

MINUTES

ORDINARY MEETING OF COUNCIL

**Held on
Tuesday, 15th April 2008
7.00pm
City of Albany Council Chambers**

City of Albany

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Signed _____

Andrew Hammond
Chief Executive Officer

Date: 18th April 2008

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1.0 DECLARATION OF OPENING

The Mayor declared the meeting open at 7.03 pm.

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

Mayor -		MJ Evans, JP
Councillors -		J Bostock
	(Arrived at 8.40pm)	DR Wiseman
		DM Price
		RC Buegge
		R Paver
		EK Stanton
		DJ Wolfe
		NE Williams
		J Matla
		GA Kidman
Chief Executive Officer		A Hammond
Executive Director Works & Services		L Hower
Manager Planning and Ranger Services		G Bride
Executive Director Corporate & Community Services		WP Madigan
Minute Secretary		S Jamieson

Approximately 25 members of the public were in attendance.
2 media representatives.

Apologies/Leave of Absence:

Councillor	JM Walker
Councillor	CA Morris
Executive Director Development Services	R Fenn

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME

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

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

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

Item 4.0 continued

***Mr Graham Harvey, Albany Resident**

Mr Harvey addressed Council, as a resident, not as the CEO of the Chamber of Commerce, in relation to Item 14.5.4 - Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008.

Mr Harvey's raised his concern at the content of the Minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008.

Mr Harvey's raised his concern that the document did not support a clear delineation between Councillors and Staff to ensure Councillors do not involve themselves with day to day management issues.

Mr Harvey expressed that he believed a Councillors role is to provide Governance and Strategic direction.

*Councillor Paver requested to make a personal explanation.
The Mayor refused Councillor Paver's request.*

***Ms Juliet Albany, 54 Duke St Albany**

Ms Albany addressed Council in relation to the Opening Prayer, as follows:

The opening in prayer has little to do with local government.

While we should be grateful to the Almighty for our City and home we suggest that the following statement read aloud at the beginning of each meeting would be more relevant to Council matters and hopefully inspire the Councillors in their work:-

'May we remind ourselves as the City Council elected by the community that our activities and decisions are intended to result in:

- (a) better decision-making;
- (b) greater community participation in the decisions and affairs of this local government;
- (c) greater accountability of this local government to our community; and
- (d) more efficient and effective local government.

In carrying out its functions we as a local government will use our best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

*[Adapted from the Local Government Act 1995, Part 1 s1.3 the Intent of the Act
Section 1.3 amended by No. 49 of 2004 s. 15]*

We would be grateful for you consideration of this proposal and give the serious attention that the Local Government Act 1995 requires,

Juliet Albany
54 Duke St
ALBANY 6330

Item 4.0 continued

***Ms Vera Torr, Sussex St, Albany**

Ms Torr addressed Council in relation to a number of issues, in particular, the sale of Francis St in Lower King to fund the sale of the Albany Leisure and Aquatic Centre (ALAC, the destruction to the environment as a result of the Barry Court Development, the destruction of the Sheok Forrest adjacent to Lower King Road.

The following details the questions submitted for OCM 15 April 2008 by Ms Torr, via email:

Please advise the details of properties held or managed by City of Albany that have been bought and/or sold since commencement of 2004 and the purpose of those sales i.e. ALAC Waterfront etc.

- Crown Land Reserve and Unclaimed.
- Freehold
- Bought
- Sold

Also Crown Land or State Government owned land that was freehold or been converted to freehold and sold or is to be sold.

I request these answers to be given at tomorrow night's OCM 15 April 2008.

The purpose of my request is to clarify details of past and pending transactions of the City of Albany since 2004. Details I have received from Council meetings records and other records seem to be confusing.

Regards
Vera Torr

Mayor Response: Questions tabled in email Taken on Notice.

***Mr Warren Marshall, Cliff St, Mount Melville**

Mr Marshall addressed Council in relation to Item 12.1.2 – Financial Activity Statement (Investment in Grange Resources) and enquired if Council will be pursuing legal action. The following details Mr Marshall's address:

I refer to page 45 of the Agenda, Item 12.1.2

Q1. Mr Mayor. Given the City's Grange investment loss is now in the order of \$1.85 million, some \$65,000 more than was reported last month by the Albany Advertiser;

Given the Audit Committee of October '07 did not have a full Councillor representation complement at its meeting;

Given the Auditor is reported to have seen nothing untoward in the investment strategy in spite of very public industry warnings which commenced in '06/'07;

Given the DLGRD's recent '08 Bulletin requirement for more detailed reporting and accounting of Council investments; would it not be prudent for the CoA to review its auditing processes including the role and position of Auditor, especially as the auditor foreshadowed in October, and quite improperly in my view, an increase in auditing fees, and this at a time when he was not able to advise Council on the likely nature of the impending loss that the City would suffer and that he the auditor:

- "found Grange personnel to be very competent" and
- "the investment policy adequate"?

Item 4.0 continued

Q2. Given the Council's loss is now \$65,000 greater, what imperative does Council attach to its very public March statement to pursue legal action against Grange?

Mayor Response: Questions Taken on Notice.

***Mr Tony Demarteau, 24 Lorenzo Way**

Mr Demarteau addressed Council in relation to Item 14.5.4 - Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008. Mr Demarteau questioned Council as follows:

Mayor Evans and Mr Hammond

I would like to put forward the following at the public open forum on Tuesday night 15th April 2008 First of all can I please clarify the name of the committee this item refers to, as the title of the item is different to the Summary Recommendation and the actual minutes attached to the item?

Can the committee in respect to this item please consider the following at their next meeting, and I refer to item 6.2 and the Annex of their minutes of the meeting held on the 20th March 2008:

- Item 6.2 para 1 suggests that all councillors be invited to complete a short questionnaire - where would the questions for the questionnaire be drawn from and who would be constructing the questionnaire?
- Item 6.2 para 2 suggests that the committee compare the current City of Albany Standing Orders Local Law with examples of Standing Orders Local Laws from three leading WA based local government authorities. Which authorities will these be please?

The Annex to the minutes puts forward some reform measures suggested by one of our councillors:

- Question: Para 5 suggests council should examine whether staff and councillors should be precluded from dining or taking drinks together immediately before or after council meetings and forums - What is the suggested alternative to ensuring that both councillors and staff have had sufficient nourishment prior to a council meeting, and how is it proposed to segregate the two parties after council meetings?
- Question: Para 24 suggests the Mayor and the CEO should be in attendance at the council offices on all days between the date the agenda is distributed and the date of the council meeting to which it relates - Does this mean they must also be in attendance on the Saturdays and Sundays as well, and what are the proposed timeframes, and how do official functions and duties get carried out by these members?
- Question: In relation to Para 24, will times also be set aside for councillors to be available?

I would also like to ask the following two questions please:

- Question: Will the Standing Orders / Code of Conduct address issues such as smoking and dress code?
- Question: Will Legal or Local Government advice be sought on the draft review of the Standing Orders?

Tony Demarteau
Resident and Ratepayer of Albany

Item 4.0 continued

The CEO, Mr Hammond, responded as follows:

- *The correct title for Item 14.5.4 is Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008.*
- *Questions raised would be addressed by the Corporate Strategy and Governance Strategy and Policy Committee.*

***Ms Barbara McAllister, 2/14 Verdi St, Mount Melville**

Mr McAllister addressed Council concerning two issues. The following details Ms McAllister's address:

Issue One.

Mayor and Councillors

First I want to make clear that I support any means by which energy is renewably generated.

However my immediate concern is not so sexy.

Repeatedly I have heard conservationists pointing out that we can reduce our energy use by 50% now by means of energy saving technology, and by adopting a mind set of consuming less.

How is Albany City showing leadership in setting an example by in house energy conservation, eg by not leaving computers in the offices overnight and over weekends on standby?

What is the City's policy regarding requiring new residential, commercial and industry development to incorporate energy saving technology?

More importantly, what policy does the City have for new developments, residential, commercial and industrial, requiring building design which reduces energy requirements?

How does the design of the enormous commercial building being constructed between Albany Highway and Stead Street measure up?

Is the City willing to encourage and educate the community to get into the habit of conserving energy, bearing in mind the considerable financial savings to be made?

We need to use less.

Barbara McAllister
Mt Melville
13 April 2008

Issue Two.

Mayor and Councillors

Has the City a policy regarding the protection of trees and bush on private land?

I am disturbed at the destruction of bushland for development when there is so much cleared unused farmland available.

Here are just two examples of what I consider unacceptable clearing.

A developer destroyed all but one of the huge ancient paperbarks on a site on the Esplanade at Oyster Harbour - and that tree was saved by the neighbours fearing for their fence. The developer has now put the land on the market after backing away from his proposed development. The bandicoots and possums of course have gone.

Item 4.0 continued

A current real estate advertisement claims "uninterrupted Oyster Harbour views". A friend tells me that this claim results from the clearing of paperbarks on the harbour side of the road in front of the house on the Esplanade.

This is not private land and I would like to know what the City proposes to do about this.

Has the City advertised for a replacement Environmental Officer, and if so is the salary offered sufficient to attract a top person, and will the City fully support such a person, uncomfortable as it may sometimes be?

The bush belongs to all of us and to future generations, whether in private hands or not. As one of 25 biodiversity hotspots in the world, it behoves us to take responsibility for what we have instead of giving the market a free hand.

Barbara McAllister
Mt Melville
14 April 2008

Manager Planning and Ranger Services, Mr Bride, provided the following response:

- *Energy Efficiency Standards Policy is provided by the Federal Government and used as a guide throughout Australia.*
- *Approval to clear land is the responsibility of the Department of Environment and Conservation.*

***Ms Elizabeth Barton, 45 Carbine Street**

Ms Carbine addressed Council on behalf of the Albany Ratepayers and Residents Association. The following details Ms Barton's address:

Elizabeth Barton 45 Carbine Street speaking on behalf of the Albany Ratepayers and Residents Association

I have a number of Questions that I am aware may not be able to be answered this evening. I would therefore like to table them so that formal answers can be provided to ARRA and attached to the meeting minutes for the benefit of the community.

1. Correspondence

ARRA has had problems with receiving acknowledgement of receipt of correspondence and the timeliness and relevance of responses to concerns raised when a formal response is received.

- What is the City of Albany timeliness standard for responses to correspondence?
- Does this apply to all letters that are received?
- What action should a correspondent take if the standard is not met and what action will be taken by the City of Albany?

Item 4.0 continued

2. Environmental

As the City continues to experience rapid growth the local environment is being put under increasing pressure.

- When new developments and subdivision applications are made to the City of Albany, what are the Statutory Requirements that must be met if the application involves the clearing of vegetation?
- In what circumstance will the City notify the Department of Environment and Conservation?
- What approvals must a developer obtain before they can legally clear a block zoned as Residential land? For example - Is it lawful for a block to be cleared before a building licence has been issued and a building envelope established?
- What penalties apply for non compliance?
- How many complaints has the City received in relation to clearing of land in the last two years and has the City undertaken any punitive action in relation to non compliance with its policies in this area?

3. Parking Policies

In light of the ad hoc decision made on parking for a development application presented at the last Council meeting and the potential for the CBD parking problem to become severely exacerbated by this sort of approach -

- What are the City of Albany Parking Policies and when were they last applied unamended as stated to a development application?
- With regard to amended applications of these policies - how many times in the last 5 years have these including the collection of any payment for parking space deficiencies and what is the total amount so collected?

4. Sale of Land

- What land has the City of Albany sold or plans to sell to pay for ALAC and the AEC and what prices have been received or budgeted?

5. Bluegum Plantation industry

- Does the City of Albany have a policy in place for the ongoing management of the Bluegum plantation industry?
- If so - is the CoA going to review this policy given the length of time that the industry has been established?
- If not - is the CoA going to assess the effect of this industry in areas where there are mass plantings eg. Community displacement, water decline, .

At the last Council Meeting in the Public Forum Mrs Bassan asked Council if a sign could be erected at the beginning of the footbridge to notify people that there is no Disabled access to the Visitor Centre from the bridge.

There doesn't appear to be any mention of this in the Minutes of that meeting.

- Will the minutes be amended to note Mrs Bassan's concerns? and
- Will a sign be placed as suggested so that people are made aware of this design deficiency before being inconvenienced?

Mayor response, that Mrs Bassan's comments would be recorded in the minutes.

At 7.35pm, Question Time extended by show of hands.

***Mr Warren Marshall, Cliff Street, Mount Melville**

Q3. Supplementary question Mr Mayor. Given that the Auditor "found Grange personnel to be very competent"; what is the nature of the auditor's contract with the CoA; is it an annual contract?

Mayor Response: Questions Taken on Notice.

Item 4.0 continued

***Ms Vera Torr, Sussex Street**

Ms Torr addressed Council in relation to Item 18.2 - Wave Energy Feasibility Study.

Ms Torr asked is it Council's intent that if the feasibility studies prove to be successful, does this mean that the Wave Energy will be automatically accepted by the City and setup at the leased site.

The CEO, Mr Hammond, provided the following response:

The following details Ms Torr's tabled questions and response by the CEO, Mr Andrew Hammond post meeting:

RE: Ms Torr, email request dated 14 April 2008 relating to desalination questions.

1. Assurance that does not allow a backdoor approach to a desalination construction on the Sand patch Coastline?

Response: Any application by Carnegie Corporation to obtain a lease on Crown Reserve 13773 will be open, transparent and subject to all relevant legislation including the Local Government Act, the Town Planning Development Act and the Environmental Protection Authority Act.

2. Current class and purpose of Crown Reserve 13773 and is it under a management order?

Response: Crown Reserve 13773 is under a management order vested in the care control and management of the City of Albany, as a 'C' Class reserve for the purposes of conservation, recreation, water supply and wind power generation.

3. Rent of \$1 is only to Legalise the lease. Why isn't the lease the same as other commercial feasibility studies? These companies use shareholder funding i.e. Grange Resources.

Response: Council is not entering into a lease with Carnegie Corporation; it is entering into an option to lease. Any lease would be subject to full commercial returns to the Council.

4. The lease as explained in item 18.2 will allow no control over the issue or non-issue of this lease, it will be entirely up to the lessee.

Response: This is not correct; the issue of any lease will be subject to normal negotiations between Council and the proponents and subject to the property disposition provisions of the Local Government Act 1995.

5. What aspect of the lease was legal advice sought?

Response: Legal advice was sought to ensure that the proposal met with compliance with the Local Government Act 1995.

6. What was the advice?

Response: The legal advice will not be released publicly.

7. The lease will take on an undetermined lifespan of the project.

Response: The term of the lease will be subject to negotiation between the Council and the proponents at a later time, if in fact the proponents wish to proceed with the application for a lease.

8. What is the expected lifespan of the project?

Response: This information will not be available until the feasibility study is undertaken.

9. How much infrastructure is required for a desalination plant?

Response: This information would not be available until a feasibility study is undertaken.

Item 4.0 continued

10. How much infrastructure is required for a Wave energy station with or without a desalination plant?

Response: This information would not be available until a feasibility study is undertaken.

11. How will the energy be stored?

Response: This information would not be available until a feasibility study is undertaken.

12. How much access to the site and outlet route for the power generator will be needed i.e. roads, power?

Response: This information would not be available until a feasibility study is undertaken.

13. If green energy is not available, how much grid or wind power does it take to operate a desalination plant?

Response: This information would not be available until a feasibility study is undertaken.

14. Will the wind farm energy be deployed to the desalination plant?

Response: This information would not be available until a feasibility study is undertaken.

***Mr Warren Marshall, Cliff Street, Mount Melville**

Mr Marshall questioned why there was not an opening prayer. The following details Mr Marshall's question:

Why wasn't the prayer read at the commencement of the meeting?

The Mayor responded that the opening prayer has been in place before the Town and Shire amalgamated and will continue to be included in the meeting.

Mr Marshall responded: But you haven't read the prayer, you forgot to read the prayer.

In response the Mayor asked all present to be upstanding and requested Councillor Stanton read the prayer.

5.0 OPENING PRAYER

The Mayor requested Councillor Stanton to read the opening prayer.

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

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- 6.1 Ordinary & Special Council Meeting Minutes (as previously distributed).

DRAFT MOTION:

THAT the following minutes:

- Ordinary Council Meeting held on 18th March 2008;
- as previously distributed be confirmed as a true and accurate record of proceedings.

Item 4.0 continued

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR PAVER**

THAT the following minutes:

- **Ordinary Council Meeting held on 18th March 2008;**
as previously distributed be confirmed as a true and accurate record of proceedings, subject to the inclusion of the following statement:

Item 5.0 - Public Question Time:

Mrs Barbara Bassan requested Council to place a warning sign on the Stirling Terrace Footbridge warning that there is no disabled access to the visitors centre via the Footbridge.

MOTION CARRIED 10-0

7.0 APPLICATIONS FOR LEAVE OF ABSENCE

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BOSTOCK**

THAT Councillor Williams be granted a leave of absence from the 15th July 08 Ordinary Council Meeting and associated briefing session.

MOTION CARRIED 10-0

8.0 DISCLOSURE OF FINANCIAL INTERESTS

Nil

9.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

9.1 Councillor Briefing. In accordance with Section 5.23(2)(a)(b) of the Local Government Act 1995 – matters affecting staff and councillors.

10.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11.0 REPORTS – DEVELOPMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on green – See Pages 13 - 45]

12.0 REPORTS – CORPORATE & COMMUNITY SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on yellow – See Pages 46 - 72]

13.0 REPORTS – WORKS & SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on pink – See Pages 73 - 101]

14.0 REPORTS – GENERAL MANAGEMENT SERVICES

[Reports from this portfolio are included in the Agenda and photocopied on buff – See Page 102 - 133]

Development Services

REPORTS

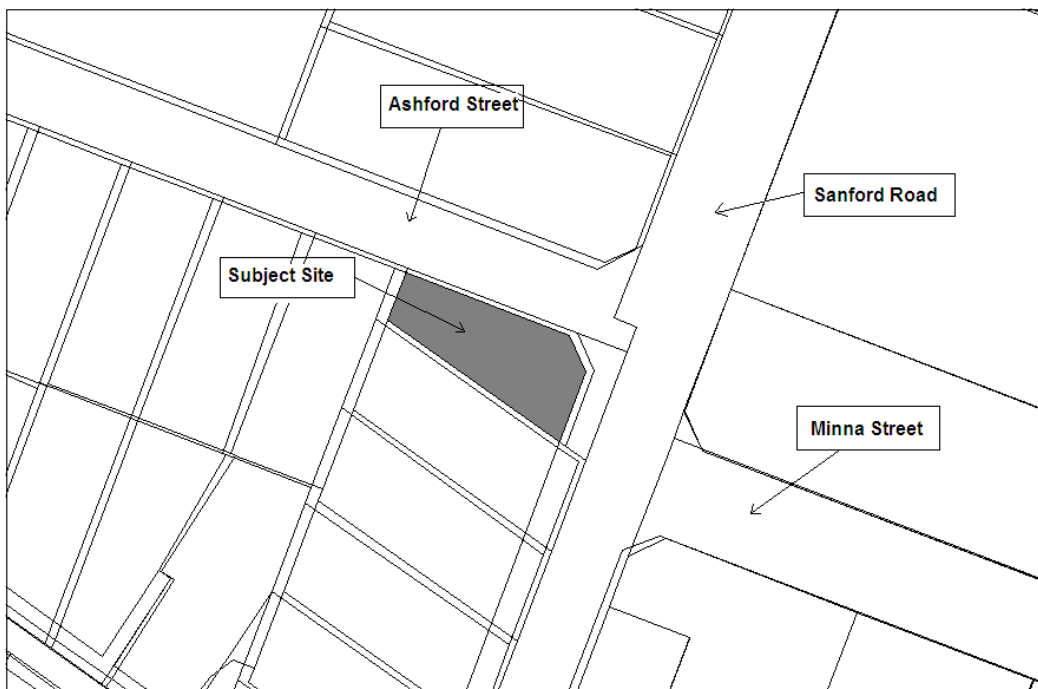
DEVELOPMENT SERVICES REPORTS

- R E P O R T S -

11.1 DEVELOPMENT

11.1.1 Development Application- Service Industry - 37 Sanford Road, Centennial Park

File/Ward	: A159108 (Frederickstown Ward)
Proposal/Issue	: Proposal to change land use to allow the sale of beer brewed on the premises and request for a Section 40 Certificate for a Producer's License.
Subject Land/Locality	: 37 (Lot 6) Sanford Road, Centennial Park
Proponent	: T Anderson
Owner	: T Anderson
Reporting Officer(s)	: Senior Planning Officer (I Humphrey) / Planning Cadet (T Gunn)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: Issue a Notice of Planning Scheme Consent and a conditioned Section 40 Certificate
Bulletin Attachment	: Development Approval P245536
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

BACKGROUND

1. An application has been received for a change of use from “Light Industry” to “Service Industry” to accommodate the retail sale of beer from Albany Ale Works, situated at 37 Sanford Road, Centennial Park. The existing use was approved on 5 January 2005, for a “Light Industry (Brew on Premises)” and a copy of that approval is included in the Elected Members Report / Information Bulletin.
2. The proponent has also requested Council’s support to gain a “Producers Licence” from the Department of Racing, Gaming and Liquor. The Department of Racing, Gaming and Liquor requires the applicant to obtain from the Local Authority a Section 40 Certificate under the *Liquor Licensing Act 1988*. That Certificate provides information to the Registrar on whether or not the selling of liquor is in accordance with a planning approval issued by Council.

STATUTORY REQUIREMENTS

3. The subject site is located within Town Planning Scheme 1A (TPS 1A) and the proposed land use has been classified as “Service Industry” which is defined in TPS 1A as follows;

“Means a light industry carried on upon land and in buildings having a retail shop front and in which goods are manufactured only for sale on the premises, or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced”

4. The “Service Industry” use under TPS 1A in an “Industrial” zone is a discretionary land use (‘AA’ use). The use is not permitted unless planning consent is granted by the Council.
5. There are a range of different liquor licenses that can be obtained through the Department of Racing, Gaming and Liquor. In this case, the proponent has requested Council support for a “Producers Licence”. Under the *Liquor Licensing Act 1988* a;

“Producer’s licence authorises the sale of a type of liquor that is produced by the licensee.

A producer’s licence can only be granted to an applicant who is a producer of liquor, or has the intention of becoming a genuine producer of liquor”

6. An example of the type of liquor that can be supplied under a producer’s license is *“Beer in sealed containers for consumption off the premises”*

POLICY IMPLICATIONS

7. Under Council’s development guidelines, development applications involving the sale of liquor are required to be referred to Council for determination.

FINANCIAL IMPLICATIONS

8. There are no financial implications relating to this item.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities;*

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- *Excellent community infrastructure and services;*
- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany is committed to ...

- *Delivering excellent community services;*
- *Providing sound governance;*

Priority Projects:

Nil’.

COMMENT/DISCUSSION

10. The Albany Ale Works currently has planning approval for “Light Industry (Brew on Premises)”, which includes the public visiting the site to brew their own liquor and then taking it off site for consumption. This proposal seeks Council approval for Albany Ale Works to brew on-site and to sell the packaged liquor to the public for consumption off the premises. Put simply, the proponent currently provides the ingredients and the premises for individuals to produce their own beer; the proponent wishes to extend the activity to also incorporate bulk micro brewing for general sales.
11. The proponent has stated that the Producer’s Liquor Licence will not allow the business to sell liquor that is produced elsewhere, as it limits the selling of alcohol to that which is produced on site. This would mean that the business will not become a retail bottle shop and the on-site activities remain “Industrial” in nature. A copy of the correspondence received from the proponent follows this report.
12. The proponent has also stated the majority of goods sold would be 50 litre kegs to liquor outlets; home brew products would continue to leave the premises in bottles. The change of use would not bring about the need to amend the current facilities and will be located entirely within the existing structure.
13. Under TPS 1A there is no specific car parking standards detailed for the “Service Industry” use. Council staff, have therefore calculated the car parking requirements under the “Industrial” zone provisions, which require one car parking bay per 100m² of floor area. The existing structure is 373m² in area and therefore the proposal would need a minimum of four car parking spaces. The applicant has provided seven car parking bays and staff believe this will be sufficient to accommodate the current and the proposed use.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

RECOMMENDATION

- (i) THAT Council resolves to issue a Notice of Planning Scheme Consent for a Service Industry (Production and sale of liquor) at 37 Sanford Road, Centennial Park, subject to the following conditions;
 - a) The selling of alcohol from the site shall be restricted to that which is brewed/produced on the premises.
 - b) No packaged alcohol sold from the premises shall be sampled or consumed on the property.
 - c) Conditions C1 to C8 of Planning approval P245536, issued on 5 January 2005, shall continue to apply to the approved land use.
 - d) No activity shall be conducted on-site or function held which would involve the serving of food to customers or invited guests where a commercial return is obtained from that activity.
- (ii) THAT Council issues a Section 40 Certificate under the *Liquor Licensing Act 1988* supporting the granting of a “Producer’s Licence” for the existing premises at 37 Sanford Road, Centennial Park, subject to the liquor licence complementing conditions placed on the Notice of Planning Scheme Consent.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR BUEGGE**

- i) **THAT Council resolves to issue a Notice of Planning Scheme Consent for a Service Industry (Production and sale of liquor) at 37 Sanford Road, Centennial Park, subject to the following conditions;**
 - a) The selling of alcohol from the site shall be restricted to that which is brewed/produced on the premises.**
 - b) No packaged alcohol sold from the premises shall be sampled or consumed on the property.**
 - c) Conditions C1 to C8 of Planning approval P245536, issued on 5 January 2005, shall continue to apply to the approved land use.**
 - d) No activity shall be conducted on-site or function held which would involve the serving of food to customers or invited guests where a commercial return is obtained from that activity.**
- ii) **THAT Council issues a Section 40 Certificate under the *Liquor Licensing Act 1988* supporting the granting of a “Producer’s Licence” for the existing premises at 37 Sanford Road, Centennial Park, subject to the liquor licence complementing conditions placed on the Notice of Planning Scheme Consent.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

Use Proposal Detail

Albany Ale Works, of 37 Sanford Road ABN.38 383 260 195, is the holder of License No.3526 for the manufacturing of excisable goods.

Thomas Anderson is a nationally accredited Licensee, holder of certificate No. LL/6539.

The business currently operates as a "Brew on Premise", whereby the public is able to use equipment and raw ingredients provided on premise to brew their own beer.

This proposal is to amend the current use to include the manufacture of excisable goods by the Ale Works for sale, to both businesses and the public.

The Ale Works would seek a "Producers" license from the Department of Racing, Gaming and Liquor. This license would allow the business to sell excisable goods that have been produced on the premise. It does not allow the business to sell excisable goods produced elsewhere, i.e. it would not allow the business to become a retail bottle shop.

The vast majority of excisable goods sold would be 50lt kegs to liquor outlets, as we do not have the facilities for a bottling line.

The infrastructure is already in place and no additional structures need be erected or modified.

