



# MINUTES

## ORDINARY MEETING OF COUNCIL

on  
**Tuesday, 20<sup>th</sup> May 2003**  
**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

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

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

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

Signed \_\_\_\_\_

***Andrew Hammond***  
Chief Executive Officer

Date: 22<sup>nd</sup> May 2003

## TABLE OF CONTENTS

<b>1.0</b>	<b>Declaration of Opening</b>	<b>4</b>
<b>2.0</b>	<b>Record of Attendance/Apologies/Leave of Absence (Previously Approved)</b>	<b>4</b>
<b>3.0</b>	<b>Opening Prayer</b>	<b>4</b>
<b>4.0</b>	<b>Response to Previous Public Questions Taken On Notice</b>	<b>5</b>
<b>5.0</b>	<b>Public Question Time</b>	<b>8</b>
<b>6.0</b>	<b>Confirmation Of Minutes of Previous Minutes</b>	<b>9</b>
<b>7.0</b>	<b>Applications For Leave Of Absence</b>	<b>10</b>
<b>8.0</b>	<b>Disclosure of Financial Interest</b>	<b>10</b>
<b>9.0</b>	<b>Matters for Which Meeting May Be Closed</b>	<b>10</b>
<b>10.0</b>	<b>Petitions/Deputations/Presentations</b>	<b>10</b>
<b>11.0</b>	<b>Reports – Development Services</b>	<b>11</b>
11.1	Development Nil.	12
11.2	Inspection Services Nil	12
11.3	Development Policy	
	11.3.1 R-Codes Setback Policy	13
	11.3.2 Scheme Amendment Request – Pt Loc 109 Frenchman Bay Road, Big Grove	17
	11.3.3 Draft Wilson Inlet Nutrient Reduction Action Plan	23
11.4	Development Services Committees Nil.	26
<b>12.0</b>	<b>Reports – Corporate &amp; Community Services</b>	<b>27</b>
12.1	Finance	
	12.1.1 List of Accounts for Payment – City of Albany	28
	12.1.2 Principal Activities Plan	30
	12.1.3 Third Quarter 2002/2003 Budget Review	32

12.2	Administration	36
12.2.1	City of Albany Seniors Policy	36
12.2.2	Emu Point Slipway	39
12.2.3	Emu Point Oil Bunker	43
12.2.4	Tricolore Soccer Club	47
12.2.5	New Lease – Bruce Williamson – Portion of Land at Great Southern Regional Cattle Saleyards – Portion of Lot 3, Albany Highway	52
12.2.6	Retail Trading Hours	56
12.2.7	Committees & Community Representation	59
12.3	Library Services	
	Nil.	63
12.4	Day Care Centre	
	Nil.	63
12.5	Town Hall	
	Nil.	63
12.6	Albany Leisure & Aquatic Centre	
	Nil.	63
12.7	Corporate & Community Services Committee	
12.7.1	Great Southern Regional Cattle Saleyards Joint Venture Committee meeting Minutes – 14 <sup>th</sup> April 2003	64
12.7.2	Town Hall Theatre Advisory Committee meeting minutes – 30 <sup>th</sup> April 2003	68
<b>13.0</b>	<b>Reports – Works &amp; Services</b>	<b>69</b>
13.1	Waste Management	
	Nil.	70
13.2	Asset Management	
13.2.1	Selection of Consultant – Condition appraisals & maintenance plans for City of Albany building assets.	71
13.2.2	Intersection Improvements – Chester Pass Road & Henry Street, Milpara	76
13.2.3	Proposed Road Closure – Mason Road, Lange	80
13.3	Works	
	Nil.	84
13.4	Airport Management	
	Nil.	84

13.5	Reserves Planning & Management	
	Nil.	84
13.6	Works & Services Committees	
	Nil.	84
<b>14.0</b>	<b>Reports – General Management Services</b>	<b>85</b>
14.1	Strategic Development	
	Nil.	86
14.2	Organisational Development	
	Nil.	86
14.3	Economic Development	
	Nil.	86
14.4	General Management Services Committees	
	Nil.	86
<b>15.0</b>	<b>Elected Members’ Monthly Report / Information Bulletin</b>	<b>87</b>
<b>16.0</b>	<b>Motions Of Which Previous Notice Has Been Given</b>	<b>87</b>
<b>17.0</b>	<b>Mayors Report</b>	<b>87</b>
<b>18.0</b>	<b>Urgent Business Approved by Mayor or by Decision of the Meeting</b>	<b>88</b>
<b>19.0</b>	<b>Closed Doors</b>	<b>88</b>
	19.1 Structural Adequacy – Retaining wall – 11 Festing Street, Albany	
<b>20.0</b>	<b>Next Ordinary Meeting Date</b>	<b>88</b>
<b>21.0</b>	<b>Closure of Meeting</b>	<b>88</b>

## 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	- AE Goode, JP
Councillors	- MJ Evans JP
	- G Sankey
	- R Paver
	- SM Bojcun
	- RH Emery
	- DW Wellington
	- J Waterman
	- JD Williams
	- DM Evers
	- DJ Wolfe
	- EA Barton
	- IA West
	- P Lionetti
	- AHM Demarteau
	- AC Hammond
Chief Executive Officer	
Executive Director –	
Corporate & Community Services	- WP Madigan
Executive Director –	
Development Services	- RJ Fenn
Executive Director –	
Works & Services	- B Joynes
Minute Secretary	- JC Done
Approximately 15 members of the public	
3 media representatives	

### Apologies/Leave of Absence:

Nil

## 3.0 OPENING PRAYER

Councillor Paver 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

**\*Tony Stanton - Original questions (written response provided to Mr Stanton)**

In the 2<sup>nd</sup> quarter budget review passed at the Council meeting on 18<sup>th</sup> February 2003, Item 12.1.2 Artificial Reef – Dive Ship - \$25,000 was reduced from expected income, quote ‘primarily due to problems with two operators vessels’. This presents over 3,300 visits at \$7.50 per head. The original estimate was for 6,000 visits thus indicating an error of more than 50%.

- a) Does this mean these people were turned away due to operator problems?  
*Two operators experienced significant downtime – one was required to rebuild his motor, the other did not have a boat. Six operators have paid \$1,500 fees for moorings. There are currently only two actively involved in taking divers to the site.*
- b) If so, are more or new operators being engaged/sort?  
*This is a commercial decision for potential operators.*
- c) If not, was the original estimate of the number of visitors set too high? *Yes*
- d) If so, how did this come about?  
*The original estimates were based on the experience of other sites such as Dunsborough. It should be noted that Dunsborough was also slow to take off.*
- e) Was a high figure used as justification to provide an apparent ‘satisfactory revenue figure’?  
*No.*

At the same Council meeting Item 12.1.2 Synthetic Surface – an amount of \$26,000 was approved for repair of the hockey pitch. The original agreement with the Lower Great Southern Hockey Assoc was for a surface to last a minimum of 7 years. This period expired in January 2003.

- a) Was money set aside from the state of the agreement until Jan 2003 to provide for the replacement cost of the surface?  
*Yes.*
- b) If so, how much per annum?  
*An amount of \$21,000 per annum has been set aside to recarpet the facility. At 30/6/02, an amount of \$ 144,127 was in a cash backed reserve.*
- c) Was this, plus expected grants enough to cover full replacement?  
*The amount was intended to replace the carpet only.  
It was originally anticipated that there would be no problems with the base.*
- d) If not, how is money to be found for full surface replacement?  
*Council has recently sought to access grant funds from the Community Sports & Recreation Facility Fund (CSRFF). The request was denied.*

- e) What has happened to the \$325,000 included in the budget but not used due to external grants of \$159,000 being refused?

*The proposed expenditure of \$325,000 was to be funded from grant funding plus the balance of the reserve account. There was no further Council contribution. As the project did not proceed due to the refusal of grant funding, the reserve account will remain until required.*

- f) Has the above amount been transferred to a fund to provide for the hockey pitch surface replacement?

*See previous answer.*

There is currently a TV campaign advertising ALAC with an emphasis on the pool. For years Albany people have been saying that the pool is overcrowded.

- a) Who were the target audience?

*The campaign was intended to raise the general awareness of the availability of the pool, and was therefore aimed at people currently not using the facility.*

- b) How much is the total cost of the campaign, broken down into research, talent cost, production cost and 'to air' cost?

*The total cost of the campaign (excluding GST) was \$6,117:*

*Production/Research \$ 960*

*Talent voluntary*

*Time \$5,157 (October 02 to June 03)*

- c) Why was any money spent on advertising the pool when it is so overcrowded?

*The advertisements promoted the total facility in terms of awareness of health and fitness. It should be noted that there are periods in which the pool is under utilised.*

The consultants report on the pool, page 55, confirms that the CERM benchmark for the number of visits per square metre of water is 64; Geraldton has 99 visits, whilst Albany has a staggering 360 visits per square metre or 462% more than the benchmark.

- a) Why is the inference continually made by the Director Corporate & Community Services that Albany cannot financially sustain increased water space?

*The Executive Director Corporate and Community Services denies that the inference was ever made. The consultants report recommends increased space for leisure activities.*

- b) Is the overall management of the facility to blame or is it because there is only one pool?

*Not Applicable - the statement was not made.*



## **Tony Stanton – Additional Questions for 15<sup>th</sup> April 2003 Meeting**

### **Artificial Reef – Dive Ship**

Comments regarding the previous questions?

*The response noted that two of the current operators had experienced operational problems which did restrict dives.*

*The reference to a \$1,500 mooring fee referred to an annual fee the operators are required to pay to use one of the moorings constructed by the City. The \$7.50 per diver charge is in addition to the mooring fee. The response to the question indicated that although six possible operators had paid the mooring fee, only two were actually taking divers to the Perth.*

*As previously indicated, the projected number of divers was based on experience in other locations. This experience has not been reflected in the first year figures for Albany.*

### **Hockey Pitch Repair**

Question: Has the above amount [\$325,000 to replace the synthetic Surface] been transferred to a fund to provide for the hockey pitch surface replacement?

*The budget amount was based on receipt of a grant of \$ 159,000 from CSRFF, plus a transfer from a City of Albany Synthetic Surface Reserve Account. As the funds from CSRFF were not forthcoming, the budget expenditure had to be reduced, or the project cancelled. The project was cancelled. The reserve funds allocated to the project remain in the reserve account dedicated to the surface replacement in the future.*

Question: What documentation is there to justify the refusal of the grants?

*The City received a letter from CSRFF stating that they are not supporting and resurfacing of the hockey surface.*

### **ALAC Advertising Campaign**

Question: Do you agree that the TV Campaign should have targeted people who would use those hours? By not doing this, it makes the \$6,000 cost largely ineffective.

*The advertisements were designed to promote total use of the Albany Leisure and Aquatic centre, not just the pool, and to promote a healthy lifestyle. There was no intention of “targeting” any specific area of the centre.*

Question: Do you use a professional marketing company to determine your campaign strategies or do you endeavour to save money by having someone from your organisation do it.

*These three advertisements, to be re-run periodically, were the responsibility of the Centre Manager. If the Manager were to run a major campaign, he would have the option of using an outside professional if it were deemed appropriate and cost effective.*

Question: Do you agree a “generic” campaign may only add to the congestion at peak times?

*The advertisements are intended raise the awareness of the Centre, including the pool. Centre staff have the ability to encourage people to use the pool outside peak hours. The lane availability report is intended to provide such guidance.*

**Executive Director – Corporate & Community Services comments on Pool “Albany cannot financially sustain increased water space”**

*The comments highlighted in the Albany Advertiser and attributed to the EDCCS in 1998 referred to training needs and flexibility, and not to the provision of increased water space through additional facilities.*

**5.0 PUBLIC QUESTION TIME**

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

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

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

**\*Mr Frank Forgione, 27 Crossman Street, Albany**

Mr Forgione referred to Item 12.2.4 – Tricolore Soccer Club

Mr Forgione expressed concern over the officer recommendation to defer the decision and said that it had been the intent of Mr Walmesly that the land be made available for soccer for the next 30 years. He advised that the Tricolore Soccer Club was prepared to assist Council to identify alternate sites for a soccer grounds and provide funding and manpower for the development and maintenance of a site.

Mr Forgione added that in his opinion access to additional grounds was imperative for the advancement of soccer in Albany.

**\*Mr David Juers, 5 Bridges Street, Albany**

Mr Juers referred to Item 12.2.6 – Retail Trading Hours

Mr Juers addressed Council as President of the Albany Chamber of Commerce and Industry. He reminded Councillors that they had agreed to adopt a two-year trial period and that trial period had only been operating for 12 months. He felt it was necessary to continue the trial for the two years so that all stakeholders were able to absorb the effects of the recent changes in retail trading in Albany.

The ACCI were currently surveying members and indicated that results of their survey would be available within the next two weeks. He urged Councillors to support the proposed recommendation.

**\*Mr Nick Ayton, 19 Wylie Crescent, Albany**

Mr Ayton referred to Item 11.3.2 – Scheme Amendment Request – Pt Loc 109 Frenchman Bay Road, Big Grove

Mr Ayton addressed Councillors on four issues, being:

1. that the long term use of the land in question is “Residential“ but as this was not likely to occur within 20 years he recommended an appropriate interim use for the land would be “Rural Residential” (ie 1-4 ha blocks);
2. the developer has given an assurance he would prepare a master plan for Council’s consideration;
3. any concerns that “spot zoning” would create a precedence would be overcome by overall planning. He added that other landowners have indicated they are prepared to participate; and
4. current rural zoning promotes ad hoc development.

