



# **MINUTES**

## **ORDINARY MEETING OF COUNCIL**

**on  
Tuesday, 19<sup>th</sup> March 2002  
7.30pm  
City of Albany - Mercer Road Office**

## City of Albany

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Signed \_\_\_\_\_

Date: 25<sup>th</sup> March 2002

***Andrew Hammond***

Chief Executive Officer

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## **1.0 DECLARATION OF OPENING**

Mayor Goode declared the meeting open at 7:30pm and extended a welcome to all present.

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

### Attendance:

Mayor	- A.E. Goode JP
Councillors	- M.J. Evans JP
	- S.M. Bojcun
	- A.H.M. Demarteau
	- R.H. Emery
	- D.M. Evers
	- J.D. Williams
	- D.J. Wolfe
	- J. Cecil
	- D.W. Wellington
	- J.M. Walker
	- I.A. West
	- I.W. Wilson
	- E.A. Barton

Chief Executive Officer	- A.C. Hammond
Executive Director – Development Services	- R. Fenn
Executive Director – Works & Services	- B Joynes
Minute Secretary	- L J Lewis
Approximately 23 members of the public	
2 media representatives	

### Apologies/Leave of Absence:

Executive Director – Corporate & Community Services	- W.P. Madigan - apology
Councillor Gwen Sankey	- apology

## **3.0 OPENING PRAYER**

Councillor Bojcun read the opening prayer.

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

## **4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

## 5.0 PUBLIC QUESTION TIME

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

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

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

### **\*Mr Brian Hughes**

Mr Hughes referred to Item 11.1.4 – Ethnographic Survey – Albany Town Lot S112, York Street, Albany.

Mr Hughes asked Council, that should they decide we need another memorial, we recognise and give equal tribute to pioneer settlers. He suggested that we should apply this as a joint memorial between the traditional Nyungars and the early European settlers.

### **\*Mrs Grace Knight**

Mrs Knight referred to Item 11.3.2 – Scheme Amendment Request 48 – Lot 15 Frenchman Bay Road, Big Grove.

Mrs Knight has a parcel of land at Lot 15 for which she has submitted a Scheme Amendment Request. She feels she has covered the requirements in her application and asks Council to support her application. She feels the block is under-utilised. She wants 4 homes to be formed on this land, and has requested that her application be supported.

### **\*Mr Malcolm Abbott**

Mr Abbott referred to Item 11.1.5 – Application for Planning Scheme Consent – Proposed Septage Waste Disposal Facility – Lots 10 and 20, Albany Highway, Drome.

Mr Abbott referred to a letter from the Water Corporation to the City. He said the tree farm was operating close to capacity. He said that 6,000 cubic metres per day were going to the tree farm but we were to only reach that level in 20 years time. He suggested that no geotechnical assessments have been done, and asked that this matter lay on the table so that more information could be obtained from the Water Corporation.

**\*Mr Graeme Winfield**

Mr Winfield referred to Item 12.2.1 – Request for Extension of Lease – Middleton Beach Bowling Club.

Mr Winfield spoke on behalf of the Middleton Beach Bowling Club. They have applied to Council for an extension of lease. They were going to put a building together and apply for funding for this building. They were going to call on members for funding of \$300,000.00, and were concerned that the lease would only run for 13-14 years, but were not prepared to put this money in for only that period of time. They would like a commitment for another term for the lease to enable longer payback time on the lease. If the extension of lease were not granted, this would create a problem. He asked that Council rethink the application and grant the extension of the lease.

**\*Mr Michael Pemberton**

Mr Pemberton referred to Item 12.3.1 – Albany Public Library Redevelopment.

He asked what percentage of the dollar would be spent in the local community. Mr Pemberton asked that we consider the “buy local” aspects in this development.

**6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES**

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

6.1.1 DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 19<sup>th</sup> February 2002

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

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR DEMARTEAU**

**THAT the following minutes:**

- **Ordinary Council meeting held on 19<sup>th</sup> February 2002**

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

**MOTION CARRIED 14-0**

**7.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil



**8.0 DECLARATIONS OF FINANCIAL INTEREST**

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

Councillor Evans – Item 12.2.3 – City of Albany Band

Councillor Demarteau – Item 11.3.4 – Scheme Amendment Request – Lot 1447 Frederick Street, Albany.

Councillor Wellington – Item 11.3.4 - Scheme Amendment Request – Lot 1447 Frederick Street, Albany.

Councillor Barton – Item 12.7.2 – Joint Retail Trading Hours Committees Minutes, 27<sup>th</sup> February 2002

Councillor Wellington – Item 12.7.2 – Joint Retail Trading Hours Committees Minutes, 27<sup>th</sup> February 2002

Chief Executive Officer, Andrew Hammond – Item 12.7.2 – Joint Retail Trading Hours Committees Minutes, 27<sup>th</sup> February 2002

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

Nil

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# **Development Services**

## **REPORTS**

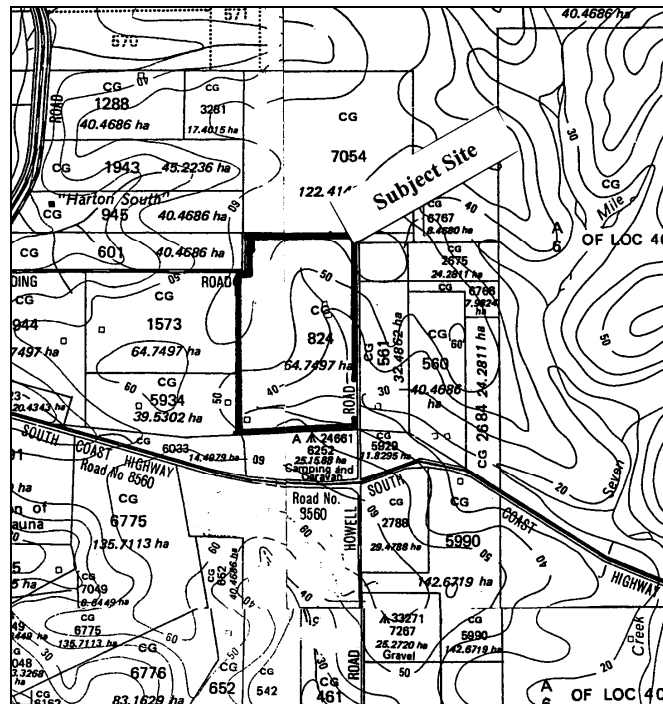
DEVELOPMENT SERVICES REPORTS

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

**11.1 DEVELOPMENT**

**11.1.1 Planning Appeal – Sand Extraction – Location 824 Howell Road, Marbelup**

- File/Ward** : A4779 (West Ward)
- Proposal/Issue** : Proposal to extract sand from Location 824 Howell Road, Marbelup
- Subject Land/Locality** : Location 824 Howell Road, Marbelup
- Proponent** : Ayton, Taylor & Burrell
- Owner** : Z Urban
- Reporting Officer(s)** : Manager Development (C Pursey) and Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : CNCL 16/10/01 Item 11.1.2  
CNCL 15/08/00 Item 11.1.8
- Summary Recommendation:** Support appeal and seek conditions.
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued.

**BACKGROUND**

1. Council previously considered an application from Mr Vrban to develop a sandpit at it's meeting of the 16 October 2001, where it resolved:

*“THAT Council issue a Notice of Planning Scheme Refusal for the application to develop an Extractive Industry on Location 824 Howell Road, Marbelup for the following reasons:*

- i) the applicant has not secured adequate access (meeting appropriate engineering and safety standards) to the proposed development for the type and volume of traffic that the proposed development will generate; and*
- ii) adequate safeguards have not been offered by the developer to ensure that Seven Mile Creek will not be subject to adverse environmental impacts.*

*AND*

*THAT the landowner be served a Notice pursuant to Section 10 of the Town Planning and Development Act to rehabilitate the area used for sand extraction upon Location 824 Howell Road, Marbelup and that the Executive Director Development Services be delegated the authority to take appropriate action should the landowner fail to complete the works.”*

2. A copy of the previous report is included in the Elected Member's Report/Information Bulletin.
3. Following this decision the applicant lodged an Appeal with the Town Planning Appeals Tribunal; the applicant's 'grounds of appeal' are attached at the pages following this report.
4. In considering an Appeal, the Tribunal requires the parties to attend a mediation session and this was held on Friday 8<sup>th</sup> February 2002. Discussions within a mediation session are confidential so as to allow the parties to have a frank and honest discussion, and also to provide an opportunity for the Chairman to find common grounds before an issue progresses to a formal Tribunal hearing. The Chairman suspended the mediation session to allow staff to bring back to Council new information that arose during discussions.
5. To address the environmental concerns, the applicant has stated that he will follow the Water and Rivers Commission (WRC) recommendations stipulated in their letter dated 3 October 2001. These conditions could be added to a planning approval and monitored by both the WRC, Council and the applicant. A copy of the WRC advice also follows this report.
6. Council's second reason for refusal related to the access arrangements. The mediation session brought to light the fact that Main Roads WA has responsibility for maintaining adequate sight distances at local road intersections on highways. Therefore, it has been

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

suggested that Council's decision to refuse the application on inadequate access arrangements would not be relevant if Howell Road was used by the applicant.

**STATUTORY REQUIREMENTS**

7. An Appeal has been lodged by the applicant against Council's decision on the extractive industry application. Should Council maintain its earlier decision, the matter will be referred to the Tribunal for a formal hearing and a judgment made by that body.
8. Should Council decide to support the mediation process, in light of the new information, then Council would not have to revoke its earlier resolution, but simply advise the Town Planning Appeals Tribunal of its preparedness to accept a reversed decision. Council then has the opportunity to recommend to the Tribunal draft conditions, to Council's satisfaction.

**POLICY IMPLICATIONS**

9. There are no policy implications in reconsidering this matter, in light of the Appeal's process.

**FINANCIAL IMPLICATIONS**

10. There will be legal fees and officer time in defending Council's decision, the exact amount is not known at this time.
11. The applicant would be required to upgrade any access onto South Coast Highway at his own cost to Council's satisfaction. Any road or intersection improvements within the South Coast Highway road reserve must be undertaken to the satisfaction of Main Roads WA.
12. Should Council support the use of Howell Road, Council would be expected to undertake maintenance of the road in the future (although the road is likely to be a low priority in Council's road improvement schedule).

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

14. The Tribunal requests that Council examine the refusal of the proposal and asks for consideration of the new information provided. This report has been divided under headings in accordance with the 16 October 2001 resolution of Council.
  - i) *the applicant has not secured adequate access (meeting appropriate engineering and safety standards) to the proposed development for the type and volume of traffic that the proposed development will generate.*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

15. Council was previously offered the access options of Howell Road or a temporary access track along the boundary of the adjacent reserve. The temporary access track was supported by DOLA with the proviso that CALM and Council a raised no objection to this option.
16. Howell Road.  
Howell Road exists as a rural road accessing South Coast Highway. Main Roads WA recently improved the intersection with South Coast Highway to allow for a 210m-sight distance to the west. The required sight distance under the Australian Standard is 290m in a 110km/hr zone. Council’s refusal cites inadequate sight distance as a reason for not approving Howell Road as access.
17. It could be argued that Main Roads WA is the responsible authority for providing adequate sight distances. Therefore, Council can approve the sand extraction application using Howell Road and Main Roads WA would be required to provide adequate sight distances for the intersection. In reality, this would require the removal of more than 1000m<sup>2</sup> of vegetation from within the road reserve and a portion of adjacent Reserve 24661. Main Roads has a verbal approval from DOLA that the clearing would be supported, should it become necessary.
18. The Reserve’s Western Boundary.  
There is an existing firebreak just inside the western boundary of ‘A’ class Reserve 24661 which has been proposed as an alternative access point to the proposed development. Main Roads WA has supported this as an alternative access to the site, as it provides better sight distances and would require the removal of only seven or eight small trees. The “track” is of a standard that would require very little upgrading; it has been successfully used by an adjacent farmer for many years as an informal access to a stockyard.
19. DOLA, as the custodians of the Reserve, has expressed support for the use of the “track” provided Council and CALM support its use also. CALM has raised no objection. Council’s previous refusal implied that it is not appropriate to have access arranged through an ‘A’ Class Reserve for environmental reasons. The Reserve is set aside for “Camping and Caravan” purposes and no vesting or management order has been issued.
20. Access Options.  
Main Roads WA has been promoting the closure of Howell Road and redirecting property access along the northern and the western boundaries of Reserve 24661. This is proposed for the long-term safety of the users of Howell Road.
21. Howell Road provides legal access to at least three lots however only Location 824 currently uses Howell Road for physical access. The remainder of the lots are currently parts of adjacent farms and don’t require separate access. This may change in the long term if the farmer decides to sell existing titles and the new owners require Howell Road for access.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

22. For reasons of traffic safety it may be appropriate in the long term to close Howell Road's current alignment, amalgamate the road reserve into the adjacent Reserve and dedicate a new road along the northern and western boundaries of Reserve 24661.

*ii) adequate safeguards have not been offered by the developer to ensure that Seven Mile Creek will not be subject to adverse environmental impacts.*

23. The applicant has had an environmental assessment of the site completed and the results of this have been verified by Council and Water & Rivers Commission staff. The Water & Rivers Commission has stated that the land is capable of supporting a sand pit subject to the following requirements:

- the sandpit should be located 100 metres from the edge of the creek line as required by Water and Rivers Commission Guidelines;
- the final land surface should be 2 metres above the highest known water table to allow for future development; and
- all refuelling and servicing of vehicles is to take place off site.

24. The applicant has committed to completely satisfying the requirements of the Water & Rivers Commission. The WRC has provided a fifteen point list in their submission to Council on this proposal; it is reproduced at the end of this report.

**CONCLUSION**

25. Council need not review its previous decision, but it has the capacity to:
- (a) discount the additional information and advise the Planning Appeals Tribunal of that position. The Tribunal will then list the matter for a hearing, to which Council must provide professional witnesses to support its decision; OR
  - (b) support the mediation process and negotiate with the Planning Appeals Tribunal an appropriate set of conditions for an upheld appeal on the application.

**RECOMMENDATION**

**THAT COUNCIL**

- i) advise the Town Planning Appeals Tribunal that it will not contest the Appeal against it's decision of the 16 October 2001 provided that the Tribunal imposes conditions on the development:
  - a) consistent with Water and Rivers Commission requirements;
  - b) which requires access to be gained from the existing track on the western and northern boundaries of Reserve 24661;
  - c) requiring the access to be upgraded to the satisfaction of Council and entirely at the developer's expense; and
  - d) the volume of material transported from the site being limited to that nominated by the applicant.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.1 continued

AND

- ii) discuss with the Department of Land Administration the possibility of a realignment of Howell Road along the northern and western boundaries of Reserve 24661, through the closure and amalgamation of that portion of Howell Road along the eastern boundary of Reserve 24661 into the Reserve.

*Voting Requirement Simply Majority*

AMENDED RECOMMENDATION

THAT COUNCIL advise the Town Planning Appeals Tribunal that it will not contest the Appeal against it's decision of the 16 October 2001, provided that the Tribunal imposes conditions on the development:

- a) consistent with Water and Rivers Commission requirements;
- b) which requires access to be gained from the existing track on the western and northern boundaries of Reserve 24661;
- c) requiring the access to be upgraded to the satisfaction of Council and entirely at the developer's expense; and
- d) the volume of material transported from the site being limited to that nominated by the applicant.

*Voting Requirement Simply Majority*

**MOVED COUNCILLOR WALKER  
 SECONDED COUNCILLOR WELLINGTON**

**THAT COUNCIL advise the Town Planning Appeals Tribunal that it will not contest the Appeal against it's decision of the 16 October 2001, provided that the Tribunal imposes conditions on the development:**

- a) consistent with Water and Rivers Commission requirements;**
- b) which requires access to be gained from the existing track on the western and northern boundaries of Reserve 24661;**
- c) requiring the access to be upgraded to the satisfaction of Council and entirely at the developer's expense; and**
- d) the volume of material transported from the site being limited to that nominated by the applicant.**

**MOTION CARRIED 10-4**

Reason: Mr MacTagart also lives along Howell Road (refer to paragraph 21) and closure of the road would disadvantage him.



**DEVELOPMENT SERVICES REPORTS**

**APPENDIX 2**

**GROUNDS OF APPEAL**

1. The Appellant is the registered proprietor of Lot 824 Howell Road, Marbellup (“the Appeal Land”). The Appeal Land is zoned “Rural”, pursuant to the City of Albany Town Planning Scheme No. 3 (“TPS 3”), and is approximately 64.75 hectares in area.
2. The Appellant sought approval from the Respondent to extract sand from a portion of the Appeal Land measuring approximately 1 hectare in area (“the Development”).
3. The Development falls within the use class “Industry - Extractive” under TPS 3. An extractive industry is a permissible (“AA”) use in the Rural zone.
4. The Council of the Respondent on 23 October 2001 issued a refusal of planning consent for the Development, giving the following reasons for refusal:
  - “1. The Applicant has not secured adequate access (meeting appropriate engineering and safety standards) to the proposed development for the type and volume of traffic that the proposed development will generate.
  2. Adequate safeguards have not been offered by the developer to ensure that Seven Mile Creek will not be subject to adverse environmental impacts.”
5. Refusal of the Development is not justified by principles of orderly and proper planning, or alternatively is unreasonable, as:
  - (i) The Development will involve the removal of approximately 20 truck loads of sand per week from the Appeal Land, with a maximum of 4 loads per day, adding only slightly to the traffic which presently uses the intersection of Howell Road and South Coast Highway, which includes tractors, farm trucks and machinery, and passenger vehicles.
  - (ii) Recommended sight distances to the west of the intersection can be achieved by clearing vegetation in the road reserve. The Department of Conservation and Land Management has confirmed it does not object to the clearing of vegetation in the road reserve necessary to achieve recommended sight distances.

**DEVELOPMENT SERVICES REPORTS**

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- (iii) The Appellant is in addition prepared to undertake gravel resheeting at the South Coast Highway/Howell Road intersection to raise the Howell Road alignment to match the height of South Coast Highway.
- (iv) Alternatively the Appellant could access South Coast Highway via an existing track around the perimeter of Reserve 24661 which abuts the Appeal Land, Howell Road and South Coast Highway. Recommended sight distances can be achieved by this method, which is preferred by Main Roads (WA).
- (v) Temporary access via the Reserve is permissible, and if required, an application to dedicate the track as a road can be made.
- (vi) The Development has been designed to address environmental concerns and complies with Water and Rivers Commission requirements. The Water and Rivers Commission does not object to the Development, subject to the imposition of appropriate conditions.



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Solicitors for the Appellant

DEVELOPMENT SERVICES REPORTS



WATER AND RIVERS  
COMMISSION

YOUR REF A4779  
OUR REF SC770  
ENQUIRIES Julie Pech  
DIRECT TEL 9841 0125

Development Services  
City of Albany  
PO Box 484  
ALBANY WA 6331

Attention: Graeme Bride

CITY OF ALBANY RECEIVED		
- 4 OCT 2001		
FILE A004178	CURRO No. E115457	OFFICER PLAND
REPLY Y	W SENT /	CNL/BLTN

Dear Sir,

**Re: Extractive Industry (Sand) – Loc 824 Howell Road, Marbelup**

Thank you for the opportunity to comment on the above proposal. Staff representing the Water and Rivers Commission (WRC) inspected plans and the proposed extraction site on September 27. The subject land is situated within the Priority 3 zone of the Marbelup Groundwater Sub-area, proclaimed for the purpose of protecting groundwater quality.

The proposed extractive land use could constitute a significant point source of sediment and nutrients to the watercourse if not correctly managed. Implementation of the following WRC conditions and advice will ensure water quality protection for both groundwater and surface water resources within the subject land.

The Commission would not object to the proposal, subject to the following conditions.

*Method of extraction*

1. Dry methods of sand extraction are required at the site.

*Minimum final clearance to the groundwater table*

2. A minimum of 2 metres of undisturbed profile is to be maintained between the likely future maximum water table and the proposed surface level at the site. No extraction activities shall occur within 2 metres of the groundwater level
3. The proponent is required to demonstrate sand extraction will not occur within 2 metres of maximum ground water levels, prior to any extraction. The use of pit holes or bores are required to monitor water levels prior to and during any periods of extraction.

**SOUTH COAST REGION**

5 BEVAN STREET, ALBANY, W.A. 6330. P.O. BOX 525, ALBANY, W.A. 6331

TELEPHONE (08) 9842 5760, FACSIMILE (08) 9842 1204

NATIONAL RELAY SERVICE (AUSTRALIAN COMMUNICATION EXCHANGE) 132 544

MANAGING AND PROTECTING WESTERN AUSTRALIA'S WATER RESOURCES

DEVELOPMENT SERVICES REPORTS

*Management of fuel*

4. The installation of elevated or ground storage tank systems requires prior approval from the WRC. Should fuel storage take place on site, the operator is required to have in place a fuel management plan approved by the WRC. The plan will need to address the following:
  - Fuel spill prevention at fuel storage areas;
  - Details of fuel transport and refuelling;
  - A contingency plan for dealing with fuel spillages;
  - A groundwater monitoring program for hydrocarbons.

*Waste disposal management*

5. On-site servicing of operating equipment at the site is acceptable if the site operator demonstrates effective procedures for the complete capture and transport of the waste liquids to an approved disposal site.
6. All washdown of mechanical equipment shall be conducted in accordance with the WRC Water Quality Guidelines for the Management of Fuel and Workshop Wastes.

*Surface water management*

7. All stormwater should be contained on the site to remove sediments and turbidity. Any proposed off site drainage would require consultation with the WRC.
8. The Water and Rivers Commission prefers that sand extraction is undertaken at least 100m from water courses, and that a native vegetation buffer width of 50m undisturbed vegetation is established along watercourses.

It is noted that in this particular case the vegetation buffer is less than 50 metres in width and is compromised by dense weed (taylorina) infestation. The proponent is advised that rehabilitation of the watercourse buffer zone is preferred. However, clearing of vegetation within this 50 metre buffer zone without replanting of native vegetation should not occur.

*Acceptable end land use*

9. The land disturbed by sand mining should be recontoured and rehabilitated to its prior use, ie pasture, or another use as approved by the Water and Rivers Commission.

*Rehabilitation*

10. The proponent should prepare and provide a rehabilitation plan, prior to any rehabilitation or infilling of the extraction site. The plan should contain information on end use, method of rehabilitation and type of infill material if used.
11. Any importation of fill to the subject land, within this Priority 3 Groundwater Sub-area, will require prior approval from the WRC

**DEVELOPMENT SERVICES REPORTS**

*Water abstraction requirements*

12. Within the Albany Groundwater Area, groundwater allocation is managed by the WRC and a licence is required before construction of a bore, well or soak and before abstraction of any groundwater. A Groundwater Licence will contain conditions relating to construction of the bore and use of the water, including an annual allocation.

*Advice to the proponent - Protection of Wetlands and Waterways*

13. Some fencing of foreshore vegetation buffers and weed (taylorina) removal recommended in Green Skills' Five and Seven Mile Creek Foreshore Condition Survey Report, has been carried out. It is recommended the proponent consults with WRC staff for information on funding grants and technical advice to complete this work.

~~14. The use of buffer zones to protect waterways is a well-established practice that has been demonstrated to have considerable benefits in reducing pollutants within waterways. Buffer zones are used for all land use activities, and for these to be effective, the zones need to contain good coverage of vegetation.~~

15. The value of wetland and riparian vegetation to trap sediment and as a nutrient stripping mechanism is vital for the health of waterways. Part of the function of a waterway's fringing vegetation is water retention and maintaining bank stability. This has a positive effect by reducing stream flow and sediment transport downstream, where it can impact downstream users.

If you have any queries in relation to this matter, please contact Julie Pech 9841 0125.

Yours sincerely,



**NAOMI ARROWSMITH  
REGIONAL MANAGER  
SOUTH COAST REGION**

---

**3 OCTOBER 2001**

**DEVELOPMENT SERVICES REPORTS**

**11.1.2 Initiate Amendment –Lots 117 and 188 Allmore Road & Lot 100 Roberts Road East, Robinson**

**File/Ward** : A72611/AMD 224 (Vancouver Ward)

**Proposal/Issue** : Modification to subdivision guide plan

**Subject Land/Locality** : Lots 117 and 188 Allmore Road & Lot 100 Roberts Road East, Robinson

**Proponent** : Ayton Taylor & Burrell

**Owner** : T R Ackley

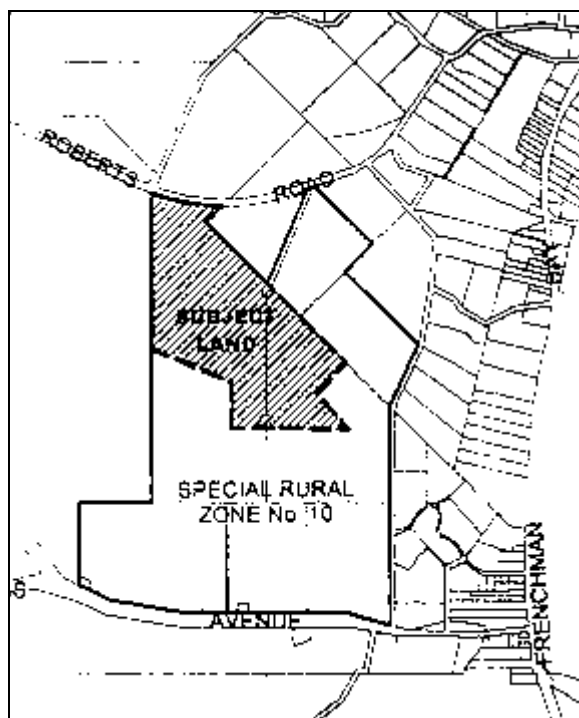
**Reporting Officer/s** : Planning Officer Policy (P Tvermoes)

**Disclosure of Interest** : Nil

**Previous Reference** : CNCL 20/11/01 Item 11.3.2  
CNCL 16/09/01 Item 11.3.3  
SOA 20/12/95 Item 10.1

**Summary Recommendation** : Support Initiation of Amendment

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued.

