



MINUTES

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 20th August 2002
7.30pm
City of Albany - Mercer Road Office**

**PLEASE NOTE THESE MINUTES HAVE YET TO BE ADOPTED BY COUNCIL AS A TRUE
RECORD OF PROCEEDINGS**

City of Albany

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Signed _____

Date: 23rd August 2002

Andrew Hammond
Chief Executive Officer

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1.0 DECLARATION OF OPENING

Mayor Goode declared the meeting open at 7.30pm and extended a welcome to all present

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

Attendance:

Mayor	- A.E. Goode JP
Councillors	- M.J. Evans JP
	- S.M. Bojcun
	- A.H.M. Demartean
	- D.M. Evers
	- D.J. Wolfe
	- D.W. Wellington
	- I.A. West
	- G Sankey
	- J.D. Williams
	- R.H. Emery
Chief Executive Officer	- A.C. Hammond
Executive Director – Development Services	- R. Fenn
Manager City Services	- G Steele
Minute Secretary	- L J Lewis

Approximately 37 members of the public
2 media representatives

Apologies/Leave of Absence:

Councillors:	- I.W. Wilson
	- J. Cecil
	- J Walker
	- E.A. Barton
Executive Director – Corporate & Community Services	- W.P. Madigan
Executive Director – Works & Services	- B Joynes

3.0 OPENING PRAYER

Councillor Williams read the opening prayer:

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

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

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

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

***Ms Jo Morgan**

Ms Morgan referred to Item 12.2.4 – Proposed Lease Renewal for Lockyer Community Kindergarten Inc. on Reserve 25383.

Ms Morgan advised that a standard lease had been offered to Lockyer Community Kindergarten Inc. She said Lockyer Community Kindergarten did not want to enter into a lease that would compromise the kindergarten in any way and needed Council support to provide an on-going service.

***Erica Henderson**

Ms Henderson referred to Item 12.2.4 – Proposed Lease Renewal for Lockyer Community Kindergarten Inc. on Reserve 25383.

Ms Henderson asked Council to consider the ramifications if the proposed lease did not contain a clause covering support for repairs and maintenance for the Kindergarten.

***Mr Graham Roth**

Mr Roth referred to Item 12.2.2 – Proposed new Lease for Albany Bowling Club Inc.

Mr Roth said a business plan had been submitted with the Albany Bowling Club's submission to Council. To provide synthetic greens to give members the option to bowl all year round funding is being sought from the Minister from Sport and Recreation, but the Bowling Club needed the security of the new Lease so that they could go forward with this large project.

***Mrs Maree Gill**

Mrs Gillett referred to Item 12.2.5 – Albany Visitors' Centre – Funding.

Mrs Gillett said she wrote a letter to the Mayor and Councillors and received a reply on 31st July 2002. She said she was not happy with the reply and was wondering why the Councillors had not received a copy of the letter. She said the Tourist Centre needed funding and it was unfair that Council should withhold money from them.

***Mr Don Dufty**

Mr Dufty referred to Item 11.3.4 – Initiate Scheme Amendment – Commercial and Residential Provisions.

Mr Dufty raised concerns over the inequitable way in which local shopping applications were being considered. Mr Dufty asked that Council defer consideration of this motion until all the ramifications are fully understood.

The Executive Director Development Services undertook to provide a written response to Mr Dufty's concerns.

***Ms Julianne Davies**

Ms Davies referred to Item 11.1.5 – Development Application Extractive Industry.

Ms Davies said she wrote a letter to Council opposing the extractive industry application but had not received a response. Ms Davies protests against the application and would like her queries on the impacts of the application answered before this matter is considered by Council.

The Manager City Services responded by saying that he could not advise on the maximum number of trucks and that Harvey Road was in a serviceable condition but would need maintenance attention if used for gravel cartage.

***Mr Les Bail**

Mr Bail referred to Item 12.2.5 – Albany Visitors' Centre – Funding.

Mr Bail asked Councillors to support the amended motion put forward by Councillor Wellington.

***Mr Don Phillips**

Mr Phillips referred to Item 12.2.5 – Albany Visitors' Centre – Funding.

Mr Phillips believed the proposal put to Council is inadequate. He urged Council to reject this motion until the Visitors' Centre changed their constitution. He said this matter needed the protection of the constitution.

***Mr Michael Roberts**

Mr Roberts referred to Item 12.2.5 – Albany Visitors’ Centre – Funding.

Mr Roberts thought that this was a reasonable motion. He said the Albany Visitors’ Centre provided support to visitors coming to Albany, and the Visitors’ Centre needed to plan for its future. He understands the Board has looked into changes to the constitution, and believes Council would be happy with the changes. He asked Council to agree with Councillor Wellington’s motion.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

6.1.1 DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 16th July 2002

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

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT the following minutes:

- **Ordinary Council meeting held on 16th July 2002**

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

MOTION CARRIED 11-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

Councillor Evans – Item 12.7.5 – Community Financial Assistance Committee Meeting – 22nd July 2002. (Impartial only)

Councillor Wellington – Item 12.2.1 – Extended Trading Hours within the City of Albany.

Councillor Demarteau – Item 12.7.5 - Community Financial Assistance Committee Meeting – 22nd July 2002 (Impartial only)

Councillor Sankey – Item 12.2.3 – Amendment to Guidelines – Contracts of Goods and Services.

Councillor Sankey - Item 12.2.1 – Extended Trading Hours within the City of Albany.

Councillors Wellington and Sankey expressed a wish to be allowed to take part in the debate and vote on Item 12.2.1 – Extended Trading Hours within the City of Albany.

Councillors Wellington and Sankey left the Chambers at 8.01pm.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WILLIAMS**

THAT Councillors Wellington and Sankey be allowed to take part in the debate and vote on Item 12.2.1 – Extended Trading Hours within the City of Albany.

MOTION CARRIED 9-0

Councillors Wellington and Sankey returned to the Chambers at 8.02pm

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

Development Services

REPORTS

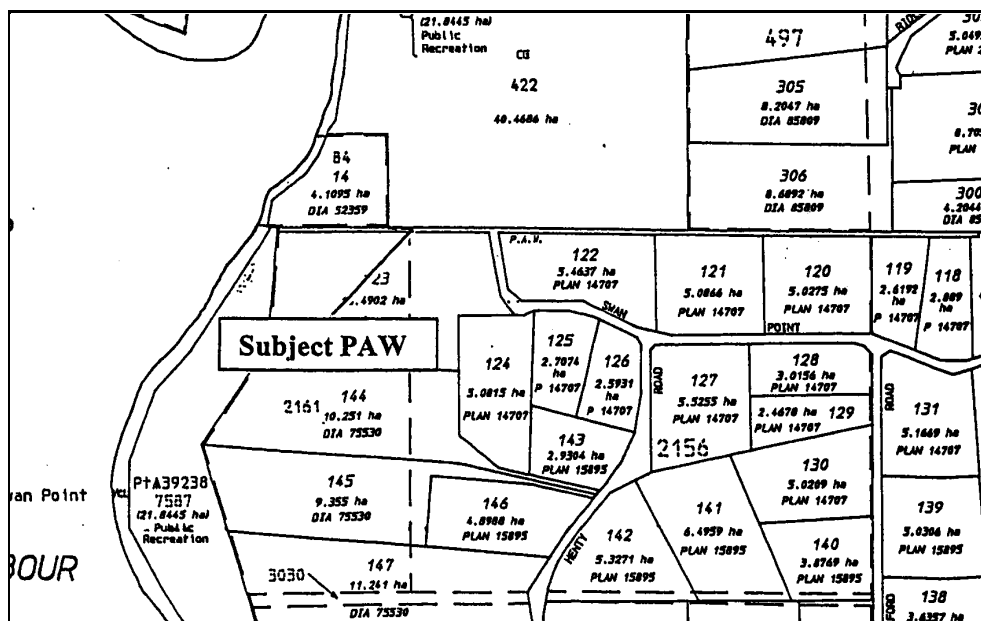
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Road Dedication – PAW adjoining Swan Point Road

File/Ward	:	SER 086 (Kalgan Ward)
Proposal/Issue	:	Resolution to Declare Underwidth Road
Subject Land/Locality	:	Pedestrian Access Way shown on Plan 14707
Proponent	:	T O Saggars
Owner	:	Crown
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/06/02 - Item 11.1.2
Summary Recommendation	:	Dedicate Pedestrian Access Way (PAW) as a public road reserve.
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Lot 14 Swan Point Road is land-locked, with there being no legal road frontage and thus prohibiting any development on the block. A 10m wide Pedestrian Access Way (PAW) runs from Swan Point Road through to Reserve 39238.
2. In order to provide legal road frontage to Lot 14 Swan Point Road a 4.5m wide portion of the PAW needs to be dedicated as a public road reserve.
3. At the meeting on 18 June 2002, Council resolved that:
 - “i) *the request to dedicate a 4.5m wide portion of the PAW shown on Plan of Survey 14707 as a public road reserve be referred to the adjoining landowners and they be provided a period of 21 days within which to comment to Council on the proposal.*
 - ii) *Council lay the application on the table for one month to dedicate a 4.5m wide portion of the PAW shown on Plan of Survey 14707 as a public road reserve.”*
4. The proposed road dedication was referred to adjoining landowners and two comments were received (see attached).

STATUTORY REQUIREMENTS

5. The process to dedicate a public road is contained in the Land Administration Act 1997 (as amended) and the Land Administration Regulations 1998 (as amended).
6. To dedicate a road reserve, a plan of “The Road” is prepared, a Council resolution is passed and the request is then forwarded to the Minister for Lands, who must either grant the request, direct Council to reconsider the request or refuse the application.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. There are no financial implications for this item. All costs associated with constructing and maintaining the road will be borne by the proponent.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. The PAW is currently not utilised, with sections of the track being blocked by native and introduced vegetation.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

11. The proposal was referred to Council’s Works and Services section and the following comments were made:
 - Minimum width 4.5m;
 - The owner would be responsible for clearing the land and constructing the road with compacted gravel; and
 - The owner is to be responsible for all maintenance.
12. The proposed access is the only viable option for providing road frontage to Lot 14 Swan Point Road. Without the road frontage, the lot would be undevelopable.
13. 5.5m of the existing 10m wide PAW to be retained as a PAW and utilised as a bridle track.
14. Arrangements will need to be made to prevent conflict between the PAW and the proposed road.
15. The following issues were raised in the submission:
 - The vegetation in the PAW is over grown and the proposed road will double as a firebreak;
 - There needs to be clear signage as to the fact that the road terminates at Lot 14 and no beach access is available. A no through sign is suggested at the intersection of Swan Point Road and Henty Road;
 - A barrier needs to be erected to ensure there is no vehicular access beyond the proposed road onto the PAW or reserve; and
 - All vegetation beyond the western end of the proposed road should be retained.
16. On Council’s resolution, the proposal will be forwarded to the Department for Planning and Infrastructure for comment and then sent to the Department of Land Administration for the dedication process to be finalised. The Minister for Lands would then need to sign off on the dedication.
17. Development on the site will be limited to a single dwelling and other pursuits as permitted under the Scheme.

RECOMMENDATION

THAT Council resolves to dedicate a 4.5m wide portion of the PAW shown on Plan of Survey 14707 as a public road reserve, pursuant to Section 56 of the Land Administration Act 1997 (as amended) and subject to:

- (i) the proponent (the owners of Lot 14 on Diagram of Survey 52359) being responsible for the construction and maintenance of the underwidth road;
- (ii) signage be established to clearly indicate the no through road status of the proposed underwidth road; and
- (iii) arrangements being put in place to prevent conflict between users of the PAW and the underwidth road.

Voting Requirement Simple Majority

.....

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued.

Executive Director Development Services advised that the conditions failed to address the concerns outlined in paragraph 14 of the report.

AMENDED RECOMMENDATION

THAT Council resolves to dedicate a 4.5m wide portion of the PAW shown on Plan of Survey 14707 as a public road reserve, pursuant to Section 56 of the Land Administration Act 1997 (as amended) and subject to:

- i) the proponent (the owners of Lot 14 on Diagram of Survey 52359) being responsible for the construction and maintenance of the underwidth road;
- ii) signage be established to clearly indicate the no through road status of the proposed underwidth road;
- iii) arrangements being put in place to prevent conflict between users of the PAW and the underwidth road; and
- iv) the PAW being barricaded at a point near the access into Lot 14 to deny public vehicular access to the foreshore.

Voting Requirement Simple Majority

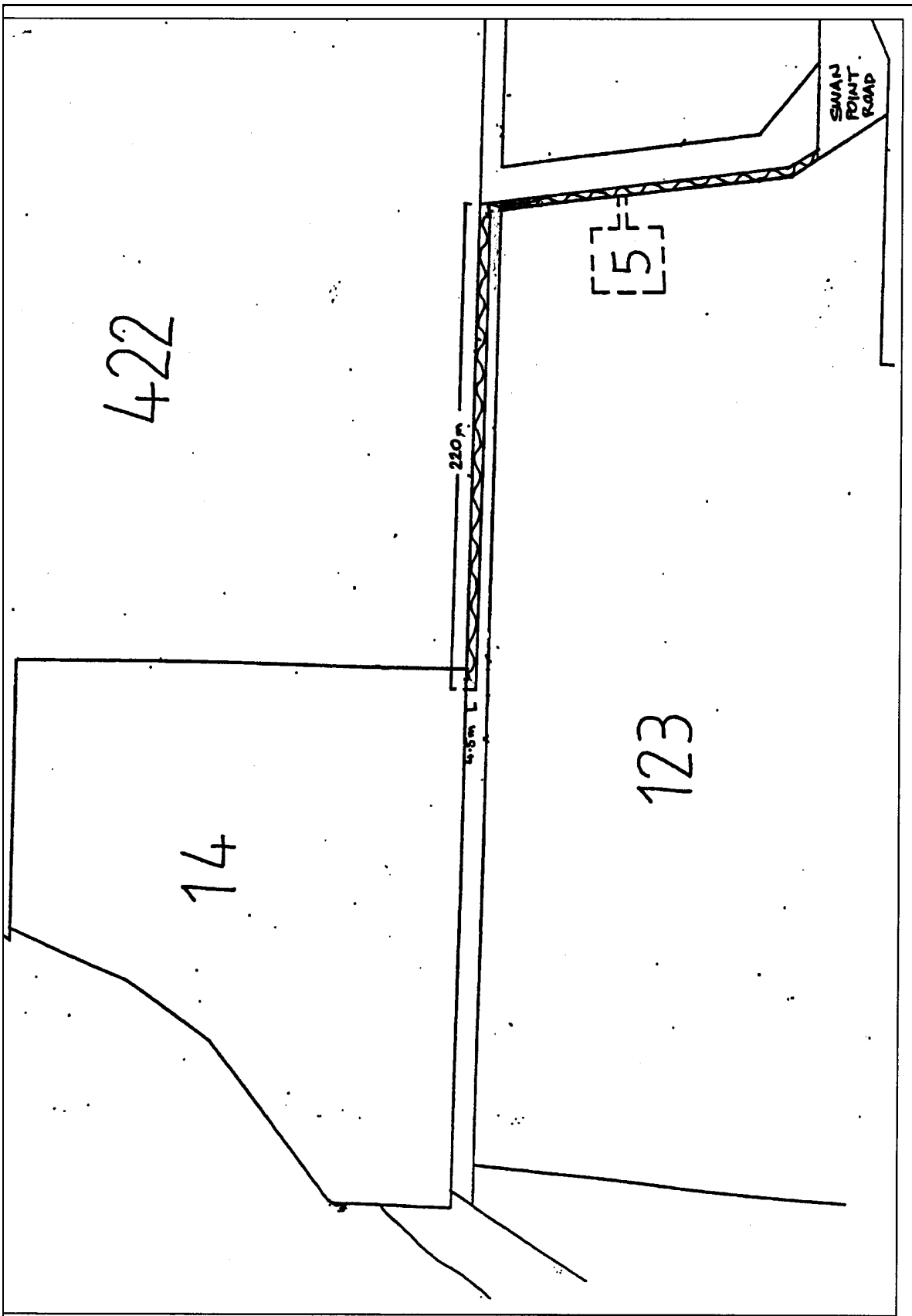
**MOVED COUNCILLOR BOJCUN
 SECONDED COUNCILLOR DEMARTEAU**

THAT Council resolves to dedicate a 4.5m wide portion of the PAW shown on Plan of Survey 14707 as a public road reserve, pursuant to Section 56 of the Land Administration Act 1997 (as amended) and subject to:

- i) the proponent (the owners of Lot 14 on Diagram of Survey 52359) being responsible for the construction and maintenance of the underwidth road;**
- ii) signage be established to clearly indicate the no through road status of the proposed underwidth road;**
- iii) arrangements being put in place to prevent conflict between users of the PAW and the underwidth road; and**
- iv) the PAW being barricaded at a point near the access into Lot 14 to deny public vehicular access to the foreshore.**

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS



DEVELOPMENT SERVICES REPORTS

020402

Lot 125 Swan Point Road
Lower Kalgan
Albany W.A. 6330

Telephone: 08 98464012

12 July 2002

The Chief Executive Officer
City of Albany
York Street
Albany W.A. 6330

CITY OF ALBANY - RECEIVED		
RECORDS OFFICE		
12 JUL 2002		
FILE	CORR NO.	OFFICER
1003597	E205960	DAA1
CC	ATTACHMENTS	OFFICER
		2

Attention: Richard Hindley

Dear Sir,

re: Swan Point Special Rural Zone Area No. 6 -
Bridle Path to Foreshore Reserve

We refer to our recent discussion regarding the proposed development of a vehicle accessway along the existing bridle path.

We are concerned that such a development will lead to vehicle use on the foreshore unless measures are taken to specifically exclude them beyond the point at which the proposed accessway joins the lot to be served.

Would you please include appropriate barriers in your works programme if the accessway proceeds. It is important that access to the foreshore be strictly limited to pedestrians and horses to avoid severe degradation.

To this end we also request that all vegetation beyond the western end of the new accessway be left untouched. This existing vegetation is not a barrier to walkers or horses and should be preserved wherever practicable.

We will be happy to discuss this matter further with you if there are any issues to be clarified.

Yours sincerely,

MICHAEL HALL

SHANE HALL

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

30th June 2002

Lot 122 Swan Point Rd
Lower Koffen
Albany
WA 6330
Tel 95 464 393

CITY OF ALBANY - RECEIVED RECORDS OFFICE		
A3597 - 2 JUL 2002		
FILE	CORRU INJ.	OFFICER
52086	17056491	DAAG
CC	ATTACHMENTS	OFFICER

re Proposed Underwritten Easement - Swan Point

Thank you for your letter of 19th June on the subject and for the opportunity to talk to you last Monday. All our questions were answered satisfactorily and, as agreed at the time, we are submitting two concerns in writing.

1. The native vegetation in the Rehabilitation Access Way is important. Clearing the bush will help to provide a firebreak but it will need continuous maintenance if access is to be maintained.
2. Currently motorists regularly drive down to the bottom of Swan Point Road expecting to access the beach, especially at weekends and during holiday periods. If an unmarked road extends from the end of Swan Point Road motorists will anticipate that this is the way to the beach, leading to frustration and turning difficulties at the entrance to Lot 14. We suggest a sign at the junction of Swan Point Road and Henry Road to the effect that there is no access to the beach. (No through road signs as if we use as roads to the beach are often no through roads).

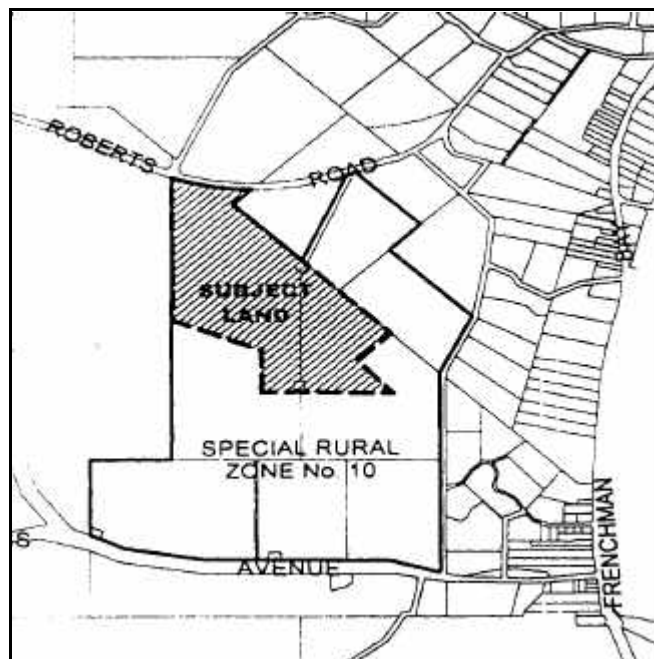
Yours sincerely

Joan. Alan Cotton.

DEVELOPMENT SERVICES REPORTS

11.1.2 Final Approval for Amendment - Lots 117 and 118 Allmore Road and Lot 100 Roberts Road East, Robinson

- File/Ward** : A72611/AMD224 (Vancouver Ward)
- Proposal/Issue** : Request for final approval to amend the subdivision guide plan and special provisions.
- Subject Land/Locality** : Lots 117 and 118 Allmore Road & Lot 100 Roberts Road East, Robinson
- Proponent** : Ayton Taylor & Burrell
- Owner** : TR Ackley
- Reporting Officer/s** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 19/03/02 - Item 11.1.2
OCM 20/11/01 - Item 11.3.2
OCM 16/09/01 - Item 11.3.3
SOA 20/12/95 - Item 10.1
- Summary Recommendation** : Final Approval of Amendment
- Bulletin Attachment** : Yes
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. At the meeting on 19 March 2002, Council resolved that:

“Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme 3 by amending the subdivision guide plan and associated provisions for Special Rural Zone No. 10.”

2. The amendment was assessed by the Environmental Protection Authority (EPA) as “Scheme Not Assessed – Advice Given” and was advertised for public inspection until 4 July 2002.
3. At the close of the advertising period five submissions had been received.

STATUTORY REQUIREMENTS

4. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council resolves to initiate a scheme amendment and then places the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning & Infrastructure on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
5. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister for Planning & Infrastructure. The Minister can accept Council’s recommendation or she can require her own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from a rezoning if she considers Council’s decision not to proceed is not consistent with orderly planning.
6. The subject land falls within a “Priority 2” area proclaimed under the Country Areas Water Supply Act 1947. The Commission’s policies on land use within Priority 2 areas requires that all development activities meet the Commission’s guidelines for land use compatibility.
7. “Special Rural” subdivision in Priority 2 (P2) areas with a minimum lot size of 2 hectares is considered conditional on the following:
 - Lots should only be created where land compatibility allows effective on-site soakage disposal of treated wastewater. Conditions apply to fitting of wastewater disposal systems in areas with poor land drainage and/or a shallow depth to groundwater, animals are held or fertiliser is applied. Alternative wastewater treatment systems, where approved by the Health Department, may be accepted with maintenance requirements.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- An average rather than minimum lot size may be acceptable if the proponent can demonstrate that the water quality objectives of the source protection area are met, and caveats are placed on titles of specified blocks stating that further subdivision cannot occur.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to this proposal. They include:
 - Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8);
 - Western Australian Planning Commission Statement of Planning Policy No. 11 (SPP 11);
 - The Local Rural Strategy (Amended 2002);
 - The Draft Albany Local Planning Strategy.
9. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia.
10. The purpose of SPP 11 is to provide a standard set of criteria for the assessment of proposals on rural land and contains specific provisions pertaining to rural residential development. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

13. Discussions with the Department of Planning and Infrastructure (DPI) have indicated that there may be an issue with the creation of lots under 4ha with regards to the provision of reticulated water. SPP 11 was gazetted in March 2002 and requires that all rural residential lots (i.e. lots between 1 – 4 ha) be connected to reticulated water. As this Amendment was commenced prior to the gazettal of SPP 11 the DPI advised that it may be exempt from this requirement, however this was qualified by it being stated that the Amendment may still be subject to further assessment if the WAPC so decides.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

14. At the close of advertising for the Amendment five submissions had been received. Two submissions were received from adjoining landowners and a further two submissions were received from government agencies. One submission was received from the applicant.