**\*Mr Tony Stanton, Albany Residents and Ratepayers Association**

Mr Stanton previously submitted the following written questions

1. “Has an amount of money been set aside for capital expenditure work on ALAC?”
2. “If so, what is the amount?”

Mr Peter Madigan, Executive Director Corporate and Community Services advised Mr Stanton that Council was currently considering the 2003/04 Budget.

## **6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES**

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

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council meeting held on 15<sup>th</sup> April 2003
- Special Meeting of Council held on 5<sup>th</sup> May 2003

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

It also be moved that the following amendment be made for the 18<sup>th</sup> March 2003 meeting:-

*“Ian Wilson’s name was accidentally omitted from the attendance list at the Ordinary Meeting of Council held on 18<sup>th</sup> March 2003. Mr Wilson was present at the meeting.”*

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR DEMARTEAU**

**THAT the following minutes:**

- **Ordinary Council Meeting held on 15<sup>th</sup> April 2003;**
- **Special Meeting of Council held on 5<sup>th</sup> May 2003**

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

**THAT the following amendment be made for the 18<sup>th</sup> March 2003 meeting:-**

*“Ian Wilson’s name was accidentally omitted from the attendance list at the Ordinary Meeting of Council held on 18<sup>th</sup> March 2003. Mr Wilson was present at the meeting.”*

**MOTION CARRIED 15-0**

**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 Wolfe - Item 11.3.3 – Draft Wilson Inlet Nutrient Reduction Action Plan (leaseholder of swamps in Lake Saide area)

Councillor Sankey - Item 12.2.6 – Retail Trading Hours (daughter works for Woolworths and derives income from Woolworths)

Councillor Waterman – Item 12.2.6 – Retail Trading Hours (Retailer – Just Looking)

Councillor Wellington – Item 12.2.6 – Retail Trading Hours (Retailer – Leading Edge)

Councillor Lionetti – Item 12.2.6 – Retail Trading Hours (Retailer – Supa Value and Home Hardware)

Councillor Barton – Item 12.2.6 – Retail Trading Hours (employee of Coles Supermarket)

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

Chief Executive Officer advised that the item 19.1 – Structural Adequacy – Retaining Wall – 11 Festing Street, Albany – has been withdrawn from the agenda because staff have been unable to contact the owner of the property prior to the meeting and they need to be given the opportunity to respond.

**10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

# **Development Services**

## **REPORTS**

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

**11.1 DEVELOPMENT**

Nil.

**11.2 INSPECTION SERVICES**

Nil.

**DEVELOPMENT SERVICES REPORTS****11.3 DEVELOPMENT POLICY****11.3.1 R-Codes Setback Policy**

<b>File/Ward</b>	:	STR 046 (All Wards)
<b>Proposal/Issue</b>	:	City of Albany R-Codes Setback Policy
<b>Subject Land/Locality</b>	:	All land within the municipal area, subject to Town Planning Scheme No. 3
<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	Various
<b>Reporting Officer(s)</b>	:	Planning Officer - Policy (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Request that policy is advertised in accordance Clause 6.9.2 of Town Planning Scheme No. 3.
<b>Bulletin Attachment</b>	:	Nil.
<b>Locality Plan</b>	:	N/A

**BACKGROUND**

1. On the 29<sup>th</sup> April 2003 Amendment No. 221 to Town Planning Scheme No. 3 was gazetted. This amendment dealt with residential development within the former Shire area of the City of Albany by introducing the R5 and R20 density codings and associated development controls.
2. The introduced setback standards are different to those applied prior to the gazettal of this amendment and a policy is required to ensure consistency in urban form.
3. The following table shows the Scheme provisions as they applied prior to the 29 April 2003 and the provisions of the R-Codes that have been applied since that time:

<b>Provision – R5</b>	<b>Pre 29<sup>th</sup> April 2003</b>	<b>Post 29<sup>th</sup> April 2003</b>
Primary Street Setback (m)	<b>7.5</b>	<b>12.0</b>
Secondary Street Setback (m)	<b>4.0</b>	<b>6.0</b>

<b>Provision – R20</b>	<b>Pre 29<sup>th</sup> April 2003</b>	<b>Post 29<sup>th</sup> April 2003</b>
Primary Street Setback (m)	<b>7.5</b>	<b>6.0</b>

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

4. A copy of the draft policy is attached to this report.

**STATUTORY REQUIREMENTS**

5. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.

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

**POLICY IMPLICATIONS**

6. The City of Albany R-Codes Setback Policy will be a Town Planning Scheme policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme No. 3.

**FINANCIAL IMPLICATIONS**

7. Council is required to advertise the draft policy in a local newspaper for two consecutive weeks at it’s own cost.

**STRATEGIC IMPLICATIONS**

8. This policy will apply the setback standards for residential development that were in place prior to the gazettal of Amendment No. 221.

**COMMENT/DISCUSSION**

9. The proposed policy will provide consistency in how residential setbacks are assessed within the former Shire area with the adoption of the R-Codes.
10. The policy will allow a 7.5m setback for areas coded R5 and R20, however where a site has a R20 density this may be relaxed to 6.0m where it is in accordance with the prevailing streetscape.
11. Where a dwelling will be the first dwelling in a street in an area coded R20, the policy will allow a front setback of 6.0m with the approval of Council.



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.1 continued

RECOMMENDATION

THAT Council adopts the ‘City of Albany R-Codes Setback Policy’ and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR BOJCUN**

**THAT Council adopts the ‘City of Albany R-Codes Setback Policy’ and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.**

**MOTION CARRIED 15-0**

## CITY OF ALBANY – R-CODES SETBACK POLICY

**Applies to:** Residential and ancillary development in the Residential R5 and R20 within Town Planning Scheme No. 3.

### 1.0 Background

On the 29<sup>th</sup> April 2003 Amendment No. 221 to Town Planning Scheme No. 3 was gazetted. This amendment dealt with residential development within the former Shire area of the City of Albany by introducing the R5 and R20 density codings and associated development controls. The introduced setback standards are different to those applied prior to the gazettal of this amendment and a policy is required to ensure consistency in urban form.

### 2.0 Aim

The **aim** of the City of Albany R-Codes Setback Policy is:

*To achieve a consistent urban form in areas zoned Residential R5 and Residential R20 within the former Shire area by providing for reduced primary and secondary street setbacks.*

### 3.0 Policy Requirements

#### R5 Coded Areas

Criteria	Standard
Primary Street Setback (m)	7.5
Secondary Street Setback (m)	4

#### R20 Coded Areas

Criteria	Standard
Primary Street Setback (m)	7.5
Secondary Street Setback (m)	1.5

The 7.5m primary street setback cannot be averaged however the setback can be relaxed to 6.0m in areas zoned Residential R20. Where a relaxation to 6.0m is proposed it is to be consistent with the predominant setback on that street.

Where a proposed dwelling is the first in an otherwise undeveloped street a 6.0m setback may be permitted with Council consent.

### 4.0 Application Details

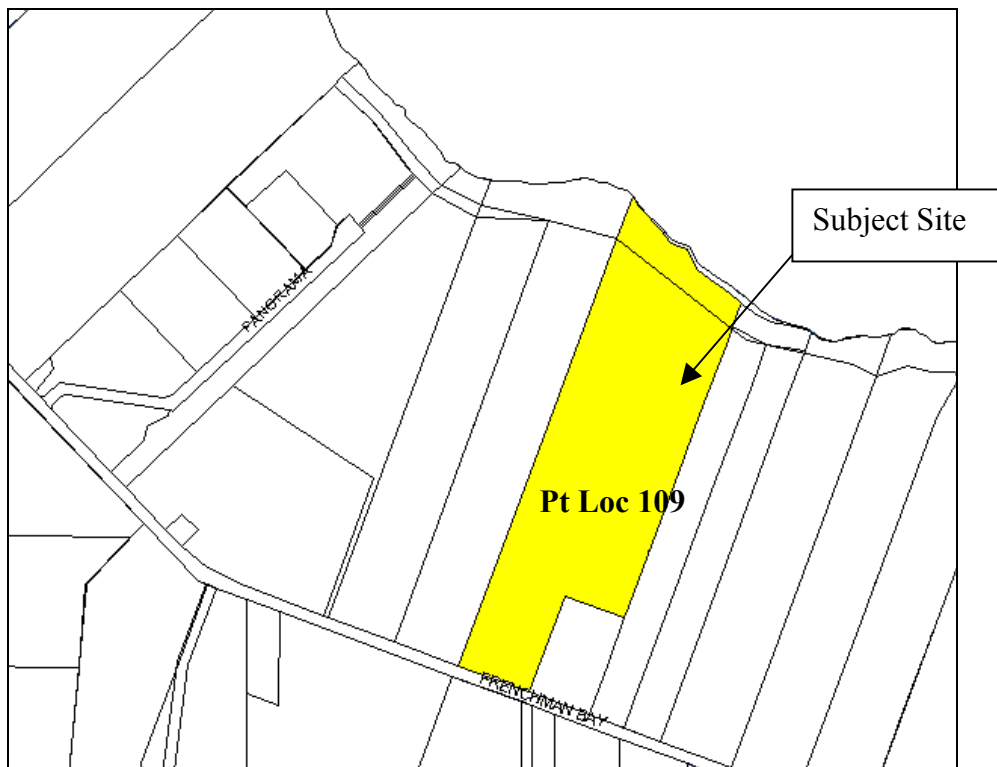
Applications for Residential development (and ancillary development) must include the following:

- (a) Completed Planning Scheme Consent application form; and
- (b) Details required to accompany an application as stipulated in the R-Codes.

**DEVELOPMENT SERVICES REPORTS**

**11.3.2 Scheme Amendment Request – Pt Loc 109 Frenchman Bay Road, Big Grove**

<b>File/Ward</b>	:	A36459A (Vancouver Ward)
<b>Proposal/Issue</b>	:	Preliminary request to rezone Pt Loc 109 Frenchman Bay Road, Big Grove from ‘Rural’ reserve to ‘Special Rural’.
<b>Subject Land/Locality</b>	:	Pt Loc 109 Frenchman Bay Road, Big Grove
<b>Proponent</b>	:	Ayton Taylor Burrell
<b>Owner</b>	:	D & EA Buchanan
<b>Reporting Officer(s)</b>	:	Planning Officer – Policy (R Hindley)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	Support the request.
<b>Bulletin Attachment</b>	:	Rezoning report.
<b>Locality Plan</b>	:	



**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

**BACKGROUND**

1. An application was received from Ayton Taylor Burrell seeking Council's preliminary support to rezone Pt Loc 109 Frenchman Bay Road, Big Grove from 'Rural' to 'Special Rural'. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.
2. Preliminary advice was provided to the applicant stipulating that the proposed rezoning may be considered subject to the wider area being considered under an outline development plan.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

5. There are various policies and strategies that have relevance to this proposal. They include:
  - The State Planning Strategy
  - The Western Australian Planning Commission Statement of Planning Policy No. 2.6 (SPP 2.6)
  - The Western Australian Planning Commission Statement of Planning Policy No. 8 (SPP 8)
  - The Albany Regional Strategy (1994)
  - The Local Rural Strategy (1996)
  - Draft Local Planning Strategy (2001)
6. The purpose of SPP 2.6 (State Coastal Planning Policy) is to provide for the planning of the coastal environment.
7. The purpose of SPP 8 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.
8. The subject site is located within Precinct 10 of the City's Local Rural Strategy. The policy statement for this precinct states:

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

*“Council will not support any significant development or any subdivision within this Precinct until further study is undertaken as part of the new Town Planning Scheme.”*

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

11. The proposed rezoning has the potential to set a precedent for other spot rezonings, which have been opposed on the basis of orderly planning.

**COMMENT/DISCUSSION**

12. A copy of the proposal was referred to the Western Australian Planning Commission for preliminary comment (A copy of this submission is located at the rear of this report). The major issues identified by the Commission and Council staff include:

- It needs to be shown how the future subdivision potential (of the subject lot and precinct) will relate to special rural subdivision;
- Stock controls need to be carefully considered given the site’s potential susceptibility to wind erosion;
- There needs more comprehensive land capability assessment to determine provision for effluent disposal and housing and road construction;
- There appears to be some direction towards access to the foreshore and water;
- The rezoning constitutes a spot rezoning; and
- A master plan should be prepared for the precinct to determine the most appropriate form of zoning, subdivision, and development before individual rezoning are contemplated.

13. SPP 2.6 requires that as part of a rezoning proposal a coastal foreshore management plan be prepared and implemented.

14. Precinct 10 of the Local Rural Strategy was created to prevent ad-hoc development within the precinct area. The development of a structure plan (or related plan) would assist in coordinating development. A recent appeal determination (Mrs Knight) has undermined the principle espoused in Precinct 10. (copy of decision in Elected Members Report and Information Bulletin - Item 3.1.3)

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

15. The structure plan is to show the proposed subdivision design (for both Special Rural and Residential development) on the subject lot. The plan is to also provided details on the layout of the remainder of the precinct with reference being given to its longer term potential for residential subdivision.
16. The preparation of a structure plan over the precinct would appear to adequately address the concerns expressed by the Department for Planning and Infrastructure.
17. Based on the above the preliminary request to rezone the land, that the proposal is supported.

