



# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 18<sup>th</sup> October 2005  
7.30pm  
City of Albany Council Chambers**

## **City of Albany**

### **\*\* Disclaimer \*\***

No responsibility whatsoever is implied or accepted by the City of Albany for any act, omission or statement or intimation occurring during Council/Committee meeting or during formal/informal conversations with Staff. The City of Albany disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the City of Albany during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Albany. The City of Albany warns that anyone who has an application lodge with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

Signed \_\_\_\_\_

***Andrew Hammond***  
Chief Executive Officer

Date: 21<sup>st</sup> October 2005

## TABLE OF CONTENTS

<b>1.0</b>	<b>Declaration of Opening</b>	<b>4</b>
<b>2.0</b>	<b>Record of Attendance/Apologies/Leave of Absence (Previously Approved)</b>	<b>4</b>
<b>3.0</b>	<b>Opening Prayer</b>	<b>4</b>
<b>4.0</b>	<b>Response to Previous Public Questions Taken On Notice</b>	<b>4</b>
<b>5.0</b>	<b>Public Question Time</b>	<b>4</b>
<b>6.0</b>	<b>Confirmation Of Minutes of Previous Minutes</b>	<b>5</b>
<b>7.0</b>	<b>Applications For Leave Of Absence</b>	<b>5</b>
<b>8.0</b>	<b>Disclosure of Financial Interest</b>	<b>5</b>
<b>9.0</b>	<b>Matters for Which Meeting May Be Closed</b>	<b>5</b>
<b>10.0</b>	<b>Petitions/Deputations/Presentations</b>	<b>5</b>
<b>11.0</b>	<b>Reports – Development Services</b>	<b>6</b>
11.1	Development	
11.1.1	Locality Boundary Review - Mettler	7
11.1.2	Development Application – Grouped Dwellings – Lots 113 & 114 Barnesby Drive, Yakamia	18
11.1.3	Development Application – Single Residential Dwelling – Lot 651 La Perouse Court, Goode Beach	24
11.2	Health, Building & Rangers	
	Nil.	30
11.3	Development Policy	
11.3.1	Scheme Policy – Final Adoption – Down Road Timber Processing Precinct Noise and Hazard Management Policy	31
11.3.2	Scheme Policy – Final Adoption – Masonic Hall Design Guidelines	37
11.3.3	Scheme Amendment Request – Alteration to Special Rural Area No. 4A – Location 21 and Lots 17, 18, 19, 20, 21, 22, 27, 28, 29 & 30 Mead Road, Kalgan	45
11.3.4	Initiate Scheme Amendment – Pt Lot 376 La Perouse Road, Goode Beach	50
11.3.5	Initial Scheme Policy - Draft Housing Strategy	54
11.4	Reserves Planning	
11.4.1	Change of Reserve Purpose – Reserve 26312 – Loftie Street, Seppings	61
11.4.2	Crown Land Disposal – Former Lots 23,24 and 33 Brewster Road, Collingwood Heights	66
11.4.3	Lease for Reserve – Albany Lot 1175 Medcalfe Parade, Emu Point	70
11.5	Development Service Committee	
11.5.1	Bushfire Management Committee meeting minutes – 21 September 2005	73
<b>12.0</b>	<b>Reports – Corporate &amp; Community Services</b>	<b>76</b>
12.1	Finance	
12.1.1	List of Accounts for Payment	77
12.1.2	Financial Activity Report	78
12.1.3	Annual Electors Meeting	82
12.2	Administration	
12.2.1	Local Law – Amendment to City of Albany Standing Orders Local Law	84

12.3	Library Services	
	Nil.	88
12.4	Day Care Centre	
	Nil.	88
12.5	Town Hall	
	Nil.	88
12.6	Recreation Services	
	12.6.1 Bayonet Head – Flinders Park Community Oval Feasibility Study	89
	12.6.2 Community Sporting and Recreation Facilities Fund (CSRFF) 2005/06 – 2007/08 Triennium Applications	93
	12.6.3 Proposed Gym upgrade - Albany Leisure and Aquatic Centre – Upgrade Stage 1.	97
12.7	Corporate & Community Services Committee	
	12.7.1 Albany Arts Advisory Committee meeting minutes – 14 <sup>th</sup> September 2005	103
12.8	Council Representation	
	12.8.1 Amity Heritage Precinct Enhancement Committee Representation	104
<b>13.0</b>	<b>Reports – Works &amp; Services</b>	<b>105</b>
13.1	Waste Management	
	Nil.	107
13.2	Asset Management	
	Nil.	107
13.3	Works	
	13.3.1 Contract C05011 – Supply & Delivery of 4WD Ride On Mower	108
	13.3.2 Contract C05018 – Supply & Delivery of a Low Loader Trailer	111
	13.3.3 Contract C05016 – Footpath Construction – Brick Paving	114
	13.3.4 Contract C05017 – Footpath Construction - Concrete	117
	13.3.5 Contract C05014 Winning and Supply of Gravel	120
	13.3.6 Contract C05021 - Verge Pruning	123
	13.3.7 C05022 - Verge Mulching	126
13.4	Airport Management	
	Nil.	129
13.5	Reserves Management	
	13.5.1 C05019 - Upgrade and Extension works for Emu Point Seawall	130
13.6	Works & Services Committee	
	13.6.1 Albany Streetscape Committee meeting Minutes – 11 <sup>th</sup> August 2005	134
<b>14.0</b>	<b>Reports – General Management Services</b>	<b>135</b>
14.1	Strategic Development	
	Nil.	136
14.2	Organisational Development	
	Nil.	136
14.3	Economic Development	
	Nil.	136

14.4	General Management Services Committee	
14.4.1	Albany Tourism Marketing Advisory Committee meeting minutes – 8 <sup>th</sup> September 2005	137
14.4.2	Albany Entertainment Centre Steering Committee meeting minutes – 19 <sup>th</sup> September 2005	138
14.4.3	Amity Heritage Precinct Enhancement Committee meeting minutes – 3 <sup>rd</sup> August 2005	139
14.4.4	Albany Entertainment Centre Steering Committee meeting minutes – 3 <sup>rd</sup> October 2005	140
14.4.5	Terms of Reference of Albany Waterfront Committee	142
<b>15.0</b>	<b>Elected Members’ Monthly Report / Information Bulletin</b>	<b>145</b>
<b>16.0</b>	<b>Motions Of Which Previous Notice Has Been Given</b>	<b>145</b>
<b>17.0</b>	<b>Mayors Report</b>	<b>145</b>
<b>18.0</b>	<b>Urgent Business Approved by Mayor or by Decision of the Meeting</b>	
18.1	Development Application – Policy Relaxation – Lot 100 Thomas Street, Mt Clarence	
18.2	Budget Allocation – Stabilization of Land – Lots 40, 101 and Others Chester Pass Road, Lange	
18.3	CCAFF Funding – Vancouver Arts / Mary Thomson House	
<b>19.0</b>	<b>Closed Doors</b>	
<b>20.0</b>	<b>Next Ordinary Meeting Date</b>	
<b>21.0</b>	<b>Closure of Meeting</b>	

**1.0 DECLARATION OF OPENING**

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

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

Mayor	-	A Goode, JP
Councillors	-	DW Wellington
	-	MJ Evans, JP
	-	P Lionetti
	-	SM Bojcun
	-	JD Williams
	-	DJ Wolfe
	-	RH Emery
	-	J Waterman
	-	S Marshall
	-	D Wiseman
	-	R Paver
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Manager Development Services	-	R Fenn
Minute Secretary	-	S Day

Approximately 21 members of the public  
2 media representatives

Apologies / Leave of Absence:

- Councillor J Walker

**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**

**\*B Reardon - Redmond**

Ms Reardon addressed Council in regards to item 11.3.1 and asked several questions.

Executive Director Development Services responded.

**\*J Orchard – Redmond**

Ms Orchard addressed Council in regards to item 11.3.1 and asked Council not to support this proposal.

**\*D Price – Spencer Park**

Ms Price addressed Council in regards to item 11.3.5 and asked Council to lay this item on the table until the de Villiers report is received.

**\*L Thomas – Redmond**

Mrs Thomas addressed Council in regards to item 11.3.1 and advised that she is not in favour of the buffer zone being registered on her title.

**\*M Dshen – C/- Landcorp**

Mr Dshen addressed Council in regards to item 11.3.1 and outlined Landcorps action with owners and occupiers.

**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 20<sup>th</sup> September 2005; as previously distributed be confirmed as a true and accurate record of proceedings.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR EMERY**

**THAT the following minutes:**

- **Ordinary Council meeting held on 20<sup>th</sup> September 2005; as previously distributed be confirmed as a true and accurate record of proceedings.**

**MOTION CARRIED 14-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Councillor Lionetti sought leave of absence from the November Ordinary Meeting of Council.

Councillor Bojcun sought leave of absence from the November Ordinary Meeting of Council.

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR PAVER**

**THAT Councillors Lionetti and Bojcun be granted leave of absence from the November Ordinary Meeting of Council.**

**MOTION CARRIED 14-0**

**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.]

- Councillor Lionetti – Item 13.3.3
- Councillor Wiseman – Item 13.3.4
- Councillor Wellington – Item 13.3.4

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

Nil.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

# **Development Services**

## **REPORTS**



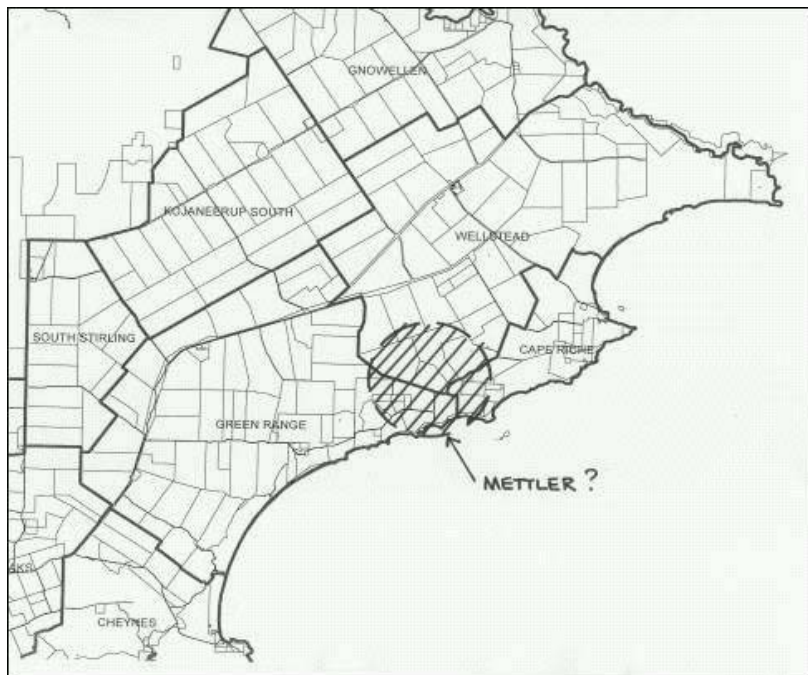
**DEVELOPMENT SERVICES REPORTS**

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

**11.1 DEVELOPMENT**

**11.1.1 Locality Boundary Review - Mettler**

<b>File/Ward</b>	:	SER 079 (Hassell Ward)
<b>Proposal/Issue</b>	:	Request to Change Existing Localities to Create Locality of Mettler
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Various Landowners
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/03/05 - Item 11.1.2 OCM 19/07/05 – Item 11.1.3
<b>Summary Recommendation</b>	:	Advocate for the Creation of the Mettler Locality.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

**BACKGROUND**

1. Prior to 2001, no official locality names existed in the City's rural area. Landowners, service and postal authorities, government agencies and other groups were at liberty to attach any label they thought appropriate to a property. There were instances where properties had multiple descriptors and inconsistencies existed in describing properties in close proximity to each other.
2. In 2001, after receiving advice from the City of Albany, the Department of Land Administration (now Department of Land Information) put in place official names and boundaries for localities (see plan titled "Existing Approved Localities" following this report). The official announcement of those localities was delayed until rural street numbers could also be allocated to each property. In October 2004, each rural household was notified by the Department of their official address (number, street, locality).
3. Mr Barry Smith, and several of his neighbours along Venns Road, wrote to Council in 2004 objecting strongly to the locality boundaries applied in the Venns Road area and more particularly with "the loss" of the name "Mettler" from official records. At the March meeting, Council resolved;

*"THAT Council defer its consideration of a request to rename portions of the localities of Green Range, Wellstead and Cape Riche to Mettler to provide adequate time for the affected landowners to adequately document the requirements outlined by the Geographic Names Committee and to establish an appropriate boundary for the proposed locality."*

4. The Executive Director Development Services met with a delegation of landowners on a Venns Road property in the week following the meeting and that delegation defined the boundary of the proposed locality (see plan following this report titled "Proposed Localities"). Letters were then sent to all affected landowners (32 in total) to obtain their feedback on the proposal. A total of 21 submissions were initially received and considerable work has been undertaken by Mr Smith to follow up with all landowners. General support has been provided by the landowners to the naming of the Mettler locality, with the exception of an enclave of landowners near Cape Riche. Those landowners associate themselves with Wellstead.

**STATUTORY REQUIREMENTS**

5. Section 26 (2) (b) of the Land Administration Act 1997 states *"The Minister (for Lands) may by order define and redefine the boundaries of, name, rename and cancel the names of, and subject to this section, abolish land districts and townsites."*
6. Section 295 (3) (c) of the Local Government (Miscellaneous Provisions) Act 1960 also states *"a person shall not; (i) assign a name to an area or street, unless the name is first approved by the Minister for Lands or (ii) alter or change a name that has been so assigned, whether initially or from time to time, to the area or street unless the Minister of Lands first approves of the alteration or change of that name."*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

**POLICY IMPLICATIONS**

7. The Geographic Names Committee of the Department of Land Information has produced guidelines to facilitate the approval and processing of nomenclature applications.

**FINANCIAL IMPLICATIONS**

8. There are no direct costs to Council to pursue a review of locality boundaries. Staff time has been incurred in advocating on behalf of the landowners and additional time will be required to adjust Council's records to reflect a boundary change.

**STRATEGIC IMPLICATIONS**

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through....*

- *Excellent community infrastructure and services*

***Mission Statement:***

*The City of Albany is committed to ...*

- *Providing sound governance; and*
- *Promoting our Community's vision for the future*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

10. The affected landowners have properties in the general area where the recently created locality boundaries of Green Range, Cape Riche and Wellstead meet. Like many other landowners in the District, a landowner fronting Venns Road could have their consolidated holding within one or more localities.
11. According to the Department's guidelines, it is possible to rename a locality *“provided there are sound reasons for a change”* and the request should have some of the following typical requirements (list reduced to only those items relevant to the current discussion);
- a. The proposal has strong local government support.*
  - b. The proposed name has some long-standing association with the locality.*
  - c. The proposal is supported by a broad-based community survey indicating very strong community support for the name change.*
12. The guidelines then proceed to state that renaming proposals are unlikely to proceed if;
- *The proposed name has no relationship to the area or is a made up name.*
  - *The proposed name is duplicated or similar in spelling or sound to an existing Western Australian town or locality name.*
  - *Petitions presented in support only present one point of view.*
  - *The proposal is not supported by Local Government.*

## DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

13. Council has the capacity to advocate on behalf of the landowners along Venns Road to excise a new locality of “Mettler” from the existing localities of Green Range, Wellstead and Cape Riche. The ultimate decision to create the locality will rest with the Minister for Lands. If Council decides to take no action, then the request is unlikely to succeed.
14. The responses from the landowners do portray a compelling argument to dispense with the current locality of Cape Riche. Of the eight landowners who did respond from within Cape Riche, most felt they were part of Wellstead and they wanted to be identified accordingly. The attached plan “summary of Landowner Responses” graphically represents the results of the survey.
15. Similarly, seven landowners currently within Wellstead responded to the survey and six agreed to identify themselves as part of Mettler.
16. Of the four respondents from within the current locality of Green Range, three support being included in a locality of Mettler, but the land holdings are non-contiguous land parcels and the intervening properties associate themselves with Green Range. The “Optional Area” has only partial support for its inclusion into a new Mettler locality.
17. The survey has concluded that there is strong community support to the creation of a locality called “Mettler”. The issue confronting Council and the Department of Land Information is where the boundary of a potential locality should be drawn. Some landowners in close proximity to the Wellstead townsite want to relate to Mettler. However, landowners near Cape Riche do not associate themselves with Mettler given they pass the Wellstead townsite, along Sandalwood Road, to gain entry to their properties.
18. There are numerous scenarios that could be pursued by Council and the Department of Land Information to define a boundary for the locality of Mettler. The important issue is the legibility of the proposed boundary and whether a property better relates to one locality or the other. Currently there is a townsite and services available at Wellstead, whereas Mettler is not easily recognisable to a visitor to the region. Also, wrapping the locality of Wellstead around Mettler is likely to cause confusion to the public and add to the difficulties of allocating rural street numbers, etc.
19. Three options for the definition of a Mettler boundary have been attached to the report. In summary;  
**Option 1** is a minimalist approach and would result in two landowners in both Wellstead and Mettler (see asterisks) who would prefer to be in the other locality.  
**Option 2** is a larger locality and has four landowners who would rather be in Wellstead than Mettler. This plan also provides highway recognition of the locality & has four properties (shown with double asterisks) who have not been consulted; and  
**Option 3** satisfies the needs of all landowners but creates a disjointed locality boundary.
20. From the survey conducted, it is possible to meet the primary criteria set by the Geographic Names Committee that *“the proposal is supported by a broad-based community survey indicating very strong community support for the name change”*. Staff consider Option 1 to be the most appropriate boundary to submit for consideration.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

RECOMMENDATION

THAT Council support the request to advocate for the renaming of portions of the localities of Green Range, Wellstead and Cape Riche to create a locality called Mettler and to expand the locality of Wellstead to incorporate the balance of the locality of Cape Riche, based upon the boundaries shown in Option 1.

*Voting Requirement Simple Majority*

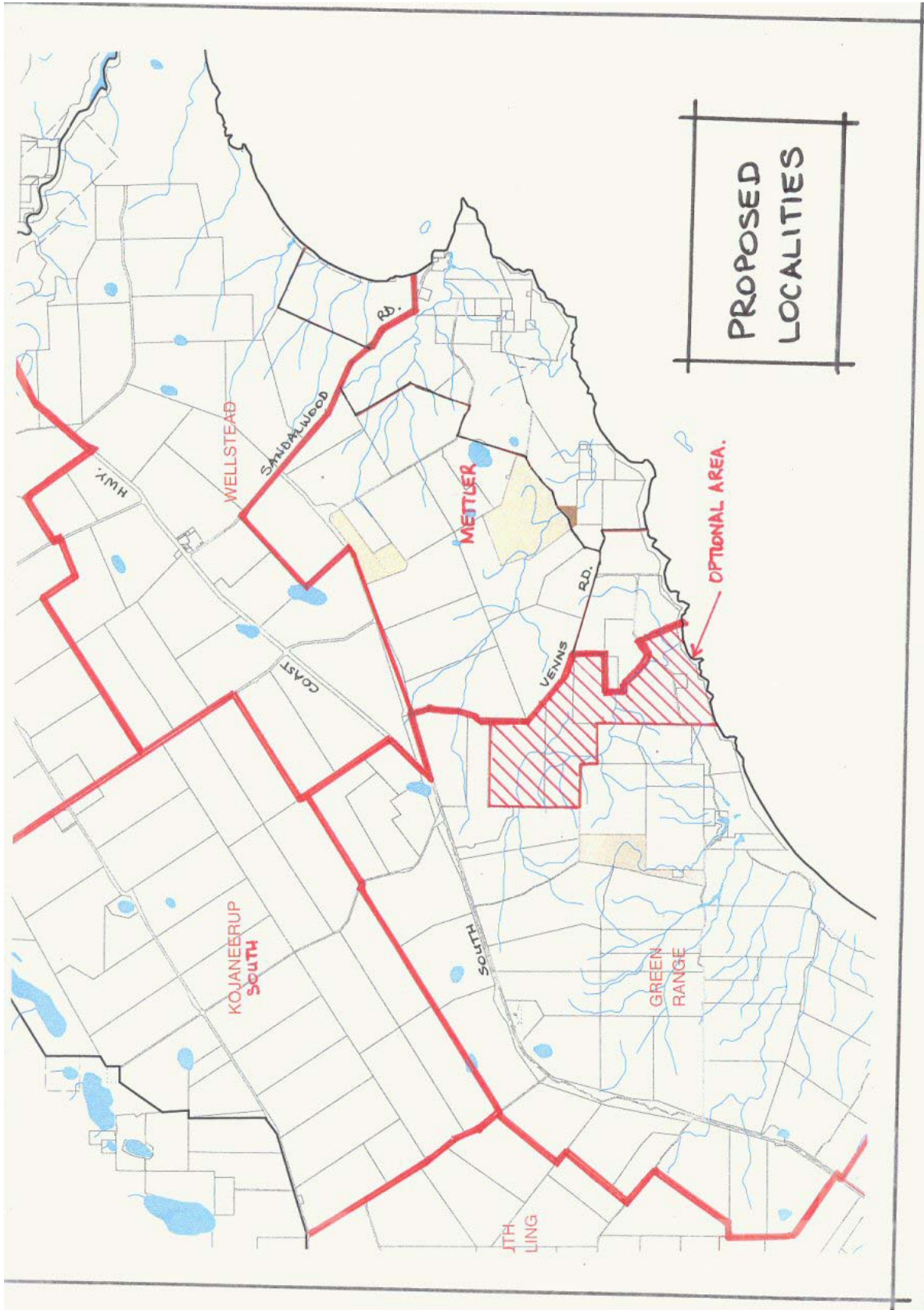
.....

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WEST**

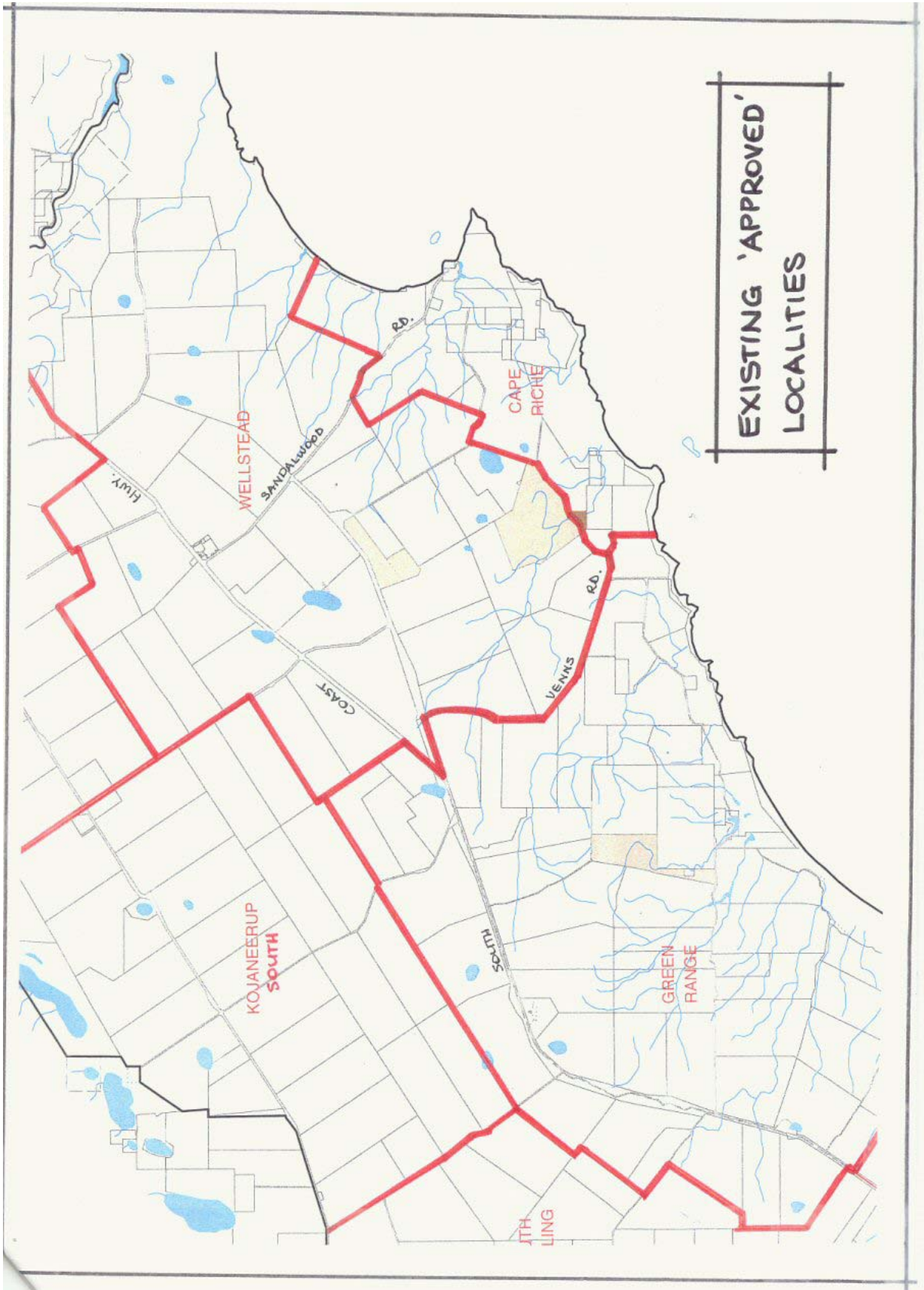
**THAT Council support the request to advocate for the renaming of portions of the localities of Green Range, Wellstead and Cape Riche to create a locality called Mettler and to expand the locality of Wellstead to incorporate the balance of the locality of Cape Riche, based upon the boundaries shown in modified Option 2 - attached.**

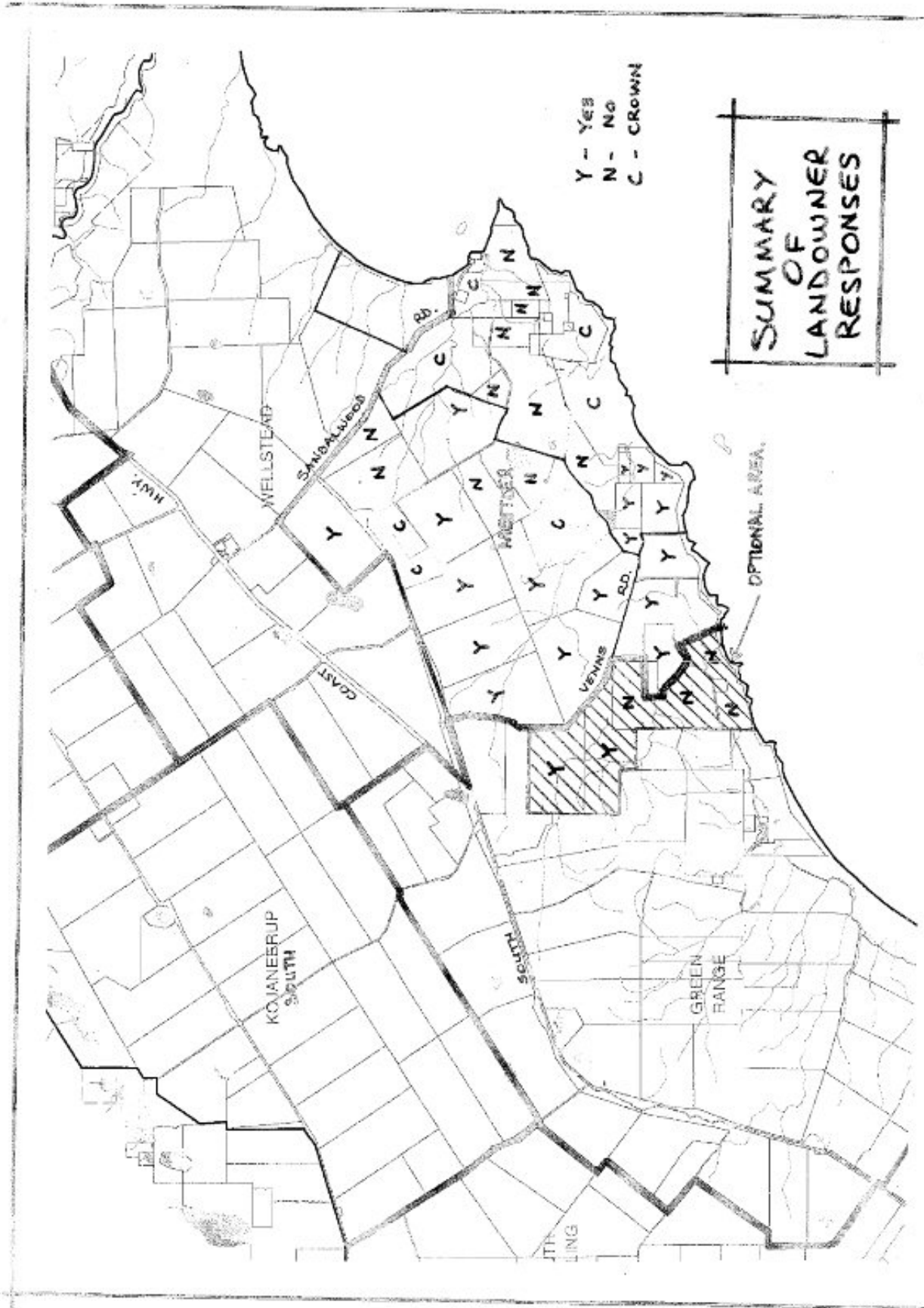
**MOTION CARRIED 14-0**

Item 11.1.1 continued.