Attached is a copy of the Schedule of Submissions on the scheme amendment. The schedule summarises the comments made by individuals and provides a draft comment and recommendation for Council’s consideration.

RECOMMENDATION

THAT:

- i) Council grant final approval to Amendment 224 to the City of Albany Town Planning Scheme No. 3 to amend the subdivision guide plan and special provisions for Lots 117 and 118 Allmore Road & Lot 100 Roberts Road East, Robinson, subject to the following modification:
 - Modifying the land particulars in provision 1.3 to replace Lot 110 with Lot 100;
- ii) the Schedule of Submissions is received, the comments on individual submissions are tabled and the recommendations contained therein are Noted, Modified and Dismissed as detailed;
- 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 and Infrastructure for execution and gazettal; and
- iv) the Schedule of Submissions be received and the submissions be Noted, Modified and Dismissed as detailed in the Schedule.

Voting Requirement Simple Majority

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR BOJCUN**

THAT:

- i) **Council grant final approval to Amendment 224 to the City of Albany Town Planning Scheme No. 3 to amend the subdivision guide plan and special provisions for Lots 117 and 118 Allmore Road & Lot 100 Roberts Road East, Robinson, subject to the following modification:**
 - **Modifying the land particulars in provision 1.3 to replace Lot 110 with Lot 100;**
- ii) **the Schedule of Submissions is received, the comments on individual submissions are tabled and the recommendations contained therein are Noted, Modified and Dismissed as detailed, with the exclusion of Submission 2 which is noted and the condition of the surface will be inspected and its upgrading will be considered as part of any site development;**

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued.

- 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 and Infrastructure for execution and gazettal; and**
- iv) the Schedule of Submissions be received and the submissions be Noted, Modified and Dismissed as detailed in the Schedule.**

MOTION CARRIED 11-0

Reason:

Submission 2 raises a legitimate concern over the condition of the right of way mentioned in the submission.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

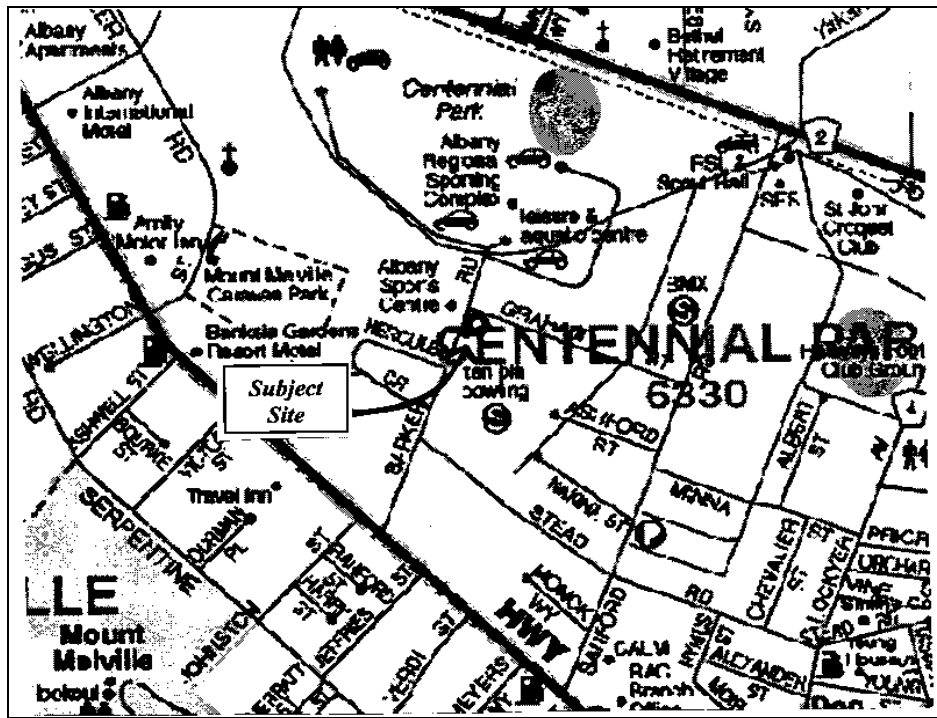
**Town Planning & Development Act 1928
Town Planning Scheme No. 3
Proposed Amendment No. 224
Schedule of Submissions**

No.	Ratepayer/Resident or Agency	Submission	Comment	Recommendation
1.	J & S McDouall Lot 109 Rowney Rd ALBANY WA 6330	Land was brought when there was a 4ha minimum with no further option for subdivision. Does not immediately impact on the amendment could establish a precedent for further rezoning in the future that may affect property.	The proposed amendment sets a precedent however landowners would have to agree prior to having any amendments made to their land.	Noted
2.	R & L Hughes Lot 108 Home Road ALBANY WA 6330	Potential for ROW to be used for access creating potential hazard.	Proposed subdivision would have access off subdivisional roads.	Dismissed
3.	Water and Rivers Commission	No objection to the modifications proposed to the subdivision guide plan and is supportive of the amended provisions.	No objections	Noted
4.	Department of Health	Given the advice of Councils Environmental Health Section the subject lots are suitable for on site wastewater disposal.	No objections	Noted
5.	Ayton Taylor Burrell	Change the land particulars in Provision 1.3 from lots 110, 117 & 118 to lots 100, 117 & 118.	Correction of land particulars	Uphold and modify documents

DEVELOPMENT SERVICES REPORTS

11.1.3 Proposed Relaxation of Policy – Front Façade – Lot 200 Barker Road, Centennial Park

- File/Ward** : A163545 (Frederickstown)
- Proposal/Issue** : Request to relax front façade requirements for industrial building
- Subject Land/Locality** : Lot 200 (#30) Barker Road, Centennial Park
- Proponent** : Larry Boston Design
- Owner** : W Vauth
- Reporting Officer(s)** : Planning Officer (G Bride)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : To apply Council’s Policy and request that the applicant resubmit plans with appropriate front façade
- Bulletin Attachment** : Nil
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. Application has been received from Larry Boston Design to establish an industrial shed on Lot 200 Barker Road, Centennial Park.
2. The property is zoned “Industry” and the applicant has proposed to use the shed for warehousing which is a permitted use within this zone.
3. Staff conducted a preliminary assessment of the proposal and advised the applicant that the front façade of the building (facing Barker Road) does meet Council’s standard for industrial development. The applicant proposes to build the shed entirely out of colorbond despite Council’s policy (Guideline 4 – Industrial Sites) requiring the front façade to be constructed of brick or other similar material.

STATUTORY REQUIREMENTS

4. Within Town Planning Scheme No. 1A, Guideline 4: Industrial Sites states the following in regards to building facades:

“The front facades of any new building or a refurbished building of a showroom/warehouse or industrial nature, plus the side returns for a distance of three metres should be constructed in brick or other approved materials which enhance the visual appearance of the structure and the streetscape”.

POLICY IMPLICATIONS

5. Guideline 4 is a policy of the Town Planning Scheme No. 1A and it’s relaxation is at the discretion of Council.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. Unless there are specific clauses to the contrary for an industrial estate, all industrial sheds are required to construct the front façade out of brick, concrete or similar material. Should Council resolve to support the applicant’s proposal a precedent may be set for other industrial developments.
8. The intent of the policy is to enhance the visual appearance of the structure and streetscape which is generally lacking in the older industrial areas within the City. The subject land is in a prominent location and should be developed in accordance with Council’s policy. Surrounding industrial developments have constructed sheds using a more substantial façade (usually accommodating the office).

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

COMMENT/DISCUSSION

- 9. The applicant has cited financial reasons and future development potential as reasons for not constructing a brick or concrete façade (refer attachment). The applicant has stated that there is an abundance of space on the lot to further develop industrial buildings which could then conform to Council’s façade policy. As there are no plans in the short or medium term to further develop the property it is likely that the proposed shed will be the prominent structure on the land, and be clearly visible from Barker Road.
- 10. Following Council’s decision, staff will resolve with the applicant as other issues, such as access and landscaping on the site.

RECOMMENDATION

THAT, in response to a preliminary inquiry for the development of lot 200 (30) Barker Road, Centennial Park, Council advise Larry Boston Design that the front façade of the proposed industrial shed will be required to be constructed of brick or similar material in accordance with the requirements of Council’s Policy; Guideline 4 – Industrial Sites, if a planning scheme consent is to be issued for the development.

Voting Requirement Simple Majority

.....

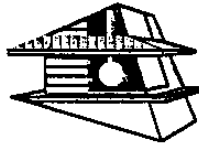
**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR DEMARTEAU**

THAT, in response to a preliminary inquiry for the development of lot 200 (30) Barker Road, Centennial Park, Council advise Larry Boston Design that the front façade of the proposed industrial shed will be required to be constructed of brick or similar material in accordance with the requirements of Council’s Policy; Guideline 4 – Industrial Sites, if a planning scheme consent is to be issued for the development.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



Larry Boston Design PHONE (08) 93 415613 FAX (08) 98 425780
35 FESTING STREET. design@omninet.net.au
ALBANY, 6330 WESTERN AUSTRALIA

COPY

5 August 2002

Mr Graham Bride
Planning Department,
Albany City Council
Albany 6330 W.A.

CITY OF ALBANY - RECEIVED		
RECORDS OFFICE		
- 5 AUG 2002		
FILE	CORR NO.	OFFICER
AL 3545	I 206575	DAAI
CC	ATTACHMENTS	OFFICER
	PLAN	

Dear Graham,

Enclosed please find amended site plan scale 1 : 500 of Mr Wally Vauth's property at (lot 200) 30 Barker Road, Albany. W.A.

The proposed warehouse is to go into the back corner 12m from the existing house and 10m from back boundary.

Mr Vauth is now very old approx 82 years and has only a limited amount of savings that is being chewed up by the superannuation managers.

He has decided to build this warehouse knowing that he will be in control of the rental and at least have some money to live on.

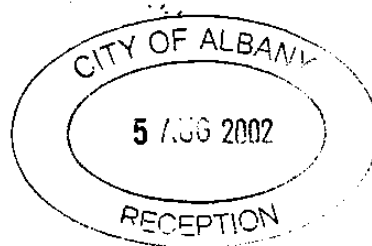
Your request for the front of the building to be in concrete is going to take the building of this warehouse outside his budget. The new building is to be situated at the furthestmost back corner as this will not disrupt any future development on the site once he has passed on.

Any new development that is closer to both roads can have the concrete facade, but this is not in the life of Mr Vauth.

Could you please re-access this request for concrete facade in the knowledge I have now passed on to you.

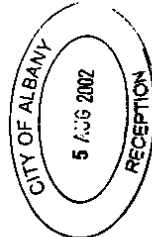
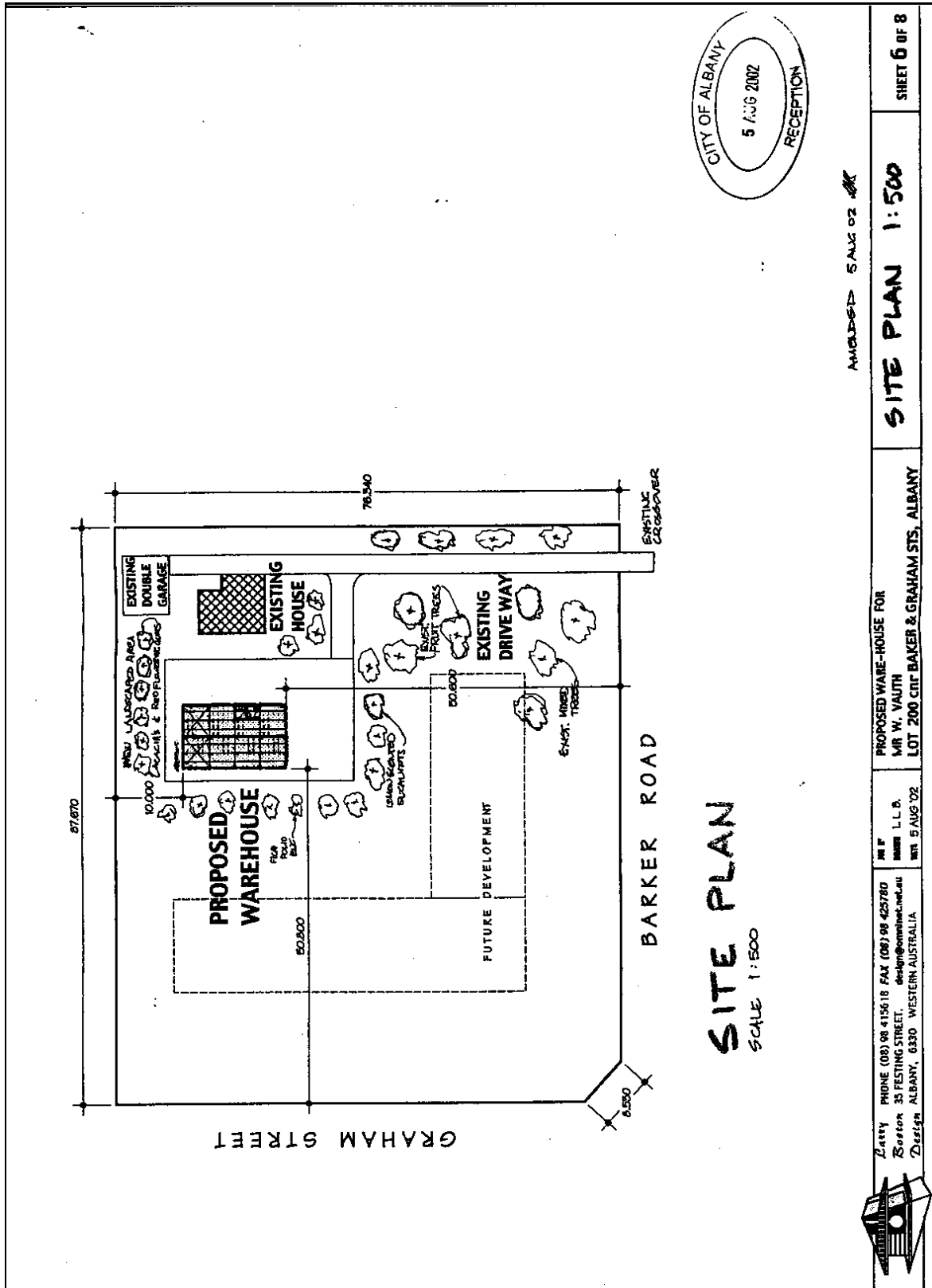
Regards

Larry Boston
Larry Boston



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued



AMENDED 5 AUG 02 MK

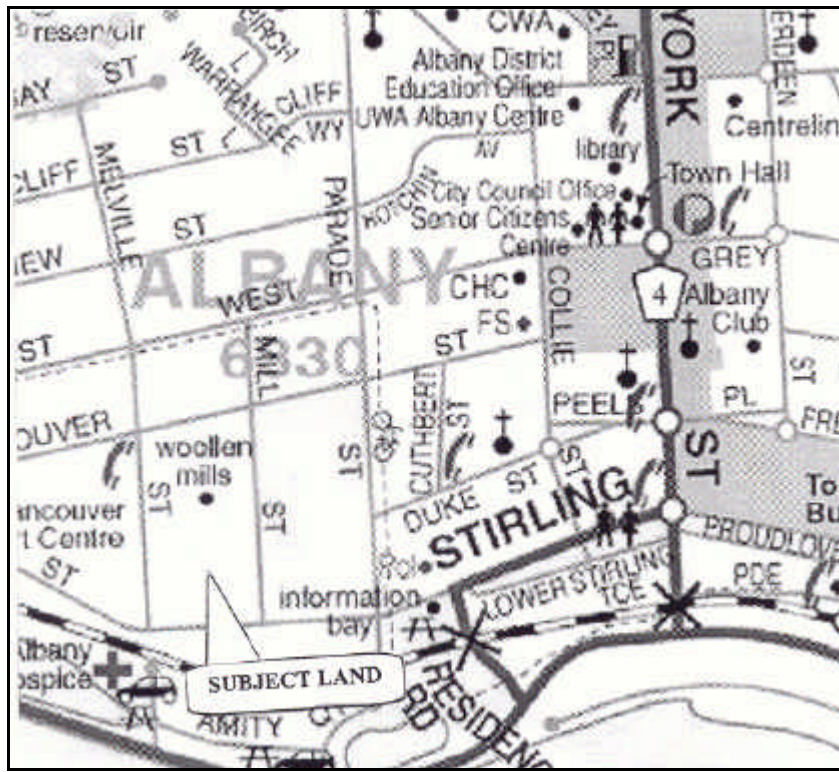
SITE PLAN
SCALE 1:500

 <p>Zesty PHONE (08) 08 415618 FAX (08) 98 425780 35 FESTING STREET, design@zestydesign.net.au ALBANY, 6330 WESTERN AUSTRALIA</p>	<p>MR P NAME L.L.D. DATE 5 AUG 02</p>	<p>PROPOSED WAREHOUSE FOR MR W. VAUTH LOT 200 CITY BAKER & GRAHAM STS, ALBANY</p>	<p>SITE PLAN 1:500</p>	<p>SHEET 6 OF 8</p>
	<p>AMENDED 5 AUG 02 MK</p>			

DEVELOPMENT SERVICES REPORTS

11.1.4 Demolition Application – Various lots, Mill Street, Albany - Albany Woollen Mills

- File/Ward** : A168739 (Vancouver Ward)
- Proposal/Issue** : Proposed Demolition of the Albany Woollen Mills
- Subject Land/Locality** : Lots 76, 77, 78, 79, 220 and Location 74, 75, 207, 221 and 208 Mill Street, Albany
- Proponent** : Grandeur Design & Construction Pty Ltd
- Owner** : Noble Investments Pty Ltd
- Reporting Officer(s)** : Planning Officer (P Steele)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Refuse Demolition
- Bulletin Attachment** : Yes
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. An application has been received to demolish the buildings located on Lots 76, 77, 78, 79, 220 and Locations 74, 75, 207, 221 and 208 Mill Street, Albany. This is the site of the former Albany Woollen Mills and associated buildings.
2. The subject land is currently occupied by a number of buildings and they are included on the City of Albany's Municipal Heritage Inventory. The property has a split Management Category of 'B' and 'D'. A copy of this listing follows this report.
3. A Heritage Assessment has been carried out on the property. A copy will be tabled at the meeting.
4. The subject property has a total area of 23,620m² over twelve (12) lots, is zoned "Industry" under Town Planning Scheme No. 1A (TPS 1A) and is bounded by Festing, Melville and Mill Streets.
5. The existing buildings are located across the property with the major Woollen Mill building being located on the northern and western portions and the dwellings and minor buildings located in the southeastern corner. Access to the property is currently via Mill Street with Melville Street having been utilised as access for deliveries.
6. The buildings are currently unoccupied, however were until recently occupied by the Albany Woollen Mills.
7. This application is for the demolition of the buildings and Council has not received any application or proposal for the future development of the site at this stage.
8. Previous correspondence between Council and the application highlighted that any demolition would be subject to further negotiation and the lodgement of detailed plans for the development of the land.

STATUTORY REQUIREMENTS

9. Demolition is classified as a form of "development" under the Town Planning and Development Act 1928 and TPS1A. A Planning Scheme Consent is required to be obtained prior to a demolition.

POLICY IMPLICATIONS

10. The Albany Woollen Mill is listed in the Municipal Heritage Inventory adopted by the City of Albany.
11. The property is listed in the Municipal Inventory as both Management Category 'B' and Management Category 'D'. These categories apply to places throughout the City and not only to the subject property. These management categories seek to:

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

***Management Category B** - “Requires a high level of protection: provide maximum encouragement to the owner under the City of Albany Town Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any development. Incentives to promote conservation should be considered.”*

***Management Category D** - “Significant but not essential to an understanding of the history of the district. Photographically record the place prior to any major redevelopment or demolition.”*

12. Council has adopted a TPS1A policy “Interim Guidelines for the Assessment of Development Applications for Redeveloping Sites (Including Demolition)”.

13. Amongst other things, the TPS1A policy provides that:

*“c) Development applications seeking the demolition, in full or in part, of an item on the Municipal Inventory shall ... in addition to all other documentation required by the Town of Albany Scheme 1A, be accompanied by:
A report of the buildings cultural and/or heritage value, in accordance with the principles of the Burra Charter, undertaken by a heritage architect or the Regional Heritage Adviser.”*

14. The TPS1A policy also provides that:

“e) Development applications seeking the total demolition of items on the Municipal Inventory, will not generally be supported.”

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

16. The strategic implications relate to the maintenance of the heritage places in Albany are outlined in TPS1A and the Municipal Inventory.

17. Further, the following Port of Call is identified within the *Albany 2020 Charting Our Course* Strategic Plan:

□ **PORT OF CALL** - *Outstanding municipal & privately owned heritage assets*

❖ *Heritage Planning & Community Incentives – To identify those elements within the built environment reflecting the architectural history of the City of Albany and to ensure the City’s heritage assets are managed sustainably and continue to be available for future generations.*

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

COMMENT/DISCUSSION

18. Council's policy "Interim Guidelines for the Assessment of Development Applications for Redeveloping Sites (Including Demolition)" requires that development applications seeking the demolition of an item on the Municipal Inventory be accompanied by a report of the building's cultural and/or heritage value. The report should be prepared in accordance with the principles of the Burra Charter. If the report identifies that a place has heritage value, but Council supports the development application, a record is to be prepared of the place including a photographic record.
19. In addition to this, a heritage assessment/impact statement is required to complete/review details in the Municipal Inventory.
20. A Heritage Assessment was prepared for the Albany Woollen Mills by *'Heritage Today'* in January 2001.
21. The Heritage Assessment identified the Statement of Significance for the Albany Woollen Mills as – "...a single storey, reinforced concrete factory has cultural heritage significance for the following reasons:
 - a. *the place reflects an early attempt at regional industrial development in order to introduce decentralised secondary industry outside the Perth/Fremantle area;*
 - a. *the industrial aesthetic of the 1924 building and the 1940s building on Mill Street are uncommon in the Central Albany area and*
 - b. *the place is associated with the employment and training of a large number of Albany residents since opening for production in 1925."*
22. At Council's Ordinary Meeting held on the 16th July 2002, it was resolved to make a number of modifications to the Municipal Heritage Inventory, following Council obtaining additional information with relation to a number of properties. This included the adoption of recommendations of the heritage Assessment for the Albany Woollen Mills.
23. The Heritage Assessment recommended that the current Management Category be modified. It included certain aspects/features being upgraded to a Management Category 'B', whilst other aspects/features were recommended to be downgraded to a Management Category 'D'. All recommendations are outlined below:
 - *The 1924 Façade on Mill Street, (width, to the extent of the pediment and entablature and length, back to 13 truss bays) be assigned a 'B' Management Category;*
 - *At such stage as there is a firm development proposal, the full extent of the 'B' categorization would have to be reviewed in the light of the impact of a development proposal. We advocate that the Council retain all of the area under the 'B' Category but suggest that they use their discretion to make changes to the western third of the area if, the development proposal demonstrates necessary use of the space and does not compromise the heritage value of the significant old Mill space;*

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

- *The balance of the Albany Woollen Mills be reclassified as a 'D' indicating that these buildings be carefully photographed (including aerial photos) before demolition;*
- *Any development approval should include a request to display interpretative material to emphasise previous use of the Albany Woollen Mills;*
- *Developmental approval should recognize the importance of the Mill St vista to the 1924 façade; and*
- *All development that impacts on the retained 1924 section of the building should respect the heritage value of the building.*

24. The two dwellings located on the subject land are listed separately on the Municipal Heritage Inventory. Both dwellings have a Management Category 'B'.

