



A G E N D A

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 19th August 2003
7.30pm
City of Albany - Mercer Road Office**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 14th July 2003



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 19th August 2003 in the Council Chambers, Mercer Road, Albany commencing at 7.30 pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

14th August 2003

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1.0 DECLARATION OF OPENING

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

3.0 OPENING PRAYER

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.0 PUBLIC QUESTION TIME

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

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

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 15th July 2003; as previously distributed be confirmed as a true and accurate record of proceedings.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 9-97]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 98-150]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 151-179]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 180-191]

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.

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17.0 MAYORS REPORT

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

19.0 CLOSED DOORS

19.2 Grant Concession – Chester Pass Road, Orana
Section 5.23 (2)(e) (iii) Local Government Act – Information about the business, professional, commercial or financial affairs of a person.

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

20.0 NEXT ORDINARY MEETING DATE

Tuesday 16th September 2003, 7.30pm
Manypeaks Hall

21.0 CLOSURE OF MEETING

Development Services

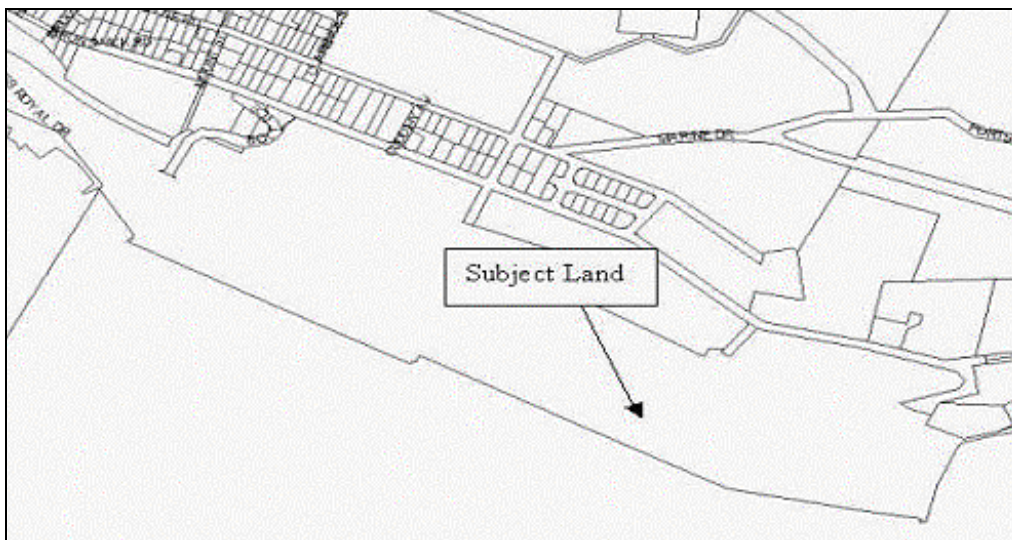
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Planning Scheme Consent – Albany Wood Chip Terminal – Lot 1353 Princess Royal Drive, Albany

File/Ward	: A175154 (Frederickstown Ward)
Proposal/Issue	: Construction and operation of Woodchip Export Terminal
Subject Land/Locality	: Lot 1353 Princess Royal Drive, Port Albany
Proponent	: Plantation Pulpwood Terminals Pty Ltd
Owner	: Albany Port Authority & Albany Plantation Export Company Pty Ltd
Reporting Officer(s)	: Senior Planning Officer (G Bride)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: To grant planning scheme consent subject to conditions
Bulletin Attachment	: Nil
Locality Plan	:



Item 11.1.1 continued

BACKGROUND

1. An application for Planning Scheme Consent has been lodged by Plantation Pulpwood Terminals Pty Ltd, to construct a wood chip terminal at Lot 1353 Princess Royal Drive, Albany. The terminal is expected to cost \$20 million and will include a truck unloading area, ramps, a control room, a stacker, an office block, and a network of conveyors that lead to a waiting ship at Berth No. 6.
2. Access to, and egress from the terminal will be via Princess Royal Drive and due to the ramp system, the trucks will be able to enter and leave the site in forward gear. Princess Royal Drive is under the care and control of Main Roads Western Australia, who have supported the proposed entry and exit points.
3. On 23 July 2003, the Environmental Protection Authority (EPA) advised the applicant and Council that the proposal should be treated as “Not Assessed – Public Advice Given”. In assessing the applicant’s management plan for the woodchip terminal, the EPA has requested that the relevant decision making authorities, including Council, the Albany Port Authority and the Department of Environment, enforce commitments that were made in the plan. In regards to Council, the proponent has committed to the following:
 - (a) A Traffic Management Plan being prepared to deal with traffic issues and public safety;
 - (b) A Strategy being prepared to deal with the issue of light overspill in regards to directional lighting on the site.
4. The land is zoned “Port Industry” within Town Planning Scheme No. 1A, and is under the control of the Albany Port Authority. As the Albany Port Authority is an instrumentality of the Crown, any operations it carries out is exempt from obtaining planning scheme consent. In this case a third party, being Plantation Pulpwood Terminals Pty Ltd, is undertaking the work and therefore there is a requirement to seek formal approval from Council.
5. Another issue involves the request from the Applicant, that Council not charge the full planning scheme consent fees, which based on \$20 million would total \$10,300. This issue has occurred in the past with such developments as the Albany Windfarm and the Down Road Woodchip Mill, whereby the fees were scaled down by removing road works and ancillary structures from the estimated development cost.
6. It could be argued that the internal road works, conveyor system and truck unloading facility are civil works required to be constructed to utilise the port facilities, whereas the administration building, staff car park and the stacker are purpose built for the woodchip terminal. On this basis the estimated cost of development could be reduced to approximately \$650,000 (\$150,000 for administration and car park and approximately \$500,000 for the stacker) and would attract a planning fee of \$625.

Item 11.1.1 continued

STATUTORY REQUIREMENTS

7. The land use has been classified as a ‘Rural Industry’ within Town Planning Scheme No. 1A, which is an ‘AA’ use within the “Port Industry” zone. An ‘AA’ use means that it is at Council’s discretion whether it approves or refuses the application.
8. A ‘Rural Industry’ is defined as:

“means an industry handling, treating, processing, packing or carrying products which have been grown, reared or produced in the locality”.
9. As the proposal is valued over \$1 million, referral to Council is required due to delegation restrictions.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

11. Council needs to make a decision whether to charge the full fees of \$10,300, a scaled down fee of \$625 or something in between. In order to make the planning scheme consent legal, a fee would need to be paid whether it was made by the proponent or paid as a donation by Council.

STRATEGIC IMPLICATIONS

12. The land is appropriately zoned for the proposed use and the increase in heavy vehicle traffic along Princess Royal Drive would need to be addressed in the traffic management plan prepared in consultation with Main Roads WA, the agency responsible for the management of the road network.

COMMENT/DISCUSSION

13. As part of the proposal, a retention pond is proposed to retain water, which is also used to wet down the wood chips to increase stability and reduce dust. As long as the retention pond is designed to accommodate a storm surge, so that there is no discharge into the Harbour, staff believe there is unlikely to be a negative environmental impact.
14. Subject to the proponent submitting to Council a traffic management plan and a strategy to address light overspill, staff are supportive of the proposal. The EPA has also required a Noise Management Plan, a Dust Management Plan and Drainage Management Plan be provided by the proponent and those plans will be assessed by the Department of Environment (DOE). Copies of these reports are generally forwarded to Council for comment.

Item 11.1.1 continued

15. As all the information has not been provided by the proponent, it is recommended that Council delegates to the Executive Director Development Services the authority to issue a conditional Planning Scheme.

RECOMMENDATION

THAT Council pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A delegates to the Executive Director Development Services the authority to issue planning scheme consent for the development of a ‘Rural Industry (Wood Chip Terminal)’ on Lot 1353 Princess Royal Drive, Port Albany subject to conditions, including the following:

- i) the submission of a Traffic Management Plan to deal with traffic issues and public safety on the access roads into the Albany Port; and**
- ii) the submission of a light overspill strategy in relation to directional lighting erected on the site.**

Voting Requirement Absolute Majority

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RECOMMENDATION

THAT;

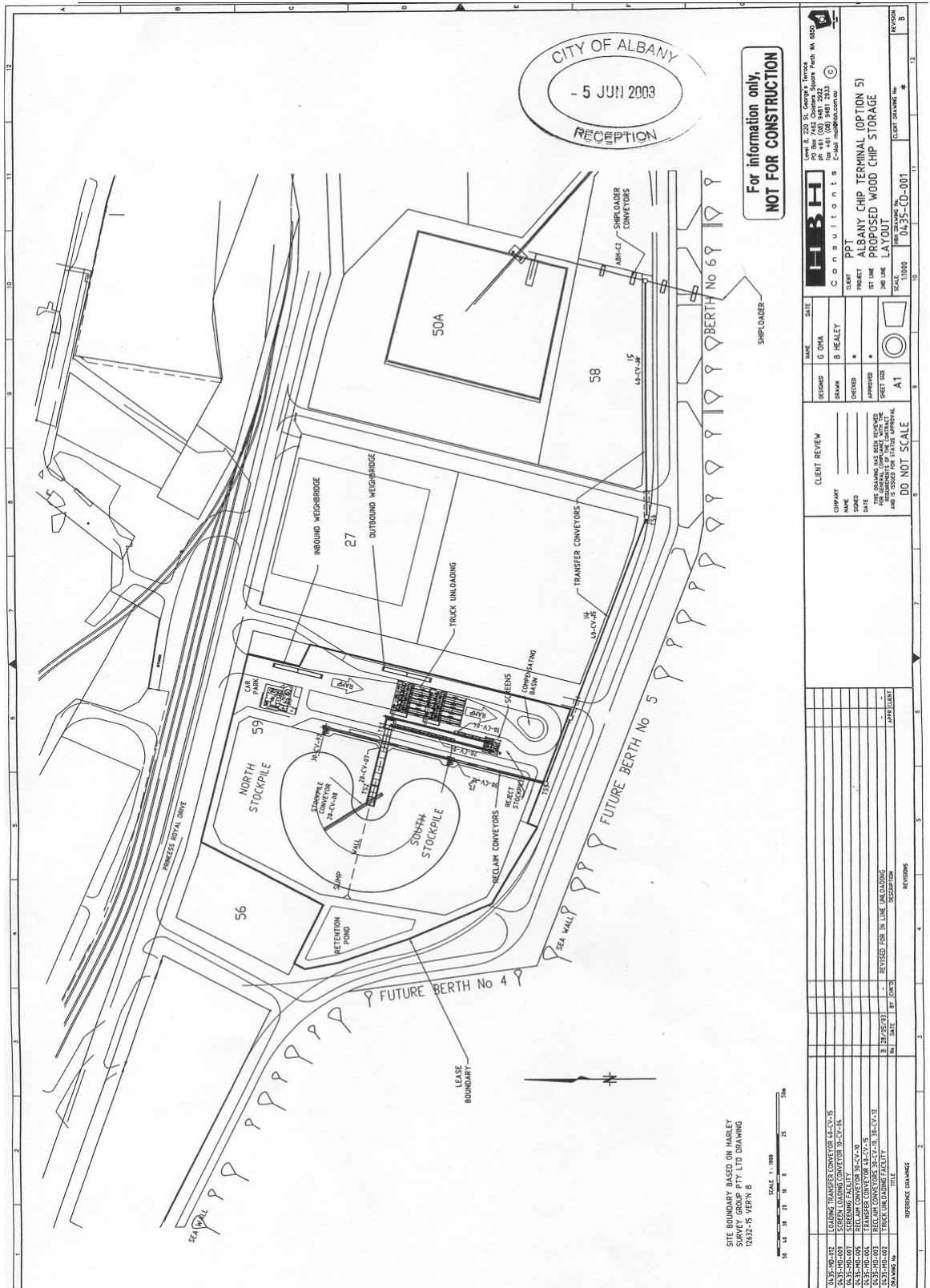
- i) staff write to the Department of Environment requesting that the Noise Management Plan and Dust Management Plan for the Woodchip Terminal be referred to Council for comment prior to adopting the plans, given these plans will address issues important to local residents residing on Brunswick and Burgoyne Roads; and**
- ii) the planning fee for the proposed Wood Chip Terminal facility be set at \$625.**

Voting Requirement Simple Majority

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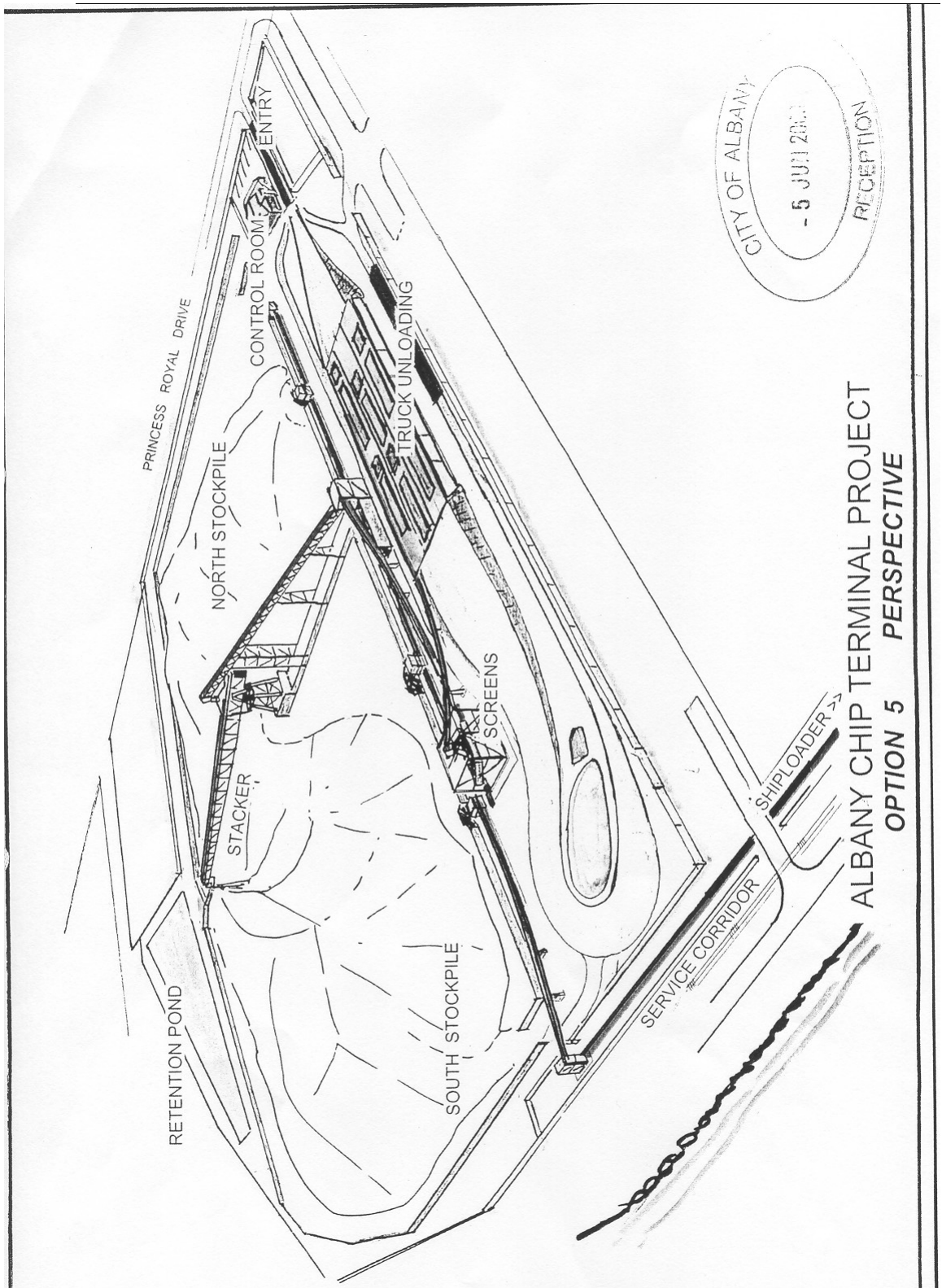
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Item 11.1.1 continued



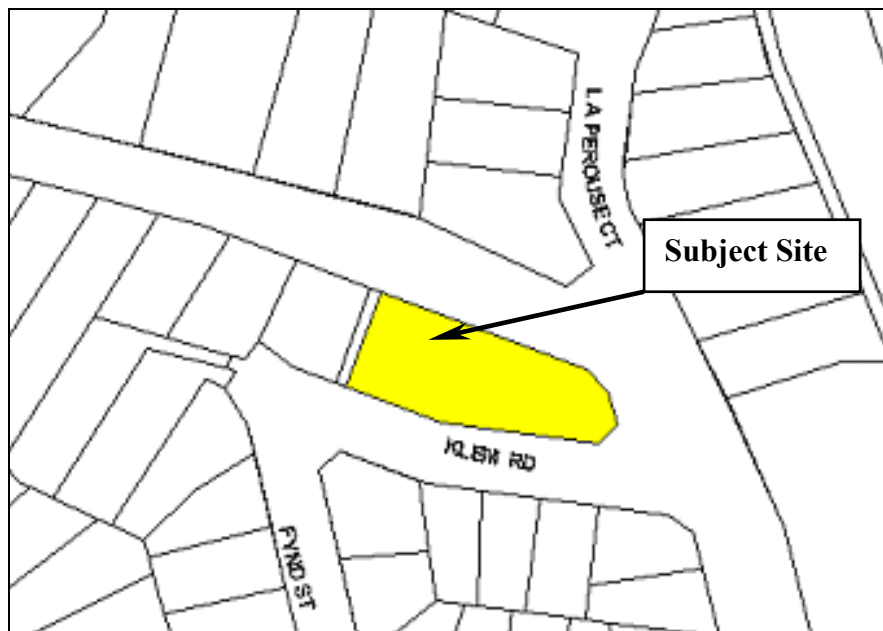
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Item 11.1.1 continued



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

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



Item 11.1.2 continued

BACKGROUND

1. Council is requested to amend Town Planning Scheme No. 3 by rezoning Pt Lot 376 (37) La Perouse Road, Goode Beach, which has an area of 2608m², from 'Local Shopping' to 'Residential' with an 'Additional Use'.
2. The adjoining lot is subject to Amendment No 227 which rezones the site from 'Local Shopping' to 'Residential'. Amendment No. 227 is currently waiting the approval of the Minister.
3. A copy of the amending documents is included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

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

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

Item 11.1.2 continued

10. The Commercial Strategy Review 2000 does not recognise a commercial development within Goode Beach. The removal of the ‘Local Shopping’ Zone and its replacement with ‘Residential’ and limited retail space (as an additional use) will adequately serve the localities needs.
11. The proposed lot sizes reflect those in the surrounding residential area however since the gazettal of Amendment No. 221 an R5 coding applies to all ‘Residential’ zoned land in the area, providing for a minimum lot size of 2000m². Whilst the R5 coding will have no impact on existing residential lots, it will prevent the subdivision of the subject lot.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

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

RECOMMENDATION

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

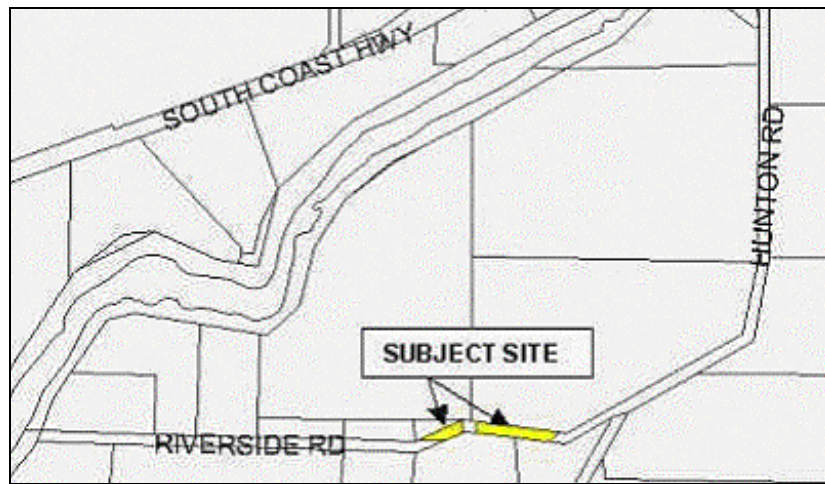
- i) rezoning Pt Lot 376 La Perouse Road, Goode Beach from ‘Local Shopping’ to ‘Residential’;**
- ii) adding an “Additional Use” in Schedule II; and**
- iii) amending the Scheme Maps accordingly.**

Voting Requirement Simple Majority

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11.1.3 Realignment of Riverside Road, Kalgan

File/Ward	: SER 088 (Kalgan Ward)
Proposal/Issue	: Closure of portion of Riverside Road
Subject Land/Locality	: Riverside Road, Kalgan
Proponent	: City of Albany
Owner	: Crown
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Portion of Riverside Road be closed
Bulletin Attachment	: Nil
Locality Plan	:



Item 11.1.3 continued

BACKGROUND

1. Mr Ray Douglas previously sought approval from Council to subdivide his land which fronts Riverside Road, Kalgan, and that subdivision has been held in abeyance whilst Council and the Department of Planning & Infrastructure (previously DOLA) resolve the alignment of Riverside Road fronting his property.
2. Currently the road reserve, where it passes through Reserve 22720 is shown to abut the southern boundary of Location 4820. However, the physical road has been constructed approximately 40 metres south of the road reserve within Reserve 22720 as illustrated in the attached.
3. Recently Council resolved to reposition the Riverside Road reservation further to the south to correspond with the existing constructed road. A resolution was passed by Council to excise from Reserve 22720 the land required to create the new road reserve. It was also agreed that former road reserve be closed and that the land contained within the existing road reserve be transferred to Reserve 22720 as it was no longer required for road purposes.
4. The adjoining landowners and service agencies have been advised of Council's intention to close that section of Riverside Road shown on the above plan and a newspaper advertisement, calling for submissions, has also been placed in the local newspaper.

STATUTORY REQUIREMENTS

5. Section 58 of the Land Administration Act 1997 states:

“58(1) Where a local government wishes a road in its district to be closed permanently, the local government may, subject to (3) request the Minister to close the road”.
6. Sub-section 3 states:

“58(1)(3) – A local government must not resolve to make a request under sub-section (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposal set out in that notice”.

POLICY IMPLICATIONS

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

Item 11.1.3 continued

FINANCIAL IMPLICATIONS

- 8. There is a gravel road constructed through Reserve 22720 which has been signposted as Riverside Road but is not currently constructed on the official road reserve. Council’s actions will see the road reserve being shifted to correspond to the existing constructed road surface and that action will overcome the need for Council to realign the existing road pavement onto the actual road reserve.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 10. From time to time a land survey will identify that a Council road has been constructed in a position which places the road pavement outside the official road reserve. Action is usually taken to rectify that legal anomaly. In this instance, the constructed road pavement is located on a Crown Reserve, thereby avoiding the need to reposition the road or acquire land from the adjoining landowner.
- 11. All of the government agencies contacted have advised that there are no services located within the section of closed road and/or they raise no objection to the road closure action. Aboriginal elders have also inspected the site and they are satisfied that the realignment of Riverside Road will have no impact under the Aboriginal Heritage Act 1972.

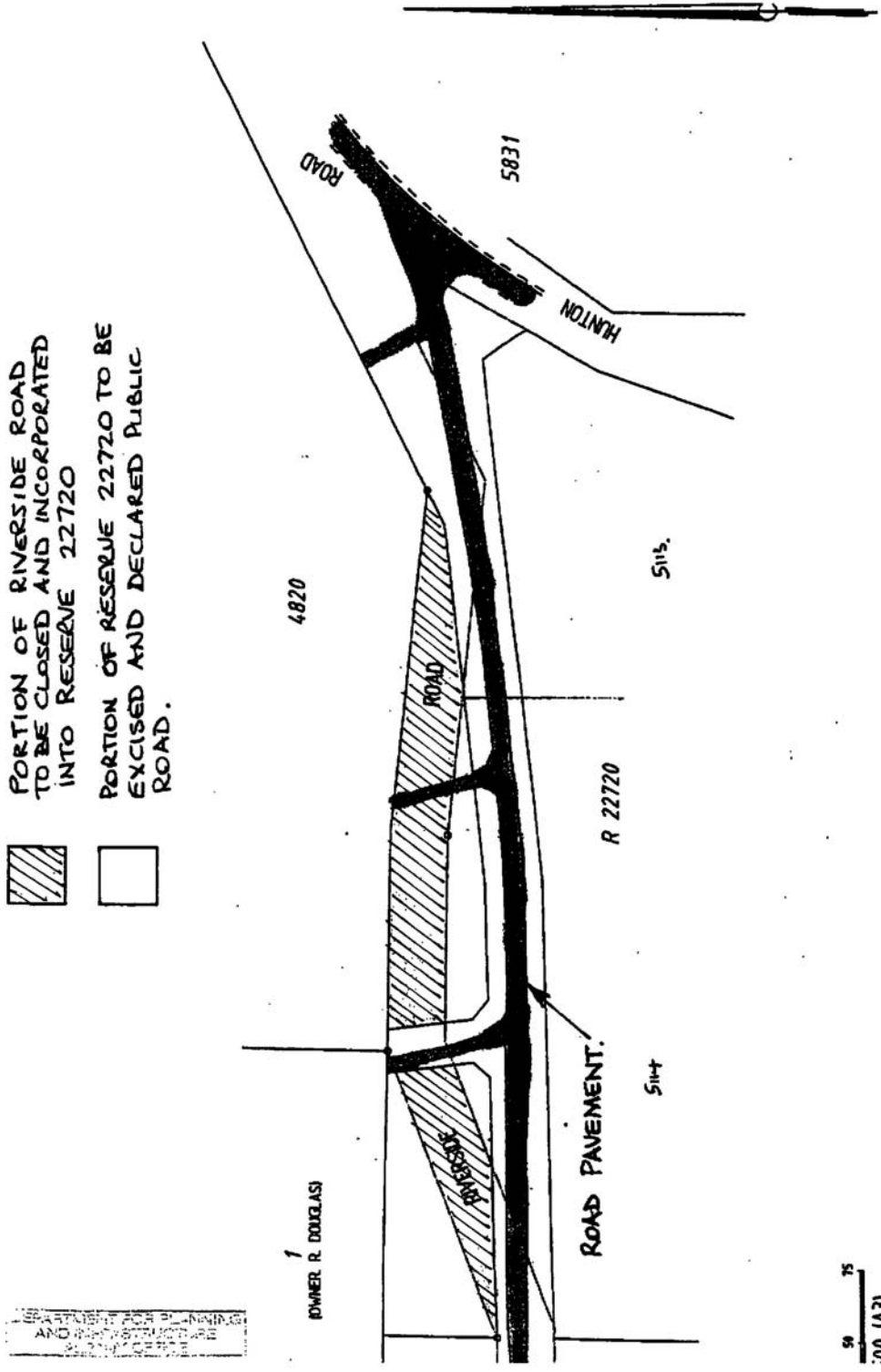
RECOMMENDATION



THAT Council pursuant to Section 58 of the Land Administration Act 1997 resolves to close those portions of Riverside Road shown on Drawing No. 5508DR and that the Minister for Lands be requested to incorporate the land contained within the closed road into Reserve 22720.

Voting Requirement Simple Majority

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 PORTION OF RIVERSIDE ROAD TO BE CLOSED AND INCORPORATED INTO RESERVE 22720
 PORTION OF RESERVE 22720 TO BE EXCISED AND DECLARED PUBLIC ROAD.

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE
 1000 WESTERN AVENUE
 PERTH WESTERN AUSTRALIA 6150

EAR & ASSOCIATES Consulting Surveyors DUKE STREET BOX 1429 PERTH WA 6150 TEL: 08 9442 1000	ROAD FORMATION SURVEY ADJACENT TO LOT 1 & LOC. 4820 RIVERSIDE ROAD	Field Book: Job No: 5508DR	Scale: 1:1500 (A3) Sheet 1 of 1 Drawing No:
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ORDINARY COUNCIL MEETING- 19/08/03
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

11.1.4 Vesting of Reserves - Pallinup River

- File/Ward** : PRO 132 (Hassell Ward)
- Proposal/Issue** : Request for City of Albany to accept Management Order for Reserves
- Subject Land/Locality** : Reserves 14986 and 14987 Boat Harbour Road, Wellstead
- Proponent** : Department of Conservation and Land Management
- Owner** : Crown
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/06/03 – Item 12.2.3
OCM 17/09/02 – Item 13.5.2
OCM 19/03/02 – Item 11.4.2
- Summary Recommendation** : Council conditionally support request to accept Management Orders for Reserves
- Bulletin Attachment** : Nil
- Locality Plan** :



Item 11.1.4 continued

BACKGROUND

1. At the most eastern portion of the City of Albany is 2,000 hectares of Crown reserves which have frontage to the Beaufort Inlet and the Southern Ocean. The reserves are a regular holiday spot for residents living to the east of Albany, as well as a popular fishing spot. Access to the reserves is gained via approximately 12kms of gravel road, (located on the Boat Harbour Road road reserve) and then via approximately 11kms of tracks which traverse Reserves 31240, 14987 and 14986 (refer to attached plan no. 1). Also located on the beach where Beaufort Inlet discharges water into the Southern Ocean, is a shack from which commercial fishermen operate during certain times of the year.
2. The Bush Fire Management Committee, at its March 2002 meeting, recommended to Council that:

“Council endorse the recommendation to re-vest Reserves 14987 and 14988 on the western side of the Pallinup River from the Shire of Jerramungup to the City of Albany, as detailed in item 8.4 of the Bush Fire Advisory Committee meeting of 11th February 2002.”
3. Information was sourced from the Department of Land Administration on the current vesting of reserves in the vicinity of the Pallinup River within the City of Albany. Attached plan no. 2 shows those reserves vested with the Shire of Jerramungup and it should be noted that that Shire currently has the management responsibility for large tracts of Crown Land within the City of Albany (approximately 1,400 hectares) as well as the Beaufort Inlet itself; the Shire of Jerramungup has written to DOLA requesting that DOLA divest the Shire of that management responsibility. Attached plan no. 3 shows those reserves which currently are Unallocated Crown Land, and the areas that are marked represent approximately 25,000 hectares of reserve. Plan no. 4 identifies the existing reserves for which the City of Albany and the National Parks Authority have management responsibility.
4. In April 2002, the Department of Conservation and Land Management contacted the City of Albany to advise that Reserves 14986 and 14987 form part of a proposal to establish a Conservation Park around the Pallinup River and Beaufort Inlet. Several reserves on the east side of the Pallinup River, within the Shire of Jerramungup, are also included in that proposal. CALM has identified that the proposed Conservation Park would allow for recreation, as well as conservation of the area’s environmental values.
5. CALM then requested Council’s agreement for Reserves 14986 and 14987 to be vested in the Conservation Commission of Western Australia as part of the Conservation Park, to be managed by the Department of Conservation and Land Management. It also suggested that the City of Albany may prefer that Reserves 14986 and 14987 remain as a separate Conservation Park, vested in

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued.

the Conservation Commission of WA and that they not be amalgamated with the reserves on the eastern side of the Pallinup River. This alternate proposal would simplify the ability's for CALM to continue liaison with the City regarding management issues such as fire management, and would also simplify ongoing local community involvement in the reserve network: CALM then indicated that it would fully support joint management of the reserves in the Pallinup / Cape Riche area. The extent of a potential Conservation Park is shown on plan no. 5.

6. At the September 2002 meeting of Council, a report was tabled dealing with the rationalisation of Crown reserves to the west and at the mouth of the Pallinup River.

7. At that September 2002 Ordinary Meeting of Council, it was resolved;

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

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

AND

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

8. The Executive Director Development Services and CALM officers met in June 2003 with a number of community based groups in the Wellstead area to discuss the proposal. CALM has verbally reinforced its earlier comments that it has limited resources to manage reserves in this locality and would welcome community involvement in the planning and management of the reserve. The Wellstead Progress Association has highlighted that the community has actively developed and cared for the reserves over a number of years and is seeking future access to the recreational and camping facilities thereon; their response follows this report.

