



MINUTES

Ordinary Meeting of Council

Tuesday 24 September 2019

6.00pm

City of Albany Council Chambers

CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



CARETAKER PERIOD STATEMENT

During a Caretaker Period the CEO will ensure that reports and / or recommendations made by officers for consideration by Council do NOT constitute major policy decisions which may commit Council to a certain course of action, financial or otherwise. All reports considered by Council during the Caretaker Period have been reviewed by the CEO, and the CEO has determined that those reports do not constitute a major policy decision. The Caretaker Period Policy does not impede the day-to-day administrative decisions required for the smooth running of the organisation.

ORDINARY COUNCIL MEETING
MINUTES 24/09/2019

TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
7.	PUBLIC QUESTION TIME	6
8.	APPLICATIONS FOR LEAVE OF ABSENCE	7
9.	PETITIONS AND DEPUTATIONS	8
	Petition from Ms Wendy Bunbury Opposed to Construction of Telecommunications Tower at 60 Home Road, Robinson	
10.	CONFIRMATION OF MINUTES	8
11.	PRESENTATIONS	8
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	8
	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS176	FINANCIAL ACTIVITY STATEMENT-JULY 2019	9
CCS177	LIST OF ACCOUNTS FOR PAYMENT AUGUST 2019	11
CCS178	DELEGATED AUTHORITY REPORTS JULY TO AUGUST 2019	13
CCS179	ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2019	14
CCS180	PROPOSED DEED OF PARKING AGREEMENT-RASPA NOMINEES PTY LTD-PUBLIC PARKING AREA AT REAR OF PREMIER HOTEL	18
DIS	Development and Infrastructure Services Committee	
DIS175	CITY OF ALBANY PARKING AND PARKING FACILITIES LOCAL LAW 2012 – SCHEDULE 1 - DETERMINATION	25
DIS176	CONTRACT C19018-PROVISION OF SECURITY SERVICES	36
DIS177	PLANNING AND BUILDING REPORTS AUGUST 2019	40
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	41
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	41
16.	REPORTS OF CITY OFFICERS Nil	42
17.	MEETING CLOSED TO PUBLIC	42
18.	CLOSURE	42
	Appendix A-Tabled Addresses	43

1. DECLARATION OF OPENING

6.00pm The Mayor declared the meeting open and welcomed members of the public and Candidates in the Local Government Election.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

B Hollingworth

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Acting Executive Director Corporate Services

D Olde

Acting Executive Director Development
Services

J Van Der Mescht

Executive Director Infrastructure
& Environment

P Camins

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

The following candidates in the local government election were in attendance:

Breaksea Ward Candidate Anne Sparrow Candidate Stanley Date	Kalgan Ward Candidate David Griffiths
Vancouver Ward Candidate Claire Hanson Candidate Damian Yarran	Yakamia Ward Candidate Chris Thomson

Apologies: Nil

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

5. REPORTS OF MEMBERS

6.01PM Councillor Sleeman

Councillor Sleeman recently attended a Youth Advisory Council meeting, which saw the YAC Mission Statement finalised. Councillor Sleeman has provided guidance and assistance with the development of the YAC Mission Statement in her capacity as Manager Albany and Regional Volunteer Service.

Councillor Sleeman gave an update to Council regarding the progress of the soup patrol, and advised that a current soup patrol service in Bunbury provides a Breakfast in the Park program. Councillor Sleeman said that they hoped to replicate that program in Albany in conjunction with the Rapid Response Team at three parks in Lockyer, Spencer Park and Stirling Terrace.

6.04pm Councillor Shanhun

Councillor Shanhun said that he had been very busy assisting residents in the past few weeks. The public meeting held in Little Grove regarding street name changes in the area was well attended.

Councillor Shanhun will also be chairing his last meeting of the Local Emergency Management Committee prior to polling day on 19 October. Councillor Shanhun also said that Volunteer Bush Fire Brigades are gearing up for a very busy fire season, with low rainfall, high ground temperatures and high fuel loads combining to make for a dangerous fire season ahead.

6.06pm Councillor Smith

Councillor Smith commented on this year's Southern Art and Craft Trail, with over 80 venues, and the King River Hall participating for the first time this year. Young Siding Hall are also hosting four artists this year. Councillor Smith said that Council are looking for ways to support small regional communities in maintaining their halls.

Councillor Smith also commented on the Garage Sale Trail, with this being the inaugural year for Albany's participation in this event. 45 registrations have been received so far, and Councillor Smith urged all residents to participate in this fantastic event.

6.08pm Councillor Sutton

Councillor Sutton welcomed the candidates attending the meeting, and said that part of the role of Council was setting priorities, for example the rural road maintenance team. He congratulated this team for their dedication and hard work in providing a vital service to the rural roads throughout the municipality.

Councillor Sutton also thanked City staff for the street name change meeting held at Little Grove.

Councillor Sutton also said that the current Council were a terrific team and that he would like to think that all Councillors standing for re-election would be successfully returned. He urged voters to consider their votes carefully, and not just vote for the sake of change.

6.12pm Councillor Hammond

Councillor Hammond attended both of the Candidate Information Sessions, together with Councillor Goode. Councillor Hammond said that it had been a pleasure to work with Councillors who are up for re-election.

6.13pm Councillor Terry

Councillor Terry thanked Councillor Sutton and Councillor Hammond for their kind words. He said that he hoped to be re-elected so that he could continue to contribute to a very functional Council.

Councillor Terry attended the Albany Suicide Prevention Vigil, which was attended by approximately 250 people. Councillor Terry said that the Vigil was fully supported by Council, who rescheduled the Community and Corporate Services Committee meeting to enable attendance at the Vigil by all elected members.

Councillor Terry also commented on the recent Climate Strike March held in Albany, and confirmed that the Shire of Denmark were making a climate change declaration.

Councillor Terry was excited that the Southern Peaks mountain bike event was returning to Albany for the September long weekend, and that this was the 6th year of the Albany Downhill event. Councillor Terry wished competitors all the best.

6.16pm Councillor Stocks

Councillor Stocks visited Exmouth recently, and he stated that while Exmouth were doing a fantastic job with tourism promotion, he came away convinced that the Albany was leading the way with the Amazing South Coast.

Councillor Stocks thanked the Mayor and fellow Councillors for working as a team to advocate for state and federal funding, and complete some terrific major infrastructure projects during the last four years. Councillor Stocks wished everyone well in the coming election.

6.18pm Councillor Hollingworth

Councillor Hollingworth said that it was a privilege to be part of such a cohesive Council. Councillor Hollingworth recently attended the Wellstead Community AGM held at the Wellstead Community Resource Centre, and the Wildflower Ball at the Lower Kalgan Hall. Councillor Hollingworth commented that events such as this were a great reminder of our roots, with the community coming together to enjoy themselves.

6.20pm Councillor Doughty

Councillor Doughty commented that those Councillors elected in 2017 were no longer new Councillors, and had participated in the decision making process for some difficult and controversial decisions.

6.22pm Mayor Wellington

The Mayor expressed his thanks to Council for the great work done by this team, and wished all candidates the very best. Mayor Wellington also hoped that Council would continue to work together for the very best outcomes for the community of Albany.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6.24: Mr Levi Wheatcroft, 39 Kampong Road, Yakamia

Summary of key points:

Mr Wheatcroft addressed Council regarding a proposal from Bethel Christian School to develop Worra Park to include playing fields for use by Bethel students. Mr Wheatcroft was concerned that co-use of the park would impact surrounding residents.

Mr Wheatcroft requested a detailed proposal for the Park's future, including proposed mitigation of environmental and social impact.

Mr Wheatcroft's tabled address is detailed at Appendix A.

6.27pm Mr Damian Stephens, representing the Lower Great Southern Hockey Association

Summary of key points:

Mr Stephens addressed Council regarding the location of a shed to be erected in the Western Precinct of Centennial Park, proposed by the City, to house equipment used to maintain the playing areas of the precinct.

Mr Stephens did not support the proposed location, and requested that the City consult further with users of the Precinct.

6.30pm Ms Dinah Gordon, 74 Spring Street, Little Grove

Summary of key points:

Ms Gordon addressed Council regarding the location of a shed to be erected in the Western Precinct of Centennial Park, proposed by the City, to house equipment used to maintain the playing areas of the precinct.

Ms Gordon did not support the proposed location, and requested that the City consult further with users of the Precinct.

6.32pm Ms Kensley Crowley, 15 Suffolk Street, Albany

Summary of key points:

Ms Crowley tabled a petition containing 966 signatures, requesting that the City of Albany adopt a Climate Change Policy Statement. Ms Crowley said that it was important that all levels of government coordinate action regarding climate change, and approximately 60 percent of local governments across Western Australia had made the commitment already.

