



A G E N D A

ORDINARY MEETING OF COUNCIL

**on
Tuesday, 15th February 2005
7.30pm
City of Albany - Mercer Road Office**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 4th February 2005



NOTICE OF AN ORDINARY COUNCIL MEETING

Her Worship The Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday, 15th February 2005 in the Council Chambers, Mercer Road, Albany commencing at 7.30pm.

(Signed)

Andrew Hammond
CHIEF EXECUTIVE OFFICER

4th February 2005

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1.0 DECLARATION OF OPENING

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

3.0 OPENING PRAYER

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

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.0 PUBLIC QUESTION TIME

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

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

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

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

THAT the following minutes:

- Ordinary Council meeting held on 1 18th January 2005; as previously distributed be confirmed as a true and accurate record of proceedings.

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

8.0 DECLARATIONS OF FINANCIAL INTEREST

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

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 6-58]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 59-75]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 76-84]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Pages 84-93]

15.0 ELECTED MEMBERS' MONTHLY REPORT/INFORMATION BULLETIN

15.1 Elected Members' Report/Information Bulletin
DRAFT MOTION

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

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Establishment of Committee to lead integrated master planning for redevelopment of the Amity and surrounding heritage precinct

MOTION BY COUNCILLOR PAVER

THAT Council;

- i) amend the draft Tourism Strategy endorsed for public comment on 21 December 2004 to:-
 - (a) include the establishment of a Committee of Council to steer the preparation of a master plan for the Amity and surrounding heritage precinct [references]
 - (b) Commence Immediately [time frame]; and

- ii) that Council establish an Amity Heritage Precinct Committee consisting of the:-
- Councillor _____ (Chairperson)
 - Albany Visitor Centre representative
 - WA Museum representative
 - Great Southern Development Commission representative
 - Albany Historical Society representative
 - Tourism Western Australia representative
 - Jon Berry (Manager, Economic Development)

17.0 MAYORS REPORT

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

19.0 CLOSED DOORS

- 19.1 Chief Executive Officer – Performance Review
[Section 5.23(2)(e)(iii) Local Government Act – Information about the business, professional, commercial or financial affairs of a person.]

20.0 NEXT ORDINARY MEETING DATE

Tuesday 15th March 2005, 7.30pm

21.0 CLOSURE OF MEETING

Development Services

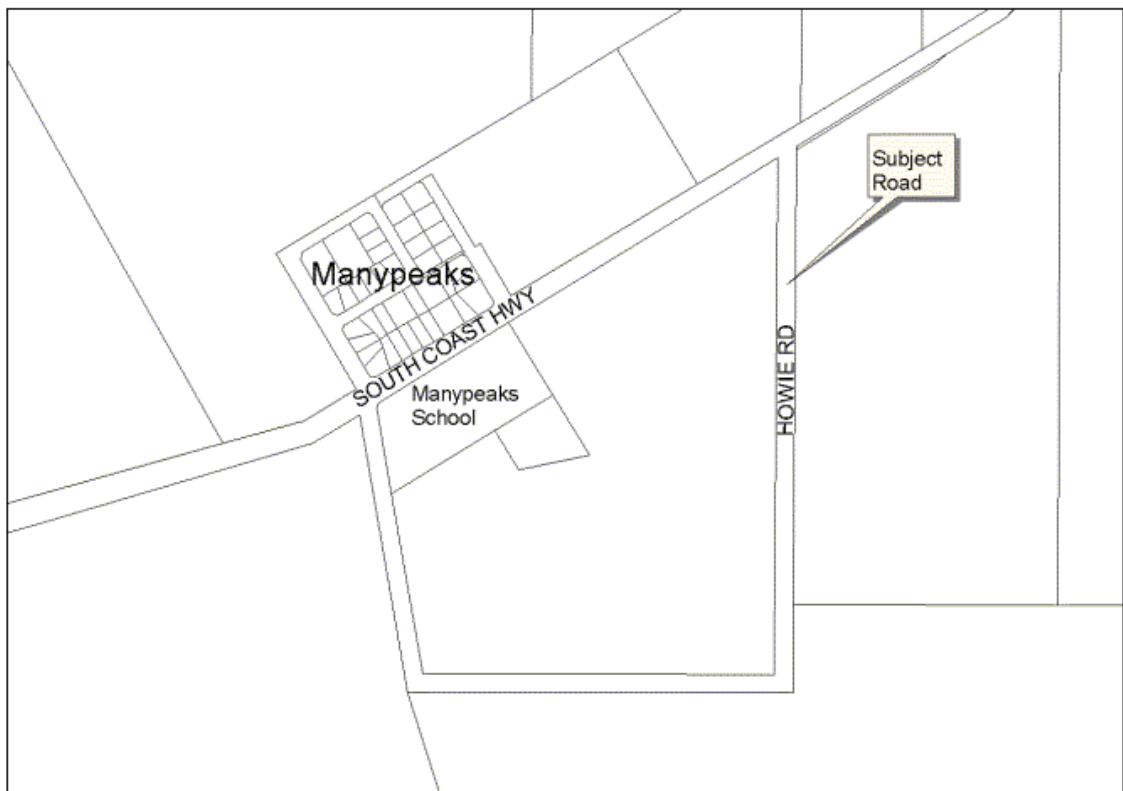
REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Street Name – Renaming of Howie Road, Manypeaks

File/Ward	:	SER 079 (Hassell Ward)
Proposal/Issue	:	Renaming of Howie Road, Manypeaks
Subject Land/Locality	:	Howie Road
Proponent	:	Rosemary Osborne
Owner	:	Crown
Reporting Officer	:	Planning Officer (A Nicoll)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Request be declined and the name “Osborne” be referred to the Geographical Names Committee for inclusion on the City of Albany Road Names Register.
Bulletin Attachment	:	Letter of request and email of objection
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. Staff received a letter on the 1 October 2004 from Rosemary Osborne of Donnybrook Western Australia requesting consideration for the name Howie Road, to be changed to Osborne Road.
2. Staff referred Mrs Osborne's letter to the City Library in order to find historical information on the names Howie and Osborne and their relevance to the area of Manypeaks.
3. Staff then referred Mrs Osborne's letter to the property holders in the vicinity of Howie Road in order to ascertain their opinion on the request to change of road name from Howie to Osborne. The owner of the property, which is located at the end of the constructed section of Howie Road made a strong objection.

STATUTORY REQUIREMENTS

4. The Geographical Names Committee of the Department of Land Information is the official custodian of road names within Western Australia and any request to change a road name would need to be submitted to, and endorsed by that committee.

POLICY IMPLICATIONS

5. It is normal function of Local Government to be the spokesperson on behalf of the local community in determining appropriate names for roads and to allocate street numbers.

FINANCIAL IMPLICATIONS

6. A decision to change the road name would involve administrative resources and the erection of a new sign.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

8. Mrs Osborne in her letter of request depicts a strong family tie with the area of Mt Manypeaks. Mrs Osborne's parents were in the first group of settlers and Mrs Osborne herself spent her early years in the town and holds very special memories (See Elected Members Report/Information Bulletin).
9. The property (Location 5299) located at the end of the constructed portion of Howie Road and owned by the Howie family, made an objection to the request for the road name change for reasons depicting early settlement and strong ties to the community (See Elected Members Report/Information Bulletin).
10. Historical research conducted through the City of Albany Library concluded that both families were active during the early years of clearing and developing of Mount Manypeaks.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

11. If a decision was made to change the road name, a direct cost would be incurred to those property owners adjacent to the road, in having their property addresses changed, and having to inform relevant authorities of that change.
12. Staff are of the opinion that the road-name Howie should remain as such, especially considering:
 - A direct descendent of the Howie family that uses the road to gain access to their property made a strong objection to the proposal;
 - The inconveniences incurred to the property owners adjacent to the road because of a road name change; and
 - No clear overriding evidence suggests that the name Howie is not relevant to the history of the area.
13. Staff suggest that the name “Osborne” to be included on the City of Albany names register for use at a later date, preferably for use in the area to the east of Albany.

RECOMMENDATION

THAT Council resolve to;

- i) **not to support the request to rename “Howie Road” to “Osborne Road”;**
- ii) **advise Mrs Osborne and Mr Howie that it has reviewed the request; and**
- iii) **add the road name “Osborne” to the City of Albany Road Names Register.**

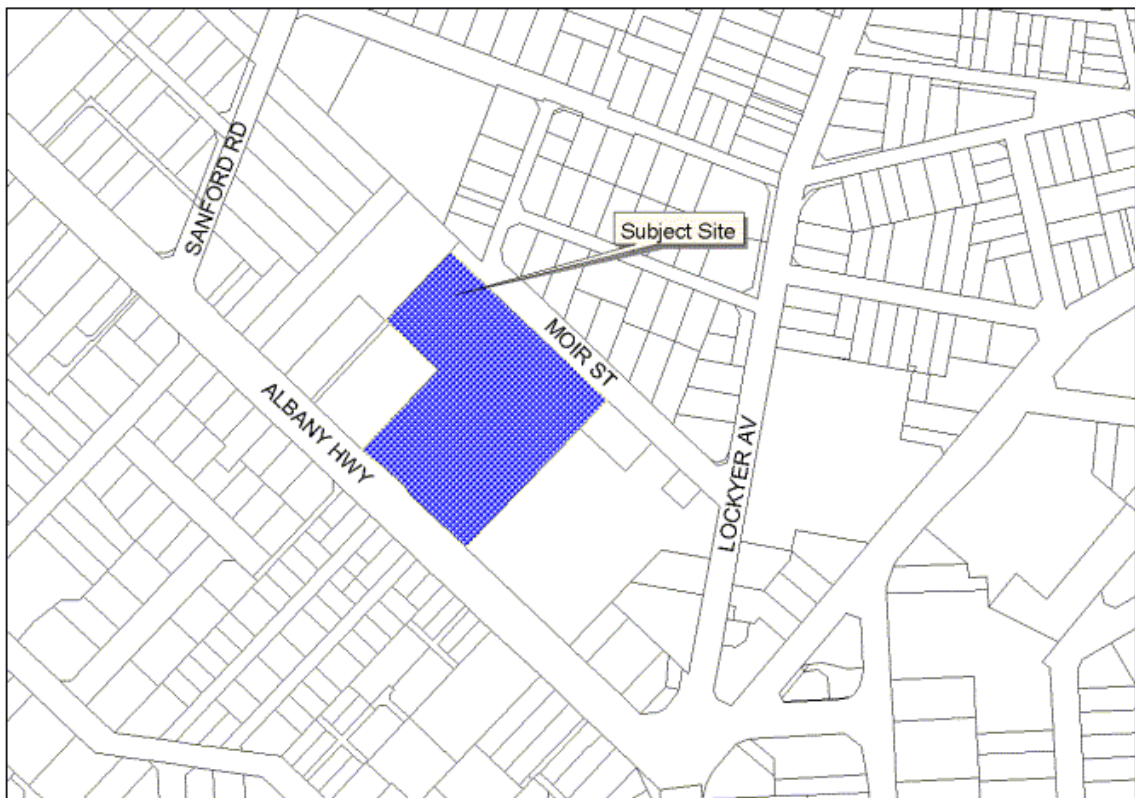
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.1.2 Development Application / Development Guide Plan - Bulky Goods Outlet, Shop & Offices – 70 - 88 Albany Highway

File/Ward	:	A131518, STR 018 (Frederickstown Ward)
Proposal/Issue	:	Adoption of Development Guide Plan & Planning Scheme Consent application for the former Albany Primary School site.
Subject Land/Locality	:	Lot 1274 (70-88) Albany Highway, Centennial Park
Proponent	:	APP (WA) Pty Ltd
Owner	:	MacQuarie Asset Services Ltd
Reporting Officer(s)	:	Planning Officer (T Sounness)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 16/09/2003 – Item 11.3.1 OCM 18/11/2003 – Item 11.3.6 OCM 20/01/2004 – Item 11.3.3
Summary Recommendation	:	Conditionally Adopt Development Guide Plan. Grant Conditional Planning Scheme Consent.
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

BACKGROUND

1. The owners of the former Albany Primary School are applying to develop the site to accommodate a discount department store, a Bulky Goods Outlet, 9 Shop tenancies, occupancy of the Heritage Listed Primary School building with a general Office use, Car Parking, Storage and other incidental uses.
2. The proposal before Council involves a Development Guide Plan and an application for Planning Scheme Consent to develop in accordance with that adopted Development Guide Plan.
3. In relation to the Development Guide Plan:
 - The proponent lodged an application for Planning Scheme Consent with a Development Guide Plan for the development of a 'Bulky Goods Outlet' on the subject site on the 29 August 2003. Council adopted that Plan (Attachment 1)
 - Pursuant to the Special Site provisions, this plan was required to be adopted by Council and the Western Australian Planning Commission (WAPC) before the Planning Scheme Consent could proceed. The WAPC did not support the plan.
 - The proponent liaised with the WAPC and produced an amended concept plan.
 - On 13 October 2004 the WAPC advised that the development guide plan 0364 dated August 2004 had been adopted. (Attachment 2)
 - To meet the statutory requirements for the site, the second Development Guide Plan now needs to be adopted. This can be done as a Scheme Local Planning Policy under Clause 7.21 of Town Planning Scheme No. 1A.
4. On 24 December 2004 the "pending" application for Planning Scheme Consent lodged with Council replaced with a new application (Attachment 3). The new proposal, ref 0364 dated December 2004, shows some differences to the Development Guide Plan as adopted by the WAPC.
5. In it's letter dated 17 January 2005, the Department of Planning and Infrastructure indicated that the new Development Guide Plan is generally consistent with the adopted Development Guide Plan and does not require further consideration by the WAPC. (Attachment 4)

STATUTORY REQUIREMENTS

6. The land is zoned 'Central Area' under Town Planning Scheme No 1A and is bound by the provisions of Special Site No 36.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

NO.	ADDITIONAL USE.	CONDITIONS.
36	As per the Central Area zone with the exception of the following uses: a. Light Industry b. Night Club c. Service Industry d. Service Station e. Vehicle Sales and/or hire f. Warehouse	Despite anything else in the Scheme a Development Guide Plan is to be prepared by the proponent and approved by the local government and the Western Australian Planning Commission before any subdivision or development. Subdivision and development shall be in accordance with the approved Development Guide Plan. The Development Guide Plan is to address: <ul style="list-style-type: none"> • The proposed mix, extent and layout of land uses and the layout of movement systems; • Consideration of provision of linkages to the adjoining Albany Plaza; • Traffic impact and location of vehicular access points; • Preparation of design guidelines by a suitably qualified heritage professional in consultation with the Heritage Council that address the Conservation Plan, building scale, form and materials, and the relationship to the residential area on the northern side of Moir Street; • Proposed subdivision (if any) of the site; • Incorporation of an impact assessment in accordance with section 11.5 of the Albany Commercial Centres Strategy of January 1994 (these impact will be considered in the assessment of the DGP and modifications to the DGP may be required as a result); and • Such other matters as considered appropriate by Council.

7. The applicant has previously submitted the details & reports required for the consideration of the Development Guide Plan as outlined in the Special Site No 36 conditions. These were provided as Bulletin attachments in OCM 18/11/2003 – Item 11.3.6 where the adoption of a Development Guide Plan was supported.

POLICY IMPLICATIONS

8. The development of this site requires Council to adopt the Development Guide Plan as a policy pursuant to clause 7.21 of the Scheme.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

11. Regarding the Planning Scheme Consent, staff recommend conditionally approving the application subject to conditions relating to the following:
- Contributions being sought to upgrading the Hymus Street / Stead Road intersection, Moir Street frontage, Albany Highway frontage and the drainage connection to the site.
 - The development of the new pedestrian access point from the existing Albany Plaza building.
 - The installation of appropriate lighting throughout the site.
 - Protection of residential amenity for the residents of Moir Street through an acoustic berm being developed on the Moir Street frontage.
 - The crossover to the west of the Heritage Primary School site being deleted. This crossover should be used only for temporary access of construction vehicles, and closed following the substantial completion building construction.
 - The Hymus and Moir Street intersection being modified to minimize any confusion caused to vehicles entering or existing the site.

DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

- The frontage of Moir Street being upgraded with a dual use path.
- 12. Regarding the Development Guide Plan, it is considered that sufficient detail has been provided to proceed to advertising pursuant to Clause 7.21.1 of the Scheme.
- 13. Following the adoption of the Development Guide Plan by Council which is consistent with the plan submitted for Planning Scheme Consent, it is recommended that Council delegate to the Manager Development authority to issue a conditional Planning Scheme Consent.