Item 11.1.4 continued.

STATUTORY REQUIREMENTS

9. The ongoing care and maintenance of feral animals and weeds, plus fire prevention activities on Unallocated Crown Land has recently been transferred to CALM and that department arranges with other government agencies, Local Government and community groups to undertake periodic weed spraying, fire control etc. on those reserves.
10. If a Management Order is issued for the reserve(s), the receiving agency accepts all the rights and responsibilities that would normally be associated with the freehold ownership of the land, with the exception that the land must be used in accordance with the purpose and under the management regimes that are attached to that order by DPI. However, it should be noted that, if CALM was to obtain the management order for the reserve(s), there may be times when that department's obligations, under the state and federal legislation relating to the protection of wildlife and flora or to protect public safety, could result in departures from the order, or result in the closure of portion of the reserve network, or produce differences of opinions (with the community) on management practices.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

12. Should Council was to accept the management order for the reserve, there may be an expectation that the 23kms of gravel track providing access to Beaufort Inlet and the Southern Ocean will receive additional upgrading and/or maintenance attention. Council is also poorly placed to provide ranger services, weed management, litter control, wildlife protection and land management for the combined 2,000 hectare reserve which is located approximately 120kms from Albany. There are also legal and financial implications associated with appointing temporary rangers and/or managers to assist the City of Albany in the ongoing management of the reserve network.
13. The rural community to the east of Albany has recently constructed composting toilets upon Reserve 14987 to reduce the impact of camping on that reserve, the community has developed over 20 kilometres of gravel roads into Boat Harbour, the Beaufort Inlet and the mouth of the Pallinup River and they have managed "patch burning" across the reserves. Not surprisingly, they will want to retain some connection to that infrastructure and the reserves; further grants were issued to the community and CALM, during the Minister's recent visit to Albany, to further develop Boat Harbour.

Item 11.1.4 continued.

STRATEGIC IMPLICATIONS

14. Under the City of Albany's Port of Call "Managed Healthy Land / Harbour Environment" there is an objective to manage reserves for environmental sustainable use, community enjoyment and benefit. This objective never intended to imply that the City actually own or assume control of all of the region's reserves.
15. The mouth of the Pallinup River is an area where residents throughout the Great Southern seek to recreate and holiday. As shown on plan no. 1 following this report, access to Beaufort Inlet and the Southern Ocean is gained through the City of Albany and the Shire of Jerramungup to the points marked with an asterisk.

COMMENT/DISCUSSION

16. Experience gained through the management of the Sandpatch Reserve, which is located less than 10kms from Albany's CBD, clearly demonstrates that the City of Albany's resources and expertise in bush management are limited. The Great Southern Region is renowned for the bio-diversity that exists within the Crown reserve network. It is highly probable that the reserve network in proximity to Beaufort Inlet contains a broad diversity of flora and fauna which is worthy of conservation and active management. The Department of Conservation and Land Management is seeking the Management Order for over 20,000 hectares of Crown reserve surrounding Beaufort Inlet. It would be therefore be difficult for Council to manage and maintain approximately 2,000 hectares of land which is totally surrounded by conservation estate.
17. The ability of residents within the Great Southern to have access to coastal reserves is of concern to rural communities. There has historically been a high level of mistrust expressed by residents when CALM seeks to manage coastal reserves on behalf of the State. Irrespective of who is responsible for the reserve's management, to provide long term land sustainability and to protect bio-diversity there will always be times when portions of reserves will need to be closed to the public; that action is often in conflict with the recreational desires of those individuals who have enjoyed unrestricted access to that reserve in the past and who often do not take a long term approach to land management.
18. The original request from the Bush Fire Advisory Committee reflected the community's desire for Council to be maintaining coastal reserves, rather than the Department of Conservation and Land Management. However, Council is ill equipped to take on the management role of such a large tract of land that is remotely located. The information supplied recently by the Wellstead Progress Association also indicates that the Association does not wish to manage the entire reserve and that a joint management regime has been in place for a number of years.

Item 11.1.4 continued.

19. The offer from the Department of Conservation and Land Management to have Reserves 14986 and 14987 remain as separate components within the Conservation Park, clearly identified as having recreational opportunities, may be a suitable alternative to protect the region’s bio-diversity and to put in place an effective management regime for the land.

RECOMMENDATION

THAT based upon the additional information provided, Council advise the Department for Planning & Infrastructure, the Shire of Jerramungup and the Department of Conservation and Land Management that it conditionally supports the request from the Department of Conservation and Land Management and the Shire of Jerramungup to have the Management Order for Reserves 14986 and 14987 allocated to the Conservation Commission of WA on the clear understanding that:

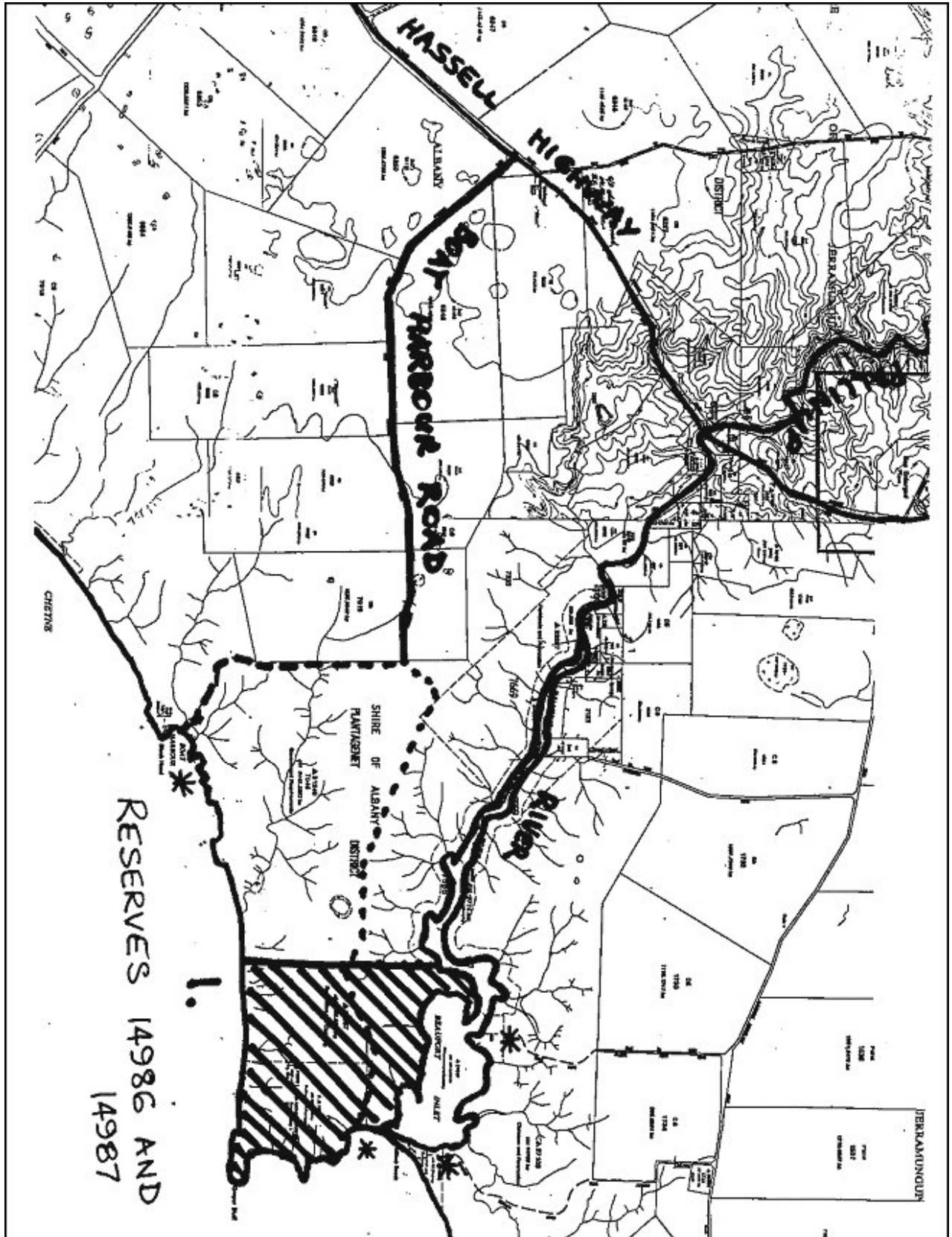
- i) the purpose for the reserves remain as “Recreation, Camping and Conservation Purposes” and the reserves not be attached to the adjoining Conservation Park;**
- ii) the management order require the Conservation Commission of WA to prepare management plans for the Reserves in close consultation with the Pallinup / Cape Riche community; and**
- iii) the Conservation Commission of WA agrees to obtain and maintain unrestricted public access to Beaufort Inlet and the Southern Ocean from the Department of Conservation and Land Management through the adjoining Conservation Park and Reserves 14986 and 14987.**

Voting Requirement Simple Majority

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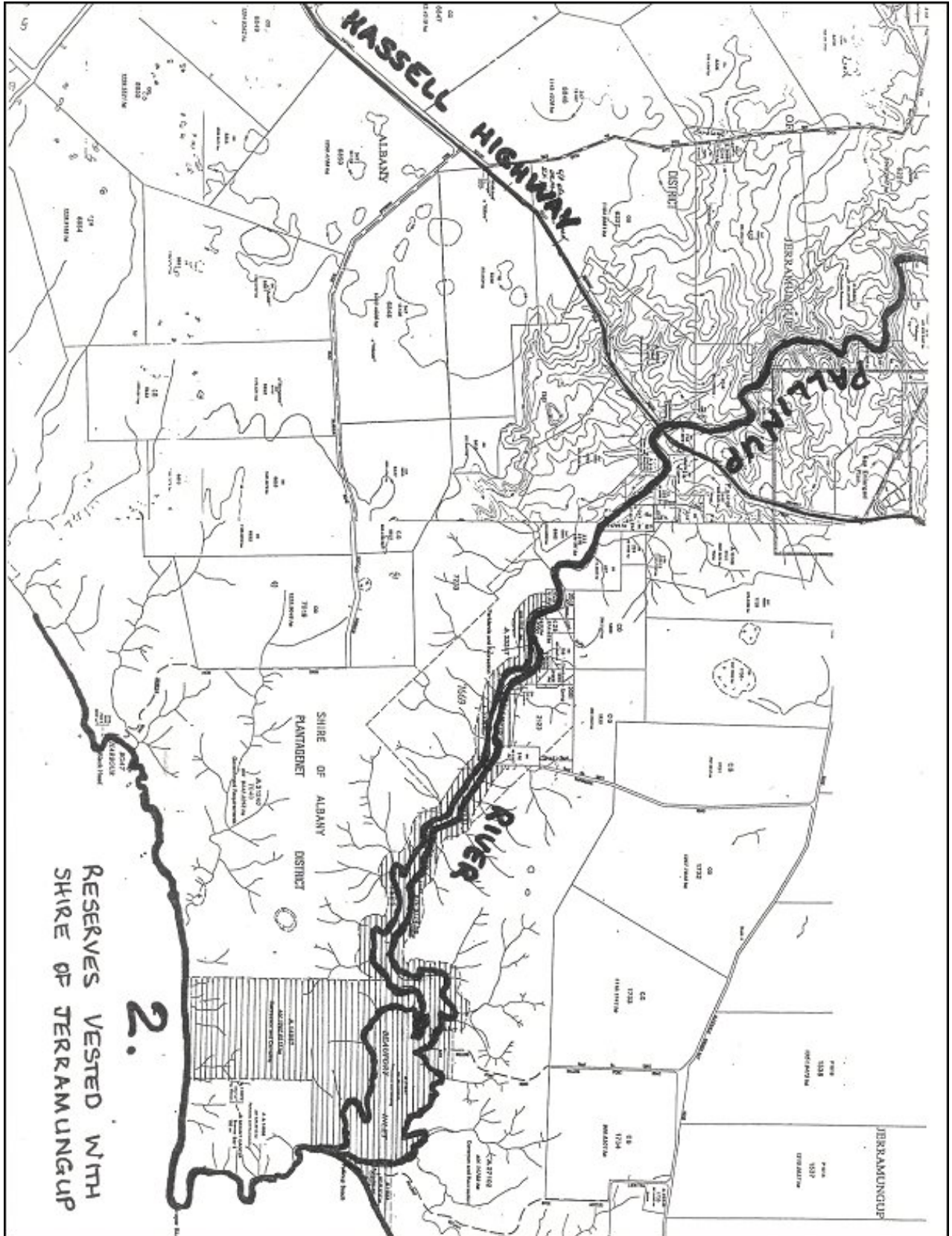
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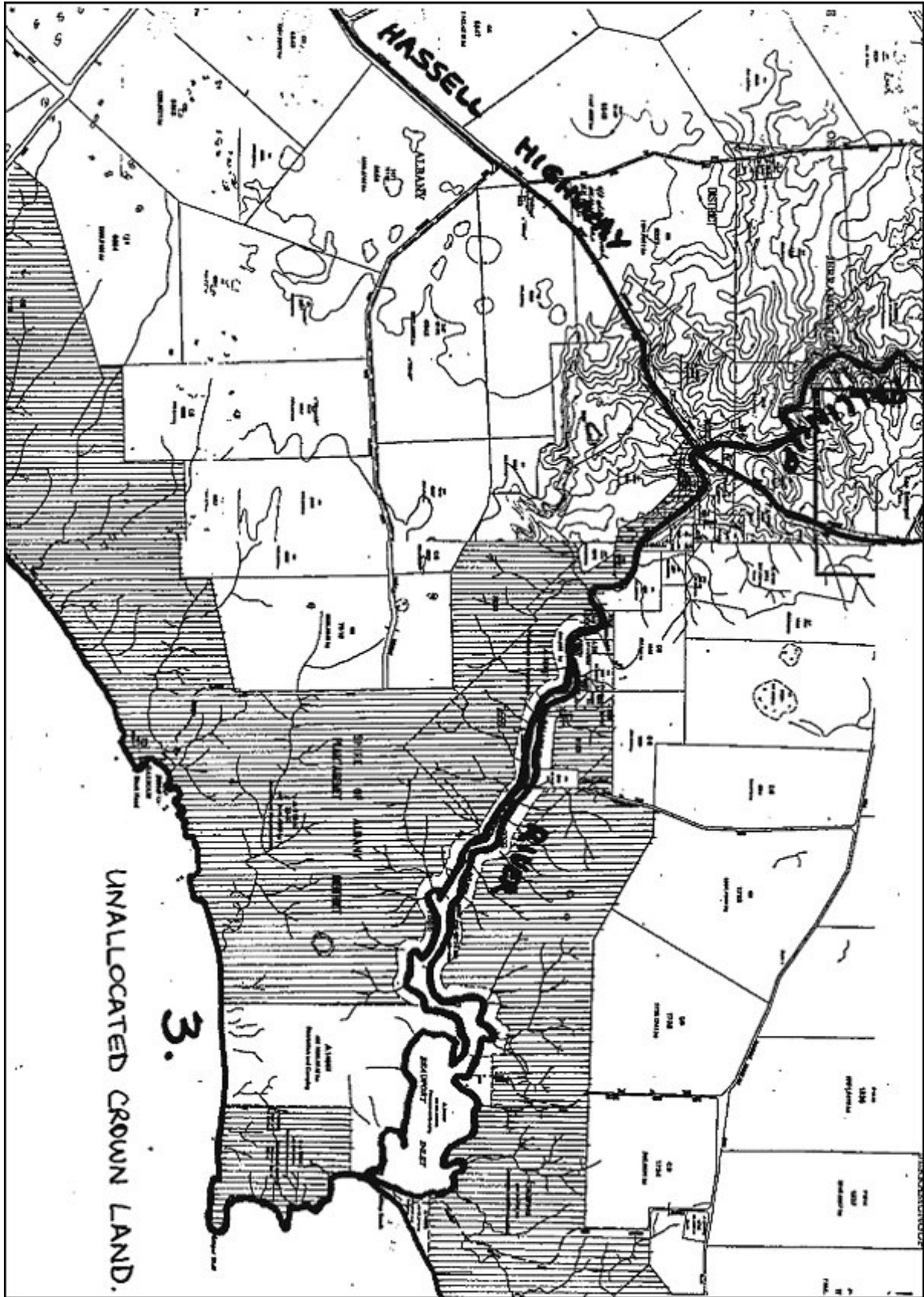
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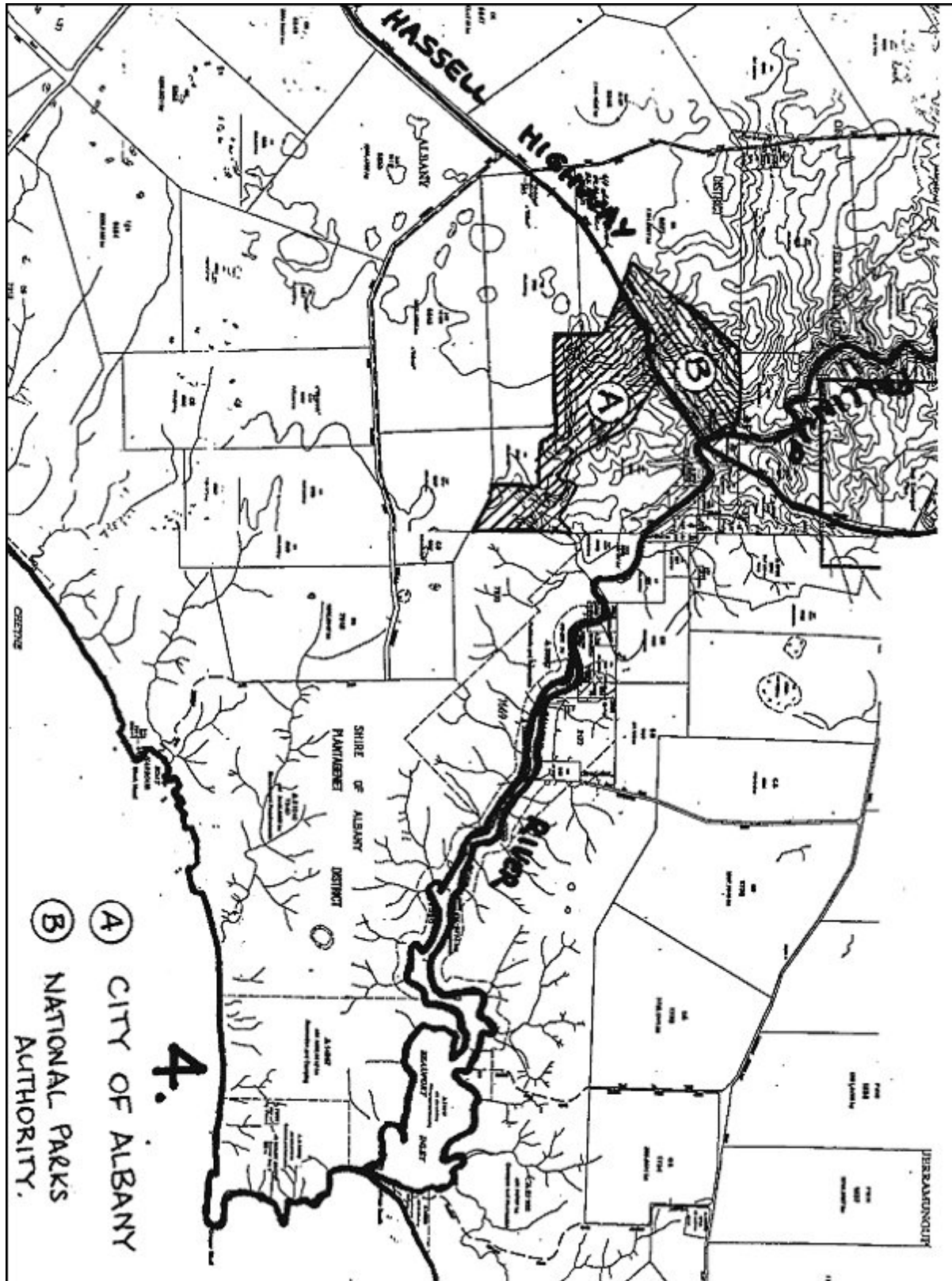
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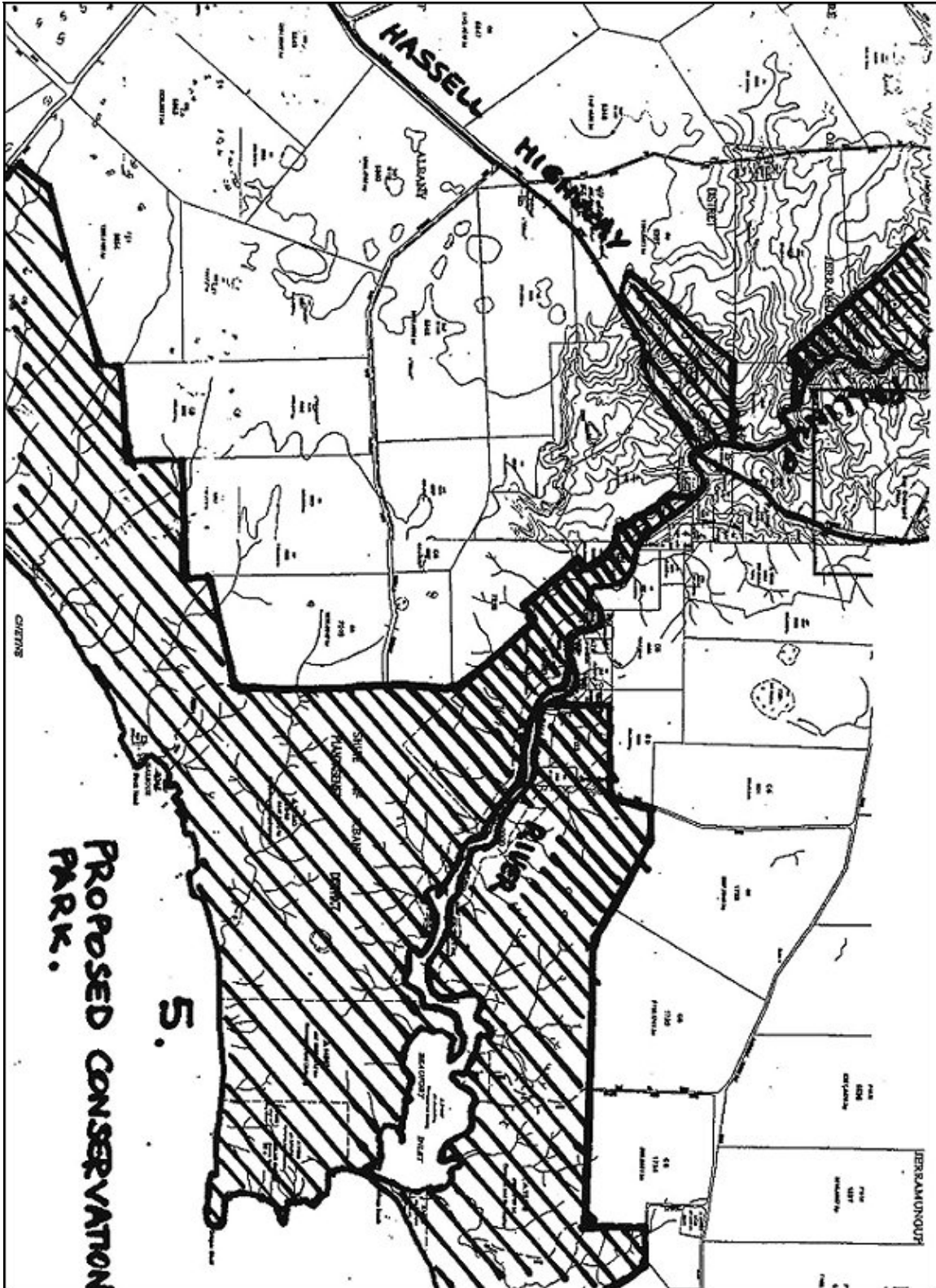
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Item 11.1.4 continued



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Item 11.1.4 continued

COPY

WELLSTEAD

The Wellstead Progress Association
C/- Post Office
Wellstead WA 6238

CITY OF ALBANY - RECORDS	
FILE:	A174477
DOC:	F307646
05 AUG 2003	
OFFICER:	EDDS
Attach:	

Mr R Fenn
Executive Director Development Services
City of Albany
PO Box 484
Albany 6330

Dear Mr Fenn

MANAGEMENT OF RESERVES AT MOUTH OF PALLINUP RIVER

Following on from the meeting held at the Wellstead Hall on July 1st, 2003 to discuss the management of Reserves 14986 and 14987 at the mouth of the Pallinup River you asked for direction from the Wellstead Community.

Unfortunately the meeting scheduled for July 21st had to be moved to Monday July 28th and we didn't have enough members to form a quorum so this matter has not been discussed at a general meeting of the Wellstead Progress Association.

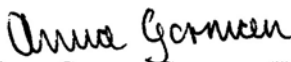
However at the conclusion of the meeting on July 1st the chairman of the meeting asked if everyone was happy with proceedings and are they happy for CALM to have the management order for these two Reserves on the clear understanding that:

1. The purpose of the reserves remain as "recreation, camping and conservation purposes",
2. that management plans for the reserves be developed in close consultation with the Pallinup/Cape Riche community, and
3. that the Department of Conservation and Land Management agrees to maintain unrestricted public access to Beaufort Inlet and the Southern Ocean through the proposed conservation park.

As there was no major objection it can be accepted that the community is happy for proceedings to continue.

We look forward to hearing of the outcomes from the meeting and Council's decision on this matter.

Yours Sincerely



Anna Gorman, Secretary Wellstead Progress Association
31st July 31, 2003

Phone 98472021

11.1.5 Appointment of Principal Building Surveyor

File/Ward	: PF (All Wards)
Proposal/Issue	: Appointment of Principal Building Surveyor (PBS)
Subject Land/Locality	: City of Albany
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Development (M Selby)
Disclosure of Interest	: Nil
Previous Reference	: Nil.
Summary Recommendation	: Appoint Mr Keith Barnett as Principal Building Surveyor
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council recently undertook a recruiting process to replace Council's Principal Building Surveyor. A Senior Building Surveyor has been appointed from the applicants who applied for the position.
2. It is proposed to appoint an existing staff member as the Principal Building Surveyor to comply with Council's statutory obligations and insurance requirements.

STATUTORY REQUIREMENTS

3. Local Government (Miscellaneous Provisions) Act 1960 under clause 374, requires that Plans of buildings are to be approved by the Local Government.
4. Clause 374(1)(b) of the Local Government (Miscellaneous Provisions) Act 1960 states:

“The authority to approve or refuse to approve plans and specifications submitted under this section may be delegated by a local government to a person appointed to the office of building surveyor, but where a plan and specifications so submitted conform to

Item 11.1.5 continued

- (a) *all local laws in force in the relevant district or part of a district in respect of building matters, and the local government's pre-determined policy in respect of building matters; and*
- (b) *all local laws and schemes in force in the relevant district or part of a district in respect of town and regional planning matters, and the local government's pre-determined policy in respect of town and regional planning matters,*

the building surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the local government”.

- 5. A Building Surveyor is defined by the “Local Government (Qualification Of Municipal Officers) Regulations 1984”. The proposed Principal Building Surveyor has the necessary Certification as required in the Regulations.
- 6. Clause 157 (2) (b) of the Local Government (Miscellaneous Provisions) Act 1960 requires that Council must appoint a person to the office of Building Surveyor.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 10. Council is required to have a Building Surveyor (Principal) to assess and approve/refuse building plans.
- 11. The appointment of Mr Keith Barnett will fulfil this requirement, with the preparatory work being undertaken by members of the Development Services Team.

Item 11.1.5 continued

RECOMMENDATION

THAT Council for the purpose of Section 374 of the Local Government (Miscellaneous Provisions) Act 1960 appoint Mr Keith Barnett as the Principal Building Surveyor for the City of Albany.

Voting Requirement Absolute Majority

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11.1.6 Extraction of Spring Water – Reserve 21337, Frenchman Bay Road, Goode Beach

File/Ward : A175091 (Vancouver Ward)

Proposal/Issue : Water Extraction from Council Reserve

Subject Land/Locality : Reserve 21337, Frenchman Bay Road, Goode Beach

Proponent : G Wilson

Owner : Crown

Reporting Officer(s) : Planning Officer – Policy (R Hindley)

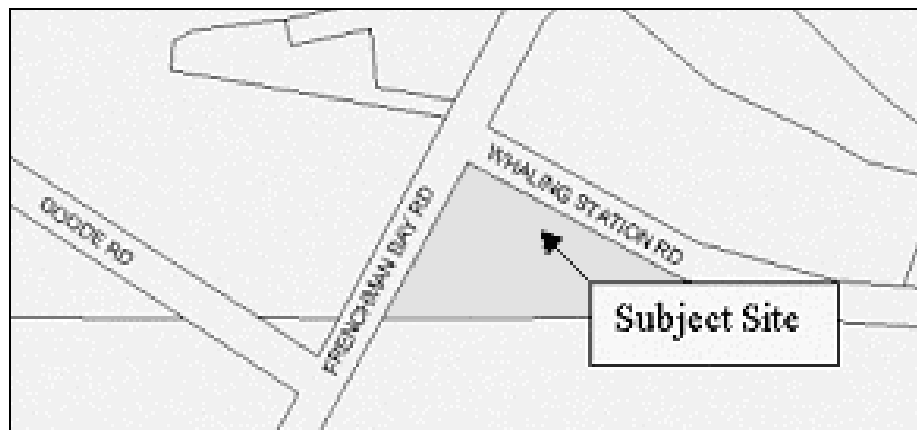
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : That Council refuse the application

Bulletin Attachment : Correspondence

Locality Plan :



Item 11.1.6 continued

BACKGROUND

1. An application was received from Mr Wilson seeking Council's approval to use Reserve 21337 for the extraction of spring water. A copy of the applicant's proposal is attached in the Elected Members Report & Information Bulletin.
2. The applicant has advised that whilst there is many fresh water springs within the area this is the only one that is not located within Torndirrup National Park.
3. The applicant advises that discussions with the Department for Conservation and Land Management have concluded that they will not permit the extraction of water from springs that occur within a National Park.

STATUTORY REQUIREMENTS

4. The proposal will be subject to the provisions of the City of Albany Local Government Property Local Law 2001. The Local Law states:

“A person shall not without a permit-

(n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;”
5. Under the Local Law a permit may either be issued or refused for the proposed use.
6. Under the provisions of Town Planning Scheme No. 3, the development of reserved land requires planning scheme consent and such development shall be determined in accordance with the purpose of the reserve.
7. The purpose of Reserve 21337 is recorded as 'Recreation Pleasure Resort & Caravan Park'.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

10. A precedent may be set for the use of other Council reserves for an exclusive commercial purpose.

Item 11.1.6 continued

COMMENT/DISCUSSION

11. The proposed use is considered contrary to the purpose of the reserve, which needs to be taken into consideration in determining its permissibility under the Scheme.
12. Given the end use is for supply of ‘natural’ spring water to consumers, there are concerns over the lack of details in the proposal regarding production controls to ensure the quality of the final product, which may lead to potential health impacts to consumers.
13. There is a general public perception that this is reserved land and that it should not be used for commercial gain.
14. There are potential environmental issues associated with:
 - drawing water out of the spring and its affects on local hydrology, vegetation colonies etc. which may not be apparent unless further detailed assessment is undertaken;
 - access to and from the site and its affects on the reserve through track creation etc;
 - the construction of infrastructure to extract the water.
15. Given the undeveloped nature of the site, there is a potential native title issue to be considered.
16. Based on the above it is recommended that Council refuse to give its consent under the Local Government Property Local Law 2001 to extract water from the spring.
17. Should Council consider that it may support the proposal, it is advised that public notice and referral of the application to appropriate government agencies be undertaken. This action will enable submissions to be received, prior to any formal determination on the matter.

RECOMMENDATION

THAT Council, under Clause 3.3 of the City of Albany Local Government Property Local Law 2001, refuse to approve the application for a permit to extract spring water from Reserve 21337 Frenchman Bay Road, Goode Beach, and advise the applicant accordingly, as the vesting of the Reserve is not consistent with the purpose of the application.

