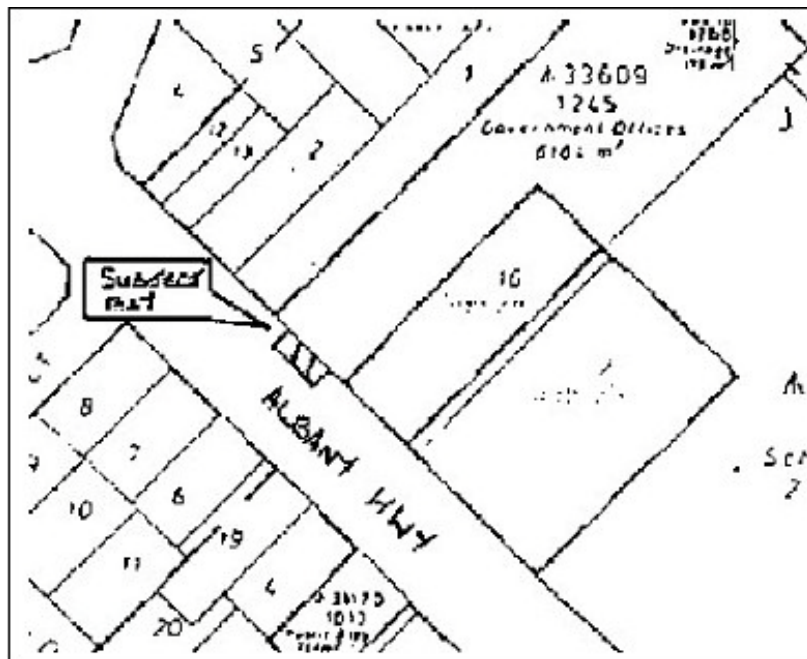
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.2.2 Parking Facilities – Erection of ‘No Stopping’ Signs

File	:	SER044 (Frederickstown Ward)
Proposal/Issue	:	Erection of ‘No Stopping’ signs
Subject Land/Locality	:	Albany Highway, Centennial Park
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Manager Inspection Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:	:	Approve the erection of ‘No Stopping’ signs in Albany Highway
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

BACKGROUND

1. Council has received a request from the Department of Conservation and Land Management (CALM) to consider the removal of the parking bay and the erection of “No Stopping” signs to a section of Albany Highway directly in front of their premises.
2. The parking bay is located between two driveways and has no time restrictions attached to it.
3. Motorists exiting the CALM offices are experiencing difficulties as their ability to see up the highway is severely restricted and they are required to move into the oncoming traffic to improve their line of sight.
4. While the removal of this parking bay should have no major affect on the public, the danger to motorists using this exit point will be reduced.

STATUTORY REQUIREMENTS

5. Clause 16 of the City's Parking and Parking Facilities Local Law 1998 stipulates, inter alia:
 - "16. *The local government may by resolution constitute, determine and vary and also indicate by signs, from time to time:*
 - (a) parking stalls; and*
 - (c) permitted time and conditions of parking stalls which may vary with the locality."*

POLICY IMPLICATIONS

6. There is no Council policy in place relating to this item.

FINANCIAL IMPLICATIONS

7. The cost of implementing the proposed change will be funded from the current budget.

STRATEGIC IMPLICATIONS

8. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
 - ❖ *The continual development of Council services & facilities to meet the need of all stakeholders.*
9. Under this Port of Call is the objective:
 - ❑ *“to provide a range of ranger services for the benefit and safety of our community.”*

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

COMMENT/DISCUSSION

10. The removal of the parking bay in Albany Highway is recommended as it will improve safety for motorists exiting the CALM offices and will have no major affect on the public.

RECOMMENDATION

THAT Council resolve to:

- i) remove the parking bay directly in front of the Department of Conservation and Land Management offices at Location 1245 (116-122) Albany Highway, Centennial Park;**
- ii) erect signage to indicate that parking in that location is prohibited;
and**
- iii) advertise the prohibition.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.2.3 Parking Facilities – Removal of Parking Bay

File : SER044 (Frederickstown Ward)

Proposal/Issue : Removal of parking bay

Subject Land/Locality : Aberdeen Street, Albany.

Proponent : N/A

Owner : City of Albany

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

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation: Approve the removal of a parking bay in Aberdeen Street

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.2.3 continued

BACKGROUND

1. Council has received a request to consider the removal of the parking bay directly to the south of the crossover to Locations 100 & 101 (23-33) Aberdeen Street (Albany Club).
2. Many motorists use this exit point throughout the day, however due to the topography of the area it is difficult to see vehicles travelling up Aberdeen Street. The danger to motorists leaving this property increases significantly when a vehicle is parked in the first bay adjacent to the crossover, as the vehicle exiting the property is required to move into oncoming traffic to improve their line of sight.
3. While the removal of this parking bay should have no major affect on the public due to the amount of parking that is available in the surrounding area, the danger to motorists using this exit point will be reduced.

STATUTORY REQUIREMENTS

4. Clause 16 of the City's Parking and Parking Facilities Local Law 1998 stipulates, inter alia:
"16. The local government may by resolution constitute, determine and vary and also indicate by signs, from time to time:
 - (a) parking stalls; and*
 - (c) permitted time and conditions of parking stalls which may vary with the locality."*

POLICY IMPLICATIONS

5. There is no Council policy in place relating to this item.

FINANCIAL IMPLICATIONS

6. The cost of implementing the proposed change will be funded from the current budget.

STRATEGIC IMPLICATIONS

7. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
 - ❖ *The continual development of Council services & facilities to meet the need of all stakeholders.*
8. Under this Port of Call is the objective:
 - ❑ *"to provide a range of ranger services for the benefit and safety of our community."*

DEVELOPMENT SERVICES REPORTS

Item 11.2.3 continued

COMMENT/DISCUSSION

9. While there is a demand for more parking in the Central Business District, the City has a duty of care to ensure that the position of parking bays present no danger to motorists and to make adjustments when dangerous situations arise. The removal of the Aberdeen Street bay is recommended as it will improve safety and have no major affect on the public.

RECOMMENDATION

THAT Council resolve to:

- i) remove the parking bay directly to the south of the crossover to Locations 100 & 101 (23-33) Aberdeen Street, Albany;**
- ii) erect signage to indicate that parking in that location is prohibited;
and**
- iii) advertise the prohibition.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Policy Direction – Tourism Projects

File/Ward	:	STR103 (All Wards)
Proposal/Issue	:	Develop policy position on Tourism Projects
Subject Land/Locality	:	Entire District
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		Council establish policy position on Development of Tourism Sites
Locality Plan	:	N/A

BACKGROUND

1. Within the City of Albany there are a number of sites zoned for tourism projects, some of which have been recently redeveloped, others have been active tourism destinations for some time and there are also sites which are either under-utilized or in urgent need of capital injection. Of the above sites, a proportion are freehold titles and others are Crown reserves leased to individuals.
2. When tourism operators have approached the City with development opportunities, they have highlighted the difficulty of obtaining financing without some form of residential component within their development/redevelopment. One of the primary issues facing local authorities throughout the State is reconciling the need for economic development with the capacity to zone and preserve sites for current and future demands for tourism sites. Often, sites may not be developed for decades and current owners raise concerns over the holding costs of land.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STATUTORY REQUIREMENTS

3. Within the current City Town Planning Schemes there are a range of zones and control mechanisms for tourism sites which have been put in place over the last two decades. There are also unclear objectives on how individual sites should be developed as no mechanism exists in the schemes to manage the built form or tourism mix within a site.

POLICY IMPLICATIONS

4. Council has the capacity to develop policies within Town Planning Schemes 1A and 3 to supplement the existing scheme provisions. In formulating policies, Council needs to be cognisant of the fact that a policy cannot override the scheme zoning and development controls, nor can it be treated as a definitive control mechanism (the schemes requires that Council only have regard to a scheme policy).

FINANCIAL IMPLICATIONS

5. A tourist has a different spending pattern to a permanent resident, particularly the per capita spending in service areas. Consumption of meals not cooked at the place of residency, visitation to local attractions and the purchase of local arts, crafts and produce will clearly be higher amongst tourists.
6. The creation of a holiday experience is a critical factor in the success or failure of a particular site. Tourism Commission of WA officers advise that intrastate, interstate and overseas tourists are unlikely to have return visits to sites which are predominantly residential in character. Their holiday experience is enhanced by the capacity to mingle with other tourists and to use on-site facilities, in an environment conducive to having a holiday.

STRATEGIC IMPLICATIONS

7. There is limited coastline within the City of Albany upon which premium tourism projects can be developed and officer research of Councils within the South West has highlighted that Council needs to be clear on what should be developed on those sites. Moreover, the management of those sites is an issue which Council needs to become actively involved in where parts of sites are to be sold to “third party” investors to improve project viability.
8. The lessees of the Crown reserves used for caravan parks within the City have made several approaches to Council in the past to freehold those reserves. Those requests have historically been rejected by Council as those facilities provide for alternate tourism accommodation options for visitors to the region in locations close to urban and coastal facilities.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

COMMENT/DISCUSSION

9. Council needs to determine what are its “tourism icon” sites and those sites need to be adequately zoned and protected from inappropriate development until such time as a suitable developer can assemble the finances to realise that project. Albany has tourism sites with prime ocean frontage, with harbour access and others which are located away from the coast in urban and rural localities. Those sites fronting water bodies are likely to come under the most pressure in the short to medium term for redevelopment. The use of those sites, in part or in full, for residential usage can seriously reduce tourism yield from those sites and ultimately erode the tourism experience.
10. The community was recently asked to comment on the use of tourism sites in part or full for residential purposes. A total of 91 submissions were received and they were clearly focussed on a redevelopment of the Frenchman Bay Caravan Park. 46 were in favour of the proposed development to include a residential component and 44 were not.
11. Those submissions in favour of development highlighted a recognition for part of the site to be strata titled for residential purposes to finance the development of the site. There was a perception that if a residential component was not included, then a “quality development” would not occur. Proponents who advocated permanent residence at the site acknowledge that any development should be of a standard to protect the unique qualities of the site.
12. Those submissions which were not in favour of the proposed development felt that the tourism node is of regional and local value. Residential subdivision would permanently compromise the future potential to develop the site as a premier tourism location. The creation of permanent and privately owned dwellings in one caravan park or camping area may also create a precedent for other caravan parks to rezone and develop, to the detriment of basic and affordable tourist accommodation.
13. Concerns seldom exist where tourism sites are fully developed with short stay (not occupied for more than 3 months in any 12 month period) accommodation.
14. Developers rightfully claim they need some certainty that the site can be developed for holiday accommodation prior to them purchasing a parcel of land. They also do not want to be constrained by “conventional zoning principles” which are encapsulated into Town Planning Schemes from out of date requirements imposed by the West Australian Planning Commission. Financing of projects is acknowledged to be extremely difficult (particularly for larger resorts) because of high failure rates for tourism projects to turn a profit; a percentage of residential within the site therefore provides greater security for investors and improved cash flows.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

15. Tourism WA highlight that developers capable of delivering “quality resort projects” are few and far between and that there is a fine line between encouraging economic development and maximizing the tourism potential of a site. For the tourist, it is important that management of a site is seamless (there is central registration desk where keys can be collected, complaints can be handled, etc), irrespective of the ownership of units within a development.
16. The following recommendation endeavours to provide a Council response to the large array of inquiries faced by Council staff over the last 4 to 5 years and it provides a framework for Council to commence the debate on the future of tourism projects within the City of Albany.

RECOMMENDATION

THAT Council adopts the following philosophy when dealing with applications for tourism projects throughout the City of Albany:

- Council not support requests for the conversion to freehold of those Crown reserves throughout the City of Albany over which Council maintains the management order and the reserve is leased to private individuals for the purpose of developing and operating tourism activities.**
- The terms “short stay” and “tourism accommodation” shall mean any residential activity where an individual person/family does not occupy the premises for more than 3 months in any 12 month period, whether that period is consecutive or intermittent.**
- Tourism sites adjacent to the coast or Albany’s harbours should contain no permanent residential activity.**
- The percentage of residential units in a tourism development should be inversely proportionate to the tourism value and prime nature of the site with maximum percentages of 10% for prime sites and 50% for less attractive locations. The residential units should be evenly distributed throughout the site (with no accumulation of residential units along particular frontages, or the development of residential enclaves).**
- Where residential units are being mooted within a tourism site, the subject land must be connected to a reticulated sewer system operated by the Minister for Water Resources.**
- Where units within tourism sites are to be sold to investors, the transfer of ownership should only be by way of a built strata and no strata clearances should be supported by Council until the resort infrastructure (restaurant, landscaping, recreational facilities, etc) has been completed in accordance with the approved plans.**

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- **Council advise the West Australian Planning Commission that it will not generally support any request from developers to subdivide tourism sites to create freehold or vacant survey allotments.**
- **When considering requests from landowners to rezone sites for tourism projects, the sites be zoned “Tourism Development” and appropriate clauses be inserted into the Scheme(s) requiring the preparation of an outline development plan for the site prior to any development being approved by Council.**

AND

THAT Council adopt the above guideline as a Town Planning Scheme policy pursuant to clauses 7.21 of the City of Albany Town Planning Scheme 1A and 6.9 of the City of Albany Town Planning Scheme 3.

Voting Requirement Simple Majority

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- AMENDED RECOMMENDATION -

11.3.1 Policy Direction – Tourism Projects

AMENDED RECOMMENDATION

THAT Council adopts the following philosophy when dealing with applications for tourism projects throughout the City of Albany:

- Council not support requests for the conversion to freehold of those Crown reserves throughout the City of Albany over which Council maintains the management order and the reserve is leased to private individuals for the purpose of developing and operating tourism activities.**
- The terms “short stay” and “tourism accommodation” shall mean any residential activity where an individual person/family does not occupy the premises for more than 3 months in any 12 month period, whether that period is consecutive or intermittent.**
- Prime tourism sites are those freehold, zoned land parcels which front, or are only separated by a coastal and/or road reserve, the coast or Albany’s harbours.**
- The percentage of residential units in a tourism development should be inversely proportionate to the tourism value and prime nature of the site with maximum percentages of 10% for prime sites and 50% for less attractive locations. The residential units should be evenly distributed throughout the site (with no accumulation of residential units along particular frontages, or the development of residential enclaves).**
- Where residential units are being mooted within a tourism site, the subject land must be connected to a reticulated sewer system operated by the Minister for Water Resources.**
- Where units within tourism sites are to be sold to investors, the transfer of ownership should only be by way of a built strata and no strata clearances should be supported by Council until the resort infrastructure (restaurant, landscaping, recreational facilities, etc) has been completed in accordance with the approved plans.**
- Council advise the West Australian Planning Commission that it will not generally support any request from developers to subdivide tourism sites to create freehold or vacant survey allotments.**
- When considering requests from landowners to rezone sites for tourism projects, the sites be zoned “Tourism Development” and appropriate clauses be inserted into the Scheme(s) requiring the preparation of an outline development plan for the site prior to any development being approved by Council.**

AND

THAT Council adopt the above guideline as a Town Planning Scheme policy pursuant to clauses 7.21 of the City of Albany Town Planning Scheme 1A and 6.9 of the City of Albany Town Planning Scheme 3.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.4 DEVELOPMENT SERVICES COMMITTEES

Nil

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund Vouchers 14901-15108	totalling	493,153.80
Direct Debits EFT309-EFT879	totalling	987,454.57
Payroll	totalling	606,463.75
Loan Repayments	totalling	Nil
Other Direct Debits	totalling	14,755.45
Total Municipal Fund		<u><u>2,101,827.57</u></u>
TOTAL		<u><u>2,101,827.57</u></u>

RECOMMENDATION

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

Municipal Fund	totalling	\$2,101,827.57
Total		<u><u>\$2,101,827.57</u></u>

Voting Requirement Simple Majority

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12.1.2 Council Fees –Adoption of ALAC Fees

File/Ward	:	FIN014 (All Wards)
Proposal/Issue	:	Council Fees – Adopt ALAC Fees
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager – ALAC (P Sporton)
Disclosure of Interest	:	N/A
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt Additional ALAC Fees
Locality Plan	:	N/A

BACKGROUND

1. The current ALAC Membership Fee Schedule for most membership types is based on payments 6 or 12 months in advance. This system does not suit all potential users who have requested the opportunity to pay by the month by direct debit. The proposed fee for monthly direct debit payers is higher than the current fee to allow for the additional cost of using an external organization to administer the system. There would be no fee change for members who continue to pay by the year or half year.

