



MINUTES

Ordinary Meeting of Council

Tuesday 23 June 2015

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.

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1. DECLARATION OF OPENING

[6:00:03 PM](#) The Mayor declared the meeting open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	Mayor D Wellington
Councillors:	
Breaksea Ward	R Hammond
Frederickstown Ward	G Stocks
Frederickstown Ward	C Dowling
Kalgan Ward	J Price
Kalgan Ward	B Hollingworth
Vancouver Ward	S Bowles
Vancouver Ward	N Mulcahy
West Ward	A Goode JP
West Ward	G Gregson
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP
Staff:	
Chief Executive Officer	G Foster
Deputy Chief Executive Officer	G Adams
Executive Director Planning and Development Services	D Putland
Executive Director Community Services	C Woods
Executive Director Works and Services	M Thomson
General Manager Economic & Business	D Lee
Meeting Secretary	J Williamson
Apologies:	
Breaksea Ward	V Calleja (Apology)

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Bowles	CSF177	Impartiality. Councillor Bowles' husband is the President of the Southern Districts Junior Football Association. Councillor Bowles' children are members of various organisations and clubs that use the precinct including the Albany Swim Club, Junior Football, Junior Cricket and Junior Soccer. Councillor Bowles remained in the Chamber and participated in the discussion and vote.

5. REPORTS OF MEMBERS

[6:02:21 PM](#) Mayors Report-List of engagements attended on behalf of Council since the May Ordinary Council Meeting:

- Rainbow Radio Interview;
- Community Radio Interview;
- Official Opening of Amity Health;
- “Flag Off” at the Albany Car Classic;
- Albany Agricultural Society Meeting;
- Economic Development Meeting at The Lakehouse, Denmark;
- Albany Surf Life Saving Club of the Year Drinks;
- UWA Albany Update-Meeting with Ms Jennifer O'Neill;
- WA Regional Capital Alliance Meeting, Perth;
- Meeting with UWA Vice Chancellor, Professor Johnson;
- National Congress Assembly-Canberra;
- HHG Giving Back Sundowner-Hybla; and
- Meeting with Ms Vicki Clark and Mr Kevin Organ regarding the Albany Car Classic.

5.0 RESOLUTION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON

THAT the Mayor's Report be RECEIVED.

CARRIED 12-0

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on Tuesday 26 May 2015, the following questions were taken on notice with regard to the proposed Perkins Beach Desalination Dump Point:

Mr Keith Smith:

- 1. As part of the clearing that took place at Perkins Beach an area of coastal vegetation was cleared. Did Council staff ensure WaterCorp had appropriate approvals to clear this land as it appears some clearing is also on council reserve land?*
- 2. Did Council's approval processes require any community consultation or information provision to community members and in particular any Noongar consultation/information provision?*
- 3. Given the damage to this area through the installation of the truck dumping point what steps is Council putting in place to ensure this area is restored to natural vegetation and how will this be completed in consultation with local stakeholders?*
- 4. I request that after Council has had the opportunity to investigate these points that a written response be provided to these items.*

The following response was provided by the Chief Executive Officer:

I pre-empt these responses by reinforcing that this matter belongs to WaterCorp, not to the City of Albany. The City of Albany shares with the community the disappointment that community engagement was not undertaken. The City appreciates the concerns raised by the community and offers this response respectfully and without prejudice.

- 1. No such approval was granted. WaterCorp was advised that this would be required.*
- 2. WaterCorp was required to undertake consultation with community and undertake a survey of indigenous heritage requirements. Unfortunately, this did not occur.*
- 3. I thank the community member for this suggestion and this has been actioned. The City will be meeting with WaterCorp on Thursday 11 June to discuss a collaborative effort to rehabilitate the area.*

Ms Mandy Arnold:

- 1. Will Council please provide an explanation as to why Albany residents were not informed of the potential issue?*
- 2. Will Council also please seek an explanation from the City's administration as to why the Elected members of Council were not informed of this issue?*
- 3. Will Council please identify the timeline of actions by the City of Albany from when the City was first informed of this proposal through to today's date being 26 May 2015?*
- 4. Will Council commit to forming a working group with local stakeholders to review and amend the City of Albany's Community Consultation and Engagement policies and procedures and if required develop new policy and procedures so that when future issues such as the Perkins Beach issue arises, appropriate and effective community consultation and information provision is assured.*
- 5. I request that after Council has had the opportunity to investigate these points that a written response be provided to these items.*

ORDINARY COUNCIL MEETING
MINUTES–23/06/2015

The following response was provided by the Chief Executive Officer:

I pre-empt these responses by reinforcing that this matter belongs to WaterCorp, not to the City of Albany. The City of Albany shares with the community the disappointment that community engagement was not undertaken. The City appreciates the concerns raised by the community and offers this response respectfully and without prejudice.

1. It was a condition placed on WaterCorp. As managers of the project, they were the body responsible for undertaking consultation with the community, prior to the commencement of any work. WaterCorp agreed that this would occur, but it was not carried out.
2. Council's role is one of strategy and policy, not administration. The requirements placed upon WaterCorp would, if they had been carried out, have meant that the whole community was aware of the proposals prior to the commencement of any action.
3. Timeline:
 - a. 17 April 2015. A meeting took place between City officers and WaterCorp regarding the proposal. The matter was referred to the appropriate officers including seeking comments on the Aboriginal heritage issues.
 - b. 20 April 2015. A site inspection was carried out.
 - c. 30 April 2015. Meeting arranged following contact with WaterCorp by City staff.
 - d. 1 May 2015. Meeting held with WaterCorp representative. Items discussed included requirements for the use of the road and the need for public consultation prior to works commencing. Follow up email from the City to WaterCorp confirming requirements which had to be met including consultation, clearing permits, traffic management plans, joint road condition surveys and indigenous heritage requirements.
 - e. 8 May 2015. Residents contacted the City via the City's website enquiring about the purpose of the roadworks. City staff were unaware at this stage that any works had commenced.
 - f. 12 May 2015. The City was advised that carting had commenced. An email was sent to WaterCorp asking for an explanation as to why work had commenced without approval of a traffic management plan and consultation having been undertaken.
 - g. 13 May 2015. WaterCorp responded by apologising and explained that a small amount of clearing had occurred to facilitate truck reversing. WaterCorp also advised that carting of brine had not occurred and that consultation would commence on the 22 May, approximately two weeks in advance of any further works. A follow up phone call was made by a City officer to WaterCorp reiterating the need to meet all conditions prior to any further work proceeding.
 - h. 15 May 2015. WaterCorp issued an information sheet concerning the works which was forwarded to elected members.
 - i. The City received various complaints/comments via the City's website, and responded with a referral to WaterCorp and distribution of their information sheet.
4. Council is very proud of improvements to its consultation and engagement practices over recent years. That is not say that further improvements could not be made and City staff are happy to discuss potential improvements.

