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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 22 July 2014**

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

**VISION**

Western Australia's most sought after and unique regional city to live, work and visit.

**VALUES**

All Councillors, Staff and Volunteers at the City of Albany will be...

**Focused: on community outcomes**

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

**United: by working and learning together**

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

**Accountable: for our actions**

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

**Proud: of our people and our community**

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING  
MINUTES –22/07/2014  
\*\* REFER DISCLAIMER \*\*

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**1. DECLARATION OF OPENING**

[6:01:32 PM](#) the Mayor declared the meeting open.

**2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

*“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.*

*We would also like to pay respect to Elders both past and present”.*

**3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

**Mayor**

Mayor D Wellington

**Councillors:**

Breaksea Ward

V Calleja JP

Breaksea Ward

R Hammond

Frederickstown Ward

C Dowling

Frederickstown Ward

G Stocks

Kalgan Ward

J Price

Kalgan Ward

B Hollingworth

Vancouver Ward

N Williams

West Ward

G Gregson

West Ward

A Goode JP

Yakamia Ward

R Sutton

Yakamia Ward

A Hortin JP

**Staff:**

Chief Executive Officer

G Foster

Deputy Chief Executive Officer

G Adams

Executive Director Planning and

Development Services

D Putland

Executive Director Community

Services

C Woods

Executive Director Works and

Services

M Thomson

Minutes

J Williamson

**Apologies:**

Vancouver Ward

S Bowles

Three members of the media and approximately 60 members of the public were in attendance.

#### 4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil	Nil	Nil

#### 5. REPORTS OF MEMBERS

##### [6:02:41 PM](#) Councillor Hortin

###### Summary of key points:

- A recent Roadwise Committee initiative provided a vehicle safety checking station at Albany Plaza car park, in an effort to improve road safety.

##### [6:03:09 PM](#) Councillor Gregson

###### Summary of key points:

- Attended Youngs Siding Progress Association meeting where residents raised concerns over the state of rural roads and drainage. Meeting ended on a positive note.

##### [6:03:58 PM](#) Councillor Williams

###### Summary of key points:

- Little Grove Frenchman Bay Community Forum
- Feedback excellent
- Attended the ACCI Business After Hours hosted by the City

##### [6:04:33 PM](#) Councillor Dowling

###### Summary of key points:

- Attended the ACCI Business After Hours hosted by the City of Albany
- Attended the Nurses Memorial Rose Garden for the commemorative planting, and also attended the 'Chiming of the Bells' in York Street, where the bells at the Town Hall were revived after a long

##### [6:05:03 PM](#) Councillor Stocks

###### Summary of key points:

- Attended ACCI Business A/H
- Very well attended, comprehensive presentation by staff
- Another public forum for Anzac updates for public information
- Chiming of the Bells opening today, part of the revitalisation of the CBD

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[6:06:59 PM](#) Mayors Report

List of official engagements undertaken since the June Ordinary Council Meeting:

- Dinner with Director General (Gail McGowan) Department of Planning
- Council Open Forum-Little Grove Primary School
- Great Southern Zone of WALGA Meeting-Jerramungup
- Local Community Radio
- Radio Interview-Terry Siva
- Meeting with Mr Michael Potts (High Commissioner to New Zealand) Department of Foreign Affairs and Trade
- Meeting with Ken Drummond, President, Friends of Emu Point
- Meeting with Leonie Mack and Peter King from Department of Veterans Affairs
- Meeting with Hon. Albert Jacob MLA, Minister for Environment
- Short Course Swim Opening
- Mungart Boodja Annual Exhibition
- Diabetes Bike Ride-Flagging Off
- Meeting with the Hon. Nigel Hallett MLC Member for the South West Region
- Part of the delegation to Linyi China

**5.0: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HORTIN**

**SECONDED: COUNCILLOR SUTTON**

**THAT the Mayors Report be RECEIVED.**

**CARRIED 12-0**

**6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.**

**7. PUBLIC QUESTION TIME**

**6:11:18 PM Mr Rod Hedderwick, Albany Chamber of Commerce and Industry**  
**Summary of key points:**

- Economic development within the City of Albany;
- Linyi delegation;
- The need to invest in new infrastructure;
- System improvements are needed for progress; and
- Thanked the City for hosting the recent Business After Hours function.

**6:14:09 PM Mr Don Dufty, 6 Lunar Rise, McKail**  
**Summary of key points:**

- Addressed Council regarding CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park;
- Stated that the Centennial Hall building was the perfect size for the Albany Table Tennis Club, who were prepared to contribute to refurbishment of the hall should it be retained in its current position;
- Stated that a relocated to the Albany Leisure and Aquatic Centre was not feasible; and
- That Centennial Hall should be retained for use by the Albany Table Tennis Club and other users.

**6:18:40 PM Mr Russ Cooper, WA Newspapers**  
**Summary of key points:**

- Addressed Council regarding CSF101: 2014-15 Budget Adoption;
- Spoke in support of a feasibility study for an artificial surf reef at Middleton Beach;
- Stated that the benefits of a surf reef were not just for surfing; and
- This represented a passive and green opportunity to bring wealth to the community.

**6:21:25 PM Mr Tony Demarteau, 1 Fenton Way, Woodrise**  
**Mr Demarteau's tabled address is detailed at Appendix A**

**6:24:48 PM Mr Tony Harrison, Little Grove**  
**Summary of key points:**

- Spoke in support of an artificial surf reef, and stated that technically, dynamically the reef will work;
- Emu Point groyne is causing sand to shift to Middleton Beach and Ellen Cove; and
- Dredging is of concern



**6:29:09 PM Ms Sheena Smith, Reynolds Road, Narrikup**

**Summary of key points:**

- Addressed Council regarding CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park;
- Stated that the cattle competitions at the Albany Agricultural Show had a focus on younger competitors, and that there was now competitors attending the show from all over Western Australia; and
- Wants to see a continuation of the Albany show and retention of structures at Centennial Park.

**6:33:09 PM Ms Rachel Williams, Albany**

**Summary of key points**

- Addressed Council regarding CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park; and
- Spoke in support of the Albany Agricultural Society, and wanted to see the structures retained at the current site.

**6:35:07 PM Mr Brian Malone, Mount Clarence**

**Summary of key points:**

- Addressed Council regarding PD041: Tavern-Additions and Alterations-White Star Hotel, 72-80 Stirling Terrace, Albany;
- Stated that the current noise level was unacceptable, and there did not appear to be effective noise management by the proponents;
- Stated that Albany does not need a hotel with a capacity of 1000 patrons;
- Supported the Responsible Officer Recommendation for 500 patrons; and
- Supports police views that the increased number of allowed patrons will result in increased antisocial behaviour, and that this was an inappropriate location.

**6:38:13 PM Mr Paul Terry, 43 Innes Street, Albany**

**Summary of key points:**

- Addressed Council regarding ED015: Clipper Round the World Yacht Race Event 2015;
- Stated that the Clipper Race was a perfect fit for Albany;
- Commended City for hosting the Clipper last year at short notice;
- Different scenario this time, with a longer lead time to maximise opportunities, and more time to obtain external funding; and
- Opportunity to show case the region and tourism destination marketing.

**7.0: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Public Question Time be EXTENDED to allow all those who wish to speak to do so.**

**CARRIED 12-0**

[6:42:57 PM](#) **Mr Mitch Curnow, Royals Football Club Vice President**

**Summary of key points:**

- Addressed Council regarding CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park;
- All sporting clubs have worked collaboratively with the City to move forward with the Centennial Sporting Precinct;
- More opportunity for retention of youth in the community, and to create positive and powerful role models for youth; and
- The project was a great opportunity for Albany and the whole region.

[6:46:38 PM](#) **Mr David Wee, Albusidus Pty Ltd (White Star Hotel)**

**Summary of key points:**

- Addressed Council regarding PD041: Tavern-Additions and Alterations-White Start Hotel, 72-80 Stirling Terrace, Albany;
- Stated that extensive noise attenuation was to be incorporated into the building and that sound external to the building will be within normal levels as defined by the Building Code;
- A Management Plan had been developed which covered areas of concern including Responsible Service of Alcohol and Security;
- Stated the he would work with stakeholders to ensure compliance and responsibility, and that any perceived problems needed to be managed well to allay concerns within the community; and
- Stated that the demand for a larger venue is there.

[6:51:12 PM](#) **Ms Tracy Lambert, McKail**

**Summary of key points:**

- Addressed Council regarding CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park; and
- Requested that current infrastructure be retained at Centennial Park for use by the Albany Agricultural Society.

**6:53:37 PM Sgt Jeremy Fricker, Great Southern District Police**

**Summary of key points:**

- Addressed Council regarding PD041: Tavern-Additions and Alterations-White Star Hotel, 72-80 Stirling Terrace, Albany;
- On behalf of Albany Police objected to an increase in the number of patrons allowed at the White Star Hotel;
- Stated that 30% of all assaults in Albany are alcohol related and generally occur between the hours of 11.30pm to 1.30am; and
- Expressed concern that increased patron numbers could lead to an increase in alcohol related crime in the area.

**6:56:21 PM Ms Erika Henderson, President Albany Agricultural Society**

**Summary of key points:**

- Addressed Council regarding CS011: Albany Agricultural Society Future Use and Tenure at Centennial Park;
- Stated that the Agricultural Society was in favour of the Centennial Park Sporting Precinct development proceeding, but that there were issues with the wording of the agreement; and
- The Agricultural Society feels that negotiations with the City are moving forward, and will reach a mutually agreeable solution to allow the Albany Agricultural Show to continue to be held at Centennial Park.

**6:59:25 PM** There being no further speakers, the Mayor declared Public Question Time closed.

**8. APPLICATIONS FOR LEAVE OF ABSENCE Nil.**

**9. PETITIONS AND DEPUTATIONS Nil.**

**10. CONFIRMATION OF MINUTES**

**10.0 RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR CALLEJA**

**THAT the minutes of the Ordinary Council Meeting held on 24 June 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

**CARRIED 12-0**

**11. PRESENTATIONS Nil.**

**12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.**

**CSF101: 2014-15 Budget Adoption was considered first to allow Councillor Price to present her Alternate Motion and leave the meeting.**

## CSF101: 2014-15 BUDGET ADOPTION

**Proponent** : City of Albany  
**Attachment** : 2014/2015 Budget documents  
**Responsible Officer** : Chief Executive Officer (G Foster)

**Responsible Officer's Signature:**



### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
  - a. **Key Themes:** 2.2 Clean, Green and Sustainable , 5. Civic Leadership
  - b. **Strategic Objectives:**
    - 2.2. To maintain and renew city assets in a sustainable manner
    - 5.1. To establish and maintain sound business and governance structures.
  - c. **Strategic Initiative:**
    - 2.2.1 Asset Management. Sustainable asset management plans integrated with financial forecasts.
    - 5.1.2 Systems Development and Improvement. Improved financial management.
2. This proposed budget aligns with the City's Corporate Business Plan, which aligns with the City's:
  - a. 10 Year Financial Plan;
  - b. Asset Management Plans; and
  - c. Work Force Development Plan.

#### In Brief:

- Approve the proposed 2014-15 budget, noting that working with staff, Council Members have participated in a series of budget preparation workshops.

### CSF101: ALTERNATE MOTION BY COUNCILLOR PRICE

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR PRICE**

**SECONDED: COUNCILLOR GREGSON**

**THAT Council ADOPT the Responsible Officer Recommendation 4, subject to the inclusion of the following condition:**

#### **Surf Reef Feasibility – Acct 77272.230**

**(3) THAT the following conditions be met prior to accessing the budget line item titled "Surf Reef Feasibility: Acct 77272.230:**

- (a) the successful negotiation and receipt of Grange Resource Data sets; and**
- (b) the receipt of in principal support from potential co-funding sponsors, such as Australia's peak surfing organisation, Surfing Australia.**

**LOST 5-7**

#### Record of Vote

For the Motion: Councillors Price, Gregson, Goode, Hammond and Hollingworth

**Councillors Reason:**

Ensure the future feasibility of the project prior to expending allocated funding.

[7:13:38 PM](#) Councillor Price left the Chamber and did not participate in the remainder of the meeting.

**CSF101: RESOLUTION 1  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR HORTIN**

**THAT Council:**

- **NOTE** the submissions received; and
- **ACKNOWLEDGE** that these submissions were considered by Councillors prior to adoption of the 2014-2015 Budget.

**CARRIED 10-1**

**Record of Vote**

Against the Motion: Councillor Goode

**CSF101: RESOLUTION 2  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HOLLINGWORTH**

Council **ADOPT** the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2014-2015 financial year:

**(1) Rating Category 1 – GRV General**

- The General Rate on Gross Rental Values for the 2014/2015 financial year on Rating Category (1) including all GRV rateable land be 9.7920 cents in the dollar.

**(2) Rating Category 3 – UV**

- The General Rate on current unimproved values for the 2014/2015 financial year on Rating Category (3) including all UV rateable land be 0.3828 cents in the dollar.

**(3) Minimum Rate**

- The Minimum Rate for rateable properties within the City of Albany be \$896.00

**CARRIED 10-1  
ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillor Goode

**CSF101: RESOLUTION 3**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR DOWLING**  
**SECONDED: COUNCILLOR GREGSON**

**THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, hard waste collection, Bulk green waste collection, collection of recyclables and green waste) be adopted for the 2014-2015 financial year:**

**(1) Residential Services**

- |                                     |             |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service      | \$306.00    |
| • Refuse Collection 140 Ltr MGB     | Weekly      |
| • Recycling Collection 240 Ltr MGB  | Fortnightly |
| • Green Waste Collection 240Ltr MGB | Monthly     |

**(2) Additional Services**

**Additional Services (Maximum of One) with a full domestic rubbish service.**

- |   |                     |
|---|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST)           | Weekly \$90.00      |
| • Recycling Collection 240 Ltr MGB (Inc GST)        | Fortnightly \$43.50 |
| • Green Waste Collection 240Ltr MGB (Inc GST)       | Monthly \$43.50     |
| • Additional Full Domestic Refuse Service (Inc GST) | \$334.50            |

**(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)**

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the Local Government Act 1995. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$55.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$55
- UV General Properties – Rate in the dollar: 0.0022Cents, minimum \$55

**CARRIED 11-0**  
**ABSOLUTE MAJORITY**

**CSF101: RESOLUTION 4  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR CALLEJA**

- (1) Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council **ADOPTS** the Municipal and Trust Funds Budget as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2014/2015 financial year which includes the following:
- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$10,047,733
  - Statement of Comprehensive Income by Program on page (iv) showing a net result for that year of \$10,047,733
  - Statement of Cash Flows on page (vii)
  - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$30,668,026
  - Notes to and Forming Part of the Budget on pages (1 to 58)
  - Fees and Charges and Capital Works Schedule as detailed in blue pages (1 to 36)
  - Transfers to / from Reserve Accounts as detailed in pages (47 to 51)
- (2) Pursuant to section 6.11 of the Local Government Act 1995, Council:
- (a) Maintains the following reserves [Purpose detailed in pages (47 to 51)]
- Airport Reserve
  - Albany Entertainment Centre
  - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
  - Albany Classic Barriers
  - Anzac Centenary
  - Bayonet Head Infrastructure Reserve
  - City of Albany General Parking Reserve
  - Emu Point Boat Pens Development Reserve
  - Master Plan Funding Reserve
  - Parks Development Reserve
  - Plant & Equipment Reserve
  - Refuse Collection & Waste Minimisation Reserve
  - Refuse Depot Reserve
  - Waste Management Reserve
  - Building Restoration Reserve
  - Roadworks Reserve
  - Planning Reserve
  - Coastal Management Reserve
  - Debt Management Reserve
  - Information Technology Reserve
  - Regional Cities Alliance Reserve
  - Unspent Grants Reserve
- (b) Establish New Reserves
- Capital Seed Funding for Sporting Clubs
  - Parks and Recreation Grounds
  - National Anzac Centre Reserve
  - Land Acquisition Reserve

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CSF101: RESOLUTION 5  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HORTIN**

**THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2014-2015 be as follows:**

- (1) Pay rates in full 18 September 2014.**
- (2) Pay by two instalments:**
  - (a) First Instalment Payment 18 September 2014; and**
  - (b) Second Instalment: 7 January 2015.**
- (3) Pay by four instalments:**
  - (a) First Instalment Payment (and 'Payment in Full'): 18 September 2014;**
  - (b) Second Instalment: 17 November 2014;**
  - (c) Third Instalment: 7 January 2015; and**
  - (d) Fourth Instalment: 18 March 2015.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CSF101: RESOLUTION 6  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR SUTTON**

**THAT pursuant to the *Local Government Act 1995*, Council APPROVES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2014/2015 financial year:**

**(1) Instalment Plan Administration Fee**

**An Instalment Plan Administration fee of \$6.00 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.**

**(2) Late Payment Interest Charge**

**A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.**

**(3) Instalment Plan Interest Charge**

**An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.**



**CSF101: RESOLUTION 6 (CONTINUED)**

**(4) Late Payment Interest Charge (Excluding Rates & Charges)**

A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2014.

In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

**(5) Waivers**

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CSF101: RESOLUTION 7  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2014/2015 Budget) be adopted effective from 22 July 2014.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CSF101: RESOLUTION 8  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR GREGSON**

**THAT Council SETS the Elected Member Sitting Fees and allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:**

- (1) Councillor Meeting Attendance Fee: \$22,660**
- (2) Mayoral Meeting Attendance Fee: \$30,385**
- (3) Councillor and Mayoral ICT Allowance: \$3,500**
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50**
- (5) Total Mayoral Allowance is \$61,800**
- (6) Deputy Mayoral Allowance: \$15,450 – being 25% of the Mayoral Allowance.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CSF101: RESOLUTION 9  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SUTTON**

**THAT Council APPROVES a variance between actual and budget-to-date of greater than \$50,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2014/2015.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CSF101: COMMITTEE RECOMMENDATION 1**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: MAYOR WELLINGTON**

**THAT the Responsible Officer Recommendation 1 be ADOPTED.**

**CARRIED 9-0**

**CSF101: RESPONSIBLE OFFICER RECOMMENDATION 1**

**THAT Council:**

- **NOTE** the submissions received; and
- **ACKNOWLEDGE** that these submissions were considered by Councillors prior to adoption of the 2014-2015 Budget.

**CSF101: COMMITTEE RECOMMENDATION 2**

**MOVED: COUNCILLOR HORTIN  
SECONDED: COUNCILLOR CALLEJA**

**THAT Responsible Officer Recommendation 2 be ADOPTED.**

**CARRIED 9-0**

**CSF101: RESPONSIBLE OFFICER RECOMMENDATION 2**

Council **ADOPT** the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2014-2015 financial year:

(1) **Rating Category 1 – GRV General**

- The General Rate on Gross Rental Values for the 2014/2015 financial year on Rating Category (1) including all GRV rateable land be 9.7920 cents in the dollar.

(2) **Rating Category 3 – UV**

- The General Rate on current unimproved values for the 2014/2015 financial year on Rating Category (3) including all UV rateable land be 0.3828 cents in the dollar.

(3) **Minimum Rate**

- The Minimum Rate for rateable properties within the City of Albany be \$896.00

CSF101: COMMITTEE RECOMMENDATION 3

MOVED: COUNCILLOR GREGSON  
SECONDED: MAYOR WELLINGTON

THAT Responsible Officer Recommendation 3 be ADOPTED.

