

AGENDA

Ordinary Meeting of Council

Tuesday 26 November 2013

6.00pm

City of Albany Council Chambers

CITY OF ALBANY COMMUNITY STRATEGIC PLAN (ALBANY 2023)

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

ORDINARY COUNCIL MEETING
 AGENDA –26/11/2013
 ** REFER DISCLAIMER **

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ORDINARY COUNCIL MEETING
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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.”

PROCEDURAL 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:

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 Mayor D Wellington

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	V Calleja JP
Frederickstown Ward	C Dowling
Frederickstown Ward	G Stocks
Kalgan Ward	Vacant
Kalgan Ward	J Price
Vancouver Ward	S Bowles
Vancouver Ward	N Williams
West Ward	G Gregson
West Ward	A Goode JP
Yakamia Ward	A Hortin JP
Yakamia Ward	R Sutton

Staff:

Chief Executive Officer	G Foster
Executive Director Corporate Services	G Adams
Executive Director Community Services	C Woods
Executive Director Planning and Development Services	D Putland
Executive Director Works and Services	M Thomson
Minutes	J Williamson

Apologies:

VII. APPLICATIONS FOR LEAVE OF ABSENCE:

ORDINARY COUNCIL MEETING

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VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

OCM001
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 29 October 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

OCM001
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Council Meeting held on 24 October 2013, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

IX. DECLARATIONS OF INTEREST:

Name	Committee/Report Item Number	Nature of Interest
Councillor Bowles	CSF031	Impartiality. Councillor Bowles is the secretary of the Great Southern Factor Inc. Paperbark Merchants and H&H Architects have a sponsorship arrangement with Great Southern Factor Inc. Paperbark Merchants and H&H Architects are both companies on the list of payments authorised under delegated authority report for October 2013.
Councillor Stocks	CSF031	Impartiality. Councillor Stocks is a shareholder of a listed company on the list of payments authorised under delegated authority report for October 2013.
Councillor Williams	CS005	Impartiality. Councillor Williams assisted with the establishment of the Menshed Resource Centre and continues to be involved with the centre.
Councillor Bowles	CS005	Impartiality. Councillor Bowles holds a membership with the South Coast Progress Association and is volunteer secretary of Great Southern Factor Inc.
Mayor Wellington	CSF040	Financial. Mayor Wellington receives the use of the Mayoral Vehicle as part of the Mayoral package.

X. IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS:

CSF038: Albany Septage Facility-Joint Venture-Confidential

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS:

A petition was presented to Council from Ratepayers requesting:

“That the temporary causeway put in place to replace the bridge on the Elleker Grassmere Road be upgraded as soon as possible to allow local traffic to cross the drain until either work commences on the new bridge or a permanent causeway is constructed.”

11.1: MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Petition lodged by residents of the City of Albany regarding the Elleker Grassmere Road Bridge be RECEIVED.

XII. ADOPTION OF RECOMMENDATIONS EN BLOC:

**ED005: ADOPTION OF THE ECONOMIC DEVELOPMENT STRATEGY
2013-2017**

Proponent : City of Albany
Owner : N/A
Responsible Officer(s): : Executive Director Community Services (C Woods)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This strategy directly relates to the following elements from the Community Strategic Plan – Albany 2023 and the Corporate Business Plan 2013-2017.
2. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme: 1.** Smart Prosperous and Growing.
 - b. **Strategic Objective: 1.1.** To foster links between education, training and employment that support economic development.
Strategic Objective 1.2 To strengthen our region's economic base.
Strategic Objective 1.3 To develop and promote Albany as a unique and sought after destination.
 - c. **Strategic Initiative: 1.1.1.** Learning City
Strategic Initiative 1.2.1. CBD Revitalisation
Strategic Initiative 1.2.2. Economic Diversity
Strategic Initiative 1.3.1. Events Management
Strategic Initiative 1.3.2. Tourism Destination
Strategic Initiative 1.3.3. Coastal Management

In Brief:

- The Councils current Economic Development Strategy (2010-2015) was previously linked to the Councils strategic plan "Albany Insight" 2010-2025.
- The Councils legislative requirement to develop an Integrated Community Plan and Corporate Plan by 30 June 2013 was met with both these plans being adopted.
- The review and development of the City of Albany Economic Development Strategy 2013-2017 (attached) has now been completed and is linked to the current Community Strategic Plan.

RECOMMENDATION

**ED005: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council ADOPT the City of Albany Economic Development Strategy 2013-2017.

ED005: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR SUTTON

THAT Council ADOPT the City of Albany Economic Development Strategy 2013-2017.

CARRIED 9-0

ED005: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the City of Albany Economic Development Strategy 2013-2017.

BACKGROUND

3. The Economic Development Strategy identifies regional strategic initiatives and City of Albany strategic initiatives.
4. It is recognised that the ability to influence regional initiatives requires regional cooperation and alignment with regional infrastructure blueprints that are the responsibility of the Great Southern Development Commission.
5. It is for this reason that regional strategic initiatives will require the establishment of high level project working groups that report back to the Economic Development Committee.
6. City of Albany based strategic initiatives will be the responsibility of an officer and in some instances localised project working groups or partnerships with key stakeholders such as the Albany Chamber of Commerce and Industry (ACCI).

DISCUSSION

7. The City of Albany's Community Strategic Plan – Albany 2023 has identified five key themes for the City to focus upon. "Smart, prosperous and growing" is one of these key themes and forms the platform from which the City of Albany's Economic Development Strategy is derived.
8. These themes are supported by a number of strategic objectives from which strategic initiatives will be developed. The three key strategic objectives are to:
 - Strengthen and diversify our economic base.
 - Foster links between education training and employment that support our economic growth and development.
 - Develop and promote Albany as a unique and sought after visitor destination.

GOVERNMENT & PUBLIC CONSULTATION

9. This document has been provided to the Chair of Australia's South West (ASW); the Chief Executive Officer (CEO) of ACCI and the CEO of the Great Southern Development Commission (GSDC) for comment.
10. No comment has been received at the time of preparing this report.
11. The CEO and Executive Director of Community Services attended the GSDC Regional Blue Print briefing on 20 September 2013 with each of the 13 Great Southern Regional Councils present.
12. The GSDC Regional Infrastructure and Economic Development Blue print is being prepared by an external consultant and the City of Albany will have the opportunity to submit this document as part of the development of the Regional Development Commissions Blue Print.
13. The Community Strategic Plan involved widespread community consultation in late 2012 and early 2013. The community identified a number of economic priorities under the theme of "Smart Prosperous and Growing".
14. This strategy has incorporated these objectives and expanded upon them in more detail.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

16. There are no policy requirements relating to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>The City fails to adopt a strategic approach to Economic Development and relies on other organisations to determine its economic outcomes.</i>	<i>Unlikely</i>	<i>Significant</i>	<i>Medium</i>	<i>Council to mitigate risk and take control of the situation by committing resources to the pursuit of Economic Development objectives.</i>

FINANCIAL IMPLICATIONS

18. The adopted 2013/14 Budget and existing staff resources are sufficient to start driving the identified economic objectives contained within the strategy.
19. As the City progresses toward the 2014/15 budget a clearer understanding of the costs and benefits associated with pursuing higher level objectives such as the Science and Technology Park will be known. At this time the Economic Development Committee will have a significant role to play in determining priorities and resources accordingly.

LEGAL IMPLICATIONS

20. Not Applicable.

ENVIRONMENTAL CONSIDERATIONS

21. The City of Albany recognises the value of its natural environment and the importance of protecting and managing natural values for future generations.
22. These natural assets include the river systems and foreshores, as well as the native species and ecosystems present in reserves and other natural areas. It also includes values such as clean air and water, landscape amenity and recreation.
23. As a part of the City of Albany's actions to address these needs, the Council has incorporated consideration of the environment into its Strategic Plan.
24. The unique environment and agricultural land within the City boundaries are part of its current and future economic sustainability and any economic development decision should consider the value of these natural assets.

ALTERNATE OPTIONS

25. The Council is encouraged to alter and review its economic development strategy on a regular basis in order to take advantage of new opportunities or as a result of objectives that cannot be realised for various reasons be they within councils control or beyond councils influence.

SUMMARY CONCLUSION

26. The City of Albany has an Economic Development Strategy that was linked to its previous strategic plan.
27. The legislative requirement for the City to develop an Integrated Strategic Plan and a Corporate Plan before 30 June 2013 has required the City to review its strategy and align the strategy to its current Community Strategic Plan.
28. This Strategic Plan is a working document and attempts to address both regional strategic outcomes and local economic outcomes.
29. The Plan is submitted to Council for adoption and through its adoption will enable resources to be allocated to the attainment of economic outcomes in a planned and coordinated approach.

Consulted References	<p>:</p> <ol style="list-style-type: none"> 1. Martinus, K., Tonts, M. (2013) “Albany Baseline Study; For Long-Run Socio-Economic Sustainability”, prepared by University of WA and commissioned by Committee for Albany, City of Albany and UWA in Albany. <i>N:\CORP.COMM.SERVICE\Community_Services\Economic_Development\Major Projects 2013</i> 2. McEwan, A., (2013) “City of Albany Major Projects Summary”, Major Projects August 2013 section of City of Albany. <i>N:\CORP.COMM.SERVICE\Community_Services\Economic_Development\Major Projects 2013</i> 3. Regional Australia Institute, Regional Development Australia – Insight ID – “Australia’s Regional Competitiveness Index”- City of Albany level. http://insight.regionalaustralia.org.au/ 4. Department of Regional Australia, Local Government, Arts and Sport. “myregion – Great Southern data”. http://myregion.gov.au/profile/great-southern/data 5. Australian Trade Commission. http://www.austrade.gov.au/ 6. Department of Regional Australia, Local Government, Arts and Sport (no date). “Framework for Regional Economic Development” - Regional Australia Standing Council. 7. Department of Regional Australia, Local Government, Arts and Sport (no date). “Regional Economic Development Guide”. 8. Regional Development Australia Great Southern WA (2012). “Regional Plan 2012- 2020”, and “Appendices Regional Plan 2012-2020”. www.rdagreatsouthern.com.au 9. Department of State Development – Government of WA. Various market information papers, “Trade and Investment Relationship”, China, India, Japan, South Korea.
File Number (Name of Ward)	: ED.PLA.4 (All Wards)
Previous Reference	: City of Albany Economic Development Strategy (2010-2015) - Synergy ref: NS0910505 (OCM 15/12/2009 Item 14.12.4)

CS005: COMMUNITY ENTERPRISE GRANTS AND COMMUNITY EVENT SPONSORSHIP

Attachments : 1. List of Applications – Community Enterprise Funding
2. List of Applications – Community Event Sponsorship
Responsible Officer(s): : Executive Director Community Services (C Woods)

Responsible Officer’s Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - **Key Theme: 2.** Clean, Green & Sustainable and **Key Theme: 4.** A Sense of Community.
 - **Strategic Objectives:**
 - 2.1. To protect and enhance our natural environment.
 - 4.1. To build resilient and cohesive communities with a strong sense of community spirit;
 - 4.2. To create interesting places, spaces and events that reflect our community’s identity, diversity and heritage;
 - 4.3. To develop and support a healthy, inclusive and accessible community.
 - **Strategic Initiative:** 4.1.5. Community Funding.

In Brief:

- Note the Community Enterprise Grants and Community Event Sponsorship funding recommendations made under delegated authority.

RECOMMENDATION

**CS005: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- 1. NOTE Community Enterprise Grant recommendations totalling \$15,130 detailed at paragraph 18 of the Officer Report.**
- 2. NOTE Community Event Sponsorship recommendations totalling \$24,620 detailed at paragraph 21 of the Officer Report.**

CS005: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GOODE
SECONDED: MAYOR WELLINGTON**

THAT Council:

- 1. NOTE Community Enterprise Grant recommendations totalling \$15,130 detailed at paragraph 18 of the Officer Report.**
- 2. NOTE Community Event Sponsorship recommendations totalling \$24,620 detailed at paragraph 21 of the Officer Report.**

CARRIED 5-0

CS005: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- 1. NOTE Community Enterprise Grant Recommendations totalling \$15,130 as detailed at paragraph 18 of the Officer Report.**
- 2. NOTE Community Event Sponsorship recommendations totalling \$24,620 detailed at paragraph 21 of the Officer Report.**

BACKGROUND

Community Funding and Event Sponsorship – Overview

3. At its May 2013 Ordinary Council Meeting, Council adopted the Council Policy *Community Funding and Event Sponsorship (2013)*.
4. The objective of the Policy is to provide an equitable and accessible framework for the provision of Community Funding and Event Sponsorship that aligns with Council’s strategic objectives.
5. The two program streams within the Policy that are the subject of this report and recommendations are:
 - Community Enterprise Grants; and
 - Community Events Sponsorship.
6. A summary of each of these programs is outlined below in Table 1:

Table 1			
Program	Objective	Detail	Delegated Authority
<i>Community Enterprise Grants</i>	<ul style="list-style-type: none"> • To enhance community engagement and participation. • To build community resilience and wellbeing. 	<ul style="list-style-type: none"> • Grants to support community groups and organisations enhance, develop or deliver activities, programs or services. • Supports minor equipment purchases or maintenance, capacity building initiatives, or innovative community programs. 	Community Services Committee
<i>Community Event Sponsorship</i>	<ul style="list-style-type: none"> • To have a positive impact on the vibrancy, diversity of activity and liveability of Albany. • To contribute positively to the image and economic development of Albany. 	<ul style="list-style-type: none"> • Support for community events that contribute to a diverse events calendar for the local community in Albany and demonstrate positive economic, social and community benefits. 	Community Services Committee

Delegated Authority

7. Delegated authority to approve the release of funds is outlined in Table 2.

Table 2					
<i>Community Funding</i>					
Program	Year 1 Funding Pool	Year 1 Funding Limit	Timing	Focus	Delegated Authority
<i>Community Enterprise Grants</i>	\$50,000	\$1000 - \$3000	One round per year	Equipment, Capacity, Programs	Community Services Committee
<i>Events Sponsorship</i>					
Program	Year 1 Funding Pool	Year 1 Funding Limit	Timing	Focus	Delegated Authority
<i>Community Sponsorship Event</i>	\$30,000	\$3,000 - \$5,000	Annual	Community focused	Community Services Committee

Financial - Authority to Approve Grants, Donations, Sponsorship, Community Funding, and Waiver Fees and Charges

Function and Delegation (*Authority to exercise the following functions and sub delegate is*):

Authority to:

- (1) *Approve donations, grants, sponsorship, financial assistance and waive fees and charges, the Local Government Act 1995, Section 6.7(2) and Section 6.12(1)(2)&(3).*
- (2) *Waive fees for goods, services and charges.*
- (3) *Determine eligibility of charitable or benevolent community based organisations within the City of Albany to qualify for the Waste Services Subsidy.*
- (4) *Appoint persons to administer any or all of the above functions.*

Conditions and Exceptions: *Nil*

Note: A local government may approve grants, donations or sponsorship and waiver fees and charges.

Conditions:

- (1) *This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.*
- (2) *Subject to:*
 - a. *Conditions contained in Council Policies;*
 - b. *Funding being allocated in the City's Annual Budget; and*
 - c. *Funding/Donations limited to \$10,000.*

Delegate(s): *Chief Executive Officer*

Sub-Delegates (Authorised Officers):

- *Executive Directors*

Legislative Powers (Reference):

- *Local Government Act 1995, s6.7(2), s6.12 (1)(2) & (3)*
- *Council Policy – Community Financial Assistance & Events Funding Program Policy*
- *Delegator: Council*

8. Guidelines for each program stream were developed by relevant City officers, and took account of the overall aim of the Policy and lessons learned from previous community funding rounds.

DISCUSSION

Community Enterprise Grants and Community Events Sponsorship Detail Program Overview

9. Community Enterprise Funding supports community-driven initiatives with funding between \$1,000 and \$3,000. Applicants were asked to demonstrate how their proposal addressed four criteria:
 - Increasing community cohesiveness, and enhancing community spirit;
 - Recognising and celebrating our identity, diversity and heritage;
 - Developing and supporting healthy, inclusive and accessible communities; and
 - Protecting and enhancing our natural environment.
10. Community Event Sponsorship supports community-driven events with grants between \$3,000 and \$5,000 for events which demonstrate innovation, community engagement, high quality planning, and capacity for growth and sustainability over time. Applicants were asked to demonstrate how their event addressed at least one of three key priority areas:
 - Enhancing the vibrancy and liveability of Albany;
 - Enhancing community engagement and participation;
 - High quality planning and capacity for growth and sustainability over time.
11. Applications for both Community Enterprise Grants and Community Events Sponsorship funding opened on 28 August 2013, and closed on 4 October 2013.

Assessment

12. Applicants for both Community Enterprise Grants and Community Events Sponsorship were asked to discuss their proposals with the relevant contact officers before applying. This helped applicants to shape their proposed activities to the funding and event sponsorship criteria, and gave guidance to applicants who did not meet the eligibility criteria.
13. An assessment panel was formed for ***Community Enterprise Grants*** comprising the following City officers:
 - Community Development Officer
 - Revenue Development Officer
 - Manager, Library Services
14. Applications were assessed against four specific criteria, using a five scale scoring matrix.
15. An Assessment Panel was formed for ***Community Events Sponsorship*** comprising the following City officers and elected member:
 - Manager, Cultural and Community Development
 - Events Coordinator
 - Councillor Sarah Bowles

16. Applications were assessed against five specific criteria, using a five scale scoring matrix

Community Enterprise Grants Outcomes

17. A total of 11 applications for Community Enterprise Funding were received for funding totalling \$25,363.18.
18. Eight applications met the eligibility criteria and have been recommended for funding.

Community Enterprise Grants Recommendations

19. An outline of all applications received, noting applications recommended for funding is outlined in Attachment 1. A summary of applications recommended for funding is outlined in Table 3 below:

Table 3				
Applicant	Project	Total Project \$	Funding Request \$	Funding Recommended \$
Shalom House	Support for community drop-in centre.	41,080	3,000	1,000
Camp Kennedy Baptist Youth Camp	Playground upgrade	3,214	2,314	1,000
Bushcarers Group	Community awareness campaign for the Oblong Turtle	6,000	2,500	2,500
Autism Support Network	Workshop on delivering better services for people with disabilities	11,401	3,000	3,000
Depression Support Network	Paving outdoor BBQ area	375	350	350
Men's Resource Centre	Wellness garden for Shalom House	4,800	1,500	1,500
Albany Menshed	Business plan (feasibility study) including determination of site requirements and co-location opportunities.	13,000	3,000	3,000
South Coast Progress Assoc (on behalf of Little Grove Community Garden)	Community workshops on various gardening topics	3,820	2,780	2,780
	Total	\$83,690	\$18,444	\$15,130

Community Events Sponsorship Outcomes

20. Ten applications for Community Events Sponsorship were received totalling \$40,381.27.
21. Eight applications met the eligibility criteria and have been recommended for funding.

Community Events Sponsorship Recommendations

22. An outline of all applications received, noting applications recommended for funding is outlined in Attachment 2. A summary of applications recommended for funding is outlined in Table 4 below:

Table 4				
Applicant	Project	Total Project \$	Funding Request \$	Funding Recommended \$
Rainbow Coast	Harmony Day Celebration	8,198	4,984	3,000
Wellstead Community Resource Centre Inc	Wellstead Harvest Festival	11,673	4,302	3,000
NewArts	Sculpture In the Harbour 2014 Reflections	52,390	3,120	3,120
Great Southern Employment Development Committee	50th Year Celebration Coolangarras Barmah	13,650	2,500	1,000
Albany Maritime Foundation	Festival of the Sea	17,000	5,000	3,000
GreenSkills Inc	Sustainable Albany Festival	26,175	5,000	4,500
Apex Club	2013 Carols by Candlelight	13,240	3,650	3,500
Great Southern Factor Inc	My World [in 3D]	19,196	4,098	3,500
	Total	\$161,522	\$32,654	\$24,620

GOVERNMENT & PUBLIC CONSULTATION

23. No public or government consultation relates to this report. Public consultation was facilitated by the funding submission process.

STATUTORY IMPLICATIONS

24. Nil.

POLICY IMPLICATIONS

- 25. *The Community Funding and Event Sponsorship (2013) policy applies, in particular the clauses relating to Community Enterprise Funding, and Community Event Sponsorship.*
- 26. This policy delegates authority to approve or decline applications for Community Enterprise Funding and Community Event Sponsorship to the Community Services Committee.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council do not endorse the funding recommendations made under delegated authority.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>A rigorous application and assessment process was conducted to ensure Council have confidence in funding recommendations. The Committee can recommend to Council to review the recommendations and amend accordingly.</i>
<i>Negative feedback from applicants declined for funding</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>The assessment process includes clear reasons for applicants declined. Feedback will be offered to unsuccessful applicants.</i>

FINANCIAL IMPLICATIONS

- 28. Council has endorsed the *Community Funding and Event Sponsorship (2013)* policy which includes an allocation of \$135,000 for 2013-2014, in particular \$50,000 for Community Enterprise Grants, and \$30,000 for Community Events Sponsorship.
- 29. *Community Funding and Event Sponsorship (2013)* specifies that unspent funding allocations shall be carried forward with the total budget to be allocated on an annual basis.
- 30. Options for reallocating surplus funds from *Community Enterprise Grants* and *Community Events Sponsorship* to oversubscribed programs in 2012 - 2013 could be considered by Council subject to final outcomes and funding disbursement across all categories of funding.
- 31. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Services Directorate, within existing allocated budgets.