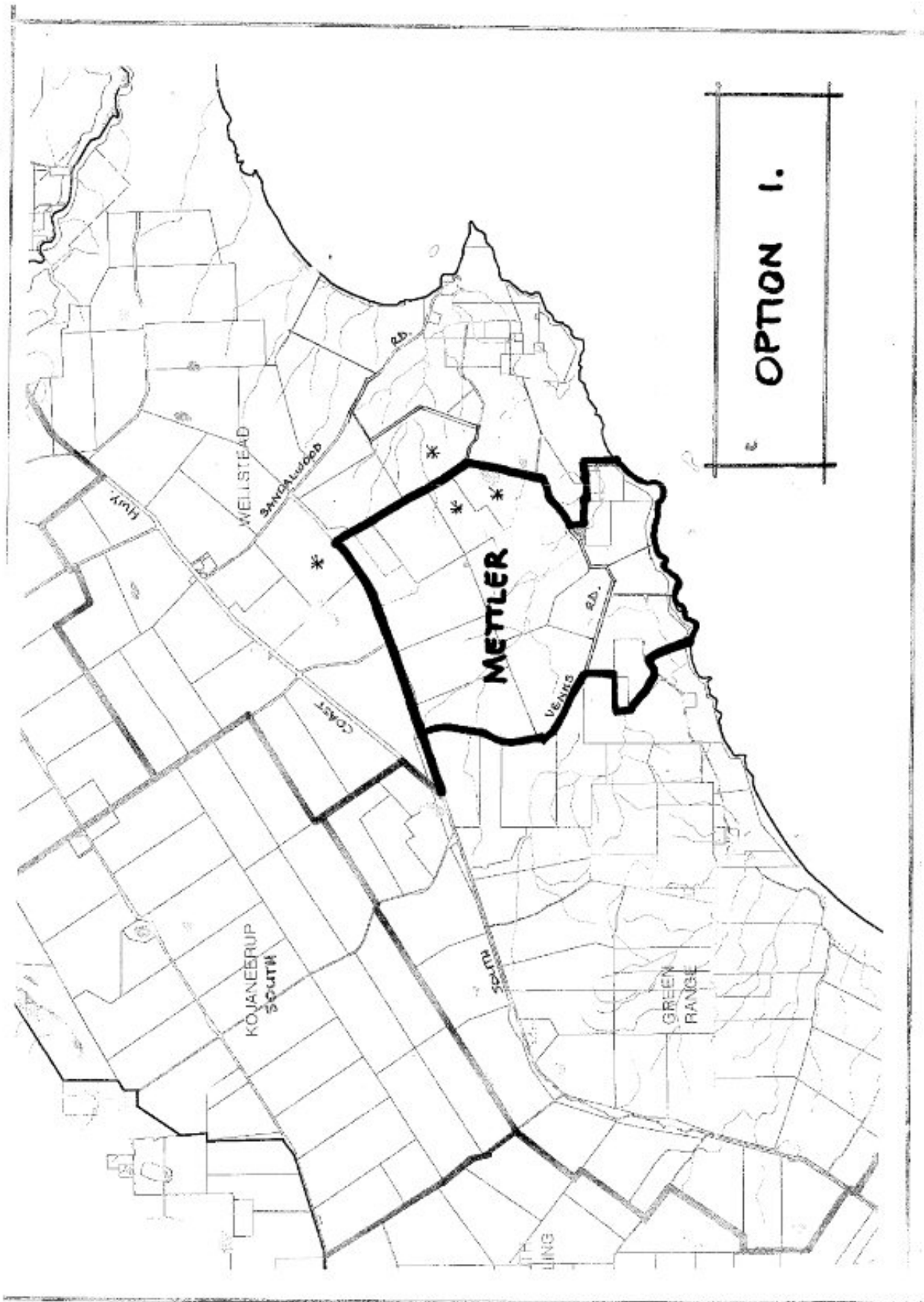


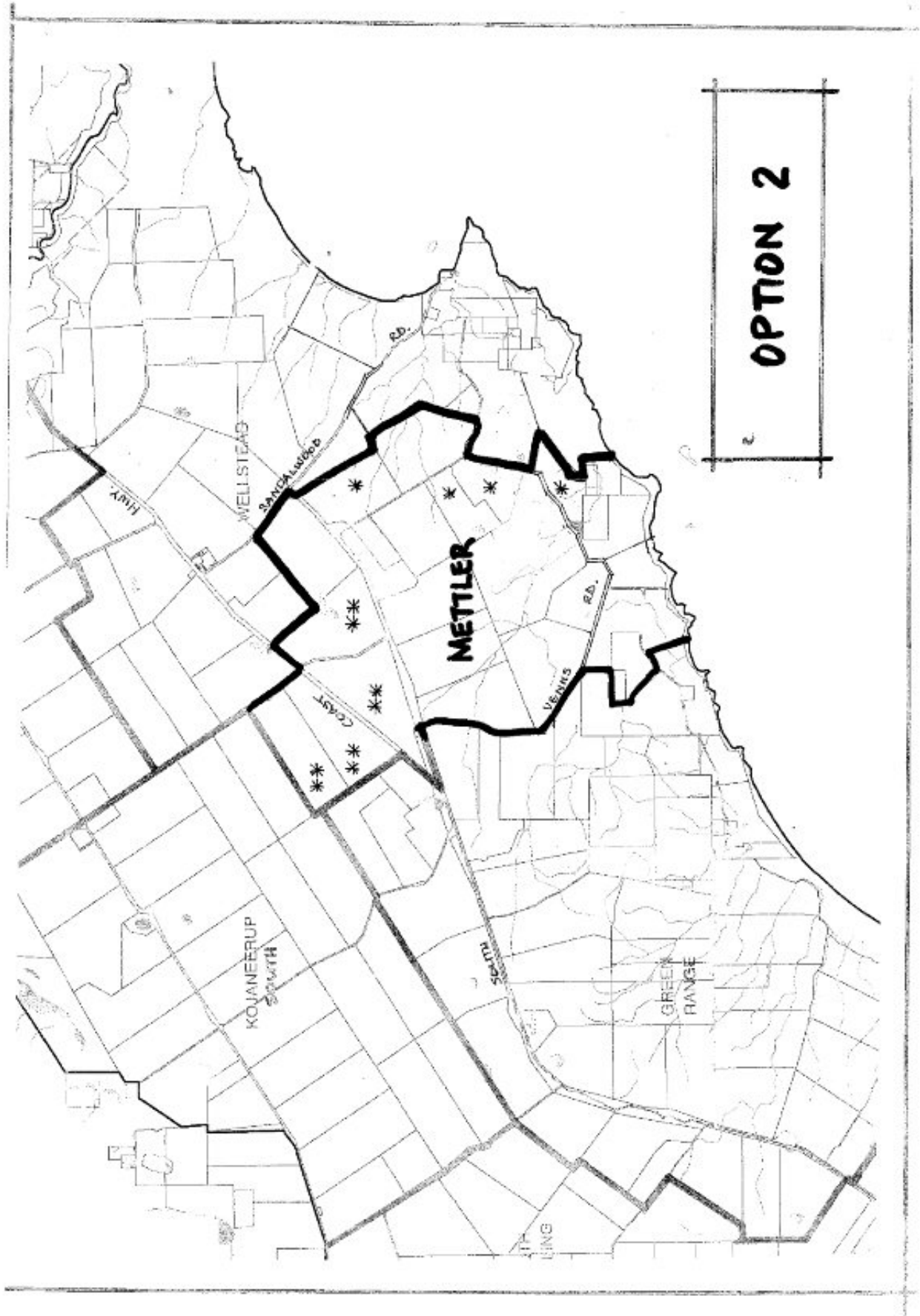
Item 11.1.1 continued.

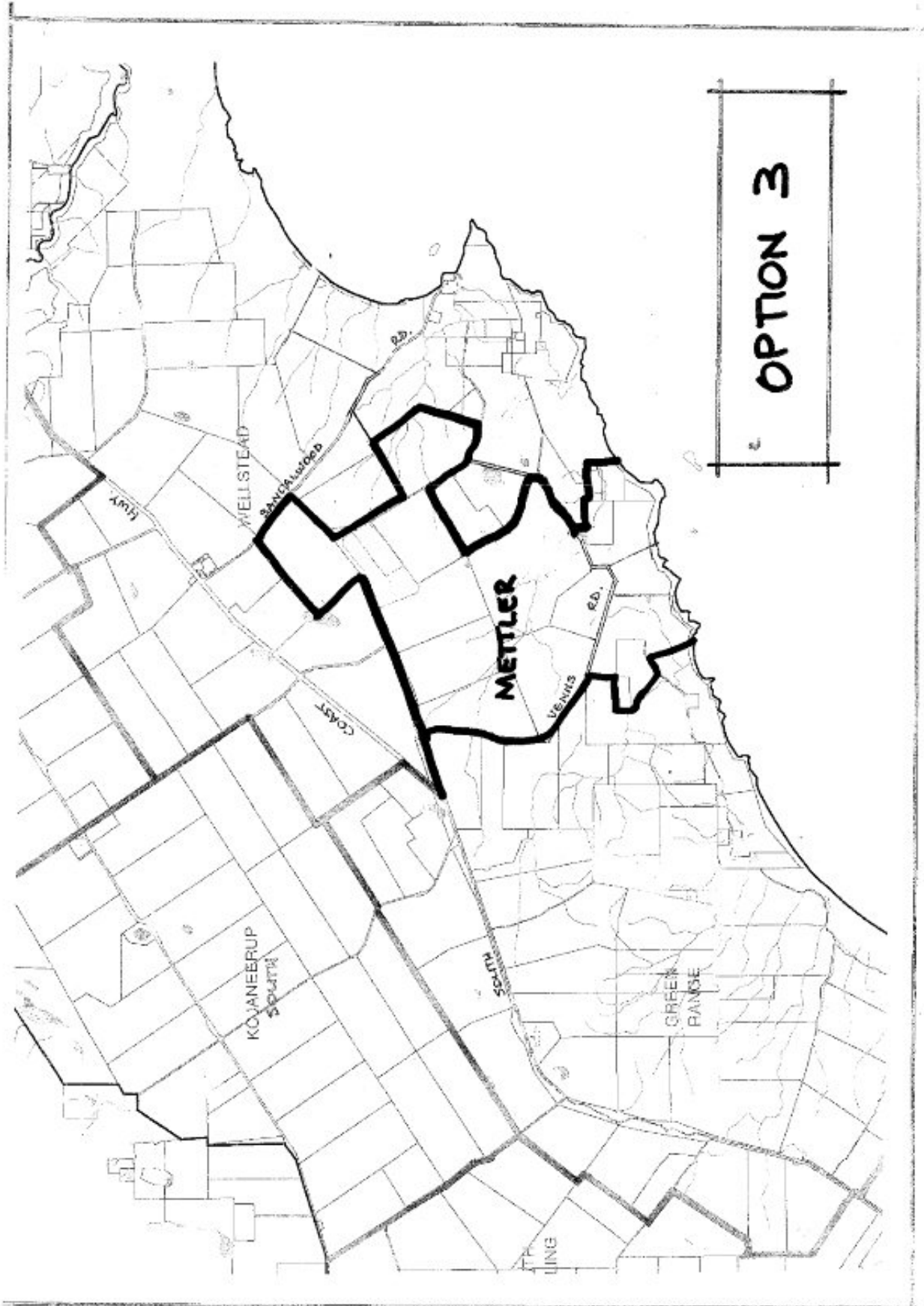












**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Development Application – Grouped Dwellings – Lots 113 & 114 Barnesby Drive, Yakamia**

<b>File/Ward</b>	:	A186761 (Yakamia Ward)
<b>Proposal/Issue</b>	:	Proposal to construct 13 units
<b>Subject Land/Locality</b>	:	Lots 113 & 114 Barnesby Drive, Yakamia
<b>Proponent</b>	:	G Ghasseb
<b>Owner(s)</b>	:	Ford Road Syndicate Pty Ltd
<b>Reporting Officer(s)</b>	:	Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Grant Planning Scheme Consent
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued.

**BACKGROUND**

1. An application has been received for 13 residential units (grouped dwellings) on Lots 113 & 114 Barnesby Drive, Yakamia. A site plan and unit elevations are attached to the rear of this report.
2. The subject land is zoned “Residential R30” within Town Planning Scheme No. 1A and is 4119m<sup>2</sup> in size.
3. The proposed grouped dwellings are relatively large in size (ranging from 162m<sup>2</sup> to 181m<sup>2</sup> in floor area) with all having 3 bedrooms, meals and lounge room areas.
4. As the proposed development is valued at \$1.3 million, exceeding staff’s delegated authority, the item has been referred to an ordinary meeting of Council for deliberation.

**STATUTORY REQUIREMENTS**

5. In accordance with Section 5.44 of the Local Government Act 1995, the Chief Executive Officer has been given delegated authority to issue planning scheme consents as they relate to Town Planning Scheme No. 1A within certain limits.
6. Clause 4.12 of Town Planning Scheme No. 1A states that the development of land for any residential purpose is to be dealt with by the Residential Design Codes (R-Codes).
7. The Residential Design Codes applies various standards for grouped dwelling developments, inclusive of the requirement to have storage areas, visitor parking and private courtyards. The development has been assessed against such criteria in the comment/discussion section of this report.

**POLICY IMPLICATIONS**

8. The ‘Development Guidelines – Scheme 1A’, is a town planning scheme policy adopted pursuant to Clause 7.21 of Town Planning Scheme No. 1A. The policy states the following in relation to delegated authority:

*“Guideline 1: Authority to issue Planning Consents*

*1.1 For the purpose of Schedule 1 to Council’s Delegated Authority notice, authority to issue planning consents or refusals, with or without conditions shall be restricted to those uses nominated in Appendix 1 – Zoning Table in the Town of Albany Town Planning Scheme, but excluding:*

- o. Projects exceeding \$1 million value other than those involving the subdivision of land.”*

**FINANCIAL IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued.

**STRATEGIC IMPLICATIONS**

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

**“Community Vision:**

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...*

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

**Mission Statement:**

*The City of Albany is committed to ...*

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

11. The proposal has been assessed against the R-Codes as follows:

<b>Criteria</b>	<b>Proposed Development</b>
Density	The site is 4119m <sup>2</sup> in area, and as the R30 coding allows for 1 unit per 300m <sup>2</sup> , the number of units proposed (13) complies.
Open Space	Each unit has the required 45% of land designated as open space.
Private Courtyard	Each unit has a courtyard area, positioned to cater for solar access, greater than the required 24m <sup>2</sup> .
Storage Areas	Each unit has a storage area greater than 4m <sup>2</sup> .
Visitor Parking	4 visitor bays are provided which meets the requirement to have 1 visitor bay for every 4 units.
Surveillance	All of the units have unfettered visual surveillance of the internal road through windows of habitable rooms.
Setbacks	All front and side setbacks comply with the R-Codes.

12. As the development is in accordance with the requirements of the Residential Design Codes it is recommended that the development is granted planning scheme consent.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued.

RECOMMENDATION

THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for the development of 13 Grouped Dwellings at Lots 113 and 114 Barnesby Drive, Yakamia, subject to, but not limited to, conditions requiring:

- i) all Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council;
- ii) all landscaping to be in accordance with the approved plans, being implemented prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council; and
- iii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR JAMIESON**

**THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for the development of 13 Grouped Dwellings at Lots 113 and 114 Barnesby Drive, Yakamia, subject to, but not limited to, conditions requiring:**

- i) all Vehicular parking, manoeuvring and circulation areas indicated on the approved plan being constructed, properly drained and sealed to the satisfaction of Council;**
- ii) all landscaping to be in accordance with the approved plans, being implemented prior to, or concurrently with the practical completion of the building(s) to the satisfaction of Council; and**
- iii) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.**

**MOTION CARRIED 14-0**

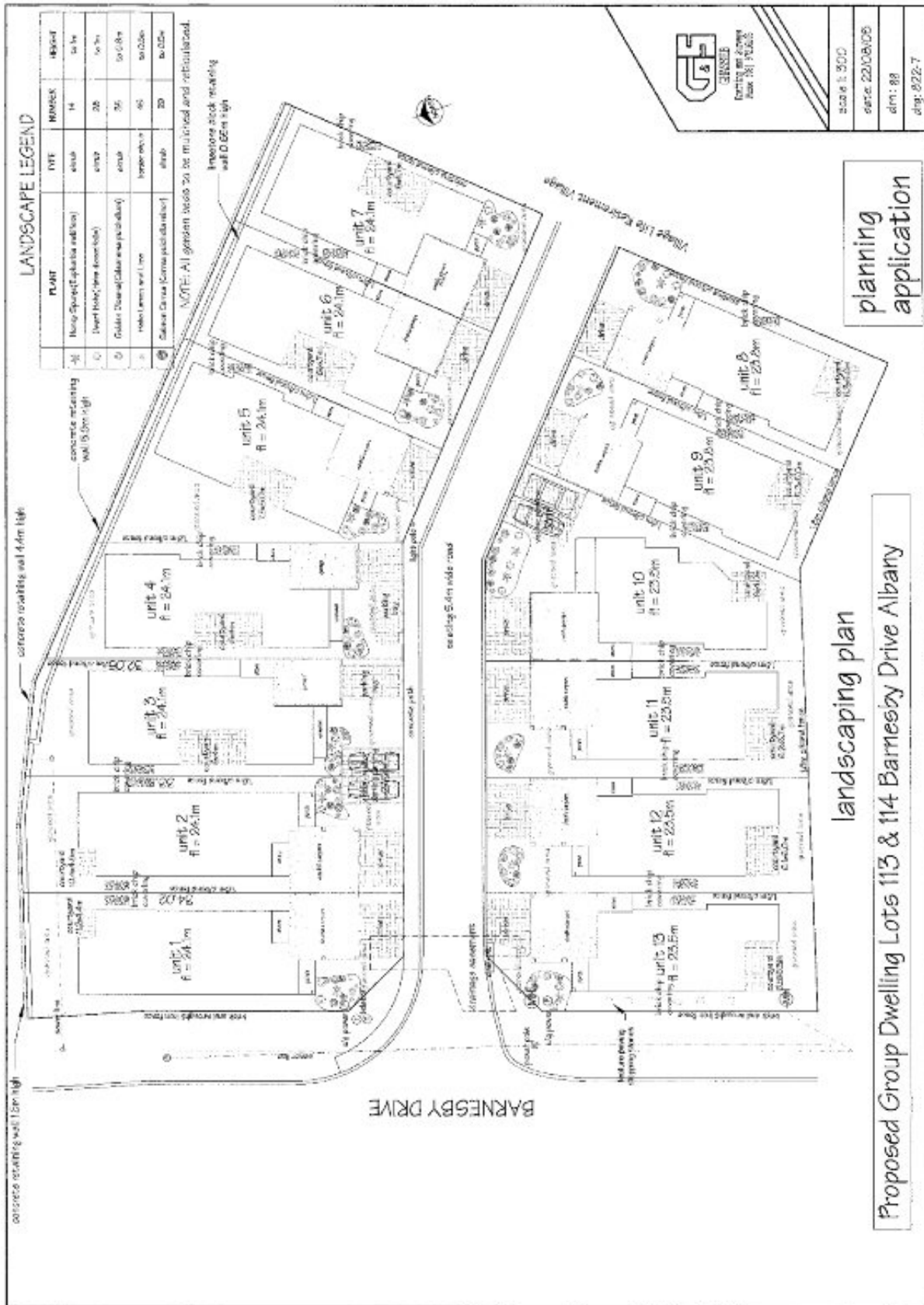
THAT Council pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent approval for the development of 13 grouped dwellings on Lots 113 and 114 Barnesby Drive, Yakamia.

*Voting Requirement Absolute Majority*

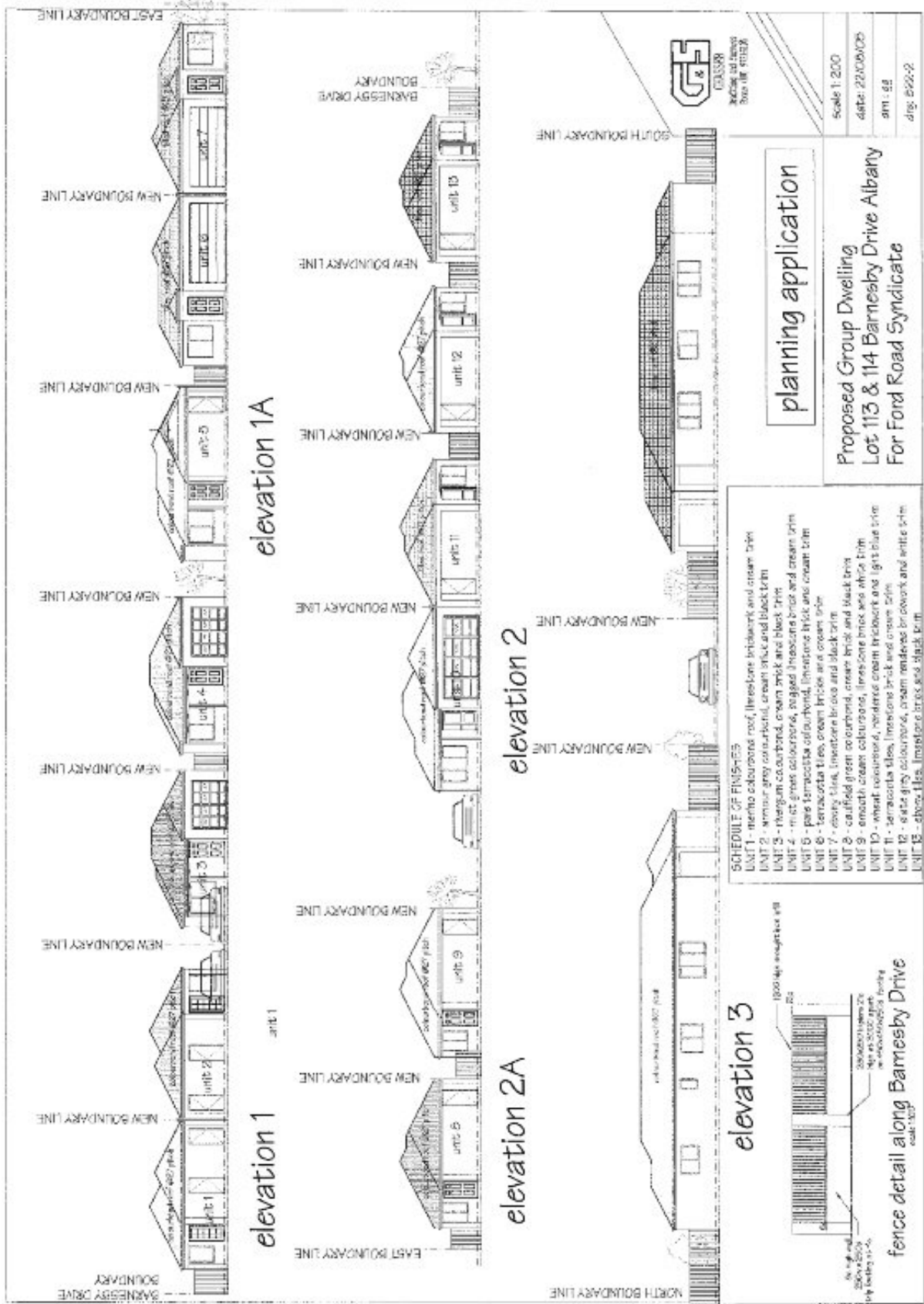
**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent approval for the development of 13 grouped dwellings on Lots 113 and 114 Barnesby Drive, Yakamia.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**



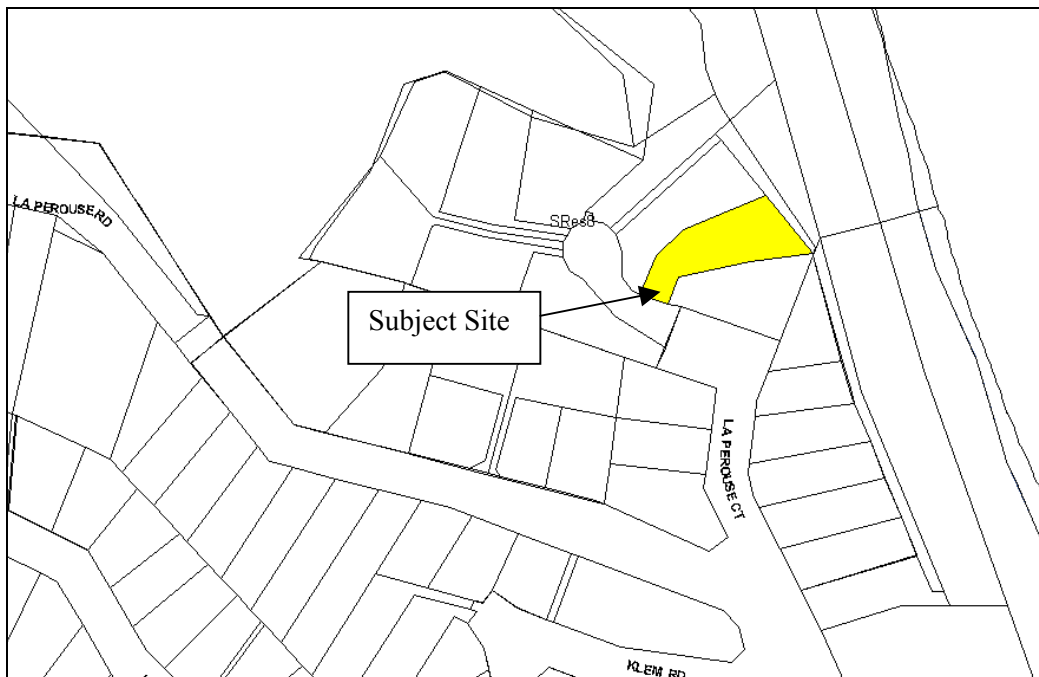




**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Development Application – Single Residential Dwelling – Lot 651 La Perouse Court, Goode Beach**

<b>File/Ward</b>	:	A185723 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Proposal to construct dwelling
<b>Subject Land/Locality</b>	:	Lot 651 (34) La Perouse Court, Goode Beach
<b>Proponent</b>	:	C R MacDonald
<b>Owner(s)</b>	:	C R MacDonald
<b>Reporting Officer(s)</b>	:	Planning Officer (L Brown)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/07/2003 – Item 11.3.2 OCM 15/04/2003 – Item 11.3.3 OCM 18/03/2003 – Item 11.3.2
<b>Summary Recommendation</b>	:	Grant Planning Scheme Consent
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued.

**BACKGROUND**

1. An application has been received for a single residential dwelling at Lot 651 La Perouse Court, Goode Beach. The lot was formerly part of Lot 401 La Perouse Court, Goode Beach.
2. At it's meeting dated 15 April 2003 Council resolved to:
  - “i) advertise the draft Local Planning Policy titled ‘Building Envelopes within Special Residential Area No 8’ for a period of 21 days in accordance with Clause 6.9.2(b) of Town Planning Scheme No. 3, including the requirement on Lot 655 to install an effective sprinkler system to protect the dwelling, and the repositioning of building envelopes on Lots 653 and 654 to the gully;*
  - iii) require staff to refer all Planning Scheme Consents to Council for determination for lots 401 and 402.”*
3. The proposed dwelling has been referred to Council for consideration, in accordance with point (iii) of the above resolution.

**STATUTORY REQUIREMENTS**

4. The land is zoned ‘Special Residential (Area No. 8)’ under Town planning Scheme No 3, whereby a single house is a permitted use. The scheme requires compliance with a range of provisions inclusive of building setbacks, height, materials, colour, fire control and the provision of services.

**POLICY IMPLICATIONS**

5. At It's meeting dated 15 July 2003, Council resolved to adopt the policy entitled ‘Building Envelopes within Special Residential Area No. 8’. The policy was primarily introduced to realign building envelopes, affected by minor changes in the subdivision layout.
6. The Policy also included provisions to ensure that development pays particular attention to:
  - The minimization of erosion, soil and vegetation disturbance;
  - Ensuring that building envelopes do not conflict with, or detract from, the landscape in terms of their design, location, scale, height or otherwise; and
  - Minimising the impact of the development on the physical environment, particularly in terms of foreshore management, bushfire control, on-site effluent disposal and other servicing requirements.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued.

**“Community Vision:**

*A thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...*

- *Innovative development complementing Albany’s unique character, natural environment and heritage*

**Mission Statement:**

*The City of Albany is committed to:...*

- *Providing sound governance; and*

**Priority Projects:**

*Nil.”*

**COMMENT/DISCUSSION**

9. With the exception of a portion of a staircase, the proposed dwelling has been located within the approved building envelope designated in the ‘*Building Envelopes within Special Residential Area No. 8*’ policy. The staircase is setback 4.6 metres from the north-eastern boundary, whereas the building envelope boundary is setback 5 metres from this boundary (not 6 metres as shown on proponents site plan). As the staircase is 4.5 metres in length and is only 400mm outside of the designated building envelope this encroachment is of a minor nature.
10. In relation to building height, the site datum of 5.1 metres was calculated using 4 datum points as designated in the Scheme. From this datum height, the Scheme allows for a maximum wall height of 5.8 metres and ridge height of 9.1 metres. From the site datum, the dwelling has a wall height of 5.0 metres and a ridge height of 7.5 metres, and therefore meets the set height provisions.
11. The proposed development meets all the environmental and landscaping objectives the policy attempts to endorse. This includes the careful positioning of driveway access into the proposed garage.
12. The proponent has submitted a schedule of material and colours, which is dominated by greys, greens and charcoals in a colorbond finish. The decking is jarrah whilst the paving is autumn blend.
13. In summary, the proposed dwelling is constructed of suitable materials and appears to be sympathetic to, and in harmony with the landscape and surroundings, as per the requirements of Scheme and associated Policy.
14. Staff recommend that the development application be approved subject to conditions.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued.

RECOMMENDATION

THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for a single dwelling at Lot 651 La Perouse Court, Goode Beach, subject to, but not limited to a condition requiring:

- i) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT Council resolves to support the issuing of a Notice of Planning Scheme Consent for a single dwelling at Lot 651 La Perouse Court, Goode Beach, subject to, but not limited to a condition requiring:**

- i) detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval prior to the issue of a building licence.**

**MOTION CARRIED 14-0**

THAT Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No. 3, delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent for the single dwelling at Lot 651 La Perouse Court, Goode Beach.

*Voting Requirement Absolute Majority*

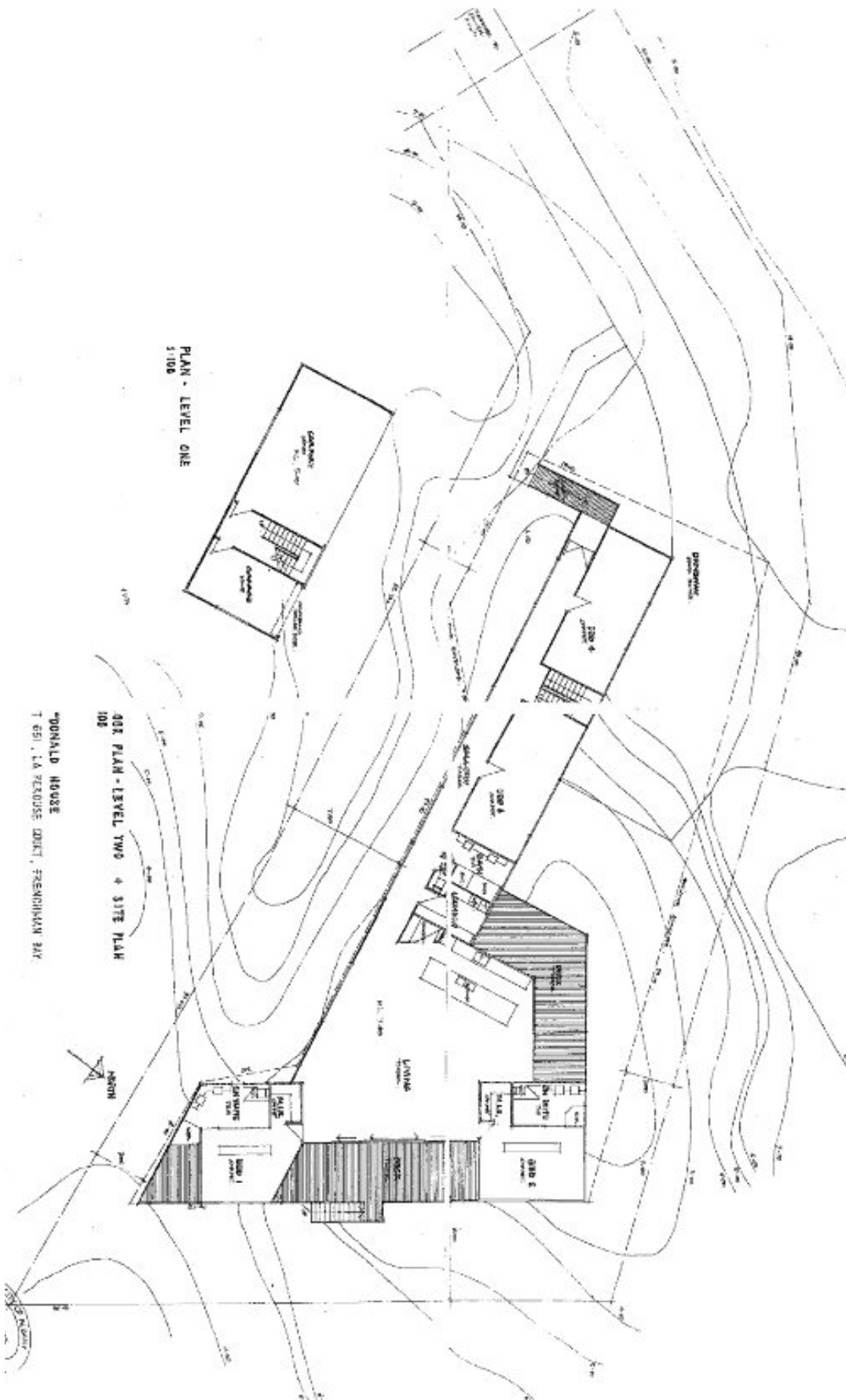
.....

