



MINUTES

**For the Ordinary Meeting of Council
Held on
Tuesday 16 July 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
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** REFER DISCLAIMER **

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I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

II. OPENING PRAYER

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

ITEM 2.0: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLDEN

SECONDED: COUNCILLOR DUFTY

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

CARRIED 8-0

III. ANNOUNCEMENTS BY MAYOR AND COUNCILLORS WITHOUT DISCUSSION

6:01:26 PM Councillor Dowling

Summary of Key Points:

- Attended Flag Raising for NAIDOC Week
- Attended Lunch with Executive Directors to meet General of Transport Mr Rhys Waldock to discuss Transport within City of Albany
- Met with Opposition Senators and Aged Carers Representatives and Carers regarding Aged Care and Mental Health needs with City of Albany
- Attended the planting of Queens Jubilee Grounds and complimented City of Albany Staff and Frederickstown Progress Association. The feedback received has been outstanding and congratulations to the Works and Services staff at the City of Albany.

6:03:14 PM Councillor Stocks

Summary of Key Points:

- At last Council Meeting it was discussed and agreed that Council would take 28 days to review and amend Key Performance Indicators for the Chief Executive Officer.
- Attended an event recognising contributions regarding Blood Bank
- Complimented the City of Albany Staff on the operation of the Albany Leisure and Aquatic Centre and acknowledged the excellent work of Executive Director of Community Services and Staff of the City of Albany.

6:06:41 PM Councillor Dufty

Summary of Key Points:

- Discussed the National Local Government Convention in Canberra
- Attended meeting with Senator Connie Wells regarding Aged Care and Mental Health and acknowledged her contribution to Aged Care

6:09:38 PM Councillor Hammond

Summary of Key Points:

- Attended various meetings regarding Science and Technology Park concept and talked to parties seeking engagement in the project. Councillor Hammond said the response has been inspirational for this project. Councillor Hammond attended meetings with Simon Lyas from Regional Development Australia and met with Danny Tanley former IT Strategist who submitted a detailed submission that has been passed on to Planning and Development Department Team at the City of Albany. There has been support from Peter Watson, Karen Nichol and a local businessmen offered accommodation for 90 students if required. Councillor Hammond commented that the concept is gaining serious traction and looks forward to keeping Council posted and would like to extend congratulations to the City of Albany Staff.

6:12:39 PM Councillor Holden

Summary of Key Points:

- Attended presentation with Senator Wells regarding Aged Care and representatives from Plantagenet but disappointed at the lack of Albany attendees.

6:13:13 PM Mayors Report

Below is brief summary of Mayoral Office activities since the last council Meeting held on Tuesday, 18 June, 2013

- Community radio commitment
- Monthly phone call – Brad Jolly WALGA
- Attend Great Southern Zone of WALGA – CoA hosted
- Meeting with Activ CEO and Deputy Chair
- Attend BBQ at Depot for staff member retiring
- City of Albany representative - Sailability Project – Yacht Club
- Meeting with Aden Date UWA Crawley Campus – Live Volunteer Project
- City of Albany representative - Churches Together Event
- City of Albany representative – Flag Raising Ceremony – NAIDOC Week
- City of Albany representative – Shrub planting Stirling Gardens
- Meeting with Deb Wilkins – Leukaemia Foundation
- Breakfast meeting – State Manager Commonwealth Bank
- City of Albany representative - 2013 HIA Awards Evening – AEC
- Meeting Hope Morgan - Albany Regional Family History Society
- Meeting with Red Cross Blood Service – Club Red
- City of Albany representative - Blood donor Thank You Event – Albany Health Campus

ITEM 3.0: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR HAMMOND

The Mayor's Report be RECEIVED.

CARRIED 8-0

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.

[6:15:58 PM](#) **Mr Ian Alexander, Albany Resident.**

Summary of Key Points:

- Spoke in Support of Item 4.5 - Proposed Acquisition Affecting Reserve 25385 to Allow for the Expansion of Parklands School-Outcomes from Public Consultation

[6:17:34 PM](#) **Ms Erika Henderson – President Albany Agricultural Society**

Ms Erica Henderson's tabled address is detailed at Appendix B.

Summary of Key Points:

- Centennial Park Master Plan – Steering Committee Statement of Endorsement and the position of the Albany Agricultural Club.

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

Mayor Wellington

Mayor

Councillors:

Breaksea Ward

R Hammond

Frederickstown Ward

C Dowling

Frederickstown Ward

G Stocks

Kalgan Ward

C Holden

Kalgan Ward

Y Attwell

West Ward

D Dufty

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

G Foster

Executive Director Planning
& Development Services

D Putland

Executive Director Works & Services

M Thomson

Executive Director Corporate Services

G Adams

Executive Director Community Services

C Woods

Minutes

C Crane

Apologies:

Yakamia Ward

A Hortin JP (Leave of Absence)

Vancouver Ward

S Bowles (Leave of Absence)

Vancouver Ward

D Bostock (Leave of Absence)

Breaksea Ward

V Calleja (Leave of Absence)

West Ward

G Gregson

VII. APPLICATIONS FOR LEAVE OF ABSENCE

ITEM 7.0: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HAMMOND

SECONDED: COUNCILLOR DUFTY

THAT Councillor Stocks be granted leave of absence from 16th August 2013 to 30th August 2013.

CARRIED 8-0

VIII. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

ITEM 8.0: RESOLUTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING

SECONDED: COUNCILLOR DUFTY

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

CARRIED 8-0

ITEM 8.0: RESOLUTION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR DUFTY

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

CARRIED 8-0

IX. DECLARATIONS OF INTEREST

Name	Item Number	Nature of Interest
Councillor Stocks	4.1	Financial: Councillor Stocks is a shareholder of company listed for payment. Councillor Stocks left the meeting and did not participate in the discussion or vote.
Councillor Attwell	5.1	Impartiality: Councillor Attwell's son is employed by the Contractor. Councillor Attwell remained in the meeting and participated in the meeting and vote.
Councillor Dufty	3.1	Impartiality: Councillor Dufty's wife plays Table Tennis at the hall and a member of the Table Tennis Club. Councillor Dufty remained in the meeting and participated in the meeting and vote.
Executive Director Works and Services (M Thomson)	4.7	Proximity: Executive Director of Works and Services is the owner of property on a road listed in the budget for renewal works.

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

Nil

XI. PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

XII. ADOPTION OF RECOMMENDATIONS EN BLOC

In accordance with clause 5.3 of the Standing Orders Local Law 2009, Council resolved to move items en-bloc.

**ITEM 12.0: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND
SECONDED: COUNCILLOR DUFTY**

THAT the following Report Items be CARRIED EN BLOC:

- 1.1.3 Airport Emergency Committee
- 1.2 Common Seal and Executed Documents
- 2.1 Planning and Development Committee
- 2.2 Planning and Building Reports
- 4.2 Financial Activity Statement-May 2013
- 4.3 New Lease-Randall Wiggins-Airport Hangar Site 7-Albany Regional Airport
- 4.4 New Lease-Albany Community Radio Inc. at Lotteries House
- 4.5 Proposed Acquisition Affecting Reserve 25385 to Allow for the Expansion of Parklands School-Outcomes from Public Consultation
- 4.6 New Leases-Ocean Foods International Pty Ltd – Portion Crown Reserve 42964, Emu Point

**CARRIED 8-0
ABSOLUTE MAJORITY**

RISK MANAGEMENT FRAMEWORK

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

16/07/2013

REFER DISCLAIMER

1.1.1: GOVERNANCE COMMITTEE

- Proponent** : City of Albany
- Attachment** :
 - Confirmed Minutes of Governance Committee Meeting held on 10 June 2013, and Special Governance Committee Meeting held on 5 June 2013.
 - Item 4.2: Legal Representation Policy from the Governance Committee meeting held 8 July 2013.
- Responsible Officer(s)** : Chief Executive Officer (G Foster)

ITEM 1.1.1: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**MOVED: COUNCILLOR STOCKS**
SECONDED: COUNCILLOR SUTTON**THAT:**

1. The **CONFIRMED** minutes of the **Special Governance Committee Meeting held on 5 June 2013, be RECEIVED.**
2. The **CONFIRMED** minutes of the **Governance Committee Meeting held on 10 June 2013, be RECEIVED.**
3. Council **ADOPT** the **Legal Representation for Elected Members, Employees and Volunteers Policy.**

CARRIED 8-0
ABSOLUTE MAJORITY

1.1.2: MARKETING ALBANY COMMITTEE

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

IN BRIEF

- Receive the minutes of the Marketing Albany Committee.

