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# AGENDA

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**Ordinary Meeting of Council**

**Tuesday 24 March 2015**

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  
AGENDA –24/03/2015

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**1. DECLARATION OF OPENING**

**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  
Frederickstown Ward  
Kalgan Ward  
Kalgan Ward  
Vancouver Ward  
Vancouver Ward  
West Ward  
Yakamia Ward  
Yakamia Ward

V Calleja JP  
C Dowling  
J Price  
B Hollingworth  
S Bowles  
N Williams  
A Goode JP  
R Sutton  
A Hortin JP

**Staff:**

Chief Executive Officer  
Deputy Chief Executive Officer  
Executive Director Planning and  
Development Services  
Executive Director Community  
Services  
Executive Director Works and  
Services

G Foster  
G Adams  
D Putland  
C Woods  
M Thomson

Meeting Secretary

J Williamson

**Apologies:**

Breaksea Ward  
Frederickstown Ward  
West Ward

R Hammond (Leave of Absence)  
G Stocks (Leave of Absence)  
G Gregson (Leave of Absence)

**4. DISCLOSURES OF INTEREST**

Name	Committee/Report Item Number	Nature of Interest

**5. REPORTS OF MEMBERS**

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

The following questions from Mr Bill Evans, Let's Party Hire, were taken on notice at the Ordinary Council Meeting held on 24 March 2015. The responses were provided by the Executive Director Community Services:

1. Is it true that the City has bought its own marquee?

*Yes. The City has received funding through Lotterywest for the purchase of high quality event/festival shade structures suitable for installation on the Albany Town Square and Stirling Terrace. The marquees will be used to support events across the Centenary of Anzac but will also be suitable for City community events and the annual Agricultural Show.*

*The City is assessing options for the most cost effective installation of these marquees for events. This process will take place after Anzac Commemorations (25 April 2015). Should the City seek quotes from suitably qualified contractors for the installation of these marquees the City would welcome a quote from "Let's Party Hire" for this service.*

2. Why did the City contractor Project 3 not use any local contractors for the Anzac Commemorative events in 2014?

*In relation to the 2014 Convoy Departure Commemoration a number of stakeholders were involved, including the Federal government, State government and Local government (as well as the Department of Veterans Affairs and RSL). The City cannot confirm whether the Federal government sought quotes from local suppliers for hire equipment.*

*The City, with the support of the State government, contracted Project 3 to deliver a range of events and services for the 2014 Convoy Departure Commemoration, and where feasible, local suppliers were used for a variety of event services. In relation to hire equipment, a range of suppliers were used and in this instance Albany Party Hire supplied many of the marquees-and where they were unable to supply these, Albany Party Hire sub-contracted this service.*

*The City has previously used Let's Party Hire for a number of events and also required quotes from Let's Party Hire. The City has also required a prospectus of services available from Let's Party Hire so events staff can ensure they seek quotes from Let's Party Hire where appropriate services are available.*

ORDINARY COUNCIL MEETING  
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7. PUBLIC QUESTION TIME
8. APPLICATIONS FOR LEAVE OF ABSENCE
9. PETITIONS AND DEPUTATIONS
10. CONFIRMATION OF MINUTES

**DRAFT MOTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the minutes of the Ordinary Council Meeting held on 24 March 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.**

11. PRESENTATIONS Nil.
12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

**ED022: ALBANY REGIONAL AIRPORT – SCREENING AUTHORITY AND PROVIDER C15004**

**Land Description** : Albany Regional Aerodrome, Albany, Western Australia  
**Proponent** : City of Albany  
**Owner** : City of Albany  
**Business Entity Name** : Albany Regional Airport  
**Attachments** : Nil  
**Report Prepared by** : Manager Tourism Development & Services (M Bird)  
**Responsible Officer** : General Manager Business & Economic Development (D Lee)

**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 2014-2018:
  - a. **Key Themes:**
    - 1 Smart Prosperous and Growing
    - 3 A Connected Built Environment
  - b. **Strategic Objectives:**
    - 1.3 To develop and promote Albany as a unique and sought after visitor destination
    - 3.1 To advocate, plan and build friendly and connected communities
  - c. **Strategic Initiatives:**
    - 1.3.2 Promote the Albany region as a sought after and iconic tourism destination
    - 3.1.1 Improve connectedness and traffic flows

**In Brief:**

- Since 1 July 2012 Albany Regional Airport (the Airport) has operated as a security controlled airport.
- A Federal Government legislated requirement of this airport security level is to have in place an accredited Security Screening Authority and Security Screening Provider.
- MSS Security has performed these roles under contract to the City of Albany since 2012. This contract is due to expire at the end of May 2015.
- A tender for these roles was advertised in March 2015 with two conforming tenders received.



**RECOMMENDATION**

**ED022: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council ACCEPT the tender from MSS Security and AWARD contract C15004 to act as the screening authority and security screening provider at Albany Regional Airport.**

**BACKGROUND**

2. Since 1 July 2012 Albany Regional Airport (the Airport) has operated as a security controlled airport.
3. The Airport is currently designated as a Category 3 security level which includes both passenger and checked baggage security screening requirements.
4. A legislated requirement of this security level is to have in place an accredited Security Screening Authority and Security Screening Provider.
5. The Screening Authority is the entity responsible for ensuring that security screening occurs in accordance with Federal Government legislation.
6. The Screening Provider is the entity that ensures the physical delivery of the required security screening services.
7. At the November 2011 Ordinary Council Meeting, Council supported the recommendation to appoint, through a tender process, a third party to operate as a Screening Authority and Screening Provider at the Airport.
8. Following this process, MSS Security was awarded this contract and has performed the Authority and Provider roles since 2012. This agreement is due to expire at the end of May 2015.
9. Due to the size of the financial contract it was necessary to re-tender these roles.
10. The tender for this role was advertised in March 2015, a total of 18 enquiries were generated with two conforming submissions received by the stated closing date of 19 March 2015.
11. The two conforming tender submissions were received from MSS Security and Aerodrome Management Systems.
12. The tenders were assessed by a panel of three City officers including one Executive Director as required by the Purchasing Policy.

**DISCUSSION**

13. The City of Albany advertised widely seeking tenders for the delivery of Security Screening Services (Screening Authority and Screening Provision) at the Airport.
14. Two conforming tenders (to be appointed as the screening authority and provide screening services) were received and assessed by a three person panel.
15. The panel evaluated the tenders using the weighted (out of 10) criteria methodology. Criteria and weighting provided in table below:

<b>Criteria</b>	<b>% Weight</b>
Cost	25%
Relevant Experience	30%
Key Personnel	15%
Tenderers Resources	15%
Demonstrated Understanding	10%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

16. On the basis of the total evaluation score, the most suitable company is considered MSS Security.

<b>Tenderer</b>	<b>Total</b>
MSS Security	776.80
Aerodrome Management Services	603.86

17. For the following reasons:

Cost:

- Lowest Cost

Relevant Experience:

- Demonstrated understanding and capability to comply with all legislative requirements to act as a screening authority.

Key Personnel:

- MSS have delivered these services to the City of Albany for the past 3 years to a high standard and have key personnel already in place

Tenderer's Resources:

- MSS is a Multi-national security firm with a high level of experience in aviation screening, with evidence showing they are one of the largest providers of aviation screening services throughout Australia.

Demonstrated Understanding:

- MSS have delivered these services for the City of Albany for the past 3 years to a high standard.