**MOVED COUNCILLOR MARSHALL  
SECONDED COUNCILLOR PAVER**

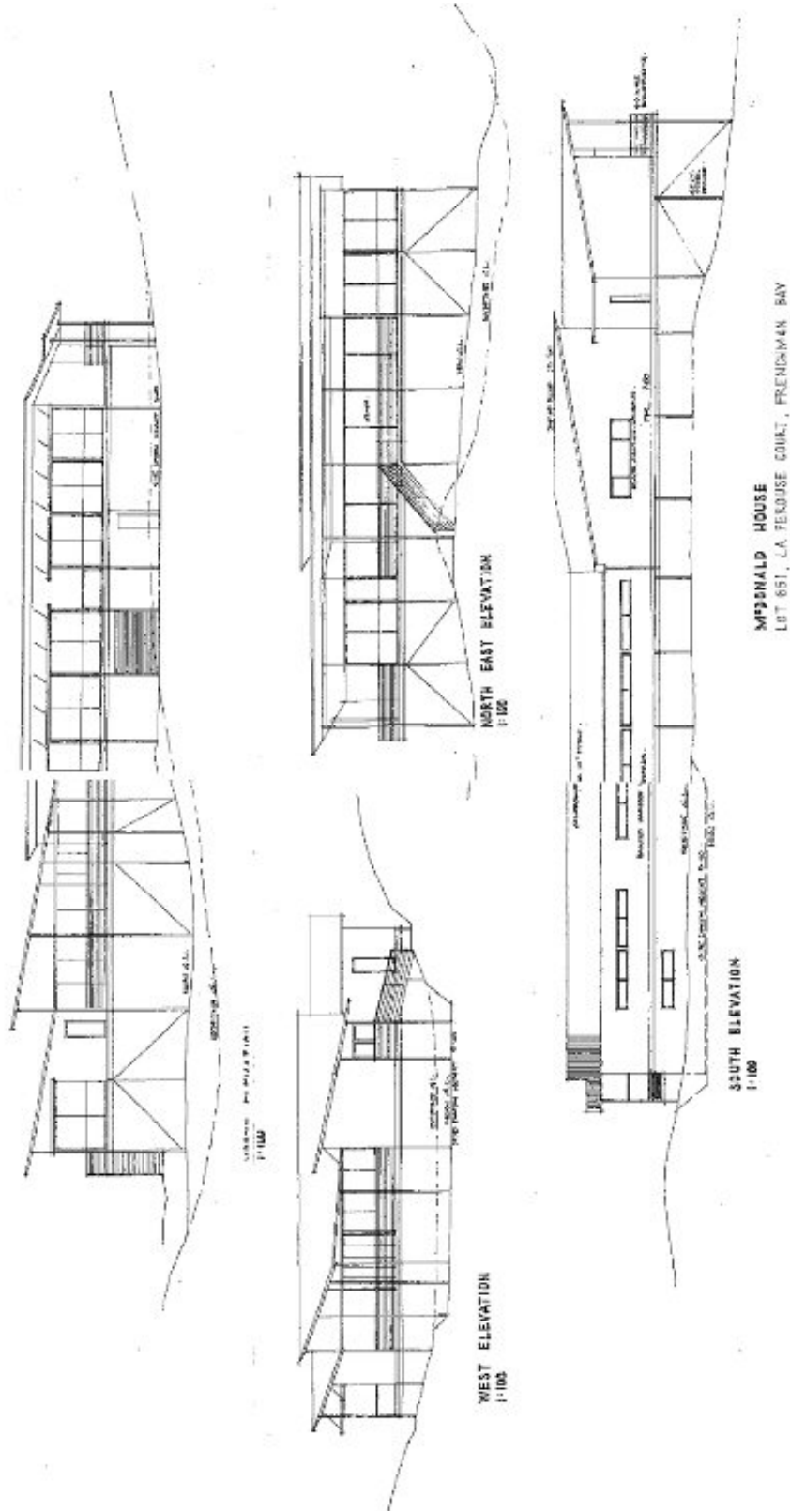
**THAT Council, pursuant to clause 6.10 of the City of Albany Town Planning Scheme No. 3, delegate to the Manager Planning and Ranger Services authority to issue a Conditional Planning Scheme Consent for the single dwelling at Lot 651 La Perouse Court, Goode Beach.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING MINUTES -18/10/05  
\*\* REFER DISCLAIMER \*\*  
DEVELOPMENT SERVICES REPORTS



ORDINARY COUNCIL MEETING MINUTES -18/10/05  
\*\* REFER DISCLAIMER \*\*  
DEVELOPMENT SERVICES REPORTS



**11.2 HEALTH, BUILDING & RANGERS**

Nil.



**DEVELOPMENT SERVICES REPORTS**

**11.3 DEVELOPMENT POLICY**

**11.3.1 Scheme Policy – Final Adoption – Down Road Timber Processing Precinct Noise and Hazard Management Policy**

<b>File/Ward</b>	:	A171237A (West Ward)
<b>Proposal/Issue</b>	:	To Consider Final Adoption of Policy
<b>Subject Land/Locality</b>	:	Lots 100, 102 and Part Lot 103 Down Road West, Drome.
<b>Proponent</b>	:	Landcorp
<b>Owner</b>	:	Crown
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 15/03/05 - Item 11.3.9 OCM 16/08/05 – Item 11.3.2 SCM 30/08/05 – Item 6.1
<b>Summary Recommendation</b>	:	Grant Final Approval to Policy.
<b>Bulletin Attachment</b>	:	Submissions
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**BACKGROUND**

1. At a Special Council meeting on the 30<sup>th</sup> August 2005, Council adopted, for the purposes of public advertising, the draft Down Road Timber Processing Precinct Noise and Hazard Management Policy. A copy of the draft policy follows this report.
2. During the month of August 2005, Landcorp liaised with the landowners affected by the draft policy to resolve any direct impacts upon those landowners.
3. The formal advertising period has drawn a total of seven (7) submissions from individuals and groups. Copies of the submissions are included in the Elected Members Report / Information Bulletin. Two submissions support to the policy, the remainder raised concerns.

**STATUTORY REQUIREMENTS**

4. Clause 6.9.2 of the City of Albany Town Planning Scheme No 3 states;

*“A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:*

- (a) The Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment, or not proceed with the Draft Policy.*
- (c) Following Final Adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme Documents for inspection during normal office hours.”*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. There are no direct financial implications relating to this item for the City of Albany and Landcorp are negotiating directly with landowners on any compensation issues.

**STRATEGIC IMPLICATIONS**

7. The Down Road Industrial precinct is a regionally significant industrial area and it is recognised as such in the draft Lower Great Southern Strategy (refer Section 3.9).

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued.

**COMMENT/DISCUSSION**

8. The submissions received can be grouped into three distinct categories;
  - i. concerns over the creation of an industrial node at the western extremity of Down Road;
  - ii. concerns over existing noise levels from the APEC Chip Mill and the exacerbation of those concerns with further industries; and
  - iii. the impacts of the proposed policy on affected allotments.
  
9. Landowners in the Redmond area have raised opposition to the creation of the proposed Down Road Timber Processing Precinct, citing noise pollution, visual impacts, water catchment, zoning incompatibility, buffer impacts and lack of liaison as reasons for their concerns. The creation of the proposed precinct went through a Scheme Amendment Request process (Nov 2003), a Scheme initiation (September 2004) and final Scheme approval (March 2005) and each of those steps received considerable press coverage. Only three submissions were received (from government agencies) on the Scheme amendment and the issues now being raised by the community were addressed through the environmental management plan prepared for the site or the actual amending documents.
  
10. The Minister for Planning has advised Council that she is prepared to gazette the Scheme Amendment subject to corrections being made to the documents to reflect Council's earlier decision and this policy being put in place. A copy of the advice is included in the Elected Members Report / Information Bulletin.
  
11. The noise complaints from residents over the operation of the APEC chip mill are being investigated by the company under their Environmental Management Plan obligations; the results are being reviewed by the City and the Department of Environment. The company's acoustical consultant has advised that the original noise predictions have been verified in field tests and more detailed investigations will occur in the vicinity of the complainants properties to determine the veracity and cause of the elevated noise levels. This work is being undertaken independently of the policy proposal and should be seen as a separate issue.
  
12. The concerns of Messrs Gatti, Thomas and Gerovich have been referred to Landcorp and compensation negotiation with those landowners are on-going. Portions of those landowner's properties are affected for a period of three (3) years and the restriction on constructing a house on the property should be lifted after that period. Any requests to construct dwellings in the affected area during the intervening period will be considered by Council against the proposed policy.

**RECOMMENDATION**

THAT Council adopt the Town Planning Scheme policy entitled "Down Road Timber Processing Precinct Noise and Hazard Management Policy" without modification, pursuant to clause 6.9.2(b) of the City of Albany Town Planning Scheme No. 3.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council adopt the Town Planning Scheme policy entitled “Down Road Timber Processing Precinct Noise and Hazard Management Policy” without modification, pursuant to clause 6.9.2(b) of the City of Albany Town Planning Scheme No. 3.**

**MOTION CARRIED 10-4**

For the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Wolfe, Lionetti & Wiseman.

Against the motion: Councillors Paver, Evans, Jamieson & West.



## Down Road Timber Processing Precinct Noise and Hazard Management Policy

### **Background:**

As part of the approval process for the Down Road Timber Processing Precinct (the Precinct), an Environmental Management Plan has been prepared to identify an appropriate noise and hazard separation area for industries within the Precinct.

### **Noise:**

The indicative noise contours for the Precinct are based upon industry best practice management. Those industries are not currently operating and there is a need to prevent any permanent habitable structures from being developed within the area affected by the hypothetical 30dB(A) noise contour until a timber processing industry has been constructed.

A review of this policy is to be undertaken in 2008 with the aim of deciding the alignment of the 35dB(A) noise contour on what is known at the time. The following items will be considered at the review stage;

- What industries have established and/or are proposed in the Precinct; and
- If the industries are not operational, engineering detail of the proposed industry will provide more information than is currently available to determine if a variation to the policy area is required; or
- The existing industry, at the time of the review, should be monitored to ground truth the modelling.

If proposed industries meet the expected noise levels at the Special Use Area 17-Inner Area, then the Special Use Area 17 - Outer Area could be removed. Alternatively, if proposed industries require the repositioning of the Special Use Area 17 - Inner Area, the 35dB(A) contour shall be redefined and evaluated in consultation with the City of Albany and the Environmental Protection Authority.

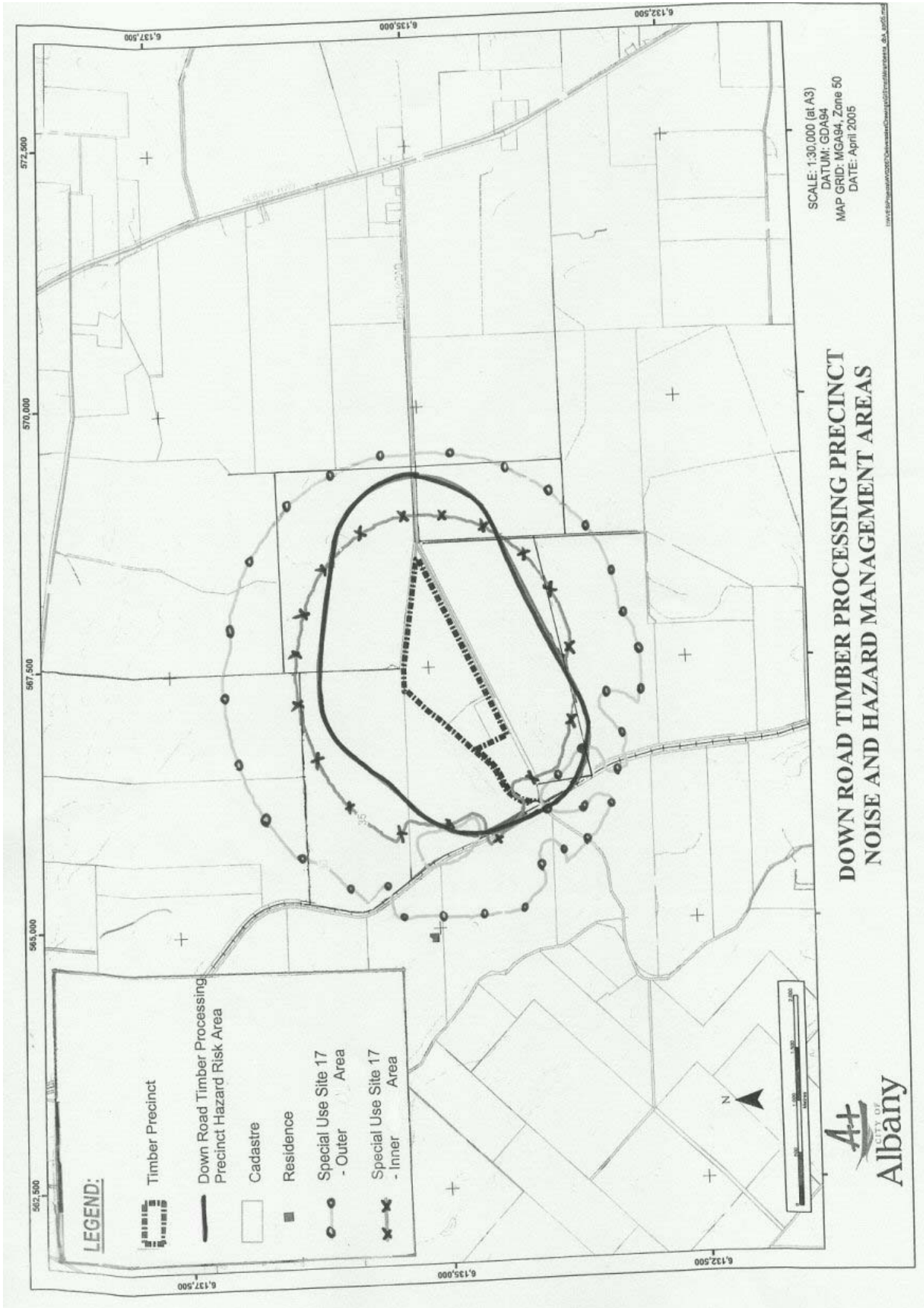
### **Hazard:**

A risk assessment is being prepared and a predictive acceptable risk separation area defined in the Mirambeena Timber Processing Precinct Environmental Management Plan (2005).

### **Policy**

1. The development of proposed lots within the Special Use Zone 17 (Down Road Timber Processing Precinct) shall be undertaken in a manner which ensures the noise generated by the development meets the assigned sound power levels for that lot, as identified in the *Mirambeena Timber Processing Precinct Environmental Management Plan (2005)*.
2. The Special Use Zone 17 – Inner Area, the Special Site 17 – Outer Area and the Down Road Timber Processing Precinct Hazard Risk Area are those areas identified on the plan appended to this policy.
3. Prior to 2009, on those portions of lots identified in the scheme policy as being within Special Use Zone No. 17 – Inner Area, Special Use Zone 17 - Outer Area or Down Road Timber Processing Precinct Hazard Risk Area, no dwelling house, permanent dwelling units or habitable structures shall be developed on that part of the lot.
4. Commencing the 1<sup>st</sup> January 2009, no dwelling house, permanent dwelling unit or habitable structure shall be constructed within that area of a lot identified as being within the Special Use Zone 17 – Inner Area or the Down Road Timber Processing Precinct Hazard Risk Area.

DEVELOPMENT SERVICES REPORTS



**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Scheme Policy – Final Adoption – Masonic Hall Design Guidelines**

<b>File/Ward</b>	:	A151134 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Final adoption of policy to guide development of land adjacent to the Masonic Hall
<b>Subject Land/Locality</b>	:	Lot 21 Spencer Street, Albany
<b>Proponent</b>	:	Albany Masonic Hall Company Pty Ltd
<b>Owner</b>	:	Albany Masonic Hall Company Pty Ltd
<b>Reporting Officer(s)</b>	:	Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Resolve to finally adopt policy
<b>Bulletin Attachment</b>	:	Submissions
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. At it's meeting dated 16 August 2005, Council resolved the following:

*“THAT Council adopt the proposed ‘Design Guidelines – Masonic Hall’ policy as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No 1A.”* A copy of this policy follows this item.

2. In accordance with Council's resolution, the draft policy was advertised for a period of twenty one (21) days. At the close of the advertising period two submissions were received on the policy, with one being from the proponent.

**STATUTORY REQUIREMENTS**

3. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.

- (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.
- (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.
- (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Council is required to advertise the final adoption of the policy in the local newspaper at it's own cost.

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A Thriving City:* Albany's community will enjoy economic growth and outstanding opportunities for our youth through

- Excellent community infrastructure and services.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

***Mission Statement:***

*The City of Albany is committed to*

- Providing sound governance; and
- Delivering excellent community services.

***Priority Projects:***

Nil.”

**COMMENT/DISCUSSION**

7. The two submissions that were received during the public submission period have been summarised below:

***SJM & J McSevich***

- The development should strictly adhere to the proposed guidelines.
- The development should be sympathetic to neighbours (inclusive of consideration of maintaining views).
- An 8.5 metre building height is significant and may result in loss of views and privacy.

***R.A. Fagents & Associates (acting on behalf of proponent)***

- Due to the need to cater for a sewer easement on the southern portion of Lot 26 the area to construct a dwelling on this lot is limited. The removal of the shared access arrangement, and replacement with individual driveways would improve the building options over both lots.

8. Staff have discussed the issue of parking and access over the subject site with the proponent, and subject to the minor boundary re-alignment negotiated with the proponent, support the proposal for individual driveways for Lots 25 and 26. The setback of 10.8 metres from the Masonic Hall to the southern boundary of Lot 25 will allow for the parking of up to 9 vehicles, should the Hall be utilised for commercial purposes into the future.
9. The policy is also to be amended by deleting the requirement for a right of carriageway and shared access over Lots 25 and 26.
10. In relation to building height, the policy has introduced a maximum building height of 8.5 metres, which is less than the 9 metres allowable under the Residential Design Codes. The policy also proposes vertical building envelopes, with 45 degree angles, which facilitates a reduction in building bulk should a second storey be proposed.
11. Staff believe that the proposed policy, subject to the changes outlined in paragraphs 8 and 9, will promote development that is sympathetic to the Masonic Hall, and for this reason recommends that the policy be finally adopted.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

RECOMMENDATION

THAT Council, pursuant to Clause 7.21.2 of the City of Albany Town Planning Scheme No. 1A resolves to finally adopt the modified 'Design Guidelines – Masonic Hall' policy and advertises the final adoption in accordance with the Scheme.

*Voting Requirement Simple Majority*

.....  
The Proponents have advised that they are applying a restriction on the height of the buildings on Lot 26 Spencer Street to limit the built form below RL 40.0 metres AHD. This further restriction is to registered upon the certificate of title for that lot and it is requested the policy document also reflect this requirement. No contract of sale exists on Lot 26.

AMENDED RECOMMENDATION

THAT Council, pursuant to Clause 7.21.2 of the City of Albany Town Planning Scheme No. 1A resolves to finally adopt the 'Design Guidelines – Masonic Hall' policy (as attached) subject to the following text (as underlined) being placed under the section titled 'Building Height':

*“At a height of 3.5 metres above natural ground level, a line is drawn at 45 degrees to a height of 8.5 metres. Notwithstanding this requirement, the height of the building on Lot 26 shall not be higher than 40.0m AHD.”*

AND

THAT Council advertise the final adoption of the policy in accordance with the Scheme.

*Voting Requirement Simple Majority*

.....  
NB: Attachments referred to in the Amended Recommendation, are those that are included within the Council agenda.

<p><b>MOVED COUNCILLOR WATERMAN SECONDED COUNCILLOR WEST</b></p> <p><b>THAT Council, pursuant to Clause 7.21.2 of the City of Albany Town Planning Scheme No. 1A resolves to finally adopt the 'Design Guidelines – Masonic Hall' policy (as attached) subject to the following text (as underlined) being placed under the section titled 'Building Height':</b></p> <p><i><b>“At a height of 3.5 metres above natural ground level, a line is drawn at 45 degrees to a height of 8.5 metres. <u>Notwithstanding this requirement, the height of the building on Lot 26 shall not be higher than 40.0m AHD.</u>”</b></i></p> <p><b>AND</b></p> <p><b>THAT Council advertise the final adoption of the policy in accordance with the Scheme.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 13-1</b></p>
---

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

## DESIGN GUIDELINES - MASONIC HALL Lot 21 Spencer Street, Albany

### **PREAMBLE**

In 1903 the Masonic Hall was built on the south-western slopes of Mt Clarence, and up until recently has served as the headquarters for the Freemasons in Albany. The hall is located on Lot 21 Spencer Street, Albany, which is currently 2266m<sup>2</sup> in size.

In 2002, the land was rezoned from 'Clubs and Institutions' to 'Special Site' to facilitate the adaptive re-use of the Masonic Hall for commercial or high density residential uses subject to parking requirements, as specified in the Town Planning Scheme, being achieved.

A conservation plan has been prepared for the site to assist in the conservation of the existing building and identify the heritage importance of the site.

An approval for subdivision has been granted by the Western Australian Planning Commission, under it's reference 126619, to subdivide the land into four lots (being Lots 25, 26, 27 & 28). The Masonic Hall will be retained on proposed Lot 25.

The Western Australian Planning Commission, required the following condition to be met prior to subdivision clearance being granted:

Preparation of design guidelines for the site in accordance with the conditions of Special Site No. 34 and the recommendations of the adopted Conservation Plan for the site. The design guidelines are to include, but will not be limited to the following:

- i) Horizontal and vertical building envelopes/definition of appropriate bulk and scale;
- ii) Design Elements, materials and finishes sympathetic to the Masonic Hall;
- iii) Vehicle access/egress, on-site movement and parking to accommodate residential use to R60 and adaptive re-use of the Masonic Hall for commercial purposes permissible under the conditions of Special Site No. 34.
- iv) Streetscape, particularly of Spencer Street and the relationship of development on Lot C (Lot 26) to the Masonic Hall.

The final adoption of the design guidelines will satisfy Condition 7 of WAPC approval 126619.

### **OBJECTIVE**

The main objective of this policy is to ensure that future development upon Lots 26, 27 and 28 is sympathetic to the built form of the historic Masonic Hall, through the use of appropriate controls addressing building height, bulk and scale, window orientation, roof pitch, colours and materials.

As the Hall has been identified as a site of heritage significance any change of use or modifications associated with the Masonic Hall will need to be assessed by Council, in consultation with the Heritage Council of Western Australia.

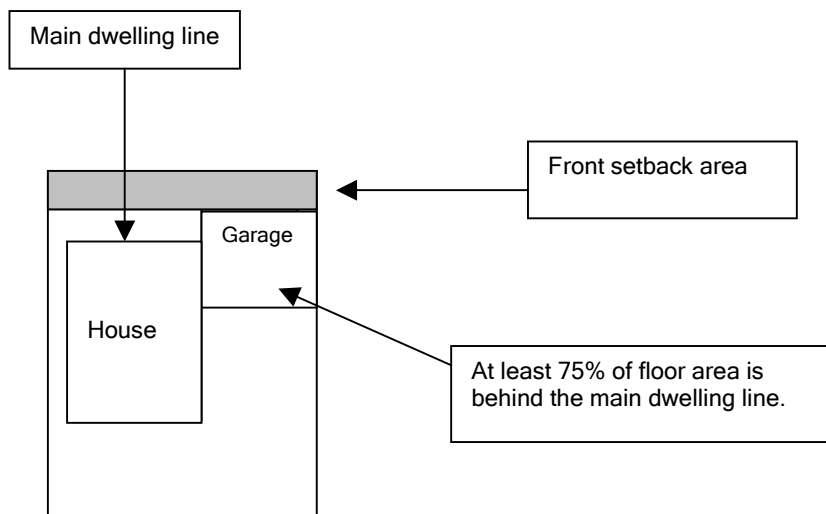
Unless otherwise required by this policy, site and building requirements are to be in accordance with the Residential Design Codes (2002) and the 'Albany Design Guidelines' policy.

**DEVELOPMENT SERVICES REPORTS****DEVELOPMENT REQUIREMENTS****FRONT SETBACKS****Lots 27 & 28**

The front setback on Earl Street shall be a minimum of 2 metres, which shall not be averaged for the purposes of the Residential Design Codes. At least 75% of the floor area of all garages or carports is to be setback behind the main building line of the dwelling as illustrated in Figure 1 (below).

**Lot 26**

The front setback on Spencer Street shall be a minimum of 4 metres, which shall not be averaged for the purposes of the Residential Design Codes. At least 75% of the floor area of all garages or carports is to be setback behind the main building line of the dwelling.

***Figure 1 - Front Setbacks & Garages*****SIDE AND REAR SETBACKS**

With the exception of the western boundary of Lot 27, where a minimum setback of 1.5 metres shall apply, all side and rear setbacks shall be in accordance with the Residential Design Codes WA.

**ROOF PITCH AND MATERIALS**

The roof pitch shall be in the range of 26 to 40 degrees, and shall be of metal construction, being preferably either galvanised, zincalume or grey colorbond. No curved roofs shall be permitted.

**EXTERNAL WALL MATERIALS**

The external walls shall be primarily constructed of rendered brick consistent with the finish of the Masonic Hall, however the use of metal, face brickwork and weatherboard can be used in combination for architectural detailing purposes.

The colours of the external walls shall not be excessively dark so as to detract from the Masonic Hall.

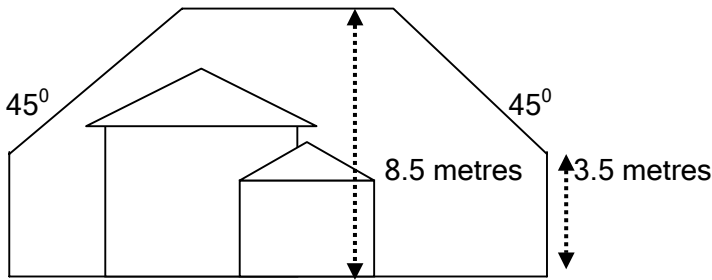
**BUILDING HEIGHT**

All buildings shall be located within a vertical building envelope. This building envelope is illustrated in Figure 2 (below) and determined by:

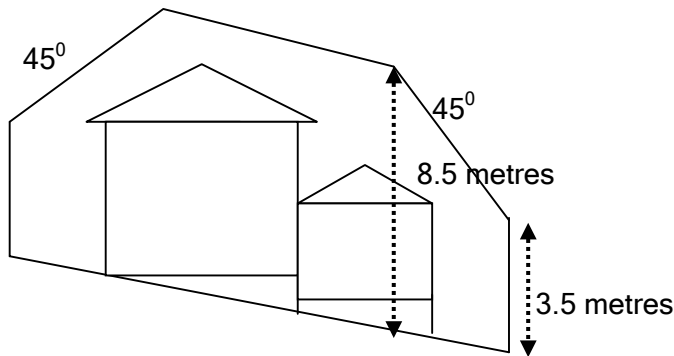
- At a height of 3.5 metres above natural ground level, a line is drawn at 45 degrees to a height of 8.5 metres.
- This area does not include front or side setbacks as specified in this policy.

**Figure 2 - Building Height**

*Building Envelope on Flat Site*



*Building Envelope on Sloping Site*



**WINDOW ORIENTATION**

All windows shall have a greater vertical rather than horizontal element, and should large glazed areas be proposed the area is to be divided into sections to reinforce the vertical element.

**CROSSOVERS & ACCESS**

Individual crossovers for all lots provided that each crossover is no greater than 4 metres in width. Attachment 1 indicates how any future commercial activity will be serviced in relation to car parking and access based on a 90 degree parking bay alignment. The removal of the skillion to the east and south walls, which has been addressed in the Conservation Plan, would be required to ensure the parking area would comply with the Australian Standards for off-street parking.

**FENCING AND RETAINING WALLS**

Due to the topography of the site, retaining walls will need to be constructed for some lots. Such retaining walls shall be constructed in materials of stone, brick or concrete and shall not exceed 2 metres in height.

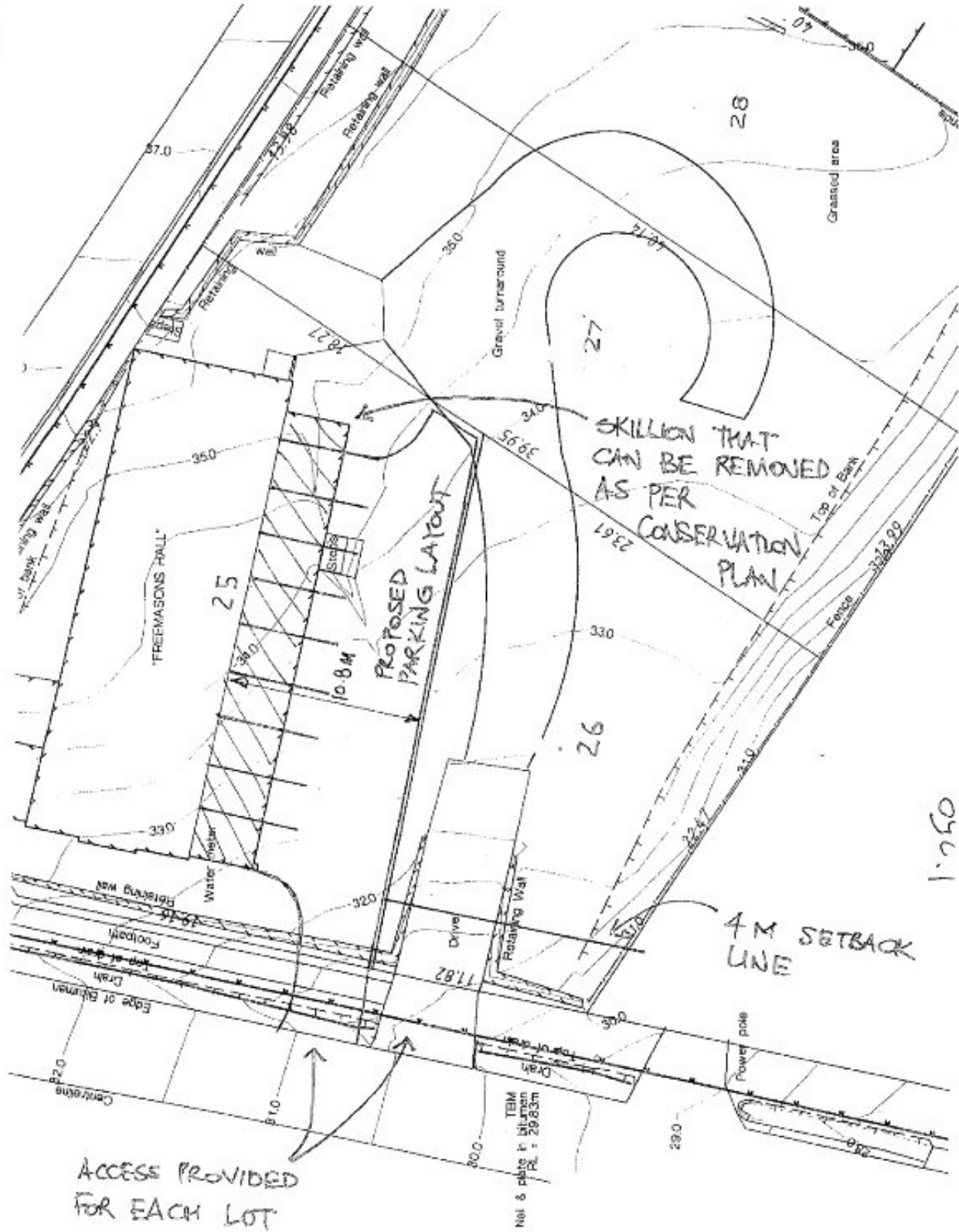
Front fencing heights are to be in accordance with the Residential Design Codes, with fencing styles to be in accordance with the Albany Design Guidelines.

Any front fencing on top of a retaining wall shall not exceed 1.2m in height and should be open in nature with wooden or steel pickets.

**AERIALS**

Radio and TV aerials, other than domestic receivers shall not be permitted. Satellite dishes exceeding 600mm in diameter are not permitted.