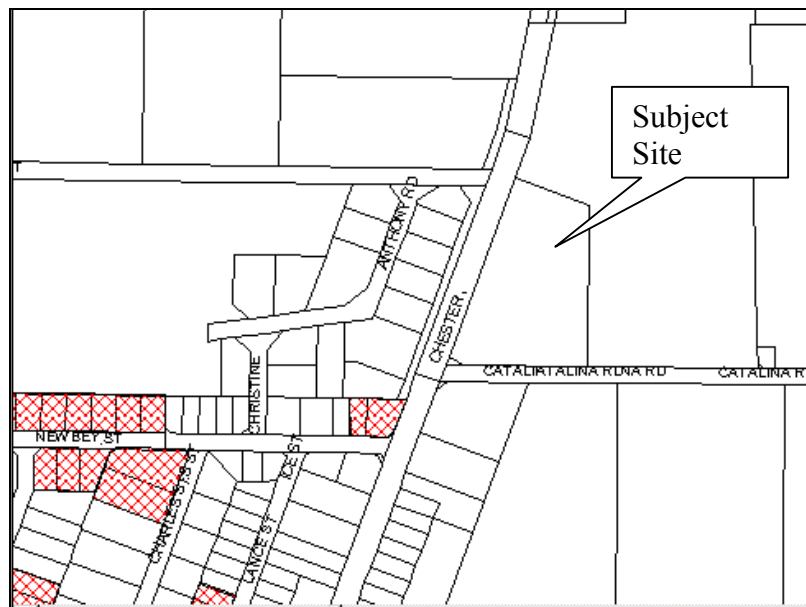
Voting Requirement Simple Majority

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11.1.7 Proposed Roof Sign – Farm Fresh Shopping Centre

- File/Ward** : A6149 (Yakamia Ward)
- Proposal/Issue** : The construction of three signs to be located on the roof of the retail building currently known as ‘Farm Fresh’.
- Subject Land/Locality** : Lot 40, #160, Chester Pass Road, Lange.
- Proponent** : Woolworths Pty Ltd
- Owner** : Kingopen Pty Ltd
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Grant approval for the proposed roof signs.
- Bulletin Attachment** : Supporting Photographs
- Locality Plan** :



Item 11.1.7 continued

BACKGROUND

1. Woolworth's Pty Ltd has lodged an application for two roof signs advertising the brand name 'Woolworths', plus another roof sign advertising the sale of liquor and a pylon sign, to be located in the landscaped area adjacent to Chester Pass Road.
2. Applications for signs are to be assessed in accordance with the relevant Town Planning Scheme clauses and the provisions of the former Shire of Albany Bylaw (Signs, Hoardings and Billposting) No. 13.
3. The Bylaw requires that approvals for 'Roof' signs are to be granted by resolution of Council. The 'Pylon' sign does not require the express approval of Council; it is included in the recommendation, but not referred to in this report.
4. Attached are illustrations of the proposed 'Roof' signs, which highlight the relationship of the building to which they are to be attached. The two 'Woolworth's' signs are replacing the existing 'Farm Fresh' signs and the 'Liquor' sign is an additional illuminated sign.

STATUTORY REQUIREMENTS

5. Town Planning Scheme 3 states:

“5.1.1 Subject to clause 5.1.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council.”

Clause 5.1.2 defines those developments, which do not require consent of the Council and it does not include signs.

6. The Shire of Albany Bylaw No.13 - pertaining to the roof sign stipulates;

“17. (1) Approval for the erection of a sign on a roof of a building shall be granted by resolution of Council at an ordinary meeting only and where approval has been so granted, a roof sign shall-

- (a) not at any part be within 3.7 metres of the ground;*
- (b) not extend laterally beyond the external walls of the building;*
- (c) comply, as regards height above ground and height of sign, with the following table:-*

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Item 11.1.7 continued

<i>Height of Main Building above Ground Level at Point where Sign is to be Erected</i>	<i>Maximum Height of Sign</i>
<i>3.7 metres and under 4.5 metres</i>	<i>1.2 metres</i>
<i>4.5 metres and under 6 metres</i>	<i>1.8 metres</i>
<i>6.0 metres and under 12 metres</i>	<i>3 metres</i>
<i>12 metres and under 18 metres</i>	<i>4.5 metres</i>
<i>18.0 metres and upward</i>	<i>6 metres</i>

(d) not be at any part more than forty five metres above the ground.”

POLICY IMPLICATIONS

7. Under the Bylaw No.13, approval for the erection of a roof sign shall be granted by a resolution of Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. There are no strategic implications relating to this matter

COMMENT/DISCUSSION

10. The proposed roof signs do not comply with the statutory requirements outlined in the Bylaws No.13 for the former Shire of Albany. That is, the signs:
- (a) are positioned less than 3.7 metres above the ground; and
 - (b) exceed 1.2 metres in depth.
11. It is in the opinion of staff that, the roof signs would not have a detrimental impact on amenity and streetscape due to the following reasons:
- (a) the signs are relatively small in size in relation to the scale of the building and its surroundings;
 - (b) the two ‘Woolworths’ signs are replacing existing signs which do not impact on the streetscape; and
 - (c) the new ‘Liquor’ sign is not overly large in size.
12. The given standards for signs are currently being reviewed to offer a greater priority on matters such as streetscape impacts and to come in line with the City of Albany’s new Town Planning Scheme.

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RECOMMENDATION

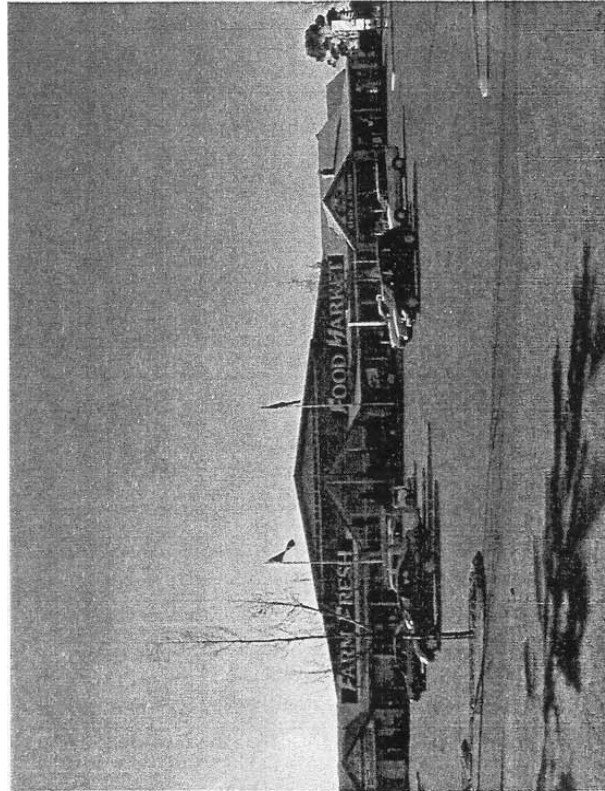
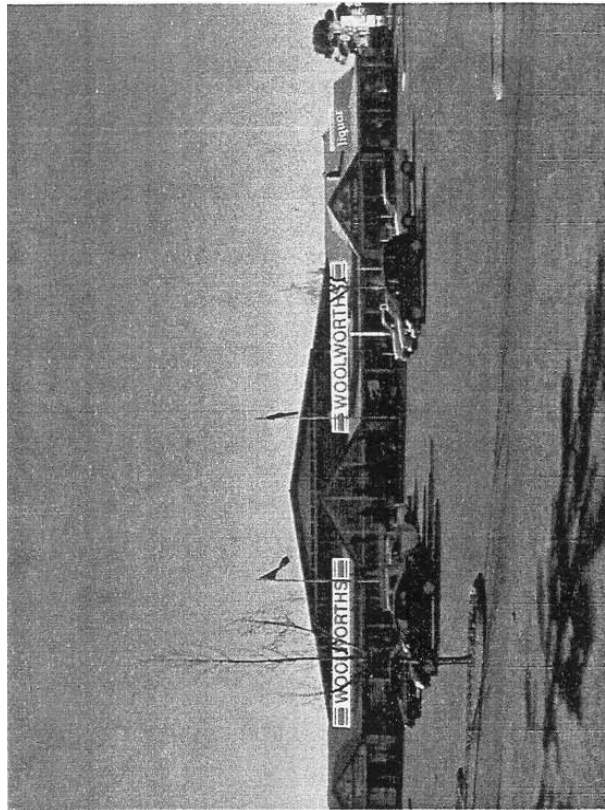
THAT Council grant approval for the erection of the roof signs and the pylon sign, illustrated in the plans dated 28th July 2003, located at Lot 40, Chester Pass Road, Yakamia and direct the Chief Executive Officer to issue a sign licence in accordance with the City of Albany Sign Bylaws No.13.

Voting Requirement Simple Majority

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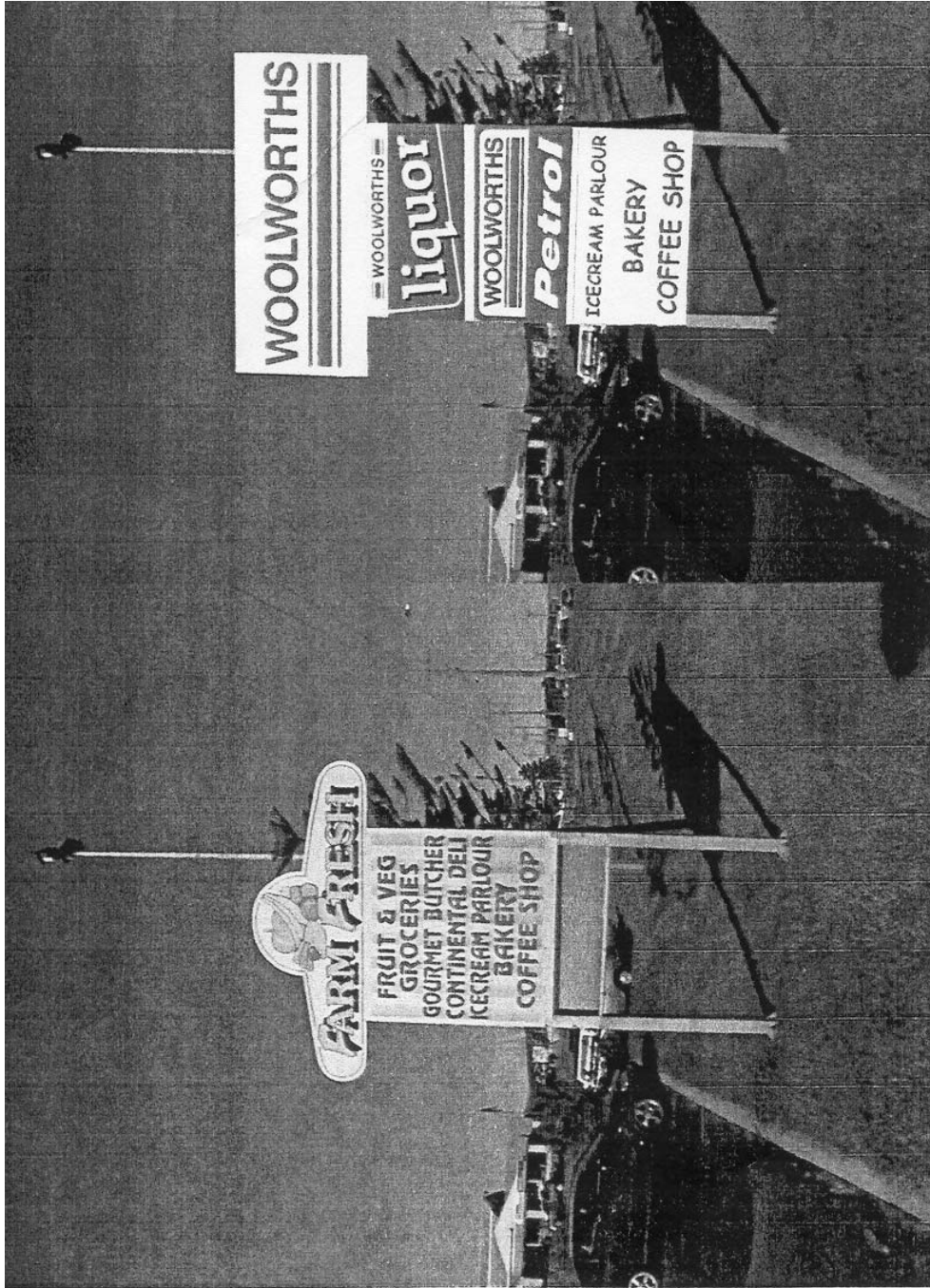


Remove the Farm Fresh & Food Market from the two steel frames 1200mm x 12000mm .replace with fabricated WOOLWORTHS lettering 900mm high.
Supply and install one 1300mm x 3000mm aluminium sign case with acrylic face decorated with vinyl graphics. 10mm x 75mm steel poles fixed through the roof onto existing steel work.

MIB
Sign
Consultants

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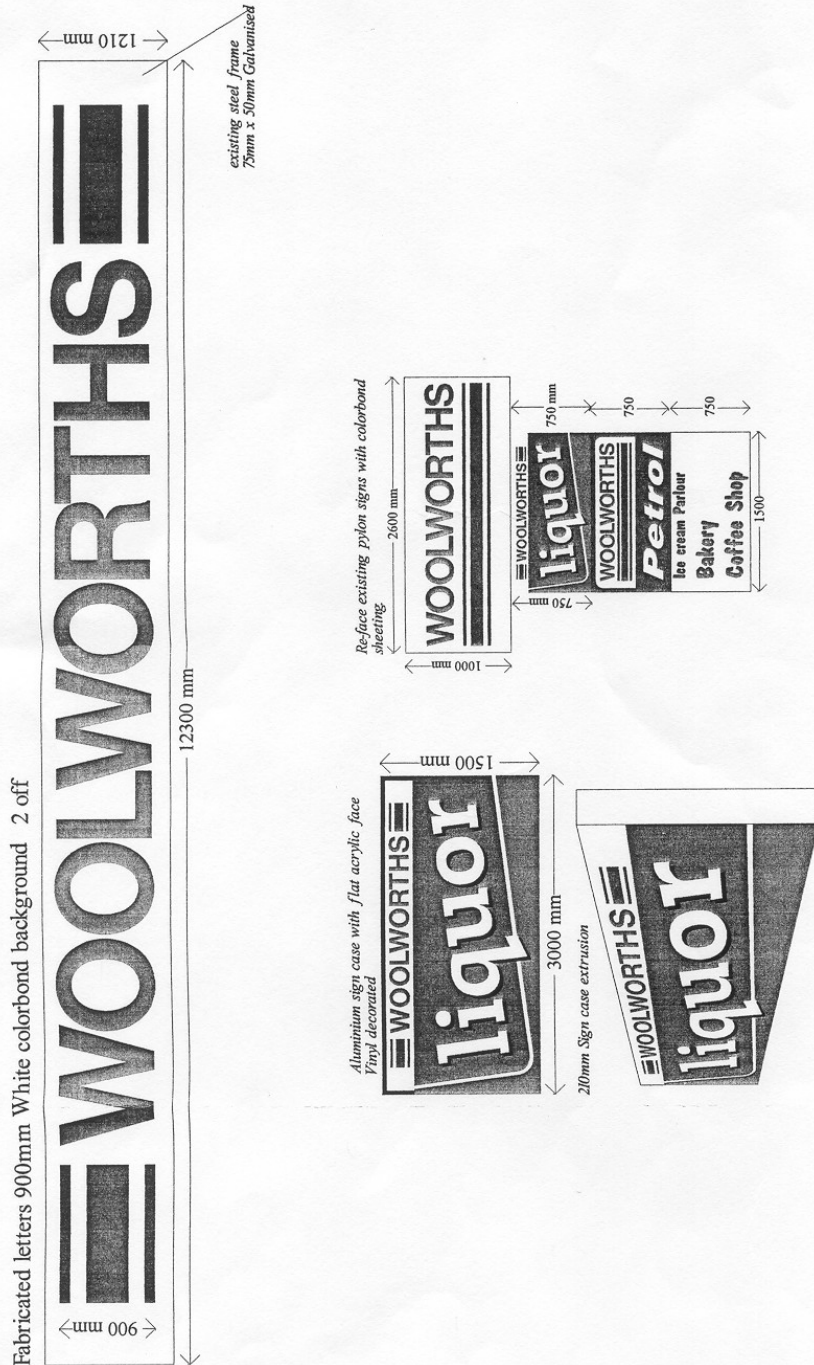


Replace the existing pylon sign with Woolworths 2600mm x 1000mm. Liquor 1500mm x 750mm. Tenants 1500mm x 750mm.

MIB
Sign
Consultants

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Item 11.1.7 continued



MJB Sign Consultants <small>PO Box 333 WA 855 WELINGTON WA 855 Phone 08 9255 937 Fax 08 9255 937</small>	CUSTOMER:	Woolworths (WA) PTY LTD	LOCATION:	Woolworths Catalina
	DATE:	8 July 2003	DRAWN BY:	M. Battrick
	DRW No.:	MJB02866	DRAWING NOT TO SCALE	
	DESCRIPTION:	Rejurbish existing signage		
<i>This design remains the property of MJB Sign Consultants PTY LTD ACN 097 071 371</i>				

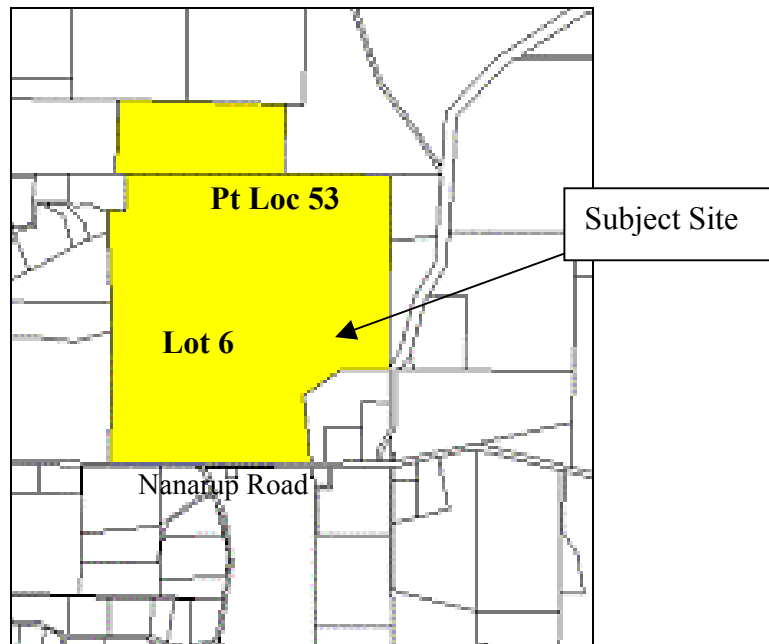
11.2 INSPECTION SERVICES

Nil.

11.3 DEVELOPMENT POLICY

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

File/Ward	:	A66969A (Kalgan Ward)
Proposal/Issue	:	Preliminary request to rezone Lot 6 & Pt Loc 53 Nanarup Road, Kalgan from ‘Rural’ to ‘Special Rural’.
Subject Land/Locality	:	Lot 6 & Pt Loc 53 Nanarup Road, Kalgan
Proponent	:	Ayton Taylor Burrell
Owner	:	Erujin Pty Ltd
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council refuse the request.
Bulletin Attachment	:	Scheme Amendment Request Report
Locality Plan	:	



Item 11.3.1 continued

BACKGROUND

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Lot 6 & Pt Loc 53 Nanarup Road, Kalgan from 'Rural' to 'Special Rural'.
2. The proposal was referred internally as well as to the Department of Planning and Infrastructure and the Department of Environment (formerly the Water and Rivers Commission).
3. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - (a) The State Planning Strategy
 - (b) The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8)
 - (c) The Albany Regional Strategy (1994)
 - (d) The Local Rural Strategy (1996)
 - (e) Draft Local Planning Strategy (2001)
 - (f) Draft Town Planning Scheme No. A (being prepared)
7. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
8. The subject site is partially located within Oyster Harbour Precinct 14 of the City's Local Rural Strategy. The policy statement for this precinct states:

“Council may support proposals for rural residential/tourist development subject to compliance with relevant general policies, the land being revegetated to the satisfaction of Council and the proponents being able to demonstrate that the

Item 11.3.1 continued

constraints and land management needs identified [within the precinct] would be overcome/met. In particular, it will be necessary for proponents to carefully consider the effect any proposals will have on the visual amenity of the area.”

9. The Local Rural Strategy seeks to encourage and facilitate development which is sympathetic to community and environmental considerations, but also does not impact upon surrounding rural pursuits.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The proposed rezoning has the potential to set a precedent for other spot rezonings, which are opposed on the basis of orderly planning. In particular the rezoning of this site would set a precedent for special rural development to the north of Nanarup Road and east of the Kalgan River.

COMMENT/DISCUSSION

12. In addition to rezoning the site, the proposal outlines modifications to the Local Rural Strategy. The Local Rural Strategy is currently being reviewed and it is considered that an interim modification of this policy document is not warranted.
13. A copy of the proposal was referred to the Western Australian Planning Commission and Department of Environment for preliminary comment (A copy of these submissions are located at the rear of this report). The major issues identified by the Commission and Council staff include:
 - (a) There is no need for this land to be rezoned. There is sufficient zoned Special Rural land available within existing areas to cater for this kind of subdivision.
 - (b) There is no justification to begin creating this kind of subdivision to the north of Nanarup Road and to the east of the Kalgan River and therefore represents a spot rezoning which is unnecessary.
 - (c) The subject land was not included in the draft Albany Local Planning Strategy.
 - (d) The Local Rural Strategy does not state that it will rezone the land, it simply includes it for consideration.
 - (e) Nanarup Road and the Kalgan River form ‘Hard Edges’ or boundaries to this style of subdivision.
 - (f) Statement of Planning Policy No. 11 does not provide for the creation of Special Rural lots less than 1 ha.
 - (g) Whether or not uniform shape and (small) size are desirable in an area of very high visual sensitivity.

Item 11.3.1 continued

- (h) Additional measures are required to prevent the intrusion of buildings and the ‘suburbanisation’ of the landscape.
14. The Department of Environment (formerly the Water and Rivers Commission) provided the following comments:
- (a) Development within the area needs to be undertaken in a manner which provides for increased protection of remnant vegetation, revegetation and minimises the risk of nutrient export into Oyster Harbour.
 - (b) Proposals should take into account the retention of the green backdrop to Oyster Harbour, in particular that land which is viewed from the Kalgan River.
 - (c) The proposal should demonstrate how lot size, density and alignment have regard to fragmentation of remnant vegetation.
 - (d) Revegetation of low lying areas and creek lines within the site is supported.
 - (e) Environmental setbacks are required from waterways and other sensitive areas including land with poor capability and low lying land.
15. Based on advice received from the Department for Planning and Infrastructure and the Department of Environment as well as an assessment made by Council Officers, it is considered that the proposal is not acceptable and that Council should advise the applicant accordingly.

RECOMMENDATION

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

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING- 19/08/03

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DEVELOPMENT SERVICES REPORTS



Department for Planning and Infrastructure
Government of Western Australia

Great Southern Office

Ground Floor, Coach House, York Street, Albany, Western Australia 6330
Tel: (08) 9841 8122 Fax: (08) 9841 8304 www.dpi.wa.gov.au

CITY OF ALBANY - RECORDS	
FILE:	A66969A
DOC:	I307180
17 JUL 2003	
OFFICER:	PP01
Attach:	

Fax

TO: City of Albany
Richard Hindley
FAX No:

FROM: Georgina Folvig
TEL No: 9841 8122

DATE: 17 July 2003
PAGES
(Including
this one):

MESSAGE:

Scheme Amendment Request No. 53 - Rezoning of Lot 6 and Part Location 53 Nanarup Road, Lower Kalgan from Rural to Special Rural

With reference to the above, it is recommended that the City has regard for the following comments in considering the proposed Amendment:

- i) The Western Australian Planning Commission's Statement of Planning Policy No.11 - Agricultural and Rural Land Use Planning does not provide for the creation of rural residential lots less than 1ha;
- ii) Whether lots of uniform shape and (small) size are desirable in an area of very high visual sensitivity;
- iii) What other measures, in addition to design controls, eg. building envelopes/building exclusion areas, may be required to prevent intrusion of buildings and "suburbanisation" of the landscape;
- iv) Appropriate measures to reduce visibility of access roads, driveways and other infrastructure; and
- v) The requirement of the Local Rural Strategy for consultation with Agriculture WA before any more intensive development is considered on this land.

Should you wish to discuss any of the above, please call me on 9841 8122.

Regards


Georgina Folvig
Planning Officer

Please call Tel: (08) 9841 8122 if this message is illegible or incomplete. Please tick We will forward the original documents by mail for your files.

UNINTENDED RECIPIENTS: The contents of this facsimile (including attachments) are confidential. Copying, dissemination, publication or other use of the contents is prohibited. If you are not the addressee please telephone immediately and then destroy the document. Reverse charges for the telephone call will be accepted. Thank you.

DEVELOPMENT SERVICES REPORTS



Department of Environmental Protection
Water and Rivers Commission

Amalgamating to form the Department of
Environment, Water and Catchment Protection

Your ref:	A66969A
Our ref:	SC78865
Enquiries:	Nicolie Sykora
Direct tel:	(08) 9841 0102
SEARCHED	INDEXED
SERIALIZED	FILED
AUG 22 2003	
OFFICE:	PP01
APPROX:	

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

RE: SCHEME AMENDMENT REQUEST LOT 6 & PT LOC 53 NANARUP RD., LOWER KALGAN

Attention: Richard Hindley

Dear Sir,

Thank you for providing the opportunity to provide comment on SAR 53. The Department of Environment (DoE) would like to provide the following advice.

1. Oyster Harbour

- The subject land falls within the Oyster Harbour Catchment Planning Precinct. Development within this area needs to be undertaken in a manner which provides for increased protection of remnant vegetation, revegetation and minimises the risk of nutrient export into Oyster Harbour.
- Planning measures are required to ensure proposed development including intensive agricultural activities do not result in increased nutrient export to waterways and Oyster Harbour. As such the DoE advise that development applications for intensive agriculture should be referred to the Department.

2. Local Rural Strategy

- Proposals within land east of Oyster Harbour should be compatible with the Local Rural Strategy's draft policy provisions for the Oyster Harbour Precinct area which relate to the retention of the green backdrop to Oyster Harbour and particularly that land which is viewed from the Kalgan River.
- The DoE is supportive of the City of Albany's inclusion of a rural policy within the Local Rural Strategy which restricts the inclusion of residential development within remnant vegetation areas.

3. Land Use Compatibility

- The proposed intensive agricultural land use is considered incompatible within residential areas.

4. Vegetation Protection

- The proposal should address how rezoning will protect significant areas of remnant vegetation within the site.
- It is suggested that the possibility of excluding remnant vegetation areas to the north east in preference to the south west be considered as part of the proposal, to afford better protection of remnant vegetation.

DEVELOPMENT SERVICES REPORTS

- The proposal should demonstrate how lot size, density and alignment has regard to avoiding fragmentation of remnant vegetation.

5. Waterways Protection

- Revegetation of low lying areas and creeklines within the site is supported.
- Development and environmental setbacks are required from the subject land's waterway.

6. Land Capability

- Development and environmental setbacks are required from other sensitive areas including land with poor capability and low lying land.
- The DoE is supportive of the protection and rehabilitation of degraded areas including salt affected and waterlogged land. It is suggested that these areas should be avoided for use for roads, buildings or cultivation.

If you should have any further queries regarding this matter, please do not hesitate to contact me on 9841 0102.

Yours faithfully,



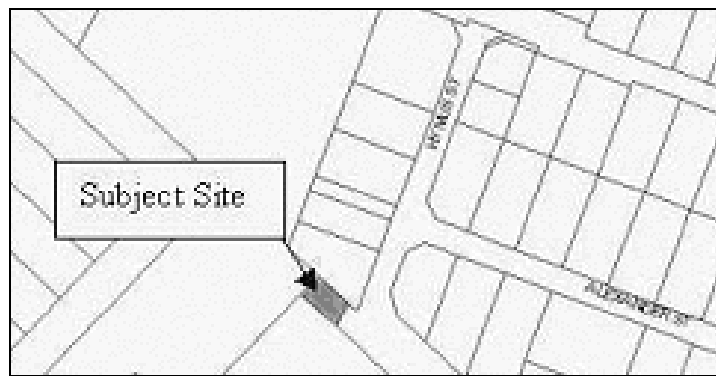
**CHRIS GUNBY
A/REGIONAL MANAGER
WATER AND RIVERS COMMISSION**

21 July 2003

s:/staff/ns/planning/A66969A.doc

11.3.2 Dedication of Reserve 33610 Moir Street, Albany

File/Ward	: A90067 (Fredrickstown Ward)
Proposal/Issue	: Dedicate Reserve as a public road
Subject Land/Locality	: Reserve 33610 Moir Street, Albany
Proponent	: City of Albany
Owner	: Water Corporation
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Reserve be dedicated as a public road
Bulletin Attachment	: Nil
Locality Plan	:



Item 11.3.2 continued

BACKGROUND

1. At the corner, where Moir Street turns into Hymus Street, there is a bitumen driveway which provides access into the Great Southern Regional Office of the Department of Conservation and Land Management. That driveway has been constructed across Reserve 33610 Moir Street. The Reserve is currently vested with the Water Corporation and is surplus to that Department's requirements.
2. Reserve 33610 has a total area of 179 square metres and the Water Corporation has approached a number of Government agencies to determine if those agencies would like to assume the management order for the Reserve. The Department of Planning & Infrastructure (previously DOLA) also approached the City of Albany seeking advice on the capacity of the Department to convert Reserve 33610 into a freehold title and to dispose of that land.
3. Within Reserve 33610 is the access driveway to the Department of Conservation and Land Management's Regional Headquarters, as well as City of Albany outfall drainage pipes which connect Albany Highway to Hymus Street. Objections to the freeholding of the Reserve were lodged with the Department of Planning & Infrastructure by CALM and the City of Albany; the dedication of the Reserve as a public road was seen as the most efficient way of dealing with the Reserve and protecting the infrastructure contained therein.

STATUTORY REQUIREMENTS

4. Section 56 Part 1 of the Land Administration Act 1997 states that:

“56 (1) – If in the district of a local government:

(a) land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government

and that land is described in a plan of survey, sketch plan or document, the local government may require the Minister to dedicate that land as a road”.

5. Section 56 (4) also reads:

“56 (4) – on the Minister granting a request the relevant local government is liable to indemnify the Minister against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request”.

Item 11.3.2 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The Land Administration Act requires that the local government indemnify the Minister against any costs associated with the dedication of the public road and it is only reasonable in this instance that either the Water Corporation, who are seeking to divest themselves of the land, or the Department of Conservation and Land Management, who require access to their Albany Highway property, should bear any costs imposed upon the City of Albany by the Department.
8. The dedication of Reserve 33610 as a public road provides greater levels of protection and access to the City of Albany's drainage system located upon the current Reserve. In accepting the proposed dedication, Council may also be held liable for the ongoing care and maintenance of the CALM access way. However, the driveway is little more than a verge crossing and could be treated as such by Council.

STRATEGIC IMPLICATIONS

9. At a time when Council is being forced to critically analyse its road inventory and to shed non core assets, it could be argued that the dedication of a Crown Reserve as a public road would run counter to current strategic thought processes. As mentioned earlier, there is some advantages to the City of Albany to dedicate this Reserve as a road and there are also some implications.
10. The 179 square metre parcel of land has insufficient area to be treated as an independent lot. The Department of Conservation and Land Management sees no benefit in amalgamating the two Reserves; Council would still retain an interest in their drainage system located on the Reserve.

COMMENT/DISCUSSION

11. Currently Reserve 33610 has insufficient lot area, existing infrastructure and inter-departmental interests which dictate that the future use of the Reserve is restricted. The Department of Planning & Infrastructure has endeavoured to find an appropriate solution to the impasse created by the government agencies. The only logical solution that has been offered is for the Reserve to be dedicated as a public road.

