
15.0 STRATEGIC PLANNING

- I N D E X -

15.1 COMMUNITY PLANNING

15.1.1 Commercial Strategy Review Contract 99016

15.1.2 Local Planning Strategy Steering Committee

15.1.3 Yakamia Structure Plan – Policy Document

15.1.4 Feasibility Report – Artificial Tyre Reef

15.2 MARKETING & COPORATE PLANNING

15.2.1 Quality Based Business Plans: The Albany Regional Day Care Centre Business Plan
& The Harry Riggs Albany Regional Airport Business Plan

15.2.2 Albany City Heart - Central Area Survey

15.3 PROJECT DEVELOPMENT

15.3.1 Extension of Mobile Telephony Across the Region

15.3.2 Support for the Albany Artificial Reef Group to Apply for the HMAS Perth to be
Decommissioned as a Dive Reef in Albany Waters

15.4 STRATEGIC PLANNING

- R E P O R T S -

15.1 COMMUNITY PLANNING

15.1.1 Commercial Strategy Review Contract 99016

File/Ward	:	STR015 All Wards
Proposal/Issue	:	Commercial Strategy Review Contract 99016
Subject Land/Locality	:	City of Albany Municipality
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Community Planning (D Baesjou)
Previous Reference	:	Nil
Summary Recommendation	:	Not accept submission and seek quotations for review.
Locality Plan	:	N/A

BACKGROUND

1. Tenders have been called for the Review of the Commercial Strategy for Albany and submissions closed at 2.00pm on Wednesday 19th May 1999. 11 copies of the Project Brief were requested and forwarded to prospective contractors.
2. One submission was received.
3. This matter was considered by Council's Executive staff and officers from the Steering Committee. The reason for the low submission rate was thought to be potential conflict of interest as those Consultants with the capacity and expertise required to undertake the task also have clients in with an interest in commercial property development in Albany. This was confirmed in subsequent discussions with "non-submitting" consultants.

Item 15.1.1 continued

STATUTORY REQUIREMENTS

4. Having commenced the Tender process, the City of Albany is bound by the requirements of the Local Government Act and must deal with the submission, however there is no obligation to accept the tender, pursuant to Section 18(5) of the Local Government Act 1995 – Local Government (Functions and General) Regulations 1996.
5. Part 6.5 of the Brief deals with Conflict of Interest and sets out :-

“In accordance with the principles of accountability in Local Government, and in keeping with the RAPI Code of Ethics (Paragraphs 9 and 20); perceived or actual conflicts of interest are to be avoided. It is the responsibility of the consultant to advise Council of any such potential conflict of interest. Such conflicts may arise from existing or potential clients; property ownership, membership of local organisations, etc.

In addition to this, no other work may be undertaken within the municipality without the prior written approval of the Council.”

6. Part 6.6 of the Brief sets out :-

“Council will determine which application is the most advantageous to the City. This assessment will be based upon a number of factors of which cost is one.

There is no requirement that the lowest or any price will necessarily be accepted.”

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

7. The City of Albany has allocated \$30,000 to the Review of the Commercial Strategy

STRATEGIC PLANNING IMPLICATIONS

8. The Commercial Strategy provides guidelines for the location and distribution of commercial activities and specific guidance on the important issue of the future location of a discount department store.
9. The Commercial Strategy recognises that:-
 1. Retail and commercial sector activities are a vital component of the structure of Albany.

Item 15.1.1 continued

2. As the regional centre, Albany has a cohesive main street and qualities which need to be protected from the threat of disaggregation from new decentralised shopping developments; and
 3. The economic and social benefits derived from future commercial development will be maximised if development is carefully coordinated to ensure that new floor space is allocated to appropriate locations.
10. The Albany Commercial Strategy was commissioned by the Department of Planning and Urban Development, as a component of the Albany Regional Strategy. In August 1994 it was been adopted by the State Planning Commission as a policy document.
11. In June 1994 the former Shire and Town Councils jointly endorsed the objectives of the Strategy. Councils affirmed their commitment with an undertaking to review progress on the implementation of the Strategy objectives within two years. As a result of a number of commercial developments an early reconsideration was undertaken in December 1995. Both Councils supported the commercial strategy for a further two years. It was recognised that an agreed strategy and joint direction on commercial developments was required.
12. More recently a number of proponents have questioned the relevance and validity of the strategy, in particular the assumptions and methodology relating to floor space allocations. The City of Albany has committed to review elements of the "Commercial Strategy for Albany" to determine its appropriateness within the existing and proposed Town Planning framework. The objectives of the commercial strategy are an integral component of the Town Planning Scheme. To ensure its validity and the effectiveness of the process it is timely and appropriate to undertake a review of the Commission's "Commercial Strategy" in the preparation of the Albany Planning Strategy.
13. The general objectives of this review are:-
- To determine the appropriateness of the existing Commercial Strategy.
 - If it is considered that the current Strategy is not applicable, make recommendations for an alternative strategy.
 - Make recommendations to incorporate the review outcomes within Local Planning Strategy.
14. Reviewing the Commercial Strategy will also help achieve the following objectives of the City of Albany Strategic Plan 1998 - 2000:-
- Economic Development - Industry and Commerce, Objectives 1 and 2,
Role as a Regional Centre, Objective 1
Built and Natural Environment - Planning, Objectives 1 and 2.

Item 15.1.1 continued

COMMENT/DISCUSSION

15. The Commercial Strategy is a key planning device. This review is a major issue which has significant implications for commercial development and land use planning in Albany.
16. It was acknowledged from the outset that this review would be contentious, and that the issue of conflict of interest would require careful management. It is essential that the community has confidence in process and the outcomes of the review. Any conflict of interest, perceived or actual, has the potential to undermine the review process, and should therefore be avoided.
17. The submission identifies that the company has done work in Albany, but cites any potential conflict of interest as being negligible. Work was undertaken in securing development approval for a neighbourhood shopping centre on Lower King Road. The submission from BSD complies with the Brief in respect of methodology, demonstrated experience, price, qualifications and ability to carry out the task. Officers are, however, concerned that perceived conflict of interest is a significant issue in this particularly sensitive project. Complete independence is essential to the integrity of the process and ultimate acceptance of the outcomes.
18. Council has the option to re-advertise the contract. It should, however, be noted that this is a specialised field and the indication from within the industry is that this is unlikely to attract further interest in Western Australia.
19. Alternatively, Council could invite Registrations of Interest as a formal tender process from suitably qualified consultants from across Australia; or seek quotations from selected experienced and qualified consultants, which would be a quicker process and save advertising costs.
20. The Steering Committee overseeing the project includes representatives from the
 - City of Albany,
 - Ministry for Planning,
 - Great Southern Development Commission, and
 - Albany Chamber of Commerce and Industry.
21. The Committee provided input in the preparation of the Project Brief for the Review of the Commercial Strategy. Following appointment of consultants it is intended to establish a formal Council created Committee, and this will be the subject of a further report to Council. In the interim, it would be appropriate for the membership to be endorsed by the City of Albany.

Item 15.1.1 continued

RECOMMENDATION

THAT Council:

1. advises BSD that it does not accept their submission for - Contract 99106 - Provision of Consulting Services for Review of Commercial Strategy.
2. seeks quotations from a minimum of three suitably qualified consultants that can clearly demonstrate no conflict of interest to undertake a Review of the Commercial Strategy for Albany; and
3. endorses membership of the Commercial Strategy Review Steering Committee as follows:-
 - City of Albany Councillor Judy Cecil
 - City of Albany Strategic Planning Division (Manager of Community Planning - Ms Delma Baesjou)
 - City of Albany Development Services Division (Executive Director - Mr Robert Fenn)
 - the Ministry for Planning (Regional Manager - Mr Phillip Woodward)
 - Great Southern Development Commission (Mr Jay Cook)
 - Albany Chamber of Commerce and Industry (Mr Ian Wilson)

Voting Requirement Simple Majority

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AMENDED RECOMMENDATION

THAT Council:

1. advises BSD that it does not accept their submission for - Contract 99106 - Provision of Consulting Services for Review of Commercial Strategy.
2. seeks quotations from a minimum of three suitably qualified consultants that can clearly demonstrate no conflict of interest to undertake a Review of the Commercial Strategy for Albany; and
3. endorses membership of the Commercial Strategy Review Steering Committee as follows:-
 - City of Albany Councillor Judy Cecil
 - City of Albany Strategic Planning Division (Manager of Community Planning - Ms Delma Baesjou)
 - City of Albany Development Services Division (Executive Director - Mr Robert Fenn)
 - the Ministry for Planning (Regional Manager - Mr Phillip Woodward)
 - Great Southern Development Commission (Mr Jay Cook)

4. seeks nomination from the Albany Chamber of Commerce and Industry for its representative on the Steering Committee.

Voting Requirement Simple Majority

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Councillor Dufty declared an interest in this item as he is the proponent of the proposed Orana Shopping Centre development proposal, and left the Council Chambers at 10.24pm.

The CEO tabled and read out an urgent letter received today from City Heat, requesting that organisation be included as a member of the Commercial Strategy Review Steering Committee.

Councillor Wolfe suggested the amended recommendation be amended to remove point 4 (membership of the Commercial Strategy Review Steering Committee by the Albany Chamber of Commerce and Industry (ACCI)) as organisations of this nature can be invited to attend meetings and provide feedback as required.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BAIN**

THAT Council:

1. **advises BSD that it does not accept their submission for - Contract 99106 - Provision of Consulting Services for Review of Commercial Strategy.**
2. **seeks quotations from a minimum of three suitably qualified consultants that can clearly demonstrate no conflict of interest to undertake a Review of the Commercial Strategy for Albany; and**
3. **endorses membership of the Commercial Strategy Review Steering Committee as follows:-**
 - **City of Albany Councillor Judy Cecil**
 - **City of Albany Strategic Planning Division (Manager of Community Planning - Ms Delma Baesjou)**
 - **City of Albany Development Services Division (Executive Director - Mr Robert Fenn)**
 - **the Ministry for Planning (Regional Manager - Mr Phillip Woodward)**
 - **Great Southern Development Commission (Mr Jay Cook)**

MOTION CARRIED 14-0

Councillor Dufty returned to the Council Chambers at 10.29pm.

15.1.2 Local Planning Strategy Steering Committee

File/Ward	:	STR019 All Wards
Proposal/Issue	:	Local Planning Strategy
Subject Land/Locality	:	Municipality of the City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Community Planning (D Baesjou)
Previous Reference	:	Nil
Summary Recommendation	:	Endorse Membership and nominate Representatives on the Local Planning Strategy Steering Committee
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany has resolved to prepare a Local Town Planning Strategy which will provide the frame work for the preparation for the new District Scheme. The city has allocated funds to the preparation of the Local Strategy which is identified as a top priority for the organisation. A key issue for the City and the community is the review of the existing Town Planning Schemes and the preparation of a single consolidated Scheme.
2. Officers are continuing to liaise with the Ministry for Planning to finalise the methodology and consultant's Brief for this partnership project.
3. In 1995 the Town and Shire of Albany formally resolved to prepare new Town Planning Schemes. The desire of the WAPC to have strategic plans in place influenced the form of the initial work and the two Councils forged a common draft vision for the greater Albany area. The creation of the City of Albany provided an opportunity to re-assess the Town Planning Schemes Review process which was already underway. The decision to prepare a Local Planning Strategy as the first step in this process, is consistent with Commission Policy. Considerable work has already been done and at the next stage involves a review of the draft report, Local Rural Strategy and other relevant documents for integration into a single strategic document.

Item 15.1.2 continued

STATUTORY REQUIREMENTS

4. As set out in the Town Planning and Development Act and the Town Planning Regulations, it is necessary for Local Authorities to regularly review their Town Planning Schemes. Currently five Town Planning Schemes operate within the City of Albany. All are overdue for review and there have been in excess of 300 Amendments.
5. A review of the Schemes will satisfy Council's legal obligations and preparation of the Local Planning Strategy is required to comply with the Model Scheme Text.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

6. The City of Albany has allocated funds to the preparation of the Local Strategy which is identified as a top priority for the organisation. \$50,000 has been set aside in the current Budget and an additional \$25,000 is proposed for the 2000/01 financial year. The Ministry for Planning has indicated that it will contribute \$30,000 towards the project.
7. Comparative projects would cost in the order of \$200,000, and it should be acknowledged that a substantial amount of work has already been undertaken.

STRATEGIC PLAN IMPLICATIONS

8. The Local Planning Strategy will be a well presented and easily understood document which will promote a strategic planning framework to guide the development of the City over the next twenty years. It will combine and update existing reports and documents into one integrated Strategic Document. The Local Planning Strategy will set out the long term planning directions for the City and provide the rationale for the zones and other provisions of the Scheme.
9. Preparation of the Local Planning Strategy is consistent with the City of Albany Strategic Plan, and in particular "Built and Natural Environment" Planning Objectives 1 and 2.

COMMENT/DISCUSSION

10. Given the size, diversity and complexity of the municipality, there is a wide range of planning issues to be considered in the preparation of the Strategy.

Item 15.1.2 continued

11. Examples of major issues are:-

- Albany's role as a regional centre;
- recognition and protection of Albany's built, rural and natural environments;
- the implementation of regional reserves, ie Public Open Space, Transport and Foreshore Areas;
- review of the Commercial Strategy;
- implementation of the Residential Strategy;
- planning for urban expansion areas;
- Coastal Management and planning for coastal development;
- implementation of the "Ring Road" to provide port access;
- provision of Airport buffers;
- protection and enhancement of rural areas;
- control of non - agricultural uses in the rural areas in order to avoid land use conflict;
- Tree Plantations especially in terms of fire control and transportation impacts;
- identification of future industrial areas;
- planning for rural townsites; and
- provision of urban infrastructure, especially sewerage in urban fringe areas.

12. The Strategic Planning Division of the City of Albany is responsible for the coordination and administration of this project.

13. To assist with this it is anticipated that a Technical Management Group will be formed with representatives from:

- the Strategic Planning Division (Manager Community Planning - Ms.D.Baesjou)
- the Development Services Division (Executive Director - Mr.R.Fenn);and
- the Ministry for Planning (Regional Manager - Mr.P.Woodward)

14. A Steering Committee will also be established with representatives from relevant agencies and the community. In addition to the officers from the Technical Group, membership shall include:-

- four (4) City Councillors,
- the Albany Chamber of Commerce and Industry Inc,
- the Great Southern Development Commission,
- Agriculture WA,
- Water And Rivers Commission,
- REIWA, (Albany Branch),
- Albany Ratepayers Association

Item 15.1.2 continued

15. At its meeting on 2 June 1999 Council resolved to appoint Her Worship the Mayor, Ms Alison Goode as its representative on this Committee. Given the significance of this project, the range of issue involved and the need for wide community representation it is considered appropriate to have four Councillors on the Committee.

RECOMMENDATION

THAT Council:

1. endorses membership of the Local Planning Strategy Steering Committee as follows:-
 - City of Albany Councillors and staff,
 - Ministry for Planning,
 - The Albany Chamber of Commerce and Industry Inc,
 - The Great Southern Development Commission,
 - Agriculture WA,
 - Water And Rivers Commission,
 - REIWA, (Albany Branch),
 - Albany Ratepayers Association; and,
2. nominates Councillors _____, _____ and _____ as its representatives on the Local Planning Strategy Steering Committee.

Voting Requirement Absolute Majority

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AMENDED RECOMMENDATION

THAT Council:

1. supports the proposed membership of the Local Planning Strategy Steering Committee as follows:-
 - City of Albany Councillors and staff,
 - Ministry for Planning,
 - The Albany Chamber of Commerce and Industry Inc,
 - The Great Southern Development Commission,
 - Agriculture WA,
 - Water And Rivers Commission,
 - REIWA, (Albany Branch),
 - Albany Ratepayers Association; and,
2. nominates Councillors _____, _____ and _____ as its representatives on the Local Planning Strategy Steering Committee.

3. seeks a nomination from each group to fill the membership.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR MOUNTFORD**

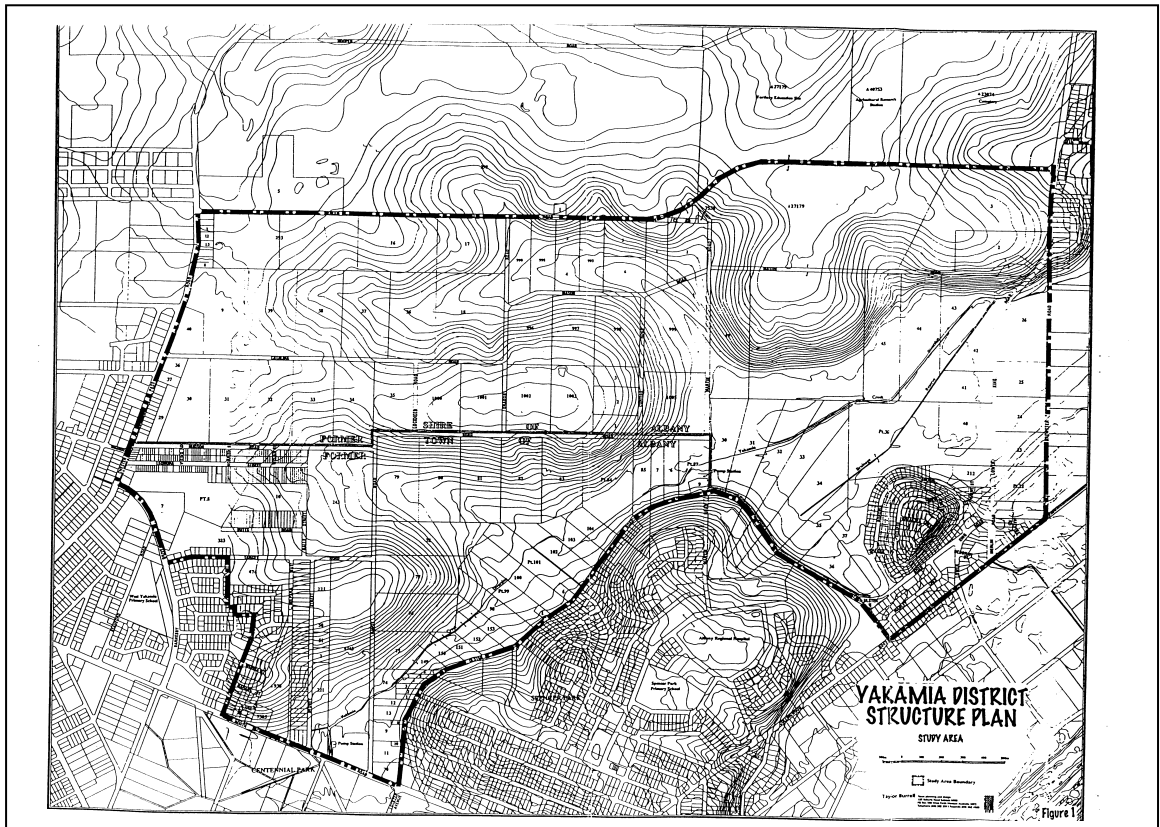
THAT Council:

1. supports the proposed membership of the Local Planning Strategy Steering Committee as follows:-
 - City of Albany Councillors and staff,
 - Ministry for Planning,
 - The Albany Chamber of Commerce and Industry Inc,
 - The Great Southern Development Commission,
 - Agriculture WA,
 - Water And Rivers Commission,
 - REIWA, (Albany Branch),
 - Albany Ratepayers Association; and,
2. nominates Councillors Bojcun, Evers and Wilson as its representatives on the Local Planning Strategy Steering Committee.
3. seeks a nomination from each group to fill the membership

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

15.1.3 Yakamia Structure Plan – Policy Document

- File/Ward** : STR038
Yakamia Ward
- Proposal/Issue** : Yakamia Limited Structure Plan
- Subject Land/Locality** : North Eastern Residential Expansion Area of City.
- Proponent** : City of Albany
- Owner** : Various
- Reporting Officer(s)** : Executive Director - Development Services
(R. Fenn)
- Previous Reference** : OCM (Shire of Albany) 21/05/97 Item 13.3.18
OCM (Town of Albany) 24/06/97
- Summary Recommendation:** Council adopts the Yakamia Structure Plan as a Town Planning Policy.
- Locality Plan** :



Item 15.1.3 continued

BACKGROUND

1. In 1994 the former Shire and Town of Albany agreed to prepare a structure plan for the area generally bounded by Ulster Road, Lower King Road, Mercer Road, Chester Pass Road and North Road to ensure the long term integration of planning within this growth corridor. A copy of the Plan follows this report and relevant extracts from the Document are included in the Information Bulletin.
2. The draft plan was placed on public display in December, 1995. 15 submissions were received. The former Shire and Town prepared a combined report which summarised the submissions and made 20 recommendations.
3. The report was considered by the former Shire on 21st May, 1997 and the former Town on 24th June, 1997. It was resolved that the draft recommendations be adopted and that the amended Yakamia Structure Plan be adopted and forwarded to the WA Planning Commission. In the case of the Shire it was intended to adopt the Plan as a Statement of Planning Policy. In the case of the Town, the Plan was intended to be adopted in accordance with Clause 4.34 of the Scheme, which relates to comprehensive planning of Future Urban zones.
4. The Draft Yakamia Structure Plan has now been amended in accordance with Council's resolutions, however it has not been submitted to the Western Australian Planning Commission for adoption as a planning policy. Changes in the Planning Minister and a review of Commission direction resulted in new requirements for such plans and the Ministry for Planning subsequently expressed some concern over the adequacy of the Yakamia Structure Plan.

STATUTORY REQUIREMENTS

5. The West Australian Planning Commission has guidelines on how Councils should prepare a "structure plan". The Yakamia Structure Plan does not fully satisfy the current requirements set out in those guidelines. It was prepared principally to establish the road network and cost sharing arrangements for Yakamia Drive, as the urban front moved north east, and at a time when the requirements for structure plans were less onerous.

POLICY IMPLICATIONS

6. Both former Councils have adopted the Yakamia Structure Plan. Although it was clearly intended to be a Statement of Planning Policy, neither formally resolved to adopt the Structure Plan as Planning Policies under the respective Town Planning Schemes. Clause 7.21 of Scheme 1A and clause 6.9 of Scheme 3 allow Council to adopt policies to control development and aid in decision making.

Item 15.1.3 continued

7. Both schemes require that a process be followed to adopt a Town Planning Policy. That process involves Council adopting the draft document, the draft is advertised for a period not less than 21 days, Council then reviews the draft policy in light of any submissions it receives during the advertising period and resolves to adopt the policy (with or without modification).

FINANCIAL IMPLICATIONS

8. The Yakamia Structure plan sets out broad land uses within a series of urban cells (simply to determine potential traffic generation), it defines a road network and then describes a cost sharing formulae for landowners to fund the construction of Yakamia Drive. Council will not be in a position to request contributions to Yakamia Drive, as subdivisions occur, if it does not provide formal status to the plan under the respective Schemes.
9. \$2,000 was set aside in the current budget and an additional \$820 was re-allocated to meet costs associated with modifying the draft Structure Plan.

STRATEGIC PLAN IMPLICATIONS

10. The purpose of this Structure Plan was to establish the location of major land uses and the regional road network and to broadly examine the method for determining equitable allocation of common costs. The Plan establishes four cells, within which more detailed Local Structure planning and examination of constraints and opportunities is required prior to rezoning. The Ministry for Planning has indicated its support for a limited District Structure Plan for Yakamia and officers have confirmed that this is the appropriate manner to progress planning for the area.
11. Preparation of the limited Structure Plan is consistent with the City of Albany Strategic Plan and will facilitate achievement of the goals and the following objectives:

Economic Development – Industry and Commerce objectives 1 & 7
Built and Natural Environment - Public Places objective 2
- Planning objectives 1, 2 & 3.

COMMENT/DISCUSSION

12. The Yakamia Structure plan was an “adequate” document at the time it was prepared to assist in the co-ordination of development within the north eastern urban growth corridor. Whilst the document referred to the need to set aside land for vegetation protection, open space and community purposes (schools, shopping, etc.) its predominant focus was upon the local road network and the funding of Yakamia Drive.

Item 15.1.3 continued

13. To prepare a Structure Plan which meets the WA Planning Commission guidelines would cost in the order of \$100,000. The limited Structure Plan is useful as it provides the framework for the future development and clearly specifies that comprehensive local structure plans are required for each of the cells.
14. The development of the Yakamia urban front has been hampered by a lack of services, however recent sales of urban lots have given the developers (Ardross Estates) sufficient confidence to prefund sewer and drainage infrastructure. Approvals are in place for Ardross Estates to develop over 200 lots and an application appears elsewhere in this agenda for the rezoning of lots 79 and 80 Bond Street. Adoption of the Structure Plan will facilitate co-ordinated development and introduce the mechanism for cost recovery.
15. Staff will be seeking funding through normal budget processes to progress drainage studies of this area and a vegetation report is currently being assembled. Those additional inputs may result in modifications to the Yakamia Structure Plan policy over time and the relevant scheme clauses provide a mechanism to update the policy.
16. In light of recent correspondence and comments from the Water and Rivers Commission and the Oyster Harbour Catchment Group regarding Yakamia Creek, it would be appropriate to meet to discuss the status and implications of the Structure Plan.

RECOMMENDATION

THAT Council:

1. pursuant to clauses 7.21 of the City of Albany Town Planning Scheme No.1A and 6.9 of the City of Albany Town Planning Scheme No. 3, resolves to adopt the draft Yakamia Limited Structure Plan as a Town Planning policy specifically for the purposes of establishing a road network in the Yakamia to Bayonet Head growth corridor and for establishing the cost sharing arrangements for road infrastructure, and that the draft policy be subject to a public consultation process in accordance with the scheme provisions; and
2. invites officers from the Water and Rivers Commission and representatives from the Oyster Harbour Catchment Group to discuss the status and implications of the limited Structure Plan.

Voting Requirements Simple Majority

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Councillor Williams declared an interest in item as she owns property within the Structure Plan area, and left the Council Chambers at 10.30pm.

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR CECIL**

THAT Council:

- 1. pursuant to clauses 7.21 of the City of Albany Town Planning Scheme No.1A and 6.9 of the City of Albany Town Planning Scheme No. 3, resolves to adopt the draft Yakamia Limited Structure Plan as a Town Planning policy specifically for the purposes of establishing a road network in the Yakamia to Bayonet Head growth corridor and for establishing the cost sharing arrangements for road infrastructure, and that the draft policy be subject to a public consultation process in accordance with the scheme provisions; and**
- 2. invites officers from the Water and Rivers Commission and representatives from the Oyster Harbour Catchment Group to discuss the status and implications of the limited Structure Plan.**

MOTION CARRIED 14-0

Councillor Williams returned to the Council Chambers at 10.35pm.

15.1.4 Feasibility Report – Artificial Tyre Reef

File/Ward	:	SER063 All Wards
Proposal/Issue	:	Request for Council Support to Develop an Artificial Tyre Reef
Subject Land/Locality	:	Southern Ocean (10 n.m. south of Albany)
Proponent	:	R. Green
Owner	:	N/A
Reporting Officer(s)	:	Executive Director - Development Services (R. Fenn)
Previous Reference	:	Nil
Summary Recommendation:		Decline support for tyre reef proposal
Locality Plan	:	N/A

BACKGROUND

1. A request has been received from Mr. Robin Green for Council support to establish an artificial reef approximately 10 miles (nautical) offshore from Albany, see proposal following this item. The proposed reef would cover an area of approximately 100 sq. km., be constructed of used tyres and be relatively shallow in profile. The request has been submitted independently to the debate on used tyre disposal and comes from a professional fisherman.
2. Mr. Green has approached various agencies to gain support for the idea and has received mixed responses. Most agencies appear to be reserved in their support or rejection of the proposal and I have enclosed correspondence from the writer, the Minister for Primary Industries and Fisheries, the Department of Environmental Protection and the South Coast Licensed Fisherman's Association in the Councillor Report/Information Bulletin.
3. It would appear that a detailed environmental review of the proposal would need to be undertaken and the consent of the Commonwealth obtained before the project could proceed. There has been no previous requests from the community for a reef 10 miles from Albany and an agency would ultimately be required to champion Mr. Green's request, if it is to become anything other than an idea.

Item 15.1.4 continued

STATUTORY REQUIREMENTS

4. The subject waters are controlled by the Federal Government and Environment Australia is the agency responsible for issuing permits under the Environmental Protection Act (Sea Dumping) 1981.
5. Native Title claims have also been lodged over sections of the Great Southern, including an area 12 nautical miles from the coast out into the Southern Ocean. The proposal would be subject to the “future act” provisions of the Native Title Act if located within the claim area.

POLICY IMPLICATIONS

6. The City of Albany boundary extends to the low water mark of the coast. The proposed reef is to be constructed in the Southern Ocean and there are no State or Local Government agencies responsible for those waters. If the tyre reef was to break up, there would be no lead agency to monitor and repair the outcome.

FINANCIAL IMPLICATIONS

7. The proposal does not detail who would be responsible to prepare the environmental assessment report for the development. On-going funding for assembly of the proposed tyre supply, the preparation of the tyres prior to disposal, ocean transport costs or on-going monitoring and repairs to the tyre reef have also not been quantified.
8. The Federal Government has also recently announced amendments to the sea dumping legislation which will increase fines to a maximum of \$210,000 and allow for prison terms up to 10 years for single offenders. Penalties for corporations will be increased to a maximum of \$1.1 mil.

STRATEGIC PLAN IMPLICATIONS

9. Council’s strategic plan seeks to encourage environmentally sound economic development.

COMMENT/DISCUSSION

10. The applicant seeks Council approval in principle for an artificial tyre reef. That approval would lead to approaches to Government and other sources for formal actions.

Need:

11. The applicant has indicated that the artificial tyre reef should be constructed because it provides an avenue to dispose of tyres, it creates a habitat for fish and therefore improves the local fishery and there is support from other sources for the project.

Item 15.1.4 continued

12. There is a legal tyre dump in Albany and others throughout the State. Attempts are being made at the state and federal level to find long term recycling options for used tyres which convert tyres into usable products. Current burial options allow the tyres to be recovered if there is a viable recycling option or they can be disposed of in an alternate method. Tyres placed in 70 – 80 metres of water cannot be recovered easily or economically.
13. Mr. Green has referred to numerous documents, sourced from the internet, which show that fish colonise tyre reefs. Those same documents show that the colonisation rates of both fish and marine corals/vegetation for tyre reefs is inferior to reefs established from steel (oil rigs, ships, etc) or porous materials (concrete, rock, etc). There is also concern amongst managers of fisheries that the placement of an artificial reef simply concentrates fish stocks in an area where there was no previous stocks. This redistribution of wild fish stocks in this manner assists in the harvesting of those fish, rather than increasing the capacity or long term sustainability of the fishery.
14. The proposal does not appear to have the support of the South Coast Licensed Fishermans Association Inc., the organisation representing professional fisherman in this region. The Department of Environmental Protection also does not support the proposal to use tyres for reefs. The DEP would require extensive research to be undertaken before contemplating the construction of such a facility.

Stability of Tyre Reefs:

15. The proponent claims that a tyre reef will not move if placed at the proposed depth. This is at odds with the situation which has occurred in Florida where the Florida Marine Research Institute has spent considerable funds “finding” the tyre reefs which have moved or been broken up by storms. Whilst tyre reefs have been built in the past, many countries are now using alternate materials for reef projects; this has resulted from on-going research, problems with existing tyre reefs or through political reasons.
16. The coast off Albany is subjected to the effects of ocean currents and the plan to dump millions of tyres, joined together with steel ties, over 100 ha. of the ocean floor will be a long term action. There will be little or no stability provided against the forces of nature for initial stockpiles. More importantly, who will be responsible for repairs to the reef or the removal of tyres washed ashore or out of the designated disposal area?

Environmental Clearances:

17. Environment Australia has written to Mr. Green advising that it considers dumping of tyres at sea is not considered the best option for their disposal.
18. There is no evidence to suggest the planned reef would be effective for the purposes suggested.

Item 15.1.4 continued

- 19. The scale of the project is unprecedented (approx. 350 million tyres) and no anchoring of the tyres is proposed.
- 20. No account is given on who would be responsible for management, maintenance or remediation.
- 21. No satisfactory account is provided on the ecological features of the dump area or the predicted modification of it.
- 22. Monitoring would require considerable resources and there is no information on whether those resources are available.

Council Involvement:

- 23. The Department of Environmental Protection advised the applicant that Council support for the project is required if it is to proceed. Notwithstanding the DEP's request, it needs to be emphasised that the ocean floor is not within the City's boundary or controlled by Council and Council has no legal powers to reject or approve the development.
- 24. Council is involved in promoting economic development in the region and those projects which generate regional wealth and employment should be supported. It is questionable whether this project would meet that criteria or if it warrants funding to prove its viability; securing a redundant navy ship would serve a similar purpose and also provide opportunities for recreational diving, a major tourism opportunity.

RECOMMENDATION

THAT Council advises Mr. R. Green that it does not support his proposal to develop an artificial tyre reef 10 miles off the southern coast of Albany as this form of structure is considered environmentally unacceptable, the management of the reef has not been resolved and the need for the structure has not been adequately demonstrated.

Voting Requirements Simple Majority

.....

Councillor Bojcun explained that this item is primarily about the establishment of an artificial ocean reef which in fact may have the potential to establish an lucrative fishing and lobster colony in the ocean just off Albany.

The spin off from this is that it may create an avenue to dispose of unwanted tyres in a more environmental acceptable way. These used tyres are obviously a huge burden to other municipalities.

This request certainly requires further investigation but by whom?

It is clear that the ocean lies outside the boundaries of the City and that the Department of Environmental Protection has tried to handball this matter to Council in an attempt to have it quashed.

Although this request cannot be accepted by Council in its present form due to the municipalities boundary and the legislative constraints, it is suggested that this matter be referred to the Minister for Fisheries to further investigate the feasibility of establishing an Artificial Tyre Reef in the ocean off Albany and that the Minister advise Council in due course of the outcome of his investigation and research.

And further that Council commend Mr Green for his initiative and efforts to research the matter.

**MOVED COUNCILLOR LUBICH
SECONDED COUNCILLOR WALKER**

THAT Council advises Mr. R. Green that it does not support his proposal to develop an artificial tyre reef 10 miles off the southern coast of Albany as this form of structure is considered environmentally unacceptable, the management of the reef has not been resolved and the need for the structure has not been adequately demonstrated.

MOTION LOST 6-9

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR DUFTY**

THAT this matter be referred to the Minister for Primary Industry and Fisheries to further investigate the feasibility of establishing an artificial tyre reef in the ocean off Albany and that the Minister advise Council in due course of the outcome of his investigations and research.

And further, that Council commend Mr Green for his initiative and efforts to research the matter.

MOTION CARRIED 11-4

Robin Green
18 Ashwell Street
ALBANY WA 6330

Your reference: A159540

Mr Robert Fenn
Executive Director Development Services
City of Albany
221 York Street
ALBANY WA 6330

CITY OF ALBANY RECEIVED		
18 MAY 1999		
FILE	CORRO No.	OFFICER
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

10 January 1999

Dear Sir

In reply to your letter dated 29th December 1998. I am afraid that you have completely misunderstood my proposal to establish an artificial reef.

I will try to address the issues, which you have raised.

Firstly I believe that the research you have studied all relates to shallow water reefs and I agree with you on the management problems associated with these structures. However, my proposal is to establish a low level (1- 2 tyres high) reef in a depth of 75 – 80 metres approximately 10 miles offshore. This is a new concept.

The common conception of a reef is a structure of large peaks, walls, nigger heads etc, but as a fisherman I know flat hard bottom often produces more fish, with this in mind we overcome the problems of stability and future management.

Yes I agree, we do have a magnificent coastline, but there are no reefs in this depth from Cape Leuwinn to Esperance and there is a need for deepwater crayfish habitat.

There is not going to be any major change in the local ocean processes brought about by the reef.

The method of holding the tyres and anchoring the reef to the seabed is irrelevant as air escape holes are all that is required. The tyres will be tied together with stainless steel wire on the flat, which will guarantee they remain stationary on the ocean floor.

You also misunderstood that we wish to use the current stockpile and I stress this is not our intention. We are interested in disposing of all future used tyres on an ongoing basis.

The matter of cost effectiveness is probably not your concern, but we travel past this area to our fishing grounds and believe that with our large trawler we can operate at a low cost where others may not.

We realise that because of the wide ranging adverse publicity to dumping in the ocean, most people have an automatic negative response to any proposal of this nature, however I would like you to have a closer look with an open mind to my application.

I strongly implore that council look at this with an open mind; this may be the answer to the ongoing tyre disposal problem.

Are tyres offshore in deep water really a problem? NO. Can they really come ashore (uphill)? NO. Will they attract fish, crayfish etc? YES. Will they improve the habitat? YES.

I think an artificial reef would be of enormous future benefit. Alternate materials are not available on a regular basis and would not be cost effective and though they may promote faster colonisation, this is not a concern as we are looking at this project running on forever.

It is a requirement of the EPA that my application goes before council. Albany has the opportunity of becoming world leaders in establishing habitat to develop a crayfishery. We have a huge area of unproductive insignificant ground from Cape Leuwinn almost to Esperance, which can be vastly improved at no cost to the community.

Please do not allow this opportunity for a safe and practical method of disposing of used tyres to slip by.

Yours sincerely

R R Green

**A CONDENSED VERSION OF
RECENT RESEARCH**

into

**The Enhancement of Recreational and
Commercial Fishing Stocks of Endemic
Species**

**(With a View To Establishing an Artificial
Tyre Reef off Albany – Western Australia)**

June 1999

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1 INTRODUCTION

At no other time in our history has the need to understand the environment been more urgent.

¹One of the most important considerations is greater use of the sea as a source of food. (Developing new fisheries and expanding existing fisheries).

Our planet has a limited supply of natural resources; these resources include substances found in soil, air and water. The earth does not get more water, air or minerals from outer space. We can only use what is here now.

Because we have a fixed amount of natural resources, they must move in cycles between the water, air and soil. They go through the bodies of living things and through soil and rain and back again to their source.

As dead things decay, substances are put back into the soil and ocean. There they act as nutrients to aid plant growth. Plants of course serve as food for animals.

²The development of a sustainable aquaculture industry in Western Australia is considered to be a high priority by Government.

In its policy paper on fisheries for the 1996 election, *Fishing for a Prosperous and Sustainable Future*, the Government announced fourteen further aquaculture development initiatives.

³The first artificial reef in Western Australia was a small tyre reef placed off Rottnest Island in 1971 by the Underwater Explorer's Club of WA with the aim of providing shelter for lobsters.

⁴Elements (nutrients) that are essential to the growth of all plants and animals are ending up in the oceans. The total concentrations of elements is increasing.

Imbalance – minimum recycling of these elements under natural conditions. Man needs to farm the oceans. The missing link – habitat.

Increase stocks of endemic species simply by increasing the habitat. Nutrients are already there.

⁵Nutrient cycle or biogeochemical cycle, the constant transfer of essential nutrients from living organisms to the physical environment and back to the organisms in a cyclical pathway.

This sequence is achieved by physical processes such as weathering and/or by biological processes such as decomposition. Due to the finite nature of the supply of nutrients they must constantly be reused in order that organic life can continue.

2 OBJECTIVES

To establish a permanent deepwater reef on an unproductive area within close proximity of Albany to enhance fish and rock lobster stocks.

Some benefits will be almost immediate because of the fish's natural curiosity. In the first instance, the structure could be viewed as a fish aggregating device, "FAD", and progressively the artificial reef will become a more natural reef and hopefully make the rock lobster fishery more viable.

We have a species that lives here, we have the necessary nutrients, temperature and food supply but we are lacking in hard bottom. Where there is suitable bottom, there is rock lobster. There is also no adverse impact on the natural environment with an endemic species. (No imported viruses).

3 DEVELOPMENTS

⁶*Gulf St Vincent, South Australia*

Artificial reefs provide fishing locations that are superior to natural areas by concentrating target species at abundances greater than those occurring naturally. This is often the aim of placing artificial habitats in areas of otherwise low productivity and devoid of natural topographic features. Recreational anglers in Florida recognised this aspect by giving a "better chance of harvesting fish on artificial reefs" (Milon 1989). Comparison of catch data from artificial habitats and adjacent natural seabed can be used to evaluate this method of fishing enhancement.

⁷Whole tyres because of their durability have made excellent fish habitats.

⁸Picturesque tropical coral reef with schools of brightly coloured fish. While reefs such as this may be common in tropical climates throughout the world, they do not exist in the waters of the South Coast of Western Australia. This type of coral reef habitat is replaced by what biologists and fishermen term "hard bottom" or "live bottom" areas.

These more temperate reef communities occur only in specific locations on the ocean. Bottom where nature has provided a suitable hard substrate, usually in the form of limestone rock outcroppings which serve as a point of attachment and colonisation for sponges, corals and a wide assortment of other invertebrates.

While coastal live bottom reefs are known for their productivity and are therefore popular destinations for many recreational anglers and divers, they comprise only a small percentage of the ocean bottom.

While only about 5 to 10 percent of the bottom has the appropriate geological makeup to allow for the formation of a reef community. This results in limited opportunities for fishermen and divers to pursue their interests and leads to heavy utilisation of some well known hard bottom areas along the coast. To enhance recreational fishing and sport diving opportunities in coastal waters and to increase the amount of

productive hard bottom habitat available overall, man can participate (with significant help from nature) in the creation of additional *man-made* or *artificial reefs*. This is accomplished by placing suitable long-lived, stable and environmentally safe materials on a selected area of ocean bottom.

Once the material is in place it acts in the same way that naturally occurring rock outcroppings do in providing hard substrate necessary in the basic formation of a live bottom reef community.

Since there is nothing artificial about the myriad of living organisms which eventually colonise and inhabit almost every square inch of these man made structures, the term artificial reef may really be somewhat misleading.

Man made reefs can be equally as productive in theory as naturally occurring hard bottom habitats.

⁹*Starfish Reef Builders Ltd*

Our mission – We are improving scuba diving, snorkeling, fishing and the marine environment worldwide. We accomplish our goals by building artificial reefs to create new habitats for all marine life. We believe that boundaries are political, the environment is worldwide, therefore we are interested in global artificial reef building projects.

¹⁰The Department of Fisheries built the first artificial reef in Brunei Darussalam in 1985 under the Fifth National Development Project. It was made up of large number of modules of tyres tied to provide a pyramidal configuration. A total of 20,000, used vehicle tyres were used and the project was completed in 1990.

Encouraged by the success of the tyre reef the department embarked on another artificial reef programme in 1988.

The artificial reef programme has successfully contributed towards the enhancement and the productivity of coastal waters. They have helped to diversify and increase the high quality fish resources, enhance the fish biomass and provide increased income to the fishermen.

¹¹Fish are attracted to underwater reefs for feeding and spawning. So how do you help increase the fish population? Build extra reefs – with tyres! Tyres are ideal because they do not harm the environment in any way.

In a massive international campaign, Goodyear helped to create over 200 reefs with tyres worldwide.

¹²Artificial reefs rise like oases in the desert – dotting the vast expanses of mud and sand covering the floor of the Gulf of Mexico. These underwater havens provide hard surfaces required for attachment by invertebrates such as barnacles, corals, sponges, clams, bryozoans and hydroids. These reefs are particularly important since the habitat is limited for many of them.

These organisms are the beginnings of an interactive food web that supports a host of reef fish species. By providing food and shelter, artificial reefs can enhance over fished populations of resident reef fish like snapper and groper. Transient species like mackerel, shark and billfish can also benefit by feeding on the resident fish.

Of course people can also benefit. Artificial reefs not only enhance fishery resources but also fishing and diving opportunities off Texas. Hundreds of thousands of anglers and divers travel offshore each year. Most use either one of the 26 artificial reef sites managed by the Texas Parks and Wildlife Department or the even more numerous unintentional artificial reefs in the form of petroleum platforms scattered throughout the Gulf.

¹³The agriculture and fisheries department (AFD) today (Tuesday) deployed a quantity of tyres as artificial reefs (AR) units at Hoi Ha Wan Marine Park to serve as a habitat for marine life.

An AFD Senior Fisheries Officer, Mr Keith Wilson, pointed out this was the first time to deploy tyre AR units, following the sinking of redundant vessels as AR's earlier this year. He noted that AR's were very effective in aggregating fish and would enhance existing habitats and fisheries resources.

¹⁴A pilot artificial reef programme was established on the seabed off Pulau Hantu in 1989, to study the effectiveness in enhancing the environment in sedimented waters. The objectives were to compare between two materials (tyres and concrete) in encouraging growth of encrusting organism; to assess the changes in biodiversity and abundance at the two types of reefs and to compare development of fish populations between the artificial reef and the natural reef.

A total of 68 fish species from 26 families were recorded at both artificial reefs – 55 species from 22 families at the concrete and 49 species from 24 families at the tyre reef. 36 species from 18 families were common to both structures, while 19 species from 11 families were unique to the concrete reef and 13 species from 10 families were unique to the tyre reef.

The artificial reefs have increased the diversity and abundance of fishes at this once barren sea floor within a few years. Fish species richness was similar to the lower reef slope of the adjacent natural reef. There is evidence to suggest that the artificial reef community is reaching a state of equilibrium and further surveys will ascertain this.

¹⁵We have started HK\$100 million project, which will involve the deployment of artificial reefs at suitable locations around marine parks and suitable Hong Kong waters. The artificial reefs will encourage growth and enhance the diversity of marine organisms. They will also provide food, shelter and protection for juvenile fish, thus improving their chance of survival to maturity. This can help to sustain fisheries resources in the territory and promote long term development of the fishing industry.

The various types of artificial reef planned includes tyre reefs.

4 SUMMARY

Reasons for selection of proposed site.

- 1 Close proximity to our fishing grounds.
- 2 Currently an unproductive and unused area.
- 3 Same depths as the Esperance Rock Lobster Fishery.
- 4 Best suited area to monitor improvements.

5 CONCLUSION

¹⁶Tyres do leach to a very small extent for a short period when placed in water but the amounts of leachate are just detectable and are order of magnitude less than minimum standards for drinking water.

In fact, shredded used tyres are approved as a water filtration medium in water treatment plants in the USA.

¹⁷Wave base – the depth of water at which wave motion becomes inappreciable. The orbital motion of oscillatory progressive waves is transmitted diminishingly downward from the surface and becomes insignificant in water at a depth equal to about half the wave length.

There has been concern expressed with previous tyre reefs breaking up during storms. Obviously this has occurred in shallow water as there is no wave action at the proposed depth of the reef (75 – 80 metres).

¹⁸Other studies have compared catch rates on seabed artificial reefs. (Turner et al).

From limited data recorded artificial reef fishing success at 2 – 3 times that of natural reefs.

Beets (1989) conducted trolling over experimental reefs and recorded a significantly greater number of strikes and fish caught (5 and 2-3 times respectively) than that recorded from a control transect.

Fiengenbaum et al (1989a) recorded significantly higher CPUE (kgrodh^{-1}) for 2 or 3 artificial reefs compared to control sites.

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-
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Assoc. Prof. Chou Loke Ming, School of Biological Sciences.
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15.2 MARKETING & COPORATE PLANNING

15.2.1 Quality Based Business Plans: The Albany Regional Day Care Centre Business Plan & The Harry Riggs Albany Regional Airport Business Plan

File/Ward	:	STR025 All Wards
Proposal/Issue	:	Quality Based Business Plans: The Albany Regional Day Care Centre Business Plan & The Harry Riggs Albany Regional Airport Business Plan
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Projects Officer – Corporate Development (C Grogan)
Previous Reference	:	OCM 14/4/99 Item 15.2.1
Summary Recommendation:		THAT Council: i) adopts the Albany Regional Day Care Centre Business Plan for implementation; ii) thanks Mr Hannington for the written submission in respect of the Harry Riggs Albany Regional Airport Business Plan; ii) endorses Harry Riggs Albany Regional Airport Business Plan, as amended, for implementation.
Locality Plan	:	N/A

BACKGROUND

1. At the Ordinary Council Meeting of the 14th April Council gave in principle endorsement for the Albany Regional Day Care Centre Business and the Harry Riggs Albany Regional Airport Business Plans, and authorised local advertising for a six week public comments period closing on Friday 28th May 1999.