STATUTORY REQUIREMENTS

2. Section 6.16 of the Local Government Act (1995) allows a Local Government to impose fees and charges and amend such fees and charges from time to time during a financial year. Section 6.19 requires a Local Government to give local public notice of its intention to impose or adopt fees if such fees are imposed after the annual budget has been adopted. Section 1.7 (2) specifies a local public notice period of 7 days.

POLICY IMPLICATIONS

3. There is no City policy on fees and charges.

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

FINANCIAL IMPLICATIONS

4. As the proposed fee covers the additional administrative cost, there would be no net cost to the City.
5. There are possible financial benefits if more people are encouraged to join the Centre. It would also remove the seasonal “highs” and “lows”, which means a constant and predictable cash flow.

STRATEGIC IMPLICATIONS

6. There are no strategic implications.

COMMENT / DISCUSSION

7. The following is a list of proposed ALAC membership fees for people who choose to pay by the month.

<i>Description</i>	<i>Proposed new fee Monthly</i>	<i>Existing fee 12 Monthly</i>
Aquatic Membership	\$ 26.00	\$ 292.00
Aquatic Membership (Concession)	\$ 20.00	\$ 220.00
General Membership	\$ 42.00	\$ 462.00
General Membership (Concession)	\$ 34.00	\$ 374.00
Family Membership	\$ 73.00	\$ 803.00
Establishment Fee- New Monthly members	Once off fee \$50.00	

8. The proposed new Establishment Fee is only applicable for clients who choose to utilise the “Direct Debit Pay By The Month” arrangement. Existing members and new members who prefer to pay by a lump sum method, will not incur this fee or any additional fees. It will recover the cost for staff to complete assessments and fitness programmes for direct debit clients and provide additional revenue for the Centre. The Manager may choose to use his promotional budget to offset all or part of this fee during promotional periods.

ORDINARY COUNCIL MEETING – 18/12/01
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Item 12.1.2 continued.

RECOMMENDATION

THAT

- i) **Council adopt the ALAC monthly membership fees as listed, to take effect one week after the date of local public notice; and**

<i>Description</i>	<i>Proposed new fee Monthly</i>	<i>Existing fee 12 Monthly</i>
Aquatic Membership	\$ 26.00	\$ 292.00
Aquatic Membership (Concession)	\$ 20.00	\$ 220.00
General Membership	\$ 42.00	\$ 462.00
General Membership (Concession)	\$ 34.00	\$ 374.00
Family Membership	\$ 73.00	\$ 803.00
Establishment Fee- New Monthly members	Once off fee \$50.00	

- ii) **the proposed changes be advertised in Albany.**

Voting Requirement Absolute Majority

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12.2 ADMINISTRATION

12.2.1 Adoption of Local Laws Relating to Fencing 2001

File/Ward	:	MAN049 (All Wards)
Proposal/Issue	:	To make new Local Laws Relating to Fencing 2001
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/09/01 Item 11.2.4
Summary Recommendation	:	To make Local Laws Relating to Fencing 2001
Locality Plan	:	N/A

BACKGROUND

1. At its 18th September 2001 meeting, Council commenced the process to make the Local Laws Relating to Fencing 2001 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

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

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

ORDINARY COUNCIL MEETING – 18/12/01
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Item 12.2.1 continued.

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

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

Item 12.2.1 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 5. There will be statutory advertising costs, which will be funded from the 2001/2002 budget.

STRATEGIC IMPLICATIONS

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

- ❖ *“The Continual development of Council services & facilities to meet the needs of all stakeholders.”*

- 7. Under this Port of Call is an objective:

- ❑ To provide a range of environmental health services for the benefit of our community.

COMMENT/DISCUSSION

- 8. Council advertised, both Statewide and locally for public comment on the draft Local Laws Relating to Fencing 2001, but at the closing date for submissions, 13th November 2001, had not received any feedback.
- 9. The City's existing Local Laws Relating to Fencing have been reviewed and draft Local Laws, which provide a wide choice of sufficient fences and reduces some of the specifications that have been difficult for people to comply with, have been prepared.
- 10. A major change to the Local Laws Relating to Fencing, which reflects a statewide trend, is the introduction of conditions under which electrified and razor wire fences can be approved for industrial and commercial premises.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, agrees to make Local Laws Relating to Fencing 2001, as detailed in the Elected Members’ Report/Information Bulletin.

Voting Requirement Special Majority

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ORDINARY COUNCIL MEETING – 18/12/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.2.2 Adoption of Activities in Thoroughfares and Public Places and Trading Local Law 2001

File/Ward	:	MAN048 (All Wards)
Proposal/Issue	:	To make new Activities in Thoroughfares and Public Places and Trading Local Law 2001
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/09/01 Item 11.2.2
Summary Recommendation	:	To make the Activities in Thoroughfares and Public Places and Trading Local Law 2001
Locality Plan	:	N/A

BACKGROUND

1. At its 18th September 2001 meeting, Council commenced the process to make the Activities in Thoroughfares and Public Places and Trading Local Law 2001 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

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

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

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Item 12.2.2 continued.

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

POLICY IMPLICATIONS

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

Item 12.2.2 continued.

FINANCIAL IMPLICATIONS

- 5. There will be statutory advertising costs, which will be funded from the 2001/2002 budget.

STRATEGIC IMPLICATIONS

- 6. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
 - ❖ *“The Continual development of Council services & facilities to meet the needs of all stakeholders.”*
- 7. Under this Port of Call are the objectives:
 - ❑ To provide a range of environmental health services for the benefit of our community.
 - ❑ To provide a range of ranger services for the benefit of our community.

COMMENT/DISCUSSION

- 8. Council advertised, both Statewide and locally for public comment on the draft Activities in Thoroughfares and Public Places and Trading Local Law 2001, but at the closing date for submissions, 13th November 2001, had not received any feedback.
- 9. The review of the existing legislation has resulted in the preparation of a draft Local Law that updates and expands that legislation to provide the City with the ability to implement greater control over what can and cannot occur in thoroughfares and public places.

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, agrees to make the Activities in Thoroughfares and Public Places and Trading Local Law 2001, as detailed in the Elected Members’ Report/Information Bulletin.

Voting Requirement Special Majority

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ORDINARY COUNCIL MEETING – 18/12/01
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12.2.3 Repeal Various Local Laws

File / Ward	:	MAN048 (All Wards)
Proposal / Issue	:	To make a local law to repeal various former Town and Shire Local Laws.
Subject Land / Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil.
Previous Reference	:	OCM 18/09/01 Item 12.2.2
Summary Recommendation	:	Repeal various former Town and Shire local laws.
Locality Plan	:	N/A

BACKGROUND

1. At its 18th September 2001 meeting, Council commenced the process to repeal various former Town and Shire Local Laws (copy attached to this item).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

3. Section 3.12 of the Local Government act, states:-
“3.12 (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
(2) *At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

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Item 12.2.3 continued.

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

POLICY IMPLICATIONS

4. There is no policy implications in place relating to this item.

FINANCIAL IMPLICATIONS

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

Item 12.2.3 continued.

STRATEGIC IMPLICATIONS

6. The Council’s Strategic Plan has identified the need to provide good governance for the City:
 - in complying with the provisions of the Local Government Act 1995 and all other relevant legislation; and
 - to establish effective two-way communication between Council, residents and other stakeholders.

COMMENT/DISCUSSION

7. Council advertised, both Statewide and locally for public comment on the draft Local Laws relating to the Revocation of Existing City of Albany Local Laws, but at the closing date for submissions, 13th November 2001, had not received any feedback.
8. The intention of this review is to remove obsolete local laws, and making a Revocation Local Law can complete this procedure.

RECOMMENDATION

THAT Council in accordance with Section 3.12 of the Local Government Act 1995 agrees to make the Local Laws relating to the Revocation of Existing City of Albany Local Laws, as attached.

Voting Requirement Special Majority

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Local Government Act 1995

Municipality of the City of Albany

Local Laws relating to the Revocation of Existing City of Albany Local Laws

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the ___ day of _____ 2001 to make and submit for confirmation by the Governor the following Local Laws.

Town of Albany	Date of Gazettal
<i>Control of Old and Disused Vehicles & Machinery</i>	<i>05.08.83</i>
<i>Pest Plants</i>	<i>13.11.87</i>
Shire of Albany	
<i>Aerodromes</i>	<i>07.06.85</i>
<i>Pest Plants</i>	<i>13.11.92</i>
<i>Vehicle Wrecking</i>	<i>22.07.83</i>
<i>Unkempt Land</i>	<i>15.05.92</i>

Dated at Albany on this ___ day of ___ 2001.

The Common Seal of the City of Albany was affixed by the Authority of a resolution of the Council in the presence of-

A. Goode, JP, Mayor.

A. Hammond, Chief Executive Officer.

12.2.4 The Former Perth – Disposal of Property

File/Ward	:	MAN109 (N/A)
Proposal/Issue	:	Disposal of Excess Equipment
Subject Land/Locality	:	N/A
Proponent	:	Albany Port Authority
Owner	:	City of Albany
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	Agree to disposal of excess equipment to the Albany Port Authority
Locality Plan	:	N/A

BACKGROUND

1. The Albany Port Authority is seeking Council permission to acquire, at no charge, various items of equipment from the former Perth. The items include the chain, anchor rope, pendant and some heavy type ropes, all of which are surplus to requirements.
2. The Port have advised they could use this equipment at a later date, if other smaller vessels wish to use one of the mooring sites at the former Perth dive wreck.
3. Council has been selling items of equipment that have been salvaged from the ship prior to its sinking, to help offset the costs of preparing the dive wreck.

STATUTORY REQUIREMENTS

4. Clause 30(3)(a) of the Local Government (Functions and General) Regulations, provides an exemption for Council, from the application of section 3.58 of the Local Government, which requires Council to dispose of its property by either tender or auction.

POLICY IMPLICATIONS

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

Item 12.2.4 continued.

FINANCIAL IMPLICATIONS

- 6. There would be no direct financial cost to Council, in donating the excess equipment to the Port Authority, but this would be more than offset by the in kind assistance provided in the former Perth dive wreck project.

STRATEGIC IMPLICATIONS

- 7. Council’s Port of Call “Community Development” has as its objective –
 - To encourage a vibrant community where all are encouraged to participate and contribute.With an overall performance measure of -
 - Community participation in Council programs and organisations.

COMMENT/DISCUSSION

- 8. The sinking of the former Perth as a dive wreck was a highly successful project involving the community, local businesses and government organisations. Most of the assistance was in kind, with many groups providing their expertise, without any expectation of acknowledgement of their efforts.
- 9. The Albany Port Authority was one of these groups, providing to Council –
 - free use of a berth at the wharf for a period of six months
 - free use of their tug to move the former Perth to and fro various sites, and
 - construction of a mooring site for the dive wreck at no cost.
- 10. It is therefore recommended that Council agree to donate the chain, anchor rope, pendant and some heavy ropes to the Albany Port Authority in appreciation of their extensive assistance throughout the former Perth dive wreck project.

RECOMMENDATION

THAT Council agree to donate the chain, anchor rope, pendant and some heavy type ropes from the former Perth, to the Albany Port Authority.

Voting Requirement Simple Majority

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12.2.5 Delegation of Authority – Local Laws

File/Ward	:	MAN122 (All Wards)
Proposal/Issue	:	Delegation to appoint authorised persons under Council’s Local Laws
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/11/01 Item 12.2.2
Summary Recommendation	:	Approval to Chief Executive Officer for delegated authority to appoint “authorised persons” under Council’s Local Laws
Locality Plan	:	N/A

BACKGROUND

1. Council has been reviewing its various local laws, in accordance with the Local Government Act, to ensure compliance with current legislation and to remove duplication of some of the former Town and Shire Local Laws.
2. With each of the new local laws, there is provision for the Council to appoint “authorised persons” with the power to exercise the functions of the particular local law. These individuals may either be staff or other nominated people.
3. It is proposed to seek Council approval to grant delegated authority to the Chief Executive Officer to appoint “authorised persons” under the Council’s local laws, as the function is an administrative task relating to staff.

STATUTORY REQUIREMENTS

4. Under the provisions of the Section 5.42 of the Local Government Act, a local authority may delegate some of its powers and duties to the Chief Executive Officer (there are restrictions detailed in the Act), to help facilitate the many services it provides to the community. These delegations must be in writing and may either be of a general nature or specific, but in all cases there is a requirement to review them at least once each year.

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Item 12.2.5 continued.

5. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. The City’s Albany 2020 Objectives and Council activities, including the following –
“*Governance – to comply with statutory requirements of the organisation.*”

COMMENT/DISCUSSION

9. Council had at its November 2001 Council meeting, approved delegated authority to the Chief Executive Officer to authorise specific authorities for selected local laws.
10. As staff are continuing the review of the City’s local laws, it is recommended, that rather than seek delegation for each law as it comes into operation after gazettal, a general delegation be sought to facilitate this administrative action.
11. An example of the need to expedite this course of action, is the appointment of “authorised persons” for the Former Perth Local Law, to regulate the care, control and management of the former Perth for the enjoyment of the community. As other local laws are made, the Chief Executive Officer can appoint the necessary personnel to perform those functions.

RECOMMENDATION

THAT Council, in accordance with the provisions of section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer, the power to appoint “authorised persons” under City of Albany’s local laws.

Voting Requirement Simple Majority

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12.2.6 Adoption of Health Local Laws 2001

File/Ward	:	MAN050 (All Wards)
Proposal/Issue	:	To make new Health Local Laws 2001
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett) Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/09/01 Item 11.2.3
Summary Recommendation:		To make the Health Local Laws 2001
Locality Plan	:	N/A

BACKGROUND

1. At its 18th September 2001 meeting, Council commenced the process to make the Health Local Laws 2001 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

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

- "3.12 (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*

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Item 12.2.6 continued.

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

** Special Majority Required.*

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

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Item 12.2.6 continued.

4. Section 342 of the Health Act 1911 (as amended) states inter-alia:-

"342 (1) Every local government may from time to time, of its own motion and shall, when the Commissioner so requires, make local laws as herein provided, and generally for carrying into effect the provisions of this Act, within its district;."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

8. Under this Port of Call is an objective:

❑ To provide a range of environmental health services for the benefit of our community.

COMMENT/DISCUSSION

9. Council advertised, both Statewide and locally for public comment on or before 13th November 2001, and had received only one submission.

10. The Minister for Health's submission has provided feedback, highlighting that Council needed to delete its current Model By-laws –Series "A" before the City of Albany Health (Eating Houses and Itinerant Food Vendors) Local Law could be made, some minor typographical errors and some standardising of terminology.

11. An item relating to Council's Health (Eating Houses and Itinerant Food Vendors) Local Laws is included in an later section of the agenda, which requests Council to delete the current laws and adopt the new legislation.

12. The purpose of the proposed Health Local Laws is to provide for proper sanitary and health requirements for all residents of and visitors to the City of Albany.

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Item 12.2.6 continued.

13. The effect of the proposed Health Local Laws will be to ensure that adequate public health standards are maintained within the district.

RECOMMENDATION

THAT Council, in accordance with Section 342 of the Health Act 1911 (as amended), agrees to make the Health Local Laws 2001, as detailed in the Elected Members' Report/Information Bulletin.