6.36pm Rebecca Ford, 15 Suffolk Street, Albany

Summary of key points:

Ms Ford addressed Council regarding climate change. Ms Ford said that the City of Albany Community Strategic Plan was relevant and aligned to committing to a course of action to protect our climate and environment. Ms Ford urged Council to continue to commit to that course of action, and to adopt a Climate Change Policy Statement as part of that commit

6.39pm Ms Bridget Mason, 284 Gull Rock Road, Kalgan

Summary of key points:

Ms Mason addressed Council regarding climate change, and urged Councillors to follow the Shire of Denmark in adopting a Climate Change Statement. Ms Mason also urged Council to be proactive rather than reactive when considering matters that relate to climate change.

6.41pm Ms Alison McLernon, 11 Leonora Street, Yakamia

Summary of key points:

Ms McLernon addressed Council regarding her concerns over the proposal to co-share Worra Park with students from Bethel Christian School. Ms McLernon said that she was concerned that local residents who use the park would be disadvantaged, and that neighbouring properties would be negatively impacted.

6.44pm Pam Greenhart, 47703 South Coast Highway, Gledhow

Summary of key points:

Ms Greenhart addressed Council regarding the proposed location of a shed in the Western Precinct of Centennial Park. Ms Greenhart urged Council to reconsider, stating that the proposed location would remove the ability of spectators and competitors to have a clear view of both the carpark and the children's playground, which could impact on their safety.

6.48pm Mr Chris Thomson-Candidate for Yakamia Ward

Summary of key points:

Mr Thomson addressed Council regarding climate change. Mr Thomson's tabled address is detailed at Appendix A.

6.50pm Ms Gillian McBride, Kampong Road, Yakamia

Summary of key points:

Ms McBride addressed Council regarding the proposed shared use of Worra Park with students from Bethel Christian College. Ms McBride's tabled address is detailed at Appendix A.

6.53pm Mr Chris Thomson, Candidate for Yakamia Ward

Summary of key points:

Mr Thomson addressed Council regarding the proposed shared use of Worra Park with students from Bethel Christian College. Mr Thomson's tabled address is detailed at Appendix A.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR SUTTON

THAT Councillor Hammond be GRANTED Leave of Absence for the period 22 October 2019 to 29 October 2019 inclusive.

CARRIED 13-0

9. PETITIONS AND DEPUTATIONS

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MOIR

THAT the Petition lodged by Ms Wendy Bunbury opposing the construction of a telecommunications tower at 60 Home Road, Robinson be RECEIVED.

CARRIED 13-0

10. CONFIRMATION OF MINUTES

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR STEPHENS

THAT the minutes of the Ordinary Council Meeting held on 27 August 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SLEEMAN

THAT the minutes of the Special Council Meeting held on 03 September 2019, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 13-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS176: FINANCIAL ACTIVITY STATEMENT – JULY 2019

Proponent	: City of Albany
Attachments	Statement of Financial Activity
Report Prepared by	: Acting Manager Finance (S Van Nierop)
Responsible Officer	: Acting Executive Director Corporate Services (D Olde)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

CCS176: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Financial Activity Statement for the period ending 31 July 2019 be RECEIVED.
CARRIED 13-0

CCS176: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.
CARRIED 10-0

CCS176: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 July 2019 be RECEIVED.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 July 2019 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 \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- 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.

POLICY IMPLICATIONS

8. The City’s 2019/20 Annual Budget provides a set of parameters that guides the City’s financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 July 2019 has been incurred in accordance with the 2019/20 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS177: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 2019

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Responsible Officers: : Executive Director Corporate Services (D Olde)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

CCS177: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SMITH

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2019 totalling \$6,987,542.78.

CARRIED 13-0

CCS177: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS177: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2019 totalling \$6,987,542.78.

BACKGROUND

1. 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

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 August 2019. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$556.10
Credit Cards	\$30,297.26
Payroll	\$2,245,794.88
Cheques	\$62,858.45
Electronic Funds Transfer	\$4,648,036.09
TOTAL	\$6,987,542.78

As at 15 August 2019, the total outstanding creditors stands at \$291,566.43 and is made up as follows:-

Current	\$239,261.24
30 Days	\$51,958.33
60 Days	-\$105.34
90 Days	\$452.20
TOTAL	\$291,566.43
Cancelled Cheques	One

STATUTORY IMPLICATIONS

3. 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.
4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

6. Expenditure for the period to 15 August 2019 has been incurred in accordance with the 2018/2019 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 August 2019 has been incurred in accordance with the 2018/2019 budget parameters.

CONCLUSION

8. That list of accounts have been authorised for payment under delegated authority.
9. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS178: DELEGATED AUTHORITY REPORTS – JULY TO AUGUST 2019

Proponent	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared by	: Personal Assistant to the ED Corporate Services (H Bell)
Responsible Officer	: Chief Executive Officer (A Sharpe)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

BACKGROUND

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

RECOMMENDATION

CCS178: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR SHANHUN

THAT the Delegated Authority Reports 16 July 2019 to 15 August 2019 be RECEIVED.

CARRIED 13-0

CCS178: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS178: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 July 2019 to 15 August 2019 be RECEIVED.

CCS179: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2019

Proponent	: City of Albany
Attachments	: Budget Review for the period ending 31 July 2019
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: Executive Director Corporate Services (D Olde)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme 1:** Leadership.
 - **Objective 1.1:** To establish and maintain sound business and governance structures.
 - **Community Priority 1.1.1:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the Local Government (Financial Management) Regulations 1996. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
- This review is for the period ending 31 July 2019 and reports a surplus of \$64,218 Budget inclusive of the proposed Budget Review allocations.

RECOMMENDATION

CCS179: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Moved: Councillor Sleeman
Seconded: Councillor Hollingworth

THAT Council ADOPT the Budget Review for the period ending 31 July 2019.

CARRIED 13-0
ABSOLUTE MAJORITY

CCS179: COMMITTEE RECOMMENDATION

Moved: Councillor Sleeman
Seconded: Councillor Hammond

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS179: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 July 2019.

BACKGROUND

2. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.

DISCUSSION

3. Council adopted the 2019/2020 Budget on 23 July 2019. The total adopted budget of \$109.5M comprised:
 - a. \$37.5M capital works;
 - b. \$ 2.6 M debt reduction; and
 - c. \$69.4 M in operating expenditure.
4. This Budget Review identifies expenditure of \$1,420,373 for general works, variations and new projects of which \$959,106 is of a non cash nature "Depreciation" amendments.
5. The funding of \$461,267 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and the movement opening funds has been identified in this review to maintain a budget in a surplus position.
6. An adjustment for carry forward works has been made (pages 9 to 15 in the attached copy of the Budget Review for the period ending 31 July 2019 reducing the amount required from \$14,599,519 to \$14,111,541 to complete 2018/19 projects, listed on pages 49 to 52 of the 2019/2020 Annual Budget.
7. This budget review shows the 2019/2020 budget is in a surplus position of \$64,218 at 30th June 2020.
8. A copy of the Budget Review for the period ending 31 July 2019 is attached.
9. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

10. Department of Local Government guidelines were followed in the preparation of this report.
11. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

14. There are no policy implications related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Organisation's Operations. <i>Non approval of the budget review, may result in significant delays to achieving deliverables.</i> Opportunity: <i>Provides Council with an additional opportunity to review the City's current budget position.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>In the short term the existing Annual Budget would apply and proposed amendments would not apply.</i> <i>Adopt the Budget Review with amendments (as specified by Council).</i>

FINANCIAL IMPLICATIONS**BUDGET REVIEW FOR THE PERIOD ENDING 31 JULY 2019**

This Review Maintains Council's Budget in a Surplus Position

GENERAL WORKS/VARIATIONS. (Additional Funds Required)		\$ (1,420,373)
FUNDED BY		
- Reduction in Expenditure	236,870	
- Adjustment in Grant/Contributions Funding	295,595	
- Adjustment in Revenue	5,000	
- Restricted Cash Adjustments	520,196	
- Adjustment Non Cash Activities	959,106	2,016,767
Balance		<u>596,394</u>
Budgeted Opening Position	(1,764,749)	
- NB - Adjustments From 2018/19 Financial Year (Pg's 9 - 15)	(145,855)	
	<u>(1,910,604)</u>	
Actual Opening Position	(2,442,780)	(532,176)
2019/20 Budgeted Closing Position		<u>64,218</u>

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. For the period ending 31 July 2019, Council may consider to:
- a. Adopt the Budget Review as recommended; or
 - b. Adopt the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

19. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 July 2019 be supported.

Consulted References	:	Adopted Budget 2019/2020 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	Annual Budget – OCM 23/07/2019 Resolution CCS167

CCS180: PROPOSED DEED OF PARKING AGREEMENT – RASPA NOMINEES PTY LTD – PUBLIC PARKING AREA AT REAR OF PREMIER HOTEL

Land Description	:	Portion of Lot 15 on Diagram 79555 and being the whole of the land in Certificate of Title Volume 1953 Folio 216
Proponent	:	City of Albany
Owner	:	Raspa Nominees Pty Ltd (ACN 059 000 207) Directors being Barry Panizza, Joseph Burton, Paul Rose, Henry Carroll and Alan Hordacre
Report Prepared By	:	Team Leader Property and Leasing (T Catherall)
Responsible Officers:	:	Acting Executive Director Community and Corporate Services (D Olde)

CONFIDENTIAL REPORT

This Report was considered behind closed doors in accordance with section 5.23 (2) (c) & (e) of the Local Government Act 1995, is a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and would reveal information that has information about the business, professional, commercial or financial affairs of a person.