Item 15.2.1 continued

2. Accordingly, advertisements informing the public that the plans were available from the York Street and Mercer Rd Administration Offices and that public comments were invited, were placed in:
 - The *Weekender* on 23rd April, 7th and 21st May 1999,
 - The *Albany Advertiser* on Thursday 22nd April, 6th and 20th May; and
 - The *Weekend Extra* on Friday 23rd April and 7th and 21st May 1999.
3. Copies of the plans were also placed on display at the Albany Public Library.

STATUTORY REQUIREMENTS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

4. These Business Plans are five-year plans, and as such they include proposals that will be dependent upon future funding decisions. The plans will be the base framework upon which each Team prepares future budget submissions, however it is understood that Council will consider any future funding requests on their merits within the context of the availability of overall resources at that time.
5. The use of the Business Plans as a base framework for funding submissions will assist Council to ensure operational expenditure is geared to delivering value for money and achieving the Council's strategic objectives articulated within the City of Albany Strategic Plan.

STRATEGIC PLAN IMPLICATIONS

6. Under Local Government Operations the 'Strategic Planning' section includes Objective 2 'to implement a Strategic Plan for the City of Albany which is realistic, achievable and measurable'. One of the strategies under this objective is to 'develop annual business plans including appropriate performance assessment to achieve measurable objectives and actions'. The 'Quality Service' Section includes an objective to 'Provide excellence in service delivery to internal and external customers' by 'systematically planning and continuously improving Council services and processes'.
7. These Service Business Plans are the embodiment of these elements of the City of Albany Strategic Plan.

Item 15.2.1 continued

COMMENT/DISCUSSION

8. No written public comments were received in respect of the Albany Regional Day Care Centre’s Business Plan which is shown in the Bulletin.
9. One written comment has been received in respect of the Harry Riggs Albany Regional Airport Business Plan, from Mr R. H. Hannington. The comments have been received in the form of annotation on the Business Plan and the comments are summarised below, along with recommendations on responses to the comments provided.

Mr Hannington’s Comments	Recommended Response
➤ Spelling & Grammatical errors	➤ Business plan to be amended as appropriate
➤ Executive Summary dot points to include recreational side of aviation	➤ 3rd dot point is to read “trouble-free, personalised air transport and recreational business’
➤ Picking up that direct income is derived from kiosk, refuelling, aircraft maintenance and meteorological bureau	➤ No change recommended
➤ Need for public fax facility	➤ Airport Manager has this facility but public access is not seen as justified at this present time.
➤ Amending description of back up generator	➤ Not seen as essential
➤ Requesting Role & Terms of Reference of operations Manager	➤ Not seen as appropriate for inclusion in business plan
➤ Requesting access to profit & loss statements	➤ Quarterly Reviews process is sufficient
➤ Starting Year/Date?	➤ Business Plans are reviewed annually and is a continuous document – no changes recommended.
➤ GPS should be considered as well as ILS	➤ This is being done as a matter of choosing correct options. No amendment necessary.
➤ Airport manual to be understood by all airport users.	➤ Not practical to implement
➤ During major works noted need for strategy for maintaining security of hangars and facilities	➤ Already covered in current documentation and procedures.

10. The above suggested amendments have been incorporated in the Harry Riggs Albany Regional Airport Business Plan which is shown in the Bulletin.

Item 15.2.1 continued

RECOMMENDATION

THAT Council:

- i) adopts the Albany Regional Day Care Centre Business Plan for implementation;
- ii) thanks Mr Hannington for the written submission in respect of the Harry Riggs Albany Regional Airport Business Plan;
- iii) endorses Harry Riggs Albany Regional Airport Business Plan, as amended, for implementation.

Voting Requirements Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

THAT Council:

- i) adopts the Albany Regional Day Care Centre Business Plan for implementation;**
- ii) thanks Mr Hannington for the written submission in respect of the Harry Riggs Albany Regional Airport Business Plan;**
- iii) endorses Harry Riggs Albany Regional Airport Business Plan, as amended, for implementation.**

MOTION CARRIED 15-0

15.2.2 City Heart - Central Area Survey

File/Ward	:	REL067 Frederickstown Ward
Proposal/Issue	:	To consider the option of undertaking a central area survey on the issue of raising a differential rate on Central Area properties to support the operations of City Heart.
Subject Land/Locality	:	Central Area Properties
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Project Officer Corporate Development (C Grogan)
Previous Reference	:	Nil
Summary Recommendation:		To support the undertaking, on an in-house basis, of a simple City Heart Central Area Survey to provide additional information to help guide the budget process.
Locality Plan	:	N/A

BACKGROUND

1. Council has previously funded Albany City Heart (previously Project Mainstreet) through the levying of differential rates.
2. The Albany City Heart have again approached Council for approximately \$115,000 support for the 1999/2000 financial year. Albany City Heart has requested a levy of 1 cent in the dollar in both 1998/99 and 1999/2000. If Council agrees to support the organisation, it would possibly be for a lesser amount within the \$ 82,000 to \$85,000 range. If differential rates are supported, it would be proposed to levy the properties such that \$84,000 be raised. See separate Report Item 13.1.2
3. The level of support for the continuing financial support of the Albany City Heart project is not entirely clear despite previous surveys commissioned by other parties. It is perceived that other surveys have not been sufficiently independent or confidential. The Statutory Requirements outlined below call for a period of public notice to allow the submission of comments on the differential rate arrangements.

Item 15.2.2 continued

4. It has been suggested that a survey of the parties affected with the Central Area would afford Council a greater understanding of how traders and landowners feel about this matter, and as such could provide useful information to assist Council in its deliberations.
5. Initial research has indicated that an externally commissioned, independent and properly constituted survey of this matter could cost up to \$25,000, which is considered prohibitive. However it would be possible to undertake a simplified in-house project which would provide all affected parties within the Central Area the opportunity to indicate their level of support for the City Heart Differential Rate proposal in a confidential manner.

STATUTORY REQUIREMENTS

6. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and / or land use of the property. Section 6.36 (1) requires a local government, which is considering the imposition of a differential rate to give local public notice of its intention, and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

7. The direct costs associated with this proposed in-house project eg printing, and postage costs can be accommodated by existing budget allocations. Depending on the complexity of the agreed survey design some external technical assistance may be required, however there is sufficient resources remaining in this year's budget to provide limited technical assistance.

STRATEGIC PLAN IMPLICATIONS

8. Economic Development Objective 2 within the Industry & Commerce section of the City's Strategic Plan aims to "help create an investment climate and social infrastructure which attracts new businesses and encourages existing businesses to expand". Under this objective is a strategy to "Create a vibrant and attractive city centre". The option of using a differential rate to raise monies for City Heart could be perceived as part of this strategy.

Item 15.2.2 continued

COMMENT/DISCUSSION

9. A separate item presented at this Council meeting, proposes that Council advertise its intention to consider raising its annual contribution to Albany City Heart through the levying of a differential rate on properties within Town Planning Scheme 1A zoned "Central Area". This 21 day period for public notice will allow individuals across the City to present their views on the differential rate proposal.
10. The chief value of a survey (as opposed to a 'public submissions' approach), is the opportunity it affords for anonymous and confidential feedback on the City Heart Differential Rate issue, since the individual person being surveyed would not have to identify themselves. It has been shown that this type of approach tends to deliver a higher level of feedback than a public submission mechanism. However, unlike the public submissions approach, this survey is only proposed to provide feedback from central area parties.
11. It is contended that all Landlords and Business Operators who rent space (and therefore pay rent) within the Central Area should be entitled to participate in the proposed survey.
12. The City of Albany's property records only contains details of property owners ie ratepayers. Council's records show there are around 198 properties zoned Central Area, which are owned by approximately 168 property owners. City Heart's database include the details 350 members, the majority of which are business operators as opposed to Landlords.
13. Accordingly, this proposed 'survey' would involve between 500 and 550 potential respondents.
14. The timing of such a survey would be critical given that Council would use the results to help guide the budget deliberations. At this stage Council aim to set the budget during the last week of July 1999, which allows approximately five weeks to complete the entire survey process from survey design to reporting.
15. If Council required detailed and comprehensive information exploring the full range of issues, concerns and levels of support for City Heart, the survey project would probably require the services of a professional Market Research company. Initial research has indicated that five weeks would not be sufficient time for a properly constituted, independent and comprehensive market research project to be undertaken.
16. However if Council support the undertaking of a simple approach, which would provide less comprehensive information that could be used to give a 'feel' of how the affected parties view City Heart and the differential rate issue then an in-house approach could be appropriate.

Item 15.2.2 continued

17. Below is a draft timetable designed to allow feedback from the proposed in-house survey to meet the budget preparation requirements.

Steps	Comments	Draft Time-lines
Survey brief confirmation	Would require input from Mayor, Deputy Mayor & Senior Management	Week ending Friday 25th June 1999
Survey design & piloting	On the basis of above the survey would be designed and tested	Final survey agreed by Tuesday 28th June 1999
Survey distribution & follow up	Surveys printed, data base confirmed, covering letters & envelopes addressed; survey distributed via mail	No later than Friday 2nd July 1999
Survey completion & return	Respondents receive surveys (earliest on Monday 3rd July), consider and complete survey & return to the City via pre paid envelopes	No later than Tuesday 13th July 1999
Collating, coding & data inputting	Staff to complete the data inputting work	No later than end of business hours 15th July 1999
Data analysis & Reporting	Results to be analysed and report prepared	No later than 23rd July 1999

18. The time-line for the implementation for this relatively simple survey project is fairly tight, however given a reasonably simplistic survey it should be possible to gather sufficient data to complement the written comments received through the public submissions process. Together, these two sets of information can be used to guide Council's decisions.
19. If Council decide to proceed with the in-house Survey approach a Steering Committee would need to be appointed, and delegations provided to allow decisions on Survey design and other related matters to take place.

RECOMMENDATION

THAT Council:

1. supports the undertaking of an in-house City Heart Central Area Survey;
2. establishes a City Heart Central Area Survey Steering Committee consisting of the Mayor, Deputy Mayor, Chief Executive Officer and Executive Director Strategic Planning to determine an agreed survey brief;
3. delegates authority to the Mayor and Chief Executive Officer to deal with any matter relating to the survey, including the expenditure of resources.

Voting Requirements Absolute Majority

.....

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR DUFTY**

THAT Council:

- 1. supports the undertaking of an in-house City Heart Central Area Survey;**
- 2. establishes a City Heart Central Area Survey Steering Committee consisting of the Mayor, Deputy Mayor, Chief Executive Officer and Executive Director Strategic Planning to determine an agreed survey brief;**
- 3. delegates authority to the Mayor and Chief Executive Officer to deal with any matter relating to the survey, including the expenditure of resources.**

**MOTION CARRIED 15-0
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR CECIL**

THAT Item 13.1.3 be lifted from the table and considered by Council.

MOTION CARRIED 15-0

(Special Note: When Item 13.1.3 was debated and decided upon at this point in the meeting, ie after Item 15.2.2 was resolved.)

15.3 PROJECT DEVELOPMENT

15.3.1 Extension of Mobile Telephony Across the Region

File/Ward	:	GOV054 All Wards
Proposal/Issue	:	Participation in joint proposal to provide mobile telephone coverage across the City of Albany.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director - Strategic Planning (R Jefferies)
Previous Reference	:	OCM 10/2/99 Item 19.2
Summary Recommendation:		The City of Albany participate in the joint proposal, with in principle support to the contribution of \$100,000 in the 1999/2000 Budget.
Locality Plan	:	N/A

BACKGROUND

1. A significant opportunity exists for the City of Albany to join with its neighbouring local governments of Gnowangerup, Jerramungup, Kent and Ravensthorpe to extend the coverage of mobile telephony across the region.
2. Technology to be introduced by Telstra to replace its analogue system will provide a digital system, with its higher level of compatibility for data transmission and computer applications, but with a greater range and 'robustness' than the current digital network.
3. At a meeting convened at Gnowangerup on 5th February 1999, the decision was made to proceed with a joint regional application to the Regional Telecommunications Infrastructure Fund (RTIF), to seek funds to provide four Code Division Multiple Access (CDMA) base stations, with extender cells in the main townsites, to service an area which broadly encompasses the area from Gnowangerup across to Jerramungup, down to Bremer Bay, including the eastern half of the City of Albany.

Item 15.3.1 continued

4. The current plans by Telstra allow for CDMA coverage from Albany's Mt Melville site, which according to consultant Peter Farr, would extend approximately from Denmark to the west to just east of Manypeaks. This would leave the area to the north east and east unserved including South Stirling, Green Range, Wellstead and Cheynes Beach.
5. Telecommunications carriers (eg. Telstra), are not required to provide mobile services as part of their community service obligations, and will only provide such services where they are commercially viable.
6. At its meeting of 10th February, 1999, Council resolved:

"THAT the City of Albany provide in principle support for participation in a joint regional submission to extend the planned CDMA mobile telephone network across the region, on the basis of the coverage being provided to the eastern section of the City's municipal area and a contribution be considered in the 1999/2000 year of \$100,000."
7. Notification that the joint funding submission has been successful has been received, and confirmation is being sought that funds to be contributed by the local authorities involved, shall be provided in their 1999/2000 budgets.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

8. There are no policies which address this particular issue, however traditionally the investment of local government funds into public telecommunications infrastructure has not been normal practice for local governments. The new Local Government Act however was structured to enable local governments to undertake works and functions beyond its traditional roles to more effectively respond to current community needs. A comparable recent project was support of the provision of the SBS broadcast service in Albany which is maintained by the City.

FINANCIAL IMPLICATIONS

9. It is suggested that the City of Albany provide in principle support to contribution of \$100,000 towards this project of approximately \$1.6 million on the basis of a CDMA base station being constructed in a location which would service the eastern area of the City.
10. Funding would need to be budgeted in the 1999/2000 budget.
11. The approximate cost of each base station would be \$200,000 to \$250,000.

Item 15.3.1 continued

STRATEGIC PLAN IMPLICATIONS

12. The City of Albany's Strategic Plan has a number of objectives and strategies which relate to this project including:
- 'Seek the establishment of adequate communications infrastructure within the region'; (Objective 3, Page 7)
 - Lobby for upgrading of communications infrastructure in the region'; (Strategy b), Objective 3, Page 7)
 - 'Encourage the State and Federal Governments to improve voice and data communications to regional Western Australia'; (Objective 4, Page 7)
 - 'Provide the broadest range of telecommunications services possible to all residents'; (Objective 4, Strategy b) Page 7)
 - 'Support the development, value adding and diversification of agricultural industries'; (Objective 1, page 11)
 - 'Encourage the provision and maintenance of effective local emergency services' (Objective 1, Page 27)

COMMENT/DISCUSSION

13. The benefits to the rural community of the eastern half of the City of Albany are very significant and include more effective communications for industry, general farm and community safety, emergency and disaster response, 'mobile office' telecommunications and convenience to residents, visitors, travellers.
14. The Great Southern Development Commission's recently completed telecommunications study – '*From Needs to Solutions*' and the meetings following that study, strongly reinforced the importance the rural community placed on addressing the issue of inadequate mobile telephony within the region.
15. It is often not understood by members of the community, that Telstra and/or the other telecommunications service providers are under no obligation to provide mobile telephone services. These services are only provided where a commercial return is available to these organisations. The current proposal which provides these services on a regional basis is therefore a unique opportunity to extend mobile telephony to areas of relatively low population density, and will provide long term benefits to the City's rural based community in the eastern half of the City.

RECOMMENDATION

THAT:

1. The City of Albany confirms its participation in the planned CDMA mobile telephone project in conjunction with the Shires of Jerramungup, Gnowangerup and Ravensthorpe, on the basis of a mobile telephone base station being located to service the eastern half of the City of Albany, and
2. Favourable consideration be made to allowance of \$100,000 in the 1999/2000 Budget for this project.

Voting Requirements Absolute Majority

.....

The Executive Director Strategic Planning advised of a minor amendment to the officer recommendation, to include the Shire of Kent which had been omitted from paragraph 1.

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR WALKER**

THAT:

- 1. The City of Albany confirms its participation in the planned CDMA mobile telephone project in conjunction with the Shires of Jerramungup, Gnowangerup, Kent and Ravensthorpe, on the basis of a mobile telephone base station being located to service the eastern half of the City of Albany, and**
- 2. Favourable consideration be made to allowance of \$100,000 in the 1999/2000 Budget for this project.**

MOTION CARRIED 10-5

15.3.2 Support for the Albany Artificial Reef Group to Apply for the HMAS Perth to be Decommissioned as a Dive Reef in Albany Waters

File/Ward	:	MAN097 All Wards
Proposal/Issue	:	Support for the Albany Artificial Reef Group to Apply for the HMAS Perth to be Decommissioned as a Dive Reef in Albany Waters
Subject Land/Locality	:	King George Sound
Proponent	:	Albany Artificial Reef Group
Owner	:	Australian Navy
Reporting Officer(s)	:	Project Officer – Project Management (P Berkelaar)
Previous Reference	:	Briefing of Commissioners 07/04/99
Summary Recommendation:		Support the Albany Artificial Group's proposal and in principle allocation of \$100,000 in the 2000/01 Budget
Locality Plan	:	N/A

BACKGROUND

1. The Albany Artificial Reef Group has been working for two years or more to procure a major naval vessel to create a dive reef in the Albany waters, following the successful sinking of the HMAS Swan off Busselton.
2. During March and April of this year, the Group formulated a proposal and submitted to the WA Premier's Department. In response the advice from the WA Premier's Department provided the following timetable:
 - i) A formal letter from the Premier of WA has been addressed to the Prime Minister requesting the HMAS Perth be gifted to WA for creation of a dive reef.
 - ii) In the letter there is a request that a public announcement is made the week of 24-30 August, 1999. Reason for this is HMAS Perth is actually in Fremantle during that time.
 - iii) WA then needs to wait on a formal decision from the Minister for Defence and Minister for Finance.

Item 15.3.2 continued

- iv) Immediately following the announcement, the Expressions of Interest will be publicised in State and regional papers, calling for tenders.
 - v) The bids are expected to be open for three (3) months. The selection committee will sit for around 2-3 weeks, and then the announcement will be made end December, 1999.
3. To date enquiries and/or submissions to procure the HMAS Perth as a dive reef have come from Albany, Joondalup, Esperance and Rockingham.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

4. The major implication of this proposal is that the HMAS Perth will become an asset of the City of Albany. Therefore not only is there an initial project capital undertaking envisaged, but also a management role with ongoing incomes and expenditures, based on creating an income generator at best, and at least a no loss position.

Initial Expenditure

Expenditure		Income	
Insurance	400,000	State Government Grant	235,000
Labour	150,000	Navy Donation	200,000
Project Management	45,000	Tug Boat Donation	200,000
Works Supervision	20,000	Local Government	100,000
Decontamination	50,000	Port Authority	8,000
Marketing	40,000		
Sinking	10,000		
Tools	10,000		
Gas	2,000		
Moorings	8,000		
Maritime Permits	8,000		
	743,000		743,000

Item 15.3.2 continued

Ongoing Expenditure

Annual Income	6,000 divers/year @ \$5	30,000
Annual Expenditure	Maintain safe dive conditions	16,000
	Maintain safe mooring	10,000
	Marketing/Administration	5,000
		<u>30,000</u>

5. The City of Albany's contribution has not been allowed in the current 1999/2000 budget process at this stage, and it is recommended that should the tender bid be successful the City either raises a loan for the required amount or plans the contribution in the 2000/2001 budget, due to the significant economic benefits of this project.

STRATEGIC PLAN IMPLICATIONS

6. Based upon Busselton's experience and investigations by the Albany Artificial Reef Group all indications point towards a likely influx of 6,000 divers every year, which places at least 120 people into Albany every week. The international experience is that 80% will fly in, stay three nights and fly out. This would, at minimum generate an extra 20 people making use of our airport facilities every day and create demands for 60 extra beds in local accommodation houses. Maritime facilities would also need to cater for these divers resulting in heavy demand for safe weather mooring, disembarkment jetties and more maritime infrastructure.
7. When the HMAS Perth begins to operate as a diveable reef in some 12-18 months time, the action plans of the current Strategic Plan 1998-2000 will also be well under way, which includes Airport instrument landing system and the Vancouver Water Infrastructure Plan.

COMMENT/DISCUSSION

8. The process of obtaining the HMAS Perth as a dive reef will be managed by the WATC with the Premier's Department providing support and advice. Currently the Albany Artificial Reef Group is still working on details of a draft submission and GSDC will be keeping information up to date.
9. Both the media and the government authorities have publicly acknowledged that Albany has a stronger case than most and that Albany would be best suited for the sinking of a major vessel such as the HMAS Perth.
10. Estimates are that the successful dive reef project could generate 12 new jobs and \$4 million annually in the regional economy.

Item 15.3.2 continued

RECOMMENDATION

THAT Council:

1. supports the Albany Artificial Reef Group in their tender bid and application to the State Government for the HMAS Perth to be scuttled in Albany waters as a dive reef; and
2. supports inclusion of \$100,000 towards the work to convert the HMAS Perth into a dive reef in Albany waters, in the 2000/2001 year of the five year Capital Works Programme, currently being formulated for Council consideration.

Voting Requirements Absolute Majority

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Councillor Cecil advised she was not prepared to support the officer recommendation at this time and suggested consideration of the item be deferred pending the outcome of Council's current budget deliberations.

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR LUBICH**

THAT consideration of this matter be deferred pending the outcome of Council's current budget deliberations.

MOTION CARRIED 14-1

15.4 STRATEGIC PLANNING

Nil.

12.0 DEVELOPMENT SERVICES

- I N D E X -

12.1 DEVELOPMENT

- 12.1.1 Exploratory Drilling – Sandpatch Reserve
- 12.1.2 Excisions From Crown Reserves – Sewer Pump Stations
- 12.1.3 Proposed Rezoning –159 Middleton Road, Mira Mar
- 12.1.4 Rezoning of Portion of Pt Lot 241 Bayonet Head Road
- 12.1.5 Proposed Sign for Rotary Club of WA
- 12.1.6 Proposed Review of Outbuilding Guidelines
- 12.1.7 Proposed Awning for Rookleys Café – York Street, Albany
- 12.1.8 Proposed Residence and Chalets – Location 1995 Eden Road, Youngs
- 12.1.9 Extractive Industry (Sand) Location 5405 Timewell Road McKail
- 12.1.10 Proposed Rezoning – Lots 79 & 80 Bond and Range Roads, Yakamia
- 12.1.11 Proposed Second Dwelling – Lot 32 Manni Road, Robinson
- 12.1.12 Final Approval for Amendment – Sheringa Park Stage 3
- 12.1.13 Orana Shopping Centre – Request to Develop Discount Department Store

12.2 EDUCATION & COMPLIANCE

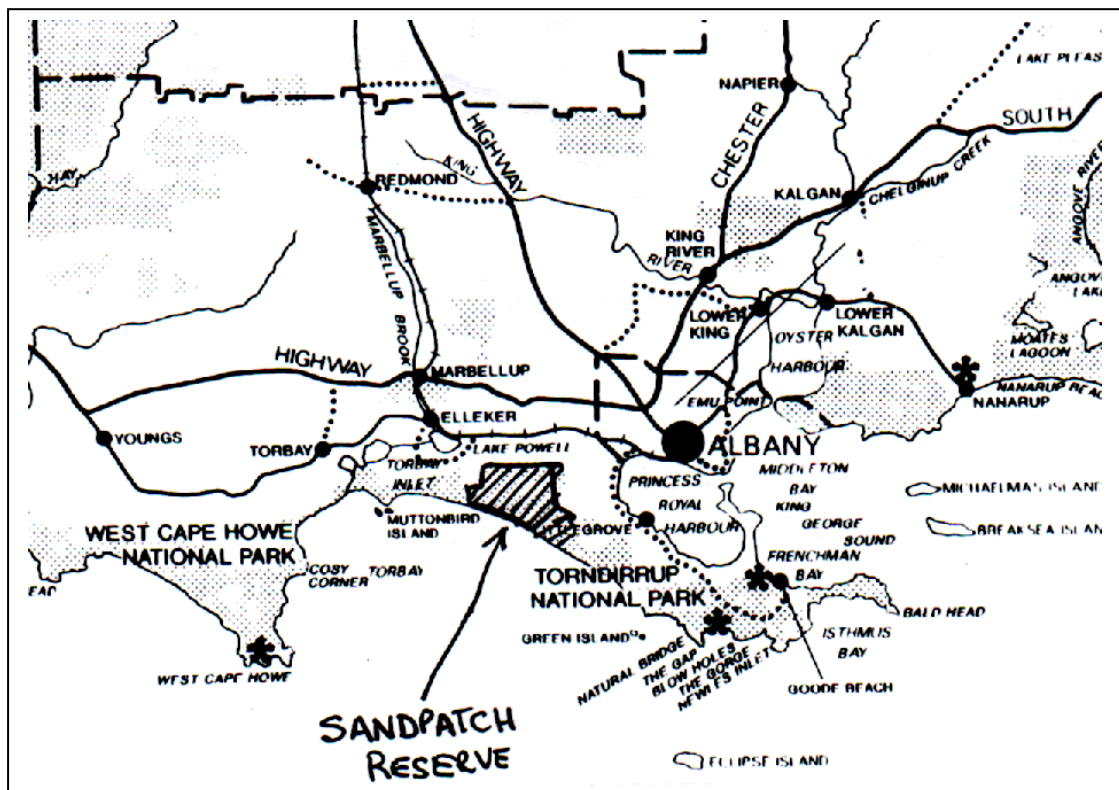
- 12.2.1 1999/2000 Firebreak Notice
- 12.2.2 Health Local Laws 1999 - Adoption
- 12.2.3 Alfresco Dining – Street Trading Licence Fees

- R E P O R T S -

12.1 DEVELOPMENT

12.1.1 Exploratory Drilling – Sandpatch Reserve

File	:	GOV061 (Vancouver Ward)
Proposal/Issue	:	Second Stage Exploratory Drilling Program of Werrilup Borefield, Sandpatch Reserve.
Subject Land/Locality	:	Reserve 13773 (Sandpatch Reserve)
Proponent	:	Water Corporation
Owner	:	Crown (reserve vested with City of Albany)
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Previous Reference	:	Cncl 28/04/99 Item 12.1.6
Summary Recommendation:		Council Approve Second Stage Exploration Program
Locality Plan	:	



Item 12.1.1 continued

BACKGROUND

1. In April 1999 Council gave approval for a stage 1 drilling program to be undertaken by Water Corporation within the Sandpatch Reserve. That program required the upgrading of existing tracks within the reserve and slashing of trackside vegetation to move 20 tonne drilling rigs to proposed exploration sites. A copy of the plan showing the stage 1 sites follows.
2. Council withheld approval for the stage 2 program. Water Corporation was required to examine the environmental consequences of establishing new tracks within the reserve and provide a report for Council's consideration; Council was concerned that creating additional roads or upgrading existing tracks within the reserve would encourage indiscriminate usage, leading to flora damage and long term environmental degradation.
3. Included in the Elected Members Report/Information Bulletin is a report from the Water Corporation addressing Council's requirements and seeking approval for the stage 2 drilling.

STATUTORY REQUIREMENTS

4. The Sandpatch Reserve is vested with the City of Albany for Pine Plantation purposes. A request was lodged with the Department of Land Administration to change the purpose of the reserve to "Conservation and Recreation". That request is being held in abeyance pending Council's resolution of the wind farm and water supply proposals, soon to be lodged for formal consideration.
5. The reserve is set aside in the City of Albany Town Planning Scheme No. 3 for Parks and Recreation (Restricted) purposes and Council can grant approval for developments in accordance with the reserve's purpose. The Department of Land Administration has been advised of the proposed developments and is prepared to facilitate a change in reserve purpose.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

6. The upgrading of tracks in the Sandpatch Reserve increases usage of the reserve and exposes additional sections of the reserve network to human pressures. If the proposed borefield is brought into production, the tracks will be used regularly by Water Corporation staff and service corridors will also need to be established for water mains and power supplies (linking existing mains to new bores).

Item 12.1.1 continued

7. To date, the environmental reports of the Water Corporation and Western Power have not been aggregated to determine the combined effects that service agencies would have on the reserve. Council is charged with the care and control of the entire reserve (some 1600ha) and these agencies are seeking to lease small areas for servicing requirements. The agencies will need to meet the costs associated with the preparation of those leases.

STRATEGIC PLAN IMPLICATIONS

8. Council's strategic plan promotes the development of services in advance of need. The Water Corporation is currently overtaxing existing groundwater supplies and an adequate quantity of water may not be available for next summer if the existing system is not supplemented. The exploration program is seeking to verify future supplies of water in the Werrilup Borefield.

COMMENT/DISCUSSION

9. Council is to receive a briefing from Water Corporation staff on the provision of a long term supply of water for the City. There is an extensive network of bores to the west of Albany which provide the bulk of the existing supply; this exploration program will provide information on the sustainability of that resource.
10. There was insufficient time prior to the preparation of the agenda to assess the latest report from the Water Corporation. A verbal report will be provided at the meeting.
11. Inspections of the exploratory bore sites has revealed some localised disturbance of the reserve which will regenerate quickly once the sites are vacated. Generally, the major impact of the drilling has been the widening and surfacing of tracks to accommodate heavy traffic movements within the reserve. If left undisturbed, the vegetation will grow back and reduce track widths; the closure of some tracks may be needed to ensure regeneration.

RECOMMENDATION

THAT Council grant approval, without prejudice, for the second stage of the exploratory drilling program proposed by the Water Corporation upon Reserve 13773 (Sandpatch Reserve) in accordance with the management plan submitted to Council.

AND

Item 12.1.1 continued

THAT the Water Corporation be advised that Council will not support the connection of the exploratory bores to the existing water supply network until an integrated management plan for government infrastructure has been prepared for the reserve, negotiations have progressed with the Department of Land Administration on a change in the reserve purpose and long term management arrangements between the Corporation and the City have been agreed.

Voting Requirement Simple Majority

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Councillor Evers declared an interest in this matter as she owns land that adjoins the reserve and left the Council Chambers at 8:34pm.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LUBICH**

THAT the Water Corporation be advised that Council will not support the connection of the exploratory bores to the existing water supply network until an integrated management plan for government infrastructure has been prepared for the reserve, negotiations have progressed with the Department of Land Administration on a change in the reserve purpose and long term management arrangements between the Corporation and the City have been agreed.

MOTION CARRIED 14 – 0

Councillor Evers returned to the Council Chambers at 8:35am.

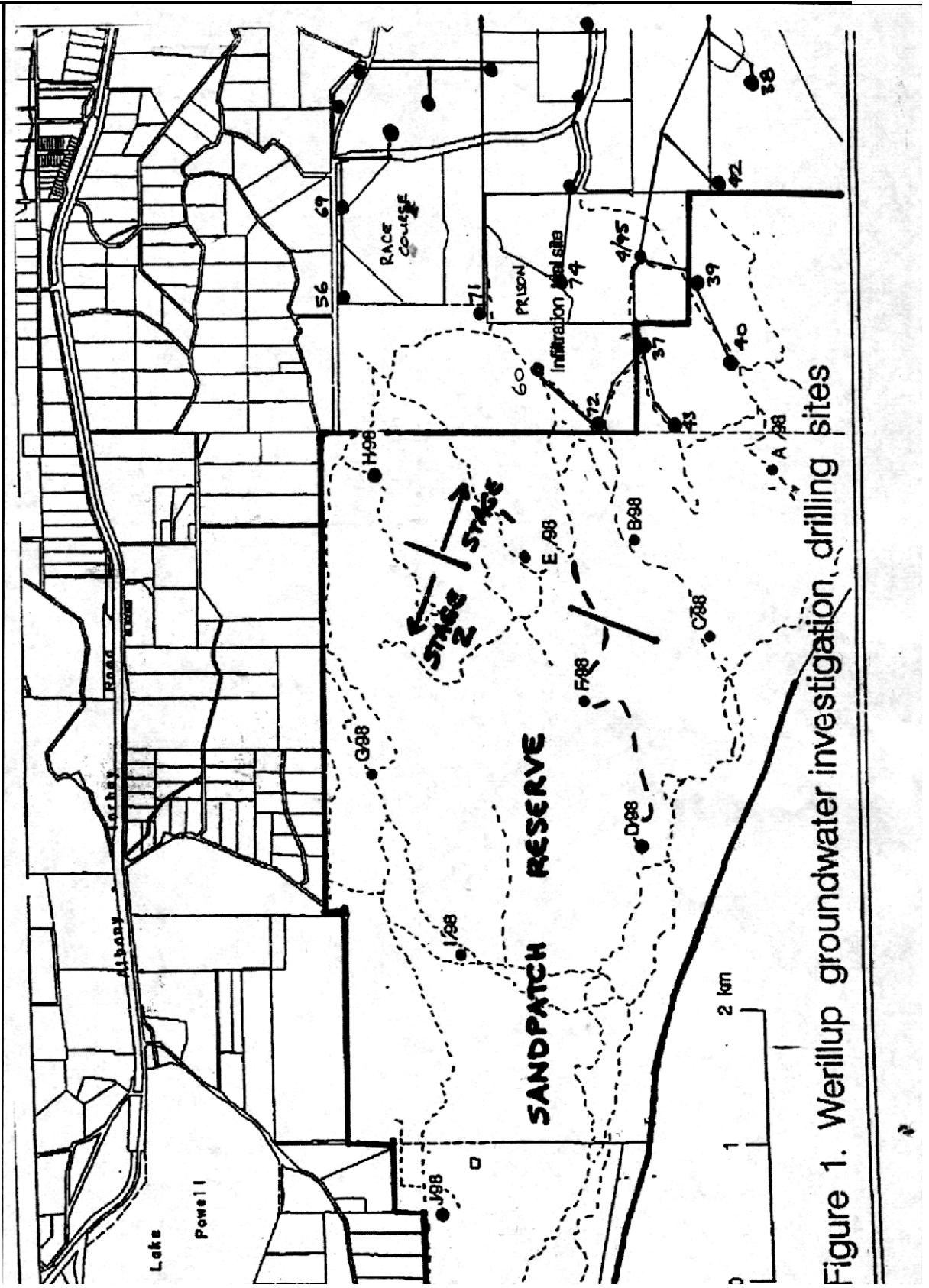
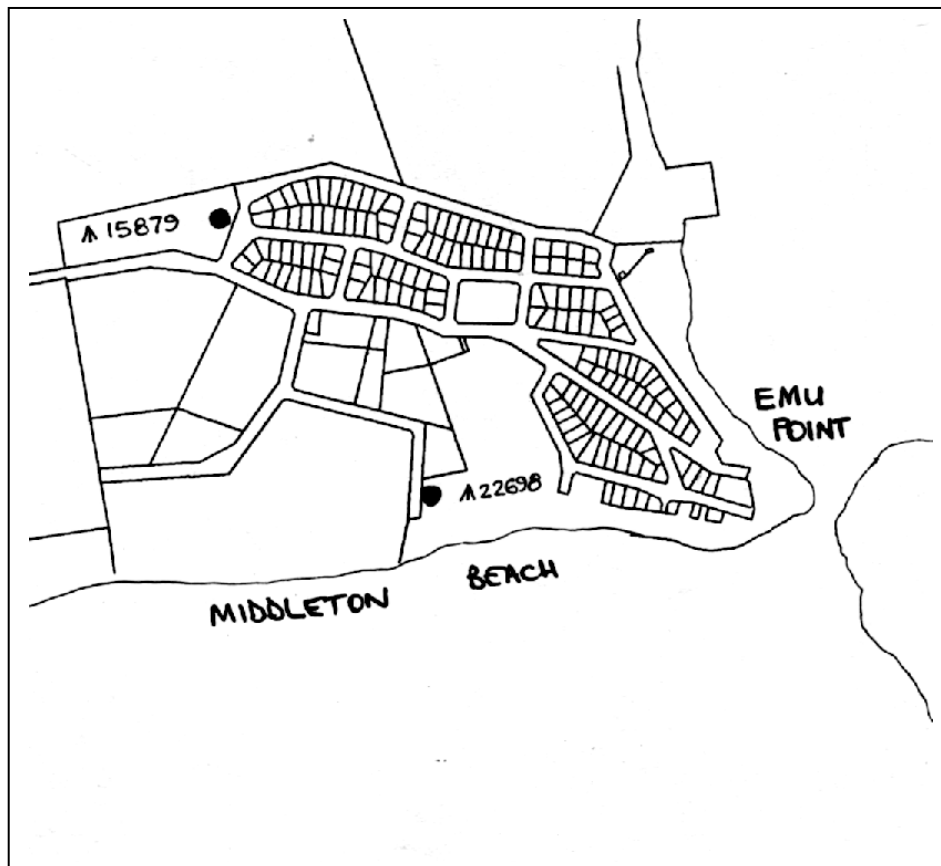


Figure 1. Werillup groundwater investigation drilling sites

12.1.2 Excisions From Crown Reserves – Sewer Pump Stations

File	:	SER053 (Breaksea Ward)
Proposal/Issue	:	Create Separate Reserves for Constructed Sewer Pump Stations
Subject Land/Locality	:	Albany Lot 1461 (Reserve 22698) Emu Point and Albany Lot 1248 (Reserve 15879)
Proponent	:	Water Corporation
Owner	:	Crown (vested with City of Albany)
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Previous Reference	:	Nil
Summary Recommendation:		Support Request to Excise Portions of Reserves.
Locality Plan	:	



Item 12.1.2 continued

BACKGROUND

1. The Water Corporation has recently completed a backlog sewer program in the Emu Point. To connect the reticulation into the City's sewer system, pump stations were built adjacent to Firth Street and Clark Street in Emu Point. The Water Corporation is now seeking to secure long term access to those pump stations by excising areas of 522sqm and 500sqm respectively from the appropriate Recreation Reserves.

STATUTORY REQUIREMENTS

2. The Department of Land Administration is seeking to excise the areas of land and to reserve them as pump station sites. The opportunity has been provided for Council to declare any interests it may have in the subject land parcels prior to the excision and vesting.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

3. The Department of Land Administration will accept all costs associated with the excision and vesting of the reserves and the Water Corporation has completed the construction of the sewer pump stations. No exterior fencing of the pump station sites is proposed and the general public has access to those sites: There is no financial implication to the City of Albany.

STRATEGIC PLAN IMPLICATIONS

4. Council's strategic plan promotes the extension of reticulated sewer mains to existing unsewered residential areas in the City.

COMMENT/DISCUSSION

5. The Water Corporation gained the approval of the former Town of Albany to the sewer reticulation plans prior to construction. Council gave its approval for the placement of the pump stations upon the reserves and it is now inappropriate for the City to retain the ownership of those portions of the reserves (the responsibility for the care of the Minister's sewer network should remain with the Minister for Works).

Item 12.1.2 continued

RECOMMENDATION

THAT Council advise the Department of Land Administration that it supports the excision of sewer pump station sites from Albany Lot 1462 (Reserve 22698) and Albany Lot 15879 (Reserve 15879) as detailed on Plan 19777 and Diagram 93446 and that Council does not wish to register an interest on the proposed sites

Voting Requirement Simple Majority

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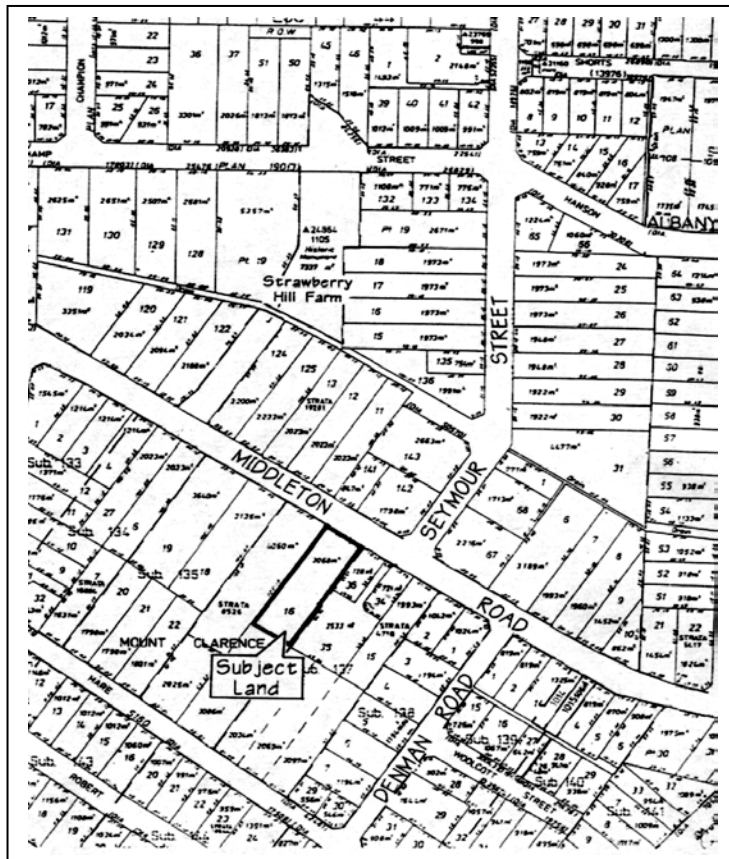
**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR ARMSTRONG**

THAT Council advise the Department of Land Administration that it supports the excision of sewer pump station sites from Albany Lot 1462 (Reserve 22698) and Albany Lot 15879 (Reserve 15879) as detailed on Plan 19777 and Diagram 93446 and that Council does not wish to register an interest on the proposed sites.

MOTION CARRIED 15 – 0

12.1.3 Proposed Rezoning –159 Middleton Road, Mira Mar

File/Ward	:	A131833 (Breaksea Ward)
Proposal/Issue	:	Designating Lot 16 of Sub Location 136 Middleton Road as a Special Site with the additional permitted use “Medical Clinic”.
Subject Land/Locality	:	Lot 16 of Sub Location 136 Middleton Road, Albany.
Proponent	:	Ayton, Taylor & Burrell
Owner	:	H Fisher & M Griffies
Reporting Officer(s)	:	Planning Assistant (J Roach)
Previous Reference	:	Cncl 27/1/99 Item 12.1.8
Summary Recommendation	:	Grant Final Approval to Amendment
Locality Plan	:	



Item 12.1.3 continued

BACKGROUND

1. On October 27 1998, an application was lodged for an additional practitioner to operate from the subject site. Under the current "Consulting Rooms" provisions, only two doctors are permitted to work from the site. The proponent seeks an amendment to Scheme 1A to allow up to four doctors to work at the establishment. The request for another doctor to operate from the site has been generated by consumer demand at the medical facilities. A copy of the consultant's report is included in the Elected Members Report/Information Bulletin.
2. At its meeting of 9 December 1998 Council considered the proposed rezoning and passed the following resolution:

"THAT Council support the request from Ayton Taylor and Burrell to prepare amending documents to include a Special Site classification upon Lot 16 of Sub Location 136 (159) Middleton Road and that the amendment documents establish:

- a) the additional use being limited to a Medical Clinic with a maximum of four practitioners;*
 - b) provisions requiring additional car parking bays (six car bays for each of the first two practitioners and two per practitioner thereafter);*
 - c) controls to ensure the retention of the residential character of the building(s) on-site".*
3. Amended documents have been provided that satisfy the above mentioned requirements. Amendment No. 119 was presented to Council on the 27 January 1999 and it was resolved:

"That in pursuance of Section 7 of the Town Planning Development Act 1928 (as amended) Council resolve to amend the City of Albany Town Planning Scheme 1A by designating Lot 16 of Sub Location 136 Middleton Road as a Special Site with the number of practitioners to four, provision for additional car parking and retention of the residential character of the building".

STATUTORY REQUIREMENTS

4. Section 7 of the Town Planning and Development Act provides the mechanism for a town planning scheme to be amended. Council resolved to initiate a scheme amendment and then place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue (this is where this application currently sits in the process). Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.

Item 12.1.3 continued

5. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, with or without modifications, the documents are then referred to the Minister of Planning. The Minister can accept Council's recommendation or he can require his own modifications to the document prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if he considers Council's decision is not consistent with orderly planning.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

8. It would be highly desirable for a strategic plan to be produced identifying future activities and development along Middleton Road and surrounding localities. The encroachment of commercial activities into residential areas is occurring and the impact of this needs to be identified, assessed and a long term strategic plan implemented.

COMMENT/DISCUSSION

9. Advertising of Amendment 119 for public comment began on April 29 1999 for a 42 day period. Letters were sent to adjoining landowners and relevant government agencies, a sign was placed on the premises and the proposal was advertised in an Albany newspaper. Advertising and the closing of submissions were completed on the 10 June, 1999.
10. One submission was received. This was from the Water Corporation who had no objections to the proposed medical clinic.
11. The applicant's request is to introduce a Special Site classification into the scheme for the lot. Under a Special Site classification, it would be possible for the landowner to either convert the site back to residential uses or develop a Medical Clinic. A Medical Clinic is defined under Town Planning Scheme No. 1A as:

“premises in which facilities are provided for two or more practitioners of the following; a medical practitioner, physiotherapist, a dental practitioner, chiropractor or masseur”.

12. A Medical Clinic does not limit the amount of practitioners working at one site. Therefore it is necessary to restrict in the scheme the number of practitioners who are able to work at the site to a maximum of four. If the business grew too large, there could be nuisances created and a change in streetscape character may occur, to the detriment of the residential community.

Item 12.1.3 continued

13. Appropriate documents have now been provided and the applicant has requested that Council grant final approval to the amendment. The documents offer an accurate and comprehensive assessment of the issues and can be made available on request.

RECOMMENDATION

THAT

- i) Council resolve to grant final approval to Amendment 119 to the City of Albany Town Planning Scheme 1A by designating Lot 16 of Sub Location 136 Middleton Road as a Special Site with the additional permitted use “medical clinic”, together with special conditions restricting the number of practitioners to four, provision for additional car parking and retention of the residential character of the building.
- ii) Council note the submission received.
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

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Councillor Lubich declared an interest in this item as he owns a medical practice, and left the Council Chambers at 8:36pm.

Noted the reference in this item to “Breaksea” Ward should be deleted and replaced with “Frederickstown”.

**MOVED COUNCILLOR DUFTY
SECONDED COUNCILLOR WEST**

THAT

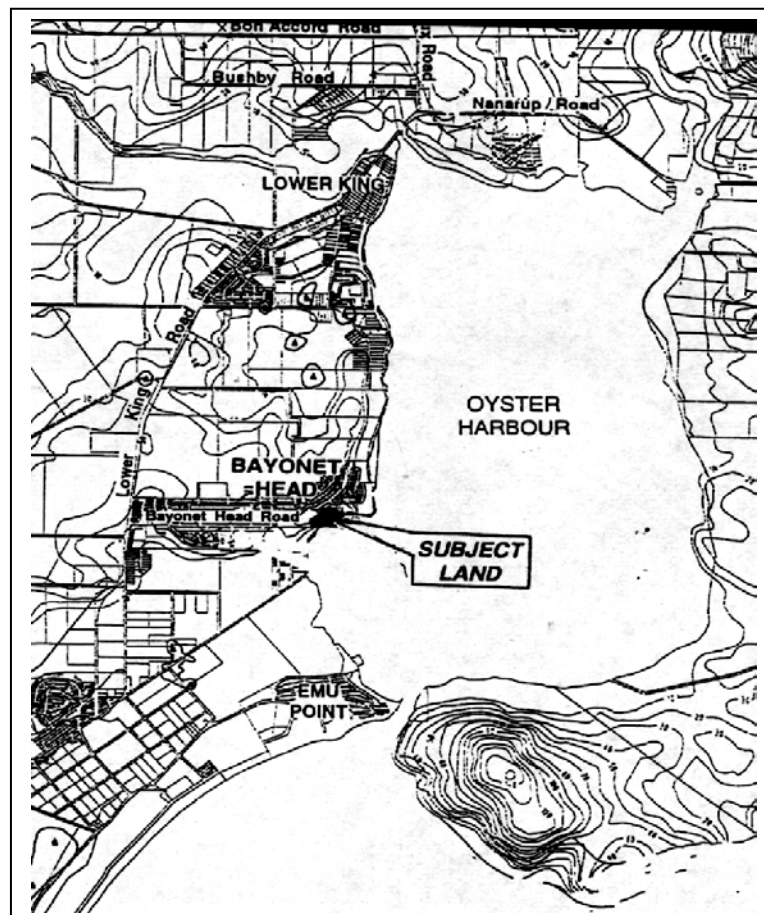
- i) Council resolve to grant final approval to Amendment 119 to the City of Albany Town Planning Scheme 1A by designating Lot 16 of Sub Location 136 Middleton Road as a Special Site with the additional permitted use “medical clinic”, together with special conditions restricting the number of practitioners to four, provision for additional car parking and retention of the residential character of the building.**
- ii) Council note the submission received.**
- iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 14 – 0

Councillor Lubich returned to the Council Chambers at 8:37pm.