**RECOMMENDATION**

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Loc 109 Frenchman Bay Road, Big Grove from ‘Rural’ to ‘Special Rural’ subject to the Scheme Amendment addressing the following, to the satisfaction of Council;

- i) preparation of a coastal foreshore management plan;
- ii) preparation of a fire management plan;
- iii) a land capability assessment is required to demonstrate the sites suitability for on-site effluent disposal and housing and roads; and
- iv) preparation of a structure plan covering the area bounded by Princess Royal Harbour to the north, Frenchman Bay Road to the south, Panorama Road to the west and Reserve 930 to the east showing the special rural subdivision and how this will relate to the eventual residential subdivision of the precinct.

*Voting Requirement Simply Majority*

.....

**AMENDED RECOMMENDATION**

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Loc 109 Frenchman Bay Road, Big Grove from ‘Rural’ to ‘Special Rural’ subject to the Scheme Amendment addressing the following, to the satisfaction of Council;

- i) preparation of a coastal foreshore management plan;
- ii) preparation of a fire management plan;
- iii) a land capability assessment is required to demonstrate the sites suitability for on-site effluent disposal and housing and roads;

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued

- iv) preparation of a structure plan covering the area bounded by Princess Royal Harbour to the north, Frenchman Bay Road to the south, Panorama Road to the west and Reserve 930 to the east showing the special rural subdivision and how this will relate to the eventual residential subdivision of the precinct; and
- v) clear evidence in the structure planning process that the requirements of the West Australian Planning Commission and the Department of Environment, Water and Catchment Protection coastal planning policies and guidelines have been considered and incorporate into the design.

*Voting Requirement Simply Majority*

.....

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR EVANS**

**THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Pt Loc 109 Frenchman Bay Road, Big Grove from ‘Rural’ to ‘Special Rural’ subject to the Scheme Amendment addressing the following, to the satisfaction of Council;**

- i) preparation of a coastal foreshore management plan;**
- ii) preparation of a fire management plan;**
- iii) a land capability assessment is required to demonstrate the sites suitability for on-site effluent disposal and housing and roads;**
- iv) preparation of a structure plan covering the area bounded by Princess Royal Harbour to the north, Frenchman Bay Road to the south, Panorama Road to the west and Reserve 930 to the east showing the special rural subdivision and how this will relate to the eventual residential subdivision of the precinct; and**
- v) clear evidence in the structure planning process that the requirements of the West Australian Planning Commission and the Department of Environment, Water and Catchment Protection coastal planning policies and guidelines have been considered and incorporate into the design.**

**MOTION CARRIED 15-0**

Reason:

A number of Councillors have expressed a desire that this is appropriately addressed.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.2 continued



**Department for Planning and Infrastructure**  
Government of Western Australia

Great Southern Region

Your ref: A36459A/PA2509/SAR52

Our ref: 853-5-21-2

Enquiries: Peter Rankin

28 April 2003

Chief Executive Officer  
City of Albany  
PO Box 484  
ALBANY WA 6330

<b>CITY OF ALBANY - RECEIVED</b>		
<b>RECORDS OFFICE</b>		
29 APR 2003		
FILE	CORRO NO.	OFFICER
A36459A/PA2509/SAR52	1304350	PPO1
CC	ATTACHMENTS	OFFICER

ATTENTION: Richard Hindley

Dear Richard

**SCHEME AMENDMENT REQUEST - PT LOC 109 FRENCHMAN BAY ROAD**

In response to your letter of 16 April 2003 I offer the following comment:

The rezoning of Pt Location 109 Frenchman Bay Road constitutes a 'spot' rezoning in that it is independent of adjoining lots between Frenchman Bay Road and Princess Royal Harbour which have similar attributes to the subject land.

It would be preferable for a master plan to be prepared for this precinct to determine the most appropriate form of zoning, subdivision and development before any individual rezoning proposals were contemplated. This is suggested on the basis of the extent of the subject land, similarity of lot sizes in this precinct, the sensitive nature of the land in its relationship to Princess Royal Harbour and the prospect of a better planning and development outcome for the locality when compared to the alternative as represented by this proposal of a piecemeal rezoning and development process.

In the absence of a master plan acceptable to the community it is difficult to offer support for this proposal.

Yours faithfully

PETER RANKIN  
A/REGIONAL MANAGER  
GREAT SOUTHERN REGION  
SERVICE DELIVERY DIVISION



**DEVELOPMENT SERVICES REPORTS**

**11.3.3 Draft Wilson Inlet Nutrient Reduction Action Plan**

<b>File/Ward</b>	: STR124 (West Ward)
<b>Proposal/Issue</b>	: Council support sought for draft Action Plan
<b>Subject Land/Locality</b>	: Wilson Inlet
<b>Proponent</b>	: Department of Environment, Water and Catchment Protection (DEWCP)
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Executive Director Development Services (R Fenn)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil
<b>Summary Recommendation</b>	: Council request a member(s) of the Steering Committee brief Council on the Action Plan
<b>Bulletin Attachment</b>	: Summary Action Plan, response to submissions on Action Plan and submission from City of Albany
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. The Wilson Inlet Nutrient Reduction Action Plan (WINRAP) was prepared by a steering committee comprising representatives from the Wilson Inlet Management Authority, Wilson Inlet Management Advisory Committee, Waters and Rivers Commission, Department of Agriculture, Wilson Inlet Catchment Committee and the Shire of Denmark.
2. In September 2002, a copy of the Summary of Actions from the WINRAP, was released to the City of Albany by the Waters and Rivers Commission, in partnership with the Wilson Inlet Management Advisory Group and the Wilson Inlet Catchment Committee. The City of Albany was advised that the Plan provided the first co-ordinated program of work aimed at addressing water quality issues within the Inlet. It was the result of community concerns with the proliferation of algal growth in the Inlet. In November 2002, the writer provided a submission to the Department of Environment, Water and Catchment Protection, (DEWCP) highlighting a number of issues and concerns with the draft Action Plan. A copy of the draft Summary of Actions and that submission is included within the Elected Members Report/ Information Bulletin.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

3. In December 2002, Council received an acknowledgement from DEWCP that the submission had been received. In April 2003, just prior to the local government election, DEWCP once again contacted the City of Albany requesting that the Mayor's signature be placed upon the Action Plan to certify that the City of Albany endorse the Plan and would continue to work co-operatively to implement the actions contained within the Plan as a means of improving the condition of Wilson Inlet.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

5. Nine actions contained within the draft Plan directly relate to activities and functions carried out by the City of Albany. Some require specific actions to be undertaken by the City. The submission provided by staff in November 2002 did not examine broader land use issues within the Wilson Inlet Catchment upon which Council may wish to establish a policy position.

**FINANCIAL IMPLICATIONS**

6. Whilst many of the actions outlined in the Plan would be undertaken as part of daily operational programs, some actions (eg the raising of road levels) mentioned in the draft Action Plan do have a direct cost to the community. Within the schedule of submissions provided with the draft Action Plan, the cost of implementation is continually raised as an issue and the recommendations on those submissions provides staff with little comfort that ongoing cost shifting from the State Government to local authorities will not occur in this instance.
7. The direct costs associated with the implementation of the Action Plan have not been estimated .

**STRATEGIC IMPLICATIONS**

8. The health of the Wilson Inlet is essential to the South Coast region and every reasonable step should be taken to ensure that the nutrient inputs to the waterway are minimised in the future. The creation of the WINRAP is seen as a positive step to guide future planning and it is disappointing that the City of Albany was not appropriately represented on the steering committee which produced the Action Plan.

**DEVELOPMENT SERVICES REPORTS**

Item 11.3.3 continued

**COMMENT/DISCUSSION**

- 9. As highlighted in the staff’s submissions on the draft Summary of Actions for the WINRAP, a number of relatively simple changes can be made to existing operations within the planning area to prevent inappropriate development within the Wilson Inlet Catchment. Those changes should occur as part of normal planning processes.
- 10. The WINRAP highlights that community opinion on the management of Wilson Inlet is divided and that the committee has put forward a nutrient reduction option as being the preferred method of managing water quality within Wilson Inlet.
- 11. Council’s planning staff have been briefed during the preparation of the Lower Great Southern Regional Strategy on nutrient transport problems within the south coast region and the Department of Environment, Water and Catchment Protection has undertaken extensive modelling of nutrient point sources within a number of the catchments feeding into Albany’s waterways. Mr Gunby also provided a briefing on the WINRAP to Council.
- 12. Council has not considered its position in regards to ongoing management of Wilson Inlet and this matter is now drawn to Council for attention and action.

**RECOMMENDATION**

THAT Council agree to be a signatory to the Wilson Inlet Nutrient Reduction Action Plan on the clear understanding that any work proposed or any financial implications will be subject to normal Council budget processes and constraints.

*Voting Requirement Simple Majority*

.....

Cr Wolfe declared a financial interest in that he is a leaseholder of swamps in the Lake Side area and left the Chambers at 7.49pm.

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR BARTON**

**THAT Council agree to be a signatory to the Wilson Inlet Nutrient Reduction Action Plan on the clear understanding that any work proposed or any financial implications will be subject to normal Council budget processes and constraints.**

**MOTION CARRIED 14-0**

Cr Wolfe returned to the Chambers at 7.51pm.

**11.4 DEVELOPMENT SERVICES COMMITTEES**

Nil.

# **Corporate & Community Services**

## **REPORTS**

## - R E P O R T S -

### 12.1 FINANCE

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

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

#### COMMENT/DISCUSSION

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

Municipal Fund		
Cheques	totalling	220,333.31
Electronic Fund Transfer	totalling	2,088,356.11
Payroll	totalling	997,802.86
<b>TOTAL</b>		<b>\$3,306,492.28</b>

2. As at 1<sup>st</sup> May 2003, the total outstanding creditors, stands at \$994,309.30.

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.1 continued.

RECOMMENDATION

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

Municipal Fund	totalling	\$3,306,492.28
Total		<u>\$3,306,492.28</u>

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR BOJCUN**

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

<b>Municipal Fund</b>	<b>totalling</b>	<b>\$3,306,492.28</b>
<b>Total</b>		<b><u>\$3,306,492.28</u></b>

**MOTION CARRIED 15-0**

### 12.1.2 Principal Activities Plan

<b>File/Ward</b>	:	STR 014 (All Wards)
<b>Proposal/Issue</b>	:	Council requested to approve advertising the Draft Principal Activities Plan.
<b>Subject land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer</b>	:	Manager - Finance (S Goodman)
<b>Disclosure of interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council agree to advertise the availability of the Draft Principal Activities Plan for public comment
<b>Bulletin Attachment</b>	:	Draft Principal Activities Plan
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The City of Albany Principal Activities Plan, is an annual overview of the significant programmes and activities proposed by the Council over the next four years. The objectives are:
  - to provide the community with information related to the proposed principal activities.
  - to offer the community the opportunity to lodge submissions in relation to those proposals for consideration by the Council.

### STATUTORY REQUIREMENTS

2. Section 5.56 of the Local Government Act (1995) requires that Council prepare a plan of principal activities each year, and make that plan available for public discussion over a period of at least six weeks. Submissions relating to the Plan must be considered before the City's annual budget is approved. Council must report any significant variances from the 2003/04 Plan in its 2003/2004 Annual Report.

### POLICY IMPLICATIONS

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



Item 12.1.2 continued.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

5. The Principal Activities Plan is not formally linked to the strategic plan although many in Local Government believe that it should be replaced by the strategic plan.

**COMMENT/DISCUSSION**

6. It is important to note that Council is not bound by the contents of the Draft Principal Activities Plan (included in the Elected Member Report and Information Bulletin), particularly as it relates to 2003/2004. The final decision on the Operating Budget, and content of the Adopted Principal Activities Plan will be made by Council in its public deliberations, after considering any public submissions.
7. Council is requested to provide authorisation for the release of the Draft Principal Activities Plan for public consideration.

**RECOMMENDATION**

THAT Council approve the public advertising of the Draft Principal Activities Plan and invite written submissions in relation to the planned principal activities.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR BARTON**

**THAT Council approve the public advertising of the Draft Principal Activities Plan and invite written submissions in relation to the planned principal activities.**

**MOTION CARRIED 15-0**

### 12.1.3 Third Quarter 2002/2003 Budget Review

<b>File/Ward</b>	:	FIN 047 (All Wards)
<b>Proposal/Issue</b>	:	Council requested to adopt the 3 <sup>rd</sup> Quarter Review
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Manager Finance (S Goodman)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council adopt the 3 <sup>rd</sup> Quarter Review
<b>Bulletin Attachment</b>	:	List of proposed reallocations. Summary – Year to Date Cost v's Budget
<b>Locality Plan</b>	:	N/A

#### BACKGROUND

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

#### STATUTORY REQUIREMENTS

2. Section 6.4 of the Local Government Act 1995 requires that financial reports be prepared and presented in the manner and form prescribed and contain the prescribed information. Clause 35 (d) of the Local Government (Financial Management) Regulations 1996 states: *“A quarterly report is to be in a form, which identifies any significant variations between the year-to-date income and expenditure totals and identifies areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget that year”*. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

Item 12.1.3 continued.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

4. Council has adopted a balanced budget for 2002/03. Any surplus for the financial year can be used to fund the following year's budget with the balance to be reviewed by Council and transferred to reserves for specified purposes. An end of year deficit would require funding from the following year's budget.