LEGAL IMPLICATIONS

- 32. Nil.

ENVIRONMENTAL CONSIDERATIONS

- 33. Nil.

ALTERNATE OPTIONS

- 34. Council could make alternative recommendations for funding. Only applicants that are eligible and meet the funding criteria should be considered. If Council determine to endorse funding for an applicant that is ineligible, or their proposed project does not align with the funding criteria, many potential applicants who did not submit applications due to eligibility or funding criteria concerns would have reasonable grounds for complaint.
- 35. Council could determine different dollar amounts of funding to the recommended applicants. The assessment panels considered the capacity of each project to be delivered, and what budget items were deemed to represent value for money, and recommendations for funding made accordingly. Council changes to this recommendation may impact project delivery.

SUMMARY CONCLUSION

- 36. The Community Funding and Event Sponsorship (2013) policy, inclusive of; guidelines, application, assessment and acquittal represents a greater level of transparency and accountability for Council.
- 37. The applications recommended for funding represent a diverse range of projects which align with the City’s strategic goals, and which present a range of options for Council to visibly engage with the community and demonstrate its support of community initiatives.
- 38. It is recommended that the Council endorse funding applications as recommended by the Assessment Panels, and outlined in 18 and 21.

Consulted References	:	<ul style="list-style-type: none"> • Community Funding and Event Sponsorship Program (2013). Synergy Ref: NP098841_4. • Delegated Authority Register: No. 69. Financial – Authority to approve grants, donations, sponsorship, community funding and waiver fees and charges.
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	OCM 21/08/2012 Item 3.1: 2012-13 Community Funding Recommendation Endorsement

CSF030: FINANCIAL ACTIVITY STATEMENT – 30 SEPTEMBER 2013

Appendices : Financial Activity Statement
Responsible Officer : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



**CSF030: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2013.

CSF030: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR HORTIN**

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2013.

CARRIED 12-0

CSF030: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 September 2013.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 September 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.
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

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

Expenditure for the period ending 30 September 2013 has been incurred in accordance with the 2013/14 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

POLICY IMPLICATIONS

7. The City's 2013/14 Annual Budget provides a set of parameters that guides the City's financial practices.
8. 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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CSF031: LIST OF ACCOUNTS FOR PAYMENT – OCTOBER 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)

Responsible Officer's Signature:



**CSF031: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2013 totalling \$4,230,072.86.

CSF031: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR BOWLES**

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 October 2013 totalling \$4,230,072.86.

CARRIED 12-0

CSF031: 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 October 2013 totalling \$4,230,072.86.

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 October 2013. Further details of the accounts authorised for payment by the Chief Executive Officer is included within the Elected Members Report/Information Bulletin.

Municipal Fund

Trust	\$0.00
Credit Cards	\$18,331.69
Payroll	\$1,036,923.31
Cheques	\$87,003.64
Electronic Funds Transfer	\$3,087,814.22
TOTAL	<u>\$4,230,072.86</u>

3. As at 15 October 2013, the total outstanding creditors, stands at **\$689,931.12** and made up follows:

Current	\$156,623.54
30 Days	\$534,550.86
60 Days	\$326.66
90 Days	-\$1,569.94
TOTAL	\$689,931.12

4. **Cancelled cheques:** - Cheque 29281 and 29283 paid by eft, Cheque 29313 and 29325 – incorrect creditor used

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 October 2013 has been incurred in accordance with the 2013/2014 budget parameters.

POLICY IMPLICATIONS

9. The City's 2013/2014 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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CSF032: DELEGATED AUTHORITY REPORTS

Responsible Officer : Executive Director Corporate Services (G Adams)
Attachments : Common Seal and Executed Document Report

Responsible Officers Signature:



**CSF032: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council RECEIVE the Delegated Authority Reports up until 15 October 2013:

- **Common Seal and Executive Document Report.**

CSF032: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR GREGSON**

THAT Council RECEIVE the Delegated Authority Reports up until 15 October 2013:

- **Common Seal and Executive Document Report.**

CARRIED 12-0

CSF032: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 October 2013:

- **Common Seal and Executive Document Report.**

CSF033: STAFF MOVEMENTS REPORT OCTOBER 2013

Proponent : City of Albany
Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



**CSF033: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE the Staff Movement Report for October 2013.

CSF033: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR HORTIN**

THAT Council NOTE the Staff Movement Report for October 2013.

CARRIED 12-0

CSF033: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Staff Movement Report for October 2013.

STAFF MOVEMENTS REPORT OCTOBER 2013

New Starters

Position	Date Commenced	Status
Depot Administration Officer	2 October 2013	Permanent Full time
Manager Albany Leisure and Aquatic Centre	21 October 2013	Permanent Full time

Resignations

Position	Date Finished	Status
Depot Services Coordinator	15 October 2013	Permanent Full time

**CSF034: NEW LEASE – MR TERRY CHARLES HULKES – CHEYNE
BEACH ROAD, CHEYNES – CROWN RESERVE 878**

Land Description	: Crown Reserve 878 and being Lot 7442 on Deposited Plan 214689 and being the whole of the land comprised in Certificate of Title Volume LR3141 Folio 874 Cheynes
Proponent	: Terry Charles Hulkes
Owner	: Crown
Attachments	: Copy of resolution of Council 20/11/2012 Item 4.3 Copy of resolution of Council 21/05/2013 Item 4.3
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:	
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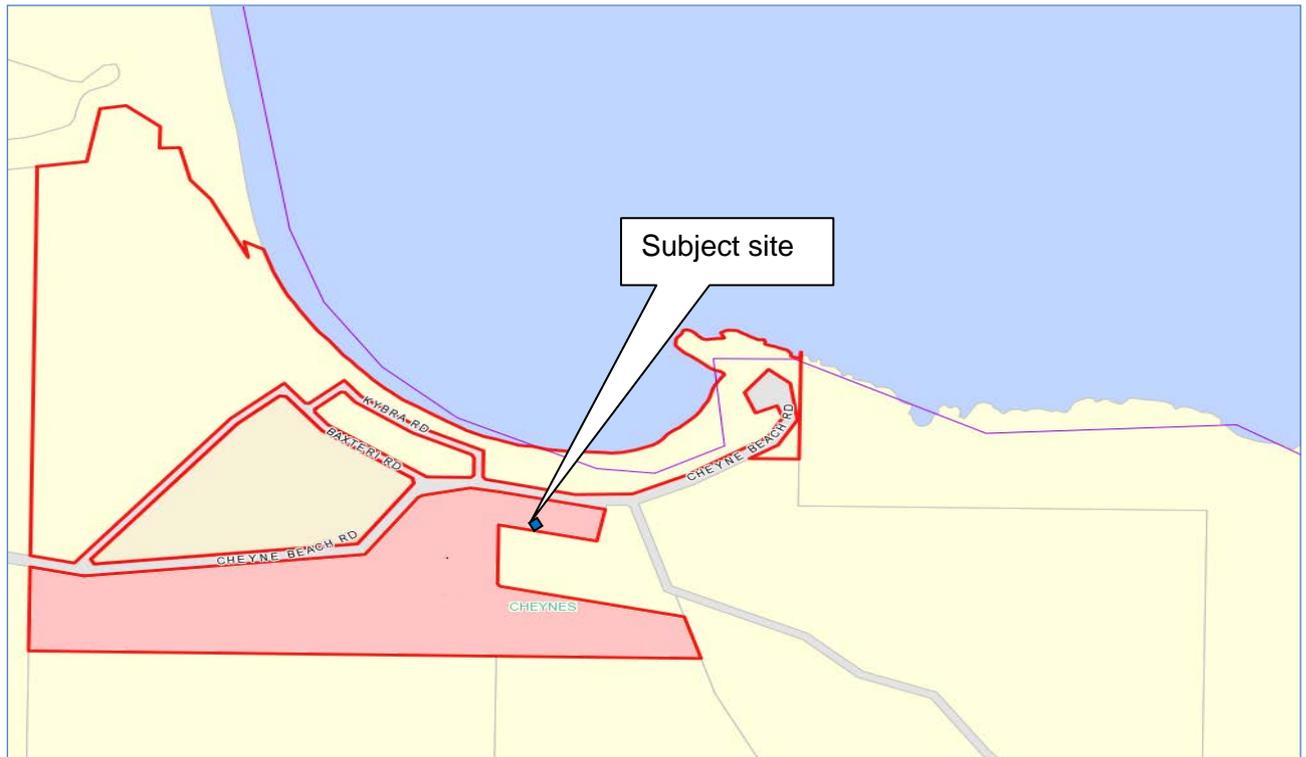
STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Civic Leadership.
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Council is requested to consider a new lease to Mr Terry Charles Hulkes over alternate site 17 on portion of Lot 7442 on Reserve 878 Cheyne Beach Road, Cheynes.
- Lease term being five years.
- Lease purpose being for accommodation associated with the fishing industry.
- At OCM 21/05/2013 Item 4.3 Council approved the proposal for a new lease to Mr Hulkes over site 10 subject to all relevant approvals.
- South West Aboriginal Land and Sea Council (SWALSC) have since advised that the lease proposal over site 10 was “not supported” because of the potential for the development to disturb Aboriginal cultural heritage materials, which would constitute an offence under the *Aboriginal Heritage Act 1972*.
- Site 17 has been agreed by Mr Hulkes and is considered suitable as it has been previously leased and amended Planning Scheme Consent, inclusive of Department of Parks and Wildlife and Department of Environment Regulation and Aboriginal heritage approvals, granted for this site.
- The recommendation proposes that Council now approve the new lease for alternate site 17.

Maps and Diagrams



**CSF034: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council **APPROVE** the request from Mr Terry Charles Hulkes for a new lease over site 17 being portion of Lot 7442 Cheyne Beach Road, Cheynes on Crown Reserve 878, subject to :

1. Notes its previous resolution (OCM 20/11/2012 – Item 4.3)
2. Notes its previous resolution (OCM 21/05/2013 – Item 4.3)
3. Notes the granting of amended Planning Scheme Consent P2130022 for site 17 Cheyne Beach Road.
4. Lease term being 5 years.
5. Lease area being approximately 2,178 square metres.
6. Lease purpose being accommodation associated with the fishing industry.
7. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
8. Any relevant approvals to be received prior to the development of site 17 Reserve 878.
9. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
10. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
11. All costs associated with the preparation, execution and completion of the Deed of Lease and ongoing operations being payable by the proponent.

CSF034: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR CALLEJA

That Council APPROVE the request from Mr Terry Charles Hulkes for a new lease over site 17 being portion of Lot 7442 Cheyne Beach Road, Cheynes on Crown Reserve 878, subject to :

1. Notes its previous resolution (OCM 20/11/2012 – Item 4.3)
2. Notes its previous resolution (OCM 21/05/2013 – Item 4.3)
3. Notes the granting of amended Planning Scheme Consent P2130022 for site 17 Cheyne Beach Road.
4. Lease term being 5 years.
5. Lease area being approximately 2,178 square metres.
6. Lease purpose being accommodation associated with the fishing industry.
7. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
8. Any relevant approvals to be received prior to the development of site 17 Reserve 878.
9. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
10. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
11. All costs associated with the preparation, execution and completion of the Deed of Lease and ongoing operations being payable by the proponent.

CARRIED 12-0

CSF034: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE the request from Mr Terry Charles Hulkes for a new lease over site 17 being portion of Lot 7442 Cheyne Beach Road, Cheynes on Crown Reserve 878, subject to :

1. Notes its previous resolution (OCM 20/11/2012 – Item 4.3)
2. Notes its previous resolution (OCM 21/05/2013 – Item 4.3)
3. Notes the granting of amended Planning Scheme Consent P2130022 for site 17 Cheyne Beach Road.
4. Lease term being 5 years.
5. Lease area being approximately 2,178 square metres.
6. Lease purpose being accommodation associated with the fishing industry.
7. Lease rental fee being determined by a current market valuation provided by a licensed Valuer.
8. Any relevant approvals to be received prior to the development of site 17 Reserve 878.
9. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
10. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
11. All costs associated with the preparation, execution and completion of the Deed of Lease and ongoing operations being payable by the proponent.

BACKGROUND

2. Reserve 878 is under Management Order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station" for a term not exceeding 21 years and subject to the consent of the Minister for Lands.
3. Reserve 878, an area of approximately 115 hectares is located at Cheynes approximately 63 kilometres east of Albany at the southern end of Hassell Beach. The location is also commonly referred to as Cheynes Beach.
4. There are currently 16 sites within Reserve 878 for the purpose of accommodation associated with the fishing industry. Seven of these sites are currently occupied for this permitted use. Only sites 2 and 3 are located on the waterfront.
5. The City currently has 29 holiday accommodation leases located along Baxteri Road, a fire shed located on site 15 Cheyne Beach Road and a lease with Telstra within Reserve 878.
6. A lease agreement may be entered into with commercial fisherman seeking fisherman accommodation at Cheyne Beach, provided they are actively engaged in the fishing industry and hold a current commercial fishing licence issued by the Department of Fisheries Western Australia.
7. Commercial fishermen have been fishing the Cheyne Beach area for up to 60 years utilising the current lease sites for their needs. The initial fishing accommodation lease and licence commencing in December 1995 was issued by the former Shire of Albany to formalise the commercial fisherman use arrangements.
8. Lessees are permitted to construct buildings and infrastructure on the leased land to support them in their commercial fishing activity. The Lessees are responsible for collection of rain water, connection to power and effluent disposal systems.
9. At OCM 20/11/2012 Item 4.3 Council approved the request from Mr Hulkes to lease site 10 Cheyne Beach Road for the purpose of accommodation associated with the fishing industry for a 5 year term with an annual rental of \$2,250.00 plus GST subject to advertising requirements and all relevant approvals.
10. The proposed lease was advertised with two submissions received in response to the advertising. These were considered at OCM 21/05/2013 Item 4.3 and granted final approval for a lease to Mr Hulkes to lease site 10 Cheyne Beach Road subject to Mr Hulkes obtaining all relevant approvals.

DISCUSSION

11. As a part of the development application approval process, the proposal was referred to the South West Aboriginal Land & Sea Council (SWALSC) and the Department of Aboriginal Affairs for consideration and comment.

12. The City received written advice from SWALSC advising the development proposal on site 10 Cheyne Beach Road was “not supported” as it was not considered consistent with reserve purpose and conflicts with underlying Native Title rights and interests. SWALSC further advised a heritage survey would be required in any event.
13. Following on from SWALSC advice, the City staff provided SWALSC evidence Reserve 878 was vested with the City of Albany for the purpose of “Accommodation associated with the fishing industry”. Also that Mr Hulkes holds a current commercial fishing licence issued by the Department of Fisheries, which entitles Mr Hulkes to fish from Cheyne Beach.
14. Mr Hulkes has previously advised the City that he has been operating his commercial fishing licence from Cheyne Beach for approximately 9 years.
15. While a heritage survey was sought by SWALSC, it is noted that a survey of this scale is estimated to cost \$8,000.00 to \$10,000.00 and could take up to 9 - 12 months to complete and seek Ministerial approval if deemed necessary.
16. It was considered appropriate that City staff and two Noongar elders visit the site. Both Elders raised significant objection to the clearing of the land and a stone artefact was found on the land. Both Elders believed that additional artefacts would be found in the heavily vegetated area, as the area was previously used for camping.
17. Following discussion with regard to acceptable alternative site options, it was agreed that sites 16 and 17 would provide better options for the proposed accommodation as this land had previously been cleared and the regrowth vegetation was full of weeds. It is noted that site 17 had been previously leased and as a result, the ground has been previously disturbed.
18. City staff sought further comment from SWALSC with regard to the site visitation and alternate sites 16 and 17. No further comment has been received from SWALSC, other than informal verbal advice to say that no significant objection had been noted to the alternate sites 16 and 17.
19. While no definitive advice has been received it is considered that the City has observed its due diligence process with respect to Aboriginal heritage matters and that the development of site 17 is assessed as low risk.
20. The City met with Mr Hulkes to provide an update on the lease progress. Mr Hulkes was advised that development over site 10 would not be approved due to Aboriginal heritage significance without observing a lengthy and costly heritage survey process. Mr Hulkes was offered the alternative of moving his development to either site 16 or 17. Mr Hulkes expressed his interest in site 17.
21. Amended Planning Scheme Consent (P2130022) for site 17 Cheyne Beach Road has been granted to Mr Hulkes.

22. Mr Hulkes proposes to construct a small one bedroom single storey dwelling and outbuilding on the proposed lease site 17 to accommodate him while undertaking commercial fishing at Cheynes.
23. The new lease will be negotiated in line with Council Policy – Property Management – Leases and Licences.

GOVERNMENT & PUBLIC CONSULTATION

24. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Lands has been consulted. Minister for Land's consent will be sought for the proposed new lease on portion of Crown Reserve 878.
25. The application for Planning Scheme Consent was referred to the Department of Parks and Department of Environment Regulation for comment who advised they have no objection to the development application.
26. The proposed development has been referred to the South West Aboriginal Land & Sea Council and the Department of Aboriginal Affairs for comment.
27. 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.
28. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

29. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell transfer or otherwise deal with interests on Crown land.
30. As this is Crown land, under Management Order H359478 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation, Camping, Holiday Accommodation, Accommodation Associated with the Fishing Industry and Fire Station", Minister for Land's consent will be required.
31. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.

32. Under the City’s current Town Planning Scheme 3, the subject land is reserved “Parks and Recreation”. The Scheme requires that any use of the reserve must meet the intended purpose of the reserve. The reserve purpose includes “Accommodation Associated with the Fishing Industry” and therefore this proposal meets the City’s Town Planning Scheme 3 requirement.
33. Section 5 of the *Aboriginal Heritage Act 1972* protects any matter or place of Aboriginal cultural heritage significance, whether known or unknown. Consultation with the Department of Aboriginal Affairs and South West Aboriginal Land & Sea Council occurs to ensure the City takes every precaution to observe compliance with the provisions of the *Aboriginal Heritage Act 1972*.

POLICY IMPLICATIONS

34. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
35. 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.
36. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

37. 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. Further negotiate with proponent to reach a mutually agreeable outcome.</i>
<i>Council does not approve a new lease – proponent to seek alternative premises</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

FINANCIAL IMPLICATIONS

38. 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.
39. The new lease rental determined by market valuation provided by a Licensed Valuer.
40. The new lease rental will be directed to COA 14053 Income – Misc Commercial.

LEGAL IMPLICATIONS

41. The agreement with Terry Charles Hulkes will be a formal Deed of Lease which grants an interest in the land with enforceable conditions and will be prepared by the City's lawyers.

ENVIRONMENTAL IMPLICATIONS

42. Site 17 has less existing vegetation than site 10 and has been previously cleared. As such the development of site 17 is considered to have less environmental impact.

ALTERNATE OPTIONS

43. Council may:
- a. Approve the request for a new lease, or
 - b. Decline the request.
44. Should Council decline to grant the lease approval for site 17 Mr Hulkes would need to seek alternative accommodation arrangements to continue commercial fishing activities at Cheynes.

SUMMARY CONCLUSION

45. Council has previously approved a new lease to Terry Charles Hulkes over site 10 being portion 7442 Cheyne Beach Road Cheynes at OCM 20/11/2012 Item 4.3 for the purpose of accommodation associated with the fishing industry subject to all relevant approvals.
46. As part of the approval process the proposed development was referred to Department of Aboriginal Affairs and South West Aboriginal Land & Sea Council for comment. SWALSC advised they did not support the development application for site 10.
47. The alternate site 17 Cheyne Beach Road was identified as being suitable for development as the site had been previously leased and the ground previously disturbed.
48. Amended Planning Scheme Consent (P2130022) has been granted for the development of site 17 with Department of Parks and Wildlife and SWALSC support noted for this site.
49. Mr Hulkes holds a current commercial fishing licence and has been fishing commercially from within the precinct of Cheyne Beach for a period of approximately 9 years.
50. The proposed new lease is in accordance with the Management Order H359478 over Crown Reserve 878 and Council's Property Management – Leases and Licences Policy.
51. The lease request from Mr Terry Charles Hulkes to lease alternative lease site 17 Cheyne Beach Road, Cheynes for the development of accommodation associated with the fishing industry for a term of five years is supported.

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> • <i>Aboriginal Heritage Act 1972</i>
File Number (Name of Ward)	PRO389, A174625 (Kalgan Ward)
Previous Reference	OCM 20/11/2012 Item 4.3 OCM 21/05/2013 Item 4.3

**CSF035: NEW LEASE – ALBANY HALFWAY HOUSE ASSOCIATION INC.
– LOTTERIES HOUSE – ALBANY**

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 Halfway House Association Inc.

Owner : City of Albany and the Lotteries Commission

Attachments : Nil

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

Responsible Officer's Signature:	
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STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Civic Leadership.
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Council is requested to consider a new lease at Lotteries House for Albany Halfway House Association Inc., over the area currently occupied since 1 February 2001.
- Lease term being three years commencing 1 February 2014.
- Lease request has been approved by the Lotteries House Tenant Management Committee.
- The recommendation proposes that Council approve the new lease.

