

AGENDA

Ordinary Meeting of Council

Tuesday 16 December 2014

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

ORDINARY COUNCIL MEETING
AGENDA –16/12/2014

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A	Economic Development Committee	
B	Community Services Committee	
C	Corporate Services & Finance Committee	
D	Works & Services Committee	
E	Planning & Development Committee	

1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor Mayor D Wellington

Councillors:

Breaksea Ward	R Hammond
Frederickstown Ward	C Dowling
Frederickstown Ward	G Stocks
Kalgan Ward	J Price
Kalgan Ward	B Hollingworth
Vancouver Ward	S Bowles
West Ward	G Gregson
West Ward	A Goode JP
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP

Staff:

Chief Executive Officer	G Foster
Deputy Chief Executive Officer	G Adams
Executive Director Planning and Development Services	D Putland
Executive Director Community Services	C Woods
Executive Director Works and Services	M Thomson

Minutes J Williamson

Apologies:

Vancouver Ward	N Williams (Leave of Absence)
Breaksea Ward	V Calleja JP (Apology)

ORDINARY COUNCIL MEETING
AGENDA –16/12/2014

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

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

7. PUBLIC QUESTION TIME

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 25 November 2014, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil.

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CS016: CENTENNIAL PARK SPORTING PRECINCT SCHEMATIC DESIGN

Attachments : Centennial Park Sporting Precinct Schematic Design Report
Report Prepared by : Manager Recreation Services (S Stevens)
Responsible Officer : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
2. Key Theme: 4. A Sense of Community
3. Strategic Objective: 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
4. Strategic **Initiative**: 4.2.1 Sport & Recreation Infrastructure

In Brief:

- Gain approval for the schematic design phase of the Centennial Park Sporting Precinct.
- Gain approval to progress into the detailed design phase and development of the contract tender documentation for Centennial Park Sporting Precinct.

RECOMMENDATION

CS016: RESPONSIBLE OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council APPROVE the Schematic Designs for the Centennial Park Sporting Precinct.

CS016: RESPONSIBLE OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. **APPROVE** the preparation of Centennial Park Sporting Precinct Detailed Designs including the Contract Tender Documentation; and
2. **APPROVE** the Advertising of detailed design documentation.

BACKGROUND

5. In February 2014 the Centennial Park Sporting Precinct Concept Designs and Master Plan Report was adopted by Council.
6. In April 2014 Council awarded tender (C13014) for full service consultancy for the Centennial Park Sporting Precinct (for the delivery of the design and engineering services, project management, superintendant and contract administration) to Gresley Abas and partners.
7. The first phase of detailed design (Schematic Design) has now been completed by the appointed service provider Gresley Abas, and has been enclosed for Councils consideration and approval. This document details the design elements, materials, design themes, lighting, materials and interpretive elements associated with the project.

DISCUSSION

8. The Schematic Design includes Western, Central and Eastern Precinct, Cricket/Soccer Club House, Stadium Arena and Grandstand.
9. The scope of schematic design work involved:
 - Playing Fields
 - Water Management
 - Irrigation
 - Electrical & Civil
 - Built Forms & Facilities
 - Access & Strategy
 - Vehicle Access, Circulation & Parking Management Strategy
 - Green Infrastructure
 - Branding
10. The user groups have been engaged and involved in the development of the Schematic Design.
11. The Schematic Design phase has been completed and a presentation was made at the Elected Member October Strategic Workshop.
12. The next phase is the preparation of Detailed Designs for the Centennial Park Sporting Precinct and the accompanying Contract Tender Documentation and Advertising (Phase 3).
13. The approval of the Centennial Park Sporting Precinct tenders will require Council approval.

GOVERNMENT & PUBLIC CONSULTATION

14. The City of Albany has undertaken considerable consultation and engagement with other government stakeholders (Department of Sport and Recreation, Department of Transport, Department of Planning and Department of Water). As the key government agency for sport and recreation, Department Sport and Recreation has been invited as a member of the City of Albany's project control group and the steering committee.
15. The Centennial Park Working Group has representation from across the City of Albany including Planning, Works and Services, Corporate Services and Community Services. Bi-monthly updates are provided to the Executive Management Team for guidance and assistance with coordinating the City's resources to ensure community outcomes are met.

Public Consultation / Engagement

16. The following consultation has been conducted over the last four years:
17. 2008 - A study was undertaken and developed in house by the City of Albany with the support of a Steering Committee. The plan was not endorsed at Council level.
18. July 2008 – State Government (Department of Sport and Recreation) undertook state-wide community consultation and a report entitled “Review of Sport and Recreation in Regional Western Australia and concluded that the development of Centennial Park was a high priority and need.
19. 2011 – The City of Albany consulted widely with community groups through the “Working Together” program. The Working Together program identified community projects that could be progressed and future funding was made available and the funding criteria met. Centennial Park was identified as one of those community projects that could be progressed if funding was made available.
20. 2012 – The City of Albany engaged Coffey Sport and Leisure to review the 2008 Master Plan and provide an updated master plan for the precinct. The review included analysis of the recommendations and consultation with the stakeholders.
21. September 2012 - Presentation of the draft Master Plan to stakeholders. The City of Albany received written feedback from the majority of the stakeholders.
22. October to November 2012 – In addition to the written feedback the Manager of Recreation Services attended individual club meetings to refine the plan further.
23. February 2013 – The internal Project Control Group was developed with the Regional Manager of the Department of Sport and Recreation representing the sporting interests of the region and the investment made by the State Government in the project.
24. March 2013 – Centennial Park Master Plan submitted to the Future Acts Sub-Committee, and the South West Aboriginal Land and Sea Council (SWALSC).
25. February 2014 – City of Albany finalised the Centennial Park Sporting Precinct Community Engagement Report.
26. The CEO and Executive Management Team continue to work closely with the Agricultural Society to implement the Council Resolution (July 22 2014):
 - a. City Staff continue to work with the design team to develop a design for the Annual Agricultural Show to remain at Centennial Park;
 - b. City staff to work with the community groups and sporting and recreational clubs that currently conduct activities in the existing Albany Agricultural Society structures to find suitable alternative venues; and
 - c. City staff to work with Albany Agricultural Society current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations.
27. The ongoing negotiations with the Agricultural society will not impede or impact on the Centennial Park redevelopment program and both projects can continue to run concurrently.
28. Ongoing Consultation and Planning Since February 2014 the City of Albany has been meeting regularly with stakeholders and clubs to discuss plans and address concerns. This process is ongoing and the City has commenced more detailed planning with the clubs that are to be co-located.

STATUTORY IMPLICATIONS

29. Council Procurement Policy - tenders and quotes, and associated procedures applied to this item.

POLICY IMPLICATIONS

30. N/A

RISK IDENTIFICATION & MITIGATION

31. The risk identification and categorisation relies on the City's Enterprise Risk Management Framework.
32. Council could choose not to adopt the Schematic Design which would incur the following risks:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial Risk – City would jeopardize current grant agreements & potential financial loss.	Almost Certain (5)	Severe (5)	Extreme (25)	Council adopts the schematic designs
Organisational Operational Risk - City would not meet the Corporate Business Plan Deliverables. 4.2.1 Sport & Recreation Infrastructure	Likely (4)	Moderate (3)	High (12)	Council adopts the schematic designs
Community Risk – Would cause significant disruption to the CPSP user groups, over 5000 community members.	Likely (4)	Major (4)	High (16)	Council adopts the schematic designs
Reputational Risk - Would be likely that the City & Council would experience substantial public embarrassment and have a high media profile.	Almost Certain (5)	Major (4)	Extreme (20)	Council adopts the schematic designs

FINANCIAL IMPLICATIONS

33. The funds allocated in the budget have been spent in line with the details provided above for Phase I, together with support services to inform the design processes. These support services include civil, structural, geotechnical investigations, storm water modelling, Catchment Plans of upstream conditions, topographical survey and electrical provision investigations.
34. Council allocated \$9,545,714 in the 2014/2015 budget for the Centennial Park Sporting Precinct.
35. In summary, the financial status of the project can be reported as follows:

PROJECT FUNDING

Grant Source	Project	Approved Funding
DSR - CSRFF 2013/14	Multi use Playing Field	\$608,000
RDL - CLGF 2011/12	Multi use Playing Field	\$608,000
RDL - CLGF 2012-13	Fields and clubrooms (Western Precinct)	\$685,771
DSR - CSRFF 2014/15	Western & Central Precinct – Sporting Infrastructure	\$4,126,000
State Gov Election 2012	Great Southern Centennial Park	\$8,250,000
Dept of Infrastructure Regional Development	Great Southern Centennial Park	\$8,250,000
City of Albany		\$4,000,000
TOTAL		\$26,527,771

CENTENNIAL PARK PROJECT COST BREAKDOWN

Multi Use Playing Field	\$1,521,295.28
Railways Football Oval	\$543,179.92
Consultant Design Fee	
-Scheme Development	\$186,261.30
-Schematic Design	\$314,156.90
-Design Development	\$501,511.68
-Disbursements	\$342,200.00
-Provisional Sum	\$149,305.00
TOTAL DESIGN CONTRACT VALUE	\$1,493,434.80

SPEND TO DATE

Multi Use Playing Field	\$1,521,295.28
Railways Football Oval	\$543,179.92
Consultant Design Fee (Scheme development 100%, Schematic Design 89% & Design Development 37%)	\$690,349.34
TOTAL	\$2,754,824.54

LEGAL IMPLICATIONS

36. There are no legal implications relating to this item.

ENVIRONMENTAL CONSIDERATIONS

37. There are no environmental implications relating to this item.

ALTERNATE OPTIONS

38. Council could choose not to adopt the Centennial Park Sporting Precinct Schematic Designs and progress to Detailed Design.

SUMMARY CONCLUSION

- 39. The first phase of detailed design (Schematic Design) has now been completed by the appointed service provider Gresley Abas, and has been enclosed for Councils consideration and approval.
- 40. The City of Albany has been meeting regularly with stakeholders and clubs to discuss plans and address concerns. This process is ongoing and the City has commenced more detailed planning with the users that are to be co-located.
- 41. The City requires Council approval to progress into the detailed design phase and development of the contract tender documentation for Centennial Park Sporting Precinct.

