

MINUTES

SPECIAL MEETING OF COUNCIL

**on
Tuesday 30th August 2005
7.30pm**

City of Albany - North Road Council Chambers

CITY OF ALBANY

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Signed:

Andrew Hammond
Chief Executive Officer

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1.0 DECLARATION OF OPENING

The meeting opened at 7.30pm.

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

Mayor	-	A Goode, JP
Councillors	-	MJ Evans, JP
	-	P Lionetti
	-	JD Williams
	-	DJ Wolfe
	-	DW Wellington
	-	RH Emery
	-	J Waterman
	-	D Wiseman
	-	S Marshall
	-	J Walker
	-	J Jamieson
	-	I West
Chief Executive Officer	-	AC Hammond
Executive Director Corporate & Community Services	-	WP Madigan
Executive Director Works & Services	-	L Hewer
Manager Development Services	-	G Bride
Minute Secretary	-	S Day
Approximately 30 members of the public		
3 media representatives		
<u>Apologies / Leave of Absence:</u>	-	R Paver
	-	SM Bojcun

3.0 OPENING PRAYER

Mayor Goode read the opening prayer.

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

4.0 DISCLOSURE OF INTEREST

Cllr Walker – Item 6.1

5.0 PUBLIC QUESTION TIME

***G Orchard**

Mrs Orchard addressed Council in regards to Item 6.1 and is expressed concerns with the noise. A petition was submitted.

***P Eades**

Mr Eades addressed Council in regards to Item 6.1 and raised his concerns.

***M Taylor**

Mr Taylor addressed Council in regards to item 6.1 and raised his concerns.

***J Hacker**

Mr Hacker addressed Council in regards to Item 6.1 and advised Council that Landcorp had been in contact with local residents and is addressing issues raised.

***T Demarteau**

Mr Demarteau addressed Council in regards to Item 6.2 and asked several questions in regards to the Waterfront Project. Chief Executive Officer responded.

***L Thomas**

Mrs Thomas addressed Council in regards to Item 6.1 and stated that she was pleased she had been able to negotiate with Landcorp.

***I Peacock**

Mr Peacock addressed Council in regards to Item 6.1 and Item 6.2 and would like to see an independent assessment conducted to ensure industry needs are met.

***R Gerovich**

Mr Gerovich addressed Council in regards to Item 6.1 and raised concerns in relation to the Down Road Mill and organic farming.

***J O'Neal**

Mr O'Neal addressed Council in regards to Item 6.1 and believes the City needs a positive outcome and development.

6.0 ITEMS OF DISCUSSION

6.1 Scheme Policy – Request to Introduce Policy – Down Road Timber Processing Precinct Noise and Hazard Management Policy

File/Ward	:	A171237A (West Ward)
Proposal/Issue	:	To Consider Rescinding Previous Council Decision
Subject Land/Locality	:	Lots 100, 102 and Part Lot 103 Down Road West, Drome.
Proponent	:	Landcorp
Owner	:	Crown
Reporting Officer(s)	:	Manager of Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/03/05 - Item 11.3.9 OCM 16/08/05 – Item 11.3.2
Summary Recommendation	:	Adopt the draft plan
Bulletin Attachment	:	Nil
Locality Plan	:	



Item 6.1 continued.

BACKGROUND

1. On the 23 August 2005, Councillors Walker, Williams, Wellington, Marshall and Emery requested that this matter be reconsidered at a Special Meeting of Council.
2. A copy of the draft Down Road Timber Processing Precinct Noise and Hazard Management Policy has been attached at the rear of this report.
3. Since the Council meeting held on 16th August 2005, Landcorp has undertaken additional liaison with those landowners affected by the policy. An outline of the consultation process undertaken by Landcorp to date has previously been forwarded to Councillors for their information.

STATUTORY REQUIREMENTS

4. Regulation 10(1) of the Local Government (Administration) Regulations 1996 states;

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. Five (5) Councillors are required to support the consideration of the following motion.

