

AGENDA

**For the Ordinary Meeting of Council
To be held on
Tuesday 16 July 2013
6.00pm
City of Albany Council Chambers**

CITY OF ALBANY STRATEGIC PLAN (2011-2021)

The City of Albany Strategic Plan was adopted by Council on 16 August 2011 and is available at www.albany.wa.gov.au

The Plan states our vision and values as:

VISION

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

VALUES

The values of the City of Albany apply to elected members and staff who commit to:

- Results
- Ethical behaviour
- Accountability
- Leadership

ORDINARY COUNCIL MEETING
AGENDA – 16/07/2013
** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

II. OPENING PRAYER

“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.”

ITEM 2.0: MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Standing Order 3.1 be SUSPENDED to allow recording of proceedings.

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

ITEM 3.0: MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

The Mayor’s Report be RECEIVED.

IV. RESPONSE TO PREVIOUS UNANSWERED QUESTIONS FROM PUBLIC

V. PUBLIC QUESTION AND STATEMENT TIME

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

VI. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor Wellington

Mayor

Councillors:

Breaksea Ward

R Hammond

Frederickstown Ward

C Dowling

Frederickstown Ward

G Stocks

Kalgan Ward

C Holden

West Ward

D Dufty

West Ward

G Gregson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

G Foster

Executive Director Planning

& Development Services

D Putland

Executive Director Works & Services

M Thomson

Executive Director Corporate Services

G Adams

Executive Director Community Services

C Woods

Minutes

C Crane

Apologies:

Yakamia Ward

A Hortin JP (Leave of Absence)

Vancouver Ward

S Bowles (Leave of Absence)

Vancouver Ward

D Bostock (Leave of Absence)

Kalgan Ward

Y Attwell (Leave of Absence)

Breaksea Ward

V Calleja (Leave of Absence)

VII. APPLICATIONS FOR LEAVE OF ABSENCE

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: MOTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 18 June 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

ITEM 8.0: MOTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 25 June 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

ORDINARY COUNCIL MEETING
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IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest

- X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS
- XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS
- XII. ADOPTION OF RECOMMENDATIONS EN BLOC

RISK MANAGEMENT FRAMEWORK

The City of Albany Organisational Risk Management Framework, which will be used as a Reference Document for the “Risk Identification and Mitigation” Section for all Papers in the Agenda, has been previously distributed to all Elected Members.

1.1: AUDIT AND FINANCE COMMITTEE

Proponent : City of Albany
Attachment :

- Confirmed Minutes of the Audit and Finance Committee Meeting held on 10 June 2013.
- Draft Long Term Borrowing Policy

Responsible Officer : Chief Executive Officer (G Foster)

**ITEM 1.1: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT : SIMPLE MAJORITY**

THAT the CONFIRMED minutes of the Audit and Finance Committee meeting held on 10 June 2013, as previously distributed, be RECEIVED

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1.1.1: GOVERNANCE COMMITTEE

Proponent	:	City of Albany
Attachment	:	Confirmed Minutes of Governance Committee Meeting held on 10 June 2013, and Special Governance Committee Meeting held on 5 June 2013.
Responsible Officer(s)	:	Chief Executive Officer (G Foster)

ITEM 1.1.1: COMMITTEE RECOMMENDATION 1**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the CONFIRMED minutes of the Special Governance Committee Meeting held on 5 June 2013, be RECEIVED.

ITEM 1.1.1: COMMITTEE RECOMMENDATION 2**VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the CONFIRMED minutes of the Governance Committee Meeting held on 10 June 2013, be RECEIVED.

1.1.2: MARKETING ALBANY COMMITTEE

File Number (Name of Ward) : CS.MEE.7
Proponent : City of Albany
Appendices : Minutes of the Marketing Albany Committee 5 March 2013
Responsible Officer : Executive Director Community Services (C Woods)

IN BRIEF

- Receive the minutes of the Marketing Albany Committee.

ITEM 1.1.2: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

The **CONFIRMED** minutes of the Marketing Albany Committee meeting held on 5 March 2013, be **RECEIVED**.



**MARKETING ALBANY COMMITTEE
MINUTES**

For the meeting held from 3.30pm to 5.30pm on Tuesday 05 March 2013,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: CS.MEE.7/AM1329253)

1.0 ATTENDANCE

Councillors:	
Mayor Dennis Wellington	Mayor
Councillor Alan Hortin	Council Member
Councillor Greg Stocks	Council Member
Councillor Chris Holden	Council Member
Committee Members:	
Gaynor Clarke	Community Member Business Representative
Cameron Syme	Community Member Tourism Representative
Graham Harvey	ACCI Representative
Russell Pritchard	GSDC Representative (Bruce Manning proxy)
Staff:	
Cameron Woods	Executive Director, Community Services
Matthew Bird	Manager, Tourism Development & Services
Apologies/Leave of Absence:	
Graham Foster	Chief Executive Officer
Jodie Sounness	Community Member Tourism Representative
Simon Lyas	RDA Representative
Rod Harris	Community Member
Councillor Vince Calleja	Council Member

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.0: COMMITTEE RESOLUTION

**MOVED: Alan Hortin
SECONDED: Cameron Syme**

THE UNCONFIRMED MINUTES OF THE MARKETING ALBANY COMMITTEE MEETING HELD ON THE 6 NOVEMBER 2012 AS PREVIOUSLY DISTRIBUTED BE CONFIRMED AS A TRUE AND ACCURATE RECORD OF PROCEEDING.

CARRIED 8-0

3.0 DISCLOSURE OF INTEREST

NIL

4.0 ITEMS FOR DISCUSSION

4.1 CITY OF ALBANY (COA) DRAFT STRATEGIC COMMUNITY PLAN FOR MAC FEEDBACK:

CoA Facilitator of Strategy and Improvement, Stephen Grimmer presented summary version of the City's approach to Integrated Strategic Planning framework. SG provided snapshot on the five main areas of focus:-

- Smart Prosperous and Growing
- Clean Green and Sustainable
- A Connected Built Environment
- A Sense of Community
- Civic Leadership

SG outlined planning framework of how the Community Consultation Plan relates to the City's Corporate Plan and the need for underlying 10 year financial plan and asset management plans.

CS discussed asset management ratios, if strategies are in place and that he would be interested to read background plans and strategies. SG advised that these are currently being developed.

DW provided background statistics on relevant population trends and how these are instructing the planning process.

GC asked how the 2011-2016 Strategic Plan now fits in the broader planning framework.

4.2 COA'S ECONOMIC DEVELOPMENT STRATEGY AND VISITOR DESTINATION STRATEGY WITHIN THE BROADER CITY'S APPROACH TO INTEGRATED PLANNING FRAMEWORK:

MB outlined how the City's Economic Development and Tourism Strategies fit within the City's Integrated Planning Framework process under the "Smart, Prosperous and Growing" focus. MB commented on how expectations must fit with available City resources.

4.3 ITEMS 4.3 TO 4.9:

CS presented power point on a number of issues. CS distributed copies of presentation to MAC members with request for content to remain confidential.

- CS outlined his previous experience in strategic development.
- Provided summary of positive outcomes emanating from MAC activities.
- Provided update on Australia's South West (ASW) Regional Tourism Organisation (RTO) activities and his role as Chair of this RTO. Report included findings on ASW strategic planning review and differences between the various ASW local tourism associations.
- Identified regional issues facing the Great Southern region and opportunities for building tourism.
- Outlined model for a sustainable sub regional tourism organisation or local tourism organisation (LTO) that could best fit Albany and surrounding tourism region.

AGENDA ITEM 1.1.2 REFERS

- Identified opportunities for activity based economic development as immediate to short term priorities. Identified “low hanging fruit” opportunities that should be investigated including events and special interest promotion to mountain biking, adventure sports and kite surfing.
- Identified opportunity to stage an annual Great Southern Strategic Planning event in partnership with other agencies such as ACCI, GSDC and other LGAs.
- Marketing what we have, key strategies include revitalising existing events and attractions such as Albany Classic car event, Mountain Biking, Adventure tag positioning, royalties for regions funding of The Gap upgrade. Who is championing these activities? CS stressed importance to grab opportunities and to continue to work in a collaborative manner.

GH agreed that capturing research data is a major problem and challenge. CS highlighted that ASW were piloting a visitor research program with Albany Visitor Centre.

GH raised that viewing platform plans had already been developed by HH Architects as a potential high value visitor attraction. GH also raised issues with current visitor signage.

AH suggested one of the unique parts of Albany is the ANZAC theme and we should investigate ways to leverage on this.

CS added that he had made representations to Eventscorp to get continued funding of the GS component of PIAF.

CH questioned who the presentation was compiled for and asked for more history on the LTO model concept. GH stated the LTO concept was first explored by the ACCI some 3 years ago. DW referenced history of industry based tourism associations in Albany back to the mid 1980's and highlighted that financially sustainable business assets were the key to the proposed LTO model. GC suggested visitor centres are key assets.

DW highlighted that the City would need confidence in any new LTO structure before considering any potential divesting of assets however the City would be keen to keep investigating these options and the City will keep working closely with CS to develop these concepts.

ITEM 4.3 TO 4.9: MOTION

**MOVED: CR CHRIS HOLDEN
SECONDED: CR GREG STOCKS**

**THAT CAMERON SYME PRESENTS THE PROPOSED LTO MODEL FOR COUNCIL
CONSIDERATION.
CARRIED 8-0**

4.10 2013 ALBANY HOLIDAY PLANNER

GC provided feedback on most recent holiday planner, questioned communication and release timing for publication.

MB responded that publication was totally revamped and although timing dates were exceeded the publication has been well received. The aim is to release next edition publication in October/November and City will also use ACCI input to assist with planning process.

4.11 ANZAC UPDATE

DW provided an update on ANZAC activities including visits from Federal and State government politicians. Event format for November 2014 is still being developed however a 5 year program 2014-2018 is planned to cover ANZAC linkages to Albany.

CS stated the need to get clarity on the different committee structures being proposed for the events and building projects.

4.12 ENTRY SIGNAGE PROPOSAL

MB tabled initial discussion with service provider to supply a large roadside billboard facing Albany Highway on Airport land. City would be provided with one side free of charge, proponent sells advertising space on other subject to content approval from City. Discussion included identifying additional entry signage opportunities and the potential for a future LTO to gain revenue dollars.

ACTION: MB TO FURTHER INVESTIGATE.

4.13 JS referred TOR attendance – Jodie asked if she will remain a committee member.

ITEM 4.13: MOTION

**MOVED: CAMERON SYME
SECONDED: GRAHAM HARVEY**

**THAT RESPONSE TO JODIE SOUNNESS QUESTION BE DEFERRED.
CARRIED 8-0**

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

- 5.1 City's Integrated Planning Framework approach**
- 5.2 ANZAC update**
- 5.3 Visitor Signage**

6.0 GENERAL DISCUSSION

- 6.1** GH provided update on the proposed Campervan and Motorhome Club of Australia (CMCA) event scheduled for October 2015. GH and VC met with CMCA event organisers. VC has been nominated as the local representative. Regular updates are to be provided.
- 6.2** Great Southern Tourism Advisory Committee (GSTAC) - CS offered to assist in the preparation of a potential Tourism MOU between the three LGAs of Albany, Denmark and Plantagenet.
- 6.3** GH notified all that this would be his last meeting, next meeting will be attended by his replacement Russel Clarke, ACCI CEO.

DATE OF NEXT MEETING

16 May 2013 (this was rescheduled to 30 May)

7.0 CLOSURE OF MEETING

Meeting Closed at 5.10pm

CONFIRMED: CHAIRPERSON _____ DATE: ____/____/____

1.1.3: AIRPORT EMERGENCY COMMITTEE

File Number (Name of Ward) : CS.MEE.2
Proponent : City of Albany
Appendices : Minutes of the Airport Emergency Committee 5 March 2013
Responsible Officer : Executive Director Community Services (C Woods)

IN BRIEF

- Receive the minutes of the Airport Emergency Committee.

ITEM 1.1.3: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

The CONFIRMED minutes of the Airport Emergency Committee meeting held on 5 March 2013, be RECEIVED.



AIRPORT EMERGENCY COMMITTEE

MINUTES

For the meeting held from 10.00am to 11.00am on Thursday 21 March 2013,
In the Albany Leisure and Aquatic Centre, City Office, Barker Road, Albany

(File Ref: CS.MEE.2/AM1329711)

1.0 ATTENDANCE

Councillors:	
Councillor Gerry Gregson	Councillor (Chair)
Committee Members:	
Peter McLean	Western Australian Police
Roma Boucher	Department of Child Protection (Moray McSevich – Director)
Fiona Berger	Albany Regional Hospital
Sheryn Prior	State Emergency Services (SES)
Jason Ballhom	Bureau of Meteorology
Barbara Marquand	Albany Regional Hospital
Hamish Wight	Airport Hangar Leasees
Staff:	
Matthew Bird	Manager, Tourism Development Services
Anna Page	Airport Reporting Officer
Brian Pickford	Coordinator Emergency Management and Community
Stuart Jamieson	Manager Compliance and Community Safety
Apologies/Leave of Absence:	
Cameron Woods	Executive Director, Community Services
Stacey Abbott	St John Ambulance Service
Garry Turner	Senior Fire Safety Officer
Steve Johnson	Skywest Airlines Rep
Malcolm Mallaby	Main Roads Department
Kevin Parsons	Department of Fire and Emergency Services (DFES)
Chris Roberts	Office of Transport & Security

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.0: DRAFT COMMITTEE RESOLUTION

**MOVED: PETER MCLEAN
SECONDED: GERRY GREGSON**

THE UNCONFIRMED MINUTES OF THE AIRPORT EMERGENCY COMMITTEE MEETING HELD ON 5 DECEMBER 2012 AS PREVIOUSLY DISTRIBUTED BE CONFIRMED AS A TRUE AND ACCURATE RECORD OF PROCEEDINGS.

CARRIED 7/0

3.0 DISCLOSURE OF INTEREST

NIL

4.0 ITEMS FOR DISCUSSION

4.1 AIRPORT SECURITY

- 4.1.1 Airport Security Committee; City Officer Matt Bird provided an update on the formation of new Airport Security Committee (ASC). ASC to meet every 6 months and a requirement of Albany becoming a security controlled airport.
- 4.1.2 Office of Transport Security Perth Workshop; Senior Airport Reporting Officer (SARO) Anna Page reported to AEC on recent Office of Transport Security workshop held in Perth. Items included update by OTS on latest security threats facing aviation industry and discussion of regional airport issues.

4.2 AIRPORT CAPITAL WORKS UPDATE

Matt Bird provided update on planned capital works for airport. Works can be divided into two main sections;

- 1. Upgrade and extensions to the current passenger terminal to enable the housing of additional x-ray machine for checked baggage. Upgrades will be necessary if Albany is to move from category 4 to Category 3 security controlled airport.
- 2. Jet compliance works to be undertaken to main runway. This includes extensions to Runway Emergency Stopping Areas (RESAs), hardening of runway shoulders and realignment of runway lighting.

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

NIL

6.0 GENERAL DISCUSSION

- 6.1 Anna Page highlighted that different aircraft have specific rescue charts. Anna Page to compile a folder of specific charts for most aircraft using Albany Airport. Brian Pickford suggested keeping two copies of folder so that one can be handed to emergency agencies/response crew on arrival at an incident.
- 6.2 Hamish Wright indicated he had spoken to DFES to investigate opportunity for response crews to perform an inspection of F100 aircraft when on ground.
- 6.3 Brian Pickford raised potential of using old Bureau of Meteorology building as a disaster recovery centre. Matt Bird indicated airport management were open to this concept however emergency response grant funding would need to be identified.

7.0 DATE OF NEXT MEETING

12 June 2013

8.0 CLOSURE OF MEETING

Meeting Closed at 11:00am.

CONFIRMED CHAIRPERSON: Gerry Gregson DATE: 12/6/2013

1.1.4: SENIORS COMMITTEE

File Number (Name of Ward) : CR.MEE.2
Proponent : City of Albany
Appendices : Minutes of the Seniors Committee 21 March 2013
Responsible Officer : Executive Director Community Services (C Woods)

IN BRIEF

- Receive the minutes of the Seniors Committee.

ITEM 1.1.4: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

The CONFIRMED minutes of the Seniors Committee meeting held on 21 March 2013, be RECEIVED.



SENIORS COMMITTEE

MINUTES

For the meeting held from 9.30am to 10.30am on Thursday 21 March 2013,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: CR.MEE.2/AM1329319)

1.0 ATTENDANCE

Councillors:	
Councillor Don Dufty	Council Member and Chair
Councillor Alan Hortin	Council Member
Committee Members:	
Ms Middy Dumper	Community Member
Mr Ken Ewers-Verge	Community Member
Mr John Slattery	Community Member
Staff:	
Cameron Woods	Acting Executive Director, Community Services
Adam Cousins	Manager, Cultural and Community Development
Rani Param	Community Development Officer
Apologies/Leave of Absence:	
Ms Esme Justins	Community Member
Mr Michael Calton	Community Member

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

<p>ITEM 2.0: DRAFT COMMITTEE RESOLUTION</p> <p>MOVED: CR HORTIN SECONDED: MR SLATTERY</p> <p>THE UNCONFIRMED MINUTES OF THE SENIORS COMMITTEE MEETING HELD ON 20 NOVEMBER 2012 AS PREVIOUSLY DISTRIBUTED, BE CONFIRMED AS A TRUE AND ACCURATE RECORD OF PROCEEDINGS.</p> <p style="text-align: right;">CARRIED 5-0</p>

3.0 DISCLOSURE OF INTEREST

NIL

4.0 ITEMS FOR DISCUSSION

4.1 FUTURE MEETING STRUCTURE, MEMBERSHIP AND TERMS OF REFERENCE

Mr Woods informed the Committee that following the adoption of the City's integrated planning framework, it was likely that the committee structure would be streamlined to align with the proposed five key focus areas in the 10 year Community Plan. This would mean the folding of the Seniors Committee into a broader committee focusing on community outcomes..

Mr Woods suggested that Committee members should prepare for this by identifying one or two key issues for seniors which can be driven by this new committee. Mr Woods further advised that as per the previously agreed terms, the Seniors Committee could continue to meet, but these meetings would not be supported by City staff, nor would they constitute formal Council committee meetings.

Discussion included the potential loss of focus from seniors issues, the loss of genuine seniors representation to Council, and the potential for the Seniors Committee to influence any committee restructure by the City. There was also discussion about the change of meeting schedule back to quarterly, and the change of day of meetings from Tuesdays to Thursdays.

Mr Slattery proposed that the Committee work with City staff to develop a mechanism for handling the Seniors Committee structure, meeting schedule and Terms of Reference in the short term. All agreed.

4.2 MEETING SCHEDULE

Cr Dufty advised that Thursdays were unsuitable for both himself and Mr Calton due to other commitments. An official change to the meeting day would need to be confirmed by Council. Mr Slattery requested that the meetings be returned to monthly, however it was noted that the Committee can continue to meet outside the official schedule, and that these meetings would not be attended by City staff.

It was agreed that the Committee would next meet in April on the Tuesday morning of OCM. This meeting would not be attended or supported by City staff.