**BACKGROUND**

1. At the meeting on 20 November 2001, Council resolved that:

*“Council advise the applicants it is PREPARED to support the request for an amendment to Town Planning Scheme No. 3, to modify the subdivision guide plan for Special Rural Area 10, subject to a number of issues being addressed by the amending documents and subdivision guide plan which include:*

- *limited structure planning is required to indicate how future residents and road network will access Home Road,*
- *amended subdivision guide plan is to encompass Lot 66 and Lot 67 Roberts Road,*
- *provision of strategic firebreaks/bridleways,*
- *appropriate buffering to the sand pit on lot 66,*
- *effluent disposal to Water & Rivers Commission, Environmental Protection Authority and Council standards,*
- *adequate fencing of remnant vegetation; and*  
*maintenance of existing development exclusion areas.”*

2. This amendment has been prepared in accordance with Council’s resolution.

3. Council is now required to formally resolve to amend Town Planning Scheme 3.

4. A full copy of the amending documents is included in the Elected Members Report/ Information Bulletin.

**STATUTORY REQUIREMENTS**

5. The subject land falls within a “Priority 2” area proclaimed under the Country Areas Water Supply Act 1947. The Commission’s policies on land use within Priority 2 areas requires that all development activities meet the Commission’s guidelines for land use compatibility.

6. “Special Rural” subdivision in Priority 2 (P2) areas with a minimum lot size of 2 hectares is considered conditional on the following:

- Lots should only be created where land compatibility allows effective on-site soakage disposal of treated wastewater. Conditions apply to fitting of wastewater disposal systems in areas with poor land drainage and/or a shallow depth to groundwater, animals are held or fertiliser is applied. Alternative wastewater treatment systems, where approved by the Health Department, may be accepted with maintenance requirements.
- An average rather than minimum lot size may be acceptable if the proponent can demonstrate that the water quality objectives of the source protection area are met, and caveats are placed on titles of specified blocks stating that further subdivision cannot occur.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued.

- 7. Council’s resolution under the Town Planning & Development Act 1928 is required to amend TPS3.
- 8. An amendment to a Town Planning Scheme adopted by resolution of a Council is to be referred to the Environmental Protection Authority (EPA) for assessment.
- 9. A resolution to amend a Town Planning Scheme at this stage should not be construed to mean that final approval would be granted to the amendment.

**POLICY IMPLICATIONS**

- 10. 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 Local Rural Strategy (1996)
  - The Draft Albany Local Planning Strategy
- 11 The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

- 13. The amended clauses for Princess Royal Harbour policy area 3 within the City of Albany Local Rural Strategy allow the minimum lot size to be reduced to 2 hectares from the previous 4-hectare minimum.

**COMMENT/DISCUSSION**

- 14. The amending documents submitted by the proponent adequately address the concerns and issues raised in paragraphs 16, 17, 18, 19 and 21,22 to 23 of the prior officer’s report to Council.

**RECOMMENDATION**

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 amending the subdivision guide plan and associated provisions for Special Rural Zone No. 10.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.2 continued.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WILLIAMS**

**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 amending the subdivision guide plan and associated provisions for Special Rural Zone No. 10.**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.1.3 Application for Planning Scheme Consent – Holiday Accommodation – Lot 27 Barry Court, Seppings**

**File/Ward** : A165800 (Breaksea Ward)

**Proposal/Issue** : Proposed 25 unit development for Holiday Accommodation

**Subject Land/Locality** : Lot 27, Loc ATL 1379 Barry Court

**Proponent** : Skylatic Holdings

**Owner** : Erujin Pty Ltd

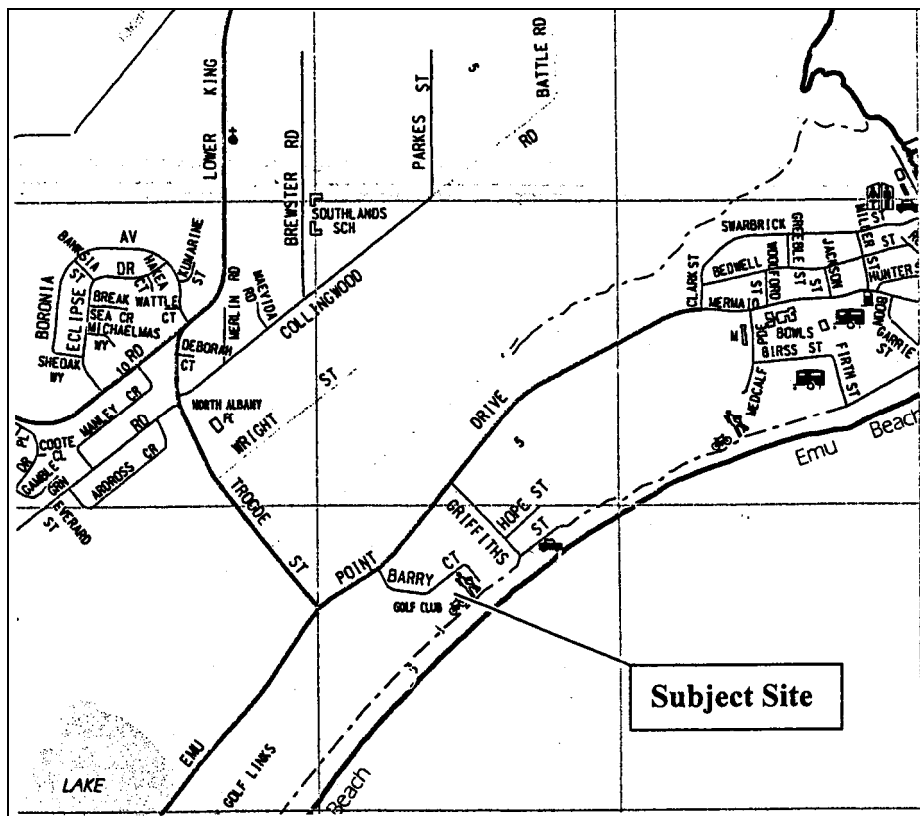
**Reporting Officer(s)** : Planning Officer (R. Hindley)

**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation** : Delegate authority to the Executive Director Development Services to approve the planning scheme consent

**Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**BACKGROUND**

1. An application for Planning Scheme Consent was received on the 1<sup>st</sup> March 2002 to develop 25 units for the purpose of holiday accommodation, occupying Lot 27 (Loc ATL 1379) Barry Court, Seppings.
2. The site of the proposed development is zoned ‘Tourist Residential’, comprises some 7447m<sup>2</sup> and is located to the southeast of Barry Court. The site is well vegetated.
3. The proposed development requires Council consideration, as the estimated cost of the development is in excess of the value permitted to be approved, under delegated authority, by Council officers.

**STATUTORY REQUIREMENTS**

4. The subject land is zoned ‘Tourist Residential’ with a ‘Holiday Accommodation’ being an ‘AA’ use under Town Planning Scheme 1A.
5. Appendix III – Zone Development Table, provides the following development standards for the subject site.

ZONE DEVELOPMENT TABLE								
ZONES	MINIMUM LOT AREA (sq.metres)	MINIMUM EFFECTIVE FRONTAGE (metres)	MAX PLOT RATIO	MINIMUM BOUNDARY SETBACKS			MINIMUM CARPARKING SPACES	MINIMUM LANDSCAPING (% of site)
				FRONT	REAR	SIDES		
2. TOURIST RESIDENTIAL	2000	20	0.5	9.0	7.5	2 per storey	2	50

**POLICY IMPLICATIONS**

6. The Barry Court Design Guidelines state that the Zone Development Table provisions as contained in Appendix III can be relaxed, in particular the minimum lot area, frontage and setback requirements.
7. The Residential Planning Codes (1991), which has been adopted within Town Planning Scheme No. 1A, states that parking for grouped dwellings shall be constructed at a rate of not less than 2 bays for the first 4 dwellings and 1.5 bays per dwelling in excess of 4 dwellings. Based on this calculation, 40 car parking bays are required for the development. The development meets the parking requirements with the provision of 46 bays.
8. An Environmental Management Plan (EMP) was prepared by Harrington Consultants and was adopted by Council at its meeting of the 9 September 1998. This plan stipulated the environmental considerations that should be applied to any development on the site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

11. The proposed units are to be used for short stay holiday accommodation. Each of the proposed units is self-contained and has the potential to be utilised as a private residence, therefore some notice needs to be placed on the development ensuring that all owners are aware of the limitations placed on the occupancy of the units.
12. A landscaping plan was submitted separately to this application for Planning Scheme Consent. The plan does not accurately reflect the proposed site layout and does not utilise species identified as appropriate in the EMP. Two of the proposed species are forms of agapanthus, a species which has been identified as a weed of concern within the City. A landscaping plan that clearly shows suitable species on an accurate site plan will be required prior to the issue of a Planning Scheme Consent.
13. The EMP stated that there was evidence of the western ringtail possum (*Pseudocheirus occidentalis*) and the southern brown bandicoot (*Isodon obesulus*). These species are gazetted rare and in need of special protection under the provisions of the Wildlife Conservation Act 1950 (as amended).
14. It has been identified that there is sufficient vegetated area surrounding the proposed development site to maintain the population of the fauna found in the area; the report was examined and endorsed by the Department of Conservation & Land Management.
15. The proposed development sets uniform building heights through much of the development (only 3 different floor levels are proposed with an overall difference of 0.95m). The EMP requires that earthworks are kept to a minimum and floor levels should reflect natural ground level where appropriate.
16. The site plan shows a fence located in front of units 19 to 25. No details have been provided as to how this fence will be dealt with. Fencing forward of the building line shall not exceed 1.2 metres and is have a minimum 50% open element. All other fencing is to comply with the requirements of the design guidelines.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

17. The proposed development plan shows the roofs of the proposed units to be constructed out of zincalume, with a pitch of over 29 degrees. The Barry Court Design Guidelines prohibit the use of reflective material and require the development to blend into the landscape surrounding the site.
18. A complete schedule of finishes is required with materials and colours being in accordance with the building standards of the design guidelines.
19. The proposed development is for 25 units for the purpose of holiday accommodation. Some arrangement needs to be made to coordinate the management of the units. A caretaker's dwelling should be established in the development or alternatively it needs to be demonstrated that the management (including letting out and maintenance) will be managed to Council's satisfaction by a third party.
20. The application was referred to Council's Works and Services section. The main issue identified was adherence to the drainage conditions as outlined in the EMP, in particular the need for a stormwater system to be designed with the emphasis on onsite detention. The EMP states:

*“Stormwater drainage for the development will be designed to acceptable engineering standards and water sensitive design guidelines, where applicable. These will achieve onsite recharge. No direct discharge to Lake Seppings or the ocean will be provided.”*
21. The application was also referred to Council's Building Surveying section. The buildings are to be designated as Class 2 and of type C construction (under the Building Code of Australia). A range of issues relating to fire rating and building separation have been identified and these will need to be addressed prior to the issue of a Building Licence.
22. The proposed development complies with the plot ratio requirements as contained in Appendix III of Scheme 1A.
23. The proposed development also complies with the maximum density by providing 25 units in contrast to the potential 37 permitted under the R50 coding, however, the site coverage exceeds 50% with 53.24% of the site area being under roof. To achieve compliance with the site coverage requirements of the zone, either 2 units will need to be removed or the roof area of the units being reduced by approximately 241m<sup>2</sup>.
24. The proposed development will have 18 units which have sole access from the internal access way. The subject site will have a regular refuse disposal service therefore some provision needs to be made for a bin storage area. In addition, sufficient access arrangements will need to be made for any refuse collection vehicle. A private contractor will be responsible for the collection of refuse from the site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

25. Two subdivisions are currently under consideration by the Western Australian Planning Commission for the subject site. The first of the proposed subdivisions is to create the main 7447m<sup>2</sup> lot on which the development will occur. The second subdivision is a survey strata which will divide this larger lot into common property and a separate area for each unit. Council staff will seek to have the strata approval linked to the development application and the latter application will need to be complied with as part of the clearance of the proposed strata application.

RECOMMENDATION

- i) THAT Council grant conditional development approval for Holiday Accommodation (25 units) at Lot 27 (Loc ATL 1379) Barry Court.

*Voting Requirement Simple Majority*

AND

- ii) THAT, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A, delegate authority to the Executive Director Development Services to issue a conditional Planning Scheme Consent for Holiday Accommodation (25 Units) at Lot 27 (Loc ATL 1379) Barry Court, (subject to the proponent lodging amended plans and additional details for the development) and the conditions of approval incorporate:

- a) An amended landscape plan showing size, species, location and reticulation of trees and shrubs to be planted or retained is to be submitted to Council for approval. The species utilised should be as outlined in the Barry Court Environmental Management Plan;
- b) The site coverage of buildings being reduced to no more than 50% of the site;
- c) A complete schedule of works is to be submitted to Council and be in accordance with the Barry Court Design Guidelines;
- d) The development meeting Council's requirements for drainage and servicing; and
- e) Provision being made for a caretaker to reside on site or alternate arrangements being made for site management.

*Voting Requirement Absolute Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.1.3 continued

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

- i) THAT Council grant conditional development approval for Holiday Accommodation (25 units) at Lot 27 (Loc ATL 1379) Barry Court.**

**AND**

- ii) THAT, pursuant to Clause 7.21 of the City of Albany Town Planning Scheme 1A, delegate authority to the Executive Director Development Services to issue a conditional Planning Scheme Consent for Holiday Accommodation (25 Units) at Lot 27 (Loc ATL 1379) Barry Court, (subject to the proponent lodging amended plans and additional details for the development) and the conditions of approval incorporate:**
- a) An amended landscape plan showing size, species, location and reticulation of trees and shrubs to be planted or retained is to be submitted to Council for approval. The species utilised should be as outlined in the Barry Court Environmental Management Plan;**
  - b) The site coverage of buildings being reduced to no more than 50% of the site;**
  - c) A complete schedule of works is to be submitted to Council and be in accordance with the Barry Court Design Guidelines;**
  - d) The development meeting Council's requirements for drainage and servicing; and**
  - e) Provision being made for a caretaker to reside on site or alternate arrangements being made for site management.**

**MOTION CARRIED 13-1  
ABSOLUTE MAJORITY**

**DEVELOPMENT SERVICES REPORTS**

**11.1.4 Ethnographic Survey - Albany Town Lot S112, York Street, Albany**

**File/Ward** : PRO 284 (Frederickstown Ward)

**Proposal/Issue** : Location of Mokare's grave

**Subject Land/Locality** : Albany Town Lot S112, Cnr York Street and Grey Street West, Albany

**Proponent** : City of Albany

**Owner** : City of Albany

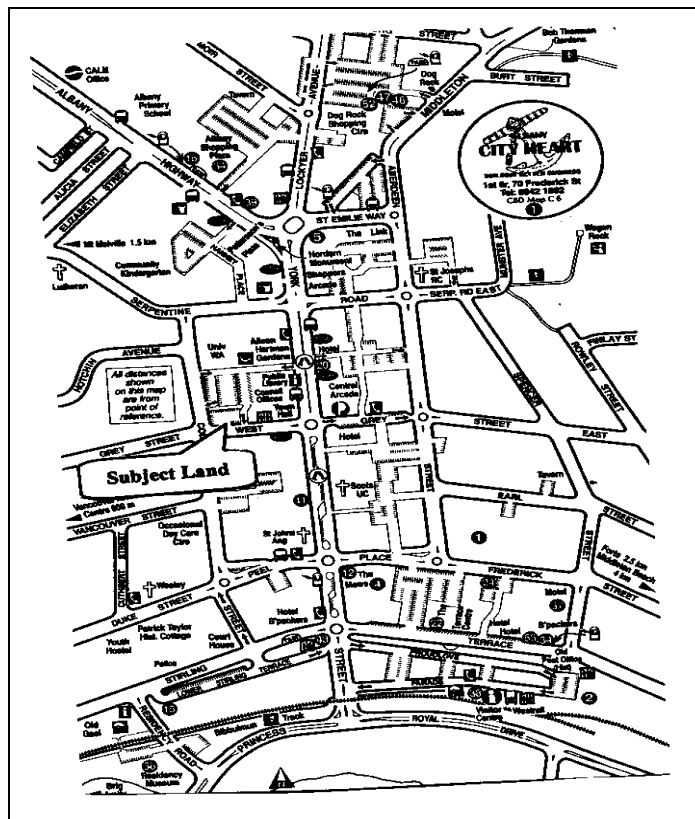
**Reporting Officer(s)** : Planning Officer (P Steele)

**Disclosure of Interest** : Nil

**Previous Reference** : Nil

**Summary Recommendation:** Council Endorse the Recommendations of Ethnographic Survey

**Locality Plan** :





**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

**BACKGROUND**

1. The City of Albany proposes to develop a new cultural and community centre, and car parking facility at the rear of its existing York Street Administration Centre, adjacent to the Albany Town Hall.
2. The site where the proposed car parking development could be located, is currently used as car parking facilities for the City's existing library, administration and town hall premises. However, it is believed that the well-known Albany Aboriginal Mokare was buried on this site.
3. History records that Mokare was a member of the Nyungar people who assisted the Europeans in their settlement of Albany. The City is concerned that any planned development does not impact upon Mokare's grave, or cause concern to the local Nyungar community or to others interested in the early history of Albany.
4. The City commissioned Mr Brad Goode, Consulting Anthropologist, to undertake a detailed ethnographic survey of Albany Town Lots S112.
5. This survey included archival and historical research, together with consultation with 19 representatives of the Albany Aboriginal Community to identify any grave sites, or other sites of ethnographical significance, to Aboriginal people that are located within the subject land.
6. Following the consultation period a report was produced which includes the ethnographical results, information relating to the archival research and history of Albany Town Lot S112. The survey also makes recommendations as to how the City should proceed with recognising the site and how any future development should occur within the location.

**STATUTORY REQUIREMENTS**

7. There are no statutory requirements in relation to this item, and if a grave site was found, it would be registered under the Aboriginal Heritage Act. It should be noted that Mr Goode has referred this report to the local Aboriginal community and Aboriginal Affairs Department; during this referral period, no comments were received.

**POLICY IMPLICATIONS**

8. The City of Albany has entered into an accord with the Aboriginal Community and any adopted recommendations of this report will be used as a focus for on-going discussions within this accord.

**FINANCIAL IMPLICATIONS**

9. The subject land is currently owned by the City of Albany and is 'Freehold'. Should the

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

proposed site be developed as a memorial park, as outlined in the recommendations of the report, then Council may be required to fund some of the cost or remove development potential from the land. A Memorial Park is likely to be a jointly funded project, using Federal Government funding.

10. It should also be noted that, should the land be developed into a memorial park and is converted to a reserve, then there will be some costs associated with this process.
11. Also, any loss of car parking bays for a development may require that Council provide a similar number of parking bays within close proximity.

**STRATEGIC IMPLICATIONS**

12. 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.”*

13. 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**

14. The report, “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia”, has been prepared by Mr Brad Goode for the City of Albany and it clearly outlines the processes involved, and the reasons for preparing this report.

15. The following is an extract from the document that gives the summary and recommendations.

*“The City of Albany proposes to develop a new cultural and community centre, and car parking facilities, at the rear of its existing premises, adjacent to the Albany Town Hall in York Street, Albany. The Site where the proposed building will be located has previously been used as a wood stockpile, diesel powered power station, and more recently as car parking facilities for the City’s existing library, administration and town hall premises. However, it is believed that the well known Albany Aboriginal Mokare was buried by the surgeon Alexander Collie, Albany’s first Government resident, on the western end of Albany Town Lot S112 in 1831. If the western end of Lot S112 is the resting place of Mokare, historical sources suggest that it is also the site where Mokare’s brother Talwin is buried. The City of Albany recognises Mokare as one of the most important Nyungar people to assist the Europeans in their settlement of Albany.*”

**DEVELOPMENT SERVICES REPORTS**

## Item 11.1.4 continued

*The City is concerned that any planned developments do not impact upon these graves, or cause concern to the local Nyungar community or to others interested in the early history of the City. As a result, the City of Albany commissioned an ethnographic survey of Albany Town Lot S112. The survey, undertaken during June 2001, comprised archival and historical research, together with consultations with 19 representatives of the Albany Aboriginal community to identify any gravesites or other sites of ethnographic significance to Aboriginal people that are located within the town lot.*

*Historical sources do not clearly locate Mokare's grave, although several early survey maps of the Albany townsite (figures 2 and 3) mark several graves on the western end of Albany Town Lot S112, and also on Town Lot S115. In 1963, two skeletons were unearthed during excavations behind the 6VA Radio Station, not far from the Albany Town Hall. The Albany Aboriginal community widely believes that Mokare was buried beneath the Albany Town Hall, however, in light of the historical information available, the Aboriginal representatives believe that the western end of S112 is a likely location for Mokare's grave. Further, the Aboriginal spokespeople believed that other Aboriginal people including Mokare's brother Talwin, were also buried on Lot S112 and the immediate environs of the Albany Town Hall. The Aboriginal spokespeople also believe that the area is of significance to Aboriginal people as it is the resting-place of numerous traditional Aboriginal people from the Albany area. As much of the area has been variously disturbed since settlement, the Aboriginal spokespeople agreed that the western end of Albany Town Lot S112 should be made into some kind of memorial. As there is already an existing tribute to Mokare in the Alison Hartman Garden, the spokespeople suggested that this memorial should specifically pay tribute to the traditional Albany Aboriginal Nyungars who are believed to be buried in the surrounding area. As the area is of significance to all of the Albany Aboriginal community, the spokespeople requested that the wider Albany Aboriginal community be consulted when planning the memorial.*

*It is **recommended** the City of Albany create a memorial park or garden on the western portion of Albany Town Lot S112. The memorial should pay tribute to the traditional Albany Nyungars who were buried on the western part of Lot S112 and the surrounding area, many of whose graves have possibly been disturbed. Plans for the memorial area, particularly the size and nature of the memorial, should be the result of a community consultation process involving the wider Albany Aboriginal community.*

*Historical information and survey maps indicate that the western portion of Albany Town Lot S112 was used as a burial ground by Europeans at the time of settlement of Albany, although Mokare and other Albany Aboriginals may also have been buried there. Since this time, the area has also been disturbed considerably, including excavations and earthmoving for the creation of a car park during the 1970's. It is possible that human remains may still be present at the site, or may have been disturbed or moved unnoticed to other parts of the site during the construction of the carpark. As a result, it is **recommended** that the City of Albany commission a suitably qualified archaeologist to monitor any ground-disturbing works at the site under a permit issued under Section 16 of the Aboriginal Heritage Act (1972 – amended 1980).*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

*Appropriate representatives of the Aboriginal community should be commissioned to assist the archaeologist.*

*Should any skeletal remains be discovered during any works at the site, the Coroners Act (1966) and the Aboriginal Heritage Act (1972 – amended 1980) require that:*

- a) The Police are notified immediately*
- b) The remains are not disturbed without prior permission from the Indigenous Affairs Department and Aboriginal community representatives”*

**RECOMMENDATION**

THAT Council table and adopt the report prepared by Mr Brad Goode, “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia”;

AND

THAT Council endorse the recommendations made by the report “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia” including:

- Creation of a memorial park at the western end of Albany Town Lot S112; and
- Council commission a suitably qualified archaeologist to monitor any ground-disturbing works at the site under a permit issued under Section 16 of the Aboriginal Heritage Act (1972 – amended 1980),

and that the findings of the report be discussed with the Albany Aboriginal community as part of on-going development of the Accord document.

*Voting Requirement Simple Majority*

.....

**AMENDED RECOMMENDATION:**

THAT Council table and acknowledge the report prepared by Mr Brad Goode, “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia”;

AND

THAT Council endorse the recommendations made by the report “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia” including:

- Creation of a memorial park (to recognise unmarked graves of early settlers and members of the local Nyungar community) at the western end of Albany Town Lot S112; and
- Council commission a suitably qualified archaeologist to monitor any ground-disturbing works at the site under a permit issued under Section 16 of the Aboriginal Heritage Act (1972 – amended 1980),

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.4 continued

and that the findings of the report be discussed with the Albany Aboriginal community as part of on-going development of the Accord document.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR EVERS**

**THAT Council table and acknowledge the report prepared by Mr Brad Goode, “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia”;**

**MOTION CARRIED 14-0**

Reason:

The report by Mr Goode acknowledges the uncertainty surrounding the identification of early grave sites. By simply acknowledging the report, Council also acknowledges that the findings are not conclusive.