ITEM 1.1.2: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

CARRIED EN BLOC

1.1.3: AIRPORT EMERGENCY COMMITTEE

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

IN BRIEF

- Receive the minutes of the Airport Emergency Committee.

ITEM 1.1.3: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

CARRIED EN BLOC

1.1.4: SENIORS COMMITTEE

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

IN BRIEF

- Receive the minutes of the Seniors Committee.

**ITEM 1.1.4: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON**

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

CARRIED 8-0

1.1: AUDIT AND FINANCE COMMITTEE

Proponent : City of Albany
Attachment : • Confirmed Minutes of the Audit and Finance Committee
Meeting held on 10 June 2013
Responsible Officer : Chief Executive Officer (G Foster)

ITEM 1.1: RESOLUTION**VOTING REQUIREMENT : ABSOLUTE MAJORITY****MOVED: COUNCILLOR HOLDEN****SECONDED: COUNCILLOR SUTTON**

1. THAT the CONFIRMED minutes of the Audit and Finance Committee meeting held on 10 June 2013, as previously distributed, be RECEIVED.
2. THAT, in accordance with *Local Government (Administration) Regulations 1996*, and the WA Salaries and Allowances Tribunal decision of June 2013, Council SET :
 - The Annual Attendance Fees in lieu of Council meetings and committee meeting fees to the maximum allowances;
 - The Allowance for Council Members who hold the office of Mayor and Deputy Mayor to the maximum allowance;
 - The Annual ICT Allowance for all Council Members to the maximum allowance; and
 - The Annual Travel and Accommodation Allowance for all Council Members to the maximum allowance. (Noting that allowable claims in excess of this allowance will be reimbursed).

**CARRIED 8-0
ABSOLUTE MAJORITY**

1.2: COMMON SEAL AND EXECUTED DOCUMENTS UNDER DELEGATION REPORTS

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

IN BRIEF

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

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

THAT the Common Seal Report for June 2013 be RECEIVED.

CARRIED EN BLOC

1.3: NEW STANDING COMMITTEES OF COUNCIL

Attachments	: Nil
City of Albany Website:	: Council Policy - Governance and Meeting Framework.
Responsible Officer(s)	: Chief Executive Officer (Graham Foster)

IN BRIEF

- Dissolve current committee structure and establish new Standing Committees (Committees of Council), including reclassification of some to Working Groups.
- Note the new committee structure will reduce Standing Committees and provide a medium for strategic issues previously presented to committees that are now dissolved:
 - (1) **Audit and Risk Committee** (replacing the Audit & Finance Committee). Note that it is a statutory requirement to have an Audit Committee.
 - (2) **Community Services Committee** (replacing the Cultural Development Committee, Seniors Committee) and non active committees such as the Aboriginal Advisory Committee, Albany Arts Development Committee, Community Financial Assistance Committee, Airport Users Focus Group Committee, Premiers Australia Day Active Citizenship Award Committee, Youth Advisory Committee, ALAC Presidents Strategic Forum, Albany Centenary of Anzac Alliance Committee)
 - (3) **Corporate Services and Finance Committee** (replacing the Governance Committee, and non active Service Complaint Internal Review Committee and Finance Strategy Committee)
 - (4) **Economic Development Committee** (replacing the Marketing Albany Committee, formally known as the Tourism Marketing Advisory Committee)
 - (5) **Planning and Development Committee** (replacing the old committee of the same name with new terms of reference);
 - (6) **Works & Services Committee** (replacing the Environment & Reserves Committee which as formally known as the Bush Carers Advisory Committee, and non active committees such as the Streetscape Committee and Wilson Inlet Management Advisory Group),
- Note: There is a statutory requirement to have a **Local Emergency Management Committee (LEMC)**.
- Note: The Volunteer Bush Fire Brigade Members have requested that the **Bushfire Advisory Committee** (Sub-Committee), be reinstated as a standing committee (committee of council) and report directly to Council. This meeting will only be called to address strategic matters.

Note: This was originally presented to the Governance Committee held on 8 July 2013.

RECOMMENDATIONS

The Committee discussed the proposed terms of reference and agreed in principle:

- *That the proposed committees should have a minimum of 4 and a maximum of 7 elected members appointed to the committee.*
- *That the Audit & Risk Committee and the Corporate Services and Finance Committee be open to all elected members*

ITEM 1.3: RESOLUTION**VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: COUNCILLOR HAMMOND****SECONDED: COUNCILLOR DUFTY****THAT Council:**

- (1) ENDORSE the proposed Standing Committees of Council Structure (detailed in the Officer's report)**

DISSOLVE the following Committees of Council (Standing Committees)

- (a) Audit & Finance Committee,**
- (b) Cultural Development Committee,**
- (c) Environment & Reserves Committee,**
- (d) Governance Committee,**
- (e) Marketing Albany Committee,**
- (f) Planning and Development Committee, and**
- (g) Seniors Committee.**

- (2) RE-CLASSIFY the following Committees of Council (Standing Committees) as Working Groups:**

- (a) Seniors Advisory Committee**
- (b) Environment & Reserves Committee**

- (3) ADOPT the new Standing Committees of Council Terms of Reference as detailed in the report with the condition that the Membership of One elected member from each Ward, be modified to read:**

Membership: Minimum of 4 and a maximum of 7 elected members.

- (4) AMEND the Council Policy - Governance and Meeting Framework accordingly.**

**CARRIED 8-0
ABSOLUTE MAJORITY**

Note: Prior to appointing members to the listed Committees, nominations will be called by the Presiding member and if necessary a ballot will be conducted.

Given the recommendation to Council that the membership of Committees be a "minimum of 4 and a maximum of 7 elected members", it will be necessary to hold an election for the Planning and Development Committee.

Note: The Governance Committee Recommended: THAT the Responsible Officer Recommendation 2 be presented to Council for appointment of elected members and that nominations are provided in writing prior to the meeting.

**ITEM 1.3: COMMITTEE RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR DOWLING****THAT Council APPOINT the following elected members to the Audit and Risk Committee:**

- Mayor Wellington
- Councillor Sutton
- Councillor Stocks
- Councillor Calleja
- Councillor Attwell
- Councillor Hammond
- Councillor Dufty

**CARRIED 8-0
ABSOLUTE MAJORITY****ITEM 1.3: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON****THAT Council APPOINT the following elected members to the Community Services Committee:**

- Mayor Wellington
- Councillor Dufty
- Councillor Bowles
- Councillor Holden
- Councillor Hortin

**CARRIED 8-0
ABSOLUTE MAJORITY**

ITEM 1.3: COMMITTEE RECOMMENDATION 2C
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council APPOINT the following elected members to the Corporate Services and Finance Committee:

- Mayor Wellington
- Councillor Sutton
- Councillor Atwell
- Councillor Bowles
- Councillor Calleja

Councillor Stocks proposed a minor amendment to the Committee Recommendation 2C, to appoint all elected member to the Corporate Services and Finance Committee.

ITEM 1.3: COMMITTEE RECOMMENDATION 2C – AMENDED MOTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOWLING

THAT Council APPOINT all elected members to the Corporate Services and Finance Committee.

CARRIED 8-0
ABSOLUTE MAJORITY

ITEM 1.3: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DUFTY

THAT Council APPOINT the following elected members to the Economic Development Committee:

- Mayor Wellington
- Councillor Dowling
- Councillor Hammond
- Councillor Stocks
- Councillor Atwell
- Councillor Holden
- Councillor Calleja

CARRIED 8-0
ABSOLUTE MAJORITY

The following nominations were received for the Planning and Development Committee (Note: Membership: Minimum of 4 and a maximum of 7 elected members).

- *Mayor Wellington*
- *Cr Dowling*
- *Cr Hammond*
- *Cr Dufty*
- *Cr Gregson*
- *Cr Bowles*
- *Cr Hortin*
- *Cr Calleja*

In accordance with section 5.10(4) of the Local Government Act 1995, if the Mayor informs the local government of his wish to be a member of a committee, the local government is to appoint the mayor to be a member of the committee.