Voting Requirement Special Majority

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12.2.7 New Lease - Albany Boating & Offshore Fishing Club Inc

File/Ward : PRO296 (Breaksea Ward)

Proposal/Issue : New Lease for club premises

Subject Land/Locality : Emu Point Marina – Lot 1423 Reserve 42964

Proponent : Albany Boating & Offshore Fishing Club Inc

Owner : Crown Land – Managed by City of Albany

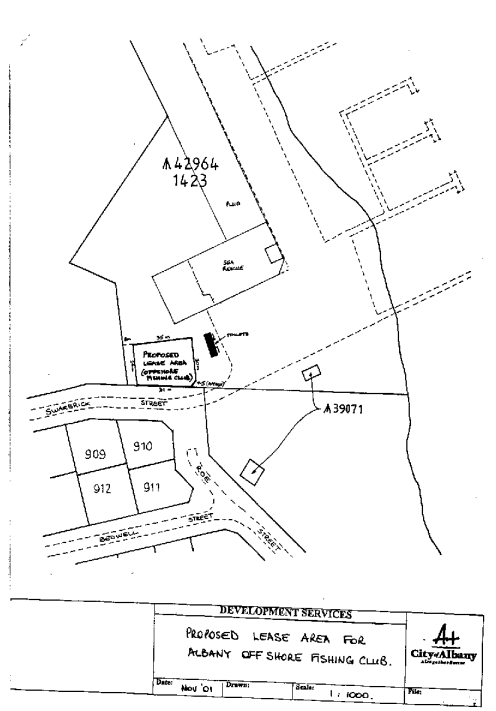
Reporting Officer(s) : Administration Officer (A Wiseman)
Administration Officer (L Fregard)

Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : That Council agree to lease a portion of Lot 1423 Reserve 42964 to the Albany Boating & Offshore Fishing Club Inc to establish their club premises

Locality Plan :



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Item 12.2.7 continued.

BACKGROUND

1. Lot 1423 Reserve 42964 is located at Emu Point. Council has a Management Order for this Reserve with a purpose of “Marine and Associated Purposes” and also has power to lease for periods up to 50 years.
2. A request has been received from the Albany Boating & Offshore Fishing Club Inc to lease a portion of Lot 1423 Reserve 42964, near the Emu Point Boat Harbour, to establish a small building for use as their club premises. This would of course be subject to approval by the Minister for Lands as with any Reserve managed by the City of Albany.

STATUTORY REQUIREMENTS

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a 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. 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.
5. The Albany Boating and Offshore Fishing Club Inc is clearly a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The Albany Boating and Offshore Fishing Club Inc is a sporting body and the standard rental for this lease would normally be an amount equivalent to the minimum land rate set by Council each year.

STRATEGIC IMPLICATIONS

8. This request complies with Council’s “Albany 2020 – Charting Our Course”, which in parts states as follows:-

“Managed healthy land/harbour environment
Reserve Management – To manage reserves for environmentally sustainable use, community enjoyment benefit”.

Item 12.2.7 continued.

COMMENT/DISCUSSION

9. The application received by Council from the Albany Boating and Offshore and Fishing Club Inc identified a portion of land area directly alongside the Albany Sea Rescue Squad Inc’s current lease. After reviewing the lease document for the Albany Sea Rescue Squad Inc, it was evident that they are not utilising all of their leased area and that a large portion of their lease site remains unfenced and unoccupied. The land area initially sought by the Albany Boating and Offshore Fishing Club Inc would block any further access to the back of Lot 1423 Reserve 42964, limiting opportunities for other clubs or business to use the balance of the upon Reserve 42964.
10. A site has been identified for the Albany Boating and Offshore Fishing Club Inc, behind the public ablution facilities. It is Council’s medium to long term plan to upgrade these facilities by relocating them to the lawned area on the right hand side of the carpark where they are more centrally located to users. This will also enable the car park to be further extended to cope with increasing boating numbers and allow further utilisation to the remainder of Lot 1423 Reserve 42964, should it be required. A plan showing the long term development follows.
11. The proposed lease area, is slightly larger than the original plot requested by the Club. It is envisaged however, that this larger plot will assist the club by decreasing the need to install costly retaining walls and allowing excellent frontage to the car park after the public facilities have been moved. The Sea Rescue Squadron and the Friends of Emu Point have been contacted and requested to provide feedback on the long term planning of Reserve 42964. This information will be useful for consideration of future development in the area.

RECOMMENDATION

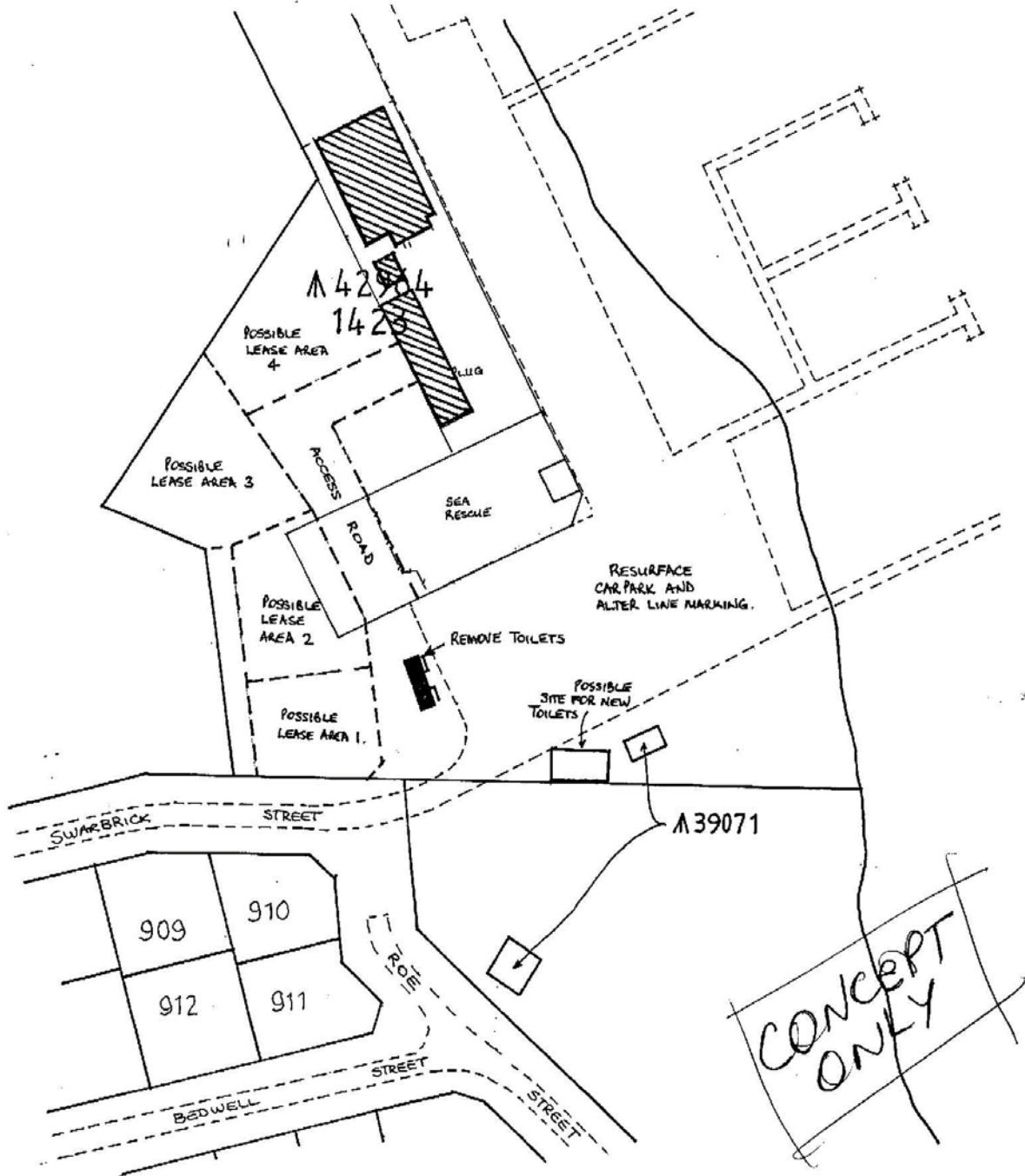
THAT

- i) **Subject to approval from the Minister for Lands, Council grant the request from Albany Boating and Offshore Fishing Club Inc for a new lease of a portion of Lot 1423 Reserve 42964 Emu Point for a period of 21 years effective from 1 January 2002 to 31 December 2023;**
- ii) **The rental be set at rate equivalent to the minimum land rate for each financial year; this figure is subject to GST assessment;**
- iii) **All fees associated with the lease be payable by the applicant;**
- iv) **The Common Seal of the City of Albany be affixed to the documentation.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES			
CONCEPT PLAN FOR LONG TERM DEVELOPMENT OF RESERVE 42964 (EMU POINT MARINA)			
Date: Nov '01	Drawn:	Scale: 1:1000	

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12.2.8 Adoption of Animals Local Law 2001

File/Ward	:	MAN052 (All Wards)
Proposal/Issue	:	To make new Animals Local Law 2001
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett) Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/02/01 Item 11.2.1 OCM 18/09/01 Item 11.2.5
Summary Recommendation	:	To make the Animals Local Law 2001
Locality Plan	:	N/A

BACKGROUND

1. At its 18th September 2001 meeting, Council commenced the process to make an Animal Local Law 2001 (copy included in the Elected Members' Report/Information Bulletin).
2. The procedure for making Local Laws requires Council to advertise Statewide, advising of its intention to make a Local Law, and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

STATUTORY REQUIREMENTS

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

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

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

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Item 12.2.8 continued.

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

POLICY IMPLICATIONS

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

Item 12.2.8 continued.

FINANCIAL IMPLICATIONS

- 5. There will be statutory advertising costs, which will be funded from the 2001/2002 budget.

STRATEGIC IMPLICATIONS

- 6. The Albany 2020 Charting Our Course Strategic Plan includes the following Port of Call:
 - ❖ *“The Continual development of Council services & facilities to meet the needs of all stakeholders.”*
- 7. Under this Port of Call is an objective:
 - ❑ To provide a range of environmental health and ranger services for the benefit of our community.

COMMENT/DISCUSSION

- 8. Council advertised, both Statewide and locally for public comment on the draft Animals Local Law 2001, and at the closing date for submissions, 13th November 2001, four submissions had been received. The submissions have been summarised in the Schedule of Submissions and recommendations attached to this item.
- 9. The majority of submissions highlight a concern about the control of cats, which is considered to be outside the scope of this local law, and should be subject to Statewide legislation similar to the Dog Act.
- 10. The effect of these local laws is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep animals and provides the means of enforcing the local laws.

RECOMMENDATION

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

Voting Requirement Special Majority

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**Animals Local Laws 2001
 Schedule of Submissions**

Details of the submissions are as follows –

Number	Name	Submission	Comment	Recommendation
1.	A Bell Lot 32 Rainbow's End Big Grove	a) request for cat legislation, requiring registration, de-sexing, limit to household numbers, outdoor restrictions b) restrictions on where horses may be kept and ridden c) restrictions on where dogs may be kept, use of leashes, increase fees, etc d) restrictions on where bees may be kept	a) This submission is requesting Council to develop a separate Cat Local Law, but until a State law is developed (similar to the Dog Act) it is considered to be an unworkable issue. b) While there are restrictions on where horses may be ridden, it appears this concern relates to planning matters and should be referred to the Development Team. c) When to use a leash and the keeping of dogs is covered in the Local Law and Dog Act, fees are set by State legislation d) This concern is considered to be beyond the scope of the Local Law.	a) The submission be noted and that the individual be advised accordingly. b) Noted, and the matter be referred to the Development Team. c) Noted d) Noted
2.	CP Cole Lot 32 Rainbow's End Big Grove	a) restrictions on the number of cats, de-sexing b) restrictions on where dogs may be kept, use of leashes, increase fees, etc c) restrictions on where horses may be kept and ridden	a) refer to 1a) above b) refer 1b) above c) refer to 1c) above	a) the submission be noted. b) the submission be noted c) the submission be noted
3.	FM & MA Bondin 86 Allwood Parade Bayonet Head	- request for cat legislation, requiring registration, de-sexing, outdoor restrictions	refer 1a) above	the submission be noted.
4.	K Stanton 55 Chipana Drive Little Grove	- request for cat legislation, requiring registration, de-sexing, outdoor restrictions	refer 1a) above	the submission be noted.

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12.2.9 Adoption of Health (Eating Houses and Itinerant Food Vendors) Local Laws 2001

File/Ward	:	MAN050 (All Wards)
Proposal/Issue	:	To make new Health (Eating Houses and Itinerant Food Vendors) Local Laws 2001
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett) Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17/07/01 Item 12.2.4
Summary Recommendation	:	To make the Health (Eating-Houses and Itinerant Food Vendors) Local Laws 2001
Locality Plan	:	N/A

BACKGROUND

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

STATUTORY REQUIREMENTS

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

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

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

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Item 12.2.9 continued.

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

* *Special Majority Required.*

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

Section 342 of the Health Act 1911 (as amended) states inter-alia:-

"342 (1) Every local government may from time to time, of its own motion and shall, when the Commissioner so requires, make local laws as herein provided, and generally for carrying into effect the provisions of this Act, within its district;...."

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Item 12.2.9 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

“The Continual development of Council services & facilities to meet the needs of all stakeholders.”

Under this Port of Call is an objective "to provide a range of environmental health services for the benefit of our community."

COMMENT/DISCUSSION

7. Council advertised, both Statewide and locally for public comment on the draft Health (Eating Houses and Itinerant Food Vendors) Local Laws 2001, and at the closing date for submissions, 25th September 2001, had received only one submission.
8. The Minister for Health’s submission has provided feedback, highlighting that Council needed to delete the itinerant food vendor provisions in its current Model By-laws –Series “A” before this local law could be made, and some minor typographical errors.
9. An item relating to Council’s Health Local Laws is included in an earlier section of the agenda, which requests Council to delete the current laws and adopt new legislation that does not include reference to itinerant food vendor provisions.
10. The effect of these local laws is to establish various standards and requirements relating to registration of food premises, and the licensing of proprietors of food premises with which operators/owners of food premises within the district must comply.

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Item 12.2.9 continued.

RECOMMENDATION

THAT Council, subject to the adoption of the new Health Local Laws in this agenda, and in accordance with Section 342 of the Health Act 1911 (as amended), agrees to make the Health (Eating-Houses and Itinerant Food Vendors) Local Laws 2001 (as detailed in the Elected Members' Report/Information Bulletin).

Voting Requirement Special Majority

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12.2.10 Annual General Meeting of Electors – 4th December 2001

File/Ward	:	REL113 (All Wards)
Proposal/Issue	:	Annual General Meeting of Electors
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Administration Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation	:	That Council receive the minutes of the Annual General Meeting of Electors
Locality Plan	:	N/A

BACKGROUND

1. The Annual General Meeting of Electors was held on 4th December 2001 and a copy of the minutes are included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

2. Section 5.33 of the Local Government Act, states –

“(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
(a) at the first ordinary council meeting after that meeting; or
(b) at a special meeting called for that purpose,
which ever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

POLICY IMPLICATIONS

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

Item 12.2.10 continued.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. The City’s Albany 2020 Objectives, Port of Call – A reputation for professional excellence, highlights the need to comply with statutory requirements of the organisation.

COMMENT/DISCUSSION

6. There were two motions carried at the Annual General Meeting of Electors held on the 4th December, one confirming the 1999/2000 Electors meeting minutes, and the second adopting the Annual Report for the 2000/2001 Financial Year.
7. Neither of these motions requires further consideration by Council.

RECOMMENDATION

THAT the minutes of the Annual General Meeting of Electors held on 4th December 2001, be received.

Voting Requirement Simple Majority

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“AMENDED RECOMMENDATION”

12.2.10 Annual General Meeting of Electors – 4th December 2001

RECOMMENDATION

THAT the minutes of the Annual General Meeting of Electors held on 4th December 2001, be received.

Voting Requirement Simple Majority

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AMENDED RECOMMENDATION

THAT the minutes of the Annual General Meeting of Electors held on 4th December 2001, be received, subject to the comments by Her Worship the Mayor under Item 6 in response to K Rowley, being amended to read:-

“Over the last year the Council has contributed approximately \$750,000 to events like Anzac 2001 Festival, district area promotion, regional signage, ILS at the Airport and the Dive Ship project alone. In comparison urban drain maintenance, Road drainage maintenance, drainage contribution, paths maintenance and footpath construction have to date only attracted \$701,000.”

