



A G E N D A

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 19th November 2002
7.30pm
City of Albany - Mercer Road Office**

City of Albany

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Signed _____ Date: 11th November 2002

Andrew Hammond
Chief Executive Officer



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 19th November, 2002 in the Council Chambers, Mercer Road, Albany commencing at 7.30 pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

11th November 2002

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1.0 DECLARATION OF OPENING

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

3.0 OPENING PRAYER

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.0 PUBLIC QUESTION TIME

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

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

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 15th October 2002

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

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

8.0 DISCLOSURE OF FINANCIAL INTERESTS

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

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 8-61]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow–See Pages 62-89]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 90-122]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 123-127]

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.

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17.0 MAYORS REPORT

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

19.0 CLOSED DOORS

19.1 Joint Venture Facility with Water Corporation– Projected Budget Shortfall

19.2 Chief Executive Officers Performance Appraisal

20.0 NEXT ORDINARY MEETING DATE

Tuesday, 17 December 2002, 7.30pm

21.0 CLOSURE OF MEETING

Development Services

REPORTS

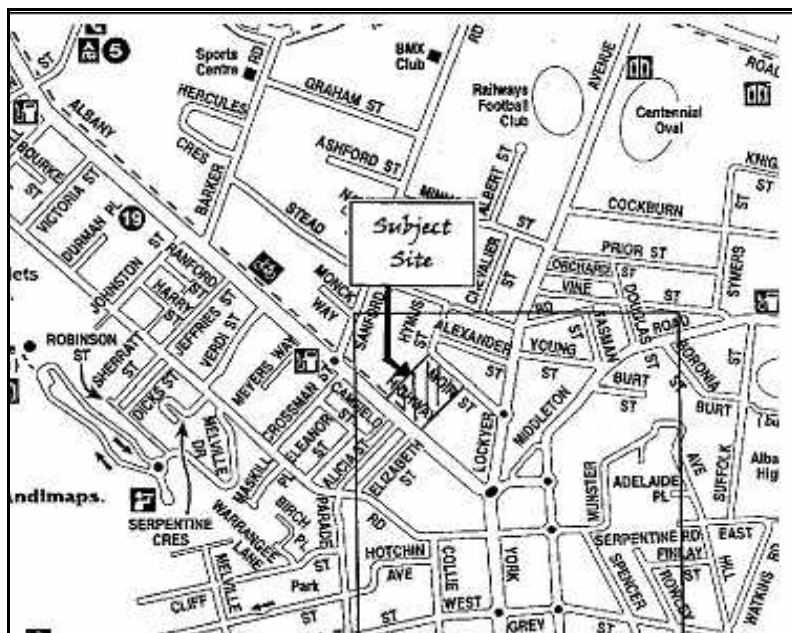
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Modifications to Amendment – Lot 1274 Albany Highway, Centennial Park.

- File/Ward** : A131518A/AMD 127 (Frederickstown Ward)
- Proposal/Issue** : Request to modify final amendment documents.
- Subject Land/Locality** : Lot 1274 Albany Highway, Centennial Park (Reserve 34020)
- Proponent** : Macquarie Asset Services Limited
- Owner** : Macquarie Asset Services Limited
- Reporting Officer(s)** : Manager Development (C Pursey)
PA/EDDS (J Done)
- Previous Reference** : OCM 15/10/02 – Item 11.3.2
OCM 18/12/01 - Item 11.1.4
OCM 21/08/01 - Item 11.1.2
- Summary Recommendation** : Nil – pending consideration by Council.
- Bulletin Attachment** : Previous Agenda report item.
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Councillors Wellington, Cecil, Walker, Emery and West have requested that, under the terms of Regulation 10 of the Local Government (Administration) Regulations 1996, a motion be placed before Council at the next Ordinary Meeting, as follows:

“That Council reconsider the decision made at the Ordinary Council Meeting of 15th October 2002, to not seek to modify Scheme Amendment 127 to Town Planning Scheme 1A prior to its final determination by the Minister for Planning and Infrastructure upon Lot 1274 Albany Highway, Centennial Park.”

2. A copy of the previous item considered by Council is included in the Elected Members’ Report/Information Bulletin.

STATUTORY REQUIREMENTS

3. Regulation 10 of the Local Government (Administration) Regulations 1996 relates to revoking or changing decisions made at Council or Committee meetings, and provides:-

“10. (1) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported-
a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the Council or committee.
inclusive of the mover.

(2) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first mentioned decision must be made-
a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”

POLICY IMPLICATIONS

4. Refer to policy implications relating to this item in previous report.

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

- 6. Refer to strategic implications relating to this item in previous report.

COMMENT/DISCUSSION

- 7. At the 15th October 2002 meeting of Council, the following motion was carried:

“That Council not seek to modify Scheme Amendment 127 to Town Planning Scheme 1A prior to its final determination by the Minister for Planning and Infrastructure.”

The reason given was that this was an eleventh hour bid to amend the amendment that was currently with the Minister for finalisation.

- 8. Councillors Barton, Wellington and Sankey previously declared an interest in this item.
- 9. Council must decide whether it wishes to reconsider this item.

RECOMMENDATION

Nil, pending consideration by Council.

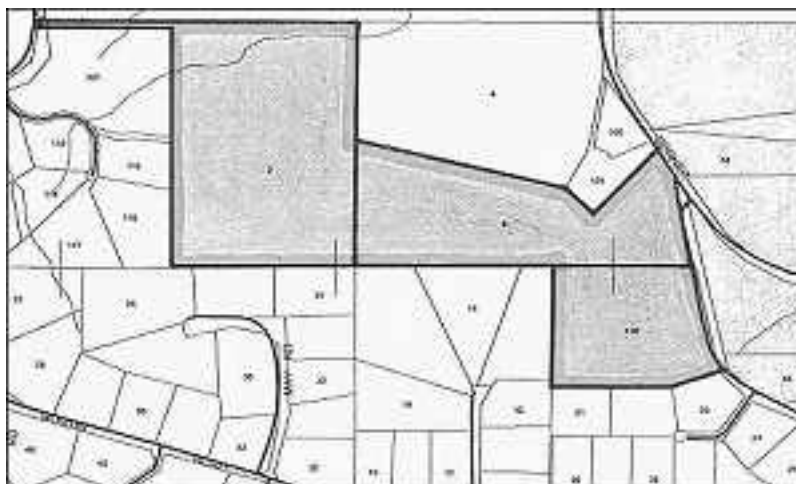
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.1.2 Final Approval for Amendment – Lot 2 Hortin Road, Lot 5 Cosy Corner Road, and Lot 130 Coombes Road, Kronkup

- File/Ward** : A54657A, A55708A & A64410 / AMD 225 (West Ward)
- Proposal/Issue** : Request for Final Approval to Rezoning Request
- Subject Land/Locality** : Lot 2 Hortin Road, Lot 5 Cosy Corner Road and Lot 30 Coombes Road, Kronkup
- Proponent** : Simon Thwaites
- Owner** : Barker, Rastrick & McLeod
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 20/11/2001 – Item 11.3.1
OCM 21/05/2002 – Item 11.3.5
OCM 15/10/2002 – Item 11.1.1
- Summary Recommendation** : Grant final approval subject to modifications as outlined in Schedule of Submissions
- Bulletin Attachment** : Report from previous meeting
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. At its previous meeting dated 15 October 2002 Council considered the rezoning of Lot 2 Hortin Road, Lot 5 Cosy Corner Road and Lot 130 Coombes Road, Kronkup from “Rural” to “Special Rural” and resolved:

“THAT this matter lay on the table so it can be investigated further by Council.”

2. Staff met with an adjoining owner who had expressed concerns over the proposed amendment. The concerns related to the control of vehicular traffic in and out of Forsythe Glade and the potential for increased traffic associated with the proposed new road servicing 7 lots. The owner wanted a no-through road sign to be placed at the intersection of Forsythe Glade and Hortin Road and the proposed new road constructed to minimum standards, so that a clear message was sent to vehicles that there is no shortcut through to Cosy Corner Road. The request for the no-through road sign has been sent to Council’s Works and Services for assessment and action.

STATUTORY REQUIREMENTS

3. Refer previous report (OCM 15/10/2002 – Item 11.1.1).

POLICY IMPLICATIONS

4. Refer previous report (OCM 15/10/2002 – Item 11.1.1).

FINANCIAL IMPLICATIONS

5. Refer previous report (OCM 15/10/2002 – Item 11.1.1).

STRATEGIC IMPLICATIONS

6. Refer previous report (OCM 15/10/2002 – Item 11.1.1).

COMMENT/DISCUSSION

7. As the issues raised by the neighbouring landowner have been addressed to the satisfaction of all parties, staff present the recommendation to Council as per the previous meeting.

RECOMMENDATION

THAT

- i) **Council grant final approval to Amendment 225 to the City of Albany Town Planning Scheme No. 3 to rezone Lot 2 Hortin Road, Lot 5 Cosy Corner Road, and Lot 130 Coombes Road, Kronkup from ‘Rural’ to ‘Special Rural’ subject to the following modifications (which are detailed in the schedule of submissions):**

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- **Inserting a new clause under Section 10.0 to reflect the issue of invasive weeds.**
 - **Modifying clause 10(b) to include information relating to the impact of feral animals.**
 - **Modifying clause 9.8(a) to refer specifically to the consolidated water supply already existing in Torbay.**
 - **Modifying the Subdivision Guide Plan to reduce the size of the building envelope on Lot H.**
 - **Requiring a fire management to be prepared as part of the amendment documents.**
 - **Inserting a new sub-clause under Clause 5.2 requiring that outbuildings and dwellings be positioned in close proximity to one another.**
 - **Modifying clause 3.3(a) to restrict dams within the landscape protection areas and within designated boundary setbacks.**
 - **Modifying clause 6.1 to refer to maximum building heights of 7.5 metres from natural ground level.**
 - **Providing additional strategic fire break links to further protect landowners in the Torbay locality.**
 - **Inserting a new section on effluent disposal.**
 - **Deleting clause 5.5 from the special provisions.**
- ii) **the Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed; and**
- iii) **the amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

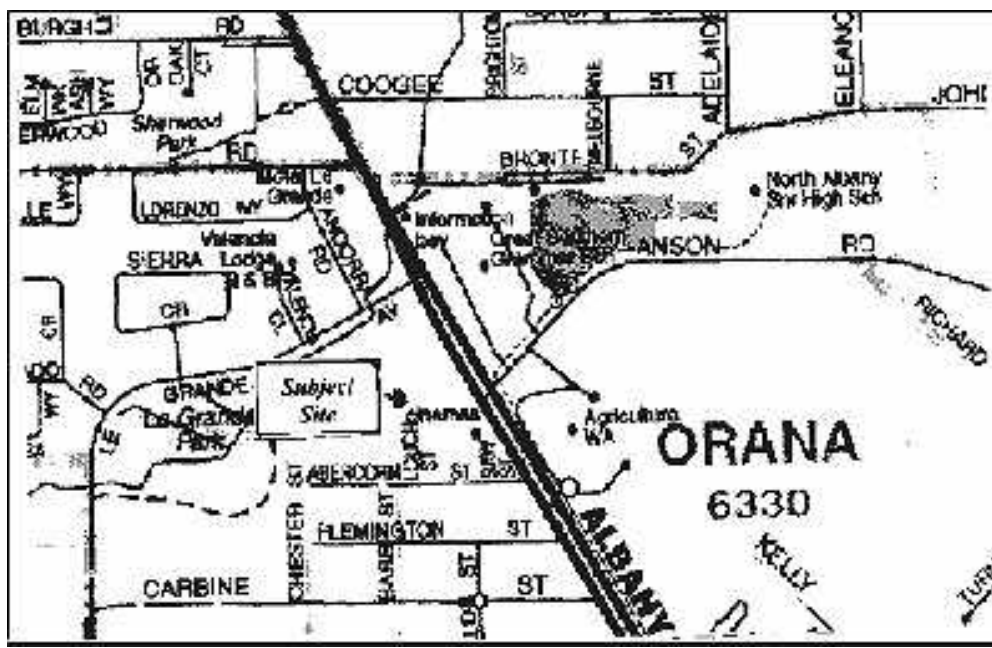
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.1.3 Application for Planning Scheme Consent – Extension to Cinema – Lot 2 Albany Highway, Orana

- File/Ward** : A118536 (Vancouver Ward)
- Proposal/Issue** : Provision of car parking on-site
- Subject Land/Locality** : Lot 2 (#451-461) Albany Highway, Orana
- Proponent** : Concept Building Design & Drafting
- Owner** : Orana Holdings Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
Executive Director Development Services (R Fenn)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Not support the applicant to delay the provision of adequate on-site parking subject to conditions.
- Bulletin Attachment** : Letters from applicant and adjoining landowner
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. Application has been received from Concept Building Design & Drafting to extend the existing cinema complex on Lot 2 Albany Highway, Orana. The applicant intends to add an additional screen, which has the ability to accommodate approximately 180 patrons (a copy of the plans will be tabled at the meeting).
2. Presently the majority of car parking bays (with exception to the disabled and drop-off bays) are located on an adjoining land parcel (old drive-in site) owned by AD & KE Dufty. The owners of the cinema have an informal agreement with the neighbouring landowners to accommodate parking on the site.
3. This parking area is in a state of disrepair and is not drained or marked in accordance with standard car parking areas across the City.
4. The neighbouring land is in the process of being sold, and as there is no caveat on the title to guarantee that new owners will allow the cinema patrons to park vehicles on their land.
5. The applicant has submitted plans showing 145 car parking bays on the cinema site, however the owner does not wish to establish the bays in the short to medium term. The owner has requested that Council allows the fourth screen to be built without imposing a condition requiring the bays to be constructed, drained, marked and sealed prior to the use of the fourth screen.
6. The owner has proposed the following justification for the deferment in constructing the parking bays:

“1. I will have the parking constructed within three years of the completion of the fourth screen.

2. That the current owner of the adjoining land Mr Don Dufty provide a letter stating that he consents for the on-going use for cinema parking on his land.

3. That Mr Dufty puts as a condition of purchase a requirement that should the new owners not be willing to allow the continued use of the land for cinema parking, that they be required to give six weeks notice, and that I should immediately proceed to have constructed the parking within that time.”

7. The owner has attached letters from Mr Dufty consenting to points 2 and 3 above (refer to Elected Members Report/Information Bulletin).

STATUTORY REQUIREMENTS

8. The land is zoned “Clubs & Institutions” within Town Planning Scheme No. 3 whereby the use ‘Cinema’ is permitted subject to Council’s discretion.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

9. Based on a car parking ratio of 1 bay per 4 seats, a total of 140 car parking bays are required to be provided. The provision of these bays would normally be required prior to the approved land use being open to the public. As the landowner is requesting that the bays be provided at a later date, staff have referred the landowner's request to Council for deliberation.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

12. The owner has cited financial reasons for not constructing the parking prior to the use of the fourth screen. Should Council accept the owner's request, other developers who are financially restricted are likely to make similar requests.

COMMENT/DISCUSSION

13. Staff believe the proposal by the owner is not appropriate and should not be supported. If Council were to consider otherwise, it should only be considered on the following basis:
 - The parking is constructed within 2 years of the date of the building licence approval being issued for the fourth screen.
 - A legal agreement between Orana Holdings Pty Ltd, Mr Dufty and Council (acting as a third party) being entered into whereby a caveat is lodged over Mr Dufty's land to reflect the agreement. The agreement is valid until such time as the parking is constructed on Lot 2 Albany Highway or until 31 January 2005, whichever occurs sooner.
 - 22 bays at the front of the cinema being constructed prior to the fourth screen being open to the public.
 - An appropriate default clause and penalty being introduced into the agreement to ensure compliance.
14. The construction of 22 bays at the front of the cinema would allow for disabled and drop-off bays and provide safe, secure and efficient access for a small number of patrons. Incorporated with landscaping, the construction of these parking bays would provide for a visually attractive setting from Albany Highway.
15. Staff are not in a position to grant planning scheme consent at this stage and are only seeking Council's deliberation in relation to the provision of parking. Should Council allow the owner to provide the majority of the parking at a later date, staff could incorporate the above as conditions of approval.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

- 16. Negotiations are continuing with Main Roads WA on the provision of access and egress points off Albany Highway to the site.

RECOMMENDATION

THAT Council not support the request from Orana Holdings Pty Ltd to delay the provision of the on-site care parking bays required to service the existing Albany 4 Cinemas and the proposed building expansion at Lot 2 Albany Highway, Orana.

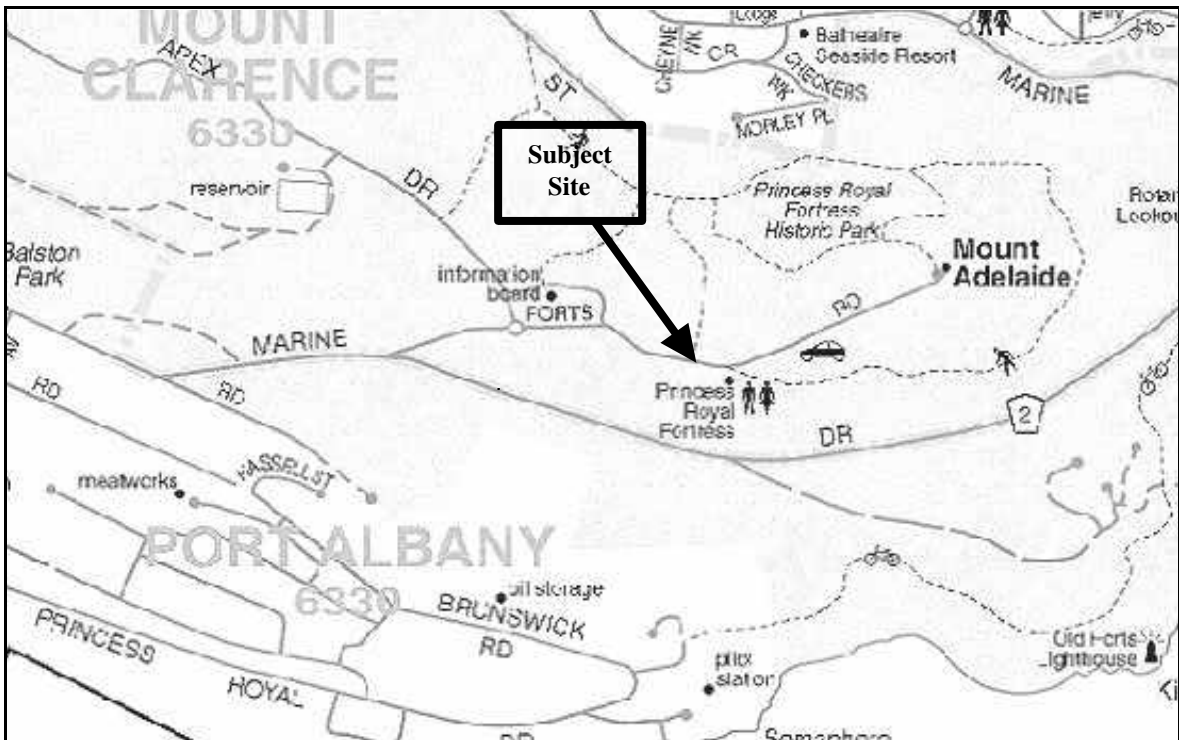
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.1.4 Proposed Private Recreation (Outdoor Cinema) - The Princess Royal Fortress - Reserve 38226 (Lot 1347) Forts Road, Mt Clarence

- File/Ward** : A171322 (Frederickstown Ward)
- Proposal/Issue** : Private Recreation – Outdoor Cinema
- Subject Land/Locality** : The Princess Royal Fortress - Reserve 38226, (Lot 1347) Forts Road, Mt Clarence
- Proponent** : Sunset Cinema – Andrew Chernov
- Owner** : City of Albany
- Reporting Officer(s)** : Planning Officer (J Devereux)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Approve the proposed Outdoor Cinema with conditions.
- Bulletin Attachment** :
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. Council has received an application from Sunset Cinema for ‘Private Recreation – Outdoor Cinema’ at the Princess Royal Fortress on Forts Road, Mt Clarence.
2. The Princess Royal Fortress is located on Reserve 38226, (Lot 1347) Forts Road, Mt Clarence.
3. The subject land is reserved for “Parks and Recreation” under the City of Albany’s Town Planning Scheme No. 1A and the land is vested in the City of Albany for the designated purpose of “Parkland and Recreation”.
4. It is proposed to show movies ranging from classics to family favourites and festival type movies. A copy of the proposal is contained within the Elected Members Report/Information Bulletin.
5. The proponent intends to screen movies on the grassed area adjoining the carpark at the Princess Royal Fortress running from the 26 January to the 10 February 2002, excluding Mondays. A copy of the proposed layout is included in the Elected Members Report/Information Bulletin.
6. The applicant intends to open the gates at 6 pm to enable the patrons to have a picnic dinner prior to the movie, commencing at 8 pm and finishing at approximately 9.45 – 10.00 pm.
7. The cinema will be situated on the grassed area adjoining the carpark. A temporary screen will be used that can be erected and removed each night. The projection box will be a portable building mounted on a trailer. This can be removed if necessary or left on site for the duration of the screening period. All sound equipment will be removed each night and secured in the ticketing box.
8. The proposal has also been referred to the Heritage Council of Western Australia.

STATUTORY REQUIREMENTS

9. As the land is reserved for “Parks and Recreation”, Council in giving its approval shall have regard to the ultimate purpose intended for the reserve. Under Town Planning Scheme No. 1A the class of Outdoor Cinemas is defined as “Private Recreation” and therefore is in accordance with the ultimate use of the reserve being for recreation purposes.
10. Section 7.21 of the Town Planning Scheme 1A states:-

“The Council may either generally, or in a particular case by resolution passed by and absolute majority of the Council, delegate to a Committee of the Council, or an Officer of the Council, either chairing a Committee or other Council stag or a Committee of the Council the authority to deal with an application for approval to commence development made under this scheme.”

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

13. The Princess Royal Forts is a venue located close to the centre of town but in an area that is removed from the urban environment.

14. The event is a potential tourist attraction and may attract sections of the public who might not otherwise visit the Forts.

15. The proposal for a “Private Recreation” - Outdoor Cinema is a use that could be permitted with Council approval under Town Planning Scheme No 1A.

16. The applicants are expecting around 200 people per screening, which has potential impact on the facilities of the Forts and also on the surrounding environment. The impact of the cinema on the surrounding environment is seen to be minimal, due to the nature of the event and the location of site.

17. The applicant anticipates that the existing parking facilities adjoining the grassed area, being used for the screening, will be adequate to accommodate the cinema patrons. The existing toilet facilities will be used and are sufficient, under the Building Codes of Australia requirements, for cinemas to cater for this number of people.

18. As outlined in their proposal, the cinema operators will provide two security staff members to oversee the operation and to direct the patrons to leave quietly after each screening. The security staff will be on duty at approximately 6 pm until the conclusion of screening night.

19. A fee of \$1.10 (incl. GST) per ticket sold has been suggested by Council staff for the use and upkeep of the site and its facilities.