**STRATEGIC IMPLICATIONS**

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

**COMMENT/DISCUSSION**

6. The quarterly review conducted by officers in April 2003 identified savings, referred projects and additional costs, resulting in a projected net surplus of \$67,000. In addition, the recommended drawdown on loan funding for 2002/03 can be reduced by \$826,000 (of which \$425,000 is a deferral to 2003/04)
7. A comprehensive list of the proposed reallocations by responsibility is contained in the Elected Members' Report / Information Bulletin.
8. The following is information on significant proposed reallocations:
  - a. **General Purpose Income**

Total general purpose income is up by \$151,000. Interim rates are projected to increase due to a concerted effort by the Development Approvals group and the Valuer General's office to clear a backlog. Interest earned on invested municipal funds will be \$45,000 higher than previously projected.
  - b. **Information Technology Capital**

Net spending on IT capital was down by \$89,000 due to software supplier issues with the roll out of the Synergy Soft programme. \$55,000 has been committed and carried over to 2003/04. This will be incurred when the software is operating correctly. The net saving in 2002/03 will be \$33,000.

Item 12.1.3 continued.

**c. North Road Depot Site Remediation**

The budget was \$375,000 for 2002/03, funded by loan. Due to the delay because of negotiations with the Department of Environmental Protection, the 2002/03 expenditure is expected to be only \$50,000. It is proposed that this be funded from 2002/03 surplus rather than a loan as per the budget.

**d. Cocoa Bean Revenue**

As previously reported to Council, the net revenue from the tip revenue and sale of the Cocoa beans subsequent to the “Marion Green” fire, was \$443,453. It is proposed to transfer this extraordinary gain to the Refuse Reserve - ie no impact on the annual surplus.

**e. Rehabilitation of the Prideaux Road Liquid Waste Site**

It is proposed that the rehabilitation of the old liquid waste site, and budgeted funding from the reserve account, be deferred until 2003/04. This has no impact on the 2002/03 surplus.

**f. Airport Taxiway Extension (funded ex reserve)**

The scope of the works has been reduced for 2002/03 by \$70,000, and the reserve transfer adjusted accordingly.

**g. Road Construction -**

It is anticipated that the road construction program for 2002/03 will be completed with no carryovers necessary. There will be significant operational savings with reduced costs of \$92,000 on resheeting, and \$163,000 on bituminous reseal. The 2002/03 budget contained an amount of \$250,000 for preconstruction works (advance design on future road programs). Major efforts to complete the 2002/03 Asset and Masterplan programs have restricted progress on this item, and it is expected that an underspend of \$50,000 will be experienced. The loan funding for the road program can be reduced by \$275,000 to \$3.179 million.

**h. Economic Development Projects**

Expenditure on the Albany Boat Harbour Implementation has been deferred to 2003/2004 due to a delay in appointing a project manager. The Wellstead Resource Centre project has also been deferred due to funding delays. There is no impact on the operating surplus.

RECOMMENDATION

THAT Council adopt the 3<sup>rd</sup> Quarter Review.

*Voting Requirement Absolute Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.1.3 continued

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR BOJCUN**

**THAT Council adopt the 3<sup>rd</sup> Quarter Review.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

## 12.2 ADMINISTRATION

### 12.2.1 City of Albany Seniors Policy

<b>File / Ward</b>	:	MAN 131 (All Wards)
<b>Proposal/Issue</b>	:	Adoption of draft Seniors Policy
<b>Subject Land/Locality</b>	:	N/A
<b>Proponent</b>	:	N/A
<b>Owner</b>	:	N/A
<b>Reporting Officer(s)</b>	:	Community Development Officer (R Shanhun)
<b>Disclosure of Interest</b>	:	Nil
<b>Previous Reference</b>	:	Nil
<b>Summary Recommendation</b>	:	That Council adopt the draft Seniors Policy, as presented.
<b>Bulletin Attachment</b>	:	Seniors Policy
<b>Locality Plan</b>	:	N/A

### BACKGROUND

1. The City of Albany has one of the highest ratio of Seniors within its community, of any Local Government in Australia. Around 24% of the local population is aged 55 years or older. The State average is 17%, the National average is 18%. The seniors sector is also the experiencing the greatest growth of any community sector and currently makes up about 45% of our population growth. Within 10 to 15 years seniors will represent 33% of the Albany population.
2. Such an aging population has significant implications for the provision of Council services and facilities in the years to come. The needs of the senior's demographic are different to those of younger community sector. Addressing those needs in an ordered and structured way requires specific planning, consultation and targeted service delivery.
3. The City of Albany Seniors Advisory Committee has been used as a consultative mechanism and policy reference group in the development of the draft City of Albany Seniors Policy. Copy attached in the Elected Members Report/Information Bulletin.

Item 12.2.1 continued.

#### **STATUTORY REQUIREMENTS**

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

#### **POLICY IMPLICATIONS**

5. Adoption of the Seniors Policy will provide Council with a strategic approach to the provision of services and facilities for the older members of its community.

#### **FINANCIAL IMPLICATIONS**

6. There are a number of strategies identified within the policy that will require a financial commitment from Council. Such funding will be subject to normal budgetary processes.
7. There are no direct financial implications associated with adoption of the Policy.

#### **STRATEGIC IMPLICATIONS**

8. Albany 2020 Port of Call '*Attraction and development of a broad range of social cultural and economic entities*' provides a broad objective of '*Community Development – to encourage a vibrant community where all are encouraged to participate and contribute*'.
9. Port of Call '*The continual development of Council services and facilities to meet the needs of all stakeholders*' implies a need to ascertain stakeholders needs through consultation and communication, and to meet those needs through facility and service delivery.
10. Port of Call '*Appreciation for professional excellence*' provides a broad objective of '*Governance – to comply with statutory requirements of the organisation*'. A related activity is the development of policies, which will enable Council to meet its Albany 2020 strategic objectives.

#### **COMMENT/DISCUSSION**

11. No written comments have been received in response to the advertisements calling for public submissions in relation to the draft Seniors Policy. Copies of the Policy were distributed through the Seniors Advisory Committee, Seniors Interest Groups and numerous Senior's organisations. All verbal feedback received has been very positive and complimentary, including that by the Premier, Dr Geoff Gallop at the recent Seniors Information Expo.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.1 continued.

12. Research indicates this is the first such ‘*Seniors Policy*’ developed by any Local Government in Western Australia. This is indicative of the City of Albany’s strategic approach to governance as well as the significance of its Senior’s population.

RECOMMENDATION

THAT the;

- i) City of Albany Seniors Policy as presented, be adopted; and
- ii) City of Albany Seniors Advisory Committee be thanked for its involvement in the development of the Seniors Policy, and congratulated on the outcome.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR DEMARTEAU**

**THAT the:**

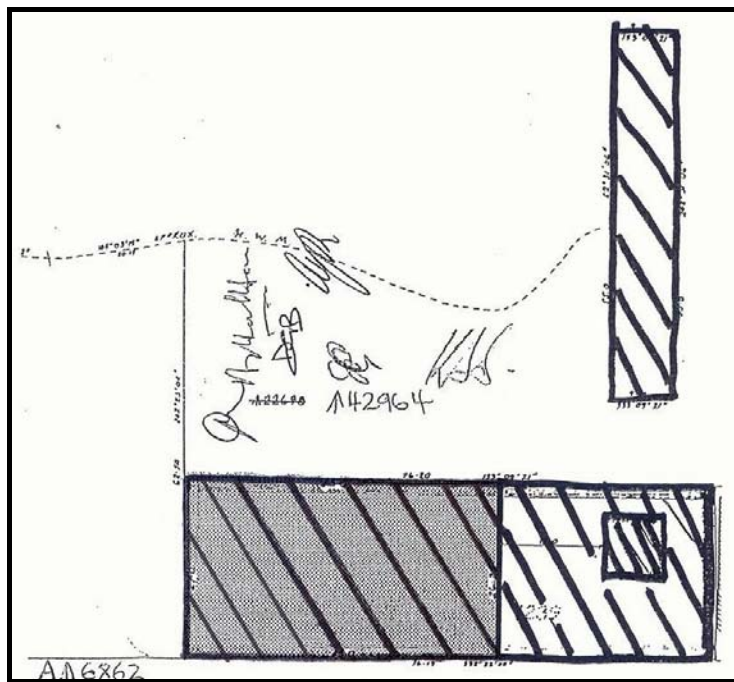
- i) City of Albany Seniors Policy as presented, be adopted; and**
- ii) City of Albany Seniors Advisory Committee be thanked for its involvement in the development of the Seniors Policy, and congratulated on the outcome.**

**MOTION CARRIED 15-0**



**12.2.2 Emu Point Slipway**

- File/Ward** : PRO 314 (Breaksea Ward)
- Proposal/Issue** : Maintenance – Emu Point Slipway
- Subject Land/Locality** : Reserve 42964, Lot 1240 Emu Point Boat Pens.
- Proponent** : City of Albany
- Owner** : City of Albany
- Reporting Officer(s)** : Executive Director Corporate & Community Services (P Madigan)
- Disclosure of Interest** : N/A
- Previous Reference** : N/A
- Summary Recommendation** : That Council agree to undertake the refurbishment works to the Emu Point Slipway.
- Bulletin Attachment** : Correspondence
- Locality Plan** : N/A



Item 12.2.2 continued.

### **BACKGROUND**

1. On Monday 24<sup>th</sup> February 2003 during slipway operations at the Emu Point Slipway, damage was caused to the concrete slabs that make up the slipway construction.
2. A report by the operator is included in the Elected Members Report and Information Bulletin.
3. The slipway has been in existence for about 30 years, and hauls “all the majority of private and commercial vessels in Albany and around to Bremer Bay for repair and maintenance.”
4. The facility has now been out of commission since 24<sup>th</sup> February 2003.
5. A report on the condition of the slipway and repairs necessary has been prepared by R R Unger Pty Ltd, constructing Civil, Structural and Municipal Engineers (as included in the Elected Members Report/Information Bulletin).
6. The estimated costs to refurbish the slipway are between \$20,000-\$25,000.

### **STATUTORY REQUIREMENTS**

7. Section 6.8(1)(b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).
8. Reserve 42964 is located at Emu Point. Council has a Management Order for this Reserve which states the purpose as ‘Marine and Associated Purposes’ with power to lease for periods up to and including 50 years. Council currently has various leases on this Reserve including a lease for a portion of Reserve 42964, Lot 1423 to Emu Point Sporting Club Inc. The term of this lease is for a period of 21 years from 11<sup>th</sup> November 1993 until 31<sup>st</sup> October 2014.
9. In relation to maintenance, the lease provides  
  
*“Clause 2  
(g) to keep all buildings and other improvements whatsoever built or erected on the demisted land in good and substantial repair and condition.”*

### **POLICY IMPLICATIONS**

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

Item 12.2.2 continued.

**FINANCIAL IMPLICATIONS**

- 11. No funds have been allocated in Council’s budget for this project.
- 12. Funding for the project could be provided from the Emu Point Boat Pen Development Reserve which currently has a balance of \$95,000.

**STRATEGIC IMPLICATIONS**

- 13. Refurbishment of the Slipway would comply with Council’s ‘Albany 2020 – Charting our Course’ which in part states:-

*“Managed healthy land / harbour environment*

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

**COMMENT/DISCUSSION**

- 14. The Slipway provides an essential community service to the boating and recreational community, and it is recommended that repairs be undertaken as a matter of urgency.

**RECOMMENDATION**

THAT Council agree to undertake the replacement works to the Emu Point Slipway outlined by R R Unger Pty Ltd at a cost of \$25,000 to be funded from the Emu Point Boat Pen Development Revenue.

*Voting Requirement Absolute Majority*

.....

**AMENDED RECOMMENDATION**

THAT in consideration of the community service provided, and subject to the Emu Point Sporting club Inc undertaking to surrender the head lease agreement and satisfactory negotiations with the sub-leasee in relation to future maintenance requirements, Council agree to undertake the replacement works to the Emu Point Slipway outlined by R R Unger Pty Ltd as a cost of \$25,000 to be funded from the Emu Point Boat Pen Development Revenue.

*Voting Requirement Absolute Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.2 continued

**MOVED COUNCILLOR PAVER  
SECONDED COUNCILLOR WATERMAN**

**THAT in consideration of the community service provided, and subject to the Emu Point Sporting club Inc undertaking to surrender the head lease agreement and satisfactory negotiations with the sub-leasee in relation to future maintenance requirements, Council agree to undertake the replacement works to the Emu Point Slipway outlined by R R Unger Pty Ltd as a cost of \$25,000 to be funded from the Emu Point Boat Pen Development Revenue.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

Reason:

This will enable greater direct control on the operation and maintenance of the Slipway in the community interest.

### 12.2.3 Emu Point Oil Bunker

<b>File/Ward</b>	: PRO 053 & PRO 074 (Beaksea Ward)
<b>Proposal/Issue</b>	: Establishment of a roof over the existing oil bunker
<b>Subject Land/Locality</b>	: Emu Point Boat Pens
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: PA/Executive Director Corporate & Community Services (S Day)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: Approve the re-allocation of \$3,000 from the Emu Point Boat Pens Development Reserve towards the development of a roof top.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. In March 2003, the City of Albany installed a Oil Bunker at the Emu Point Boat Pens. The purpose of the oil bunker is to house drums of oil left by boats utilising the Emu Point Boat Pens.
2. Prior to this, a mini skip was provided and collected by the Department of Planning and Infrastructure and the City of Albany. The skip bin was not proving to be of benefit as drums were being stored against the bin rather than in the bin.
3. To reduce the impact of a potential environmental hazard, with oil overflowing into the harbour, it is proposed that a roof be erected over the top of the bunker. This will stop rain getting into the bunker and oil overflowing out of the bunker.
4. A contractor has been employed to remove oil drums and any oil within the bunker on a weekly basis until June 2003. Thereafter a review on the collection service will be conducted.