Consulted References	:	Nil.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	CS008:Centennial Park Sporting Precinct Design OCM 25/02/2014

CSF132: FINANCIAL ACTIVITY STATEMENT – OCTOBER AND NOVEMBER 2014

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

Responsible Officer's Signature:



RECOMMENDATION

**CSF132: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October and 30 November 2014.

CSF132: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF132: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 October and 30 November 2014.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 October and 30 November 2014 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- (1) A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - (2) Each statement of financial activity is to be accompanied by documents containing –
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - (3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit
 - (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 October and 30 November 2014 has been incurred in accordance with the 2014/15 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF133: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2014

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

Responsible Officer's Signature:



RECOMMENDATION

**CSF133: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2014 totalling \$7,122,068.52.

CSF133: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
 SECONDED: COUNCILLOR BOWLES

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF133: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2014 totalling \$7,122,068.52.

BACKGROUND

- Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2014. Further details of the Members Report/Information Bulletin.

Municipal Fund

Trust	\$0.00
Credit Cards	\$18,992.27
Payroll	\$1,790,268.54
Cheques	\$23,821.32
Electronic Funds Transfer	\$5,288,986.39

TOTAL

\$7,122,068.52

3. As at 15 November 2014, the total outstanding creditors, stands at \$295,758.47 and made up as follows:-

Current	\$215,391.47
30 Days	\$80,453.90
60 Days	\$0.00
90 Days	-\$86.90
TOTAL	\$295,758.47

4. Cancelled cheques: - Nil.

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

SUMMARY CONCLUSION

10. That list of accounts have been authorised for payment under delegated authority.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF134: DELEGATED AUTHORITY REPORTS – NOVEMBER 2014

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to Deputy CEO (J Stanton)
Responsible Officer : Chief Executive Officer (G Foster)

Responsible Officer's Signature:



RECOMMENDATION

CSF134: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Delegated Authority Reports up until 15 November 2014.

CSF134: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR BOWLES

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF134: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 November 2014.

CSF135: FUTURE MANAGEMENT OF LOT 6981 ALBANY HIGHWAY, DROME

Land Description : Lot 6981 Albany Highway, Drome
Proponent : Mr Ray Gerovich of A Gerovich & Sons Pty Ltd
Owner : State of WA,
Attachments : Aerial Photo of Subject Land
Photographs of the WW2 Bunkers
Report Prepared by : Senior Land Officer (N Crook)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

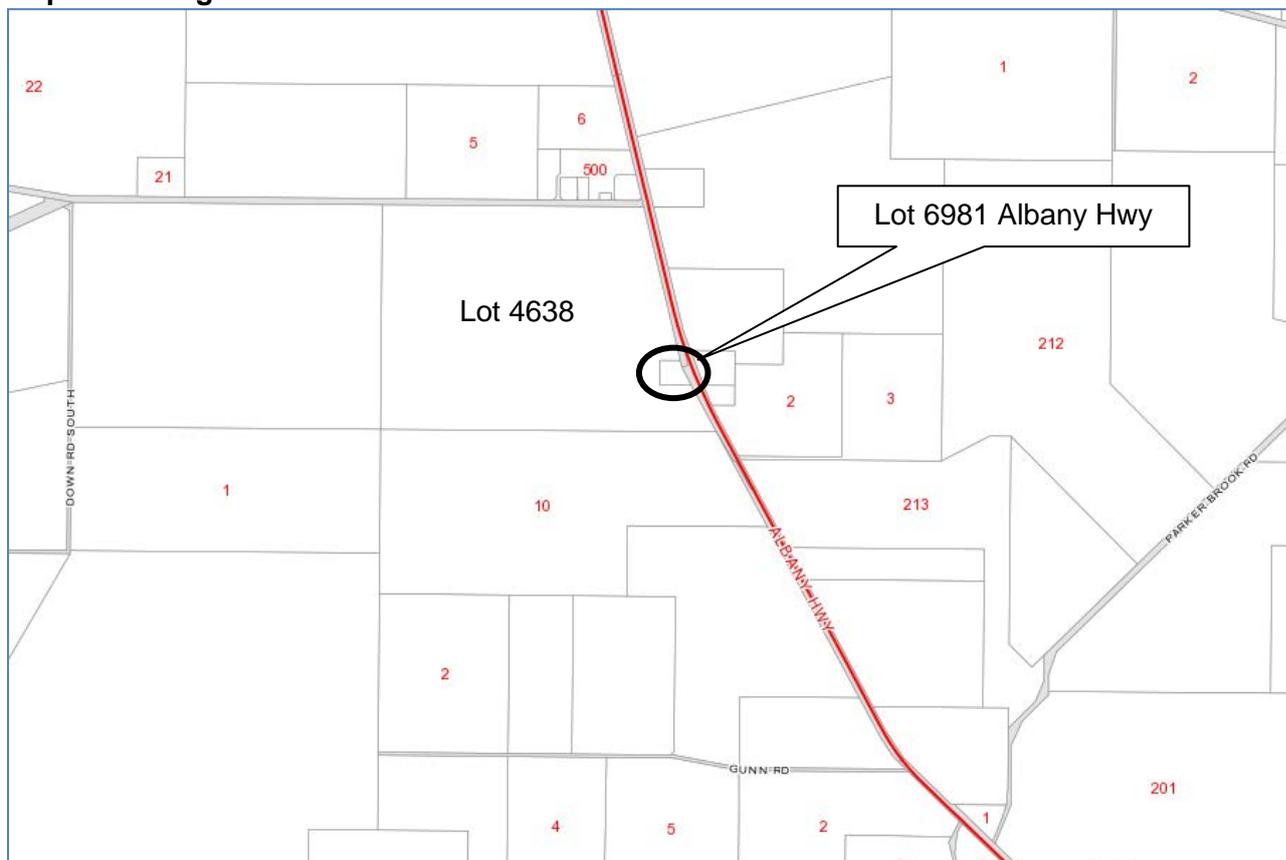
Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5 Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

Maps and Diagrams:



In Brief:

- In August 2010, Council resolved to request the management of Lot 6981 Albany Highway, which contains WW2 bunkers that are a significant heritage asset and part of Albany's war time story.
- Since Council's previous resolution, there have been many discussions with the adjoining landowner and the Department of Lands about the future management of this land. The adjoining landowner has held an interest in Lot 6981 in the form of a lease managed by the Department of Lands and currently has Tenant at Will status.
- Council is requested to reconsider their previous resolution, in view of the strong objections raised by the adjoining landowner and with a more detailed consideration of the works required in the management of the land and its heritage asset.

RECOMMENDATION

**CSF135: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- 1) **ADVISES** the Department of Lands that it no longer wishes to pursue management of Lot 6981 Albany Highway, Drome and would support the disposal of the land (either via leasehold or sale of land) to the adjoining landowner on the following basis:
 - a) The landowner be advised that the City will be pursuing the heritage listing of the WW2 bunkers contained on this land, via the Local Planning Scheme No 1, the Municipal Heritage Inventory and the State Register of Heritage Places;
 - b) The landowner be advised that, following the heritage listing of this property, the City will offer assistance with any grant funding applications to assist with the conservation of this heritage asset;
 - c) The landowner be advised that the City may wish to continue discussions with regard to organised, pre-arranged public visits to the site, as interest arises and at special occasions; and
 - d) The Department of Lands considers placing notification on title, in the event of the sale of the property, or appropriate lease provisions for the protection of the WW2 bunkers on Lot 6981 Albany Highway, Drome.
- 2) **RESOLVES** pursuant to Part 7.1 of Local Planning Scheme No 1 to include the WW2 bunkers contained on Lot 6981 Albany Highway, Drome on the Heritage List, subject to:
 - a) The description of the place being prepared in conjunction with the City's Regional Heritage Advisor;
 - b) Compliance with the notification and consultation procedures defined by Clauses 7.1.3 and 7.1.4;
 - c) Should no objections be received during the consultation process, the place shall be included on the Heritage List without a further item to Council and without modification; and
 - d) The place shall be considered for inclusion in the Municipal Heritage Inventory as part of this review process.
- 3) **NOTIFIES** the State Heritage Office of this resolution and request that the WW2 bunkers be listed for possible inclusion onto the State Register of Heritage Places.

CSF135: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF135: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- 1) **ADVISES** the Department of Lands that it no longer wishes to pursue management of Lot 6981 Albany Highway, Drome and would support the disposal of the land (either via leasehold or sale of land) to the adjoining landowner on the following basis:
 - a. The landowner be advised that the City will be pursuing the heritage listing of the WW2 bunkers contained on this land, via the Local Planning Scheme No 1, the Municipal Heritage Inventory and the State Register of Heritage Places;
 - b. The landowner be advised that, following the heritage listing of this property, the City will offer assistance with any grant funding applications to assist with the conservation of this heritage asset;
 - c. The landowner be advised that the City may wish to continue discussions with regard to organised, pre-arranged public visits to the site, as interest arises and at special occasions; and
 - d. The Department of Lands considers placing notification on title, in the event of the sale of the property, or appropriate lease provisions for the protection of the WW2 bunkers on Lot 6981 Albany Highway, Drome.
- 2) **RESOLVES** pursuant to Part 7.1 of Local Planning Scheme No 1 to include the WW2 bunkers contained on Lot 6981 Albany Highway, Drome on the Heritage List, subject to:
 - a. The description of the place being prepared in conjunction with the City's Regional Heritage Advisor;
 - b. Compliance with the notification and consultation procedures defined by Clauses 7.1.3 and 7.1.4;
 - c. Should no objections be received during the consultation process, the place shall be included on the Heritage List without a further item to Council and without modification; and
 - d. The place shall be considered for inclusion in the Municipal Heritage Inventory as part of this review process.
- 3) **NOTIFIES** the State Heritage Office of this resolution and request that the WW2 bunkers be listed for possible inclusion onto the State Register of Heritage Places.

BACKGROUND

2. A lease to A Gerovich & Sons was originally registered over Lot 6981 Albany Highway, Drome on 25 August 2006. This lease is managed by the Department of Lands and the City advised the Department on 1 March 2006 that it supported the granting of this lease for a five year period. This support was granted prior to the City being aware of the existence of the WW2 bunkers on the land.
3. This land parcel is surrounded on three sides by Lot 4638 Albany Highway, which is owned by A Gerovich & Sons. Lot 6981 appears to be used as the means of access between two buildings on Lot 4638, rather than entering the highway to move around the property.
4. An item was presented to Council at its meeting held on 17 August 2010 regarding the management of the subject land. This report noted the following information:
 - a. The City was not previously aware of the WW2 bunkers;
 - b. The bunkers are an Air-force military bunker believed to have provided support systems in the event of an attack on Albany Airport;
 - c. These bunkers are one of three within the City (including Albany Airport and Federal Street (owned by Western Power));
 - d. Lot 6981 is Unallocated Crown Land, zoned for public purposes under the City's Town Planning Scheme;
 - e. Lot 6981 is bound on three sides by Lot 4638 owned by the Gerovich family and this family had applied to amalgamate this lot into their freehold title.