Item 11.3.2 continued

RECOMMENDATION

THAT;

- i) Council pursuant to Section 56 (1) of the Land Administration Act 1997 request the Minister for Lands to dedicate all of the land contained within Reserve 33610 as a road; and**
- ii) Council advise the Department of Conservation and Land Management and the Water Corporation that any costs incurred by the City of Albany as a result of the Department of Planning & Infrastructure dedicating Reserve 33610 as a road shall be borne by those Departments as they are likely to be the prime beneficiary of the dedication process.**

Voting Requirement Simple Majority

.....

11.3.3 Final Adoption of Local Planning Policy – Signs, Hoardings and Bill Posting

File/Ward	: MAN 047 (All Wards)
Proposal/Issue	: Local Planning Policy – Signs, Hoardings & Bill Postings
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Development (M Selby)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Summary Recommendation	: That Council adopt the Local Planning Policy.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. The Hon. Minister for Planning and Infrastructure recently granted approval to gazette Amendment 131 to Town Planning Scheme No 1A and Amendment 221 to Town Planning Scheme No 3, which, amongst other things, modified the exempted development clause associated with these Schemes. The modification to the relevant clause (Town Planning Scheme No 1A clause 7.1 and Town Planning Scheme No 3 clause 5.1), has created a situation where a Planning Scheme Consent is required for all Signs within the City area, whilst the Sign by-laws for the former Town and Shire have certain exemptions. This has created an unworkable situation for the sign industry.
2. In 2001, Council adopted a new Local Law for Signs, however this has not been through the full process for gazettal and hence is not operational.
3. In June and July 2003, Council advertised the draft Local Planning Policy for a three week period in accordance with the relevant clauses of the Town Planning Scheme.

Item 11.3.3 continued

STATUTORY REQUIREMENTS

Town Planning Schemes 1A & 3

4. The relevant clauses of the Schemes are:

Clause 7.1 in Town Planning Scheme No 1A reads as follows:

“7.1 Requirement for Approval to Commence Development

Subject to clause 7.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the Scheme.

Note:

- 1 The planning approval of the Council is required for both the development of land (subject of this Part) and the use of land (subject of Part III).*
- 2. Development includes the erection, placement and display of any advertisement.”*

Clause 5.1.1 in Town Planning Scheme No 3 reads:

“5.1.1 Requirement for Approval to Commence Development

Subject to clause 5.1.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Council. A person must not commence or carry out any development without first having applied for and obtained the planning consent of the Council pursuant to the Scheme.

Note: 1 - The planning approval of the Council is required for both the development of land (subject of this Part) and the use of land (subject of Part III).

Note: 2 - Development includes the erection, placement and display of any advertisement.”

5. Neither Town Planning Scheme has identified signs as a “Permitted Development” and there is no capacity for an individual to erect any sign without having first gained Planning Scheme approval from Council.
6. The proposal is to create a Local Planning Policy under the Schemes, which relates to the following clauses:

Item 11.3.3 continued

Town Planning Scheme No 1A:

“7.21 Power To Make Policies

7.21.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme area and relating to one or more of the aspects of the control of development.

7.21.2 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.”*

Town Planning Scheme No 3

“6.9 Power To Make Policies

6.9.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the Control of Development.

6.9.2 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.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- (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.”*

7. Local Government Act 1995

Council is operating By-Laws for the former Shire and Town area for the control of Signs, Hoardings and Billposting. These By-Laws provide certain exemptions where Council approval is not required to erect a sign. The former Town By laws exempts the following:

- *A sale sign not exceeding 1 square metre in area;*
- *A plate not exceeding 0.6 square metres in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;*
- *An advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;*
- *A sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m²;*
- *The name and occupation of any occupier of business premises painted on a window or wall of those premises;*
- *Signs within a building;*
- *Signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the Council for the purpose of displaying public notices for information;*
- *Building name signs on residential flats or home units where they are of a single line of letters not exceeding 600mm in height, fixed to any facade of the building;*
- *Newspaper posters*
- *A Sign Painted directly on to the outer or return fascia of a verandah.*

8. The By-Law in the former Shire exempts the following signs:

- *A Sale sign*
- *A plate, not exceeding 1860 square centimetres in area, erected, or affixed, on the street alignment, or between that alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises;*
- *Of an area not exceeding 3700 square centimetres and is affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation.*

Item 11.3.3 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 10. Council will not gain revenue with these proposed exemptions, however the expected income levels would be minimal.

STRATEGIC IMPLICATIONS

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

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

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

- To support local investment through the professional & expedient delivery of development approval processes and by providing guidance, which protects Albany's natural environment, heritage and uniqueness.

COMMENT/DISCUSSION

- 13. The policies were advertised with no comments being received. The Policy now needs to be adopted so Council can official start using it.

RECOMMENDATION

THAT Council adopt Local Planning Policy Number 1 – Signs, Hoardings and Bill Posting dated June 2003 pursuant to clause 7.21 of Town Planning Scheme No 1A and clause 6.9 of Town Planning Scheme No 3.

Voting Requirement Simple Majority

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Item 11.3.3 continued



**LOCAL PLANNING POLICY
SIGNS, HOARDINGS AND BILL POSTING
JUNE 2003**

1. PURPOSE OF POLICY

To establish exemptions under the Council's, Town Planning Scheme 1A and 3, which are consistent with the exemptions to outlined in the Shire and Town's By-laws.

This policy has been made in accordance with clause 7.21 of Town Planning Scheme No 1A and clause 6.9 of Town Planning Scheme No 3. The Policy does not bind the Council in respect of any application for Planning Scheme Consent, but Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2. OBJECTIVES

To facilitate development which is exempt from the Council approval process and make the erection of a sign easier for the development/business community.

3. EXEMPTED SIGNS

The following signs under Town Planning Scheme No 1A, are exempt from gaining Planning Scheme Consent:

- A sale sign not exceeding 1 square metre in area;
- A plate not exceeding 0.6 square metres in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- An advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- A sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2m²;
- The name and occupation of any occupier of business premises painted on a window or wall of those premises;
- Signs within a building;
- Signs not larger than 0.7m x 0.9m on advertising pillars or panels approved by or with the consent of the Council for the purpose of displaying public notices for information;
- Building name signs on residential flats or home units where they are of a single line of letters not exceeding 600mm in height, fixed to any facade of the building;
- Newspaper posters;
- A sign painted directly on to the outer or return fascia of a verandah.

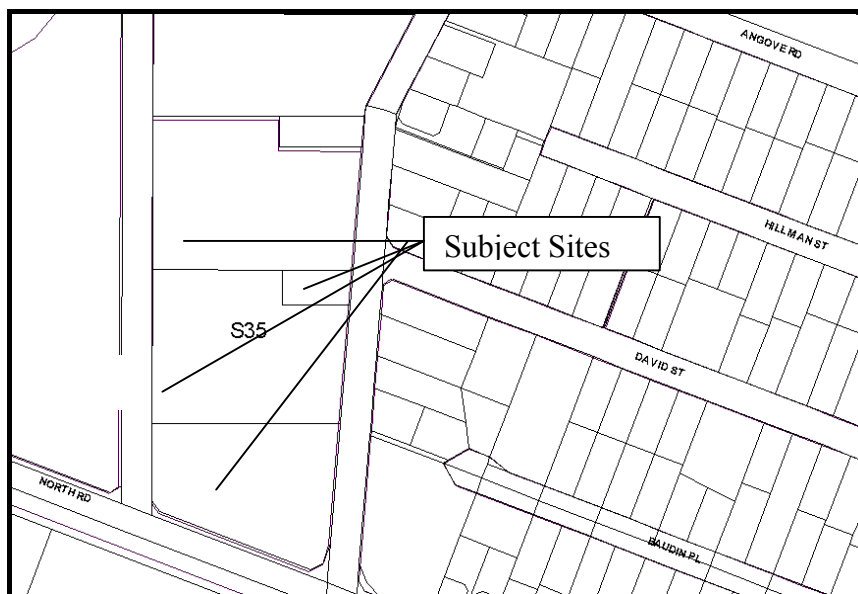
The following signs under Town Planning Scheme No 3, are exempt from gaining Planning Scheme Consent:

- A Sale sign;
- A plate, not exceeding 1860 square centimeters in area, erected, or affixed, on the street alignment, or between that alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises;
- Of an area not exceeding 3700 square centimeters and is affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation.

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11.3.4 Proposed Variation to Urban Design Guidelines Policy – Lifestyle Village

File/Ward	: A181400 (Yakamia Ward)
Proposal/Issue	: Proposed Variation to Urban Design Guidelines Policy – Lifestyle Village
Subject Land/Locality	: Lots 9, 10, 11 & 70 Cnr Ulster Road & North Rd, Yakamia
Proponent	: J-Corp Pty. Ltd.
Owner	: Gabco Investments & Hasler Community Development
Reporting Officer(s)	: Planning Officer (W Carter)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Delegate to the Manager of Development Services to issue Planning Scheme Consents for variation to Design Guidelines regarding Pergolas.
Bulletin Attachment	: Nil
Locality Plan	:



Item 11.3.4 continued

BACKGROUND

1. Council has received an application for a pergola at 1 – 25 Ulster Road Yakamia.
2. The site is zoned “Residential R30 Special Site”.
3. The “Design Guidelines for Proposed Lifestyle Village” state under part 3.5.9, that pergolas “are to be of a standard timber post, beam and rafter detail and will be permitted to be enclosed. Translucent roof sheeting and/or shade cloth only will be permitted”.
4. The application proposes a mixture of colorbond and translucent materials, with at least 50% being translucent (see attached plan).

STATUTORY REQUIREMENTS

5. The construction of a pergola is permitted under the Town Planning Scheme.

POLICY IMPLICATIONS

6. Staff have no delegation to vary the Urban Design Guidelines Policy which can only be varied with the consent of Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

9. Staff consider this variation to be of a minor nature and will not detract from the development. By ensuring that at least 50% of the materials will be translucent, the variation will still allow for natural lighting to enter the units and hence allow solar heating, in accordance with the purpose of the Design Guidelines.
10. Staff consider that any application for pergolas, consisting of at least 50% translucent material should be considered to comply with the policy.

Item 11.3.4 continued

RECOMMENDATION

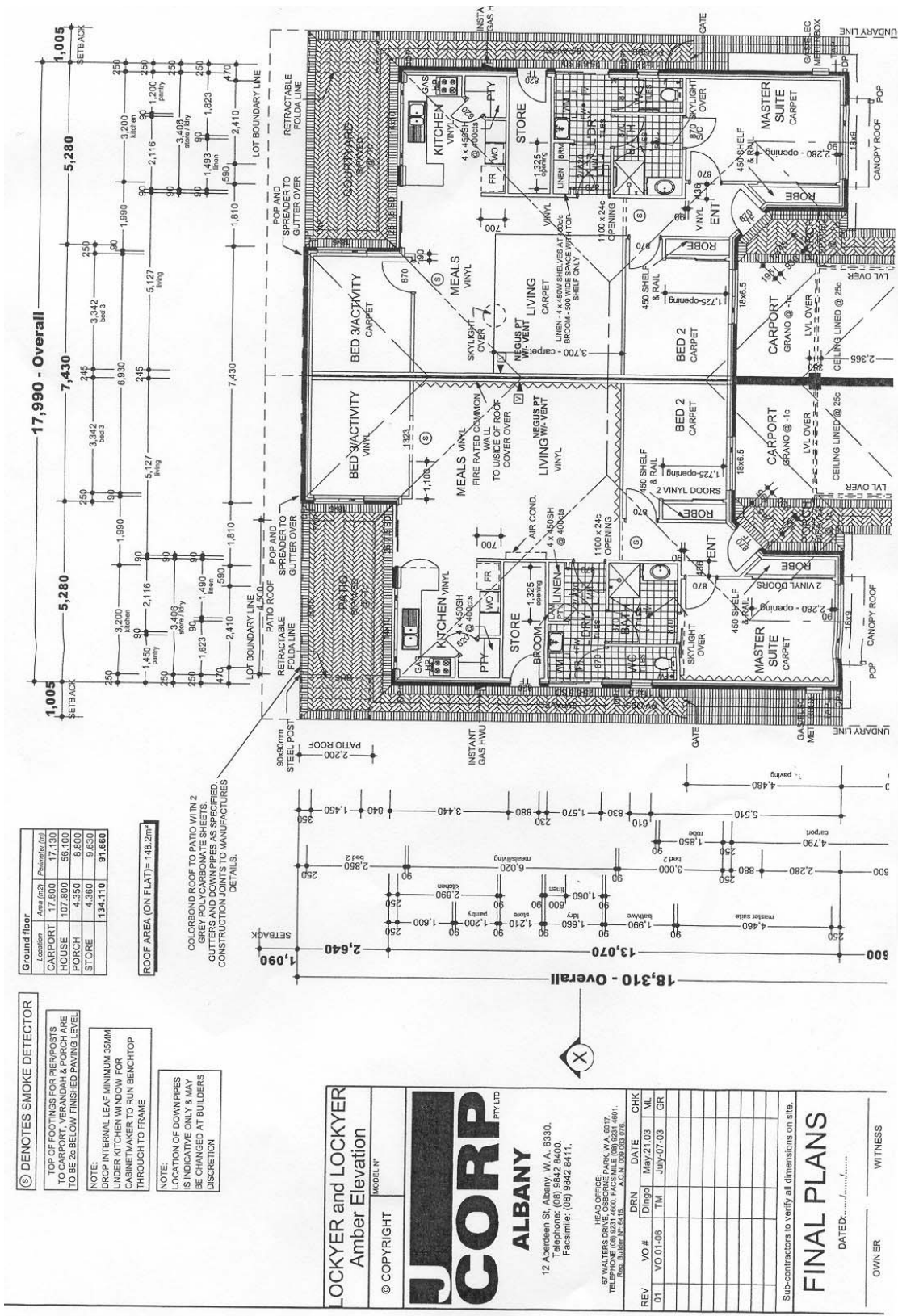
THAT Council pursuant to Clause 7.21 of the City of Albany Town Planning Scheme No. 1A delegate to the Manager of Development Services authority to grant approval to applications for Pergolas for lots 9, 10, 11 and 70 Ulster Road (Cnr North Road) to be constructed with no less than 50% translucent roofing material.

Voting Requirement Absolute Majority

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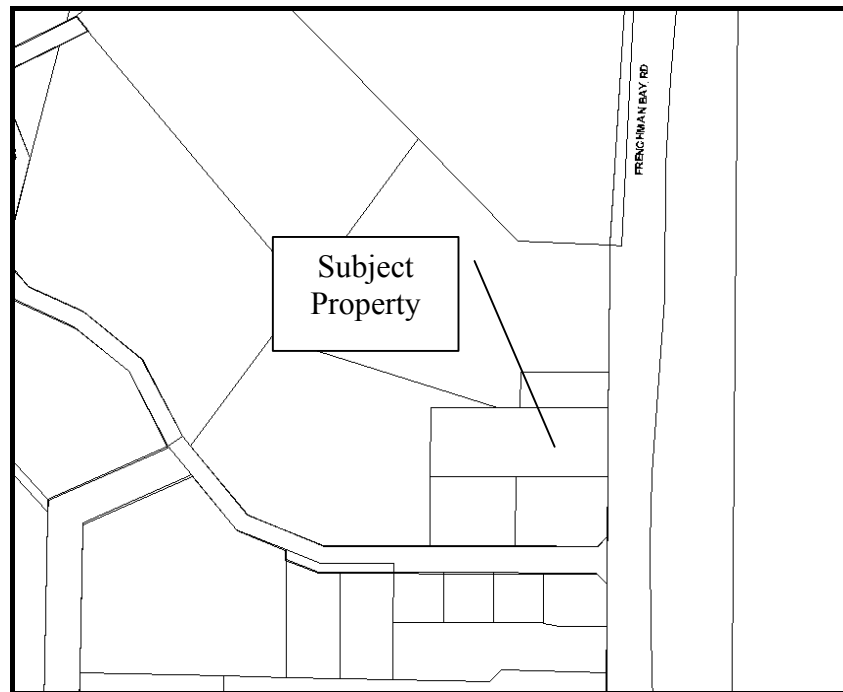
Item 11.3.4 continued



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11.3.5 Proposed Museum – Nautical and Australian Theme

File/Ward	: A33584 (Vancouver Ward)
Proposal/Issue	: Proposed Museum – Nautical and Australian Theme
Subject Land/Locality	: Lot 21, 314 Frenchman Bay Road, Robinson
Proponent	: Don Phillips & Karen Saare
Owner	: Karen Saare
Reporting Officer(s)	: Planning Officer (W Carter)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Refuse the application
Bulletin Attachment	: Statement in support of application
Locality Plan	:



Item 11.3.5 continued

BACKGROUND

1. Council has received an application for a Museum – Nautical and Australian Theme.
2. It is proposed that the applicant will display goods and also have some goods for sale on the premises (see attached plans).
3. The site is zoned “Residential Development”.
4. The applicant currently has approval to run a “Home Occupation (Mail Order Business) from the property.
5. Staff advertised the proposal and received 3 objections to the proposal.

STATUTORY REQUIREMENTS

6. The use “Museum” is an “AA” use under Town Planning Scheme 3, meaning that it is a use “that is not permitted unless the approval of the Council is granted” following advertising of the application in accordance with the Town Planning Scheme.
7. The land use “Shop” is an “A” use under the scheme, meaning a use “that is not permitted unless the approval of the Council is granted”.
8. Staff have treated the application as a “Museum” as it most aptly describes the land use to be approved.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

12. Staff have examined the objections raised and find the main points of concern are as follows:

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Item 11.3.5 continued

- a. The incremental expansion and intensification of business in a Residential Development zone;
 - b. The increase in traffic in the area and potential for accidents;
 - c. The loss of privacy to neighbours resulting from increased traffic and visitors;
and
 - d. Location and provision of parking.
13. The applicant has responded to these concerns, stating the following:
- a. The applicant believes that the use should be allowed as it is in keeping with other tourist oriented businesses along the route and is a land use which Council can approve in this zone.
 - b. The applicant stated that the museum would only be attracting people already travelling Frenchman Bay Road. The business would capitalise on an existing tourist route.
 - c. As the proposed museum would be low impact with only a few visitors at a time and no organized tour groups, there would be little noise associated with the use. The viewing of goods in the museum is more of a passive activity.
 - d. The applicant has stated that parking would be contained out the front of the property, rather than behind. As such there would be limited noise behind the front area of the building.
14. Staff are concerned that incremental expansion of the business may occur within the boundaries between the home occupation and the museum blurring over time. The previous approval for Home Business was for Mail Order items relating to Nautical and an Australian theme. Staff believe that the displaying and selling of these goods would be more appropriate in a Commercial or Local Shopping zone.
15. There is currently no structure plan in place for the area. As such, Staff are unable to assess the impact of this activity on this area.
16. During an on-site inspection, staff noted that the oversize shed previously approved by Council was currently being used to store items for the proposed museum and shop. This is contrary to the approval which only allowed for domestic storage.
17. Staff's concern is mainly in regard to the approval of a retailing activity in this location. If approval is given for this use, further intensification of retailing activities may occur, outside the intention of the application.
18. Staff are also of the opinion that intensification and introduction of new businesses would impact adversely on the amenity and purpose of the zone.

Item 11.3.5 continued

RECOMMENDATION

THAT Council resolves to issue a refusal to the application to establish a Museum-Nautical and Australian Theme on Lot 21 Frenchman Bay Road, Robinson, on the following grounds:

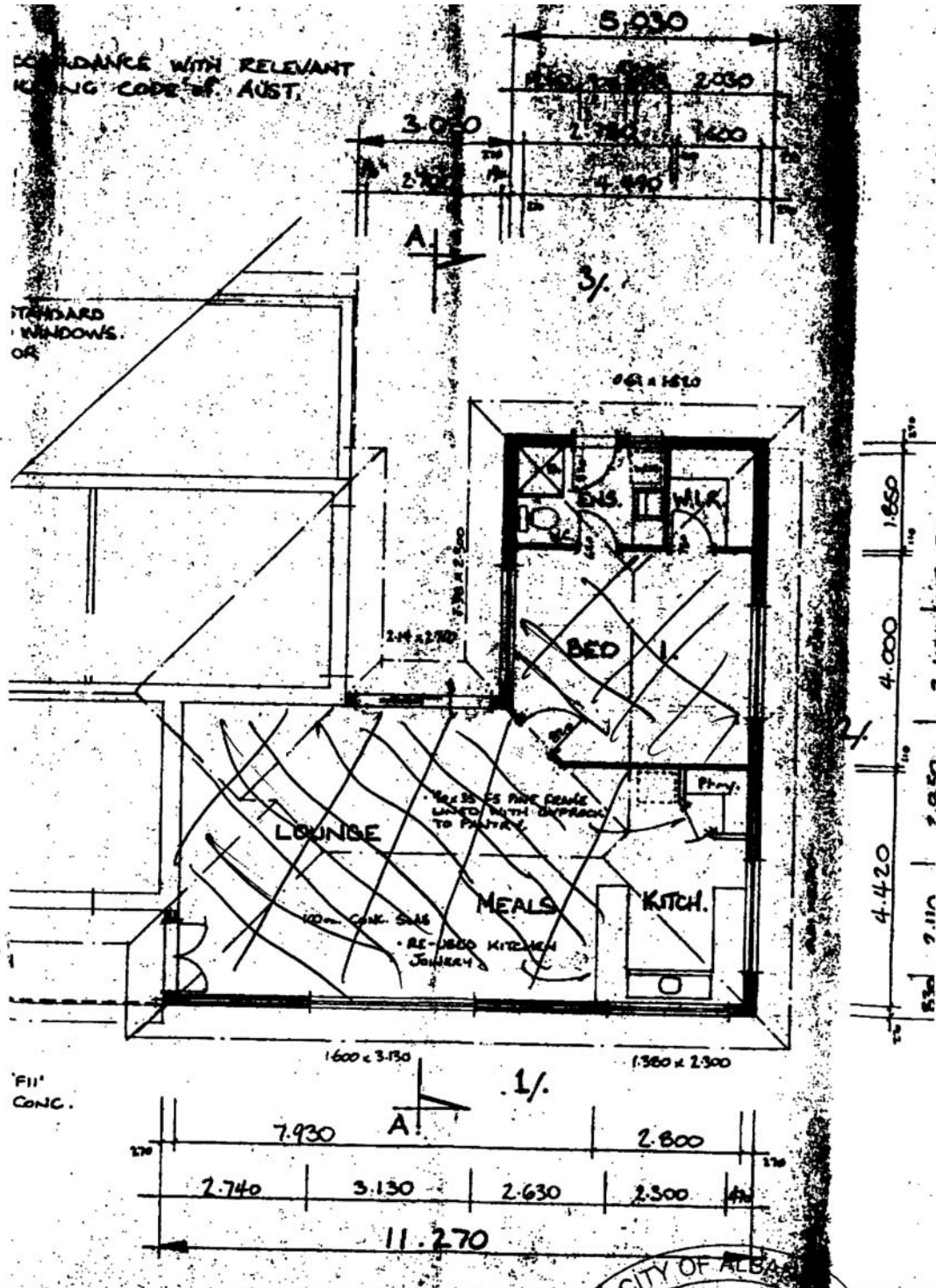
- i) the application does not comply with good and proper planning of the locality; and**
- ii) it is an inappropriate use for the area as it is predominantly residential in nature.**

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING- 19/08/03
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.3.5 continued



11.3.6 Catalina Central – Finalising Structure Plan and Amendment 220

File/Ward	: STR 049 and AMD 220 (Yakamia Ward)
Proposal/Issue	: Finalisation of Catalina Central Structure Plan and Amendment 220 to Scheme 3.
Subject Land/Locality	: Lots 6, 7, 8, 12, 13, 39, 40, 101 and 293 Chester Pass, Catalina and Mercer Roads, Lange
Proponent	: Taylor Burrell Barnett
Owner	: Kingopen Pty. Ltd
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Family member is a casual employee at K-Mart
Previous Reference	: OCM 17/06/03 Item 11.3.2 OCM 18/02/03 Item 11.3.1 OCM 18/02/03 Item 11.3.3
Summary Recommendation	: Council reiterate maximum floor space of 5,000 sqm NLA
Bulletin Attachment	: Minister’s Press Release Extracts from Structure Plans
Locality Plan	: Nil

BACKGROUND

1. At a press conference, held at the Farm Fresh Shopping Centre on the 4th August 2003, the Minister for Planning and Infrastructure announced that she had “conditionally approved” an amendment to the City of Albany Town Planning Scheme 3 which would see 17 hectares of “Rural” land at Catalina Central rezoned. A copy of that announcement follows this report.
2. A meeting between the proponent, the owners, a representative of the Minister’s office, staff from the Department of Planning and Infrastructure (DPI) and the Executive Director of Development Services was also held in Perth on the 30th July 2003 to resolve the final wording of the clauses to be inserted into Scheme 3. That meeting was unable to reach a satisfactory conclusion on one aspect of the Catalina Central development and I undertook to report back to Council on the issue of office developments at Catalina

Item 11.3.6 continued

Central; all other components of the amendment process have been agreed upon and the documentation relating to those areas could be executed immediately.

STATUTORY REQUIREMENTS

3. The Minister had previously instructed Council to undertake final modifications to the amending documents and Council has responded with a request that she review the wording of the final scheme clauses to ensure the administration of the scheme will not be compromised. The Minister is in control of the scheme during this stage of the amending process and she has the discretion to reject Council's request, accept the modifications or she can send the modifications back through an advertising and assessment process if she feels that the changes warrant Western Australian Planning Commission (WAPC) or public input. No time limits are imposed upon the Minister to make her decision.

POLICY IMPLICATIONS

4. It is unusual for Council to question the Schedule of Modifications provided by the Minister. In this instance, staff were concerned that, had the Minister's instructions been followed explicitly, the final scheme clauses would have been confusing to administer and considerable time would have been invested in the Planning Appeals Tribunal arguing over the level of development permitted on the Catalina Central site and upon Mixed Business zoned lots.

FINANCIAL IMPLICATIONS

5. The owners are frustrated by the delays in finalising both the scheme amendment and the Catalina Central Structure Plan. Their development application for the new Neighbourhood Centre and Petrol Station cannot be processed until appropriate planning controls exist to assess those applications and the zoning accommodates the uses.

STRATEGIC IMPLICATIONS

6. It is easy to look at both the Catalina Central amendment and the Structure Plan in isolation in an attempt to progress a planning solution that meet the needs of Kingopen Pty. Ltd. and the perceived market demands.
7. Amendment 220 will put in place a "Mixed Business" zone which is likely to ultimately be inserted into the new District Town Planning Scheme and apply to lots fronting Chester Pass Road and Albany Highway. Therefore, the new zone needs to have appropriate clauses to ensure consistency of approach and compliance with strategic objectives beyond Catalina Central.

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

8. The Catalina Neighbourhood Shopping Centre will be introduced to this site as an “Additional Use” and the scheme provides a mechanism where the extent of that additional use can be specified. For example, the existing Farm Fresh Shopping Centre can only be developed to the floor space limits and with the activities that are specified in the Additional Use provisions currently contained in Scheme 3. If, for commercial reasons a landowner decides not to develop the “special project” on a site which enjoys an Additional Use classification, the underlying zone provisions apply (in this case, any other developments would have to be consistent with the proposed Mixed Business zone provisions).

COMMENT/DISCUSSION

9. Councillors have received numerous reports on the development of this site, with staff assuming a high level of understanding of the issues and processes. From a community perspective, newspaper coverage on the planned Catalina development has been very misleading, with repeated headlines indicating that Council has given the go ahead for development, rezoning, etc. With the present information flow, it is therefore not surprising that the general public is concerned with the planning process and questioning why earthworks have not already commenced on-site. I therefore wish to take this opportunity to summarise the planning of Catalina Central and to, hopefully, provide a forum where Council can develop a consensus position on strategic planning for neighbourhood shopping centres.

Council Decisions;

10. 10th March 1999 – A draft concept plan for the Catalina Local Structure Plan was submitted to the Commissioners for the City of Albany.
11. 1st June 1999 – Council agreed to advertise the draft Catalina Local Structure Plan subject to modifications requiring the term “town centre” being removed, the objectives and definitions for the mixed business zone being included, justification being sought on the retail floor space being requested and reference to a possible Council office on-site being removed from the draft documents. The concept plan is attached to this report.
12. 14th December 1999 – Council adopted draft Catalina Local Structure Plan as a policy document subject to justification of the retail floor space proposed, the text being redrafted to ensure it was a more generic policy document, standard definitions for land uses being developed and some other minor matters.
13. 5th September 2000 – Final Catalina Local Structure Plan document adopted by Council (with some minor editorial changes required). Council also resolved that it would be prepared to receive amending documents to Scheme 3 with several notations, including requirements that office and shop uses in

DEVELOPMENT SERVICES REPORTS

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the proposed Mixed Business Zone should be limited to a maximum floor space of 200 sq.m., the retail floor space in the neighbourhood centre should conform to the Commercial Strategy Review and detailed traffic modelling was required.

14. 23rd January 2001- Council resolved to initiate the amendment and proceed to public advertising.
15. 26th June 2001 – Council resolved to receive the submissions on the amending documents and to recommend final approval for Amendment 220. Documents forwarded to the Minister for final approval and gazettal.
16. 16th October 2001 – Proponent submitted request to modify the adopted Catalina Local Structure Plan to create the Catalina Central Structure Plan. Council laid request on table to allow proponent opportunity to provide detail on six matters. Included was a notation that the proposed land uses showed retail floor space that is substantially greater than permitted in Amendment 220.
17. 18th March 2003 – Council conditionally resolves to advertise the draft Catalina Central Structure Plan as an amendment to its previous policy. Eight requirements were listed including a requirement that a consolidated document be prepared which was consistent with the amending documents and the detailed traffic analysis. A copy of the draft plan is attached.
18. 17th June 2003 – Council considered the submissions on the Catalina Central Structure Plan and resolved to adopt the plan as a Council policy subject to the EDDS ensuring the Plan is consistent with the scheme provisions (ie. Amendment 220). Council also received the schedule of modifications for Amendment 220 from the Minister. It was resolved to raise concerns over the wording of the floor space limits on the Neighbourhood Shopping Centre with the Minister and to modify the controls on office floor space in the Mixed Business zone.

Approval Processes

19. In a perfect situation, decisions would be taken on preferred development option for the subject land and that land would be rezoned for the intended purposes. Issues such as off-site traffic impacts, availability of services, broader strategic planning impacts and compatibility with adjoining land uses are considered at this time.
20. Following gazettal of the amendment, more detailed site planning would then be undertaken to identify how the activities and buildings would look and function on the site. This process would identify any policy or development control gaps and Council would respond by developing an appropriate policy

Item 11.3.6 continued

response. The policy would remain a subordinate mechanism to the scheme and it should not contain provisions which conflict with the scheme.

21. Now that the development “ground rules” are in place, the proponent would be able to approach Council with confidence that the architectural drawings produced for the site can be measured against quantifiable standards and known ground rules. A development application and a building licence can be sought at this stage.
22. Council is currently faced with a situation where;
 - it is questioning the Minister over the final wording in the Scheme amendment;
 - it has granted conditional final approval for the Catalina Central Structure Plan (staff cannot finalise that process until the Scheme is amended); and
 - there is a development application sitting on the planning officer’s desk which cannot be assessed because the development control provisions still remain unclear.
23. Staff wish to verify that, on the 16th January 2002, Council had granted conditional approval for the Aged Persons’ Village on “Rural” zoned land. The building licenses for units can be issued upon lodgement of the appropriate plans and specifications by the proponents and that process is not hindered by Amendment 220. However, to develop the Aged Persons’ Village, a new title needs to be created and the Western Australian Planning Commission has imposed requirements on the approval for the new title which were unreasonable to the proponents. That matter is currently being resolved with the Planning Appeals Tribunal.

