

XIV. MOTIONS WITH NOTICE

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

15.1: NOTICE OF MOTION BY COUNCILLOR CALLEJA-TO REVOKE PREVIOUS DECISION OF COUNCIL

NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 4.8 – Albany Entertainment Centre (AEC) Committee Meeting Minutes, which was moved at the Ordinary Council Meeting held on 19 October 2010, be revoked.

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

**ITEM 15.1: REVOCATION MOTION BY COUNCILLOR CALLEJA
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR DUFTY**

THAT the Motion resolved at Report Item 4.8 – Albany Entertainment Centre (AEC) Committee Meeting Minutes – dated 19 October 2010 as follows:

All bookings for the performing arts space in the Town Hall be approved by the Albany Entertainment Centre (AEC) Management Body after 31 December 2010 with no reasonable requests being refused.

Be REVOKED.

CARRIED 13-0

Reason:

This resolution does not reflect the Albany Entertainment Centre and the City's management practices regarding Town Hall bookings.

Town Hall management is solely the responsibility of the City. The City and AEC have a collaborative relationship and the above resolution is now outdated.

Officer's Comment (CEO F James):

The intent behind the original resolution of Council was to work collaboratively with the Albany Entertainment Centre management, to ensure Town Hall bookings did not unreasonably "compete" between the two sites, but rather that the two sites complement each other in bookings.

The City currently manages Town Hall bookings with no referral to Albany Entertainment Centre. With the employment of a Manager for Cultural and Community Development, the City can now work towards maximising opportunities for the Town Hall

Now that basic maintenance and repairs are under way, the Town Hall will hopefully start to be increasingly used for events which are appropriate for its seating numbers. City of Albany staff have had conversations with some entities regarding possible upcoming performances.

City of Albany staff continue to have a good working relationship with the Albany Entertainment Centre in discussing performing arts options for both venues. The Albany Entertainment Centre Committee (which Councillors Sarah Bowles and Vince Calleja are members) is very keen to see a vibrant performing arts community across the town, and acknowledge that the Albany Entertainment Centre should not be the only venue to make that happen.

At the AEC Advisory Committee meeting held Friday 10 February 2012, the committee and AEG Ogden agreed that the original Council resolution is now outdated, and that they had no objection to it being rescinded.

ITEM 15.1: MOTION BY COUNCILLOR CALLEJA

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CALLEJA

SECONDED: COUNCILLOR BOWLES

THAT Council note that the City of Albany is currently, and will continue to be, with the agreement and consent of the Albany Entertainment Centre Advisory Committee, solely responsible for the management of the Town Hall, including venue bookings.

CARRIED 13-0

XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING

16.1: MOTION TO REVOKE PREVIOUS DECISION OF COUNCIL BY MAYOR WELLINGTON

NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL

In accordance with Regulation 10(1a) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Report Item 16.3 – Albany Regional Airport-Fee for Provision of Security Services, which was moved at the Ordinary Council Meeting held on 21 February 2012, be revoked.

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

Name_____ Signature_____ Date_____

ITEM 16.1: MOTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR CALLEJA

THAT Item 16.1 be ACCEPTED as an urgent item to be dealt with at this meeting.

CARRIED 13-0
ABSOLUTE MAJORITY

**ITEM 16.1: REVOCATION MOTION BY MAYOR WELLINGTON
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**,PVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR CALLEJA**

THAT the Motion resolved at Report Item 16.3 – Albany Regional Airport-Fee for Provision of Security Services, dated 21 February 2012,as follows:

THAT Council:

- 1. APPROVE the fee of an additional \$20 on each arriving and departing ticket from 1 July 2012 (determined on information in Confidential Attachment One) for provision of security screening services at the Albany Airport.**
- 2. DIRECT the Chief Executive Officer to make submissions to the Department of Transport regarding Council’s deliberation and determination of the ticketing fee, and seek the Department’s approval of the Council approved fee.**

Be REVOKED.

**CARRIED 13-0
ABSOLUTE MAHORITY**

16.2: CONTRACT C11022 – CONSTRUCTION OF CONCRETE KERBING

ITEM 16.2: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR GREGSON

THAT Item 16.2-Contract C11022-Construction of Concrete Kerbing-be ACCEPTED as an urgent item.

CARRIED 13-0
ABSOLUTE MAJORITY

Proponent : City of Albany
Owner : City of Albany
Responsible Officer(s) : Acting Director Works & Services (S Grimmer)

IN BRIEF

- Contract C11022 – Construction of Concrete Kerbing be AWARDED to Gordon Walmsley Pty Ltd for the period up to 30 June 2013, following which period the contract will be retendered.

RECOMMENDATION

ITEM 16.2 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR GREGSON

THAT Council:

ACCEPT the Tender from Gordon Walmsley Pty Ltd and award contract C11022 for the construction of concrete kerbing for a period up to 30 June 2013, following which period the contract will be retendered.