RECOMMENDATION

- i) **THAT Council adopts for advertising and public comment the ‘Development Guide Plan for Lot 1274 (70-88) Albany Highway, Centennial Park’ as generally depicted on plan ref 0364 dated December 2004 in accordance with Clause 7.21.2 of Town Planning Scheme No. 1A.**

Voting Requirement Simple Majority

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AND

- ii) **THAT Council resolves, subject to the final adoption of the development guide plan and pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, to delegate to the Executive Director Development Services authority to issue a Conditional Planning Scheme Consent for the development of Lot 1274 (70-88) Albany Highway, Centennial Park and subject to, but not limited to, conditions requiring;**
 - a) **the access way on the western side of the Heritage listed Primary School building being closed on the completion of construction;**
 - b) **all storm water being satisfactorily disposed of through Council’s Stormwater system;**
 - c) **an acoustic berm being developed on the Moir Street boundary to attenuate the noise of staff vehicles and commercial transportation vehicles when operating within the premises and when entering & exiting the premises;**
 - d) **installation of a dual use pedestrian access way along Moir Street; and**
 - e) **a contribution being made to Council for the upgrading of :**
 - i) **the Hymus Street / Stead Road intersection;**
 - ii) **the drainage outlet to the site;**
 - iii) **the Moir Street Frontage; and**
 - iv) **the Albany Highway Frontage.**

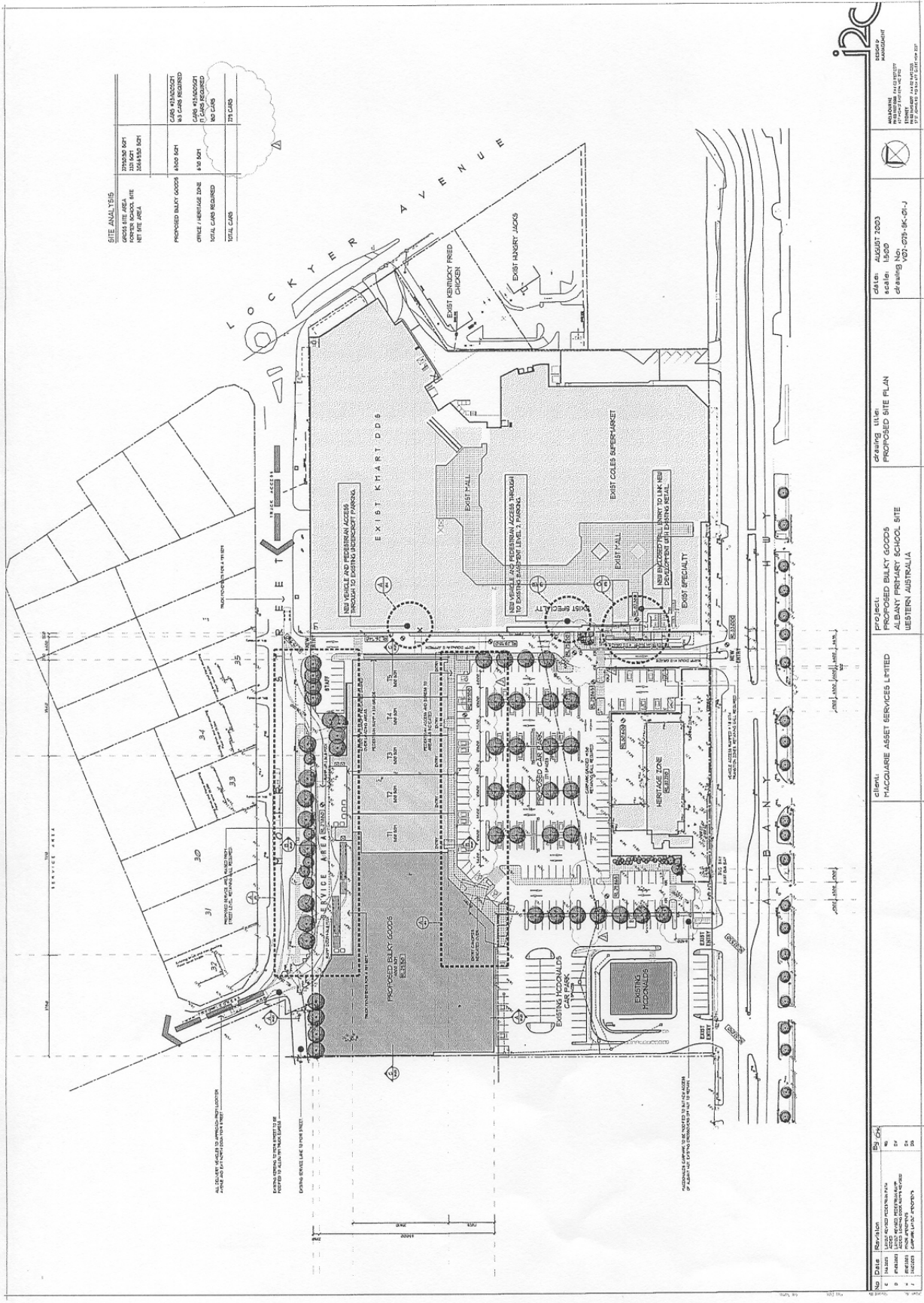
Voting Requirement Simple Majority

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ORDINARY COUNCIL MEETING AGENDA – 15/02/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

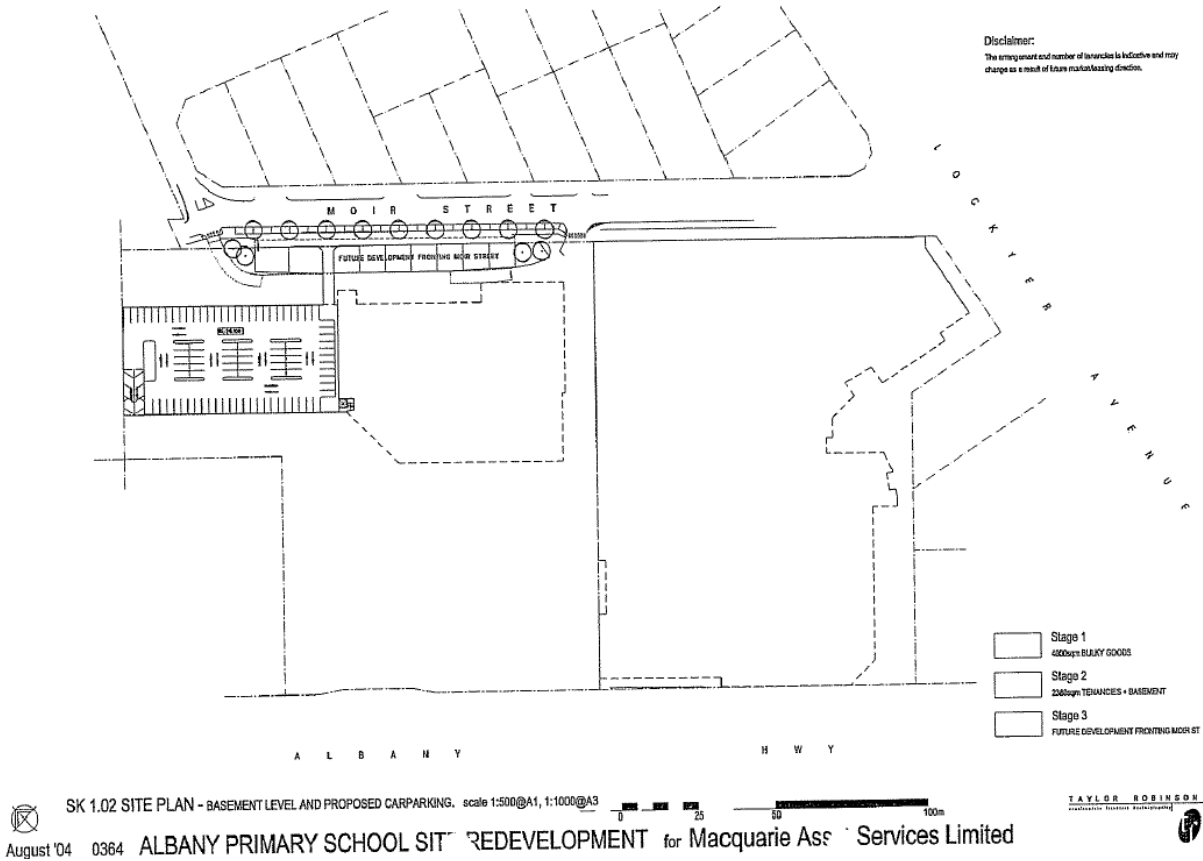
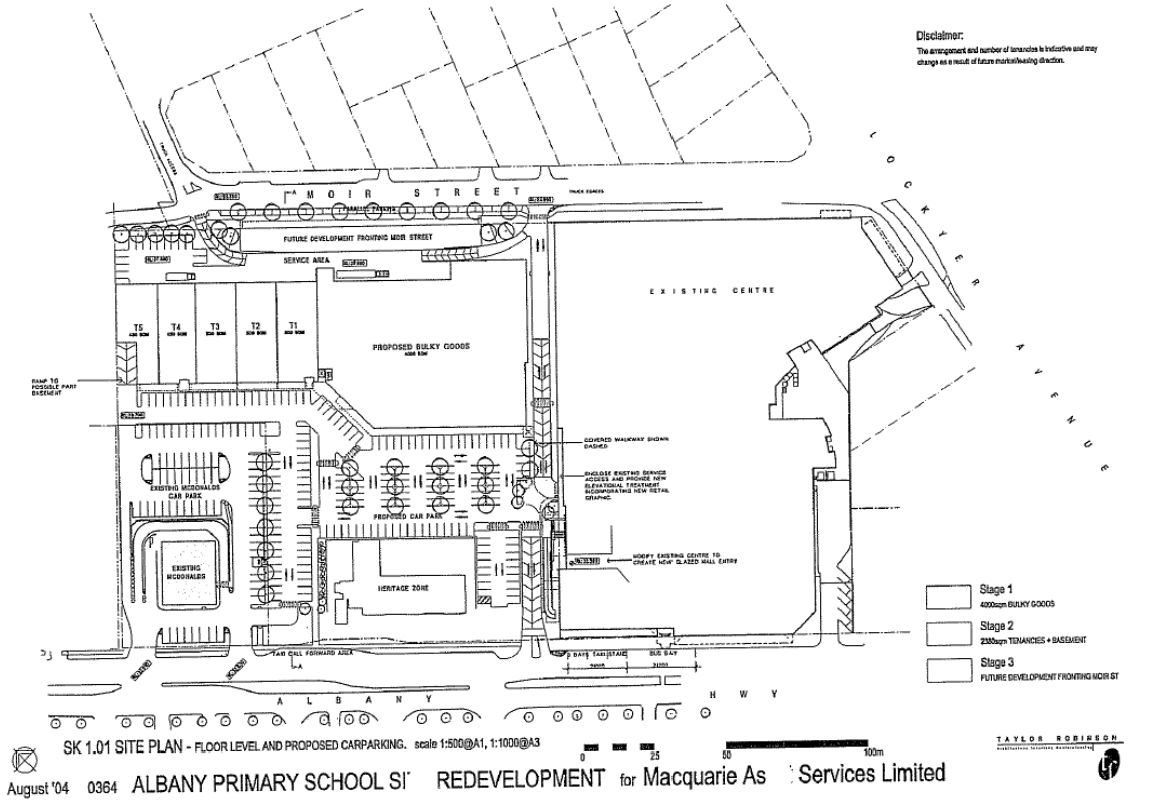
ATTACHMENT 1



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

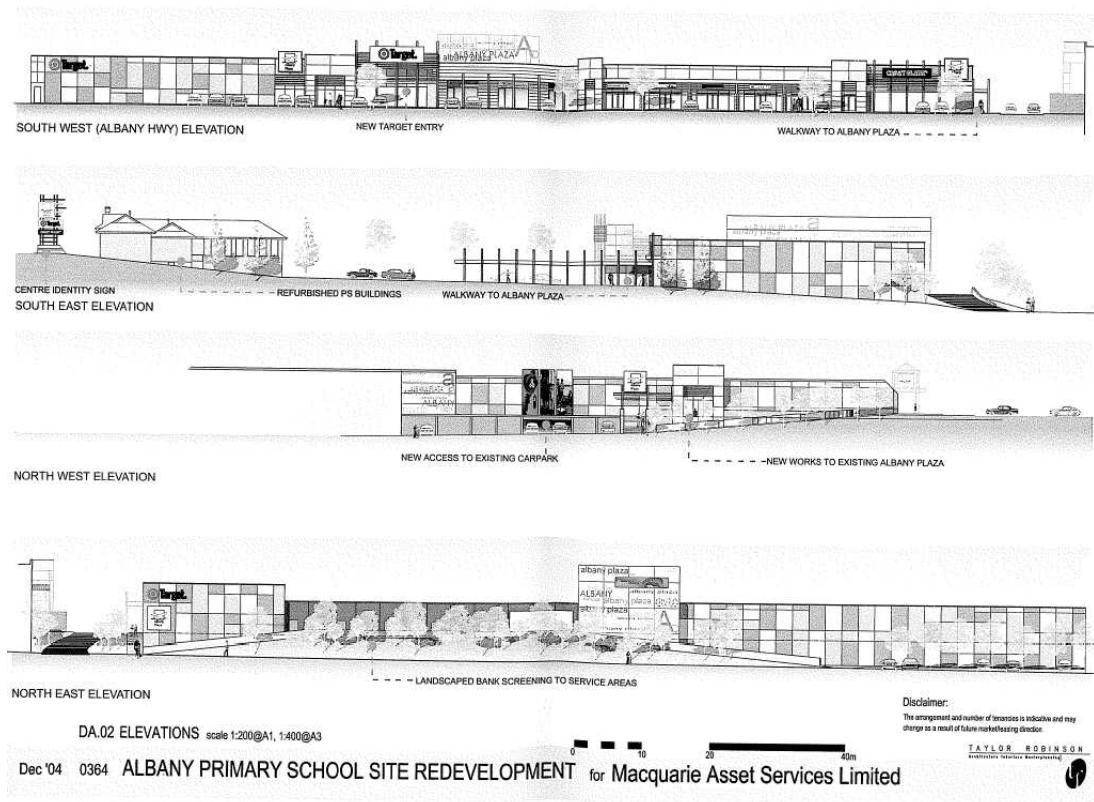
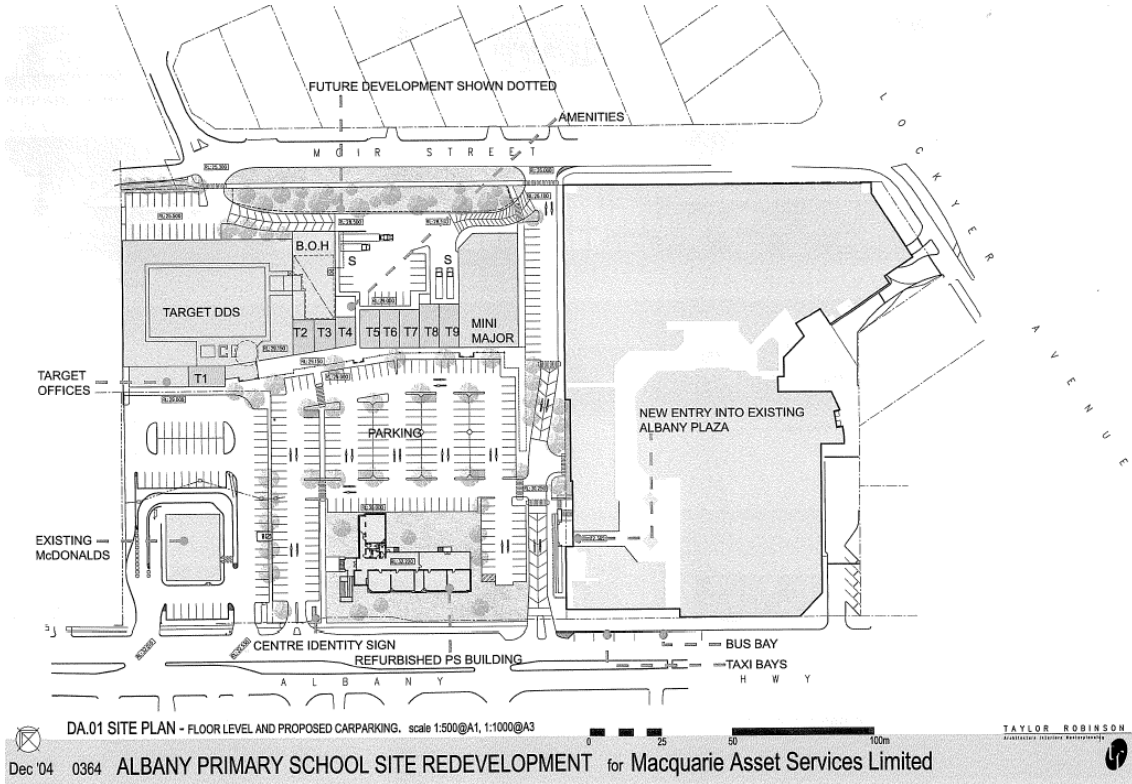
ATTACHMENT 2



ORDINARY COUNCIL MEETING AGENDA – 15/02/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

ATTACHMENT 3



DEVELOPMENT SERVICES REPORTS

Item 11.1.2 continued

ATTACHMENT 4



Department for Planning and Infrastructure
Great Southern Region
Government of Western Australia

Your ref: A131516/PA9580/P245586

Our ref: 853/5/2/15P127

Enquiries: Georgina Foivig

17 January 2005

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

Attention: Thomas Souness

Dear Sir

Development Guide Plan - Former Albany Primary School Site at 70-88 Albany Highway, Centennial Park

In reply to your letter dated 11 January 2004, the Taylor Robinson drawings 0364 dated August 04, which were submitted to the Western Australian Planning Commission for endorsement as the Development Guide Plan (DGP) for Special Site No. 36, contained a level of detail considerably greater than that usually required of a DGP. The Commission's endorsement of the DGP is based on the key elements required by the Scheme Conditions for Special Site 36, rather than the finer detail of the drawings. These elements are:

- o Indicative layout of land uses and movement systems
- o Linkages to the existing Albany Plaza
- o Traffic impact and location of access points
- o Relationship to the former Albany Primary School site and residential development on Moir Street
- o Proposed subdivision, if any

The Commission's letter to the City of Albany dated 13 October 2004, therefore advised that it endorsed the DGP for the Albany Primary School site as indicated by the Taylor Robinson drawings 0364 dated August 04.

The December 04 version of the Taylor Robinson drawings 0364 submitted to the City for Planning Scheme Consent are considered to be in accordance with the endorsed DGP and the changes contained in these drawings are refinements rather than departures from the approved key elements. The changes are not considered sufficient to warrant referral to the Commission and thus should not be an impediment to the City of Albany's consideration of an application for Planning Scheme Consent.

Should you have any queries or wish to discuss this matter, please contact me on 9841 8122.