Note: While this Council item makes reference to Lot 6981 as a leasehold property, there are no details of Mr Gerovich's interest in this property.

5. Council resolved, at its meeting held on 17 August 2010, as follows:

That Council informs the Department for Regional Development and Lands that the City of Albany is prepared to accept a management order for the land and request that it be granted to the City as soon as possible.

6. Following this Council resolution, a request was sent to the Department of Lands seeking the management order for the subject land. The Department then consulted with the lessee, Mr Gerovich. Mr Gerovich raised significant objection with the Department and directly with the City to his lease not being renewed and maintained that he would like to continue leasing this property.
7. Detailed correspondence occurred between the Department of Lands, the City and Mr Gerovich over the period from August 2011 until November 2012. In November 2012, the Department advised as follows:
 - a. A short term grazing lease was to be issued to Mr Gerovich, though the lease would contain an early break clause;
 - b. The intent of this lease was to provide additional time for the City to consider the future management of the land and to prepare a management plan for the property;
 - c. While this new lease was being prepared, Mr Gerovich was granted Tenant at Will status until 30 June 2013.
8. In response to the Department's letter, the City considered the resourcing available to prepare the required management plan and it was decided that this was not a high priority, in view of the Anzac projects underway. As such, the City wrote to the Department and advised that they supported the short term lease renewal, with the option for possible termination.

9. In April 2014, the Department again contacted the City on this matter and advised that Mr Gerovich had decided against renewing his lease and did the City wish to take on the management of the land. Again, the Department reiterated that this would require the preparation of a management plan for the land. While the City was considering this option, the Department verbally advised that Mr Gerovich had contacted them again and advised that he did wish to renew the lease or possibly look at the purchase of the land from the Crown.
10. Since these discussions occurred, the City has undertaken a structural assessment of the WW2 bunkers and visited the site with Mr Gerovich and the Department of Lands in attendance.

DISCUSSION

Structural Assessment

11. StrucTerre was appointed to undertake a basic structural assessment of the bunkers. This assessment occurred to ascertain the current condition of the bunker and any remediation works that may be required, in the event that the City was to assume control of this land. The assessment reported as follows:
 - a. Overall, the structure is in good condition for its age;
 - b. Some spalling (i.e. surface failure in which spall is shed) to the concrete is noted in a few areas which has resulted in the steel reinforcement starting to corrode. It is recommended that these areas be addressed with concrete repairing techniques;
 - c. The central control joint is in need of some repair, as it is currently allowing water inside of the structure and damage to the surrounding concrete is evident; and
 - d. No investigation was undertaken to the condition of the existing ladders located in the view ports / air vents.

Heritage Implications

12. The WW2 bunkers are not currently included in the Municipal Heritage Inventory, though they are included on the review list for future inclusion. The review of the City's Municipal Heritage Inventory is currently underway.
13. The WW2 bunkers are not currently included in the Heritage List, as defined by Local Planning Scheme No 1. This list is currently the Schedule of Places of Heritage Value, as was contained in Appendix 8 of the previous Town Planning Scheme No 1A.
14. The heritage values of the WW2 bunkers have been discussed with the City's Heritage Advisor, Helen Munt. Ms Munt has strongly supported the retention of these bunkers and is willing to assist in the preparation of a management plan, which would then form the basis of an application for funding to prepare a Conservation and Interpretation Plan.
15. The WW2 bunkers are not currently included on the State Register of Heritage Places, though they may be worthy for inclusion on this register. Initially, the property must be included on the City's Municipal Heritage Inventory and the State Heritage Office would then undertake its own assessment, which could take 12-24 months.
16. In view of the above, the WW2 bunkers do not have any current legislative protection as they are not contained on any of the heritage lists that would protect the place. However, it would be a relatively simple process to include this place on the Heritage List contained in the City's Local Planning Scheme No 1. Ms Munt has indicated that she could assist with the heritage assessment of the place that would be required as part of this process. The City would also be required to follow the notification and public consultation processes as defined under the Scheme.

Land Management Matters

17. While the City has previously expressed an interest in assuming the management of Lot 6981 in order to protect the WW2 bunkers, this was done without consideration of any works that may be required as part of this action. As a minimum, it would be expected that the following works would be required:
- a. Upgrading of fencing;
 - b. Upgrading of the crossover access to the land (to standards specified by Main Roads WA);
 - c. Weed control works and clearing of debris material / fuel loads;
 - d. Installation of firebreaks along some boundaries;
 - e. Remediation works on the bunkers themselves.

The above works are likely to be required at the outset of taking over the land's management and this does not include any upgrading works that the City may like to undertake to make it suitable for public access i.e. access roads, parking bays, signage, picnic tables, shelter, rubbish bins etc.

18. While Council may decide to pursue the management of this land, it would require a financial commitment to upgrade the site in the first instance. Further budgetary commitments would then be required for future maintenance and potentially upgrading the site to permit general public access.
19. Alternatively, Council could support the continued management of the site by Mr Gerovich, either via leasehold or through the purchase of the land from the State. If the bunkers were included on the Heritage List in the Local Planning Scheme No 1, this would afford some protection to the heritage asset. In addition, once the site is appropriately listed, the City may be able to assist Mr Gerovich to obtain grant funding for upgrading and conservation works.
20. If the City is not going to take over the management of this land, it may be beneficial to broker an informal agreement with Mr Gerovich that organised, pre-arranged visits may be permitted to the site, as interest in the bunkers arise. Mr Gerovich verbally indicated that while he would not support unrestricted public access, pre-arranged visits may be able to be accommodated.
21. The Department of Lands has recently advised (November 2014) that it is investigating the possible sale of Lot 6981 to Mr Gerovich, both as an individual title or potentially to be amalgamated with his surrounding property Lot 4638, though this is subject to comments being received from the City (to be provided by this item's resolution).

GOVERNMENT & PUBLIC CONSULTATION

22. The City has discussed this matter numerous times with the Department of Lands over the last few years. The Department of Lands has clearly indicated that it would not take any action on the land's future management without prior consultation with the City.
23. While no general public consultation has occurred, the City has met with and corresponded with Mr Gerovich, as both the lessee of the subject land and the owner of the surrounding property.

STATUTORY IMPLICATIONS

- 24. Clause 41 of the *Land Administration Act 1997* allows the Minister for Lands to reserve Crown land for one or more purposes in the public interest.
- 25. Clause 46 of the *Land Administration Act 1997* allows the Minister for Lands to place the care, control and management of reserves in any person or agency.
- 26. Clause 79 of the *Land Administration Act 1997* allows the Minister for Lands to grant leases of Crown Land for any purpose. This part also allows options to purchase the fee simple of the Crown Land leased, though the sale of Crown Land is also permitted in other parts of the Act.
- 27. Part 7.1 of the Local Planning Scheme No 1 allows the establishment and maintenance of a Heritage List to identify those places with cultural heritage significance and worthy of conservation under the provisions of the Scheme.
- 28. Clauses 7.1.3 and 7.1.4 defines the notification and consultation processes that must be observed as part of including a place on the Heritage List.
- 29. Clause 7.1.7 of the Local Planning Scheme No 1 states that all places contained in Appendix VIII – Schedule of Places of Heritage Value within Town Planning Scheme No 1A are deemed to be included in the new Heritage List within following the public consultation processes defined in Clause 7.1.3.

POLICY IMPLICATIONS

- 30. The City’s Local Planning Scheme 1 Policy Manual contains Council Policy – Heritage Protection. The provisions of this policy refer to identified heritage places as defined by the Municipal Heritage Inventory, Local Planning Scheme No 1 and/or the State Register of Heritage Places. This policy defines how proposals affecting heritage places shall be considered.
- 31. If Council supports the inclusion of the WW2 bunkers in the Heritage List of the Scheme, this Policy will apply to any future development of the site.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<u>Financial</u> Council assumes the control of the land without a budgetary expense for upgrading	Unlikely	Moderate	Medium	Council makes the decision to assume management or not, based on an understanding of the upgrading works required
<u>Reputation</u> Council supports the disposal of the land to the subject landowner without protecting the heritage asset	Unlikely	Major	Medium	In the event that Council supports the disposal of the land, Council resolves to initiate the heritage listing of the WW2 bunkers
<u>Property</u> Heritage Asset is left to degrade	Possible	Moderate	Medium	Department of Lands to place notification on title or lease provisions for maintenance and protection of the heritage asset

FINANCIAL IMPLICATIONS

33. If Council was to take on the management of Lot 6981 as a Crown Land Reserve and the management of a heritage asset, this would require budgetary expenditure which is not currently allocated. It is uncertain how much money would need to be spent bringing this site up to current standards, though it is understood some remediation works are required on the bunkers and the land needs improvements. If the public were to be permitted access to land, the site would require more work with greater financial impacts.

LEGAL IMPLICATIONS

34. There are no legal implications associated with this matter. All actions will comply with relevant legislation.

ENVIRONMENTAL CONSIDERATIONS

35. Majority of Lot 6981 is well vegetated. Some clearing may be required to establish firebreaks, though this may not be necessary if Lot 6981 is amalgamated with Lot 4638.

ALTERNATE OPTIONS

36. Council may:
- a. Decide to pursue the management of Lot 6981 and assume responsibility for the management of this land and the WW2 bunkers, including any costs involved with upgrading and maintenance works; or
 - b. Support the disposal of the land to the adjoining landowner, either via leasehold or through the purchase of the land from the State, though in this circumstance it is strongly recommended that the heritage listing of the property be enacted.

SUMMARY CONCLUSION

37. Council previously expressed an interest in taking over the management of Lot 6981 Albany Highway, in order to protect the WW2 bunkers situated on this land. However, the interest of the adjoining landowner was not reported to Council and this landowner has raised significant objections to this action.
38. While it is considered important to conserve the heritage asset on the land, the City does not necessarily need to assume control of the land in order to achieve this outcome. If the bunkers were heritage listed, some legislative protection would be afforded to this site.
39. While Council retains the option to pursue the management of this land, it would need to consider the financial implications of doing so, both in terms of immediate upgrading works to make the site safe and the longer term maintenance works of both the land and the WW2 bunkers.
40. However, it is recommended that Mr Gerovich be allowed to continue to manage this land, either via leasehold or through the purchase of the land from the State and the City protects the heritage asset through relevant legislation.