In lieu of:

“Over the last year the Council has contributed approximately \$750,000 towards tourism events in Albany, compared to an approximately \$710,000 on road/maintenance around Albany”

Voting Requirement Simple Majority

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12.2.11 Emu Beach Holiday Park – Proposed Extension of Lease

File/Ward : PRO048 (Breaksea Ward)

Proposal/Issue : Extension of Lease

Subject Land/Locality : Lot 1461 on Reserve 22698 Medcalfe Parade, Emu Point

Proponent : Mr and Mrs Stewart trading as Emu Beach Holiday Park

Owner : Crown Land (DOLA) – which is Managed by the City of Albany

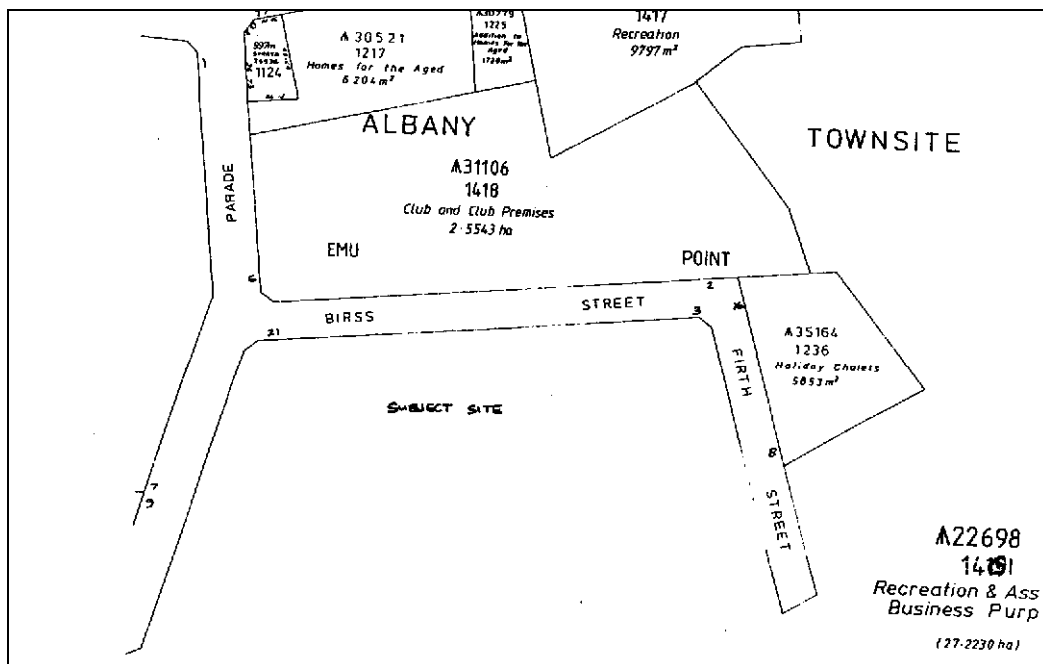
Reporting Officer(s) : Senior Admin Officer (S Pepper)
Administration Officer (A Wiseman)

Disclosure of Interest : Nil

Previous Reference : OCM 07/11/00 Item 12.2.2
OCM 21/08/01 Item 12.2.1

Summary Recommendation : That Council agree to grant an extension of lease to Mr and Mrs Stewart on a portion of Reserve 22698 Lot 1461

Locality Plan :



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Item 12.2.11 continued.

BACKGROUND

1. Mr and Mrs Stewart trading as Emu Beach Holiday Park have requested that their current lease agreements with the City of Albany which are due to expire on 31 December 2014, be extended. They are seeking an extension on their lease agreements to protect their assets and improve the security of tenure.
2. Mr and Mrs Stewart have negotiated an in principle extension with the Chief Executive Officer for a term of 21 years, in total, subject to all outstanding accounts being paid in full, and subsequent Council approval.
3. The current leases include the caravan park area and a lagoon, as detailed on the attached drawings.
4. There is currently a Management Order in place on Reserve 22698 giving Council power to lease for periods up to and including 50 years.

STATUTORY REQUIREMENTS:

5. 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.
6. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
7. Section 3.58 further requires that the reasons for a Council’s decision also to be recorded in the minutes of the meeting at which a decision to issue a lease is made.

POLICY IMPLICATIONS

8. There are no policies in relation to this item.

FINANCIAL IMPLICATIONS

9. Mr and Mrs Stewart are currently in arrears with their lease repayments, but have negotiated with Council to clear these arrears by 30 September 2002. They are currently paying their instalments in accordance with the arrangements set by Council.

STRATEGIC IMPLICATIONS

10. This request complies with Council’s “Albany 2020 – which in part states as follows:

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Item 12.2.11 continued.

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

COMMENT/DISCUSSION

11. The Department of Land Administration has given a Management Order for Reserve 22698 to the City of Albany with power to lease for periods up to and including 50 years. The current leases are both due to expire on 31 December 2014.
12. Since taking over the Emu Beach Holiday Park, Mr and Mrs Stewart have upgraded the Holiday Park to make it more pleasing and inviting to visitors. In an effort to protect these improvements the lessees are seeking an extension to the lease, which would provide them with a new agreement for a total period of 21 years.
13. In accordance with the provisions of the Local Government Act 1995 Council is required to obtain an independent sworn valuation for the proposed lease area that is not more than 6 months old. This information is currently being sorted and will form part of the lease conditions.
14. To conform with normal commercial business practices it is recommended that Council grant the request for a lease extension, subject to all current outstanding accounts being paid in full.

RECOMMENDATION

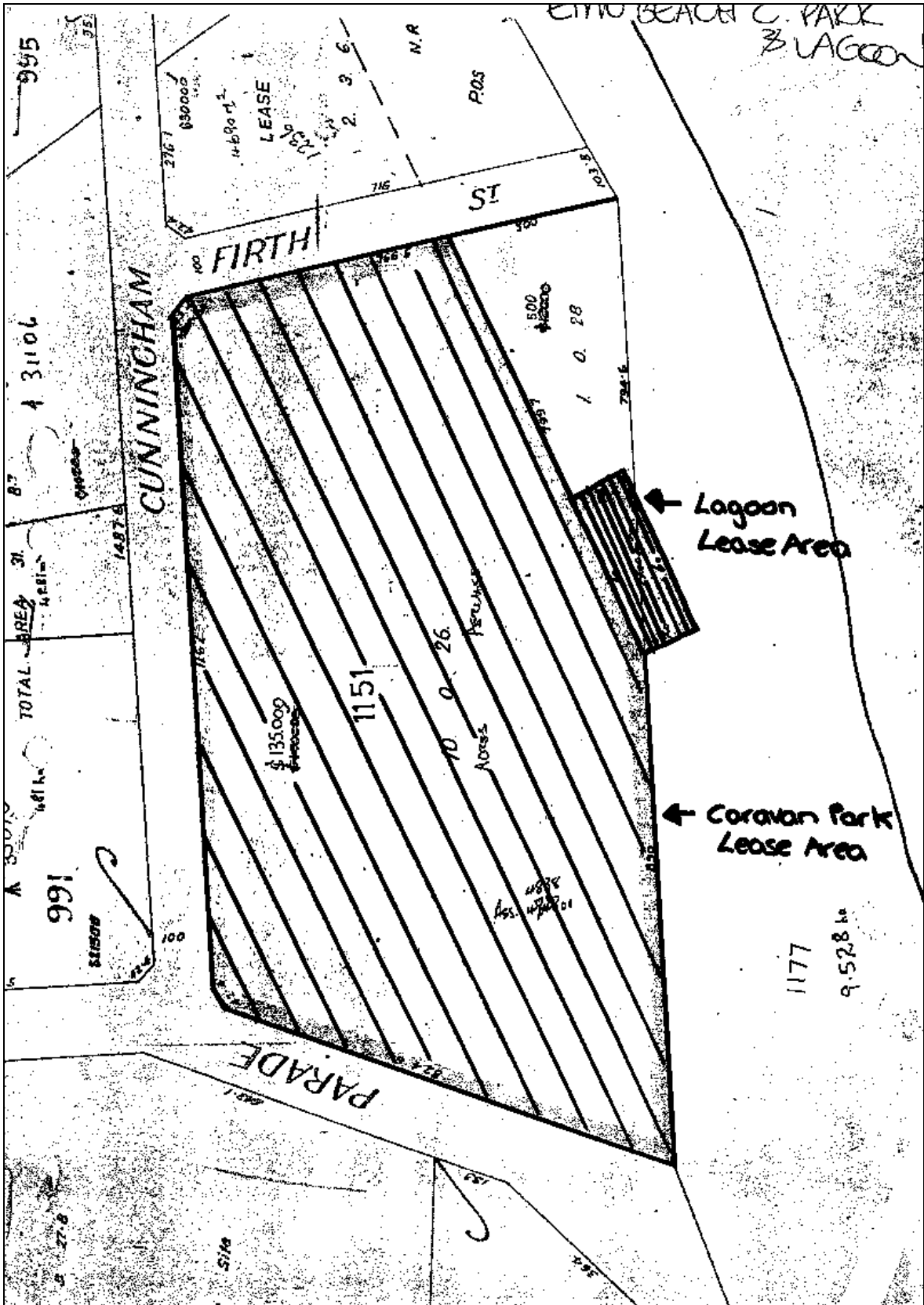
THAT Council agree, in accordance with Section 3.58 of the Local Government Act 1995, should no submissions be received as a result of advertising, the Chief Executive Officer be delegated authority to:

- i) provide Mr and Mrs Stewart with a new lease for 21 years, over a portion of Reserve 22698 Lot 1461, as detailed on the attached drawing, subject to all accounts being paid in full;**
- ii) prepare the new lease commencing from the date that all outstanding accounts are cleared in full;**
- iii) set the lease rental in accordance with the independent sworn valuation, currently being requested, plus GST;**
- iv) include a clause in the lease for rental review by independent sworn valuation every 3 years; and**
- v) All costs associated with the preparation of the appropriate documentation be borne by Mr and Mrs Stewart; with the Common Seal of the City of Albany being affixed to the relevant documents.**

Voting Requirement Absolute Majority

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12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 The Disability Services Advisory Committee Minutes of 15th November 2001

File/Ward	:	MAN 038 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Disability Services Advisory Committee held on 15 th November 2001 be adopted.

Confirmation of the minutes of the Disability Services Committee held on 15th November 2001

Recommendation

THAT the minutes of the Disability Services Advisory Committee held on the 15th November 2001 be received (copy of the minutes in the Elected Members' Report/Information Bulletin), and the following items 5.2 and 5.6 be adopted.

Item 5.2 Emu Point – Closure of Beach to Vehicles

Recommendation:

That the Disability Services Advisory Committee:

- 1) invite the Executive Director of Works and Services to meet with them onsite at Emu Point to discuss disabled access to the beach and what plans were being made to redevelop the area adjacent to the Marina; and
- 2) express its disappointment that Council's direction to consult with the Committee in regard to the beach closure was not followed.

Item 5.6 Kerb Wheelchair Ramps

Recommendation:

That the City of Albany undertake a program of painting kerb wheelchair ramps, with a view to making them more readily identifiable.

Voting Requirement Simple Majority

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12.7.2 The Seniors Advisory Committee Minutes of 16th November 2001

File/Ward	:	REL 074 (N/A)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Seniors Advisory Committee held on 16 th November 2001 be adopted.

Confirmation of the minutes of the Seniors Advisory Committee of 16th November 2001

RECOMMENDATION

THAT the minutes of the Seniors Advisory Committee held on the 16th November 2001 be received (copy of minutes included in the Elected Members' Report/Information Bulletin), with the exception of items 4.1, 4.4 and 4.5, as listed below.

Item 4.1 Seniors Health and Aged Care Services

Recommendation:

That Council write to Peter Watson MLA and:

- 1) express its concern at the way the public hospital system is being used by people with private health cover and the way that private health insurance companies encourage their clients to do so;
- 2) seek changes to the laws that prevent public hospitals from promoting the use of private health cover when patients are admitted to, or use the services of, public hospitals; and
- 3) seek the introduction of a law that prevents private health insurance companies from encouraging their clients to use the public health system in preference to using their private health cover.

Item 4.4 York Street Crosswalk Sign

Recommendation:

That Council agree the sign at the bottom of the raised traffic calming device on York Street, adjacent to St Johns Hall, be moved to avoid confusion over it being mistaken as a pedestrian crossing.

Item 4.5 Western Power Wind Farm – Directional Signage

Recommendation:

That Council approach Western Power with a view to the installation of tourist attraction style signs 200 meters either side of the intersection of Frenchman Bay Road and Princess Avenue, to direct visitors to the Wind Farm.

Voting Requirement Simple Majority

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12.7.3 Albany Arts Advisory Committee Minutes of 15th November 2001

File/Ward : MAN116(All Wards)

Proposal/Issue : Committee Items for Council Consideration

Reporting Officer : Executive Director Corporate and Community Services (P Madigan)

Summary Recommendation : That the minutes of the Albany Arts Advisory Committee held on the 15th November 2001 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of the 15th November 2001

Recommendation

THAT the minutes of the Albany Arts Advisory Committee held on the 15th November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin) be adopted.

Voting Requirement Simple Majority

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12.7.4 The Community Financial Assistance Committee Minutes of 3rd December 2001

File/Ward	:	MAN 146 (N/A)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Community Financial Assistance Committee held on 3 rd December 2001 be adopted.

1. Confirmation of the minutes of the Community Financial Assistance Committee held on 3rd December 2001

Recommendation

THAT:

- the minutes of the Community Financial Assistance Committee held on the 3rd December 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following item 2 be adopted.

Item 2 Review Of Community Financial Assistance Policy

Recommendation:

THAT the Community Financial Assistance Policy (attached), as amended;

- i) be adopted; and
- ii) be effective as of the first funding round for 2002/03.

Voting Requirement Absolute Majority

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COMMUNITY FINANCIAL ASSISTANCE PROGRAM COUNCIL POLICY

OBJECTIVES:

1. To provide financial assistance for community based, volunteer organisations that provide activities, services or facilities, which benefit the community.
2. To assist community based volunteer organisations to develop, maintain and operate facilities on land that is owned by or vested in the care and control of the City of Albany.
3. To provide community based, volunteer organisations with relief from Council imposed fees and charges.
4. To provide urgent or emergency financial assistance where required.
5. To provide guidelines and assessment criteria for the consideration and approval, or otherwise, of financial assistance applications.

INTERPRETATION:

‘Community Organisation’ means any organisation which has at its members, members of the Albany Community and which operates on a ‘not for profit’ basis.

‘Not for Profit’ means that the proceeds of the organisation are used for the benefit of the organisation and are not available for disbursement to the members of the organisation.

‘Major Community Grant’ means any financial assistance grant over \$10,000. Usually provided for the development of a capital works project eg. Building construction, major purchase of equipment, ground-works etc.

‘Minor Community Grant’ means any financial assistance up to \$10,000. Usually provided for building construction, maintenance or repair, minor projects, equipment purchase, operating expenses, relief from Council fees and charges etc. A minimum grant of \$200 applies.

‘Triennium Community Grant’ means a Community Grant provided on a recurrent annual basis, for a period of 3 years. Usually provided for recurrent operational expenditure.

‘Community Donation’ means a donation up to \$200 provided to any community organisation or person, for any purpose. Approved by the CEO under delegated authority of Council.

‘GST’ means the Federal Government’s Goods and Services Tax. Provision of grant funds will be exclusive of GST unless the recipient organisation is registered for GST, in which case the grant amount will be grossed up by 10%.

‘Community Financial Assistance Committee’ means the Committee appointed by the Council to administer the provisions of the Community Financial Assistance Program and approve the allocation of financial assistance.

‘CEO’ means the Chief Executive Officer of the City of Albany

‘Volunteer’ means that the member/s of office bearer/s of the organisation provide their time and services for no remuneration.

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‘Parent Organisation’ means a body which is responsible for and controls the operations of the subject organisation.

‘Public Land’ means land that is owned by the crown (Government) or by the City of Albany and which is vested in the care and control of the community organisation or the City of Albany. Tenure of the land may be transferred by the City of Albany to the subject organisation by way of legal agreement (eg Lease).

‘Emergency Service Providers’ means those organisations that have as their objective the provision of emergency services for the community. They include the local branches of: State Emergency Service, Sea Rescue Squad, Surf Lifesaving WA and St John’s Ambulance Association.

‘School Based Youth Worker’ means a person employed by an organisation to provide guidance, assistance and social counselling within a school to people between the ages of 5 and 18 years, and includes School Chaplains.

DETAIL

Funding Rounds

The Community Financial Assistance Program - Minor Community Grants, will be conducted in two separate funding rounds each financial year, with applications being invited at the beginning of April and October, and closing at the end May and November respectively.