25. The proposal to demolish the Albany Woollen Mills was forwarded to Council's Regional Heritage Advisor, Ms Naomi Lawrance. Ms Lawrance's comments supported the recommendations as outlined in the Heritage Assessment.

26. Additional comments by Ms Lawrence are that the:

"...need for any demolition must be demonstrated and considered within the context of the conservation of the significance of the place.

Specifically, the owner should be advised that any proposed demolition will only be considered in the context of the proposed future use of the site, which must be clearly identified in the form of a development proposal submitted to Council so that the heritage impact can be assessed. Such an assessment would consider issues such as the form and density of the development, scale and detailing of infill and new buildings, retention of important vistas or views to and from the significant buildings, and interpretation. It is strongly recommended that the owner contract an architect with appropriate conservation experience to assist in the design and planning of any proposed future use."

27. If Council were to support the demolition of a place listed on the Municipal Inventory that has had a heritage assessment supporting the retention of the property, and an upgrade of its management category, it would set a precedent for future applications.

28. Council has previously refused the demolition of buildings listed on the Municipal Heritage Inventory where a Heritage Assessment has been produced and recommended retention of the buildings.

29. Council staff, including the Regional Heritage Advisor, would be willing to support the demolition of the portion of the Albany Woollen Mills with a Management Category 'D', should the owners/applicant provide Council staff with acceptable future development plans and information relating to the protection of the Category 'B' portion of the Albany Woollen Mills. If the land is to be used other than for industrial purposes, there is a need to undertake a rezoning of the land for residential purposes (a 9 to 12 month process). This additional information is required to ascertain the level of development and the manner in which the heritage issues associated with the site will be managed.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

RECOMMENDATION

THAT Council

- i) issue a Notice of Planning Scheme REFUSAL for the application to demolish the existing buildings at Lots 76, 77, 78, 79, 220 and Locations 74, 75, 207, 221 and 208 Mill Street, Albany, for the following reasons:
 - a) a portion of the property is listed in the Municipal Inventory as Management Category ‘B’ which requires a high level of protection;
 - b) the application is in conflict with Council’s “*Interim Guidelines for the Assessment of Development Applications for Redeveloping Sites (Including Demolition)*”;
 - c) the application fails to meet objective 1.7(c) of the City of Albany Town Planning Scheme 1A; and
 - d) no detail has been provided to Council on what development, if any, is proposed on the site following demolition; and
- ii) staff commence negotiations with the owners and applicant in an attempt to determine an appropriate level of development for the Albany Woollen Mills site whilst also retaining/refurbishing the Municipal Inventory listed buildings at Lots 76, 77, 78, 79, 220 and Locations 74, 75, 207, 221 and 208, Albany.

Voting Requirement Simple Majority

.....
The Executive Director Development Services advised that amended site details had been lodged in the previous 48 hours and suggested that Councillors visit the site and the officers report be adjusted to contain the amended information.

AMENDED RECOMMENDATION

THAT this matter lay on the table for one (1) month to allow Councillors to inspect the property and bring the matter to the next Council meeting.

Voting Requirement Simple Majority

.....
**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EMERY**

THAT this matter lay on the table for one (1) month to allow Councillors to inspect the property and bring the matter to the next Council meeting.

MOTION CARRIED 11-0

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Year 2000

11&13 Mill St/Albany/Albany Woollen Mills/Page 1

**CITY OF ALBANY
MUNICIPAL HERITAGE INVENTORY**

PLACE RECORD FORM (Inner Area)

Man Cat B/D

Lot/Loc	Number	Street Name	Locality	Type/Name of Place
	11&13	Mill St	Albany	Albany Woollen Mills

Photograph of the place



LOCATION	
HCWA Reference Number	
Other Reference Number	A108935, A108967, A108890
Type/Name of Place	Albany Woollen Mills
Other names	WA Worsted and Woollen Mills
Address	11&13 Mill St
Suburb/Town	Albany
Local Government Authority	City of Albany

OWNERSHIP & LAND DESCRIPTION			
<i>Owner details are kept on the rates data base at the City of Albany.</i>			
Reserve No.	Lot/Location No.	Plan/Diagram	Vol/Folio

CITY OF ALBANY MUNICIPAL HERITAGE INVENTORY

DEVELOPMENT SERVICES REPORTS

PERIOD	Inter-War (c1915-c1940)
Design Style	Industrial
Construction Date	1924 (1924 according to date on façade of building)
Source/Details	Johnson, Les., <i>Town of Albany Heritage Survey</i> 1994
USE(S) OF PLACE	
Original	¹ Factory
Present	Factory
Other	

HISTORICAL NOTES

Reports on the first proposed Woollen Mills for Western Australia appeared in the *Albany Advertiser* in 1920. Albany was a strong contender for the location of the mill owing to local climatic conditions and a good supply of pure fresh water.¹ In February 1921 John Scadden (State parliamentary representative of Albany and Minister of Industries) announced that Albany had been chosen as the site for the Woollen Mills after being considered alongside Perth, Bunbury, Geraldton and Collie. Further to the water supply and climate that had attracted people to consider Albany in the first place, were the availability of labour, a good position close to the railway and a stable electricity supply.²

The prospectus for the WA Worsted and Woollen Mills Ltd was released in 1922. An abridged version was reported in the *Albany Advertiser* releasing 200,000 shares for public subscription at £1 per share.³ Though the full quota of shares sold never reached the optimum, the Woollen Mills project continued. The Premier of WA, Sir James Mitchell laid the foundation stone of the mills on 7 March 1924. In memory of the event the Chairman of the Woollen Mills Company, Ernest Lee Steere, presented the Premier with an engraved silver trowel.⁴

A local contractor, Mr W Johns, undertook the installation of light and power in the mill. This was particularly notable as he won the contract over competitive tenders from both Sydney and Perth firms.⁵

At the end of March 1925 the initial produce of the Mills, the first of its type produced in WA, reached the market. A detailed description of the building program was reported in the *Albany Advertiser* 8 March 1924.

The building is being erected and will be equipped with machinery by Australian National Products Limited, designing and supervising engineers are represented on the job by Mr Harry Jefferis (architect). It was to this firm the WA Worsted and Woollen Mills let a contract, at a sum of £85,500 for the provision of the works, not including the power house or levelling of the site. Of the amount mentioned the machinery represents a sum of between £40,000 and £50,000. A sub-contract for the erection of the building and plant was let to L Hinks and Co. Ltd of Sydney.

The Mill building with a frontage of 352 feet (c118m) faces Gardiner St (Mill St) and overlooks the recreation ground.....The roof is to be of corrugated asbestos sheeting made in the State. The roof is what is known as the saw tooth pattern and glass will be used in those sections facing south.....The main entrance will be opposite the centre of the building on the East. At the entrance, provision is made for the manager's office and warehouse. Alongside the office is a lobby which leads into the mill building. It is here the foundation stone laid yesterday is situated. The walls are of reinforced concrete and stand 16 feet (c5m) in height.⁶

¹ *Albany Advertiser* 25 September 1920.

² *Ibid* 26 January 1921.

³ *Ibid* 4 November 1922.

⁴ *Ibid* 8 March 1924.

⁵ *Ibid* 7 February 1925.

⁶ *Ibid* 8 March 1924.

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Year 2000

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HISTORICAL NOTES Continued

The Albany Woollen Mills were officially opened on 5 February 1925. Central figures in the opening ceremony were; the WA Governor, Sir William Campion (accompanied by his wife); Mr J Williams, the acting Premier and the Chairman of the WA Worsted and Woollen Mills, Mr Ernest Lee Steere. Following the opening formalities the summoning whistle was blown and the mill was set in motion. Visitors were then invited to inspect the working operations.

By 1930 the Mill was employing over one hundred people and had produced many thousands of metres of worsted cloth and flannel as well as rugs and blankets.⁷

However, the Great Depression which had started with the Wall Street Crash in 1929 began to take its toll. At the beginning of 1931 the Management Board concluded in their financial report that declining demand was creating difficulties for the Mill. At first the board had attempted to limit production days but by January 1931 the poor state of affairs led to the decision to dismiss the employees and close the Mill down. The State Government of the day, led by James Mitchell, reacted strongly to the news that the mill had closed down and promptly sought an alternative to this action. By promising financial support the government guaranteed the re-opening of the Mill which occurred on 17 March 1931⁸. By 1934 the Mill was running to full capacity and business was described as brisk. A considerable trade had been developed in making yarns for knitting factories that had developed in Perth.

Various plans over the years were made to increase efficiency in the Mill by purchasing new machinery. This was achieved in 1936 when improvements included a new brick chimney stack (to replace one that had burnt down) and an annexe to the main building to house the warping machinery.⁹

Despite the expenditure of over £15,000 and an increase in production of over 20%, demand did not live up to expectations and the Mill continued to struggle financially¹⁰. This precarious situation prevailed until 1939.

This financial year (1939) will be forever memorable owing to the outbreak of World War II on 3 September and its consequent effect on all phases of the Mill's activities. ... Activity was greatly increased by the outbreak of the war. Increased orders were received from the Defence Department (for Navy, Army and Airforce) at very much better prices. Trade and Western Australian Government orders were also very substantial. By the end of the financial year overtime was being worked in the factory to the full extent permitted by the law. Sales for the year were the highest recorded since the Mill commenced running.¹¹

In the post-war period the Albany Woollen Mills began to suffer from the distance from markets, costly power supplies and freight costs on raw materials and then on the finished goods after. One solution was to establish a branch factory at Fremantle to take over certain aspects of production. This eventuated in 1949. After this investment both production and sales increased, a profit was made and a share dividend was paid to shareholders for the first time in the 24 year history of the company!¹² The Albany Woollen Mills remained financially stable throughout the 1960s.

In 1970 an unprecedented number of workers applied for jobs at the Albany Woollen Mills. The positions were advertised as a result of increased demand received by Albany Woollen Mills sales offices, which were now open throughout Australia.¹³ Further expansion was proposed after Mr Robert Holmes A Court became director of the company. It was during this period that nearly all the plant was replaced so that in 2001 no pre 1975 machinery remains in operation at the Mill.¹⁴

The last two decades of the Twentieth Century have seen a number of changes at the Mill. During the 1990s the Mill struggled financially, it was placed in the hands of the receiver and closed down in February 1996. Government incentives were offered to any company wishing to take on the Mills. This led to the reopening of the Albany Woollen Spinning Mills in August of the same year.

In 2001 the Mills continue to operate making yarn which is predominantly used in the production of carpet (15% goes to WestWools the only WA carpet manufacturer). The raw wool for this product however, is not produced locally. Needing coarse wool grown in a colder climate, the wool is imported from New Zealand and the UK. The Mills which employ 85-95 people produce 90-100 tonnes of yarn per month.¹⁵

⁷ Western Australia's Gem in a Granite Setting 1929-30, available in the City of Albany Local Studies Collection *Albany Woollen Mills: A Project Guide*.

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DESCRIPTION

For a comprehensive description of the Albany Woollen Mills see Albany Woollen Mills Assessment prepared by Heritage TODAY and David Heaver Architects in January 2001. Available at the City of Albany.

Some of the notable features of this place include:

- Large industrial site with many different-styled buildings
- Number of buildings constructed from a variety of building fabric including brick, fibre board, corrugated iron, metal deck

ASSOCIATIONS	ASSOCIATION TYPE

HISTORIC THEME/Subtheme	CATEGORIES OF SIGNIFICANCE
Occupations/Manufacturing	Aesthetic
	Historic
	Social
	Representative

RATING AND ASSESSMENT	High					Low
	Aesthetic value (streetscape, setting)	1	2	3	4 ✓	
Architectural merit (design features)	1	2	3 ✓	4	5	
Rarity value	1	2	3 ✓	4	5	
Value as part of a group/precinct	1	2 ✓	3	4	5	
Condition	1	2 ✓	3	4	5	
Integrity	1	2	3	4 ✓	5	

MANAGEMENT RECOMMENDATIONS

For in depth assessment and management of the Albany Woollen Mills refer to the Albany Woollen Mills Assessment prepared by Heritage TODAY and David Heaver Architects in January 2001. Available at the City of Albany.

Part of Original factory built in 1924
Management Category: B
 Requires a high level of protection: provide maximum encouragement to the owner under the City of Albany Town Planning Scheme to conserve the significance of the place. A more detailed Heritage Assessment/Impact Statement to be undertaken before approval given for any development. Incentives to promote conservation should be considered.

Remainder of the industrial complex
Management Category: D
 Significant but not essential to an understanding of the history of the district. Photographically record the place prior to any major redevelopment or demolition.

⁸ Page 24-25 Author Anon *Wool in the West: A History of the Rise and Progress of Woollen Manufacturing in Western Australia, 1961* available in the City of Albany Local Studies Collection.

⁹ Page 33 Ibid

¹⁰ Page 30 *Wool in the West* Op.Cit.

¹¹ Page 36 Ibid.

¹² Page 42 Ibid.

¹³ Page 1 *Albany Advertiser* 19 January 1970.

¹⁴ Oral History Burt Oreo (Long time employee of Albany Woollen Mills). Interview conducted by Cathy Day of *Heritage TODAY* December 2000.

¹⁵ Oral History Alan Leeming (Financial Director of Albany Woollen Mills). Interview conducted by Cathy Day of *Heritage TODAY* December 2000.

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11&13 Mill St/Albany/Albany Woollen Mills/Page 5

HERITAGE LISTINGS

So that Heritage Listings can be up dated regularly, a separate appendix of these Listings is located at the end of this report. For current information it will be important to check the various listings for the places with the Heritage Council of WA, National Trust and Australian Heritage Commission, as they are continually expanding their databases.

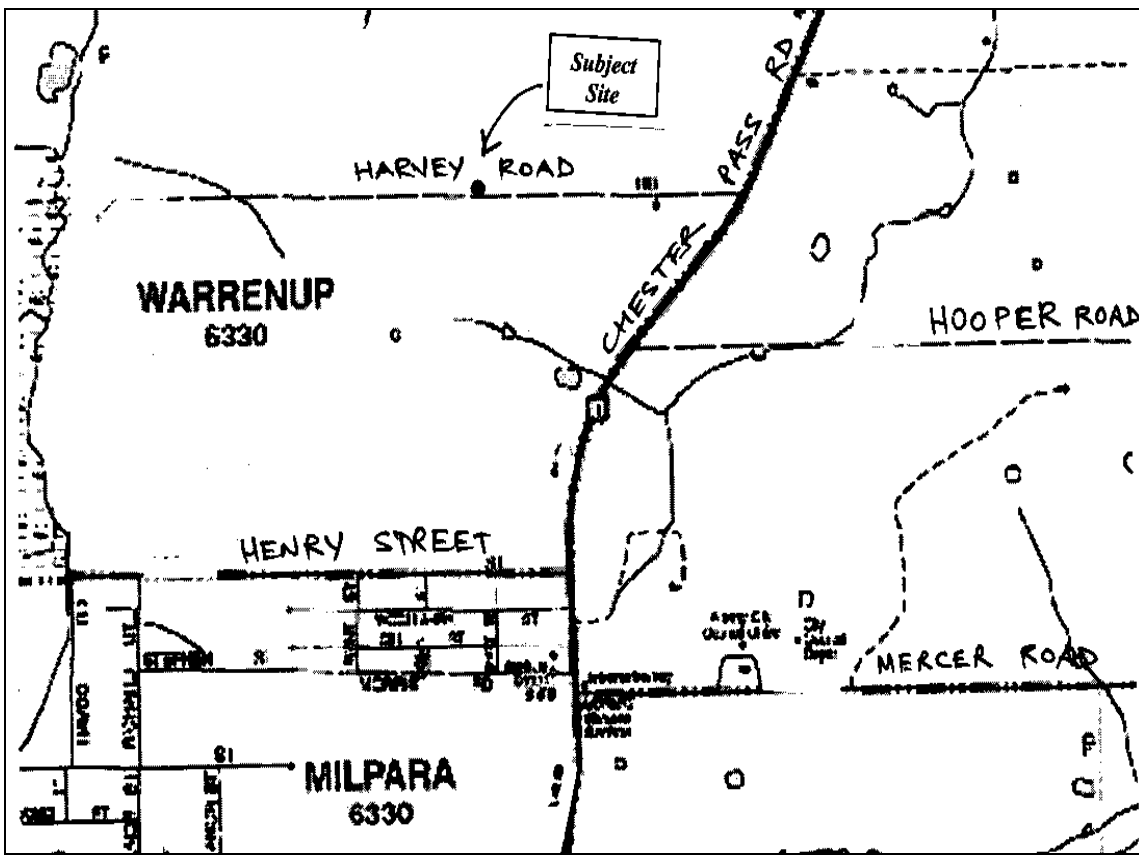
SUPPORTING INFORMATION/BIBLIOGRAPHY

- **Heritage TODAY** Site visit and Assessment 1999.
- Johnson, Les., *Town of Albany Heritage Survey* 1994.
- *Albany Woollen Mills Assessment* prepared by **Heritage TODAY** and David Heaver Architects in January 2001. Available at the City of Albany.

DEVELOPMENT SERVICES REPORTS

11.1.5 Development Application - Extractive Industry – Lot 3 Harvey Road, Warrenup

File/Ward	:	A43707 (Kalgan Ward)
Proposal/Issue	:	Proposed Extractive Industry (Gravel)
Subject Land/Locality	:	Lot 3, Location 5495 Harvey Road, Warrenup
Proponent	:	AD Contractors
Owner	:	AD Contractors
Reporting Officer(s)	:	Planning Officer (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To approve the extractive industry proposal subject to conditions
Bulletin Attachment	:	Public Submissions
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

BACKGROUND

1. Application has been received from AD Contractors to extract gravel from Lot 3 Harvey Road, Warrenup.
2. The proposed pit is 9820m² in area and is located in the north west portion of the property, being 500m north of Harvey Road.
3. The property is 27.83 hectares in size and is zoned “Rural” within Town Planning Scheme No. 3.
4. The use ‘Industry – Extractive’ is a use that requires advertising under Town Planning Scheme No. 3. Adjoining landowners were notified and an advertisement was placed in the local newspaper inviting comment on the proposal.
5. The advertising period closed on 8 August 2002 and a total of seven (7) submissions were received.

STATUTORY REQUIREMENTS

6. The proposal has been advertised in accordance with Town Planning Scheme No. 3. Due to the number of submissions received and the concerns expressed by neighbouring landowners staff are presenting the item for Council’s deliberation.

POLICY IMPLICATIONS

7. The proposal is in accordance with the general requirements for a Class 1 extractive industry as defined in Council’s recently adopted policy titled ‘Extractive Industry Policy – Applying for and Extractive Industry: A Guideline for Developers’.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

10. A copy of each submission can be found in the Elected Members Report/Information Bulletin. In summary the residents concern include:

- The road is in poor condition and could not support heavy vehicles associated with the extraction pit.
- Heavy vehicle usage is likely to cause a safety concern given the use of the road by children to catch their school bus.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

- The pit is likely to create excessive noise which is not in keeping with the peaceful rural lifestyle.
- There is the likelihood of an increase in dust nuisance which is already occurring with Bevan's Livestock operators and the strawberry farm.
- The operation will lower the value of neighbouring properties.
- Additional information describing vehicle numbers, dust prevention, on-site processing, hours of operation and completion date for works were absent from the application.

11. In response to the submissions, staff advise the following:

- The pit is less than one hectare in size and is defined as a Class 1 Extractive Industry (least detrimental) under Council's Extractive Industry Policy.
- The depth of the pit is to be 0.5 metres, thereby scarring on the landscape is expected to be minimal and the volume of material to be extracted would be relatively minor in comparison to other extractive industries (particularly sand).
- Due to the volume of material to be extracted, the number of heavy vehicles is likely to be minimal and it is unlikely that such movements would cause excessive damage to the gravel road or greatly increase the dust nuisance.
- No on-site processing is to occur.
- The nearest dwelling is around 300 metres from the proposed pit, which meets the minimum general requirement contained within Council's Extractive Industry Policy.
- The applicant has advised that one dozer will be used.
- The applicant has indicated that the pit will be rehabilitated within one year, however this approval can be renewed on an annual basis if planning conditions have been complied with.
- Pit operation hours will be in accordance with the Extractive Industry Local Laws whereby extraction is not permitted on Sundays or Public Holidays and between the hours of 7am and 6pm Monday to Saturday.

12. Staff believe that the proposed pit represents a minor extraction given it's size, the proposed depth of extraction, the distance from existing dwellings and the fact that no remnant vegetation is to be cleared.

13. The condition of the gravel road appears to be the main concern for local residents, however it is unlikely that this proposal, in isolation, would cause any undue damage to the road, given heavy vehicles already use Harvey Road.