CARRIED 9-0

CSF101: RESPONSIBLE OFFICER RECOMMENDATION 3

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, hard waste collection, Bulk green waste collection, collection of recyclables and green waste) be adopted for the 2014-2015 financial year:

(1) Residential Services

- |                                     |             |
|-------------------------------------|-------------|
| • Full Domestic Refuse Service      | \$306.00    |
| • Refuse Collection 140 Ltr MGB     | Weekly      |
| • Recycling Collection 240 Ltr MGB  | Fortnightly |
| • Green Waste Collection 240Ltr MGB | Monthly     |

(2) Additional Services

Additional Services (Maximum of One) with a full domestic rubbish service.

- |   |                     |
|---|---------------------|
| • Refuse Collection 140 Ltr MGB (Inc GST)           | Weekly \$90.00      |
| • Recycling Collection 240 Ltr MGB (Inc GST)        | Fortnightly \$43.50 |
| • Green Waste Collection 240Ltr MGB (Inc GST)       | Monthly \$43.50     |
| • Additional Full Domestic Refuse Service (Inc GST) | \$334.50            |

(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the Local Government Act 1995. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$55.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$55
- UV General Properties – Rate in the dollar: 0.0022Cents, minimum \$55

CSF101: COMMITTEE RECOMMENDATION 4

MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR WELLINGTON

THAT Responsible Officer Recommendation 4 be ADOPTED.

CARRIED 9-0

CSF101: RESPONSIBLE OFFICER RECOMMENDATION 4

- (1) Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council ADOPTS the Municipal and Trust Funds Budget as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2014/2015 financial year which includes the following:
  - Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$10,047,733
  - Statement of Comprehensive Income by Program on page (iv) showing a net result for that year of \$10,047,733
  - Statement of Cash Flows on page (vii)
  - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$30,668,026
  - Notes to and Forming Part of the Budget on pages (1 to 58)
  - Fees and Charges and Capital Works Schedule as detailed in blue pages (1 to 36)
  - Transfers to / from Reserve Accounts as detailed in pages (47 to 51)
- (2) Pursuant to section 6.11 of the Local Government Act 1995, Council:
- (3) Maintains the following reserves [Purpose detailed in pages (47 to 51)]
  - Airport Reserve
  - Albany Entertainment Centre
  - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
  - Albany Classic Barriers
  - Anzac Centenary
  - Bayonet Head Infrastructure Reserve
  - City of Albany General Parking Reserve
  - Emu Point Boat Pens Development Reserve
  - Master Plan Funding Reserve
  - Parks Development Reserve
  - Plant & Equipment Reserve
  - Refuse Collection & Waste Minimisation Reserve
  - Refuse Depot Reserve
  - Waste Management Reserve
  - Building Restoration Reserve
  - Roadworks Reserve
  - Planning Reserve
  - Coastal Management Reserve
  - Debt Management Reserve
  - Information Technology Reserve
  - Regional Cities Alliance Reserve
  - Unspent Grants Reserve
- (4) -Establish New Reserves
  - Capital Seed Funding for Sporting Clubs
  - Parks and Recreation Grounds
  - National Anzac Centre Reserve
  - Land Acquisition Reserve

CSF101: COMMITTEE RECOMMENDATION 5

MOVED: COUNCILLOR GREGSON  
SECONDED: MAYOR WELLINGTON

THAT Responsible Officer Recommendation 5 be ADOPTED.

CARRIED 9-0

CSF101: RESPONSIBLE OFFICER RECOMMENDATION 5

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2014-2015 be as follows:

- (1) Pay rates in full 18 September 2014.
- (2) Pay by two instalments:
  - (a) First Instalment Payment 18 September 2014; and
  - (b) Second Instalment: 7 January 2015.
- (3) Pay by four instalments:
  - (a) First Instalment Payment (and 'Payment in Full'): 18 September 2014;
  - (b) Second Instalment: 17 November 2014;
  - (c) Third Instalment: 7 January 2015; and
  - (d) Fourth Instalment: 18 March 2015.

CSF101: COMMITTEE RECOMMENDATION 6

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR HORTIN

THAT Responsible Officer Recommendation 6 be ADOPTED.

CARRIED 9-0

CSF101: RESPONSIBLE OFFICER RECOMMENDATION 6

THAT pursuant to the *Local Government Act 1995*, Council APPROVES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2014/2015 financial year:

(1) Instalment Plan Administration Fee

An Instalment Plan Administration fee of \$6.00 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.

(2) Late Payment Interest Charge

A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.

(3) Instalment Plan Interest Charge

An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.

(4) Late Payment Interest Charge (Excluding Rates & Charges)

A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2014.

In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

(5) Waivers

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

CSF101: COMMITTEE RECOMMENDATION 7

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON

THAT Responsible Officer Recommendation 7 be ADOPTED.

CARRIED 9-0

CSF101: RESPONSIBLE OFFICER RECOMMENDATION 7

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2014/2015 Budget) be adopted effective from 22 July 2014.

CSF101: COMMITTEE RECOMMENDATION 8

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR GREGSON

THAT Responsible Officer Recommendation 8 be ADOPTED.

CARRIED 9-0

CSF101: RESPONSIBLE OFFICER RECOMMENDATION 8

THAT Council SETS the Elected Member Sitting Fees and allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- (1) Councillor Meeting Attendance Fee: \$22,660
- (2) Mayoral Meeting Attendance Fee: \$30,385
- (3) Councillor and Mayoral ICT Allowance: \$3,500

- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed):\$50
- (5) Total Mayoral Allowance is \$61,800
- (6) Deputy Mayoral Allowance: \$15,450 - being 25% of the Mayoral Allowance.

CSF101: COMMITTEE RECOMMENDATION 9

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR DOWLING

THAT Responsible Officer Recommendation 9 be ADOPTED.

CARRIED 9-0

**BACKGROUND**

3. Council has considered strategic and operational issues which will impact on the 2014/15 budget.
4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2014/15 financial year. However those proposed amounts were advertised, from 20 June 2013, for a period of 21 days in addition with legislation requirements.

**DISCUSSION**

5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget while ensuring compliance with Local Government legislation, occupational safety and health requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
6. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.

**GOVERNMENT CONSULTATION**

7. The Department of Local Government is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

**PUBLIC CONSULTATION / ENGAGEMENT**

8. At the Ordinary Council meeting on 24 June 2014, the Council endorsed advertising proposed rate in the Dollar for GRV and UV.
9. A budget information brochure will be included with every rate notice, together with a separate brochure produced by the Fire & Emergency Services Authority of WA explaining the Emergency Services Levy (ESL).

## STRATEGIC IMPLICATIONS

10. This item directly relates to, and contributes to achievement of, the Strategies within the *Community Strategic Plan – Albany 2023*, and *Corporate Business Plan- 2013-2017*.

## POLICY IMPLICATIONS

11. Nil.

## RISK IDENTIFICATION & MITIGATION

12. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not endorse the 2013-14 Budget, with the consequence risk of deferred cashflow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<ul style="list-style-type: none"> <li>• <i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement.</i></li> <li>• <i>Reconsideration of the budget paper at a Council meeting prior to 31 August 2013.</i></li> </ul>

## FINANCIAL IMPLICATIONS

13. The 2014-15 Budget sets the parameters for expenditure of City resources.
14. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

## LEGAL IMPLICATIONS

15. Nil.

## ALTERNATE OPTIONS

16. Council adopt the 2014/15 Annual Financial Budget with changes.

## SUMMARY CONCLUSION

17. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2014 until 30 June 2015.

<b>Consulted References</b>	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996.</i>
<b>File Number (Name of Ward)</b>	FM.BUG.2
<b>Previous Reference</b>	OCM Item CFS097 24 June 2014



**ED015: CLIPPER ROUND THE WORLD YACHT RACE EVENT 2015**

<b>Proponent</b>	:	City of Albany
<b>Owner</b>	:	N/A
<b>Attachments</b>	:	<ul style="list-style-type: none"><li>• Clipper 2013 - post event assessment Catalyst report</li><li>• Clipper Media Evaluation Report</li><li>• Clipper Partner Support Letters</li></ul>
<b>Appendices</b>	:	Nil
<b>Responsible Officer(s):</b>	:	Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2013-2017.

This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):

- a. **Key Theme: 1.** Smart Prosperous and Growing.
- b. **Strategic Objective: 1.2** To strengthen our region's economic base.  
**Strategic Objective 1.3** To develop and promote Albany as a unique and sought after destination.
- c. **Strategic Initiative 1.2.1.** CBD Revitalisation  
**Strategic Initiative 1.2.2.** Economic Diversity  
**Strategic Initiative 1.3.1.** Events Management  
**Strategic Initiative 1.3.2.** Tourism Destination

**In Brief:**

- The City of Albany has been invited to bid for the rights to act as the host port for the Clipper Round the World Yacht Race for 2015.

**RECOMMENDATION**

**ED015:AMENDMENT BY COUNCILLOR STOCKS  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR SUTTON**

**THAT the Committee Recommendation be AMENDED to read:**

- **ENDORSE the City of Albany entering into final contract negotiations with Clipper for the 2015 event host port rights as recommended in the confidential report attachment; and**
- **AUTHORISE the CEO to seek grant funding from potential local and regional partners to reduce the total cost of the Host Port offer to the City; and**
- **NOTE that if approved funding will be allocated in the 2015/16 financial year budget.**

**LOST 5-6**

**Record of Vote**

For the Motion: Councillors Stocks, Sutton, Hollingworth, Goode and Gregson

*Note: The voting requirement listed on the agenda stated Absolute Majority. The resolution only required a Simple Majority as there are no budget implications in the current financial year.*

**ED015: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR DOWLING**

**THAT the Committee recommend to Council to:**

- **ENDORSE the City of Albany entering into final contract negotiations with Clipper for the 2015 event host port rights as recommended in the confidential report attachment; and**
- **AUTHORISE the CEO to seek grant funding from potential local and regional partners to reduce the total cost of the Host Port offer to the City; and**
- **NOTE that if approved funding will be allocated in the 2015/16 financial year budget.**

**CARRIED 6-5**

**Record of Vote**

Against the Motion: Councillors Gregson, Goode, Sutton, Stocks and Hollingworth

ED015: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

ED015: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Committee recommend to Council to:

- ENDORSE the City of Albany entering into final contract negotiations with Clipper for the 2015 event host port rights as recommended in the confidential report attachment; and
- AUTHORISE the CEO to seek grant funding from potential local and regional partners to reduce the total cost of the Host Port offer to the City; and
- NOTE that if approved funding will be allocated in the 2015/16 financial year budget.

**BACKGROUND**

2. The City of Albany successfully hosted the Clipper Round the World Yacht Race (Clipper) in late November 2013.
3. The event attracted 332 sailors, 22 event management personnel and generated significant positive feedback and goodwill from the local community.
4. The City of Albany contracted an independent economic assessment of the 2013 event (full copy of Catalyst report attached). A summary of the report findings include;
  - Outstanding result for Albany on various criteria:
    - *Feedback from visitors*
    - *Positive perceptions from locals*
    - *A boon for local businesses*
    - *Significant increase in civic pride and capacity building through volunteer involvement and mobilisation.*
  - Strong economic impact, though below forecast:
    - *Direct spending over \$550,000*
    - *A multiplier of 20% for additional indirect spending suggests total impact of \$660,000+*
  - Accommodation and Food/Beverage venues were the biggest beneficiaries:
    - *Account for 70% of spend*
    - *Potential targets/sectors for joint sponsorship activities*
5. The independent economic benefit analysis does not include media value estimates. The Clipper event organisers however have supplied a media evaluation summary of Leg 3 to, and including the stopover in Albany (copy attached). The Clipper report states 367 news items were published reaching a cumulative audience of 192m people, an advertising equivalent value of \$AUD3.5m, and a PR value of \$AUD10.6m for the period. These estimates have been supplied by Clipper and whilst the scale of these claims could be debated, it is acknowledged that the Clipper Race is a major generator of international media attention for participants including the host port destinations.

6. Assuming the above estimates are correct the total impact of the 2013 Clipper event is in the order of \$675,000 in direct spend and \$810,000 using a multiplier of 20%.
7. The independent evaluation conducted by Catalyst is considered a conservative estimate because it did not consider:
  - direct or indirect spending from non competitor and non Clipper event staff participation i.e. visitor and resident spending activated by the Clipper event.
  - Clipper event organisers also report spending some additional \$125,000 directly with local and WA businesses in yacht maintenance and provisioning post the survey completion.
8. The City of Albany successfully partnered with other local agencies and groups to deliver the event. Total cost for the 2013 event was \$103,249 with partner contributions of \$35,158. The net direct cost to the City of Albany was \$68,092 plus an estimated \$25,000 in City officer time and in-kind resources.
9. The 2013 host port partners have indicated high satisfaction levels with delivery of the 2013 event and strong support for hosting the 2015 event. Attached are copies of support letters from the Princess Royal Sailing Club, the Department of Transport, Great Southern Development Commission, and The White Star Hotel.

## **DISCUSSION**

10. The City of Albany, with considerable support from local community and other agencies, successfully hosted the 2013 Clipper Round the World Yacht Race event in November 2013.
11. Major benefits to Albany included:
  - An estimated total impact of \$810,000 into the local economy.
  - Substantial local, national and international media coverage was achieved for Albany as the host port.
  - The 2013 event added significant vibrancy to the Albany Waterfront Marina and main retail and hospitality venues over the seven day period.
  - Achieved substantial community engagement including yacht arrival and race restart events, the School “Adopt a Yacht” and group visits program, participation with the Clipper Festival, and open day for yacht inspections by local community.
12. Discussions between the City and Clipper organisers have achieved preliminary in principal agreement for Albany to secure the host port rights for the 2015 Clipper event.
13. This preliminary agreement is subject to Albany City Council endorsement.
14. Major potential event co-funding partners include Eventscorp, Great Southern Development Commission, Landcorp, Department of Transport and local industry/business partners including the Albany Chamber of Commerce and Industry. The net direct cost to the City is estimated to be comparable to the hosting of the 2013 event. See attached letters of support received to date from the 2013 Clipper partners.
15. Some costs with the hosting of the 2013 event will not be re-incurred if the 2015 event is secured as a result of infrastructure upgrades to the marina and boat shed.

16. Hosting of the 2015 event will enable the City to develop a major Albany maritime festival event that would promote the destination to new visitor markets and leverage some of Albany's unique points of difference, namely maritime heritage, natural harbours and elevated viewpoints for these type of events.
17. The Clipper 2015 event will also help to activate Stirling Terrace and the Town Square infrastructure, which have been recently funded and are under development. This is part of the City's broader economic development objectives – CBD revitalisation.
18. Significant benefits should be achieved both during the hosting of the event and in the lead up to the event via an effective marketing campaign into the Perth visitor and sailing enthusiast market.
19. Attracting major international events such as Clipper will work to continue the strong visitor awareness for the Albany destination that is being generated around the Anzac Centenary Commemorations.
20. Subject to Council approval to proceed, the City will enter into contractual arrangements with the Clipper organisers to secure the 2015 event.

#### GOVERNMENT & PUBLIC CONSULTATION

21. The City of Albany partnered with a large number of local agencies, groups and individuals to deliver the 2013 event. All partners have rated the 2013 event favourably and indicated a desire to investigate hosting and supporting the 2015 event.
22. Local media interest in the 2015 event host port bid has generated significant community comment in local media. Anecdotal evidence suggests there is strong support for the City to secure the 2015 host port rights as long as it is at the "right price".
23. The Community Strategic Plan involved widespread community consultation in late 2012 and early 2013. The community identified a number of economic priorities under the theme of Smart Prosperous and Growing including the attraction of iconic major events.

#### STATUTORY IMPLICATIONS

24. Nil

#### POLICY IMPLICATIONS

25. Nil

#### RISK IDENTIFICATION & MITIGATION

26. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial – other event co-funding partners may not contribute.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<ul style="list-style-type: none"> <li>• City of Albany allocate required resources in forward 2015/16 budget.</li> <li>• CEO to seek alternative funding bodies.</li> </ul>

**FINANCIAL IMPLICATIONS**

- 27. Council has already committed to hosting the Campervan and Motorhome Club of Australia AGM in 2015 so this additional expenditure will require funding in the 2015/16 financial year.
- 28. Council has the opportunity to consider increasing revenue for event attraction and hosting through various means prior to the setting of the 2015/16 budget.
- 29. Financial and resource allocation is required by the City for the 2015/16 financial year.

**LEGAL IMPLICATIONS**

- 30. Nil

**ENVIRONMENTAL CONSIDERATIONS**

- 31. Nil

**ALTERNATE OPTIONS**

- 32. Council may choose not to meet the minimum agreed bid offer and therefore forfeit the event; or
- 33. Council may choose to delay the decision to support the host port bid until a minimum level of partner financial support is secured. Should Council decide on this option, it will have a direct limiting effect on the ability to secure additional funding from grant providers such as EventsCorp who require a commitment by the City prior to granting funding.

**SUMMARY CONCLUSION**

- 34. Securing the 2015 Clipper Round the World Yacht Race event achieves a City strategic deliverable to identify iconic events that provide community and economic benefits and work with partners to attract market and host events.
- 35. On a cost benefit basis this international event is considered a value for money investment with a minimum expected return of 3.5 to 1.
- 36. The Clipper Round the World Yacht Race attracts a global audience and is considered a major international event. Attracting this event will work to continue the high level of visitor awareness for the Albany destination that will be generated by the Anzac Albany Centenary Commemorations.

<b>Consulted References</b>	:	Nil
<b>File Number (Name of Ward)</b>	:	RC.EVM.35 (All Wards)
<b>Previous Reference</b>	:	Nil

**CS011: ALBANY AGRICULTURAL SOCIETY FUTURE USE AND  
TENURE AT CENTENNIAL PARK**

- Land Description** : Crown Reserve 405 and being Lot 1359 on Plan 185302 as detailed in Certificate of Title Volume LR3009 Folio 774  
Lot 305 on Plan 26505 as detailed in Certificate of Title Volume LR1618 Folio 024
- Owner** : Crown (Reserve 405) & City of Albany (Lot 305)
- Attachments** :  
• CS008 – Centennial Park Sporting Precinct Master Plan - OCM February 2014 Minutes  
• EF14136781 – PRO0025 Minutes Ag Society Meeting 5 May  
• LT1484997 – Correspondence to Agricultural Society 5 March 2014  
• LT1488413 – Correspondence to Agricultural Society 15 May 2014  
Centennial Park Master Plan Link  
<http://albany.wa.gov.au/about-albany/major-projects/>
- Responsible Officer(s):** : Executive Director Community Services (C Woods)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 3. A connected built environment.
  - b. **Strategic Objectives:**
    - 3.2. To develop community amenities that support people of all ages and backgrounds.
    - 4.2 To create interesting places spaces and events that reflects our community's identity and diversity and heritage.
  - c. **Strategic Initiatives:**
    - 3.2.2. By developing facilities and activities that enable active and passive recreation.
    - 4.2.1 Sport and recreation Infrastructure.
2. This item directly relates to a major strategic and capital works program currently funded to the value of \$26 million by the Department of Sport and Recreation; Regional Development Australia and the City of Albany.
3. The Council has previously adopted the Centennial Park Master Plan and Concept Plan on:
  - Centennial Park Sporting Precinct Master Plan Report & Concept Designs on 25/02/2014, report item CS008.