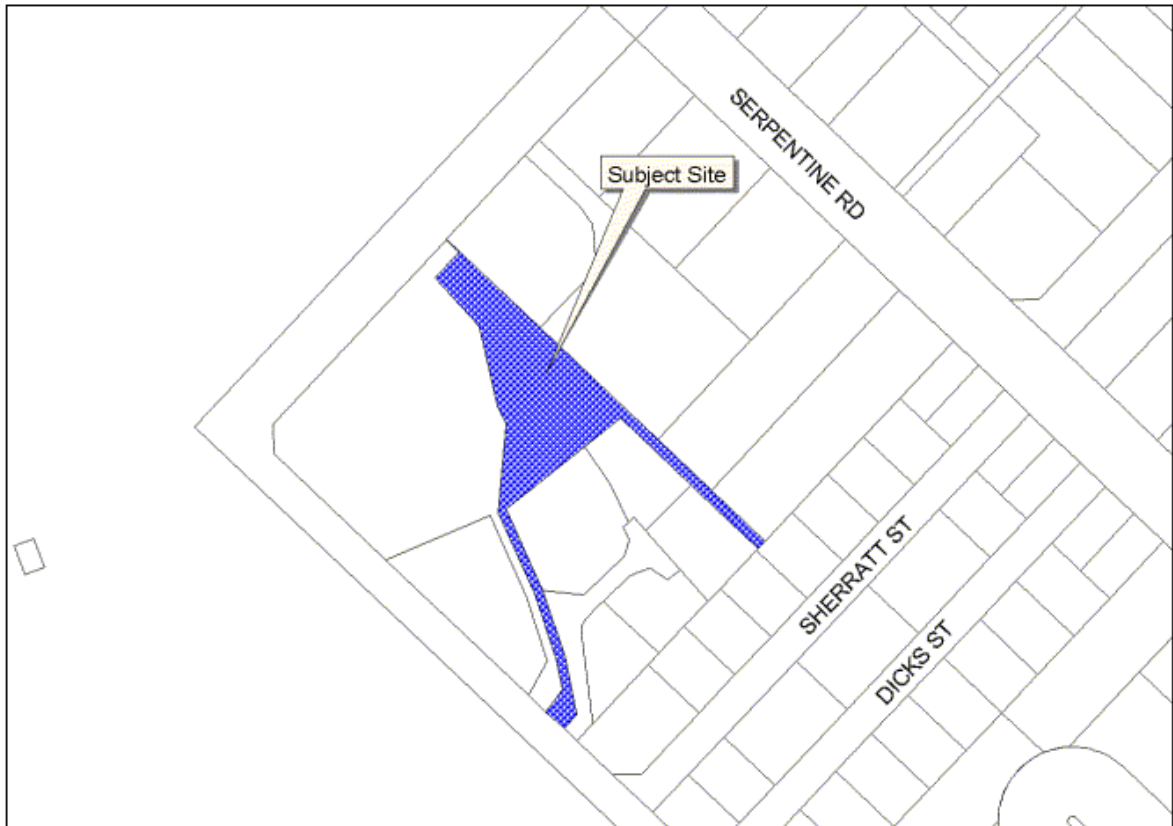
Yours faithfully

STEPHEN PETERSEN
REGIONAL MANAGER
GREAT SOUTHERN REGION
STATUTORY PLANNING DIVISION

DEVELOPMENT SERVICES REPORTS

11.1.3 Development Application – Design Code Relaxation - 56 Robinson St, Mt Melville

File/Ward	:	A130043 (Frederickstown Ward)
Proposal/Issue	:	Single House - overheight
Subject Land/Locality	:	56 Robinson Street, Mt Melville
Proponent	:	Concept Building Design
Owner	:	Mark Heffernan & Josephine McGill
Reporting Officer(s)	:	Planning Officer (J Devereux)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	To grant conditional Planning Scheme Consent approval.
Bulletin Attachment	:	Nil
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

BACKGROUND

1. An application has been received to construct a dwelling at 56 Robinson Street, Mt Melville.
2. The proposal does not comply with the acceptable development criteria under the Residential Design Codes of Western Australia (2002) (R-Codes) therefore it requires a relaxation in accordance with the performance criteria.

STATUTORY REQUIREMENTS

3. Within Town Planning Scheme No. 1A (Scheme) the property is zoned “Residential” with a coding of R20. Under the Scheme, the design of a residential dwelling is controlled by the R-Codes.
4. The R-Codes are a Statement of Planning Policy under Section 5AA of the Town Planning and Development Act 1928.

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. Comments were sought from surrounding landowners. At the close of submissions three (3) submissions were received, objecting to the proposal.
9. The main issues of concern from adjoining landowners were overlooking of adjoining properties and the look of the underside of the building. However, these concerns have been addressed through consultation and negotiations between the adjoining landowners. There are several conditions being proposed that will ensure the concerns of the adjoining landowner are addressed.
10. The issue that Council staff seek Council consideration on is in regards to ‘Building Height’. Staff have the delegations to approve such a development, but are not comfortable with approving dwellings which exceed the acceptable development criteria to the extent being proposed.
11. Under the R-Codes the acceptable criteria is for 6m wall height and 9m maximum roof pitch, from natural ground level. The proposed dwelling has a wall height up to 11.5m and a roof pitch up to 11.8m.

DEVELOPMENT SERVICES REPORTS

Item 11.1.3 continued

12. In a report prepared by the applicant they have justified the need for the relaxation to the height requirements. Some of the reasons for the relaxation are as follows: -
 - i. the site consists of mainly granite outcrops, which makes excavation virtually impossible;
 - ii. there are also granite boulders to the rear that will sit taller than the proposed dwelling, which will make it not stand out when looking up at Mt Melville from the area below;
 - iii. to the rear of the proposal, going up Mt Melville is other dwellings that sit higher, so their views will not be affected; and
 - iv. the applicant has used design techniques to make the proposed dwelling not seem so bulky and over imposing on adjoining properties.

13. In accordance with the performance criteria of the R-Codes and due to the severe nature of the slope of the lot, Staff feel that the relaxation of the height requirements in this circumstance should be supported.

RECOMMENDATION

THAT Council resolves pursuant to clause 7.22 of the City of Albany Town Planning Scheme 1A, to delegate to the Executive Director Development Services authority to issue a conditional Planning Scheme Consent for an over height single house at 56 Robinson St, Mt Melville.

Voting Requirement Absolute Majority

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DEVELOPMENT SERVICES REPORTS

11.1.4 Development Application – Design Code Relaxation- 21 Yokanup Road, Bayonet Head

File/Ward : A24638 (Yakamia Ward)

Proposal/Issue : Single House - Overheight

Subject Land/Locality : 21 Yokanup Road, Bayonet Head

Proponent : ML Turner & Sons

Owner : Rebecca Shaver

Reporting Officer(s) : Planning Officer (J Devereux)

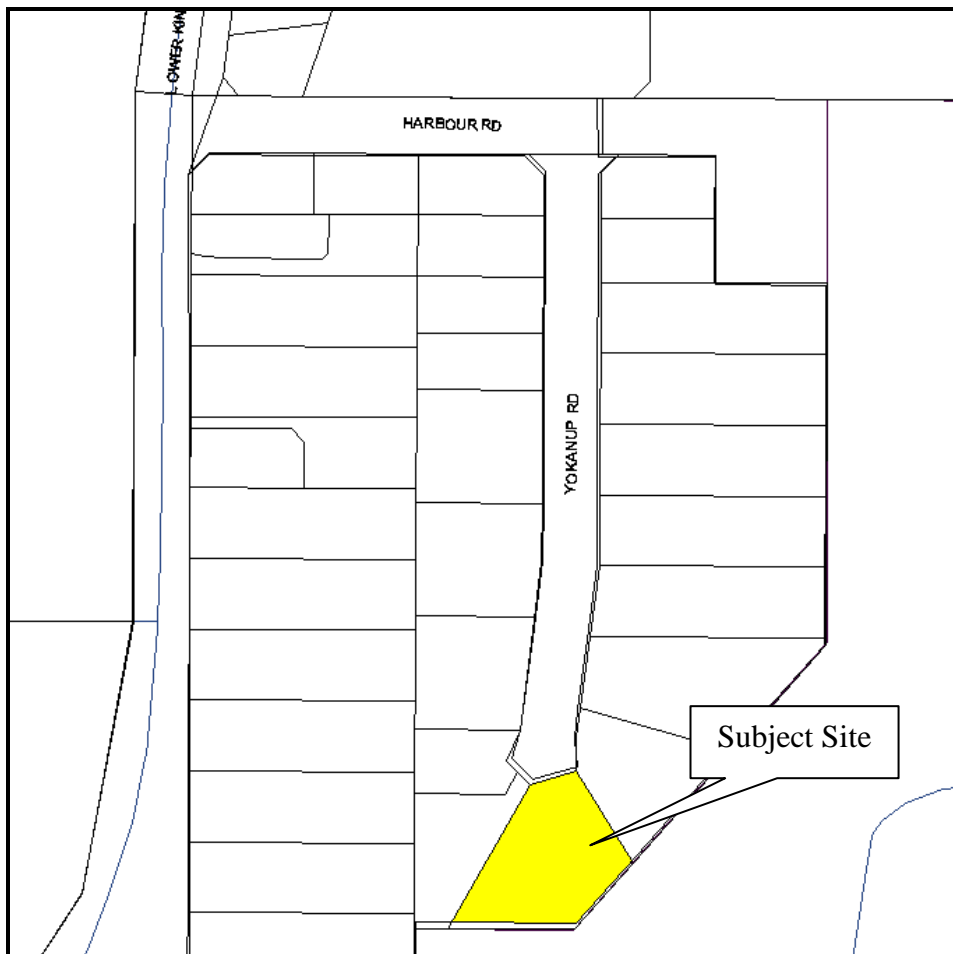
Disclosure of Interest : Nil

Previous Reference : Nil

Summary Recommendation : To grant conditional Planning Scheme Consent approval.

Bulletin Attachment : Nil

Locality Plan :



DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

BACKGROUND

1. An application has been received to construct a dwelling at 21 Yokanup Road, Bayonet Head
2. The proposal does not comply with the acceptable development criteria under the Residential Design Codes of Western Australia (2002) (R-Codes) therefore it requires a relaxation in accordance with the performance criteria.

STATUTORY REQUIREMENTS

3. Within Town Planning Scheme No. 3 (Scheme) the property is zoned “Residential” with a coding of R20. Under the Scheme, the design of a residential dwelling is controlled by the R-Codes.
4. The R-Codes are a Statement of Planning Policy under Section 5AA of the Town Planning and Development Act 1928.

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. Comments were sought from the adjoining landowner who would be affected by the height relaxation. In most cases under the R-Codes, the consideration of loss of views when assessing a proposal against the performance standards cannot be taken in to consideration. In this circumstance as the adjoining landowner is going to lose views due to a relaxation of building heights, it is not reasonable to consider their concerns in making a decision.
9. Originally the adjoining landowner signed a consent form saying that they had no objections, subject to the house being moved 3m towards Yokanup Road. Since this, the applicant has amended the plan bringing the height of the house down 700mm, moving the house 2m back towards Yokanup Road and rotating the house, effectively bringing it back the 3m. The adjoining landowners are generally happier with the new design and will still retain a significant view.
10. Council needs to make the decision in regards to relaxation of the height requirements. Staff have the delegations to approve such a development, but are not comfortable with approving dwellings which exceed the acceptable development criteria to this extent.
11. Under the R-Codes the acceptable criteria is for 6m wall height and 9m maximum roof pitch, from natural ground level. The proposed dwelling has a wall height up to 7.8m and a roof pitch up to 11.5m.

DEVELOPMENT SERVICES REPORTS

Item 11.1.4 continued

12. Staff feel that the relaxation should supported as: -
- i) the site natural ground level drops significantly from the top to the bottom of the property;
 - ii) the dwelling will appear to be a single storey from road level;
 - iii) the only effected landowner is generally happy to except the relaxation; and
 - iv) the rear of the dwelling, the highest elevation, will only be visible from the property below. This property to the rear is zoned 'Rural' and has no public access therefore the bulky nature of the dwelling will have minimal impact on the amenity of the area.
13. In accordance with the performance criteria of the R-Codes and due to the nature of the site, Staff feel that the relaxation of the height requirements in this circumstance should be supported.

RECOMMENDATION

THAT Council resolves to issue a Planning Scheme Consent for an over height Single House at 21 Yokanup Road, Bayonet Head.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.2 INSPECTION SERVICES

11.2.1 Local Law - Adoption of Health (Eating Houses and Itinerant Vendors) Local Laws 2005

File/Ward	:	MAN 050 (All Wards)
Proposal/Issue	:	To make new Health (Eating Houses and Itinerant Vendors) Local Laws 2005
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 18.12.01- Item 12.2.6
Summary Recommendation	:	To make the Health (Eating-Houses and Itinerant Vendors) Local Laws 2005
Bulletin Attachment	:	Draft Health (Eating Houses and Itinerant Vendors) Local Law
Locality Plan	:	N/A

BACKGROUND

1. At its meeting on 18 December 2001, Council resolved to adopt a local law relating to Eating-Houses and Itinerant Vendors.
2. Subsequent to the gazettal of the local law, the Health Department of WA advised the City that, due to an administrative oversight during the amalgamation of the former Shire and Town, the provisions of the local law could only be applied to the former Town area.
3. While regular inspections of all eating-houses in the City are carried out, an annual licence fee can only be charged to premises in the former Town area.
4. To address this anomaly, it is necessary to repeal the City of Albany Health (Eating-Houses and Itinerant Vendors) Local Laws 2001 and remake them so that they apply to the whole of the City of Albany.
5. A draft Health (Eating-Houses and Itinerant Vendors) Local law has been prepared for Council consideration. (See Elected Members Report/Information Bulletin)

STATUTORY REQUIREMENTS

6. Section 3.12 of the Local Government Act states:-

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

- "3.12 (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*
- (3) *The local government is to -*
- a) *give Statewide public notice stating that -*
 - i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local* that is not significantly different from what was proposed.*

** Special Majority Required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice -*
- a) *stating the title of the local law;*
 - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*

7. Section 342 (1) of the Health Act 1911 (as amended) states:-

"Every local government -

- (a) may, if the Executive Director, Public Health consents; and*
- (b) shall, if the Commissioner or the Executive Director, Public Health so directs,*

make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for the purposes specified in this Act or generally for carrying into effect the provisions of this Act."

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. There will be statutory advertising costs, which will be funded from the 2004/2005 budget.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through ...

- *Major regional health services providing a complete range of quality health services, for all ages.*

Mission Statement:

The City of Albany is committed to ...

- *Delivering Excellent Community Services and Providing Sound Governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

11. The procedure for making Local Laws requires Council to advertise Statewide on at least two days, advising of its intention to make Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making a Local Law, publish it in the Government Gazette, and supply the Minister for Local Government and the Minister for Health the documents for tabling in Parliament. Statewide notice of the adoption of the Local Law is then to occur.

12. In addition, the procedure for 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 and Effect

13. The purpose of these local laws is to provide for the control and management of food premises within the district by establishing various requirements for -

- (a) the registration of eating houses and itinerant vendors; and
- (b) the licensing of proprietors of eating houses and itinerant vendors.

14. The effect of these local laws is to establish various standards and requirements relating to registration of food premises, and the licensing of proprietors of food premises with which operators/owners of food premises within the district must comply

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

RECOMMENDATION

THAT Council, in accordance with Section 342 of the Health Act 1911 (as amended) and Section 3.12 of the Local Government Act 1995, agrees to make the Health (Eating-Houses and Itinerant Vendors) Local Laws 2005.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.2.2 Local Law – Amendment to City of Albany Prevention and Abatement of Sand Drift Local Law

File	:	MAN 048 (All Wards)
Proposal/Issue	:	Consider an amendment to the City of Albany Prevention and Abatement of Sand Drift Local Law.
Subject Land/Locality	:	City of Albany
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Inspection Services (K Barnett) Executive Director Development Services (R Fenn)
Previous Reference	:	OCM 18.01.05 - Item 11.2.1 OCM 28.11.00 - Item 12.2.1 OCM 05.09.00 - Item 11.2.1
Summary Recommendation	:	That Council agrees to make the City of Albany Prevention and Abatement of Sand Drift (Amendment) Local Law.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At its meeting on 18 January 2005, Council considered an item to remove Clause 8(c) from the City's Prevention and Abatement of Sand Drift Local Law and resolved:

"THAT Council resolves. Pursuant to clause 3.12 of the Local Government Act 1995, to repeal clause 8(c) of the City of Albany Prevention and Abatement of Sand Drift Local Law gazetted by the City of Albany on the 5 December 200, and that notice to that effect be published in the Government Gazette."
2. Subsequent to this resolution the City has been made aware of the need to make an Amendment Local Law to repeal clause 8(c).
3. In addition, there is a need to insert Clause 12, which was omitted during the printing process.
4. A draft Amendment Local Law has been appended for Council consideration..

STATUTORY REQUIREMENTS

5. Section 3.12 of the Local Government Act states:-

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

DEVELOPMENT SERVICES REPORTS

Item 12.2.2 continued

- (2) *At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.*
- (3) *The local government is to -*
- a) *give Statewide public notice stating that -*
 - i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
 - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submission, the local government is to consider any submissions made and may make the local law* as proposed or make a local* that is not significantly different from what was proposed.*
- * *Special Majority Required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give Statewide public notice -*
- a) *stating the title of the local law;*
 - b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of the local laws they have made and any explanatory or other material relating to them."*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

7. There will be statutory advertising costs which will be funded from the 2004/2005 budget.

DEVELOPMENT SERVICES REPORTS

Item 12.2.2 continued

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through ...

- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement:

The City of Albany is committed to ...

- *Delivering Excellent Community Services and Providing Sound Governance.*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

9. The procedure for amending Local Laws requires Council to advertise Statewide on at least two days, advising of its intention to make amendment Local Laws and seeking submissions within a six-week period. Council is to consider all submissions before making an Amendment Local Law, publish it in the Government Gazette and supply the Minister for Local Government the documents for tabling in Parliament. Statewide notice of the adoption of the Amendment Local Law is then to occur.

10. In addition, the procedure for making Amendment 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 Amendment Local Law.

Purpose

11. To amend the principal local law pursuant to a notification received from the Joint Standing Committee on Delegated Legislation regarding the deletion of Clause 8(c) and to correct a printing error by including a Clause 12.