Major Community Grants will be conducted in one funding round, with applications being invited in April and closing at the end of May.

The April Minor Community Grant funding round will provide 2/3 of the remaining balance (after deduction of pre approved grants) of the pool of funds budgeted by Council, with the October round allocating the remaining 1/3.

Funds for Major Community Grants and waiver of Council rates will be allocated from within Council’s general revenue budget.

Council will also budget an additional amount per year as contingency funding for Community Donations.

Advertising

Each year, at the beginning of April and October, Council shall advertise its intention to consider applications for financial assistance under the Community Financial Assistance Program.

Applications for Major Community Grants will be invited in April only. The advertisements will be placed in at least 2 editions of a local newspaper(s).

Major Community Grants – Advertised April

Minor Community Grants – Advertised April & October

Applications

All applications shall be made on the form available from the Council and shall close on 31st May or 30th November, as appropriate. Applicants must address the selection criteria provided within the application guidelines. Late applications will not be considered unless they are of an urgent or emergency nature. Minor Community Grant applicants unsuccessful in the first annual funding round will have their application forwarded to the second funding round, without the need to reapply.

Major Community Grants (Over \$10,000)

Council will consider Major Community Grant applications once per year, in accordance with the Community Financial Assistance Program. Funding for approved grants will be allocated from within Council’s general revenue budget.

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Major Community Grants may be used for any purpose, but are generally provided for purposes such as building purchase or construction, purchase of equipment, ground-works etc. Applications must be received by 30th April, (one funding round only) and should address the following criteria:

- Type of organisation (eg sport, community, hobby, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Project details/planning/design/timing;
- Demonstrated need or community benefit;
- Financial position of the applicant;
- Applicants contribution of cash or inkind;
- Financial viability of project;
- Other financial/in kind contributions either obtained or not sourced;
- On-going management and operating costs;
- Existing services and facilities of a like nature, within Albany;
- Provision of quotes (2) for all items greater than \$500 in value;
- Provision of a detailed project budget including GST breakdown; and
- Provision of a 5 year Strategic Management Plan for the organisation/building/facility.

Minor Community Grants (Up to \$10,000)

The Community Financial Assistance Committee will consider applications for Minor Community Grants in two funding rounds, which close on either 31st May or 30th November, respectively. Minor Community Grants may be used for any purpose, including building construction, maintenance or repair, equipment purchase or hire, events or functions, operating expenses, relief from Council fees and charges etc. A minimum grant of \$200 applies. Applications should address the following criteria:

- Type of organisation (eg sport and recreation, community based, general interest, health and welfare, artistic, religious etc);
- Organisation membership;
- Nature of service/facility provided;
- Demonstrated need or community benefit;
- Applicant's financial position;
- Applicant's contribution of cash or inkind;
- Purpose of the grant;
- Other financial/in kind contributions either obtained or not sourced;
- Provision of a detailed project budget including GST breakdown; and
- Provision of a 5 year Strategic Management Plan for the organisation/building/facility (for grants in excess of \$5,000)

Triennium Community Grant (3 Year approval):

Triennium Community Grants will be phased out over the following two year period, with no further approvals as of 1st July 2002.

Eligibility Criteria

1. Funding will be provided on a dollar for dollar /matching basis, with the community organisation being required to contribute the equivalent in cash or inkind.
2. The applicant must demonstrate that other funding opportunities have been investigated and that attempts to source other external funds have been made.
3. Organisations that are funded by a parent organisation that is Government, quasi government, professional or commercial in its foundation, or that is primarily funded by Government, quasi government, professional or commercial sources shall not be eligible for funding, other than in exceptional circumstances. This does not apply to organisations considered to be emergency service providers or the provision of school based youth workers.

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4. Funding will not be provided for paid professional services, consultancies or the employment of personnel other than school based youth workers.
5. All relevant criteria within the application guidelines and on the application form must be addressed.
6. Buildings or facilities being funded must be constructed on land that is vested in or owned by the City of Albany.
7. Organisations making application for grants in excess of \$5,000 having a 5 years Strategic Management Plan for their organisation/building/facility.
8. funding will not be provided for any purpose or project where the project has been commenced or where expenditure has been incurred prior to funding approval ie. grants will not be provided retrospectively.

Community Donations:

Applications for Community Donations, to a maximum of \$200, may be submitted at any time for any purpose. Applications will be received from community-based organisations, or individuals, where an individual can demonstrate sufficient justification for the provision of financial assistance. Such justification may include, but is not limited to selection as a representative on a state or national team, with associated costs.

Community Donations shall be referred to the Chief Executive Officer for consideration and approval under delegated authority of Council.

ADMINISTRATION OF FINANCIAL ASSISTANCE

Financial assistance approvals shall be administered in accordance with the following:

1. Where financial assistance is approved by Council for projects that are dependent upon funding from an outside source, eg: Ministry of Sport and Recreation; Lotteries Commission etc, and that funding application is unsuccessful, then subject section 4., those funds shall be held in trust until the following financial year. The funds will then again be made available to the organisation involved, conditional upon their application for funding from the outside source being approved in that financial year.
2. Where such funding application is again unsuccessful, the approved funding shall be withdrawn and made available for to other community organisations in the next funding round.
3. Where funding from an outside source is approved, Council funding (as approved) shall be paid to the applicant, on receipt of and up to the value of copy invoices, statements or receipts.
4. Where approved financial assistance is not claimed by 30th April, and the organisation involved has failed to provide an explanation and request for those funds to be carried forward, the Chief Executive Officer shall advise the organisation that the approval is revoked and that they should re-apply in the following funding round.
5. Where the level of financial assistance from an outside source has been reduced below that requested by an organisation, the organisation shall be required to demonstrate its ability to meet the funding shortfall. In such circumstances the Community Financial Assistance Committee will reassess the viability of the project and may, if project viability is not substantiated, revoke the grant approval. Those funds shall be made available to other organisations in the next funding round.

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ROLE OF THE COMMUNITY FINANCIAL ASSISTANCE COMMITTEE

After each ordinary Council election, a Community Financial Assistance Committee, comprising 5 Councillors, shall be formed with the following functions:

- Annually review and make recommendations to Council on the efficiency of the Community Financial Assistance Program;
- Following adoption of the budget analyse and assess all applications for Major Community Grants and make prioritised recommendations to Council in June of each year in accordance with total budget allocation;
- Following adoption of the budget analyse and assess all applications for Minor Community Grants and approve financial assistance grants in June and December of each year in accordance with total budget allocation

DELEGATION OF AUTHORITY

Authority is delegated to the Chief Executive Officer to:

Consider and approve/refuse applications for Community Donations, to a maximum value of \$200.

Authority is delegated to the Community Financial Assistance Committee to access applications for minor community grants and to approve funding allocations in accordance with the criteria outlined within this policy.

ORDINARY COUNCIL MEETING – 18/12/01
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.7.5 Albany Town Hall Theatre Advisory Committee Minutes 5th of December 2001

File/Ward	:	SER047(All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer	:	Executive Director Corporate and Community Services (P Madigan)
Summary Recommendation	:	That the minutes of the Albany Town Hall Theatre Advisory Committee held on the 5 th of December 2001 be adopted.

Confirmation of the minutes of the Albany Town Hall Theatre Advisory Committee of the 5th December 2001

Recommendation

THAT the minutes of the Albany Town Hall Theatre Advisory Committee held on the 5th of December 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin) be adopted.

Voting Requirement Simple Majority

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Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Anzac Road Upgrade

File/Ward	:	C01082 (Breaksea Ward)
Proposal/Issue	:	Road upgrade - Anzac Road by public tender
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Assets & Client Services (P Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation:		Accept tender from Albany Industrial Services for contract C01082 –Anzac Road upgrade
Locality Plan	:	N/A

BACKGROUND

- 1 Following quotations from several civil engineering consultants, Opus International Consultants were appointed to undertake design, documentation, tender evaluation and site superintendence for these projects, on behalf of Council’s Design Services.
- 2 To meet the 2001/2002 Capital Works Program, tenders were sought from external construction contractors, in addition to Council’s day labour force and Design Services. Where applicable these works are to be undertaken by a public tender process; the upgrade of Anzac Road is one of these projects.
- 3 Anzac Road is located in Mira Mar. The road runs east - west and extends from Lake Seppings Drive, with works to be carried out from chainage 00 to chainage 120.
- 4 Reconstruction of the road will provide an upgraded asset for Council to maintain over its projected design life.
- 5 The contract is a lump sum civil construction type project that includes the following:
 - minor clearing and earthworks
 - underground piped-stormwater drainage
 - sub-grade preparation
 - sub-base and basecourse construction
 - bituminous seal application
 - poured in-situ concrete kerbing
 - asphalt application
 - all other associated work.
- 6 A total of six specifications were issued, with four tenders received by close of tender.

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- 9 A total allocation of \$66,000.00 has been made in the 2001/2002 Capital Works Budget for the upgrade of Anzac Road.
- 10 Four tenders were received for Council’s consideration; the following table outlines those tenders.

CONTRACTOR	TENDER PRICE (including GST).	TENDER PRICE (excluding GST).
ALBANY INDUSTRIAL SERVICES	\$66,709.19	\$60,644.72
DENMARK EARTHMOVING	\$93,816.00	\$85,287.27
ERTECH PTY LTD	\$70,292.20	\$63,902.00
FULTON HOGAN	\$146,549.96	\$133,227.24

STRATEGIC IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued.

COMMENT/DISCUSSION

12 A request for Tenders was published in the West Australian on 10 November 2001, with closing date on 28 November 2001.

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 are:

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

14 Opus International Consultants carried out the tender evaluation on behalf of the City of Albany. Extracts of their independent evaluation report are included in this section.

15 The City of Albany regional price preference policy was applied to this tender.

16 Extracts from Opus International Consultants report:

"Report and Recommendation of Evaluation Group

It is required that the below recommended tenderer submits detailed clarification of the Construction Plan supporting documentation. This information is vital to evaluate the capability of the contractor to carry out the works within the estimated timeline.

Recommendation to Client

We recommend that the contract is awarded to Albany Industrial at the submitted price of \$66,709.19."

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

1. Albany Industrial Services	71%
2. Fulton Hogan	49%
3. Ertech Pty Ltd	45%
4. Denmark Earthmoving	20%

RECOMMENDATION

THAT Council accept the tender from Albany Industrial Services Pty Ltd and award them Contract C01082 - Road Upgrade - Anzac Road for the lump sum price of \$66,709.19 (including GST), and a reallocation be sought in the second quarterly review.

Voting Requirement Absolute Majority

.....

WORKS & SERVICES REPORTS

13.2.2 Grove Street West and Gordon Street Upgrade

File/Ward	:	C01083 (Vancouver Ward)
Proposal/Issue	:	Road upgrade - Grove Street West and Gordon Street by public tender
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Assets & Client Services (P Brown)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation:		Accept tender from Albany Industrial Services for contract C01083 – Grove Street West and Gordon Street upgrade.
Locality Plan	:	N/A

BACKGROUND

- 1 Following quotations from several civil engineering consultants, Opus International Consultants were appointed to undertake design, documentation, tender evaluation and site superintendence for these projects, on behalf of Council’s Design Services.
- 2 To meet the 2001/2002 Capital Works Program, tenders were sought from external construction contractors, in addition to Council’s day labour force and Design Services. Where applicable these works are to be undertaken by a public tender process; the upgrade of Grove Street West and Gordon Street are two of these projects.
- 3 Grove Street West and Gordon Street are located in Little Grove. Grove Street West runs east - west and extends from Queen Street to a turning head situated west of the junction with Goss Street. Gordon Street also runs east - west and extends from Bay View Drive with works to be carried out from chainage 00 to chainage 265.
- 4 Reconstruction of the road will provide an upgraded asset for Council to maintain over its projected design life.
- 5 The contract is a lump sum civil construction type project that includes the following:
 - minor clearing and earthworks
 - underground piped-stormwater drainage
 - sub-grade preparation
 - sub-base and basecourse construction
 - bituminous seal application
 - poured in-situ concrete kerbing
 - asphalt application
 - all other associated work.
 - footpath construction in Grove Street West
- 6 A total of six specifications were issued, with four tenders received by close of tender.

WORKS & SERVICES REPORTS

Item 13.2.2 continued.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- 9 A total allocation of \$307,500.00 has been made in the 2001/2002 Capital Works Budget for these works, comprising \$217,500.00 for Grove Street West and \$90,000.00 for Gordon Street.
- 10 Four tenders were received for Council’s consideration. The following table outlines the tenders for both Grove Street West and Gordon Street.

CONTRACTOR	TENDER PRICE (including GST).	TENDER PRICE (excluding GST).
ALBANY INDUSTRIAL SERVICES	\$312,906.75	\$284,460.68
DENMARK EARTHMOVING	\$383,600.00	\$348,727.27
ERTECH PTY LTD	\$325,253.50	\$295,685.00
FULTON HOGAN	\$439,686.95	\$399,715.41

STRATEGIC IMPLICATIONS

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

WORKS & SERVICES REPORTS

Item 13.2.2 continued.

COMMENT/DISCUSSION

- 12 A request for Tenders was published in the West Australian on 10 November 2001, with closing date on 28 November 2001.
- 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 are:
- | | |
|--------------------------------|-----|
| Financial Accounting (Price) | 50% |
| Relevant Skills and Experience | 20% |
| Safety Management | 10% |
| Reliability of Tenderer | 10% |
| Quality Accreditation | 5% |
| Other Considerations | 5% |
- 14 Opus International Consultants carried out the tender evaluation on behalf of the City of Albany. Extracts of their independent evaluation report are included in this section.
- 15 The City of Albany regional price preference policy was applied to this tender.
- 16 Extracts from Opus International Consultants report:
"Report and Recommendation of Evaluation Group
It is required that the below recommended tenderer submits detailed clarification of the Construction Plan supporting documentation. This information is vital to evaluate the capability of the contractor to carry out the works within the specified timeline.
Recommendation to Client
We recommend that the contract is awarded to Albany Industrial at the submitted price of \$312,906.75."
A listing of the final overall ranking for the tenderers is as follows:
- | | |
|-------------------------------|-----|
| 1. Albany Industrial Services | 77% |
| 2. Ertech Pty Ltd | 53% |
| 3. Fulton Hogan | 47% |
| 4. Denmark Earthmoving | 20% |

RECOMMENDATION

THAT Council accept the tender from Albany Industrial Services Pty Ltd and award them Contract C01083 - Road Upgrade - Grove Street West and Gordon Street for the lump sum price of \$312,906.75 (including GST), and a reallocation be sought in the second quarterly review.

