



MINUTES

SPECIAL MEETING OF COUNCIL

Held on
Tuesday 2 November 2010
5.30 pm
City of Albany Council Chambers

DISCLAIMER

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

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

TABLE OF CONTENTS

Details	Pg#	Rec Pg#
1.0 Declaration of Opening and Announcement of Visitors	2	
2.0 Opening Prayer	2	
3.0 Public Question and Statement Time	3	
4.0 Record of Attendance/Apologies/Leave of Absence (Previously Approved)	5	
5.0 Declaration of Interest	5	
6.0 Items for Discussion		
6.1 Rescission Motion-Proposed Friendship Agreement with City Assembly of Nichinan (Japan)	6	5
6.2 Albany Entertainment Centre Memorandum of Agreement and Funding	12	14
7.0 Date of Next Ordinary Meeting	15	
8.0 Closure of Meeting	15	

1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at [5:32:37 PM](#)

ITEM 1.0: RESOLUTION

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR SWANN**

Standing Order 3.1, to allow recording of proceedings be SUSPENDED.

**CARRIED 9-0
ABSOLUTE MAJORITY**

2.0 OPENING PRAYER

CEO J Bonker read the opening prayer.

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

3.0 PUBLIC QUESTION AND STATEMENT TIME

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

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

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

5:34:07 PM Mr Brad Williamson, Albany Port Authority

Summary of Key Points:

- Synergetic Agreement between Albany and Nichinan is working well
- Current agreement funded by the Port Authority and supported by Great Southern Grammar
- Friendship Agreement-the cost burden would be limited to a civic reception held by City of Albany
- Albany Port will always have synergetic agreement with Nichinan
- Given the significance of the woodchip industry to this region, it would be very appropriate to agree with this modest request from Nichinan
- Council should support proposal as it would have modest impact on the City

5:37:37 PM Mr Stuart Marquardt, Headmaster Great Southern Grammar

Summary of Key Points:

- Nichinan is very similar to Albany
- Population of around 40 000 people
- Community built around the port
- Friendship agreement cements an important economic, educational and cultural link
- There has been a long standing student exchange program between the two cities
- In recognition of ten year anniversary, 15 dignitaries from Nichinan will be travelling to Albany this year
- A great relationship exists already and could become even greater in the future

[5:40:50 PM](#) **Ms Vera Torr, Sussex St Albany**

Summary of Key Points:

- Questioned the amount of \$803 000 cost of AEC
- Asked if we have a figure for how much it costs to hire the AEC? The Mayor responded that we do not have a figure.
- Queried the cost of the opening ceremony. The Mayor responded that the City of Albany would be funding the cost of the opening ceremony, and that it was not inappropriate for the City to pay for the opening on the 11 December 2010
- Queried the \$600-700 000 allocated for capital items-EDCCS responded that all the documentation in relation to the MOA was currently confidential until the MOA was finalised. There are a number of items which have been excluded from the brief which AEG Ogden and PTT believe are essential for the operation of the centre, both for functionality and service delivery. All capital improvements become part of the building and will transfer with the building to the City.
- Spoke in support of the Friendship agreement with Nichinan

[5:45:54 PM](#) **Mr Michael Pemberton**

Summary of Key Points:

- Was involved in original synergetic agreement
- Synergetic agreement has been sensational
- There was originally enormous opposition to wood chipping
- Wood chip industry has created boost to small business in Albany
- Would commend this agreement to Council

[5:47:53 PM](#) **Mayor closed the open forum.**

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

Mayor M J Evans JP

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
Frederickstown Ward	J Swann
Kalgan Ward	C Holden
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	J Matla
Vancouver Ward	D Bostock

Staff:

Interim Chief Executive Officer	J Bonker
Executive Director Development Services	G Bride
E/ Director Corporate & Community Services	WP Madigan
Executive Director Works and Services	K Ketterer
Executive Manager Business Governance	S Jamieson
Assistant Business Governance Officer	J Williamson

Public Gallery and Media:

2 members of the media and 4 members of the public were in attendance.