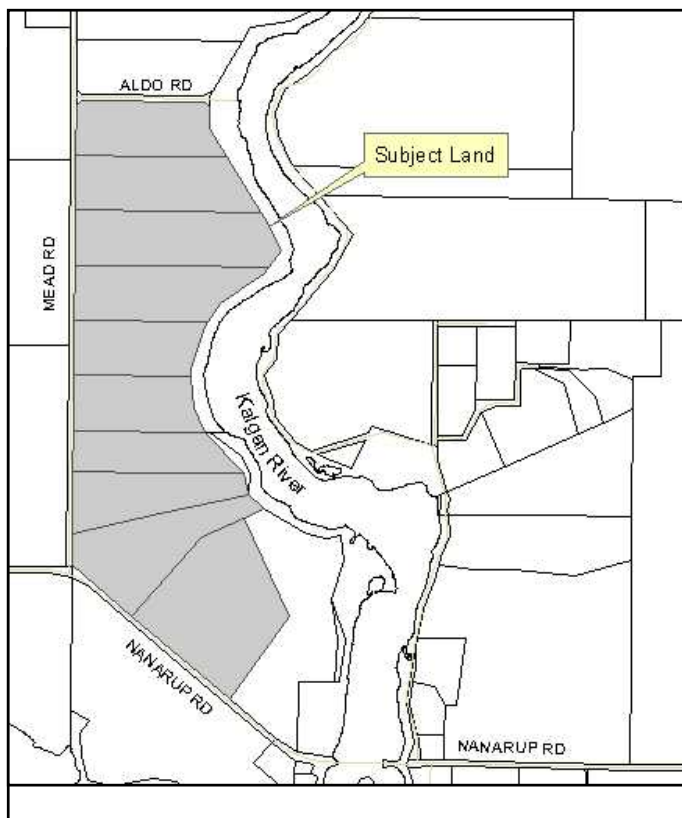
DESIGN GUIDELINES - MASONIC HALL



**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Amendment Request – Alteration to Special Rural Area No. 4A – Location 21 and Lots 17, 18, 19, 20, 21, 22, 27, 28, 29 & 30 Mead Road, Kalgan**

- File/Ward** : A53619A (Ward)
- Proposal/Issue** : Preliminary Request to amend the special rural scheme provisions applicable to land within Special Rural Area No 4a.
- Subject Land/Locality** : Location 21 and Lots 17, 18, 19, 20, 21, 22, 27, 28, 29 & 30 Mead Road, Kalgan
- Proponent** : Harley Survey Group
- Owner** : Various
- Reporting Officer(s)** : Planning Officer (T Sounness)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Support request in part
- Bulletin Attachment** : Copy of Scheme Amendment Request document
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. The subject land is located within Special Rural Area No 4A, an area that was rezoned from 'Rural' to 'Special Rural' through Amendment 33 (Gazetted on 26 June 1983) and was expanded in size through Amendment 55 (Gazetted on 27 June 1986). The existing scheme provisions provide for a minimum lot size of 8ha, 40 metre building setbacks from boundaries, no development within 50m of the Kalgan River and other standard Special Rural scheme provisions.
2. The proponent is proposing to alter the scheme provisions, based on a land capability assessment, such that the minimum lot size would decrease, yielding more land parcels. It is suggested that the land could accommodate, in some areas, one residential dwelling per 1 or 2 hectares, with the average lot size being reduced to 3 to 4 hectares.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

5. There are various policies and strategies that have relevance to this proposal. They include:
  - The State Planning Strategy;
  - 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).
6. 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.

**FINANCIAL IMPLICATIONS**

7. Should the zoning provisions change and the land be more closely developed, it is likely that a significant tract of additional foreshore land fronting the Kalgan River would be vested in Council via the subdivision process. As Council would be the responsible management authority for the land, costs associated with weed eradication, fuel load reduction, path upgrades and other maintenance regimes would need to be borne by Council.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

- *Nil.*

***Mission Statement:***

- *Nil.*

***Priority Projects:***

- *Nil.”*

**COMMENT/DISCUSSION**

9. The subject site is located within the Oyster Harbour Catchment Planning Precinct of the adopted Local Rural Strategy. As the land had previously been rezoned to Special Rural, the area was excluded from the strategy.
10. The proposal was forwarded to the Department of Planning and Infrastructure and the Department of the Environment for comment. The responses received included the following points:
- The previous grounds for rezoning the land cited the need to retain sufficiently large lots to accommodate the retention of the ecology and amenity of this part of the Kalgan River.
  - Reducing the size of the resulting lots would result in the loss of vegetation arising from bush fire protection, and contribute to the long term decline of Oyster Harbour.
  - Alternative Treatment Units would still result in nutrient inflow into Oyster Harbour.
  - The land has not been cited in any previous planning strategy as being suitable for rural subdivision.
  - The land capability should include reference to the site’s steeply sloping areas where erosion is a risk.
  - Flood mapping of low lying areas should be undertaken to guide risk minimisation of any development.
11. The proponent has indicated that the Land Capability Assessment (LCA) for the site is able to support a greater level of development than presently exists. The LCA indicates that land within the ‘Ds’ land capability unit (representing the western and northern portions of the subject site) has the potential to cater for lot sizes ranging in size from 1 to 2 hectares where sufficient ground water clearance can accommodate ATU effluent disposal systems. The balance of the subject land has poor effluent retention qualities and is in part flood prone land.
12. In addition to a large area of the land being unsuitable for dwelling construction, significant tracts of high quality remnant vegetation also affect the subject site, providing limited opportunities to increase the density of development. Lots 17, 18, 19, 20, 21, 24 and 25 in particular have important remnant vegetation that would need to be conserved if the area was further developed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

13. Staff are supportive of the amendment request on the basis that the following issues are addressed within any subsequent amendment documentation:
- Additional lots being confined to the ‘Ds’ land capability unit as delineated on the Land Capability Map (Map 4).
  - Winter ground water testing being carried out to determine the extent of possible development areas.
  - Flood prone areas and erosion risk areas (steeply sloping land) being mapped and shown on the Subdivision Guide Plan as development exclusion areas.
  - The quantum of land to be set aside for Foreshore Reserve being identified.
  - Fire safety zones and the requirements of the Planning for Bushfire Protection policy being adhered too.
  - The capacity to preserve all remnant vegetation on the subject site without the need for clearing building sites, lot boundaries, firebreaks and low fuel zones.
  - A visual impact analysis being prepared which seeks to protect the landscape qualities of the existing land.
  - Identification and protection measures for wetlands.

**RECOMMENDATION**

THAT Council advise Harley Survey Group that it would be prepared to receive amending documents for Location 21 and Lots 17, 18, 19, 20, 21, 22, 27, 28, 29 & 30 Mead Road, Kalgan to modify the development potential within Special Rural Area No. 4A, and the amendment documents would need to address:

- additional lots being confined to the ‘Ds’ land capability unit as delineated on the Land Capability Map (Map 4);
- winter ground water testing being carried out to determine the extent of possible development areas;
- flood prone areas and erosion risk areas (steeply sloping land) being mapped and shown on the Subdivision Guide Plan as development exclusion areas;
- the quantum of land to be set aside for Foreshore Reserve being identified;
- fire safety zones and the requirements of the Planning for Bushfire Protection policy being adhered too;
- the capacity to preserve all remnant vegetation on the subject site without the need for clearing building sites, lot boundaries, firebreaks and low fuel zones;
- a visual impact analysis being prepared which seeks to protect the landscape qualities of the existing land; and
- identification and protection measures for wetlands.

*Voting Requirement Simple Majority*

.....

Several of the requirements outlined in the recommendation pre-empt the more detailed analysis that will be required as part of the subdivisional analysis and design.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued.

**AMENDED RECOMMENDATION**

THAT Council advise Harley Survey Group that it would be prepared to receive amending documents for Location 21 and Lots 17, 18, 19, 20, 21, 22, 27, 28, 29 & 30 Mead Road, Kalgan to modify the development potential within Special Rural Area No. 4A, and the amendment documents would need to address:

- i) additional dwellings and effluent disposal systems being confined to the ‘Ds’ land capability unit as delineated on the Land Capability Map (Map 4), except where a more detailed land capability assessment, to be carried out at the subdivision stage, identifies further opportunities for development outside of this area;
- ii) flood prone areas, areas with a perched water table and erosion risk areas being mapped and shown on the Subdivision Guide Plan as development exclusion areas;
- iii) the quantum of land to be set aside for Foreshore Reserve being identified;
- iv) fire safety zones and the requirements of the Planning for Bushfire Protection policy being adhered to;
- v) the capacity to preserve all significant stands of vegetation on the subject site, as determined through a detailed vegetation assessment at the subdivision stage, without the need for clearing of building sites, lot boundaries, firebreaks and low fuel zones;
- vi) a broad visual impact analysis being prepared which seeks to protect the landscape qualities of the existing land; and
- vii) identification and protection measure for wetlands

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR BOJCUN**

**THAT Council advise Harley Survey Group that it would be prepared to receive amending documents for Location 21 and Lots 17, 18, 19, 20, 21, 22, 27, 28, 29 & 30 Mead Road, Kalgan to modify the development potential within Special Rural Area No. 4A, and the amendment documents would need to address:**

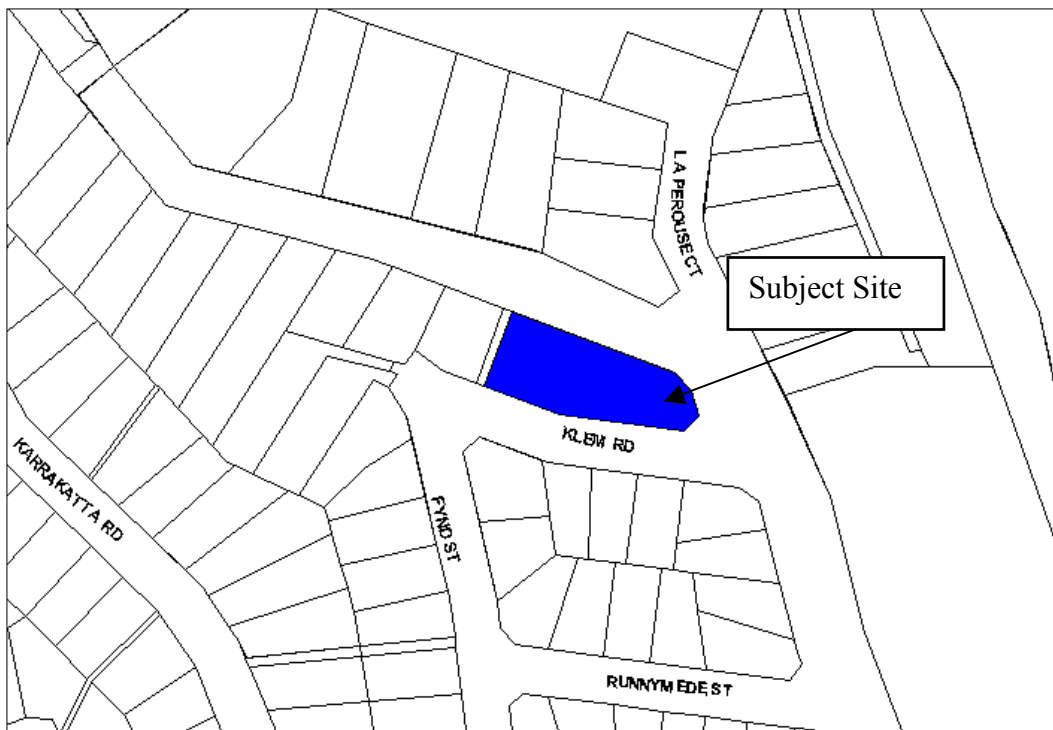
- i) additional dwellings and effluent disposal systems being confined to the ‘Ds’ land capability unit as delineated on the Land Capability Map (Map 4), except where a more detailed land capability assessment, to be carried out at the subdivision stage, identifies further opportunities for development outside of this area;**
- ii) flood prone areas, areas with a perched water table and erosion risk areas being mapped and shown on the Subdivision Guide Plan as development exclusion areas;**
- iii) the quantum of land to be set aside for Foreshore Reserve being identified;**
- iv) fire safety zones and the requirements of the Planning for Bushfire Protection policy being adhered to;**
- v) the capacity to preserve all significant stands of vegetation on the subject site, as determined through a detailed vegetation assessment at the subdivision stage, without the need for clearing of building sites, lot boundaries, firebreaks and low fuel zones;**
- vi) a broad visual impact analysis being prepared which seeks to protect the landscape qualities of the existing land; and**
- vii) identification and protection measure for wetlands**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

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

<b>File/Ward</b>	:	AMD 250 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Initiate Amendment to delete the Additional Use coding and rezone site to 'Residential R12.5'.
<b>Subject Land/Locality</b>	:	Pt Lot 376 (37) La Perouse Road, Goode Beach
<b>Proponent</b>	:	City of Albany
<b>Owner(s)</b>	:	EA Harley & MA & CA Stephenson
<b>Reporting Officer(s)</b>	:	Manager Planning & Ranger Services (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 19/08/2003 – Item 11.1.2 OCM 16/09/2003 – Item 11.3.4 OCM 20/04/2004 – Item 11.3.8 OCM 20/09/2005 – Item 11.3.13
<b>Summary Recommendation</b>	:	Initiate Amendment
<b>Bulletin Attachment</b>	:	Scheme Amendment Document
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. At its meeting dated 20<sup>th</sup> September 2005 Council resolved the following:

*“THAT Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves not to initiate the amendment to change the Scheme provisions relating to Part Lot 376 La Perouse Road, Goode Beach.*

*AND*

*THAT Council advise the landowners that Council is prepared to support amending documents for Town Planning Scheme 3 that remove the Additional Use clauses relating to the development of a shop upon Part Lot 376 La Perouse Road, Goode Beach and zone the subject land Residential with an R12.5 density coding*

*AND*

*THAT Council resolves to reimburse the proponent 100% of the planning fees paid in respect to this application for rezoning.”*

2. In accordance with Council’s resolution, the proponent has submitted revised amendment documents seeking to delete the additional uses in Area 11 of Schedule 2 of the Scheme (Part Lot 376 La Perouse Road, Goode Beach), rezone the land to Residential, and apply a density coding of ‘Residential R12.5’
3. The proposed amendment will remove any future potential for a shop to be considered on the subject land.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

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

**FINANCIAL IMPLICATIONS**

11. At its previous meeting Council advised that subject to the amendment documents being modified the amendment fees of \$2500 were to be reimbursed.

**STRATEGIC IMPLICATIONS**

12. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...*

- Excellent community infrastructure and services; and
- Innovative development complementing Albany’s unique character, natural environment and heritage.

***Mission Statement:***

*The City of Albany is committed to ...*

- Providing sound governance; and
- Promoting our Community’s vision for the future.

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

13. The Commercial Strategy Review 2000, and the Draft Retail Development Strategy, does not recognise a commercial development within the Goode Beach locality.
14. The proponent has advised that given the shopping facilities available at Little Grove and the Frenchman Bay Tea Rooms, the residents of Goode Beach have sufficient opportunities to purchase convenience goods.
15. Due to the small population within Goode Beach who commute daily for work and for recreational pursuits the economic viability of a convenience shop is also questionable. This proposal does not preclude however the option of providing shopping facilities elsewhere in the locality at a later date, if local demand was established.
16. The Residential R12.5 density allows for an average lot size of 800m<sup>2</sup>, which is consistent with lot sizes found in the surrounding residential area.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**RECOMMENDATION**

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

- i) deleting the additional use and conditions for ‘Schedule II – Additional Use Sites Code No 11’;
- ii) rezoning Pt Lot 376 La Perouse Road, Goode Beach to “Residential”;
- iii) incorporating the following into Table 3 as follows;

Part Lot 376 La Perouse Road, Goode Beach	R12.5
---	-------

- iv) amending the Scheme Maps accordingly.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

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

- i) deleting the additional use and conditions for ‘Schedule II – Additional Use Sites Code No 11’;**
- ii) rezoning Pt Lot 376 La Perouse Road, Goode Beach to “Residential”;**
- iii) incorporating the following into Table 3 as follows;**

<b>Part Lot 376 La Perouse Road, Goode Beach</b>	<b>R12.5</b>
--	--------------

- iv) amending the Scheme Maps accordingly.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.3.5 Initial Scheme Policy - Draft Housing Strategy**

<b>File/Ward</b>	: STR 169 (Various Wards)
<b>Proposal/Issue</b>	: Draft Housing Strategy project
<b>Subject Land/Locality</b>	: Various
<b>Proponent</b>	: SJB Town Planning and Urban Design
<b>Owner</b>	: Various
<b>Reporting Officer(s)</b>	: Strategic Planning Officer (P Shephard)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 20/01/2004 - Item 11.3.1
<b>Summary Recommendation</b>	: Adopt draft for public consultation purposes
<b>Bulletin Attachment</b>	: Housing Strategy Plan
<b>Locality Plan</b>	: Nil

**BACKGROUND**

1. A copy of the draft Housing Strategy (HS) was provided to Councillors with a memorandum on 5 October 2005. Councillors and senior staff were briefed on 23 August 2005 on the outcomes and draft recommendations contained within the strategy.
2. The next stage of the project involves Council adopting the draft strategy for public comment and forwarding it to the Department for Planning and Infrastructure (DPI) for approval for the advertising to commence. A copy of the strategy will be tabled at the meeting.

**STATUTORY REQUIREMENTS**

3. The Housing Strategy must be prepared in accordance with the WA Planning Commission Guidelines for the preparation of Local Housing Strategies (December 1992).

**POLICY IMPLICATIONS**

4. The final Housing Strategy will provide the strategic framework for residential zonings, densities and development controls within the new Local Planning Strategy and Community Planning Scheme.

**FINANCIAL IMPLICATIONS**

5. The Housing Strategy project is subject to a contract and project brief.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*Albany’s community will enjoy economic growth and outstanding opportunities for our youth through*

***Mission Statement:***

- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*

***Priority Projects:***

- *Major Planning Projects – Albany Local Planning Strategy and Town Planning Scheme (20 year land use and development strategy and statutory control mechanism).”*

7. The recommendations from the final HS will be incorporated into the Local Planning Strategy and Community Planning Scheme for implementation.

**COMMENT/DISCUSSION**

8. The main aim of the HS project is to develop a strategic approach to guide and co-ordinate the future development and form of the residential areas within the City.

9. The consultant advises that the life of the strategy is approximately 15 years (medium-term) for implementation. He recommends that the strategy outcomes need to be monitored and a review be undertaken in 2010.

10. The main outcomes of the HS are summarized below:

- The HS takes account of population and housing trends and the future housing demands.
- The analysis shows that whilst young families will tend to gravitate to new residential areas on the fringe, the demand for medium density housing is expected to increase, particularly close to the coast and the CBD.
- Albany has a relatively youthful population compared to that for the State, however over the next 15 years there will be a relative shift to an older population with a significant increase in the proportion of the population aged between 50-65 years, with considerable implications for medium-density housing and aged persons housing.
- Albany has a large supply of land that is zoned and subject to structure planning. This will cater for the projected housing demand. New residential areas will only need to be identified in the longer term.
- Meeting the demand for new dwellings will need to be generated by infill development as well as residential subdivision. There is considerable potential for urban consolidation through infill on vacant land, further development of under-utilised lots and urban renewal projects. Deep sewerage is vital for medium density housing and is a significant constraint on infill development. Sewerage backlog is currently being addressed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

- There needs to be greater housing choice throughout the City and within each locality. Medium and higher density areas are identified to cater for aged persons housing, single bedroom dwellings and a variety of housing types in each Precinct and throughout the City. Higher densities are promoted close to the CBD.
  - The HS conforms with WA Planning Commission policies and the Regional Planning framework, including the Albany Regional Strategy, draft Lower Great Southern Regional Strategy and Residential Expansion Strategy. They have been tempered to take account of local opportunities and constraints, including:
    - sewerage areas
    - areas subject to flooding
    - heritage precincts
    - re-development potential
  - Prior to the new Scheme being completed, the City can begin the implementation of the HS through amendments to the current Scheme.
  - Nodes (400m) around existing and proposed shopping centres are identified for medium density (R40) densities. Areas close to the CBD are also identified as suitable for medium densities, as are areas in close proximity to the beach and harbour. A node of development at Middleton Beach is identified as being suitable for medium and high density residential development and development of tourist accommodation and facilities.
  - Redevelopment and higher densities should be focused on the CBD. Higher densities (up to R160) and mixed use developments should be encouraged in the CBD and R60-R80 densities in the surrounding area (up to 800m of the CBD).
  - New housing areas should be designed in accordance with the Livable Neighborhood Community Codes and these areas should be fully serviced.
  - The HS also provides local policies for each of the suburb planning precincts. These policies recommend planning actions including zoning, density and development control matters and can be formally adopted as Planning Policies under the new Community Planning Scheme.
  - As required by the project brief, the consultant has provided specific recommendations on issues including: new residential subdivision, aged persons housing, incorporating sustainable development, heritage, medium density infill, commercial uses in residential areas, special housing needs (youth, singles, students, low income earners, itinerant workers, ethnic groups and disabled), Residential Design Codes, pole/podium style homes, earthworks, views, rainwater tanks and restricted/dual codings.
11. The HS requires the following actions by Council to implement the recommendations:
- Council liaise with the Department of Housing and Works with respect to providing housing for groups with special needs.
  - Council adopt the Housing Strategy as Policy as a guide for consideration of amendments to Town Planning Schemes 1A and 3.
  - Council identify precincts with high concentrations of buildings included on the Municipal Inventory.
  - Council identify nodes for high density development and Tourist accommodation and facilities along the beach/harbour front areas.
  - Council prepare a “Development In Heritage Precincts Policy”.
  - Council prepare a “Guidelines For Medium Density Infill Development”.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

- Council prepare a "Colour, Scale, Materials and Roof Pitch of Development in Sensitive Landscape Precincts Policy"
  - Council adopt the Precinct Policies and relevant statements.
  - Council prepare the new Town Planning Scheme to:
    - Include the Housing Strategy as a Policy
    - Include the "Guidelines For Medium Density Infill Development" Policy.
    - Include the "Development In Heritage Precincts Policy" Policy.
    - Include the "Colour, Scale, Materials and Roof Pitch of Development in Sensitive Landscape Precincts" Policy.
    - Include Policy Statements for each Precinct, including visual amenity and character.
    - Include provisions concerning vegetation protection and submission of information and development applications.
    - Include provisions concerning rainwater tanks and submission of information and development applications.
    - Include restricted and dual codings as outlined in Section 9.10.
    - Include the "Future Urban" and "Residential Development" zones under one zone and require that structure planning provide for a R20 base coding, compliance with the Community Codes Livable Neighbourhoods, and medium density (R40) around neighbourhood centres.
12. The consultant advises that the HS has been based on 2001 population information and it should be continually monitored to take account of actual population. It is therefore recommended that the figures be reviewed when data from the 2006 Australian Bureau of Statistics Population and Housing Census becomes available. The overall Strategy should be reviewed every 5 years to maintain its relevance.
13. Staff generally support the outcomes of the HS. The outcomes in the draft HS issues that do require further discussion are detailed below:
- *Housing Densities around Shopping Facilities*  
The densities promoted in the HS are based on WA Planning Commission policies such as Livable Neighbourhoods. The HS recommends nodes of 400m around existing and proposed shopping centres could be identified for R40 densities. The Retail Development Strategy (RDS) recommended a general increase in housing density to R30 for an area approximately 100m around neighbourhood and local centres to enhance their commercial potential. Staff support the recommendation of the HS over the RDS and allow R40 densities within 400m of these facilities, where sewer exists.
  - *Central Area R160 Density Coding*  
There has been debate within the community regarding the Earl Street proposal, which has also triggered consideration of the existing residential density permitted in the central area. The R160 code represents the highest density available and is similar only to areas in Central Perth. No development in the City has been constructed to this density even though the code has been in place for over 20 years now. The HS recommends that the R160 density coding be retained. Staff recommend that, if Council wishes to retain the R160 density, that this should be subject to a dual coding approach, where the 'accepted' density would be R80 and for proposals that delivered significant improvements to the public realm and provided an enhanced urban character in the area would be eligible for a 'bonus' to the R160 density at Council's discretion.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

- *Housing Strategy Map*

Staff recommend that several modifications be made to the Strategy Map (copy of Map with modifications shown is enclosed in the Bulletin Attachment) before it is submitted to the WA Planning Commission for approval to advertise. These modifications are listed below:

- 1 The removal of the proposed 'New Residential Areas' as follows:
  - i) Frenchman Bay Road, Robinson – the area is unable to be deep sewerred and staff recommend that the area be included in a special rural type zoning to reflect the present uses.
  - ii) Hanrahan Road, Mt Melville – this area is sandwiched between the tip site and Hanrahan Road and staff recommend that the land be contained within the Long Term Residential category at this stage to reflect the present constraints (eg. tip/industrial activities and heavy freight route impacts).
  - iii) Anson Road/Richard Street, Orana – This area is subject to the Anson Road Structure Plan prepared by the City in 1997 which promotes technology, education, recreation and commercial uses. Staff recommend that the Structure Plan outcomes represent a better use of this area and the residential uses promoted in the HS should be deleted.
- 2 The removal of some of the proposed 'Long Term Residential' area at Big Grove. Staff recommend that the area south of Frenchman Bay Road and east of the Rotary Club reserve should be included within a special rural/conservation type zoning to reflect their present uses and the proximity to the National Park. The rest of the area should be maintained for the possibility of residential uses into the long-term.
- 3 The inclusion of the Crown Land and Catholic Church land between Panorama Road and George/William/Henry/Albert Street areas within the proposed 'Long Term Residential' category. This will increase the overall potential for deep sewer to be provided to the Big Grove area over time due to better economics and the ability to share the costs between developers.
- 4 Delete the 'Minor Centre' shown at Goode Beach as it is not required in the draft RDS.
- 5 Include the area north of Bond/Mercer Roads, Yakamia/Lange and west of Balston Road, Gledhow within the 'Long Term Residential' category. These represent the next area of growth outside of the nominated areas and staff recommend they be shown accordingly.
- 6 The proposed 'Heritage Precinct' category be renamed 'Urban Character Area' to better define the intent. The use of a heritage category is considered by staff to be excessive over the whole of the proposed area shown.
- 7 The relocation of the Farm Fresh/Brooks Garden symbol needs correction.
- 8 The notation 'Promote Holiday Accommodation' is unnecessary at Emu Point and should be removed (it is adequately covered in the report).

14. Upon completion of the advertising period any submissions received will need to be considered by Council prior to the final HS being prepared and adopted. The final strategy is then required to be forwarded to the WA Planning Commission for endorsement.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

RECOMMENDATION

THAT Council:

- i) adopt the draft Housing Strategy (June 2005) from SJB Town Planning and Urban Design for public comment subject to the modifications contained within paragraph 13 of the Officer Report being effected;
- ii) forward the draft strategy to the WA Planning Commission for comment and approval to advertise;
- iii) upon approval to advertise being granted by the WA Planning Commission, undertake a 2 month advertising period for public consultation on the draft strategy; and
- iv) consider any submissions received following completion of the advertising period.

*Voting Requirement Simple Majority*

.....

AMENDED RECOMMENDATION

THAT Council:

- i) adopt the draft Housing Strategy (June 2005) from WSJB Town Planning and Urban Design for public comment subject to the modifications contained within paragraph 13 of the Officer Report being effected;
- ii) forward the draft strategy to the WA Planning Commission for comment and approval to advertise;
- iii) upon approval to advertise being granted by the WA Planning Commission, undertake a two month advertising period for public consultation on the draft strategy;
- iv) provide a clear notation on the document, as part of the advertising process, that more refined urban design guidelines are being prepared over the CBD and the adjacent residential areas and the draft recommendations contained in the Housing Strategy may be affected by those design guidelines;
- v) delay the final consideration of the Housing Strategy, following the public consultation process, until such time as the Urban Design Guidelines have been considered by Council, a report on potential areas of conflict has been prepared and Council has been appropriately briefed on areas of conflict; and
- vi) consider any submissions received following completion of the advertising period.

*Voting Requirements Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council:**

- i) adopt the draft Housing Strategy (June 2005) from SJB Town Planning and Urban Design for public comment subject to the modifications contained within paragraph 13 of the Officer Report other than the Central Area R160 density coding being effected;**
- ii) forward the draft strategy to the WA Planning Commission for comment and approval to advertise;**
- iii) upon approval to advertise being granted by the WA Planning Commission, undertake a two month advertising period for public consultation on the draft strategy;**
- iv) provide a clear notation on the document, as part of the advertising process, that more refined urban design guidelines are being prepared over the CBD and the adjacent residential areas and the draft recommendations contained in the Housing Strategy may be affected by those design guidelines;**
- v) delay the final consideration of the Housing Strategy, following the public consultation process, until such time as the Urban Design Guidelines have been considered by Council, a report on potential areas of conflict has been prepared and Council has been appropriately briefed on areas of conflict; and**
- vi) consider any submissions received following completion of the advertising period.**

**MOTION CARRIED 9-5**

For the motion: Mayor Goode, Councillor Bojcun, Emery, Wellington, Williams, Wolfe, West, Lionetti and Wiseman.

Against the motion: Councillors Marshall, Paver, Waterman, Evans & Jamieson.

Reason:

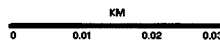
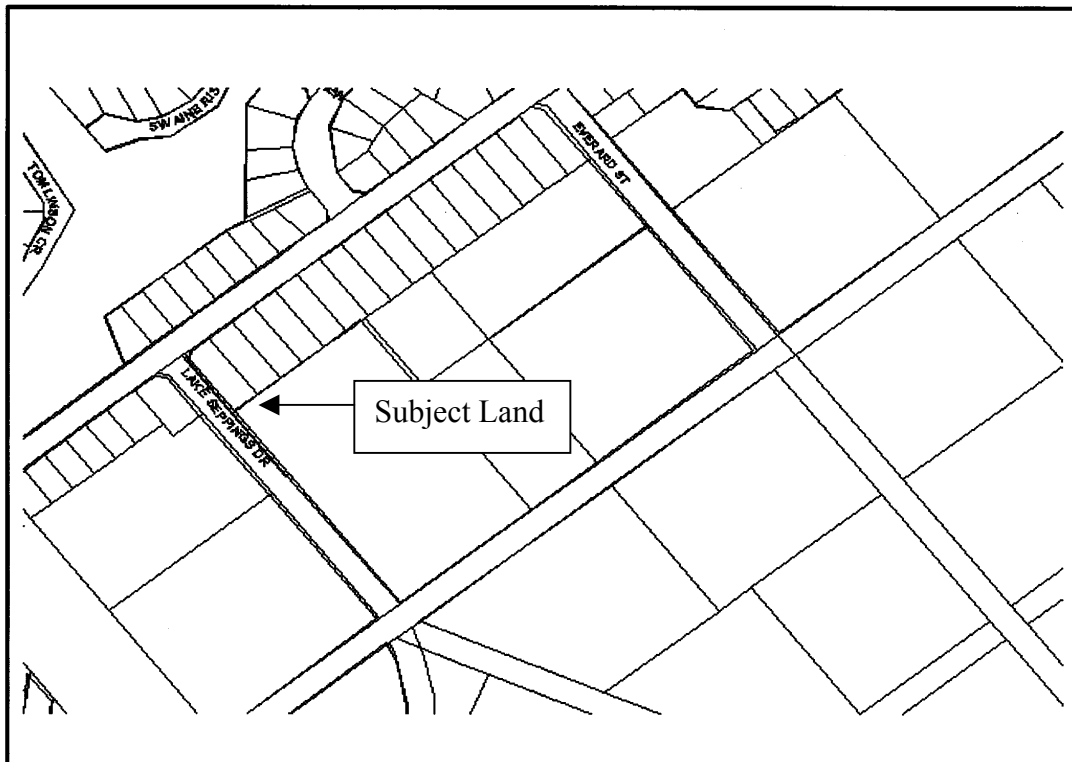
- An R 160 coding currently exists over the CBD and earlier reports, together with Mr Bain's Strategy, support the retention of that density.

**DEVELOPMENT SERVICES REPORTS**

**11.4 RESERVES PLANNING**

**11.4.1 Change of Reserve Purpose – Reserve 26312 – Loftie Street, Seppings**

<b>File/Ward</b>	: A148717 (Breaksea Ward)
<b>Proposal/Issue</b>	: Incorporate Reserve 26312 into Loftie Street road reserve
<b>Subject Land/Locality</b>	: Reserve 26312
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Support inclusion
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: Nil.



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued.

**BACKGROUND**

1. At the Council meeting on the 25<sup>th</sup> March 1997, Council resolved to support a request to adjust the boundary between Lot 388 Wright Street, Seppings and Reserve 37440. The adjustment allowed for the conservation portions of the private lot (Lot 388) to be removed from private ownership and for the more elevated portion of Reserve 37440 to be made available for development, see plan following this report. The adjustment also aligned the property boundaries with the current zoning in the City of Albany Town Planning Scheme 1A.
2. The landowner and the Department of Planning and Infrastructure have been negotiating appropriate terms for the land swap and those negotiations have now reached an acceptable outcome.
3. To proceed with the realignment of the boundaries will produce a land parcel of 8700m<sup>2</sup> which has a very restricted frontage to Loftie Street (the future alignment of Lake Seppings Drive). The land parcel would be separated from Loftie Street by a 4 metre wide “Water Supply” reserve that has been created from within the road reserve, see plan following this report. Reserve 26312 contains a pump and pipeline to extract reticulation water from Lake Seppings for the Regional Hospital and other government properties in Spencer Park; the pump station would need to remain as a separate reserve, but the pipeline can be retained within the road reserve.