Amendment 220:

24. **Floor Space within Neighbourhood Centre:**
Following the advertising period for this amendment, Council provided its conditional final approval to the amending document and advised the Minister accordingly. The “Special Conditions” in the amendment documents submitted to the Minister relating to the Additional Use site states ***Neighbourhood Centre 5,000 sq.m. maximum shop NLA***. The Minister, through her schedule of modifications at point 6, advised Council on the 10th June 2003 that the condition should be modified to read ***Neighbourhood Centre 5,000 sq.m. maximum NLA***.
25. On the 17th June 2003, Council resolved to raise its concerns over the modifications being promoted by the Minister. With the land use class of “SHOP” to become a Prohibited land use in the Mixed Business zone, and because Scheme 3 did not contain a definition for “Neighbourhood Centre”, staff saw a situation arising where a neighbourhood centre could be developed on the land but shops could not be set up in that centre. Council’s suggestion

Item 11.3.6 continued

to the Minister was that the words should read ***Neighbourhood Centre (with uses as defined in SPP 9) 5,000 sq.m. maximum shop NLA.***

26. The DPI staff advised the ‘Perth meeting’ on the 30th July 2003 that the WAPC was concerned with the initial wording of the amendment because it provided for multiple shops, each up to 5,000 sq.m. in area, to be developed as the neighbourhood centre. The Minister required the wording within the amendment to also be altered to include an additional provision which reads ***Development of a Discount Department Store is not permissible.***
27. The proponent contends that Council has continually sought to restrict and relate floor space in the Neighbourhood Centre to “retail” activity. The proponent further contends that the Catalina Central Structure Plan adopted by Council clearly reflects Council’s intention that office floor space be considered in addition to or separate from the retail activity (refer to my latter comments). Furthermore, they highlighted that the Commercial Centres Strategy does not model or deal with office space as a function of retail activity and they consider some small scale office developments as being acceptable land uses adjacent to local and neighbourhood centres. After further discussion, a maximum of 500 sq.m. of office space was considered acceptable to the landowner.
28. Officers of the DPI, plus the Minister’s representative at the meeting on the 30th July 2003 considered that the planning of the office space was a local issue. Therefore, it was necessary for Council to bring forward to the Minister a request that the Neighbourhood Centre provisions read ***Neighbourhood Centre 5,000 sq.m. maximum retail NLA with 500 sq.m. maximum office NLA.*** The Owners are prepared to enter into an agreement with Council to restrict office development to the 500 sq.m. allocated within the building for that purpose and to draft tenant’s leases to require consultation with Council prior to fitting out the leased areas.
29. Acting on Council’s instructions, the EDDS advised the meeting that Council considered the Neighbourhood Centre should be 5,000 sq.m. NLA and that all retail and office development should be contained within that floor space. This is consistent with Council’s response to submission 32 to the Amending documents where Council’s comment states *“the amendment limits retail to a neighbourhood centre with a maximum of 5,000 sq.m. NLA, plus no more than 200 sq.m. floor space each for shops and for offices. This is not to be a major shopping centre and office development.”*
30. *Offices Within Mixed Business Zone:*
Another issue drawn to the Minister’s attention by Council on the 17th July 2003 was the levels of office development that were capable of being introduced into the Mixed Business zone by the draft amendment. The draft amendment document read ***Without the special approval of Council, ‘Shop’ and ‘Office’ developments greater than 200 sq.m. in area are precluded***

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Item 11.3.6 continued

from the Mixed Business zone. The zoning table then listed ‘Shop’ and ‘Office’ as “A” land uses in the zone, meaning that they could be approved at Council’s discretion. The Minister requested that this clause be modified to read ***Office developments greater than 200 sq.m. in area are precluded from the Mixed Business zone.*** The zoning table relating to ‘Office’ remained unchanged and ‘Shop’ was to become an ‘X’ use in the zone.

31. Council requested that the Minister consider modifying this clause to read ***Office developments greater than 200 sq.m. in area are precluded from the Mixed Business zone and all office developments are to remain incidental land uses to the predominant activities in the Mixed Business zone.*** There was agreement from all parties to the wording suggested by Council.

Strategic Planning;

32. Albany Commercial Strategy Review (2000)
The principle strategic planning document used by the Minister and Council, relating to shopping centre planning in Albany, is the Albany Commercial Strategy Review 2000. This document has been adopted by the WAPC as a Commission planning policy and all parties are required to give recognition to the strategy during their decision-making process. Throughout the strategy, reference is made to ***retail floor space*** with recommendations that ***neighbourhood centres have 3,500sq.m. NLA, but up to 5,000 sq.m. if warranted by demand and assessed as having no detrimental impact on existing or proposed retail centres.*** Kingopen Pty. Ltd. prepared an economic impact statement (EIS) for the Catalina Central Structure Plan area looking at the likely food and non-food retailing impacts of the additional floor space. That modelling was checked by the City’s modelling consultant and found to be acceptable, given the assumptions made in the model.
33. Planning for office developments on neighbourhood centre sites is an issue that has not been specifically addressed by Council in the past. Some tenancies within existing neighbourhood centres are occupied as offices. However, the overall floor space dedicated to this activity remains small. Almost all of the stand-alone office developments are located in the Central Business District (CBD) or in areas immediately adjoining the CBD. Most industrial premises also have an office associated with their primary industrial or showroom activity to process customer inquiries and to handle the company’s financial matters. This latter group will be accommodated in the proposed Mixed Business zone.
34. Staff question the desirability of setting up substantial office floor space (500 sq.m. is equivalent to the footprint of the existing York Street Council office) at neighbourhood shopping centres. Zoning has been put in place to accommodate those uses at Stead Road and immediately adjoining the CBD. With five identified Neighbourhood Shopping Centre sites (assuming a level playing field), approximately 2,500 sq.m. of office space would be relocated

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from the city centre to the suburbs and that floor space would be in addition to any retail activity that occurs on those sites.

35. A Health Centre and Consulting Rooms remain as discretionary land uses in the Mixed Business Zone.

Statement of Planning Policy SPP 9;

36. This WAPC policy document deals with metropolitan centres planning and is used as a guide throughout the state to reconcile conflicts with retail centres planning. The policy, at section 4.2.5 suggests that for neighbourhood centres *“shopping floor space should generally be confined to 4,500 sq.m. unless consistent with a Commission endorsed Local Planning Strategy.”*

37. At section 4.2.6, SPP9 addressed traditional “Main Street” centres by declaring *“Incentives are provided to promote traditional ‘main street’ development by allowing shopping floor space development to exceed the shopping floor space guide of this policy for the floor space specified in an endorsed Local Planning Strategy.”* Section 5.4 provides that a maximum of up to 1,000 sq.m. can be provided above the shopping floor space guide in a traditional main street centre.

38. Appendix 3 of SPP 9 deals with Office development at clause 2.1 and states *“Smaller scale office developments are encouraged in District Centres and Neighbourhood / Local centres. This type of development will need to be designed to be compatible with the scale and character of the centres and have regard to the residential amenity of the surrounding areas.”*

Amendment 226 to Scheme 3 and Amendment 127 to Scheme 1A;

39. Council has granted final approval to these amendments and they are currently before the Minister for Planning and Infrastructure awaiting approval and gazettal. Within the amendments are clauses which limit the **maximum NLA** for the neighbourhood shopping centres in Albany to;

- North Road – 3,500 sq.m. but may approve up to 5,000 sq.m. with EIS.
- Orana - 3,500 sq.m. but may approve up to 5,000 sq.m. with EIS.
- Spencer Park - 3,500 sq.m. but may approve up to 5,000 sq.m. with EIS.
- Oyster Harbour II – 4320 sq.m.

40. It is expected that any office developments within these centres would be contained within the allocated NLA floor space.

Catalina Central Structure Plan;

41. Proposed clause 5.22 within Amendment 220 states *“Council may require the preparation of a Structure Plan for larger Mixed Business areas showing the intended general development within the zone. The Structure Plan area will be*

DEVELOPMENT SERVICES REPORTS

Item 11.3.6 continued

divided into Precincts with a Precinct Plan to be prepared over each. In general, a Precinct Plan may include the proposed use of land within the precinct, the movement network including the location of roads, pedestrian and cycle paths and car parking areas and built form and design elements.”

42. As mentioned in paragraph 20 the Structure Plan is a subordinate document to the scheme and it cannot be in conflict with the scheme provisions. The Catalina Local Structure Plan (2000) proposed a “main street” centre and within the final policy document, comment is made at clause 7.1.2.2. that “a medical centre and offices are also proposed on the northern side of Road B. These land uses are highly compatible with the services offered within the Farm Fresh development. The establishment of these buildings up to the street will create a street based development and a key nodal point within the Structure Plan area. The Commercial Strategy encourages the location of offices within the Albany CBD and Walmsley District Centre, however recognises that small office development including medical centres in other than these locations may be considered on their merit, considering such factors as access, parking, traffic and safety. The medical centre / office is proposed to be “low key” development and is cognisant of the type of uses usually located within mixed business areas.” No reference is made in this policy document to actual floor areas for the key land use activities.

43. Within the Catalina Central Structure Plan (2003) there are numerous references appearing relating to floor space allocations:

- Clause 2.2.3 refers to the EIA and proposes 5,000 sq.m. of retail floor space within the neighbourhood centre and 6,500 sq.m. of bulky goods / showroom floor space.
- Clauses 3.3.1 and 4.2.4 refer to traffic modelling based upon 5,000 sq.m. of retail activity, 1,275 sq.m. of offices, 14,450 sq.m. of bulky goods / showroom activity and 400 sq.m. of service station.
- Clause 3.3.2 calculates the car parking demands based upon 5,000 sq.m. NLA retail floor space, 500 sq.m. office floor space, 1,200 sq.m. medical centre and 6,500 sq.m. bulky goods / showroom floor space. These figures are reproduced in clauses 4.2 and 4.2.4.

There has not been a deliberative decision of Council to quantify floor space within the Structure Plan area and it could be argued that the Catalina Central Structure Plan actually conflicts with Council’s decision of the 5th September 2000.

44. When trying to assist a proponent to run various planning processes concurrently, it is inevitable that an overlap of control mechanism will occur. The decision at the June meeting of Council not to advertise the approved Structure Plan until the EDDS ensured the Plan was consistent with the scheme provisions provided an opportunity for these anomalies to be rectified before the policy became operative. Given the current dilemma over the final wording of the conditions attached to the Additional Use, some direction on these issues from Council is sought.

Item 11.3.6 continued

Conclusion:

45. Analysing the information relayed to the proponents during the period that the structure planning for the Catalina Central area has been before Council, it is difficult for staff to support the proponent’s claims that Council has openly supported the additional office floor space currently being pursued with the Minister for office development. The 2003 Structure Plan has identified floor space allocations for key land use activities and the proponents argue that policy document should guide the decision-making over higher order policies such as the WAPC’s Albany Commercial Strategy and SPP9.

46. Had the proponents continued with the 2000 Structure Plan, based upon a Main Street concept, it could have been argued that SPP 9 would have allowed some floor space dispensations to accommodate planned office developments. The decision to move towards a conventional “big box” neighbourhood centre at Catalina Central has placed the planning of this site on a par with other neighbourhood centres throughout the City. If Council is considering allocating the additional floor space for office developments to this site, competition policy and natural justice would dictate that Council immediately review its decision on amendments 127 to Scheme 1A and 226 to Scheme 3; Council will then need to carefully consider the impacts of those collective decisions on the integrity and fabric of the CBD and upon sites already zoned for office developments. By continually increasing the floor space of a neighbourhood centre, it can also be argued that the planning authority is pushing back the commencement date other neighbourhood centres, thereby denying the residents in those suburbs the opportunity to shop at a facility close to their place of residence and increasing car dependency to conduct daily activities.

RECOMMENDATION

THAT Council reiterate to the Minister for Planning and Infrastructure that, in respect to Amendment 220 to the City of Albany Town Planning Scheme No.3, the Catalina Central Neighbourhood Centre shall be restricted to a maximum of 5,000 sq.m. maximum NLA and office developments shall be contained within that NLA allocation, consistent with other neighbourhood centres throughout the City of Albany.

Voting Requirement Simple Majority

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MINISTER FOR PLANNING AND INFRASTRUCTURE

MEDIA STATEMENT

Attention: News Editor/Chief of Staff

3/08/03

Albany development projects gain planning approval

A major new retail and service development on Catalina Road, a shopping centre proposed for the old Albany Primary School site have both won State Government approval.

The City of Albany has also been given approval to advertise for public comment a Guided Development Scheme for a proposed residential development at Bayonet Head on Oyster Harbour.

Planning and Infrastructure Minister Alannah MacTiernan has conditionally approved an amendment to the City of Albany Town Planning Scheme (TPS) No. 3, which will see 17 hectares of rural land and land surrounding the existing "Farm Fresh" site rezoned.

"The approval for the Brooks Garden Development Project allows for a wide range of retail businesses and small offices," Ms MacTiernan said.

"The proposal which includes a major supermarket and a hardware outlet as well as food and specialty shops, is very accessible from Albany's outer suburbs and surrounding rural communities

"It also provides for a medical centre, day hospital, and nursing home to be developed adjacent to a proposed aged persons' village.

"The City of Albany's *Catalina Central Structure Plan* will provide a broad framework for future development of this area.

The Catalina site is located on the eastern side of Chester Pass Road, around four kilometres north of the Albany Central Business District, and extends from Mercer Road in the north to Catalina Road to the south.

Ms MacTiernan said the amendment was advertised by the City of Albany for public comment and attracted 36 submissions mostly in support of the proposal.

"I have advised the City of Albany that modifications are required to protect Chester Pass Road as a major freight route, to re-align Catalina Road and to ensure that the Albany CDB remains the City's primary shopping precinct," Ms MacTiernan said.

"When these have been completed, it will be gazetted and the rezoning incorporated into the town planning scheme."

DEVELOPMENT SERVICES REPORTS

Old Primary School Site

Ms MacTiernan has also approved an amendment to Albany's TPS 1A covering the former primary school site.

"The shopping centre planned for the old Primary School site north west of York Street, along Albany Highway; abuts the Albany Plaza Shopping Centre and will extend the City's central retail and commercial district," Ms MacTiernan said.

"The original schoolrooms built in 1915, are listed on the State Register of Heritage Places and will be retained to preserve their heritage values, and maintain the existing streetscape."

Bayonet Head

The Bayonet Head development area is situated approximately 7 kilometres north east of the Albany CBD, on the western side of Oyster Harbour.

"Bayonet Head has been earmarked since the early 1980s as a preferred area for further urban expansion within the Albany region," Ms MacTiernan said.

"It is estimated that over the next 35 years, more than 3,500 residential lots housing some 10,000 people will be developed in the 284 hectare area.

"About 26 hectares will be retained for of public open space and there is provision for a primary school."

Further information on the guided development scheme is available from the City of Albany.

Albany MLA Peter Watson said approval for the developments was great news for residents of Albany and the surrounding region.

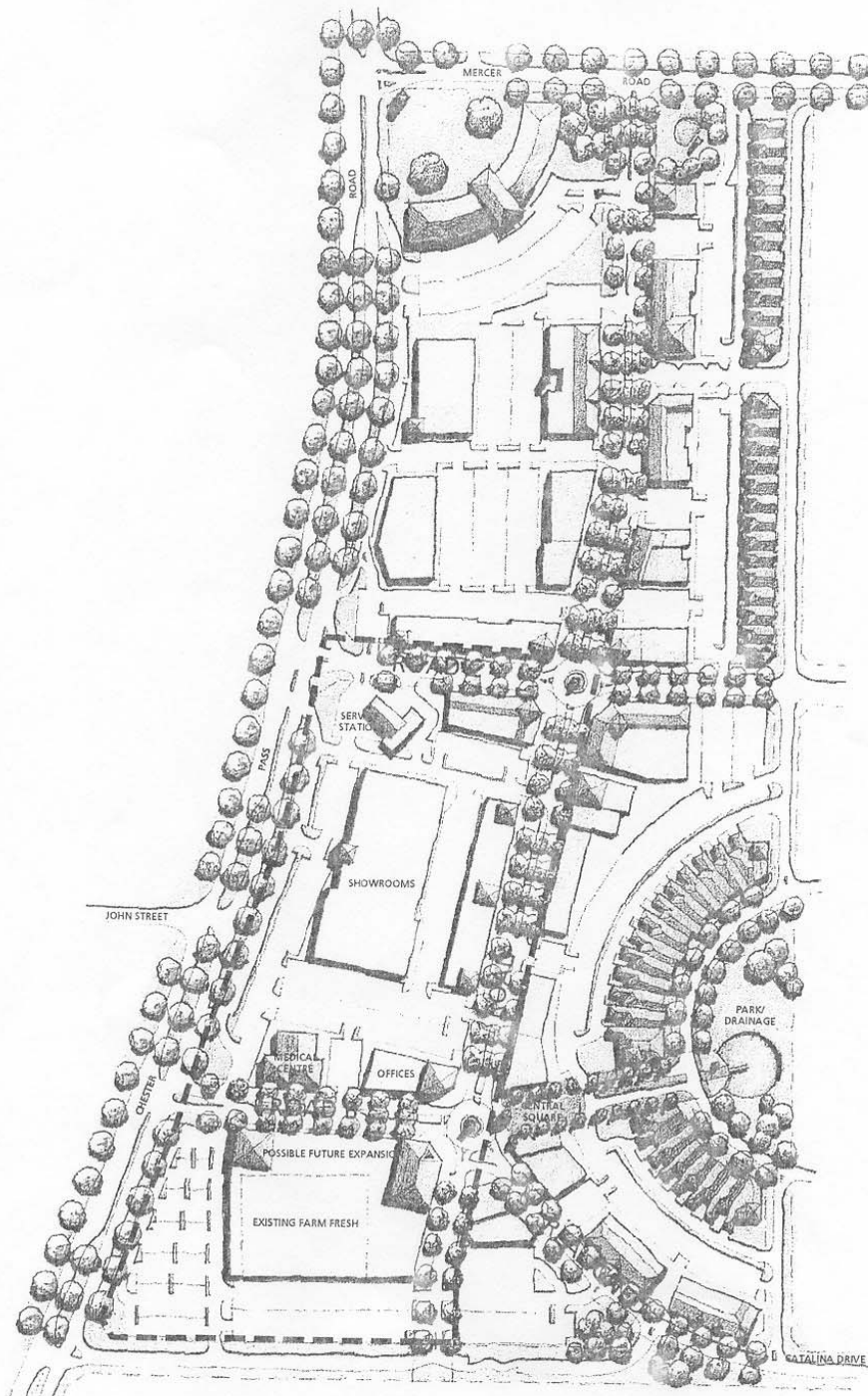
"These developments will bring new investment and new jobs to Albany and provide people with more encouragement to spend their dollar locally," Mr Watson said.

"The proposed medical centre and nursing home development are especially important considering our aging population and are yet another good reason for making a lifetime commitment to Albany."

"The Gallop Government and the City of Albany are looking ahead and preparing for growth, which is good news for all of us who have a stake in the City."

MEDIA CONTACT: Steve Keogh 9213 6400 Mobile: 0409 592 138

DEVELOPMENT SERVICES REPORTS




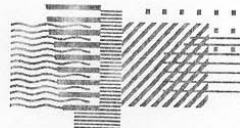
 STAGE 1 - FARM FRESH

FIGURE NO.
6.1

NORTH



Taylor Burrell

Town planning and design

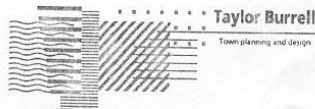
187 Roberts Road Subiaco
PO Box 503 West Perth
Western Australia 6872
Telephone (09) 382 2911
Facsimile (09) 382 4586

INDICATIVE URBAN
FORM AND LANDUSE
2000

DEVELOPMENT SERVICES REPORTS



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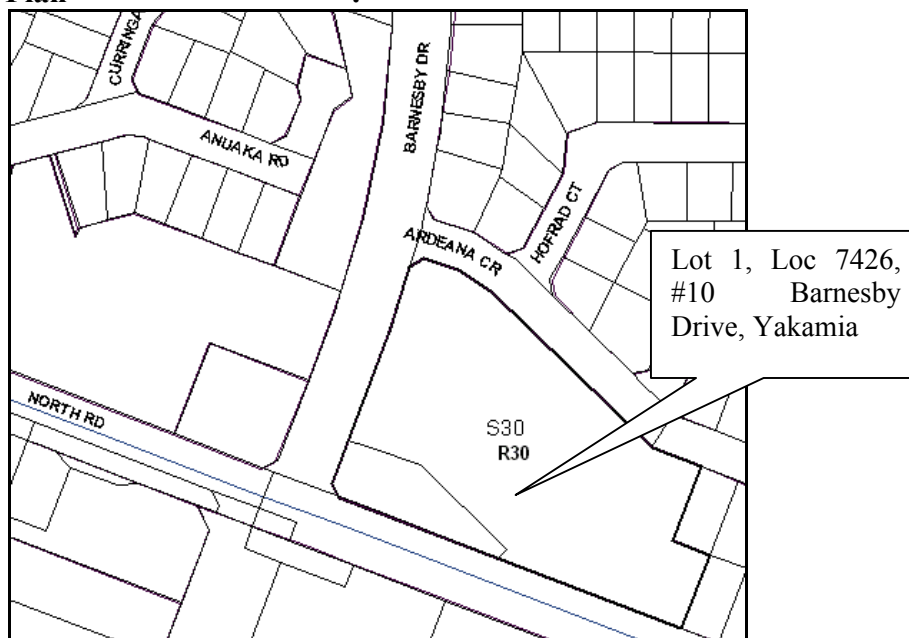
2003
Catalina Central
Separation Distance

04-04-03 Fig. 2.1

DEVELOPMENT SERVICES REPORTS

11.3.7 Application for Planning Scheme Consent - Aged Persons Village - Lot 1, Loc 7426, (10) Barnesby Drive, Yakamia

- File/Ward** : A164484 (Yakamia Ward)
- Proposal/Issue** : Planning Approval for an Aged Persons Village
- Subject Land/Locality** : Lot 1, Loc 7426, (10) Barnesby Drive, Yakamia
- Proponent** : Ashdale Holding Pty Ltd
- Owner** : Albany Height Pty Ltd and Cederton Pty Ltd
- Reporting Officer(s)** : John Devereux
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To grant planning scheme consent subject to conditions
- Bulletin Attachment** : Submission and Photos
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.7 continued

BACKGROUND

1. Council received an application, from ‘Village Life’, for an ‘Aged Persons Village’ development, on 3 June 2003, at Lot 1, Loc 7426, (10) Barnesby Drive, Yakamia. The subject site is currently vacant.
2. The proposed site is a designated ‘Special Site’ under Town Planning Scheme 1A, pursuant to Appendix 3 – Schedule of Special Sites, with the base zoning being ‘Residential’. This ‘Village Life’ proposal relates to proposed lot 12, being 7365m² in area. The site is predominately cleared with areas of weeds and scrub. Please refer to Figure 1 following this report for the site plan.
3. The application was advertised in a local newspaper (The Weekender) appearing once on the 19 June 2003, with the advertising period ending 10th July 2003. A copy of the application was also referred to 4 neighbouring properties for comment and a sign was erected on site for that period.
4. One written comment was received, which supported the proposal, but wanted additional information regarding the colour of the shed, replacing the fence adjoining his property and whether Westate Property Group had any connections with the Department of Housing and Works. A copy of the submission is located in the Elected Members’ Report/Information Bulletin.
5. Staff presented the proposal to the Senior Advisor Committee meeting on the 19 June 2003, where a number of concerns were raised. These concerns were addressed at the preceding months meeting, held on the 17 July 2003. Following which the Seniors Advisor Committee resolved to endorse the proposed ‘Village Life’ development.
6. ‘Village Life’ currently operates around 40 similar facilities around Australia. Each facility looks and operates in a similar fashion. Mandurah is currently the only operating facility in Western Australia. The City of Mandurah has only recently approved a second facility and another facility is nearing completion in Armadale.
7. Staff undertook a site inspection of the Mandurah facility and spoke to the assessing planning officers at the City of Mandurah and the City of Armadale. The site inspection revealed a quality development, with it being neatly presented and appears to be well maintained. The representative for the development indicated that the occupancy rate was close to 100 percent.

STATUTORY REQUIREMENTS

8. The subject land is zoned ‘Residential’ with an ‘Aged Persons Village’ being an ‘SA’ use under Town Planning Scheme 1A. Clause 7.5 of the Scheme requires for an ‘SA’ designated land use the following action to be undertaken:

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- a. notice of the proposed development to be sent by post or delivered to the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the application;
- b. notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty one days from the publication thereof; and
- c. a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty one days from the date of publication of the notice referred to in sub-paragraph (b) hereof.

The proposal has been advertised in accordance with the above requirements.

POLICY IMPLICATIONS

9. There are no policy implications in relation to this item.

FINANCIAL IMPLICATIONS

10. There are no financial implications in relation to this item.

STRATEGIC IMPLICATIONS

11. There are no strategic implications in relation to this item.

COMMENT/DISCUSSION

12. The ‘Village Life’ development incorporates 56 units, which are single storey and incorporate a single bedroom, kitchenette (microwave & fridge), lounge room and a bathroom. If a couple choose, there is an option to join two units together, through opening a lockable door in adjoining lounge rooms. Residents are provided with three meals a day, served in a central community centre. The community centre is proposed to have a second storey component, with a live-in manager/caretaker residing on the first floor. The ground floor proposes to contain the communal dining area, a large kitchen and laundry facilities. All buildings would be accessible via undercover walkways and a small shed/workshop would be provided for communal use. Please refer to Figure 2 following this report for the proposed layout of the development. Some photos of the operating ‘Village Life’ Mandurah development have been included in the Members’ Report/Information Bulletin.
13. Village Life proposes to provide the following services to the residents of the development:
 - Quality serviced accommodation
 - Fully furnished (Bed, TV, toaster, kettle, dining table, lounge chair & cutlery);
 - Units rented to residents at a cost of 85% of their pension;
 - Three (3) meals a day;

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- A weekly service to wash all heavy linen;
 - Regular organised shopping trips and excursions;
 - A community lifestyle in a secure environment and,
 - Proximity to support services.
14. Through out the development all doors are a minimum of 820mm wide, to allow easy access for walking frames. Of the proposed 56 units, 4 units are proposed to be ‘Acrod’ units with all doors being 870mm wide to allow wheel chair access.
15. The materials used to construct the village are proposed to be Florentine limestone external brickwork and green ‘Colorbond’ roofing. The units are proposed to be set back 5.5 metres from North Road, with vehicle access from Barnesby Drive via a 70m battle axe leg. All boundaries of the site will be fenced. Please refer to Figure 2 for the boundary setbacks of the remaining units. The shed (4.5m by 6m) would be 1 metre from the boundary. A total of 28 car parking bays have been indicated with 8 being undercover.

Town Planning Scheme No.1A (TPS No.1A)

16. ‘Appendix 4’ of the Scheme requires an ‘Aged Persons Village’ to have:
- a. Minimum lot area of 5000m²,
 - b. Connection to reticulated sewer,
 - c. 1 car parking space per every 3 beds.

All these provisions have been complied with. In relation to point c, it should be noted that as there are 56 proposed units, each with a single bed, the requirement would be for 19.3 car parking bays to be provided. As the application proposes to have 28 bays, it is deemed to meet the car parking requirement.

Residential Design Codes of Western Australia 2002 (R-Codes)

17. It is important to understand that there are no specific development standards in relation to an ‘Aged Person Village’, within the R-Codes, the closest definition that this type of development can be compared to, is the requirements for ‘Aged or Dependent Persons’ dwellings.
18. The R-Codes specify that Council for ‘Aged or Dependent Persons’ may grant a reduction in the average site area per dwelling. With the site designated as ‘R30’, then a one third reduction would equate to a minimum site area per unit of 180m² (instead of 270m²), this would therefore permit 41 units based on a lot area of 7365m².

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19. Although this application proposes to construct 56 units, 15 more than what would typically be allowable for ‘Aged Persons Dwellings’, it must be understood that the proposed units are not your typical 2 or 3 bedroom, self-contained, aged persons dwelling. The proposed units are single bedroom with a small living area and are not entirely self-contained.
20. The site chosen by the proponent is well suited to this type of development when assessing them against the sustainable development principles of ‘Liveable Neighbourhood’. The subject site is in close proximity to the Central Area, the Albany Leisure and Aquatic Centre and in walking distance to North Road Shopping Centre and a medical centre. Public transport from the site is available via a bus stop located about 100 metres up North Road. As noted, the development is quite different from the standard form of aged care facility, and granting a concession for density, private open space and other provisions, can be justified in terms of the limitations and allowances of TPS No.1A and the R-Codes.

Access

21. Discussions were held, between the applicant and Council Engineering team, in regards to gaining access to the site. It was agreed upon for vehicular access via a battleaxe leg off Barnesby Drive and pedestrian access off North Road.

Open Space – Communal and Private

22. The proposal has an approximate site coverage of 2800m², which equates to 39% of the site, leaving 61% open space, which meets the necessary requirements. Of this amount, the applicant has effectively provided an average of 9m² private open space per unit, where the R-Codes requires 24m². The applicant argues that given the residents of the development are to be of retiring age or older, previous developments have demonstrated that a large area of private open space is unnecessary, as it may be difficult for individuals to maintain. It is noted that access to the private open space is obtained from the bedroom of the unit, which the R-Codes prohibits for group dwellings, but does not mention with regard to aged persons’ dwellings. This situation is acceptable, given the units will be mostly occupied by single persons. Based on the applicant’s argument that a greater amount of private open space will be unnecessary for the prospective occupants and the large amount of quality communal open space provided, it may be appropriate for Council to consider the proposed relaxation with regard to private open space standard as being appropriate to the needs of the occupants, as the proposal is being considered as a ‘Aged Persons Village’ and a greater emphasis on communal open space exists.

Storage

23. Whilst no individual storage areas have been provided for the units, a communal shed would be provided for the development. This would serve a storage facility function for unused furniture, if residents choose to bring their own, as well as

DEVELOPMENT SERVICES REPORTS

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providing an area for residents to pursue any hobbies they may have, which may involve a home workshop. This provision is seen as appropriate in relation to varied housing types.

Fencing and Retaining

24. A 1 metre high retaining wall is proposed along the boundary abutting North Road, with a 1.5 metre high brick piers with timber lap infill, with landscaping proposed behind the fence. A portico entrance is also proposed along this boundary to allow pedestrian access to North Road. The treatment of this North Road boundary is for aesthetic purposes as well as to allow surveillance of the area. The fencing along the east and west boundary will be constructed out of ‘Colorbond’ materials.
25. Concern has been raised from Council Staff regard the overshadowing effect of the intended retaining walls along the northern boundary of the subject site, and its impact on light penetration into the units. Negotiations between the applicant and staff have come to an agreement that all units along this boundary, will have a skylight installed in the bedrooms to allow increased light penetration into these units.
26. Areas that will be covered as condition of approval will include:
 - Colour schedule,
 - Landscaping,
 - Skylight,
 - Drainage,
 - Health Regulations,
 - Building Requirements,
 - Retaining,
 - Only available for over 55’s, and
 - Fencing.

COMMENT/DISCUSSION

27. In summary, for Council to consider approving the application, it must be satisfied that a number of concessions that would be provided are in the best interests of the community. In this regard, Council must consider issues with regard to density, setbacks, open space, parking and the impact of the proposal on the amenity of the surrounding area.
28. As the proposal provides a form of housing for a specific group of the community that is not readily available, it can be argued that the proposal is in keeping with the intent and purpose of the ‘Residential’ zone. As the proposal is being considered a ‘Aged Persons Village’ it is accepted that the standards being referred to are being used as a guide rather than something that must be adhered to. For the sake of future applications however, it is important to establish that a proposal must consider

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planning guidelines, even though no specific development standards are in place. Granting a concession for density, private open space and other provisions, can be justified in terms of the limitations and allowances of TPS No.1A and the R-Codes

RECOMMENDATION

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A delegates authority to the Manager Development Services to grant conditional Planning Scheme Consent for an Aged Persons Village (Single Bedroom Facility) at Lot 1, Loc 7426, (10) Barnesby Drive, Yakamia.