Apologies/Leave of Absence:

Kalgan Ward	M Leavesley
Yakamia Ward	R Sutton
Vancouver Ward	R Paver
Frederickstown Ward	D Wellington

5.0 DECLARATION OF INTEREST

Nil.

6.0 ITEMS FOR DISCUSSION

6.1: RESCISSION MOTION-PROPOSED FRIENDSHIP AGREEMENT WITH CITY ASSEMBLY OF NICHINAN (JAPAN)

File Number (Name of Ward) : ED.INR.2 (All Wards)
Disclosure of Interest : Nil
Previous Reference : OCM 21/10/08 Item 12.8.2
Attachment(s) : Revoking or Changing Decisions Motion-Form
Email sent to Nichinan and Response from Nichinan
Appendices : Nil
Reporting Officer : Executive Manager Business Governance (S Jamieson)
Responsible Officer : Chief Executive Officer (J Bonker)

6.1: RESOLUTION

MOVED: COUNCILLOR J BOSTOCK

SECONDED: COUNCILLOR SWANN

That the notice requirements of Standing Orders Clause 3.11(1) be dispensed with to allow the Revocation Motion to be dealt with.

**CARRIED 9-0
ABSOLUTE MAJORITY**

ITEM 6.1: RESOLUTION

MOVED: COUNCILLOR SWANN

SECONDED: COUNCILLOR J BOSTOCK

THAT the LOST MOTION resolved at Item 4.7-Proposed Friendship Agreement with the City Assembly of Nichinan (JAPAN) dated 19/10/2010, being:

“That Council:

- A. CONTINUE to recognise the current Tripartite Synergetic Agreement between the Albany Port Authority and the Abaratsu Port Authority. (Supported by the Albany Chamber of Commerce and Industry, the City of Albany, the Nichinan Chamber of Commerce, and the City Assembly of Nichinan);***
- B. ENTER into a direct Friendship Agreement with the City Assembly of Nichinan.***
- C. AMEND the Civic Affiliations Policy accordingly.***
- D. AUTHORISE the Chief Executive Officer to determine the wording of the Draft Friendship Agreement (detailed in report).”***

Be CHANGED and RECONSIDERED.

**CARRIED 9-0
ABSOLUTE MAJORITY**

Officer's Reason:

There is a limited financial impact by entering into this agreement. A maximum of \$10 000 has been allocated to honour this and all existing Friendship Agreements, and a suggested amendment to the Civic Affiliations Policy will ensure that reciprocal hospitality will only be conducted if approved by Council.

ITEM 6.1: MOTION 1

**MOVED: COUNCILLOR WOLFE
SECONDED: COUNCILLOR MATLA**

THAT the Responsible Officer Recommendation be ADOPTED.

ITEM 6.1: AMENDMENT

**MOVED: COUNCILLOR D BOSTOCK
SECONDED: COUNCILLOR J BOSTOCK**

That dot point 8 of Part C of the Responsible Officer Recommendation be amended to read as follows:

- ***Subject to CEO approval and sufficient provision in the budget, to a maximum of \$10 000 per year, visiting officials of affiliated cities will be afforded reciprocal hospitality including accommodation, civic events and receptions, district tours and visits.***

LOST 2-7

For the Motion: Councillors D Bostock and J Bostock

Councillor's Reason

This matter was previously discussed at the Elected Members Workshop, and this amendment formalises the discussion.