RECOMMENDATION

THAT Council adopt the draft Town Planning Scheme policy entitled “Down Road Timber Processing Precinct Noise and Hazard Management Policy” pursuant to clause 6.9.2(a) of the City of Albany Town Planning Scheme No. 3 and advertise the policy for public comment.

Voting Requirement Absolute Majority

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Councillor Walker declared an interest in this item and left the Chambers at 7.52pm. The nature of his interest is that he owns land that is leased to the plantation.

Councillor Walker sought approval from Council to stay within the Chambers and take part in debate and vote on this item. The extent of his interest is he has 2000 hectares of trees producing lease income.

**MOVED COUNCILLOR LIONETTI
SECONDED COUNCILLOR MARSHALL**

THAT Councillor Walker be permitted to remain in the Chamber and participate in the discussion and vote on this item.

MOTION CARRIED 9-3

Councillor Walker returned to the Chambers at 7.54pm.

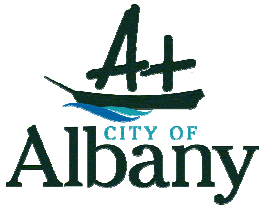
COUNCILLOR MOTION

Councillors Marshall, Emery, Wellington, West & Lionetti supported the reconsideration of item 11.3.2 – OCM 16/08/05.

**MOVED COUNCILLOR WEST
SECONDED COUNCILLOR EMERY**

THAT Council adopt the draft Town Planning Scheme policy entitled “Down Road Timber Processing Precinct Noise and Hazard Management Policy” pursuant to clause 6.9.2(a) of the City of Albany Town Planning Scheme No. 3 and advertise the policy for public comment.

**MOTION CARRIED 13-0
ABSOLUTE MAJORITY**



Down Road Timber Processing Precinct Noise and Hazard Management Policy

Background:

As part of the approval process for the Down Road Timber Processing Precinct (the Precinct), an Environmental Management Plan has been prepared to identify an appropriate noise and hazard separation area for industries within the Precinct.

Noise:

The indicative noise contours for the Precinct are based upon industry best practice management. Those industries are not currently operating and there is a need to prevent any permanent habitable structures from being developed within the area affected by the hypothetical 30dB(A) noise contour until a timber processing industry has been constructed.

A review of this policy is to be undertaken in 2008 with the aim of deciding the alignment of the 35dB(A) noise contour on what is known at the time. The following items will be considered at the review stage;

- What industries have established and/or are proposed in the Precinct; and
- If the industries are not operational, engineering detail of the proposed industry will provide more information than is currently available to determine if a variation to the policy area is required; or
- The existing industry, at the time of the review, should be monitored to ground truth the modelling.