12.1.4 Rezoning of Portion of Pt Lot 241 Bayonet Head Road

File/Ward	:	A162476 / SAR 8 (Yakamia Ward)
Proposal/Issue	:	To rezone a portion of Pt Lot 241 Bayonet Head Road from the "Motel" zone to "Residential" and "Parks and Recreation" zones
Subject Land/Locality	:	Pt Lot 241 Location 281 Bayonet Head Road, Bayonet Head
Proponent	:	Alan Tingay and Associates
Owner	:	Lowe Pty Ltd
Reporting Officer(s)	:	Planning Assistant (A Augustson)
Previous Reference	:	N/A
Summary Recommendation:		Support request to initiate a scheme amendment
Locality Plan	:	



Item 12.1.4 continued

BACKGROUND

1. Council has received a request to rezone a portion of Pt Lot 241 Allwood Parade, Bayonet Head.
2. The land has a dual zoning with approximately equal portions of the site zoned 'Residential' and 'Motel' in the City of Albany Town Planning Scheme No.3. The application seeks to rezone the 'Motel' portion of the site to 'Residential'.
3. A current subdivision approval (WAPC ref 105084) over the 'Residential' portion of the land was supported by the former Shire of Albany in September 1997.

STATUTORY REQUIREMENTS

4. There are no statutory requirements for a Scheme Amendment Request (SAR). The SAR process has been put in place to assist Council and developers in determining the merits of a proposal prior to the preparation of extensive planning documents. Council may resolve to refuse the application (making its intention clear to a proponent) or support the concept and request the preparation of the rezoning documents.
5. Should Council resolve to support this application, staff will instruct the applicant to prepare appropriate amending documents. Section 7 of the Town Planning and Development Act provides the mechanism for a Town Planning Scheme to be amended. Council can then formally resolve to initiate the scheme amendment and place the amending documents on public display. Any comments received must be considered by Council and a recommendation is then made by Council to the Minister for Planning on the course of action Council wishes to pursue. Council can seek to progress the amendment without change, it can modify the amending documents to reflect the submissions received or it can recommend that the rezoning not proceed.
6. If Council resolves to decline to proceed with the rezoning or to grant final approval to the amendment, without or without modifications, the documents are then referred to the Minister for Planning. The Minister can accept Council's recommendation or he can require his own modifications to the documents prior to them being gazetted and coming into force. The Minister can also decline to withdraw from the rezoning if he considers Council's decision after the advertising period is not consistent with orderly planning.

POLICY IMPLICATIONS

7. The subject land is not included within any endorsed strategies or policies due to the 'Motel' zoning over the land.

FINANCIAL IMPLICATIONS

8. The proposed development would result in the widening of the existing foreshore reserve. This portion of land would ultimately be ceded to the City and the ongoing management would become Council's responsibility.

Item 12.1.4 continued

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

9. The SAR process has been introduced to provide Council with an opportunity at the start of the rezoning process to express its view on the intended change in zoning. If Council does not support the request it should use this opportunity to advise the applicants, prior to them continuing to fund the preparation of statutory rezoning documents.
10. The concept submitted by the proponent would result in the ceding of a large portion of low lying land adjacent to the foreshore reserve for 'Parks and Recreation'. The higher ground would be included into the adjoining "Residential" zone. All proposed residential lots would be connected to reticulated sewer and services.
11. The land is covered with dense remnant vegetation and abuts the existing foreshore reserve adjacent to the harbour. A Foreshore Management Plan has been prepared for the existing foreshore reserve area as a condition of the recent subdivision.
12. Given the recent residential subdivision, housing development and the topographical constraints of the site, rezoning of the land for residential purposes would resolve the conflict between the existing landuses.

RECOMMENDATION

THAT Council resolves to advise the proponent that it is prepared to receive amending documents for the purpose of initiating an amendment to Town Planning Scheme No.3 to rezone the 'Motel' zone portion of Pt Lot 241 Allwood Parade Bayonet Head to the 'Residential' and 'Parks and Recreation' zones.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BAIN
SECONDED COUNCILLOR WILSON**

THAT Council resolves to advise the proponent that it is prepared to receive amending documents for the purpose of initiating an amendment to Town Planning Scheme No.3 to rezone the 'Motel' zone portion of Pt Lot 241 Allwood Parade Bayonet Head to the 'Residential' and 'Parks and Recreation' zones.

MOTION CARRIED 15 – 0

MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

The balance portion of Pt Lot 241 to the south-east of the proposed access place off Allwood Parade is currently zoned "Motel" under the City of Albany Town Planning Scheme No. 3. Figure 3 depicts the "Motel" zoning. The "Motel" zoning over Pt Lot 241 would appear to be a legacy of the former Shire of Albany Town Planning Scheme No. 1 which was established in 1969/1970. The site has retained the "Motel" zoning over the past 30 years.

Given the recent residential subdivision and development of the adjoining land coupled with the topographical constraints associated with much of the site, the "Motel" zoning is no longer considered an appropriate land use activity. ~~Having due regard to the surrounding land uses it was generally concluded that an opportunity existed to significantly increase~~ the extent of the foreshore reserve adjacent to Oyster Harbour as well as provide a strip of residential homesites adjacent to the local access place.

One of the conditions of subdivisional approval, required the preparation of a Foreshore Management Plan for the existing foreshore reserve. A Foreshore Management Plan was prepared by Alan Tingay & Associates and subsequently submitted to the City of Albany earlier this year. The Foreshore Management Plan suggested the inclusion of an additional 1ha portion of Pt Lot 241 as this would provide for the increased protection of a unique wetland ecosystem, associated fauna habitats as well as conserve good quality vegetation. The additional 1ha of foreshore would in effect increase the width of the foreshore from approximately 20-40 metres to 70-90 metres which would provide an appropriate green space link with the existing foreshore to the north-east and south-west.

The remaining portion of the site, which has an area of approximately 9000m², is located on the higher ground adjacent to the local access place. An existing access road / track which provides access to the Oyster Harbour foreshore, runs through the middle of these lots. Access to the foreshore will now be gained via a constructed road. Much of this area has been cleared of any significant vegetation. The residential zoning and subdivision of this strip of land will result in the creation of 13 residential homesites with lot sizes generally ranging from 600m² to 800m². The residential homesites are based on a 20 metre frontage x 30-35 metre depth. The development of this land for residential purposes will provide an appropriate residential interface with the residential homesites on the northern side of the access road. Figure 4 indicates how the land could be subdivided for residential purposes.

In wanting to ensure that the residential development of these lots has due regard to the topography, character and amenity of the locality, it is proposed that appropriate design guidelines be prepared and adopted as a policy of Council. The design guidelines which will address scale, height, colours, building materials, envelopes, solar design, slope, location of carports etc, will ensure that such residential dwellings are compatible with the surrounding environment.

Mr Allan Davies, an architect with extensive experience in residential design on sloping lots, lots with views, solar design, pole and framed housing, has been engaged to prepare design guidelines.

As indicated in the Foreshore Management Plan, Alan Tingay & Associates advise that such controlled residential development with appropriate guidelines would be a compatible landuse to the foreshore reserve. A nature trail which would also double up as a firebreak would effectively separate the residential development from the increased foreshore reserve.

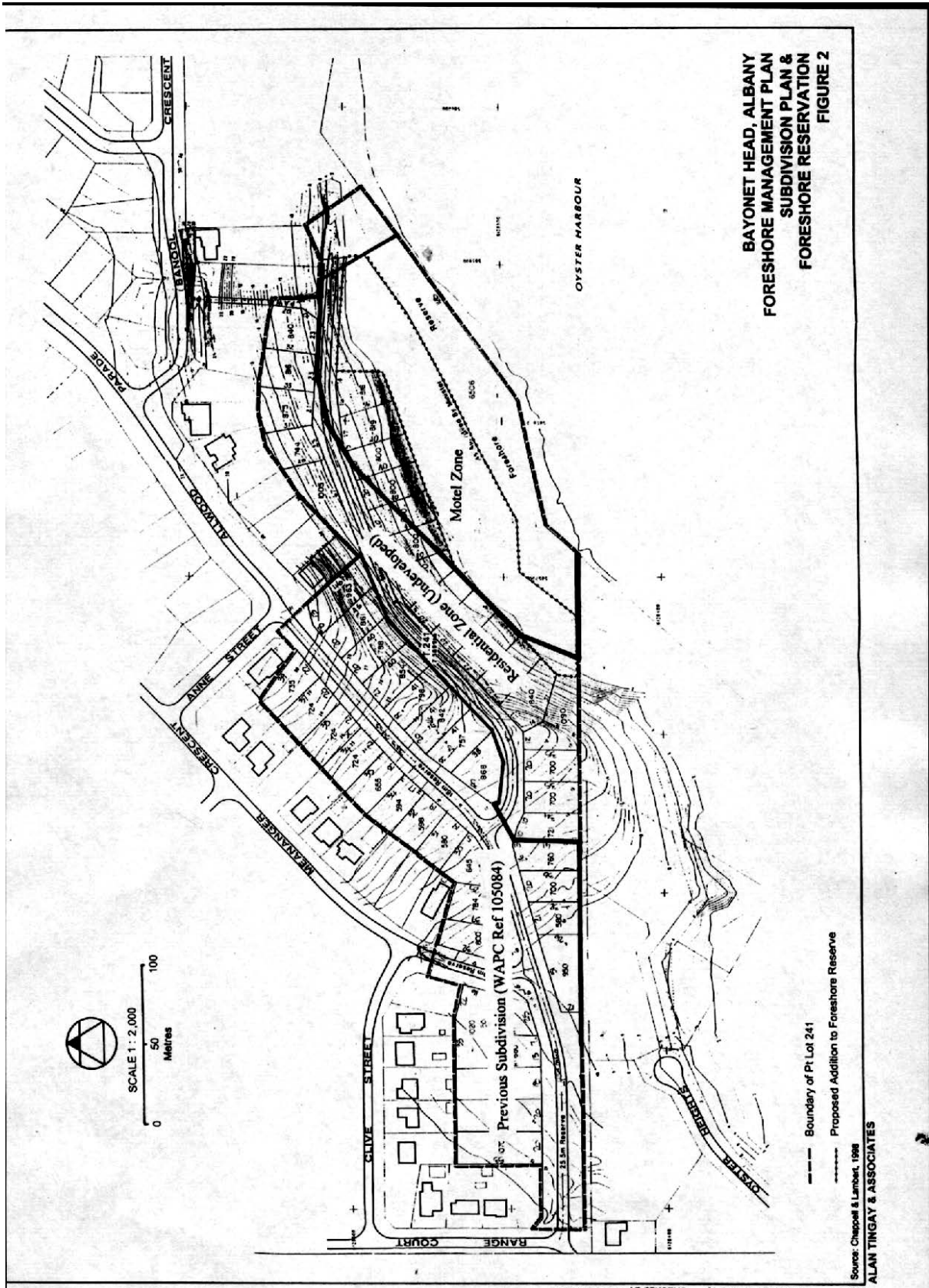
In view of the reasons outlined in this letter, the Council is requested to give "Approval in Principle" to the rezoning of the "Motel" site to "Residential" and "Parks and Recreation". The proposed zoning change, which will facilitate the creation of 13 residential homesites and a significant 40-50 metre widening of the Oyster Harbour foreshore, is seen as a real positive.

Should you require any further information or wish to discuss any aspect of this proposal, please contact Tony Lambert of this office.

Yours faithfully

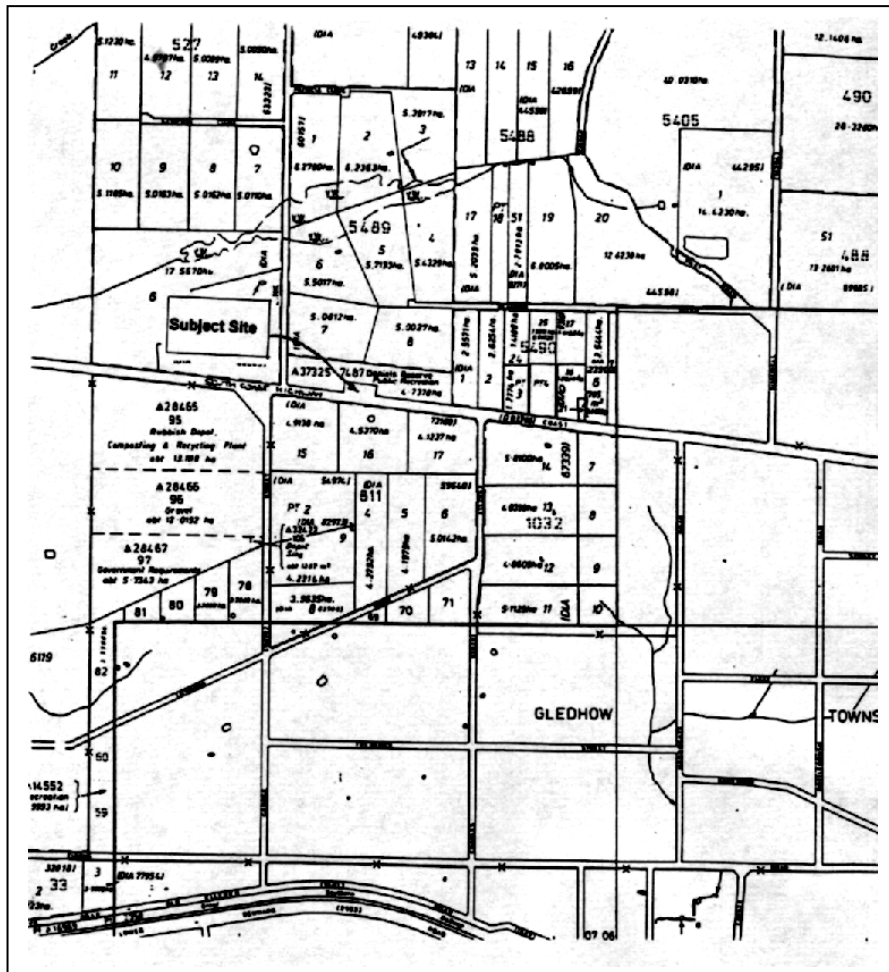
Chappell & Lambert

CHAPPELL & LAMBERT



12.1.5 Proposed Sign for Rotary Club of WA

- File/Ward** : MAN088 (West Ward)
- Proposal/Issue** : Proposed Sign for the Rotary Club of WA
- Subject Land/Locality** : Council Information Bay at South Coast Highway adjacent to Reserve 37325 (Daniels Reserve)
- Proponent** : Rotary Club of WA
- Owner** : City of Albany
- Reporting Officer(s)** : Planning Officer (C Pursey)
- Previous Reference** : Nil
- Summary Recommendation:** Issue Refusal
- Locality Plan** :



Item 12.1.5 continued

BACKGROUND

1. On the 23 December 1998 an application was received to erect signs in Council's Information Bays at Albany Highway, Chester Pass Road and South Coast Highway to display details on the Rotary Club of WA meeting arrangements.
2. The signs were proposed to replace existing Rotary Club information at these sites. The existing signs were either agglomerated onto a single sign with other Service Clubs' information or confined to a concentrated area within the existing display boards.
3. The proposed signs were to be free standing, separate to the existing information display boards and located in existing landscaping areas. A copy of the application follows this report.
4. These were considered at officer level and initially refused on the 27 January 1999 on the basis that signage for Albany's service clubs should not be treated in isolation. It was considered that the proposed signs, being located separate to the existing display boards, have the potential to set an undesirable precedent for other similar organisations and thus cause a proliferation of signage within Council's Information bays.
5. It was suggested that the applicant investigate the possibility of combining with other service clubs to replace the existing signage.
6. The applicant then requested that the proposal be presented to a meeting of Council's Executive Directors, wherein it was agreed that the signs at the Albany Highway and Chester Pass Road Information Bays could be installed as there was no existing agglomeration of signage at these sites.
7. The sign for the South Coast Highway site continued to be opposed at officer level as there was an existing sign which displayed the four existing service clubs in Albany (the Rotary Club has an existing panel). It was considered that this existing sign continue to be used to reduce potential sign clutter and maintain the amenity of the information bay.
8. Council has now been requested to consider the sign application at the South Coast Highway Information Bay.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

9. There is currently no Council policy regarding signage in the road reserve or within Information Bays (which are in road reserves). Council's decision may set the direction for future applications.

Item 12.1.5 continued

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

10. Whilst there is the space for separate signs for Rotary or another service club within the South Coast Highway Information Bay, should each of the existing service clubs in Albany seek to alter their signage, to gain additional exposure, there is the potential to set a precedent for a proliferation of signage. This opportunity would not just extend to the existing Service Clubs as it may then be difficult to deny an application for the Scouts, Jaycees and other similar organisations if they seek to advertise their activities.
11. Additionally, whilst it is recognised that the role of the Council's Information Bays is to provide information, they are also often a tourist's first impression of Albany. They need to be kept in an orderly and attractive state.
12. The valuable role that the Rotary Club of WA provides for the Albany community is recognised. However, the existing infrastructure in the Information Bay provides the opportunity for all of the Service Clubs in Albany to equitably display their activities, whilst restricting their signage to a level which does not detrimentally impact upon the amenity of the Information Bay.

RECOMMENDATION

THAT Council refuse the application for a Sign for the Rotary Club of WA within the Council Information Bay at South Coast Highway (adjacent to Reserve 37325) on the grounds that it will set an undesirable precedent for further signage within the Information Bay and that the existing signage infrastructure is adequate.

Voting Requirement Simple Majority

.....

Councillor Lubich advised the reference to the Rotary Club of WA is incorrect, and this should be the Rotary Club of Albany. He said he believed the proposed sign would not detract from the appearance of the information bay, which was after all designed to provide information.

Item 12.1.5 continued

**MOVED COUNCILLOR LUBICH
SECONDED COUNCILLOR WALKER**

THAT Council approve the application for a Sign for the Rotary Club of Albany within the Council Information Bay at South Coast Highway (adjacent to Reserve 37325).

MOTION CARRIED 10 – 5

THE ROTARY CLUB OF ALBANY

District 9460 (Western Australia South)

PO Box 201 Albany WA 6331

Tel : (08) 9842 3859 Fax : (08) 9842 3949 Mob : 0500 554 734

Meetings : Monday 6.00pm The Dog Rock Motel, 303 Middleton Road, Mt. Clarence



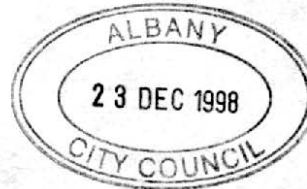
Our Ref : R98-0008

Your Ref :

Mr Jim Kelly
Chief Executive Officer
Albany City Council
PO Box 484
ALBANY BC WA 6331

23 December 1998

Dear Jim



ALBANY CITY ENTRY SIGNS – ROTARY CLUBS

Please find attached our application for a sign license as a combined community effort from the :

- ❖ Rotary Club of Albany
- ❖ Rotary Club of Albany East
- ❖ Rotary Club of Albany Port.

The Boards of each of the respective Rotary Clubs of Albany have agreed that following relocation from the Tara Hall venue in 1997, there is a need to provide new information in three locations canvassing the major community information entry points to Albany :

- ❖ Information Bay - South Coast Highway (Link Road), Gledhow
- ❖ Information Bay - Albany Highway (TAFE College), McKail
- ❖ Information Bay - Chester Pass Road (Mercer Road), Walmsley.

The attached photographs depict the manufactured signs in the desired locations, and the clubs have budgeted \$180.00 for installation by Country Wide Signs of Albany (who also did the sign-writing).

I trust this information allows you to process our application, and if you require further assistance please call.

Yours faithfully,
ROTARY CLUB OF ALBANY


NEIL R. SMITHSON

Director Community Services 1998

President Elect 1999

Mobile : 0419 556 444

cc: Mr Gary Benington – Albany East President 1998
Mr Geoff Holmes – Albany Port President 1998



South Coast Highway



Albany Highway



Chester Pass Road

12.1.6 Proposed Review of Outbuilding Guidelines

File	:	STR018
Proposal/Issue	:	Proposed amendments to the Outbuilding Development Guidelines
Reporting Officer	:	Planning Officer (C Pursey)
Previous Reference	:	Council 9 Sept 1998 Item 12.1.5 Council 27 Jan 1999 Item 12.1.10 Council 12 May 1999 Item 12.1.1
Summary Recommendation:		Adopt the proposed amended development guidelines for Outbuildings.

BACKGROUND

1. A resolution was passed at the Council meeting on the 12 May 1999 which stated, in part:

“...THAT a review of Council’s policy on “Outbuildings” be undertaken as a matter of priority with appropriate recognition being given in a revised policy to the variations in age and character of residential areas in Albany”.

2. Two additional clauses are proposed to be included as part of the draft amended development guidelines for Outbuildings to meet the requirements of Council’s resolution. These clauses are suggested to be included in the ‘Amenity’ controls established by the existing guidelines. These are as follows:

“iv) the walls of an outbuilding may be approved utilising reflective materials for outbuildings less than 65m² in area where there is an existing or approved dwelling with walls utilising a similar reflective material or colour on the lot.

v) the built environment in close proximity to the site on which the outbuilding is proposed is characterised by a combination of reflective and non-reflective materials the combined effect of which would not be compromised by the proposed development”.

3. A full copy of the amended Outbuildings Development Guidelines are attached to this report.

Item 12.1.6 continued

STATUTORY REQUIREMENTS

4. If adopted, the amended Outbuilding Guidelines are required to be advertised for public comment in accordance with clause 7.21.2 (c) of Town Planning Scheme 1A and clause 6.9.2 (c) of Town Planning Scheme 3 as adopted.

POLICY IMPLICATIONS

5. The amended Outbuilding Development Guidelines are proposed to replace existing Outbuilding Development Guidelines.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

6. The proposed additional clauses are intended to give officers some flexibility in the assessment of outbuildings where the materials for a proposed outbuilding are in keeping with the existing character of an area. In particular in the older suburbs of the City where a variety of building materials have traditionally been utilised.
7. The proposed additional clauses will also allow the walls of outbuildings to be of a similar colour and/or material to those of the dwelling on a lot, up to a limited outbuilding size. Previously the wording of the policy allowed the roof of an outbuilding to blend with the existing dwelling's colours and materials but not the walls of the outbuilding.

RECOMMENDATION

THAT Council:

- i) In pursuance of Clause 7.21 of the City of Albany Town Planning Scheme 1A resolves to adopt the amended Outbuilding Development Guideline as a Town Planning Scheme policy and that it is advertised pursuant to the Scheme; and
- ii) In pursuance of Clause 6.9.2 of the City of Albany Town Planning Scheme No. 3 resolves to adopt the amended Outbuilding Development Guideline as a Town Planning Scheme Policy and that it is advertised pursuant to the Scheme.

Voting Requirement Simple Majority

.....

Item 12.1.6 continued

The Acting Director of Development Services advised the Guidelines have been re-examined since preparation of the agenda item, and to avoid possible misunderstandings a few minor changes were recommended to Guideline 4 as follows:

- Under “Amenity:”, item e) to be amended by the removal of the word “where” from the end of the last line;
- Section e) i) to be amended by the inclusion of the word “where” at the beginning of the first line;
- A heading “Where the proposed building is in established urban areas:” to be inserted above section e) iii);
- Section e) (iv) a) to be changed to e) (v).

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR ARMSTRONG**

THAT subject to the amendments outlined above, Council:

- i) In pursuance of Clause 7.21 of the City of Albany Town Planning Scheme 1A resolves to adopt the amended Outbuilding Development Guideline as a Town Planning Scheme policy and that it is advertised pursuant to the Scheme; and**
- ii) In pursuance of Clause 6.9.2 of the City of Albany Town Planning Scheme No. 3 resolves to adopt the amended Outbuilding Development Guideline as a Town Planning Scheme Policy and that it is advertised pursuant to the Scheme.**

MOTION CARRIED 15 – 0

GUIDELINE 4 - OUTBUILDINGS – TOWN PLANNING SCHEME 3

Definitions.

Outbuilding – an 'outbuilding' for the purposes of this policy is defined as all Class 10a buildings under the Building Code of Australia 1990 (outbuilding) in all parts of the City, which includes garages, sheds, carports, studios, games room, patios and pergolas but not structures that are substantially connected to or form part of the main building.

Reflective Materials – include materials such as zincalume, galvabond and specific colourbond colours such as white, off-white and smooth cream.

Approval of an outbuilding requires the following criteria to be met:

a) The proposed outbuilding must comply with any special area provisions for the subject lot.

Amenity:

b) an approved structure is to be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity. Outbuildings positioned forward of the building line should be constructed of materials compatible with the main building.

c) the proposed outbuilding(s) shall not have a detrimental impact upon the streetscape, the amenity of the locality or land uses in the vicinity of the subject land.

d) to limit the visual impact of multiple outbuildings on a single lot, the outbuildings should be encouraged to group together in a cluster that includes the residence.

e) the proposed outbuilding(s) is to be constructed of masonry, timber, hardi-plank or similar non-reflective material or clad in factory applied colour finished sheet metal, except where:

(i) the walls and roof of the proposed outbuilding may be constructed of reflective materials where the outbuilding is less than 15m² in area and it is not prominently visible to public areas.

(ii) if the roof of the proposed outbuilding is to be constructed of reflective materials, the roof pitch must be 5° or less and the roof should not be overlooked from adjoining properties or public places.

(iii) if the roof pitch is greater than 5° the roof may be approved utilising reflective materials for outbuildings less than 65m² in area where there is an existing or approved dwelling with a roof utilising reflective materials on the lot.

(iv) ***the walls of an outbuilding may be approved utilising reflective materials for outbuildings less than 65m² in area where there is an existing or approved dwelling with walls utilising a similar reflective material or colour on the lot.***

(v) the built environment in close proximity to the site on which the outbuilding is proposed is characterised by a combination of reflective and non-reflective materials the combined effect of which would not be compromised by the proposed development.

- f) if the land is zoned Rural the proposal complies with GP15 & GP16 of the Local Rural Strategy.

Proposed Use of Outbuilding:

- g) the applicant is to provide adequate documentation to show that the outbuilding(s) is to be used for domestic purposes.
- h) In the Residential, Residential Development and Special Residential zones no outbuilding shall be built on a lot where no dwelling already exists on the lot or an approved dwelling is not under construction.
- i) in the Special Rural and Conservation zones a letter is to be supplied by the applicant stating the intended purpose of the outbuilding where the size of an outbuilding is greater than 100m².
- j) no approval will be granted by Council if a shed is to be used for human habitation purposes.

Development Parameters:

- k) no outbuilding located on a property boundary having a length greater than 9 metres or a wall height greater than 3.3 metres.
- l) where the special area provisions in the Special Rural zone do not stipulate side and front setbacks for outbuildings the following setbacks for outbuildings shall apply:
Front setback ; 15.0m, Side setbacks ; 4.0m.
- m) for outbuildings that are equal to or less than 75m² floor area, the height of all openings to the outbuilding(s) are to be less than 3.0 metres, the ridge/gable height is to be less than 4.5 metres.
- n) for outbuildings that are greater than 75m² , the height of all openings to the outbuilding(s) are to be less than 3.3 metres, the ridge/gable height is to be less than 5.0 metres.

MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

GUIDELINE 3 – OUTBUILDINGS – TOWN PLANNING SCHEME 1A

Definitions.

Outbuilding – an 'outbuilding' for the purposes of this policy is defined as all Class 10a buildings under the Building Code of Australia 1990 (outbuilding) in all parts of the City, which includes garages, sheds, carports, studios, games room, patios and pergolas but not structures that are substantially connected to or form part of the main building.

Reflective Materials – include materials such as zincalume, galvabond and specific colourbond colours such as white, off-white and smooth cream.

Approval of an outbuilding requires the following criteria to be met:

Amenity:

- a) an approved structure is to be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity. Outbuildings positioned forward of the building line should be constructed of materials compatible with the main building.
- b) the proposed outbuilding(s) shall not have a detrimental impact upon the streetscape, the amenity of the locality or land uses in the vicinity of the subject land.
- c) to limit the visual impact of multiple outbuildings on a single lot, the outbuildings should be encouraged to group together in a cluster that includes the residence.
- d) the proposed outbuilding(s) is to be constructed of masonry, timber, hardi-plank or similar non-reflective material or clad in factory applied colour finished sheet metal, except where:
 - i) the walls and roof of the proposed outbuilding may be constructed of reflective materials where the outbuilding is less than 15m² in area and it is not prominently visible to public areas.
 - ii) if the roof of the proposed outbuilding is to be constructed of reflective materials, the roof pitch must be 5° or less and the roof should not be overlooked from adjoining properties or public places.
 - iii) if the roof pitch is greater than 5° the roof may be approved utilising reflective materials for outbuildings less than 65m² in area where there is an existing or approved dwelling with a roof utilising reflective materials on the lot.

- (vi) ***the walls of an outbuilding may be approved utilising reflective materials for outbuildings less than 65m² in area where there is an existing or approved dwelling with walls utilising a similar reflective material or colour on the lot.***
- (vii) ***the built environment in close proximity to the site on which the outbuilding is proposed is characterised by a combination of reflective and non-reflective materials the combined effect of which would not be compromised by the proposed development.***

Proposed Use of Outbuilding:

- e) the applicant is to provide adequate documentation to show that the outbuilding(s) is to be used for domestic purposes.
- f) no outbuilding shall be built on a lot where no dwelling already exists on the lot or an approved dwelling is not under construction.
- g) no approval will be granted by Council if a shed is to be used for human habitation purposes.

Development Parameters:

- h) no outbuilding located on a property boundary having a length greater than 9 metres or a wall height greater than 3.3 metres.
- i) for outbuildings that are equal to or less than 75m² floor area, the height of all openings to the outbuilding(s) are to be less than 3.0 metres, the ridge/gable height is to be less than 4.5 metres.
- j) for outbuildings that are greater than 75m² , the height of all openings to the outbuilding(s) are to be less than 3.3 metres, the ridge/gable height is to be less than 5.0 metres.

- k) The floor area of single and/or aggregate outbuildings shall be limited in size in accordance with the following table:

Table 1 – Development Standards for Outbuildings

Zone	Maximum Floor Area per Outbuilding (m ²)	Maximum Floor Area of outbuildings (m ²)
Residential & Future Urban (up to 1000m ²)	75m ²	75m ²
Residential & Future Urban (1001m ² and greater)	100m ²	120m ²
Rural	Applications will be considered on their merits	

NB: In the Residential and Future Urban zones the maximum floor space permitted for outbuildings is also restricted by the 50% site coverage provision as per the site coverage definition in the Residential Planning Codes of WA.

12.1.7 Proposed Awning for Rookleys Café – York Street, Albany

File/Ward	:	A148082 (Frederickstown Ward)
Proposal/Issue	:	Proposed Covered Awning for Café (Rookleys)
Subject Land/Locality	:	148-154 York Street, Albany
Proponent	:	Michael Roberts Architect
Owner	:	Crown
Reporting Officer(s)	:	Planning Officer (C Pursey)
Previous Reference	:	TSD 20/2/96 Item 7.40.13 TSD 18/2/97 Item 7.40.2 Cncl 12/8/97 Item 6.2.3 Cncl 1/6/99 Item 12.1.2
Summary Recommendation:		Issue a conditional Planning Consent.
Locality Plan	:	



Item 12.1.7 continued

BACKGROUND

1. Council is requested to reconsider an application for a canvas awning over part of the existing alfresco dining area outside of Rookleys café at 148-154 York Street, Albany.
2. A resolution was passed at the Council meeting on the 1 June 1999 which stated:

“THAT consideration of this item be deferred to the next Ordinary Meeting of Council, at which time Council can review the rates being struck for alfresco dining in the Central Business District.”

3. A separate report reviewing the rates for alfresco dining in the Central Business District is in the Education & Compliance section of the current agenda for Council’s consideration. The Planning issues remain as per the report considered by Council at its meeting of 1st June 1999. That report has been reproduced and follows this item.

RECOMMENDATION

1. THAT Council resolve to grant special conditional planning consent for a canvas awning over the Street Trading Licence area of York Street for Rookleys Café at 148-154 York Street, Albany. The conditions are to include, but not be limited to:
 - i) No signage being placed on the awning without Council’s separate approval;
 - ii) Permanent seating for ten people is to be provided and maintained beneath the canvas awning by the owners of Rookleys Café.
 - iii) Consent being obtained from the Minister for Local Government to place an obstruction in York Street.
 - iv) Certification from a practicing Structural Engineer that the structure meets the Building Code of Australia;
 - v) An insurance policy is to be obtained from an insurance company, approved by the City of Albany, in the joint names of the City of Albany and the owners of Rookleys Café, indemnifying the City of Albany against any claim for damages which may arise in, or out of, the awning’s construction, maintenance or use;
 - vi) All costs associated with the works are to be borne by the licensees;
 - vii) The awning is to be truncated by removing the supporting pole and portion of the awning closest to York Street;

AND

2. That approval be sought from the Minister for Local Government, pursuant to Section 400(1b) of the Local Government (Miscellaneous Provisions) Act 1960 to place a roll down plastic wind break and metal framed Perspex screen, in accordance with the approved plans, in York Street, in front of Rookleys Café at 148-154 York Street, Albany.

Voting Requirement Simple Majority

.....

Item 12.1.7 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR EVERS**

THAT this item lay on the table pending consideration of Item 12.2.3.

MOTION CARRIED 13 – 2

Noted the business name of the proponent is “Rookleys” and not “Rookleys Café”.

SPECIAL NOTE:

(As determined by Council Item 12.1.7 and the resolution that follows was discussed and decided on by Council after Item 12.2.3 was considered).

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR BOJCUN**

1. THAT Council resolve to grant special conditional planning consent for a canvas awning over the Street Trading Licence area of York Street for Rookleys at 148-154 York Street, Albany. The conditions are to include, but not be limited to:

- i) No signage being placed on the awning without Council’s separate approval;**
- ii) Permanent seating for ten people is to be provided and maintained beneath the canvas awning by the owners of Rookleys.**
- iii) Consent being obtained from the Minister for Local Government to place an obstruction in York Street.**
- iv) Certification from a practicing Structural Engineer that the structure meets the Building Code of Australia;**
- v) An insurance policy is to be obtained from an insurance company, approved by the City of Albany, in the joint names of the City of Albany and the owners of Rookleys, indemnifying the City of Albany against any claim for damages which may arise in, or out of, the awning’s construction, maintenance or use;**
- vi) All costs associated with the works are to be borne by the licensees;**
- vii) The awning is to be truncated by removing the supporting pole and portion of the awning closest to York Street;**

AND

2. That approval be sought from the Minister for Local Government, pursuant to Section 400(1b) of the Local Government (Miscellaneous Provisions) Act 1960 to place a roll down plastic wind break and metal framed Perspex screen, in accordance with the approved plans, in York Street, in front of Rookleys at 148-154 York Street, Albany.

MOTION CARRIED 11 – 4

MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

ORDINARY COUNCIL MEETING AGENDA - 01/06/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

12.1.2 Proposed Awning for Rookleys Café – York Street, Albany

File/Ward : A148082 (Frederickstown Ward)

Proposal/Issue : Proposed Covered Awning for Café (Rookleys)

Subject Land/Locality : 148-154 York Street, Albany.

Proponent : Michael Roberts Architect

Owner : Crown

Reporting Officer(s) : Planning Officer (C Pursey)

Previous Reference : TSD 20/2/96 Item 7.40.13
TSD 18/2/97 Item 7.40.2
Cncl 12/8/97 Item 6.2.3

Summary Recommendation: Issue a conditional Planning Consent.

Locality Plan :



ORDINARY COUNCIL MEETING AGENDA - 01/06/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 12.1.2 continued

COMMENT/DISCUSSION

7. The proposed awning raises a number of issues for Council. The use of public land for private enterprise, the precedent for similar establishments and the actual design of the awning in regards to safety, amenity and structural adequacy. These issues are explored separately below.

8. Use of the Road Reserve.

Rookleys has an established alfresco dining area approved by Council. Covering this area with an awning to make the area useable during inclement weather extends the useable period for the licensed area. Rookleys pay a yearly fee to Council for the area and wish to utilise that portion of the road reserve for longer periods of the year.

There is some risk that a precedent may be set allowing similar establishments to construct awnings over their outdoor dining areas, thus using public space for private commercial advantage. However, it could be argued that Nonnas Brasserie and the Albany Hotel have already set this precedent. The awning in this case is designed to be removable and will not result in permanent occupation of the site. Should the street trading licence be revoked, for whatever reason, Council is not left with a permanent structure in the road reserve.

A percentage of the awning is proposed outside of the area covered by the Street Trading Licence. This area is a pathway between a small raised garden area and the raised portion of the alfresco dining area. To place an awning over this area will allow Rookleys to utilise an area outside of their existing licence and block a pedestrian route. On the other hand, if the licensed area was occupied by tables and chairs it would increase the area along the street in which the general public can shelter.

9. The Design of the Awning.

A canvas awning is proposed to stand over 2.75m high and cover the majority of the licensed area, as well as a portion outside of this area. It is a 'non permanent' structure.

The supporting pole located closest to York Street is in a position that may be unsafe for pedestrians. It stands in a portion of the path that is part of the footpath, outside of the approved street trading area. The truncation of the awning through this area would alleviate this potential problem.

The awning will be designed and certified as to its structural adequacy by a qualified engineer.

Advertising by Rookleys upon the proposed awning is subject to the City of Albany Sign Local Laws and would be the subject of a separate application.

ORDINARY COUNCIL MEETING AGENDA - 01/06/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 12.1.2 continued

The roll down plastic wind break and metal framed Perspex screen are required to be assessed separately to this application under the Local Government Act 1960. These are to be installed to protect customers from the prevailing winds and make the proposed alfresco area more useable in inclement weather. On the 12 August 1997 Council supported a request to place a Perspex wind shelter upon the outer edge of the paved alfresco dining area. This request was not followed up with the Minister for Local Government at the time and a licence was not issued.

10. Conclusion

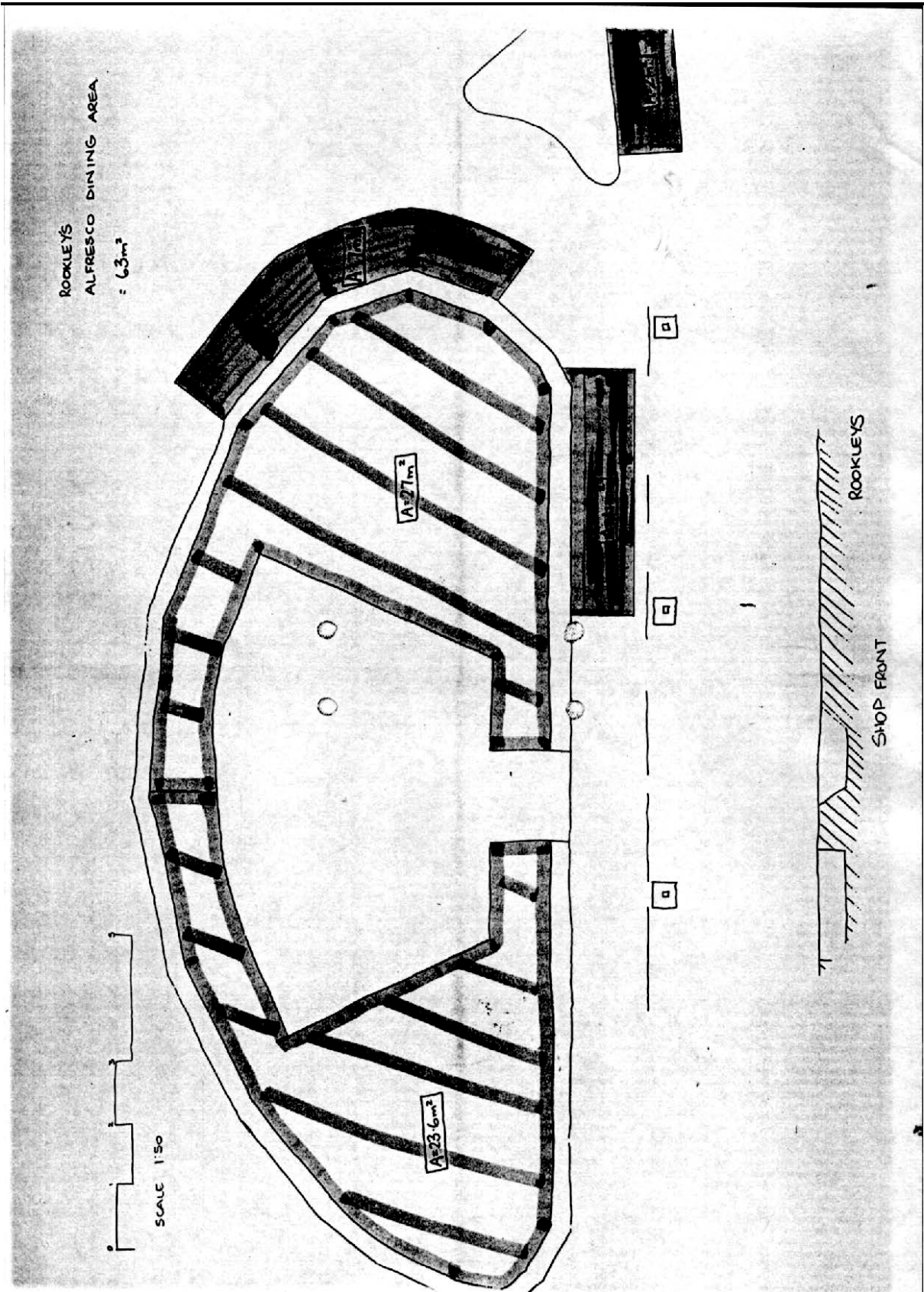
The proposed awning is not a permanent structure and can therefore be removed should the alfresco dining area cease operations. Provided the awning is designed in a safe and structurally sound manner, its construction may contribute positively to the useability of the existing alfresco dining area and the appeal of York Street as a meeting place.

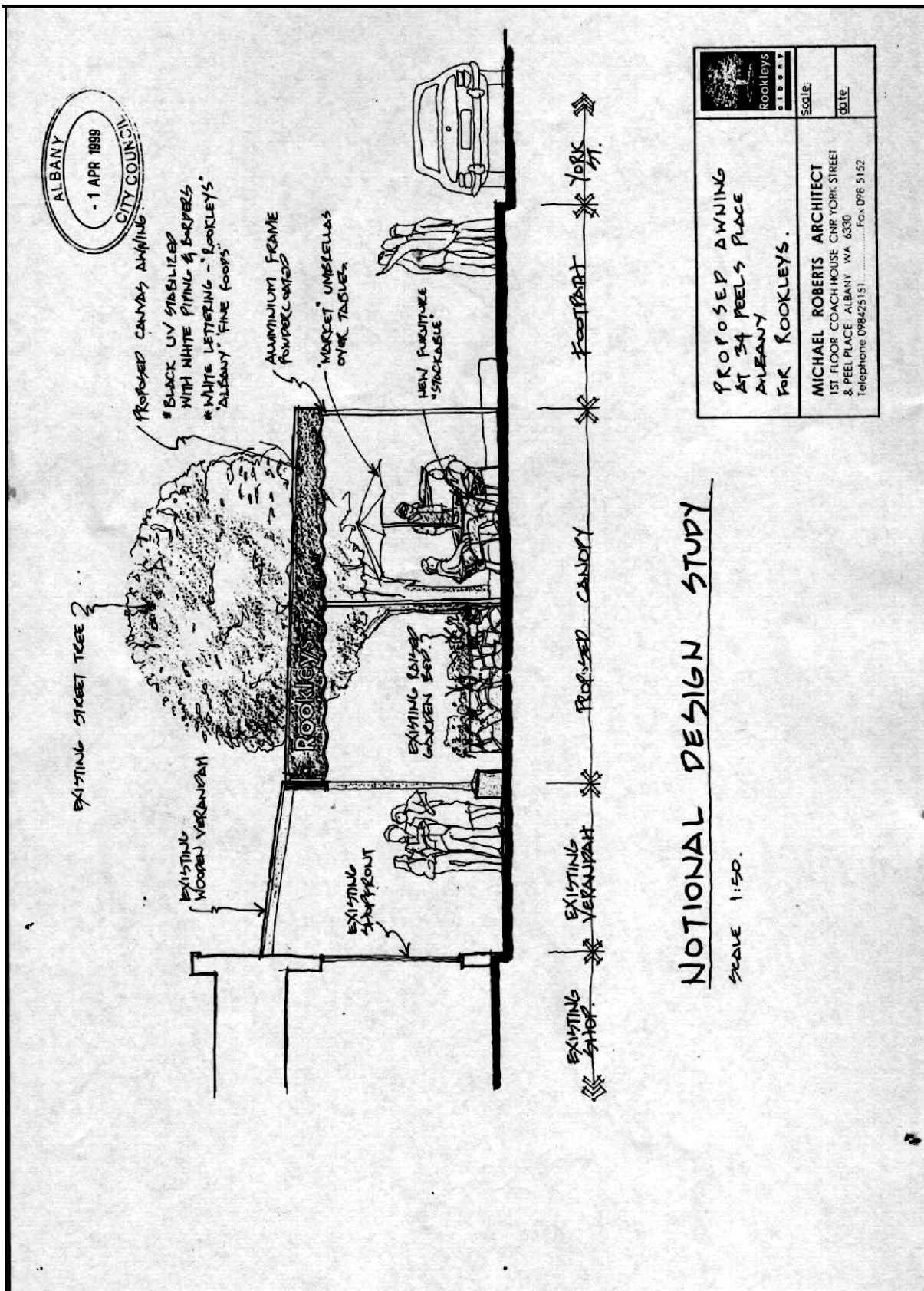
RECOMMENDATION

THAT Council resolve to grant special conditional planning consent for a canvas awning over the Street Trading Licence area of York Street for Rookleys Café at 148-154 York Street, Albany. The conditions are to include, but not be limited to:

- **No signage being placed on the awning without Council's separate approval;**
- **Permanent seating for ten people is to be provided and maintained beneath the canvas awning by the owners of Rookleys Café.**
- **Consent being obtained from the Minister for Local Government to place an obstruction in York Street.**
- **Certification from a practicing Structural Engineer that the structure meets the Building Code of Australia;**
- **An insurance policy is to be obtained from an insurance company, approved by the City of Albany, in the joint names of the City of Albany and the owners of Rookleys Café, indemnifying the City of Albany against any claim for damages which may arise in, or out of, the awning's construction, maintenance or use;**
- **All costs associated with the works are to be borne by the licensees;**
- **The awning is to be truncated by removing the supporting pole and portion of the awning closest to York Street; and**
- **That approval be sought from the Minister for Local Government, pursuant to Section 400(1b) of the Local Government (Miscellaneous Provisions) Act 1960 to place a roll down plastic wind break and metal framed Perspex screen, in accordance with the approved plans, in York Street, in front of Rookleys Café at 148-154 York Street, Albany.**

Voting Requirement Simple Majority





ALBANY CITY COUNCIL
- 1 APR 1999

PROPOSED CANVAS AWNING.
BLACK UV STABILIZED WITH WHITE PIPING & BARRIERS
WHITE LETTERING - "ROOKLEYS"
"ALBANY" FINE FOYFS

ALUMINIUM FRAME FOURPOSTERED

"MARKET" UMBRELLAS OVER TABLES

NEW FURNITURE "STACKABLE"

EXISTING STREET TREE ?