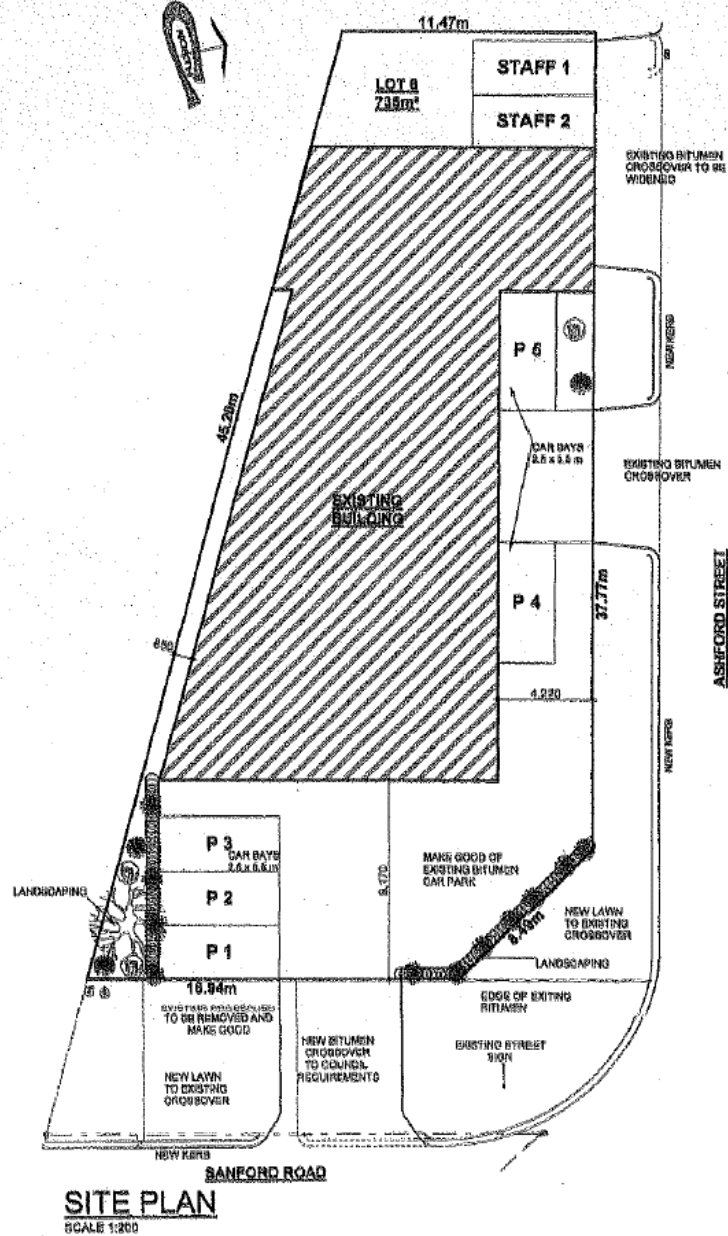
The hours of operation would remain the same, as both operations may occur simultaneously.


The total amount of beer the business can produce in one year is limited by the equipment. The Ale Works operates a 500lt brew house, which at full capacity is able to produce 125,000lt per year; however, the rest of the brewery infrastructure would limit yearly production to no more than 30,000lt.

The Ale Works believes this is in keeping with the spirit of the new alcohol laws, giving people more choices and alternatives. Furthermore, it would provide locally produced beer to the region, and the Ale Works believes a further draw card to a growing tourist destination.

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued

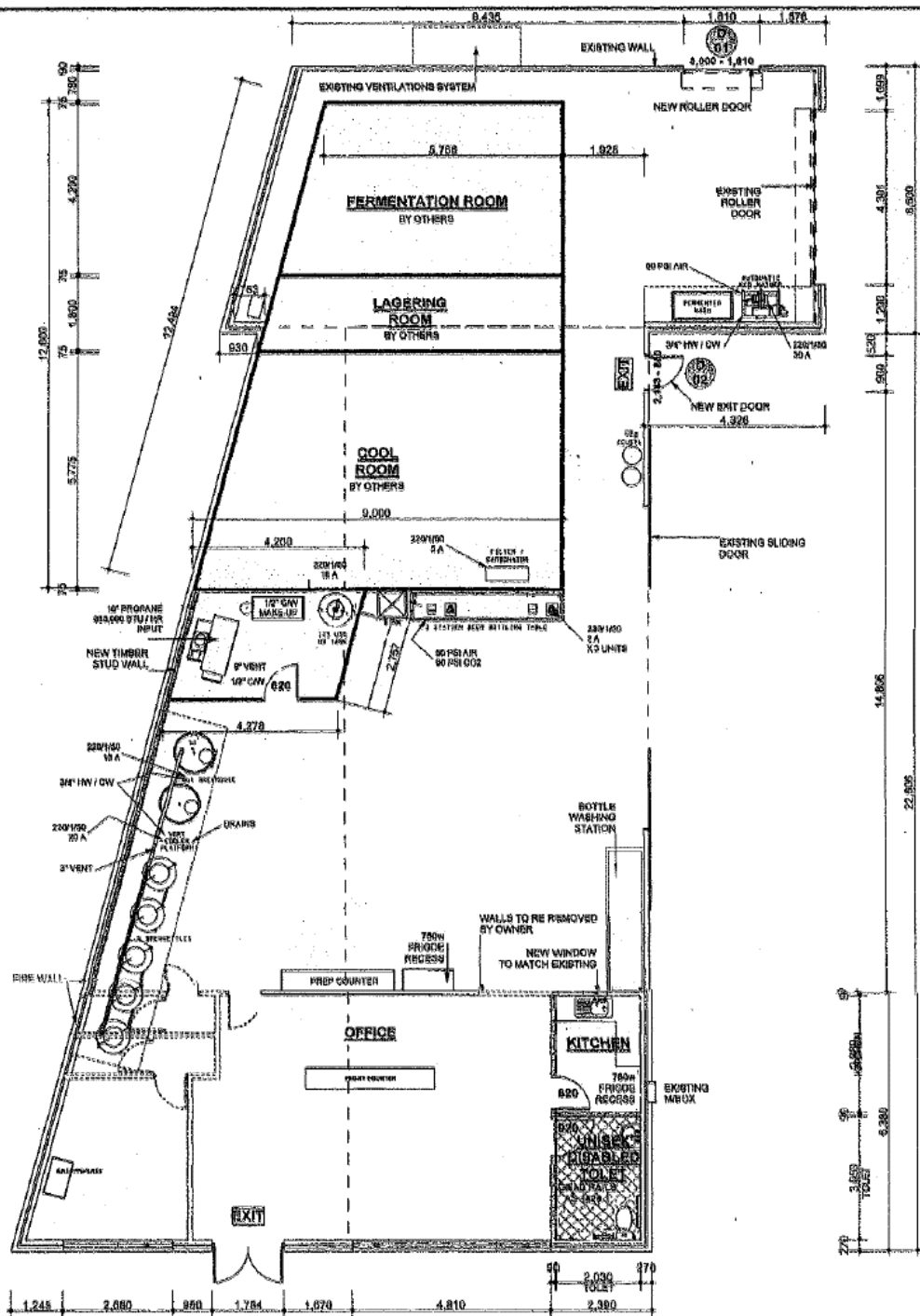


38 Middleten Road Albany VA 6330 PH: 9842 1157 FAX: 9842 8157 admin@cobdd.com.au	TITLE: ALTERATION & ADDITION	REV No. DESCRIPTION OWN-DATE A WORKING KLL JAN 08 B WORKING KLL MAR 08 C WORKING KLL MAR 08	CLIENT: TOM & TRUDI ANDERSON	INNOVATION IN COMMERCIAL & RESIDENTIAL DESIGN
 NUMBER OF DRAWING DESIGNED ASSOCIATION	DESIGNED: Cobdd Building Design & Drafting DRAWN: KLL	DATE: 21-MAR-05 CAD REF: C-018-04-WD-C,1b PROJECT No: C-018-04 REVISION No: C DRAWING No: WD - 1 / 5 - C	PROJECT: LOT 06 SANFORD RD ALBANY	CONCEPT BUILDING DESIGN & DRAFTING
NOTES: 1. DIMENSIONS TO BE CHECKED ON SITE WORK TO COMMENCEMENT OF CONSTRUCTION DRAWINGS TO BE READ IN CONJUNCTION WITH RELEVANT DRAWING DETAILS & SPECIFICATIONS THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS APPROVED BY THE DESIGNER & DRAFTING ASSOCIATION			SCALE: AS SHOWN	

**** REFER DISCLAIMER ****

DEVELOPMENT SERVICES REPORTS

Item 11.1.1 continued



FLOOR PLAN

SCALE 1:100

90 Middleton Road PH: 9542 1157 library FAX: 9542 5157 VA 6390 admin@cbbd.com.au		TITLE: ALTERATION & ADDITION DESIGNED: Collopy Building Design & Drafting DRAWN: KLL DATE: 21-MAR-06 CAD REF: C-818-04-WD-C.15k PROJECT No: C-818-04 REVISION No: C DRAWING No: WD - 2 / 5 - C		REV No. DESCRIPTION OWN-DATE A WORKING KLL JAN 06 B WORKING KLL MAR 06 C WORKING KLL MAR 06		CLIENT: TOM & TRUDI ANDERSON PROJECT: LOT 06 SANFORD RD ALBANY SCALE: AS SHOWN		INNOVATION IN COMMERCIAL & RESIDENTIAL DESIGN CONCEPT BUILDING DESIGN & DRAFTING	
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DEVELOPMENT SERVICES REPORTS

11.2 HEALTH, BUILDING & RANGERS

Item 11.2.1 withdrawn from the agenda.

11.2.1 City of Albany Noise Management and Compliance Strategy

File/Ward	:	SER007 (All Wards)
Proposal/Issue	:	Consider the adoption of the City of Albany Noise Management and Compliance Strategy
Subject Land/Locality	:	City of Albany
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Manager Building & Health Services (K Barnett)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 17.04.07 - Item 19.1
Summary Recommendation:		That the City of Albany Noise Management and Compliance Strategy be adopted.
Bulletin Attachment	:	Draft Noise Management and Compliance Strategy
Locality Plan	:	N/A

BACKGROUND

- At the April 2007 meeting of Council, a resolution was passed which contained the following component:
 - “v) *Direct staff to prepare a Noise Management and Compliance Strategy for subsequent consideration and adoption by Council that incorporates specified processes and procedures for dealing with noise complaints and also identifies the resources required both internally and externally that will deliver the strategy's objectives effectively.*”
- The draft Noise Management and Compliance Strategy has been included in the Elected Members Report/Information Bulletin.

STATUTORY REQUIREMENTS

- There are no statutory requirements in relation to this item, other than observance of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1979.

DEVELOPMENT SERVICES REPORTS

Item 11.2.1 continued

POLICY IMPLICATIONS

4. The City of Albany Noise Management and Compliance Strategy provides future policy direction for the effective and efficient resolution of noise complaints.

FINANCIAL IMPLICATIONS

5. Any costs associated with the resolution of noise complaints will be funded through the Environmental Health operating budget.

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan.

“Community Vision:

Nil.

Mission Statement

The City of Albany is committed to ...

- *Delivering Excellent Community Services and Providing Sound Governance.*

Priority Projects

Nil.”

COMMENT/DISCUSSION

7. The procedures outlined in the Strategy will provide the Environmental Health team with clear direction to resolve noise pollution complaints in an effective and efficient manner.
8. The document will also ensure compliance with the legislative requirements of both the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997.

RECOMMENDATION

THAT the City of Albany Noise Management and Compliance Strategy be adopted.

Voting Requirement Simple Majority

.....

Item 11.2.1 withdrawn from the agenda.

DEVELOPMENT SERVICES REPORTS

11.2.2 Casual Rangers 2008/09

File/Ward	:	SER127 (Hassall Ward)
Proposal/Issue	:	To consider whether to continue with the casual ranger scheme
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owners	:	N/A
Reporting Officer(s)	:	Manager Planning & Ranger Services (G Bride)
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 19/06/07 - Item 11.2.1 OCM 21/11/06 - Item 11.2.1
Summary Recommendation	:	Continue with employment of casual rangers in 2008/09
Bulletin Attachment	:	N/A
Locality Plan	:	N/A

BACKGROUND

1. At its meeting dated 19 June 2007 Council resolved the following:

“THAT Council seek the allocation of \$28,000 net cost in its 2007/08 budget towards the continued employment of two casual rangers for all of the financial year. They would be on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the city of Albany.”

2. In accordance with the above motion, two casual rangers have been employed during the 2007/08 financial year regularly patrolling reserves on weekends, public holidays and school holidays.
3. The casual rangers have issued 79 infringements since 1 July 2007. The net cost of the Scheme so far this financial year is approximately \$24,000, based on salary payments of around \$32,000, and an income stream of \$8,000 being generated from infringements.
4. The Casual Ranger Scheme has seen a decrease in off-road activity on beaches within the City, with the Rangers reporting positive feedback from the local community. It is interesting to note that Councils to the east of the City of Albany have reported a significant increase in the amount of off-road activity on their beaches, bearing testament to the success of the increased patrols on City of Albany beaches and reserves.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

5. The purpose of this report is to allow Council to debate whether it wishes to cease the scheme or to continue it on in the 2008/09 financial year.

STATUTORY REQUIREMENTS

6. There are no Statutory Implications relating to this item.

POLICY IMPLICATIONS

7. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

8. Should Council support the continued employment of the casual Rangers in the 2008/09 financial year, the level of expenditure will be approximately \$30,000, based on \$40,000 in wages and \$10,000 in income generated by infringements.
9. Should Council support Option 2, as contained in the Comment/Discussion section of this report, the level of expenditure could be reduced to \$15,000.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through:

- *Excellent community infrastructure and services.*

Mission Statement

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects

Nil.”

COMMENT/DISCUSSION

11. Each weekend, one full-time Ranger is on duty between the hours of 8:00am to 5:00pm. Depending on the time of the year, the Ranger’s ability to regularly patrol coastal reserves can be affected.
12. During summer weekends and over the Christmas School Holiday period, the Rangers are attending to a variety of issues such as:
 - Illegal camping;
 - Fire control;
 - Increased recreational activity and subsequently more dog control issues; and
 - Off-road vehicle usage.

DEVELOPMENT SERVICES REPORTS

Item 11.2.2 continued

13. During winter periods, when the range of duties is lessened, there is an increased capacity for the on-duty Ranger to attend to a variety of duties; this is also the period when Rangers are encouraged to take annual leave, to undertake training and to do strategic planning for the following year's activities.
14. If Council wishes to maintain a regular presence in reserves during high usage periods (summer weekends / school holidays etc) it can only be achieved using casual Rangers. Council is otherwise reliant on the full-time Ranger undertaking occasional patrols.
15. Should Council wish to continue with the Scheme, staff believe there are two resourcing options available. Option 1 would be to continue with year round coverage (as per the 19 June 2007 Council resolution) to ensure that there is a constant presence in the coastal reserve areas, or Option 2 would be to employ casual rangers during summer periods only. Although Option 2 would reduce the costs involved and address the majority of non-compliance issues, there are three potential problems. Firstly, there may be unrealistic expectations from the local community on the full time Ranger's ability to respond to ongoing issues in the winter months, secondly, those involved in the riding of off-road vehicles may become aware of a lesser compliance regime in winter months and exploit that situation and thirdly, there may be a higher turn-over and subsequent need for increased training of casual staff as they would be employed for only a portion of the year.
16. It is recommended that the existing Scheme, with year round coverage be continued to maintain a regular presence in coastal reserves to ensure these assets are protected for the enjoyment of all members of the community.

RECOMMENDATION

THAT Council consider the allocation of \$30,000 net cost in its 2008/09 budget towards the continued employment of two casual Rangers for all of the financial year, with the Rangers being on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the City of Albany.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WILLIAMS**

THAT Council consider the allocation of \$30,000 net cost in its 2008/09 budget towards the continued employment of two casual Rangers for all of the financial year, with the Rangers being on duty weekends, public holidays and school holiday periods to regulate activities such as off road vehicle usage, litter and illegal camping within the City of Albany.

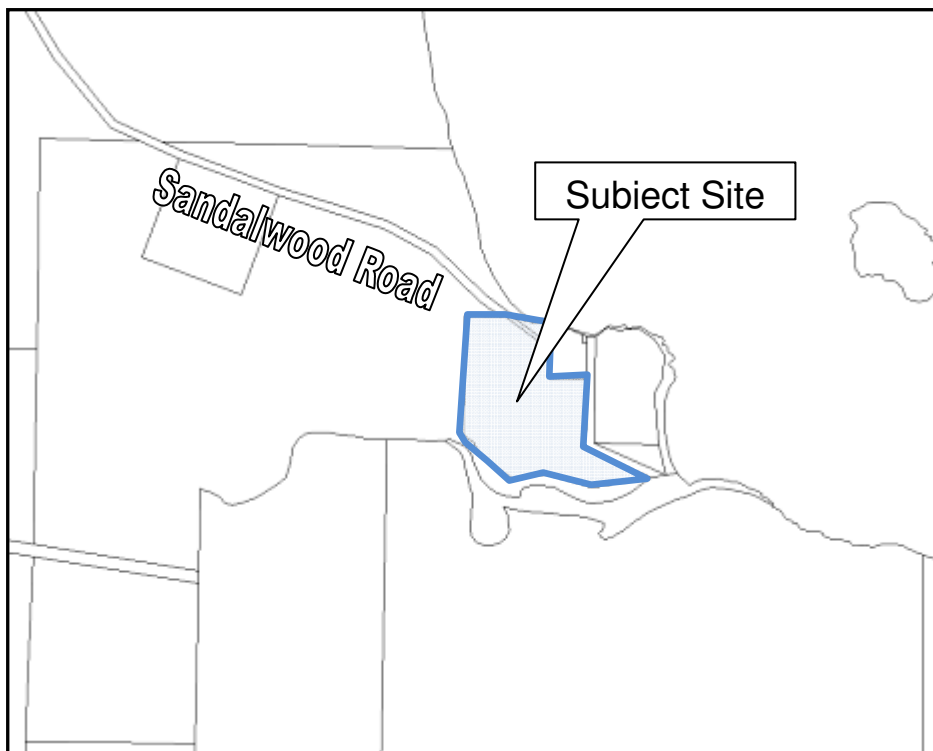
MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.3 DEVELOPMENT POLICY

11.3.1 Local Planning Policy - Location 1181 Sandalwood Road, Wellstead

File/Ward	:	A848 / (Hassel Ward)
Proposal/Issue	:	Scheme Policy - Special provisions for Special Rural Area No 1C
Subject Land/Locality	:	Location 1181 Sandalwood Road, Wellstead
Proponent	:	Harley Survey Group
Owner	:	MK Moir
Reporting Officer(s)	:	Planning Officer (J van der Mescht)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	Adopt a local Planning Policy that will introduce special provisions for Special Rural Area No 1C
Bulletin Attachment	:	Proposed Local Planning Policy
Locality Plan	:	



DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

BACKGROUND

1. The purpose of this report is to submit a Draft Local Planning Policy for Council's consideration and to obtain Council's agreement to advertise the draft policy.
2. The subject site was rezoned in the 1970's without a set of associated development provisions.
3. An application for subdivision was supported by the City of Albany and approved by the WAPC on the 15th of November 2006.
4. As a condition of subdivisional approval the developer is required to prepare a Local Planning Policy that addresses the following issues:
 - Land use;
 - Fire Management;
 - Building envelopes;
 - Water Supply;
 - Building design, height, materials and colours;
 - Preclusion of livestock and the keeping of cats;
 - Conservation area (covenanted area);
 - Weed Management; and
 - Effluent disposal.

STATUTORY REQUIREMENTS

5. Clause 6.9.1 of Town Planning Scheme (TPS) No 3 gives Council the power to make a Policy;

"In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the Control of Development."

6. Clause 6.9.2 of TPS No.3 requires the following procedure to be undertaken to make a Local Planning Policy operative.

- (A) *The Council having prepared and having resolved to adopt a draft Local Planning Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council.*
- (B) *The Council shall review its Draft Local Planning Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.*
- (C) *Following final adoption of a Local Planning Policy, details thereof shall be advertised publicly and a copy kept with the scheme documents for inspection during normal office hours."*

DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

POLICY IMPLICATIONS

7. This Policy will be a new Local Planning Policy adopted by Council under the provisions of Clause 6.9 of Town Planning Scheme 3.

FINANCIAL IMPLICATIONS

8. Council is required to advertise the policy in the local newspaper at its own cost for two consecutive weeks.

STRATEGIC IMPLICATIONS

9. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services; and*
- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance*

Priority Projects:

Nil.”

COMMENT/DISCUSSION

10. The proposed policy will introduce special provisions to a Special Rural area that has no clear development controls.
11. The policy will control the development of the area in a manner that will ensure that it :
- Minimises adverse impacts on and protects the natural resources of the site including the native flora and fauna and nearby water bodies;
 - Is sympathetic to the picturesque landscape of the Cape Riche locality;
 - Ensures adequate protection of life and property from bush fires; and
 - Capitalises on the visual and other physical attributes of the site.
12. The proposed policy addresses subdivision condition 15 of the subdivision approval WAPC 131333, and therefore the policy is supported.

RECOMMENDATIONS

THAT Council adopts the Policy titled “Special Rural No 1C - Special Provisions” as a draft policy and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.1 continued

ALTERNATE MOTION BY COUNCILLOR STANTON

THAT Council adopts the Policy titled “Special Rural No 1C - Special Provisions” as a draft policy, subject to clause 3.4.3 of the draft policy being deleted and in clause 3.7.1 delete dot point 3 and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

Voting Requirement Simple Majority

Reason:

The remote location of the subject land and information supplied by City staff indicate that the conditions imposed by proposed clause 3.4.3 would be totally impractical to enforce and the retention of dead trees (clause 3.7.1) upon lots will provide refuge and breeding places for a range of small animals.

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

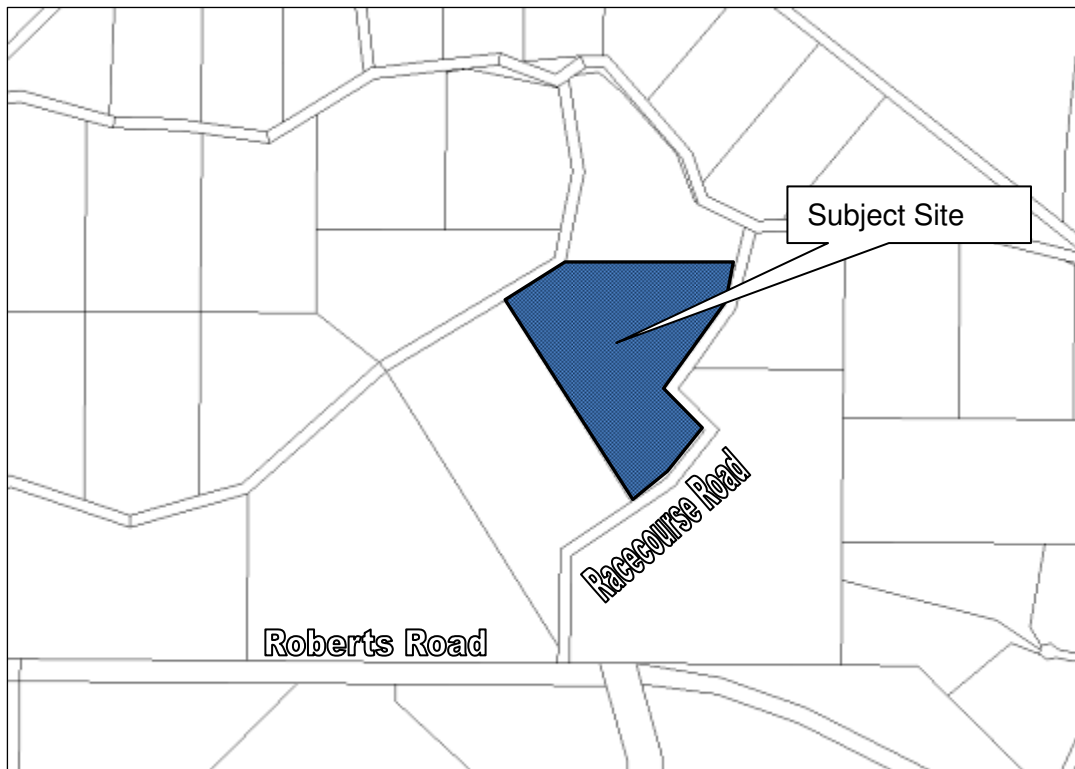
THAT Council adopts the Policy titled “Special Rural No 1C - Special Provisions” as a draft policy, subject to clause 3.4.3 of the draft policy being deleted and in clause 3.7.1 delete dot point 3 and agrees to advertise the policy for public comment in accordance with Clause 6.9.2 of Town Planning Scheme No. 3.

**MOTION TIED 5-5
MAYOR EXERCISED CASTING VOTE
MOTION CARRIED**

DEVELOPMENT SERVICES REPORTS

11.3.2 Final Approval of Scheme Amendment - Lot 5 Racecourse Road, Robinson

File/Ward	: AMD 268 (West Ward)
Proposal/Issue	: Final adoption of Amendment 268 to re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”
Subject Land/Locality	: Lot 5 Racecourse Road, Robinson
Proponent	: Harley Survey Group
Owner	: M Paynter & M Bennet
Reporting Officer(s)	: Planning Officer (J van der Mescht) and Gray & Lewis Land Use Planners
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/08/07 - Item 11.3.6
Summary Recommendation	: Adopt the amendment for final approval
Bulletin Attachment	: Amendment document and copy of submissions lodged
Locality Plan	:



DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

BACKGROUND

1. Council initiated Amendment 268 (with modifications) at its Ordinary Meeting held on 21 August 2007.
2. The Amendment was advertised from 10 January 2008 to 21 February 2008. As advertising is complete therefore the matter is referred back to Council to consider final adoption of the amendment.

STATUTORY REQUIREMENTS

3. All Scheme Amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* including referral to the Environmental Protection Authority, 42 day public advertising, and endorsement by the WA Planning Commission and Minister for Planning.

POLICY IMPLICATIONS

4. There are no Policy Implications associated with the amendment.

FINANCIAL IMPLICATIONS

5. There are no Financial Implications associated with this amendment.

STRATEGIC IMPLICATIONS

6. The amendment has been assessed having regard for the requirements of the Draft Albany Local Planning Strategy. The amendment is consistent with the strategy as;
 - The lot has been earmarked for “Rural Residential” development.
 - The applicant has submitted a detailed subdivision guide plan identifying vegetation corridors to be protected, fire breaks etc.

COMMENT/DISCUSSION

Application Details

7. The application proposes as follows;
 - a. Re-zone Lot 5 Racecourse Road, Robinson from “Rural” to “Special Rural”.
 - b. Include Lot 5 in the existing ‘Special Rural Area 29’.
8. There are existing Scheme provisions controlling land use and development within Special Rural Area 29 which will apply to Lot 5.

Advertising / Consultation

9. A total of 3 submissions were received as summarised in the Attachment.
10. No modifications to the Amendment are recommended as the matters listed in the submissions can be adequately addressed through the subdivision guide plan and at subdivision/development stage.

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

Subdivision Guide Plan

11. The Proponent has included the former sand extraction areas in 'building exclusion areas' on the subdivision guide plan, however they also need to amend the guide plan to clearly show that the extraction areas will be revegetated.

Conclusion

12. The proposed "Special Rural" zoning for Lot 5 is consistent with the existing Special Rural Area 29 zone in the surrounding area and the Albany Local Planning Strategy. The existing Scheme provisions for Special Area 29 will apply to Lot 5 and have comprehensive controls for development, setbacks, rehabilitation etc.
13. The proposed amendment is supported subject to a minor modification to extend the proposed revegetation areas to include the old sand extraction areas.