Maps and Diagrams



**CSF035: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the request for a new lease to Albany Halfway House Association 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 February 2014.**
- 3. Lease area being 28 square metres.**
- 4. Lease rental being \$3,470.04 plus GST per annum as determined by the Lotteries House 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.**

CSF035: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR DOWLING

THAT Council APPROVE the request for a new lease to Albany Halfway House Association 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 February 2014.
3. Lease area being 28 square metres.
4. Lease rental being \$3,470.04 plus GST per annum as determined by the Lotteries House 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.

CARRIED 12-0

CSF035: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the request for a new lease to Albany Halfway House Association 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 February 2014.
3. Lease area being 28 square metres.
4. Lease rental being \$3,470.04 plus GST per annum as determined by the Lotteries House 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

2. 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.
3. 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.
4. 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.

5. 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.
6. Albany Halfway House Association Inc. has been a tenant at Lotteries House since 1 February 2001 occupying a lease area of 28 square metres.
7. Albany Halfway House Association Inc. lease expires on 31 January 2014. The City received a written request dated 3 September 2013 for a new lease at Lotteries House over the area it currently occupies for a term of three years commencing 1 February 2014 for the purpose of office space.
8. Albany Halfway House Association Inc. new lease request was considered and approved by the Lotteries House Tenant Management Committee at the last Committee meeting held on 16 October 2013.
9. The existing lease area of approximately 28 square metres at Lotteries House currently returns a rental of \$3,370.34 plus GST per annum. This is based on a rate per square metre of \$120.37 plus GST.
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 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 adopted 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 2013 was \$64,460.00. This balance will not alter until the 30 June 2014 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 cost for 2013/14 financial year is \$3,485.51. 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 Halfway House Association Inc. is a local not for profit association providing a community based and managed service to adults diagnosed with mental illness.
19. Albany Halfway House Association Inc. work co-operatively with service users and other agencies to encourage self empowerment and determination in the development of skills that will enhance the lives of individuals through their 'Outreach Services' program.
20. Albany Halfway House Association Inc. administers the program from Lotteries House.
21. The proposed new lease will be consistent with Council's Policy – Property Management – Leases and Licences for this category of lease.

GOVERNMENT & PUBLIC CONSULTATION

22. No Government consultation is required.
23. 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.
24. 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,

25. Albany Halfway House Association 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

26. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
27. 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.

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>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 Halfway House Association 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 insurance cost of \$3,485.51 plus GST per annum for 2013/2014 financial year.
35. The new lease rental income of \$3,469.86 plus GST per annum will be directed to COA 12093 – 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.

ENVIRONMENTAL IMPLICATIONS

37. Nil

ALTERNATE OPTIONS

38. Council may:
 - a. Approve the request for a new lease; or
 - b. Decline the request.
39. Should Council decline the request, Albany Halfway House Inc. will need to find alternative premises should they wish to continue providing the current services.
40. 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

41. Albany Halfway House Association Inc. are seeking a new lease over 28 square metres of office space at Lotteries House, an area they have occupied since 1 February 2001.
42. Albany Halfway House Association Inc. has fulfilled all previous lease obligations including payment of rent and outgoings.
43. In view of the community service provided by the Albany Halfway House Association 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 – October 2013
File Number (Name of Ward)	PRO383, A150439 (Frederickstown Ward)
Previous Reference	OCM 17/04/2012 Item 4.3

**CSF036: NEW LEASE AND LICENCE – ABTWA PTY LTD AS TRUSTEE
FOR ABT TRUST TRADING AS ALBANY BUSINESS
TELEPHONES – PORTION OF RESERVE 2681, MT MELVILLE
LOOKOUT**

Land Description	: Portion of Reserve 2681 and being Lot 1469 on Deposited Plan 219955 and being the whole of the land comprised in Certificate of Title Volume 3110 Folio 839 Mt Melville
Proponent	: ABTWA Pty Ltd as Trustee for ABT Trust trading as Albany Business Telephones
Owner	: Crown
Attachments	: Nil
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



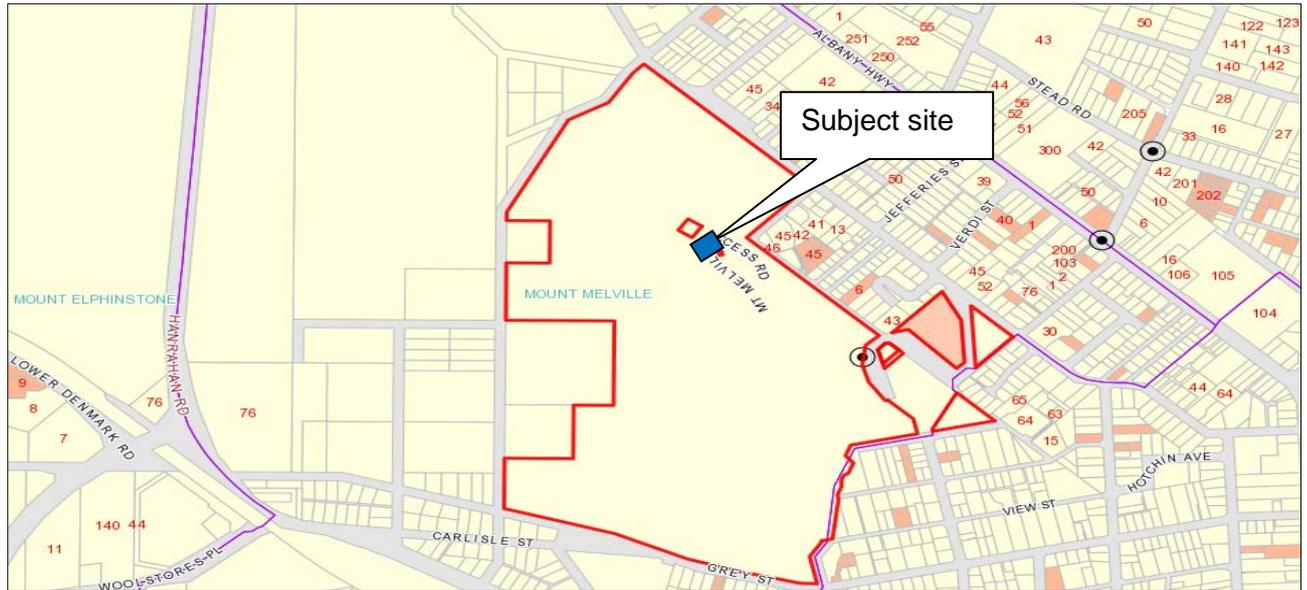
STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Civic Leadership.
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Council is requested to consider a new lease and a new licence for ABTWA Pty Ltd as Trustee for ABT Trust trading as Albany Business Telephones over the existing licence area and a reduced lease area currently occupied by the business on Mt Melville Lookout on portion of Crown Reserve 2681.
- City of Albany will occupy the vacated one square metre area within the bunker on the ground floor of the lookout (previously leased by Albany Business Telephones) to accommodate the City's current and future telecommunication requirements.
- Lease term being three years with an option for a further three year term.
- Lease purpose being for telecommunication facilities and services.

Maps and Diagrams



CSF036: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

That Council **APPROVE** the request from ABTWA Pty Ltd as Trustee for ABT Trust trading as Albany Business Telephones for a new lease and new licence on land situated at Lot 1469 Serpentine Road, Mt Melville being portion of Crown Reserve 2681, subject to:

1. Lease term being three years commencing 21 November 2013, with an option for a further three year term.
2. Lease and licence rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease area being approximately five square metres located within the bunker area at the base of the Mt Melville Lookout.
4. Licence area being portion of tower located on top of Mt Melville Lookout. Licence (non-exclusive) area being within the bottom eight metres from the base of the telecommunications tower.
5. Lease purpose being telecommunication facilities and services.
6. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
7. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
8. All costs associated with the preparation, execution and completion of the Deed of Lease and Licence and ongoing operations being payable by the Lessee.

CSF036: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR GREGSON

That Council APPROVE the request from ABTWA Pty Ltd as Trustee for ABT Trust trading as Albany Business Telephones for a new lease and new licence on land situated at Lot 1469 Serpentine Road, Mt Melville being portion of Crown Reserve 2681, subject to:

1. Lease term being three years commencing 21 November 2013, with an option for a further three year term.
2. Lease and licence rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease area being approximately five square metres located within the bunker area at the base of the Mt Melville Lookout.
4. Licence area being portion of tower located on top of Mt Melville Lookout. Licence (non-exclusive) area being within the bottom eight metres from the base of the telecommunications tower.
5. Lease purpose being telecommunication facilities and services.
6. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
7. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
8. All costs associated with the preparation, execution and completion of the Deed of Lease and Licence and ongoing operations being payable by the Lessee.

CARRIED 12-0

CSF036: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE the request from ABTWA Pty Ltd as Trustee for ABT Trust trading as Albany Business Telephones for a new lease and new licence on land situated at Lot 1469 Serpentine Road, Mt Melville being portion of Crown Reserve 2681, subject to:

1. Lease term being three years commencing 21 November 2013, with an option for a further three year term.
2. Lease and licence rental fee being determined by a current market valuation provided by a licensed Valuer.
3. Lease area being approximately five square metres located within the bunker area at the base of the Mt Melville Lookout.
4. Licence area being portion of tower located on top of Mt Melville Lookout. Licence (non-exclusive) area being within the bottom eight metres from the base of the telecommunications tower.
5. Lease purpose being telecommunication facilities and services.
6. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
7. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
8. All costs associated with the preparation, execution and completion of the Deed of Lease and Licence and ongoing operations being payable by the Lessee.

BACKGROUND

2. Reserve 2681 is under Management Order H603437 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Public Park and Telecommunications" for any term not exceeding twenty one years and subject to the consent of the Minister for Lands.
3. Reserve 2681 an area of 56.32 hectares is located at Lot 1469 Serpentine Road, Mt Melville.
4. The City owned JA Barnesby Memorial Lookout with telecommunication tower located within Reserve 2681 is commonly referred to as the Mt Melville Lookout or Sparkplug.
5. In 2006 the City of Albany agreed to allow Albany Business Telephones to place an aerial on the Mt Melville tower, with connecting infrastructure in the base of the tower, on a temporary basis for 12 months, to monitor the efficiency of the site for its requirements.
6. The agreement permitted period was 12 months, after which a formal lease arrangement would be required, with Council approval, if Albany Business Telephones wished to remain on the site.
7. At Ordinary Council Meeting 20 November 2007, Council granted a new lease and licence to John Charles Dent as Trustee for ABT Trust trading as Albany Business Telephones for a term of three years with an option for a further three year term for the purpose of installation and operation of telecommunication facilities and services.
8. The lease area incorporated a six square metre bunker area at the base of the Mt Melville Lookout, with the non-exclusive licence area within 8 metres from the base of the tower.
9. The lease commenced on the 21 November 2007 and expired on the 20 November 2010, with an annual rental of \$1,000.00 per annum plus GST.
10. Albany Business Telephones exercised the option for a further term of three years, commencing 21 November 2010 with an annual rental of \$2,000.00 plus GST, expiring 20 November 2013.
11. In response to recent City correspondence advising the current lease and licence area are due to expire on 20 November 2013, Mr Dent requested a new lease and licence over the area currently occupied on the Mt Melville Lookout telecommunication facility.
12. The City currently has radio link equipment located on the tower with network equipment located within the public toilet plumbing duct area. This arrangement has to date been satisfactory however due to proposed equipment upgrades for radio equipment and Disaster Recovery site requirements the City is seeking suitable rack space in the bunker area currently leased to Mr Dent.
13. City staff met with Mr Dent to discuss the City's telecommunication requirements at this site. It was mutually agreed that Mr Dent would reduce the requested lease area in the bunker from six square metres to five square metres to allow for City equipment.

14. The one square metre bunker area is sufficient to accommodate the City's current and future telecommunication requirements.
15. Currently, the seven Lessees and Licensees located within the Mt Melville telecommunication facility are utilising the two utility rooms located on the ground floor of the lookout, adjacent the bunker area, and the former kiosk area to capacity.

DISCUSSION

16. The Mt Melville telecommunication tower was constructed by Optus Mobile Pty Ltd on top of the City owned Mt Melville Lookout in 1995.
17. Upon completion of the tower, the ownership was transferred to the City of Albany (formerly Town of Albany) with the agreement that all new requests by a third party to use, enter or install equipment on the tower will be presented to Optus Mobile Network Pty Ltd for consent (which approval shall not be unreasonably withheld).
18. Optus Mobile Network Pty Ltd have no objections to the proposed new lease and licence for Albany Business Telephones given the equipment is existing and that the Lessee has been operating from the site since 2007 without issues.
19. Albany Business Telephones provides a commitment that all Lessee equipment will not impact or cause interference to any other user of telecommunications equipment or any other infrastructure or persons or service within or outside of the land area.
20. Albany Business Telephones also provides a commitment that all existing equipment and any future equipment will not adversely impact on the structural integrity of the Mt Melville tower.
21. All costs associated with the operations, ongoing maintenance and repairs of its equipment and power usage will be met by Albany Business Telephones.
22. Albany Business Telephones has, on three occasions during the term of the current lease, requested payment plans in order to fulfil lease rental payments. All outstanding monies were paid in full by the required date to meet the payment plan obligations.
23. The new lease and licence will be negotiated in line with Council Policy – Property Management – Leases and Licences.

GOVERNMENT & PUBLIC CONSULTATION

24. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Lands has been consulted. Minister for Land's consent will be sought for the proposed new lease and licence on portion of Crown Reserve 2681.
25. 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.
26. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

27. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell transfer or otherwise deal with interests on Crown land.
28. As this is Crown land, under Management Order H603437 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Public Park and Telecommunications", Minister for Land's consent will be required.
29. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
30. Under the City's current Town Planning Scheme 1A, the subject land is zoned "Parks and Recreation". The existing use of telecommunication facility was approved in 1995 under Building Licence T95057 under delegation, in accordance with the Scheme.

POLICY IMPLICATIONS

31. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
32. 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.
33. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

34. 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.</i>
<i>Council does not approve a new lease – loss of rental income in short term</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Council does not approve a new lease – telecommunication services will be limited to customers</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

FINANCIAL IMPLICATIONS

35. All costs associated with the preparation, execution and completion of the new lease and licence documentation including but are not limited to legal, advertising, survey and valuation will be borne by the proponent, Albany Business Telephones.
36. The new lease rental will be determined by a current market valuation provided by a licensed Valuer.
37. The new lease rental will be directed to COA 14053 Income – Misc Commercial.

LEGAL IMPLICATIONS

38. The agreement with Albany Business Telephones will be a formal Deed of Lease and Licence which grants an interest in the land and building with enforceable conditions and will be prepared by the City's lawyers.

ENVIRONMENTAL IMPLICATIONS

39. Nil

ALTERNATE OPTIONS

40. Council may:
- a. Approve the request for a new lease and licence ; or
 - b. Decline the request.
41. Should Council decline the request, the Lessee would be required to remove their equipment and return the site to its original condition.

42. Council could then invite expressions of interest to lease this site with Council considering any new lease or licence for the vacated area.
43. Albany Business Telephones would have to find an alternative location should they wish to continue providing telecommunications services.

SUMMARY CONCLUSION

44. The current Lessee, Albany Business Telephones is seeking a new lease and a new licence over an area currently occupied at the Mt Melville telecommunication facility to continue providing telecommunication services to the Albany area.
45. Mr Dent has agreed to a reduced lease area in the bunker on the ground floor of the lookout, from six square metres to five square metres, to accommodate City required telecommunication equipment, and a non-exclusive licence area to use the tower.
46. The City will now occupy the vacated one square metre within the bunker area to accommodate current and future telecommunication equipment.
47. The Lessee has occupied this site for the past six years and has met the obligations of the previous lease including payment of rent and outgoings, at no cost to Council.
48. The lease and licence request to allow Albany Business Telephones to continue its telecommunications services to the Albany area, at no cost to Council, is supported.

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)	PRO360, A193726 (Frederickstown Ward)
Previous Reference	OCM 20/11/2007 Item 13.5.4

CSF037: NEW LEASE – JONATHON SYLVESTER MARWICK AND KATE PATRICIA MARWICK AS TRUSTEE FOR THE MARWICK FAMILY TRUST – PORTION OF RESERVE 22698, EMU POINT CAFE, MERMAID AVENUE EMU POINT

Land Description	: Portion of Reserve 22698 and being Lot 1461 on Deposited Plan 219777 and being portion of the land comprised in Certificate of Title Volume LR3110 Folio 171 Emu Point
Proponent	: Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust trading as Emu Point Cafe
Owner	: Crown
Attachments	: Nil
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Civic Leadership.
 - b. **Strategic Objective:** 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Council is requested to consider a new lease for Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust trading as Emu Point Cafe over the premises currently occupied in Mermaid Avenue, Emu Point on portion of Crown Reserve 22698.
- Lease term being five years with an option for a further five year term.
- Lease purpose being for commercial cafe and restaurant.
- Initial lease rental as determined by current market valuation being \$44,365.00 per annum plus GST.
- The recommendation proposes that Council approve the new lease.

Maps and Diagrams



CSF037: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

That Council APPROVE the request from Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust trading as Emu Point Cafe for a new lease on cafe and restaurant premises situated at 1 Mermaid Avenue, Emu Point being portion of Crown Reserve 22698, subject to:

1. Lease term being five years commencing 15 December 2013, with an option for a further five year term.
2. Initial lease rental being, as determined by a current market valuation provided by a licensed Valuer, \$44,365.00 per annum plus GST.
3. Lease area being approximately 389 square metres.
4. Lease purpose being for a commercial cafe and restaurant.
5. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
6. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. In accordance with section 14B of the *Commercial Tenancy (Retail shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the Deed of Lease being payable by the City of Albany.

CSF037: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR WILLIAMS
SECONDED: COUNCILLOR BOWLES

That Council APPROVE the request from Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust trading as Emu Point Cafe for a new lease on cafe and restaurant premises situated at 1 Mermaid Avenue, Emu Point being portion of Crown Reserve 22698, subject to:

1. Lease term being five years commencing 15 December 2013, with an option for a further five year term.
2. Initial lease rental being, as determined by a current market valuation provided by a licensed Valuer, \$44,365.00 per annum plus GST.
3. Lease area being approximately 389 square metres.
4. Lease purpose being for a commercial cafe and restaurant.
5. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
6. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. In accordance with section 14B of the *Commercial Tenancy (Retail shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the Deed of Lease being payable by the City of Albany.

CARRIED 12-0

CSF037: RESPONSIBLE OFFICER RECOMMENDATION

That Council APPROVE the request from Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust trading as Emu Point Cafe for a new lease on cafe and restaurant premises situated at 1 Mermaid Avenue, Emu Point being portion of Crown Reserve 22698, subject to:

1. Lease term being five years commencing 15 December 2013, with an option for a further five year term.
2. Initial lease rental being, as determined by a current market valuation provided by a licensed Valuer, \$44,365.00 per annum plus GST.
3. Lease area being approximately 389 square metres.
4. Lease purpose being for a commercial cafe and restaurant.
5. Pursuant to Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent is obtained.
6. Pursuant to Section 3.58 of the *Local Government Act 1995* advertising requirements.
7. In accordance with section 14B of the *Commercial Tenancy (Retail shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the Deed of Lease being payable by the City of Albany.

BACKGROUND

2. Crown Reserve 22698 is under Management Order H224437 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation and Associated Business Purposes" for any term not exceeding 50 years and subject to the consent of the Minister for Lands.
3. Reserve 22698 an area of approximately 27.3 hectares is located at Lot 1460 and 1461 Mermaid Avenue, Emu Point.
4. The Emu Point Cafe premises, an area of approximately 389 square metres, is located within Reserve 22698 with the street address being 1 Mermaid Avenue, Emu Point.
5. In 1965 the former Emu Point (Albany) Reserve Board granted a new lease to TC Humphrey & Co for a 21 year term for the purpose of tea rooms and refreshment rooms.
6. Commencing 1 January 1976, the control and administration of the Emu Point Reserve, including all commercial leases, passed from the Emu Point (Albany) Reserve Board to the former Town of Albany.
7. In 1986 the former Town of Albany granted a new lease to TC Humphrey & Co for a 21 year term. At this time the leased premises were divided into cafe and restaurant areas.
8. In 1988 the lease was assigned to Mallorca Pty Ltd. In 1989 the restaurant area was sub leased to J Farrugia. In 1990 the cafe area was sub leased to M & S Vivian. Since this date the two areas have been subleased many times to individual businesses, including the former Cravings Waterfront Bistro, and in 1999 the Japanese Restaurant.
9. The head lease was surrendered in 1992 to allow for a new longer term lease to Head Lessee, Mallorca Pty Ltd given proposed building extensions including new public toilet facilities.
10. In December 1992 the former Town of Albany granted a new lease to Mallorca Pty Ltd for the purpose of Restaurant, Tea and Refreshment Rooms for the sale of meals and goods, for a term of 21 years expiring on the 14 December 2013. The rental at this time was set at a base rate of \$1050.00 per annum with rent adjusted by Consumer Price Index every five years. Both cafe and restaurant areas were subleased.
11. As the new toilet facility was to be a shared facility between the City for public use, and the Lessee for the use of their customers, the new 1992 lease incorporated clauses outlining the City's responsibility to maintain, clean, meet water consumption costs and insure the toilet facility.
12. In January 1998 the head lease was assigned to Walker Paddon Real Estate Pty Ltd ATF the WP Superannuation Fund and Vally Pty Ltd ATF the Holman Superannuation Fund (Walker Paddon / Vally) for the remainder of the term. Current subleases at that time for cafe and restaurant areas remained in place.

