



MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 18th May 2004
7.30pm
Mercer Road Council Chambers**

City of Albany

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Signed _____

Date: 19th May 2004

Andrew Hammond
Chief Executive Officer

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1.0 DECLARATION OF OPENING

Her Worship the Mayor declared the meeting open at 7.32pm and extended a welcome to all present.

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

Mayor	-	A Goode, JP
Councillors	-	MJ Evans, JP
	-	SM Bojcun
	-	AHM Demarteau
	-	DJ Wolfe
	-	DW Wellington
	-	JD Williams
	-	RH Emery
	-	J Waterman
	-	P Lionetti
	-	E Barton
	-	R Paver
	-	J Jamieson
	-	G Sankey
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	B Joynes
Executive Director Development Services	-	R Fenn
Minute Secretary	-	SM Day
Approximately 8 members of the public		
2 media representatives		

Apologies / Leave of Absence:

Nil.

3.0 OPENING PRAYER

Mayor Goode read the opening prayer

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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.

***C Butcher – Youngs Siding**

Mr Butcher addressed Council in regard to Item 18.3 and asked that Council consider Torbay Hill as the preferred site for the mobile phone tower. This would be welcomed by residents and would be of great benefit, especially in an emergency situation as no current mobile service is available.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 20th April 2004; as previously distributed be confirmed as a true and accurate record of proceedings subject to the following amendment:-

Item 11.3.8 Final Approval on Scheme Amendment - Pt Lot 376 La Perouse Road, Goode Beach

The minutes including the amended "Schedule of Submissions" (copy included in the Elected Members Report / Information Bulletin) which formed part of the amended resolution, but was omitted from the minutes.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR JAMIESON**

THAT the following minutes:

- Ordinary Council meeting held on 20th April 2004; as previously distributed be confirmed as a true and accurate record of proceedings subject to the following amendment:-

Item 11.3.8 Final Approval on Scheme Amendment - Pt Lot 376 La Perouse Road, Goode Beach

The minutes including the amended "Schedule of Submissions" (copy included in the Elected Members Report / Information Bulletin) which formed part of the amended resolution, but was omitted from the minutes.

MOTION CARRIED 15-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Demarteau requested leave of absence from the June 2004 Ordinary Meeting of Council.

Councillor Lionetti requested leave of absence from the June and July 2004 Ordinary Meetings of Council.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT Councillors Demarteau and Lionetti be granted leave of absence.

MOTION CARRIED 15-0

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

The Chief Executive Officer advised Council that the submitted declaration of interest relate to the late items presented. Council would have to move to discuss these items.

- Councillor Lionetti – Items 18.1 & 18.2
- Councillor Wellington – Item 18.1
- Councillor Barton – Items 18.1 & 18.2

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

Development Services

REPORTS

DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

Nil

11.2 INSPECTION SERVICES

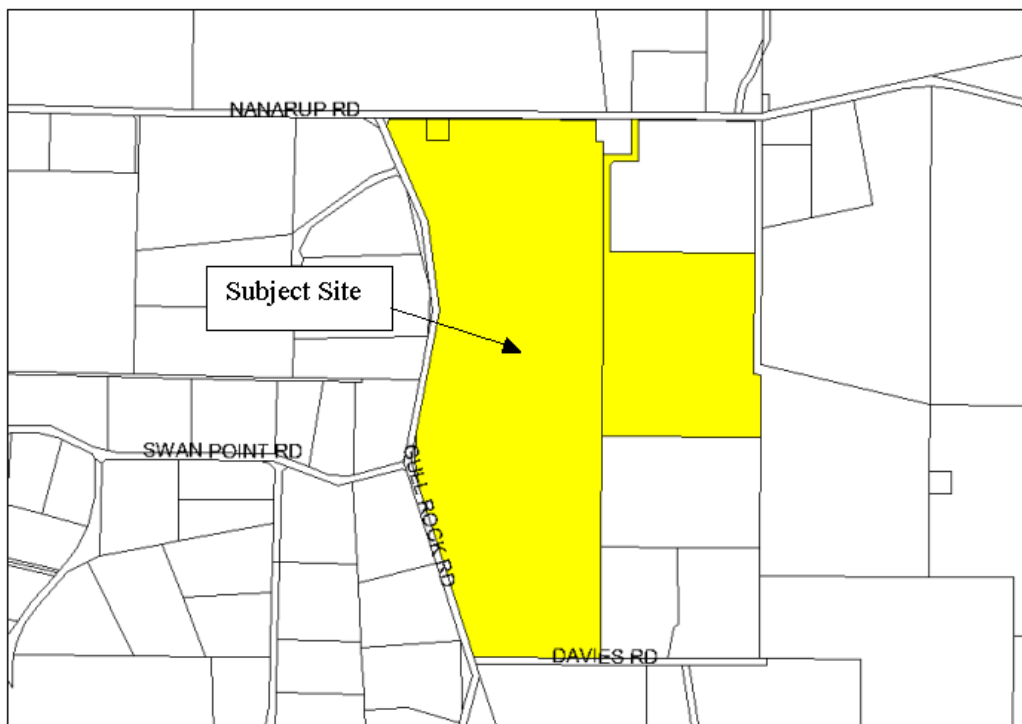
Nil

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Policy – Request to Introduce - Local Planning Policy, Special Rural Area No 9

File/Ward	: STR 127 (Kalgan Ward)
Proposal/Issue	: Advertise draft Local Planning Policy to guide future Subdivision and Development
Subject Land/Locality	: Lots 11, 300 and 1301 Nanarup/Gull Rock Road, Kalgan
Proponent	: Ayton, Taylor Burrell
Owner	: Erujin Pty Ltd & Melrob Pty Ltd
Reporting Officer(s)	: Manager Development (M Selby)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Initiate advertising on Local Planning Policy
Bulletin Attachment	: Original Subdivision Guide Plan Proposed modified Subdivision Guide Plan Identified differences Draft Local Planning Policy
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. In 1996 the subject land was rezoned from “Rural” to “Special Rural” and appropriate provisions were introduced into Town Planning Scheme No 3.
2. The proponent, on behalf of the landowner, has previously applied to the Western Australian Planning Commission for subdivision approval for stage one of the development. The Western Australian Planning Commission, after consultation with Council, approved stage one of the development, which changed the lot configuration slightly and also increased the lot density for the site overall. This approval has now lapsed.
3. It should be noted that the Western Australian Planning Commission has the ability to approve variations to the Subdivision Guide Plan, as they are not “fettered” by Council’s adopted Town Planning Scheme. The power is confirmed to them under the Town Planning and Development Act.
4. Council last year provided a response to the Western Australian Planning Commission on stage two of the subdivision (balance of site). Advising that the variation to the original Subdivision Guide Plan sought by the proponent, was not supported by Council: The variation requested was not consistent with the adopted Subdivision Guide Plan for the site. The Western Australian Planning Commission also agreed with this rationale and refused to grant approval to the application.
5. Discussions have been held with the proponent as to how to progress the subdivision, given the impasse between Council, the Western Australian Planning Commission and the landowner. At the meeting it was suggested that a Local Planning Policy be prepared to allow, where appropriate, Council the ability to support any further subdivision application.

STATUTORY REQUIREMENTS

6. Town Planning Scheme No 3 (hereby referred to as the “Scheme”), allows Council the power to make policies (clause 6.9). This draft policy is submitted so that it can be adopted as an operational Local Planning Policy, and be adopted in accordance with clause 1.1 of Schedule One of the Scheme.
7. Development controls for the subject site is specified in Schedule One – Special Rural Zones (Area 9) within the Scheme.
8. It should be noted that the minimum lot size specified in the Scheme is 1.0 hectare. The proposed Subdivision Guide Plan conforms with this requirement.

POLICY IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

12. In principle, the revamping of the Subdivision Guide Plan is supported by staff. The following comments provide a statement of what the differences are, and what modifications are required, prior to advertising of a draft Local Planning Policy.

Differences

- i) 9 additional lots created – Area “A”, “C” and “E” 1 lot each, Areas “B”, “D” and “F” 2 lots each (see Plan following this report).
- Result/Comment – The result is that the individual lot sizes have decreased the overall lot average, from approximately 1.30ha to 1.14ha. The net result is also the reduction in road frontages to some lots. Frontages of some lots have dropped below 60 metres. When this occurs, lots become long and narrow (as in the eastern section) and little opportunity for horizontal separation from neighbours results. At some point within the building envelope the width should be a minimum of 60 metres (frontage of three blocks in a suburban setting)
 - Some of the areas of the site (eastern area and south eastern corner) have physical constraints, which do not allow the staggering of building envelopes towards the rear of the block.
 - The majority of the additional blocks are located in the lower areas of the site and with the more visible lots, these additional dwellings and outbuildings over time will fade into the landscape with the requirement to re-vegetate the area.
- ii) The proponent has provided a connection with the land to the east of the southern portion of the site (servicing lot 1879), to allow legal road access to a land locked block. No objections to this portion.
- iii) The POS area has been increased in size and allows 10m from the top of the bank for conservation purposes. No objection to this modification as it is an improvement to the original subdivision guide plan.
- iv) Access is being sought from Gull Rock Road for proposed lots 1 and 52.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

Required Modifications Prior To Advertising

- i) The alignment of the battle-axe leg servicing lot 34 should be changed so that both lots 33 and 34 can enjoy views and access to the POS area to the south. Battle-axe leg to be moved to the common boundary between lots 32 and 34.
- ii) Provision of a battle-axe leg to service lots 1 & 52. Adequate site lines do not exist to allow for access onto Gull Rock Road. No significant constraint exists in the area to permit this change in philosophy from the original Subdivision Guide Plan.
- iii) Identification of Development Exclusion Areas (via a suitable method) on the legend and plan.
- iv) Building Envelopes to have a setback distance as defined by clause 5.1 of Schedule One of the Scheme. Building envelopes on the plan are not consistent with the requirements of the Scheme.
- v) The building envelopes for lots 27 to 32 to have a maximum depth from the internal subdivision road of 120 metres.
- vi) Removal of the annotation “Access to adjoining lot 1879 to be constructed by developer of lot 1879”. The developer shall construct the road shown on the Subdivision Guide Plan. If the owner of lot 1879 is successful in obtaining rezoning, the Town Planning and Development Act allows the developer of the subject land to recoup costs within 7 years for the road works undertaken. This is therefore a matter between the two landowners.
- vii) Identification of a dual use path linking the community centre to the internal subdivision road adjacent to lot 51.
- viii) Removal of the joint crossovers from the legend and lots 1 and 52.
- ix) Annotations to be placed on the Subdivision Guide Plan addressing Schedule One of the Scheme and in particular:
 - a. Clause 1.4
 - b. Clause 7.2
 - c. Clause 7.5
 - d. Clause 7.7
 - e. Clause 10.7

RECOMMENDATION

THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme No. 3 resolves to advertise the draft ‘City of Albany – Local Planning Policy – Special Rural Area No 9 Kalgan’ as a Town Planning Scheme policy and advertise as such in accordance with the Scheme, after the required modifications identified in paragraph 12 above have been carried out.

Voting Requirement Simple Majority

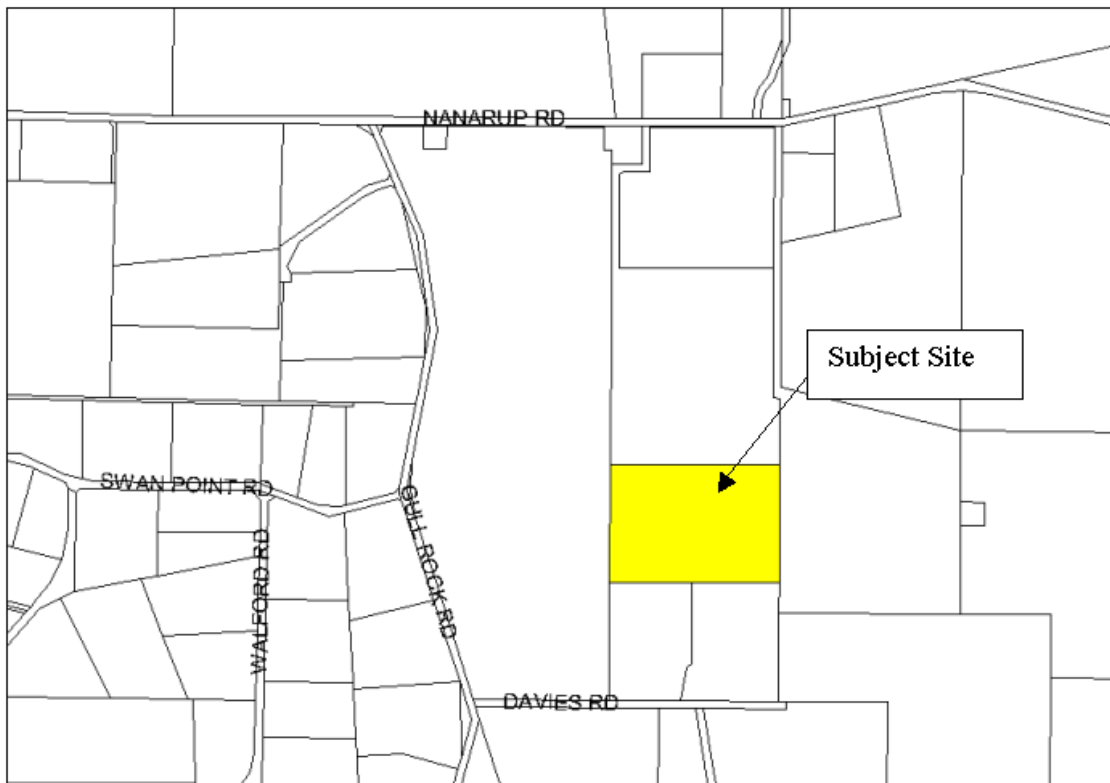
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The Executive Director Development Services advised that the applicant had requested that this item be withdrawn.

DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Amendment Request – Pt Lot 1879 Davies Road, Kalgan

File/Ward	:	A5766A (Kalgan Ward)
Proposal/Issue	:	Preliminary request to rezone Pt Lot 1879 Davies Road, Kalgan from ‘Rural’ to ‘Special Rural’
Subject Land/Locality	:	Pt Lot 1879 Davies Road, Kalgan
Proponent	:	Ayton Taylor Burrell
Owners	:	M & B O’Dea
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the request.
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Pt Lot 1879 Davies Road, Kalgan from 'Rural' to 'Special Rural'.
2. The application seeks to facilitate the creation of rural residential lots. No design has been prepared as it is proposed to design the site with reference to a detailed site analysis. The land subject to this request has an area of 14.164 hectares.
3. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996);
7. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
8. The subject site is located within Oyster Harbour 14 Precinct of the City's Local Rural Strategy. The policy statement for this precinct states that Council may support proposals for "Rural Residential" development subject to compliance with relevant general policies, the land being revegetated and the proponents being able to demonstrate that the constraints and management needs of the land can be overcome/met. The policy statement also identifies that specific consideration needs to be given to the effect of any proposal on the visual amenity of the area.
9. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

12. A copy of the proposal was referred to the Western Australian Planning Commission and the Department of Environment. The major issues and concerns that were identified include:

- Protection of the creek on the south west portion of the lot is required;
- Appropriate setbacks for development from waterways, low lying land and flood prone land is required;
- A stormwater management plan is required;
- Revegetation may be required to protect erosion prone areas caused by an earlier fire as well as to provide a visual screen;
- Detailed land capability assessment is required;
- Any amendment proposal should specifically address the requirements of Clause 5.9 - Landscape contained in the WAPC's Statement of Planning Policy No. 2;
- The proposed zone is consistent with the recommendations of the City's Local Rural Strategy; and
- Fire management has been raised as an issue. A fire management plan is required which links into the strategic firebreak network in the adjacent Special Rural zone.

13. Other issues of concern relate to the steepness of the land and will require careful design of roads and drainage to ensure there is minimal impact on the environment.

14. The proposed development will be reliant on the adjoining development for infrastructure connections.

15. A subdivision guide plan is required to show how development on this site will be integrated with surrounding development.

16. The applicant has identified that, should this SAR be supported, the following issues will need to be addressed:

- the preparation of a detailed land capability assessment to identify house sites and potential constraints associated with housing and road construction, effluent disposal and other environmental considerations;
- protection of the creek and designation of appropriate development setbacks;
- protection of remnant vegetation and revegetation of sensitive areas;

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- visual impact assessment and possible incorporation of portion of the more exposed area of the property within a special design area;
- control/management of the land uses to ensure there is no nutrient export into the waterways;
- provision for access to a gazetted road(s); and
- preparation of a Bush Fire Management Plan.

17. Subject to the applicant addressing the issues mentioned above to the satisfaction of Council, the preliminary request to rezone the land is supported.