RECOMMENDATION

THAT Council:

- (i) In pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to amend the City of Albany's Town Planning Scheme No. 3 by:
- (a) Re-zoning Lot 5 Racecourse Road, Robinson from "Rural" to "Special Rural".
 - (b) Amending 'Schedule 1 – Special Rural Zones' to include Lot 5 Racecourse Road, Robinson in Special Rural Area No 29.
 - (c) Amend the "(a) Specified Area of Locality" to include reference to "Lot 5 Racecourse Road, Robinson".
 - (d) Amend Clause 1.1(b) to replace Clause 1.1(b) with the following:
 - (1) "1.1 (b) the Plan for Lot 3 Roberts Road and Lots 4 and 5 Racecourse Road, reference 14214-01D, dated 26/09/07."
 - (2) Amending Schedule 1 – Special Rural Zones' Special Rural Area No 29 point 8.2 "Department of Environment and Conservation" with "Responsible Department".
 - (e) Amending the Scheme Maps accordingly.
- (ii) Advise the Proponent and WAPC that the Subdivision Guide Plan is supported subject to a minor modification to extend the proposed revegetation areas to include the old sand extraction areas.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BUEGGE**

THAT Council:

- i) In pursuance of Section 75 of the *Planning and Development Act 2005*, resolves to amend the City of Albany's Town Planning Scheme No. 3 by:**
 - (a) Re-zoning Lot 5 Racecourse Road, Robinson from "Rural" to "Special Rural".**
 - (b) Amending 'Schedule 1 – Special Rural Zones' to include Lot 5 Racecourse Road, Robinson in Special Rural Area No 29.**
 - (c) Amend the "(a) Specified Area of Locality" to include reference to "Lot 5 Racecourse Road, Robinson".**
 - (d) Amend Clause 1.1(b) to replace Clause 1.1(b) with the following:**
 - (1) "1.1 (b) the Plan for Lot 3 Roberts Road and Lots 4 and 5 Racecourse Road, reference 14214-01D, dated 26/09/07."**
 - (2) Amending Schedule 1 – Special Rural Zones' Special Rural Area No 29 point 8.2 "Department of Environment and Conservation" with "Responsible Department".**
 - (e) Amending the Scheme Maps accordingly.**
- ii) Advise the Proponent and WAPC that the Subdivision Guide Plan is supported subject to a minor modification to extend the proposed revegetation areas to include the old sand extraction areas.**

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

City of Albany

Town Planning Scheme No. 3
Amendment No. 268

Schedule of Submissions

NO.	NAME/ ADDRESS	DESCRIPTION OF AFFECTED PROPERTY	SUMMARY OF SUBMISSION	COUNCIL'S COMMENTS	COUNCIL'S RECOMMENDATION	COMMISSION'S RECOMMENDATION
1.	Department of Water South Coast Region		<ul style="list-style-type: none"> The subject site is located within a Priority 2 Public Drinking Water Source Area. A minimum lot size of 2 ha for Special Rural development is conditional in a Priority 2 area. Arrangements be made to ensure all prospective purchasers are advised in writing that lots are within the Albany Groundwater Area whereby groundwater allocation is managed by the DoW and a licence is required before construction of a bore, well or soak and before abstraction of any ground water. Alternative Treatment Units to be used as opposed to conventional septic tank systems. Clearing of vegetation will be subject to a permit, with vegetation loss to be avoided. The applicant will be required to revegetate & rehabilitate the former sand extraction areas 	<p>It is recommended that revegetation of the former sand extraction areas be reflected on the Subdivision Guide Plan</p> <p>Point 8.2 of schedule 1 of Special area no 29 covers this point. Responsible Department has changed from Department of Environment and Conservation to Department of Water.</p> <p>Schedule 1 of special rural area 29 covers effluent disposal units currently, ATU's should be requested at the time of development</p> <p>Refer to schedule 1 of special rural area 29.</p>	<p>It is recommended that revegetation of the former sand extraction areas be reflected on the Subdivision Guide Plan</p> <p>That point 8.2 of schedule 1 of special rural area 29 is amended to be amended by replacing "Department of Environment and Conservation" with "Responsible Department".</p> <p>No modification to the amendment is required.</p> <p>No modification to the amendment is required.</p> <p>Modification of subdivision guide plan recommended</p>	

DEVELOPMENT SERVICES REPORTS

Item 11.3.2 continued

2.	Western Power Locked Bag 2511 PERTH WA 6001		No objection. Refer to One Call Service and Work Safe Requirements.	The submission be noted. The One Call System and Work Safe requirements relate to future development of the land.	No modification to the amendment is required.	
3.	FESA Great Southern Region 5 Hercules Crescent ALBANY WA 6330		<p>The following issues need to be included as part of the approval for any development as a result of the proposed rezoning:</p> <ul style="list-style-type: none"> • Safe access and egress for both residents and fire services from the subdivision and individual houses. • Fire hydrants installed every 400 metres or water tanks for fire fighting water supplies. • There must be a physical separation between development and any extreme bush fire hazards as well as low fuel areas around any buildings. <p>It is recommended that fire management requirements be applied to all existing or future developments.</p>	Noted. Conditions relating to Fire Management can be imposed at subdivision stage.	No modification to the amendment is required.	
4.	Water Corporation Great Southern Regional Office PO Box 915 ALBANY WA 6330		<p>Connection to the Corporation's water and wastewater reticulation networks are not available to any of the proposed lots subject of this application.</p> <p>The water Corporation has no objection to this rezoning application proceeding.</p>	Noted.	No modification to the amendment is required.	

DEVELOPMENT SERVICES REPORTS

11.4 RESERVES PLANNING

Nil

11.5 EMERGENCY MANAGEMENT

Nil

DEVELOPMENT SERVICES REPORTS

11.6 DEVELOPMENT SERVICE COMMITTEES

11.6.1 Bushcarers Advisory Committee Meeting Minutes - 29 February 2008

File/Ward	: MAN121 / All Wards
Proposal/Issue	: Committee Item for Council Consideration
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Summary Recommendation	: That the minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008 be received
Bulletin Attachment	: Minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008

RECOMMENDATION

THAT the minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008 be received (A copy of the minutes is included in the Elected Members Report / Information Bulletin) and the following recommendations be adopted:

- i) Item 2.1 Election of Chairperson
THAT Kim Stanton be appointed the Chairperson of the Bushcarers Advisory Committee.
- ii) Item 2.2 Review of the Terms of Reference for the Committee
THAT the Terms of Reference for the Bushcarers Advisory Committee be amended at Clause 7 to read:
"The Committee shall comprise the following:
 - 1 Councillor
 - 1 representative from the Department of Agriculture and Food
 - 1 representative from the Department of Environment and Conservation
 - 1 representative from South Coast Natural Resource Management
 - 2 community representativesAnd that the committee be provided with administrative support from the City of Albany Reserves Officer (Bush and Coastal) and the Reserves Supervisor be invited to attend meetings as an observer."
- iii) Item 3.0 Confirmation of Minutes dated 10th August 2007
THAT the minutes of the meeting of the 10th August 2007 be confirmed as a true and accurate record of proceedings.
- iv) Item 5.1 Meeting of 25 May 2007
THAT the Bushcarers Group be requested to prepare a list of weeds that should be appended to a potential City of Albany Local Law.

DEVELOPMENT SERVICES REPORTS

Item 11.6.1 continued

- v) Item 6.1 Gorse control and movement of seed
THAT City of Albany staff report back to the next meeting of the Bushcarers Advisory Committee on the transport of seed and contaminants in soil throughout the City of Albany.

Voting Requirement Simple Majority

**MOVED COUNCILLOR STANTON
SECONDED COUNCILLOR MATLA**

THAT the minutes of the Bushcarers Advisory Committee meeting held on 29 February 2008 be received (A copy of the minutes is included in the Elected Members Report / Information Bulletin) and the following recommendations be adopted:

i) Item 2.1 Election of Chairperson

THAT Kim Stanton be appointed the Chairperson of the Bushcarers Advisory Committee.

ii) Item 2.2 Review of the Terms of Reference for the Committee

THAT the Terms of Reference for the Bushcarers Advisory Committee be amended at Clause 7 to read:

“The Committee shall comprise the following:

- 1 Councillor**
- 1 representative from the Department of Agriculture and Food**
- 1 representative from the Department of Environment and Conservation**
- 1 representative from South Coast Natural Resource Management**
- 2 community representatives**

And that the committee be provided with administrative support from the City of Albany Reserves Officer (Bush and Coastal) and the Reserves Supervisor be invited to attend meetings as an observer.”

iii) Item 3.0 Confirmation of Minutes dated 10th August 2007

THAT the minutes of the meeting of the 10th August 2007 be confirmed as a true and accurate record of proceedings.

iv) Item 5.1 Meeting of 25 May 2007

THAT the Bushcarers Group be requested to prepare a list of weeds that should be appended to a potential City of Albany Local Law.

v) Item 6.1 Gorse control and movement of seed

THAT City of Albany staff report back to the next meeting of the Bushcarers Advisory Committee on the transport of seed and contaminants in soil throughout the City of Albany.

MOTION CARRIED 10-0

DEVELOPMENT SERVICES REPORTS

11.6.2 Planning and Environment Strategy and Policy Committee Meeting – 19 March 2008

File/Ward	: MAN235 / All Wards
Proposal/Issue	: Committee Item for Council Consideration
Reporting Officer(s)	: Executive Director Development Services (R Fenn)
Summary Recommendation	: That the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received
Bulletin Attachment	: Minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008

RECOMMENDATION

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

- i) Item 6.3 City Tourism Strategy - Discuss Potential Planning Implications
THAT staff prepare the draft tourism site evaluation sheets and distribute to Councillors before the next Planning and Environment Strategy and Policy Committee Meeting for discussion.
- ii) Item 7.2 Public Open Space Provision / Cash in Lieu Payments - Policy Objectives
THAT staff draft a policy for the taking of cash-in-lieu payments for Public Open Space where a residential subdivision involves less than six (6) lots and that the policy address the following objectives;
 - a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.
 - b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

AND

THAT the draft policy be presented to the Planning and Environment Strategy and Policy Committee for review prior to it being presented to Council for adoption.

- iii) Item 8.0 Matter for Consideration at Next Committee Meeting
THAT staff, as a matter of urgency, prepare a position paper for the Committee to review parking within the City of Albany.

Voting Requirement Simple Majority

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DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Planning and Environment Strategy and Policy Committee meeting held on 19 March 2008 be received (A copy of the minutes follows this report) and the following recommendations be adopted:

i) Item 6.3 City Tourism Strategy - Discuss Potential Planning Implications

THAT staff prepare the draft tourism site evaluation sheets and distribute to Councillors before the next Planning and Environment Strategy and Policy Committee Meeting for discussion.

ii) Item 7.2 Public Open Space Provision / Cash in Lieu Payments - Policy Objectives

THAT staff draft a policy for the taking of cash-in-lieu payments for Public Open Space where a residential subdivision involves less than six (6) lots and that the policy address the following objectives;

a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.

b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.

AND

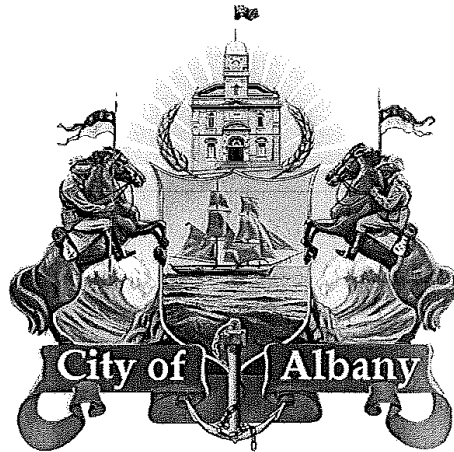
THAT the draft policy be presented to the Planning and Environment Strategy and Policy Committee for review prior to it being presented to Council for adoption.

iii) Item 8.0 Matter for Consideration at Next Committee Meeting

THAT staff, as a matter of urgency, prepare a position paper for the Committee to review parking within the City of Albany.

MOTION CARRIED 10-0

Item 11.6.2 continued



MINUTES

PLANNING AND ENVIRONMENT STRATEGY AND POLICY COMMITTEE

**Held on
Tuesday, 19th March 2008
12.00pm**

City of Albany Margaret Coates Boardroom

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

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DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 19/03/2008

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

The Chairperson, Joy Matla, declared the meeting open at 12.05pm.

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

Attendances:

Mayor -

Councillors -

MJ Evans, JP

C Morris

J Matla

K Stanton

N Williams

Executive Director Development Services

R Fenn

Manager Planning & Ranger Services

G Bride

Strategic Planning Officer

A Nicoll

Personal Assistant to EDDS

M Bosworth

Observers:

Councillor

D Price

3.0 APOLOGIES

Apologies were received from Councillors Buegge and Bostock.

4.0 DECLARATION OF INTEREST

Nil

5.0 INFORMATION SESSION (MAXIMUM 30 MINUTES) – CITY INFRASTRUCTURE

The Executive Director and other staff members provided the meeting with an overview of current infrastructure planning relating to:

- Road network;
- Water and sewerage infrastructure;
- Energy distribution;
- Gas supply; and
- Protection of essential services and major activities.

6.0 CITY TOURISM STRATEGY

6.1 Develop and Understand Objectives

The EDDS provided the meeting with an overview of the issues confronting Tourism Planning and distributed copies of:

- (a) Summary of "Tourism Planning Taskforce Report" (January 2006) and highlighted page 6 of that summary;
- (b) "Strata Titled Tourist Accommodation Developments – Attributes for Success" (June 2006); and
- (c) WAPC Planning Bulletin 83: Planning for Tourism.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 19/03/2008

** REFER DISCLAIMER **

6.2 Review Report Methodology

The EDDS explained the methodology proposed to be used in the preparation of the City Tourism Strategy and advised that the analysis of demand and supply of tourism bed nights had previously been undertaken by PRACSYS.

6.3 Discuss Potential Planning Implications

The Strategic Planner had commenced the process of undertaking independent site analysis of current and possible tourism sites within the District. An example of the evaluation was provided and it was noted that the analysis cannot be undertaken using a weighted matrix solution. Each site is assessed using subjective evaluation criteria and the determination of what will become strategic and non strategic sites will be equally subjective. The EDDS highlighted that some sites may be identified in the Strategy as having high tourism potential, but may not be zoned accordingly if compensation issues arise.

**MOVED MAYOR EVANS
SECONDED COUNCILLOR WILLIAMS**

THAT staff prepare the draft tourism site evaluation sheets and distribute to Councillors before the next Planning and Environment Strategy and Policy Committee Meeting for discussion.

MOTION CARRIED 4-0

7.0 PUBLIC OPEN SPACE PROVISION / CASH IN LIEU PAYMENTS

7.1 Statutory Framework

The MPRS provided a copy of WAPC Policy DC2.3 "Public Open Space in Residential Areas" and explained the need to introduce a Council policy to deal with subdivision involving 3 to 5 lots.

7.2 Policy Objectives

A position paper on the taking of POS was tabled and the MPRS explained the content of that paper.

**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR STANTON**

THAT staff draft a policy for the taking of cash-in-lieu payments for Public Open Space where a residential subdivision involved less than six (6) lots and that the policy address the following objectives;

- a) Provide a set of guidelines as to when Council will request the provision of POS, whether through land acquisition or a cash-in-lieu contribution, for subdivisions creating between 3 and 5 lots.**
- b) Provide guidance and direction to the development industry and the community in relation to POS contributions for subdivisions creating between 3 and 5 lots.**

AND

THAT the draft policy be presented to the PESP Committee for review prior to it being presented to Council for adoption.

DEVELOPMENT SERVICES REPORTS

Item 11.6.2 continued

COMMITTEE MEETING MINUTES – 19/03/2008

** REFER DISCLAIMER **

MOTION CARRIED 4-0

8.0 MATTER FOR CONSIDERATION AT NEXT COMMITTEE MEETING

Councillor Stanton raised the issue of car parking in York Street and how the City's Car Parking Policy relates to the York Street area. Mr Fenn advised that car parking is an issue that is covered in the York Street Masterplan and that Patric de Villiers would be attending the next meeting to provide a briefing on the Masterplan.

**MOVED COUNCILLOR STANTON
SECONDED MAYOR EVANS**

THAT staff, as a matter of urgency, prepare a position paper for the Committee to review parking within the City of Albany.

MOTION CARRIED 4-0

9.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 1.58pm.

Corporate & Community Services

REPORTS

CORPORATE & COMMUNITY SERVICES REPORTS**12.1 FINANCE****12.1.1 List of Accounts for Payment**

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	List of Accounts for Payment
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	Council receive the list of accounts for payment.
Bulletin Attachment	:	List of Accounts for Payment
Locality Plan	:	N/A

STATUTORY REQUIREMENTS

1. 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 had delegated the function to the Chief Executive Officer or alternatively authorises payment in advance.
2. The Chief Executive Officer has delegated authority to authorise payments.
3. 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 should be presented to Council meetings and recorded in the minutes.

COMMENTS / DISCUSSION

4. The list of accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.
5. A summary of payments is as follows:

Municipal Fund		
Cheques	Totalling	\$343,458.87
Electronic Fund transfer	Totalling	\$3,442,223.95
Credit Cards	Totalling	\$10,542.82
Payroll	Totalling	\$640,485.00
Total		<u>\$4,436,710.64</u>

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.1 continued.

6. As at the 31st March 2008, the total outstanding creditors, stands at \$751,156.95.
7. Cancelled cheques – 23954, 23963 and 23989.

RECOMMENDATION

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

THAT the list of accounts authorised for payment by the Chief Executive Officer as presented in the Elected Members Report/Information Bulletin be received.

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

12.1.2 Financial Activity Statement – Month Ending (31 March 2008)

File/Ward	:	FIN 040 (All Wards)
Proposal/Issue	:	Financial Activity Statement
Subject Land/Locality	:	N/A
Proponent	:	N/A
Owner	:	N/A
Reporting Officer(s)	:	Manager of Finance (S Goodman)
Disclosure of Interest	:	Nil.
Previous Reference	:	N/A
Summary Recommendation	:	The Financial Activity Statement be received.
Bulletin Attachment	:	Nil
Locality Plan	:	N/A

BACKGROUND

1. The monthly Financial Activity Statement has been prepared, and forms part of this item.

STATUTORY REQUIREMENTS

2. Section 34 of the Local Government (Financial Management) Regulations 1996 provide:
 - I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b) budget estimates to the end of the month to which the statement relates;
 - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e) the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

- b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- c) such other supporting information as is considered relevant by the local government.

III. The information in a statement of financial activity may be shown –

- a) according to nature and type classification;
- b) by program; or
- c) by business unit

POLICY IMPLICATIONS

3. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

4. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Nil

Mission Statement:

The City of Albany is committed to providing Sound Governance.

Priority Projects:

Nil”

COMMENT/DISCUSSION

6. The following major variances from the current budget have been identified:

Other Revenue / Income

Interest Income	126,406
Primarily Reserves Interest ex Grange Investments – continuing to pay coupons	

Net Controlled Trust Revenue	232,321
Contributions to works – Transferred from Trust to Reserves	

Capital Income

Proceeds from land sales	(213,487)
Reduced valuations due to market changes (Auction raised \$150,000 above valuation)	

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued.

RECOMMENDATION

That the Financial Activity Statement for the month ending 31 March 2008 be received.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR MATLA**

That the Financial Activity Statement for the month ending 31 March 2008 be received.

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

FINANCIAL ACTIVITY STATEMENT		Mar-08	
	Actual Year to Date 31-Mar-08	Current Budget Year to Date 31-Mar-08	Budget Variance
OPERATING INCOME			
Rates	17,879,610	17,815,967	63,643
Grants & Subsidies	2,305,722	2,209,749	95,973
Fees & Charges	6,198,281	6,576,532	(378,251)
Interest Earned	1,049,388	922,982	126,406
Other Revenue / Income	735,747	707,440	28,307
Net Controlled Trust Revenue	(232,321)		(232,321)
	27,936,428	28,232,670	(296,242)
OPERATING EXPENDITURE (excluding depreciation)			
Employee Costs	(8,573,952)	(8,944,661)	370,709
Utilities	(515,345)	(542,547)	27,202
Interest Expenses	(490,186)	(545,617)	55,431
Contracts, materials & other	(7,229,719)	(7,830,916)	601,197
	(16,809,202)	(17,863,741)	1,054,539
CAPITAL INCOME			
Grants & Subsidies	1,689,892	1,600,671	89,221
Contributions, Reimb & Donations, Other	2,114,856	854,092	1,260,764
Proceeds from sale of assets	1,347,037	1,250,000	97,037
Other Income	1,087,708	1,301,195	(213,487)
	6,239,493	5,005,958	1,233,535
CAPITAL EXPENDITURE			
Asset Masterplans	(3,739,841)	(3,075,982)	(663,859)
ALAC Redevelopment	(8,178,050)	(8,156,946)	(21,104)
Plant Replacement	(2,404,000)	(2,423,031)	19,031
Developers' Subdivisions			
Other Capital	(1,810,467)	(1,994,973)	184,506
	(16,132,357)	(15,650,932)	(481,425)
CASH FLOWS FROM FINANCING ACTIVITIES			
Loan Principal Repayment	(430,899)	(423,423)	(7,476)
Loan Principal Reimbursements	24,223		24,223
Proceeds from new loans	2,600,000	2,600,000	
	2,193,324	2,176,577	16,747
OTHER BALANCE SHEET ITEMS			
Change in stock position	(29,822)		
Change in Debtors	(1,178,994)		
Change in Creditors	(1,663,272)		
	(2,872,088)		
NET CASH FLOW			
	555,599		
Opening balance	17,673,710		
NET FUNDS AT BALANCE DATE	18,229,309		
Funds Summary			
Municipal Account (Commonwealth Bank)	1,742,746		
Reserve Account (Commonwealth Bank)	1,825,836		
Trust Account (Commonwealth bank)	1,909,048		
Fixed Term Investments (Aust Banks) Muni	5,171,662		
Fixed Term Investments (Aust Banks) Reser	1,078,731		
Financial Instruments (at June 07 Valuation)	6,501,286		
Total Bank / Investments	18,229,309		

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY			
BALANCE SHEET		31-Mar-08	
	Actual 31-Mar-08	Budget 30-Jun-08	Actual 30-Jun-07
CURRENT ASSETS			
Cash	6,834,307	1,271,680	1,574,493
Restricted cash (Trust)	1,909,048	2,146,786	2,376,093
Reserve Funds - Financial Assets (at cost)	6,501,286	4,795,204	13,723,123
Reserve Funds - Other	2,904,566		
Receivables & Other	3,756,931	2,450,742	2,524,996
Investment Land	1,115,000	1,130,000	1,115,000
Stock on hand	690,748	750,000	660,926
	23,711,886	12,544,412	21,974,632
CURRENT LIABILITIES			
Borrowings	420,185	1,060,904	851,084
Creditors prov - Annual leave & LSL	1,661,094	2,051,208	1,609,095
Trust Liabilities	1,878,470	1,900,000	2,113,195
Creditors prov & accruals	1,875,520	2,784,874	3,316,038
	5,835,270	7,796,986	7,889,412
NET CURRENT ASSETS	17,876,617	4,747,426	14,085,220
NON CURRENT ASSETS			
Receivables	200,760	154,350	200,760
Pensioners Deferred Rates	258,533	274,279	258,533
Investment Land	2,150,000	2,150,000	2,150,000
Property, Plant & Equip	234,091,320	257,343,029	226,276,699
	236,700,614	259,921,658	228,885,993
NON CURRENT INVESTMENTS			
Local Govt House Shares	19,501	19,501	19,501
NON CURRENT LIABILITIES			
Borrowings	22,157,787	28,746,884	19,557,787
Creditors & Provisions	192,852	230,000	234,219
	22,350,639	28,976,884	19,792,006
NET ASSETS	232,246,092	235,711,701	223,198,707
EQUITY			
Accumulated Surplus	204,540,629	212,141,863	190,676,982
Reserves	8,930,829	4,795,204	13,747,092
Asset revaluation Reserve	18,774,634	18,774,634	18,774,634
	232,246,092	235,711,701	223,198,707

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

CITY OF ALBANY

INCOME STATEMENT FOR THE PERIOD ENDED

31-Mar-08

(a) Function / Activity

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
General Purpose Funding	21,221,204	21,819,463	21,351,621
Governance	87,552	76,800	278,427
Law Order & Public Safety	163,560	468,717	295,670
Health	17,616	47,500	49,873
Education & Welfare	518,272	775,772	664,115
Community Amenities	3,874,036	5,576,700	3,940,231
Recreation and Culture	2,034,332	5,675,585	2,349,058
Transport	4,105,487	11,542,352	9,451,800
Economic Services	436,151	3,558,600	1,168,592
Other Property and Services	1,124,066	551,080	1,089,906
	33,582,277	50,092,569	40,639,293
EXPENDITURE			
General Purpose Funding	187,642	405,263	602,000
Governance	3,308,514	2,293,724	2,230,643
Law Order & Public Safety	812,639	1,252,434	1,210,826
Health	289,074	399,729	413,043
Education & Welfare	762,596	1,222,911	957,737
Community Amenities	3,443,288	6,354,109	5,406,069
Recreation and Culture	4,861,587	8,052,444	6,990,788
Transport	8,944,354	13,454,248	12,617,408
Economic Services	743,687	1,911,203	1,968,601
Other Property and Services	1,181,510	375,976	489,107
	24,534,892	35,722,041	32,886,220
Change in net assets from operations	9,047,385	14,370,528	7,753,072

(b) Nature / Type

	YTD Actual	Budget-Total	Actual
	2007/08	2007/08	2006/07
INCOME			
Rates	14,903,877	17,786,405	16,720,703
Grants & Subsidies	4,687,366	10,564,472	7,666,764
Contributions, Reimb & Donations	1,529,865	8,417,684	5,391,320
Fees & Charges	6,426,209	8,026,820	7,502,688
Interest Earned	618,191	1,145,058	1,484,777
Profit (loss) on asset disposal	84,502	3,615,230	735,816
Other Revenue / Income	7,956,490	14,009,485	8,174,508
less: applicable to loan capital	(2,624,223)	(13,472,585)	(7,037,284)
	33,582,277	50,092,569	40,639,293
EXPENDITURE			
Employee Costs	8,717,398	12,844,626	12,758,807
Utilities	798,736	537,726	839,629
Interest Expenses	516,244	1,371,125	1,048,582
Depreciation on non current assets	7,036,071	9,840,000	9,164,626
Contracts & materials	2,190,821	45,144,850	28,015,358
Insurance expenses	264,896	384,837	389,791
Other Expenses	21,554,853	12,641,624	5,568,108
less: capital works & loan capital repayer	(16,544,126)	(47,042,747)	(24,898,680)
	24,534,892	35,722,041	32,886,220

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.1.2 continued

Summary of Invested Funds														
Portfolio Valuation - Market Value				Credit Rating	Security	Maturity Date	Volume Held	Security Cost	Current Interest %	Market Value Dec-07	Market Value Jan-08	Market Value Feb-08	Market Value Mar-08	Latest Monthly Variation
				S & P										(excl accrued interest)
MUNICIPAL ACCOUNT														
				A1		18/03/2008	n/a	3,076,197	7.02%		3,076,197	3,076,197		n/a
				A1		17/03/2008	n/a	3,100,000	6.93%	3,100,000	3,100,000	3,100,000		n/a
				A1		18/04/2008		3,112,287					3,112,287	n/a
				A1		8/02/2008	n/a	n/a	7.03%		2,000,000			n/a
				A1		11/03/2008	n/a	2,046,225	7.33%			2,046,225		n/a
				A1		9/06/2008	n/a						2,059,374	n/a
				A2		6/01/2008	n/a	n/a	6.95%	2,000,000				n/a
				A1		17/01/2008	n/a	n/a	6.87%	3,049,690				n/a
								11,334,709		8,149,690	8,176,197	8,222,422	5,171,662	
RESERVES ACCOUNT														
BANK - TERM DEPOSITS														
				A2		19/05/2008		1,078,731	7.42%	1,078,731	1,078,731	1,078,731	1,078,731	n/a
								1,078,731		1,078,731	1,078,731	1,078,731	1,078,731	
COMMERCIAL SECURITIES														
SUN0910				A		22/06/2018	500,000	501,925	7.71%	493,420	496,245	497,330	Not Avail Yet	1,085
SUN0611				A		22/06/2018	500,000	801,128	7.55%	780,392	781,232	778,896	Not Avail Yet	(2,336)
SGB0711				A+		26/07/2016	500,000	500,370	7.61%	494,445	483,980	482,120	Not Avail Yet	(1,860)
MBL0512				A		15/09/2014	500,000	506,055	7.24%	482,450	473,880	464,715	Not Avail Yet	(9,165)
ANZ PPYCN				AA		17/07/2017	200,000	200,000	8.25%	184,130	183,432	183,424	Not Avail Yet	(8)
SAPH0811				AAA		4/08/2011	100,000	407,628	8.73%	391,692	361,416	345,992	Not Avail Yet	(15,424)
MAGN0309				AA		20/03/2012	70,000	171,229	8.80%	136,450	125,820	96,409	Not Avail Yet	(29,411)
ZIRC0613A				AA		20/06/2013	500,000	500,000	8.35%	338,010	284,105	292,870	Not Avail Yet	8,765
ZIRC0311A				AA-		20/09/2014	1,000,000	1,000,000	8.60%	692,990	552,990	572,230	Not Avail Yet	19,240
STR1210				AA-		22/06/2013	150,000	275,891	8.62%	222,324	184,489	181,093	Not Avail Yet	(3,396)
CORS1209				AA		20/03/2014	275,000	273,158	8.30%	159,885	135,561	137,538	Not Avail Yet	1,977
HELI0609				AA-		23/06/2014	600,000	601,266	8.52%	468,498	382,842	380,298	Not Avail Yet	(2,544)
BERY0310				AAA		20/09/2014	200,000	200,000	7.90%	180,016	176,038	162,512	Not Avail Yet	(13,526)
								5,938,650		5,024,702	4,622,030	4,575,427		(46,603)
SUB PRIME MORTGAGES														
SRC0510A				CCC		10/02/2047	500,000	500,000		85,775	84,215	65,850	Not Avail Yet	(18,365)
								500,000		85,775	84,215	65,850		(18,365)
Portfolio Cost														
								18,852,089		14,338,898	13,961,173	13,942,429		(64,968)
PORTFOLIO TOTAL														

CORPORATE & COMMUNITY SERVICES REPORTS

12.2 ADMINISTRATION

Nil

12.3 LIBRARY SERVICES

Nil

12.4 DAY CARE CENTRE

Nil

12.5 TOWN HALL

Nil

CORPORATE & COMMUNITY SERVICES REPORTS**12.6 RECREATION SERVICES****12.6.1 Albany Leisure and Aquatic Centre – Fee Structure**

File/Ward	: MAN205 (All Wards)
Proposal/Issue	: ALAC – Fee Structure
Subject Land/Locality	: Albany Leisure and Aquatic Centre, Barker Rd, Albany.
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager, Albany Leisure and Aquatic Centre (David Schober)
Disclosure of Interest	: N/A
Previous Reference	: Nil
Summary Recommendation	: That Council adopt the revised fee structure for the Albany Leisure and Aquatic Centre.
Bulletin Attachment	: N/A
Locality Plan	: N/A

BACKGROUND

1. The redevelopment of the Albany Leisure and Aquatic Centre has required centre management to review the fees and charges associated with the centre's provision of services.
2. The core services that the centre provided before the closure will remain unchanged for the remainder of the financial year. The fees associated with supporting services that have not been offered for an extended period of time such as the gymnasium, spa and sauna facilities have been adjusted by applying a CPI increase from a base year, or the period in which these services were previously offered.
3. New services such as the water slide and adventure equipment have been calculated by applying industry averages and benchmarking against similar local government facilities.