**GOVERNMENT & PUBLIC CONSULTATION**

- 18. The City of Albany has ongoing consultation with relevant State and Australian Government agencies relating to aviation security.
- 19. There is no public consultation required for the appointment of the security screening authority and provider.

**STATUTORY IMPLICATIONS**

- 20. Under regulation 4.17 of the *Aviation Transport Security Regulations 2005*, the Secretary of the Department of Infrastructure and Transport has issued Albany Regional Airport with an Aviation Screening Notice (ASN) that specifies the methods, techniques and equipment to be used for screening services at the Airport.
- 21. Appointment of the screening authority and provider roles is an essential requirement in the implementation of the ASN at the Airport. Without this appointment Albany Airport is unable to comply with Federal Legislation.
- 22. 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.
- 23. 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.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

- 25. The risk identification and categorisation relies on the City’s Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational. Current screening authority and provider contract expires with no new contract in place.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Current service provider placed on a month by month agreement until new contract in place.</i>

**FINANCIAL IMPLICATIONS**

- 26. The value of this tender is in excess of \$500,000 and therefore the approval is referred to Council for consideration.
- 27. Security screening services must be applied to every Regular Public Transport (RPT) and open charter flight departing from the Airport. The Council determined that these costs will be fully recovered via an increase to the current Airport passenger levy fee and at the March 2012 Ordinary Council Meeting Council passed the recommendation to increase the Airport passenger levy fee on arriving and departing passengers to cover the cost of increased security requirements.
- 28. Although the increased cost will be fully borne by air travellers it is important that it is kept to a minimum so that potential impacts on demand for air travel are minimised. When assessing the tender quotes, cost was an important consideration and MSS provided the lowest quote and scored highest in this selection criteria compared to competing tenderers.
- 29. Based on the preferred tenderer’s pricing, the additional passenger levy has been budgeted for and will cover the costs of providing screening services moving forward.

**LEGAL IMPLICATIONS**

- 30. It is a Federal Government legislative requirement that the Airport continues to operate as a security screened airport when handling RPT aircraft over a Maximum Take-Off Weight (MTOW) of 20,000kg.

**ENVIRONMENTAL CONSIDERATIONS**

- 31. Nil

**ALTERNATE OPTIONS**

- 32. The options are:
  - To approve awarding of the roles to the recommended tenderer,
  - Not approve the recommendation and appoint a different tenderer,
  - Not approve any of the tenderers.

**SUMMARY CONCLUSION**

- 33. On the basis of cost, expertise and resources the recommended tenderer is MSS Security.

<b>Consulted References</b>	:	Aviation Transport Security Regulations
<b>File Number (Name of Ward)</b>	:	C11006
<b>Previous Reference</b>	:	OCM 17 May 2011 Item 3.2 SCM 8 September Item 6.2 OCM 21 February 2012 Item 16.3

**CS019: ALBANY LEISURE AND AQUATIC CENTRE LAP POOL – HEATING, VENTILATION & AIR CONDITIONING UPGRADE**

**Land Description** : Albany Leisure and Aquatic Centre (ALAC)  
**Owner** : City of Albany  
**Attachments** : Norman Disney and Young Report – ALAC Lap Pool HVAC Replacement Schematic Design Report  
**Report Prepared by** : Albany Leisure and Aquatic Centre Manager (W. Westmore)  
**Responsible Officer** : 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 2014-2018:
  - a. **Key Theme:** 2. Clean, Green and Sustainable
  - b. **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
  - c. **Strategic Initiative:** 2.2.2 Deliver effective asset maintenance programs.

**In Brief:**

- Award the tender C15006 for the upgrade of the Albany Leisure and Aquatic Centre (ALAC) Heating, Ventilation and Air Conditioning (HVAC) plant servicing the Lap Pool Hall.
- Two complying tenders received with Centigrade Mechanical Contracting the recommended contractor.
- Construction is scheduled to commence by July 6 2015, with completion due by August 30 2015.

**RECOMMENDATION**

**CS019: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**That Council ACCEPT Centigrade Mechanical Contracting as the recommended Tenderer and AWARD the contract C15006 on the basis of having provided the most advantageous outcome and best value for money to the City of Albany.**

**BACKGROUND**

2. The HVAC plant that services the Lap Pool Hall at ALAC is currently operating ineffectively and inefficiently. This is a result of the wear and tear the plant has suffered due to its age.
3. A large component of the system, the heat reclaim chiller, will become obsolete in 2016 as the manufacture of the refrigerant used in this unit will cease.
4. The existing system is not integrated with the Building Management System that controls the HVAC plant for other areas of the Centre, including the Leisure Pool Hall that adjoins the Lap Pool Hall.
5. Normand Disney and Young (NDY) –were engaged by ALAC management to provide engineering services for this project. The first stage of these services was to provide a report and recommendation on options for the replacement of the Lap Pool Hall HVAC plant.
6. Based on this report the tender was prepared for a “Like for Like” option.
7. The “Like for Like” option would utilise a similar concept to the current arrangement albeit with modern reliable and energy efficient equipment and control strategies.
8. To ensure the City received high quality submissions that met the needs of the Centre, NDY where then engaged to provide detailed specification and drawings for the tender.

**DISCUSSION**

9. A total of 22 tender documents were issued by the City of Albany
10. Two completed tender documents were submitted on or before the stipulated closing date and time.
11. The tenders were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Criteria	% Weighting
Cost	15%
Relevant Experience	20%
Key Personnel & Experience	20%
Tenderer’s Resources	20%
Demonstrated Understanding	20%
Corporate Social Responsibility	5%
<b>Total</b>	<b>100%</b>

12. The following table summarises the tenders and overall evaluation scores applicable to each submission:

Tenderer	Total Evaluation Score
Centigrade	689.34
Fredon Air	634.00

**GOVERNMENT & PUBLIC CONSULTATION**

13. A request to tender was published in the West Australian on 11 March 2015 and in the Albany Weekender on 12 March 2015.

**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.
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>
<b>Financial.</b> System failure causing an unplanned shut down resulting in loss of income.	Likely	Moderate	High	Support the recommended tender approval or work with City officers to source other funding streams/solutions.
<b>Financial.</b> Loss of income due to the closure of the lap pool to carry out the works	Almost Certain	Moderate	High	Schedule the sections of the works that require pool closure during the winter school holidays when attendance is traditionally low and there are no swimming lessons.
<b>People Health and Safety.</b> System failure resulting in a poor environment that is detrimental to the health of staff and patrons.	Likely	Minor	Medium	Support the recommended tender approval or work with City officers to source other funding streams/solutions.
<b>People Health and Safety.</b> Accident resulting in injury.	Unlikely	Major	Medium	Ensure compliance with all safety standards. Engage experienced company versed in safety to superintend the project (Norman Disney and Young)
<b>Reputation.</b> Unscheduled shut down and/or poor environmental conditions resulting in service interruption and poor customer experience.	Likely	Moderate	High	Support the recommended tender approval enabling the works to be programmed for winter school holidays or delay to the next school holiday break.
<b>Reputation.</b> The system installed by the contractor awarded the contract is substandard, resulting in poor environmental conditions causing service interruption and poor customer experience.	Possible	Moderate	Medium	Professional Mechanical Engineer from NDY engaged to develop the specifications for the project. NDY engaged to Superintend the project to ensure works are complete to the specifications.
<b>Reputation.</b> An interruption to the lap pool heating system will occur during the works, resulting in uncomfortable conditions for some swimmers.	Likely	Minor	Medium	The replacement of the components for the heating system to occur during the pool shut down period for ducting and tiling works.