CARRIED 13-0

BACKGROUND

1. Due to an expiry of the current construction of concrete kerbing contract, tenders were called for the provision of concrete kerbing for a period up to 30 June 2013. The tender is for the supply and placement of concrete kerbing on roads within the City of Albany.

DISCUSSION

2. A total of three tender documents were downloaded from the City of Albany website.
3. One completed tender document was submitted on/before the stipulated closing date and time. The following table summarises the tenderer and overall evaluation score applicable to the submission.

Tenderer	Total Evaluation Score
Gordon Walmsley Pty Ltd	872.50

4. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	55
Technical Compliance and Experience	15
Reliability	15
Quality Accreditation	15
Total	100

5. Gordon Walmsley Pty Ltd has been a previous contractor for the City of Albany and has proved a reliable local operator.
6. On the basis of the total evaluation score which considers cost, technical compliance and experience, reliability and quality Gordon Walmsley Pty Ltd is considered a suitable company.

GOVERNMENT CONSULTATION

7. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

8. A request for tenders was published in the West Australian on 18 January 2012 and the Great Southern Weekender on 19 January 2012.

STATUTORY IMPLICATIONS

9. 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 \$250,000.
10. 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.
11. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

STRATEGIC IMPLICATIONS

12. This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

Key Focus Area

Lifestyle and Environment

Community Priority

A built environment for active lifestyles

And

Key Focus Area

Lifestyle and Environment

Community Priority

Road improvements

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Non compliance with contract or business failure	Unlikely	Medium	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods & services

FINANCIAL IMPLICATIONS

15. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
16. The cost per job will be included in the specific budget line item.

LEGAL IMPLICATIONS

17. Nil.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

19. On reviewing the one submission, the evaluation team assessed Gordon Walmsley Pty Ltd as being a suitable tenderer across the evaluation criteria in terms of cost, technical compliance and experience, reliability and quality. Gordon Walmsley Pty Ltd is recommended to be awarded the construction of concrete kerbing contract.

Consulted References	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	C11022
Previous Reference	

ITEM 16.3: ALBANY REGIONAL AIRPORT-INCREASE IN PASSENGER LEVY

Land Description	: Albany Regional Aerodrome, Western Australia
Proponent	: City of Albany
Owner	: City of Albany
Attachments	: Ordinary Council Meeting, Item 16.3
Responsible Officer(s)	: Executive Director Community Services (L Hill)

IN BRIEF

- As a result of Federal legislation, effective 1 July 2012, the City of Albany is required to implement security screening and associated works at Albany Airport.
- An increase to current passenger levy from 1 July 2012, is proposed to recover costs associated with those works.

ITEM 16.3: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HAMMOND

THAT Item 16.3 is ACCEPTED as an urgent item to be dealt with at this meeting.

**CARRIED 13-0
ABSOLUTE MAJORITY**

ITEM 16.3: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR HAMMOND

THAT Council APPROVE an additional \$20.00 be added to the current passenger levy for each arriving and departing passenger, effective 1 July 2012.

**CARRIED 13-0
ABSOLUTE MAJORITY**

BACKGROUND

1. At the February 2012 Ordinary Council Meeting, Council considered and approved the addition of \$20.00 to each passenger ticket, effective 1 July 2012, to cover costs of introduction and operational management of security screening.
2. Since the February 2012 Ordinary Council Meeting, new information has been received regarding adding a fee to a regular public transport ticket.

DISCUSSION

3. Skywest have confirmed that an inbound and outbound fee can be collected, and the preferred approach is to apply the fee additional to the current passenger levy, rather than determining a specific tax for security screening.

- Further investigations with Skywest, its governing body the International Air Transport Association (IATA) and the Australian Competition & Consumer Commission (ACCC) reveal potential issues relating to describing and applying the additional fee as a security screening tax, and specifically, potential difficulties in applying a fee as to passenger tickets.

GOVERNMENT CONSULTATION

- Department of Transport have confirmed that the additional passenger levy can be added to the current levy, reflecting costs to operate the Airport, particularly as it relates to security screening and associated works.

PUBLIC CONSULTATION / ENGAGEMENT

- Community communication regarding the increase in fares has begun and will continue in order to communicate the addition of the levy and why it is required.

STATUTORY IMPLICATIONS

- The City of Albany is to comply with *Aviation Security Regulations 2005* by introducing security screening for all departing passengers and baggage on 1 July 2012.