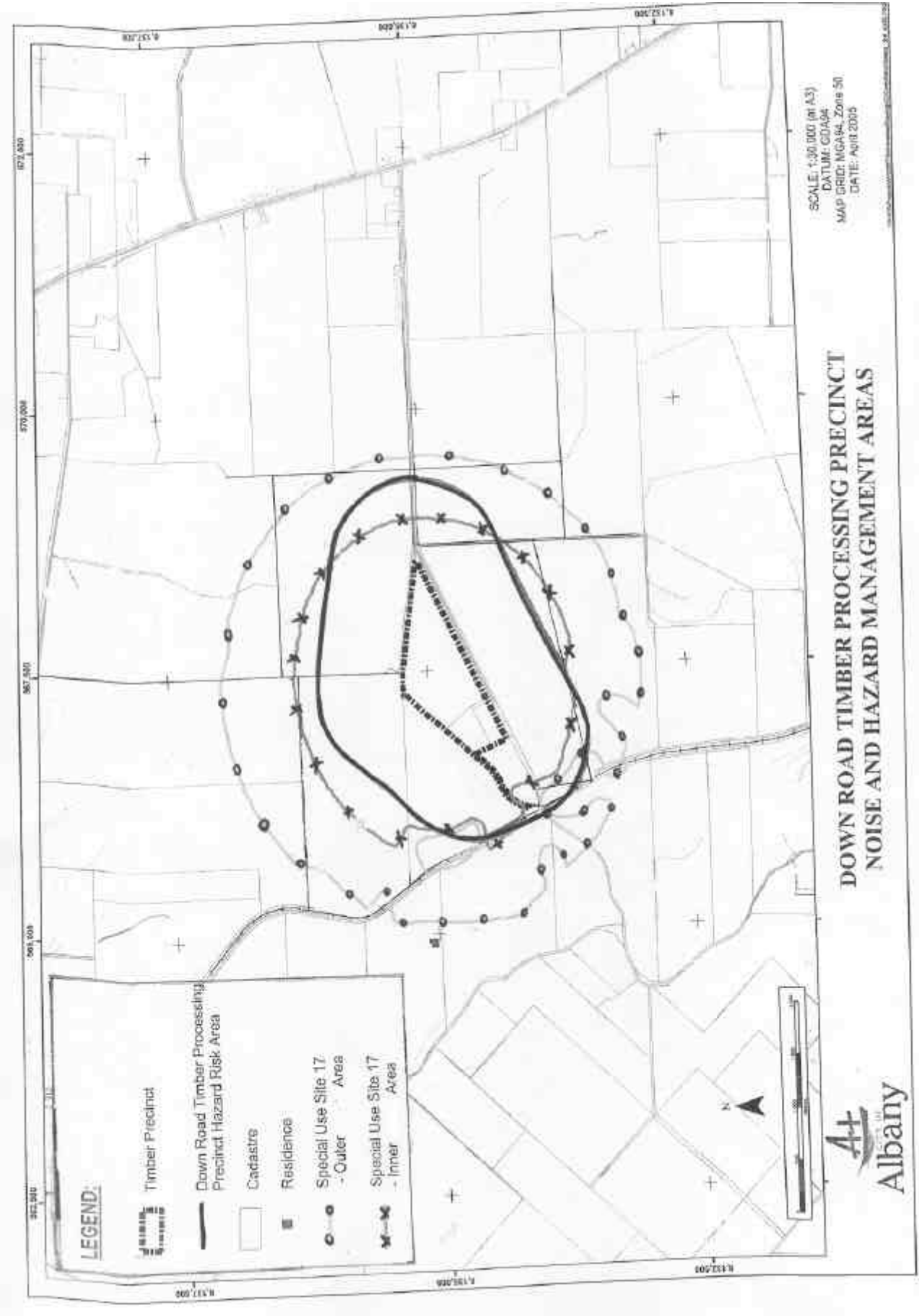
If proposed industries meet the expected noise levels at the Special Use Area 17-Inner Area, then the Special Use Area 17 - Outer Area could be removed. Alternatively, if proposed industries require the repositioning of the Special Use Area 17 - Inner Area, the 35dB(A) contour shall be redefined and evaluated in consultation with the City of Albany and the Environmental Protection Authority.

Hazard:

A risk assessment is being prepared and a predictive acceptable risk separation area defined in the Mirambeena Timber Processing Precinct Environmental Management Plan (2005).

Policy

1. The development of proposed lots within the Special Use Zone 17 (Down Road Timber Processing Precinct) shall be undertaken in a manner which ensures the noise generated by the development meets the assigned sound power levels for that lot, as identified in the *Mirambeena Timber Processing Precinct Environmental Management Plan (2005)*.
2. The Special Use Zone 17 – Inner Area, the Special Site 17 – Outer Area and the Down Road Timber Processing Precinct Hazard Risk Area are those areas identified on the plan appended to this policy.
3. Prior to 2009, on those portions of lots identified in the scheme policy as being within Special Use Zone No. 17 – Inner Area, Special Use Zone 17 - Outer Area or Down Road Timber Processing Precinct Hazard Risk Area, no dwelling house, permanent dwelling units or habitable structures shall be developed on that part of the lot.
4. Commencing the 1st January 2009, no dwelling house, permanent dwelling unit or habitable structure shall be constructed within that area of a lot identified as being within the Special Use Zone 17 – Inner Area or the Down Road Timber Processing Precinct Hazard Risk Area.