Item 12.2.3 continued.

**STATUTORY REQUIREMENTS**

5. Section 6.8 (1)(b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorised in advance by a resolution of Council (absolute majority required).

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

7. No funds have been allocated in Council’s budget for this project.
8. Funding for the project could be provided from the Emu Point Boat Pen Development Reserve which currently has a balance of \$95,000.

**STRATEGIC IMPLICATIONS**

9. In accordance with Albany 2020 – Charting our Course

***“Protection of the City’s Harbour***

To maximise partnership with other stakeholders to ensure the sustainable use and care of our harbour.”

**COMMENT/DISCUSSION**

10. A quotation and plan has been obtained from A-Z Commercial Steel Construction to erect a roof over the oil bunker for a total cost of \$3,860 including GST.

**RECOMMENDATION**

THAT Council approve the allocation of \$3,860.00 from the Emu Point Boat Pens Development Reserve towards the construction of a roof top over the existing Oil Bunker facility at Emu Point Boat Pens.

*Voting Requirement Absolute Majority*

.....

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

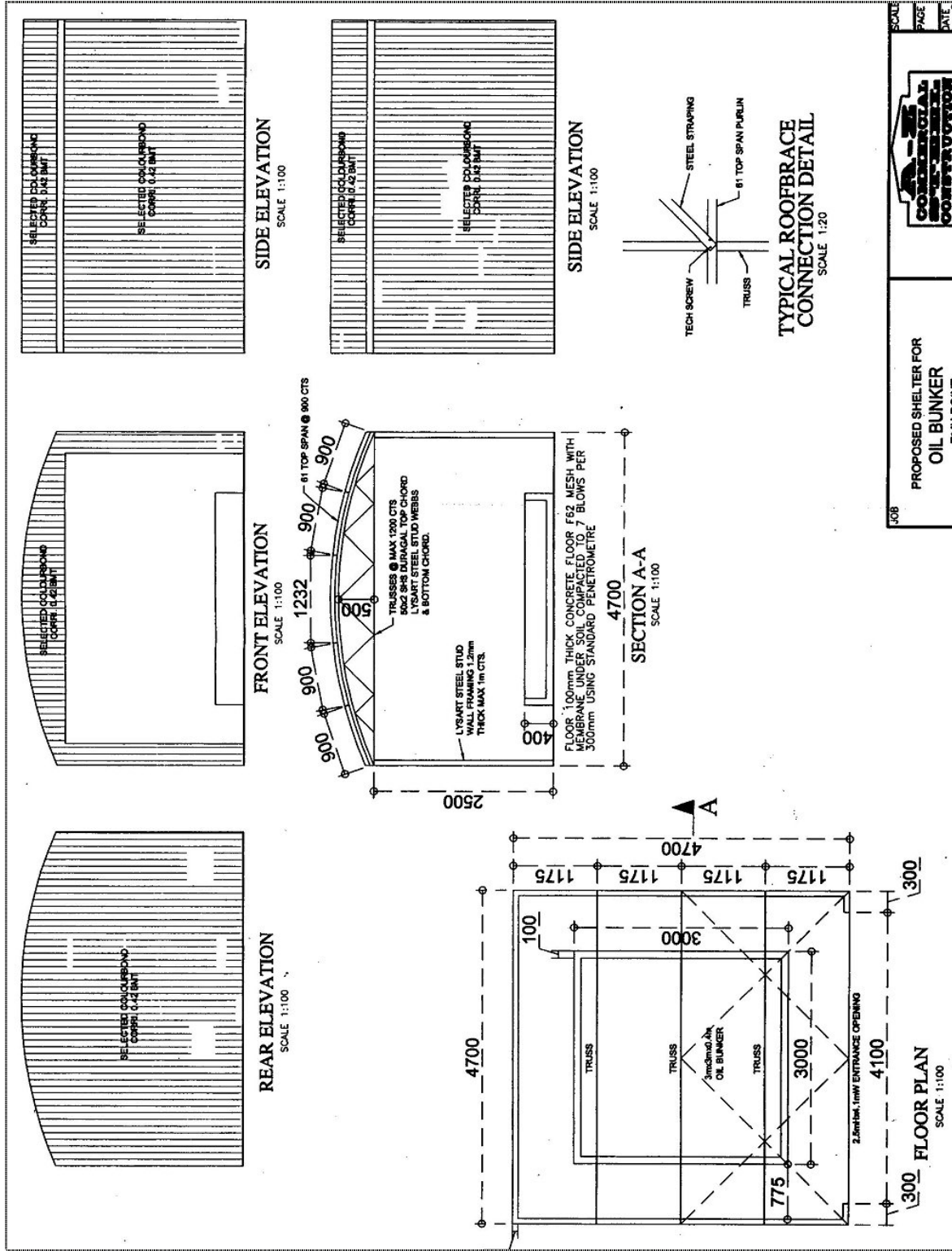
Item 12.2.3 continued

**MOVED COUNCILLOR DEMARTEAU  
SECONDED COUNCILLOR SANKEY**

**THAT Council approve the allocation of \$3,860.00 from the Emu Point Boat Pens Development Reserve towards the construction of a roof top over the existing Oil Bunker facility at Emu Point Boat Pens.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

Item 12.2.3 continued.



SCALE	PAGE	DATE
<b>COMMERCIAL SUB-STRUCTURE CONSTRUCTION</b>		
JOB		
PROPOSED SHELTER FOR OIL BUNKER		
E.M. LLOYD		



#### 12.2.4 Tricolore Soccer Club

<b>File/Ward</b>	: PRO 138 (Yakamia Ward)
<b>Proposal/Issue</b>	: Tricolore Soccer Club Lease
<b>Subject Land/Locality</b>	: Part Lot 5 Mercer Road, Albany
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (P Madigan)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: OCM 18/03/03 – Item 12.2.2
<b>Summary Recommendation</b>	: That the request for Frank Forgione to lease land to the Tricolore Soccer Club be deferred.
<b>Bulletin Attachment</b>	: Letter from Mr F Forgione
<b>Locality Plan</b>	: N/A

#### BACKGROUND

1. A request has been received from Mr Frank Forgione to lease a section of land within Council's Mercer Road Complex at the Tricolore Soccer Club.
2. At its March meeting of Council it was resolved:-  
  
*“THAT this matter be deferred pending staff endeavouring to locate the lease document and then refer the matter to Council for consideration.”*
3. While the lease document itself has not been located, it is very clear that a lease did exist with the Albany Italian Club (Tricolore Soccer Club) and also that they did not follow up the necessary administrative functions to secure a renewal of the lease. In the circumstances it is believed the lease has expired and no option or right to tenure of the subject land exists.

Item 12.2.4 continued.

4. The following represents documentation located in relation to the lease:

**August 1980-** Governors approval was sought and obtained on behalf of the Tricolore Soccer Club under the Local Government Act to enable leasing of Lot 5, Plantagenet Location 392 jointly to the Albany Italian Club (Inc) and Messers Guiseppe Ruffo and Peter Ian Todd – President and Secretary respectively of the Tricolore Soccer Club for a cumulative period of 30 years.

**January 1981** - Barrister and Solicitors Keall, Brinsden and Co (now Corrs, Chambers and Westgarth) were engaged to prepare the appropriate lease documentation. A Draft document was forwarded to the then Shire Clerk to await further instruction.

The terms of the lease specifically allowed for:

- Term – Ten (10) years from and including the 1<sup>st</sup> Day of October 1980; and
- Further Terms – Two (2) further term each of ten (10) years.

**February 1981** - The Shire of Albany forwarded a copy of the draft lease document to Mr Ruffo requesting that he confer with Mr Todd, review and return the document with any proposed amendments at his earliest convenience.

**April 1981** - Further correspondence was then forwarded to Mr Ruffo again seeking his reply with regards to the Draft lease documentation (as in February 1981).

**June 1981** - Lease documents were forwarded to the Shire of Albany for execution by relevant parties; document then forwarded onto Mr Ruffo for their signing and return.

**July 1981** - Duly executed documents forwarded to the Solicitors for their records.

**September 1981** - Solicitors forwarded receipt of registration of lease with the endorsement of the Town Planning Board.

Shire of Albany forwarded stamped copy of lease document to Mr Todd of the Tricolore Soccer Club.

Original lease term finalised.

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.4 continued.

**November 1990** - Letter from Shire Clerk to ‘The Secretary, Albany Italian Club’ advising of the expiry of the original 10 year lease term of Lot 5, Plantagenet Location 392, and requesting direction as to whether the Club wishes to exercise their 10 year extension option (to provide occupancy until 30 September 2000).

**January 1991** - Letter from Mr Colalillo (Secretary of Italian Club) advising the Acting Shire Clerk (Mr Boardley) that the Club wished to ‘continue the lease for another 10 years with the option ongoing’.

**May 1991** - Letter to the Secretary of the Albany Italian Club (Tricolore Soccer Club) with lease documents attached, requesting that they be duly executed ie. signed, club seal affixed and returned at the club’s earliest convenience.

5. After this time, it does not appear that the Shire of Albany received any further correspondence from the Italian Club / Tricolore Soccer Club, and there is no further evidence to indicate that the second 10 year lease option was ever executed.
6. Mr Forgione has been advised of this level of detail, and requested to provide a response as to whether he wished an item to be presented to Council in May or whether he was prepared to wait for the outcomes of the Centennial Park Precinct Plan.
7. Mr Forgione opted for the former.

**STATUTORY REQUIREMENTS**

8. 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.
9. Clause 30 of the Local Government (Function and General) Regulations 1996 provides an exemption to Council from the application of the Section 3.58 of the Act if the land is being disposed of to a body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreation or sporting or other like nature.
10. The Tricolore Soccer Club is a sporting body and therefore the proposed disposition of land is exempt from the Provisions of Section 3.58 of the Act.

Item 12.2.4 continued.

### **POLICY IMPLICATIONS**

11. The draft final report for public comment on the Centennial Park and Yakamia Recreation Plan (February 2003) has addressed soccer into the future and is recommending that Council:-

*“- retain the present general layout of soccer pitches;  
- improve and make drainage safer;  
- develop a new western pitch for spectator viewing adjacent to a new multi-sport club; and  
- soccer facilities to be consolidated as part of the new multi sports club, this area will be the major area for soccer for the scope of this plan (15 years).”*

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

13. This request could comply with Council’s Albany 2020 – Charting our Course, which in part states as follows:-

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

### **COMMENT/DISCUSSION**

14. The area of land requested to lease forms part of Council’s Mercer Road complex, and would require access across the site.
15. Not having considered the final use of its Mercer Road site following the construction of the new administrative complex, it would not be in Council’s best strategic interest to encumber this land with a long term lease, and an alternative would be to locate another site after taking the recommendation of the above Plan into consideration.
16. Should Council wish to make a decision prior to the adoption of the Study, given that the subject land is freehold and of considerable worth to the Council, the course of action would be for Tricolore to identify some Council reserve land, but more importantly, demonstrate to the Council a detailed concept plan of what is proposed for the site and also a demonstration that the resources exist to construct and maintain the site at no cost to Council.
17. The Tricolore Soccer Club is not an incorporated body, and should seek incorporation prior to any lease being entered into by Council.

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.4 continued.

RECOMMENDATION

THAT;

- i) consideration of the request be deferred until such time as the Centennial Park and Yakamia Recreation Precinct Plan is finalised; and
- ii) Mr Forgione be advised that given the strategic importance of the Mercer Road site, Council is not prepared to lease the area requested.

*Voting Requirement Simple Majority*

.....

**MOVED COUNCILLOR EMERY  
SECONDED COUNCILLOR WELLINGTON**

**THAT**

- i) final settlement of this matter be deferred until such time as the Centennial Park and Yakamia Recreation Precincts Plan is finalised; and**
- ii) in the meantime, the administration seek clarification as to which legal entity the Council will be dealing with in regard to finding a suitable site.**

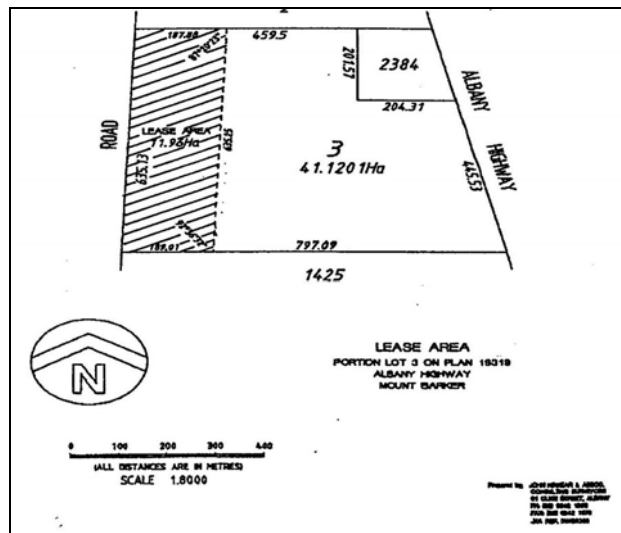
**MOTION CARRIED 15-0**

Reason:

The uncertainty of the history surrounding the lease of the Mercer Road area and the need to encourage community involvement in sports activities.