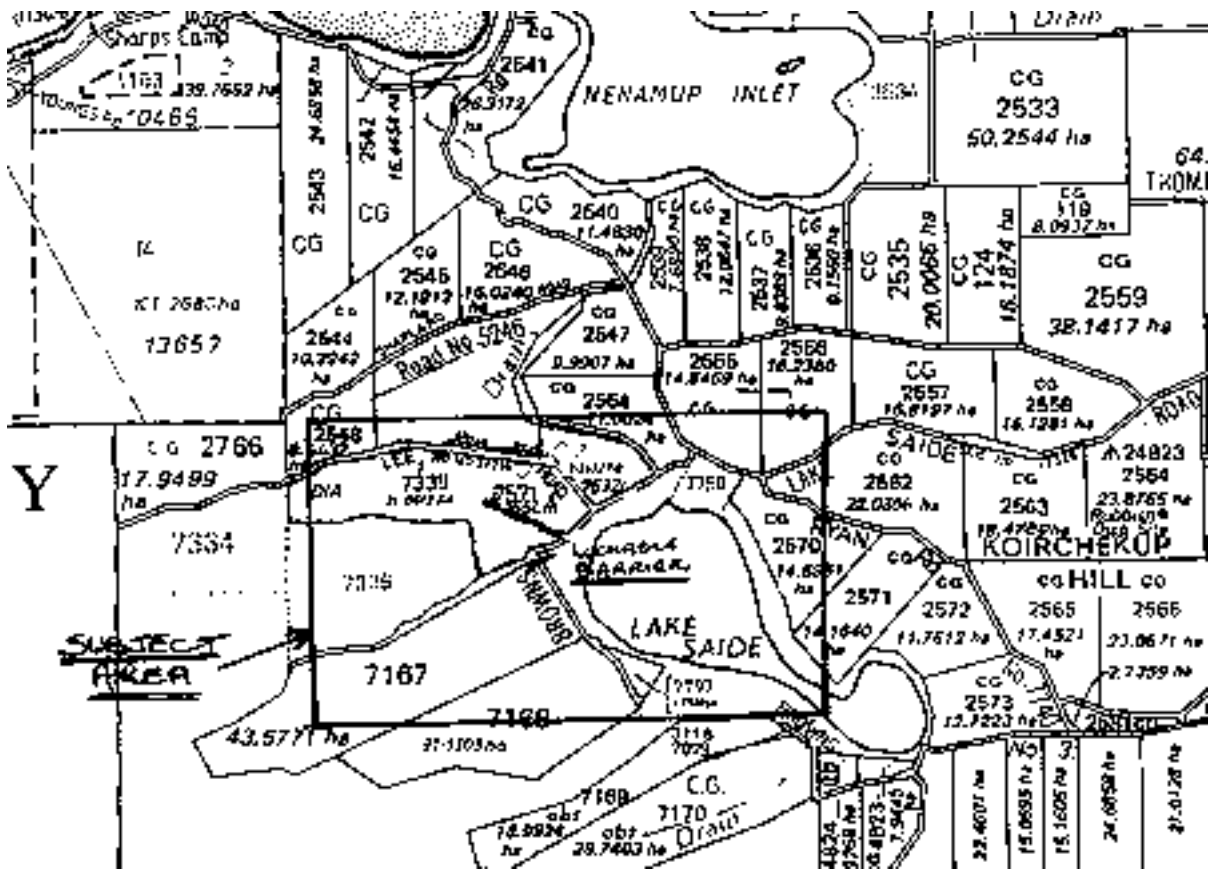
Voting Requirement Absolute Majority

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WORKS & SERVICES REPORTS

13.2.3 Browns Road – Partial Closure

File/Ward	:	SER 123 (West Ward)
	:	
Proposal/Issue	:	Partial Closure of Browns Road, Youngs
Subject Land/Locality	:	Browns Road Youngs
Proponent	:	D.J. Wolfe
Owner	:	N/A
Reporting Officer(s)	:	Assets Coordinator (S Broad)
Disclosure of Interest	:	N/A
Previous Reference	:	Nil
Summary Recommendation	:	Advertise proposal for closure.
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.2.3 continued

BACKGROUND

1. Council has received an application for the partial closure of Browns Road Youngs by the installation of a lockable barrier.
2. The purpose of the closure is to prevent illegal entry and removal of equipment from farming properties

STATUTORY REQUIREMENTS

3. Section 3.50 of the Local Government Act details as follows the process of closing thoroughfares (roads) to vehicles:
 - (1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles.
 - (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
 - (3) The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.
 - (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –
 - a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;
 - b) give written notice to each person who –
 - i) is prescribed for the purposes of this section; or
 - ii) owns land that is prescribed for the purposes of this section; and
 - c) allow a reasonable time for submissions to be made and consider any submissions made.
 - (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).
 - (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
 - (7) Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.

WORKS & SERVICES REPORTS

Item 13.2.3 continued

(8) If, under subsection (7), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The advertising cost is adequately provided for in the current budget.

STRATEGIC IMPLICATIONS

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

Port of Call:

Managed healthy land/harbour environment

Objective:

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

Port of Call:

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

Objective:

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

COMMENT/DISCUSSION

7. Browns Road is currently only an unformed road that is access to Location 7167, 7168, 7169 and 7797. Access to the coastal reserve is from the northern boundary of location 7169
8. It is considered that the installation of a lockable barrier with keys issued to service authorities and abutting landowners will help to reduce the incidents of illegal entry and damaged to farming equipment.
9. It is considered that Council should invite submissions from the community for the partial closure of Browns Road. The precise location of the barriers would be decided following consideration of submissions and discussions with abutting landowners.

WORKS & SERVICES REPORTS

Item 13.2.3 continued.

RECOMMENDATION

THAT Council, in accordance with Section 3.50 of the Local Government Act, invite submissions from the community and service authorities on the proposal for the partial closure of Browns Road, Youngs by the installation of a lockable barrier to enable consideration of the closure.

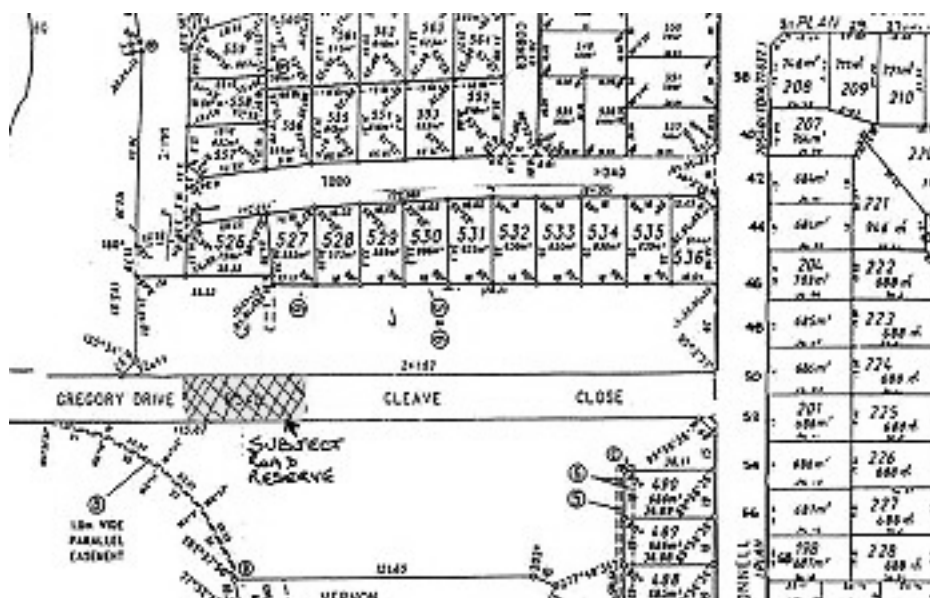
Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

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

- File/Ward** : A039207S (Yakamia Ward)
- Proposal/Issue** : Closure of portion of road reserve between Gregory Drive & Cleave Close, McKail
- Subject Land/Locality** : Formerly Clydesdale Road
- Proponent** : Harley Hedderwick & Webber
- Owner** : Crown
- Reporting Officer(s)** : Asset Coordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation:** Advertise proposal for closure
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.2.4 continued

BACKGROUND

1. Council received an application from Harley Hedderwick & Webber on behalf of Mr E Brook for the closure of portion of the road reserve (formerly Clydesdale Road) between Gregory Drive and Cleave Close.
2. Subdivision of Location 399 has been approved by WAPC (File 105619) but Lots 510 and 511 have been excluded from the approval pending closure of the road reserve. Once the closure has occurred it is anticipated that the land would be acquired by Mr E Brook who would then provide a Public Access Way linking Gregory Drive and Cleave Close. A subdivision plan indicating the closures is attached.

STATUTORY REQUIREMENTS

3. In accordance with Section 58 of the Land Administration Act 1997, the proposal would need to be advertised for a period of 35 days for public comment and referred to all effected government agencies. Following advertising, Council is to consider the proposal in light of any submissions received.
4. Given further support from Council, the proposal is then submitted to the Department for Land Administration (DOLA) who processes the proposal and administers the closure and disposal of the land.

POLICY IMPLICATIONS

5. There are no policy implications apparent for Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. The closure of the road reserve would enable the creation of the PAW and is part of the subdivision plan of Location 399 (see attached).
9. The PAW would provide access from the cul-de-sac Cleave Close to Gregory Drive.
10. The developer would negotiate with DOLA the cost of surveying and purchasing of the existing road reserve.

WORKS & SERVICES REPORTS

Item 13.2.4 continued

RECOMMENDATION

THAT Council:

- i) in accordance with Section 58 of the Land Administration Act 1997, advertise the proposal for the closure of the road reserve between Gregory Drive and Cleave Close (formerly Clydesdale Road) and invite comments from the community and service authorities to enable consideration of the closure; and**
- ii) agree to close portion of the road, should there be no objections received.**

Voting Requirement Simple Majority

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** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

Item 13.2.4 continued.

HARLEY, HEDDERWICK & WEBBER Pty. Ltd.

ALBANY CONSULTANTS
CONSULTING ENGINEERS AND ARCHITECTS
Civil Engineering & Surveying Services • Architectural Design & Urban Services

134 Derwent Street,
Albany, W.A. 6350.
P.O. Box 2200, Albany, W.A. 6350.
Telephone 08 9441 7933
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After hours 08 9441 3643
08 9441 3793
Mobile: 08 9441 3643 or 9441 3793
18 Langdon Road,
Osprey, Albany

CONTRACT NO. 17/0001
18 LANGDON ROAD, OSPREY, ALBANY, W.A. 6350
(Referencing to Page 10 of 10)

COPY

Our Ref: 993WEA01

17 July 2001

The Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6331

CITY OF ALBANY RECEIVED		
10 JUL 2001		
FILE ADMITTED REPLY DATE	WORKING NO. DATE SUBMITTED APPROVED DATE	OFFICER BY DATE/TIME

Dear Sir

SUBDIVISION ADJOINING CLEAVE CLOSE McMAIL

We enclose a copy of portion of the subdivision plan for the subdivision of Location 399. The subdivision has been approved by the WAPC (File 105639) but Lots 510 and 511 have been excluded from the approval pending closure of portion of Cleave Close.

In view of Council's desire that the landowners to the North and South of Cleave Close proceed with the development of Cleave Close, it is now necessary to consider the closure of the area coloured yellow on the enclosed plan. The area is a rectangle measuring 12.5 metres by 35.64 metres and contains 446m².

If Cleave Close is to be developed in the near future it is requested that Council take action now to initiate the road closure, with the view to the eventual acquisition of the 446m² by our client Mr R. Brook.

Yours faithfully

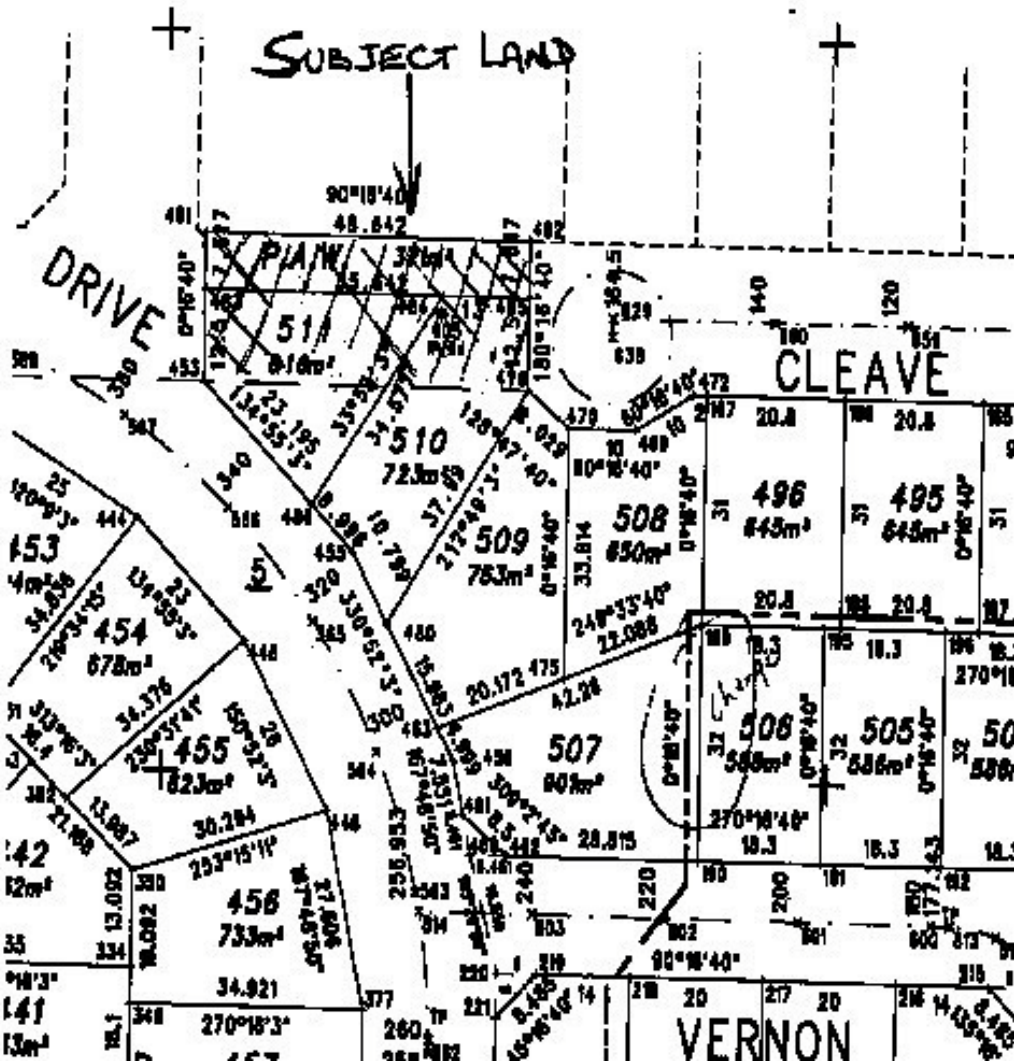
Eric Harley

Eric Harley
for **HARLEY, HEDDERWICK & WEBBER PTY LTD**
c/o: Main Copy
mhw@heweb.com.au

ALBANY CONSULTANTS
CONSULTING ENGINEERS AND ARCHITECTS
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134 Derwent Street, Albany, W.A. 6350 • P.O. Box 2200 Albany, W.A. 6350
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WORKS & SERVICES REPORTS

Item 13.2.4 continued.



WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Bituminous Surfacing Works

File/Ward	:	C01067 (All Wards)
Proposal/Issue	:	Bituminous Surfacing Works by Public Tender.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Operations (G Steel)
Disclosure of Interest	:	Nil
Previous Reference	:	N/A
Summary Recommendation:		Accept tenders from Boral Asphalt for spray seal works and CSR Emoleum for asphalt and all additional works.
Locality Plan	:	N/A

BACKGROUND

1. Tenders were called for sprayed bituminous seals and bituminous concrete surfacing (hot mix asphalt) of streets and footpaths for the 2001/02 road construction and maintenance works program within the City of Albany.
2. A total of nine specifications were issued, with five submissions received by close of tender.

STATUTORY REQUIREMENTS

3. 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.
4. In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council and it may also decline any tender.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

5. A total allocation of \$1,064,226.00 has been made in the 2001/2002 Budget for bituminous surfacing work, comprising \$786,725.00 for spray seal and \$277,501.00 for asphalt.

WORKS & SERVICES REPORTS

Item 13.3.1 continued.

6. Tenderers were required to provide prices for crack patching, spray seal and asphalt, together with schedules of rates for additional works. A total of five tenders were submitted for Council's consideration. The attached table outlines those prices and rates submitted by all five tenderers; these include Goods and Services Tax (GST).

STRATEGIC IMPLICATIONS

7. Albany 2020 – Charting Our Course includes the following Port of Call:
 - ◆ *Transport infrastructure and services management*
To effectively and efficiently manage the City's transport infrastructure
 - ◆ to provide a high quality service;
 - ◆ to meet community expectations;
 - ◆ to minimise whole life costs; and
 - ◆ in alignment with transport plans.

COMMENT/DISCUSSION

Tender Process

8. A request for Tenders was published in the West Australian on 22 September 2001 and the Albany Advertiser on 25 September 2001, with closing date on 7 November 2001.

Tender Evaluation – Criteria Applied

9. The tender documents included tender evaluation criteria, using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria are:
 - ◆ Financial Accounting (40%)
 - ◆ Relevant Skills and Experience (40%)
 - ◆ Program (10%)
 - ◆ Traffic Management Plan (10%)

Tender Evaluation

10. Following the opening of tenders, the Manager Operations and Works Co-ordinator assessed the tenders in accordance with the set of evaluation criteria for the contract.
11. To enable comparative evaluation, the tenders were divided into two areas, spray seal and asphalt. It was apparent from the majority of submissions that crack patching was not required for those roads included in the program and was not further considered in the evaluation.
12. The City of Albany regional price preference policy was applied to this tender. See attached table detailing adjusted price for evaluation.
13. None of the five tenders considered were fully conforming or complete. As outlined in the Conditions of Tendering, additional information may be sought from the tenderers to clarify various aspects of their submissions so that final consideration could be given to all tenders received. However, the evaluation panel determined that to be as impartial as possible, and in the interests of minimising cost and time expended, the evaluation was carried out based on their knowledge and experience of the companies and any information submitted with tenders.

