

ALTERNATE MOTION BY COUNCILLOR PRICE

ITEM NUMBER: CSF177

ITEM TITLE: ALBANY AGRICULTURAL SOCIETY-FUTURE USE AND TENURE IN CENTENNIAL PARK

DATE & TIME RECEIVED: WEDNESDAY 17 JUNE 2015 AT 09:33 HOURS

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VOTING REQUIREMENT: SIMPLE MAJORITY

That Council:

1. **ENDORSE** the following actions and/or conditions to secure agreements with the Albany Agricultural Society regarding future use and tenure in the Centennial Precinct:
 - a. City seek consent in writing from the Albany Agricultural Society to appoint an independent facilitator to facilitate and finalise negotiations between the City and the Albany Agricultural Society regarding their continued use and operations in the Centennial Park Sporting Precinct and the Crown Grant in Trust over Lot 1135 Hanrahan Road (tip site);
 - b. If consent in writing is provided within seven (7) days, COUNCIL select and appoint an Independent facilitator;
 - c. The City of Albany provide a valuation of the estimated Gross Annual Rental Value of Lot 1135 Hanrahan Rd, supplied by an appropriate Licensed Valuer;
 - d. The City of Albany outline the process of facilitation sessions at least 14 days after receiving consent; and
 - e. Facilitation shall be attended by:
 - (i) Up to three elected members of Council;
 - (ii) Three representatives from the City of Albany; and
 - (iii) And up to three members of the Albany Agricultural Society, who shall have the power vested in them to make agreement.
2. That Council **NOTE**, any agreements formulated through facilitation are in good faith only and remain subject to agreement (approval) by full COUNCIL however, any agreements formulated through facilitation shall be considered as **FINAL** and not-for-further-negotiation by the Albany Agricultural Society.
3. That Council determine if consent to participate in facilitation is not given by the Albany Agricultural Society, COUNCIL **APPROVE** the Responsible Officer Recommendation listed under Report Item CSF177.

Councillor's Reason:

1. Negotiations between the City of Albany and the Albany Agricultural Society have been ongoing for an extended period, with no final agreements secured.
2. City's Strategic Objective 4.2 is to "create interesting places, spaces and events that reflect our community's identity, diversity and heritage".
3. The Centennial Park Sporting Precinct is a transformational project funded through all three tiers of Government which responds to this Objective.
4. Likewise the Albany Agricultural Society's presence at Centennial responds to this Objective because they are part of our heritage and reflect the diversity which has shaped our community's identity.
5. Our Code of Conduct states that the primary role of a Council Member is *"to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the City ... "*.
6. In acquitting their role as translators, Councillors should consider any means at their disposal to facilitate a swift resolution of these negotiations and obtain a mutual agreement with the Society in a positive and supportive manner.
7. Section 2.7 of the Local Government Act 1995 – Role of Council, states at 2.7 (2) the Council is to
 - a. Oversee the allocation of the local government's finances and resources; and
 - b. Determine the local government's policies.
8. Payments and costs arising from any option or offer put to the Society are to be drawn from the City's reserves and are not funded under Government grant.
9. It is the role of Council to assess any agreements or offers as value-for-money propositions, and in terms of sustainability and risk. It is not possible to reasonably conduct assessments or responsibly allocate financial resources in the absence of a valuation of the annual rental value of the tip, which is intrinsically linked to these negotiations.
10. Resolving upon any agreement or payment in the absence of this valuation would be an oversight by Council.

Officer's Comment (Deputy CEO):

The current Responsible Officer's Recommendation and the Alternate Motion proposed by Councillor Bowles already provide for ongoing communication and further negotiation if the Albany Agricultural Society (AAS) does not accept the proposed offers.

Both the City's tenure on the Hanrahan Road site and the AAS tenure on Centennial Oval are governed by lease and licence agreements. As such there are complex legal and valuation issues that are not addressed in the above motion and which could restrict both parties ability to undertake the facilitation in the manner described in the motion.