STRATEGIC IMPLICATIONS

- This item directly relates to the following elements of the 2011 City of Albany Strategic Plan:

Key Focus Area

Albany’s Role as a Regional Hub

Community Priority

Albany Regional Airport

POLICY IMPLICATIONS

- All fees and charges are required to be approved by Council.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Passenger backlash re the requirement to charge additional passenger levy.	Likely	Moderate	High	Communication to passenger and community regarding reason for additional fee.
Delay to adding fee to cover costs for security screening will increase unrecoverable costs .	Unlikely	Moderate	High	Council consider and endorse additional passenger levy at March Ordinary Council Meeting.
Reduction in passengers utilising air travel due to cost.	Likely	Minor	Medium	Work with tourism stakeholders to encourage more leisure travel.

FINANCIAL IMPLICATIONS

11. The City of Albany has been successful in securing \$1.25 million in Regional Airports Development Scheme (RADS) funding (noting a requirement of this grant is that it will be matched funding by the City). This grant is to be used for funding development of the Albany Airport Master Plan and to enable introduction of security screening.
12. RADS funding is to be spent over the financial years of 2011-12 and 2012-13.
13. City of Albany can source up to \$350,000 from the Federal Government to purchase security equipment in order for Albany Airport to operate initially on Band 5 at 1 July 2012, then at Band 4 as soon as possible after 1 July 2012.
14. There is no funding or subsidy available to cover operational costs to provide ongoing security screening services and the associated costs of changes to the airport.

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

16. An option to the recommendation is that Council can absorb the costs of security provision at the Airport. This is not recommended given the current financial resources of the City.

SUMMARY CONCLUSION

17. Consider an addition to the current passenger levy, to be added to each in and outbound passenger.

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

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

Nil.

XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

ITEM 18.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK

THAT the holders of the following staff positions be designated as “Senior Employees” under the provisions of the *Local Government Act 1995* s. 5.37 (1):

- 1. Executive Director Corporate Services**
- 2. Executive Director Community Services**
- 3. Executive Director Planning and Development Services**
- 4. Executive Director Works and Services**

Councillor’s Reason:

Under the new management structure Councillors must work directly with Executive Directors on a daily basis and should have input into their appointment and dismissal, according to s. 5.37, 5.38 and 5.39 of the LGD. 1995.

XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

Nil.

XX. NEXT ORDINARY MEETING DATE

Tuesday 17 April 2012.

**ITEM 21.0: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR SUTTON**

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

CARRIED 13-0

XXI. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 8.21PM.

Unconfirmed minutes

Dennis W Wellington
MAYOR

**STATUS REPORT ON DEFERRED ITEMS
FROM PREVIOUS MEETINGS**

Meeting Date	Item Number	Details/Status
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. PENDING. - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.
17/05/2011	3.1	Albany Leisure and Aquatic Centre. That the Business Plan be Brought back to Council for the Approval of the Recommendation. PENDING COMPLETION OF BUSINESS PLAN TO BE PRESENTED TO FUTURE OCM.

TABLED DOCUMENTS

NAME	REFERENCE	FILE
Mr Stephen Lipple	Item 2.1	GO.COM.3

TABLED DOCUMENTS BY ELECTED MEMBERS

NAME	REFERENCE	FILE
Councillor Calleja	PIAF	GO.COM.3
Councillor Bowles	Write in the Great Southern	GO.COM.3

TABLED DOCUMENTS BY STAFF

Nil

TABLED ADDRESS BY COUNCILLOR BOWLES

Write in The Great Southern.

The inaugural Write in the Great Southern festival for writers and readers was a great success with all events well attended and many packed to the rafters.

Among the highlights were the live radio plays performed in the Paperbark Merchants shop-front window and broadcast on ABC Local Radio, and readings by Kim Scott and Janet Turner Hospital on the Amity.

Write in the Great Southern was the brain child of Bookmark, born of Creative Albany, and forged in partnership with the PIAF's Great Southern Festival and the Perth Writers' Festival. Visiting international authors included Elliot Perlman and Janet Turner Hospital, interstate author Marieke Hardy, and all were joined by West Australian lights Kim Scott, Peter Docker and Andrew Relph.

Among Great Southern authors to step up were Barbara Temperton, Warren Flynn, Carol Peterson, Sarah Drummond, Jon Doust, Maree Dawes and Graham Kershaw.

The festival utilised a number of venues – the View at the AEC, Liberté, Paperbark Merchants, Tea Tree Books in Denmark, with most events held at the WA Museum Albany.

Organisers were ecstatic with the numbers, the official bookseller, Paperbark Merchants, was enthused by book sales and all parties agreed the festival was a success.

It is worth reminding council that the City was one of the major sponsors, along with the Perth Writers' Festival and the Great Southern Development Commission.

TABLED ADDRESS BY COUNCILLOR CALLEJA

As a lover of the PIAF Great Southern Festival, I would like to express my sincere thanks to Rod Vervest and PIAF team for their fantastic achievements with this year's program.

It's certainly the best that I have ever attended.

This was a hugely ambitious program, with a diversity that was, really quite incredible.