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Lot 1879 Davies Road, Kalgan from 'Rural' to 'Special Rural' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed land capability assessment;
- ii) protection of the creekline;
- iii) protection of remnant vegetation;
- iv) preparation of a Subdivision Guide Plan;
- v) preparation of a Fire Management Plan;
- vi) preparation of a Revegetation Plan;
- vii) servicing details and arrangements; and
- viii) visual amenity.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR JAMIESON**

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Lot 1879 Davies Road, Kalgan from 'Rural' to 'Special Rural' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed land capability assessment;**
- ii) protection of the creekline;**
- iii) protection of remnant vegetation;**
- iv) preparation of a Subdivision Guide Plan;**
- v) preparation of a Fire Management Plan;**
- vi) preparation of a Revegetation Plan;**
- vii) servicing details and arrangements; and**
- viii) visual amenity.**

MOTION CARRIED 13-2

DEVELOPMENT SERVICES REPORTS

11.3.3 Retail Development Strategy Consultancy Services

File/Ward	: STR 156 (All Wards)
Proposal/Issue	: Appointment of Consultant
Subject Land/Locality	: Albany CBD and Surround
Proponent	: City of Albany
Owner	: Various
Reporting Officer(s)	: Strategic Planning Officer (P Shephard)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 16/12/2003 - Item 11.3.2
Summary Recommendation	: That Council accept quotation to prepare Retail Development Strategy
Bulletin Attachment	: Consultant's Brief
Locality Plan	: Nil.

BACKGROUND

1. Councillors in late-November 2003 undertook an intensive workshop session with Planning Consultants Bill Burrell (Taylor Burrell Barnett), Mike Cullen (Patrick Partners) and Tony Shrapnel (Shrapnel Urban Planning) to discuss the existing Commercial Strategy and existing/proposed commercial/retail developments within Albany.
2. One of the outcomes from the workshop, determined at the December 2003 meeting, was the decision that Council undertake a review of the existing Commercial Strategy. Council requested that staff undertake the necessary actions to facilitate the review as a matter of urgency.
3. Staff have now:
 - gained approval from the WA Planning Commission for the review to be undertaken (the endorsement of the Commission is required for commercial strategies).
 - completed a consultant's brief in cooperation with the Department for Planning and Infrastructure. (copy of brief included in Elected Members Report / Information Bulletin)
 - sought and received advice on those consultants (located within Western Australia) that have the known specialist skills and capacity to complete the preparation of a Commercial Strategy for the City.
 - undertaken a targeted and selective quotation process with the three (3) recommended consultants.
 - evaluated the quotations submitted by the recommend consultants.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

STATUTORY REQUIREMENTS

4. Due to the amount of the project being less than \$50,000, the project is exempt from the tendering process of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The project has been allocated \$45,000 from within the 2003/2004 budget.
7. Details of the tender bids, including cost and their final overall scores, will be provided at the meeting.

STRATEGIC IMPLICATIONS

8. The project will assist in achieving the Albany 2020 Port of Call “Managed Healthy Land/Harbour Environment” by implementing the objective:

“to take an integrated and strategic approach to land use planning”.
9. The project will review the existing Commercial Strategy (completed in 2000) and provide direct input into the revised Albany Local Planning Strategy and new Community Planning Scheme.

COMMENT/DISCUSSION

10. The quotations from the selected consultants were to be submitted by the close of business on the 23 April 2004.
11. The consultant brief documents included details on the evaluation criteria to be used to score the quotations using a weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tenderer. The criteria and weighting are:

CRITERIA	WEIGHT %
Understanding of the Project Brief and Outcomes	25
Technical Capability of the Consultant	25
Method and Approach to Project	10
Experience in Projects of a Similar Nature	20
Value for Money	20
TOTAL	100%

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

12. Following the closure of the submission period, the Executive Director Development Services, Manager Development Services, Strategic Planning Officer and Albany DPI Staff carried out an evaluation of the submissions for the consultancy service.
13. The consultancy is required to be completed by the end of October 2004, unless extended by agreement between the Consultant/City.
14. The recommendation that follows this report is silent on the consultancy firm at this stage. Staff will provide Council with a written report on the outcomes of the tender evaluation process prior to the meeting, to allow a decision to be taken at the meeting.

RECOMMENDATION

THAT Council award the “Retail Development Strategy” Consultancy Services to _____ for a consultancy fee of \$_____ (including GST).

Voting Requirement Simple Majority

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ADDITIONAL INFORMATION – Item 11.3.3

FINANCIAL IMPLICATIONS

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

CONSULTANCY	COST	EVALUATION SCORE
Planwest	\$40,000	80
Hames Sharley	\$45,000	65
Shrapnel Urban Planning	\$45,000	81

COMMENT/DISCUSSION

2. In evaluating the submissions, it was concluded that the submissions from Planwest and Shrapnel Urban Planning best met the requirements of the City’s brief for the project. Within the brief there was the capacity for different methodologies to be applied and these were reflected in the submissions received. The brief does not stipulate that computer modelling is a requirement [see part 2. i) of the brief] it does however; require a review of the previous modelling.
3. The submissions were very different in their approach to the project as outlined below:

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued.

Planwest Submission

4. This consultancy will utilise sophisticated computer modelling of land use/floor space and demographic data to determine the future strategy for the City. As with all computer modelling, the quality of the outputs is directly related to the quality of the inputs. In this case, the modelling methods and outputs would be compatible with similar approaches for commercial strategies in the metropolitan area and other regional centres and is acceptable to the WA Planning Commission, who are required to endorse the final strategy. The consultant partner responsible for the modelling is widely regarded as an expert in this area and he will be using a ten item land use classification approach to determining retail needs in lieu of the current model which uses two (food and non-food).

Shrapnel Urban Planning

5. This consultancy does not propose to rely on computer modelling to formulate the strategy. The consultant will “update” the existing commercial floorspace data available for the WA Planning Commission by inputting commercial developments, which have been commenced since the last PLUS survey (June 2003) and incorporate demographic analysis. The currency of the WA Planning Commission data and the on-ground commercial developments within Albany since the last survey is considered by this consultant as being adequate to avoid detailed modelling. The submission concentrates on the land use conflicts associated with retail development in regional centres, which is a particular strength of the consultant.

General

6. The WA Planning Commission is required to endorse the final strategy and will be heavily involved during its preparation. It is clear that the consultant will be required to ensure that the Commission is satisfied that certain data (eg. population forecasts) and any analysis undertaken is supported by relevant and acceptable methodology. The Commission support the use of PLUC/PLUS data, as this would enable easy comparison with metropolitan and other country centres that have also used this approach.

CONCLUSION

7. The two highest ranked consultancies met the requirements of the brief and their work was reference checked by staff. Based upon the written submissions, staff were concerned that Planwest may produce yet another detailed retail model with finer grained analysis of what should theoretically occur on the ground. The submission gave staff the impression that individual applications for specialty stores, automotive shops etc would need to be further modelled as part of approval processes. The submission from Shrapnel Planning on the other hand, appears to be putting a lot of effort into resolving land use allocations/conflicts (based upon the firm’s experience elsewhere in WA) and some reservations remain over the extent of background modelling/analysis that will be supplied to support the underlying assumptions.
8. Both consultancies have been given the opportunity to provide supporting comments on these areas of concern.

DEVELOPMENT SERVICES REPORTS

9. Both consultancies are using expert retail analyst and a town planner to deliver the end product. Planwest appear to be delivering an outcome, which is model based and Shrapnel appears to suggest a land use outcome is more appropriate.
10. An officer of the Department for Planning and Infrastructure has stated, “sophisticated computer modelling is not essential to examine the performance of the current strategy (ie compare current floorspace and trends with the size and function specified in the strategy). If the strategy is generally on target for most centres it should be possible to deal with changed circumstances and develop a different strategy without a complete modelling exercise.”

AMENDED RECOMMENDATION

THAT Council award the “Retail Development Strategy” Consultancy Services to Shrapnel Urban Planning for a consultancy fee of \$45,000 (including GST).

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WOLFE**

THAT Council award the “Retail Development Strategy” Consultancy Services to Shrapnel Urban Planning for a consultancy fee of \$45,000 (including GST).

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

DEVELOPMENT SERVICES REPORTS

11.4 DEVELOPMENT SERVICE COMMITTEES

11.4.1 Mt Martin Regional Botanic Park Advisory Committee Minutes – 7th April 2004

- File/Ward** : MAN 089 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Executive Director Development Services
(R Fenn)
- Summary Recommendation** : That the Minutes of the Mt Martin Regional Botanic Park Advisory Committee be adopted.

RECOMMENDATION

THAT the minutes of the Mt Martin Regional Botanic Park Advisory Committee held on 7th April 2004 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of the Mt Martin Regional Botanic Park Advisory Committee held on 7th April 2004 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

MOTION CARRIED 15-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	:	FIN 022 (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
Bulletin Attachment	:	Summary of Accounts
Locality Plan	:	N/A

COMMENT/DISCUSSION

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

Municipal Fund			
Cheques		totalling	327,281.79
Electronic Fund Transfer		totalling	1,482,248.15
Payroll		totalling	678,416.41
TOTAL			<u>\$2,487,946.35</u>

2. As at 3rd May 2004, the total outstanding creditors, stands at \$458,899.34.

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Item 12.1.1 continued.

RECOMMENDATION

THAT the following City of Albany accounts be passed for payment: -
Municipal Fund totalling \$2,487,946.35
Total \$2,487,946.35

Voting Requirement Simple Majority

.....

MOVED COUNCILLOR WILLIAMS			
SECONDED COUNCILLOR DEMARTEAU			
THAT the following City of Albany accounts be passed for payment: -			
Municipal Fund	totalling	\$2,487,946.35	
Total		<u>\$2,487,946.35</u>	
MOTION CARRIED 15-0			

12.1.2 Third Quarter 2003/2004 Budget Review

File/Ward	:	FIN 047 (All Wards)
Proposal/Issue	:	Council requested to adopt the 3rd Quarter Review
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (D Evers)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the 3rd Quarter Review
Bulletin Attachment	:	List of proposed adjustments and year to date results.
Locality Plan	:	N/A

BACKGROUND

1. Council officers have reviewed the quarterly operating results for their areas together with determinations by Council for the first nine months of the 2003/2004 financial year.
2. Variances in the anticipated full year results have been identified.

STATUTORY REQUIREMENTS

3. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed and contain the prescribed information. Clause 35 (d) of the Local Government (Financial Management) Regulations 1996 states: "A quarterly report is to be in a form, which identifies any significant variations between the year-to-date income and expenditure totals and identifies areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year". Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

POLICY IMPLICATIONS

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

Item 12.1.2 continued.

FINANCIAL IMPLICATIONS

5. Council has adopted a balanced budget for 2003/2004. Any surplus for the financial year can be used to fund the following year's budget with the balance to be reviewed by Council and transferred to reserves for specified purposes. An end of year deficit would require funding from the following year's budget.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. The quarterly review conducted by officers in April 2004 identified savings, deferred projects and additional costs, resulting in a projected net deficit of \$115,000 for the year. This included the allowance of an additional cost of \$ 255,000 for the new Administration Building which was included in the March item adopted by Council. Officers' estimates of final costs/ revenues for a year tend to be conservative. Despite the projected deficit, experience has indicated that the most likely final result will be a small surplus. A comprehensive list of the proposed reallocations by responsibility is contained in the Elected Members' Report / Information Bulletin.
8. The following is information on significant proposed adjustments:
 - i) Interest on Investments and Reserves Interest are likely to provide additional income of \$ 65,000 and \$ 130,000 respectively. The reserves interest will be allocated to individual reserve accounts.
 - ii) The Wellstead Resource Centre cost has exceeded budget by \$ 24,000 because of Western Power headworks costs. It is projected that \$ 20,000 of this will be recovered through additional grant funds and the sale of a community shed..
 - iii) Planning income exceeded budget by \$55,000 due to increased activity in the City.
 - iv) Waste and Sanitation / litter budgets have been adjusted to reflect the new contracts previously agreed by Council. There is no bottom line impact on '03/04 results.
 - v) Roads to Recovery funding for future years was paid in advance. A total of \$ 928,974 will be transferred to reserves.
 - vi) The Emu Point Coastal works will not be completed in '03/04. It is proposed to carry over the unexpended balance of \$ 174.000 by a transfer to reserves.

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Item 12.1.2 continued.

RECOMMENDATION

THAT Council adopt the 3rd Quarter Review

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR JAMIESON**

THAT Council adopt the 3rd Quarter Review

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

12.1.3 Principal Activities Plan

File/Ward	:	STR 014 (All Wards)
Proposal/Issue	:	Council requested to approve advertising the Draft Principal Activities Plan.
Subject land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager - Finance (S Goodman)
Disclosure of interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council agree to advertise the availability of the Draft Principal Activities Plan for public comment
Bulletin Attachment	:	Draft Principal Activities Plan
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany Principal Activities Plan, is an annual overview of the significant programmes and activities proposed by the Council over the next four years. The objectives are:
 - to provide the community with information related to the proposed principal activities.
 - to offer the community the opportunity to lodge submissions in relation to those proposals for consideration by the Council.

STATUTORY REQUIREMENTS

2. Section 5.56 of the Local Government Act (1995) requires that Council prepare a plan of principal activities each year, and make that plan available for public discussion over a period of at least six weeks. Submissions relating to the Plan must be considered before the City's annual budget is approved. Council must report any significant variances from the 2004/05 Plan in its 2004/05 Annual Report.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

- 5. The Principal Activities Plan is not formally linked to the strategic plan although many in Local Government believe that it should be replaced by the strategic plan.

COMMENT/DISCUSSION

- 6. It is important to note that Council is not bound by the contents of the Draft Principal Activities Plan (included in the Elected Member Report and Information Bulletin), particularly as it relates to 2004/2005. The final decision on the Operating Budget, and content of the Adopted Principal Activities Plan will be made by Council in its public deliberations, after considering any public submissions.
- 7. Council is requested to provide authorisation for the release of the Draft Principal Activities Plan for public consideration.

RECOMMENDATION

THAT Council approve the public advertising of the Draft Principal Activities Plan and invite written submissions in relation to the planned principal activities.

Voting Requirement Simple Majority

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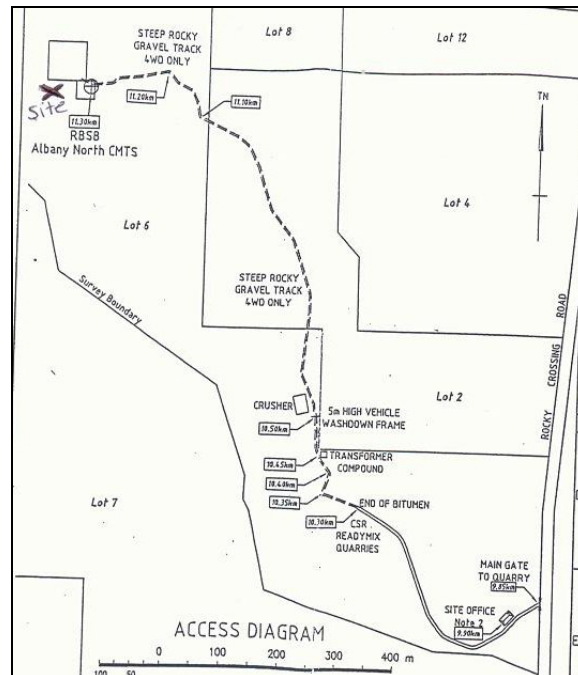
<p>MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR WELLINGTON</p> <p>THAT Council approve the public advertising of the Draft Principal Activities Plan and invite written submissions in relation to the planned principal activities.</p> <p style="text-align: right;">MOTION CARRIED 15-0</p>
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12.2 ADMINISTRATION

12.2.1 Proposed Telstra Lease – Reserve 43591

- File/Ward** : PRO 307 (Kalgan Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Willyung Hill, Reserve 43591, Plantagenet Location 7727
- Proponent** : Telstra Corporation Limited
- Owner** : Crown Land (Managed by the City of Albany)
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : N/A
- Previous Reference** : OCM 16/04/02 Item 12.2.2
 OCM 19.08.03 Item 12.2.1
- Summary Recommendation** : To approve a new lease for Telstra Corporation Limited for a term of 9 years and 11 months.
- Bulletin Attachment** : Nil

Locality Plan



Item 12.2.1 continued.

BACKGROUND

1. Council has previously agreed to a lease for United KFPW Pty Ltd on behalf of Telstra Corporation Limited for a portion of Crown Reserve 43591, located on Willyung Hill. The purpose for the lease is to install a replacement tower that will also result in a higher level of service to both the GSM and CDMA mobile phone networks, and at the same time upgrade Council operational and emergency radio facilities.
2. The current Management Order for Reserve 43591 is for the purpose of a “Navigational Aid Site and Telecommunications” with power to lease.

STATUTORY REQUIREMENTS

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
5. Should submissions be received, 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 a lease is made.
6. Advertising has already occurred and there were no submission received.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. All costs relating to the proposed lease and costs for the new tower will be borne by Telstra Corporation Limited.

STRATEGIC IMPLICATIONS

9. In the City of Albany’s 2020 – Charting our Course, the following Port of Call is identified:
Port of Call:
Managed Healthy land/harbour environment
Objective:
Reserve Management – to manage reserves for environmentally sustainable use, community enjoyment and benefit.