A ballot was conducted.

The results of the ballot being:

Nominee	Votes for
<i>Councillor Hortin</i>	<i>4</i>
<i>Councillor Dufty</i>	<i>6</i>
<i>Councillor Dowling</i>	<i>7</i>
<i>Councillor Gregson</i>	<i>7</i>
<i>Councillor Hammond</i>	<i>8</i>
<i>Councillor Bowles</i>	<i>8</i>
<i>Councillor Calleja</i>	<i>8</i>

**ITEM 1.3: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR
SECONDED: COUNCILLOR ATTWELL**

THAT Council APPOINT the following elected members to the Planning and Development Committee:

- **Mayor Wellington**
- **Councillor Dowling**
- **Councillor Hammond**
- **Councillor Dufty**
- **Councillor Gregson**
- **Councillor Bowles**
- **Councillor Calleja**

**CARRIED 8-0
ABSOLUTE MAJORITY**

**ITEM 1.3: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DUFTY**

THAT Council APPOINT the following elected members to the Works & Services Committee:

- Mayor Wellington
- Councillor Dowling
- Councillor Dufty
- Councillor Gregson
- Councillor Bowles
- Councillor Hortin

**CARRIED 8-0
ABSOLUTE MAJORITY**

Committee discussed the Responsible Officer Recommendation 3.

The Committee supported the recommendation in principle noting that the current reporting line to Council through the Local Emergency Management Committee (LEMC) would remain in place; however would have two elected members appointed to the Committee.

The Committee noted that strategic matters that needed urgent Council attention could be presented directly to Council with a supporting officer report.

**ITEM 1.3: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR ATTWELL
SECONDED: COUNCILLOR HOLDEN**

THAT Council:

- (a) **REINSTATE** the Bushfire Advisory Group as a Sub Committee of the Local Emergency Management Committee.
- (b) **ADOPT** the new Bushfire Advisory Committee Terms of Reference as detailed in the report.
- (c) **APPOINT** the following elected member(s) to the Sub Committee:
 - *Councillor Gregson; and*
 - *Councillor Bostock.*
- (d) **APPOINT** the following positions to the Committee:
 - *Chief Bush Fire Control Officer*
 - *Deputy Chief Bush Fire Control Officer (North East Sector)*
 - *Deputy Chief Bush Fire Control Officer (South West Sector)*
 - *Senior Fire Control Officer (North East Sector)*
 - *Senior Fire Control Officer (South West Sector)*
 - *Chair of the Bush Fire Advisory Group*

**CARRIED 8-0
ABSOLUTE MAJORITY**

BACKGROUND

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

DISCUSSION

3. It is proposed that Council consider a reduction in the number of standing committees and the creation of a standing committee structure that reflects the key result areas identified in the Strategic Plan.
4. The Strategic Plan Key Result Areas, developed by Council with the Community, are:
 - a. Smart, Prosperous and Growing (Economic Development)
 - b. Clean and Green (Works & Services)
 - c. A Liveable Built Environment (Planning & Building)
 - d. Our Sense of Community (Community Services)
 - e. Civic Leadership (Corporate Services and Finance)
5. To ensure that representation is evenly maintained it is recommended that Council give consideration to the inclusion of one Ward representation on each Committee and that Committee taking responsibility for reporting to the whole of Council with recommendations on the matters it considers.
6. The purpose of each proposed committee is defined in the Terms of Reference (TOR):
 - a. **ECONOMIC DEVELOPMENT COMMITTEE - TOR.** The Economic and Development Committee will be responsible for:
 - Considering and recommending to Council ways to strengthen the local Albany economy; and
 - Delivering the following Smart, Prosperous and Growing Objectives contained in the City of Albany Strategic Plan:
 - (1) To foster links between education, training and employment that support economic development.
 - (2) To strengthen our region's economic based.
 - (3) To develop and promote Albany as a unique and sought after visitor destination.
 - It will achieve this by:
 - (4) Developing policies and strategies;
 - (5) Establishing ways to measure progress;
 - (6) Receiving progress reports;
 - (7) Considering officer advice;
 - (8) Debating topical issues;
 - (9) Providing advice on effective ways to engage and report progress to the Community ; and

(10) Making recommendations to Council.

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

b. This committee will replace the ***Marketing Albany Committee***

c. **WORKS & SERVICES COMMITTEE - TOR.** The Works & Services Committee will be responsible for the delivery of the following Clean and Green Objectives contained in the City of Albany Strategic Plan:

- (1) To protect and enhance our pristine natural environment;
- (2) To promote environmental sustainability;
- (3) To promote our region as clean and green.

• It will achieve this by:

- (4) Developing policies and strategies;
- (5) Establishing ways to measure progress;
- (6) Receiving progress reports;
- (7) Considering officer advice;
- (8) Debating topical issues;
- (9) Providing advice on effective ways to engage and report progress to the Community ; and

(10) Making recommendations to Council.

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

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

e. **PLANNING AND DEVELOPMENT COMMITTEE - TOR.** The Planning and Development Committee will be responsible for the delivery of the following Liveable Environmental Objectives contained in the City of Albany Strategic Plan:

- (1) To advocate, plan and build connected, liveable communities;
- (2) To create a community that supports people of all ages and backgrounds;
- (3) To create vibrant neighbourhoods which are safe yet retain our local character and heritage.

• It will achieve this by:

- (4) Developing policies and strategies;
- (5) Establishing ways to measure progress;
- (6) Receiving progress reports;
- (7) Considering officer advice;
- (8) Debating topical issues;
- (9) Providing advice on effective ways to engage and report progress to the Community ; and

(10) Making recommendations to Council.

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

- (7) Receiving progress reports;
- (8) Considering officer advice;
- (9) Debating topical issues;
- (10) Providing advice on effective ways to engage and report progress to the Community ; and
- (11) Making recommendations to Council.

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

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

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

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

- It will achieve this by:

(3) Audit:

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

(4) Risk Management.

- (ix) At least once every year consider a report in relation to the management of risk within the City of Albany and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.

- (x) To address any specific requests referred to it from Council in relation to issues of risk and risk management.

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

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

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

- a. **Local Emergency Management Committee (LEMC).** The **Airport Emergency Committee** to continue to operate as a subcommittee to the LEMC. Noting the LEMC is established under legislation, by the local government to overview, plan and test the local community emergency management arrangements. The LEMC is immediately followed by the Airport Emergency Committee (sub-committee of the LEMC), with both Committees being convened every three months.
- b. **Bushfire Advisory Committee.** The City of Albany currently provides administrative support to a Bushfire Management Committee and Bush Fire Advisory Group with no elected member representation.
- c. In 2011 these two committees were disbanded as standing committees of Council, and transitioned to being managed as operational working groups of LEMC, with officers, including volunteer fire brigade members, meeting as required to consider operational issues arising out of LEMC or other emergency operational matters and reporting to LEMC as necessary.
- d. These operational committees consider issues such as:
- (i) the operational planning and maintenance of fire-breaks across the district;
 - (ii) the preparedness of the City in regards to its obligations under the *Bush Fires Act 1954*;
 - (iii) the operational effectiveness and efficiency of bushfire brigades
- e. Noting that Council delegates through appointment the responsibility for the City's Volunteer Bushfire Brigades to the Chief Executive Officer (administrative logistic support) and command and control (operations) through the appointment of a Chief Bushfire Control Officer.
- f. At the City's Volunteer Bushfire Brigade Advisory Group meeting held on 23 May 2013, the group requested:
- Council is requested to re- establish the Bushfire Management Advisory Committee.*
- *Terms of Reference: Review decisions of the Bushfire Advisory Group and provide advice on Bush Fires Act 1954.*
 - *That the Bushfire Management Advisory Committee report directly to Council, not through the Local Emergency Management Committee (LEMC).*
- g. A copy of the proposed Terms of Reference is attached with an elected member representative being requested.

GOVERNMENT CONSULTATION

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

PUBLIC CONSULTATION / ENGAGEMENT

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

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Key Focus Areas:

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

18. Council may consider it appropriate to postpone appointment to Committees till a later time; however this will result in officer reports not being discussed at Council Committees prior to presentation for resolution of Council.