**In Brief:**

- Update Council on the current status of negotiations with the Albany Agricultural Society (AAS) in relation to their ongoing tenure and use of the Centennial Park Sporting Precinct, in the context of the Centennial Park redevelopment.
- Provide a forum for the AAS to present their proposal and view in relation to AAS use of Centennial Park.
- Ensure Council is positioned to make a decision by July 2014 so that the design and development of this precinct can continue to meet its funding milestones.
- Acknowledge that failure to meet the funding milestones may jeopardise a total of \$21 million dollars in state and federal funding.



**RECOMMENDATION**

**CS011: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR GREGSON**

**THAT Council:**

- **RECEIVE** the Officer's Report;
- **ACKNOWLEDGE** the Albany Agricultural Society presentation;
- **RECOMMEND** to Council:
  - **City Staff** continue to work with the design team to develop a design for the Annual Agricultural Show to remain at Centennial Park;
  - **City staff** to work with the community groups and sporting and recreational clubs that currently conduct activities in the existing Albany Agricultural Society structures to find suitable alternative venues; and
  - **City staff** to work with Albany Agricultural Society current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations.

**CARRIED 11-0**

**CS011: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GOODE**

**SECONDED: MAYOR WELLINGTON**

**THAT** the Responsible Officer Recommendation be **ADOPTED**.

**CARRIED 5-0**

**CS011: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

- **RECEIVE** the Officer's Report;
- **ACKNOWLEDGE** the Albany Agricultural Society presentation;
- **RECOMMEND** to Council:
  - **City Staff** continue to work with the design team to develop a design for the Annual Agricultural Show to remain at Centennial Park;
  - **City staff** to work with the community groups and sporting and recreational clubs that currently conduct activities in the existing Albany Agricultural Society structures to find suitable alternative venues; and
  - **City staff** to work with Albany Agricultural Society current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations.

## BACKGROUND

4. The Albany Agricultural Society (AAS) has used Centennial Park East since the 1900's however; a formal licence agreement was only put in place in 1980. The latest licence expired on 31 December 2010 and AAS have continued to occupy the site on the same conditions, except in respect of the term.
5. The City of Albany currently has a Lease with the AAS over the Hanrahan Landfill site expiring 31 January 2022. The purpose of the Lease is for "Refuse site for the disposal of all kinds of garbage".
6. At the 25 February 2014, Ordinary Council Meeting, Council resolved: "THAT City staff investigate targeted solutions for the Albany Agricultural Society's current and future needs, and these options be presented at a future Council meeting".
7. As directed City Officers met with the full AAS Executive Committee on 5 May 2014. The following agenda items (minutes of meeting attached for information) were discussed:
  - Land matters and land swap proposal (Hanrahan Landfill site and Centennial Park);
  - AAS desire to retain a permanent tenure in the Centennial Park Sporting Precinct (CPSP) Eastern Precinct;
  - Principles of shared use and management of the CPSP Eastern Precinct; and
  - The City's provision of facilities for the AAS.
8. However, City representatives were unable to come to a compromised position that satisfied both the desire and wishes of the AAS, without compromising the adopted Concept Design and Master Plan for the Centennial Park Precinct.
9. Recent correspondence to the AAS on 5 March and 15 May 2014 has been attached for additional background information.

## DISCUSSION

10. The AAS want to retain their existing use within the CPSP and have requested permanent tenure over the CPSP Eastern Precinct.
11. The AAS is of the belief that they should retain their existing presence within the CPSP Eastern Precinct and that it is the City of Albany's responsibility to facilitate this.  
**CPSP Eastern Precinct:**
12. Council's long term vision for this area is expressed in the Centennial Park Sporting Precinct Master Plan.
13. The Master Plan is based on shared use precinct management model with the City being responsible for all bookings and maintenance of the reserve.
14. The City recognises that the AAS has maintained a presence in the Centennial Park area for many years. To this effect the Master Plan looks to accommodate the AAS activities.
15. Based on Council's Master Plan and recognition of the cultural and historical significance of the AAS Annual Show, the following way forward is proposed (*Note: This position was put to the AAS Committee on 5 May 2014*):
  - The Centennial Park Precinct will remain the base for the AAS Annual Show event;
  - The redevelopment of the Centennial Park Precinct will consider this annual three day event;

- The event land and facility use will be based on a hire agreement;
- Event facilities will be comprised of a mixture of temporary fixtures and where appropriate use of permanent multi-access facilities;
- The City will maintain the current level of logistic and funding support to the annual show, being:
  - Preparation of the grounds, as part of the Developed Reserves maintenance program (including mowing, moving bollards etc);
  - Remediation of the site following completion of the Show;
  - Provision of a water truck for dust suppression;
  - Provision of appropriate vehicles for towing requirements and placement of various facilities; and
  - Traffic management.
- The City will seek independent qualified structural advice regarding the viability and suitability of retaining and renovating the existing Centennial Hall and its re use of the timber floor; and
- The City will consider the merits of AAS maintaining a continued administrative presence (office space) in the Centennial Park Precinct.
- The City will seek to accommodate the existing user groups that hire AAS facilities that will be displaced by the redevelopment and seeks assistance from the AAS by way of providing contact details and current scheduling.

**Hanrahan Landfill Site:**

16. The AAS holds a Crown Grant in Trust over the land.
17. The original lease between the AAS and the City for the Hanrahan Landfill site was agreed in 1971, on the basis that the waste disposed at this site would be used as fill to create a level surface for future development as a sports ground and showground. The rent for this site was offset by the licence issued to AAS, which allows for the AAS to retain the revenue for management of the facilities on Centennial Park.
18. The City is of the of the opinion, given updated information and knowledge on managing landfill facilities state wide, that it is no longer feasible to turn the landfill site into a sports ground and show ground. The complications involved with the reuse of landfill sites include, but are not limited to:
  - Compliance with the *Contaminated Sites Act 2003* which restrict the use of contaminated land, by excluding sporting and community purpose uses;
  - Ongoing contamination and risk mitigation management:
    - potential gas emissions; and
    - leachate to groundwater.
  - Extended period of settling while waste breaks down which impacts the geotechnical ability of land to withstand buildings.
19. It is the responsibility of the City of Albany to make the site safe and therefore the City has ongoing management obligations for the site.
20. Based on these factors, it is recommended that City of Albany seeks to obtain the management of the Hanrahan Landfill site. This will form a further item to Council to address these land management matters.

**Negotiations to Date**

21. The City's position was provided in writing to the AAS on 5 March:
- a. Request the AAS to surrender the original Crown Grant over the Hanrahan Landfill site:
  - b. Offer of an alternate land area in exchange for the Hanrahan Landfill site. The proposed land swap area was a 19ha site located on the corner of South Coast Highway and George Street. (being Crown Reserves 28465 and 28466). Noting:
    - (i) This subject land is currently vested in the City of Albany and have previously been used for gravel extraction and spoil disposal (non-contaminated waste from Main Roads' and the City's infrastructure activities).
    - (ii) An initial assessment of the site indicates that there are no significant impediments to future development.
    - (iii) It is likely that the Department of Lands would support the Crown Grant of this 19ha land swap area, similar to the tenure AAS hold over the Hanrahan Landfill Site.
  - c. An initial cash offer was also made to the AAS to invest in annual show infrastructure within the Centennial Park Precinct. (This cash offer is in recognition of the loss of income from current Centennial Park users for the remainder of the current lease period of the Hanrahan Rd Landfill site).
  - d. The City would facilitate and assist with the land tenure and zoning changes that may be required.
22. The AAS rejected the land swap and an original cash offer and provided their own proposal for the future use of Centennial Park which is summarised as:
- a. AAS require a permanent presence at Centennial Park.
  - b. The AAS wish to continue to provide facilities for the non agricultural needs of community groups.
  - c. The AAS presented a plan showing several large permanent structures throughout the eastern precinct and one large Exhibition Hall located on the Lot 305 (City's freehold land)
  - d. The AAS request Council fund and construct a large exhibition, multi-purpose space including office and storage space and options for large-scale catering on Lot 305 in the south west of the eastern precinct. This large facility (approximately 100m x 50m in area) should be located on land which is in the Society's tenure, similar to a Crown Grant in Trust, to give them security.
  - e. The Society seeks the management of this facility to provide an income to keep them self-sustaining.
23. In response to the above position the City wrote to the AAS on 15 May advising as follows:
- a. The City recognises that the AAS are not interested in a land swap because they do not have any intention to develop land outside of the CBD.
  - b. It has been previously agreed that the Agricultural Show will continue within Centennial Park and the City would grant a permanent booking to the AAS for this purpose.

- c. The City and CPSP design team are required to provide relocation solutions during periods of construction and the AAS needs will be considered in this process.
- d. The AAS recognised that the Hanrahan Landfill site will never be feasible given the significant risks that exist at the site and the City sought AAS cooperation to transfer the land to the City's management.
- e. A further final financial offer was presented to the AAS which could be accepted as an annual payment over a ten year period (inclusive of GST and indexed to CPI) or the City advised that it would be open to considering a lump sum payment on transfer of the land. These offers were put forward on the basis that they were subject to Council approval. As yet, no response has been received by the AAS to this latest offer.
- f. In addition the City reiterated that it would continue providing its current level of in-kind support to the annual Agricultural Show

## **GOVERNMENT & PUBLIC CONSULTATION**

### **Public consultation:**

- 24. Extensive negotiations and community consultation has been conducted in relation to the Centennial Park stakeholders.
- 25. All stakeholder and sporting clubs provided written endorsement of the Master Plan and concept design except the AAS.
- 26. It is acknowledged that the negotiations to date have not been facilitated by an independent third party; however, that is an option that could be explored to progress this matter to resolution if desired by Council.

### **Government consultation:**

- 27. The City has been liaising closely with the Department of Lands on various land matters concerning the AAS. The City is currently awaiting a formal position from the Department. The views of the Department will be included a future item to Council regarding Hanrahan Landfill site.

## **STATUTORY IMPLICATIONS**

- 28. There are no statutory implications related to this report.

## **POLICY IMPLICATIONS**

- 29. If Council determines that AAS are to be granted permanent tenure within the Centennial Park Precinct, then the Centennial Park Master Plan previously adopted by Council will need to be amended.

## RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Financial. Funding of development lost due to not meeting grant funding conditions and milestones, may result due to delay reworking adopted master plan.</i>	<i>Likely</i>	<i>Severe</i>	<i>High</i>	<i>Council adopts a policy position that will guide the finalisation of development and structures, which will in turn facilitate grant funding conditions.</i>
<i>Financial &amp; Community. Compromised Master Plan may reduce the effectiveness of the City identified current and future recreation stakeholder needs.</i>	<i>Likely</i>	<i>Major</i>	<i>Medium</i>	<i>Council has two options: (1) Maintain current plan, support the Officer's Recommendation; or (2) Move to quickly adopt a modified precinct plan and commit additional funding from the municipal fund.</i>

## FINANCIAL IMPLICATIONS

30. The existing project budget and grant funding does not make allowances for additional infrastructure outside of the new multipurpose stadium, the new soccer / cricket club facility and refurbishment of existing public change rooms and the existing soccer club rooms.
31. Any decision to provide additional permanent or temporary infrastructure over and above the current offer the City has already made would need to be funded from outside of the current allocated budget.
32. The existing grant funding is subject to delivering upgrades as outlined in the Master Plan and meeting key milestones so that the grant is acquitted by March 2017. Financial penalties apply for failing to meet contractual requirements.

## LEGAL IMPLICATIONS

33. In terms of land matters relating to Hanrahan Landfill site further legal advice may be sought and will be presented in a forthcoming item to Council.
34. The basis on which the AAS can continue to occupy Centennial Park is governed by the provisions of the *Local Government Act 1995* and the *Land Administration Act 1997*. Further legal clarification may be sought on this aspect.

## ENVIRONMENTAL CONSIDERATIONS

35. The City of Albany is responsible for the environmental management of the Hanrahan Landfill site under the terms and conditions of the Licence issued by the Department of Environment Regulation.
36. This responsibility exists now and will continue into the medium to long term.
37. As detailed in the report, compliance with the *Contaminated Sites Act 2003* may restrict the future use of the Hanrahan Landfill site

## **ALTERNATE OPTIONS**

38. Council has a number of options:
- a. Amend the adopted Master Plan and instruct design consultants to make provision for the infrastructure requested by the AAS. (Noting this will require additional funds); or
  - b. Council may choose to relocate the AAS and the Annual Show to a new site, pending an independent feasibility study/report.

## **SUMMARY CONCLUSION**

39. A Council position is required to provide clear direction in this matter by 31 July 2014, to mitigate the risk of:
- a. Compromising sporting and community expectations and functionality of the site as per the adopted Master Plan.
  - b. Breach of Contract with funding bodies and possible loss of significant funding through the extension of the design development stage, which will affect the ability to meet construction milestone outcomes in the funding contracts.
40. It is recommended that Council approves City staff to work with the Albany Agricultural Society (AAS) and their current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations and support the Annual Agricultural Show at Centennial Park.
41. Reaffirm the Centennial Park Sporting Precinct Master Plan adopted at February Ordinary Council Meeting 2014, which will allow the AAS to conduct the Annual Agricultural Show; and work with the AAS to find alternate locations for current non agricultural users, such as dance groups, arts and craft groups and sporting groups.

<b>Consulted References</b>	:	Funding Terms & Conditions
<b>File Number (Name of Ward)</b>	:	CP.DEC.1 (All Wards)
<b>Previous Reference</b>	:	OCM 25/02/2014 Item CS008 OCM 16/07/2013 Item 3.1

## CS012: ACCESS AND INCLUSION PLAN 2012-2017

**Proponent** : City of Albany  
**Attachments** : City of Albany Access and Inclusion Plan 2012-2017  
**Appendices** : Summary of Community Consultation  
**Responsible Officer(s):** : Executive Director Community Services

**Responsible Officer's Signature:**



### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 3. A Sense of Community.
  - b. **Strategic Objective:** 4.3. To develop and support a healthy, inclusive and accessible community.
  - c. **Strategic Initiative:** 4.1.2. Community Development.

### In Brief:

- Adoption of the updated City of Albany Access and Inclusion Plan 2012-2017.
- The City is required to implement a Disability Access and Inclusion Plan in accordance with the Disability Services Act (1993), to demonstrate how it intends to become more accessible to and inclusive of people living with disability.
- Recent legislative amendments to the Act require local governments to add an additional outcome area addressing disability employment related strategies to their existing Plans. The same legislative amendments also updated the correct terminology to use when referring to people with disability.

### RECOMMENDATION

**CS012: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HORTIN**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council:**

- **ADOPT** the updated Access and Inclusion Plan which will continue to be implemented by the City for the period 2012-2017 as outlined in Attachment 1.
- **NOTE** the City will use amended legislated terminology to refer to people with disability.

**CARRIED 11-0**  
**ABSOLUTE MAJORITY**



**CS012: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR HORTIN  
SECONDED: COUNCILLOR WILLIAMS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

**CS012: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- ADOPT the updated Access and Inclusion Plan which will continue to be implemented by the City for the period 2012-2017 as outlined in Attachment 1.
- NOTE the City will use amended legislated terminology to refer to people with disability.

**BACKGROUND**

2. In order to meet its statutory obligations, the City is required to implement a Disability Access and Inclusion Plan, and to review this plan at least once every five years. The City's existing Disability Access and Inclusion Strategy was reviewed in 2011-2012, and a new Plan was adopted by Council on 16 October 2012 for a five year period to 2017.
3. The current Plan addresses six mandatory outcome areas:
  - Services and events;
  - Buildings and other facilities;
  - Information;
  - Same level and quality of service; and
  - Consultations.
4. On 11 June 2013 amendments to the Disability Services Act 1993 (the Act) and Regulations were gazetted requiring all Disability Access and Inclusion Plans to include an additional outcome area providing information about how public authorities will increase employment opportunities for people with disability, and how potential barriers to employment will be addressed.
5. In the same legislative amendments the word 'disabilities' was replaced with 'disability' in order to refer to the target demographic group, i.e. 'people with disability' instead of 'people with disabilities'. Public authorities are now required to use the amended terminology in all communications.
6. The City has now undertaken requisite community and stakeholder consultation to update its current Plan to reflect these legislative amendments, and is presenting this for Council's adoption.

## DISCUSSION

### **The Importance of Access and Inclusion Planning**

7. Access and Inclusion Plans assist public authorities identify access and inclusion issues that preclude people with disability from participating in the community.
8. In addition, Access and Inclusion Plans outline how a public authority will make its information, services and facilities accessible to people with disability. As such, Plans are an important mechanism for public authorities to be more accessible to, and inclusive of people with disability.
9. The Australian Bureau of Statistics' 2009 *Survey of Disability, Ageing and Carers* states that 17.4% of Western Australia's population live with disability, and 10.3% of its population are carers of people with disability. When family of people with disability are included, this is a significant proportion of the state's population directly or indirectly affected by barriers to access and inclusion within the community.
10. There is a direct, linear relationship between disability and age; forty-six percent of Western Australians aged over 60 years live with disability, and this increases with age - nine in ten people aged over 90 live with a disability. As a regional centre with a growing proportion of aged residents, it is in the City's interests to be more accessible to, and inclusive of people with disability, including seniors living with disability.
11. The City of Albany is committed to the principles of diversity, and can lead by example in inclusive employment by illustrating the benefits of a diverse workforce, and one which is reflective of the local community and population. Adding Outcome 7 (Employment) to the Access and Inclusion Plan outlines clear strategies to address the barriers to being more inclusive of people with disability in its workforce. It further provides the opportunity for the City to reflect the needs of its community.

### **Legislative Requirements for Access and Inclusion Planning**

12. Since state Parliament passed the Act, public authorities in Western Australia have been required to implement Disability Service Plans. The City of Albany has had a Disability Service Plan in place since 1 September 1998 (since 1 January 1996 for the former Shire and Town of Albany).
13. In 2004 the Act was amended to require public authorities to implement Disability Access and Inclusion Plans which must be reviewed at least once every five years. The City of Albany implemented a Disability Access and Inclusion Strategy in 2007.
14. In 2013 the Act was further amended to require public authorities to address seven outcome areas, outlining how people with disability will have access to a public authority's:
  - Services and events;
  - Buildings and other facilities;
  - Information;
  - Same level and quality of service;
  - Consultations; and
  - Employment opportunities.
15. The Act stipulates that public authorities are required to consult widely in the development and/or review of Plans.

16. The City is required to lodge its updated Access and Inclusion Plan with the Disability Services Commission (DSC) once adopted by Council, and to report annually to the DSC on implementation progress. Plans and progress reports are tabled in Parliament by the Minister for Disability Services.

### **Updating the City's Current Plan**

17. As stipulated by the Act, public consultation is required when updating or reviewing Access and Inclusion Plans. To add an employment outcome to its current Plan, public consultation was undertaken with the following:
- People with disability;
  - Families and carers of people with disability;
  - Agencies and organisations which provide employment services to people with disability;
  - Great Southern Institute of Technology; and
  - The City's Access and Inclusion Working Group.
18. A working party comprising Great Southern Personnel, Activ Foundation, Albany Worklink, members of the City's Access and Inclusion Working Group, Great Southern Institute of Technology, and the City's Human Resources Coordinator and Community Development Officer reviewed the consultation data and developed strategies and actions to reduce barriers to employment by people with disability.