WORKS & SERVICES REPORTS

Item 13.3.1 continued.

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

Spray seal

- | | |
|----------------------|-------|
| 1. Boral Asphalt | 50.3% |
| 2. CSR Emoleum | 49.1% |
| 3. RoadCare | 46.0% |
| 4. RNR Contracting | 45.5% |
| 5. Bitumen Emulsions | 20.0% |

Asphalt

- | | |
|------------------|-------|
| 1. CSR Emoleum | 50.8% |
| 2. RoadCare | 46.0% |
| 3. Boral Asphalt | 42.6% |

15. It is recommended that Council accept the tender from Boral Asphalt for spray seal and from CSR Emoleum for asphalt. It is considered that these companies have the necessary capacity, experience, skills and expertise to undertake works for the City of Albany.

RECOMMENDATION

THAT Council accept the tenders from:

- (i) **Boral Asphalt and award them the spray seal component of Contract C01067 - Bituminous Surfacing Works (2001/02) for the lump sum price of \$500,779.07.**
- (ii) **CSR Emoleum and award them the asphalt component of Contract C01067 - Bituminous Surfacing Works (2001/02) for the lump sum price of \$166,908.04 and all additional works at the following rates:**

ADDITIONAL WORKS (while mobilised in Albany)		
Spray seal surfacing(\$ rate/m2)		
less than 500m2	\$2.60	
500m2 - 5000m2	\$2.36	
greater than 5000m2	\$2.36	
Hotmix asphalt surfacing(\$ rate/m2 and \$ rate/tonne)		
less than 500m2	\$11.30	\$188.33
500m2 - 5000m2	\$10.27	\$171.16
greater than 5000m2	\$10.27	\$171.16
ADDITIONAL WORKS (requiring mobilisation to Albany)		
Spray seal surfacing(\$ rate/m2)		
less than 500m2	\$2.60	
500m2 - 5000m2	\$2.36	
greater than 5000m2	\$2.36	
Hotmix asphalt surfacing(\$ rate/m2 and \$ rate/tonne)		
less than 500m2	\$11.30	\$188.33
500m2 - 5000m2	\$10.27	\$171.16
greater than 5000m2	\$10.27	\$171.16

Subject to any increase in retail price of bitumen (currently \$513.20/tonne ex Perth) for additional works, requiring mobilisation to Albany, is passed on to City of Albany.

Voting Requirement Simple Majority

WORKS & SERVICES REPORTS

Item 13.3.1 continued.

TENDER SUBMISSIONS - CONTRACT C01067 - BITUMINOUS SURFACING WORKS (2001/02)

	TENDERER Bitumen Emulsions	TENDERER Boral Asphalt	TENDERER CSR Emoleum	TENDERER RnR Contracting	TENDERER RoadCare
SCHEDULES OF PRICES SUMMARY (PRICE \$)					
Crack patching				\$3,000.00	
Spray seal surfacing sub-total	\$935,096.68	\$500,779.07	\$545,108.08	\$594,288.73	\$586,272.93
Hotmix asphalt surfacing sub-total		\$192,141.17	\$166,908.04		\$191,235.00
ADDITIONAL WORKS (while mobilised in Albany)					
Spray seal surfacing(\$ rate/m2)					
less than 500m2	\$21.00	\$2.17	\$2.60	\$5.65	\$12.50
500m2 - 5000m2	\$7.93	\$2.17	\$2.36	\$2.80	\$4.50
greater than 5000m2	\$3.85	\$2.17	\$2.36	\$2.30	\$2.60
Hotmix asphalt surfacing(\$ rate/m2 and \$ rate/tonne)					
less than 500m2		\$15.00 \$241.50	\$11.30 \$188.33		\$15.65 \$260.00
500m2 - 5000m2		\$12.22 \$196.74	\$10.27 \$171.16		\$11.00 \$165.00
greater than 5000m2		\$12.22 \$196.74	\$10.27 \$171.16		\$11.00 \$165.00
ADDITIONAL WORKS (requiring mobilisation to Albany)					
Spray seal surfacing(\$ rate/m2)					
less than 500m2	\$21.00		* \$2.60	\$7.93	** \$12.50
500m2 - 5000m2	\$7.93		* \$2.36	\$3.25	** \$4.50
greater than 5000m2	\$3.85		* \$2.36	\$2.65	** \$2.60
Hotmix asphalt surfacing(\$ rate/m2 and \$ rate/tonne)					
less than 500m2		\$17.00 \$273.70	* \$11.30 \$188.33		*** \$15.65 \$260.00
500m2 - 5000m2		\$15.00 \$241.50	* \$10.27 \$171.16		*** \$11.00 \$165.00
greater than 5000m2		\$12.50 \$201.25	* \$10.27 \$171.16		*** \$11.00 \$165.00

* Any increase in retail price of bitumen (currently \$513.20/tonne ex Perth) passed on to City of Albany

** \$7,500.00 mobilisation cost (unless Pioneer Road Services crew in region)

*** \$7,000.00 mobilisation cost (unless Pioneer Road Services crew in region)

ORDINARY COUNCIL MEETING AGENDA – 18/12/01

** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

Item 13.3.1 continued.

REGIONAL PRICE PREFERENCE APPLICATION - CONTRACT C01067 - BITUMINOUS SURFACING WORKS (2001/02)

CONTRACTOR		TENDER PRICE	ADJUSTED PRICE FOR EVALUATION PURPOSES	REGIONAL TENDERER (CLAIM)	REGIONAL CONTENT	PRICE REDUCTION AT 5% RATE OF PREFERENCE (IF REGIONAL TENDERER)	PRICE REDUCTION AT 5% RATE OF PREFERENCE (IF REGIONAL CONTENT)	TOTAL PRICE REDUCTION AT 5% RATE OF PREFERENCE
BITUMEN EMULSIONS	SPRAY SEAL	\$935,096.68	\$927,596.68	NO	\$150,000.00	\$0.00	\$7,500.00	\$7,500.00
BORAL ASPHALT	SPRAY SEAL	\$500,779.07	\$494,064.07	NO	\$111,700.00	\$0.00	\$6,715.00	\$6,715.00
	ASPHALT	\$192,141.17	\$191,581.17	NO	\$11,200.00	\$0.00	\$560.00	\$560.00
CSR EMOLEUM	SPRAY SEAL	\$545,108.08	\$511,137.68	YES	\$134,300.00	\$27,255.40	\$6,715.00	\$33,970.40
	ASPHALT	\$166,908.04	\$155,372.64	YES	\$63,800.00	\$8,345.40	\$3,190.00	\$11,535.40
RNR CONTRACTING	CRACK-PATCH	\$3,000.00	\$3,000.00	NO	\$0.00	\$0.00	\$0.00	\$0.00
	SPRAY SEAL	\$594,288.73	\$588,426.63	NO	\$117,242.00	\$0.00	\$5,862.10	\$5,862.10
ROADCARE	SPRAY SEAL	\$586,272.93	\$553,459.28	YES	\$70,000.00	\$29,313.65	\$3,500.00	\$32,813.65
	ASPHALT	\$191,235.00	\$176,723.25	YES	\$99,000.00	\$9,561.75	\$4,950.00	\$14,511.75

WORKS & SERVICES REPORTS

13.3.2 Purchase of Used Grader Tender No C01073

File/Ward	:	C01073 (All Wards)
Proposal/Issue	:	Purchase of Used Grader
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager, Operation (G Steel)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation:		Not to accept any tender, grant permission to find a suitable 12G/12H used grader and investigate economic viability of purchasing a new grader.
Locality Plan	:	N/A

BACKGROUND

1. Tenders were called for a used 12G grader. Two tenders were received, one each from CJD and Westrac.
 - CJD – withdrawn
 - Westrac – Machine in stock which is an ex shire machine of Baulkam NSW. The grader is a 1991 model and is 50 hours under the maximum allowed in the specification. Plant Manager B&B Moore reports that the engine is blowing smoke, the circle requires inspection and the machine has been worked hard. As this machine is only 7 years younger than our trade 1984 model, its condition and age with lower operator morale will incur an estimated after-purchase upgrade of \$52,000 extra. This exceeds the budget by \$7,500.
2. Two outright purchase tenders prove our trade can be sold quickly and competitively.

STATUTORY REQUIREMENTS

3. 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.
4. 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.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

5. A total allocation of \$145,000 changeover has been made in the 2001/2002 Plant Purchases Budget for changeover of the grader.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

Tender Process

7. Requests for tenders were published in the West Australian on 20 October 2001 with closing date for tenders on 14 November 2001.

Tender Evaluation

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

Suitability for task requirements	40%
Compliance with specification	40%
Price	20%

RECOMMENDATION

THAT Council:

- i) **not accept any tender;**
- ii) **grant permission to locate, inspect and negotiate to purchase a suitable 12G or 12H grader within the total allocated budget; and**
- iii) **investigate with Council's finance department as to the economic viability of purchasing of a new grader for a 9 year period in comparison to purchasing a used grader.**

Voting Requirement Simple Majority

WORKS & SERVICES REPORTS

13.4 AIRPORT MANAGEMENT

13.4.1 Australian Airports Association National Convention

File/Ward	:	MAN007 (All Wards)
Proposal/Issue	:	Reimbursement of conference expenses to Councillor Ian West
Subject Land/Locality	:	N/A
Proponent	:	Councillor Ian West
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (B Joynes)
Disclosure of Interest	:	N/A
Previous Reference	:	OCM 16/10/01 Item 13.6.1
Summary Recommendation:		That Council receive Airports & Aviation Convention report, and resolve whether or not to reimburse Councillor West's convention attendance costs.
Locality Plan	:	N/A

BACKGROUND

1. The Australian Airports Association National Convention (Airports & Aviation Outlook 2001) is a premier annual event drawing together major stakeholders of the nation's airports, aviation, airlines and associated industries. Australian airports provide an essential service to our communities and business by maintaining vital links between regional centres, capital cities and international gateways, and are important national assets generating business and employment in a wide range of aviation and non-aviation sectors.
2. Regulatory changes, new airline entrants, airline mergers and major decisions on the future of airport infrastructure make the convention a cost and time effective way of keeping up to date with the changes occurring in the industry, developing effective strategies for the future, and upgrading operational skills, all of which are necessary in our current times of rapid industry change and development.
3. The convention generally runs over 3-5 days and over past few years, representatives from the City of Albany have regularly attended, including Councillor West.
4. At the Ordinary Meeting of Council held on 16th October 2001, Council resolved not to sponsor Councillor West's attendance at the convention from the 11th – 13th November 2001, moving that attendance to the convention be limited to staff representation only.
5. Despite Council's resolution to not pay for Councillor West's attendance and journey to the convention, Councillor West paid the associated costs himself in order to attend. With his considerable involvement and interest in the airport as Chairman of the Albany Airport Advisory Committee, Councillor West believed it was important that he remain up to date and knowledgeable in airport matters, and that he should personally attend to gain the most benefit from the convention.

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

STATUTORY REQUIREMENTS

6. Clause 10 of the Local Government (Administration) Regulations 1996 requires Council to follow a set format when considering revoking or changing decisions made at Council or Committee meetings. In this instance, Council is required to revoke the former decision by absolute majority prior to reconsidering this matter.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Councillor West is requesting reimbursement for the total amount of \$1793.74, itemised as follows:

Australian Airports Association Convention 11-13 Nov 2001	
Conference Registration & Dinner	\$849.00
Qantas E Ticket from Perth to Sydney return	\$655.24
Qantas Travel Insurance	\$21.00
Accommodation	\$214.00
Taxis	\$54.50
Total	\$1793.74

There is a governance allowance for members of Council in the 2001/02 budget specifically for conference expenses.

STRATEGIC IMPLICATIONS

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

- ***Transport Infrastructure Planning***
To plan Albany’s transport infrastructure to meet future needs complementary to the City’s form and sense of place.
- ***Transport Infrastructure/Services Management***
To effectively and efficiently manage the City’s transport infrastructure
 - to provide a high quality service
 - to meet community expectations
 - to minimise whole life costs
 - in alignment with transport plans
- ***Civic Leadership***
To be recognised by the community as leaders.

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

COMMENT/DISCUSSION

10. Councillor West has prepared a report of the convention (attached) highlighting talks and discussions of various issues confronting airports throughout Australia, and his perception of the convention and its outcome.

RECOMMENDATION

THAT Council:

i) receive Councillor West’s report titled “Airports & Aviation Outlook 2001”;

Voting Requirement Simple Majority

ii) by an Absolute Majority agree to reconsider the decision of 16th October 2001, Item 13.6.1, namely:

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

Voting Requirement Absolute Majority

THEN

iii) revoke the resolution of 16th October 2001, Item 13.6.1.

Voting Requirement Absolute Majority

AND

iv) reimburse Councillor West for his attendance at the Australian Airport Association Convention and associated costs from Account 181120 (Members of Council) Governance – Conference Expenses, for the total amount of \$1,793.74.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

Item 13.4.1 continued.

**20TH OFFICIAL NATIONAL CONVENTION
and AAA ANNUAL GENERAL MEETING**

**AIRPORTS & AVIATION
OUTLOOK 2001**

Convention, Industry Exhibition, Annual Dinner and Presentation of the Triple 'A' Awards for Aviation Excellence

**Sydney Hilton
Monday 12 and Tuesday 13 November**

CONVENTION PROGRAM

Introductions, Welcome and Setting the Scene

Cr Peter Byrne LLB,

Chairman, Airports Association

Keynote Address

Australasian Aviation – The Competitive Future

Professor Allan Fels,

Chairman, Australian Competition and Consumer Commission

Discussion and Questions

Greenhouse Gas Effect – Future Impact on Australian Aviation

- What are the real issues?
- Compliance with Bonn 2001 Summit Agreement
- Fuel efficiency – airlines and airports

Dr Colin Grant,

Deputy Chief Executive, Australian Greenhouse Office

Discussion and questions

Morning Tea

Is There a Future for Australian rural and Regional Tourism?

- Expectations of the international markets
- Misconceptions on the value of domestic tourism
- Does rural and regional aviation really have a role in the future?
- Railway infrastructure – future impact

Mr John Morse,

Chairman, Tourism Victoria; and Immediate Past CEO and Managing Director Australian Tourism Commission

Discussions and questions

Thinking Outside the Box – Interesting Initiatives

This session highlights some of the innovative commercial initiatives undertaken by AAA member airports during the past year.

1. Lismore Airports: Councils and Private Enterprise – Mr Craig Kelly

Commercial Director, Lismore City Council and

Mr David Miles,

Chairman, The Ambidji Group

2. Tamworth Airport: An Airport Base for New Aviation Training Initiatives

Mr Michael Dubois, **Manager, Tamworth City Airport**

3. Moorabbin Airport: Location, Location, Location

A Renovators Delight – Breathing New Life into Old Assets – Mr Phil McConnell,

General Manager, Moorabbin Airport

4. Brisbane Airport: Trains, Planes and Automobiles – Brisbane's Trade Coast Visited

Mr Koen Rooijmans, **Managing Director and CEO, Brisbane Airport Corporation**

WORKS & SERVICES REPORTS**Panel Session: Australian Aviation – Safe Skies for All?**

Session Chair: **Mr Tom Ballantyne,**

One of the Asia Pacific Region's pre-eminent aviation writers and last year's winner(2000) of the prestigious Australian Aviation Writer of the Year Award.

Issues to be covered by the panellists:

- Just how safe is Australian airspace?
- The role of the regulator?
- Same standards for all carriers?
- Airspace management and impact on airport operations?
- Is there compromise on safety standards and what does 'regulatory harmonisation' mean to this part of the world?
- Are current safety measures adequate, and if not, why not?