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR BOJCUN**

**THAT Council endorse the recommendations made by the report “Ethnographic Survey of Albany Town Lot S112, Albany, Western Australia” including:**

- **Creation of a memorial park (to recognise unmarked graves of the traditional Albany Nyungars and the early European settlers) at the western end of Albany Town Lot S112; and**
- **Council commission a suitably qualified archaeologist to monitor any ground-disturbing works at the site under a permit issued under Section 16 of the Aboriginal Heritage Act (1972 – amended 1980),**

**and that the findings of the report be discussed with the Albany Aboriginal community as part of on-going development of the Accord document.**

**MOTION CARRIED 8-6**

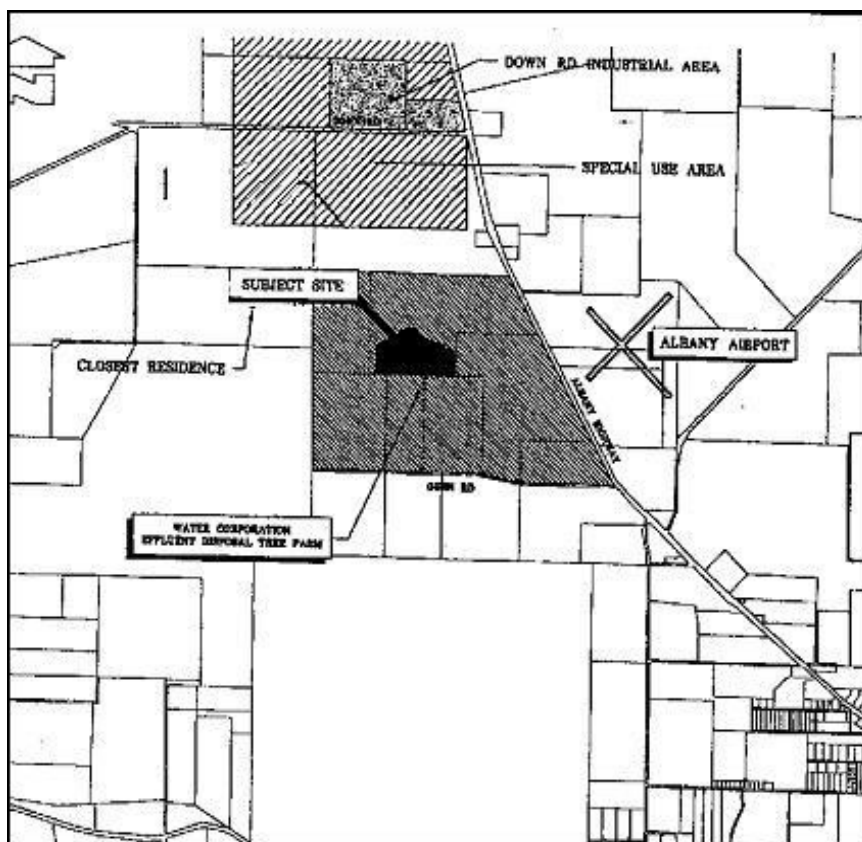
Reason:

To facilitate reconciliation, it is suggested that negotiations with the Albany Aboriginal Accord Advisory Committee explore opportunities for the memorial park design to honour all unmarked graves throughout the City.

**DEVELOPMENT SERVICES REPORTS**

**11.1.5 Application for Planning Scheme Consent - Proposed Septage Waste Disposal Facility  
– Lots 10 & 20, Albany Highway, Drome**

- File/Ward** : A5686 (West Ward)
- Proposal/Issue** : Proposed Septage Waste Disposal Facility
- Subject Land/Locality** : Lots 10 & 20 Albany Highway, Drome
- Proponent** : Water Corporation & City of Albany
- Owner** : Water Corporation
- Reporting Officer(s)** : Planning Officer (P Steele)
- Disclosure of Interest** : Nil
- Previous Reference** : Cncl 21/8/01 Item 13.1.1
- Summary Recommendation** : Approve the proposed Septage Waste Disposal Facility with conditions
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

**BACKGROUND**

1. Council has received an application for a Septage Waste Treatment Facility. The proposal is a joint venture proposal from the Water Corporation and the City of Albany.
2. The subject land is currently used by the Water Corporation for sewage treatment and as a Tree Farm, which is irrigated by treated wastewater. The lot is zoned “Rural” under the City of Albany’s Town Planning Scheme No 3.
3. The proposed site is located to the south of the Mirambeena/Down Road Special Industry Area and to the east of the Marbelup Creek Catchment Area.
4. The Marbelup Creek Catchment is a declared Water Reserve under the Country Areas Water Supply Act.
5. The proposal is a land use that is not separately defined in Town Planning Scheme No. 3 and this type of application is treated as a “Use Not Listed”.
6. The Water Corporation advertised the proposal for a period of six weeks during October and November 2001. The advertising period closed on the 15<sup>th</sup> November 2001. This advertising period included an advert in ‘The West Australian’ on 15<sup>th</sup> October 2001 and one in the ‘Government Gazette’ and the proposal being referred to all surrounding landowners, occupiers and relevant government agencies. The Water Corporation’s advertising period was more extensive that that required under the Town Planning Scheme.
7. The Water Corporation has informed Council that at the end of its advertising period only one objection was received. However this objection was later withdrawn.
8. Although the Water Corporation advertised the application, Council’s Town Planning Scheme requires a “Use Not Listed” to be advertised once a week for a three week period in a newspaper circulating within Albany.
9. This advertising period closed on the 5<sup>th</sup> March 2002, in which time two (2) submissions were received. Both submissions opposed the proposal. A copy of each is located in the Elected Members Report/Information Bulletin.

**STATUTORY REQUIREMENTS**

11. In addition to obtaining planning approval from the City, the proponent is required to obtain a licence from the Department of Environmental Protection (DEP) to be able to operate a liquid waste facility.
12. The proposal is classified as a “Use Not Listed” under the City of Albany’s Town Planning Scheme No. 3.

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

13. Clause 3.3 of the Scheme requires uses, which are not listed to be advertised for a three-week period.

**POLICY IMPLICATIONS**

14. Section 15 and General Policy GP61 of Council's Local Rural Strategy relate to 'Community Waste Disposal Sites'. The objective of this is to 'provide for waste disposal sites without harming the environment of conflicting with other rural land uses'.

15. Under this section of the Local Rural Strategy the Assessment Criteria is as follows:

*"Council will ensure that community waste disposal sites are located and developed such that they:-*

- (a) Comply with all Council's Local Rural Strategy Policies;*
- (b) Would not result in degradation to the environment or detract from the visual appearance of an area;*
- (c) Do not cause conflict with other rural land uses (particularly townsite and rural residential uses); and*
- (d) Comply with Department of Environmental Protection and Health Department requirements."*

16. The action required for this policy is:

*"The liquid waste disposal site at Prideaux Road will be relocated to a more suitable location as soon as possible due to concerns about environmental impacts and potential conflict with existing and potential rural residential development."*

**FINANCIAL IMPLICATIONS**

17. There are no financial implications to Council relating to this item in terms of planning requirements. It should be noted that it is proposed for this to be a joint venture project between the Water Corporation and the City of Albany, however these financial implications are not related to the planning approval.

**STRATEGIC IMPLICATIONS**

18. The Health Act and the City of Albany's Health Local Law specify that certain types of liquid waste must be disposed of at an approved/licensed site and those handling the waste must be registered with the City.

**COMMENT/DISCUSSION**

19. The proposed septage waste disposal facility is a joint venture between the Water Corporation and the City of Albany. The City agreed to proceed with the joint venture at the Ordinary Council Meeting of 21<sup>st</sup> August 2001.



**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

20. It should be noted that for applications of this nature a separate licence is required to be obtained from the DEP. The DEP has numerous guidelines and controls that are required to be satisfied both initially and ongoing.
21. Council has been informed that the DEP has issued a 'Work's Approval' for this development. The proposal has been slightly modified since the Water Corporation advertised the proposal, however Council has been informed that the Works Approval has been modified to accommodate these changes.
22. During the three-week advertising period two (2) submissions were received. Both of these submissions opposed the proposed and raised a number of issues. A copy of each submission appears in the Elected Members Report/Information Bulletin..
23. The main reason that was raised was that there is not sufficient demand for two liquid/septage waste treatment facilities in the Albany location. Council cannot assess planning applications on commercial and viability aspects, but must concentrate on the planning merits. Council approved a Liquid Waste Disposal Facility on the land immediately to the north at its ordinary meeting held on 19<sup>th</sup> February 2002.
24. If the two plants are not operating at their design capacity there may be some environmental problems, including odour.
25. Following a request during the advertising period, additional information was obtained from the Water Corporation. This information included technical details provided to the DEP through the Works Approval application, it addresses a number of issues which Council staff are not suitably qualified to assess.
26. Other points raised include:
  - Money should be better spent on other projects;
  - Building restrictions - any buffer zones required may enforce building restrictions on surrounding lots;
  - Clearing of remnant vegetation; and
  - Insufficient technical information provided.
27. It should be again noted that this is a completely separate application to the one approved by Council on the neighbouring lot (to the north) and that it should be assessed on its own merits.

**RECOMMENDATION**

THAT Council grant a conditional planning scheme consent for a Liquid Waste Disposal Facility to be developed on Lots 10 and 20 Albany Highway, Drome.

*Voting Requirement Simple Majority*

**DEVELOPMENT SERVICES REPORTS**

Item 11.1.5 continued

AND

THAT Council, pursuant to Clause 6.10 of the City of Albany Town Planning Scheme 3, delegate to the Executive Director Development Services the power to issue and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Liquid Waste Disposal Facility upon Lots 10 & 20 Albany Highway, Drome and that the conditions of approval incorporate:

- i) pre-development testing of water tables on the site;
- ii) the preparation of an appropriate Management Plan to remediate the site upon closure of the waste facility and the protection of that plan by a legal agreement and the registering of a caveat on the title for the land; and
- iii) appropriate approvals and licenses being obtained from the Department of Environmental Protection prior to any site work commencing.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVERS**

**THAT Council grant a conditional planning scheme consent for a Liquid Waste Disposal Facility to be developed on Lots 10 and 20 Albany Highway, Drome.**

**MOTION CARRIED 14-0**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR CECIL**

**THAT Council, pursuant to Clause 6.10 of the City of Albany Town Planning Scheme 3, delegate to the Executive Director Development Services the power to issue and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Liquid Waste Disposal Facility upon Lots 10 & 20 Albany Highway, Drome and that the conditions of approval incorporate:**

- i) pre-development testing of water tables on the site;**
- ii) the preparation of an appropriate Management Plan to remediate the site upon closure of the waste facility and the protection of that plan by a legal agreement and the registering of a caveat on the title for the land; and**
- iii) appropriate approvals and licenses being obtained from the Department of Environmental Protection prior to any site work commencing.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**DEVELOPMENT SERVICES REPORTS**

**11.2 INSPECTION SERVICES**

**11.2.1 Deliberately Lit Fires – Reward System**

<b>File/Ward</b>	:	SER 042 (All Wards)
<b>Proposal/Issue</b>	:	Council offer reward for successful prosecution of persons deliberately lighting bush fires.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director of Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council offer a reward.
<b>Locality Plan</b>	:	Not applicable.

**BACKGROUND**

1. To date, Volunteer Bushfire Brigade members have attended 88 fires within the City of Albany, during the 2001/02 bush fire season. Of that number, approximately 65 (75%) have started from unknown causes and a large percentage of the fires have occurred to the south west and west of the CBD.
2. Volunteer Bushfire Brigade members, as an example, were called to a fire in late February which appears to have resulted from the bush being ignited at 12 separate locations along a road verge. The manner in which the fire was started clearly indicates that it was not through natural causes.
3. Whilst a number of fires within the City of Albany have been reported to the Police Department, no successful prosecutions have been obtained to date against individuals for deliberately setting fire to the bush. Failure to obtain a prosecution is having a serious impact upon the morale of Volunteer Bushfire Brigade members and there is concern over the mounting cost of property damage resulting from deliberately lit fires and the potential that someone's life may be taken by the thoughtless actions of an arsonist.

**STATUTORY REQUIREMENTS**

4. There are a range of penalties under the Police Act for any person successfully convicted of lighting a fire, including jail terms.

**DEVELOPMENT SERVICES REPORTS**

Item 11.2.1 continued

**POLICY IMPLICATIONS**

- 5. Offering a reward is not an uncommon practice within Local Government, where a particular circumstance warrants greater public vigilance.

**FINANCIAL IMPLICATIONS**

- 6. The City of Albany currently budgets in excess of \$70,000 per annum to cover the cost of fire fighting and vehicle operating costs by the Volunteer Bushfire Brigades. A large percentage of those costs are associated with extinguishing wildfires. By convicting an arsonist, it is anticipated that considerable savings would be made in fire fighting costs and volunteer morale would be substantially enhanced.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

- 8. Within the City of Albany, Volunteer Bushfire Brigade members are aware that there may be as many as three individuals who have deliberately lit fires during the restricted fire season. An Albany resident is currently remanded on arson related offences.
- 9. The difficulty facing police is being able to gather sufficient evidence to prove to the Courts that the individual(s) concerned were responsible for lighting those fires. That evidence is not going to be able to be gathered unless the community is more vigilant. By offering a reward, the City of Albany may be assisting to bring forward witnesses and remove arsonists from within the community.
- 10. A maximum reward of \$10,000 is being suggested. That reward would only be payable upon the successful prosecution of an individual.

**RECOMMENDATION**

THAT Council post a reward for a single arson event of up to \$10,000 for information leading to the successful prosecution of a person or persons caught deliberately lighting a fire in bushland during the restricted burning period.

*Voting Requirement Absolute Majority*

.....

This item was withdrawn from the Agenda as there is currently a reward system in place.

**DEVELOPMENT SERVICES REPORTS****11.3 DEVELOPMENT POLICY****11.3.1 Policy Direction – Tourism Project**

<b>File/Ward</b>	:	STR 103 (All Wards)
<b>Proposal/Issue</b>	:	Develop policy position on tourism projects
<b>Subject Land/Locality</b>	:	Entire district
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	CNCL 18.12.01 Item 11.3.1
<b>Summary Recommendation</b>	:	Council adopts policy on development of tourism sites
<b>Locality Plan</b>	:	Not applicable

**BACKGROUND**

1. At its meeting on the 18<sup>th</sup> December 2001, Council adopted a policy pursuant to Clause 7.2.1 of the City of Albany Town Planning Scheme 1A and Clause 6.9 of the City of Albany Town Planning Scheme No. 3, relating to tourism projects. Under the relevant provisions of the Town Planning Schemes, Council was required to advertise the draft policy for a period of 21 days and to consider any submissions received on the draft policy, prior to formally adopting and implementing that policy.
2. The draft policy was advertised in late January 2002 and two submissions have been received, objecting to certain clauses within the draft policy.
3. The submission from Ayton Taylor & Burrell highlights the need for the policy document to facilitate quality tourism development; it raises concern over the inability of the policy to discriminate between rural and urban locations for prime tourism sites and it highlights the financial ramification of requiring private developments to connect to a reticulated sewerage scheme operated by the Minister for Water Resources. The submission concludes that the current draft policy would be a major disincentive to facilitate tourism development in prime locations outside urban areas.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

4. A second submission from JG & MK Thompson, states that the current guidelines seem to be altogether too restrictive with regard to development in areas outside of the central City area. They suggest that more flexibility in the policy is required if imaginative and valuable developments are to occur in outlying areas.

**STATUTORY REQUIREMENTS**

5. The respective Town Planning Schemes require that Council review its draft Town Planning Scheme policy in the light of any representations made. Council is then required to decide to finally adopt the draft policy with or without amendment or not to proceed with the draft policy. Upon that final resolution, details of the adopted Town Planning Scheme policy shall be advertised publicly and a copy is to be kept with the Scheme documents for inspection.

**POLICY IMPLICATIONS**

6. When formulating policies, it is essential that Council note that the policy cannot override the Town Planning Scheme zoning or development control provisions. Both Town Planning Schemes clearly note that the policy will not bind the Council in respect of an application for planning scheme consent. However, Council has the capacity to take into account the provision of the policy, and the objectives which the policy was designed to achieve, before making a decision on an application.

**FINANCIAL IMPLICATIONS**

7. There are no direct financial implications relating to the adoption of the policy.

**STRATEGIC IMPLICATIONS**

8. There is limited coastline within the City of Albany upon which premium tourism projects can be developed and the loss of those sites to “non-tourism” projects may jeopardise the potential for quality tourism development to be constructed in the future.

**COMMENT/DISCUSSION**

9. It is recognised within the tourism industry that developers capable of delivering quality resort projects are few and far between and that there is a fine line between encouraging economic development and maximising the tourism potential of a site. The creation of a holiday experience is a critical factor in the ultimate success or failure of a particular site and the policy drafted by Council is an attempt to ensure that the City’s tourism icon sites have the potential to provide the maximum tourism yield if developed. There is currently no shortage of residential lots available for development.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

10. Experience through the South West of Western Australia indicates that the conversion of tourism sites for permanent residential development seriously undermines the long term viability of the tourism site. It can also lead to residential enclaves in areas where residential activity may not normally occur. In its extreme, the dilution of tourism sites with residential development has resulted in a dramatic down turn in tourism activity with inherent flow-on affects within the community.

11. Guidelines too Restrictive

The proposed Tourism Projects Policy was introduced by Council to provide clarity for developers proposing tourism projects, should a developer wish to purchase a tourism site within the City. Currently, the development of any tourism site is subject to a discretionary decision-making process with no clear guidelines provided by Council to assist developers in gaining a development consent. The proposed policy is based upon current practices being adopted in the South West of Western Australia; the guidelines have also been prepared following consultation with officers from Tourism Australia, the West Australian Planning Commission and other local governments.

12. The policy, once adopted, will provide guidance to Council in its decision making process. Council does have the capacity to examine individual projects on their merits where they meet the philosophy of the policy, but not the specific details. The policy is consistent with limits being imposed by other local authorities and they are experiencing tourism growth.

13. Definition of Prime Tourism Sites

Within the City of Albany there are a limited number of sites along the coast which have been zoned for tourism purposes. The zoning reflects locational characteristics, specific servicing advantages or previous land uses on the site and there is a community expectation that the land will be used for that purpose. To use those sites for “non-tourism” activity would severely diminish the tourism product available within the City or force Council to locate and zone other land parcels for tourism development. There are limited opportunities to provide “prime tourism sites” through the zoning process and there is a greater demand in the market place for prime residential land than there is for prime tourism sites. Tourism WA is extremely concerned that many of the coastal tourism sites are being lost to the tourism industry and future generations of Australian and international holiday makers may be denied the opportunity to holiday adjacent to the coast.

14. Land use planning is about providing land for current and future needs. It is not uncommon for land to remain idle or in a state of planning blight, for a period of time until it can be economically developed. Recent examples of this include sections of Northbridge, East Perth and Subiaco.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

15. The submission from Ayton Taylor & Burrell fails to acknowledge that Council policy fully supports the redevelopment of existing tourism sites for “tourism projects” and those developments can proceed with minimum disruption and planning intervention. The policy is specifically geared to prevent the fragmentation of those tourism sites for residential activity. To adjust the policy to take into consideration the cost of development would seriously compromise the integrity of that policy and the reasons that the policy was introduced in the first instance. The request for a maximum residential component of 25% for prime tourism sites is well above acknowledged industry standards and inconsistent with sound planning principles.

16. Sewerage Availability

Where a tourism site is to be developed for tourism activities, the sewerage system provided for the development must meet the standards of the Health Department of WA and the Department of Environmental Protection. In most instances, that could be accommodated by an on-site effluent disposal system owned and managed by the tourism operator. All sewerage being fed into that system would be generated by visitors to the tourism site and if the system fails, there would be a clear obligation upon the tourism operator to repair that system or have the guests vacate the site.

17. In instances where there is a mixed use (tourism and permanent residential) development on a site, the responsibility for the ownership and maintenance of a joint effluent disposal system become less clear. If the effluent disposal system was to cease operating, disputes would arise over the responsibility to repair that unit, and the cost sharing arrangements. In a worst-case scenario, considerable funding may be required to replace that unit. Where there are permanent residential dwellings attached to that sewerage system, it is not practicable to force landowners to vacate their premises whilst the system is being repaired. Legal issues also arise where a pipe serving a private residence fails outside the legal boundary of that residential unit.

18. The draft policy requires that a joint residential/tourism site should be connected to a reticulated sewer system operated by the Minister for Water Resources. The Minister has the capacity and the expertise to manage sewerage systems, to set appropriate annual contributions to ensure the system is maintained, as well as upgrade or replace at the end of its design life, and to enter upon property where urgent maintenance is required. The high cost of developing a suitable treatment system is a direct consequence of both the need to establish infrastructure which has a long service life and also the capacity to accept the of effluent generated from a tourism project (restaurant, laundry, bathroom and other facilities) and from private residential units.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

19. Conclusion

It is the opinion of staff that the proposed policy will not impact upon quality tourism projects whether they are located within urban or rural environments. The policy clearly sets out to ensure that where residential development is proposed as part of a tourism site, that developer puts in place sustainable infrastructure. It also strives to ensure that exclusive residential enclaves are not created to the detriment of the tourism product. In non-urban locations, the cost of that infrastructure may be higher, however those non-urban locations bring with them unique tourism opportunities which have distinct marketplace advantages. Whether there is a short term need in the current marketplace for a site or facility is an economic decision which should not prejudice the planning principles; Council has only one chance to “get it right”.

20. It is the opinion of staff that the draft policy will not compromise tourism developments in prime locations. The policy will clearly prejudice against existing landowners who wish to gain a short-term return from their land, by developing it for a purpose inconsistent with the current zoning. Council needs to determine whether it has sufficient sites currently zoned and available to facilitate that short term objective or whether it truly possesses a number of tourism site icons and acknowledges that it may take some time, even decades, for the true potential of those sites to be realised.

RECOMMENDATION

THAT the submissions on the Tourism Projects Policy be noted and the contents of those submissions be dismissed.

AND

THAT Council adopt, without modification, the Tourism Projects Policy as a Town Planning Scheme policy pursuant to Clause 7.2.1 or the City of Albany Town Planning Scheme 1A and 6.9 of the City of Albany’s Town Planning Scheme No. 3 and that notices to that effect be published in a local newspaper.

*Voting Requirement Simple Majority*

.....

AMENDED RECOMMENDATION

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

- Council not support requests for the conversion to freehold of those Crown reserves throughout the City of Albany over which Council maintains the management order and the reserve is leased to private individuals for the purpose of developing and operating tourism activities.
- The terms “short stay” and “tourism accommodation” shall mean any residential activity where an individual person/family does not occupy the premises for

**DEVELOPMENT SERVICES REPORTS**

more than 3 months in any 12 month period, whether that period is consecutive or intermittent.

- Prime tourism sites are those freehold, zoned land parcels which front, or are only separated by a coastal and/or road reserve, the coast or Albany’s harbours.
- The percentage of residential units in a tourism development should be inversely proportionate to the tourism value and prime nature of the site with maximum percentages of 10% for prime sites and 50% for less attractive locations. The residential units should be evenly distributed throughout the site (with no accumulation of residential units along particular frontages, or the development of residential enclaves).
- Where residential units are being mooted within a tourism site, the subject land must be connected to a reticulated sewer system operated by the Minister for Water Resources.
- Where units within tourism sites are to be sold to investors, the transfer of ownership should only be by way of a built strata and no strata clearances should be supported by Council until the resort infrastructure (restaurant, landscaping, recreational facilities, etc) has been completed in accordance with the approved plans.
- Council advise the West Australian Planning Commission that it will not generally support any request from developers to subdivide tourism sites to create freehold or vacant survey allotments.
- When considering requests from landowners to rezone sites for tourism projects, the sites be zoned “Tourism Development” and appropriate clauses be inserted into the Scheme(s) requiring the preparation of an outline development plan for the site prior to any development being approved by Council.

AND

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

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WILSON**

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

**DEVELOPMENT SERVICES REPORTS**

Item 11..1 continued..

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

**AND**

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

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**



**Ayton Taylor Burrell**

Consultants in Urban & Regional Planning

1 February 2002

01-14-023-REC

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

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Rob Fenn.

Dear Sir

**TOURISM PROJECT GUIDELINES**

Following Council's advertising of the above policy for public comment we would like to submit the following comments for consideration.

1. The policy is supported if it is to be used constructively to facilitate quality tourist development that contributes to the unique qualities and characteristics of Albany's built and natural landform. Incentives should not be provided unless plans are prepared by competent professionals, particularly in relation to prime tourism sites.
2. The policy does not discriminate between 'prime tourist sites' which are located in the main urban area and those that are located in more dispersed areas where development costs may be significantly higher.

If Council is serious about promoting the tourist industry and encouraging development in some of the most spectacular locations, then some recognition should be given to providing greater incentives to overcome the higher costs of development associated with these sites.

The logic of providing greater incentives to "less attractive" sites is questioned. These sites generally appear to be developing without any need for incentives and the bulk of Albany's tourist accommodation is concentrated on these less attractive sites. It is strongly recommended that the policy be specifically directed at facilitating the development of prime sites which will contribute most to enhancing Albany's tourist industry.

It is recommended that the percentage of residential units in a tourism development should have regard to the additional costs of infrastructure in prime sites outside the main urban area. The incentives should be assessed on the individual merits and costs of each site.

11 Duke Street, Albany, Western Australia 6330  
Phone: (08) 9842 2304 Fax: (08) 9842 1340 Email: atb@inet.net.au  
ABN 15 061 140 172

**DEVELOPMENT SERVICES REPORTS**

3. The requirement for a development with a component of residential units to connect to a reticulated sewer system operated by the Minister for Water Resources will preclude the development of any sites that cannot economically connect into the existing sewer system. The cost of complying with the Minister for Water Resources requirements will render such development uneconomic. It will also preclude the option of using ecomax or other alternative treatment systems which are environmentally acceptable and more economically viable. It is recommended this requirement be deleted and replaced with a requirement that the tourist development be serviced by a wastewater treatment system acceptable to the Environmental Protection Authority.