20. The outdoor cinema should be required to operate as a non-smoking event due to the potential fire risk and the lack of water available to the site.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

21. Sunset Cinema will be responsible for all costs associated with the installation of the power supply required for the operation of the outdoor cinema. Sunset Cinemas require a three (3) phase power supply to the transportable projection box. Three (3) phase power is currently available from the Nissan Hut, but will need to be up-graded and extended to the location of the projection box.
22. As the subject site is an attraction to tourists during the day, all infrastructure required for the cinemas shall be removed, to Council satisfaction, following each screening and stored in a suitable location chosen by Council. As outlined in their proposal, the screen, sound equipment, projection box, lighting and fencing are all temporary infrastructure and can readily be removed.
23. As outlined in the proposal, Sunset Cinema will provide appropriate insurance cover for the operation of the outdoor cinema at the Princess Royal Fort. This will include \$10,000,000 public liability insurance.
24. Sunset Cinema is seeking an occasional licence to sell alcohol during screenings. As the land is vested in the City of Albany, written consent is required from Council prior to the application being submitted to the Registrar or the Licensing Court.
25. Sunset Cinema will be responsible for rubbish disposal and the cleaning of the grassed area, to be used for the outdoor cinema, and the car parking area daily to the satisfaction of Council. They will also be responsible for rehabilitation of the site at the conclusion of the screening season.
26. The Great Southern Regional Heritage Adviser, Naomi Lawrance, verbally indicated that she had no reservations with the proposal. The Heritage Council of Western Australian has advised in writing that they are prepared to support the proposal as it is of a temporary nature.
27. The issues raised can be addressed through appropriate conditions imposed on a planning approval and compliance with the relevant regulations.

RECOMMENDATION

THAT Council delegate to the Executive Director Development Services the power to approve and impose appropriate conditions upon the Notice of Planning Scheme Consent for the Private Recreation (Outdoor Cinema) upon Princess Royal Fortress on Forts Road, Mt Clarence, and in formulating the approval the following requirements shall be imposed:

- i) upgrade and extend supply of three (3) phase power in a non-intrusive manner, entirely at the applicant's expense;**
- ii) that the outdoor cinemas operate as a non-smoking event;**
- iii) all temporary infrastructure (eg screen, fencing, lighting, projection box and sound equipment) is to be removed, to the satisfaction of Council, following each screening and stored in a suitable location chosen by Council;**

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

- iv) **the applicants will be responsible for rubbish disposal and the cleaning of the grassed area, to be used for the outdoor cinema, and the car parking area daily to the satisfaction of Council; and**
- v) **the applicants will be responsible for rehabilitation of the site at the conclusion of the screening period, to the standard of the site prior to operation of the outdoor cinema.**

Voting Requirement Absolute Majority

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FOOTNOTE: The applicant will be required to enter into a separate agreement with the City of Albany to secure access to the site, to protect the existing Fort's infrastructure and to ensure the safety of patrons.

DEVELOPMENT SERVICES REPORTS

11.1.5 Proposed Subdivision – Lot 1 Loc 1517 Riverside Road, Upper Kalgan

File/Ward : A162741S (Kalgan Ward)

Proposal/Issue : Proposed Rural Subdivision

Subject Land/Locality : Lot 1, Location 1517 Riverside Road, Upper Kalgan

Proponent : John Kinnear & Associates

Owner : F Douglas

Reporting Officer(s) : Senior Planning Officer (G Bride)

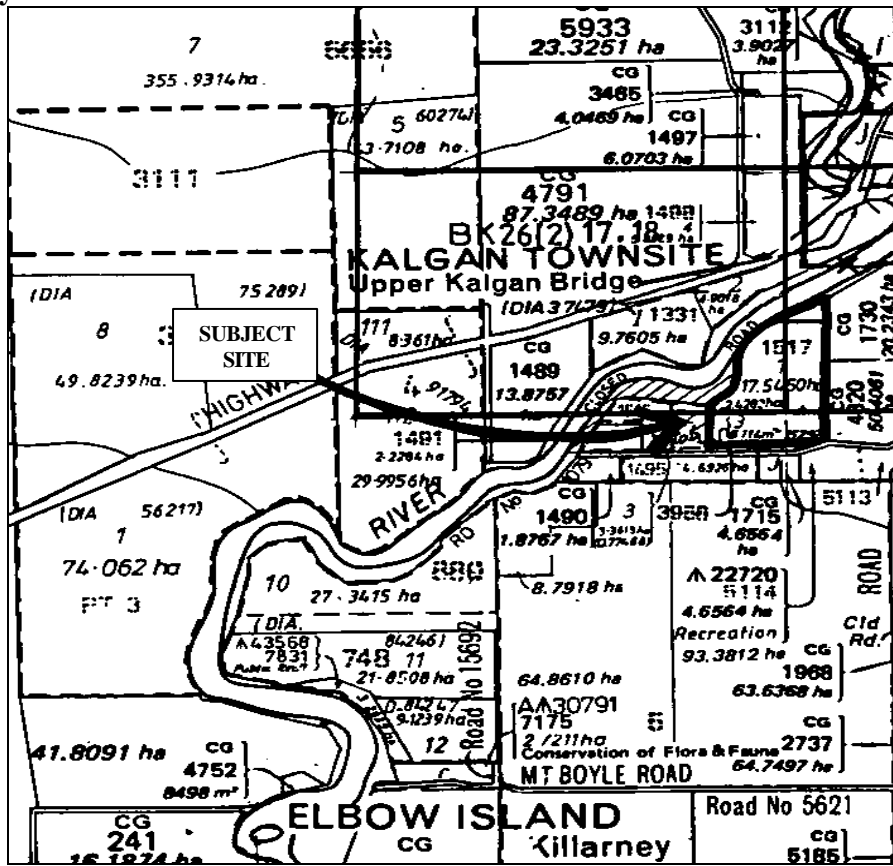
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : To recommend refusal to the Western Australian Planning Commission

Bulletin Attachment : Report by John Kinnear & Associates

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. Application has been received by John Kinnear & Associates to subdivide Lot 1 Riverside Road, Upper Kalgan into two lots. A copy of the plan follows this report and a copy of the proposal is included in the Elected Members' Report/Information Bulletin.
2. The subject land is 17.5 hectares in size and the applicant seeks to create a 12 hectare and 5.5 hectare lot.
3. The subject land is zoned "Rural" within Town Planning Scheme No. 3 and is not identified within Council's Local Rural Strategy as land that can be further intensified through rezoning and ultimately subdivision. Several Councillors have requested that this referral be brought before Council for debate.
4. Currently the property has legal road access from Riverside Road, however the applicant is seeking an additional access point to facilitate subdivision.

STATUTORY REQUIREMENTS

5. The Western Australian Planning Commission has referred the subdivision to Council for comment. Council has a period of 42 days to respond to the Commission, which in this case expires on 21 November 2002.

POLICY IMPLICATIONS

6. Council's Local Rural Strategy is a policy pursuant to Town Planning Scheme No. 3 and is the document used to assess all rural subdivision proposals.
7. The Western Australian Planning Commission has recently adopted its Statement of Planning Policy No. 11 which addresses the subdivision of rural land.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. Whilst the Western Australian Planning Commission ultimately decides on whether a subdivision should be approved or refused, Council plays an important role in the decision making process. Council can only recommend approval for the subdivision but where it supports a proposal which does not comply with the Local Rural Strategy, a precedent may be set for other similar proposals.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

COMMENT/DISCUSSION

10. In order to consider the subdivision, the application needs to be assessed against general policies contained within the Local Rural Strategy. General Policy 30 of Council's Local Rural Strategy states the subdivision can only be considered where:
 - (a) *The subdivision is within a rural residential or environmental protection zone and appropriate landuse provisions are in place.*
 - (b) *The subdivision is for farm consolidation purposes and complies with GP 31.*
 - (c) *The purpose of the subdivision is to excise an approved intensive agricultural enterprise and Policy GP32 is complied with.*
11. This application does not meet any of the above criteria as it is not zoned "Special Rural" or "Special Residential", is not seeking excision of an approved intensive agricultural enterprise and does not meet the requirements of GP 31 (relates to agricultural viability).
12. The applicant has requested subdivisional approval on the basis that a creek traversing the property impedes agricultural productivity and the fact that income from the subdivision will help maintain heritage buildings on the site.
13. Staff believe the creek would not be considered a significant natural feature impeding the effective farming of the property. Indeed the applicant acknowledges that a stock crossing is in place and has been used for a long period of time.
14. In regards to the maintenance of heritage buildings, staff believes this should be done outside of the subdivision process. The heritage buildings do not appear to be in a dilapidated condition with the need for significant maintenance. If subdivision approval was based on this issue, there is no guarantee or mechanism in place to ensure that profits from the sale would be used to maintain the buildings. The applicant has stated that the purpose of the subdivision would be to split the property into two parcels so the daughter and son could each hold a title.
15. Proposed Lot A has no legal road access and therefore cannot meet the basic subdivisional requirements of the Western Australian Planning Commission without an adjustment to the boundaries of the adjoining reserve (a process that may take some time to complete).
16. The subdivision of the land into two lots is likely to produce two parcels of unviable agricultural land. Proposed Lot B is typical in size to many special rural allotments within the City and is likely to be used as a defacto rural-residential lot (ie. lifestyle). The objective of the rural zoning is to retain high quality agricultural land and to avoid the breakdown of lots into unviable portions.
17. Staff believe a recommendation should be sent to the Western Australian Planning Commission recommending refusal.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

RECOMMENDATION

THAT Council recommends to the Western Australian Planning Commission that the subdivision of Lot 1 Riverside Road, Upper Kalgan be refused, based on the following:

- i) the creek does not represent a significant impediment to the on-going use of the existing land,**
- ii) the subdivision does not comply with Policy GP30 of Council’s Local Rural Strategy,**
- iii) the proposal is contrary to the objectives of the Rural zoning of the land in Town Planning Scheme No 3,**
- iv) the subdivision will see the creation of a defacto rural-residential lot without the appropriate zoning and landuse provisions being in place; and**
- v) proposed Lot A does not have legal road access to Riverside Road.**

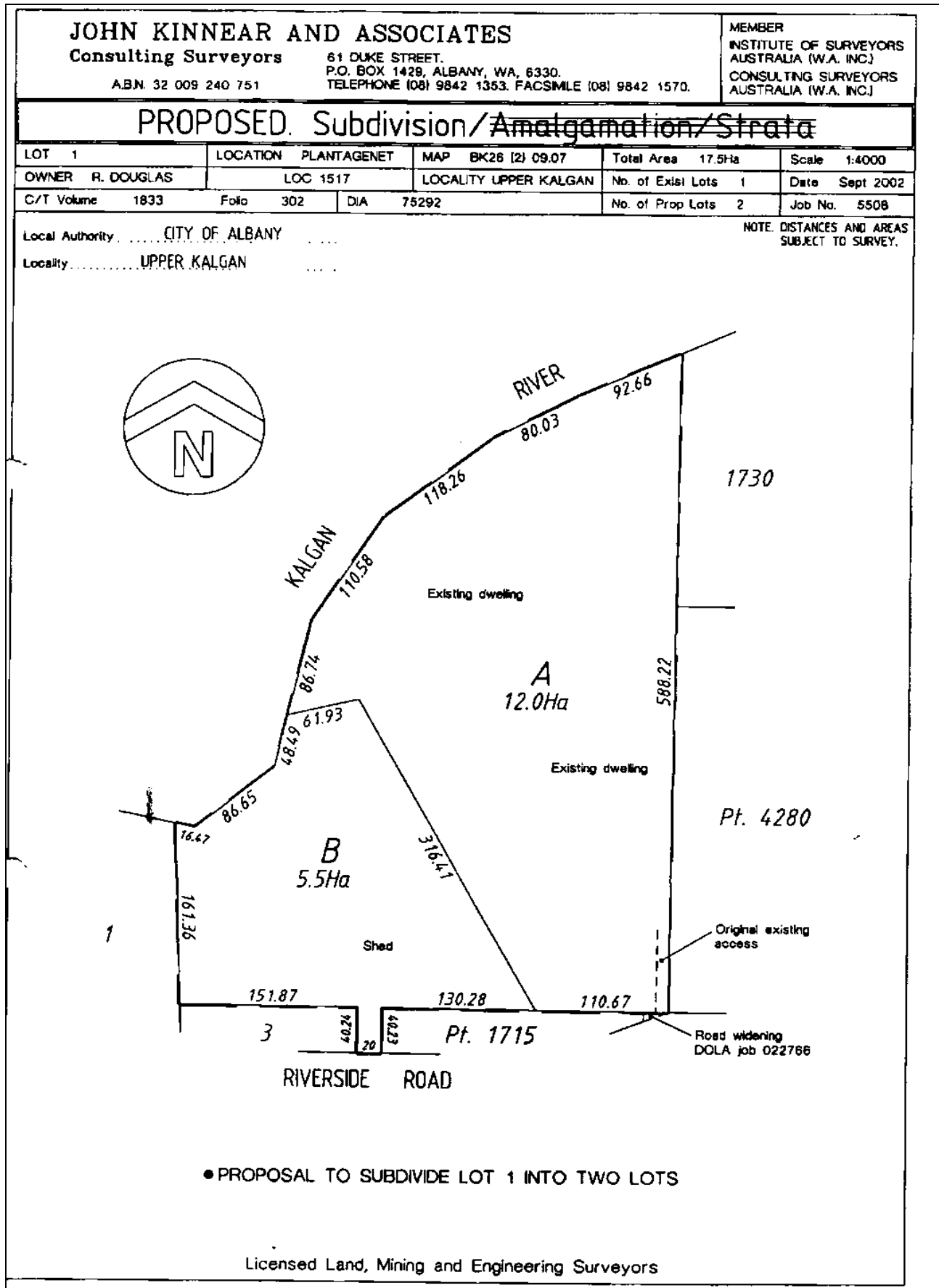
Voting Requirement Simple Majority

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** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

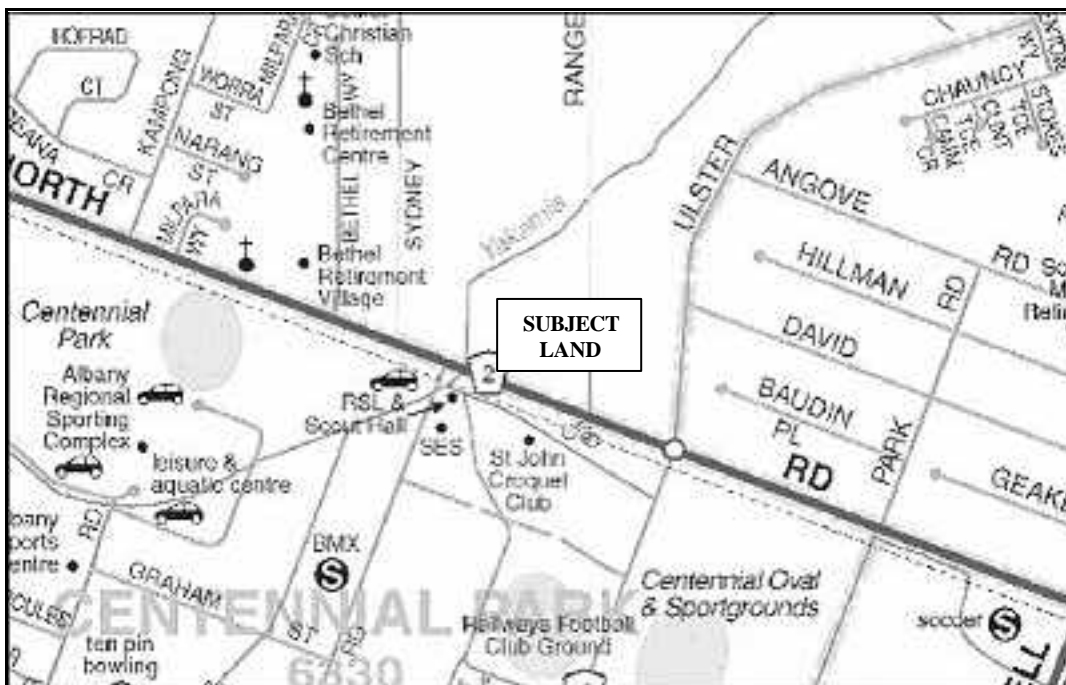
Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

11.1.6 Proposed Aged Persons Village – Lots 9, 10, 70 & 77 Ulster Road, Yakamia

- File/Ward** : A96681, A96726, 96744 & 96776 (Yakamia)
- Proposal/Issue** : Aged Persons Village
- Subject Land/Locality** : Lots 9, 10, 70 & 77 Ulster Road, Yakamia
- Proponent** : Ayton, Taylor & Burrell
- Owner** : Gabco Investments Pty Ltd & Borovac Pty Ltd
- Reporting Officer(s)** : Senior Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 21/5/02 – Item 11.3.2
- Summary Recommendation** : Lay the application on the table.
- Bulletin Attachment** : Planning Report
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

BACKGROUND

1. Application has been received from Ayton, Taylor & Burrell to establish an aged persons village on Lots 9, 10, 70 & 77 Ulster Road, Yakamia. A request was made of staff to have this item placed before the November meeting of Council.
2. A total of 108 two and three bedroom units have been proposed, with the option of developing twelve one bedroom units in place of six of the two and three bedroom units (ie. 114 units). A village centre has also been proposed catering for facilities such as a gymnasium, pool, GP, chapel, hairdressing salon and communal dining/lounge.
3. The subject land is classified as a Special Site (Code No. 35) within Town Planning Scheme No. 1A and is zoned “Residential R30” with an additional use of Aged Persons Village. In order to guide the development of the aged persons village a number of conditions were applied to the subject land via Amendment No. 133, which needed to be addressed as part of any planning scheme consent application. These conditions/issues included:
 - Building levels to be above the level of the 1:100 year flood line;
 - All drainage from the site to be disposed of via a compensating/settling basin prior to discharge into Yakamia Creek, with the exact location and cost contribution from the developer to be determined at the development stage;
 - Vehicle access being restricted to Ulster Road;
 - Pedestrian access from the site to link into Council’s footpath system to Council’s satisfaction, with the exact location and cost contribution from the developer of the North Road crossing to be determined at the development stage.
 - Design Guidelines being prepared to Council’s satisfaction;
 - In the event of residential subdivision, Council may request the Commission to impose a condition at the time of subdivision requiring provision or contribution of paths and construction of Yakamia Drive as set out in the Yakamia Structure Plan.
4. The applicant has previously prepared design guidelines for the aged persons development, which have been adopted by Council as a policy under Town Planning Scheme No. 1A. The design guidelines addressed issues such as boundary fencing, vehicular access, landscaping, village centre and communal open space and the design of the residential units (ie. antennas, air conditioners, overlooking, pergolas, clothes lines, parking and garbage disposal).

STATUTORY REQUIREMENTS

5. As the use ‘Aged Persons Village’ has been allowed for under Special Site No. 35 and the development application does not need to be advertised. As the development is expected to cost \$9 million, the application is outside of staff’s delegation and requires formal Council approval.
6. Within Town Planning Scheme No. 1A the use ‘Aged Persons Village’ does not prescribe development requirements in respect to landscaping, plot ratio and setbacks and visitors parking. For this reason, the applicant has referred to the provisions of the Residential Design Codes, which provide more guidance in the assessment of aged persons development.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. As raised during the amendment process, a contribution for the construction of a pedestrian crossing on North Road and the compensating basin off-site would need to be paid by the developer. Council may need to contribute to this infrastructure in the future as these facilities are to be used by a large number of lots within the catchment and not linked to the aged persons village.

STRATEGIC IMPLICATIONS

9. The location of the compensating basin is likely to be off-site on nearby Council owned land. It will serve not only the aged persons village but a larger catchment which drains towards Yakamia Creek. The subject land is within the Yakamia Structure Plan area and the basin will need to cater for drainage in the short to medium term and allow for the intensification of the area for residential development.

COMMENT/DISCUSSION

10. Under the Residential Design Codes the following criteria is applicable to aged persons development:

- At least one occupant is to be over 55 years of age.
- 1 visitor car parking space for every 4 units being provided.
- A maximum plot ratio of 100m² per unit.
- All dwellings to incorporate the standards of adaptable housing.
- A 33% minimum site area reduction.

11. The subject land in total is 3.47 hectares in size. Under the R30 coding, in the addition to the 33% minimum site area bonus, a total of 173 units could be permitted on site. The applicant has allocated 108 units, with the possibility of providing 114 units subject to market demand.

12. Floor plans of the two and three bedroom units designate a plot ratio of 106m², which is 6m² in excess of the maximum plot ratio requirements. As the proposed development meets the performance criteria of the Residential Design Codes, a relaxation of the plot ratio requirements can be entertained by Council.

13. Based on a total of 114 units, 29 parking bays would be required. The applicant has allocated 33 bays and has suggested that the additional 4 bays will be used by permanent or visiting staff working from the village centre. Each unit has been provided with a carport to cater for the parking needs of residents.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

14. A survey was undertaken by the Department of Environment, Waters and Catchment Protection (DEWCP) to determine the extent of the 1 in 100 year flood level along Yakamia Creek. It was found that at least 500mm of fill was required across the site to ensure adequate flood protection was afforded to future buildings. To this end the finished floor levels of the buildings are required to be 13.7m AHD on the north-western boundary of Lot 9 rising to 14.9m AHD on the south-western boundary of Lot 70.
15. Council's Works and Services Department are concerned with traffic flow in and out of the village. It is envisaged that at least 450 traffic movements per day will be generated (the figure has been based on 4 traffic movements per day for 114 units). Ulster Road currently has a high vehicle usage, 2059 vehicles/day southbound (to CBD) and 2427 vehicles/day northbound. For vehicles safety, a small roundabout would need to be constructed at the intersection of Ulster Road, David Street, and the entrance to lifestyle village if the designed entry point is retained. This is not the preferred entry point to the site for the City of Albany.
16. The proposed development will generate a large number of pedestrian movements, primarily directed towards Lockyer Avenue. A footpath currently exists along the opposite side of North Road. To access this path, a crossing will need to be constructed with a protected median strip. This would need to be located on North Road, half way between Ulster Road and the proposed Yakamia Drive. A footpath will also need to be constructed on North Road and Ulster Road fronting the property so that a link to the crossing is provided. Due to the demand generated by the village, it is considered justified that the developer contributes 100% of the cost of the footpaths and crossing. Construction of this infrastructure is preferred to a bond being paid.
17. At the time of submitting this application Council's Works and Service Department and Wood & Grieve Engineers have been in discussions regarding the location and contribution of the compensating basin. Wood & Grieve have proposed that a 5000m² portion of Council's former depot site (Location 4743 North Road, Yakamia) be utilised to cater for drainage requirements. The developer's contribution would be based on the amount of stormwater run-off the aged persons village would generate as a proportion of the overall drainage catchment. This amount is yet to be agreed upon and Council has not agreed to use part of Location 4743 as a drainage basin.
18. The developer also needs to extend the existing drainage pipeline from Ulster Road through the village to a new discharge location. An overland flow path through the village shall be provided to cater for the 1 in 100 year flows. The principles of water sensitive urban design should be applied to the project and the latest information supplied by the applicant's engineers suggest the current layout is problematic in the event of a major storm flow.
19. With the requirement to add fill to the site, the applicant has requested that battering of the fill be undertaken within the road reserve of Range Road (future Yakamia Drive). Council's Works and Services Department have advised that the final levels for the Yakamia Drive are unknown and any filling of the road reserve would be premature. It was recommended that a small retaining wall be placed on the boundary to retain fill within the site however the height of the retaining wall and the fences to the units would be visually intrusive. In terms of visual amenity, the design of the fencing along this boundary would need to cater for landscaping and be visually permeable where possible.

DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

20. Boundary fencing along North Road and Ulster Road has incorporated sections which are visually permeable (either pickets or wrought iron) to promote visual surveillance of the street and vice versa. Whilst the fencing maintains the privacy of residents, views into courtyards will help to maintain a greater sense of security at street level. The applicant has proposed to landscape along the North Road and Ulster Road verge to break up the appearance of the boundary wall.
21. In accordance with the Residential Design Codes the units should comply with Australian Standard 4299 – 1995 which address the following:
- Allowances for wheelchair movement into and within the dwelling.
 - Doorway and entrance widths.
 - Door and tap handle types.
 - Reduced cook top, basin and light switch heights.
 - Toilet and bathroom manoeuvrability.
22. Given the number of issues raised in the report and the requirement for further negotiation with the applicant, it is considered premature for Council to assess a development application. Major adjustments to the layout of the development may be necessary to accommodate road and drainage concerns.

RECOMMENDATION

THAT Council lay the application for a Planning Scheme Consent for the Aged Persons Village on Lot 9, 10, 11 & 70 Ulster Road, Yakamia on the table until the developers can provide a comprehensive application demonstrating that staff concerns have been addressed.

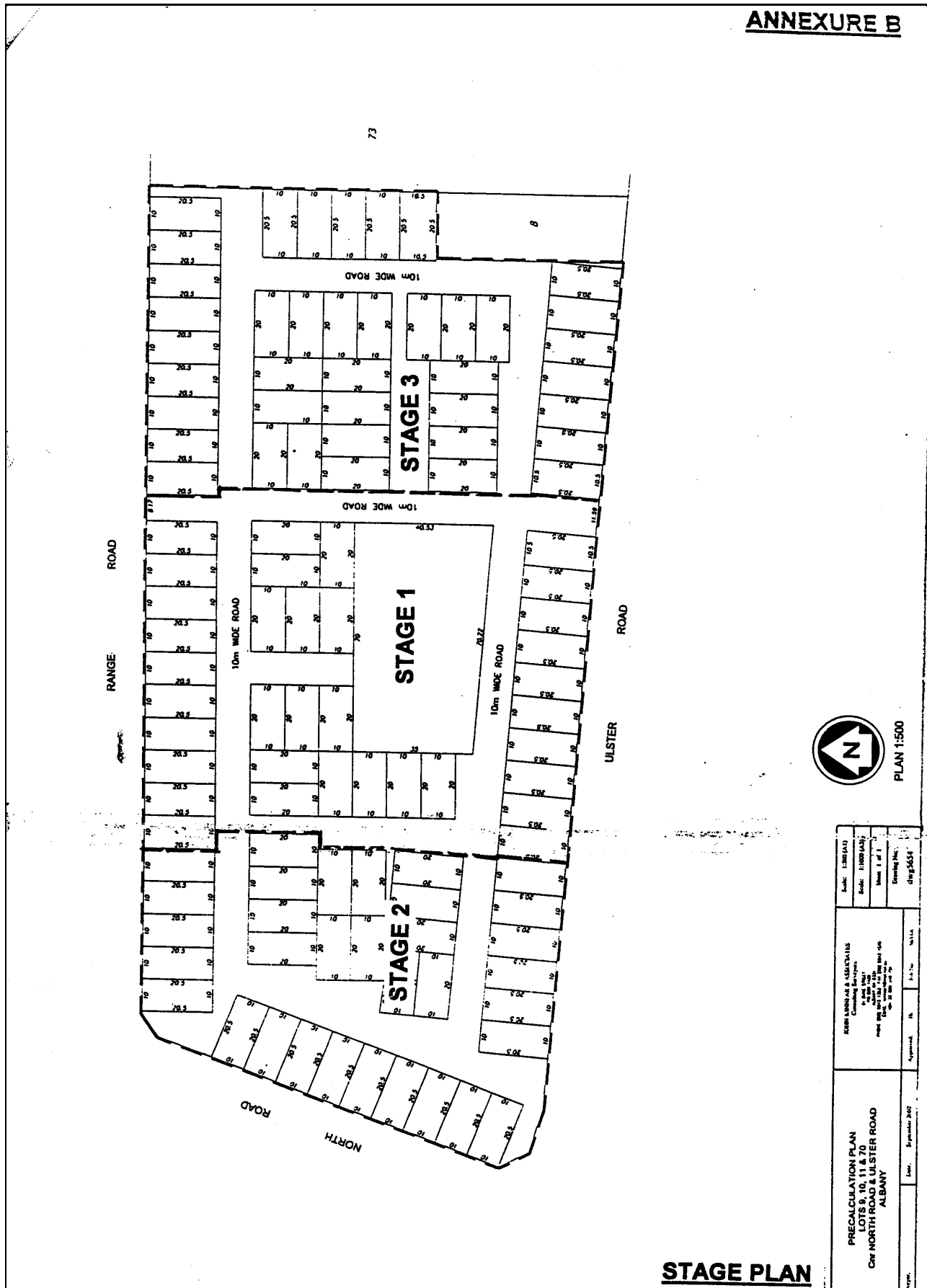
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.6 continued

ANNEXURE B



PLAN 1:500

<p>PRECALCULATION PLAN LOTS 9, 10, 11 & 70 Off NORTH ROAD & ULSTER ROAD ALBANY</p>		<p>DATE: 13/09/02 SCALE: 1:1000 (PLAN) SHEET 1 of 3</p>
<p>ROBIN MURPHY & ASSOCIATES Consulting Engineers 44 Pitt Street ALBANY NSW 2460 Phone: 08 4622 2222 Fax: 08 4622 2222 Email: info@robmurphy.com.au</p>	<p>Approved: [Signature] Date: 19/11/02</p>	<p>Drawing No: DWG 5654</p>

STAGE PLAN

ORDINARY COUNCIL MEETING AGENDA – 19/11/02
** REFER DISCLAIMER **
DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

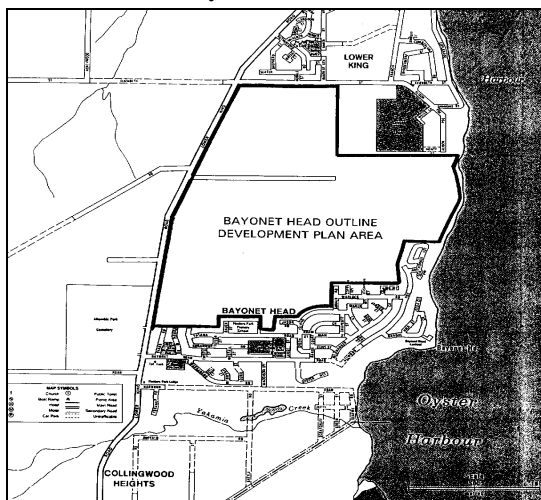
Nil.

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Initiation – Guided Development Scheme for the Bayonet Head Outline Development Plan Area

- File/Ward** : STR 077 (Yakamia Ward)
- Proposal/Issue** : Initiate the Guided Development Scheme
- Subject Land/Locality** : Bayonet Head Outline Development Plan area
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Strategic Planning Officer (M Papalia)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/09/02 – Item 11.3.2
OCM 21/05/02 - Item 11.3.6
OCM 16/04/02 - Item 11.2.1
OCM 20/02/01 - Item 11.3.3
OCM 23/05/00 - Item 12.3.1
OCM 26/10/99 - Item 15.1.2
OCM 24/03/99 - Item 15.1.1
OCM 27/05/98 - Item 12.3.4
OCM 29/01/98 - Item 13.3.11
OCM 04/12/96 - Item 13.3.8
- Summary Recommendation** : Initiate the Guided Development Scheme
- Bulletin Attachment** : Guided Development Scheme text and September 2002 Report to Council.
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. This item relates to:
 - the Bayonet Head Outlined Development Plan (BHODP) that was adopted as a Town Planning Scheme Policy by Council on 20th February 2001; and
 - the Bayonet Head Guided Development Scheme which, is a mechanism to implement the BHODP and has been considered by Council this year at its April, May and September meetings.
2. The intention of this item is to seek Council support to initiate the Guided Development Scheme for the implementation of the Bayonet Head Outline Development Plan.
3. As Council has considered this matter on a number of occasions an overview follows:

Guided Development Scheme

4. The Bayonet Head Outline Development Plan advocates a co-ordinated approach to development between the various landowners to ensure that implementation is effective on the ground. This co-ordinated approach requires a mechanism to be established to ensure that development costs are shared equitably between the subdividing landowners.
5. In April 1998 the planning consultant, Urban Focus, was engaged to discuss the options of equitable developer contributions through a shared cost mechanism. The consultant addressed both the Council of the day and landowners on two options for cost sharing. The consultant prepared a report for Council and landowners summarizing the issues relating to those two options.
6. At the Council meeting of 27th May 1998 the Guided Development Scheme (GDS) option was approved. This option was considered more practical as it provided a concrete mechanism for the establishment of a statutory Town Planning Scheme that would ensure the equitable sharing of development costs between landowners within the Bayonet Head Outline Development Plan area.
7. A landowners meeting was held on 24th March 1999 to discuss the Guided Development Scheme and the items to be considered as shared costs between the subdividing landowners. Ten shared cost items were discussed at this meeting. Landowners were sent a summary of the meeting and have been updated since with the progress of the draft GDS by mail and at landowner meetings.

Summary of Council Resolutions

8. Council considered the initiation of the Guided Development Scheme at its 16th April 2002 meeting where it was resolved to lay the matter on the table for a period of one month. The reason for this:

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

“There are complex legal implications and a number of other concerns that have been expressed by the stakeholders that need to be resolved prior to Council adopting the City of Albany Guided Development Planning Scheme No. 12. If this matter is laid on the table until the May meeting, it will allow all participants and Councillors to fully understand the issues.”

9. Following Council’s April meeting, a joint meeting was organised with Councillors and landowners on 16th May 2002, which provided the opportunity for issues of concern to be discussed further. Minutes of this meeting were circulated to all landowners and Councillors.
10. Based on the outcomes of the May 2002 landowners meeting, Council at it’s 21st May 2002 meeting made the following resolution:

“THAT:

- i) consideration of the Bayonet Head Guided Development Scheme be deferred for a period of three (3) months and landowners be advised that any subdivision proposal considered during that period will be assessed against the current Town Planning Scheme No. 3 provisions, with contribution costs being applied in accordance with the cost sharing schedule attached to the draft Bayonet Head Guided Development Scheme;*
- ii) during the period mentioned in point (i) above, landowners be requested to provide to Council a proposal, endorsed by all landowners involved, which details the mechanism and process they wish to pursue to ensure an equitable distribution of subdivision costs over the current Bayonet Head Outline Development Plan area for the period taken to complete the subdivision of all the existing lots;*
- iii) should landowners accept and pursue the Peet and Company offer to revisit the Bayonet Head Outline Development Plan, Council requires any proposed replacement plan to:*
 - a) be prepared by consultants engaged and funded by landowners;*
 - b) meet the objectives and principles achieved in the adopted Bayonet Head Outline Development Plan in regards to stormwater management, the allocation of active and passive public open space areas, community facility sites, protection of wetland systems/areas, integrated traffic management planning and the provision of a greenway corridor within the development plan area;*
 - c) be referred by the consultant to relevant government agencies and the consent of these agencies be obtained, prior to the revised Bayonet Head Outline Development Plan being submitted for Council’s consideration;*
 - d) be developed with minimal Council staff resources being consumed, other than when statutory processes need to be undertaken; and*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

- e) *fully document the process and legal mechanism to be pursued upon the adoption of the Outline Development Plan, to set in place the equitable apportionment of the subdivision costs within the development plan area; and*
- iv) *the Bayonet Head Outline Development Plan area for the provision of stormwater drainage outfall and the widening of Lower King Road and that staff review the input data supporting the design outcomes and the cost estimates provided to ensure they are relevant and accurate.*

Reason:

At a meeting of landowners held last week, concern was raised over the impact of the Bayonet Head Guided Development Scheme upon the very group that it is planned to assist. Peet and Company, and their consultant planner, suggested an alternate methodology to progress the long term subdivision of the land between Bayonet Head and Lower King.

The motion to defer consideration of the Guided Development Scheme is not a reflection on the work undertaken by staff on that document, but rather it provides an opportunity for the landowners to discuss and resolve amongst themselves a way forward.

The motion also amplifies the design parameters that landowners will be required to meet should they decide to prepare a replacement plan. It also reinforces that external impacts from the subdivision of the Outline Development Plan area must be addressed and funded by the proposed subdivision of the area.”

11. In accordance with Council’s May resolution above the three month timeframe (for landowners to provide Council with a proposal detailing the mechanism and the process they wish to pursue for an equitable distribution of subdivision costs over the BHODP area) passed on 16th August 2002. No proposals were received during this time.
12. Council did, however receive letters which were included in the September 2002 Elected Members Report/Information Bulletin from the following four landowners: Peet & Co, Mr Pearce, Mr Fenny & Mr Medcalf and a phone call from Mr Slee. These letters were forwarded to Council’s consultant, Urban Focus for comment. These letters were received just prior to the Council agenda deadline for the September meeting and Council’s consultant provided the City with preliminary advice.
13. The preliminary advice confirmed that the main landowner concern is the life of the Guided Development Scheme (ie 30 years or more). Over this time it would be difficult to accurately forecast and/or control the Shared Costs. There were also other inter-related concerns and matters that needed clarification.
14. To address this issue, Council’s consultant suggested an alternative option be investigated that would maintain the integrity of the principle of sharing certain infrastructure costs between landowners, and also including the actual items of shared cost that have been nominated to date.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

15. Based on this advice the following resolution was made by Council at its meeting on 17th September 2002:

”THAT:

- i) Council staff investigate the alternative proposal to administer the Bayonet Head Guided Development Scheme as outlined by Urban Focus and report back to Council at its next meeting; and*
 - ii) Council adopt the Cost Apportionment Schedule of Shared Costs pursuant to Clause 5.2.4 of the City of Albany Town Planning Scheme No. 3.”*
16. As mentioned in ii) above Council also reviewed the schedule of Shared Costs at this meeting. Most Shared Costs were adjusted in line with the CPI. More notably, the cost to upgrade Lower King Road was adjusted to require a contribution to a portion of one carriageway which, reduced the overall Shared Costs.
17. Council staff together with Department of Planning and Infrastructure staff meet with the consultant to discuss the alternative proposals. The outcomes of this meeting will be reported in the discussion/comment part of this report.

STATUTORY REQUIREMENTS

18. Clause 5.2.4 of the City of Albany’s Town Planning Scheme No. 3 sets out an interim measure to require developer contributions in the Bayonet Head Outline Development Plan whilst the Guided Development Scheme is being prepared.
19. The Guided Development Scheme once adopted will have the same statutory requirements of a District Town Planning Scheme as set out in the Town Planning & Development Act.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 21 The financial commitments at this stage include the costs associated with the land valuations and determining the shared costs items that have already been budgeted for and associated officer time to manage the project to date. The cost of the scheme itself is one of the shared cost items and will be recovered following the completion of the Guided Development Scheme process.
- 22 Over the development life of the Scheme area, Council will be required to contribute its equitable share of approximately \$160,000 towards the drainage system and approximately \$2 million towards the upgrading of Lower King Road respectively.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS

23. The Bayonet Head Outline Development Plan will co-ordinate the development of the balance of Bayonet Head and confirms Council's commitment to "Albany 2020 – Charting Our Course". The BHODP is relevant to a number of Ports of Call but predominantly fits into the following Port of Call:

"Managed healthy land/harbour environment - identify desirable patterns of development and servicing requirements".

24. More specifically the BHODP fulfils the Port of Call Code, ENV 2 – Land Use Planning and Objective Four:

"To develop an integrated plan for long-term land use planning Albany"

COMMENT/DISCUSSION

Investigation of Alternative Option

25. Council's consultant Urban Focus advises that:

It was suggested to Council at its September 2002 meeting that it might be possible and feasible to divide the Bayonet Head *"development area into predetermined Development Contribution Area's (DCA) that have a projected life span of around 5-7years. This practise is currently being followed by various metropolitan governments."* and *"For the above system to work efficiently it is preferable for the area to be progressively developed on a single front and is structured for each DCA to be costed independently in so far as the Shared Costs are concerned with such costs being directly related to the actual DCA area."*

26. Council and Department of Planning and Infrastructure staff met with Urban Focus consultant to discuss the above option further. It quickly became apparent that no direct advantage could be obtained by dividing the Bayonet Head area into separate DCA's for the following reasons:

- a) Development is likely to occur on two or three fronts simultaneously, which means that one area would not be fully developed within the 5 – 7year timeframe as set out with DCA.
- b) Due to drainage requirements for the entire area, it is difficult to isolate the drainage costs on a DCA basis that would be equitable.
- c) The traffic study identified the likely increased vehicle usage into Lower King Road from the urbanisation of the Bayonet Head areas. Again, on an equitable basis, the way development is proceeding provides little opportunity to individualise the upgrading contribution cost on a DCA basis.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

27. Urban Focus summarised the outcomes of the meeting as follows:

“Accordingly, whilst it would be legally possible to divide the Bayonet Head Outline Development Plan area into DCA’s by compiling an appropriately worded amendment to Council’s Town Planning Scheme, due to the Shared Cost issues peculiar to the area, in practise it is believed that no material or financial advantage is likely to flow from the exercise.

- *“Due to the extensive research that has already been carried out in relation to the Shared Cost items, the various consultants involved in calculating the estimated costs have had adequate opportunity to accurately determine their value based on current rates. Given that the Guided Development Scheme provides for Shared Costs to be reviewed annually, we believe it will be possible to control and equitably apportion the Shared Costs over the extended life of the Scheme.”* and
- *“It is therefore recommended that the Guided Development Scheme as currently constituted be adopted by Council and consent sought from the Western Australian Planning Commission for the Scheme to be advertised.”*

Guided Development Scheme

28. Urban Focus has prepared the Guided Development Scheme documentation for Council and landowners consideration. This documentation provides the legal framework and the detailed management arrangements that are applicable over the life of the scheme.

29. The main objective of the “scheme is to define and make provision for the equitable apportionment of the cost of specific infrastructure items and works that collectively benefit the owner.”

30. The aims of the Scheme are to:

- a) Facilitate the development of the Scheme area into a properly and comprehensively planned urban estate;
- b) Provide a mechanism whereby the local government can recover contributions to the provisions of specific infrastructure items and works from owners in the Scheme area on an equitable basis; and
- c) Following collection of the contributions referred in (b) above, to then allocate such contributions to and between owners according to their respective entitlement pursuant to the provisions of the Scheme.

31. The Scheme considers the shared cost items listed below together with a table of the *Cost Apportionment Schedule of Shared Costs (Schedule Three)*, which states the developer contributions against each property.

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

32. The shared cost items to be considered by the Guided Development Scheme include:

- 1. Land required for Public Open Space, Community Purpose & Buffer
- 2. Land required for drainage (this does not include general subdivision drainage)
- 3. Construction of Main Drain
- 4. Upgrading of Lower King Road
- 5. Buffer Landscaping
- 6. Valuation Costs
- 7. Administration/Management of Guided Development Scheme
- 8. Scheme Preparation Costs
- 9. Interest if applicable

33. It should be noted that the cost of the Guided Development Scheme is recoverable through the process as highlighted above as a scheme preparation cost.

34. Council reviewed the schedule of Shared Costs at its September 2002 meeting and a copy of the agenda item is also included in the Elected Members Report/Information Bulletin.

35. The BHODP projects that approximately 3,753 lots will be created from the area using an average R20 density. Using this lot yield estimate, and the total estimated costs as outlined in Schedule Three (September 2002) of the Guided Development Scheme of \$4,202,600, the estimated per lot contribution would be approximately \$1,120.

36. Urban Focus and Council staff held a preliminary meeting with landowners on 26th March 2002 to discuss a draft version of the Guided Development Scheme and in particular the schedule of costs. A number of issues were raised at this meeting relating to the process of the Guided Development Scheme and some of the detailed clauses. Where appropriate, changes have been made to incorporate the issues raised.

37. Once Council agrees to initiate the scheme, and consent to advertise is granted by the Western Australian Planning Commission, the Guided Development Scheme will need to be advertised for a 90 day statutory period.

CONCLUSION

38. The development of both the Bayonet Head Outline Development Plan and the Guided Development Scheme has been a lengthy process to date. To assist with the implementation of the development of the remaining land within the Bayonet Head locality Council is asked to provide support to the initiation of this scheme.

RECOMMENDATION

THAT pursuant to Section 7 of the Town Planning and Development Act, Council resolves to prepare the City of Albany Town Guided Development Planning Scheme No. 12 for the Bayonet Head Outline Development Plan area.

Voting Requirement Simple Majority

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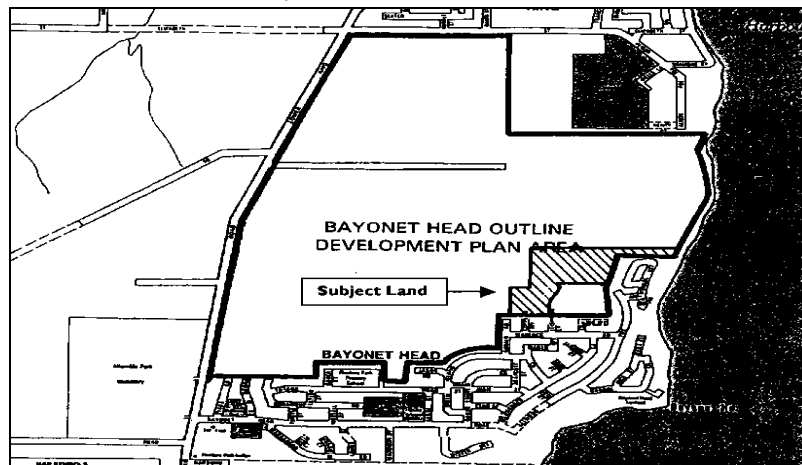
DEVELOPMENT SERVICES REPORTS

11.3.2 Town Planning Appeal – Peet & Co Joint Venture vs Western Australian Planning Commission – Bayonet Head

- File/Ward** : STR 077 (Yakamia Ward)
- Proposal/Issue** : Consideration of proposal presented to Council post mediation of this appeal.
- Subject Land/Locality** : Pt Plantagenet Location 284 & 285 – Bayonet Head Outline Development Plan area
- Proponent** : City of Albany
- Owner** : Peet Bayonet Head Syndicate Ltd & Ryan Nominees Pty Ltd (Joint Venture)
- Reporting Officer(s)** : Strategic Planning Officer (M Papalia)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 17/09/02 – Item 11.3.2
OCM 21/05/02 - Item 11.3.6
OCM 16/04/02 - Item 11.2.1
OCM 20/02/01 - Item 11.3.3
OCM 23/05/00 - Item 12.3.1
OCM 26/10/99 - Item 15.1.2
OCM 24/03/99 - Item 15.1.1
OCM 27/05/98 - Item 12.3.4
OCM 29/01/98 - Item 13.3.11
OCM 04/12/96 - Item 13.3.8
- Summary Recommendation** : Advise appellants of Council’s position to the appeal

Bulletin Attachment : Nil.