Consulted References	:	Land Administration Act 1997 Local Planning Scheme No 1
File Number (Name of Ward)	:	A185426
Previous Reference	:	OCM 17 August 2010 Item 2.6

CSF136: NEW LEASE AND LICENCE – DARREN AND LINDA RUSSELL – PORTION RESERVE 42964 – EMU POINT MARINA

Land Description : Portion Lot 501 on Deposited Plan 64940 and the whole of the land contained in Certificate of Title Volume LR3159 Folio 265 portion Crown Reserve 42964, Emu Point Marina

Proponent : Darren Russell and Linda Russell

Owner : City of Albany

Business Entity Name : Emu Point Slipway Services & Emu Point Shipwright / Boat Builders

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

Responsible Officer : Deputy CEO (G Adams)

Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** Civic Leadership
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Develop informed and transparent decision making processes that meet our legal obligations.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease and licence to Darrell and Linda Russell (trading as Emu Point Slipway Services & Emu Point Shipwright / Boat Builders) over portion of Reserve 42964, Emu Point for a term of 10 years plus an option for a further 10 years to continue to provide slipway and marine maintenance services.
- Darrell and Linda Russell have occupied land at Emu Point Marina since 2002. Both lease areas A and B expired on 31 October 2014 with an option for a further 10 year term available.
- The Lessee has requested a new 10 plus 10 year lease rather than exercising the option for a further 10 year term. The Lessee seeks to secure tenure over the combined lease areas as proposing to upgrade facilities and to protect existing improvement of workshop, hardstand and boat lifter infrastructure.
- The City has sought a new non-exclusive licence to formalise existing access between the workshop and the boat lifter facility over public use area.
- The recommendation proposes that Council approve the request.

RECOMMENDATION

CSF136: COMMITTEE RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council APPROVE a new lease and non-exclusive licence for Darren and Linda Russell (trading as Emu Point Slipway Services & Emu Point Shipwright / Boatbuilders) over portion of Reserve 42964, Emu Point Marina subject to:

- Lease and licence term being 10 years with an option for a further 10 year term.**
- Lease purpose being slipway operation; marine maintenance, hardstand and storage and associated activities.**
- Licence purpose being non exclusive access to slipway operation.**
- Combined lease area being approximately 6019m2.**
- Licence area being approximately 118m2 subject to survey.**
- Lease rent as determined by a current market valuation being \$11,667 plus GST provided by a Licensed Valuer.**
- Lease provides for reimbursement to the City of Albany for the annual Department of Transport Emu Point Seabed Lease fee.**
- Lease and licence commencement date being 1 November 2014.**
- Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Lands consent is obtained.**
- Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements.**
- All costs associated with the preparation, execution and completion of Deed of Lease and Licence being payable by the Lessee.**
- All costs associated with the ongoing operations of the lease and licence premises being payable by the Lessee.**
- Lease being consistent with Council Policy – Property Management – Leases and Licences.**

CSF136: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HOLLINGWORTH**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF136: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a new lease and non-exclusive licence for Darren and Linda Russell (trading as Emu Point Slipway Services & Emu Point Shipwright / Boatbuilders) over portion of Reserve 42964, Emu Point Marina subject to:

- a) Lease and licence term being 10 years with an option for a further 10 year term.
- b) Lease purpose being slipway operation; marine maintenance, hardstand and storage and associated activities.
- c) Licence purpose being non exclusive access to slipway operation.
- d) Combined lease area being approximately 6019m².
- e) Licence area being approximately 118m² subject to survey.
- f) Lease rent as determined by a current market valuation being \$11,667 plus GST provided by a Licensed Valuer.
- g) Lease provides for reimbursement to the City of Albany for the annual Department of Transport Emu Point Seabed Lease fee.
- h) Lease and licence commencement date being 1 November 2014.
- i) Pursuant to Section 18 of the Lands Administration Act 1997, the Minister for Lands consent is obtained.
- j) Pursuant to Section 3.58 of the Local Government Act 1995 advertising requirements.
- k) All costs associated with the preparation, execution and completion of Deed of Lease and Licence being payable by the Lessee.
- l) All costs associated with the ongoing operations of the lease and licence premises being payable by the Lessee.
- m) Lease being consistent with Council Policy – Property Management – Leases and Licences.

BACKGROUND

2. Crown Reserve 42964 is under Management Order H755179 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Marine and Associated Purposes" for a term not exceeding 50 years subject to the consent of the Minister for Lands.
3. Crown Reserve 42964, an area of approximately 3.5ha located on Swarbrick Street, Emu Point is commonly referred to as the Emu Point Marina.
4. In June 2002 Council approved a new sub lease between Emu Point Sporting Association Inc. and Darren Russell over portion Reserve 42964 for the purpose of slipway operations (Lease area A). It is noted at this time the Emu Point Sporting Association Inc. held the Head Lease over the slipway.
5. Lease area A comprises a workshop for the maintenance and repair of marine craft and slipway operations. Current rental is \$6,600 plus GST per annum.

6. In May 2003, due to age and safety concerns of the slipway, Council agreed to undertake repairs and install a boat lifter runway to provide for a marine boat lifter operation instead of rebuilding the slipway, in recognition of the community service provided. The Lessee agreed to purchase and operate boat lifter equipment.
7. A condition of the works was that the Emu Point Progress Association surrenders the Head Lease allowing the City control over the operation and maintenance of the slipway and satisfactory negotiations with the Lessee in regard to future management of the slipway.
8. In July 2003 Council endorsed the surrender of the Head Lease to Emu Point Sporting Club Inc. and sub lease to the Russell's. A new lease was granted to Darren and Linda Russell over the existing areas of workshop and slipway commencing 1 August 2002 for a term of 12 years and 3 months, terminating 31 October 2014, with a further 10 year term option.
9. To satisfy Department of Transport requirements the City entered into the Emu Point Seabed Lease agreement with The Minister for Transport in June 2004, over an area of approximately 427m² for the purpose of maintaining the 40 tonne boat lifter runway. The annual fee is currently \$2,000 plus GST and currently paid by the City.
10. In response to a request from Darren and Linda Russell to lease an additional portion of land adjacent the rear of their existing lease premises, Council at its meeting on 19 October 2004 approved a new lease over 4517m² portion of land for a period of 9 years and 10 months commencing 1 January 2005, with a further 10 year term option.
11. Lease purpose being for the storage of marine craft and hardstand area associated with marine maintenance activities. (Lease area B). The term ensured the new lease expired concurrently with the existing lease Area A.
12. Current lease rent for Lease area B is \$5,067 plus GST per annum.
13. In May 2010, the Department of Lands excised an area of approximately 175m² from adjoining 'A' class Reserve 6862 and incorporated within Reserve 42964, allowing the Lessee access from the workshop (Lease area A) to the hardstand (Lease area B), without having to traverse the public car park.
14. Both current lease agreements expired 31 October 2014 and continue under holding-over.
15. The City currently has nine leases on the reserve consisting of five commercial leases and two community leases. All leases are associated with marine activities.

DISCUSSION

16. In response to the City's correspondence to the Lessee regarding their intentions for the further 10 year term option, the Lessee requested a new 10 plus 10 year term, allowing for twenty year term to secure longer tenure rather than exercising the option.
17. The Lessee is proposing to undertake improvements requiring a sizeable financial investment to upgrade facilities. The upgrade will insure compliance with current health and safety regulations and in turn better meet the needs of the local small commercial and pleasure boat owners. The longer term also provides the Lessee further confidence in the business investment proposal.

18. Proposed improvements include construction of a large shed located on existing Lease area B which will allow boat owners the option of working on their vessel undercover. This will ensure compliance with current environmental health and safety regulations for the application of paints and the sanding of boats.
19. The Lessee offers the boating community a wide range of services including boats built in wood, steel, aluminium and fibreglass; boat repairs, and boat surveying for insurance purposes.
20. Currently access from the workshop to the slipway traverses a public use area. To formalise this arrangement, a new licence agreement will be developed to protect all users of the area. A special condition of the licence will allow for the City to have the ability to review and impose conditions of use throughout the term for the purposes of providing public safety.
21. In addition to the payment of lease rent, it is proposed the Lessee will reimburse to the City the annual Department of Transport Emu Point Seabed Lease fee for the City's infrastructure (runway) to facilitate boat lifter operations, currently \$2,000 plus GST.
22. It is noted that the City has been in discussions with the Department of Transport regarding the option of transferring the management of the Emu Point Marina and Boat Pens to the Department. A proposal has been sent to the Department, however a formal response has not yet been received.

GOVERNMENT & PUBLIC CONSULTATION

23. The City sought comment from the Department of Transport who advised they have no objections to the proposed new lease and licence.
24. The Department of Lands will be consulted, as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Minister for Land's consent is obtained.
25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including lease land and buildings including advertising requirements. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease.
26. The new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

27. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land or create or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
28. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought.

29. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including lease land and buildings including advertising requirements. The proposed lease will be advertised.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>Renewal of lease is not approved – services to marine operators limited</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
Reputation & Financial: <i>If renewal of lease not approved – loss of rental income in the short term</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>

FINANCIAL IMPLICATIONS

34. All costs associated with the development, execution and completion of the Deed of Lease and Licence documentation will be met by the Lessee.

LEGAL IMPLICATIONS

35. The Deed will be prepared by the City's lawyers.

ENVIRONMENTAL CONSIDERATIONS

36. There are no environmental implications.

ALTERNATE OPTIONS

37. Council may:
- Approve the request for the new lease and licence, or
 - Decline the request.
38. Should Council decline the request, the Lessee may choose to take up the 10 year further term option and continue to occupy the lease areas.

SUMMARY CONCLUSION

- 39. Council is requested to consider a new lease and licence to Darren and Linda Russell to continue providing slipway and marine maintenance services over the area currently occupied on Reserve 42964, Emu Point Marina.
- 40. The Lessee has occupied the site since 2002 and invested in major infrastructure on the lease areas, with further development proposed.
- 41. It is recommended the new lease and licence be supported.