STATUTORY REQUIREMENTS

4. Section 6.16 and 6.19 of the Local Government Act 1995 applies to this item.

6.16 Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or services it provides or proposes to provide, other than a service for which a service charge is imposed.

**Absolute majority required*

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

6.19 Local government to give notice of fees and changes

If a local government wishes to impose any fees or charges under this subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) Its intention to do so; and
- (b) The date from which it is proposed the fees and changes will be imposed.

POLICY IMPLICATIONS

- 5. There are no policy requirements relating to this item.

FINANCIAL IMPLICATIONS

- 6. The revenue returned to the centre resulting from these CPI increase adjustments and new facilities is estimated at \$65,000 per annum.

STRATEGIC IMPLICATIONS

- 7. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...Diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to...Sustainably managing Albany’s municipal assets, and delivering excellent community services.

Priority Projects:

Nil

COMMENT/DISCUSSION

- 8. As presented to Council at the February 2008 Ordinary Council Meeting, the redeveloped Leisure and Aquatic Centre will contain a café to provide patrons with food and beverage options whilst in attendance at the centre. Recommended retail pricing will be applied to all food and beverages sold at the café.

RECOMMENDATION

THAT Council:

- 1. Adopt the following fee structure for new and reintroduced services effective 1st May 2008:

Aquatic Centre - Entry Fees (daily charge)	
Under 5	No Charge
Swim/Steamroom/Spa	\$ 7.00
Swim/Steamroom/Spa (Pens)	\$ 6.10

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

Water Slide child/concession (includes swim)	\$ 6.10
Water Slide Adult (includes swim)	\$ 7.00
Water Slide/Spa Steam Add on	\$ 2.90
Aquatic Centre - Membership	
Adult - 3 months	\$ 169.00
Adult - 6 months	\$ 249.00
Adult - 12 months	\$ 355.00
Concession - 3 months	\$ 125.00
Concession - 6 months	\$ 185.00
Concession - 12 months	\$ 269.00
Gymnasium - Group Fitness	
Adult	\$ 9.00
Concession	\$ 7.50
Gymnasium - Membership (General)	
Adult	
Monthly debit	\$ 48.00
3 month	\$ 205.00
6 month	\$ 329.00
12 month	\$ 569.00
Concession	
Monthly debit	\$ 41.00
3 month	\$ 169.00
6 month	\$ 259.00
12 month	\$ 449.00
Family	
6 months	\$ 599.00
12 months	\$ 999.00
Gymnasium - Corporate Membership	
Adult	\$ 469.00
Family	\$ 799.00
Payroll deductions	
Adult - Per week	\$ 8.80
Family	\$ 13.40
Leisure Centre	
Gymnasium / Group Fitness - multi-visit	
Adult	\$ 81.00
Concession	\$ 67.50
Adventure equipment	
Adult entry	\$ 5.10
Concession entry	\$ 4.10
Supervision - Mon to Fri (per hour)	\$ 30.00
Supervision Sat (per hour)	\$ 37.50
Supervision Sun (per hour)	\$ 45.00
Cafe	Recommended Retail Pricing

2. In accordance with section 6.19 of the Local Government Act 1995, provide public notice of the intention to introduce new and revised fees at the Albany and Leisure and Aquatic Centre, and the date from which it is proposed that the fees and charges will be imposed, 1st May 2008.

Voting Requirement Absolute Majority

Councillor Paver proposed to move the motion pending the following amendment to the Officer Recommendation:

The removal of the word "Gymnasium" from the following titles: Gymnasium Membership (General), and Gymnasium Corporate Membership.

Therefore the original motion was moved as an Alternate Motion by Councillor Paver

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR MATLA****THAT Council:**

1. **Adopt the following fee structure for new and reintroduced services effective 1st May 2008:**

Aquatic Centre - Entry Fees (daily charge)	
Under 5	No Charge
Swim/Steamroom/Spa	\$ 7.00
Swim/Steamroom/Spa (Pens)	\$ 6.10
Water Slide child/concession (includes swim)	\$ 6.10
Water Slide Adult (includes swim)	\$ 7.00
Water Slide/Spa Steam Add on	\$ 2.90
Aquatic Centre - Membership	
Adult - 3 months	\$ 169.00
Adult - 6 months	\$ 249.00
Adult - 12 months	\$ 355.00
Concession - 3 months	\$ 125.00
Concession - 6 months	\$ 185.00
Concession - 12 months	\$ 269.00
Gymnasium - Group Fitness	
Adult	\$ 9.00
Concession	\$ 7.50
Membership (General)	
Adult	
Monthly debit	\$ 48.00
3 month	\$ 205.00
6 month	\$ 329.00
12 month	\$ 569.00
Concession	
Monthly debit	\$ 41.00
3 month	\$ 169.00
6 month	\$ 259.00
12 month	\$ 449.00
Family	
6 months	\$ 599.00
12 months	\$ 999.00
Corporate Membership	
Adult	\$ 469.00
Family	\$ 799.00
Payroll deductions	
Adult - Per week	\$ 8.80
Family	\$ 13.40
Leisure Centre	
Gymnasium / Group Fitness - multi-visit	
Adult	\$ 81.00
Concession	\$ 67.50
Adventure equipment	
Adult entry	\$ 5.10
Concession entry	\$ 4.10
Supervision - Mon to Fri (per hour)	\$ 30.00
Supervision Sat (per hour)	\$ 37.50
Supervision Sun (per hour)	\$ 45.00
Cafe	Recommended Retail Pricing

2. **In accordance with section 6.19 of the Local Government Act 1995, provide public notice of the intention to introduce new and revised fees at the Albany and Leisure and Aquatic Centre, and the date from which it is proposed that the fees and charges will be imposed, 1st May 2008.**

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.6.1 continued

Reason:

The removal of the word “Gymnasium” from the following titles: Gymnasium Membership (General), and Gymnasium Corporate Membership will ensure the public do not misconstrue that the membership is for the Gymnasium only.

12.7 VISITORS CENTRE

Nil

12.8 CORPORATE & COMMUNITY SERVICES COMMITTEE

12.8.1 Community and Economic Development Strategy and Policy Committee meeting minutes – 19th March 2008

File/Ward	:	MAN 233 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Executive Director Corporate & Community Services (WP Madigan)
Summary Recommendation	:	That the Minutes of Community and Economic Development Strategy and Policy Committee meeting held on 19 th March 2008 be adopted.

RECOMMENDATION

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 19th March 2008 be received and the following recommendations adopted:-

1. Item 4.1 Crime Prevention Strategy

RECOMMENDATION

That Council:

- i) Develop a Designing Out Crime Strategy which aims to reduce opportunities for crime through the design and management of the built and landscaped environment.
- ii) Approve the installation of CCTV cameras on City of Albany infrastructure and within City of Albany roundabouts.

2. Item 5.2 Welcome Wall Proposal

RECOMMENDATION

- i) That the Community and Economic Development Strategy and Policy Committee request that Ian Howard and a representative from the Museum attend the next committee meeting at 3:00pm Wednesday 2nd April 2008 to discuss the Welcome Wall proposal.
- ii) That Council establish a formal Amity Heritage Precinct Committee.

Voting Requirement Simple Majority

.....

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

AMENDED OFFICER RECOMMENDATION

THAT the minutes of the Community and Economic Development Strategy and Policy Committee meeting of 19th March 2008 be received and the following recommendations adopted:

1. Item 4.1 Crime Prevention Strategy

That Council:

- i) Develop a Designing Out Crime Strategy which aims to reduce opportunities for crime through the design and management of the built and landscaped environment.
- ii) Approve the independent installation of CCTV cameras on City of Albany infrastructure and within City of Albany roundabouts.

2. Item 5.2 Welcome Wall Proposal

- i) That the Community and Economic Development Strategy and Policy Committee request that Ian Howard and a representative from the Museum attend the next committee meeting at 3:00pm Wednesday 2nd April 2008 to discuss the Welcome Wall proposal.
- ii) That Council establish a formal Amity Heritage Precinct Committee.

Voting Requirement Simple Majority

.....

ALTERNATE MOTIONS BY COUNCILLOR PAVER

MOTION 1:

THAT Council receive the minutes of the Community and Economic Development Strategy and Policy Committee meeting of the 19th March 2008.

Reason:

N/A

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council receive the minutes of the Community and Economic Development Strategy and Policy Committee meeting of the 19th March 2008.

MOTION CARRIED 10-0

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

MOTION 2:

THAT Council develop a designing out crime strategy which aims to reduce the opportunities for crime through the design and management of the built and landscaped environment.

Reason:

It would be inappropriate to continue with the CCTV Project prior to developing our Crime Strategy.

Voting Requirement Simple Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WILLIAMS**

THAT Council develop a designing out crime strategy which aims to reduce the opportunities for crime through the design and management of the built and landscaped environment.

MOTION CARRIED 10-0

MOTION 3:

THAT Council establish a formal Amity Heritage Precinct Committee comprising of three Councillors elected to four year terms and one representative each from the Albany Historical Society and the WA Museum (Albany).

Reason:

To progress with the Amity Heritage Plan and the treatment of this site under the master plan simply requires the City's involvement.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council establish a formal Amity Heritage Precinct Committee comprising of three Councillors elected to four year terms and one representative each from the Albany Historical Society and the WA Museum (Albany).

**MOTION CARRIED 7-3
ABSOLUTE MAJORITY**

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

MOTION 4:

THAT Council appoint Councillor _____, Councillor _____, and Councillor _____ to the Amity Heritage Precinct Committee.

Reason:

It is important that Council be strongly represented on the Committee.

Voting Requirement Absolute Majority

.....

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council appoint Councillor Paver, Councillor Price, and Councillor Bostock to the Amity Heritage Precinct Committee.

**MOTION TIED 5-5
MAYOR EXERCISED CASTING VOTE
MOTION LOST**

MOVED COUNCILLOR PRICE

That the question be now put.

MOTION CARRIED 10-0

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR BUEGGE, SUPPORTED BY COUNCILLOR PAVER**

THAT the previous motion be altered to include one more Councillor serving a two year term.

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

ALTERNATE MOTION BY COUNCILLOR PRICE

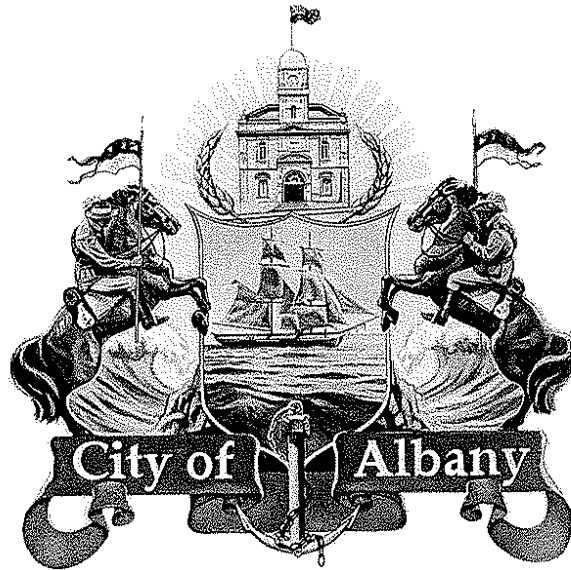
THAT Council appoint Councillors: Paver, Price, Bostock and Williams to the Amity Heritage Precinct Committee.

**MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR BOSTOCK**

THAT Council appoint Councillors: Paver, Price, Bostock and Williams to the Amity Heritage Precinct Committee.

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

Item 12.8.1 continued



MINUTES

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY AND POLICY COMMITTEE

**Held on
Wednesday 20th March 2008
3.00pm**

Margaret Coates Boardroom

ORDINARY COUNCIL MEETING MINUTES – 15/04/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

COMMITTEE MEETING MINUTES – 19/02/2008
** REFER DISCLAIMER **

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CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

COMMITTEE MEETING MINUTES – 19/02/2008

** REFER DISCLAIMER **

1.0 DECLARATION OF OPENING

Councillor John Walker declared the meeting open at 3.00pm.

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

Attendances:

Chairperson -

Mayor -

Councillors -

J Walker
MJ Evans, JP
D Price
G Kidman
R Paver
N Williams
P Madigan
B Parker
J Berry

Executive Director Corporate and Community Services
Manager Customer Services – Minutes
Manager Economic Development

Observers:

Councillor

EK Stanton
J Matla

Apologies/Leave of Absence:

Councillor

D Wiseman

3.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

4.0 ITEMS FOR DISCUSSION

4.1 Crime prevention strategy

Graham Harvey (Albany Chamber of Commerce and Industry) attended the meeting and outlined the Chamber's CCTV proposal. Mr Harvey outlined that the Albany Chamber of Commerce had been successful in securing \$150k from the Federal Government and that potentially, another \$30k was available for the CCTV project. Financially, these resources were sufficient to make the project come to fruition, however the Chamber would welcome any additional financial contributions that the City is prepared to make and more importantly required a decision of Council that would allow the CCTV equipment to be installed on City of Albany infrastructure.

In addressing the committee, Mr Harvey confirmed that;

- a) CCTV cameras would be installed back to back (giving a 360 degree view) and would be located at the intersections of York Street and Stirling Terrace, York Street and Peels Place, York Street and Grey Street, York Street and Serpentine Road and at the top of York Street.
- b) Ongoing maintenance for the cameras would be included in the initial procurement of the equipment and associated services. Ongoing maintenance was estimated to cost in the vicinity of \$5k.
- c) The specification for the proposed cameras will allow for an infinite number to be added to the system at a later stage. Initially, it is proposed that 10 cameras will be commissioned.
- d) Due to cabling restrictions in York Street, the proposed CCTV system will be connected to the physical equipment via internet protocol or wireless technology.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

COMMITTEE MEETING MINUTES – 19/02/2008

** REFER DISCLAIMER **

- e) The servers will be located at the Albany Police Station and can be monitored. However, due to resource restrictions, the Police will not be monitoring the equipment.

Mr Harvey outlined that the role of the Chamber of Commerce was to apply for the funding and implement CCTV as a crime prevention tool. Once this initial phase was complete, the Chamber will look to another authority to maintain the system as this ongoing maintenance was not the core responsibility of the Chamber.

David Hornsby and Al Keogh (Albany Police) attended the meeting and highlighted that violence within the CBD had not escalated and that crime within the Great Southern was currently very low when compared to other jurisdictions in Western Australia. Snr Sgt Hornsby indicated that recent media attention had heightened the public's awareness of violent crimes and as a result the general public perceived that Albany had a crime problem.

Mr Hornsby confirmed that the CCTV equipment would be located at the Albany Police Station and would not be monitored, however the CCTV would be used by officers to gauge the severity of a disturbance, so that police resources would be dispatched adequately to nullify a situation.

Mr Hornsby stressed that CCTV was only one component to crime prevention and indicated his interest in leading a strategic approach to crime prevention in Albany.

Mr Harvey, Mr Hornsby and Mr Keogh left the meeting.

Recommendation

Moved: Price

Second: Evans

That Council:

- i) **Develop a Designing Out Crime Strategy which aims to reduce opportunities for crime through the design and management of the built and landscaped environment.**
- ii) **Approve the installation of CCTV cameras on City of Albany infrastructure and within City of Albany roundabouts.**

MOTION CARRIED 6-0

5.2 Welcome Wall Proposal

Jon Berry attended the meeting and briefed the committee on the progress of the Amity Heritage Precinct Plan and the Museum's proposal to construct a Welcome Wall. Mr Berry explained that the proposed Welcome Wall was a contemporary cubed glass design located adjacent to the railway track.

Mr Berry confirmed that the museum intended to approach the Premier as a part of the approval process prior to consulting the Council. It was confirmed that the Welcome Wall would require Council approval as the proposed location was on a reserve vested to the City and leased to the Museum. The lease document specifies that any improvements to the land will require to approval of the Council.

CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

COMMITTEE MEETING MINUTES – 19/02/2008

** REFER DISCLAIMER **

Councillor Paver produced a document seeking to form a collaborative approach to the Amity Precinct and confine the scope of the Museums exhibits. This document was tabled.

The committee expressed concern in relation to the lack of consultation regarding the Welcome Wall, particularly its form and location and requested a meeting with Ian Howard (Architect for the Welcome Wall Project) and a representative from the Museum.

Officer Recommendation

That the Community and Economic Development Strategy and Policy Committee;

- i) Review the Amity Heritage Precinct Plan for the next meeting of the Community and Economic Development Strategy and Policy Committee Meeting on Wednesday 16 April 2008.
- ii) Upon reviewing the Amity Heritage Precinct Plan, consider incorporating the Migrant Wall project into this document for consideration by full Council.

Committee Recommendation

Moved: Paver

Second: Price

- i) That the Community and Economic Development Strategy and Policy Committee request that Ian Howard and a representative from the Museum attend the next committee meeting at 3:00pm Wednesday 2nd April 2008 to discuss the Welcome Wall proposal.
- ii) That Council establish a formal Amity Heritage Precinct Committee.

MOTION CARRIED 6-0

5.3 Community Events 2008

Mr Berry provided the committee with a list of events held in 2007/08. Mr Berry recommended the committee consider the following program for 2008/09;

1. Combining the turning on of the Christmas lights and the Christmas Pageant in the first week of December.
2. The format of New Years Eve be modified to include a family/youth orientated event program in the CBD between 6:30pm – 9:00pm and a fireworks display over Princess Royal Harbour leading into midnight.
3. That reconsideration be given to the location of the Australia Day event in 2009.
4. US Submariners Service.

The committee agreed in principle, however no formal resolution was passed. A program will be submitted as an item to the April Ordinary Council Meeting and an Events Business Plan will be submitted to a future meeting of the committee.

6.0 TIME AND DATE OF NEXT MEETING

A special meeting is scheduled for 3:00pm Wednesday 2nd April 2008.

ORDINARY COUNCIL MEETING MINUTES – 15/04/08
** REFER DISCLAIMER **
CORPORATE & COMMUNITY SERVICES REPORTS

Item 12.8.1 continued

COMMITTEE MEETING MINUTES – 19/02/2008
** REFER DISCLAIMER **

The next ordinary meeting of the committee is scheduled for 3:00pm Wednesday 16th April 2008.

7.0 CLOSURE OF MEETING
The meeting closed at 5.55pm.

CORPORATE & COMMUNITY SERVICES REPORTS

Councillor Wiseman arrived at the meeting at 8.40pm.

12.8.2 Albany Senior Advisory Committee meeting minutes – 20th March 2008

File/Ward	:	MAN 131 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Community Development Officer - Senior (G. Martin)
Summary Recommendation	:	That the Minutes of Albany Senior Advisory Committee held on 20 th March 2008 be adopted.

RECOMMENDATION

THAT the minutes of Albany Senior Advisory Committee meeting of 20th March 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR BUEGGE
SECONDED COUNCILLOR PRICE**

THAT the minutes of Albany Senior Advisory Committee meeting of 20th March 2008 be received (copy of minutes are in the Elected Members Report/Information Bulletin).

MOTION CARRIED 11-0

Works & Services

REPORTS

WORKS & SERVICES REPORTS

13.1 CITY ASSETS - ASSET MANAGEMENT

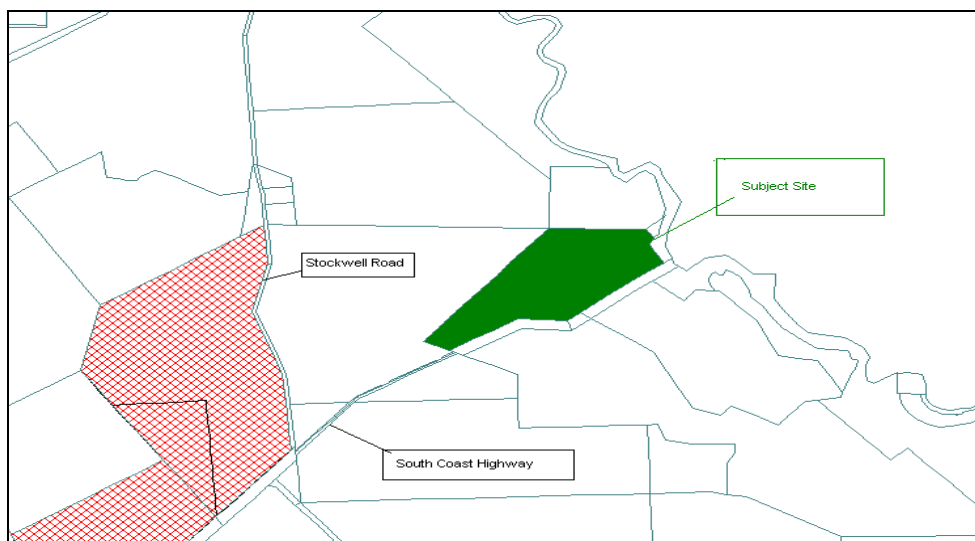
Nil

13.2 CITY SERVICES – WASTE MANAGEMENT

13.2.1 Provision of facilities – Pallinup Rest Area

File/Ward	: FIN022 (Kalgan Ward)
Proposal/Issue	: To consider the erection of a toilet and other infrastructure on a main roads reserve on South Coast Highway next to the Pallinup River
Subject Land/Locality	: Boat Harbour Road, Wellstead
Proponent	: Main Roads and Wellstead Progress Association
Owner	: Crown
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/02/08 – Item 12.8.2
Summary Recommendation	: That the City not support Main Roads WA request to install infrastructure at the Pallinup Rest Area and support the establishment of a blackwater dump point at the Wellstead Town site.
Bulletin Attachment	: Application for Community Financial Assistance.

Locality Plan :



WORKS & SERVICES REPORTS

Item 13.2.1 continued

BACKGROUND

1. In November last year Main Roads WA, in conjunction with the Wellstead Progress Association made an approach to the City offering to assist in funding a toilet and a black water disposal facility for the MRWA rest area adjacent to the Pallinup River on South Coast Highway.
2. The Association was encouraged to make an application to Community Financial Assistance Program. A copy of the application is included with the Council Bulletin
3. In making its decision Council resolved as follows
 - i) *That Council investigate the installation of rest facilities at the Pallinup rest area in collaboration with Main Roads Western Australia;*
 - and*
 - ii) *Prior to a formal decision being made, a report is prepared for the April 2008 Ordinary Council Meeting outlining:*
 - a) *The capital expenditure and overall design of the rest area.*
 - b) *The financial contribution made by the Department of Main Roads towards the construction of the rest area.*
 - c) *The ongoing operational costs associated with maintaining the facility.*
4. The need for such infrastructure arose out of the placement of a barbecue in this area by the community; the City has not considered providing such a facility in this area due to its proximity to Wellstead and facilities available at Boat Harbour. There are no similar facilities in the municipality.

STATUTORY REQUIREMENTS

5. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

6. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

7. Nil

WORKS & SERVICES REPORTS

Item 13.2.1 continued

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Healthy City, Albany Community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through diverse and affordable cultural, recreational and sporting opportunities.

Mission Statement:

The City of Albany is committed to:

- *Sustainably Managing Albany’s municipal assets,*
- *Delivering excellent community services,*
- *Respect the Communities aspirations and resources.*

Priority Projects:

Nil”.

COMMENT/DISCUSSION

9. Since that time discussions have been held with MRWA regarding the matter and the following proposal has resulted from those negotiations,
- MRWA will supply and install the toilet at Pallinup.
 - MRWA will supply and install the black water point at Wellstead townsite.
 - The City will service and maintain the facilities.
 - MRWA will be responsible for the replacement of facilities at the end of their life.
10. The Pallinup Rest Area is a large cleared area where vehicles can stop to have a break. The rest area is some 20 minutes east of the Wellstead Township. Currently there is timber picnic table, litter bin, a BBQ and shelter placed there by the local community.
11. Rest areas such as this one are for the use of road users as a rest stop or a meals area using the picnic table; it is unusual to have a barbecue in such an area. The presence of the barbecue has created a high level of use resulting in concerns regarding litter and the lack of toilet facilities.
12. MRWA has stated that the provision of this rest stop is part of its fatigue management strategy.
13. The construction costs and proposed contributions are:

Construction

Toilet Complex	\$25,000
Plumbing and Blackwater Unit	\$ 8,500
Freight	\$ 1,500
Labour	\$15,000
TOTAL	\$50,000

WORKS & SERVICES REPORTS

Item 13.2.1 continued

14. The toilet will be a single unisex disabled facility connected to a septic system which will probably need to be pumped out twice per year. The toilet will have signs stating the black water dump point is at Albany.
15. The Black water tank is a below ground tank for the disposal of chemical toilets from motor homes. Locating this site at Wellstead may increase the number of visitors to the townsite.
16. The ongoing operational costs of the facilities will consist of building maintenance, servicing the barbecue and the toilet, emptying the black water tank and toilet, and responding to call outs. Call outs are non scheduled responses to plumbing, cleaning, vandalism or servicing issues.
17. Annual costs for this function would be:

Barbecue and toilet servicing	\$ 4,100	Twice per week
Building Maintenance	\$ 1,000	\$10,000 over 10 years
Empty Toilet and Blackwater tank	\$ 2,000	4 per year
Call Outs	\$ 1,600	4 per year
TOTAL	\$ 8,700	
18. The current proposal places responsibility for maintenance with Council, the location of a facility in this area has not been identified in any Council deliberations regarding the provision of public amenities.
19. The responsibility for the maintenance of facilities in these areas rests with MRWA, currently it empties litter bins and maintains picnic tables, and it is a logical progression that it maintains other infrastructure on its land as well.
20. If Council did not agree to the annual maintenance costs it is possible that the project may not proceed, however if Council did agree to provide the maintenance it must be mindful of the precedent it may set. The provision of facilities such as these is in line with MRWA fatigue management program but has not been identified as required by Council.
21. It is recommended that the request for maintenance of a toilet facility at the rest area is refused as it is a Main Roads function.