Effect

12. The amendments to the principal local law have been undertaken:-

- to delete Clause 8(c) as it exceeds to powers contained in the Local Government Act 1995; and
- to correct a printing error by inserting the number “12” before the words “(a) A person who –“ in the third line of Clause 11.

DEVELOPMENT SERVICES REPORTS

Item 12.2.2 continued

RECOMMENDATION

THAT Council, in accordance with Section 3.12 of the Local Government Act 1995, advertise its intention to make the City of Albany Prevention and Abatement of Sand Drift (Amendment) Local Law.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 12.2.2 continued

Local Government Act 1995

CITY OF ALBANY

PREVENTION AND ABATEMENT OF SAND DRIFT (AMENDMENT) LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City Of Albany resolved onto make the following amendment to the *City of Albany Prevention and Abatement of Sand Drift Local Law* published in the *Government Gazette* on 5 December 2000.

Title

1. This local law may be cited as the *City of Albany Prevention and Abatement of Sand Drift (Amendment) Local Law*.

Operation

2. This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

Principal Local Law

3. In this local law, the *City of Albany Prevention and Abatement of Sand Drift Local Law* made under the *Local Government Act 1995* and published in the *Government Gazette* on 5 December 2000 is referred to as the principal local law.

Principal Local Law Amendment

4. The principal local law is amended as described below:-

- **Clause 8(c)**

Clause 8(c) is deleted.

- **Clause 12**

The number "12." is to be inserted immediately before the words "(a) A person who –" in the third line of Clause 11 to create Clause 12.

Dated this day of 2005

The Common Seal of the City Of Albany was affixed by authority of a resolution of the Council in the presence of:

ANDREW HAMMOND
CHIEF EXECUTIVE OFFICER

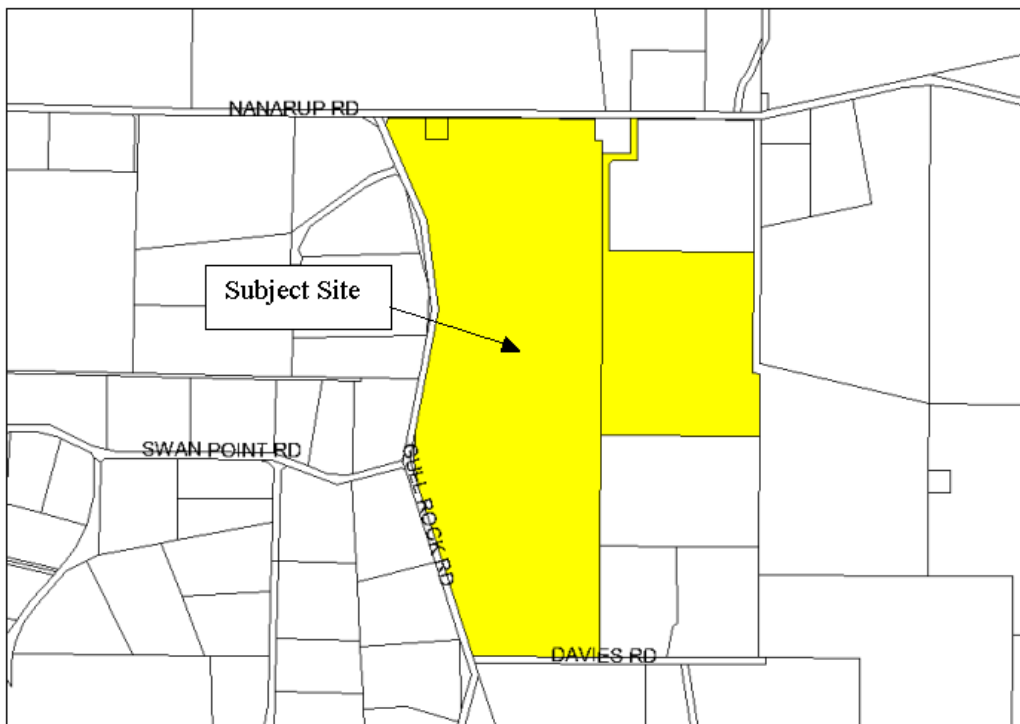
ALISON GOODE, JP
MAYOR

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Scheme Policy – Request to Introduce - Local Planning Policy, Special Rural Area No 9

File/Ward	: STR 127 (Kalgan Ward)
Proposal/Issue	: Advertise draft Local Planning Policy to guide future Subdivision and Development
Subject Land/Locality	: Lots 11, 300 and 1301 Nanarup/Gull Rock Road, Kalgan
Proponent	: Ayton, Taylor Burrell
Owner	: Erujin Pty Ltd & Melrob Pty Ltd
Reporting Officer(s)	: Manager Development (M Selby)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Initiate advertising on Local Planning Policy
Bulletin Attachment	: Nil
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. In 1996 the subject land was rezoned from “Rural” to “Special Rural” and appropriate provisions were introduced into Town Planning Scheme No 3.
2. The proponent, on behalf of the landowner, has previously applied to the Western Australian Planning Commission for subdivision approval for stage one of the development. The Western Australian Planning Commission, after consultation with Council, approved stage one of the development, which changed the lot configuration slightly and also increased the lot density for the site overall. This approval has now lapsed.
3. It should be noted that the Western Australian Planning Commission has the ability to approve variations to the Subdivision Guide Plan, as they are not “fettered” by Council’s adopted Town Planning Scheme. The power is confirmed to them under the Town Planning and Development Act.
4. Council in 2002 provided a response to the Western Australian Planning Commission on stage two of the subdivision (balance of site), advising that the variation to the original Subdivision Guide Plan sought by the proponent, was not supported by Council: and the variation requested was not consistent with the adopted Subdivision Guide Plan for the site. The Western Australian Planning Commission also agreed with this rationale and refused to grant approval to the application.
5. Discussions have been held with the proponent as to how to progress the subdivision, given the impasse between Council, the Western Australian Planning Commission and the landowner. At the meeting it was suggested that a Local Planning Policy be prepared to allow, where appropriate, Council the ability to support any further subdivision application.

STATUTORY REQUIREMENTS

6. Town Planning Scheme No 3 (hereby referred to as the “Scheme”), allows Council the power to make policies (clause 6.9). This draft policy is submitted so that it can be adopted as an operational Local Planning Policy, and be adopted in accordance with clause 1.1 of Schedule One of the Scheme.
7. Development controls for the subject site is specified in Schedule One – Special Rural Zones (Area 9) within the Scheme.
8. It should be noted that the minimum lot size specified in the Scheme is 1.0 hectare. The proposed Subdivision Guide Plan conforms with this requirement.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

12. In principle, the revamping of the Subdivision Guide Plan is supported by staff. The following comments provide a statement of what the differences are. All the modifications make a positive improvement to the SGP.

Differences

- i) 12 additional lots have been created by modification to the SGP in the areas identified on the attached Plan.
 - Result/Comment – The result is that the individual lot sizes have decreased the overall lot average, from approximately 1.30ha to 1.10ha. The net result is also the reduction in road frontages to some lots. Frontages of some lots have dropped below 60 metres, however a clause has been added to the LPP, which requires a minimum separation distance of 30 metres between dwellings.
 - The majority of the additional blocks are located in the lower areas of the site and, with the more visible lots, additional dwellings and outbuildings over time will blend into the landscape with the requirement to re-vegetate the area.
- ii) The proponent has provided a connection with the land to the east of the southern portion of the site (servicing lot 1879), to allow legal road access to a land locked block. No objections to this portion.
- iii) The POS area has been increased in size and allows 10m from the top of the bank for conservation purposes. No objection to this modification as it is an improvement to the original subdivision guide plan.
- iv) Access is being sought from Gull Rock Road for proposed lot 1. The proposed lot can be accessed safely.
- v) Building envelopes have been modified, so that on some lots they are more useable and logical.
- vi) Provision of a dual use path within the POS area, linking the southern cul-de-sac to the community centre

RECOMMENDATION

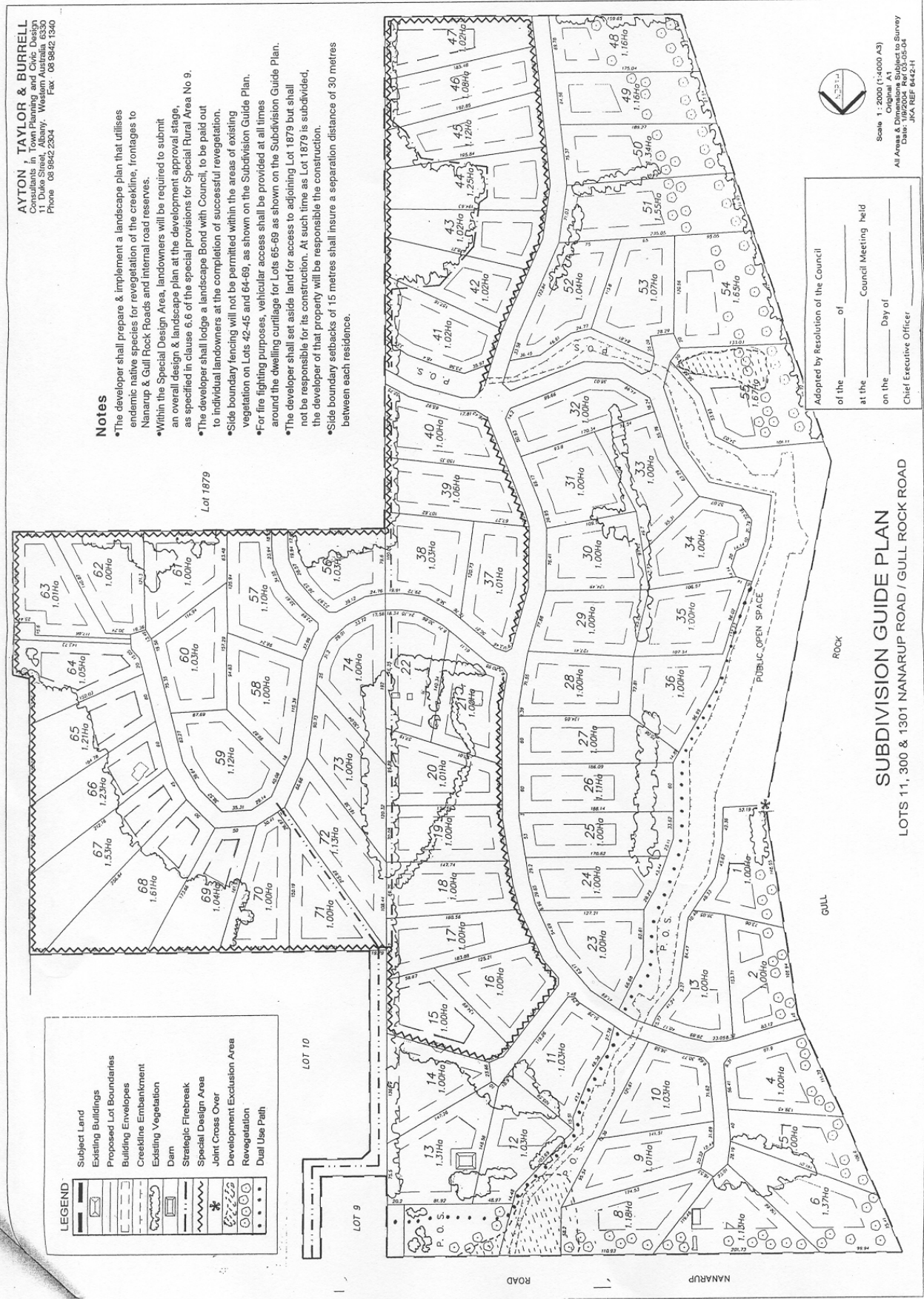
THAT Council, pursuant to clause 6.9 of the City of Albany Town Planning Scheme No. 3 resolves to advertise the draft ‘City of Albany – Local Planning Policy – Special Rural Area No 9 Kalgan’ as a Town Planning Scheme policy and advertise as such in accordance with the Scheme.

Voting Requirement Simple Majority

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**ORDINARY COUNCIL MEETING AGENDA – 15/02/05
 ** REFER DISCLAIMER **
 DEVELOPMENT SERVICES REPORTS**

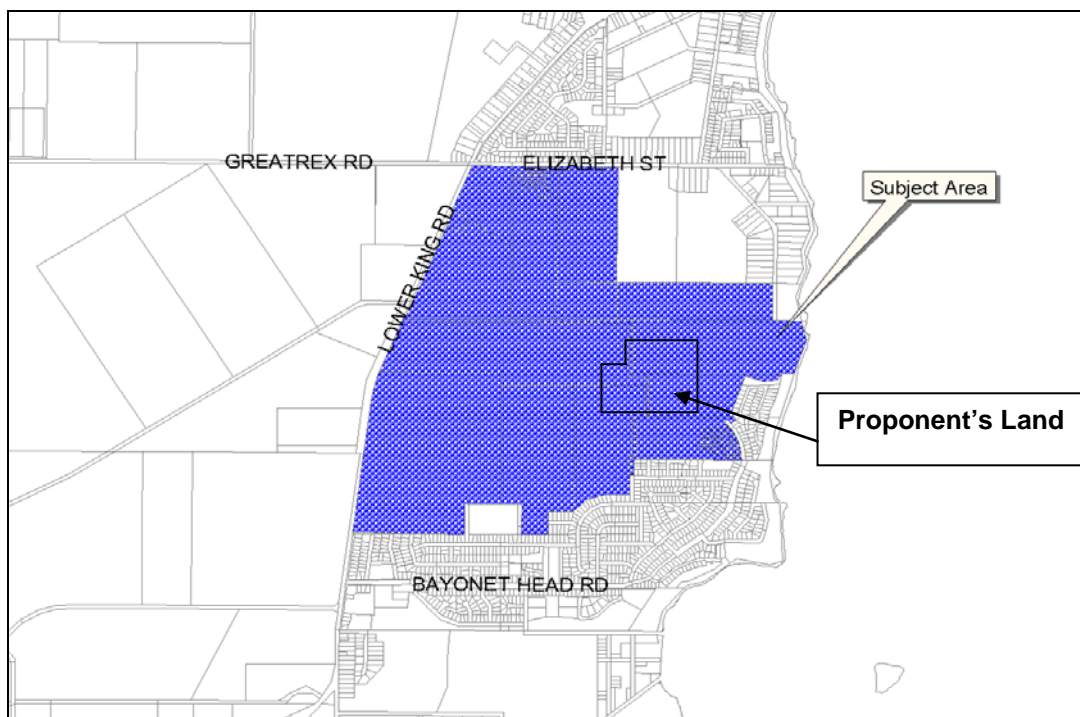
Item 11.3.1 continued



DEVELOPMENT SERVICES REPORTS

11.3.2 Scheme Policy - Request to Modify Policy – Bayonet Head Outline Development Plan

File/Ward	:	STR 031 (Yakamia Ward)
Proposal/Issue	:	Request to Modify the Bayonet Head Outline Development Plan
Subject Land/Locality	:	Bayonet Head Outline Development Plan Area
Proponent	:	Koltasz Smith
Owner	:	Peet Bayonet Head Syndicate Ltd.
Reporting Officer(s)	:	Planning Officer - Policy (R Hindley) and Executive Director Development Services (R Fenn)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20/03/01 - Item 11.3.3 OCM 23/05/00 - Item 12.3.1 OCM 26/10/99 - Item 15.1.2 OCM 24/03/99 - Item 15.1.1 S of A Cncl 27/05/98 - Item 12.3.4 S of A Cncl 29/01/98 - Item 13.3.11 S of A Cncl 04/12/96 - Item 13.3.8
Summary Recommendation	:	Decline request that policy is advertised in accordance Clause 6.9.2 of Town Planning Scheme No. 3.
Bulletin Attachment	:	Proponent's Submission.
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. An application has been received from the Koltasz Smith, on behalf of Peet Bayonet Head Syndicate, seeking Council's support to amend the Bayonet Head Outline Development Plan (BHODP). A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.
2. At its 20 February 2001 meeting, Council granted final approval to the BHODP and has been using the BHODP as a policy document to co-ordinate subdivision proposals in the area between Bayonet Head and Lower King. Council has also previously advised (May 2000) that, in regards to the Conservation Wetland and Buffer Reserve shown in the BHODP area that:
 - "a) will require, in conformity with WAPC policy, that the wetland area to be ceded to the Crown free of charge.*
 - b) would be prepared to offer a 50% credit for the wetland buffer area subject to sensitive development within the buffer area being carried out at the time of subdivision in accordance with the report from Alan Tingey and Associates and the consent of the relevant government agencies."*
3. Peet Bayonet Head Syndicate Ltd (PBHS) recently appealed a number of conditions attached to a subdivision within the BHODP, focussing upon the relevance of the shared cost items in the BHODP (eg. Lower King Road, outfall drainage) to their subdivision and questioning the capacity of Council to administer the BHODP contributions in a timely manner (i.e. ensuring the shared costs do not jeopardise subdivision of land). The Planning Appeals Tribunal found in favour of the BHODP Schedule of Shared Costs and recommended to PBHS that the company use recognised arbitration mechanisms to resolve the quantum of the BHODP shared cost contributions.
4. The proponent's request seeks to modify the classification of "Conservation Wetland and Buffer Area C1 and Drainage Area D11" to "Public Open Space" and is promoting the creation of two new drainage areas on the adjacent land parcel. Commitments on a number of other matters are sought and they are detailed later in the report.