Item 12.2.1 continued.

COMMENT/DISCUSSION

10. The land in question is a portion of Reserve 43591, being Plantagenet Location 7727 and has a Management Order to the City of Albany for the purpose of Navigational Aid Site and Telecommunications. Council currently utilises this site for bushfire brigade communication purposes and to display navigational lights for the airport.
11. The Management Order for Reserve 43591 has been amended to allow the City of Albany power to lease for periods up to and including 21 years, for the purpose of “Navigational Aid Site and Telecommunications”. United KFPW Pty Ltd on behalf of Telstra Corporation Limited applied for a lease with the City of Albany to construct a new tower and storage hut for their mobile telephone network and service base station currently located on Willyung Hill. This tower will then be available for the upgrading of Council’s works and bushfire communication network and will result in a higher level of service to both the GSM and CDMA mobile phone networks for Telstra. All costs involved with upgrading the tower will be borne by Telstra Corporation Limited and be at no cost to the City of Albany.

RECOMMENDATION

THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agrees:

- i) to a new lease with Telstra Corporation Limited for a period of 9 years and 11 months from 1 June 2004 until 30 April 2014 for a portion of Reserve 43591 Plantagenet Location 7727;
- ii) to the rental being charged for the equipment hut only and being set at \$1,500.00 per annum, subject to GST and will be reviewed annually with rent reviews being based on a 3% per annum increase or in accordance with movements in CPI, (whichever is the greater);
- iii) that Telstra not be charged for the separate use of the tower given that they will build the tower at their own expense and revert ownership to the City of Albany after construction;
- iv) that the lease agreement be prepared by the Australian Government Solicitor on behalf of Telstra Corporation Limited and checked by Council’s solicitors to ensure that our interest is protected;
- v) that Telstra construct the tower at their own cost;
- vi) that ownership of the tower will be transferred to the City of Albany at no cost following the construction;
- vii) that Telstra be advised and consulted when other users (other than those already on the existing City of Albany tower) apply to use the new tower;

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- viii) that if the current users or new users wish to add additional antennas or other equipment to the new tower then the City of Albany may require a structural assessment of the tower to verify the tower’s capacity to support additional equipment, with all costs being borne by the applicants;
- ix) that Telstra guarantee the soundness of the structure, confirming that the tower will be in good order for at least 10 years;
- x) If other telecommunication carriers apply to use the site then Telstra will be entitled to recover a proportion of the construction costs. The formula for Telstra recovering the construction costs from the other telecommunication carriers is to be as follows:
 - The first additional carrier shall reimburse Telstra half of the construction costs. The second additional carrier shall reimburse Telstra and the first additional carrier one third of the construction costs (half of one third to each) so that each of the carriers has contributed equally to the cost of the construction. The third additional carrier shall reimburse each of Telstra, the first additional carrier and the second addition carrier one quarter of the construction costs (one third of one quarter to each) so that each of the carriers has contributed equally to the construction costs;
- xi) Telstra and the other carriers if applicable be responsible via an independent Radio Frequency Management Contractor for the Radio Frequency costs and management of the tower following the handover of the site;
- xii) the City of Albany will be responsible for the insuring the tower;
- xiii) to all fees associated with this lease be payable by Telstra Corporation Limited including all expenses associated with removing the existing tower and relocating current users (including the City of Albany) to the new tower; and
- xiv) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

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Item 12.2.1 continued.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WOLFE**

THAT in accordance with Section 3.58 of the Local Government Act 1995, Council agrees:

- i) to a new lease with Telstra Corporation Limited for a period of 9 years and 11 months from 1 June 2004 until 30 April 2014 for a portion of Reserve 43591 Plantagenet Location 7727;**
- ii) to the rental being charged for the equipment hut only and being set at \$1,500.00 per annum, subject to GST and will be reviewed annually with rent reviews being based on a 3% per annum increase or in accordance with movements in CPI, (whichever is the greater);**
- iii) that Telstra not be charged for the separate use of the tower given that they will build the tower at their own expense and revert ownership to the City of Albany after construction;**
- iv) that the lease agreement be prepared by the Australian Government Solicitor on behalf of Telstra Corporation Limited and checked by Council's solicitors to ensure that our interest is protected;**
- v) that Telstra construct the tower at their own cost;**
- vi) that ownership of the tower will be transferred to the City of Albany at no cost following the construction;**
- vii) that Telstra be advised and consulted when other users (other than those already on the existing City of Albany tower) apply to use the new tower;**
- viii) that if the current users or new users wish to add additional antennas or other equipment to the new tower then the City of Albany may require a structural assessment of the tower to verify the tower's capacity to support additional equipment, with all costs being borne by the applicants;**
- ix) that Telstra guarantee the soundness of the structure, confirming that the tower will be in good order for at least 10 years;**
- x) If other telecommunication carriers apply to use the site then Telstra will be entitled to recover a proportion of the construction costs. The formula for Telstra recovering the construction costs from the other telecommunication carriers is to be as follows:**
 - The first additional carrier shall reimburse Telstra half of the construction costs. The second additional carrier shall reimburse Telstra and the first additional carrier one third of the construction**

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costs (half of one third to each) so that each of the carriers has contributed equally to the cost of the construction. The third additional carrier shall reimburse each of Telstra, the first additional carrier and the second addition carrier one quarter of the construction costs (one third of one quarter to each) so that each of the carriers has contributed equally to the construction costs;

- xi) Telstra and the other carriers if applicable be responsible via an independent Radio Frequency Management Contractor for the Radio Frequency costs and management of the tower following the handover of the site;**
- xii) the City of Albany will be responsible for the insuring the tower;**
- xiii) to all fees associated with this lease be payable by Telstra Corporation Limited including all expenses associated with removing the existing tower and relocating current users (including the City of Albany) to the new tower; and**
- xiv) the Common Seal of the City of Albany be affixed to the documentation.**

MOTION CARRIED 15-0

Item 12.2.2 continued.

BACKGROUND

1. A request has been received from the Albany Hang Gliding Club Inc for Council to consider granting a licence agreement for a term of 21 years to the Hang Gliding Association of Western Australia Inc, for a portion of Location 7736 Reserve 13773.
2. Reserve 13773 is located off Sand Patch Road, and also comprises the Wind Farm. Council has a Management Order for Reserve 13773, which states the purpose as “Conservation, Recreation, Water Supply and Wind Power Generation”, with power to lease (or sub lease or licence) for Wind Power Generation and associated purposes for periods up to and including 21 years.
3. The City of Albany has requested that the Department of Land Information amend the wording of this Management Order to “power to lease for any of the listed purposes”.

STATUTORY REQUIREMENTS:

4. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a licence over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
5. Council is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
6. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
7. The Hang Gliding Association of Western Australia Inc is a sporting body and therefore the proposed disposition of land is exempt from the provisions of Section 3.58 of the Act.
8. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land. Approval by the Minister was requested on 22 March 2004.

POLICY IMPLICATIONS

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

Item 12.2.2 continued.

FINANCIAL IMPLICATIONS

10. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit sporting, and community groups. The rental is reviewed annually in accordance with Council's budget and is subject to GST. For the 2003/2004 financial year the Council adopted a minimum land rate of \$445.00.
11. All costs associated with this proposed new licence are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

13. This site has been utilised for the purpose Hang Gliding and Para Gliding for over 20 years.
14. All Hang Gliding and Para Gliding operations at the site comply with Civil Aviation Regulations.
15. A licence is required under this circumstance due to the fact that the Hang Gliding Association of Western Australia Inc will not have exclusive use of the land, as it will not be removed from public use.
16. The Albany Hang Gliding Association Inc will construct a permanent launching ramp, to prevent possible environmental issues with the site.
17. The Hang Gliding Association of Western Australia Inc will be responsible for ongoing maintenance and insurance of all structures in the licensed area, including the launching ramp, access tracks and landing area.
18. Western Power have agreed to this licence as it does not encroach on their leased area, and have stipulated that gliders using the facility must remain 100m from each turbine at all times.

Item 12.2.2 continued.

RECOMMENDATION

THAT subject to Ministerial approval, Council agree:

- i) to a new licence for the Hang Gliding Association of Western Australia Inc being prepared for a period of 21 years, from 1 June 2004 to 30 June 2025 on a portion of Location 7736 Reserve 13773;
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council's 2003/2004 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;
- iii) the licence be prepared in accordance with Council's standard licensing terms and conditions, with all maintenance, repairs and insurance costs being the responsibility of the Hang Gliding Association of Western Australia Inc;
- iv) the Club ensure all Hang Gliding and Para Gliding operations at the site comply with Civil Aviation Regulations;
- iv) all fees associated with this licence be payable by the Hang Gliding Association of Western Australia Inc; and
- vi) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR JAMIESON**

THAT subject to Ministerial approval, Council agree:

- i) to a new licence for the Hang Gliding Association of Western Australia Inc being prepared for a period of 21 years, from 1 June 2004 to 30 June 2025 on a portion of Location 7736 Reserve 13773;**
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council's 2003/2004 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- v) the licence be prepared in accordance with Council's standard licensing terms and conditions, with all maintenance, repairs and insurance costs being the responsibility of the Hang Gliding Association of Western Australia Inc;**
- vi) the Club ensure all Hang Gliding and Para Gliding operations at the site comply with Civil Aviation Regulations;**
- iv) all fees associated with this licence be payable by the Hang Gliding Association of Western Australia Inc; and**
- vi) the Common Seal of the City of Albany be affixed to the documentation.**

MOTION CARRIED 15-0

12.2.3 Emu Point Slipway

File/Ward	: PRO 314 (Breaksea Ward)
Proposal/Issue	: Emu Point Slipway / Marine Lifting Device
Subject Land/Locality	: Reserve 42934, Lot 1240 Emu Point Boat Pens
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 20/05/03 - Item 12.2.2 OCM 16/12/03 - Item 12.2.3
Summary Recommendation	: That Council agree to install marine lifters infrastructure at the Emu Point Slipway.
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. On Monday 24th February 2003 during slipway operations at the Emu Point Slipway, damage was caused to the concrete slabs that make up the slipway construction.
2. A report on the condition of the slipway and repairs necessary was prepared by R.R. Unger Pty Ltd, constructing Civil, Structural and Municipal Engineers.
3. The estimated costs to refurbish the slipway were between \$20,000-\$25,000.
4. Council subsequently resolved:-

“THAT in consideration of the community service provided, and subject to the Emu Point Sporting Club Inc undertaking to surrender the head lease agreement and satisfactory negotiations with the sub-lease in relation to future maintenance requirements, Council agree to undertake the replacement works to the Emu Point Slipway outlined by R.R. Unger Pty Ltd at a cost of \$25,000 to be funded from the Emu Point Boat Pen Development Revenue.”

Item 12.2.3 continued.

5. Following this decisions:
 - RR Unger were commissioned to design and construct a new slipway to replace the damaged existing slipway;
 - Initial cost estimates were \$28,226 to supply and construct including supervision;
 - Upon investigation by the installation contractor it was discovered that a significantly large hole at the end of the existing slipway would need to be filled before work could commence on constructing the slipway;
 - A revised price of \$60,582 plus fill materials was then submitted to complete all works to a satisfactory condition;
 - Investigation by Council officers in conjunction with a local contractor verified the presence of this hole, and revised estimates to do all the works using local contractors and Council staff/equipment still indicated costs of approximately \$47,000.

6. To date, although the head lease has been surrendered, no works have been undertaken and other options have been explored.

STATUTORY REQUIREMENTS

7. Section 6.8 (1)(b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. The current balance of the Emu Point Boat Pen Development Reserve is \$96,000.
10. This project could be funded through this reserve.

STRATEGIC IMPLICATIONS

11. Refurbishment of the Slipway would comply with Council's Albany 2020 – Charting our Course' which in part states:-

“Managed healthy land / harbour environment

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

Item 12.2.3 continued.

COMMENT/DISCUSSION

- 12. The Slipway provides an essential community services to the boating and recreational community.
- 13. Given the escalation in costs, it was considered preferable to install the infrastructure to provide for a marine boat lifter operation.
- 14. This consists of a large steel frame that has two hydraulic operated slings and requires two ramps extending out from the shore. Once the boat lifter is out on the ramps the slings are lowered down, a boat is then driven between the slings and when in position the operator lifts the boat, which then drives the boat ashore for washing. Then the boat gets propped up on the hard standing for further works.
- 15. Following detailed design, the cost of the infrastructure is \$95,000 (previously estimated at \$65,000).
- 16. The current operator has indicated he would acquire the marine lifter himself, provided the Council agree to install the necessary infrastructure, and has agreed to payment of a fee of \$10.00 per vessel lifted, with this amount being reviewed annually.

RECOMMENDATION

THAT Council agree to install the marine boat lifter infrastructure works at the Emu Point Slipway at a cost of up to \$95,000 to be funded from the Emu Point Boat Pen Development Reserve.

Voting Requirement Absolute Majority

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AMENDED RECOMMENDATION

THAT;

- i) Council agree to install the marine boat lifter infrastructure works at the Emu Point Slipway at a cost of up to \$95,000 to be funded from the Emu Point Boat Pen Development Reserve; and
- ii) the Executive Director Corporate & Community Services prepare an economic sustainability plan for the Emu Point Boat Harbour precinct.

Voting Requirement Absolute Majority

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Item 12.2.3 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR DEMARTEAU**

THAT;

- i) Council agree to install the marine boat lifter infrastructure works at the Emu Point Slipway at a cost of up to \$95,000 to be funded from the Emu Point Boat Pen Development Reserve; and**
- ii) the Executive Director Corporate & Community Services prepare an economic sustainability plan for the Emu Point Boat Harbour precinct.**

**MOTION CARRIED 14-1
ABSOLUTE MAJORITY**

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EMU POINT BOAT HARBOUR

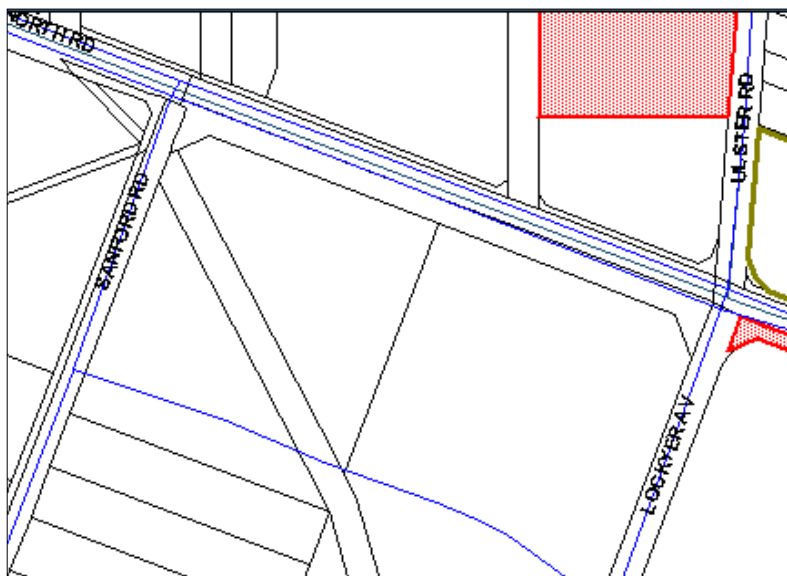
FACILITY FOR TRAVELLING BOAT LIFTER

ITEM	DESCRIPTION	UNIT	QUANTITY	RATE	AMOUNT
1.0 Preliminaries					
	Design and drawings	item	1	9,500.00	\$ 9,500.00
2.0 Siteworks					
	Construct rock retaining wall (25m x 2.5m high)	m ³	415	40.00	\$ 16,600.00
	Excavator to dredge	Hr	24	130.00	\$ 3,120.00
	Construct hardstand area	m ²	450	30.00	\$ 13,500.00
3.0 Pylon & concrete runway					
	Purchase pylons	ea	24	400.00	\$ 9,600.00
	Install pylons	ea	24	1,200.00	\$ 28,800.00
	Steel beams (6m x 0.5m x 0.3m)	ea	12	750.00	\$ 9,000.00
4.0 Drainage					
	Extend existing pipe	item	1	800.00	\$ 800.00
	Construct new pit	item	2	1,500.00	\$ 3,000.00
	Separator and pump	item	1	1,000.00	\$ 1,000.00
				TOTAL	\$ 94,920.00

NOTE: *The costs estimates are based on recent plans submitted by Searle eng. and approved by DPI.
 Costs have risen since first estimate due to DPI requirements.*

12.2.4 Proposed New Lease for Fire and Emergency Services Authority of Western Australia

File/Ward	:	PRO 043 (Frederickstown Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Part of Albany Suburban Lots 4 and 5 and being part of the land comprised in Certificate of Title Volume 2134 Folio 44, and a portion of Lot 1003 on Reserve 20788 being the land described in Certificate of Title Volume 1189 Folio 628
Proponent	:	Albany Volunteer Fire Brigade/Fire and Emergency Services of WA
Owner	:	City of Albany
Reporting Officer(s)	:	Administration Officer (A Wiseman)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19.08.2003 Item 12.2.9
Summary Recommendation	:	That Council approve the request for a new lease to be prepared for a 10 year term plus a 5 year option from 1 January 2004.
Bulletin	:	Nil
Locality Plan	:	



Item 12.2.4 continued.