4.3 AGE-FRIENDLY COMMUNITIES STRATEGY

Mr Slattery tabled a draft motion he had prepared requesting Council adopt an Age-Friendly Communities Strategy. All agreed with the motion, and it was further agreed to put this motion to Council.

4.4 NORTH ROAD CROSSING

Mr Slattery tabled a draft motion he had prepared requesting Council provide a meaningful and constructive explanation about what action is intended to provide a safe pedestrian crossing on North Rd.

Mr Cousins raised concern about the tone of the motion, and that there were assumptions in the motion which did not accurately reflect the advice provided by City staff.

Mr Cousins read correspondence from the Executive Director of Works and Services to Mr Woods providing an overview of planning being undertaken regarding North Rd.

The Committee agreed with the motion, and it was further agreed to put this motion to Council.

4.5 UPDATE ON EXTERNAL PROJECTS (UWA School of Gerontology & GSDC Active Ageing Research)

Mr Slattery advised that UWA has appointed a health economist who will present a study to the UWA committee at the end of May. The GSDC project is still waiting approval, which is subject to appointment of ministers following the recent state election.

4.6 COMMITTEE PUBLICITY

It was agreed to defer this item until the Committee structure, meeting schedule and Terms of Reference had been finalised.

4.6 SENIORS DIRECTORY

Ms Param advised that she had requested a budget allocation for 2013/14 to undertake an update of the directory, however this would be subject to Council approval.

4.7 FUTURE ISSUES FOR CONSIDERATION

No issues were raised for consideration.

4.8 DRAFT STRATEGIC COMMUNITY PLAN

Ms Param advised that in order to comply with state government legislation, the City was required to integrate its community, asset management, financial management and workforce development planning with operational and business planning. This required the City to adopt a Strategic Community Plan which has been drafted following community consultation undertaken when drafting the current Strategic Plan.

The draft Plan is available for public comment and can be accessed via the City's website. Ms Param tabled a snapshot of the draft Plan outlining key focus areas and objectives for the next 10 years. She encouraged members to provide feedback through the online survey accessible from the City's homepage.

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETING

- Committee structure, membership, terms of reference in the short term.

6.0 GENERAL DISCUSSION

NIL

7.0 DATE OF NEXT MEETING:

The next official Committee meeting is scheduled for Thursday 20th June at 9.30am in the City of Albany Civic Rooms.

The next unofficial Committee meeting is scheduled for Tuesday 16th April at 9.30am at a venue to be arranged by Chair. No City staff will be in attendance at this meeting.

8.0 CLOSURE OF MEETING

The Chair closed the meeting at 10.30am.

CONFIRMED CHAIRPERSON:



Date: 25-6-13

1.2: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS

Responsible Officer : Chief Executive Officer (G Foster)
Attachments : Common Seal Report

IN BRIEF

- Receive the Common Seal Reports for June 2013, which include decisions made by Delegated Authority

**ITEM 1.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Common Seal Report for June 2013 be RECEIVED.

NCSR1331105 GS.PRG.49

COPY OF COMMON SEAL

ITEM: 4.6 OCM: 15.3.11

RE: GRANT AGREEMENT FOR CLGF 2012-2013 INDIVIDUAL ALLOCATION NORTH

ROAD AND BARNESBY DRIVE FLOOD MITIGATION INFRASTRUCTURE UPGRADE

PARTIES: CITY OF ALBANY AND DEPARTMENT OF REGIONAL DEVELOPMENT AND

LANDS

SIGNED BY MAYOR AND A/CEO G ADAMS 2 COPIES

NCSR1331206 141731

COPY OF COMMON SEAL

ITEM: N/A OCM: N/A

RE: SECTION 70A NOTIFICATION FOR SUBDIVISION APPROVAL 141371 ON LOT 150

AND LOT 151 ON DP 400002M LOT 9 BURGOYNE ROAD

PARTIES: CITY OF ALBANY AND ANTONIO RONDONI AND ALIDA RONDONI

SIGNED BY MAYOR AND CEO G FOSTER 1 COPY

NCSR1331207 141878

COPY OF COMMON SEAL

ITEM: N/A OCM: N/A

RE: SECTION 70A NOTIFICATION FOR SUBDIVISION APPROVAL 141878, LOT 159

SYDNEY STREET

PARTIES: CITY OF ALBANY AND HARRY DE JONGE, MARIJKE DE JONGE

SIGNED BY MAYOR AND CEO G FOSTER 1 COPY

NCSR1331286 PE.COT.4

COPY OF COMMON SEAL

ITEM: 1.1 OCM: 18.09.11

RE: CONTRACT FOR C13006 PROVISION OF SUPPORT SERVICES FOR NATURAL RESERVES

PARTIES: CITY OF ALBANY AND GREEN SKILLS INC TRADING AS GREEN SKILLS

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331287 AMD315

COPY OF COMMON SEAL

ITEM: 2.4 OCM: 21.05.13

RE: MODIFICATION FOR SUBDIVISION GUIDE PLAN FOR SPECIAL RURAL ZONE

AREA - LOT 115 FORSYTH GLADE, KRONKUP

PARTIES: CITY OF ALBANY AND S J NEVILL AND AL IRELAND

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331331 PRO381

COPY OF COMMON SEAL

ITEM: 4.3 OCM: 20.09.11

RE: PAGING SITE LICENCE FOR VODAFONE OVER PORTION OF RESERVE 2681, MT MELVILLE LOOKOUT, ALBANY

PARTIES: CITY OF ALBANY AND VODAFONE HUTCHISON AUSTRALIA PTY LTD

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331420 PR.TEN.5

COPY OF COMMON SEAL

ITEM: 1.1 OCM: 18.09.12

RE: CONTRACT C13002 EYRE PARK PATHWAY CONSTRUCTION

PARTIES: CITY OF ALBANY AND ARMOGEDIN PTY LTD TRADING AS GREAT SOUTHERN SANDS

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331451 FM.LOA.1

COPY OF COMMON SEAL

ITEM: N/A OCM: N/A

RE: REFINANCE OF EXISTING LOAN - NEW LOAN 26E - 1 MILLION/6YEARS/3.49%P.A

PARTIES: CITY OF ALBANY AND WA TREASURY CORPORATION

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

NCSR1331452 FM.LOA.1

COPY OF COMMON SEAL

ITEM: N/A OCM: N/A

RE: REFINANCE OF EXISTING LOAN - NEW LOAN 22D -

1.5MILLION/10YEARS/4.015%PA

PARTIES: CITY OF ALBANY WA TREASURY CORPORATION

SIGNED BY MAYOR AND CEO G FOSTER 2 COPIES

EDR1331107 GS.APC.64
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: CONDITIONS OF GRANT SCHEDULE FOR LOTTERYWEST REGIONAL AUDIENCE
DEVELOPMENT GRANTS ARTS EDUCATION AND COMMUNITY OUTREACH PROJECT
PARTIES: CITY OF ALBANY AND LOTTERYWEST
SIGNED BY A/CEO G ADAMS 1 COPY

EDR1331150 PR.TEN.5
EXECUTED DOCUMENT
ITEM: 1.1 OCM: 18.09.12
RE: EYRE PARK FOOTPATH
PARTIES: CITY OF ALBANY AND GREAT SOUTHERN SANDS
SIGNED BY CEO G FOSTER 1 COPY

EDR1331190 GS.PRG.23
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: MAIN ROADS REGIONAL ROAD GROUP FUNDING
PARTIES: CITY OF ALBANY AND MAIN ROADS REGIONAL ROAD GROUP
SIGNED BY CEO G FOSTER 1 COPY

EDR1331197 C12019
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: PROGRESS PAYMENT NO 5 FOR CONTRACT C12019
PARTIES: CITY OF ALBANY AND ARMOGEDIN PTY LTD
SIGNED BY CEO G FOSTER 1 COPY

EDR1331199 GS.APC.54
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: MEMORANDUM OF UNDERSTANDING - LETTER OF OFFER - ALBANY NAIDOC
COMMUNITY CELEBRATIONS 2013
PARTIES: CITY OF ALBANY AND DEPARTMENT OF FAMILIES, HOUSING, COMMUNITY
SERVICES AND INDIGENOUS AFFAIRS
SIGNED BY CEO G FOSTER 2 COPIES

EDR1331211 A28163
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: DEVELOPMENT APPLICATION - 1 MANLEY CRESCENT, COLLINGWOOD
HEIGHTS ADJACENT TO HULL PARK
PARTIES: CITY OF ALBANY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331314 PRO070
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: APPOINTMENT OF PROXY FORM 532 OF SKATT (WA) PTY LTD
PARTIES: CITY OF ALBANY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331315 A220290
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: AGREEMENT FOR BONDING OF OUTSTANDING WORKS FOR LOT 98 (NO.20)
GROVE STREET WEST, LITTLE GROVE.
PARTIES: CITY OF ALBANY AND BUILDING PTY LTD AND OWNERS OF 20 GROVE
STREET, LITTLE GROVE
SIGNED BY CEO G FOSTER 1 COPY

EDR1331316 DES242
EXECUTED DOCUMENT
ITEM: 5.5 OCM: 21.02.12
RE: INVOICE (PARTIAL PAYMENT) FROM AD CONTRACTORS C12003 - LOWER
DENMARK ROAD (SLK11.93-14.65)
PARTIES: CITY OF ALBANY AND AD CONTRACTORS PTY LTD
SIGNED BY CEO G FOSTER 1 COPY

EDR1331372 GS.PRG.22
EXECUTED DOCUMENT
ITEM: 1.1 OCM: 18.9.12
RE: REGIONAL ROAD GROUPS FUNDING
PARTIES: CITY OF ALBANY AND MAIN ROADS WA
SIGNED BY CEO G FOSTER 1 COPY

EDR1331423 EM.PCD.1
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: DEC APPLICATION FOR CLEARING PERMIT FOR WORKS REQUIRED WITHIN
BAKERS JUNCTION WEST RESERVE.
PARTIES: CITY OF ALBANY
SIGNED BY CEO G FOSTER 1 COPY

EDR1331496 GS.PRG.46
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: GRANT EXTENSION AGREEMENT - SPORT 4 ALL KIDSPORT PROGRAM
PARTIES: CITY OF ALBANY AND DEPARTMENT OF SPORT AND RECREATION
SIGNED BY CEO G FOSTER 1 COPY

EDR1331532 C13002
EXECUTED DOCUMENT
ITEM: N/A OCM: N/A
RE: EYRE PARK PATHWAY CONSTRUCTION - C13002 PURCHASE ORDER
PARTIES: CITY OF ALBANY AND GREAT SOUTHERN SANDS
SIGNED BY CEO G FOSTER 1 COPY

EDR1331562 GS.PRG.8
EXECUTED DOCUMENT
ITEM: 4.6 OCM: 15.3.11
RE: GRANT ACQUITTAL (GRAFFITI REMOVAL KITS)
PARTIES: CITY OF ALBANY AND WA POLICE STRATEGIC DIVISION OF CRIME
PREVENTION
SIGNED BY CEO G FOSTER 1 COPY

EDR1331563 GS.PRG.45

EXECUTED DOCUMENT

ITEM: 4.6 OCM: 15.3.11

RE: GRANT ACQUITTAL FOR NATIONAL YOUTH WEEK EVENT

PARTIES: CITY OF ALBANY AND DEPARTMENT FOR COMMUNITIES

SIGNED BY CEO G FOSTER 1 COPY

EDR1331564 CP.DEC.7

EXECUTED DOCUMENT

ITEM: 1.1 OCM: 18.09.12

RE: CONSULTANT SERVICES - ALBANY AIRPORT TERMINAL SECURITY UPGRADE
(STAGE 2) DESIGN AND SUPERINTENDENT SERVICES

PARTIES: CITY OF ALBANY AND HOWARD AND HEAVER ARCHITECTS

SIGNED BY CEO G FOSTER 1 COPY

1.3: NEW STANDING COMMITTEES OF COUNCIL

AMENDMENT BY COUNCILLOR BOSTOCK (Responsible Officer Recommendation 1)

ITEM 1.3: AMENDMENT BY COUNCILLOR BOSTOCK VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the following amendment to Responsible Officer Recommendation 1 (4) be made:

THAT Council ADOPT the new Standing Committees of Council-Terms of Reference as detailed in the report, *but that membership of each Committee include at least one Elected Member from each ward, and any other Elected Member who wishes to belong to that Committee.*

Councillor's Reason:

All Elected Members stand in the same relation to Council, and Council as a whole should not discriminate between individual Councillors.

The reason we have 12 Councillors is the recognition that there may be a number of different views among the people we represent, so the members of the committee should consist of all Councillors who believe that they can make a contribution. It has been argued that the purpose of committees is to streamline the work of Council, and this recommendation will not affect their efficiency for the following reasons:

1. Not all Councillors would wish to be members of every committee.
2. As all Councillors are entitled to attend any committee meeting, no time will be saved by preventing them from being full members of that committee.

Officer's Comment (Chief Executive Officer):

The term "discriminate" is misleading and there would appear to be a misunderstanding of the decision making process. Committees are a well recognised tool for easing the load of participants and the final decision for their deliberations still remains with Council in plenary, where arguments can be raised for and against the recommendation. It relies upon and encourages trust, and enhances the depth of involvement in certain items rather than attempting to be all things to all people.

No specific objection is raised, however if Council wishes to adopt the motion as proposed by Councillor Bostock, it would defeat the purpose of Committees.

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1.3: NEW STANDING COMMITTEES OF COUNCIL

Attachments	:	<ul style="list-style-type: none"> • Council Policy – Governance Meeting Framework • Standing Committee’s Terms of Reference (TOR) • Local Emergency Management Committee TOR • Airport Emergency Management Committee TOR • Bushfire Advisory Committee TOR
City of Albany Website:	:	Council Policy - Governance and Meeting Framework.
Responsible Officer(s)	:	Chief Executive Officer (G Foster)

IN BRIEF

- Dissolve current committee structure and establish new Standing Committees (Committees of Council), including reclassification of some to Working Groups.
- Note the new committee structure will reduce Standing Committees and provide a medium for strategic issues previously presented to committees that are now dissolved:
 - (1) **Community Services Committee** (replacing the Cultural Development Committee, Seniors Committee) and none active committees such as the Aboriginal Advisory Committee, Albany Arts Development Committee, Community Financial Assistance Committee, Airport Users Focus Group Committee, Premiers Australia Day Active Citizenship Award Committee, Youth Advisory Committee, ALAC Presidents Strategic Forum, Albany Centenary of Anzac Alliance Committee)
 - (2) **Works & Services Committee** (replacing the Environment & Reserves Committee which as formally known as the Bush Carers Advisory Committee, and none active committees such as the Streetscape Committee and Wilson Inlet Management Advisory Group),
 - (3) **Corporate Services and Finance Committee** (replacing the Governance Committee, and none active Service Complaint Internal Review Committee and Finance Strategy Committee)
 - (4) **Economic Development Committee** (replacing the Marketing Albany Committee, formally known as the Tourism Marketing Advisory Committee)
 - (5) **Planning and Development Committee** (replacing the old committee of the same name with new terms of reference);
 - (6) **Audit and Risk Committee** (replacing the Audit & Finance Committee). Note that it is a statutory requirement to have an Audit Committee.
- Note: There is a statutory requirement to have a **Local Emergency Management Committee (LEMC)** . Therefore the LEMC will remain however not have the Bush Fire Advisory Group (BFAG) report as a sub-committee.
- Note: The Volunteer Bush Fire Brigade Members have requested that the **Bushfire Advisory Committee** (Sub-Committee), be reinstated as a standing committee (committee of council) and report directly to Council. This meeting will only be called to address strategic matters.

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RECOMMENDATIONS**ITEM 1.3: RESPONSIBLE OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY****THAT Council:**

- (1) ENDORSE the proposed Standing Committees of Council Structure.**
- (2) DISSOLVE the following Committees of Council (Standing Committees), with Community Representation transitioning to the appropriate Standing Committee or Working Group:**
 - (a) Cultural Development Committee,**
 - (b) Environment & Reserves Committee.**
 - (c) Governance Committee.**
 - (d) Marketing Albany Committee.**
 - (e) Planning and Development Committee.**
 - (f) Seniors Committee.**
 - (g) Audit & Finance Committee.**
- (3) RE-CLASSIFY the following Committees of Council (Standing Committees) as Working Groups:**
 - (a) Seniors Advisory Committee**
 - (b) Environment & Reserves Committee**
- (4) ADOPT the new Standing Committees of Council Terms of Reference as detailed in the report.**
- (5) AMEND the Council Policy - Governance and Meeting Framework accordingly.**

Note: Prior to appointing members to the listed Committees, nominations will be called by the Presiding member.

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ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- (a) **APPOINT** the following elected members to the associated standing committees of Council:

<i>Standing Committee Title (Committee of Council)</i>	<i>Elected Member Name</i>	<i>Ward Represented</i>
<i>Economic Development</i>		
<i>Economic Development</i>		
<i>Works & Services</i>		
<i>Planning & Building</i>		
<i>Community Services</i>		
<i>Corporate Services and Finance</i>		

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**ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

- (a) **REINSTATE** the Bushfire Advisory Committee as a Standing Committee of Council.
- (b) **ADOPT** the new Bushfire Advisory Committee Terms of Reference as detailed in the report.
- (c) **APPOINT** the following elected member(s) to the Committee:
- _____
- _____
- (d) **APPOINT** the following positions to the Committee:
- **Chief Bush Fire Control Officer**
 - **Deputy Chief Bush Fire Control Officer (North East Sector)**
 - **Deputy Chief Bush Fire Control Officer (South West Sector)**
 - **Senior Fire Control Officer (North East Sector)**
 - **Senior Fire Control Officer (South West Sector)**
 - **Chair of the Bush Fire Advisory Group**

BACKGROUND

1. It is acknowledged that the current committee structure made it difficult to define:
 - a. a Committee's purpose;
 - b. how it adds to the achievement of the Strategic Plan;
 - c. who is accountable for the development and monitoring of the agreed strategies;
 - d. how particular decisions are made; or
 - e. how the community can contribute to the 'conversation' about matter that affect them.
2. Noting that Committees are a decision making tool, not an end in themselves. They, too, should be structured in a way that provides two-way information and assists in the delivery of the Strategic Plan.