Consulted References	:	Council Policy – Property Management – Leases and Licences <i>Local Government Act 1995</i>
File Number (Name of Ward)	:	PRO314 & PRO345 Breaksea Ward
Previous Reference	:	OCM 18.06.2002 Item 12.2.6 OCM 20.05.2003 Item 12.2.2 OCM 15.07.2003 Item 12.2.3 OCM 19.10.2004 Item 12.2.5

CSF137: PROPOSED DISPOSAL OF 14 FLEMINGTON STREET, ORANA

Land Description : Lot 60 No 14 Flemington Street, Orana
Owner : City of Albany
Report Prepared by : Nikki Crook, Senior Lands Officer
Responsible Officer : Garry Adams, Deputy Chief Executive Officer

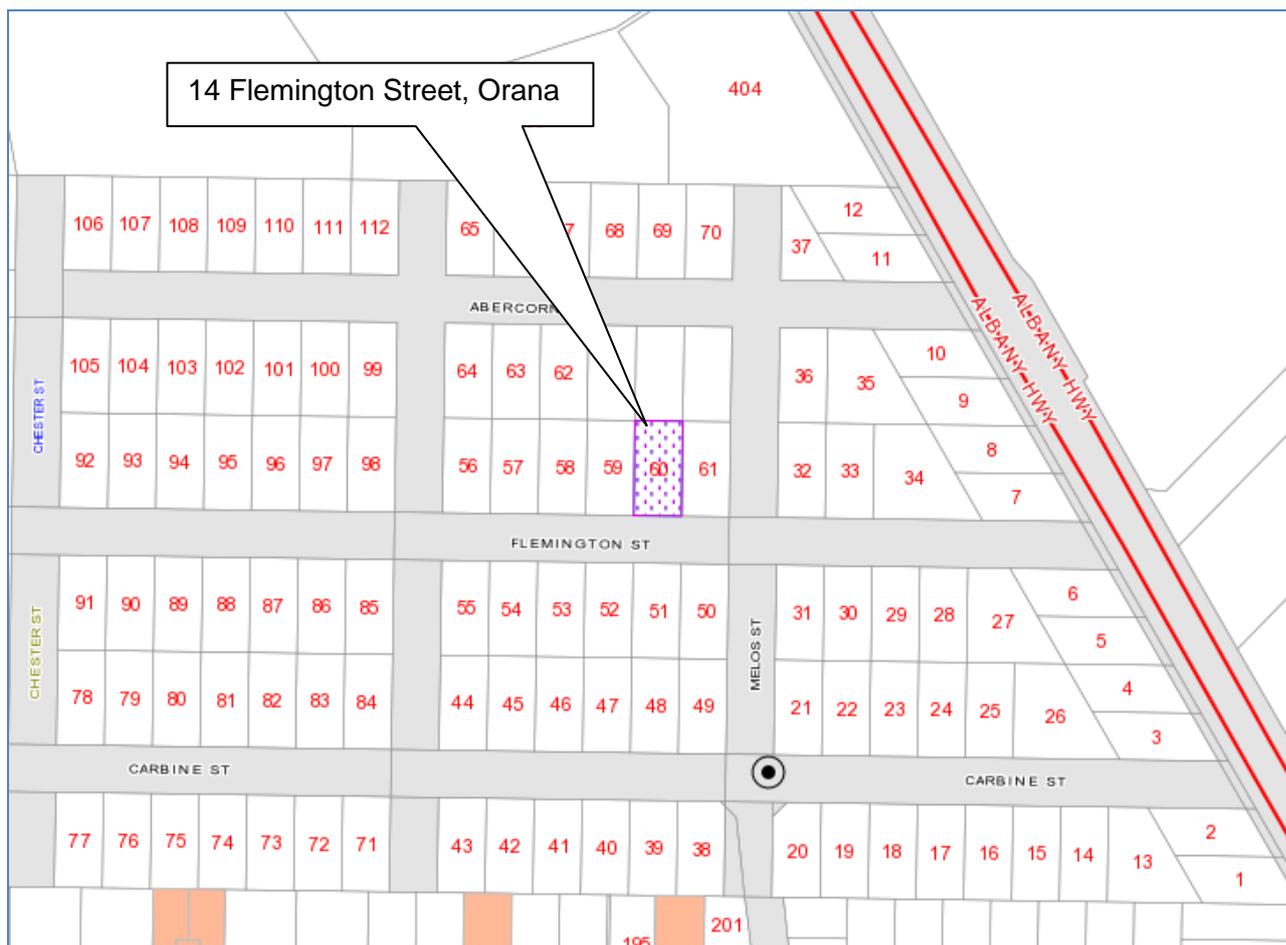
Responsible Officer’s Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2 Clean, Green & Sustainable
 - b. **Strategic Objective:** 2.2 To maintain and renew city assets in a sustainable manner
 - c. **Strategic Initiative:** 2.2.1 Deliver effective asset planning and delivery programs

Maps and Diagrams:



In Brief:

- The City's Land Asset Review identified 14 Flemington Street for further investigation, as it did not appear to be used for any purpose.
- These investigations have shown that 14 Flemington Street is surplus to the City's strategic and operational requirements. As such, the Council is requested to consider the disposal of this property.

RECOMMENDATION

**CSF137: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **SUPPORT the proposed sale of Lot 60 No 14 Flemington Street, Orana, ensuring that all future actions to enable this to occur comply with the requirements of the *Local Government Act 1995* and the Council's *Disposal of Council Land Policy*.**
2. **AUTHORISE the Deputy Chief Executive Officer to finalise all dealings on this matter, in the event that no public submissions are received during the public consultation period objecting to the proposed disposal of the land. If objections are received, a further item to Council will be required.**

CSF137: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CSF137: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. **SUPPORT the proposed sale of Lot 60 No 14 Flemington Street, Orana, ensuring that all future actions to enable this to occur comply with the requirements of the *Local Government Act 1995* and the Council's *Disposal of Council Land Policy*.**
2. **AUTHORISE the Deputy Chief Executive Officer to finalise all dealings on this matter, in the event that no public submissions are received during the public consultation period objecting to the proposed disposal of the land. If objections are received, a further item to Council will be required.**

BACKGROUND

2. In 2013, the City undertook a review of its land assets, including Crown Reserves managed by the City and land held in freehold title, in order to identify land which may be under-utilised or unused. The outcomes of this project were presented to a strategic workshop of Council held in November 2013.
3. This project identified land parcels that may be surplus to requirements or having some further development potential, with the view to undertaking more detailed investigations prior to making a decision about their future use. No 14 Flemington Street was one of these land parcels, though it was not given a high priority to further investigation.

DISCUSSION

4. The further investigations undertaken on No 14 Flemington Street have concluded as follows:
 - a. The subject land title is free from encumbrances;
 - b. The land is in close proximity to power, water, sewer, gas and telephone services. Connection to these services will be required as part of the future development of the land and would be the responsibility of the prospective purchaser;
 - c. The land is level, predominantly cleared and fenced, making it suitable for residential development. There are no known environmental issues with this site; and
 - d. Both the Planning Services and Works & Services divisions have advised that this land is not required for any City infrastructure purpose and the disposal of the land is supported.
5. No 14 Flemington Street is zoned 'Residential R25' under the City's Local Planning Scheme No 1. A minimum and average lot size of 300m² and 350m² is permitted under this density coding. No 14 Flemington Street has a total land area of 809m², making it a possible two grouped dwelling site.
6. An independent market valuation of the property has been undertaken by Opteon Property Group. This valuation amount will likely form the reserve price on any future tender process.
7. The valuer has noted that the rear fence line may be encroaching slightly on the subject land and it is recommended that a site survey be undertaken to confirm the boundaries of the site. This can be undertaken as part of the disposal process.

GOVERNMENT & PUBLIC CONSULTATION

8. No government or public consultation has been undertaken to date. Council's Policy *Disposal of Council Land* requires that the City advertise its intent to dispose of land prior to proceeding with the sale.
9. If Council supports the disposal of 14 Flemington Street, advertisements will be included in the local newspaper and adjoining owners will be notified directly. Should any objections be received on the proposed sale, a further item will be presented to Council to consider the submissions received.

STATUTORY IMPLICATIONS

10. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property. The Act requires the following:
 - a. A local government must dispose of property to the highest bidder at public auction or to the most acceptable tender made through public tender;
 - b. A local government can only dispose of property other than at public auction or tender if it first gives notice of the proposed disposal and Council considers any submissions made.

11. The subject land is zoned 'Residential R25' under the City of Albany *Local Planning Scheme No 1*. The *State Planning Policy 3.1 - Residential Design Codes* specify a minimum lot size of 300m² and an average lot size of 350m² be achieved within the R25 density coding.

POLICY IMPLICATIONS

12. The Council's Policy *Disposal of Council Land* applies to this proposal. This policy has a number of requirements that are relevant to this item, which are summarised as follows:
 - a. Council may decide to sell individual properties after considering the requirements of current strategic plans and when initiated by budget requirements, where Council determines that:
 - The land is surplus to Council's strategic requirements;
 - The land cannot be developed by Council to add value, due to the nature of the property or lack of resources;
 - The future value of the land is not predicted to significantly rise above normal property increases; and
 - A requirement for funding of projects is identified in the current business plan.

Comment: This land is considered to be surplus to Council's strategic requirements and is not required for any operational purpose. It is not expected that property prices in this area will significantly increase in the near future. It is considered to be a far lesser financial risk to sell this land for development by a prospective purchaser, rather than the City undertaking development of the land for future sale. The funds raised from this sale may be used for other more beneficial strategic land purchases.

- b. Before individual blocks may be sold, the following criteria must be observed:
 - The land must be appropriately zoned for the anticipated use of the property;
 - All matters relating to the development and servicing of the land shall be identified and made known to the selling agent;
 - All legal requirements such as easements and caveats must be identified and in place;
 - The boundary of the property shall be surveyed;
 - Land will not be sold for an amount less than a value provided by a licensed professional valuer;
 - Individual properties valued in excess of a Major Land Transaction will not be offered for sale until the requirements of the *Local Government Act 1995* are achieved.

Comment: The land is currently zoned Residential R25 and may be appropriately developed for residential purposes. Connection to services will be the responsibility of the prospective purchase as part of the future development of the land. The land will be surveyed prior to proceeding with the sale. This is not a Major Land Transaction as defined by the *Local Government Act 1995* (in excess of \$10,000,000). All requirements of this part can be achieved as part of the future sale of the land.

- c. Land which is capable of being independently developed will be sold by public auction or tender and the City will give local notice of its intention to sell. Properties which fail to sell at auction or tender may be sold by negotiation. The City may impose conditions on the sale of the property but will not accept any conditional purchase offers.

Comment: These requirements are noted and will be observed, should Council resolve to sell the land. Public tender would be the preferred option for the sale, to avoid the appointment of a selling agent that would then require the payment of a commission.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<u>Reputation</u> Possible public perception that Council land should be used for the provisions of services rather than financial gain.	Possible	Minor	Medium	Observe the public notification requirements of the Disposal of Council Land Policy and address any queries that might arise, making clear that the land is not suitable for any particular purpose and that the monies will be directed to other strategic initiatives that will serve a greater public benefit.