RECOMMENDATION

THAT Council advise the Wellstead Progress Association that it will not contribute to the establishment and operation of toilet facilities at the Pallinup rest area.

Voting Requirement Simple Majority

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WILLIAMS**

THAT Council advise the Wellstead Progress Association that it will not contribute to the establishment and operation of toilet facilities at the Pallinup rest area.

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

13.3 CITY SERVICES – AIRPORT MANAGEMENT

Nil

13.4 CITY SERVICES – CONTRACT MANAGEMENT

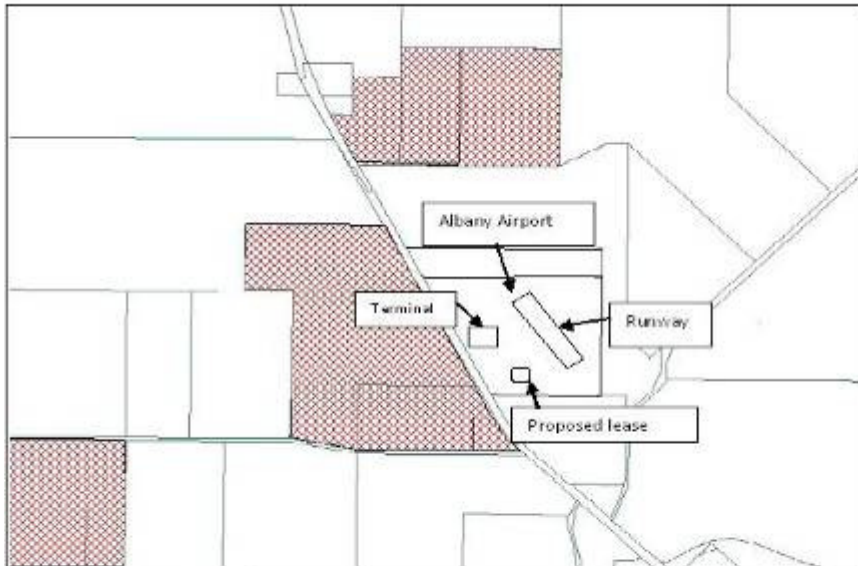
Nil

WORKS & SERVICES REPORTS

13.5 CITY SERVICES – PROPERTY MANAGEMENT

13.5.1 Property Management – New Lease

File/Ward	: SER105 (Kalgan Ward)
Proposal/Issue	: Lease to Landgate for infrastructure placed at Airport
Subject Land/Locality	: Albany Regional Airport – Albany Highway
Proponent	: City of Albany
Owner	: City of Albany
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That a lease be offered to Landgate for the placement of a Global Navigation Satellite System Reference Station at the Albany Airport
Bulletin Attachment	: Nil
Locality Plan	:



WORKS & SERVICES REPORTS

Item 13.5.1 continued

BACKGROUND

1. The City has been requested by Landgate (a division of the State Government) to make some land available in the Municipality as part of a national program to establish a Global Navigation Satellite System. The land will be used to establish a receiving antenna and associated monitoring equipment, 90 similar stations are proposed nationally.

STATUTORY REQUIREMENTS

2. As the land is owned by Council, ministerial approval is not required for this lease.
3. As Landgate is an instrumentality of the State Government, advertising is not required.

POLICY IMPLICATIONS

4. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

5. The cost of documentation and site works will be borne by Landgate, a rental set at Minimum Land Rate is appropriate. (Currently \$ 508 ex GST)

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services.

Mission Statement:

The City of Albany is committed to sustainably managing Albany’s Municipal Assets

Priority Projects:

Nil.”

COMMENT/DISCUSSION

7. Landgate is responsible for the state geodetic infrastructure (survey control) which collects and provides land information data.
8. The Federal Government is investing \$65 Million in developing a National Network over the next five years which will include the establishment of 26 Continuously Operating Reference Stations (CORS), one of which is proposed at the Albany Airport.
9. The Reference Station consists of an external antenna and housed receiver and computer equipment, a site has been chosen at the airport in the vicinity of the Distance Measuring Equipment and can be easily accommodated.

WORKS & SERVICES REPORTS

Item 13.5.1 continued

10. Once established the CORS network will provide data on such processes as:
 - Continental deformation,
 - Seismic monitoring,
 - Water vapour and atmospheric modelling, and
 - Sea level variation
11. In the future it will be augmented to provide the basis for a future national real-time positioning system which will assist with:
 - Surveying and mapping,
 - Precision agriculture, and
 - Vehicle navigation tracking.
12. The request has merit and will not effect operations at the airport.
13. A five year term with a future five year option is proposed.

RECOMMENDATION

THAT Council offers a lease to Landgate for the erection of an antenna and housing of associated equipment at the Albany Regional Airport on the following conditions;

- i) The period of the lease be five years with an option of a further five years, commencing 1st May 2008;
- ii) Rental be set at the equivalent of minimum land rate;
- iii) All costs associated with the establishment and running of the infrastructure are borne by Landgate;
- iv) All costs associated with the development of lease documentation are borne by Landgate.

Voting Requirement Simple Majority

.....

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR STANTON**

THAT Council offers a lease to Landgate for the erection of an antenna and housing of associated equipment at the Albany Regional Airport on the following conditions;

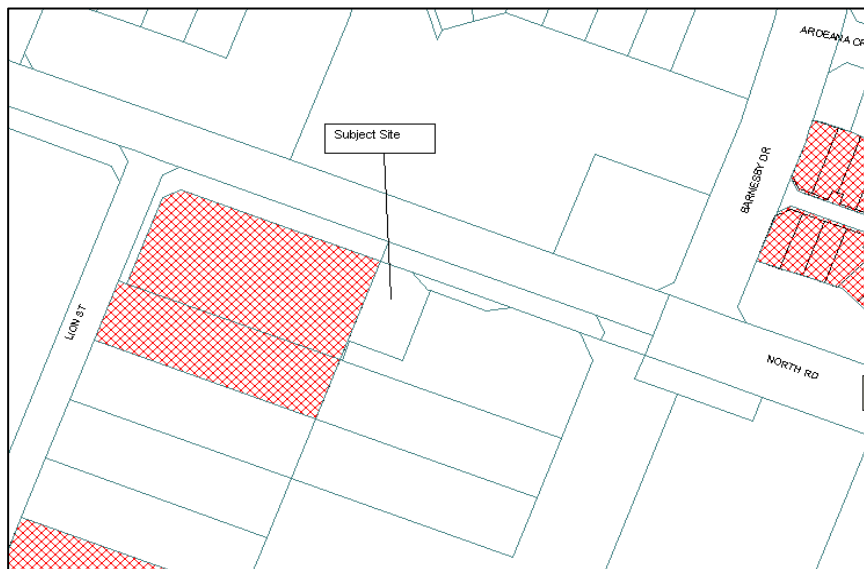
- i) The period of the lease be five years with an option of a further five years, commencing 1st May 2008;**
- ii) Rental be set at the equivalent of minimum land rate;**
- iii) All costs associated with the establishment and running of the infrastructure are borne by Landgate;**
- iv) All costs associated with the development of lease documentation are borne by Landgate.**

MOTION CARRIED 11-0

WORKS & SERVICES REPORTS

13.5.2 License – Rainbow Coast Neighbourhood Centre

File/Ward	: A150407 (Fredrickstown Ward)
Proposal/Issue	: Grant a licence to the Rainbow Coast Neighbourhood Centre to allow for the erection of a demountable one car garage at the rear of it property in North Road
Subject Land/Locality	: 219 North Road, Centennial Park
Proponent	: Rainbow Coast Neighbourhood Centre
Owner	: Minister for Family and Children's Services
Reporting Officer(s)	: Manager City Services (I Neil)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: That Council grant a licence for five years to allow the Neighbourhood House to erect a one car garage.
Bulletin Attachment	: Nil
Locality Plan	:



BACKGROUND

1. The Rainbow Coast Neighbourhood House has asked for permission to erect a garage on the car park at the rear of its centre. As the car park is on Council land a formal agreement for the use of the land needs to be entered into, a licence will constitute such an agreement.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

STATUTORY REQUIREMENTS

2. Section 3.58 of the Local Government Act deals with the disposal of property. This includes disposal under a lease or a licence.
3. The requirement to advertise does not apply in this case, as the proponent is a state government agency.

POLICY IMPLICATIONS

4. There are no policy implications relating to this item.

FINANCIAL IMPLICATIONS

5. Rental will be set at \$10 per year

STRATEGIC IMPLICATIONS

6. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through excellent community infrastructure and services and innovative development complementing Albany’s unique character, natural environment and heritage.

Mission Statement:

*The City of Albany is committed to
Sustainably managing Albany’s municipal assets and at all times we will respect the
Community’s aspirations and resources*

Priority Projects:

Nil”

COMMENT/DISCUSSION

7. The Rainbow Coast Neighbourhood Centre has acquired a vehicle for operational purposes, as the centre operates irregular hours there is a requirement that it is housed on site. The Centre feels that the vehicle needs to be garaged to ensure its security.
8. The shed is approximately 24 square metres and will take up two car parking bays, this will still leave reasonable car parking for the centre’s activities.
9. There is a concept plan to extend the car park in a southerly direction to link it with the car park of Lotteries House. If this occurs the garage may have to be moved, therefore the structure will have to be demountable. Costs for the installation and any moving of the garage including car park reinstatement will be met by the Centre.

WORKS & SERVICES REPORTS

Item 13.5.2 continued

RECOMMENDATION

THAT Council offers a licence to the Rainbow Coast Neighbourhood Centre for the erection of a demountable garage at the rear of the Centre on the following conditions:

- i) The period of the licence be five years commencing 1st May 2008.
- ii) Rental will be set at \$10 per year.
- iii) All costs associated with the construction and any subsequent changes to the garage including car park reinstatement are met by the Centre.
- iv) Costs associated with the development of licence documentation are met by the Centre.

Voting Requirement Simple Majority

.....

**MOVED MAYOR EVANS
SECONDED COUNCILLOR KIDMAN**

THAT Council offers a licence to the Rainbow Coast Neighbourhood Centre for the erection of a demountable garage at the rear of the Centre on the following conditions:

- i) The period of the licence be five years commencing 1st May 2008.**
- ii) Rental will be set at \$10 per year.**
- iii) All costs associated with the construction and any subsequent changes to the garage including car park reinstatement are met by the Centre.**
- iv) Costs associated with the development of licence documentation are met by the Centre.**

MOTION LOST 2-9

13.6 CITY WORKS – CAPITAL WORKS

Nil

13.7 CITY WORKS – RESERVES, PLANNING & MANAGEMENT

Nil

13.8 WORKS & SERVICES COMMITTEES

13.8.1 Asset Management and City Services Strategy and Policy Committee Minutes – 20 March 2008

File/Ward	:	MAN 236 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration
Reporting Officer(s)	:	Executive Director Works & Services (L Hewer)
Summary Recommendation	:	That the minutes of the Asset Management and City Services Strategy and Policy Committee Meeting held on 20 March 2008, be adopted.
Bulletin Attachment	:	Nil.

RECOMMENDATION

THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee held 20 March 2008 be received and the following recommendations be adopted:

- i) Item 3.2 – THAT the Committee meet on the first (1st) Thursday of the month, at 2.30pm.
- ii) Item 5.1 – THAT Council adopt the revised Purchasing Policy, and;
- iii) THAT Councillors be invited to attend as an observer when staff are evaluating on Council tenders.
- iv) Item 5.2 – THAT Council adopt the Property Management Policy

Voting Requirement Simple Majority

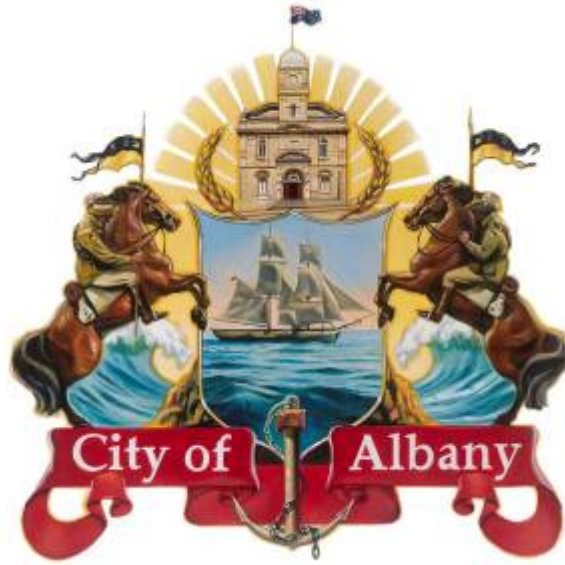
MOVED COUNCILLOR WOLFE SECONDED COUNCILLOR MATLA

THAT the Minutes of the Asset Management and City Services Strategy and Policy Committee held 20 March 2008 be received and the following recommendations be adopted:

- i) Item 3.2 – THAT the Committee meet on the first (1st) Thursday of the month, at 2.30pm.**
- ii) Item 5.1 – THAT Council adopt the revised Purchasing Policy, and;**
- iii) THAT Councillors be invited to attend as an observer when staff are evaluating on Council tenders.**
- iv) Item 5.2 – THAT Council adopt the Property Management Policy.**

MOTION CARRIED 11-0

Item 13.8.1 continued



MINUTES

ASSET MANAGEMENT AND CITY SERVICES STRATEGY AND POLICY COMMITTEE

**Held on
Thursday 20th March 2008
2.30pm**

Margaret Coates Boardroom

Item 13.8.1 continued

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2.0	Record of Attendance/Apologies/Leave of Absence	2
3.0	Confirmation of Previous Meeting Minutes	2
4.0	Disclosure of Interest	2
5.0	Items for Discussion	3
6.0	Time and Date of Next Meeting	4
7.0	Closure of Meeting	4

WORKS & SERVICES REPORTS

Item 13.8.1 continued

1.0 DECLARATION OF OPENING

Councillor Des Wolfe declared the meeting open at 2.30pm.

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

Attendances:

Chairperson -

Mayor -

Councillors -

D, Wolfe

MJ Evans, JP

G Kidman

K. Stanton

J. Walker

Executive Director Works & Services

L. Hewer

Manager City Services

I. Neil

Apologies/Leave of Absence:

Councillor

C. Morris

D. Wiseman

3.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

- 3.1 That the minutes of the Asset Management & City Services Strategy & Policy Committee meeting held on the 26th February 2008 be received.

Recommendation

Moved: Evans

Second: Kidman

That the minutes of the Asset Management and City Services Strategy and Policy Committee meeting held on the 26th February 2008 be received.

MOTION CARRIED 5-0

- 3.2 Confirm the date, time and frequency of future meetings.

Recommendation

Moved: Wolfe

Second: Kidman

That the Committee meet on the first (1st) Thursday of the month, at 2.30pm.

MOTION CARRIED 5-0

4.0 DISCLOSURE OF INTEREST

Nil.

WORKS & SERVICES REPORTS

Item 13.8.1 continued

5.0 ITEMS FOR DISCUSSION

5.1 Council Procurement Policy

Mr Hewer submitted the Council Purchasing Policy for adoption noting the changes made to the limit for verbal quotes and reference to the State Purchasing Policy.

Mr Neil discussed at length with Members about the purchasing procedures and the link with the State Purchasing Policy and the checks and balances that were in place to ensure that we are consistent with the tendering processes. It was suggested that Councillors be given the opportunity to sit in as an observer on some of the bigger tenders to gain better appreciation of the process. Mr Neil said that a register could be made up for Councillors to nominate a tender they would like to sit on.

The Chair suggested that a copy of the flow chart be attached to the policy in the bulletin and manual to be placed into the Councillors lounge. All agreed.

Recommendation

Moved: Walker

Second: Stanton

That Council adopt the revised Purchasing Policy.

MOTION CARRIED 5-0

Recommendation

Moved: Evans

Second: Kidman

That Councillors be invited to attend as an observer on Council tenders.

MOTION CARRIED 5-0

5.2 Council Property Management Policy

Mr Hewer submitted to the Committee the Council Property Management Policy for adoption. This policy is a revised copy of the one submitted in the Dec OCM and was withdrawn. There was concern over the wording for determining the rental. The changes to the wording allow for the maximum value to Council has been inserted.

The manual for the property management was tabled for discussion. Mr Neil discussed at length the different classification for leases and outlined the standard lease document that would pertain to each of these.

There was general discussion between staff and committee members centred on ensuring that Council would, in future, be in a position to gain maximum value by ensuring that the lease documents will give us the opportunity to adjust payments in line with the commercial market. All agreed that the new lease agreements do help to achieve this and that under this policy, and the subsequent procedures, that a lot of what took place in the past would not occur again.

WORKS & SERVICES REPORTS

Item 13.8.1 continued

The Chair suggested that a copy of the flow chart be attached to the policy in the bulletin and manual to be placed into Councillors lounge. All agreed.

Recommendation

Moved: Walker

Second: Evans

That Council adopt the Property Management Policy.

MOTION CARRIED 5-0

5.3 Asset Masterplan

General discussion was held regarding the WAAMI program. Mr Hower outlined the program's intent and the need for all Councillors and stakeholders to embrace the concepts. It is planned to hold the first workshop in the beginning of April. Date is to be confirmed.

5.4 Items for discussion at the next meeting.

The Committee agreed to discuss the draft Waste Management Strategy review and Airport Business Plan.

6.0 TIME AND DATE OF NEXT MEETING

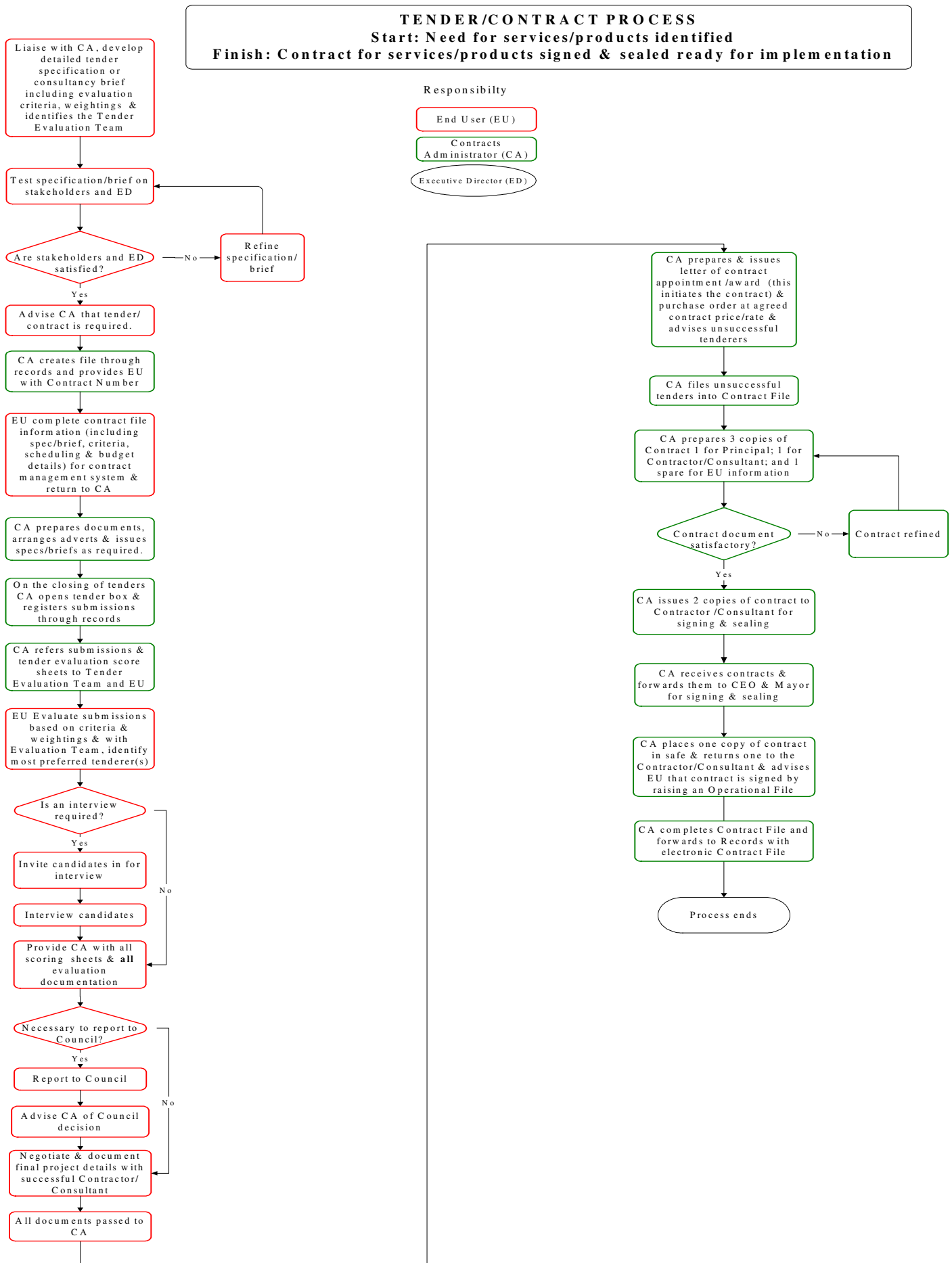
The next ordinary meeting of the committee is scheduled for 2.30pm Thursday 3rd April 2008.

7.0 CLOSURE OF MEETING

The meeting closed at 4.30pm.

WORKS & SERVICES REPORTS

Item 13.8.1 continued



Item 13.8.1 continued



Council Policy

Purchasing Policy (Tenders and Quotes)

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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PO Box 484, Albany WA 6331
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WORKS & SERVICES REPORTS

Item 13.8.1 continued

Objective

To provide best value to Council and equity and transparency to suppliers of Council goods and services

Scope

For all staff with the authority to purchase goods and services, it defines the type of procurement applicable to different categories of procurement

Definitions

Minor Purchase A purchase up to and including \$5,000

Minor Quote A purchase from \$5,001 to \$19,999

Major Quote A purchase from \$20,000 to \$99,999

Tender A purchase of \$100,000 and above

Policy Statement

The following protocols will apply to each category.

Category	Value (ex GST)	Minimum Protocol
Minor Purchase	0-\$5,000	Purchase Order
Minor Quotation	\$5,001-19,999	3 Verbal Quotes (Recorded as File Notes*)
Major Quotation	\$20,000-99,999	3 Written Quotes
Tender	\$100,000 and over	Tender Process

* If a purchase is made and the minimum protocol for quotations is not met, a file note signed by the Executive Director needs to be made detailing the reasons for not meeting the protocol. In this instance a copy of the file note will be forwarded to the Corporate Governance Coordinator.

All records associated with the above categories will be recorded and retained in line with the provisions of the State Records Act 2000

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation;
- Quotation documentation;
- Internal documentation;
- File Notes; and
- Order forms and requisitions.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference:

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WORKS & SERVICES REPORTS

Item 13.8.1 continued

Legislative and Strategic Context

This Policy is required under Part 4 of the Local Government (Functions and General) Regulations 1996

The adoption of this policy under the above regulations allows the City of Albany to increase its tender threshold from \$50,000 to \$100,000

Review Position and Date

Executive Director Works and Services to review on or before 30/6/2008

Associated Documents

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996
- Tender/Contract procedure
- Quotation procedure
- Evaluation procedure (Tenders and Quotations)

CEO Authorisation: _____

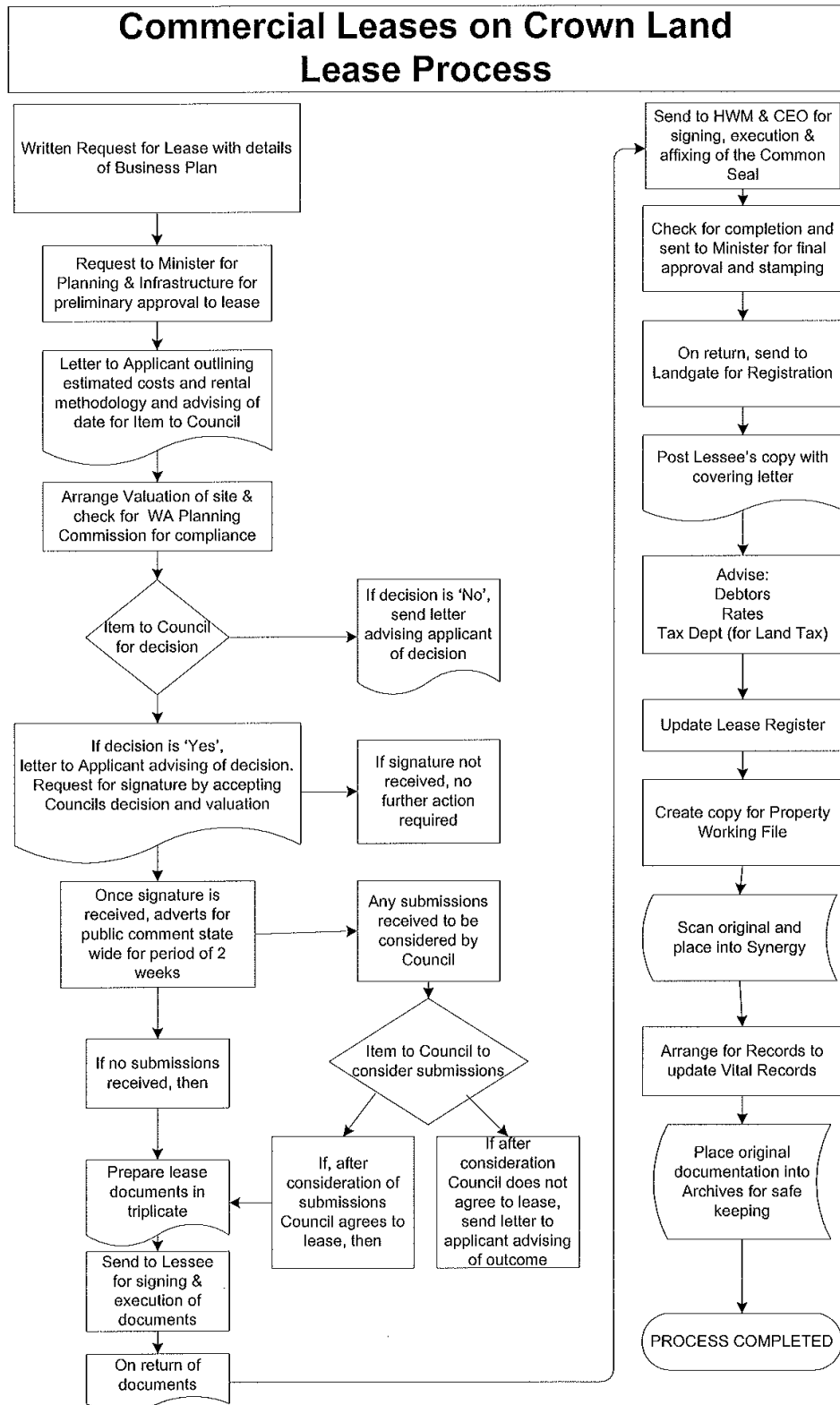
Date: ____/____/____

Adoption Date:
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WORKS & SERVICES REPORTS

Item 13.8.1 continued



Item 13.8.1 continued



Council Policy

Property Management - Leases

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Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

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WORKS & SERVICES REPORTS

Item 13.8.1 continued

1. Objective

To ensure leasing of land under the ownership or control of the City of Albany is dealt with in a fair and equitable manner.

2. Scope

To allow for short and long term leasing of property owned by the City of Albany and Crown Land under the control of the City of Albany.