Consulted References	:	Local Government Act 1995
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 16/07/2013 Item 1.3

2.1: PLANNING AND DEVELOPMENT COMMITTEE

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

ITEM 2.1: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the confirmed minutes of the Planning and Development Committee meeting held on 14 March 2013 and 13 June 2013 as previously distributed, be RECEIVED.

CARRIED EN BLOC

2.2: PLANNING AND BUILDING REPORTS JUNE 2013

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

IN BRIEF

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

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

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

CARRIED EN BLOC

3.1: CENTENNIAL PARK SPORTING PRECINCT MASTER PLAN

Proponent : City of Albany
Attachments :

- Centennial Park Sporting Precinct Master Plan Concept (Centennial Park West, Central, East and Master Plan)
- Statement of Endorsement-Steering Committee Centennial Park

Responsible Officer(s) : Executive Director Community Services (C Woods)

IN BRIEF

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

Councillor Duffy declared an Impartiality interest in this report. Councillor Dufy remained in the meeting and participated in the discussion and vote.

RECOMMENDATION

ITEM 3.1: ALTERNATE MOTION FOR RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR DUFTY

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

LOST 5-3

Record of Vote

Against the Motion: Councillors Holden, Dufty and Hammond

ITEM 3.1: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

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

CARRIED 8-0

**ITEM 3.1: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS**

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

CARRIED 8-0

BACKGROUND

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

DISCUSSION

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

GOVERNMENT CONSULTATION

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

PUBLIC CONSULTATION / ENGAGEMENT

10. The following consultation has been conducted over the last four years:
 - 2008 - A study was undertaken and developed in house by the City of Albany with the support of a Steering Committee. The plan was not endorsed at Council level.
 - July 2008 – State Government (Department of Sport and Recreation) undertook state-wide community consultation and a report entitled "Review of Sport and Recreation in Regional Western Australia and concluded that the development of Centennial Park was a high priority and need.
 - 2011 – The City consulted widely with community groups through the "Working Together" program. The Working Together program identified community projects that could be progressed if future funding was made available and the funding criteria met. Centennial Park was identified as one of those community projects that could be progressed if funding was made available.
 - 2012 – The City engaged Coffey Sport and Leisure to review the 2008 Master Plan and provide an updated master plan for the precinct. The review included analysis of the recommendations and consultation with the stakeholders.
 - September 2012 - Presentation of the draft Master Plan to stakeholders. The City received written feedback from the majority of the stakeholders.
 - October to November 2012 – In addition to the written feedback the Manager of Recreation Services attended individual club meetings to refine the plan further.
 - February 2013 – The internal Project Control Group was developed with the Regional Manager of the Department of Sport and Recreation representing the sporting interests of the region and the investment made by the State Government in the project.
 - March 2013 – Centennial Park Master Plan submitted to the Future Acts Sub-Committee, and the South West Aboriginal Land and Sea Council (SWALSC). Feedback from the SWALSC indicates that Heritage survey and monitoring will be required across the entire precinct.

- Ongoing Consultation and Planning - Since November 2012 the City has been meeting regularly with stakeholders and clubs to discuss plans and address concerns. This process is ongoing and the City has commenced more detailed planning with the clubs that are to be co-located.

STRATEGIC IMPLICATIONS

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

Sense of Community

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

Civic Leadership

- *Community engagement*

Smart, Prosperous and Growing

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

13. The projected total cost for the redevelopment of the Centennial Park Sporting Precinct is \$42,000,000.
14. The following state and federal funding has been secured for the sport and recreation components of the project:
- Remaining 2008 State Liberal government contribution (\$4,100,000).
 - 2012/13 Royalties for Regions Country Local Government Fund-Regional Partnerships (\$608,000).
 - 2012/14 Royalties for Regions Country Local Government Fund-Regional Partnerships (\$946,857).

- 2013 State Liberal government contribution (\$8,750,000).
 - 2013 Regional Development Australia (\$8,250,000).
15. The City of Albany has committed \$3,000,000 (Cash) and \$1,000,000 (In-kind).
16. Total funding secured for the project is \$26,754,857.
17. This will enable a significant proportion of sport and recreation infrastructure to be developed across the western, central and eastern precincts. Additional funding will need to be secured to develop the community and civic park requirements.

LEGAL IMPLICATIONS

18. Nil.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

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

Consulted References	:	Nil
File Number (Name of Ward)	:	Nil
Previous Reference	:	Nil

4.1: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2013

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

6.55PM: Councillor Stocks declared a Financial interest in this report. Councillor Stocks left the Chamber and did not participate in the discussion or vote.

ITEM 4.1: RESOLUTION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR ATTWELL

The list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 30 June 2013 totalling \$5,409,801.38 be RECEIVED.

CARRIED 7-0

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 30 June 2013. Further details of the accounts authorised for payment by the Chief Executive Officer is included as an Attachment to this report.

Municipal Fund

Trust	Totalling	\$0.00
Cheques	Totalling	\$107,274.50
Electronic Fund Transfer	Totalling	\$4,274,475.28
Credit Cards	Totalling	\$14,233.44
Payroll	Totalling	\$1,013,818.16
	TOTAL	<u>\$5,409,801.38</u>

3. As at 30 June 2013, the total outstanding creditors, stands at \$ and made up follows:

Current	\$242,767.77
30 Days	\$1099.17
60 Days	-\$607.77
90 Days	-\$125.21
TOTAL	\$243,133.96

4. Cancelled cheques: - 29026 & 29078 – incorrect creditor, 29035 – incorrect amount processed, 29037 – payment no longer required, 29039 & 29043 paid via EFT.

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 30 June 2013 has been incurred in accordance with the 2012/2013 budget parameters.

POLICY IMPLICATIONS

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

SUMMARY CONCLUSION

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

File Number (Name of Ward)	FM.FIR.2 - All Wards
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Councillor Stocks returned to the Chamber.

4.2: FINANCIAL ACTIVITY STATEMENT – 31 MAY 2013

Responsible Officer : Executive Director Corporate Services (G Adams)

IN BRIEF

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

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

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

CARRIED EN BLOC

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 May 2013 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$50,000 are reported to Council.

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

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

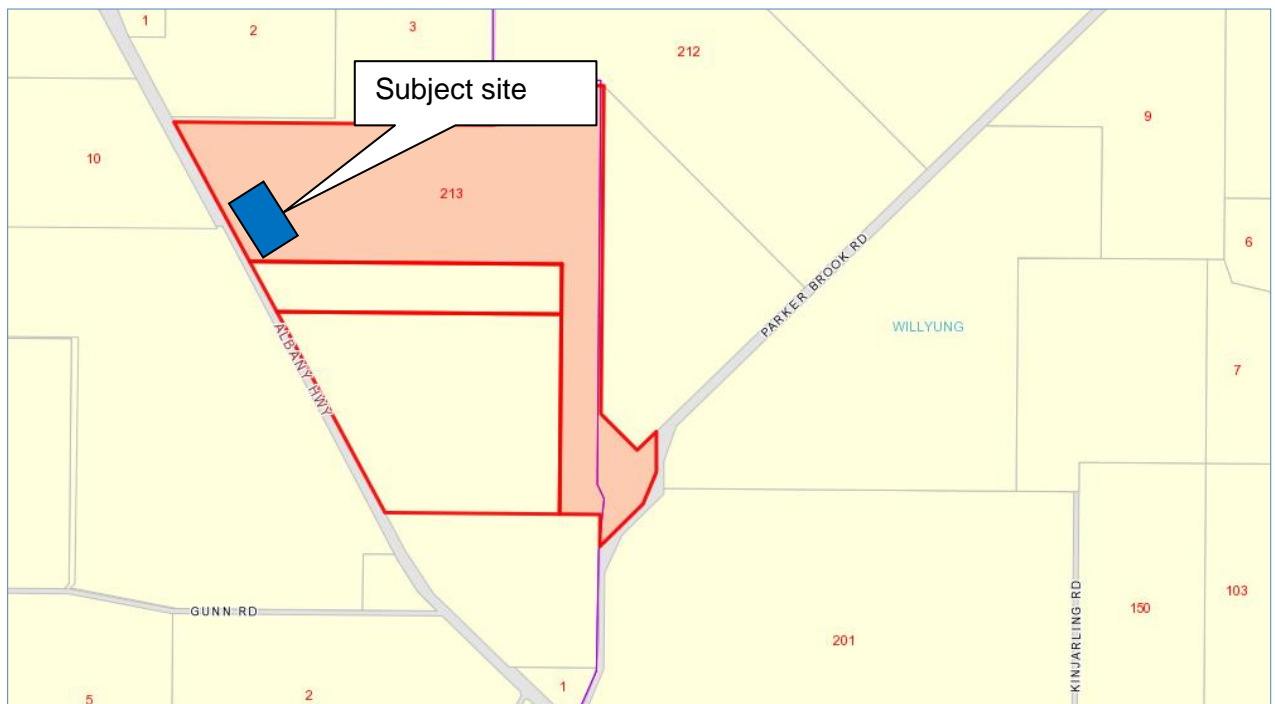
POLICY IMPLICATIONS

8. The City's 2012/13 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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4.3: NEW LEASE – RANDALL WIGGINS – AIRPORT HANGAR SITE 7 – ALBANY REGIONAL AIRPORT