ITEM 6.1: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Motion resolved at Item 4.7 - Proposed Friendship Agreement with the City Assembly of Nichinan (JAPAN) dated 19/10/2010, be **AMENDED** accordingly and **ADOPTED**:

“That Council:

- A. CONTINUE** to recognise the current Tripartite Synergetic Agreement between the Albany Port Authority and the Aburatsu Port Authority. (Supported by the Albany Chamber of Commerce and Industry, the City of Albany, the Nichinan Chamber of Commerce, and the City Assembly of Nichinan);
- B. ENTER** into a Direct Friendship Agreement with the City Assembly of Nichinan.
- C. AMEND** the Civic Affiliations Policy as follows:

From:

“Level of Council Involvement:

- *One visit to each endorsed affiliate in every four year Mayoral term provided that the relationship is active and reciprocal.*
- *The composition of the delegation is subject to Council approval upon recommendation of the Mayor; and it will be led by the Mayor.*
- *Partners of delegates must travel at their own expense.*
- *Visiting officials of affiliated cities will be afforded reciprocal hospitality including accommodation, civic events and receptions, district tours and visits.”*

To:

“Level of Council Involvement:

- *Subject to prior Council approval, one visit to each endorsed affiliate in every four year Mayoral term provided that the relationship is active and reciprocal.*
- *The composition of the delegation is subject to Council approval upon recommendation of the Mayor; and it will be led by the Mayor.*
- *Partners of delegates must travel at their own expense.*
- *Subject to CEO approval and sufficient provision in the budget, visiting officials of affiliated cities will be afforded reciprocal hospitality including accommodation, civic events and receptions, district tours and visits.”*

- D. AUTHORISE** the Chief Executive Officer to finalise the wording of the Friendship Agreement in negotiation with the City Assembly of Nichinan, based on the Draft Friendship Agreement (detailed in the report).

ITEM 6.1: RESOLUTION (Responsible Officer Recommendation)

MOVED: COUNCILLOR WOLFE

SECONDED: COUNCILLOR MATLA

The Responsible Officer Recommendation be ADOPTED.

CARRIED 8-1

Against the Motion: Councillor D Bostock

Reason:

Nichinan (Japan) has an important economic and cultural affiliation with Albany. All civic affiliations must fit into an annual budget allocation of \$10,000 dollars and the proposed amendment to the Civic Affiliations policy will ensure this.

DRAFT FRIENDSHIP AGREEMENT

“We, the undersigned representatives of the City Assembly of Nichinan in Japan and the City of Albany in Western Australia, declare our mutual will to establish a Friendship Agreement between our two municipalities, with the aim of creating bonds and gaining a wider understanding of our respective municipalities, citizens, community life and traditions.

In support of these ideals, the City Assembly of Nichinan and the City of Albany agree to promote their similar aims and objectives, with the primary relationship to be based on people to people contact, and therefore the respective elected authorities are charged with the responsibility of encouraging the development of greater understanding and the exchange of knowledge and experience in many fields by individuals and groups throughout their municipalities.

By emphasising mutual interests and fostering individual consciousness, the City Assembly of Nichinan and the City of Albany will strive to promote close and friendly relations between the citizens of their two communities.”

AGENDA ATTACHMENT 6.1

Email sent to Nichinan (Japan)

Mayor Yoshiyuki Taniguchi
Nichinan City
1-1-1 Chuo-Dori
NICHINAN-SHI MIYAZAKI-KEN 887-8585
JAPAN

Dear Mayor Yoshiyuki Taniguchi

The City of Albany resolved on Tuesday, 19 October to continue to formally acknowledge and fully embrace the current Synergetic Agreement shared between our Ports and Chambers of Commerce.

It is with regret that my Council is not in a financial position to provide reciprocal hospitality in a manner that would honour the formal recognition of the establishment of a Friendship Agreement.

My Council continues to welcome your visit in November for the celebration of the 10th Anniversary of the Synergistic Agreement and looks forward to hosting a Civic Reception with the support of the Albany Port Authority and Albany Chamber of Commerce in honour of your visit.

I look forward to meeting you and your delegation on Monday, 15th November 2010.

Yours sincerely

Milton John Evans, JP
Mayor

Response from Nichinan (Japan)

Mayor Taniguchi is very grateful for the continued support for the Synergetic Agreement between the Ports of Albany and Aburatsu, and for the hospitality that Albany will provide during our visit in November. He also appreciates the decision to have another meeting tomorrow regarding the Sister City arrangement.