Ms Rowena De Bonde:

1. *Given the potential harm that the dumping of this waste could have caused and the potential that other coastal sites within the City of Albany may still be used as potential waste dump sites for desalination by product and other forms of possible waste, I call on the City of Albany elected members to develop a policy that states:*

“That the City will not support any waste to be dumped in coastal areas or waterways and tributaries that lead to coastal areas within the City of Albany local government area and will actively work with the community to prevent any such dumping from occurring.”

2. *I also call on the City of Albany to seek clarification from the WA Water Corporation that they will also not endeavour to dump any waste in coastal areas or tributaries that lead to coastal areas within the Albany local government area.*
3. *I request that after Council has had the opportunity to investigate these points that a written response be provided to these items.*

The following response was provided by the Chief Executive Officer:

1. A policy will be drafted and placed before Council at an early opportunity. For practical reasons though, it may differ slightly from the one suggested.
2. This matter will be addressed in the proposed policy.

6.0: RESOLUTION

MOVED: COUNCILLOR BOWLES

SECONDED: COUNCILLOR GREGSON

THAT the responses provided to questions taken on notice by Mr Keith Smith, Ms Mandy Arnold and Ms Rowena De Bonde be NOTED.

CARRIED 12-0

7. PUBLIC QUESTION TIME

6:05:51 PM **Mr Mervyn Leavesley, Kalgan**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure in Centennial Park, in opposition to the Responsible Officer Recommendation, and in support of Councillor Price's Alternate Motion. Mr Leavesley's tabled address is detailed at Appendix A.

6:09:26 PM **Mr Gary Wilson, Former President, Life Member of Albany Agricultural Society**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure in Centennial Park, against the Responsible Officer Recommendation.

6:12:59 PM **Mr Tom Bowles, President Southern Districts Junior Football Assoc.**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure in Centennial Park in support of Councillor Bowles' Alternate Motion.

6:14:25 PM **Mr Michael O'Dea, Southern Districts Junior Football Association**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure in Centennial Park in. Mr O'Dea's tabled address is detailed at Appendix A.

6:17:56 PM **Mr John O'Dea, Bushby Road, Lower King**

- Addressed Council regarding Albany Waterfront Precinct, and stressed the importance of twenty four hour access to the Port.

6:20:59 PM **Mr Ian Woods, Bayonet Head, President North Albany Football Club**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure in Centennial Park in support of the Responsible Officer Recommendation.

6:21:50 PM **Mr Paul Murray, Mira Mar**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future use and Tenure in Centennial Park. Mr Murray's Tabled Address and Questions on Notice are detailed at Appendix A.

6:24:02 PM **Mr Rob Wright, President of Albany Agricultural Society**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure in Centennial Park against the Responsible Officer Recommendation. Mr Wright's tabled address and question on notice is detailed at Appendix A.

6:28:00 PM **Mr Don Dufty, 6 Lunar Rise, McKail**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park. Mr Dufty's tabled address is detailed at Appendix A.

6:32:28 PM **Mr Jim Whitem, Napier, Past President of Agricultural Society**

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park.

6:35:34 PM Mr Paul Higginson, Albany Agricultural Society

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park against the Responsible Officer Recommendation. Mr Higginson's tabled address is detailed at Appendix A.

6:40:07 PM Ms Grace Knowlson, President of Albany Junior Soccer Association

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park in support of the Responsible Officer Recommendation.

6:40:58 PM Mr David Flick, President of Royals Football Club

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park in support of the Responsible Officer Recommendation.

6:43:15 PM Ms Erika Henderson, Past President of Albany Agricultural Society

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park against the Responsible Officer Recommendation. Ms Henderson's tabled address is detailed at Appendix A.

6:47:43 PM Ms Sheena Smith, Narrikup

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park against the Responsible Officer Recommendation. Ms Smith's tabled address is detailed at Appendix A.

6:51:54 PM Ms Rachel Williams, Narrikup

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park against the Responsible Officer Recommendation. Ms Williams' tabled address is detailed at Appendix A.

6:54:54 PM Mr JK Backhouse, 2 Lambert Street, Albany

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park. Mr Backhouse's tabled address is detailed at Appendix A.

6:58:17 PM Mr Joe Burton, President of Great Southern Football

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park in support of the Responsible Officer Recommendation.

7:00:09 PM Mr Chris Thompson, Regional Manager, Department of Sport and Recreation

- Addressed Council regarding CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park.

7:01:24 PM There being no further speakers the Mayor declared Public Question Time Closed.

8. APPLICATIONS FOR LEAVE OF ABSENCE

8.1: RESOLUTION

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR SUTTON

THAT Councillor Calleja be granted Leave of Absence for July, August and September 2015.

CARRIED 12-0

8.2: RESOLUTION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HORTIN

THAT the following Leave of Absence be APPROVED:

- 1. Councillor Stocks – 21 July 2015 to 2 August 2015.**
- 2. Councillor Hammond – 18 July 2015 to 18 August 2015.**
- 3. Councillor Price- the month of July 2015.**

CARRIED 12-0

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR GREGSON

THAT the minutes of the Ordinary Council Meeting held on 26 May 2015, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

11. PRESENTATIONS Nil.

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

[7:02:08 PM](#) **Councillor Price left the Chamber.**

[7:02:34 PM](#) The Mayor proposed that CSF177: Albany Agricultural Society-Future Use and Tenure at Centennial Park be considered first in the agenda. Carried by a show of hands.

[7:04:28 PM](#) **Councillor Price returned to the Chamber.**

PD082: PLANNING AND BUILDING REPORTS MAY 2015

Proponent : City of Albany
Attachment : Planning and Building Reports May 2015
Report Prepared By : Administration Officer-Planning (K Smith)
Responsible Officer(s): : Executive Director Planning & Development Services
(D Putland)

Responsible Officer's Signature:



RECOMMENDATION

PD082: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council NOTE the Planning and Building Reports for May 2015.