RECOMMENDATION

THAT Council issue Planning Scheme Consent for an extractive industry on Lot 3 Harvey Road, Warrenup, subject to the following conditions:

- i) The applicant shall lodge a bond/bank guarantee of \$1,700 on a per hectare basis with Council for remediation work.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

- ii) Operation of the pit shall be restricted to the hours of:-

7.00am - 6.00pm MONDAY TO FRIDAY
7.00am - 5.00PM SATURDAY
NO OPERATION AT ALL ON SUNDAYS OR PUBLIC HOLIDAYS
- iii) The site is to be suitably rehabilitated and recontoured (including rebattering of banks and reseeding and stabilising old extraction areas) upon the completion of the extraction.
- iv) The operation of the pit shall be contained within that area indicated on plans submitted with the application.
- v) Top soil to a depth of 150mm is to be removed from the extraction area and is to be stored on-site (within the approved extraction area) for use in later rehabilitation.
- vi) This approval is valid until 31st December 2003. If the development has not commenced within this period or an Extractive Industry Licence is not issued within any 18 month period, a new approval must be obtained.
- vii) A minimum of 150mm of top soil is to be placed above any hard surface (i.e. clay/gravel) upon rehabilitation
- viii) No vegetation is to be removed from the land concurrently with the operation of the extractive industry
- ix) The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse without the prior approval of Council (acting on advice from the Department of Environment and Water Catchment Protection).
- x) No blasting of material is permitted as part of extraction operations, unless separate approval is granted by Council.
- xi) The applicant will be responsible for the repair of any undue damage to Harvey Road caused by transportation of gravel from or equipment to the extractive industry.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT Council issue a Notice of Planning Scheme Refusal for an extractive industry on Lot 3 Harvey Road, Warrenup, as the proposal will:

- i) provide additional vehicle loads on an unsealed road surface to the detriment of the road surface and local road users;**
- ii) cause unsafe traffic conditions for pedestrians who use that section of Harvey Road;**
- iii) affect the amenity of the locality by the emission of noise, additional traffic and dust from the proposed activity.**

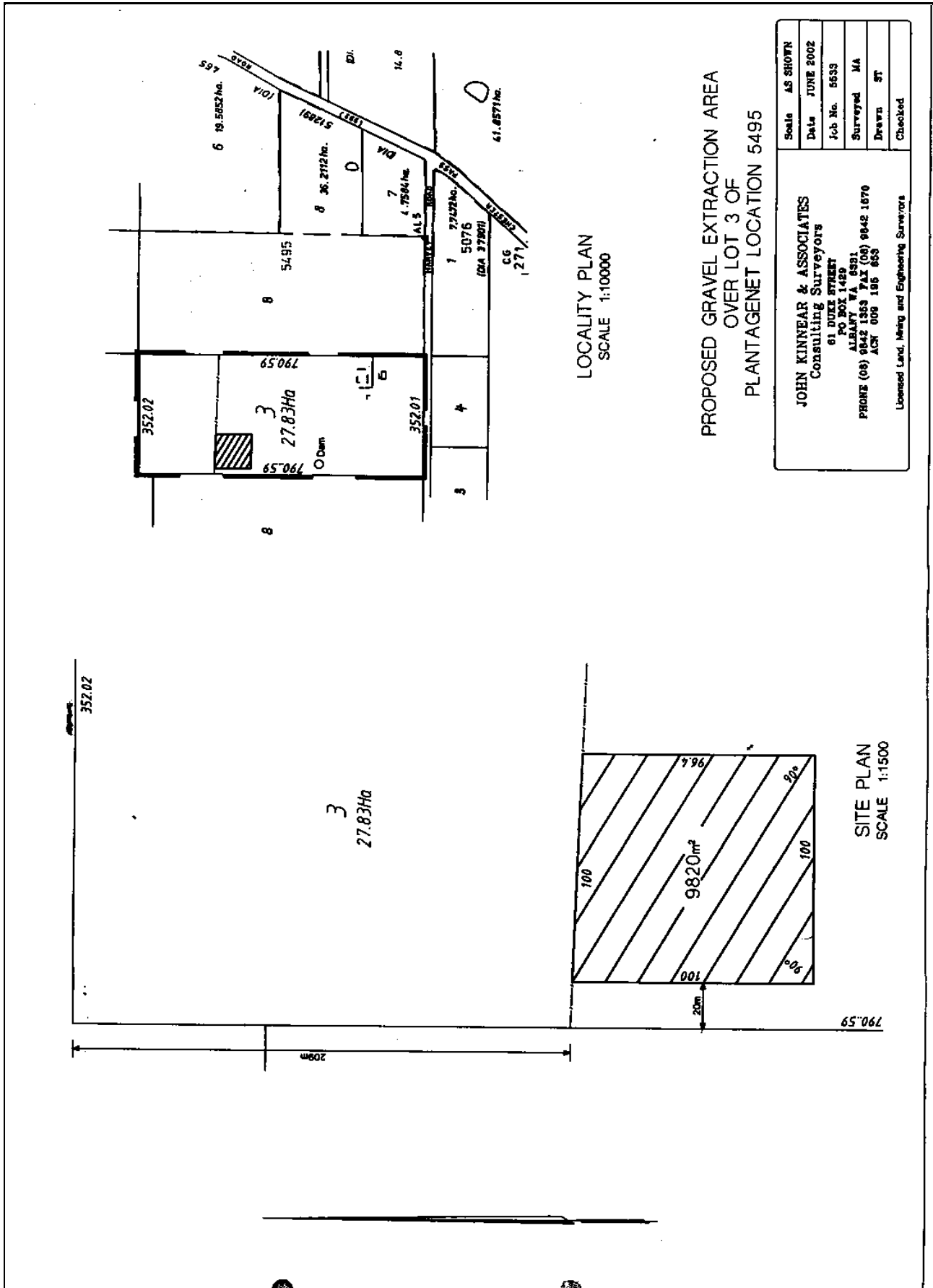
MOTION CARRIED 10-1

Reason:

Children walk down Harvey Road and the cartage of gravel down Harvey Road will cause a conflict with pedestrians and ultimately lead to the deterioration of the road.

DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued



DEVELOPMENT SERVICES REPORTS

Item 11.1.5 continued

APPLICATION FORM – CLASS I
EXTRACTIVE INDUSTRY APPLICATION

1. Description of Land:

Lot 3, Location 5495, Street Harvey Rd, Locality Warracora

2. Description of Proposal:

- (a) Pit Size 1 ha;
 - (b) Material to be extracted (please circle) (gravel) sand, limestone, other _____;
 - (c) Distance to nearest dwelling (approx. in metres) - 300 m;
 - (d) Distance to nearest watercourse / wetlands / (dams) (approx. in metres) - 200 m;
- If within 100 metres please state what measures you intend to use to protect this watercourse

- (e) Will any clearing be required under the proposal? (please circle) YES or NO
If YES how much of the proposed site is to be cleared? _____ ha;
- (f) Approximate duration of the proposed extraction 1 year
- (g) Do you plan to undertake any on-site processing works (please circle) YES or NO
If YES please provide details _____
- (h) The approximate depth of extraction shall be 1.5 m;
- (i) What type of equipment will be used? Excavator
- (f) Will the excavation site be visible from any major road? (please circle) YES or NO
If YES please provide details _____

3. Commitment from Owner (Rehabilitation):

- (a) I shall restore and rehabilitate the excavation site (please circle) – 'progressively' or 'on completion of works'. If progressively please provide details
Completion of works
- (b) What method will be used to replace topsoil? (please explain)
Replace existing Topsoil
- (c) How many trees and shrubs are to be planted as part of the rehabilitation program
None
- (d) How will rehabilitated areas be maintained? (please explain)

4. Site Plan

Please ensure the following is shown:

- Scaled Plan;
- Setbacks from lot boundaries;
- Setbacks from buildings, watercourses etc where appropriate;
- Location of any remnant vegetation;
- Boundaries and size of excavation site;
- Description of topography.

ATTACH SITE PLAN HERE OR AFFIX TO THIS FORM

I _____ the owner of the subject land advise that the information contained on this form is correct to the best of my knowledge. I will also endeavor to ensure that rehabilitation of the pit will be undertaken in accordance with my commitment as detailed in Section 3.

Signed J. Ottwell Date 08/07/02

11.2 INSPECTION SERVICES

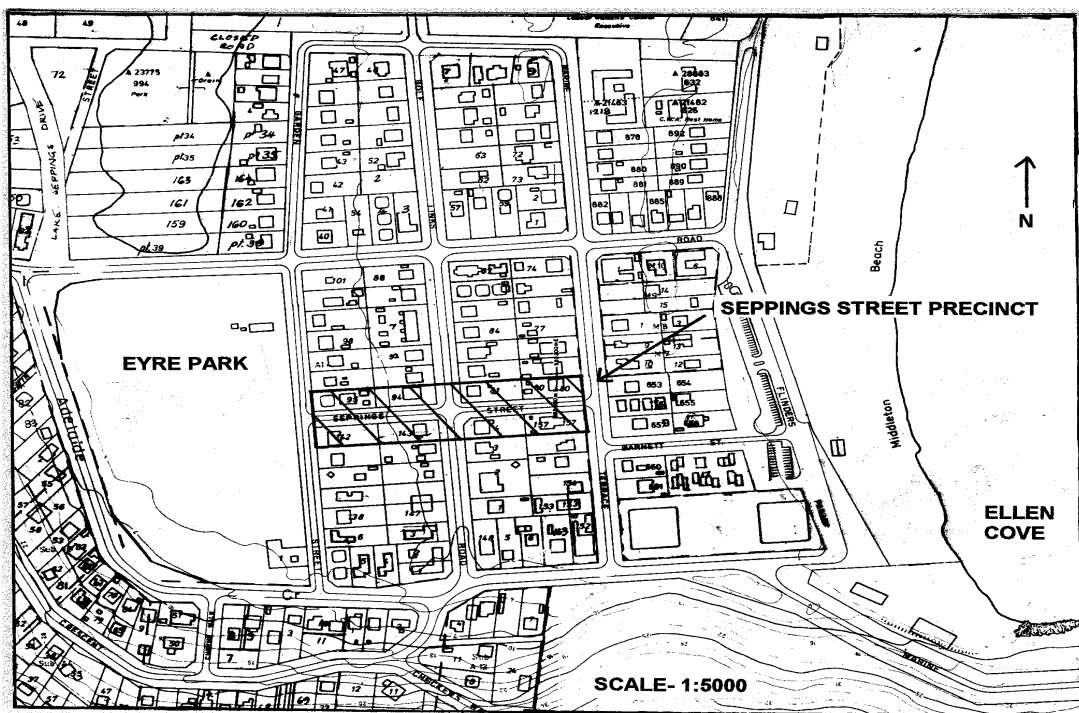
Nil.

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Adoption of Policy – Design Guidelines for the Redevelopment of the Seppings Street Precinct

File/Ward	:	STR018 (Frederickstown Ward)
Proposal/Issue	:	Adoption of Policy to clarify development provisions and subsidiary management guidelines.
Subject Land/Locality	:	Seppings Street, Middleton Beach
Proponent	:	City of Albany
Owner	:	Various
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18/6/02 Item 11.3.3
Summary Recommendation	:	Adopt policy in accordance with Clause 7.21.3 of Town Planning Scheme No. 1A.
Bulletin Attachment	:	Yes
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued.

BACKGROUND

1. At its meeting dated 18 June 2002 Council reviewed the draft Design guidelines for the redevelopment of the Seppings Street Precinct and resolved:

“THAT Council adopts the ‘Draft Design guidelines for the redevelopment of the Seppings Street Precinct’ and agrees to advertise the policy for public comment in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A.”

2. The amended policy was advertised for comment for a period of 21 days, no submissions were received in this period.

STATUTORY REQUIREMENTS

3. Clause 7.21.2 of Town Planning Scheme No. 1A requires the following procedure to be undertaken to amend a Town Planning Scheme Policy.
 - (a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.
 - (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.
 - (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours.

POLICY IMPLICATIONS

4. The Design guidelines for the redevelopment of the Seppings Street Precinct will be a town planning scheme policy adopted by Council under the provisions of Clause 7.21 of Town Planning Scheme 1A.

FINANCIAL IMPLICATIONS

5. Council is required to advertise the adoption of the policy in the local newspaper at its own cost.

STRATEGIC IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

COMMENT/DISCUSSION

- 7. The policy does not clearly state the exemption from site coverage restriction of the R-Codes, a new clause has been added to the policy to clarify this.
- 8. As part of the draft policy it is proposed to adopt alternate guidelines covering the area formerly referred to as Lot 80 Marine Terrace. This amended guideline was created as a result of the subdivision of the aforementioned block.
- 9. A copy of the amended policy is included in the Elected Members Report/Information Bulletin.

RECOMMENDATION

THAT Council, pursuant to clause 7.21.2 of the City of Albany Town Planning Scheme No. 1A resolves to adopt the “Design guidelines for the redevelopment of the Seppings Street Precinct” as a Town Planning Scheme policy and be advertised as adopted in accordance with the Scheme.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WILLIAMS**

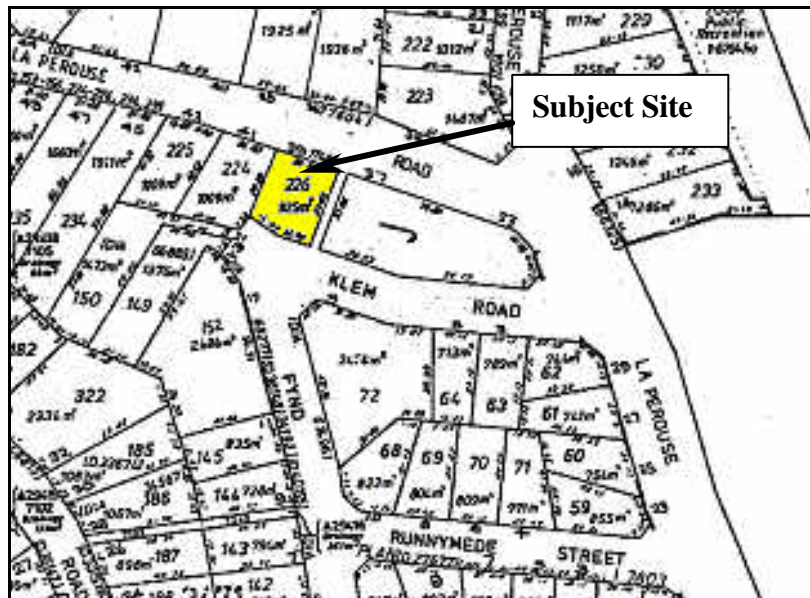
THAT Council, pursuant to clause 7.21.2 of the City of Albany Town Planning Scheme No. 1A resolves to adopt the “Design guidelines for the redevelopment of the Seppings Street Precinct” as a Town Planning Scheme policy and be advertised as adopted in accordance with the Scheme.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

11.3.2 Initiate Scheme Amendment – Lot 226 La Perouse Road, Goode Beach

- File/Ward** : A5942A/A227 (Vancouver Ward)
- Proposal/Issue** : Initiate Amendment to Rezone subject land from ‘Local Shopping’ to ‘Residential’
- Subject Land/Locality** : Lot 226 (39) La Perouse Road, Goode Beach
- Proponent** : City of Albany
- Owner** : EA & W Harley
- Reporting Officer(s)** : Planning Officer – Policy (R Hindley)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Initiate Amendment
- Bulletin Attachment** : Yes
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. Council is requested to amend Town Planning Scheme 3 by rezoning Lot 226 (39) La Perouse Road, Goode Beach, which has an area of 925m², from 'Local Shopping' to 'Residential'.
2. The subject lot was created in 1990 as a residential lot in line with what were considered to be the Scheme provisions at that time. It has since been determined that the identification of the site as 'Residential' was in error and the site is actually zoned 'Local Shopping'.
3. A copy of the amending documents is included in the Elected Members' Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to this proposal. They include:
 - Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8);
 - The Commercial Strategy Review (2000); and
 - The Draft Albany Local Planning Strategy.
9. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia.
10. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

11. Council will be required to advertise the amendment using portion of the applicants fees for the amendment process.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

STRATEGIC IMPLICATIONS

12. There are no strategic implications relating to this item

COMMENT/DISCUSSION

13. The subject lot was created in 1990 and is subject to a covenant which places restrictions on building materials and height. The controls placed on the site are in line with controls placed on other residential lots in the vicinity of the site.

14. It appears that an error in catchment of information created the error on the Scheme map. This error is reflected in all of Council’s electronic records. This amendment will bring into line the actual zoning and that shown in Council’s records.

RECOMMENDATION

THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme 3 by rezoning Lot 226 La Perouse Road, Goode Beach from ‘Local Shopping’ to ‘Residential’.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR SANKEY**

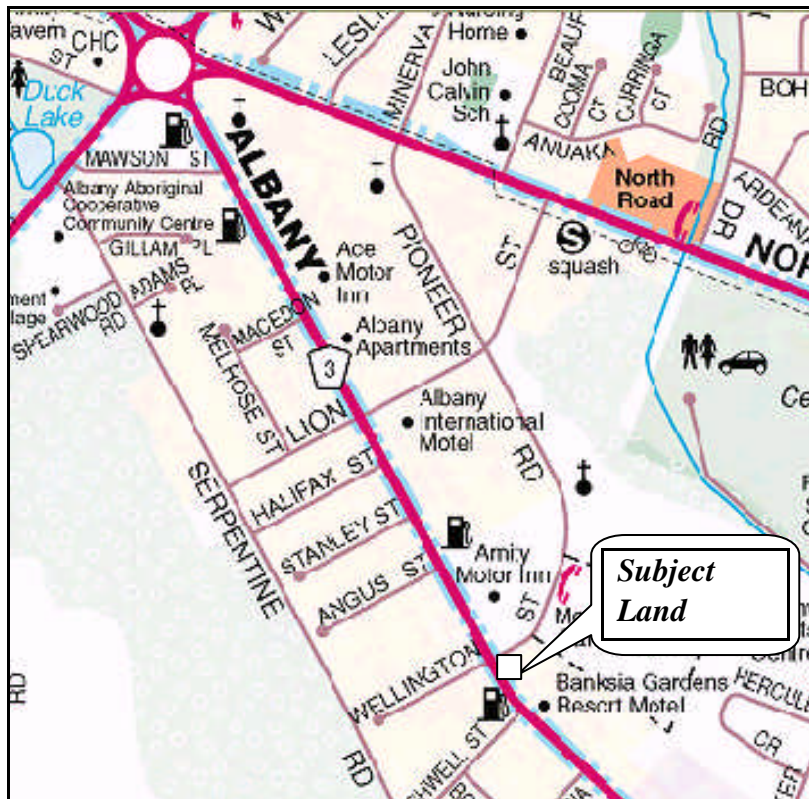
THAT Council in pursuance of Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to amend the City of Albany’s Town Planning Scheme 3 by rezoning Lot 226 La Perouse Road, Goode Beach from ‘Local Shopping’ to ‘Residential’.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

11.3.3 Initiate Scheme Amendment –Lot 29 Albany Highway, Centennial Park

- File/Ward** : A130318 (Frederickstown Ward)
- Proposal/Issue** : Initiate Amendment to rezone subject land from ‘Service Station’ to ‘Industry’
- Subject Land/Locality** : Lot 29 (226-228) Albany Highway, Centennial Park
- Proponent** : Ayton Taylor Burrell
- Owner** : Augusta Gliosca
- Reporting Officer(s)** : Planning Officer (A Nicoll)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Initiate Amendment
- Bulletin Attachment** : Yes
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

BACKGROUND

1. Council is requested to amend Town Planning Scheme 1A by rezoning the southern portion of Lot 29 (226-228) Albany Highway, Centennial Park, from 'Service Station' to 'Industry'.
2. The portion of area zoned for 'Service Station' was originally used as a fuelling station (ESSO) and more recently as a 24 hours fast food outlet. The fuel station has long since ceased operation. The fuel bowsers and other fittings have been removed and the site modified for alternative uses.
3. The zoning 'Service Station' is very restrictive when considering the potential 'use' of the land.
4. Lot 29 is under a split zoning having an Industry zoning on the larger area to the rear of the lot (northern area) and a Service Station zoning to the front of the lot facing Albany Highway.
5. If the amendment is initiated by Council, the amending document will be referred to the Environmental Protection Authority to make certain that the site has been suitably rehabilitated with formal certification.
6. In the time since the closure of the service station, the building facing Albany Highway has been used by a number of fast food operations, the most recent being for a 24 hour fast food service. This use has recently discontinued and the building is now vacant.
7. A copy of the amending documents is included in the 'Elected Members Report/Information Bulletin'.

STATUTORY REQUIREMENTS

8. Council's resolution under the Town Planning & Development Act 1928 and the Town Planning Regulations 1967 is required to amend the scheme.
9. An amendment to a Town Planning Scheme adopted by resolution of a local government is to be referred to the Environmental Protection Authority (EPA) for assessment.
10. Advertising of an amendment for public inspection is for a period of 42 days and is not to commence until the EPA has determined that an appropriate level of environmental assessment has been set for the amendment.
11. A resolution to amend a Town Planning Scheme should not be construed to mean that final approval will be granted to that amendment.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

POLICY IMPLICATIONS

12. There are various policies and strategies that have relevance to these proposals. They include:
 - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8).
 - The Commercial Strategy Review (2000).
 - The Draft Albany Local Planning Strategy.
13. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia.
14. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
15. The most recent and relevant document being the Draft Albany Local Planning Strategy (DALPS) indicates a preference for a “Mixed Business” zone along this section of Albany Highway. Such a zoning may accommodate the uses for residential, commerce, tourism and community development. Secondary commercial and service industries shall also be encouraged to complement the function of the CBD area.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

17. The zoning classification defined as ‘Mixed Business’ has not been created within the Scheme Text to date. The WAPC is also reluctant to have a ‘split zoning’ or a parcel of land.

COMMENT/DISCUSSION

18. The surrounding lots within the vicinity of lot 29 are characterised by a mixture of zonings. For example, the rear portion of the lot 29 and the neighbouring lot to the west on the corner of Albany Highway and Wellington Street are zoned ‘Industry’. The land to the north and east is zoned ‘Residential’ and ‘Tourist Residential’. The land directly across Albany Highway is zoned ‘Service Station’.
19. There are in total six lots zoned ‘Service Station’ along the section of Albany Highway between the York Street and the Chester Pass Road roundabout. This section of highway is 2.5 kilometres in length, a relatively short distance considering the number of sites zoned for ‘Service Station’.

DEVELOPMENT SERVICES REPORTS

Item 11.3.3 continued

- 20. This site is one of two service stations along the defined section of Albany Highway which have closed in recent years and remained vacant.
- 21. The current service station zoning is very restrictive and only permits site redevelopment for a service station (fuelling) and fast food outlet. Incidental uses such as a caretakers house, car park and car wash may also be considered.
- 22. The owner of lot 29 (portion zoned ‘service station’) submitted to staff at the City of Albany an application for a showroom development. The application proposes to demolish the existing building, to be replaced by a multi purpose building that could accommodate the shop front of a service industry but that would ideally suit a showroom type activity.
- 23. Based on :
 - the proposed use for this portion of the lot;
 - the use and zoning of the rear of lot 29 and the neighbouring lot to the west;
 - the restrictive nature of uses on lots under the current zoning;
 - the extent of service station zonings along Albany Highway over a distance of 2.5 kilometres;
 - the proposed rezoning being consistent with the objectives of the Draft Albany Local Planning Strategy;
 a change of zoning to ‘Industry’ is considered to be necessary.

RECOMMENDATION

THAT Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend the City of Albany’s Town Planning Scheme 1A by rezoning Lot 29 Albany Highway, Centennial Park from ‘Service Station’ to ‘Industry’.

Voting Requirement Simply Majority

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WELLINGTON**

THAT Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend the City of Albany’s Town Planning Scheme 1A by rezoning Lot 29 Albany Highway, Centennial Park from ‘Service Station’ to ‘Industry’.

MOTION CARRIED 11-0

DEVELOPMENT SERVICES REPORTS

11.3.4 Initiate Scheme Amendment – Commercial & Residential Provisions

File/Ward	:	STR 126/AMD 137 & 226 (All Wards)
Proposal/Issue	:	Modify the commercial and residential provisions of Town Planning Schemes 1A and 3; and Include provisions for consultation with other authorities when determining applications.
Subject Land/Locality	:	Applies to all land identified in Town Planning Schemes No.1A and 3.
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 04/07/00 - Item 11.3.3 OCM 17/07/01 – Item 11.1.5
Summary Recommendation	:	Initiate Amendment
Bulletin Attachments	:	Amendments 1A & 3
Locality Plan	:	N/A

BACKGROUND

1. At its meeting of 17th July 2001 a development application for the Bayonet Head Shopping Centre was considered by Council where the application was supported, subject to conditions. This application was debated at length as the proposed development of the site for a neighbourhood centre was outside the recommendations of the Commercial Centres Strategy Review. The following was resolved by Council:

“THAT staff be required, as a matter of high priority, to prepare suitable documentation to amend the City of Albany Town Planning Schemes 1A and 3 to ensure that the objectives, definitions and acceptable land uses for the Local Shopping Zones are compatible within both Schemes and consistent with the Review of the Commercial Strategy (2000) report.”

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

The reason provided for the above resolution was:

“the motion will ensure that commercial developments throughout the City are being considered on a consistent planning framework and set of controls. The Scheme amendments will remove future anomalies in decision making and prevent developers from seeking approvals for district and neighbourhood shopping centres on sites zoned for “Local Shopping” purposes, where they are inconsistent with the Commercial Centres Strategy.”