Land Description	: Portion of Lot 213 on Diagram 94445 and the whole of the land contained in Certificate of Title Volume 2158 Folio 588, at 35615 Albany Highway, Drome
Proponent	: Randall Wiggins
Owner	: City of Albany
Attachments	: Nil
Responsible Officer(s)	: Executive Director Corporate Services (G Adams)
Maps and Diagrams:	



IN BRIEF

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

ITEM 4.3: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: SIMPLE MAJORITY

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

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

CARRIED EN BLOC

BACKGROUND

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

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

DISCUSSION

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

- c. Schedule Item 4 Rent: The Lessees challenged the market ground rental valuation provided by a licensed Valuer determining the rent of \$9.50 per square metre plus GST.

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

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

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

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

GOVERNMENT CONSULTATION

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

PUBLIC CONSULTATION / ENGAGEMENT

22. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease.
23. The proposed new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Key Focus Area

- *Organisational Performance.*

Community Priority

- *Policy and Procedures.*

Proposed Strategies

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

POLICY IMPLICATIONS

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

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS`

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

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

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

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

SUMMARY CONCLUSION

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

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

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

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

Maps and Diagrams



IN BRIEF

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

ITEM 4.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

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

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

CARRIED EN BLOC

BACKGROUND

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

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

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

DISCUSSION

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

GOVERNMENT CONSULTATION

21. No government consultation is required.

PUBLIC CONSULTATION / ENGAGEMENT

22. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
 - a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease.

23. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines the dispositions to which the advertising requirements of Section 3.58 of the Act do not apply. Section 30 (2) (b) (i & ii) states that Section 3.58 of the Act is exempt if:
- (b) The land is disposed of to a body, whether incorporated or not –
- (i) The object of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature, and
 - (ii) The members of which are not entitled or permitted to receive any pecuniary from the body's transactions,
24. Albany Community Radio Inc. is a not-for-profit charitable organisation and therefore exempt from the advertising requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Key Focus Area

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

Community Priority

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

Proposed Strategies

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

POLICY IMPLICATIONS

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

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

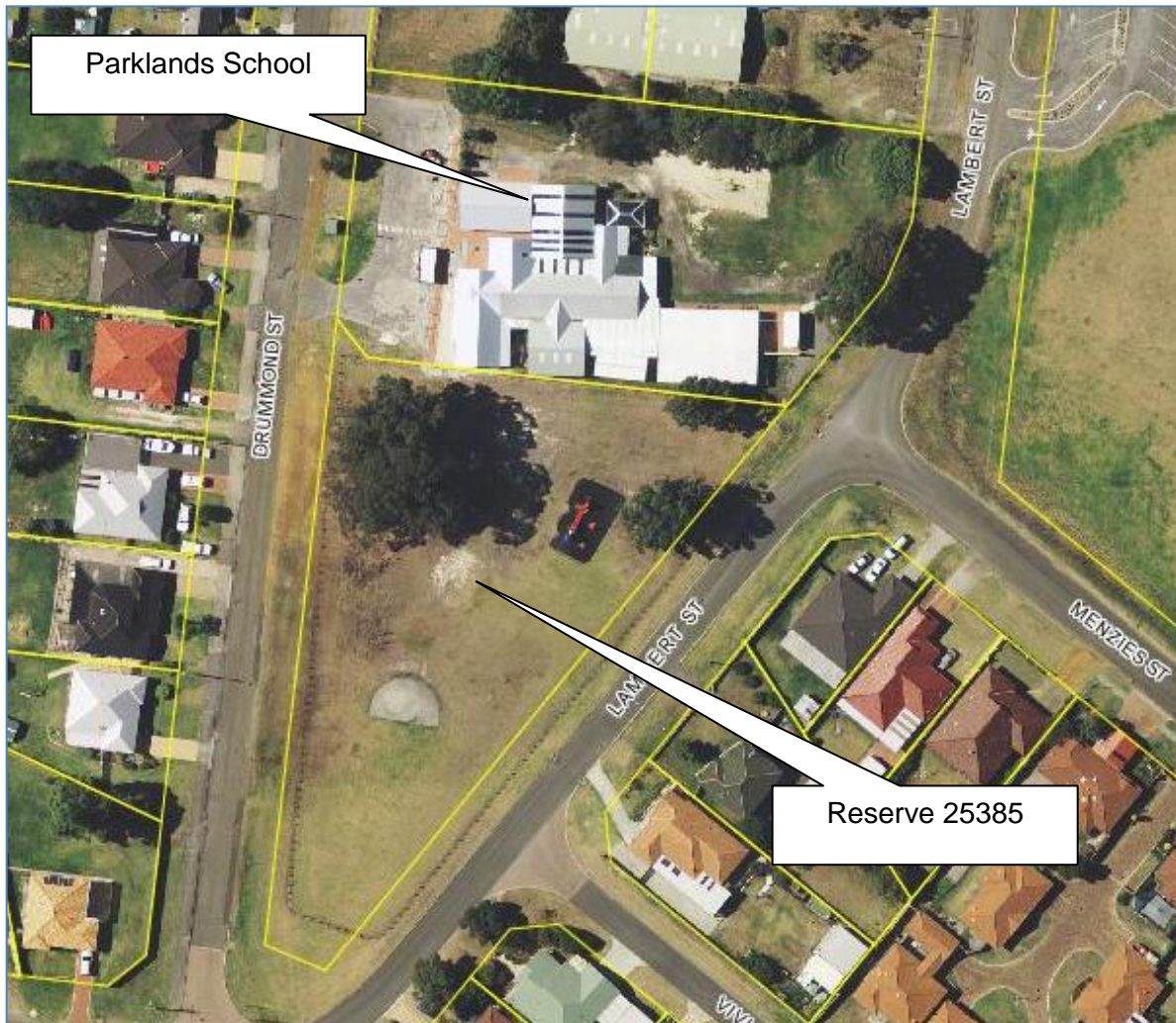
40. Albany Community Radio Inc. are seeking a new lease over 101 square metres of office space at Lotteries House, an area they have occupied since June 2009.
41. Albany Community Radio Inc. has fulfilled all previous lease obligations including payment of rent and outgoings.
42. In view of the community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

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

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

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

Maps and Diagrams:



IN BRIEF

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

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

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

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

ITEM 4.5: RESPONSIBLE OFFICER RECOMMENDATION (Continued)

- c. Lease rental being a peppercorn rate of \$10.00 plus GST annum;
 - d. Lease area being approximately 1200m² for the purpose of Educational Establishment;
 - e. Licence area being approximately 3543m² for the purpose of Public Open Space and being maintained by the Parklands School, to the satisfaction of the City of Albany;
 - f. The Parklands School observes the following requirements with regard to landscaping and maintenance of the reserve:
 - The existing trees on Reserve 25385 are to be retained;
 - Any maintenance and trimming of these trees shall be carried out by a licensed arborist;
 - A landscaping strip being installed in the licence area along the boundary of the lease area. The City shall be provided and must approve the details of the proposed landscaping strip prior to installation, including size, location, plant species to be used etc; and
 - Any drainage of the land shall be designed and installed to the City's satisfaction.
 - g. All costs associated with the development, maintenance and operation of the lease and licence to be payable by the Parklands School;
 - h. The lease and licence being consistent with Council Policy – Property Management: Leases and Licences.
6. Those persons having made a submission on the proposal being advised of the changes to Council's previous 19 March 2013 resolution.