CARRIED 12-0

CSF171: FINANCIAL ACTIVITY STATEMENT – APRIL 2015

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

Responsible Officer's Signature:



RECOMMENDATION

CSF171: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR HAMMOND

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 April 2015.

CARRIED 12-0

CSF171: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF171: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 30 April 2015.

BACKGROUND

1. The Statement of Financial Activity for the period ending 30 April 2015 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 30 April 2015 has been incurred in accordance with the 2014/15 proposed budget parameters. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CSF172: LIST OF ACCOUNTS FOR PAYMENT – MAY 2015

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

Responsible Officer's Signature:



RECOMMENDATION

CSF172: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR GREGSON

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 MAY 2015 totalling \$6,510,848.98.

CARRIED 12-0

CSF172: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES

That the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF172: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 MAY 2015 totalling \$6,510,848.98.

BACKGROUND

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

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 May 2015. Please see the attachment to this report.

Municipal Fund

Trust	\$0.00
Credit Cards	\$28,181.86
Payroll	\$1,690,430.44
Cheques	\$159,413.30
Electronic Funds Transfer	\$4,632,823.38

TOTAL

\$6,510,848.98

3. As at 15 May 2015, the total outstanding creditors, stands at \$560,957.66 and made up as follows:-

Current	\$287,423.69
30 Days	\$260,159.44
60 Days	\$9,374.55
90 Days	\$3,999.98

TOTAL \$560,957.66

Cancelled cheques: None.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

SUMMARY CONCLUSION

9. 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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CSF173: DELEGATED AUTHORITY REPORTS

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to the DCEO (H Bell)
Responsible Officer : Chief Executive Officer (G Foster)

Responsible Officer's Signature:



RECOMMENDATION

CSF173: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON

THAT Council RECEIVE the Delegated Authority Reports up until 15 May 2015.

CARRIED 12-0

CSF173: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON

THAT Council RECEIVE the Delegated Authority Reports up until 15 May 2015.

CARRIED 11-0

CSF173: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Delegated Authority Reports up until 15 May 2015.

CSF174: COUNCIL POLICY: PAYMENTS TO EMPLOYEES ABOVE CONTRACT OR AWARD

Proponent : City of Albany
Attachments : Draft Policy Position
Report Prepared by : Manager Governance & Risk Management (S Jamieson)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership
 - b. **Strategic Objective:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** 5.1.1 Develop informed and transparent decision making processes.

In Brief:

- The Local Government Act 1995 requires that a local government prepare a policy in relation to employees whose employment with the local government is finishing in respect to payments in addition to contract or award.

RECOMMENDATION

CSF174: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR SUTTON

THAT Council ADOPT the new Policy-Payments to Employees above Contract or Award, as detailed in the report and attached.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Price

CSF174: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT:

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR SUTTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-3

Record of Vote

Against the Motion: Councillors Mulcahy, Price and Hammond

CSF174: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the new Policy – Payments to Employees above Contract or Award When Finishing Employment with the City, as detailed in the report.

BACKGROUND

2. Historically, the subject policy position was encapsulated in the Operational Human Resource Policy Manual, which was rescinded by Council in 2011.
3. A compliance review of the *Local Government Act 1995* (the Act), highlighted that the Council does not have a formal policy position in regards to this matter, as required by the Act.

DISCUSSION

4. The Act requires that a local government prepare a policy in relation to employees whose employment with the local government is finishing, setting out:
 - a. the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
 - b. the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

Recognition of Service

5. A payment to an employee finishing with the local government is not to exceed that prescribed by regulations and may take the form of cash and / or a non-monetary award.
6. A scale of cash payments dependent on the number of years of (continual) service could be used to offer recognition by Council of the years of service given by the employee to the City of Albany.
7. Sums that could be considered are included in the table below:

Completed Continuous Years of Service	Proposed Monetary Value	Previous Monetary Value
10 years	\$250	\$150
15 years	\$500	\$225
20 years	\$750	\$300
25 years +	\$1,000	\$375
30 years	As above	\$450

Voluntary Severance

8. A severance payment can be offered to employees who accept voluntary severance. This payment must be made in accordance with the Regulations pertaining to such a payment (see Regulation 19A *Local Government (Administration) Regulations 1996*).

Proposed Policy Position:

The *Local Government Act 1995* requires that a local government prepare a policy in relation to employees, whose employment with the local government is finishing, setting out:

- a. the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- b. the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.
- c. payment is not to exceed that prescribed by regulations.

Assessment:Periods of Service:

In recognition of long periods of service to the City of Albany, Council will therefore consider the payment to an employee who is finishing, of an additional cash amount to which they would be entitled.

Completed Continuous Years of Service	Proposed Monetary Value
10 years	\$250
15 years	\$500
20 years	\$750
25 years +	\$1,000

Achievement:

In recognition of exceptional performance in achieving major organisational challenges and goals can be given within the prescribed limits by the Chief Executive Officer, after consultation with the Mayor.

GOVERNMENT & PUBLIC CONSULTATION

9. A review of other policy position across the sector has been reviewed in preparation of this report, in particular the City of Kwinana.
10. A local public notice is to be given as soon as practicable of any payment to an employee that is in excess of the amounts provided for in this Policy.

Note: A payment in excess of this Policy must still be within the limits prescribed in the Act and Regulations.

STATUTORY IMPLICATIONS

11. Detailed in the “In Brief” section of the report.

POLICY IMPLICATIONS

12. **Local Government Act 1995. Section 2.7 Role of council:**

(1) The council —

(a) governs the local government’s affairs; and

(b) is responsible for the performance of the local government’s functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government’s finances and resources; and

(b) determine the local government’s policies.

13. Section 5.50. Payments to employees in addition to contract or award:

(1) A local government is to prepare a policy in relation to employees whose employment with the local government is finishing, setting out —

(a) the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and

(b) the manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.

(1a) A local government must not make any payment of the kind described in subsection (1)(a) unless the local government has adopted a policy prepared under subsection (1).

(2) A local government may make a payment —

(a) to an employee whose employment with the local government is finishing; and

(b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government, but local public notice is to be given in relation to the payment made.

(3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.

(4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.

14. Local Government (Administration) Regulations 1996:

19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

(1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —

(a) the value of the person's final annual remuneration, if the person —

(i) accepts voluntary severance by resigning as an employee; and

(ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;

or

(b) in all other cases, \$5 000.