3. Definitions

Act	The Local Government Act 1995, as amended
Reserve	A parcel of land belonging to the Crown which have been vested in the City of Albany by way of a Management Order
Lease	An instrument conveying property to another for a definite period, or at will, usually in consideration of rent or other periodical compensation. (<i>Macquarie Dictionary</i>)
Management Order	An authorisation provided by the Crown providing the City with power to manage a parcel of land on behalf of the Crown.
Regulations	Local Government (Function and General) Regulations 1996
Disposal	Disposal of Property is dealt with as per section 3.58 of the Local Govt Act 1995 and clause 30 of the Local Government (Functions and General) Regulations 1996

4. Policy Statement

The City of Albany as legal owner of certain areas of land may from time to time choose to enter into leasing arrangements with other organizations, businesses or individuals. The disposal of land is covered under the Act and Regulations.

The City of Albany also has some control of areas of Crown Land Reserves, specified by the issue of Management Orders provided by Landgate, (formerly the Department of Land Information). Some Reserves are available for leasing purposes for specific periods set by the Crown.

This policy will ensure that all requests for leases for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

This policy recognises the variety and diversity of the leases, and recognises that no one particular style is appropriate for all.

This policy seeks to ensure that this variety and diversity is recognised to allow all Lessees or potential Lessees a quality of service and understanding relevant to their needs.

Adoption Date:
Adoption Reference:
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Maintained By:
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Item 13.8.1 continued

This policy is supported by the provision of procedural guidelines enabling the City of Albany to deal with requests for property leases uniformly and in a timely manner.

5. Policy Statement

Council adopts the following as policy

- The maximum tenure of a lease granted by Council will be twenty-one years.
- Commercial leases will be offered at a rental determined by an independent valuer taking into account the current value of the business and rental structured in a way which provides maximum return to Council.
- Commercial lessees will be required to provide a bond equivalent to one months rent.
- If a lessee requests a variation to a lease, Council reserves the right to consider the variation only as part of a new lease for the enterprise.
- Incorporated community groups leasing crown land for community purposes will be charged a rental of \$10.00 per annum.
- Incorporated community groups leasing land and buildings will be charged a rental based on the current minimum rate.
- Sporting group leases will attract a rental based on minimum land rate
- Airport Hangers will be charged rental according to a independent valuation
- Cheyne's beach holiday accommodation will attract a rental based on minimum land rate
- The lessee will reimburse all Council's costs associated with the development and implementation of the lease.
- No sub leasing arrangements are to be entered into
- The City will insure the buildings that it owns and recover the cost of the premium from the lessee

Item 13.8.1 continued

6. Legislative and Strategic Context

This Policy relates to Division 3 of the Act which describes how Local Government is to dispose of land. Part 6, section 30 of the Regulations also applies to this Policy.

The City of Albany's 3D Corporate Plan...

Community Vision:

A Thriving City. Albany's community will enjoy economic growth and outstanding opportunities for our youth through

- dynamic promotion & marketing of Albany's advantages and opportunities,*
- Innovative development complementing Albany's unique character, natural environment and heritage.*

Mission Statement

The City of Albany is:

- committed to sustainably managing Albany's municipal assets*
- and at all times we will respect the Community's aspirations and resources"*

applies to this policy.

7. Review Position and Date

Executive Director Works and Services to review on or before 30/12/2009.

Adoption Date:
Adoption Reference:
Review Date:
Maintained By:
Document Reference: P

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WORKS & SERVICES REPORTS

Item 13.8.1 continued

8. Associated Documents

Procedural Guidelines relating to the following individual lease categories:

- Albany Agricultural Society
- Airport Hangar leases
- Commercial Fishermen's Accommodation Leases
- Cheynes Beach Holiday Accommodation leases
- Commercial leases
- Community benefit leases
- Lotteries House leases
- Sporting Association leases
- Telecommunications leases

Standard Lease Agreement pro forma

Standard Extension of Lease pro forma

Standard Sub-Lease Agreement pro forma

Standard Transfer of Lease pro forma

Standard Variation of Lease pro forma

Standard Surrender of Lease pro forma

CEO Authorisation: _____

Date: ____/____/____

Adoption Date:
Adoption Reference:
Review Date:
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General Management Services

REPORTS

GENERAL MANAGEMENT SERVICES REPORTS

14.1 STRATEGIC DEVELOPMENT

Nil

14.2 ORGANISATIONAL DEVELOPMENT

Nil

14.3 ECONOMIC DEVELOPMENT

14.3.1 City of Albany 2008/09 Events Program

File/Ward	: REL021, REL110, REL132, REL137 & FIN025 (All Wards)
Proposal/Issue	: Council adopt the proposed City of Albany Events Program for 2008/09
Subject Land/Locality	: N/A
Proponent	: City of Albany
Owner	: N/A
Reporting Officer(s)	: Manager Economic Development (J Berry)
Disclosure of Interest	: Nil
Previous Reference	: OCM 17/07/07 Item 14.3.2 OCM 20/06/06 Item 14.3.2
Summary Recommendation	: THAT Council conduct the following events in 2008/09: <ul style="list-style-type: none"> • Christmas Pageant parade followed immediately by family-based entertainment in city-centre • Family-based New Years Eve twilight entertainment (6.00pm-9.00pm) in CBD parkland followed by midnight Fireworks over Princess Royal harbour • Australia Day Entertainment, Citizenship Awards and fireworks • US Sub-mariners Memorial Service
Bulletin Attachment	: Nil
Locality Plan	: Nil

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

BACKGROUND

1. The City of Albany conducts several events that are organised and funded by Council with the aim of fostering a healthy, vibrant community and recognising significant cultural, sporting, religious or heritage observances. Events are also important to support the City's tourism objectives as they can provide an enjoyable, entertaining experience for visitors to Albany. At OCM 17/07/07 Council resolved to run the following events for 2007/08:-
 - Turning on of the Christmas Lights on Saturday 1 December 2007 followed by a small celebration in Alison Hartman Gardens;
 - Christmas Pageant on Saturday 8th December 2007 with a small family concert; in Alison Hartman Gardens
 - New Years Eve Fireworks with an entertainment program on Anzac park in the lead up to the display;
 - Australia Day family concert followed by a fireworks display on 26th of January 2008; and
 - US Submariners Service
2. The City of Albany also runs other small events/activities such as Sportsperson of the Year, Seniors Expo, Youth events and activities at the Library and Leisure & Aquatic Centre. Civic receptions, freedom of entry functions and cruise ship support activities are also organised and funded by the City.
3. Festive lighting and decorations are also provided by the City of Albany to create a festive look to the CBD and celebrate the Christmas period.

STATUTORY REQUIREMENTS

4. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

5. There are no current policy implications for this item. A three year business plan is being prepared which will be considered by the Economic and Community Development Policy and Strategy Committee in April 2008.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

FINANCIAL IMPLICATIONS

6. In 2007/08 Council budgeted \$97,600 to conduct the following event program. This amount includes a grant of \$20,000 from Lottery West to support the program.

Event	Cost
US Submariners Service	\$2,600
Christmas Pageant and Entertainment	\$16,000
Turning On of Christmas Lights	\$6,000
New Years Eve Fireworks	\$14,000
New Years Entertainment (Anzac Park)	\$23,000
Australia Day Family Entertainment	\$22,000
Australia Day Fireworks	\$14,000
Total	\$97,600

7. Expenditure in 2006/07 was \$67,600 with funds previously allocated to new-years-eve entertainment (discontinued for 06/07) re-directed to the introduction of a new fireworks display on Australia Day.
8. The City employs a Project Officer (City Events) (3 days per week) remunerated at approx \$34,000pa.
9. Council also allocates funding each year to external community events through a competitive grant program being the City of Albany Community Events Financial Assistance Program. In 2007/08 \$81,000 of Council funds were allocated to a range of community events.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through...

- *Diverse and affordable cultural, recreational and sporting opportunities.*

Mission Statement:

The City of Albany is committed to.....

- *Delivering excellent community services*
- *Promoting our community’s vision for the future.*

The City of Albany will always be renowned for.....

- *Our strategic integration*

At all times we will...

- *Respect the community’s aspirations and resources*
- *Actively keep abreast of best practice*
- *Demonstrate integrity, leadership and teamwork*
- *Seek innovative approaches*

Priority Projects:

Nil”

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

COMMENT/DISCUSSION

11. An overview of the proposed City of Albany events program for 2008/09 was presented by City staff to the Economic and Community Development Policy and Strategy Committee meeting held on 19 March 2008. Members of the Committee agreed the program of events for 2008/09 could achieve better value for money outcomes by re-focussing the City events program towards families and youth.
12. A three year business plan for City events will be prepared for consideration at the next meeting of the Committee. The plan will state objectives for each event and a strategy for achieving each objective. This plan will result in more lead time and community certainty in the planning and organisation of the annual City events program. City staff will recommend events be primarily focused around activities that are aimed at family and youth audiences and conducted to achieve value for money to ratepayers.
13. In the absence of a Business Plan it is proposed Council adopt the following program of events in 2008/09:

a. **Christmas**

- Conduct the Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens (combined with Turning on of Christmas Lights) on Saturday 6 December 2008

This recommendation represents a saving of \$6,000 by eliminating a separate event to signify the turning of the lights.

b. **New Years Eve**

- Hold a small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and library aimed at youth and families and held between the hours of 6.00pm and 9.00pm.

Note: Entertainment held leading into midnight means high security costs. In 2007/08 these costs were (Security, \$7 000 and Fencing, \$8 000). \$7,000 was also spent on the actual entertainment. In 2007/08 a small audience of between 600-800 attended with Council outgoings of \$23,000. Also in 2008, the Anzac park will be a construction site and not available.

This recommendation will result in a saving of at least \$10,000 or more if grants from Healthways can be achieved for a youth/family twilight event.

- Conduct a New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.

c. **Australia Day**

- Conduct an Australia Day Entertainment program with Citizenship Awards followed by a fireworks display.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.3.1 continued

d. US Submariners Service

This annual memorial service commemorates US Submarine crews who operated out of Albany during WW 2 paying the supreme sacrifice. Held the last Sunday in May.

RECOMMENDATION

THAT Council conduct the following events in the 2008/09 year:

- a) Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens on Saturday 6 December 2008 followed by family entertainment and turning on of the Christmas lights;
- b) A small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and Library aimed at youth and families and held between the hours of 6.00pm and 9.00pm. A New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.
- c) Australia Day Entertainment, Citizenship Awards and fireworks held on 26th of January 2009; and
- d) US Submariners Service.

Voting Requirement Simple Majority

.....

ALTERNATE MOTION BY COUNCILLOR BOSTOCK

THAT Council conduct the following events in the 2008/09 year:

- a) Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens on Saturday 6 December 2008 followed by family entertainment and turning on of the Christmas lights;
- b) A small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and Library aimed at youth and families and held between the hours of 6.00pm and 9.00pm. A New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.
- c) Australia Day Entertainment, Citizenship Awards and fireworks held on 26th of January 2009;
- d) US Submariners Service; and
- e) A community event to recognise the significant effort of volunteers during national volunteer week in May 2009.

Item 14.3.1 continued

**MOVED COUNCILLOR BOSTOCK
SECONDED COUNCILLOR PRICE**

THAT Council conduct the following events in the 2008/09 year:

- a) Christmas Pageant immediately followed by Entertainment in Alison Hartman Gardens on Saturday 6 December 2008 followed by family entertainment and turning on of the Christmas lights;**
- b) A small twilight entertainment program in either Alison Hartman Gardens or between the Town Hall and Library aimed at youth and families and held between the hours of 6.00pm and 9.00pm. A New Years Eve fireworks display over Princess Royal Harbour in the lead up to midnight.**
- c) Australia Day Entertainment, Citizenship Awards and fireworks held on 26th of January 2009;**
- d) US Submariners Service; and**
- e) A community event to recognise the significant effort of volunteers during national volunteer week in May 2009.**

MOTION CARRIED 8-3

14.4 CORPORATE GOVERNANCE

Nil

GENERAL MANAGEMENT SERVICES REPORTS

Executive Directors Works & Services left the Chamber at 8.58pm and returned at 9.00pm.

14.5 GENERAL MANAGEMENT SERVICES COMMITTEES

14.5.1 Minutes of Albany Tourism Marketing Advisory Committee –19 February 2008

File/Ward	: STR207/All Wards
Proposal/Issue	: Committee Items for Council Consideration.
Subject Land/Locality	: N/A
Proponent	: Manager Economic Development (J.Berry)
Owner	: N/A
Reporting Officer(s)	: Jon Berry
Disclosure of Interest	: Nil
Previous Reference	: SCM 06/11/08 Item 6.1.16 OCM 15/01/08 Item 14.5.1
Summary Recommendation	: That the Minutes of Albany Tourism Marketing Advisory Committee held on Tuesday 19 February 2008 be received.
Bulletin Attachment	: Minutes of Albany Tourism Marketing Advisory Committee Tuesday 19 February 2008
Locality Plan	: N/A

RECOMMENDATION

THAT Council receive the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 19 February 2008 (copy of minutes are in the Elected Members Report/Information Bulletin) be received.

Voting Requirement Simple Majority

**MOVED COUNCILLOR
SECONDED COUNCILLOR**

THAT Council receive the minutes of the Albany Tourism Marketing Advisory Committee held on Tuesday 19 February 2008 (copy of minutes are in the Elected Members Report/Information Bulletin) be received.

MOTION CARRIED 11-0

GENERAL MANAGEMENT SERVICES REPORTS

14.5.2 Minutes of the Albany Entertainment Centre Interior Design Committee

File/Ward	:	MAN076/ Frederickstown Ward
Proposal/Issue	:	Committee Items for Council Consideration.
Subject Land/Locality	:	N/A
Proponent	:	Manager Economic Development (J.Berry)
Owner	:	N/A
Reporting Officer(s)	:	Jon Berry
Disclosure of Interest	:	Nil
Previous Reference	:	OCM 15/01/2008 Item 14.3.1
Summary Recommendation	:	That the minutes of the Albany Entertainment Centre Interior Design Committee meeting held on 11 March 2008 be received and recommendations adopted.
Bulletin Attachment	:	Minutes of Albany Entertainment Center Interior Design Committee Tuesday 11 March 2008
Locality Plan	:	N/A

RECOMMENDATION

THAT Council receive the minutes of the Albany Entertainment Centre Interior Design Committee meeting held on 11 March 2008 and adopt the following recommendations:

i) Item 3 - Election of Chairperson.

THAT the Albany Entertainment Centre Interior Design Committee appoints Mayor Evans as its Chairperson.

ii) Item 5.1 - Presentation by Interior Design Consultants and Architects

THAT Council Endorse the proposed Interior Design Scheme for the Albany Entertainment Centre as presented to the Interior Design Committee by Cox Howlett Bailey Woodland.

Voting Requirement Simple Majority

.....

Item 14.5.2 continued

**MOVED MAYOR EVANS
SECONDED COUNCILLOR WOLFE**

THAT Council receive the minutes of the Albany Entertainment Centre Interior Design Committee meeting held on 11 March 2008 and the following recommendation adopted:

- i) Item 5.1 - Presentation by Interior Design Consultants and Architects**

THAT Council Endorse the proposed Interior Design Scheme for the Albany Entertainment Centre as presented to the Interior Design Committee by Cox Howlett Bailey Woodland.

MOTION CARRIED 11-0

GENERAL MANAGEMENT SERVICES REPORTS**14.5.3 Appointment of Representative to the Albany Port Authority Community Liaison Group**

File/Ward	:	REL054(All Wards)
Proposal/Issue	:	Request for Council to appoint a representative on the Albany Port Authority Community Liaison Group.
Subject Land/Locality	:	N/A
Proponent	:	City of Albany
Owner	:	N/A
Reporting Officer(s)	:	Corporate Governance Coordinator (S Jamieson)
Disclosure of Interest	:	Nil
Previous Reference	:	Nil
Summary Recommendation	:	That Council nominate a member to the Albany Port Authority Community Liaison Group.
Bulletin Attachments	:	Copy of the advertisement seeking expressions of interest, the Statement of Intent and Rules of Operation of the group.
Locality Plan	:	N/A

BACKGROUND

1. The Albany Port Authority is currently advertising for Expressions of Interest from community representatives who would like to become members of the Albany Port Authority Community Liaison Group.
2. The role of the Group is to provide the Albany Port Authority with comment on port operations and planning issues, and to disseminate information on port activities back to the community. The Group is made up of a Chair, plus eight (8) members with interests and skills in the areas of commerce, tourism, local government, port management and community Consultation.
3. All members are appointed by the Board of the Albany Port Authority, for a two year term.
4. A letter requesting a Council representative was sent to the City of Albany on the 12 Mar 08.
5. The Albany Port Authority was advised by the City of Albany, that the request for nomination would be presented to the Ordinary Council Meeting on the 15 April 2008 for resolution.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.3 continued

6. Public nominations closed on the 28 Mar 08; however this does not apply to the City of Albany nomination.

STATUTORY REQUIREMENTS

7. There are no statutory requirements relating to this item.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

9. There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

10. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy economic growth and outstanding opportunities for our youth through...

- *Dynamic promotion & marketing of Albany’s advantages and opportunities;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage*
- *Being the regional retailing and services hub;*

Mission Statement:

The City of Albany will always be renowned for...

- *Our strategic integration;*

Priority Projects:

Nil”

COMMENT/DISCUSSION

11. In making recommendations on external Committee representation, Council has adopted the following criteria:
 - a. The regional context of the committee and the relevance to development of the region or its essential infrastructure; and
 - b. The activity (or otherwise) of the committee and its relevance to Local Government operations.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.3 continued

8. The Council has previously provided representation on this committee.

RECOMMENDATION

THAT Council nominate Councillor _____ represent Council on the Albany Port Authority Community Liaison Group.

Voting Requirement Simple Majority

.....

Nominations were received for Councillors Stanton and Kidman.

A Ballot was conducted with the following results: Councillor Stanton (9 votes) Councillor Kidman (2) votes.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BUEGGE**

THAT Council nominate Councillor Stanton to represent Council on the Albany Port Authority Community Liaison Group.

MOTION CARRIED 11-0

GENERAL MANAGEMENT SERVICES REPORTS

14.5.4 Corporate Strategy and Governance Strategy and Policy Committee meeting minutes of 20th March 2008

File/Ward	:	MAN 234 (All Wards)
Proposal/Issue	:	Committee Items for Council Consideration.
Reporting Officer(s)	:	Chief Executive Officer (A Hammond)
Summary Recommendation	:	That the Minutes of Corporate Strategy and Governance Strategy and Policy Committee meeting held on 20th March 2008 be adopted.
Bulletin Attachment	:	Nil

RECOMMENDATION

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 20th March 2008 be received and the following recommendation adopted:

- i) Item 6.1 Albany Insight – Beyond 2020 Strategic Planning Process

THAT Council adopt the draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and

That they be released for public consultation for a period of one month with all feedback being referred to the Committee for consideration.

Draft Albany Insight ~ Beyond 2020 Vision

By 2025 Albany will be... “Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty.”

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

Major Goals & Supporting Objectives

Major Goals	Supporting Objectives
<p>1 Western Australia's regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.</p>	<p>1.1 Urban development that:</p> <ul style="list-style-type: none"> • Is sympathetic to the historical aspect of the City; • Incorporates healthy lifestyle activities and easy access to green space; and • Embraces alternative approaches to energy and water consumption and disposal. <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.</p>
<p>2 Western Australia's first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.</p>	<p>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</p> <p>2.2 Albany Airport servicing national and international visitors and investors.</p> <p>2.3 Australia's principal gateway to Antarctica.</p> <p>2.4 World class heritage precincts providing unique tourism hubs.</p> <p>2.5 Hosting of a significant annual international festival or event.</p> <p>2.6 Attraction of a State Government Department headquarters.</p> <p>2.7 Recognised as a University City offering the region's community the option of completing a full degree of their choice.</p>

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

3 Western Australia's most vibrant, safe, accessible and liveable regional City centre	3.1 Family and pedestrian friendly City Centre. 3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation. 3.3 Range of public transport options in and around Albany.
4 City of Albany renowned as an industry leader in good governance and service delivery.	4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition. 4.2 Albany's municipal assets capable of supporting our Community's lifestyle. 4.3 Excellent community services that meet the needs and interests of our growing and diverse community.

Voting Requirement Simple Majority

MOVED COUNCILLOR PRICE
SECONDED COUNCILLOR BUEGGE

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting of 20th March 2008 be received and the following recommendation adopted:

i) Item 6.1 Albany Insight – Beyond 2020 Strategic Planning Process

THAT Council adopt the draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and

That they be released for public consultation for a period of one month with all feedback being referred to the Committee for consideration.

Draft Albany Insight ~ Beyond 2020 Vision

By 2025 Albany will be... "Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty."

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

Major Goals & Supporting Objectives

Major Goals	Supporting Objectives
1. Western Australia's regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.	<p>1.1 Urban development that:</p> <ul style="list-style-type: none"> • Is sympathetic to the historical aspect of the City; • Incorporates healthy lifestyle activities and easy access to green space; and • Embraces alternative approaches to energy and water consumption and disposal. <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.</p>
2. Western Australia's first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.	<p>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</p> <p>2.2 Albany Airport servicing national and international visitors and investors.</p> <p>2.3 Australia's principal gateway to Antarctica.</p> <p>2.4 World class heritage precincts providing unique tourism hubs.</p> <p>2.5 Hosting of a significant annual international festival or event.</p> <p>2.6 Attraction of a State Government Department headquarters.</p> <p>2.7 Recognised as a University City offering the region's community the option of completing a full degree of their choice.</p>

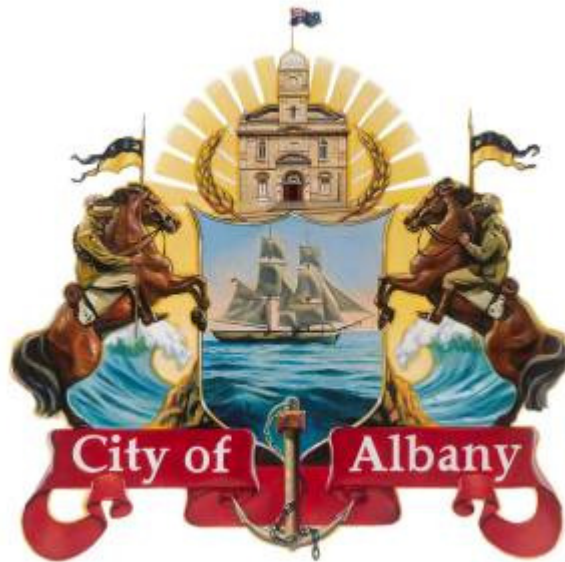
GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

<p>3. Western Australia's most vibrant, safe, accessible and liveable regional City centre</p>	<p>3.1 Family and pedestrian friendly City Centre.</p> <p>3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation.</p> <p>3.3 Range of public transport options in and around Albany.</p>
<p>4. City of Albany renowned as an industry leader in good governance and service delivery.</p>	<p>4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition.</p> <p>4.2 Albany's municipal assets capable of supporting our Community's lifestyle.</p> <p>4.3 Excellent community services that meet the needs and interests of our growing and diverse community.</p>

MOTION CARRIED 11-0

Item 14.5.4 continued



MINUTES

CORPORATE STRATEGY AND GOVERNANCE STRATEGY AND POLICY COMMITTEE

**Held on
Thursday, 20th March 2008
4.30pm**

City of Albany Margaret Coates Boardroom

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

1.0 DECLARATION OF OPENING

The Chair, Councillor Price, declared the meeting open at 4.33pm.

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

Attendances:

Mayor -

Councillors -

MJ Evans, JP

J Bostock

DM Price

R Paver

G Kidman

DJ Wolfe

R Buegge (Arrived 4.40pm)

C Grogan

S Jamieson

Manager Executive Services

Corporate Governance Coordinator - Minutes

Observers:

Councillor EK Stanton

Apologies/Leave of Absence:

Councillor -

J Matla

3.0 CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR PAVER**

THAT the minutes of the Corporate Strategy and Governance Strategy and Policy Committee meeting held on 26th February 2008, as previously distributed, be confirmed as a true and accurate record of proceedings.

MOTION CARRIED 6-0

Councillor Buegge arrived at the meeting at 4.40pm.

4.0 DISCLOSURE OF FINANCIAL INTEREST

Nil

5.0 ELECTION OF DEPUTY CHAIR

The Chair called for nomination for the position of Deputy Chair.

Councillor Bostock nominated Councillor Paver; however nomination was declined.

Councillor Paver nominated Councillor Bostock.

Councillor Bostock was appointed Deputy Chair of the Corporate Strategy and Governance Strategy and Policy Committee unopposed.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

6.0 ITEMS FOR DISCUSSION

The Chair, reminded all members of the committee that the City of Albany's Standing Orders apply to the conduct of this committee, except for the need to stand to address the Chair.

The Chair thanked the Manager Executive Services, Ms Chris Grogan and Staff for compiling the information to be presented at the meeting.

6.1 Albany Insight – Beyond 2020 Strategic Planning Process**OFFICER RECOMMENDATION**

That the Governance and Corporate Strategy Policy Committee recommend to Council:

- i) The adoption of the following draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and
- ii) That they be released for public consultation prior to final adoption.

Draft Albany Insight ~ Beyond 2020 Vision

By 2025 Albany will be... "Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty."

Major Goals & Supporting Objectives

Major Goals	Supporting Objectives
1 Western Australia's regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.	<p>1.1 Urban development that</p> <ul style="list-style-type: none"> • Is sympathetic to the historical aspect of the City; • Incorporates healthy lifestyle activities and easy access to green space; and • Embraces alternative approaches to energy and water consumption and disposal. <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events.</p>

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

<p>2 Western Australia's first choice for regional investment in renewable energy, tourism and rural business resulting in a robust economy offering a wide choice of employment and learning opportunities.</p>	<p>2.1 World centre of excellence in renewable energy resulting in our region being a net exporter of renewable energy.</p> <p>2.2 Albany Airport servicing national and international visitors and investors.</p> <p>2.3 Australia's principal gateway to Antarctica.</p> <p>2.4 World class heritage precincts providing unique tourism hubs.</p> <p>2.5 Hosting of a significant annual international festival or event.</p> <p>2.6 Attraction of a State Government Department headquarters.</p> <p>2.7 Recognised as a University City offering the region's community the option of completing a full degree of their choice.</p>
<p>3 Western Australia's most vibrant, safe, accessible and liveable regional City centre.</p>	<p>3.1 Family and pedestrian friendly City Centre.</p> <p>3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation.</p> <p>3.3 Range of public transport options in and around Albany.</p>
<p>4 City of Albany renowned as an industry leader and a Council that delivers results.</p>	<p>4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition.</p> <p>4.2 Albany's municipal assets capable of supporting our Community's lifestyle.</p> <p>4.3 Excellent community services that meet the needs and interests of our growing and diverse community.</p>

**MOVED MAYOR EVANS
SECONDED COUNCILLOR BUEGGE**

THAT the revised vision for Albany read:

By 2025 Albany will be... "Historic Albany – Home to a vibrant, resourceful and culturally diverse community, driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty."

MOTION CARRIED 6-1

Mayor Evans left the meeting at 5.20pm.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

The Proposed draft Albany Insight Strategic Goals & Objectives were reviewed by the committee and moved to include the following amendments:

- Supporting Objectives 1.5 amended to read:

1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.

- Major Goals 4 amended to read:

4. City of Albany is renowned as an industry leader in good governance and service delivery.

OFFICER RECOMMENDATION

THAT the Governance and Corporate Strategy Policy Committee recommend to Council:

- The adoption of the following draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and
- That they be released for public consultation for a period of one month, with all feedback being referred to the Committee for consideration.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WOLFE**

THAT the Governance and Corporate Strategy Policy Committee recommend to Council

- The adoption of the following draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives; and**
- That they be released for public consultation for a period of one month with all feedback being referred to the Committee for consideration.**

Draft Albany Insight ~ Beyond 2020 Vision

By 2025 Albany will be... “Historic Albany – Home to a vibrant, resourceful and culturally diverse community driven by a spirit of generosity and opportunity, nestled around a spectacular natural harbour in a region of unique beauty.”