EXISTING WOODEN VERANDAH

EXISTING SHOPS

EXISTING VERANDAH

EXISTING WOODEN VERANDAH

EXISTING WOODEN VERANDAH

EXISTING SHOP

EXISTING VERANDAH


PROPOSED CANOPY

FOOTPATH

YORK ST.

NOTIONAL DESIGN STUDY

SCALE 1:50.

	SCALE:
	DATE:
<p>PROPOSED AWNING AT 34 PEEL'S PLACE ALBANY FOR ROOKLEYS.</p>	
<p>MICHAEL ROBERTS ARCHITECT 1ST FLOOR COACHHOUSE 69R YORK STREET & PEEL PLACE ALBANY WA 6330 Telephone 098425151 Fax 098 5152</p>	

12.1.8 Proposed Residence and Chalets – Location 1995 Eden Road, Youngs

File/Ward : A70586 (West Ward)

Proposal/Issue : Proposed residence and three chalets

Subject Land/Locality : Location 1995 Eden Road, Youngs

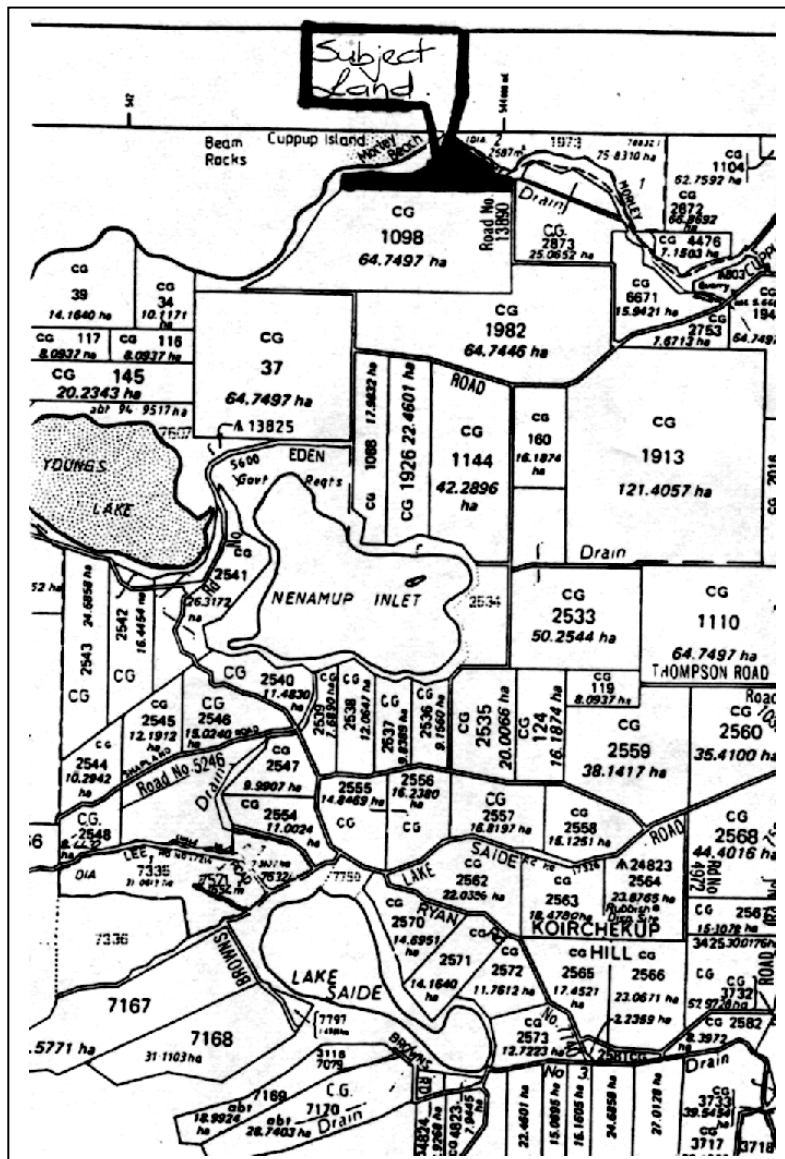
Proponent/Owner : GR & MK Greenhalgh

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

Previous Reference : Cncl 23/09/98 Item 12.1.1

Summary Recommendation: Table information on development of land

Locality Plan :



Item 12.1.8 continued

BACKGROUND

1. A building licence application was received, and dated 19th May 1999, to build a chalet on an 11.76 hectare land parcel on the eastern shore of the Wilson Inlet.
2. This development was referred to Council at the Ordinary Council meeting on 23rd September 1998. At the meeting Council resolved to grant Planning Scheme Consent for the development subject to a number of conditions. One of which was a requirement that details of the siting of facilities and clearing be resubmitted to Council prior to the issue of a building licence.
3. The building plans are in accordance with the Building Code of Australia. Council has requested that staff refer this application back for consideration to ensure the sensitive environmental issues relating to the site were not overlooked or ignored.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council has recently provided road access to the subject land.

STRATEGIC PLAN IMPLICATIONS

Nil.

COMMENT/DISCUSSION

4. The chalet is one part of an overall development on the subject land that includes a residence, three chalets and a shed. The shed has already been approved by Council and built.
5. There were five conditions that required further consideration prior to the issuing of a Building Licence. These five conditions are;
 - i) *A revised site plan (detailing the proposed parking layout, accurate floor level for buildings, accessways, landscaping areas and the location, level and method of stormwater disposal) to be submitted to and approved by Council, prior to the issue of a Building Licence.*
 - ii) *Building envelopes and effluent disposal areas being identified and approved by Council.*

Item 12.1.8 continued

- iii) *The clearing of native vegetation to be quantified and confined to an absolute minimum.*
- iv) *Adequate rural and building stormwater drainage disposal being documented and a licence being issued by Water Corporation WA.*
- v) *A water tank of no less than 92,000 litres (20,000 gallons) being provided and connected to each chalet and capable of being accessed also by firefighters.*

6. In the revised site plan (a copy is available upon request);

- i) Parking requirements are to be provided in the building envelopes, a diagram was included that showed the floor level of the cottage (being 3100mm above mean sea level), the ground level of the cottage (2600mm), the minimum level of the 'Biomax' sewage treatment units (2220mm), the 10 year flood level (1500mm), and the highest high water level in the Wilson Inlet (1020mm).
- ii) The building envelopes for the each chalet will be 22 metres by 25 metres, the waste water and sewage treatment for these chalets will be by a 15 Person 'Biomax' sewage treatment unit, as recommended by Council.
- iii)
 - a) The building envelope for the main residence is 20 metres by 40 metres and the waste water will be treated by a separate 10 Person 'Biomax' sewage treatment unit reticulated to an effluent disposal area adjoining the residence.
 - b) The front, or the side fronting Wilson Inlet, of the building envelope will be located 10 metres from the property boundary and the 'Biomax' sewage treatment units will be located a minimum of 50 metres from the high water level. These distances were recommended by Council in the Planning Scheme Consent. The 'Biomax' unit for the chalets has already been installed.
 - c) The clearing of vegetation on the subject land will be kept to a minimum (principally within the building envelopes) to allow for vehicular access to the chalets and provide sufficient curtilage for buildings.
- iv) The Rural Drainage requirements have been referred to the Water Corporation for a drainage licence.
- v) The water tank for the chalets has already been installed on the site and is a 367,000 litre 'colorbond' water tank. This tank exceeds the minimum standards required.

7. These responses, as outlined above, satisfy the requirements of the resolution of the Ordinary Meeting of 23rd September 1998, and the Planning Officers support the issue of a building licence.

Item 12.1.8 continued

RECOMMENDATION

THAT Council table the information for the development of a house and chalets at Location 1995 Eden Road, Youngs, as they relate to the resolution of the Ordinary Council meeting of 23rd September 1998 and authorise staff to issue the appropriate approvals in accordance with existing delegation.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WOLFE**

THAT Council table the information for the development of a house and chalets at Location 1995 Eden Road, Youngs, as they relate to the resolution of the Ordinary Council meeting of 23rd September 1998 and authorise staff to issue the appropriate approvals in accordance with existing delegation.

MOTION CARRIED 15 – 0

12.1.9 Extractive Industry (Sand) Location 5405 Timewell Road McKail

File : A19249 (West Ward)

Proposal/Issue : Extractive Industry (Sand)

Subject Land/Locality : Location 5405 Timewell Rd. McKail

Proponent : Stephen Fuller

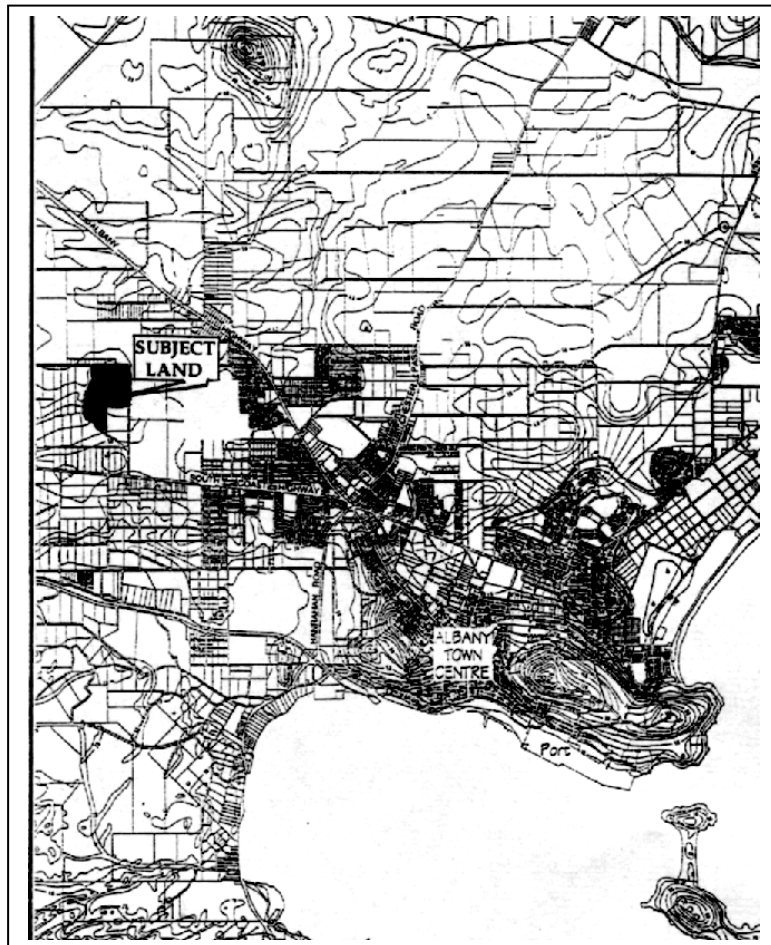
Owner : HA & MM Capararo

Reporting Officer : Planning Assistant (P Watt)

Previous Reference : 971048

Summary Recommendation: Approval subject to conditions

Locality Plan :



Item 12.1.9 continued

BACKGROUND

1. An application for Planning Scheme Consent has been received to extract sand from a 5000m² portion of Location 5405 Timewell Road, McKail. The site is 40 Hectares and zoned rural. A site plan is included in this report.
2. The area is approximately 500m from Timewell Road, 40m from a creek line, 20m from adjacent properties and is screened by vegetation.
3. Extraction is to be carried out on a periodic basis, with 1 truck and loader gaining access from Timewell Road. All run off from the pit is to be stored in an on site detention basin. Reinstatement will occur with either pasture or Tasmanian Blue Gums.
4. An application for this operation was lodged by the then operator G. Ruffo in 1997. This application was not finalised.
5. Excavation would appear to have been taking place since 1997. The business was sold to Mr S Fuller who believed that a Planning Scheme Consent had been granted.
6. Water Corporation own the adjoining land and the site is in a buffer area for wastewater treatment plant 2. In 1997, Water Corporation had no objections to the extractive industry proposal.

STATUTORY REQUIREMENTS

7. Clause 3 of the Extractive Industries By-Laws requires applicants to obtain approval from Council prior to commencing extraction.
8. Extractive Industries are an 'AA' use under the City of Albany Town Planning Scheme 3 (requires advertising and notification of adjoining owners).

POLICY IMPLICATIONS

9. A bond of \$1,700 per hectare of area would be imposed to ensure that reinstatement of the area affected occurs.

FINANCIAL IMPLICATIONS

10. Timewell Road is of gravel construction but as the extractive industry uses a single truck, and is periodic in nature, it is not envisaged that road conditions will be unduly affected.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 12.1.9 continued

COMMENT/DISCUSSION

11. It would appear that material has been extracted from the site since 1997 notwithstanding that a licence has not been issued. Mr Fuller has not been involved in that extraction of sand until recently.
12. The impact upon the visual amenity of the area will be minimal. The site is hidden from the view of nearby roads.
13. No clearing of native vegetation is to occur, however, this matter was initially drawn to the attention of staff because minor clearing had taken place. Detention basins are to be used to prevent the flow of any water into the creek line.
14. The extractive industry appears to have been operating for some time in an orderly fashion (eg stockpiled overburden). The current applicant believed that a Planning Scheme Consent had been issued and he was extracting sand accordingly. Officers believe that the granting of a Planning Scheme Consent is in accordance with orderly and efficient planning and it will set up appropriate mechanisms to ensure the site is returned to an appropriate end use after the sand is extracted.

RECOMMENDATION

THAT Council grant Planning Scheme Consent for an extractive industry (sand extraction) on a 5000m² portion of Location 5405 Lancaster Road subject to conditions requiring, but not limited to;

- i) The site is to be rehabilitated and recontoured upon the completion of extraction in accordance with the approved plans.
- ii) The operation of the pit shall be contained within that area indicated on plans submitted with the application.
- iii) Reinstatement of completed excavation areas is to be undertaken on a per Hectare basis to the satisfaction of Council.
- iv) The pit shall be suitably drained to the satisfaction of Council
- v) No remnant vegetation shall be removed as part of this extraction operation.
- vi) Detention basins are to be constructed so that no water flows out of the operations area. No drainage is to flow from the site into the natural drainage system on the land unless the drainage has been retained on-site for a minimum of 72 hours.

Voting Requirement Simple Majority

.....

Item 12.1.9 continued

The Acting Director Development Services advised the recommendation required amendment as follows:

- In line 2, the word “Lancaster” should be deleted and replaced with “Timewell”.
- An additional paragraph vii) to be added, to read “Recontouring of the site to be commenced within three months of cessation of the operation.”

**MOVED COUNCILLOR BAIN
SECONDED COUNCILLOR BOJCUN**

THAT Council grant Planning Scheme Consent for an extractive industry (sand extraction) on a 5000m² portion of Location 5405 Timewell Road subject to conditions requiring, but not limited to;

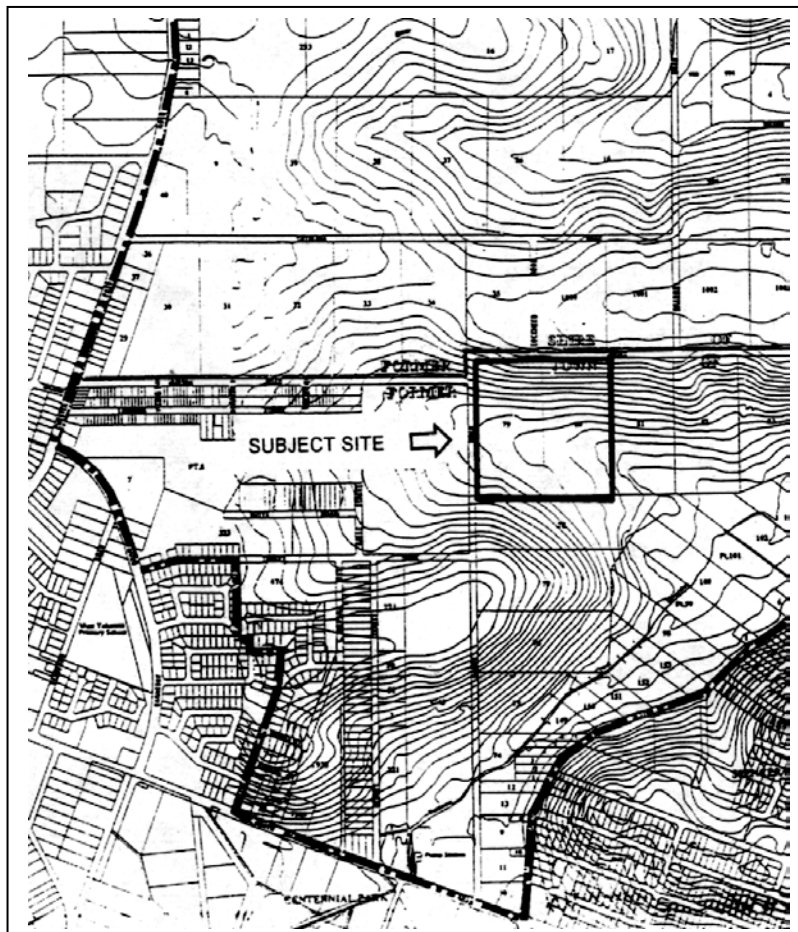
- i) The site is to be rehabilitated and recontoured upon the completion of extraction in accordance with the approved plans.**
- ii) The operation of the pit shall be contained within that area indicated on plans submitted with the application.**
- iii) Reinstatement of completed excavation areas is to be undertaken on a per Hectare basis to the satisfaction of Council.**
- iv) The pit shall be suitably drained to the satisfaction of Council**
- v) No remnant vegetation shall be removed as part of this extraction operation.**
- vi) Detention basins are to be constructed so that no water flows out of the operations area. No drainage is to flow from the site into the natural drainage system on the land unless the drainage has been retained on-site for a minimum of 72 hours.**
- vii) Recontouring of the site to be commenced within three months of cessation of the operation.**

MOTION CARRIED 15 – 0

MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

12.1.10 Proposed Rezoning – Lots 79 & 80 Bond and Range Roads, Yakamia

File/Ward	:	Amendment No.116 (Yakamia Ward)
Proposal/Issue	:	Rezoning of land from “Future Urban” to “Residential R20” and “Parks and Recreation”.
Subject Land/Locality	:	Lots 79 & 80, corner of Range and Bond Roads, Yakamia
Proponent	:	Mitchell Goff and Associates
Owner	:	Ardross Estates Pty Ltd
Reporting Officer(s)	:	Planning Assistant (J Roach)
Previous Reference	:	Cncl 9/12/98 Item 12.1.6
Summary Recommendation	:	Initiate rezoning
Locality Plan	:	



Item 12.1.10 continued

BACKGROUND

1. An application has been received requesting rezoning of Lots 79 & 80, corner of Range and Bond Roads, Yakamia. The subject site is included in the Yakamia Structure Plan as land to be released for residential uses. The concept plan shows approximately 150 lots and 15% of the subdivisible area being used as Public Open Space. The site is bounded by Bond Road to the North and Range Road to the West. The site comprises a total land area of 16.3265ha.
2. The subject site is zoned as "Future Urban" in the City of Albany Town Planning Scheme No. 1A. There is on-going demand in Albany for new residential land. The land parcel has been identified in the Residential Expansion Strategy for Albany (State Planning Commission: 1994) as Future Residential Development.
3. Yakamia (including the subject site) is identified in the Yakamia District Structure Plan as being the location for major urban expansion with a predominantly residential focus. The proposed site is only a small parcel within the overall urban cell, with the site comprising 16ha of the total 700ha proposed for development in the Yakamia District Structure Plan.
4. Currently the lots are used for agricultural purposes or have been left as remnant vegetation. Land to the north of Hudson/Bond Road is generally developed for agricultural purposes although there are three undeveloped holdings along North Road to the east of Lockheed Road. Lot 81 to the east of the amendment area is also cleared for agricultural purposes as is lot 78 to the south.
5. On January 27 1999 the proposal went to Council and the following resolution was motioned:

"That Council resolves to initiate action to amend Town Planning Scheme 1A by rezoning lots 79 & 80, corner of Bond and Range Roads, Yakamia, from the "Future Urban Zone" to the "Residential Zone" and " Parks and Recreation Zone" subject to the following conditions:

 - i) *The preparation of a Local Structure Plan for the subject precinct as identified in the Yakamia District Structure Plan that addresses issues such as drainage, public open space, services and facilities, environmental protection areas, aboriginal significance and road network and linkages for residential land. The Local Structure Plan will require the full endorsement of Council and is in agreement with the Yakamia District Structure Plan.*
 - ii) *Public open space contributions in accordance with Western Australian Planning Commission policies."*
6. On May 10 1999 a Local Structure Plan was prepared, after the proponent liaised with staff from the Ministry for Planning and the City of Albany, to comply with Council's previous resolution. (See attachment).

Item 12.1.10 continued

7. Public Open Space is to be provided within the subject site. This contribution is in accordance with Western Australian Planning Commission policies.

STATUTORY REQUIREMENTS

8. The land parcel has been identified in the Residential Expansion Strategy for Albany (State Planning Commission: 1994) as Future Residential Development. This land is considered to be suitable land to accommodate portion of Albany's growth.
9. Council is required to assess the amended application and decide whether it wishes to initiate the rezoning proposal. If Council is satisfied with the amended documents, these are then referred to relevant government agencies and the public for comment. After comments have been received, the amendment is then re-evaluated by Council.

POLICY IMPLICATION

10. The Yakamia District Structure Plan was conditionally endorsed by the former Town and Shire Councils in 1997. The report addresses many relevant issues such as cost sharing arrangements and district road networks for the development of Yakamia. The Yakamia District Plan identifies issues that need to be resolved across property boundaries but does not seek to resolve all of these.

FINANCIAL IMPLICATIONS

11. The cost sharing arrangements between land owners and the City of Albany are identified in the Yakamia District Plan; the plan established an appropriate pro rata basis for apportioning costs for the construction of Yakamia Drive. The City of Albany will be required to contribute to the cost of planning and constructing Yakamia Drive where it enters the southern boundary of the subject precinct.

COMMENT/DISCUSSION:

12. The City of Albany Town Planning Scheme 1A and the Yakamia District Structure Plan support the rezoning of Lots 79 & 80 corner of Bond and Range Roads from "Future Urban" to "Residential" and "Parks and Recreation". A Local Structure Plan has been received to a standard acceptable to the Development Services Department of the City of Albany and the Western Australian Planning Commission.
13. Public Open Space contributions satisfy previous Council requirements.

Item 12.1.10 continued

RECOMMENDATION:

That Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend Town Planning Scheme 1A by;

Rezoning portions Lots 79 & 80, corner of Range and Bond Roads, Yakamia from “Future Urban” to “Residential Zone” and “Parks and Recreation” within the R20 Residential Planning Code as well as depicted on the Scheme Amendment Map.

Voting Requirements Simple Majority

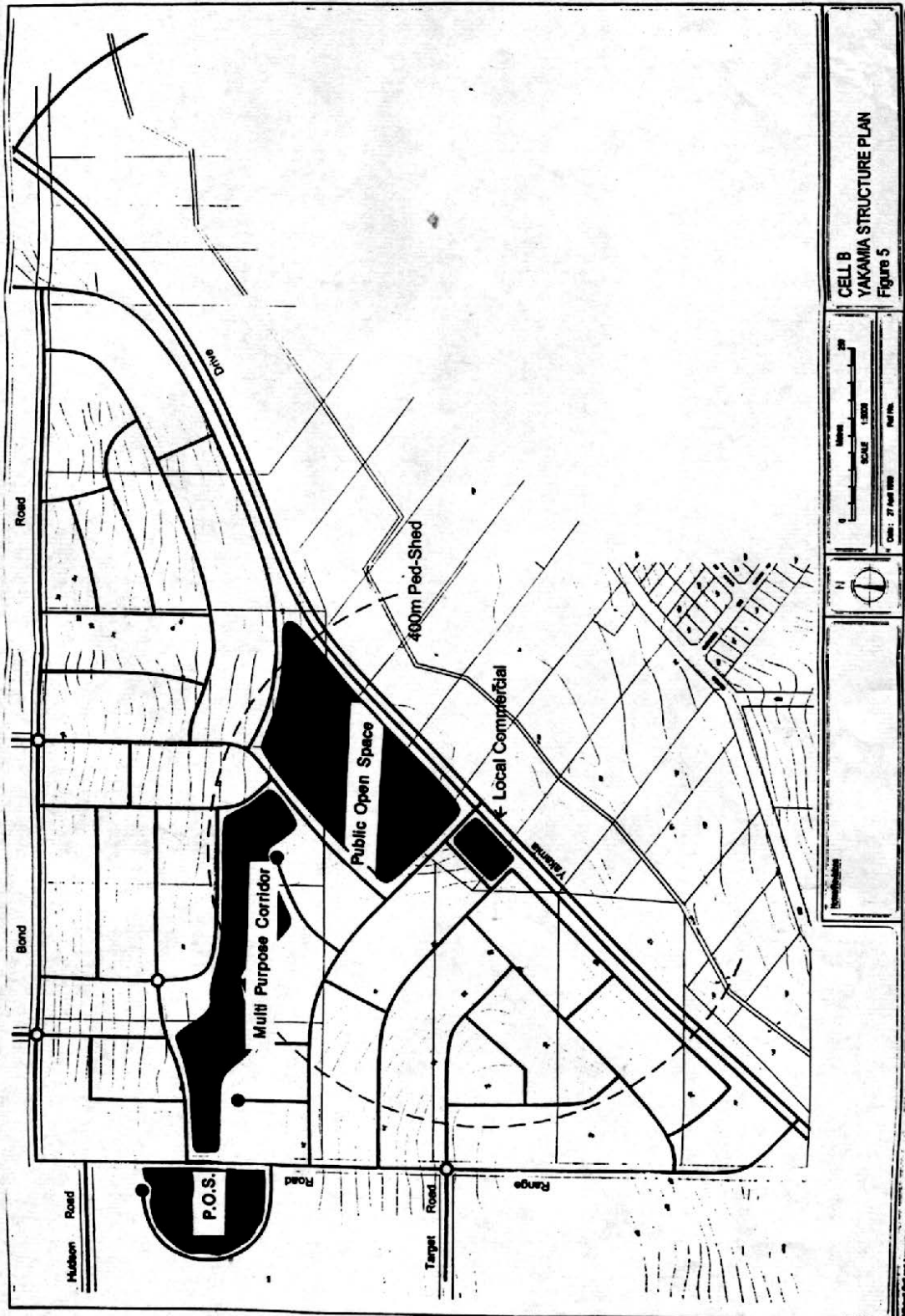
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**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR LUBICH**

That Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to amend Town Planning Scheme 1A by;

Rezoning portions Lots 79 & 80, corner of Range and Bond Roads, Yakamia from “Future Urban” to “Residential Zone” and “Parks and Recreation” within the R20 Residential Planning Code as well as depicted on the Scheme Amendment Map.

MOTION CARRIED 15 – 0



CELL B
YAKAMIA STRUCTURE PLAN
Figure 5

Scale 1:2000
Date: 27 April 1999

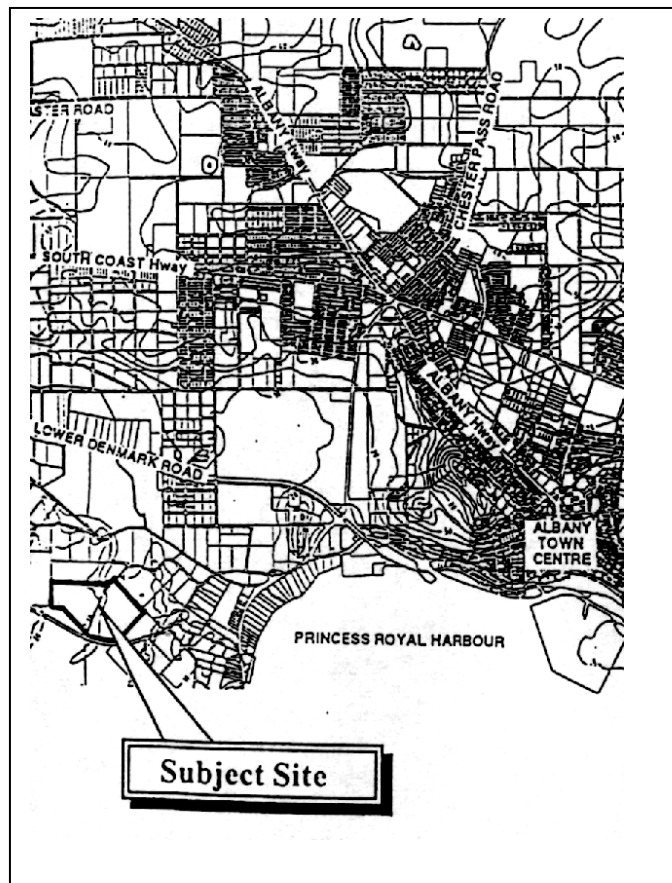


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Date: 27 April 1999
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12.1.11 Proposed Second Dwelling – Lot 32 Manni Road, Robinson

- File** : A35556A & 990387 (Vancouver Ward)
- Proposal/Issue** : Application to Construct Second Dwelling on Land .
- Subject Land/Locality** : Lot 32 Manni Road, Robinson
- Proponent** : R Driver and J Bayly
- Owner** : R Driver, J Bayly, GA Manni, SL & LC Knight
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 01/06/99 Item 12.1.5
- Summary Recommendation:** Reconsider Previous Council Decision
- Locality Plan** :



Item 12.1.11 continued

BACKGROUND

1. At the last meeting of Council the following motion was passed:

“THAT Council advise R. Driver and J Bayly that it is not prepared to support the construction of a second dwelling upon lot 32 Manni Road, Robinson until the land has been rezoned from “Rural” to “Special Rural” as the proposed development is contrary to the existing scheme provisions, it would set an undesirable precedent for the construction of group dwellings on Rural zoned land and it is inconsistent with orderly planning.”

2. Councillor Walker and 5 other Councillors request that this matter be listed for consideration, based upon additional information that was not available to Council at the time the original motion was debated. Mr Driver and Ms Bayly have recently had their family extended by the birth of triplets and they cannot house their family in their current premises.

STATUTORY REQUIREMENTS

3. If Council is to rescind a motion which was passed within the previous three month period, the Local Government Act requires that a number of independent actions follow each other.
4. Regulation 10 (1) of the Local Government (Administration) Regulations 1996 states that any attempt to revoke or change the decision must be supported by one third of the number of Councillors inclusive of the mover of the rescision motion. This should be considered as a separate motion.
5. Council is then required to resolve, by an absolute majority, to move to rescind the previous motion. A third motion then needs to be carried to reinstate (if the original motion is accepted after debate) or replace (if an alternate decision is agreed) the original motion.

POLICY IMPLICATIONS

6. Council’s Standing Orders preclude an item from being relisted within six months of a decision unless, amongst other criteria, there is new information available which Council was not aware of at the time the original decision was taken.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 12.1.11 continued

COMMENT/DISCUSSION

7. Following is a copy of the previous report submitted to Council.
8. Council needs to be reminded that the application before it is to construct a second dwelling upon a “Rural” zoned lot. The request is to use the special provisions of the scheme to determine this application outside existing policies: there are special circumstances put forward by the applicant, namely the prevailing lot size in the locality and the family circumstances of the applicants

RECOMMENDATION

1. THAT Council resolve to consider a motion to rescind a previous decision of Council.

Voting Requirement Simple Majority

2. THAT, by an absolute majority, Council resolve to rescind its motion passed on the 1st June 1999 which reads:

“MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR EVANS

THAT Council advise R. Driver and J. Bayly that it is not prepared to support the construction of a second dwelling upon lot 32 Manni Road, Robinson until the land has been rezoned from “Rural” to “Special Rural” as the proposed development is contrary to the existing scheme provisions, it would set an undesirable precedent for the construction of group dwellings on Rural zoned land and it is inconsistent with orderly planning.”

Voting Requirement Absolute Majority

3. THAT Council grant planning scheme consent for the development of a group dwelling upon lot 32 Manni Road, Robinson by R. Driver and J Bayly subject to conditions requiring, amongst other requirements, the landowners meeting the draft scheme provisions contained in Amendment 195 and the landowners meeting all costs associated with the provision of access along and from Manni Road.

OR

Item 12.1.11 continued

THAT Council advise R. Driver and J Bayly that it is not prepared to support the construction of a second dwelling upon lot 32 Manni Road, Robinson until the land has been rezoned from "Rural" to "Special Rural" as the proposed development is contrary to the existing scheme provisions, it would set an undesirable precedent for the construction of group dwellings on Rural zoned land and it is inconsistent with orderly planning.

Voting Requirement Simple Majority

.....

The Chief Executive Officer advised that part 1 of the recommendation is not required as a formal motion, as all that is required is a show of hands of those Councillors prepared to support consideration of a rescission motion. A minimum show of hands of one third of the Council is required for such a motion to be considered.

The Mayor called for a show of hands and eight were raised (Councillors Lubich, Walker, West, Evers, Williams, Cecil, Dufty and Bojcun).

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LUBICH**

THAT, by an absolute majority, Council resolve to rescind its motion passed on the 1st June 1999 which reads:

***“MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR EVANS***

THAT Council advise R. Driver and J. Bayly that it is not prepared to support the construction of a second dwelling upon lot 32 Manni Road, Robinson until the land has been rezoned from "Rural" to "Special Rural" as the proposed development is contrary to the existing scheme provisions, it would set an undesirable precedent for the construction of group dwellings on Rural zoned land and it is inconsistent with orderly planning.

**ABSOLUTE MAJORITY
MOTION CARRIED 10 – 5**

Councillor Armstrong asked that his name be recorded as voting against the motion

Item 12.1.11 continued

MOVED COUNCILLOR WEST

THAT:

- a) **the proponents seek the approval from Water and Rivers to justify the size of the lots in accordance with their policy (without their approval lot sizes and conditions should be met to justify the second dwelling;**
- b) **the second dwelling should be placed on a separate lot from the existing building;**
- c) **the procedure to build would be accepted by Council as long as the applicants guarantee to proceed with the recommended subdivision.**

**NO SECONDER
MOTION LAPSED**

Councillor Walker emphasised that special consideration was needed in this case as the applicants recently had the addition of triplets to their family. Also it was noted that when the item was dealt with at the meeting on 1st June 1999, the staff recommendation proposed approval for the grouped dwelling.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR LUBICH**

THAT Council grant planning scheme consent for the development of a group dwelling upon lot 32 Manni Road, Robinson by R. Driver and J Bayly subject to conditions requiring, amongst other requirements, the landowners meeting the draft scheme provisions contained in Amendment 195 and the landowners meeting all costs associated with the provision of access along and from Manni Road.

MOTION CARRIED 8 – 7

Councillors Armstrong, Evans and Wilson asked that their names be recorded as voting against the motion

ORDINARY COUNCIL MEETING AGENDA – 01/06/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

12.1.5 Proposed Second Dwelling – Lot 32 Manni Road, Robinson

File/Ward : A35556A & 990387 (Vancouver Ward)

Proposal/Issue : Application to Construct Second Dwelling on Land the subject of a rezoning proposal.

Subject Land/Locality : Lot 32 Manni Road, Robinson

Proponent : R Driver and J Bayly

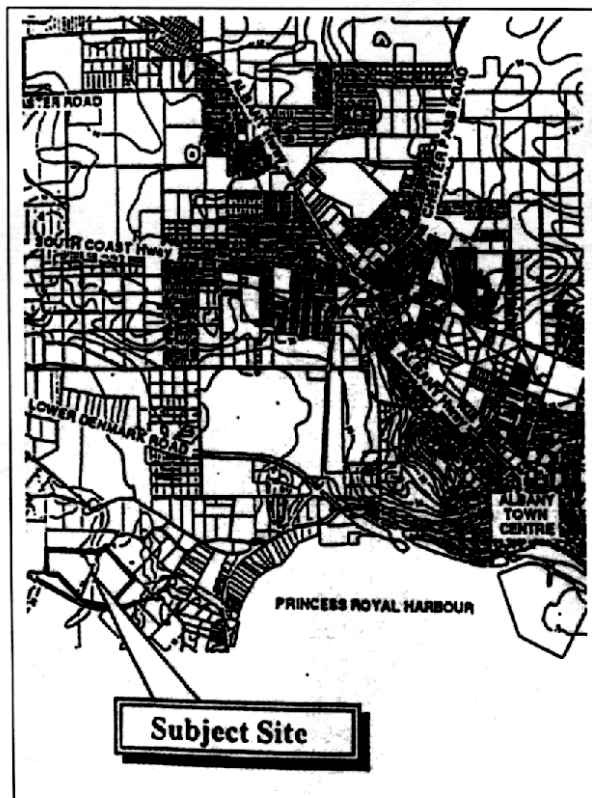
Owner : R Driver, J Bayly, GA Manni, SL & LC Knight

Reporting Officer(s) : R Fenn (Executive Director Development Services)

Previous Reference : Nil

Summary Recommendation: Provide Conditional Planning Scheme Consent

Locality Plan :



MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

ORDINARY COUNCIL MEETING AGENDA – 01/06/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 12.15 continued

Where a development the subject of an application for planning scheme consent does not comply with a development standard prescribed by the scheme with respect to that development, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to conditions as Council thinks fit if the Council is satisfied that;

- (a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) *the non compliance will not have any adverse effect upon the occupiers of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

POLICY IMPLICATIONS

- 8. Council has a policy for group dwellings on rural zoned land, a copy of which follows this report. Council's attention is drawn to clauses (b)(i) to (b)(iii), (c)(iii) and (d)(iv).
- 9. Clause 6.9.4 of Scheme 3 also states that:
 - (a) *A Town Planning Scheme policy shall not bind the Council in respect of an application for Planning Scheme Consent, it may require the Council to advertise its intention to relax the provisions of the policy once in a newspaper circulating in the District stating that submissions may be made to the Council within 21 days of the publication thereof.*

- (b) *Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve and any submissions lodged, before making its decision.*

FINANCIAL IMPLICATIONS

- 10. The proposal has no direct financial impact upon Council. Services have already been extended to, and within the land to meet the servicing authority's public infrastructure needs if the subdivision occurs.

STRATEGIC PLAN IMPLICATIONS

Nil.

ORDINARY COUNCIL MEETING AGENDA - 01/06/99

** REFER DISCLAIMER **

DEVELOPMENT SERVICES REPORTS

Item 12.1.5 continued

COMMENT/DISCUSSION

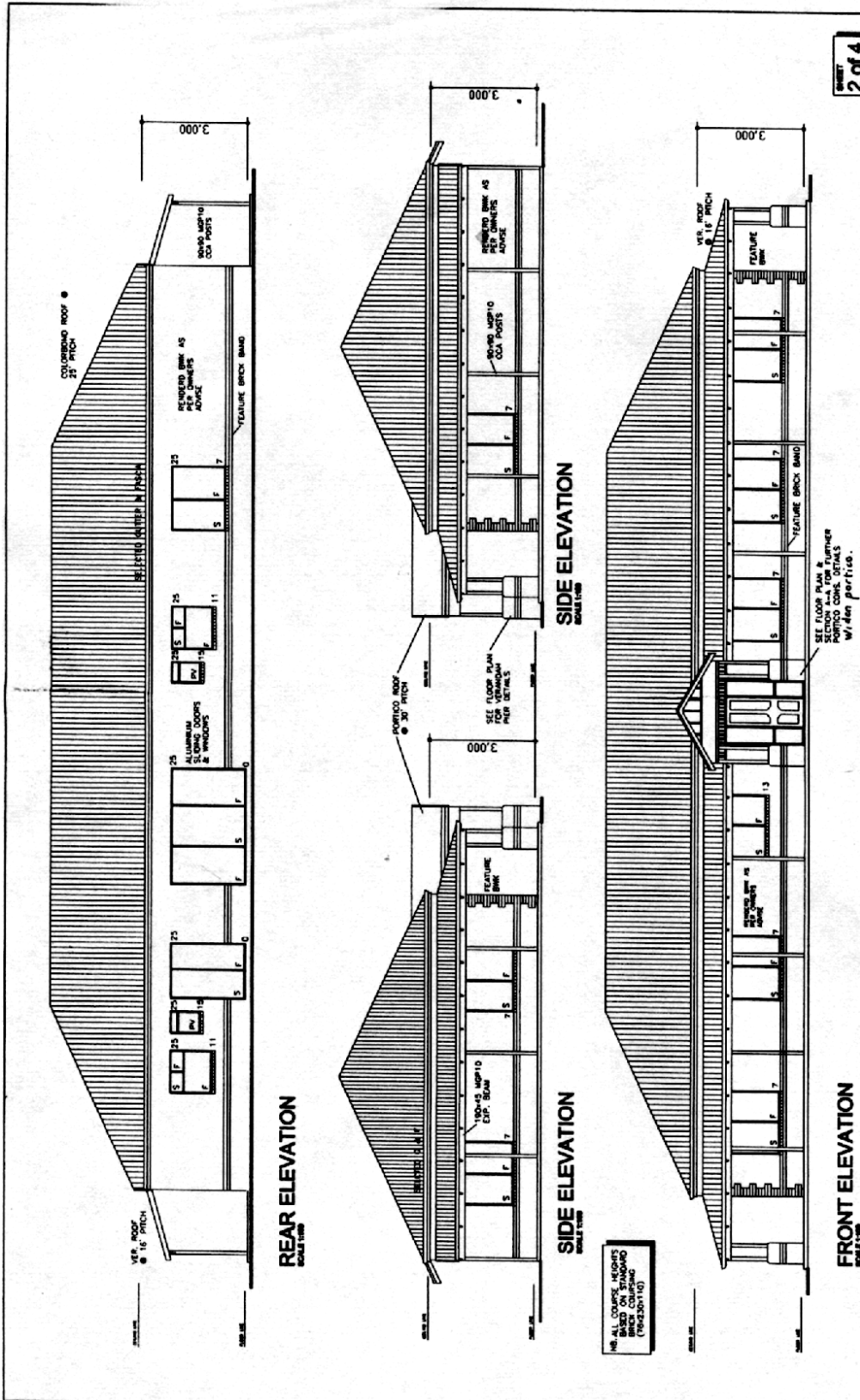
11. The locality has been subdivided predominantly for Special Rural purposes and the City of Albany Local Rural Strategy identifies the land as being capable of being zoned and subdivided for that purpose. As stated earlier, Council will be taking a decision on the commencement of that process elsewhere in this agenda.
12. The landowners appear to be committed to progressing a rezoning and will ultimately be seeking separate titles to secure their interests in the current lot. The issue before Council is whether it wishes to allow a second house to be built upon the lot in advance of those processes.
13. The lot has little or no value as a rural holding and the landowner would have to develop some form of intensive land usage (hydroponics, mushrooms, etc) for it to become a viable rural holding. It has been used as a sand pit in the past and that pit is yet to be effectively reinstated. It could therefore be argued that the policy on group dwellings does not apply to this type of lot or locality. The area has been identified for further subdivisions and no precedent would be set if the development proceeded; the landowners are carrying the risk on areas such as securing finance and having to relay services for a future subdivision.
14. Clauses 6.9.4 and 5.13 of Scheme 3 provide an opportunity for Council to consider this application on its planning merit. The proposal has not been subjected to formal advertising; Staff considered that requirement to be unnecessary given the prevailing lot sizes and developments in the locality.
15. The granting of approval for this development is consistent with the proper and orderly planning of this locality, it will not have an adverse impact upon adjoining landowners and the spirit and purpose of the group dwelling standards in rural areas will not be unduly departed from.

RECOMMENDATION

THAT Council grant planning scheme consent for the development of a group dwelling upon lot 32 Manni Road, Robinson by R Driver and J Bayly subject to conditions requiring, amongst others, the landowners meeting the draft scheme provisions contained in Amendment 195 and the landowners meeting all costs associated with the provision of access along and from Manni Road.

Voting Requirement Simple Majority

.....



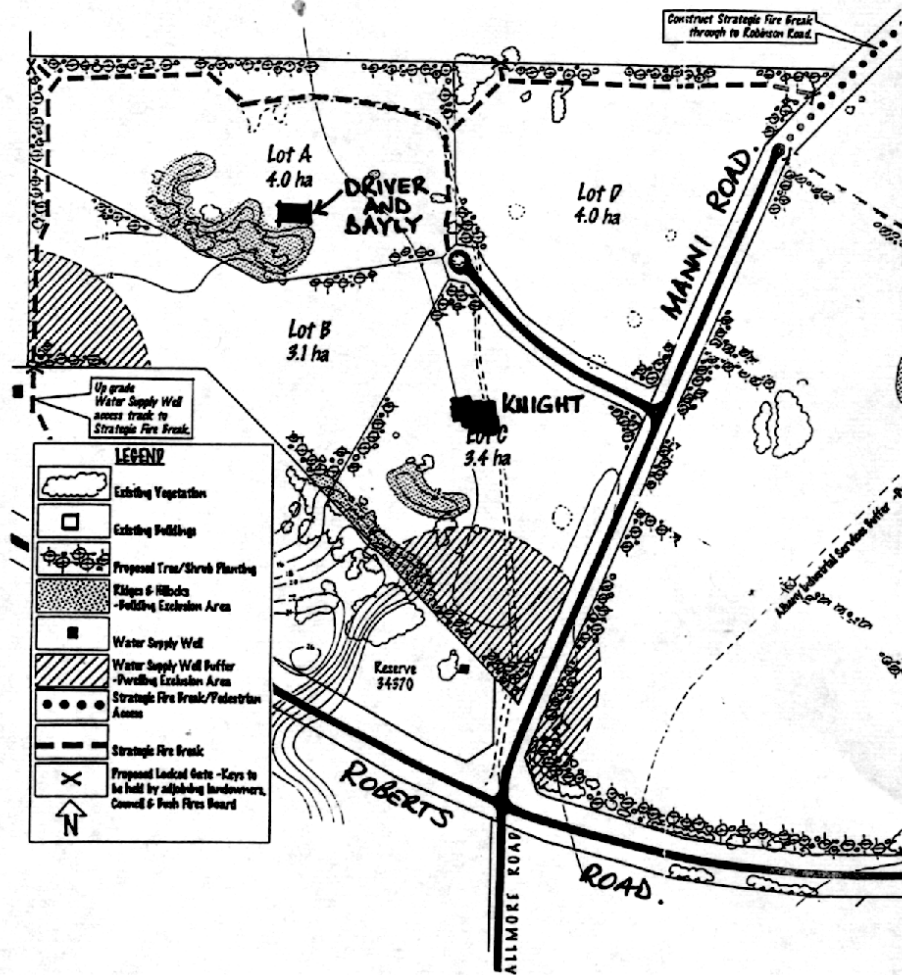
SHEET 2 of 4

PROPOSED RESIDENCE FOR
R & J DRIVER
LOT 32 ROBERTS Rd., ALBANY

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scale AS SHOWN | date MARCH 99 | drawn RV | job no. D81

DESIGN STYLE
DRAFTING SERVICES PH TELEPATH 0800 566 726

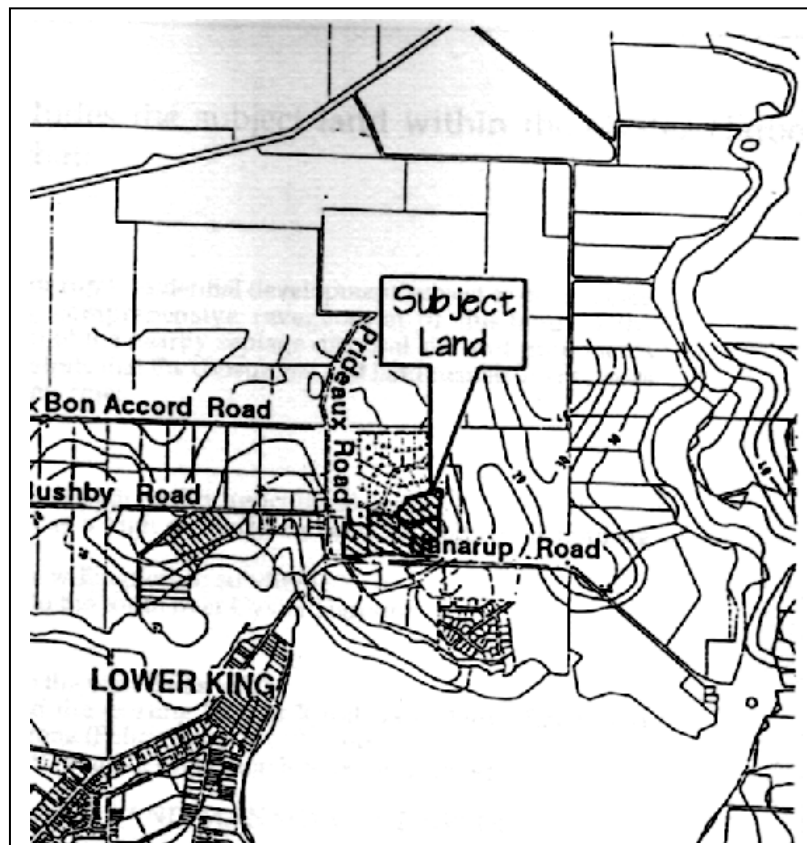


2.3 Grouped Dwellings On Rural Zoned Land

- (a) **Definition -:** Grouped Dwelling means one of two or more dwellings on the same lot.
- (b) A group dwelling comprising a maximum of two dwelling units will only be approved on a Rural zoned lot where:
 - (i) the lot size is greater than 20 hectares.
 - (ii) the dwellings are to be used for farm management or private residential purposes.
 - (iii) the development does not adversely affect rural character, landscape, agriculture, groundwater resources or future urban development.
 - (iv) the proposal complies with part (d).
- (c) A group dwelling comprising more than 2 dwelling units will only be approved on a Rural zoned lot where the applicant can:
 - (i) provide justification that the dwellings are needed for farm management purposes.
 - (ii) demonstrate the suitability of the site for the intended development in respect to residential and rural land capability.
 - (iii) ensure that the land will be included in an appropriate zone or special site with all relevant standards and controls, prior to the completion of building construction.
 - (iv) ensure the development does not adversely impact on the rural amenity of the area.
- (d) The development of grouped dwellings will not be permitted in:
 - (i) an area which is undesirably low lying or wet.
 - (ii) an area designated as future urban in the Residential Expansion Strategy where no comprehensive detailed Structure Plan has been proposed.
 - (iii) areas within the Priority 1 Groundwater Zone identified by the Local Rural Strategy.
 - (iv) positions upon properties which encourage the fragmentation of rural lots or the future subdivision of the land.
 - (v) positions closer than 100 metres from any existing commercial tree plantation.