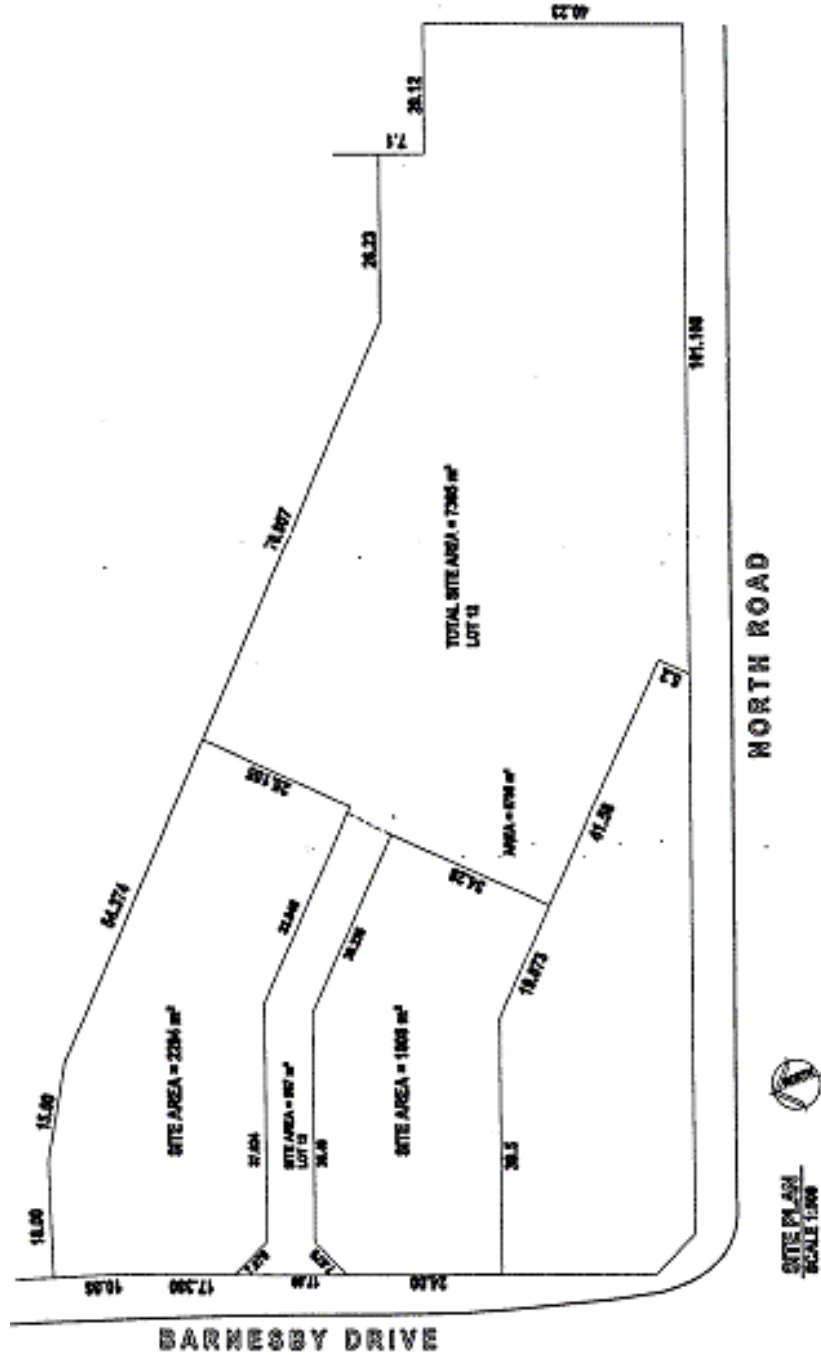
Voting Requirement Absolute Majority

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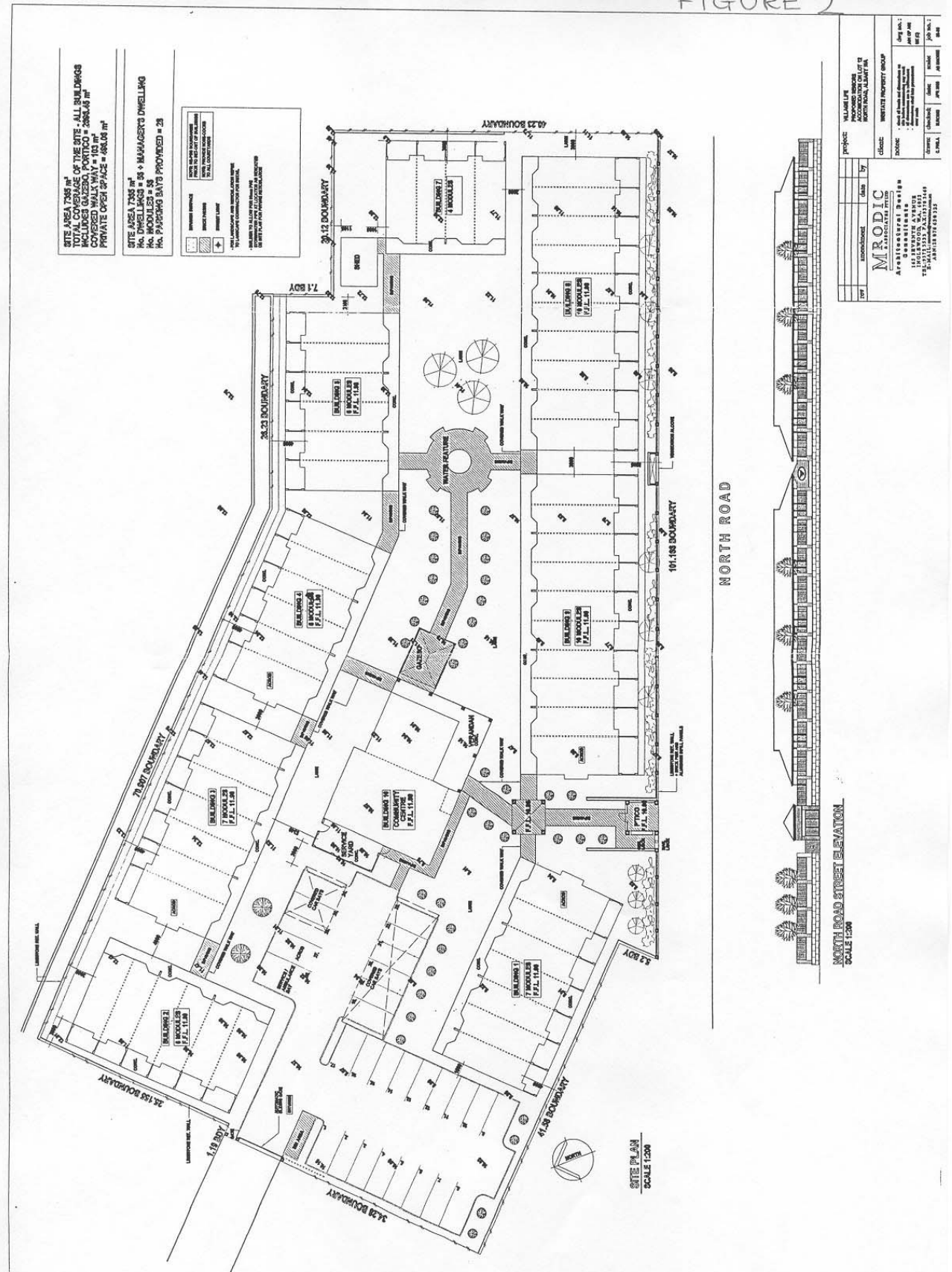
FIGURE 1.



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FIGURE 2



11.4 DEVELOPMENT SERVICES COMMITTEES

Nil.

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- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund			
Cheques	totalling	531,965.94	
Electronic Fund Transfer	totalling	3,805,903.71	
Payroll	totalling	651,990.23	
TOTAL			<u><u>\$4,989,859.88</u></u>

2. As at 4th August 2003, the total outstanding creditors, stands at \$1,596,410.56.

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RECOMMENDATION

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

Municipal Fund	totalling	\$4,989,859.88
Total		<u>\$4,989,859.88</u>

Voting Requirement Simple Majority

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12.1.2 Delegation of Authority – Dealing with Objections to Rate Record

File/Ward	:	FIN 036 (All wards)
Proposal/Issue	:	Delegation to Deal with objections to the Rate record.
Subject land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Finance Officer – Rates (K Dolzadelli)
Disclosure of Interest	:	N/A
Previous Reference	:	OCM 23/05/00 – Item 13.1.7
Summary Recommendation	:	Approval to delegate to Chief Executive Officer the power to deal with objections to the Rate record.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Local Government Act has provisions that enable a local government to delegate to the Chief Executive Officer, the exercise of any of its powers or the discharge of its duties, (subject to certain restrictions) to provide a more efficient service to its stakeholders.
2. The delegation can be restricted to specific issues and can be reviewed at a time convenient to the local government, but must be reviewed at least once each financial year.
3. Section 6.76 of the Local Government Act, stipulates:-

“6.76 (1) *A person may, in accordance with this section, object to the rate record of a local government on the ground-*

- a) *that there is an error in the rate record-*
 - i) *with respect to the identity of the owner or occupier of any land; or*
 - ii) *on the basis that the land or part of the land is not rateable land.*

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- b) *if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.*
- (2) *An objection under subsection (1) is to-*
 - a) *be made to the local government in writing within 42 days of the service of a rate notice under section 6.41;*
 - c) *identify the relevant land; and*
 - d) *set out fully and in detail the grounds of objection.*
- (3) *An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.*
- (4) *The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.*
- (5) *The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.*
- (6) *After making a decision on the objection the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.”*

STATUTORY REQUIREMENTS

4. Delegation of some powers and duties to CEO

“5.42 (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

**Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

Item 12.1.2 continued.

STRATEGIC IMPLICATIONS

- 7. The Albany 2020 Charting Our Course promotes the responding to issues promptly, for the continual development of sustainable rural and urban communities to meet the needs of all stakeholders. This delegation will enable staff to respond to the administrative function of dealing with objections to the rate record promptly.

COMMENT/DISCUSSION

- 8. Section 6.76 of the Local Government Act is very precise in how objections to the rate record are to be dealt with. In endeavouring to provide a more efficient and effective service to our customers the delegation of the power to deal with these matters will expedite the administrative process.
- 9. While this item seeks delegations from Council to the CEO only, it should be noted, that any subsequent delegations to staff, are handled administratively, as a function of the Chief Executive Officer.

RECOMMENDATION

THAT Council, in accordance with the provisions of Section 5.43 of the Local Government Act, agree to delegate to the Chief Executive Officer the power to deal with objections to the rate record in accordance with section 6.76 of the Local Government Act.

Voting Requirement Absolute Majority

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12.1.3 Confirm Town Jetty Fuel Charge

File/Ward	:	FIN 047 (All Wards)
Proposal / Issue	:	Council requested to confirm fuel levy.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager – Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council confirm the Town Jetty Fuel Levy.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Town Jetty fuel levy of 4.5 cents per litre is collected and paid by the fuel supplier operating the refuelling facility on the Town Jetty. The purpose of the levy is to provide a revenue stream to assist in maintaining the Jetty. The levy has been in operation for the past three years, but was excluded from the City of Albany fee schedule adopted as part of the budget deliberations. The levy, which is also charged by the Department of Planning and Infrastructure at its Emu Point Facility, amounted to \$16,477 (60% of total Town Jetty Income) in 2002/2003.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. The 2003/2004 budget assumes income of \$18,000 from the levy.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

6. Council is requested to formally adopt the levy as a City of Albany Fee. The consequences of not adopting the levy would be loss of budget income of \$18,000, and greater usage of the Town Jetty for refuelling purposes should the City's charge be lower than that imposed by the Department of Planning & Infrastructure.

RECOMMENDATION

THAT;

- i) Council confirm the 4.5 cents per litre levy on fuel dispensed at the Town Jetty as a City of Albany fee; and**
- ii) the proposed levy be advertised in Albany.**

Voting Requirement Absolute Majority

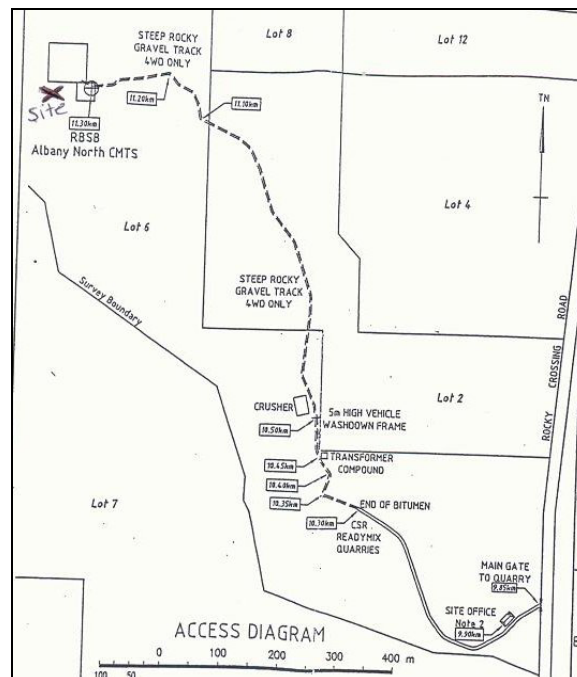
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12.2 ADMINISTRATION

12.2.1 Proposed Telstra Lease – Reserve 43591

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



Item 12.2.1 continued.

BACKGROUND

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

STATUTORY REQUIREMENTS

3. Section 3.58 of the Local Government Act 1995 – “Disposing of Property” requires that Council may issue a lease over a property, however it must first give statewide public notice of its intention to do so and therein invite submissions from interested persons.
4. Council must then give consideration to those submissions before resolving whether or not to proceed with the lease.
5. Should submissions be received, Section 3.58 further requires that the reasons for a Council’s decision also to be recorded in the minutes of the meeting at which a decision to a lease is made.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. In the City of Albany’s 2020 – Charting our Course, the following Port of Call is identified:

Port of Call:

Managed Healthy land/harbour environment

Objective:

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

Item 12.2.1 continued.

COMMENT/DISCUSSION

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

RECOMMENDATION

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

- i) **to negotiate a new lease with Telstra Corporation Limited for a period of 9 years and 11 months from 1 September 2003 until 31 July 2013 for a portion of Reserve 43591 Plantagenet Location 7727;**
- ii) **the rental be set at \$1,500.00 per annum, subject to GST and to be reviewed annually with rent reviews being based on a 3% per annum increase or in accordance with movements in CPI, (whichever is the greater);**
- iii) **the standard lease agreement be prepared by Telstra Corporation Limited and checked by Council’s solicitors to ensure that our interest is protected;**
- iv) **all fees associated with this lease be payable by Telstra Corporation Limited including all expenses associated with removing the existing tower and relocating current users (City of Albany) to the new tower; and**

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Item 12.2.1 continued.

- v) **the Common Seal of the City of Albany be affixed to the documentation.**

Voting Requirement Absolute Majority

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12.2.2 Representation – Public Arts Committee

File/Ward	:	PRO 027 (All Wards)
Proposal/Issue	:	Representation on the Public Arts Committee
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	PA/Executive Director Corporate & Community Services (S Day)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	The Public Arts Committee be appointed and Councillor _____ be nominated to the Public Arts Committee in relation to the Public Art component of the administration building project.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The Public Arts Committee has been formed by the City of Albany to:-
 - approve the public art acquisition or commission public art development;
 - be involved in the selection of artists and/or the development of proposals as required;
 - project management if required;
 - implement public education as reflected in the aims of the policy; and
 - work with the Street Scape Advisory Committee to develop strategies to identify and include public art opportunities in streetscape planning and development.
2. The Committee consists of Community Arts Officer (VAC); Albany Arts Advisory Committee Representative; Design Consultant; Academic in the field of Arts and Cultural Studies; Indigenous Representative; Manager of Development; and Executive Director of Works & Services.

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Item 12.2.2 continued.

3. Community representatives for the following positions have been publicly advertised with submissions closing on Friday 8th August 2003.
 - Design Consultant representative;
 - Arts and Cultural Studies representative; and
 - Indigenous representative.
4. Nominations have been received from:-
 - Helen Oxenburg-Lowe (Arts & Cultural Studies); and
 - Maria Penny (Indigenous Representative).

STATUTORY REQUIREMENTS

5. All appointments to the Committee must be made by Council.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

8. This request complies with Council's Albany 2020 Plan which states as follows:

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

COMMENT/DISCUSSION

9. In addition, it is recommended that a member of Council be appointed to liaise with the Public Arts Committee in relation to the public arts component of the proposed new City of Albany Administration Buildings.

Item 12.2.2 continued.

RECOMMENDATION

THAT;

- i) **the following appointments be made to the Public Arts Committee;**
- **Community Arts Officer Sheryl Stephens (VAC);**
 - **Albany Arts Advisory Committee Representative – Elizabeth Gray;**
 - **Design Consultant – vacant;**
 - **Academic in the field of Arts and Cultural Studies – Helen Oxenburg-Lowe;**
 - **Indigenous Representative – Maria Penny;**
 - **Manager of Development – Matt Selby; and**
 - **Executive Director of Works & Services – Brett Joynes; and**
- ii) **Councillor _____ be nominated to represent Council on the Public Arts Committee as Council’s representative in relation to the Public Arts component of the proposed new Administration Building.**

Voting Requirement Absolute Majority

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12.1.3 Extended Trading Hours – Application from Coles Supermarkets

File/Ward	: LEG 005 (All Wards)
Proposal/Issue	: Request for extension of Retail Trading Hours
Subject Land/Locality	: Nil
Proponent	: Coles Supermarkets
Owner	: Nil
Reporting Officer(s)	: Administration Officer (A Wiseman)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/05/03 Item 12.2.6
Summary Recommendation	: That Council decline the request for extended trading hours from Coles Supermarket
Bulletin Attachment	: Letter from Coles Supermarkets
Locality Plan	: Nil

BACKGROUND

1. In April 2003 submissions were sought on varying the trading hours to include Sunday trading. The majority of submissions received were not supportive of the deregulation of trading hours.
2. A new application has now been received from Coles Supermarket who believe that they should be able to trade the same hours as the Farm Fresh site including Sunday trading.

STATUTORY REQUIREMENTS

3. The Department of Consumer and Employment Protection requires the following procedure to be completed before its consideration of any application to vary retail trading hours.

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Item 12.1.3 continued.

“Approval of Local Authority extended trading hours applications for permanent or long term adjustments is conditional to assurance that appropriate consultation has occurred with local trader organisations, tourism interest and local members of State Parliament (MLA’s and MLC’s) and that the views expressed were taken into account, prior to Council resolution.

Applicant Local Governments must also confirm that the proposal is supported by the majority of local community members and retailers.”

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.

COMMENT/DISCUSSION

7. Coles Supermarkets believe that they are being discriminated against if Farm Fresh Market is able to trade on Sundays all year round, while Coles and other outlets are only able to trade during specified times (currently Easter and Christmas School Holidays as detailed in Permit No 1610).

8. Council has already considered the extension of retail trading in March 2003 whereby it sought public comment, and then resolved in May 2003:

“THAT based on the submissions received, Council not proceed with an application to the Minister for an extension of trading hours within the City of Albany boundaries, with Permit No 1610 remaining in place with the 2 year trial period continuing until June 2004, when it will be reviewed.”

9. It is recommended that Council reiterate its 20 May 2003 resolution, as there is no further information to be presented.

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Item 12.2.4 continued.

RECOMMENDATION

THAT as a two-year trial period of extended trading hours is currently being undertaken and will continue until June 2004 when it will be reviewed, Council decline to recommend the application from Coles Supermarket for extended trading hours.

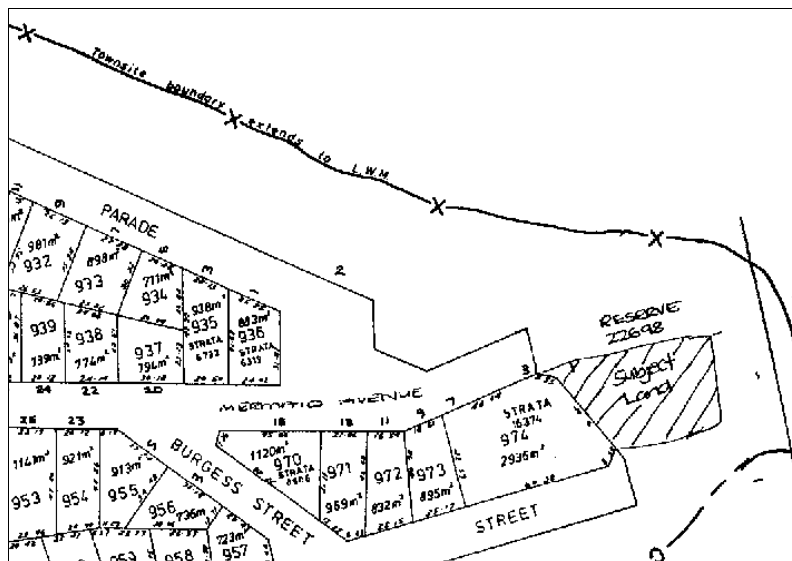
Voting Requirement Simple Majority

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12.2.4 Proposed New Sub-Lease – Jun Fujiki for Japanese Restaurant

File/Ward	:	PRO 055 (Breaksea Ward)
Proposal/Issue	:	New Sub-Lease
Subject Land/Locality	:	Portion of Reserve 22698, and being Albany Lot 1419 on Land Administration Plans 5808 and 18642
Proponent	:	Jun Fujiki
Owner	:	Crown Land – Department of Land Administration (Managed by the City of Albany)
Reporting Officer(s)	:	Administration Officer (J Twaddle)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council agree to enter into a new sub-lease for a 3 year term commencing on 1 July 2003.
Bulletin Attachment	:	Nil
Locality Plan	:	



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Item 12.2.4 continued.

BACKGROUND

1. Walker Paddon Real Estate Pty Ltd & Vally Pty Ltd hold a Lease for a portion of Reserve 22698, which encompasses the Japanese Restaurant & Kiosk. Walker Paddon Real Estate Pty Ltd & Vally Pty Ltd Sub-Lease both the Restaurant and the Kiosk. This Head Lease is due to expire on 14th December 2013.
2. A request has been received from Walker Paddon Real Estate Pty Ltd & Vally Pty Ltd for Council to consider renewing the Sub-Lease agreement that expired on 30 June 2003. This last option was for a term of 3 years, which commenced on 1 July 2000.
3. The Restaurant is located on Reserve 22698 and Council currently has a Management Order for the purpose of “Recreation & Associated Business Purposes” with power to lease for periods up to and including 21 years.

STATUTORY REQUIREMENTS

4. Section 18 (1) of the Land Administration Act 1997 refers to the fact that “a person must not without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on crown land. The Minister has given preliminary approval for this lease.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. All income derived from this Sub-Lease is paid to the Sub-Lessor, Walker Paddon Pty Ltd & Vally Pty Ltd. All costs for the preparation of the Sub-Lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

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

Item 122.4 continued.

COMMENT/DISCUSSION

8. A rental figure of \$2192.40 per month subject to GST and 50% of all outgoings has been negotiated between the Sub-Lessee and Sub-Lessor, which will need to be applied to this new lease agreement if approved.
9. A market rent review is to be carried out on 1 July 2005.

RECOMMENDATION

THAT subject to Ministerial approval, Council agree;

- i) to enter into a new Sub-Lease for a 3 year term commencing on 1 July 2003 until 30 June 2006 for a portion of Reserve 22698, and being Albany Lot 1419 on Land Administration Plans 5808 and 18642;**
- ii) rental for the Sub-Lease area be set at \$2192.40 per month subject to GST;**
- iii) the lease be prepared in accordance with Council's standard leasing terms and conditions with 50% of all outgoings being payable by J Fujiki;**
- iv) all fees associated with this lease be payable by Walker Paddon Pty Ltd & Vally Pty Ltd and J Fujiki; and**
- v) the Common Seal of the City of Albany be affixed to the documentation.**

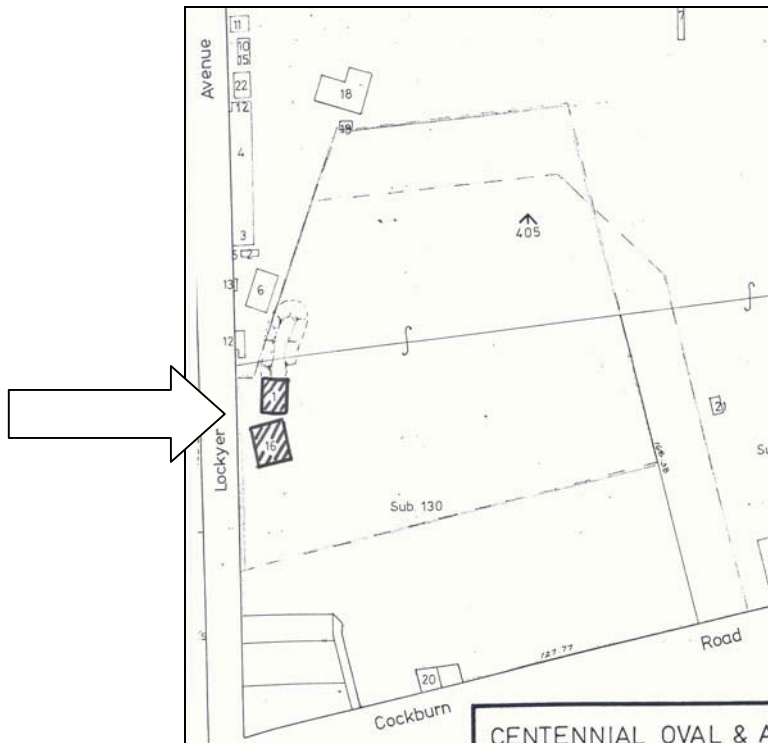
Voting Requirement Simple Majority

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12.2.5 Proposed New Lease for Royals Football & Sporting Club Inc

File/Ward	:	PRO 086 (Frederickstown Ward)
Proposal/Issue	:	New Lease
Subject Land/Locality	:	Portion of Reserve 405 and Portion of Lot 305 on Deposited Plan 26505
Proponent	:	Royals Football & Sporting Club Inc
Owner	:	City of Albany
Reporting Officer(s)	:	Administration Officer (J Twaddle)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council approve the request for a new lease to be prepared for a 10 year term from 1 January 2004.
Bulletin Attachment	:	Nil
Locality Plan	:	



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Item 12.2.5 continued.

BACKGROUND

1. A request has been received from the Royals Football and Sporting Club Inc for Council to consider renewing their lease agreement which is due to expire on 31 December 2003. The current lease is for a term of 21 years, which commenced on 1 January 1983.
2. The Club is located on Lockyer Avenue on a Portion of Reserve 405 and a Portion of Lot 305 on Deposited Plan 26505. Council has a Management Order for Reserve 405, which states the purpose as “Recreation & Showground”, with power to lease for periods up to and including 21 years. The City of Albany need approval from the Minister for Lands and must register the lease on the Crown Land Title.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

Item 12.2.5 continued.

FINANCIAL IMPLICATIONS

8. The current rent is \$10.00 per annum (not subject to GST) and is fixed for the term of the Lease. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit sporting, and community groups. The rental is reviewed annually in accordance with Council's budget and is subject to GST. For the 2003/2004 financial year the Council adopted a minimum land rate of \$445.00.
9. All costs associated with this proposed new lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

11. The Royals Football and Sporting Club Inc has written to Council requesting a lease for 10 years, commencing from 1 January 2004.
12. Based on further discussions with Council's Recreation Development Officer, it has been recommended to offer the Club a lease term of 10 years. The reason for this is that the Centennial Park and Yakamia Recreation Precinct Plan identifies that Royals Football Club Inc will relinquish this new Lease and enter into a new agreement with the Management Body of the Multi-Sport Facility at Centennial Oval when this occurs.
13. It is the intention that this lease is an interim agreement until the Multi-Sport Facility is developed at Centennial Park.
14. It is also the intention of this agreement that Royals Football & Sporting Club Inc will work with Council officers in pursuing the recommendations of the Centennial Park and Yakamia Recreation Precinct Plan (relating to their club) in the event that the City of Albany accept these recommendations.
15. After further consideration, the Executive Director Corporate & Community Services has recommended that the Lease area comprise of only the Royal Football and Sporting Club Inc Clubrooms and Grandstand. These buildings are located on a portion of Lot 305 on Deposited Plan 26505.

Item 12.2.5 continued.

RECOMMENDATION

THAT subject to approval from the Minister for Lands, Council agree:

- i) to a new lease for the Royals Football and Sporting Club Inc being prepared for a period of 10 years, from 1 January 2004 to 31 December, on a portion of Lot 305 on Deposited Plan 26505, Lockyer Avenue;**
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council’s 2003/2004 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- iii) the lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;**
- iv) an early termination clause be included in the agreement to accommodate the proposed Multi-Sport Facility;**
- v) all fees associated with this lease be payable by the Royals Football and Sporting Club Inc; and**
- vi) the Common Seal of the City of Albany be affixed to the documentation.**

Voting Requirement Simple Majority

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12.2.6 Adoption of the Customer Service Charter

File/Ward	: STR 022 (All Wards)
Proposal/Issue	: City of Albany Customer Service Charter
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager Customer Services (S Langford)
Disclosure of Interest	: N/A
Previous Reference	: N/A
Summary Recommendation	: Adoption of the proposed City of Albany Customer Service Charter.
Bulletin Attachment	: Proposed Customer Service Charter
Locality Plan	: N/A

BACKGROUND

1. The purpose of an organisations' Customer Service Charter is to provide clear direction and guidance with regards to overall service commitment as well as defining service standards.
2. Development of Customer Service Charters at an organisational level has become an accepted industry standard, with Charters being recognised as a key driver of customer service strategy.
3. This report outlines the development process and outcomes in relation to the Draft City of Albany Customer Service Charter.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. This item relates to the 'Strategic Functions' section of the Human Resources Operational Policies, adopted by Council at the OCM on the 5th June 2001 which states:-

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Item 12.2.6 continued.

“The Chief Executive Officer is directed and delegated authority to achieve the strategic objectives of the Council as provided for in Albany 2020 Charting Our Course – or any other strategic document as Council so decides”

FINANCIAL IMPLICATIONS

6. The 2003/04 Adopted Budget includes an allocation of \$1,500 to fund the design and publication of brochures and presentation boards.
7. An allocation of \$3,000 has also been included in the 2003/04 Adopted Budget to undertake initiatives associated with measurement of Customer Service Charter standards.
8. Implementation of the Customer Service Charter must be budget compliant.

STRATEGIC IMPLICATIONS

9. Albany 2020: Charting Our Course provides in the mission statement that the Council will
“...be a customer driven organization committed to service and ongoing communication in order to evaluate and respond to changing Community needs and expectations.”
10. Albany 2020: Charting Our Course also provides for the Port of Call *“A reputation for professional excellence”*. Within this Port of Call is the Strategic Focus objective to
“create a suite of strategies, plans and programs that:
 - *Are transparent, results orientated and not duplicated;*
 - *Are constantly and dynamically reviewed;*
 - *Serve the City’s Vision, Mission and Values above all else; and*
 - *Form the basis of decision making and service delivery.”*
11. The Customer Service Charter has been created to ensure the City maintains its reputation for professional excellence.

COMMENT/DISCUSSION

12. The process to develop the Customer Service Charter has been truly consultative, encouraging ownership and buy-in amongst staff with involvement at all stages of the process. This will ensure heightened levels of support upon launch of the Charter.
13. Staff and Councillors were provided the opportunity to make comment in regards to the Customer Service Charter. All feedback received was given careful consideration for inclusion prior to completion of the final draft.

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Item 12.2.6 continued.

14. The Customer Service Charter will be supplemented with an internal document, which will function to outline methods of performance measurement; internal support systems; service strategies and standards.
15. Team and individual service level standards; which further detail business-unit specific service standards have been in operation for some time and will continue to function alongside the Customer Service Charter.
16. The Customer Service Charter will be reviewed on an annual basis to ensure continued relevance for our customers.