In conclusion, this policy as it currently stands will effectively prevent tourist development from occurring on outlying prime sites that cannot economically be connected to deep sewerage. The policy provides incentives for less attractive sites that are already well represented in Albany and do not appear to need the incentives.

It is recommended that the policy be amended so that additional incentives can be provided to prime sites with high development costs. A maximum residential component of 25% is recommended for such sites with each site being assessed on its individual merits and costs. Deletion of the proposed sewer requirement is also requested and that it be replaced with a requirement for effluent disposal to be carried out to the satisfaction of the Environmental Protection Authority.

Should Council resolve not to amend the policy then it should be under no illusions that it will facilitate tourist development in prime locations as it will in fact very specifically do the opposite.

If you require further information in this regard, please contact me on 9842 2304.

Yours faithfully



NICK AYTON  
**AYTON TAYLOR BURRELL**

DEVELOPMENT SERVICES REPORTS

Chief Executive Officer  
City of Albany  
PO Box 484  
Albany 6331

41289,

CITY OF ALBANY RECEIVED		
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Dear Sir

We are writing in response to your "Tourism Project Guidelines" advertisement in The Weekender of January 10.

Obviously tourism projects and developments must be carefully considered and controlled if the Albany area is to continue and grow in its role as a holiday area of quite unique attractions.

However the guidelines proposed in your advertisement seem to us to be altogether too restrictive with regard to development in areas outside the central city area. Imaginative and valuable developments will be prevented in these outlying areas – which are a valued element in Albany's attractiveness – if the guidelines are followed: as a result, Albany as a whole will suffer. More flexibility is necessary.

Yours faithfully



John G Thomson



Margaret K Thomson

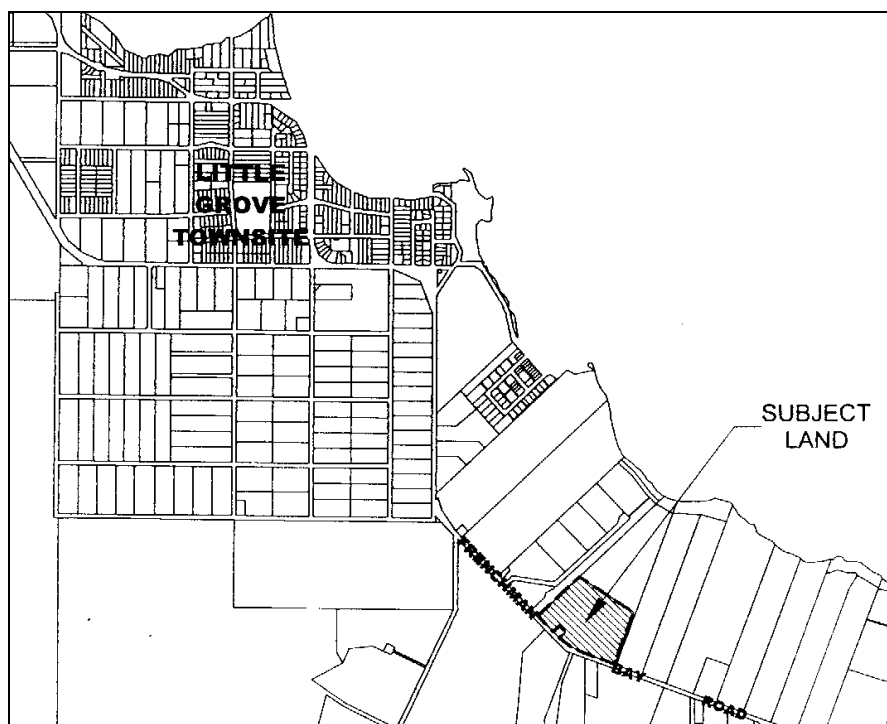
126A Abbett Street  
Scarborough 6019

Telephone: 9245 3597

**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Scheme Amendment Request 48 – Lot 15 Frenchman Bay Road, Big Grove.**

<b>File/Ward</b>	:	A18099A (Vancouver Ward)
<b>Proposal/Issue</b>	:	To rezone Lot 15 Frenchman Bay Road, Big Grove, from “Rural” to “Special Rural”.
<b>Subject Land/Locality</b>	:	Lot 15 Frenchman Bay Road, Big Grove.
<b>Proponent</b>	:	Ayton Taylor Burrell
<b>Owners</b>	:	GL Knight.
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	CNCL 19.02.02 Item 11.1.12 SOA 17.07.95 Item P7/2
<b>Summary Recommendation</b>	:	Support the request.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued.

**BACKGROUND**

1. At the Council meeting on the 19 February 2002, a Scheme Amendment Request, dealing with the potential re-zoning of Lot 15 Frenchman Bay Road, Big Grove, was submitted for Council's consideration. A decision was taken to lay the application on the table for a period of one month. A copy of the previous report has been included in the Elected Member's Report/Information Bulletin.
2. The information contained in the earlier report is not in dispute however there is additional information contained within this supplementary report which may assist Council in its decision making.

**STATUTORY REQUIREMENTS**

3. Councillors need to note that they are considering a Scheme Amendment Request, which is a non-statutory step in the Scheme Amendment process.

**POLICY IMPLICATIONS**

4. Refer to previous Council agenda item, as included in the Elected Members Information/Report Bulletin.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. Refer to previous Council agenda item, as included in the Elected Members Information/Report Bulletin.

**COMMENT/DISCUSSION**

7. In June 2001, the Waters and Rivers Commission amended its policies relating to the development of land within the Vancouver Peninsular following their release of the South Coast Water Reserve and Limeburners Creek Catchment Area Water Source Protection Plan. That plan reviewed the previous protection boundaries for the water supply sources of the South Coast water reserves and Limeburners Creek to better reflect recharge areas and public water supply bore capture zones. The boundaries and priority classifications for the Reserve were reviewed and modified to align with the capture zones of the existing public supply bores and recognised current land uses.
8. The release of the new policy documents by the Waters and Rivers Commission seriously undermined the land use assumptions contained in the City of Albany's Local Rural Strategy. A series of policy adjustments were made to that Strategy by the City to bring the land use planning controls into alignment with the water resource obligations



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued.

and those adjustments were seen as “a stop gap measure” pending the finalisation of the Albany Local Planning Strategy and the introduction of the City of Albany’s Integrated Town Planning Scheme.

9. The subject lot has a total area of 9.7 hectares and prior to May 2001 was included within the P1 Priority Area of the South Coast Water Reserve. Under those provisions, a minimum lot size of 10 hectares was nominated which precluded the subject land from being further sub-divided. Upon a review of the Water Reserve, the subject land has been incorporated into the P2 Priority Area and adjustments within the Water Source Protection Plan allowed the P2 Priority Area lots to have a 2 hectare minimum size, whereas previously the minimum lot area was nominated at 4 hectares.
10. Following this report is a plan showing the subject land and the location of the boundary of the South Coast Water Reserve. Councillors will note that approximately 50% of the lot is located within the Reserve boundary and that an existing Water Corporation water bore exists on the Frenchman Bay frontage of the property. More importantly, the attached plan shows that there are nine lots, each approximately 10 hectares in area, located to the north and east of the subject land which are currently being used as rural retreats. Those lots are not located within the boundary of the South Coast Water Reserve yet the policy statement contained in the City’s Local Rural Strategy states: *“Council will not support any significant development or any sub-division within this precinct until further study is undertaken as part of the new Town Planning Scheme.”* The Strategy further states: *“a significant proportion of the land within the precinct is of a high regional value due to its location adjacent to Princess Royal Harbour and its relationship with major regional tourist routes. As such a high level of importance is place upon the most appropriate and best use of the land. Council does not wish to determine its vision for the subject land at this time as it may pre-empt the findings of the new Scheme.”*
11. Councillors’ attention is drawn to paragraph 9 of the previous report wherein it is stated in the current Strategy that Council will consider proposals to rezone lots subject to compliance with relevant general policies and the proponent being able to demonstrate that certain constraints and land management needs can be overcome or met. Several of the policy statements contained within the Local Rural Strategy state that “Council will rezone” areas of land. However, in this instance, there is only an obligation “to consider the proposal to rezone land”. In assessing the proposal, staff consider that:
  - The local Rural Strategy provides for the subdivision of land within the boundary of the South Coast Water Reserve yet precludes adjoining land outside the groundwater reserve from being further subdivided.
  - The proposal before Council would see the introduction of an additional four entry points onto Frenchman Bay Road and no integration of the proposed subdivision with adjoining land parcels.
  - The planning rationale for allowing this land to be rezoned, in advance of adequate planning over adjoining lots, is fundamentally flawed; if the planning is based purely upon whether a parcel of land is located within the boundary of the South Coast Water Reserve.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

- Some of Council’s existing strategies may be inconsistent with the longer term vision for the development of the City, as detailed in the Draft Albany Local Planning Strategy, and Council needs to evaluate whether some short time decision making may detrimentally impact upon sound longer term planning objectives.

12. As detailed earlier, staff do not dispute that the application before Council is consistent with the strategic documents and policies adopted by Council for the development of private land in this locality. Nonetheless, Council needs to take a broader view of land use planning in determining whether individual land parcels should be allowed to be further developed. The above report highlights a serious anomaly brought about by using the boundary of the South Coast Water Reserve as the determinate of what should and should not be developed. In this particular instance, the application of that parameter creates an inequitable position for those land owners who have property to the east of Panorama Road and to the north of Frenchman Bay Road. A dual recommendation follows this report item as there are clearly compelling arguments to supporting and rejecting an application to start the preparation of amendment documents for the subject land.

**RECOMMENDATION**

THAT the proponent be advised that Council is prepared to support the request for an amendment to Town Planning Scheme No. 3 to rezone Lot 15 Frenchman Bay Road, Big Grove, from Rural to Special Rural subject to the Scheme Amendment documentation addressing the following issues to the satisfaction of Council:

- i)** Land capability assessment (including effluent disposal capability);
- ii)** Fire management plan;
- iii)** Detailed visual assessment report on the subject land and the impact of the proposed development;
- iv)** The dedication of appropriate entry points from the proposed lots onto Frenchman Bay Road, meeting appropriate engineering standards;
- v)** The provision of a subdivisional overlay which demonstrates that the subject land can be appropriately integrated into development on adjoining lots and developed for residential purposes at some future date; and
- vi)** Assessment of the relevant land management needs identified in the Princess Royal 6 precinct guidelines and the general policies of the Local Rural Strategy.

OR

THAT the proponent be advised Council is not prepared to support the request for an amendment to Town Planning Scheme No 3 to rezone Lot 15 Frenchman Bay Road, Big Grove, from Rural to Special Rural and should the applicant decide to proceed with the preparation of amending documents, they do so at their own risk.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WEST**

**THAT the proponent be advised that Council is prepared to support the request for an amendment to Town Planning Scheme No. 3 to rezone Lot 15 Frenchman Bay Road, Big Grove, from Rural to Special Rural subject to the Scheme Amendment documentation addressing the following issues to the satisfaction of Council:**

- i) Land capability assessment (including effluent disposal capability);**
- ii) Fire management plan;**
- iii) Detailed visual assessment report on the subject land and the impact of the proposed development;**
- iv) The dedication of appropriate entry points from the proposed lots onto Frenchman Bay Road, meeting appropriate engineering standards;**
- v) The provision of a subdivisional overlay which demonstrates that the subject land can be appropriately integrated into development on adjoining lots and developed for residential purposes at some future date; and**
- vi) Assessment of the relevant land management needs identified in the Princess Royal 6 precinct guidelines and the general policies of the Local Rural Strategy.**

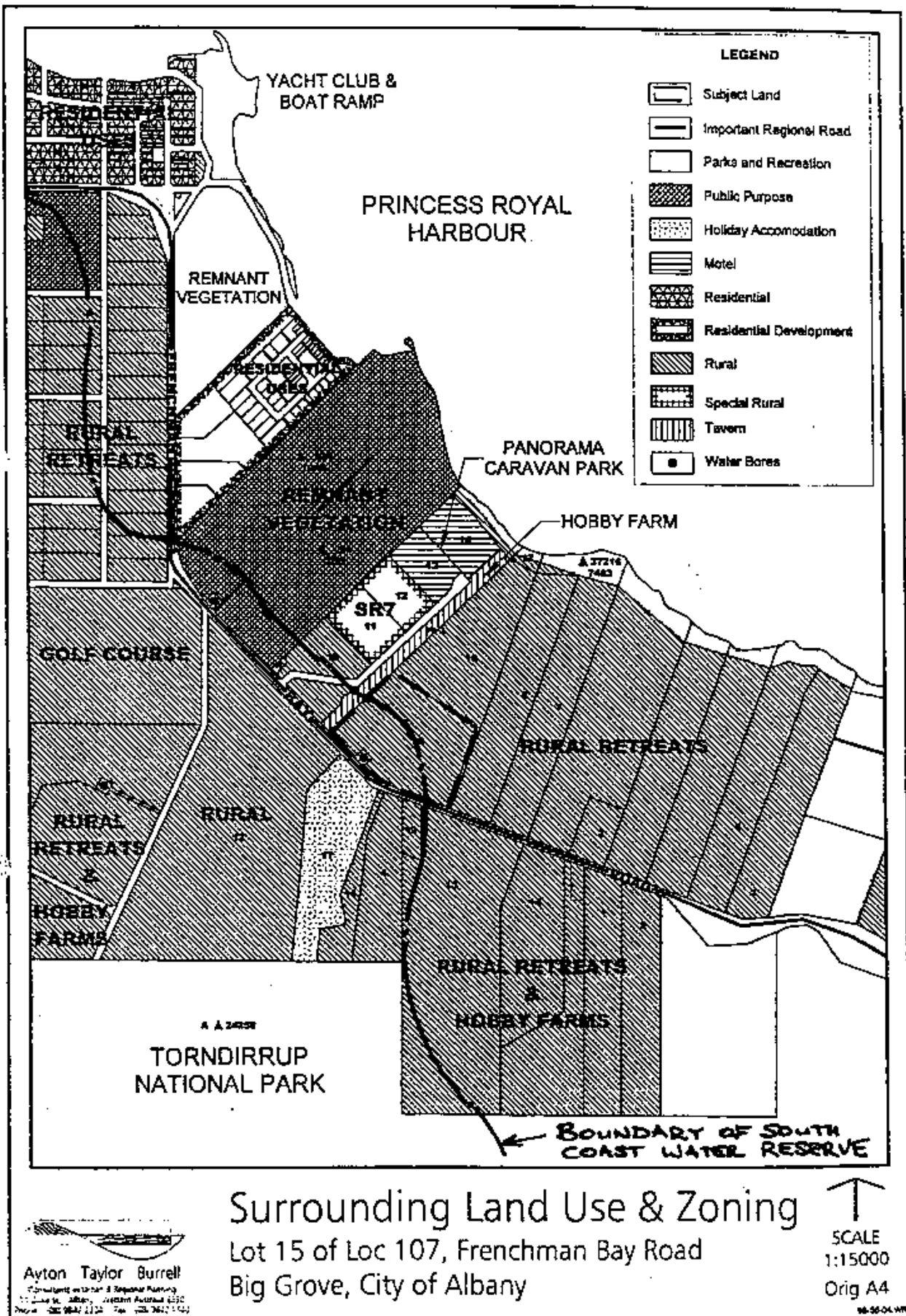
**MOTION LOST 7-8**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVANS**

**THAT the proponent be advised Council is not prepared to support the request for an amendment to Town Planning Scheme No 3 to rezone Lot 15 Frenchman Bay Road, Big Grove, from Rural to Special Rural and should the applicant decide to proceed with the preparation of amending documents, they do so at their own risk.**

**MOTION CARRIED 8-7  
ON CASTING VOTE OF MAYOR**

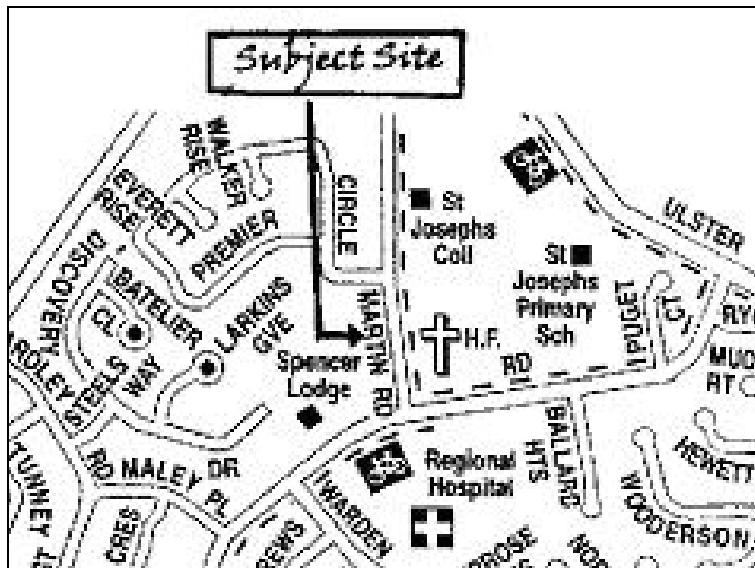
DEVELOPMENT SERVICES REPORTS



**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Scheme Amendment Request – Pt Lot 501 Discovery Drive, Spencer Park**

- File/Ward** : A109559A (Breaksea Ward)
- Proposal/Issue** : Preliminary request to rezone Pt Lot 501 Discovery Drive from the “Residential R20” zone to “Special Site – Aged Person’s Home to a Maximum of 12 Units”
- Subject Land/Locality** : Pt Lot 501 Discovery Drive, Spencer Park
- Proponent** : Rural Urban Planning and Design
- Owner** : Department of Housing and Works
- Reporting Officer(s)** : Planning Officer (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : CNCL 19.02.02 Item 11.1.5  
CNCL 21.08.01 Item 11.3.1
- Summary Recommendation** : To support the intent of the request subject to the proposed zone being changed to ‘Special Site – Aged Person’s Home to a Maximum of 12 Units’
- Locality Plan** :



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**BACKGROUND**

1. An application was received from Rural Urban Planning and Design seeking Council's preliminary support to rezone a portion of Lot 501 Discovery Drive, Spencer Park from the "Residential (R20)" zone to the "Residential (R30)" zone.
2. The proposal was initially considered by Council at its meeting of the 21 August 2001, where it was resolved:

*"THAT Council advise the applicant that it will lay on the table the request for an Amendment to Town Planning Scheme No. 1A to rezone Pt Lot 501 Discovery Drive, Spencer Park from the "Residential (R20)" zone to "Special Site" with an additional use of "Aged Person's Home to a Maximum of 13 Units", until more detailed concepts for the proposed development have been produced and preliminary feedback from the local community has been obtained."*

3. As a result of Council's resolution, the applicant submitted plans for the development, which were subsequently advertised by a sign on site and a direct mail out to surrounding landowners. A copy of the applicant's proposal and the proposed development plans are attached to the rear of this report.
4. The proponent initially intended to establish 13 aged person units for rental housing with each unit consisting of two bedrooms and having an average area not exceeding 85m<sup>2</sup>. The proposal has since been amended to reduce the number of proposed units to 12.
5. Three submissions were received with two supporting and one objecting to the proposed scheme amendment request.
6. Following preliminary advertising the proposal was reconsidered by Council at its meeting of the 19 February 2002, where it was resolved:

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

7. Conditional subdivision approval has been granted for the subdivision of Pt Lot 501 Discovery Drive to create four single residential lots, two duplex blocks and a 2966m<sup>2</sup> Aged Persons Housing site. As part of the subdivision approval a Pedestrian Access Way is to be developed along the boundary of the Aged Persons Housing site.

**STATUTORY REQUIREMENTS**

8. Within the "Residential (R20)" zone nine Aged Persons Units would not be permitted on the site. In order to gain approval for 12 units, the density of development on the site would need to be increased by rezoning the site to "Residential (R30)".

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

9. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning & Development Act 1928 (as amended). 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.
10. If an applicant decides to pursue a scheme amendment, the Council will be required to formally consider that request.

**POLICY IMPLICATIONS**

11. The Residential Planning Codes (1991), which has been adopted within Town Planning Scheme No. 1A, states that when considering applications for aged accommodation, Council should consider whether such a proposal will be out of character with, or detrimental to, the amenity of the area.
12. The ‘Liveable Neighbourhoods’ document prepared by the Western Australian Planning Commission recommends that areas of medium to high density residential development should be encouraged within 400 metres of a town centre. A walking distance of less than 400 metres (or 5 minutes walk) is considered to be the optimal distance in order to encourage non-vehicular transport.
13. The subject land is approximately 200m from the Albany Regional Hospital and is within 1 kilometre of the local doctor’s surgery and the Spencer Park Shopping Centre.
14. Whilst the ‘Liveable Neighbourhoods’ document is only a guide for developers and planning authorities, and not a policy of Council or the WAPC, it does encourage best design practice.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

16. The initial proposed rezoning (Residential R30) may have set a precedent for spot rezoning, which are opposed on the basis of orderly planning. The rezoning to a special site would result in no strategic implications.

**COMMENT/DISCUSSION**

17. A copy of the proposal was referred to the Western Australian Planning Commission for preliminary comment. The major issues identified by the Commission and Council staff included:
  - This proposal suggests a spot rezoning in an area where residential development dominates. A ‘special site’ proposal would equally facilitate the development of aged accommodation on the site.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

- The application needs more detail and clarity, in particular the surrounding land use, subdivision, proposed aged persons housing site, density and amenity within the SAR report.
  - The promotion of a walled enclave, typical of many aged accommodation developments is not supported. Conceptual plans would need to ensure that the proposed development is residential in character and can be integrated with surrounding land uses.
  - The relationship of the proposed development to the road and pedestrian Access Way, as illustrated on the approved subdivision plan, must be clearly illustrated on conceptual plans.
  - The relationship between the proposed development and the special provisions of the R-Codes should be clearly illustrated with the density of the proposed units being justified.
  - The applicant needs to show consideration to the strategic direction of development.
  - It has been identified that the proposed site is vegetated and the applicant is requested to give consideration to the retention of vegetation within proposed development, in particular adjacent road reserves.
18. The one objection that was lodged in response to the preliminary advertising was primarily based on the short period (3 weeks) given to provide comment. Other more specific issues and points that were raised within the submission and its attachments were:
- The potential impact of the proposed aged persons development on amenity.
  - The potential impact of the proposed aged persons development on land values.
  - The unjustified expense of extending the roadway from Discovery Drive to Premier Circle.
  - Further correspondence has been entered into with the objector writing to the Department of Housing and Works to discuss the potential sale and transfer of land.
- A copy of this submission is in the Elected Members' Report/Information Bulletin. Staff met with Mr Wroth and resolved several matters relating to the processes being undertaken. Adjustments to the earlier report have also been made to acknowledge his concerns.
19. The preliminary advertising period was in accordance with Council's resolution. If Council supports this rezoning, further advertising will be required as part of the Amendment process thus satisfying the objectors request for additional time in which to formulate a response.
20. The Scheme Map shows a Road Reserve linking Premier Circle with Discovery Drive and a subdivision for Part Lot 501 was conditionally approved in accordance with this.
21. The location of the road as shown on the approved plan of subdivision for Part Lot 501 appears to be located to the east of the road reserve identified on the Scheme Map. Attention needs to be paid to the location of this reserve to ensure that the road network can be completed as planned, particularly across the adjoining land parcel.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

- 22. The linking of Discovery Drive and Premier Circle is considered preferable to continuing the existing road through to Martin Road or creating a cul-de-sac as it minimises the number of access points onto Martin Road whilst maximising access.
- 23. The development plan that was submitted by the applicant demonstrates the proposed developments relationship with the surrounding land holdings and public areas.
- 24. The proposed Pedestrian Access Way (PAW) as shown on the approved subdivision plan is to be monitored from the units with the majority of this PAW being overlooked.
- 25. The Western Australian Planning Commission identified concerns in relation to the potential for the creation of a walled enclave. This concern is addressed with the proposed development plan showing that the development will have an open interface with the street.
- 26. One of the submissions that supported the proposed Amendment stated that they have no objections whilst the other makes reference to the need to coordinate the provision of sewerage and stormwater with the proposed development. A copy of these submissions are in the Elected Members' Report/Information Bulletin.
- 27. Staff could not support the applicant's original request to rezone the land to "Residential R30" as rezoning of the land in that manner could allow higher density development in a form other than aged persons units to occur. An 'Additional Use of Aged Person's Home (Maximum of 12 Units)' was proposed instead and could be applied to the site, subject to the applicant justifying that this density would not be to the detriment of the area's amenity or character.
- 28. Further more detailed assessment of the proposals potential to impact on the amenity of surrounding lots will be required as a component of the formal Amendment documents.

**RECOMMENDATION**

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Pt Lot 501 Discovery Drive, Spencer Park from the "Residential (R20)" zone to "Special Site" with an additional use of "Aged Person's Home to a Maximum of 12 Units", subject to the issues mentioned in paragraph 21, 24, 25 and 28 being addressed in the formal Amendment documents.