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

7.09PM

CCS180: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR TERRY

THAT the meeting go behind closed doors to discuss Confidential Reports:

CCS180: Proposed Deed of Parking Arrangement-RASPA Nominees Pty Ltd-Public Parking Area at Rear of Premier Hotel; and

DIS176: Contract C19018: Provision of Security Services.

CARRIED 13-0

7.21PM

CCS180: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR DOUGHTY

THAT the meeting be RE-OPENED to they public.

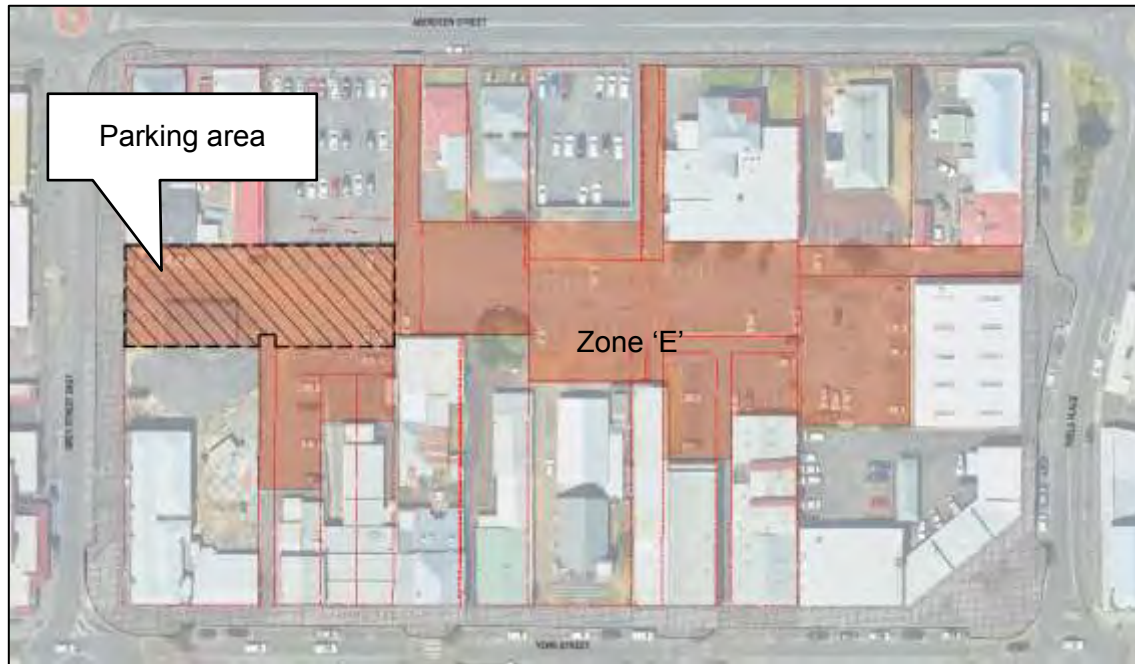
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CARRIED 13-0

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Leadership.
 - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
 - **Community Priority:** Provide positive leadership that delivers community outcomes.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new Deed of Parking Agreement with Raspa Nominees Pty Ltd to allow the City to create a public parking area on privately owned land at the rear of the Premier Hotel.
- The Premier Hotel is undergoing a redevelopment which provided an opportunity for the City to pursue recommendations in the adopted Albany City Centre Parking Strategy to improve parking capacity in the Central Business District (CBD).
- The proposed parking area is consistent with the strategy and will benefit the landowner as meets the redevelopment parking requirements under the Town Planning Scheme.
- Parties have agreed in-principle to enter into a parking agreement for public parking area that will make an additional 35 bays available for public use.
- It is recommended the parking agreement be approved.

RECOMMENDATION

CCS180: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MOIR
SECONDED: COUNCILLOR SUTTON

THAT Council APPROVE a Deed of Parking Agreement with Raspa Nominees Pty Ltd to allow the City to create a public parking area over portion of Lot 15 on Diagram 79555 being land at the rear of the Premier Hotel, subject to:

- a) Agreement purpose being for public parking area.**
- b) Parking area being approximately 1380m2 subject to survey.**
- c) Agreement fee being \$10.00 plus GST per annum and inclusive of all outgoings.**
- d) Agreement term being 20 years to commence as soon as practicable and subject to redevelopment option detailed in the report.**

- e) Agreement to document continued access by Albany Funeral Homes to use the parking area as vehicle access to and from the rear of their premises.**
- f) All design and works for the parking area and the ongoing maintenance of the parking area are the responsibility of the City of Albany.**
- g) All costs associated with the preparation, execution and completion of the parking agreement being payable by the City of Albany.**

CARRIED 13-0

CCS180: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

CCS180: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE a Deed of Parking Agreement with Raspa Nominees Pty Ltd to allow the City to create a public parking area over portion of Lot 15 on Diagram 79555 being land at the rear of the Premier Hotel, subject to:

- a) Agreement purpose being for public parking area.
- b) Parking area being approximately 1380m² subject to survey.
- c) Agreement fee being \$10.00 plus GST per annum and inclusive of all outgoings.
- d) Agreement term being 20 years to commence as soon as practicable and subject to redevelopment option detailed in the report.
- e) Agreement to document continued access by Albany Funeral Homes to use the parking area as vehicle access to and from the rear of their premises.
- f) All design and works for the parking area and the ongoing maintenance of the parking area are the responsibility of the City of Albany.
- g) All costs associated with the preparation, execution and completion of the parking agreement being payable by the City of Albany.

BACKGROUND

2. At OCM 26 November 2013, Council adopted the Albany City Centre Parking Strategy. The strategy provides direction in respect to management of parking within CBD and outlines options to improve parking capacity.
3. The strategy makes a number of recommendations to improve parking provisions, including the upgrade of parking at the rear of existing businesses fronting York Street between Grey Street East and Peels Place. This area is referred to Zone 'E' in the strategy and notes that some of the identified parking areas are privately owned land.
4. The Premier Hotel is undergoing a redevelopment as a tavern with bar and restaurant following the fire in May 2016. This was identified as an opportunity to seek tenure arrangements at the rear of the property for public parking area which in turn would also meet the landowner requirements for parking under the Town Planning Scheme.
5. Development approval for the Premier Hotel redevelopment was issued in October 2018.
6. The proposed parking agreement will be the first legal arrangement in Zone 'E'. Future use arrangements will be negotiated with other landowners identified in the zone to provide additional public parking and improve traffic flows and manoeuvrability between Grey Street East and Peels Place, which is not currently possible.

7. Preliminary design indicates that around 35 additional car parking bays will be made available for public use.

DISCUSSION

8. City officers have been in discussion with the Premier Hotel owners Raspa Nominees Pty Ltd, represented primarily by Directors Barry Panizza and Joe Burton, to negotiate a mutually beneficial agreement.
9. Parties have agreed in principle to the following terms and conditions, subject to all approvals including Council.

ITEM	DETAILS
Tenant	City of Albany
Land Description	Portion of Lot 15 on Diagram 79555 and being whole of land in Certificate of Title Volume 1953 Folio 216 194 York Street, Albany
Area	Approx. 1380m ² subject to survey
Land Ownership	Raspa Nominees Pty Ltd
Permitted Use	Public parking
Term	20 years, subject to redevelopment option City may end the term by 6 months written notice to Owner
Redevelopment Option	Site may be redeveloped by the Owner after the first 5 years of the term, on the following conditions: - any such redevelopment meets all planning and other requirements of the City and applicable law, including parking adequacy requirements. - a 6m wide access is maintained through the site from Grey Street East to the southern boundary of the property. Public access must be maintained through the site at all times before and after any redevelopment, to facilitate access from Grey Street East to Peels Place. - the specification and amenity of the City's development of the parking area is maintained following redevelopment, including with respect to lighting and signage.
Reimbursement to the City	On exercise of its redevelopment option, the Owner shall pay to the City an amount calculated as follows: - total cost expended by the City in developing the parking area, multiplied by the number of years remaining between exercise of the redevelopment option and the 20 year end of term, divided by 20. - for example: redevelopment after 8 years, based on \$100,000 City development cost calculates as $\\$100,000 \times 12 / 20 = \\$60,000$ to be paid by the Owner. - such payment will be a condition of redevelopment approval and commencement. - total cost expended by the City in its initial development of the parking area is to be notified to the Owner within 6 months of completion of works
Fee	\$10.00 plus GST per annum inclusive of all outgoings

Special Conditions:	- Owner will not be allocated exclusive or priority parking within the Lease Area - City will determine all applicable parking conditions to apply - Parties agree that no paid parking will be introduced without the consent of both parties - City will install 2 disabled parking bays, subject to compliance with approved parking requirements - Owner is aware of the requirements of Local Law and agrees to abide by Local Law and all reasonable directions of the City as applicable from time to time - Parties agree and acknowledge that Albany Funeral Homes use the parking land as vehicle access to and from the rear of their premises (access to their entry gate adjoining the parking land) - All costs associated with the development and implementation of any new lease document will be at the City's cost
Parking Area Works	City will complete parking area works at City cost

10. The City will assume all responsibility, financial and otherwise for the design and works for the parking area and the ongoing maintenance of the parking area. This will include maintenance of the parking area surface, kerbing, line marking and lighting.
11. The proposed works include surface reseal, kerbing, line marking, drainage and lighting. It has been estimated the cost of the works will be in the vicinity of \$140,000.
12. If approved, a future budget allocation of \$140,000 for the construction of the parking area will be required through the annual budget process.
13. The City may consider some interim sealing works prior to the above parking area works.
14. It is intended at some stage that the City will designate the parking area under the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.