(2) In this regulation — final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>If a policy position is not adopted, none compliance with the Act will result.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>City Officer's work with Council to address any areas of concern with the proposed policy position and represent for adoption.</i>

FINANCIAL IMPLICATIONS

16. There will be some minor impacts to the City and budgetary considerations are included on an annual basis.

LEGAL IMPLICATIONS

17. There are no direct legal implications related to this report. However, the Council must adopt a policy position to ensure compliance with the Act.

ENVIRONMENTAL CONSIDERATIONS

18. There are no direct environmental implications related to this report.

ALTERNATE OPTIONS

19. Council may consider it appropriate to determine other monetary values.

SUMMARY CONCLUSION

20. It is recommended that the Responsible Officer's Recommendation is adopted.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	CM.STD.7 (All Wards)
Previous Reference	:	OCM 15/11/2011 Report Item 1.1.1, Resolution 2.

CSF175: PROPOSED RESUMPTION - LOT 15 NO 411 COLLINGWOOD ROAD

Land Description	: Lot 15 No 411 Collingwood Road, Collingwood Heights
Owner	: Mr Francis Buktenica
Attachments	: Aerial Photograph Letter from City to Mr Buktenica dated 9 March 2015 Letter from Mr Buktenica dated 19 April 2015
Report Prepared by	: Senior Lands Officer (N Crook)
Responsible Officer	: Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



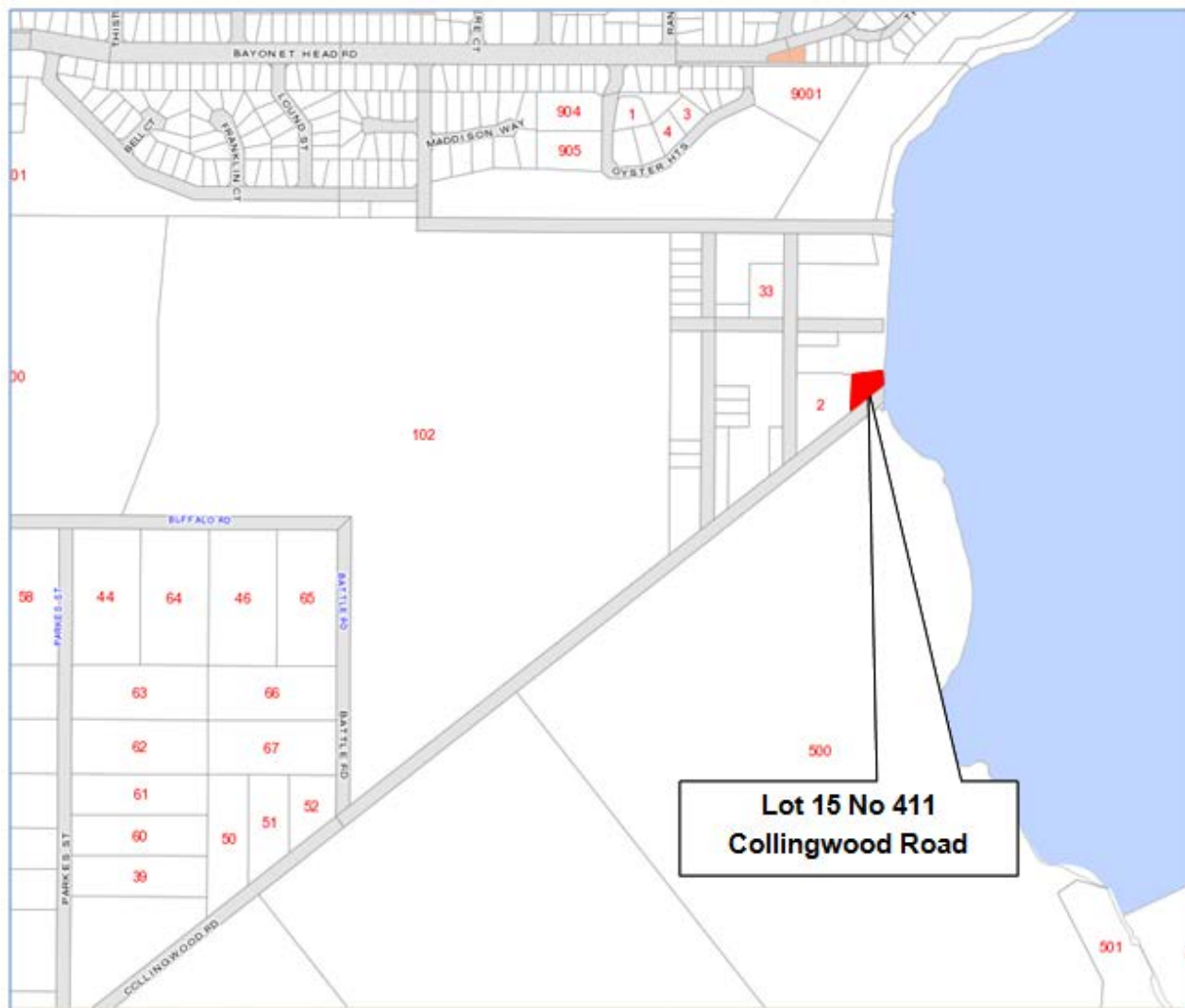
CONFIDENTIAL REPORT

In accordance with section 5.23 (2)(b) of the *Local Government Act 1995*, this report will be dealt with as a confidential item, as it pertains to the personal affairs of a person.

STRATEGIC IMPLICATIONS

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

Maps and Diagrams:



In Brief:

- Since 2004, the City has been discussing with the owner of Lot 15 No 411 Collingwood Road, Collingwood Heights matters relating to access to his property and its potential for development, given its location in a sensitive estuarine environment.
- Under Local Planning Scheme No 1, this land and all of the surrounding land, is reserved for Parks and Recreation, recognising that it should be maintained as foreshore reserve in order to protect the environmental values of the area.
- Since 2013, the City has been negotiating with the owner to reach an Agreement to Acquire the land under the provisions of the *Land Administration Act 1997*, as it is best to be held in public ownership.
- These negotiations have failed and the Council is requested to consider the options available to now progress this matter further.
- It has been recommended that the City seek the Minister for Lands approval to enact the compulsory acquisition procedures outlined in the *Land Administration Act 1997*.