12.1.12 Final Approval for Amendment – Sheringa Park Stage 3

- File** : AMD183 – Scheme 3 (Kalgan Ward)
- Proposal/Issue** : Request for Final Approval to Rezoning Initiative
- Subject Land/Locality** : Part Lot 2 of Plantagenet Location 1077 Nanarup Road, Lower King
- Proponent** : Ayton Taylor and Burrell
- Owner** : K & C Hyde
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 01/06/99 Item 12.1.6
- Summary Recommendation:** Grant Final Approval with Modifications to Amending Documents
- Locality Plan** :



Item 12.1.12 continued

BACKGROUND

1. Council considered an officer report on the final approval for Amendment 183 at its ordinary meeting on the 1st June 1999. There is a statutory requirement to consider public submissions within 28 days of the close of submissions (13th May 1999) and to respond to the Western Australian Planning Commission within 42 days; Council has gained extensions to those compliance dates.
2. The resolution passed at that meeting states:

“THAT

- i) Council defer its consideration of the request for final approval for Amendment 183 to the City of Albany Town Planning Scheme No. 3 until the meeting of Council on the 22nd June 1999 to allow the developer an opportunity to prepare a suitable subdivision guide plan for the 3rd stage of the Sheringa Park Estate and for Staff to adjust the comments and recommendations in the Schedule of Submissions.*
- (ii) Council advise the applicant that it promotes an amended subdivisional layout which provides lots ranging in area from 9000sqm to 1.2ha., a maximum of eight (8) lots backing onto Nanarup Road and appropriate building envelopes being established on those lots backing onto lots 76 – 80 Viscount Heights to reduce the visual impacts of future developments upon the existing lots.*
- (iii) The West Australian Planning Commission be advised of Council’s actions and an extension be sought to the period within which the submissions on Amendment 183 must be considered.”*

A copy of the previous report is included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

3. Refer to previous report.

POLICY IMPLICATIONS

4. Refer to previous report.

FINANCIAL IMPLICATIONS

5. Refer to previous report.

STRATEGIC PLAN IMPLICATIONS

6. Refer to previous report.

Item 12.1.12 continued

COMMENT/DISCUSSION

8. Following is copies of correspondence from Ayton Taylor and Burrell and Mr Beasley in response to Council's decision. Ayton Taylor and Burrell are promoting a minimum lot size of 7000sqm. for the balance of the Sheringa Park Estate and have generated sketches showing subdivisional options based upon 9000sqm and 7000sqm. minimum lot sizes. Mr Beasley, on behalf of the residents, is seeking a minimum lot size of 1 hectare.
9. The following sketch 1 produces a 'worst case' subdivision outcome for the subject land. The width to depth ratios for the lots is totally inappropriate for Special Residential or Special Rural lots, forcing residences to be built in close proximity to others. The character of the area would be unreasonably impaired if this form of subdivision were to be endorsed.
10. Option 2 is consistent with the previous officer report, albeit that the smaller lots are concentrated towards the centre of the estate on the less visually prominent section of the ridge. The officer recommendation to accept a 7000sqm minimum lot size was predicated on those smaller lots being developed adjacent to Nanarup Road, where a number of 4000 to 7000sqm lots have already been created nearby. The requirement to limit the number of lots backing onto Nanarup Road to 8 has influenced the designs and the lot sizes adjacent to this boundary.
11. A third plan showing an adjustment to lots 13 to 18 in concept plan 1 has been prepared to highlight how the original objectives from the rezoning can be met. The comments and recommendations in the schedule of submissions would remain unchanged except where "7000" appears at submissions 1, 5 and 13; it could be replaced with "9000".

RECOMMENDATION

THAT

- (i) Council grant final approval, with modifications, to Amendment 183 to the City of Albany Town Planning Scheme No. 3 to rezone Part Lot 2 Nanarup Road, Lower King from Special Rural to Special Residential.
- (ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed with the exception that at submissions 1, 5 and 13 "7000" should be replaced with "9000" and the subdivision guide plan in the amending documents should be replaced with Plan 3.
- (iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.

Voting Requirement Simple Majority

.....

Item 12.1.12 continued

**MOVED COUNCILLOR MOUNTFORD
SECONDED COUNCILLOR BAIN**

THAT

- (i) Council grant final approval, with modifications, to Amendment 183 to the City of Albany Town Planning Scheme No. 3 to rezone Part Lot 2 Nanarup Road, Lower King from Special Rural to Special Residential.**
- (ii) The Schedule of Submissions be received, the comments on individual submissions be tabled and the recommendations contained therein be either Noted, Upheld or Dismissed as detailed with the exception that at submissions 1, 5 and 13 “7000” should be replaced with “9000” and the subdivision guide plan in the amending documents should be replaced with Plan 3.**
- (iii) The amending documents be appropriately signed in accordance with Section 7 of the Town Planning and Development Act and then forwarded to the Minister for Planning for execution and gazettal.**

MOTION CARRIED 12 – 3

11.06.'99 16:42

ID:WOOD & GRIEVE

FAX:+6198421340

PAGE 1

+6198421340

AYTON TAYLOR & BURRELL
CONSULTANTS IN TOWN PLANNING & CIVIC DESIGN
11 DUKE STREET ALBANY WA 6330
TELEPHONE: 08 9842 2304
FACSIMILE: 08 9842 1340

ATTENTION: ROBERT FENN**DATE:** 11 June 1999**AGENCY:** CITY OF ALBANY**PAGE:** 1 OF 4**YOUR FAX:** 9841 9222**REF:** 96-65-03.ATH.IX.X**FROM:** Bert Quayle**SUBJECT:** SHERINGA PARK STAGE THREE

Robert

In accord with the Council resolution of 1-6-1999, I attach a subdivision concept plan (Plan 1.) which could be massaged into a replacement Subdivision Guide Plan.

This plan shows lots ranging from 9000m² to 1.2ha, eight lots backing onto Nanarup Road and designated building envelopes on those lots backing onto Lots 76-80. These building envelopes provide a minimum 25m boundary to building setback which you will note, is over twice the setback required by existing zone controls. Building envelopes are identified and provide usable building areas of around 24m in width.

Components retained from previous plan/s will include:

- * Additions to Nanarup Road to accommodate strategic firebreak requirements.
- * PAW links to internal roads.
- * Road reserve and ROW links to adjoining land.
- * Additional tree/shrub planting in accord with the Visual Impact Assessment.

We also attach a subdivision concept plan (Plan 2.) which could also be massaged into a replacement Subdivision Guide Plan.

Plan 2 was prepared on the basis of the report and recommendation of the 1-6-99 item as discussed on the 24-5-1999.

This plan shows lots ranging from 7500m² to 1.2ha. Similar to Plan 1 is the treatment of lots backing onto Nanarup road and the inclusion of a 25m setback to Lots 76-80.

Components retained from previous plan/s would include:

- * Additions to Nanarup Road to accommodate strategic firebreak requirements.
- * PAW links to internal roads.
- * Road reserve and ROW links to adjoining land.
- * Additional tree/shrub planting in accord with the Visual Impact Assessment.

A comparison of the two plans shows the main difference is in the treatment of the northeastern corner of the site.

11.06.'99 16:42

ID:WOOD & GRIEVE

FAX:+6198421340

PAGE 2

+6198421340

AYTON TAYLOR & BURRELL
CONSULTANTS IN TOWN PLANNING & CIVIC DESIGN
11 DUKE STREET ALBANY WA 6330
TELEPHONE: 08 9842 2304
FACSIMILE: 08 9842 1340

FACSIMILE

PAGE 2

Where Plan 1 shows six narrow lots feeding from the main subdivisional road, Plan 2 shows seven more regularly shaped lots serviced by an access place as well as the main subdivisional road. Given the same rear setbacks can be provided between the plans, given that there is sufficient southerly fall to provide these two tiers of lots and given that wider lots provide for a greater retention of view corridors between replanting areas, and it is clear that the Plan 2 layout would better meet with the base design criteria of minimising visual impacts of future development on existing Lots,

In considering these plans against the submissions on advertising and the previous Council resolutions on this project, it needs to be noted that:

- Were stage three to proceed as is currently permissible, no additional setback controls would apply to protect existing landowners views. In fact, it is reasonable to assume that any dwellings located on the lots that could be created pursuant to the existing Subdivision Guide Plan would be located as close to their uphill boundary as possible in order to maximise available views. In this context Plan 2 can be seen to be actually preserving/protecting existing views.
- Plan 2 guards against the application of subdivision pressure on the bulk of Sheringa Park by the use of strategic lot sizes.
- As correctly noted in the 1-6-1999 report to Council, Viscount Heights was designed as a future link road and any additional traffic movements resulting from stage three would be marginal in the context of this future use, it is more difficult for a landowner on a larger lot to gain an effective vegetation screen than for owners of smaller lots, larger lots promote the keeping of stock and other quasi rural uses which often work against vegetation protection, revegetation and retreat amenity objectives and lot sizes in the locality range from 2000m² to 7000m² with the lots around 7000m² being located on land with clearly more questionable capability than the subject land.
- Community, strategic and planning objectives are generally to maximise the efficiency of subdivision within capability and suitability constraints so that the development pressure on, and consumption of, valuable near urban land is slowed and controlled.

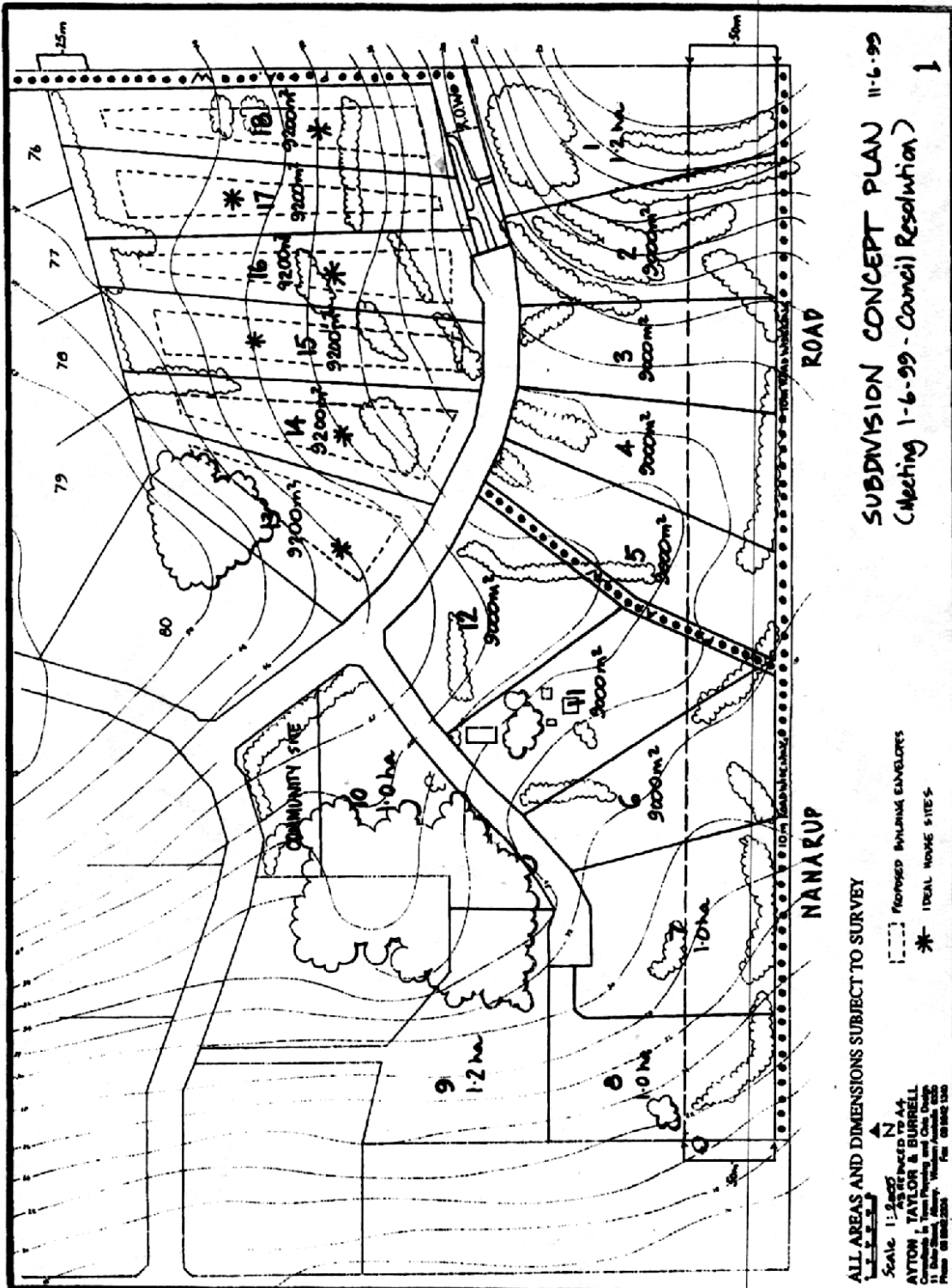
In closing, Plan 1 meets with the criteria laid out on the 1-6-1999 however it is clear from a capability, suitability and community perspective that Plan 2 provides for the same protection of existing lots as well as providing a more logical, robust and defensible outcome. In addition Plan 2 could be accommodated under the existing special rural zoning with only minor modification required to the special provisions.

Your consideration of these plans is requested. As there is some haste required to get an item to the 22-6-1999 meeting, we remain ready to answer any queries and provide additional information at your request.

Thanks



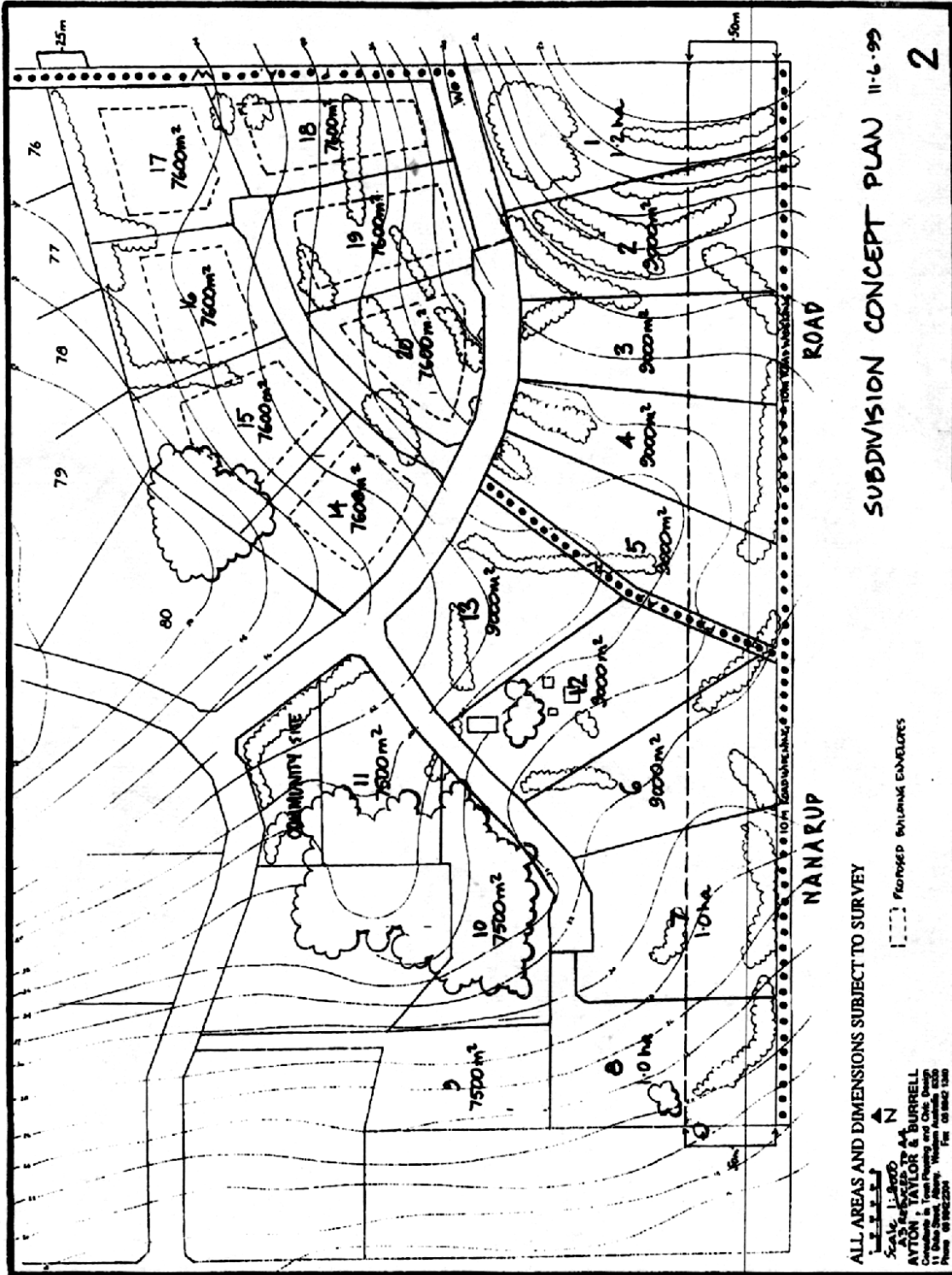
Bert Quayle



SUBDIVISION CONCEPT PLAN 11-6-99
 (Meeting 1-6-99 - Council Resolution)

ALL AREAS AND DIMENSIONS SUBJECT TO SURVEY
 Scale 1:500
 As presented to A44
 AYTON, TAYLOR & BURRELL
 Consultants in Town Planning and Civil Design
 11 Blair Street, Albany, Western Australia 6550
 Phone: 08 9422 2288 Fax: 08 9422 1340

--- PROPOSED BOUNDARY ENVELOPES
 * IDEAL NOISE SITES



ALL AREAS AND DIMENSIONS SUBJECT TO SURVEY
 L.E.P. 1
 Scale 1:1000
 AS SHOWN ON PLAN
 ATYON, TAYLOR & BURRELL
 11 Dandenong Road, Melbourne, Vic 3181
 Phone 03 9592 2291 Fax 03 9592 1340

SUBDIVISION CONCEPT PLAN 11-6-99
 2

D. G. Beasley

P.O. Box 5698
Albany WA 6332

9 June 1999

Councillor L. Armstrong
City of Albany Office
P.O. Box 484
Albany WA 6331

Dear Len,

Re: Amended Motion to Agenda Item 12.1.6, Sheringa Park Stage III Rezoning Proposal

The residents of Sheringa Park have asked me to formally convey all their thanks to you for your input into the above matter which was included on the Agenda for the Council Meeting held on Tuesday 1st June 1999.

The residents group have had opportunity to consider your recommendations under the amended motion and make the following comments which we trust will receive your further review of the matter.

We make comment in the order of your recommendation:

- (i) Noted and can be accepted.
- (ii) We would request a slight rewording to read as follows:

" Council advise the applicant that it promotes an amended subdivision layout which provides lots having a minimum area of 1,0 hectare (10,000 sqm), a maximum of eight (8) lots backing on to Nanarup Road and appropriate building envelopes being established on those lots backing onto lots 76-80 + 89 Viscount Heights to reduce the visual impacts of future developments upon the existing lots".

We ask you to accept this slight amendment as the criteria stipulated in your recommendation can still be met without difficulty. Insofar as your comment on the assessments made by the Water Authority we ask you to bear in mind that they have already approved the Special Rural Zoning Policy for Sheringa Park and therefore have accommodated the costs and quantity demands for their services as being acceptable.

Should the amendment be revised as above this will make uniform all lots in Sheringa Park as per the intention of the developer in the first place, and of course will ensure the expectations of lifestyle that the existing landowners and residents have the right to develop and enjoy. It is also required to ensure that the whole of the Sheringa Park development remains under the classification of "Special Rural" status.

- (iii) Noted and can be accepted.

D. G. Beasley

P.O. Box 5698
Albany WA 6332

9 June 1999

Councillor L. Armstrong
City of Albany Office
P.O. Box 484
Albany WA 6331

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Should the amendment be revised as above this will make uniform all lots in Sheringa Park as per the intention of the developer in the first place, and of course will ensure the expectations of lifestyle that the existing landowners and residents have the right to develop and enjoy. It is also required to ensure that the whole of the Sheringa Park development remains under the classification of "Special Rural" status.

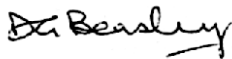
- (iii) Noted and can be accepted.

Finally we presume that if any amendment goes forward which results in the developer preparing a revised subdivision plan then this plan will be available for comment to object/approve prior to the Council Meeting scheduled for 22nd June 1999.

We hope you find these comments pertinent in this matter and we appreciate your efforts to determine an amicable and acceptable solution to all the parties involved.

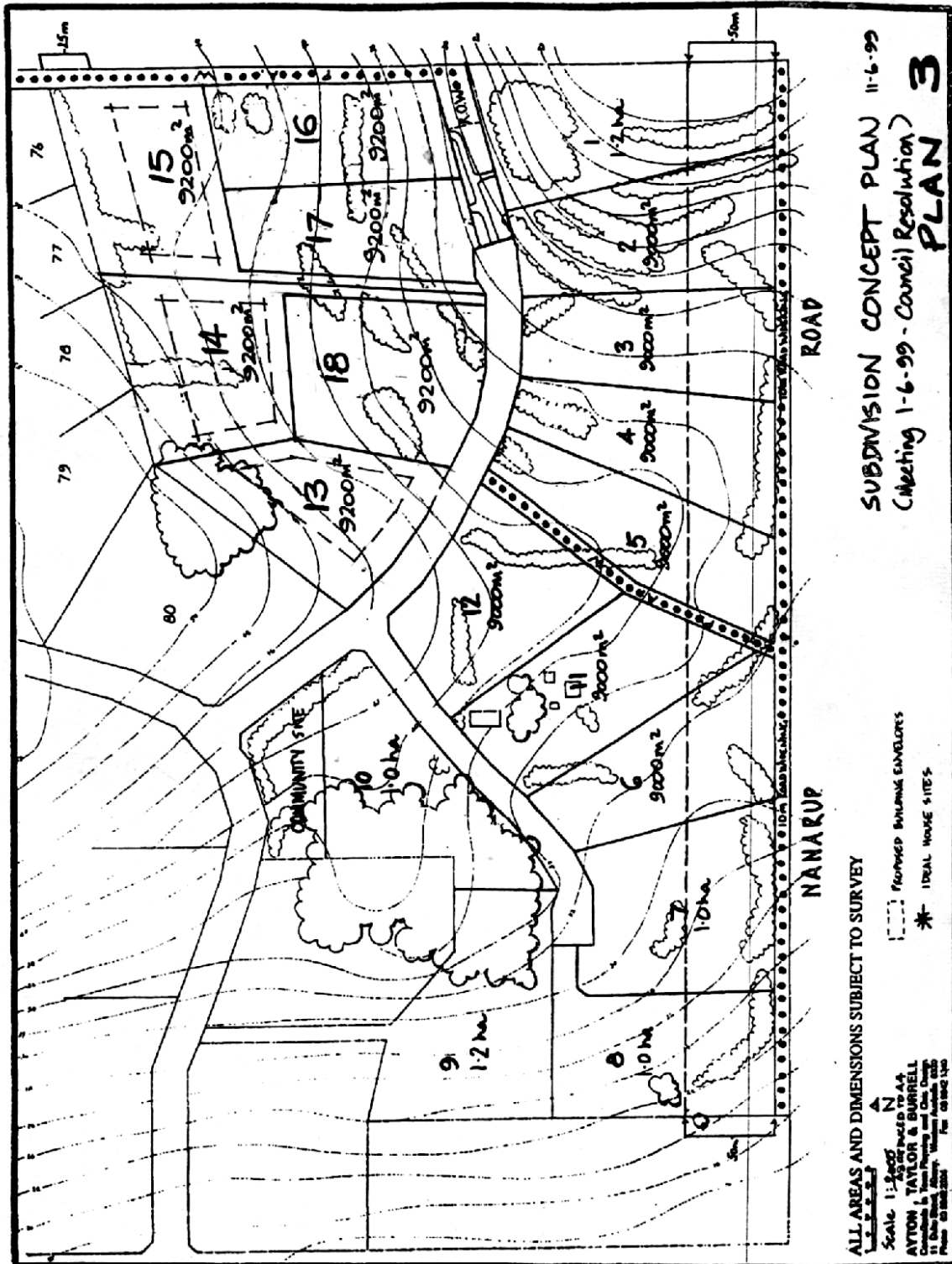
Should any point of this letter need further clarification please do not hesitate to contact me.

Yours Very Sincerely,



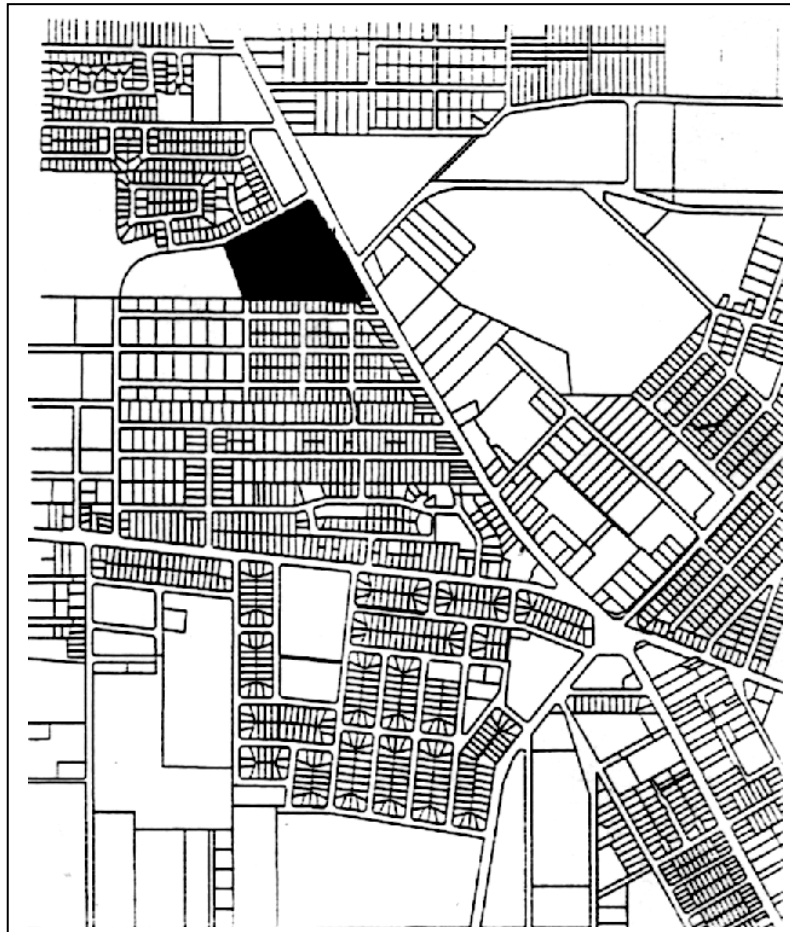
D. G. Beasley

Enclosed: List of signatures Sheringa Park owners/residents



12.1.13 Orana Shopping Centre – Request to Develop Discount Department Store

- File** : STR032
- Proposal/Issue** : Orana Shopping Centre – Development of a Discount Department Store
- Subject Land/Locality** : Lot 400 and Part Lot 2 Albany Highway, Orana
- Proponent** : Smithson Planning
- Owner** : AD & KE Dufty Family Trust and Orana Holdings Pty Ltd
- Reporting Officer(s)** : Executive Director Development Services (R Fenn)
- Previous Reference** : Cncl 14/10/98 item 12.1.1
TofA Cncl 10/06/98 item 7.1.1.
- Summary Recommendation:** That the applicant be advised that Council does not support the proposal.
- Locality Plan** :



Item 12.1.13 continued

BACKGROUND

1. Included in the Elected Members Report/Information Bulletin is a report from Smithson Planning on a proposal to develop 11800sqm of shopping facilities (Discount Department Store, Supermarket and Speciality Stores), a 200sqm service station, 950 car parking bays and 3200sqm of office and community facilities over the former Orana Drive-In and the existing 3 Cinemas sites. The applicant is seeking an “approval in principle” for the development from Council.
2. The current proposal is for 15200sqm of development which mirrors a similar application lodged with Council in June 1998. A copy of the officer’s report for the earlier application is also included in the Elected Member’s Report/Information Bulletin. This report to Council addressed a request to change 2.8ha of Residential land to a commercial zoning to facilitate the development of a District Shopping Centre proposal on the Neighbourhood Shopping Centre site.
3. There is no formal development application before Council for consideration at this meeting. The applicant is seeking Council feedback on whether it will entertain a development application, if one was to be lodged at a future date.

STATUTORY REQUIREMENTS

4. The subject land is zoned Residential (R30), Local Shopping and Clubs and Institutions in the City of Albany Town Planning Scheme No. 1A. Council is required by law to consider any planning application lodged by an applicant; the matters to be taken into consideration in determining that application are listed in Section 7.8 of the Scheme and include;
 - The provisions of the scheme
 - Any policy adopted by Council
 - Existing and future character of the area
 - Availability of services
 - Any other matter Council considers relevant

Refer to additional information in the previous officer’s report

POLICY IMPLICATIONS

5. Refer to additional information in the previous officer’s report.

FINANCIAL IMPLICATIONS

Nil.

Item 12.1.13 continued

STRATEGIC PLAN IMPLICATIONS

6. Refer to additional information in the previous officer's report.

COMMENT/DISCUSSION

7. Upon the subject site, 3.1 hectares of land has been zoned for Local Shopping, 5900sqm for Clubs and Institutions and 2.8 hectares for Residential purposes. The area zoned Local Shopping is large enough to support the development of a neighbourhood shopping centre plus a service station, with its associated parking, landscaping, etc. To develop beyond 5000sqm (neighbourhood centre) of commercial activity, the proponents sought to rezone the adjacent Residential area in 1998.
8. Council declined to support a rezoning of the land in contravention of the Commercial Strategy for Albany, but undertook to review that policy document. Gaining the consent of the Western Australian Planning Commission to undertake the review has been a time consuming process and it has been continually presented in the press that Council has been involved in delaying that review: The Commercial Strategy is a WA Planning Commission policy adopted under Section 5AA of the Town Planning and Development Act and it has taken time to convince the Commission that a review is in fact warranted.
9. The proposal before Council seeks to gauge the success rate of a development application based upon the existing zonings. The proponents propose to develop the buildings upon the Local Shopping zone and to then utilise the Residential and Clubs and Institutions zones (3.4 hectares) for the car parking and landscape components of the development. To do so would be in conflict with the zoning and development provisions of the scheme and staff would be recommending strongly against Council entertaining that form of development.
10. The applicant is asking Council to circumvent orderly planning processes to support a project which currently is not recognised in strategic documents and has not been subjected to detailed independent analysis. The data and assumptions included in the applicant's report to justify a Discount Department Store is also considered to be incomplete and in places misleading.
11. Council has been approached in the past to develop a Discount Department Store on a North Road site and that proposal was rejected without debate. A Special Site (limited to a food store, newsagency and several other restricted uses) has been declared at the Farm Fresh site and Council's recent endorsement of a draft structure plan for that site was predicated on the understanding that showroom and warehouse uses would be created in subsequent developments. It therefore would be inconsistent if Council were to consider entertaining the current proposal.

Item 12.1.13 continued

RECOMMENDATION

THAT the AD & KE Dufty Family Trust and Orana Holdings Pty. Ltd. be advised that Council is not prepared to support either a development application or a rezoning proposal to introduce a Discount Department Store upon the Orana Neighbourhood Shopping Centre site until the review of the Commercial Strategy for Albany is completed and the development of a Discount Department Store on the site has been supported within that review.

Voting Requirement Simple Majority

.....

Councillor Dufty declared an interest in this item as he is the owner of Orana Holdings Pty Ltd and left the Council Chambers at 9:12pm.

Councillor Lubich declared an interest in this item as he operates a medical practice within the central business district and left the Council Chambers at 9:12pm.

Councillor Walker requested a deferment of this proposal on the basis of:

- Demonstrated growth in the area;
- Overwhelming support in the community for a discount department store in Orana; and
- A difference of opinion between Council officers and the developers' planning consultant on some of the technical issues.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR CECIL**

THAT Council:

- a) defer consideration of the proposal to develop a Discount Department Store at Orana, pending further discussion between Council officers and the proponent; and**
- b) seek legal advice on the interpretation of Town Planning Scheme No. 1A and the status of the Commercial Strategy for Albany.**

Item 12.1.13 continued

Councillor Wilson advised he believed the National Competition Policy local law review guidelines should be taken into account in relation to the Commercial Strategy, and therefore this item.

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR EVANS**

THAT Council:

- a) **defer consideration of the proposal to develop a Discount Department Store at Orana, pending further discussion between Council officers and the proponent; and**
- b) **seek legal advice on the interpretation of Town Planning Scheme No. 1A and the status of the Commercial Strategy for Albany and take into account consideration of the National Competition Policy Local Law Review Guidelines.**

MOTION LOST 6 – 7

**MOVED COUNCILLOR BAIN
SECONDED COUNCILLOR MOUNTFORD**

THAT the AD & KE Dufty Family Trust and Orana Holdings Pty. Ltd. be advised that Council is not prepared to support either a development application or a rezoning proposal to introduce a Discount Department Store upon the Orana Neighbourhood Shopping Centre site until the review of the Commercial Strategy for Albany is completed and the development of a Discount Department Store on the site has been supported within that review.

MOTION CARRIED 7 - 6

A request was made for the names of the Elected Members who voted for and against the motion to be recorded.

Councillors Bain, Wilson, Armstrong, Cecil, Williams, Evans and Mountford voted in favour of the motion

Mayor Goode and Councillors Walker, West, Wolfe, Bojcun and Evers voted against the motion

Councillors Lubich and Dufty returned to the Council Chambers at 9:36pm.

12.2 EDUCATION & COMPLIANCE

12.2.1 1999/2000 Firebreak Notice

File/Ward	:	SER043
Proposal/Issue	:	1999/2000 Firebreak Notice
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Administration Officer (J Tonkin)
Previous Reference	:	1998/99 Firebreak Notice
Summary Recommendation:		Approve 1999/2000 Firebreak Notice
Locality Plan	:	N/A

BACKGROUND

1. Section 33 of the Bush Fires Act 1954 empowers local governments to require occupiers and owners of land to clear firebreaks or to take any other necessary action to reduce fire hazards which may be conducive to the spread or extension of a bushfire. Council's requirements with respect to firebreaks and related bushfire matters have in the past been conveyed to landowners and occupiers by means of a yearly Firebreak Notice. The Firebreak Notice in turn is issued to all ratepayers along with their annual rate notice. Moreover, the Firebreak Notice is also advertised in a local newspaper and published in the Government Gazette.

STATUTORY REQUIREMENTS

2. Section 33(1) of the Bushfires Act 1954 requires that a local government's firebreak notice be:
 - Given in writing to the owner or occupier of land situated within the district of the local government; or
 - Published in the Government Gazette and in a newspaper circulating in the municipality.

POLICY IMPLICATIONS

Nil

Item 12.2.1 continued

FINANCIAL IMPLICATIONS

3. The cost of printing Firebreak Notices, advertising and gazettal is included as part of Council's Fire Budget.

STRATEGIC PLAN IMPLICATIONS

4. Nil

COMMENT/DISCUSSION

5. Attached is a copy of the proposed City of Albany 1999/2000 Firebreak Notice which is submitted for endorsement.
6. Essentially the proposed 1999/2000 Firebreak Notice is identical to the notice issued for the 1998/99 fire season which was devised by combining the former Shire and Town of Albany's Firebreak Notices.
7. Council should adopt the 1999/2000 Firebreak Notice as drafted.

RECOMMENDATION

THAT the City of Albany 1999/2000 Firebreak Notice, as presented, be received and adopted.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOJCUN**

That the City of Albany 1999/2000 Firebreak Notice, as presented, be received and adopted.

MOTION CARRIED 15 – 0

CITY OF ALBANY 1999/2000 FIREBREAK NOTICE

BUSHFIRES ACT, 1954

NOTICE TO ALL OWNERS AND/OR OCCUPIERS OF LAND IN THE CITY OF ALBANY

Pursuant to the powers contained in Section 33 of the Bushfires Act, 1954, you are required to have ploughed, scarified, cultivated, burned, chemically sprayed, mowed or slashed to a height of no more than 50 mm or otherwise cleared and maintained clear of inflammable matter all firebreaks as are required and specified by this notice.

NORTH EAST SECTOR: (See plan). A minimum of three (3) metre wide firebreak (*) to be installed on or by the 15th day of November, 1999 and maintained clear of all inflammable matter to and including the 30th day of March 2000 (or as otherwise gazetted).

SOUTH & SOUTH WEST SECTOR and TOWN SITES WITHIN THIS SECTOR: (See plan). A minimum of two (2) metre wide firebreak (*) to be installed on or by the 15th day of December, 1999 and maintained clear of all inflammable matter to and including the 30th day of March, 2000 (or as otherwise gazetted).

- 1 **ALL LAND HAVING AN AREA OF 2100 SQUARE METRES (1/2 ACRE) OR LESS:**
Firebreaks are not required, however the land must have any fire hazard reduced to an acceptable level. In some instances this may be achieved by slashing or mowing the whole block to a height of no more than 50 mm or the installation of firebreaks as otherwise required by this notice.

- 2 **ALL OTHER LAND EXCEEDING 2100 SQUARE METRES (1/2 ACRE) IN AREA**
 - (a) Firebreaks shall be constructed as otherwise specified in this notice and:
 - (i) Immediately inside all external boundaries, or when conditions or circumstances justify within 19.8 metres (1 chain) of those boundaries. Justification for varying the location of firebreaks shall be at the discretion of the City of Albany whether the land be cleared, partly cleared, bulldozed, chained, used for pasture or undeveloped;
 - (ii) Immediately surrounding all buildings that may be erected thereon.
 - (b) Firebreaks shall be constructed as otherwise specified in this notice on all land being under crop during the period 15th November, 1999 to 30th March, 2000 immediately inside the external boundary and around the standing crop so that the crops is broken up into areas not exceeding approximately 200 hectares. Owners and/or occupiers of land in the North East Sector ONLY have the option of providing a 6 metre width of crop cut and raked for hay as a firebreak around the standing crop.
 - (c) A suitable operational mobile fire fighting unit including a minimum of a 400 litre tank with motorised pump shall be placed inside the boundary of any land where the harvesting of a crop is taking place. Such equipment is to be adjacent to the harvest and in place for the entire period of the harvest.

(*) **Firebreak width is considered to include a vertical plane to a height of five (5) metres, i.e., all scrub must be cut back so as not to overhang a firebreak.**

APPLICATIONS TO VARY THE ABOVE REQUIREMENTS:

If it is considered to be impractical for any reason whatever to carry out works as required by this notice, you may apply through the Fire Control Officer of your Local Bush Fire Brigade or if no Bush Fire Brigade exists for a district of the City of Albany, then to the City Rangers NO LATER THAN 21 DAYS PRIOR to the date by which the firebreaks are required by this notice for permission to provide firebreaks in an alternative position, to take alternative action to abate the fire hazards on the land or to alter or vary this notice in any other way.

LATE APPLICATIONS OR THOSE NOT ON THE CURRENT FORM WILL NOT BE ACCEPTED:

Application forms for this purpose are available from all Bush Fire Control Officers or the Council Office. It should be noted that residential and minimum equipment level requirements apply where total exemptions from firebreaks are sought for areas in excess of 2 ha. Full details are available from the Council or your local Fire Control Officer.

NOTE:

Council, or its duly authorised officer will consider approval of other than firebreaks immediately inside the external boundaries where a more suitable alternative can be provided. Approval of such alternatives will only be considered if submitted with the endorsement of the Fire Control Officer for the area concerned. If permission to vary this order is not granted by the Council or its duly authorised officer, you must comply with the requirements of this notice.

STRATEGIC FIREBREAKS:

Landowners and/or occupiers or groups of landowners and/or occupiers may apply to the Council of the City of Albany for permission to install strategic firebreaks in a specific area, rather than breaks as otherwise specified in this notice. Such strategic firebreaks must be maintained by the landowners/occupiers and shall be 6 metres wide with a 3 metre all weather vehicle running surface.

OPTIONAL PERIMETER FIREBREAKS - KALGAN, GREEN RANGE, KOJANEERUP, WELLSTEAD, SOUTH STIRLING AND GNOWELLEN BRIGADE AREAS:

Owners and/or occupiers of land in the KALGAN, GREEN RANGE, KOJANEERUP, WELLSTEAD, SOUTH STIRLING and GNOWELLEN brigade areas ONLY, have the OPTION of installing PERIMETER FIREBREAKS on their land for a 3 year period expiring on 30th June, 2002. These approvals apply only to areas of these Brigades that are within the boundaries of the City of Albany and are for perimeter firebreaks ONLY. Removal of fire hazards around buildings, etc. and all other requirements of this notice remain in force.

RESTRICTED AND PROHIBITED BURNING PERIODS:

NORTH EAST SECTOR:

Restricted burning period: *October 3 to November 14, 1999
Prohibited burning period: **November 15, 1999 to March 15, 2000
Restricted burning period: *March 16 to April 30, 2000

SOUTH AND SOUTH WEST SECTOR:

Restricted burning period: *November 9 to December 21, 1999
Prohibited burning period: **December 22, 1999 to March 15, 2000
Restricted burning period: *March 16 to April 30, 2000

*Burning permit is required - refer to local Bushfire Brigade or City of Albany Rangers- PENALTY \$1000.
**No burning at any time - PENALTY \$2000.

NOTE: These periods may be varied by the City of Albany dependent upon prevailing conditions. Refer to local Bushfire Brigade, or City of Albany Ranger.

FIRE PROTECTION OF PRIVATE HARDWOOD/SOFTWOOD PLANTATIONS

DEFINITIONS AND SPECIFICATIONS

As per the Plantation Fire Protection Guidelines adopted by the Great Southern Plantation Fire Advisory Committee. Copies of these Plantation Guidelines may be obtained from the City of Albany.

All hardwood and softwood plantations within the City of Albany must comply with the Plantation Fire Protection Guidelines unless approval to vary those conditions has been granted by the City of Albany.

FIRE Equipment Standards:

As per the fire Equipment Standards specified in the Plantation Fire Protection Guidelines, where insufficient brigade fire fighting equipment is available for plantation fire protection or where plantation growers do not participate in the community based plantation fire equipment scheme the following minimum equipment levels are required:-

Plantation Area (ha)	Fast Attack* Min 650L Capacity	2.4 Medium Duty Unit* Min 2000L Capacity	3.4 Heavy Duty Unit* Min 3000L Capacity
UP to 100	1		
101 to 1000		1	
1001 PLUS			1

DEFINITIONS: - Fast Attack relates to a 1 tonne 4 x 4 vehicle carrying minimum of 650 litres of water.
 - 2.4 Medium Duty relates to a 4 x 4 truck carrying 2000 litres of water.
 - 3.4 Heavy Duty relates to a 4 x 4 truck carrying 3000 litres of water.

*Appliances to be equipped to Bush Fire Service of W.A. standards.

By order of the Council, E.H. Kelly, Chief Executive Officer.

FAILURE TO COMPLY WITH THIS NOTICE MAY RESULT IN LEGAL ACTION BEING TAKEN.

MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

12.2.2 Health Local Laws 1999 - Adoption

File	:	MAN050
Proposal/Issue	:	Need to formally adopt the Health Local Laws for the City of Albany.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Senior Environmental Officer (R Thacker)
Previous Reference	:	Cncl TOA 13/5/99 Item 6.2.2
Summary Recommendation:		The repeal of previous Model Bylaws Series "A", and make Health Local Laws 1999.
Locality Plan	:	N/A

BACKGROUND

1. The Model Bylaw Series "A" consists of over 200 Bylaws dealing with issues such as the disposal of refuse, pest control, keeping of animals and infectious diseases, and was adopted by the former Town and Shire of Albany in the 1960's. While these By-laws have been amended from time to time, to reflect changes as the community developed, a total review is long overdue.
2. In 1996, the Principal Environmental Health Officers of the four local governments in the Albany region, (the Shires of Albany, Denmark, Plantagenet and the Town of Albany) sought to review the Model Bylaws collectively to achieve consistency throughout the region.
3. At its meeting held on 23rd April 1996, the former Town of Albany resolved to:

"delegate authority to the Principal Environmental Health Officer to approve the draft Model Bylaws Series "A" and direct the appropriate signatures and Common Seal to be affixed to the final document."
4. The Model Bylaws Series "A" have been reviewed on a regional basis, and public comment has previously been sought in accordance with the procedure specified by both the Health Act 1911 and Local Government Act 1995. The Health Department and the Local Government Department have also been consulted.

Item 12.2.2 continued

5. The result of this extensive review is the City of Albany Health Local Laws 1999.
6. The proposed Health Local Laws were considered by the former Town of Albany at its meeting held on 13 May 1998, and the intention to make a Local Law was advertised Statewide. However, advice received from the Department of Local Government has necessitated the commencement of the formal adoption procedure by the City of Albany.