GOVERNMENT & PUBLIC CONSULTATION

15. The CBD Parking Scheme Plan has been advertised, comments sought and adopted by Council in March 2015.
16. Discussions have been held with the landowner, and terms and conditions of an agreement are agreed in-principle, subject to Council approval.
17. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Landowner consultation	Verbal, meetings and correspondence	29 March 2019 4 June 2019	7	Nil

STATUTORY IMPLICATIONS

18. The City may introduce parking schemes by determination under the *City of Albany Parking and Parking Facilities Amendment Local Law 2012*.
19. A legal agreement with the landowners of Lot 15, will allow the City to implement the necessary parking arrangements in accordance with the Local Law. This includes the retention of fines through enforcement.

POLICY IMPLICATIONS

20. There are no policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Lack of parking space in the CBD	Likely	Minor	Medium	Seek to negotiate terms to Council satisfaction
Financial. City invests in the parking area that is redeveloped after 5 years	Unlikely	Major	Medium	Agreement to make provision for reimbursement of capital on a pro rata basis
Opportunity: To secure additional parking in the CBD consistent with the Albany City Centre Parking Strategy				

FINANCIAL IMPLICATIONS

22. It is anticipated works to create the parking area will be in the vicinity of \$140,000.
23. Approval for the proposed expenditure will be sought through the annual budget process in 2020/21 pending the completion of the Premier Hotel redevelopment.
24. Regulatory Cost Implications:
- Additional parking spaces will result in extra patrol and enforcement cost to the City.
 - Current resources dedicated to parking patrol and enforcement are considered sufficient for compliance action required for the proposed additional bays.

LEGAL IMPLICATIONS

25. The Deed of Parking Agreement will be a form of lease agreement between the City and landowner that will be registered with Landgate and appear as an encumbrance on title.
26. The legal agreement will protect the City's investment in developing the parking area.
27. Any parking scheme amendments must be implemented in accordance with the City of Albany Parking and Parking Facilities Amendment Local Law 2012.
28. An agreement to be put in place with the landowner is required to enable the City to enforce the Parking Local Laws

ENVIRONMENTAL CONSIDERATIONS

29. There are no environmental implications relevant to this report.

ALTERNATE OPTIONS

30. Council can elect to maintain the status quo with respect to parking available in the CBD and not approve the parking agreement.

CONCLUSION

31. The proposed parking agreement for land at the rear of the Premier Hotel will allow the City to consolidate and create additional public parking on private land within the CBD.

32. The parking area will improve parking capacity within the CBD in line with the Albany City Centre Parking Strategy.
33. The anticipated 35 extra parking bays meets the owners parking requirements for the redevelopment of the Premier Hotel under the Town Planning Scheme.
34. It is recommended that the proposed Deed of Parking Agreement with Raspa Nominees Pty Ltd, owners of the Premier Hotel site, be approved.

Consulted References	:	<i>City of Albany Parking and Parking Facilities Amendment Local Law 2012</i>
File Number (Name of Ward)	:	PRO447, A143898 (Frederickstown Ward)
Previous Reference	:	OCM 26/11/2013 Item WS017 OCM 24/03/2015 Item WS068

DIS175: CITY OF ALBANY PARKING & PARKING FACILITIES LOCAL LAW 2012 - SCHEDULE 1 - DETERMINATION

Land Description	: City of Albany - Municipality
Proponent	: City of Albany
Attachments	: Parking & Parking Facilities Local Law 2012 - Proposed Schedule 1 – Deemed Parking Stations Schedule 1 – Parking Maps: • Albany (Harry Riggs) Regional Airport; • Albany Central Business District (CBD); • Centennial Parking Sporting Precinct & North Road Administration; • Emu Point; and • Middleton Beach & Eyre Park.
Report Prepared by	: Manager Governance & Risk (S Jamieson) and Acting Manager City Engineering (B Aris)
Responsible Officer	: Executive Director Infrastructure & Environment (P Camins)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and strategies:
 - a. **Themes:** Leadership and a connected and safe built environment.
 - b. **Objectives:** To provide strong, accountable leadership supported by a skilled and professional workforce; and to advocate, plan for and build friendly and connected communities.
 - c. **Community Priority:** Provide positive leadership that delivers community outcomes and improve connectedness and traffic flows via a well-designed and safe transport and pathway network that connects people and services and encourages pedestrians and cyclists.

In Brief:

- To make a determination under the City of Albany Parking & Parking Facilities Local Law 2012.

Purpose & Effect:

- **Purpose:** The proposed schedule will allow City Officers to amend the parking scheme under delegation.
- **Effect:** Reduction in red tape by reducing administrative processes to effect changes to the parking scheme in the future.

RECOMMENDATION

DIS175: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR MOIR

THAT Council:

- (1) APPROVE the DEEMED PARKING STATIONS, listed at the proposed Schedule 1, being:**
- **Parking - Albany (Harry Riggs) Regional Airport;**
 - **Parking - Albany Central Business District (CBD);**
 - **Parking - Centennial Parking Sporting Precinct & North Road Administration;**
 - **Parking - Emu Point; and**
 - **Parking - Middleton Beach & Eyre Park;**
- to the *City of Albany Parking & Parking Facilities Local Law 2012 (As amended)*:**
- (2) NOTE that the proposed parking stations identified in Schedule 1, shall be deemed to be a parking station to which this Local Law applies.**
- (3) NOTE enforcement of a parking station can only occur post community engagement, the installation of signage / line marking and prescribed notification.**

CARRIED 13-0
ABSOLUTE MAJORITY

DIS175: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS175: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE the DEEMED PARKING STATIONS, listed at the proposed Schedule 1, being:**
- **Parking - Albany (Harry Riggs) Regional Airport;**
 - **Parking - Albany Central Business District (CBD);**
 - **Parking - Centennial Parking Sporting Precinct & North Road Administration;**
 - **Parking - Emu Point; and**
 - **Parking - Middleton Beach & Eyre Park;**
- to the *City of Albany Parking & Parking Facilities Local Law 2012 (As amended)*:**
- (2) NOTE that the proposed parking stations identified in Schedule 1, shall be deemed to be a parking station to which this Local Law applies.**
- (3) NOTE enforcement of a parking station can only occur post community engagement, the installation of signage / line marking and prescribed notification.**

BACKGROUND

2. Council may by resolution constitute deemed parking stations in accordance with the *City's Parking and Parking Facilities Local Law 2012 (As amended)*.

DISCUSSION

3. It is noted that the Council care-taker period comes into effect on the 14 September 2019.
4. However, it is considered appropriate to recommend appending Schedule 1 to the local law at Council's ordinary meeting scheduled to be held on 24 September 2019.

5. Proposed Parking Stations under the City's local law must be approved by Council.
6. Determination of Schedule 1 will allow City Officers to administer the process of establishing parking on private land when required.

GOVERNMENT & PUBLIC CONSULTATION

7. If an amendment to the parking scheme is required in the future, consultation must be conducted in accordance with Council's Delegated Authority, being:

"During the course of investigation contact to be made with the residents/residential groups, as appropriate, to:

- *identify problems and issues;*
- *establish objects of traffic management and develop plans of alternative treatments; and*
- *evaluate alternative treatments and refine selected plan."*

8. The determination will be published in local media and will come into effect 14 days after publication.

STATUTORY IMPLICATIONS

9. The City's Local Government Parking & Parking Facilities Local Law 2012 (as amended) stipulates inter alia:

2.1(1) Establishment of Parking Stations: The local government may constitute any land or structure as a parking station by—

- (a) resolution of the Council; or
- (b) inclusion of a description of the land or structure in **Schedule 1** of the local law.

1.5(4) Application of Local Law: Where a parking facility or a parking station is identified in Schedule 1, then the facility or station shall be deemed to be a parking station to which this Local Law applies.