BACKGROUND

1. Previously Council approved a request from the Albany Volunteer Fire Brigade to renew their lease agreement, which expired on 31 December 2003. The previous lease was for a term of 21 years, which commenced on 1 January 1983.
2. The Albany Volunteer Fire Brigade training building is located on North Road on a portion of Albany Suburban Lots 4 and 5 and being part of the land comprised in Certificate of Title Volume 2134 Folio 44 and a portion of Lot 1003 on Reserve 20788 and being a portion of that land comprised in Certificate of Title Volume 1189 Folio 628. Lots 4 and 5 are located on City of Albany freehold land. Lot 1003 is located on Reserve 20788, which is a Crown Grant in trust managed by the City of Albany for the purpose of “Municipal Purposes”. For all intensive purposes the City of Albany is the registered proprietor of the land in fee simple, however still require approval from the Minister for Lands to issue a Lease.
3. A new request has been received since Council approved the last request. The Albany Volunteer Fire Brigade have now proposed that a new lease be prepared in the name of the Fire and Emergency Services Authority of Western Australia with the same terms and conditions previously adopted by Council.

STATUTORY REQUIREMENTS

4. Section 18 (1) of the Land Administration Act 1997 states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land. Preliminary approval from the Minister has been sought.
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 is however able to dispose of property by other means, provided that it gives Statewide public notice (2 weeks) of the proposed disposition and invite submissions on the proposal.
7. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of Section 3.58 of the Act if the land is being disposed of is a body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
8. The Fire and Emergency Services Authority of Western Australia is part of the state government body and therefore will require advertising under Section 3.58 of the Local Government Act 1995.

Item 12.2.4 continued.

POLICY IMPLICATIONS

9. This Lease complies with the Centennial Park and Yakamia Recreation Precinct Plan that was adopted by Council in June 2003. This Plan states:

“Volunteer Fire Brigade

The track has been recently upgraded and should remain in its present location until the timing of constructing the realignment of Lockyer Avenue and Yakamia Drive is known.”

FINANCIAL IMPLICATIONS

10. The current rent is \$10.00 per annum (not subject to GST) and is fixed for the term of the Lease. Being as though the Fire and Emergency Services Authority of Western Australia are requesting to take over the lease of this area on behalf of the Albany Volunteer Fire Brigade, a commercial valuation has been obtained at \$6,500.00 per annum subject to GST. However, it is proposed to offer a minimum land rate rental for the lease premises based on the fact that it will be used by the Albany Volunteer Fire Brigade as a training facility.
11. All costs associated with this proposed new lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

13. The Albany Volunteer Fire Brigade has written to Council requesting that a lease now be prepared in the name of Fire and Emergency Services of Western Australia for 10 years with an option of a further 5 years, commencing from 1 January 2004 for a portion of Albany Suburban Lots 4 and 5 and Lot 1003 on Reserve 20788.
14. Based on further discussions with Council’s Executive Director Development Services, it has been recommended to offer a lease term of 10 years plus a further 5-year option. The Lease area minimally crosses the reserve on Lot 1003, adjacent to Lot 4 and this Lease term is recommended to ensure that the Lease does not jeopardise the future realignment of Lockyer Avenue to meet the future Yakamia Drive.

Item 12.2.4 continued.

15. The reason for the change of lessee to Fire and Emergency Services Authority of Western Australia is because the Albany Volunteer Fire Brigade does not have the power to lease property and as a result the lease needs to be prepared in the names of the individual authorised officers of the brigade. This also causes problems when those nominated individual authorised officers leave the brigade. The lease will state that the stipulated purpose of the property is for the use and requirements of the Albany Volunteer Fire Brigade.
16. Ministerial consent has already been granted on 1 October 2003 to lease this site.

RECOMMENDATION

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

- i) to a new lease in the name of Fire and Emergency Services Authority of Western Australia for use solely by the Albany Volunteer Fire Brigade being prepared for a period of 10 years with a 5 year option, commencing on 1 January 2004 on a Portion of Albany Suburban Lots 4 and 5 being part of the land comprised in Certificate of Title Volume 2134 Folio 44, and a portion of Lot 1003 on Reserve 20788 and being a portion of the land comprised in Certificate of Title Volume 1189 Folio 628, North Road;
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council's 2003/2004 minimum land rate figure, with rent reviews being carried out annually based on the minimum land rate set by Council's budget;
- vii) the lease be prepared in accordance with Council's standard leasing terms and conditions,
- iv) all fees associated with this lease be payable by the Fire and Emergency Services Authority of Western Australia; and
- v) the Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

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Item 12.2.4 continued.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

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

- i) to a new lease in the name of Fire and Emergency Services Authority of Western Australia for use solely by the Albany Volunteer Fire Brigade being prepared for a period of 10 years with a 5 year option, commencing on 1 January 2004 on a Portion of Albany Suburban Lots 4 and 5 being part of the land comprised in Certificate of Title Volume 2134 Folio 44, and a portion of Lot 1003 on Reserve 20788 and being a portion of the land comprised in Certificate of Title Volume 1189 Folio 628, North Road;**
- iii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council's 2003/2004 minimum land rate figure, with rent reviews being carried out annually based on the minimum land rate set by Council's budget;**
- viii) the lease be prepared in accordance with Council's standard leasing terms and conditions,**
- iv) all fees associated with this lease be payable by the Fire and Emergency Services Authority of Western Australia; and**
- v) the Common Seal of the City of Albany be affixed to the documentation.**

MOTION CARRIED 15-0

12.2.5 Ministerial Appointment to Committee – Hay River Land Conservation Committee

File/Ward	REL 080 (West Ward)
Proposal/Issue	Nomination for Re-appointment to Hay River Land Conservation Committee
Subject Land/Locality	N/A
Proponent	Agriculture WA
Owner	N/A
Reporting Officer(s)	PA/Executive Director Corporate & Community Services (S Day)
Disclosure of Interest	Nil
Previous Reference	OCM 05/10/99 - Item 13.2.5 OCM 19/12/00 – Item 12.2.3
Summary Recommendation	That nominations be invited to the Hay River Land Conservation District Committee
Bulletin Attachment	N/A
Locality Plan	N/A

BACKGROUND

1. Agriculture WA has written to Council to advise the term of appointment for members of the Hay River Land Conservation District Committee is due to expire on the 31st July 2004, and has invited Council to re-nominate a representative for the Committee.
2. Councillor Diane Evers was the Council representative, however, left this position when she resigned from Council in 2003.
3. Any nomination received by Agriculture WA is subject to Ministerial scrutiny, prior to appointment to the committee.

STATUTORY REQUIREMENTS

4. Section 23(2b)(b) of the Soil and Land Conservation Act 1945, states that, subject to the nomination of Council, the Minister may appoint a person to a designated District Committee for a specific term, usually three years.

Item 12.2.5 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. This request is in accordance with the City of Albany’s 2020 Objectives and Council Activities, Port of Call – *Attraction and development of a broad range of social, cultural and economic entities*
- *Community Development – to encourage a vibrant community where all are encouraged to participate and contribute.*

COMMENT/DISCUSSION

8. Council’s currently has no representative on the Hay River Land Conservation District Committee.
9. Agriculture WA will require a nomination information sheet (included in Elected Members Information Bulletin) to be completed by any new nominees.

RECOMMENDATION

THAT Council,

- i) endorse Councillor _____ as the nominee for the Hay River Land Conservation District Committee, and
- ii) the name of the nominated Councillor and his/her nomination information sheet be forwarded to the Minister for Agriculture, for his consideration.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR EMERY SECONDED COUNCILLOR JAMIESON</p> <p>THAT this item be deferred to the June Ordinary meeting of Council.</p> <p style="text-align: right;">MOTION CARRIED 15-0</p>
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12.2.6 Adoption of Policy - “Memorial / Memorial Seat Policy”

File/Ward	: MAN 169 (All Wards)
Proposal/Issue	: Adoption of City of Albany Memorial / Memorial Seat Policy
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	: N/A
Previous Reference	: N/A
Summary Recommendation	: That Council adopts the proposed Memorial/ Memorial Seat Policy.
Bulletin Attachment	: Nil.
Locality Plan	: N/A

BACKGROUND

1. The City of Albany has received numerous requests from the public to erect memorials or memorial seats within the Albany municipal.
2. With no current policy in place regarding the establishment of memorials, and with requests becoming more regular, a draft policy has been established to ensure future memorials established within the Albany area satisfy predetermined criteria, including ongoing maintenance requirements.

STATUTORY REQUIREMENTS

3. There are no statutory requirements relating to this item at the present time.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Item 12.2.6 continued.

STRATEGIC IMPLICATIONS

6. Albany Charting Our Course 2020 – Port of Call states:-

“Community Events

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

COMMENT/DISCUSSION

7. A draft policy has been prepared to allow residents who have made a significant contribution to the Albany Community to have memorial / memorial seats within the Albany area.

8. A criteria has been established with the memorials, covering:-

- provision of seat / memorials;
- specifications for seat / memorials;
- location of seat / memorials; and
- application procedure/ form.

9. A copy of the proposed Memorial / Memorial Seat policy is attached to this report.

RECOMMENDATION

THAT the Memorial / Memorial Seat Policy be endorsed and adopted.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WILLIAMS**

The Memorial/Memorial Seat Policy be endorsed and adopted subject to the following changes:

- dot point two of the policy being changed to state: *“The person being recognised has been deceased for a period of at least 3 years”*; and
- removing from the draft policy the requirement to bring proposals to Council that satisfy the criteria.

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

Reason:

Five years is too long to wait to be able to provide a memorial seat for a person worthy of recognition, and it is really unnecessary to bring something to Council that meets all the criteria set down by Council.



Memorial / Seat Policy

Policy Objective:

The objective of the policy is to recognise residents who have made a significant contribution to the Albany community.

Policy:

The City of Albany will consider applications for the installation of a memorial or memorial seat where:-

- Such memorial or memorial seat recognises residents who have made a “significant” contribution to the Albany community;
- The person being recognised has been deceased for a period of at least 5 years; and
- The location sought for the placement of the memorial or memorial seat does not compromise existing Council policies or development plans for the long term maintenance or upgrading of the reserve.

All proposals satisfying this criteria will be presented to Council for consideration, including the proposed location and style for the memorial or memorial seat.

Council reserves the right to remove the memorial or memorial seat, without referral or compensation, should the memorial or memorial seat fall into disrepair, become vandalised or pose a risk to the public.

The cost of providing and installing the memorial or memorial seat shall be borne by the applicant and upon placement / erection the memorial or memorial seat shall become the property of the City of Albany.

The applicant shall seek and obtain City of Albany approval prior to carrying out any maintenance or modification to the memorial or memorial seat or the area surrounding the memorial or memorial seat.

All formal requests are to be submitted in accordance with the guidelines developed for this purpose.

12.2.7 Council Appointment to Committee – Wilson Inlet Management Advisory Group

File/Ward	MAN 063 (All Wards)
Proposal/Issue	Nomination for Re-appointment to Wilson Inlet Management Advisory Group
Subject Land/Locality	N/A
Proponent	Department of Environment – Water & Rivers Commission
Owner	N/A
Reporting Officer(s)	PA/Executive Director Corporate & Community Services (S Day)
Disclosure of Interest	Nil
Previous Reference	OCM 05/10/99 - Item 13.2.5 OCM 19/12/00 – Item 12.2.3
Summary Recommendation	That nominations be invited to the Wilson Inlet Management Advisory Group
Bulletin Attachment	N/A
Locality Plan	N/A

BACKGROUND

1. Department of Environment – Water & Rivers Commission, has written to Council to advise the term of appointment for members of the Wilson Inlet Management Advisory Group has expired, and has invited Council to re-nominate a representative for the Committee.
2. Councillor Diane Evers was the Council representative, however, left this position when she resigned from Council in 2003.
3. Any nomination received by Department of Environment is subject to Ministerial scrutiny, prior to appointment to the Committee.

STATUTORY REQUIREMENTS

4. Section 23(2b)(b) of the Soil and Land Conservation Act 1945, states that, subject to the nomination of Council, the Minister may appoint a person to a designated District Committee for a specific term, usually three years.

Item 12.2.7 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. This request is in accordance with the City of Albany’s 2020 Objectives and Council Activities, Port of Call – *Attraction and development of a broad range of social, cultural and economic entities*
- *Community Development – to encourage a vibrant community where all are encouraged to participate and contribute.*

COMMENT/DISCUSSION

8. Council’s currently has no representative on the Wilson Inlet Management Advisory Group.

RECOMMENDATION

THAT Council;

- i) endorse Councillor _____ as the nominee for the Wilson Inlet Management Advisory Group, and
- iii) the name of the nominated Councillor be forwarded to the Minister for Environment for his consideration.

Voting Requirement Simple Majority

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<p>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WOLFE</p> <p>THAT this item be deferred to the June Ordinary meeting of Council.</p> <p style="text-align: right;">MOTION CARRIED 15-0</p>
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12.2.8 Date for Future Local Government Elections

File/Ward	:	MAN 016 (All Wards)
Proposal/Issue	:	WALGA seeking Council support to have election dates changed.
Subject Land/Locality	:	N/A
Proponent	:	WA Local Government Association
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Disclosure of Interest	:	Nil.
Previous Reference	:	Nil.
Summary Recommendation	:	That Council support the continuation of the current election date system.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. The West Australian Local Government Association is seeking Council's comment on a request from several of the Association's Zones that consideration be given to changing the date for the conduct of biennial Local Government Elections. Currently all elections are held on the first Saturday in May each two years, with the next election due in 2005.
2. Zones suggested a date later in the year, possibly September or October, as this will allow all newly elected members to participate in the budget process for the following financial year, in a meaningful way rather than being elected in the May when a larger number of Councils have already established their budget parameters. With the proposed change to the budget timetable where Councils will be able to adopt the budget during June, this situation could be exacerbated.
3. One Zone suggested holding Local Government elections on the first Saturday in October and another proposed it be held during September.

Item 12.2.8 continued.

STATUTORY REQUIREMENTS

4. Under Section 4.7 of the *Local Government Act 1995*, elections for a Mayor or President are to be held on the first Saturday in May each four years and in regard to the election of Councillors on the first Saturday in May every two years, with one half of the seats (or as near to) being filled for a four year term.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. This request is in accordance with the City of Albany's 2020 Objectives and Council Activities,

*“Port of Call – a reputation of professional excellence.
Governance – to comply with the statutory requirements of the organisation.”*

COMMENT/DISCUSSION

8. The State Council at its April meeting decided to survey all members to determine if there is general support for the suggested change in date for the biennial Local Government elections from May to October. It was felt that this change would enable Elected Members to be better informed before having to vote on the adoption of the Local Government's annual budget.
9. WALGA has pointed out that as the Department of Local Government and Regional Development has already indicated that it is undertaking a review of the electoral provisions, it was seen as appropriate for the Association to develop a position on the proposal after consultation with members.
10. The proposal has been further analysed by the City's Manager of Finance, who, while acknowledging that the proposal would allow new Councillors to participate meaningfully in the next budget process, this initial period would include a budget in which they had no impact.
11. The Manager of Finance also believes that an election held shortly after the annual rating levy, could politicise any rate increase.
12. The option of recommending a change in the financial year from July/June to October/September was also analysed as a possible better solution, but overall it was considered the current system provided the best outcomes for all involved.

ORDINARY COUNCIL MEETING MINUTES – 18/05/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.8 continued.

13. The role of the elected member involves a great deal more than the annual budget process, and with greater emphasis being given to asset preservation and long term budgetary plans, the emphasis on the budgetary process is lessened.

RECOMMENDATION

THAT Council support a continuation of the current election date system for Mayor and Councillors.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR JAMIESON**

THAT Council support a continuation of the current election date system for Mayor and Councillors.

MOTION CARRIED 12-3

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

Nil.

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEES

12.8.1 Town Hall Theatre Advisory Committee meeting minutes – 7th April 2004

- File/Ward** : SER 047 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Town Hall Theatre Advisory Committee held on 7th April 2004 be adopted.

RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 7th April 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR PAVER**

THAT the minutes of Town Hall Theatre Advisory Committee held on 7th April 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 15-0

ORDINARY COUNCIL MEETING MINUTES – 18/05/04
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

12.8.2 Albany Arts Advisory Committee meeting minutes – 23rd March 2004

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (WP Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 23rd March 2004 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 23rd March 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Arts Advisory Committee held on 23rd March 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 15-0

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil

13.2 ASSET MANAGEMENT

Nil

13.3 WORKS

Nil

13.4 AIRPORT MANAGEMENT

Nil

13.5 RESERVES PLANNING & MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.6 WORKS & SERVICES COMMITTEES

13.6.1 Albany Streetscape Advisory Committee Minutes – 7th April 2004

File/Ward	:	MAN 161 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Works & Services
Summary Recommendation	:	That the Minutes of the Albany Streetscape Advisory Committee meeting held on 7 th April 2004 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Advisory Committee held on Wednesday, 7th April 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR SANKEY**

THAT the minutes of the Albany Streetscape Advisory Committee held on Wednesday, 7th April 2004 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 15-0

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

GENERAL MANAGEMENT SERVICES REPORTS

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Review of Council Meeting and Briefing Arrangements

File/Ward	: MAN 006 (All Wards)
Proposal/Issue	: Review of Meeting and Briefing Arrangements
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/04/04 - Item 14.2.1 OCM 20/01/04 - Item 14.2.1
Summary Recommendation	: Various Options
Bulletin Attachment	: Refer March Elected Member Report & Information Bulletin
Locality Plan	: N/A

BACKGROUND

1. At the Council Meeting of 20/04/04, Council considered several options of briefings and meetings but was unable to agree upon a suitable alternative.

STATUTORY REQUIREMENTS

2. Part 5 of the Local Government Act 1995 sets out the framework for Council meetings and decision making processes.
3. It is the intent of the Act that Councils make decisions:
 - Openly and transparently
 - With a high level of accountability to the community
 - Efficiently and effectively
 - With due probity and integrity
 - Acknowledging relevant community input
 - With all available information and professional advice
 - With the fullest possible participation of elected members.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

POLICY IMPLICATIONS

4. Changes to the current system may create a need for change to Council’s Standing Orders Local Law.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. Albany 2020 – Charting our Course and the draft Corporate Plan aligned to Albany 3D both provide for sound governance and statutory systems.

COMMENT/DISCUSSION

7. Councillors will be given the opportunity to obtain further details on the ramifications of each option at a briefing session to be convened prior to the this meeting.

RECOMMENDATION 1.

THAT Council;

- i) create a General Standing Committee comprising all Councillors meeting on the second Tuesday of each month commencing at 5.30pm followed by the Ordinary Council Meetings on the third Thursday of each month commencing at 5.30pm. The Standing Committee is to be open to the public and operate under an agenda framework, generally the same as the current Council agenda;
- ii) convene Concept Briefings on the first, fourth and fifth Tuesdays of the month as required and being behind closed doors; and
- iii) issue the Committee Agenda on the afternoon of the Thursday prior to the committee meeting and the Council Agenda on the Friday prior to the Ordinary Council Meeting.

OR

THAT Council;

- i) conduct an Agenda Briefing Session on the second Tuesday of each month at 5.30pm followed by the Council Meeting on the third Tuesday of each month commencing at 5.30pm. The Agenda Briefing Session is to be open to the public except for matters that are prescribed as “behind closed doors Items” in the Local Government Act;
- ii) convene Concept Briefings on the first, fourth and fifth Tuesday as required and being behind closed doors commencing at 5.30pm; and
- iii) issue the Council Agenda on the Thursday afternoon prior to the Agenda Briefing Session.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.2.1 continued.

OR

THAT Council;

- i) conduct Council Meetings on the third Tuesday of the month, commencing at 5.30pm;
- ii) convene Concept Briefings on the first, second, fourth and fifth Tuesdays of the month as required commencing at 5.30pm; and
- iii) issue the Council Agenda on the second Monday prior to the ordinary Council Meeting.

Voting Requirement Absolute Majority

.....

RECOMMENDATION 2.

THAT Council initiate amendments to Standing Orders to accommodate the selected meeting/briefing option, based upon the following key principles:

Briefing Sessions:

- All discussion to be through the Chair.
- The intention to vote not to be revealed.
- No opportunity should be provided to create a collective Council decision.
- Financial Interest Provisions of the Local Government Act to be ensconced into Standing Orders. Provisions relating to remaining in chamber if extent of interest revealed not to apply if briefing is behind closed doors.
- Mayor to Chair briefings.
- Agenda Briefing Session (if selected) business will be limited to matters listed for debate at the next ordinary Council Meeting.

Committee Meetings (if selected):

- Delegations of proponents may be received immediately prior to their agenda item being deliberated upon with question and answers permitted.
- All Councillors permitted to speak on agenda matters irrespective of order of debate.
- Agenda format to accommodate en bloc acceptance of committee recommendations and determination of matters upon which debate will be had.

Voting Requirement Absolute Majority

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Item 14.2.1 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WATERMAN**

THAT Council;

- i) conduct Council meetings on the third Tuesday of each month commencing at 7.30pm preceded by a meal commencing at 6.30pm for Councillors and staff;**
- ii) conduct an Agenda briefing session on the second Tuesday of each month commencing at 6.00pm. The Agenda briefing is to be open to the public except for matters that are prescribed as ‘behind closed doors items’ in the Local Government Act;**
- iii) conduct Concept briefing sessions on the first, fourth and fifth Tuesday of each month as required, behind closed doors commencing at 6.00pm;**
- iv) issue the Ordinary Council Meeting Agenda on the Friday afternoon prior to the Agenda Briefing Session.**
- v) adopt the following policy:-**

Briefing Session Policy:-

Guidelines for the conduct of elected members at briefing sessions

- **All discussion shall be channelled be through the chair.**
 - **Elected members shall not reveal their intention on how they will vote on the issue under discussion.**
 - **No opportunity shall be provided to create a collective Council decision.**
 - **Elected members shall declare interests and leave the briefing meeting room as provided for in the Financial Interest Provisions of the Local Government. The provision relating to seeking approval to remain in the chamber is not to apply if the briefing is being conducted behind closed doors.**
 - **Chairing arrangements for briefings shall be the same as those for ordinary Council meetings.**
 - **Agenda Briefing Session business shall be limited to matters listed for debate at the next ordinary Council Meeting; and**
- vi) review the changes in September 2004 and at that time consider enshrining the guidelines for the conduct of elected members at briefing sessions into Council’s Standing Orders Local Laws.**

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

GENERAL MANAGEMENT SERVICES REPORTS**14.3 ECONOMIC DEVELOPMENT****14.3.1 Tourism Strategy**

File/Ward	: STR 103 (All Wards)
Proposal/Issue	: Tourism Strategy
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That the City proceed with the Development of a Tourism Strategy
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. The City has generally been involved in tourism activities since amalgamation, continuing funding the visitor servicing functions of the Albany Visitors Centre but also engaging in some low key marketing activities which have included advertising in magazines and journals such as 'Postcards', 'Destinations', 'Scope' and 'Perth Woman', brochure production and distribution and more recently funding the 'Surfing the Menu' television program based in Albany.
2. The City's involvement in tourism also extends to managing the Princess Royal Fortress and the former HMAS Perth artificial dive reef. Further involvement with the Albany Wind Farm project will see Council considering expressions of interest for food and beverage facilities at the July Ordinary Council meeting. On a broader economic development front the City is actively involved in visiting cruise ship support and participating in industry forums and workshops that are convened from time to time.
3. In July 2003 the writer accepted an invitation from the Heritage Council of Western Australia to sit on a reference group to assist in establishing a State Heritage Tourism Strategy. Whilst the development of the Strategy has taken longer than anticipated and is still in the conceptual stage, an opportunity has emerged for the City to become involved in a pilot project relating to tourism heritage and marketing.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

4. The City is a major stakeholder in tourism in Albany and it maybe timely to consider the development of an overall Tourism Plan or Strategy that clarifies the City's role in tourism and establishes a strategic plan of action encompassing the areas that Council considers it appropriate to resource and become involved with.

STATUTORY REQUIREMENTS

5. No statutory constraints exist for the implementation of this recommendation provided that resource allocation is effected by way of an absolute majority vote.

POLICY IMPLICATIONS

6. The City of Albany Tourism Policy vision provides that Albany will be a tourist destination that is highly attractive to national and international visitors and to achieve this vision, the City will provide leadership and support to market Albany as a tourist destination.

NB. Elements of the Tourism Policy will be superceded by this proposal and a more comprehensive Economic Development Strategy. A Council Briefing session is planned for the 1st of June 2004 to discuss the strategy framework.

FINANCIAL IMPLICATIONS

7. The WA Heritage Commission is prepared to contribute \$10,000 to the project. It is proposed to transfer \$25,000 from the Economic Development Reserve (current balance \$47,000) and seek a \$5,000 contribution from the Great Southern Development Commission. Total project cost to be a maximum of \$40,000

STRATEGIC IMPLICATIONS

8. Council's '3 D' Strategic Plan, states in part:

“A Growing City

Albany's Community will enjoy economic growth, outstanding opportunities for our youth and a flourishing natural environment through:

- Providing a complete tourism experience;
- Excellent community infrastructure and services;
- Dynamic promotion & marketing of Albany's advantages and opportunities;
- Innovative development complementing Albany's unique sense of place;
- Being the regional retailing and services hub;
- Providing a complete tourism experience;
- Healthy freshwater and saltwater marine ecosystems; and
- A unique waterfront facility providing a functional boat harbour and shore based facilities accessible to the community, economically sustainable and attractive to investment.”

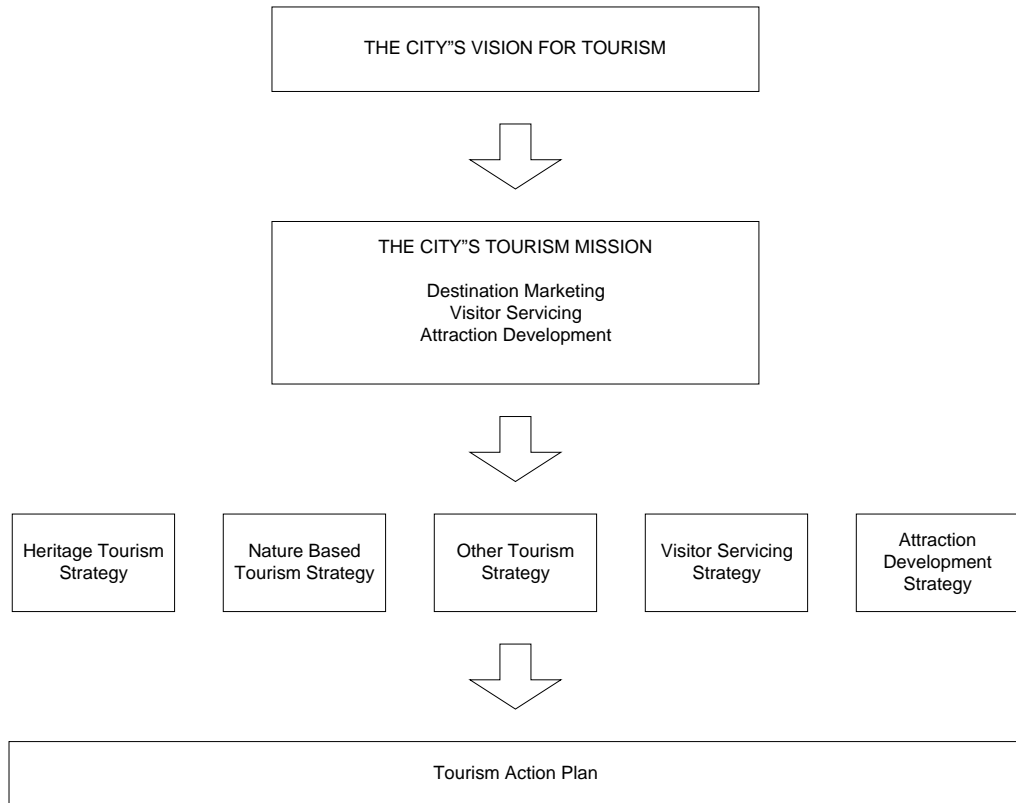
GENERAL MANAGEMENT SERVICES REPORTS

COMMENT/DISCUSSION

9. The proposal from the Heritage Council provides the City with an excellent opportunity to establish an integrated Tourism Strategy that would act as a strategic guide for marketing, promotional and visitor servicing activities for the next 3 to 5 years.
10. The Strategy would establish:
 - A City Vision for Tourism.
 - The City's mission for Tourism. That is an identification of those activities the City will actively be involved in with marketing and promoting Albany as a tourism destination and servicing visitors to Albany.
 - Three separate marketing strategies within the plan would focus upon:
 - Heritage Tourism.
 - Eco Tourism.
 - Other Tourism – i.e. conventions, events, visiting friends and relatives, visitor servicing.
 - Two further strategies would be required for visitor servicing and attraction development.
11. These strategies would be developed undertaking separate analysis of stakeholders, market segment, target markets and developing specific action plans and objectives.
12. It is considered necessary to take a component approach to the marketing strategies given the very different target markets that exist for each of the components.
13. The action plans and objectives coming from analysis at the strategies will then form the basis for the tourism action plan.
14. It is proposed to fund the recommended actions of the plan by way of:
 - Existing Council expenditure on tourist related activities.
 - Use of the tax equivalent payment and capital return dividend anticipated from the Airport Business Unit.
 - Industry contribution
 - Recently announced Australian Tourism Development Program.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.



RECOMMENDATION

THAT Council proceed with the development of an integrated Tourism Strategy to be funded by way of \$25,000 from the Economic Development Reserve and \$10,000 from the WA Heritage Council and \$5,000 from the Great Southern Development Commission.

Voting Requirement Absolute Majority

.....

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR LIONETTI**

THAT Council lays this item on the table and requests the Chief Executive Officer to prepare for the June ordinary meeting of Council a recommendation that:-

- i) defines specifically and clearly the matters to be embraced by an integrated tourism strategy;**
- ii) prioritises these matters;**
- iii) identifies those matters to be dealt with by Council staff and those matters to be dealt with by a consultant;**
- iv) specifies the criteria and method of appointment of the consultant, and the level of remuneration to be paid; and**
- v) lays down a time frame for the completion of each component part of the strategy.**

MOTION LOST 5-10

Reason:

- Councillors needs to look in more detail at these matters before allocating funding to an integrated tourism strategy.

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WELLINGTON**

THAT Council proceed with the development of an integrated Tourism Strategy to be funded by way of \$25,000 from the Economic Development Reserve and \$10,000 from the WA Heritage Council and \$5,000 from the Great Southern Development Commission.

**MOTION CARRIED 10-5
ABSOLUTE MAJORITY**

14.4 GENERAL MANAGEMENT SERVICES COMMITTEE

Nil.

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin

DRAFT MOTION

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

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DEMARTEAU**

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

MOTION CARRIED 15-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.0 DEPUTY MAYORS REPORT

"Fellow Councillors:

Mayor Alison Goode has asked me to present the Mayor's Report this month as she has just returned from 4 weeks annual leave. It has been a privilege for me to represent Mayor Goode and the City of Albany at numerous events over the period of time she has been away. I would like to acknowledge and thank Cr Tony Demarteau who willingly filled in for me on two occasions when I had prior commitments.

Anzac events featured prominently this month and I had the pleasure of attending wreath laying ceremonies at Clarence Estate, Albany Senior High School, the Kapyong Day Memorial Service, the Dawn Service and the Anzac Day Service. It was very pleasing to see that attendance at all of these services surpassed previous years, testament that the Anzac spirit is being kept very much alive by younger generations.

Albany's unique place in Anzac history was recognized by the State Government with the announcement that the Dawn Service was to be given "icon status", the 4th Western Australian icon named as part of 175th anniversary celebrations. A grant of \$250,000 was also announced to redevelop Anzac Memorial Park. Such a development will truly showcase the special link Albany has in the Anzac story, not only in Australia but on the world stage. I wish to formally acknowledge the work done by the City's CEO Andrew Hammond and Manager of Economic Development Jon Berry in lobbying and applying for funding to progress the Anzac development. In many cases, the role that the City plays in promoting the potential of, and laying the ground work for, such projects is not fully recognised when funding announcements are made. Whilst the City's primary interest is in securing such funds and advancing such projects, with or without recognition, I place on record Councils appreciation for the work our staff do in achieving that end result.

The Anzac Ceremonies were enhanced by the attendance of crews from the visiting submarine HMAS Dechaineux, and a contingent of 45 officers from the HMAS Anzac who travelled down by bus specifically to be part of the Anzac ceremonies in Albany. As a

memento of their visit, HMAS Anzac Captain Richard Mehinick presented me with a brass cartridge fired from the ship during Operation Iraqi Freedom in March last year, which is engraved with the names of the entire HMAS Anzac crew. The ship plans to visit Albany next year during Anzac commemorations, as part of a long-term plan to strengthen ties with our City, which they consider to be the ship's adopted home.

The City of Albany hosted a Civic Reception for HMAS Dechaineux on Friday 23 April, to welcome the crew of the submarine at the commencement of their 5 day visit. US Consul General, Mr Oscar De Soto, who was also in Albany for the Anzac weekend was a welcome special guest at the Dechaineux reception. I was further reminded of the depth of the Anzac legacy and Albany's unique ties to it, by one of the Officers of the Dechaineux who confided that he had sailed into King George Sound that day with a tear in his eye, knowing that his grandfather had left from Albany to fight in Gallipoli. It was a significant moment for him to be here to commemorate Anzac day and honour his family links to it.