*Voting Requirement Simple Majority*

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**DEVELOPMENT SERVICES REPORTS**

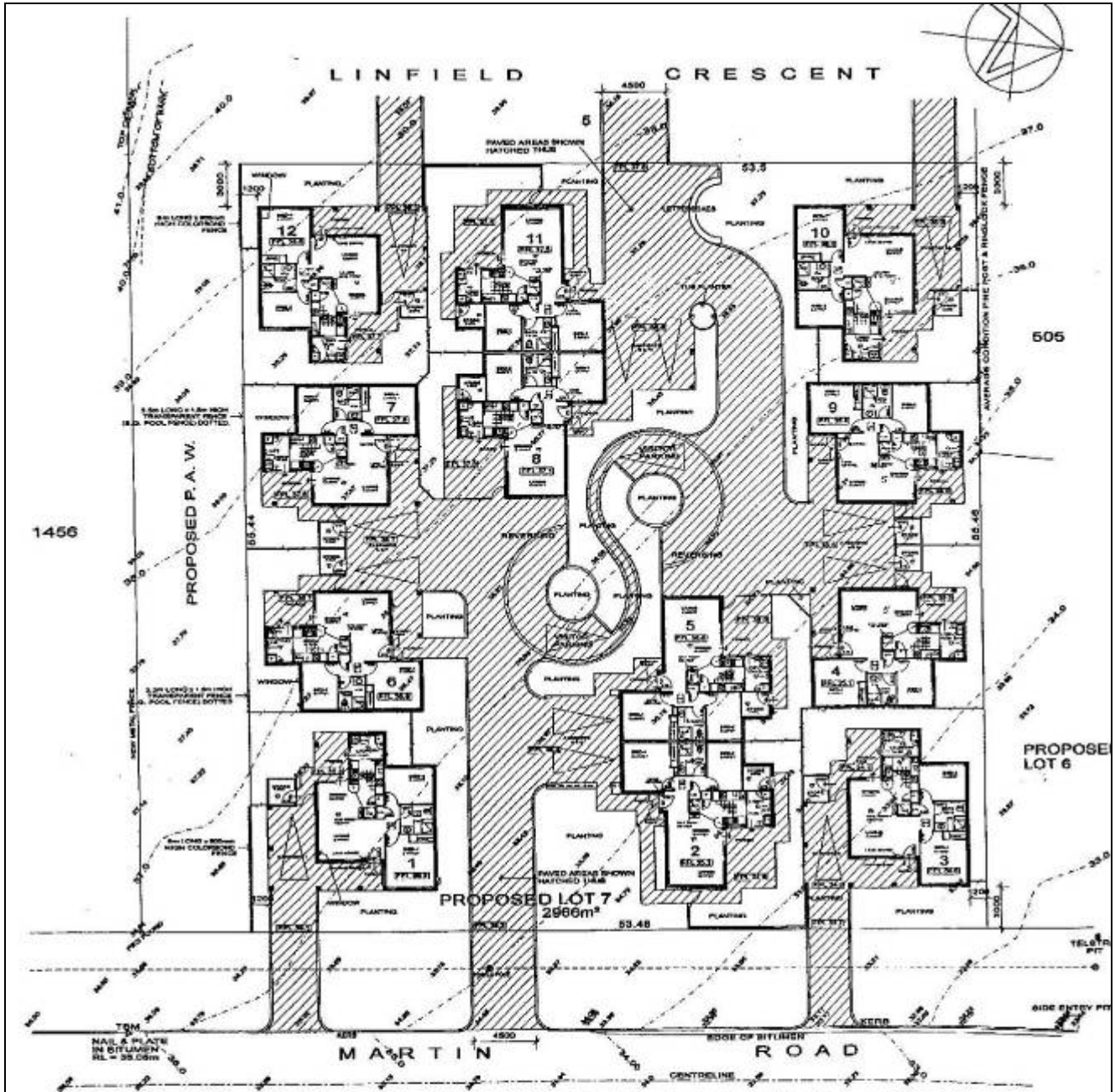
Item 11.3.3 continued

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WALKER**

**THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Pt Lot 501 Discovery Drive, Spencer Park from the “Residential (R20)” zone to “Special Site” with an additional use of “Aged Person’s Home to a Maximum of 12 Units”, subject to the issues mentioned in paragraph 21, 24, 25 and 28 being addressed in the formal Amendment documents.**

**MOTION CARRIED 13-1**

DEVELOPMENT SERVICES REPORTS



SITE PLAN 1:200



MARTIN ROAD ELEVATION

1:200

PROPOSED AGED PERSONS HOUSING at Lot 7 Martin Road ALBANY for  
DEPARTMENT OF HOUSING & WORKS ARCHITECT - MICHAEL NOLAN  
PH/FAX 9 335 6624



**DEVELOPMENT SERVICES REPORTS**

**REZONING :  
PART LOT 501 DISCOVERY DRIVE SPENCER PARK, ALBANY**

**Introduction**

This proposal is submitted in support of an application for the amendment of the City of Albany Town Planning Scheme 1A to allow for the development of 13 Aged Persons Dwellings to be constructed at a density equivalent to R30 under the Residential Planning Codes on a proposed 2966m<sup>2</sup> lot being portion of Pt Lot 501 fronting Martin Road in Spencer Park Albany.

It is expected that once an R30 density has been allocated to the proposed new APU lot then Council would be able to permit the development of a maximum of 13 Aged Persons Dwellings after having granted a 50% density bonus that is available under the provisions of the Residential Planning Codes.

**Need**

Part of Spencer Park to the south is a Ministry of Housing Urban Redevelopment Project through which the standard of housing and housing mix is being improved .

This project has addressed the social problems associated with the older State Housing Commission estates and will result in some tenants being relocated to allow for an improved mix of housing tenancies.

This process requires that suitable Ministry of Housing properties be made available elsewhere for the occupation of some of these tenants such as the elderly.

**Location and Situation**

The subject property is located on the western side of Martin Road, to the north of Hardie Road, within the locality of Spencer Park, being approximately 3 kilometres to the north east of the Albany central business district.

**Property Details**

The original lot is described as being portion of Plantagenet Location 42 and being part of Lot 501 on Plan 14186, on Certificate of Title Volume 2188 Folio 199 and is in the ownership of the State Housing Commission, now referred to as the Department of Housing and Works and Services.

The land has a frontage of some 83.34 metres to Martin Road, has a very irregular shape and covers a total land area of some 9,148 m<sup>2</sup>.

Most of the land is uncleared, comprising Sheoak vegetation, having a gentle slope towards the north, with soils comprising grey gravel sands over ironstone.

**DEVELOPMENT SERVICES REPORTS**

Vehicle access onto the property is available from both Martin Road and Discovery Drive.

**Land Use**

There are no improvements on the land.

Properties surrounding Pt Lot 501 comprise low density residential development to the south west ,while there is a nursing home situated to the south. The Albany Regional Hospital and the St Joseph's High School, Primary School and Church are all within walking distance of the subject property. Land to the north comprises an englobo parcel of residential land occupied by two dwellings.

The Spencer Park Shopping Centre is also within close proximity ( 800 m), as is a doctor's surgery.

**Existing Services**

Roads surrounding the property are bitumen sealed , kerbed and drained ,while services available to the site include deep sewer , telephone , scheme water and electricity.

**Zoning**

The subject property is zoned Residential R20 under Councils Town Planning Scheme. Properties to the immediate east and south are zoned for Clubs and Institutions, while land to the north and west is zoned Residential R20.

**Environment**

No significant environmental issues were raised in relation to this land at the subdivision approval stage .

**Subdivision**

Conditional subdivision approval has been granted for the subdivision of Pt Lot 501 to create 4 single residential lots , 2 duplex lots and a 2966m2 Aged Persons Housing site with associated access roads and 8m wide PAW.(Subdivision Approval WAPC ref 115915).

The intention is to sell the majority of the lots on the private market.

The proposed APU site will have frontage to both Discovery Drive and Mills Road.

**New Services**

This subdivision will be connected by access roads in accordance with Council requirements with subdivisions which may be planned in the future for adjoining land.

**DEVELOPMENT SERVICES REPORTS**

Direct access will be provided for pedestrians to access Mills Road from Discovery Drive.

All services can be supplied to the subdivision and the Water Corporation has indicated that it is very keen to extend the sewer main through the property to service this lot and other land in the area as soon as possible.

The Ministry has committed to contribute towards this early sewer extension.

**Proposed Aged Persons Housing Site**

There is a strong demand for Homeswest Aged Persons Rental Housing within the immediate locality which is difficult to satisfy with current land availability and accessible resources .

The Ministry seeks support for the development of the proposed APU site for aged persons rental housing (2 bed units) ,average unit area not exceeding 85m<sup>2</sup>.

In order to make efficient use of the site it is therefore requested that Council supports a Town Scheme Amendment to increase the residential density under the Residential Planning Codes from R20 to R30 to allow for the development of 13 aged persons dwellings.

Suitable plans will be submitted for Council approval with final Amendment documents as required under Councils standard practice for progressing Town Planning Scheme amendments.

**Density and Yield**

The proposal to subdivide the original 9148 m<sup>2</sup> and obtain an R30 density for the APU site will not result in increase in yield or increase in overall density for the total development when compared with the alternative of development of the site for strata titled group dwellings and Aged Persons Dwellings at the existing R20 code.

Development by way of subdivision and increase in density of the proposed APU site to R30 would result in the creation of sites for 8 dwellings and 13 Aged Persons Dwellings.

Whereas development of the site for strata titled dwellings at an overall density of R20 would result in the creation of 13 group dwellings and 9 APUs.

**Amenity**

Given its location and that the site is part of a proposed subdivision , i.e., there are no adjoining residents it is unlikely that the proposal is likely to have an impact on the amenity of the locality.

The Ministry of Housing will when marketing lots for sale as part of the subdivision of part lot 501 land advise prospective purchasers of the intended MoH housing within this subdivision.

**Conclusion**

It is respectfully requested that Council considers this proposal in view of that matters raised in this report and resolves to initiate an amendment to its Town Planning Scheme to rezone a 2966m<sup>2</sup> portion of Pt lot 501 Discovery Drive Spencer Park from Residential R20 to R30 in accordance with the approved subdivision plan.



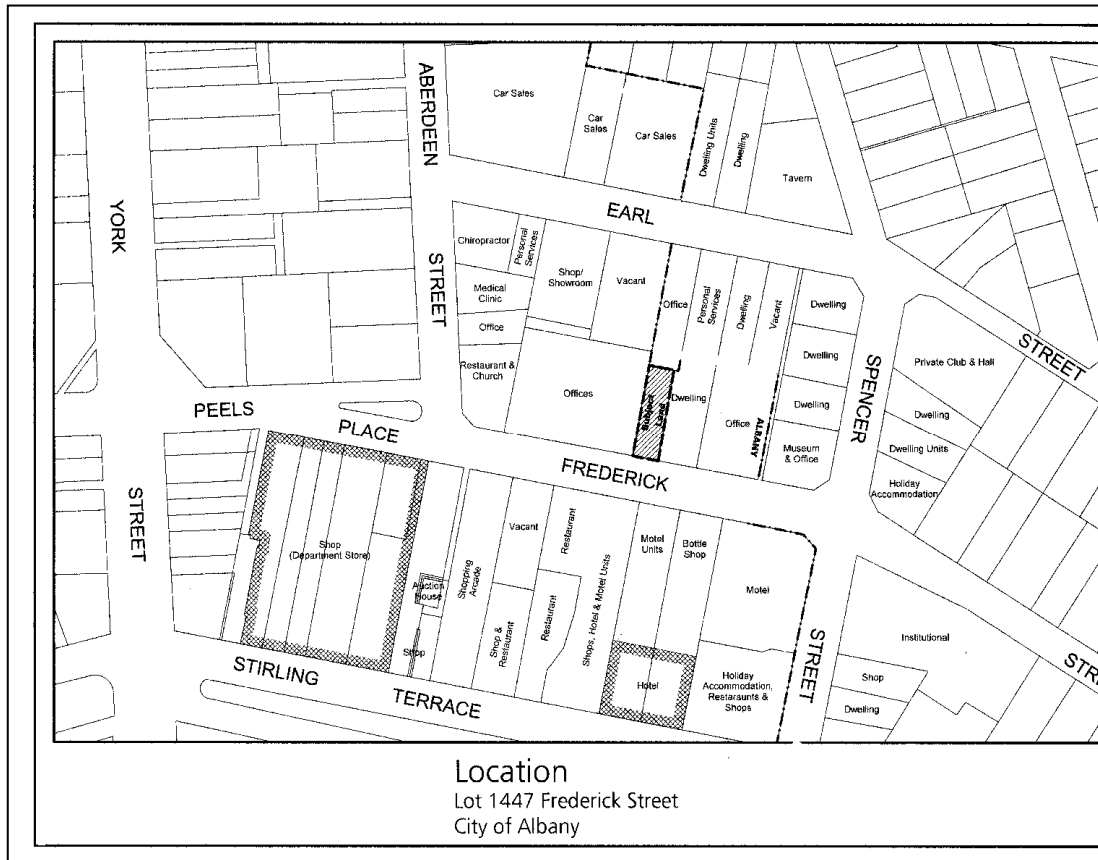




**DEVELOPMENT SERVICES REPORTS**

**11.3.4 Scheme Amendment Request – Lot 1447 Frederick Street, Albany**

<b>File/Ward</b>	:	A 137786 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Rezoning from Residential to Special Site
<b>Subject Land/Locality</b>	:	Lot 1447 (64-66) Frederick Street Albany
<b>Proponent</b>	:	Ayton Taylor & Burrell
<b>Owner</b>	:	Terse Pty Ltd
<b>Reporting Officer(s)</b>	:	Planning Officer (Policy) (P Tvermoes)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Initiate Amendment
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

**BACKGROUND**

1. An application has been received from Ayton Taylor & Burrell to rezone Lot 1447 (64-66) Frederick Street, Albany from ‘Residential R30’ to “Special Site”, with the special use being that of an office. A copy of the applicant’s report is included in the Elected Members Report/Information Bulletin.
2. Lot 1447 has a total area of at 529m<sup>2</sup> and is located on Frederick Street adjacent to the Frederick House office development. The site is currently used as a car park for the adjacent Frederick House.
3. Development of the site is being pursued following the free holding of the land, which was previously set aside as Crown Reserve 19735 for the purpose of “Trades Hall and Club”.
4. The site has a considerable history, which is connected with the Frederick House development. The then Town of Albany, entered into a “Car Parking Bond” in 1989 and required the developers of Frederick House to provide “60 private car parking bays or 20 private car parking bays and 19 public car parking bays as part of the approval for the development” upon their land and the adjoining lot.
5. The developers provided 20 private car parking bays within the grounds of Frederick House, and provided 19 public parking bays upon Lot 1447.
6. Part of the agreement required the developers to acquire the title to Lot 1447, by 1 July 1994. If this did not occur, or 19 parking bays were not constructed to the satisfaction of Council, the developer was to pay Council \$44 000, as a default sum.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

9. There are various policies and strategies that have relevance to this proposal. They include:
  - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8).
  - A Commercial Strategy for Albany (1994)
  - The Albany Commercial Centres Strategy (1994)

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

- Albany Commercial Strategy Review (2000)
- The Draft Albany Local Planning Strategy (2001)

**FINANCIAL IMPLICATIONS**

10. Council had required that a sum of \$40 000 be surrendered to Council if the developers of Fredericks House failed to meet the planning consent conditions by 1 July 1994. If they had not purchased the site, the subject of this SAR, nor constructed 19 public parking lots to Councils standards, as required. It would not appear that the car parking bond can not be enforced against the owners of the proposed development.
11. The development of Lot 1447 has the potential to remove a number of parking places from the stock of parking sites in the locality and place additional pressure on Council to construct parking places, beyond those required to be constructed on the site of the proposed development.

**STRATEGIC IMPLICATIONS**

12. The proposed rezoning would be consistent with a number of recent rezonings that Council has considered and approved. Lot 4 (#292) Middleton Road, Centennial Park was rezoned from ‘Residential’ to ‘Special Site - Professional Offices’, and Lots 4, 6, 7, 8 & 19 Albany Hwy, Mt Melville was rezoned “Residential” to “Special Site - Professional Offices”. Such “spot” rezoning are all within the immediate vicinity of the “Central Area” zone and would likely have a two fold impact, reducing the demand for office space within the care of the CBD and expanding, in a de facto fashion, the central area zone into locations which may be residential in nature.
13. Such a process can erode the intent and validity of the Albany Commercial Centres Strategy (1994), while also allowing a gradual incremental spread of the “central area “.

**COMMENT/DISCUSSION**

14. The sunset clause in the original Car Parking Bond agreement between the former Town of Albany and the developers of Frederick House required that “on or before the 8<sup>th</sup> day of July 1994 the developers shall pay to the Town the sum calculated in accordance with Clause 3”, which was in the vicinity of \$44 000. If they had failed to gain title to the lot in question or failed to construct 19 public car parking bays to Council’s specifications the bond was to be invoked.
15. It is not recorded that a payment was received and the subject site did not become freehold until 1999. The site does not have adequately constructed public car parking spaces.
16. The subject land lies in an area that is considered a transitional area/interface to the Central area and the residential areas of Mt Clarence. Whilst the area zoned Central Area reflects mixed use development, the subject landfalls outside of this area and any

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

changes to the areas zoned “Residential” should be considered in a co-ordinated manner.

17. The proposed development, has been considered in the context of adjoining land uses (both directly adjacent to the site and along the street of which it is a part), and there is a fit, both in terms of street scape, visual amenity implications and land uses. In the immediate vicinity there is a large commercial premise (Frederick House) a hotel across the road, a motel on the adjoining corner, a liquor store almost at parallel on the adjacent verge and a number of commercial premises in the lower environs of Frederick Street.
18. The land use opposite the site is residential, but adjacent to that property is the State Emergency Service facilities and the office of the Albany Historic Society, both quasi community service groups, which generate some degree of traffic and movement. The block upon which the site is located is at the periphery of the Central Area, in both formal terms, as the zoned “Central Area” finishes on the adjoining property, and in terms of being in the immediate vicinity of the end of commercial and community uses on Frederick Street.
19. The site being on the periphery must also be considered in the context of the buildings in the immediate vicinity of the site. Excluding Frederick House, structures on the same side leading away from the site are, or have been residential structures. Those actual physical structures have not changed markedly. It would be desirable for any proposed development upon the site to reflect both the current set back from the street, height, and other considerations so as to not degrade the streetscape further and to allow a gradual merging of the commercial and residential areas in the immediate vicinity of the site.
20. The expansion of mixed use development on the subject site and other surrounding areas is denoted in both the Commercial Strategy (including its review) and the draft Local Planning Strategy. However, it should be noted that both documents indicate that these strategies provide the broad framework for more detailed planning to occur. The interface of the “Central Area” zone needs to be considered in greater detail as part of the development of the City’s new Town Planning Scheme.
21. Consultants will be engaged in the near future to undertake detailed planning for the Central Area, and its interface. In light of this, and the fact that the amendment is considered a spot rezoning, this proposal could be considered premature. The treatment and zoning of the interface areas is to be considered in a holistic manner, as opposed to the ad hoc development of offices that has occurred in the surrounding areas of the CBD.
22. Whilst this proposal does represent a spot rezoning, a precedent is set for spot rezoning. It may be sound planning practice to stop this process and wait until a number of studies can be undertaken to look at the extent of the central area and how it should develop from both a design and economic/land use perspective.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

- 23. This amendment however, offers the opportunity to establish an effective barrier to a potential spread of the Central Area zone with a potential size and mass of structures, which can be unsympathetic to other structures in the CBD or adjoining residential areas.
- 24. Given the relatively small lot size, and the undeveloped nature of the lot, it is difficult to assess the full impact of an office development on the subject land and surrounding area.
- 25. A “Special Site” zoning can negate a number of uses, which could be seen to be inappropriate for the site given its location at the residential/commercial interface. These may include shop, hotel, restaurant and any other undesirable uses which can be placed in the schedule of conditions for the special site as prohibited land uses. The schedule of conditions can also address the issue of the scale of the structure, setbacks and massing of the proposed development on the site. In addition, the schedule could require parking, access and landscaping to blend with the existing street scape of the locality.
- 26. The amending documents should establish a maximum built footprint upon the site, which would limit the proportion of the site which may be built upon. That limit should not exceed the existing residential zoning of R30 under the R Codes.
- 27. Due to the relative narrow nature of the site, special consideration should also be given in the amending documents to the relationship of any development to adjoining structures, specifically Frederick and Glamis Houses, in terms of vehicular access and manoeuvring.

**RECOMMENDATION**

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Lot 1447 64-66 Frederick Street, Albany from the “Residential (R30)” zone to “Special Site” with an additional use of “Offices”, subject to the above mentioned issues being addressed in the formal Amendment documents.

*Voting Requirement Simple Majority*

.....

Councillors Demarteau declared an interest in this Item and left the Chambers at 8.28pm.

The nature of Councillor Demarteau’s interest is that his wife works for Lincoln’s Accountants and Business Advisers, who are tenants and syndicate members of Fredericks House, which is directly affected by the property in question.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.4 continued

Councillor Wellington declared an interest in this item and left the Chambers at 8.28pm.

The nature of Councillor Wellington’s interest is that he is part proprietor of Fredericks House.

**AMENDED RECOMMENDATION**

THAT Council advise the applicant that it is not prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Lot 1447 64-66 Frederick Street, Albany from the “Residential (R30)” zone to “Special Site” with an additional use of “Offices”, subject to the above mentioned issues being addressed in the formal Amendment documents.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR WALKER**

**THAT Council advise the applicant that it is not prepared to support the request for an Amendment to Town Planning Scheme No. 1A to rezone Lot 1447 64-66 Frederick Street, Albany from the “Residential (R30)” zone to “Special Site” with an additional use of “Offices”, subject to the above mentioned issues being addressed in the formal Amendment documents.**

**MOTION CARRIED 7-5**

Reason:

- The interface of the “Central Area” zone needs to be considered in greater detail as part of the development of the City’s new Town Planning Scheme;
- The amendment is considered a spot rezoning and this proposal could be considered premature;
- It may be sound planning practice to stop this process and wait until a number of studies can be undertaken to look at the extent of the central area and how it should develop from both a design and economic/land use perspective.

Councillors Demarteau and Wellington returned to the Chambers at 8.35pm.

**DEVELOPMENT SERVICES REPORTS**

**Draft Policy – Extractive Industry: A Guideline for Developers**

<b>File/Ward</b>	:	MAN 050 (All Wards)
<b>Proposal/Issue</b>	:	Preparation of Policy to further clarify application procedures for extractive industry applications
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Planning Officer (G Bride)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	CNCL 19.02.02 Item 11.1.1
<b>Summary Recommendation</b>	:	Request that policy be advertised in accordance with Clause 6.9 of Town Planning Scheme No. 3.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. At it's meeting dated 19<sup>th</sup> February 2002 Council considered advertising the 'Draft Extractive Industry Policy: A Guideline for Developers' whereby it resolved:  
*"THAT this matter lay on the table for a period of one month."*
2. Prior to giving full consideration to the Policy, Council requested a briefing to determine the merits of the policy and it's relationship to the existing Extractive Industries Local Law.
3. In accordance with the above resolution, Councillors have been briefed by staff and were invited to make preliminary comments on the policy.
4. A copy of the previous item submitted to Council on the 19<sup>th</sup> February 2002 has been placed in the Elected Members Bulletin.

**STATUTORY REQUIREMENTS**

5. Please refer to previous Council item as included in the Elected Member Report/Information Bulletin.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.5 continued

**POLICY IMPLICATIONS**

- 6. Please refer to previous Council item as included in the Elected Member Report/Information Bulletin.

**FINANCIAL IMPLICATIONS**

- 7. Please refer to previous Council item as included in the Elected Member Report/Information Bulletin.

**STRATEGIC IMPLICATIONS**

- 8. Please refer to previous Council item as included in the Elected Member Report/Information Bulletin.

**COMMENT/DISCUSSION**

- 9. At the time this report was prepared, no comments have been received by Councillors, however many Councillors have advised that they were in the process of preparing comments. On this basis, the policy has not been modified in time to be inserted into the agenda.
- 10. Any comments received prior to the meeting will be tabled, together with suggested modifications to the policy.

**RECOMMENDATION**

THAT Council adopts the ‘Draft Extractive Industry Policy: A Guideline for Developers’ and instructs staff to advertise the policy for public comment in accordance with Clause 6.9 of Town Planning Scheme No. 3.

*Voting Requirement Simple Majority*

.....

The Executive Director Development Services tabled an amended policy.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR BOJCUN**

**THAT Council adopts the ‘Draft Extractive Industry Policy: A Guideline for Developers’ and instructs staff to advertise the policy for public comment in accordance with Clause 6.9 of Town Planning Scheme No. 3.**

**MOTION CARRIED 14-0**



**DEVELOPMENT SERVICES REPORTS**

**11.4 DEVELOPMENT SERVICES COMMITTEES**

**11.4.1 Local Planning Strategy Steering Committee – 21<sup>st</sup> February 2002**

- File/Ward** : STR 078 (All Wards)
- Proposal/Issue** : Committee Items for Council consideration
- Reporting Officer(s)** : Executive Director Development Services  
(R Fenn)
- Summary Recommendation:** That the minutes of the Local Planning Strategy Steering Committee held on 21<sup>st</sup> February 2002 be adopted.

Confirmation of the minutes of the Local Planning Strategy Steering Committee of 21<sup>st</sup> February 2002.

RECOMMENDATION

THAT the minutes of the Local Planning Strategy Steering Committee held on 21<sup>st</sup> February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin).

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR EVERS**

**THAT the minutes of the Local Planning Strategy Steering Committee held on 21<sup>st</sup> February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin).**

**MOTION CARRIED 14-0**

**DEVELOPMENT SERVICES REPORTS**

**11.4.2 Bushfire Management Committee – 27<sup>th</sup> February 2002**

<b>File/Ward</b>	:	MAN 089 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council consideration
<b>Reporting Officer(s)</b>	:	Executive Director Development Services (R Fenn)
<b>Summary Recommendation:</b>		That the minutes of the Bushfire Management Committee held on 27 <sup>th</sup> February 2002 be adopted.