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. This item relates to the subdivision of “Residential Development” zoned land to create approximately 121 new lots within the Bayonet Head Outline Development Plan (BHODP) area (refer to Attachment).
2. The following is a summary of the subdivision application:

Process	Date
The Western Australian Planning Commission (WAPC) granted conditional subdivision approval	16 th July 2001
The applicant lodged a request for reconsideration of conditions 4, 7 & 19 and advice note 3 referred to City by the WAPC	15 th August 2001
The applicant lodges a notice of appeal to the Town Planning Appeals Tribunal for conditions 19 and 25 and advice note 3, which, is received by the City.	9 th April 2002
Town Planning Appeal Tribunal - mediation session	26 th July 2002

3. City of Albany and Department of Planning & Infrastructure staff attended the mediation session on 26th July 2002. The dialogue of this session is presented in the comment and discussion section of this report.
4. The intention of this item is to seek a position on the proposal put forth by the appellant’s solicitors (post mediation) to see whether issues can be resolved through the mediation process.
5. The proposal relates to the following Western Australian Planning Commission (WAPC) conditions under appeal:

Condition 19 states:

”The land in the southwest corner of the subdivision shown as Drainage, Seepage Area and Public Open Space s to be shown on the Diagram or Plan of Survey (deposited plan) as a “Drainage Reserve” and a ‘Conservation Wetland and Buffer Reserve” (the interface of which is to be to the satisfaction of the Local Government) and is to be vested in the Crown under Section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.”

Condition 25 states:

”Arrangements being made to the satisfaction of the Western Australian Planning Commission for the payment of the appropriate proportion of the Shared Costs adopted by the Local Government in accordance with Amendment No. 202 to the City of Albany’s Town Planning Scheme No.3 or the proposed Guided Development Scheme.“

Advice Note 3 states:

“Unless otherwise agreed by the Commission, the first diagram or Plan of survey lodged for the Commission’s endorsement shall include the Public Open Space and other reserves required by this approval. It should be noted the Open Space Area P11, as identified in the Bayonet Head ODP, does not contain any Public Open Space.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STATUTORY REQUIREMENTS

6. Clause 5.2.4 of the City of Albany's Town Planning Scheme No. 3 sets out an interim measure to require developer contributions in the Bayonet Head Outline Development Plan whilst the Guided Development Scheme is being prepared. This relates to condition 25 of the appeal.
7. The Guided Development Scheme once adopted will have the same statutory powers as a District Town Planning Scheme as set out in the Town Planning & Development Act.

POLICY IMPLICATIONS

8. Council in pursuance of Clause 6.9 of the City of Albany Town Planning Scheme No. 3 adopted the Bayonet Head Outline Development Plan as a Town Planning Scheme Policy at its 20th February 2001 meeting.
9. The Bayonet Head Outline Development Plan guides the development of land subject and all subdivision applications are assessed accordingly against the principles of this plan.

FINANCIAL IMPLICATIONS

10. The financial commitments at this stage relate to officer time and expense to attend mediation sessions in Perth.
11. Should the appellant pursue a full hearing before the Town Planning Appeal Tribunal officer time and witness costs will be incurred.

STRATEGIC IMPLICATIONS

12. The Bayonet Head Outline Development Plan will co-ordinate the development of the balance of Bayonet Head and confirms Council's commitment to "Albany 2020 – Charting Our Course". The BHODP is relevant to a number of Ports of Call but predominantly fits into the following Port of Call:

"Managed healthy land/harbour environment - identify desirable patterns of development and servicing requirements".

13. More specifically the BHODP fulfils the Port of Call Code, ENV 2 – Land Use Planning and Objective Four:

"To develop an integrated plan for long-term land use planning Albany"

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

COMMENT/DISCUSSION

14. A City officer attended the mediation session on 26th July 2002, where the following conclusions were made, after much discussion:
 - the appellants were seeking Council support to step outside the principles of the Bayonet Head Outline Development Plan. Any proposals to do this would need to be considered by Council, as it would have major ramifications for the development of the area.
 - that the appellants would present a proposal to the City of Albany via the Crown Solicitors Office within two weeks of the mediation session.
 - that staff would need adequate time to consider a proposal prior to agenda deadlines for Council meetings and that it would be unlikely to make the September meeting of Council.
15. The City received a proposal from the appellants via facsimile at 5.18pm on 3rd September 2002. The agenda deadline for this meeting was 5th September 2002. With only one day to consider the appellant's written proposal, there was insufficient time to put the matter to Council.
16. Since this time Council staff have received a number of phone calls from various individuals representing the appellants. Through these conversations it was indicated to Council staff that the appellants would be pursuing a full hearing of the Tribunal and that the mediation process would not be pursued.
17. Council recently received a letter from a Joint Venture partner indicating that it would like to pursue the mediation process prior to any hearing.
18. The proposal put to Council is that sent by the appellant's solicitors Mony De Kerloy (a copy of the letter is attached) of 3rd September 2002 which, states that the main concerns relating to the appeal of conditions include:
 - *“Funding arrangements for the Lower King Road upgrade;*
 - *The requirements relating to drainage;*
 - *The failure of the City of Albany to provide credit for the public open space created within our Client's stage 3 sub-division plan;*
 - *The amount of administration costs being levied;*
 - *The uncertainty inherent in the cost apportionment schedule.”*
19. The subdivision application is linked to the BHODP and the Schedule of Shared Costs as per Clause 5.2.4 of Town Planning Scheme No. 3. References to costs relate to the Cost Apportionment Schedule of Shared Costs (Schedule) for developer contributions for the BHODP area.
20. The following is a summary of the appellant's concerns and Council Officer responses.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Lower King Road

Appellant’s Comment:	Council Officer Response:
There are no concrete plans to upgrade the road.	The City proposes to upgrade Lower King Road in various stages as land within the Bayonet Head Outline Development Plan area is developed and traffic volumes increase.
Even if an upgrade was planned it would be more modest than that contemplated.	The upgrading of Lower King Road to a dual carriageway construction is in accordance with the City’s Asset Management Strategy – Roads. Council has formally adopted this strategy.
The proposed upgrade bears no relationship with the amount of additional traffic, which will be generated from the development of the subject land.	The Traffic Modelling carried out by BSD indicates that the portion of Lower King Road abutting the BHODP area will experience significant increases in traffic due to the development of the area. By the year 2035 the average traffic volume will be 19,881 (vpd) of which 12,810 will be generated from the development of the area. This represents a percentage of 64% of development related traffic and 34% of non development traffic.
No account is taken of any State and Federal funding which could be obtained when this road needs to be upgraded.	The chances of the City receiving funding for the upgrade of this road is considered remote particularly since recent regional funding rounds were reduced considerably.

21. To establish the Cost Apportionment Schedule of Shared Costs, as part of the Guided Development Scheme, independent reports were prepared for traffic modelling (by BSD) and the design and costing of Lower King Road (by Wood & Grieve). These reports were then used to develop a fair and equitable mechanism toward developer contributions for the BHODP area.
22. A copy of the traffic modelling was provided to the appellants some months ago now.
23. Council, at it’s September 2002 meeting, re-considered the contribution toward the upgrading of Lower King Road, and is now seeking a contribution of 64% of the cost relating to the upgrading of only one carriageway of the proposed road. In early discussions both carriageways were to be upgraded as part of the scheme costs. This has reduced the overall contribution from landowners for the upgrading of Lower King Road from \$1,885,000 to \$968,900.
24. The appellant believes that the upgrading of Lower King Road is an unfair burden and unlikely to take place in the foreseeable future. City staff do not share this view as the upgrading of Lower King from a rural to an urban road will occur continually over the life of BHODP developments.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Drainage Requirements

25. The appellant argues that the City is requiring a contribution towards a drainage system that may not be required over the life of their development.
26. The drainage system has been designed to cater for all land located within the BHODP area. This is in accordance with the principles of equitable development where all contributors to drainage must pay for the system. With any development/subdivision, drainage must be retained on site in accordance with Water Sensitive Design principles and the developer should meet his/her reasonable proportion of the outfall system.

Public Open Space

27. The appellant states that there is no credit being offered for Public Open Space, the area in question is known as C1 within the BHODP. *“...notwithstanding that our client proposes to develop a useable public open space buffer around the wetland.”*
28. When the subdivision application was first referred to the City, there was no indication as to how the wetland buffer would be developed and it was difficult to apply any credits to the subdivision. To the best of staff’s knowledge, no plans have been presented to the City with regard to the development of this area and Council has not consented to the development of the buffer in the manner suggested by the subdivider. Notwithstanding this, the recommendations made in the Tingay & Associates assessment of the wetland area, a report prepared by the applicant, were noted.
29. In the City’s referral letter to the Western Australian Planning Commission (also sent to the appellant’s planning consultant) it was recommended that a Management Plan be developed for the conservation wetland and its buffer. The wetland area is considered extremely sensitive and any development would need to be carefully considered. The Bayonet Head Flood Management Plan indicates, in accordance with environmental advice that no development can occur within the conservation wetland, however some sensitive development may be suitable within the wetland buffer.
30. The appellants have been developing in this area for several years. With the recent release of stage 2 of the development, it is not unreasonable to expect that proposals for the development of the wetland buffer area has been given some consideration.
31. Council has previously considered credits for the subject wetland buffer and has indicated that, with adequate information, sensitive development and appropriate approvals relating to the development of the wetland buffer, a credit of no more than 50% could be considered reasonable.
32. When Council made this offer to the appellant, the City was offering a ‘without prejudice’ arrangement. At the time the appellant did not respond to the offer and Council is still to receive any information or offer on percentages of contribution.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

33. At the end of the day, a decision on the level of credits lies with the WAPC. City staff will continue to work with the WAPC with regard to this matter.

Administration Costs

34. The appellant states that the administration costs proposed for the Guided Development Scheme “...*appears to be an entirely arbitrary number devoid of detail.*”

35. Council’s consultant, Urban Focus, has provided the following comments in relation to this matter:

“The original administration value was based on an annual cost of \$8,000 over 30 years. This component was designed to cover the following –

- a) Ensuring developers comply with the Scheme’s provisions*
- b) Annual shared cost reviews*
- c) Assessment of developers’ scheme cost contributions*
- d) Recording and allocating contributions as received*
- e) Setting and maintaining scheme accounts*
- f) Responding to developers’ reasonable requests regarding Scheme requirements.*

In the light of our past experience in administering such schemes, we do not consider the annual allowance to be excessive.”

Costing Uncertainty

36. The appellant states that “*the Cost Apportionment Schedule of Shared Costs attached to the proposed scheme is flawed:*

- a. It seeks to recovery costs from current developers in order to satisfy general community needs;*
- b. The general costs are based on unrealistic timeframes and as a consequence they are speculative...”*

37. Staff response to those concerns is:

- i) the Schedule is based on sound planning principles and has been developed in an equitable manner.*
- ii) the costs relate to development costs at the time of development and cover only the basic infrastructure requirements within the scheme area to which the developers need to be responsible for the impacts of their developments.*
- iii) Landowners have been advised of the process relating to the development of the Schedule and how it relates to the provisions with Town Planning Scheme No. 3 since 1998.*
- iv) The costs are based on sound estimates and are reviewed annually which, allows for any changes and adjustments in accordance with CPI. This is considered a robust approach to co-ordinating development over a large area with a number of different landowners.*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

38. Landowners, including the appellant, signed a Statement of Support in April 1999 to the cost sharing principle. This also included the right to allow the owner to make further representation to Council on both the shared cost items and their assessed value. There is a process to do this as set out in Clause 5.2.4 j) of Town Planning scheme No. 3 which states:

“If any dispute arises between Council and the subdivider in regard to the Shared Costs of their apportionment, such dispute may be referred for determination by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act 1985. If an owner proceeds to arbitration under this subclause it shall preclude the owner the right to commence an appeal in accordance with the provisions of clause 6.7 of the Scheme.”

39. The appellant however has chosen the subdivision process to do this. Whether an appeal on a subdivision is the appropriate avenue to resolve these issues is a matter yet to be determined.

40. In the absence of an alternate solution from the landowners concerned, and based on advice received from Urban Focus, the Guided Development Scheme option is the most robust mechanism to ensure equitable developer contributions over the life of the Bayonet Head Outline Development Plan area.

Proposals for Resolution

41. The appellant proposes the following resolutions:

The appellant is:	Council Officer Response:
Prepared to make contributions to road works for their development only.	This suggestion is not fair or equitable as the Traffic Modelling indicates that all land within the BHODP is contributing toward the need to upgrade Lower King Road.
Prepared to cater for drainage by providing a temporary detention basin and sewer pump station on five lots with the vesting of these lots to Council.	Standard requirements for the subdivision of land generally require permanent and temporary drainage solutions as developers are required to retain water flows to pre development flows on site. In the case of sewer pump stations that is infrastructure that all developers of land are required to provide and is not a matter for the Local Authority to get involved with. Property development is not Council’s core business and the developer falsely assumes Council wishes to take ownership of the lots. Staff suggest the vesting 5 lots to Council is not something to be entertained when a permanent solution is available.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

<p>Requesting 1.05ha of credit be granted for Public Open Space.</p>	<p>Council believe that 1.05ha relates to the wetland buffer area. Consideration of credits for the wetland buffer area could be considered once detailed information is provided to Council with regard to the nature and scale of the development proposed in the Wetland Buffer area. The wetland and its buffer are considered to be highly sensitive environments and Council may not wish to have them developed.</p>
<p>Requested to review the costs associated with “Management and Preparation Costs” of the Schedule.</p>	<p>The Schedule was recently reviewed and adopted by Council at its September 2002 meeting. The Management and Scheme Preparation costs were only adjusted to include CPI increases. It should be noted that these costs do not include the various reports prepared by independent consultants to establish the shared costs, nor the City’s resources and officer time over the life of the project, which has been considerable. Advice from Urban Focus as per para 26 explains the Management costs in more detail.</p>

42. The appellant’s suggestions above propose major departures to sound planning principles as espoused in the Western Australian Planning Commission Policies, the principles of the BHODP, or Clause 5.2.4 of Town Planning Scheme No. 3.

43. In order for the implementation of the BHODP to occur in a fair and equitable manner, all landowners should be treated equally and the appeal being pursued by the Joint Venture proposes otherwise.

CONCLUSION

44. Council has already reduced the costs required from landowners in the BHODP area for Lower King Road. All other grounds of appeal appear to staff to be conflicting with sound town planning principles or good asset management practices.

RECOMMENDATION

THAT through Crown Law, the joint venture be advised that, in respect to the grounds of appeal;

- i) the Cost Apportionment Schedule of Shared Costs was recently reviewed and adjustments were made to the cost of upgrading Lower King Road which were significantly reduced; and**

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

- ii) **upon agreement of the Western Australian Planning Commission that Council is prepared to consider a credit of up to 50% for the conservation wetland buffer on the following conditions :**
 - (a) **a management plan for the conservation wetland and its buffer be prepared;**
 - (b) **no development is to occur within the conservation wetland;**
 - (c) **proposes to develop within the C1 area of the BHODP shall be of a sensitive nature and be approved by City Staff and the Water & Rivers Commission (Note: Council reserves the right to deny development of the buffer if it conflicts with the City’s asset management policy.); and**

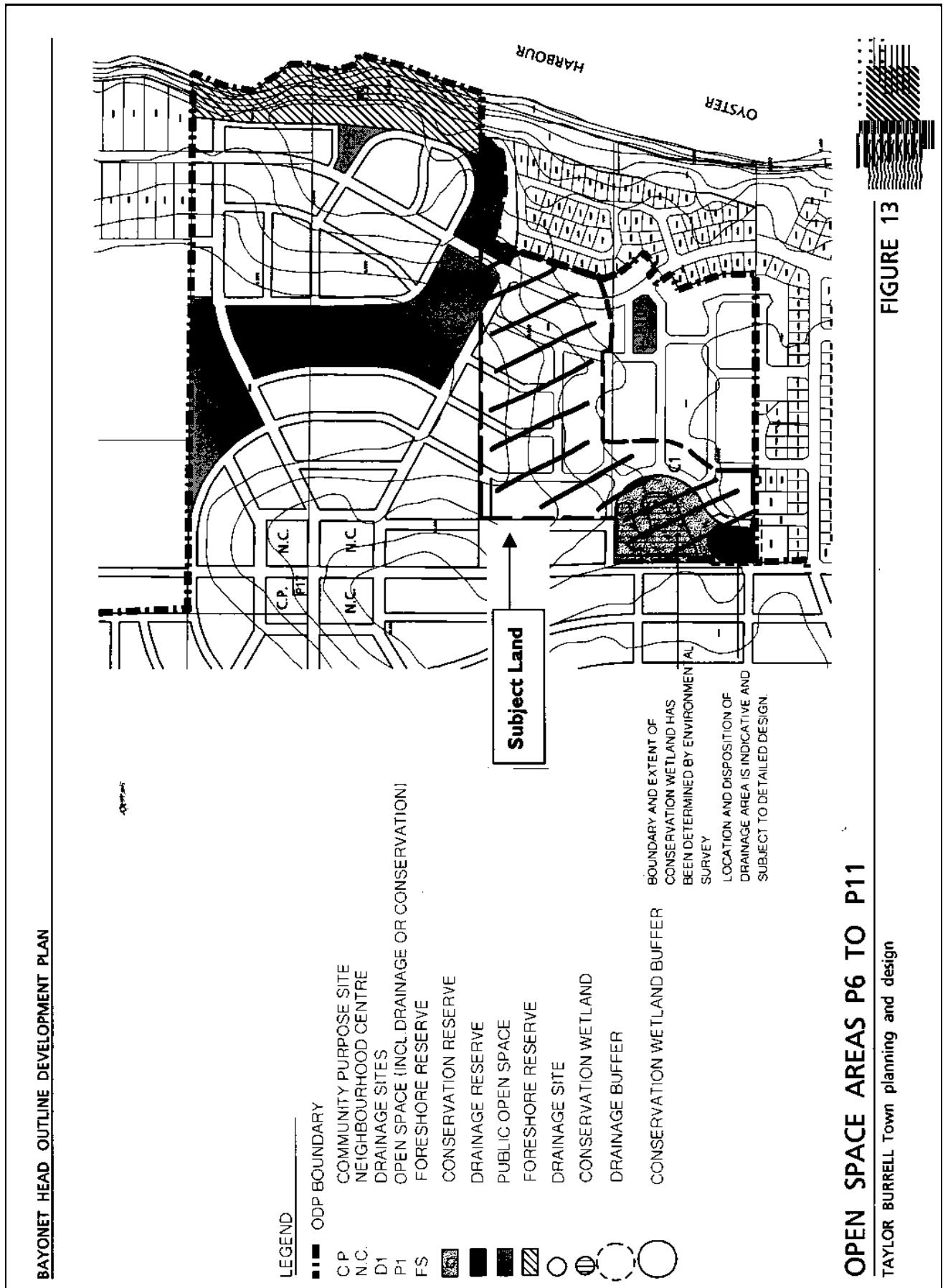
- iii) **Council considers that the conditions imposed by the WAPC represent sound planning principles and they directly relate to the BHODP area and therefore to the appellant’s land.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

FILE

Chris Lomma
Solicitor
Crown Solicitors Office
Westralia Square
141 St Georges Terrace
PERTH WA 6000

“WITHOUT PREJUDICE”

Dear Sir

**PEET BAYONET HEAD SYDNICATE & RYAN NOMINEES (JOINT VENTURE) v WESTERN AUSTRALIAN PLANNING COMMISSION
TOWN PLANNING APPEAL TRIBUNAL NO. 40 OF 2002
BAYVIEW HIEGHTS ESTATE BAYONET STAGE 3**

We refer to the above matter and to our recent attendance at the mediation conducted before the Tribunal.

Our client's case is that conditions 19, 25 and advice note 3 of the approval given to our client on 13 July 2001 are invalid because they fail the test in Newbury District Council v Secretary of State for the Environment 1981 (AC) 57B. The reasons for our client's view were set out for you at the recent mediation but in essence they related to the linking of our client's development to an uncertain and vague guided development scheme which is currently in a draft form and which may or may not be proposed in the future (the "proposed scheme").

You will recall that at the mediation it was agreed that we were to formally submit to you for your client's consideration, the specific concerns our client had with the proposed scheme.

To summarise for you the five chief areas of concern are:-

1. Funding arrangements for the lower King Road upgrade;
2. The requirements relating to drainage;
3. The failure of the City of Albany ("the City") to provide credit for the public open space created within our client's stage 3 sub-division plan;
4. The amount of administrative costs being levied;
5. The uncertainty inherent in the cost apportionment schedule.

We address each of these matters below:-

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

1. Lower King Road Funding Arrangements

Under the proposed scheme the City proposes that all of the land owners to the east of lower King Road (including our client) make a contribution to a speculative massive upgrading of that road for a significant portion of its distance. This upgrading would bring the road to the standard of a modern regional road such as may be required in 30 - 50 years time and is acknowledged that the sort of upgrade contemplated by the City would probably not take place in any foreseeable future. Yet it is on the cost of this upgrade that the City under the proposed scheme requires our client to make a contribution. Other factors relevant to this matter are:-

- (a) There are no concrete terms for any upgrade of this road;
- (b) Even if an upgrade was actually contemplated it would be considerably more modest than that contemplated in the proposed scheme;
- (c) The proposed upgrade of this road bears no relationship with the amount of additional traffic which will be generated by the development of our client's stage 3 land;
- (d) No account is taken of any State or Federal funding which could be obtained when this road actually needed to be upgraded.

There is Tribunal authority for the proposition that neither the State Planning Commission nor any local authority can place too much of a burden on a developer in the hope of satisfying some community need. We draw your attention to the decision of the Tribunal in the case of Perry Mead Investments Pty Ltd v WAPC (1996) SR (WA) 181. In that case the Tribunal quoted Talbot J who in Trehy v The Gosford Shire Council 1995 87LGERA 262 at page 274 said:-

"When there is a disproportionate burden on the land to be developed, it (the relevant condition) cannot said to reasonably relate to the development".

The Perry Mead case concerned the imposition by the Kwinana Council of an unreasonable cost burden on a particular developer in respect of the upgrade of Banksia Road. The Tribunal in that case limited the developer's contribution to a "relatively small proportion of the cost of upgrading".