The inaugural Anzac Ball, though not receiving the attendance that was hoped, still attracted approximately 70 people and was enjoyed by all. The City of Albany band, Big Men Working and Quad were commended highly for their entertaining performances on the night. It is hoped that the event will become an annual conclusion to the Anzac celebrations, especially as we head towards the 100th anniversary of Anzac Day in 2014.

On 29th April I attended the inaugural meeting of the Albany Leadership Group, hosted by the Albany Chamber of Commerce and Industry. The intention of forming this group of elected representatives from Government and local organizations, is to complement, not duplicate tasks, by bringing together the three tiers of government to guide Albany's future investment and development opportunities. The Hon. Wilson Tuckey MP also attended the meeting. It is proposed that the meetings will occur quarterly.

Also on the 29th I officially welcomed representatives of the Joint Standing Parliamentary Committee's Inquiry into the adequacy of funding for Australia's Antarctic expeditions at a cocktail function at the Esplanade. The Great Southern Development Commission and the City of Albany were the co-hosts of the Parliamentary Committee. The visit to Albany by Federal Government senators for that Inquiry over the 29th & 30th, including Democrats Senator Natasha Stott Despoja and Liberal Senator Ross Lightfoot, gave Albany the opportunity to showcase its airport and port facilities with a view to becoming a base for the Southern Ocean patrols and research flights to Antarctica. Once again I acknowledge the work of Andrew Hammond and Jon Berry in putting together presentations for the Inquiry.

Work on the new Council Administration Building on North Road has commenced. I was privileged to counter sign the final plans and documents for this project and had an informal but significant meeting with Mr John Wauters, the successful building contractor. Mr Wauters voiced his concerns about the lack of skilled workers in Albany, particularly in the building industry. The move away from trade careers by young people combined with a lack of apprenticeships being available due to most work being sub-contracted out, is a matter of some concern to the building industry. Without apprenticeships, there will be no young people to take over skilled trade positions, which ultimately will have a detrimental effect on the future of the construction industry in Albany. It is a matter I plan to refer on to the newly formed Albany Leadership Group and one that causes me some concern as a Councillor.

Finally, from the 4 to 7th May I attended the 5th International Cities, Town Centres and Communities Conference in Fremantle along with Councillors Barton, Emery and West. The conference highlighted the responsibility and importance that rests with Councillors in planning and developing our cities. It was interesting that many of the attendees who had come from the Eastern states and New Zealand, and had had the opportunity to spend some time in Albany on their way across, had high praise for our City and the developments they could see occurring. I also had the opportunity to speak with the Mayor of Fremantle regarding proposals for the Duyfken being used for under privileged children.”

Mayor Goode thanked Deputy Mayor and Councillors for representing her while on annual leave.

**MOVED COUNCILLOR SANKEY
SECONDED COUNCILLOR PAVER**

THAT the Deputy Mayor’s report be received.

MOTION CARRIED 15-0

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

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR EMERY**

THAT Council discuss the following late items:-

18.1 Development Application – Bulky Goods Store – Lot 101 Chester Pass Road, Lange; and

18.2 Catalina Central Planning Framework

MOTION CARRIED 15-0

The Executive Director Development Services asked the Council to address Item 18.2 prior to discussing Item 18.1.

18.2 Catalina Central Planning Framework

File/Ward	: STR 049 (Yakamia Ward)
Proposal/Issue	: Revised Catalina Central Planning Framework
Subject Land/Locality	: Lots 6, 7, 8, 12, 13, 39, 40, 101 & 293 Chester Pass/Catalina/Mercer Roads, Lange
Proponent	: Taylor Burrell Barnett
Owner	: Kingopen Pty Ltd
Reporting Officer(s)	: Executive Director Development Services (R Fenn) Strategic Planning Officer (P Shephard)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/06/03 - Item 11.3.2 OCM 18/03/03 - Item 11.3.1 OCM 18/02/03 - Item 11.3.3 OCM 16/10/01 - Item 11.3.2 OCM 26/06/01 - Item 11.1.2
Summary Recommendation	: Advertise Revised Catalina Central Planning Framework
Bulletin Attachment	: Nil
Locality Plan	: Nil.

Item 18.2 continued.

BACKGROUND

1. At the March and June 2003, Ordinary Meeting of Council, it was agreed to adopt a revised Catalina Central Structure Plan (CCSP) subject to a series of commitments/modifications to the advertised draft document.
2. Amendment 220 to Town Planning Scheme No. 3 was gazetted in October 2003 after the adoption of the final CCSP by Council.
3. There were concerns then raised by staff over the drafting of the CCSP, including the integration proposed for the Structure and Precinct Plans and associated Design Guidelines. The adopted CCSP was producing difficulties in administering development applications.
4. Staff have since redrafted the adopted CCSP to clearly articulate the planning framework, to differentiate between Structure and Precinct Plans and design components in a logical and simple sequence, and provide relevant background within a consolidated document. This document is the Catalina Central Planning Framework (CCPF), which Council is now requested to adopt. A copy of the CCPF will be tabled at the meeting and a list of modifications to the original CCSP is attached.

STATUTORY REQUIREMENTS

5. Clause 5.22 of Town Planning Scheme No. 3 states:

“5.22 MIXED BUSINESS ZONE

The following provisions shall apply generally to all land included in the Mixed Business Zone -

- *No person shall carry out any development within the Mixed Business Zone unless such development is in accordance with a Precinct Plan which has first been adopted by Council.*
- *A Precinct Plan may be prepared by the Council, or by any other person who may then submit the Precinct Plan to the Council for its approval and adoption.*
- *'Office' developments are to be permitted only as a use incidental to the predominant land use on a site and are not to occupy an area exceeding 200m².*
- *Development of a Discount Department Store is not permissible.*

Council may require the preparation of a Structure Plan for larger mixed business areas showing the intended general development within the zone. The Structure Plan area will be divided into Precincts with a Precinct Plan to be prepared over each.

In general, a Precinct Plan may include the following –

- *The proposed use of land within the precinct;*
- *The movement network including location of roads, pedestrian and cycle paths and car parking areas;*

- *Built Form and design elements.*

In approving a Precinct Plan over an area, Council may also require, at its discretion, the preparation of detailed Design Guidelines. The detailed Design Guidelines maybe required to show or otherwise describe the following-

- *Setbacks and height*
- *Building form, treatment and bulk*
- *Access and parking*
- *Windows, openings and facade treatments*
- *Loading*
- *Landscaping and public art*
- *Materials and colour*
- *Signage*

The following provisions shall apply to the land identified as the Catalina Central Mixed Business Zone-

- *Preparation of a Stormwater Management Plan, to the satisfaction of Council, will be required prior to development (including subdivision).*
- *No direct access to Chester Pass Road will be permitted from any lot.*
- *No development is to be undertaken within the Catalina Central Mixed Business zone without arrangements being made to the satisfaction of the City of Albany and Main Roads Western Australia for the creation and construction of the re-aligned Catalina Road as indicated on the scheme map. A minimum separation distance of 170 metres is to be achieved between Newby Street and the re-aligned Catalina Road.*
- *The cost of all road works (including land requirements) associated with access to the site, including the realignment of Catalina Road and the provision of deceleration lanes on Chester Pass Road, is to be met by the developer.*
- *All development is to be in accordance with a structure plan adopted by Council.”*

POLICY IMPLICATIONS

6. Council would normally only introduce Design Guidelines over a subdivision or development area however Clause 5.22 provides an alternate mechanism to introduce those policies in the Mixed Business zone.

FINANCIAL IMPLICATIONS

7. The redrafting of the adopted CCSP into the CCPF involved \$5,800 in direct costs and direct assistance from Taylor Burrell Barnett to redraft the plans for the document.

STRATEGIC IMPLICATIONS

8. The CCPF is consistent with Town Planning Scheme No. 3 requirements.

Item 18.2 continued.

COMMENT/DISCUSSION

9. The creation of the CCPF has been undertaken to ensure complete compliance with the planning controls within Town Planning Scheme No. 3.
10. With current conjecture over floorspace for individual buildings within Precinct 1, an adjustment to Clause 4.1.2.4 (p.20) of the Precinct Plan to allow flexibility in allocating the 6,500m² maximum NLA throughout Precinct 1, rather than within nominated sites, is recommended. Taylor Burrell Barnett supports this variation also.
11. Taylor Burrell Barnett and Kingopen Pty Ltd were supplied a copy of the CCPF and have requested clarification/minor modifications to the Precinct Plan as follows:

- Introduction of building height limit within ‘Height and Design in Landmark Locations (p.29)’.

Given that:

- i) the building height determined is consistent with the buildings (including the highest points of the neighbourhood centre) proposed or approved for the development so far, and
 - ii) the only building to be considered is the southern medical centre, it is unlikely that any subsequent building will be unable to comply with this requirement,
- the set height is reasonable and no variation is warranted.
- An allowance within the ‘Signage (p.35)’ for combined centre signs is acceptable.
 - Requested that the height of the raised landscaping beds within ‘Landscaping (p.33)’ be reduced from the stated minimum 1500mm to 900mm. The plan submitted for approval shows the raised landscaping beds would have a top height of 900mm with plants including annuals, perennials and shrubs incorporated into the mound. To clarify the requirement, it is appropriate to alter the figure to state the raised landscaping beds are to be between 900-1500mm in height (including the mounding/plants) in accordance with the Landscape Master Plan.
 - Questioning the application of the City’s Policy on Public Art (p.37). The Catalina proposal is within the scope of the Public Art Policy and the development is required to comply with the policy and no alteration is warranted.
 - Replace the text within Implementation (Part 6.3.1 p.39) so that the obligations for the realignment of Catalina Road that were completed through the amendment and subdivision process are incorporated. The commitments referred to in Part 6.3.1 are consistent with those details contained within the amendment and subdivision processes and no alteration is required.

Item 18.2 continued

12. The Precinct Plans within the CCPF satisfies the statutory requirements of Clause 5.22 of Town Planning Scheme No. 3 and staff recommend that the completed CCPF be subject to a period of public consultation.

RECOMMENDATION

THAT Council adopt the draft Catalina Central Planning Framework document and advertise for public comment in accordance with Clause 6.9.2 of the Town Planning Scheme No. 3, subject to the modifications contained ion the attached schedule.

Voting Requirement Simple Majority

.....

Councillors Lionetti declared an interest in this item and left the Chambers at 8.21pm. The nature of his interest is that he is the owner of the land that the tenant is vacating.

Councillor Barton declared an interest in this item and left the Chambers at 8.21pm. The nature of her interest is that she is an employee with Coles Supermarket.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR DEMARTEAU**

THAT Council adopt the draft Catalina Central Planning Framework prepared in accordance with Clause 5.22 document and advertise for public comment in accordance with Clause 6.9.2 of the Town Planning Scheme No. 3, subject to the modifications contained in the attached schedule;

- i) make allowance within ‘Signage’ on page 35 for combined centre signs;**
- ii) altering ‘Landscaping’ on page 33 to require raised garden beds to be between 900 – 1500 mm in height (including the mounding/plants) in accordance with the Landscape Master Plan; and**
- iii) modify Clause 4.1.2.4 on page 20 of the Precinct Plan to allow flexibility in allocating the 6500m² maximum Bulky Goods NLA throughout Precinct 1.**

MOTION CARRIED 11-2

Item 18.2 continued

**LIST OF MODIFICATIONS UNDERTAKEN TO
ORIGINAL CATALINA CENTRAL STRUCTURE PLAN**

- Title of document changed to Catalina Central Planning Framework.
- Document separated into sections covering:
 - Background
 - Town Planning Scheme No. 3
 - Structure Plan
 - Precinct 1 – Precinct Plan
 - Precinct 2 – Precinct Plan (draft).
 - Design Guidelines
 - Implementation
 - Appendices including traffic and economic impact assessments.
- Generally simplified and reformatted document for easy reference by stakeholders (proponents, consultants, Councillors, staff, designers etc.)
- Incorporated new section (Part 3.2 pp14/15) outlining modifications to the original Catalina Central Structure Plan and the changed design philosophy.
- Incorporated new section (Part 6.0 pp38/39) dealing with implementation and commitments covering the proposal.
- All Figures/Plans annotated with those proposals that have planning approval.
- Incorporated modified text from the gazettal of Amendment 220 (refer Part 1.1 pp4/5, 1.4 pp7/8, 2.0 p.9, 4.1 pp19)
- Summarised main outcomes of traffic (Part 3.1.1 pp10/11, 3.3 pp16/7, 4.1.3 pp21/23) and economic (Part 3.1.2.1 pp11-13, 4.1.2 pp19-21) impact studies within the report and included the full reports as appendices.
- Reduced the car parking ratio for bulky goods/showroom from 1 bay per 20m² to 1 bay per 45m² floorspace due to additional information furnished from a detailed parking impact study on these types of uses and their parking requirements (Part 4.1.3.3 Table 1 p.22).
- Renaming Design ‘Requirements’ to ‘Guidelines’ consistent with the Town Planning Scheme No. 3 wording and undertook the following major changes:
 - Setbacks (p.29)
Incorporated clarification of road widening impact on setbacks and introduced flexibility to approve lesser distance.
 - Height and Design in Landmark Locations (p.29)
Introduced height limit on buildings of 9 metres generally, with landmark locations permitted to 12 metres.
 - Car Parking (p.30)
Required parking areas to be located outside of landscape buffer along Chester Pass Road.
 - Windows, Openings and Facade Treatments (p.31)
Introduced definition for ‘ground level’ to clarify requirement.
 - Wall Material and Colours (p.32)
Included clarification on wall colours, being preferred not required.
 - Roof Forms (p.33)
Modified wording to better describe the intention of the guideline.
 - Landscaping (p.33)

Item 18.2 continued

Modified wording to better describe the intention for the landscaping areas, staging/maintenance and define the raised garden bed height along Chester Pass Road.

- Landscape Buffer (p.34)
Introduced 10 metre minimum strip for landscaping along Chester Pass Road (can be varied by Council).
- Landscape Management and Maintenance (p.35)
Introduced new section to ensure coordination of landscaping, including maintenance and management commitments.
- Signage (p.35)
Introduced wording preferring integration of signs and corporate colour scheme within buildings and their facades. Introduce allowance for combined centres signage to exceed building height restrictions.
- Public Art (p.37)
Modified wording to include reference to City's Public Art Policy that applies to the Catalina development.

Item 18.2 continued

Phil Shephard

From: Karen Wright [karen@tbbplanning.com.au]
Sent: Friday, 7 May 2004 12:35 PM
To: Phil Shephard
Subject: CC Planning framework

Phil,

I have been through the document and have a couple of queries;

Height and Design in Landmark Locations -

The City has introduced a height restriction of 9 metres and 12 metres at its discretion in landmark locations. What is the rationale behind the 9 metres, whilst at the moment everything generally complies with this requirement for a commercial development this seems restrictive and may impact on future stages.

In addition, it reads that the 9 metres applies over the CCSP area and does not include any consideration for combine signage to exceed this height. I think that the wording should be modified to make allowance for signage.

Landscaping -

The City refers to a minimum height of 1500mm. The Landscape Master plan approved by the City states - The landscape buffer to Chester Pass Road is 12m in width with sculpted landform to provide a 900mm high screen. I think that we should be referring to 900 here and not 1500mm.

Public Art -

The statement has been added that the City has a Public Art Policy that applied to the CCSP. I can only assume that this is referring to the information that we included on Public Art in the preparation of the Landscape Master Plan. Could you please confirm what this is referring to.

Implementation -

The report refers to realigning Catalina Road to be undertaken by the proponent...to the satisfaction of CoA and MRWA. The obligations for the realignment have now been fully documented via Amt 220 and the subdivision process, I think that it would be worthwhile to specify exactly what that is in the report.