2. In addition to addressing the issues associated with the Albany Commercial Strategy Review (the Review) the two amendments also incorporate provisions relating to residential development in order to bring the City’s two district schemes in line on this matter.
3. The residential component of the two amendments has been drawn from Amendment 131 and 221 to Town Planning Scheme No. 1A and 3 respectively. These amendments are currently pending with the Minister, due to the third party appeal provisions. Initial advice from the Hon. Minister’s office indicates that final resolution of this amendment is not likely in the near future. Due to the potential delay of this amendment, it is considered necessary to incorporate these provisions into the Scheme as a matter of urgency.
4. The definitions dealing with some of the commercial issues have been drawn from Amendment 220 to Town Planning Scheme No. 3 as the Minister has deferred making a decision on this amendment until the finalisation of the Lower Great Southern Regional Strategy and the Albany Local Planning Strategy. These definitions are in line with those contained within the Review and need to also be introduced into the Scheme as a matter of urgency.
5. Council is requested to amend Town Planning Schemes No. 1A by:
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
 - c) including definitions relating to commercial development;
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and
 - e) amending the scheme provisions relating to residential development.
6. Council is requested to amend Town Planning Scheme No. 3 by:
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
 - c) including definitions relating to commercial development;

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;
- e) including the residential planning codes to apply to residential development; and
- f) including provision relating to applications for planning consent

7. A copy of the amending documents is in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

- 12. There are various policies and strategies that have relevance to these proposals. They include:
 - The Residential Planning Codes (R-Codes) (1991).
 - Commercial Centres Strategy for Albany (1994).
 - The Albany Commercial Strategy Review (2000).
 - The Draft Albany Local Planning Strategy.
- 13. Local Government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
- 14. The Review is adopted as a policy under both Town Planning Schemes 1A and 3.
- 15. The R-Codes are to be adopted by reference under Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

- 16. Council will be required to advertise the amendments at its own cost

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

STRATEGIC IMPLICATIONS

17. The Review provides strategic direction for commercial development within Albany and will be incorporated into the Lower Great Southern Region Strategy being prepared by the Department of Planning and Infrastructure and the Albany Local Planning Strategy.

COMMENT/DISCUSSION

18. Amendment No. 131 and 221 are currently sitting with the Minister. Whilst inquiries have been made as to when these will be finalised, no indication has been provided as to when these may be completed. On this basis, all of these provisions, excluding the appeal provisions from Amendment 131 and 221 are incorporated into amendments 137 and 226.
19. Amendment No. 131 and 221 have been held up by the inclusion of modified appeal provisions. During public consultation the majority of submissions were relating to the third party right of appeal provisions. To facilitate the processing of this amendment, all references to appeal rights have been removed and the remaining provisions incorporated into Amendments 137 and 226.
20. A complete review of the Commercial Centres Strategy for Albany (1994) was undertaken by the City of Albany, with the support of the Western Australian Planning Commission (WAPC). Council adopted the findings of the Review in July 2000 and it was also adopted by the Western Australian Planning Commission. These amendments place the recommendations from the Review into the City's Town Planning Schemes.
21. In progressing these amendments, it has been assumed that Amendment 220 is unlikely to be finalised prior to their adoption. Accordingly, components of Amendment 220 (in particular the definitions) have been included to ensure that the new provisions have sufficient backing that would otherwise have been provided by the content of this amendment. Where definitions would create conflict, the model scheme text definitions have been incorporated.
22. One of the objectives of these amendments is to achieve consistency between Town Planning Schemes No. 1A and 3 when dealing with commercial and residential development in the City. As a new district-wide Town Planning Scheme is being prepared, these amendments will tidy up various aspects of the Schemes to assist with decision making.
23. In relation to the commercial aspects, the amendments include definitions and provisions to provide greater clarity when dealing with commercial developments. In particular, for shopping centres which are to be dealt with in accordance with the hierarchy identified in the Review. Controls are to be created by incorporating the maximum net lettable area for centres in the zone. Definitions and the zoning table have been modified accordingly.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

24. The residential issues addressed in the two amendments relate to the following:

- application of the Residential Planning Codes to residential development within the area covered by Town Planning Scheme No. 3;
- definitions to be made consistent with the Residential Planning Codes;
- definition of development for which planning consent is required; and
- variations to site and development requirements;

25. Further to the modified commercial and residential provisions contained within the amendment provision is made for consultation with other authorities. The provisions relating to the matters to be considered when determining an application for planning consent are also modified.

CONCLUSION

26. Whilst the amendment documents are quite technical in detail, these amendments provide the essential tidy ups needed to bring both Schemes in line with each other, ensuring consistency across the City.

RECOMMENDATION

THAT:

- i) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 1A to:
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;
 - b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
 - c) including definitions relating to commercial development;
 - d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent; and
 - e) amending the scheme provisions relating to residential development.

AND

- ii) in accordance with Section 7 of the Town Planning and Development Act 1928, Council resolve to amend Town Planning Schemes No 3 to:
 - a) determining the maximum net lettable area (NLA) for shopping centres in the Local Shopping zone in accordance with the hierarchy of shopping centres in the Albany Commercial Strategy Review;

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

- b) modifying the Zoning Table to achieve consistency between Town Planning Scheme No. 1A and 3 with respect to development of shopping centres;
- c) including definitions relating to commercial development;
- d) making provision for consultation with other authorities and modifying provisions for matters to be considered when determining an application for planning consent;
- e) including the residential planning codes to apply to residential development; and
- f) including provision relating to applications for planning consent.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

THAT this matter lay on the table pending a detailed briefing at the next Council briefing session.

MOTION CARRIED 10-1

Reason:

It is necessary for discussions to be held before any decisions are made.

DEVELOPMENT SERVICES REPORTS

DEVELOPMENT SERVICE COMMITTEE

11.4.1 Local Planning Strategy Steering Committee – 5th July 2002

- File/Ward** : STR 078 (All Wards)
- Proposal/Issue** : Committee items for Council consideration
- Reporting Officer(s)** : Executive Director Development Services
(R Fenn)
- Summary Recommendation:** That the minutes of the Local Planning Strategy Steering Committee held on 5th July 2002 be adopted.
- Bulletin Attachment** : Yes

Confirmation of the minutes of the Local Planning Strategy Steering Committee of 5th July 2002.

RECOMMENDATION

THAT the minutes of the Local Planning Strategy Steering Committee held on 5th July 2002 be received (copy of minutes in the Elected Members' Report/ Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WILLIAMS**

THAT the minutes of the Local Planning Strategy Steering Committee held on 5th July 2002 be received (copy of minutes in the Elected Members' Report/ Information Bulletin).

MOTION CARRIED 11-0

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	:	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
Bulletin Item	:	Nil.
Locality Plan	:	N/A

COMMENT/DISCUSSION

- 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	298,196.36	
Electronic Fund Transfer	totalling	2,051,532.96	
Payroll	totalling	690,329.55	
TOTAL			<u><u>\$3,040,058.87</u></u>

- As at 3^d April 2002, the total outstanding creditors, stands at \$210,667.54. Cancelled Cheques 16236 and Cancelled EFT's 4829.

RECOMMENDATION

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

Municipal Fund	totalling	<u>\$3,040,058.87</u>
Total		<u><u>\$3,040,058.87</u></u>

Voting Requirement Simple Majority

.....

ORDINARY COUNCIL MEETING MINUTES– 20/08/02
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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

**MOVED COUNCILLOR EMERY
SECONDED COUNCILLOR WELLINGTON**

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

Municipal Fund	totalling	<u>\$3,040,058.87</u>
Total		<u>\$3,040,058.87</u>

MOTION CARRIED 11-0

12.2 ADMINISTRATION

12.2.1 Extended Trading Hours within the City of Albany

File/Ward	:	LEG 005 (All Wards)
Proposal/Issue	:	Extended Trading Hours
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	City of Albany
Owner	:	City of Albany
Reporting Officer(s)	:	Administration Officer (A Wiseman)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/03/02 - Item 12.7.2
Summary Recommendation	:	THAT Council support the Albany Chamber of Commerce and Industries proposal for deregulation of extended trading hours within the City of Albany.
Bulletin Item	:	Submissions attached
Locality Plan	:	Nil

BACKGROUND

1. At the Ordinary Council Meeting on 19 March 2002, it was resolved:

“THAT Council request the Albany Chamber of Commerce, Albany Merchants Association and Albany Visitors Centre to undertake a joint survey of their membership by the 15th May 2002 on the issue of extended trading hours and the results of that survey be used to prepare a proposal for consideration by the Council that provides for transition from the current situation to a situation that accommodates extended trading. The proposal to be subject to 30 days community consultation prior to being submitted to Council for consideration.”
2. The Albany Chamber of Commerce and Industry and the Albany Visitor Centre prepared a combined survey of their members, however the Albany Merchant’s Association decided to survey its own membership individually.
3. At the time of preparing this item no survey results have been received from the Albany Merchant’s Association.

Item 12.2.1 continued.

STATUTORY REQUIREMENTS:

4. Under the Retail Trading Hours Act 1987, Section 15 empowers the Minister to vary trading hours.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. In the City of Albany’s 2020 – Charting our Course, the following Port of Call is identified:
 - *A reputation for professional excellence*
 - *Governance*
 - *To comply with statutory requirements of the organisation*

COMMENT/DISCUSSION

8. A joint survey has been undertaken by the Albany Chamber of Commerce and Industry and the Albany Visitor Centre in an effort to review extended trading hours within the City of Albany. The Albany Merchants Association chose to canvass their members separately.
9. The results have now been collated and the Albany Chamber of Commerce and Industry is recommending:
10. “That the City of Albany adopt extended retail trading for the Christmas school holiday period (i.e. The standard Christmas school holidays determined by the Education Department of WA), with the exception of Christmas Day, and the Easter holidays excluding Good Friday. Albany Chamber of Commerce and Industry recommends that this be definitely considered as a ‘trial’ for two years with a review at the end of June 2004. This review should involve all relevant parties, namely the Albany Visitor Centre, Albany Chamber of Commerce and Industry and the Albany Merchants Association, and should definitely allow for a period of public consultation.”

Item 12.2.1 continued.

11. An advertisement was placed in the Public Notices section of the Albany Advertiser on Tuesday 11 June 2002 seeking comments from interested parties in relation to the Extended Trading Hours Survey that has been compiled. At the end of the 30-day submission period, all responses received were in support of deregulation of trading hours. All 10 submissions are enclosed in the Elected Members Report/Information Bulletin.

RECOMMENDATION

THAT Council supports the Albany Chamber of Commerce and Industry Inc proposal to deregulate trading hours as follows:

“THAT the City of Albany adopt extended retail trading for the Christmas school holiday period (i.e. The standard Christmas school holidays determined by the Education Department of WA), with the exception of Christmas Day, and the Easter holidays excluding Good Friday. Albany Chamber of Commerce and Industry recommends that this be definitely considered as a ‘trial’ for two years with a review at the end of June 2004. This review should involve all relevant parties, namely the Albany Visitor Centre, Albany Chamber of Commerce and Industry and the Albany Merchants Association, and should definitely allow for a period of public consultation.”

Voting Requirement Simple Majority

.....

Councillors Wellington and Sankey declared an interest in this item. (refer to item 8.0)

Councillors Wellington and Sankey remained in Chambers.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILLIAMS**

THAT in accordance with Section 14.1 of Standing Orders, Council temporarily suspend Standing Order 5.5 (Limitation of Number of Speeches) and 6.5 (Order of Call in Debate) for Item 12.2.1 until such time as a formal motion is put at which time all standing orders will resume.

MOTION CARRIED 11-0

Item 12.2.1 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council supports the Albany Chamber of Commerce and Industry Inc proposal to deregulate trading hours as follows:

‘THAT the City of Albany adopt extended retail trading for the Christmas school holiday period (i.e. The standard Christmas school holidays determined by the Education Department of WA), with the exception of Christmas Day, and the Easter holidays excluding Good Friday. That the hours be limited to between 8.00am and 6.00pm on Monday, Tuesday, Wednesday and Friday. 8.00am to 5.00pm on Saturday. 8.00am to 9.00pm on Thursday and 9.00am to 5.00pm on Sunday. Albany Chamber of Commerce and Industry recommends that this be definitely considered as a ‘trial’ for two years with a review at the end of June 2004. This review should involve all relevant parties, namely the Albany Visitor Centre, Albany Chamber of Commerce and Industry and the Albany Merchants Association, and should definitely allow for a period of public consultation’.

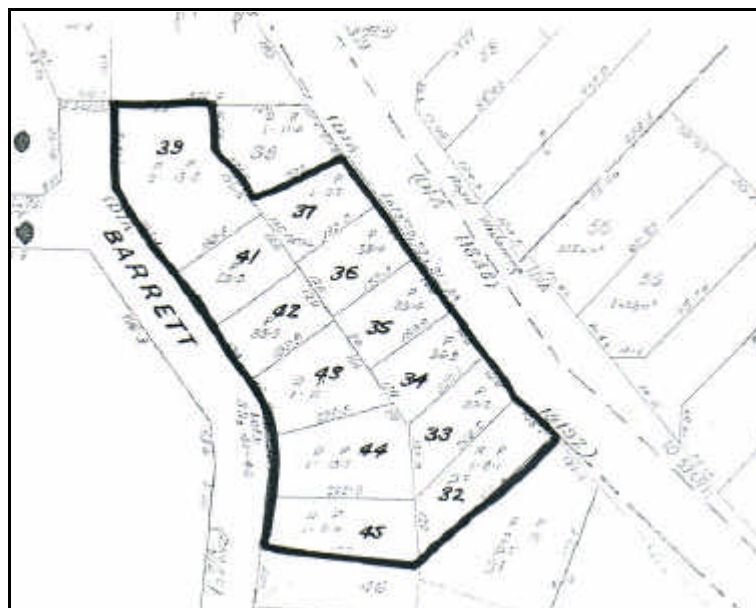
MOTION CARRIED 11-0

Reason:

The recommendation is silent upon hours of operations and the proposed hours are more than capable of accommodating contemporary customer service needs.

12.2.2 Proposed New Lease for Albany Bowling Club Inc

- File/Ward** : PRO 030 (Vancouver Ward)
- Proposal/Issue** : New Lease
- Subject Land/Locality** : Lots 32, 33, 34, 35, 36, 37, 39, 41, 42, 43, 44 and 45 Barrett Street, Lockyer
- Proponent** : Albany Bowling Club Inc
- Owner** : City of Albany
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 21 year term from 11 December 2002
- Bulletin Item** : Business Plan and diagram showing the future expansion of the lease area
- Locality Plan** : See map below



Item 12.2.2 continued.

BACKGROUND

1. A request has been received from the Albany Bowling Inc for Council to consider renewing their lease agreement which is due to expire on 10 December 2002. The current lease is for a term of 21 years, which commenced on 11 December 1981.
2. The Club is located along Barrett Street in Lockyer and Council owns the entire area freehold.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

7. There are no policies in place in relation to this item.

FINANCIAL IMPLICATIONS

8. The current rent is fixed at a peppercorn rental of \$2.00 per annum for the term of the lease. Council no longer enters into peppercorn rentals but charges an amount equivalent to the minimum gross rental value land rate to all non-profit sporting, and community groups. The rental is reviewed annually in accordance with Council’s budget and is subject to GST. For the 2002/2003 financial year the Council adopted minimum land rate is \$413.00.
9. All costs associated with this proposed new lease are to be borne by the applicant.

Item 12.2.2 continued.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

- 11. The Albany Bowling Club Inc has written to Council requesting a lease for 21 years. They have also enclosed a brief business plan to support their application, which shows that the Albany Bowling Club Inc is embarking on a project of installing synthetic greens.
- 12. Being a non-profit organization, the Club requires security of tenure regarding this lease before proceeding with the synthetic greens.
- 13. The question was raised whether or not the Club would in the future utilise Lots 39 and 45, which are currently not being used. They have provided a diagram of the area, which shows that these 2 lots will in fact be necessary for the future expansion of the Club.

RECOMMENDATION

THAT subject to Council approval:

- i) The request from the Albany Bowling Club Inc for a new lease to be prepared for a period of 21 years, from 11 December 2002 until 10 December 2023 on Lots 32, 33, 34, 35, 36, 37, 39, 41, 42, 43, 44 and 45 Barrett Street, Lockyer be agreed;
- ii) The rental be set at \$413.00 per annum, subject to GST, in accordance with Council’s 2002/2003 minimum GRV land rate figure, with rent reviews being carried out annually based on the minimum GRV land rate set by Council;
- iii) The lease be prepared in accordance with Council’s standard leasing terms and conditions, with all maintenance and repairs being carried out by the Club;
- v) All fees associated with this lease be payable by the Albany Bowling Club Inc; and
- vi) The Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

.....

Item 12.2.2 continued.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR DEMARTEAU**

THAT Council:

- i) defers consideration of this item and the renewal of all leases of Council owned property for one (1) month until such time as Council has developed a policy that categories uses of lease properties and defines within each category the roles, rights and responsibilities and general conditions of the lessor and lessee of each lease relative to that category; and**
- ii) establish a working group to develop a draft policy on “Council Leasing Standards and Conditions” for Council consideration comprising of Community Development Officer, Manager of Asset and Client Services, Manager Customer Services and Councillors Demarteau and Evers.**

MOTION CARRIED 11-0

Reason:

To establish a uniform approach to the process of lease renewals that establish clear guidelines of lessor and lessee rights and responsibilities.

12.2.3 Amendment to Guidelines – Contracts of Goods and Services

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	To review guidelines granted to the Chief Executive Officer
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	PA/Executive Director Corporate & Community Services (S Day)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 07.11.00 - Item 12.2.2 OCM 20.11.01 – Item 12.2.2
Summary Recommendation	:	That Council agrees to amend the guidelines for provision of Contracts for Goods and Services
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. In November 2001, Council granted approval for various Council Delegations to the Chief Executive Officer, including acceptance of Contracts for Goods and Services.

STATUTORY REQUIREMENTS

2. Section 5.43 of the Local Government Act enables a local government cannot delegate to a CEO any of the following powers or duties.
 - b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.

POLICY IMPLICATIONS

3. The delegation for the acceptance of ‘Contracts for Goods and Service’ was adopted by Council at the Ordinary Meeting of Council on 20th November 2001.

Item 12.2.3 continued.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5. The City’s Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the Organisation.

COMMENT/DISCUSSION

6. The City of Albany policy currently states the following:-
- a) for purchases less than **\$10,000.00** at least one verbal quotation must be obtained and noted on the purchase order/request. Competitive quotations must be obtained where it is considered that better value for money may be achieved. However, the potential benefit achievable must be balanced against the administrative costs involved.
 - b) For purchases between **\$10,000.00 and \$50,000.00 (inclusive of GST)**, a minimum of 3 written quotations must be obtained. Further quotations may be obtained to ensure adequate levels of competition to improve value for money outcomes. However, the potential benefit achievable must be balanced against the administrative costs involved.
 - c) Where purchases exceed **\$50,000.00 (inclusive of GST)**, a formal open tender process must be used and referred to Council for decision.
7. Department of Local Government and Regional Development has taken the view that a local government may, in those areas of its operation where GST is recouped, exclude GST from the calculation.
8. As Council receives input credits for GST, it is therefore recommended that Council’s guidelines be amended to stipulate limits exclusive of GST.
9. In addition, the City of Albany has sought 4 written quotations for restoration works, which are to be carried out at the Vancouver Arts Centre. All quotations supplied are inclusive of GST, they are as follows:-

Company	Total Cost
Urban Building Co	\$53,933
Centerline Construction	\$68,126
Wauters Enterprises	\$85,151
Bert Merzelaar Homes	\$64,680

Item 12.2.3 continued.

10. After consideration by the Heritage Architect, it has been recommended that the contract be awarded to Urban Building Co. However with the current policy, the contract will have to go to tender.

RECOMMENDATION

THAT:

- i) Councils guidelines in relation to Contracts for Goods & Services be amended as follows: -
- a) for purchases less than \$10,000.00 at least one verbal quotation must be obtained and noted on the purchase order/request. Competitive quotations must be obtained where it is considered that better value for money may be achieved. However, the potential benefit achievable must be balanced against the administrative costs involved;
 - b) for purchases between \$10,000.00 and \$50,000.00 (exclusive of GST), a minimum of 3 written quotations must be obtained. Further quotations may be obtained to ensure adequate levels of competition to improve value for money outcomes. However, the potential benefit achievable must be balanced against the administrative costs involved;
 - c) where purchases exceed \$50,000.00 (exclusive of GST), a formal open tender process must be used and referred to Council for decision; and
- ii) the quotation of the Urban Building Company for works at the Vancouver Arts Centre in the sum of \$53,933 be accepted.

Voting Requirement Absolute Majority

.....

Councillor Sankey declared an interest in this item and left Chambers at 8.42pm.

The nature of Councillor Sankey's interest is that her husband works with Urban Building Company.

Item 12.2.3 continued.

Executive Director Development Services tabled amended recommendation to make all figures nominated exclusive of GST.

AMENDED RECOMMENDATION

THAT:

- i) Councils guidelines in relation to Contracts for Goods & Services be amended as follows: -
 - a) for purchases less than \$10,000.00 (exclusive of GST), at least one verbal quotation must be obtained and noted on the purchase order/request. Competitive quotations must be obtained where it is considered that better value for money may be achieved. However, the potential benefit achievable must be balanced against the administrative costs involved;
 - b) for purchases between \$10,000.00 and \$50,000.00 (exclusive of GST), a minimum of 3 written quotations must be obtained. Further quotations may be obtained to ensure adequate levels of competition to improve value for money outcomes. However, the potential benefit achievable must be balanced against the administrative costs involved;
 - c) where purchases exceed \$50,000.00 (exclusive of GST), a formal open tender process must be used and referred to Council for decision; and
- ii) the quotation of the Urban Building Company for works at the Vancouver Arts Centre in the sum of \$53,933 be accepted.

Voting Requirement Absolute Majority

.....

Item 12.2.3 continued.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR EMERY**

THAT:

- i) **Councils guidelines in relation to Contracts for Goods & Services be amended as follows: -**
- a) **for purchases less than \$10,000.00 (exclusive of GST), at least one verbal quotation must be obtained and noted on the purchase order/request. Competitive quotations must be obtained where it is considered that better value for money may be achieved. However, the potential benefit achievable must be balanced against the administrative costs involved;**
 - b) **for purchases between \$10,000.00 and \$50,000.00 (exclusive of GST), a minimum of 3 written quotations must be obtained. Further quotations may be obtained to ensure adequate levels of competition to improve value for money outcomes. However, the potential benefit achievable must be balanced against the administrative costs involved;**
 - c) **where purchases exceed \$50,000.00 (exclusive of GST), a formal open tender process must be used and referred to Council for decision; and**
- ii) **the quotation of the Urban Building Company for works at the Vancouver Arts Centre in the sum of \$53,933 be accepted.**

**MOTION LOST 7-3
NOT CARRIED BY ABSOLUTE MAJORITY**

Councillor Sankey returned to Chambers at 8.46pm.

ORDINARY COUNCIL MEETING MINUTES– 20/08/02
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12.2.4 Proposed Lease Renewal for Lockyer Community Kindergarten Inc on Reserve 25383

- File/Ward** : PRO064 (Vancouver Ward)
- Proposal/Issue** : Lease renewal
- Subject Land/Locality** : Reserve 25383, Plantagenet Location 6701 and 7490 Leschenault Street
- Proponent** : Lockyer Community Kindergarten Inc
- Owner** : Crown Land – Department of Land Administration (Managed by the City of Albany)
- Reporting Officer(s)** : Executive Director Corporate and Community Services (P Madigan)
- Disclosure of Interest** : Nil
- Previous Reference** : OCM 16/07/02 – Item 12.2.1
- Summary Recommendation** : That Council approve the request for a new lease to be prepared for a 21 year term from 1 January 2003
- Bulletin Attachment** : Nil
- Locality Plan** :



ORDINARY COUNCIL MEETING MINUTES– 20/08/02
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Item 12.2.4 continued.