**FINANCIAL IMPLICATIONS**

19. The value of this tender is in excess of \$500,000 and approval is referred to Council for consideration.
20. This project was identified in 2012 as part of the ALAC 10 year Asset Management Plan and funds have been allocated in the 2014/15 budget.
21. The tender submission from Centigrade Mechanical Contracting is within budget.

**LEGAL IMPLICATIONS**

22. There are no legal implications associated with this item.



**ENVIRONMENTAL CONSIDERATIONS**

23. All relevant areas where works will be carried out will be screened off and isolated to prevent contamination of public areas.

**ALTERNATE OPTIONS**

24. Council can accept or reject tenders as submitted.

**SUMMARY CONCLUSION**

25. On reviewing the submissions, the evaluation team assessed Centigrade Mechanical Contracting as being the most suitable tenderer across the evaluation criteria in terms of cost, demonstrated understanding, corporate social responsibility, key personnel (skills & experience) and relevant experience. Centigrade Mechanical Contracting is recommended to be awarded the ALAC Lap Pool HVAC Upgrade contract.

<b>Consulted References</b>	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
<b>File Number (Name of Ward)</b>	:	C15006
<b>Previous Reference</b>	:	Not applicable

**CSF156: FINANCIAL ACTIVITY STATEMENT – FEBRUARY 2015**

**Proponent** : City of Albany  
**Attachments** : Financial Activity Statement  
**Report Prepared by** : Financial Accountant (S Beech)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF156: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2015.**

CSF156: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF156: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 28 February 2015.

**BACKGROUND**

1. The Statement of Financial Activity for the period ending 28 February 2015 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:
- (1) 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.
  - (2) 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.
  - (3) 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
  - (4) 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.

**POLICY IMPLICATIONS**

- 8. The City’s 2014/15 Annual Budget provides a set of parameters that guides the City’s financial practices.
- 9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

**FINANCIAL IMPLICATIONS**

- 10. Expenditure for the period ending 28 February 2015 has been incurred in accordance with the 2014/15 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.

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CSF157: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2015**

**Proponent** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared by** : Financial Accountant (S Beech)  
**Responsible Officer** : Executive Director Corporate Services (G Adams)

**Responsible Officer’s Signature:**



**RECOMMENDATION**

**CSF157: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2015 totalling \$5,227,270.21.**

CSF157: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HORTIN  
 SECONDED: COUNCILLOR DOWLING

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF157: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2015 totalling \$5,227,270.21.

**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 March 2015. Please refer to the attachment to this report.

<b>Municipal Fund</b>	
Trust	\$11,375.57
Credit Cards	\$17,321.55
Payroll	\$1,122,095.90
Cheques	\$65,593.39
Electronic Funds Transfer	\$4,010,883.80
<b>TOTAL</b>	<b><u>\$5,227,270.21</u></b>

3. As at 15 March 2015, the total outstanding creditors, stands at \$515,800.03 and made up as follows:

Current	\$378,857.45
30 Days	\$137,010.01
60 Days	\$0.00
90 Days	-\$67.43
<b>TOTAL</b>	<b><u>\$515,800.03</u></b>

Cancelled cheques: 30419 – not required

**STATUTORY IMPLICATIONS**

4. 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.
5. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
6. 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.

**POLICY IMPLICATIONS**

7. Expenditure for the period to 15 March 2015 has been incurred in accordance with the 2014/2015 budget parameters.

**FINANCIAL IMPLICATIONS**

8. Expenditure for the period to 15 March 2015 has been incurred in accordance with the 2014/2015 budget parameters.

**SUMMARY CONCLUSION**

9. 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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**CSF158: DELEGATED AUTHORITY REPORTS**

**Proponent** : City of Albany  
**Attachments** : Executed Document and Common Seal Report  
**Report Prepared by** : Personal Assistant to the DCEO (H Bell)  
**Responsible Officer** : Chief Executive Officer (G Foster)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF158: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Delegated Authority Reports up until 15 March 2015.**

CSF158: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH  
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF158: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 March 2015.

**CSF159: REVIEW OF COUNCIL POLICY POSITIONS**

- Proponent** : City of Albany  
**Attachments** : Documents hyperlinked:
- [Council Policy: Corporate: Code of Conduct \(Council Members, Committee Members, Staff and Volunteers\)](#)
  - [Council Policy: Corporate: Handling of Complaints By or Against Elected Members Policy and Procedures](#)
  - [Council Policy: Corporate: Handling of Complaints By or Against the Chief Executive Officer](#)
- Report Prepared by** : Manager Governance and Risk Management (S Jamieson)  
**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 2014-2018:
  - a. **Key Theme:** 5 Civic Leadership
  - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures
  - c. **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations

**In Brief:**

- Council is requested to review the attached policies.

**RECOMMENDATION**

**CSF159: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the reviewed and amended policy positions be ADOPTED as per the Responsible Officer's Report:**

- **Council Policy – Code of Conduct (Council Members, Committee Members, Staff and Volunteers);**
- **Council Policy & Procedures – Handling of Complaints By or Against Elected Members; and**
- **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer.**

CSF159: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF159: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the reviewed and amended policy positions be ADOPTED as per the Responsible Officer's Report:

- Council Policy – Code of Conduct (Council Members, Committee Members, Staff and Volunteers);
- Council Policy & Procedures – Handling of Complaints By or Against Elected Members; and
- Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer.

**BACKGROUND**

2. It is a role of Council to determine policy positions.

3. On 24 March 2015, Council resolved:

*“THAT the City review Section 4 of the Code of Conduct (Conduct of Council Members, Committee Members, Volunteers and Staff) to include provision for respecting and valuing diversity of gender, race and religion.”*

4. The attached policies were reviewed by the Executive Management Team and have been presented for review.

**DISCUSSION**

5. The intent of each policy and how they relate to State legislation and current Council policy positions is still relevant.

6. It is recommended that only minor administrative changes are made.

7. **Council Policy – Code of Conduct (Council Members, Committee Members, Staff and Volunteers)**

a. This policy was adopted by Council on 26/11/2013.

b. **Clause 4.1 Personal Behaviour.**

**Clause 4.1(2):** It is considered appropriate that Council review clause 4.1(2) of the policy which currently states: *“Council Members will represent and promote the interests of the City, while recognising their special duty to their own constituents.”*



Recommend clause is amended to read: “*Council Members will represent and promote the interests of the City, whilst recognising their special duty to facilitate communication between the community and the council.*”

Reason: Ensure consistency with the *Local Government Act 1995*. s2.10 of the Act, which states, in part, that it is the role of councillors to represent the interest, ratepayers and residents of the district and facilitate communication between the community and the council.

- c. **General Comment.** This policy is not written in a prescriptive style. Council Members, Committee Members, City Volunteers and Staff are required to act, and be seen to act, properly and in accordance with the requirements of the law. In particular the *Equal Opportunity Act 1984*, which covers discrimination, harassment, rights and responsibilities.
- d. It is considered appropriate that respecting and valuing diversity of gender, race and religion is reinforced in the City of Albany’s adopted “*Our Values...All Councillors, Staff and Volunteers at the City of Albany will be focussed, united, accountable and proud*” for the actions.

**Clause 9. Legislation and Associated Documents Relating to this Policy.** It is recommended that this clause is amended to include a reference to the *Equal Opportunity Act 1984*.