RECOMMENDATION

CSF175: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HAMMOND

THAT Council request, pursuant to Part 9 of the *Land Administration Act 1997*, the Minister for Lands initiate the compulsory acquisition of Lot 15 No 411 Collingwood Road, Collingwood Heights.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Price

CSF175: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 9-2

Record of Vote

Against the Motion: Councillors Price and Hollingworth

CSF175: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council request, pursuant to Part 9 of the *Land Administration Act 1997*, the Minister for Lands initiate the compulsory acquisition of Lot 15 No 411 Collingwood Road, Collingwood Heights.

BACKGROUND

2. During the 1980s, majority of the land which now forms part of Wesley Maley Reserve was resumed such that it was either owned in freehold title by the City or formed part of Crown Reserve 38157, which is vested in the City. Lot 15 Collingwood Road remained the only privately owned land parcel in this area.
3. In May 2004, Mr Buktenica approached the City requesting that a road be constructed to his property at Lot 15 Collingwood Road. Mr Buktenica was of the view that, as a ratepayer, it was his right to be provided constructed road access to his property.
4. In reply, the City advised the landowner that the site has significant constraints and, as development was unlikely to be approved, there was little point in providing constructed road access to the land. However, the City did offer to discuss the purchase of the land, as it had done with other undevelopable properties in the area.
5. While this matter was debated back and forth on a number of occasions in 2004, it was eventually agreed that the property had limited development potential and Mr Buktenica agreed to discuss the proposed purchase of the land.

6. Detailed correspondence was again exchanged in 2006 between Mr Buktenica, City officers and the then Mayor considering issues relating to road access and the potential for future development. At this time, Mr Buktenica was advised that in a recent valuation, it was indicated that the land has no value. It was indicated to Mr Buktenica that the matter was to be considered by Council at the July 2006 meeting, however this item was withdrawn and no Council resolution was made. Notwithstanding, a detailed response letter was forwarded to Mr Buktenica on 12 July 2006.
7. It is noted that both this letter and the draft Council item noted that an independent market valuation had determined that the land had no value, as it could not be sold on the open market or developed for any purpose.
8. Mr Buktenica was not advised in the correspondence dated 12 July 2006 that the item to Council was being withdrawn, however it can be assumed that a further response from Mr Buktenica was being sought on matters discussed in that letter, prior to taking the matter to Council. No further action occurred until June 2013, when Mr Buktenica contacted the City to discuss matters relating to his property.

DISCUSSION

Evidence of Negotiations

9. At the commencement of discussions in 2013, the City recognised that due process may not have been fully observed and advised that it would now like to do so under the provisions of the *Land Administration Act 1997*. To this effect, a revised valuation of the land was sought and an offer to reach a negotiated Agreement to Acquire was made to Mr Buktenica in August 2013. The exchange of correspondence since this time is detailed as follows:
 - a. 20 August 2013 - Revised Valuation provided by Opteon, land value of \$8,600.
 - b. 22 August 2013 - City letter to Mr Buktenica offering a compensation value of \$10,000 to allow the City to acquire this land for Foreshore Protection and providing a copy of the valuation report provided by Opteon.
 - c. 7 October 2013 - City email to Mr Buktenica asking for a response to our letter dated 22 August 2013.
 - d. 10 October 2013 - Letter from Mr Buktenica to City refusing the compensation offer of \$10,000. In this letter, Mr Buktenica raised concerns with the valuation provided by Grant Solomon of Opteon and provided an alternate valuation by Dr Peter Brown, which valued the land at \$100,000. Dr Brown's valuation was undertaken in 2007.
 - e. 24 October 2013 - Letter from City to Mr Buktenica providing a response to his letter dated 10 October 2013. This letter answers some of the criticisms of the valuation and raises concerns with the valuation provided by Dr Brown. The offer of \$10,000 was reiterated and Mr Buktenica was advised that if this offer was not acceptable, he was welcome to seek an independent valuation from a licensed valuer. We also encouraged Mr Buktenica to speak to a real estate agent to get a fair assessment of how this property would be viewed on the open market.
 - f. 14 September 2014 - Response received from Mr Buktenica. This correspondence again debates issues relating to the method of valuation and construction of the road to his property. Mr Buktenica asked that the City pay for an engineer's report on the construction of the road and that the fees for a further valuation be paid.
 - g. 2 October 2014 - Email to Mr Buktenica acknowledging receipt of his correspondence dated 14 September and advising that the City was going to seek expert advice on the matter, so there may be a delay in providing a response.

At this point, the City sought legal advice on the matter from Latro Lawyers. The basis of this advice will be summarised below and informed future correspondence to Mr Buktenica.

- h. 27 November 2014 - Letter to Mr Buktenica. This letter outlined some of the legal advice received with regard to the future development of the land under Planning Scheme requirements and that approval would be unlikely given the site constraints and provisions of the Scheme. Notwithstanding, the City made a revised offer of \$12,500.

As part of this correspondence, the City provided Mr Buktenica a copy of *LAA Form 1094 – Statement of Procedures* which outlines the procedures and the owner's rights and obligations under Parts 9 and 10 of the *Land Administration Act 1997*. This fulfils the legislative requirements of Section 168 of the Act.

- i. 8 December 2014 - Email received from Mr Buktenica advising that he was not happy with the offer and would send a more detailed letter in the near future.
- j. 17 December 2014 - Letter received from Mr Buktenica reiterating his dissatisfaction with the offer and advising that if the matter was presented to a third party, he would be able to argue his points.
- k. 22 January 2015 - City sought a second valuation to make a further attempt to negotiate an agreement to acquire. The City then made a revised offer of \$22,500 to Mr Buktenica.
- l. 5 February 2015 – Email received from Mr Buktenica rejecting the offer and raising further concerns relating to method of valuation, payment of independent valuations and matters relating to construction of an access road.
- m. 10 February 2015 - Copy of the second valuation report was provided to Mr Buktenica.
- n. 14 February 2015 - Email received from Mr Buktenica rejecting the offer, raising further concerns regarding the method of second valuation and again asking for constructed road access. Mr Buktenica repeatedly has asked that a valuation be provided which presumes that a road is constructed to the property however the City has consistently maintained that this is a pointless exercise, as no road will be constructed to the property.
- o. 9 March 2015 - Letter provided to Mr Buktenica reiterating advice on the likelihood of development approval and presenting the same offer of \$22,500 (copy of letter is attached to this item).
- p. Week commencing 6 April 2015 - Phone call from Mr Buktenica to Nikki Crook. A review of the issues raised in previous correspondence was discussed at length with no agreement reached. The outcome of this phone call is that Mr Buktenica was asked to provide a counter offer, which he had not done at any time throughout the negotiations.
- q. 16 April 2015 - Email received from Mr Buktenica advising that his price proposal would be submitted shortly.
- r. 21 April 2015 - Email received from Mr Buktenica submitting his price proposal. A counter offer was made at \$129,516.22.
- s. 21 April 2015 - Email to Mr Buktenica acknowledging receipt of correspondence and advising that the City would be considering the best way forward.