DISCUSSION

3. It is proposed that Council consider a reduction in the number of standing committees and the creation of a standing committee structure that reflects the key result areas identified in the Strategic Plan.
4. The Strategic Plan Key Result Areas, developed by Council with the Community, are:
 - a. Smart, Prosperous and Growing (Economic Development)
 - b. Clean and Green (Works & Services)
 - c. A Liveable Built Environment (Planning & Building)
 - d. Our Sense of Community (Community Services)
 - e. Civic Leadership (Corporate Services and Finance)

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5. To ensure that representation is evenly maintained it is recommended that Council give consideration to the inclusion of one Ward representation on each Committee and that Committee taking responsibility for reporting to the whole of Council with recommendations on the matters it considers.
6. The purpose of each proposed committee is defined in the Terms of Reference (TOR):
- a. **ECONOMIC DEVELOPMENT COMMITTEE - TOR.** The Economic and Development Committee will be responsible for:
- Considering and recommending to Council ways to strengthen the local Albany economy; and
 - Delivering the following Smart, Prosperous and Growing Objectives contained in the City of Albany Strategic Plan:
 - (1) To foster links between education, training and employment that support economic development.
 - (2) To strengthen our region's economic based.
 - (3) To develop and promote Albany as a unique and sought after visitor destination.
 - It will achieve this by:
 - (4) Developing policies and strategies;
 - (5) Establishing ways to measure progress;
 - (6) Receiving progress reports;
 - (7) Considering officer advice;
 - (8) Debating topical issues;
 - (9) Providing advice on effective ways to engage and report progress to the Community ; and
 - (10) Making recommendations to Council.
 - Chairperson: To be elected from the Committee.
 - Membership: One elected member from each Ward.
 - Meeting Schedule: As required.
 - Meeting Location: To be advised.
 - Executive Officer: CEO or nominee.
 - Delegated Authority: None.
- b. This committee will replace the ***Marketing Albany Committee***
- c. **WORKS & SERVICES COMMITTEE - TOR.** The Works & Services Committee will be responsible for the delivery of the following Clean and Green Objectives contained in the City of Albany Strategic Plan:
- (1) To protect and enhance our pristine natural environment;
 - (2) To promote environmental sustainability;
 - (3) To promote our region as clean and green.

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- It will achieve this by:
 - (4) Developing policies and strategies;
 - (5) Establishing ways to measure progress;
 - (6) Receiving progress reports;
 - (7) Considering officer advice;
 - (8) Debating topical issues;
 - (9) Providing advice on effective ways to engage and report progress to the Community ; and
 - (10) Making recommendations to Council.

- Chairperson: To be elected from the Committee.
- Membership: One elected member from each Ward.
- Meeting Schedule: As required.
- Meeting Location: To be advised.
- Executive Officer: CEO or nominee.
- Delegated Authority: None.

- d. This Committee will replace the **Environment and Reserves Committee**

- e. **PLANNING AND DEVELOPMENT COMMITTEE - TOR.** The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:
 - (1) To advocate, plan and build connected, liveable communities;
 - (2) To create a community that supports people of all ages and backgrounds;
 - (3) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

- It will achieve this by:
 - (4) Developing policies and strategies;
 - (5) Establishing ways to measure progress;
 - (6) Receiving progress reports;
 - (7) Considering officer advice;
 - (8) Debating topical issues;
 - (9) Providing advice on effective ways to engage and report progress to the Community ; and
 - (10) Making recommendations to Council.

- Chairperson: To be elected from the Committee.
- Membership: One elected member from each Ward.
- Meeting Schedule: As required.
- Meeting Location: To be advised.
- Executive Officer: CEO or nominee.
- Delegated Authority: None.

- f. This Committee will replace the current Planning and Development Committee,

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- g. **COMMUNITY SERVICES COMMITTEE - TOR.** The Community Services Committee will be responsible for the delivery of the following Sense of Community Objectives contained in the City of Albany Strategic Plan:
- (1) To build resilient and cohesive communities with a strong sense of place and community spirit;
 - (2) To create interesting places, spaces and events that reflect our community's identity, diversity and heritage
 - (3) To develop and support an inclusive and accessible community.
- It will achieve this by:
 - (4) Developing policies and strategies;
 - (5) Establishing ways to measure progress;
 - (6) Receiving progress reports;
 - (7) Considering officer advice;
 - (8) Debating topical issues;
 - (9) Providing advice on effective ways to engage and report progress to the Community ; and
 - (10) Making recommendations to Council.
 - Chairperson: To be elected from the Committee.
 - Membership: One elected member from each Ward.
 - Meeting Schedule: As required.
 - Meeting Location: To be advised.
 - Executive Officer: CEO or nominee.
 - Delegated Authority: None.
- h. This Committee will replace the ***Cultural Development Committee*** and ***Seniors Advisory Committee***.
- i. The Seniors Committee can continue to meet as a working group and report to the Cultural Development Committee.
- j. **CORPORATE SERVICES AND FINANCE COMMITTEE - TOR.** The Corporate Services and Finance Committee will monitor and comment on the financial health and strategies of Council and will be responsible for the delivery of the following Civic Leadership Objectives contained in the City of Albany Strategic Plan:
- (1) To establish and maintain sound governance structures;
 - (2) To provide strong, accountable leadership supported by a skilled and professional workforce;
 - (3) To engage effectively with our community.
- It will achieve this by:
 - (4) Monitoring and commenting on the financial health and strategies of Council;
 - (5) Developing policies and strategies;
 - (6) Establishing ways to measure progress;
 - (7) Receiving progress reports;
 - (8) Considering officer advice;
 - (9) Debating topical issues;
 - (10) Providing advice on effective ways to engage and report progress to the Community ; and
 - (11) Making recommendations to Council.

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- Chairperson: To be elected from the Committee.
- Membership: One elected member from each Ward.
- Meeting Schedule: As required.
- Meeting Location: To be advised.
- Executive Officer: CEO or nominee.
- Delegated Authority: None.

k. This Committee will replace the **Governance Committee**.

l. **AUDIT AND RISK COMMITTEE - TOR.** The Audit and Risk Committee will be responsible for assisting Council discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- (1) the reporting of financial information, the application of accounting policies, and the management of the financial affairs of the City; and
- (2) the assessment of the adequacy of the management Risk.

- It will achieve this by:

(3) Audit:

- (i) Considering and approving the brief for the provision of audit services;
- (ii) Evaluating the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;
- (iii) Meeting with Council's external auditors and review the Audit Plan prior to the conduct of the interim audit each year;
- (iv) Ensuring that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;
- (v) Ensuring that the Council's financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;
- (vi) Ensuring that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently understand the financial performance of the Council's affairs;
- (vii) Reviewing the audit report and make appropriate recommendations to Council; and
- (viii) Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.

(4) Risk Management.

- (ix) At least once every year consider a report in relation to the management of risk within the City of Albany and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.
- (x) To address any specific requests referred to it from Council in relation to issues of risk and risk management.

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- Chairperson: To be elected from the Committee.
- Membership: One elected member from each Ward.
- Meeting Schedule: As required.
- Meeting Location: To be advised.
- Executive Officer: CEO or nominee.
- Delegated Authority: None.

m. This Committee will replace the ***Audit and Finance Committee***.

7. The following standing committees (committees of council) will remain with modification:

- a. **Local Emergency Management Committee (LEMC)** and the **Airport Emergency Committee** to continued to operate as a subcommittee to the LEMC. Noting the LEMC is established under legislation, by the local government to overview, plan and test the local community emergency management arrangements. The LEMC is immediately followed by the Airport Emergency Committee (sub-committee of the LEMC), with both Committees being convened every three months.
- b. **Bushfire Advisory Committee.** The City of Albany currently provides administrative support to a Bushfire Management Committee and Bush Fire Advisory Group with no elected member representation.
- c. In 2011 these two committees were disbanded as standing committees of Council, and transitioned to being managed as operational working groups of LEMC, with officers, including volunteer fire brigade members, meeting as required to consider operational issues arising out of LEMC or other emergency operational matters and reporting to LEMC as necessary.
- d. These operational committees consider issues such as:
 - (i) the operational planning and maintenance of fire-breaks across the district;
 - (ii) the preparedness of the City in regards to its obligations under the *Bush Fires Act 1954*;
 - (iii) the operational effectiveness and efficiency of bushfire brigades
- e. Noting that Council delegates though appointment the responsibility for the City's Volunteer Bushfire Brigades to the Chief Executive Officer (administrative logistic support) and command and control (operations) through the appointment of a Chief Bushfire Control Officer.
- f. At the City's Volunteer Bushfire Brigade Advisory Group meeting held on 23 May 2013, the group requested:

Council is requested to re- establish the Bushfire Management Advisory Committee.

 - *Terms of Reference: Review decisions of the Bushfire Advisory Group and provide advice on Bush Fires Act 1954.*
 - *That the Bushfire Management Advisory Committee report directly to Council, not through the Local Emergency Management Committee (LEMC).*
- g. A copy of the proposed Terms of Reference is attached with an elected member representative being requested.

GOVERNMENT CONSULTATION

8. The following legislation and Department of Local Government Guidelines was consulted:
- The Local Government Act 1995
 - Department of Local Government Guideline – Audit Committees in Local Government , Their Appointment, Function and Responsibilities;
 - Department of Local Government Guideline – Council Forums;

PUBLIC CONSULTATION / ENGAGEMENT

9. Public consultation was conducted in formulating the Strategic Plan.
10. The request to re-establish the Bushfire Advisory Committee as a standing committee of Council as requested at the City's Volunteer Bushfire Brigade Advisory Group meeting held on 23 May 2013.

STATUTORY IMPLICATIONS

11. Division 2, Part 5 of the Local Government 1995 deals with Council Meetings, committees and their meetings.
12. For the purposes of Section 5.98 (2) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, Section 32 (1) (c) and 32 (2), travel and child care cost are reimbursable in full for attendance at all meetings and briefings provided for in this policy as well as site inspection visits arising from agenda briefing requests..

STRATEGIC IMPLICATIONS

13. The introduction of the new standing committee structure directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas:

- Community Priorities:** Policy and procedures
- Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the proposed committee structure</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>The proposed committee structure will be further reviewed and resubmitted to a future Council meeting.</i>

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FINANCIAL IMPLICATIONS

16. The cost to implement the recommendations involves improvements to processes, reporting benchmarks and the completion of key strategic documents which will be undertaken by the Directorate using existing staff resources within existing budget lines.

LEGAL IMPLICATIONS

17. There are no legal implications related to this item except for compliance with specific provisions of the Local Government Act 1995, including subdivision 2 – Committees and their meetings.

ALTERNATE OPTIONS

18. Council can continue to use the existing structure, or create different Committees to that proposed.

Consulted References	:	Local Government Act 1995
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 15/11/2011 Item 1.5 OCM 11/10/2011 Item 1.8

2.1: PLANNING AND DEVELOPMENT COMMITTEE

Proponent : City of Albany
Responsible Officer(s) : Executive Director Planning and Development Services
(D Putland)

ITEM 2.1: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the confirmed minutes of the Planning and Development Committee meeting held on 14 March 2013 as previously distributed, be RECEIVED.



PLANNING AND DEVELOPMENT COMMITTEE

MINUTES

for the meeting held on Thursday 14 March 2013,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: LP.MEE.1 / AM1329563)

1.0 ATTENDANCE

Councillors:	
D Wellington	Mayor
V Calleja (Chairperson)	Councillor
D Dufty	Councillor
C Dowling	Councillor
S Bowles	Councillor
G Stocks	Councillor
Alan Hortin	Councillor
G Gregson	Councillor
Staff:	
Executive Director Planning and Development Services	D Putland
PA to Executive Director Planning and Development Services	J Cobbold
Manager Planning Services	J Van Der Mescht
Exec Manager Health & Building	K Barnett
Senior Project Planner	A Nicol
Senior Planning Officer	T Wenbourne
Apologies/Leave of Absence:	
C Holden	Councillor
R Hammond	Councillor

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.0: DRAFT COMMITTEE RESOLUTION

The unconfirmed minutes of the Planning and Development Committee meeting held on 27 November 2012, as previously distributed, be confirmed as a true and accurate record of proceedings.

CARRIED

3.0 DISCLOSURE OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

4.0 ITEMS FOR DISCUSSION

4.1 Finalisation LPS1

There is one issue between the City of Albany and the Dept of Planning which is the Esplanade site - change of zoning. Dale recommended that if it can't be resolved then we should initiate the Amendment No1 and rezone after the scheme.

Current zoning is Tourism/Residential

LPS1 draft new zoning – core will be Hotel with some residential.

Thoughts of members 75% residential 25% Tourism - Tavern, shops.

4.2 Land Supply

Adrian Nichol presented to Members, future population and dwelling potential for urban areas.

Members were given a map showing the following areas:

- Existing residential
- Future residential/ urban
- Rural residential
- Special residential

4.3 ALPS priorities in Review

Councils support for an economic development approach and try to create some growth through trying to create jobs. Identify land for economic employment which is deficient in ALPS. There has been an upsurge in commercial development and downturn in residential building.

Promote economic growth, create jobs and employment opportunities.

4.4 Commercial Strategy

We have a Commercial strategy report prepared by Strapnell Planning which was endorsed by council in 2010, and it proposes a number of small centres on the outskirts of Albany ie should a 3rd DDS be allowed at Brooks Gardens

Have asked Tony Shrapnel to do a review of his report after TAKTICS4 recommendations and the 2011 census data is out which shows we are growing slower than what we should be.

The City now has a CBD working group to revitalise the CBD.

4.5 Compliance

Receiving numerous complaints regarding signs, living in sheds, structures that are unapproved.

Continue to have a low key approach to compliance, when we receive a complaint that we try and work with people to get them compliant before prosecuting.

4.6 Heritage Policy

Municipal Heritage Inventory

The City's MHI contains 436 entries including:

- 269 places with management category A+, A, B or C
- 16 places with management category D
- 38 places that are site only – little or nothing remains
- 31 sites with significant trees

- 49 maritime sites
- 33 natural sites

The 2000 Review of the MHI identified some 90+ places worthy of consideration for inclusion, but these could not be included with a detailed assessment undertaken due to budget constraints.

These places were held on a 'Review List' for future consideration and formed the starting point for the current review.

The current review was commenced in 2011 and is a work in progress being undertaken in accordance with current State Heritage guidance. Rather than management categories we are applying more descriptive levels of significance – Exceptional, Considerable, Some/Moderate or Little.

The MHI is a register of places that are considered important to Albany, telling the story of its development and establishing it's character and identity. The inclusion on the MHI provides limited protection in so much as any development or re-development requires planning consent.

Places included on the State Register of Heritage Places are protected under the Heritage Act and are considered more significant in a State context.

Albany has 43 places listed on the State Register of Heritage Places. Many of these are also included in the MHI.

Development proposals for places listed on the State Register are referred to the State Heritage Office for qualified professional advice on the potential impacts and acceptability of the development proposal.

For places included in the MHI the State Heritage Office does not provide comment. Such development proposals are referred to the Great Southern Regional Heritage Advisor.

Currently the City of Albany contributes \$11,250 towards the Regional Heritage Advisory Service and receives 16 dedicated hours of service per month from our advisor. This service costs \$25,000 per year with the remaining cost financed by the State Heritage Office.

Review the MHI and remove some properties.
Review to be done by a working party. Volunteers and in house. Consider the following public:

David Heaver
Gary Cutler
Malcolm Trail

4.7 Yakamia Structure Plan

Adrian presented to the Committee the first stages for the Yakamia Structure plan, along with a map.

Map showing the different areas for Environmental Opportunities/Constraints.

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

NIL

6.0 DATE OF NEXT MEETING:

13 June 2013

7.0 CLOSURE OF MEETING

Meeting closed at 7.20pm



**PLANNING AND DEVELOPMENT COMMITTEE
MINUTES**

for the meeting held on Thursday 14th March 2013,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: LP.MEE.1 / AM1329563)

1.0 ATTENDANCE

Councillors:	
D Wellington	Mayor
V Calleja (Chairperson)	Councillor
D Dufty	Councillor
C Dowling	Councillor
S Bowles	Councillor
G Stocks	Councillor
Alan Hortin	Councillor
G Gregson	Councillor
Staff:	
Executive Director Planning and Development Services	D Putland
PA to Executive Director Planning and Development Services	J Cobbold
Manager Planning Services	J Van Der Mescht
Exec Manager Health & Building	K Barnett
Senior Project Planner	A Nicol
Senior Planning Officer	T Wenbourne
Apologies/Leave of Absence:	
C Holden	Councillor
R Hammond	Councillor

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 2.0: DRAFT COMMITTEE RESOLUTION

The unconfirmed minutes of the Planning and Development Committee meeting held on 27 November 2012, as previously distributed, be confirmed as a true and accurate record of proceedings.

CARRIED

3.0 DISCLOSURE OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

4.0 ITEMS FOR DISCUSSION

4.1 Finalisation LPS1

1. Esplanade site - change of zoning

The Committee supports that the City initiate the Amendment No1 and rezone after the new Planning scheme is adopted.

4.2 ALPS priorities in Review

1. Committee supported an economic development approach to the review of ALPS.
2. The review will identify land for economic employment which is deficient in ALPS.

4.3 Commercial Strategy

1. Council has a Commercial Strategy Report prepared by Strapnell Planning which was endorsed by council in 2010, and it proposes a number of small centres on the outskirts of Albany ie a third Discount Department Store be allowed at Brooks Gardens
2. Tony Shrapnel has been instructed to review his report after TAKTICS4 recommendations, and the 2011 census data, which shows Albany is growing slower than what was projected.
3. The City now has a CBD working group.

4.4 Compliance

1. Receiving numerous complaints regarding signs, living in sheds, unapproved structures.
2. Committee supports the City continuing to have a low key approach to compliance.
3. When the City receives a complaint, Officers work with the people to help them become compliant before prosecuting.

4.5 Heritage Policy

1. Municipal Heritage Inventory
The City's MHI contains 436 entries including:
 - 269 places with management category A+, A, B or C
 - 16 places with management category D
 - 38 places that are site only – little or nothing remains
 - 31 sites with significant trees
 - 49 maritime sites
 - 33 natural sites
2. The Committee supports the proposed methodology to review the MHI.
3. Review to be done by a working party, appointed by Council, which will consist of Community members and City staff.

5.0 ITEMS TO BE DISCUSSED AT FUTURE MEETINGS

NIL

6.0 DATE OF NEXT MEETING:

13 June 2013

7.0 CLOSURE OF MEETING

Meeting closed at 7.20pm

2.2: PLANNING AND BUILDING REPORTS JUNE 2013

Responsible Officer : Executive Director Planning and Development
Services (D Putland)
Attachment : Planning and Building Reports June 2013

IN BRIEF

- Receive the contents of the Planning and Building Report for June 2013

**ITEM 2.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Planning and Building Report for June 2013 be RECEIVED.

**ATTACHMENTS FOR THE PLANNING AND BUILDING REPORTS WILL BE MADE
AVAILABLE PRIOR TO THE ORDINARY COUNCIL MEETING.**

3.1: CENTENNIAL PARK SPORTING PRECINCT MASTER PLAN

Proponent	:	City of Albany
Attachments	:	<ul style="list-style-type: none">• Centennial Park Sporting Precinct Master Plan Concept (Centennial Park West, Central, East and Master Plan)• Statement of Endorsement-Steering Committee Centennial Park
Responsible Officer(s)	:	Executive Director Community Services (C Woods)

IN BRIEF

- ADOPTION of the Centennial Park Sporting Precinct Master Plan concept for the purposes of advertising and final community consultation.
- ENDORSEMENT of the community engagement process.
- It is recommended that Council ADOPT the master plan ready for the next phase of community engagement. The master plan has been through an extensive consultation process with the major stakeholders across the precinct and eight of the nine steering committee members have signed off on the Statement of Endorsement as it stands.

RECOMMENDATION

ITEM 3.1: RESPONSIBLE OFFICER RECOMMENDATION 1 VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADOPT the Centennial Park Sporting Precinct Master Plan concept for the purposes of advertising and final community consultation.