PIAF is no ordinary festival – it is 60 years old and the longest standing festival in the southern hemisphere.

The Great Southern Festival is 10 years old and in the 2011 program reached 18,000 people (50% of Albany's population!).

Albany is the only regional city in Australia that has the commitment of an international arts festival to deliver it a program. Not one event or two...a **program** of 6 weeks duration that brings artists here from around the world. It is not just passive entertainment – the GS program stimulates and nourishes our own local arts organisations, children, young adults, musicians and employs the services of many businesses.

There is no doubt that PIAF are proud of its association with Albany and the success it enjoys here. But the cultural, social and economic impact of this festival should never be underestimated.

This City should feel honoured that it is in the gaze of this festival and feel proud that its citizens support it with such an incredible passion.

The Great Southern Festival has come such a long way with local sponsors and audiences that PIAF in Albany is now a respected model throughout Australia of how this sort of thing can happen in regional communities.

Now is the time that we need to look at a greater commitment and engagement from the City. Council needs to look to the future and seriously look at the incredible impact this festival has in Albany and the region and compare it to other events that we support.

With other regional centres like Geraldton and Margaret River eagerly wanting to take on events like ours, now is a critical time to secure Albany as part of this festival in the years to come as it grows,

We need to ensure that The Great Southern festival does not diminish and filter towards other regional areas willing to give a greater commitment.

No event is safe... think about the Grand Prix?

Let's not be complacent about things we truly value.

We have a gift...
No one else has it...

And remember...this is an incredibly huge point of difference to any other regional centre in WA.

TABLED ADDRESS BY MR STEPHEN LIPPLE

ADDRESS TO CITY OF ALBANY COUNCIL RE SCHEME AMENDMENT SA311

Mr Mayor and councillors, I thank you for the opportunity to personally advocate the grant of Scheme Amendment SA311, namely allowing permanent residency for Lots 2 & 13 within the Strata Plan 37046 at Cosy Corner.

I appreciate Council's consideration in deferring this item from February till tonight allowing circulation of further information in addition to the original comprehensive application. It was helpful that councillors organised a site meeting with myself and Harley Global Senior Planner, Genelle Abolis.

Tonight, I ask Council to distinguish between this new, personal and private application which is independent of a previous shotgun approach by the Strata members seeking approval of permanent residency for all 17 lots. Clearly this was non-compliant with WAPC and City of Albany policy and guidelines. The negative report and adverse recommendation by Administration reflects that situation.

I emphasise that SA311 before you tonight is an independent application (though with the blessing of the strata members) and it is regrettable that Administration have not positively revised their report to reflect the fact that 311 is completely compliant with WAPC Tourist Planning Bulletin 83 and the Albany Local Planning Scheme.

SA311 relates to an application for two of 17 lots being allowed to have permanent occupation as permitted by Planning Bulletin 83, which allows up to 25% of a tourist complex to have permanent residents. SA311, if granted, would create less than 13% residential accommodation. As thoroughly documented by respected town planners, Harley Global, SA311 complies with the detailed guidelines of Bulletin 83.

SA311 also complies with ALPS:

- This policy allows change based on merit;
- There is no distinction between urban and rural tourist sites in the applicable policies;
- There is no Special Rural land affected;
- It is not a town site;
- The change will preserve amenity and indeed enhance amenity through provision of much improved surveillance and contribution of social capital to the local area.
- Existing City of Albany regulations plus Strata bylaws will protect amenity regarding noise, traffic, pets, preserving local native landscaping etc. There is strong protection against any perceived conflict between occupants, whether shop tenants, caretaker, tourists, private owners or the potential two permanent residents at Lots 2 and 13.
- Subject Lots 2 and 13 are large, residential sized blocks on the periphery of the complex with considerable separation from adjoining houses;
- Existing internal and external buffers will retain privacy between various users of the strata. Any slight additional screening required may readily be provided;

- I note that concerning tourists, tourist accommodation use is much less than 5% of available bed nights for the 8 cottages (out of 17 lots) still wanting to be providers of tourist accommodation;
- SA311 is not contrary to tourism provisions and the scope for continued tourism endeavour far exceeds demand;
- There will be no change to character. Greater character change is envisaged for the adjoining olive farm which under SA308 proposes 5 subdivisions with 8 residential dwellings plus option for a restaurant.
- However, SA311 will not create a change in rural land use or landscape;
- Approval of SA311 will not materially impact the City;
- It does not constitute spot rezoning as it conforms to existing planning provisions;
- It is not speculative, since as applicant I have had a twelve year association with the strata, was inaugural voluntary chairman and until recently served continuously on the Council of Owners;
- It does not create a precedent for this strata or any other site since Bulletin 83 directs assessment to be made on a case by case basis.

In conclusion Mr Mayor and councillors, this scheme amendment is compliant, rational and meritorious. I urge that you approve the application.

Thank you.