Please note that this level of detail is provided to Council as the Minister for Lands will want evidence that every effort has been taken to reach a negotiated agreement with the landowner prior to initiating compulsory acquisition.

Legal Advice

10. The City sought legal advice on this matter to ensure that due process was being observed. While this advice was very detailed, the key points as they apply to this report are summarised below:
 - a. The advice outlined the options for the City to acquire or resume the land under both the *Planning and Development Act 2005* and the *Land Administration Act 1997*. The advice recommended that the City purchase the land by negotiated agreement under section 168 of the *Land Administration Act 1997*;
 - b. The advice does state that if no agreement can be reached, that we can request that the Minister for Lands issue a Taking Order under section 177 of the *Land Administration Act 1997* and this process was clarified;
 - c. The advice stated that it was their opinion that a court or the State Administrative Tribunal would likely agree with Opteon's valuation, rather than Dr Brown's valuation, though noting this is a matter to be determined;
 - d. The advice noted the impact of site constraints on the valuation and on the potential that any development may be permitted in the future. It was recommended that the appropriate planning provisions be clearly outlined to Mr Buktenica.
11. Throughout these negotiations, the City has recommended that Mr Buktenica seek his own independent legal advice, though he has stated a reluctance to do so.

Site Constraints & Planning Provisions

12. Lot 15 Collingwood Road is facing numerous site constraints that would prevent both the construction of road access to the land and the future development of the land. These include (but are not limited to):

Road Construction

- a. The construction of a basic 3m wide limestone track to provide access to Lot 15 Collingwood Road is likely to cost in excess of \$120,000 and would require two bridges over the waterways crossing the Collingwood Road reserve, which would further impact on construction costs;
- b. The road would pass through significant environmental areas and may encourage further informal access to this land, resulting in potential damage to a sensitive estuarine environment. The landowner has been repeatedly advised of this concern;
- c. There is nothing in legislation that requires the City to construct a road simply because a road reserve existing and most legislation favours the construction of roads by the applicant as a condition of subdivision or development. Clause 5.8.1 of the City's *Local Planning Scheme No 1* states that the City can ask the applicant to meet the full costs of constructing or upgrading an unconstructed or substandard road as a condition of planning approval. In this case, the landowner would need to construct over 900m of road;

Permissibility of Development

- d. While the land was previously zoned 'Rural' under the previous Town Planning Scheme, the land was designated as a Reserve for "Parks and Recreation" with the gazettal of the *Local Planning Scheme No 1*. Any future application for development would need to be considered under the relevant provisions of the Scheme, though it is noted that any private development would not be in accordance with the ultimate purpose intended for the reserve;

- e. Any application for development would likely be referred to various state government agencies for comment, in accordance with Clause 10.1 of the Scheme. This would include agencies such as the Department of Planning, Department of Water and Department of Parks and Wildlife. It is noted that the support of these agencies may not be forthcoming, given the significant environmental values of the area;
- f. Clause 10.2 of the Scheme outlines matters to be considered in assessing in application for development. This includes provisions regarding any development that may have a detrimental effect on the natural environment or any development on land that may be subject to flooding or tidal inundation. Development which does not comply with this Clause may be refused;
- g. Any future development of the land is unlikely to be able to meet scheme requirements, including:
 - i. Development will not be able to meet the setback requirement of 100m from a estuary, as per Clause 5.3.6 (Setbacks from Watercourses) of the Scheme;
 - ii. Development on the land is likely to have a detrimental impact on the natural drainage and ecological function of the land (Clause 5.3.7 (Land Subject to Flooding and/or Inundation) of the Scheme); and
 - iii. It is highly unlikely that any development would be able to be provided with a suitable effluent disposal system or any other essential service.

Aboriginal Heritage Matters

- h. There are two known Registered Aboriginal Sites impacting on this land, being Site 24418 – Yakamia Creek and Site 636 – Oyster Harbour. Any development that may occur in this property would be required to observe the provisions of the *Aboriginal Heritage Act 1972* and this may include a heritage survey of the property and an application to the Minister for Aboriginal Affairs.

Comment on Land Valuation

- 13. The City has sought two valuations on Lot 15 Collingwood Road. Both valuers inspected the property, despite the inherent difficulties in doing so. While the valuations of \$8,600 and \$22,500 vary in their total amount, both valuations agree that there would be inherent difficulties in selling the land and noted the significant constraints for any future development.
- 14. In contrast, the valuation obtained by Mr Buktenica in 2007 and prepared by Dr Peter Brown, while recognising the site constraints, largely relies on comparable sales evidence of other water front properties. It does not question whether development approval of the land is likely. Its development costs which are deducted from the estimated market value are also substantially less than the actual cost of works required.

Next Steps

- 15. It is considered that every effort has been made to reach an agreement with Mr Buktenica and very little progress has been achieved. The owner has repeatedly argued points that the City has refuted and refuses to take the City's advice on matters. This debate has been ongoing since 2004 and it is now recommended that further action be taken.

16. The Council may decide to leave the matter and not take any further action. However, should Mr Buktenica make an application for development approval and this application is refused, this will enact the injurious affection provisions of the Scheme. It is the advice of the Department of Lands that the compensation payable under the *Planning and Development Act 2005* will likely be higher than that under the *Land Administration Act 1997*.
17. Should Council decide to proceed with compulsory acquisition, a request must be sent to the Minister for Lands. This process will then be governed by the procedures of the Department of Lands, as defined by the *Land Administration Act 1997*, summarised as follows:
 - a. City send request to Minister for Lands to take land without agreement;
 - b. Minister will issue a Notice of Intent to Take Interests (NOITT). This will be registered on the certificate of title for the affected land;
 - c. The NOITT will be advertised for public comment. The landowner will have a 60 day period to object to the NOITT and this objection will then be determined by the Minister;
 - d. If no objections are received or if the objections do not warrant cancellation or amendment of the NOITT, the Minister may then issue a Taking Order, which is also advertised for public comment. Once registered, the Taking Order means that the land will be Crown Land and the matter is then handed back to the City for determination of compensation. This is usually a legal matter than will be debated in court or in front of the State Administrative Tribunal.