BACKGROUND

1. A request has been received from the Lockyer Community Kindergarten Inc for Council to consider renewing their lease agreement which is due to expire on 31 December 2002. The current lease is for a term of 21 years, which commenced on 1 January 1982.
2. The Kindergarten is located on Reserve 25383 Leschenault Street in Lockyer and Council currently has a Management Order for the purpose of a “Pre-School Centre” with power to lease for periods up to and including 21 years.

STATUTORY REQUIREMENTS:

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

POLICY IMPLICATIONS

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

Item 12.2.4 continued.

FINANCIAL IMPLICATIONS

9. The current rent is fixed at a peppercorn rental of \$2.00 per annum for the term of the lease. Council no longer enters into peppercorn rentals but charges a rental equivalent to the minimum GRV land rate to all non-profit sporting, educational and community groups. The rental is reviewed annually in accordance with Council's budget and is subject to GST. For the 2002/2003 financial year the Council adopted minimum land rate is \$413.00.
10. All costs associated with this proposed new lease are to be borne by the applicant including both legal and advertising fees.

STRATEGIC IMPLICATIONS

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

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

COMMENT/DISCUSSION

12. The Lockyer Community Kindergarten Inc has written to Council requesting several issues be considered when renewing this lease agreement.
13. The Kindergarten would like to agree on a very minimal rental amount that would take into consideration that they are a non-profit organization whose program is funded by the Education Department only and all other income has to be raised through the parent body.
14. The Kindergarten feels that the rent reviews should either stay the same to allow for their minimal budget or to be increased with movements in Consumer Price Index (CPI) only.
15. The Kindergarten considers it is not a commercial enterprise and believes it would be more appropriate to have the maintenance, repairs and painting items dealt with along the lines of a residential lease. This would mean that the City be responsible for the outside of the building including glass windows and doors and the Kindergarten be responsible for fencing as this is specific to their needs. They would also assume all responsibility for the inside of the premises. The City of Albany currently attends to the mowing of all lawns at the Lockyer Community Kindergarten Inc and they feel that it would be appropriate for the City to continue to cut the lawns. It should be noted however that Council does not perform these functions for other leased premises.
16. The Kindergarten however does compete in the market place.

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Item 12.2.4 continued.

17. At its July Ordinary Council Meeting, Council resolved that this request lay on the table for one month while the financial implications were assessed.
18. In relation to the Lockyer Community Kindergarten, an amount of \$7250.00 (COA 2742) has been allocated in the 2002/2003 budget for building maintenance. The program for the budgeted funding is as follows:-
- Rectify storm water problem - \$1,300.00 (est)
 - Paint external walls of building - \$3,800.00 (est)
 - Repair damaged gates - \$1,150.00 (est)
 - Annual electrical and plumbing allowance - \$1,000.00
19. Should Council consider agreeing to the request of the Lockyer Community Kindergarten, and extend it to other community based Kindergartens leasing from Council, there is one other community based Kindergarten in this category. The Albany Kindergarten Association Inc leases portion of Lot 34, Rutherford Drive, Lower King.
20. The terms of that lease provide -
- “The Tenant shall keep and maintain:*
- (a) *the Land and all buildings, structures improvements and fixtures thereon, or which may during the Term or any extension or renewal thereof be placed thereon, in good and tenantable repair and condition and clean and in good order to the satisfaction of the Lessor; and*
- (b) *the Land in a clean and tidy state free from dirt and rubbish to the satisfaction of the Lessor.”*
21. Should Council consider an all embracing policy for community based groups, the following leases may be affected:

Community Groups

Albany Agricultural Society Inc
Albany Historical Society
Albany Maritime Foundation
Albany Women’s Institute & Rest House
Girl Guide Association
Navy League of Australia
Scout Association of Australia
Senior Citizens of Albany (MOW)
Surf Life Saving Club

Childcare/Kindergartens

Albany Occasional Centre

Volunteer Groups

Albany Sea Rescue Squad Inc
Albany Volunteer Fire Brigade
Albany Volunteer SES
South Coast Volunteer Bushfire
Brigade

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Item 12.2.4 continued.

Lotteries House

Safer WA Committees Executive
 Albany Community Radio Inc
 Albany Halfway House Association
 Albany Summer School
 Association for the Blind
 Arthritis Foundation
 Great Southern Community Partnerships
 Lower Great Southern Family Support
 Association
 Rainbow Coast Toy Library
 Resource Unit for Children with Special Needs

Country Clubs/Progress Assn

Bornholm Kronkup Country Club
 Elleker Progress Association
 King River Recreation Club Inc
 Lower King Croquet Progress &
 Recreation
 Many Peaks Community &
 Recreation Association
 South Coast Progress Association

22. Given the time frame for this report, it has not been possible to include a condition assessment of each of the buildings. Listed below are the estimates of the additional works costs including all internal and external plumbing and electrical services and external vandalism repairs:

CATEGORY	NUMBER OF LEASES	LOW ESTIMATE	HIGH ESTIMATE
Community Groups	9	\$6,100	\$23,200
Childcare/Kindergartens	3	\$1,500	\$6,000
Volunteer Groups	4	\$6,300	\$14,600
Country Clubs/Progress Associations	6	\$3,000	\$12,000
Lotteries House	10	\$1,000	\$3,000
TOTAL	32	\$17,900	\$58,800

RECOMMENDATION

THAT:

- i) Subject to approval from the Minister for Lands; Council agree to the request from the Lockyer Community Kindergarten Inc for a new lease to be prepared for a period of 21 years, from 1 January 2003 until 31 December 2023 on Reserve 25383, being Plantagenet Location 6701 and 7490;
- ii) The rental be set at \$413.00 per annum, subject to GST, in accordance with Council's 2002/2003 minimum land rate figure, with rent reviews being carried out annually based on the minimum land rate set by Council's budget;
- iii) The lease be prepared in accordance with Council's standard leasing terms and conditions, with all maintenance and repairs being carried out by the Kindergarten;

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Item 12.2.4 continued.

- iv) The Council agree to the City of Albany continuing to insure the premises, with the Kindergarten continuing to insure the contents and public liability;
- v) All fees associated with this lease be payable by the Lockyer Community Kindergarten Inc; and
- vi) The Common Seal of the City of Albany be affixed to the documentation.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR EVANS**

THAT Council defers consideration of this item pending the adoption of the Council Policy on “Council Leasing Standards and Conditions”.

MOTION CARRIED 11-0

Reason:

- To establish a uniform approach to the process of lease renewals which establishes clear guidelines of lessor and lesser rights and responsibilities.

12.2.5 Albany Visitors Centre – Funding

File/Ward	: FIN 022 (All Wards)
Proposal/Issue	: Allocation of funds to the Albany Visitors Centre
Subject Land/Locality	: Proudlove Parade, Albany
Proponent	: Albany Visitors Centre
Owner	: City of Albany
Reporting Officer(s)	: Executive Director Corporate & Community Services (P Madigan)
Disclosure of Interest	: N/A
Previous Reference	: SCM 02/07/02 – Item 7.1
Summary Recommendation	: That Council allocate \$50,000 from the Tourism Development Reserve to the Albany Visitors Centre.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The Albany Visitors Centre is requesting that the City of Albany consider releasing 50% of the \$100,000 funding base to the Albany Visitors Centre without delay to avoid further disruption to services and to secure the Centre's viability for the coming year.
2. The Centre acknowledges that the remainder of funds would not be forthcoming until full Constitutional change is finalised by December 2002.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

Item 12.2.5 continued.

FINANCIAL IMPLICATIONS

5. Although no funds have been specifically allocated for this purpose, in adopting its budget for 2002/03, Council allocated \$100,000 to a Tourism Development Reserve, and the requested funds could be allocated from this source.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

7. At its Special Council Meeting on 2nd July 2002, Council resolved:-
“*THAT*
 - i) *Council defer consideration of the Albany Visitors Centre application for funding pending amendments to their constitution which incorporate:-*
 - a) *membership selection criteria being defined;*
 - b) *termination criteria being defined;*
 - c) *a requirement to provide reasons for the rejection of any membership application in writing to the applicant; and*
 - d) *the basic principals of natural justice being ensconced into the document with relation to membership processes.*
 - ii) *Council allocate \$100,000 to a Tourism Development Reserve Fund in lieu of the Albany Visitors Centre; and*
 - iii) *the Albany Visitors Centre respond to Council’s request with a draft constitution within 3 months and if agreement is reached, finalise constitution on or before 31 December 2002.”*
8. In a statement from the Board of Management of the Albany Visitors Centre, the Board has stated:
 - It is cognisant of the issues raised by the Councillors of the Albany City Council which were articulated in the motion put forward on Tuesday 2nd July 2002 requiring change to the Constitution of the Albany Visitors Centre.
 - The Board met on 4th July 2002 to consider the matter. There was agreement by the Board of Directors that Constitutional change occurs, and proposed changes are in line with the strategic planning process. The Constitutional resolutions will encompass the stated objectives of the motion. The Board of Directors believes that the Albany Visitors Centre will demonstrate transparency of process and accountability in its operations, particularly with reference to membership.

Item 12.2.5 continued.

The Board through its Constitutional change process will change the Constitution with reference to membership to reflect procedural fairness. The Board will retain the ability to accept or reject membership (whether they be new, existing or otherwise) as a Constitutional right, however, the Constitution will carry a clause that should this right be exercised, a due and proper process will be in place through Regulations, Policies and Procedures that will make certain that such decisions are:

- a) based on ethical principles and a code of conduct;
- b) measured against selection criteria;
- c) will give reasonable resource for members to obtain a fair hearing;
and
- d) outcomes will be communicated to the parties involved.

The Board has undertaken that these Constitutional changes will be fully completed by December 2002.

RECOMMENDATION

THAT given the undertaking by the Board of Directors of the Albany Visitors Centre to finalise constitutional change in the manner sought by Council by 31st December 2002, Council:

- i) agree to fund \$50,000 to the Albany Visitors Centre; and
- ii) allocate such funds from the Tourism Development Reserve.

Voting Requirement Simple Majority

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**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR EMERY**

THAT in accordance with Section 14.1 of Standing Orders, Council temporarily suspend Standing Order 5.5 (Limitation of Number of Speeches) and 6.5 (Order of Call in Debate) for Item 12.2.5 until such time as a formal motion is put at which time all standing orders will resume.

MOTION CARRIED 11-0

Item 12.2.5 continued.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR DEMARTEAU**

THAT given the undertaking by the Board of Directors of the Albany Visitors' Centre to finalise constitutional change in the manner sought by Council by 31st December 2002, Council:

- i) agree to fund \$34,000.00 to the Albany Visitors Centre;**
- ii) allocate such funds from the Tourism Development reserve; and**
- iii) upon finalisation of the constitution that meet with the satisfaction of Council the remaining \$66,000.00 in the Tourism Development reserve be remitted to the Albany Visitors' Centre.**

MOTION LOST 5-6

Reason:

This provides the Albany Visitors' Centre with funding for 4 months of operation and the motivation to pursue the changes required by the Council.

12.2.6 Annual Review of Council Delegations – Development Approvals

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	To review delegations for development approvals granted to the Chief Executive Officer, and delegations to nominated staff.
Subject land	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer	:	Senior Records Officer (S Pepper)
Disclosure of Interest	:	N/A
Previous Reference	:	OCM 20.11.01 - Item 12.2.1
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer's delegation for development approvals, and delegations to specific staff.
Bulletin Attachment	:	Yes
Locality Plan	:	N/A

BACKGROUND

1. Once each year the delegations provided to officers are to be reviewed by Council and the delegated authority can be revoked, amended or renewed. The current delegations were established in November 2001.
2. The delegations are provided through the provisions of the City's Town Planning Schemes and relate to matters under the Town Planning and Development Act. Both Schemes provide for delegations to be made to Committees of Council or directly to staff.
3. During the last financial year, Council has approved specific delegations, under the Town Planning Act, to various staff. Some of these delegations are of either an ongoing nature or have not yet been finalised. They are being referred back to Council for endorsement.

Item 12.2.6 continued.

STATUTORY REQUIREMENTS

3. Section 7.21 of the City of Albany Town Planning Scheme No 1A and Section 6.10 of the City of Albany Town Planning Scheme No 3 establish the mechanisms for Council to delegate decision-making. The wording in the two documents is slightly different however they both provide that Council can delegate at any time and the delegation must be reviewed annually. The actual wording is included in the Delegation Register.
4. Section 5.42 of the Local Government Act also allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

7. The City's Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the organization.

COMMENT/DISCUSSION

8. A review of the 2001/2002 delegations for development approvals has been conducted, and it is felt the delegations should continue, as they form the basis of Council's 2020 Strategic Plan, in endeavouring to provide a more efficient and effective service to our customers.
9. Included in the Elected Members/Information Bulletin is a 2001/2002 Delegation Register for both schemes. The Register contains 2 parts, the first details the actual clauses of the scheme where Council is required to perform a task. Part 2 establishes the guidelines, which assist in decision making. The guidelines have been adopted as policies pursuant to the respective scheme to provide greater certainty in decision making.
10. As these delegations are available under the two schemes, it is intended to continue to promote these efficiencies, by seeking such delegations to the Chief Executive Officer, who may then, under the Local Government Act, delegate some or part of those tasks to relevant staff.

Item 12.2.6 continued.

11. The Chief Executive Officer proposes to delegate authority to individual staff and withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards. Council retains the capacity to review the 'upper limit' of the delegated authority at any time and it must review annually the extent of its delegations.
12. The specific delegations to staff are as follows:

Final Approval for Amendment – 'Home Business' to Town Planning Scheme 1A and 3

OCM 23.01.01 Item 11.1.5

- On final gazettal of Amendments 121 and 215, the *Chief Executive Officer* be delegated authority to approve and refuse applications for 'home business' where such applications are 'deemed to comply' with all of the provisions contained in the definitions of the use and pursuant to the Local Government Act provisions, such authority be authorised to be further delegated to staff.

Proposed Aged Persons Village – Surrey Street, Mira Mar

OCM 18.12.01 Item 11.1.1

THAT upon receipt of a response from the Department of Environmental Protection and Waters & Rivers Commission, delegated authority be issued to the *Executive Director Development Services* to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:

- i) all units within the site being subject to the Retirement Villages Act;
- ii) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
- iii) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
- iv) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

Proposed Demolition – 298 Middleton Road, Centennial Park

OCM 15.01.02 Item 11.1.5

THAT delegated authority be issued to the *Manager Development* to grant a conditional Planning Scheme Consent for the demolition of the existing dwelling at 298 Middleton Road, Centennial Park once an application for a replacement building to house Professional Offices has been approved.

Item 12.2.6 continued.

Application for Planning Scheme Consent – Dwelling – Location 7 Lower King Road, Lower King

OCM 19.02.02 Item 11.1.2

THAT delegated authority be issued to the *Executive Director Development Services*, pending the satisfaction of the following, to grant conditional Planning Scheme Consent for a residential dwelling house on Location 7 Lower King Road, Lower King:

- i) A geo-technical report being undertaken by the applicant to determine whether the soils are adequately stable to accommodate a dwelling on-site, and how much fill will be required.
- ii) The dispersal field for the effluent disposal system being setback a distance no less than 30m from the high water mark (which should be shown on the plan) to comply with the Health Department of Western Australia's guidelines.
- iii) Detailed information being provided by the applicant advising Council how the effluent disposal system will meet the 250mm clearance from ground water level, including the amount of fill proposed, given the fact that the land is subject to seasonal inundation and tidal influence.
- iv) A flood study being undertaken to determine the highest potential flood level, so that the house and effluent disposal system can be built up accordingly.
- v) Should the drainage channel be affected by the development, then actions will be required to ensure it's effectiveness is maintained.
- vi) A drainage assessment being conducted by a qualified engineer stating how the level of fill will impact on water flow across the subject land and neighbouring properties if applicable.
- vii) A subdivision application being lodged and a diagram of survey being prepared for proposed Lot 1, and on this plan a portion of Location 7 (south and east of Lower King Road) being ceded free of cost to the Crown.
- viii) A vegetation survey being carried out on site to determine whether there are any species worthy of retention affected by the development.
- ix) A building envelope being established on the south eastern portion of the lot to the satisfaction of the Executive Director – Development Services.

Item 12.2.6 continued

RECOMMENDATION

THAT Council;

- i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.
- ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 those functions specified in Schedule 2 in the Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.
- iii) On final gazettal of Town Planning Amendments 121 and 215, delegate to the *Chief Executive Officer* the authority to approve and refuse applications for ‘home business’ where such applications are ‘deemed to comply’ with all of the provisions contained in the definitions of the use and pursuant to the Local Government Act provisions, such authority be authorised to be further delegated to staff.
- iv) upon receipt of a response from the Department of Environmental Protection and Waters & Rivers Commission, delegated authority be issued to the *Executive Director Development Services* to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:
 - a) all units within the site being subject to the Retirement Villages Act;
 - b) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
 - c) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
 - d) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

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Item 12.2.6 continued

- v) delegate authority to the *Manager Development* to grant a conditional Planning Scheme Consent for the demolition of the existing dwelling at 298 Middleton Road, Centennial Park once an application for a replacement building to house Professional Offices has been approved.

- vi) delegate authority to the *Executive Director Development Services*, pending the satisfaction of the following, to grant conditional Planning Scheme Consent for a residential dwelling house on Location 7 Lower King Road, Lower King:
 - a) A geo-technical report being undertaken by the applicant to determine whether the soils are adequately stable to accommodate a dwelling on-site, and how much fill will be required.
 - b) The dispersal field for the effluent disposal system being setback a distance no less than 30m from the high water mark (which should be shown on the plan) to comply with the Health Department of Western Australia’s guidelines.
 - c) Detailed information being provided by the applicant advising Council how the effluent disposal system will meet the 250mm clearance from ground water level, including the amount of fill proposed, given the fact that the land is subject to seasonal inundation and tidal influence.
 - d) A flood study being undertaken to determine the highest potential flood level, so that the house and effluent disposal system can be built up accordingly.
 - e) Should the drainage channel be affected by the development, then actions will be required to ensure it’s effectiveness is maintained.
 - f) A drainage assessment being conducted by a qualified engineer stating how the level of fill will impact on water flow across the subject land and neighbouring properties if applicable.
 - g) A subdivision application being lodged and a diagram of survey being prepared for proposed Lot 1, and on this plan a portion of Location 7 (south and east of Lower King Road) being ceded free of cost to the Crown.
 - h) A vegetation survey being carried out on site to determine whether there are any species worthy of retention affected by the development.
 - i) A building envelope being established on the south eastern portion of the lot to the satisfaction of the Executive Director – Development Services.

Voting Requirement Absolute Majority

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Item 12.2.6 continued.

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR BOJCUN**

THAT Council:

- i) pursuant to clause 7.21 of the City of Albany Town Planning Scheme No 1A, delegate to the Chief Executive Officer those functions specified in Schedule 1 in the Bulletin as they relate to Town Planning Scheme No 1A, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.
- ii) pursuant to clause 6.10 of the City of Albany Town Planning Scheme No 3 those functions specified in Schedule 2 in the Bulletin as they relate to Town Planning Scheme No 3, subject to the specified parameters, and further provide that, in accordance with the provisions of section 5.44 of the Local Government Act the Chief Executive Officer be authorised to sub-delegate those functions.
- iii) On final gazettal of Town Planning Amendments 121 and 215, delegate to the *Chief Executive Officer* the authority to approve and refuse applications for ‘home business’ where such applications are ‘deemed to comply’ with all of the provisions contained in the definitions of the use and pursuant to the Local Government Act provisions, such authority be authorised to be further delegated to staff.
- iv) upon receipt of a response from the Department of Environmental Protection and Waters & Rivers Commission, delegated authority be issued to the *Executive Director Development Services* to grant conditional Planning Scheme Consent for an Aged Persons Village at Lots 25-28 & 45 – 48 Surrey Street, Mira Mar subject, but not limited to, the following conditions:
 - a) all units within the site being subject to the Retirement Villages Act;
 - b) the portion of Surrey Street proposed to be utilised as part of the development is to be closed and incorporated into the subject land;
 - c) the land identified on the plan adjacent Wollaston Road and that proposed for Lake Seppings Drive and the foreshore reserve being ceded to the Crown free of cost concurrently with the development of Stage 1 of the project; and
 - d) prior to development occurring on the land, appropriate measures are to be put in place to dispose of stormwater in accordance with Sensitive Urban Water Design Principles.

contd....

Item 12.2.6 continued.

- v) **delegate authority to the *Manager Development* to grant a conditional Planning Scheme Consent for the demolition of the existing dwelling at 298 Middleton Road, Centennial Park once an application for a replacement building to house Professional Offices has been approved.**

- vi) **delegate authority to the *Executive Director Development Services*, pending the satisfaction of the following, to grant conditional Planning Scheme Consent for a residential dwelling house on Location 7 Lower King Road, Lower King:**
 - a) **A geo-technical report being undertaken by the applicant to determine whether the soils are adequately stable to accommodate a dwelling on-site, and how much fill will be required.**
 - b) **The dispersal field for the effluent disposal system being setback a distance no less than 30m from the high water mark (which should be shown on the plan) to comply with the Health Department of Western Australia’s guidelines.**
 - c) **Detailed information being provided by the applicant advising Council how the effluent disposal system will meet the 250mm clearance from ground water level, including the amount of fill proposed, given the fact that the land is subject to seasonal inundation and tidal influence.**
 - d) **A flood study being undertaken to determine the highest potential flood level, so that the house and effluent disposal system can be built up accordingly.**
 - e) **Should the drainage channel be affected by the development, then actions will be required to ensure it’s effectiveness is maintained.**
 - f) **A drainage assessment being conducted by a qualified engineer stating how the level of fill will impact on water flow across the subject land and neighbouring properties if applicable.**
 - g) **A subdivision application being lodged and a diagram of survey being prepared for proposed Lot 1, and on this plan a portion of Location 7 (south and east of Lower King Road) being ceded free of cost to the Crown.**
 - h) **A vegetation survey being carried out on site to determine whether there are any species worthy of retention affected by the development.**
 - i) **A building envelope being established on the south eastern portion of the lot to the satisfaction of the Executive Director – Development Services.**

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

12.2.7 Annual Review of Council Delegations

File/Ward	:	MAN 122 (All Wards)
Proposal/Issue	:	To Review Delegations granted to the Chief Executive Officer and to nominated Council Committees
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Senior Records Officer (S Pepper)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20.11.01 Item 12.2.2
Summary Recommendation	:	That Council agrees to renew the Chief Executive Officer's and Council committees' various delegations as listed
Bulletin Attachment	:	2001/02 Council Delegations
Locality Plan	:	N/A

BACKGROUND

1. Under the provisions of the Local Government Act, a local authority may delegate some of its powers and duties to the Chief Executive Officer (there are restrictions detailed in the Act), to help facilitate the many services it provides to the community. These delegations must be in writing and may either be of a general nature or specific, but in all cases there is a requirement to review them at least once each year.
2. Council has also in the last financial year approved delegations to the Albany Town Hall Theatre (for the programming of performances) and the Community Financial Assistance Committee (to assess applications for community grants and approve funding applications), which require reviewing.
3. Over the past twelve months, Council has granted numerous delegations (using various legislation eg – Local Government, Bushfires, Dog, Strata Titles etc), to the Chief Executive Officer, in an effort to streamline the provision of services (refer table in Elected Members Report/Information Bulletin).