ITEM 3.1: RESPONSIBLE OFFICER RECOMMENDATION 2 VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ENDORSE the community engagement process for the Centennial Park Sporting Precinct Master Plan concept.

BACKGROUND

1. The Centennial Park Sporting Precinct has been subject to a number of previous reports over many years including the recent Coffey Report (2012) which reviewed the 2008 Master Plan and provide an updated master plan for the precinct. Council staff have worked with the stakeholders over the previous 12 months to develop the final implementation plan and secure funding for the project.
2. At the most recent steering committee meeting (22 May 2013) the members of the Centennial Park Steering Committee requested the City prepare a Statement of Endorsement for the master plan concept so that the project could proceed to broader community consultation

DISCUSSION

3. The statement has subsequently been prepared and all members of the Centennial Park Steering Committee have signed except for the Albany Agriculture Society. The Society has expressed that it is supportive of the concept plan but holds reservations over the future management model and is not prepared to sign at this stage.
4. To ensure that the broader community and surrounding landowners have been fully consulted the following community engagement process is proposed:
 - Council adopt the Centennial Park Sporting Precinct concept for the purposes of advertising.
 - Using a range of techniques (advertising, website, displays and information sessions) the concept plan will be made available for 21 days to the community for feedback.
 - All submissions will be considered by the project control group and the plans will be reviewed accordingly.
 - The final master plan will then be presented to council for adoption and the community informed of the outcome.
5. As part of the above community engagement process the City will also undertake targeted consultation of the current BMX site and possible future use.
6. The consultation process will also address the community's willingness to rezone a portion of the site for commercial purposes.

GOVERNMENT CONSULTATION

7. The City has undertaken considerable consultation and engagement with other government stakeholders. As the key government agency for sport and recreation, Department of Sport and Recreation has been invited as a member of the City of Albany's project control group and the Steering Committee.
8. Regular briefings have been held with the Great Southern Development Commission, Department of Transport and Department of Planning. The Department of Water's recent Lidar Survey will contribute to surveying the Centennial Park Site.
9. The Centennial Park Project Control Group has officer representation from across the City including Planning, Works and Services, Corporate Services and Community Services. This project control group will provide the expertise to coordinate the City's resources to ensure community outcomes are met.

PUBLIC CONSULTATION / ENGAGEMENT

10. The following consultation has been conducted over the last four years:
 - 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.
 - 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.

****REFER DISCLAIMER****

- 2011 – The City consulted widely with community groups through the “Working Together” program. The Working Together program identified community projects that could be progressed if 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.
- 2012 – The City 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.
- September 2012 - Presentation of the draft Master Plan to stakeholders. The City received written feedback from the majority of the stakeholders.
- October to November 2012 – In addition to the written feedback the Manager of Recreation Services attended individual club meetings to refine the plan further.
- 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.
- March 2013 – Centennial Park Master Plan submitted to the Future Acts Sub-Committee, and the South West Aboriginal Land and Sea Council (SWALSC). Feedback from the SWALSC indicates that Heritage survey and monitoring will be required across the entire precinct.
- Ongoing Consultation and Planning - Since November 2012 the City 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.

STRATEGIC IMPLICATIONS

11. The Centennial Park Sporting Precinct master plan concept and proposed community engagement process directly relates to the Community Strategic Plan 2013-2023 as outlined below:

Sense of Community

- *Vibrant accessible places and spaces*
- *Sought after lifestyle destination*

Civic Leadership

- *Community engagement*

Smart, Prosperous and Growing

- *Economic development*
- *Major events and attractions*

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council do not endorse the advertising of the project for community consultation-loss of reputation for the City.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to provide more information to elected members via a briefing session to further outline the risks associated with not supporting the recommendation.</i>
<i>Council do not endorse the advertising of the project for community consultation-reduced viability of the project from possible missed design considerations.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Low</i>	<i>Seek to provide more information to elected members via a briefing session to further outline the risks associated with not supporting the recommendation.</i>

FINANCIAL IMPLICATIONS

13. The projected total cost for the redevelopment of the Centennial Park Sporting Precinct is \$42,000,000.

14. The following state and federal funding has been secured for the sport and recreation components of the project:

- Remaining 2008 State Liberal government contribution (\$4,100,000).
- 2012/13 Royalties for Regions Country Local Government Fund-Regional Partnerships (\$608,000).
- 2012/14 Royalties for Regions Country Local Government Fund-Regional Partnerships (\$946,857).
- 2013 State Liberal government contribution (\$8,750,000).
- 2013 Regional Development Australia (\$8,250,000).

15. The City of Albany has committed \$3,000,000 (Cash) and \$1,000,000 (In-kind).

16. Total funding secured for the project is \$26,754,857.

17. This will enable a significant proportion of sport and recreation infrastructure to be developed across the western, central and eastern precincts. Additional funding will need to be secured to develop the community and civic park requirements.

LEGAL IMPLICATIONS

18. Nil.

ALTERNATE OPTIONS

19. The alternate option is to advise the community of the final design rather than to seek feedback that may influence the design.

SUMMARY CONCLUSION

20. In summary this report is seeking Council support to end the formal steering committee consultation process so that the broader community consultation process can be advertised to seek feedback that may further influence the final design.

Consulted References	:	Not provided
File Number (Name of Ward)	:	Not provided
Previous Reference	:	Not provided



CENTENNIAL PARK - WEST



1:1,250 @ A1
1:2,500 @ A3
0 20 40 60 80 100 120 m

BU_WA133100(4)_02.Rev C 25-06-2013

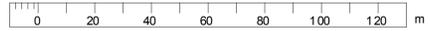




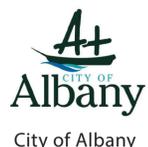
CENTENNIAL PARK - CENTRAL



1:1,250 @ A1
1:2,500 @ A3



BU_WA133100(4)_03.Rev C 25-06-2013

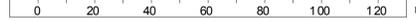




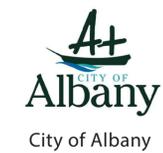
CENTENNIAL PARK - EAST



1:1,250 @ A1
1:2,500 @ A3



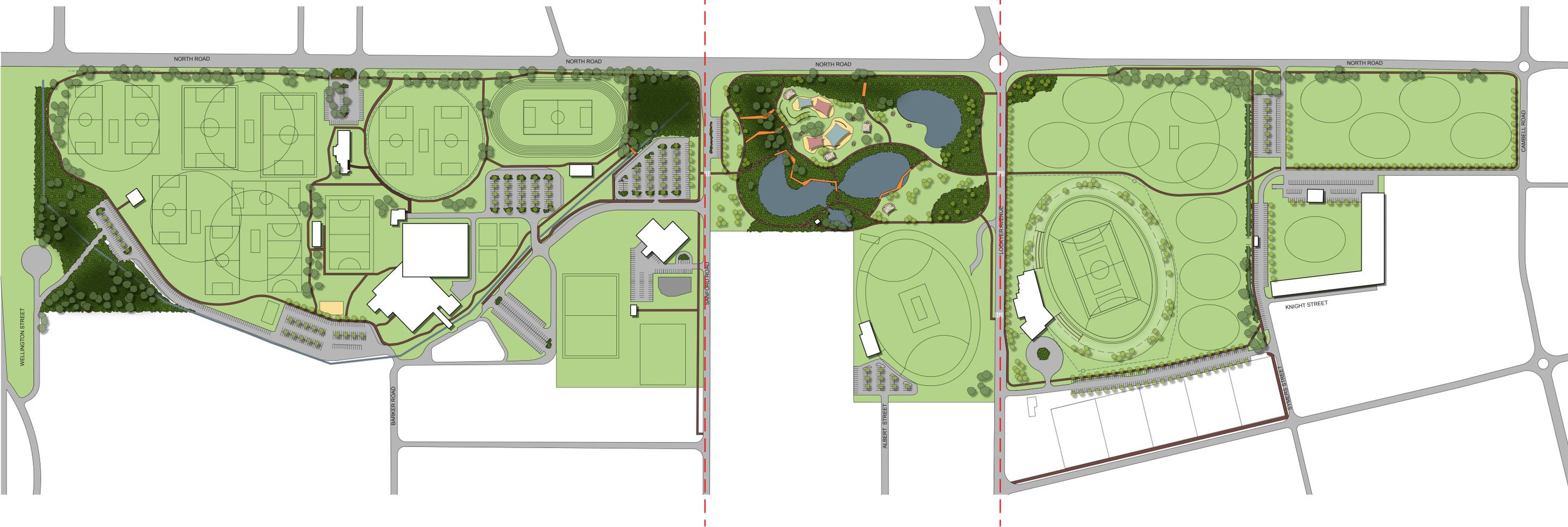
BU_WA133100(4)_04.Rev C 25-06-2013



WESTERN PRECINCT

CENTRAL PRECINCT

EASTERN PRECINCT



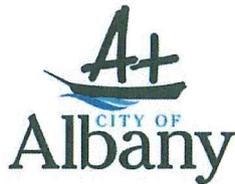
CENTENNIAL PARK MASTERPLAN



1:2,500
1:5,000

BU_WA133100(4)_01.Rev C 25-06-2013





Centennial Park Master Plan Steering Committee – Statement of Endorsement

Introduction

At the recent Centennial Park Master Plan Steering Committee meeting (May 22 2013) the committee agreed to accept the Centennial Park Master Plan concept and requested that the City develop a Statement of Endorsement for them to co-sign.

The purpose of this document is to:

- Outline the membership of the steering committee, the Master Plan concept and principles; and
- For the committee to endorse the master plan ready for the next stage of community consultation and Council adoption.

Membership

The following clubs and associations makes up the membership of the Centennial Park Steering Committee:

- Albany Agricultural Society
- Albany Junior Soccer Association
- Great Southern Soccer Association
- Lower Great Southern Hockey Association
- Railways Football Club
- Royals Football Club
- Southern Districts Junior Football Association
- Albany Cricket Association
- Albany Junior Cricket Association

Master Plan Concept

The Centennial Park Master Plan Steering Committee was set up to assist the delivery of a comprehensive master plan for the Centennial Park Sporting Precinct that delivers a realistic and workable design, encompassing a focus on shared use, improved playing surfaces and event spaces that are economical and social sustainability.

User group consultation showed that the three major precinct issues are:

- Flood mitigation/drainage
- Vehicle parking
- Lighting

The following list is a summarised version of the planned infrastructure projects (Please note there is no ranking of order and see the attached master plan for more details)

- Subsoil drainage, fill, level and reticulation works across the precincts
- Yakamia Creek – reshape ponds, install a new bio-retention basin and living stream improvements along the creek line
- Allocation for additional car parking in both the Western and the Eastern Precinct

- Precinct power supply upgrades
- Lighting upgrades to premier arena and Railways Football Club
- Additional Lighting installation across the precincts
- New western precinct club rooms
- New multi use field (behind the PCYC)
- Additional space for playing surfaces (Western precinct)
- Improved connecting pathways throughout precinct
- Civic park, nature play space and Aboriginal Heritage Acknowledgment (Central precinct)
- Public toilet redevelopment
- Precinct entry statements and way finding signage

Principles to be implemented

- Shared Management and Co Location - Maximise the shared-use and multi-use of future sports facilities and associated infrastructure such as car parking, access roads and pavilions.
- Provide for active and passive recreation opportunities to ensure a range of uses and experiences are possible to maximise the attractiveness and relevance of the site to the Albany community.
- Improved water management practises to address both flood mitigation and future irrigation needs of the site.

By signing the statement of endorsement you acknowledge that your members agree with the design and management principles contained within the plan and authorise the City to proceed with the necessary community consultation, design development and construction of the proposed elements.

The City is continuing to progress the development of the Centennial Park Precinct and appreciates the Steering Committees willingness to accept and embrace change to ensure the success of Centennial Park for its immediate stakeholders, the broader community and the great southern region.

Albany Agricultural Society.....

Albany Junior Soccer Association.....

Great Southern Soccer Association.....

Lower Great Southern Hockey Association.....

Railways Football Club.....

Royals Football Club.....

Southern Districts Junior Football Association.....

Albany Cricket Association.....

Albany Junior Cricket Association.....

Tracy Glenn
PRESIDENT FSSA.

Andrew Ellis - v/p President LGSHA.

MBG - President RAILWAYS FOOTBALL SPORTING CLUB.

James - President.

Jeremy Sutherland
JUNIOR VICE PRESIDENT.

John O'Leary - President ACA

Michael Moriarty
SECRETARY AJCA

4.1: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2013

File Number (Name of Ward) : FM.FIR.2 - All Wards
Appendices : List of Accounts for Payment
Responsible Officer : Executive Director Corporate Services (G Adams)

ITEM 4.1: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending TBA totalling TBA be RECEIVED.

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 TBA. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Attachment to this report.

Municipal Fund

Trust	Totalling	
Cheques	Totalling	
Electronic Fund Transfer	Totalling	
Credit Cards	Totalling	
Payroll	Totalling	
	TOTAL	TBA

- As at TBA, the total outstanding creditors, stands at TBA and made up follows:

Current	
30 Days	
60 Days	
90 Days	
TOTAL	TBA

- Cancelled cheques:** TBA

STATUTORY IMPLICATIONS

- 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.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to **TBA** has been incurred in accordance with the 2012/2013 budget parameters.

POLICY IMPLICATIONS

9. The City's 2012/2013 Annual Budget provides a set of parameters that guides the City's financial practices.

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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4.2: FINANCIAL ACTIVITY STATEMENT – 31 May 2013

Responsible Officer : Executive Director Corporate Services (G Adams)

IN BRIEF

- Statement of Financial Activity reporting on the revenue and expenditure of the City of Albany for the reporting period ending 31 May 2013.

**ITEM 4.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Financial Activity Statement for the period ending 31 May 2013 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 May 2013 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.

“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

6. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b) budget estimates to the end of the month to which the statement relates;
 - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e) the net current assets at the end of the month to which the statement relates.
- II. Each statement of financial activity is to be accompanied by documents containing –
- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c) such other supporting information as is considered relevant by the local government.
- III. The information in a statement of financial activity may be shown –
- a) according to nature and type classification;
 - b) by program; or
 - c) by business unit
- IV. 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.

FINANCIAL IMPLICATIONS

7. Expenditure for the period ending 31 May 2013 has been incurred in accordance with the 2012-13 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no known events which may result in a material non recoverable financial loss, or financial loss arising from an uninsured event.

POLICY IMPLICATIONS

8. The City's 2012/13 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.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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City of Albany

MONTHLY FINANCIAL REPORT

For the Period Ended 31st May 2013

ITEM 4.2 OF THE ORDINARY COUNCIL MEETING

TABLE OF CONTENTS

Statement of Financial Activity

Note 1 Net Current Funding Position

Note 2 Cash Investments

Note 2A Graphical Representation - Cash Investments

Note 3 Major Variances

AGENDA ITEM 4.2 REFERS

City of Albany
STATEMENT OF FINANCIAL ACTIVITY
(Nature or Type)
For the Period Ended 31st May 2013

	Note	Original Annual Budget	Revised Annual Budget 4	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 3	Var. % (b)-(a)/(b) 3	
Operating Revenues			\$	\$	\$	\$	%	
Grants & Subsidies		2,732,950	1,872,797	1,862,546	1,939,317	76,771	4.0%	▲
Contributions, Donations & Reimbursements		373,610	774,713	741,557	944,726	203,170	21.5%	▲
Fees and Charges		14,432,869	14,521,262	13,787,922	14,396,537	608,616	4.2%	▲
Interest Earnings		825,368	902,743	898,036	1,101,885	203,849	18.5%	▲
Other Revenue		115,000	107,500	106,250	59,804	(46,446)	(77.7%)	
Total (Excluding Rates)		18,479,797	18,179,015	17,396,310	18,442,269	1,045,959		
Operating Expense								
Employee Costs		(18,739,930)	(19,113,323)	(17,413,278)	(17,098,828)	314,450	1.8%	▼
Materials and Contracts		(14,259,030)	(15,481,719)	(12,743,233)	(11,697,703)	1,045,530	8.9%	▼
Utilities Charges		(1,729,483)	(1,785,802)	(1,505,208)	(1,440,080)	65,128	4.5%	▼
Depreciation (Non-Current Assets)		(11,812,900)	(11,812,900)	(10,824,132)	(10,468,025)	356,107	3.4%	▼
Interest Expenses		(909,431)	(909,431)	(437,056)	(461,756)	(24,700)	(5.3%)	
Insurance Expenses		(722,187)	(722,187)	(661,749)	(616,487)	45,262	7.3%	
Loss on Asset Disposal		(269,049)	(269,049)	0	(179,854)	(179,854)	(100.0%)	▲
Other Expenditure		(1,721,311)	(1,399,182)	(1,050,395)	(897,579)	152,816	17.0%	
Less Allocated to Infrastructure		446,022	446,022	409,499	931,498	521,999	(56.0%)	▲
Total		(49,717,299)	(51,047,571)	(44,225,552)	(41,928,815)	1,774,737		
Contributions for the Development of Assets								
Grants & Subsidies		6,994,797	10,712,453	8,876,465	4,779,841	(4,096,624)	(85.7%)	▼
Contributions, Donations & Reimbursements		2,500,000	2,969,480	425,000	909,152	484,152	53.3%	▼
Net Operating Result Excluding Rates		(21,742,705)	(19,186,623)	(17,527,777)	(17,797,553)	(1,275,927)		
Funding Balance Adjustment								
Add Back Depreciation		11,812,900	11,812,900	10,824,132	10,468,025	(356,107)	(3.4%)	▼
Adjust (Profit)/Loss on Asset Disposal		269,049	269,049	0	179,854	179,854	100.0%	▲
Funds Demanded From Operations		(9,660,756)	(7,104,674)	(6,703,645)	(7,149,674)	(1,452,180)		
Capital Revenues								
Proceeds from Disposal of Assets		2,543,100	2,110,373	1,674,935	662,588	(1,012,347)	(152.8%)	▼
Total		2,543,100	2,110,373	1,674,935	662,588	(1,012,347)		
Acquisition of Fixed Assets								
Land and Buildings		(3,487,640)	(1,863,952)	(520,062)	(417,263)	102,799	24.6%	▼
Plant and Equipment		(4,522,518)	(4,864,206)	(2,791,803)	(2,485,006)	306,797	12.3%	▼
Furniture and Equipment		(464,700)	(475,235)	(280,627)	(224,456)	56,170	25.0%	▼
Infrastructure Assets - Roads		(7,726,442)	(7,979,583)	(4,303,142)	(3,937,214)	365,929	9.3%	▼
Infrastructure Assets - Other		(8,207,641)	(12,383,106)	(5,811,144)	(3,516,988)	2,294,156	65.2%	▼
Total		(24,408,941)	(27,566,082)	(13,706,778)	(10,580,927)	3,125,851		
Financing/Borrowing								
Debt Redemption		(1,586,608)	(1,586,608)	(474,497)	(2,264,552)	(1,790,055)	(79.0%)	▲
Profit on Sale of Investments		0	0	0	2,105,390	2,105,390	100.0%	▲
Self-Supporting Loan Principal		0	0	0	16,331	16,331	100.0%	
Total		(1,586,608)	(1,586,608)	(474,497)	(142,831)	331,666		
Demand for Resources		(33,113,205)	(34,146,991)	(19,209,984)	(17,210,843)	992,991		
Restricted Funding Movements								
Opening Funding Surplus(Deficit)		2,589,921	5,735,963	5,735,963	5,735,963	0	0.0%	
Transfer from Restricted Funds - Grants		85,000	0	0	0	0		
Transfer to Reserves		(2,765,935)	(3,332,008)	(144,540)	(184,993)	(40,453)	(21.9%)	
Transfer from Reserves		6,097,197	4,717,233	0	0	0		
Rate Revenue		27,107,022	27,084,022	27,069,244	27,062,211	(7,033)	(0.0%)	
Closing Funding Surplus(Deficit)	1	0	58,219	13,450,683	15,402,337	945,504		