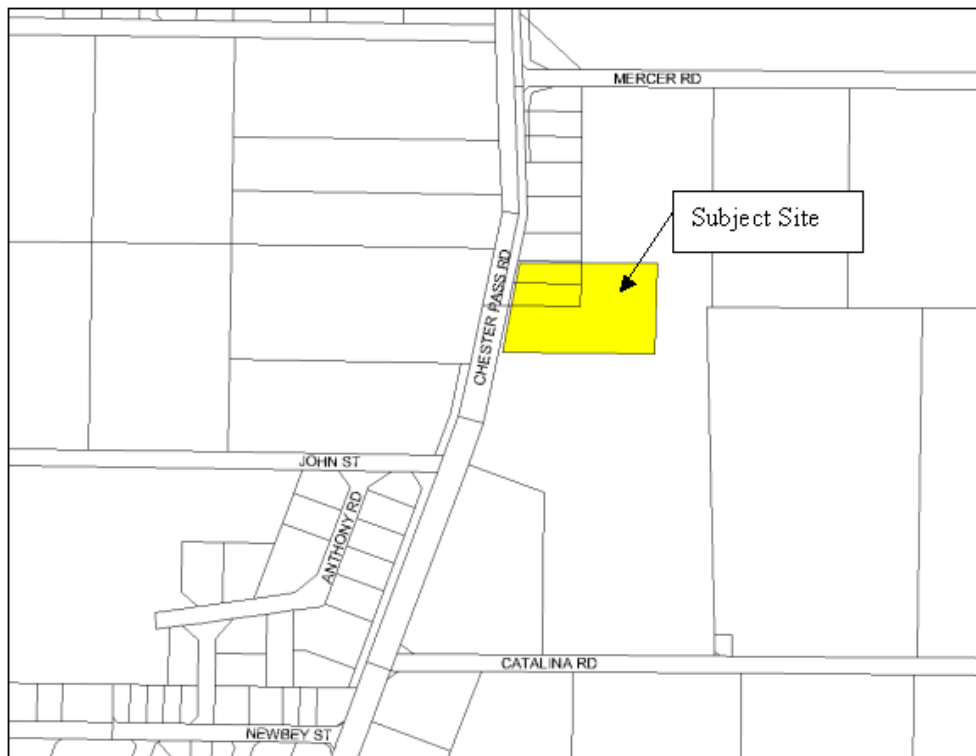
Your comments regarding the above matters would be appreciated.

regards,

Karen Wright - Associate
Taylor Burrell Barnett
187 Roberts Road, Subiaco 6008
ph: 9382 2911
Fx: 9382 4586
mob: 0417 990 133

18.1 Development Application – Bulky Goods Store – Lot 101 Chester Pass Road, Lange

- File/Ward** : A164826 (Yakamia Ward)
- Proposal/Issue** : Application for a Bulky Goods Store
- Subject Land/Locality** : Lot 101 on the Corner of Chester Pass Road and the proposed Brooks Garden Boulevard.
- Proponent** : Howard and Associates
- Owner** : Kingopen Pty Limited
- Reporting Officer(s)** : Manager Development (M Selby)
Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/02/04 Item 11.1.3
- Summary Recommendation** : Approve after adoption of new Precinct Plan and resolution of design issues.
- Bulletin Attachment** : Nil
- Locality Plan** :



Item 18.1 continued

BACKGROUND

1. Council received an application in December 2003 on behalf of Kingopen Pty Ltd, to develop a Bulky Goods Store on a parcel of land to be created through the subdivision process at the corner of Chester Pass Road and the proposed Brooks Garden Boulevard (Road “C” in the Catalina Central Structure Plan). The proposal initially involved the development of a single 5981 m² building. The application has now been amended and reduced in size to a 4000m² building.
2. The proposed site on which the new building is located is to be 1.22 hectares in area.
3. The application went to the Council meeting dated 17th February 2004 where it was resolved that Council lay this application on the table for a period of one month. The reason being that staff were meeting with the developer’s consultants later on in the week to discuss access and other areas of concern resulting from the implementation of the Catalina Central Structure Plan. The delay was to allow time for the concerns raised in the report to be addressed and for staff to report back to Council.
4. Staff have had several meetings with the proponent and subsequently the issue of compliance with the CCSP has not been resolved. The proponent has requested that Council deal with this matter and hence presentation of this report to Council (see attached letter).

STATUTORY REQUIREMENTS

5. The proposal development is a ‘Bulky Goods Outlet’, which is classified as a ‘Permitted’ use in Scheme 3. Notwithstanding that it is a permitted land use activity in the Scheme, the proposed development must still comply with the Structure Plan and Precinct Plan (including any design guidelines) previously adopted by Council.
6. The subject land is zoned under Town Planning Scheme No.3, as “Mixed Business”, and is subject to clause 5.22 of the Scheme. The relevant portion of that clause states;

“No person shall carry out any development within the Mixed Business Zone unless such development is in accordance with a Precinct Plan which has first been adopted by Council.”

7. Council adopted a Precinct Plan in June 2003. The Precinct Plan and supporting documentation contained within the CCSP, identified three sites to be developed for bulky goods. These are:
 - *Site 1 – north side of road C (2050m²)*
 - *Site 2 – northern side of Neighbourhood Centre (1650m²)*
 - *Site 3 – conversion of the existing Farm Fresh (2800m²).*

Item 18.1 continued

8. Council cannot approve the development of the site with 3000m² of Net Lettable Area (NLA), as that exceeds the areas for the three sites identified on the precinct Plan. The Scheme is emphatic in its terminology, that a Precinct must be endorsed by Council and that development “is in accordance” with the Precinct Plan. Therefore at this point in time, Council cannot issue an approval for the proposal.

POLICY IMPLICATIONS

9. There are no policy implications as the proposal is consistent with the CCSP.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

12. The following comments are presented in relation to the outstanding issues associated with the development proposal before Council.
13. Building Facades – Insufficient details have been provided on how each façade will address the public or private area surrounding the development. Further details outlining the type the materials to be used, finishes, amount of glazed areas etc should be provided prior to issuing any Planning Scheme Consent approval.
14. Site Landscaping – No details have been presented on this issue. Landscaping areas are to be free of any intrusions from car parking etc. With the landscaping buffer adjacent to Chester Pass Road, no fencing shall be permitted within this area, and the mounded treatment within the first 15 metres shall be retained. A landscaping plan needs to be provided as a condition of any approval issued.
15. Car parking – If the applicant complied with clause 3.3.2 of the CCSP, 150 car parking bays would be needed on the site. The plan attached to the development application show a total of 105 bays, which is in excess of the 66 required based on a change to the draft Catalina Central Planning Framework.
16. Setbacks – The building is currently positioned within 15 metres of the Chester Pass Road boundary, which is the minimum setback. The setback is not considered appropriate given the current setbacks around the area and the setback for the building associated for the Woolworths Plus Service Station. The setback is recommended to be 20 metres from the cadastral boundary.

Item 18.1 continued

17. Loading Area – Vehicle Movement - Staff have been advised that all deliveries to the site will be undertaken with non articulated vehicles which is outside of Council’s control, however previous experience with large retailers is that deliveries are likely to be made using larger vehicles. The attached plan shows a loading area, which could only be accessed by the truck stopping on the public street and backing into the designated loading docks. This is unacceptable for such a development. Prior to the issuing of any Planning Scheme Consent approval, the applicant is to provide sufficient manoeuvring space on site for large vehicles, so that all vehicles enter and leave the site in forward gear.

RECOMMENDATION

THAT Council upon the resolution of the following issues:

- a) Loading Area;
- b) Building Façade;
- c) Landscaping;
- d) Increasing the building setback from Chester Pass Road to 20 metres; and
- e) Advertising and final adoption of a new Precinct Plan for the subject land;

conditional approve the development of a Bulky Goods Store (with a maximum net lettable area of 3000m², Storage Area – 1000m² and Staff Amenity area) at Lot 101 Chester Pass Road, Lange.

Voting Requirement Simple Majority

THAT Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Manager Development authority to issue a Conditional Planning Scheme Consent approval (not limited to the above restrictions/conditions) for the proposed Bulky Goods Store on Lot 101 Chester Pass Road, Lange.

Voting Requirement Absolute Majority

.....
Councillor Wellington declared an interest in this item and left the Chambers at 8.25pm. The nature of his interest is that he is a retailer in opposition to the proposed tenant.

Item 18.1 continued.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR EMERY**

THAT Council upon the resolution of the following issues:

- i) Loading Area;**
- ii) Building Façade;**
- iii) Landscaping;**
- iv) Increasing the building setback from Chester Pass Road to 20 metres;
and**
- v) Advertising and final adoption of a new Precinct Plan for the subject
land;**

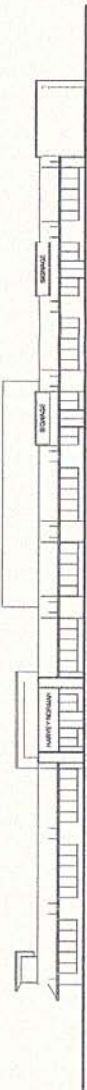
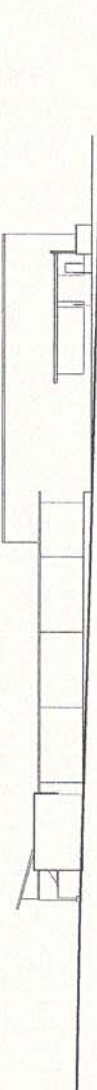
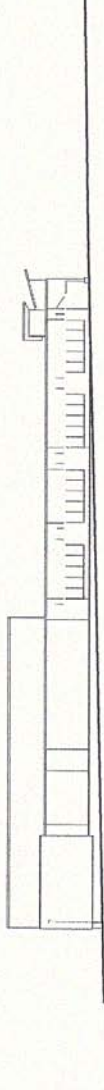
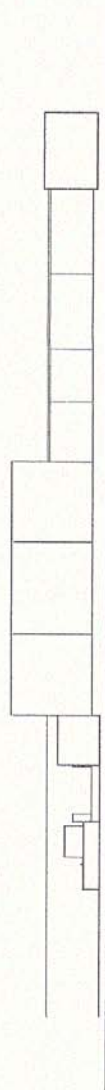
conditional approve the development of a Bulky Goods Store (with a maximum net lettable area of 3000m², Storage Area – 1000m² and Staff Amenity area) at Lot 101 Chester Pass Road, Lange.

THAT Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 delegate to the Manager Development authority to issue a Conditional Planning Scheme Consent approval (not limited to the above restrictions/conditions) for the proposed Bulky Goods Store on Lot 101 Chester Pass Road, Lange.

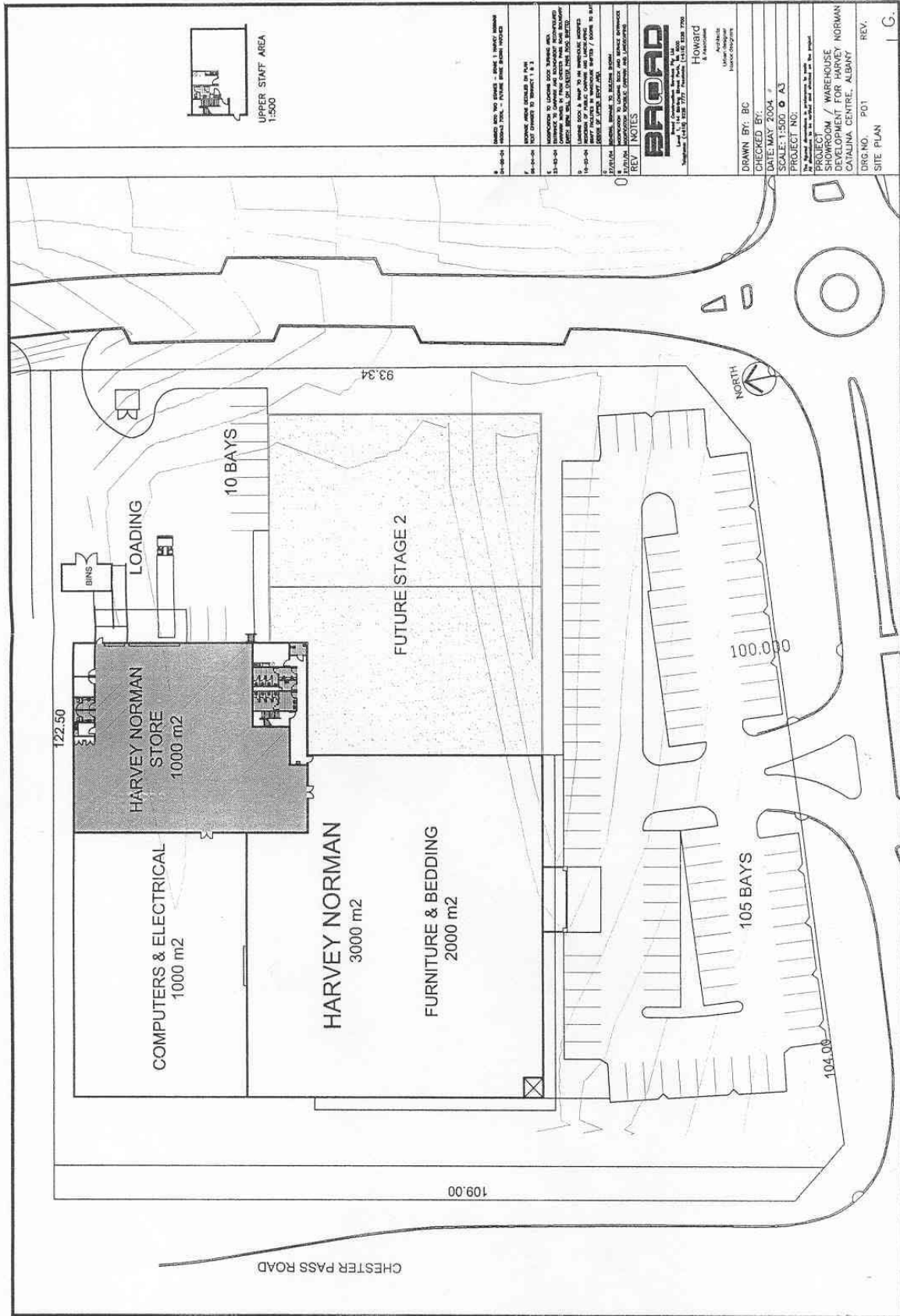
**MOTION CARRIED 11-1
ABSOLUTE MAJORITY**

Councillors Wellington, Barton and Lionetti returned to the Chambers at 8.26pm.

Item 18.1 continued

<div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>SOUTH ELEVATION</p> </div> <div style="text-align: center;">  <p>EAST ELEVATION</p> </div> <div style="text-align: center;">  <p>WEST ELEVATION</p> </div> <div style="text-align: center;">  <p>NORTH ELEVATION</p> </div> </div>	<p style="font-size: small;">MEMORANDUM TO LENDING BANK AND FINANCE SERVICES REF: NOTES</p> <p style="font-size: x-large; font-weight: bold; text-align: center;">BROAD</p> <p style="font-size: x-small; text-align: center;">Broad 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 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DATE: JANUARY 2004 SCALE: 1:500 @ A3 PROJECT NO:</p> <p style="font-size: x-small;">PROJECT SHOWROOM / WAREHOUSE DEVELOPMENT FOR JANEY NORMAN CATALINA CENTRE, ALBANY</p> <p style="font-size: x-small;">DRG. NO. PD2 REV. B.</p> <p style="font-size: x-small;">ELEVATIONS</p>
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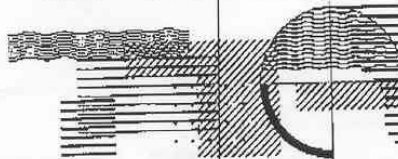
Item 18.1 continued



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Item 18.1 continued

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TAYLOR BURRELL BARNETT

Town Planning and Design

3 May 2004

Our Ref: kW:ct 97/95

City of Albany
Mercer Road
PO Box 484
ALBANY WA 6330

187 Roberts Road Subiaco
Western Australia 6008
PO Box 8186 Subiaco East
Western Australia 6008
Telephone: (08) 9382 2911
Facsimile: (08) 9382 4586
Email: admin@tbbplanning.com.au

Attention: Mr Robert Fenn and Phil Shephard

Dear Sir

RE: MODIFICATIONS TO THE CATALINA CENTRAL STRUCTURE PLAN - PRECINCT PLAN

We refer to the extensive discussions between Mr Mat Selby of your Office, together with Mr John Lynn and Ms Karen Wright in relation to the Application for Planning Scheme Consent for the Harvey Norman (Bulky Goods outlet) on the northeastern corner of Chester Pass Road and Brooks Garden Boulevard. We understand that there are two issues currently preventing issuing the conditional approval, namely:

- The floor space allocation identified for this site within the Catalina Central Structure Plan (CCSP); and
- The approved floor space for bulky goods within the Farm Fresh development (PSC P235203) and the balance of the bulky goods floor space that can be allocated to this site.

To enable the approval to the Planning Scheme Consent for the Harvey Norman development we respectfully request:

- a modification to the CCSP to reallocate the floor space; and
- provide clarification as to the approved floor space allocation to bulky goods within P235203.

Modification to the Catalina Central Structure Plan

Section 4.2 of the CCSP discusses the Precinct Plan for Precinct 1 and lists the proposed uses as follows:

- 5000m² NLA retail
- 500m² office floor space
- 1200m² medical centre
- 6500m² NLA bulky goods/showroom floor space.....

The intent of the precinct plan was to identify a total floor space of bulky goods/showroom of 6500m² as identified above as being suitable within Precinct 1.

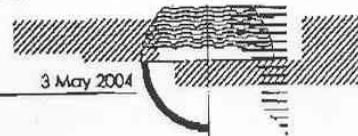
Section 4.2.4 of the CCSP discusses in more detail three proposed locations for bulky goods/showrooms as follows:

Item 18.1 continued

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.../2
City of Albany

3 May 2004



Site 1 – northern side of Road C (Harvey Norman)	2050m ²
Site 2 – northern side of Neighbourhood Centre	1650m ²
Site 3 – existing Farm Fresh	<u>2800m²</u>
	6500m ²

These were intended to indicatively identify floor space within Precinct 1 and that applications for Planning Scheme Consent would define the actual floor space. This is standard planning practice as often at the Structure Planning Stage, particularly for commercial developments, the detailed floor space requirements have not been finalised.