FINANCIAL IMPLICATIONS

- 14. There will be costs associated with the sale of this property, including the survey of the land, legal and settlement fees and possible boundary fencing relocation. It is expected, based on the land’s valuation that the net gain will be in the order of \$115,000 - \$120,000.
- 15. In line with Council Policy *Disposal of Council Land*, it is intended that the full amount of the net gain will be deposited into the City’s Land Acquisition Reserve.

LEGAL IMPLICATIONS

- 16. Should Council wish to sell the subject land, it must ensure that the legislative requirements of the *Local Government Act 1995* and Council’s *Disposal of Council Land Policy* are appropriately addressed.

ENVIRONMENTAL CONSIDERATIONS

- 17. There are no environmental considerations with this item.

ALTERNATE OPTIONS

18. Council may:
- a. Decide to sell 14 Flemington Street and redirect any funds gained to other strategic initiatives; or
 - b. Hold onto 14 Flemington Street for future disposal and continue maintaining this property in the meantime.

SUMMARY CONCLUSION

19. The subject land is currently unused and is not required for any future strategic or operational use by the Council.
20. The sale of this land could net the City approximately \$115,000 - \$120,000 in profits that could then be redirected to other strategic initiatives.
21. All requirements of the Local Government Act 1995 and Council's Disposal of Council Land Policy can be complied with provided that the land is offered for sale via public auction or tender. Public tender is the preferred option for the sale.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>City of Albany Local Planning Scheme No 1</i> <i>City of Albany Policy – Disposal of Council Land</i>
File Number (Name of Ward)	:	A115805
Previous Reference	:	No previous references

WS058: ALBANY CITY CENTRE: ALBANY CENTRAL BUSINESS DISTRICT (CBD) PARKING SCHEME PLAN

Land Description : Albany City Centre (Central Business District)
Attachments : Updated Albany Central Business District (CBD) Parking Scheme Plan
Report Prepared by : Co-ordinator Assets and Finance (S Pepper)
Responsible Officer : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
 - c. **Strategic Initiative:** 3.1.2. Parking and Traffic Modelling:

In Brief:

- Council consideration is sought to amend the current parking ground in the CBD.

RECOMMENDATION

WS058: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council SUPPORT the advertising of the revised CBD Parking Scheme Plan, and if no negative submissions are received, ADOPT the advertised CBD Parking Scheme.

WS058: RESPONSIBLE OFFICER RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS058: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council SUPPORT the advertising of the revised CBD Parking Scheme Plan, and if no negative submissions are received, ADOPT the advertised CBD Parking Scheme.

BACKGROUND

2. At the Ordinary Meeting of Council in August 2013, the City of Albany adopted the Albany Central Business District (CBD) Parking Scheme Plan.
3. The current scheme has been in place for over 12 months, and required only minor changes.

DISCUSSION

4. As recommended in the August 2013 Council item, the City should review its parking limits in the CBD annually to ensure that the scheme is providing optimal parking efficiency.
5. The minor changes recommended include –
 - a. Consolidating Parking Limits where practicable to reduce confusion and quantity of signage;
 - b. Update of parking plans in areas where capital projects have altered the layouts.
 - c. Reducing and consolidating some 15 minute bays.
6. The proposed changes seek to improve parking efficiency and where possible reduce the clutter and ambiguity introduced through excessive signage.

GOVERNMENT & PUBLIC CONSULTATION

7. The revised scheme will be advertised in the local newspaper with the changes highlighted in order to provide the required public notice.
8. Ongoing feedback has been received with respect to the current parking scheme and is considered and incorporated in the review.
9. Feedback has been sought from City Rangers.
10. Should there be comment on the proposed scheme reviewed scheme will be presented to Council to consider comments for final endorsement. Should there be no comment, or comments are not relevant then the scheme will be implemented.

STATUTORY IMPLICATIONS

11. The City may introduce parking schemes by resolution of Council under the City of Albany Parking and Parking Facilities Amendment Local Law 2012.

POLICY IMPLICATIONS

12. Following the adoption of the amended CBD Parking Scheme, minor amendments can be approved under delegated authority, however changes which involve the reduction of a parking limit, or relocation of parking limits need to be referred to Council.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Community: Ineffective parking restrictions may impact negatively on the public wishing to undertake business or are employed in the CBD.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Modify and review parking limits to provide for better parking efficiency in line with business and community feedback.</i>

FINANCIAL IMPLICATIONS

14. The recommended amendments will necessitate the changeover of some parking limit signs.
15. The costs are negligible and will be funded through the road maintenance budget.

LEGAL IMPLICATIONS

16. Any parking scheme amendments must be implemented in accordance with the City of Albany Parking and Parking Facilities Amendment Local Law 2012.
17. Once adopted by Council, public notice must be given prior to enforcement of new or amended parking limitations.

ENVIRONMENTAL CONSIDERATIONS

18. Nil

ALTERNATE OPTIONS

19. The City can elect to maintain the status quo in respect to parking limits.

SUMMARY CONCLUSION

20. In order to enforce changes to parking restrictions, Council needs consider and adopt the scheme plan amendments.

Consulted References	:	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Access & Inclusion Plan 2012-2017 City of Albany Parking and Parking Facilities Amendment Local Law 2012
File Number (Name of Ward)	:	CU.PRA.5 (Vancouver Ward)
Previous Reference	:	OCM 16.04.13 item 5.1; OCM 27.08.13 item WS004

WS059: NATURAL DISASTER RESILIENCE PROGRAM FUNDING – IMPLEMENTATION OF CITY OF ALBANY FIRE MANAGEMENT STRATEGIES (STAGE 1)

Land Description : Various land parcels managed by the City of Albany
Proponent : City of Albany
Owner : Crown land – management order City of Albany
Freehold land – owned by the City of Albany
Report Prepared by : Reserves Planning Officer (S Maciejewski)
Responsible Officer(s): : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2014-2018](#):
 - a. **Key Theme:** 2. Clean, Green & Sustainable.
 - b. **Strategic Objective:** 2.1. To protect and enhance our natural environment.
 - c. **Strategic Initiative:** 2.1.1. Deliver effective fire practices that reduce risk.

In Brief:

- Accept funding, if offered, as this project will allow for the temporary employment (i.e. 6 months) of a suitably qualified person to complement the existing City Reserves Team, who will focus on implementing the new *Fuel Management Strategies and Works Program (Stage 1)*.

RECOMMENDATION

WS059: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT:

1. Council NOTE that the City has applied for funding in the order of \$40,738, through the Natural Disaster Resilience Program for Implementing City of Albany Fuel Management Strategies (Stage 1), should the application be successful.
2. Should the application be successful that Council APPROVE the creation of a budget line item.

WS059: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS059: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. Council NOTE that the City has applied for funding in the order of \$40,738, through the Natural Disaster Resilience Program for Implementing City of Albany Fuel Management Strategies (Stage 1), should the application be successful.
2. Should the application be successful that Council APPROVE the creation of a budget line item.

BACKGROUND

2. The City of Albany submitted an application to the Natural Disaster Resilience Program in September 2014 for the *Implementing of City of Albany Fuel Management Strategies (Stage 1)*. An announcement of successful applications is not expected until late November or early December 2014.
3. The proposed project is scheduled to commence on 2 January 2015 and an offer of funding is not expected before late November 2014. Hence the timing of the Ordinary Council Meeting in December 2014 presents an issue with respect to getting the project underway. Therefore preliminary acceptance of this funding is sought.

DISCUSSION

4. In 2013, the City of Albany engaged a consultant (i.e. Strategen) to develop and produce the documents, *Bush Fire Hazard Mitigation Strategy* and *Reserves Fire Management Strategy*. These documents were finalised in June 2014.
5. In 2014, the City engaged another consultant (i.e. Working on Fire) to develop *Fuel Management Strategies and Works Program (Stage 1)* for those City managed or owned land identified as a priority in *Reserves Fire Management Strategy* (Strategen 2014). This document maps and recommends fuel management strategies that are required to bring these areas of land up to an acceptable fire-ready standard.
6. The City Reserves Team, while capable in this area, will not have sufficient staff time available to adequately address all the recommendations in these plans in a timely manner. In particular, assistance is required in the areas of liaising with adjacent land owners and managers, and the various service providers who have infrastructure on City managed land. In many cases, liaison is also required with community groups who have leases over land management by the City. The recommendations also include numerous new works that have to be progressed through the City environmental and heritage assessment processes.
7. This project involves employing a person to complement the existing City Reserves Team, who will focus on implementing the recently finalised *Fuel Management Strategies and Works Program (Stage 1)*.
8. The project must be completed by June 2015, subject to funding.

9. Notification of the potential confirmation of this funding is expected in late November / early December 2014. The necessary documentation will be tabled at the December Ordinary Council Meeting.

GOVERNMENT & PUBLIC CONSULTATION

10. The primary focus of this project is to consult with owners and managers of land adjacent to City of Albany land. It also involves consulting the various service providers (i.e. Western Power and Water Corporation) who have infrastructure on City of Albany land.
11. This project does not directly involve on-ground works.
12. Any on-ground works generated through this project will be considered for referral to the South West Aboriginal Land and Sea Council.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

14. There are no policy implications relating to this matter.

RISK IDENTIFICATION & MITIGATION

15. The risk identification and categorisation relies on the City’s [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety: <i>Public safety may be put at risk if appropriate resources are not applied, which would result from project not proceeding due to lack of funding. .</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City staff continue to work through highest risk areas as resources permit.</i>

FINANCIAL IMPLICATIONS

16. The City’s contribution to this project comprises in-kind staff time as project manager and supervisor of temporary employee, as well as \$25,000 monetary component from Reserves – Strategic Planning; Fire Management 14/15 budget.
17. If the funding is successful, it will require the employment of another reserves officer on a casual or contract basis to complete the work.

LEGAL IMPLICATIONS

18. There are no legal implications relating to this matter.

ENVIRONMENTAL CONSIDERATIONS

19. There are no on-ground works directly involved with this project. However, this project will generate on-ground works. All works as a result of this project, will, to the best of our abilities and knowledge, be undertaken in a manner as to minimise adverse impacts on environmental values.