CARRIED EN BLOC

BACKGROUND

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

THAT Council:

7. AGREES to revoke the management order for Reserve 25385 held by the City of Albany, pursuant to section 50 of the Land Administration Act 1997;
8. REQUESTS that, pursuant to sections 51 and 74 of the Land Administration Act 1997, the Minister for Lands cancel Reserve 25385 and dispose of the land to the City of Albany, under the provisions of the Government Land Policy – Section 20A Public Recreation Reserves;

9. *AGREES to pay the land costs associated with the section 20A disposal of this Reserve 25385, subject to those moneys being reimbursed by the Parklands School Association;*
 10. *DELEGATES authority to the Executive Director Corporate Services, subject to no objections being received during the required public consultation period, to forward these requests to the Minister for Lands and to finalise all dealings on this matter in conjunction with the Department for Regional Development and Lands and the Parklands School;*
 11. *APPROVES a lease and licence arrangement to the Parklands School Association for the use of the land currently known as Crown Reserve 25385 and being Lot 6703 on Deposited Plan 190893, subject to the following terms and conditions:*
 - a. *The Parklands School observing all the agreed financial arrangements, as follows:*
 - *Parklands School to cover the City's land purchase costs in acquiring this reserve from the State of WA;*
 - *The City will cover the administration costs and fees associated with the 20A disposal process;*
 - *Parklands School will own any buildings or improvements constructed in the leasehold area, though removal will be required once the lease is terminated;*
 - *Parklands School will be responsible for all fees and charges associated with preparing the lease and licence documentation, including any legal and survey costs.*
 - b. *The lease term being 15 years, with a 10 year option, commencing once the land is held in freehold title by the City of Albany;*
 - c. *Lease rental being a peppercorn rate of \$10.00 plus GST annum;*
 - d. *Lease area being approximately 1200m² for the purpose of Educational Establishment;*
 - e. *Licence area being approximately 3543m² for the purpose of Public Open Space and being maintained by the Parklands School, to the satisfaction of the City of Albany;*
 - f. *All costs associated with the development, maintenance and operation of the lease and licence to be payable by the Parklands School;*
 - g. *The lease and licence being consistent with Council Policy – Property Management: Leases and Licences.*
3. Council's previous resolution was based on the following:
- a. The dividing of Reserve 25385 to provide the school an area of 1200m² would only leave a useable area of 3543m², which is too small for any recreational use and would be a maintenance burden for the City;
 - b. The City explored options for Parklands School to take over the whole land area with the Department for Regional Development and Lands;

- c. The Department would only support the City taking over this land as a freehold title and then the future lease / licence arrangement would be at the City's discretion;
- d. In order to make this land freehold, the Section 20A Public Recreation Reserves Policy Statement would need to be observed;
- e. The Parklands School has indicated a willingness to reimburse the City the costs associated with the 20A disposal in order to facilitate a future lease & licence arrangement;
- f. The Parklands School had also agreed to the proposed terms of the lease / licence arrangement.

DISCUSSION

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

- a. Submission 1

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

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

- b. Submission 2 (28 Signatories)

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

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

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

7. Parklands School were advised of the matters raised in the public submissions and asked to provide comment. The school has since advised as follows:
- a. The school will ensure that existing trees on the reserve are not in any way adversely affected by the expansion, and will be cared for in a sympathetic way to preserve their amenity value. Any trimming that may be required will only be done follow advice from a qualified Arborist;
 - b. The proposed fencing of the leased area will include a combination of 1.8m high fencing that will include some solid timber fencing and some palisade (swimming pool) type fencing. The objective is to provide fencing that is more attractive than the existing cyclone-mesh fencing;
 - c. A landscaping strip along the lease area boundary fence can be installed. Selected plants will vary in height and include a few tall shrubs and trees;
 - d. The land proposed to be leased to the school will initially be used for recreation purposes. Any future building on the land must await rezoning of the land and will require the further approval of Council;
 - e. The School will manage and maintain the balance of the Reserve (outside the leased and fenced area) in accord with Council's request, but has no plans to regularly use or fence that land;
 - f. Measures will be taken to improve drainage of the land and a new compensating basin established to a design in accord with the City's requirements; and
 - g. It is the School's intention to approach the proposed expansion in a sympathetic and community-sensitive manner.
8. It is clear from these statements that Parklands School intends on addressing the concerns raised in the public submissions, though minor changes to the previous Council resolution are proposed to impose these requirements and ensure they are carried out.

GOVERNMENT CONSULTATION

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

PUBLIC CONSULTATION / ENGAGEMENT

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

STATUTORY IMPLICATIONS

12. Section 18 of the *Land Administration Act 1997* states that a person shall not deal with interest in Crown Land or lease or licence Crown land without the prior approval of the Minister of Lands.
13. Section 50 of the *Land Administration Act 1997* allows the Minister for Lands to revoke a management order for a Crown Reserve where the management body agrees that it should be revoked. The City of Albany is the management body for the subject reserve.
14. Section 51 of the *Land Administration Act 1997* allows the Minister for Lands to cancel a reserve.
15. Section 74 of the *Land Administration Act 1997* allows the Minister for Lands to sell Crown land.
16. Section 20A of the previous *Town Planning and Development Act 1928* stated that on a plan of subdivision, any land shown on a diagram or plan as being reserved for the purpose of recreation (or any other public use) shall be vested in the Crown without the payment of any fee or the need to transfer that land.
17. In enacting the above provisions of the *Land Administration Act 1997*, the Department for Regional Development and Lands will have regard to the Government Land Policy Manual, which includes Policy 04.01.05 Section 20A Public Recreation Reserves. The Policy sets the considerations, process and financial arrangements for the disposal of 20A reserves.
18. Section 3.58 of the *Local Government Act 1995* deals with the disposal of property, including the lease of property.

STRATEGIC IMPLICATIONS

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

Key Focus Area

Community Focussed Organisation

Community Priority

Support for Community Groups

Proposed Strategies

Support community groups by identifying funding opportunities.

POLICY IMPLICATIONS

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

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

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

23. The Section 20A Public Recreation Reserves Policy states that the disposal of a 20A reserve to local government shall be on the basis of payment to the Department of Regional Development and Lands of \$500 or 5% of the unimproved market value, as advised by the Valuer General, whichever is the greater. The action of obtaining the freehold title of Reserve 25385 has been estimated at \$12,000 plus administrative costs and associated fees.

24. Parklands School agreed to cover the City's costs to proceed with the 20A disposal and this was included as a condition of the lease and licence arrangement. As a goodwill gesture, the City offered to cover the administration costs and fees associated with the action, as most of these costs would be in kind works.

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

26. Council may:
- a. Acknowledge the public submissions received and decide not to make any changes to the previous March 2013 resolution; or
 - b. Amend the previous March 2013 resolution to include additional requirements to retain the existing trees on site and install a landscaping strip along the lease area fence line, within the proposed licence area.

SUMMARY CONCLUSION

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

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

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

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



IN BRIEF

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

ITEM 4.6: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

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

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

CARRIED EN BLOC

BACKGROUND

1. Crown Reserve 42964 is under Management Order H755179 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Marine and Associated Purposes” for a term not exceeding 50 years subject to the consent of the Minister for Lands.
2. Crown Reserve 42964, an area of approximately 3.5 hectares located on Swarbrick Street Emu Point is commonly referred to as the Emu Point Marina.
3. The City currently has nine leases on the reserve consisting of five commercial leases and two community leases. All leases are associated with marine purposes.
4. In May 1992, the former Town of Albany approved a new lease to Ocean Foods International Pty Ltd over an area of 4,224 square metres (referred to as Lease Area A) over what was historically Crown Reserve 22698 for a term of 21 years. The lease area for portion of Crown Reserve 22698 is now incorporated within Crown Reserve 42964.
5. Additionally in May 1992, the former Town of Albany approved a sub-lease to Ocean Foods International Pty Ltd over an area of 1,372 square metres (referred to as Lease Area B) for portion of Crown Reserve 42964 for a term of 21 years. The Head Lessee being the Emu Point Sporting Association Inc.