10. Voting Requirement: **Absolute Majority**.

POLICY IMPLICATIONS

11. Current instrument of delegation, details Council's policy position:

2019:044 - PARKING, TRAFFIC MANAGEMENT, BUS SHELTERS & SEATS (Amendments to Parking Schemes).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community Business Operation: Failing to address increased demand for parking, may impact upon business.	<i>Almost certain</i>	<i>Moderate</i>	<i>High</i>	<i>Proceed with recommended determination under the City's Local Law, to increase potential parking facilities, noting needs is based on community feedback and consultation.</i>
Opportunity: Opportunity to improve access to parking.				

FINANCIAL IMPLICATIONS

13. Any proposed works and signage will be funded by the City of Albany and will be subject to Council budget approval.

Regulatory Cost Implications:

14. Additional parking spaces will result in extra patrol and enforcement costs to the City.
15. Current resources dedicated to parking patrol and enforcement are considered sufficient for compliance action required for the existing bays (600).
16. Approximately 20% of parking infringement notices issued are subject to a request for a review at a cost of \$100 per transaction.
17. The cost of administering the current parking bays (600) is approximately \$37 per bay, \$22,000 per annum.

LEGAL IMPLICATIONS

18. Determinations under the City of Albany Local Government Parking and Parking Local Law 2012 as prescribed at clause 6.1 of the local law does not apply to this determination, as metered zones (paid parking) is not being proposed.

ENVIRONMENTAL CONSIDERATIONS

19. Not applicable to this report.

ALTERNATE OPTIONS

20. Council may resolve to:
- Not support the determination; or
 - Support the determination with modification.

SUMMARY CONCLUSION

21. Noting enforcement of a parking station can only occur post community engagement, and with the installation of signage / line marking and prescribed notification, it is recommended that the Responsible Officer Recommendation is adopted.

Consulted References	:	• <i>City of Albany Local Government Parking and Parking Facilities Local Law 2012 (as amended).</i> • <i>Albany City Centre Parking Strategy (2013)</i> • <i>City Guideline (Information Sheet): Commercial Parking and Vehicular Access Design Criteria</i> • <i>Current CBD Parking Scheme (DP191887 22 August 2019).</i>
File Number (Name of Ward)	:	RD.DEC.15
Previous Reference	:	<i>Parking and Parking Facilities Local Law - Determination - Airport Parking. Adoption Reference: OCM 13/12/2016 Resolution ED044.</i>

Attachment 1 to Report DIS173

Schedule 1

Local Government Act 1995

PARKING AND PARKING FACILITIES LOCAL LAW 2009

DEEMED PARKING STATIONS

- **Parking - Albany (Harry Riggs) Regional Airport:**

- o Lot 214, 131 Parker Brook Road
- o Lot 4861, 35615 Albany Highway
- o Lot 5643, 35615 Albany Highway

- **Parking - Albany Central Business District (CBD)**

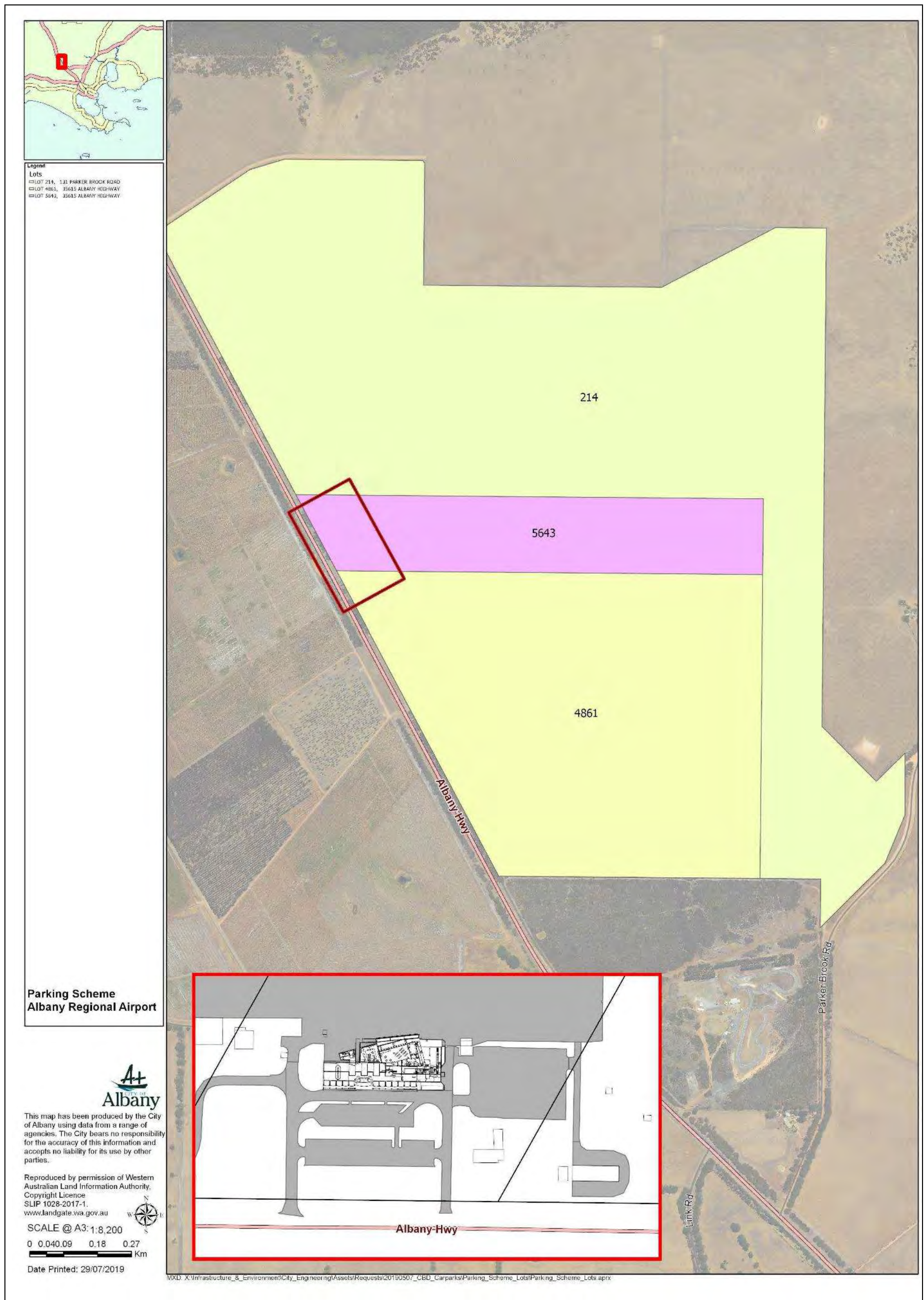
- o Lot 2, 2 Toll Place
- o Lot 2, 20 Proudlove Parade
- o Lot 2, 43-45 Aberdeen Street
- o Lot 2, 49 Aberdeen Street
- o Lot 3, 15-21 Aberdeen Street
- o Lot 5, 190-192 York Street
- o Lot 6, 184-188 York Street
- o Lot 7, 184-188 York Street
- o Lot 8, 104-110 Stirling Terrace
- o Lot 8, 162-164 York Street
- o Lot 9, 112-140 Stirling Terrace
- o Lot 9, 156-158 York Street
- o Lot 12, 47 Aberdeen Street
- o Lot 13, 270-284 York Street
- o Lot 15, 194-208 York Street
- o Lot 16, 51-59 Aberdeen Street
- o Lot 16, 87 Frederick Street
- o Lot 20, 339-347 Middleton Road
- o Lot 23, 139-141 Aberdeen Street
- o Lot 27, 112-140 Stirling Terrace
- o Lot 28, 112-140 Stirling Terrace
- o Lot 32, 4 St Emilie Way
- o Lot 50, 104-110 Stirling Terrace
- o Lot 50, Peels Place
- o Lot 64, 21A Albany Highway
- o Lot 66, 162-164 York Street
- o Lot 66, 190-192 York Street
- o Lot 67, 47 Aberdeen Street
- o Lot 67, York Street
- o Lot 75, 112-140 Stirling Terrace
- o Lot 92, 16-24 Peels Place
- o Lot 111, 221-227 York Street
- o Lot 112, 126-140 Grey Street Wes
- o Lot 123, 148-154 York Street
- o Lot 123, 229-237 York Street
- o Lot 123, 96-102 Stirling Terrace
- o Lot 202, 35-41 Aberdeen Street
- o Lot 203, 23-33 Aberdeen Street
- o Lot 205, 176-178 York Street
- o Lot 500, 51-61 Serpentine Road
- o Lot,1396, 36-46 Proudlove Parade
- o Lot 1397, Proudlove Parade
- o Lot 1399, Proudlove Parade
- o Lot 1407, Proudlove Parade
- o Lot 1521, 62 Proudlove Parade