We'd like to point out that Nichinan is also not in a financial position that can provide reciprocal hospitality very easily. Therefore, it was our idea to form the Sister City agreement in order to further promote economic and student exchanges that exist at the grassroot level amongst the citizens, which does not affect either of our financial positions.

We would appreciate it if the above, that we wished to have a Sister City relationship which does not affect our finances, and that we do not require reciprocal hospitality, will be mentioned at the next meeting.

Kind regards,

Lola Sundin
Coordinator for International Relations
Nichinan City
T: 0011-81-987-31-1113
E: lola_ni@city-nichinan.jp



AGENDA ATTACHMENT 6.1

Offices: 102 North Road
 Postal Address: PO Box 484, ALBANY WA 6331
 Phone: (08) 9841 9333
 Fax: (08) 9841 4099
 Email: staff@albany.wa.gov.au
 Synergy Reference No: MAN 189/ NF0910338
 Version: 26/10/10

REVOKING OR CHANGING DECISIONS MOTION - FORM

In accordance with Regulation 10(1a) of the Local Government (Administration) Regulations 1996, we the undersigned hereby move to have **Item 4.7 - Proposed Friendship Agreement with the City Assembly of Nichinan (JAPAN)** which was ~~lost~~ at the Ordinary Council Meeting held on **19/10/2010**, be reconsidered.

<u>MEROMY LEAVESLEY</u>		<u>26-10-2010.</u>
Name	Signature	Date
<u>MILTON JOHN EVANS</u>		<u>26-10-2010</u>
Name	Signature	Date
<u>DAVID BOSTOCK</u>		<u>26/10/10</u>
Name	Signature	Date
<u>JILL BOSTOCK</u>		<u>26. 10. 10.</u>
Name	Signature	Date
<u>Jim SWANN</u>		<u>26/10/10</u>
Name	Signature	Date

REVOCATION MOTION

THAT the LOST MOTION resolved at Item 4.7 - Proposed Friendship Agreement with the City Assembly of Nichinan (JAPAN) dated 19/10/2010, being:

"That Council:

- A. CONTINUE to recognise the current Tripartite Synergetic Agreement between the Albany Port Authority and the Aburatsu Port Authority. (Supported by The Albany Chamber of Commerce and Industry, the City of Albany, the Nichinan Chamber of Commerce, and the City Assembly of Nichinan);
- B. ENTER into a Direct Friendship Agreement with the City Assembly of Nichinan.
- C. AMEND the Civic Affiliations Policy accordingly.
- D. AUTHORISE the Chief Executive Officer to determine the wording of the Draft Friendship Agreement in negotiation with the City Assembly of Nichinan, based on the Draft Friendship Agreement (detailed in the report)."

Be CHANGED and RECONSIDERED.

(ABSOLUTE MAJORITY)

[Section 5.25 (1)(e) of the Local Government Act 1995 refers]

6.2: ALBANY ENTERTAINMENT CENTRE MEMORANDUM OF AGREEMENT AND FUNDING

File Number (Name of Ward) : ED.PJT.1 & ED.PJT.4 (Fredericktown Ward)
Reporting Officer(s) : Executive Director Corporate and Community Services
(WP Madigan)
Responsible Officer : Executive Director Corporate and Community Services
(WP Madigan)

IN BRIEF

- The City of Albany agree to fund \$403,000 and up to \$400,000 in 2010/11 & 2011/12 respectively to the operation of the Albany Entertainment Centre; and
- The City of Albany enter into further negotiations with the GSDC and agree with the provisions of the MOA until 30/6/2012 and seek to include a provision that the Government will subsidise the operational costs of the AEC beyond the handover date.