13. In June 2006 the restaurant sublease expired, and as there was no option for a further term, the Tenant remained on a holding over basis, as a month to month Tenant.
14. In February 2008 the cafe sublease expired and the option for a further three year term was not formally exercised.
15. In 2008 the City sought legal advice to clarify the ownership of the buildings; and the rights and obligations of each party at the termination of the head lease on 14 December 2013.
16. The legal advice concluded that:
 - Ownership of the buildings is vested in the City of Albany.
 - Upon termination of the lease, tenant and sub tenants are required to remove all furniture, fittings and effects, plus signage within one month of lease expiry.
 - Head Lessee to remove any buildings or improvements placed on the site after 15 December 1992 (with City consent only) and leave premises in a clean condition.
17. It is noted that the building extensions including the public toilet facility were completed prior to 15 December 1992.
18. In 2009 the sublease for the cafe area was assigned to Jonathon Marwick and Kate Marwick.
19. City officers met with the Head Lessee, Walker Paddon Vally to discuss leasing arrangements including sub leases, assignment requests, rent, building ownership, proposed improvements and extension of the lease on commercial terms.
20. In November 2010 the lease was assigned to Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust for the remainder of the term till 14 December 2013.
21. At this time the Lessee was formally advised and agreed that any new lease past the expiry date in 2013 would be negotiated on a commercial basis with rent determined by current market valuation undertaken by a licensed Valuer in line with Councils Policy – Property Management – Leases and Licences.
22. The lease is due to expire on 14 December 2013 with no option for a further term and returns a current rental of \$1,236.20 plus GST per annum.
23. The City of Albany owns the building located within the lease area. The City is responsible for all structural maintenance including electrical wiring of the lease premises with the Lessee responsible for all other repairs and maintenance and ongoing operations of the leased premises.
24. The *Commercial Tenancy (Retail Shops) Agreement Act 1985* applies to the Emu Point Cafe lease. The Act regulates lease provisions including terms, rent reviews, terminations, outgoings and trading hours. The lease cannot override the requirements of the Act.

25. In response to recent City correspondence advising that the current lease is due to expire on 14 December 2013, the Lessee has requested a new lease over the area currently occupied by Emu Point Cafe on portion of Reserve 22698.

DISCUSSION

26. In September 2013 the City engaged licensed Valuer Opteon (Albany & Great Southern WA) to undertake a current market valuation to determine rent. The valuation concluded rent to be \$44,365.00 per annum plus GST. The current Lessee, Jonathon Marwick and Kate Marwick have confirmed agreement to the annual rent.
27. The Lessee has made minor improvements to the building with the City recently undertaking electrical works to ensure the building standards are maintained.
28. It is proposed that the City continue to allow cafe customers to use the public toilets facility on a non-exclusive basis while the proposed lease agreement is operating.
29. The Lessee has operated the Emu Point Cafe since November 2010 and developed the businesses as a valuable service and attraction to both tourist and locals.
30. The Lessee has met the obligations of the lease agreement including payment of rent and outgoings.
31. The proposed new lease will be negotiated in line with Council Policy – Property Management – Leases and Licences within the category of Commercial Leases and governed by the *Commercial Tenancy (Retail shops) Agreements Act 1985*.

GOVERNMENT & PUBLIC CONSULTATION

32. Under Section 18 (1) of the *Land Administration Act 1997* the Department of Lands has been consulted. Minister for Land's consent will be sought for the proposed new lease on portion of Crown Reserve 22698.
33. 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.
34. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

35. Section 18 (1) of the *Land Administration Act 1997* states that a person must not, without the prior approval in writing of the Minister assign, sell, transfer or otherwise deal with interests on Crown land.
36. As this is Crown land, under Management Order H224473 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of "Recreation and Associated Business Purposes", Minister for Land's consent will be required.
37. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings.
38. Under the City's current Town Planning Scheme 1A, the subject land is zoned "Parks and Recreation, Tourist Residential". The existing use of (the operations of) commercial restaurant and cafe is an approved use in accordance with the Scheme.

POLICY IMPLICATIONS

39. Council adopted a revised Property Management – Leases and Licences Policy in September 2012.
40. 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.
41. The recommendation is consistent with Council Policy – Property Management – Leases and Licences.

RISK IDENTIFICATION & MITIGATION

42. 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.</i>
<i>Council does not approve a new lease – loss of rental income in short term</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Council does not approve a new lease – restaurant / cafe services will be limited within this tourist area</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>

FINANCIAL IMPLICATIONS

43. In accordance with section 14B of the *Commercial Tenancy (Retail shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the new lease documentation will be payable by the City of Albany as Landlord.
44. The new lease rental as determined by a current market valuation provided by a licensed Valuer being \$44,365.00 plus GST per annum.
45. The new lease rental will be directed to COA 14053 Income – Misc Commercial.

LEGAL IMPLICATIONS

46. The agreement with the Lessee will be a formal Deed of Lease which grants an interest in the land and building with enforceable conditions and will be prepared by the City's lawyers.

ENVIRONMENTAL IMPLICATIONS

47. Nil

ALTERNATE OPTIONS

48. Council may:
 - a. Approve the request for a new lease; or
 - b. Decline the request.
49. Should Council decline the request, the Lessee would be required to remove their fixtures and fittings and return the premises to the same condition as at the commencement of the lease.
50. Council could then invite expressions of interest to lease this premises with Council considering any new lease for the vacated area.

SUMMARY CONCLUSION

51. The current Lessee is seeking a new lease over the area currently occupied known as Emu Point Cafe on portion of Crown Reserve 22698 to continue providing cafe and restaurant services within the Emu Point tourist precinct.
52. The Lessee has occupied this site since November 2010 and has met the obligations of the previous lease including payment of rent and outgoings, at no cost to Council.
53. The lease request to allow Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust to continue providing cafe and restaurant services is supported.

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>• <i>Commercial Tenancy (Retail shops) Agreements Act 1985</i>
File Number (Name of Ward)	PRO319, A152433 (Breaksea Ward)
Previous Reference	OCM 1992

CSF038: ALBANY SEPTAGE FACILITY – JOINT VENTURE

CONFIDENTIAL REPORT

Attachments : Albany Septage Facility – Options Review and Stakeholder Consultation.
Responsible Officer(s) : Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:	
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Item covered under Confidential Cover, in accordance with s5.23 (2) (c) and (e, iii) of the Local Government Act 1995, being:

- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) a matter that if disclosed, would reveal - (ii) information that has a commercial value to a person –where the trade secret or information is held by or is about, a person other than the local government.*

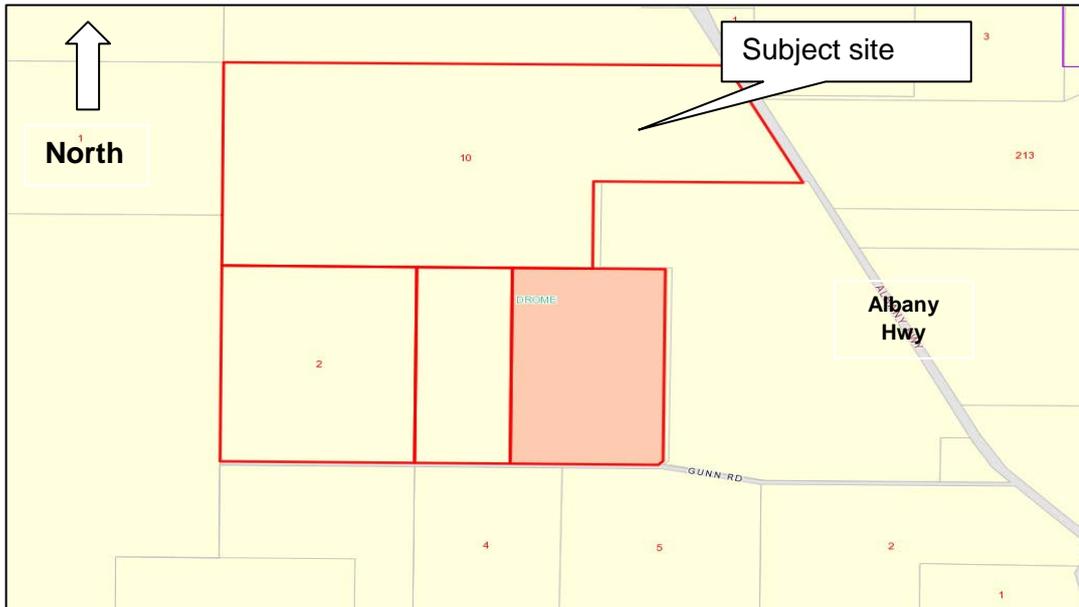
STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Civic Leadership & Clean, Green and Sustainable
 - b. **Strategic Objective:**
 - 2.3 To advocate for and support “green” initiatives within our region.
 - 5.1 To establish and maintain sound business and governance structures.
 - c. **Strategic Initiatives:**
 - 2.3.1 Improved waste management and recycling practices
 - 5.1.2 Systems Development and Improvement: Improve leased property management.

IN BRIEF

- Albany Septage Facility is a joint venture between City of Albany (City) and the Water Corporation and was commissioned in 2004.
- Consider the future management and ownership of the facility.

Maps and Diagrams



**CSF038: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council AUTHORISE the CEO to undertake negotiations with Water Corporation in order to pursue the sale of the Albany Septage Facility via public tender.

CSF038: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR GREGSON

THAT Council AUTHORISE the CEO to undertake negotiations with Water Corporation in order to pursue the sale of the Albany Septage Facility via public tender.

CARRIED: 11-0

CSF038: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council AUTHORISE the CEO to undertake negotiations with Water Corporation in order to pursue the sale of the Albany Septage Facility via public tender.

CSF039: COUNCIL POLICY – CODE OF CONDUCT

- Proponent** : City of Albany
- Attachments** : • Draft Code of Conduct Policy titled: Council Policy – Code of Conduct (Council Members, Committee Members, Staff and Volunteers)
- Responsible Officer(s)** : Executive Director Corporate Services (G Adams)
Manager Governance & Risk Management (S Jamieson)

**Responsible Officers
Signature:**



STRATEGIC IMPLICATIONS

1. *This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):*
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.2 To provide strong accountable leadership supported by a skilled and professional workforce.
 - c. **Strategic Initiative:** Nil.

In Brief:

- Review and adopt the fully revised Code of Conduct Policy.

RECOMMENDATION

CSF039: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council RESCIND the current policies:

- (a) **Council Policy – Code of Conduct for Members of Council**
- (b) **City Policy – Code of Conduct (for City of Albany Staff, including Volunteers)**

and ADOPT the revised Code of Conduct Policy-Code of Conduct (Council Members, Committee Members, Staff and Volunteers)

CSF039: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR CALLEJA

THAT Council RESCIND the current policies:

- (a) Council Policy – Code of Conduct for Members of Council
- (b) City Policy – Code of Conduct (for City of Albany Staff, including Volunteers)

and ADOPT the revised Code of Conduct Policy-Code of Conduct (Council Members, Committee Members, Staff and Volunteers)

CARRIED 11-0

CSF039: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESCIND the current policies:

- (a) Council Policy – Code of Conduct for Members of Council
- (b) City Policy – Code of Conduct (for City of Albany Staff, including Volunteers)

and ADOPT the revised Code of Conduct Policy-Code of Conduct (Council Members, Committee Members, Staff and Volunteers)

BACKGROUND

2. In 2011, the City of Albany rescinded the Code of Conduct (Code) that applied Members of Council and Staff and adopted two separated codes.

DISCUSSION

3. Council may at any time alter the proposed Code of Conduct, or substitute a new Code of Conduct.
4. The amended policy position is based on comparable Codes from across the local government sector and compliments the community's expectation encapsulated in the [City of Albany Strategic Community Plan 2023](#) and communicated through Council's "Our Values", statement, being:
 - a. **Focused:** on community outcomes;
 - b. **United:** by working and learning together;
 - c. **Accountable:** for our actions; and
 - d. **Proud:** of our people and our community.
5. This Code provides City of Albany Council Members, Committee Members, Staff and Volunteers with consistent guidelines for an acceptable standard of professional conduct. This Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability.

6. This Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and regulations which incorporates four fundamental aims to result in:
 - a. better decision-making;
 - b. greater community participation in the decisions and affairs of the City;
 - c. greater accountability to the City's communities; and
 - d. a more efficient and effective local government.
7. The Code provides a guide and a basis of expectations for Council Members, Committee Members, Volunteers and Staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective responsibilities may be based.

GOVERNMENT & PUBLIC CONSULTATION

8. The proposed Code compliments the agreed values encapsulated in the adopted "Our Values" statement, which was developed in consultation with Community, Council and Staff.
9. Prior to presentation to Council, through the Corporate Services and Finance Committee (CSF), this document has been reviewed formally by the Executive Management Team on four separate occasions.

STATUTORY IMPLICATIONS

10. In accordance with section 2.7 of the *Local Government Act 1995* (the Act), Council is responsible for determining local government policies.
11. Section 5.103(1) of the Act states: Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

POLICY IMPLICATIONS

12. Adoption of this policy will replace the current policies adopted by Council and the City's Executive in 2011.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Statutory Non Compliance</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adoption of new policy position (code), ensure legislative compliance and compliments the spirit of the Act and "One Team" leadership.</i>

FINANCIAL IMPLICATIONS

14. There are no financial implications related to this item.

LEGAL IMPLICATIONS

15. The proposed new Council Policy position ensures legislative compliance with section 5.103(1) of the Act. (Refer to Statutory implication section of report).

ALTERNATE OPTIONS

16. Council may chose to review its policy position; however in the interim it is recommended that the policy is amended to legislative compliance.

SUMMARY CONCLUSION

17. Recommend that the new Code is adopted in accordance with the Act.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Rules of Conduct) Regulations 2007</i>• <i>Public Interest Disclosure Act 2003 (WA)</i>• <i>The Complete Guide to the Local Government Act, Volume 3, Councillors Manual</i>• <i>Local Government Operational Guidelines – Number 01, May 2000</i>
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	OCM 11/10/2011 Item 1.6

CSF040: COUNCIL POLICY – MAYORAL VEHICLE

Proponent : City of Albany
Attachments :

- DLG Circular 09-2011
- Amended Council Policy – Mayoral Vehicle

Responsible Officer(s) : Executive Director Corporate Services (G Adams)
Manager Governance & Risk Management (S Jamieson)

**Responsible Officers
Signature:**



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.2 To provide strong accountable leadership supported by a skilled and professional workforce.
 - c. **Strategic Initiative:** Nil.

In Brief:

- Review and adopt revised Mayoral Vehicle Policy.

RECOMMENDATION

CSF040: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council RESCIND the current policy and ADOPT the revised Mayoral Vehicle Policy.

CSF040: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES

THAT Council RESCIND the current policy and ADOPT the revised Mayoral Vehicle Policy.
CARRIED:10-0

CSF040: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RESCIND the current policy and ADOPT the revised Mayoral Vehicle Policy.

BACKGROUND

2. The City of Albany provides the position of Mayor for the purpose of carrying out his/her official functions and duties, to the equivalent standard of that provided to the Chief Executive Officer.
3. In 2011, even though the Local Government Act (the Act) is silent in relation to the Mayoral vehicle being used for private use, the Department of Local Government (DLG) recommended that a procedure be put in place to enable the cost of the private use to be reimbursed.
4. In response, Council adopted a policy position in October 2011 after a series of workshops led by the Chief Executive Officer.

DISCUSSION

5. On review of the current policy it was identified that the policy position impinged upon the fees and allowances payable to the Mayor in accordance with the *Local Government Act 1995*.
6. The identified problematic clause, being clause 4(c):
Provision of a Mayoral...vehicle will form part of the fees, allowances and other reimbursement ordinarily payable to the Mayor.
7. It is recommended this clause is replaced, in line with advice communicated in the DLG Circular:
Provision of a Mayoral vehicle... will not occur at the reduction of the fees, allowances and reimbursements (other than the travel/mileage claims) otherwise ordinarily payable to the Mayor as approved by Council in accordance with the relevant provisions of the Act.
8. The amended policy position is based on comparable policies from across the local government sector and guidance communicated from the DLG Circular No 9-2011 (attached).

GOVERNMENT & PUBLIC CONSULTATION

9. Department of Local Government, Circular No. 9-2011 and other local government policies reviewed from across the sector.

STATUTORY IMPLICATIONS

10. In accordance with section 2.7 of the *Local Government Act 1995*, Council is responsible for determining local government policies.

POLICY IMPLICATIONS

11. Adoption of this policy will replace the current policy adopted on 11/10/2011.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Statutory Non Compliance</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adoption of revised and amended policy position, which removes the problematic clause.</i>

FINANCIAL IMPLICATIONS

13. The cost of operating the Mayoral vehicle will no longer be subsidised from the Mayoral Allowance.
14. Fuelling, maintenance, licensing and insurance costs are to be met and undertaken by the City.
15. Reimbursement will be based on actual not forecast private usage.

LEGAL IMPLICATIONS

16. The amended policy is required to ensure legislative compliance.

ALTERNATE OPTIONS

17. Council may chose to review its policy position on the provision of a vehicle; however in the interim it is recommended that the policy is amended to remove the problematic clause.

SUMMARY CONCLUSION

18. Recommend that the amended policy is adopted to ensure compliance with the Department of Local Government Circular No. 9-2011 and the Local Government Act 1995.

Consulted References	:	DLG Circular No 9-2011 .
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	OCM 11/10/2011 Item 1.6

CSF041: WARDS AND REPRESENTATION REVIEW

Proponent : City of Albany
Attachments : Nil
Responsible Officer(s) : Executive Director Corporate Services (G Adams)
Manager Governance & Risk Management (S Jamieson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.3. To engage effectively with our community.
 - c. **Strategic Initiatives:** 5.3.2. Increased interaction between councillors and the community.

In Brief:

- Receive a brief historical overview of the City's involvement with Local Government Reform Initiatives and consider initiating a review of City of Albany Wards and Representation

RECOMMENDATION

CSF041: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council INITIATE the ward and representation review process for the City of Albany.

CSF041: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR BOWLES

THAT Council INITIATE the ward and representation review process for the City of Albany.

CARRIED:9-3

CSF041: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council INITIATE the ward and representation review process for the City of Albany.

BACKGROUND

2. Noting recent metropolitan and regional amalgamations, individual members of Council and the community have requested to be advised when the next review will be conducted in regards to the City's wards and representation.
3. The purpose of the report is to provide some background information and advise Council on the options available for consideration.
4. In October 2005, at the request of the then Minister for Local Government and Regional Development, the Local Government Advisory Board commenced an inquiry into Local Government Structural and Electoral Reform in Western Australia.
5. On 19 August 2009, Council resolved:

"THAT Council RECEIVE the Draft City of Albany Structural Reform Report (Version 1 with the following committee recommended amendments (Pages 4 & 5):

City of Albany (at this time) is a sustainable Local Government, which:

- o *retains its current boundaries;*
- o *resolves to conduct a Ward Review with the preferred intention of introducing 4 wards with two Elected Members per ward and a popularly elected Mayor – thereby reducing its Elected Members from 12, plus a popularly elected Mayor, to 8 plus a popularly elected Mayor as of October, 2011;*
- o *works with the Shire of Katanning as a Regional Grouping;*
- o *further develops the 'Regional Cities Alliance' proposal with our partners for high profile projects across WA;*
- o *scopes, introduces and develops its own bespoke business unit to assist service delivery to interested Local Governments, with relevant and required technical and business skills on a fee for service basis; and*
- o *welcomes the opportunity of further discussion on Local Government Reform post this voluntary stage instigated by the Minister.*

Carried En Bloc"

6. On 22 September 2010, the Department of Local Government requested the City of Albany to consider working towards one of the Minister's Key Objectives to initiate an amendment to legislation to change the prescribed number of elected members to between six to nine.
7. On 19 October 2010, Council resolved to reaffirm a previous Council decision to reduce the number of elected members from twelve, plus a popularly elected Mayor, to eight plus a popularly elected Mayor and authorised staff to commence the process of conducting a ward and elected member representation review to ascertain the cause and effect of reducing the existing six wards to four with two elected representatives for each ward and a directly elected Mayor.
8. However, the Local Government Advisory Board (LGAB), advised that they felt that even though Council resolved to reduce the existing six wards and the number of elected representatives, it was considered appropriate that other options should be considered and views from the public be sought.
9. On 14 December 2010, Council endorsed the following options for consideration:
 - a. Option 1. Four wards with two elected representatives for each ward (eight councillors);
 - b. Option 1A. Description: Concentric circles radiating out from the City Centre.
 - c. Option 1B. Description: Corridors radiating out from the City Centre.