### **GOVERNMENT & PUBLIC CONSULTATION**

19. The City has consulted with the DSC Local Area Coordinators in Albany, as well as relevant DSC staff in Perth, and the Cities of Joondalup, Melville and Cockburn (three LGAs nominated by DSC as having exemplar responses to addressing barriers to employment).
20. The City advertised its intent to update its Access and Inclusion Plan in both the Albany Advertiser and on its website in order to comply with statutory requirements for making the public aware of the intent to update its Plan.
21. Public consultation with members of the target community was undertaken by the Community Development Officer via survey. Surveys were distributed to people with disability, their carers, families and support workers through the client bases of disability service providers, and were made available in alternate formats upon request. A total of 47 surveys were received. Survey results are at Appendix 1.
22. The City has engaged its Access and Inclusion Working Group in the development of the draft Plan. The Working Group membership includes people living with disability, family and carers of people living with disability, the DSC, and agencies which deliver services to people with disability.

### **STATUTORY IMPLICATIONS**

23. The City is required to implement a Disability Access and Inclusion Plan in accordance with Act. In addition, the following State and Commonwealth legislation also underpin the City's Access and Inclusion Plan:
- WA Equal Opportunity Act (1984); and
  - Commonwealth Disability Discrimination Act (1992)

## POLICY IMPLICATIONS

24. The Access and Inclusion Plan 2012-2017 is a City-wide Plan, and as such applies across the whole organisation. The policy implications in relation to this item are set out in the Plan, and address the seven outcome areas.

## RISK IDENTIFICATION & MITIGATION

25. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#). The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not adopt the updated Access and Inclusion Plan 2012-2017.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council</i>
<i>The City is unable to complete the additional tasks outlined in the seven outcome areas in the Access and Inclusion Plan 2012-2017.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>All Directorates and Business Units have been involved in the review and update of the current Plan, including the addition of outcome 7.</i>  <i>Directorates and Business Units currently report regularly on their progress implementing the Access and Inclusion Plan.</i>

## FINANCIAL IMPLICATIONS

26. There are no direct financial implications in relation to this item.

## LEGAL IMPLICATIONS

27. Not applicable.

## ENVIRONMENTAL CONSIDERATIONS

28. Not applicable.

## ALTERNATE OPTIONS

29. As a public authority, the City has a statutory obligation to implement an Access and Inclusion Plan, and to add an additional Outcome area of employment to its current Plan. There are no alternative options.

## SUMMARY CONCLUSION

30. The City is required to implement a Disability Access and Inclusion Plan in accordance with the Act.
31. The City's current Disability Access and Inclusion Strategy has been reviewed following consultation with the target community, across the organisation, and having sought wider public comment.
32. It is recommended that Council ADOPT the updated Access and Inclusion Plan 2012-2017.

33. It is recommended that Council NOTE the City will use the updated legislated terminology to refer to people with disability in its internal and external communications.

<b>Consulted References</b>	:	City of Albany Access and Inclusion Plan 2012-2017
<b>File Number (Name of Ward)</b>	:	CS.PLA.13 (All Wards)
<b>Previous Reference</b>	:	OCM 16/10/12 - Item 3.1

**CSF098: FINANCIAL ACTIVITY STATEMENT – MAY 2014**

**Appendices** : Financial Activity Statement  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**CSF098: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 May 2014.**

**CARRIED 11-0**

**CSF098: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF098: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 31 May 2014.**

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 30 May 2014 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

### STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
    - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
    - b. budget estimates to the end of the month to which the statement relates;
    - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - e. the net current assets at the end of the month to which the statement relates.
  - II. Each statement of financial activity is to be accompanied by documents containing –
    - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
    - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - c. such other supporting information as is considered relevant by the local government.
  - III. The information in a statement of financial activity may be shown –
    - a. according to nature and type classification;
    - b. by program; or
    - c. by business unit
  - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
    - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - b. recorded in the minutes of the meeting at which it is presented.

### FINANCIAL IMPLICATIONS

8. Expenditure for the period ending 30 April 2014 has been incurred in accordance with the 2013/14 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

### POLICY IMPLICATIONS

9. The City's 2013/14 Annual Budget provides a set of parameters that guides the City's financial practices.
10. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF099: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2014**

**File Number (Name of Ward)** : FM.FIR.2 - All Wards  
**Appendices** : List of Accounts for Payment  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**CSF099: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2014 totalling \$7,529,524.59**

**CARRIED 11-0**

**CSF099: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF099: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2014 totalling \$7,529,524.59.**

**BACKGROUND**

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2014. Further details of the accounts authorised for payment by the Chief Executive Officer is included as an Attachment to this report.

**Municipal Fund**

Trust	\$0.00
Credit Cards	\$21,141.29
Payroll	\$1,062,530.36
Cheques	\$101,810.61
Electronic Funds Transfer	\$6,344,042.33
<b>TOTAL</b>	<b><u>\$7,529,524.59</u></b>



3. As at 15 June 2014, the total outstanding creditors, stands at **\$616,151.19** and made up follows:

Current	\$619,619.16
30 Days	-\$2971.42
60 Days	\$0.00
90 Days	-\$496.55
<b>TOTAL</b>	<b>\$616,151.19</b>

4. **Cancelled cheques:** - .Nil.

#### **STATUTORY IMPLICATIONS**

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

#### **FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 15 June 2014 has been incurred in accordance with the 2013/2014 budget parameters.

#### **POLICY IMPLICATIONS**

9. The City's 2013/2014 Annual Budget provides a set of parameters that guides the City's financial practices.

#### **SUMMARY CONCLUSION**

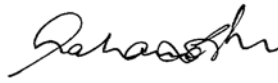
10. That list of accounts have been authorised for payment under delegated authority.

<b>File Number (Name of Ward)</b>	FM.FIR.2 - All Wards
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**CSF100: DELEGATED AUTHORITY REPORTS**

**Attachments** : Common Seal and Executed Document Report  
**Responsible Officer** : Chief Executive Officer (G Foster)

**Responsible Officer's Signature:**



**CSF100: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 June 2014.**

**CARRIED 11-0**

**CSF100: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR HORTIN**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 9-0**

**CSF100: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 June 2014.**

**CSF102: APPROVAL OF EXPENDITURE FROM ALBANY ENTERTAINMENT CENTRE RESERVE – SIGNAGE UPGRADES**

**Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
  - a. **Key Theme:** 3. A Connected Built Environment.
  - b. **Strategic Objectives:**
    - 3.1 To advocate, plan and build friendly and connected communities.
    - 4.1 To build resilient and cohesive communities with a strong sense of community spirit.
  - c. **Strategic Initiative:**
    - 4.1.1 Cultural Development

**IN BRIEF**

- Signage at the Albany Entertainment Centre is below standard and does not clearly indicate what the building is and how to get to particular areas of the Centre.
- The restaurant “View” is not clearly identified.
- The signage upgrade will complement the maintenance works being planned by Perth Theatre Trust to ensure that the building is presented well for the coming Anzac Centenary Events.
- The Entertainment Centre will feature prominently in the Anzac Commemoration events.
- Perth Theatre Trust Board has approved an amount of \$38,179 subject to the City of Albany contributing a similar amount.

**CSF102: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR SUTTON**

**Subject to the Perth Theatre Trust committing a similar amount, Council approve the expenditure of \$38,179 from the Albany Entertainment Centre Reserve, in order to install improved signage at the Albany Entertainment Centre.**

**CARRIED 11-0**

**Note: Council adopted the original Responsible Officer Recommendation.**

**CSF102: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR CALLEJA  
SECONDED: MAYOR WELLINGTON**

That subject to the Perth Theatre Trust committing a similar amount, Council approve the expenditure of \$38,179 from the Albany Entertainment Centre Reserve, subject to Council approval of placement and design.

**CARRIED 9-0**

**CSF102: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

Subject to the Perth Theatre Trust committing a similar amount, Council approve the expenditure of \$38,179 from the Albany Entertainment Centre Reserve, in order to install improved signage at the Albany Entertainment Centre.

**BACKGROUND**

2. The Albany Entertainment Centre (AEC) was originally built with the intention that the City would own and operate it, which was outlined in a Memorandum of Understanding (MOU). However, for a number of reasons, the facility has not been transferred to the City as planned.
3. The State Government, through the Perth Theatre Trust (PTT), currently owns and operates the AEC, via a contract to with AEG Ogdens, which terminates on 31 December 2014.
4. The State Government has extended its agreement with the City to own and operate the AEC until 30 June 2015, pending the determination of a long term sustainable operating model.
5. Whilst discussions regarding the long term model are continuing, it is likely that any sustainable model will be dependent upon the continued support of both the City of Albany and the State Government.
6. Currently, the City of Albany contributes approximately \$400,000 per year towards the operating deficit of the facility, with the remainder of the deficit being contributed by the State Government.
7. There are still a number of defects evident from the original build, which require rectification. In addition PTT has identified a number of maintenance issues which will be undertaken in order to bring the presentation of the building back to its original state.

**DISCUSSION**

8. PTT is continuing to work with the City on determining a long term sustainable operating model for the AEC.
9. There are a number of outstanding defects and PTT has taken the lead role in resolving these with the builder, the architects and the project manager.
10. PTT has indicated that it will be undertaking maintenance on the exterior of the building in order for it to present as designed for the Anzac Commemorative events.
11. The AEC will be a hub for Anzac Centenary events, particularly with regard to hosting of VIPs and the harbour lights and projection events.
12. The ABC will be conducting live telecasts of the Commemorative events and it is expected that the AEC will feature prominently in these, particularly with events centred around the harbour.
13. Signage on and around the AEC is substandard and does not clearly identify what the building is or what is contained within it. The restaurant is not identified on any signage, which potentially has an impact on its ability to generate revenue and offset operating costs.

14. The current manager commissioned a design company to develop “external wayfinding” signage for the AEC. This includes:
  - i) Illuminated “Albany Entertainment Centre” signage on both sides of the AEC
  - ii) Signage at the car park entrance
  - iii) Directional signage between the car park and the entrance
  - iv) Smaller directional signage at the south east corner of the Centre
  - v) Illuminated signage at “View” restaurant
15. The total cost of this signage is approximately \$115,000.
16. In March 2014, the manager of the AEC wrote to the City requesting half the funding necessary to complete the illuminated signage. However, at this time, there had been no commitment by the State Government to own and operate the AEC beyond 30 June 2014. In addition, PTT had not committed to any allocation of funds. The AEC was advised by the Deputy CEO that no funding request would be put before Council until these issues were resolved.
17. The State Government has now committed to owning and operating the AEC until 30 June 2015 pending development, with the City, of a long term sustainable model. PTT has also recently advised that its Board has approved an allocation of \$38,000 being half the cost of the illuminated signage.
18. The illuminated signage includes:
  - a) Albany Entertainment Centre- Installation of 'Albany Entertainment Centre' in 900mm high internally LED illuminated acrylic letters on the North (City) and South (Marina) side of the building.
  - b) VIEW Restaurant- Installation of 'VIEW' in internally LED illuminated acrylic letters and 'FOOD WINE COFFEE' in non-illuminated acrylic letters on the western corner (facing the Anzac Peace Park) of the building.
19. The cost associated with the above work is \$76,358, which includes manufacture, installation, building and electrical work. Electrical and building work is to be undertaken by local contractors.
20. To date, the State Government has looked favourably on the City’s continued contribution to the operating costs of the AEC and its previous capital commitment of \$42,174, which funded half the cost of installation of a glass partition between the function area and the main Entertainment area. This has reportedly had a positive effect on function revenues. This has assisted in negotiations with regard to continued support from the State Government.

#### **GOVERNMENT CONSULTATION**

21. Consultation has occurred with Perth Theatre Trust which has committed to funding half the cost of signage.

#### **PUBLIC CONSULTATION / ENGAGEMENT**

22. Nil

### STATUTORY IMPLICATIONS

23. Expenditure from reserves requires Council approval in accordance with the Local Government Act 1995.

### POLICY IMPLICATIONS

24. There are no Policy implications in relation to the proposed fees and charges structure.

### RISK IDENTIFICATION & MITIGATION

25. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The Albany Entertainment Centre will not be identified in media during Anzac commemorations.</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>Install appropriate signage.</i>
<i>Lack of signage impacts negatively on revenues for restaurant.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Install signage to try and increase visitation and turnover of restaurant.</i>

### FINANCIAL IMPLICATIONS

26. The required funding \$38,179 will be taken from the Albany Entertainment Centre Reserve, which as at 30 June 2015 is currently projected to have a balance of \$362,253.

### LEGAL IMPLICATIONS

27. Nil

### ALTERNATE OPTIONS

28. That Council does not approve the expenditure from the reserve.
29. That Council approves a lesser amount from the reserve, which will allow for only part of the signage work to be completed.

### SUMMARY CONCLUSION

30. AEG Ogden and PTT have requested that the City commit to funding half the cost of illuminated signage at the Albany Entertainment Centre. PTT has committed to funding half the cost. The total commitment requested from the City is \$38,179.

<b>Consulted References</b>	Memorandum of Understanding Albany entertainment Centre Signage 12 April 2012 – External Wayfinding
<b>File Number (Name of Ward)</b>	CS.AGR.4 / CP.MAI.32
<b>Previous Reference</b>	Nil

**CONFIDENTIAL REPORT**

**CSF103: ALBANY ENTERTAINMENT CENTRE – MANAGEMENT AND OWNERSHIP**

**Responsible Officer(s):** : Executive Director Corporate Services Garry Adams

**Responsible Officer's Signature:**



**CONFIDENTIAL REPORT**

*Item covered under Confidential Cover, in accordance with s5.23 (2) (c) and (e, iii) of the Local Government Act 1995, being:*

- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person, - where the trade secret of information is held by, or is about, a person other than the local government.*

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 4. A Sense of Community
  - b. **Strategic Objective:** 4.1 To build resilient and cohesive communities with a strong sense of community spirit.
  - c. **Strategic Initiative:** 4.1.1 Cultural Development.

**CSF103: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**Moved: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT Council NOTE the report on the current status of Albany Entertainment Centre, and ENDORSE the proposed operating model to be submitted to the State Government.**

**CARRIED 10-0**

**CSF104: NOMINATION TO COUNCIL COMMITTEE – COUNCILLOR HOLLINGWORTH**

**Proponent** : City of Albany  
**Responsible Officer(s)** : Chief Executive Officer (G. Foster)

**STRATEGIC IMPLICATIONS**

This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:

- a. **Key Theme:** 5. Civic Leadership.
- b. **Strategic Objectives:**
  - 5.1. To establish and maintain sound business and governance structures.
  - 5.3. To engage effectively with our community.
- c. **Strategic Initiative:** Nil

**In Brief:**

- Councillor Hollingworth has nominated to be a member of Council Committees.
- Appoint Councillor Hollingworth accordingly.

**RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HORTIN**

**SECONDED: COUNCILLOR GOODE**

**THAT Council in accordance with clause 3.5 of the Standing Orders Local Law 2014 accept this report as business of an urgent nature.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**Reason:** The City of Albany received Councillor Hollingworth's nomination request on 17 July 2014, post distribution of the agenda.

**CSF104: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR GOODE**

**SECONDED: COUNCILLOR SUTTON**

**THAT Council:**

**(1) APPOINT Councillor Hollingworth to the following Council Committees:**

- (a) **Audit & Risk Committee; and**
- (b) **Works & Services Committee; and**
- (c) **Community Services Committee**

**(2) NOTE that Councillor Hollingworth attends the Corporate Services & Finance Committee and Planning and Development Services Committee as a member in accordance with Council adopted Committee's Terms of Reference of the Committee, which extends membership to all elected members.**

**CARRIED 11-0  
ABSOLUTE MAJORITY**



**Officer Comment: (Chief Executive Officer):** Support the urgent business, to ensure Councillor Hollingworth has voting rights and can be fully involved in the Committee system. Current member status:

- **Audit & Risk Committee membership:** Chair: Mayor Wellington, Councillor Hammond, Councillor Stocks, Councillor Sutton and Councillor Calleja.
- **Corporate Services & Finance Committee membership:** Chair: Deputy Mayor, Councillor Stocks; and Mayor Wellington & All Councillors.
- **Works & Services Committee membership:** Chair: Councillor Hortin, JP; Mayor Wellington, Councillor Dowling, Councillor Gregson, and Councillor Bowles.
- **Planning & Development Committee membership:** Chair: Councillor Calleja, JP; Deputy Chair: Mayor Wellington; Councillor Bowles; Councillor Hortin, JP; Councillor Williams, Councillor Sutton, Councillor Goode, JP; Councillor Hammond; and Councillor Gregson.

**WS045: C14015 PANEL OF SUPPLIERS – CONSTRUCTION PLANT AND EQUIPMENT**

**Proponent** : City of Albany  
**Owner** : City of Albany  
**Responsible Officer(s):** : Executive Director Works and Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean, Green & Sustainable
  - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset Management

**IN BRIEF:**

- Tender to appoint preferred contractors to “wet” hire construction plant and equipment;
- For each item the highest weighted tenderer will be the default contractor with subsequent tenderers (in order) approached when default contractor not available.

**RECOMMENDATION**

**WS045: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GREGSON**  
**SECONDED: COUNCILLOR HORTIN**

**THAT Council ACCEPT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, Contract C14015 from the following Suppliers:**

- Tricoast Civil
- Albany Industrial Services
- Frank's Loader Service
- Albany Bobcat Services
- AD Contractors
- NJ Healy & Sons
- Bill Gibbs Excavations
- Palmer Earthmoving Pty Ltd
- Great Southern Sands
- Grocott Transport

**CARRIED 11-0**

WS045: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

WS045: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Construction Plant & Equipment, Contract C14015 from the following Suppliers:

- Tricoast Civil
- Albany Industrial Services
- Frank's Loader Service
- Albany Bobcat Services
- AD Contractors
- NJ Healy Sons
- Bill Gibbs Excavations
- Palmer Earthmoving Pty Ltd
- Great Southern Sands
- Grocott Transport

**BACKGROUND**

2. The City of Albany is seeking to establish a “Panel of Suppliers” for the supply of construction plant and equipment to augment the City of Albany’s current machinery base during peak construction and maintenance periods.
3. This Panel of Suppliers shall consist of Contractors prepared to “wet” hire construction plant and equipment to the City of Albany. The term “wet” hire refers to the hire of equipment with an operator - all daily operational and maintenance costs are the contractor’s responsibility.
4. This Panel shall be Council’s preferred suppliers and requests for hire of equipment and operators shall be directed to members of this Panel before all others.