**12.2.5 New Lease – Bruce Williamson – Portion of Land at Great Southern Regional Cattle Saleyards – Portion of Lot 3, Albany Highway**

- File/Ward** : PRO 136 (Shire of Plantagenet)
- Proposal/Issue** : New lease
- Subject Land/Locality** : Saleyards Land on Portion of Lot 3 Albany Highway
- Proponent** : Bruce Williamson
- Owner** : City of Albany and Shire of Plantagenet (joint ownership)
- Reporting Officer(s)** : Administration Officer (A Wiseman)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : THAT Council agree to enter into a new lease for a 3 year term commencing on 1 June 2003.
- Bulletin Attachment** : Nil
- Locality Plan** :



Item 12.2.5 continued.

### **BACKGROUND**

1. An advertisement was placed in the newspapers calling for submissions from interested parties to lease a portion of land at Lot 3 Albany Highway. Only one submission was received from Bruce Williamson for Council to consider. The land is currently unleased and has been since the last tenant decided not to renew the lease term in December 2002.
2. The 11.96-hectare area of land is located within the Great Southern Regional Cattle Saleyards, and is owned freehold by the City of Albany and Shire of Plantagenet (jointly).

### **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. This lease is clearly a commercial operation and therefore the proposed disposition of land is not exempt from the provisions of Section 3.58 of the Act.
7. In accordance with Section 5.42 of the Local Government Act 1995, Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under this act (absolute majority).

### **POLICY IMPLICATIONS**

8. There are no policy implications relating to this item

### **FINANCIAL IMPLICATIONS**

9. The rental negotiations have been finalised and will be fixed at \$1.00 per annum subject to GST, plus 15% of the return on the crop payable annually when the crop has been harvested.

**CORPORATE & COMMUNITY SERVICES REPORTS**

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:

*“The continual development of Council services and facilities to meet the needs of all stakeholders – To provide communities with quality buildings that are functional, well-maintained and meet social and cultural needs (Leases on Council land)”.*

**COMMENT/DISCUSSION**

12. The City of Albany and Shire of Plantagenet are joint owners of the Great Southern Regional Cattle Saleyards, with all of the management issues being conducted by the City of Albany.
13. The Joint Venue Committee has recommended acceptance of the lease.
14. It is recommended that a new lease be prepared for a term of 3 years from 1 June 2003 until 31 May 2006 for the permitted use of hay making in the name of Bruce Williamson.

**RECOMMENDATION**

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

- i) to negotiate a new lease with Bruce Williamson for a period of 3 years from 1 June 2003 until 31 May 2006 for a portion of land located within the Great Southern Regional Cattle Saleyards, being an 11.96 hectare portion of Location 4900 Lot 3 Albany Highway, Mt Barker;
- ii) the rental be set at \$1.00 per annum, subject to GST, plus 15% of the return on the crop payable annually when the crop has been harvested;
- iii) the lease be prepared in accordance with the terms and conditions of the previous agreement for this area of land, which expired in December 2002;
- iv) all fees associated with this lease be payable by Bruce Williamson; and
- v) the Common Seal of the City of Albany and the Shire of Plantagenet be affixed to the documentation.

*Voting Requirement Absolute Majority*

.....



Item 12.2.5 continued.

**MOVED COUNCILLOR LIONETTI  
SECONDED COUNCILLOR DEMARTEAU**

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

- i) to negotiate a new lease with Bruce Williamson for a period of 3 years from 1 June 2003 until 31 May 2006 for a portion of land located within the Great Southern Regional Cattle Saleyards, being an 11.96 hectare portion of Location 4900 Lot 3 Albany Highway, Mt Barker;**
- ii) the rental be set at \$1.00 per annum, subject to GST, plus 15% of the return on the crop payable annually when the crop has been harvested;**
- iii) the lease be prepared in accordance with the terms and conditions of the previous agreement for this area of land, which expired in December 2002;**
- iv) all fees associated with this lease be payable by Bruce Williamson; and**
- v) the Common Seal of the City of Albany and the Shire of Plantagenet be affixed to the documentation.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

### 12.2.6 Retail Trading Hours

<b>File/Ward</b>	: LEG 005 (All Wards)
<b>Proposal/Issue</b>	: Proposed extension of Retail Trading Hours
<b>Subject Land/Locality</b>	: Nil
<b>Proponent</b>	: Nil
<b>Owner</b>	: Nil
<b>Reporting Officer(s)</b>	: Executive Director Corporate & Community Services (P Madigan)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 18/03/03 – Item 12.2.3
<b>Summary Recommendation</b>	: For Council consideration
<b>Bulletin Attachment</b>	: Nil
<b>Locality Plan</b>	: N/A

### BACKGROUND

1. At the Ordinary Council Meeting of 18 March 2003 it was resolved:-  
  
*“THAT a proposal to vary Permit No 1610 so that all operators of general retail shops within the City of Albany boundaries be authorized to open those general retail shops on Sundays between 8am and 6pm and on Public Holidays, other than Christmas Day and Good Friday during the hours prescribed, be submitted for 30 days public consultation prior to consideration by Council.”*
2. The submission period closed on 28 April 2003 with a total of 61 submissions being received at that time.

### STATUTORY REQUIREMENTS

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

Item 12.2.6 continued.

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

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

#### **POLICY IMPLICATIONS**

4. Permit No 1610 stipulates:-  
*“Under Section 15 of the Retail Trading Hours Act 1987, the operators of general retail shops within the boundaries of the City of Albany are authorised to open those general retail shops on Sunday’s between 9.00am and 5.00pm and on Public Holidays, other than Christmas Day and Good Friday, during the hours prescribed for each day in Section 12(1)(a), (b) and (c) for the Retail Trading Hours Act 1987.”*

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT/DISCUSSION**

7. A summary of the 61 submissions received for the deregulation of trading hours, are as follows:
- |   |     |
|---|-----|
| Supports 6 day trading across the City of Albany                | 129 |
| Don’t support extended trading except for holidays eg Christmas | 2   |
| Disagree with extended trading (this includes two petitions)    | 77  |
| Supports a 2 year trial   | 8   |
| Supports unrestricted trading hours                             | 5   |
| No comment  | 1   |

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.2.6 continued.

RECOMMENDATION

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

*Voting Requirement Simple Majority*

.....

Councillors Sankey, Waterman, Wellington, Leonetti and Barton declared a financial interest in this item (refer item 8.0) and left the Chambers at 7.44pm

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR EMERY**

**THAT Councillors Sankey, Waterman, Wellington, Leonetti and Barton be allowed to return to Chambers to participate in the debate and voting of item 12.2.6 – Retail Trading Hours.**

**MOTION CARRIED 6-4**

Councillors Sankey, Waterman, Wellington, Leonetti and Barton returned to Chambers at 7.45pm

**MOVED COUNCILLOR EVERS  
SECONDED COUNCILLOR WILLIAMS**

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

**MOTION CARRIED 15-0**

### 12.2.7 Community and Committee Representation

<b>File/Ward</b>	: MAN 116, REL 016 (Frederickstown Ward)
<b>Proposal/Issue</b>	: Allocation of community representatives to Advisory Committees.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: City of Albany
<b>Owner</b>	: City of Albany
<b>Reporting Officer(s)</b>	: PA/Executive Director Corporate & Community Services (S Day)
<b>Disclosure of Interest</b>	: N/A
<b>Previous Reference</b>	: N/A
<b>Summary Recommendation</b>	: That Council allocate community representatives to advisory committees.
<b>Bulletin Attachment</b>	: N/A
<b>Locality Plan</b>	: Nil

### BACKGROUND

1. At the Special Council Meeting held on 5<sup>th</sup> May Councillors were elected to various Community Advisory Groups. A position which they hold for 2 years, unless the Committee is otherwise dissolved prior to the next election.
2. The purpose of this item is to appoint community representatives to those advisory Committees.
3. The Advisory Committees seeking community representatives are as follows:-
  - Town Hall Theatre Advisory Committee
  - Albany Arts Advisory Committee
  - Seniors Advisory Committee
  - Youth Advisory Committee
  - Disability & Community Access Advisory Committee

Item 12.2.7 continued.

### **STATUTORY REQUIREMENTS**

4. Section 5.8 of the Local Government Act 1995 states as follows:-

*“5.8 A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\*Absolute majority required.”*

### **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 Albany 2020 – Port of Call stipulates:-

*“Community Development*

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

### **COMMENT/DISCUSSION**

8. **Town Hall Theatre Advisory Committee**  
Advertising seeking Community Representatives has taken place, submissions closing on 28<sup>th</sup> April 2003.

The following people nominated:-

- Annette Grant;
- Stewart Gartland;
- Cyril Lovitt;
- Jenni Flottmann; and
- Sheryl Stephens.

9. **Albany Arts Advisory Committee**  
Advertising seeking Community Representatives has taken place, with submissions closing on 28<sup>th</sup> April 2003.

ORDINARY COUNCIL MEETING MINUTES – 20/05/03  
\*\* REFER DISCLAIMER \*\*  
**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.2.7 continued.

The following people nominated:-

- Sheryl Stephens;
- Ian Haines;
- Sue Codee;
- Stewart Gartland;
- Janette Rowe;
- Barbara Temperton;
- Findlay MacNish
- Annette Davis;
- Elizabeth Gray; and
- Peter Madigan.

10. Advertising seeking community representatives for the Seniors Advisory Committee; Youth Advisory Committee and the Disability & Community Access Advisory Committee is still yet to occur.

**RECOMMENDATION**

THAT in accordance with Section 5.8 of the Local Government Act 1995, Council appoint the following people to their respective Advisory Committees.

Town Hall Theatre Advisory Committee

- Peter Madigan;
- Annette Grant;
- Stewart Gartland;
- Cyril Lovitt;
- Jenni Flottmann; and
- Sheryl Stephens.

Albany Arts Advisory Committee

- Sheryl Stephens;
- Ian Haines;
- Sue Codee;
- Stewart Gartland;
- Janette Rowe;
- Barbara Temperton;
- Findlay MacNish
- Annette Davis;
- Elizabeth Gray; and
- Peter Madigan.

*Voting Requirement Absolute Majority*

.....

Item 12.2.7 continued

**MOVED COUNCILLOR WATERMAN  
SECONDED COUNCILLOR WELLINGTON**

**THAT in accordance with Section 5.8 of the Local Government Act 1995,  
Council appoint the following people to their respective Advisory  
Committees.**

**Town Hall Theatre Advisory Committee**

- **Peter Madigan;**
- **Annette Grant;**
- **Stewart Gartland;**
- **Cyril Lovitt;**
- **Jenni Flottmann; and**
- **Sheryl Stephens.**

**Albany Arts Advisory Committee**

- **Sheryl Stephens;**
- **Ian Haines;**
- **Sue Codee;**
- **Stewart Gartland;**
- **Janette Rowe;**
- **Barbara Temperton;**
- **Findlay MacNish**
- **Annette Davis;**
- **Elizabeth Gray; and**
- **Peter Madigan.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**



**12.3 LIBRARY SERVICES**

Nil.

**12.4 DAY CARE CENTRE**

Nil.

**12.5 TOWN HALL**

Nil.

**12.6 ALBANY LEISURE AND AQUATIC CENTRE**

Nil.

## 12.7 CORPORATE & COMMUNITY SERVICES COMMITTEE

### 12.7.1 Great Southern Regional Cattle Saleyards Joint Venture Committee meeting Minutes – 14<sup>th</sup> April 2003

<b>File/Ward</b>	:	REL 087 (Shire of Plantagenet)
<b>Proposal/Issue</b>	:	Committee Items for Council Consideration.
<b>Reporting Officer(s)</b>	:	Executive Director Corporate & Community Services (P Madigan)
<b>Summary Recommendation</b>	:	That the Minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 14 <sup>th</sup> April 2003 be adopted.

Confirmation of the minutes of the Great Southern Regional Cattle Saleyards Joint Venture Committee of 14<sup>th</sup> April 2003.

#### RECOMMENDATION

THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 14<sup>th</sup> April 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations be adopted:-

Item 4 – National Livestock Identification System

#### OFFICER RECOMMENDATION

THAT

- i) WAMIA be requested to co-ordinate a response to Minister Chance on behalf of all cattle saleyards in Western Australia in respect to the introduction of the National Livestock identification systems; and
- ii) the attached Managers Report for February and March 2003 be received.

Item 5.1 – Joint Venture Agreement

#### OFFICER RECOMMENDATION

THAT the new clause be as follows:-

*“5.4 Manager to Report*

*The Manager is to prepare a strategic plan and prepare key performance indicators in relation to the operation of the Great Southern Regional Cattle Saleyards, which are to be endorsed by the parties.*

AND

**CORPORATE & COMMUNITY SERVICES REPORTS**

Item 12.7.1 continued.

The Joint Venture Agreement be adopted, subject to the previous amendments:-

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

*That the Joint Venture Agreement; Great Southern Cattle Saleyards be adopted subject to variation to Clause 17.1 to reflect the requirements that 6 months prior to the termination of the Agreement, the Joint Venture shall commence discussions in relation to entering into a new agreement, and the inclusion of the Clause 5.4 above.”*

Item 5.2 – Truck Wash

**OFFICER RECOMMENDATION**

THAT all unbudgeted works be deferred for consideration in conjunction within the City’s budget.

Roof Runoff (\$60,000) - uncontaminated roof runoff fro the holding yards currently discharges onto the holding yards floor than into the wastewater treatment system.