- d. Option 2. Eight wards with one elected representative for each ward (eight councillors). Description: Radiating out from City Centre.
- e. Option 3. No wards with eight elected representatives (eight councillors). Description: No Wards.
- f. Option 4. Six wards with two elected representatives for each ward (twelve councillors). Description. No change, basically retaining the current ward structure and representation.
10. Extract from the Minutes of the 14 December 2010 ordinary Council meeting:
*“Moved: Councillor Hammond
Seconded: Councillor Holden*
- *That Council write to the Local Government Advisory Board and request an extension be granted to allow an appropriate amount of time to conduct public consultation.*
 - *That an extension until the 01 March 2011 be requested.*
 - *Council Endorses options for consideration as detailed in the Proposed Ward Distribution Maps and Community Discussion Paper and commence advertisement for public comment.*
 - *That all submissions must be received by 5pm on 8th February 2011.*
- Motion Carried 8-0 Absolute Majority.”*
11. On 22 February 2011, Council decided for the status quo to remain. An extract of the Council resolution follows:
*“Moved: Councillor Wellington
Seconded: Councillor Hammond*
- (i) *Reaffirm Council’s prior decision at the ordinary meeting of Council on 19/10/2010 to reduce the number of elected members from twelve with a popularly elected mayor, to eight with a popularly elected mayor.*
- (ii) *The Local Government to undertake another review of wards and representation in three years time.*

Motion Lost: 3 votes for, 6 votes against.”

DISCUSSION

12. On 22 February 2011, Council resolved to maintain the status quo; however a reason was not included in the resolution and the process was technically abandoned, as the City did not propose to the Board the making of an order.
13. Therefore the last accepted review of ward boundaries was undertaken in 2006 as a statutory requirement under Schedule 2.2 of the Act; which resulted in a reduction of councillors from 14 to 12 and ward from 7 to 6.
14. Schedule 2.2 of the Local Government Act 1995 (the Act), clause 6 provides that a review of Ward Boundaries and the number of councillors of each ward shall be undertaken at least once every eight years.
15. The next scheduled mandatory review will be conducted by default in 2014.
16. In accordance with clause 6 of Schedule 2.2 of the Act, Council has two options available, which will result in the same course of action,:
- a. Option 1. Council can initiate the process; or
 - b. Option 2. Wait to be directed by the Advisory Board, noting that a local government is to carry out a review at any time if the Advisory Board requires the local government in writing to do so.

GOVERNMENT & PUBLIC CONSULTATION

17. Contact was made with the Local Government Advisory Board.
18. Note: The Local Government Advisory Board is a statutory body established under the Local Government Act 1995 (The Act) to provide advice to the Minister for Local Government on local government constitutional matters. It has five members including members nominated by local government and the Department of Local Government & Communities (DLGC).
19. The Board's major function is to assess proposals to change local government boundaries and their systems of representation and then make recommendations to the Minister.
20. Board advised to submit the last review even though the process was technically abandoned; however, advised that it would be appropriate to brief Council on the ward and representation review process, historical actions and the options available.

STATUTORY IMPLICATIONS

21. Under Schedule 2.2 of the Act, local governments with wards must conduct regular reviews of ward boundaries of representation in consultation with their communities.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Lack of community engagement</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Community consultation is mandatory requirement during the review process.</i>

FINANCIAL IMPLICATIONS

24. The financial implication of administering the review process is minimal as it will be accommodated from within existing budgeted funds and existing staff resources.
25. However, at a future point in time, if Council determines that changes are required to the current ward and representation an extra ordinary election will be required to be conducted.

LEGAL IMPLICATIONS

26. Nil.

ENVIRONMENTAL CONSIDERATIONS

27. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

28. Detailed in the discussion section of the report.

SUMMARY CONCLUSION

29. It is recommended that the City of Albany initiate the process.

Consulted References	:	<ul style="list-style-type: none"> • City of Albany Discussion Paper – Review of Wards and Representation 2011. • Minutes of the Special Meeting of Council dated 22 February 2011 • DLGC Guideline: Review of Wards and Representation: for local governments with a ward system and local governments without a ward system guideline dated November 2008. Source: http://dlg.wa.gov.au
File Number (Name of Ward)	:	GO.BOU.1 (All Wards)
Previous References	:	<ul style="list-style-type: none"> • SCM 22/02/2011 • OCM 14/12/2010 Item 4.7 • OCM 19/10/2010 Item 4.10.

CSF041: WARDS AND REPRESENTATION REVIEW

Proponent : City of Albany
Consulted Reference : Email: EF1380749 - GO.CLS.23 - FW: EF1380734 -
GO.BOU.1 - RE: City of Albany - Review of Wards and
Representation Status
Responsible Officer(s): : Executive Director Corporate Services (G Adams)

Responsible Officer Signature



ADDENDUM

In Brief:

- Additional Information.

DISCUSSION

1. Department of Local Government Email (EF1380749) dated 12 November 2013 advised:
 - Although the City of Albany was under no obligation to undertake a review, it did (2011), but ultimately no action was taken to make a recommendation to the Local Government Advisory Board (Board).
 - As far as the Board is concerned the City's 8 year review is due in 2014.
 - The City of Albany (Council) may wish to "reactivate" the 2011 review to support a recommendation to the board.
 - Note that the Board may decide that a new review is appropriate in the circumstances.
2. Initiating the review does not bind the Council in any way to a decision, it simply initiates the review process.
3. No decision on a recommendation to the Board has been made. A recommendation is made after the review process has been completed.
4. The City has two options:

Option One.

Initiate the Review: (Recommended Course of Action)

- Establish a working group to review the previous review.
- Evaluate the review against the latest Australian Bureau of Statistics (ABS) data to ensure review is still relevant, including:
 - a. **Ratio of councillors to electors in various wards.** The Board considers that this factor is significant. It is expected by the LGAB that the City of Albany will have similar ratio of electors to councillors across the wards of its district. Historically, the Minister for Local Government has indicated that he will not consider changes to ward boundaries and representation that result in wards with councillor/elector ratios that are greater than plus or minus 10% of the average councillor/elector ratio for the municipality.

- b. **Community of interest.** The term 'community of interest' has a number of elements. These include a sense of community identity and belonging, similarities in characteristics of the residents of a community and similarities in economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers. Neighbourhoods, suburbs and towns are important units in physical, historical and social infrastructure and often generate a feeling of community and belonging.
- c. **Physical and topographic features.** These may be natural or artificial features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and major roads.
- d. **Demographic trends.** Several measurements of the characteristics of human populations, such as population size, and its distribution by ages, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the City of Albany.

Economic factors. Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in the City of Albany (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

- e. **Other considerations.** Such as the number of councillors for each ward and the district.
- Consider making a recommendation to Council, if appropriate, to reactivate the 2011 review and make a recommendation to the Board (therefore initiating the "*ward and representation review process*").

Option Two.

- Do nothing and wait for the Board to initiate the process.

CSF042: MT ADELAIDE AND MT CLARENCE PRECINCT MASTER PLAN

Attachments : Mt Adelaide and Mt Clarence Precinct Master Plan
Responsible Officer(s) : Executive Director Corporate Services (G Adams)
Manager Major Projects (A McEwan)

Responsible Officer's Signature: 

STRATEGIC IMPLICATIONS

1. This item relates directly to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** Smart Prosperous and Growing.
 - b. **Strategic Objective:** 1.3 To develop and promote Albany as a unique and sought-after visitor destination.
 - c. **Strategic Initiative:** 1.3.2 Develop an iconic heritage and tourism precinct that takes in Mount Adelaide, Mount Clarence, Princess Royal Forts and the Anzac Interpretive Centre.



**CSF042: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT COUNCIL:

1. **NOTE** that City Officers plan to procure specialist consultancy services, that will work with City Officers to develop an integrated Master Plan for Mt Adelaide and Mt Clarence precinct; and
2. **APPROVE** the transfer of \$80,000 from the master planning funding reserve to the Mt Adelaide and Mt Clarence precinct master plan project account.

CSF042: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR SUTTON**

THAT COUNCIL:

1. **NOTE** that City Officers plan to procure specialist consultancy services, that will work with City Officers to develop an integrated Master Plan for Mt Adelaide and Mt Clarence precinct; and
2. **APPROVE** the transfer of \$80,000 from the master planning funding reserve to the Mt Adelaide and Mt Clarence precinct master plan project account.

CARRIED:12-0

CSF042: RESPONSIBLE OFFICER RECOMMENDATION

THAT COUNCIL:

1. **NOTE** that City Officers plan to procure specialist consultancy services, that will work with City Officers to develop an integrated Master Plan for Mt Adelaide and Mt Clarence precinct; and
2. **APPROVE** the transfer of \$80,000 from the master planning funding reserve to the Mt Adelaide and Mt Clarence precinct master plan project account.

BACKGROUND

2. Mt Adelaide and Mt Clarence (Mounts) and surrounding environs comprise a wealth of historic, contemporary, cultural and commemorative and natural assets that provide a substantial base on which a wide range of functions and programs can be based.
3. Currently there is a significant amount of work being done on the Mounts, with Mt Clarence infrastructure upgrade and Anzac Interpretive Centre, located at Princess Royal Fortress, which will raise the Albany's profile on a national level and in conjunction with Anzac Centenary events being planned between 2014-2018, there is potential for international exposure.
4. By November 2014, critical infrastructure will be in place and ready to be leveraged, so there is a sense of urgency around this work.
5. Mt Adelaide and Mt Clarence environs are a unique asset which should be integrated into an overall master plan to be marketed as a unique Albany experience.
6. Currently there exists a comprehensive amount of relevant reports and documentation, together with the business case that is being finalised for the Anzac Interpretive Centre. This work will need to be considered in context.
7. Reports previously undertaken include:
 - May 2006, *City Mounts Management Plan* Mount Melville, Mount Clarence, Mount Adelaide, Bluff Rock, Council Management Plan
 - 2002, *Princess Royal Fortress Albany Conservation Plan*, Council Management Plan
 - 2008, *Princess Royal Fortress Strategic Plan 2008-2013* Council Strategy
 - Jan 2009, *Princess Royal Fortress Council Business Plan*
 - Nov 2011, *Princess Royal Fortress Military Museum Interpretive Signage Design Report*, Stage 2, AECOM
 - *Mt Clarence Landscape and Interpretation Signage Design Report*, AECOM, Oct 2011
 - Nov 2004, *Princess Royal Fortress Albany Interpretation Plan*, Paul Bridges & Jenny Moroney
8. In conjunction, the City is also undertaking a comprehensive trail hub strategy and cycle strategy which will help connect key precincts within Albany.

DISCUSSION

9. The purpose of a comprehensive master plan will be to link all of the Mounts' assets and attractions, outline a framework to guide future development and investment and to conserve, enhance and develop the Mounts environs for future generations.
10. The challenge will be to establish a strategic approach to achieve:
 - long term vision and strategic objectives for the Precinct
 - integrated master plan (staged)
 - market identity and branding strategy
 - prioritised implementation and asset management plan
 - strong governance framework
 - community ownership and place activation

11. The strategic objectives, future directions and strategies of the master plan will include:
- Anzac Heritage: enhance and promote Albany's role in the Anzac story and the significance of the natural setting and views.
 - Cultural Heritage: conserve, enhance and promote the Aboriginal, colonial, military and contemporary cultural heritage of the site.
 - Biodiversity: conserve and enhance any native biological diversity of the site.
 - Interpretation and Education; enhance and promote understanding and conservation of natural and cultural heritage and diversity of the site.
 - Buildings, Facilities and Infrastructure: assess, maintain, enhance and utilise existing built assets and carefully plan new services and infrastructure.
 - Landscape and Amenity: conserve and enhance the natural environment, landscape features, public art and amenity of the site.
 - Land Management: adopt sustainable and adaptive manage practices to conserve and enhance biological diversity and enhance visitor experience.
 - Active and Passive Recreation: provide, improve and promote active and passive recreational services and facilities on the site, particularly walking, running and cycling.
 - Tourism and Visitation: build the brand, provide, improve and promote tourism services and facilities on the site with aim of enhancing visitor experience and repeat visitation.
 - Trails and Linkages: improve, promote and consolidate a hierarchy of trails and paths throughout the site and link with surrounding precincts.
 - Community Ownership and Place Activation: provide and enhance a diverse range of community activities and programmes to activate the site, nurture community pride and ownership, volunteers involvement and generate business.
 - Research and Learning: undertake and promote research and investigation into matters related to the care, control and management of the site and to biodiversity conservation.
 - Collections and Displays: conserve, develop, enhance, manage, display and undertake research into existing collections.
 - Safe and Secure Environment: maintain, promote further improvement in public safety, protection of public assets, conservation of cultural heritage and biodiversity.
 - Asset Management: infrastructure and services, roads and paths, trails and walks, drainage and water treatment, heritage elements, fire management, weed control, vegetation protection and enhancement, feral and domestic animal control, solid waste management, signage and public elements.
12. An integrated master plan will also build a strong, identifiable brand, to:
- Build the business, establish and drive the vision and strategies (4th extraordinary WA).
 - Ensure the site is recognised nationally from a heritage and cultural significance perspective.
 - Raise national profile, increase revenue and visitation.
 - Attract sponsorship, corporate liaison.
 - Establish site asset management partnerships & contractual agreements.
 - Market promotions and implementation.
 - Build retail and merchandising.

- Manage and promote programmes, events and community engagement strategies.
 - Build community pride: recruitment, training and management of volunteer groups and individuals.
 - Link with wider precincts, such as Albany Peace Park, Visitors Centre, WA Museum and other tourism programs.
 - Attract future capital investment from the Commonwealth and State.
13. Led by Major Projects division, the master plan process would be done in close collaboration with other directorates through a Project Working Group (PWG).

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive consultation has been ongoing as part of the Mt Clarence infrastructure upgrade and Anzac Interpretive Centre. It would be advised that this public consultation process continue in the development of the master plan.
15. Extensive consultation has also included many key stakeholder groups:
- WA Dept Premier and State
 - Returned Service League
 - Dept Veteran Affairs
 - Heritage Council
 - Department of Indigenous Affairs (DIA), South West Aboriginal Land and Sea Council (SWALSC) and Aboriginal Heritage Reference Groups
 - Princess Royal Fortress Volunteers
 - WA Museum
 - Friends of the Mounts
 - Apex Club
 - Albany Historical Society
 - St John's Church
 - National Trust WA
 - Australian War Museum
 - Other interested Friends Groups
 - Albany Port Authority
 - Great Southern Development Commission
 - Dept Environment and Conservation
 - Western Power, DFES and other service agencies
16. In addition, there is extensive consultation dating back to the development of the City Mounts Management Plan, May 2006 (adopted by Council).

STATUTORY IMPLICATIONS

17. The release of \$80,000 from the master planning funding reserve to the Mt Adelaide and Mt Clarence precinct master plan project account is compliant with section 6.11 (Reserve Accounts) of the Act as the money is being used in accordance with the purpose of the reserve.
18. Council approval to release the funds requires *Absolute Majority.
19. Note: In accordance with the current delegation titled: Payments from the Municipal Fund and Trust Fund, each payment will be noted on the list of payments and presented each month to Council for noting.

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 Risk Management Framework:

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Lack of community engagement</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>This risk was mitigated through a thorough consultation and engagement process undertaken by City.</i>
<i>Council rejects/fails to support master planning recommendation impacting on AIC business case</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Detailed Council agenda item.</i>

FINANCIAL IMPLICATIONS

- 22. It is estimated that the costs to undertake the master plan process would be \$80,000. Majority of these costs would be associated with specialist professional consultancy services.
- 23. Funds will be transferred from the master planning funding reserve, which will leave a balance of \$190,000.
- 24. All costs associated with the master plan process would be borne by the City of Albany.
- 25. Development of the master plan will assist in future funding submissions and applications.
- 26. The Master Plan will assist in developing and maintaining a sustainable business model for the forts precinct and will drive economic benefits for the City.

LEGAL IMPLICATIONS

27. Nil

ENVIRONMENTAL IMPLICATIONS

28. There are no direct environmental implications related to this report. Any proposed developments will address environmental implications in future reports.

ALTERNATE OPTIONS

29. Council may decide to give no further consideration to this project.

SUMMARY CONCLUSION

30. Mt Adelaide and Mt Clarence (Mounts) and surrounding environs comprise a wealth of historic, contemporary, cultural and commemorative and natural assets that provide a substantial base on which a wide range of functions and programs can be based.
31. Mt Adelaide and Mt Clarence environs are a unique asset which should be integrated into an overall master plan to be marketed as a unique Albany experience.
32. The master plan will establish a strategic approach to achieve:
 - long term vision and strategic objectives for the Precinct
 - market identity and branding strategy
 - prioritised implementation and asset management plan
 - strong governance framework
 - community ownership and place activation
33. Currently there is a significant amount of work being done on the Mounts, with Mt Clarence infrastructure upgrade and Anzac Interpretive Centre, located at Princess Royal Fortress, which will raise the Albany's profile on a national level and in conjunction with Anzac Centenary events being planned between 2014-2018, there is potential for international exposure.
34. By November 2014, critical infrastructure will be in place and ready to be leveraged, so there is a sense of urgency around this work.
35. Currently there exists a comprehensive amount of relevant reports and documentation, together with the business case that is being finalised for the Anzac Interpretive Centre. This work will need to be considered in context.
36. The purpose of a comprehensive master plan will be to link all of the Mounts' assets and attractions, outline a framework to guide future development and investment and to conserve, enhance and develop the Mounts environs for future generations.
37. Without such a plan it will be difficult to attract future Commonwealth and State funding.

Consulted References	<i>Local Government Act 1995 (the Act)</i> <i>Council Plan: City Mounts Management Plan May 2006</i>
File Number (Name of Ward)	<ul style="list-style-type: none"> • EM.PLA.4 Environmental Management Planning – City Mounts Management • STR173 Strategic Management Planning Project – City Mounts Management Plan • GR.STL.59 Government Relations – ANZAC Interpretive Centre
Previous Reference	OCM 15/05/2012 Item 1.3 – City of Albany Participation in ANZAC Centenary Events and Associated Infrastructure Construction OCM 16/07/2013 – Annual Financial Budget

CSF043: MIDDLETON BEACH – ARTIFICIAL SURF REEF FEASIBILITY

Land Description	: Coastal regions Middleton Beach to Emu Point Inclusive
Attachments	: Middleton Beach Artificial Surf Reef Summary Memo (PRDW)
Councillor Workstation	: Documents referred to in the report placed in the Councillor Workstation.
Responsible Officer(s):	: Executive Director Corporate Services (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objective:** 2.1 To protect and enhance our natural environment.
 - c. **Strategic Initiative:** 2.1.2 Erosion protection and adaption

Maps and Diagrams: (Detailed in the attached report)

In Brief:

- A feasibility report has been prepared and is attached for information.
- Council is requested to consider its position on the project.

RECOMMENDATION

CSF043: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

- **NOTE** the report prepared by *Prestedge Retief Dresner Wijnberg Australia Pty Ltd;* *and*
- **CONSIDER** funding more detailed scoping studies as part of the 2014/2015 budget deliberations.

CSF043: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR CALLEJA

THAT Council:

- NOTE the report prepared by *Prestedge Retief Dresner Wijnberg Australia Pty Ltd*; and
- CONSIDER funding more detailed feasibility studies as part of the 2014/2015 budget deliberations.

CARRIED 9-3

CSF043: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- NOTE the report prepared by *Prestedge Retief Dresner Wijnberg Australia Pty Ltd*; and
- CONSIDER funding more detailed feasibility studies as part of the 2014/2015 budget deliberations.

BACKGROUND

2. At the Ordinary Council Meeting on the 16th April 2013 Council resolved:
“THAT the CEO be instructed to prepare a report, with projected costings, on the possibility of providing an artificial surfing reef off Middleton Beach.”
3. In response City staff commissioned *“Prestedge Retief Dresner Wijnberg Australia Pty Ltd* (PRDW) to prepare a feasibility report in respect to establishing an artificial surf reef at Middleton Beach near the Albany Surf Life Saving Club.
4. City staff engaged a consultant who had already undertaken a significant body of work for the City, in respect to coastal protection strategies for shore line located at and between Emu Point and Middleton Beach.
5. To ensure the feasibility report was not distracted from other proposed coastal management strategies, the concept was addressed in isolation.

DISCUSSION

6. Caution needs to be exercised in moving forward with a project of this nature. The quantum and quality of data currently available to the City is not considered sufficient to guarantee a successful project outcome.
7. Based on the report, Staff feel that additional detailed scientific studies (more data needs to be collected and modelled, to explore cause and effect) to have confidence in achieving a successful outcome in the long term.
8. It is felt that consideration must be given to overall impacts on the coastal system and any effects a project of this nature may have regarding coastal systems in general.
9. The overall response is that an artificial surf reef is feasible.