**DISCUSSION**

5. A total of 27 tender documents were issued.
6. Tenders were asked to provide hire rates for items of plant, with an operator supplied. These preferred suppliers will be used on an ‘as and when’ required basis with no guarantee of the amount of work required by the City of Albany
7. 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 are tabled below:

Criteria	% Weight
Cost	60
Technical Compliance & Experience	10
Age of Equipment	5
Mechanical Condition of Equipment	5
Reliability of Contractor & Resources	20
<b>Total</b>	<b>100</b>

8. Tenderers were required to submit rates per hour for normal working hours and rates per hour outside of normal working hours, as well as an hourly standby rate and mobilisation/demobilisation rates up to 10 kilometres one way distance and mobilisation/demobilisation rates per kilometre over and above the initial 10 kilometre distance.
9. Ten completed tender documents were submitted on or before the stipulated closing date and time. The following table summarises the tenderers and overall evaluation scores applicable to each category of plant. The hourly rates for the hire, stand by and mobilisation have not been included in the table as these are “commercial in confidence”, and will not be made publically available.

**Small Excavator (CCF Class 2/3T)**

Tenderer	Equipment	Weighted Score
Great Southern Sands	2008 Komatsu PC 30-2	665.75
Tricoast Civil	Komatsu PC30-7 Mini Excavator (1995) + 2 buckets	599.69
Bill Gibbs	Hyundai RC3.5z (2009) Tilt bucket & Grab	578.31
AD Contractors	Cat 3-1.8 Rubber Tracked	531.52
NJ Healy & Sons	Cat 03c (2009) 3T 20.2kw 27.1hp 3420kg	251.39

**Medium Excavator (CCF Class 15T)**

Tenderer	Equipment	Weighted Score
Great Southern Sands	Volvo ECR88 (2005)	680.56
Tricoast Civil	Komatsu PC 120-6 Excavator (1998) + 2 buckets	535.56
Palmer Earthmoving Pty Ltd	Komatsu PC 138US-8 (2014) + attachments including rock breaker & tree grab 96hp	557.88
NJ Healy & Sons	Komatsu PC60-7 (1996) 7T 40.5kw 54hp 6860kg	306.00

**Medium Excavator (CCF Class 20)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Hitachi ZX230 135kw (2003) or Komatsu PC220 130kw (1995)	767.22
Great Southern Sands	Volvo EC 210C (2007)	675.33
AD Contractors	Cat 320	622.07
Bills Gibbs	Kodelcosl 10 LC (2014) & tilt bucket	568.82
Palmer Earthmoving Pty Ltd	Komatsu PC210-8 148hp	567.29
Tricoast Civil	Cat 320DL Phase 2, hydraulic excavator(2007) + 2 buckets inc tilt)	518.96
AD Contractors	Cat 325	542.34
NJ Healy & Sons	Cat 330CCL (2005) 184kw 247hp 35100kg	126.31

**Dozer (CCF Class 25)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Komatsu D85 (2000) 180kw	772.82
Great Southern Sands	Volvo EC 240B (2006)	692.58
NJ Healy & Sons	Komatsu D65-6 175hp 23T	262.98
AD Contractors	Cat D6D	394.96

**Dozer (CCF Class 30)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Great Southern Sands	Cat D7R (2005)	651.31
AD Contractors	Cat D7H	559.46
Palmer Earthmoving Pty Ltd	Cat D8R (2005) 310hp	520.89

**Dozer (CCF Class 40)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
AD Contractors	Cat D8N	667.75
Great Southern Sands	Komatsu 275 (2002)	606.49
Palmer Earthmoving Pty Ltd	Cat 9R (2005) 410hp	532.67
Palmer Earthmoving Pty Ltd	Cat D9T (2006) 410hp	511.43

**Wheel Loader (CCF Class 3.5 cubic metre bucket capacity)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Komatsu WA (1999) 180 90kw	809.65
Great Southern Sands	Cat 930 H (2012)	615.86
Frank's Loader	Cat 920	626.43
AD Contractors	Cat 924	614.92
Frank's Loaders	Luigong 835 160hp	582.46
Palmer Earthmoving Pty Ltd	Komatsu WA (2012) WA320-6PZ 170hp	580.86
Tricoast Civil	Cat 950G series II (2007) loader with 3.0GP bucket	512.89
Bill Gibbs	Hyundai 760-7 (2009)	495.15
Frank's Loaders	Luigong 856 280hp	490.12
NJ Healy & Sons	Cat 950G11 (2005) 183hp	189.99

**Backhoe Loader (CCF Class 5 digging depth)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	JCB 3CX (1997) 65kw	746.99
AD Contractors	Cat 432	534.86
Tricoast Civil	Cat 432E (2012)	438.15

**Grader (CCF Class 15T)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Cat 12G (1990) 120kw or Cat 130G (1982) 120kw	773.11
Great Southern Sands	Cat 12H (1997)	648.29
AD Contractors	Cat 12H	637.82
Great Southern Sands	Cat 12M (2008)	585.94
Tricoast Civil	John Deere 570B (1987) 10ft moldboard	556.11
NJ Healy & Sons	Cat 120H (1998) 93.2kw 125hp	319.14
Bill Gibbs	Cat 143H (2003) 230hp	461.40
Tricoast Civil	Cat 140H (2001) 14ft moldboard	457.96
Palmer Earthmoving Pty Ltd	Cat 12M (2008) 173hp	468.56

**Vibrating Roller (CCF Class 12.5T)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Ingersoll Rand (1997) 98kw or Hamm HD 12 (2003) 98kw	752.14
Great Southern Sands	Bomag BW 211-4 (2006)	672.33
Bill Gibbs	Cat CS 563E (2006) 13T	576.57
AD Contractors	Cat 563C & 563D	556.73
Tricoast Civil	Bomag BW214DH4 (2005) 14T	486.97
Palmer Earthmoving Pty Ltd	Cat CS56 (2008) 158hp	512.61
NJ Healy & Sons	Bomag BW211D-4 (2007) 98kw 12T	245.98

**Multi Tyre Roller**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Dynapac CP132 98kw	681.35
Great Southern Sands	Multipac VP200 (1989)	629.51
Tricoast Civil	Multipac VP2000 (1994)	528.05
Palmer Earthmoving Pty Ltd	Multipac VP2400	442.75

**Padfoot Roller (CCF Class 12.5T)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Great Southern Sands	Cat 563 (2007)	703.87
Palmer Earthmoving Pty Ltd	Dynapac CA252 (2006) 125hp	604.55
AD Contractors	Cat 563E	597.37
Tricoast Civil	Bomag BW214DH4-14T (2012)	529.53
NJ Healy & Sons	STA Multi w (1997) 2000pd 20T	229.69

**Skid Steer (CCF Class 600/Operating Load)**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Cat 226B 50kw (2005) or Ingersoll Ran 50kw (2000)	765.11
Bill Gibbs	Pozi Track PT60 (2010) 60hp	567.95
Albany Bobcat	Toyota 45DK8 (2005) 41kw	599.99
Palmer Earthmoving Pty Ltd	Cat 257B3 (2012) 71hp	593.48
Frank's Loader	S130 Bobcat 50hp	553.92
AD Contractors	Cat 247B	534.11
Tricoast Civil	Terex PT-50 (2011) or Cat 226B(2005) or Clark S205 (2005)	491.59
NJ Healy & Sons	Cat 246B (2005) 81.8hp 61kw 3239kg	300.52

**Low Loader**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	Trailer (1989)	748.45
AD Contractors	Nissan 6W 445 CW470	676.37
Bill Gibbs	Iveco Power Star (2007) 550hp Tri Axle Float up to 31T	511.54
Tricoast Civil	Iveco MP4300 Primemover (2005) 430hp, tri-axle	498.23
Palmer Earthmoving Pty Ltd	Scania Prime Mover with drake 470hp (2010)	506.02
NJ Healy & Sons	Quad Float Spread Deck (2007)	302.73

**Truck – Semi Tipper**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	4 x Nissan UD	752.20
AD Contractors	Nissan CW445	639.86
Grocott Transport	Volvo F416-1996 & Howard Porter End Tipper Trailer	565.87
Great Southern Sands	Nissan UD 445 (2006)	585.85
Palmer Earthmoving Pty Ltd	Volvo FM12 (2006) 420hp or Scania (2007) 470hp	610.10
Tricoast Civil	Iveco MP4300 Prime Mover (2005) 430hp bogie-axle	498.81
NJ Healy & Sons	Mercedes Benz 2650 (1996) x 2 120 rating 500hp	286.06
Bill Gibbs	Iveco Power Star (2007) & walking floor trailer side discharge	379.58

**Truck - Tandem**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	4 x Nissan UD	762.03
Frank's Loader	Mercedes 6 wheel 260hp	615.39
Great Southern Sands	Nissan UD 385 (2006)	543.91
Tricoast Civil	Isuzu FVZ1400 (1999) 275hp & Mack Metroliner (2001) 350hp	512.11
AD Contractors	6 Wheeler Nissan CW385	544.68
Palmer Earthmoving Pty Ltd	Nissan UD (2006) 385hp	542.85
NJ Healy & Sons	Mercedes Benz 2435 (1994) 350hp	305.70



**Water Truck**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Albany Industrial Services	International 300hp (1982) 12,000L	747.92
Great Southern Sands	Isuzu (2012)	604.71
Tricoast Civil	Mack Metroliner (2001) 350hp 11,000L sprays & dribble bar	574.57
AD Contractors	Nissan or Stirling	602.75
NJ Healy & Sons	Volvo F10 (1983) 5000L	373.07
Palmer Earthmoving Pty Ltd	Hino (2012) - 12,000L 270hp 3 sprayers, dribble bar and hose reel	524.66
Bill Gibbs	Iveco MP2300 & 26,000L tank	375.64

**Stone Crusher**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Bill Gibbs	AHWI FM600 Stone crusher fitted to McCormick ZTX 260 FWA Tractor	548.33

**Mulcher**

<b>Tenderer</b>	<b>Equipment</b>	<b>Weighted Score</b>
Bill Gibbs	Kobeko SK235 SR fitted with mulching head	869.05
Bill Gibbs	RT400 Tracked Mulcher (2000) RT400 & uzm 700	227.62

10. Should there be a requirement for other equipment not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.
11. In practice it is often the case that equipment ordered from a recommended successful supplier is often not available due to it being allocated to another contractor or is working on another site. It is then standard practice to approach another supplier who has the same or equivalent equipment to supply the equipment, even though this second supplier is not the highest weighted tenderer. It would therefore be recommended that more than one tenderer be approved per item of equipment in order to satisfy the operational requirements of the Works Department.
12. In these cases, the highest weighted tenderer would be the default contractor, with subsequent contractors being approached only if the required equipment is not available from the highest tenderer when required

**GOVERNMENT & PUBLIC CONSULTATION**

13. A request for tenders was published in the West Australian on 30<sup>th</sup> April 2014 and the Albany Weekender on 1<sup>st</sup> May 2014.

### **STATUTORY IMPLICATIONS**

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.00.
15. Regulation 18 of the Regulations 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 to accept any tender.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

### **POLICY IMPLICATIONS**

17. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

### **RISK IDENTIFICATION & MITIGATION**

18. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Non compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services.</i>

### **FINANCIAL IMPLICATIONS**

19. The value of this tender is in excess of \$250,000.00 and therefore the approval is referred to Council for consideration.
20. Tenderers were required to provide a schedule of rates for their services, including a standby rate and mobilisation / demobilisation rates. The supply of hire of construction equipment is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

### **LEGAL IMPLICATIONS**

21. Nil

### **ENVIRONMENTAL CONSIDERATIONS**

22. Nil

### **ALTERNATE OPTIONS**

23. Council can accept or reject the tenders as submitted.

**SUMMARY CONCLUSION**

24. The City has undergone a competitive process in line with the relevant legislation and established policies. All the contractors that submitted tenders have provided construction plant and equipment to Council previously. To date, the quality of service has been acceptable to Council.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C14015
<b>Previous Reference</b>	:	Nil

**WS047: C14009 PANEL OF SUPPLIERS – DRAINAGE MAINTENANCE/INSTALLATION WORKS**

**Proponent** : City of Albany  
**Owner** : City of Albany  
**Responsible Officer(s):** : Executive Director Works and Services (M Thomson)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
  - a. **Key Theme:** 2. Clean, Green & Sustainable
  - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
  - c. **Strategic Initiative:** 2.2.1. Asset Management

**IN BRIEF:**

- This Tender is for the provision of engaging drainage installation teams, on an hourly rate, to undertake various drainage construction works, up to the value of \$10,000 (for any single project).
- Work will be allocated according to availability, background (previous) knowledge of the matter, type of work, size of project and capacity of provider, particular expertise required recent experience, any unique requirements and possible conflicts of interest.

**RECOMMENDATION**

**WS047: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOWLING**  
**SECONDED: COUNCILLOR GREGSON**

**THAT Council ACCEPT the tendered rates for Panel of Suppliers – Drainage Maintenance/Installation, Contract C14009 from the following Suppliers:**

- Tricoast Civil
- Albany Industrial Services
- AD Contractors
- Great Southern Sands
- River Hill Contracting

**CARRIED 11-0**

**WS047: COMMITTEE RECOMMENDATION**

MOVED: COUNCILLOR GREGSON  
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 4-0

**WS047: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ACCEPT the tendered rates for Panel of Suppliers – Drainage Maintenance/Installation, Contract C14009 from the following Suppliers:

- Tricoast Civil
- Albany Industrial Services
- AD Contractors
- Great Southern Sands
- River Hill Contracting

**BACKGROUND**

1. The City of Albany is seeking to establish a “Panel of Suppliers” for drainage maintenance/installation works to augment the City of Albany’s existing maintenance construction teams during peak construction and maintenance periods.
2. Due to the nature of drainage requirements, the City is unable to give any assurance or guarantee of the volume and/or value of services that may be requested from any Panellist. The City reserves the right for drainage installations to be carried out in-house, or, if it is of a specialised/ongoing nature, non-Panel members may be engaged.
3. Drainage works may include, but not be limited to:
  - Excavation of trenches, shoring and appurtenant work;
  - Potholing;
  - Installation of reinforced concrete drainage products;
  - Installation of sub-soil infiltration drainage systems;
  - Installation of PVC storm water products;
  - Installation of cast in-situ concrete structures; and
  - Backfill, compaction and reinstatement of affected area to City of Albany specifications.
4. This Panel shall be Council’s preferred suppliers and requests for drainage maintenance/installation works shall be directed to members of this Panel before all others.

**DISCUSSION**

5. A total of 17 tender documents were issued.
6. Tenders were asked to provide hire rates for items of plant, drainage operator and drainage labourer rates. These preferred suppliers will be used on an ‘as and when’ required basis with no guarantee of the amount of work required by the City of Albany

7. 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 are tabled below:

<b>Criteria</b>	<b>% Weight</b>
Cost	30
Relevant Experience	25
Key Personnel Skills and Experience	10
Tenderer's Resources	10
Demonstrated Understanding	10
Safety and Implementation Plan including Chain of Responsibility	15
<b>Total</b>	<b>100</b>

8. Tenderers were required to submit rates as cost per kilometre for mobilisation and demobilisation and cost per hour for plant and operator labour rates.
9. Five completed tender documents were submitted on or before the stipulated closing date and time. The following table summarises the tenderers and overall evaluation scores applicable to the submissions.

<b>Tenderer</b>	<b>Total Evaluation Score</b>
Albany Industrial Services	620.18
AD Contractors	555.06
Tricoast Civil	550.18
Great Southern Sands	535.81
River Hill Contracting	526.28

10. Should there be a requirement for other equipment and/or services not on the preferred supplier listing, then the normal procedure for quoting out for these services will apply.
11. In practice it is often the case that equipment and/or services ordered from a recommended successful supplier is often not available due to it being allocated to another contractor or is working on another site. It is then standard practice to approach another supplier who has the same or equivalent equipment to supply the equipment and/or service, even though this second supplier is not the highest weighted tenderer. It would therefore be recommended that more than one tenderer be approved per item of equipment in order to satisfy the operational requirements of the Works Department.
12. In these cases, the highest weighted tenderer would be the default contractor, with subsequent contractors being approached only if the required equipment is not available from the highest tenderer when required

#### **GOVERNMENT & PUBLIC CONSULTATION**

13. A request for tenders was published in the West Australian on 14<sup>th</sup> May 2014 and the Albany Weekender on 15<sup>th</sup> May 2014.

#### **STATUTORY IMPLICATIONS**

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.00.

15. Regulation 18 of the Regulations 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 to accept any tender.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

**POLICY IMPLICATIONS**

17. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

**RISK IDENTIFICATION & MITIGATION**

18. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Non compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services.</i>

**FINANCIAL IMPLICATIONS**

19. The value of this tender is in excess of \$250,000.00 and therefore the approval is referred to Council for consideration.
20. Tenderers were required to provide a schedule of rates for their services, including mobilisation / demobilisation rates. Drainage maintenance/installation works are budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

**LEGAL IMPLICATIONS**

21. Nil

**ENVIRONMENTAL CONSIDERATIONS**

22. Nil

**ALTERNATE OPTIONS**

23. Council can accept or reject the tenders as submitted.

**SUMMARY CONCLUSION**

23. The City has undergone a competitive process in line with the relevant legislation and established policies. All the contractors that submitted tenders have provided construction plant and equipment to Council previously. To date, the quality of service has been acceptable to Council.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C14015
<b>Previous Reference</b>	:	Nil

**PD040: PROPOSED PERMANENT CLOSURE OF PORTIONS OF NORTH ROAD, TASSEL STREET & BLUFF STREET, SPENCER PARK AND AMALGAMATION WITH RESERVE 5155**

**Land Description** : Portions of North Road, Tassel Street & Bluff Street, Spencer Park.  
**Proponent** : City of Albany  
**Owner** : State of WA  
**Attachments** : North Rd - Tassel St.pdf  
Advertiser notice\_15\_04\_2014.pdf  
**Responsible Officer(s)** : Executive Director Planning & Development Services (D Putland)

**Responsible Officers Signature:**



**In Brief:**

- Council is requested to resolve to close portions of North Road, Tassel Street and Bluff Street so that the land can be amalgamated with Crown Reserve 5155 to reflect the current land use.

**RECOMMENDATION**

**PD040: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR CALLEJA**

**THAT Council RESOLVES to progress the closing portions of the following roads:**

1. North Road;
2. Tassell Street; and
3. Bluff Street Road Reserves

**CARRIED 11-0**

**PD040: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON'**  
**SECONDED: COUNCILLOR HORTIN**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 6-0**



PD040: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESOLVES to progress the closing portions of the following roads:

1. North Road;
2. Tassell Street; and
3. Bluff Street Road Reserves

**STRATEGIC IMPLICATIONS**

1. There are no strategic implications related to this item.

**BACKGROUND**

2. Council resolved at its Ordinary Council Meeting on 25 March, to initiate the process of closing portions of North Road, Tassell Street and Bluff Street so that these could be amalgamated into Reserve 5155.
3. Consultation with the public and service agencies was conducted through an advertisement in the 15 April edition of the Albany Advertiser and letters to public utility service providers.
4. The public consultation period closed on 23 May with two submissions being received by ATCO Gas and Western Power, both of which had no objections to the proposal.

**DISCUSSION**

5. Under Section 58 of the *Land Administration Act 1997*, the City now seeks Council resolution to progress with closing of portions of the affected roads so that the City may forward this request to the Minister for Lands.

**GOVERNMENT & PUBLIC CONSULTATION**

6. Section 58 of the *Land Administration Act 1997* sets out the procedure for permanently closing roads. It is a requirement of the Act that the proposed road closure be advertised in a local newspaper for a period not less than 35 days. An advertisement was published in the 15 April edition of the Albany Advertiser. Notification letters were sent to relevant public utility service providers on 23 April.