STATUTORY REQUIREMENTS

5. Clause 6.9.2 of Town Planning Scheme No. 3 requires the following procedure to be undertaken to make a Town Planning Scheme Policy operative.
 - "(a) The Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
 - (b) The Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
 - (c) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours."*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

6. The operative provisions of the City of Albany Town Planning Scheme No. 3 relating to the BHODP are contained in clause 5.2.4 of the Scheme, and state;

“5.2.4 Provisions relating to the Bayonet Head Outline Development Plan (ODP) Area

- a) No person shall carry out subdivision within the ODP area unless the Plan of Subdivision conforms to the adopted ODP for the area.*
- b) Council intends to prepare and have adopted a Guided Development Scheme (GDS) to, amongst other things, establish a schedule of Shared Costs and to designate the basis upon which such costs are equitably apportioned between the landowners within the ODP area.*
- c) Until the GDS is adopted and gazetted, any approval given to subdivide land within the ODP area is given on condition that the subdivider will pay his/her proportion of the Shared Costs as adopted by the Council and deemed applicable at the time of subdivision.*
- d) Council shall prepare a Schedule of Shared Costs and shall make the Schedule available to the owners within the ODP area including an outline of the basis upon which the Shared Costs are to be apportioned between the subdividing owners pursuant to subclause (h) hereof.*
- e) The Schedule of Shared Costs are to be reviewed annually in the month of July in each year. The Council shall, prior to their adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.*
- f) The applicable Shared Costs shall be the costs adopted by Council for each review period as referred in subclause (e) hereof.*
- g) When any item of Shared Cost has not been paid or ascertained at the time of subdivision, they may be estimated by the Council. Payment of an estimate by a subdivider discharges the subdividers liability in respect of the item.*
- h) The Shared Costs shall be apportioned in the proportion that the nett subdividable area of the land being subdivided bears to the total nett subdividable area of the land within the ODP area.*
- i) A subdividing landowner shall pay his/her proportion of the Shared Costs to the Council prior to the Commission endorsing its final approval on any diagram or plan of subdivision.*
- j) If any dispute arises between the Council and the subdivider in regard to the Shared Costs or their apportionment, such dispute may be referred for determination by a single arbitrator in accordance with the provisions of the Commercial Arbitration Act 1985. If an owner proceeds to arbitration under this subclause it shall preclude the owner the right to commence an appeal in accordance with the provisions of clause 6.7 of the Scheme.*
- k) Each party shall bear its own costs of the arbitration unless the arbitrator determines that the costs have been caused or contributed to by unreasonable, frivolous or vexatious actions of one party or the other, in which case the arbitrator may award the payment of costs by and to one party or the other.*
- l) Upon gazettal of the GDS referred to in subclause (b) hereof, the provisions of the GDS shall prevail and the provisions of clause 5.2.4 shall have no further application or effect.”*

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

POLICY IMPLICATIONS

7. The Bayonet Head Outline Development Plan is a Town Planning Scheme policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme No. 3.

FINANCIAL IMPLICATIONS

8. Council is required to advertise the draft policy in a local newspaper for two consecutive weeks at it's own cost.
9. Council will be required to review the BHODP, policy framework and associated cost contribution provisions at it's own cost if the contribution arrangements or components of the BHODP are changed. Scheme 3 allows those costs to be recouped from landowners in the BHODP area and concerns are already being expressed over the items identified in the Schedule of Shared Costs.

STRATEGIC IMPLICATIONS

10. The BHODP is a strategic document prepared by Council, in consultation with the WAPC and landowners, to co-ordinate the subdivision of lots in the ODP area and ensure an equitable distribution of costs and infrastructure provisions.

COMMENT/DISCUSSION

11. The prescribed Schedule of Shared Costs has been adopted by Council based on the subdivisional framework outlined in the BHODP. Whilst it is acknowledged that the BHODP provides "the theoretical framework" for the provision of infrastructure, and that the actual areas provided will be subject to detailed design, the expectation is that subdividers will endeavour to provide the anticipated infrastructure identified in the BHODP on their land. Similarly, a simple request to transfer the drainage requirements from one property to another may not affect the overall BHODP costs or drainage functions, but it does alter subdivisional yields and financial returns on the adjoining land. On the other hand, the removal of a Conservation Wetland area has ramifications on the integrity of the BHODP (and possible Department of Environment opposition to the change) and its designation as a Public Open Space area invokes full compensation for the land taken through the Schedule of Shared Costs, transferring that cost to all landowners in the BHODP area.
12. The proponent has requested that Council undertake a number of tasks with relation to the BHODP and these are outlined in more detail below, along with officer comments. Advice was also sought from the Department of Environment and the Department of Planning and Infrastructure on the requests before Council. Those comments are incorporated where appropriate.
13. Initiate a BHODP amendment to:
 - Relocate portions of the D11 drainage area into two areas on the western side of Sibbald Road;
 - Modify the BHODP to include Open Space Area P11 as credited POS reserve;
 - To assign DUP's and footpaths to only those roads highlighted in the Wood and Grieve Traffic Management Plan.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Comment:

14. The BHODP makes reference to area P11 (containing Conservation Wetland Area C1 and Drainage Area D11).

“Open Space Area P11 contains Drainage Area D11 and Conservation Area C1. Open Space Area P11 is intended to serve conservation, drainage and passive open space functions. It contains a wetland of high conservation value. It contains no POS.

Its rationale includes:

- a) The preservation of a wetland and associated environs, which have high conservation value,*
- b) The provision of a drainage basin as recommended by the Bayonet Head Flood Management Plan,*
- c) The landscape enhancement and protection of the wetland and open space as a visual landscape resource, and*
- d) The provision of an accessible open area in the southern sector of the ODP.*

The ultimate treatment of this area should preserve the ecological values of the wetland. A detailed management plan should be prepared for the Conservation wetland by the subdivider/s to determine the ultimate treatment of the area. P11 should be bounded on all sides by road reserves, and residential lots should orientate towards the park.”

15. The BHODP delineates open space areas. The designation and delineation of conservation wetlands and their requisite buffer areas (and therefore the extent of their associated Conservation Reserves) was determined using Department of Environmental Protection and Water and Rivers Commission (now Department of Environment) guidelines. In addition to the policy, extensive site assessment work was carried out by officers of the Water and Rivers Commission in association with Council and the Ministry for Planning (now Department for Planning and Infrastructure). The ATA report, included in the proponent’s submission, confirms the validity of that earlier work.
16. The report from ATA Environmental details the conservation and management regimes required to be implemented to ensure the above mentioned values, as espoused in the BHODP, can be achieved. Council has previously advised that the proponent needs to demonstrate there are appropriate recreational benefits accruing from “the development” of the conservation area for a POS credit to be advanced. Whilst the ATA report highlights a range of potential passive recreational values that may be gained, it also lists high on-going management costs for Council, which may quickly negate any shorter term community benefits or subdivisional advantages to the proponent.
17. Council needs to determine whether the proponent has satisfied the tests it has previously set to warrant a Public Open Space credit for the Conservation Area through the BHODP. It needs to also be born in mind that the Foreshore Reserves are not being recognised as compensated areas under the BHODP and these areas provide equal or larger passive recreational benefits to that being claimed by the proponent. The relationship between drainage functions and wetland vegetation is also essential to the maintenance of the conservation area; thereby drainage detention on the PBHS’s land should be the primary design objective, not seeking to maximising passive recreational opportunities.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

18. Clause 4.3.9 of the BHODP already states that the provision of paths shall be subject to more detailed design and staff consider the BHODP does not need amendment to acknowledge the Wood and Grieve report. It needs to be acknowledged that the proponent is not the only developer and additional work will be undertaken over time on path designs. The BHODP needs to be robust enough to acknowledge that future work.

19. Resulting from the above, revise the draft GDS and Cost Schedules to reflect the amendments proposed to the BHODP.

Comment:

20. If the above mentioned changes are supported by Council, the Schedule of Shared Costs would automatically need to be amended. This request has no relevance to the BHODP policy.

21. Modify the draft GDS and Cost Schedules (and where referred to in the BHODP) to provided a reimbursement Schedule.

Comment:

22. The payment of monies accrued from subdividers through the BHODP, back to landowners in the ODP area for land taken for the prescribed purposes, and for the construction of trunk infrastructure, is inherent in the wording of the BHODP and the draft Bayonet Head Guided Development Scheme (GDS). It is possible to incorporate a reimbursement schedule in the GDS but staff feel there would be only a marginal benefit to incorporate it into the BHODP.

23. Following approval to modifications as detailed in points 1-3 above, approve the Wetland, Public Open Space, Drainage and Traffic Management Plans enabling relevant subdivision conditions to be cleared.

Comment:

24. The clearance of subdivisional conditions is not contingent upon the above matters being resolved through a change to the BHODP. The only area outstanding is Council's decision on the treatment of the Conservation Wetland and the provision of Public Open Space on the subject land; this has a direct bearing on the funds paid (as well as reimbursed) by the landowner as BHODP Shared Costs. Also the subdivisional yield may be affected within the currently approved subdivisional stage if additional land needs to be provided for drainage upstream of the conservation wetland. This request has no relevance to the BHODP policy

25. Review the BHODP to show Drainage Areas D7-D10 in the correct locations as per the PPK Bayonet Head Drainage Plan.

Comment:

26. These drainage areas are approximately in the correct location in the BHODP and will be subject to more accurate design and site survey as future subdivisions are considered. No change to the BHODP is recommended by staff.

27. Initiate negotiations with the owner of the land to the north of the Syndicate land to acquire drainage area D11 for the construction of permanent drainage infrastructure.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Comment:

28. The “property to the north” is owned by Mr Medcalfe and Council could resolve to apply funds it has already received as Shared Costs under the BHODP to the purchase of the drainage area D11 from him. Mr Medcalfe’s property is already being eroded from drainage outfall from PBHS’s earlier subdivisional releases. Part of the costs identified in the Schedule of Shared Costs also provide for the hiring of appropriate consultants to undertake the negotiation and transfer of the land in advance of the subdivision process. It would also be inappropriate to apply BHODP funds to this item if the Syndicate’s subdivision does not proceed or Council considers there is a greater need to develop infrastructure elsewhere in the BHODP area. This request has no relevance to the BHODP policy.

29. Staff are concerned that the proponent has not addressed the significant erosion that has already occurred in the western portion of the Syndicate’s site. Their consultant’s engineer’s proposal to install ‘interim basins’, until frontal development reaches the existing subdivisional stages, remains an inadequate solution. Stormwater management solutions will be required prior to the full development of the site, and given the existing problem with erosion, it is appropriate that measures consistent with the Bayonet Head Flood Management Plan be undertaken in conjunction with the next stage of subdivision; that solution may involve the acquisition of drainage area D11.

30. To formalise processes to expend the Lower King Road contribution within 12 months of payment and for works to occur as close to the southern section of Lower King Road as possible.

Comment:

31. There is no financial benefit for Council to “hold onto” funds received for infrastructure upgrades in the BHODP area. Subdividers are contributing approximately 34% of the anticipated cost of constructing the section of Lower King Road, adjacent to the BHODP area, and the timing and staging of the any upgrade to that road cannot be dictated at this stage. Initial funding may be applied to roadside drainage, localised widening of the existing pavement or detailed design of the future pavement. This request has no relevance to the BHODP policy.

32. To formalise the expenditure of any cost contribution within 1 year of being paid.

Comment:

33. See comments above. This request has no relevance to the BHODP policy.

34. To include a reimbursement schedule in the draft GDS and to establish contributions and reimbursements on a per stage basis.

Comment:

35. These comments can be considered as part of Council’s review of the draft GDS, as requested by the Minister, prior to it being advertised for public comment. This request has no relevance to the BHODP policy.

36. To modify the valuation procedures to review not only the infrastructure costs but also the land values on a per annum basis.

Comment:

37. Land values are already being reviewed annually as part of the requirement of Scheme 3. This request has no relevance to the BHODP policy.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

38. To review the draft GDS to reimburse those landowners giving up more than the normal 10% POS and 2% drainage requirements at residential rates minus development costs and a risk and solatium factor such as they are not unfairly disadvantaged by the BHODP.

Comment:

39. The draft GDS sets out a valuation methodology which has been adopted in other GDS documents and is generally accepted by the valuation industry. There are various valuation methodologies which could be applied and support for one method or another will vary depending upon whether the proponent has land credits (gets paid by the scheme) or debits (pays into the scheme). It needs to be borne in mind that some POS areas are identified on higher quality subdivisional land and others in less desirable locations. Determining development and risk factors as part of valuation processes also introduces greater uncertainty to the valuation process and increases the potential for costly arbitration disputes.

40. To revalue the entire BHODP area at an englobo residential rate rather than assigning lower values to areas to be used for drainage and POS use.

Comment:

41. Refer to the previous comments. The capability and suitability of land varies over the BHODP area and therefore an englobo residential rate would be produce an inequitable result for landowners.

42. Based on a review of the proposed modifications to the BHODP it does not appear that there is sufficient justification to support them over and above the current plan. Based on this, it is recommended that Council not support the proposed modification.

RECOMMENDATION

THAT Council;

- i) resolves not to modify the ‘Bayonet Head Outline Development Plan’ as requested by Peet Bayonet Head Syndicate Ltd; and**
- ii) consistent with its undertaking of May 2000, not support the development of the Conservation Wetland and Buffer Area as outlined in the ATA Environmental report (2003/188) due to the high maintenance costs and limited recreational benefits that would accrue from undertaking the development.**

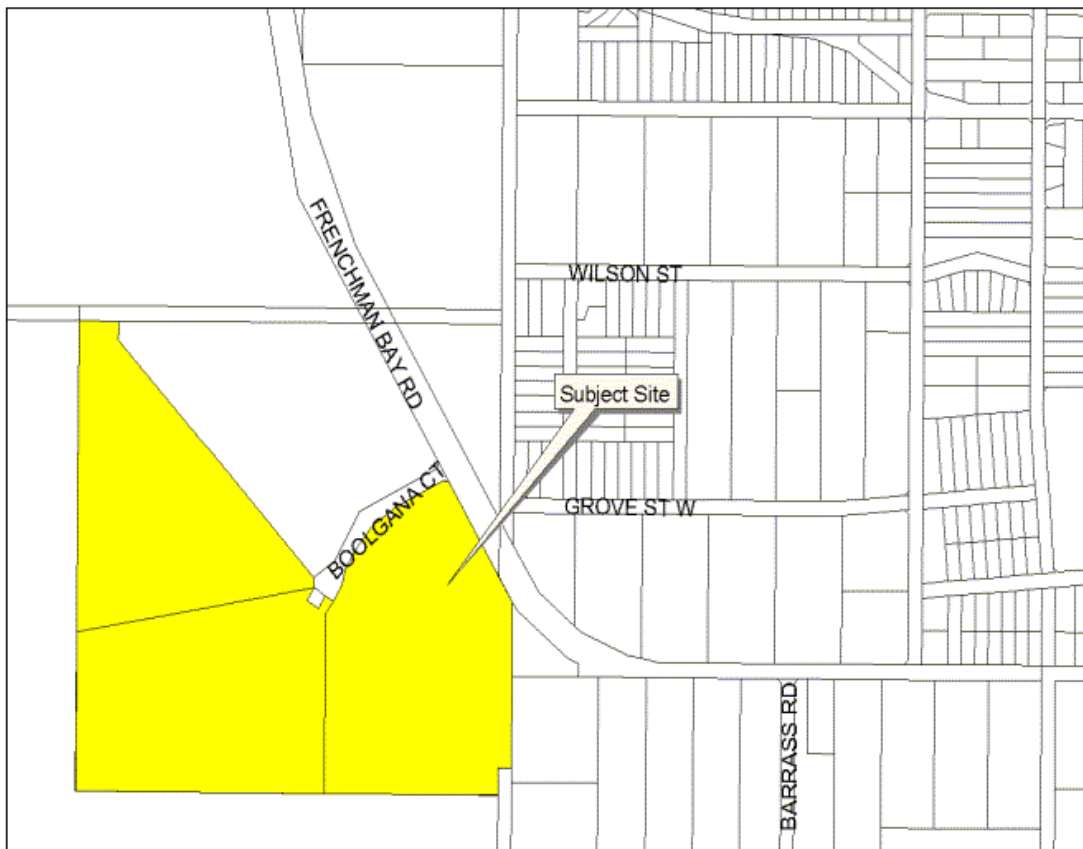
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.3.3 Scheme Amendment Request – Lots 5, 6 & 7 Boolgana Court, Torndirrup

File/Ward	:	A68783A (Vancouver Ward)
Proposal/Issue	:	Preliminary request to rezone Lots 5,6 & 7 Boolgana Court, Torndirrup from 'Rural' to 'Conservation'
Subject Land/Locality	:	Lots 5,6 & 7 Boolgana Court, Torndirrup
Proponent	:	Harley Survey Group
Owners	:	JL, HA, DC & AJ Paunich
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 21/12/2004 - Item 11.3.1
Summary Recommendation	:	Support the request subject to modification
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

11.3.3 continued

BACKGROUND

1. An application was received from the Harley Survey Group seeking Council's preliminary support to rezone Lots 5,6 & 7 Boolgana Court, Torndirrup from 'Rural' to 'Conservation'. A copy of the applicant's proposal was included in the December Elected Members Report/Information Bulletin.
2. An item was presented to Council recommending that this proposal not be supported. The following motion was lost at Council meeting dated 21 December 2004:

“THAT Council advise the applicant that it is not prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lots 5,6 and 7 Boolgana Court, Torndirrup from 'Rural' to 'Conservation'.”

3. The application seeks to facilitate the development of 9 Lots with a minimum lot size of 3 hectares.
4. The application was referred to the Department of Planning and Infrastructure and Department of Environment.

STATUTORY REQUIREMENTS

5. A Scheme Amendment Request (SAR) is not a statutory process under the Town Planning and Development Act 1928. The purpose of the SAR process is to give an applicant feedback as to whether an amendment is likely to be supported or not, and the issues to be addressed in the Scheme Amendment documents.
6. If an applicant decides to pursue a Scheme Amendment, the Council will be required to formally consider that request.
7. The purpose of the Conservation Zone is to provide for limited subdivision and development where it can be demonstrated that such development will be compatible with the protection of, and where appropriate rehabilitation of, the flora, fauna and landscape qualities of the zone.

POLICY IMPLICATIONS

8. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).
9. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

DEVELOPMENT SERVICES REPORTS

11.3.3 continued

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

11. The proposed rezoning would ordinarily be considered to have the potential to be a spot rezoning, which are normally opposed on the basis of orderly planning, however, given that the subject site is bounded by reserves on three sides this is not considered to be a significant issue in relation to this site.
12. The subject site is located within Princess Royal Harbour Precinct 4 of the City's Local Rural Strategy. The policy statement for this precinct indicates that Council may consider rezoning the area to 'Conservation'.
13. The Local Rural Strategy states that where special landscape or environmental features warrant the protection of an area through larger environmental protection/conservation lots the lots should generally be a minimum 10 Ha in area.