GOVERNMENT & PUBLIC CONSULTATION

10. In general the consultation has included:
 - a. Local surfers;
 - b. Albany Port Authority;
 - c. Great Southern Development Commission;
 - d. Department of Transport;
 - e. Department of Parks and Wildlife(formally titled the Department of Environment and Conservation); and
 - f. Interested City of Albany Councillors.
11. Historic Consultation. In addition to the recent consultation (as above), various correspondence dating back to 1999 and minutes from a key stakeholders meeting held in June 2008 was considered and is detailed in the report.
12. Albany Port Authority. Input was provided by the Albany Port Authority and a private consultant acting independently.
13. Public Consultation. Thorough consultation was undertaken during the preparation of the PRDW report and is detailed within.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

15. There are no policy implication related to this report.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Lack of Consultation on Feasibility</i>	<i>Likely</i>	<i>Moderate</i>	<i>Low</i>	<i>Thorough consultation was undertaken by PRDW (detailed in the report).</i>

FINANCIAL IMPLICATIONS

17. Implementation costs for artificial reefs are very difficult to quantify without detailed targeted data collection and detailed modelling and scientific studies.
18. The PRDW report suggests through anecdotal evidence that a tennis court size reef which would potentially yield a moderate wave in favourable conditions is in the order of \$2 to \$5 million. Calculation of any costs need to include capital and ongoing maintenance, approvals etc.
19. The costs of these studies can be considerable and take time (12-24 months) unless this information is made available from other sources and is independently assessed to be adequate.
20. Indicative costs to provide the detailed feasibility to enable the project to progress further, (assuming that the required data collection and modelling information was available to be assessed) would be expected to be in the order of \$ 60-100K. Quotations would need to be sought.

21. At this stage, there are no agencies prepared to look at funding the project.

LEGAL IMPLICATIONS

22. Nil

ENVIRONMENTAL CONSIDERATIONS

23. Any proposed works would require an Environmental Impact Assessment.

ALTERNATE OPTIONS

24. The Council may decide to give no further consideration to this project.

SUMMARY CONCLUSION

25. Construction of an artificial surf reef at Middleton Beach to improve wave quality is feasible however it is qualified that there is insufficient data and modelling work done to have any indication of the success of any works.

26. At this stage, there are no agencies who have expressed any interest in funding such a project. To attract funding, there would need to be more work done in order to have confidence in the projects success and potential cost benefit.

27. It is recommended that Council clarify its position on the project moving forward.

Consulted References	:	<ul style="list-style-type: none">• PRDW Memo – Middleton Beach Artificial Surf Reef Summary• A key previous body of work is a feasibility study into an artificial surfing reef at Middleton Beach by ICM (dated Dec 2003).
File Number (Name of Ward)	:	(Frederickstown)(Breaksea) Wards
Previous Reference	:	OCM 16/4/13 Item 17.1

WS017: ALBANY CITY CENTRE: PARKING STRATEGY

Land Description : Albany City Centre (Central Business District)
Attachments : Draft Albany City Centre: Parking Strategy
Responsible Officer(s): : Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 3. A connected built environment.
 - b. **Strategic Objective:** 3.1. To advocate, plan and build friendly and connected communities.
 - c. **Strategic Initiative:** 3.1.2. Parking and Traffic Modelling.

In Brief:

- Adoption of the Draft Albany City Centre Parking Strategy will guide parking initiatives over the next four years.

RECOMMENDATION

WS017: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADOPT the Albany City Centre Parking Strategy.

WS017: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR DOWLING

THAT Council ADOPT the Albany City Centre Parking Strategy.

CARRIED 5-0

WS017: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council ADOPT the Albany City Centre Parking Strategy.

BACKGROUND

2. At the Ordinary Meeting of Council in August 2013, the City of Albany adopted the Albany Central Business District (CBD) Parking Scheme Plan.
3. The adoption of this plan and its subsequent implementation is a first stage in more strategic approach to dealing with parking issues in the Albany City Centre.
4. The Draft Albany City Centre: Parking Strategy has been prepared concurrently, utilising internal resources and with reference to work previously undertaken by the City.

DISCUSSION

5. The parking strategy pulls together previous work dating back to 1997 undertaken by the then Town of Albany and more recent work with the Central Area Master Plan in 2010.
6. Over the years, the City has implemented various streetscape enhancement activities which has resulting in a nominal increase in parking capacity.
7. However, parking space in peak period still remains an issue with areas of the City Centre having a lack of available space.
8. The strategy identifies that while premium parking space has its limitations, there is significant space at the rear of existing commercial premises which is poorly utilised.
9. City staff will need to engage with business and land owners with a view to consolidating these spaces and having mutually beneficial agreements in place.

GOVERNMENT & PUBLIC CONSULTATION

10. The strategy has been prepared referencing documents which underwent significant consultation at the time.
11. The implementation of the strategy will require consultation with business owners and the general community on an ongoing basis.
12. Consultation with business and landowners will commence in priority areas once the strategy is adopted.
13. Consultation will be conducted in accordance with current City guidelines and in line with the strategy.

STATUTORY IMPLICATIONS

14. Nil

POLICY IMPLICATIONS

15. There are no direct policy implications related to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Inadequate parking space in the Albany City Centre	Likely	Medium	Low	Adoption and timely implementation of the Parking Strategy.
Lack of community engagement	Possible	Medium	Low	Community consultation to be appropriately targeted and be in accordance with City guidelines.

FINANCIAL IMPLICATIONS

17. In terms of the high priority actions of the strategy there are no immediate financial outcomes.
18. Should initial consultation result in being able to remove impediments to traffic movement in some areas behind commercial premises, then some quick outcomes may be achievable through improved line marking, kerb removal, bitumen patching and improved signage. Estimated cost in the order of \$15,000. Should this be required then a report will be presented to Council seeking the funds and justifying the expense.
19. The City has not budgeted to outsource any precinct planning for the Albany City Centre; although some work is being progressed in house. Survey work is being undertaken for Zone I (refer attached strategy) which allows further more detailed design to progress.
20. Should the City progress to physical parking improvements, appropriate budget allocations would need to be made and funding sources identified.

LEGAL IMPLICATIONS

21. Nil

ENVIRONMENTAL CONSIDERATIONS

22. There are no immediate environmental issues associated with item. Should physical works progress which would involve drainage works, City staff will consider options to incorporate Water Sensitive Urban Design ‘WSUD’ in order to manage hydrocarbon contamination within the drainage system.

ALTERNATE OPTIONS

23. Council does not adopt the strategy and the status quo is maintained.

SUMMARY CONCLUSION

24. The City Centre has had ongoing parking issues for some years.
25. The adoption of the Parking Strategy seeks to guide the City in future parking initiatives and give City staff authority to commence discussions with business and/or landowners with a view to consolidating parking spaces.

Consulted References	:	Nil
File Number (Name of Ward)	:	N/A
Previous Reference	:	OCM 30/06/10 - Item 12.3.4 or AROXX/20/08/2013

**WS018: CONTRACT C13020 - HANRAHAN STAGE 3A LEACHATE
MANAGEMENT WORKS**

Land Description : Lot 1135 Cuming Rd (off Hanrahan Rd)
Lot 2 198 Hanrahan Rd
Proponent : City of Albany
Owner : City of Albany
Business Entity Name : Hanrahan Landfill Site
Councillor Workstation : Nil
Responsible Officer(s) : Executive Director Works and Services (M Thomson)

Responsible Officer Signature



STRATEGIC IMPLICATIONS

1. This item directly relates to the following elements of the City of Albany Strategic Community Plan 2013 and Corporate Business Plan 2013-2017:
 - a. **Key Theme:** 2. Clean, Green and Sustainable
 - b. **Strategic Objectives:** 2.3 To advocate for and support “green” initiatives within our region
 - c. **Strategic Initiative:** 2.3.1 Waste Management

Maps and Diagrams:



In Brief:

- Tender award for construction of Stage 3A of the leachate drainage management system for the Hanrahan Landfill Site;
- One complying tender with Great Southern Sands the recommended contractor;
- Works scheduled for completion by end of April 2014.

RECOMMENDATION

**WS018: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council AWARD the for C13020 Hanrahan Stage 3A Leachate Management Work to Great Southern Sands, subject to approvals.

WS018: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR GREGSON

THAT Council AWARD the for C13020 Hanrahan Stage 3A Leachate Management Work to Great Southern Sands, subject to approvals.

CARRIED 5 -0

WS018: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council AWARD the for C13020 Hanrahan Stage 3A Leachate Management Work to Great Southern Sands, subject to approvals.

BACKGROUND

2. The Department of Environmental Regulation (DER) has directed the City of Albany as a condition of its licence for the Hanrahan Landfill Site to achieve the outcome of no leachate discharge from the premises.
3. In May 2013 Stages 1 & 2 of the leachate management works were successfully completed with leachate levels substantially reduced.
4. This tender is for Stage 3A of the project. The final stage 3B works are scheduled for the 2014/15 financial year.
5. Design, specification and contract documentation has been prepared by external consultants to the stage of "Issue for Tender". The tender was from 4 September 2013 to 2 October 2013.
6. The City of Albany will act in the role of superintendent for the project.
7. The final stage 3B works are scheduled for the 2014/15 financial year.

DISCUSSION

8. A request for tenders was published in the West Australian on the 4 September 2013 and the Albany Weekender on 5 September 2013.
9. A total of 29 tender documents downloaded from the City of Albany website during the tender period from 4 September 2013 to 2 October 2013.
10. One completed tender document was submitted on or before the stipulated closing date and time.
11. Despite being the only submission received the tender was evaluated using the weighted attributes methodology to ensure that all tender specifications were met. 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
Demonstrated Understanding	15
Relevant Experience	15
Key Personnel (skills & experience)	10
Tenderers Resources	10
Total	100

12. The following table summarises the tender and overall evaluation score applicable to the submission.

Tenderer	Total Evaluation Score
Great Southern Sands	550

13. On the basis of the total evaluation score which considers cost, demonstrated understanding, key personnel (skills & experience) and relevant experience Great Southern Sands is considered to be a suitable contractor to undertake the work.

GOVERNMENT & PUBLIC CONSULTATION

14. The Department of Environment and Regulation (DER) have been consulted throughout the process with their works approval currently pending. It is anticipated that works approval for Stage 3A will be issued prior to 30 November 2013. Work cannot commence without Department of Environment and Conservation works approval.
15. The leachate management works are a licensing and operational requirement of the landfill not requiring public consultation.

STATUTORY IMPLICATIONS

16. Regulation 11 of the *Local Government (Functions and General) Regulations 1996 (Regulations)* requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$250,000.
17. 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.

18. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>If Stage 3A of the leachate drainage system is not constructed the City of Albany will be in non-compliance with its DEC landfill licence conditions and will be liable for financial penalties and/or potential closure of the landfill facility</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Ensure Leachate Management Works Stage 3A is constructed.</i>
<i>Non compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Moderate</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods & services</i>

FINANCIAL IMPLICATIONS

21. Funding for the leachate management work is sourced from the Waste Reserve and is budgeted for in the 2013/14 financial year under budget line item Job Number 3287.

LEGAL IMPLICATIONS

22. Not applicable.

ENVIRONMENTAL CONSIDERATIONS

23. The City's waste services are licenced and monitored by the Department of Environment Regulation (DER) under the Environmental Protection Act 1986.
24. An Environmental Assessment Management Plan and an Acid Sulphate Soils Management Plan have been completed and lodged with the DER as part of the works approval process.

ALTERNATE OPTIONS

25. Council can accept or reject the tender submitted.

SUMMARY CONCLUSION

26. Only one tender submission was received for this contract.
27. On reviewing the submission, the evaluation team assessed Great Southern Sands as being a suitable tenderer across the evaluation criteria in terms of cost, demonstrated understanding, key personnel (skills & experience) and relevant experience. Great Southern Sands are recommended to be awarded the Hanrahan Stage 3A Leachate Management Works contract.

Consulted References	:	Not Applicable
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 21/04/2009 Item 13.1.1

WS019: NAME CHANGE - MCGONNELL PARK

Land Description	: McGonnell Park – Reserve Number 33006
Proponent	: City of Albany
Owner	: Crown land – management order City of Albany
Attachments	: ICR13113431 W.3/7 Shire of Albany correspondence Pg 1616 from Government Gazette, WA, 27 May 1983
Responsible Officer(s):	: Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**2. Clean, Green and Sustainable.
 - b. **Strategic Objective:** 2.1. To protect and enhance our natural environment.
 - c. **Strategic Initiative:** 2.1.1. Reserves Management.

Maps and Diagrams:



In Brief:

- McGonnell Park was officially named in the Government Gazette of 27 May 1983, however the word “Memorial” was omitted from the official name.
- The family of the late Mr D V McGonnell, whom the park is named after, wishes for the park to be changed to that of McGonnell Memorial Park.

RECOMMENDATION

**WS019: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the change of name of Reserve 33006 from McGonnell Park to McGonnell Memorial Park.

WS019: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR DOWLING

THAT Council APPROVE the change of name of Reserve 33006 from McGonnell Park to McGonnell Memorial Park.

CARRIED 5-0

WS019: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council APPROVE the change of name of Reserve 33006 from McGonnell Park to McGonnell Memorial Park.

BACKGROUND

2. On 27 May 1983, the government gazetted the naming of Reserve 33006 to that of McGonnell Park. The park contains a rose garden and plaque dedicated to the late Mr McGonnell.
3. The City has received a request from Mrs Joan Waite (the late Mr McGonnell’s wife) to alter the name of the reserve from McGonnell Park to McGonnell Memorial Park.

DISCUSSION

4. Mr D V McGonnell died in a tragic accident at ‘the Gap’ in 1981 and his body was never recovered.
5. The Lions Club of Albany erected a rotunda within the park on which people/families that have lost loved ones in a similar manner and therefore do not have a suitable place to go and reflect (such as a gravesite) have placed memorial plaques on this rotunda.
6. The McGonnell family now feel that the park would be more aptly described as a memorial park and are therefore proposing that the City change the name to ‘McGonnell Memorial Park’.

GOVERNMENT & PUBLIC CONSULTATION

7. The proposal, once received by Council, will need to be published for wider public comment for a period of 21 days.

STATUTORY IMPLICATIONS

8. The Land Administration Act 1997, Part 2, Division 3; clause 26. Constitution, etc of land districts and townsites; and 26A Names of roads and areas in new subdivisions, and the Land Information Authority Regulations 2007; clause 3 – Information prescribed as fundamental land information, provide the processes involved with nomenclature in Western Australia.
9. Any person, community group, organisation, government department or local authority can request a new name or an amendment to an existing name or boundary by contacting the Geographic Names Team within Landgate. Consultation with the relevant local authority is required in each case.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Not supporting the request could indicate incorrect historical information regarding the reason for naming of the park</i>	<i>Likely</i>	<i>Minor</i>	<i>Low</i>	<i>Mitigation entirely dependent on Council.</i>

FINANCIAL IMPLICATIONS

12. No financial implications for Council. The McGonnell family will be paying for alterations to the existing plaque at the rose garden.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

14. There are no environmental considerations relating to this matter.

ALTERNATE OPTIONS

15. The Council may elect not to support the name change to include the word “memorial” into the park name.

SUMMARY CONCLUSION

16. Members of Mr McGonnell's family have requested a change to the name of McGonnell Park in Bayonet Head to include the word 'memorial'. The family is seeking this change as they believe the park is the best place to honour and reflect on a man that gave so much to his community and has no grave.

Consulted References	:	Landgate Geographic Names Committee Policies and Standards for Geographical Naming in WA
File Number (Name of Ward)	:	CU.PRA.107 (Yakamia ward)
Previous Reference	:	N/A

WS020: CORPORATE BUSINESS PLAN OBJECTIVE - CARBON FOOTPRINT

Proponent : City of Albany
Attachments : City of Albany Council Policy and Action Plan - Environmental
Responsible Officer(s): : Matthew Thomson (Executive Director Works and Services)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 2. Clean, Green and Sustainable.
 - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
 - c. **Strategic Initiative:** 2.2.3. Carbon Footprint.

In Brief:

- The current Environmental Policy and Environmental Action Plan require review.
- With the adoption of the 2013 Corporate Business Plan, the City has identified a strategic outcome – reduction in the City's carbon footprint, with a 2013/14 Deliverable - research and recommendations on cost effective initiatives that will reduce the carbon footprint on City owned assets.
- This review should be aligned with the City's current strategic objectives.

RECOMMENDATION

WS020: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the status of the Environmental Action Plan and that a review of the City of Albany Environmental Policy and Action Plan is pending.

WS020: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR DOWLING

THAT Council NOTE the status of the Environmental Action Plan and that a review of the City of Albany Environmental Policy and Action Plan is pending.

CARRIED 5-0

WS020: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the status of the Environmental Action Plan and that a review of the City of Albany Environmental Policy and Action Plan is pending.

BACKGROUND

- 2. At the September 2013 Works and Services Committee meeting, the following recommendation was carried -
- 3. “THAT a report be presented to the Works and Services Committee addressing the feasibility of appointing an Environmental Sustainability Officer. The report shall detail possible means of funding such an appointment and the timelines with respect to implementation of the relevant strategic initiative set out in the Corporate Business Plan (item 2.2.3).”

DISCUSSION

- 4. Between February 2010 and April 2011, the City engaged a part time officer to assist with the collection and collation of various data for a Climate Change project. Data was collected relating to the City’s use of water, waste, fleet/travel options, power, energy audit of City buildings, and smaller eco friendly projects such as the introduction of office recycling bins, etc.
- 5. From this review, an Environmental Policy and Action Plan were adopted in late 2010. Three major areas were identified as the focus for assessment - climate and energy, water campaign and waste.
- 6. Work had commenced on the Environmental Action Plan key actions as per below –

Key Actions	Status
1. Review all Council Policies to ensure sustainability issued are addressed.	Commenced.
2. Electricity - complete audits of building infrastructure to establish immediate savings.	Action pending.
3. Undertake a financial analysis of medium to long term options for budget consideration – basic audits completed on North Rd Administration, VAC, Day Care Centre, Depot, Airport, Library, Town Hall, Visitors Centre. ALAC audit commissioned.	Action pending. Basic audits have been completed. Require review.
4. Water – continue with initiatives and commitments as part of Water Wise and ICLEI water campaigns, including water audits of COA operations, targeted water use reductions and staff awareness and training - Water use at	Action pending. Date collated however further review is required.

selected City buildings (sourced from ICLEI milestone one inventory) assessed, with recommendations.	
5. Fleet / Transport – complete fleet management strategy with carbon reduction targets being an inherent component.	New fleet management guidelines have been implemented with strategies to reduce carbon footprint. This item is considered actioned.
6. Carbon Offsetting – Complete a street tree management plan with established targets for carbon offsetting.	Street tree management practises will be further reviewed with a view to establishing a planting regime.

Key Actions	Status
7. Energy Auditing and Targeted Reductions – Undertake feasibility studies on significant initiatives and implement minor actions that can be readily implemented	Some auditing is completed, requires review and identification of additional audits. Further action pending.
8. Air conditioning – investigate the efficiency of existing air conditioning systems to establish where savings can be achieved.	Action pending.
9. Human Behaviour – participate in the ‘days of change’ programme or similar and target savings through education and promotion.	Minor office projects introduced. Action item to be reviewed.
10. Planning and Development – continue to promote sustainable development in alignment with WAPC initiatives and the ‘Liveable Neighbourhoods’ document.	This is actioned in respect to energy efficiency guidelines embedded into planning processes. To be further addressed in a review of the action plan.
11. Waste Management – continue the implementation of local Strategic Waste Management Plan and the regional Waste Minimization Strategy including compliance with the Waste Authorities ‘Waste Strategy for Western Australia Draft 2.’ Including working toward the establishment and commissioning of a regional site by 2015.	Strategic Waste Management Plan adopted, identifying issues which will offset carbon footprint at implementation phase.
12. Community and Regional Planning and Cooperation – Set up a Climate Change Advisory Committee, or meet with South Coast Management Group to enable discussion and planning of regional issues.	Programme initiated. Action to be reviewed.

7. In the 2013 Corporate Business Plan, the focus for 2013/14 is to research and provide recommendations on cost effective initiatives that will reduce the carbon footprint on City owned assets. It is therefore recommended current efforts relate to the:
 - Review Environmental Policy and Action Plan to provide clear direction and priorities
 - Identify potential actions to reduce the carbon footprint on City owned assets.
8. By focussing on the 2013/14 deliverable, the City has the capacity to complete the necessary review using in-house resources. In its budget consideration for 2014/2015, the City can further review its progress, with a view to deploying more resource to this activity if considered necessary.
9. At this stage, the City envisages having adequate resources after the New Year to make reasonable progress.

GOVERNMENT & PUBLIC CONSULTATION

10. Consultation with Government agencies and the community will occur as the need arises.

STATUTORY IMPLICATIONS

11. Not applicable

POLICY IMPLICATIONS

12. The Council Policy – Environmental states the City of Albany is committed to ensuring that appropriate responses are undertaken to mitigate the potential climate change impacts. To achieve this, the City will:
 - Acknowledge and recognise climate change as a factor in all City operations
 - Be prepared and adaptable to future events, by applying the “precautionary principle” and conducting risk analysis. The resulting risk analysis will be used for informed decision-making;
 - Develop and implement a measured greenhouse gas mitigation and adaptation strategy throughout Council to meet determined green house gas reductions;
 - Establish sufficient budget allocation to deliver mitigation and adaptation initiatives, as outlined in the strategy; and
 - Build community understanding and awareness by promoting City actions and providing education programmes to address priority areas.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Environmental Action Plan not implemented resulting in negative outcomes for City’s carbon footprint.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Minor</i>	<i>Council review its action plan and align it to current strategic objectives.</i>

FINANCIAL IMPLICATIONS

14. The cost to complete the review of the Environmental Action Plan will be undertaken by using existing staff resources. The recommendations identified in the review will require analysing and prioritising for future budget consideration.