Confirmation of the minutes of the Bushfire Management Committee of 27<sup>th</sup> February 2002.

**RECOMMENDATION**

THAT the minutes of the Bushfire Management Committee held on 27<sup>th</sup> February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items 7.2 and 7.3 be adopted and that item 8.3 be noted.

*Voting Requirement Simple Majority*

**Item 7.2 Election of Office Bearers**

That Council endorse the office bearers elected at the Bushfire Association meeting of 11<sup>th</sup> February 2002.

Chief Bushfire Control Officer	K Johnson
Deputy Chief Bushfire Control Officer	B Lester
Senior Bushfire Control Officer (Western)	A Hawley
Senor Bushfire Control Officer (Eastern)	J Hood
Fire Weather Officers	A Marshall
	J Bocian
	N Bailey
	B Lester
	P Moir
	J Hood
Fire Weather Recording Officers	A Marshall
	N Bailey
	J Bocian
	K Martin
	J Whitem
	J Hood
	R Davey
	B Lester
	C Gilmour
	D Baum
	I Smith
	P Moir

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued

Radio Schedule Officers

K Johnson  
A Hawley  
B Lester  
J Hood  
C Gilmour  
R Metcalf  
I Smith

**Item 7.3 Bushfire Advisory Committee Meeting**

That Council endorse the firebreak proposal for the North Eastern brigades as detailed in Item 6.1 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

That Council endorse the request to purchase an OxyPort for use in the Incident Control Caravan in the 2001/2002 budget, as detailed in Item 6.3 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

That Council considers the request to purchase a base station bushfire radio for use in the Wellstead Store during the 2002/2003 budget deliberations as detailed in Item 8.1 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

That Council considers the request to purchase hand held bushfire radios for the CBFCO and DCBFCO during the 2002/2003 budget deliberations as detailed in Item 8.2 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

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 Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

**Item 8.3 Funding for Telstra Mobile Phone Towers**

That the Bushfire Management Committee request Council to reconsider favourably supporting the request by Telstra for \$20,000 to correct the black spots in the Eastern sector of the City of Albany and Shires of Gnowangerup and Jerramungup as detailed in Item 8.3 of the Bushfire Management Committee meeting of 27<sup>th</sup> February 2002.

*Voting Requirement Simple Majority*

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**AMENDED RECOMMENDATION**

THAT the minutes of the Bushfire Management Committee held on 27<sup>th</sup> February 2002 be received (copy of minutes in the Elected Members’ Report/Information Bulletin) and the following items 7.2 and 7.3 be adopted.

*Voting Requirement Simple Majority*

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued

**Item 7.2 Election of Office Bearers**

That Council endorse the office bearers elected at the Bushfire Association meeting of 11<sup>th</sup> February 2002.

Chief Bushfire Control Officer	K Johnson
Deputy Chief Bushfire Control Officer	B Lester
Senior Bushfire Control Officer (Western)	A Hawley
Senior Bushfire Control Officer (Eastern)	J Hood

Fire Weather Officers	A Marshall J Bocian N Bailey B Lester P Moir J Hood
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Fire Weather Recording Officers	A Marshall N Bailey J Bocian K Martin J Whittem J Hood R Davey B Lester C Gilmour D Baum I Smith P Moir
---------------------------------	--

Radio Schedule Officers	K Johnson A Hawley B Lester J Hood C Gilmour R Metcalf I Smith
-------------------------	--

**Item 7.3 Bushfire Advisory Committee Meeting**

That Council endorse the firebreak proposal for the North Eastern brigades as detailed in Item 6.1 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

That Council endorse the request to purchase an OxyPort for use in the Incident Control Caravan in the 2001/2002 budget. as detailed in Item 6.3 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued

That Council considers the request to purchase a base station bushfire radio for use in the Wellstead Store during the 2002/2003 budget deliberations as detailed in Item 8.1 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

That Council considers the request to purchase hand held bushfire radios for the CBFCO and DCBFCO during the 2002/2003 budget deliberations as detailed in Item 8.2 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

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 Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR BARTON**

**THAT the minutes of the Bushfire Management Committee held on 27<sup>th</sup> February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items 7.2 and 7.3 be adopted.**

**Item 7.2 Election of Office Bearers**

**That Council endorse the office bearers elected at the Bushfire Association meeting of 11<sup>th</sup> February 2002.**

<b>Chief Bushfire Control Officer</b>	<b>K Johnson</b>
<b>Deputy Chief Bushfire Control Officer</b>	<b>B Lester</b>
<b>Senior Bushfire Control Officer (Western)</b>	<b>A Hawley</b>
<b>Senor Bushfire Control Officer (Eastern)</b>	<b>J Hood</b>

<b>Fire Weather Officers</b>	<b>A Marshall</b>
	<b>J Bocian</b>
	<b>N Bailey</b>
	<b>B Lester</b>
	<b>P Moir</b>
	<b>J Hood</b>

<b>Fire Weather Recording Officers</b>	<b>A Marshall</b>
	<b>N Bailey</b>
	<b>J Bocian</b>
	<b>K Martin</b>
	<b>J Whittem</b>
	<b>J Hood</b>
	<b>R Davey</b>

**...contd**

**DEVELOPMENT SERVICES REPORTS**

Item 11.4.2 continued

**B Lester  
C Gilmour  
D Baum  
I Smith  
P Moir**

**Radio Schedule Officers**

**K Johnson  
A Hawley  
B Lester  
J Hood  
C Gilmour  
R Metcalf  
I Smith**

**Item 7.3 Bushfire Advisory Committee Meeting**

**That Council endorse the firebreak proposal for the North Eastern brigades as detailed in Item 6.1 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.**

**That Council endorse the request to purchase an OxyPort for use in the Incident Control Caravan in the 2001/2002 budget. as detailed in Item 6.3 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.**

**That Council considers the request to purchase a base station bushfire radio for use in the Wellstead Store during the 2002/2003 budget deliberations as detailed in Item 8.1 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.**

**That Council considers the request to purchase hand held bushfire radios for the CBFCO and DCBFCO during the 2002/2003 budget deliberations as detailed in Item 8.2 of the Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.**

**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 Bushfire Advisory Committee meeting of 11<sup>th</sup> February 2002.**

**MOTION CARRIED 14-0**

# **Corporate & Community Services**

## **REPORTS**

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

**12.1 FINANCE**

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

<b>File</b>	:	FIN022 (All Wards)
<b>Proposal/Issue</b>	:	N/A
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager of Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Approve accounts for payment
<b>Locality Plan</b>	:	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		231,759.21
Electronic Fund Transfer	totalling		1,136,342.46
Payroll	totalling		562,787.74
<b>TOTAL</b>			<b><u>1,930,889.41</u></b>

**RECOMMENDATION**

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

Municipal Fund	totalling	\$1,930,889.41
Total		<u>\$1,930,889.41</u>

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR EVERS  
 SECONDED MAYOR GOODE**

<b>THAT the following City of Albany accounts be passed for payment: -</b>		
<b>Municipal Fund</b>	<b>totalling</b>	<b>\$1,930,889.41</b>
<b>Total</b>		<b><u>\$1,930,889.41</u></b>

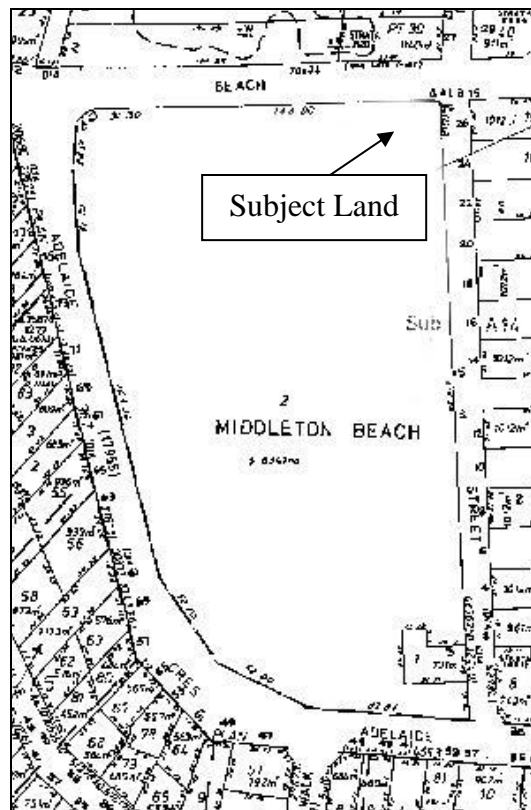
**MOTION CARRIED 14-0**



12.2 ADMINISTRATION

12.2.1 Request for Extension of Lease – Middleton Beach Bowling Club Inc.

<b>File/Ward</b>	:	PRO068 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Extension of Lease
<b>Subject Land/Locality</b>	:	Portion of ASL A14 and Lot 2 Garden Street
<b>Proponent</b>	:	Middleton Beach Bowling Club Inc
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Administration Officer (A Wiseman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Council not support the application to extend the lease term
<b>Locality Plan</b>	:	As attached.



Item 12.2.1 continued.

### **BACKGROUND**

1. Middleton Beach Bowling Club Inc is the current lessee of a portion of Lot ASL A14 and Lot 2 located on the corner of Garden Street and Middleton Road, Middleton Beach. The current term of the lease is a 20 year period from 1 January 1997 until 31 December 2016.

### **STATUTORY REQUIREMENTS:**

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

### **POLICY IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

6. Council currently receives the Minimum Land Rate in rental for this lease and all fees associated with any legal document are payable by the lessee.

### **STRATEGIC IMPLICATIONS**

7. This request complies with Council’ Albany 2020 – Charting Our Course”, which in part states as follows:-

*“Parks, Gardens and Playgrounds*

*A diverse range of passive and active recreational areas that are creative, attractive, safe and enjoyable to use”.*

Item 12.2.1 continued.

**COMMENT/DISCUSSION**

- 8. Council has received a request from the Middleton Beach Bowling Club Inc for a 19 year extension of their current lease so that it may expire in 2036. The Club is 6 years into a lease signed in 1997 and now wishes to undertake extensive renovations to the current building facilities. The club is seeking a longer term to ensure the maximum benefit of these facilities by their members.
- 9. Council cannot lease land for periods longer than a 21 year term, unless a management order specifies for a longer term.
- 10. Given the request is for a period greater than what Council can offer and that the current lease still has an active life of 15 years it is felt this should be sufficient for the club to complete their financial arrangements with the proposed building extensions.

**RECOMMENDATION**

THAT Council not support the application to extend the lease with the Middleton Beach Bowling Club Inc for a period of 19 years given that there is still another 15 years to run on the current lease, which only commenced in 1997.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR BOJCUN**

**THAT Council not support the application to extend the lease with the Middleton Beach Bowling Club Inc for a period of 19 years given that there is still another 15 years to run on the current lease, which only commenced in 1997.**

**MOTION CARRIED 13-1**

**12.2.2 Request for Permission to Navigate through ‘Prohibited Vessel Area’ – former Perth**

<b>File/Ward</b>	:	MAN 109 (All Wards)
<b>Proposal/Issue</b>	:	Underwater viewing vessel be granted permission to enter the ‘Prohibited Vessel Area’ of the former Perth Dive Site.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	Albany Oceanic Observer
<b>Owner</b>	:	M. Roberts
<b>Reporting Officer(s)</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Disclosure of Interest</b>	:	Nil.
<b>Previous Reference</b>	:	Nil.
<b>Summary Recommendation</b>	:	That special permission be granted in accordance with the Local Law.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. A proposal has been received to establish the underwater viewing vessel ‘Oceanic Observer’ in Albany to provide visitors and locals with tours to view many sites of interest about and below the water around Albany’s coastline, including the recently created artificial reef, the former HMAS Perth.
2. The ‘Oceanic Observer’ is a commercial rated, purpose built semi-submersible underwater viewing vessel. It is licenced to carry 58 passengers plus 2 crew with room for 41 passengers below deck for underwater viewing.
3. As this venture will require approval to operate tours over the former HMAS Perth, permission is sought from Council to allow the vessel to enter the ‘prohibited vessel area’ as described in the City of Albany Local Law relating to the former Perth.

Item 12.2.2 continued.

### STATUTORY REQUIREMENTS

4. The City of Albany Local Law relating to the former Perth provides:  
*“No person shall navigate a vessel through the prohibited vessel area notwithstanding that the vessel has a valid permit issued in relation to it, unless specifically authorised by the local government to do so in writing, or an authorised person.”* (Clause 6.2(2)) and defines the prohibited vessel area as:-  
*“the portion of the ship zone which has as its:*  
a) *centre, a point on the surface of the water vertically above the centre of the former Perth; and*  
b) *perimeter, a line joining each mooring in the ship zone to the next adjacent mooring.”*

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

6. Additional income will be derived from this proposal as follows:-  
Mooring Fee                \$1,500 per annum  
Passenger Fee             \$1.00 per passenger

### STRATEGIC IMPLICATIONS

7. This request complies with Council’ ‘2020 – Charting our Course’ which in part:  
*“PORT OF CALL – ‘Attraction and development of a broad range of social, cultural and economic entities’*  
*OBJECTIVE – ‘to lead key tourism industry groups in establishing an integrated approach to visitor servicing, district and area promotion and product development.”*

### COMMENT/DISCUSSION

8. It is proposed to operate the tours from Whaleworld, allowing convenient access to the former Perth and would enable the tours to operate 3-4 times per day into Frenchmans Bay.
9. Until such time as the new jetty is constructed at Whaleworld it is proposed to install a fully certified floating pontoon jetty to allow passengers to safely board and disembark the tour vessel.

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**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.2 continued.

10. In support of the application, the following information has been provided:-
- a) Photographs of the vessel ‘Oceanic Observer’;
  - b) Map of the proposed tour operations;
  - c) Copy of the Safety Code of Practice for the proposed operation;
  - d) Concept sketch of interim access to the vessel and floating pontoon jetty at Whaleworld.
- These details are included in the Councillors Report/Information Bulletin.
11. A request has also been received to take up the currently vacant Commercial Mooring.

**RECOMMENDATION**

THAT Council relax the Local Law requirement to permit the Oceanic Observer to enter the prohibited area provided:

- i) a safety plan/procedure, endorsed by WorkSafe WA, is in place; and
- ii) payment of an annual fee of \$1,500, and a per person of charge \$1.

*Voting Required Simple Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR WALKER**

**THAT Council relax the Local Law requirement to permit the Oceanic Observer to enter the prohibited area provided:**

- i) a safety plan/procedure, endorsed by WorkSafe WA, is in place;  
and**
- ii) payment of an annual fee of \$1,500, and a per person of charge \$1.**

**MOTION CARRIED 14-0**

### 12.2.3 City of Albany Band

<b>File/Ward</b>	:	FIN 022 (All Wards)
<b>Proposed/Issue</b>	:	Waiver of Town Hall Hire Fees
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Community Development Officer (R Shanhun)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	Refusal of the request for Waiver of fees
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. Council has received a request from the City of Albany Band to waive fees relating to the hire of the Town Hall. Such requests are normally considered under the Community Financial Assistance Program.

#### STATUTORY REQUIREMENTS

2. Should Council decide to grant the request it must identify the re-allocation of surplus funds within its budget and resolve by absolute majority to make that re-allocation.

#### POLICY IMPLICATIONS

3. Council's Community Financial Assistance Policy provides for 2 funding rounds with applications closing on 31<sup>st</sup> May and 30<sup>th</sup> November. The City of Albany Band application was received outside the deadlines for the receipt of financial assistance applications, and as such is in contravention of the Policy.

#### FINANCIAL IMPLICATIONS

4. The Community Financial Assistance budget is fully committed for 2001/02. Approval will require a re-allocation of surplus funds from within the budget.

#### STRATEGIC IMPLICATIONS

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

Item 12.2.3 continued.

**COMMENT/DISCUSSION**

- 6. The City of Albany Band is requesting in kind financial assistance with costs of hiring the Town Hall on 22<sup>nd</sup> and 23<sup>rd</sup> April 2002. They want to stage two concerts in conjunction with the Albany Symphonia, as an opening to the Albany Festival and to raise funds for the Band. Town Hall Manager, Stewart Gartland advises that the hire of the hall is worth around \$1,500 for the two nights.

**RECOMMENDATION**

THAT Council decline the request from the City of Albany Band for the waiver of fees to hire the Town Hall on the basis that it does not comply with the Policy guidelines for the Community Financial Assistance Program.

*Voting Requirement Simple Majority*

**AMENDED RECOMMENDATION:**

THAT Council:

- i) approve the request from Albany City Band to waive the fees associated with hiring the Town Hall for concert performances on 22<sup>nd</sup> and 23<sup>rd</sup> April 2002;
- ii) identify budget savings through the 3<sup>rd</sup> quarterly budget review process to cover the costs associated with providing the Town Hall; and
- iii) advise the Albany City Band that in future all requests for financial or in-kind assistance must be made in accordance with the Community Financial Assistance program guidelines.

*Voting Requirement Absolute Majority*

Councillor Evans declared an impartiality interest in this Item. He remained in the Chamber.

The nature of Councillor Evans' interest is that his wife is a member of Albany Symphonia.



Item 12.2.3 continued.

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WALKER:**

**THAT Council:**

- i) approve the request from Albany City Band to waive the fees associated with hiring the Town Hall for concert performances on 22<sup>nd</sup> and 23<sup>rd</sup> April 2002;**
- ii) identify budget savings through the 3<sup>rd</sup> quarterly budget review process to cover the costs associated with providing the Town Hall; and**
- iii) advise the Albany City Band that in future all requests for financial or in-kind assistance must be made in accordance with the Community Financial Assistance program guidelines.**

**MOTION CARRIED 8-6  
ABSOLUTE MAJORITY**

**Reason:**

- Wish to support community groups as they play integral role in the development of our community; and
- The cost to Council is likely to be less than \$600.

#### 12.2.4 Aboriginal Accord Advisory Committee

<b>File/Ward</b>	:	REL 114 (All Wards)
<b>Proposal/Issue</b>	:	Establishment of Advisory Committee and Council representation.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Community Development Officer (R Shanhun)
<b>Disclosure of Interest</b>	:	N/A
<b>Previous Reference</b>	:	N/A
<b>Summary Recommendation</b>	:	1. That Council establish a Aboriginal Accord Advisory Committee and appoint Council representatives; and 2. Adopt the Terms of Reference for the Advisory Committee
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

1. On the 30<sup>th</sup> November 1999 representatives of the City of Albany, the Albany Aboriginal community and the wider Albany community signed a Statement of Understanding and commitment, which in part contained an agreement ‘to establish an accord which will promote a greater understanding throughout the community of Aboriginal and non Aboriginal peoples’ history and culture’.
2. The Statement of Understanding and Commitment directed that ‘the City of Albany – Aboriginal Peoples Accord will be a living document that promotes reconciliation, provides a process of negotiation and co-operation and results in a mutual sharing of the economic and social prosperity of the City of Albany’.

#### STATUTORY REQUIREMENTS

3. Section 5.8 of the Local Government Act provides that a Local Government may establish committees of 3 or more persons to assist the Council, in carrying out its duties and responsibilities.

Item 12.2.4 continued.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

6. The Albany 2020 Port of Call – “Attraction and development of a broad range of social, cultural and economic entities, identifies the strategic objective of developing an accord between Council and the Aboriginal community”.

**COMMENT/DISCUSSION**

7. In order that development of the accord can be progressed in a consultative and participative framework, it is necessary to establish the organisation that is able to drive that process and take responsibility for the outcomes.
8. Accordingly it is proposed that Council, in accordance with section 5.8 of the Local Government Act, establish an Advisory Committee, which will be charged with the responsibility of developing the proposed accord. Draft Terms of Reference for the Advisory Committee are attached.
9. Her Worship the Mayor, Alison Goode and Councillors Bojcun and Evers have expressed their respective interest in being involved in the accord process, as they are committed to achieving meaningful outcomes for both Council and the Aboriginal community.

**RECOMMENDATION**

THAT Council

- i) in accordance with the provisions of Section 5.8 of the Local Government Act, establish an Aboriginal Accord Advisory Committee, which will be responsible for the development of an Accord between Council and the Aboriginal Community;
- ii) appoint, as Council representatives on the Advisory Committee, the Mayor, Councillor Bojcun, Councillor Evers and the Community Development Officer;
- iii) seek registrations of interest from the Aboriginal Community in accordance with the Terms of Reference;
- iv) adopt the Terms of Reference for the Aboriginal Accord Advisory Committee, as drafted.

*Voting Required Absolute Majority*

.....

Item 12.2.4 continued.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR BARTON**

**THAT Council**

- i) in accordance with the provisions of Section 5.8 of the Local Government Act, establish an Aboriginal Accord Advisory Committee, which will be responsible for the development of an Accord between Council and the Aboriginal Community;**
- ii) appoint, as Council representatives on the Advisory Committee, the Mayor, Councillor Bojcun, Councillor Evers and the Community Development Officer;**
- iii) seek registrations of interest from the Aboriginal Community in accordance with the Terms of Reference;**
- iv) adopt the Terms of Reference for the Aboriginal Accord Advisory Committee, as drafted.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**CITY OF ALBANY  
ABORIGINAL ACCORD ADVISORY COMMITTEE**

**Terms of Reference**

**1. Name**

The name of the Committee shall be the **City of Albany Aboriginal Accord Advisory Committee**, hereafter referred to as “the Committee”.

**2. Purpose**

- To provide an avenue of communication and consultation between Council and the Aboriginal community;
- To enhance the services and facilities provided by Council for the Aboriginal community.
- To develop and oversee the ongoing implementation of an accord between the City of Albany and the Albany Aboriginal Community; and
- To better inform Council on the needs of the Albany Aboriginal Community;

**3. Role**

The Committee shall:

- Develop an Accord between the City of Albany and the Aboriginal people of Albany, which gives recognition to the sentiment and objectives outlined in the Statement of Understanding and Commitment signed by representatives of the City of Albany, Aboriginal community and the wider Albany community on 30<sup>th</sup> November 1999;
- Provide a timetable and costing estimates in relation to the implementation of the strategies and initiatives identified in the Accord;
- Oversee the ongoing implementation of strategies and initiatives identified within the Accord;
- Review and update the Accord as required;
- Advise the Council on the needs of Aboriginal people within the City of Albany;
- Act as a consultative forum between Council, Aboriginal people and relevant Aboriginal organisations;
- Advise the Council on the relevance to Aboriginal people of existing services and facilities in the community and help to generate and promote ideas for the establishment of new services and facilities within the Accord framework;
- Deal with matters referred to it by the Council from time to time; and
- Deal with matters referred to it by Aboriginal people and other sections of the community.

**2. Members**

The Council, in accordance with Section 5.8 of the Local Government Act 1995, shall establish the Committee. In accordance with Section 5.10 of the Act Council will appoint all members of the Committee.

The Committee shall be comprised of 10 Committee members consisting of the following:

- 4 City of Albany representatives (Chairperson and 4 others), including 3 elected members (Mayor and 2 Councillors) and 1 staff member.
- 3 representatives from the wider Aboriginal community
- 3 representatives from Aboriginal community groups and/or agencies

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**3. Meetings**

The Committee shall meet bi-monthly or more frequently as required.

**4. Deputations and Visitors**

The Committee may invite any person or representative to attend any meeting of the Committee, but such persons shall not be entitled to vote in any decision making process.

**5. Sub-Committee**

The Committee may appoint a sub-committee to carry out a particular task. A sub-committee shall not exercise a power or perform a duty of the Committee without the prior approval of the Committee.

**6. Quorum**

The Quorum for a meeting of the Committee shall be Six (6) members present.

**7. Voting**

Each member, including the Chairperson, who is present at the meeting, shall be entitled to one vote. If the vote of members' present is equally divided, the Chairperson may cast a second vote.

**8. Minutes**

The Committee shall keep detailed minutes of all business transacted at its meetings.

A copy of the Minutes shall be sent to Council and all Committee members within 28 days of the meeting.

**9. Terms of Appointment**

All terms of office shall be 2 years.

Members may be appointed for consecutive terms, pending ratification by Council.

If a member fails to attend three consecutive meetings of the Committee his or her appointment shall be automatically terminated unless leave of absence has been granted.

**10. Vacancies**

In the event of the resignation or termination of a committee member the Committee may nominate a replacement to fill the vacancy for the remainder of that member's term. Any such nomination is to be ratified by Council.

**11. Council Appointment of Committee**

The Committee shall forward a list of names for appointment to the Council in accordance with Section 5.10 of the Local Government Act 1995.

**12. Amendments to the Terms of Reference**

The Terms of Reference may be amended in two ways:-

- a) On receipt of a request signed by no less than five (5) members the Terms of Reference may be amended at a Special Meeting called for that purpose; and
- b) By Council of its own initiative following consultation with the Committee.

## 12.3 LIBRARY SERVICES

### 12.3.1 Albany Public Library Redevelopment

<b>File/Ward</b>	:	STR 081 (Frederickstown Ward)
<b>Proposal/Issue</b>	:	Redevelopment of Albany Public Library
<b>Subject Land/Locality</b>	:	Location S110, S111 & Pt S112 York Street, Albany
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Executive Director Corporate & Community Services (P Madigan); Manager Library Services (J Flottmann); and Manager Asset & Client Services (P Brown)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 21/08/01 Item 12.3.1
<b>Summary Recommendation</b>	:	That Council accept the tender from Jaxon Construction Pty Ltd subject to further negotiation.
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. In 1999 the City of Albany undertook a Strategic Review of Library Services that identified that the existing floor space in the Library on York Street is considerably inadequate for current and future needs.
2. The Strategic Review also identified significant benefits to the community in establishing a joint use library with the University of WA and recommended that such a partnership should be pursued. An operational partnership with UWA commenced in 1999 with the provision of a small collection of UWA materials in the Albany Public Library for students and community use.
3. Following the adoption of the recommendations of the Strategic Review, a working party was established to progress the Library Redevelopment Project.