STATUTORY REQUIREMENTS

7. With amalgamation of the former Town and Shire of Albany it is necessary to formally make Health Local Laws for the City of Albany. It is also necessary to comply with provisions under Section 3.12 of the Local Government Act and Section 342 of the Health Act 1911 to complete this process.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

8. The cost of advertising and gazettal.

STRATEGIC PLAN IMPLICATIONS

9. The adoption of the Health Laws is essential for the effective management of health services.

COMMENT/DISCUSSION

10. Shire of Plantagenet adopted Health Local Laws in March 1998, and it is proposed that the City of Albany adopt this Local Law by “reference” (Health Local Laws as tabled at the meeting), which will result in significant cost saving through the gazettal process.
11. Part of the procedure in making Local Laws requires the person presiding at a Council meeting to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed Local Law.

“Purpose

The purpose of this Local Law is to:

- *provide a standard level of health control throughout the municipality; and*
- *enable the Local Government to maintain a satisfactory level of health, sanitation, waste management, housing and nuisance control.*

Item 12.2.2 continued

Effect

The provisions of the this Local Law:

- *applies to the whole of the municipality;*
- *requires persons within the municipality to comply with the Local Laws; and*
- *will enhance the efficiency of Council staff in maintaining a satisfactory standard of health and sanitation”.*

12. Copies of the proposed Health Local Laws have been circulated independently to Councillors.

RECOMMENDATION

THAT Council, resolve to repeal the Town and Shire of Albany’s Health Local Laws and adopt the Local Health Laws as tabled under the provisions of Section 3.12 of the Local Government Act 1995 and Section 342 of the Health Act 1911 as amended.

Voting Requirement Simple Majority

.....

As required under the provision of the Local Government Act, the Chief Executive Officer read out the purpose and effect of the local law.

**MOVED COUNCILLOR LUBICH
SECONDED COUNCILLOR WILLIAMS**

THAT Council, resolve to repeal the Town and Shire of Albany’s Health Local Laws and adopt the Local Health Laws as tabled under the provisions of Section 3.12 of the Local Government Act 1995 and Section 342 of the Health Act 1911 as amended.

MOTION CARRIED 15 – 0

12.2.3 Alfresco Dining – Street Trading Licence Fees

File	:	SER029
Proposal/Issue	:	Annual Licence Fees for Street Traders
Subject Land/Locality	:	Albany Central Business District
Proponent	:	N/A
Owner	:	Crown
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Previous Reference	:	Cncl 01/06/99 Item 12.1.2.
Summary Recommendation:		That a Consistent Licence Fee be Applied
Locality Plan	:	N/A

BACKGROUND

1. At the meeting on the 1st June 1999 Council deferred consideration of a planning application to cover an alfresco dining area in front of Rookleys Café, York Street. Council was concerned that it may establish a commercial advantage to those traders who have alfresco dining areas on public footpaths.
2. An eating house may apply to Council to use a section of the footpath in front of the business premises for alfresco dining provided there is a minimum clear footpath width of 2.5 metres retained for pedestrians. The variations in footpath widths along York Street, Peels Place, Stirling Terrace and other Central Business District (CBD) areas has created an uneven distribution of areas for alfresco use. These variations are evident and can be demonstrated in front of the Albany Hotel (wide footpath), Shamrock Café (narrow footpath) and Rookleys Café (widened verge).
3. The alfresco dining areas are considered under the City of Albany Local Law Relating to Street Trading/Entertaining – No. 16 and the provisions of the Local Government Act. Business operators are granted a licence to operate from a designated section of the footpath. The licence conditions include a \$20 application fee and a site rental (\$20 per sqm per annum), plus a requirement to take out public indemnity insurance and to remove all footpath obstructions when the premises are not open for business. All alfresco dining licenses are renewed annually and a licence can be withdrawn at any time if a licence holder breaches the licence conditions.

Item 12.2.3 continued

STATUTORY REQUIREMENTS

4. The City of Albany Local Law Relating to Street Trading / Entertaining – No. 16 and the City of Albany Trading in Public Places policy set out criteria for alfresco and street trading proposals.

POLICY IMPLICATIONS

5. Council has supported eating houses moving out onto streets in the CBD to add vitality and colour to the City's central area. Alfresco areas have been restricted to the sections of verge/footpath directly in front of the respective business. Where widened verges exist, such as in front of Rookleys Café, all adjoining food premises were consulted before the verge was allocated to a single business.
6. The use of a footpath/road verge in the CBD for general retailing activities is not approved under the Street Trading policy. On designated street trading days, shop owners are permitted to place tables on the footpath and retail goods without a permit or licence; these days are organised in advance and endorsed by both the Albany Chamber of Commerce and the City as 'one off' activities.

FINANCIAL IMPLICATIONS

7. The annual rental fee for a street trading licences is \$20 per sqm which is considerably less than the annual rental struck for adjoining commercial premises. Commercial rentals range from \$80 to \$150 per sqm per annum, depending upon the location and quality of the premises. Business proprietors are also required to meet the costs of outgoings (power, water, rates, etc) paid by landlords for their premises.
8. The renewal notices for the 1999/2000 street trading licences were sent out in May 1999, based upon the long standing work practice of having the fees paid in advance. The rates for alfresco areas on those renewal notices was set at \$20 per sqm per annum.

STRATEGIC PLAN IMPLICATIONS

Nil

COMMENT/DISCUSSION

9. Council has the ability to set charges and fees for a range of services as part of its annual budget deliberations. The current practice of distributing annual Health renewals in May is to be reviewed to ensure they can reflect Council's fee structure for that financial year. If an alternate fee is set during the 1999/2000 budget deliberations, an amended notice would need to be distributed to licence holders.

Item 12.2.3 continued

10. Council has raised concerns that street traders gain a commercial advantage over those who rent larger premises and accommodate their operations within their leased areas. Following is correspondence from Eatcha Heart Out Café, Oasis Café and Albany City Heart on this topic. There are arguments which support and counter the contention that there are commercial inequities and they are highlighted in point form below;

Support:

- The lease fees on road reserves are less than 25% those of retail floor space.
- A business should not be allowed to use a road reserve to provide the floor space needed to operate that business.
- Building over the road reserve removes public land from the public's use.
- A licensee does not have to pay rates and outgoings for leased road reserves.
- With weather protection, outdoor areas are available for use all year round.

Against:

- Licensees remove equipment set up in alfresco areas on a daily basis.
 - Licensees are not given exclusive use of the space and their licence can be revoked at any time. Rented premises have exclusive use for the lease period.
 - A licensee cannot sell or transfer the licence or any goodwill generated from using the alfresco area.
 - Licensees are required to meet all costs associated with setting up an alfresco area and any damage caused to that area by the public.
 - Alfresco areas are less attractive to patrons during extreme weather conditions, thereby reducing their use periods.
 - The use of footpaths for alfresco dining has generated vitality into the CBD and this has a direct positive impact upon all businesses.
 - Customers are seeking alternate dining experiences and alfresco is a legitimate activity in the modern urban environment.
 - Under National Competition Policy alternate options should be available to the consumer.
11. To determine an appropriate fee structure for alfresco dining sites it must be acknowledged that there is a range of verge dining areas in use. They range from open air facilities (Rookleys and Rangers Patisserie), to below verandah facilities (Shamrock Café and Sails) and include dedicated undercover areas (Albany Hotel and Nonnas). To determine whether an "undercover alfresco facility" should attract a higher licence fee than an "outdoor alfresco facility" there needs to be justification for any rate variations. Do dedicated undercover areas have higher usage rates than below verandah facilities or outdoor facilities and should they attract a higher premium? Do umbrellas provide "under cover" dining or is a more substantial structure required? Should another parameter be used? It could also be argued that rate penalties should apply where a licensee has a higher percentage of alfresco to rented floorspace.

Item 12.2.3 continued

12. A review of Council's fee for alfresco dining areas needs to be undertaken as part of the budget process and Council may wish to look at setting a fee level which equates to a percentage of average CBD rentals. Determining that fee level could be achieved through valuation or "best guess".

RECOMMENDATION

THAT Council maintain a universal fee structure for alfresco dining areas approved under the City of Albany Local Laws Relating to Street Trading/ Entertainment - No.16 and that the current fee be reviewed as part of 1999/2000 budget considerations.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR ARMSTRONG**

THAT Council maintain a universal fee structure for alfresco dining areas approved under the City of Albany Local Laws Relating to Street Trading/ Entertainment - No.16 and that the current fee be reviewed as part of 1999/2000 budget considerations.

MOTION CARRIED 14 – 1

**MOVED COUNCILLOR ARMSTRONG
SECONDED COUNCILLOR WILSON**

That Item 12.1.7. be lifted from the table and considered by Council.

MOTION CARRIED 15 – 0

(Special Note: Item 12.1.7 was debated and decided upon at this point – i.e. after Item 12.2.3 was resolved).



Jim Kelly
C.E.O.
City of Albany
Box 484
ALBANY WA 6331
9th May 1999.

CITY OF ALBANY RECEIVED		
11 JUN 1999		
FILE PK	CORRO No. 99-0006	OFFICER Mayor/EDDS
REPLY Y/N	ACKNOWLEDGMENT / /	CNL/BLTN

Dear Mr Kelly,

We would be pleased if you would pass onto the Mayor and councillors the Albany City Heart endorsement of the application for an awning by Rookleys of Peels Place.

We would like to encourage Council to approve this application and any others that seek to improve the Streetscape and amenity to the public.

With the Whaling season and the Tree Top Walk prolonging the tourist season in Albany we feel it is very important to keep the City Heart vibrant and lively.

A great many people enjoy the "Theatre of the Streets".

We do not wish to give Rookley's an added advantage over other traders but we do wish to give Albany every chance of being a pleasant place to visit.

If the awning is successful then others may seek to improve their facades and places of business.

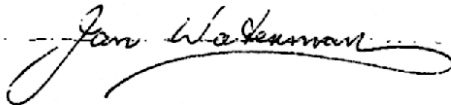
We would like to encourage the Councillors to approach the application on planning principles so that any others who follow will not be subjected to the emotional issues of unfair advantages and misinformation perpetrated by individuals not in the industry.

Our committee has discussed this issue at length and with certain reservations in endorsing a fellow committee member.

We would like to establish that we would endorse similar requests providing they did not hinder foot traffic and were aesthetically pleasing. Rookleys proposal would seem to meet both requirements.

We look forward to a fair and informed decision.

Yours faithfully

A handwritten signature in cursive script, reading "Jan Waterman", written over a horizontal dashed line.

**Jan Waterman,
Community Representative for Albany City Heart.**

FOR INCLUSION IN NEXT COUNCIL MEETING, PLEASE.

Eatcha Heart Out Cafe
154 York Street
ALBANY WA 6330

Dear Mr Fenn

Re application for awning/roll down plastic lodged by Rookleys; 148 - 154 York Street, Albany

We, the proprietors of Eatcha Heart Out Cafe vigorously oppose the above application. We submit the following as to why:

Council By-Law "Sidewalk Cafes" Number 11 states that a sidewalk cafe will be approved only where the proposal is part of an application to establish an eating house within the adjacent building, or is proposed as an extension of an existing eating house already operating within an adjacent building"

It should be noted that Rookleys is NOT an Eating House but a DELI. They have no inside seating for customers and only put in a coffee machine after they were given permission for the Al Fresco area. This disqualifies them from not only the awning but the Al Fresco as well.

Under Street trading applications - additional requirements it states "Maintenance of a 2.5metre clearance for pedestrian movements. The above does not allow this amount of footpath and during rainy periods Rookleys place their tables & chairs on the footpath restricting the foot path to 500mm or less.

Also council insists that furniture be aesthetically compatible with the surrounding environment, ie: "Federation Style". The awning or roll down plastic does not remotely meet these requirements in fact the street scape would be severely damaged by such an eyesore.

We also wish to point out to councillors the following anomalies.

By allowing this area to be used for Al Fresco Dining it "Gives" the user premises at a current rate of \$20 per square metre per annum where as registered Eating Houses are paying \$180 per square metre per annum.

They don't pay council rates on Al Fresco area.

They don't pay water rates on Al Fresco area.

They don't pay land tax on Al Fresco area.

They don't need to provide electricity or a cleaner.

The area belongs to ALL rate payers. Many people have told us they used the seating provided by council to either rest or sit and wait for friends but now feel that they are "Intruding" by using the seats.

CITY OF ALBANY RECEIVED		
14 JUN 1999		
FILE PR	CORRO No. 9910151	OFFICER EDDS
REPLY Y/N	ACKNOW SENT / /	CNL/BLTN

COPY

No one would be allowed to use Alison Hartman gardens for an Al Fresco area. So just because "public open space" happens to be outside someone's door it should not allow the area to be used by anyone.

Should the business be sold with the proposed Al Fresco area it would increase the resale value of the business by about \$100,000 which is a mighty gain for very little output and the use of council (our) land.

Should the business be sold the incoming owner could face massive losses should council revoke the licence at any time.

The fact that "to place a roll down plastic wind break and metal framed perspex screen needs approval from the Minister for Local Government is simply a Red Herring as the Minister would take advice from the local council.

Set up costs for Oasis Cafe was in the vicinity of \$100,000. We have spent close to this over the last five years so we should be protected from people setting up business on Council Land at virtually no cost to themselves.

We find the "Development Services Reports" on this matter biased towards Rookleys in the extreme and does not give a balanced report as so many Council By-Laws have not been compiled with. We can not understand how they can recommend "Special Conditional Planning Consent".

Council By Laws state "trading activities should meet a demand for goods or services which is not already met by existing permanent facilities." It should be noted that the activities (ie Cafes, Eating Houses, etc) are well and truly catered for in this area by permanent facilities.

We see no comparison at all between this proposal and that of Nonnas/Albany Hotel. To suggest that there be, is total nonsense.

In conclusion we wish that you give this matter proper consideration. Especially as a matter of Fair Trading and revoke this application and cancel the existing Al Fresco area as it does not meet council requirements and should never have been granted.

Yours faithfully



GW McGregor
For GW, SA & PA McGregor.

OASIS CAFE

27 Peels Place, Albany WA. 6330

98 423600

Take-Away or Dine-In

7 June 1999

Mr Fern,
Dear Councillor,

We are writing to you to express our concerns about the application by Rookleys Gourmet Delicatessen to erect a canvas awning with metal frame and plastic roll down windbreaks on the public area on the corner of York Street and Peels Place Albany.

Our objections to this proposal are listed below:

1. Rookleys Gourmet Delicatessen will be utilising the largest and most developed public space available in York Street for their own commercial gain. Once the construction is erected the area for public space will be totally eroded.
2. We feel that if this public space is allowed to be rented out to Rookleys for commercial benefit then any public space could be made available to other businesses for commercial gain, as a precedent would then be clearly set in place.
3. It is our understanding that the present rental for this public space is in the region of \$20 per square metre. This compares with a commercial market rental for retail business in this part of York Street of \$170 to \$200 per square metre.
4. It is clear from the application that the proposal is an attempt to extend the overall trading area covered by the present street trading license held by Rookleys which we feel will block a pedestrian route. We are also of the opinion that members of the public seeking shelter in the area will be placed under inherent pressure to make a purchase.
5. The construction proposed by Rookleys will impede the pedestrian traffic to the lower end of York Street and Peels Place. Vehicle vision will be disrupted for vehicles turning left into Peels Place and entering York Street from Peels Place.
6. We feel that the construction proposed by Rookleys does not blend in with the federation style verandahs and street scape of the surrounding area. It will also obstruct our patrons views of the beautiful scenic panorama of York Street and St. Johns Church.

OASIS CAFE

27 Peel Place, Albany, WA. 6330

98 423600

Take-Away or Dine-In

7. Under Council's Policy Title: Trading in Public Places
Council Reference: TSC 16/8/94 item 7.39.3
No 11 states the following: " A sidewalk cafe will be approved only where the proposal is part of an application to establish an eating house within an adjacent building, or is proposed as an extension of an existing eating house already operating within an adjacent building."
We note that while this policy clearly covers the covered areas of The Albany Hotel and Nonnas Brasserie (who are eating houses) we would like to pose the question as to how a delicatessen can be construed as an eating house?

8. Under Councils Policy Title: Trading in Public Places
Council Reference : TSC 16/8/94 Item 7.39.3
No 5 notes the following "Trading activities should meet a demand for goods and services which is not already met by existing, permanent facilities".
We believe that existing facilities such as Oasis Cafe, Nonnas Brasserie, Eatcha Heart Out Cafe, Shamrock Cafe, Cosis Cafe, Poppies Restaurant and Aquarius Dreams Cafe more than meet the demand for covered accommodation for patrons seeking food & beverage in inclement weather.

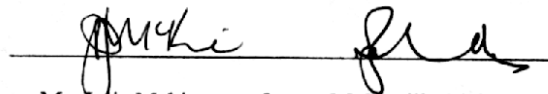
9. We would like to clarify with Council the proper trading name of the Rookleys establishment so that the proper rules & regulations may be applied to their proposal and all matters pertaining to environmental health issues.
It is our recent experience in establishing our own Oasis Cafe that certain criteria in this area must be met and we feel it is only fair and just that these same rules and regulations apply to Rookleys if they define themselves as a cafe and not a delicatessen.

We feel as a new and properly established eating house abiding by The City of Albany's Environmental Health Guidelines that we and others in the cafe business would be unfairly disadvantaged by your approval of Rookleys proposal to council.

Furthermore, the general public would be disadvantaged both in the impediment of access to the public area and the negative effect it would have on the aesthetic appearance of this very beautiful and historic part of Albany City.

We urge you to investigate the above objections and please feel free to contact us on 98 423600 or A/h 98 425207 to discuss any of the matters we have raised.

Yours sincerely



Ms. Julie Mckie & Mr Neville Richardson
Proprietors of **Oasis Cafe**

MINUTES - ORDINARY COUNCIL MEETING - 22/6/99
** REFER DISCLAIMER **

14.0 WORKS & SERVICES

- I N D E X -

14.1 WASTE MANAGEMENT

14.1.1 Liquid Waste Management

14.2 DESIGN SERVICES

14.2.1 Contract 99014 - Albany City Centre Streetscape Strategy

14.3 OPERATIONS

14.3.1 Emu Point - Trafficable Section of Beach

14.3.2 Underground Power – Goode Beach

14.3.3 Management of the Vehicular Fleet

14.3.4 Albany Airport Advisory Committee

14.3.5 Home & Bramwell Roads Petition

14.3.6 Re-allocation of Funds – Cherry Picker Replacement

14.3.7 Contract 99011 – Sale & Delivery of Kerbing Machine

- R E P O R T S -

14.1 WASTE MANAGEMENT

14.1.1 Liquid Waste Management

File/Ward	:	SER 049 Kalgan Ward
Proposal/Issue	:	Extension and amendment of agreement for the collection and disposal of liquid waste
Subject Land/Locality	:	N/A
Proponent	:	Abbotts Liquid Salvage & Albany Waste disposal
Owner	:	N/A
Reporting Officer(s)	:	Waste Services Co-ordinator (M Zhuang)
Previous Reference	:	OCM 23/12/98 Item 14.1.1
Summary Recommendation:		Council approve the extension of the Agreement for the Collection & Disposal of Liquid Waste
Locality Plan	:	N/A

BACKGROUND

1. Council currently has agreements with Albany Waste Disposal and Abbotts Liquid Salvage for the collection of liquid waste within the City of Albany and its disposal at Council's facility at Prideaux Rd. Prideaux Rd liquid waste disposal facility is located approximately 1.5 km from Oyster Harbour. The DEP Licence for the site expires on the 26 April 2000.
2. The original agreements with the contractors expired on the 30th December 1998 with the provision for a further twelve months approval period.
3. The former Shire of Albany had many discussions with the Water Corporation to utilise their existing facility at Timewell Road for treating the liquid waste. At that time it was anticipated that the facility would be operational for the treatment of liquid waste (septic) prior to June 1999. The initial capital and operational cost was estimated at \$50,000 per annum.

Item 14.1.1 continued

4. On 23rd December 1998 the Council resolved to extend the agreement with the contractors to the 30th June 1999 through a letter of understanding. In the letter the notification period on any variation to future disposal fees was reduced to three months from six months.
5. On January 1999 Water Corporation informed the City that the original plan to temporarily store and gradually inject the liquid waste into the existing treatment facility at Timewell Road was proved to be impractical by an investigation from GHD Consultants.
6. The main reason is that the liquid waste requires pre-treatment to remove insoluble fats prior to further treatment and mixing with the reticulated sewage. The anaerobic treatment that removes the insoluble fats would create significant operational and management issues. Furthermore the potential odour produced by the treatment of the fats would be unacceptable due to the limited buffer zone (300metres) at Timewell Road Facility. The Water Corporation proposed an alternative location at their effluent disposal site opposite the Albany Airport for the treatment of the liquid waste where an adequate buffer zone could be provided.
7. The cost and concept design of this project has not been finalised. The management and ownership of the new facility is currently being investigated and Council officers are liaising with the Water Corporation.
8. Recently the City, in conjunction with the Water and Rivers Commission and Water Corporation, applied for funding from the Federal government's Coast and Clean Seas program to cover the capital cost of the new liquid waste treatment facility.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

9. Under Health Act 1911 Section 95 - For the purpose of receiving, storing, disinfecting, deodorising, purifying, distributing or otherwise disposing of sewage, a local government may:
 - a) Construct any works in the district or (subject to the provisions of this Act) beyond the district;
 - b) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus either within or beyond the district;
 - c) Make contract for the supply of sewage to any person for any period not exceeding 25 years, and as to the execution and cost of works, either in or beyond the district, for the purpose of such supply.

Item 14.1.1 continued

FINANCIAL IMPLICATIONS

10. Currently it costs the City of Albany \$10,000 per year to manage the liquid waste disposal site at Prideaux Road. The cost is fully recovered through the \$5,000 contract fee for each contractor.
11. Water Corporation has not provided the financial cost to construct and operate a new liquid waste treatment facility at its effluent disposal site near the airport. Informal discussion has indicated the capital cost may range from \$270,000 to \$300,000 with operating costs between \$40,000 to \$75,000.
12. When detailed costing for the disposal of liquid waste are available, a further report will be prepared outlining the financial implications to Council and the liquid waste contractors.

STRATEGIC IMPLICATIONS

13. The City of Albany Strategic Plan 1998-2000 under the section dealing with Physical and Development Infrastructure states:-

Waste Management

Objective 1:

Provide, improve and maintain environmentally responsible Waste Management.

COMMENT/DISCUSSION

14. It is expected that Council will be commencing discussions with Water Corporation on financial commitment and partnership for the disposal and treatment of liquid waste once the preliminary design and costings are available. It is envisaged that the new liquid waste treatment facility would be operational early next year.
15. Preliminary discussion with the DEP indicated that the City would be granted a short term extension to the Prideaux Road site if the City has demonstrated its commitment in disposal of the liquid waste at a new treatment and disposal facility.
16. It is considered that the agreement with Albany Waste Disposal and Abbotts Liquid Salvage should be extended by six months with additional six one monthly options to give adequate time for the investigation and construction of a new liquid waste disposal site.

Item 14.1.1 continued

RECOMMENDATION

THAT:

- i) Council authorise the extension of the current agreement for the collection and disposal of liquid waste with Albany Waste Disposal and Abbotts Liquid Salvage through a letter of understanding for the period up to the 31st December 1999 with an additional six one monthly options up to the 30th June 2000; and
- ii) Albany Waste Disposal and Abbotts Liquid Salvage are invoiced for disposing of liquid waste at the Prideaux Road treatment facility in quarterly installments of the amount \$1,250 (\$5,000 per annum) each.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR CECIL**

THAT:

- i) Council authorise the extension of the current agreement for the collection and disposal of liquid waste with Albany Waste Disposal and Abbotts Liquid Salvage through a letter of understanding for the period up to the 31st December 1999 with an additional six one monthly options up to the 30th June 2000; and**
- ii) Albany Waste Disposal and Abbotts Liquid Salvage are invoiced for disposing of liquid waste at the Prideaux Road treatment facility in quarterly installments of the amount \$1,250 (\$5,000 per annum) each.**

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

14.2 DESIGN SERVICES

14.2.1 Contract 99014 - Albany City Centre Streetscape Strategy

File/Ward	:	99014 Frederickstown Ward
Proposal/Issue	:	Evaluation panel for the project, seeks Council approval to delegate award of the consultancy contract to develop the strategy to the Chief Executive Officer.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Design Officer Transport (J Willis)
Previous Reference	:	Nil
Summary Recommendation:		To enable the Albany City Centre Streetscape strategy to be developed within the programmed time frame, the decision on the award of the Contract 99014 "Provision of Consulting Services for an Overall Streetscape Strategy for the Albany City Centre" be delegated by Council to the Chief Executive Officer.
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany recently invited tenders from suitably qualified and experienced urban design and/or landscape architecture consultants for the preparation of an overall streetscape strategy for the Albany City Centre.
2. The process of developing the strategy will require the consultants to report to a steering committee made of Council officers, Councillors and community representatives.
3. It is envisaged that the streetscape strategy will guide streetscape development within the Albany City Centre over the next 10 years and will provide vital background for a future 'City Centre Strategy'. The strategy will be a comprehensive document guiding the future planning and development of the Albany City Centre.

Item 14.2.1 continued

4. Further detailed objectives are as follows:
 - To provide a coherent identity for the Albany City Centre as a whole whilst identifying individual precincts and recognising their unique properties.
 - To be sensitive to and enhance the appreciation of Albany's unique cultural and natural heritage assets.
 - To assist in the creation of a more people oriented environment.
 - To recognise opportunities and constraints created by the existing and future patterns of land use and development, including consideration of other relevant planning documents/directions.
 - To be consistent with and build on previous and planned streetscape projects in and around the Albany city centre, including streetscape and public art works planned as part of the proposed Albany Foreshore Re-development Project.
 - To help build community ownership of the Strategy through the undertaking of sensitive and appropriate community consultation.
 - To prepare concise, well presented and easily understood documentation.
5. Running parallel with the development of the streetscape strategy is the preparation of engineering design concepts and Local Area Traffic Management Plan (LATM) for the Lockyer Avenue precinct area (Lockyer Avenue, Stead Road, Minna Street, Vine Street). Engineering Consultants Sinclair Knight Merz are preparing the report and will form the framework for construction of capital works currently listed for consideration in the 1999/2000 budget.
6. Lockyer Avenue is classified a regionally significant road and has been allocated funding from the Regional Road Group for the amount of \$380,000.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

7. Council's current policy is that all advertised tenders need to be submitted to Council for final decision on award of contract.

FINANCIAL IMPLICATIONS

8. An amount of \$20,000 was allowed in the current budget for engagement of the consultant, both consultants short listed for interview have submitted lump sum tender prices of \$20,000.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 14.2.1 continued

COMMENT/DISCUSSION

9. It is imperative that the preparation of the Albany City Centre Streetscape Strategy and the Lockyer Precinct Local Area Traffic Management Plan are linked to allow the programmed construction of the capital works items used in the 1999/2000 budget. As part of the process for the engagement of a consultant an evaluation panel was formed consisting of:
 - Councillor Judy Cecil - City of Albany
 - Delma Baesjou - Manager Community Planning
 - John Willis - Design Office Transport – City of Albany
 - Juliet Albany - Townscape Officer Ministry of Planning
10. Each tender was evaluated separately with final figures combined to chose a suitable candidate. This process has put forward 2 candidates and it is felt that they should be interviewed by the panel to make a final recommendation. Unfortunately due to commitments of panel members (one Perth based), these interviews are scheduled to be carried out on 23/24/25 June and therefore a recommendation to Council could not be made until the 13th July Council meeting. This delay may have a significant impact on the construction program for Lockyer Avenue.
11. Section 5.42 of the Local Government Act enables Council to delegate any of its powers for duties under the Act other than those referred to in Section 5.43.
12. Section 5.43 states:

A local government cannot delegate to a CEO any of the following powers or duties:

 - b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.*
13. It is considered pursuant to Section 5.43(b) that Council should delegate to the Chief Executive Officer the power to accept the most beneficial tenders to Council that does not exceed \$20,000 for Contract 99014 – Albany City Centre Streetscape Strategy.
14. Delegation of the authority from Council to the Chief Executive Officer for final award of this contract will allow the consultant to commence work as soon as possible after the interviews, potentially reducing a 26 week programme to 20 weeks and unduly delaying the road construction program.
15. A future report will be forwarded to Council regarding delegations to the Chief Executive Officer.

Item 14.2.1 continued

RECOMMENDATION

THAT Council:

- i) to enable the Albany City Centre Streetscape Strategy to be developed within the programmed time frame, delegate to the Chief Executive Officer the power to accept the most beneficial tender which does not exceed \$20,000 for Contract 99014 “Provision of Consulting Services for an Overall Streetscape Strategy for the Albany City Centre”; and
- ii) authorises the affixing of the Common Seal to appropriate Contract documents for Contract 99014.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR CECIL**

THAT Council:

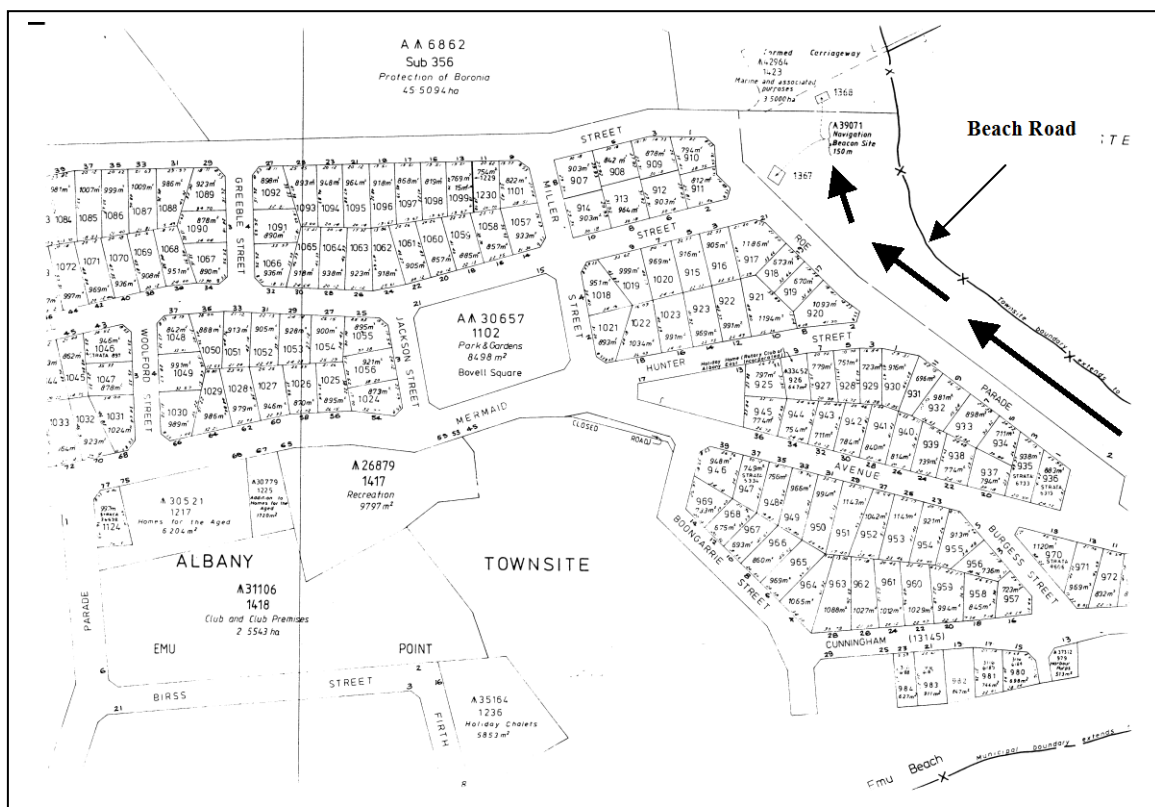
- i) to enable the Albany City Centre Streetscape Strategy to be developed within the programmed time frame, delegate to the Chief Executive Officer the power to accept the most beneficial tender which does not exceed \$20,000 for Contract 99014 “Provision of Consulting Services for an Overall Streetscape Strategy for the Albany City Centre”; and**
- ii) authorises the affixing of the Common Seal to appropriate Contract documents for Contract 99014.**

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

14.3 OPERATIONS

14.3.1 Emu Point - Trafficable Section of Beach

File/Ward	:	REL 100/PRO 155 Breaksea Ward
Proposal/Issue	:	To review the future use of the existing beach road at Emu Point
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Design Officer Transport (J Willis)
Previous Reference	:	Nil
Summary Recommendation:	:	To invite public comment on the future use of this portion of public beach.
Locality Plan	:	



Item 14.3.1 continued

BACKGROUND

1. Two letters have been received by Council from Jo Sharp an Albany resident and Jill Walker from the Albany Injury Prevention Committee. Both letters requesting that Council close the trafficable section of the beach off Roe Parade at Emu Point.
2. In addition to the letters there has also been public and media interest relating to this issue. The main concern is the potential conflict between motorists and children playing on this part of the beach.
3. The beach road was investigated in 1990 by the former Town of Albany and two different options were investigated:
 - a) Drawing 90012 showing the beach area closed to vehicles from the existing entry point to a line approximately 260 metres towards the current boat ramp. The remainder of the beach was to be accessible by vehicles with entry and exit from the boat pens area.
 - b) Drawing 90013A detailing a one way traffic system with its associated signage.
4. The beach road remained opened and the one way traffic system and associated signage was introduced.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

5. The advertising for public comment and compilation of results will be provided by the Council's Design Services Team and is adequately provided for in the budget.

Item 14.3.1 continued

STRATEGIC PLAN IMPLICATIONS

6. The City of Albany Strategic Plan 1998-2000 under the sections dealing with Physical and Development Infrastructure and Built & Natural Environment states:

The Transport System

Objective 1:

Ensure transport infrastructure is planned and integrated on a local and regional basis, and with balance and co-ordination between alternative modes or transport.

Strategy:

- a) Provide safe access to all properties and facilities at an appropriate scale and standard for the function of the road, path or cycleway.
- b) Develop an integrated local tourist access network to tourist nodes along the coastline and rivers, including roads, 4 wheel drive tracks and footpaths.

Public Places

Objective 1:

Ensure public places are individual and complementary to their setting.

Strategy:

- a) Encourage integral, individual strategic public place plans that emphasise the unique identity of Middleton Beach and Emu Point.

COMMENT/DISCUSSION

7. It is evident that there is strong feeling with regard to this issue among a section of the community. It is considered that the most appropriate way of gauging overall community feeling would be for the Council to invite public comment on the existing one way traffic system. After compilation of the community's comments the results will be forwarded to Council with associated options for the future use of the existing trafficable section of the beach.

RECOMMENDATION

THAT:

- i) Council invite public comment on the future use of the existing beach road at Emu Point; and
- ii) a future report be forwarded to Council detailing the community's comments with associated options for the use of the existing trafficable section of the beach.

Voting Requirement Simple Majority

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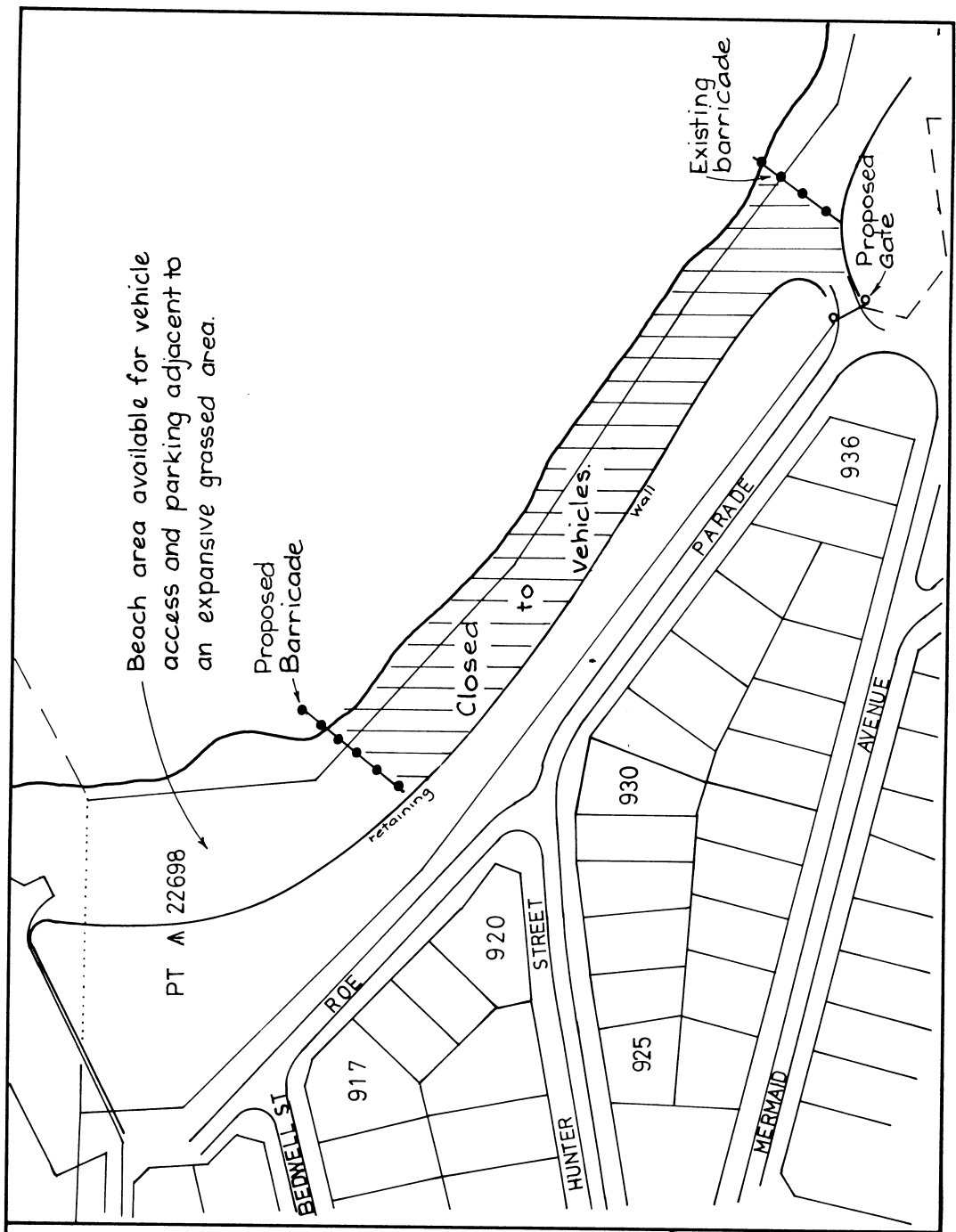
Item 14.3.1 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR BOJCUN**

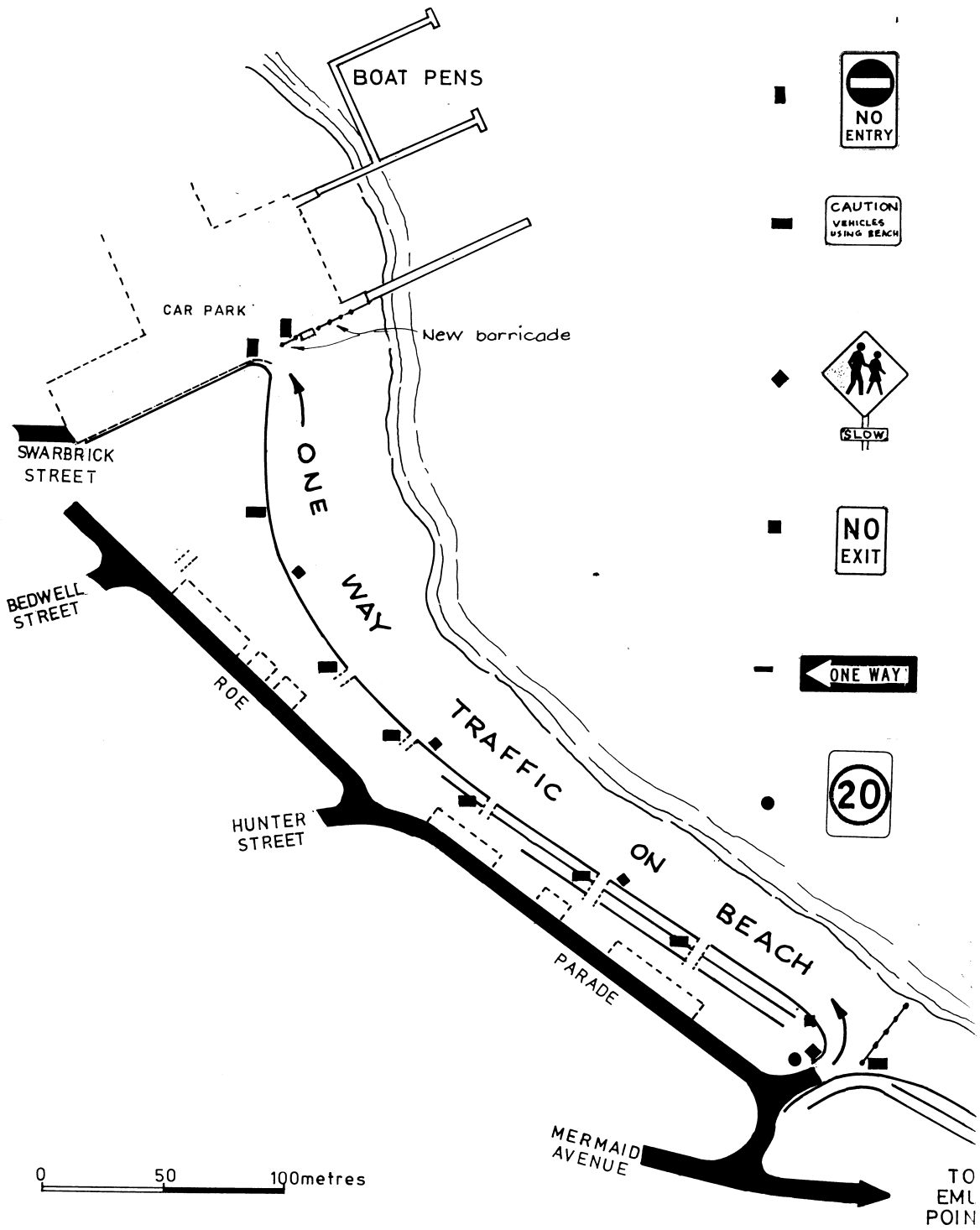
THAT:

- i) Council invite public comment on the future use of the existing beach road at Emu Point; and**
- ii) a future report be forwarded to Council detailing the community's comments with associated options for the use of the existing trafficable section of the beach.**

MOTION CARRIED 15 – 0



<p>EMU POINT TRAFFICABLE BEACH PROPOSED CLOSURE</p>			
<p>Survey</p>	<p>Scale 1 : 2000</p>	<p>Date FEB 1990</p>	
<p>Drawn R.T.</p>	<p>Authorised <i>Stevenson</i> 5.2.90</p>	<p>Amended</p>	<p>File No. 90012</p>



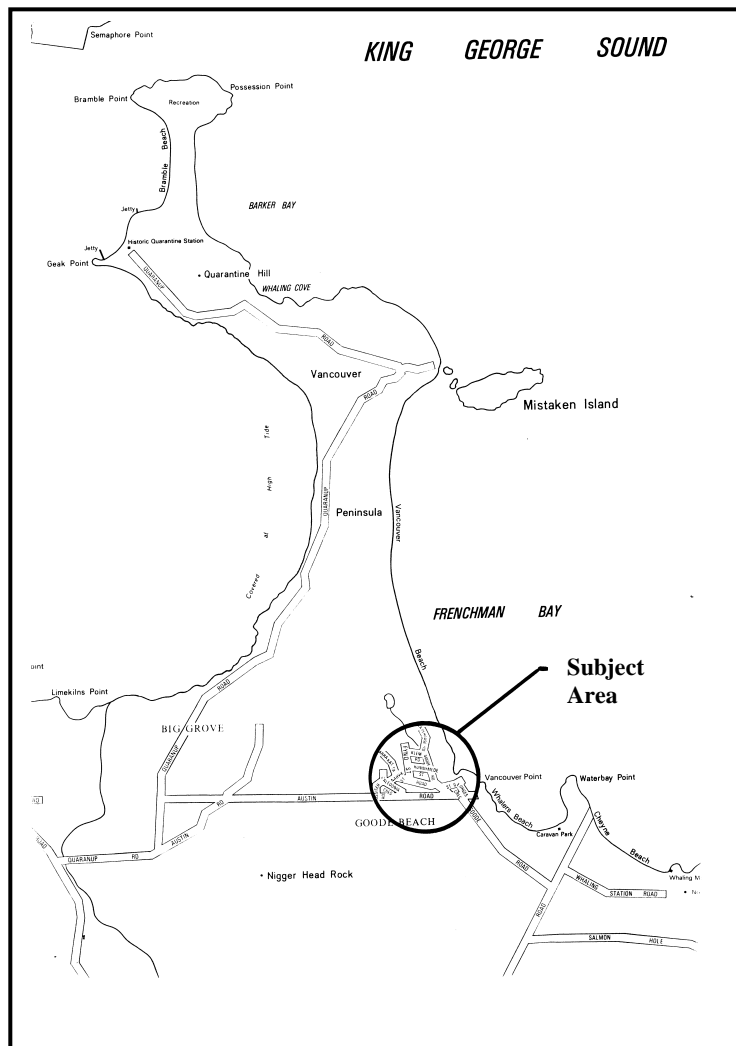
EMU POINT TRAFFICABLE BEACH
SIGNING

90013-A

14.3.2 Underground Power – Goode Beach

- File/Ward** : MAN 075
Vancouver Ward
- Proposal/Issue** : Provision of Underground Power at Goode Beach.
- Subject Land/Locality** : N/A
- Proponent** : Frenchman Bay Association (Incorporated)
- Owner** : N/A
- Reporting Officer(s)** : Engineering Project Officer (J Barnes)
- Previous Reference** : Nil
- Summary Recommendation:** Undertake a survey of property owners in the Goode Beach area to gauge support for an underground power project.

Locality Plan :



Item 14.3.2 continued

BACKGROUND

1. Correspondence has been received from the Frenchman Bay Association seeking Council support for a proposal to provide underground power to the residential zoned area of Goode Beach.
2. The association has conducted an informal household survey to assess the interest in underground power. One hundred homes were canvassed and of 53 respondents 51 were in favour of investigating the issue further.

STATUTORY REQUIREMENTS

3. Under Section 6.38(i) of the Local Government Act Council may impose on owners or occupiers of land within a defined part of the district a service charge to meet the cost of providing a pre-searched service. Clause 54 of the Local Government Act Financial Regulations identifies underground electricity as a prescribed service for which the service charge maybe imposed.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

4. Under the State Underground Power Programme projects are funded 50% by the State Government and 50% by the Local Authority. In this proposal the Council contribution would be provided wholly by the residents within the programme area so that there is no direct cost to Council. There would however be administrative support required from Council officers as well as officer participation in co-ordination of the project.
5. The outside workforce may be involved in the surface reinstatement work for road crossings however those costs would be recovered through Council's reinstatement charges.

STRATEGIC PLAN IMPLICATIONS

6. The City of Albany Strategic Plan 1998 – 2000 under the section Physical & Development Infrastructure states:
Public Utilities
Objective 1:
Promote the development and extension of public utilities.
Strategy:
a) Promote the development of sustainable energy and water supplies.

Item 14.3.2 continued

COMMENT/DISCUSSION

7. An underground power project was recently completed in the Middleton Beach area where approximately 1000 properties were connected to underground power at a cost of \$4,300 per lot.
8. Given that the Goode Beach project is significantly smaller in size (approximately 135 properties) and the terrain and general ground conditions will present some difficulties, preliminary estimates suggest that the cost would be in the order of \$5,000 - \$6,000 per property.
9. Before proceeding further the full extent of resident support should be gauged based on the preliminary costings.
10. Subject to the results of a resident survey by Council an application could be made to the Office of Energy for consideration of the project under their next round of funding. The Underground Power Programme generally requires the project size to be a minimum of 1000 lots and therefore an application for Goode Beach would not meet that aspect of the criteria, however, the project may be considered under an alternative scheme within the programme being Local Enhancement Projects up to a value of about \$500,000.