6.2 Albany Waterfront Development Committee Minutes – 30th August 2005

- File/Ward** : MAN 169 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Manager Economic Development (J Berry)
- Summary Recommendation** : That the Minutes of Albany Waterfront Development Committee held on 30th August 2005 be adopted

RECOMMENDATION

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 30 August 2005 (copy attached) and adopt the following motions.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR EMERY**

THAT Council receive the minutes of the Albany Waterfront Development Committee held on 30 August 2005 (copy attached) and adopt the following motions

MOTION CARRIED 13-0

MOTION

Councillors Walker, Wolfe, Emery, Williams & Wiseman have supported consideration of this motion:-

THAT Council resolve as follows:-

- a) Any previous decisions of the Council that are substantially different to the motions set out in paragraphs (b), (c), (d) and (e) be revoked under regulation 10 of the *Local Government (Administration) Regulations 1996*; and
- b) Council enters into an agreement with the State of Western Australia known as the Albany Waterfront Memorandum of Agreement based upon the following key principles and commitments.
- c) Urban design layout and development guidelines to be determined by way of Structure Plans and Precinct Plans adopted pursuant to the Town Planning Scheme.
- d) Architectural and building design to be determined by way of Central Area Design Guidelines (currently under preparation) adopted as a Local Planning Policy.
- e) Residential activity to be prohibited by way of:
 - Town Planning Scheme regulation
 - Specific covenants in Lease Documents
 - Restrictive covenants on Freehold Titles.

Voting Requirement Absolute Majority

Item 6.2 continued.

**MOVED COUNCILLOR WELLINGTON
SECONDED COUNCILLOR WOLFE**

THAT Council resolve as follows:-

- a) Any previous decisions of the Council that are substantially different to the motions set out in paragraphs (b), (c), (d) and (e) be revoked under regulation 10 of the *Local Government (Administration) Regulations 1996*;
- b) Council enters into an agreement with the State of Western Australia known as the Albany Waterfront Memorandum of Agreement based upon the following key principles and commitments;

“PROJECT VISION

To create a sustainable, attractive and exciting world-class waterfront precinct for the Albany community, the Great Southern Region, and visitors to the region.

The Albany Waterfront will provide a protected boat harbour serving the recreational, fishing and tourism industries and a land-based development adjacent to the town jetty providing a range of tourist accommodation, maritime servicing, entertainment, recreational and community based facilities.

COMMITMENTS TO THE COMMUNITY

The State of Western Australia and the City of Albany are committed to the following underlying principles regarding the development and ongoing operation of the Albany Waterfront:

- *Acknowledgement and respect of 24 hour a day, 7 day a week heavy haulage access to the Port of Albany.*
- *Prohibition of residential activity.*
- *Unfettered community access to the foreshore.*
- *Maintenance of the iconic Princess Royal Harbour vista as seen from the York Street Commercial Precinct.*

SCOPE OF AGREEMENT

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *Albany Waterfront - The remediation and development of 5.5 hectares of waterfront land into subdivided lots and civic space to accommodate and service the Albany Entertainment Centre, tourism accommodation, retail, commercial, maritime, parking and public facilities.*
- *Boat Harbour - The development of a marina immediately to the East of the town jetty that will accommodate and service approximately 70-80 vessels.*
- *Pedestrian Bridge - The construction of a pedestrian bridge linking the proposed Albany Entertainment Centre and adjacent facilities in the Albany Waterfront Project to Stirling Terrace and the Albany Railway Station Precinct.*

The Albany Entertainment Centre

- *The construction of a 650 to 700 seat entertainment facility, architecturally compatible with, and complementary to, the future development of contiguously located hotel and convention facilities.*

Anzac Peace Park

- *The remediation and development of approximately 1.4 Hectares of waterfront land to the west of York Street and portions of the adjoining reserve to the east of York Street for public parkland purposes.*