GOVERNMENT & PUBLIC CONSULTATION

18. The City has had early discussions with the Department of Lands regarding the possibility that this matter will move to compulsory acquisition. The Department reiterated the advice provided to the City by Latro Lawyers on the process to be observed.
19. The City has had verbal conversations with officers at the Department of Water regarding the potential development of the land and, while not committing to a position, concerns were raised about this possibility.
20. No public consultation on this matter is appropriate, as it is private to the landowner.

STATUTORY IMPLICATIONS

21. Under the *Land Administration Act 1997*, the following provisions will apply:
 - a. Section 161 allows land to be taken for a public work by compulsory acquisition. The definition of public work includes “Parks or gardens or grounds for public recreation or places for bathing, and for the reclamation of land for or in connection therewith”;
 - b. Section 168 allows the City to enter into an agreement to purchase the interest in a property or for an owner to give consent to taking of land. In either case, the City must advise the landowner in the approved statement (Form LAA-1094) of the procedures and his rights and obligations under Parts 9 and 10.

Please note that Mr Buktenica was provided Form LAA1094 – Statement of Procedures as part of the City’s correspondence dated 27 November 2014.

- c. Part 9 outlines the procedures to be observed for the compulsory acquisition of land; and

- d. Part 10 outlines the procedures for determining compensation payable for the acquisition of land and the means for making such payments, irrespective of which method is used.
22. Under the *Planning and Development Act 2005*, the following provisions may apply:
- a. Section 190 grants the power to purchase any land from a willing seller for the purposes of the Town Planning Scheme;
 - b. Section 191 allows the City to take any land for the purpose of its planning scheme. This Act then refers to the procedures set out in Part 9 and 10 of the *Land Administration Act 1997*.
 - c. Part 11 deals with matters of injurious affection (i.e. where land cannot be developed by reason of the reservation of land under a planning scheme for a public purpose).
- Please note that the statements made in Mr Buktenica's correspondence dated 19 April, as attached to this item, refer to this part. The City has not been pursuing the acquisition of the land under this act, rather relying on the provisions of the Land Administration Act 1997.***
23. There are many provisions of the City's *Local Planning Scheme No 1* that apply to this matter. These provisions have been detailed throughout the body of the report.

POLICY IMPLICATIONS

24. There are no policy implications relevant to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial – As this matter may proceed to determination by an external agency, the full compensation payment and legal fees cannot be known and may exceed budgeted line items.	Possible	Major	High	Act in accordance with legal advice and revise budget allocations accordingly.
Reputation – potential for negative attention if the City pursues action to take the land via compulsory acquisition.	Possible	Moderate	Medium	Ensure that due process is followed and that the public is advised of the environmental implications of this matter.

FINANCIAL IMPLICATIONS

26. The cost of valuations and legal advice has been sourced from the Land Acquisition Municipal budget line item. To date, the City has spent approximately \$8000 on this matter.
27. It is proposed that any compensation payment would also be sourced from the Land Acquisition Municipal line item. However, in the event that the compensation payment is determined by the court or SAT, the City cannot be sure of the value of compensation payable. Budget adjustments may be necessary.
28. There is a budget line item for Organisation legal fees which could be used to cover future legal services.

LEGAL IMPLICATIONS

29. There are significant legal implications relating to this item, however they largely relate to actions being carried out in accordance with relevant legislation, which has been outlined in detail throughout this report.
30. The City has sought legal advice in this matter and will continue to retain legal services in any future court action or SAT determination.

ENVIRONMENTAL CONSIDERATIONS

31. Lot 15 Collingwood Road is surrounded by Wesley Maley Reserve. The land has been acquired by both local and state government such that it is retained as a foreshore reserve. Similarly, it is reserved for Parks and Recreation under *Local Planning Scheme No 1* in order to protect this foreshore area. The land has significant environmental values and any development of the area would be detrimental. Notwithstanding, it is unlikely that any development would be supported because of the potential impact on those environmental values.

ALTERNATE OPTIONS

32. Council may resolve to proceed with the compulsory acquisition of Lot 15 No 411 Collingwood Road, Collingwood Heights, as is the recommendation of this report.
33. Alternatively, the Council may decide to suspend further negotiations with the owner and allow the land to remain in private ownership. In this case, the risk is that the owner will make an application for development which will be refused and this will then enact the injurious affection clauses of the Scheme. In this event, the following recommendation is suggested:

That Council:

1. *RESOLVE to suspend any further negotiations with the owner of Lot 15 No 411 Collingwood Road, Collingwood Heights to reach an agreement to acquire this property; and*
2. *ADVISE the landowner that there is no intention (at this time) to construct Collingwood Road past its current end point at the intersection with Battle Road.*

SUMMARY CONCLUSION

34. The subject Lot 15 Collingwood Road, along with all surrounding land, is recognised as a sensitive estuarine environment worthy of conservation and often subject to inundation. As such, it is reserved under *Local Planning Scheme No 1* for Parks and Recreation purposes. On this basis, it is appropriate for the City or Crown to own Lot 15 Collingwood Road, so that it may be managed with all of the surrounding foreshore land.
35. The City has attempted to reach an Agreement to Acquire with the subject landowner, though these negotiations have been unsuccessful. Further, the City has not been able to convince this owner on the City's position with regard to the construction of access to the property and the future development of the land.
36. While Council has the option of suspending any future negotiations with this owner and allowing the land to remain in private ownership, it is considered that this presents a higher risk to the City, as the actions under the *Planning and Development Act 2005* may result in a higher level of compensation payable.
37. It has been recommended that the Council now pursue the compulsory acquisition process to bring this matter to conclusion.

Consulted References	:	Land Administration Act 1997 Planning and Development Act 2005 City of Albany Local Planning Scheme No 1
File Number (Name of Ward)	:	A18625
Previous Reference	:	No previous references

**CSF176: 2015-16 CITY OF ALBANY – ADVERTISING OF PROPOSED
GENERAL RATING SCHEDULE & WASTE FACILITIES MAINTENANCE
RATE**

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Deputy Chief Executive Officer (G Adams)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:**
 - 5.1. To establish and maintain sound business and governance structures.
 - 5.3. To engage effectively with our community.
 - c. **Strategic Initiative:** Nil

In Brief:

- Accept the report as urgent and approve the proposed general rate in the dollar and minimum payment amounts for advertising and public comment.