**STATUTORY IMPLICATIONS**

7. Section 58 of the *Land Administration Act 1997* allows a local government to request the Minister for Lands to close a road.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Affected portions of North Road, Tassel Street and Bluff Street remain as road reserves</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>To amend land tenure to adequately reflect the current usage of reserve.</i>

### FINANCIAL IMPLICATIONS

9. A Deposited Plan will need to be drawn up however these costs will be accommodated in the 2014/2015 budget allocation for land acquisition.

### LEGAL IMPLICATIONS

10. There are no legal implications related to this item.

### ENVIRONMENTAL CONSIDERATIONS

11. There are no environmental considerations related to this item.

### ALTERNATE OPTIONS

12. Council can:
- a. Decline the request to close portions of the North Road, Tassell Street and Bluff Street road reserves, Spencer Park and the land will remain as road reserve, as it has done for many years
  - b. Support the request to close portions of these roads so that this land can be amalgamated with the adjoining Reserve 2044, thereby legitimising the current land use.

### SUMMARY CONCLUSION

13. The proposed closure of portions of the North Road, Tassell Street and Bluff Street road reserves and amalgamation with the adjoining Reserve 5155 will reflect the current use of the land. It is considered necessary that appropriate land tenure be put in place to facilitate possible future upgrading works to Baramup Reserve. Council's resolution to enact the road closure process and seek amendments to Reserve 5155 is sought to meet the requirements of the *Land Administration Act 1997*.

<b>Consulted References</b>	:	<i>Land Administration Act 1997</i>
<b>File Number (Name of Ward)</b>	:	RD.RDC.2 (Breaksea Ward)
<b>Previous Reference</b>	:	OCM 25/03/14 - Item PD027

**PD041: TAVERN – ADDITIONS AND ALTERATIONS-WHITE STAR  
HOTEL, 72-80 STIRLING TERRACE, ALBANY**

<b>Land Description</b>	: 72-80 Stirling Terrace (Lot 43) Albany.
<b>Proponent</b>	: Keiron Benson – Benson Design
<b>Owner</b>	: Albusidus Pty Ltd (D Wee)
<b>Business Entity Name</b>	: White Star Hotel
<b>Attachments</b>	: Site Plan, Floor Plans and Elevations Covering Letter/s Schedule of Submissions Draft Noise Management Plan
<b>Councillor Workstation</b>	: 3D Perspectives
<b>Responsible Officer(s)</b>	: Executive Director Planning and Development Services (D Putland)

**Responsible Officer's Signature:**



**In Brief:**

- Council is asked to consider an application for Planning Scheme Consent for additions and alterations to the existing White Star Hotel located at 72-80 Stirling Terrace.
- The application has been advertised for public comment and referred to surrounding residents.
- Letters of objection have been received from the Police, nearby residents and business operators, primarily relating to noise emanating from the premises and increase patron numbers.
- In response to the objections, a redesign was undertaken by the proponent which included enclosing the new band and stage area.
- Staff recommend that a condition be applied, restricting the total number of patrons on site to 500 at any one time.
- Under Council Guideline 'Planning Applications', the use Hotel is classified as "3C", whereby the application is required to be determined by Council.
- Staff recommend that Council approve the proposed development subject to conditions (including a Noise Management Plan), which are considered to mitigate the concerns that were received, following the advertising periods.

***Councillor Gregson moved the following amendment which was seconded by Councillor Goode. Debate commenced.***

***During debate, the Mayor stopped debate and informed Council that they could not address the amendment until the Committee Recommendation had been put.***

***Note: During debate on the substantive motion, Councillor Gregson did not exercise his right to bring forward his amendment, and therefore not put to the vote.***

**RECOMMENDATION**

PD041: MOTION BY COUNCILLOR GREGSON  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON  
SECONDED: COUNCILLOR GOODE

THAT the Committee Recommendation be AMENDED to include the following conditions:

- x) At least one month in advance of hosting any event that is likely to attract more than 500 patrons, the operator shall inform the City of Albany and the Albany District Police of the said event.
- y) The appropriate level of patron control/security staff shall be available at a rate of at least one per 150 patrons at all times. Patron control shall extend at least 50 metres beyond the boundary of premises along Stirling Terrace and Frederick Street with dedicated staff available in these areas around closing time and during large events where 500 or more patrons will be in attendance.
- z) Only non alcoholic drinks shall be served during the 30 minute period preceding the venue being closed and patrons being requested to leave.

THIS MOTION WAS NOT PUT TO THE VOTE

PD041: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR WILLIAMS

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Tavern Additions and Alterations at 72-80 Stirling Terrace, Albany. Subject to the following conditions:

- a) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
- b) A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.
- c) Suitable arrangements are to be made with, and to the satisfaction of the City of Albany, for the relaxation of 18 car parking bays either by a cash-in-lieu contribution or entering into a joint use parking arrangement.
- d) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
- e) Any existing crossovers that do not form part of the development hereby approved shall be closed and the kerb, footpath and the verge reinstated to the satisfaction of the City of Albany.
- f) Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the City of Albany.
- g) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- h) Prior to construction of the development a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval by the City of Albany.
- i) An Acoustic Consultant shall be engaged in the sound proofing design aspect, and provide appropriate sound attenuation measures and details in

writing and to the satisfaction of the City of Albany.

- j) Prior to construction of the development hereby approved; the developer shall prepare and submit for approval a Noise Management Plan for the premises to the satisfaction of the City of Albany. The Noise Management Plan shall detail practices and controls to ensure the level of noise emanating from the premises will not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- k) The premises shall be operated in accordance with the approved Noise Management Plan to the satisfaction of the City of Albany.
- l) Prior to occupancy of the development hereby approved; the developer shall prepare and submit for approval an Operational Management Plan, that must include details on managing patrons entering and exiting the premises
- m) The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- n) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
- o) Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.
- p) All landscaped areas shall be maintained in good condition to the satisfaction of the City of Albany.
- q) The premises shall be connected to the Water Corporation's sewerage and reticulated water schemes.
- r) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- s) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- t) New building services equipment and associated conduits to the original section of the hotel shall be carried out in a matter that minimises the negative impacts to the place.
- u) Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
- v) A maximum of 1000 patrons shall be within the premises licensed area, unless otherwise agreed in writing by the City of Albany.
- w) Prior to the relocation/demolition of the existing motel units, a demolition permit shall be obtained from the City of Albany.

**CARRIED 8-3**

**Record of Vote**

Against the Motion: Councillors Goode, Gregson and Hammond

PD041: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: MAYOR WELLINGTON

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Tavern Additions and Alterations at 72-80 Stirling Terrace, Albany. Subject to the following conditions:

- a) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
- b) A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.
- c) Suitable arrangements are to be made with, and to the satisfaction of the City of Albany, for the relaxation of 18 car parking bays either by a cash-in-lieu contribution or entering into a joint use parking arrangement.
- d) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
- e) Any existing crossovers that do not form part of the development hereby approved shall be closed and the kerb, footpath and the verge reinstated to the satisfaction of the City of Albany.
- f) Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the City of Albany.
- g) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- h) Prior to construction of the development a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval by the City of Albany.
- i) An Acoustic Consultant shall be engaged in the sound proofing design aspect, and provide appropriate sound attenuation measures and details in writing and to the satisfaction of the City of Albany.
- j) Prior to construction of the development hereby approved; the developer shall prepare and submit for approval a Noise Management Plan for the premises to the satisfaction of the City of Albany. The Noise Management Plan shall detail practices and controls to ensure the level of noise emanating from the premises will not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- k) The premises shall be operated in accordance with the approved Noise Management Plan to the satisfaction of the City of Albany.
- l) Prior to occupancy of the development hereby approved; the developer shall prepare and submit for approval an Operational Management Plan, that must include details on managing patrons entering and exiting the premises
- m) The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- n) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
- o) Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.
- p) All landscaped areas shall be maintained in good condition to the satisfaction of the City of Albany.
- q) The premises shall be connected to the Water Corporation's sewerage and reticulated water schemes.
- r) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or

dust.

- s) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- t) New building services equipment and associated conduits to the original section of the hotel shall be carried out in a manner that minimises the negative impacts to the place.
- u) Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
- v) A maximum of ~~500~~ 1000 patrons shall be within the premises licensed area, unless otherwise agreed in writing by the City of Albany.
- w) Prior to the relocation/demolition of the existing motel units, a demolition permit shall be obtained from the City of Albany.

CARRIED 6-0

PD041: AMENDMENT BY COUNCILLOR WILLIAMS

MOVED: COUNCILLOR WILLIAMS  
SECONDED: COUNCILLOR BOWLES

THAT the following amendment be made to the Responsible Officer Recommendation:

- v) A maximum of ~~500~~ 1000 patrons shall be within the premises licensed area, unless otherwise agreed in writing by the City of Albany.

CARRIED 6-0

ITEM PD041: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Tavern Additions and Alterations at 72-80 Stirling Terrace, Albany. Subject to the following conditions:

- a) The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.
- b) A vehicular parking and access plan shall be submitted for approval, implemented and constructed to the satisfaction of the City of Albany.
- c) Suitable arrangements are to be made with, and to the satisfaction of the City of Albany, for the relaxation of 18 car parking bays either by a cash-in-lieu contribution or entering into a joint use parking arrangement.
- d) The new crossover(s) shall be constructed to the specifications, levels and satisfaction of the City of Albany.
- e) Any existing crossovers that do not form part of the development hereby approved shall be closed and the kerb, footpath and the verge reinstated to the satisfaction of the City of Albany.
- f) Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the City of Albany.
- g) A landscaping plan detailing the size, species and location of trees/shrubs shall be submitted for approval in writing and implemented to the satisfaction of the City of Albany.
- h) Prior to construction of the development a schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval by the City of Albany.
- i) An Acoustic Consultant shall be engaged in the sound proofing design aspect, and provide appropriate sound attenuation measures and details in writing and to the satisfaction of the City of Albany.
- j) Prior to construction of the development hereby approved; the developer shall prepare and submit for approval a Noise Management Plan for the premises to the satisfaction of the City of Albany. The Noise Management Plan shall detail practices and controls to ensure the level of noise emanating from the premises will not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental

Protection (Noise) Regulations 1997.

- k) The premises shall be operated in accordance with the approved Noise Management Plan to the satisfaction of the City of Albany.
- l) Prior to occupancy of the development hereby approved; the developer shall prepare and submit for approval an Operational Management Plan, that must include details on managing patrons entering and exiting the premises
- m) The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
- n) No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
- o) Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.
- p) All landscaped areas shall be maintained in good condition to the satisfaction of the City of Albany.
- q) The premises shall be connected to the Water Corporation's sewerage and reticulated water schemes.
- r) The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
- s) The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
- t) New building services equipment and associated conduits to the original section of the hotel shall be carried out in a manner that minimises the negative impacts to the place.
- u) Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
- v) A maximum of 500 1000 patrons shall be within the premises licensed area, unless otherwise agreed in writing by the City of Albany.
- w) Prior to the relocation/demolition of the existing motel units, a demolition permit shall be obtained from the City of Albany.

## STRATEGIC IMPLICATIONS

1. This item relates directly to the following element of the *Community Strategic Plan "Albany 2023"*:
  - a. **Key Theme:** 1. Smart, Prosperous & Growing  
**Strategic Objective:** 1.1 To foster education, training and employment opportunities that support economic development.  
**Strategic Objective:** 1.3 To develop and promote Albany as a unique and sought-after visitor destination.
  - b. **Key Theme:** 3. A Connected Built Environment  
**Strategic Objective:** 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
2. Council's decision on the proposal should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.

Section 6.3.3 – **Heritage** sets the following Planning Objective:

*"To protect and enhance Albany's heritage assets."*



The ALPS expands on this by referring to a number of regionally important heritage sites, then states that *“Albany’s heritage places add to the unique character of Albany and give residents and visitors a sense of community. It is important for heritage places to be retained and that future development next to or within areas with heritage places are complementary.”*

Section 5.2.1 – **Retail and Commerce** sets the following Planning Objective:

*“Facilitate and maintain Albany as a vibrant regional centre providing a wide range of retail and commercial facilities and activities to service regional, local and tourist populations with neighbourhood and local centres for convenience retailing.”*

## BACKGROUND

3. The application proposes additions and alterations to the existing White Star Hotel situated at 72-80 Stirling Terrace. The application involves a new band/stage area, new bar area, new courtyards and modifications to the existing internal layout of the building.
4. The site is 2211m<sup>2</sup> in area and is zoned ‘Regional Centre’ under City of Albany *Local Planning Scheme No. 1* ‘the Scheme’.
5. This lot forms part of the Stirling Terrace Precinct, which is listed on the State Heritage Register of Places. The White Star Hotel is also listed as a category ‘B’ place under the City of Albany’s Municipal Heritage Inventory.
6. The application was advertised to the public, Water Corporation, Great Southern District Police and State Heritage Office for comment. Nearby landowners to the site were notified and an advertisement was placed in a local newspaper. The initial advertising period was between 10 April, 2014 and 20 March, 2014. A total of seven public submissions were received, two were in support and five objected to the application (one of which was a group response on behalf of six business operators).
7. The matters raised in the submissions will be discussed in further detail below. In brief, noise was the main concern raised consistently throughout the submissions, particularly the perceived emissions from the outdoor band/stage area and beer garden.
8. In response to these concerns, the proponent undertook a redesign, which included enclosing the band and stage area, to help attenuate noise emissions.
9. The new design was re-advertised from 8 March, 2014 until 29 March, 2014. The shortfall in the onsite car parking requirements was also included in advertising. A total of nine public submissions were received in relation to the revised plans, one was in support and eight objected to the redesign (five of which, objected to the initial proposal). The Police also made notable comments on the application and the concerns raised are discussed in further detail below, under the Government and Public Consultation section of this report.
10. Council is now requested to consider the submissions received during the public advertising periods and determine whether to grant Planning Scheme Consent.

## DISCUSSION

11. The proponent has advised that the main objectives for the upgrades are;
  - a. To increase patron capacity in busy times such as peak tourism periods at which the venue is currently at capacity;
  - b. To increase dining space as the restaurant is regularly fully booked;
  - c. To provide a live music venue with sufficient capacity to attract high profile touring acts currently not able to be accommodated in Albany; and

- d. To contain external noise levels equivalent to or less than those currently being generated from the site.
12. The proponent has advised that live music is intended to continue on Thursday, Friday and Saturday nights as well as Sunday afternoons. Music will be performed between 9pm and 12am, with the exception of Sundays, which will be between 5pm and 9pm.
  13. The proposal involves additions of a bar area, band/stage area (with detached store and band room), split level courtyards, alfresco, toilets, both soft and hard landscaping, and modifications to the existing internal layout of the building.
  14. The proposed additions are located to the rear of the existing building. The new enclosed bar and stage area will have a 5 degree skillion roof that will marry into the existing first floor roof line. A separate skillion on the opposite angle has been proposed over the rear alfresco area. The detached store and band room is 8.4m x 4m with a flat roof.
  15. The internal modifications include relocating the dining area to the front of the building facing Stirling Terrace, a new lounge/bar area on first floor and creating additional patron space at the rear of the building (where the current restaurant seating is). As the lounge/bar area of the first floor is less than 200m<sup>2</sup> the applicant is not required to provide a lift under the Building Code of Australia.
  16. Landscaping areas are proposed adjacent to the crossover and Frederick Street boundary, and along the footpath inside the property boundaries. Scattered planter boxes have also been proposed in the rear courtyards to soften the visual impact of the building.
  17. There are currently a number of dilapidated units and structures to the rear of the hotel which are proposed to be demolished to facilitate the extensions.
  18. The existing parking area will also be resurfaced and resealed.
  19. Car parking was an issue raised in the submissions. *Table 5 – Car and Bicycle Parking Requirements of the Scheme* states that for a 'Tavern' one bay is required for every 2m<sup>2</sup> of public drinking area, plus an additional bay for every 4 seats of dining, as well as a further bay per 4m<sup>2</sup> of other public spaces. This would result in the proposal requiring in excess of three hundred (300) bays.
  20. The City's 'Albany Town Centre' Policy '*the Policy*' recognises the potential impact onerous car parking requirements may have on the redevelopment of existing buildings within the central area. The policy takes into account the availability of public car parking in the area, and therefore sets out a more realistic car parking calculation.
  21. *The Policy* states that for uses such as Hotels, Motels and Restaurants, one bay is required for every 35m<sup>2</sup> of gross floor area. This would result in the new extensions requiring sixteen (16) bays. The total number of bays required for both the existing and proposed areas would be thirty six (36). The applicant has proposed eighteen bays (18) (including one disabled bay on site), reducing this figure to a shortfall of eighteen (18) bays.
  22. *The Policy* provides several options in response to the on-site car parking shortfall. The two options that are relevant for this application are either joint use (shared) parking or for the applicant to provide a cash-in-lieu contribution.
  23. Cash-in-lieu allows the City to accept money for a shortfall in order to provide and/or upgrade parking bays in a nearby existing or proposed parking facility, including on-street parking where possible and appropriate. *The Policy* states;

*Council may accept a cash payment in-lieu of providing car parking on the subject site, provided:*

- (i) *The cash-in-lieu is calculated on the basis of 26sq.m per parking bay and includes 25% of the estimated cost of the land, plus the equivalent total cost of asphalt paving on a suitable base course, drainage, line marking, landscaping, and, where applicable, lighting; and*
- (ii) *The additional site coverage by buildings will not preclude the integration of access and car parking across lot boundaries.*
24. In 2011 the City dealt with an application at 31 Stirling Terrace for additions to the University of Western Australia campus. In this case, the applicant was required to pay a cash-in-lieu contribution of approximately \$6,700 per bay. On this basis, staff estimate that the cash-in-lieu payment for this application would equate to approximately \$120,600.
25. Although no alternative sites for public car parking can be identified in the vicinity of the proposed development; the money could be held until such time as maintenance on public car parking is required in the future.
26. Joint use parking allows two or more owners or users of land or by one owner or user in respect of separate buildings or uses to share parking. The proponent however needs to provide evidence that the peak hours of operation of the buildings or uses are different and do not substantially overlap (i.e. parking used for an office during the day and a restaurant at night). The shared arrangement would need to be a formal legal agreement, and placed on the relevant certificate of title/s.
27. Notwithstanding the car parking shortfall, the proposal complies with the requirements and principles set out under the *Albany Town Centre*' Policy.
28. Noise emanating from the site was the principal concern raised by nearby landowners. The concerns relate to both the amplified music element and patron noise level (both inside and when exiting the premises).
29. To address the noise concerns, a redesign was undertaken by the proponent. The most notable change was relocating the band stage and patron space internally. The wall and roof elements can now be insulated and soundproofed to attenuate noise. The proponent has also submitted a draft Noise Management Plan (which is an addendum to this report).
30. The various issues raised in the submissions are discussed in greater detail below.
31. The proposal is consistent with the provisions and requirements (setbacks, landscaping and plot ratio etc) set out under section 5.5.6, and Table 7: Site Requirements, of the Scheme applicable to the 'Regional Centre' zone.