In determining what is an appropriate level of contribution to a road or other civic work we note that the test to be applied is whether the upgrade of the road (or other civic work) is reasonably required by or as a consequence of the sub-division: See Cardwell Shire v King Ranch (1994) 58 ALJR 386.

Contributing to the upgrading of this road to the standard deemed appropriate by the City is well beyond, to say the least, that which is reasonably required by our client's subdivision.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

2. Drainage Requirements

Under the proposed scheme the City is requiring our client to contribute to a drainage system which depends for its efficacy and implementation on all of the land in the proposed scheme area being developed over a 30 – 50 year time frame. The cases we have quoted above are entirely on point.

It cannot be said that it is reasonable or relevant to require a developer to contribute to a drainage plan which is unlikely to be completed in the life time of the developer and/or his children.

To underline how onerous and unreasonable the requirement is, our client in developing Bayonet Head stage 3 must install a drainage solution which under the proposed scheme is considered temporary but which in reality must be permanent given the length of time it will take for the various elements of the proposed scheme's drainage works to be implemented.

Our client under condition 25 will have to in effect pay for and construct a permanent drainage solution in order for it to have its development approved but contribute to another proposed possibly speculative permanent drainage solution which may or may not come into existence a generation or two from now.

3. Public Open Space

In the environmental wetland at the south-western corner of the site our client is getting no credit for public open space. This is so notwithstanding that our client proposes to develop a useable public open space buffer around the wetland.

4. Administrative Costs

The current administrative costs for the proposed scheme are shown to be \$272,000. That appears to be an entirely arbitrary number devoid of detail. On the basis of the authorities quoted the contribution is well beyond what would be reasonably required by our client's subdivision.

5. Costing Uncertainty

The current costs apportionment schedule attached to the proposed scheme is flawed:

- (a) It seeks recovery costs from current developers in order to satisfy general community needs;
- (b) The costs and costings are based on an unrealistic time frame and as a consequence are speculative. For instance we have referred to the problems with the costs included for the upgrade of lower King Road and for the drainage requirements for the whole of the proposed scheme area. Underpinning these concerns is the obvious point that unless

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

costings can be determined for something which is presently required or which is connected with or required as a consequence of our client's development, any costings are fictional and without any solid basis. The point can be tested this way. The Council could include any community or civic facility it wished in its proposed scheme. A light railway transport system could be included. Underground power could be included and so on. These inclusions would be no more fanciful or no more connected with or required as a consequence of our client's development than the proposed upgrade of Lower King Road to a state of the art regional road or the proposed state of the art drainage plan which the Council has (arbitrarily) decided to include in the proposed scheme.

Summary

The State Planning Commission has seen fit to impose upon our client conditions which tie this development to the proposed scheme. Quite apart from tying a present subdivision to a proposed scheme, when one actually examines the nature of the proposed scheme and its requirements, that condition must fail the three fold test set down in Newbury District Council the Secretary of State for the Environment (1981) ACS78. A planning condition will be valid if:-

- (a) It has a planning purpose;
- (b) It is fairly and reasonably related to the development;
- (c) It is not so unreasonable that no reasonable planning authority could have imposed it.

We would put to you:-

- (aa) Whether or not the proposed scheme is even instituted is uncertain;
- (bb) The terms of the proposed scheme are uncertain;
- (cc) The current proposed terms of the proposed scheme and proposed costs are themselves uncertain and based on speculative costings and speculative proposals;
- (dd) The requirements of the proposed scheme in their current form cannot reasonably relate to the development at hand and place an unfair burden on our client.

Proposals for Resolution

Our client does not object to meeting conditions which are fairly related to or required in consequence of its development. To this end and in order to resolve matters our client would be prepared:-

- (a) to make a reasonable contributions to roadworks. Our client would look at working with Council to ensure there is smooth access and egress to and from its development area;
- (b) under our client's proposed drainage solution five lots at the top of the development have been designated for a drainage basin and sewer pump station (the precise area and shape of these lots will need to be settled).

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

The basin and pump station will need to last for at least a generation or more and will be constructed as such. Our client would be prepared to vest to Council these five lots. If in the future Council wishes to dismantle these drainage arrangements and implement some other drainage solution, Council can utilise the land as sale lots and use the proceeds to offset costs;

- (c) and would ask the city to allow our client a credit for the 1.05 hectares of public open space (as shown on our client's subdivision plan) surrounding the seepage area; and
- (d) with respect to the other proposed contributions set out on the cost apportionment schedule of the proposed scheme, the City reviews the proposed "Management and Preparation Costs" (we would suggest that \$50,000 be more reasonable) and our client otherwise accepts the costs under "POS, Community Purpose and Buffer" and under "Buffer Landscaping" and "Valuation Allowance". It goes without saying that given our clients proposals at (a) and (b) above our client would make no contribution to "Main Drainage" and its contribution to roadworks would be based on the proposal at (a) above. If all other matters are agreed then the amount of that roadwork contribution can be agreed between the parties provided the principles for contributions we have outlined are accepted by your client.

Yours faithfully



MONY DE KERLOY

30 August, 2002

retbay&.doc

DEVELOPMENT SERVICES REPORTS

11.4 DEVELOPMENT SERVICES COMMITTEE

11.4.1 Bushfire Management Committee Minutes – 23rd October 2002

- File/Ward** : MAN 089 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Executive Director Development Services
(R Fenn)
- Summary Recommendation:** That the minutes of the Bushfire Management Committee held on 23rd October 2002 be adopted.

Confirmation of the minutes of the Bushfire Management Committee of 23rd October 2002.

RECOMMENDATION

THAT the minutes of the Bushfire Management Committee held on 23rd October 2002 be received (copy of minutes in the Elected Members’ Report/Information Bulletin).

Voting Requirement Simple Majority

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Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

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

COMMENT/DISCUSSION

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

Municipal Fund		
Cheques	totalling	202,322.99
Electronic Fund Transfer	totalling	1,613,668.10
Payroll	totalling	1,150,532.01
Loan Repayments	totalling	1,000,000.00
Other Direct Debits	totalling	
TOTAL		<u><u>3,966,523.10</u></u>

Cancelled cheques: 16676

2. As at 4th November 2002, the total outstanding creditors, stands at **\$576,049.10**

ORDINARY COUNCIL MEETING – 19/11/02
** REFER DISCLAIMER **
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Item 12.1.1 continued.

RECOMMENDATION

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

Municipal Fund	totalling	\$3,966,523.10
Total		<u>\$3,966,523.10</u>

Voting Requirement Simple Majority

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12.1.2 First Quarter 2002/2003 Budget Review

File/Ward	:	FIN 047 (All Wards)
Proposal/Issue	:	Council requested to adopt the First Quarter Review
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Accounting Officer (R Marchesi)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council adopt the First Quarter Review
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. Council Officers have reviewed the quarterly operating results for their areas together with determinations by Council for the first three months of the 2002/2003 financial year.
Variances in the anticipated full year results have been identified.

STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed and contain the prescribed information.

Clause 35 (c, d) of the Local Government (Financial Management) Regulations 1996 states:

“A quarterly report is to be in a form, which identifies any significant variations between the year-to-date income and expenditure totals and identifies areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year”.

Item 12.1.2 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

4. Council has adopted a balanced budget for 2002/2003. Any surplus for the financial year can be used to fund the following year's budget with the balance to be reviewed by Council and transferred to reserves for specified purposes. An end of year deficit would require funding from the following year's budget. The current review indicates that there will be a minor deficit of \$1,952.

STRATEGIC IMPLICATIONS

5. There are no strategic implications.

COMMENT/DISCUSSION

6. The quarterly review conducted by officers in October 2002 identified savings and additional costs, resulting in a minor deficit of \$1,952.
7. A comprehensive list of the proposed reallocations is contained in the Elected Members' Report / Information Bulletin.
8. The following is information on significant proposed reallocations:

1. 2001/2002 Operating Surplus / Enterprise Bargaining Agreement

The operating surplus for 2001/2002 was \$198,009. As per the 2001/2002 budget adoption resolution, it is proposed that this amount be transferred to the reserves fund for use as determined by Council.

The new Enterprise Bargaining Agreement included an inside workers salary increase which exceeded the 2002/2003 budget allowance by \$199,717. It is proposed that the 2001/2002 surplus be used to fund the Enterprise Bargaining budget over-run.

2. Library Building

The additional cost to the Library Redevelopment project for replacing the existing roof is \$38,591. It is proposed that this be funded from the Joint Use Facility reserve.

3. Town Hall Maintenance

The town hall urgently requires paintwork, which was originally planned for 2001/2002. The cost is expected to be \$15,000 partially funded by additional theatre hire income of \$10,000.

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4. 2001/2002 Carryovers

The following projects were approved in the 2001/2002 budget but not completed within that year. The carryover was charged to 2001/2002 costs and transferred to the reserve fund to cover 2002/2003 expenditure as follows:

Ex Roadwork Reserve Funds	
Building Asset Mgmt Plan	25,000
Local Traffic	10,000
Road Preservation Modeling	35,000
Drainage Network Analysis	75,000
Roundabout - Clydesdale/EW Distributor Road	11,000
Ex ALAC Reserve Funds	
Recreation Planning	26,500
Ex Planning Reserve Funds	
Remote Area TV - Sustainability	42,735
Fire Prevention Plan - ICS Group	11,250

5. Additional Roadworks

Regional Road Group funding was received for the purpose of additional works on Le Grande Avenue (\$60,000) and Lower King Road (\$168,000).

A contribution of \$96,000 will be received from the Tree Industry Road Evaluation Study (TIRES) for works on Palmdale Road. As these works had been budgeted from Council funds, it is proposed that works on Millbrook Road be funded in 2002/2003. With a one third contribution from TIRES the total proposed expenditure is \$90,000. It is proposed that the balance of the Palmdale contribution (\$36,000) be used to upgrade the Redmond Hay River Road works from reseal to widen.

RECOMMENDATION

THAT Council adopt the 1st Quarter Review.

Voting requirement Absolute Majority

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12.1.3 Term Of Auditor Appointment

File/Ward	: FIN 022 (All Wards)
Proposal/Issue	: Correct Term of Auditor Appointment
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager – Finance (S Goodman)
Disclosure of Interest	: Nil
Previous Reference	: OCM 20/10/01 - Item 12.7.1
Summary Recommendation	: That the auditor appointment conclude in 2005/2006
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. At the October 2001 Meeting, Council appointed Russell Harrison as auditor for the financial years 2002/03, 2003/04 and 2004/05, a term of three years, as per the officer recommendation.
2. The expression of interest document on which all auditors based their fee calculations indicated the period from 2002/2003 to 2005/06 inclusive, a four year term.

STATUTORY REQUIREMENTS

3. Under Section 7.6 (1) of the Local Government Act 1995, the term of the audit appointment shall be for a period not exceeding 5 years.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. There are no financial implications relating to this item

Item 12.1.3 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

- 7. It is proposed that Council correct the anomaly in the term of the appointment by extending the term of the appointment of Russell Harrison from the 3 years as agreed to at the previous meeting to 4 years, in accordance with the original expression of interest documents.

RECOMMENDATION

THAT Mr Russell Harrison be appointed the City of Albany external auditor for the financial year 2005/2006.

Voting Requirement Absolute Majority

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12.2 ADMINISTRATION

12.2.1 Keep Albany Beautiful – Secretarial Support

File/Ward	: REL 062 (All Wards)
Proposal/Issue	: Allocation of funds towards to contracting of Secretarial position for Keep Albany Beautiful.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Executive Director Corporate & Community Services (P Madigan)
Disclosure of Interest	: N/A
Previous Reference	: N/A
Summary Recommendation	: i) That Council supports KAB with use of Council facilities; and ii) allocate \$6,000 towards contract for secretarial services.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The Keep Albany Beautiful Committee consists of approximately 8 community members with the focus on beautifying Albany, promoting that a clean environment is a good environment and encouraging tourist into Albany.
2. Keep Albany Beautiful organises community events such as Clean Up programs involving the community and local businesses, monthly and annual garden competitions, children's competitions, National Day of Trees, community projects, such as painting murals and entry into the Tidy Town Awards.
3. The Tidy Town Awards is a State and National competition. The winner of the State, going on to compete against Australia's other state winners. Denmark was fortunate to win this title 2 years ago, which helped boost the tourist levels and funding into the Town.

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4. Councillor Sankey is Council’s representative on this Committee.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. A policy decision is required in relation to the manner in which Council services this Committee.

FINANCIAL IMPLICATIONS

7. There is no allocation within the City of Albany budget to service this Committee, and an Absolute Majority will be required should Council determine to allocated funding.

STRATEGIC IMPLICATIONS

8. In the Albany 2020 Charting Our Course document under the Port of Call “*The attraction and development of a broad range of social, cultural and economic entities*”, Council is seeking to

“*encourage a vibrant Community where all are encouraged to participate and contribute.*”

COMMENT/DISCUSSION

9. Council currently provides secretarial support to the Committee, as well as providing facilities and materials as other support.
10. The increasing demands on Secretarial support of approximately one half day per week is placing substantial pressure on Council’s operations, particularly as the PA/EDCCS provides secretarial support to the CDO, RDO and Administration positions, as well as being responsible for the collation of Council Agendas and Minutes.
11. It is considered it would be a greater benefit to provide an allocation to the Committee to contract out its secretarial services (approx \$5,000pa) which Council continued to provide direct support to the Committee through the use of Council’s facilities and materials.

Item 12.2.1 continued.

RECOMMENDATION

THAT Council;

- i) continue to provide direct support to the Keep Albany Beautiful through the use of Council facilities and materials; and**
- ii) subject to a budget reallocation later in the financial year, allocate \$6,000 to the Keep Albany Beautiful for the provision of contract secretarial support to the Committee.**

Voting Requirement Absolute Majority

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12.2.2 City of Albany Administration Building – North Road, Yakamia

File/Ward	: A133940A (Yakamia Ward)
Proposal/Issue	: City of Albany Administration Building
Subject Land/Locality	: Location 4743 North Road, Yakamia
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/02/02 - Item 11.1.10 OCM 17/07/01 - Item 11.1.4 OCM 15/05/01 - Item 18.1 OCM 20/02/01 - Item 14.1.1 OCM 23/01/01 - Item 14.1.1 OCM 07/11/00 - Item 12.2.4
Summary Recommendation	: Consider Minister's request for development of alternate site, progress appointment of architect, expedite site remediation works approval and examine design requirements for Yakamia Drive and Yakamia Creek.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. On the 15th May 2001, Council resolved by Absolute Majority to;
 - i) *The new City of Albany Administration Building / Civic Centre be located in the old Town of Albany Depot Site, being portion of Location 4743 North Road, Yakamia; and*
 - ii) *Council Staff prepare the appropriate documentation to amend the City of Albany town Planning Scheme 1A to allow for the development of Council's Administration Building / Civic Centre on the old Town of Albany Depot Site on North Road.*

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2. Amendment 134 to the City of Albany Town Planning Scheme 1A was prepared and it sought to introduce a “Special Site (Civic Use)” classification over that portion of Location 4743 North Road located south and east of the Yakamia Creek. That portion of land is currently zoned “Yakamia Creek”.
3. The amendment was initiated by Council on the 17th July 2001. Following public advertising of the amendment, 194 submissions were received, of which 130 objected to the amendment. The grounds of the objections were listed as non-compliance with the Commercial Strategy and the draft Albany Local Planning Strategy, concerns over the relocation of the administration building outside the CBD, the unsuitable nature of the North Road site and concerns over the Council decision-making process.
4. On the 19th February 2002, Council resolved to grant final approval to the amendment without modification of the amending documents. The amendment was then forwarded to the Western Australian Planning Commission who recommended to the Minister for Planning and Infrastructure against the proposal. On the 27th June 2002 the Minister advised Council of the WAPC’s recommendation and sought a response from the City on the WAPC’s report. A response was forwarded by the City and the Minister then offered the Citizen’s Jury as a vehicle to test community opinion on the merits of the WAPC and the City’s positions.
5. On the 26th October 2002 the Citizen’s Jury handed down a determination *“that the advantages of the proposed administration centre in North Road outweigh any disadvantages of it being outside the city centre”* with 58% support for the outcome. The Jury then made a further six recommendations dealing with the York Street site, the use of a shop front, public transport issues, development of Yakamia Drive, development of the administration building surrounds and the future use of citizen’s juries. A copy of the Citizen’s Jury’s determination is attached to this report.
6. The Minister for Planning and Infrastructure notified Council on the 28th October 2002 that she has *“resolved to approve the amendment to rezone the North Road site to permit civic purposes”*. The Minister, see attached letter, has also urged Council to review the impact of its decision before proceeding with the development of the North Road site. The issues and concerns raised by the Minister will be covered in more detail in the report that follows.

STATUTORY REQUIREMENTS

7. The North Road site is currently zoned “Yakamia Creek” and an office is listed as a Prohibited land use in that zone. The pending introduction of the Special Site classification (subject to gazettal of the amendment) will allow Council to develop as planned on the site. However, Council now needs to determine, through formal resolution, if it wishes to “take up the opportunity” to develop on that land.

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8. There are also statutory requirements that will need to be met in terms of allocating contracts for architectural services, site remediation and building construction. Each of these components of the project will require the preparation of a consultancy / contract brief and the calling of tenders for the work.
9. The North Road site still remains the authorised site for impound motor vehicles and action is being taken to outsource the collection, storage and disposal of abandoned vehicles.
10. The Western Australian Government has a Bill before Parliament which, when passed as State legislation, will introduce greater accountability for a landowner to clean up a site that is recognised as being contaminated by a previous land use activity. There is a high probability that the legislation will be enacted before construction of the Administration building commences.

POLICY IMPLICATIONS

11. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

12. The City of Albany adopted a Principal Activity Plan which list as one of the principal activities for the period from 2002 to 2006;
Administration Building / Civic Centre: *“to provide a single building to meet the City’s future administrative and Civic Centre requirements.”*
13. An allocation of \$1,275,000 (taken from reserves set aside for those purposes) has been provided in the City’s 2002/03 budget for preliminary work on the Administration Building (\$900,000) and for the depot site remediation (\$375,000).
14. Some minor costs have been incurred to date to support Council’s position before the Citizen’s Jury and further costs would be incurred in the current financial year if an architect is appointed to the project. To gain a DEP approval for the level of site remediation, formal applications will need to be lodged with the DEP and some site specific testing completed. That work is estimated to cost approximately \$100,000.
15. The final cost of the Administration Building will be subject to final design and Council instruction to the architect on furnishing, etc. Determining the overall budget for the Administration Building project and putting in place the funding arrangements will be a matter for consideration during the 2003/04 budget deliberations. Indicative estimates prepared over the last three years put the cost of a building (including fitout and development of surrounds) on North Road between \$5 and \$6.5 million and a Central area site at approximately \$7 to \$10 million if building a new structure or \$5 million if refitting an existing building.

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16. Each million dollars borrowed on the maximum loan period represents an annual repayment of approximately \$80,000 or an impact of 0.64 percent on rates.
17. Some developer contributions have been made for stage 1 of Yakamia Drive and Council will need to determine whether the road construction forms part of the City's road works programme or it is a direct cost to this project. Equally, the section of Yakamia Creek flowing through the land needs to be cleared of Sydney Wattle and stormwater detention systems installed as part of the City's stormwater improvement system.
18. The North Road site has a total land area of 19.29 hectares and about 3.15 hectares is required for an Administration Building and surrounding parkland setting. The balance of the land is currently zoned "Future Urban" and it has potential to be used for residential development once services are extended to the land and constructed road access is secured. The consultancy recently let to prepare the Yakamia Structure Plan should provide Council with a clearer understand of that potential and establish a planning framework for the rezoning of the land.

STRATEGIC IMPLICATIONS

19. The City of Albany's Strategic Plan states;

"The continual development of Council Services and facilities to meet the needs of all stakeholders:- To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs." And

"A reputation for professional excellence:- To create a quality environment in which to work and develop / deliver services to the Community, and to develop programs for the continual development of Councillors and Council's most important assets, our staff members."

20. The Minister for Planning and Infrastructure feels that we (the State Government and Council) need more holistic planning for the Town Centre and that we explore whether the cultural and convention centre may be better placed in the foreshore area. It has been suggested that an "enquiry by design" process for the whole town centre area be embarked upon to produce a realistic and achievable plan that will see the City Centre continue to thrive.

COMMENT/DISCUSSION

21. The Citizen's Jury, the Minister and the Local Government Act all raise issues that need to be addressed by Council before a decision can be taken to progress the Administration Building / Civic Centre project. This is the time at which Council needs to pause, and to ensure that the path it now takes is in the best interest of the Albany community and the City of Albany.

Item 12.2.2 continued

Site Selection;

22. In June 1999 Council established a working party to examine Administration Building siting options, that working party reported its findings to Council in November 1999 and the report was released for public comment. On the 7th November 2000 a decision was taken to seek the services of an architect to document the construction of a new Administration Building / Civic Centre on the York Street precinct.
23. Council then decided in May 2001 to pursue the option to develop on the North Road site and the Minister is now urging Council to review the impact of that decision. Since May 2001, Council staff have progressed the process of architect selection to the preferred tenderer stage and arranged for independent advice to be supplied to Councillors on the practicality and the costs associated with fitting out the former Harris Scarfe building to provide for the City's administrative needs.
24. There are town planning and/or financial implications attached to each of the siting options and Council is fully briefed on those issues. A decision now needs to be taken on the site for the project so that detailed design and site preparation can commence.

Building Design and Construction;

25. The decision on the site of the project will bring with it a clearer understanding on the planning that needs to follow and the programming of the works. In simple terms, it would not be unreasonable to expect the following stages to evolve;
 - Prepare detailed brief for selected tendering (January 2003)
 - Select architectural firm (March 2003)
 - Preliminary designs and cost estimates (June 2003)
 - Preparation contract drawings and tender project (September 2003)
 - Appoint builder and commence site works (November 2003)
 - Construct building(s) (September 2004)
 - Fit out and occupation (November 2004).
26. Throughout this process, there are a number of staging points where clear decisions will need to be taken by Council, namely;
 1. Determining the site and instructing staff to seek the services of an architect. (decision pending)
 2. Appointing the architect.
 3. Agreeing to the design solution by the issue of a planning scheme consent and establishing a budget for the project.

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4. Instructing the architect to commence detailed documentation of the building(s) for tendering purposes.
 5. Securing finances for the project
 6. Acceptance of tenders by the appointment of a builder.
27. Council can set up a project management team to assist in the development of the design and to oversee the various stages mentioned above. Alternatively, it can rely upon the monthly briefing sessions to be updated on the project and to then supplement those briefings with a series of focussed meetings with the architect to discuss relevant design requirements / expectations.