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4. At the 1<sup>st</sup> May 2001 meeting, Council resolved that:-
  - i) Council accept the proposal submitted by Howard & Associates/Woodhead International Architects in association to design and provide documentation to tender ready stage for the construction of a 200m<sup>2</sup> infill of the mezzanine floor in accordance with the scope of works detailed in the proposal for Stage 1 at a lump sum cost of \$25,410; and
  - ii) Subject to satisfactory completion of Stage 1 above, and providing for options to ensure library services do not need to be relocated during the construction period, Council accept the further proposal for Stage 2 of the project at a lump sum cost of \$11,110.
  
5. At the 21<sup>st</sup> August 2001 meeting, Council resolved that:
  - i) Council accept Option 2 for Stage 1 of the Library redevelopment as described in the report by Ian Howard and Associates with the addition of a second storey and increase in budget allocation to \$1,320,000 with budgeted loan funds being increased to \$935,000;
  - ii) Delegates authority to the Chief Executive Officer to negotiate agreement on UWA's space requirements and their contribution to the capital, infrastructure and operational costs of the Library Redevelopment and the Joint Use Library Service; and
  - iii) Subject to satisfactory agreement with UWA as per (2) above, delegates authority to the Chief Executive Officer to re-negotiate fees with Ian Howard & Associates to proceed with design and documentation to tender ready stage for construction of Option 2.
  
6. A total of six specifications were issued, with three tenders received by close of tender.

#### **STATUTORY REQUIREMENTS**

7. Council is required, on behalf of the residents of the District, to manage buildings for cultural, sporting and civic purposes. As part of that management process, decisions need to be taken on the effective life of the buildings and the cost benefits of extending onto, rehabilitating and replacing them.
  
8. Proposals to extend the library are subject to the land use controls in the City of Albany's Town Planning Scheme 1A. The library is a 'P' use in the Central Area zoned in the scheme and plans for the expansion of the building would only be subject to the Scheme requirements for car parking, access, setbacks etc.



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9. Planning Scheme Consent for the Library Additions was approved by the City of Albany on 27 November 2001 (P215240).
10. The design of the Library Extensions will result in the eave on the north side overhanging into Alison Hartman Gardens (Reserve 40543). The Department of Land Administration (DOLA) advise in their letter of 22 November 2001 that:

*“...the proposed encroachment can be regularised by an easement pursuant to Section 144 (2a) of the Land Administration Act 1997, the proposed easement existing for the term/life of the building encroachment.”*

Council will be required to meet all costs associated with the easement, including fees and easement consideration. The intention is to arrange the easement on completion of the works.
12. The tendering process for Goods & Services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.
12. In particular, Regulation 18 outlines a number of requirements relating to the choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council and it may also decline any tender.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

14. The previous budget estimate for this project was \$1,320,000 based on pre-tender estimates. Following receipt of tenders, the cost of the project is revised as:

Recommended tender price:	\$1,108,318.18
Negotiated reduction in scope of works	(\$38,318.18)
Furniture, equipment & landscaping allowance	\$150,000.00
Professional fees	\$100,000.00
<b>TOTAL PROJECT</b>	<b>\$1,320,000.00</b>

Note: Costs exclude GST

15. UWA will contribute their grant of \$700,000 (excl GST) as their contribution to the joint use library facility for a period of up to five years. The balance will be required to be financed from loan funds.

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16. The project will take six to nine months to complete with expenditure over the 2001/2002 and 2002/2003 budget periods.
17. The estimated additional annual operating expenditure required for the expanded joint use library facility, excluding depreciation is:

<b>Year</b>	<b>2002/03</b>	<b>2003/04</b>	<b>2004/05</b>	<b>2005/06</b>
Estimated actual additional costs	\$50,000	\$55,500	\$62,000	\$70,000

<b>Year</b>	<b>2006/07</b>	<b>2007/08</b>
Estimated actual additional costs	\$75,000	\$75,000
Less estimated UWA Operating Contribution	(31,500)	(63,000)
Net Expenditure	\$43,500	\$12,000

18. These estimates are based on the additional overhead costs of operating the building plus the costs of servicing UWA students. No other increases in service levels have been allowed for.
19. UWA will not be charged for operating costs for up to five years in consideration of their capital contribution to the Library redevelopment project in 2002. UWA's use of the facilities contribution to operating costs from there after will be subject to negotiation.
20. Tenderers were required to provide a lump sum price for the construction of the library redevelopment. Three tenders were received for Council's consideration. The following table outlines those prices submitted by the tenderers together with their final overall scores after evaluation

<b><i>Contractor</i></b>	<b><i>Tender Price (including GST)</i></b>	<b><i>Tender Price (excluding GST)</i></b>	<b><i>Score</i></b>
<i>Jaxon Construction Pty Ltd</i>	<i>\$1,219,150.00</i>	<i>\$1,108,318.18</i>	<i>72.4%</i>
<i>Wauters Enterprises</i>	<i>\$1,290,131.00</i>	<i>\$1,172,846.36</i>	<i>71.0%</i>
<i>Devaugh Pty Ltd</i>	<i>\$1,289,619.00</i>	<i>\$1,172,380.91</i>	<i>65.7%</i>

21. The tenders included a number of clarifications that have been investigated during the evaluation process. In particular the issue of the works program during library opening times.

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Item 12.3.1 continued.

22. The recommended tenderer, Jaxon Construction, has indicated that for the library to remain open during all of the construction program, they would require a further five week extension to the program and costs for the additional period would occur.
23. Negotiations are continuing with the contractor and library staff to ensure minimum practical disruption to library operations, while allowing the contractor to execute the works as closely as possible to the original tendered program.
24. The recommended tender of \$ 1,108,318.18 (excluding GST) represents a \$ 38,318.18 over run on the allocated budget. To ensure budget compliance, it is proposed that staff negotiate reductions in the scope of works to ensure budget compliance. Staff believe that this reduction can occur without compromising the overall integrity of the project.

**STRATEGIC IMPLICATIONS**

25. The Albany 2020 Charting our Course Strategic Plan includes the following Port of Call key results areas:-  
*“The continual development of Council services and facilities to meet the needs of all stakeholders.”*
26. Council objectives under Library Services and Council Buildings aim to achieve this Port of Call.

***Library Services***

*“To plan and provide for equity of access to, and the continual development of library services, which enhance the quality of life for a growing community.”*

***Council Buildings***

*“To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs.”*

**COMMENT/DISCUSSION**

27. The plans for the Library Redevelopment Project include the following facilities to meet the needs of both the community and UWA students: space for the UWA Collection; study areas; group study room; Information Technology room; meeting room; public toilets; children’s library and activity area; and Local Studies service area and reading room. The project also includes essential refurbishment, fitout and basic maintenance works required as a result of the extensions and to extend the life of the building a further five years.

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Item 12.3.1 continued.

- 28. Agreement has been reached with UWA on the proportion of floor space and equipment and infrastructure that will be required to service UWA students. Negotiations for the Library Service Agreement are nearing completion.

Tender Process

A request for Tenders was published in the West Australian on 2 February 2002 and the Albany Advertiser on 5 February 2002, with closing date on 27 February 2002.

Tender Evaluation

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

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

The City of Albany's Manager Assets & Client Services and Howard & Associates carried out the evaluation of the tenders from the three companies.

**RECOMMENDATION**

- i) THAT Council accept the tender from Jaxon Construction Pty Ltd and award them Contract C02002 – Public Library Redevelopment Project for the lump sum price of \$1,219,150.00 (including GST) providing an actual cost to the City of Albany of \$1,108,318.18 (excluding GST); and
- ii) Negotiate with Jaxon Construction Pty Ltd to accommodate reductions in the scope of works to an amount of \$ 38,318.18 to ensure budget compliance.

*Voting Requirement Absolute Majority*

.....

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Item 12.3.1 continued.

AMENDED RECOMMENDATION:

- i) THAT Council reject all tenders; and
- ii) Delegate authority to the Chief Executive Officer to enter into the construction contract with Jaxon Constructions at an actual cost of \$1,070,000.00.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR EVERS:**

- i) THAT Council reject all tenders; and**
- ii) Delegate authority to the Chief Executive Officer to enter into the construction contract with Jaxon Constructions at an actual cost of \$1,070,000.00.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

Reason: the motion should accommodate the active budgeted amount.

**12.4 DAY CARE CENTRE**  
Nil.

**12.5 TOWN HALL**  
Nil.

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**  
Nil.

**12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE**

**12.7.1 Great Southern Regional Cattle Saleyards Joint Venture Committee Minutes - 11<sup>th</sup> February 2002**

**File/Ward** : REL 087 (N/A)

**Proposal/Issue** : Committee Items for Council Consideration.

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

**Summary Recommendation** : THAT the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee held on 11<sup>th</sup> February 2002 be adopted.

**Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee Minutes - 11<sup>th</sup> February 2002**

RECOMMENDATION

THAT the minutes Great Southern Regional Cattle Saleyards Joint Venture Committee Minutes held on 11<sup>th</sup> February 2002 be received (copy of minutes are included in the Elected Members Report/Information Bulletin), and the following item, 6 be adopted.

*Item 6 – Managers Report*

RECOMMENDATION

THAT information be sought from the insurers in relation to liability for cattle in transit and a report by submitted to the next meeting.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WALKER**

**THAT the minutes Great Southern Regional Cattle Saleyards Joint Venture Committee Minutes held on 11<sup>th</sup> February 2002 be received (copy of minutes are included in the Elected Members Report/Information Bulletin), and the following item, 6 be adopted.**

**....contd**

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Item 12.7.1 continued.

*Item 6 – Managers Report*

**RECOMMENDATION**

**THAT information be sought from the insurers in relation to liability for cattle in transit and a report by submitted to the next meeting.**

**MOTION CARRIED 14-0**



### 12.7.2 Joint Retail Trading Hours Committees Minutes – 27<sup>th</sup> February 2002

<b>File/Ward</b>	:	REL 070 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the Minutes of the Joint Retail Trading Hours Committee meeting held on 27 <sup>th</sup> February 2002 be adopted.

#### **Confirmation of the minutes of the Joint Retail Trading Hours Committee of 27<sup>th</sup> February 2002.**

#### RECOMMENDATION

THAT the minutes of the Joint Venture Trading Hours Committee held on 27<sup>th</sup> February 2002 be received (copy is attached in the Elected Members Report/Information Bulletin) and the following items 3.1, 3.3 & 4.1 be adopted.

#### 3.1 Easter 2002 Trading Hours

#### RECOMMENDATION

THAT as the Council considers there to be sufficient trading opportunities leading into the Easter period, no extended trading hours be requested for the upcoming Easter period.

#### 3.3 Review of Committee Terms of Reference and Membership

#### RECOMMENDATION

THAT the terms of reference and the membership of the Committee remain as is, namely:-

*The Committees terms of reference are to make recommendations to Council in respect of the Retail Trading Hours across the City, and in particular, requests to vary the hours.*

*Membership is currently the being Executive Director Corporate & Community Services (P Madigan), Councillor Walker, Albany Chamber of Commerce (M Pemberton), City of Albany Merchants Association (D Wellington) and Albany Visitor Centre (L Briscoe).*

Item 12.7.2 continued.

4.1 Retail Trading Hours Review

RECOMMENDATION

THAT Council support the Chamber of Commerce, Albany Merchants Association and the Albany Visitors Centre intention to undertake a joint survey of all retail outlets in Albany, and prepare a proposal for future retail trading hours and transitional arrangement by 30<sup>th</sup> June, for consideration by this Committee and referral to Council

*Voting Requirement Absolute Majority*  
.....

AMENDED RECOMMENDATION:

THAT Council request the Albany Chamber of Commerce, Albany Merchants Association and Albany Visitors Centre to undertake a joint survey of their membership by the 15<sup>th</sup> May 2002 on the issue of extended trading hours and the results of that survey be used to prepare a proposal for consideration by the Council that provides for transition from the current situation to a situation that accommodates extended trading. The proposal to be subject to 30 days community consultation prior to being submitted to Council for consideration.

*Voting Requirement Absolute Majority*  
.....

Councillor Barton declared an interest in this Item and left the Chambers at 8.45pm  
The nature of Councillor Barton's interest is that she is involved in the retail trading industry.

The extent of Councillor Barton's interest is that she is a wage and salary earner employed by Coles.

Councillor Barton requested approval to remain in the Chamber.

Councillor Wellington declared an interest in this Item and left the Chambers at 8.45pm.

The nature of Councillor Wellington's interest is that he is the proprietor of Leading Edge Hi Fi.

The extent of Councillor Wellington's interest is that he has a common interest.

Councillor Wellington requested approval to remain in the Chamber.

The Chief Executive Officer, Andrew Hammond, declared an interest in this item.

Mr Hammond was not obliged to leave the Chamber and chose to remain.

The nature of Mr Hammond's interest is that his sons are employed at Farm Fresh and Foodland.

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Item 12.7.2 continued.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EVANS**

**THAT Councillors Barton and Wellington be permitted to remain in the Chamber to participate in the debate.**

**MOTION CARRIED 12-0**

Councillors Barton and Wellington returned to the Chamber at 8.46pm.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR WOLFE**

**THAT the minutes of the Joint Venture Trading Hours Committee held on 27<sup>th</sup> February 2002 be received (copy is attached in the Elected Members Report/Information Bulletin) and the following items 3.1, 3.3 & 4.1 be adopted.**

**MOTION CARRIED 14-0**

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR CECIL**

**THAT as the Council considers there to be sufficient trading opportunities leading into the Easter period, no extended trading hours be requested for the upcoming Easter period.**

**MOTION LOST 7-8  
ON CASTING VOTE OF MAYOR**

**MOVED COUNCILLOR CECIL  
SECONDED COUNCILLOR WELLINGTON**

**THAT the terms of reference and the membership of the Committee remain as is, namely:-**

**The Committees terms of reference are to make recommendations to Council in respect of the Retail Trading Hours across the City, and in particular, requests to vary the hours.**

**Membership being Executive Director Corporate & Community Services (P Madigan), Councillor Walker, Albany Chamber of Commerce (M Pemberton), City of Albany Merchants Association (D Wellington) and Albany Visitor Centre (L Briscoe).**

**MOTION CARRIED 12-2  
ABSOLUTE MAJORITY**

Item 12.7.2 continued.

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR BARTON**

**THAT Council request the Albany Chamber of Commerce, Albany Merchants Association and Albany Visitors Centre to undertake a joint survey of their membership by the 15<sup>th</sup> May 2002 on the issue of extended trading hours and the results of that survey be used to prepare a proposal for consideration by the Council that provides for transition from the current situation to a situation that accommodates extended trading. The proposal to be subject to 30 days community consultation prior to being submitted to Council for consideration.**

**MOTION CARRIED 9-5**

Reason:

It is important that the communities' views in relation to extended trading are incorporated into any decision Council makes regarding extended trading. The two-month period from now until May is considered to be more than adequate for the stakeholder groups to prepare a proposal for Council Consideration.

**12.7.3 Albany Town Hall Theatre Advisory Committee – 6<sup>th</sup> February 2002**

<b>File/Ward</b>	:	SER 047 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That 6 <sup>th</sup> February 2002 Minutes of the Albany Town Hall Theatre Advisory Committee be adopted.

**Confirmation of the minutes of the Albany Town Hall Theatre Advisory Committee of 6<sup>th</sup> February 2002.**

**RECOMMENDATION:**

THAT the minutes of the Albany Town Hall Theatre Advisory Committee held on 6<sup>th</sup> February 2002 be received (copy is included in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR WILLIAMS**

**THAT the minutes of the Albany Town Hall Theatre Advisory Committee held on 6<sup>th</sup> February 2002 be received (copy is included in the Elected Members Report/Information Bulletin)**

**MOTION CARRIED 14-0**

ORDINARY COUNCIL MEETING MINUTES – 19/03/02  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

**12.7.4 Seniors Advisory Committee meeting – 14<sup>th</sup> February 2002**

<b>File/Ward</b>	:	MAN 097 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the minutes of the Seniors Advisory Committee held on 14 <sup>th</sup> February 2002 be adopted.

**Confirmation of the minutes of the Seniors Advisory Committee of 14<sup>th</sup> February 2002.**

**RECOMMENDATION:**

THAT the minutes of the Seniors Advisory Committee held on 14<sup>th</sup> February 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR BARTON**

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

**MOTION CARRIED 14-0**

**12.7.5 Disability Services Advisory Committee – 21<sup>st</sup> February 2002**

<b>File/Ward</b>	:	MAN 134 (All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the minutes of the Disability Services Advisory Committee held on 21 <sup>st</sup> February 2002 be adopted.

**Confirmation of the minutes of the Disability Services Advisory Committee of 21<sup>st</sup> February 2002.**

RECOMMENDATION:

THAT the minutes of the Disability Services Advisory Committee held on 21<sup>st</sup> February be received (copy of minutes in the Elected Members Report/Information Bulletin) and the following item 3.6 be adopted:-

- 3.6 *Disabled Car Parking – Awareness Project*  
Recommendation  
THAT an awareness raising project be conducted and the assistance of TAFE students be sought.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR WILSON:**

**THAT the minutes of the Disability Services Advisory Committee held on 21<sup>st</sup> February be received (copy of minutes in the Elected Members Report/Information Bulletin) and the following item 3.6 be adopted:-**

- 3.7 *Disabled Car Parking – Awareness Project*  
Recommendation  
THAT an awareness raising project be conducted and the assistance of TAFE students be sought.

**MOTION CARRIED 14-0**

# **Works & Services**

## **REPORTS**



**WORKS & SERVICES REPORTS**

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

**13.1 WASTE MANAGEMENT**

Nil

**WORKS & SERVICES REPORTS****13.2 ASSET MANAGEMENT****13.2.1 Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road Upgrade**

<b>File/Ward</b>	:	C01084 (Kalgan Ward)
<b>Proposal/Issue</b>	:	Road upgrade – Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road by public tender.
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Asset & Client Services (P Brown)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation:</b>		Do not accept any tender for contract C01084 – Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road upgrade.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The 2001/2002 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors and engineering consultants, in addition to Council's day labour force and Design Services. Where applicable, these works are to be undertaken by a public tender process; the construction of a roundabout at Rufus and Adelaide Streets and Entry Statement at Henry Street and Chester Pass Road, Milpara, are one of these projects.
2. The detailed design, documentation, tender evaluation and site superintendence for this project is being carried out by Wood and Grieve Consultants on behalf of Council's Design Services.
3. The roundabout at the intersection of Rufus and Adelaide Streets and Entry Statement at the intersection of Henry Street and Chester Pass Roads were nominated intersection treatments in the "Milpara Local Area Traffic Management Plan". This study was undertaken by Wood and Grieve Engineers on Council's behalf in March 2001.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

4. Due to accident history and other criteria, two-thirds of the funding for both projects was applied for under the State Black Spot Program administered by the Great Southern Regional Road Group.
5. As both projects involved similar Local Area Traffic Management (LATM) works, and were located close to one another, they were combined to form a single project and subsequent tender.
6. The contract is a lump sum civil construction type project that includes the following:
  - Widening of verges
  - Underground piped stormwater
  - Subgrade preparation to widenings
  - Basecourse preparation to widenings
  - Bitumen seal application to widenings
  - Concrete extruded kerbing
  - Asphalt overlay
  - Street light upgrade
  - Major service relocations for Western Power
  - All other associated work

**STATUTORY REQUIREMENT**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

10. The original total allocation of \$104,500 was made in the 2001/02 Capital Works Budget for these works, including \$50,000 from the Regional Road Group State Black Spot Funding Program.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

11. Three sets of tender documents were issued, with two tenders received by close of tender. The following table details the results of the prices submitted:

<b>Contractor</b>	<b>Tender Price (including GST)</b>	<b>Tender Price (excluding GST)</b>
Albany Industrial Services	\$249,712.67	\$227,011.52
Ertech Pty Ltd	\$243,769.00	\$221,608.18

12. It can be seen that both tenders received exceed the final combined total budget of \$163,500 by:

\$63,511 – Albany Industrial Services; and  
\$58,108.18 – Ertech Pty Ltd

13. The prices submitted by tenderers contained provisional amounts nominated in the tender summary totalling \$72,500. The provisional items are to cover mainly early estimates for service relocations and streetlights supplied by Western Power. Firm prices just received from Western Power amount an additional \$24,332.
14. Combining this additional \$24,332 with an estimated \$8,660 that would need to be paid to Wood & Grieve Engineers for consultant contract costs, Council's Budget for the project would be exceeded by \$91,100.18 using Ertech's tender as a base price.

**STRATEGIC IMPLICATIONS**

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

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

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

16. A request for Tenders was published in the West Australian on 2<sup>nd</sup> February 2002 with a closing date of 20<sup>th</sup> February 2002.

**Tender Evaluation**

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

- Financial Accounting (Price) 60%
- Relevant Skills and Expertise 20%
- Safety Management 5%
- Reliability of Tenderer 5%
- Quality Accreditation 5%
- Other Considerations 5%

18. The City of Albany's Design Coordinator and Wood & Grieve Consultants discussed the tender prices submitted, with regard to the high price difference to the original estimate by Wood & Grieve Engineers.

19. It was agreed that both tenderers would be contacted by Wood & Grieve to discuss their understanding of the project, re-affirm their prices and provide some breakdown of costs.

20. Extracts from Wood & Grieve Consultant's evaluation report:

*"The tender documentation as provided by Council has been assessed with the following comments:*

1. *Only 2 tenderers responded:*

- *Ertech Pty Ltd; and*
- *Albany Industrial Services Pty Ltd*

*This is a poor response and not considered enough to be able to make a representative market evaluation of the project.*

2. *The prices received:*

- *Ertech Pty Ltd \$243,769.00*
- *Albany Industrial Service Pty Ltd \$249,712.67*

*are considered to be excessive according to industry standard costing, and costs incurred using Council workforce on similar urban projects.*

3. *Follow up discussions with both Contractors confirmed their correct interpretation of the scope of works. It was indicated that the relatively high prices were a reflection of the intensive nature of the project which provided few opportunities for the Contractors to achieve their optimum productivity levels.*

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

4. *Although both tenderers are recognised as experienced and reliable Contractors, it is recommended that in this instance that neither tender be accepted and that consideration be given to undertaking this project using Council’s day labour force.*
5. *Since receipt of the tenders, subsequent advice has been obtained from Western Power advising of the exceptionally high cost of relocating an existing power pole (ie \$37,868.00). Due to the work load of Western Power, this information was not available during the design phase. It is, therefore, suggested that consideration be given to modifying the design to see if it is possible to achieve an effective design and avoid the relocation of this pole without undue impact on the adjacent properties and services.*

*Recommendation*

*That:*

1. *Neither tender be accepted.*
2. *Moderate redesign be investigated.*
3. *The project to be undertaken by Council’s workforce.*
4. *Careful consideration be given to future projects with a similar intensive nature to ensure their suitability for cost effective construction via the tendering process.”*

**RECOMMENDATION**

**THAT Council:**

- i) Not accept any tenders for Contract C01084 Road Upgrade – Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road due to total project costs exceeding Council’s budget by approximately 55%;
- ii) Investigate a project re-design to minimise Western Power relocations and reduce street light costs, potentially saving approximately \$40,000; and
- iii) The project be carried forward into next year’s Capital Works Program and be completed by Council’s workforce.

*Voting Requirement Simple Majority*

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**WORKS & SERVICES REPORTS**

**- AMENDED ITEM -**

**13.2.1 Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road Upgrade**

**Henry St / Chester Pass Rd Intersection Treatment**

1. Council's budget for the 2001/2002 financial year identified revenue of \$ 18,800 State Black Spot funding for the works associated with the Henry St / Chester Pass intersection. This project is in close proximity to the Rufus /Adelaide project and was tendered together to form one project to gain efficiencies through a larger project scope.
2. Staff have recently confirmed that the project however did not qualify for funding this financial year, as there has been no supplementary funding as yet. Therefore, as the original budget of \$28,000 has now been reduced to \$9,700, and this part of the project is significantly over budget (total cost \$69,709), it would be prudent to remove this project from the scope of works.

**Rufus / Adelaide Roundabout**

3. The redesign work at the Rufus / Adelaide Roundabout referred to in the Council report has now been completed. This has eliminated the need to relocate a Western Power pole representing an actual cost saving of \$34,425.