## **GOVERNMENT & PUBLIC CONSULTATION**

32. The application was formally referred to the Great Southern District Police, State Heritage Office and Water Corporation for comment. The Water Corporation had no objections to the application. The Great Southern District Police and State Heritage Office provided the following comments;

### **State Heritage Office**

- The proposed changes will have no impact on the identified significance of the place and the proposal raised no concerns.
- The proposed development, in accordance with the plans submitted, is supported subject to the following conditions;

1. *New works shall be readily identifiable as such.*

2. *New building services equipment and associated conduits to the original section of the hotel shall be carried out in a matter that minimises the negative impacts to the place.”*

### **The Great Southern District Police**

- Albany Police object to any increase in patron capacity for the Hotel for a number of reasons.
  - Stirling Terrace is a long standing hot spot for anti-social behaviour and/or violent incidents, predominantly in close proximity of the White Star Hotel and Studio 146 Nightclub.
  - Common behaviour between the hours of 11.30pm and 1.30am includes; public urination, disorderly conduct (shouting, swearing and fighting), assaults, and criminal damages to buildings and other property in the vicinity.
  - The increase in numbers will have a negative impact upon the locality of Stirling Terrace and York Street.
  - The Police have seen minimal effort by the Hotel management to curb their patron's behaviour in the immediate area outside of the venue. No observed intoxication reduction strategies being implemented, such as encouragement to consume water between alcoholic drinks and limiting the amount of drinks available to purchase per transaction.
  - It is the opinion of Albany Police that the planned increase to patron numbers and an extended trading area will inevitably result in an increase of alcohol related harm, criminal activity and demand upon already stretched Police resources.
33. A total of seven (7) public submissions were received following the initial advertising period. Two (2) were in support and five (5) objected to the application, below is a summary of those submissions:

### **Opposing**

- On Friday and Saturday nights it is usual to find people drunk and disorderly on the street.
- The proposal will result in anti-social behaviour, and increase damage to nearby properties.
- The proposal needs to take into account crowd control and to limit late noise which disturbs neighbouring properties.
- The proposal should not be accepted unless the beer garden is fully enclosed with soundproofing material.
- The City needs to ensure that the proponents engage a qualified sound engineer to ensure noise is limited.
- Noise/loud music and unruly behaviour generated from the proposal would affect the amenity of the area.
- The amount of car parking provided is of concern.
- The proposal would result in increase vehicular and pedestrian traffic on Spencer Street, which is residential in nature.
- There are enough alcohol outlets on or near Stirling Terrace.

### **Supportive**

- No objection to the proposal going ahead, the site is in need of modification/tidying up.
- In terms of noise, high quality sounds insulation materials should be provided, in order to maximise the building without detracting from surrounding businesses.

- Internal insulation would allow the band area and restaurant to operate as separate uses so that people could have a quiet meal or meeting without the difficulty of hearing one another.
  - Support for the provision of increased parking.
  - Looks great and is something badly needed in Albany.
  - It has the potential to enhance that part of Town and suit the Council's vision for the CBD.
34. In response to initial concerns expressed from nearby residents, the proponent undertook a redesign.
35. The new design and shortfall in onsite parking bays was re-advertised from 8 March, 2014 until 29 March, 2014. A total of nine (9) public submissions were received, one (1) was in support and eight (8) objected to the redesign (five of which, objected to the initial proposal). More emphasis on anti-social behaviour and reduced car parking was raised in these responses. Below is a summary of those submissions:

### **Opposing**

- On Friday and Saturday nights it is usual to find people drunk and disorderly on the street.
- The noise impacts may be better managed if the new beer garden is soundproofed, but the pedestrian noise when the bar is closed will be even worse.
- There is already parking problems along Stirling Terrace, with even more patrons at the Hotel it will increase the problem.
- The proposed redevelopment/outdoor venue will create increased noise issues for surrounding landowners.
- There are no figures regarding the exact noise levels or increased patronage have been provided.
- Glass doors are only effecting if vigilance is maintained by staff, hence there is a reasonable risk that this would not be a fool proof method of ensuring noise levels are minimised.
- Car parking will attract an increase in anti-social behaviour and vehicle noise.
- The amount of car parking provided is of concern.
- The proponents do not discuss measures to police anti-social behaviour.
- If the application is approved, consideration should be given to proper soundproofing of the area, car parking arrangements and policing so that nearby residents aren't inconvenienced.
- Will Council and its officers respond and act on noise complaints?

### **Supportive**

- Support the development as it will provide a facility which is not currently available.
  - The current planning scheme may be flawed in that it demands that each site provide on-site parking. Planning should consider designating areas for future car parking sites around the town, and consider developing a car parking strategy.
36. The content of the submissions is summarised in more detail in the attached schedule of submissions, with officers providing responses to the matters raised.
37. Noise is the primary concern raised by nearby landowners. The proponent is aware of the concerns and aims to contain noise emissions to equivalent or less than current levels. Below is a summary of the proponents correspondence in relation to noise management:

- The design of the extensions is superior in relation to noise control, compared to the current performance areas. The design allows staff to open and close 'zones' to regulate noise more efficiently.
  - The exterior walls of the extensions will be constructed using 'styrocon', which is a solid concrete panel with foam pellets embedded in the core to absorb sound. The roof would be constructed of bondor panels which are similarly insulated.
  - Retractable glass doors will open into the beer garden and will remain closed at times that loud music is played.
  - Interior doors can also be closed to avoid noise leaking into the front area of the venue and onto Stirling Terrace.
  - The positioning of the stage has also been designed, so that amplified music is directed into the centre of the building rather than to any external doors or windows.
  - A sound engineer is also assisting in the sound treatment in the room.
  - Where the materials are not sufficient sound panels, curtains and soft coverings will also be installed.
  - The proposed beer garden will be cut further into natural ground level, and will be surrounded by more styrocon panelling, to reduce noise emissions.
38. While potential does exist for an increase in noise and disturbance, it is considered the issue can be mitigated by responsible management of the premises. The draft management plan and supporting letter that have been submitted with the application further details various aspects of the operation of the premises, including security, crowd management, patron impacts, complaint management and closing procedures.
39. Officers also recommend conditions in relation to noise management be applied. Including the requirement of an appropriate Noise and Operational Management Plans, and a suitably qualified Acoustic Consultant being engaged in the sound proofing design aspect of the building, demonstrating compliance with the appropriate noise regulations.
40. The increase in patron numbers was also raised as an issue. The maximum number of patrons permitted in a venue is calculated on the useable public floor space and taking into the account the amount of toilet facilities. Currently the venue has capacity for five hundred (500) patrons. Based on this methodology, the proposal would allow for approximately one thousand (1000) patrons.
41. In line with the concerns raised, staff recommend a condition restricting the numbers to five hundred (500) patrons at any one time, unless otherwise agreed in writing by the City, be applied. There is the potential to increase the patron numbers subject to the owners and operators complying with the recommended conditions and Noise and Operational Management Plans.
42. The deficiency of onsite car parking was consistently raised during consultation period. Staff recommend a condition requiring either a cash-in-lieu contribution, or a suitable joint use shared parking arrangement to be finalised, in accordance with the City's 'Albany Town Centre' Policy.

### STATUTORY IMPLICATIONS

43. The land use 'Tavern' is a 'D' (discretionary) use within the 'Regional Centre' zoned. *The Scheme* defines a 'Tavern' as;

*"means premises licensed as a tavern under the Liquor Licensing Act 1988 used to sell liquor for consumption on the premises."*

The current White Star Hotel has been granted a tavern liquor license by the Department of Racing, Gaming and Liquor.

44. The objectives of the 'Regional Centre zone are as follows;
- (a) *Provide for a broad range of commercial, entertainment, administrative, government, cultural, inner-city residential and social activities, consistent with the zones status as the regional centre for the Great Southern region;*
  - (b) *Ensure that development within the zone recognises and complements surrounding land uses and existing streetscape elements, in particular:*
    - (iii) *The height, scale, character and fine-grained nature of buildings;*
    - (iv) *Incorporate spaces for public art, social interaction and street activities that add vibrancy and vitality to the City;*
    - (v) *Promotes the renovation, adaptation and re-use of recognised heritage buildings and places; and*
    - (vi) *Weather protection.*
  - (c) *Support and promote transport modes to and access through the zone to achieve better travel efficiency and develop synergies between streets and parking areas;*
  - (d) *Ensure adequate provision is made for the parking of vehicles and the landscaping of lots; and*
  - (e) *Retain heritage buildings, features and characteristics for the protection of Albany's historic values.*
45. Clause 10.2 of the Scheme specifies the Matters to be Considered by the Local Government and states that:
- "The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:*
- (a) *The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;*
  - (b) *The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;...*
  - (d) *Any approved environmental protection policy under the Environmental Protection Act 1986;...*
  - (f) *Any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated Heritage Area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;....*
  - (h) *The conservation of any place that has been:*
    - i) *Registered in the Register within the meaning of the heritage of Western Australian Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area; or*
    - ii) *Included on the relevant State Government authority's database of Aboriginal Heritage Sites or any other Aboriginal Heritage Study adopted by the Local Government.*
  - (i) *The compatibility of a use or development with its setting;*

- (j) *Any social issues that have an effect on the amenity of the locality;....*
  - (n) *The preservation of the amenity of the locality;*
  - (o) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
  - (p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
  - (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;....*
  - (t) *Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities)*
  - (u) *Whether adequate provision has been made for access by disabled persons;*
  - (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;....*
  - (y) *Any relevant submission received on the application;*
  - (z) *The comments or submissions received from any authority consulted under clause 10.1.1;*
  - (aa) *Any other planning consideration the Local Government considers relevant.”*
46. These relevant matters have been considered and addressed by Staff in arriving at the recommendation.
47. Section 2.3 (Relationship of Local Planning Policies to the Scheme) of *the Scheme* states;
- 2.3.1 *“If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*
  - 2.3.2 *A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.”*
48. Section 5.2 (Variations to Site and Development Standards and Requirements) of *the Scheme*, however states;
- 5.2.1 *“Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Local Government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.*
  - 5.2.2 *In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to:*



- (a) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 9.4; and
- (b) Have regard to any expressed views prior to making its determination to grant the variation.

5.2.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that:

- (a) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality”.

### POLICY IMPLICATIONS

49. The application has been assessed against the City of Albany ‘Albany Town Centre’ policy. Compliance with the policy has been discussed and addressed in the preceding discussion section of the report.

### RISK IDENTIFICATION & MITIGATION

50. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
The proponent may lodge an application for review to the State Administrative Tribunal if the Council’s decision was to refuse the proposal.	Likely	Moderate	Medium	The decision is based on sound planning grounds.  If a decision is made to refuse the application sound reasoning is required to provide solid defence at a State Administrative Tribunal.
Concerns that the proposal may cause an increase in anti social behaviour etc.	Low	Minor	Low	This will be monitored and controlled by the Licensee and Police.

### FINANCIAL IMPLICATIONS

51. All costs associated with the development (including any cash-in-lieu requirements) will be borne by the proponent.
52. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

### LEGAL IMPLICATIONS

53. Council is at liberty to use its discretion to approve or refuse the proposal. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
54. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

## ENVIRONMENTAL CONSIDERATIONS

55. There are no environmental considerations pertaining to the application.

## ALTERNATE OPTIONS

56. Council may determine that the proposed use is unacceptable and may resolve to refuse the application.

## SUMMARY CONCLUSION

57. The application seeks Planning Scheme Consent for additions and alterations to the existing White Star Hotel situated at 72-80 Stirling Terrace.

58. The application was advertised for public comment with submissions against the proposal being received. Officers consider that the noise and disturbance concerns raised can be mitigated by limiting the number of patrons to five hundred (500) and responsible management of the premises by the owners and operators

59. Officers consider that the proposal is acceptable and recommend approval, subject to conditions.

<b>Consulted References</b>	:	<i>City of Albany Local Planning Scheme No. 1; Albany Local Planning Strategy; City of Albany 'Albany Town Centre Policy; Stirling Terrace Conservation Plan 2000; Environmental Protection (Noise) Regulations 1997.</i>
<b>File Number (Name of Ward)</b>	:	A152564 (Frederickstown Ward)
<b>Previous Reference</b>	:	Not Applicable

**PD042: INDUSTRY – EXTRACTIVE (SAND)**

<b>Land Description</b>	: 84 Prideaux Road (Lot 3 & 662) Lower King.
<b>Proponent</b>	: Jim Byrne – Jim’s Backhoes
<b>Owner</b>	: TC Kiddie
<b>Business Entity Name</b>	: Jim’s Backhoes
<b>Attachments</b>	: Site Plan Schedule of Submissions
<b>Councillor Workstation</b>	: Copy of submissions
<b>Responsible Officer(s)</b>	: Executive Director Planning and Development Services (D Putland) Author - RPS Planning (R Sklarski)

**Responsible Officer’s Signature:**



**Maps and Diagrams:**

- Map of objections received.
- Map representing area to be used for extractive industry.

**In Brief:**

- Council is asked to re-consider an application for Planning Scheme Consent for an extractive industry (sand) at 84 Prideaux Road, Lower King.
- In response to Council’s refusal of the application at the Ordinary Council Meeting of 22 April 2014, the applicant submitted a request for review of the Council’s decision to the State Administrative Tribunal (SAT).
- The initial Directions Hearing conducted by SAT on 18 June 2014 was attended by the City’s engaged planning consultants, RPS Planning, and the applicant.
- In response to the outcomes of the Directions Hearing, pursuant to Section 31 of the State Administrative Tribunal Act 2004, SAT has invited Council to reconsider its decision of the 22 April 2014 Ordinary Council Meeting.
- The applicant has submitted additional information to assist the Council in its consideration of this matter.
- This additional information clarifies that the use of the extracted sand material will be solely for the applicant’s own business operations, and will not be sold to the public and/or on the open market.
- The original application has previously been advertised for public comment and referred to surrounding residents.
- Three letters of objections and one in support of the application were received in response to the original advertisement for public comment.
- In light of the additional information submitted by the applicant, RPS Planning recommends that Council support the proposal, noting that Council Staff originally recommended Council support the proposal.

## RECOMMENDATION

### PD042: RESOLUTION

#### VOTING REQUIREMENT: SIMPLE MAJORITY

**MOVED: COUNCILLOR CALLEJA**

**SECONDED: COUNCILLOR HOLLINGWORTH**

**THAT** pursuant to the Orders made by the State Administrative Tribunal in accordance with Section 31 of the State Administrative Tribunal Act 2004, Council **RECONSIDERS** its decision of 22 April 2014, and that pursuant to Clause 10.3 of Local Planning Scheme 1 to **ISSUE** a Notice of Planning Scheme Consent for development (Extractive Industry) at 84 Prideaux Road, Lower King. Subject to the following conditions:

- Top soil to a depth of 150mm (unless otherwise approved by the Director Works and Services) is to be removed from the extraction area and is to be stored on-site for use in later rehabilitation.
- A minimum of 150mm of top soil is to be left above any hard surface (i.e clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- The applicant will be responsible for the repair of any undue damage to Prideaux Road caused by the extraction operations.
- The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse without the prior approval of the Department of Water.
- The crossover shall be upgraded (minimum 2 coat seal) to the City of Albany's specification, levels and satisfaction.
- A 'Permit for Vehicle Crossover Construction' is required from the City of Albany prior to any work being carried out within the road reserve.
- A bond/bank guarantee of \$800 shall be lodged on a per hectare basis with Council for remediation work if required.
- Operation of the pit shall be restricted to the hours of: 7.00-6.00pm Monday to Friday, 8.00am-5.00pm Saturday. No operation at all on Sundays or Public Holidays.
- Trucks shall be restricted from travelling on Prideaux Road and Bon Accord Road during the following times of 7.45-8.00am and 4.00-4.15pm Monday to Friday to avoid potential conflict with school bus operations.
- The site is to be suitably rehabilitated and recontoured on a per hectare basis including rebattering of banks and reseeded and stabilising old extraction areas.
- The operation of the pit shall be contained within that area indicated on plans submitted with the application.
- The extraction pit being screened from view from the surrounding lots and adjacent road by the use of suitable trees and shrubs.
- The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse within the prior approval of the Department of Water.
- No remnant vegetation shall be removed as part of this extraction operation.
- No blasting of material is permitted as part of extraction operations, unless separate approval is granted by Council.
- Only one hectare of the pit shall be open at any one time.
- The use of the extracted sand material will be solely for the applicant's own business operations, and will not be sold to the public and/or on the open market.

**CARRIED 9-2**

#### Record of Vote

Against the Motion: Councillors Gregson and Goode

PD042: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

PD042: RESPONSIBLE OFFICER RECOMMENDATION

THAT pursuant to the Orders made by the State Administrative Tribunal in accordance with Section 31 of the State Administrative Tribunal Act 2004, Council RECONSIDERS its decision of 22 April 2014, and that pursuant to Clause 10.3 of Local Planning Scheme 1 to ISSUE a Notice of Planning Scheme Consent for development (Extractive Industry) at 84 Prideaux Road, Lower King. Subject to the following conditions:

- Top soil to a depth of 150mm (unless otherwise approved by the Director Works and Services) is to be removed from the extraction area and is to be stored on-site for use in later rehabilitation.
- A minimum of 150mm of top soil is to be left above any hard surface (i.e clay/gravel) unless a lesser amount is approved by the Director Works and Services.
- The applicant will be responsible for the repair of any undue damage to Prideaux Road caused by the extraction operations.
- The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse without the prior approval of the Department of Water.
- The crossover shall be upgraded (minimum 2 coat seal) to the City of Albany's specification, levels and satisfaction.
- A 'Permit for Vehicle Crossover Construction' is required from the City of Albany prior to any work being carried out within the road reserve.
- A bond/bank guarantee of \$800 shall be lodged on a per hectare basis with Council for remediation work if required.
- Operation of the pit shall be restricted to the hours of: 7.00-6.00pm Monday to Friday, 8.00am-5.00pm Saturday. No operation at all on Sundays or Public Holidays.
- Trucks shall be restricted from travelling on Prideaux Road and Bon Accord Road during the following times of 7.45-8.00am and 4.00-4.15pm Monday to Friday to avoid potential conflict with school bus operations.
- The site is to be suitably rehabilitated and recontoured on a per hectare basis including rebattering of banks and reseeding and stabilising old extraction areas.
- The operation of the pit shall be contained within that area indicated on plans submitted with the application.
- The extraction pit being screened from view from the surrounding lots and adjacent road by the use of suitable trees and shrubs.
- The pit shall be suitably drained. No direct discharge shall occur from the pit into a watercourse within the prior approval of the Department of Water.
- No remnant vegetation shall be removed as part of this extraction operation.
- No blasting of material is permitted as part of extraction operations, unless separate approval is granted by Council.
- Only one hectare of the pit shall be open at any one time.
- The use of the extracted sand material will be solely for the applicant's own business operations, and will not be sold to the public and/or on the open market.