North Road Site Contamination;

28. Upon the closure of the former depot on North Road, Council had a public duty to clear the site of derelict buildings and to undertake detailed engineering and environmental investigations to determine the level of contamination on the site. The investigation revealed that the site has some surface contamination with hydrocarbons and metals resulting from the depot use which can be rectified with the removal of some of the soil and its replacement with clean fill. There is also some heavy metal contamination bound within clay layers located 2.5 metres on average below the surface of the site. These metals appear to be a naturally occurring phenomena and there is no leaching of the heavy metals.
29. Extensive data has already been supplied to the DEP and the pollution control division is satisfied that “non-residential developments” can be placed above the contaminate without long term environmental or health risks. Verbal undertakings have been provided by Department of Environmental Protection officers to City of Albany staff on acceptable remediation standards. Formal works approvals now need to be gained for the North Road site, irrespective of whether the Administration Building is placed on the site.
30. The contract to remediate the site will exceed \$50, 000 and therefore it will need to be subjected to a formal tender process. If the earthworks are done in advance of the site works for the Administration Building (assuming the North Road site is selected) two separate contractors could be undertaking site works and the fill placed as part of the remediation works may be inappropriately located for the design outcome. Staff believe that financial advantages would result from including the remediation works with the earthworks contract for the proposed building project; the necessary approvals can be sourced by Council and the architect can include the DEP’s requirements in the building specification and tender documents.

Item 12.2.2 continued

Yakamia Drive;

31. The section of Range Road running along the eastern boundary of the North Road site is to be deviated to the north of Yakamia Creek to form the alignment of the proposed Yakamia Drive. The Citizen's Jury recommended that Council construct the first stage of Yakamia Drive and it would be desirable for a new Administration Building on the North Road site to have road access to both North Road and Yakamia Drive. The issue facing Council is whether it would be prudent to construct the minimum length of Yakamia Drive (single carriageway) in the short term to provide access to a new Administration Building (say 150 metres - \$60,000 approximately) or to extend the construction to a point beyond the Yakamia Creek (say 450 metres - \$340,000 approximately) to provide constructed road access to the developable land beyond.

Public Transport;

32. The Citizen's Jury also recommended that *'public transport options to the CBD and North Road be improved'*. Council cannot commit to resolving this issue as the City of Albany does not supply or fund public transport. Nonetheless, Council staff are conscious of the need to plan current and future roads, particularly arterial road links, so that they are capable of also supporting alternate transport modes (walking, cycling and public transport). Council can lobby for, and support the provision of public transport by providing infrastructure for the patrons along a particular transport route, however the Department of Planning and Infrastructure will inevitably only fund public transport where demand for services can be demonstrated.

Yakamia Creek;

33. The Department of Environment Water and Catchment Protection (DEWCP) has recently completed a flood study of the Yakamia Creek which has demonstrated that the site on North Road can be developed without infringing upon the floodplain of Yakamia Creek. The visual qualities and drainage function of the current "creek" can be enhanced by the creation of an artificial wetland on the North Road site; that work would require DEWCP approval. The Citizen's Jury recommended that a North Road Administration building be placed in a parkland setting and the addition of a large water feature would be ecologically responsible and it would make the site a destination for family groups, not dissimilar to Eyre Park, and passive recreational users. These works would need to be funded as part of the Administration Building project as they currently do not appear on the City's reserves master plans.

Item 12.2.2 continued

York Street Precinct (Cultural Centre);

34. Council resolved on the 4th July 2000 to adopt the York Street Precinct as the site for the proposed Great Southern Regional Cultural Centre. That decision recognised the considerable work that was undertaken by the Great Southern Regional Cultural Steering Committee since 1995 to identify the preferred site and format of a cultural Centre for the region. More particularly, the 1997 Feasibility Study identified the need for the venue to be multi purpose, for it to be located in Albany for maximum resident and visitor impact and for it to have linkages to other activities to maximise economic spin-offs. A delegation of Staff and Councillors from the City of Albany then visited comparable centres in the Eastern States and New Zealand to gain a broader understanding of centre designs and functions.
35. The March 1998 Site Assessment report was then prepared to determine the most acceptable site for a Cultural Centre. The York Street Precinct was recommended as the preferred location and it was further recommended that any further development in the precinct be held pending investigations into the development of an integrated civic and cultural precinct.
36. Consultants Toussaint Rayner Associates Pty Ltd were then engaged to prepare the Great Southern Regional Cultural Centre User Consultation, Utilisation, Expenditure / Revenue Projection Report. That report was completed in October 2000 and it provided a financial model of a proposed Cultural Centre based upon a series of operational scenarios.
37. Further analysis of the cultural centre and conference market has since been undertaken by a sub committee, including visits to a number of regional centres in Western Australia. That work has culminated in a report and cost estimates from Howard and Associates to develop a multi-purpose building capable of staging large performances (800 seat capacity) as well as catering for an emerging conference trade. This option would cost in the vicinity of \$10 million to develop, is modelled on the facility at Esperance and would incur a loss in the order of \$250,000 per annum.
38. The flow on effects resulting from the redevelopment of the York Street Precinct with the planned Entertainment, Cultural and Conference Centre development and the expanded library (\$1 million redevelopment currently being built) on the Central Business District would be maximised. An “out of CBD” development would not generate the synergies mentioned in the 1997 Feasibility Study report.

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Shop Front;

39. The Citizen's Jury recommended that Council proceed with a shop front in conjunction with the building of an administration centre on the North Road site. As detailed above, an "early decision" on the siting and design of the proposed Administration Centre will result in a building occupation in late 2004 or early 2005. Considerable time is available for Council to canvas sites and fund the fit out of a City Shop Front. Supporting data from the City of Bayswater and a visit to their shop front may assist in that task.

CBD Planning;

40. Arguments for a CBD and non-CBD location were submitted to the Citizen's Jury (17 people selected at random) on the 26th October 2002. The jury came to the conclusion (on a 58% vote) that the advantages of the proposed administration building in North Road outweigh any disadvantage of it being outside the city centre.
41. Concerns were raised that the removal of the current York Street staff (approximately 45) would shift the equivalent of 10 small businesses out of the CBD and that the addition of the Mercer Road staff (approximately 30) to the CBD would provide added vibrancy to the CBD and demonstrate Council's commitment to the City centre. The figures produced by the Department of Planning and Infrastructure indicated that the Central Area zone in Scheme 1A is of a comparable length to Bunbury's CBD and approximately half the width. Bunbury's centre has been developed to accommodate the needs of a substantially larger regional population by increasing building height and decking car parking bays. It was also conceded that Albany's growth would result in the same level of demand for CBD land (as currently experienced in Bunbury) being realised at a point 40 years hence.
42. As part of the City's 2002/03 budget, funding has been provided to review all the planning already done on the CBD and also on the residential areas adjoining, to assess future needs and to then provide a comprehensive plan to guide future growth. The brief for that work is completed and tenders are about to be called for the project. The brief highlights the need for extensive community consultation and there is also a requirement that the consultants provide an separate quotation to undertake an "inquiry by design"; earlier discussions with officers of the Department of Planning and Infrastructure indicated that DPI officer's time may be provided to participate in a design program, and City of Albany staff were advised that the DPI was not prepared to fund such an initiative in Albany.
43. The 'Defining Central Albany' project is anticipated to take six months to complete and it would appear to address the issues raised by the Minister in her letter and recommendation 1 of the jury's determination.

Item 12.2.2 continued

CONCLUSION

44. The above report seeks to draw together the overall planning for civic and cultural buildings in the City of Albany into the foreseeable future to assist Councillors in their decision on whether to commit to the Administration Building / Civic Centre project and to determine the most acceptable site for that development.
45. The recommendation that follows assumes that Council will seek to utilise the zoning that the Minister has put in place on the North Road site.

RECOMMENDATION

THAT;

- i) Council proceed to plan for the construction of a new Administration Building / Civic Centre and that the site of the proposed development be Location 4743 North Road, Yakamia.
- ii) a detailed architectural consultancy brief be prepared for the proposed Administration Building / Civic Centre project and tender bids be invited from the top six assessed architects in the previous Expressions of Interest process conducted for the York Street site, being Woodhead, Peter Hunt, Holton connor, Jones Coulter Young, Howard & Associates and Bollig Design Group.
- iii) the Executive Director of Works and Services be required to secure a works approval from the Department of Environmental Protection to undertake remediation work on the Location 4743 North Road, Yakamia.
- iv) the Chief Executive Officer and Executive Directors progress the Administration Building / Civic Centre project and that regular progress reports be supplied to Council during monthly or extraordinary briefing sessions, as appropriate.
- v) the remediation of Location 4743 North Road, Yakamia be undertaken concurrently with the earthworks for the proposed Administration Building project.
- vi) the Executive Director Works and Services prepare a preliminary design and detailed cost estimates for the construction of Yakamia Drive to a point north of Yakamia Creek and to provide appropriate median treatments in North Road for the immediate development and future road needs.
- vii) Council endorse the development of a shop front concurrently with the construction of the Administration Building / Civic Centre and the Chief Executive Officer investigate options for the development of a City Shop Front within the Central Business District.

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- viii) Council proceed with the planning of the York Street Precinct (Lots S110, S111 and Part S112 York Street) on the basis that it will become the site of the City of Albany Regional Entertainment and Convention Centre, The Albany Public Library and Information Centre, The Great Southern Regional Art Gallery, public car parking and a Noongar memorial garden.
- ix) Council acknowledge that the City of Albany Regional Entertainment and Convention Centre as a priority Infrastructure project for the City of Albany and that funding for that centre be sourced; and
- x) the Minister for Planning and Infrastructure be provided with an appropriate response to her letter and that she be made aware of the brief for Defining Central Albany and the feasibility and design work previously undertaken by the City of Albany and the Great Southern Regional Cultural Centre Committee on planning the City's cultural and convention centre needs.

Voting Requirement Simple Majority

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MINISTER FOR PLANNING AND INFRASTRUCTURE

HON ALANNAH MacTERNAN
BA LLB BJuris JP MLA

Our Ref: 023525

28 OCT 2002

Cr Milton Evans
Acting Mayor
City of Albany
PO Box 484
ALBANY WA 6331

CITY OF ALBANY RECEIVED		
28/10/2002		
FILE	CORR No.	OFFICER C90
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

Dear Milton

**CITY OF ALBANY TOWN PLANNING SCHEME NO.1A AMENDMENT NO.134
- ADMINISTRATION CENTRE**

I have resolved to approve the amendment to rezone the North Road site to permit civic purposes. I am strongly of the view that the arguments and concerns of the WA Planning Commission have substance notwithstanding my approval for the rezoning. However, community values are relevant to determining planning matters, particularly where they relate to a civic facility. The balance of community view, as represented through the Council and the Citizens' Jury, is that the benefits of moving to the North Road site outweigh the acknowledged problems in terms of moving a very substantial and symbolic activity out of the heart of the town.

Notwithstanding this approval, I urge the Council to review the impact of its decision before proceeding with the development of the North Road site. I am particularly concerned that there has been no economic feasibility study done on a convention and cultural centre nor has there been any realistic assessment made of the likelihood of obtaining, within the foreseeable future, the \$11 million capital funding required to develop the proposed centre.

It also is apparent that we need more holistic planning for the town centre. For example, we need to explore whether the cultural and convention centre may be better placed in the foreshore area. To this end, and in view of the very considerable public interest in this matter, I propose to the Council that we jointly embark on an "enquiry by design" process for the whole of the town centre area so that we have a realistic and achievable plan that will see the City Centre continue to thrive.

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ABN 61 313 082 730

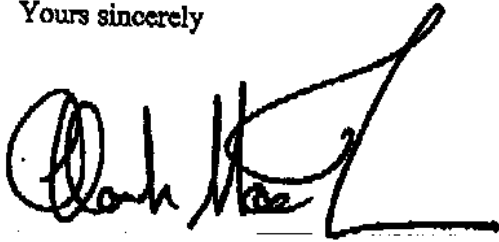
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Item 12.2.2 continued

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I also forward the full set of the recommendations from the Jury and would appreciate your comments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alannah MacTiernan', written over a horizontal line.

ALANNAH MacTIERNAN MLA
MINISTER FOR PLANNING AND INFRASTRUCTURE

attach

Item 12.2.2 continued

Albany Administration Centre Site Citizens' Jury

The jury was asked to consider the following charge: Is it fundamental to Albany to have the administrative centre within the central business district, or do the advantages of the proposed administrative centre in North Road outweigh any disadvantages of it being outside the city centre?

Results

The result of the jury deliberations and decision making process is that the advantages of the proposed administration centre in North Road outweigh any disadvantages of it being outside the city centre.

Assessment Criteria

The criteria considered were:

- Increased vibrancy
- Encouraging city vision
- Cost effectiveness
- Accessibility

After careful consideration of each of the criteria, the outcome was 58 percent North Road to 42 percent central business district. In three out of four criteria, North Road was favoured.

Recommendations

The jury recommends:

1. That the council be charged with revitalising the York Street site as a matter of urgency. This was clearly stated by councillors as an undertaking that had their unanimous support.
2. That the council proceed with a CBD shop front in conjunction with the building of the new administration centre.
3. That public transport options to the CBD and North Road be improved.
4. That the Yakamia Drive development be given priority and incorporated with the North Road administration development.
5. When the administration centre is built at North Road that a parkland setting be developed at the same time.
6. That the citizens jury process be implemented for major decision making in the future, in particular for controversial issues.

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE

Nil.

12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.7.1 Great Southern Regional Cattle Saleyards Committee meeting Minutes – 7th October 2002

- File/Ward** : REL 087 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Great Southern Regional Cattle Saleyards Committee held on 7th October 2002 be adopted.

Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Committee of 7th October 2002.

RECOMMENDATION

THAT the minutes of Great Southern Regional Cattle Saleyards Committee held on 7th October 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following items adopted.

Item 5.1 Shire of Moora : Midlands Saleyards Relocation

THAT the Committee reiterate its previous decision and that Councillor’s Wolfe and Skinner meet Minister Chance as soon as possible to again put the GSRCS case to receive funding from the proceeds from the Sale of the Midland Yards.

Item 5.2 Draft Joint Venture Agreement

THAT Council reiterate its previous decision, v.2.

“The appointment of the City of Albany as Manager referred to in Clause 5.1 continue for the first five years of operation, and then be reviewed in line with the Budget and Business Plan Key Performance Indicators. (Clause 5.3)

That the Joint Venture Agreement: Great Southern Cattle Saleyard be adopted subject to variation to Clause 17.1 to reflect the requirement that 6 months prior to the termination of the Agreement, the Joint Venture shall commence discussions in relation to entering into a new agreement.”

Voting Requirement Simple Majority

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12.7.2 Albany Arts Advisory Committee meeting minutes – 17th October 2002

- File/Ward** : MAN 116 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Albany Arts Advisory Committee held on 17th October 2002 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 17th October 2002.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 17th October 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING- 19/11/02
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WORKS & SERVICES REPORTS

Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

13.1.1 Waste Refuse Landfill – Hanrahan Road.

File/Ward	:	EQU 007 (All Wards)
Proposal/Issue	:	Proposed works on 963 Traxcavator
Subject Land/Locality	:	Waste Refuse Landfill – Hanrahan Road.
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Manager City Works (L Hewer)
Disclosure of Interest	:	N/A
Previous Reference	:	N/A
Summary Recommendation	:	Carry out major repairs to Council’s 963 Traxcavator, A46167.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. The 963 Traxcavator was purchased secondhand from Queensland in June 2000 for \$75,000, and approximately \$50,000 was spent in refurbishing the machine, including fitting a ROPS cab to bring it up to Council standard, upon arrival.
2. The track assembly needs replacing now. This is a normal process with any machine of this type as replacement is required approximately every 6,000 hours. As such, quotes were requested from four reputable dealers to repair the machines track assembly, and any other works that may be deemed necessary. Two quotes were received from Westrac Equipment for \$48,000, and Marubeni Construction & Mining Equipment for \$91,000.

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Item 13.1.1 continued

STATUTORY REQUIREMENTS

3. Section 6.8 of the Local Government Act states the following:

- “6.8 (1)** *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:-*
- a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - b) *is authorized in advance by resolution*; or*
 - c) *is authorized in advance by the mayor or president in an emergency.”*
- * Absolute Majority required.**

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

5. The cost of \$50,000 can be directly offset by reducing the works on the Nanarup Road Reseal COA 4984, Job 0911, (\$116,436) to \$66,436.

STRATEGIC IMPLICATIONS

6. The upgrade of the Traxcavator directly relates to the City of Albany’s “Albany 2020 Charting our Course”:
- **Managed healthy land/harbour environment**
 - Reserve Management
To manage reserves for environmental sustainability use, community enjoyment and benefit.
 - Environmental Monitoring
To identify and monitor human and environmental hazards at the source.
 - Environmental Education and Promotion
To promote the health of the City’s land and harbour through the raising of community environmental awareness.

COMMENT/DISCUSSION

7. The two quotes received were analysed. The higher quote from Marubeni Construction & Mining Equipment included a major engine rebuild and bushes, pins, etc to bring the machine to near new condition. The majority of these works are not required and will be undertaken in the course of normal maintenance program in coming years.

WORKS & SERVICES REPORTS

Item 13.1.1 continued

8. The undertaking of this work in house will result in more control of the work, quality repairs, and a more efficient use of allocated money. With cost savings by undertaking the works in house, additional maintenance can be completed over and above Westrac's quote such as reconditioned pins and bushes, new radiator, etc. The total value of this work is estimated to be \$50,000.
9. The issue of selling the machine outright and purchasing a near new or new machine instead of carrying out the repairs was investigated. However, the costs associated with track replacement are going to occur with any tracked machine. The cost of a new machine is around \$375,000, which cannot be justified with the relatively low hours this machine is used for.

RECOMMENDATION

THAT Council;

- i) **fund the major repairs to the 963 Traxcavator, for \$50,000; and**
- ii) **reallocate \$50,000 from Nanarup Road Reseal COA 4984, Job 0911 to meet these costs.**

Voting Requirement Absolute Majority

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WORKS & SERVICES REPORTS

13.2 ASSET MANAGEMENT

13.2.1 Great Southern Regional Road Group Funding

File/Ward	:	REL 088 (All Wards)
Proposal/Issue	:	Great Southern Regional Road Group
Subject Land/Locality	:	Great Southern
Proponent	:	City Of Albany
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (B Joynes)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil.
Summary Recommendation	:	That Council seek to have the State Advisory Committee overturn the decision of the Great Southern Regional Road Group to cap Council's access to funding, and other decisions.
Bulletin Attachment	:	Letter from Shire of Plantagenet and Minutes of the Great Southern Regional Road Group 21 st October 2002.
Locality Plan	:	N/A

BACKGROUND

Capping of Funding

1. At the previous Regional Road Group meeting on July 15 2002, the Regional Road Group had adopted its first Policy and Procedure Manual, where it had decided to introduce \$500,000 per project capping. The Technical Group was expanded from three representatives to six, and had spent three days assessing all submissions, allocating and ranking according to the Manual and adopted Project Prioritisation Guidelines. The result of this is the attached spreadsheet "TS Scored and Grouped", and was forwarded for approval at the 21 October Regional Road Group meeting. This had recommended, that according to the adopted Manual and Guidelines, the City receive funding for:

WORKS & SERVICES REPORTS

Item 13.2.1 continued

Lower Denmark Road	\$470,800	this was declared <u>urgent</u> preservation
Ulster Road	\$262,160	this was an ongoing project (final year)
Nanarup Road(part funding)	\$361,706	this was a continuing project
	<u>\$1,094,666</u>	

2. However, at the Regional Road Group meeting on the 21 October 2002, it was passed 10/3, to cap the maximum allowable funding per Council to 20% of the available funds. The debate was centered on the following facts by the smaller Councils:

- Funding should not be population based
- No residential roads should be funded
- The City's roads were all residential
- Public utilities should not be funded
- Lower Denmark was a parallel road anyway
- The money should be spread
- Smaller Council's may not be able to operate
- The Country is missing funding

3. The City of Albany, and Shires of Plantagenet and Denmark opposed the motion. The result was that the Regional Road Group has recommended that the City is to receive only (as attached "Regional Road Group Approved Program"):

Lower Denmark Road	<u>\$371,000</u>
	\$371,000

4. This is a drop of \$723,666. In 2002/03 the City received \$1,053,000. In 2001/02 the City was to receive \$580,000, but only received \$450,000 after the Regional Road Group withdrew prior approval of \$190,000 for Lockyer Avenue.

Katanning Dumbleyung Bypass

5. The Technical Group advised the Regional Road Group that this project was not an approved Roads 2020 Project, as outlined that it must be, in the Procedures Manual. The project was also noted by the Technical Working Party to not appear to be of a sound technical solution with the information presented and requested further information to be able to assess the application. As such, it was recommended that it not be funded but reviewed at a later stage.

6. The Shire of Katanning informed that it had received funding two years earlier, and was therefore already approved, and should be recognised as ongoing funding and hence be funded in 2003/04 for \$455,000.

7. The fact is that this was funded for \$24,000 in 2001/02 for preliminary investigation work, following special consideration, and on the basis that it was not an ongoing project.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

8. This is not eligible for funding under the State Guidelines or under the Regional Road Group's own approved Policy Guidelines. This should have been submitted for consideration as a Regional Significant Local Road (RSLR), and approved by Main Roads and the Advisory Committee before being eligible for funding, as with any other project (eg Sandpatch Road, Benn Parade Kojonup, etc.) This process is utilised regularly by all Councils, but was ignored, and should not be approved by the Advisory Committee.
9. This is a direct contradiction to the Lockyer Avenue Issue one year ago, where the Regional Road Group decided that the upgrade of Lockyer Avenue was going to make it less of a Regional Significant Local Road (even though the Technical Group said it was sound and was a Roads 2020 project), and therefore removed approved funding. The response by the Advisory Committee was to ask the Commissioner to attend, and sort the issue out. Nothing has been done about this at all.

Borden Bremer Bay Road

10. The Shire of Gnowangerup moved that this road was in its last year of work, and only had 4km left to upgrade from gravel to a 7m wide seal, and should be funded regardless of priority. The motion was passed 7-6.
11. The fact is that the project, like all other ongoing projects, and like other final year projects, was ranked in accordance with the guidelines adopted by the Regional Road Group. It fell below the funding line, as it did not score well enough when compared to other ongoing projects (eg Ulster Road). It has meant that the Project Prioritisation Guidelines were ignored, as was the adopted Policy. This did not get the necessary 75% vote required to alter the policy.

Regional Road Group Policy and Procedures

12. In its own adopted Policy Manual, point 5 states that the Regional Road Group is to review the Manual on an annual basis in July each year. A 75% majority is needed. Submissions must be made by March to Main Roads by each Council, before being considered at the July meeting. All of the above procedures were adopted less than 3 months ago, after the Manual was adopted as a Policy of the Regional Road Group. Therefore, procedurally, none of the above should be allowed.
13. The end result of this is that the Regional Road Group has ignored its own Technical Working Group, its own Policy Manual, its own Project Prioritisation Guidelines, and its own adopted Procedures, in order to alter the funding to suit the majority, held by the small Council's. The number one principle adopted by the Regional Road Group in its guidelines is "to be effective in distributing funds to Roads of Regional Significance which have a high priority within the region."