ALTERNATE OPTIONS

20. The Council may elect to not accept the funding of \$40,738 from NDRP, subject to an offer of funding.

SUMMARY CONCLUSION

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

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

WS060: INSTALLATION OF SOLAR PANELS AT VARIOUS CITY OF ALBANY FACILITIES

Land Description : North Road Administration office, Daycare Centre, Library and Albany Leisure and Aquatic Centre
Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Assets Officer (M Holt)
Responsible Officer(s): : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2014-2018](#):
 - a. **Key Theme:** 2. Clean, Green & Sustainable
 - b. **Strategic Objective:** 2.2. To maintain and renew city assets in sustainable manner
 - c. **Strategic Initiative:** 2.2.3. Carbon Footprint

In Brief:

- In accordance with the City's objective of reducing its Carbon Footprint, investigations have been completed relating to the installation of solar panels on various buildings.
- North Road Administration Office, Daycare Centre, Library and Albany Leisure and Aquatic Centre are the largest consumers of energy. Council consideration is sought to install solar panels at these facilities.
- To enable the installation of solar panels, the City will be required to either source funds through the transfer of monies from its reserves or through a bank loan.

RECOMMENDATION

WS060: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (1) **PROCEED** with the installation of Solar Panels for North Road Administration Office and the Daycare Centre;
- (2) **APPROVE** the reallocation of \$148,000 from Building Restoration Reserve to fund this project ;
- (3) **ADOPT** the Solar Panel Installation Forward Plan, subject to future budget considerations.

WS060: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES

SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS060: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) PROCEED with the installation of Solar Panels for North Road Administration Office and the Daycare Centre;
- (2) APPROVE the reallocation of \$148,000 from Building Restoration Reserve to fund this project ;
- (3) ADOPT the Solar Panel Installation Forward Plan, subject to future budget considerations.

BACKGROUND

2. The Corporate Business Plan 2013 aims to make the City Clean, Green & Sustainable, by maintaining and renewing City assets in sustainable manner, and reduce our Carbon Footprint
3. The Carbon Footprint Reduction Strategy (2014) recommended an energy audit be conducted, which identified a number of City of Albany buildings that were among the lead consumers of energy within the City of Albany.
4. When researching cost effective initiatives to reduce energy consumption, Solar Panels were identified as a priority, as well as other energy efficiency options such as LED building lighting.
5. An independent contractor was sourced to evaluate the energy consumption of North Road Administration office for the past 12 months and submit recommendations in regards to size of solar unit and the number of solar panels required and other energy saving initiatives the City could employ.
6. Staff used this information and applied the same process to the Daycare Centre, Library and Albany Leisure and Aquatic Centre, to determine the size of solar unit and the number of solar panels required.

DISCUSSION

7. The Solar Panel options for the various buildings have been investigated and the following information collated to establish recommendations pertaining to size and number of units.

North Road Administration Office

8. The Consultants report is summarised as follows:
 - a. Energy consumption analysis from the previous 12 months identified approximately 992 units per day (5 days per week) which equates to the 2013/14 budgeted energy cost of \$75,000.

- b. To install Solar Panels to cover the total energy used per day, North Rd Administration would require 600 panel systems which would generate 150Kw of power. The building does not have sufficient the roof space to support this system, but can accommodate a maximum of 400-500 panels.
 - c. The City can install a 30Kw system comprising of 120 Solar Panels and 2 15Kw inverters, at a cost of \$87,000, with an opportunity to expand the units at a later date. The Administration building main meter will also require an upgrade via Western Power at a one off cost of \$1,000.
9. Council has entered into an Energy Sales Agreement - large use business plan with Synergy which covers the Airport, North Road Administration, Library and the Mercer Road Depot. This provides annual savings to the cost of electricity by agreeing to remain within the approved energy volumes. Should Council support the installation of Solar Panels on the North Road Administration Office, there would be no impact on the Energy Sales Agreement and the savings will continue.
 10. The estimated annual savings by utilising the Solar Panels has been projected at \$20,000 over a four year payback period after which only ongoing minor maintenance would apply. A Government rebate is applicable for a Small Scale Technology Certificate (STC's) of approximately \$19,000, and is available as either an upfront cash payment or as a price reduction (subject to the registered agent).

Daycare Centre

11. Energy consumption analysis from the previous 12 months has identified approximately 100 units per day (5 days per week) which equates to the 2014/15 budgeted energy cost of \$8,000.
12. It is recommended that the City install a 15Kw system comprising of 60 Solar Panels and one 15Kw inverter, at a cost of \$56,000, to maximise any potential energy savings. The main meter will also require an upgrade via Western Power at a one off cost of \$1,000.
13. The estimated annual savings by utilising the Solar Panels has been projected at \$18,000 over a three year payback period after which only ongoing minor maintenance would apply. A Government rebate is applicable for a Small Scale Technology Certificate (STC's) of approximately \$19,000, and is available as either an upfront cash payment or as a price reduction (subject to the registered agent).
14. The above information has been assessed by staff based on a similar process to the North Road Administration Office review and would require a consultant in the energy field to validate these assertions.

Library

15. Energy consumption analysis from the previous 12 months has identified approximately 520 units per day (6 days per week) which equates to the 2014/15 budgeted energy cost of \$41,000.
16. To install Solar Panels to cover the total energy used per day, the building would require 300 panel systems which would generate 80Kw of power. It has been assessed that the roof structure of this building cannot to support this system, but could accommodate approximately 120 Panels.
17. It is recommended that the City install a 30Kw system comprising of 120 Solar Panels and two 15Kw inverters, at a cost of \$87,000. The main meter will also require an upgrade via Western Power at a one off cost of \$1,000.

18. The estimated annual savings by utilising the Solar Panels has been projected at \$20,000 over a four year payback period after which only ongoing minor maintenance would apply. A Government rebate is applicable for a Small Scale Technology Certificate (STC's) of approximately \$19,000, and is available as either an upfront cash payment or as a price reduction (subject to the registered agent).
19. The above information has been assessed by staff, based on a similar process to the North Road Administration Office review and would require a consultant in the energy field to substantiate these assertions and any effects that it may have to the Energy Sales Agreement with Synergy.
20. There are some are some broader issues with the Library with respect to its condition and future potential for expanded usage. On this basis it may be prudent to delay this installation.

ALAC

21. Energy consumption analysis from the previous 12 months identified approximately 5,400 units per day (7 days per week) which equates to the 2013/14 budgeted energy cost of \$312,000.
22. The ALAC complex has large heating, ventilation and air conditioning (HVAC) units and lighting requirements that would require an integrated assessment by qualified personnel to determine the impact of any proposed installation of Solar Panels.
23. To ensure the installation of Solar Panels program is developed and managed in the most effective manner, it is recommended the City engage a consultant to prepare tender documentation with respect to any implications related to the Energy Sales Agreement, impact on the integrated systems should Solar Panels be installed, any expected annual savings, payback period and if the system is eligible for a Small Scale Technology Certificate rebate.
24. Other initiatives aimed to reduce energy consumption include a current funding application with Department of Sport and Recreation to convert current court lighting to LED and the replacement of HVAC units.
25. The above information has been assessed by staff, and would require a consultant in the energy field to substantiate these assertions and any effects that it may have to the Energy Sales Agreement with Synergy which will remain in place until 2017.

Forward Plan

26. It is recommended that the Solar Panel program be implemented over a number of financial years as these are new capital works projects that have not been included in the current 10 Year Forward Capital Works Plan. As ALAC is currently in the process of having the HVAC requirements reviewed, and the Library having issues with respect to some aspects of its condition and possible expanded use, it is recommended these facilities be considered for Solar Panels in future financial years.

Building	2014/15	2015/16	2016/17
North Road	\$79,000		
Daycare	\$56,000		
ALAC		Consultant- \$10,000	\$79,000
Library		Consultant- \$10,000	\$79,000

GOVERNMENT & PUBLIC CONSULTATION

27. Consultation with Government agencies and the community will occur as a component of this project.

STATUTORY IMPLICATIONS

28. Small-scale Renewable Energy Scheme.
29. Building Code of Australia - Building Act 2011.

POLICY IMPLICATIONS

30. The Environmental Policy has as an objective a commitment to evaluating and reducing the City's carbon footprint and the provision of practical strategies for carbon reduction, offsetting and / or sequestration.

RISK IDENTIFICATION & MITIGATION

31. The risk identification and categorisation relies on the City's [Enterprise Risk Management Framework](#).

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment Implications: <i>Negative impacts due to energy consumption increases along with carbon emissions.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>City staff continue to work toward best practise in individual areas.</i>
Financial implications: <i>If the re-allocation of funds is not approved the Solar Panel Installation Forward Plan cannot proceed</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>The existing Annual Budget would remain and proposed program would be delayed.</i>
Reputation: <i>CoA not seen to be committed to Clean, Green and Sustainable initiatives and its carbon footprint reduction strategy.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>City staff continue to work toward carbon footprint reduction initiatives within current budgetary limits.</i>

FINANCIAL IMPLICATIONS

32. The City has adopted its Long Term Financial Plan covering 2013/14 to 2022/23 last financial year, and for each subsequent year the various capital works projects are to be reviewed to ensure long term financial sustainability that will allow the aspirations of the community to be matched with the City's capacity to deliver these outcomes in a prudent and responsible manner.
33. As this Solar Panel program is not detailed in the Long Term Financial Plan it is recommended that Council seek funds from either its own reserves or a bank loan. The time frame to process a bank loan which included public advertising would be approximately 3 months. Staff have identified sufficient funds (\$148,000) being available in the Building Restoration Reserve, which can be accessed subject to Council approval.
34. It should also be noted, a Government rebate opportunity is currently available called a Small Scale Technology Certificate (STC's) rebate of approximately \$19,000 per unit installed. The rebate is currently applicable as either an upfront cash payment or as a price reduction (subject to registered agent).

LEGAL IMPLICATIONS

35. Nil

ENVIRONMENTAL CONSIDERATIONS

36. Installation of Solar Panels will assist with the reduction of fossil fuels used for power generation and there for reducing greenhouse gases and other air pollution emissions.

ALTERNATE OPTIONS

37. The City may support
- a. The installation of the Solar Panels on the North Road Administration Office and the Daycare Centre for inclusion in the 2015/16 budget deliberations.
 - b. The installation of Solar Panels on the Library and Albany Leisure and Aquatic Centre for inclusion in the 2016/17 budget deliberations
 - c. Not support the Solar Panels program and remain with current arrangements and energy consumption costs.

SUMMARY CONCLUSION

38. As per the City of Albany Corporate Business Plan 2014-18, recommendations on cost effective initiatives such as Solar Panels being installed on City of Albany buildings, staff have prepared recommendations for a Solar Panel installation program.
39. The largest energy consuming City buildings include North Road Administration office, the Daycare Centre, Albany Leisure and Aquatic Centre and the Library were identified
40. The installation of Solar Panels on these City facilities will allow the City to supplement its current energy consumption whilst using a clean green energy and therefore reducing the City's Carbon Footprint.
41. It is recommended that a qualified consultant be used to verify staff findings in relation to possible energy savings and payback periods on the City's buildings that have been identified for Solar Panels installation.
42. Approval is required to transfer funds from the City's reserves to fund installation of Solar Panels at North Road Administration office and the Daycare Centre.