RECOMMENDATION

THAT:

- i) Council officers undertake a survey of property owners in the Goode Beach residential area to gauge support for the provision of underground power based on a 50% contribution by the residents at a preliminary estimated total cost of \$5,000 - \$6,000 per property;
- ii) subject to the results of the resident survey and further investigation and costing, Council proceeds with a funding application to the Office of Energy for their consideration; and
- iii) the Frenchman Bay Association be advised of Council's resolution on this matter.

Voting Requirement Simple Majority

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Councillor Wilson declared an interest in this item as he is a resident of Goode Beach, and left the Council Chambers at 10:08pm.

Item 14.3.2 continued

**MOVED COUNCILLOR LUBICH
SECONDED COUNCILLOR WEST**

RECOMMENDATION

THAT:

- i) Council officers undertake a survey of property owners in the Goode Beach residential area to gauge support for the provision of underground power based on a 50% contribution by the residents at a preliminary estimated total cost of \$5,000 - \$6,000 per property;**
- ii) subject to the results of the resident survey and further investigation and costing, Council proceeds with a funding application to the Office of Energy for their consideration; and**
- iii) the Frenchman Bay Association be advised of Council's resolution on this matter.**

MOTION CARRIED 11 – 3

Councillor Wilson returned to the Council Chambers at 10:14pm.

FRENCHMAN BAY ASSOCIATION

(Incorporated)

Chief Executive Officer
Albany City Council
York Street
Albany
WA 6330

CITY OF ALBANY RECEIVED		
21 MAY 1999		
FILE	CORRNO NO.	OFFICER
MAN078	9906509	CEO
REPLY	ACKNOW SENT	CNL/BLTN
Y		

PO Box 1714
Albany
WA 6330

15th May 1999

Re: Underground Power for Goode Beach.

Dear Sir,

This letter follows on from a submission made to the Shire of Albany on March 21st 1998 (Copy attached).

Over the past few years there have been numerous informal comments made to the Frenchman Bay Association Management Committee regarding the issue of achieving underground power for the residential-zoned area of Goode Beach.

Goode Beach is undergoing significant urban development, with substantial land sales, new home construction and the establishment of several tourist accommodation facilities, such that the visual impact of the old existing overhead power supply system is becoming progressively more self-evident and critically commented upon. Popular visitor and tourist venues such as Frenchman Bay, Quaranup Peninsula and the local beaches are also affected by the visual impact.

In response to expressions of community concern, the Frenchman Bay Association resolved to conduct an informal household survey to assess interest in pursuing this issue. A questionnaire was hand delivered to 100 homes in the area and of the 53 respondents, 51 were in favour of investigating the issue further.

On the 10th March 1998, a public meeting was held, with guest speaker Mr P. Berkelaar who presented a review of the Albany Underground Power Project. Approximately 50 residents attended and resolved at the meeting to refer the matter to the FBA Committee for application to the relevant local authority indicating initial and prima facie community support.

The FBA Committee met on 19th March 1998 and resolved to seek local government support. However, the implementation of amalgamation and several staff changes thwarted any progress over the following year and no action was taken to access State Government or Western Power initiatives for small

regional projects.

At the FBA Committee meeting held on 13th May 1999, it was resolved to re-submit our request to Council seeking support for the following:

"1. The Frenchman Bay Association inform the City of Albany that:

1.1 Prima facie interest and community support exists for conversion to underground power at Goode Beach, Albany.

1.2. The interest in underground power relates to the residential-zoned area of Goode Beach only, and

1.3 The interest in underground power specifically precludes any support or request for overhead street lighting or roadway alterations.

2. That the Frenchman Bay Association request of Council that:

2.1 Western Power be notified of community interest and formally requested to provide Council with the following information:

- i). Project plan for the conversion to underground power
- ii). Cost of conversion to underground power
- iii). Anticipated lifespan for existing overhead system
- iv). Available funding initiatives for underground power projects,

2.2 Upon receipt of this information, that public consultation with all rate-paying land-owners in the subject area be undertaken to:

- i). inform them of the proposed project plan, relevant costings and payment options, and
- ii). satisfy Council of overall community support for the project.

2.3 That Council define a range of payment options for rate-payers of varying financial means and investigate the opportunity for special concessions to pensioners. "

We would be very appreciative if this request could be placed on the agenda of the next Council meeting for formal consideration.

Yours faithfully,


P. Roberts

cc Mayor of Albany
Cr Ian Wilson
Cr Norm Bain

14.3.3 Management of the Vehicular Fleet

File/Ward	:	FLE 003 All Wards
Proposal/Issue	:	Replacement of vehicles
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Operations Manager (C Mibus)
Previous Reference	:	1998/99 Budget Former Shire Principal Activity Plan on Plant Asset Management Former Town Contract 22/97 1998/99 -Third quarterly budget review OCM 24/03/99 Item 14.3.1 OCM 14/10/98 Item 14.3.6 OCM 09/12/98 Item 14.3.1
Summary Recommendation:		Approve purchase of vehicles.
Locality Plan	:	N/A

BACKGROUND

1. Following the adoption of the 1998/99 budget, it became evident that the used car market was going through a dramatic downturn to the extent that dealers called for re-negotiations of their contracts.
2. Council at its 14th October 1998 meeting resolved to call quotations for the replacement of fleet vehicles at a time that will optimise the best change-over cost for council. It also resolved to vary a former Town of Albany Contract 22/97 for Ford vehicles delivered under that contract.
3. Council at its 24th March 1999 meeting resolved to vary a former Town of Albany Contract 22/97 for Holden vehicles delivered under that contract.
4. In the third quarterly budget review process additional funds were allocated for the replacement of vehicles in this financial year.

STATUTORY REQUIREMENTS

Nil.

Item 14.3.3 continued

POLICY IMPLICATIONS

5. The City of Albany currently does not have any adopted policies relating to the issue of asset management, however, the development of a 5 year passenger vehicle and utility replacement program is part of the City of Albany commitment to the effective and efficient management of Council's assets.

FINANCIAL IMPLICATIONS

6. At the March Quarterly Budget Review an additional \$100,000 was allocated from budget savings for the purposes of changing over a number of vehicles. The following vehicles are not covered by contracts 22/97 & 28/97 and quotations have been called as summarised below:

TITLE	PLANT NO	CURRENT VEHICLE DESCRIPTION	KMS	VEHICLE PROPOSED	QUOTATION \$
CEO	180	Ford Fairlane	24000	#	
CDO	69	Ford Falcon	46000	TH Magna Exec	4183.00
EDCS	625	Ford Futura S/wagon	54000	Ford Futura Wagon	13694.00
MOA	176	Ford Fairmont	35900	#	
BS	60	Toyota RAV 4	41000	Toyota RAV4	2690.00
MDEV	178	Ford Falcon	38000	#	
SEHO	179	Ford Falcon S/wagon	42000	Magna S/wagon	8552.00
POPM	600	Mitsubishi Triton ute	48500	#	
OM	177	Mitsubishi Verada	39500	Holden Berlina	8153.31
MTL	2147	Holden Rodeo Ute	87000	Ford Falcon Ute	9842.00
CTL	174	Ford Falcon Ute	39580	Ford Falcon Ute	1842.00
P & G	2104	Mitsubishi Triton Ute	59,600	Toyota Ute	7000.00
WCO	2144	Toyota Hilux Ute	44500	Ford Courier Crew	11247.00
				TOTAL	\$67203.31

Quotations for the replacement of these vehicles have not been obtained at the time of writing this report. Remaining budget is \$32,796.69.

STRATEGIC PLAN IMPLICATIONS

Nil.

Item 14.3.3 continued

COMMENT/DISCUSSION

7. Quotations have recently been called for the replacement of nine vehicles; prices were received as follows:

a) **C99017 – Operations Manager’s vehicle, currently a Mitsubishi Verada.**

Dealer	Vehicle offered	Price (including tax)	Trade-in Offer	Changeover cost
Loveridge Holden	Commodore Berlina Sedan	33,153.31	25,000.00	8,153.31
Albany Toyota	Vienta VXI Sedan	31,500.00	25,500.00	6,000.00
Northside Mitsubishi	(i)Magna Altera LS Sedan	31,806.00	23,000.00	8,806.00
	(ii)Verada Sedan	33,488.00	23,000.00	10,488.00
Barnesby Ford	Ford Fairmont Sedan	32,102.00	23,000.00	9,102.00

The lowest quotation was received from Albany Toyota for the supply of a Vienta Sedan for the changeover price of \$6,000. The WA Car Auctions have indicated that at auctions, Vientas’ are sold for \$32,000 and Berlina’s \$36,500. The Berlina is much wider inside and given that the vehicle is used for a number of council inspections with four to five persons this vehicle will be better suited for its purpose. Allowing for the difference in purchase price and expected resale values, it is recommended that the quotation for the supply of the Berlina for the trade-in price of \$8,153.31 be accepted. This vehicle has completed approximately 40,000km.

b) **C99018 – Executive Director Corporate Service’s vehicle is currently a Ford Futura Station Wagon.**

	Vehicle offered	Price (including tax)	Trade-in Offer	Changeover cost
Loveridge Holden	Commodore Acclaim Station Wagon	31,412.50	17,000.00	14,412.50
Barnesby Ford	Ford Futura Station Wagon	31,194.00	17,500.00	13,694.00
Albany Toyota	Vienta VXI Station Wagon	33,500.00	17,500.00	16,000.00

It is recommended to accept the lowest quotation of \$13,694.00 from Barnesby Ford. This vehicle has completed approximately 54,000kms.

Item 14.3.3 continued

- c) **C99019 – Parks & Gardens vehicle is currently a Mitsubishi Triton Utility.**

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Loveridge Holden	Holden Rodeo	15,818.00	7,000.00	8,818.00
Barnesby Ford	Ford Courier	17,888.00	6,500.00	11,388.00
Northside Mazda	Triton GL Tray top	16,212.00	7,500.00	8,712.00
	Triton GLX Traytop	18,088.00	8,000.00	10,088.00
	Mazda Bravo Traytop	16,613.00	7,000.00	9,613.00
Albany Toyota	Toyota Hilux	15,000.00	8,000.00	7,000.00

It is recommended to accept the lowest quotation from Albany Toyota for a Toyota Hilux for the amount of \$7,000. This vehicle has completed approximately 48,500kms.

- d) **C99020 – Maintenance Team Leaders' vehicle is currently a Holden Rodeo Utility.**

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Barnesby Ford	Falcon Utility	17,842.00	8,000.00	9,842.00
Loveridge Holden	Commodore Utility	18,576.00	8,500.00	10,076.00

It is recommended to accept the lowest quotation from Barnesby Ford for the Falcon Utility for the amount of \$9,842.00. The vehicle has completed approximately 87,000kms.

- e) **C99021 – Construction Team Leader's vehicle currently a Ford Falcon Utility.**

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Loveridge Holden	Commodore Utility	18,576.00	15,500.00	3,076.00
Barnesby Ford	Ford Falcon Utility	17,842.00	16,000.00	1,842.00

It is recommended to accept the lowest quotation from Barnesby Ford for a Falcon Utility for the amount of \$1,842.00. This vehicle has completed approximately 40,000kms.

Item 14.3.3 continued

f) **C99022 – Works Co-ordinator’s vehicle currently a Toyota Hilux Utility.**

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Barnesby Ford	Ford Courier Crew Cab	23,747.00	12,500.00	11,247.00
Albany Toyota	Toyota Hilux Dual Cab	24,500.00	12,000.00	12,500.00
Loveridge Holden	Holden Rodeo Crew Cab	26,608	12,000.00	14,608.00
Northside Mitsubishi	Mitsubishi Triton GLX	27,672.00	11,300.00	16,372.00
	Triton GLS Dual Cab	33,940.00	11,300.00	22,640.00

The budget review provides for an upgrade to a four wheel drive capacity crew cab. It is recommended that the lowest quotation be accepted from Barnesby ford for a Crew Cab for the amount of \$11,247.00. This vehicle has completed approximately 44,500kms.

g) **C99032 – Senior Environmental Health Officer’s vehicle currently a Ford Falcon Station wagon.**

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Northside Mazda	Magna Exec’ Wagon	26,052.00	17,500.00	8,552.00
Albany Toyota	Camry CSI Wagon	27,500.00	18,000.00	9,500.00
Barnesby Ford	Ford Falcon Forte S/wagon	27,661.00	17,500.00	10,161.00
Loveridge Holden	HT Commodore Wagon	28,337.00	17,000.00	11,337.00

It is recommended that the lowest quotation be accepted from Northside Mazda for a Magna Exec Wagon for the amount of \$8,552.00. This vehicle has completed approximately 58,000kms.

Item 14.3.3 continued

h) C99033 – Community Development Officer’s vehicle currently a Ford Falcon Sedan.

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Northside Mitsubishi	Magna Exec Sedan	20,433.00	16,250.00	4,183.00
Barnesby Ford	Ford Falcon Forte Sedan	21,498.00	16,000.00	5,498.00
Albany Toyota	Camry CSI Sedan	22,000.00	16,500.00	5,500.00
Loveridge Holden	HT Commodore Sedan	22,080.00	16,000.00	6,080.00

It is recommended that the lowest quotation be accepted from Northside Mitsubishi for a Magna Exec Sedan for the amount of \$4,183.00. This vehicle has completed approximately 45,500kms.

i) C99034 – Building Surveyor’s vehicle currently a Toyota RAV 4.

Dealer	Vehicle offered	Price (excluding tax)	Trade-in Offer	Changeover cost
Albany Toyota	Toyota RAV 4	21,690.00	19,000.00	2,690.00
	Prado RV	27,200.00	19,000.00	8,200.00
Albany City Kia	Sportage Wagon	20,780.00	19,000.00	1,780.00
Barnesby Ford	Ford Courier Crew Cab	23,419.00	16,000.00	7,419.00
Northside Mitsubishi	Pajero GL	28,266.00	18,000.00	10,266.00
	Challenger Wagon	29,252.00	18,000.00	11,252.00
	Pajero Escape Wagon	29,639.00	18,000.00	11,639.00

The lowest quotation received from the Albany City Kia for the supply of a Sportage Wagon for \$1,780.00. The trade-in values of a Kia with 40,000 is approximately \$16,500 compared to \$19,000 for a RAV 4. When taking into consideration the re-sale value it is considered the RAV 4 represents the best value to Council. It is recommended that the RAV 4 quotation should be accepted. This vehicle has completed approximately 41,000kms.

Item 14.3.3 continued

RECOMMENDATION 1

THAT Council accept the quotation of Mark Loveridge Holden to supply a Holden Berlina sedan at a cost of \$33,153.31 with trade-in allowance on Councils' Mitsubishi Verda of \$25,000.00 giving a nett change over cost of \$8,153.31.

RECOMMENDATION 2

THAT Council accept the quotation of Barnesby Ford to supply a Ford Futura Station wagon at a cost of \$31,194.00 with trade-in allowance on Council's Ford Futura Station Wagon of \$17,500.00 giving a nett change-over cost of \$13,694.00.

RECOMMENDATION 3

THAT Council accept the quotation of Albany Toyota to supply a Toyota Hilux Traytop at a cost of \$15,000 with trade-in allowance on Council's Mitsubishi Triton Tray utility of \$8,000 giving a nett change over of \$7,000.

RECOMMENDATION 4

THAT Council accept the quotation of Barnesby Ford to supply a Ford Falcon utility at a cost of \$17,842.00 with trade-in allowance on Councils Holden Rodeo Utility of \$8,000 giving a nett change over cost of \$9,842.00.

RECOMMENDATION 5

THAT Council accept the quotation of Barnesby Ford to supply a Ford Falcon utility at a cost of \$17,842.00 with trade-in allowance on Councils Ford utility Utility of \$16,000 giving a nett change over cost of \$1,842.00

RECOMMENDATION 6

THAT Council accept the quotation of Barnesby Ford to supply a Ford Courier crew cab at a cost of \$23,747.00 with trade-in allowance on Toyota Hilux spacecab of \$12,500 giving a nett change over of \$11,247.00.

RECOMMENDATION 7

THAT Council accept the quotation of Northside Mitsubishi to supply a Magna Exec Wagon at a cost of \$26,052.00 with trade-in allowance on Councils Ford Falcon Station Wagon of \$17,500 giving a nett change over cost of \$8,552.

Item 14.3.3 continued

RECOMMENDATION 8

THAT Council accept the quotation of Northside Mitsubishi to supply a Magna Exec sedan at a cost of \$20,433.00 with trade-in allowance on Councils Ford Falcon sedan of \$16,250 giving a nett change over cost of \$4,183.00.

RECOMMENDATION 9

THAT Council accept the quotation of Albany Toyota to supply a Toyota RAV 4 at a cost of \$21,690.00 with trade-in allowance on Council's RAV 4 of \$19,000 giving a nett change over of \$2,690.00.

RECOMMENDATION 10

THAT Council delegate authority to the Chief Executive Officer approval to change over the CEO, MOA, POPM and MDEV vehicles, provided the vehicles are to the approved standard and the quotations received are within the remaining budget allocation (\$33,796.69) for vehicle replacements.

Voting Requirement Absolute Majority

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The Executive Director Works & Services advised of a typographical error in Recommendation 10, and requested the figure "\$33,796.69" be amended to read "\$32,796.69".

**MOVED COUNCILLOR LUBICH
SECONDED COUNCILLOR WOLFE**

RECOMMENDATION 1

THAT Council accept the quotation of Mark Loveridge Holden to supply a Holden Berlina sedan at a cost of \$33,153.31 with trade-in allowance on Councils' Mitsubishi Verda of \$25,000.00 giving a nett change over cost of \$8,153.31.

RECOMMENDATION 2

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(Continued over page)

Item 14.3.3 continued

RECOMMENDATION 3

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RECOMMENDATION 4

THAT Council accept the quotation of Barnesby Ford to supply a Ford Falcon utility at a cost of \$17,842.00 with trade-in allowance on Councils Holden Rodeo Utility of \$8,000 giving a nett change over cost of \$9,842.00.

RECOMMENDATION 5

THAT Council accept the quotation of Barnesby Ford to supply a Ford Falcon utility at a cost of \$17,842.00 with trade-in allowance on Councils Ford utility Utility of \$16,000 giving a nett change over cost of \$1,842.00

RECOMMENDATION 6

THAT Council accept the quotation of Barnesby Ford to supply a Ford Courier crew cab at a cost of \$23,747.00 with trade-in allowance on Toyota Hilux spacecab of \$12,500 giving a nett change over of \$11,247.00.

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RECOMMENDATION 10

THAT Council delegate authority to the Chief Executive Officer approval to change over the CEO, MOA, POPM and MDEV vehicles, provided the vehicles are to the approved standard and the quotations received are within the remaining budget allocation (\$32,796.69) for vehicle replacements.

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

14.3.4 Albany Airport Advisory Committee

File/Ward	:	MAN 007 Kalgan Ward
Proposal/Issue	:	Endorse the membership of the Albany Airport Advisory Committee
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Executive Director Works & Services (C Meeking)
Previous Reference	:	OCM 26/08/98 Item 14.3.2 OCM 27/01/99 Item 14.3.3 OCM 24/03/99 Item 14.3.2
Summary Recommendation:		Appoint the named persons to the membership of the Albany Airport Advisory Committee
Locality Plan	:	N/A

BACKGROUND

1. Following the formation of the City of Albany it was considered necessary to re-establish the Albany Airport Advisory Committee. The committee had representatives from the City of Albany, Chairman of Commissioners, Executive Director Works & Services, Operations Manager, Airport Manager, Marketing Manager, Skywest Airlines (Perth & Albany), Shire of Denmark and Plantagenet, Transport, Southern Province Regional Economic Development Organisation, Albany Port Authority, Great Southern Development Commission, Chamber of Commerce, WA Tourism Authority and Albany Tourist Bureau.
2. The terms of reference for the Airport Advisory Committee was:
 - Development of marketing strategies eg.
 - a) Extension of airport destinations other than Perth;
 - b) Promotion of airport products and services.
 - Developing a funding strategy for an Navigational Landing System;
 - Development of airport usage eg RPT and Freight Services;
 - Future airport development;
 - Involvement in annual review of the Business Plan.
3. Council at its ordinary Council meeting on the 1st June 1999 resolved to appoint Councillor Ian West to the Albany Airport Advisory Committee.

Item 14.3.4 continued

4. The Albany Airport Business Plan is being considered by Council for endorsement in Item 15.2.1 at tonight's meeting. This plan acknowledges the support and input given by the Advisory and Emergency Committees. The business plan also outlines direction and sets strategies for the ongoing planning and development of the Harry Riggs Albany Regional Airport. It outlines "who does what" and "who is responsible", for certain facets of the airport's operation, namely:
 - Airport Manager – for day-to-day running and compliance with civil aviation regulations;
 - Operations Manager – for overall management of the airport;
 - Administration Officer – for leasing administration.
5. In addition to the Albany Airport Advisory Committee, the Aerodrome Emergency Committee had the terms of reference to develop and evaluate the emergency procedures for the airport.

STATUTORY REQUIREMENTS

6. Under section 5.9 to 5.11 of the Local Government Act 1995 the following guidelines are provided for the membership of the Albany Airport Advisory Committee:
 - a) Council must appoint by, absolute majority, the members of the Committee;
 - b) Where a person is appointed as a member of a committee, the person's membership of the committee continues until the person resigns from membership of the committee.
 - c) Chairperson of the committee is to be elected amongst the members of the committee;
 - d) The committee may elect a deputy Chairperson who will act in the absence of the Chairperson, or if they are unable or unwilling to do so;
 - e) A quorum of at least 50% of the number of committee members (whether vacant or not) is required for a meeting to take place;
 - f) Each member of the committee is entitled to one vote;
 - g) The Chairperson may cast a second vote if the votes of the members present at the committee meeting are equally divided;
 - h) The committee meetings do not have to be open to the public since the committee does not have any powers or duties delegated from Council;
 - i) The committee must decide by simple majority on any recommendations it makes to Council;
 - j) Minutes of the meetings must be submitted to the following committee meeting for confirmation

Item 14.3.4 continued

POLICY IMPLICATIONS

7. The City of Albany does not have any adopted policies relating to the Airport, however, establishing an Albany Airport Advisory Committee is part of the City of Albany's commitment to improve the management of the Harry Riggs Albany Regional Airport.
8. The primary objectives of the management of the airport are:
 - to provide a prompt and flexible response to all clients needs and operational requirements
 - to continue to take a flexible and innovative approach to expanding business operations
9. The success of these goals relies heavily on the involvement of all sectors of the community and for this reason the City of Albany welcomes the input from the community to ensure that the airport meets the needs of all parties.

FINANCIAL IMPLICATIONS

10. Administration and technical support will be provided by Council and those costs plus meeting cost overheads are adequately provided for in the budget. Any decision of the committee is advisory only and the primary decision will be taken by Council when any cost implications can be considered at that time.

STRATEGIC PLAN IMPLICATIONS

11. The City of Albany Strategic Plan 1998-2000 under the section dealing with The Transport System states:

Objective 1:

Ensure transport infrastructure is planned and integrated on a local and regional basis, and with balance and co-ordination between alternative modes or transport.

Strategy:

Develop local aviation infrastructure and promote an integrated aviation network.

COMMENT/DISCUSSION

12. To enable the Albany Airport Advisory Committee to focus on the strategic issues involved with the development of the airport, it is considered necessary to review the membership and terms of reference of the committee.

Item 14.3.4 continued

13. In reviewing the membership it is considered that the number of participants should be reduced to enable the committee to be more efficient and effective. Furthermore, the committee's membership should provide strategic networks to funding and marketing sources. It is considered that the committee membership should be as follows:

Councillor Ian West	City of Albany
Mr Colin Meeking	Executive Director Works & Services – City of Albany
Vacant	Marketing Manager – City of Albany
Mr Lewis Tucker	Skywest Airlines (Perth)
Mr Bruce Manning	Southern Province Regional Economic Development Organisation
Mr Roy Johnson	Transport
Mr Peter Cook	Great Southern Development Commission
Vacant	Representative from the Rainbow Coast Regional Council

14. Due to the Council representation on a variety of Committees the Albany Airport Advisory Committee will maintain linkages with the Chamber of Commerce, Economic Development Unit, Albany Tourist Bureau, Disability Services and Great Southern Transport Forum.
15. It is also considered that an Airport Users Group should be developed to ensure the day to day operations of the Airport are meeting the changing needs of our customers. It is envisaged that the group would have representatives from the Hangar leasees, Aero Club, Skywest (Albany), Tourist Bureau, Car Rental Company's etc meet on a quarterly basis.
16. A report detailing the membership and terms of reference for the Airport Users Group will be prepared and forwarded for Council consideration at a later date.

RECOMMENDATION

THAT Council endorse the appointment of the following persons to the Albany Airport Advisory Committee:

- Councillor Ian West - City of Albany
- Mr Colin Meeking - Executive Director Works & Services – City of Albany
- Vacant - Marketing Manager – City of Albany
- Mr Lewis Tucker - Skywest Airlines (Perth)
- Mr Bruce Manning - Southern Province Regional Economic Development Organisation
- Mr Roy Johnson - Transport
- Mr Peter Cook - Great Southern Development Commission
- Vacant - Representative from the Rainbow Coast Regional Council

Voting Requirement Absolute Majority

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Item 14.3.4 continued

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR ARMSTRONG**

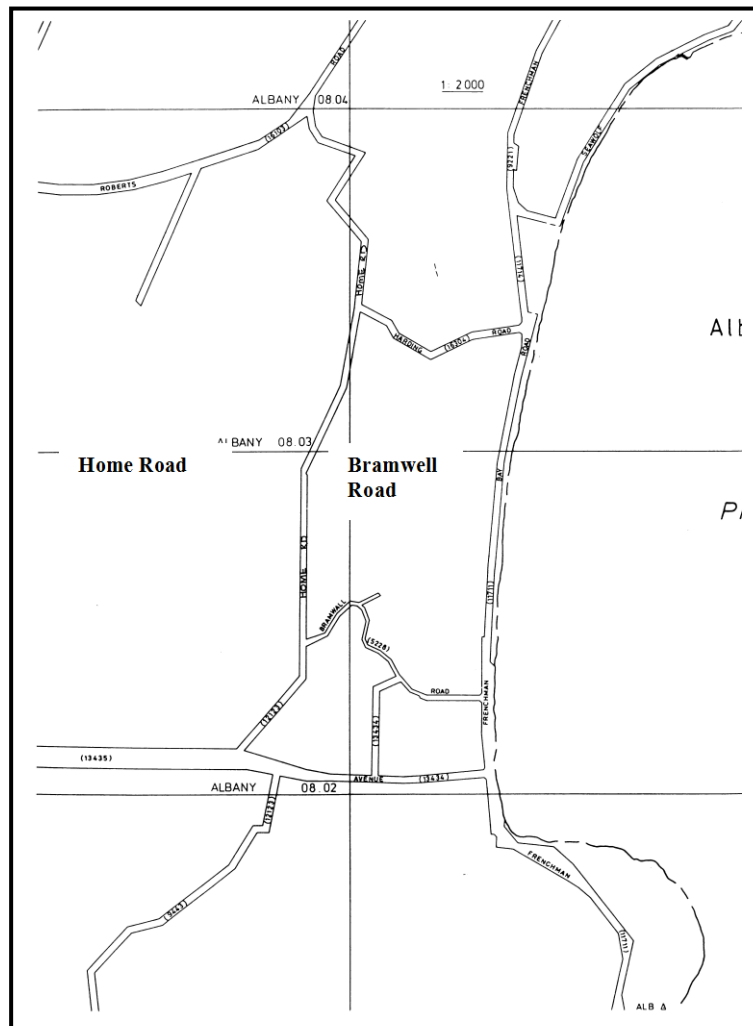
THAT Council endorse the appointment of the following persons to the Albany Airport Advisory Committee:

- | | |
|----------------------------|--|
| Councillor Ian West | - City of Albany |
| Mr Colin Meeking | - Executive Director Works & Services – City of Albany |
| Vacant | - Marketing Manager – City of Albany |
| Mr Lewis Tucker | - Skywest Airlines (Perth) |
| Mr Bruce Manning | - Southern Province Regional Economic Development
Organisaton |
| Mr Roy Johnson | - Transport |
| Mr Peter Cook | - Great Southern Development Commission |
| Vacant | - Representative from the Rainbow Coast Regional Council |

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

14.3.5 Home & Bramwell Roads - Petition

- File/Ward** : SER 102
Vancouver Ward
- Proposal/Issue** : To review the priority of Home & Bramwell Roads for construction and sealing in the 1999/2000 capital works program.
- Subject Land/Locality** : N/A
- Proponent** : N/A
- Owner** : N/A
- Reporting Officer(s)** : Operations Manager (C Mibus)
- Previous Reference** : Nil
- Summary Recommendation:** Maintain current priority as indicated in 5 year capital works program.
- Locality Plan** :



Item 14.3.5 continued

BACKGROUND

1. A petition has been submitted by forty-three residents from Home and Bramwell Roads concerned with the condition of these Roads.

STATUTORY REQUIREMENTS

2. Under Section 3.18 of the Local Government Act 1995 the City of Albany is to satisfy itself that services and facilities that it provides are managed efficiently and effectively.

POLICY IMPLICATIONS

3. The City of Albany currently does not have any adopted policies relating to the issue of asset management, however, the development of the 5 year Capital Works & Maintenance Programs is part of the City of Albany's commitment to improving and maintaining the local road network.

FINANCIAL IMPLICATIONS

4. The construction and sealing of Home and Bramwell Roads are currently included in the 5 year Capital Works Program. Bramwell Road is currently scheduled for construction and sealing in 1999/00 at a cost of \$50,000 and Home Road in 2000/01 at a cost of 130,000.
5. Funding and timing of these works will be dependent on the priority of the other projects also requiring inclusion in the Capital Works Program.

STRATEGIC PLAN IMPLICATIONS

6. The City of Albany Strategic Plan 1998 – 2000 under the section Physical & Development Infrastructure states:

The Transport system

Objective 1:

Ensure transport infrastructure is planned and integrated on a local and regional basis, and with balance and co-ordination between alternative modes of transport.

Strategy:

- a) Provide safe access to all properties and facilities at an appropriate scale and standard for the function of the road, path or cycleway.

COMMENT/DISCUSSION

7. Traffic surveys undertaken in 1993 and 1999 showed that 70 and 136 vehicles per day respectively are travelling along Home Road. The most recent count location has been questioned and it is proposed to undertake a further count at the Robertson Road end of Home Road.

Item 14.3.5 continued

8. Both roads are currently graded on average every 6-8 weeks. The level of maintenance for gravel roads is dependent on traffic volumes and weather conditions.
9. Given current funding limitations, it is recommended that the priorities of both roads be left as programmed in the 5 Year Capital Works.

RECOMMENDATION

THAT:

- i) Council receive and note the petition forwarded by residents of Home and Bramwell Roads regarding the condition of these roads; and
- ii) Doreen Johnson on behalf of the residents of Home and Bramwell Roads be advised:
 - a) the construction and sealing of Bramwell Road has been forwarded to the budget deliberations for consideration to be included in the five year capital works program in the 1999/00 financial year;
 - b) the construction and sealing of Home Road has been forwarded to the budget deliberations for consideration to be included in the five year capital works program in the 2000/2001 financial year; and
 - c) regular maintenance of Home and Bramwell Roads will be continued.

Voting Requirement Simple Majority

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Item 14.3.5 continued

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR DUFTY**

THAT:

- i) Council receive and note the petition forwarded by residents of Home and Bramwell Roads regarding the condition of these roads; and**
- ii) Doreen Johnson on behalf of the residents of Home and Bramwell Roads be advised:**
 - a) the construction and sealing of Bramwell Road has been forwarded to the budget deliberations for consideration to be included in the five year capital works program in the 1999/00 financial year;**
 - b) the construction and sealing of Home Road has been forwarded to the budget deliberations for consideration to be included in the five year capital works program in the 2000/2001 financial year; and**
 - c) regular maintenance of Home and Bramwell Roads will be continued.**

MOTION CARRIED 14 – 1

CITY OF ALBANY RECEIVED		
- 2 JUN 1999		
FILE SER100	CORRIG No 9907797	OFFICER OM
REPLY Y/N	ACKNOW SENT /	CNL/BLTN

*Rec'd at
Cem 1/6/99.*

*PLEASE
REGISTER*

TO WHOM IT MAY CONCERN

After the residents of Home Road and Bramwell Road have written numerous letters, and my own efforts of the 15th February 1999 and 22nd March 1999, regarding the appalling state of these roads we have taken up a petition signed by the residents, which I wish to present to Council.

Home Road traffic has increased dramatically. The traffic counter which was taken up on Tuesday 13th April 1999 showed 136 vehicles per day. How many vehicles do we need before something is done?

There have been 2 accidents on Bramwell Road in the last month, that I know of. 1 car skidded off the road through a closed gate, and the 2nd car hit a Karri tree doing considerable damage to the vehicle, luckily both drivers were unhurt.

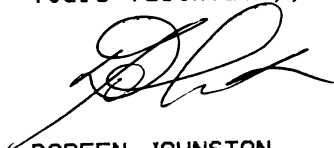
The gravel, or what is left of it on Home Road, is so thin we have sand holes and limestone coming through. This past month we have A D Contracotrs carting from a sand pit in Home Road and this has made the road worse, with them carting in the wet the road has turned to 'slush'. They have also knocked out 3 guide posts.

With cyclists, horse riders and pedestrians combined with trucks, horsefloats, cars and buses these roads are very dangerous.

The Residents request that URGENT attention be given to these roads. We want the roads SEALED in this budget year 1999/2000, not put off for another year. Every year we are told next year, next year never comes.

We look forward to a favourable reply in the very near future.

Yours faithfully,



DOREEN JOHNSTON
LOT 51 Home Road
ALBANY

1st June 1999

PETITION

FROM

THE RESIDENTS OF

HOME ROAD & BRAMWELL ROAD

We the undersigned being concerned residents of both Home Road and Bramwell Road feel compelled to bring to your notice the DANGER due to increase volume of traffic including Truck and Horse Float traffic, School bus route, pedestrian and equestrian activities. Also dangerous speeding vehicles on sub standard gravel roads.

We request that Council URGENTLY bring forward their plans to seal Home Road and Bramwell Road to the 1999/2000 budget and not put it off any longer.

	PRINT NAME	ADDRESS	SIGNATURE
1	LYN WILMOT	LOT 17 / BRAMWELL RD HOME	Lyn Wilmot
2	TONY WILMOT	" "	Tony Wilmot
3	JOHN THURMAN	6 BRAMWELL RD ALBANY	John Thurman
4	C. GROVES	" "	C. Groves
5	C. PIRIE	318 FRENCHMAN BAY ROAD	C. Pirie
6	M. PEARSON	5 BRAMWELL RD	M. Pearson
7	R. TRENAN	7 BRAMWELL RD	R. Trenan
8	R.E. WHITINGTON	23 BRAMWELL RD	R.E. Whittington
9	Christina Hawkins	18 Home Rd	Christina Hawkins
10	ROSEALYN TOWNH	LOT 18 HOME RD	Rosealyn Townh
11	STEVEN BARTLETT	LOT 18 HOME RD	Steven Bartlett
12	JANIE BARTLETT	LOT 18A HOME RD	Janie Bartlett
13	COLIN BATES	HOME RD	Colin Bates
14	DARREN JOHNSTON	LOT 51 HOME RD	Darren Johnston
15	TONY UDEZ	LOT 51 HOME RD	Tony Udez
16	JANE MORAN	LOT 86 HOME RD	Jane Moran
17	CRAIG ANDERSON	LOT 15 BRAMWELL RD	Craig Anderson
18	CAROL ANDERSON	" ALBANY "	Carol Anderson
19	ANDREW SINCLAIR	LOT 53 HOME RD ALBANY	Andrew Sinclair
20	KIM SINCLAIR	LOT 53 HOMERD ALBANY	Kim Sinclair
21	Z. BATTERSBY	LOT 12 HOME RD	Z. Battersby
22	J. Battersby	LOT 12 HOMERD	Joan M. Battersby
23	J. Hunter	100 HANDBY RD	J. Hunter

PETITION

FROM

THE RESIDENTS OF

HOME ROAD & BRAMWELLROAD

We the undersigned being concerned residents of both Home Road and Bramwell Road feel compelled to bring to your notice the DANGER due to increase of traffic including Truck and Horse Float traffic, School bus route, pedestrian and equestrian activities. Also dangerous speeding vehicles on sub standard gravel roads.

We request that Council URGENTLY bring forward their plans to seal Home Road and Bramwell Road to the 1999/2000 budget and not put it off any longer.

	PRINT NAME	ADDRESS	SIGNATURE
24	Pat HUNTER	100 Hardy Rd	P B Hunter.
25	TANIA WITHAM	52 HOME RD ALB	T Witham
26	ROYCE HUGHES	LOT 108 HOME RD	R Hughes
27	LYNOLA HAYTO	LOT 108 HOME RD	L Hayto
28	VICICI BURNS	ALBANY	V Burns
29	JOHN GOETZE	LOT 42 BRAMWELL	J Goetze
30	Kerry Goetze	RD ALBANY	K Goetze
31	R. DOWSETT	LOT 69 HOME RD	R Dowsett
32	Leanne Dowsett	Lot 54 Home Rd	L Dowsett
33	Colin Dowsett	Lot 54 Home Rd	C Dowsett
34	LJODY MARTIN	LOT 16 BRAMWELL RD	J. Martin
35	Fran Atkinson	Lot 43 Bramwell	F Atkinson
36	Sharon Swain	16 Bluff St	S Swain
37	DAVID ATKINSON	43 BRAMWELL RD	D Atkinson
38	D. WELSH	44 Bramwell Rd	D Welsh
39	John Pullman	44 Bramwell Rd	J Pullman
40	GASON POMERY	9 BRAMWELL RD	G Pomery
41	SHANE SKANKAL	11 BRAMWELL RD	S Skankal
42	SCOTT WHITBREAD	15 BRAMWELL RD	S Whitbread
43	MANDY ROBERTS	15 BRAMWELL RD	M Roberts
44			
45			
46			

14.3.6 Re-allocation of Funds – Cherry Picker Replacement

File/Ward	:	EQU 002 All Wards
Proposal/Issue	:	Re-allocation of funds to make up the shortfall in the budgetary allocation for the replacement of Council's Cherry Picker.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Parks & Reserves Team Leader (M Richardson)
Previous Reference	:	Nil
Summary Recommendation:		Approve re-allocation of funds.
Locality Plan	:	N/A

BACKGROUND

1. The 1998/99 budget made provision of \$24,750 for the upgrading of the current trailer mounted Cherry Picker P117 to a truck mounted Cherry Picker. Quotations were called in March 1999 for the supply and delivery of a second hand truck mounted Cherry Picker and all quotations significantly exceeded the budgeted amount. From quotations received a realistic price for a second hand truck mounted Cherry Picker in good condition is approximately \$85,000.
2. After reviewing the Parks & Reserves requirements for the purchase of a truck mounted Cherry Picker it was considered that an updated trailer mounted unit which provided for greater boom maneuverability and stability would be adequate for Councils requirements.
3. Quotations have since been obtained for trailer mounted cherry pickers and these have also exceeded the budgeted amount. Of the quotations received only two offer a combination of greater boom maneuverability and stability. These being the Snorkel MHP 15A at \$36,500 and the JLG K16T at \$68,000.

STATUTORY REQUIREMENTS

Nil.

Item 14.3.6 continued

POLICY IMPLICATIONS

- 4. The City of Albany currently does not have any adopted policies relating to the issue of asset management, however, the development of a 5 year plant replacement program is part of the City of Albany’s commitment to the effective and efficient management of Council’s assets.

FINANCIAL IMPLICATIONS

- 5. Quotations for a MHP 15A Cherry Picker is \$36,500 and the budget allocation is \$24,750. To make up the shortfall (\$11,750.00) between the budgetary allocation and the purchase price, funds are required to be re-allocated within the general ledger number of 136040, schedule 12 for the purchase of plant. Surplus funds are available from the replacement of the Concrete Kerber P006.

Concrete Kerber	Budget	\$60,000
	Proposed	<u>\$37,360</u>
	Surplus	<u>\$22,640</u>

STRATEGIC PLAN IMPLICATIONS

- 6. The City of Albany Strategic Plan 1998 – 2000 under the section Asset Management states:
Objective 1:
Responsibly manage Council’s physical assets..
 Strategy:
 a) Regularly reassess Council’s physical assets in the light of Council’s objectives.
 b) Ensure that options and opportunities for the best use and or return of Council’s assets are developed.

COMMENT/DISCUSSION

- 7. The Parks & Reserves team undertakes all street tree pruning within the residential areas of Albany and the other municipal town sites. This includes all pruning beneath power lines of non-native vegetation in accordance with the Western Power audit which is undertaken annually. The cherry picker is also used on a regular basis to install banners in the York Street area and by building maintenance staff.

Item 14.3.6 continued

8. The current cherry picker is a trailer mounted 1987 Crown MHP 14. Although this unit has been serviceable, tree pruning operations have been noticeably effected by the machines limitations. Its disadvantages include:
 - a) Limited outrigger stability restricts its use to an even surface of low gradient;
 - b) Difficult to maneuver in tight areas especially around power lines and heavily vegetated streets;
 - c) Has limited horizontal reach which requires constant moving of trailer, unhitching and setting up; and
 - d) Requires a new motor or engine overhaul as the current motor is causing increasing downtime;

9. The proposed cherry picker offers the following advantages:
 - a) Greater outrigger stability which would enable it to be used on rougher surfaces and of an increased gradient;
 - b) Has greater boom maneuverability especially important around powerlines;
 - c) Has greater horizontal reach thus requiring less moving of trailer; and
 - d) Has slightly greater vertical reach.

10. The following tables provide a comparison of quotations.

Plant to be Replaced	Budgeted Amount	Expected Trade-In	Changeover
Crown MHP 14	\$33,750	\$9,000	\$24,750

Supplier	Model	Purchase Price	Trade-In	Changeover
Genie Industries	TM2 34-19	\$28,435		
WA Access	MHP 14A	\$42,500	\$9,000	\$33,500
JLG Industries	K14 HP	\$41,000	\$7,000	\$34,000
WA Access	MHP 15A	\$45,500	\$9,000	\$36,500
JLG Industries	JLG 16T	\$75,000	\$7,000	\$68,000

11. As already stated only the MHP 15A and the JLG 16T offer greater stability and maneuverability than Councils current cherry picker while the remaining models quoted either did not meet specifications or were on a par to Councils current plant. The JLG 16T quote for \$75,000 could not be accepted as it is over \$50,000. Purchases greater than \$50,000 are required under the Local Government Act to be tendered.

12. All quotations are greater than Council's budgeted figure for the replacement of the Crown MHP Cherry Picker. Sufficient funds can be obtained to make up the shortfall for any of the quotations except the JLG 16T. The MHP 15A while \$3,000 more than the lowest quote would provide a safer work platform in what can be a hazardous field of work. Increased maneuverability also has the potential to speed up operations.

Item 14.3.6 continued

13. \$11,750 could be re-allocated from surplus funds from the replacement of Councils Concrete Kerber P006 to make up the shortfall in the budgeted allocation.

RECOMMENDATION

THAT Council:

- i) approves the purchase of the MHP 15A Cherry Picker supplied by WA Access for the changeover price of \$36,500; and
- ii) re-allocates \$11,750 from surplus funds from the replacement of its Concrete Kerber P006 to make up the shortfall in the budget allocation.

Voting Requirement Absolute Majority
.....

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WOLFE**

THAT Council:

- i) approves the purchase of the MHP 15A Cherry Picker supplied by WA Access for the changeover price of \$36,500; and**
- ii) re-allocates \$11,750 from surplus funds from the replacement of its Concrete Kerber P006 to make up the shortfall in the budget allocation.**

MOTION WITHDRAWN

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR ARMSTRONG**

THAT this item lay on the table pending consideration of Item 14.3.7.

MOTION CARRIED 15 – 0

Item 14.3.6 continued

(SPECIAL NOTE: AS DETERMINED BY COUNCIL THIS ITEM WAS CONSIDERED BY COUNCIL AFTER CONSIDERATION OF ITEM 14.3.7)

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR WOLFE**

THAT Council:

- i) approves the purchase of the MHP 15A Cherry Picker supplied by WA Access for the changeover price of \$36,500; and**
- ii) re-allocates \$11,750 from surplus funds from the replacement of its Concrete Kerber P006 to make up the shortfall in the budget allocation.**

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

14.3.7 Contract 99011 - Sale & Delivery of Kerbing Machine

File/Ward	:	99011 All Wards
Proposal/Issue	:	Supply & delivery of kerbing machine
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Operations Manager (C. Mibus)
Previous Reference	:	Nil
Summary Recommendation:		Accept tender submitted by Machinery Supply Pty Ltd for the supply of one Arrow 350 slip form kerber.
Locality Plan	:	N/A

BACKGROUND

1. Tenders were called for the supply and delivery of a concrete kerber, to be utilised by Council's paving team.

STATUTORY REQUIREMENTS

2. As per the Local Government Act 1995 (Local Government, Functions and General, Amendment Regulations 1997) a number of regulations and requirements are listed as to the tendering process for goods and services. As per regulation 11(1), the contract is worth more than \$50,000, so tenders have been called and received.

Item 14.3.7 continued

3. Regulation 18, outlines a number requirements relating to choice of tender. This is as follows:
- 18(1) A tender is required to be rejected unless it is submitted at a place and within the time, specified in the invitation for tenders.
 - 18(2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
 - 18(3) If, under regulation 23(4), the local government has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
 - 18(4) Tenders that have not been rejected under sub-regulation (1), (2), or (3) are to be considered by the local government and it is to decide which of them it thinks it would be most advantageous to the local government to accept
 - 18(5) The local government may decline to accept any tender.
4. As per Regulation 19, all tenderers must be notified of the outcome.

POLICY IMPLICATIONS

5. The City of Albany currently does not have any adopted policies relating to the issue of asset management, however, the development of a 5 year plant replacement program is part of the City of Albany commitment to the effective and efficient management of Council's assets.

FINANCIAL IMPLICATIONS

6. Three tenderers, Qic Kerb International, Machinery Supply Pty Ltd and Cocktail Holdings Pty Ltd (T/A Kerbing West) have submitted tenders as tabled below:

Supplier	Description	Price
Machinery Supply Pty Ltd	Arrow 350	\$37,360.00
Qic Kerber International	Qic Kerber QK7	\$51,200.00
Cocktail Holdings Pty Ltd (T/A Kerb West)	Kerbing West Custom	\$149,700.00

7. The budget provided an amount of \$60,000 for the purchase of a kerber.

Item 14.3.7 continued

STRATEGIC PLAN IMPLICATIONS

8. The City of Albany Strategic Plan 1998 – 2000 under the section Asset Management states:
Objective 1:
Responsibly manage Council's physical assets.
Strategy:
a) Regularly reassess Council's physical assets in the light of Council's objectives.
b) Ensure that options and opportunities for the best use and or return of Council's assets are developed.

COMMENT/DISCUSSION

9. The existing unit is not able to produce the various kerb profiles required throughout the City of Albany. The existing unit requires more personnel to operate the machine. It is proposed to include the existing kerbing unit for sale at Councils' depot clearing sale. The unit is expected to sell for approximately \$2000.
10. The lowest tender submitted was received from Machinery Supply Pty Ltd for the supply of an Arrow 350 kerbing machine.
11. All units have been investigated and inspected by the Works Co-ordinator and the plant operator. Some advantages of the Arrow kerber over the other units are:
- Hopper can be fed from front and sides (can be useful depending on the traffic situation)
 - Machine can be raised vertically in a straight line to manoeuvre over pits, lids and obstructions (making it a very versatile machine)
 - All wheel drive therefore able to move over steep grades and turn tight corners without wheel slip
 - If needed can be fitted with a remote controller to allow operator to move around the machine
 - Can be operated with two staff (others require three staff)
 - Can produce a wetter finish (giving a smoother end finish)
 - Adjustable front height (for varying kerb types in older streets)
12. The City of Canning, Shire of Meekatharra and the City of Geraldton, operate an Arrow 350 kerbing machine and have reported that they are satisfied with the unit's performance.
13. It is considered that Council should accept the tender from Machinery Supply Pty Ltd.