- e. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

**Council Policy & Procedures – Handling of Complaints By or Against Elected Members**

- f. This policy was adopted by Council on 11/10/2011.
- g. **General Comment.** It is considered that this policy is relevant and promotes procedural fairness (natural justice).

*Note: Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. It is generally accepted that a decision-maker who follows a fair procedure will reach a fair and correct decision.*

**Clause 1. Policy Statement.** It is recommended that this clause is amended to align with the Code of Conduct.

Currently states: (2) *The City of Albany has adopted a Code of Conduct for **elected members of Council**. In adopting this policy, elected members made a public declaration of the conduct and standards of behaviour that the members of the City of Albany Council have agreed to demonstrate.*

Recommend clause is amended to read: (2) *The City of Albany has adopted a Code of Conduct for **Elected Members, Committee Members, Volunteers and Staff**. In adopting this policy, elected members made a public declaration of the conduct and standards of behaviour that the members of the City of Albany Council have agreed to demonstrate.*

**Clause 3. Review:** Currently states: *(1)This policy was adopted on 11 October 2011. This policy must be reviewed every two years after a general Local Government election, or earlier if Council consider it necessary.*

Recommended clause is amended to read: *This policy must be reviewed every two years after a general Local Government election, or earlier if Council consider it necessary.*

**8. Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer**

- a. This policy was adopted by Council on 11/10/2011.
- b. No amendments recommended. It is considered that this policy is relevant and promotes procedural fairness (natural justice).

**GOVERNMENT AND PUBLIC CONSULTATION**

- 9. No public or internal stakeholder consultation has occurred on these matters.

**STATUTORY IMPLICATIONS**

- 10. Detailed in the discussion section of the report.

**POLICY IMPLICATIONS**

- 11. Clause 2.7 of the *Local Government Act 1995* outlines the role of Council, which specifically includes determining the local government’s policies (Clause 2.7(2)(b)).
- 12. Under section 5.103 of the Act, every local government is to adopt a code of conduct to be observed by council members, committee members and employees.

**RISK IDENTIFICATION & MITIGATION**

- 13. The risk identification and categorisation relies on the City’s Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal &amp; Compliance.</b> <i>Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>

**FINANCIAL IMPLICATIONS**

- 14. There are no financial implications related to this item.

**LEGAL IMPLICATIONS**

- 15. This item has been prepared in close consultation with relevant legislation, ensuring all requirements are considered and documented.

**ENVIRONMENTAL CONSIDERATIONS**

- 16. There are no environmental considerations associated with this report.

**ALTERNATE OPTIONS**

- 17. Council may support the review and re-adoption of these policies or not, though if Council would like to effect more amendments, it is recommended that the policies are referred back to Committee.
- 18. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

**SUMMARY CONCLUSION**

- 19. It is recommended that the Responsible Officer’s Recommendation is adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Equal Opportunity Act 1984</i></li> <li>• <i>Council Policy: Corporate: Code of Conduct (Council Members, Committee Members, Staff and Volunteers)</i></li> <li>• <i>Council Policy: Corporate: Handling of Complaints By or Against Elected Members Policy and Procedures</i></li> <li>• <i>Council Policy: Corporate: Handling of Complaints By or Against the Chief Executive Officer</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	CM.STD.7
<b>Previous Reference</b>	:	OCM 11/10/2011; OCM 26/11/2013, Report Item CSF039.

**CSF160: ORDINARY COUNCIL MEETING DATES AND COMMITTEE  
PLANNING MEETING CALENDAR**

**Proponent** : City of Albany  
**Attachments** : Nil  
**Report Prepared By** : Manager Governance and Risk Management (S Jamieson)  
**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 2014-2018:
  - 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:** 5.3.2. Improve community engagement processes and platforms

**In Brief:**

- Council is requested to set the Ordinary Council Meeting dates for the next 12 months and for planning purposes set the meeting dates for Council Committees.

**RECOMMENDATION**

**CSF160: COMMITTEE RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

1. **THAT Council APPROVE the Council meeting schedule for public notice:**
  - (a) **First week of the month**
    - **Tuesday: Community Services Committee (5.30pm)**
    - **Wednesday: Planning & Development Committee (5.30pm)**
  - (b) **Second week of the month**
    - **Tuesday: Corporate Services & Finance Committee (5.30pm)**
    - **Wednesday: Works & Services Committee (5.30pm)**
  - (c) **Third week of the month**
    - **Tuesday: Economic Development Committee (5.30pm)**
  - (d) **Fourth week of month**
    - **Tuesday: Ordinary Council Meeting (6.00pm)**
2. **THAT the dates be represented to Council for ratification after the October 2015 Ordinary Local Government elections.**

**3. THAT Council for planning purposes and public notice set the Ordinary Council Meeting dates as follows:**

- 28 July 2015
- 25 August 2015
- 22 September 2015
- 27 October 2015
- 24 November 2015
- 22 December 2015
- No meetings scheduled to be held January 2016
- 23 February 2016
- 22 March 2016
- 26 April 2016
- 24 May 2016
- 28 June 2016

CSF160: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF160: RESPONSIBLE OFFICER RECOMMENDATION

1. THAT Council APPROVE the Council meeting schedule for public notice:

(a) First week of the month

- Tuesday: Community Services Committee (5.30pm)
- Wednesday: Planning & Development Committee (5.30pm)

(e) Second week of the month

- Tuesday: Corporate Services & Finance Committee (5.30pm)
- Wednesday: Works & Services Committee (5.30pm)

(f) Third week of the month

- Tuesday: Economic Development Committee (5.30pm)

(g) Fourth week of month

- Tuesday: Ordinary Council Meeting (6.00pm)

2. THAT the dates be represented to Council for ratification after the October 2015 Ordinary Local Government elections.

3. THAT Council for planning purposes and public notice set the Ordinary Council Meeting dates as follows:

- 28 July 2015
- 25 August 2015
- 22 September 2015
- 27 October 2015
- 24 November 2015
- 22 December 2015
- No meetings scheduled to be held January 2016

- 23 February 2016
- 22 March 2016
- 26 April 2016
- 24 May 2016
- 28 June 2016

## BACKGROUND

2. At the Ordinary Council Meeting held on 29 October 2013, Council established a new Council Committee Structure (Standing Committees) to act as a conduit for proposed and reviewed strategy and policy positions.
3. At the Ordinary Council Meeting held on 24 February 2015, Council resolved to cease holding Agenda Briefing Sessions effective March 2015.
4. It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.
5. The current forward meeting planner (public notice) is valid up until July 2015.

## DISCUSSION

6. Currently ordinary meetings of Council are scheduled at 6.00pm on the basis that all meetings should be held outside of normal working hours to enable attendance by all Councillors and interested members of the public.
7. Currently Committee meetings are start at 5.30pm.
8. The Agenda for the Ordinary Council Meetings are comprised of reports presented to Council Committees. In order to facilitate the timely presentation of these reports to Council for decision making, Council Committee meetings are scheduled to be held prior to the ordinary council meeting.
9. This scheduling enables all Council Committee report items to be presented to Council in the same month as the Committee meetings have occurred.
10. Currently all Council meetings are held on the following days, noting the Ordinary Council Meeting is reserved for the last week of the month:

### First week of the month

- Tuesday: Community Services Committee
- Wednesday: Planning and Development Committee

### Second week of the month

- Tuesday: Corporate Services & Finance Committee
- Wednesday: Works and Services Committee

### Third week of the month

- Tuesday: Economic Development Committee

### Fourth week of month

- Tuesday: Ordinary Council Meeting

11. The following Committees of Council are scheduled on an as required basis with a minimum of three meetings per calendar year:

- Audit & Risk Management Committee
- Local Emergency Management Committee
- Airport Emergency Committee
- Bushfire Advisory Committee

**GOVERNMENT & PUBLIC CONSULTATION**

12. The proposed meeting dates and times are based on current practice.
13. Feedback from the Community has requested that meetings that are open to the public are not held prior to 6.00pm.
14. The proposed date for the Ordinary Council Meeting for the month of October has been scheduled to not conflict with local government elections that are historically held on the third weekend of October and state and national public holidays.