RECOMMENDATION

THAT Council endorse the City of Albany Customer Service Charter as a key strategic public policy document defining customer service commitments and standards for our customers.

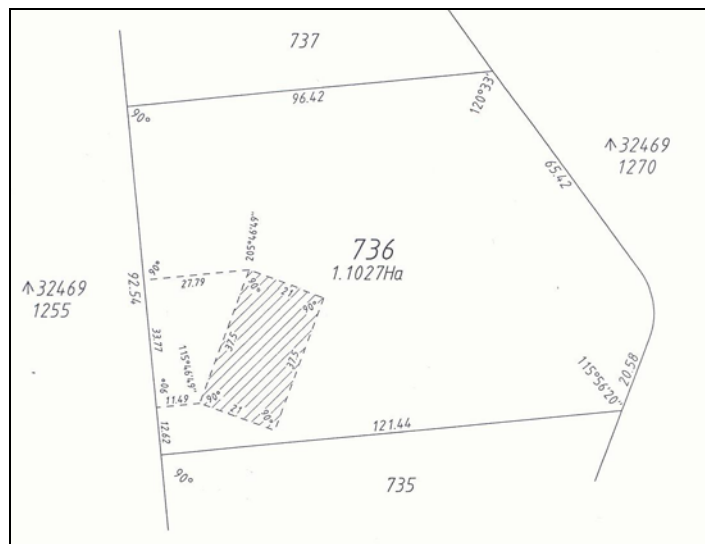
Voting Requirement Simple Majority

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12.2.7 Proposed New Lease for Lower Great Southern Hockey Association Inc.

- File/Ward** : PRO 323 (Frederickstown Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Portion of Lot 736 and being a portion of the land described in Certificate of Title Volume 1179 Folio 59
- Proponent** : Lower Great Southern Hockey Association Inc.
- Owner** : City of Albany
- Reporting Officer(s)** : Administration Officer (J Twaddle)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 20 year term from 1 September 2003.
- Bulletin Attachment** : Nil
- Locality Plan** : See map below



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Item 12.2.7 continued.

BACKGROUND

1. A request has been received from the Lower Great Southern Hockey Association Inc for Council to consider granting a lease agreement for a term of 20 years on a portion of Lot 736 commencing on 1 September 2003.
2. Lot 736 is located on City of Albany freehold land adjacent to the Albany Leisure & Aquatic Centre on Certificate of Title Volume 1179 Folio 59.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

7. This Lease complies with the Centennial Park and Yakamia Recreation Precinct Plan that was adopted by Council in June 2003. This Plan recommends a shared Clubhouse between the Hockey and Cricket Associations at the proposed location.

FINANCIAL IMPLICATIONS

8. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit sporting, and community groups. The rental is reviewed annually in accordance with Council’s budget and is subject to GST. For the 2003/2004 financial year the Council adopted a minimum land rate of \$445.00. Therefore it is recommended that this Lease be charged at Minimum Land Rate and reviewed annually.

Item 12.7.2 continued.

9. All costs associated with this proposed new lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

11. Two members of the Lower Great Southern Hockey Association Inc met with City of Albany Officers on 30th July 2003 to discuss issues relating to a new Lease Agreement being made for a portion of the land adjacent to the Albany Leisure & Aquatic Centre and in particular a portion of land adjacent to the Synthetic Hockey Surface.
12. The building that will be utilised as the Hockey clubrooms will need to be fenced in line with the Synthetic Surface fence, and constructed with the same material.
13. As the proposed building will cross the existing Dual-Use Path, the Lower Great Southern Hockey Association will construct a new Dual-Use Path around the building, at their own expense, which will be in line with Council Standards.
14. All services located within the Lease area including reticulation, gas and electricity will be relocated at the Club's expense **before** the Building is constructed.
16. At the commencement of the Lease, an ablution block will be constructed adjacent to the Clubrooms, which will be contained in the fenced area.
17. Entry fees to the clubrooms will still be collected by the Customer Service Area in the Foyer of the Leisure Centre building, however, the club will install a one-way gate (exit only) on the Southern Corner of the fence to allow spectators and players to exit the area, and also to allow the Leisure Centre to close instead of staying open purely for Hockey purposes.
18. A locked gate will need to be installed by the Club to allow access for emergency services.

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Item 12.2.7 continued.

19. The Lease will provide for the maintenance and upgrade of the building to prevent the building from becoming derelict and will include painting, cleaning, and insurance.
20. All work to be carried out will comply with City of Albany processes and necessary approvals will be obtained from all departments.
21. The clubrooms are intended to be used by Cricket, Water Polo and Netball, and therefore providing better facilities for a number of sporting groups in Albany.

RECOMMENDATION

THAT subject to the conditions outlined above, Council agree;

- i) to a new lease for the Lower Great Southern Hockey Association Inc being prepared for a period of 20 years, commencing on 1 September 2003 to 31 August 2023 on Portion of Lot 736 and being a portion of the land described in Certificate of Title Volume 1179 Folio 59, North Road;**
- ii) the rental be set at \$445.00 per annum, subject to GST, in accordance with Council's 2003/2004 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;**
- v) the lease be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;**
- vi) the following additional conditions be written into the Lease:**
 - the Hockey Clubrooms be fenced in line with the current Synthetic Surface Fence and constructed with the same material at the Club's expense,**
 - the Lower Great Southern Hockey Association Inc re-construct the Dual-Use Path around the building,**
 - all services within the Lease area be relocated prior to the Clubrooms being constructed at the Club's expense,**
 - the Lower Great Southern Hockey Association Inc construct an ablution block adjacent to the Clubrooms,**
 - the Club construct a one-way gate within the fence line and a locked gate to allow access for emergency services,**
 - the Lower Great Southern Hockey Association is responsible for all maintenance and upgrades of the Clubrooms including external and internal maintenance,**
 - the Club is to obtain City of Albany approvals and comply with all standards and processes.**

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- v) **all fees associated with this lease be payable by the Lower Great Southern Hockey Association Inc; and**
- vi) **the Common Seal of the City of Albany be affixed to the documentation.**

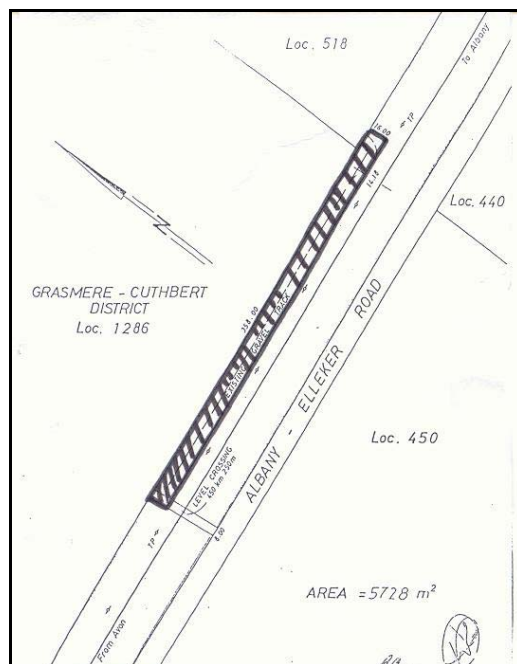
Voting Requirement Simple Majority

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12.2.8 Management Order – Excision from Rail Corridor

- File/Ward** : PRO 317 (West Ward)
- Proposal/Issue** : Request for City of Albany to accept Management Order for a section of the Rail Corridor
- Subject Land/Locality** : Portion of Plantagenet Location 2358 Lower Denmark Road
- Proponent** : Western Australian Government Railways Commission
- Owner** : Western Australian Government Railways Commission
- Reporting Officer(s)** : Administration Officer (J Twaddle)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Council support the request to accept a Management Order for a 5827 m² section of the Rail Corridor
- Bulletin Attachment** : Nil
- Locality Plan** :



Item 12.2.8 continued.

BACKGROUND

1. The City of Albany had a lease (L3872) with the Western Australian Government Railways Commission for an area of approximately 5728 square metres located at a point 450.25 rail kilometres from Perth. This lease is located along the Rail Corridor at Plantagenet Location 2358 Lower Denmark Road. The lease commenced on 1 April 1993, ceased on 31 March 2003 and is currently continuing on monthly tenancy. This lease is used as an access track, to enter the adjoining property near the railway line.
2. The Western Australian Government Railways Commission are investigating the tenure of a number of Corridor leases for ‘Community Purposes’ that have expired or nearing expiration. They are currently continuing to operate on monthly basis until this matter is considered fully.

STATUTORY REQUIREMENTS

3. If a Management Order is issued for the section of rail corridor, the receiving agency accepts all the rights and responsibilities that would normally be associated with the freehold ownership of the land, with the exception that the land must be used in accordance with the purpose and under the management regimes that are attached to that order.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. As Council currently lease this area already, all the responsibility lies with the City of Albany. Therefore, there will be no further financial implications with holding a Management Order in lieu of a lease.

STRATEGIC IMPLICATIONS

6. Under the City of Albany’s Port of Call “Managed Healthy Land and Harbour Environment” there is an objective to manage reserves for environmental sustainable use, community enjoyment and benefit.

Item 12.2.8 continued.

COMMENT/DISCUSSION

7. It has been proposed by the Western Australian Government Railways Commission to excise the land area of 5728 metres square (Lease 3872) from the Corridor, create a reserve for Community Purposes (or similar) and issue the City of Albany a Management Order.
8. This proposal is however subject to WestNet Rail agreeing to the land being excised from the Rail Corridor in the first instance. The Western Australian Government Railways Commission is now currently seeking comment from the City of Albany on this proposed reservation, with the understanding that the future tenure still needs to be determined.
9. The relevant officers of Council have been consulted on this matter. Council's Asset and Client Services Team, who have recommended that we accept a management order for the area, given that Winifred Road is located within this 5728 metre square area, have supported this request.

RECOMMENDATION

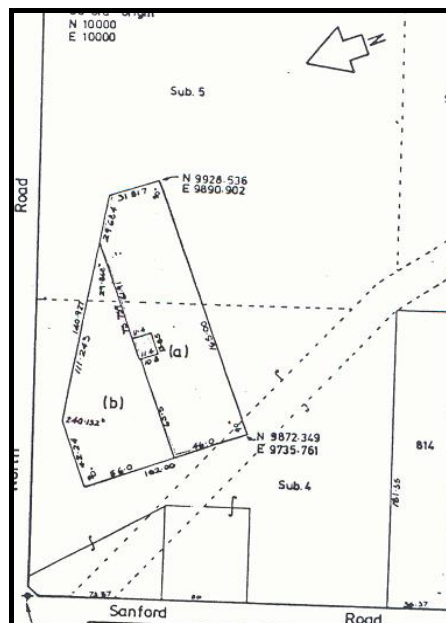
THAT based upon the information provided, Council advise the Western Australian Government Railways Commission that it supports the request to have a reserve created and a Management Order issued to the City of Albany for the 5728m² area as shown on Plan No. 3872.

Voting Requirement Simple Majority

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12.2.9 Proposed New Lease For Albany Volunteer Fire Brigade

- File/Ward** : PRO 043 (Frederickstown Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Part of Albany Suburban Lots 4 and 5 and being part of the land comprised in Certificate of Title Volume 2134 Folio 44, and a portion of Lot 1003 on Reserve 20788 being the land described in Certificate of Title Volume 1189 Folio 628
- Proponent** : Albany Volunteer Fire Brigade
- Owner** : City of Albany
- Reporting Officer(s)** : Administration Officer (J Twaddle)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 10 year term plus a 5 year option from 1 January 2003.
- Bulletin** : Nil
- Locality Plan** :



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Item 12.2.9 continued.

BACKGROUND

1. A request has been received from the Albany Volunteer Fire Brigade for Council to consider renewing their lease agreement which is due to expire on 31 December 2003. The current lease is for a term of 21 years, which commenced on 1 January 1983.
2. The Albany Volunteer Fire Brigade is located on North Road on a Portion of Albany Suburban Lots 4 and 5 and being part of the land comprised in Certificate of Title Volume 2134 Folio 44 and a portion of Lot 1003 on Reserve 20788 and being a portion of that land comprised in Certificate of Title Volume 1189 Folio 628. Lots 4 and 5 are located on City of Albany freehold land. Lot 1003 is located on Reserve 20788, which is a Crown Grant in trust managed by the City of Albany for the purpose of “Municipal Purposes”. For all intensive purposes the City of Albany is the registered proprietor of the land in fee simple, however still require approval from the Minister for Lands to issue a Lease.
3. St Johns Croquet Club also Lease a portion of Albany Suburban Lots 4 and 5, North Road. This Lease is due to expire on 31 December 2003.

STATUTORY REQUIREMENTS:

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

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Item 12.2.9 continued.

POLICY IMPLICATIONS

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

“Volunteer Fire Brigade

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

FINANCIAL IMPLICATIONS

10. The current rent is \$10.00 per annum (not subject to GST) and is fixed for the term of the Lease. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit, sporting, and community groups. The rental is reviewed annually in accordance with Council’s budget and is subject to GST. For the 2003/2004 financial year the Council adopted a minimum land rate of \$445.00. Therefore it is recommended that this Lease be charged at Minimum Land Rate and reviewed annually.
11. All costs associated with this proposed new lease are to be borne by the applicant.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

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

Item 12.2.9 continued.

RECOMMENDATION

THAT subject to Ministerial approval, Council agree;

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

Voting Requirement Simple Majority

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12.2.10 Contract C03011 - Design Component - Albany Leisure And Aquatic Centre Upgrade

File/Ward	: MAN 167 (Yakamia Ward)
Proposal/Issue	: Selection of an architect for the design brief schematic design stage of the Albany Leisure and Aquatic Centre Upgrade Project.
Subject Land/Locality	: Albany Leisure and Aquatic Centre, Barker Road Albany.
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Recreation Development Officer (M Weller)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/06/03 - Item 12.2.2
Summary Recommendation	: That Council appoint Howard and Associates Architects for the Design Component – Albany Leisure and Aquatic Centre
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. At the ordinary council meeting 17th June 2003 Council resolved:-
“THAT Albany Leisure and Aquatic Centre upgrade project proceeds to the design phase, including:-
 - *appointment of an architect/ design company;*
 - *extensive community involvement including a tour of other Western Australian facilities with the aim of utilising successful design ideas and recognizing and preventing design faults/limitations;*
 - *detailed design and construction cost estimates and external funding submissions including a CSRFF application. This will allow for more detailed estimates of bottom line ongoing costs; and*
 - *the preparation of a business plan.”*
2. A timeline was put in place to complete the project by the deadline for Department of Sport and Recreation, Community Sport and Recreation Facility Fund applications, 30 September 2003. At present the project is being completed on schedule.

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Item 12.2.10 continued.

3. Tenders were recently called for the Architect/ Design Company and advertised in both the West Australian and Albany Advertiser Newspapers. Submissions closed on Tuesday 5/08/03.

STATUTORY REQUIREMENTS

4. 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.
5. Regulation 19 requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. The following table summarizes those charges (including GST) submitted by the company’s tendering for the project (*The City of Albany Regional Price Preference Policy was applied during the evaluation of the tenders*)

	Donovan Payne Architects	Peter Hunt Architect	James Christou and Partners Architects	Ian Howard & Associates Architects	Michael Davis Associates Architects
Price (inc GST)	64,000	33,000*	54,000	23,350	44,000**

* Peter Hunt Architects quotation excluded: “disbursements such as perspectives, colour copies, airfares etc which will be charged at cost” a figure was not nominated for these services

** Michael Davis and Associates quotation excluded certain disbursements, which would be charged at “cost plus a 15% administration fee”

8. The recommended tender is for \$23,350 (inc GST) with optional extras including –
 a workshop with Architects Prior and Cheney at \$3,500 and a Royal life saving society safety audit at \$750 and a disabled access audit at \$1,000. It is recommended that the Safety and Disability audit are completed at the next stage of the project (working drawings) and that council retains the option to conduct the optional workshop should this be deemed necessary and beneficial.

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9. The budget allocated for this aspect of the project allowed for 26,950 (Inc. GST). The consultant’s fee and optional workshop (\$26,850 inc GST) is within this budgeted amount.

STRATEGIC IMPLICATIONS

10. The City of Albany’s 2020 Plan Charting Our Course states the outcomes:

“To plan and provide for equity of access to, and the continual development of activities within the Leisure and Aquatic Centre, which enhances the quality of life for a growing and active Community.”

“To encourage a healthy and active Community through the development of a range of recreational and cultural pursuits”

COMMENT/DISCUSSION

11. A total of 19 Tender documents were issued with five tender submissions received by close of tender. It was noted that many of the document recipients choose to form teams with other document recipients in order to offer a range of expertise to the project.
12. 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:

Criteria	% Weight
1. Relevant qualifications and experience, including similar projects undertaken	35
2. Resources	10
3. Familiarity with Albany	10
4. Demonstrated appreciation, understanding and ability to address the tasks and issues involved in this project	20
5. Ability to complete the project by the project deadline. <i>(Essential criteria- failure to satisfy would result in tender being removed from consideration)</i>	<i>(not weighted)</i>
6. Quote to carry out the project (to be all inclusive)	25

13. The executive committee evaluated the tenders and awarded the following ratings:
- | | |
|---------------------------------|-------|
| 1. Ian Howard and Associates | 75.5% |
| 2. Peter Hunt Architects | 70% |
| 3. Michael Davis and associates | 61% |
| 4. James Christou and Partners | 60% |
| 5. Donovan Payne Architects | 55% |

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Item 12.2.10 continued.

14. The standard of all tenders received was high, however as many tenders prices were well above the figure allocated in the council budget for these works subsequently these tenders were assessed lowly in the price element of the criteria. The amount budgeted by council for this project was developed in consultation with the author of Feasibility Study for Indoor Recreation and Aquatic Facilities and deemed as a fair and reasonable figure for the works to be undertaken.
15. All tenderers satisfactorily demonstrated their ability to meet the project deadline.
16. It is the opinion of the executive committee that the tender submitted by Ian Howard and Associates has satisfactorily met all aspects of the selection criteria and represents sounds value for money for the City of Albany.

RECOMMENDATION

THAT Council accept the tender from Ian Howard and Associates for Contract C03011 – Design Component – Albany Leisure & Aquatic Centre Upgrade.

Voting Requirement Simple Majority

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12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

Nil.

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Albany Arts Advisory Committee meeting minutes – 8th July 2003

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 8th July 2003 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 8th July 2003

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 8th July 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

Item 5.3 Public Art Committee

OFFICER RECOMMENDATION

THAT the following members be appointed to the Public Art Committee.

- **Arts Project Officer – S Stephens;**
- **Manager Development Services – M Selby;**
- **Executive Director Works & Services – B Joynes;**
- **AAAC Representative – E Grey**

Item 5.7 Terms of Reference

OFFICER RECOMMENDATION

THAT the Terms of Reference of the AAAC be confirmed.

Voting Requirement Absolute Majority

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12.8.2 Community Financial Assistance Committee meeting minutes – 2nd July 2003

- File/Ward** : FIN 022 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Disclosure of Interest** : P Madigan – impartial interest, member of the King River Pony Club
- Summary Recommendation** : That the Minutes of Community Financial Assistance Committee held on 2nd July 2003 be adopted.

Confirmation of the minutes of the Community Financial Assistance Committee of 2nd July 2003.

RECOMMENDATION

THAT the minutes of Community Financial Assistance Committee held on 2nd July 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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12.8.3 Senior Advisory Committee meeting minutes – 17th July 2003

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (P Madigan)
Summary Recommendation	:	That the Minutes of Senior Advisory Committee held on 17 th July 2003 be adopted.

Confirmation of the minutes of the Senior Advisory Committee of 17th July 2003.

RECOMMENDATION

THAT the minutes of Senior Advisory Committee held on 17th July 2003 be received and the following recommendations received (copy of minutes are in the Elected Members Report/Information Bulletin)

Item 7.2 Alfresco Dining in the CBD area

OFFICER RECOMMENDATION

THAT the Committee recommendation not be supported, and a representative from Development Services attend the next meeting of the Committee to explain the current requirements and the purpose of such requirements.

Item 7.3 Senior Advisory Committee membership and Terms of Reference

OFFICER RECOMMENDATION

THAT the;

- i) following appointments be made to the Senior Advisory Committee, with all previous appointments lapsing:-**
- **Roy Gwynn – Association for the Blind;**
 - **Middy Dumper – Seniors Community;**
 - **Ray Crocker – Over 50's Recreation Association;**
 - **Digger Cleark – Albany Sub Branch RSL;**
 - **John Beamon – COTA National Seniors Association;**
 - **Dianne van der Merwe – Seniors Interest Group;**
 - **Hope Sharp – Seniors Community;**
 - **Nancy Millard – Meals on Wheels / Senior Citizens Association;**
 - **Kim Buttfield – General Community;**
 - **Jennie Grieve – General Community; and**
 - **June Spouse – Breaksea Ladies Probus Club; and**

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Item 12.8.3 continued.

- ii) **current Terms of Reference of the Committee be adopted without amendment.**

Voting Requirement Absolute Majority

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**12.8.4 Disability Services and Community Access Advisory Committee meeting minutes
– 16th July 2003**

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Disability Services and Community Access Advisory Committee held on 16th July 2003 be adopted.

Confirmation of the minutes of the Disability Services and Community Access Advisory Committee of 16th July 2003.

RECOMMENDATION

THAT the minutes of Disability Services and Community Access Advisory Committee held on 16th July 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

Item 5.2 City of Albany Disability Services Plan

OFFICER RECOMMENDATION

THAT the City of Albany Disability Services Plan, as amended and incorporating the Disability and Discrimination Audit be adopted.

Item 5.3 Disability Awareness Display – Albany Agricultural Society

OFFICER RECOMMENDATION

THAT the Disability Services and Community Access Advisory in conjunction with other disability service providers form a working group with a view to hosting a disability awareness display in the 2003 Albany Agricultural Society.

Voting Requirement Simple Majority

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12.8.5 Town Hall Theatre Advisory Committee meeting minutes – 6th August 2003

File/Ward	:	SER 047 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (P Madigan)
Summary Recommendation	:	That the Minutes of Town Hall Theatre Advisory Committee held on 6 th August 2003 be adopted.

Confirmation of the minutes of the Town Hall Theatre Advisory Committee of 6th August 2003.

RECOMMENDATION

THAT the minutes of Town Hall Theatre Advisory Committee held on 6th August 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations adopted.

COMMITTEE RECOMMENDATION

THAT the Albany Town Hal Theatre Advisory Committee remains responsible for advising on the future direction and recommending the future use of the Theatre including review of the business plan, programming of performances underwritten by the City of Albany recommendations on fees and pricing structures and activity scheduling.

Item 6.5.3 – Review Delegation of Authority

COMMITTEE RECOMMENDATION

Programming of Performances

In accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to grant delegation to the Albany Town Theatre Advisory Committee, the power to assess and approve performances at the Theatre subject to budgetary constraints.

In accordance with the provisions of section 5.42 of the Local Government Act, Council agree to grant delegation to the Chief Executive Officer the authority to make decisions on programming of performances up to a value of \$4,000 (performance fee) subject to:-

- a. the delegated authority is only used where a response is required prior to the next scheduled meeting of the advisory committee;**
- b. the performance can be funded from within the Theatre's current operating budget for shows;**

ORDINARY COUNCIL MEETING – 19/08/03
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- c. the performance is likely to be supported due to past sales data for the artist or the type of performance; and
- d. there is a indicated interest in the performance as demonstrated in the pervious year’s customer and/or public surveys.

Item 6.5.6 - Committee Membership

COMMITTEE RECOMMENDATION

THAT Mr Ian Haines be appointed on the Albany Town Hall Theatre Advisory Committee as a community representative.

Voting Requirement Absolute Majority

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**12.8.6 Great Southern Regional Cattle Saleyards Joint Venture Committee meeting
Minutes – 11th August 2003**

- File/Ward** : REL 087 (Shire of Plantagenet)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 11th August 2003 be adopted.

Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee of 11th August 2003.

RECOMMENDATION

THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 11th August 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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Works & Services

REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil

13.2 ASSET MANAGEMENT

13.2.1 Proposed Road Closure - Eleanor Street

File/Ward	:	SER 088 (Kalgan Ward)
Proposal/Issue	:	Closure of Eleanor Street, Milpara to vehicular traffic
Subject Land/Locality	:	Eleanor Road, Milpara
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager City Works (L Hewer)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Advertise the proposal to close Eleanor Street, Milpara, between Rufus Street and John Street, inviting comments from the community and service authorities for consideration prior to resolving the closure.
Bulletin Attachment	:	Nil
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.2.1 continued

BACKGROUND

1. A number of Ratepayers have written to Council requesting that Eleanor Street be improved to alleviate the safety and dust problems currently experienced.
2. Given its low ranking in Council's Asset Management Strategy, sealing of Eleanor Street is not planned to occur for some 30 years.
3. The alternative solution to the safety and dust problems is to close Eleanor Street, thereby preventing vehicles using this road as a short cut between Rufus Street and John Street.
4. Council's Manager City Works met with residents of properties adjoining Eleanor Street on Monday, 23 June 2003, and it was agreed that the closure of Eleanor Street would be the best solution for all parties.

STATUTORY REQUIREMENTS

5. Section 3.50 of the Local Government Act 1995 provides for closing certain thoroughfares to vehicles, as follows:
 - “(1) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles.*
 - (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
 - (3) The order cannot be made to have effect beyond 4 years after the first day when it has effect, but this subsection does not prevent the making of another order that continues the closure of the thoroughfare.*
 - (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –*
 - a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
 - b) give written notice to each person who –*
 - (i) is prescribed for the purposes of this section; or*
 - (ii) owns land that is prescribed for the purposes of this section; and*

WORKS & SERVICES REPORTS

Item 13.2.1 continued

- c. allow a reasonable time for submissions to be made and consider any submissions made.*
- (5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*
- (6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*
- (7) *Subsections (4) and (5) do not prevent the temporary closure of a thoroughfare, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.*
- (8) *If, under subsection (7), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.”*
6. The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

POLICY IMPLICATIONS

7. The City of Albany currently does not have a policy on wholly or partially closing thoroughfares. Where there is no benefit to the community of keeping a thoroughfare open, the consideration of closing thoroughfares enables resources to be effectively utilised elsewhere.

FINANCIAL IMPLICATIONS

8. The City of Albany would be required to accept costs associated with advertising the road closure.

STRATEGIC IMPLICATIONS

9. In the City of Albany’s strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:

Port of Call:

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

Objective:

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued

COMMENT/DISCUSSION

- 10. Eleanor Street is currently an unformed road that links Rufus Street and John Street in Milpara.
- 11. It is considered that the installation of a lockable barrier, with keys issued to service authorities, will help reduce the concern of safety and dust control issues.
- 12. In accordance with the Local Government Act 1995, the most appropriate course of action is to invite submissions from the community for the partial closure of Eleanor Street. The precise location of the barriers would be decided following consideration of submissions and discussions with abutting landowners.
- 13. Closing Eleanor Street will reduce maintenance costs as it is the only unsealed road in the area.

RECOMMENDATION

THAT Council, in accordance with Section 3.50 of the Local Government Act 1995:

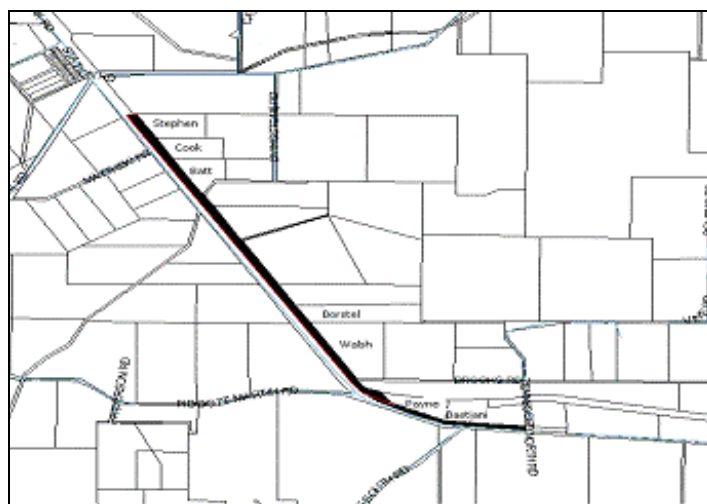
- i) give local public notice of the proposed order to partially close Eleanor Street by way of installation of a lockable barrier;**
- ii) invite submissions from the community and service authorities;**
- iii) give written notice to each person who may be affected by the proposal; and**
- iv) consider all submissions prior to resolving the partial closure.**

Voting Requirement Simple Majority

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13.2.2 Proposed Road Closure – Portion Lower Denmark Road Youngs Siding

- File/Ward** : SER 088 (West Ward)
- Proposal/Issue** : Closure of a portion of unmade road reserve on Lower Denmark Road, Youngs Siding
- Subject Land/Locality** : Lower Denmark Road, Youngs Siding
- Proponent** : L Borstel, G Whitehurst, S&W Stephens, B&C Cook, S&J Batt, P&C Walsh, O Payne and R Bastiani.
- Owner** : Crown
- Reporting Officer(s)** : Asset Coordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Advertise the proposal to close a portion of unmade road reserve on Lower Denmark Road Youngs Siding, and invite comments from stakeholders for consideration prior to resolving the closure.
- Bulletin Attachment** : Nil
- Locality Plan** :



WORKS & SERVICES REPORTS

Item 13.2.2 continued

BACKGROUND

1. Council has received an application from L Borstel, G Whitehurst, S & W Stephens, B & C Cook, S & J Batt, P & C Walsh, O Payne and R Bastiani for the closure of a portion of unformed road reserve adjoining their properties along Lower Denmark Road, Youngs Siding.
2. The road reserve along this section of Lower Denmark Road is between 110 and 120 metres wide, as this portion was originally a railway reserve that has since been incorporated into the Lower Denmark Road reserve.
3. The closure of this portion of Lower Denmark Road and the re-gazettal of the land to private property would relieve Council of the requirement to maintain the unmade portion of the road reserve, however, these requirements are only minor in nature (eg flora and fauna management issues).

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. There are no financial implications relating to this item. The proponents have paid the administration fees pertaining to the road closure.

STRATEGIC IMPLICATIONS

8. In the City of Albany's strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:

Port of Call

Transport systems and services designed to meet current and future needs
Objective:

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

WORKS & SERVICES REPORTS

Item 13.2.2 continued

COMMENT/DISCUSSION

- 9. The proponents have indicated that they would prefer to keep the subject land as a buffer zone to protect the flora and fauna, and plant native trees to provide windbreaks.
- 10. The re-alignment of the road reserve would provide for a road reserve of 30 metres in width, which may be adequate for future needs. Council is aware of a proposal to incorporate the future Mundabbi Trail along this section of Lower Denmark Road, however the exact location of the trail along Lower Denmark Road has not been defined to date.
- 11. The proponents will be required to negotiate with Department of Land Information regarding the cost of surveying and purchasing the existing unmade portion of road reserve.
- 12. Whilst there appears questionable overall public benefit for this closure to proceed (loss of ability for provision of future infrastructure or services), Council should still seek external comment prior to considering whether or not to close this portion of road.