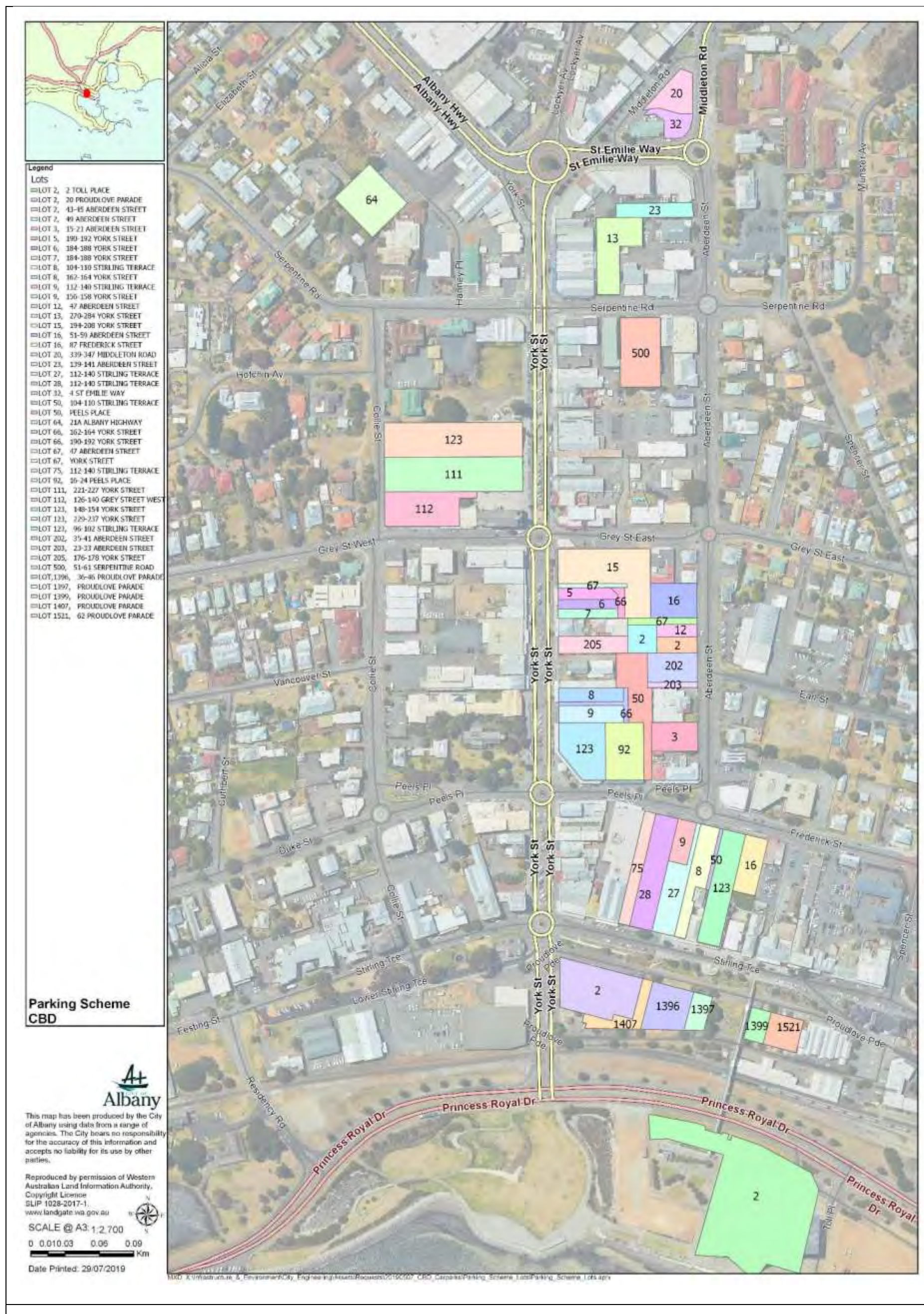
Attachment 1 to Report DIS176 (continued)

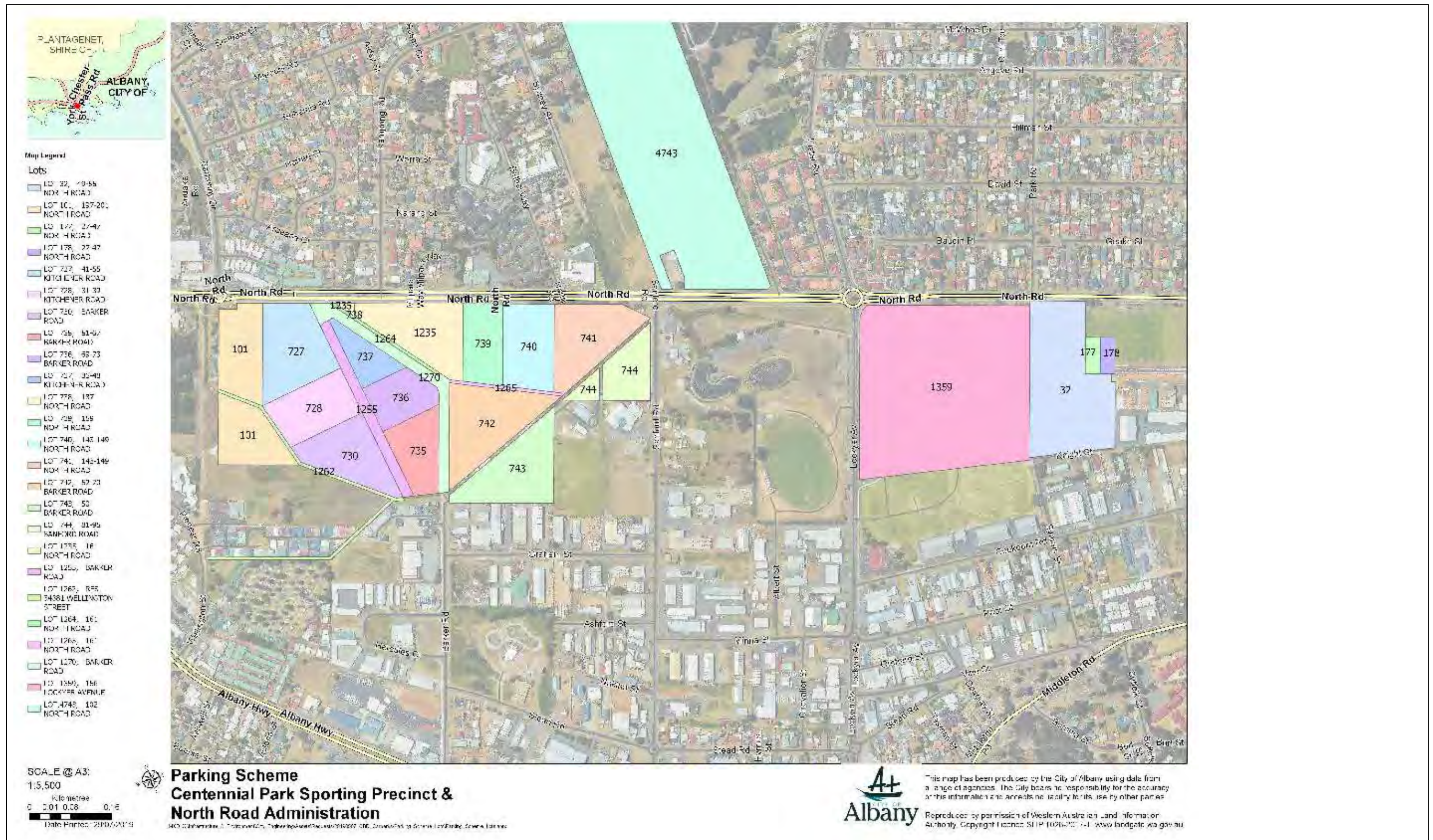
Schedule 1

(Continued)

- **Parking - Centennial Parking Sporting Precinct & North Road Administration**
 - o Lot 32, 49-55 North Road
 - o Lot 101, 197-201 North Road
 - o Lot 177, 27-47 North Road
 - o Lot 178, 27-47 North Road
 - o Lot 727, 41-55 Kitchener Road
 - o Lot 728, 31-39 Kitchener Road
 - o Lot 730, Barker Road
 - o Lot 735, 51-67 Barker Road
 - o Lot 736, 69-73 Barker Road
 - o Lot 737, 36-48 Kitchener Road
 - o Lot 738, 187 North Road
 - o Lot 739, 159 North Road
 - o Lot 740, 143-149 North Road
 - o Lot 741, 143-149 North Road
 - o Lot 742, 52-70 Barker Road
 - o Lot 743, 50 Barker Road
 - o Lot 744, 81-95 Sanford Road
 - o Lot 1235, 161 North Road
 - o Lot 1255, Barker Road
 - o Lot 1262, Reserve 34381 Wellington Street
 - o Lot 1264, 161 North Road
 - o Lot 1265, 161 North Road
 - o Lot 1270, Barker Road
 - o Lot 1359, 156 Lockyer Avenue
 - o Lot 4743, 102 North Road
- **Parking - Emu Point**
 - o Lot 501, Swarbrick Street
 - o Lot 1461, 13-17 Hunter Street
- **Parking - Middleton Beach & Eyre Park**
 - o Lot 2, 5-13 Garden Street
 - o Lot 500, Flinders Parade
 - o Lot 502, Golf Links Road
 - o Lot 1386, 54-62 Golf Links Road









Map Legend

Lots

- LOT 501,
SWARBRICK STREET
- LOT 1461, 13-17
HUNTER STREET

SCALE @ A3:
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Date Printed: 29/07/2019



Parking Scheme Emu Point

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SCALE @ A3:
1:3,750

Kilometres
0 0.03 0.06 0.11
Date Printed: 29/07/2019

Parking Scheme Middleton Beach & Eyre Park

MED. KRÄUSCHKE & DWYZNIECH Engineering Austria GmbH 2218007_CSD_Capex/Parking_Scheme_Lab/Parking_Scheme_Lab.apr



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DIS176: CONTRACT C19018 – PROVISION OF SECURITY SERVICES

Proponent / Owner : City of Albany
Report Prepared By : Acting Manager City Operations (T Rogister)
Responsible Officers: : Executive Director Infrastructure & Environment (P Camins)

Note: A Confidential Briefing Note has been distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the Local Government.