## STRATEGIC IMPLICATIONS

1. This item relates directly to the following element of the *Community Strategic Plan “Albany 2023”*:
  - a. **Key Theme:** 1. Smart, Prosperous & Growing
  - b. **Strategic Objective:** 1.1 To foster education, training and employment opportunities that support economic development.
2. Council’s decision on the proposal should be consistent with the objectives of the *Albany Local Planning Strategy (ALPS)* as the principal land use planning strategy for the City.
3. Section 8.5.3 – Industry sets the following Strategic Objective:  
*“Provide the necessary land and supporting infrastructure to maintain an adequate supply and range of serviced industrial land in appropriate locations.”*

The ALPS expands on this by referring to a number of regionally important industrial sites, then states that *“other industrial land within Albany is constrained by the location of sites, environmental issues, accessibility, level of services and capacity to support a range of industrial activities.”*

## BACKGROUND

4. The subject land lies to the east side of Prideaux Road, approximately 11km North West of the Albany city centre. The site comprises of two lots which have a combined area of approximately 95ha. The lot slopes west to east, with a large pocket of trees located centrally on the lot.
5. The site is zoned ‘General Agricultural’ under City of Albany Local Planning Scheme No. 1 ‘the Scheme’ and is bounded by Special Residential zoned land to the South West and Rural zoned land to the North East.
6. The proposal seeks to establish an extractive industry (sand) on the subject lots.
7. The proposal was advertised for public comment, in accordance with Clause 5.1.2.3 of the now superseded Town Planning Scheme No. 3, between 16 January, 2014 and 10 February, 2014.
8. At the Ordinary Council Meeting on 22 April 2014, the Council resolved to REFUSE a Notice of Planning Scheme Consent for the development (Extractive Industry) at 84 Prideaux Road, Lower King for the following reasons:
  - a) The proposal will result in undue damage to the road system in the locality.
  - b) The proposal is incompatible within the special rural setting.
  - c) The proposed land use has the potential to detrimentally affect the amenity of the locality.
9. Council is asked to re-consider an application for Planning Scheme Consent for an extractive industry (sand) at 84 Prideaux Road, Lower King.
10. In response to Council’s refusal of the application at the Ordinary Council Meeting of 22 April 2014, the applicant submitted a request for review of the Council’s decision to the State Administrative Tribunal (SAT).

11. The initial Directions Hearing conducted by SAT on 18 June 2014 was attended by the City's engaged planning consultants, RPS Planning, and the applicant.
12. In response to the outcomes of the Directions Hearing, pursuant to Section 31 of the State Administrative Tribunal Act 2004, SAT has invited Council to reconsider its decision of the 22 April 2014 Ordinary Council Meeting.
13. The applicant has submitted additional information to assist the Council in its consideration of this matter.
14. This additional information clarifies that the use of the extracted sand material will be solely for the applicant's own business operations, and will not be sold to the public and/or on the open market.
15. The original application has previously been advertised for public comment and referred to surrounding residents.
16. Three letters of objections and one in support of the application were received.
17. It is due to the nature of these objections that the matter was originally referred to Council for determination.

## **DISCUSSION**

18. As explained above, the proposal seeks to extract sand from the subject site and truck the sand off site for use within the Albany area.
19. The proposal is defined as an 'Industry - Extractive' for purposes of assessment under Local Planning Scheme No. 1. An 'Industry - Extractive' is classified as an 'A' use within the General Agriculture zone.
20. The total size of the proposed extraction area is 2.25ha. The area is centrally located on the site, with setbacks from the boundaries of 275m to the north, 530m to the east, 257m to the south and 725m to the west.
21. The proponents have provided an outline of how the proposed extractive industry will operate, which is summarised as below.
22. The applicant has advised that at full capacity the site would generate a maximum of ten vehicle movements per a day. These vehicle movements would be undertaken by a total of two trucks.
23. The topsoil is to be stripped and stockpiled with a loader and re-laid once extraction of the sand is complete.
24. It is proposed to progressively rehabilitate the site back to the existing state of pasture once sand has been extracted.
25. The primary assessment criterion for the application is the City of Albany Extractive Industry And Mining policy 'the policy'. Compliance with the policy is discussed below.
26. The proposal is classified as a class 2 extractive industry under the policy. Class 2 extractive industries have site extraction areas of between 0.75 and 3ha with a maximum depth of 3m.
27. There are a number of general provisions which are outlined in the policy that are pertinent to the determination of the assessment.

28. It is stated that extraction is not to occur within 200m of a residence not located on the subject property. The proposal is compliant with this provision as the closest residence is 375m.
29. In terms of setbacks, the policy dictates that buffer distances are to be contained within the property in accordance with the setbacks outlined within the Environmental Protection Authority Guidance Statement Two. In this case Guidance Statement Two provides a distance of 250m. The proposal is compliant with this policy provision.
30. The policy is compliant with the provision that requires pits be located 30m from any public road.
31. The proposed pit area complies with the requirement that it be set back a minimum of 50m from a watercourse or body.
32. The applicant originally proposed to locate the internal access track along the southern boundary of the property. This route would run along the back of a number of the adjoining Special rural properties to the south. In order to mitigate any potential noise, dust and general amenity concerns the applicant has advised willingness to relocate the access track towards the north west side of the property onto Prideaux Road.
33. Extractive industries are subject to a yearly licence renewal. This process ensures work is being undertaken in accordance with conditions of approval and that rehabilitation work is occurring correctly.
34. While the proposed land use is permissible in the 'Rural' zone, submissions received raised concerns over the suitability of the location. Many of the submissions also relate to perceived effects on amenity that could result from the proposed extractive industry.
35. Four written submissions were received during the public consultation period. Three of the submissions object to the proposal, while one is in support. The details of the submissions are summarised in the public consultation section below.
36. The negative effect of the proposed extractive industry on property values was identified in the submissions. However, it has been well established through planning law that property values are not a valid consideration when assessing development applications as it is outside of the scope of assessment of the Matters to be considered. If Council wishes to discuss issues that are outside of the scope of the Matters to be Considered, they have discretion to do so.
37. Noise from the proposed extractive industry was raised consistently during the consultation period. The concerns primarily relate to the noise generated by truck movements and/or the removal of the sand from the pit area. In response to these concerns, the applicant has agreed to relocate the internal access track further north on the property. The number of vehicle movements proposed per a day (10) is also considered to be minimal in the context of extractive industries. As mentioned previously the proposal meets both the City of Albany policy setbacks and also those of the Environmental Protection Authority. In addition to the above it requirements, any work on the site would also be subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*.
38. The impact of additional traffic and the suitability of the existing road system in the area was also an issue identified during the consultation period. Submissions have indicated that Prideaux and Bon Accord roads are not adequately constructed to cater for heavy traffic and have identified potential for conflict with pedestrians and cyclists. The submissions contend that these roads will deteriorate rapidly with frequent additional use by heavy loads. Officers recommend a condition requiring the proponent to rectify any damage to Prideaux road should be applied. As mentioned previously, it is necessary to note that the number of vehicle movements proposed per a day (10) is considered to be minimal in the context of extractive industries.



39. The potential for conflict between trucks and school buses was also raised. In order to mitigate the issue, it is common practice to apply a condition requiring extractive industry operators to liaise with school bus operators to commence a dialogue and establish a schedule to avoid potential conflict.
40. Operational hours are applied to extractive industry proposals as a condition of consent. The standards hours applied are generally 7.00-6.00pm Monday to Friday, 7.00am -5.00pm Saturday. No operation will be permitted on Sundays or Public Holidays. Council may also wish to consider of restricting hours of operation on Saturdays in order to balance amenity concerns of residents with the expectations of the proponents.

#### **MATTERS ARISING FROM SAT APPLICATION FOR REVIEW**

41. In response to Council's refusal of the application at the Ordinary Council Meeting of 22 April 2014, the applicant submitted a request for review of the Council's decision to the State Administrative Tribunal (SAT).
42. The initial Directions Hearing conducted by SAT on 18 June 2014 was attended by the City's engaged planning consultants, RPS Planning, and the applicant.
43. Subsequent to the Council's determination of the application leading up to the SAT Directions Hearing, a number of discussions have taken place between the applicant, Councillor's and RPS Planning in order to clarify the issues of concern with respect to the application.
44. The applicant has now submitted additional information to assist the Council in its consideration of this matter.
45. This additional information clarifies that the use of the extracted sand material will be solely for the applicant's own business operations, and will not be sold to the public and/or on the open market.
46. RPS Planning understands that the additional information submitted by the applicant is likely to satisfy the issues of concern that were held by Council at the time that the application was originally determined. Accordingly, it is not considered necessary in this report to specifically address the grounds of refusal that were set out in the Council's original determination of the application.
47. In response to the outcomes of the SAT Directions Hearing, pursuant to Section 31 of the State Administrative Tribunal Act 2004, SAT has invited Council to reconsider its decision of the 22 April 2014 Ordinary Council Meeting.
48. The applicant has confirmed that the approval conditions that were recommended by Council Staff in the report to the Ordinary Council Meeting of 22 April 2014 are considered acceptable.

## GOVERNMENT & PUBLIC CONSULTATION

49. Consultation with State Government Departments was not undertaken as it was not required.
50. A 21 day public consultation was previously undertaken in accordance with the Town Planning Scheme requirements.
51. The proposal was advertised in accordance with Clause 5.1.2.3 of the now superseded *Town Planning Scheme No. 3* from 16 January 2014 to 10 February 2014. An advertisement was placed in the public notice section of the Albany & Great Southern Weekender. The City also wrote directly to eight surrounding landowners, seeking their comments, and placed a site notice on the road verge at the end of the driveway into the property.
52. Three letters of objection were received in response to the consultation. The broad issues and concerns raised in the objections relate to:
  - Land use conflict
  - Property values
  - Traffic Safety
  - Impact on amenity
  - Noise
  - Infrastructure damage
  - Operational hours
53. The matters raised in the objection have been discussed and addressed in the preceding discussion section of the report.
54. Re-advertising of the application is considered unnecessary as there are no substantive changes being proposed to the application.

## STATUTORY IMPLICATIONS

55. Clause 10.2 of *Local Planning Scheme No. 1* specifies the Matters to be Considered by the Local Government, and states that:

*“The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:*

  - (a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;*
  - (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
    - (i) The compatibility of a use or development with its setting;*
    - (j) Any social issues that have an effect on the amenity of the locality;*
    - (l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
  - (n) The preservation of the amenity of the locality;*

- (o) *The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (p) *Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) *The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *Whether adequate provision has been made for access by aged or disabled persons;*
- (v) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (y) *Any relevant submissions received on the application;*
- (aa) *Any other planning consideration the Local Government considers relevant.*

56. These relevant matters have been considered and addressed by RPS Planning, and Council Staff in arriving at the recommendation.

#### **POLICY IMPLICATIONS**

57. This matter has no direct planning policy implications.

#### **RISK IDENTIFICATION & MITIGATION**

58. To ensure appropriate decision are made with quality information, stakeholder consultation and research, Council must be informed of the risk the City faces as a result of its decision making. Risk identification and mitigation advice assists Council maximise opportunity and minimise risks and hazards that may impact upon the effective and efficient management of City assets, functions and services.
59. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Approving the proposed use could give rise to unacceptable detrimental impacts on the amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation of impacts to be achieved through adoption and enforcement of conditions.</i>

### FINANCIAL IMPLICATIONS

60. All costs associated with the development will be borne by the proponent.
61. However, should the proponents be aggrieved by Council's decision or any attached conditions, the application for review has been adjourned to a further directions hearing on 28 July 2014 at which time the State Administrative Tribunal would likely set a date for a full hearing of the application on foot. Accordingly, the City could be liable for further costs associated with defending the decision at a State Administrative Tribunal full hearing.

### LEGAL IMPLICATIONS

62. Notwithstanding that the applicant has sought a review of Council's previous decision to SAT, the invitation afforded by SAT for Council to reconsider its decision maintains the Council's liberty to use its discretion to approve or refuse the proposal. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.

### ENVIRONMENTAL CONSIDERATIONS

63. There are no environmental considerations pertaining to the application.

### ALTERNATE OPTIONS

64. Council may determine that the proposed use is unacceptable and may resolve to refuse the application. The Council must be aware of the short or long term ramifications of any alternate decisions.

### SUMMARY CONCLUSION

65. The application seeks Planning Scheme Consent to have an extractive industry on the site.
66. The proposal has been advertised as required, with 3 objections received in response and one submission received in support.
67. The applicant has lodged an application for review to SAT based on Council's previous refusal of the application.
68. The applicant has submitted further information to address the concerns of Council that were reflected in its original decision to refuse the application.
69. SAT has invited Council to reconsider its original decision.
70. The proposal is at a small scale and will be located centrally on the subject site within required buffer setbacks. On this basis it is considered that as the proposal can be appropriately managed through ongoing conditions and the yearly licence renewal process.
71. RPS Planning together with Council Staff recommend the proposal be approved.

<b>Consulted References</b>	:	<i>City of Albany Local Planning Scheme No. 1; City of Albany Extractive Industries and Mining Policy; Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses. Environmental Protection (Noise) Regulations 1997.</i>
<b>File Number (Name of Ward)</b>	:	A5831 (Kalgan Ward)
<b>Previous Reference</b>	:	Not Applicable

**PD043: PLANNING AND BUILDING REPORTS JUNE 2014**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports June 2014  
**Responsible Officer(s)** : Executive Director Planning & Development Services  
(D Putland)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**PD043: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR SUTTON**

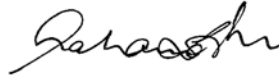
**THAT Council NOTE the Planning and Building Reports for June 2014.**

**CARRIED 11-0**

**PD044: REVIEW OF LOWER GREAT SOUTHERN STRATEGY –  
WORKING GROUP NOMINATION**

**Proponent** : City of Albany  
**Attachments** : [Western Australian Planning Commission – Lower Great Southern Strategy, June 2007](#)  
**Responsible Officer(s)** : Chief Executive Officer (G. Foster)

**Responsible Officer's Signature:**



**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
  - a. **Key Theme:** 5. Civic Leadership.
  - b. **Strategic Objectives:**
    - 5.1. To establish and maintain sound business and governance structures.
    - 5.3. To engage effectively with our community.
  - c. **Strategic Initiative:** Nil

**In Brief:**

- Consider the appointment of a primary and proxy representative to the Lower Great Southern Strategy Working Group.

**RECOMMENDATION**

**PD044: RESOLUTION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR HORTIN**

**THAT Council:**

- (1) **APPOINT Councillor Calleja as the Elected Member Representative; and**
- (2) **APPOINT Councillor Hollingworth as the Elected Member proxy;**

**to the Department of Planning – Review of the Lower Great Southern Strategy Working Group.**

**CARRIED 10-1  
ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillor Goode

**BACKGROUND**

2. The Department of Planning has requested representation from each of the four local governments from lower Great Southern region.
3. The Department has requested that non technical representation on the working group be limited to Chief Executive Officers or elected members.
4. The first Working Group meeting is scheduled to be held in August 2014.

**DISCUSSION**

5. A broad perspective and strategic guidance role on regional planning is sought from representatives, as opposed to technical input on specific planning issues.
6. It is hoped that this working group will provide an opportunity for civic leaders to play a meaningful role in ensuring the regional strategy meets the needs of region. Noting that good planning strategies:
  - a. Create communities that offer better choices for where and how people live; and
  - b. Enable communities to envision their future, by helping them find the right balance of new development and essential services, environmental protection and innovative change.
7. Therefore, it is recommended that the City representative be an elected member.

**GOVERNMENT AND PUBLIC CONSULTATION**

8. Report and recommendation is in response to a request from the Department of Planning.

**STATUTORY IMPLICATIONS**

9. There are no statutory implications related to this item.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

11. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. No elected member nominates to represent Council on the working group.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>CEO or designated officer attends in lieu of an elected member.</i>

**FINANCIAL IMPLICATIONS**

12. Minimal financial impact, as the meetings will be held in the Department of Planning's Albany regional office.

**LEGAL IMPLICATIONS**

13. There are no legal implications related to this report.

**ENVIRONMENTAL CONSIDERATIONS**

14. There are no direct environmental considerations related to this report.

**SUMMARY CONCLUSION**

15. It is recommended that Council nominate a representative and proxy.

<b>Consulted References</b>	:	<i>Local Government Act 1995 <a href="http://www.planning.wa.gov.au/dop_pub_pdf/lower_great_southern_strategy.pdf">http://www.planning.wa.gov.au/dop_pub_pdf/lower_great_southern_strategy.pdf</a></i>
<b>File Number (Name of Ward)</b>	:	<i>GR.STL.5 (All Wards)</i>
<b>Previous Reference</b>	:	<i>Nil</i>

**14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

CSF104: Nomination to Council Committee-Councillor Hollingworth

**15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.**

**16. REPORTS OF CITY OFFICERS Nil.**

**17. MEETING CLOSED TO PUBLIC**

ED015: Clipper Round the World Yacht Race Event 2015

CSF103: Albany Entertainment Centre-Management and Ownership

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at [8:29:11 PM](#)



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Dennis W Wellington  
**MAYOR**



**TABLED ADDRESS BY MR TONY DEMARTEAU**

Good evening Mr Mayor and Councillors, my name is Tony Demarteau and I live at 1 Fenton Way Albany.

I have three things to raise tonight:

Firstly, has council given any consideration to the placement of a condolences book, in honour of Arjen and Yvonne Ryder, two of Albanys wonderful citizens who tragically, along with 296 others, lost their lives onboard MH17 last Thursday. If council haven't considered this yet, can I commend this to council, and can I perhaps suggest that the Library might be a good place, so is central to where people can go and offer their condolences to all the Ryder family, but in particular their three children. My heart is with the children and loved ones of Arjen and Yvonne, as is with all that were on board this ill fated flight. Hopefully the perpetrators are brought to justice soon, and the Ryder family can respectfully be able to say goodbye to their parents in an honourable way.

Mr Mayor has this perhaps been considered as yet?

Mr Mayor, the day after the last council meeting, I visited you in your shop in regards to the ANZAC Memorial time capsules compiled and sealed in the year 2005, in respect to the ninetieth anniversary of the landing at Gallipoli, which were to be reopened at the 100<sup>th</sup> anniversary in 2015. One capsule is in Gallipoli and the other was being held here at the City of Albany. You kindly advised me that you were unaware of the capsules, and that could be true because I don't believe that you were on council at that particular time, and that you would investigate what has happened to the capsules and would call me back. I had also asked about the possibility of the Albany capsule being opened by the very two people that sealed it on ANZAC day 2005, at the ANZAC ceremony here in Albany on that day. Those two people being Mr John Benson who represented the President of the Albany Sub Branch of the RSL, and myself, the councillor representing her worship the Mayor at the time, Alison Goode. The Mayor and the President of the Sub Branch were both in Gallipoli at the time. The capsule in Gallipoli, as I understand it, was handed to the Mayor of Gallipoli at the time, however, Councillor Goode should be able to clarify this further.

Mr Mayor, to date I have not heard back from you regards this presumed missing capsule, and I was wondering if you are able to update myself and the people of Albany where this significant piece of Albany's history is, and has it in fact been found? If it hasn't been found then what is being done to locate the capsule. I think it would be very important indeed to open this capsule as intended, at the 100<sup>th</sup> Anniversary of the land of Gallipoli, and I hope it hasn't been lost.

**TABLED ADDRESS BY MR TONY DEMARTEAU**

Finally Mr Mayor, I have no doubt that an invitation will be offered to you to attend the ceremony at Gallipoli for the 100<sup>th</sup> Anniversary next year. Can you please advise if such an invitation has been received and also if it has or hasn't been received, do you intent to travel to Gallipoli if invited, or will you be remaining here with the people of Albany to help them commemorate such a significant event. An event I am sure will see many people from around Australia, travel to Albany due to the significant role Albany played in the ANZAC story.

Thank you.