**STATUTORY IMPLICATIONS**

15. In accordance with the *Local Government Act 1995*, s 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:

*(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*

*(a) the ordinary council meetings; and*

*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

*(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub-regulation (1).*

16. Voting requirement for this item is **Simple Majority**.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal and Compliance.</b> <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Implement the proposed City of Albany Ordinary Council and Committee Planner for local public notice advertising, noting that the dates and times are subject to change.</i>

**FINANCIAL IMPLICATIONS**

19. A budget line exists for the cost of giving public notice and advertising.

**LEGAL IMPLICATIONS**

20. Local public notice must be given to ensure legislative compliance, detailing changes to the forecast ordinary meeting schedule.

**ENVIRONMENTAL CONSIDERATIONS**

21. There are no direct environmental considerations related to this item; however an efficient meeting schedule will reduce wasted resources (time, travel, and office consumables).

**ALTERNATE OPTIONS**

22. Council may consider alternate days, dates or meeting order.

**SUMMARY CONCLUSION**

23. That the proposed meeting calendar be endorsed and adopted.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	(All Wards) <ul style="list-style-type: none"> <li>• Airport Emergency Committee – ES.MEE.5</li> <li>• Audit and Risk Committee - FM.MEE.3</li> <li>• Bush Fire Advisory Committee – ES.MEE.1</li> <li>• Community Services Committee – CS.MEE.9</li> <li>• Corporate Services &amp; Finance Committee – CM.MEE.9</li> <li>• Economic Development Committee – ED.MEE.10</li> <li>• Local Emergency Management Committee – ES.MEE.5</li> <li>• Ordinary Council Meeting - GO.COM.3</li> <li>• Planning &amp; Development Committee – LP.MEE.1</li> <li>• Works &amp; Services Committee – RD.MEE.6</li> </ul>
<b>Previous References</b>	:	OCM 19/02/2013 Report Item 1.3 OCM 27/08/13 Report Item CSF003 OCM 24/02/2015 Report Item CSF142



**CSF161: NEW LICENCE – THE FEDERATION OF WESTERN AUSTRALIAN POLICE AND COMMUNITY YOUTH CENTRES (INC)**

**Land Description** : Lot 50 on Diagram 6189, the whole of Certificate of Title Volume 1565 Folio 230, at 10 Old Elleker Road, Gledhow WA

**Proponent** : The Federation of Western Australia Police and Community Youth Centres (Inc)

**Owner** : City of Albany

**Report Prepared by** : Team Leader Property and Leasing (T Catherall)

**Responsible Officer** : Deputy Chief Executive Officer (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 2014-2018:
  - a. **Key Theme:** Civic Leadership
  - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
  - c. **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

**Maps and Diagrams:**



**IN BRIEF**

- Council is requested to consider a new licence to The Federation of Western Australia Police and Community Youth Centres (PCYC) to formalise current use of Lot 50 Old Elleker Road, Gledhow by PCYC for recreational purposes.
- Licence area being 2.4787 ha, excluding any buildings and infrastructure.
- Licence rent being \$10 plus GST per annum.
- Licence term being a periodic agreement terminable by either party giving 3 months notice.
- Licence will provide PCYC the capacity to sublicense with City consent.
- It is recommended the new licence be supported.

**RECOMMENDATION**

**CSF162: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE a new licence to The Federation of Western Australian Police and Community Youth Centres (Inc) over Lot 50 Old Elleker Road, Gledhow subject to:**

- a) Licence purpose being ‘Recreational Use’ consistent with the intent of the proposed Licensee’s organisation.**
- b) Licence area being 2.4787 ha, excluding any buildings.**
- c) Licence rent being \$10 plus GST per annum.**
- d) Licence term being a periodic agreement, terminable by either party giving 3 months notice.**
- e) Licence commencement date being as soon as practicable.**
- f) All costs associated with the ongoing operations of the licence property being payable by the proponent.**
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the proponent.**
- h) Licence being consistent Council Policy – Property Management – Leases and Licences.**

**CSF162: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 8-0**

**CSF162: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council APPROVE a new licence to The Federation of Western Australian Police and Community Youth Centres (Inc) over Lot 50 Old Elleker Road, Gledhow subject to:

- a) Licence purpose being 'Recreational Use' consistent with the intent of the proposed Licensee's organisation.
- b) Licence area being 2.4787 ha, excluding any buildings.
- c) Licence rent being \$10 plus GST per annum.
- d) Licence term being a periodic agreement, terminable by either party giving 3 months notice.
- e) Licence commencement date being as soon as practicable.
- f) All costs associated with the ongoing operations of the licence property being payable by the proponent.
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the proponent.
- h) Licence being consistent Council Policy – Property Management – Leases and Licences.

**BACKGROUND**

2. In July 1989, the then Shire of Albany granted permission to PCYC to use Lot 50 Old Elleker Road, Gledhow for youth activities, in order to assist PCYC as a community organisation. The permission excluded access to any building or structure already on the land.
3. Lot 50 Old Elleker Road, Gledhow is City owned freehold land.
4. City officers recently became aware that the access and use arrangements between the Shire and PCYC for the use of the property were never formalised.
5. In addition it has become evident that the partnership of S.K Baesjou & C.L Turner is operating a business trading as 'Albany Laser Scape' (Laser Scape) and carrying out commercial activities on the property.
6. It is noted that the original permission granted by the then Shire to PCYC to use the property did not allow PCYC to grant use to others.

**DISCUSSION**

7. The City had no record of an application being lodged, or any planning consent issued for Laser Scape use of the property.
8. In December 2014 City officers met with PCYC to discuss the use of the property by PCYC and Albany Laser Scape.
9. PCYC confirmed the Police Rangers use the property for activities including bushcraft, navigation, abseiling, camp outs and leadership programs.

10. The City formally sought evidence of any documentation held that outlined access arrangements between PCYC and Albany Laser Scape, including any payments or in-kind arrangements between the parties.
11. Additionally the City requested Certificates of Currency for the insurance appropriate to the activities conducted on the property. Since this time copies of appropriate insurances have been provided to the City.
12. It became evident that PCYC granted verbal permission for Albany Laser Scape to operate from the property. In return Laser Scape donated vouchers to the PCYC community ball auction and free games for Police Rangers.
13. On 15 January 2015 City officers met with Laser Scape to further discuss use of the property. It became apparent that Laser Scape had been using the property for approximately 12 years and they considered PCYC permission to use the property sufficient. Laser Scape were of the view that planning approval for use of the property was not required.
14. To remedy the immediate use of the property by Laser Scape, the City outlined interim arrangements in correspondence dated 16 January 2015 to both PCYC and Laser Scape.
15. The City permitted PCYC to allow Laser Scape access in the short term subject to a number of terms and conditions. This consent will operate until such time as Council determines the matter, or the City withdraws consent.