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** 3. Clean, Green & Sustainable
 - **Objective:** 3.2 To build, maintain and renew city assets sustainably.
 - **Community Priority:** 3.2.2 Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

In Brief:

- Council approval is sought to appoint the preferred tenderer to provide security services for the City of Albany.
- The contract shall be for an initial two (2) year period from 1 November 2019 to 31 October 2021 with an option to extend for a further one (1) year and then a further (1) year after that.

RECOMMENDATION

DIS176: RESOLUTION (AMENDED OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council:

1. **ACCEPT** the tender from Southcoast Security Services, and
2. **AWARD** Contract C19018 – Provision of Security Services to this tenderer, subject to confirmation that all contract terms and conditions will be met.

CARRIED 13-0

DIS176: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. **ACCEPT** the tender from Southcoast Security Services, and
2. **AWARD** Contract C19018 – Provision of Security Services to this tenderer.

DIS176: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-0

DIS176: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. ACCEPT the tender from Southcoast Security Services, and
2. AWARD Contract C19018 – Provision of Security Services to this tenderer.

BACKGROUND

2. Tenders were called for the Provision of Security Services for a period of up to four (4) years (including options). The tender is seeking to engage an experienced and licensed Security Services Contractor to provide various security services and offer an on call response service 24 hours per day, 365 days per year.
3. The services include:-
 - Security Patrols & Public Convenience Inspections
 - Cash Collection Services
 - Static Guard/Doorman/Security Escort
 - Alarm Callouts and Activation including Emergency/Duress Callouts
 - Wheelchair Storage Shed Access
 - Construction Site Patrols
 - Events Crowd Control
4. The current contract expires on 31 October 2019.

DISCUSSION

5. A total of eight (8) documents were issued.
6. Tender documents were evaluated using the weighted attribute method. This method scored the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:-

Criteria	% Weight
Cost	40
Relevant Experience	20
Key Personnel skills and experience	15
Tenderer's Resources	20
Corporate Social Responsibility	5
Total	100%

7. Three (3) completed tender documents were submitted on or before the stipulated closing date and time.

8. The following table summarises the tenderers and the overall evaluation scores applicable. Rates submitted are '*commercial in confidence*' and will not be made publicly available.

Tenderer	Weighted Score
Southcoast Security Services	833.45
Tenderer B	581.98
Tenderer C	464.57

9. Southcoast Security Services is the City's incumbent contractor and has provided a reliable service during the term of the current contract.

GOVERNMENT & PUBLIC CONSULTATION

10. A request for tender was published in the West Australian on 21 August 2019 and the Albany Weekender on 22 August 2019.

STATUTORY IMPLICATIONS

11. 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 \$150,000.00 (recently amended).
12. 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.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of the result of Council's decision.

POLICY IMPLICATIONS

14. The City of Albany Tender Policy and Regional Price Preferences Policy are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Property Contract personnel have access to facilities after hours and could access confidential information, cause damage or steal items.	Possible	Moderate	Medium	Tenderer is assessed on experience and reliability.
Organisation's Operations Non-compliance, delays or failure to carry out contracted works or business failure.	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply services.
Reputation Community dissatisfied with the standard of behaviour demonstrated by the contractor or dissatisfied that they have not adhered to the agreed open/close times of amenities.	Unlikely	Minor	Low	Daily Patrol forms are required to be completed and provided to the Principal for auditing/compliance purposes. In addition, the provision in the general conditions of contract allows for contract termination on the basis of failure to supply services.
People Health & Safety Failure to report potential hazards within the community.	Unlikely	Major	Medium	Specific contract performance compliance clauses have been included in the contract.
Opportunity: To engage a contractor to protect City Assets from damage and offer a public amenity service to the community and visitors meeting community expectations.				

FINANCIAL IMPLICATIONS

16. Each facility maintains individual budgets for security services with the tendered price being shared across the organisation. Each directorate and facility manager has provided for security services in their respective budgets as required.
17. The value of this tender is in excess of \$500,000 which exceeds officer delegation and therefore the approval is referred to Council for consideration.

LEGAL IMPLICATIONS

18. Nil

ENVIRONMENTAL CONSIDERATIONS

19. Nil

ALTERNATE OPTIONS

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

CONCLUSION

21. On reviewing the submissions, the evaluation team assessed Southcoast Security Services as being the preferred tenderer using the evaluation criteria for the provision of the City's security services. It is recommended that the nominated tenderer be accepted.

Consulted References	:	<i>Local Government (Functions and General) Regulations 1995</i> <i>Council Policy – Purchasing (Tenders & Quotes)</i> <i>Council Policy – Buy Local (Regional Price Preference)</i>
File Number (Name of Ward)	:	C19018 (All Wards)
Previous Reference	:	Nil

DIS177: PLANNING AND BUILDING REPORTS AUGUST 2019

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports August 2019
Report Prepared By : Administration Officer – Planning (J Ferrell)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Acting Executive Director Development Services
(J Van Der Mescht)

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision.

The CEO therefore recommends this report for consideration by Council.

RECOMMENDATION

DIS177: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR DOUGHTY

THAT Council NOTE the Planning and Building Reports for August 2019.

CARRIED 13-0

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL
15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Electoral Caretaker Period Policy Statement

The Responsible Officer Recommendation has been reviewed in the context of the City of Albany's Election Caretaker Period Policy, and the CEO has determined that it does not constitute a major policy decision. The review of the Community Sport and Recreation Facilities Small Grant Funding Policy is to:

- 1. Remove the requirement for applicants to have made at least two attempts to leverage CSRFF funding; and*
- 2. Enable Council to support projects that were unsuccessful in leveraging CSRFF funding, but who are able to source the additional funds in order to complete the proposed project.*

Council has set a precedent for this policy change by approving previous Capital Seed Funding allocation to organisations who were unsuccessful with their CSRFF applications, but who demonstrated the capacity to source the remaining two thirds of funding required to complete their projects.

The CEO therefore recommends this report for consideration by Council.

15.1 NOTICE OF MOTION BY COUNCILLOR STOCKS

Date and Time Received: Tuesday 10 September 2019 at 3.10PM

**15.1: RESOLUTION (NOTICE OF MOTION BY COUNCILLOR STOCKS)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SMITH**

THAT:

1. The Chief Executive Officer undertake a review of the Community Sport and Recreation Facilities Small Grant Funding Policy, and propose the following amendment:
B. Financial Contribution.
 - Dot Point 1 to read: *Capital Seed Funding of a maximum of one third of the total estimated project costs (excluding GST), may be awarded to unsuccessful applicants providing that the applicant is able to source the remaining two thirds of the total estimated project costs (excluding GST) to enable completion of the project.*
 - Dot Point 2 to read: *"The City's contribution will not exceed a maximum of one third of the total estimated project costs (excluding GST)."*
 - Remove the last paragraph of the Policy: *(If an applicant is unsuccessful Council may still consider contributing the maximum one third of the total estimated project costs to an applicant's project with the following conditions:)*
 - Dot Point 5 to read: *Applicants must make at least **one** attempt to leverage CSRFF funding.*
 - Dot Point 6 *(The applicant can source the remaining two thirds of the total estimated project costs themselves) to be removed.*
2. The reviewed Policy be presented to Council for adoption by December 2019.

CARRIED 13-0

Councillor's Reason:

The removal of the requirement for applicants to have made at least two attempts to leverage funding through the CSRFF program will allow applicants who have the ability to fund the remaining two thirds of proposed projects to proceed with those projects in a timely and flexible manner.

All applications received for Capital Seed Funding are assessed under the provisions of this policy, and in accordance with budget allocations.

Officer Comment (Executive Director Community Services):

Officers are supportive of progressing the policy review and will consult with the Department of Local Government, Cultural and Sporting Industries as part of the process. Further, the review will take into consideration existing budget allocation parameters, funding criteria and merit based assessment.

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC

18. CLOSURE

There being no further business the Mayor declared the meeting closed at **7.23PM**



Dennis W Wellington
MAYOR

Gillian McBride, 27 Kampong Road, Yakamia

ph: 0427 529 787
Email: gillymcbride@hotmail.com

My name is Gillian McBride and I live at no 27 Kampong Road in Yakamia. I am a ratepayer and a regular user of Worra Park, which is located approximately 100 meters from my home. The park is a public space, a city-managed reserve with a few items of playground equipment, an area of bush with a few trails and some beautiful trees which attract an assortment of birdlife. It's a lovely secluded little park, a quiet space in a busy residential area.