RECOMMENDATION

THAT Council:

- i) **in accordance with Section 58 of the Land Administration Act 1997, advertise the proposal to close a portion of road reserve formally known as Lower Denmark Road, inviting comments from the community, Department of Sport and Recreation, Department of Conservation and Land Management and service authorities; and**
- ii) **consider all submissions prior to resolving whether or not to close this portion of road.**

Voting Requirement Simple Majority

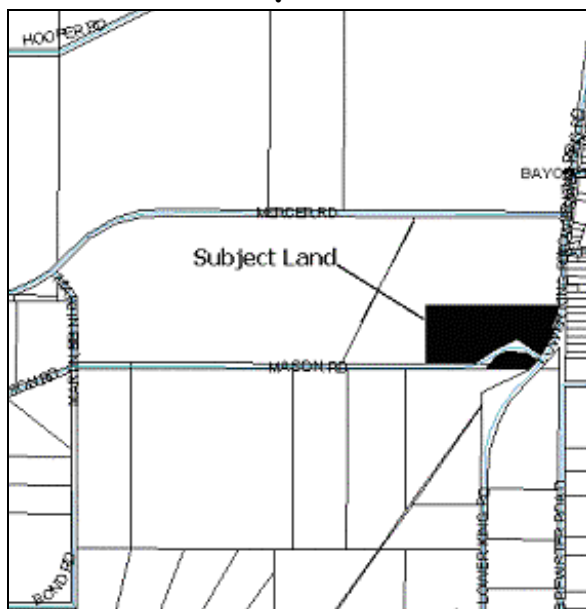
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WORKS & SERVICES REPORTS

13.2.3 Proposed Road Closure – Road Reserve Portion Mason Road, Lange

- File/Ward** : A15750 (Yakamia Ward)
- Proposal/Issue** : Close portion of road reserve Mason Road, Lange
- Subject Land/Locality** : Lot 2, Lower King Road
- Proponent** : Ayton Taylor Burrell
- Owner** : Crown
- Reporting Officer(s)** : Asset Coordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Advertise the proposal to close a portion of unmade road reserve on Mason Road, Lange to invite comments from the community and service authorities for consideration by Council prior to resolving closure.
- Bulletin Attachment** : N/A

Locality Plan :



WORKS & SERVICES REPORTS

Item 13.2.3 continued

BACKGROUND

1. Council has received an application from Ayton Taylor Burrell on behalf of the owners of Lot 2 Lower King Road, Lange for the closure of portion of the road reserve on Mason Road, Lange.
2. A subdivision application has been lodged with the Western Australian Planning Commission of Lot 2, Lower King Road into 80 residential lots, pending closure of the road reserve. Once the closure has occurred, it is anticipated that the land would be amalgamated with Lot 2, Lower King Road, which would then provide a safer and more practical intersection to Lower King Road. A subdivision plan indicating the closures is attached.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. There are no financial implications for Council. The proponent has paid the road closure fee, and the cost of the road closures (surveying, construction, infrastructure works and land cost) is to be borne by the developer of the proposed subdivision and/or Department of Land Information.

STRATEGIC IMPLICATIONS

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

Port of Call:

Transport systems and services designed to meet current and future needs

Objective:

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

WORKS & SERVICES REPORTS

Item 13.2.3 continued

COMMENT/DISCUSSION

- 8. The closure of the road reserve would enable the rationalisation of the western most (unconstructed) portion of Mason Road and provide a more practical intersection with Lower King Road within the proposed subdivision of Lot 2.
- 9. The developer would be required to negotiate with Department of Land Information the cost of surveying and purchasing of the existing road reserve.

RECOMMENDATION

THAT Council:

- i) **in accordance with Section 58 of the Land Administration Act 1997, advertise the proposal to close a portion of the road reserve, Mason Road, Lange inviting comments from the community and service authorities for consideration; and**
- ii) **consider all submissions prior to resolving the closure.**

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Supply of Crushed Gravel from Various Gravel Pits

File/Ward	: C02050 (All Wards)
Proposal/Issue	: Supply of Crushed Gravel From Various Gravel Pits
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager City Works (L Hewer)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accept the Tender C02050 from Palmer & Rayner Earthmoving Pty Ltd for the Production of Quality Gravel as per Schedule of Rates Contract submitted.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council has budgeted this year to construct several roads including Dempster, Collingwood and Lancacaster Roads and to gravel resheet numerous others including Homestead, Bushby and Shell Bay Roads, as well as carrying out routine road maintenance.
2. It has been estimated that approximately 25,000m³ of 100mm gravel will be required to construct these and other budgeted roads.
3. Council has operated several pits in the municipal area for several years within the requirements of the Extractors Industry Licence.
4. Tenders were called for the winning and production of gravel as per specification and to supply rates to carry out the works over the next financial year. The tender is a Schedule of Rates Contract.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

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 Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. The works are budgeted in the overall Road Construction program and routine maintenance. During the budget process, the cost of supplying gravel was estimated for each road project. The average cost allowed was between \$4.50 - \$6.00/m³ depending on quality. The average cost in this tender is approximately \$4.75/m³.

STRATEGIC IMPLICATIONS

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

Port of Call

Transport systems and services designed to meet current future needs.

Objective:

Transport infrastructure planning

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

Port of Call

Transport systems and services designed to meet current future needs.

Objective:

Management of transport infrastructure and services

- To effectively and efficiently manage the City's transport infrastructure
- To provide a high quality service;
- To meet community expectations;
- To minimise whole life costs; and
- In alignment with transport plans.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

COMMENT/DISCUSSION

- 9. A request for Tenders was published in the Albany Advertiser on 26th June 2003, the Weekend Extra on 27th June 2003 and The West Australian on 28th June 2003. A total of seven Tender documents were issued, with six Tender submissions received by close of Tender. The tenders by Rivermouth Holdings and Jadecrest Holdings were non-conforming, as they only submitted rates for a dozer and two of the pits, therefore they were not considered.
- 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:

Criteria	% Weight
Cost	60
Relevant Skills & Experience	20
Safety Management	10
Reliability of Contractor	10

- 11. The attached table summarises the Tenders received and the Schedule of Rates (including GST) submitted by prospective contractors for the Winning and Supply of Gravel at Various Gravel Pits.
- 12. The Tenders were evaluated by the Manager City Works and Depot Services Coordinator and were all considered to be of equal weighting in relevant skills and experience, safety management and reliability of contractor.
- 13. Whilst all tenderers were found to be of equal weighting in the above factors, Palmer & Rayner supplied the lowest prices for this tender. They have also provided services for Council in the past, which have been to a satisfactory standard.

RECOMMENDATION

THAT Council accepts the Tender C02050 from Palmer & Rayner Earthmoving Pty Ltd for the Production of Crushed Gravel at Various Council Controlled Pits at the Schedule of Rates submitted.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING AGENDA – 19/08/03

** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

Item 13.3.1 continued

Description	Quantity	AD Contracting	Palmer & Rayner	Great Southern Sands	Rivermouth Holdings	Coromup Contracting	Jadecrest Holdings
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**HUNTON ROAD
PIT**

Preliminaries	Item	Nil	\$ 550.00	Nil	Nil	\$ 220.00	Nil
Clearing	30,000 m ²	Nil	Nil	Nil	Nil	Nil	Nil
Topsoil Removal	30,000 m ²	\$ 3,000.00	\$ 3,960.00	\$ 4,950.00	\$ 3,150.00	\$ 1,980.00	\$ 3,150.00
Gravel Production	13,000 m ³ 100 minus	\$ 46,800.00	\$ 36,795.00	\$ 64,350.00	\$ 35,750.00	\$ 71,500.00	\$ 35,750.00
Dozer Hire		\$ 7,000.00	\$ 7,000.00	\$ 6,600.00	\$ 6,325.00	\$ 9,000.00	\$ 6,325.00

TANDARA PIT

Preliminaries	Item	Nil	\$ 900.00	\$ 1,100.00	\$ 330.00	\$ 125.00	\$ 330.00
Clearing	10,000 m ²	\$ 1,500.00	\$ 3,520.00	Nil	\$ 495.00	\$ 3,630.00	\$ 495.00
Topsoil Removal	10,000 m ²	\$ 1,500.00	\$ 1,320.00	\$ 1,650.00	\$ 1,155.00	\$ 1,320.00	\$ 1,155.00
Gravel Production	5,500 m ³ 100 minus	\$ 19,800.00	\$ 19,189.00	\$ 24,200.00	\$ 12,100.00	\$ 30,250.00	\$ 12,100.00
Dozer Hire		\$ 4,500.00	\$ 4,200.00	\$ 3,960.00	\$ 3,795.00	\$ 5,400.00	\$ 3,795.00

**DAWSONROAD
PIT**

Preliminaries	Item	Nil	\$ 900.00	Nil	Nil	\$ 125.00	
Clearing	9,000 m ²	Nil	Nil	Nil	Nil	Nil	
Topsoil Removal	9,000 m ²	\$ 450.00	\$ 1,188.00	\$ 2,200.00		\$ 1,100.00	
Gravel Production	4,500 m ³ 100 minus	\$ 16,200.00	\$ 16,137.00	\$ 14,850.00		\$ 24,750.00	
Dozer Hire		\$ 4,500.00	\$ 4,200.00	\$ 3,960.00	\$ 3,795.00	\$ 5,400.00	\$ 3,795.00

**REDMOND
WEST PIT**

Preliminaries	Item	Nil	\$ 1,650.00	Nil	Nil	\$ 125.00	
Clearing	5,000 m ²	Nil	Nil	Nil	Nil	Nil	
Topsoil Removal	5,000 m ²	\$ 500.00	\$ 660.00	\$ 1,100.00	Nil	\$ 900.00	
Gravel Production	2,500 m ³ 100 minus	\$ 9,000.00	\$ 10,285.00	\$ 12,375.00	Nil	\$ 14,125.00	
Dozer Hire		\$ 2,800.00	\$ 2,800.00	\$ 2,640.00	\$ 2,530.00	\$ 3,600.00	\$ 2,530.00

	TOTAL	\$ 117,550.00	\$ 115,254.00	\$ 143,935.00		\$ 173,550.00	
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WORKS & SERVICES REPORTS

13.3.2 Supply of Crushed Gravel - Marbellup Gravel

File/Ward	: C03009 (All Wards)
Proposal/Issue	: Supply of Crushed Gravel - Marbellup Gravel
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager City Works (L Hewer)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accepts the tender C03009 from AD Contractors Pty Ltd for the production of quality gravel as per Schedule of Rates Contract submitted.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council has budgeted this year to construct several roads, including Lower Denmark Road, and to gravel resheet numerous others including Marbellup and Lilydale Roads, as well as carrying out routine road maintenance.
2. It has been estimated that approximately 30,000m³ of 100mm and 10,000m³ of 37mm gravel will be required to construct these and other budgeted roads. The request to crush the gravel to 37mm is a new practice introduced to incorporate both best practice and cost savings during construction. The well-graded material is easier and quicker to lay and compact, and gives a better finished product.
3. Council has operated a gravel pit at Marbellup for several years within the requirements of the Extractors Industry Licence.
4. Tenders were called for the winning and production of gravel as per specification, and to supply rates to carry out the works over the next financial year. The tender is a Schedule of Rates Contract.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

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 Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. The works are budgeted in the overall Road Construction program and routine maintenance. During the budget process, the cost of supplying gravel was estimated for each road project. The average cost allowed was between \$4.50 - \$6.00/m³ depending on quality. The average cost in this tender is approximately \$4.75/m³.

STRATEGIC IMPLICATIONS

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

Port of Call

Transport systems and services designed to meet current future needs.

Objective:

Transport infrastructure planning

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

Port of Call

Transport systems and services designed to meet current future needs.

Objective:

Management of transport infrastructure and services

- To effectively and efficiently manage the City's transport infrastructure
- To provide a high quality service;
- To meet community expectations;
- To minimise whole life costs; and
- In alignment with transport plans.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

COMMENT/DISCUSSION

9. A request for tenders was published in the Albany Advertiser on 26th June 2003, the Weekend Extra on 27th June 2003 and the West Australian on 28th June 2003. A total of seven tender documents were issued, with four tender submissions received by close of tender. The tender by Rivermouth Holdings was non-conforming as they submitted a dozer rate only, and therefore was not considered.
11. 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:

Criteria	% Weight
Cost	60
Relevant Skills & Experience	20
Safety Management	10
Reliability of Contractor	10

12. The following table summarizes the tenders received and the Schedule of Rates (including GST) submitted by prospective contractors for the Winning and Supply of Gravel, Marbellup Gravel Pit.

Description	Quantity		AD Contracting	Palmer & Rayner	Great Southern Sands
Preliminaries	Item		Nil	Nil	Nil
Clearing	30,000 m ²		\$ 12,000.00	\$ 31,350.00	\$ 25,300.00
Topsoil Removal	30,000 m ²		\$ 3,000.00	\$ 3,960.00	\$ 5,500.00
Gravel Production	30,000 m ³	100 minus	\$ 93,000.00	\$ 85,440.00	\$ 116,400.00
	10,000 m ³	37 minus	\$ 44,000.00	\$ 57,500.00	\$ 49,500.00
Dozer Hire			\$ 30,000.00	\$ 28,000.00	\$ 26,400.00
		TOTAL	\$ 182,000.00	\$ 206,250.00	\$ 223,100.00

14. Tenders were evaluated by the Manager City Works and Depot Services Coordinator, and all were considered to be of equal weighting in relevant skills and experience, safety management and reliability of contractor.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

15. Whilst all tenderers were found to be of equal weighting in the above factors, AD Contractors supplied the lowest prices for this tender. They have also provided services for Council in the past, which have been to a satisfactory standard.

RECOMMENDATION

THAT Council accepts the tender C0300 from AD Contractors Pty Ltd for the production of Gravel at Marbellup Gravel Pit at the Schedule of Rates submitted.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

13.3.3 Contract C03006 – Weed and Pest Control Services Biennial 2003/2005

File/Ward	: C03006 (All Wards)
Proposal/Issue	: Weed and Pest Control Services by Public Tender
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Parks & Reserves Coordinator (M Richardson)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accepts the tender C03006 from Edenborn Pty Ltd for Weed and Pest Control Services
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council's current contract for Weed and Pest Control Services expired on 31st July 2003. In order for Council to maintain the current level of commitment for these works, Council is required to re-tender this service.
2. Council staff currently undertake weed spraying within its parks and gardens area, however, the quantity of infrastructure requiring weed control outside of these areas (i.e. 91kms of footpaths, 303kms of kerb line) necessitates supplementary resources.
3. Council has used contract services for weed control for approximately 20 years.

STATUTORY REQUIREMENTS

4. 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.

WORKS & SERVICES REPORTS

Item 13.3.3 continued

5. Regulation 19 requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. Funds for this service are budgeted each year in City Works & Services operating accounts (Gardening COA 126920 and Road Maintenance COA 132220), and fits within existing budget parameters. The total budgeted figure for the two year period is \$250,000.

STRATEGIC IMPLICATIONS

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

Quality parks gardens and reserves maintaining their feature status.

Objective:

- To develop safe, functional and aesthetically pleasing streetscapes.

COMMENT/DISCUSSION

7. A request for tender was published in the Albany Advertiser on 3rd July 2003 and the West Australian on 5th July 2003. A total of nine tenders were issued, with four tender submissions received by close of tender.
8. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	Weight
Relevant Skills & Experience	30
Reliability of Contractor	10
Appropriate Resources	10
Financial	40
Safety Management	10
Total	100

9. An evaluation panel comprising Manager City Services, Rural Works Coordinator and Parks & Reserves Coordinator evaluated the submissions received from contractors using the evaluation criteria detailed above.

WORKS & SERVICES REPORTS

Item 13.3.3 continued

10. The attached table summarizes those prices (including GST) submitted by prospective contractors for the supply of Weed and Pest Control Services and the overall evaluation score for each firm.
11. Edenborn Pty Ltd was the highest scoring of the tendering firms and scored highly in the evaluated criteria of skills and experience as well as in the financial component. Edenborn demonstrated a strong commitment to Occupational Health and Safety and was the only tenderer to achieve an above average score in safety management.
12. Edenborn was selected by Council in the last tender (2001/03) issued for Weed and Pest Control Services. Whilst there have been some concerns regarding weed growth over the past two years, these have been as a result of inadequate tender specification. This tender has addressed those concerns through an additional weed spray in the CBD area.
13. While Orchy Industries tendered price is lower than that of Edenborn, the price breakdown of several quoted areas appeared disproportionately low when compared to the amount of work specified. Orchy Industries were contacted to discuss the areas of price disparity and stated that while they had not made an inspection of the works locations specified in the tender document, they would still honour their submitted price. Council officers are concerned about the accuracy of Orchy Industries price due to the work sites not having been inspected.
14. Orchy Industries scored poorly in the area of safety management.
15. Ken Collins Natures Approach only tendered on weed control in the rural areas, and whilst Rural Project Services tendered for both areas, both companies scored lowly in the financial component of the tender.

RECOMMENDATION

THAT Council accept the tender C03006 from Edenborn Pty Ltd for Weed and Pest Control Services Biennial 2003/05 at a cost of \$247,495.00 (inc GST) for the two year period.

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING AGENDA – 19/08/03

** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

Item 13.3.3 continued

TENDER PRICES - WEED SPRAYING CONTRACT C03006 2003/05								
Contractor								
	Ken Collins Natures Approach		Orchy Industries		Rural Project Services		Edenborn Pty Ltd	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Tender Price	No Price Given	\$ 85,803.50	\$ 129,680.00	\$ 37,680.00	\$ 381,525.60	\$ 82,395.82	\$ 191,715.00	\$ 55,780.00
Total Urban/Rural	Rural Only	\$ 85,803.50	\$ 167,360.00	\$ 463,921.42	\$ 247,495.00			
Applicable Regional Policy %	5%	5%	5%	5%	5%	5%	10%	10%
Price Less Regional %	No Price Given	\$ 81,513.32	\$ 123,196.00	\$ 35,796.00	\$ 362,449.32	\$ 78,276.03	\$ 172,543.50	\$ 50,202.00
Total Urban/Rural less Regional %		\$ 81,513.32	\$ 158,992.00	\$ 440,725.35	\$ 222,745.50			
Overall Evaluation Scores	0	28	34	37	58			

WORKS & SERVICES REPORTS

13.3.4 Contract C03008 – Mowing Services Biennial 2003/05

File/Ward	: C03008 (All Wards)
Proposal/Issue	: Mowing Services by Public Tender
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Parks & Reserves Coordinator (M Richardson)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council accepts the tender C03008 from Edenborn Pty Ltd for Mowing Services
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. Council's current contract for Mowing Services expired on 31st July 2003. In order for Council to maintain the current level of commitment for these works, Council is required to re-tender this service.
2. Council staff undertake the majority of mowing within Council managed areas. The Mowing Services contract supplements Council's operations by mowing the verges and median strips of the three major roads into the city as well as Middleton Road. These areas are difficult to mow because of their proximity to traffic and the narrow width of grassed areas. Council first tendered Mowing Services in 2001, and this has allowed Council staff to maintain a consistent level of service within its parks and gardens, as well as providing for neat presentation of major roads into the city without increasing its plant and labour requirements.

STATUTORY REQUIREMENTS

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 to accept any tender.

WORKS & SERVICES REPORTS

Item 13.3.4 continued

4. Regulation 19 requires Council to advise each tenderer in writing the result of Council’s decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Funds for this service are budgeted each year in City Works & Services operating accounts (Parks & Reserves COA number 126920), and will fit within existing budget parameters. The budgeted amount for the two year period is \$86,000.

STRATEGIC IMPLICATIONS

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

Quality parks gardens and reserves maintaining their feature status.

Objective:

- To develop safe, functional and aesthetically pleasing streetscapes.

COMMENT/DISCUSSION

8. A request for tender was published in the Albany Advertiser on 3rd July 2003 and the West Australian on 5th July 2003. A total of eleven tenders were issued, with three tender submissions received by close of tender.
9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	Weight
Relevant Skills & Experience	30
Reliability of Contractor	20
Appropriate Resources	20
Financial	40
Safety Management	10
Total	120

10. An evaluation panel comprising Manager City Services and Parks & Reserves Coordinator evaluated the submissions received from contractors using the evaluation criteria detailed above.

WORKS & SERVICES REPORTS

Item 13.3.4 continued

11. The following table summarizes those prices (including GST) submitted by prospective contractors for the supply of Mowing Services and the overall evaluation score for each firm.

TENDER PRICES - MOWING CONTRACT C03008 2003/05			
Evaluation Details	Contractor		
	TC & JE Guelfi	Ken Collins Natures Approach	Edenborn Ltd Pty
Tender Price	\$ 98,160.00	\$ 80,060.95	\$ 82,900.00
Applicable Regional Policy %	10%	5%	10%
Price Less Regional %	\$ 88,344.00	\$ 76,057.90	\$ 74,610.00
Overall Evaluation Score	35	50	79

11. Edenborn Pty Ltd was the highest scoring of the tendering firms and scored well in all of the evaluation criteria. Edenborn demonstrated a strong commitment to Occupational Health and Safety and was the only tenderer to achieve a satisfactory score in safety management.
12. Edenborn was selected by Council in the last tender (2001/03) issued for Mowing Services.
13. Ken Collins Natures Approach and TC & JE Guelfi were outscored in all criteria by the Edenborn tender and in particular the area of safety management.

RECOMMENDATION

THAT Council accept the tender C03008 from Edenborn Pty Ltd for Mowing Services Biennial 2003/05 at a cost of \$82,900.00 (inc GST) for the two year period.

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

13.4 AIRPORT MANAGEMENT

Nil.

13.5 RESERVES PLANNING & MANAGEMENT

Nil.

13.6 WORKS & SERVICES COMMITTEES

Nil.

General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Adoption of Occupational Safety and Health Policy Statement

File/Ward	: OSH 001 (All Wards)
Proposal/Issue	: Adoption of Occupational Safety & Health Policy Statement
Subject Land/Locality	: Nil
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Project Administration Officer (B Parker)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council adopt the proposed Occupational Safety & Health Policy Statement
Bulletin Attachment	: Nil.
Locality Plan	: Nil

BACKGROUND

1. Since the Occupational Safety & Health Committee was established, the committee frequently requests that our insurer audits our systems, policies and processes from an occupational safety and health perspective. Our insurer is accredited by Worksafe and aims to identify problem areas within the City of Albany so that the committee can measure its success and continually improve.
2. Our Insurer, Western Australian Local Government Insurance Services has identified that an organization the size of the City of Albany requires an Occupational Health & Safety Policy Statement.
3. This statement forms part of the Human Resource Operational Policy that has already been adopted by Council and outlines that the City of Albany is committed to providing a safe and healthy working environment.
4. The Occupational Safety & Health Act 1984 requires the City of Albany to adopt an Occupational Safety & Health Policy Statement.

Item 14.2.1 continued.

STATUTORY REQUIREMENTS

5. The Occupational Health and Safety Act (1984) requires an organization the size of the City of Albany to adopt an Occupational Safety & Health Policy Statement.

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

“A reputation for professional excellence”

COMMENT/DISCUSSION

7. By adopting this Occupational Safety & Health Policy Statement, all current employees, prospective employees and members of the community will become aware of how much the City of Albany values the safety and health of people working in and visiting our premises. A copy of this statement is attached to this report.
8. The Occupational Health & Safety Policy Statement forms a strategic framework of which other activities are aligned so that the organization, from a health and safety perspective is heading in a clear and concise direction.

RECOMMENDATION

THAT Council accepts the recommendation provided by Western Australian Local Government Insurance Services and adopts the proposed City of Albany Occupational Safety & Health Policy Statement in accordance with the Occupational Safety & Health Act (1984).

Voting Requirement Simple Majority

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Occupational Safety & Health

The City of Albany is committed to providing a safe and healthy working environment, so far as practicable, for all employees, contractors and visitors. To achieve this we will:-

- Strive to achieve a reduction in workplace injury and disease;
- Provide and maintain a safe workplace;
- Identify, eliminate and control hazards;
- Provide information, supervision and training for employees to ensure work is performed safely and to a high standard;
- Establish a culture of safety where best practice initiatives are entrenched in daily business activities; and
- Comply with current legislation, regulations, codes of practice and national standards.

The City of Albany encourages a consultative process to improve safety within the workplace and will provide the time and resources required to minimise the risk of injury, harm or damage to the Council's employees and property.

Safety is considered a shared responsibility and the council will strive to ensure that compliance is achieved and the integrity of this policy is maintained.

14.3 ECONOMIC DEVELOPMENT

14.3.1 Albany Wind Discovery Centre Report (*Strategic Assessment and Design Concept*)

File/Ward	:	A165274 (Vancouver Ward)
Proposal/Issue	:	Adopt the Albany Wind Discovery Centre (<i>Strategic Assessment and Design Concept</i>) Report and consider an implementation strategy
Subject Land/Locality	:	Location 7736, Part Reserve 13773 (Sandpatch Reserve)
Proponent	:	N/A
Owner	:	Crown (Land vested with City of Albany)
Reporting Officer(s)	:	Manager, Economic Development (J Berry)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/01/03 Item 14.3.1
Summary Recommendation	:	THAT Council receive the Albany Wind Discovery Centre Report (<i>Strategic Assessment and Design Concept</i>) and facilitate a prioritized approach to implementation through further negotiation with Western Power Corporation and relevant State and Commonwealth Government agencies.
Bulletin Attachment	:	Windfarm Report.
Locality Plan	:	



Item 14.3.1 continued.

BACKGROUND

1. Construction of the \$41 million Albany wind farm was completed in July 2001 and was officially opened in October 2001. It is Australia's premier renewable energy development project and was constructed and is operated by Western Power Corporation.
2. The facility consists of twelve wind turbines on spectacular coastline 10 km south west of Albany's CBD. Each turbine is 65m in height and has three 35m blades, making it the biggest wind farm in the State.
3. The wind farm powers the equivalent of 15,000 homes (up to 75% of the city's electrical power) with clean green electricity (up to 22 MW). Electricity from the wind farm is fed into the South West Interconnected grid. It is estimated that 1.54 million tonnes of greenhouse gas emissions will be saved during the 20-year life of the wind farm.
4. The wind farm powers the equivalent of 15,000 homes (up to 75% of the city's electrical power) with clean green electricity (up to 22 MW). Electricity from the wind farm is fed into the South West Interconnected grid. It is estimated that 1.54 million tonnes of greenhouse gas emissions will be saved during the 20-year life of the wind farm.
5. From an elevated location, the site offers spectacular views in all directions. Looking west across Torbay is Western Australia's most southerly tip West Cape Howe National Park, to the east is Torndirrup National Park, north-east back to the centre of Albany, and the Southern Ocean lies to the immediate south past some high limestone cliffs and a popular surfing and fishing beach for locals.
6. The site is well located in terms of current visitor flow patterns. The visitor access route from the town centre to the Wind Farm location incorporates the already existing tourist route of Frenchman Bay Road that leads to the major visitor attractions of Torndirrup National Park; The Gap, Natural Bridge and the Blowholes; the Whaleworld Museum; popular recreational beaches and bushwalks; and a range of tourism and recreational infrastructure product including accommodation and related services.
7. Torndirrup National Park and its neighbouring attractions already draw to the immediate area large numbers of local residents and town visitors. The CALM managed Park recorded an estimated 171,000 visits in 1999/2000. The popular Whaleworld museum receives 70-75,000 fee-paying visitors each year and this has been consistently growing at between 4% and 5% per annum. A \$5m re-development of Whaleworld is underway.
8. The tourism facilities currently in place have been funded by Western Power and consist of infrastructure in the environs of Turbine One including:-

Item 14.3.1 continued.

- Access road and car-park (unsealed);
 - Walkways (timber, limestone, gravel);
 - Entry interpretation board and signage; and
 - Four elevated lookout platforms on nearby ridges.
9. These facilities cost Western Power approximately \$180,000 and management responsibility is vested in the City of Albany. An additional pedestrian loop linking turbine one to the Bibbulmun track has also been built and funded by the City of Albany with prize-monies from the 2000 Top Tourism Town Award.
10. The wind farm is attracting many visitors and has the potential to be a premier Western Australian tourism icon based on the sheer size of the structures and the magnificent coastal setting and natural environment, which provides a unique sensory experience.
11. In recognition of this potential Council appointed consulting team McIntyre Management and Marketing (*in association with Woodhead International, Ian Howard and Associates, Hides Group and Sci-Tech*) to undertake a Strategic Assessment and Design Concepts report, which commenced in early 2003. The report is now complete for Council consideration.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

13. The City of Albany adopted a Tourism policy on 15 August 2000. The policy states...

“That Albany will be a tourist destination that is highly attractive to national and international visitors. To achieve this vision, the City will provide leadership and support to:-

- *infrastructure planning and management;*
- *unifying and identifying stakeholders functions;*
- *cultural planning processes;*
- *strategic project initiatives;*
- *marketing Albany as a tourist destination.’*

The objectives of the City of Albany tourism policy are:-

- *To recognise that tourism is a social and economic force and is a major employer within the City of Albany.*
- *To foster and create a community awareness of the benefits of tourism within Albany.*
- *To ensure the City of Albany guides and influences the development of tourism.*

Item 14.3.1 continued.

- *To provide the basic facilities and infrastructure sufficient to encourage tourism development*
- *To ensure that facilities within the area are adequate to cater for visitors and residents.”*

FINANCIAL IMPLICATIONS

14. Funding for the study was provided by the City of Albany (\$10,000), Western Power Corporation (\$15,000) and the Great Southern Development Commission (\$10,000)
15. \$60,000 is allocated in the 2003/04 City of Albany budget to leverage external funding to further progress concepts outlined in the study.
16. The report identifies costs of \$5,273,851 for the proposed tourist developments (refer page 34 of report). This figure assumes retrofitting an existing turbine with a viewing platform.
17. Western Power has recently been advised by the turbine manufacturers in Germany that this option is not possible and that a new turbine would need to be erected. The cost of supplying and erecting a new Enercon E66 turbine with viewing platform is \$A3,700,000. Associated works and services would be in the order of \$800,000 making a total estimated cost of \$4,500,000.
18. Total project costs for all elements proposed in the report is \$4,823,851 (\$5,273,851 less \$450,000 for viewing platform) PLUS \$4,500,000 for a new Western Power Turbine (with viewing platform)

STRATEGIC IMPLICATIONS

19. In the City of Albany’s 2020 – Charting Our Course, the following Ports of Call are identified:

“The attraction and development of a broad range of social, cultural and economic identities”

20. The City has a commitment to this Port of Call to support the attraction and development of the City’s, social, cultural and economic infrastructure by focusing on the following objectives:

- **Economic Development**

To identify and facilitate outstanding economic development opportunities for the City of Albany.

- **Tourism Development**

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

Item 14.3.1 continued.

COMMENT/DISCUSSION

21. The Report was prepared using the following community consultation processes:-
- A Project Reference Group consisting of :
 - City of Albany
 - Department of Conservation and Land Management
 - Albany Visitors Centre
 - Great Southern Development Commission
 - Western Australian Tourism Commission
 - Great Southern Area Consultative Committee
 - Greenskills Inc
 - Albany Chamber of Commerce and Industry
 - Interviews with key people who could have input to or an impact on a new development;
 - A stakeholder workshop;
 - Market research using intercept and telephone survey techniques;
 - A public workshop, and;
 - A Council briefing session
22. The report has indicated that the feasibility of a Discovery/Interpretive Centre being financially successful is dependent upon having a viewing platform as the major anchor attraction. Achieving this objective is dependent on the political and financial will of Western Power to undertake the purchase and erection of a new turbine and include a viewing platform as part of the development. Government assistance for the viewing platform (and other elements) is possible but is unlikely until a firm commitment from Western Power to develop a new turbine is gained.
23. A prioritised approach to implementing the proposed tourist infrastructure is recommended commencing with improved visitor access and comfort as the highest priority. Such an approach is also more likely to be achievable by attracting State and Commonwealth Government funding and would not rely solely on the imperative that Western Power build a new turbine with viewing platform.
24. Funding from State and Commonwealth government agencies will be still formally sought to assist with prioritised infrastructure at the same time as detailed negotiations with Western Power.

Item 14.3.1 continued.

RECOMMENDATION

THAT Council receive the Albany Wind Discovery Centre Report (*Strategic Assessment and Design Concept*) and facilitate a prioritised approach to implementation, being:-

Priority One

- a) Sealed road and car-parks
- b) Public toilets
- c) Public amenities such as BBQ, bins and picnic furniture
- d) Information shelters on the Bibbulmun Track in partnership with CALM
- e) Privately operated, mobile based food and beverage services

Priority Two

- a) Viewing Platform on a new Turbine; then followed by
- b) Discovery Centre
- c) Air Walk / Sky Bridge

Voting Requirement Simple Majority

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14.4 GENERAL MANAGEMENT SERVICE COMMITTEES

Nil.