Consulted References	:	Corporate Business Plan 2013, Environmental Council Action Plan, Carbon Footprint Reduction Strategy 2014
File Number (Name of Ward)	:	PS.COT.4
Previous Reference	:	Nil

PD064: CONSIDERATION OF MODIFIED DEVELOPMENT GUIDE PLAN FOR GENERAL INDUSTRIAL AREA IA2 – PENDEEN INDUSTRIAL ESTATE FOR THE PURPOSE OF REFERRAL TO THE WESTERN AUSTRALIAN PLANNING COMMISSION

Land Description : Multiple lots within General Industrial Area IA2
Proponent : Smithson Planning
Owner : Multiple owners
Business Entity Name : Multiple business entities
Attachments : 1. Modified Development Guide Plan report
: 2. Modified Development Guide Plan
Councillor Workstation : Nil
Report prepared by : Planning Officer (C McMurtrie)
Responsible Officer: : Executive Director Planning and Development
(D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. There are no strategic implications in relation to this item.

In Brief:

- A request has been submitted to Council to adopt a modified development guide plan for Pendeen Industrial Estate, which has been updated to reflect the existing subdivision layout and to remove the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road, for the purpose of referral to the Western Australian Planning Commission and public advertising, if necessary.
- City planning Staff support the proposal, as it is a more accurate depiction of the subdivision layout than the current plan, and there is no planning reason for the retention of the 'Landscape Area' described above.

RECOMMENDATION

**PD064: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **ADOPT the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission.**
2. **ADOPT the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of public advertising, should the Western Australian Planning Commission deem it necessary.**

PD064: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

PD064: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ADOPT the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission.
2. ADOPT the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of public advertising, should the Western Australian Planning Commission deem it necessary.

BACKGROUND

3. The modified Development Guide Plan for General Industrial Area IA2 has been prepared primarily to remove the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road. The plan also accurately reflects the existing subdivision layout.
4. When *Local Planning Scheme No. 1* was advertised for public comment, the proponent had lodged a submission on behalf of their client group, requesting the removal of the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.
5. City staff supported the submission in principle, although the Scheme review was not the appropriate process by which to adopt a modified Development Guide Plan. It was recommended to the proponent that a modified Development Guide Plan be lodged and assessed separately, following gazettal of the Scheme.

DISCUSSION

6. The original Development Guide Plan was read in conjunction with clause 5.23 *Elizabeth Street Special Industry Area* (now known as *IA2 Pendeen General Industrial Estate*) of former *Town Planning Scheme No. 3*, which stated that:

"Subdivision of the Elizabeth Street Special Industry Zone shall be generally in accordance with the Development Guide Plan endorsed by the Chief Executive Officer."
7. The eventual subdivision layout did not exactly mirror the original Development Guide Plan, owing to the wording of the relevant Scheme clause being "generally in accordance with", which permitted minor variations.
8. The modified Development Guide Plan incorporates an updated subdivision layout that accurately reflects these variations.
9. However, the primary reason for seeking to modify the Development Guide Plan is to remove the requirement for a 20m wide 'Landscape Area' across the southern extent of Lots 61, 62, 163 and 64 Pendeen Road.
10. When the original Development Guide Plan was prepared, Lots 7 and 8 Chester Pass Road lay immediately to the south of Lots 61, 62, 163 and 64 Pendeen Road. Lots 7

and 8 each had an area of approximately 1.6ha, were zoned 'Rural' and were each occupied by a single house and associated outbuildings. The 'Landscape Area' was placed over the southern extent of Lots 61, 62, 163 and 64 Pendeen Road in an attempt to mitigate any adverse effects that the development of future industries may incur on the occupants of Lots 7 and 8. These may have included, but not been limited to, visual impacts, noise and dust nuisance.

11. However, after the adoption of the original Development Guide Plan, Main Roads WA compulsorily purchase Lots 7 and 8 Chester Pass Road in order to develop stage one of the Albany Ring Road; namely Menang Drive. The construction of Menang Drive has led to the removal of all buildings on Lots 7 and 8 and a road verge measuring between 30m and 70m in width between the road and the back of Lots 61, 62, 163 and 64. The road verge has also been revegetated by Main Roads WA.
12. These changes have made the 'Landscape Area' redundant, because they have led to the removal of sensitive land uses adjacent to the industrial area and provided a wider landscaped area in the road verge than was provided on the lots. The removal of the 'Landscape Area' from the lots would also open up between 900 and 1400m² in useable space on each lot.
13. Overall, it is agreed that a more accurate depiction of the existing subdivision layout is beneficial and that the 'Landscape Area' is no longer required due to the changes on the adjoining land. Staff support these proposed changes to the Development Guide Plan and recommend that it is referred to the Western Australian Planning Commission for their assessment.

GOVERNMENT & PUBLIC CONSULTATION

14. No consultation is required at this stage. However, the affected landowners have been involved in the preparation of the modified Development Guide Plan and are supportive of the proposal. The Western Australian Planning Commission may require the plan to be advertised for public comment.

STATUTORY IMPLICATIONS

15. *Local Planning Scheme No. 1* contains various clauses that outline the process for the modification of a Development Guide Plan.
16. *Schedule 11 – Industrial Area IA2*, clause 1.1 states that:

“Subdivision of the land shall generally be in accordance with Development Guide Plan IA2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.”
17. Part 5.9.1.10 *Structure Plans and other Planning Instruments Adopted or Initiated under Previous Schemes* states that:

“5.9.1.10.1 Where, pursuant to the requirements of the former City of Albany Town Planning Scheme No. 1A or 3 (the “Previous Schemes”), a Structure Plan, Precinct Plan, Subdivision Guide Plan, Outline Development Plan, Detailed Area Plan or any similar instrument (a “Planning Instrument”) had been adopted and was operative at the date of the Gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Plan under this Scheme.”
18. Part 5.9.1.6 *Change and Departure from Structure Plan* states that:

- “5.9.1.6.1 The Local Government may adopt a minor change to or departure from a Structure Plan, if in the opinion of the Local Government, the change or departure does not materially alter the intent of the Structure Plan.
- 5.9.1.6.2 (a) The Local Government is to forward a copy of the minor change or departure to the Western Australian Planning Commission within 10 days from the date of adopting the minor change or departure.
- (b) If the Western Australian Planning Commission considers that the change or departure adopted by the Local Government under clause 5.9.1.6.1 materially alters the intent of the Structure Plan, the Commission:
- (i) May require the Local Government to follow the procedures set out in clause 5.9.1.5 in relation to the change or departure; and
- (ii) Is to notify the Local Government of this requirement within 10 days.”

19. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

20. Nil.

RISK IDENTIFICATION & MITIGATION

21. The following risk matrix is presented for consideration:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Organisation's Operations</p> <p><i>By not adopting the modified Development Guide Plan, the City risks complications arising in the assessment of future subdivision and development applications, as a result of the variance between the original Development Guide Plan and actual subdivision layout and the retention of a redundant 'Landscape Area'.</i></p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>By adopting the modified Development Guide Plan, which accurately depicts the existing subdivision layout and removes the redundant 'Landscape Area'.</i>

FINANCIAL IMPLICATIONS

22. Nil.

LEGAL IMPLICATIONS

23. Nil.

ENVIRONMENTAL CONSIDERATIONS

24. The subject lots are located approximately 6.9km north of Albany town centre. The lots on the Industrial Estate range in area from approximately 4000m² to 4.2ha. They cover a cleared hillside that slopes gently downward to the east and north-east, toward Chester Pass Road. Many of the lots are already developed with large industrial buildings, silos and hardstands for the storage of vehicles, materials and equipment.

25. Lots 61, 62, 163 and 64 occupy the land immediately north of the Menang Drive alignment, between Copal Road and Chester Pass Road. They range in area from 6000m² to 1.23ha and all slope gently downward from west to east. Lot 61 is developed with a large workshop surrounded by hardstand with a smaller shed toward the south-eastern corner of the lot. The southern extent of the lot is occupied by a small stand of trees and a grassed area which is form the present 'Landscape Area'. Lots 62 and 163 are currently occupied by the same business, with Lot 62 used for the storage of plant and equipment, while Lot 163 is developed with a large workshop and hardstands. Lot 64 is currently vacant and bounded on its southern and eastern extents by a belt of trees forming the 'Landscape Area'.

ALTERNATE OPTIONS

26. Council has the following alternate options in relation to this item, which are:

- To adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission, subject to modification; or
- Not to adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission.

SUMMARY CONCLUSION

27. It is recommended that Council adopt the modified Development Guide Plan for General Industrial Area IA2 – Pendeen Industrial Estate for the purpose of referral to the Western Australian Planning Commission and public advertising, should it be deemed necessary, as the proposal offers a more accurate depiction of the subdivision layout than the current plan and removes the 'Landscape Area' from the southern extent of Lots 61, 62, 163 and 64 Pendeen Road, which is now considered redundant, owing to the construction of Menang Drive.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2010 3. City of Albany Strategic Community Plan 2023 4. City of Corporate Business Plan 2013-2017 5. WA Planning Commission (WAPC) Statement of Planning Policy (SPP's) SPP1
File Number (Name of Ward)	:	
Previous Reference	:	Nil

PD065: PLANNING AND BUILDING REPORTS NOVEMBER 2014

Proponent : City of Albany
Attachment : Planning and Building Reports November 2014
Responsible Officer(s): : Executive Director Planning & Development Services
(D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD065: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Planning and Building Reports for November 2014.

**LEMC005: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE**

Proponent : City of Albany
Attachment : LEMC Minutes
Responsible Officer Executive Director Planning and Development (D Putland)

Responsible Officer(s):



In Brief:

- Confirmed Minutes of the LEMC meetings held on:
 - 21 August 2014;
 - 18 September 2014;
 - 9 October 2014; and
 - 23 October 2014are now presented to Council to be received.

RECOMMENDATION

**LEMC005: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the confirmed minutes of the Local Emergency Management Committee meetings held on:

- 21 August 2014;
- 18 September 2014;
- 9 October 2014; and
- 23 October 2014

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
 15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil.**
 16. **REPORTS OF CITY OFFICERS Nil.**
 17. **MEETING CLOSED TO PUBLIC**
- CSF138: RENEW SENIOR EMPLOYEE CONTRACT-EXECUTIVE DIRECTOR PLANNING AND DEVELOPMENT-CONFIDENTIAL
18. **CLOSURE**