COMMENT/DISCUSSION

14. A copy of the proposal was referred to the Western Australian Planning Commission and the Department of Environment. The major issues and concerns that were identified include:
- Development sites are located in the highest and therefore most visually prominent sites;
 - The position of the development sites do not afford a sufficient buffer to the adjoining national park;
 - Planning for Bushfire Protection and Commission Policy DC 3.7 – Fire Planning require a 100 metre hazard separation zone per dwelling. This requirement results in the majority of vegetation on the site, and some in the adjacent national park, being thinned to reduce fuel loads.
 - The proposal fails to comply with Clause 3.1.16 of TPS No. 3 which states that the purpose of the conservation zone is to provide for limited subdivision and development where it can be demonstrated that such development will be compatible with the protection of and where appropriate rehabilitation of, the flora, fauna and landscape qualities of the zone;
 - Existing conservation zones indicate that a minimum lot size of 10 hectares is appropriate where special landscape or environmental features warrant protection through larger lots;
 - Development areas should be restricted to existing cleared areas;
 - The proposal needs to address how the overall lot layout and design will afford protection of remnant vegetation.
15. Whilst the applicant has stated that incompatible land uses can occur as a result of the sites 'Rural' zoning it has not been taken into account that the site has a Priority 2 classification in the South Coast Water Reserve. This classification can be used to restrict incompatible uses.
16. If a 'Conservation' zone was to applied to the site it would not justify the creation of any additional lots. Smaller "Conservation" lots are contrary to the objective of encouraging better land management practices.

DEVELOPMENT SERVICES REPORTS

11.3.3 continued

17. To meet the hazard reduction requirements, the establishment of development areas within smaller lots will not be conducive to the retention of vegetation and therefore the objectives of the 'Conservation' zone are quickly eroded.
18. Council Officers consider that the proposal is not acceptable in its current form. Council indicated it was prepared to support an amendment to 'Special Rural' provided sufficient reporting is included in the amendment documentation supporting that land use; the following recommendation provides the information sought by Council.

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lots 5,6 & 7 Boolgana Court, Torndirrup from 'Rural' to 'Special Rural' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed land capability assessment;
- ii) protection of remnant vegetation and reduction of visual intrusion;
- iii) preparation of a Subdivision Guide Plan;
- iv) preparation of a Fire Management Plan;
- v) servicing details and arrangements; and
- vi) development being restricted to existing cleared areas.

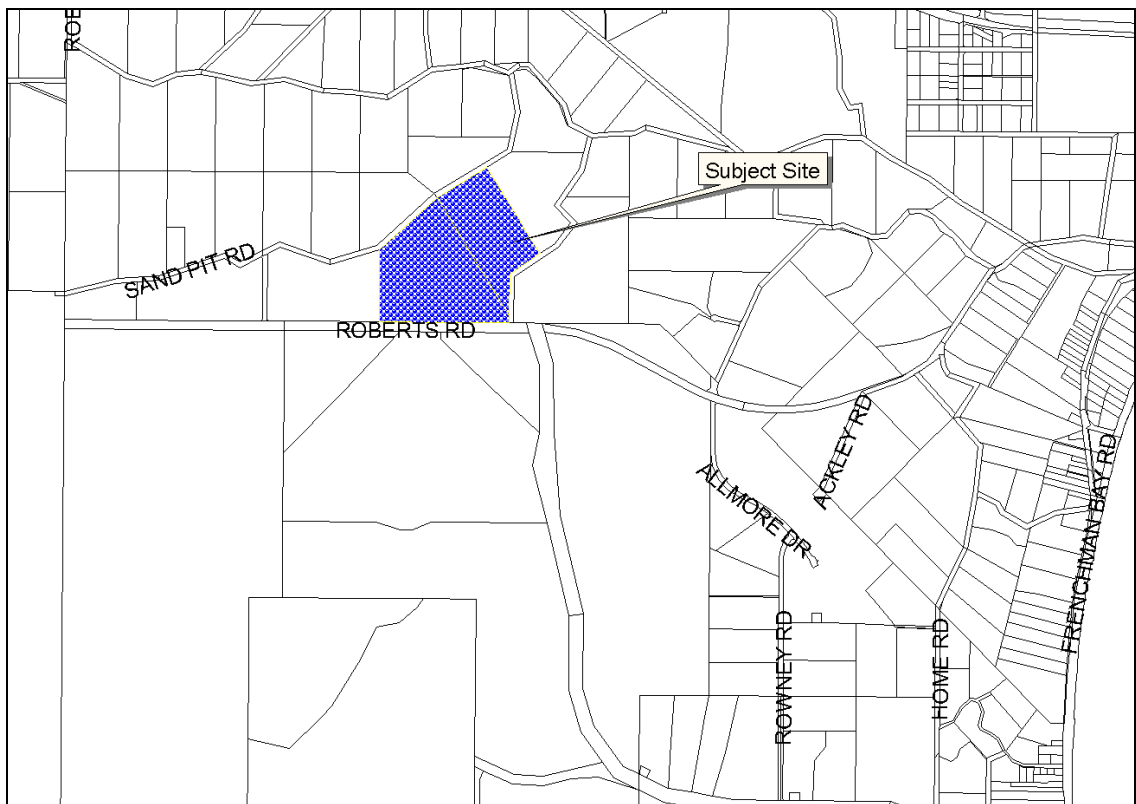
Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.3.4 Scheme Amendment Request – Lots 3 & 4 Racecourse Road, Robinson

File/Ward	:	A185935A (West Ward)
Proposal/Issue	:	Preliminary request to rezone Lots 3 & 4 Racecourse Road, Robinson from 'Rural' to 'Special Rural'
Subject Land/Locality	:	Lots 3 & 4 Racecourse Road, Robinson
Proponent	:	Harley Survey Group
Owners	:	AH Davis
Reporting Officer(s)	:	Planning Officer – Policy (R Hindley)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Support the request.
Bulletin Attachment	:	Scheme Amendment Request
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

BACKGROUND

1. An application was received from the Harley Survey Group seeking Council's preliminary support to rezone Lots 3 & 4 Racecourse Road, Robinson from 'Rural' to 'Special Rural'. A copy of the applicant's proposal is contained in the Elected Members Report/Information Bulletin.
2. The application seeks to facilitate the development of 6 Lots with a minimum lot size of 4 hectares. Future potential for subdivision at a minimum lot size of 2 hectares is also shown resulting in 13 Lots.
3. The application was referred to the Department of Planning and Infrastructure and Department of Environment.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

6. There are various policies and strategies that have relevance to this proposal. They include:
 - The State Planning Strategy;
 - Statement of Planning Policy No. 1 - State Planning Framework Policy (Variation No. 1) (SPP 1);
 - The Albany Regional Strategy (1994); and
 - The Local Rural Strategy (1996).
7. The purpose of SPP 1 is to bring together existing State and regional policies that apply to land use and development in Western Australia. Local government is to have regard for Statements of Planning Policy when preparing a Town Planning Scheme or Town Planning Scheme Amendment.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

9. The proposed rezoning represents another application in a series of spot rezonings, which would normally be opposed on the basis of orderly planning.
10. The subject site is located within Princess Royal Harbour Precinct 3 of the City's Local Rural Strategy. The policy statement for this precinct indicates that Council may consider rezoning to 'Special Rural' and subsequent subdivision, with an average of 1 lot per 2 hectares.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

11. The Local Rural Strategy identifies a need for Structure Planning to be undertaken as part of any request for rezoning within this precinct.

COMMENT/DISCUSSION

12. A copy of the proposal was referred to the Western Australian Planning Commission and the Department of Environment. The major issues and concerns that were identified include:
 - All development activities within this area are conditional in accordance with the guidelines for Land Use Compatibility in Public Drinking Water Supply Areas;
 - No septic tanks should be permitted within 100m of a production bore;
 - Horse keeping is a conditional activity within P2 areas and needs to be managed to meet water quality objectives.
 - Location of fencing, firebreaks and lot boundaries up and down dunes should be avoided;
 - Provision needs to be made for integration with future rezonings/subdivision on adjoining land and take into account the proposed resubdivision of the subject land;
 - The Local Rural Strategy requires that existing and future road systems area addressed as part of the structure planning process. In particular, it should be established whether Sandpit Road is to be constructed and if so, whether access to the proposed northern lots should be via this road (battlease legs should only be used where their use will provide access to views and/or protection of vegetation;
 - Current Western Power Policy requires the removal and/or relocation of overhead power lines where the land is to be subdivided into lots less than 10 hectares. Consultation with Western Power should be undertaken prior to further design of the subdivision guide plan; and
 - Scheme provision will need to stipulate that the reticulated water is required to be provided for all lots less than 4 hectares in area. The subdivision guide plan design should take into consideration the efficient and equitable provision of this service to future landowners.
13. Details need to be provided as to how the proposed development will integrate with adjoining development. Consideration needs to be given to how the development will sit within the wider context.
14. Subject to the applicant addressing the issues mentioned above, to the satisfaction of Council, the preliminary request to rezone the land is supported.

DEVELOPMENT SERVICES REPORTS

Item 11.3.4 continued

RECOMMENDATION

THAT Council advise the applicant that it is prepared to support the request for an Amendment to Town Planning Scheme No. 3 to rezone Lots 3 & 4 Racecourse Road, Robinson from 'Rural' to 'Special Rural' subject to the Scheme Amendment addressing the following to the satisfaction of Council:

- i) detailed land capability assessment;**
- ii) protection of remnant vegetation;**
- iii) preparation of a Subdivision Guide Plan;**
- iv) preparation of a Fire Management Plan;**
- v) servicing details;**
- vi) links into surrounding development; and**
- vii) visual amenity.**

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

11.4.1 City of Albany trails booklet “Walking Naturally in Albany”

File/Ward	:	STR 177 (All Wards)
Proposal/Issue	:	Approval for the sale of City of Albany Trails Booklet “Walking Naturally in Albany”.
Subject Land/Locality	:	City and CALM Reserves
Proponent	:	City of Albany, Department of Sport and Recreation
Owner	:	City of Albany
Reporting Officer(s)	:	Executive Director of Development Services (R Fenn) and Parks and Reserves Planner (B Green)
Disclosure of Interest	:	N/A
Previous Reference	:	Nil
Summary Recommendation	:	Council approve the sale of the City of Albany Trails Booklet “Walking Naturally in Albany” to retail outlets at a cost price of \$2.50 and a recommended retail price of \$5.00.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The City of Albany is an important regional tourist destination with many visitors coming to the area to enjoy the nature of the place.
2. Many of the City’s bushland reserves and National Parks host walk trails that provide access to many unique vantage points in the landscape.
3. Council allocated \$10,000 for the production of a trails booklet to promote walk trails in the area for 2004/05. This funding was matched with \$10,000 from the Department of Sport and Recreation. The booklet incorporates 20 of the most popular walk trails within 30 minutes drive of Albany town.
4. Initially the booklet was to be produced as a give away. However, the quality of the final product would indicate that it can be a successful low cost saleable item. There is concern that this quality item may become a throw away if provided free.
5. The booklet has been produced in liaison with Department of Conservation and Land Management, Department of Sport and Recreation, Albany Visitor Centre and Western Australian Tourism Commission. All agree the booklet is worthy of sale.

DEVELOPMENT SERVICES REPORTS

Item 11.4.1 continued

6. 10,000 copies have been produced at a cost of approximately \$2.50 each. This is inclusive of officer time in preparing information for the booklet, future management of sales and marketing and distribution costs.
7. Department of Sport and Recreation, the grant funding source, has approved a return being gained to allow the City to undertake a reprint in the future.
8. Distribution of the booklet will be managed by Corporate and Community Services staff. Marketing of the booklet will be co-managed by the Media Liaison Officer, Parks and Reserves Planner and Corporate and Community Services.
9. The booklets, if saleable, will be available through a cash on delivery basis.

STATUTORY REQUIREMENTS

10. The scale of fees and charges that Council imposes for service delivery is set with the annual budget and Section 6.16 the Local Government Act 1995 states;

“Fees and charges are to be imposed when adopting the annual budget but may be amended from time to time during the financial year.”

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

12. The recommendations contained in this report item will have direct financial impacts upon the City for the delivery of the City of Albany trails booklet – Walking Naturally in Albany.

STRATEGIC IMPLICATIONS

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

COMMENT/DISCUSSION

14. The booklet is a 56 page full colour B5 (pocket size) booklet printed on quality paper.
15. It is expected that most retail outlets and accommodation places in Albany and surrounds will purchase copies of the book. In addition, booklets will be promoted to Perth tourist outlets.

RECOMMENDATION

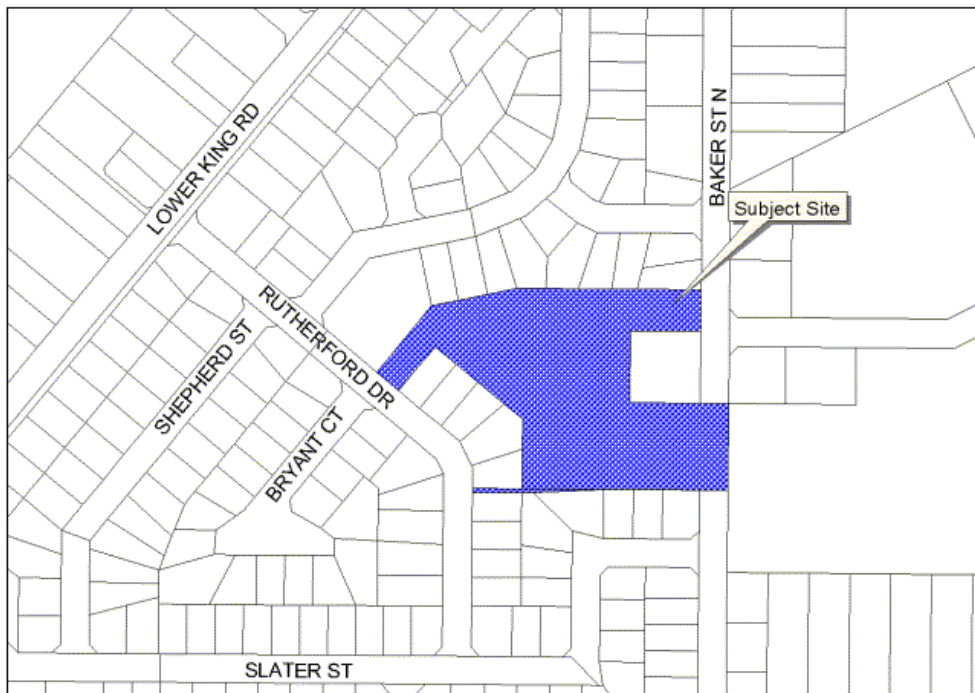
THAT pursuant to Section 6.16 of the Local Government Act 1995 Council approve the sale of the City of Albany trails booklet “Walking Naturally in Albany” at a cost of \$2.50, and recommend a retail price of \$5.00, through a cash on delivery basis.

Voting Requirement Absolute Majority

DEVELOPMENT SERVICES REPORTS

11.4.2 Reallocation of Funds – Becker Park Enhancement Plan

- File / Ward** : STR 174 (Kalgan Ward)
- Proposal/Issue** : Adoption of Becker Park Enhancement Plan and reallocation of \$10,000 from Becker Park plan development (Development Management) to implementation of Becker Park Enhancement Plan (Parks and Reserves).
- Subject Land/Locality** : Becker Park, Lower King
- Proponent** : City of Albany
- Owner** : Crown reserves vested to the City of Albany.
- Reporting Officer(s)** : Executive Director of Development Services (R Fenn)
Acting Executive Director of Works and Services (L Hewer)
Parks and Reserves Planner (B Green)
- Disclosure of Interest** : Nil
- Previous Reference** : Nil
- Summary Recommendation** : That Council adopt the Becker Park Enhancement Plan and support the reallocation of \$10,000 from Becker Park Plan development to implementation of Becker Park Enhancement Plan.
- Bulletin Attachment** : Becker Park Enhancement Plan
- Locality Plan** :



DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

BACKGROUND

1. Council allocated \$10,000 in 2004/05 for the preparation of a plan for Becker Park, Lower King.
2. This amount was allocated based on a fee for service for outsourcing the work. However, the Becker Park Enhancement Plan has been completed in house for a nominal amount by the Parks and Reserves Planner. (See copy in Elected Members Report/Information Bulletin)
3. The plan has been developed in consultation with representatives from the Lower King community and Lower King Progress Association.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

6. Reallocation of \$10,000 from “Operating Costs, Development Management” to “Operating Costs, Parks and Reserve” is proposed to implement part of the plan.

STRATEGIC IMPLICATIONS

7. This item relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through....

- *Restoration and protection of areas of high biodiversity within land, river and sea ecosystems.*

Mission Statement:

The City of Albany is committed to

- *Sustainably managing Albany’s municipal assets and delivering excellent community services.*
- *At all times we will respect the community’s aspirations and resources and seek innovative approaches.*

Priority Projects:

Project No. 7 Reserves Strategy – Establish an overall vision for reserves management and definition of core functions and responsibilities.”

DEVELOPMENT SERVICES REPORTS

Item 11.4.2 continued

COMMENT/DISCUSSION

8. The reallocation of \$10,000 will allow for the construction of a mini-BMX track within Becker Park, the upgrade of a short nature trail and bridge over a creek line and the introduction of picnic platforms.
9. Lower King community representatives have assisted the Parks and Reserves Planner with the development of the Becker Park Enhancement Plan. The representatives have identified the introduction of a mini-BMX track as the highest priority recommendation in the management plan.

RECOMMENDATION

THAT Council adopt the Becker Park Enhancement Plan and support the reallocation of \$10,000 from “Becker Park Management Plan” (account 7821) to implementation of the work detailed in the “Becker Park Enhancement Plan”.