City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st May 2013

Note 1: NET CURRENT FUNDING POSITION

Positive=Surplus (Negative=Deficit)			
2012-13			
Note	This Period	Last Period	Same Period Last Year
	\$	\$	\$
Current Assets			
Cash Unrestricted	16,153,822	18,849,714	17,615,109
Cash Restricted	10,376,799	10,373,026	4,152,355
Receivable - Rates and Rubbish	1,338,751	1,588,573	1,093,064
Receivables - Other	1,247,806	1,899,233	1,857,374
Investment Land	1,312,138	1,312,138	1,911,896
Stock on Hand	479,921	504,961	669,857
	30,909,236	34,527,644	27,299,655
Less: Current Liabilities			
Payables	(2,793,866)	(4,016,757)	(7,761,084)
Income in advance	(467,815)	(416,822)	0
Provisions	(2,772,626)	(2,938,473)	(2,375,054)
Retentions	(6,849)	(6,849)	0
	(6,041,156)	(7,378,901)	(10,136,138)
Add Back: Loans	1,022,055	2,059,366	5,152,322
Less: Cash Restricted	(9,191,990)	(9,147,286)	(5,074,992)
Self Supporting Loans	16,331	16,331	312,288
Investment land	(1,312,138)	(1,312,138)	(1,911,896)
Net Current Funding Position	15,402,337	18,765,016	15,641,239

City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st May 2013

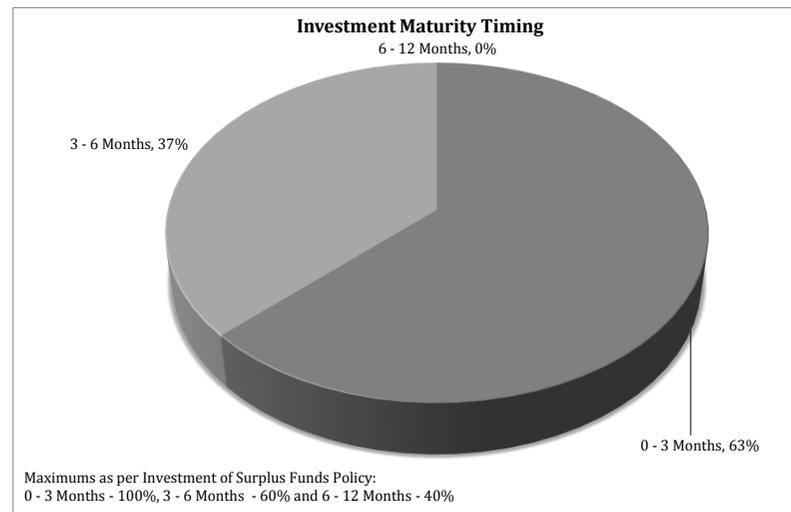
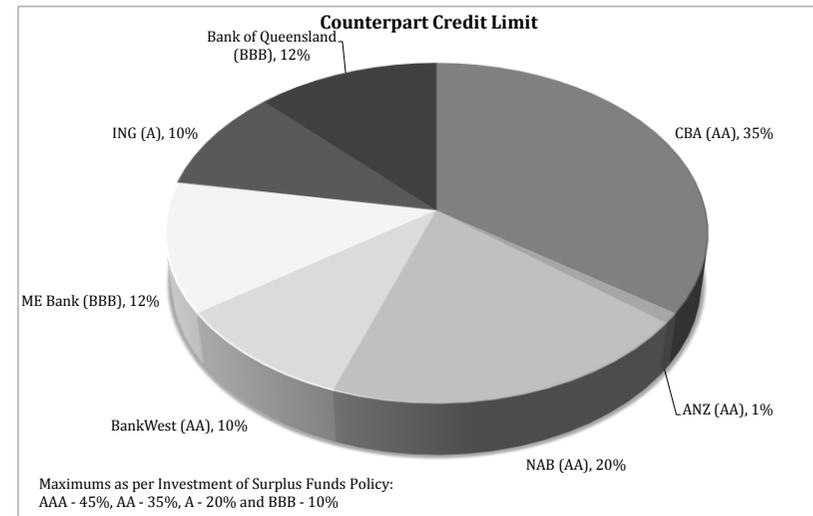
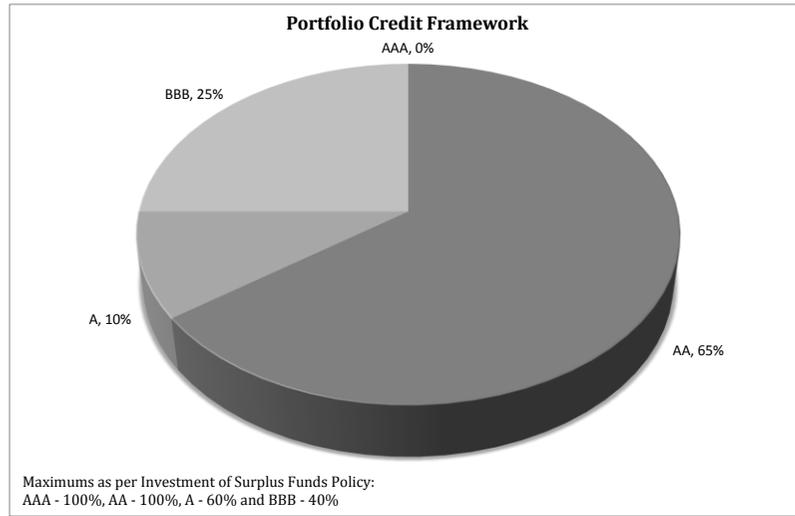
Note 2: CASH INVESTMENTS

Deposit Ref	Institution	Rating	Deposit Date	Term (Days)	Invested Interest rates	Amount Invested	Expected Interest	Amount Invested (Days)			Comparative rate		Budget v Actual				
								0 - 3 Months	3 - 6 Months	6 - 12 Months	Prior Month Interest Rate	Interest Rate at time of Report	Year to Date Budget	Year to Date Actual	Var.\$		
General Municipal																	
Call 4108	CBA	AA	26/02/2013	30	3.60%	500,000	1,479	500,000			3.25%	3.60%					
TD 33768604	CBA	AA	8/04/2013	30	3.95%	2,000,000	6,493	2,000,000			3.95%	3.70%					
TD 4081410	BWA	AA	5/04/2013	31	4.10%	2,000,000	6,964	2,000,000			4.10%	4.00%					
TD 5478	NAB	AA	6/02/2013	120	4.35%	3,000,000	42,904		3,000,000		4.35%	4.35%					
Call 2031	NAB	AA	6/02/2013	30	2.80%	1,000,000	2,302	1,000,000			3.14%	2.80%					
Call 6654	ANZ	AA	21/09/2012	30	3.12%	200,000	512	200,000			3.11%	3.12%					
TD 35190	ME Bank	BBB	21/02/2013	90	4.40%	2,500,000	27,123	2,500,000			4.40%	3.75%					
						Subtotal	11,200,000	87,779	8,200,000	3,000,000				600,000	631,628	(31,628)	
Restricted																	
Call 4108	CBA	AA	31/05/2013	30	3.60%	4,500,000	1,479	4,500,000			3.25%	3.60%					
TD ING	ING	A	15/03/2013	180	4.48%	2,000,000	44,186		2,000,000		4.48%	4.48%					
TD BoQ4	Bank of Queensland	BBB	21/02/2013	120	4.35%	2,500,000	35,753		2,500,000		4.35%	4.35%					
						Subtotal	9,000,000	35,753	4,500,000	4,500,000				154,540	184,993	(30,453)	
Commercial Securities - CDOs																	
Corsair (Kakadu)	Corsair	CCC	21/12/2009		BBSW+1%	68,750	-				BBSW+1%	BBSW+1%					
						Subtotal	68,750	-									
						Total Funds Invested	20,268,750	123,532	12,700,000	7,500,000	68,750			754,540	816,621	(62,081)	

Comments/Notes - Cash Investments
 The counterparty credit limit for BBB institutions has been exceeded this month. This is the deposits held at the Bank of Queensland and ME Bank. This is due to the maturing of a number of other investments during May 2013, reducing the funds invested in total by \$4 million. Therefore the ratios for remaining investments have changed. Both of these investments will mature during June 2013, and holdings will be adjusted to ensure the policy counterparty limit is kept.

City of Albany
 Monthly Investment Report
 For the Period Ended 31st May 2013

Note 2A: GRAPHICAL REPRESENTATION - CASH INVESTMENTS



City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st May 2013

Note 3: MAJOR VARIANCES

Comments/Reason for Variance in excess of \$50,000

3.1 OPERATING REVENUE (EXCLUDING RATES)**3.1.1 GRANTS & SUBSIDIES**

Two small grants received, not budgeted year to date. Timing issue.

3.1.2 CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

This variance is due to a number of smaller individual variances. Insurance reimbursements, workers compensation payment reimbursement, and some smaller sundry grant/sponsorship funding being received.

3.1.3 FEES AND CHARGES

With the legislated changes to the airport screening process, and increase in passenger levy, there was some degree of uncertainty about the impact this would have on airport usage and revenue. The budgeted revenue was set at the lower end of expectations. This has been exceeded year-to-date, and will exceed the total yearly budget.

3.1.4 INTEREST EARNINGS

Interest earnings on rate instalment payments exceed budget, but similar to last year. Budget estimates for this item are very conservative, due to the uncertainty during budget preparation regarding the interest rate chargeable under amended Local Government regulations being proposed at the time.

3.1.5 OTHER REVENUE

Under variance threshold

3.2 OPERATING EXPENSES**3.2.1 EMPLOYEE COSTS**

Employee costs are under budget, and anticipated to be close to, or slightly under budget at year end.

3.2.2 MATERIAL AND CONTRACTS

Variance across number of areas. Airport screening contract under budget - timing of invoice, waste contract under budget - timing of invoice, tip maintenance under budget, major projects - shift from individual contract employment to payroll employment contracts.

3.2.3 UTILITY CHARGES

Timing issue with receipt of invoices.

3.2.4 DEPRECIATION (NON CURRENT ASSETS)

Ongoing review of asset register shows depreciation under budget year-to-date. As large infrastructure assets are completed and added to register, depreciation should be closer to budgeted amount.

3.2.5 INTEREST EXPENSES

Under variance threshold

3.2.6 INSURANCE EXPENSES

Under variance threshold

3.2.7 LOSS ON ASSET DISPOSAL

Timing issue with year-to-date budget. Expected to be close to budgeted amount. Also due to timing issue of asset sales (ute, light fleet to be carried over to 2013/14)

3.2.8 OTHER EXPENDITURE

Election expenses allowed for, but no Council election undertaken during the year (\$40 000), balance of variance is spread over a number of accounts and directorates.

3.2.9 LESS ALLOCATED TO INFRASTRUCTURE

Additional internal resources used for capital works.

City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st May 2013

Note 3: MAJOR VARIANCES

Comments/Reason for Variance in excess of \$50,000

3.3 CONTRIBUTIONS FOR THE DEVELOPMENT OF ASSETS**3.3.1 GRANTS & SUBSIDIES**

Timing of grant receipts for a number large projects (e.g. ANZAC, Recreation Masterplan) budgeted for, not yet received. Many will carryover to 2013/14 year, if not received this year.

3.3.2 CONTRIBUTIONS, DONATIONS & REIMBURSEMENTS

Mainly fire fighting assets contributed to the City. This is reconciled at year end.

3.4 CAPITAL REVENUES**3.4.1 PROCEEDS FROM DISPOSAL OF ASSETS**

Proceeds under budget, as much of light fleet has not been disposed in this year. Bulk of disposals, and therefore, proceeds from sale or trade-ins, will be received in early 13/14.

3.5 ACQUISITION OF FIXED ASSETS**3.5.1 LAND AND BUILDINGS**

Land resumption under budget year to date, plus depot upgrades/rearrangements under budget.

3.5.2 PLANT AND EQUIPMENT

Ute replacement being done now, delivery expected over the next 8 weeks. Will partly carry over to 2013/14.

3.5.3 FURNITURE AND EQUIPMENT

Mainly IT upgrade and replacements. Budget will largely be spent, with some carryover to 2013/14.

3.5.4 INFRASTRUCTURE ASSETS - ROADS

As projects enter completion, actual expenditure is anticipated to be close to budget by year end. Dependent on individual project completion and payment schedules. However, as the end of the year approaches, there will be a number of carry over projects.

3.5.5 INFRASTRUCTURE ASSETS - OTHER

As projects near completion, actual expenditure is anticipated to be close to budget by year end. Dependent on individual project completion and payment schedules. Some of these projects will be carried forward to 2013/14.

3.6 FINANCING/BORROWING**3.6.1 DEBT REDEMPTION**

Timing issue. Budgeted for \$1 800 000 of debt payment in June, actual payments made in April and May. Part of this is to be refinanced in June.

3.6.2 PROFIT ON SALE OF INVESTMENTS

Proceeds from Lehman Bros. CDO repayment.

3.6.3 SELF-SUPPORTING LOAN PRINCIPAL

Under variance threshold

3.7 RESTRICTED FUNDING MOVEMENTS**3.7.1 OPENING FUNDING SURPLUS(DEFICIT)**

Under variance threshold

3.7.2 TRANSFER FROM RESTRICTED CASH FUNDS - GRANTS

Under variance threshold

3.7.3 TRANSFER TO RESERVES

Under variance threshold

City of Albany
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st May 2013

Note 3: MAJOR VARIANCES

Comments/Reason for Variance in excess of \$50,000

3.7.4 TRANSFER FROM RESERVES

Under variance threshold

3.8 RATE REVENUE

3.8.1 RATE REVENUE

Under variance threshold

**4.3: NEW LEASE – RANDALL WIGGINS – AIRPORT HANGAR SITE 7 –
ALBANY REGIONAL AIRPORT**

Land Description : Portion of Lot 213 on Diagram 94445 and the whole of the land contained in Certificate of Title Volume 2158 Folio 588, at 35615 Albany Highway, Drome

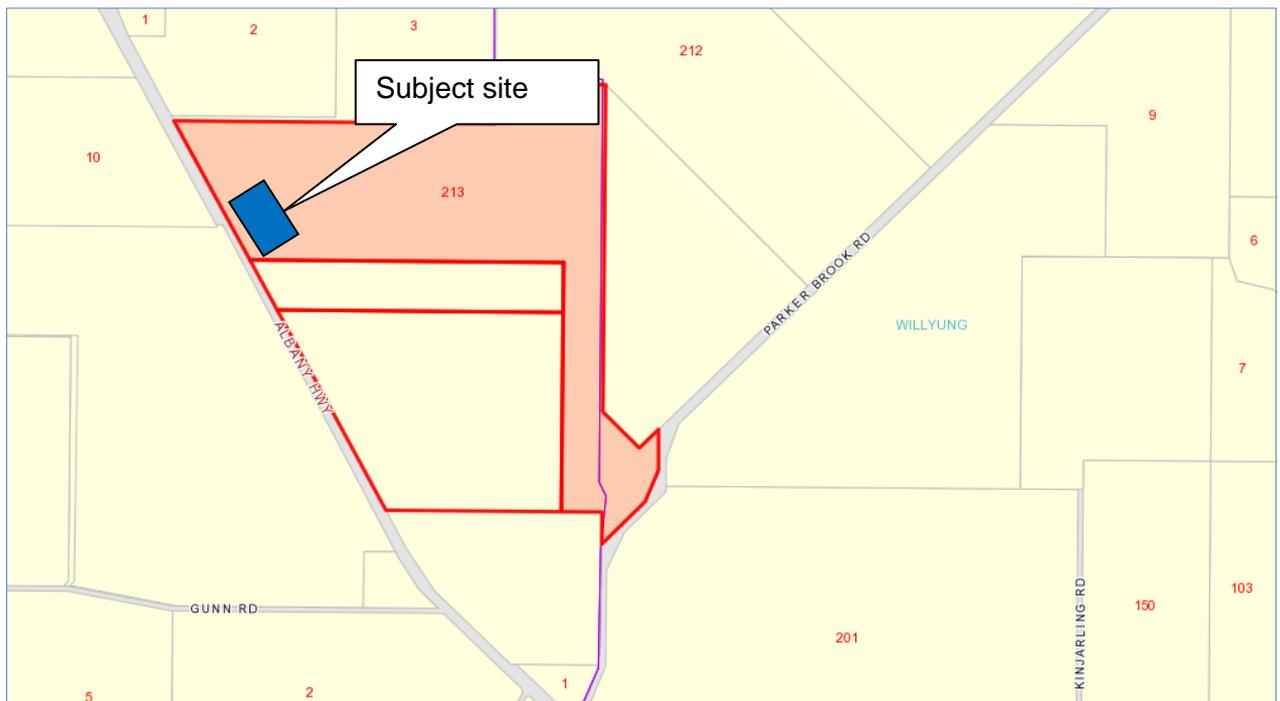
Proponent : Randall Wiggins

Owner : City of Albany

Attachments : Nil

Responsible Officer(s) : Executive Director Corporate Services (G Adams)

Maps and Diagrams:



IN BRIEF

- Council is requested to consider Mr Randall Wiggins request for a new lease over the area he currently occupies being hangar site 7, Albany Regional Airport at 35615 Albany Highway, Drome.
- Lease term being 10 years with an option for a further 10 year term for the purpose of airport hangar for aircraft hangarage only.
- The Lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

ITEM 4.3: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

That Council **APPROVE** the request from Mr Randall Wiggins for a new lease for hangar site 7 at the Albany Regional Airport on portion of Lot 213 on Diagram 94445 at 35615 Albany Highway Drome, subject to:

1. Lease term being 10 years commencing 1 April 2013, with an option for a further 10 year term.
2. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease rent being reviewed by current market valuation every three years with Consumer Price Index applied for intervening years.
4. Lease area being approximately 180 square metres.
5. Lease purpose being Aircraft hangar for aircraft hangarage only.
6. Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. All costs associated with the preparation, execution and completion of the Deed of Lease being payable by the Lessee.
8. All costs associated with the ongoing operations of the lease premises being payable by the Lessee.
9. Lease being consistent with Council Policy – Property Management – Leases and Licences.