Last week, myself and others living in the vicinity of Worra Park, received an envelope in the mail containing 2 letters + a survey. One letter was from the City of Albany and in the same envelope was a letter from Bethel Christian School, which is located at the bottom of Worra Park. The letters were very similar, identical in parts, outlining a proposal from Bethel Christian School to share Worra Park with other park users. It was stated that this was due to the school growing in numbers and they were looking for ways to accommodate additional students and provide additional recreational opportunities. This was confusing as the school already use the park on an almost daily basis and for the most part, this is not a problem for other users.

The letters, however went on to include a broad concept of what the school was proposing (at the school's expense) which includes:

- Provision of *new* and *enhanced* recreational areas of Worra Park
- The existing playground equipment being relocated
- New playing field/s being developed by the school
- Retention of native vegetation – *where possible*
- Public access to certain areas of the park being restricted to out of school hours

No specific details or plans were attached. There was no information about where they were proposing the playground equipment be relocated to; the proposed size, placement, quantity of these playing fields; no details about the significant earthworks that would be required given the gradient of the park; no information about any planned structures, fencing, retaining walls etc; no information on how many trees would be removed or how much of the existing bush would be impacted? No information on how close the playing fields would be to the back fences of the properties that adjoin the park – and no consideration of how this would affect these residents.

Bethel Christian School appears to have expanded rapidly over recent years. Last year they built a new Early Learning Centre on the other side of the school, on Bethel Way. This year they have introduced a senior secondary program to include Years 12's. I question why a business with limited space, encourage further expansion when they don't have the space to accommodate extra student numbers? And why would they consider redeveloping the local park when there are existing, excellent playing fields at North Road Sports Complex which is only a few hundred meters from their school?

The attached survey asked some general usage questions ie do you visit Worra Park? How often? etc....and closed with the question - and I quote, "**Would you support Worra Park becoming playing fields for use by the school during school hours**" yes, Worra Park becoming playing fields... that is the question that the local residents, ratepayers and users of this public space have been asked to respond to based on the scant information that they were provided with.

Firstly, it concerns me greatly that the City of Albany is considering handing over public spaces to private organisations in order to save a few dollars in maintenance. Is that even allowed? Isn't a local park **Public Space**, available to the **public**, for use by the **public**? Even consideration of this proposal is setting a dangerous precedent and saying to the Albany community that private organisations are more important than they are and that any public space is up for grabs – and that is a terrifying thought!

So, I thought I'd contact the City to get some clarification and my concerns were raised further:

- I checked the survey for details of who to contact – there were none, in fact there was nothing, no logo – no indication of whether the survey was even from the COA?
- I then checked the COA letter for a signatory, there was none – it's unsigned
- and then I noticed that on the **COA** letter there was the name of the person to contact for enquiries – the name was Mim Butler, Principal of Bethel Christian School – the representative from the very organisation who would gain considerable benefit if this proposal, *their* proposal was to go ahead! I find that all rather strange and very concerning on so many levels!

I went down to the City offices and spoke to a gentleman, from the Planning Department I believe. I asked him what the decision-making process would be and was told that the results of the surveys would be gathered (closing date 14th October 2019) and Council would then **decide whether they would support the school's proposal** - to turn Worra Park into playing fields. How is that even possible? How can a decision that will impact so **significantly** on the users of a public space, 1) be considered in the first place and 2) be made using this method of *consultation* – and I use that term very loosely.

Surely, under your recently published **Communications & Engagement Strategy**, it would be necessary to widen the scope of the consultation process to include for example, Department of Water (Yakamia Creek Catchment), Department of Planning and Infrastructure; Green Skills, South Coast Natural Resource Management, and Department of Parks and Wildlife to name just a few and seek their feedback into how this proposal could be managed?

Question: Is this cost-saving strategy of considering/permitting exclusive, though periodic, use (and redevelopment) of our public spaces by private organisations one that the City of Albany is going to pursue? Will our public spaces be sold off to the highest bidder? That would be very concerning.

In summary, I feel very strongly that Worra Park should be retained as **public** space for use by the **public** – happily shared by anyone who respects the equipment, the trees, the vegetation and other users.

In closing, can the council confirm that, should they proceed with this proposal, a more thorough consultation process be commenced, and as part of that process, a meeting between the City, the school and the residents be scheduled?

Thank you for the opportunity to raise my concerns,

Gillian McBride

24th September 2019

Question: City of Albany Council meeting, September 24, 2019

On this Friday just past, 500 people gathered on the lawn of town square to participate in the local iteration of a worldwide rally to spotlight the most pressing global issue of our time - climate change.

State Member for Albany, Peter Watson, made the effort to attend even though he had a sore foot and was wearing a moon boot.

Councillor Paul Terry was there, sitting on a stone wall outside the public library.

I did not see any of the city's other elected officials at the rally. Perhaps they can advise us later if they were there.

On the day, the wonderful high school students from Grammar, NASHs, ASHs and elsewhere, who arranged the rally, circulated a petition urging the City of Albany to sign up to the Climate Change Declaration of the WA Local Government Association.

No fewer than 40 Western Australian councils have signed that declaration.

Albany is not one of them.

Signatories to the declaration include Augusta-Margaret River, Busselton, Perth, Denmark, Esperance, Geraldton, Kalgoorlie-Boulder, Mandurah and Wanneroo.

Why has the City of Albany not yet signed the declaration?

And when does it plan to do so?

Written, authorised and printed by: Chris Thomson, 26-30 Grey Street East, Albany

(Address not for publication, please. I am a silent elector pursuant to Federal and State electoral legislation)

Question: City of Albany Council meeting, September 24, 2019

Bethel Christian School plans to build playing fields, for its sole use during school hours, at the publicly owned Worra Park in Yakamia.

With regard to that project, I ask whether, during any forthcoming formal consultation phase, the City plans to consult further than the 10 or so ratepayers whose houses back onto the reserve.

A minimalistic approach whereby only adjoining landholders are consulted, while ratepayers further afield are not kept in the loop, appears to be standard practice on some public projects that have broader implications in Albany.

Bethel School, a private one, says it is growing.

On City of Albany letterhead, the principal of the school has written to residents advising them of plans to develop, and for extended times to exclusively use, Worra Park – which is City and hence public property.

Bethel, I think, has taken a very good first step in surveying Yakamia residents not just on the park's periphery but also beyond.

The school principal says existing native vegetation will be retained "where possible".

The school advises that a possum spotting survey has been undertaken that did not spot any possums.

I further ask how the City intends to ensure that the school meets Federal and State survey and management requirements concerning the critically endangered Western Ringtail Possum in this quite densely wooded park.

This private project on public land may prove a win-win for the school and the community, at a park that is promoted on the City's website.

But a win-win will only occur if, during its formal consultation phase, the City formally canvasses and heeds the views of adjoining neighbours as well as the wider Yakamia community.

Written, authorised and printed by Chris Thomson, 26-30 Grey Street East, Albany

(Address not for publication, please. I am a silent elector pursuant to Federal and State electoral legislation)

Levi Wheatcroft
0404 873 426

24 September 2019

City of Albany Public Forum

Worra Park Proposal

I recently received a letter dated 13 September 2019 regarding Bethel Christian School's intended use of Worra Park. The park comprises a small cleared area, a swing set and climbing frame, and an area of native bush. It is located near Worra street and Kampong Road in Yakamia, and shares a boundary with the school.

The letter is particularly concerning, as it alludes to a partnership between the public and the school, but no detail regarding the nature of this partnership, nor commitment regarding the management of public concerns is provided.

Successful, sustainable partnerships rely on several prerequisites.

Firstly, all stake holders must have a reasonable level of confidence that their partners are acting, and will continue to act, in good faith. While the school is a long standing institution of good repute in the broader community, a presumption of good faith is of little reassurance to those residents in the immediate vicinity of the park.

Secondly, participants must have a thorough understanding of their rights, responsibilities, obligations, and those of their counterparts. It would be difficult for local residents to support the school's proposal for the future of Worra Park without any indication as to how the school intends to mitigate the impact of it's activities on residents in the immediate area.

Finally, there must be mutual benefit for all stake holders. While the benefits to the school are obvious, the benefits to other park users are local residents are unclear. The proposal has been provided in vague, intangible, noncommittal terms, and in it's present form it is not possible for other park users to discern whether they would enjoy any benefits at all.

These requirements demonstrate an imperative requirement for a genuine approach to consultation.

With these concerns in mind, I would respectfully request that the City of Albany provides local residents with a detailed proposal for the park's future. Such a proposal must include plans for the intended layout of the park and any new facilities, the manner in which detrimental impacts on local residents will be mitigated, appropriately rigorous consideration of environmental impacts, and details of how the failure of any participant to uphold their obligations will be remedied.