The terms and conditions include:

- a. Laser Scape must lodge a planning application with the City for the application use, within 14 days and comply with all conditions of any approval issued;
- b. Use is limited to Lot 50, Old Elleker Road Gledhow and shall not use or enter into any portion of adjoining Reserve 30599 or adjacent properties;
- c. Are not permitted to use or access any building or other structure on the property and that they independently provide all facilities necessary for the activities to be lawfully carried out;
- d. Ensure that the property is safe in all respects and remove or prohibit access to any items to locations of potential hazard;
- e. Fully remediate the site at time it is vacated, or earlier if requested by the City;
- f. Limit activities to those currently undertaken on the site and not further develop or build on the site;
- g. At all times carry insurances appropriate to the activities conducted, in accordance with best practice; and
- h. Will not hold or claim any property right over the property greater than a non-exclusive licence, terminable at will.

16. On 18 February 2015 Laser Scape lodged planning application (P2150079) for use of the property. As part of the assessment the application has been referred to the Department of Environment and Regulation for comment given the number of second hand tyres approximately 1500-2000 being used onsite.
17. Any comments received from the Department of Environment and Regulation will be addressed as conditions of any planning approval issued.
18. The proposed licence to PCYC will provide the mechanism to formalise a sublicense with Laser Scape, with City consent. The sublicense will record full back-to-back compliance with the head-licence held by PCYC. It will include indemnities and make-good requirements directly enforceable by the City.
19. It is noted the Chief Executive Officer has delegated authority to approve requests for sublease/sublicence where there is a current lease/licence in place.

### **GOVERNMENT & PUBLIC CONSULTATION**

20. No Government consultation for the Licence is required.
21. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
  - a. A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
  - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
  - c. A local government can then proceed with the lease/licence.
22. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
  - (b) The land is disposed of to a body, whether incorporated or not –
    - (i) The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and
    - (ii) The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,
23. The Federation of Western Australia Police and Community Youth Centres (Inc) is a not-for-profit charitable organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

### **STATUTORY IMPLICATIONS**

24. 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings including advertising requirements. The proposed licence will be advertised.

**POLICY IMPLICATIONS**

- 25. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
- 26. The Policy aims to ensure that all requests for leases and licences will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.
- 27. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

**RISK IDENTIFICATION & MITIGATION**

- 28. The risk identification and categorisation relies on the City’s Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Reputation: A new licence is not approved.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: A new licence is not approved – PCYC will need to find an alternate location should they wish to continue existing activities</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

**FINANCIAL IMPLICATIONS**

- 29. All costs associated with the development, execution and completion of the licence documentation will be met by PCYC.
- 30. The new licence rental of \$10 plus GST per annum will be directed to Income – Other Leases COA account 1190430.

**LEGAL IMPLICATIONS**

- 31. The licence does not grant any rights of exclusive use or occupation over the land or within the licensed area.
- 32. The licence provides that PCYC must not sublicense the property without the City’s written consent. If granted PCYC and the sublicensee must execute a sublicense document with the City a party to the agreement. The sublicense will include full back-to back-compliance with the head licence held by PCYC.
- 33. The agreement with PCYC will be a Deed of Licence prepared by the City’s lawyers, at PCYC expense.

**ENVIRONMENTAL CONSIDERATIONS**

- 34. Planning application (P2150079) for Laser Scape use of the property has been referred to the Department of Environment and Regulation for comment. Comments will be addressed as conditions of any approval issued.

**ALTERNATE OPTIONS**

- 35. Council may:
  - a. Approve the licence; or
  - b. Decline the licence.
- 36. Should Council decline the licence, PCYC will need to find an alternative location if they wish to continue providing similar recreational activities.
- 37. Laser Scape will be required to immediately remediate and vacate the property.

**SUMMARY CONCLUSION**

- 38. The proposed licence to PCYC will formalise existing use of Lot 50 Old Elleker Road, Gledhow for recreational purposes.
- 39. The licence will require PCYC to formally document Albany Laser Scape use under a sublicense arrangement, and be forwarded to the City for consent.
- 40. PCYC will only be able to sublicense the area it licenses. Any sublicense arrangement will record full back-to-back compliance with the head licence held by PCYC. It will include indemnities and make-good requirements directly enforceable by the City.
- 41. It is recommended the new licence to PCYC be supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management – Leases and Licences</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO401, A173245 (West Ward)
<b>Previous Reference</b>	:	OCM 26/07/1989

**CSF162: QUARTERLY REPORT – TENDERS AWARDED – JANUARY  
TO MARCH 2015**

**Proponent** : City of Albany  
**Attachments** : Quarterly Report – Tenders Awarded – January to March  
2015  
**Report Prepared by** : Procurement Officer (H Hutchinson)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**RECOMMENDATION**

**CSF162: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2015.**

CSF162: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HORTIN  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF162: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Quarterly Report – Tenders Awarded – January to March 2015.



**CSF163: PROPOSED LAND PURCHASE**

**Land Description** : REDACTED  
**Proponent** : REDACTED  
**Owner** : REDACTED  
**Attachments** : Confidential Business Case  
Confidential Maps  
**Report Prepared by** : Senior Lands Officer (N Crook)  
**Responsible Officer** : Deputy Chief Executive Officer (G Adams)

**Responsible Officer's Signature:**



**CONFIDENTIAL REPORT**

*This Report will be considered behind closed doors in accordance with section 5.23 (2)(e) of the Local Government Act 1995, being a matter that if disclosed, would reveal information that has a commercial value to a person.*

**WS070: CONTRACT C14036 – PUBLIC INFRASTRUCTURE CLEANING SERVICES**

**Proponent** : City of Albany  
**Attachments** : Nil  
**Report Prepared by** : Manager City Operations (M Richardson)  
**Responsible Officer** : 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 2014-2018:
  - a. **Key Theme:** 2. Clean, Green and Sustainable
  - b. **Strategic Objective:** 2.2 To maintain and renew City assets in a sustainable manner
  - c. **Strategic Initiative:** 2.2.2 Deliver effective asset maintenance programs

**In Brief:**

- Tender award for Public Infrastructure Cleaning Services.
- Three complying tenders received with CGS Quality Cleaning being the preferred contractor.
- Contract to commence 1 July 2015.

**RECOMMENDATION**

**WS070: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council:**

1. **ACCEPT** the Tender from CGS Quality Cleaning for Contract C14036 Public Infrastructure Cleaning Services, subject to final negotiations; and
2. **AUTHORISE** the Chief Executive Officer to negotiate final terms and conditions prior to entering into a Contract.

**BACKGROUND**

2. In 2004 the City awarded contract C02061 to Transpacific Cleanaway for the provision of Waste Minimisation Services. Public Infrastructure Cleaning Services was included as part of this contract.
3. The cleaning component of the contract comprises the servicing of the City's public toilets, BBQ's, CBD footpaths and street furniture.
4. The contract has used all options for extension and expires 30 May 2015.