Associated Land Transactions

- *The transfer in freehold to the City of Albany a parcel of land, the size to be agreed upon but generally in accordance with diagram 2, excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage.*

- *The relinquishment of the Management Order over Lot 1512 Emu Point by the City of Albany.*

ROLES and RESPONSIBILITIES

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *LandCorp will be principally responsible for and project manage the urban design, statutory approvals process, construction of infrastructure, and subdivision and release of land.*
- *The City of Albany will be responsible for the care and management of all road reserves, the pedestrian bridge, civic spaces and all fixtures and improvements coming into its control as a result of the subdivision process.*
- *The Department of Planning and Infrastructure will be responsible for the management of the Marina and the care and management of maritime infrastructure and any civic spaces or leasehold land coming into its control as a result of the subdivision process.*

The Albany Entertainment Centre

- *The City of Albany will be principally responsible for and project manage the design, statutory approval processes, construction, commissioning and ongoing care, control and management of the facility.*

Anzac Peace Park

- *The City of Albany will be principally responsible for and project manage the design, statutory approvals process, development, commissioning and ongoing care, control and management of the facility.*
- *LandCorp will collaborate with the City of Albany in undertaking a coordinated environmental assessment of the Anzac Peace Park site and some sections of the Albany Waterfront site.*

Associated Land Transactions

- *LandCorp will transfer land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage to the City of Albany upon the creation of the new lot. LandCorp may consider a development lease to the City of Albany to allow construction of the Albany Entertainment Facility to commence prior to the creation of the new lot.*
- *The City of Albany will advise the Department of Land Administration that it has relinquished the Management Order over Lot 1512 Emu Point upon the execution of this agreement.*

FINANCING

- The State of Western Australia will contribute \$27.8 million to the Albany Waterfront Project and \$14.9 million to the Albany Entertainment Centre Project plus the land necessary to accommodate that facility.*
- The City of Albany will contribute \$1 million to the Albany Waterfront project and \$1.2 million plus any Federal grant monies obtained to the Albany Entertainment Centre Project.*
- The City of Albany is responsible for financing and obtaining further funding for the design and development of Anzac Peace Park.*
- The City of Albany acknowledges that the proceeds of the development of Lots 1512 and 1523 Emu Point are to be applied by the State Government to the Albany Waterfront Project."*

- c) Urban design layout and development guidelines to be determined by way of Structure Plans and Precinct Plans adopted pursuant to the Town Planning Scheme;**
- d) Architectural and building design to be determined by way of Central Area Design Guidelines (currently under preparation) adopted as a Local Planning Policy; and**

<p>e) Residential activity to be prohibited by way of:</p> <ul style="list-style-type: none">- Town Planning Scheme regulation- Specific covenants in Lease Documents- Restrictive covenants on Freehold Titles.	<p>MOTION CARRIED 13-0 ABSOLUTE MAJORITY</p>
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MOTION

THAT pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepares a business plan that provides for the sub-division and sale of land situated within the York Street civic precinct.

Voting Requirement Simple Majority

<p>MOVED COUNCILLOR WELLINGTON SECONDED COUNCILLOR WISEMAN</p> <p>THAT pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepares a business plan that provides for the sub-division and sale of land situated within the York Street civic precinct.</p> <p>MOTION CARRIED 13-0</p>

7.0 NEXT ORDINARY MEETING DATE
7.30pm, 20th September 2005.

8.0 CLOSURE OF MEETING
The meeting closed at 8.01pm.



ALBANY WATERFRONT DEVELOPMENT COMMITTEE

MINUTES

**Held at City of Albany North Road Office
Margaret Coates Board Room
Tuesday 30 August 2005**

1. DECLARATION OF OPENING

The Chairman declared the meeting open at 5.00pm

2. RECORD OF ATTENDANCE

Present

Her Worship the Mayor Alison Goode (Deputy Chair)

Deputy Mayor Cr Dennis Wellington (Chair)