Item 12.2.7 continued.

STATUTORY REQUIREMENTS:

4. Section 5.42 of the Local Government Act enables the delegation of some powers and duties to the Chief Executive Officer:
 - 1) a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43
a delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
5. Section 5.16 and 5.17 of the Local Government Act enables the delegation of some powers and duties to a committee:
 - 2) which may be in writing and be general or as otherwise provided in the instrument of delegation;
 - 3) which have effect for the period of time specified or if no period specified, indefinitely;
 - 4) but can not include any power or duty that requires a decision of an absolute majority or a 75% majority of the Council, or any powers or duties that can be delegated to the CEO under Division 4, etc
6. Also under the provisions of section 5.46 of the Local Government Act, delegations must be reviewed at least once every financial year.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The City's Albany 2020 Objectives and Council activities, include the following – Governance – to comply with statutory requirements of the organization.

COMMENT/DISCUSSION

10. A review of the 2001/2002 delegations has been conducted, and it is felt many of these delegations should continue, as they form the basis of Council's 2020 Strategic Plan, in endeavouring to provide a more efficient and effective service to our customers.

Item 12.2.7 continued.

11. As delegations are available under the various types of legislation, it is intended to promote these efficiencies, by seeking such delegations to the Chief Executive Officer, who may then, under the Local Government Act, delegate some or part of those tasks to relevant staff.
12. While this item seeks delegations from Council to the Chief Executive Officer only, it should be noted, that any subsequent delegations to staff, are handled administratively, as a function of the Chief Executive Officer.
13. The following specific delegations were approved to the Chief Executive Officer, but have not yet been finalised:

Proposed Policy-Legal Representation-Costs Indemnification

OCM 19.12.00 Item 12.2.6

-Authority to assess urgent financial support applications, applying the Legal Representation-Costs Indemnification policy, with any one authorisation not to exceed \$5,000.00.

Septage Waste Facility Joint Venture - Update

OCM 16.04.02 Item 19.1

THAT Council:

- i) continues to proceed with the establishment of the Joint Venture Facility with the Water Corporation subject to:
 - a) budget compliance;
 - b) compliance with National Competition Policy and other relevant statutes; and
 - d) environmental clearance from the Department of Environmental Protection; and
- ii) delegate authority to the *Chief Executive Officer* to finalise the joint venture agreement and commission the construction of the project.

Scheduling of City of Albany Ordinary Council Meetings at Rural Venues

OCM 21.05.02 Item 12.2.2

THAT:

- i) Council schedule its ordinary meetings for the months of March and September annually at a rural venue, which will be advertised accordingly to maximise rural participation; and
- ii) the matter of the venue be delegated to the *Chief Executive Officer* subject to consultation with local hall community groups and Council.

Item 12.2.7 continued.

Community Financial Assistance Program – Policy Review

OCM 18.06.02 Item 12.2.3

THAT:

- i) the Community Financial Assistance Policy, as amended, be adopted;
- ii) the Community Financial Assistance Committee be granted delegated authority to assess and approve funding up to a maximum value of \$10,000 in accordance with the Policy; and
- iii) the *Chief Executive Officer* be delegated authority to approve applications for Community Donations to a maximum value of \$200.

Emu Point Erosion Study

OCM 18.06.02 Item 13.2.7

THAT Council:

- i) not accept any Tenders for Contract C01064; and
- ii) delegate to the *Chief Executive Officer* to award the tender, following negotiations with both Egis and MP Rogers and Associates, subject to budgetary constraints.

RECOMMENDATION

THAT Council,

- i) in accordance with the provisions of section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:-

- a) Review of City of Albany’s Gross Rental Valuation (GRV) Rating Area.

*Local Government Act, Section 6.28
Report Requirement – FILE*

- b) Contracts – Power to Accept Contracts for Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (excluding GST), subject to the said matter:

- (i) being detailed in Council’s annual budget, and
- (ii) complying with any relevant Council policy.

*Local Government Act, Section 5.43(b)
Report Requirement – FILE*

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Item 12.2.7 continued.

- c) Process requests related to leases –
- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
 - Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
 - Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
 - Application for a sublease to be processed, where there is a current lease in place.

Land Administration Act, section 18 and Local Government Act,
section 3.58

Report Requirement: BULLETIN

- d) Process requests related to the application of the Common Seal. The Mayor and the Chief Executive Officer (and their respective absences the Acting Mayor and the Acting Chief Executive Officer) be authorised to attach the Common Seal to all documents, subject to the restrictions imposed by Section 5.43 of the Local Government Act.

Local Government Act, section 2.5

Report Requirement – BULLETIN

- e) The authority to appoint “authorised persons” under the City of Albany’s local laws.

Local Government Act

Report Requirement – FILE

- f) To execute Grant and Service Agreements arranged with the Bushfire Services of WA.

Local Government Act, section 5.43

Report Requirement – FILE

- g) To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.

Local Government Act, schedule 9.1, section 2

Report Requirement – FILE

- h) The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997.

Local Government Act, section 6.10 and Financial
Management Regulations

Report Requirement – FILE

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Item 12.2.7 continued.

- i) To approve and refuse applications from organizations within the City of Albany municipality to use the ‘Altogether Better’ brand within the parameters of the Brand Management Guidelines.

*Local Government Act, section 2.5
Report Requirement – FILE*

- j) To obtain drainage easements for Council’s drainage needs subject to the following criteria:

- all alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;
- easement location be based on sound engineering knowledge taking into account existing and future drainage systems;
- should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;
- no payment of compensation is to be paid until the easement has been registered with the Titles Office;
- easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);
- location of easement is agreed to by the affected land owner;
- agreement has been obtained from the affected landowner for the grant of easement.

*Local Government Act, schedules 3.2, 9.1
Report Requirement: File*

- k) To implement the provisions of the policy –“Payments to Employees in Addition to Contractor Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

*Local Government Act, section 5.50
Report Requirement: Bulletin*

- l) To approve sundry donations to the value of \$200.00 in accordance with the policy “Financial Assistance Community Organisations”.

*Local Government Act
Report Requirement – to Council Records*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.7 continued.

- m) To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

*Local Government Act, section 6.47
Report Requirement – to Council Records*

- ii) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder:-

- The power to approve and refuse the issue of building and demolition licences;
- The power to serve a stop work order upon a builder;
- To grant approval for a building which encroaches over a public place or street; and
- To require in-completed buildings completed or removed.

- iii) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:-

- a) Process requests related to Leases

- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
- Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
- Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.
- Application for a sublease to be processed, where there is a current lease in place.

Land Administration Act, section 18 and Local Government Act,
section 3.58

Report Requirement: BULLETIN

- b) Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council’s “Development Area and Street Names” Policy.

*Land Administration Act, section 56
Report Requirement – FILE*

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Item 12.2.7 continued.

- c) Process requests related to Crown Reserves
- Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.
 - Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme
 - Creation of a crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.

*Land Administration Act and Regulations
Report Requirement – BULLETIN*

- d) To obtain road widenings for Council's road infrastructure improvement, subject to the following criteria:
- all alternative routes with regard to road construction or reconstruction shall be investigated as part of the design process
 - road widening location to be based on sound engineering principles taking into account existing and future road systems
 - should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50,000.00
 - agreement has been obtained from the affected land owners for the land to be resumed
 - no payment of compensation is to be paid until the road widening has been registered with the Titles Office.

*Land Administration Act, section 177
Report Requirement – File*

- iv) in accordance with section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Bush Fires Act.

*Bush Fires Act
Report Requirement – FILE*

Item 12.2.7 continued.

- v) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Strata Titles Act in the following areas:-
- authority to sign certificates issued;
 - the ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
 - the ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.

*Strata Titles Act, sections 6, 23(5), 42
Report Requirement – FILE*

- vi) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Dog Act 1976.

*Dog Act 1976
Report Requirement – FILE*

- vii) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the authority to approve the operation of helicopter joy flights from the Albany Foreshore serve, adjacent to Princess Royal Harbour.

*Town Planning Scheme 1A, clause 7.21
Report Requirement – FILE*

- viii) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer and to sub-delegate the power to exercise the authority to grant permission of the local government to allow blasting within a townsite, as provided by the Explosives and Dangerous Goods Act 1961, subject to Council's guidelines.

NB: In accordance with Regulation 115(6) of the Explosive and Dangerous Goods (Explosives) Regulations 1963 states that any person who wishes to blast within a townsite must give the clerk of the Council of the local government 24 hours notice of that wish. Therefore, there is no requirement for a delegation from Council, but the Chief Executive Officer may delegate to nominated staff.

- ix) in accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, agree to delegate to the Albany Town Theatre Advisory Committee, the power to assess and approve performances at the Theatre, subject to budgetary constraints.

Item 12.2.7 continued.

- x) in accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations, in accordance with the policy “Community Financial Assistance Program Policy”.
- xi) give the Chief Executive Officer authority to assess urgent financial support applications, applying the Legal Representation-Costs Indemnification policy, with any one authorisation not to exceed \$5,000.00.
- xii) a) continues to proceed with the establishment of the Joint Venture Facility with the Water Corporation subject to:
 - (i) budget compliance;
 - (ii) compliance with National Competition Policy and other relevant statutes; and
 - (iii) environmental clearance from the Department of Environmental Protection; andb) delegate authority to the *Chief Executive Officer* to finalise the joint venture agreement and commission the construction of the project.
- xiii) a) Council schedule its ordinary meetings for the months of March and September annually at a rural venue, which will be advertised accordingly to maximise rural participation; and
b) the matter of the venue be delegated to the *Chief Executive Officer* subject to consultation with local hall community groups and Council.
- xiv) a) not accept any Tenders for Contract C01064; and
b) delegate to the *Chief Executive Officer* to award the tender, following negotiations with both Egis and MP Rogers and Associates, subject to budgetary constraints.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR EVERS**

THAT Council,

- i) **in accordance with the provisions of section 5.42 of the Local Government Act, agree to delegate to the Chief Executive Officer, the power to exercise the following powers or duties:-**

contd....

Item 12.2.7 continued.

- a) **Review of City of Albany’s Gross Rental Valuation (GRV) Rating Area.**

*Local Government Act, Section 6.28
Report Requirement – FILE*

- b) **Contracts – Power to Accept Contracts for Provision of Goods and Services and acquire/dispose of property up to \$50,000.00 (excluding GST), subject to the said matter:**

- i. being detailed in Council’s annual budget, and
- ii. complying with any relevant Council policy.

*Local Government Act, Section 5.43(b)
Report Requirement – FILE*

- c) **Process requests related to leases –**

- **Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.**
- **Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.**
- **Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.**
- **Application for a sublease to be processed, where there is a current lease in place.**

Land Administration Act, section 18 and Local Government Act, section 3.58

Report Requirement: BULLETIN

- d) **Process requests related to the application of the Common Seal. The Mayor and the Chief Executive Officer (and their respective absences the Acting Mayor and the Acting Chief Executive Officer) be authorised to attach the Common Seal to all documents, subject to the restrictions imposed by Section 5.43 of the Local Government Act.**

*Local Government Act, section 2.5
Report Requirement – BULLETIN*

- e) **The authority to appoint “authorised persons” under the City of Albany’s local laws.**

*Local Government Act
Report Requirement – FILE*

Contd...

Item 12.2.7 continued.

- f) **To execute Grant and Service Agreements arranged with the Bushfire Services of WA.**

Local Government Act, section 5.43

Report Requirement – FILE

- g) **To approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes.**

Local Government Act, schedule 9.1, section 2

Report Requirement – FILE

- h) **The power to make payments from the Municipal and Trust Funds in accordance with Section 12 and 13 of the Local Government (Financial Management) Regulations 1997.**

Local Government Act, section 6.10 and Financial Management Regulations

Report Requirement – FILE

- i) **To approve and refuse applications from organizations within the City of Albany municipality to use the ‘Altogether Better’ brand within the parameters of the Brand Management Guidelines.**

Local Government Act, section 2.5

Report Requirement – FILE

- j) **To obtain drainage easements for Council’s drainage needs subject to the following criteria:**

- **all alternative routes with regard to stormwater discharge shall be investigated as part of the easement process;**
- **easement location be based on sound engineering knowledge taking into account existing and future drainage systems;**
- **should the issue of compensation form part of the negotiations of gaining an easement over private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$25,000.00;**
- **no payment of compensation is to be paid until the easement has been registered with the Titles Office;**
- **easement width shall be to a maximum of 3 metres wide (urban) or 10 meters wide (rural);**
- **location of easement is agreed to by the affected land owner;**
- **agreement has been obtained from the affected landowner for the grant of easement.**

Local Government Act, schedules 3.2, 9.1

Report Requirement: File

Contd...

Item 12.2.7 continued.

- n) To implement the provisions of the policy –“Payments to Employees in Addition to Contractor Award”, except when the officer under consideration is the Chief Executive Officer, in which case a Committee consisting of the Mayor and two other Councillors may implement the provisions of this policy.

*Local Government Act, section 5.50
Report Requirement: Bulletin*

- o) To approve sundry donations to the value of \$200.00 in accordance with the policy “Financial Assistance Community Organisations”.

*Local Government Act
Report Requirement – to Council Records*

- p) To approve the writing off of penalty interest relating to rates payments to the value of \$1.99.

*Local Government Act, section 6.47
Report Requirement – to Council Records*

- ii) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Local Government (Miscellaneous Provisions) Act, subject to the criteria outlined thereunder: -

- The power to approve and refuse the issue of building and demolition licences;
- The power to serve a stop work order upon a builder;
- To grant approval for a building which encroaches over a public place or street; and
- To require in-completed buildings completed or removed.

- iii) in accordance with the provisions of section 5.42 of the Local Government Act delegate to the Chief Executive Officer, and to sub-delegate the power to undertake the following functions of the Land Administration Act, subject to the criteria outlined thereunder:-

- e) Process requests related to Leases
- Current Lessee or sub-lessee requests to take up an option, subject to there being no variation to the lease and all accounts being paid in full.
 - Lessee or sub-lessee requests Council to renegotiate rental, subject to the figures being within the independent sworn valuation.
 - Current lessee or sub-lessee requests approval to assign lease, subject to there being no variations to the current lease conditions.

Contd...

Item 12.2.7 continued.

- **Application for a sublease to be processed, where there is a current lease in place.**

**Land Administration Act, section 18 and Local Government Act,
section 3.58
Report Requirement: BULLETIN**

- f) **Geographic Names Committee – Authority to forward recommendations of street names to the Committee, within parameters set out in Council’s “Development Area and Street Names” Policy.**

**Land Administration Act, section 56
Report Requirement – FILE**

- g) **Process requests related to Crown Reserves**

- **Requests for a change of purpose, subject to it fitting in with the City Town Planning Scheme.**
- **Where the Crown is seeking Council comment/approval for it to lease vacant Crown land subject to the request not requiring any structures to be built (or used), and in accordance with the City Town Planning Scheme**
- **Creation of a crown reserve through a development process, subject to it being in accordance with the City Town Planning Scheme.**

**Land Administration Act and Regulations
Report Requirement – BULLETIN**

- h) **To obtain road widenings for Council’s road infrastructure improvement, subject to the following criteria:**

- **all alternative routes with regard to road construction or re-construction shall be investigated as part of the design process**
- **road widening location to be based on sound engineering principles taking into account existing and future road systems**
- **should the issue of compensation form part of the negotiations of resuming a private property, an independent valuation is to be obtained from a licensed valuer. Compensation shall only be paid to a maximum of \$50,000.00**
- **agreement has been obtained from the affected land owners for the land to be resumed**
- **no payment of compensation is to be paid until the road widening has been registered with the Titles Office.**

**Land Administration Act, section 177
Report Requirement – File**

Contd...

Item 12.2.7 continued.

- iv) in accordance with section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Bush Fires Act.
*Bush Fires Act
Report Requirement – FILE*
- v) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Strata Titles Act in the following areas:-
- authority to sign certificates issued;
 - the ability, when a strata/survey strata is lodged for registration, to restrict the use for which the parcel or part of the parcel may be put; and
 - the ability to require a strata company to make a by-law that includes a management statement detailing such matters as the control, management, use and maintenance of the property.
- Strata Titles Act, sections 6, 23(5), 42
Report Requirement – FILE*
- vi) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the functions provided by the Dog Act 1976.
*Dog Act 1976
Report Requirement – FILE*
- vii) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer, and to sub-delegate the power to exercise the authority to approve the operation of helicopter joy flights from the Albany Foreshore serve, adjacent to Princess Royal Harbour.
*Town Planning Scheme 1A, clause 7.21
Report Requirement – FILE*
- viii) in accordance with the provisions of section 5.42 of the Local Government Act, delegate to the Chief Executive Officer and to sub-delegate the power to exercise the authority to grant permission of the local government to allow blasting within a townsite, as provided by the Explosives and Dangerous Goods Act 1961, subject to Council's guidelines.
NB: In accordance with Regulation 115(6) of the Explosive and Dangerous Goods (Explosives) Regulations 1963 states that any person who wishes to blast within a townsite must give the clerk of the Council of the local government 24 hours notice of that wish.

Contd...

Item 12.2.7 continued.

Therefore, there is no requirement for a delegation from Council, but the Chief Executive Officer may delegate to nominated staff.

- ix) in accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, agree to delegate to the Albany Town Theatre Advisory Committee, the power to assess and approve performances at the Theatre, subject to budgetary constraints.
- x) in accordance with the provisions of section 5.16 and 5.17 of the Local Government Act, Council agree to delegate to the Community Financial Assistance Committee, the power to assess applications for minor community grants and to approve funding allocations, in accordance with the policy “Community Financial Assistance Program Policy”.
- xi) give the Chief Executive Officer authority to assess urgent financial support applications, applying the Legal Representation-Costs Indemnification policy, with any one authorisation not to exceed \$5,000.00.
- xii) a) continues to proceed with the establishment of the Joint Venture Facility with the Water Corporation subject to:
 - (i) budget compliance;
 - (ii) compliance with National Competition Policy and other relevant statutes; and
- xiii) a) environmental clearance from the Department of Environmental Protection; and
b) delegate authority to the *Chief Executive Officer* to finalise the joint venture agreement and commission the construction of the project.
- xiii) a) Council schedule its ordinary meetings for the months of March and September annually at a rural venue, which will be advertised accordingly to maximise rural participation; and
b) the matter of the venue be delegated to the *Chief Executive Officer* subject to consultation with local hall community groups and Council.
- xiv) a) not accept any Tenders for Contract C01064; and
b) delegate to the *Chief Executive Officer* to award the tender, following negotiations with both Egis and MP Rogers and Associates, subject to budgetary constraints.

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

12.2.8 To Modify Existing Standing Orders Local Law

File/Ward	:	MAN 050 (All Wards)
Proposal/Issue	:	To modify Existing Standing Orders Local Law
Subject Land/Locality	:	N/A
Proponent	:	Cllr B Emery
Owner	:	N/A
Reporting Officer(s)	:	Manager Customer Services (S Langford)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 23/05/00 - Item 13.2.2
Summary Recommendation	:	1. That Council not amend the existing standing orders. OR 2. Council amend the existing standing order in accordance with the provisions of Section 3.12 of the Local Government Act.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. The current Standing Orders Local Law provides an opportunity for Councillors to speak for and against the motion, alternating in opinion. There is also the opportunity for Councillors to suspend Standing Orders Local Law with the intent of allowing discussion to flow more freely.
2. Councillor Emery has suggested a change in the Standing Orders to allow each member to debate issues irrespective of alternating opinion.

Item 12.2.8 continued.

STATUTORY REQUIREMENTS

3. Section 3.12 of the Local Government Act, states:-

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

(2) At a council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.

(3) The local government is to-

a) give Statewide public notice stating that-

i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;

ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and

c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law* that is not significantly different from what was proposed.*

** Special Majority Required.*

(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Item 12.2.8 continued.

(6) *After the local law has been published in the Gazette the local government is to give Statewide public notice-*

- a) *stating the title of the local law;*
- b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them.”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

- 5. There will be statutory advertising costs, which could be funded from the current budget.

STRATEGIC IMPLICATIONS

- 6. The Council's Albany 2020 Plan has identified the need for continual development of Council's services and facilities to meet the needs of all stakeholders.

COMMENT/DISCUSSION

- 7. Should Council wish to amend the Standing Order Local Law there is a legislative process involved that requires public consultation of a period of 6 weeks, an advertising of the amendment and final gazettal of changes. This process can take up to 3 months to completion before any amendment becomes formalised.

- 8. Should Council wish to amend the existing Clause, namely

“6.5 Order of Call in Debate:

(g) Other speakers against and for the motion, alternating in view if any.”

- 9. Then the Clause should be reworded to read the following:

“Other speakers against and for the motion, firstly alternating in view notwithstanding that all members shall be afforded the right to speak for or against all substantive motions in the absence of alternatively sequential speakers.”

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Item 12.2.8 continued.

RECOMMENDATION 1

THAT Council not amend the Standing Orders

OR

RECOMMENDATION 2

THAT Council in accordance with the provisions of Section 3.12 of the Local Government Act amend its Standing Orders Local Law, by replacing Clause 6.5 (g) as follows:-

“Other speakers against and for the motion, alternating in view if any.”

with the following clause:-

“Other speakers against and for the motion, firstly alternating in view notwithstanding that all members shall be afforded the right to speak for or against all substantive motions in the absence of alternatively sequential speakers.”

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR EVERS
SECONDED COUNCILLOR WILLIAMS**

THAT in accordance with Section 14.1 of Standing Orders, Council temporarily suspend Standing Order 5.5 (Limitation of Number of Speeches) and 6.5 (Order of Call in Debate) for Item 12.2.8 until such time as a formal motion is put at which time all standing orders will resume.

MOTION CARRIED 11-0

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR EVANS**

THAT Council not amend the Standing Orders Local Law.

MOTION CARRIED 9-2

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 Albany Arts Advisory Committee Minutes – 20th June 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 20th June 2002 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 20th June 2002.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 20th June 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR DEMARTEAU**

THAT the minutes of Albany Arts Advisory Committee held on 20th June 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 11-0

12.7. 2 Disability Service Advisory Committee Minutes – 10 July 2002

- File/Ward** : MAN 134 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Disability Services Advisory Committee held on 10th July 2002 be adopted.

Confirmation of the minutes of the Disability Services Advisory Committee of 10th July 2002.

RECOMMENDATION

THAT the minutes of Disability Services Advisory Committee held on 10th July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following item 7.2 be adopted.

Item 7.2 Committee Terms of Reference and Membership

RECOMMENDATION

THAT Council amend the Terms of Reference for the Disability Services Advisory Committee to increase membership of the Committee by two, and to include Jaime Wilson and Colin May as community representatives.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EMERY**

THAT the minutes of Disability Services Advisory Committee held on 10th July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following item 7.2 be adopted.

Item 7.2 Committee Terms of Reference and Membership

RECOMMENDATION

THAT Council amend the Terms of Reference for the Disability Services Advisory Committee to increase membership of the Committee by two, and to include Jaime Wilson and Colin May as community representatives.

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

12.7. 3 Great Southern Regional Cattle Saleyards Committee Minutes – 10th June 2002

- File/Ward** : REL 087 (Shire of Plantagenet)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Great Southern Regional Cattle Saleyards Committee held on 10th June 2002 be adopted.

Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Committee of 10th June 2002.

RECOMMENDATION

THAT the minutes of Great Southern Regional Cattle Saleyards Committee held on 10th June 2002 be received (copy of minutes in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WEST**

THAT the minutes of Great Southern Regional Cattle Saleyards Committee held on 10th June 2002 be received (copy of minutes in the Elected Members Report/Information Bulletin).