As you are aware it is now only the intention to divide the 6500m² of bulky goods floor space identified within the Precinct Plan within two sites. The first being Site 1, Harvey Norman and the second Site 3 as follows;

Site 1 – northern side of Road C (Harvey Norman)	4000m ²
Site 3 – existing Farm Fresh	<u>2500m²</u>
	6500m ²

It is considered that this modification is only minor in nature as the total floor space is in accordance with the CCSP Precinct Plan together with the Economic Impact Assessment prepared for the site.

In accordance with Clause 5.22 of the City of Albany Town Planning Scheme No.3, it is respectfully requested that Council modify Clause 4.1.2.4 of the Catalina Central Structure Plan – Precinct Plan to reallocate the bulky goods floor space as follows;

Site 1 – northern side of Road C	4000m ²
Site 2 – existing Farm Fresh	<u>2500m²</u>
	6500m ²

Approved Bulky Goods Floor space P235203

It is apparent from the above discussion relating to bulky goods floor space that the current approved floor space within Precinct 1 is 6500m² and that it is our clients intention for this to be allocated within two sites. Currently there is approval for the change of building use (Retail to Bulky Goods Store) for Farm Fresh which directly impacts on the balance floor space to be allocated to Site 1 – Harvey Norman.

It is the City's belief as stated within its letter dated 16 March 2004 that in accordance with the existing approval "a total of 3,350m² of the existing Farm Fresh building is to be converted to Bulky Goods Retailing upon the completion and occupation of the new Neighbourhood centre only 3150m² of Bulky Goods Retailing floor space is supportable for the Harvey Norman site under Council's current planning controls".

Section 4.1 Proposed Use of the CCSP states; "The development proposed comprises the retention of the Farm Fresh supermarket and nursery until the development of the new centre, at which time Farm Fresh will convert to bulky goods retail."

The report within section 4.2 relating to car parking states a floor space allocation for the conversion of 3350m². We wish to highlight that this was merely to demonstrate that the application had adequately accommodated the car parking requirements of the Scheme.

Item 18.1 continued

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.../3
City of Albany

3 May 2004

The intent of the application was for the conversion of the Farm Fresh retail component to bulky goods which is clearly evident from the approval issued by Council which states; *Shop – Neighbourhood Centre and change of building use (Retail to Bulky Goods Store)*. The retail floor space is in fact 2500m² and not 3350m² discussed above as identified within the application. As mentioned, this floor space was merely to calculate car parking and was not intended to constitute identification of the area of floor space the subject of the conversion. Figures 1, 2 and 3 included within the application actually state: **Existing Farm Fresh Supermarket to be converted to Bulky Goods Retail**. In retrospect it is conceded that the floor space calculations were not clearly stated within the application and that this has caused some confusion over the approved floor space for bulky goods/showroom development.

It is agreed with Mr Rob Fenn in his letter of 16 March 2004 that the repetitive use of the term Farm Fresh Building has created the impression that the entire structure was to have been converted to bulky goods. The letter does however, confirm that it is accepted that the approval does not relate to the entire Farm Fresh building. It appears that reference to 3,350m² within the Application for Planning Scheme Consent when calculating the car parking was, in fact, an error in the calculation of the retail floor space. The floor plan attached clearly identifies that the retail floor space is in fact 2500m².

On this basis, it is respectfully requested that in accordance with the Grant of Planning Consent for the Shop – Neighbourhood Centre and change of building use (Retail to Bulky Goods Store), that Council interpret the approval to relate to the retail floor space of 2500m². We reiterate that our Client is willing to enter into a Deed of Agreement with Council to confirm that the conversion only relates to the retail component of the Farm Fresh development as illustrated on the attached plan.

The balance of the bulky goods floor space (4000m²) should then be allocated to Site 1 – Harvey Norman as specified above.

Conclusion

We trust that this provides clarity to the allocation for bulky goods floor space within Precinct 1 of the Catalina Central Structure Plan. We understand that the CCSP Precinct Plan will be considered at the May meeting of Council. In accordance with our discussions with Mr Mat Selby of your Office it is essential that the modifications mentioned above are incorporated into the document for consideration at the May meeting.

We would be most pleased to discuss this correspondence in more detail. Please do not hesitate to contact Mr John Lynn or the undersigned on 9382 2911.

Yours faithfully
TAYLOR BURRELL BARNETT

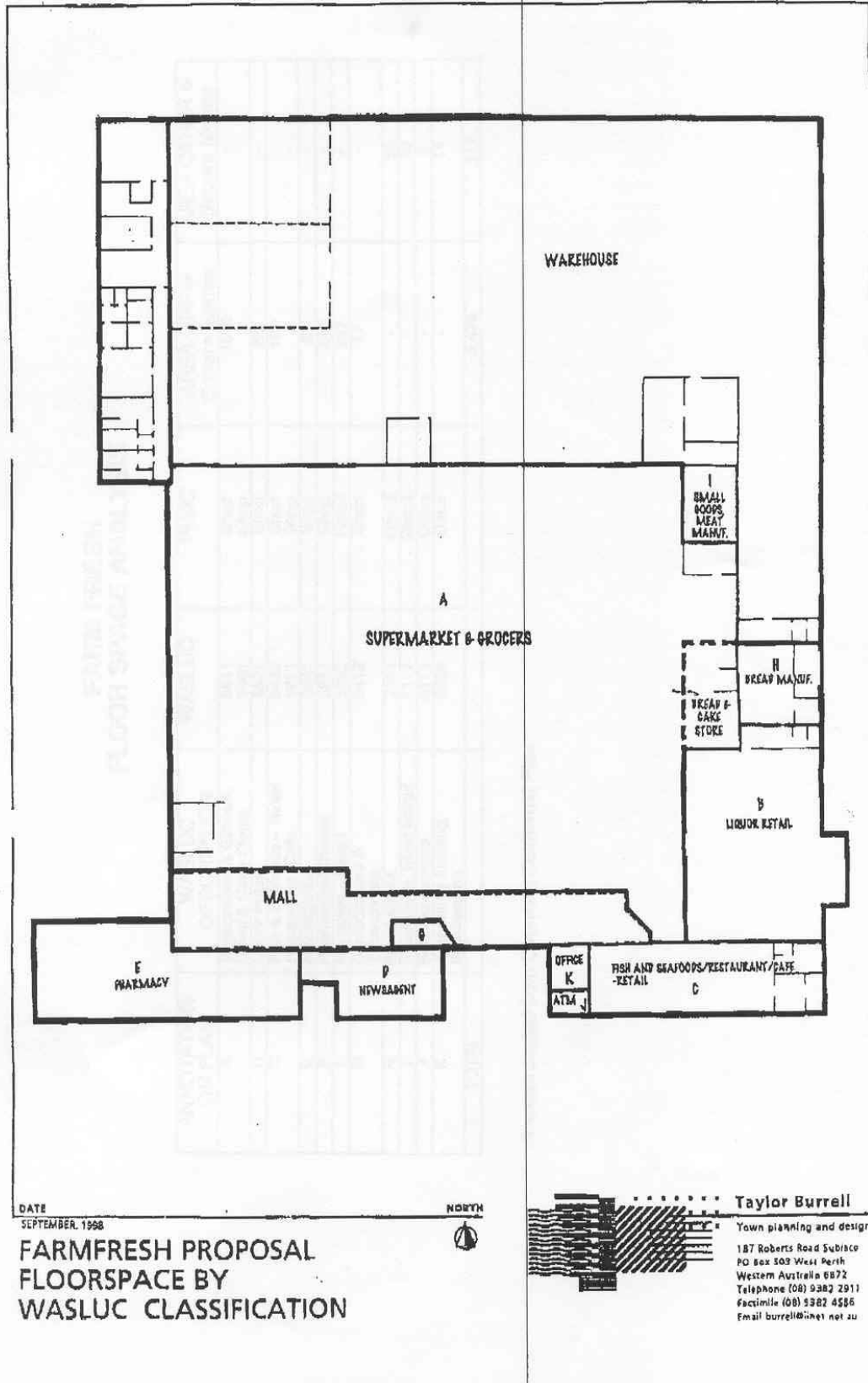


LEX BARNETT
Director

CC: Mr Mat Selby – City of Albany
Mr John Lynn
Messrs Peter and Perry Spanbroek
Mr Peter Slattery – GRD Kirfield

Item 18.1 continued

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18.3 Federal Funding for Mobile Telephone Coverage

File/Ward	: MAN 101/ A175091 (West Ward)
Proposal/Issue	: Council supports Federal funding allocated for new mobile telephone infrastructure on the Vancouver Peninsula (Little Grove area) to be applied to a suitable site in the Young's Siding/Torbay district, in light of the deadline for use of the funding being 30 June 2004.
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager, Economic Development (J Berry)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/06/03 - Item 11.1.1 OCM 18/11/03 - Item 11.1.2
Summary Recommendation	: THAT Council write to the Department of Communications, Information Technology and the Arts (DCITA) strongly supporting (Besley TS-1) Telecommunications Services Inquiry funding be approved for the establishment of a new mobile base station in the Torbay/Youngs area and that Council further lobby for the support of the Member for O'Connor and Telstra Countrywide to establish the service.
Locality Plan	: N/A

BACKGROUND

1. At the Council meeting on the 17th June 2003, an application from Telstra (Mobile Phone Services Division) to establish a 25-metre mobile phone tower on Reserve 34387 (Lot 7353) Austin Road, Frenchman Bay was refused. The site considered at that time was a Reserve classified as "Parks and Recreation (Restricted)" within Town Planning Scheme No. 3, and vested with the Water Corporation for the purposes of 'Water Supply'. That Reserve is surrounded on all sides by the Torndirrup National Park, which is managed by the Department of Conservation and Land Management (CALM).
2. The tower was to be positioned directly behind an existing 4-metre high water tank, which provides the residents of Goode Beach with potable water.

Item 18.3 continued.

3. Council resolved to issue a Planning Scheme Consent Refusal Notice for the proposed 'Public Utility (Mobile Phone Tower)' on Reserve 34387 Austin Road, Frenchman Bay due to the following reasons:
 - i) the tower is to be located within a visually sensitive area, being positioned on elevated land and surrounded on all sides by national park, and is therefore likely to have a detrimental affect on the visual qualities of the natural landscape; and
 - ii) the community benefits associated with increased mobile phone coverage resulting from the proposed tower, as advised by Telstra, do not compensate for the loss of amenity many residents will endure as a result of the proposed development.
4. The Telecommunications Act 1997 requires all telecommunication providers to gain the necessary approvals from the relevant authorities in situations where a high impact facility is to be constructed. High impact facilities include mobile phone towers.
5. The Goode Beach and Little Grove area have been identified as areas requiring improved CDMA/GSM coverage as part of the (Besley TSI-1) Telecommunications Services Inquiry, and Government funding was made available to improve this service. The decision of Council to refuse the application on the Water Corporation site resulted in the Besley funding being withdrawn (all infrastructure had to be built before the 31st December 2003).
6. The Federal Department of Communications, Information Technology and the Arts (DCITA) has since extended the availability of the funding to 30th June 2004, in light of a request to consider an alternative site that would assist coastal safety. At its 18th November 2003 meeting Council resolved to work with Telstra and other stakeholder organisations to determine the availability and suitability of sites on the Vancouver Peninsula for a new mobile base station. The Albany Sea, Search and Rescue with the support of the Nathan Drew Foundation has also been working with government agencies and Telstra to identify a site and have selected Stoney Hill as their preferred location.

STATUTORY REQUIREMENTS

7. Telstra has historically been responsible for establishing the mobile phone network and Council is one of several approval agencies consulted prior to a development occurring.

POLICY IMPLICATIONS

8. Council has been requested to take on an advocacy role in the development of improved mobile phone coverage in this area.

Item 18.3 continued.

FINANCIAL IMPLICATIONS

9. Council has no budget to support this project. Federal funding in the order of \$270,000 is available to support Telstra with the establishment of a new base station.

STRATEGIC IMPLICATIONS

10. Council's Strategic Plan advises that Council will advocate for improved services for the community.

COMMENT/DISCUSSION

11. Stoney Hill in the Tondirrup National Park has recently been suggested by the Albany Sea Rescue Squad Inc as an alternative site. Telstra representatives have acknowledged that this prominent location would meet the service parameters imposed by the Federal Government for funding and provide a high level of CDMA and GSM coverage
12. Gaining the necessary approvals for this site before June 30 2004 is highly unlikely as Stoney Hill is a visually prominent feature in the landscape, it forms part of a heritage trail, has declared flora on its slopes and it is located within an "A" class National Park reserve system. The Minister for the Environment, the Heritage Council and CALM are required to approve the site and Telstra advise that it will take at least another 12 months to gain the necessary approvals. Without an early resolution to this matter it is likely Federal funding opportunities will be lost.
13. Recent fire events in the Torbay and Nullaki Peninsula area have highlighted an urgent need to have improved mobile services in the west of the municipality. Options for a CDMA service around the Young's area would be best served by considering sites at Torbay Hill or Bornholm Hill. The Bornholm site already has an existing tower with power enabled through the Television Black Spots Program and is on private land. This is likely to be the cheapest and least problematic option.
14. These sites were previously submitted by Telstra Corporation for application of the Besley monies after the Goode Beach (Little Grove) option fell through, however they were rejected by DCITA as they did not meet the funding criteria for the Bezley monies.
15. Notwithstanding this, Telstra Corporation submitted the application in isolation and without the political support of the City of Albany, local politicians and the broader community.

Item 18.3 continued.

16. In light of Stoney Hill being highly problematic it is proposed that a firm proposal be put to DCITA by Council that will result in the Federal monies being preserved for use in the Albany municipality at an achievable site. The Youngs Fire Brigade has commenced a petition (with 125 signatures to date) to lobby for a local mobile base station. In addition, recent discussions with the Member for O'Connor, the Hon Wilson Tuckey MP has indicated he would assist in having funding preserved for a site that is achievable in the short term. The arguments supporting a site in the Torbay/Youngs area include:-

- Availability of site (landowner support).
- Availability of existing infrastructure (road access, power, tower etc).
- Heavily used tourist route.
- Fire and emergency prevention.

17. It should be noted that Telstra is planning a new CDMA Station at Willyung Hill on a commercial basis, which should also assist parts of Lower King, which is another area that has black spots for mobile telephone reception.

RECOMMENDATION

THAT should CALM not be able to provide an unequivocal commitment to the location of the tower on Stoney Hill on or before 31st May 2004 then Council write to the Department of Communications, Information Technology and the Arts (DCITA) strongly supporting (Besley TS-1) Telecommunications Services Inquiry funding (previously approved for Little Grove) be re-allocated for the establishment of a new mobile base station in the Torbay/Youngs area, and that Council further lobby the Member for O'Connor, the Hon Wilson Tuckey MP and Telstra Countrywide to urgently facilitate establishment of this proposed service.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WATERMAN
SECONDED COUNCILLOR WOLFE**

THAT should CALM not be able to provide an unequivocal commitment to the location of the tower on Stoney Hill on or before 31st May 2004 then Council write to the Department of Communications, Information Technology and the Arts (DCITA) strongly supporting (Besley TS-1) Telecommunications Services Inquiry funding (previously approved for Little Grove) be re-allocated for the establishment of a new mobile base station in the Torbay/Youngs area, and that Council further lobby the Member for O'Connor, the Hon Wilson Tuckey MP and Telstra Countrywide to urgently facilitate establishment of this proposed service.

MOTION CARRIED 14-1

Councillor Paver asked to have his name records for voting against the motion.

19.0 CLOSED DOORS

Nil.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 15th June 2004, 7.30pm

21.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 8.32pm .

Confirmed as a true and correct record of proceedings.

A Goode, JP

Mayor

APPENDIX A

WRITTEN NOTICE OF DISCLOSURES OF INTEREST

Name	Item	Nature of Interest
Cllr Wellington	Item 18.1	Retailer in opposition to the proposed tenant.
Cllr Lionetti	Item 18.1 & 18.2	Owner of land tenant is vacating.
Cllr Barton	Item 18.1 & 18.2	Employee at Coles Supermarket.

APPENDIX B

INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING

Nil.

INTERESTS DISCLOSED BY OFFICERS

Nil.

[Agenda Item 12.1.1 refers]

[COUNCIL – 18th May 2004]



SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques		totalling	327,281.79
Electronic Fund Transfer		totalling	1,482,248.15
Payroll		totalling	678,416.41
TOTAL			<u>\$2,487,946.35</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,487,946.35 was submitted to each member of the Council on 18th May 2004 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
 (A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$2,487,946.35 which was submitted to the Council on 18th May 2004 and that the amounts are recommended to the Council for payment.

MAYOR
 (A Goode JP)