Wastewater Treatment System (\$15,000) – the wastewater treatment system does not perform adequately.

Truck Loading / Unloading Stormwater Drainage (\$81,000) – the truck loading and unloading areas are currently connected to the uncontaminated stormwater system.

Manure Pit (\$27,000) – the existing manure pit only has a limited capacity for solids removal. During periods of high water and solids load large amounts of manure pass through the pit and into the ponds.

*Voting Requirement Simple Majority*

.....

Item 12.7.1 continued

**MOVED COUNCILLOR WOLFE  
SECONDED COUNCILLOR WILLIAMS**

**RECOMMENDATION**

**THAT the minutes of Great Southern Regional Cattle Saleyards Joint Venture Committee held on 14<sup>th</sup> April 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin) and the following recommendations be adopted:-**

**Item 4 – National Livestock Identification System**

**OFFICER RECOMMENDATION  
THAT**

- iii) **WAMIA be requested to co-ordinate a response to Minister Chance on behalf of all cattle saleyards in Western Australia in respect to the introduction of the National Livestock identification systems; and**
- iv) **the attached Managers Report for February and March 2003 be received.**

**Item 5.1 – Joint Venture Agreement**

**OFFICER RECOMMENDATION  
THAT the new clause be as follows:-**

***“5.4 Manager to Report***

***The Manager is to prepare a strategic plan and prepare key performance indicators in relation to the operation of the Great Southern Regional Cattle Saleyards, which are to be endorsed by the parties.***

**AND**

**The Joint Venture Agreement be adopted, subject to the previous amendments:-  
*“The appointment of the City of Albany as Manager referred to in Clause 5.1 continue for the first five years of operation, and then be reviewed in line with the Budget and Business Plan Key Performance Indicators (Clause 5.3).***

***That the Joint Venture Agreement; Great Southern Cattle Saleyards be adopted subject to variation to Clause 17.1 to reflect the requirements that 6 months prior to the termination of the Agreement, the Joint Venture shall commence discussions in relation to entering into a new agreement, and the inclusion of the Clause 5.4 above.”***

Item 12.7.1 continued

**Item 5.2 – Truck Wash**

**OFFICER RECOMMENDATION**

**THAT all unbudgeted works be deferred for consideration in conjunction within the City’s budget.**

**Roof Runoff (\$60,000)** - uncontaminated roof runoff fro the holding yards currently discharges onto the holding yards floor than into the wastewater treatment system.

**Wastewater Treatment System (\$15,000)** – the wastewater treatment system does not perform adequately.

**Truck Loading / Unloading Stormwater Drainage (\$81,000)** – the truck loading and unloading areas are currently connected to the uncontaminated stormwater system.

**Manure Pit (\$27,000)** – the existing manure pit only has a limited capacity for solids removal. During periods of high water and solids load large amounts of manure pass through the pit and into the ponds.

**MOTION CARRIED 15-0**

**12.7.2 Town Hall Theatre Advisory Committee meeting minutes – 30<sup>th</sup> April 2003**

- 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 Town Hall Theatre Advisory Committee held on 30<sup>th</sup> April 2003 be adopted.

**Confirmation of the minutes of the Town Hall Theatre Advisory Committee of 30<sup>th</sup> April 2003.**

**RECOMMENDATION**

**THAT the minutes of Town Hall Theatre Advisory Committee held on 30<sup>th</sup> April 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

*Voting Requirement Simple Majority*

**MOVED COUNCILLOR WILLIAMS  
SECONDED COUNCILLOR BARTON**

**THAT the minutes of Town Hall Theatre Advisory Committee held on 30<sup>th</sup> April 2003 be received (copy of minutes are in the Elected Members Report/Information Bulletin).**

**MOTION CARRIED 15-0**

# **Works & Services**

# **REPORTS**

**WORKS & SERVICES REPORTS**

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

**13.1 WASTE MANAGEMENT**

Nil



**WORKS & SERVICES REPORTS**

**13.2 ASSET MANAGEMENT**

**13.2.1 Selection of Consultant - Condition Appraisals and Maintenance Plans for City of Albany Building Assets**

<b>File/Ward</b>	: SER 087 (All Wards)
<b>Proposal/Issue</b>	: Condition appraisals and maintenance plans for City of Albany Building Assets.
<b>Subject Land/Locality</b>	: N/A
<b>Proponent</b>	: N/A
<b>Owner</b>	: N/A
<b>Reporting Officer(s)</b>	: Manager Asset & Client Services (S Bell)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: Nil.
<b>Summary Recommendation</b>	: That Council accepts the Quotation from Tungsten Group for the lump sum price of \$67,826 (GST Inclusive) to undertake condition appraisals and maintenance plans for the City's Building Assets.
<b>Bulletin Attachment</b>	: Nil.
<b>Locality Plan</b>	: N/A

**BACKGROUND**

1. During the months of March and April 2003, advertisements were placed in the local and regional print media for engagement of a Consultant to undertake condition appraisals and maintenance plans for City of Albany's Building Assets. The condition appraisals and maintenance plans will form the foundation upon which the Asset Management Strategy for Buildings is derived.
2. Council's project brief nominated that fee proposals were to be submitted by 1 May 2003, and placed in the Tender Box located in the main foyer of Council's Administration Building at York Street. Whilst the project brief requested Quotations to be submitted by Consultants, the Tender process was followed in the event that fee proposals exceeded \$50,000.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

3. Quotations closed on 1 May 2003, and four (4) conforming quotations were received. An additional proposal was received, however this was non-conforming as no fee structure or methodology statement was supplied.

**STATUTORY REQUIREMENTS**

4. 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.
5. In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the Tenders is most advantageous and may, if it so chooses, decline to accept any or all of the Tenders received.
6. Regulation 19 requires Council to advise each Tenderer in writing the results of Council's decision.
7. Section 6.8(1)(b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure which is not included in the Annual Budget must be authorized in advance by a resolution of Council (absolute majority required).

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

9. In the 2002/03 Capital Works budget, a total of \$40,000 was set aside for preparation of the Building Masterplan. As all of the fee proposals exceed the 2002/03 budget allocation, additional funds will be required to enable the successful completion of the project.
10. Following a review of the Works and Services budget, savings of \$83,671 have been achieved from the Redmond Hay River Road project (bituminous reseal). Therefore, funds from this project could be reallocated to the building appraisal, if endorsed by the Council.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**STRATEGIC IMPLICATIONS**

11. This service falls under the following Albany 2020 Port of Call:

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

Council Buildings: To provide communities with quality buildings that are functional, well maintained and meet social and cultural needs.

**COMMENT/DISCUSSION**

**Quotation Process**

12. A Request For Quotations was published in the local and regional print media during March / April 2003. The closing date for the receipt of Quotations was 1<sup>st</sup> May 2003.

13. Four (4) conforming Quotations were received from the following registered companies:

- OPUS International
- Tungsten Group
- GHD
- Palassis Architects

14. In addition to the conforming quotations, a proposal was received from Tim Stevens Risk Solutions. The proposal from Tim Stevens was non-conforming as no fee structure or methodology statement was provided. Therefore, this proposal was not considered during review of the submissions.

15. A summary of the Lump Sum prices is presented below:

**Schedule of Quotations**

<b>Consultant</b>	<b>Lump Sum Fee (GST Inclusive)</b>
OPUS International	\$57,240.00
Tungsten Group Pty Ltd.	\$67,826.00
GHD	\$69,500.00
Palassis Architects	\$135,135.00

16. As can be seen, the Lump Sum prices are all over \$50,000; therefore in accordance with the Tender Regulation and Council policy, the project is now deemed to be a Tender. As guidelines for the lodgment and assessment of Quotations mirrored that of the Tender process, it is considered that Council can accept the fee proposals without the need to re-advertise.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

**Evaluation**

17. Two (2) proposals were submitted from companies using local suppliers, these being:
  - OPUS International – Have a district office in Albany, which employs local Engineers. However, OPUS is largely a New Zealand based company attempting to break into the West Australian market. At present, OPUS is a joint venture partner of RoadCare.
  - Palassis Architects – Propose to utilize the services of a local engineering firm, Wood and Grieve, to assist with the building appraisals.
18. Following review of the fee proposals, it is apparent that the Tungsten Group offers the best value for money and will deliver a quality outcome to Council. For example, Tungsten Group have undertaken similar condition appraisals and maintenance plans for other Local Government authorities such as the City of Stirling, City of Gosnells, City of Subiaco, Shire of Serpentine Jarrahdale, to name but a few.
19. The Tungsten Group specializes in facilities management and / or undertaking building condition appraisals and maintenance plans, and their staff is highly skilled and experienced in performing the key tasks outlined in Council's project brief.
20. In comparison, OPUS international have not undertaken projects of this nature for Local Government in Western Australia, but rather, experience is mainly centered on service authorities in New Zealand. In addition, the ability of local staff to undertake the building appraisals to the order of magnitude required in the project brief is questionable, even accounting for assistance and / or training from the New Zealand based team.
21. Given the building appraisals and maintenance plans will form the basis of an Asset Management Strategy for Buildings, it is therefore important that Council selects a suitably skilled and experienced Consultant to undertake the works. Therefore, based on review of the proposals, it is considered that the Tungsten Group will provide the best value for money and overall service to Council.

**WORKS & SERVICES REPORTS**

Item 13.2.1 continued

RECOMMENDATION

THAT Council:

- i) accepts the Quotation from Tungsten Group for the lump sum price of \$67,826 (GST Inclusive) to undertake condition appraisals and maintenance plans for the City’s Building Assets; and
- ii) reallocates unspent funds of \$27,826 from Job No. 0915 - Redmond Hay River Road Bituminous Reseal from the Works and Services budget to enable commencement of the condition appraisals and maintenance plans for the City’s Building Assets.

*Voting Requirement Absolute Majority*

.....

**MOVED COUNCILLOR WELLINGTON  
SECONDED COUNCILLOR SANKEY**

**THAT Council:**

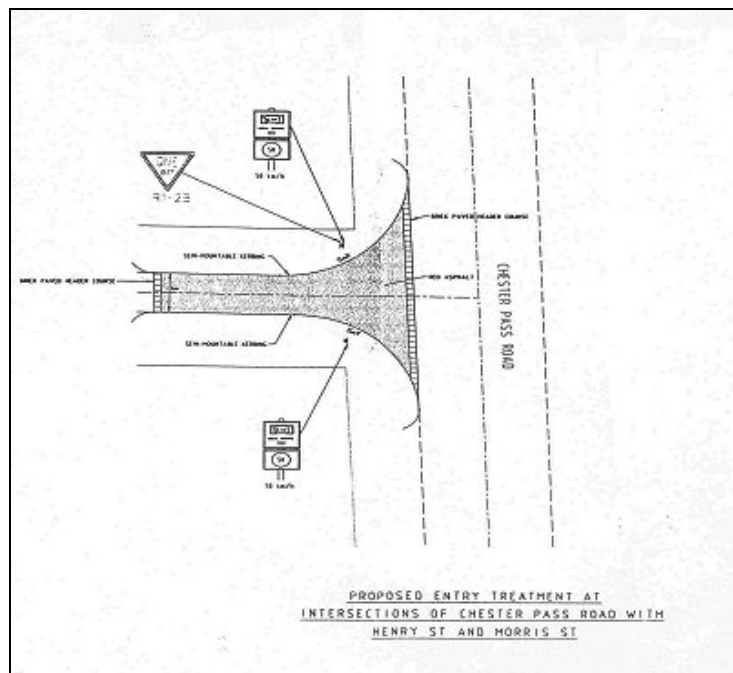
- i) accepts the Quotation from Tungsten Group for the lump sum price of \$67,826 (GST Inclusive) to undertake condition appraisals and maintenance plans for the City’s Building Assets; and**
- ii) reallocates unspent funds of \$27,826 from Job No. 0915 - Redmond Hay River Road Bituminous Reseal from the Works and Services budget to enable commencement of the condition appraisals and maintenance plans for the City’s Building Assets.**

**MOTION CARRIED 15-0  
ABSOLUTE MAJORITY**

**WORKS & SERVICES REPORTS**

**13.2.2 Intersection Improvements – Chester Pass Road & Henry Street, Milpara**

- File/Ward** : GOV 043 (Kalgan Ward)
- Proposal/Issue** : Intersection Improvements – Chester Pass Road and Henry Street, Milpara.
- Subject Land/Locality** : N/A
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Asset Coordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Accept \$18,333 from State Black Spot Program for provision of an entry statement at the intersection of Chester Pass Road and Henry Street, and match contribution of \$9,667.
- Bulletin Attachment** : Nil
- Locality Plan** :



**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**BACKGROUND**

1. A Local Area Traffic Management (LATM) study was undertaken in 2001 to investigate measures to reduce the impact of speeding vehicles throughout the Milpara residential precinct. The LATM study was in response to a petition signed by residents of the area and a subsequent resolution of Council to investigate the matter.
2. In February 2001 an application was submitted to Main Roads Western Australia, under its 2001/02 State Black Spot Program, seeking funding to undertake improvements in the Milpara area in line with the LATM study. As a consequence, Council was successful in receiving funds for the construction of a roundabout at the intersection of Rufus Street and Adelaide Street, however funds for improvements to the intersection of Chester Pass Road and Henry Street were not forthcoming at that time.
3. Council has recently been advised in writing that funding has become available to undertake intersection improvements, via provision of an entry statement, at the junction of Chester Pass Road and Henry Street Milpara. This report seeks Council's support to match the grant funding so that the project can be expedited.