Panel:

Mr Mick Toller, Directors, CASA

Mr Bernie Smith, Chief Executive Officer, Airservices Australia

Mr Trevor Jensen,

Senior Vice President Operations, Ansett

Mr John McArdle,

AAA Deputy Chairman, NAEPC Chairman; and Manager Regulations and Planning, Adelaide Airport

Mr David Forsyth,

Executive GM Aircraft Operations, Qantas

Discussions and Questions

Afternoon Tea

State and Territory Governments – Their Future Role in Australian Aviation

- Do State/Territory Governments really understand the impact of aviation on local infrastructure, business, tourism and communications:
- Intrastate licensing for Regional services
- Regional Impact of Local Government interface with the major gateway airports

Mr Mike Milln,

Senior Adviser, Aviation, SA Department of Transport

Panel Session**The Future for Australian Regional Aviation**

Session Chair:

Mr David Piper, Chairman AAA Victorian Division

Panel:

Captain David Miller,

Managing Director and Chief Pilot, Air Link, Dubbo, NSW

Mr Michael Bridge,

Joint Managing Director, Air North Regional Airlines, Darwin, NT

Mr Chris McArthur,

General Manager, Regional Airlines, Qantas Airways

Discussion and questions(Mr Mike Milln joins panellists)

Close of Day 1

Official Dinner and 2001 Annual AAA Awards for Aviation Excellence**2001 AAA Awards for Aviation Excellence**

1. Australian Rural Airport of the Year
2. Australian Regional Airport of the Year
3. Australian Major Airport of the Year
4. Australian Aviation Personality of the Year

WORKS & SERVICES REPORTS

<p>Keynote Address Next Generation of Aircraft and New Developments – Airbus A380 Mr Charles Champion, Senior Vice President A380 Program, Airbus(Toulouse, France) Discussion and questions</p>
<p>Managing the Likely Future Regulatory Regime</p> <ul style="list-style-type: none"> • What are the expected outcomes from the Productivity Commission Inquiry into Airport Pricing? • The future role of the ACCC? • Likely impact of any new regulatory regime on regional airports? <p>Mr Stephen Skehill Special Counsel, Mallesons Stephen Jaques – Legal advisers to AAA Discussion and questions</p>
<p>First Step: A Safety Management System Second Step: A Crisis Management Plan</p> <ul style="list-style-type: none"> • The importance of an all-embracing SMS • Do we really understand what constitutes a SMS • What outside influences can negate an airport SMS • Through no fault of your own, your SMS plan falls apart – Crisis Management! • Why is a Crisis Management Plan so important for all in the aviation industry? • Contingency planning means working together – why is it so necessary? • Effective management of the media and public communication process
<p>Mr Adrian Savage Managing director Risk Management Consultants @ Australasia Pty Ltd Mr Ross Campbell Managing Director Campbell Crisis Management & Recovery Pty Ltd</p>
<p>Joint Discussion and Questions</p>
<p>The Future Regulatory Role of the Department of Transport and Regional Services in the Australian Aviation Industry</p> <ul style="list-style-type: none"> • New people, new plans, new initiatives <p>Mr Martin Dolan First Assistant Secretary Airports Division, Department of Transport & Regional Services</p>
<p>Aviation Customer Service</p>
<p>The Power of the Word in Life Altering Communication – Unfulfilled Expectations! This interactive session promises to question many of the historic beliefs that Australian aviation delivers excellence in customer communication. Ms Robyn Moore, Corporate Communicator and Diamond Frequent Flyer</p>
<p>SECURITY BRIEFING; Airports – Managing the Unexpected:</p>
<p>How Sydney Airport, as Australia’s major international gateway airport, is implementing improved quarantine inspection procedures and additional security measures as mandated by the Commonwealth Government. Mr Greg Russell, Director Aviation, Sydney Airport Discussion and questions</p>
<p>Future Expectations – A New Aviation Security Regime for Australia Mr Jim Wolfe, Assistant Secretary, Aviation Security, Department of Transport and Regional Services Discussion and questions (with Mr Greg Russell) Chairman’s close of Convention Convention Farewell and Technical Workshop Welcoming Reception</p>

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

File note: Councillor Ian West

The Australian Airports Association conference was held in Sydney between the 11th and 15th November 2001. The business part of the meeting was held on the Sunday and included from that meeting are my notes for inclusion in the Bulletin.

The meeting was divided into three sections:

Conference Minutes

Monday and Tuesday the 12th and 13th November was designated to discussion of various issues confronting airports throughout Australia, whether they be regional or capital city, domestic or international.

The second section as per the agenda.

The third section was designated to the technical know-how in the management of airports. The conference of the 11th and 12th November business part relating to the management of airports I attended. I would like to give some observations that I have made whilst at this conference in addition to the outline of the various issues covered by the conference.

It was very pleasing to note the high attendance from the centres throughout Western Australia amongst these were Kununurra, Derby, Broome, Geraldton, Kalgoorlie, Esperance and Albany Airport. Most centres had up to five people attending including their Manager, CEO of either Works and Services or somebody near to that post, a Council representative and in some cases they employed a consultant.

Derby - Representation was made up of a consultant and a Councillor.

Esperance – 4 representatives including the Manager, CEO, Works Manager and a Councillor, three of these people stayed for five days attending the business section, structural and technological sections of the conference.

The worth of attending will only be borne out by the efficiency of their airport and a better understanding of what airports in Australia are all about. I think I have, although only attending two sections, gained a considerable insight into the future of our airport and other airports associated with us providing a structural plan that will lead to a better service and better usage of our airport.

The question was asked “Does the City of Albany Council really want an efficient and effective airport?”.

In discussion with various conference delegates I came to several conclusions that the rating of our airport in relation to airports throughout Australia, whether bigger or smaller, from larger or smaller communities - Kangaroo Island has a service that provides at least two flights per day, every day in the year and sometimes there is a third and fourth flight.

The total flying population or as we refer to it ‘head tax’ amounted to 146,000 people during the past twelve months. Similarly, I have found that an airport in the centre of the Northern Territory, some 600 kilometres from Darwin, 700 kilometres from Cairns and approximately 25 kilometres from the coast, a mining town of 1700 people with miners living in the town with their families and infrastructure such as a high school, hospital and they are also a service area to a small aboriginal community throughout Darwin.

90,000 people travelled in and out of that airport in last year. Most of the travellers were people similar to the types that come on our aircraft to Albany such as business people, specialists within a medical field, education specialists and so on.

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

Only 10% of our travellers are tourists, likewise to this small community of 1700 people in the Northern Territory. What I would like to acknowledge here is that we are not using our airport to the best advantages of our tourist trade. In King Island, a similar population 1700-2000 people in total with over 90,000 people passing through their airport every year and the biggest percentage of that are people relating to the tourist trade.

You might ask why are people going to Kangaroo Island?, why are people going to King Island? What's the attraction?. Very small and insignificant things in relation to what Albany has to offer.

The main attraction to Kangaroo Island are the two varieties of seals that inhabit part of the island. King Island on the other hand has no real attraction other than its isolation and a place where people can get away from and experience a lifestyle that is completely different from their own.

Our address is for future and regional tourism but there is no doubt about the prospects for the future of tourism to the region, to the bush, to the outback or to the coast usage of our country. By the very nature of our community we are different. We have the optimists and we have the pessimists, those people who are successful and those not so successful, we have the failures, we have an opinion, there is an opposite. We have a very difficult task to register the needs of our airport in relation to tourism.

The pessimists are saying a drop of 10% in their travel will release 8.8 million people from their jobs in the tourist industry throughout the world. Various crises have occurred over the past century – the air pilots strike, economic crisis in South East Asia just to mention a couple. A level head to some degree can effect upon tourism. It would be interesting to see just how many domestic passengers are from out of Australia and travel between Perth and Albany.

There is opportunity for considerably more people to come through the airport in the form of tourists, domestic tourists. The attractions of Albany and its surrounding districts has really not been touched. The opportunities are there, people are on limited time for their holiday and don't want to spend the bigger part of that time endangering their lives by travelling by road, 5 hours or more travel from wherever they may live. They want to be able to get to their destination without the hassle of driving long distance, fully occupied enjoying a different lifestyle, seeing new things, doing new things, drinking good wine, eating good food, they are out for a spendup and we just aren't catering for it.

We are presenting better opportunities by providing better quality motels and hotels, needing more types of accommodation other than caravan parks. We need to focus on these sorts of things, that Albany itself needs to promote – the airport, the means of conveyance from one destination to another has to be the focus.

Our tourism developer in his address indicated that the domestic tourist market was limited and I must agree that this is the case because people wish to go overseas, they tour from here and there to other parts of Europe, Asia, Canada, North America and New Zealand. We have to focus on the tourists from overseas.

Believe it or not since September the tourists travelling to Australia from Japan actually increased by 6% and out of Asia by 20%. How many of these came to Albany?

There are some very important focal points to Albany – the Wind farm and the wreck will attract visitors from far and wide but we must also consider the region. The region is rich in wines which people love and rich in other resources such as your coastal market strip. The coast is outstanding, bright blue waters of the South Coast are renowned for their beauty.

I have used the focus of tourism to address the other issues that were covered in the conference. The conference addressed a wide range of topics of management of airports, utilisation of land, opportunities to increase passenger numbers and using the link of other airports other than the capital cities to gain the maximum benefit from our resources.

Item 13.4.1 continued.

WORKS & SERVICES REPORTS

We think of Albany being very well publicised as far as a resort or place is concerned. But believe it or not it's not so well known.

Questions were presented to me such as –

How far is this from Margaret River?

Do they grow wine over there for sale as they do in Margaret River?

Is the surf as good as Margaret River?

How far are we from Wave Rock?

There is your message.

I would now like to address the other issues that were presented at the conference. Issues that concern us as far as good management of an airport, utilisation of the land and safety with a plan for the crisis.

Crisis Management:

The first thing about a crisis is to recognise the crisis that has occurred and a program or a strategy of management how things are to happen. Just recently we had a crisis, what plan did we have in relation to that crisis?.

On the 12th September something happened, an airline was taken out of the service throughout several places in Australia depending on the aircraft and without our main means of transport were left isolated.

Albany had no service, what did we do about it?, did we have a crisis plan and our crisis committee may be three, four, or whatever, make some preparation to annul the crisis? It is important that we get the right message to all the stakeholders. It is important because someone else will get a message out if we don't, so planning who are the contact people, who gives the message and make sure it gets to all the stakeholders, to the media etc the same message so that there is not confusion, no misunderstandings.

It is important to have the message and how we deal with the crisis likewise, it is important to see that a plan of recovery is made so that after the crisis has been dealt with, certain actions must be taken to see that we have complete recovery. Whether it be this person or property or whatever there must be a plan.

How to treat the recovery:

It has been emphasised also that the committee should meet on a regular basis, practice understanding and make sure that the phone numbers, the contacts are all still current.

Dealing with any crisis will be dealt with in a very orderly fashion. Rehearsal after rehearsal not just once a year or occasionally. Frequently to make sure that we have addressed all the crisis, whether they be a fire, an air crash or something that might relate very closely to the airport, we have to have a plan, a committee who are able and capable led by the person in charge – the crisis leader, and he or she must make sure that they are the only people that deliver the message. The message to the media, the message to the stakeholders and whoever else is needed to be notified, one message.

Here again don't forget the website, people will refer to the website to find out more detail and you have to make sure that the information is correct and in line with all other information passed on.

A crisis plan must be identified for each particular issue that is considered, it must be updated annually at least and the plan of how that practice would successfully handle the particular incident.

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

Airport safety and security

The issues of the past month have led to some reduction in the safety net or security checks relating to regional airports. The reason for this is obviously that greater security, greater numbers of staff are required to be focused on the international and the interstate domestic routes where large numbers of people fly daily. At this present time, any aircraft carrying less than 100 persons are not security checked but this is being reviewed.

The airports association have stressed the need that where an aircraft is flying in to a centre carrying less than 100 passengers the security risk is just as great for that aircraft flying into that same centre, whether it be Perth, Sydney or Melbourne as the aircraft carrying 300 passengers.

Security update is being pressured by the Australian Airports Association to see that security is maintained at least in these centres. The Albany Airport Advisory Committee at our last meeting decided and looked at methods of providing security at Albany Airport. I think we'll pursue this, the last minutes indicate the plan that we have in place. I have discussed this with the people from Esperance, no opportunity prevailed to talk with Kalgoorlie or Geraldton, we will do something in the future.

As you will well understand, the security and quarantine checks are vital. Australia's standards are quite good, so we don't need to go overboard. It's only making sure that those standards are maintained and not taken in a lax format.

Other issues concerning aircraft, the security for the flight deck etc, will be dealt with over time. How the aircraft owners will pursue this will depend on cost, and in the cost other things, the security is essential, and we the travellers are going to pay for that security.

I would like to take extracts from two regional airports within Australia, one from Moorabbin, which explores the usage of the land surrounding the airport, and secondly from Lismore, where the program associates with a Management Plan, which could well be the answer to our particular futuristic plans.

Moorabbin Airport is breathing new life into old ground. It was established in 1949 as an auxiliary airport to the City of Melbourne. The futuristic plan set out by its manager, Phil Nichol, points out how they brought an old airport into progressive and worthwhile, cost effective business. Moorabbin Airport houses 15 flying schools, with 250,000 air movements per year. 800 people are employed and it has hangar space for 350 aircraft. The 800 people are employed directly in the management, flying schools, servicing and those industries that relate to the training schools in the majority of cases.

The utilisation of the land in the first instance has brought about one development leading to another. The development of training schools led to restaurant, service stations, held disposal centres. The key was planning and ensuring that people who are friendly to airports are in close proximity to it, not those people that are likely to cause hostility whether it be through traffic noise, aircraft movements, etc.

I would like to bring to notice what the situation is at Lismore Airport. Some of the issues that have developed from Lismore might be useful for us in future. The presentation was made by Craig Kelly on Lismore Airport.

There are many similarities between Albany and Lismore Airports. They built a new terminal, extended their runways, encouraged better air service and provided opportunities for people with small aircraft to hangar space. They followed this up in the year 2000 by taking on a joint venture with a development/consultancy which directly manage the day to day running of the airport. I would like to look at this proposal in greater detail in a separate item, which I would present to Council and the advisory group at a date to be set by all parties.

Finally, let me get back to my original question. Does the City of Albany Council really want to run an airport?

WORKS & SERVICES REPORTS

Item 13.4.1 continued.

I believe that the program that has been set down by Lismore is something that might be well worth considering, taking away the important task of managing an airport to people who know something about it and are able to make good day to day decisions, putting in place things that will enhance our airport. We wouldn't be signing over completely, we'd be signing over the day to day management. The advisory group would be looking at a futuristic plan and reporting to Council on those plans in conjunction with the management group.

There were lots of issues that concerned taking on a management group and I do believe that further information from Lismore and other airports on the eastern seaboard who are involved in the same exercise, would be worthwhile, to see how they're going because it's a futuristic plan. We, the Council and Council officers, are not experienced in overall management, we need a good management and it will cost us whichever way it might go, but it's costing us money, we are losing lots of money.

Conclusion

In summing up, the issue of safety is the responsibility of every terminal to see that the standards set are adhered to by owners of airfreight and airports alike. Security is a hot topic which AAA will pursue. A plan for crisis and recovery must be in place. Airport owners and local authority should ensure that only friendly development be permitted.

WORKS & SERVICES REPORTS

13.5 RESERVES PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.6 WORKS AND SERVICES COMMITTEES

13.6.1 The Mt Martin Regional Botanic Park Committee Minutes of 21st November 2001

- File/Ward** : MAN072 (Kalgan Ward)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Executive Director Works and Services (B Joynes)
- Summary Recommendation** : That the minutes of the Mt Martin Regional Botanic Park Committee held on 21st November 2001 be adopted.

Confirmation of the minutes of the Mt Martin Regional Botanic Park Committee of 21st November 2001

RECOMMENDATION

THAT the minutes of the Mt Martin Botanic Park Committee held on the 21st November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

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General Management Services

REPORTS

- R E P O R T S -

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 The Maritime Recreational Advisory Committee Minutes of 5th November 2001

- File/Ward** : MAN128 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the minutes of the Maritime Recreational Advisory Committee meeting held on 5th November 2001 be adopted.

Confirmation of the minutes of the Maritime Recreational Advisory Committee of 5th November 2001

Recommendation

THAT the minutes of the Maritime Recreational Advisory Committee held on the 5th November 2001 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

Voting Requirement Simple Majority

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