BACKGROUND

1. In April 1993 the former Shire of Albany granted a new lease for hangar site 7, an area of approximately 180 square metres at the Albany Regional Airport to Mr Ian Reeves for the purpose of airport hangar for airport hangarage only.
2. Hangar site 7 is located on portion of Lot 213 which is City of Albany owned freehold land and adjacent to the Airport Terminal.
3. The lease was assigned to Randall Wiggins as of 10 December 2007 and has since expired on 31 March 2013 with no option for a further term.
4. As there had been a degree of uncertainty regarding the term outlined in the earlier hangar leases, legal advice was sought and determined the term to be 20 years with no options for a further term.
5. At Ordinary Council Meeting 19 August 2008, Council resolved to limit hangar leases to a maximum term of 20 years. All hangar Lessees were informed of the resolution and how this would affect their individual leases.
6. In January 2013 the City wrote to the Mr Wiggins informing him the current lease was due to expire on 31 March 2013, and requested Mr Wiggins to advise the City of his intentions with regard to applying for a new lease over hangar site 7.

7. The City has received a request from Mr Wiggins for a new lease over hangar site 7, the area he currently occupies, for a term of 10 years with an option for a further 10 year term.
8. The Lessee continues to occupy the leased area on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the obligations of the lease, except in respect to the term of the lease.
9. The lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.

DISCUSSION

10. In October 2010 the City's lawyers developed a standard lease for Airport hangar sites. Since this time, the City has provided a copy of the proposed draft Deed of Lease to Lessees for their review.
11. The City received feedback from the Lessees and after extensive discussions the lease was amended to address a number of concerns. However, the Lessees advised they still had outstanding concerns regarding some lease provisions and requested that the City further consider these matters.
12. In March 2013 City staff including Executive Director Corporate Services and Manager responsible for the Airport, met with hangar Lessee representatives to discuss their concerns regarding the proposed standard hangar site lease and the 2012 Airport Master Plan.
13. The City taking into consideration the Lessees concerns and as a gesture of goodwill addressed each matter as follows:
 - a. Clause 5.1 (c) Common Areas: The Lessees disagreed with the provision that Lessees pay their proportion of costs towards the maintenance of hangar common areas, should this be required.
Outcome: The City will consider the requirement for the common area clause with a view to removing this clause and all consequential references from the lease.
 - b. Clause 17 Relocation: The Lessees disagreed with Lessee costs associated with relocating hangars or vacating hangar sites should the City require the site.
Outcome: The City will investigate and seek legal advice to amend the clause to reflect:
 - **Should the City require relocation for legislative requirements such as an Airport security upgrade then the Lessee would be liable for costs of relocation.**
 - **Should the City require relocation or vacant possession for reasons other than for legislative requirements the City will be liable for such costs.**
 - c. Schedule Item 4 Rent: The Lessees challenged the market ground rental valuation provided by a licensed Valuer determining the rent of \$9.50 per square metre plus GST.

Outcome: The City offered to cover the costs associated with undertaking a second market rental valuation using a licensed Valuer nominated by the Lessees to further consider the rent for hangar site leases.

- d. Airport Master Plan: Lessees sought more information on the impact of the proposed 2012 Airport Master Plan.

Outcome: The City provided clarification on the Airport Master Plan.

13. A second valuation was undertaken by licensed Valuer Aon Risk Solutions, Global Risk Consulting Valuation Services on the 6 June 2013, which determined a market ground rental valuation of \$7.50 per square metre plus GST for airport hangar site.
14. The City has considered both valuations provided by licensed Valuers, Opteon (Albany and Great Southern WA) and Aon Risk Solutions, Global Risk Consulting Valuation Services. The City agrees to adopt Aon market valuation rent, being \$7.50 per square metre plus GST for all airport hangar leases currently being negotiated.
15. The Lessee has occupied hangar site 7 for approximately five years and has fulfilled the obligations of the previous lease, including meeting a (fixed) rental rate of \$244.00 per annum.
16. The Lessee maintains the hangar building and infrastructure upon the leased area at no cost to Council. The site is neat and tidy and free of weeds and rubbish.
17. The rental for the 180 square metre lease area will be \$1,350.00 plus GST per annum.
18. Lease rent reviews will be set with market valuations at three year intervals with Consumer Price Index, All Groups (Perth) determining rental increases per annum for the intervening years.
19. The Lessee will be responsible for all maintenance, insurance and utilities for the Leased Premises.
20. The proposed new lease will be negotiated in line with Council's Policy – Property Management – Leases and Licences.

GOVERNMENT CONSULTATION

21. No Government consultation is required as lease area is located within City of Albany owned freehold land.

PUBLIC CONSULTATION / ENGAGEMENT

22. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. 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.
23. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

24. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
25. Under the City's Town Planning Scheme Number 3, the subject land is zoned "Rural", the existing use of hangar was approved in 1985 under Building Licence 6689 under delegation, in accordance with the Scheme.
26. The Western Australia Planning Commission (WAPC) has not been consulted with regard to the proposed new lease as per Section 136 of the *Planning and Development Act*, as no comment is required from WAPC when a lease term does not exceed twenty years.

STRATEGIC IMPLICATIONS

27. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

- *Organisational Performance.*

Community Priority

- *Policy and Procedures.*

Proposed Strategies

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*

POLICY IMPLICATIONS

28. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
29. 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.

30. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>
<i>Council does not approve a new lease – loss of rental income in short term</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Collaborate with prospective Lessee to reach a mutually agreeable outcome.</i>

FINANCIAL IMPLICATIONS`

32. The new lease rental determined by a current market valuation provided by licensed Valuer, Aon Risk Solutions, will be \$1,350.00 plus GST per annum, with rent reviews in line with Council's Policy – Property Management – Leases for this category of lease agreement.
33. The new lease rental will be directed to COA 138130 Income – Airport Lease Rents.
34. All costs associated with the preparation, execution and completion of the new lease documentation including but are not limited to legal, advertising, survey and valuation will be borne by the Lessee.

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

36. Council may:
- a. Approve the request for a new lease; or
 - b. Decline the request.
37. Should Council decline the request, the Lessee would be required to vacate the leased premises and find an alternate location to store the aircraft.

38. The Lessee would within three months of expiration of the lease be required to remove fixtures and fittings and if the City of Albany directs remove hangar and structures erected on the leased premises and restore the area at the Lessee's cost.
39. If Lessee fails to remove the improvements as directed by the City of Albany, the improvements will become the property of the City of Albany.
40. Council could then invite expressions of interest to lease this hangar site with Council considering any new lease for the vacant premises.

SUMMARY CONCLUSION

41. The current Lessee is seeking a new lease over hangar site 7, for a term of 10 years with an option for a further 10 year term for the purpose of airport hangar for airport hangarage only.
42. The Lessee has occupied this site for the past five years.
43. The Lessee has met the obligations of the previous lease including payment of rent and outgoings, at no cost to Council.
44. The lease request proposal complies with the 2012 Albany Regional Airport Master Plan recommendations.
45. The lease request to allow Mr Randall Wiggins to continue to lease hangar site 7 at the Albany Regional Airport, is supported.

Consulted References	<ul style="list-style-type: none">• Council Policy – Property Management – Leases and Licences• <i>Local Government Act 1995</i>• <i>Planning and Development Act</i>
File Number (Name of Ward)	PRO172, A160468 (Kalgan Ward)
Previous Reference	OCM 19/08/2008 Item 13.3.1

16/07/2013

REFER DISCLAIMER

4.4: NEW LEASE – ALBANY COMMUNITY RADIO INC. AT LOTTERIES HOUSE

Land Description	: Lot 211 on Diagram 94113 being whole of land contained in Certificate of Title Volume 2172 Folio 740, Centennial Park (Lotteries House)
Proponent	: Albany Community Radio Inc.
Owner	: City of Albany and the Lotteries Commission
Responsible Officer	: Executive Director Corporate Services (G Adams)

Maps and Diagrams



IN BRIEF

- Council is requested to consider a new lease at Lotteries House for Albany Community Radio Inc., over the area it has occupied since June 2009.
- Lease term being three years commencing 1 July 2013.

**ITEM 4.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council APPROVE a new lease to Albany Community Radio Inc. at Lot 211 on Diagram 94113 known as Lotteries House subject to:

- 1. Lotteries House Tenant Management Committee approval.**
- 2. Lease term being three years, commencing 1 July 2013.**
- 3. Lease area being 101 square metres.**
- 4. Lease rental being \$12,516.30 plus GST per annum as determined by the Lotteries House Tenant Management Committee.**
- 5. Lease purpose being office space.**
- 6. Lease rent reviews being carried out annually on 1 July by the Lotteries House Tenant Management Committee.**
- 7. Costs associated with the preparation and implementation of the lease documentation, if any, to be payable by the proponent.**

BACKGROUND

1. In September 1996 a Deed of Trust was entered into between the former Town of Albany and the Lotteries Commission for the management of Lotteries House, located at 211-217 North Road, Albany.
2. The Deed required a Management Committee to be formed to oversee the management of the premises. The Lotteries House Tenant Management Committee for Albany is comprised of tenant representatives, community volunteers and a City officer.
3. The City of Albany ("the Trustee") through the administration of the Management Committee is to make and keep available the property for eligible organisations defined in Section 19 of the *Lotteries Commission Act 1990* to use exclusively for accommodation for benevolent or charitable purposes.
4. Albany Lotteries House provides secure and affordable accommodation for not-for-profit community organisations in a community service profile building. The Lotteries House conference room is hired out for workshops, meeting and other community gatherings.
5. At Ordinary Council Meeting 16 June 2009, the City of Albany with approval from Lotteries House Tenant Management Committee resolved to enter into a new lease with Albany Community Radio Inc. for a term of 1 year with no option for a further term as requested by the Proponent, commencing on 1 July 2009 and expiring on 30 June 2010.
6. At Ordinary Council Meeting 15 June 2010, the City of Albany with approval from Lotteries House Tenant Management Committee resolved to enter into a new lease with Albany Community Radio Inc. for a term of 3 years as requested by the proponent, commencing on 1 July 2010 and expiring on 30 June 2013.

7. The existing lease area of approximately 101 square metres at Lotteries House currently returns a rental of \$12,157.64 plus GST per annum. This is based on a rate per square metre of \$120.37 plus GST.
8. The City of Albany has received a written request from Albany Community Radio Inc. for a new lease at Lotteries House over the area it currently occupies for a term of 3 years commencing 1 July 2013 for the purpose of Community Radio operations.
9. The Albany Community Radio Inc. new lease request was considered and approved by the Lotteries House Tenant Management Committee at the last Committee meeting held on 12 June 2013.
10. The Lotteries House Tenant Management Committee is responsible for setting the rents to be charged per square metre of leased area. The Committee determines the rental rate by:
 - a. Reviewing the rents charged by other Lotteries House Tenant Management Committees;
 - b. Reviewing current lease rents for similar type buildings; and
 - c. Reviewing operational expenditure costs of the building and projecting operating expenses for the financial year.
11. The new rate for rent is then adopted by the Committee and applied to leases annually from 1 July. The new rate for the 2013/14 financial year is \$123.93 plus GST per square metre.
12. Under the Deed of Trust for the building, any surplus rent generated annually is placed in trust for Lotteries House major building maintenance projects. The balance of the trust account as at the end of financial year 30 June 2012 was \$54,336.00. This balance will not alter until the 30 June 2013 when end of year financial adjustments are made.
13. The City of Albany currently has eight other leases with benevolent or charitable organisations at Lotteries House.
14. Ownership of the Lotteries House building is on an undivided share basis between the Lotteries Commission and the City of Albany as Trustee.
15. The City in accordance with the Deed of Trust is responsible for structural maintenance of the entire building and the cleaning, gardening and minor maintenance of common areas. The Lessees are responsible for the cleaning and minor maintenance of their individual lease areas.

16. The City in accordance with the Deed of Trust insures the buildings, plate glass and City owned fixtures, fittings and contents. The indicative cost for 2013/2014 financial year is \$3,325.00. Additionally the City is also responsible for the Public Liability Insurance over the common areas. As the City's Public Liability Insurance contribution is based on the whole of the City of Albany and its entire activities the individual cost to Lotteries House cannot be determined.
17. The Lessees are responsible for insuring their own individual fixtures, fittings and contents and are required to hold a minimum of not less than \$10 million Public Liability Insurance. The Lessee provides to the City a copy of insurance policies prior to the commencement of the lease, and annually upon request.

DISCUSSION

18. Albany Community Radio Inc. is a not-for-profit organisation operated by a team of volunteers providing a community based radio station with a diverse range of programming to cater for the greater community including Ethnic and Religious groups, Sports, Disability, Schools and Seniors Interests.
19. Albany Community Radio Inc. are also involved in a number of outside broadcasts for events including:
 - ANZAC Day Service and Parade.
 - Agricultural Show.
 - Carols by Candlelight.
 - Rotary Radio Auction.
20. The proposed new lease will be consistent with Council's Policy – Property Management – Leases and Licences for this category of lease.

GOVERNMENT CONSULTATION

21. No government consultation is required.

PUBLIC CONSULTATION / ENGAGEMENT

22. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. 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.
23. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:

- (b) The land is disposed of to a body, whether incorporated or not –
- (i) The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and
 - (ii) The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,
24. Albany Community Radio Inc. is a not-for-profit charitable organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

25. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
26. Under the City of Albany Town Planning Scheme 1A, the land is zoned 'Clubs and Institutions'. The proposed use for office space is in accordance with the Scheme.

STRATEGIC IMPLICATIONS

27. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

- *Organisational Performance.*
- *Community Focussed Organisation.*

Community Priority

- *Policy and Procedures.*
- *Support for Community Groups.*

Proposed Strategies

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*
- *Support community groups by identifying funding opportunities.*

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not approve a new lease – reputational loss to the City</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Council does not approve proposed new lease – loss of operating income for Lotteries House</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction. Seek alternative Tenant as last resort.</i>
<i>Council does not approve proposed new lease – Albany Community Radio Inc. will need to seek alternative premises</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

FINANCIAL IMPLICATIONS

32. Any costs associated with the preparation and implementation of the new lease documentation will be borne by the proponent.
33. All rental collected is used for Lotteries House operating expenses, including a \$5,000.00 annual service fee paid to the City to cover the City's Officers time for managing the property on behalf of the Lotteries House Tenant Management Committee.
34. There is no cost to the City to operate Lotteries House other than the City's Officers time and the indicative insurance cost of \$3,325.00 per annum for 2013/2014 financial year.
35. The new lease rental income of \$12,516.30 plus GST per annum will be directed to COA 120930 – Lotteries House Income.

LEGAL IMPLICATIONS

36. The agreement with the Lessee is a formal Deed of Lease which grants an interest in the land and buildings with enforceable conditions.

16/07/2013

REFER DISCLAIMER

ALTERNATE OPTIONS

37. Council may:
- a. Approve the request for a new lease, or
 - b. Decline the request.
38. Should Council decline the request, the proponent would be required to find alternative premises to continue community radio activities. If they are not able to do so, they may need to discontinue the service delivered to Albany and the wider community.
39. The City could then invite expressions of interest to lease the area and may risk a loss of rental during this process that may impact negatively on the operations of Lotteries House.

SUMMARY CONCLUSION

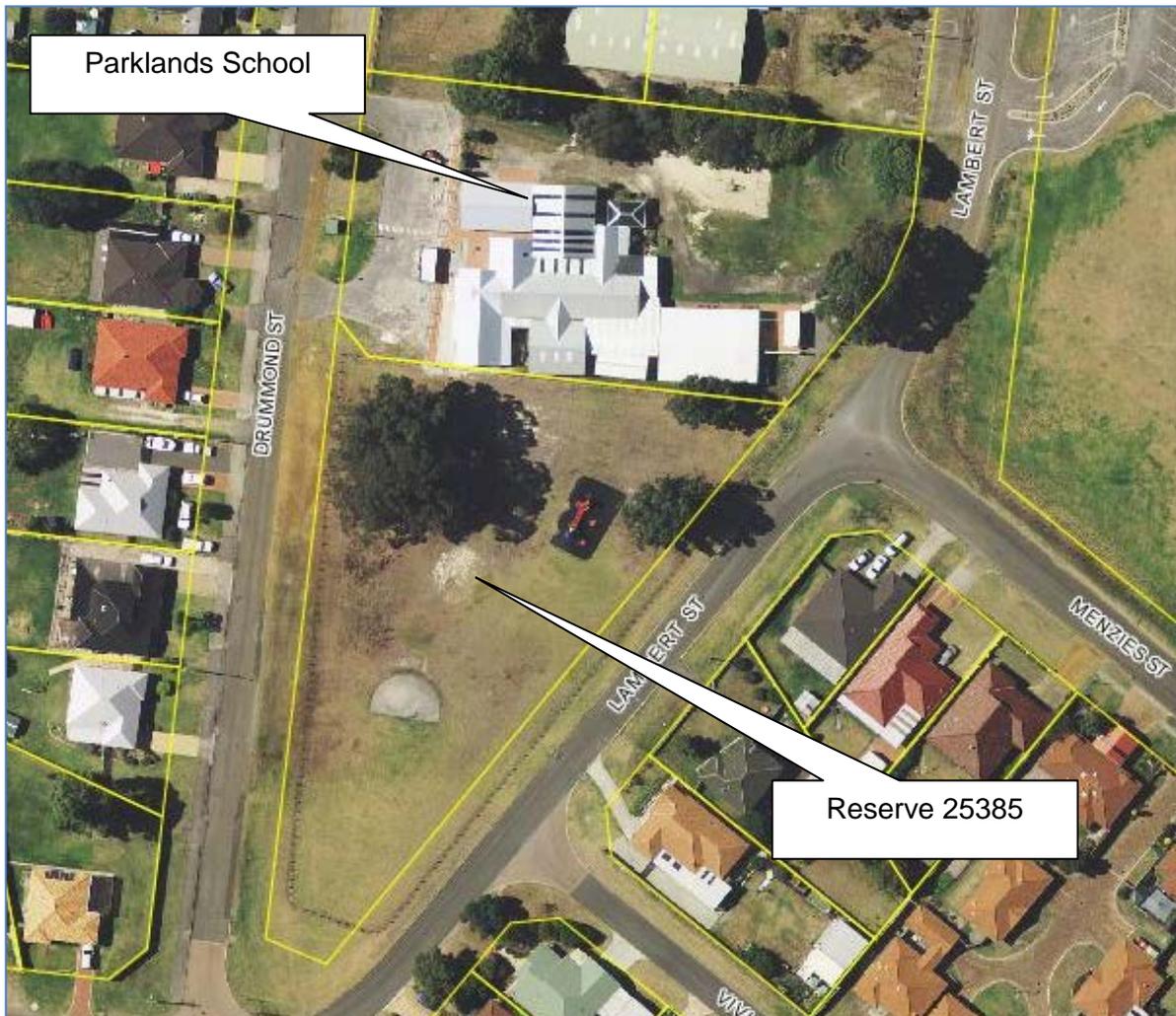
40. Albany Community Radio Inc. are seeking a new lease over 101 square metres of office space at Lotteries House, an area they have occupied since June 2009.
41. Albany Community Radio Inc. has fulfilled all previous lease obligations including payment of rent and outgoings.
42. In view of the community service provided by the Albany Community Radio Inc. to the wider community, the request for a new lease at Lotteries House is supported.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases and Licences • <i>Local Government Act 1995</i> • <i>Lotteries Commission Act 1990</i> • Lotteries House Tenant Management Committee Minutes – June 2013
File Number (Name of Ward)	PRO383, A150439 (Frederickstown Ward)
Previous Reference	OCM 16/06/2009 Item 12.11.2 OCM 15/06/2010 Item 14.11.4

4.5: PROPOSED ACQUISITION AFFECTING RESERVE 25385 TO ALLOW FOR THE EXPANSION OF PARKLANDS SCHOOL – OUTCOMES FROM PUBLIC CONSULTATION

- Land Description** : Lot 6702 Reserve 25385 No 22-30 Drummond Street, Lockyer
- Proponent** : Parklands School Association
- Owner** : Crown Land, vested in City of Albany
- Attachments** Attachment No 1 - Proposed Site Plan
Attachment No 2 – Correspondence received from Parklands School Board, 5 June 2013
- Responsible Officer(s)** : Executive Director Corporate Services (G Adams)

Maps and Diagrams:



IN BRIEF

- Council, at its meeting held on 19 March 2013, considered and supported a proposal to lease and licence Reserve 25385 Drummond Street, Lockyer to allow for the future expansion of Parklands School.
- As part of the land administration processes that must occur to permit the lease / licence arrangement with the school, the proposal was advertised for public comment.
- Council is now requested to consider the submissions received during the advertising period and the impact this may have on the previous lease and licence arrangement.