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

Major Goals & Supporting Objectives	
Major Goals	Supporting Objectives
1. Western Australia's regional City of first choice offering attractive and environmentally responsible housing, and fostering healthy, rich and active lifestyles.	<p>1.1 Urban development that</p> <ul style="list-style-type: none"> • Is sympathetic to the historical aspect of the City; • Incorporates healthy lifestyle activities and easy access to green space; and • Embraces alternative approaches to energy and water consumption and disposal. <p>1.2 New hospital facilities adding value to a centre of excellence for the housing, care and welfare of aged members of our community.</p> <p>1.3 Performing and visual arts communities are valued, celebrated and well catered for.</p> <p>1.4 Centennial Sporting precinct boasting contemporary community wet and dry sporting facilities.</p> <p>1.5 Young adults well catered for through a range of drug and alcohol free events and facilities.</p>
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GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

3 Western Australia's most vibrant, safe, accessible and liveable regional City centre	3.1 Family and pedestrian friendly City Centre. 3.2 Vibrant cultural hub supplemented by attractive inner city residential and tourism accommodation. 3.3 Range of public transport options in and around Albany.
4 City of Albany renowned as an industry leader in good governance and service delivery.	4.1 Cohesive Council committed to delivering responsible government and bringing the Vision to fruition. 4.2 Albany's municipal assets capable of supporting our Community's lifestyle. 4.3 Excellent community services that meet the needs and interests of our growing and diverse community.

MOTION CARRIED 6-0

The Chair thanked the Manager Executive Services for her work and efforts in preparing the draft Albany Insight ~ Beyond 2020 Vision, Major Goals and Supporting Objectives.

Councillor Paver recommended that 6.3 is addressed prior to Item 6.2

Reason:

Item 6.3 directly relates to Item 6.1

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR WOLFE**

THAT Item 6.3 - 2007 City Scorecard Report – presentation by Manager Executive Services is dealt with prior to Item 6.2 - Proposed Process for the review of the City of Albany Standing Orders Local Law.

MOTION CARRIED 5-1

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

Item 6.2 withdrawn from the Agenda by Chair, for it to be dealt with at next scheduled committee meeting.

6.2 Proposed Process for the review of the City of Albany Standing Orders Local Law

OFFICER RECOMMENDATION

THAT:

- i) All Councillors be invited to complete a short questionnaire by Friday 18th April 2008 regarding the current City of Albany Standing Orders Local Law;
- ii) The Committee compare the current City of Albany Standing Orders Local Law with examples of Standing Orders Local Laws from three leading WA based local government authorities;
- iii) Following consideration of the priority concerns of Councillors and the examples from other Local Authorities that this Committee complete a comprehensive review of the City of Albany Standing Orders Local Law.

Item 6.2 withdrawn from the Agenda by Chair and referred to the next committee meeting.

6.3 2007 City Scorecard Report – presentation by Manager Executive Services

Manager Executive Services presented a summary of the 2007 City Scorecard Report and explained the contents of the document.

7.0 ITEMS TO BE DISCUSSED RAISED AT NEXT MEETING

- 7.1 Review of the City of Albany Standing Orders Local Law;
- 7.2 Review of Code of Conduct; and
- 7.3 Define the Councillors' Governance Role; which will incorporate Councillor Paver's document submitted at the 26 Feb 08 committee meeting (Detailed at annex A).

8.0 TIME AND DATE OF NEXT MEETING

Next meeting is scheduled for Thursday, 17th April 2008 at 4.00pm.

9.0 CLOSURE OF MEETING

There being no further business, the meeting closed at 6.10pm.

Annex:

A. Council Paver RP 9/10/07 – City of Albany Reform Measures and Other Matters

Item 14.5.4 continued

Annex A to

City of Albany Reform measures and other matters.- RP 9/10/07

Committee Minutes
dated 20 Mar 08

- 1) Staff reports for agendas should be full, accurate, and contain properly reasoned recommendations. The Bulletin should contain all relevant information ie. relevant policies. The reports should not refer to material that is not in the current bulletin unless it is legal advice or confidential material which should to be sent to Councillors under separate cover. Failure to include relevant material in the agenda or to provide Councillors with legal opinions at the time the agenda is delivered to Councillors should result in a deferral of the item for one month. **Code of Conduct. Standing Orders. (See para. 8 below.)**
- 2) Staff should not seek nor Council grant delegated authority to issue planning consents subject to “approvals” from other government agencies, or the receipt of any information relevant to the matter before Council. **Code of Conduct.**
- 3) Staff should obtain from applicants for planning consents certificates of title with applications, and if information supplied by the applicant is false or misleading in a material particular the City should initiate prosecutions for breach of S97B(2) of the Planning and Development Act 2005. **Planning Scheme. Code of Conduct?**
- 4) Council should reexamine delegations and the introduction of a standing planning committee. **Resolution.**
- 5) In the interests of maintaining a professional distance between Councillors and staff, Council should examine whether staff and Councillors should be precluded from dining or taking drinks together immediately before or after Council meetings and forums. **Code of Conduct.**
- 6) Staff wishing to exercise statutory powers to take a cash contribution from developers in lieu of their making provision for public open space, should have to bring the matter to full Council for its deliberation and decision. Query whether Council’s statutory powers in this regard have in fact been delegated? If so, we need to reverse the delegation. We also need to know what has been paid in lieu to date, in respect of what subdivisions, in what account it is being held, and for what public park / facilities. **Resolution. Code of Conduct?**
- 7) A study should be done to determine whether the City should adopt a planning procedure similar to that in place in New South Wales under its State Policy 65. **Resolution.**
- 8) Staff shall not bring late items concerning planning approvals to ordinary Council meetings nor provide Councillors with material information on planning items other than timously through the Bulletin, or, if it is legal advice, by way of confidential delivery to Councillors with the Agenda / Bulletin. If a planning application needs to be dealt with urgently this shall be done through a special meeting of Council and all Councillors shall be given 7 days notice of the item and all information relevant to it. **Code of Conduct. Standing Orders.**
- 9) The rule that Councillors may not speak with staff below executive director level should be qualified to cater for situations when the executive directors are not contactable because, for example, they are attending to Council business out of town or are on a rostered day off or on leave etc etc. **Code of Conduct.**
- 10) Provision shall be made for Councillors to list and speak to items on the agenda of Concept briefing sessions. Adequate time shall be allocated for this. **Resolution.**
- 11) Agenda to be amended to include Questions without Notice. **Standing Orders.**

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

12) All draft strategies and policies adopted for advertising to go at the time of advertising on the website under an appropriate button and to include comment forms. **Resolution.**

13) If a Councillor requests a late item to be prepared by an executive director for an ordinary Council meeting the item must be prepared. If the Mayor decides not to accept it as a late item the Mayor shall state in writing the reasons for his decision to the Councillor concerned and the matter shall still be put to the Council for its decision. In deciding the matter Council shall have strict regard to the criteria laid down in the standing orders. **Standing Orders.**

14) Council should look at Executive Director contracts to see that they reflect the statutory rules that regulate their behaviour, and any other lawful requirements deemed by the Council to be necessary. Should there be a Code of Conduct specifically for staff? **Resolution.**

15) Council should reconsider whether a convenor is necessary to oversee the CEO's performance appraisal. If a convenor is deemed necessary the position should be advertised every two years and the appointment should be made by the whole Council after interviewing shortlisted applicants. **Resolution.**

16) Councillor complaints regarding staff conduct should be rationally acknowledged and addressed by the CEO. Register should be kept recording complaints and action taken, and a periodic report should be provided by the CEO to all Councillors. **Code of Conduct.** A mechanism should be put in place so that allegations that the CEO or staff have failed to address the complaint within a reasonable time or at all can be examined by an independent and appropriately qualified body established and empowered by Council to receive oral and written submissions from all parties, make findings and offer recommendations to Council. **Resolution.**

17) The CEO should be precluded from getting legal opinions on Councillor conduct without a formal resolution of Council whenever it is reasonable to conclude that the CEO is ethically compromised in doing so. (Joondalup report). **Code of Conduct.**

18) The CEO must not investigate a breach of the code of conduct when doing so involves his being a judge in his own cause. **Code of Conduct.**

How is this conflict to be resolved under the new Official Conduct Regulations? Should the City appoint an independent Complaints Officer? Suggest the CEO is too compromised by considerations of managerial expediency to deal objectively with complaints about staff conduct. Under the Local Government (Official Conduct) Act 2007 the Complaints Officer has to be a senior employee. But the CEO wields influence over all employees.

What about that part of our Code of Conduct that covers matters not covered by the Act? Should we appoint an independent complaints officer to deal with this area of complaints? Should we not review our entire complaints procedure, ie the procedure for dealing with complaints that are not covered by the Act and Code? It is simply not objective enough. If the Internal Review Committee cannot resolve the complaint to the satisfaction of the complainant perhaps we need to establish an external review body.

19) Legal advice from whatever source relating to or affecting Councillors' powers and duties should be conveyed to all Councillors by the CEO immediately it is received. **Resolution? Code of Conduct?**

20) The CEO should be charged with ensuring that the Mayor and Councillors are fully aware of procedural and substantive proprieties and with informing both when

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

they are acting or about to act in breach of these proprieties. **Resolution? Code of Conduct?**

21) The Mayor should not invite staff to enter debates on agenda items. Staff may only be requested to respond to questions seeking to clarify matters of fact. **Standing Orders? Code of Conduct?**

22) The Mayor should not suspend Standing Orders automatically the moment Council moves behind closed doors. Standing orders shall only be capable of being suspended expressly and specifically upon a formally presented and appropriately seconded motion. No suspension of any standing order should ever deprive the mover of a motion from first speaking to it and then having a right of reply. **Standing Orders.**

23) Staff should be required to act on all resolutions within a reasonable time (if action by a specific date is not specified.) Two glaring examples of the failure to do so relate to the resolution on the Walton and Pietropaulo matter and the establishment of a noise regulations enforcement regime. The CEO should be required to keep a register of actions required to be taken and should present a quarterly report identifying action that has and has not been taken. **Code of Conduct.**

24) The Mayor and the CEO should be in attendance at the Council offices on all days between the date the agenda is distributed and the date of the Council meeting to which it relates. **Code of Conduct.**

25) Staff are obliged to supply Councillors with information they require in order to carry out their duties properly. This information should be provided promptly and fully. This should be included in the **Code of Conduct.**

26) Steps should be taken by Council to alter the culture of accommodating revenue to expenditure rather than expenditure to revenue. The 109% increase in the rates since 2001 is unacceptable. Ways must be found to reduce expenditure. One area to look at is the provision of vehicles to staff. It needs to be determined who is provided with cars, why they need them, how often they need them, whether smaller less expensive cars will do and whether staff can perform their duties with access to cars from a pool. In doing so regard should be had to the comments of John Clements of Gledhow. (Smaller more fuel efficient cars).

Another area to look at is staff and Councillor travel and conference attendance. An examination should be made of staff and Councillor travel over the past two years to determine whether this travel has been for essential or non essential purposes. Travel needs to be limited to what is considered essential.

Proper studies need to be done on these and other matters and reports need to be prepared for Councillors with recommendations on what needs to be done to yield substantial savings in non essential administrative expenditure. It may be necessary to commission someone independent to do this. **Resolution.**

27) The CEO, executive directors, and Councillors should submit to Council quarterly in advance a list of their proposed travel arrangements and the purposes for which their travel is proposed. Council should be required to formally approve these travel arrangements. **Resolution. Code of Conduct.**

28) A moratorium should be placed on all non essential staff and Councillor travel in the short term. A study should be done on conventions attended by staff and Councillors over the past two years and a cost benefit analysis done. **Resolution.**

29) The cesspit arrangement with the Water Corporation needs to be revisited and reexamined to determine what it is costing the City and whether the Water Corporation has underwritten returns to the City for its involvement. **Resolution.**

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

30) We need to look at why rate concessions were made to the owners of unimproved land, and address land banking. **Resolution.**

31) All land and buildings, whether or not let by the city, must be identified, listed and prioritised in case of the need to sell land to meet our financial obligations.

Resolution.

32) There is sometimes a need for Councillors to access legal advice directly rather than through the CEO or staff. **Resolution.**

33) Need to establish a statewide association of Councillors independent of WALGA. Mechanism for doing this needs to be independent of staff. All Councillors should be free to join and attend meetings. Membership subscriptions should be paid by local authorities.

34) The Code of Conduct should prescribe an objective process for dealing with complaints of breaches of the Code when such breaches are not breaches under the Local Government (Official Conduct) Act 2007 and prescribe the penalties in breach thereof. **Code of Conduct.**

35) The Code of Conduct should forbid any member of staff from alleging or from otherwise disseminating either orally or in writing allegations that anyone who has legitimately lodged complaints about staff conduct to the CEO is harrasing or bullying staff or causing them to undergo psychiatric treatment or medical counselling. Councillors and employees should not be victimised for making complaints or assisting with enquiries with respect to complaints. **Code of conduct.**

36) Any and all legal advice sought by the CEO or senior executives should be by way of a written request for such advice setting out the reasons why the advice is sought and always requesting that the advice be given with the fullest consideration of the interest the people of Albany have in the principles of good governance, which include but are not limited to openness, propriety and accountability. Copies of the written requests for legal advice should be made available to all Councillors. **Code of conduct.**

37) Matters raised by Councillors with staff that call for staff to deal with ratepayers' *concerns* must be logged. Action must be taken and a written report supplied to the Councillor concerned within a reasonable time. **Code of Conduct.**

38) Except in the most exceptional circumstances the Mayor and CEO should be in attendance at the City of Albany from the moment the agenda is distributed to Councillors until the end of the ordinary Council meeting to which it relates. **Code of Conduct.**

39) Agenda Briefing Sessions should allow members of the public the ability to speak for a limited time (Say 4 minutes each) to items on the agenda. This is allowed at ordinary Council meetings when their capacity to inform and persuade is of little value because Councillors have not had time to consider their submissions. **Standing Orders.**

40) The seating configuration of Council meetings needs to be altered so that proceedings are opened up to the gallery. The microphone limitations need to be overcome.

GENERAL MANAGEMENT SERVICES REPORTS

Item 14.5.4 continued

Matters raised by Local Government (Official Conduct) Act 2007 and Local Government (Rules of Conduct) Regulations 2007.

1) Whether under the Act we appoint a Complaints Officer, or leave it to the CEO to act as such, too much power is vested in the CEO that is capable of being abused without sufficient safeguards.

Under the Act the Complaints Officer or CEO may initiate a complaint. The only safeguard is that it shall be an offence to knowingly provide information that is false or misleading in a material particular. There is a similar provision in the CCC Act. It has never been used to launch a prosecution because it is almost impossible to establish bad faith. This problem is exacerbated by the fact that there is no requirement under the Act giving the person the subject of a complaint an opportunity either to be heard or to make written submissions before the complaint is submitted. Indeed I can find nothing in the Act that provides for the subject of a complaint a right either to be heard or to make submissions prior to a finding of breach. As far as minor breaches of the Regulations are concerned, this is left to the discretion of the standards panel which is presided over by an appointee from the Department of Local Government. See S5.110 (3) which says the standards panel “may request the complaints officer to provide anything further that the standards panel requires”.

This denial of natural justice is all the more appalling because under S5.106 a finding of a breach of the regulations may be based on the balance of probabilities. It is not required to satisfy the stricter burden of proof of beyond a reasonable doubt, and this despite the fact that a serious breach of the Regulations might also be a criminal offence which has to be proved beyond a reasonable doubt.

The only natural justice rights the subject of a complaint appears to have is, under S5.110 (4), a right to receive notice of the finding of the standards panel and, once a finding of breach has been made, under S5.110 (5), a right to make submissions on how the breach is to be dealt with. One of these is to dismiss the complaint. But the finding of a breach has already been made. Why should an innocent party have to suffer a finding of breach at all by beaurocrats who have not given him a hearing in the first place?

In these circumstances should our Code of Conduct not require the complaints officer when he gives notice of the complaint to the person the subject of it under \$5.108.(2)(b) to give him such notice within three days of the receipt of the complaint and advise him that he has a right to make a written submission in response to the complaint within 7 days. This submission should then go to the panel along with the other items specified under S5.108(2)(c) within 14 days of the receipt of the complaint as required under s5.108 (2).

2) Gifts: The Local Government (Rules of Conduct) Regulations 2007 make provision for notifiable and prohibited gifts. Under S5.65 LGA 1995 notifiable gifts must be disclosed and under S5.67 LGA the disclosing member is forbidden from participating at the meeting. (This is the advice we should have received regarding Plowman and Wiseman) from our lawyers. To strengthen this the Code of Conduct should preclude all notifiable gifts from being treated as trivial under S5.68 of the LGA 1995. Anyone receiving a prohibited gift is a fortiori forbidden from participating at a meeting.

3) I have a great deal of difficulty with S10(1)(a) of the Local Government (Rules of Conduct) Regulations. How is this to be reconciled with the Councillors right to information.

15.0 ELECTED MEMBERS' REPORT/INFORMATION BULLETIN

Elected Members' Report/Information Bulletin

DRAFT MOTION

THAT the Elected Member's Report/Information Bulletin, as circulated, be received and the contents noted.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR BUEGGE**

**THAT the Elected Member's Report/Information Bulletin, as circulated, be received
and the contents noted.**

MOTION CARRIED 11-0

Councillor Kidman declared an impartiality interest and left the Chamber at 9.06pm.
The nature of Councillor Kidman's interest is that he is a member of the Albany Vintage and Classic Motor Cycle Club.

16.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.1 Additional Financial Assistance for the Albany Classic Motor Event

File/Ward	: FIN061 (Frederickstown)
Proposal/Issue	: Define the financial support to the Albany Classic Motor Event
Subject Land/Locality	: N/A
Proponent	: Albany Classic Motor Event Organising Committee
Owner	: N/A
Reporting Officer(s)	: Andrew Hammond (CEO)
Disclosure of Interest	: Nil
Previous Reference	: OCM 21/11/06 OCM 17/07/07 OCM 18/03/08 Item 18.1
Summary Recommendation	: THAT additional funds of \$10,000 (ex gst) be allocated in the 2007/08 budget to enable the delivery of the Albany Classic Motor Event in June 2008
Bulletin Attachment	: Nil
Locality Plan	: N/A

BACKGROUND

1. A Notice of Motion has been received from Councillor Williams supported by Councillors Bostock, Matla, Price and Paver.
2. The notice of motion proposes to change the decision made at the Ordinary Council Meeting of 18 March 2008.
3. The Local Government (Administration) Regulations 1996, Regulation 10 provides that motions to change Council decisions must be supported and a notices of motion be signed by at least one third (5) of the number of Offices of Council.
4. A signed Notice of Motion executed by Councillors Williams, Bostock, Matla, Price and Paver has been received by the CEO.
5. The new motion proposes to limit Council's extra financial contribution to \$10,000.00.
6. The original motion provided for Council carrying the entire financial risk of the event.

Item 16.1 continued

ORIGINAL DECISION OF ITEM 18.1 OCM 18 MARCH 2008

MOVED COUNCILLOR WALKER
SECONDED COUNCILLOR STANTON

THAT Council:

- i) increases its contribution to the 2008 Albany Classic Motor Event by \$10,000 (ex GST) plus/minus any deficit/surplus;
- ii) support City staff working with the Committee to ensure budgetary control for the 2008 event and assist strengthening capacity building;
- iii) advise the Albany Classic Motor Event Committee that future funding will be dependant upon the Committee achieving legal status as an Incorporated Association, and;
- iv) support the City auspicing income and expenditure for the event on behalf of the Organising Committee

(Motion Carried 9-2 Absolute Majority)

.....
NOTICE OF MOTION BY COUNCILLOR WILLIAMS

THAT Council change the decision of Ordinary Council Meeting, dated 18 Mar 08, Item 18.1 - Additional Financial Assistance for the Albany Classic Motor Event; by changing clause i) to:

- i) Underwrites the operating deficit of the Albany Classic Motor Event 2008 up to a maximum of \$10,000.00 should the event not generate a profit.

Voting Requirement Absolute Majority

.....
**MOVED COUNCILLOR WILLIAMS
SECONDED COUNCILLOR PRICE**

THAT Council change the decision of Ordinary Council Meeting, dated 18 Mar 08, Item 18.1 - Additional Financial Assistance for the Albany Classic Motor Event; by changing clause i) to:

- i) Underwrites the operating deficit of the Albany Classic Motor Event 2008 up to a maximum of \$10,000.00 should the event not generate a profit.**

**MOTION CARRIED 9-1
ABSOLUTE MAJORITY**

Councillor Kidman returned to the Chamber at 9.09pm.

16.2 Albany Waterfront Memorandum of Agreement between the City of Albany and the State of Western Australia

File/Ward	: MAN 075/ MAN168 (Frederickstown Ward)
Proposal/Issue	: Review status of Albany Waterfront Memorandum of Agreement [September 2005 and September 2007 (revised)]
Subject Land/Locality	: Albany Waterfront Project
Proponent	: LandCorp
Owner	: Crown
Reporting Officer(s)	: Manager Economic Development (J Berry)
Disclosure of Interest	: Nil
Previous Reference	: SCM 30/08/2005 OCM 21/11/2006 OCM 18/03/2008 (Item lapsed)
Summary Recommendation	: Council acknowledge the background and process in formulating the Albany Waterfront Memorandum of Agreement (revised September 2007) and observe its status as a guide to the planning and delivery of the project and to Councils financial commitments to the project.
Bulletin Attachment	: 1. Albany Waterfront Memorandum of Agreement (September 2005). 2. Albany Waterfront Memorandum of Agreement (Revised September 2007).
Locality Plan	: N/A

BACKGROUND

1. Councillor Bostock has advised that she wishes to submit this notice of motion to ensure Council examine Memorandum of Agreement September 2007 with particular respect to the financial implications of section 9.2 "The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project.

Reason: Section 9.2 has the potential to expose the City to an unquantifiable financial liability.

Item 16.2 continued

STATUTORY REQUIREMENTS

2. There are no Statutory Requirements relating to this item.

POLICY IMPLICATIONS

3. There are no Policy Implications relating to this item.

FINANCIAL IMPLICATIONS

4. There are no Financial Implications relating to this item.

STRATEGIC IMPLICATIONS

5. This item directly relates to the following elements from the City of Albany 3D Corporate Plan:

“Community Vision:

A Thriving City: Albany’s community will enjoy economic growth and outstanding opportunities for our youth through ...

- *Excellent community infrastructure and services;*
- *Innovative development complementing Albany’s unique character, natural environment and heritage; and*
- *A unique economically sustainable waterfront facility providing a functional boat harbour and shore based facilities to the community and attractive to investment.*

Mission Statement:

The City of Albany is committed to ...

- *Providing sound governance; and*
- *Promoting our Community’s vision for the future.*

Priority Projects:

27. *Albany Waterfront: Establish working boat harbour and complementary commercial and community based facilities on Princess Royal Harbour foreshore.”*

COMMENT/DISCUSSION

6. At SCM 30/08/2005 Council considered the recommendations of the Albany Waterfront Development Committee and resolved as follows:
- a. Any previous decisions of the Council that are substantially different to the motions set out below in paragraphs (b), (c), (d) and (e) be revoked under regulation 10 of the Local Government (Administration) Regulations 1996;
 - b. Council enters into an agreement with the State of Western Australia known as the Albany Waterfront Memorandum of Agreement based upon the following key principles and commitments;

Item 16.2 continued

PROJECT VISION

To create a sustainable, attractive and exciting world-class waterfront precinct for the Albany community, the Great Southern Region, and visitors to the region.

The Albany Waterfront will provide a protected boat harbour serving the recreational, fishing and tourism industries and a land-based development adjacent to the town jetty providing a range of tourist accommodation, maritime servicing, entertainment, recreational and community based facilities.

COMMITMENTS TO THE COMMUNITY

The State of Western Australia and the City of Albany are committed to the following underlying principles regarding the development and ongoing operation of the Albany Waterfront:

- *Acknowledgement and respect of 24 hour a day, 7 day a week heavy haulage access to the Port of Albany.*
- *Prohibition of residential activity.*
- *Unfettered community access to the foreshore.*
- *Maintenance of the iconic Princess Royal Harbour vista as seen from the York Street Commercial Precinct.*

SCOPE OF AGREEMENT

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *Albany Waterfront - The remediation and development of 5.5 hectares of waterfront land into subdivided lots and civic space to accommodate and service the Albany Entertainment Centre, tourism accommodation, retail, commercial, maritime, parking and public facilities.*
- *Boat Harbour - The development of a marina immediately to the East of the town jetty that will accommodate and service approximately 70-80 vessels.*
- *Pedestrian Bridge - The construction of a pedestrian bridge linking the proposed Albany Entertainment Centre and adjacent facilities in the Albany Waterfront Project to Stirling Terrace and the Albany Railway Station Precinct.*

The Albany Entertainment Centre

- *The construction of a 650 to 700 seat entertainment facility, architecturally compatible with, and complementary to, the future development of contiguously located hotel and convention facilities.*

Anzac Peace Park

- *The remediation and development of approximately 1.4 Hectares of waterfront land to the west of York Street and portions of the adjoining reserve to the east of York Street for public parkland purposes.*

Associated Land Transactions

- *The transfer in freehold to the City of Albany a parcel of land, the size to be agreed upon but generally in accordance with diagram 2, excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage.*
- *The relinquishment of the Management Order over Lot 1512 Emu Point by the City of Albany.*

Item 16.2 continued

ROLES and RESPONSIBILITIES

The Albany Waterfront, Boat Harbour & Pedestrian Bridge

- *LandCorp will be principally responsible for and project manage the urban design, statutory approvals process, construction of infrastructure, and subdivision and release of land.*
- *The City of Albany will be responsible for the care and management of all road reserves, the pedestrian bridge, civic spaces and all fixtures and improvements coming into its control as a result of the subdivision process.*
- *The Department of Planning and Infrastructure will be responsible for the management of the Marina and the care and management of maritime infrastructure and any civic spaces or leasehold land coming into its control as a result of the subdivision process.*

The Albany Entertainment Centre

- *The City of Albany will be principally responsible for and project manage the design, statutory approval processes, construction, commissioning and ongoing care, control and management of the facility.*

Anzac Peace Park

- *The City of Albany will be principally responsible for and project manage the design, statutory approvals process, development, commissioning and ongoing care, control and management of the facility.*
- *LandCorp will collaborate with the City of Albany in undertaking a coordinated environmental assessment of the Anzac Peace Park site and some sections of the Albany Waterfront site.*

Associated Land Transactions

- *LandCorp will transfer land excised from the Albany Waterfront project site sufficient in area to construct the Albany Entertainment Centre and curtilage to the City of Albany upon the creation of the new lot. LandCorp may consider a development lease to the City of Albany to allow construction of the Albany Entertainment Facility to commence prior to the creation of the new lot.*
- *The City of Albany will advise the Department of Land Administration that it has relinquished the Management Order over Lot 1512 Emu Point upon the execution of this agreement.*

FINANCING

- The State of Western Australia will contribute \$27.8 million to the Albany Waterfront Project and \$14.9 million to the Albany Entertainment Centre Project plus the land necessary to accommodate that facility.*
- The City of Albany will contribute \$1 million to the Albany Waterfront project and \$1.2 million plus any Federal grant monies obtained to the Albany Entertainment Centre Project.*
- The City of Albany is responsible for financing and obtaining further funding for the design and development of Anzac Peace Park.*
- The City of Albany acknowledges that the proceeds of the development of Lots 1512 and 1523 Emu Point are to be applied by the State Government to the Albany Waterfront Project.”*
 - Urban design layout and development guidelines to be determined by way of Structure Plans and Precinct Plans adopted pursuant to the Town Planning Scheme;*

Item 16.2 continued

- b) Architectural and building design to be determined by way of Central Area Design Guidelines (currently under preparation) adopted as a Local Planning Policy; and
 - c) Residential activity to be prohibited by way of:
 - Town Planning Scheme regulation
 - Specific covenants in Lease Documents
 - Restrictive covenants on Freehold Titles.
- 7. The Memorandum of Agreement (MOA) is not a legal document rather it lays out previous decisions, commitments and responsibilities of the major stakeholder organisations who have a role in bringing the project to fruition. The MOA formalises a partnership between the State of Western Australia and the City of Albany and guides the planning and delivery of the project.
- 8. A revised version of the original Memorandum of Agreement (dated 6 September 2005) was signed by Her Worship the Mayor Alison Goode (former Mayor) on 8 October 2007 after Council had resolved the following at OCM 21/11/06:
 - a. Disband the Albany Entertainment Centre Steering Committee;
 - b. Enter into a Memorandum of Agreement with the Department of Housing and Works and the Great Southern Development Commission that recognises:
 - i) the Minister for Works as the Principal to the Project Architect and the Department of Housing and Works as the Principal's representative
 - ii) the Great Southern Development Commission as the administrator of the project capital works budget.
 - iii) a requirement for Council endorsement of key stages of the project including the appointment of the architect; selection of the design and statutory approvals (as necessary);
 - c. Endorse the establishment of a local Project Planning Group consisting of Council Officers to liaise with the Project Architect (and sub-consultants) to bring recommendations to Council on interior fit-out, landscaping and public art;
 - d. Endorse the establishment of a Steering Committee consisting of representatives from the Department of Housing and Works (DHW), the Great Southern Development Commission (GSDC) and the City of Albany (Chief Executive Officer) to provide strategic direction and leadership in bringing the project to fruition.
 - e. Endorse the establishment of a Design Review Committee lead by DHW and consisting of:
 - Government Architect – Chairman (Prof. Geoffrey London);
 - Director of Urban Design firm Urbanizma (Prof. Patric deVilliers);
 - Manager Economic Development - City of Albany (Mr Jon Berry) (the Mayor and CEO will also attend meetings as observers);
 - Project Manager Department of Housing and Works (Mr Ian Johnston); and
 - CEO Great Southern Development Commission (Mr Bruce Manning).