**Budget**

4. The combined total budget of \$163,500 in the original Council report consisted of:

Rufus/Adelaide	76,000 (\$50,000 Blackspot funds)
Henry/Chesterpass	28,500 (\$18,800 Blackspot funds)
Previously reallocated funds @ quarterly review	<u>59,000</u>
<b>Total</b>	<b>\$163,500</b>

5. The proposed funding for the reduced scope of works of Rufus / Adelaide Roundabout only:

Rufus/Adelaide	76,000 (\$50,000 Blackspot funds)
Henry/Chesterpass	9,700
Previously reallocated funds @ quarterly review	<u>59,000</u>
<b>Total</b>	<b>\$144,700</b>

6. Excluding the Henry St / Chester Pass intersection and redesigning the Rufus / Adelaide roundabout to avoid the relocation of the Western Power pole it is estimated that a negotiated project cost of \$155,000 can be achieved.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

**State Blackspot Funding and the Regional Road Group (RRG)**

- 7. The State Blackspot Funding program is administered through the RRG. The RRG is currently reviewing all of its processes to try to solve some of the issues that currently exist amongst its member Councils (Capping, Minimum/Maximum Grants, Proxies, etc.) The City of Albany is awaiting confirmation of a grant of \$825,000 next year for Lower Denmark Road, and is aiming to maintain a ‘level playing field’ amongst member Councils, to ensure that projects of this size (if needed) can be possible in the future.
- 8. The biggest single criticism levelled at the City of Albany from the member Councils is the size of the grants that it receives and the concern that the monies are not always spent. It would therefore be in the best interest of the City to ensure that this project (Rufus / Adelaide Roundabout) be completed this year, if possible, especially in light of the RRG review currently underway.

**AMENDED RECOMMENDATION**

THAT Council;

- i) not accept any tenders for Contract C01084 Road Upgrade – Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road, due to total project costs exceeding Council’s budget (by approximately 55%);
- ii) reallocate funds of \$9,700 from the Henry Street and Chester Pass Road Project to the Rufus/Adelaide Roundabout Project;
- iii) a reallocation of funds be made of \$10,300 during the third quarterly review from an identified source and;
- iv) following further negotiations with both Tenderers, delegate to the Chief Executive Officer, the authority to approve the construction of the Rufus and Adelaide Street Roundabout Project for an amount of up to \$155,000.

*Voting Requirement Simple Requirement*

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**WORKS & SERVICES REPORTS**

Item 13.2.1 continued.

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR EVERS**

**THAT Council;**

- i) not accept any tenders for Contract C01084 Road Upgrade – Roundabout at Rufus Street and Adelaide Street, Entry Statement at Henry Street and Chester Pass Road, due to total project costs exceeding Council’s budget (by approximately 55%);**
- ii) reallocate funds of \$9,700 from the Henry Street and Chester Pass Road Project to the Rufus/Adelaide Roundabout Project;**
- iii) a reallocation of funds be made of \$10,300 during the third quarterly review from an identified source and;**
- iv) following further negotiations with both Tenderers, delegate to the Chief Executive Officer, the authority to approve the construction of the Rufus and Adelaide Street Roundabout Project for an amount of up to \$155,000.**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.2.2 Construction of Wellstead Ablution Block**

<b>File/Ward</b>	:	C01006 (Hassell Ward)
<b>Proposal/Issue</b>	:	Construction of the Wellstead Ablution Block by public tender
<b>Subject Land/Locality</b>	:	Wellstead Townsite
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	City of Albany
<b>Reporting Officer(s)</b>	:	Manager Assets & Client Services (Peter Brown)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	OCM 05/10/99 - Item 15.1.2 OCM 18/09/01 - Item 12.2.4
<b>Summary Recommendation:</b>		Accept tender from Brian Newbold Homes for Contract C01006 – Construction of the Wellstead Ablution Block
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. The 2001/2002 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors, in addition to Council's day labour force and Design Services. Where applicable, these works are to be undertaken by a public tender process; the construction of the Wellstead Ablution Block is one of these projects.
2. The detailed design, tender evaluation and site superintendence for this project is being carried out by Hobbs, Smith & Holmes on behalf of Council's Design Services.
3. The construction of the new ablution block at the Wellstead Townsite Rest Area includes a veranda, installation of septic tank and inverted leach drains with associated earthworks, services installation and furniture.
4. Works comprise, but are not limited to:
  - ◆ Earthworks and site preparation.
  - ◆ Sand pad to nominated finished level.
  - ◆ Concrete foundation and floor slab.
  - ◆ Double brick walls and colorbond sheet roof.
  - ◆ Sanitary plumbing and effluent system to accommodate the ablution block and future community centre
  - ◆ Electrical lighting and power.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued.

- ◆ Windows and glazing.
- ◆ Carpentry and hardware.
- ◆ Paint and tiling

5. A total of ten specifications were issued, with five tenders received by close of tender.

**STATUTORY REQUIREMENTS**

6. The tendering process for Goods & Services must be in accordance with sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 of the Local Government Act 1995.

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

9. A total allocation of \$90,000.00 has been made in the 2001/2002 Capital Works Budget for this project.

10. Tenderers were required to provide a lump sum price for the construction of the ablution block. Five tenders were received for Council's consideration. The following table outlines those prices submitted by the tenderers together with their final overall scores after evaluation

<b>Contractor</b>	<b>Tender Price (including GST)</b>	<b>Tender Price (excluding GST)</b>	<b>Score</b>
Brian Newbold Homes	\$120,789.47	\$109,808.61	63.9%
Centerline Constructions	\$122,603.00	\$111,457.27	63.2%
Wren (WA) Pty Ltd	\$123,001.00	\$111,819.09	63.0%
Urban Building Company	\$125,957.00	\$114,506.36	61.8%
Aberdeen Constructions	\$130,738.00	\$118,852.73	60.9%

11. The sewerage and drainage component has been designed to accommodate the proposed Wellstead Community Resource Centre. The apportioned cost within the recommended tender is estimated at \$22,955.00.

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued.

12. A 50% contribution from the proposed Community Resource Centre for sewerage and drainage works represents a reasonable apportionment of funds to the shared sewerage and drainage infrastructure.
13. With this 50% contribution the project will require further funding of \$8331.11. It is proposed that funds be identified via a reallocation during the third quarterly review process to allow this project to proceed.
14. It is therefore proposed that the project be funded as follows:

\$90,000.00	-	2001/2002 Capital Works Budget allocation
\$11,477.50	-	50% contribution for sewerage and drainage works
\$8,331.11	-	Funds to be identified during the third quarterly review process
Total:	—	\$109,808.61

**STRATEGIC IMPLICATIONS**

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

*Port of Call*

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

Objective:

To provide well serviced & maintained public convenience and community rest room facilities.

**COMMENT/DISCUSSION**

**Tender Process**

16. A request for Tenders was published in the West Australian on 2 February 2002 and the Albany Advertiser on 5 February 2002, with closing date on 20 February 2002.

**Tender Evaluation**

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

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

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued.

18. The City of Albany's Manager Assets & Client Services and Hobbs Smith & Holmes carried out the evaluation of the tenders from the five locally based companies.

**RECOMMENDATION**

THAT Council:

- i) Accept the tender from Brian Newbold Homes and award them Contract C01006 – Construction of Wellstead Ablution Block for the lump sum price of \$120,789.47 (including GST), providing an actual cost to the City of Albany of \$109,808.61 (excluding GST), and
- ii) Reallocate funds of \$11,477.50 (excluding GST) from the funds allocated for the Wellstead Community Resource Centre project for 50% contribution to the sewerage and drainage works, and
- iii) A reallocation be sought during the third quarterly review from an identified source to the amount of \$8,331.11 (excluding GST).

*Voting Requirement Absolute Majority*

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**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WEST**

**THAT Council:**

- i) Accept the tender from Brian Newbold Homes and award them Contract C01006 – Construction of Wellstead Ablution Block for the lump sum price of \$120,789.47 (including GST), providing an actual cost to the City of Albany of \$109,808.61 (excluding GST), and**
- iii) Reallocate funds of \$11,477.50 (excluding GST) from the funds allocated for the Wellstead Community Resource Centre project for 50% contribution to the sewerage and drainage works, and**
- iv) A reallocation be sought during the third quarterly review from an identified source to the amount of \$8,331.11 (excluding GST).**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.3 WORKS**

Nil

**13.4 AIRPORT MANAGEMENT**

Nil

**13.5 RESERVES PLANNING & MANAGEMENT**

Nil

**WORKS & SERVICES REPORTS**

**13.6 WORKS AND SERVICES COMMITTEES**

**13.6.1 Albany Airport Advisory Committee Minutes of 4<sup>th</sup> February 2002**

- File/Ward** : MAN007 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Executive Director Works and Services (B Joynes)
- Summary Recommendation** : That the minutes of the Albany Airport Advisory Committee held on 4<sup>th</sup> February 2002 be adopted.

Confirmation of the minutes of the Albany Airport Advisory Committee meeting of 4<sup>th</sup> February 2002.

**RECOMMENDATION**

THAT the minutes of the Albany Airport Advisory Committee held on the 4<sup>th</sup> February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 5.1 and 6.1 be adopted.

**Item 5.1 - Bureau of Meteorology Site**

That the City of Albany, Bureau of Meteorology and Air Services Australia confirm the exact location of the proposed new site for the Bureau of Meteorology to allow for the commencement of preliminary planning.

**Item 6.1 - Terms of Reference and Committee Representation**

THAT Council;

- i) adopt the following terms of reference  
"Advising Council on the strategic development of the airport to meet the future needs of the region." And
- ii) Adopt the following nominations for committee representation on the Airport Advisory Committee:  
Councillor Ian West, Peter Brown, Jon Berry, Captain W J Slaven (Skywest), Bruce Manning (GSDC), Roy Johnson (Dept of Transport), Ralph Burnett (Airport Users Group).

*Voting Requirement Absolute Majority*

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**WORKS & SERVICES REPORTS**

Item 13.6.1 continued.

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR WILSON**

**THAT the minutes of the Albany Airport Advisory Committee held on the 4<sup>th</sup> February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin), and the following items 5.1 and 6.1 be adopted.**

**Item 5.1 - Bureau of Meteorology Site**

**That the City of Albany, Bureau of Meteorology and Air Services Australia confirm the exact location of the proposed new site for the Bureau of Meteorology to allow for the commencement of preliminary planning.**

**Item 6.1 - Terms of Reference and Committee Representation**

**THAT Council;**

- i) adopt the following terms of reference  
“Advising Council on the strategic development of the airport to meet the future needs of the region.” And**
  
- iii) Adopt the following nominations for committee representation on the Airport Advisory Committee:  
Councillor Ian West, Peter Brown, Jon Berry, Captain W J Slaven (Skywest), Bruce Manning (GSDC), Roy Johnson (Dept of Transport), Ralph Burnett (Airport Users Group).**

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**



**WORKS & SERVICES REPORTS**

**13.6.2 Albany Airport Emergency Committee Minutes of 27<sup>th</sup> February 2002**

- File/Ward** : MAN007 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration
- Reporting Officer** : Executive Director Works and Services  
(B Joynes)
- Summary Recommendation** : That the minutes of the Albany Airport  
Emergency Committee meeting held on 27<sup>th</sup>  
February 2002 be adopted.

Confirmation of the minutes of the Albany Airport Emergency Committee meeting of 27<sup>th</sup> February 2002.

**RECOMMENDATION**

THAT the minutes of the Albany Airport Emergency Committee meeting held on the 27 February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items 5.1.1, 5.1.2, 5.1.3 and 5.2 be adopted.

**Item 5.1.1 - Airport Emergency Exercise Dates**

THAT

- i) the following dates be selected for the meetings below:

Planning Meeting 1	14 <sup>th</sup> August 2002
Planning Meeting 2	10 <sup>th</sup> October 2002
Pre-Brief Meeting	16 <sup>th</sup> October 2002
Full Airport Emergency Exercise	17 <sup>th</sup> October 2002

- ii) an agenda be distributed outlining the committee's request for each participating agency to identify their individual objectives and to create their own plan for the event; and
- iii) inform each participating agency that it is essential that a representative attends each meeting.

**Item 5.1.2 - Airport Emergency Exercise Name**

THAT the Airport Emergency Exercise event for 2002 be called "Phoenix 1".

**Item 5.1.3 - Full Airport Emergency Exercise Time and Date**

THAT the Airport Emergency Exercise be conducted at 5:00pm on Thursday, 17<sup>th</sup> October 2002.

**WORKS & SERVICES REPORTS**

Item 13.6.2 continued.

Item 5.2 - Terms of Reference – Airport Emergency Committee

THAT Council;

- i) adopt the following terms of reference:  
“To review the Albany Airport’s emergency procedures and analyse the bi-annual emergency exercise.”
- ii) adopt the following nominations for committee representation on the Airport Emergency Committee:

Cr Tony Demarteau	City of Albany
Cr Ian West	City of Albany
Mr Peter Brown	City of Albany
Mr Cyril Ecob	City of Albany
Mr Garry Turner	City of Albany
Mr Trevor Howarth	City of Albany
District Manager	WA State Emergency Service
Officer in Charge	WA Police Traffic
Station Officer	WA Fire & Rescue Service
Mr Doug Gilchrist	Albany Regional Hospital
Station Officer	St John Ambulance
Mr Michael Roberts	Skywest Airlines
Representative	Department for Community Development
Regional Coordinator	Department of Planning & Infrastructure

*Voting Requirement Absolute Majority*

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR BOJCUN**

**THAT the minutes of the Albany Airport Emergency Committee meeting held on the 27 February 2002 be received (copy of minutes in the Elected Members’ Report/Information Bulletin) and the following items 5.1.1, 5.1.2, 5.1.3 and 5.2 be adopted.**

**Item 5.1.1 - Airport Emergency Exercise Dates**

**THAT**

- i) **the following dates be selected for the meetings below:**

<b>Planning Meeting 1</b>	<b>14<sup>th</sup> August 2002</b>
<b>Planning Meeting 2</b>	<b>10<sup>th</sup> October 2002</b>
<b>Pre-Brief Meeting</b>	<b>16<sup>th</sup> October 2002</b>
<b>Full Airport Emergency Exercise</b>	<b>17<sup>th</sup> October 2002</b>

**....contd**

**WORKS & SERVICES REPORTS**

Item 13.6.2 continued.

- ii) an agenda be distributed outlining the committee’s request for each participating agency to identify their individual objectives and to create their own plan for the event; and
- iii) inform each participating agency that it is essential that a representative attends each meeting.

**Item 5.1.2 - Airport Emergency Exercise Name**

**THAT the Airport Emergency Exercise event for 2002 be called “Phoenix 1”.**

**Item 5.1.3 - Full Airport Emergency Exercise Time and Date**

**THAT the Airport Emergency Exercise be conducted at 5:00pm on Thursday, 17<sup>th</sup> October 2002.**

**Item 5.2 - Terms of Reference – Airport Emergency Committee**

**THAT Council;**

- i) adopt the following terms of reference:  
“To review the Albany Airport’s emergency procedures and analyse the bi-annual emergency exercise.”
- ii) adopt the following nominations for committee representation on the Airport Emergency Committee:

<b>Cr Tony Demarteau</b>	<b>City of Albany</b>
<b>Cr Ian West</b>	<b>City of Albany</b>
<b>Mr Peter Brown</b>	<b>City of Albany</b>
<b>Mr Cyril Ecob</b>	<b>City of Albany</b>
<b>Mr Garry Turner</b>	<b>City of Albany</b>
<b>Mr Trevor Howarth</b>	<b>City of Albany</b>
<b>District Manager</b>	<b>WA State Emergency Service</b>
<b>Representative</b>	<b>WA Police Service</b>
<b>Station Officer</b>	<b>WA Fire &amp; Rescue Service</b>
<b>Mr Doug Gilchrist</b>	<b>Albany Regional Hospital</b>
<b>Station Officer</b>	<b>St John Ambulance</b>
<b>Mr Michael Roberts</b>	<b>Skywest Airlines</b>
<b>Representative</b>	<b>Department for Community Development</b>
<b>Regional Coordinator</b>	<b>Department of Planning &amp; Infrastructure</b>

**MOTION CARRIED 14-0  
ABSOLUTE MAJORITY**

# **General Management Services**

## **REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

NIL

**14.2 ORGANISATIONAL DEVELOPMENT**

NIL

**14.3 ECONOMIC DEVELOPMENT**

NIL

**GENERAL MANAGEMENT SERVICES REPORTS**

**GENERAL MANAGEMENT SERVICES COMMITTEES**

**14.3.1 The Maritime Recreational Advisory Committee Minutes of 11<sup>th</sup> February 2002**

<b>File/Ward</b>	:	MAN 128(All Wards)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer</b>	:	Strategic Projects Officer (P Terry)
<b>Summary Recommendation</b>	:	That the following recommendations made at the Committee meeting held on 11 February 2002 be adopted.

**RECOMMENDATION**

THAT the minutes of the Maritime Recreational Advisory Committee meeting Minutes of 11 February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items 6.1, 6.3, 6.4 & 7.2 be adopted.

**Item 6.1 Vancouver Waterways Project – Whaleworld Cluster**

- 1.) THAT Council request that the Great Southern Development Commission reopen discussions on the jetty at Whalers Beach in Frenchman Bay for vessels with a draft of up to 2 metres.
- 2.) THAT Council call on the Great Southern Development Commission to
  - a) adopt a holistic approach to the upgrade of facilities at Murray Road/Misery Beach inclusive of –
    - Double lane boat ramp and jetty
    - Expansion of car parking facilities
    - Construction of breakwater
    - Removal of boulders
    - Construction of toilet facilities
    - Lighting
    - Management or Landscape Plan,
  - b) take into account priorities as listed in the City of Albany's Draft Reserves Masterplan rather than approaching the project in a piecemeal fashion with delineated responsibilities,
  - c) adopt a similar approach for the Whaleworld/Whalers Beach parts of the project, and

**GENERAL MANAGEMENT SERVICES REPORTS**

Item 14.4.1 continued

- d) ensure that engineers contracted to design aspects of the project consult with the local expertise as represented by members of the Maritime Recreational Advisory Committee.

Item 6.3 Lower King & Emu Point boat ramps

THAT Council supports the Maritime Recreational Advisory Committee in noting the Albany Boating & Offshore Fishing Club's disappointment at the construction of the Emu Point boat ramp and that a letter will be forwarded to the committee pending further investigations.

Item 6.4 Fish Cleaning and Boat Washing Facility at Emu Point

THAT Council support the Albany Boating & Offshore Fishing Club in it's endeavours to construct a fish cleaning and boat washing facility at Emu Point when the area is deep sewerred.

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVERS**

**THAT the minutes of the Maritime Recreational Advisory Committee meeting Minutes of 11 February 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following items 6.1.2, 6.3 & 6.4 be adopted.**

**Item 6.1 Vancouver Waterways Project – Whaleworld Cluster**

**2. THAT Council call on the Great Southern Development Commission to**

**a) adopt a holistic approach to the upgrade of facilities at Murray Road/Misery Beach inclusive of –**

- Double lane boat ramp and jetty**
- Expansion of car parking facilities**
- Removal of boulders**
- Construction of toilet facilities**
- Lighting**
- Management or Landscape Plan,**

**b) take into account priorities as listed in the City of Albany's Draft Reserves Masterplan rather than approaching the project in a piecemeal fashion with delineated responsibilities,**

**...contd**

Item 14.4.1 continued

- c) **adopt a similar approach for the Whaleworld/Whalers Beach parts of the project, and**
- d) **ensure that engineers contracted to design aspects of the project consult with the local expertise as represented by members of the Maritime Recreational Advisory Committee.**

**Item 6.3 Lower King & Emu Point boat ramps**

**THAT Council supports the Maritime Recreational Advisory Committee in noting the Albany Boating & Offshore Fishing Club's disappointment at the construction of the Emu Point boat ramp and that a letter will be forwarded to the committee pending further investigations.**

**Item 6.4 Fish Cleaning and Boat Washing Facility at Emu Point**

**THAT Council support the Albany Boating & Offshore Fishing Club in it's endeavours to construct a fish cleaning and boat washing facility at Emu Point when the area is deep sewerred.**

**MOTION CARRIED 14-0**

**MOVED COUNCILLOR WILSON  
SECONDED COUNCILLOR EVERS**

**That the following item 6.1.1 of the minutes of the Maritime Recreational Advisory Committee meeting Minutes of 11 February 2002 not be accepted.**

**“6.1.1 Council request that the Great Southern Development Commission reopen discussions on the jetty at Whalers Beach in Frenchman Bay for vessels with a draft of up to 2 metres.”**

**MOTION CARRIED 8-6**



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

### **15.1 Elected Members' Report/Information Bulletin**

#### **DRAFT MOTION**

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

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR BARTON**

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

**MOTION CARRIED 14-0**

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

Nil

## **17.0 MAYORS REPORT**

“Fellow Councillors:

During the month since last Council Meeting I have attended or officiated at many openings, launches and commemorations new to the Albany region. I view this as a true measure of the progress the City is making towards a secure, stable and exciting future. These openings and launches covered a broad range of activities involving industry, education, the arts, tourism and community services with many being driven by individuals who are committed to Albany and their causes.

Of course, the opening of the woodchip mill and the first shipment of woodchips to Japan last Wednesday was a significant milestone after many years of planning and preparation. The seed has been sown and it is now up to us all to nurture it, maximise the potential and enjoy the rewards. Our future as a significant rural centre depends on a strong, flourishing economy, the future of our children depends on our foresight and initiative in making the most of these opportunities presented to us.

Another milestone occurred on the 23<sup>rd</sup> of February when the UWA Albany Centre officially moved to their new premises in the Old Post Office Building on Stirling Terrace. After completing major renovations, the centre now has significantly better facilities to continue to offer quality educational opportunities for the region.

Two important events relating to the arts occurred during the month. The first was the 21<sup>st</sup> birthday of Spectrum Theatre. Having attended a number of productions presented by this group, I think that we are certainly very lucky indeed to have such a talented bunch of performers and production assistants in our midst. I look forward to being entertained even more in the future.

Another event held at the Town Hall showcased an assortment of local performers. The Regional Revue held on Saturday the 8<sup>th</sup> of March provided a much needed outlet for local singers, dancers, comedians, musicians, magicians and general entertainers to brush up their performance skills in front of an appreciative audience. I encourage those involved to pursue available funding opportunities to assist in staging this spectacle as an annual event. Well done.

Tourism events featured during the month with the successful staging of the Highland Festival and Games on Sunday the 3<sup>rd</sup> of March preceded by a Ceilidh (musical gathering) on the Saturday evening. A fun time was had by all and I would hope that this event becomes a regular on the Albany Events Calendar.

I attended three community service events. The commissioning of the Reverend Edward Argyle as parish priest at St John's Church officiated by the Bishop of Bunbury – David McCall was held on Thursday the 7<sup>th</sup> of March, 2002. It was extremely interesting to witness the proceedings of such a rare and holy event in Albany and I wish Father Ed all the very best in his new role.

The Alzheimers Association opening of their respite centre in the delightful and historic Hawthorn House in Seymour Street marked the culmination of many hours of physical hard work and dedication by the team in Albany and their band of willing helpers. The respite centre has been set up to meet many of the needs of the carer and the dementia sufferer alike. Providing essential relief for the carer and a delightful environment for the person with dementia. I congratulate the Alzheimers Association for providing a safe, secure, caring home away from home in such a peaceful location - a truly tremendous initiative.

On Sunday last, I officiated at the dedication of a new memorial rose garden in Lawley Park. This garden came about because of the passion of local resident Homer White, who took it upon himself as a personal project, to provide a memorial to all the United States Naval Personnel who served in Albany during World War II. The City of Albany was proud to have been involved in providing the location and framework for the garden with Homer supplying the roses and the memorial stone and plaque. The garden was officially opened by the US 7<sup>th</sup> Fleet Representative – Commander Rich Tilghman who travelled from Perth for the special event.

Finally, I advise that I have passed on the sincere best wishes of Council and staff of the City of Albany to staff member Branko Radivojevic who was hit by a car whilst on his motorbike and was flown to Fremantle Hospital for a 6 hour operation. When I called last week, I was unable to speak directly to Branko as he was still in intensive care, however, I have since heard that he is now recovering well but he will be quite a few weeks in hospital before being able to return home.

**MOVED COUNCILLOR WALKER  
SECONDED COUNCILLOR EVERS**

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

**MOTION CARRIED 14-0**

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

Nil

**19.0 CLOSED DOORS**

Nil

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 16<sup>th</sup> April 2002, 7.30pm

**21.0 CLOSURE OF MEETING**

9.25pm

Confirmed as a true and correct record of proceedings

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AE Goode JP  
MAYOR

**APPENDIX A****WRITTEN NOTICE OF DISCLOSURE OF INTEREST  
MINUTES OF THE ORDINARY COUNCIL MEETING 19<sup>th</sup> March 2002**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor Demarteau	Item 11.3.4 – Scheme Amendment Request – Lot 1447 Frederick Street, Albany	Councillor Demarteau's nature of interest is that his wife works for Lincoln's Accountants and Business Advisers, who are tenants and syndicate members of Fredericks House, which is directly affected by the property in question
Councillor Wellington	Item 11.3.4 -- Scheme Amendment Request – Lot 1447 Frederick Street, Albany	Councillor Wellington's nature of interest is that he is part proprietor of Fredericks House.
Councillor Evans	Item 12.2.3 – Waiver of Town Hall Hire Fees	Councillor Evans' nature of interest is that his wife is a member of Albany Symphonia

**APPENDIX B****INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 19<sup>th</sup> March 2002**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor Barton	Item 12.7.2 – Joint Retail Trading Hours Committees Minutes – 27 <sup>th</sup> February 2002	Councillor Barton's nature of interest is that she is involved in the retail industry
Councillor Wellington	Item 12.7.2 – Joint Retail Trading Hours Committees Minutes – 27 <sup>th</sup> February 2002	Councillor Wellington's nature of interest is that he is the proprietor of Leading Edge Hi Fi.
Chief Executive Officer, Andrew Hammond	Item 12.7.2 – Joint Retail Trading Hours Committees Minutes – 27 <sup>th</sup> February 2002	Mr Hammond's nature of interest is that his sons are employed at Farm Fresh and Foodland

**APPENDIX C****CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)  
DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 19<sup>th</sup> March 2002**

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