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

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

DISCUSSION

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

GOVERNMENT CONSULTATION

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

PUBLIC CONSULTATION / ENGAGEMENT

29. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased land and buildings. The Act requires the following:
- a. A local government must give local public notice of the proposed lease inviting submissions from the public, for a period of two weeks.
 - b. Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - c. A local government can then proceed with the lease.
30. The proposed new leases will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

Key Focus Area

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

Community Priority

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

Proposed Strategies

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

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

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

4.7: 2013-14 BUDGET ADOPTION

Proponent : City of Albany
Attachment : 2013/2014 Budget documents
Responsible Officer : Chief Executive Officer

IN BRIEF

- Council Members have participated in a series of budget preparation workshops, working with staff, in preparing the 2013-14 draft Budget for adoption.

Executive Director Works and Services declared a Proximity interest in this report.

ITEM 4.7: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HOLDEN
SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendations 1 to 9 for Report Item 4.7 (2013-2014 Budget Adoption) be CARRIED EN BLOC.

CARRIED 8-0
ABSOLUTE MAJORITY

ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council NOTE the submissions received and these submissions were considered by Councillors prior to adoption of the 2013-2014 Budget.

CARRIED EN BLOC

ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY

Council ADOPT the following municipal rates in the dollar on unimproved values and gross rental valuations for the 2013-2014 financial year:

Rating Category 1 – GRV General

The Differential Rate on current Gross Rental Values for the 2013/2014 financial year on Rating Category (1) including: all GRV rateable land other than vacant land zoned Non Residential be 9.8635 cents in the dollar.

Rating Category 2 – GRV Non Residential (Vacant)

The Differential Rate on current Gross Rental Values for the 2013/2014 financial year on Rating Category (2) is vacant and is non residential by zoning be 8.0445 cents in the dollar.

Rating Category 3 – UV

The General Rate on current unimproved values for the 2013/2014 financial year on

Rating Category (3) including all UV rateable land be 0.3663 cents in the dollar.

ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 2 (Continued)

Minimum Rate

The Minimum Rate for rateable properties within the City of Albany be \$857.00

**CARRIED EN BLOC
 ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 3
 VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES the following Refuse Collection and Recycling charges for the City of Albany (including general refuse collection, hard waste collection, Bulk green waste collection, collection of recyclables and green waste) be adopted for the 2013-2014 financial year:

Residential Services

Full Domestic Refuse Service	\$296.00
Refuse Collection 140 Ltr MGB	Weekly
Recycling Collection 240 Ltr MGB	Fortnightly
Green Waste Collection 240Ltr MGB	Monthly

Additional Services

Additional Services (Maximum of One) with a full domestic rubbish service.

Refuse Collection 140 Ltr MGB (Inc GST)	Weekly \$82.00
Recycling Collection 240 Ltr MGB (Inc GST)	Fortnightly \$50.00
Green Waste Collection 240Ltr MGB (Inc GST)	Monthly \$42.00

Additional Full Domestic Refuse Service (Inc GST) \$323.00

Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the Local Government Act 1995. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$50.

The proposed rates are:

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$50**
- UV General Properties – Rate in the dollar: 0.0022Cents, minimum \$50**

**CARRIED EN BLOC
 ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 4
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

1. Pursuant to the provisions of section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council **ADOPTS** the Municipal and Trust Funds Budget as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2013/2014 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$18,714,803
 - Statement of Comprehensive Income by Program on page (iv) showing a net result for that year of \$18,714,803
 - Statement of Cash Flows on page (vii)
 - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$28,961,010
 - Notes to and Forming Part of the Budget on pages (1 to 54)
 - Budget Program Schedules as detailed in blue pages (1 to 38)
 - Transfers to / from Reserve Accounts as detailed in pages (44 to 48)

2. Pursuant to section 6.11 of the Local Government Act 1995, Council:
 - (a) Maintains the following reserves [Purpose detailed in pages (44 to 48)]:
 - Airport Reserve
 - Albany Entertainment Centre
 - Albany Leisure And Aquatic Centre – Synthetic Surface “Carpet”
 - Albany Classic Barriers
 - Anzac Centenary
 - Bayonet Head Infrastructure Reserve
 - City of Albany General Parking Reserve
 - Emu Point Boat Pens Development Reserve
 - Master Plan Funding Reserve
 - Parks Development Reserve
 - Parks, Recreation Grounds & Open Space Reserve
 - Plant & Equipment Reserve
 - Refuse Collection & Waste Minimisation Reserve

ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 4 (Continued)

- Refuse Depot Reserve
 - Waste Management Reserve
 - Building Restoration Reserve
 - Roadworks Reserve
 - Planning Reserve
- (b) Establish New Reserves:
- Coastal Management Reserve
 - Debt Management Reserve
 - Information Technology Reserve
 - Regional Cities Alliance Reserve
 - Unspent Grants Reserve

**CARRIED EN BLOC
ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 5
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES the due dates for payment of Rates and Rubbish Collection Charges for 2013-2014 be as follows:

- (a) Pay rates in full 11 September 2013
- (b) Pay by two instalments
- First Instalment Payment 11 September 2013
 - Second Instalment: 13 January 2014
- (c) Pay by four instalments
- (1) First Instalment Payment (and 'Payment in Full'): 11 September 2013
 - (2) Second Instalment: 12 November 2013
 - (3) Third Instalment: 13 January 2014
 - (4) Fourth Instalment: 14 March 2014

**CARRIED EN BLOC
ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 6
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT pursuant to the *Local Government Act 1995*, Council APPROVES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Rubbish, Waste Recycling and General Debtor Collection charges during the 2013/2014 financial year:

1. Instalment Plan Administration Fee

An Instalment Plan Administration fee of \$6.00 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.

3. Late Payment Interest Charge

A charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 11% will be calculated daily at 0.0301% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.

4. Instalment Plan Interest Charge

An interest rate of 5.5% will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.

5. Late Payment Interest Charge (Excluding Rates & Charges)

A charge of 11% interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2013.

In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

6. Waivers

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$5.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

**CARRIED EN BLOC
ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 7
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

1. THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2013/2014 Budget) be adopted effective from 01 July 2013, subject to the following amendment.
2. That amendment being the fee and charge for Special Needs 1:1 swim lessons (weekday and Saturday), be set at 50% of the relevant standard 1:1 swim lesson fee.

Amended fees are:

- Special Needs 1:1 – per visit/lesson - \$14.30 (exc GST)
- Special Needs 1:1 Saturday – per visit/lesson - \$17.15 (exc GST)

**CARRIED EN BLOC
ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 8
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council SETS the Elected Member Sitting Fees and allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:

- Councillor Meeting Attendance Fee: \$22,000
- Mayoral Meeting Attendance Fee: \$29,500
- Councillor and Mayoral ICT Allowance: \$3,500
- Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed):\$50
- Total Mayoral Allowance is \$60,000
- Deputy Mayoral Allowance: \$15,000, being 25% of the Mayoral Allowance.

**CARRIED EN BLOC
ABSOLUTE MAJORITY**

**ITEM 4.7: RESPONSIBLE OFFICER RECOMMENDATION 9
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$50,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2013/2014.

**CARRIED EN BLOC
ABSOLUTE MAJORITY**

BACKGROUND

1. Council has considered strategic and operational issues which will impact on the 2013/14 budget.
2. Under section 6.36 of the *Local Government Act 1995*, the City is required to advertise the proposed differential rates amounts for the 2013/14 financial year. Those proposed amounts were advertised, from 20 June 2013, for a period of 21 days in compliance with legislation.