Voting Requirement Absolute Majority

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11.5 DEVELOPMENT SERVICE COMMITTEES

Nil.

Corporate & Community Services

REPORTS

- R E P O R T S -

12.1 FINANCE

12.1.1 List of Accounts for Payment – City of Albany

File/Ward	: FIN 040 (All Wards)
Proposal/Issue	: N/A
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Manager of Finance (S Goodman)
Disclosure of Interest	: Nil.
Previous Reference	: N/A
Summary Recommendation	: Approve accounts for payment
Bulletin Attachment	: Summary of Accounts
Locality Plan	: N/A

COMMENT/DISCUSSION

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

Municipal Fund			
Cheques	totalling		132,893.65
Electronic Fund Transfer	totalling		2,605,359.89
Payroll	totalling		664,782.98
Credit Card	totalling		5,381.30
TOTAL			<u>\$3,408,417.82</u>

- As at 31st January 2005, the total outstanding creditors, stands at \$617,749.14.
- Cancelled cheques: 20244

RECOMMENDATION

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

Municipal Fund	totalling	<u>\$3,408,417.82</u>
 Total		<u>\$3,408,417.82</u>

Voting Requirement Simple Majority

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12.1.2 Second Quarter 2004/05 Budget Review

File/Ward	: FIN 047 (All Wards)
Proposal/Issue	: Council requested to adopt the 2nd Quarter Review
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Senior Accounting Officer (D Evers)
Disclosure of Interest	: Nil.
Previous Reference	: Nil.
Summary Recommendation	: That Council adopt the 2nd Quarter Review.
Bulletin Attachment	: Review adjustments
Locality Plan	: N/A

BACKGROUND

1. Council officers have reviewed the quarterly operating results for their areas together with determinations by Council for the first six months of the 2004/05 financial year.
2. Variances in the anticipated full year results have been identified.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

Item 12.1.2 continued.

FINANCIAL IMPLICATIONS

6. Council has adopted a balanced budget for 2004/05. Any surplus for the financial year can be used to fund the following year's budget with the balance to be reviewed by Council and transferred to reserves for specified purposes. An end of year deficit would require funding from the following year's budget.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany community will enjoy economic growth and outstanding opportunities through excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to sustainably managing Albany's municipal assets.

Priority Projects:

Nil.”

COMMENT/DISCUSSION

8. The quarterly review conducted by officers in January 2005 identifies savings, deferred projects and additional costs, resulting in a projected net surplus of \$56,700. After a recoup of \$17,379 for previous Council motions, there is a surplus of \$39,321. A comprehensive list of the proposed reallocations by responsibility and relevant Council items, are contained in the Elected Members Report and Information Bulletin.
9. The following is information on significant proposed adjustments:
 - a) The 0405 budget assumed RSJV Saleyards price increases to yield a breakeven result. There was no price increase, resulting in an anticipated deficit of \$ 65,000 offset by interest and other savings from sale of the facility. Net cost - \$ 47,000.
 - b) A saving of \$ 50,000 has been projected by assumption of later drawdown of loans for the Administration Building Construction. Interest expenditure will be reduced by \$130,000 offset by an investment earnings reduction of \$80,000.
 - c) The Administration Building is expected to cost an additional \$47,000 because of required variations to structural footings and roadbase. This will be offset by savings on architects fees and additional reserve funds
 - d) Due to the delay in the introduction of the barrier system at ALAC, there is an expected reduction in annual revenue of \$30,000.
 - e) Financial Assistance Grants have been increased by \$10,000 to allow local charities to put their rubbish in City of Albany tips without charge to an agreed maximum.
 - f) Additional revenue of \$80,000 is projected in Building and Planning fees due to heightened levels of activity in Albany.
 - g) An additional allowance of \$ 21,000 is required to cover recruitment costs for the position of Executive Director of Works and Services.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

- h) Expenses for public conveniences in the 04/05 budget were understated by \$20,000 due to the exclusion of annual water and power charges. Works & Services have identified savings in other areas to offset this item.
- i) Airport landing fees are higher than anticipated and the airport business unit should return an additional \$ 30,000 to the City in 2004/05.

RECOMMENDATION

THAT Council adopt the 2nd Quarter Review.

Voting Requirement Simple Majority

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12.2 ADMINISTRATION

Nil.

12.3 LIBRARY SERVICES

Nil.

12.4 DAY CARE CENTRE

Nil.

12.5 TOWN HALL

Nil.

12.6 ALBANY LEISURE AND AQUATIC CENTRE**12.6.1 Professional Fundraising Albany Leisure and Aquatic Centre Upgrade**

File / Ward	: MAN 167 (All Wards)
Proposal/Issue	: Advertising of request for tender for professional fundraising. Proposed fee structure for the above
Subject Land/Locality	: Albany Leisure and Aquatic Centre (Barker Rd)
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Recreation Development Officer (M Weller)
Disclosure of Interest	: N/A
Previous Reference	: OCM 17/06/03 - Item 12.2.2 OCM 7/8/03 - Item 12.2.10 OCM 12/12/03 - Item 12.2.5 OCM 15/06/04 - Item 12.6
Summary Recommendation	: That council approve the advertising of a request for tender for professional fundraising for the Albany Leisure and Aquatic Centre Upgrade with a proposed fee structure outlined in this item
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. At the Ordinary Council Meeting on 12th December 2003 Council adopted concept plans and master plans including a new staging order for the Albany Leisure and Aquatic Centre project.
2. Approval was subsequently given for a Community Sport and Recreation Facilities Fund application with a provisional timeline giving a construction commencement of August 2005 proposed.
3. In March 2004 the City of Albany was notified of the success of the CSRFF application for stage 1 of the project. The Department of Sport and Recreation granted \$1,500,000 to be claimed in the 2005/2006 and 2006/2007 financial years.
4. The amount was \$575,500 less than the requested \$2,075,500 leaving a shortfall for the project. Council was briefed on ways to address the shortfall including maximizing the amount of community fundraising, applying for additional funds and removing non-core elements of the project.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

5. In May 2004 a request for Expression of interest (REOI – C03048) was advertised in accordance with City of Albany Tendering policy and procedures. The request was aimed at enabling the City to identify suitable companies/organisations who possess the skills, experience and ability to conduct the fundraising campaign in the Albany community. The City received one response only to the request. The submission was from Appeals Plus of Leederville WA. The submission indicated that the company believed \$1,000,000 could be raised and proposed a fee structure of \$160,000 over an eight month active fundraising period.
6. This fee structure did not comply with the expression of interest compliance criteria that the business risk of council be limited to \$10,000 and therefore resulted in the submission being declared non-conforming.
7. Concern was raised by officers that this fee structure would expose the City of Albany to an unacceptable business risk. In June 2004 council resolved that a feasibility study into a professional fundraising campaign be conducted by Appeal Plus at a cost of \$10,000.
8. The study was completed in August 2004 and council was briefed on its outcomes, the main one being:

“Indications show that with your full commitment to a fundraising appeal, the City of Albany has an excellent opportunity to raise **up to \$1 million** for the Albany Leisure and Aquatic Centre.”
9. While the study was completed in a professional manner and is reasonably thorough in its methodology it is noted however that there is no guarantee as to the level of funds, which would be raised, in any community fundraising appeal.
10. In August 2004 the Great Southern Area Consultative Committee approved an application of \$500,000 being submitted by the City to the Commonwealth Regional Partnerships Fund
11. In late October 2004 the City was notified that Lotterywest would contribute \$328,000 towards the crèche and community/ sporting group shared resource centre component of the upgrade.
12. In November 2004 The State opposition leader pledged an additional \$500,000 towards the project in the event the opposition is elected to Government at the next election.
13. In December 2004 the State Government announced that the Government has approved an additional \$500,000 to the ALAC project and that that money is available now to be used towards construction of the centre.
14. In December 2004 the City received advice that price escalation for major building projects was far greater than expected when the original opinion of probable costs was completed by the project quantity surveyor. Escalation of 16% from August 2003 to December 2004 has been estimated with a further 6% estimated to August 2005 the projects planned start date. This brings the estimated total project cost for stage one from the original \$6,808,000 to \$7,972,700.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

15. In December 2004 the City was contacted by the Department of Transport and Regional Services (DOTARS) who administer the Regional Partnerships fund. The department indicated that given the \$500,000 additional funding by the Government they believed the \$500,000 requested in the Regional partnerships fund was no longer required and asked if the City intended to withdraw their application.
16. DOTARS was informed of the project escalation and that the additional funding would be required to realize the project. DOTARS indicated that funding was not guaranteed and that before the application would be considered further the City would need to confirm its contribution towards the project. This had been originally set by council at \$4,200,000 subject to external funding and the ability of the City to accommodate the capital and ongoing expenditure.

STATUTORY REQUIREMENTS

17. There are no statutory requirements relating to this item

POLICY IMPLICATIONS

18. There are no policy implications relating to this item

FINANCIAL IMPLICATIONS

19. Given the project escalation the potential current funding for the upgrade project is:

Department of Sport and Recreation	\$1,500,000	(committed)
Lottery West	\$ 328,000	(committed)
State Government additional contribution	\$ 500,000	(committed)
City of Albany funding	\$4,200,000	(not confirmed)
Regional Partnerships	\$ 500,000	(advice pending)
Gym Business Unit Self Supporting Loan	\$ 500,000	(not confirmed)
Shortfall/ Community Fundraising	\$ 445,000	(not confirmed)
Total	\$7,973,000	(estimate Aug 05)

20. The City's contribution of \$4,200,000 is required to be reviewed by the council finance committee along with other pending City project contributions as part of the City's pending 15-year financial economic sustainability plan. This plan will be considered by Council in June 2005. In the event that council determines it will contribute the capital amount to the project it is envisaged an internal/external project manager could be appointed and detailed design/ construction commenced.
21. It is noted that the Dotars, Regional Partnerships funding pool is finite and applications are continuously being approved, given this the likelihood of achieving the target from this fund would diminish over time.
22. The proposed professional community fundraising fee structure would result in a business risk to council of \$25,000, in the event that council chooses not to continue with community fundraising a further shortfall of \$445,000 would occur. The proposed fee structure is discussed further in the comments/ discussion section of this item.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

23. While the feasibility study recommends a target of \$1,000,000 it is recommended that \$445,000 is allowed for in the budget with the decision to continue raising funds beyond this point contingent on the project funding scenario at that time.

STRATEGIC IMPLICATIONS

24. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision

A healthy City, Albany's Community will enjoy... Diverse and affordable cultural, recreational and sporting opportunities.

A thriving City, Albany's community will enjoy... excellent community infrastructure and services.

Mission Statement

The City of Albany is committed to... Making a difference for Albany by ... Sustainably Managing Albany's municipal assets, Delivering excellent community services, Actively keep abreast of best practice; Respect(ing) the Communities Aspirations and resources.

Priority Projects

City Facilities Project 31. Albany Leisure and Aquatic Centre.”

COMMENT/DISCUSSION

25. Research indicates that costs of 10-15% would be reasonable for a major capital fundraising project such as the Albany Leisure and Aquatic centre upgrade and that given the skills, expertise and time commitment required for professional fundraising it would be necessary to appoint an external consultancy to complete this process.
26. Research into fee structure also indicates that professional companies would be extremely unlikely to undertake fundraising on a commission only basis. Conversely any fee structure which involves purely paying fees for a percentage of a total proposed by a consultant gives rise to concern that fees could be paid out without commensurate return. It is also noted that the expense of a capital fundraising project would be greater in a regional area such as Albany and the fundraising base demographic smaller than that of metropolitan based projects.
27. The following proposed fee structure is designed to share the business risk between the City of Albany and the consultancy. The fee structure is based on a nine month active fundraising phase and no cost incurred during the following stages of the program as pledges are received over three years.

Item 12.6.1 continued.

Proposed Fee Structure (to be contained within tender documents)

28. ***Introduction***

The City of Albany intends to employ a highly skilled and competent fundraising consultant/ agency who is committed to achieving fundraising targets which are essential for the realisation of the Albany Leisure and Aquatic Centre Project.

As such a fee structure is proposed which allows monthly payment of costs of consultancy services rendered yet rewards adherence to performance targets and limits the business risk of the City of Albany.

The following proposed fee structure is based on fees payable for a nine-month active fundraising phase and no cost incurred during the following stages of the program as pledges are received over three years.

The structure also contains an opt out clause where the contract can be cancelled after 4 months if the City of Albany Council determines sufficient money has not been raised in the first three months.

29. ***Overall Fee Structure Basis***

Consultancy fee of up to 15% (fee percentage) monies raised or the sum of the monthly fundraising consultancy fees paid while the contract remains in place, whichever is greater.

Tenderers opting for a lower percentage fee will score higher in the selection criteria.

30. ***Monthly Fees***

Start-up fee of \$6,000 for the first month then \$4,000 per month after that up to and including the 9th month only. Monthly fees invoiced a month in advance and paid within 7 days.

31. ***Calculation of Additional Payments***

At the end of each month the value of pledges received in that month will be tallied. The values of fees paid to date and those recorded for future payment as pledges are honored will also be noted.

In the event that the (fee percentage) of the value of pledges is greater than the amount of monthly fees paid to that date and amounts recorded for future payment, 50% of the balance will be paid to the consultant within 7 days and the further 50% as pledged money is received.

Example 1 (based on the maximum fee percentage of 15%):

At the end of month 2, \$200,000 has been pledged

\$10,000 in ongoing fees have been paid to the consultant. 15% of total raised is equal to \$30,000.

The balance of fees is \$20,000. 50% (\$10,000) is paid to the consultant within 7 days and the further \$10,000 as pledges are received.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

Example 2:

At the end of month 3, \$600,000 has been pledged and \$14,000 in ongoing fees and \$10,000 in pledge component paid with a further \$10,000 to be paid as pledges are received. This adds up to \$34,000 in fees. The total fee (15%) due for the pledged amount at the end of month three is \$90,000. The balance of fees for this month is equal to \$56,000 of this \$28,000 is paid to the consultant and the further \$28,000 will be paid as pledges are received. Added to example 1, this gives a total of \$38,000 to be paid as pledges are received.

Example 3:

At the end of month 9 with \$1,000,000 received in pledges the total consultancy fee would be 15% or \$150,000. \$38,000 would have been paid in ongoing fees and \$56,000 in percentage of pledges giving a total of \$94,000.

The outstanding \$56,000 would be paid as pledged funds are received.

32. **Expenses**

Consumable expenses including printing, advertising and function catering fees only, up to \$15,000 to be funded by the City of Albany. Expenses to be paid on provision of actual supplier accounts or receipts. Before commencement of the project the successful tenderer must supply a detailed expenditure plan, which is to be signed off by the City of Albany before any expenditure is incurred.

No more than \$9,000 is to be incurred in expenditure in the first four months of the active fundraising phase.

33. **Opt Out Clause(s)**

The Project will be reviewed by the City of Albany at the end of the first three months. In the event that the City of Albany Council determines a sufficient amount has not been raised the consultant will be given one months notice and the contract will be cancelled at the conclusion of the 4th month with no further monthly fees or percentage fees payable for funds raised past the cancellation date. In the event that a percentage of pledges is outstanding for funds pledged before the cancellation date, according to the above fee structure, the amount due to the consultant will be paid as the pledges are received.

In the event that the first opt out clause is not taken the City may opt out at any time before the conclusion of the 9 month program with 2 weeks notice. No further monthly fees or percentage fees would be payable for funds raised past the cancellation date. In the event that a percentage of pledges is outstanding for funds pledged before the cancellation date, according to the above fee structure, the amount due to the consultant will be paid as the pledges are received.

34. **Calculation of Business Risk to the City of Albany**

While the City of Albany is committed to; and confident of the success of fundraising the business risk involved with the project fee structure is an important consideration. For the purposes of calculation business risk is equal to the maximum net loss amount the City of Albany would be outlay or be liable for in the event of an unsuccessful fundraising campaign.

The business risk to the City of Albany of the fee structure proposed in section 4.1.5 (above) is calculated at \$25,000.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued.

This is derived from a worst-case situation which involves:

No funds being raised at all during the first three months and the contract being cancelled at the end of the 4th month and assumes \$16,000 in consultancy fees being paid and \$9,000 of the \$15,000 additional expenses budget utilised before the cancellation comes into effect.

Section 1.2, Compliance criteria (a) refers to the ability of a consultant to propose an alternative fee structure while also limiting the business risk of the City of Albany to \$25,000. In the event Tenderers opt to do this they must supply full details of their proposed structure. Tenderers are advised that their structure will be analysed by the City of Albany who will provide final determination as to whether it limits the business risk to the prescribed amount.

35. The above fee structure would form one component of a professional fundraising request for tender, other standard components including a full selection criteria would be aimed at ensuring the selected tenderer has the necessary skills, knowledge and experience to complete the project.
36. It is recommended that a clause is also included in the contract documentation allowing council to not continue with professional fundraising once tenders are received, should the choice be made to wait for the outcome of the council financial committee or that no tenders are acceptable.

RECOMMENDATION

THAT council;

- i) approve the advertising of a request for tender for professional fundraising for the Albany Leisure and Aquatic Centre with a proposed fee structure commensurate to that outlined in the item; and**
- ii) that the tender contains a clause allowing for council to not select any tender should it chose not to continue with professional fundraising.**

Voting Requirement Simple Majority

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12.7 GREAT SOUTHERN REGIONAL CATTLE SALEYARDS

Nil.

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Community Financial Assistance Committee meeting minutes –13th January 2005

File/Ward	:	FIN 066 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Manager Finance (S Goodman)
Summary Recommendation	:	That the Minutes of Community Financial Assistance Committee held on 13 th January 2005 be adopted.