**DISCUSSION**

5. In line with Councils Strategic Waste Management Plan 2013 the current waste contract has been reviewed to determine the best method of service delivery.
6. The review established that the services delivered in the current contract would be better delivered if the waste and cleaning components are divided to attract offers from specialist contractors in these fields.
7. A new Waste and Recycling Collections Services contract has since been awarded by Council to Transpacific Cleanaway at the 24 February 2015 council meeting.
8. The Public Infrastructure Cleaning Services contract was put out for tender 25 February 2015 with tenders closing 2.00pm 25 March 2015.
9. Tenders were advertised in the West Australian newspaper 25 February 2015 and the Albany Weekender 26 February 2015.
10. A total of twenty documents were issued and three contractors attended a non mandatory briefing session held 5 March 2015.
11. Three contractors, Transpacific Cleanaway, CGS Quality Cleaning and Gecko Evolution Property Services made submissions.
12. Evaluations were conducted by the Executive Director Works and Services, Manager City Operations and Waste Management Operations Coordinator.
13. The tender submissions were evaluated using the weighted attributes methodology. 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	40
Relevant Experience	20
Respondents Resources	20
Key Personnel Skills and Experience	15
Corporate Social Responsibility	5
<b>Total</b>	<b>100</b>

14. The following table summarises the tenders and overall evaluation scores applicable to each submission.

<b>Tenderer</b>	<b>Total Evaluation Score</b>
CGS Quality Cleaning	697.70
Transpacific Cleanaway	632.64
Gecko Evolution Property Services	298.71

15. On the basis of the total evaluation score the most suitable company is considered CGS Quality Cleaning.
16. CGS Quality Cleaning presented a very strong submission that scored well due to its cost, a thorough staff training program, a clear explanation of its cleaning quality process and its long standing experience as a specialist cleaner.

17. Transpacific Cleanaway, the incumbent contractor, also presented a strong submission with little deficiency.
18. Gecko Evolution Property Services scored strongly on price but was found deficient in all other aspects of the evaluation criteria. Gecko Evolution Property Services is a newly formed cleaning business based in Barragup.
19. Tender submissions were also benchmarked against a cost to provide the public infrastructure cleaning services “in-house” using City of Albany labour.
20. The contract tenure is 5 years with options for extension of 2 + 2 + 1 year periods.

**GOVERNMENT & PUBLIC CONSULTATION**

21. Not applicable.

**STATUTORY IMPLICATIONS**

22. 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.
23. 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.
24. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council’s decision.
25. Voting requirement: **Absolute Majority.**

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

27. The risk identification and categorisation relies on the City’s Enterprise Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Interruption:</b> <i>Non-compliance with contract or business failure</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Evaluate contractor business continuity plans and resources’ to ensure implemented through Contract processes.</i>

**FINANCIAL IMPLICATIONS**

28. The costs associated with providing the cleaning of public infrastructure are budgeted annually within the waste minimisation account. Funds are budgeted for 2014/15 in Account Numbers 37337 and 32012.

**LEGAL IMPLICATIONS**

29. Not applicable.

**ENVIRONMENTAL CONSIDERATIONS**

30. Not applicable.

**ALTERNATE OPTIONS**

31. Council can accept or reject the tenders submitted.

**SUMMARY CONCLUSION**

32. On reviewing the tender the evaluation team assessed that the CGS Quality cleaning submission offers Council the most competitive service based on cost and qualitative criteria. This report recommends that their tender be accepted.

<b>Consulted References</b>	:	<i>Local Government Act 1995</i>
<b>File Number (Name of Ward)</b>	:	C14036 (All Wards)
<b>Previous Reference</b>	:	OCM 20/01/2004 Report Item 13.1.1

**WS071: CITY CENTRE PARKING STRATEGY – DEVELOPMENT OF  
PARKING AREA ZONE F**

**Land Description** : 104 - 110 Stirling Terrace  
**Proponent** : City of Albany  
**Owner** : Primeking P/L; Ocean View Nominees; Plus Fifty P/L –  
Guarantor (P Lionetti)  
**Attachments** : Layout Plan – Stage 1  
**Report Prepared by** : Manager, City Engineering (D King)  
**Responsible Officer** : 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 2014-2018:
  - a. **Key Theme:** 3. A connected built environment.
  - b. **Strategic Objective:** 3.1.To advocate, plan and build friendly and connected communities.
  - c. **Strategic Initiative:** 3.1.2. Parking and Traffic Modelling.

**Maps and Diagrams:**

- CBD Parking Scheme Plan – Zone F Extract

**In Brief:**

- To improve parking capacity for general use in the car park between Stirling Terrace and Peels Place.
- This Zone is listed 'F' in the adopted Parking Strategy and as such will be referred to as 'Zone F' in the remainder of this document.

**RECOMMENDATION**

**WS071: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council:**

- (1) **AUTHORISE** the CEO to negotiate an agreement with the landowners of 104-110 Stirling Terrace (Primeking P/L; Ocean View Nominees; Plus Fifty P/L – Guarantor (P Lionetti) to grant access to the Land for the purpose of including the Land - within the City's Parking Scheme Plan until 2030;
- (2) **APPROVE** the budget reallocation of \$40,000 from job 3376 Car Park Reseals and accept a contribution of \$30,000 from the associated land owners to fund a new budget expenditure line item CBD Parking Improvements of \$70,000.

## **BACKGROUND**

2. At the Ordinary Council Meeting held in August 2013, (Report Item WS004), the City adopted the Albany Central Business Parking Scheme Plan. As part of this review it identified some privately owned land that could be utilised for public parking subject to approval from landowners.
3. The privately owned parking area adjacent to Department of Human Services (Medicare & Centrelink) and Mitre 10 is also included in the scheme with limits and permit only parking zones. This is to overcome ongoing issues with unauthorised long term parking in this area.
4. An agreement exists between the landowner of 104 - 110 Stirling Terrace and the City of Albany which allows the City to make use of the current parking in Zone F for public parking. This agreement expires on 5 June 2017.
5. Under the agreement, the City of Albany is responsible for the maintenance of signage within the car park, which provides for 34 public parking spaces.
6. Zone F detailed in the Parking Strategy identifies a number of individual parcels of land (which existing under the same ownership), giving the opportunity to consolidate and increase public parking.

## **DISCUSSION**

7. In order to improve the provision of public parking, works need to be carried out to extend the parking area and improve the efficiency of the space.
8. Preliminary designs and discussions with the landowner indicate that around 100 car parking bays will be made available for public use, an increase in the order of 66 spaces.
9. The works are proposed to be carried out in 2 stages.
  - a. Stage 1 – Retaining wall, landscaping, median islands, access works and pavement works at an estimated cost of \$70,000. A contribution of \$30,000 from the landowner will be sought. Works to be carried out in the 2014/15 financial year.
  - b. Stage 2 – Asphalt overlay at an estimated cost of \$120,000. A contribution of 50% will be sought from the landowner. Works to be carried out in the 2015/16 financial year if approved in the budget.
10. Public car parking limits will be enforced by the City of Albany, in accordance with the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.
11. Permit systems are to be devised and administered by the landowner but enforced by the City of Albany.
12. A legal agreement will need to be formalised to protect the City of Albany's investment until 2030.

## **GOVERNMENT & PUBLIC CONSULTATION**

13. The CBD Parking Scheme Plan has been advertised, comments sought and adopted by Council in March 2015.
14. Preliminary discussions have been held with the landowner, and the general terms of an agreement are agreed in principle, subject to Council approval.

**STATUTORY IMPLICATIONS**

- 15. The City may introduce parking scheme amendments by resolution of Council under the City of Albany Parking and Parking Facilities Amendment Local Law 2012.
- 16. A legal agreement with the landowners of 104 - 110 Stirling Terrace, will allow the City to implement the necessary parking arrangements in accordance with the Local Law. This includes the retention of fines through enforcement.