MOTION CARRIED 11-0

12.7.4 Seniors Advisory Committee Minutes – 18th July 2002

- File/Ward** : MAN 197
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Summary Recommendation** : That the Minutes of Seniors Advisory Committee held on 18th July 2002 be adopted.

Confirmation of the minutes of the Seniors Advisory Committee of 18th July 2002.

RECOMMENDATION

THAT the minutes of Seniors Advisory Committee held on 18th July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following item be adopted.

Item 6.1 – Road Safety Concerns

RECOMMENDATION

THAT Council

- i) express the Seniors Advisory Committee’s support for the proposal of the Roadwise Committee to have Main Roads WA investigate the issue of road safety for pedestrians, particularly seniors, on South Coast Highway near the Service Station/General Store;
- ii) request Main Roads WA to extend the investigation into pedestrian safety, in conjunction with the City of Albany, into other areas of Albany including North Road, Angove/Hardy Roads, Middleton Road and any others where there are pedestrian/vehicle conflicts created by combinations of shops, schools, Doctors’ surgeries, recreation areas and seniors housing in close proximity; and
- iii) invite Main Roads WA to use the Seniors Advisory Committee as a consultative forum for issues that affect the seniors community.

Voting Requirement Simple Majority

.....

Item 12.7.4 continued.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EVANS**

THAT the minutes of Seniors Advisory Committee held on 18th July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following item be adopted.

Item 6.1 – Road Safety Concerns

RECOMMENDATION

THAT Council

- i) express the Seniors Advisory Committee’s support for the proposal of the Roadwise Committee to have Main Roads WA investigate the issue of road safety for pedestrians, particularly seniors, on South Coast Highway near the Service Station/General Store;**
- ii) request Main Roads WA to extend the investigation into pedestrian safety, in conjunction with the City of Albany, into other areas of Albany including North Road, Angove/Hardy Roads, Middleton Road and any others where there are pedestrian/vehicle conflicts created by combinations of shops, schools, Doctors’ surgeries, recreation areas and seniors housing in close proximity; and**
- iii) invite Main Roads WA to use the Seniors Advisory Committee as a consultative forum for issues that affect the seniors community.**

MOTION CARRIED 11-0

12.7.5 Community Financial Assistance Committee Meeting – 22 July 2002

- File/Ward** : FIN 022 (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 Community Financial Assistance Committee held on 22nd July 2002 be adopted.

Confirmation of the minutes of the Community Financial Assistance Committee of 22nd July 2002.

RECOMMENDATION

THAT the minutes of Community Financial Assistance Committee held on 22nd July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the recommendations in relation to the Community Events Grants (Item 5.3) be adopted.

RECOMMENDATION

THAT the community event grants be allocated in accordance with the attached schedule.

Voting Requirement Simple Majority

.....

Councillor Demarteau declared an impartiality interest in this item.

The nature of Councillor Demarteau's interest is that family and relatives hold senior and executive positions within the Soccer Associations in the region. The Soccer groups have made applications for funding/assistance.

Councillor Evans declared an impartiality interest in this item.

The nature of Councillor Evans' interest is that his wife is a member of Albany Choral Society Inc.

Councillor Evans declared a further impartiality interest in this item.

The nature of Councillor Evans' further interest is that his wife is a member of Albany Sinfonia Inc.

Councillors Demarteau and Evans remained in Chambers.

ORDINARY COUNCIL MEETING MINUTES– 20/08/02
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.7.5 continued.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DEMARTEAU**

THAT the minutes of Community Financial Assistance Committee held on 22nd July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the recommendations in relation to the Community Events Grants (Item 5.3) be adopted.

RECOMMENDATION

THAT the community event grants be allocated in accordance with the attached schedule.

MOTION CARRIED 11-0

NB: Schedule is incorporated in the Elected Members Report/Information Bulletin.

12.7.6 Albany Arts Advisory Committee Minutes – 25th July 2002

- File/Ward** : MAN 116
- 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 25th July 2002 be adopted.

Confirmation of the minutes of the Albany Arts Advisory Committee of 25th July 2002.

RECOMMENDATION

THAT the minutes of Albany Arts Advisory Committee held on 25th July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted.

Item 4.2 – Business Plan Review

RECOMMENDATION

THAT the document as reviewed be accepted and adopted by Council

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WELLINGTON**

THAT the minutes of Albany Arts Advisory Committee held on 25th July 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin), and the following recommendation adopted.

Item 4.2 – Business Plan Review

RECOMMENDATION

THAT the document as reviewed be accepted and adopted by Council

MOTION CARRIED 11-0

12.7.7 Albany Town Hall Theatre Advisory Committee Minutes – 7th August 2002

- File/Ward** : REL 016 (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 Town Hall Theatre Advisory Committee held on 7th August 2002 be adopted.

Confirmation of the minutes of the Albany Town Hall Theatre Advisory Committee of 7th August 2002.

RECOMMENDATION

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 7th August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations be adopted:-

Item 7.1 – Programming of Performances

RECOMMENDATION

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

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

- a) the delegated authority is only used where a response is required prior to the next scheduled meeting of the advisory committee;
- b) the performance can be funded from within the Theatre's current operating budget for shows;
- c) the performance is likely to be supported due to past sales data for the artist or the type of performance; and
- d) there is indicated interest in the performance as demonstrated in the previous years customer and/or public surveys.

Voting Requirement Absolute Majority

.....

Item 12.7.7 continued.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WOLFE**

THAT the minutes of Albany Town Hall Theatre Advisory Committee held on 7th August 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations be adopted: -

Item 7.1 – Programming of Performances

RECOMMENDATION

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

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

- a) the delegated authority is only used where a response is required prior to the next scheduled meeting of the advisory committee;**
- b) the performance can be funded from within the Theatre's current operating budget for shows;**
- c) the performance is likely to be supported due to past sales data for the artist or the type of performance; and**
- d) there is indicated interest in the performance as demonstrated in the pervious years customer and/or public surveys.**

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

Works & Services

REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil

13.2 ASSET MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Contract C02013 – Trade Services Annual (2002/03)

File/Ward	:	C02013 (All Wards)
Proposal/Issue	:	Trade Services by public tender.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager City Services (G Steel) Contracts Officer (R W Henley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council accepts the tender for Annual Trade Services from Havoc Builders & Renovators.
Bulletin Attachment	:	Nil.
Locality Plan	:	N/A

BACKGROUND

1. There is an increase in the expected level of service to be provided by Council's Trades and Buildings team. Tenders were invited for trade services for maintenance and repair of all Council controlled infrastructure within the City of Albany for a one-year period. The contract will expire on 30 June 2003.
2. These works include but are not limited to:
 - ◆ Buildings
 - ◆ Playground equipment
 - ◆ Park and street furniture
 - ◆ Signage
 - ◆ Graffiti removal
3. Works are to be carried out on an "as and when required" basis and only when requested by purchase order.
4. A total of nine specifications were issued, with three tender submissions received by close of tender.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

5. In the 2001/02 financial year, the City of Albany expended over \$50,000 in annual trade services and is subject to go to tender.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

8. There is no policy implication relating to this item.

FINANCIAL IMPLICATIONS

9. The following table summarizes those rates and charges (including GST) submitted by contractors for the supply of trade services together with their final overall scores after evaluation

All classifications of trade services work	Graeme Ovens	Havoc Builders & Renovators	Tricoast Holdings
Rate/Hour (\$) - Tradesman	60.00	28.00	44.00
Rate/Hour (\$) – Trade Assistant	30.00	22.00	33.00
Minimum charge for Minor callout (\$)	50.00	14.00	55.00
After Hours Loading (\$)	70.00	nil	22.00
Supply materials as required at current Trade List Price	not advised	0%	+10%
Minimum notice	24 hours	1 hour	not advised
Evaluation score	29.8%	80.7%	65.0%

STRATEGIC IMPLICATIONS

10. Trade Services fall under the Albany 2020 Port of Call:

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

WORKS & SERVICES REPORTS

Item 13.3.1 continued

COMMENT/DISCUSSION

Tender Process

11. A Request for Tenders was published in the West Australian on 6 July 2002 and the Albany Advertiser on 9 July 2002, with closing date on 24 July 2002.

Tender Evaluation

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

- ◆ *Cost* 50%
Schedule of rates and prices
- ◆ *Relevant Skills and Experience* 40%
Demonstrated skills as listed in specification
Demonstrated experience with similar works in a local government
Demonstrated abilities to deliver work on time
Reference checking responses
- ◆ *Safety Management* 10%
Where possible the tenderer is to provide the following information:
Lost Time Injury (LTI) record in the past 24 months
Record of accidents in the last 12 months
In-house safety plan

13. Provision will be seen as an indication of the tenderer's expertise and commitment to safety.
14. Following opening of tenders, the Trades & Building Coordinator and Parks & Reserves Coordinator carried out evaluation of the submissions for trade services.
15. It is recommended that Council accept the tender from Havoc Builders & Renovators. They have on occasion provided similar services to the City of Albany, during which time they have given excellent service. Coupled with the lowest tendered rates, it is considered that they have the necessary experience, skills and expertise to provide Trade Services to the City of Albany.

WORKS & SERVICES REPORTS

Item 13.3.1 continued

RECOMMENDATION

THAT Council award Contract C02013 - Trade Services Annual (2002/03) to Havoc Builders & Renovators at the following Schedule of Rates (incl GST):

All Classifications of Trade Services Work	Havoc Builders & Renovators
Rate/Hour (\$) - Tradesman	\$28.00
Rate/Hour (\$) – Trade Assistant	\$22.00
Minimum charge for Minor callout (\$)	\$14.00
After Hours Loading (\$)	nil
Supply materials as required at current Trade List Price	0%
Minimum notice	1 hour

Voting Requirement Absolute Majority

**MOVED COUNCILLOR DEMARTEAU
SECONDED COUNCILLOR WOLFE**

THAT Council award Contract C02013 - Trade Services Annual (2002/03) to Havoc Builders & Renovators at the following Schedule of Rates (incl GST):

All Classifications of Trade Services Work	Havoc Builders & Renovators
Rate/Hour (\$) - Tradesman	\$28.00
Rate/Hour (\$) – Trade Assistant	\$22.00
Minimum charge for Minor callout (\$)	\$14.00
After Hours Loading (\$)	nil
Supply materials as required at current Trade List Price	0%
Minimum notice	1 hour

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

ORDINARY COUNCIL MEETING MINUTES – 20/08/02
** REFER DISCLAIMER **
WORKS & SERVICES REPORTS

13.4 AIRPORT MANAGEMENT

Nil

WORKS & SERVICES REPORTS

13.5 RESERVES PLANNING & MANAGEMENT

13.5.1 Streetscape Advisory Committee

File/Ward	:	MAN 152 (All Wards)
Proposal/Issue	:	Establishment of Streetscape Advisory Committee - Nominations for Members.
Subject Land/Locality	:	City of Albany, urban area road reserves.
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director, Works & Services (B Joynes) Environmental Planning Officer-Reserves (M Price)
Disclosure of Interest	:	N/A
Previous Reference	:	OCM 21/05/02 Item 13.5.1
Summary Recommendation	:	That Council accepts the nominations for membership to the newly formed Streetscape Advisory Committee.
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. At its Ordinary Council Meeting on 21st May 2002, the City of Albany resolved to form a Streetscape Advisory Committee and accepted a terms of reference for the operation of the committee.
2. Councillors Gwen Sankey and Judith Cecil were nominated to represent elected members on the Committee.
3. Expressions of interest were then sought from the following organisations to provide a representative to the Committee:
 - Keep Albany Beautiful
 - Disability Services Advisory Committee
 - Seniors Advisory Committee
 - Chamber of Commerce
 - Western Australian Tourism Commission, Albany

WORKS & SERVICES REPORTS

Item 13.5.1 continued.

4. In addition, expressions of interest were sought from the community to fill two community representative positions. This was done via advertisements in the local newspaper.
5. The following nominations have been received:
 - Councillor Gwen Sankey, with Mrs Margaret Martin as proxy (Keep Albany Beautiful)
 - Ms Colleen Hansen, with Ms Lorraine Wolfe and Mr Colin May as proxies (Disability Services Committee)
 - Mr Middy Dumper, with Mr Geoff Hands as proxy (Seniors Advisory Committee)
 - The Albany Chamber of Commerce and Industry has expressed an interest in being represented on the committee, and is yet to finalise the member.
 - Henry Kujda (Western Australian Tourism Commission)
 - Ms Dorothy Redreau (Community Representative, Green Skills)
 - Mr Peter Trapnell (Community Representative)

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

7. This committee will consider and guide the development of Streetscape Plans for the City of Albany.

FINANCIAL IMPLICATIONS

8. The preparation of a Streetscape Master Plan for Albany Highway (York St roundabout to Chester Pass Roundabout) is included in the budget for 2002-2003.

STRATEGIC IMPLICATIONS

9. The Albany 2020 Port of Call:
*“Quality parks, gardens and reserves maintaining their feature status;
To develop safe, functional and aesthetically pleasing streetscapes”.*
10. In the implementation plan for Albany 2020- Charting our Course, there is an action to ‘establish a Streetscape Advisory Committee’ before June 2002. Actions leading from the formation of the Streetscape Advisory Committee as outlined in Albany 2020 include:

WORKS & SERVICES REPORTS

Item 13.5.1 continued

- Determining practical standards and themes for the City streetscapes incorporating traffic management plans
- Considering public submissions
- Preparing a costed and prioritised plan for paving, street furniture and road side planting in accordance with the agreed standards
- Implement the streetscape program and incorporate standards and themes in the Reserves Master Plan 15 year Expenditure Program.

COMMENT/DISCUSSION

11. The people nominated to the Streetscape Committee will provide a wide range of technical expertise, as well as community input.
12. Membership of the Committee will be reviewed as per the adopted terms of reference.
13. A number of proxies were included in the nominations, however, it is the Streetscape Advisory Committee’s responsibility to appoint proxies at their first meeting, therefore they are not included for consideration by Council.

RECOMMENDATION

THAT Council endorse the nomination of the following people to comprise the Streetscape Advisory Committee:

- Councillor Judith Cecil;
- Executive Director of Works and Services - Mr Brett Joynes;
- Keep Albany Beautiful - Councillor Gwen Sankey;
- Business representative - Albany Chamber of Commerce and Industry-person yet to be finalized;
- Tourism representative - Mr Henry Kujda;
- Disability Services Advisory Committee - Ms Colleen Hansen;
- Seniors Advisory Committee - Mr Middy Dumper;
- Community representative - Ms Dorothy Redreau; and
- Community representative - Mr Peter Trapnell.

Voting Required Absolute Majority

.....

WORKS & SERVICES REPORTS

Item 13.5.1 continued

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EVANS**

THAT Council endorses the nomination of the following people to comprise the Streetscape Advisory Committee:

- **Councillor Judith Cecil;**
- **Councillor Gwen Sankey;**
- **Executive Director of Works and Services - Mr Brett Joynes;**
- **Keep Albany Beautiful – Mrs Margaret Martin;**
- **Business representative – Albany Chamber of Commerce and Industry - person yet to be finalized;**
- **Tourism representative – yet to be finalised;**
- **Disability Services Advisory Committee – Ms Colleen Hansen;**
- **Seniors Advisory Committee – Mrs Middy Dumper;**
- **Community representative – Ms Dorothy Redreau; and**
- **Community representative – Mr Peter Trapnell.**

Council also invites a representative from the Youth Advisory Committee and the Aboriginal Accord Committee.

**MOTION CARRIED 11-0
ABSOLUTE MAJORITY**

Reason: It is important that local Noongar community and the City's youth are consulted in terms of streetscape issues relating to the City. The Tourism representative to be nominated and the gender for the Senior Advisory Committee representative be corrected.

ORDINARY COUNCIL MEETING MINUTES – 20/08/02
** REFER DISCLAIMER **
WORKS & SERVICES REPORTS

13.6 WORKS AND SERVICES COMMITTEES

Nil.

General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATION DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

Nil

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Mayoral Regalia and City Crest Committee Minutes – 15 May 2002

File/Ward	: MAN005 (All Wards)
Proposal/Issue	: Committee Items for Council Consideration
Subject Land/Locality	: Nil
Proponent	: Nil
Owner	: Nil
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/05/02
Summary Recommendation	: That the minutes of the Mayoral Regalia and City Crest Committee held on the 15 th of May 2002 be adopted.
Bulletin Attachment	: Minutes
Locality Plan	: Nil

Confirmation of the minutes of the Mayoral Regalia and City Crest Committee of 15th May 2002.

RECOMMENDATION

THAT the minutes of the Mayoral Regalia and City Crest Committee held on 15th May, 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

Voting Requirement Simple Majority

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR EVANS**

THAT the minutes of the Mayoral Regalia and City Crest Committee held on 15th May, 2002 be received (copy of minutes are in the Elected Members Report/Information Bulletin)

MOTION CARRIED 11-0

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

DRAFT MOTION

THAT the elected Members' Report/Information Bulletin, as circulated, be received and the contents noted, with the exception that a letter from Heritage Council dated 14th August 2002 regarding Kooka's Restaurant, Stirling Terrace, Albany, was tabled.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR BOJCUN**

THAT the elected Members' Report/Information Bulletin, as circulated, be received and the contents noted, with the exception that a letter from Heritage Council dated 14th August 2002 regarding Kooka's Restaurant, Stirling Terrace, Albany, was tabled.

MOTION CARRIED 11-0

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17.0 MAYORS REPORT

“Fellow Councillors:

I would like to start by offering my sincere congratulations to a group of talented ladies who returned in June from Woolongong having competed again in the Sweet Adelines International convention. The Albany City Chorus, directed by Kali Caramia have grown from strength to strength since nearly folding four years ago. Their efforts at this biennial convention were exceptional and a true indicator of the skills, determination and passion that all the ladies share. The chorus received a 53 point increase on their last score from the previous convention in 2000. This increase placed them as the third highest increase in score of the 29 choruses competing from all over Australia.

On their return from Woolongong I was presented with a book and lapel pin by the chorus on behalf of the Mayor of Woolongong. It is a real thrill to see that our local talent has the opportunity and drive to compete on a national scale with the best that Australia has to offer.

Next month Albany will be treated to two concerts by the biggest and best womens' barbershop chorus when the 120 strong multiple gold winning Perth Harmony Chorus comes to town. I know that the Albany City Chorus are looking forward to listening and learning as they strive towards their dream of winning their first medal at the next convention in two years time. I sincerely wish them every success.

Speaking of winners, the City of Albany was again proud to be among the sponsors of the recent Albany Chamber of Commerce and Industry Business Awards which were announced at a dinner held on the 23rd of July. The awards recognise the hard work of both individuals and organisations within our community and the contributions they make to our economic and social future. Small businesses are the backbone of the community creating many opportunities for employment and providing essential services for residents and visitors. Awards such as these are paramount in encouraging and rewarding business achievements.

And yet more winners – I was proud to have been asked to be on the judging panel for the Torbay Catchment Groups “Watershed Torbay” project. The community were invited to submit photographs which depict life in the catchment area specifically focussing on environmental aspects. A huge number of entries were received in five categories with all contributors receiving recognition at an afternoon tea and exhibition held at the West Wind Drift Gallery. The aim of the competition was to increase awareness of the local environment and the impact that our modern way of life has on it. This in turn assists in the development of projects to address the most urgent rehabilitation and restoration needs. I congratulate all those involved and look forward with interest to the many other initiatives planned for this project.

Last week I had the pleasure of officially opening the Bush Products Seminar held at the Department of Agriculture on Wednesday 14th of August. The seminar was a joint project between Timber 2002 Inc, Green Skills Inc and the Centre for Land Rehabilitation – University of WA. More than 55 people attended the seminar where speakers presented a diverse range of subjects based on the concept of commercialising native plants in agriculture. Bush Tucker, Marketing Bush Products, Growing Melaleucas for Fencing, the Sawlog industry and Essential Oils were just a few of the new initiatives covered at the seminar. I strongly support any new industries which focus on alternatives to help preserve our precious environment and natural resources.

On Saturday evening I attended a fund raising dinner hosted by the Muscular Dystrophy Association at the Princess Royal Sailing Club. The dinner was very well attended and a host of volunteers prepared a terrific four course meal from food donated by local businesses. We were also treated to some very interesting talks presented by scientists involved in gene research aimed at finding a cure for this debilitating illness. Congratulations to the Albany branch of the association for such a well conducted evening.

On Sunday I attended the annual Vietnam Veterans Day held at the South East Asia Memorial at the Forts. This year’s moving service was the best attended that I have ever seen proving that the significance of remembering our service men and women is not diminishing rather it is becoming more important as time passes by. I thank the RSL for their commitment to preserving this very special part of Australia’s military history.

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT the Mayor’s Report be received.

MOTION CARRIED 11-0

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

Nil

19.0 CLOSED DOORS

Nil

20.0 NEXT ORDINARY MEETING DATE

Tuesday 17th September 2001, 7.30pm
Greenrange Country Club, Hassel Highway, Greenrange

21.0 CLOSURE OF MEETING

10.10pm

Confirmed as a true and correct record of proceedings.

AE Goode, JP
Mayor

APPENDIX A

**WRITTEN NOTICE OF DISCLOSURE OF INTEREST
MINUTES OF THE ORDINARY COUNCIL MEETING 20th August 2002**

Name	Item	Nature of Interest
Councillor Sankey	Item 12.2.1 – Extended Trading Hours within City of Albany	Councillor Sankey’s nature of interest is that her daughter works at Woolworths.
Councillor Wellington	Item 12.2.1 – Extended Trading Hours within City of Albany	Councillor Wellington’s nature of interest is that he is in the retail industry.
Councillor Sankey	Item 12.2.3 – Amendment to Guidelines – Contracts of Goods and Services	Councillor Sankey’s nature of interest is that her husband works with Urban Building Company.
Councillor Evans (Impartial)	Item 12.7.5 – Community Financial Assistance Committee Meeting – 22 nd July 2002	Councillor Evans’ nature of interest is that his wife is a member of Albany Sinfonia Inc.
Councillor Evans (Impartial)	Item 12.7.5 – Community Financial Assistance Committee Meeting – 22 nd July 2002	Councillor Evans’ nature of interest is that his wife is a member of Albany Choral Society Inc.
Councillor Demarteau (Impartial)	Item 12.7.5 – Community Financial Assistance Committee Meeting – 22 nd July 2002	Councillor Demarteau’s nature of interest is that family relatives hold senior and executive positions within the Soccer Associations in the Region. The soccer groups have made application for funding/assistance.

APPENDIX B

**INTERESTS DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING 20th August 2002**

Name	Item	Nature of Interest
Nil	Nil	Nil

APPENDIX C

**CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)
DISCLOSED DURING THE COURSE OF THE MEETING
MINUTES OF THE ORDINARY COUNCIL MEETING 20th August 2002**

Name	Item	Nature of Interest
Nil	Nil	Nil

[Agenda Item 12.1.1 refers]
[COUNCIL – 20th August 2002]



SUMMARY OF ACCOUNTS

Municipal Fund Vouchers			
Cheques	totalling	298,196.36	
Electronic Fund Transfer	totalling	2,051,532.96	
Payroll	Totalling	690,329.55	
TOTAL			<u><u>\$3,040,058.87</u></u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling \$3,040,058.87 which was submitted to each member of the Council on 20th August 2002 has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.

CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling \$3,040,058.87 which was submitted to the Council on 20th August 2002 and that the amounts are recommended to the Council for payment.

MAYOR
(A Goode JP)