Item 16.2 continued

9. The revised Memorandum of Agreement captured the contents of Council's resolution and serves to reconfirm the strategic alliance that exists between the key stakeholders and again outlines the roles and responsibilities of each organisation. It introduces the Department of Housing & Works as project manager for the Albany Entertainment Centre and provides updated capital works financing data.
10. The revised MOA states the W.A. Government will contribute \$46.3m and Council's contribution will be \$1.2m plus any Federal grant monies obtained (in the order of \$1.5m). If Federal grant monies are not forthcoming the City has been advised that State Cabinet has previously agreed to fund any deficit.
11. Should the project capital cost exceed \$49m (and the State Government resolves not to contribute any additional funds), then the project may be deemed unviable and Council and the State Government would need to review the current building design and function. Notwithstanding this, the project management regime put in place through the revised MOA transfers all contractual risks to the Minister for Works – not the Council.
12. The City of Albany's funding is limited to \$1.2 million capital contribution to the Albany Entertainment Centre and \$1 million for the purchase of the land.

COUNCILLOR BOSTOCK'S MOTION

THAT Council:

- (i) Examines Memorandum of Agreement September 2007 with particular respect to the financial implications of section 9.2 "The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project".
- (ii) Council seek written confirmation from the WA State Government that:
 - a. The City of Albany will pay only the sum specified as its contribution to the Albany Entertainment Centre (AEC) project in the MOA 2007 9.3 and 9.4, being:
 - (1) *"9.3 The City of Albany will contribute \$1.0 million to the Albany Waterfront project in the 2007-2008 financial years as payment for the land necessary to accommodate the Albany Entertainment Centre Project; and*
 - (2) *9.4 The City of Albany will contribute \$1.2 million plus any Federal grant monies obtained in the order of \$1.5 million to the Albany Entertainment Centre Project."*
 - b. All other expenditure to complete the project will be the responsibility of the WA State Government.

Voting Requirement Simple Majority

.....

Item 16.2 continued

Councillor Williams left the Chamber at 9.18pm.

Reason:

This Notice of Motion aims to provide a greater security and tighter protection to Council's financial risk to this project.

The following details Councillor Bostock's address to Council:

My original motion to examine the 2007MOA was to bring councils attention to the fact that section 9.2 "The State of Western Australia will contribute a MAXIMUM of \$46.3 million to the Albany Entertainment Project." has the potential to expose the city to an unquantifiable financial liability. I felt this to be an entirely proper way of opening debate and thereby reaching a reasoned decision on how we as a responsible governing body, could ensure that this project will be completed, without burdening our rate payers or having a half finished building due to lack of funds.

The revised 2007MOA is materially different from the 2005 agreement in three areas.

- 1) A change in the responsibility to deliver the ABC from City of Albany to The Department of Housing and Works.
- 2) The seating has reduced from 650 or 700 to 620
- 3) The State Government has placed a cap of \$46.3 million on its contribution.

The authorization to sign the new MOA was sited as OCM21.11.06 when it was agreed to transfer responsibility to the Minister of Housing and Works, but there was no mention of the changes to seating or the financial situation. This MOA should therefore have been seen and adopted by full council. The mayor cannot act without the authority of the whole governing body. Had the council viewed this document perhaps the full implication of section 9.2 could have been noted and rectified.

As it stands there is no ambiguity State Government will contribute a MAXIMUM of \$46.3 million. Who then is responsible for meeting any escalation in cost? The building has already more than tripled in cost, starting at \$14.9 and is currently estimated, at around \$47 million. The Building Cost Index even as a conservative estimate will result in an increase of around 6 million per year and it is not unusual for projects of this scale to rocket hugely over budget.

As our CEO stated in his ABC business case to the State Treasurer, "the City's current and medium term financial position, whilst sustainable and viable is unable to tolerate further capital expenditure. "

Mayor and Councillors we need greater assurance from state government; it is our responsibility to protect the people of Albany.

The fact that this has become a contentious issue must not distract us from our responsibility.

The iconic status and the ABC position as the figurehead of the Waterfront Development must not distract us from exercising Common sense.

We must not allow the involvement of State Government to lull us into a false sense of security.

I would like to draw your attention to an article in the Australian 28 February 08
Labour sacks local council for \$34 million cost blow out.

Item 16.2 continued

If we are to protect our ratepayers from further rate rises or the calamity of an unfinished building we must act. We may have a new government in parliament before this project is completed; we cannot rely on a gentleman's agreement and must have proper written safeguards.

**MOVED COUNCILLOR PAVER
SECONDED COUNCILLOR PRICE**

THAT Council Standing Order 6.5, Order of Call in Debate, be suspended.

**MOTION TIED 5-5
MAYOR EXERCISED CASTING VOTE
MOTION LOST**

Record of Vote:

For: Councillors Bostock, Price, Buegge, Stanton and Paver.

Against: Mayor Evans, Councillors: Kidman, Matla, Wolfe, and Wiseman

**MOVED COUNCILLOR BOSTOCK
SECONDED COUNCILLOR PRICE**

THAT Council:

(i) **Examines Memorandum of Agreement September 2007 with particular respect to the financial implications of section 9.2 “The State of Western Australia will contribute a maximum of \$46.3 million to the Albany Entertainment Centre Project”.**

(ii) **Council seek written confirmation from the WA State Government that:**

- a. **The City of Albany will pay only the sum specified as its contribution to the Albany Entertainment Centre (AEC) project in the MOA 2007 9.3 and 9.4, being:**
 - 1) **“9.3 The City of Albany will contribute \$1.0 million to the Albany Waterfront project in the 2007-2008 financial years as payment for the land necessary to accommodate the Albany Entertainment Centre Project; and**
 - (2) **9.4 The City of Albany will contribute \$1.2 million plus any Federal grant monies obtained in the order of \$1.5 million to the Albany Entertainment Centre Project.”**
- b. **All other expenditure to complete the project will be the responsibility of the WA State Government.**

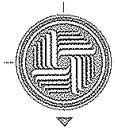
MOTION LOST 4-6

Record of Vote:

For: Councillors Bostock, Price, Buegge and Paver.

Against: Mayor Evans, Councillors: Kidman, Matla, Wolfe, Stanton and Wiseman.

Item 16.2 continued



GREAT SOUTHERN
DEVELOPMENT COMMISSION

Your Ref: MAN075/MAN168
Our Ref: X1:0015
Enquiries: Bruce Manning

18 March 2008

Mr Andrew Hammond
Chief Executive Officer
City of Albany
PO Box 484
ALBANY WA 6330

ATTENTION: Jon Berry

Dear Andrew

Thank you for your letter received 13/3/08 in regard to the City of Albany's contribution to the Albany Entertainment Centre (AEC)

The financial responsibilities of the various parties are clearly articulated in the most recent Memorandum of Agreement for the Waterfront development, signed by the City of Albany on the 8th of October, 2007. In regard to the AEC, under this MOA the City of Albany (COA) is committed to the following:

- A contribution of \$1m as payment to the State Government for the land necessary to accommodate the AEC
- A contribution of \$1.2m to the AEC plus any Federal grant monies obtained for the project

The Commission accepts your reassurance that the COA remains committed to maintaining its best efforts to secure a minimum of \$1.5m from the Australian Government as a contribution to the project.

However, the Commission acknowledges that the Regional Partnerships Program under which the Australian Government's contribution was anticipated is under review and it is unclear at this stage as to its status within the new Federal Government.



Building partnerships for regional prosperity

Albany Pyrmont House, 110 Serpentine Road, PO Box 280, Albany WA 6331, Phone: (08) 9842 4888 Fax: (08) 9842 4828 Email: gsdc@gsdc.wa.gov.au
Katanning 10 Dore Street, PO Box 729, Katanning WA 6317 Phone: (08) 9821 3211 Fax: (08) 9821 3336 Email: rpritchard@agric.wa.gov.au
Web site: www.gsdc.wa.gov.au

Item 16.2 continued

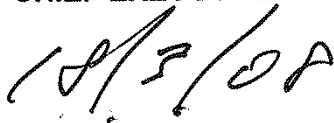
You will be aware that this Commission has a representative on the Australian Government's local Area Consultative Committee (ACC) Board and we are looking forward to seeing the COA vigorously pursue Australian Government financial support when the avenue for such support becomes clear.

Thank you.

Yours faithfully



BRUCE W MANNING
CHIEF EXECUTIVE OFFICER



Councillor Williams returned to the Chamber at 9.24pm.
Councillor Paver left the Chamber at 9.24pm and returned t 9.29pm.

17.0 MAYORS REPORT FOR ORDINARY COUNCIL MEETING – 15th APRIL 2008

Fellow Councillors:

I start my report this month by thanking Deputy Mayor Des Wolfe, Councillors John Walker, Kim Stanton, Dot Price, Nicolette Williams and Robert Buegge, for officiating at civic and community events:

- The City of Albany Harbour Swim
- The Activ Dragonfly Week
- The Hawaiian Ride for Youth – Youth Focus fundraising initiative
- The Seniors Advisory Committee – Launch of the Dinosaur Project
- The Official Opening of the Emu Point Bowling Club new complex
- The Great Southern TAFE Annual Awards Ceremony
- The Annual Inspection of the TS Vancouver Cadets
- The Youth CARE Commissioning Service
- A visit from the Mayor, CEO and 3 Councillors of the Glenelg Shire Council (Vic)
- The Albany Surf Life Saving Annual Presentation Night.

These events personify just a small proportion of the activities that take place each month in Albany, the majority of which rely on the work of volunteers to occur. To reflect on it in this way serves as a reminder of how lucky we are to live in such a vibrant, cooperative and community-minded City.

As community leaders I encourage all Councillors to become more involved in a Civic capacity, both at City of Albany functions and at functions hosted by the community. Such opportunities not only enable the community to get to know the elected members who represent them on Council, it also enables Councillors to get to know the thoughts and visions of the diverse community we represent.

Also over the past month, I met with Western Power Regional Board members at a stakeholder function held at the Albany Golf Club, to discuss regional issues. Western Power are very supportive of wave and biomass initiatives on the South Coast.

Item 17.0 continued

On the 7th April I had great pleasure in hosting a Civic Morning Tea to thank the Albany Visitor Ambassadors for volunteering their time to welcome approximately 12,000 passengers off the visiting Cruise Ships over the 2007/2008 Cruise Ship season. So successful were the Ambassadors in achieving their aim to provide a unique welcome to our Cruise Ship visitors, that it has been commented that the welcome received in Albany surpassed anything passengers had received anywhere else in the world. Through the efforts of the AVA's, Albany was portrayed in a very positive and friendly manner, which I'm sure will generate return visits and result in recommendations to friends and family to visit Albany. I thank the AVAs sincerely for volunteering their time.

I have been following with interest the regular updates from Fedor Konyukhov, the Russian adventurer undertaking a solo circumnavigation of Antarctica to set the inaugural record for the Antarctica Cup Racetrack. Last week Fedor passed the Cape of Good Hope and is now past what they refer to as "iceberg alley". Over the weeks I have been fascinated by the ordeal this man has set for himself; the demands, the danger, the isolation and the monotony of such a voyage is something we can barely imagine from the comfort of our own homes. And yet in each report Fedor focuses on something positive. I was particularly inspired by his last report in which he states; "down here in the Southern Ocean, every albatross is different, every wave is different and every sunrise unrepeatable. We must keep our uniqueness." Fedor refers to a quote from Australian solo circumnavigator Jon Sanders: "Why live an ordinary life - be original".

It is not necessary to sail around the world to be original or to find uniqueness. Each of us is unique and none of us has prior claim on knowledge. That is why it is important to build teamwork, trust and respect for each other. Like Fedor, we should all learn to take positives out of the challenges we face in life and in Council.

Albany is renowned for its uniqueness and purity and it is our responsibility as Councillors not to be coerced by what is universal, but to protect that uniqueness. I believe that positivity, originality and the desire to strive to protect Albany's uniqueness is a very important message for us to adopt as the Elected Members of this Council.

Thank you.

Item 17.0 continued

DRAFT MOTION

THAT the Mayor's Report dated 15th April 2008 be received.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

THAT the Mayor's Report dated 15th April 2008 be received.

MOTION CARRIED 11-0

Councillor Buegge left the Chamber at 9.35pm.

The CEO, Mr Hammond left the Chamber at 9.35pm and returned at 9.36pm.

18.0 URGENT BUSINESS APPROVED BY MAYOR OR BY DECISION OF THE MEETING

18.1 Contract C08010 – Sale of Land – 55 Francis Street, Lower King, Albany

<i>File/Ward</i>	: C08010 (All Wards)
Proposal/Issue	: Sale of Council Land
Subject Land/Locality	: 55 Francis St, Lower King, Albany (Lot No 74)
Proponent	: Nil
Owner	: City of Albany
Reporting Officer(s)	: Purchasing Officer (W Male)
Disclosure of Interest	: Nil
Previous Reference	: OCM 19/02/08 Item 12.1.3
Summary Recommendation	: That Council not accept the tender for the sale of land at 55 Francis Street, Lower King, Albany and make arrangements to sell the property by private treaty.
Bulletin Attachment	: Nil
Locality Plan	:



Item 18.1 continued

BACKGROUND

1. At the ordinary Council meeting 19th February 2008, Council agreed to tender for the outright sale of the property at 55 Francis Street (Lot No 74).

STATUTORY REQUIREMENTS

2. Regulation 18 of the Local Government (Functions and General) Regulations 1996 outlines a number of requirements relating to choice of tenderer. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
3. Regulation 19 requires the CEO to advise each tenderer in writing the result of Council's decision.
4. Regulation 30 (2) of the Local Government (Functions and General) Regulations 1996 allows six months for a local government to use private treaty to sell a tendered property which failed to meet the reserve price.
5. Section 5.42 of the Local Government Act allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties under the Local Government Act. The Chief Executive Officer can then administratively arrange, pursuant to Section 5.44 of the Local Government Act, to allow another person to perform the required function.

POLICY IMPLICATIONS

6. The City of Albany policy on Disposal of Land requires that land not be sold for less than a value provided by a licensed professional valuer undertaken within six months of the resolution by Council to sell the land.

FINANCIAL IMPLICATIONS

7. The successful sale of the land would provide funding for the ALAC Redevelopment costs.

STRATEGIC IMPLICATIONS

8. This item directly relates to sound governance under the City of Albany 3D Corporate Plan:

“Community Vision:

A Healthy City, Albany Community will enjoy healthy, fulfilling lifestyles, and a flourishing natural environment through.

- *Diverse and affordable cultural, recreational and sporting opportunities.*

A Thriving City, Albany's community will enjoy economic growth and outstanding opportunities for our youth through.

- *Excellent community infrastructure and services.*

Mission Statement:

The City of Albany is committed to..

- *Sustainably Managing Albany's municipal assets,*
- *Delivering excellent community services,*

Item 18.1 continued

- *Respect the Communities aspirations and resources.*

Priority Projects:

Nil

COMMENT/DISCUSSION

9. A request for tenders was published in the West Australian on 27th February 2008 and the Albany Advertiser on 4th March and 6th March 2008. A total of twenty one documents were issued with one submission received at the close of tenders.
10. The one tender received from Achillies Pty Ltd and Corrib Investments Pty Ltd provided an offer price of \$990,000.
11. The price offered was considerably lower than the reserve price set by the sworn valuation of a licensed professional valuer (\$3,350,000). In accordance with Council's Policy on Land Disposal, the tender must be rejected.
12. It is proposed to appoint a local real estate agent to offer the land for sale by private treaty, and delegate authority to the Chief Executive Officer to finalise a sale if possible.

RECOMMENDATION

THAT:

- a. Council not accept the tender from Achillies Pty Ltd / Corrib Investments Pty Ltd, for the purchase of land at 55 Francis Street, Lower King, Albany.
- b. The Chief Executive Officer be authorised to appoint a local real estate agent based on competitive expressions of interest from agents, and be authorised to negotiate the sale of the land at a price equal to or greater than the current valuation provided by a licensed professional valuer.

Voting Requirement Simple Majority

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WISEMAN**

THAT:

- a. **Council not accept the tender from Achillies Pty Ltd / Corrib Investments Pty Ltd, for the purchase of land at 55 Francis Street, Lower King, Albany.**
- b. **The Chief Executive Officer be authorised to appoint a local real estate agent based on competitive expressions of interest from agents, and be authorised to negotiate the sale of the land at a price equal to or greater than the current valuation provided by a licensed professional valuer.**

MOTION CARRIED 8-2

Record of Vote:

For: Mayor Evans, Councillors Kidman, Matla, Williams, Wolfe, Stanton, Price and Wiseman.

Against: Councillors Paver and Bostock

18.2 Wave Energy Feasibility Study

File/Ward	: STR257/ALL WARDS
Proposal/Issue	: Wave Energy Feasibility study
Subject Land/Locality	: Sand Patch Reserve (Crown Reserve 13773)
Proponent	: Carnegie Corporation Ltd
Owner	: N/A
Reporting Officer(s)	: Chief Executive Officer (A Hammond)
Disclosure of Interest	: Nil
Previous Reference	: Nil
Summary Recommendation	: THAT Council proceed with the disposition process.
Bulletin Attachment	: Nil
Locality Plan	: Nil

BACKGROUND

1. A briefing session was provided by a representative of Carnegie Corporation Ltd on Thursday 20 March explaining “CETO” Wave Energy Technology.
2. CETO technology harnesses wave energy via a series of submerged buoys and pumps, generating high pressure sea water that can be used to either drive turbines to generate base load electricity or create desalinated water via osmosis.
3. Carnegie Corporation Ltd are currently evaluating suitable sites throughout Australia for a large scale wave energy facility and Albany has presented as one of the preferred site options.
4. CETO wave energy technology has the potential to make Albany a net exporter of zero emission electricity. Potential also exists for desalinated water supply solutions for the region.

STATUTORY REQUIREMENTS

5. Legal advice has been obtained that provides that any proposal to provide the proponents with security whilst it undertakes a feasibility study is a disposition of property. The provisions of Section 3.58(3) therefore apply which include obtaining a valuation for the consideration of the option, local public notice and the matter being brought back to Council for final agreement.

Item 18.2 continued

POLICY IMPLICATIONS

6. The draft Council Policy on Property Management (Leases) provides that:
“Commercial leases will be offered at a rental determined by an independent valuer taking into account the current value of the business and rental structure in a way which provides maximum return to Council.”

FINANCIAL IMPLICATIONS

7. Revenues from the lease of land would be received if the proponents decide to proceed with the project.

STRATEGIC IMPLICATIONS

8. This item directly relates to the following elements from the City of Albany 3D Corporate Plan...

“Community Vision:

Albany’s community will enjoy economic growth and outstanding opportunities for our youth...

- *Innovative development complementing Albany’s unique character, natural environment and heritage.*

COMMENT/DISCUSSION

9. Carnegie Corporation Ltd is considering the conduct of a feasibility study for the establishment of the project in Albany and wishes to obtain some form of security over the land whilst undertaking the study.
10. Carnegie Corporation Ltd seeks assurance that the land would be available should they wish to proceed with the project and that the City would not make land available to one of their competitors wishing to apply similar technology for the duration of the feasibility study.
11. Any agreement to lease land at the end of the option period of completion of the feasibility would be contingent upon:
 - i. The lease being of a term to accommodate the life of the project, typically 20 years.
 - ii. Sufficient land being made available to reasonably accommodate the land based functions of the project.
 - iii. The proponents obtaining all statutory approvals including but not limited to a Planning Scheme Consent, environmental approval and access to the seabed by way of license or other instrument.
 - iv. The payment of lease rental in line with Council Policy on Property Management (Leases).

Item 18.2 continued

12. Carnegie Corporation Ltd seek a three (3) year period in which to conduct the feasibility study and come to a decision on whether to proceed or not.
13. The option required to secure the land for three years is not a request to lease land, but a request for an option to lease at a later time with an agreement to restrict competition activities on the reserve. The valuation will therefore be based on the restriction of that competition.
14. Given the nature of the proposal, the minimal impact it will have on the subject land and the significant strategic environmental benefits this project may bring to the City, it is proposed to limit the consideration of the option to \$1.00 per year notwithstanding the results of the valuation to be undertaken. Any future lease would be subject to normal commercial considerations.

RECOMMENDATION

THAT Council enter into an exclusive option agreement with Carnegie Corporation Ltd for a period of three (3) years at a fee of \$1.00 per year to enable the conduct of a Feasibility Study on the establishment of a wave energy power generation facility on Crown Reserve 13773 subject to:

- i) The Minister for Lands agreeing to an appropriate change to the purpose of the reserve and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd.
- ii) The disposition provisions of Section 3.58(3) of the Local Government act 1995 being implemented and submissions being considered by Council before final agreement.
- iii) Any proposal to lease at the finalisation of the feasibility study or end of option term being subject to:
 - a. The lease being of a term to accommodate the commercial life of the project.
 - b. Sufficient land being made available to reasonably accommodate land based functions of the project.
 - c. The proponents obtaining all statutory approvals including, but not limited to:
 1. A planning scheme consent pursuant to the Town Planning and Development Act 2005.
 2. Environmental approvals pursuant to the Environmental Protection Act 1986.
 3. Authority to use the seabed by way of license or other instrument.
- iv) The payment of commercial lease rentals in line with Council Policy on Property management (Leases).

Item 18.2 continued

- v) Carnegie Corporation Ltd acknowledging the City of Albany's function as a planning authority pursuant to the Town Planning and Development Act 2005 and its role in considering an application for planning scheme consent on the basis of the principles of sound and orderly planning independent of any decision made past, present or future of the disposition of the subject land.
- vi) Carnegie Corporation Ltd being responsible for the costs associated with the preparation of documentation.

Voting Requirement Absolute Majority

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR PAVER**

THAT Council enter into an exclusive option agreement with Carnegie Corporation Ltd for a period of three (3) years at a fee of \$1.00 per year to enable the conduct of a Feasibility Study on the establishment of a wave energy power generation facility on Crown Reserve 13773 subject to:

- i) **The Minister for Lands agreeing to an appropriate change to the purpose of the reserve and consenting to a grant of interest in the reserve to Carnegie Corporation Ltd.**
- ii) **The disposition provisions of Section 3.58(3) of the Local Government act 1995 being implemented and submissions being considered by Council before final agreement.**
- iii) **Any proposal to lease at the finalisation of the feasibility study or end of option term being subject to:**
 - a. **The lease being of a term to accommodate the commercial life of the project.**
 - b. **Sufficient land being made available to reasonably accommodate land based functions of the project.**
 - c. **The proponents obtaining all statutory approvals including, but not limited to:**
 - 1. **A planning scheme consent pursuant to the Town Planning and Development Act 2005.**
 - 2. **Environmental approvals pursuant to the Environmental Protection Act 1986.**
 - 3. **Authority to use the seabed by way of license or other instrument.**
- iv) **The payment of commercial lease rentals in line with Council Policy on Property management (Leases).**
- v) **Carnegie Corporation Ltd acknowledging the City of Albany's function as a planning authority pursuant to the Town Planning and Development Act 2005 and its role in considering an application for planning scheme consent on the basis of the principles of sound and orderly planning independent of any decision made past, present or future of the disposition of the subject land.**
- vi) **Carnegie Corporation Ltd being responsible for the costs associated with the preparation of documentation.**

**MOTION CARRIED 10-0
ABSOLUTE MAJORITY**

19.0 CLOSED DOORS

CEO requested Council to go behind closed doors to brief Council on a matter in accordance with Section 5.23(2) (a) (b) of the Local Government Act 1995 – matters affecting staff.

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR MATLA**

THAT Council meet behind closed doors to receive a Confidential briefing in accordance with Section 5.23(2)(a)(b) of the Local Government Act 1995 – matters affecting staff.

MOTION CARRIED 10-0

Members of the public, media, staff (less CEO) and media vacated the Council Chambers at 9.40pm.

Councillor Buegge returned to the Chamber at 9.52pm

Record of decisions made behind closed doors.

Nil

**MOVED COUNCILLOR WOLFE
SECONDED COUNCILLOR WISEMAN**

THAT Council open the meeting to the public.

MOTION CARRIED 11-0

The meeting was re-opened to the public and media at 10.05 pm.

20.0 NEXT ORDINARY MEETING DATE

Tuesday 20th May 2008, 7.00pm

21.0 CLOSURE OF MEETING

There being no further business the meeting closed at 10.07pm.

Confirmed as a true and correct record of proceedings.

MAYOR
(M Evans, JP)

APPENDIX A

WRITTEN NOTICE OF DISCLOSURE

Nil

APPENDIX B

INTEREST DISCLOSED DURING THE COURSE OF THE MEETING

Name	Item Number	Nature of Interest
Councillor Kidman	16.1	<u>Impartiality.</u> Councillor is a member of the Albany Vintage and Classic Motorcycle Club. Cr abstained from the debate, discussion and voting on this item.

INTEREST DISCLOSED BY OFFICERS

Nil

[Agenda Item 12.1 refers]

[Council – 31st March 2008]

SUMMARY OF ACCOUNTS

Municipal Fund			
Cheques	Totalling		\$343,458.87
Electronic Fund transfer	Totalling		\$3,442,223.95
Credit Cards	Totalling		\$10,542.82
Payroll	Totalling		\$640,485.00
Total			<u>\$4,436,710.64</u>

CERTIFICATE OF THE CHIEF EXECUTIVE OFFICER

This schedule of accounts to be passed for payment totalling **\$4,436,710.64**, which was submitted to each member of the Council, dated 31st March 2008, has been checked and is fully supported by vouchers and invoices which are submitted to herewith and which have been fully certified as the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment.



CHIEF EXECUTIVE OFFICER
(A Hammond)

MAYOR

I hereby certify that this schedule of accounts covering municipal and trust fund payments totalling **\$4,436,710.64**, dated 31st March 2008, was submitted to the Council, and that the amounts are recommended to the Council for payment.



MAYOR
(M Evans, JP)