**STATUTORY REQUIREMENTS**

4. Councils resolution is required under Section 56(1)(a) of the Land Administration Act 1997 to incorporate portion of Reserve 26312 into the Loftie Street road reservation.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. A minor cost is to be incurred to prepare the Diagram of Survey to record to land transfer.

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...*

- *Excellent community infrastructure and services;*

***Mission Statement:***

*The City of Albany is committed to ...*

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

***Priority Projects:***

*Nil.”*



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.1 continued.

**COMMENT/DISCUSSION**

7. The creation of a Water Supply reserve from within a road reserve is an unusual situation. In this instance, it is even more disconcerting, in that the majority of the supply pipeline to the hospital will continue to be buried in existing road reserves or on Crown land.
8. The retention of Reserve 26312 has the effect of reducing the available road reservation width for the future alignment of Lake Seppings Drive, forcing Council to resume land from the landowner on the opposite side of the road.

**RECOMMENDATION**

THAT Council, pursuant to Section 56(1)(a) of the Land Administration Act 1997 resolves that the majority of Reserve 26312 be incorporated into the Loftie Street road reservation and that the Department of Planning and Infrastructure be requested to action the amalgamation.

*Voting Requirement Simple Majority*

.....

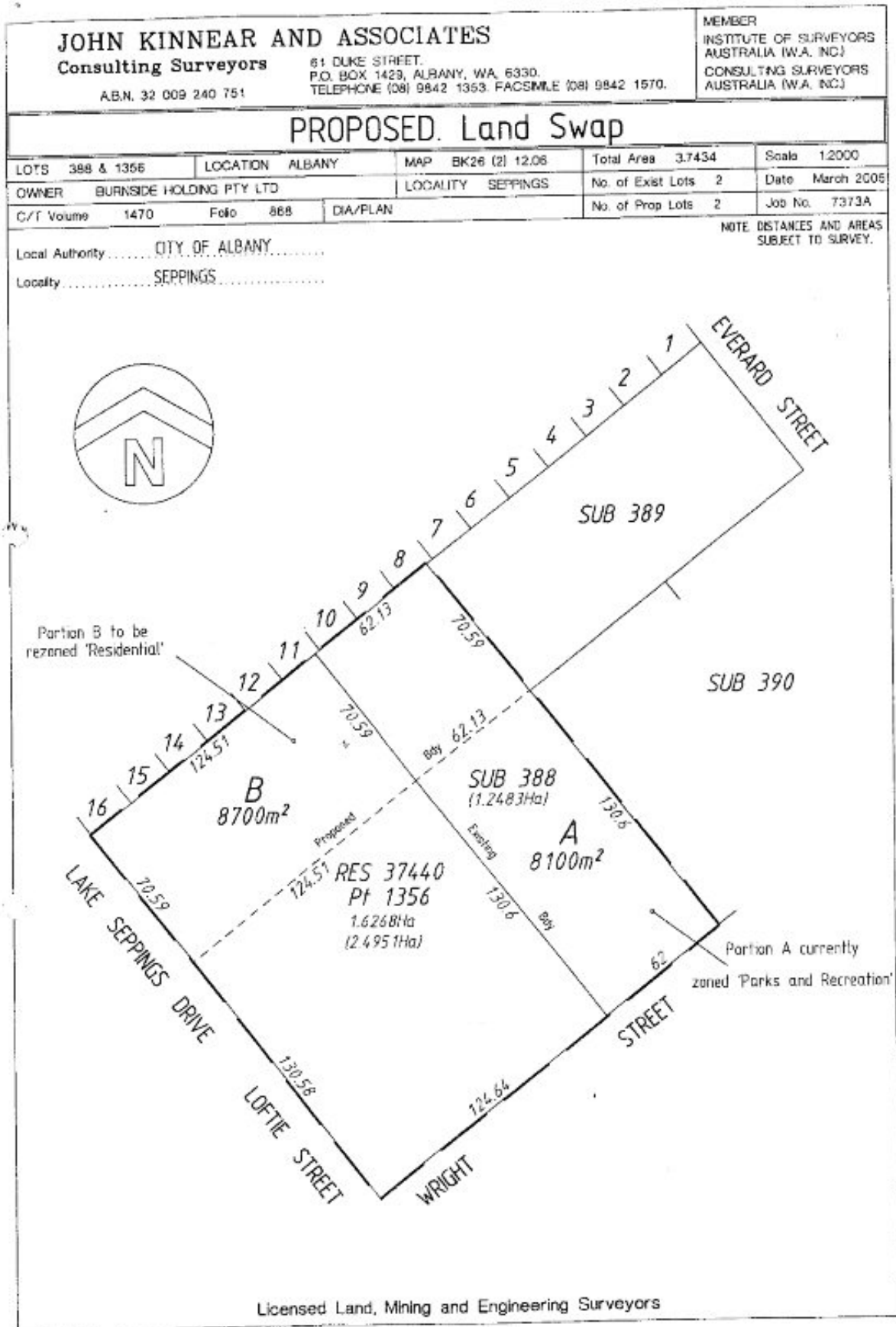
**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR MARSHALL**

**THAT Council, pursuant to Section 56(1)(a) of the Land Administration Act 1997 resolves that the majority of Reserve 26312 be incorporated into the Loftie Street road reservation and that the Department of Planning and Infrastructure be requested to action the amalgamation.**

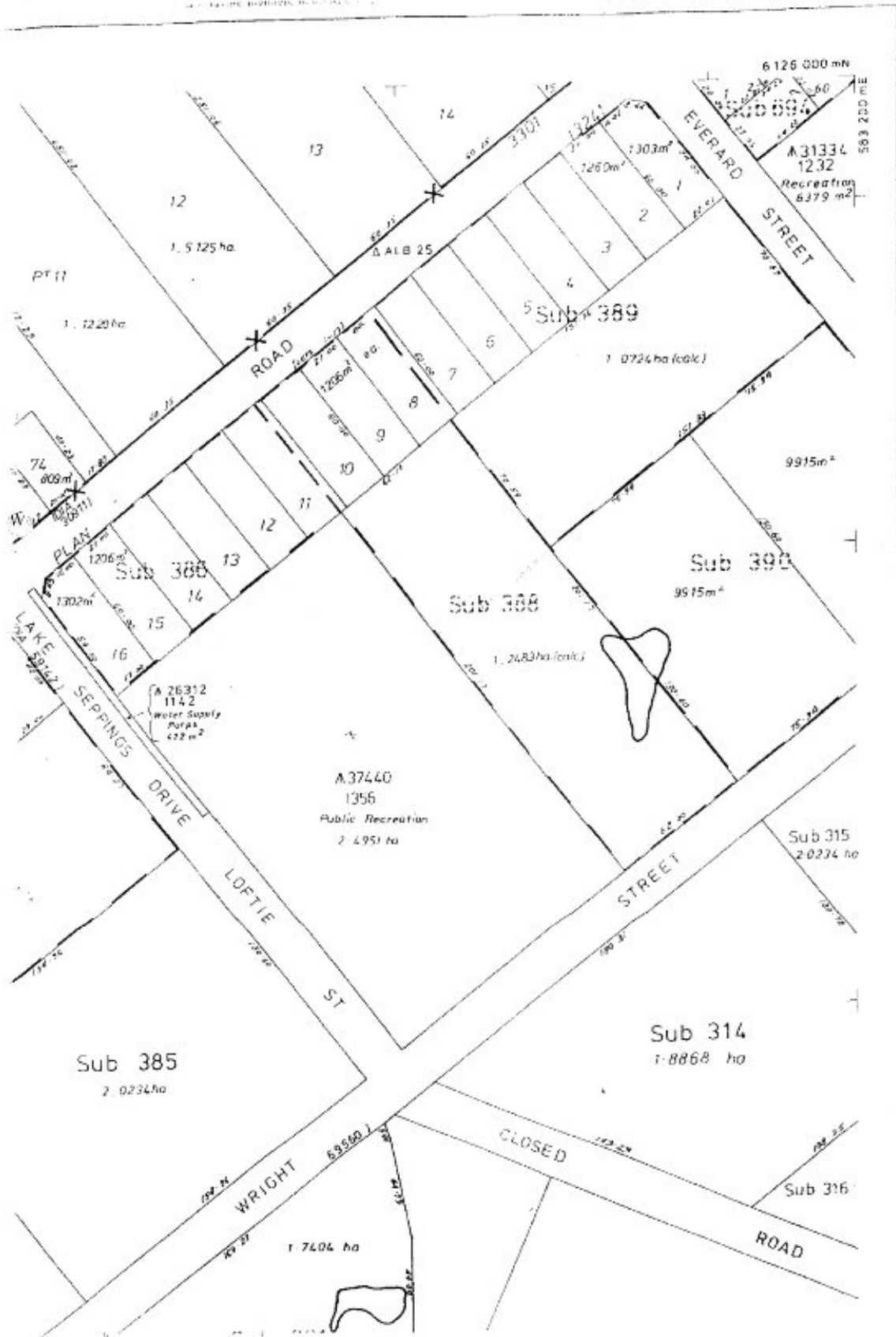
**MOTION CARRIED 14-0**

\*\* REFER DISCLAIMER \*\*

**DEVELOPMENT SERVICES REPORTS**



ORDINARY COUNCIL MEETING MINUTES -18/10/05  
 \*\* REFER DISCLAIMER \*\*  
 DEVELOPMENT SERVICES REPORTS



**DEVELOPMENT SERVICES REPORTS**

**11.4.2 Crown Land Disposal – Former Lots 23,24 and 33 Brewster Road, Collingwood Heights**

**File/Ward** : A155083 (Yakamia Ward)

**Proposal/Issue** : Disposal of Crown Land

**Subject Land/Locality** : Un-numbered (Former Lots 23, 24 and 33) Crown Land Brewster Road, Collingwood Heights

**Proponent** : Department for Planning and Infrastructure

**Owner** : Crown

**Reporting Officer(s)** : Executive Director Development Services (R Fenn)

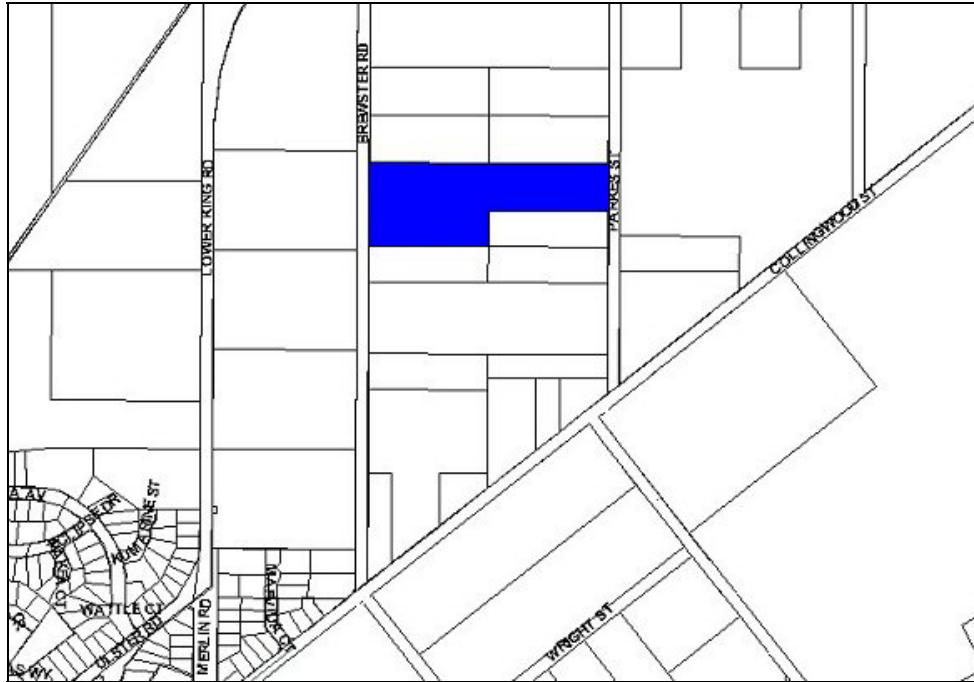
**Disclosure of Interest** : Nil

**Previous Reference** : Nil.

**Summary Recommendation** : Support Request

**Bulletin Attachment** : Nil

**Locality Plan** : N/A



**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued.

**BACKGROUND**

1. Located between Brewster and Parkes Roads, Collingwood Heights, is a 4.568 ha parcel of Unallocated Crown Land (UCL) that was revested to the Crown for the non payment of rates. The Department of Planning and Infrastructure has received a request for the purchase of that land.
2. In 1994 the former Shire advised that it did not support the release of nearby land on the basis that;
  1. the land was zoned Rural.
  2. road access was substandard.
  3. the land is uncleared and undeveloped.
  4. the area forms part of the Yakamia Creek drainage system.
  5. the area has a low capability for housing purposes.
  6. the draft Local Rural Strategy implied that Council rezone the area to provide for the efficiency of the drainage function.
  7. the area is important urban bushland which supports native flora and fauna. and
  8. release of Crown land appeared to be contradictory to government initiatives in landcare, foreshore protection, etc.
3. The Department has also suggested that Council may wish to reserve the land for the purposes of “Parklands” and if so, would the City be willing to accept management of the reserve.

**STATUTORY REQUIREMENTS**

4. The Department of Planning and Infrastructure has state endorsed land disposal policies and protocols in place that it must follow. Council does not have the power to veto the conversion of this UCL to freehold land; it is standard DPI protocol to consult with the Local Authority when it receives requests of this nature.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. If Council was to assume the management order for this parcel of land, it would assume all the costs associated with the on-going control and management of the land in accordance with the purpose of the Reserve.

**STRATEGIC IMPLICATIONS**

7. The land is located within the “Oyster Harbour 1” policy area of the City of Albany Local Rural Strategy; the policy area covers the urban growth areas between Mercer Road and Hudson Street, the Yakamia Creek delta and the undeveloped land between Bayonet Head and Lower King.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued.

8. The policy statement for the area promotes rezoning of suitable areas for future urban purposes and precludes interim uses which will prejudice future urban development. It promotes possible land acquisitions for inclusion into reserves, seeks to restrict land uses which result in nutrient losses to Oyster Harbour, precludes removal of remnant vegetation, promotes revegetation of cleared areas and encourages non-vehicular connection of Bayonet Head to Emu Point.

**COMMENT/DISCUSSION**

9. Since 1994, a number of actions have been taken which warrant a review of the earlier Council decision and of the need for Council to hold further Crown land parcels. Lots in the vicinity of the subject land continue to be zoned “Rural” in the City of Albany Town Planning Scheme No. 3, however they have been developed for a range of peri-urban land uses including a private school and low density residential. The current zoning is unlikely to attract inappropriate development, given the limited area involved and the extent of remnant vegetation remaining.
10. The local road network has been recently upgraded to a two coat sealed bitumen surface. A report on Yakamia Creek drainage indicated the land would not be within the declared floodplain for the creek and that information was verified during the events on April 1<sup>st</sup>, 2005.
11. The subject land is surrounded by low density semi rural and special residential land uses and there are no characteristics unique to the land which would preclude it being used for those activities. It certainly has the capacity to support a single dwelling, with on-site effluent. The removal of vegetation is now regulated by the Environmental Protection Act and the retention of the vegetation cover on the subject land has greater certainty than in the past.
12. The primary issue for Council is whether it wishes to assume management control of the land and there appears to be no strategic necessity to do. Council has the management responsibility for the foreshore reserve on the western side of Oyster Harbour and of an extensive reserve network linking Emu Point to Middleton Beach, through Lake Seppings. The subject land is isolated from that broader regional network. Also, Council is required to maintain the management order for two four hectare reserves fronting Lower King Road (500m to the south west of the subject land) which are partially contaminated, but can be developed for passive recreational purposes.

**RECOMMENDATION**

THAT Council advise the Department of Planning and Infrastructure that it raises no objection to the un-number lot (formerly lots 23, 24 and 33) located between Brewster Road and Parkes Street, Collingwood Heights being offered for sale on the understanding that any future development must be carried out in accordance with the zoning of the land.

*Voting Requirement Simple Majority*

.....

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WOLFE**

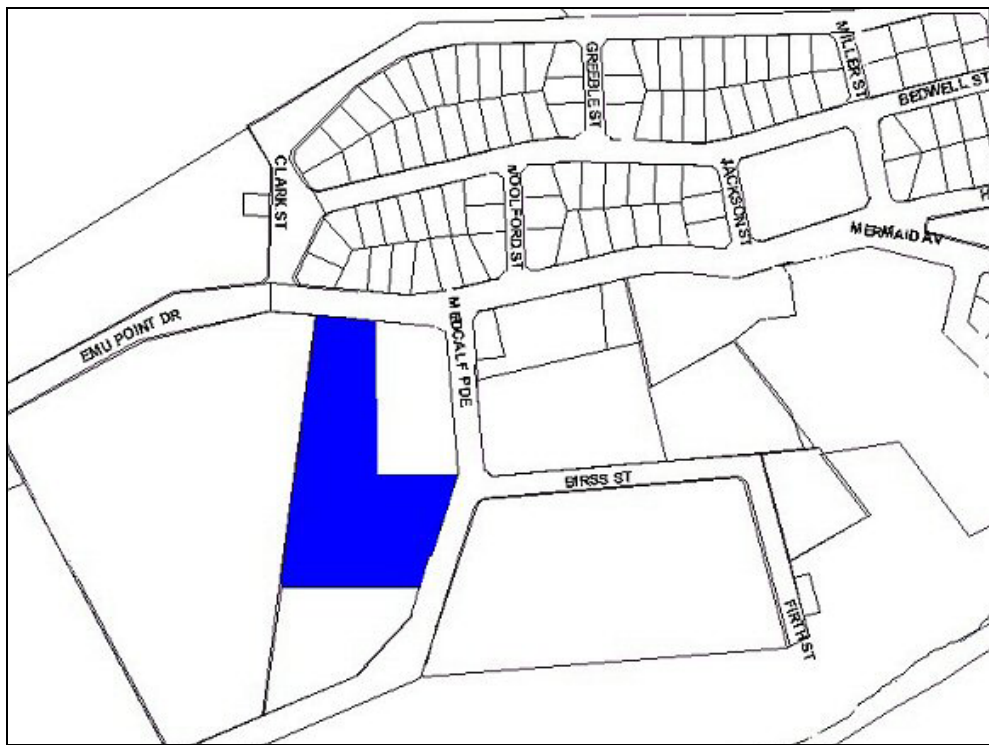
**THAT Council advise the Department of Planning and Infrastructure that it raises no objection to the un-number lot (formerly lots 23, 24 and 33) located between Brewster Road and Parkes Street, Collingwood Heights being offered for sale on the understanding that any future development must be carried out in accordance with the zoning of the land.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.4.3 Lease for Reserve – Albany Lot 1175 Medcalfe Parade, Emu Point**

<b>File/Ward</b>	: A155083 (Breaksea Ward)
<b>Proposal/Issue</b>	: Future of Management Order for Balance of Emu Point Motel Land.
<b>Subject Land/Locality</b>	: Albany Lot 1175 Medcalfe Parade, Emu Point
<b>Proponent</b>	: Department for Planning and Infrastructure
<b>Owner</b>	: Crown
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 21/06/05 - Item 11.4.2 OCM 19/10/04 - Item 12.2.1
<b>Summary Recommendation</b>	: Surrender Lease
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	:





**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued.

**BACKGROUND**

1. At the request of the sub lessees of the Emu Point Motel site, an approach was made to the Department for Planning and Infrastructure to freehold 8900m<sup>2</sup> of the current 3.23ha site. The Department has advised that agents for the sub lessee have indicated that their client is prepared to surrender the sub lease in order to secure freehold title over the developed portion and action is being taken to obtain the subdivisional approval.
2. The Department has requested feedback from Council on its intentions for the balance of the land (the 2.29ha identified on the plan following this report). Council has the option of applying for the lease of the land (with the power to sub-lease) or it can surrender the 99 year lease to the State. If the surrender option is to be pursued, the Department would appreciate Council's comments and recommendations on future disposition options.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

4. Council has no policy position on the retention of lease land for short stay developments.

**FINANCIAL IMPLICATIONS**

5. Council obtains a lease payment from the sublessee based upon a percentage of the GRV value of the motel land. That lease payment will be replaced with rate income from the future freehold land parcel.
6. If Council accepts the lease over the reduced area, any future income would be dependent upon the ability to secure a developer and negotiate appropriate lease conditions; most developers are advising that new tourism ventures are only capable of being financed through joint venture arrangements and by securing that investment against the property title.

**STRATEGIC IMPLICATIONS**

7. The area to the east, north and south of this site is predominantly utilised and developed for tourist residential purposes. Land to the west is zoned Future Urban and the Minister for Planning and Infrastructure has identified that land as being suitable for immediate release and urban development.
8. The subject land is zoned Tourist Residential and can be developed for either tourism or residential purposes.

**COMMENT/DISCUSSION**

9. If Council is to retain the lease for the 2.29ha parcel of land, it is necessary to identify what purpose should be attached to the lease and how it would integrate with surrounding land uses. Holding the lease will allow Council to negotiate with potential future lessees on the way in which the site can be developed, thereby providing a second layer of public scrutiny on the design outcome.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.3 continued.

10. It can also be argued that there is a surplus of freehold tourism sites available in Albany and it will be difficult for Council to attract a developer with a lease over the land. Adding a second layer of scrutiny to the developer's plans for the site would increase the potential for the viability of any project to be further eroded.
11. If Council was to relinquish the lease, the structure planning for the urban area to the west could be extended over the subject land and an integrated development plan generated for the entire area between Griffith Street and Medcalf Parade. The site could also be offered as a freehold title to the market and the potential for it to be developed increased accordingly; the structure planning may also identify a more appropriately located and configured site for tourism development within the study area and thereby increase the tourism yield.

**RECOMMENDATION**

THAT Council advise the Department of Planning and Infrastructure that Council is prepared to surrender the 99 year lease over Lot 1175 Medcalf Parade, Emu Point on the understanding that the Crown will prepare a comprehensive structure plan over the area between Medcalf Parade and Griffith Street to identify a tourism site, of comparable area to the balance of Lot 1175, which integrates with the local road network and future urban development and offers more attractive development options for the tourism industry.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council advise the Department of Planning and Infrastructure that Council is prepared to surrender the 99 year lease over Lot 1175 Medcalf Parade, Emu Point on the understanding that the Crown will prepare a comprehensive structure plan over the area between Medcalf Parade and Griffith Street to identify a tourism site, of comparable area to the balance of Lot 1175, which integrates with the local road network and future urban development and offers more attractive development options for the tourism industry.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.5 DEVELOPMENT SERVICE COMMITTEES**

**11.5.1 Bushfire Management Committee meeting minutes – 21 September 2005**

<b>File/Ward</b>	:	MAN 089 (All Wards)
<b>Proposal/Issue</b>	:	Committee items for Council consideration
<b>Reporting Officer(s)</b>	:	Bush Fire Officer (S Gray)
<b>Summary Recommendation</b>	:	That the minutes of the Bushfire Management Committee held on 21 September 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Bushfire Management Committee held on 21 September 2005 are received (copy of minutes are in the Elected Members' Report / Information Bulletin) and the following motions are adopted: -

Item 7.1

THAT;

- i) Council sign the 'Operational Response Agreement with FESA, subject to the following amendment: "(f) The City bush firefighting resources, including appliances will remain at the incident, and volunteers will be requested to remain at the incident and assist in suppression activities as determined by the Incident Controller";
- ii) The following City of Albany nominated representatives to make the decision to handover an incident:
  - Mr Andrew Hammond – Chief Executive Officer
  - Mr Robert Fenn – Executive Director, Development Services
  - Mr Steve Gray – Bush Fire Officer, and
  - Mr Charlie Butcher – Chief Bush Fire Control Officer

Item 9.1

THAT Council endorse the appointment Mr Tony Ball and Mr John Hood as Chairperson and Deputy Chairperson, respectively, of the Bush Fire Advisory Committee.

Item 9.2

THAT Council endorses the appointment of City of Albany Bush Fire Control Officers and Deputy Bush Fire Control Officers for the 2005/2006 fire season, as per the appended list.

Item 9.3

THAT Council;

- i) endorse the appointment of the following Brigade Officers from adjoining local governments as Bush Fire Control officers within the City of Albany:
 

Shire of Plantagenet:	Warren Forbes	(Narrikup VBFB)
	John Russell	(Porongurup VBFB)
	Ross Backhouse	(Narrikup VBFB)
Shire of Gnowangerup:	Colin King	(Borden VBFB)
	Graham Moir	(Borden VBFB)
Shire of Jerramungup:	Anthony Thomas	(Boxwood VBFB); and
Shire of Denmark:	Chris Hoare	(Denmark East VBFB)
	Ian Dunne	(Shire of Denmark)
- ii) note the submission of the following City of Albany Brigade Officers as Bush Fire Control Officers in adjoining local governments:

**DEVELOPMENT SERVICES REPORTS**

Shire of Plantagenet:	John Hood	(Kojaneerup VBFB)
	Terry Bradshaw	(Kojaneerup VBFB)
	Tom Collins	(Napier VBFB)
	Lance Flett	(Redmond VBFB)
	Chris Norton	(Highway VBFB)
Shire of Denmark:	Kevin Martin	(Youngs VBFB)
Shire of Gnowangerup:	Peter Moir	(Gnowellen VBFB)
Shire of Jerramungup:	Peter Moir	(Gnowellen VBFB)
	Chris Gilmour	(Wellstead VBFB)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR JAMIESON**

**THAT the minutes of the Bushfire Management Committee held on 21 September 2005 are received (copy of minutes are in the Elected Members' Report / Information Bulletin) and the following motions are adopted: -**

**Item 7.1**

**THAT;**

- i) Council sign the 'Operational Response Agreement with FESA, subject to the following amendment: "(f) The City bush firefighting resources, including appliances will remain at the incident, and volunteers will be requested to remain at the incident and assist in suppression activities as determined by the Incident Controller";**
- ii) The following City of Albany nominated representatives to make the decision to handover an incident:**
  - **Mr Andrew Hammond – Chief Executive Officer**
  - **Mr Robert Fenn – Executive Director, Development Services**
  - **Mr Steve Gray – Bush Fire Officer, and**
  - **Mr Charlie Butcher – Chief Bush Fire Control Officer**

**Item 9.1**

**THAT Council endorse the appointment Mr Tony Ball and Mr John Hood as Chairperson and Deputy Chairperson, respectively, of the Bush Fire Advisory Committee.**

**Item 9.2**

**THAT Council endorses the appointment of City of Albany Bush Fire Control Officers and Deputy Bush Fire Control Officers for the 2005/2006 fire season, as per the appended list.**

**Item 9.3**

**THAT Council;**

- i) endorse the appointment of the following Brigade Officers from adjoining local governments as Bush Fire Control officers within the City of Albany:**

<b>Shire of Plantagenet:</b>	<b>Warren Forbes</b>	<b>(Narrakup VBFB)</b>
	<b>John Russell</b>	<b>(Porongurup VBFB)</b>
	<b>Ross Backhouse</b>	<b>(Narrakup VBFB)</b>
<b>Shire of Gnowangerup:</b>	<b>Colin King</b>	<b>(Borden VBFB)</b>
	<b>Graham Moir</b>	<b>(Borden VBFB)</b>
<b>Shire of Jerramungup:</b>	<b>Anthony Thomas</b>	<b>(Boxwood VBFB); and</b>
<b>Shire of Denmark:</b>	<b>Chris Hoare</b>	<b>(Denmark East VBFB)</b>

**DEVELOPMENT SERVICES REPORTS**

**Ian Dunne**

**(Shire of Denmark)**

- ii) **note the submission of the following City of Albany Brigade Officers as Bush Fire Control Officers in adjoining local governments:**

<b>Shire of Plantagenet:</b>	<b>John Hood</b>	<b>(Kojaneerup VBFB)</b>
	<b>Terry Bradshaw</b>	<b>(Kojaneerup VBFB)</b>
	<b>Tom Collins</b>	<b>(Napier VBFB)</b>
	<b>Lance Flett</b>	<b>(Redmond VBFB)</b>
	<b>Chris Norton</b>	<b>(Highway VBFB)</b>
<b>Shire of Denmark:</b>	<b>Kevin Martin</b>	<b>(Youngs VBFB)</b>
<b>Shire of Gnowangerup:</b>	<b>Peter Moir</b>	<b>(Gnowellen VBFB)</b>
<b>Shire of Jerramungup:</b>	<b>Peter Moir</b>	<b>(Gnowellen VBFB)</b>
	<b>Chris Gilmour</b>	<b>(Wellstead VBFB)</b>

**MOTION CARRIED 14-0**

# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

#### 12.1.1 List of Accounts for Payment

<b>File/Ward</b>	:	FIN 040 (All Wards)
<b>Proposal/Issue</b>	:	N/A
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Note Financial Activity Statement
<b>Bulletin Attachment</b>	:	List of Accounts
<b>Locality Plan</b>	:	N/A

#### COMMENTS / DISCUSSION

- The list of account for payment for the City of Albany is included within the Elected Members Report & Information Bulletin and contains the following:-

Municipal Fund			
Cheques	Totalling		\$107,877.01
Electronic Fund transfer	Totalling		1,730,538.96
Credit Cards	Totalling		10,185.79
Payroll	totalling		667,974.30
<b>Total</b>			<b><u>\$2,516,576.06</u></b>

- As at 3<sup>rd</sup> October 2005, the total outstanding creditors, stands at \$180,266.08.

#### RECOMMENDATION

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

Municipal Fund	Totalling	<b><u>\$2,516,576.06</u></b>
----------------	-----------	------------------------------

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILLIAMS  
 SECONDED COUNCILLOR JAMIESON**

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

<b>Municipal Fund</b>	<b>Totalling</b>	<b><u>\$2,516,576.06</u></b>
-----------------------	------------------	------------------------------

**MOTION CARRIED 14-0**

**12.1.2 Financial Activity Report**

<b>File/Ward</b>	:	FIN 040 (All Wards)
<b>Proposal/Issue</b>	:	Financial Activity Report
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Senior Accounting Officer (D Evers)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Note Financial Activity Statement
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**COMMENT/DISCUSSION**

1. The Financial Activity Plan was introduced by the Department of Local Government from 1<sup>st</sup> July 2005. The change was implemented to provide elected members with a better idea of operating and capital revenues and expenditure. It was also intended to link operating results with balance sheet items and reconcile with the end of month cash balances.

**STATUTORY REQUIREMENTS**

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed in the regulations. Regulation 34 has been amended to require that Councils report on the sources and applications of funds on a monthly basis, and that the report be noted by Council.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. There are no financial implications relating to this item. The Financial Activity Statement is a report only.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

6. The Financial Activity Report and report on major variances follow.



Item 12.1.2 continued.