DISCUSSION

3. Through Council workshops, Council members have considered various factors in developing a financially responsible budget while ensuring compliance with Local Government legislation, occupational safety and health requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
4. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.
5. At the Ordinary Council meeting on 18 June 2013, the Council endorsed advertising proposed differential rates as below:

THAT Council ENDORSES advertising the proposed differential rates for the 2013-14 financial year as follows:

Description	Minimum Rate \$	Actual Rate in Dollar 2012-13	Proposed Rate in Dollar 2013-14
Gross Rental Value (GRV)			
General	857.00	9.4388c	9.8635c
Vacant Land Non Residential	857.00	7.6981c	8.0445c
Unimproved Value (UV)	857.00	0.3277c	0.3663c

CARRIED 9-1
ABSOLUTE MAJORITY

6. In response to that advertising, four public submissions were received.

GOVERNMENT CONSULTATION

7. The Department of Local Government is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

PUBLIC CONSULTATION / ENGAGEMENT

8. At the Ordinary Council meeting on 18 June 2013, the Council endorsed advertising proposed differential rates.
9. Differential rates were advertised in accordance with section 6.36 of the *Local Government Act 1995*) with four submissions received and copies issued to Councillors. It is necessary for Council to consider the submissions received prior to adoption of the Budget.
10. A budget information brochure will be included with every rate notice, together with a separate brochure produced by the Fire & Emergency Services Authority of WA explaining the Emergency Services Levy (ESL).

STATUTORY IMPLICATIONS

11. Local Government Act 1995, s 6.2(1) states that:
 - (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*
12. Local Government Act 1995, s 6.8(1) states that:
 - (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*
13. The *Local Government (Financial Management) Regulations* require the Council to adopt (each year) a percentage or value to be used for reporting material variances in the Statement of Financial Activity. Any variance meeting these criteria will be required to have a supporting explanation in the monthly report to Council.
14. Information is considered "material" if its omission, mis-statement or non-disclosure has the potential to adversely affect decisions by users of the financial report or affect the discharge of accountability by management or Council.

STRATEGIC IMPLICATIONS

15. This item directly relates to, and contributes to achievement of, the Strategies within the *Community Strategic Plan – Albany 2023*, and *Corporate Business Plan- 2013-2017*.

POLICY IMPLICATIONS

16. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Rating	Mitigation
<i>Council does not endorse the 2013-14 Budget, with the consequence risk of deferred cash flow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<ul style="list-style-type: none"> • <i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement.</i> • <i>Reconsideration of the budget paper at a Council meeting prior to 31 August 2013.</i>

FINANCIAL IMPLICATIONS

18. The 2013-14 Budget sets the parameters for expenditure of City resources.
19. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

LEGAL IMPLICATIONS

20. Nil.

ALTERNATE OPTIONS

21. Council adopt the 2013/14 Annual Financial Budget with changes.

SUMMARY CONCLUSION

22. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2013 until 30 June 2014.

Consulted References	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996.</i>
File Number (Name of Ward)	FM.BUG.2
Previous Reference	OCM Item 4.3 18 June 2013

Name of Submitter	Summary of submission	Officer Recommendation
L. McKenna	<ul style="list-style-type: none"> • Object to proposed increase. • Specific issues regarding waste sites, drain maintenance and ranger dog beach management will be addressed by specific area. • Ratepayer now receives seniors discount, yet pays the same rates as prior to this discount. • Ratepayers with big mortgages will struggle. 	That Council note the comments.
B & PA Kirby & Braeside Nominees Pty Ltd (two letters from related ratepayers)	<ul style="list-style-type: none"> • Object to proposed increase. • Property values have dropped, or remained flat, in many other areas of WA. • Object to Council spending funds on non-essential items. Leave this to private enterprise. • Rate increase will curtail investment. 	That Council note the comments.
Petition received at the ordinary Council meeting held on the 20 th November 2012, signed by approximately 90 electors. (received prior to advertising of proposed rates in the dollar.)	<ul style="list-style-type: none"> • Request that the Council adjust rates payable on vacant land to remove the inequity that sees owners of vacant land paying the same or higher rates as similarly size properties with dwellings. 	That Council note the comments.
L Stewart	<ul style="list-style-type: none"> • Object to proposed increase. • Rates have risen approximately 25% over the past 4 financial years in low inflation environment. • City Council should tighten its belt. • Not satisfied with explanation for increase. • Not satisfied with the method that Landgate uses for GRV, and that the Council should challenge Landgate on this. 	That Council note the comments.

5.1: CONTRACT C12024 – SUPPLY OF GRAVEL - CRUSHING

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

Maps and Diagrams:

Nil

IN BRIEF

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

Councillor Attwell declared an Impartiality interest in this report. Councillor Attwell remained in the Chamber and participated in the discussion and vote.

RECOMMENDATION

ITEM 5.1: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR HOLDEN

THAT Council:

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

**CARRIED 7-0
ABSOLUTE MAJORITY**

BACKGROUND

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

DISCUSSION

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

Table 1

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

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

PIT LOCATION	WEIGHTED SCORE
KUCH ROAD PIT – S007	
AD Contractors	557.00
Palmer Earthmoving	543.00
CHILLINUP ROAD PIT – S008	
Palmer Earthmoving	550.50
AD Contractors	549.50
TAKENUP ROAD PIT - S016	
AD Contractors	576.50
Palmer Earthmoving	523.50
LILYDALE ROAD PIT – S019	
Palmer Earthmoving	565.00
AD Contractors	535.00
GNOWELLEN ROAD PIT – S021	
Palmer Earthmoving	570.00
AD Contractors	530.00
SOUTH COAST HIGHWAY ROAD PIT – S022	
AD Contractors	566.00
Palmer Earthmoving	534.00
WILCOX ROAD PIT – S023	
AD Contractors	576.50
Palmer Earthmoving	523.50
HUNWICK ROAD PIT – S034	
Palmer Earthmoving	551.00
AD Contractors	549.00

OLD BOUNDARY ROAD PIT – S036	
Palmer Earthmoving	572.00
AD Contractors	528.00
REDMOND HAY RIVER ROAD PIT – S037	
Palmer Earthmoving	554.50
AD Contractors	545.50
REDHEN ROAD PIT – S039	
AD Contractors	562.50
Palmer Earthmoving	537.50

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

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

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

GOVERNMENT CONSULTATION

10. Nil.

PUBLIC CONSULTATION / ENGAGEMENT

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

STATUTORY IMPLICATIONS

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

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

STRATEGIC IMPLICATIONS

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

Key Focus Area: *Lifestyle and Environment*

Community Priority: *Road Improvements*

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

19. Nil

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

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

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

XIV. MOTIONS WITH NOTICE

Nil.

XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING

Nil.

XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING

Nil.

XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.

Nil.

XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.

Nil.

XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

Nil.

XX. NEXT ORDINARY MEETING DATE

6.00pm 20 August 2013

XXI. RESUME STANDING ORDERS 3.1

ITEM 21.0: RESOLUTION

**MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON**

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

CARRIED 8-0

XXII. CLOSURE OF MEETING

[6:59:03 PM](#) There being no further business, the Presiding Member declared the meeting closed

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

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

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

TABLED DOCUMENTS

NAME	REFERENCE	FILE
Ms Erika Henderson	Centennial Park Master Plan – Steering Committee Statement of Endorsement	GO.COM.3

TABLED DOCUMENTS BY ELECTED MEMBERS

NAME	REFERENCE	FILE

TABLED DOCUMENTS BY STAFF

NAME	REFERENCE	FILE
	Nil.	

TABLED ADDRESS BY MS ERIKA HENDERSON

Erika Henderson, President Albany Agricultural Society.

May I refer to Agenda Item 3.1 before you, containing recommendations regarding the Centennial Park Sporting Precinct Master Plan concept adoption for the purpose of advertising and community consultation.

May I also refer to discussion note 3 of the same item referring to a statement prepared for stakeholder endorsement of the CPRM concept and the fact that the Society has not co-signed at this stage. I wish to reiterate that the Society is supportive of the concept plan but holds reservations over the future management principles and model and is not prepared to sign at this stage.

It is clearly understood that plans are conceptual at this stage, they being subject to public scrutiny and comment. It is also clear that there is much to discuss with regard to shared use arrangements, site management, occupancy arrangements, tenure arrangements, construction timelines and many other matters.

This is an exciting concept, one which must be managed appropriately by professionals within the City at the direction of the community.

One key point that needs to be shared is that of existing structures. The Society request Council to retain the existing Society buildings on Centennial Park in their current location until replacement buildings are available for use. This matter may well be more appropriate for future discussions but remains important enough to raise for your deliberations at this time because it will impact funding arrangements and the ongoing success of the Society and its Iconic Show during construction phases.

Thank you for your indulgence.

I wish to table this document.