LEGAL IMPLICATIONS

15. Not Applicable.

ENVIRONMENTAL CONSIDERATIONS

16. The City of Albany is committed to ensuring that appropriate responses are undertaken to mitigate the potential climate change impacts. It recognises the value of its natural environment and the importance of protecting and managing natural values for future generations. It also includes values such as clean air and water, landscape amenity and recreation.

17. For this reason it is recommended the Environmental Policy and Action Plan be reviewed.

ALTERNATE OPTIONS

18. The City may not wish to review the current Council Action Plan – Environmental and the key actions will remain outstanding.

SUMMARY CONCLUSION

19. With the adoption of the 2013 Corporate Business Plan, the strategic outcome – reduction in the City's carbon footprint, with a Deliverable - research and recommendations on cost effective initiatives that will reduce the carbon footprint on City owned assets. It is therefore recommended current efforts focus on the review Environmental Policy and Action Plan and identify potential actions to reduce the carbon footprint on City owned assets.

Consulted References	:	Council Policy - Environmental
File Number (Name of Ward)	:	EM.PLA.26 (All Wards)
Previous Reference	:	OCM 20.10.09 item 15.1.1, OCM 15.06.10 item 15.3.1, OCM 17.08.10 item 3.6 and 3.7, OCM 16.11.10 item 3.7

WS021: FINANCIAL EXPENDITURE AND WORKS PROGRESS REPORTING

Proponent : City of Albany
Attachments : Works and Services Capital Works Progress Report
(2 attachments).
Responsible Officer(s): : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 2. Clean, Green and Sustainable.
 - b. **Strategic Objective:** 2.2. To maintain and renew city assets in a sustainable manner.
 - c. **Strategic Initiative:** 2.2.2. Project Reporting.

In Brief:

- Improved Capital Works Project reporting is a strategic initiative committed to by the Works and Services directorate.
- The report as at October 31, 2013 is attached.

RECOMMENDATION

WS021: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Works and Services Capital Works Progress Report.

WS021: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES

THAT Council NOTE the Works and Services Capital Works Progress Report.

CARRIED 5-0

WS021: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the Works and Services Capital Works Progress Report.

BACKGROUND

- The attached report, combining the reporting of both actual expenditure and actual progress of work against planned in the same cost-time relationship chart is prepared monthly to update elected members.

DISCUSSION

- The report draws information from the annual budget, the Works & Services Infrastructure works schedule and monthly financial reports utilising actual data.

GOVERNMENT & PUBLIC CONSULTATION

- Not required – internal reporting requirement only.

STATUTORY IMPLICATIONS

- Not applicable

POLICY IMPLICATIONS

- Improved project reporting underpins good asset management practices.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Project cost overruns</i>	<i>Possible</i>	<i>Significant</i>	<i>Medium</i>	<i>Reporting will identify trends toward budget overruns allowing for intervention in advance.</i>
<i>Project time overruns</i>	<i>Possible</i>	<i>Significant</i>	<i>Medium</i>	<i>Reporting will identify overall schedule performance and trends allowing for early interventions and implementation corrective strategies.</i>
<i>Misunderstanding/misinterpretation of reporting documents.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Officer available to explain reports and how to interpret.</i>
<i>Lack of action following reported expenditure and/or progress.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>High</i>	<i>Ensure that cost and programme variations are investigated and resolved in a timely manner.</i>

FINANCIAL IMPLICATIONS

- The reporting will highlight budget variances early on resulting in issues being dealt with in a timely manner.

LEGAL IMPLICATIONS

- Not applicable

ENVIRONMENTAL CONSIDERATIONS

- Not applicable

ALTERNATE OPTIONS

11. Not applicable.

SUMMARY CONCLUSION

12. The attached Earned Value reporting documentation reflects the variances of cost and time most effectively and will ensure that Council is apprised of the progress of works at all times.

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

**PD012: DEVELOPMENT APPLICATION: CHANGE OF USE - TAVERN
AT 18 ADELAIDE CRESCENT, MIDDLETON BEACH.**

Land Description	: Part of 18 (Lot 201) Adelaide Crescent, Middleton Beach
Proponent	: Trish Flowers
Owner	: Mr R G & Mrs J P Flowers.
Business Entity Name	: Albany RATS Bar
Attachments	: Application details – site/floor plan and covering letter; Approved layout pursuant to original tavern approval P2105183 dated 17/11/2010. Site location plan at 1:5,000; Letters of objection and support.
Councillor Workstation	: None.
Responsible Officer(s):	: Executive Director Planning & Development Services (D Putland).

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

1. The item relates directly to the following element of the *Community Strategic Plan "Albany 2023"*:

Key Theme: 3. A Connected Built Environment

Strategic Objective: 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.

2. The item relates to the following Planning Objective of the Albany Local Planning Strategy (ALPS):

Section 5.4.1 Destination Sites

To retain existing and facilitate new tourism developments which are sympathetic to community and environmental considerations.

In Brief:

- The proponent is seeking to extend the floor space of the RATS Bar Tavern by utilising two (2) of their adjoining small shop units.
- They are also seeking to increase the permitted hours of operation to close later at night at 11pm instead of the current 9:30pm.
- The application has been advertised to surrounding landowners within a 250m radius of the site, as well as in a local newspaper and with a sign onsite. A total of 181 consultation letters sent out.
- A total of 6 responses were received. Of these; two (2) were objections; two (2) were supportive; one (1) was a qualified letter of support and the other was no comment.
- Under the *Planning Processes Policy* City staff does not have delegation to determine proposals for Taverns. RATS Bar was previously approved by Council and this proposal seeks an extension of the floor area as well as an alteration of the hours of operation. It is therefore appropriate that this proposal is referred to Council for consideration and determination.

RECOMMENDATION

**PD012: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Tavern at 18 Adelaide Crescent, Middleton Beach subject to the following conditions:

- 1) Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans**
- 2) The tavern is limited to the private property (being the building and verandah facing Adelaide Crescent). It does not include the alfresco areas on public land.**
- 3) The maximum number of patrons permitted onsite at any one time shall not exceed eighty (80) people.**
- 4) Prior to occupancy of the extended floor space, a cash in lieu contribution for four (4) car parking bays (in accordance with Council Policy) shall be paid to the City of Albany.**
- 5) The premises shall not be open to the public other than between the hours of 10:00am to 11:00pm Monday to Saturday and 10:00am to 10:00pm Sundays and Public Holidays, unless otherwise agreed in writing by or on behalf of the Council.**
- 6) Prior to occupancy of the extended floor space, an appropriately fire-rated permanent partition shall be installed between the tavern and remaining shop units.**
- 7) Line marking works for the five (5) car parking bays on Adelaide Crescent and the “No Standing” line on the plans approved pursuant to Condition A1 of Planning Scheme Consent P2105183 must be completed prior to occupancy of use of the extended floor space.**
- 8) All work is to be in accordance with the City of Albany’s Subdivision and Development Guidelines.**
- 9) The proposed development is to comply with any details and/or amendments marked in red as shown on the approved plan.**
- 10) No signs are to be erected on the lot without the approval of the City of Albany, in accordance with the City of Albany’s Sign Bylaws.**
- 11) Prior to the occupancy of the additional floor space, male and female toilets to be provided in accordance with the Health and Building regulations.**

PD012: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR HAMMOND

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Tavern at 18 Adelaide Crescent, Middleton Beach subject to the following conditions:

- 1) Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans
- 2) The tavern is limited to the private property (being the building and verandah facing Adelaide Crescent). It does not include the alfresco areas on public land.
- 3) The maximum number of patrons permitted onsite at any one time shall not exceed eighty (80) people.
- 4) Prior to occupancy of the extended floor space, a cash in lieu contribution for four (4) car parking bays (in accordance with Council Policy) shall be paid to the City of Albany.
- 5) The premises shall not be open to the public other than between the hours of 10:00am to 11:00pm Monday to Saturday and 10:00am to 10:00pm Sundays and Public Holidays, unless otherwise agreed in writing by or on behalf of the Council.
- 6) Prior to occupancy of the extended floor space, an appropriately fire-rated permanent partition shall be installed between the tavern and remaining shop units.
- 7) Line marking works for the five (5) car parking bays on Adelaide Crescent and the “No Standing” line on the plans approved pursuant to Condition A1 of Planning Scheme Consent P2105183 must be completed prior to occupancy of use of the extended floor space.
- 8) All work is to be in accordance with the City of Albany’s Subdivision and Development Guidelines.
- 9) The proposed development is to comply with any details and/or amendments marked in red as shown on the approved plan.
- 10) No signs are to be erected on the lot without the approval of the City of Albany, in accordance with the City of Albany’s Sign Bylaws.
- 11) Prior to the occupancy of the additional floor space, male and female toilets to be provided in accordance with the Health and Building regulations.

CARRIED8-0

PD012: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a Notice of Planning Scheme Consent for Tavern at 18 Adelaide Crescent, Middleton Beach subject to the following conditions:

- 1) Prior to occupancy of the use, unless varied by a condition of approval or a minor amendment to the satisfaction of the City of Albany, all development shall occur and be maintained in accordance with the stamped approved plans
- 2) The tavern is limited to the private property (being the building and verandah facing Adelaide Crescent). It does not include the alfresco areas on public land.
- 3) The maximum number of patrons permitted onsite at any one time shall not exceed eighty (80) people.
- 4) Prior to occupancy of the extended floor space, a cash in lieu contribution for four (4) car parking bays (in accordance with Council Policy) shall be paid to the City of Albany.
- 5) The premises shall not be open to the public other than between the hours of 10:00am to 11:00pm Monday to Saturday and 10:00am to 10:00pm Sundays and Public Holidays, unless otherwise agreed in writing by or on behalf of the Council.
- 6) Prior to occupancy of the extended floor space, an appropriately fire-rated permanent partition shall be installed between the tavern and remaining shop units.
- 7) Line marking works for the five (5) car parking bays on Adelaide Crescent and the “No Standing” line on the plans approved pursuant to Condition A1 of Planning Scheme Consent P2105183 must be completed prior to occupancy of use of the extended floor space.
- 8) All work is to be in accordance with the City of Albany’s Subdivision and Development Guidelines.
- 9) The proposed development is to comply with any details and/or amendments marked in red as shown on the approved plan.
- 10) No signs are to be erected on the lot without the approval of the City of Albany, in accordance with the City of Albany’s Sign Bylaws.
- 11) Prior to the occupancy of the additional floor space, male and female toilets to be provided in accordance with the Health and Building regulations.

BACKGROUND

3. Part of the building at 18 Adelaide Crescent has previously been considered by Council for use as a Tavern. The proposal was considered and approved by Council as Item 1.1 at its Ordinary Council Meeting on 16 November, 2010.
4. A subsequent request was received to alter the hours of operation by one hour. This minor amendment was approved under delegated authority in September 2012
5. Several changes were made in relation to the internal arrangement during the fit out of the approved tavern. Accordingly, there is a retrospective element to the approval now sought as part of this current application.

DISCUSSION

6. The proposed additional floor space for the established RATS Bar tavern is currently approved for use as two small shop units fronting Marine Terrace.
7. The proponent has requested permission to incorporate these spaces into the tavern floor space. Their intention is to remove the internal partition wall to make the additional space one room. Due to differences in the internal floor levels the area would remain a separate room from the open plan bar area. They have indicated an opening in the southern wall of the room may be made to allow some visual connection with the open plan bar area. However, construction of this opening is not a planning consideration.
8. In terms of the retrospective elements, the tavern now has its own kitchen that is arranged around the relocated toilets. The relocation of the toilets was noted during the approval of the shop units and was not considered a detrimental change that altered the determining factors behind the original tavern approval.
9. The Tavern use has already been considered and approved previously having been through a public consultation period. As this proposal seeks an extension of the area for the approved use as well as increased hours of operation; this request has also been advertised in accordance with the Scheme requirements. A summary of the responses is detailed further in this report.
10. The original proposal was assessed and approved on the basis of an approximate public area of 53m². Calculating for car parking provision and venue capacity were based on this area. Given the existing development on the site, only one car parking space could be accommodated onsite. The remaining parking requirement was developed at the proponent's expense in the adjoining road reserve on the south side of Adelaide Crescent. These works have been undertaken with line marking of the bays expected to be completed at the appropriate time of year (as the weather improves) to obtain the best and most durable finish. It is anticipated that this will be completed in the very near future.
11. The requested additional floor space raises the public area by approximately 26m². The Scheme requires parking provision for a Tavern at a rate of 1 parking bay per 6m². This additional floor space therefore gives rise to a parking requirement for 5 cars.
12. When the shop use was considered an allowance of two parking bays was attributed to the entire shop floor space. As half of the approved shop floor space is now proposed to be added to the tavern floor area, it is appropriate that one of the two car parking spaces be credited to the tavern use and one space remain with the shop area.

13. Accordingly, with the one car parking space being credited, this proposed change of use gives rise to an increased car parking requirement of 4 bays. As the site cannot accommodate further onsite bays and the proponents have already developed the adjoining road reserve to cover the shortfall of parking on their original approval, it is unlikely any new car parking bays can be provided. As the site falls within the Middleton Beach Tourist Precinct, cash-in-lieu payments for parking can be required in accordance with the calculations set out in Council's *Albany Town Centre Policy*.
14. The Albany Town Centre Policy sets out the cash-in-lieu of parking calculation as:
- *'... calculated on the basis of 26m² per parking bay and includes 25% of the estimated cost of the land, plus the equivalent total cost of asphalt paving on a suitable base course, drainage, line marking, landscaping, and, where applicable, lighting...'*

It is appropriate that if approval of the proposal is considered, it should include a condition for the cash-in-lieu payment for the equivalent of 4 car parking bays.

15. The landuse development table for Town Planning Scheme 1A also requires a tavern to have a minimum 10 % of the site to be landscaped. As the proposal is for a change of use of an existing building and does not involve extension of that building within the site, it is not appropriate to require additional landscaping on an existing developed site. Accordingly this landscaping element is not considered to be a relaxation of a Scheme requirement and was not advertised.
16. The total area, including the increased area, will be approximately 80m² of public area within the private property. If the increased area is permitted, the use should be limited to a maximum number of patrons not exceeding 80 people. This can be the subject of a suitable condition on any approval.
17. Although the submitted plans show the intention is for the licensed area to include the alfresco areas, this element relates more to the future liquor licence application that is not currently under consideration. The planning application for the extended tavern use is concerned with the use of the private property within the property boundary, not the public thoroughfare and extended alfresco area. The use of the road reserve / public thoroughfare as alfresco areas is subject to separate application and licensing by the City's Environmental Health Department.
18. The proponent has also requested a variation of the hours of operation. The current tavern use is restricted to between 10am and 9:30pm 7 days a week. The request is to allow a closing time of 11pm to give flexibility and to accommodate future functions.
19. In the zoning table of Town Planning Scheme 1A, a Tavern is a SA use in the Tourist Residential zone. SA uses require a 21 day public consultation period. The detail of the consultation undertaken is explained further in the relevant section of this report.
20. There were two (2) letters of objection received in response to the public consultation. These objections raised the following concerns and issues:
- The Middleton Beach area is already adequately serviced by licensed premises.
 - This proposal is contrary to the plans/vision for the area.
 - Undermines competitor's plans for investment and development, so will be detrimental to the area.

- The operator's do not adhere to their restrictions and it took a long time for them to comply with aspects they should have done before opening, such as parking.
 - The extra space is to hold functions, but there are other function venues in the vicinity that people can already use. This is detrimental to existing local businesses.
 - The liquor licence change of bottle shop from Bay Merchants to allow RATS takeaway sales is not in the public interest.
 - They are already opening beyond 9:30pm, so are not adhering to their current hours.
 - The extension is not necessary, as they have not reached their current capacity limit.
 - The previous application stated they would not have amplified music, but they have.
 - Will they next want to expand into Bay Merchants if they cannot sell it?
21. A qualified letter of support was also received stating their support was on the basis that the current trading hours are maintained. This should be viewed as an objection to the increase in hours of operation.
22. A number of the issues raised in objection relate to competing business interests. Such issues are not a planning consideration.
23. Other matters raised suggest that the current operation has not been adhering to the current conditions of approval. While it is correct that the parking was not addressed prior to the use commencing; the design was approved and the City is aware that there were difficulties with the external contractor completing the works. The construction was completed some months ago with the line marking still to be undertaken. City staff understand the completion of the line marking is imminent.
24. There have also been complaints related to the hours of operation, particularly with regard to opening earlier on Sunday mornings. Such reported instances have been followed up with staff undertaking monitoring, but no breaches have been witnessed by City staff.
25. The proponents have also requested an extension of the hours of operation so that the Tavern can close at 11pm.
26. The Department of Racing, Gaming and Liquor administers the Liquor Control Act 1988 and under this legislation there are permitted trading hours. Taverns can be permitted to open from 6:00am to midnight Monday through the Saturday inclusive and 10:00am to 10:00pm on Sundays. There are minor variations on certain Public Holidays.
27. Whilst some concern has been raised regarding any change to the hours of operation, this is a Tourist Residential zone with a high level of tourist accommodation in the vicinity. Establishments that provide a service to visiting tourists and local residents alike should have the flexibility to meet the needs and expectations of customers within the parameters of the applicable legislation.
28. The subject premises is well positioned in that there are no immediately adjoining accommodation properties and the other buildings onsite provide a buffer to minimise the potential for disturbance.
29. Accordingly, City staff are of the opinion that the request to extend the closing time to 11pm (10pm on Sundays) is acceptable.

30. Comments were also received regarding the Bay Merchants Liquor Store (bottle shop) licence. When Council considered the original application for tavern, the takeaway sales of packaged liquor was not raised and not the subject of a condition. Under the planning decision, packaged takeaway sales can be permitted. However, due to the proponents holding the liquor store licence at the adjoining premises (Bay Merchants), the Department of Racing, Gaming and Liquor imposed a Restricted Tavern condition prohibiting takeaway sales from RATS Bar.
31. The takeaway element of the liquor licence is not a matter for Council to consider under this application. The extension of floor space by 26m² is for on-site consumption only, not for display or sales of packaged liquor for takeaway. The takeaway sales element is a matter for the Department of Racing, Gaming and Liquor.
32. In addition, the proponent has since advised that they no longer want to incorporate the Bay Merchants liquor store licence into the tavern licence.
33. The proposal has been referred to other City Departments for comment. No objections were raised and the suggested conditions have been incorporated into the recommendation. Copies of the comments, including references to other applicable legislative requirements will be enclosed with any decision issued.
34. Overall, it is the opinion of City staff that the proposed use will not be detrimental to the amenity of the area and can be considered acceptable subject to general and specific conditions.

GOVERNMENT & PUBLIC CONSULTATION

35. Consultation with State Government Departments was not required or undertaken.
36. Under the Town Planning Scheme No.1A requirements a 21 day public consultation was undertaken.
37. This public consultation commenced on Thursday 11 July, 2013, with an advertisement appearing in the public notice section of the Albany Advertiser. The City also wrote letters to 181 surrounding landowners and placed a site notice facing Marine Terrace in a window of one of the affected shops. The public consultation period was open until close of business on Thursday 1 August, 2013.
38. A total of six (6) written responses were received from this public consultation. Copies of these responses are attached to this report.
39. One response received stated the landowner had no comment on the application.
40. Two (2) letters were received stating strong support for the proposal and in particular raised the following points:
 - The condition of the whole precinct is depressing and any development must be promoted.
 - RATS and Bay Merchants are central to the vibrancy of Middleton Beach.
 - These businesses are a major tourist drawcard.
 - This is a welcome local amenity.

41. A further letter of support was received, but this was qualified support dependant on maintaining the current trading hours and conditions. Also the bottle store remaining with Bay Merchants. This should be viewed as an objection to the requested extension of hours of operation
42. Two explicit letters of objection were received in response to the consultation. In summary, the issues and concerns raised in the objections are:
- The Middleton Beach area is already adequately serviced by licensed premises.
 - This proposal is contrary to the plans/vision for the area.
 - Undermines competitor's plans for investment and development, so will be detrimental to the area.
 - The operator's do not adhere to their restrictions and it took a long time for them to comply with aspects they should have done before opening, such as parking.
 - The extra space is to hold functions, but there are other function venues in the vicinity that people can already use. This is detrimental to existing local businesses.
 - The liquor licence change of bottle shop from Bay Merchants to allow RATS takeaway sales is not in the public interest.
 - They are already opening beyond 9:30pm, so are not adhering to their current hours.
 - The extension is not necessary, as they have not reached their current capacity limit.
 - The previous application stated they would not have amplified music, but they have.
 - Will they next want to expand into Bay Merchants if they cannot sell it?
43. The matters raised in the objections are discussed and addressed in the preceding discussion section above in this report.