RECOMMENDATION

THAT Council note the attached Financial Activity Statement.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WEST**

**THAT Council note the attached Financial Activity Statement.**

**MOTION CARRIED 14-0**

## CORPORATE &amp; COMMUNITY SERVICES REPORTS

## FINANCIAL ACTIVITY STATEMENT - 30-Sep-05

	Actual Year to Date 30-Sep-05	Budget Year to Date 30-Sep-05	Budget Variance
<b>OPERATING INCOME</b>			
Rates	15,423,993	15,302,222	121,771
Grants & Subsidies	795,226	802,371	(7,145)
Contributions. Reimb & Donations	107,110	83,451	23,659
Fees & Charges	3,479,795	3,392,067	87,728
Interest Earned	106,866	93,033	13,833
Other Revenue / Income	216,448	224,121	(7,673)
Net Controlled Trust Revenue	116,500		
	<b>20,245,938</b>	<b>19,897,265</b>	<b>232,173</b>
<b>OPERATING EXPENDITURE (excluding depreciation)</b>			
Employee Costs	(2,459,079)	(2,250,510)	(208,569)
Utilities	(175,066)	(215,695)	40,629
Interest Expenses	40,103	(22,564)	62,667
Contracts & materials	(938,213)	(1,551,338)	613,125
Insurance expenses	(302,272)	(277,239)	(25,033)
Other Expenses	(1,276,798)	(951,015)	(325,783)
	<b>(5,111,324)</b>	<b>(5,268,361)</b>	<b>157,037</b>
<b>CAPITAL INCOME</b>			
Grants & Subsidies	280,776	253,909	26,867
Contributions. Reimb & Donations, Other	46,050	11,622	34,428
Proceeds from sale of assets	342,971	254,730	88,241
	<b>669,797</b>	<b>520,261</b>	<b>149,536</b>
<b>CAPITAL EXPENDITURE</b>			
Asset Masterplans	(499,862)	(998,798)	498,936
ALAC Redevelopment	0	0	-
Plant Replacement	(421,793)	(456,781)	34,988
Developers Subdivisions	0	0	-
Other Capital	(172,811)	(706,517)	533,706
	<b>(1,094,466)</b>	<b>(2,162,096)</b>	<b>1,067,630</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Loan Principal Repayment	(10,103)	(10,276)	173
Proceeds from Self Supporting Loans	2,750	2,750	-
Proceeds from new loans	0	0	-
	<b>(7,353)</b>	<b>(7,526)</b>	<b>173</b>
<b>OTHER BALANCE SHEET ITEMS</b>			
Change in stock position	140,091		
Change in Debtors	(4,720,294)		
Change in Creditors	(871,324)		
	<b>(5,451,527)</b>		
<b>NET CASH FLOW</b>	<b>9,251,065</b>		
Opening Cash balance	13,045,744		
<b>NET CASH AT BALANCE DATE</b>	<b>22,296,808</b>		
<b>Cash summary</b>			
Municipal Account	12,750,345		
Reserve Account	8,404,749		
Trust Account	1,141,714		

**CORPORATE & COMMUNITY SERVICES REPORTS**

Total Bank / Investments

22,296,808

**Explanation of Variances on Financial Activity Statement Report - September**

**Contributions, Reimbursements & Donations**

The FESA contribution is \$22,000 above the budget to date, as it was carried over from a previous year.

**Interest Earned**

Greater than expected interest is being earned, as the delay to our capital works program caused by the April floods has allowed our cash position to remain strong.

**Utilities**

Due to the accrual process, July utilities accounts will generally be less than the average monthly figure. This will be corrected in the 06/07 budget.

**Interest Expenses**

The reversal of loan interest accruals in 05/06 appear as a positive amount in the expense item, these accruals will balance as the interest payments are made.

**Contracts and Materials**

Less than expected contracts and materials have been purchased in July and August due to significant work continuing on the repair of flood damage. This work is being performed using City of Albany staff and plant with minor costs for contracts and materials. Due to the efforts to repair flood damage expected maintenance and construction work has been delayed. The 05/06 construction program has begun, and these figures should gradually become closer.

**Insurance Expense**

Some insurance costs paid earlier than expected.

**Other Expenses**

The road maintenance account has \$71,000 more than year to date budget in "other expenses". The overall budget is higher than expected due to significant maintenance work being performed in the first quarter of the year. Community Financial Assistance of \$40,000 has been paid sooner than expected. Some costs are coded to "other" when there may be a more appropriate category.

**Grants and Subsidies**

It is difficult to predict when grants & subsidies will be received. This is only a timing difference and there is no reason to believe there will be any significant ongoing variation from the annual budget.

**Contributions, Reimbursements and Donations**

A contribution of \$30,000 has been received from the Department of Housing and Works for the upgrade of Stirling Terrace verge in front of the new Albany Police and Justice Complex.

**Proceeds from Sale of Assets**

The changeover timing of major plant items is difficult to ascertain when creating the budget. In this year assets have been changed over earlier than expected.

**Asset Masterplans**

please refer to #6 above

**Other Capital**

please refer to #6 above

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.1.3 Annual Electors Meeting**

<b>File/Ward</b>	:	FIN 047 (All Wards)
<b>Proposal/Issue</b>	:	Council requested to set a date for the Annual Electors Meeting
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Disclosure of Interest</b>	:	Nil
<b>Reporting Officer</b>	:	Manager Finance (S Goodman)
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council hold the Annual Electors Meeting on 6 <sup>th</sup> December 2005
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	Nil

**BACKGROUND**

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

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

Item 12.1.3 continued.

**COMMENT/DISCUSSION**

7. It is proposed that the Annual Meeting of Electors for the City of Albany be held at 7:30pm on Tuesday 6<sup>th</sup> December 2005 in the Council Chambers of the City's North Road Office and that the meeting be advertised locally.

**RECOMMENDATION**

THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Council Chambers in North Road at 7:30pm on 6<sup>th</sup> December 2005, for the purpose of receiving the 2004/2005 Annual Report of the City of Albany and other General Business as listed.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR JAMIESON**

**THAT in accordance with the requirements of Section 5.27 of the Local Government Act, an Annual General Meeting of Electors be held in the Council Chambers in North Road at 7:30pm on 6<sup>th</sup> December 2005, for the purpose of receiving the 2004/2005 Annual Report of the City of Albany and other General Business as listed.**

**MOTION CARRIED 14-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.2 ADMINISTRATION**

**12.2.1 Local Law – Amendment to City of Albany Standing Orders Local Law**

<b>File/Ward</b>	: MAN 006 (All Wards)
<b>Proposal/Issue</b>	: Consider an amendment to the City of Albany Standing Orders Local Law
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 20/03/2000 - Item 13.2.3
<b>Summary Recommendation</b>	: That Council agrees to make the City of Albany Standing Orders (Amendment) Local Law
<b>Bulletin Attachment</b>	: Draft Local Law
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. At the Ordinary Meeting of Council held on 20<sup>th</sup> March 2000, Council adopted the City of Albany Standing Orders Local Law.
2. The Local Law was gazetted on 30<sup>th</sup> June 2000.
3. At the Ordinary Meeting of Council held on 20<sup>th</sup> September 2005, Item 16.0, Council resolved.

*“THAT the Chief Executive Officer prepare a draft amendment to the Standing Orders Local Law that provides for the cessation of the requirement of elected members and staff to rise or stand when participating in Council meetings. The draft is to be submitted with an officer’s report at the October Meeting of Council for further consideration.”*

4. A draft amendment Local Law has been attached for Council consideration.

**STATUTORY REQUIREMENTS**

5. Section 3.12 of the Local Government Act sets out the procedure of making local laws as follows:-

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

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

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

*'making' in relation to a local law, includes making a local law to amend the text of, or repeal, a local law."*

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. There will be statutory advertising costs which will be funded from the 2005/06 budget.

Item 12.2.1 continued.

**STRATEGIC IMPLICATIONS**

- 8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*Nil.*

***Mission Statement:***

*The City of Albany is committed to...providing sound governance.*

***Priority Projects:***

*Nil.”*

**COMMENT / DISCUSSION**

- 9. The procedure of amending Local Laws requires Council to advertise Statewide, advising of its intention to make amendment Local Laws and seeking submissions within a six week period. Council is to consider all submissions before making an Amendment Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Amendment Local Law is then to occur.
- 10. In addition, the procedure for making Amendment Local Laws requires the person presiding at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed Amendment Local Law.
- 11. Purpose  
To amend the principal local law to enable elected members to remain seated during debate and discussion.
- 12. Effect  
Clause 5.1 of the Local Law will be amended and retitled.

**RECOMMENDATION**

THAT Council, in accordance with Section 3.12 of the Local Government Act, 1995, advertise its intention to make the City of Albany Standing Orders (Amendment) Local Law.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EVANS  
 SECONDED COUNCILLOR MARSHALL**

**THAT this item lay on the table for a period of one month.**

**MOTION CARRIED 13-1**

Reason:

- The deferring of this item at this stage will allow Councillors to assess the proposed new chamber table layout, and providing a further opportunity to consider other amplification options through a briefing session prior to considering this item again.



**CORPORATE & COMMUNITY SERVICES REPORTS**

**LOCAL GOVERNMENT ACT 1995**

**City of Albany  
Standing Orders (Amendment) Local Law**

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City of Albany resolved on \_\_\_\_\_ to make the following amendment to the City of Albany Standing Orders Local Law published in the Government Gazette on 30<sup>th</sup> June 2000.

***Title***

This local law may be cited as the City of Albany Standing Orders (Amendment) Local Law.

***Operation***

This local law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

***Principal Local Law***

In this local law, the City of Albany Standing Orders Local Law made under the Local Government Act 1995 and published in the Government Gazette on 30<sup>th</sup> June 2000 is referred to as the principal local law.

***Principal Local Law Amendment***

The principal local law is amended as described below:-

- Arrangement  
Part 5 – Conduct of Members During Debate.  
  
5.1 is retitled 'Members Wishing to Speak'.
- Clause 5.1 is deleted, and new clause 5.1 as follows, inserted  
"5.1 Members Wishing to Speak  
Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council."

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
Andrew Hammond  
**Chief Executive Officer**

\_\_\_\_\_  
Alison Goode  
**Mayor**

**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.6 RECREATION SERVICES**

**12.6.1 Bayonet Head – Flinders Park Community Oval Feasibility Study**

<b>File/Ward</b>	:	GOV 023 (Yakamia Ward)
<b>Proposal/Issue</b>	:	Feasibility Study For Recreation Facilities at Flinders Park
<b>Subject Land/Locality</b>	:	Bayonet Head/ Lower King
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Recreation Development Officer (M Weller)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	OCM19/04/05 - Item 12.6.2 OCM 16/08/05 – Item 12.6.2
<b>Summary Recommendation</b>	:	That Council adopts the feasibility study
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At the Ordinary Council Meeting of 16<sup>th</sup> August 2005 council adopted the following recommendations:  
  
*“THAT:*
  - *Council accepts the draft “Feasibility Study for Joint Use Community Recreation/ Sporting Facilities – Servicing the Bayonet Head and Lower King Communities” and advertises it for public comment for a period of 4 weeks;*
  - *Council approves the preparation of an application to the Department of Sport and Recreation Community Sport and Recreation Facilities Fund for the project scope given in the feasibility study and notes that the application would be submitted to council for final determination and ranking with any other applications to the same fund at the October 2005 Ordinary meeting; and*
  - *the commencement of any works be subject to a management agreement with the education department and the project being fully funded.”*
2. An application to the Department of Sport and Recreation for Community Sport and Recreation Facility Funding was prepared for the project and is subject to a separate item within this agenda.
3. The feasibility Study was advertised via local news papers and the City of Albany website for a public comment period of 4 weeks

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.1 continued.

4. Twenty-two responses were received before the deadline. Twenty of these agreed or strongly agreed with the short, medium and long term facilities recommended within the feasibility report.
5. Two responses agreed with the recommended short and long term facilities however one suggested additional short term facilities including those for basket ball, soccer and football and the other suggested the long term development of a 'decent' hockey field.
6. Analysis of the report indicates that both of the additional facilities requested would be developed in the long term as part of the recommended stage 3.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. The following budget is proposed for stage 1 of the project:

	Total
Preliminaries	\$ 74,309
Earthworks	\$ 241,691
Siteworks	\$ 49,750
Building Works	\$ 190,000
Site Services	\$ 90,250
Subtotal	\$ 646,000
Contingency	\$ 65,000
Professional Fees	\$ 55,000
Cost Escalation to May '06	\$ 70,000
<b>TOTAL COST ESTIMATE</b>	<b><u>\$ 836,000</u></b>

8. The funding scenario proposed involves:

<b>Contributor</b>	<b>Amount</b>	<b>Status</b>
State Government/ Education Department	\$ 205,728	Approved
Heath Development Company (Contribution to public open space)	\$ 353,125	Preliminary approval given subject to formal agreement. Cash and in kind contribution
Department of Sport and Recreation	\$ 263,875	Not committed. Subject to CSRFF application process
Flinders Park P & C	\$ 13,362	May involve application for COA community financial assistance or from external funding providers or community fundraising
<b>Total</b>	<b>\$ 836,000</b>	<b>Subject to all required funding and approvals</b>

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.1 continued.

9. It is noted that a major cash contribution is not planned by the City of Albany as part of the developers contribution could in essence be considered as being that of the City as it is a required contribution towards public open space for the development of the area.
10. It is noted the developers proposed contribution is above that normally required towards public open space as they have indicated they wish to provide a high standard of quality facilities for the residents of the new development.
11. It is intended that in the event all funding and relevant approvals are secured the project could commence construction in May 2006.
12. Should the proposed Department of Sport and Recreation application or developer funding agreement be unsuccessful or for an amount less than the proposed budget it is noted that any shortfall is not budgeted for in the City's 2005/2006 budget or 5 year financial plan and it is likely that the project scope would need to be reduced.
13. Given the current level of adopted priority projects it is not recommended any resulting shortfall be funded by the City of Albany.
14. It is proposed that a management agreement is entered into with the Education Department for the management and funding of ongoing expenditure in relation to the shared use facilities. It is envisaged that subject to the agreement of both parties the management agreement would involve:
  - Public Toilets/ Change rooms would be used predominately for after hours community use and as such maintenance and ongoing management completed by the City of Albany as part of its public toilet network
  - Toilets for school hours activities are continued to be provided and managed by the Education Department at the Flinders Park School
  - The lighting would be operated on a swipe card system. A terminal would be located at the Flinders park school allowing the public to purchase lighting 'credits' on the card. After being activated by the swiping of a 'charged' card, the lights would switch off once the cards 'credits' had been utilised.
  - The charge for lighting would be calculated ensure full cost recovery for maintenance and electricity costs as well as a contribution towards a reserve for the purpose of replacement of the lights at the end of their useful life.
  - Operating costs for oval maintenance, mowing and reticulation expenses would be split between the City of Albany and Education Department. The level of contribution from each party would be based on pre-agreement of the respective level of community and school use.
  - The agreement would contain provisions allowing review each year and re-agreement on contributions based on any variation, plus provisions in the event of any dispute.

**STRATEGIC IMPLICATIONS**

15. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.1 continued.

**“Community Vision:**

*A healthy City, Albany’s Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.*

*A thriving City, Albany’s community will enjoy... excellent community infrastructure and services.*

**City of Albany Mission Statement**

*The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany’s municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.*

**Priority Projects**

*This is not currently listed as a City Priority Project.”*

**COMMENT/DISCUSSION**

- 16. The feasibility study, which has been circulated to Councillors investigates the proposed development of the area in the short, medium and long term and proposes the following project elements are completed as Stage 1:
  - a. Zoning of an area of land adjacent to the Flinders Park School Oval as public open space
  - b. Reticulated level multiuse playing field of a size of 165m x 135m
  - c. Synthetic cricket pitch
  - d. Toilets/ Change rooms with a shaded spectator area
  - e. 70m x 70m lit area to large ball training standard
  - f. Car parking
- 17. The feasibility study indicates the significant benefit of the proposed recreation facility and infrastructure development to the local community with the sustainability of the project increased significantly due to the proposed partnership between the City of Albany and Department of Education.
- 18. It is proposed the medium and long term facilities recommended in the feasibility are added to the City’s municipal planning framework

**RECOMMENDATION**

THAT Council adopts “Feasibility Study for Joint Use Community Recreation/ Sporting Facilities – Servicing the Bayonet Head and Lower King Communities”

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council adopts “Feasibility Study for Joint Use Community Recreation/ Sporting Facilities – Servicing the Bayonet Head and Lower King Communities”**

**MOTION CARRIED 14-0**

**12.6.2 Community Sporting and Recreation Facilities Fund (CSRFF) 2005/06 – 2007/08 Triennium Applications**

<b>File/Ward</b>	:	FIN 022 (All Wards)
<b>Proposal/Issue</b>	:	Assessment of CSRFF Applications
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Recreation Development Officer (M Weller)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	That consideration be given to the CSRFF applications received by Council and these be given a priority ranking.
<b>Bulletin Attachment</b>	:	N/A
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The Community Sport and Recreation Facilities Fund (CSRFF) is administered by the Department of Sport and Recreation, with applications being called each year. Part of the assessment process involves Council consideration of the applications with a priority ranking being given to the applications received. The applications are then submitted to the Department of Sport and Recreation on behalf of the applicants.
2. Assessment and priority ranking on a regional level is then made by the Great Southern Regional Recreation Advisory Group.
3. All applications received from Western Australian organisations are assessed and recommendation made by the Department of Sport and Recreation CSRFF committee with the final decision on funding at the discretion of the Minister for Sport and Recreation.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.2 continued.

**FINANCIAL IMPLICATIONS**

6. The following table provides detail of all applications received and indicates the proposed Local Government Contribution, which may be requested of council in relation to a Community Financial Assistance funding round.
7. While no Council decision has been made, or may be made, in relation to any of these contributions at this time, the Department of Sport and Recreation's CSRFF guidelines require Council to provide an indicative priority ranking and to assess the projects financial viability.

<b>Organisation / Project detail</b>	<b>Total Project Cost (inc GST)</b>	<b>Applicant contribution (inc GST)</b>	<b>CSRFF Grant (inc GST)</b>	<b>Proposed Council contribution (inc GST)</b>
<b>City of Albany/ Flinders Park P&amp;C</b>  Joint Use – Community/ Sporting facility at Flinders Park, servicing the Bayonet and Lower King Communities	\$836,000	\$205,728 Education Dept. \$13,272 Flinders P&C	\$263,875	\$353,125 Heath Develop. Co.
<b>King River Horse and Pony Club</b>  Replacement of old pony yards with low maintenance steel yards	\$21,550	\$14,367	\$7,183	-
<b>Royals Cricket Club</b>  Additional Cricket Net Training Facility	\$15,000	\$5,000	\$5,000	\$5,000
<b>King River Recreational Club</b>  Development of a clubhouse for storage and activities of Model Car club	\$8500	\$2,900	\$2,800	\$2,800

8. Council contributions to any project would be subject to separate application under the Community Financial assistance Fund in the year that their construction is intended to commence (2006/2007).
9. Councils proposed contribution to the Flinders park upgrade would be made on councils behalf by the developer (Heath Development Company); the project is subject to this contribution.
10. Councillors have been forwarded the summary sheets for each application

**STRATEGIC IMPLICATIONS**

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.*



**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.2 continued.

*A thriving City, Albany's community will enjoy... excellent community infrastructure and services.*

**City of Albany Mission Statement**

*The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.*

12. Copies of project summaries completed by the applicants are included in the bulletin. The grant guidelines require Council to provide ranking for the project i.e. first, second, third etc, as well as providing an assessment of how well the applicants have addressed the following criteria.

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

13. Project Rating:
- Well planned and needed by municipality;
  - Well planned and needed by applicant;
  - Needed by municipality, more planning required;
  - Needed by applicant, more planning required;
  - Idea has merit, more preliminary work needed; and
  - Not recommended.
14. It is suggested that Council rank the applications in priority order and refer the completion of assessment criteria to the Community Development Officer and Recreation Development Officer prior to submission of applications to the Department of Sport and Recreation.
15. A ranking recommendation has been given based on the merits of each project as demonstrated in the submitted CSRFF application.

**RECOMMENDATION**

THAT;

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

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
1	City of Albany/ Flinders Park P&C	Joint Use – Community/ Sporting facility at Flinders Park, servicing the Bayonet and Lower King Communities
2	King River Horse and Pony Club	Replacement of old pony yards with low maintenance steel yards
3	Royals Cricket Club	Additional Cricket Net Training Facility
4	King River Recreational Club	Development of a clubhouse for storage and activities of Model Car club

**CORPORATE & COMMUNITY SERVICES REPORTS**

- ii) it is communicated to the Department of Sport and Recreation that all applications are worthy of funding under the CSRFF program and that it is believed the proposed total sum of \$278,858 is a reasonable request given the population and needs of Albany and the scope of the fund;
- iii) all applications be referred to the Recreation Development Officer and Community Development Officer for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation;
- iv) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council's budget process for the relevant year of CSRFF program, and that the Council's priority ranking does not indicate funding will or wont be approved; and
- v) any late applications received before the 27<sup>th</sup> October be ranked after the above projects, in the order they are received.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR BOJCUN**

**THAT;**

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

	<b>ORGANISATION</b>	<b>PROJECT DETAIL</b>
<b>1</b>	<b>City of Albany/ Flinders Park P&amp;C</b>	<b>Joint Use – Community/ Sporting facility at Flinders Park, servicing the Bayonet and Lower King Communities</b>
<b>2</b>	<b>King River Horse and Pony Club</b>	<b>Replacement of old pony yards with low maintenance steel yards</b>
<b>3</b>	<b>Royals Cricket Club</b>	<b>Additional Cricket Net Training Facility</b>
<b>4</b>	<b>King River Recreational Club</b>	<b>Development of a clubhouse for storage and activities of Model Car club</b>

- ii) it is communicated to the Department of Sport and Recreation that all applications are worthy of funding under the CSRFF program and that it is believed the proposed total sum of \$278,858 is a reasonable request given the population and needs of Albany and the scope of the fund;
- iii) all applications be referred to the Recreation Development Officer and Community Development Officer for completion of the criteria assessment section of the applications and submission to the Department of Sport and Recreation;
- iv) those organisations seeking a Council contribution towards their CSRFF project be advised that any Council funding will be subject to an application under the Community Financial Assistance Program and Council's budget process for the relevant year of CSRFF program, and that the Council's priority ranking does not indicate funding will or wont be approved; and
- v) any late applications received before the 27<sup>th</sup> October be ranked after the above projects, in the order they are received.

**MOTION CARRIED 14-0**

**12.6.3 Proposed Gym upgrade - Albany Leisure and Aquatic Centre – Upgrade Stage 1**

<b>File/Ward</b>	: MAN 167 (All Wards)
<b>Proposal/Issue</b>	: Inclusion and funding through self supporting loan of recommended Health and Fitness component (ALAC Upgrade Stage 1)
<b>Subject Land/Locality</b>	: Albany Leisure and Aquatic Centre, Barker Road Albany.
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Recreation Development Officer (M Weller)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 17/06/03 - Item 12.2 OCM 07/08/03 - Item 12.2 OCM 12/12/03 - Item 12.2 OCM 17/06/03 - Item 12.2 OCM 15/06/04 - Item 12.6 OCM 19/04/05 - Item 12.6
<b>Summary Recommendation</b>	: THAT Council confirm the inclusion of the recommended Health and Fitness (Gym and Aerobics) components as per the ALAC Upgrade stage 1 Concept plan and that the construction cost of \$646,000 be funded through a self supporting loan to be repaid by the business unit.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. After the completion of the Albany Recreation Needs Assessment (Solly and Associates May 2000) and the City of Albany Recreation Strategy (Solly and Associates February 2001) The Feasibility Study for Indoor Leisure and Aquatic Facilities (Strategic Leisure Planning) was adopted by Council June 2003)
2. The feasibility study contained an additional needs assessment identifying a strong need for an upgraded Leisure and Aquatic centre facility. After market and needs analysis the study recommended the inclusion of a Health and Fitness (Gym and Aerobics) component for the reasons of:
  - Provide an element increasing physical activity within the community;
  - Increasing overall community participation and financial viability at the centre by providing an integrated facility relevant to the broadest possible demographic; and
  - Providing a return to offset deficit operation of other elements of the centre.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.3 continued.

3. Concept planning for the new centre was completed, with extensive community feedback and consultation, including a bus tour by 20 Councillors and Key Community Stakeholders of Regional and Metropolitan Leisure and Aquatic Centres.
4. During this tour participants noted demonstration from Local Governments that the Health and Fitness components returned significant funds to offset the deficit of other areas of their centre; and were key tools in cross promotion of other physical activity and community participation elements at their centres.
5. At the Ordinary Council Meeting of 12<sup>th</sup> December 2003 Council adopted Concept and Master plans including a new staging order bringing the ALAC Health and Fitness Component into Stage 1 of the project.
6. Following the adoption of the plans the process of sourcing the significant capital funds required for the project was commenced.
7. During this process the need to ensure income streams was identified and the financial and center performance predictions were independently audited by the YMCA business consultancy section.
8. The audit involved comparison of current and predicted ALAC performance against information from 9 Australian facilities of similar size, component makeup and catchment population.
9. The report concluded that the performance targets of Income, Expenditure, Attendance and Net Deficit are reasonable and achievable. Potential discrepancies were analysed and minor changes made to projections. It was determined that potentially understated and overstated items balanced each other out.
10. The report substantiated the predicted contribution of the Health and Fitness component to centres financial performance and recognised that the Gym income was potentially understated and could be higher than predicted. The report also made specific recommendation that these elements were not removed from stage 1 to ensure the achievement of predicted performance indicators.
11. Council received an update briefing on the project in March 2004 and indicated that they had received communication from local gym operators, concerned that an upgraded Gymnasium at the ALAC could have an adverse effect on their business.
12. At the request of Council further research into the effects of competition was commissioned. The research involved contacting 11 Leisure and Aquatic centres of similar size, component makeup and catchment population to the proposed ALAC development and investigated:
  - Scope of health and fitness components in relation to:
    - *Size*
    - *Fit out*
    - *Age / Age of upgrade*
    - *Membership base*
    - *Participation*
    - *Programming levels*
    - *Staffing requirements*
    - *Income / Expenditure*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.3 continued.

- *Financial impact on whole facility*

- *Broader facility components*

- Catchment populations
- Number of competitors
- Basic overview of competitors
  - *Size*
  - *Length of time in operation*
- Management comment on the importance of the health and fitness components
- Management comment in relation to the health and fitness business environment

13. Nine similar centres agreed to participate in the research and Council was briefed on the findings of the report in August 2004. This report was updated in September 2005 and a copy has been circulated to councilors.
14. The updated report returns the following key findings:
  - i) The City of Albany does not exhibit any radical differentiation in demographic analysis between the City and the nine review sites from the data sourcing;
  - ii) The proposed City of Albany Leisure and Aquatic Centre Health and Fitness Component would operate within the lowest competitive environment of the nine reviewed sites (2 competitors compared to the average of 4.66 competitors);
  - iii) The key income driver for the reviewed sites is the provision of a health and fitness component within the managed facilities;
  - iv) The experience of reviewed sites is that upgraded health and fitness facilities is a significant improvement to the facility income and participation achievement;
  - v) Best practice management of the health and fitness business unit is crucial to ensure income and expense targets will be met;
  - vi) Competitor experience in the nine reviewed sites showed limited impact over a 12 months period; and
  - vii) The ALAC catchment area can support the increase in health and fitness service provision.
15. At the request of some councilors options for further research were investigated however at OCM15/06/04 council determined "That Council accepts the current level of research as sufficient to make a decision on the issue and that a full briefing will be given in July/August 2004."
16. Council was briefed and final decision on the inclusion of a Health and Fitness component deferred until full funding of the project assured and a construction timeline determined.
17. In summing up the competitive research, consultants from the YMCA stated that  
  
*"the only reason an additional gymnasium would not succeed without adversely affecting the competition, would be if Albany exhibited an unknown factor making its growth, economy, participation in physical activity and consumer spending patterns radically different (in a negative manner) from similarly populated regional centres throughout Australia. The report found no evidence to support this and significant evidence to the contrary."*

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.3 continued.

18. In September 2005 a review of the proposed Health and Fitness business unit was completed by staff, the scope of this review was to:
- Review and re-visit the gym budget estimates
  - Summarise the research and council determinations to date
  - Conduct break-even analysis and indicate the effect of variations
  - Indicate the lease payment required in the event of Management by a commercial operator
  - Indicate limitations of the study and any additional risks/ elements for consideration
- The review is documented within this council item.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

21. As part of the September 2005 Health and Fitness business unit review previous operational predictions were revisited and a break-even analysis conducted. This review included additional research into pricing structures of sixteen similar local government operated Health and Fitness centres operated as part of a leisure and aquatic centre.

22. It was predicted that the component would require the following to break-even:

Gym only members:	185	
ALAC General Members:	524	(net 35% participation at Gym, income contribution in compliance with NCP)
Income generated from Health and Fitness Component:	\$280,483	
Expenditure	\$280,483	

23. It is noted that this break even is based on the achievement of only 49.3% of ALAC's potential market share given that each of the current operators in the City Town equally divide the predicted mean market share. The break even is equal to achievement of the lowest potential catchment share demonstrated in the YMCA research.
24. The break even is based on no impingement on existing providers market share. It is noted that according to YMCA report figures current providers have the potential to increase their market catchment by up to 50% from current levels without adversely affecting their competition.
25. A new conservative/ worst-case budget estimate was also prepared (Circulated to councillors). This budget predicts break even in the second year with a predicted net profit of \$242,000 after 5 years of operation (\$48,400 per annum)

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.3 continued.

26. The extremely conservative nature of this estimate is highlighted by the fact that Albany currently has the lowest number of Health and Fitness (Gym + Aerobics) competitors (Albany = 3) of the YMCA sample (mean competitors = 5.66) yet the budget predicts achievement of income of \$252,000 in the first year and \$400,000 after 5 years which well below the YMCA average income for upgraded facilities of \$1, 163 334.
27. Staff completing the review consider that with appropriate marketing and management, the performance of an upgraded Health and Fitness component at ALAC should be in line with average/ best case estimates presented to council as part of initial budget planning. These predict an average profit per annum of between \$89,000 - \$183,000 and are in line with the YMCA report comparisons.
28. These Budget estimates are based on 'in-house' management with appropriate internal service fee payments in line with National Competition Policy.
29. Subject to council confirmation of the inclusion of the Health and Fitness component, a full business and marketing plan will be produced. As part of this plan, a full financial comparison of the two management scenarios would occur and recommendation made as to the most appropriate management scenario.

**STRATEGIC IMPLICATIONS**

30. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

*A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.*

*A thriving City, Albany's community will enjoy... excellent community infrastructure and services.*

***Mission Statement***

*The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.*

***Priority Projects***

*City Facilities Project 31. Albany Leisure and Aquatic Centre.”*

**COMMENT/DISCUSSION**

31. Of further bearing is that that given the given the proposed timeline for opening of the upgraded ALAC local operators will have had 3 ½ years notice in which to prepare their business operations for the entrance of a new provider in the market. It would be usually for commercial operators to give limited notice (2-5 months) of their intention to enter a new market. Budget estimates take this factor into account.
32. Assessment is that in the event of an upgraded Health and Fitness component being constructed at the ALAC it is unlikely that a fourth commercial provider would enter the market within 5 years. Should such a provider enter the market in this time it is believed that better than conservative budget estimates could still be achieved.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.6.3 continued.

33. At OCM16/12/2003 council unanimously resolved that:

*“That in the event that an upgraded gymnasium is operated as a business unit of the Albany Leisure and Aquatic Centre, it complies fully with National Competition Policy to ensure that it does not compete unfairly with local business.”*

**RECOMMENDATION**

THAT Council confirm the inclusion of the recommended Health and Fitness (Gym and Aerobics) component as per the ALAC Upgrade stage 1 Concept plan and that the construction cost of \$646,000 be funded through a self supporting loan to be repaid by the business unit.

*Voting Requirement Simple Majority*

.....

<p><b>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR WISEMAN</b></p> <p><b>THAT Council confirm the inclusion of the recommended Health and Fitness (Gym and Aerobics) component as per the ALAC Upgrade stage 1 Concept plan and that the construction cost of \$646,000 be funded through a self supporting loan to be repaid by the business unit.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 13-1</b></p>
---



**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.7.1 Albany Arts Advisory Committee meeting minutes – 14<sup>th</sup> September 2005**

- 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 14<sup>th</sup> September 2005 be adopted.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 14<sup>th</sup> September 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR JAMIESON**

**THAT the minutes of Albany Arts Advisory Committee held on 14<sup>th</sup> September 2005 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 14-0**

**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.8 COUNCIL REPRESENTATION**

**12.8.1 Amity Heritage Precinct Enhancement Committee Representation**

<b>File/Ward</b>	:	STR 206 (All Wards)
<b>Proposal/Issue</b>	:	Committee representation
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Economic Development (J Berry)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	That Council appoint Mr Peter Haywood to the Amity Heritage Precinct Enhancement Committee.
<b>Bulletin Attachment</b>	:	Letter
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Council has previously established the Amity Heritage Precinct Enhancement Committee to lead integrated mater planning of the Brig Amity and surround area precinct to improve visitor appeal.
2. The Albany Historical Society previously nominated Ms Margaret Williams (former President) as its representative on the Committee and Council subsequently appointed Ms Williams at 19<sup>th</sup> July 2005 meeting.

**STATUTORY REQUIREMENTS**

3. Members of Council Committee are appointed under Section 5.10 of the Local Government Act 1995.

**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 12.8.1 continued.

### STRATEGIC IMPLICATIONS

6. This item directly relates to the City of Albany 3D Corporate Plan.

**“Community Vision:**

‘A Thriving City, Albany community will enjoy economic growth and outstanding opportunities for our youth through...