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.2.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

16. The City has embarked on Asset Management Planning for all of its infrastructure, in order to ascertain the total needs and management of its Assets in relation to the services that the City provides. In order to meet this need, the Fifteen Year Forward Plan (FYFP) is being developed, of which external funding plays a major role. The impact on the capping to the City will mean that extremely important infrastructure projects will be delayed by several years.
17. The impact of capping is most acutely seen in relation to Lower Denmark Road where the total project was initially staged over an eight year period, but was pushed to fifteen years following the \$500,000 per project capping in July. It will now be pushed to a 23 year project, and will mean that no other eligible projects in the City will be able to be funded for 23 years.
18. This will lead to a draw on the City to pay for these other projects (Frenchmans Bay Road, Lower King Road, etc.) entirely out of its own funds, otherwise these roads will fail.

STRATEGIC IMPLICATIONS

19. Albany 2020 – Charting Our Course includes the following Port of Call:
- **Transport systems and services designed to meet current and future needs**
 - To plan Albany’s transport infrastructure to meet future needs complementary to the City’s form and sense of place.
 - To effectively and efficiently manage the City’s transport infrastructure
 - To provide a high quality service;
 - To meet community expectations;
 - To minimize whole life costs; and
 - In alignment with transport plans.

COMMENT/DISCUSSION

20. The City can now no longer afford to accept these decisions, as the Great Southern Regional Road Group is no longer a fair, reasonable, or just method of distributing funds for projects on a Regional Basis. The Advisory Committee must intercede, if it wishes to see the Regional Road Group process continue in its entirety. There is no point in continuing with the current approach by the State Government to seek recommendations from the Regional Road Group for funding allocations as it is now untenable. An independent approach is urgently needed, and the Advisory Committee, if not the Minister, must stop this inequitable allocation and bias against the City of Albany.

WORKS & SERVICES REPORTS

Item 13.2.1 continued

21. The coastal subgroup of the Regional Road Group met on the 29th October 2002 consisting of the Shires of Cranbrook, Plantagenet, Denmark and the City of Albany (consisting of 76% of the region’s population), with Main Roads (John Marmion) present. In a letter including the minutes of the meeting received from the Shire of Plantagenet, the Coastal Subgroup of the Great Southern Regional Road Group requests that the State Advisory Committee investigates the departure from established Policy & Procedure and moves to:

1. Remove capping on individual local governments;
2. Reprioritise projects KA1, the Katanning Dumbleyung Road and GN1 the Borden Bremer Bay Road to their original order;
3. Review the Roads 2020 Regional Road Development Strategy in the Great Southern as a matter of urgency.

RECOMMENDATION

THAT Council approve the following actions:

- i) **the City of Albany request to make a deputation to the next Advisory Committee meeting on December 12, 2002, to have the relevant decision overturned of the Great Southern Regional Road Group on October 21, 2002, at Ravensthorpe. The requested deputation is to consist of Councillor Des Wolfe (delegate); Chief Executive Officer, Andrew Hammond; and Executive Director Works & Services, Brett Joynes. The issues to be raised are:**
 - a) **capping and the impact of this on the City of Albany and its residents. Whilst capping is recognised in some other Regional Road Groups, the Great Southern demographically and physically is in stark contrast to those Regional Road Groups who do accept capping;**
 - b) **failure of the Great Southern Regional Road Group to follow it’s own Policies and Procedures (in light of the Katanning – Dumbleyung Bypass, and the Borden Bremer Bay Road); and**
 - c) **the untenable situation that has arisen where the majority of Great Southern Regional Road Group member Councils see the Regional Road Group as a form of direct grant, and a means to keep staff employed, the result of which is a complete bias against the City of Albany in decisions by the Regional Road Group; and**
- ii) **if the Advisory Committee is unable to provide a solution to this issue, then the deputation be made directly to the Minister for Planning and Infrastructure, and any other appropriate Ministers.**

Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING MINUTES – 19/11/02

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WORKS & SERVICES REPORTS

Item 13.2.1

Project No	COUNCIL	ROAD	WORK	RSLR	RATING	P/I	\$	TG Rating	Group	Progressive Total	Albany	Bmhl	Cranbrk	Denmark	Gnow	Jerry	Kat	Kent	Koj	Plant	Ravy	Tam	Woody
CR 4	Cranbrook	Martagallup road	Pavement Reconstruction	Y	83.85		\$200,000	87.80	A	\$200,000			\$200,000										
WO1	Woodanilling	Robinson West	Recycle/stabilise failing pavement	Y	76.64	P & I	\$80,000	81.78	A	\$280,000													\$80,000
DE 1	Denmark	Valley of the Giants Road	Widen to 7m seal	Y	79.52	I	\$100,000	79.36	A	\$380,000				\$100,000									
AC 7	Albany	Lower Denmark Road	Reconstruct Stabilise and seal	Y	75.90	P	\$470,800	87.79	C	\$850,800	\$470,800												
CR 2	Cranbrook	Wingebellup road	Reseal 6.2m wide	Y	68.13	P	\$40,000	66.97	C	\$890,800			\$40,000										
JP 4	Jerramungup	Saidner South	Crack patching edging and resealing	Y	53.33	P	\$44,000	50.54	C	\$934,800						\$44,000							
AC 5	Albany	Nanarup Road	Reconstruct and widen	Y	72.65	I	\$460,000	81.53	D	\$1,394,800	\$460,000												
KO 3	Kojoonup	Tambellup West	Construct 6.2m seal	Y	77.62	I	\$96,334	80.87	D	\$1,491,134									\$96,334				
AC 6	Albany	Ilister Road	Reconstruct, widen, drain and kerb	Y	73.98	I	\$262,160	75.81	D	\$1,753,294	\$262,160												
PL 2	Plantagenet	Mt Barker - Porongurup Road	Pavement overlay, prime and seal 6.5m	Y	68.30	I	\$120,000	75.22	D	\$1,873,294										\$31,706			
CR 6	Cranbrook	Cranbrook Frankland	Pavement Reconstruction	Y	83.85	I	\$122,000	72.01	D														
AC 8	Albany	Lower King Road	Reconstruct, stabilise, drain and reseal	Y	65.49	I	\$255,500	70.88	D														
PL 1	Plantagenet	Woonenellun Road	Reconstruct to 7m seal	Y	72.26	I	\$336,000	70.73	D														
KO 1	Kojoonup	Kojoonup - Darkan	Widen formation, construct base course	Y	82.87	I	\$130,000	67.70	D														
KO 2	Kojoonup	Kojoonup - Frankland	Widen formation, construct base course	Y	80.30	I	\$96,000	66.08	D														
GN 1	Gnowangerup	Borden-Bremer Bay	Construct & seal	Y	68.32	I	\$200,000	61.30	D														
CR 1	Cranbrook	Wingebellup road	Construct Basecourse and seal 6m wide	Y	71.44	I	\$221,400	61.21	D														
WO 2	Woodanilling	Dixley	Widen pavement to 8m seal	Y	75.30	I	\$128,000	61.09	D														
PL 4	Plantagenet	Chillilup Road	Repair existing pavement and reseal	Y	57.35	P	\$30,000	50.78	D														
PL 3	Plantagenet	Chillilup Road	Minor shoulder reconditioning	Y	57.35	I	\$30,000	50.96	D														
WO 3	Woodanilling	Cartmesticup	Construct and part realign gravel section	Y	68.02	P/I	\$94,000	49.24	D														
TA 12	Tambellup	Tambellup West	Widen from 5.6 to 7.0m	Y	51.59	I	\$68,000	48.08	D														
TA 10	Tambellup	Gnowangerup - Tambellup	Widen seal from 5.6 to 7.0m	Y	55.97	I	\$72,000	47.83	D														
AC 3	Albany	Le Grande Avenue	Widen, Kerb, Drain and asphalt	Y	62.54	I	\$220,000	44.56	D														
DE 5	Denmark	Ocean Beach Road	Improvements to horizontal alignment	Y	67.31	P & I	\$140,000	73.30	F														
AC 11	Albany	Mercer Road	Widen seal to type 6 and stabilise	Y	79.52	I	\$188,600	66.90	F														
AC 12	Albany	Palmdale Road	Widen seal to type 5	Y	60.78	I	\$395,010	64.42	F														
GN 4	Gnowangerup	Tieline Road	Construct base and seal 6m wide	Y	67.03	I	\$140,000	58.76	F														
KE 2	Kent	Dumblevunnn	Realign S bends, form gravel waterhind	Y	61.77	I	\$70,000	56.67	F														
PL 5	Plantagenet	Chillilup Road	Minor shoulder reconditioning	Y	57.35	I	\$45,000	51.18	F														
PL 6	Plantagenet	Chillilup	Repair existing pavement and reseal	Y	57.35	P	\$45,000	51.18	F														
JP 2	Jerramungup	Lake Maonta	Improve drainage and construct basecourse	Review	67.64	I	\$90,000	45.11	F														
TA 11	Tambellup	Pootener Road	Carry out 6 realignments	Y	52.64	I	\$48,000	40.96	F														
AC 10	Albany	Mindijup	Construct and reseal sections west Min Sds	Y	50.88	I	\$247,500	33.32	F														
DE 2	Denmark	Scotsdale Road	Reconstruct Stabilise and reseal	Y	69.93	P & I	\$60,000	77.14	G														
DE 6	Denmark	Ocean Beach Road	Shoulder reconditioning, stabilisation, drain	Y	65.35	P	\$88,000	73.30	G														
GN 5	Gnowangerup	Tieline Road	Reseal 6m wide	Y	69.71	P	\$8,140	72.10	G														
BH 2P	Broomehill	Broomehill - Kojoonup	Reseal	Y	67.02	P	\$23,200	60.26	G														
GN 2	Gnowangerup	Gnowangerup-Tambellup	Reseal 6.2m wide	Y	64.96	P	\$86,400	58.54	G														
JP 1	Jerramungup	Needilup North	Seal primed section	Y	57.25	I	\$60,000	52.50	G														
JP 3	Jerramungup	Point Henry	Seal primed section	Review	54.70	I	\$40,000	51.21	G														
DE 3	Denmark	Tindale Road / Nornalup Road	Gravel sheet (150mm)	Y	60.36	P	\$32,000	42.09	G														
DE 4	Denmark	Parker Road	Gravel resheet	Y	51.06	P	\$54,000	40.45	G														
KE 1	Kent	Newdegab - Pingrup	Form, drainage imp, gravel, waterbind	Y	77.60	I	\$82,400	79.66	R														
KA 1	Katanning	Katanning - Dumbleyung	Construct to type 6 standard	Y	81.75	I	\$455,000	73.25	R														
KO 5	Kojoonup	Pensioner	Reconstruct 12m wide asphalt seal	Review	71.06	P	\$166,000	58.66	R														
KA 2	Katanning	Warren	Reseal 6.0m wide	Y	64.45	P	\$87,400	54.23	R														
KE 4	Kent	Dumblevunnn	Surface Corrections and reseal	Y	54.49	P	\$37,000	49.00	R														
KA 3P	Katanning	Daping - Creek Street	Reconstruct pavement drain and seal 8.6m	?	59.69	P	\$87,000	47.07	R														
TA 13	Tambellup	Footbrunup Road	Reseal road 5.6m wide	Y	50.40	P	\$28,000	44.71	R														
KE 3	Kent	Newdenate - Pinrur	Surface Corrections and reseal	Y	69.37	P	\$43,400	74.34	R														
DE 7	Denmark	Scotsdale Road	Construct and seal 6m wide	Y	47.57	I	\$94,000	72.93	R														
BH 1P	Broomehill	Broomehill - Kojoonup	Recondition Shoulders and drainage	Y	66.19	P	\$52,000	69.79	R														
Funding Required for 2004/2005 on											\$1,192,960	\$0	\$240,000	\$100,000	\$0	\$44,000	\$0	\$0	\$96,334	\$31,706	\$0	\$0	\$80,000
%Percent											66.83%	0.00%	13.45%	5.60%	0.00%	2.46%	0.00%	0.00%	5.40%	1.78%	0.00%	0.00%	4.48%
AC 9	Albany	Frenchman Bay Road	Stabilisation sections ?????	Y	0.00	P	\$0	80.58													100.00%		\$1,785,000
AC 9A	Albany	Frenchman Bay Road	Reconstruct Stabilise and widen to 6.6	Y	0.00	I	\$0	80.58															
KO 4	Kojoonup	Broomehill - Kojoonup	Widen formation, construct base course	Y	0.00		\$0	69.38															
KO 6	Kojoonup	Bann Parade	Reconstruct 12m wide asphalt seal	Review	61.92	P	\$0	42.70															

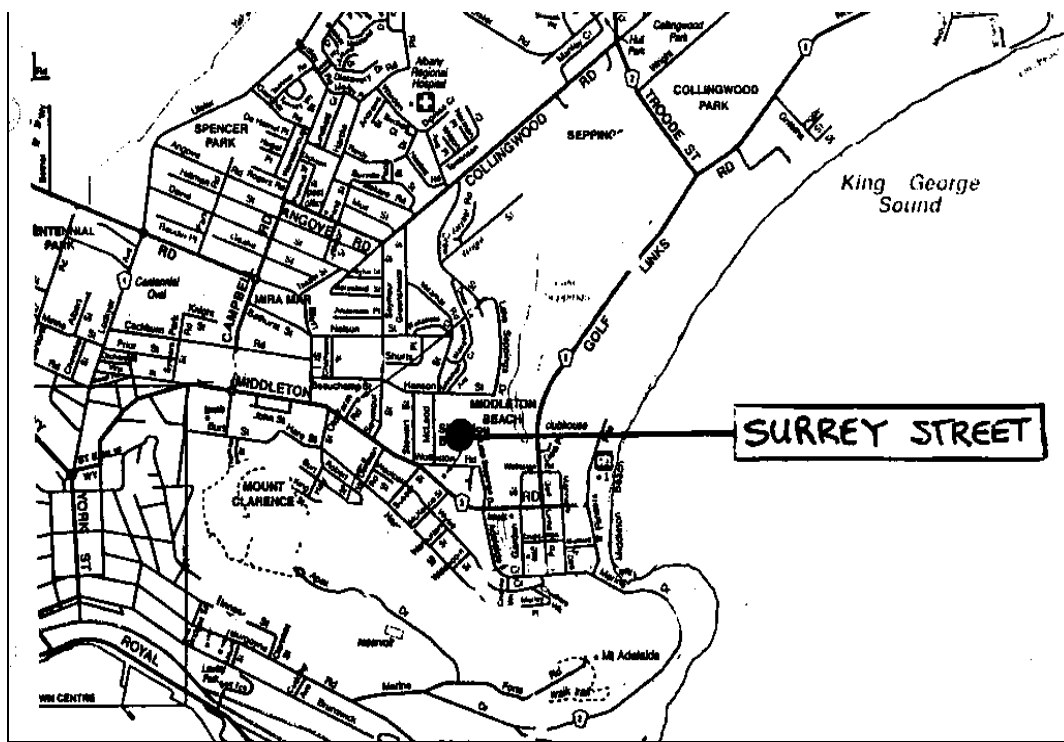
Indicative Funding \$1,785,000

- Group Codes**
- A Ministerial commitment
 - B Dependent project
 - C Urgent preservation
 - D Continuing Improvement Project
 - E New Project - Special Consideration
 - F New Improvement Project
 - G Less Urgent Preservation - possible to be deferred 12 months
 - H New Urgent Preservation
 - N Non RSLR
 - R Under Review
 - Z Funded 2001/2002

WORKS & SERVICES REPORTS

13.2.2 Dedication of Road – Surrey Street, Middleton Beach

File/Ward	:	SER 088 (Breaksea Ward)
Proposal/Issue	:	Dedicate Private Street as Public Road
Subject Land/Locality	:	Surrey Street, Middleton Beach
Proponent	:	John Kinnear and Associates
Owner	:	W D & P Tuckfield
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council not support request to dedicate Surrey Street as a public road.
Bulletin Attachment	:	N/A
Locality Plan	:	



WORKS & SERVICES REPORTS

Item 13.2.2 continued

BACKGROUND

1. Between Wollaston Road and Hanson Street, Middleton Beach is an un-constructed road, which is officially the “balance of title” from a subdivision of the land in the 1930s. Several lots in the Middleton Beach and Orana areas were created around this period and it was not uncommon for the new titles to be created and for the road providing access to those lots to remain with the original landowner. The titles created in the 1930s show several lots fronting Surrey Street but in fact the street is a separate title (Volume 1017 Folio 241) held by Winifred, Dorothy and Phillis Tuckfield, of West Ewell, England; Department of Land Administration (DOLA) plans also do not record what are public and private road reserves.
2. The applicant represents F.H. & A.D. Langford, owners of lots 33 and 34 Surrey Street, and is seeking Council support to commence the process of declaring Surrey Street a public road under the Land Act.
3. Lot 32 is owned by L.G. & E.E. Ditchburn and the remainder of the lots fronting Surrey Street are held by J.L. Martin. Council recently considered a request to develop an aged person’s home on lots 25 to 28 and 45 to 48 Surrey Street.

STATUTORY REQUIREMENTS

4. Section 52 of the Land Administration Act provides a mechanism for the Crown to “acquire” certain land held in private ownership, where that land is no longer required. Council is required to take all reasonable steps to contact the owner of the land, a period of 30 days must also be provided for neighbours, the general public and government agencies to provide feedback on the request. Council then decides if it wishes to submit its request to DOLA to transfer the land to the Crown.

POLICY IMPLICATIONS

5. The subject lots are zoned “Residential” with an R20 Residential Code applicable to the development on the land. Town Planning Scheme 1A also shows a subdivision and zoning pattern over the locality, based upon a rationalisation of the existing 2730 sqm. lots to provide for new land parcels approximately 600 – 700 sqm. in area.

FINANCIAL IMPLICATIONS

6. Access to lots 32 to 34 Surrey Street is currently gained over a mown strip of grass within the road reserve. Based upon Council’s minimum standards for a residential street, a cost well in excess of \$60,000 would be incurred in constructing a road, draining the reserve and providing residential infrastructure (street lighting, etc.) to the existing lots.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

7. Water and sewerage mains have been laid by the Water Corporation to the three independently held land parcels fronting Surrey Street based upon the 1980's subdivisional plan shown on the scheme map. No other services extend down Surrey Street

STRATEGIC IMPLICATIONS

8. The dedication of Surrey Street as a public thoroughfare will transfer to Council some of the potential liability for the upgrading of the road surface. West Australian Planning Commission (WAPC) policies, plus appeal outcomes reached by the Planning Appeals Tribunal, historically only required a person(s) subdividing their land to meet one half the cost of the upgrading of that section of the "public street" fronting their lot. Council has previously been forced to meet the other half of the road upgrade costs for the width of the lot frontage, plus the full impact of road costs beyond the lot boundaries.
9. Mr Martin is legally in a position where he could dispose of all his lots "fronting" Surrey Street and there would be 19 new landowners "expecting" Council to provide them a road to access their land. If the land was in a single title, the landowner would be required to install the infrastructure before the titles were created.

COMMENT/DISCUSSION

10. In January 2001, an application was lodged with the WAPC to subdivide lots 33 and 34 into five separate land parcels, see attached plan. The WAPC refused the application on the basis that;
 1. Approval to the subdivision would result in the creation of a lot(s) not having frontage to a gazetted road.
 2. The proposed battleaxe subdivision would result in an unsuitable / unsatisfactory form of development by reason of the restricted access / unsatisfactory outlook / amenity of the rear battle-axe lot; and
 3. The locality requires substantial pre-planning. Such planning to include the agreement of an overall road pattern, the allocation of land for recreation and other public uses and consideration relating to water supply, drainage and deep sewerage.
11. To facilitate the construction of the proposed aged persons home at the southern extremity of Surrey Street, closure of portion of the private street and its direct transfer to the adjoining landowner was being mooted. That project is unlikely to proceed due to requirements being imposed by officers of the Department of Environmental Protection. There is a strong possibility that planning for a co-ordinated redevelopment of the entire area bounded by McLeod Street, Hanson Street, Lake Seppings and Wollaston Road may not be achievable in the short term.

WORKS & SERVICES REPORTS

Item 13.2.2 continued

12. Staff wrote to the Estate of Winifred, Dorothy and Phillis Tuckfield, in West Ewell, England and the correspondence has been returned, thereby signalling that the owners of the private street (the Estate) would be unaware of the title to the land or that considerable costs would be incurred in England tracking down the beneficiary of the Estate. Contact has also been made with the relevant service agencies and they do not object to the dedication of the private street as a public road.
13. This request is submitted for Council’s assessment and determination. Staff feel that the need to declare Surrey Street as a public road is being driven by a subdivisional imperative, rather than for transport or community purposes. The private street is 360 metre in length and the cost of constructed a residential street on the waterlogged land would be considerable.

RECOMMENDATION

THAT Council advise John Kinnear and Associates that there is insufficient justification at this time to support the request to dedicate Surrey Street, Middleton Beach (a private street), as a public road pursuant to Section 52 of the Land Administration Act.

Voting Requirement Simple Majority

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** REFER DISCLAIMER **

WORKS & SERVICES REPORTS

Item 13.2.2 continued

JOHN KINNEAR AND ASSOCIATES Consulting Surveyors ABN. 32 009 240 751				61 DUKE STREET. P.O. BOX 1429, ALBANY, WA, 6330. TELEPHONE (08) 9842 1353. FACSIMILE (08) 9842 1570.		MEMBER INSTITUTE OF SURVEYORS AUSTRALIA (W.A. INC.) CONSULTING SURVEYORS AUSTRALIA (W.A. INC.)			
PROPOSED. Subdivision/Amalgamation/ Strata									
LOT	33, 34	LOCATION	PLANTAGENET 45	MAP	BK26 (2) 12.05	Total Area	5464m ²	Scale	1:750
OWNER	LANGFORD			LOCALITY	MIRA MAR	No. of Exist Lots	2	Date	Nov. '00
C/T Volume	2053	Folio	705	PLAN	364	No. of Prop Lots	5	Job No.	4555
Local Authority CITY OF ALBANY Locality MIRA MAR						NOTE. DISTANCES AND AREAS SUBJECT TO SURVEY.			
<p>The diagram shows a rectangular site divided into five lots labeled A, B, C, D, and E. Lot E is the largest, containing an 'EXISTING RESIDENCE' and is labeled '34'. Lot A is 820m², Lot B is 816m², and Lot C is 820m². Lot D is 1304m² and labeled '33'. Lot E is 1702m². Dimensions are given in meters. A 'STREET SURREY' is indicated to the right of the lots. The site is bounded by Plantagenet 45 to the north, Duke Street to the east, and a boundary to the south. The plan is identified as BK26 (2) 12.05, Plan 364, in Mira Mar, Albany, WA.</p>									
<ul style="list-style-type: none"> • PROPOSAL TO SUBDIVIDE LOTS 33 & 34 INTO FIVE (5) LOTS. • EXISTING RESIDENCE TO REMAIN ON LOT E. • RECIPROCAL RIGHTS OF CARRIAGE WAY TO BE PROVIDED OVER 3m WIDE BATTLEAXE LEGS. 									

WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Contract C02017 –Supply & Delivery of Fuel (2002/2003)

File/Ward	:	C02017 (All Wards)
Proposal/Issue	:	Fuel Supplies by public tender.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		That Council accepts the tender for the Supply and Delivery of Fuel from R & JK Petroleum
Bulletin Attachment	:	Nil.
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany uses approximately 500,000 litres of diesel fuel and 50,000 litres of unleaded fuel each financial year. Tenders were invited for the supply and delivery of fuel only to Council's Mercer Road Depot. It is anticipated that a more comprehensive evaluation of a broad range of issues associated with the delivery of fuel to the City of Albany will be conducted prior to the expiry of the contract on 30 June 2003.
2. A total of two specifications were issued, with two tender submissions received by close of tender.

STATUTORY REQUIREMENTS

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

WORKS & SERVICES REPORTS

Item 13.3.1 continued

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The following table summarizes those rates and charges (including GST) submitted by the tenders for the supply and delivery of fuel together with their final overall scores after evaluation. Due to the volume of diesel fuel as compared to unleaded fuel, the tender evaluation was carried out using diesel pricing only. It should be noted that the diesel price used in the weightings was an average of the pricing over a six week period from 4th September 2002 until 10th October 2002. (See Appendix A)

Fuel Delivery	Fuelink Pty Ltd	R & JK Petroleum
	0.9363	0.9132
Evaluation score	53%	55%

STRATEGIC IMPLICATIONS

7. This service falls under the Albany 2020 Port of Call:
 - Transport systems & services designed to meet current and future needs

Objective :

 - To plan Albany’s transport infrastructure to meetin future needs complementary to the City’s form and sense of place.
 - To effectively and efficiently manage the City’s transport infrastructure
 - To provide a high quality service
 - To meet community expectations
 - To minimise whole life costs
 - In alignment with transport plans

COMMENT/DISCUSSION

Tender Process

8. A request for tenders was published in the West Australian on 14 September 2002 with closing date on 2 October 2002.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

Tender Evaluation

9. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tenderer. The criteria and sub-criteria are:
- ◆ *Cost* 80%
 - Schedule of rates and prices
 - ◆ *Other Considerations* 20%
 - Demonstrated capability to deliver on time
 - Lost Time Injury (LTI) record in the past 24 months
 - Record of accidents in the last 12 months
 - In-house safety plan
 - Provision will be seen as an indication of the tenderer's expertise and commitment to safety.
10. Following opening of tenders, the Executive Director Works & Services, the Manager, City Services and the Depot Services Co-ordinator carried out evaluation of the submissions for supply and delivery of fuel.
11. It is recommended that Council accept the tender from R & JK Petroleum. It is anticipated that there will be some savings to Council. The price that Council is subject to paying is the Terminal Gate Price as declared by Caltex each day – this pricing can be obtained directly from the Caltex web site plus a 3 cents per/litre supplier charge.

RECOMMENDATION

THAT Council award Contract C02017 – Supply & delivery of Fuel (2002/03) to R & JK Petroleum at a price governed by the terminal gate price as declared by Caltex each day plus a surcharge of 3 cents per litre for diesel and 4 cents per litre for unleaded fuel (including GST) until the end of June 2003.

Voting Requirement Absolute Majority

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WORKS & SERVICES REPORTS

Item 13.3.1 continued

APPENDIX A

COST OF FUEL OVER SIX WEEK PERIOD

DATE		FUELINK	R&JK PETROLEUM
4-Sep	DSL	0.9181	0.8859
10-Sep	DSL	0.9235	0.8936
17-Sep	DSL	0.9378	0.9116
25-Sep	DSL	0.935	0.9181
3-Oct	DSL	0.9468	0.9292
10-Oct	DSL	0.9567	0.9407
		5.6179	5.4791
Average		0.9363	0.9132
17-Sep	ULP	0.9176	0.9419

WORKS & SERVICES REPORTS

13.3.2 Contract C02024 – Management & Delivery of Passenger Vehicles until December 2005

File/Ward	:	C02024 (All Wards)
Proposal/Issue	:	Purchase, Replacement, Management & Maintenance of Passenger Vehicles until December 2005
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach) Manager Finance (S Goodman)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation:		That Council accepts the tender – Purchase, Replacement, Management & Maintenance of Passenger Vehicles until December 2005 as detailed by Albany City Holden.
Bulletin Attachment	:	Nil.
Locality Plan	:	N/A

BACKGROUND

- 1 The City of Albany has traditionally managed its passenger vehicles on an individual, case-by-case basis. As a result of approaches to Council by various business representatives in respect of Council's total passenger vehicle fleet, it was considered viable to tender for management of all of Council's passenger vehicles and analyse the information received through this process to establish the option most advantageous to Council.
2. Specifications were issued to eight possible tenderers, with four tender submissions received by the close of the tender period. The submission from Ezi Fleet was considered a non-conforming tender. The remaining submissions were evaluated against the costs associated with self management of the fleet.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

4. Council has a By Local Policy but it was not applied, as only local firms tendered.

FINANCIAL IMPLICATIONS

5. The 2002/2003 Budget includes a capital allocation of \$102,300 for the replacement of seven individual passenger vehicles. Further allocations are provided in the operating budgets for registration, fuel and maintenance of the vehicles. Vehicles are currently replaced on the basis of the earlier of 3 years or 60,000 km.
6. The financial analysis of the tenders received against City management of the fleet has been based on the replacement of the vehicles on the following bases:
 - Replacement of individual vehicles (3 years/60000km) – City to maintain vehicles and manage the replacements (as per the 02/03 Budget).
 - Replacement of the entire fleet of 14 passenger vehicles with a 3 year agreement with a specified dealer to manage and maintain the fleet and provide replacement vehicles at pre-determined periods. Consideration was also given to use of LPG / dual fuel where possible.
7. The comparisons of the various cases included the following components (net of GST) based on net present value at 0% (cash basis) and 5% discounted cash flow):
 1. Cost of new vehicle and trade in (initial changeover).
 2. Cost of subsequent changeovers, based on the conditions agreed with each dealer, and expected trade-in values after 3yrs/60,000km where appropriate. Where the price is impacted by State Tender Board determinations, an allowance has been made.
 3. Cost of fuel, based on a standard cost per litre, and the vehicle fuel consumption (city) as provided by the Australian Greenhouse Office (Commonwealth of Australia).
 4. Cost to City of Albany of annual maintenance.
 5. Cost to City of managing vehicle tenders – no allowance
8. The cost of replacing and running the total passenger fleet for the next 3 years under the various options is as follows:

WORKS & SERVICES REPORTS

Item 13.3.2 continued

Option	Total 3 Years	Total 3 Years	Rank	Ave Age	Cost of 4th Year (if extended)
	Cash Basis	NPV 5%		End of 3 years	NPV 5%
City of Albany- Individual replacement	\$ 403,371	\$ 382,747	8	13 months	<i>\$ 110,451</i>
Albany City Holden	\$ 260,411	\$254,494	1	6 months	<i>\$ 33,750</i>
Albany City Holden Dual Fuel (8 vehicles)	\$ 327,325	\$318,223	6	6 months	<i>\$ 57,928</i>
Barnesby Ford – Option 1 (Focus CL)	\$ 287,370	\$279,394	3	6 months	<i>\$46,931</i>
Barnesby Ford – Option 2 (Falcons)	\$265,492	\$259,119	2	6 months	<i>\$ 39,158</i>
Barnesby Ford – Option 3 (Focus LX)	\$342,479	\$330,837	7	6 months	<i>\$70,470</i>
Barnesby Ford – Option 2 (Falcons) –Dual LPG –(10 veh)	\$286,212	\$279,159	4	6 months	<i>\$ 48,350</i>
Albany Toyota *	\$324,367	\$310,258	5	8 months	<i>\$ 94,220</i>
Ezifleet – Non conforming tender					

Note * - The Albany Toyota tender excluded four vehicles. It has been assumed that the City will manage these vehicles.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

9. The analysis by cost component (NPV 5%, in ranking order), was as follows

	Vehicle Purchase	Changeovers	Fuel	Maint	Total
Holden	\$ 136,927	\$ 5,851	\$ 111,716	0	\$ 254,494
Ford (Option 2)	\$ 130,411	\$ 12,088	\$ 116,620	0	\$ 259,119
Ford (Option 1)	\$ 125,294	\$ 42,944	\$ 111,156	0	\$ 279,394
Ford (Option 2 LPG)	\$ 139,364	\$ 44,020	\$ 95,775	0	\$ 279,159
Toyota	\$ 93,047	\$104,796	\$ 102,435	9,980	\$ 310,258
Holden (LPG/Dual)	\$ 153,190	\$ 67,570	\$ 97,463	0	\$ 318,223
Ford (Option 3)	\$ 109,564	\$ 123,181	\$ 98,093	0	\$ 330,837
City Replacement	\$ 145,317	\$100,293	\$ 103,860	33,277	\$ 382,747

10. The tender for the 3 year management of the fleet included an option for an additional 1 plus 1 year . If the contract were to be extended for one additional year, the ranking for the cases would remain the same , but the margin between the 1st and 2nd ranked tenderers would increase from \$4,625 to \$10,033 (using the 5% discount factor).
11. The tenderers were also requested to submit quotes for the supply of vehicles which could use either petrol or LPG. In each case, there was a considerable cost penalty due to the fast changeovers of vehicles. The penalties from the top two tenderers were \$63,729 and \$20,040 respectively.
12. If the first ranked option is accepted, the total 2002/2003 capital cost would be \$136,927 against the capital budget of \$102,300. As the maintenance cost would be borne by the tenderer, the balance of year operational saving would be \$ 4,900. The net additional cost would therefore be \$29,427. There will be no impact on the 02/03 net budget position as the additional cost may be offset against savings on the purchase of the 5 tonne truck (replacement for P6).

STRATEGIC IMPLICATIONS

13. This service falls under the Albany 2020 Port of Call:
“A reputation for professional excellence” and “Transport systems and services designed to meet current and future needs.”

WORKS & SERVICES REPORTS

Item 13.3.2 continued

COMMENT/DISCUSSION

14. Tender Process

A Request for Tenders was published in the West Australian on Saturday, 12 October 2002, and the Albany Advertiser on Tuesday, 15 October 2002, with the closing date being Wednesday, 30 October 2002.

15. Tender Evaluation

Following opening of tenders the Executive Director, Works & Services, the Manager, City Works, Finance Manager and the Depot Services Co-ordinator carried out evaluation of the tenders. A cost summary of major inputs from the three external tenderers (petrol only) is included in the Elected Members Report/Information Bulletin.

16. A brief summary of the tenders follows:

Albany City Holden - propose to replace 14 vehicles every 15,000 km with changeover cost restricted to State Tender Board increase for a new model upgrade. The selection of vehicles offered was in accordance with categories as specified by the City (Astra/Commodore Executive/Berlina/Statesman). A minor change was the replacement of the Holden Vectras by Commodores as the current style Vectra is being phased out in favour of a sports model.

Barnesby Ford – propose to replace 14 vehicles every 20,000 km at a fixed cost for three years, with changeover costs in excess of \$ 4,000 per year. The selection of vehicles offered included Option 1 which was in accordance with the policy, but was very expensive due to the changeover costs associated with the replacement for the Elantras. Barnesby's Option 2 substitutes Falcons for the small vehicle and is therefore not in strict accordance with categories as specified by the City. Option 3 substituted Focus LXs in the S3 category.

Albany Toyota – provided a submission for the replacement of only ten of the fourteen vehicles every 25,000 kms. The financial evaluation of their tender was based on their submission plus City management of the replacements of the remaining four vehicles.

17. The evaluation indicated that the Albany City Holden tender was superior on the basis of both price and suitability for Council's purposes.

ORDINARY COUNCIL MEETING MINUTES – 19/11/02
** REFER DISCLAIMER **
WORKS & SERVICES REPORTS

Item 13.3.2 continued

RECOMMENDATION

THAT Council:

- i) accept the tender submitted by Albany City Holden for an initial net changeover cost of \$150,618 (including GST), with changeovers every 15,000 km for the next 3 years until December 2005, with two one year renewal options; and**
- ii) budget the \$29,427 shortfall, which is to be funded out of savings on the purchase of the 5 tonne patching truck (replacement for P6).**

Voting Requirement Absolute Majority

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WORKS & SERVICES REPORTS

13.4 AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.5 RESERVES PLANNING & MANAGEMENT

13.5.1 Bushcare Coordinator Position

File/Ward	:	STR 008 (All Wards)
Proposal/Issue	:	Bushcare Coordinator Position
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (B Joynes) Bushcare Coordinator (R Munro)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/05/02 - 13.5.2
Summary Recommendation	:	That Council funds the Bushcare Coordinator position for the period 9 th January 2003 to the 30 th June 2003.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany successfully applied for Natural Heritage Trusts (NHT) funds in 1999 to support the Mountains to Lakeside Urban Bushcare Project. The 2-year project is due to finish on the 31st December 2002.
2. The NHT funds were used to employ the Bushcare Coordinator to coordinate and manage the Mountain to Lakeside project. The position was created at the start of the project in November 2000. The current contract ends on the 9th January 2003.
3. The aim of the project was to support the community implementation of three urban reserve management plans in partnership with the City of Albany. The Bushcare Coordinator position was created to manage and facilitate this project.
4. An application to continue NHT funding was made in August 2002 to the South Coast Regional Initiative Planning Team (SCRIPT). Unfortunately, this application was not supported. The feedback received indicated that, because Council is in an interim year between NHT 1 and NHT 2, funding will be severely restricted and will not go towards continuing current projects.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

STATUTORY REQUIREMENTS

5. Under Section 3.18 of the Local Government Act 1995 it states that a local government is to satisfy itself that services and facilities that it provides are managed efficiently and effectively.

POLICY IMPLICATIONS

6. The successful implementation of the Environmental Weed Strategy for the City of Albany requires a Bushcare Coordinator.
7. In addition, The Reserves Masterplan has identified the need to create the Bushcare Coordinator position for the Masterplan to function successfully.

FINANCIAL IMPLICATIONS

8. The overall costs of employing the Bushcare Coordinator for six months is \$42,064 for the period from 1st January 2003 to the 30th June 2003.

Wages	\$22,064
On costs	\$4,412
Plant and materials	
- Vehicle	\$2550
- Implementation of Environmental Weed Strategy.	
▪ Environmental Weed Education	\$2000
▪ Mulching hire.	\$7500
▪ Community training in bushland management (Chainsaw course)	\$1500
▪ Purchase of Bushcare Trailer	\$3000
▪ Tools	\$1000
- Implementation Lake Seppings Reserve conservation plan	\$12,410
Total	\$56,436

9. These costs can be directly offset by reducing the works on the Nanarup Rd Reseal COA 4984, Job 0911, (\$66,436) to \$10,000 (assuming Item 13.1.1 is approved).

STRATEGIC IMPLICATIONS

10. Securing the contract of the Bushcare Coordinator position directly relates to the City of Albany “Albany 2020 Charting our Course”. The position positively contributes to the following Port of Call.

Port of Call

• **Managed healthy land/harbour environment**

➤ Reserve Management

To manage reserves for environmental sustainability use, community enjoyment and benefit.

➤ Environmental Monitoring

To identify and monitor human and environmental hazards at the source.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

➤ Environmental Education and Promotion

To promote the health of the City's land and harbour through the raising of community environmental awareness.

COMMENT/DISCUSSION

11. The Mountain to Lakeside Urban Bushcare Project has been highly successful in raising community awareness and participation in urban bushland conservation. It has also directly contributed to the conservation of our most prominent reserves through on-ground activities. In particular, the project has achieved the following objectives:
 - Established an effective and active network of community groups who are interested in the ongoing conservation and ecological well being of urban bushland. This has been achieved through the development and facilitation of the Bushcarers Group, Friends of Groups and the Bushcare Advisory Committee in 2000.
 - Raising public awareness and ownership of conservation and recreation values of urban bushland through involving community and schools in projects, monthly bushcare column in the local paper, training workshops, busy bees, regular meetings, presentations and marsupial nightstalks.
 - Implementation of bushland management activities which aim to actively preserve the natural values of the 3 urban reserves – Mt Clarence, Mt Adelaide and Lake Seppings. Activities have included bushland regeneration, integrated weed management, access control and development of an interpretive signage strategy.
 - Established a community resource base of tools, herbicides, storage space, training and meeting facilities.
12. The Bushcare Position has been instrumental in coordinating Community efforts toward the Environmental Weeds Strategy, including the commencement of removal of Sydney Wattle from Lower King and Little Grove. The Coordinator has also held several meetings with the community on Bushcare Awareness and conducted training workshops on bush regeneration, seed collection, frog identification, chainsaw accreditation, marsupial night stalking and assisted in National tree day coordination.
13. Fortnightly and monthly busy bees for weed removals have also been held, as well as managed the Bushcare Advisory Committee and meetings of the Friends of Mt Clarence, Mt Adelaide and Lake Seppings.
14. The Bushcare Coordinator position would fulfill the following roles:
 - Coordination of the Environmental Weed Strategy for the City of Albany.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

- Assist with the implementation of the Reserves Masterplan, management plans of our key reserves and environmental grants. Focus areas should include, weed management/bush regeneration, dieback prevention and control, fire management, access, interpretation and infrastructure.
- Provide support to the Bushcarers Group, and other community groups involved in bushland management and conservation.
- Promote and develop community awareness and education activities on significant aspects of bushland management such as weed removal/bush regeneration.
- Provide internal and external advice on bushland management issues.
- Undertake beach and track maintenance tasks, which have been in the past, normally assigned to the Parks & Reserves department.

15. Benefits to the City of Albany would include:

- Improved customer service and liaison within the community. This in turn will improve the perception of the City’s responsiveness to our customers and management of our reserves. The position will be able to have contact with over 15 community groups, educational institutions such as high schools and TAFE, state agencies and the broader community.
- Improve ability to effectively manage our bushland reserves. The positions will directly contribute to the implementation of the Environmental Weed Strategy. The strategy has been funded since January 2002 and has been highly successful in producing excellent environmental outcomes and in involving community participation on bushland management.
- The position will be able to play a key role in implementing our Reserves Masterplan, which will directly contribute to our ability to effectively and efficiently manage our reserves.
- The position would have scope to provide advice and assistance to other environmental management issues within the City such as fire management and roadside conservation.

RECOMMENDATION

THAT Council:

- i) fund the Bushcare Coordinator position full time to the 30th June 2003; and**
- ii) reallocate \$56,436 from Nanarup Rd Reseal COA 4984, Job 0911 to meet these costs**

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS

13.6 WORKS AND SERVICES COMMITTEES

13.6.1 Streetscape Advisory Committee

- File/Ward** : MAN 097 (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 Streetscape Advisory Committee meeting held on 23rd October 2002 be adopted.

Confirmation of the minutes of the Streetscape Advisory Committee meeting of 23rd October 2002.

RECOMMENDATION

THAT the minutes of the Streetscape Advisory Committee meeting held on the 23rd October 2002 be received (copy of minutes in the Elected Members' Report/Information Bulletin) and the following recommendation adopted:

- 7.2 That Jay Cook replaces Henry Kudja as the Tourism Commission representative for the committee.**

Voting Requirement Simple Majority

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General Management Services

REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 GENERAL MANAGEMENT SERVICE COMMITTEE

14.4.1 Appointment of City Crest Designer

File/Ward	: MAN 005 (All Wards)
Proposal/Issue	: Appoint City Crest Designer
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Mayoral Liaison Officer (G Clarke)
Disclosure of Interest	: Nil
Previous Reference	: N/A
Summary Recommendation	: THAT Council appoints Ellen Hickman as designer of the City of Albany Crest and agrees to re-allocation of budget funds.
Bulletin Attachment	: Submissions received
Locality Plan	: N/A

BACKGROUND

1. Expressions of Interest were called for the design of the City of Albany Crest.
2. Fifteen submission guideline documents were forwarded to interested parties who contacted the City of Albany following the advertising period.
3. Two “Expressions of Interest” for the design of the City of Albany Crest were received by the 26th of September, 2002 being the closing date for submissions.

STATUTORY REQUIREMENTS

4. Section 6.8 of the Local Government Act 1995 states:-
“6.8 (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:-
 - a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - b) is authorised in advance by resolution*; and
***Absolute majority required.**
 - c) is authorised in advance by the mayor or president in an emergency.”

Item 14.4.1 continued.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. The current budget item under “Mayoral Regalia” for the development of the City Crest and the design and manufacture of the Mayoral Chains of Office is \$7,000. It is evident from the submissions received for the design of the City Crest, a sum of \$17,000 is required. This sum comprises of the following:

Designers Costs	\$15,015
Advertising Costs	\$ 500
Community Display	\$ 1,485
TOTAL	<u>\$17,000</u>

7. The design and manufacture of the Chains is likely to require additional funding which will be the subject of a separate item to Council at a future date.

STRATEGIC IMPLICATIONS

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

“A reputation for professional excellence

Civic and Corporate Image – to ensure that visitors to the City of Albany become our Ambassadors.

A reputation for professional excellence

Civic Leadership – to be recognized by the Community as leaders.”

COMMENT/DISCUSSION

9. Requests for submissions of “Expressions of Interest” were advertised in The Albany Advertiser on Thursday 29th of August, 2002 with a closing date for submissions being the 26th of September, 2002.
10. Following the opening of the submissions, the members of the Mayoral Regalia Committee carried out preliminary evaluations of the two submissions received. Submission A was from Ellen J Hickman BSc(Hons), DipArts – Illustration. Submission B was from the Forbes Agency.
11. Submission A demonstrated significant previous relevant experience in graphic design with work examples reflecting an incredible diversity of styles including very detailed botanic artwork. The proposed methodology demonstrated a good understanding of the project and the scope of work required. This submission was more closely relevant to the project at hand and had the added benefit of being a local person with significant artistic talent and experience and as such was determined to be the preferred designer.

Item 14.4.1 continued.

12. Submission B demonstrated previous experience with projects relating to “corporate branding” and logo design of basic stylised images. Proposed methodology demonstrated a willingness to conduct research (historical and existing uses) and close liaison with the Committee.
13. Submission A provided a total quote including Research (historical, heraldic, community consultation and future planning), Concept Design and Refinement of \$17,655 including GST.
14. Submission B provided a quote including Research, Concept Design and Refinement of \$14,014 including GST. Plus any additional costs relating to travel, couriers and freight.
15. The Project Co-ordinator approached the preferred designer (Submission A) on the 3rd of October to further discuss the quote as there appeared to be a high research cost content to the quote. The Project Co-ordinator also discussed the issue of research with the City of Albany Local Studies unit to see if they were able to offer any assistance to the designer which would provide an opportunity for the designer to revise the research cost element of the submission. The Local Studies unit advised that they were able to assist the designer with research and were then contacted by the designer to discuss their role and the resources available.
16. A revised quote was received from the Submission A designer on the 8th of October, 2002 at \$15,015 including GST.

RECOMMENDATION

THAT Council accepts the submission and quote from Ellen J Hickman for the design of the City of Albany Crest at a cost of \$15,015 and agrees to a re-allocation of budget funds at next quarterly review.

Voting Requirement Absolute Majority

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