STATUTORY IMPLICATIONS

44. Section 73 (1) of the *Planning and Development Act 2005* states that 'A local planning scheme is to – (b) specify the local government to be responsible for enforcing the observance of the scheme, and for the execution of any works which, under the scheme or this Act, are to be executed by a local government.'
45. Clause 1.5 of the City of Albany Town Planning Scheme 1A specifies the Responsible Authority as 'The Authority responsible for enforcing the observance of the Scheme is the Council of the Town of Albany (hereinafter called "the Council"). A note on the cover page of the Scheme states 'On 1/7/98 Shire of Albany and Town of Albany was amalgamated to form "City of Albany"'. Therefore, the City of Albany is responsible for the administration and observance of Town Planning Scheme 1A.
46. Clause 7.8A of the City of Albany Town Planning Scheme 1A specifies the Matters to be Considered by Council and states:
- The Council in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the Council relevant to the use or development the subject of the application:*
- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme Area;*

(b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;

(f) Any Town Planning Scheme Policy adopted by the Council under clause 7.21, and any other plan or guideline adopted by the Council under the Scheme;

(i) the compatibility of a use or development with its setting;

(j) any social issues that have an effect on the amenity of the locality;

(n) the preservation of the amenity of the locality;

(p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;

(q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

(y) any relevant submission received on the application;

(zb) any other planning consideration the Council considers relevant.

47. These relevant matters have been considered and addressed by staff in arriving at the recommendation.

POLICY IMPLICATIONS

48. This matter has no direct planning policy implications.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Approving the proposed use could give rise to unacceptable detrimental impacts, such as noise, on the residential amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The use must still comply with the requirements of the Environmental Protection (Noise) Regulations. Should it prove necessary monitoring for compliance with conditions can be undertaken. This is a Tourist Residential zoning where there is allowance for tourism related activities such as the proposed use.</i>
<i>Approving the proposed use could give rise to additional parking pressures in the vicinity.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>This extended use falls 4 car parking bays short. There are underused public car parks a short distance away, which can be upgraded with the cash-in-lieu contribution required by condition.</i>

FINANCIAL IMPLICATIONS

50. All costs associated with the development will be borne by the proponent.
51. The cash-in-lieu contribution for the shortfall of four car parking bays to be provided by the proponent will need to be spent on parking provision or upgrades in the vicinity of the use.

LEGAL IMPLICATIONS

52. The Council is at liberty to use its discretion to approve the proposal with or without conditions. This application is being assessed on its individual merits and will not set a general precedent for future development of this or any other site.
53. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

ENVIRONMENTAL CONSIDERATIONS

54. The proposed development seeks to re-use an existing building on the developed lot. As such, there are no significant Environmental Considerations.

ALTERNATE OPTIONS

55. Council may determine that the proposed change of use (extension of use) is unacceptable and may resolve to refuse the application. A detailed reason for refusal would need to be provided as part of such a determination.
56. Council also has alternate options regarding the hours of operation condition.

Option 1:

Maintain the existing hours of operation which reads:

'The premises shall not be open to the public other than between the hours of 10am to 9:30pm 7 days a week, unless otherwise agreed in writing by or on behalf of the Council.'

Option 2:

Allow for the maximum hours of operation currently permitted under the Liquor Act 1988. These hours of operation are:

Monday to Saturday 6:00am to Midnight; Sunday 10:00am to 10:00pm; New Year's Eve (Monday to Saturday) 6:00am to 2:00am New Year's Day; New Year's Eve (Sunday) 10:00am to 2:00am New Year's Day; Good Friday and Christmas Day Noon to 10:00pm (ancillary to a meal only); ANZAC Day Noon to Midnight.

A suitable condition would read:

'The premises shall only be open to the public during the hours permitted under the Liquor Control Act 1988 (as amended) or any other Act superseding or replacing it.'

57. The proponent would be able to seek a review of Council's decision, including any conditions attached to an approval and the City of Albany may be required to defend the reasons for refusal or the conditions at a State Administrative Tribunal hearing.

SUMMARY CONCLUSION

- 58. The application seeks to use two small shop units facing Marine Terrace for extended floor space for Albany RATS Bar. This equates to an additional 26m² of public area raising the patron capacity to 80 people and requiring the provision of a further 4 car parking bays.
- 59. The application also seeks an alteration to the hours of operation for the existing premises to operate until 11pm (10pm on Sundays).
- 60. The proposal has been advertised as required, with six responses received. One response was no comment, two responses were strongly supportive, two responses were objecting and a further one response was a qualified support for the overall use, but with objection to any change in hours of operation.
- 61. Much of the content of the objections relate to competing business interests and are not planning considerations. City staff have assessed the proposal against the planning requirements and considered the objections raised in coming to a recommendation.
- 62. City staff are of the opinion the proposal can be supported and recommend approval subject to the suggested conditions.

Consulted References	:	City of Albany Town Planning Scheme 1A.
File Number (Name of Ward)	:	A133891 (Frederickstown Ward)
Previous Reference	:	OCM 16/11/2010 Item 1.1

PD013: DRAFT PUBLIC OPEN SPACE POLICY

Land Description	: City of Albany
Proponent	: City of Albany
Owner	: City of Albany
Business Entity Name	: N/A
Attachments	: Draft Public Open Space Policy Provisions Existing Public Open Space Policy
Appendices	: Nil
Councillor Workstation	: Nil
Responsible Officer(s)	: Executive Director Planning & Development Services (D Putland)

Responsible Officer's Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:**
 3. A connected built environment.
 4. A sense of Community.
 - b. **Strategic Objective:**
 - 3.2 To develop and implement planning strategies that support people of all ages and backgrounds.
 - 3.3 To develop vibrant neighbourhoods which retain our local character and heritage.
 - 4.3 To develop and support a healthy, inclusive and accessible community.
 - c. **Strategic Initiative:**
 - By developing facilities and activities that enable active and passive recreation.
 - By providing facilities, services and information that are accessible to all members of our community.
 - By ensuring that community safety is built into all planning and development initiatives.
2. Council's decision on the draft Public Open Space Policy should be consistent with the objectives of the Albany Local Planning Strategy (ALPS) as the principal land use planning strategy for the City.

3. ALPS section 6.4.7 – *Recreation*, contains the following Planning Objectives:
- “To protect and rationalise existing regional facilities and set aside future facilities based on spatial needs”;
 - “To set aside and develop/manage reserves as partnerships with the development industry.”
4. The draft Public Open Space Policy is considered to be consistent with these objectives.

In Brief:

- The Western Australian Planning Commissions - *Development Control Public Open Space (POS) Policy 2.3*, requires that;
 - a suitable amount and type of recreation and sporting space be provided within walking distance to residential areas; and
 - local governments identify existing or potential deficiencies of public open space within its locality and makes provisions to improve or provide open space.
- In 2011, the City of Albany adopted POS policy provisions. However this policy does not adequately address the demand and supply of POS.
- A new draft set of policy provisions has been developed and is based on more detailed analysis of supply and demand for POS.
- Staff recommend that Council resolves to advertise the draft Public Open Space Policy.

RECOMMENDATION

**PD013: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, RESOLVES to advertise the draft Public Open Space Policy.

PD013: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR HORTIN

THAT the Officer Recommendation be RECEIVED.

CARRIED 8-0

**PD013: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council pursuant to Clause 7.21 of Town Planning Scheme No. 1A and Clause 6.9 of Town Planning Scheme No. 3, resolves to advertise the draft Public Open Space Policy.

BACKGROUND

5. The Western Australian Planning Commissions - *Development Control Public Open Space (POS) Policy 2.3*, requires that;
 - A suitable amount and type of recreation and sporting space be provided within walking distance to residential areas; and
 - Local Governments identify existing or potential deficiencies of public open space within its locality and provisions to improve or provide open space.
6. In 2012, the City of Albany began a process to develop a new POS Policy. The process involved assessment of:
 - Western Australian Planning Commission legislative requirements;
 - Department of Sport and Recreation guidelines;
 - Australian Bureau statistics; and
 - Comments received from the:
 - Department of Planning;
 - Department of Sport and Recreation;
 - City of Wanneroo and Stirling; and
 - Recreational, drainage, maintenance and asset officers at the City.
7. The City's Town Planning Scheme requires the draft policy to be advertised for the purpose of seeking public and government comment.

DISCUSSION

POS Policy Provisions

8. Based on the review undertaken for POS supply and general demand, a revised set of provisions has been formulated, and incorporated into a draft POS Policy.
9. The purpose of these provisions is to ensure:
 - A suitable amount of recreation and sporting space is provided within existing and future residential areas;
 - A suitable amount of funds are secured to buy land for recreation and sporting space or to develop infrastructure within these parkland areas;
 - Improvement of the quality, diversity and function of recreation and sporting spaces;
 - Improvement of access (paths) to and within recreation and sporting spaces; and
 - Improvement in design of drainage to ensure longevity of development and to reduce work required for maintenance.
10. As a result of feedback received from the Department of Sport and Recreation, the draft policy defines parkland into the following two categories:
 - **Recreation**; recreation spaces that provide a setting for informal play and physical activity, relaxing and social interaction; and
 - **Sporting**; Sport spaces that provide a setting for formal structural sporting activities.

Supply of POS

11. The majority of developed residential neighbourhoods (e.g. McKail, Yakamia, Little Grove) have areas reserved for POS within walking distance to dwellings. However, some of the POS areas are compromised by:
 - Lack of usable ‘Sporting’ space (such as a soccer pitch) ;
 - Lack of infrastructure (such as play equipment, paths and toilets); and
 - Their small size (e.g. < 3000m²) which may make POS areas less attractive or less functional. (e.g. Active recreational areas).
12. Albany is fortunate to have large existing ‘Restricted Use’ areas within 10-15 min drive of most residential areas. (e.g. Mount Clarence and Mount Melville, areas adjacent to Princess Royal and Oyster Harbours and King George Sound and areas adjacent to the King and Kalgan Rivers) These areas provide recreational opportunities to the general public, however because they are retained primarily for their cultural, heritage or conservation values, they do not fall under the POS categories of Recreation and Sporting.
13. Albany is also fortunate to have a large regional ‘Sporting’ facility (Centennial Park) central to its catchment. Recent investments have been made to upgrade facilities at Centennial Park (e.g. drainage and ovals) to improve support for sporting clubs (such as soccer) that are currently experiencing a growth in demand. However, the location and financing of an additional regional ‘Sporting’ complex will need to be considered to cater for an additional 30,000 persons expected within the next 50 years.

Demand for POS

14. While demand for POS specific to Albany has not been formally quantified (i.e. demand for POS has not been assessed via a community survey or study), the research undertaken to-date suggests that there is:
 - A sufficient amount of parkland set aside in residential areas although the nature of the parkland is insufficient as it is generally too small and without suitable infrastructure to accommodate sporting and recreation activities;
 - A need for larger parkland spaces that provide a multitude of uses, inclusive of sporting, recreation and drainage.

GOVERNMENT & PUBLIC CONSULTATION

15. The Department of Planning, the Department of Water, the Department of Sport and Recreation, the City of Wanneroo and the City of Stirling were consulted. As a result of the consultation, adjustments were made to the Policy provisions and supporting data.
16. If the Council resolves to advertise the draft POS Policy, an advertisement will be placed in the local newspaper and letters will be sent to government organisations inviting comment. Comments will then be referred back to Council for review.

STATUTORY IMPLICATIONS

17. Clauses 6.9 of the City of Albany Town Planning Scheme 3 and 7.21 of Town Planning Scheme 1A set out the processes to adopt and modify Town Planning Scheme policies and also provide direction on what function the policies have in the decision-making process.
18. A Policy may only be altered or rescinded by:
- Preparation and final adoption of a new policy, specifically worded to supersede an existing policy; and
 - Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

POLICY IMPLICATIONS

19. After an advertising period has been completed and the amended Policy is re-presented to Council for final consideration, Council will need to formally rescind the existing POS Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Organisational Operations</i> <i>Poor decision making as a result of peculiarities, inconsistencies and lack of provisions in the City's Policy Manual.</i>	<i>Likely</i>	<i>Medium</i>	<i>Medium</i>	<i>Adopt amendments to the Policy Manual to solve peculiarities, inconsistencies and lack of provisions.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

22. There are no environmental considerations relating to this item.

ALTERNATE OPTIONS

23. Council may resolve to:
- a. Defer advertising;
 - b. Support advertising with or without modifications; or
 - c. Refuse to advertise.

SUMMARY CONCLUSION

24. The POS Policy has been drafted and includes supply analysis, demand analysis and a set of POS provisions for the purpose of receiving government and community input.
25. The work done to-date is the result of extensive research of state legislation and other local government strategy and policy documents. Consultation was undertaken with internal staff, the Department of Sport and Recreation, the Department of Planning and the Department of Water.
26. It is recommended that Council adopt the draft POS Policy for the purposes of advertising.

Consulted References	:	Local Planning Scheme 1A and 3 Policy Manual
File Number (Name of Ward)	:	City of Albany
Previous Reference	:	OCM 19/04/11 - Item 1.1 (Adoption of Final version of Policy Manual).

PD014: KEEPING AND WELFARE OF CATS LOCAL LAW 2008

Proponent : City of Albany
Attachments : Comparison between Keeping and Welfare of Cats Local Law 2008 (Principal), Proposed Amendment Local Law 2013 and Legislation.
Responsible Officer(s): : Executive Director Planning and Development Services (D Putland)

Responsible Officer Signature:

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and [Corporate Business Plan 2013-2017](#):
 - a. **Key Theme:** 5. Civic Leadership.
 - b. Strategic Objectives:
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3 To engage effectively with our community.
 - c. Strategic Initiative: Nil

In Brief:

- Consider repeal of the Keeping and Welfare of Cats Local Law 2008.

RECOMMENDATION

**PD014: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

1. That Council in accordance with section 3.12 of the *Local Government Act 1995*, resolves to **MAKE** the City of Albany Repeal Local Law 2013, as set out below:

Keeping and Welfare of Cats Repeal Local Law 2013

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Albany Keeping and Welfare of Cats Repeal Local Law 2013*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

PART 2 – REPEAL

2.1 Repeal

The *Keeping and Welfare of Cats Local Law 2008* as published in the *Government Gazette* on 9 June 2009 is repealed.

Dated [Insert] day of [Insert] 2013

The Common Seal of the City of Albany was affixed by the authority of a resolution of the Council in the presence of:

DENNIS WELLINGTON, Mayor
GRAHAM FOSTER, Chief Executive Officer

2. **APPROVES** giving notice through the placement of a state-wide public notice of the proposed City of Albany Repeal Local Law 2013, in order to seek public comment.

PD014: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR GREGSON

1. That Council in accordance with section 3.12 of the *Local Government Act 1995*, resolves to MAKE the City of Albany Repeal Local Law 2013, as set out below:

Keeping and Welfare of Cats Repeal Local Law 2013

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Albany Keeping and Welfare of Cats Repeal Local Law 2013*.

1.2 Commencement

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Dated [Insert] day of [Insert] 2013

The Common Seal of the City of Albany was affixed by the authority of a resolution of the Council in the presence of:

DENNIS WELLINGTON, Mayor

GRAHAM FOSTER, Chief Executive Officer

2. APPROVES giving notice through the placement of a state-wide public notice of the proposed City of Albany Repeal Local Law 2013, in order to seek public comment.

CARRIED 8-0

PD014: RESPONSIBLE OFFICER RECOMMENDATION

1. That Council in accordance with section 3.12 of the *Local Government Act 1995*, resolves to MAKE the City of Albany Repeal Local Law 2013, as set out below:

Keeping and Welfare of Cats Repeal Local Law 2013

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Albany Keeping and Welfare of Cats Repeal Local Law 2013*.

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Dated [Insert] day of [Insert] 2013

The Common Seal of the City of Albany was affixed by the authority of a resolution of the Council in the presence of:

DENNIS WELLINGTON, Mayor
GRAHAM FOSTER, Chief Executive Officer

2. APPROVES giving notice through the placement of a state-wide public notice of the proposed City of Albany Repeal Local Law 2013, in order to seek public comment.

BACKGROUND

3. At the Ordinary Council meeting held on 19 February 2013, Council resolved to give public notice of its intention to make the City of Albany Keeping and Welfare of Cats Amendment Local Law 2013.
4. At the submission closing date, Council had received no public submissions.
5. Post the publication of the amended local law, feedback was received from the Department of Local Government (DLG) and the new *Cat Regulations 2012* were published on 24 August 2013.

DISCUSSION

6. There are two situations that may lead to the repeal of a Local Law:
 - a. Repealing a Local Law with the intent of making a new Local Law for substantially the same purpose, but reflecting contemporary practices i.e. a new Standing Orders Local Law that reflects contemporary meeting procedure practices; or
 - b. A Local Law is deemed to be no longer necessary, has a defunct purpose or has been superseded by other legislation.
7. Based on the review (details follow this report) and the DLG Circular No. 31-2013, it is felt appropriate that the Local Law is reviewed for repeal, in accordance with section 3.12 of the *Local Government Act 1995*, as it has been superseded by the *Cat Act 2011* (the Cat Act) and *Cat Regulations 2012*.
8. However, if Council determines that the Local Law is still required, due to the significant number of changes required, the “Making” local law process must be restarted due to the number of changes required to ensure consistency with the new legislation and the prescribed transitional arrangements.

GOVERNMENT & PUBLIC CONSULTATION

9. Public. Public notice was given of the proposal to make the amended Keeping and Welfare of Cats Local Law 2013 at the 19 February 2013 Ordinary Meeting of Council. Public submission closed on 29 May 2013.
10. Government. Feedback was received from the DLG, being:
 - a. Consistency with Cat Act 2011. The full *Cat Act 2011* will take effect from 1 November 2013. The City should ensure that the local law is not inconsistent with the *Cat Act 2011* or the *Cat Regulations 2012*.

For example: The proposed clause 9.9 (A Keeper of cat may apply to have their details omitted from the register, referred to in clause 9.8, for their own protection or that of their family) may potentially be inconsistent with the Cat Act and Regulations which requires certain information to be recorded in the local government cat register. The Committee may raise this as an issue.

Action Taken: A review of the subject clause was conducted and the current amended local law was amended accordingly by deleting the proposed clause.

- b. Undertaking sought by the Committee. The DLG is aware that this amendment resulted from undertakings requested by the Delegated Legislation Committee. The City should ensure the proposed amendments satisfies the undertaking, the Committee should be contacted for further clarification.

Action Taken: A full review was conducted that compared the principal local law and proposed amendments against the current Cat Act and regulations (full detail of review follows this report). This review identified a number of significant inconsistencies as commented on in the discussion section of this report.

11. Joint Standing Committee on Delegated Legislation. On 16 Oct 2013, the City contacted the Committee to seek a view on the City's proposed course of action (detailed in the discussion section of the report). The Committee Advisory Officer (legal) concurred with the proposed course of action to repeal the current local law and restart the making of the local law process noting the number of inconsistencies between the current local law and legislation.
12. DLG Circular No. 31-2013 dated 24 Oct 2013. City advised via circular that transitional arrangements mean that if a person wants to register more cats (that they own as at 1 November 2013) than your local laws allow, you should accept the registrations in the manner prescribed under the Act. This in effect makes the current local law, redundant.

STATUTORY IMPLICATIONS

13. In making a local law, a local government is to follow the procedure described in section 3.12 of the *Local Government Act 1995* (the Act).
14. After the last day for submissions, the local government is to consider any submissions made and make the local law as proposed or make a local law that is not significantly different from what was proposed.
15. In accordance with section 3.13 of the Act, if during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.
16. Actions required to repeal the local law. The local government is to give Statewide public notice stating that local government proposes to review the local law. After the last day for submissions made the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its Council.
17. When its council has considered the report, the local government may determine or not it considers that the local law should be repealed or amended. *Absolute Majority Required.
18. Note: "*making*" in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not repeal the current local law.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>City of Albany continues to honour undertaking and conducts a further review and restarts the process.</i></p> <p><i>The transitional arrangements prescribed in the Cat (Uniform Local Provisions) Regulations 2013 prevail.</i></p>

FINANCIAL IMPLICATIONS

21. An appropriate budget line exists for the cost of giving public notice and advertising.

LEGAL IMPLICATIONS

22. Inconsistency with written laws. A cat local law is inoperative to the extent that it is inconsistent with the *Cat Act 2011*.

ENVIRONMENTAL CONSIDERATIONS

23. There are no direct environmental considerations related to this item; however appropriate Cat Control has a direct effect on the natural environment.

ALTERNATE OPTIONS

24. Detailed in the discussion section of this report.

SUMMARY CONCLUSION

25. Due to the number of inconsistencies between the principal local law that was developed prior to the promulgation and adoption of the new Cat legislation it is considered appropriate to restart the making law process and repeal the current local law.

Consulted References	:	<p><i>Local Government Act 1995</i></p> <p><i>Cat Act 2011</i></p> <p><i>Cat Regulations 2012</i></p> <p><i>Cat (Uniform Local Provisions) Regulations 2013</i></p> <p><i>Limits on Cat Numbers – Cat Act 2011, Circular No. 31-2013.</i></p>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	OCM 19/02/2013 Report Item 1.3

**PD015: PLANNING AND BUILDING REPORTS AUGUST, SEPTEMBER
AND OCTOBER 2013**

Proponent : City of Albany
Attachment : Planning and Building Reports August, September and
October 2013
Responsible Officer(s): : Executive Director Planning & Development Services
(D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD015: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

**THAT Council NOTE the Planning and Building Reports for August, September and
October 2013.**

XIV. MOTIONS WITH NOTICE:

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 17 December 2013

XXI. RESUME STANDING ORDERS 3.1:

PROCEDURAL MOTION

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

XXII. CLOSURE OF MEETING:

XXIII. STATUS REPORT ON DEFERRED ITEMS FROM PREVIOUS MEETINGS:

Meeting Date	Committee/ Report Item Number	Details/Status
		Nil.