BACKGROUND

1. The State Government has drafted a Memorandum of Agreement (MOA) relating to the Albany Waterfront project for Council consideration.
2. The initial MOA for the Albany Entertainment Centre (AEC) was executed in September 2005.
3. The MOA provided that Landcorp would transfer land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage to the City of Albany upon the creation of the new lot.
4. In relation to financing, the MOA provided that:
 - a. The City of Albany will contribute \$1 million to the Albany Waterfront project in the 2006-07 financial years. (This payment has been allocated and is currently held in Reserve).
 - b. The City of Albany would contribute \$1.2 million plus any Federal grant monies obtained to the Albany Entertainment and Convention Centre Project, and is responsible for securing any additional required funding. (This amount has previously been transferred).
5. A subsequent MOA was executed in October 2007, which had the effect of including the Department of Housing and Works as a key stakeholder in the implementation of the project.

DISCUSSION

6. On 21st September 2010 the Minister for Culture and the Arts, John Day announced funding of \$3.96 million to cover the initial operating costs of the Albany Entertainment Centre (AEC).
7. The Minister also announced that the Perth Theatre Trust (PTT) will be responsible for managing the AEC for two years with the ownership of the AEC transferring to the city of Albany from 1 July 2012.
8. AEG Ogden (Perth) Pty Ltd has been appointed to manage the AEC, under their existing management agreement with the PTT.
9. The Government’s funding decision is conditional and subject to the City of Albany (CoA) and PTT formalising an agreement on a range of operational and governance issues.
10. These actions have been encapsulated in the 2010 draft Albany Waterfront Agreement.
11. The Agreement has been developed in response to the City of Albany’s request for State government assistance, and the City has been requested for the Agreement to remain confidential until the document is finalised.
12. Council resolved that the draft Memorandum of Agreement be referred to an Elected Members Workshop prior to consideration by Council, and this took place on the 26 October 2010.

FINANCIAL IMPLICATIONS

13. The City has been requested to fund the AEC opening event and the additional capital items required in the first two years of the AEC’s operations up to a value, of \$803,000.
14. The General Manager, Perth Theatre Trust, has proposed this be staged in the following manner:

Yr 1	\$403,000
Yr 2	Up to \$400,000
15. The City has committed \$125,000 within its current budget to the construction of the additional car bays, and has funds available within budget to fund the \$403,000 requested.

ITEM 6.2: MOTION 1

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR J BOSTOCK

THAT Council go behind closed doors to discuss Item 6.2.

LOST 4-5

For the Motion: Mayor Evans, Councillors Dufty, J Bostock and D Bostock

ITEM 6.2: MOTION (RESPONSIBLE OFFICER RECOMMENDATION)

- i. The City of Albany agree to fund \$403,000 and up to \$400,000 in 2010/11 & 2011/12 respectively to the operation of the Albany Entertainment Centre; and
- ii. The City of Albany enter into further negotiations with the GSDC and agree with the provisions of the MOA until 30/6/2012 and seek to include a provision that the Government will subsidise the operational costs of the AEC beyond the handover date.

ITEM 6.2: MOTION 2

**MOVED: COUNCILLOR SWANN
SECONDED: COUNCILLOR MATLA**

THAT the Responsible Officer Recommendation be ADOPTED.

ITEM 6.2 AMENDMENT

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DUFTY**

That in Part ii. all words after the “GSDC” be deleted.

CARRIED 8-1

Against the Motion: Mayor Evans

The Amended Recommendation became the motion and was put and CARRIED 7-2.

ITEM 6.2: RESOLUTION

- i. **The City of Albany agree to fund \$403,000 and up to \$400,000 in 2010/11 & 2011/12 respectively to the operation of the Albany Entertainment Centre; and**
- ii. **The City of Albany enter into further negotiations with the GSDC.**

Against the Motion: Councillors J Bostock and D Bostock.

7.0 NEXT ORDINARY MEETING DATE – Tuesday 16 November 2010

8.0 CLOSURE OF MEETING

ITEM 8.0: RESOLUTION

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR HAMMOND

Standing Order 3.1, to stop recording of proceedings be RESUMED.

**CARRIED 9-0
ABSOLUTE MAJORITY**

There being no further business, the Mayor declared the meeting closed at [6:26:38 PM](#) .

Mayor MJ Evans JP
MAYOR