**ITEM 4.5: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council amends its previous resolution of 19 March 2013 with the following modifications shown in red, as follows:

1. **AGREES** to revoke the management order for Reserve 25385 held by the City of Albany, pursuant to section 50 of the Land Administration Act 1997;
2. **REQUESTS** that, pursuant to sections 51 and 74 of the Land Administration Act 1997, the Minister for Lands cancel Reserve 25385 and dispose of the land to the City of Albany, under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves;
3. **AGREES** to pay the land costs associated with the section 20A disposal of this Reserve 25385, subject to those moneys being reimbursed by the Parklands School Association;
4. **DELEGATES** authority to the Executive Director Corporate Services, subject to no objections being received during the required public consultation period, to forward these requests to the Minister for Lands and to finalise all dealings on this matter in conjunction with the Department for Regional Development and Lands and the Parklands School;
5. **APPROVES** a lease and licence arrangement to the Parklands School Association for the use of the land currently known as Crown Reserve 25385 and being Lot 6703 on Deposited Plan 190893, subject to the following terms and conditions:
 - a. The Parklands School observing all the agreed financial arrangements, as follows:
 - Parklands School to cover the City's land purchase costs in acquiring this reserve from the State of WA;
 - The City will cover the administration costs and fees associated with the 20A disposal process;
 - Parklands School will own any buildings or improvements constructed in the leasehold area, though removal will be required once the lease is terminated;
 - Parklands School will be responsible for all fees and charges associated with preparing the lease and licence documentation, including any legal and survey costs.
 - b. The lease term being 15 years, with a 10 year option, commencing once the land is held in freehold title by the City of Albany;
 - c. Lease rental being a peppercorn rate of \$10.00 plus GST annum;

- d. Lease area being approximately 1200m² for the purpose of Educational Establishment;
 - e. Licence area being approximately 3543m² for the purpose of Public Open Space and being maintained by the Parklands School, to the satisfaction of the City of Albany;
 - f. **The Parklands School observes the following requirements with regard to landscaping and maintenance of the reserve:**
 - **The existing trees on Reserve 25385 are to be retained;**
 - **Any maintenance and trimming of these trees shall be carried out by a licensed arborist;**
 - **A landscaping strip being installed in the licence area along the boundary of the lease area. The City shall be provided and must approve the details of the proposed landscaping strip prior to installation, including size, location, plant species to be used etc; and**
 - **Any drainage of the land shall be designed and installed to the City's satisfaction.**
 - g. All costs associated with the development, maintenance and operation of the lease and licence to be payable by the Parklands School;
 - h. The lease and licence being consistent with Council Policy – Property Management: Leases and Licences.
- 6. Those persons having made a submission on the proposal being advised of the changes to Council's previous 19 March 2013 resolution.**

BACKGROUND

1. The Parklands School approached the City of Albany with the view to acquiring an additional 1200m² portion of land from the adjoining Reserve 25385. The land will be used for the purposes of providing additional space for the reconfiguration of the existing school, allowing for building expansion and a greater land area for recreational use.
2. The Council considered this request at its meeting held on 19 March 2013 and resolved as follows:

THAT Council:

7. AGREES to revoke the management order for Reserve 25385 held by the City of Albany, pursuant to section 50 of the Land Administration Act 1997;
8. REQUESTS that, pursuant to sections 51 and 74 of the Land Administration Act 1997, the Minister for Lands cancel Reserve 25385 and dispose of the land to the City of Albany, under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves;
9. AGREES to pay the land costs associated with the section 20A disposal of this Reserve 25385, subject to those moneys being reimbursed by the Parklands School Association;

10. *DELEGATES authority to the Executive Director Corporate Services, subject to no objections being received during the required public consultation period, to forward these requests to the Minister for Lands and to finalise all dealings on this matter in conjunction with the Department for Regional Development and Lands and the Parklands School;*

11. *APPROVES a lease and licence arrangement to the Parklands School Association for the use of the land currently known as Crown Reserve 25385 and being Lot 6703 on Deposited Plan 190893, subject to the following terms and conditions:*
 - a. *The Parklands School observing all the agreed financial arrangements, as follows:*
 - *Parklands School to cover the City's land purchase costs in acquiring this reserve from the State of WA;*
 - *The City will cover the administration costs and fees associated with the 20A disposal process;*
 - *Parklands School will own any buildings or improvements constructed in the leasehold area, though removal will be required once the lease is terminated;*
 - *Parklands School will be responsible for all fees and charges associated with preparing the lease and licence documentation, including any legal and survey costs.*

 - b. *The lease term being 15 years, with a 10 year option, commencing once the land is held in freehold title by the City of Albany;*
 - c. *Lease rental being a peppercorn rate of \$10.00 plus GST annum;*
 - d. *Lease area being approximately 1200m² for the purpose of Educational Establishment;*
 - e. *Licence area being approximately 3543m² for the purpose of Public Open Space and being maintained by the Parklands School, to the satisfaction of the City of Albany;*
 - f. *All costs associated with the development, maintenance and operation of the lease and licence to be payable by the Parklands School;*
 - g. *The lease and licence being consistent with Council Policy – Property Management: Leases and Licences.*

3. Council's previous resolution was based on the following:
 - a. The dividing of Reserve 25385 to provide the school an area of 1200m² would only leave a useable area of 3543m², which is too small for any recreational use and would be a maintenance burden for the City;
 - b. The City explored options for Parklands School to take over the whole land area with the Department for Regional Development and Lands;
 - c. The Department would only support the City taking over this land as a freehold title and then the future lease / licence arrangement would be at the City's discretion;
 - d. In order to make this land freehold, the Section 20A Public Recreation Reserves Policy Statement would need to be observed;

- e. The Parklands School has indicated a willingness to reimburse the City the costs associated with the 20A disposal in order to facilitate a future lease & licence arrangement;
- f. The Parklands School had also agreed to the proposed terms of the lease / licence arrangement.

DISCUSSION

- 4. Following Council's March 2013 resolution, the proposed 20A disposal of Reserve 25385 was advertised for public comment. This included notices and articles in local newspapers, direct notification of all adjoining landowners, and the placement of signs on the reserve.
- 5. The advertising period closed on 3 May 2013 and two submissions were received. One of the submissions was signed by 28 signatories.

- 6. The submissions are summarised and addressed as follows:

- a. Submission 1

Supports the proposal provided that the existing trees on the reserve are retained.

In all negotiations with Parklands School, the City stressed the importance of retaining the existing trees on the reserve. An additional condition could be included in the lease and licence arrangement to ensure this occurs.

- b. Submission 2 (28 Signatories)

Raises no objections to the proposal however would like all existing trees on the reserve to be retained, additional trees being planted around the boundary of the reserve and a 5-10m nature strip being planted along the new expanded fence line to screen the impact of the school.

As mentioned above, the City has also sought the retention of all existing trees on site and an additional condition could be included to ensure this occurs.

The submission seeks a planting strip along the boundary of the new expanded school fence and this is considered to be a reasonable request. Additional planting in this park would improve its amenity while screening the school. Though, it is noted that the planting should remain low to allow surveillance of the school grounds. An additional condition could be included to consider this requirement.

- 7. Parklands School were advised of the matters raised in the public submissions and asked to provide comment. The school has since advised as follows:
 - a. The school will ensure that existing trees on the reserve are not in any way adversely affected by the expansion, and will be cared for in a sympathetic way to preserve their amenity value. Any trimming that may be required will only be done follow advice from a qualified Arborist;
 - b. The proposed fencing of the leased area will include a combination of 1.8m high fencing that will include some solid timber fencing and some palisade (swimming

- pool) type fencing. The objective is to provide fencing that is more attractive than the existing cyclone-mesh fencing;
- c. A landscaping strip along the lease area boundary fence can be installed. Selected plants will vary in height and include a few tall shrubs and trees;
 - d. The land proposed to be leased to the school will initially be used for recreation purposes. Any future building on the land must await rezoning of the land and will require the further approval of Council;
 - e. The School will manage and maintain the balance of the Reserve (outside the leased and fenced area) in accord with Council's request, but has no plans to regularly use or fence that land;
 - f. Measures will be taken to improve drainage of the land and a new compensating basin established to a design in accord with the City's requirements; and
 - g. It is the School's intention to approach the proposed expansion in a sympathetic and community-sensitive manner.
8. It is clear from these statements that Parklands School intends on addressing the concerns raised in the public submissions, though minor changes to the previous Council resolution are proposed to impose these requirements and ensure they are carried out.

GOVERNMENT CONSULTATION

9. This matter has been discussed in detail with officers of the Department for Regional Development and Lands, as any possible outcome to support the school's request would require the support of this department and the Minister for Lands. Council has been previously advised of the feedback received from this department and this was taken into consideration in making the March 2013 resolution.

PUBLIC CONSULTATION / ENGAGEMENT

10. The provisions of the Section 20A Public Recreation Reserves Policy Statement require that public consultation be undertaken, including signposting of the reserve, advertising in local newspapers and canvassing of nearby landowners. All of these requirements were observed during the advertising period.
11. Both submissions received have been acknowledged and advised that a further item to Council will be presented.

STATUTORY IMPLICATIONS

12. Section 18 of the *Land Administration Act 1997* states that a person shall not deal with interest in Crown Land or lease or licence Crown land without the prior approval of the Minister of Lands.
13. Section 50 of the *Land Administration Act 1997* allows the Minister for Lands to revoke a management order for a Crown Reserve where the management body agrees that it should be revoked. The City of Albany is the management body for the subject reserve.
14. Section 51 of the *Land Administration Act 1997* allows the Minister for Lands to cancel a reserve.

15. Section 74 of the *Land Administration Act 1997* allows the Minister for Lands to sell Crown land.
16. Section 20A of the previous *Town Planning and Development Act 1928* stated that on a plan of subdivision, any land shown on a diagram or plan as being reserved for the purpose of recreation (or any other public use) shall be vested in the Crown without the payment of any fee or the need to transfer that land.
17. In enacting the above provisions of the *Land Administration Act 1997*, the Department for Regional Development and Lands will have regard to the Government Land Policy Manual, which includes Policy 04.01.05 Section 20A Public Recreation Reserves. The Policy sets the considerations, process and financial arrangements for the disposal of 20A reserves.
18. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including the lease of property.

STRATEGIC IMPLICATIONS

19. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021):

Key Focus Area

Community Focussed Organisation

Community Priority

Support for Community Groups

Proposed Strategies

Support community groups by identifying funding opportunities.

POLICY IMPLICATIONS

20. Council's Policy – Property Management: Leases and Licences applies to this item. Under this policy, Parklands School is considered to be a community group, as it is an incorporated charitable fund. The provisions of the policy relevant to this item are as follows:
 - a. The maximum tenure of a lease or licence on freehold land will be at the discretion of Council;
 - b. The City may enter into a lease or licence with incorporated bodies;
 - c. Rent for community groups leasing land for community purposes will be a peppercorn rental of \$10 plus GST per annum (no City buildings on the land);
 - d. The lessee must reimburse the City for all reasonable costs incurred in the development and implementation of the lease or licence.

The proposed lease / licence arrangement will comply with all other standard conditions specified in this policy document.

21. It is noted that under this policy, should any buildings be constructed on the land, the school will own these buildings however they will need to be removed at the termination of the lease. The School has been advised of this requirement.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>If this proposal is not supported, the school will remain constrained on their existing site and the City will continue to be responsible for the maintenance of Reserve 25385.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council supports the modified recommendation to seek the disposal of Reserve 25385 to the City and lease / licence the land to Parklands School.</i>
<i>The City does not adequately consider the views of the community and allows the school to proceed without taking into account the suggestions made by adjoining owners.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The previous Council resolution be modified to take into account the views of the community regarding the retention of trees and landscaping to screen the impact of the expanded school.</i>

FINANCIAL IMPLICATIONS

23. The Section 20A Public Recreation Reserves Policy states that the disposal of a 20A reserve to local government shall be on the basis of payment to the Department of Regional Development and Lands of \$500 or 5% of the unimproved market value, as advised by the Valuer General, whichever is the greater. The action of obtaining the freehold title of Reserve 25385 has been estimated at \$12,000 plus administrative costs and associated fees.
24. Parklands School agreed to cover the City's costs to proceed with the 20A disposal and this was included as a condition of the lease and licence arrangement. As a goodwill gesture, the City offered to cover the administration costs and fees associated with the action, as most of these costs would be in kind works.

LEGAL IMPLICATIONS

25. Provided that this action meets all of the relevant legislative requirements, there are no legal implications relevant to this item.

ALTERNATE OPTIONS

26. Council may:
- a. Acknowledge the public submissions received and decide not to make any changes to the previous March 2013 resolution; or

- b. Amend the previous March 2013 resolution to include additional requirements to retain the existing trees on site and install a landscaping strip along the lease area fence line, within the proposed licence area.

SUMMARY CONCLUSION

27. Council has previously supported the recommended lease and licence arrangement over Reserve 25385, following its disposal to the City, to assist the Parklands School to secure additional land area.
28. The City has observed the public consultation processes required under the Section 20A Public Recreation Reserves Policy and two submissions from adjoining landowners were received. These submissions do not object to the proposed expansion, but rather seek that measures are taken to maintain the appearance of the existing park and to minimise the impact of the expanded school.
29. The Parklands School has had an opportunity to comment on the concerns raised in the public submission and has the intent to ensure the proposed expansion is undertaken in a sympathetic and community sensitive manner.
30. Minor modifications to Council's previous 19 March 2013 resolution are proposed to ensure that the requirements to retain the existing trees and install a landscaping strip are imposed accordingly.

Consulted References	:	Land Administration Act 1997 Government Land Policy Manual Planning and Development Act 2005
File Number (Name of Ward)	:	A120096
Previous Reference	:	OCM 19/03/2013 Item 4.5

Correspondence received from Parklands School Board, 5 June 2013

TO:



City of Albany.

Dear Nicole,

The Parklands School Board, teaching staff and parents met recently to further discuss the proposed expansion of the school grounds, a matter currently under consideration by Council.

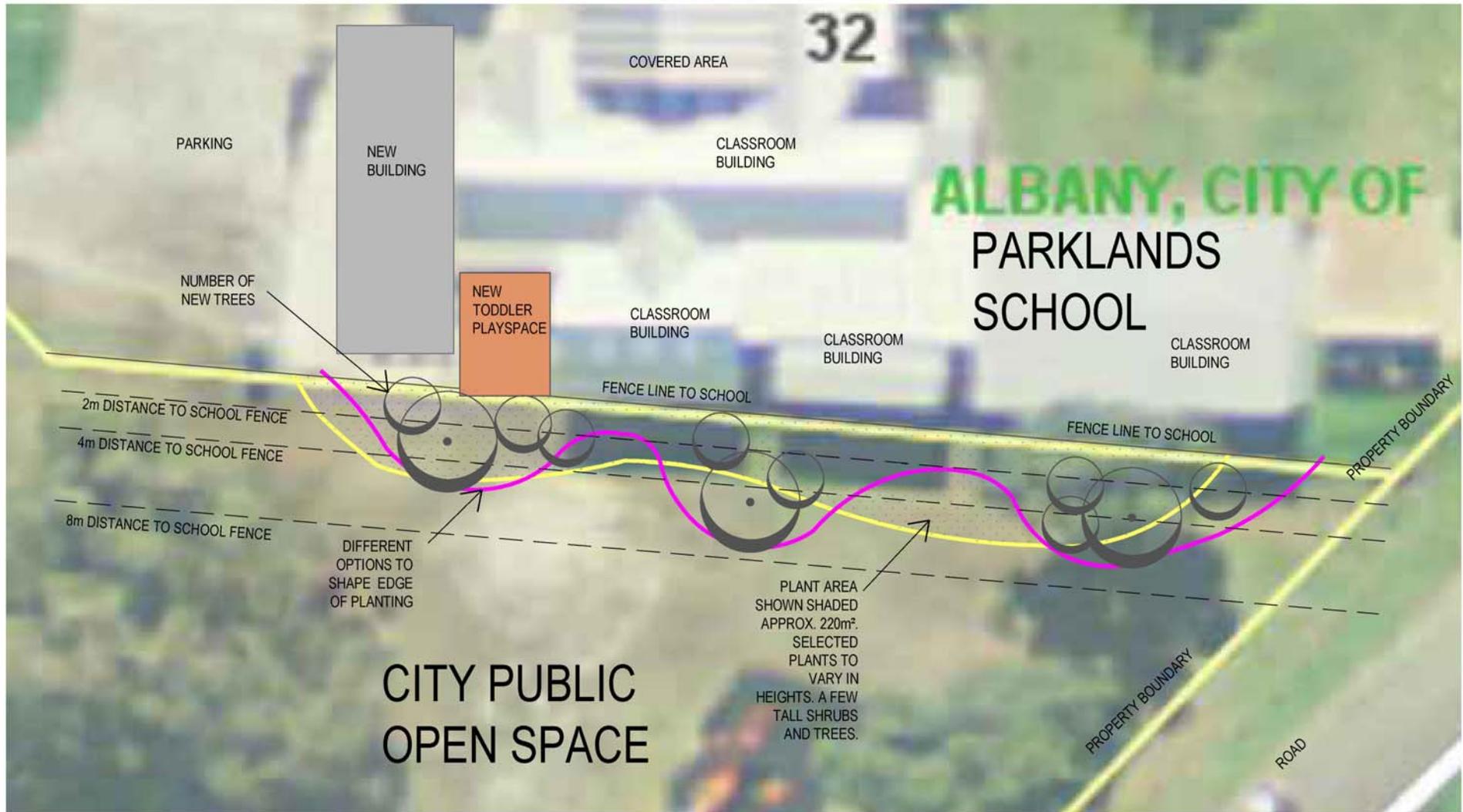
In the light of feedback from Council and in order for the proposed new school boundary to have a good interface with the surrounding community, the Board has decided that, in the event of Council approving the School's request for additional land:

- Parklands School will ensure that existing trees on the reserve are not in any way adversely affected by the expansion, and will be cared for in a sympathetic way to preserve their amenity value. The larger trees fall outside the proposed new boundary fence. Some existing trees may need to be trimmed. This will only be done following advice from a qualified Arborist.
- The School will fence the proposed new boundary (the land to be leased to the School) with a combination of 1.8m high fencing that will include some solid timber fencing and some palisade (swimming pool) type fencing. The objective is to provide fencing that is more attractive than the existing cyclone-mesh fencing. The attached illustrations demonstrate an idea of the types of fencing proposed. The final form of fencing will be based on recommendations from architect David Heaver.
- The School will landscape the new boundary fence with a plant/shaded area similar to that previously proposed for the existing boundary. Selected plants will vary in height and include a few tall shrubs and trees. (an indicative plan is attached, drawn up prior to the adoption of the land expansion plan for the existing southern boundary, and approved by the City)
- The land proposed to be leased to the school and fenced land will initially be used for recreation purposes. Any future building on the land must await rezoning of the land, and will have to be approved by Council.
- The School will manage and maintain the balance of the Reserve land (outside the leased and fenced area) in accord with Council's request, but has no plans to regularly use or fence that land.
- Measures will be taken to improve drainage of the land, and a new compensating basin established to a design in accord with Council requirements

We believe that these points underline the School's intention to approach the proposed expansion in a sympathetic and community-sensitive manner. We trust Council sees fit to grant approval to our request.