- innovative development complementing Albany’s unique character, natural environment and heritage.

**Mission Statement:**

The City of Albany is committed to...

- sustainably managing Albany’s municipal assets;
- delivering excellent community services;
- providing sound governance; and
- promoting our Community’s vision for the future.

**Priority Projects:**

Nil.”

7. Planning Projects (no 4) – Economic Development Strategy. Included in action plan on tourism development (Attractions Development)

### COMMENT/DISCUSSION

8. At its recent Annual General Meeting, the Albany Historical Society Inc. elected Mr Peter Haywood as President. The Society has written to Council seeking Mr Haywood as a member of the Amity Heritage Precinct Enhancement Committee to replace Ms Williams. A copy of the nomination is included within the Elected Members Report and Information Bulletin.

### RECOMMENDATION

THAT Council appoint Mr Peter Haywood (to replace Ms Margaret Williams) on the Amity Heritage Precinct Enhancement Committee.

*Voting Requirement Simple Majority*

**MOVED COUNCILLR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT Council appoint Mr Peter Haywood (to replace Ms Margaret Williams) on the Amity Heritage Precinct Enhancement Committee.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

# **Works & Services**

## **REPORTS**

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

**13.1 WASTE MANAGEMENT**

Nil.

**13.2 ASSET MANAGEMENT**

Nil.

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

**13.3.1 Contract C05011 – Supply & Delivery of 4WD Ride On Mower**

<b>File/Ward</b>	:	C05011 (All Wards)
<b>Proposal/Issue</b>	:	Supply & Delivery of 4WD Mower by Public Tender
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Depot Services Co-ordinator (J Harbach)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council award the tender C05011 to CJD Equipment for the supply & delivery of a 4WD Ride on Mower.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Council, at its meeting held 18<sup>th</sup> June 2002, adopted the Asset Replacement Program – Plant. This strategy is reviewed on an annual basis to determine optimal replacement and maintenance of each individual item of plant. As part of this program of plant management Council's plant replacement strategy identified that the John Deere 4WD mower P2100, has reached the optimum time for replacement.

**STATUTORY REQUIREMENTS**

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
4. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

**FINANCIAL IMPLICATIONS**

6. \$35,000.00 has been allocated in the 2005/2006 budget for the replacement of a mower.
7. Should Council choose to purchase the recommended mower at a cost of \$35,531.38 (excluding GST), this will result in an over expenditure of \$531.38 (excluding GST) on this item. However, there will be no impact on the net budget position as the over-budgeted expenditure could be offset against savings from other purchases in the plant replacement program for the 2005/2006 financial year.

**STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision:***

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

***Mission Statement***

The City of Albany is committed to sustainably managing Albany’s municipal assets: and at all times we will respect the Community’s aspirations and resources.

***Priority Projects***

Nil.”

**COMMENT/DISCUSSION**

9. A request for tenders was published in the West Australian on 27<sup>th</sup> July 2005 and in the Albany Advertiser on 28<sup>th</sup> July 2005 with a copy in the Albany Extra on 29<sup>th</sup> July 2005 for the supply and delivery of a front deck mower to replace Council’s current Front Deck Mower (P2100), license A43602.
10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	40
Relevant Maintenance and Operational Suitability	50
Reliability of Tenderer	10
	100

11. A total of eight specifications were issued. The following table summarizes the two submissions received by the close of the tender period.

**WORKS & SERVICES REPORTS**

Item 13.3.1 continued

Tenderer	Mower offered	Purchase price (exc. GST)	Trade price (exc. GST)	Pricing after trade (exc. GST)	Weighted Score
CJD Equipment	John Deere 1445 Series	\$45,979.05	\$10,447.67	\$35,531.38	646
T Quip	Toro Groundsmaster 228-D	\$41,000.00	\$18,000.00	\$23,000.00	584

12. The John Deere 1445 Front Deck Mower submitted by CJD Equipment represents the highest weighted score and is recommended to be the most advantageous option for the change over to Council.
13. The standard formula used by Council to weight tender submissions, when applied to abnormally high tenders (+30% of the median) will result in a grade score of 0 which would normally discount the high priced tenders. However, due to the limited number of tender submissions presented, Council evaluated the tender submission from CJD Equipment on its merits.
14. Council currently owns and operates a John Deere 1435 front deck mower. This mower has proven to be extremely robust & reliable, given the type of mowing this machine undertakes. The mower has had minimal maintenance and performs well under harsh conditions.
15. Council also operates two Toro mowers. Staff indicated that they are not satisfied with the current performance and reliability.
16. Whilst the trade price offered by T-Quip is considerably less, the price difference should be offset by the reliability and performance of the John Deere mower.

**RECOMMENDATION**

THAT Council award the tender C05011 to CJD Equipment for the Supply & Delivery of a Front Deck Mower at a net cost to Council of \$35,531.38 (excluding GST).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
 SECONDED COUNCILLOR BOJCUN**

**THAT Council award the tender C05011 to CJD Equipment for the Supply & Delivery of a Front Deck Mower at a net cost to Council of \$35,531.38 (excluding GST).**

**MOTION CARRIED 10-4**



**WORKS & SERVICES REPORTS**

**13.3.2 Contract C05018 – Supply & Delivery of a Low Loader Trailer**

<b>File/Ward</b>	: C05018 (All Wards)
<b>Proposal/Issue</b>	: Supply & Delivery of a Low Loader Trailer by Public Tender
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Depot Services Co-ordinator (J Harbach)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council award the tender C05018 to RoadWest Transport for the supply & delivery of a Low Loader Trailer.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. At the Ordinary Meeting of Council held on 18<sup>th</sup> June 2002, the Asset Replacement Program – Plant was adopted. This strategy is reviewed on an annual basis to determine optimal replacement and maintenance of each individual item of plant. As part of this program of plant management Council's plant replacement strategy identified that the Low Loader Trailer P143, has reached the optimum time for replacement

**STATUTORY REQUIREMENTS**

2. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000.
3. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
4. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.3.2 continued

**FINANCIAL IMPLICATIONS**

6. \$70,000.00 has been allocated in the 2005/2006 budget for the purchase of the low loader trailer.
7. Should Council choose to purchase the recommended low loader trailer at a cost of \$51,450.00 (excluding GST), this will result in an under expenditure of \$18,550.00 (excluding GST) on this item. These savings will be used to reduce Council's loan borrowing for the plant replacement program for 2005/2006 financial year.

**STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

***“Community Vision***

A healthy City: Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

***Mission Statement:***

The City of Albany is committed to sustainably managing Albany's municipal assets: and at all times we will respect the Community's aspirations and resources.

***Priority Projects***

Nil.”

**COMMENT/DISCUSSION**

9. A request for tenders was published in the West Australian on 17<sup>th</sup> August 2005 and in the Albany Advertiser on 18<sup>th</sup> August 2005 with a copy in the Albany Extra on 19<sup>th</sup> August 2005 for the supply and delivery of a low loader trailer to replace Council's current Low Loader Trailer (P143), license AL15528.
10. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	30
Relevant Maintenance and Operational Suitability	45
Reliability of Tenderer	25
TOTAL	100

11. A total of thirteen specifications were issued. The following table summarizes the seven submissions received by the close of the tender period.

<b>Tenderer Body building manufacturer</b>	<b>Purchase price (exc. GST)</b>	<b>Trade price (exc. GST)</b>	<b>Pricing after trade (exc. GST)</b>	<b>Weighted Score</b>
Roadwest Transport	\$86,950.00	\$35,500.00	\$51,450.00	393
SFM	\$68,400.00	\$27,490.90	\$40,909.10	318
Haulmore	\$97,000.00	\$25,000.00	\$72,000.00	212.5
Allroad*	\$90,700.00	Nil	\$90,700.00	179.5

**WORKS & SERVICES REPORTS**

Terry Brown & Co	\$89,000.00	\$34,000.00	\$55,000.00	72
Boomerang Engineering	\$129,000.00	\$5000.00	\$124,000.00	0
Smith Broughton & Sons <sup>#</sup>		\$30,770.00		

\* Build only, no trade-in

# Outright purchase only

12. The trailer manufactured by RoadWest Transport represents the highest weighted score and is recommended to be the most advantageous option for the change over to Council.
13. The standard formula used by Council to weight tender submissions, when applied to abnormally high tenders (+30% of the median) will result in a grade score of 0 which would normally discount the high priced tenders. Therefore the tender submission from Boomerang Engineering was excluded due to the abnormally high tender price submitted and received no further evaluation.
14. Terry Brown & Co did not provide any specifications or drawings that would have enabled staff to comprehensively carry out an evaluation.
15. Although SFM provided a competitive price, its specifications were not to the required standard
16. Purchase of the correct low loader is critical to Council's operations. Council currently transports the large equipment between work sites on the back of a low loader trailer.
17. Purchase of the recommended low loader trailer will also allow Council to expand the weight & size of items of plant & equipment, if desired, without impacting on the method of transportation.
18. Most tender submissions met minimal tender requirements, however RoadWest was the most advantageous option. Their interpretation of our tender specifications will ensure that Council's requirements will be met.

**RECOMMENDATION**

THAT Council award the tender C05018 to RoadWest Transport for the Supply & Delivery of a Low Loader Trailer at a net cost to Council of \$51,450.00 (excluding GST).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR MARSHALL**

**THAT Council award the tender C05018 to RoadWest Transport for the Supply & Delivery of a Low Loader Trailer at a net cost to Council of \$51,450.00 (excluding GST).**

**MOTION CARRIED 14-0**

**WORKS & SERVICES REPORTS**

**13.3.3 Contract C05016 – Footpath Construction – Brick Paving**

<b>File/Ward</b>	: C05016 (All Wards)
<b>Proposal/Issue</b>	: Footpath Construction – Brick Paving
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Services (I Neil)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council accepts tender C05016 from W.P Reid for the construction of brick paved footpaths
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. As part of the City of Albany, Pathways Construction Programme 2005/06 the following footpaths were identified for preservation:
  - Collie Street – East Side Stirling Terrace to Duke Street
  - Peels Place (adjacent to Church of England)
  - Stirling Terrace (intersection of York Street)
2. Works are to be carried out as specified for each individual location according to the Programme.

**STATUTORY REQUIREMENTS**

3. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires Council to advise each tender applicant in writing the result of Council's decision.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. Individual budget allocations have been created for these three footpaths. The price per metre per footpath is anticipated to come in under budget.

**WORKS & SERVICES REPORTS**

Item 13.3.3 continued

**STRATEGIC IMPLICATIONS**

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**“Community Vision:**

*A Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.*

**Mission Statement:**

*The City of Albany is committed to sustainably managing Albany’s municipal assets.*

**Priority Projects**

*Nil.”*

**COMMENT/DISCUSSION**

8. A request for tenders was published in the West Australian on 17<sup>th</sup> August 2005 and the Albany Advertiser 18<sup>th</sup> and 19<sup>th</sup> August 2005. a total of five documents were issued with one being received at the close of tenders.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost	50
Relevant Skills & Experience	25
Reliability of Tenderer	15
Safety Management	10
	100

10. The following table outlines the tender received.

Item	Description	(\$ Price per m <sup>2</sup> )
1	Collie Street – East side Stirling Terrace to Duke Street	35.95
2	Peels Place (adjacent to Church of England)	34.95
3	Stirling Terrace (intersection of York Street)	42.45

11. W.P. Reid supplied the only tender submission. This Contractor is well known to the City as he has previously completed footpath works to a high standard.

**RECOMMENDATION**

THAT Council awards the tender for C05016 to W.P Reid for the construction of brick paved footpaths at the rates submitted.

*Voting Requirement Simple Majority*

.....

**WORKS & SERVICES REPORTS**

Item 13.3.3 continued

Councillor Lionetti disclosed an interest in this item and left the Chambers at 8.36pm. The nature of his interest is that he owns land on Stirling Terrace.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WOLFE**

**THAT Council awards the tender for C05016 to W.P Reid for the construction of brick paved footpaths at the rates submitted.**

**MOTION CARRIED 13-0**

Councillor Lionetti returned to the Chambers at 8.37pm.

**WORKS & SERVICES REPORTS**

**13.3.4 Contract C05017 – Footpath Construction - Concrete**

<b>File/Ward</b>	: C05017 (All Wards)
<b>Proposal/Issue</b>	: Footpath Construction - Concrete
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Services (I Neil)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council accepts tender C05017 from Campbell Contractors for the construction of concrete footpaths
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. The following footpaths were identified for construction or preservation as part of the City of Albany, Pathways Construction Programme 2005/06:
  - Grove Street West – Queen Street to O’Connell Street
  - Campbell Road (East)
  - Ulster Road (Bardley Road to Martin Road)
  - Lockyer Avenue – Cockburn Road to Prior Street
  - Parker Street (Southside) – Playne Street to Drummond Street
  - Parker Street (Southside) – Drummond Street to 199 meters west
2. Works are to be carried out as specified for each individual location according to the Programme.

**STATUTORY REQUIREMENTS**

3. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
4. Regulation 19 requires Council to advise each tender applicant in writing the result of Council’s decision.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.3.4 continued

**FINANCIAL IMPLICATIONS**

6. Individual budgets allocations have been created for these six footpaths. The projects awarded by the recommendation are overall within budget.

**STRATEGIC IMPLICATIONS**

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**“Community Vision:**

*A Thriving City. Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.*

**Mission Statement:**

*The City of Albany is committed to sustainably managing Albany’s municipal assets.*

**Priority Projects**

*Nil.”*

**COMMENT/DISCUSSION**

8. A request for tenders was published in the West Australian on 17<sup>th</sup> August 2005 and the Albany Advertiser 18<sup>th</sup> and 19<sup>th</sup> August 2005. A total of five documents were issued with one being received at the close of tenders.
9. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

Criteria	% Weight
Cost	50
Relevant Skills & Experience	25
Reliability of Tenderer	15
Safety Management	10
	100

10. The following table outlines the tender received.

Item	Description	Price (\$)
1	Grove Street West – Queen Street to O’Connell Street	12,622.50
2	Campbell Road (East)	29,081.25
3	Ulster Road (Bardley Road to Martin Road)	82,293.75
4	Lockyer Avenue – Cockburn Road to Prior Street	10,890.00
5	Parker Street (Southside) – Playne Street to Drummond Street	9,711.90
6	Parker Street (Southside) – Drummond Street to 199 meters west	17,730.90
	<b>Total Tender Price</b>	<b>\$162,330.30</b>



**WORKS & SERVICES REPORTS**

Item 13.3.4 continued

11. The footpath for Ulster Road (Bardley Road to Martin Road) has tendered approx. \$22,000.00 over the budgeted amount. It is therefore recommended that Council accept the tender for all footpaths with a reduction in length for Ulster Road (Bardley Road to Martin Road).
12. Campbell Contractors are well known to Council as he is currently undertaking works for the municipality. The work performed by Campbell Contractors has been of a high standard.

**RECOMMENDATION**

THAT;

- i) Council award the tender C05017 to Campbell Contractors to undertake the construction of the following concrete footpaths at a net cost of \$80,036.55 (including GST):
  - Grove Street West – Queen Street to O’Connell Street
  - Campbell Road (East)
  - Lockyer Avenue – Cockburn Road to Prior Street
  - Parker Street (Southside) – Playne Street to Drummond Street
  - Parker Street (Southside) – Drummond Street to the West.
- ii) the CEO negotiate with Campbell Contractors for a reduction in the length of construction of the Ulster Road footpath from Bardley Road to Martin Road.

*Voting Requirement Simple Majority*

.....  
Councillor Wellington declared an interest in this item and left the Chambers at 8.38pm. The nature of his interest is that he owns a store within this vicinity.

Councillor Wiseman declared an interest in this item and left the Chambers at 8.38pm. The nature of his interest is that lives within the vicinity.

<p><b>MOVED COUNCILLOR JAMIESON SECONDED COUNCILLOR PAVER</b></p> <p><b>THAT Council award the tender C05017 to Campbell Contractors to undertake the construction of the following concrete footpaths at a net cost of \$140,000.00 (including GST):</b></p> <ul style="list-style-type: none"><li>• <b>Grove Street West – Queen Street to O’Connell Street</b></li><li>• <b>Campbell Road (East)</b></li><li>• <b>Lockyer Avenue – Cockburn Road to Prior Street</b></li><li>• <b>Parker Street (Southside) – Playne Street to Drummond Street</b></li><li>• <b>Parker Street (Southside) – Drummond Street to the West.</b></li></ul> <p><b>ii) the CEO negotiate with Campbell Contractors for a reduction in the length of construction of the Ulster Road footpath from Bardley Road to Martin Road.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 12-0 ABSOLUTE MAJORITY</b></p>
--

Councillors Wellington and Wiseman returned to the Chambers at 8.39pm.

**WORKS & SERVICES REPORTS**

**13.3.5 Contract C05014 Winning and Supply of Gravel**

<b>File/Ward</b>	: C05014 (All Wards)
<b>Proposal/Issue</b>	: Winning and Supply of Gravel – Various Pits 2005/06
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager City Services (I Neil)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: That Council accepts tenders from three companies for the winning and supply of gravel from various pits during 2005/06 in the municipality.
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. As part of the City's construction programme, it is necessary to source gravel to use in construction. A number of strategic gravel sources have been identified in the municipality. Contractors are now required to extract, crush and stockpile the gravel.

**STATUTORY REQUIREMENTS**

2. Regulation 18 of the Local Government (Functions & General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
3. Regulation 19 requires Council to advise each tender applicant in writing the result of Council's decision.

**POLICY IMPLICATIONS**

4. The City of Albany's Regional Price Preference is applicable to this item.

**FINANCIAL IMPLICATIONS**

5. The budget for gravel is included in the various roadwork accounts. The tendered prices are within those allocations.

**WORKS & SERVICES REPORTS**

Item 13.3.5 continued

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision***

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

***Mission Statement:***

The City of Albany is committed to sustainably managing Albany’s municipal assets: and at all times we will respect the Community’s aspirations and resources.

***Priority Projects***

Nil.”

**COMMENT/DISCUSSION**

7. A request for tenders was published in the West Australian on 17<sup>th</sup> August 2005 and the Albany Advertiser 18<sup>th</sup> and 19<sup>th</sup> August 2005. A total of six documents were issued with three being received at the close of tenders.
8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below.

<b>Criteria</b>	<b>% Weight</b>
Cost	60
Relevant Skills & Experience	20
Reliability of Tenderer	20

9. After undertaking the evaluation of tenders the following results where obtained.

<b>Marbellup Hill</b>	<b>Tendered Price</b>	<b>Score</b>
AD Contractors	\$156,212.00	593.33
Great Southern Sands	\$161,080.00	533.80
<b>Palmer and Raynor</b>	<b>\$131,400.00</b>	<b>652.87</b>
<b>Redmond Hay</b>		
AD Contractors	\$37,110.00	499.84
Great Southern Sands	\$29,891.00	599.94
Palmer and Raynor	\$25,754.00	<b>680.22</b>
<b>Dan Johnson</b>		
AD Contractors	\$21,832.50	565.42
Great Southern Sands	\$16,703.50	<b>679.20</b>
Palmer and Raynor	\$21,500.00	535.39

**WORKS & SERVICES REPORTS**

Item 13.3.5 continued

<b>David Towes</b>		
AD Contractors	\$20,302.00	551.34
Great Southern Sands	\$16,313.00	<b>642.72</b>
Palmer and Raynor	\$18,037.00	585.94
<b>Knud Nymann</b>		
AD Contractors	\$39,418.00	563.58
Great Southern Sands	\$35,444.00	589.76
Palmer and Raynor	\$33,228.00	<b>626.66</b>
<b>Richard Davy</b>		
AD Contractors	\$35,160.00	565.62
Great Southern Sands	\$31,680.00	590.39
Palmer and Raynor	\$29,875.00	<b>623.98</b>

10. All tenderers are known to Council and are considered capable of undertaking the work.

**RECOMMENDATION**

THAT Council awards the tenders for the winning and supply of gravel during 2005/06 to the following tenderers:

Great Southern Sands for pits:

- Dan Johnson at a schedule rate of \$16,703.50; and
- David Towes at a schedule rate of \$16,313.00;

Palmer & Raynor for pits:

- Marbellup Hill at a schedule rate of \$131,400.00;
- Redmond Hay at a schedule rate of \$25,754.00;
- Knud Nymann at a schedule rate of \$33,228.00; and
- Richard Davy at a schedule rate of \$29,875.00.

*Voting Requirement Simple Majority*

<p><b>MOVED COUNCILLOR WOLFE</b>  <b>SECONDED COUNCILLOR WILLIAMS</b></p> <p><b>THAT Council awards the tenders for the winning and supply of gravel during 2005/06 to the following tenderers:</b></p> <p><b>Great Southern Sands for pits:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Dan Johnson at a schedule rate of \$16,703.50; and</b></li> <li>▪ <b>David Towes at a schedule rate of \$16,313.00;</b></li> </ul> <p><b>Palmer &amp; Raynor for pits:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Marbellup Hill at a schedule rate of \$131,400.00;</b></li> <li>▪ <b>Redmond Hay at a schedule rate of \$25,754.00;</b></li> <li>▪ <b>Knud Nymann at a schedule rate of \$33,228.00; and</b></li> <li>▪ <b>Richard Davy at a schedule rate of \$29,875.00.</b></li> </ul> <p style="text-align: right;"><b>MOTION CARRIED 14-0</b></p>
--

**WORKS & SERVICES REPORTS**

**13.3.6 Contract C05021 - Verge Pruning**

<b>File/Ward</b>	:	C05021 (All Wards)
<b>Proposal/Issue</b>	:	Verge Pruning
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager City Services (I Neil)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the Tender C05021 from Albany Travel Tower for the supply of plant and labour for pruning of road verges.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The 2005/2006 Budget provides a Capital Works and Road Maintenance Programmes has to be completed and will require the use of external contractors. Where applicable these works are to be undertaken by a public Tender process for the supply of labour, plant and materials to prune existing road verges of vegetation.

**STATUTORY REQUIREMENTS**

2. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
3. Regulation 19 requires Council to advise each tenderer in writing the result of Councils decision.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. The works are budgeted in the overall Road Construction and Routine Maintenance Programmes. During the budget process the cost of maintaining and slashing the verges was estimated in the overall Road Maintenance budget.

**WORKS & SERVICES REPORTS**

Item 13.3.6 continued

**STRATEGIC IMPLICATIONS**

- 6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision***

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

***Mission Statement:***

The City of Albany is committed to sustainably managing Albany’s municipal assets: and at all times we will respect the Community’s aspirations and resources.

***Priority Projects***

Nil.”

**COMMENT/DISCUSSION**

- 7. A request for tenders was published in the West Australian on 7th September 2005 and the Albany Advertiser on 8th and 9th September 2005. A total of two documents were issued with one tender submission received at the close of tenders.
- 8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	35
Relevant Skills & Experience	25
Reliability of Tenderer	20
Safety Management	20
	100

- 9. The following table outlines the tender received.
  - Albany Travel Tower \$73,700.00
- 10. The Tenderer has carried out previous works with the Council and to date has performed on all occasions to deliver a satisfactory job on time.
- 11. The Tender price is acceptable and is within budget.

**RECOMMENDATION**

THAT Council accepts the Tender for C05021 from Albany Travel Tower for the supply of plant and labour for pruning of road verges at the schedule of rates submitted.

*Voting Requirement Simple Majority*

.....

**WORKS & SERVICES REPORTS**

Item 13.3.6 continued.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council accepts the Tender for C05021 from Albany Travel Tower for the supply of plant and labour for pruning of road verges at the schedule of rates submitted.**

**MOTION CARRIED 14-0**

**WORKS & SERVICES REPORTS**

**13.3.7 C05022 - Verge Mulching**

<b>File/Ward</b>	:	C05022 (All Wards)
<b>Proposal/Issue</b>	:	Verge Mulching
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager City Services (I Neil)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council accepts the tender C05022 from Bill Gibbs Excavations at the schedule of rates submitted.
<b>Bulletin Attachment</b>	:	Nil
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. Tenders were called for the mulching and clearing of roadside verges on selected roads for the 2005/06 financial year road construction and maintenance works program within the City of Albany.

**STATUTORY REQUIREMENTS**

2. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
3. Regulation 19 requires Council to advise each tenderer in writing the result of Councils decision.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

5. Funds for the completion of these works are budgeted for each year within budgeted capital works and maintenance programs as well as in the cost estimates for Capital Works projects.



**WORKS & SERVICES REPORTS**

Item 13.3.7 continued

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision***

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

***Mission Statement:***

The City of Albany is committed to sustainably managing Albany’s municipal assets: and at all times we will respect the Community’s aspirations and resources.

***Priority Projects***

Nil.”

**COMMENT/DISCUSSION**

7. A request for tenders was published in the West Australian on 7th September 2005 and the Albany Advertiser on 8th and 9th September 2005. A total of four documents were issued with two tender submissions received at the close of tenders.
8. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

<b>Criteria</b>	<b>% Weight</b>
Cost	50
Relevant Skills & Experience	25
Reliability of Tenderer	15
Safety Management	10
	100

9. The following table outlines the tenders received.

<b>Tenderer</b>	<b>Price</b>	<b>Weighted Score</b>
Bill Gibbs Excavations	\$ 78,139.20	684
Palmer and Rayner	\$ 73,456.25	655

10. The weighting of Bill Gibbs Excavations was evaluated higher as they demonstrated they were fully conversant with all the proposed sites.
11. Bill Gibbs Excavations has the necessary capacity, experience, skills and expertise to undertake these works for the City of Albany. This company has held the contract for the last two years and during the period have a proven track record.

**WORKS & SERVICES REPORTS**

Item 13.3.7 continued

RECOMMENDATION

THAT Council accept the tender C05022 from Bill Gibbs Excavations for verge mulching at a net cost to Council of \$78,139.20 (including GST).

*Voting Requirement Simple Majority*

.....

Chief Executive Officer left the Chambers at 8.44pm and returned at 8.45pm.

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council accept tender C05022 from Palmer & Rayner for verge mulching at a net cost to Council of \$73,456.25 (including GST).**

**MOTION LOST 5-9**

Reason:

- Insufficient information and explanation provided to justify additional expenditure of \$5,000 for the contract to be awarded to the recommended tenderer.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR JAMIESON**

**THAT Council accept the tender C05022 from Bill Gibbs Excavations for verge mulching at a net cost to Council of \$78,139.20 (including GST).**

**MOTION CARRIED 9-5**

**13.4 AIRPORT MANAGEMENT**

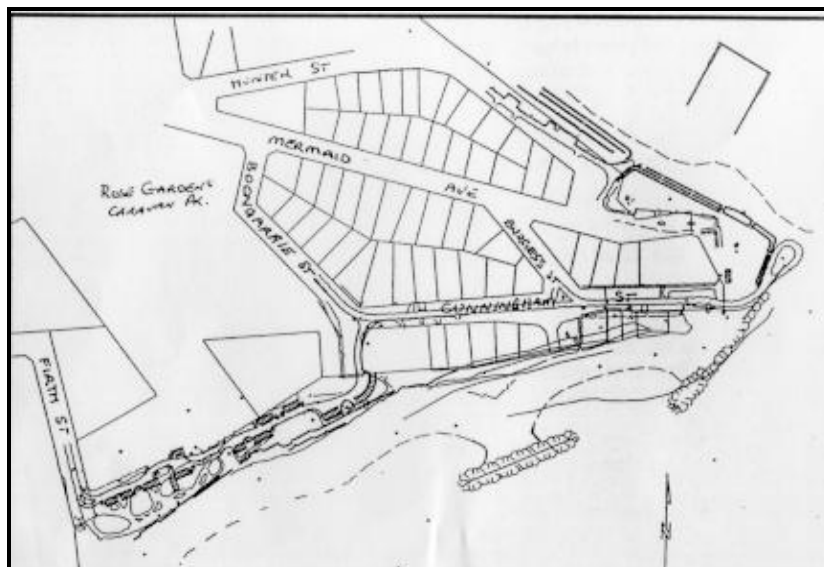
Nil.

**WORKS & SERVICES REPORTS**

**13.5 RESERVES PLANNING & MANAGEMENT**

**13.5.1 C05019 - Upgrade and Extension works for Emu Point Seawall**

- File/Ward** : C05019 (Breaksea Ward)
- Proposal/Issue** : Upgrade and extension works to the Emu Point seawall
- Subject Land/Locality** : Emu Point Foreshore
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Manager of City Works (W Butler)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/01/03 - Item 13.5.1  
OCM 18/06/02 - Item 13.2.7  
OCM 13/03/01 - Item 13.2.1  
OCM 26/09/00 - Item 13.2.4  
OCM 14/09/99 - Item 14.3.2
- Summary Recommendation** : That AD contractors be awarded the tender for the upgrade and extension of the Emu Point Seawall
- Bulletin Attachment** : N/A
- Locality Plan** : See below



**WORKS & SERVICES REPORTS**

Item 13.5.1 continued.

**BACKGROUND**

1. The issue of the erosion at Emu Point has been subject to a number of previous Council reports and studies over the past decade. Activities over the past 3 years have included:
  - Construction of a temporary seawall on the 15<sup>th</sup>-17<sup>th</sup> May 1999.
  - Department of Transport prepared a hydrographic survey from Emu Point to Ellen Cove to establish the extent and amount of erosion.
  - Extension and repair of the temporary seawall following large swells and high residual tides on the 10<sup>th</sup> March 2000.
  - Further high tides and large swells on the 16<sup>th</sup> May 2000 made it necessary to replenish and extend the existing temporary seawall along the ca park.
  - A further report by the Department of Transport's report was received on the 29<sup>th</sup> May 2000 that investigated a number of issues related to the erosion.
  - An independent assessment on the Department of Transport's options and recommendations was undertaken by the Centre of Water Research at the University of Western Australia (UWA) and received by Council on the 26<sup>th</sup> September 2000.
  - Emergency works were undertaken following extreme weather in July 2002 by AD Contractors, after Council received DPI's agreement to provide 50% of the cost for the works to protect the toilet block at Emu Point Beach.
  - In November 2002, a study from MP Rogers & Associates was completed, outlining various options in the management of the erosion at Emu Point.
2. A public workshop was held at 7pm on November 20<sup>th</sup> 2002 at the Albany Town Hall, following the release of the report by MP Rogers & Associates to provide information and act as a forum for communication and consultation for the public to have their say in the management of the erosion problems.
3. Department of Planning and Infrastructure recommended the extension of the eastern side into the bank, installation of geofabric behind the existing wall and any extensions, strengthening the ocean side face with heavier rock armour and extension of the western end by 50m to protect the existing shoreline. This has been investigated by Council staff and DPI recommendations supported.
4. The most economically viable way to complete these works was to submit the project to the public tender process.

**STATUTORY REQUIREMENTS**

5. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
6. Regulation 19 requires Council to advise each tenderer in writing the result of Councils decision.

**POLICY IMPLICATIONS**

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

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

**FINANCIAL IMPLICATIONS**

8. A total allocation of \$400,000.00 has been made in 2005/2006 budget, which is to be funded 50% by DPI as this project is a joint venture. The bid that this report recommends to accept is \$83,670 over budget.

**STRATEGIC IMPLICATIONS**

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*A healthy city with restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

***Mission Statement:***

*The City of Albany is committed to sustainably managing Albany’s municipal assets*

***Priority Projects:***

*Minor review project no: 28 – Emu point foreshore reinstatement.”*

**COMMENT/DISCUSSION**

10. A request was published in the West Australian on 7<sup>th</sup> September 2005 and the Albany Advertiser 8<sup>th</sup> and 9<sup>th</sup> September 2005. A total of seven documents were issued with two being received at close of tenders.
11. Tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria for this tender is documented below.

<b>Criteria</b>	<b>% Weight</b>
Cost	50
Relevant Skills & Experience	25
Reliability of Tenderer	15
Safety Management	10
	100

12. The following table outlines the tenders received.

<b>Tenderer:</b>	<b>Amount:</b>	<b>Weighted Score</b>
AD Contractors	\$ 483,679.00	830
Great Southern Sand	\$ 959,750.00	462.5

13. The budget overrun is attributed to increases in fuel and labour costs. The original cost estimates were carried out 12 months ago.
14. AD Construction previously worked on the existing sea wall and have a good knowledge of the proposed contract.

**WORKS & SERVICES REPORTS**

Item 13.5.1 continued

- 15. The Department of Planning and Infrastructure were part of the Tender evaluation team and have approved the recommendation.