RECOMMENDATION

THAT;

- i) the minutes of the Community Financial Assistance Committee meeting held on the 13th January 2005 be adopted (copy of minutes is in the Elected Members Report/Information Bulletin) be received;
- ii) the major grant applications referred from the Senior Citizens of Meals on Wheels (Inc) of \$14,000 be referred for consideration with the 2005/06 budget allocations;
- iii) the application from the Senior Citizens Centre of Meals on Wheels (Inc) for reimbursement of Council self-supporting loan repayments be referred for consideration in conjunction with Council's third quarter budget review process;
- iv) the waste disposal charges incurred by St Vincent de Paul be waived in accordance with the Waste Service Subsidy Scheme;
- v) the application from Albany Masonic Hall Co Ltd be referred to Council for consideration and that further information be provided in relation to the proposed sale of the land and hall owned by Albany Masonic Hall Co Ltd;
- vi) the Council review the Community Financial Assistance Policy; and

Voting Requirement Simple Majority

- vii) in accordance with the Community Financial Assistance Policy an additional \$14,000 (indexed annually) be allocated to the Community Financial Assistance budget through the 3rd quarter budget review process to cover the subsidisation of additional rates levied during the year against community based organisations.

Voting Requirement Absolute Majority

12.8.2 Annual Electors' Meeting Minutes – 7th December 2004

- File/Ward** : FIN 062 (All Wards)
- Proposal/Issue** : Annual Electors meeting Minutes for Council Consideration.
- Reporting Officer(s)** : Manager Finance (S Goodman)
- Summary Recommendation** : That the Minutes of Annual Electors Meeting held on 7th December 2004 be received

RECOMMENDATION

THAT the minutes of the Annual Electors' Meeting held on the 7th December 2004 be received (copy of minutes is in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

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12.8.3 Finance Strategy Advisory Committee meeting minutes – 19th January 2005

File/Ward	:	FIN 062 (All Wards)
Proposal/Issue	:	Annual Electors meeting Minutes for Council Consideration.
Reporting Officer(s)	:	Manager Finance (S Goodman)
Summary Recommendation	:	That the Minutes of Finance Strategy Advisory Committee meeting held on 19 th January 2005 be received

RECOMMENDATION

THAT the minutes of the Finance Strategy Advisory Committee meeting held on the 19th January 2005 be received (copy of minutes is in the Elected Members Report/Information Bulletin) and the following motions adopted:-

THAT Landcorp be employed as a marketing consultant to provide advice on the feasibility and timing of the sale of surplus blocks of subdivisible land, at an estimated cost of \$25,000. Funding for the expenditure in excess of the 04/05 budget allowance of \$10,000 is to be sourced from the Masterplan Funding Reserve.

Voting Requirement Absolute Majority

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Works & Services

REPORTS

WORKS & SERVICES REPORTS

- R E P O R T S -

13.1 WASTE MANAGEMENT

Nil.

13.2 ASSET MANAGEMENT

Nil.

WORKS & SERVICES REPORTS

13.3 WORKS

13.3.1 Contract C04032 – Supply & Delivery of a Front Deck Mower

File/Ward	:	C04032 (All Wards)
Proposal/Issue	:	Supply & Delivery of a FD Mower by Public Tender
Subject Land/Locality	:	Nil
Proponent	:	Nil
Owner	:	Nil
Reporting Officer(s)	:	Depot Services Co-ordinator (J Harbach)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council award the tender C04032 to Total Toro for the supply of a Toro Groundsmaster 328-D Front Deck Mower, replacing Council's Front Deck Mower P2191.
Bulletin Attachment	:	Nil
Locality Plan	:	Nil

BACKGROUND

1. Council at its meeting held 18th June 2002, adopted the Asset Replacement Program – Plant. As part of this program of plant management, a review of Council's fleet of mowers was undertaken. As a result of changes to the parks teams and the incorporation of better work practices, the review recommended the disposal of a mower and that only one replacement be purchased.
2. The 2004/05 financial years budget has provision for the disposal of the Toro Mower P137, licence A47429 and the replacement of the Toro Groundmaster Mower P2191, licence A49093.
3. A request for tenders was published in the West Australian on 10th November 2004 and in the Albany Advertiser on 11th November 2004 with a copy in the Albany Extra on 12th November 2004 for the supply and delivery of a front deck mower to replace Council's current Front Deck Mower (P2191), license A49093 and the additional disposal.
4. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

WORKS & SERVICES REPORTS

Item 13.3.1 continued

Criteria	% Weight
Cost	50
Relevant Maintenance & Operational Suitability	40
Reliability of Tenderer	10
TOTAL	100

STATUTORY REQUIREMENTS

5. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be more or worth more than \$50,000.
6. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
7. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. \$23,500.00 has been allocated in the 2004/2005 budget for the replacement of a mower.
10. Should Council choose to purchase the recommended mower at a cost of \$17,500.00 (excluding GST), this will result in an under expenditure of \$6,000.00 (excluding GST) on this item. These savings will be used to reduce Council's loan borrowing for the plant replacement program for 2004/2005 financial year.

STRATEGIC IMPLICATIONS

11. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

Community Vision

A healthy City: Albany's community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

Mission Statement

The City of Albany is committed to sustainably managing Albany's municipal assets: and at all times we will respect the Community's aspirations and resources.

Priority Projects

Nil."

WORKS & SERVICES REPORTS

Item 13.3.1 continued

COMMENT/DISCUSSION

12. A total of nine specifications were issued. The following table summarize those submissions received by the close of the tender period.

TENDERER	MOWER OFFERED	PURCHASE PRICE (Exc. GST)	TRADE PRICE (Exc. GST)	PRICING AFTER TRADE (Exc. GST)	WEIGHTING
Total Toro	Toro Groundsmaster 328-D	\$42,500.00	\$25,000.00	\$17,500.00	78
Boya Equipment	Kubota F3560	\$45,175.00	\$12,500.00	\$32,675.00	32
*Great Southern Grammer			\$8,181.80		

**Outright Purchase for One Machine Only*

13. The Toro Groundmaster Front Deck Mower submitted by Total Toro represents the highest weighted score and is recommended to be the most advantageous option for the change over to Council.
14. The standard formula used by Council to weight tender submissions, when applied to abnormally high tenders (+30% of the median) will result in a grade score of 0 which would normally discount the high priced tenders. However, due to the limited number of tender submissions presented, Council evaluated the tender submission from Boya Equipment on its merits.
15. Council currently owns and operates a Toro Groundsmaster 328-D. Staff have indicated that this machine will continue to satisfy Council’s requirements and be adequate to undertake the anticipated works.

RECOMMENDATION

THAT Council award the tender C04032 to Total Toro for the Supply & Delivery of a Front Deck Mower at a nett cost to Council of \$17,500.00 (excluding GST).

Voting Requirement Simple Majority

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WORKS & SERVICES REPORTS**13.3.2 Contract C04036 Drainage – Ulster Road**

File/Ward	: CO4036 (All Wards)
Proposal/Issue	: Provision of labour, plant and materials to construct Drainage Works – Ulster Road.
Subject Land/Locality	: N/A
Proponent	: N/A
Owner	: N/A
Reporting Officer(s)	: Acting Executive Director Works & Services (L Hewer)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council awards the tender C04036 to Landline Enterprises Pty Ltd to construct Drainage Works at Ulster Road.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. The 2004/2005 Budget provided a Capital Works Program that to be completed will require the use of external construction contractors. Where applicable these works are to be undertaken by a public tender process for the supply of labour, plant and materials to construct drainage works as per Council's specifications and standards.
2. A request for tenders was published in the West Australian on 29th December 2004 and the Albany Advertiser on 30th December 2004 for Contract No C04036, provision of labour, plant and materials to construct Drainage Works – Ulster Road. Tenders closed on 21st January 2005.
3. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria used for this tender is documented below:

Criteria	% Weight
Cost	60
Relevant skills, experience and reliability	20
Reliability of tenderer	20
Total	100

WORKS & SERVICES REPORTS

Item 13.3.2 continued

STATUTORY REQUIREMENTS

1. Regulation 11 of the Local Government (Functions and General) Regulations 1996 state that tenders must be called if the consideration under the contract is, or is expected to be more or worth more than \$50,000.
2. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline and not accept any tender.
6. Regulation 19 requires Council to advise each tenderer is writing the result of Council's decision.

POLICY IMPLICATIONS

7. The City of Albany Regional Price Preference Policy is applicable to this item.

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to this item. The amount in the Tender is consistent with the original estimate for this project to widen drainage and kerbing on Ulster Road.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision

A healthy City: Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through encouraging alternative forms of transport and implementing an effective public transport system.

Mission Statement

The City of Albany is committed to:

- *Sustainably managing Albany’s municipal assets.*
- *Delivering excellent community services*

Priority Projects

Nil.”

COMMENT/DISCUSSION

10. A total of six specifications were issued. The following table summarize those submissions received by the close of the tender period.

WORKS & SERVICES REPORTS

Item 13.3.2 continued

TENDERER	PRELIMINARIES	STORM WATER DRAINAGE	TOTAL TENDERED PRICE (Exc. GST)	WEIGHTING
Landline Enterprises Pty. Ltd.	\$26,900.00	\$211,944.00	\$238,844.00	80
Ertech Pty. Ltd.	\$67,972.72	\$401,099.12	\$469,072.12	35

11. Both tenderers have carried out previous works with either the Council or local Government Authorities and to date have performed on all occasions to deliver a satisfactory job on time.
12. The tender prices though substantially different in price do reflect the current workload climate. The rates received by Landline Enterprises are compatible to Council estimates and are considered to be reasonable.

RECOMMENDATION

THAT Council award the tender C04036 for \$238,844.00 to Landline Enterprises Pty. Ltd. to provide labour, plant & materials to construct drainage works at Ulster Road as per tender price submitted.

Voting Requirement Absolute Majority

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13.4 AIRPORT MANAGEMENT

Nil.

13.5 RESERVES PLANNING & MANAGEMENT

Nil.

13.6 WORKS & SERVICES COMMITTEES

Nil.

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14.1 STRATEGIC DEVELOPMENT

Nil.

14.2 ORGANISATIONAL DEVELOPMENT

14.2.1 Review of Council External Committee Representations

File/Ward	:	MAN 006 (All Wards)
Proposal/Issue	:	Review of Council Representation on Committees
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 20.01.04 - Item 14.21 OCM 20.07.04 - Item 14.2.2 OCM 11.10.04 - Item 14.2.1 OCM 21.12.04 - Item 14.2.1
Summary Recommendation	:	THAT Council sit on the recommended committees
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. At the December 2004 Council Meeting, decisions made at the July and October 2004 meetings relating to committee representation was rescinded.
2. At the Concept Briefing session conducted on 4 January 2005 it was agreed that the Chief Executive Officer place specific recommendations to the Council on each committee representation.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

6. This item directly relates to the following element from the City of Albany 3D Corporate Plan...

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Item 14.2.1 continued.

“Community Vision

Nil

Mission Statement

The City of Albany is committed to...

- *Providing sound governance.*

Priority Projects”

Nil.

COMMENT/DISCUSSION

6. In making recommendations on representation the following criteria were used:
 - The regional context of the committee and the relevance to development of the region or its essential infrastructure.
 - The affiliation with the WA Local Government Association.
 - The activity (or otherwise) of the committee and its relevance to Local Government operations.
 - The previously conducted survey results demonstrating that the committee response and majority of Councillors desired representation to continue.

7. Using these criteria, the membership status would be as follows:
 - a. Council maintains representation due to regional context
 - i) Timber Industry Road Evaluation Strategy (T.I.R.E.S) Committee.
 - ii) National Seachange taskforce.

 - b) Council maintains representation due to W.A.L.G.A affiliations.
 - i) W.A.L.G.A Great Southern Zone.

 - c) Survey establishes Councillor/Committee desire to maintain representation.
 - i) Albany Tidy Town Committee
 - ii) Albany Visitor Centre Board
 - iii) South Coast Management Group
 - iv) Albany Port Users Liaison Group

RECOMMENDATION

THAT Council;

- i) **maintain its representation on:**
 - **T.I.R.E.S Committee**
 - **National Seachange Taskforce**
 - **W.A.L.G.A Great Southern Zone**
 - **Albany Tidy Towns Committee**
 - **Albany Visitor Centre Board**
 - **South Coast Management Group**
 - **Albany Port Users Liaison Group;**

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Item 14.2.1 continued.

- ii) **advise the following organisations that it will cease representation but a staff member or Councillor will attend meetings on an as needed basis when City of Albany issues are listed on the agenda for discussion:**
- **Albany Chamber of Commerce and Industry**
 - **Albany Classic Car Event**
 - **Great Southern Employment Development Committee**
 - **Albany Hospice**
 - **Albany Maritime Foundation Board**
 - **Albany Residency Museum**
 - **Albany University Foundation**
 - **Albany Youth Support Association**
 - **Directions for Youth in Education and Training**
 - **Southern Horse Council**
 - **Lotteries House Management Committee**
 - **NRM Centre of Excellence Board**
 - **Old Farm Strawberry Hill**
 - **Roadwise**
 - **Senior Citizens/Meals on Wheels**
 - **Timber 2020**
 - **UWA Albany Scholarship Programme**
 - **Watershed Torbay Project Group**
 - **Celebrate Albany Committee;**
- iii) **treat nominations for all statutory appointments to Ministerial Advisory Committees on their merits when received from time to time; and**
- iv) **encourage individual Councillors to apply for and sit on committees with Statewide W.A.L.G.A affiliation.**

Voting Requirements Absolute Majority

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GENERAL MANAGEMENT SERVICES REPORTS**14.3 ECONOMIC DEVELOPMENT****14.3.1 Appointment of Community/Industry Members to Albany Tourism Marketing Advisory Committee**

File/Ward	: STR 103 (All Wards)
Proposal/Issue	: Council appoint three community/industry members to the Albany Tourism Marketing Advisory Committee
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager, Economic Development (J Berry)
Disclosure of Interest	: Nil.
Previous Reference	: OCM 21.12.04 – Item 14.3.2
Summary Recommendation	: That Council appoint three community/industry members to the Albany Tourism Marketing Advisory Committee.
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. At its 21 December 2004 meeting, Council endorsed a draft strategy to define its role in tourism development over the next five years. The strategy is currently advertised and is being circulated for stakeholder and public comment until 18 February 2004.
2. Council also resolved to establish a Tourism Marketing Advisory Committee comprising of three Councillors and three industry representatives with terms of reference to oversee preparation and implementation of a Tourism Marketing Plan. Councillors Lionetti, Wellington and Jamieson were appointed to the Committee at OCM 21/12/04.
3. With the assistance of expert consultants, the Committee will work with the industry and Council to prepare a tourism marketing plan that:-
 - establishes a distinctive Albany brand
 - identifies target tourism market segments
 - identifies the mix of marketing activities required to access identified market segments
 - establishes a five-year action plan
 - establishes measurement tools to gauge industry growth.

Item 14.3.1 continued.

STATUTORY REQUIREMENTS

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

POLICY IMPLICATIONS

5. Consistent with draft tourism strategy endorsed at 21 December 2004 meeting

FINANCIAL IMPLICATIONS

6. Actions, proposed in the strategy fall within budget.

STRATEGIC IMPLICATIONS

7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City, Albany community will enjoy economic growth and outstanding opportunities for our youth through...

- *Dynamic promotion & marketing of Albany’s advantages and opportunities; and*
- *Providing a complete tourism experience.*

Mission Statement:

The City of Albany is committed to...

- *Promoting our Community’s vision for the future.*

Priority Projects:

Operational Improvement Project No 4, namely, establish clear direction on Council’s involvement in Economic Development activities. Includes the development of action plans on Major Public Infrastructure, Tourism, Learning City, Investment and Employment Attraction.” The tourism strategy forms part of the overall development of the Economic Development Strategy.”

COMMENT/DISCUSSION

8. Advertisements seeking industry and community nominations to the advisory committee were placed in the Albany Advertiser and Weekender in January 2005.
9. Nominees were asked to demonstrate their experience, skills and knowledge in tourism marketing or other professional background related to media and public relations. They were also asked to provide an outline of the contribution they could make to boost the level of marketing and promotion of Albany.
10. Eight nominations were received by the closing date of 13 January 2005 being:-
- Mr Warrick Welsh (General Manager, Mount Romance)
 - Ms Melissa Taylor (Gt Southern Marketing Association)
 - Ms Johanna Ramsay (Chief Operating Officer, Skywest Airlines)
 - Mr Malcolm Mallaby (Manager, Albany Visitor Centre)
 - Mr Les Bail (General Manager, Whaleworld)
 - Ms Gaynor Clarke (Business Proprietor, Cape Howe Cottages)

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Item 14.3.1 continued.

- Ms Pamela Lincoln (Business Proprietor, Oranje Tractor Wines)
- Mr Ian Brayshaw (Former media personality/Manager, Albany Maritime Foundation)

11. To facilitate direct Councillor involvement in selecting the candidates, a ballot (via facsimile) was conducted in the week commencing 30 January 2005. Results of the ballot will guide the selection of the three candidates. The results of the ballot will be distributed to elected members prior to the February Council meeting in the form of an alternative recommendation with three candidate names.

RECOMMENDATION

THAT Council appoint three industry/community representatives to the Albany Tourism Marketing Advisory Committee being Councillor _____, Councillor _____ and Councillor _____ (in accordance with the results of a Councillor ballot conducted in the week commencing 30 January 2005).

Voting Requirement Absolute Majority

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GENERAL MANAGEMENT SERVICES REPORTS

14.4 GENERAL MANAGEMENT SERVICES COMMITTEES

14.4.1 Mayoral Regalia and Crest Committee Meeting Minutes – 7 February 2005

- File/Ward** : MAN 005 (All Wards)
- Proposal/Issue** : Committee Items for Council Consideration.
- Reporting Officer(s)** : Chief Executive Officer (A Hammond)
- Summary Recommendation** : That the Minutes of the Mayoral Regalia and Crest Committee held on 7 January 2005 be adopted.

- 1. The next meeting of the Mayoral Regalia and Crest Committee is scheduled to be held on Monday 7 February 2005. A Copy of the minutes will be circulated prior to the Agenda Briefing session Tuesday 8 February 2005.**

RECOMMENDATION

Nil pending receipt of minutes.

Voting Requirement Simple Majority

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