Regards,

Ian Alexander
on behalf of the Parklands School Board



OPEN SPACE SKETCH
PARKLANDS SCHOOL ALBANY



SCALE 1:200 @ A3
date 10.05.11
dana neumann / dana.neu@web.de

Examples of fencing options





PARKLANDS SCHOOL
 SITE PLAN PROPOSED
 23/01/2013

1:500 @ A3
 1:200 @ A1

DRUMMOND STREET

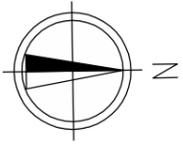
LAMBERT STREET



OPTION 2

LEGEND:

	EXISTING SITE BOUNDARY
	PROPOSED BOUNDARY TO ADDITIONAL LAND
	EXISTING POWER LINE
	EXISTING STORMWATER
	EXISTING FENCE
	PROPOSED FENCE
	EXISTING TREE



SK 4



architects

NO. 804 4 ST. ASHLEY, WILSON, QLD
 T 7542 2552
 F 7542 2552
 E info@h+h.com.au

**4.6: NEW LEASES – OCEAN FOODS INTERNATIONAL PTY LTD –
PORTION CROWN RESERVE 42964, EMU POINT**

Land Description	: Lot 501 on Deposited Plan 64940 and the whole of the land contained in Certificate of Title Volume LR3159 Folio 265 portion of Crown Reserve 42964, Emu Point
Proponent	: Ocean Foods International Pty Ltd
Owner	: Crown Land, vested in the City of Albany
Attachments	: Nil
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)
Maps and Diagrams:	



IN BRIEF

- Council is requested to consider Ocean Foods International Pty Ltd request for two new leases over existing lease areas A and B on portion of Reserve 42964, Emu Point that the Company has occupied since May 1992.
- Lease terms being five years with an option for a further five year term for the purpose of shellfish farming, production, sales and associated activities.

ITEM 4.6: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

That Council **APPROVE** two new leases for Ocean Foods International Pty Ltd over portion of Crown Reserve 42964 and being Lot 501 on Plan 64940, Emu Point subject to:

1. Lease term being five years with an option for a further five year term.
2. Lease rental fee to be determined by a current market valuation provided by a licensed Valuer.
3. Rent to be reviewed every three years by market valuation with CPI applied for intervening years.
4. Lease Area A being approximately 4,224 square metres.
5. Lease Area B being approximately 1,372 square metres.
6. Lease purpose being shellfish farming, production, sales and associated activities.
7. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
8. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
9. All costs associated with the preparation, execution and completion of Deed of Lease being payable by the Proponent.
10. All costs associated with the ongoing operations of lease premises being payable by the Proponent.
11. Lease being consistent with Council Policy – Property Management – Leases and Licences.

BACKGROUND

1. 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.
2. Crown Reserve 42964, an area of approximately 3.5 hectares located on Swarbrick Street Emu Point is commonly referred to as the Emu Point Marina.
3. The City currently has nine leases on the reserve consisting of five commercial leases and two community leases. All leases are associated with marine purposes.
4. In May 1992, the former Town of Albany approved a new lease to Ocean Foods International Pty Ltd over an area of 4,224 square metres (referred to as Lease Area A) over what was historically Crown Reserve 22698 for a term of 21 years. The lease area for portion of Crown Reserve 22698 is now incorporated within Crown Reserve 42964.
5. Additionally in May 1992, the former Town of Albany approved a sub-lease to Ocean Foods International Pty Ltd over an area of 1,372 square metres (referred to as Lease Area B) for portion of Crown Reserve 42964 for a term of 21 years. The Head Lessee being the Emu Point Sporting Association Inc.

****REFER DISCLAIMER****

6. Ocean Foods International Pty Ltd activities are located to the north of the reserve. Lease Area A houses the factory, tanks and associated infrastructure with the office being located on Lease Area B.
7. The rental at that time, as determined by market valuation for Lease Area A was \$2,150.00 per annum and Lease Area B was \$1,200.00 per annum. Rent reviews by market valuation were due in 2004, 2008 and 2011 with CPI applied every second year for both lease areas during the term of the lease.
8. The Head Lease for Lease Area B was surrendered by the Emu Point Sporting Association Inc. on 1 July 2003 as new lease arrangements were entered into with the former Town of Albany. Subsequently the sub-lease to Ocean Foods was formerly surrendered at this time.
9. On 1 July 2003 the City of Albany entered into a new lease with Ocean Foods over the area they had previously held a sub-lease arrangement. This new lease was for a term of nine years and ten months, expiring on the 30 April 2013.
10. Ocean Foods have developed the lease area to accommodate the business requirements as a shellfish supplier. Approval to sell shellfish directly from the Emu Point premises was requested by Ocean Foods and granted by the City as local authority in 1994.
11. The following Planning Scheme Consents and Building Licences have been issued to Ocean Foods by the City of Albany as local authority, over the current lease areas:
 - Depot and Boat Wharf (10/10/1991)
 - Oyster farm (01/07/1992)
 - Oyster Tanks (28/01/1993)
 - Sale of Shellfish (03/06/1994)
 - Storage Shed / Oyster Nursery (06/10/1997)
 - Brick and Tile Office (29/11/1991)
 - Factory (09/01/1998)
12. Ocean Foods maintains all of the buildings and infrastructure upon the leased areas, at no cost to the City.
13. The current rent payable to the City for Lease Area A is \$17,029.75 plus GST per annum and Lease Area B is \$5,531.43 plus GST per annum.
14. Ocean Foods has, at times during the term of the lease, experienced difficulties in meeting the lease rental payments. Notices of Default were issued on two occasions with all outstanding monies paid in full by the required date to fulfil Notice obligations.
15. Ocean Foods International Pty Ltd has fulfilled all other lease obligations.
16. On the 8 March 2013, a formal request was received from Ocean Foods International Pty Ltd for a new lease over both areas they currently occupy within Crown Reserve 42964.

17. Ocean Foods International Pty Ltd continues to occupy the leased area on a holding over basis as a month to month tenant. The conditions of the tenancy preserve the obligations of the lease, except in respect of the term of the lease.

DISCUSSION

18. Ocean Foods International Pty Ltd commenced farming shellfish operations in the Albany region in the early 1990's. They provide local employment and tourism opportunities.
19. In addition to the Emu Point site, Ocean Foods operate a hatchery on Murray Road in Torndirrup.
20. The shellfish products produced by Ocean Foods are Sydney Rock Oysters and Blue Mussels. They are grown and cultured, which incorporates growing the shellfish, a hatchery process and harvesting of the crop. This entire process takes approximately three years.
21. Ocean Foods operate four water lease areas. Three are located within Oyster Harbour and issued by the Department of Transport. The other being located in King George Sound issued by the Albany Port Authority.
22. Licences to operate aquaculture activities within these areas are issued by the Department of Fisheries.
23. Ocean Foods operate one of the largest water leases and are the only operating oyster farm in Western Australia. They are Australian Quarantine and Inspection Services Accredited and Export registered. This gives the business the ability to export directly from the Emu Point premises, which has enabled them to establish trade relations.
24. Produce is also sold locally, interstate and intra state, as well as exported internationally.
25. Being the only oyster farm in Western Australia has proven to be a tourist attraction for the Albany business. Ocean Foods works with Tourism WA and other media sectors to promote their produce and the Albany region. Tours of the premises were previously held and may be considered again for the future.
26. Ocean Foods advise the current site in the Emu Point Marina is an ideal location for the business for the following reasons:
 - Direct access to their water lease areas within Oyster Harbour and King George Sound from this site reduces travelling time and improves efficiencies.
 - Direct access to harbour water is required as part of the process of farming oysters.
 - The convenience of close proximity to ancillary marine services including marine repair and maintenance facilities and the slipway services.
 - Being located within the Emu Point Tourism Precinct provides both sales and promotional opportunities.
27. The proposed new lease will be negotiated in accordance with Council Policy Property Management – Leases and Licences within the category of Commercial Leases.

GOVERNMENT CONSULTATION

28. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Regional Development and Lands has been consulted. Minister for Land's consent will be sought for the proposed new leases on portion Crown Reserve 42964.

PUBLIC CONSULTATION / ENGAGEMENT

29. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. 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.
30. The proposed new leases will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

31. Section 18 (1) of the *Land Administration Act 1997* states that a person must not deal with interests on Crown land, including lease or licences, without the prior approval in writing of the Minister of Lands.
32. As the subject land is Crown land vested in the City of Albany, Minister for Lands consent will be required.
33. Section 3.58 of the *Local Government Act 1995* defines the requirements for disposing of property, including leased land and buildings.
34. Under the City of Albany Town Planning Scheme 1A, the subject land is zoned "Parks and Recreation". The existing use benefits from valid Planning Scheme Consent P91453 and is in accordance with the Management Order for the Reserve which is vested to the City of Albany for the purpose of "Marine and Associated Purposes".

STRATEGIC IMPLICATIONS

35. This item relates directly to the following elements of the City of Albany Strategic Plan (2011-2021)

Key Focus Area

- *Organisational Performance.*
- *Sustainability and Development.*

Community Priority

- *Policy and Procedures.*
- *A diversified industrial base.*

Proposed Strategies

- *Develop clear processes and policies and ensure consistent, transparent application across the organisation.*
- *Advocate to protect primary production, farming and agriculture as viable industries.*

POLICY IMPLICATIONS

36. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
37. 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.
38. The recommendation is consistent with Council Policy – Property Management – Leases and Licences for Commercial Leases.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not approve the request for a new lease – reputational loss to the City</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Further negotiate with Lessee to reach a mutually agreeable outcome.</i>
<i>Council does not approve the request for a new lease – loss of premises for the Lessee</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Further negotiate with Lessee to reach a mutually agreeable outcome.</i>

FINANCIAL IMPLICATIONS

40. All costs associated with the preparation, execution and completion of the new lease documentation including but are not limited to legal, advertising, survey and valuation will be borne by the proponent, Ocean Foods.
41. Ocean Foods have agreed to cover all costs.
42. The new lease rental will be determined by current market valuation provided by a licensed Valuer.
43. The new lease rental will be directed to COA 180730 Income – Emu Point Maritime Leases.

LEGAL IMPLICATIONS

44. All Deed of Leases will be prepared by the City's lawyers.

ALTERNATE OPTIONS

45. Council may:
- a. Approve the request for new leases; or
 - b. Decline the request.
46. Should Council decline the request, Ocean Foods would be required to vacate the premises and find an alternative location to carry out their shellfish business activities. They would be required to remove their buildings, fixtures and fittings and restore the leased premises to the City's satisfaction.
47. The City could then invite expressions of interest to lease the area for marine and associated purposes.

SUMMARY CONCLUSION

48. Ocean Foods International Pty Ltd is seeking two new leases over areas they have occupied since 1992 on portion of Crown Reserve 42964, Emu Point. They will continue to occupy the site pending the outcome of Council decision.
49. Ocean Foods have invested substantial capital to extensively develop the area to specifically meet the needs of the commercial business of shellfish farming, production and sales. The location of this area is strategic to their operations.
50. It is noted that during the term of the previous lease Ocean Foods have been issued Notices of Default for non-payment of rent. However, all outstanding monies were paid in full by the required date to fulfil Notice obligations. All other previous lease obligations have been fulfilled.
51. Ocean Foods International Pty Ltd is a Albany based business that provides local employment and contributes to the Emu Point Tourism Precinct.
52. Given the proposed new leases are in accordance with the Management Order for Crown Reserve 42964 and consistent with Council Policy – Property Management – Leases and Licences, it is recommended that Council support this request.

Consulted References	<ul style="list-style-type: none"> • Council Policy – Property Management – Leases and Licences • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i>
File Number (Name of Ward)	PRO074, PRO075, A150655 (Breaksea Ward)
Previous Reference	OCM 15/07/2003 Item 12.2.3

5.1: CONTRACT C12024 – SUPPLY OF GRAVEL - CRUSHING

Proponent : City of Albany
Responsible Officer : Executive Director Works & Services (M Thomson)

Maps and Diagrams:

Nil

IN BRIEF

- Contract C12024 – Supply of Gravel - Crushing be AWARDED to AD Contractors and Palmer Earthmoving for the various gravel pits during 2013/2014.

RECOMMENDATION

ITEM 5.1: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- ACCEPT** the Tender from AD Contractors and **AWARD** contract C12024 for the Supply of Gravel – Crushing for the following gravel pits:
 - S007 - Kuch Road;
 - S016 - Takenup Road;
 - S022 - South Coast Highway;
 - S023 - Wilcox Road;
 - S039 - Redhen Road
- ACCEPT** the Tender from Palmer Earthmoving and **AWARD** contract C12024 for the Supply of Gravel – Crushing for the following pits:
 - S008 - Chillinup Road,;
 - S019 - Lilydale Road;
 - S021 - Gnowellen Road;
 - S034 - Hunwick Road;
 - S036 - Old Boundary Road;
 - S037 - Redmond Hay/Davy Road

BACKGROUND

- As part of the Works & Services construction and maintenance programs, it is necessary to source gravel for use in construction and routine maintenance of existing roads. A number of strategic gravel sources have been identified and Council will operate these pits within the conditions and guidelines of the Extractive Industry Licence. Contractors are now required to extract, crush and stockpile the gravel for Council's use.

DISCUSSION

- A total of twelve tender documents were issued for this Contract.
- Four submissions and one alternative submission were received on or before the stipulated closing date and time. Of these five submissions, the alternative submission received from Palmer Earthmoving was removed from final evaluation because this submission was based on Palmer Earthmoving being awarded the tender for all of the gravel pits.
- The tender submissions from Great Southern Sands and Peel Resource Recovery Pty Ltd have been excluded as they were considered not to be advantageous due to the large price deviation, and the cost evaluations unreasonably skewed the weightings for the rest of the evaluation process (as can be seen on Table 1).

16/07/2013

REFER DISCLAIMER

Table 1

Tenderer	Total Evaluation Score
Great Southern Sands	300.00
AD Contractors	791.95
Palmer Earthmoving	786.89
Peel Resource Recovery Pty Ltd	360.57

5. The following tables summarise the two tender submissions that were evaluated and the overall evaluation scores applicable to their submissions.

PIT LOCATION	WEIGHTED SCORE
KUCH ROAD PIT – S007	
AD Contractors	557.00
Palmer Earthmoving	543.00
CHILLINUP ROAD PIT – S008	
Palmer Earthmoving	550.50
AD Contractors	549.50
TAKENUP ROAD PIT - S016	
AD Contractors	576.50
Palmer Earthmoving	523.50
LILYDALE ROAD PIT – S019	
Palmer Earthmoving	565.00
AD Contractors	535.00
GNOWELLEN ROAD PIT – S021	
Palmer Earthmoving	570.00
AD Contractors	530.00
SOUTH COAST HIGHWAY ROAD PIT – S022	
AD Contractors	566.00
Palmer Earthmoving	534.00
WILCOX ROAD PIT – S023	
AD Contractors	576.50
Palmer Earthmoving	523.50
HUNWICK ROAD PIT – S034	
Palmer Earthmoving	551.00
AD Contractors	549.00
OLD BOUNDARY ROAD PIT – S036	
Palmer Earthmoving	572.00
AD Contractors	528.00
REDMOND HAY RIVER ROAD PIT – S037	
Palmer Earthmoving	554.50
AD Contractors	545.50
REDHEN ROAD PIT – S039	
AD Contractors	562.50
Palmer Earthmoving	537.50

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

Criteria	% Weight
Cost	50
Relevant Skills & Experience	20
Tenderer's Resources	20
Demonstrated Understanding	10
Total	100

7. Each of the pits were individually evaluated and awarded to the contractor that represented the highest weighted score and is considered to be the most advantageous option to Council.
8. All of the tenderers have performed this type of work for Council over preceding years.
9. On the basis of the total evaluation score which considers cost, technical compliance, relevant skills and experience, resources and management systems, this contract will be divided between two local contractors.

GOVERNMENT CONSULTATION

10. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

11. A request for tenders was published in the West Australian on 27 March 2013 and the Great Southern Weekender on 28 March 2013

STATUTORY IMPLICATIONS

12. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision

STRATEGIC IMPLICATIONS

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

Key Focus Area

Lifestyle and Environment

Community Priority

Road Improvements

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

17. The value of this tender is in excess of \$250,000 and therefore the approval is referred to Council for consideration.
18. The cost for these works is factored into the current price that Council charges to the construction and maintenance teams for their gravel supplies. This price is reviewed annually and includes the cost of the gravel crushing, a royalty payment to the land owner and a contribution towards rehabilitation of the extraction area.

LEGAL IMPLICATIONS

19. Nil

ALTERNATE OPTIONS

20. Council is not bound to accept the lowest or any tender and can accept or reject the tenders as submitted.

SUMMARY CONCLUSION

21. On reviewing the submissions, the evaluation team determined that splitting this tender across two local contractors would be the most advantageous. AD Contractors and Palmer Earthmoving are recommended to be awarded the supply of gravel crushing for the various pits as detailed.

Consulted References	:	Local Government (Functions and General) Regulations 1995 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C12024

- XIV. MOTIONS WITH NOTICE Nil.**
- XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**
- XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**
- XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**
- XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.**
- XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**
- XX. NEXT ORDINARY MEETING DATE**

6.00pm 20 August 2013
- XXI. RESUME STANDING ORDERS 3.1**

ITEM 21.0: MOTION

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

- XXII. CLOSURE OF MEETING**

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

Meeting Date	Item Number	Details/Status
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. Council resolved that further consideration by Council pending the completion of the Airport Masterplan/Business Plan. Update: The Airport Masterplan/Business Plan has not been finalised.
20/11/2012	2.5	Precinct Plan-Special Site S46-Spencer Park Neighbourhood Centre Precinct. Update: Laid on the table at the November 2012 OCM. Waiting on commitment from the Department of Housing to contribute to necessary infrastructure upgrades and potential traffic hazards.