**RECOMMENDATION**

THAT Council award the tender C05019 to AD Contractors for the upgrade and extension of the Emu Point Seawall at a net cost to Council of \$483,679.00

*Voting Requirement Simple Majority*

.....

**AMENDED RECOMMENDATION**

THAT Council award tender C05019 for the upgrade and extension of the Emu Point Seawall in the amount of \$ 483,679 (\$439,700 excluding GST) to AD Contractors, and that the budget for the Seawall be increased to \$439,700 to be funded by a grant of \$219,850 from the Department of Planning & Infrastructure, \$200,000 from the 2005/06 adopted budget, and the balance of \$19,850 to be reallocated as part of the 1st Quarter Review in November 2005.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR MARSHALL**

**THAT Council award tender C05019 for the upgrade and extension of the Emu Point Seawall in the amount of \$ 483,679 (\$439,700 excluding GST) to AD Contractors, and that the budget for the Seawall be increased to \$439,700 to be funded by a grant of \$219,850 from the Department of Planning & Infrastructure, \$200,000 from the 2005/06 adopted budget, and the balance of \$19,850 to be reallocated as part of the 1<sup>st</sup> Quarter Review in November 2005.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.6 WORKS & SERVICES COMMITTEES**

**13.6.1 Albany Streetscape Committee meeting Minutes – 8<sup>TH</sup> September 2005**

- File/Ward** : MAN 161 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer(s)** : Executive Director Works & Services (L Hewer)
- Summary Recommendation** : That the Minutes of the Albany Streetscape Committee held on the 8<sup>th</sup> September 2005 be adopted.

RECOMMENDATION

THAT the minutes of the Albany Streetscape Committee held on 8<sup>th</sup> September 2005 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Albany Streetscape Committee held on 8<sup>th</sup> September 2005 be received (copy of minutes are in the Elected Members' Report/ Information Bulletin).**

**MOTION CARRIED 14-0**



# **General Management Services**

## **REPORTS**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

Nil.

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil.

**14.3 ECONOMIC DEVELOPMENT**

Nil.

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4 GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.4.1 Albany Tourism Marketing Advisory Committee meeting minutes – 8<sup>th</sup> September 2005**

- File/Ward** : STR 208 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That Council receive the Minutes of the Albany Tourism Marketing Advisory Committee held on 8 September 2005.

RECOMMENDATION

THAT Council receive the Minutes of the Albany Tourism Marketing Advisory Committee held on 8 September 2005 (*a copy of the minutes and attachments are in the Elected Members Report/Information Bulletin*).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR WELLINGTON**

**THAT Council receive the Minutes of the Albany Tourism Marketing Advisory Committee held on 8 September 2005 (*a copy of the minutes and attachments are in the Elected Members Report/Information Bulletin*).**

**MOTION CARRIED 14-0**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4.2 Albany Entertainment Centre Steering Committee meeting minutes – 19<sup>th</sup> September 2005**

- File/Ward** : STR 076 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That Council receive the Minutes of the Albany Entertainment Centre Steering Committee held on 19 September 2005.

**RECOMMENDATION**

THAT Council receive the Minutes of the Albany Entertainment Centre Steering Committee meeting held on 19 September 2005 (*a copy of the minutes are in the Elected Members Report/Information Bulletin*).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council receive the Minutes of the Albany Entertainment Centre Steering Committee meeting held on 19 September 2005 (*a copy of the minutes are in the Elected Members Report/Information Bulletin*).**

**MOTION CARRIED 14-0**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4.3 Amity Heritage Precinct Enhancement Committee meeting minutes – 3<sup>rd</sup> August 2005**

- File/Ward** : STR 206 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That Council receive the Minutes of the Amity Heritage Precinct Enhancement Committee held on 03 August 2005 and appoint a new member.

RECOMMENDATION

THAT Council receive the Minutes of the Amity Heritage Precinct Enhancement Committee held on 03 August 2005 (*a copy of the minutes are in the Elected Members Report/Information Bulletin*).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WILLIAMS**

**THAT Council receive the Minutes of the Amity Heritage Precinct Enhancement Committee held on 03 August 2005 (*a copy of the minutes are in the Elected Members Report/Information Bulletin*).**

**MOTION CARRIED 14-0**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4.4 Albany Entertainment Centre Steering Committee minutes – 3<sup>rd</sup> October 2005**

- File/Ward** : MAN 076 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That Council receive the Minutes of the Albany Entertainment Centre Steering Committee held on 3 October 2005.

RECOMMENDATION

THAT Council receive the Minutes of the Albany Entertainment Centre Steering Committee meeting held on 3 October 2005 (*a copy of the minutes are in the Elected Members Report/Information Bulletin*) and the following motion adopted:

Item 14.1 Procurement of Architectural Services (Proposed Architectural Competition Guidelines)

MOTION

THAT Council proceed to the concept development phase of the Albany Entertainment Centre project by administering an architectural service procurement process in two stages being:-

- Stage One – Public advertisement seeking Expressions of Interest and specifying a project fee, with short-listing of four architects (selected with relevant professional assistance); and
- Stage Two – Four short-listed architects each invited to prepare a preliminary design concept (esquisse) and development proposal for a set fee up to \$15,000 per design and selected with relevant professional assistance

*Voting Requirement Simple Majority*

.....

Item 14.4.4 continued.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council receive the Minutes of the Albany Entertainment Centre Steering Committee meeting held on 3 October 2005 (*a copy of the minutes are in the Elected Members Report/Information Bulletin*) and the following motion adopted:**

**Item 14.1 Procurement of Architectural Services (Proposed Architectural Competition Guidelines)**

**MOTION**

**THAT Council proceed to the concept development phase of the Albany Entertainment Centre project by administering an architectural service procurement process in two stages being:-**

- **Stage One – Public advertisement seeking Expressions of Interest and specifying a project fee, with short-listing of four architects (selected with relevant professional assistance); and**
- **Stage Two – Four short-listed architects each be invited to prepare a preliminary design concept (esquisse) and development proposal for a set fee up to \$15,000 per design and selected with relevant professional assistance**

**MOTION CARRIED 14-0**

**GENERAL MANAGEMENT SERVICES REPORTS**

**14.4.5 Terms of Reference of Albany Waterfront Committee**

<b>File/Ward</b>	: MAN 168 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Council amend the Terms of Reference of the Albany Waterfront Development Committee.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager Economic Development (J.Berry)
<b>Disclosure of Interest</b>	: Nil
<b>Previous References</b>	: OCM 17/05/05 (Item 14.3.1)
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plans</b>	: N/A

**BACKGROUND**

1. At its 17 May 2005 meeting Council made the following resolution:-

*‘THAT Council:*

*1. Disband the Albany Waterfront Reference Group and facilitate Council involvement in the Albany Waterfront Project by way of a Council Committee comprising of 7 Elected Members. The objectives of the Committee are to be to make recommendations to Council on:*

- a) the most suitable overall design concept;*
- b) the siting of individual components within the overall design;*
- c) the siting and function of the Albany Entertainment and Convention Centre and the exact parcel of land that will be used to accommodate the facility and be transferred in freehold to the Council. (refer footnote);*
- d) the location and design of the footbridge;*
- e) the scale, location and design of the marina;*
- f) the most suitable overall design concept for the York Street site and the exact parcel of land situated within that site that will be transferred to the State as a contribution to the Albany Waterfront Project;*
- g) any other financial contribution to the project;*
- h) an Albany Waterfront Masterplan that:*
  - i) identifies planning precincts;*
  - ii) specifies land uses and development controls and building guidelines;*  
*and*
  - iii) provides overall urban sub-divisional design, public open space, parking, pathways, boardwalks etc*

*2. All members of the Albany Waterfront Reference Group be thanked for their efforts and valuable input into the project.’*



**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.5 continued

3. The Committee has worked effectively at items (a) to (g) of the Terms of Reference, which has resulted in timely Council endorsements and the subsequent signing of the Memorandum of Understanding with the State Government on 5 September 2005.

**STATUTORY REQUIREMENTS**

4. Committees of Council are established and disbanded under Section 5.8 of the Local Government Act 1995

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***Community Vision:***

A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through...

- Excellent community infrastructure and services;
- A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities accessible to the community and attractive to investment

***City of Albany Mission Statement:***

"Making the difference for Albany"

***Priority Projects:***

Major Albany Infrastructure Projects:-

- No 26: Establish working boat harbour and complementary commercial and community based facilities on Princess Royal Harbour foreshore

City Facilities Projects

- No 29: Obtain funding and design and construct a performing arts centre with capacity to host conventions.

**COMMENT/DISCUSSION**

7. Council had previously resolved that the Terms of Reference for the Albany Waterfront Development Committee also included the Committee dealing with the submission of a Master Plan from Landcorp.
8. It is the view of staff that it is appropriate to separate the functions of the Committee (which essentially looked at land development issues) as opposed to the Council's role as a Planning Authority, which will consider regulatory and statutory planning control issues.

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.5 continued

9. In the circumstances it is appropriate that the Terms of Reference of the Committee be amended to exclude consideration of the Albany Waterfront Master Plan (Item H of OCM 17/05/05) and that this issue be dealt with by way of full Council and concept briefings.

**RECOMMENDATION**

THAT Council amend the terms of reference of the Albany Waterfront Development Committee to exclude Item H being (sic) an Albany Waterfront Masterplan that:

- i) identifies planning precincts;
- ii) specifies land uses and development controls and building guidelines; and
- iii) provides overall urban subdivisional design, public open space, parking, pathways, boardwalks etc.

*Voting Requirement Absolute Majority*

.....

<p><b>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR JAMIESON</b></p> <p><b>THAT Council amend the terms of reference of the Albany Waterfront Development Committee to <u>exclude Item H</u> being (sic) an Albany Waterfront Masterplan that:</b></p> <ul style="list-style-type: none"><li><b>i) identifies planning precincts;</b></li><li><b>ii) specifies land uses and development controls and building guidelines; and</b></li><li><b>iii) provides overall urban subdivisional design, public open space, parking, pathways, boardwalks etc.</b></li></ul> <p style="text-align: right;"><b>MOTION CARRIED 14-0 ABSOLUTE MAJORITY</b></p>
--

**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 MARSHALL**

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

**MOTION CARRIED 14-0**

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

Nil.

**17.0 MAYORS REPORT**

"Fellow Councillors:

The last month has brought a host of visitors to Albany and has seen some significant milestones achieved.

On Friday 23<sup>rd</sup> September, the City of Albany hosted a one day visit from the Municipal Waste Advisory Council on their tour of the South West. The Municipal Waste Advisory Council is a standing committee of the Western Australian Local Government Association, with delegated authority to deal with waste management issues on behalf of the Association. Members are all Local Government elected members with a particular interest in the waste management issues facing Councils. The trip included stopovers in Bunbury and Albany, which provided members to see and hear first-hand the challenges facing Councils in the South West and Great Southern regions and their responses to those challenges. From the feedback I have received, the visit succeeded in bringing the distinctive issues that apply to the two regions into sharper focus for the MWAC members and they appreciated the opportunity of face-to-face contact with Officers and Councillors, to better understand specific issues and improve communication in the future. The Committee also expressed their appreciation for the warm hospitality they received from the City of Albany on the day of their visit.

Also in September the WA Museum of Albany celebrated its 30<sup>th</sup> Anniversary and the City hosted a Civic Function for the Commanding Officer and crew of the HMAS Darwin during its 3 day R & R visit to Albany following a 6 month deployment to the Persian Gulf for operations in support of Operation Iraqi Freedom. After leaving Albany the Ship set sail for Darwin to undertake a Freedom of Entry ceremony with its namesake City and was then to be deployed to patrol the northern waters of Australia in support of the Federal Government's commitment to border security. Albany continues to build a reputation for providing a very warm welcome to visiting Naval Ships and is a popular destination for naval R & R visits.

On the 1<sup>st</sup> October the City of Albany officially took over the operation of the Albany Visitors Centre. An information evening was held to introduce the new City of Albany Tourism Team to local tourism operators and explain the role of other tourism organizations in future tourism development. Further enhancements are planned for the Visitor Centre over the next few months.

Item 17.0 continued

On Tuesday 4<sup>th</sup> October, 7 Executive Police Officers from the Jinan Province of China met with myself and City staff whilst in Albany for a 3 day visit. The group were interested to learn more about the roles and responsibilities of Local Government, how we deal with Emergency Management and Youth and Indigenous issues. Accompanied by 2 interpreters and local Senior Police Officers, the group were extremely grateful for the information that was presented to them by Peter Madigan, Steve Gray, Robert Shanhan and Vernice Gillies.

Members of the Shadow Cabinet were in Albany on the 6<sup>th</sup> and 7<sup>th</sup> October. Deputy Mayor Dennis Wellington and myself, along with City representatives met with Opposition Leader Matt Birney MLA, Paul Omodei, Robyn McSweeney and Brad Williamson to discuss the Waterfront Project. I also attended a Community Luncheon hosted by the Opposition Leader and Members of Shadow Cabinet.

On Friday 7<sup>th</sup> October the City hosted a morning tea and Freedom of Entry parade to honour the 50<sup>th</sup> Anniversary of the Training Ship Vancouver. Over 60 Cadets from Bunbury, Dampier, Esperance, Geraldton, Mandurah and Perth joined T S Vancouver Cadets to march in the historically symbolic parade. T S Vancouver was first granted Freedom of Entry to the Town of Albany by Mayor Daryl Simpson on 28<sup>th</sup> April 1979. This is the first time the unit has exercised its right to Freedom of Entry since the Town and Shire amalgamated.

The City co-hosted a welcome reception for visiting international and interstate delegates attending the Murray Grey World Congress on Wednesday 12<sup>th</sup> October. 125 visitors from Canada, America, New Zealand, England, Wales, South Africa and other parts of Australia and Western Australia attended the week long conference which included 3 days in Albany. It provided local breeders with the opportunity to showcase breeding and management techniques in this region and to exchange information with fellow Murray Grey breeders from around the world. It also enabled Albany and the region to be put on show to the visiting delegates.

And finally, on Thursday 13<sup>th</sup> October the City hosted a visit from representatives of the Shire of Greenough, who met with City Councillors and staff to learn more about the Town and Shire of Albany amalgamation process, for their own amalgamation with the City of Geraldton. The representatives were grateful for the information and hospitality they received. During their visit they were also taken on a tour of City of Albany facilities, of which they were most impressed.

Thank you.

**MOVED COUNCILLOR JAMIESON  
SECONDED COUNCILLOR PAVER**

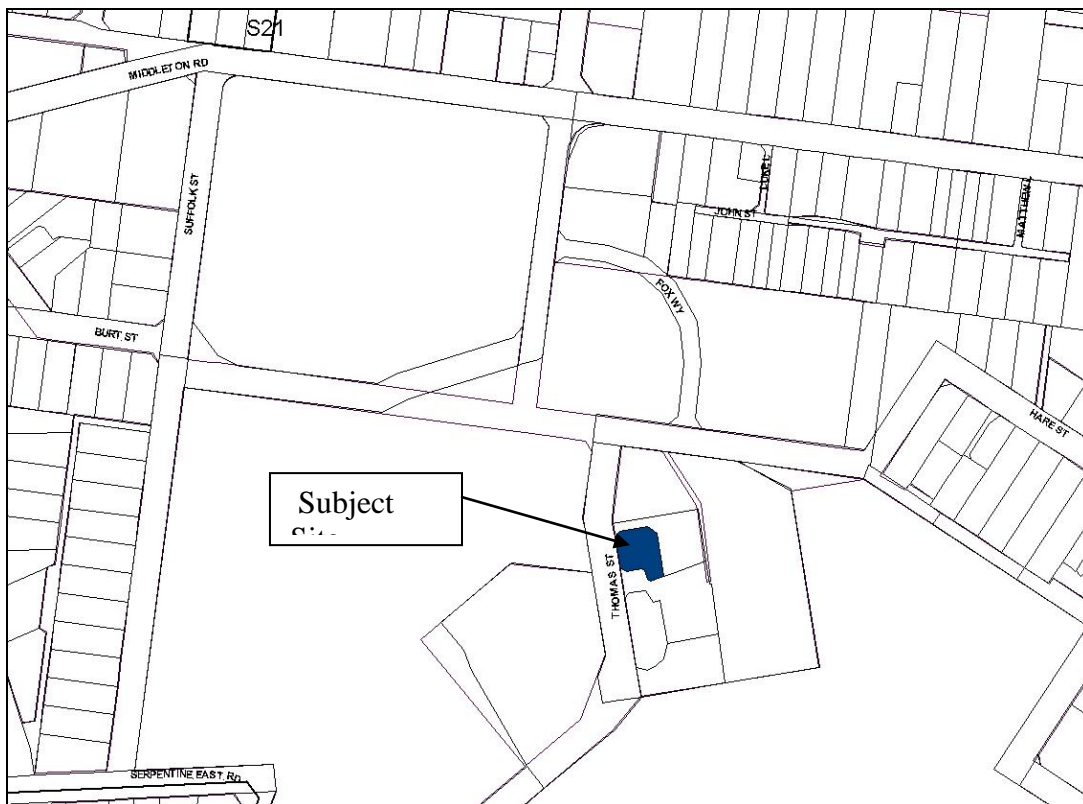
**THAT the Mayor's report be received.**

**MOTION CARRIED 14-0**

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

**18.1 Development Application – Policy Relaxation – Lot 100 Thomas Street, Mt Clarence**

<b>File/Ward</b>	: A153813 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Proposal to construct a garage with access from Thomas Street
<b>Subject Land/Locality</b>	: Lot 100 Thomas Street, Mt Clarence
<b>Proponent</b>	: R & J Cooper
<b>Owner</b>	: R & J Cooper
<b>Reporting Officer(s)</b>	: Manager Planning & Ranger Services (G. Bride)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: To grant planning scheme consent
<b>Bulletin Attachment</b>	: Council Policy (Design Guidelines – Old Surrey)
<b>Locality Plan</b>	:



Item 18.1 continued

### **BACKGROUND**

1. An application for planning scheme consent has been received for a garage on Lot 100 Thomas Street, Mt Clarence.
2. The garage is setback 2.74 metres from the front boundary, and will be accessed directly from Thomas Street. The structure is setback 1.5 metres from the main dwelling to allow natural light penetration to bathroom and bedroom areas.
3. Council's Policy 'Design Guidelines – Old Surrey' requires that access to the subject site be provided via the existing 'battle-axe' driveway, associated with Lot 101 Thomas Street. As legal access rights over this driveway are subject to legal proceedings, and the driveway is physically obstructed, the proponent has not been able to access the existing garage. The proponent is now seeking Council's support to relax its policy, by allowing a new garage to be constructed with separate access from Thomas Street.
4. The proponent is also seeking to convert the existing garage on the property into living space, as the garage cannot be utilised for its intended purpose.
5. The late item has been presented to Council for deliberation in order to allow legal issues to be progressed.

### **STATUTORY REQUIREMENTS**

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

### **POLICY IMPLICATIONS**

6. The following requirements within the 'Design Guidelines – Old Surrey' relate to this application:

*"5.7 Outbuildings shall be designed and constructed of materials to ensure they are compatible with the character of the main residence; and*

*5.10 A joint driveway will be built to Lots 100 & 101, in the position shown on the plan of subdivision, concurrently with the subdivision of the land and no additional accessways shall be constructed to these lots."*

7. The policy does not prescribe a front setback for the subject site, and therefore the setback requirements of the Residential Design Codes 2002 would apply to the proposal. The Codes specify a front setback of 4.5 metres for garages, whereas this proposal seeks a setback of 2.74 metres. Council can consider the application under the performance provisions of the Codes, subject to the application in Council's opinion meeting the following criteria:
  - *The setting back of carports and garages so as not to detract from the streetscape or appearance of dwellings, or obstruct views of dwellings from the street and vice versa.*

### **FINANCIAL IMPLICATIONS**

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

Item 18.1 continued

## STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

**“Community Vision:**

*A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...*

- Excellent community infrastructure and services; and
- Innovative development complementing Albany’s unique character, natural environment and heritage.

**Mission Statement:**

*The City of Albany is committed to ...*

- Providing sound governance; and
- Promoting our Community’s vision for the future.

**Priority Projects:**

*Nil.”*

## COMMENT/DISCUSSION

10. As access via the constructed driveway is restricted, and it is unclear whether this matter will be resolved, an alternative access point to allow the garaging of vehicles needs to be considered.
11. In assessing the merits of the new access point and associated garage the following issues need to be taken into account:
- The distance of the proposed driveway from existing driveways and its presentation;
  - The impact of the garage on the streetscape and the appearance of the dwelling;
  - The impact of the garage in relation to obstructing views of surrounding dwellings to the street and vice versa.
12. In consideration of the above issues, the following observations are made:

New Access

- The proposed driveway is 6 metres in width and is approximately 10 metres from the existing driveway to the north. The new access point would not result in a proliferation of hard-stand areas across the frontage of Lots 100 and 101. The use of brick paving, combined with landscaping between the driveways would soften the appearance of the access.

Streetscape Considerations

- The garage is constructed of rendered brick and contains similar architectural elements to the main dwelling in accordance with Council’s Policy. As the main dwelling is setback 10.24 metres from Thomas Street, and the frontage of Lot 100 is over 20 metres in length, the forward position of the garage is not likely to dominate the streetscape.
- As the future dwelling on Lot 101 would be located behind the dwelling on Lot 100, views of the street and vice versa are already obstructed, and the proposed garage is not likely to worsen this situation.

Item 18.1 continued

13. Due to the reasons outlined above, it is recommended that Council relax the ‘Design Guidelines – Old Surrey’ provisions relating to access, and support the reduced front setback for the garage under the performance provisions of the Residential Design Codes.

RECOMMENDATION

THAT Council resolves to issue a Notice of Planning Scheme Consent for the development of a garage (outbuilding) and additional access at Lot 100 Thomas Street, Mt Clarence.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR MARSHALL**

**THAT Council resolves to not consider as urgent business the development application for a garage (outbuilding) and additional access at Lot 100 Thomas Street, Mt Clarence and that the matter be referred to the November meeting of Council so that a comprehensive and detailed report on the history of this matter can be prepared by Staff.**

**MOTION LOST 4-10**

Reason:

- The report does not outline the need for an urgent consideration of this matter and the Officer’s report does not provide a complete background to the access arrangements on this lot.

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Item 18.1 be discussed and considered by Council.**

**MOTION CARRIED 11-3**

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR JAMIESON**

**THAT Item 18.1 be discussed behind closed doors, in accordance with section 5.23 (2)(d) of the Local Government Act 1995.**

**MOTION LOST 5-9**

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR WATERMAN**

**THAT Council resolves to issue a Notice of Planning Scheme Consent for the development of a garage (outbuilding) and additional access at Lot 100 Thomas Street, Mt Clarence.**

**MOTION CARRIED 11-3**

For the motion: Mayor Goode, Councillors Marshall, Bojcun, Emery, Wellington, Waterman, Williams, Wolfe, West, Lionetti & Wiseman.  
Against the motion: Councillors Paver, Evans & Jamieson.



**18.2 Budget Allocation – Stabilization of Land – Lots 40, 101 and Others Chester Pass Road, Lange**

**File/Ward** : A46771 (Yakamia Ward)

**Proposal/Issue** : Funding to Undertake Stabilization of Land.

**Subject Land/Locality** : Lots 40, 101 and Others Chester Pass Road, Lange

**Proponent** : City of Albany

**Owner** : Kingopen Pty Ltd

**Reporting Officer(s)** : Executive Director Development Services (R Fenn)

**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation** : Council Fund Stabilization and Recover Costs Incurred.

**Bulletin Attachment** : Nil

**Locality Plan** :



Item 18.2 continued.

### **BACKGROUND**

1. Approval was issued by the Western Australian Planning Commission in 2004 for Kingopen Pty Ltd to subdivide their land fronting Chester Pass and Mercer Roads, Lange. The civil construction plans endorsed by the City for the site allowed for standard earthworks associated with road, drainage main and other servicing construction needs.
2. In addition, the owners have sought to re-contour the site to facilitate the longer term construction of buildings on the land and that decision left large portions of the land denuded of vegetation over the summer of 2004/05. This action produced considerable sand drift into adjoining businesses and across public roads during the summer period and considerable hardship to the affected businesses. Kingopen Pty Ltd sought to address the problem by engaging a water truck on the site during days when wind speeds were increased; that action was largely ineffectual and an infringement was served on the company for breaching the City Local Law.

### **STATUTORY REQUIREMENTS**

3. Council's *Prevention and Abatement of Sand Drift Local Law (2000)* requires an owner to take effective measures to stabilise sand on their land and to prevent it escaping by means of wind or water (Section 4). Where Council considers that sand has escaped and it is causing a nuisance, the City can serve a notice requiring the stabilisation of the land and making good any damage caused by the escape (section 5).
4. Council can also serve notice requiring work to be undertaken where it is likely sand will escape and where the landowner fails to carry out that work, the Council may carry out the work and recover its costs in a court of competent jurisdiction (Sections 7 and 8).

### **POLICY IMPLICATIONS**

5. Council has no defined policy position on undertaking remediation works on land where sand drift occurs.

### **FINANCIAL IMPLICATIONS**

6. Section 6.8 of the Local Government Act 1995 advises that a Local Authority is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is included in the adoption of the annual budget or is authorised in advance by resolution.
7. Preliminary estimates indicate the stabilisation of the exposed portions of the site could cost in excess of \$40,000. Further estimates are currently being pursued.

### **STRATEGIC IMPLICATIONS**

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:  
"Community Vision:  
*A Thriving City: Albany's community will enjoy economic growth and outstanding opportunities for our youth through ...*

Item 18.2 continued.

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

*The City of Albany is committed to ...*

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

*Nil.”*

**COMMENT/DISCUSSION**

9. The landowner received numerous warnings about the sand drift from the land during the summer of 2004/05 and an infringement was subsequently issued. During the recent winter correspondence has passed between the City and the landowner, together with on-site meetings, reminding the company of their obligations under the Local Law.
10. An initial notice was served on the landowner to stabilise the land, with an October 2005 deadline set for that action. More recently, a second notice has been served advising that the work needs to be undertaken within 14 days or Council will enter upon the land to carry out the work.
11. The dry easterly winds usually commence in November and continue to late January. Businesses across the road from this land have indicated their dissatisfaction with the handling of dust problems in 2004/05 and there is a limited window available to stabilise the site before the 2005/06 summer wind patterns repeats last year’s problems. A budget allocation is being sought to carry out the work with the intention that any costs incurred would be recouped as a charge against the land.

**RECOMMENDATION**

THAT Council, pursuant to Section 6.8 of the Local Government Act 1995 resolves to provide a budget of \$49,000 to undertake stabilisation of the surface of land owned by Kingopen Pty Ltd, being lots 40, 101 and others Chester Pass Road, Lange, to prevent sand drift and that any costs incurred be recovered from the landowner pursuant to clause 8 of the City of Albany’s Prevention and Abatement of Sand Drift Local Law (2000).

*Voting Requirement Absolute Majority*

.....

<p><b>MOVED COUNCILLOR EVANS</b>  <b>SECONDED COUNCILLOR MARSHALL</b></p> <p><b>THAT item 18.2 be discussed and considered by Council.</b></p> <p style="text-align: right;"><b>MOTION CARRIED 13-1</b></p>
---

Item 18.2 continued.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLORS WATERMAN**

**THAT Council, pursuant to Section 6.8 of the Local Government Act 1995 resolves to provide a budget of \$49,000 to undertake stabilisation of the surface of land owned by Kingopen Pty Ltd, being lots 40, 101 and others Chester Pass Road, Lange, to prevent sand drift and that any costs incurred be recovered from the landowner pursuant to clause 8 of the City of Albany's Prevention and Abatement of Sand Drift Local Law (2000).**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**18.3 CCAFF Funding – Vancouver Arts / Mary Thomson House**

<b>File/Ward</b>	:	FIN 053 (Vancouver Ward)
<b>Proposal/Issue</b>	:	Request Council support for CCAFF Funding Application.
<b>Subject Land/Locality</b>	:	Vancouver Arts Centre / Mary Thomson house
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Executive Director Corporate & Community Services (WP Madigan)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	That Council support the funding application and allocate number one priority to the project.
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	Nil.

**BACKGROUND**

1. The Community Cultural and Arts Facilities Fund (CCAFF) September 2005 closed on 30<sup>th</sup> September 2005.
2. All applications must have been delivered to and post-dated by the Local Government office on that date.
  - Applications received by the Local Government are then commented upon, prioritized, recommendations prepared and submitted to the next ordinary council meeting for comment and/or ratification;
  - All applications, along with the original Local Government form and ordinary council meeting minutes, are then forwarded to the Department of Culture and the Arts by no later than the 4<sup>th</sup> November 2005;
  - Any CCAFF applications ratified at an Ordinary Council meeting after this date cannot be considered for the September 2005 round.
3. The Assessment Panel will sit to consider the applications in February 2006.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

Item 18.3 continued.

**FINANCIAL IMPLICATIONS**

- 6. Total project costs (GST Exclusive) are estimated at \$90,000.
- 7. Albany Job Futures have been approached to provide the labour / supervision component of the project.
- 8. Council has an allocation of \$30,000 included in its budget for works at the Vancouver Arts Centre.
- 9. Under the CCAFF Guidelines, projects will be funded to a maximum of one third of the total cost of the project, subject to funding category limits. Projects that can demonstrate community need and planning are encouraged.

**STRATEGIC IMPLICATIONS**

- 10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

***“Community Vision:***

*Albany community will enjoy healthy, fulfilling lifestyles and a flourishing natural environment through...*

- o *Diverse and affordable cultural, recreational and sporting opportunities.*

***Mission Statement:***

*The City of Albany is committed to...*

- o *Sustainably managing Albany’ municipal assets;*
- o *Promoting our Community’s vision for the future.*

***Priority Projects:***

*Nil.”*

**COMMENT/DISCUSSION**

- 11. The project aims to broaden the use of the Centre through the improvement of the facilities and the creation of useable, accessible space. The planned work involves developing the under utilized space within Mary Thomson House and the Centre itself by creating 4 studio spaces, 3 wet areas, 7 refurbished / new storage spaces and 2 functional workshop spaces.
- 12. The concept has been supported by the Albany Arts Advisory Committee.
- 13. This was the only application received, and Council is required to consider the application and assess a priority.

**RECOMMENDATION**

THAT the application requesting CCAFF funding for improvements to the Vancouver Arts Centre and Mary Thomson House by recognized as an area of priority and listed as the first priority for the September 2005 round of funding.

*Voting Requirement Absolute Majority*

.....

Item 18.3 continued.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WATERMAN**

**THAT item 18.3 be discussed and considered by Council.**

**MOTION CARRIED 14-0**

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WELLINGTON**

**THAT the application requesting CCAFF funding for improvements to the Vancouver Arts Centre and Mary Thomson House be recognized as an area of priority and listed as the first priority for the September 2005 round of funding.**

**MOTION CARRIED 14-0**

**19.0 CLOSED DOORS**

Nil.

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 15<sup>th</sup> November 2005, 7.30pm

**21.0 CLOSURE OF MEETING**

There being no further business, the meeting closed at 9.32pm.

Confirmed as a true and correct record of proceedings.

---

**A Goode, JP**  
**Mayor**

**APPENDIX A**

**WRITTEN NOTICE OF DISCLOSURES OF INTEREST**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor Lionetti	13.3.3	Own land on Stirling Terrace
Councillor Wiseman	13.3.4	Lives within the proximity
Councillor Wellington	13.3.4	Works within the proximity

**APPENDIX B**

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING**

Nil.

**INTERESTS DISCLOSED BY OFFICERS**





[Agenda Item 12.1.1 refers]  
[COUNCIL – 18<sup>th</sup> October 2005]

### SUMMARY OF ACCOUNTS

Municipal Fund		
Cheques	Totalling	\$107,877.01
Electronic Fund transfer	Totalling	1,730,538.96
Credit Cards	Totalling	10,185.79
Payroll	totalling	667,974.30
<b>Total</b>		<b><u>\$2,516,576.06</u></b>

### CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$2,516,576.06 which was submitted to each member of the Council on 18<sup>th</sup> October 2005 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 \$2,516,576.06 which was submitted to the Council on 18<sup>th</sup> October 2005 and that the amounts are recommended to the Council for payment.

---

**MAYOR**  
**(A Goode JP)**