Item 14.3.7 continued

RECOMMENDATION

THAT Council:

- i) awards Contract 99011 – Supply & Delivery of one Arrow 350 concrete kerber to Machinery Supply Pty Ltd for the sum of \$37360.00, and
- ii) authorises the affixing of the Common Seal to appropriate Contract documents for Contract 99011.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR DUFTY**

THAT Council:

- i) awards Contract 99011 – Supply & Delivery of one Arrow 350 concrete kerber to Machinery Supply Pty Ltd for the sum of \$37360.00, and**
- ii) authorises the affixing of the Common Seal to appropriate Contract documents for Contract 99011.**

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

**MOVED COUNCILLOR ARMSTRONG
SECONDED DUFTY**

THAT Item 14.3.6. be lifted from the table and considered by Council.

MOTION CARRIED 15 – 0

SPECIAL NOTE: ITEM 14.3.6 WAS DEBATED AND DECIDED UPON AT THIS POINT IN THE MEETING – I.E. AFTER ITEM 14.3.7 WAS RESOLVED.

13.0 CORPORATE & COMMUNITY SERVICES

- I N D E X -

13.1 FINANCE

- 13.1.1 List of Accounts for Payment
- 13.1.2 Appointment of Auditor – Two years
- 13.1.3 Advertise Differential Rates

13.2 ADMINISTRATION

- 13.2.1 Committees of Council
- 13.2.2 Councillors Development Program and Local Government Week
- 13.2.3 Johann Strauss Society of Australia
- 13.2.4 City of Albany Administration Building(s)
- 13.2.5 Albany City Band
- 13.2.6 Recruitment of Chief Executive Officer (*see separately distributed report – to be discussed behind closed doors*)

13.3 LIBRARY SERVICES

13.4 DAY CARE CENTRE

13.5 TOWN HALL

13.6 ALBANY LEISURE & AQUATIC CENTRE

- R E P O R T S -

13.1 FINANCE

13.1.1 List of Accounts for Payment – City of Albany

File	:	FIN 022
Proposal	:	N/A
Subject Land/Locality	:	N/A
Proponent	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Summary Recommendation	:	Approve accounts for payment

COMMENT/DISCUSSION

1. The list of accounts for payment for the City of Albany is attached and contains the following:-

Municipal Fund Vouchers 5444 to 5913	Totalling	1,056,602.13
Municipal Fund Direct Debits Payroll	Totalling	521,621.56
Loan Repayments	Totalling	Nil
Other Direct Debits	Totalling	6,177.85
Total Municipal Fund		<u>1,584,401.54</u>
Trust Fund Vouchers	Totalling	Nil
Trust Fund Direct Debits	Totalling	Nil
Total Trust Fund		<u>Nil</u>
TOTAL		<u><u>1,584,401.54</u></u>

RECOMMENDATION

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

Municipal Fund	totalling	\$1,584,401.54
Trust Fund	totalling	\$ Nil
Total		<u>\$1,584,401.54</u>

.....

The Executive Director Corporate and Community Services advised the List of Accounts for Payments records cheques drawn, but does not show any income received. In the case of Her Worship the Mayor, it would appear that she had been paid the sum of \$7,728 for May/June, whereas in fact one cheque totalling \$3,814 had been re-banked, leaving an actual payment to the Mayor, of \$3,814 for the period.

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR DUFTY**

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

Municipal Fund	totalling	\$1,584,401.54
Trust Fund	totalling	\$ <u>Nil</u>
Total		<u>\$1,584,401.54</u>

MOTION CARRIED 15 – 0

13.1.2 Appointment of Auditor

File	:	FIN020
Proposal/Issue	:	Council to appoint an auditor
Subject Land/locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager - Finance (S Goodman)
Previous Reference	:	Nil
Summary Recommendation	:	That Council re-appoint Russell Harrison auditor for the City

BACKGROUND

1. Council is required to appoint an auditor for a period not exceeding 5 years.
2. Mr Russell Harrison of Lincoln's Chartered Accountants has acted as auditor for the City of Albany in 1998/99, and as auditor for the former Town and Shire of Albany for in excess of 10 years. He also acts for a number of other Councils in the region.
3. Mr Harrison has advised that if re-appointed, the base annual audit charge would be calculated on actual hours worked to a maximum of \$ 10,500 plus a fee for grant acquittals. This compares to a fixed fee of \$ 11,000 for 1998/99.
4. The Department of Local Government is currently conducting an audit review and considering the following options for appointment of auditors and carrying out of the work:
 - ◆ No change – local Council appoints external auditor, no formal standards
 - ◆ Minister to appoint Auditor General to carry out audits
 - ◆ Councils to appoint external auditor using a minimum standard contract
 - ◆ Councils to form Audit Committee to appoint and supervise external auditor.
5. The Department of Local Government have advised that the review will not be complete in time to adjust the conditions for the 1999/2000 financial year, but it was anticipated that recommendations would be made in 2000/2001.

Item 13.1.2 continued

STATUTORY REQUIREMENTS

6. Under s.7.3 of the Local Government Act (1995) , Council is required to appoint one or more persons as its auditor so long as they are a registered company auditor, or an approved auditor. The term of office for an auditor is not to exceed five years (s 7.6)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

7. A provision for audit fees will be allowed in the 1999/2000 operating budget.

STRATEGIC PLAN IMPLICATIONS

Nil

COMMENT/DISCUSSION

7. Pending the receipt of the outcome of the Department of Local Government audit review, it is proposed that a contract for 2 years (1999-2001) be awarded to Mr Russell Harrison. The Commissioners of the City of Albany, and the former Town and Shire have been very satisfied with Mr Harrison's work and it would be of benefit to Council to continue to utilise his experience.
8. The main reasons for retaining Mr Harrison as Council's auditor involve establishing stability within Council's overall financial management and continuity of external professional advice during the period of establishment of new systems.
9. It is proposed that the City consider putting the contract for audit services out to tender at the conclusion of the Lincoln's contract, when the result of the Department of Local Government Audit Review is available.

RECOMMENDATION

THAT;

- i) Mr Russell Harrison of Lincoln's Chartered Accountants be appointed auditor for the City of Albany for the 1999/2001 financial years for a proposed annual base fee not to exceed \$ 10,500.
- ii) The Audit agreement with Mr Harrison contain a provision for adjustment or cancellation pending the outcome of the Local Government audit review.

Voting Requirement Absolute Majority

Item 13.1.2 continued

**MOVED COUNCILLOR WILSON
SECONDED COUNCILLOR WALKER**

THAT:

- i) Mr Russell Harrison of Lincoln's Chartered Accountants be appointed auditor for the City of Albany for the 1999/2001 financial years for a proposed annual base fee not to exceed \$ 10,500.**
- ii) The Audit agreement with Mr Harrison contain a provision for adjustment or cancellation pending the outcome of the Local Government audit review.**

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

13.1.3 Advertise Differential Rates

File	:	FIN014
Proposal/Issue	:	Council to advertise differential rates
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Manager - Finance (S Goodman)
Previous Reference	:	N/A
Summary Recommendation	:	That Council seek community input on differential rates in the 1999/2000 Budget

BACKGROUND

1. Council has previously funded at least part of its funding of the Albany Tourist Bureau, and Albany City Heart (previously Project Mainstreet) through the levying of differential rates.
2. The Albany Tourist Bureau and Albany City Heart have again approached Council for support for the 1999/2000 financial year, in the amounts of \$135,000 and approximately \$110,000 respectively. Albany City Heart have requested a levy of 1 cent in the dollar in both 1998/99 and 1999/2000. If Council agrees to support the organisation, it would be for a lesser amount within the \$84,000 to \$86,000 range. If differential rates are supported, it would be proposed to levy the following amounts :
 - Tourism - a differential rate to raise \$50,000 (37% of the total contribution).
 - Albany City Heart - a differential rate to raise \$85,000 (100% of the contribution)

STATUTORY REQUIREMENTS

3. Section 6.33 of the Local Government Act (1995) allows a local government to impose a differential general rate based on the zoning and / or land use of the property. Section 6.36 (1) requires a local government which is considering the imposition of a differential rate to give local public notice of its intention and allow a period of 21 days for public submissions. Prior to adopting the proposed rate, Council is required to consider all submissions received within the time allowed

Item 13.1.3 continued

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

4. If adopted, the differential rates will form part of the adopted 1999/2000 Budget.

STRATEGIC PLAN IMPLICATIONS

Nil

COMMENT/DISCUSSION

5. It is proposed that Council advertise its intention to consider raising \$ 50,000 of its annual contribution to the Albany Tourist Bureau through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Tourist Residential", "Licenced Premises", "Local Shopping", "Other Commercial", "Service Station", and "Central Area", with the exception of properties with a land use of single residential or grouped dwelling. The former Shire rating system currently does not contain land use categories. There is no acceptable method of identifying properties which would be subject to the Tourism Differential Rate. It is proposed to restrict the 1999/2000 differential rate to former Town properties, but extend the tourism rate to all relevant City properties in 2000/01.
6. It is proposed that Council advertise its intention to consider raising its annual contribution to Albany City Heart (\$85,000) through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Central Area" , with the exception of properties with a land use of single residential or grouped dwelling.

RECOMMENDATION

THAT:

- i) Council advertise its intention to consider raising \$50,000 of its annual contribution to the Albany Tourist Bureau through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Tourist Residential", "Licenced Premises", "Local Shopping", "Other Commercial", "Service Station", and "Central Area", with the exception of properties with a land use of single residential or grouped dwelling.
- ii) Council advertise its intention to consider raising \$85,000 of its annual contribution to Albany City Heart through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Central Area", with the exception of properties with a land use of single residential.

Voting Requirement Simple Majority

Item 13.1.3 continued

**MOVED COUNCILLOR EVANS
SECONDED COUNCILLOR WALKER**

THAT this matter lay on the table pending consideration of Item 15.2.2.

MOTION CARRIED 15 – 0

Mayor Goode suggested the advertisement referred to in part ii) of the recommendation should include advice to residents of the Central Area Survey to be undertaken by Council, and requested that the recommendation be amended accordingly.

(Special Note: As determined by Council Item 13.1.3 and the resolution that follows was discussed and decided on by Council after Item 15.2.2 was considered).

**MOVED COUNCILLOR CECIL
SECONDED COUNCILLOR LUBICH**

THAT:

- i) Council advertise its intention to consider raising \$50,000 of its annual contribution to the Albany Tourist Bureau through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Tourist Residential", "Licenced Premises", "Local Shopping", "Other Commercial", "Service Station", and "Central Area", with the exception of properties with a land use of single residential or grouped dwelling.**
- iii) Council advertise its intention to consider raising \$85,000 of its annual contribution to Albany City Heart through the levying of a differential rate on properties within Town Planning Scheme1A zoned "Central Area", with the exception of properties with a land use of single residential, the advertisement to contain a footnote advising that a survey of all landowners and business operators who rent space within the central area will be undertaken by Council during July (refer Item 15.2.2.)**

MOTION CARRIED 15 – 0

13.2 ADMINISTRATION

13.2.1 Committees of Council

File	:	OSH001
Proposal/Issue	:	Establishment of Committees of Council
Subject land	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Senior Administration Officer (S Pepper)
Previous Reference	:	Various
Summary Recommendation	:	To approve establishment of Committees of Council
Locality Plan	:	N/A

BACKGROUND

1. Council has previously established committees of council to assist in the performance of its powers and discharge of its duties. These committees operate in accordance with the provisions of the Local Government Act 1995, which allows membership to continue until the person resigns, the Committee is disbanded or the next ordinary election day – whichever happens first.

STATUTORY REQUIREMENTS

2. Section 5.8 of the Local Government Act deals with the establishment of committees and states:-
“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.”*

Item 13.2.1 continued

3. Section 5.11 addresses the tenure of committee membership and states:-
- “5.11 (1) Where a person is appointed as a member of a committee under section 5.10 (4) or (5), the persons membership of the committee continues until-*
- a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO’s representative, as the case may be;*
 - b) the person resigns from membership of the committee;*
 - c) the committee is disbanded; or*
 - d) the next ordinary elections day,*
- whichever happens first.*
- (2) Where a person is appointed as a member of a committee other than under section 5.10 (4) or (5), the person’s membership of the committee continues until:-*
- a) the term of the person’s appointment as a committee member expires;*
 - b) the local government removes the person from the office of committee member or the office of Committee member otherwise becomes vacant;*
 - c) the committee is disbanded; or*
 - d) the next ordinary elections day,*
- whichever happens first.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

4. Governance – Objective 1.
Provide good governance for the City of Albany
Strategy:
- a) Comply with the provisions of the Local Government Act 1995 and all other relevant legislation;
 - b) Establish effective two way communication between Council, residents and other stakeholders.

Item 13.2.1 continued

COMMENT/DISCUSSIONS

5. At the meetings of Council held on 12th May and 1st June 1999, elected members were appointed to various committees of Council, however some of these committees also comprise employees and other persons. (ie community representatives) and therefore it is necessary for Council to reappoint these persons.
6. It is also an opportune time for Council to review the “Term of Reference” for the various committees.
7. Details of the relevant persons referred to in 5 above and the terms of reference referred to in 6 above are attached.
NB: The City of Albany Bushfire Management Committee is also seeking to fill two further vacancies from Councillors.
8. Cllr Cecil has previously been appointed to the Outdoor Staff Enterprise Bargaining Committee, however she is unable to fulfill the duties and therefore the appointment of a replacement is required.
9. In regard to the Great Southern Regional Cattle Saleyards Joint Venture Committee it is necessary for Council to also appoint the Shire of Plantagenet representative to this committee and note the terms of reference as contained in the joint venture agreement. Details of the appointment and terms of reference are attached. Details of the appointment and terms of reference are attached.

RECOMMENDATION

THAT Council

- 1) endorse the terms of reference for the various committees of Council (as detailed in the attachment) and appoint the following persons to such committees.

HERITAGE ADVISORY COMMITTEE

Cllr Cecil
Executive Director Development Services
City of Albany Planning Officer
REIWA – Mr Geoff Burke
Albany Society – Mr David Heaver
Local Historian – Mr Les Johnson
Great Southern Regional Heritage Advisory – Mr Phil Bennett
Albany Historical Society – Mr Stan Austin
Community Representative (urban) – Mr Neil Smithson
Community Representative (rural) – Mrs Patty Leighton

Item 13.2.1 continued

ALBANY JOINT RETAIL TRADING HOURS COMMITTEE

Mayor Alison Goode, City of Albany - Principal Representative

Ian Wilson - Principal Representative

Principal Representative – Dennis Wellington (City of Albany Merchants Association) Chris Ploughman or Diane Ciprian – Deputy

Principal Representative – Lesley Briscoe (Albany Tourist Bureau) Des Cunningham – Deputy

Principal Observer – Lindsay Jones (Retail Traders Association) Peter Hare – Deputy

Principal Observer – Peter Forgione (Albany City Heart) George Burcher – Deputy

ALBANY TOWN HALL THEATRE PROMOTION COMMITTEE

Director Vancouver Arts Centre - Lee Ord

Principal Librarian - Jenni Flottmann

Town Hall Manager - Stewart Gartland

Executive Director Corporate & Community Services - Peter Madigan

Community Representative - M A Grant

ALBANY AIRPORT EMERGENCY COMMITTEE

Officer in Charge – Albany Police Traffic Office

Regional Manager – WA State Emergency Service

Station Officer – WA Fire and Rescue

Representative – Skywest Operations

Station Officer – St John Ambulance

Director of Nursing – Albany Regional Hospital

Representative – Family and Children’s Services

Colin Mibus - City of Albany Operations Manager

Cyril Ecob - City of Albany Airport Manager

Representative – Bush Fires Board

Representative – Civil Aviation Safety

Senior Ranger – City of Albany

WASTE MANAGEMENT ADVISORY COMMITTEE

Albany Ratepayers & Residents Association – John Blaney-Murphy

Albany Ratepayers & Residents Association – Maurice McCormick

City of Albany – Cllr John Walker

City of Albany – Colin Meeking - Executive Director Works & Services

Item 13.2.1 continued

DISABILITIES SERVICES ADVISORY COMMITTEE

City of Albany – Jim Kelly – Chief Executive Officer
City of Albany – Colin Meeking - Executive Director Works & Services
City of Albany – Keith Barnett – Manager Education and Compliance
City of Albany – Robert Shanhun – Community Development Officer
Pearl Winn – MS Society
Lorraine Wolfe – Disabled Persons Representatives
Wendy Dilletti – Community Mental Health
Rosalie Glynn – Association for the Blind
Karen Sigley – Disability Services Commission

CITY OF ALBANY BUSHFIRES ADVISORY COMMITTEE

City of Albany – Cllr Des Wolfe
Chairman – Alan Hawley
Secretary – John Tonkin
2 x Delegates from each Bushfire Brigade

Guests of Committee:
Department of CALM representative
Bush Fire Service representative

CITY OF ALBANY BUSHFIRES MANAGEMENT COMMITTEE

City of Albany - Cllr Des Wolfe
City of Albany – Cllr Ian West
City of Albany – Cllr _____
City of Albany – Cllr _____
Chief Bushfire Control officer – Ken Johnson
Deputy Chief Bushfire Control Officer – Jim Baily
1 x Fire Control Officer – Brian Davis

Guests of Committee:
Dept of CALM representative
Bush Fire Service representative
Fire and Rescue Service representatives

GREAT SOUTHERN REGIONAL CATTLE SALEYARDS JOINT VENTURE COMMITTEE

Cllr Kevin Forbes – Shire of Plantagenet
Cllr Jeff Moir – Shire of Plantagenet
Cllr Michael Skinner – Shire of Plantagenet

OUTDOOR STAFF ENTERPRISE BARGAINING COMMITTEE

City of Albany – Cllr _____

Voting Requirement Absolute Majority

Item 13.2.1 continued

AMENDED RECOMMENDATION

THAT Council

1) endorse the terms of reference for the various committees of Council (as detailed in the attachment) and appoint the following persons to such committees.

HERITAGE ADVISORY COMMITTEE

Cllr Cecil
Executive Director Development Services - Mr Robert Fenn
City of Albany Planning Officer – Mr Craig Pursey
REIWA – Mr Geoff Burke
Albany Society – Mr David Heaver
Local Historian – Mr Les Johnson
Great Southern Regional Heritage Advisory – Mr Phil Bennett
Albany Historical Society – Mr Stan Austin
Community Representative (urban) – Mr Neil Smithson
Community Representative (rural) – Mrs Patty Leighton

ALBANY JOINT RETAIL TRADING HOURS COMMITTEE

Mayor Alison Goode, City of Albany - Principal Representative
Ian Wilson - Principal Representative (Albany Chamber of Commerce)
Principal Representative – Dennis Wellington (City of Albany Merchants Association) Chris Ploughman or Diane Ciprian – Deputy
Principal Representative – Lesley Briscoe (Albany Tourist Bureau) Des Cunningham – Deputy
Principal Observer – Lindsay Jones (Retail Traders Association) Peter Hare – Deputy
Principal Observer – Peter Forgione (Albany City Heart) George Burcher – Deputy

ALBANY TOWN HALL THEATRE PROMOTION COMMITTEE

Director Vancouver Arts Centre - Lee Ord
Principal Librarian - Jenni Flottmann
Town Hall Manager - Stewart Gartland
Executive Director Corporate & Community Services - Peter Madigan
Community Representative - M A Grant

WASTE MANAGEMENT ADVISORY COMMITTEE

Albany Ratepayers & Residents Association – John Blaney-Murphy
Albany Ratepayers & Residents Association – Maurice McCormick
City of Albany – Cllr John Walker
City of Albany – Colin Meeking - Executive Director Works & Services

Item 13.2.1 continued

DISABILITIES SERVICES ADVISORY COMMITTEE

City of Albany – Jim Kelly – Chief Executive Officer
City of Albany – Colin Meeking - Executive Director Works & Services
City of Albany – Keith Barnett – Manager Education and Compliance
City of Albany – Robert Shanhun – Community Development Officer
Robert Cridge – MS Society
Lorraine Wolfe – Disabled Persons Representatives
Wendy Dilletti – Community Mental Health
Rosalie Glynn – Association for the Blind
Karen Sigley – Disability Services Commission

CITY OF ALBANY BUSHFIRES MANAGEMENT COMMITTEE

City of Albany - Cllr Des Wolfe
City of Albany – Cllr Ian West
City of Albany – Cllr _____
City of Albany – Cllr _____
Chief Bushfire Control officer – Ken Johnson
Deputy Chief Bushfire Control Officer – Jim Baily
1 x Fire Control Officer – Brian Davis
Guests of Committee:
Dept of CALM representative
Bush Fire Service representative
Fire and Rescue Service representatives

GREAT SOUTHERN REGIONAL CATTLE SALEYARDS JOINT VENTURE COMMITTEE

Cllr Kevin Forbes – Shire of Plantagenet
Cllr Jeff Moir – Shire of Plantagenet
Cllr Michael Skinner – Shire of Plantagenet

OUTDOOR STAFF ENTERPRISE BARGAINING COMMITTEE

City of Albany – Cllr _____ ; and

- 2) in accordance with Section 67 of the Bushfires Act 1954 endorse the terms of reference for the various committees of Council (as detailed in the attachment) and appoint the following persons to such committees.

CITY OF ALBANY BUSHFIRES ADVISORY COMMITTEE

City of Albany – Cllr Des Wolfe
Alan Hawley
Secretary – John Tonkin
2 x Delegates from each Bushfire Brigade
Guests of Committee:
Department of CALM representative
Bush Fire Service representative

Voting Requirement Absolute Majority

Item 13.2.1 continued

The Chief Executive Officer advised an amended recommendation had been prepared, to reflect some minor changes to the membership of some committees, and deletion of the Albany Airport Emergency Committee from the recommendation. He advised the Albany Tidy Town Committee had been omitted from the original and amended recommendations, and this should be included in the final motion.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR ARMSTRONG**

THAT Council

1) endorse the terms of reference for the various committees of Council (as detailed in the attachment) and appoint the following persons to such committees.

HERITAGE ADVISORY COMMITTEE

**Cllr Cecil
Executive Director Development Services - Mr Robert Fenn
City of Albany Planning Officer – Mr Craig Pursey
REIWA – Mr Geoff Burke
Albany Society – Mr David Heaver
Local Historian – Mr Les Johnson
Great Southern Regional Heritage Advisory – Mr Phil Bennett
Albany Historical Society – Mr Stan Austin
Community Representative (urban) – Mr Neil Smithson
Community Representative (rural) – Mrs Patty Leighton**

ALBANY JOINT RETAIL TRADING HOURS COMMITTEE

**Mayor Alison Goode, City of Albany - Principal Representative
John Howeling - Principal Representative (Albany Chamber of Commerce)
Principal Representative – Dennis Wellington (City of Albany Merchants
Association) Chris Ploughman or Diane Ciprian – Deputy
Principal Representative – Lesley Briscoe (Albany Tourist Bureau) Des
Cunningham – Deputy
Principal Observer – Lindsay Jones (Retail Traders Association) Peter
Hare – Deputy
Principal Observer – Peter Forgione (Albany City Heart) George Burcher
– Deputy**

ALBANY TOWN HALL THEATRE PROMOTION COMMITTEE

**Director Vancouver Arts Centre - Lee Ord
Principal Librarian - Jenni Flottmann
Town Hall Manager - Stewart Gartland
Executive Director Corporate & Community Services - Peter Madigan
Community Representative - M A Grant**

Continued over page....

Item 13.2.1 continued

WASTE MANAGEMENT ADVISORY COMMITTEE

Albany Ratepayers & Residents Association – John Blaney-Murphy
Albany Ratepayers & Residents Association – Maurice McCormick
City of Albany – Cllr John Walker
City of Albany – Colin Meeking - Executive Director Works & Services

DISABILITIES SERVICES ADVISORY COMMITTEE

City of Albany – Jim Kelly – Chief Executive Officer
City of Albany – Colin Meeking - Executive Director Works & Services
City of Albany – Keith Barnett – Manager Education and Compliance
City of Albany – Robert Shanhan – Community Development Officer
Robert Cridge – MS Society
Lorraine Wolfe – Disabled Persons Representatives
Wendy Dilletti – Community Mental Health
Rosalie Glynn – Association for the Blind
Karen Sigley – Disability Services Commission

CITY OF ALBANY BUSHFIRES MANAGEMENT COMMITTEE

City of Albany - Cllr Des Wolfe
City of Albany – Cllr Ian West
City of Albany – Cllr Norm Bain
City of Albany – Cllr Merryn Bojcun
Chief Bushfire Control officer – Ken Johnson
Deputy Chief Bushfire Control Officer – Jim Bailly
1 x Fire Control Officer – Brian Davis
Guests of Committee:
Dept of CALM representative
Bush Fire Service representative
Fire and Rescue Service representatives

GREAT SOUTHERN REGIONAL CATTLE SALEYARDS JOINT VENTURE COMMITTEE

Cllr Kevin Forbes – Shire of Plantagenet
Cllr Jeff Moir – Shire of Plantagenet
Cllr Michael Skinner – Shire of Plantagenet

OUTDOOR STAFF ENTERPRISE BARGAINING COMMITTEE

City of Albany – Cllr John Walker; and

ALBANY TIDY TOWN COMMITTEE

Cllr Norm Bain

- 2) in accordance with Section 67 of the Bushfires Act 1954 endorse the terms of reference for the various committees of Council (as detailed in the attachment) and appoint the following persons to such committees.

Continued over page.....

Item 13.2.1 continued

CITY OF ALBANY BUSHFIRES ADVISORY COMMITTEE

City of Albany – Cllr Des Wolfe

Alan Hawley

Secretary – John Tonkin

2 x Delegates from each Bushfire Brigade

Guests of Committee:

Department of CALM representative

Bush Fire Service representative

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**



COMMITTEES OF COUNCIL

HERITAGE ADVISORY COMMITTEE

Cllr Cecil
Executive Director Development Services
City of Albany Planning Officer
REIWA – Mr Geoff Burke
Albany Society – Mr David Heaver
Local Historian – Mr Les Johnson
Great Southern Regional Heritage Advisory – Mr Phil Bennett
Albany Historical Society – Mr Stan Austin
Community Representative (urban) – Mr Neil Smithson
Community Representative (rural) – Mrs Patty Leighton

Terms of Reference

To provide independent advice to the City and to the community on heritage issues and to assist the City of Albany in the preparation of the City's Municipal Inventory.

ALBANY JOINT RETAIL TRADING HOURS COMMITTEE

Mayor Alison Goode, City of Albany - Principal Representative
Ian Wilson - Principal Representative
Principal Representative – Dennis Wellington (City of Albany Merchants Association) Chris Ploughman or Diane Ciprian – Deputy
Principal Representative – Lesley Briscoe (Albany Tourist Bureau) Des Cunningham – Deputy
Principal Observer – Lindsay Jones (Retail Traders Association) Peter Hare – Deputy
Principal Observer – Peter Forgione (Albany City Heart) George Burcher – Deputy

Terms of Reference

The terms of reference to advise on matters referred to it by Council dealing with retail trading hours across the City of Albany and to receive, comment and make recommendations on any requests for variation to retail trading hours across the City of Albany.

ALBANY TOWN HALL THEATRE PROMOTION COMMITTEE

Director Vancouver Arts Centre - Lee Ord
Principal Librarian - Jenni Flottmann
Town Hall Manager - Stewart Gartland
Executive Director Corporate & Community Services - Peter Madigan
Community Representative - M A Grant

Terms of Reference

To manager the daily operation of the theatre and the underwrite shows, subject to both duties being within budget.

ALBANY AIRPORT EMERGENCY COMMITTEE

Officer in Charge – Albany Police Traffic Office
Regional Manager – WA State Emergency Service
Station Officer – WA Fire and Rescue
Representative – Skywest Operations
Station Officer – St John Ambulance
Director of Nursing – Albany Regional Hospital
Representative – Family and Children’s Services
Colin Mibus - City of Albany Operations Manager
Cyril Ecob - City of Albany Airport Manager
Representative – Bush Fires Board
Representative – Civil Aviation Safety
Senior Ranger – City of Albany

Terms of Reference

The objectives of the committee is to review the emergency procedures for the Albany Airport and also review the outcomes of the bi-annual emergency exercise.

WASTE MANAGEMENT ADVISORY COMMITTEE

Albany Ratepayers & Residents Association – John Blaney-Murphy
Albany Ratepayers & Residents Association – Maurice McCormick
City of Albany – Cllr John Walker
City of Albany – Colin Meeking - Executive Director Works & Services

Terms of Reference

The terms of reference for the Committee will be to advise on matters referred to it by Council dealing with waste ministation, collection, disposal, financial and other issues related to waste management.

The committee members individually (other than officers of the Council) or collectively as a committee will have no involvement in the day to day operations of the waste management services (collection or disposal).

DISABILITIES SERVICES ADVISORY COMMITTEE

City of Albany – Jim Kelly – Chief Executive Officer
City of Albany – Colin Meeking - Executive Director Works & Services
City of Albany – Keith Barnett – Manager Education and Compliance
City of Albany – Robert Shanhun – Community Development Officer
Pearl Winn – MS Society
Lorraine Wolfe – Disabled Persons Representatives
Wendy Dilletti – Community Mental Health
Rosalie Glynn – Association for the Blind
Karen Sigley – Disability Services Commission

Terms of Reference

Ongoing assessment and review of the City's Disability Service Plan.

CITY OF ALBANY BUSHFIRES ADVISORY COMMITTEE

City of Albany - Cllr Wolfe

Chairman – Alan Hawley

Secretary – John Tonkin

2 x Delegates from each Bushfire Brigade

Guests of Committee:

Department of CALM representative

Bush Fire Service representative

Terms of Reference

The Bushfire Advisory Committee is the forum for Bushfire Brigades within the City of Albany. Recommendations on bushfire matters made by the City's brigades are discussed at this forum and subsequent recommendations made to Council through the Bushfire Management Committee. The Bush Fires Act 1954 Section 67 empowers local government to form Bushfire Advisory Committees.

CITY OF ALBANY BUSHFIRES MANAGEMENT COMMITTEE

City of Albany - Cllrs Des Wolfe

City of Albany - Cllrs Ian West

City of Albany – Cllr _____

City of Albany – Cllr _____

Chief Bushfire Control officer – Ken Johnson

Deputy Chief Bushfire Control Officer – Jim Bailly

1 x Fire Control Officer – Brian Davis

Guests of Committee:

Dept of CALM representative

Bush Fire Service representative

Fire and Rescue Service representatives

Terms of Reference

The Bushfire Management Committee reviews all recommendations made to Council by the Bushfire Advisory Committee. Additionally the Management Committee may make its own recommendations to Council on any other matters dealing with Bushfire Management within the City.

GREAT SOUTHERN REGIONAL CATTLE SALEYARDS JOINT VENTURE COMMITTEE

Cllr Kevin Forbes – Shire of Plantagenet

Cllr Jeff Moir – Shire of Plantagenet

Cllr Michael Skinner – Shire of Plantagenet

Terms of Reference

The Joint Venture Committee shall review and make determinations on:-

- a) policy issues with respect to the ownership and management of the Property;*
- b) any matters relating to the management and operations of the Property as may be referred to it by the owners;*
- c) any major development proposal to be undertaken by the Owners;*
- d) the annual budget if the same is referred to the Joint Venture Committee by the Owners.*

The Joint Venture Committee shall be entitled to constitute such sub-committees comprising representatives of the Owners as it considers from time to time appropriate to make investigations, prepare reports, proposals and submissions to the Joint Venture Committee and to undertake such tasks as the Joint venture Committee may allocate other than in relation to the management of the Property.

The number of representatives to which each Owner shall be entitles on any such sub-committee shall be in the same proportion as the number of representatives to which that Owner is entitles on the Joint Venture Committee.

OUTDOOR STAFF ENTERPRISE BARGAINING COMMITTEE

City of Albany - Cllr _____

13.2.2 Councillors' Development Programme and Local Government Week

File	:	REL032
Wards	:	N/A
Proposal/Issue	:	Attendance of Mayor and Councillors at the Councillors' Development Weekend and Local Government Week
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Chief Executive Officer E.H. (Jim) Kelly
Previous Reference	:	Nil.
Summary Recommendation	:	That the Mayor and Councillors as registered, attend the Councillors' Development Weekend 25-28 th June 1999 and/or Local Government Week 1-3 rd August 1999.

BACKGROUND

1. Registration papers have been received for the Councillors' Development Weekend incorporating Mayors' and Presidents' Day and Women in Local Government Day, Friday 25th June to Monday 28th June, 1999. The weekend is being promoted by the Local Government Professional Development Committee, which is made up of members from the WA Municipal Association, Department of Local Government and the Institute of Municipal Management. The Professional Development Programme is being coordinated by Municipal Training.
2. The Councillors' Development Weekend consists of a number of components – day 1 being of relevance to Mayors/Presidents and their deputies, and days 2 and 3 relevant for new Councillors or a separate stream for experienced Councillors. Day 4 is for women in local government.
3. Local Government Week, which is one of the most important conference and development programme for local government in Western Australia and incorporates the Annual Meetings of the Country Urban Councils' Association, Local Government Association and the Country Shire Councils' Association. Local Government Week runs from Sunday 1st August to Tuesday 3rd August, 1999.

Item 13.2.2 continued

4. Local Government Week is structured to accommodate varying development needs of individual Councillors and includes workshops and field trips. Full programmes have been distributed to the Mayor and Councillors and will be tabled.

STATUTORY REQUIREMENTS

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

5. The 1998/99 budget will cover the expenditure (estimated at \$1,000 for registration, accommodation and transport as appropriate) for Councillor Mountford and the Deputy Mayor who have registered their interest in attending the Councillors' Development Weekend.
6. In the case of Local Government Week, the Mayor and 5 Councillors have registered their interest in attending. The estimated cost of \$7,500 to cover conference registration, accommodation and other official functions, will be provided for in the 1999/2000 budget.

STRATEGIC PLAN IMPLICATIONS

7. Under Local Government Operations – Governance – Objective 2 : Enhanced mutual recognition, understanding and awareness from other spheres of government in order to advance Albany.

Strategy:

Actively participate in the WA Municipal Association, Country Urban Councils' Association and the Country Shire Councils' Association to ensure Albany's needs are taken into account in the decision making processes of these bodies.

COMMENT/DISCUSSION:

8. Both the Councillors' Development Weekend and Local Government Week will be strongly supported by the majority of local governments throughout the State and the former Town and former Shire of Albany both participated in past years. In August 1998 the then Commissioners of the City of Albany attended Local Government Week.

Item 13.2.2 continued

9. Attendance at the Councillor Development Weekend will provide an important opportunity for the Deputy Mayor to obtain development opportunities in chairmanship, the statutory role of the Mayor and other related sessions. Likewise, Councillor Mountford's attendance at the Councillors' Development Weekend is particularly focussed on a wide range of subjects of importance and relevance to new Councillors.
10. Overall the Mayor, Deputy Mayor and Councillors' attendance at Local Government Week will enable benefit to be obtained from a wide range of topics and sessions which will be of assistance in their ongoing role with the City of Albany.
11. At this crucial and early stage of establishment, it is important that the Mayor and Councillors are afforded the opportunity to meet and confer with their contemporaries from other councils throughout the State.
12. The timing of Local Government Week is such that it will clash with the Ordinary Council Meeting scheduled for Tuesday 3rd August 1999, and it is recommended this Meeting be re-scheduled to Wednesday 4th August at 7:30pm to prevent any potential absence by elected Members.

RECOMMENDATION

THAT Council authorise the attendance of elected Members at the following:

- a) Deputy Mayor Councillor John Walker and Councillor Gae Mountford at the Councillors' Development Weekend at an estimated cost of \$1,000.00, the expenditure to be debited to Account 102220.
- b) Mayor Goode, Deputy Mayor Councillor John Walker, Councillors Armstrong, Dufty, Bojcun, Evans and West at Local Government Week 1999, at an approximate cost of \$7,500 to be debited to Account 181120 (1999/2000).
- c) That the Ordinary Council Meeting scheduled for Tuesday 3rd August 1999 be re-scheduled to Wednesday 4th August 1999 at 7:30pm.

Voting Requirement Simple Majority

Item 13.2.2 continued

**MOVED COUNCILLOR LUBICH
SECONDED COUNCILLOR BAIN**

THAT Council authorise the attendance of elected Members at the following:

- a) **Deputy Mayor Councillor John Walker and Councillor Gae Mountford at the Councillors' Development Weekend at an estimated cost of \$1,000.00, the expenditure to be debited to Account 102220.**
- b) **Mayor Goode, Deputy Mayor Councillor John Walker, Councillors Armstrong, Dufty, Bojcun, Evans and West at Local Government Week 1999, at an approximate cost of \$7,500 to be debited to Account 181120 (1999/2000).**
- c) **That the Ordinary Council Meeting scheduled for Tuesday 3rd August 1999 be re-scheduled to Wednesday 4th August 1999 at 7:30pm.**

MOTION CARRIED 15 – 0

13.2.3 Johann Strauss Society of Australia

File	:	FIN022
Proposal/Issue	:	“Strauss in Albany” 1999 Festival
Subject land	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Executive Director Corporate & Community Services (P Madigan)
Previous Reference	:	N/A
Summary Recommendation	:	That the City of Albany become a member and Foundation Sponsor of the ‘Strauss in Albany’ 1999 Festival.
Locality Plan	:	N/A

BACKGROUND

1. The Johann Strauss Society of Australia has invited the City of Albany to become a member and Foundation Sponsor of the ‘Strauss in Albany’ 1999 Festival.
2. As a Foundation Sponsor, the City of Albany would receive the following benefits:-
 - Foundation sponsor advertising rights to major festival events during August;
 - Inclusion of name in all press releases, and use on radio during lead up to “Strauss in Albany”;
 - Prominent inclusion of logo and name in two exclusive sponsors full page press advertisements during July and August 1999;
 - Inclusion of prepared advertisements in “Strauss in Albany” Festival program;
 - Invitation to exclusive sponsors reception with the Western Australian Symphony Orchestra;
 - Ten tickets to the Strauss Festival Ball;
 - Business announced and highlighted at Strauss Festival Ball and profiled in event program;
 - Two tickets to the West Australian Symphony Orchestra concert;
 - Two tickets to a performance of “The Gypsy Baron”; and
 - Personally autographed, numbered and framed commemorative programs by members of the Western Australian Symphony Orchestra.

Item 13.2.3 continued

3. The costs associated with becoming a Foundation Sponsor of the “Strauss in Albany” 1999 Festival is \$2,000.

STATUTORY REQUIREMENTS

4. No provision has been made in the 1998/99 budget for this purpose and therefore an absolute majority resolution of Council is required in accordance with Section 6.8 (1) of the Local Government Act 1995, which states as follows:-

“6.8 (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:-

- a) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - b) is authorised in advance by resolution*; or*
- * Absolute Majority required.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

5. While no provision has been made in the 1998/99 budget for this purpose, a contribution could be funded from within the overall surplus predicted for 30th June 1999.

STRATEGIC IMPLICATIONS

Nil

COMMENT/DISCUSSIONS

6. This coming August, Albany will play host to what will become the major and most memorable event of its year, “The Inaugural Festival of the Johann Strauss Society of Australia”.
7. For the whole of August, The Johann Strauss Society of Australia, now headquartered in Albany, will present “Strauss in Albany”. A feature packed program of major events, including a special performance by the renowned Western Australian Symphony Orchestra.
8. Complimenting the August festivities will be a series of rich orchestral works, focusing on the music of Strauss and his contemporaries.
9. The final event, the Grand Ball, to be held in Albany at the end of August.

Item 13.2.3 continued

10. Due to the necessity of finalising plans and other arrangements for the “Strauss in Albany” 1999 Festival in the near future, the Society requested Council consider this request as soon as possible.

RECOMMENDATION

THAT the City of Albany agree to become a member and Foundation Sponsor of the “Strauss in Albany” 1999 Festival for a fee of \$2,000 and this be subject to a re-allocation of funds from within the estimated surplus as at 30th June 1999.

.....*Voting Requirement Absolute Majority*.....

Councillor Ian Wilson declared an interest in this item as he is a member of the Strauss Society, and left the Council Chambers at 10:02pm.

**MOVED COUNCILLOR BOJCUN
SECONDED COUNCILLOR WEST**

THAT the City of Albany agree to become a member and Foundation Sponsor of the “Strauss in Albany” 1999 Festival for a fee of \$2,000 and this be subject to a re-allocation of funds from within the estimated surplus as at 30th June 1999.

**MOTION CARRIED 14 – 0
ABSOLUTE MAJORITY**

Councillor Wilson returned to the Council Chambers at 10.04p.m.

13.1.4 City of Albany Administration Building(s)

File	:	PRO023
Proposal/Issue	:	Administration Building Requirements for the City of Albany.
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director Development Services (R Fenn)
Previous Reference	:	Nil
Summary Recommendation	:	Council Establish a Working Party to Evaluate and Report on Development Options.
Locality Plan	:	

BACKGROUND

1. Upon the proclamation of the City of Albany on the 1st July 1998 the administrative staff of the City could not be housed in a single building. Both Council offices were too small to accommodate the 75 staff and no suitable alternate building was available for rent. A decision was consequently taken to utilise the Mercer Road and York Street offices with 2 directorates housed in each.
2. This report proposes that Council form a working party to review its immediate and long term administration building needs.

STATUTORY REQUIREMENTS

3. Section 5.8 of the Local Government Act states that Council may establish a committee to assist Council to exercise the powers and discharge the duties of a local government. The Act sets out in respect of committees the processes for nominating members (s5.10), allows for Council to delegate decision making powers to committees (s5.16), requires that a committee keep minutes of their meetings (s5.22) and that the committee hold its meetings in public (s5.23).
4. The task proposed is one which will involve Councillors and Staff discussing development options and then reporting back to Council on a possible course(s) of action. The task is best performed by a working party which has no decision making powers. The Local Government Act has no procedural or administrative requirements or restrictions for such a group.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

5. Council has advertised a “Draft Principal Activities Plan” for the period from the 1st July 1999 till the 30th June 2003 and that document is available for public comment until the 15th July 1999. Included in that draft document is a proposal to utilise \$1 mil. from existing reserves over the next 12 –18 months to develop a project and to secure loans for the balance of a project, if required.

STRATEGIC PLAN IMPLICATIONS

6. Within the City of Albany Strategic Plan (Physical and Development Infrastructure – pg.22) it states: *Civic Facilities* :-
Objective: Provide civic facilities to meet the future needs of Council and the community.
Strategy: (b) Identify and meet the accommodation and administration needs of Council.

COMMENT/DISCUSSION

7. The daily operations of the City are not easy to achieve with sections of the administration separated by 6 km. Customers are inconvenienced by having to visit both offices to obtain certain types of information or meet with officers. The ratepayers are currently maintaining 2 buildings and certain civic functions cannot be accommodated within either of the existing buildings.
8. Council is being requested to form a project team to examine and report back on available options. A decision to progress with a project, or maintain the status quo, will be dependent upon Council’s acceptance of the recommendations contained in the report.

RECOMMENDATION

THAT, in order to determine the future administration needs for the City of Albany, Council establish a working party comprising the Chief Executive Officer, Councillors _____, _____, _____, _____ and _____ and the Executive Directors of Strategic Planning, Corporate and Community Services and Development Control to prepare a report on a preferred strategy for Council’s consideration.

Voting Requirements Simple Majority

.....

Item 13.1.4 continued

**MOVED COUNCILLOR BAIN
SECONDED COUNCILLOR WALKER**

THAT, in order to determine the future administration needs for the City of Albany, Council establish a working party comprising the Chief Executive Officer, Her Worship the Mayor, Councillors Lubich, Armstrong, Evers, Bojcun and the Executive Directors of Strategic Planning, Corporate and Community Services and Development Control to prepare a report on a preferred strategy for Council's consideration.

MOTION CARRIED 15 – 0

13.2.5 City of Albany Band

File	:	FIN022
Proposal/Issue	:	Request for self supporting loan
Subject land	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer	:	Executive Director Corporate & Community Services (P Madigan)
Previous Reference	:	N/A
Summary Recommendation	:	That the City of Albany agree to provide a self supporting loan to the City of Albany Band to require a Band premises.
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany Band has made an offer to purchase the Assembly of God hall in Lancaster Road, Albany.
2. The Band has advised this offer has been accepted by the owners.
3. The total amount of the offer is \$105,000, including incidentals, upgrading, stamp duty and maintenance.
4. The Band has advised it has been successful in attracting a \$50,000 grant from the Lotteries Commission and is seeking an interest free self supporting loan of \$55,000 from the City of Albany.
5. The Band would repay the loan over a period of 10 years with instalments of \$5,500 pa.
6. The City of Albany would hold the freehold title in trust and in perpetuity for the people of Albany.

Item 13.2.5 continued

STATUTORY REQUIREMENTS

7. No provision has been made in the 1998/99 budget for this purpose and therefore an absolute majority resolution of Council is required in accordance with Section 6.8 (1) of the Local Government Act 1995, which states as follows:-

“6.8 (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:-*

- c) is incurred in a financial year before the adoption of the annual budget by the local government;*
 - d) is authorised in advance by resolution*; or*
- * Absolute Majority required.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

8. While no provision has been made in the 1998/99 budget for this purpose, the loan could be funded from the Reserve for Concert/Cultural Facilities, which currently has a balance of approximately \$400,000.

STATUTORY IMPLICATIONS

Nil

COMMENT/DISCUSSIONS

9. The intention is that the hall should be used as a multiple use community facility. To this end the Band has agreed to work with the Caledonian Society of Albany, the Albany Sinfonia and its associated “Big Band” as equal partners in this project. Additionally interest has been expressed by the Albany Choral Society and the Rainbow Harmony Chorus in using the hall on selected evenings and further enquiries have been received from a church group looking for accommodation on Sunday’s.
10. The City of Albany Band was originally founded in 1884. At the time of its foundation, after their arrival from England new instruments, were presented to the then mayor of the Town, to be held by the Council in trust and perpetuity for the citizens of Albany.
11. The insurance of the instruments has been financed by the former Town of Albany since the Band inception and now the City of Albany, which up until the 1960’s also provided both accommodation and incidentals for the band.

Item 13.2.5 continued

12. In the late 1940's and 50's the bandsmen and their families raised the funds necessary to replace the old brass instruments with silver instruments and purchase new uniforms.
13. At the first meeting of the City on 1st July 1998, the Council accepted the Albany Silver Band and renamed it the City of Albany Band.

RECOMMENDATION

THAT:

- i) Council agree to the request of the City of Albany Band to fund a \$55,000 interest free self supporting loan, repayable over 10 years to the Band, with the funds being provided from the Rescue for Concert/Cultural facilities;
- ii) Proceeds from loan repayments to be repaid into that Revenue Account;
- iii) The Band provide guarantors for the repayments and undertake the maintenance responsibility for the building; and
- iv) The Common Seal of Council be attached to the necessary documents.

Voting Requirement Absolute Majority

Noted two minor amendments need to be made to the recommendation:

- In part i), line three the word "Rescue" should read "Reserve" and
- In part ii), the word "Revenue" should read "Reserve".

**MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR WOLFE**

THAT:

- i) Council agree to the request of the City of Albany Band to fund a \$55,000 interest free self supporting loan, repayable over 10 years to the Band, with the funds being provided from the Reserve Concert/Cultural facilities;**
- ii) Proceeds from loan repayments to be repaid into that Reserve Account;**
- iii) The Band provide guarantors for the repayments and undertake the maintenance responsibility for the building; and**
- iv) The Common Seal of Council be attached to the necessary documents.**

**MOTION CARRIED 15 – 0
ABSOLUTE MAJORITY**

13.3 LIBRARY SERVICES

Nil.

13.4 DAY CARE CENTRE

Nil.

13.5 TOWN HALL

Nil.

13.6 ALBANY LEISURE & AQUATIC CENTRE

Nil.