Cr Judith Williams

Cr John Walker

Cr Daniel Wiseman

Cr Des Wolfe

Cr Bob Emery

Executive

Mr Andrew Hammond

Mr Jon Berry

Chief Executive Officer

Manager, Economic Development

Apologies

Nil

3. CONFIRMATION OF PREVIOUS COMMITTEE MINUTES

The Committee requested the minutes be amended to record that Her Worship the Mayor Alison Goode had previously been appointed as Deputy Chairperson of the Albany Waterfront Development Committee. The decision of 22 August 2005 meeting appointing the office of Deputy Chairperson was therefore not required.

The minutes should also be amended to read that the Committee had appointed Cr Walker to Chair the meeting in the absence of Cr Wellington and that the motion was moved by Cr Wolfe and seconded by Cr Wiseman.

MOVED: Cr Wolfe

SECONDED: Cr Walker

THAT the minutes (as amended) of the Albany Waterfront Development Committee meeting conducted on 22 August 2005 be received and confirmed as a true record of proceedings

CARRIED 7-0

4. DISCLOSURE OF FINANCIAL INTEREST

Nil

5. BUSINESS ITEMS

5.1 Draft Memorandum of Agreement between the City of Albany and the State of Western Australia

RECOMMENDATION

MOVED: Cr Williams

SECONDED: Cr Wiseman

THAT the Committee resolves as follows:-

- a) Any previous decisions of the Council that are substantially different to the motions set out in paragraphs (b), (c), (d) and (e) be revoked under regulation 10 of the *Local Government (Administration) Regulations 1996*;
- b) Council enters into an agreement with the State of Western Australia known as the Albany Waterfront Memorandum of Agreement based upon the following key principles and commitments.

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- *Pedestrian Bridge - The construction of a pedestrian bridge linking the proposed Albany Entertainment Centre and adjacent facilities in the Albany Waterfront Project to Stirling Terrace and the Albany Railway Station Precinct.*

The Albany Entertainment Centre

- *The construction of a 650 to 700 seat entertainment facility, architecturally compatible with, and complementary to, the future development of contiguously located hotel and convention facilities.*

Anzac Peace Park

- *The remediation and development of approximately 1.4 Hectares of waterfront land to the west of York Street and portions of the adjoining reserve to the east of York Street for public parkland purposes.*

Associated Land Transactions

- *The transfer in freehold to the City of Albany a parcel of land, the size to be agreed upon but generally in accordance with diagram 2, excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage.*
- *The relinquishment of the Management Order over Lot 1512 Emu Point by the City of Albany.*

ROLES and RESPONSIBILITIES

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

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FINANCING

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- The City of Albany will contribute \$1 million to the Albany Waterfront project and \$1.2 million plus any Federal grant monies obtained to the Albany Entertainment Centre Project.*

- iii) *The City of Albany is responsible for financing and obtaining further funding for the design and development of Anzac Peace Park.*
- iv) *The City of Albany acknowledges that the proceeds of the development of Lots 1512 and 1523 Emu Point are to be applied by the State Government to the Albany Waterfront Project."*

The decision process requires the support of five Councillors before consideration. This function was undertaken by recording the names of five of the supporting Councillors being:-

Cr Walker
Cr Wolfe
Cr Emery
Cr Williams
Cr Wiseman

MOTION CARRIED 7-0

5.2 Proposed Business Plan for the York Street development

RECOMMENDATION

MOVED: Cr Emery

SECONDED: Cr Wolfe

THAT pursuant to Section 3.59 of the Local Government Act (1995), the City of Albany prepares a business plan that provides for the sub-division and sale of land situated within the York Street civic precinct.

MOTION CARRIED 7-0

6. NEXT MEETING

It was agreed the next meeting would be held at a date to be decided after the signing of the Memorandum of Agreement on 5 or 6 September 2005. The meeting would review the terms of reference of the Committee.

7. CLOSE

The Chairman declared the meeting closed at 5.45pm