**STATUTORY REQUIREMENTS**

4. Section 6.8 (1) (b) of the Local Government Act 1995 requires that proposed Municipal Fund expenditure, which is not included in the annual budget, must be authorised by a resolution of Council. (absolute majority)

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. The total project cost is twenty eight thousand dollars (\$28,000) of which \$18,333 is available through the State Black Spot Program. Council is required to match this funding in order for the project to progress. The amount of funds required as part of Council's contribution is \$9,667.

**STRATEGIC IMPLICATIONS**

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

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

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

**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

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

**COMMENT/DISCUSSION**

8. The State Black Spot Program provides funding on a two thirds / one-third basis, whereby Council contributes an amount equal to one-third the cost of the project. In accordance with the grant conditions, all funding must be expended by 30<sup>th</sup> June 2003.
9. The proposed treatment to the intersection of Chester Pass Road and Henry Street is designed to induce drivers to reduce speed when entering the residential precinct. In general, the works involve:
  - a. Provision of 50 kilometres an hour speed zone and Local Area Traffic Management signage;
  - b. Provision of coloured asphalt and brick paving over a distance of 50 metres into Henry Street.
10. The Works and Services division have funds available for construction of the entry statement at the intersection of Chester Pass Road and Henry Street. Funding can be allocated from the Contributory Works Budget, and the works can be completed by 30 June 2003.

**RECOMMENDATION**

THAT Council:

- i) accepts \$18,333 from the State Black Spot Program for provision of an entry statement at the intersection of Chester Pass Road and Henry Street; and
- ii) match its contribution of \$9,667 from the Works and Services Contributory Works Budget (131140 Job No. 0719).

*Voting Requirement Simple Majority*

.....



**WORKS & SERVICES REPORTS**

Item 13.2.2 continued

**MOVED COUNCILLOR BOJCUN  
SECONDED COUNCILLOR BARTON**

**THAT Council:**

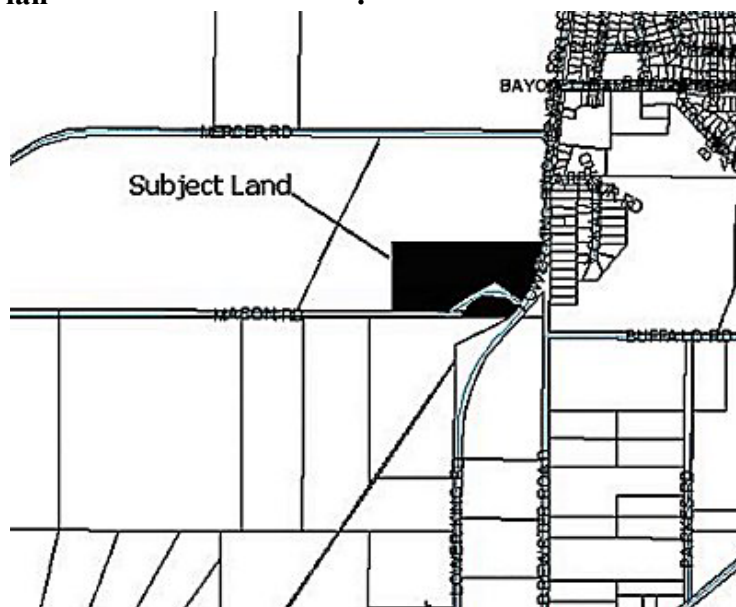
- i) accepts \$18,333 from the State Black Spot Program for provision of an entry statement at the intersection of Chester Pass Road and Henry Street; and**
- ii) match its contribution of \$9,667 from the Works and Services Contributory Works Budget (131140 Job No. 0719).**

**MOTION CARRIED 15-0**

**WORKS & SERVICES REPORTS**

**13.2.3 Proposed Road Closure – Mason Road, Lange**

- File/Ward** : A15750 (Yakamia Ward)
- Proposal/Issue** : Closure of a portion of road reserve at Mason Road, Lange.
- Subject Land/Locality** : Lot 2 Lower King Road, Lange
- Proponent** : Ayton Taylor Burrell
- Owner** : Crown
- Reporting Officer(s)** : Asset Coordinator (S Broad)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : Advertise the proposal to close a portion of road reserve formally known as Mason Road and invite comments from the community and service authorities to enable consideration of the matter; and agree to close the portion of the road should no objections be received.
- Bulletin Attachment** : Nil
- Locality Plan** :



**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**BACKGROUND**

1. Council has received an application from planners Ayton Taylor Burrell, on behalf of the owners of Lot 2 Lower King Road Lange, for closure of a portion of unformed road reserve formally known as Mason Road. The unformed section of Mason Road currently traverses Lot 2.
2. An application has been lodged with the Western Australian Planning Commission (WAPC) for subdivision of Lot 2 into eighty-two (82) residential allotments pending closure of the unformed road reserve. Once closure has occurred, the road reserve will be amalgamated with Lot 2 and a safer road connection to Lower King Road provided along the northern boundary of Lot 2. A subdivision plan indicating the proposed closure and new road connection to Lower King Road is attached.

**STATUTORY REQUIREMENTS**

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

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

6. There are no financial implications relating to this item. The proponent has paid administration fees pertaining to the road closure. Costs associated with closing the road reserve (i.e. survey and legal), creating a road reservation along the northern boundary of Lot 2, and constructing the new road connection to Lower King Road will be wholly borne by the developer.

**STRATEGIC IMPLICATIONS**

7. In the City of Albany's strategic document Albany 2020 - Charting Our Course, the following Port of Call is identified:
  - *Transport systems and services designed to meet current and future needs*  
Objective:
    - To plan Albany's transport infrastructure to meet future needs complimentary to the City's form and sense of place.

**WORKS & SERVICES REPORTS**

Item 13.2.3 continued

**COMMENT/DISCUSSION**

8. Closure of the road reserve will enable rationalisation of the western most (unconstructed) portion of Mason Road. In addition, the closure will enable a more practical and safer road connection (at Lower King Road) to be constructed by the developer along the northern boundary of Lot 2.
9. The developer will be required to negotiate with DOLA regarding the cost of surveying and purchasing the existing unformed crown road reserve.

**RECOMMENDATION**

THAT Council:

- i) in accordance with Section 58 of the Land Administration Act 1997, advertise the proposal to close a portion of road reserve formally known as Mason Road and invite comments from the community and service authorities to enable consideration of the matter; and
- ii) agree to close portion of the road, should no objections be received.

*Voting Requirement Simple Majority*

.....  
Executive Director Works and Services advised Councillors that this item has been withdrawn until the necessary subdivision processes have occurred.

**WORKS & SERVICES REPORTS**

Item 13.2.3 continued



↑  
SCALE  
1:1500  
Orig A3

## Road Reserve Rationalisation

Lot 2 of Loc 7181  
Lower King Road  
Lange; City of Albany

Proposed Closure = 4577m²

Proposed Opening = 6422m²

  
Aytton Taylor Burrell  
11 Clarendon Street, Perth, WA 6000  
Phone: (08) 9442 1100 Fax: (08) 9442 1140

**13.3 WORKS**

Nil

**13.4 AIRPORT MANAGEMENT**

Nil

**13.5 RESERVES PLANNING & MANAGEMENT**

Nil

**13.6 WORKS AND SERVICES COMMITTEES**

Nil.

# **General Management Services**

## **REPORTS**

**14.1 STRATEGIC DEVELOPMENT**

Nil.

**14.2 ORGANISATIONAL DEVELOPMENT**

Nil.

**14.3 ECONOMIC DEVELOPMENT**

Nil.

**14.4 GENERAL MANAGEMENT SERVICE COMMITTEES**

Nil.



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

DRAFT MOTION

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

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR WILLIAMS**

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

**MOTION CARRIED 15-0**

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

Nil.

**17.0 MAYORS REPORT**

“Fellow Councillors:

It is my sincere pleasure to once again be here as your Mayor for another four years. I thank all those who have placed their faith in me and I will endeavour to live up to your expectations in every respect. I would also like to welcome our new councillors Jan Waterman, Paul Lionetti and Roley Paver who have earned the trust of their electorate to be their voice and to fairly represent them. I would also like to congratulate Councillors Merryn Bojcun, Milton Evans, Ian West and Des Wolfe in retaining their seats having earned the confidence of their electorates through their successful past performance.

I would also like to take the opportunity to thank outgoing councillors Judy Cecil, John Walker and Ian Wilson for their hard work, commitment and significant contributions they have made to Council over the last few years.

During the week prior to the election, a history making ceremony of major significance was held in Albany. During a brief visit to Albany by Mayor Cihat Bingol from Gallipoli, we were honoured to be able to sign a Friendship Agreement between the City of Albany and the City of Gallipoli. As you will be aware, Albany has a strong connection with the ANZAC legend which is building into a unique regional theme of significant value in terms of promoting tourism and development. The formation of the Friendship Agreement between Albany and Gallipoli is a key component in progressing Albany's vision to become *the* place to commemorate the ANZAC tradition in Australia. The historical links between Australia and Turkey and particularly between Albany and Gallipoli are as significant today as they were almost 100 years ago.

I would like the whole community to consider the wealth of opportunities that this Friendship Agreement opens up for Albany. Certainly there are significant opportunities for increased tourism, cultural and educational exchange, trade and commerce to name a few – I ask everyone to please look seriously at all the options with open minds and make this Friendship Agreement the foundation for increased prosperity for us all.

Mayor Bingol also attended the Dawn Service and Main Parade on ANZAC Day, took some time to visit some of the regions major attractions such as the Windfarm, Whaleworld, The Forts and Treetop Walk, and made many new friends despite language barriers. It was truly an honour to host the Mayor and I know that he takes home many fond memories of his visit to Albany.

I was very privileged to be taken by Seahawk helicopter to meet the HMAS Canberra when it came to Albany on Friday 2<sup>nd</sup> May. It was certainly a first for me and I admit there were a few anxious moments as we came in to land on the deck. It was a memorable experience and I thank the Commanding Officer and his crew for giving me this opportunity. I know that the crew were all keen to dock in Albany and were looking forward to enjoying a couple of days of R&R. The Commanding Officer did comment that on previous visits to Albany, his crew were particularly appreciative of the hospitality of the Albany community and he enjoyed visiting whenever he could.

Finally, on Friday 9<sup>th</sup> May, I was proud to co-host a reception with Minister Wilson Tuckey to present 19 Great Southern citizens with their Australian Centenary Medals. It is truly fantastic that we are able to recognise, acknowledge and say thank you to these special people who do so much to help others and to make our community such a wonderful place in which to live. I sincerely congratulate all winners.

**MOVED COUNCILLOR EVANS  
SECONDED COUNCILLOR EVERS**

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

**CARRIED 15-0**

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

Nil.

**19.0 CLOSED DOORS**

Chief Executive Officer advised that the item 19.1 – Structural Adequacy – Retaining Wall – 11 Festing Street, Albany – has been withdrawn from the agenda because staff have been unable to contact the owner of the property prior to the meeting and they need to be given the opportunity to respond.

**20.0 NEXT ORDINARY MEETING DATE**

Tuesday 17<sup>th</sup> June 2003, 7.30pm  
Mercer Road Council Chambers

**21.0 CLOSURE OF MEETING**

8.08pm

Confirmed as a true and correct record of proceedings.

---

A E Goode, JP  
**Mayor**

**APPENDIX A****WRITTEN NOTICE OF DISCLOSURE OF INTEREST  
MINUTES OF THE ORDINARY COUNCIL MEETING 20<sup>TH</sup> MAY 2003**

<b>Name</b>	<b>Item</b>	<b>Nature of Interest</b>
Councillor Wolfe	Item 11.3.3 – Wilson Inlet Nutrient Reduction Plan	Leaseholder of swamps in the Lake Saide Area
Councillor Sankey	Item 12.2.6 – Retail Trading Hours	Daughter works for Woolworths and derives income from Woolworths
Councillor Waterman	Item 12.2.6 – Retail Trading Hours	Retailer (Just Looking)
Councillor Wellington	Item 12.2.6 – Retail Trading Hours	Retailer (West Cost Hi Fi)
Councillor Lionetti	Item 12.2.6 – Retail Trading Hours	Retailer (Supa Value and Home Hardware)
Councillor Barton	Item 12.2.6 – Retail Trading Hours	Employee of Coles Supermarket

**APPENDIX B****INTEREST DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 20<sup>th</sup> MAY 2003**

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

**APPENDIX C****CODE OF CONDUCT – INTERESTS (OTHER THAN FINANCIAL)  
DISCLOSED DURING THE COURSE OF THE MEETING  
MINUTES OF THE ORDINARY COUNCIL MEETING 20<sup>TH</sup> MAY 2003**

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



**SUMMARY OF ACCOUNTS**

Municipal Fund			
Cheques	totalling	220,333.31	
Electronic Fund Transfer	totalling	2,088,356.11	
Payroll	totalling	997,802.86	
<b>TOTAL</b>			<b><u>\$3,306,492.28</u></b>

**CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER**

This schedule of accounts to be passed for payment totalling \$3,306,492.28 which was submitted to each member of the Council on 20<sup>th</sup> May 2003 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 \$3,306,492.28 which was submitted to the Council on 20<sup>th</sup> May 2003 and that the amounts are recommended to the Council for payment.

\_\_\_\_\_  
**MAYOR**  
**(A Goode JP)**