**POLICY IMPLICATIONS**

- 17. There are no policy implications related to this item.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial.</b> City invests in parking area which then becomes unavailable due to changes in landowners or development	Possible	High	High	Agreement to provide protection to City investments to 2030, and make provision for reimbursement of capital on a pro rata basis should the agreement be terminated.
<b>Community.</b> Inadequate parking space may impact negatively on the public wishing to undertake business or are employed in the CBD.	Likely	Moderate	High	Modify and review parking limits to provide for better parking efficiency in line with business and community feedback. Consolidate parking spaces where possible with owners consent.

**FINANCIAL IMPLICATIONS**

- 19. Total project cost of \$190,000 over two years comprises of:

2014/15	
City of Albany contribution	\$40,000
Landowner Contribution	\$30,000
<b>Total</b>	<b>\$70,000</b>
2015/16	
City of Albany contribution	\$60,000
Landowner Contribution	\$60,000
<b>Total</b>	<b>\$120,000</b>
<b>Total Project Cost (2 years)</b>	<b>\$190,000</b>
City of Albany contribution for 2 years	\$100,000
Landowner contribution for 2 years	\$90,000

- 20. The first stage expenditure of \$40,000 is proposed to be reallocated from Job 3376 - Car Park Reseals in the 2014/15 budget.
- 21. Approval for proposed 2015/16 expenditure will be sought via the annual budget process.



**LEGAL IMPLICATIONS**

- 22. Any parking scheme amendments must be implemented in accordance with the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.
- 23. Once adopted by Council, public notice must be given prior to enforcement of new or amended parking limitations.
- 24. A legal agreement is required with the landowner, to enable the City to enforce the Parking Local Laws.

**ENVIRONMENTAL CONSIDERATIONS**

- 25. Nil.

**ALTERNATE OPTIONS**

- 26. The City can elect to maintain the status quo with respect to this parking space.

**SUMMARY CONCLUSION**

- 27. By carrying out works to increase the number of available public car parking spaces in Zone F, the City of Albany will improve CBD car parking provisions as identified in the Parking Strategy. It is recommended that the improvement works proceed and a suitable agreement with the landowner be put in place.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• <i>City of Albany Parking and Parking Facilities Amendment Local Law 2012</i></li> <li>• <i>Access &amp; Inclusion Plan 2012-2017</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	CS.AGR.11
<b>Previous Reference</b>	:	OCM 24/03/2015 Item WS068 OCM 27/08/2013 Item WS004

**PD079: PLANNING AND BUILDING REPORTS MARCH 2015**

**Proponent** : City of Albany  
**Attachment** : Planning and Building Reports March 2015  
**Report Prepared By** : Administration Officer-Planning (K Smith)  
**Responsible Officer(s):** : Executive Director Planning & Development Services  
(D Putland)

**Responsible Officer's Signature:**



**RECOMMENDATION**


**PD079: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Planning and Building Reports for March 2015.**

**BFA002: NATURAL DISASTER RESILIENCE PROGRAM FUNDING –  
IMPLEMENTATION OF TORBAY FIRE MANAGEMENT STRATEGY**

**Land Description** : Torbay Hill  
**Proponent** : City of Albany  
**Report Prepared by** : Manager Rangers & Emergency Services (T Ward)  
**Responsible Officer(s):** : Executive Director Planning and Development (D Putland)

**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 2014-2018](#):
  - 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.
    - 4.3 To develop and support a healthy inclusive and accessible community.
  - c. **Strategic Initiative:** 4.3.3 Recognising the importance of, and promoting community safety.

**In Brief:**

- Accept funding to enable the engagement of a qualified consultant to prepare a Risk Assessment and Fire Management Strategy for Torbay Hill, which is prone for fire incidents.

**RECOMMENDATION**

**BFA002: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ACCEPT the funding and authorise the expenditure of the \$30,000, through the Natural Disaster Resilience Program for the purpose of facilitating the Torbay Hill Risk Assessment and Community Fire Management Strategy.**

BFA002: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

**BFA002: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council ACCEPT the funding and authorise the expenditure of the \$30,000, through the Natural Disaster Resilience Program for the purpose of facilitating the Torbay Hill Risk Assessment and Community Fire Management Strategy.

**BACKGROUND**

2. In March 2013 the Bornholm Volunteer Bush Fire Brigade Committee compiled a strategy document aimed at improving fire safety for the Torbay Hill community. The recommendations put forward by the Committee received strong community support; however the City of Albany was unable to support a number of the recommendations due to restrictions under existing legislation.
3. The City of Albany submitted an application to the Natural Disaster Resilience Program in September 2014 for funding to engage a qualified consultant to prepare a Fire Management Strategy for the Torbay Hill community.
4. Funding was approved for \$30,000 with the City of Albany providing \$30,000 in-kind contribution. This will be by way of staff hours contributing to project management, provision of meeting venues and administrative assistance.
5. It is expected that the City of Albany will receive \$15,000 in the current 14/15 financial year with the remaining \$15,000 in the 15/16 financial year.

**GOVERNMENT & PUBLIC CONSULTATION**

6. Consultation with the community and other stakeholders including Department of Fire and Emergency Services (DFES), Office of Bushfire Management (OBRM) and Department of Parks and Wildlife (DPaW) will be integral to the project. Due to the strong community interest, the project will integrate with the current Bushfire Ready program.

**STATUTORY IMPLICATIONS**

7. Under the *Local Government Act 1995*, Section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
  - a. Is incurred in a financial year before the adoption of the annual budget by the local government
  - b. Is authorised in advance by a resolution (**absolute majority** required) or
  - c. Is authorised in advance by the Mayor in an emergency.

**POLICY IMPLICATIONS**

8. The Torbay Hill Risk Assessment and Community Fire Management Strategy project aligns with the City's commitment to "*an increased focus on prevention and preparedness for fire emergencies*" as stated in the *City of Albany Strategic Bush Fire Plan 2014-2019*.

**RISK IDENTIFICATION & MITIGATION**

9. 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>
<b>People Health and Safety:</b> <i>Public safety is at risk if appropriate resources to address the known bushfire threat are not applied, which would result from project not proceeding due to rejection of funding. .</i>	<i>Possible</i>	<i>Moderate</i>	<i>Moderate</i>	<i>Increase community resilience to the effects of bushfire by allowing project to proceed through acceptance of the funding offer, in conjunction with in-kind contribution from Council.</i>

**FINANCIAL IMPLICATIONS**

10. The City’s contribution of \$30,000 to this project compromises in-kind staff time contributing to project management, provision of meeting venues and administrative assistance.
11. There is no expectation of requirement for additional staff.

**LEGAL IMPLICATIONS**

12. There are no legal implications.

**ENVIRONMENTAL CONSIDERATIONS**

13. The Strategy will investigate how fire risk can be mitigated without the need for substantial modification of native vegetation, working within the current legislative framework.

**ALTERNATE OPTIONS**

14. The Council may elect to not accept the funding of \$30,000 from NDRP.

**SUMMARY CONCLUSION**

15. It is recommended that the available funding be accepted.

<b>Consulted References</b>	:	Nil
<b>File Number (Name of Ward)</b>	:	PR.PLA.7
<b>Previous Reference</b>	:	Nil

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**
16. **REPORTS OF CITY OFFICERS Nil**
17. **MEETING CLOSED TO PUBLIC.**

CSF163: PROPOSED LAND PURCHASE-CONFIDENTIAL

18. **CLOSURE.**