RECOMMENDATION

CSF176: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HORTIN

THAT Council:

- a. **ENDORSES and APPROVES** advertising the proposed general rate in the dollar and minimum payment for the 2015-16 financial year as represented in the following table:

Description	Minimum Payment \$	Actual Rate in Dollar 2014-15	Proposed Rate in Dollar 2015-16
Gross Rental Value (GRV)			
General	935.00	9.7920c	10.2179c
Unimproved Value (UV)	1010.00	0.3828c	0.4099c

- b. **ENDORSES and APPROVES** advertising the proposed Waste Facilities Maintenance Rate (Section 66 (1) Waste Avoidance and Resource Recovery Act 2007) for the 2015-16 financial year as represented in the following table:

Description	Minimum Payment \$	Actual Rate in the Dollar 2014-15	Proposed Rate in Dollar 2015-16
Gross Rental Value (GRV) Properties	55.00	0.01c	0.01c
Unimproved Value (UV) Properties	55.00	0.0022c	0.0022c

CARRIED 12-0
ABSOLUTE MAJORITY

CSF176: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-0

CSF176: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

- a. ENDORSES and APPROVES advertising the proposed general rate in the dollar and minimum payment for the 2015-16 financial year as represented in the following table:

Description	Minimum Payment \$	Actual Rate in Dollar 2014-15	Proposed Rate in Dollar 2015-16
Gross Rental Value (GRV)			
General	935.00	9.7920c	10.2179c
Unimproved Value (UV)	1010.00	0.3828c	0.4099c

- b. ENDORSES and APPROVES advertising the proposed Waste Facilities Maintenance Rate (Section 66 (1) Waste Avoidance and Resource Recovery Act 2007) for the 2015-16 financial year as represented in the following table:

Description	Minimum Payment \$	Actual Rate in the Dollar 2014-15	Proposed Rate in Dollar 2015-16
Gross Rental Value (GRV) Properties	55.00	0.01c	0.01c
Unimproved Value (UV) Properties	55.00	0.0022c	0.0022c

BACKGROUND

- On a number of occasions, Council has met with City Executive staff in Council budget workshops to consider and prepare the City of Albany budget for 2015/16. The proposed rates have been determined in order to ensure a balanced budget and enable the City to continue to provide the required services to the community.
- Rates are determined by a formula which apportions the total amount required across all those properties according to the total values as determined by the Valuer General's Office. This gives a "rate in the dollar" which is then applied to individual properties in the Municipality. The rate in the dollar is a tool for apportioning the total bill. For each category, the rate in the dollar has been determined to give an overall increase of 4.35% in total rates for the 2015/16 year.

DISCUSSION

- As required by the *Local Government Act 1995*, and its Regulations, the City is required to advertise the land rates the Council proposes within its annual budget.
- Many of the cost pressures faced by the City are outside of its control including such things as significant increases in utility charges and employment costs.
- The proposed 4.35% increase in rates for the 2015/16 budget year represents an average increase across all properties.
- If Council does not endorse the above rates, then further discussion regarding the proposed 2015/16 budget will be required in order to determine expenditure reductions.

8. A review of UV rated properties paying minimum rates shows that the majority of these properties are rural lifestyle lots – larger blocks with a single house located on it. The nature of these properties is not primary production or rural use. An equivalent property rated under GRV would have rates levied of \$1300-\$1500. Therefore, increasing the minimum rates for UV rated properties addresses an inequity in the rating strategy of the City.

GOVERNMENT & PUBLIC CONSULTATION

9. In the review of the City's budgeted general rates and minimum payment, there is no requirement for formal government consultation.
10. Under section 6.36 of the *Local Government Act 1995*, the City is required to advertise any differential rating proposal for a minimum period of 21 days. For the 2015/16 year, two general rates are being proposed, and no advertising is required. However, in the interest of public information and disclosure, the proposed general rates will be advertised, and any submissions received will be presented to Council prior to the adoption of the 2015/16 budget.

STATUTORY IMPLICATIONS

11. Budget processes and endorsement are strictly regulated by the *Local Government Act 1995* and its Regulations.

POLICY IMPLICATIONS

12. There are no Policy implications in relation to the proposed fees and charges structure.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. <i>Proposed differential general rates or minimum rates not advertised for the required 21 days.</i>	<i>Unlikely</i>	<i>Significant</i>	<i>Medium</i>	<i>Even though the proposed rating schedule is for a general rate. And no advertising is required, it is recommended that the change to rating is advertised.</i>

FINANCIAL IMPLICATIONS

14. Rating income is the major source of revenue for the City, and without this income, the City would be unable to provide services, operate and maintain community facilities, and maintain infrastructure assets.

LEGAL IMPLICATIONS

15. The City is not required to advertise a general rate separate to the budget, but will do so for public interest and receive submissions for 21 days.

ALTERNATE OPTIONS

16. That Council does not endorse the advertising of the proposed rates and minimum payment.

SUMMARY CONCLUSION

17. The proposed general rates and minimum payments will be advertised for a period of 21 days, public comments sought, and any comments considered when adopting the Annual Budget.

18. Upon endorsement of this resolution, advertisements will be placed in local newspapers as soon as possible.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	CSF097 OCM June 2014

CSF177: ALBANY AGRICULTURAL SOCIETY – FUTURE USE AND TENURE IN CENTENNIAL PARK

Land Description	: Eastern Precinct Reserve 405 Lot 1359 Lockyer Avenue, Centennial Park Lot 305 Lockyer Avenue, Centennial Park Lot 32 North Road, Centennial Park Central Precinct Lot 5 North Road, Centennial Park Lot 6 and Lot 1003 North Road, Centennial Park Lot 115 North Road, Centennial Park
Proponent	: Albany Agricultural Society
Owner	: City of Albany (as freehold, through Crown Grant in Trust or as Management Body of Crown Reserve)
Attachments	: OCM 22 July 2014 Item CS011
Report Prepared by	: Senior Land Officer (N Crook)
Responsible Officer	: Chief Executive Officer (G Foster)

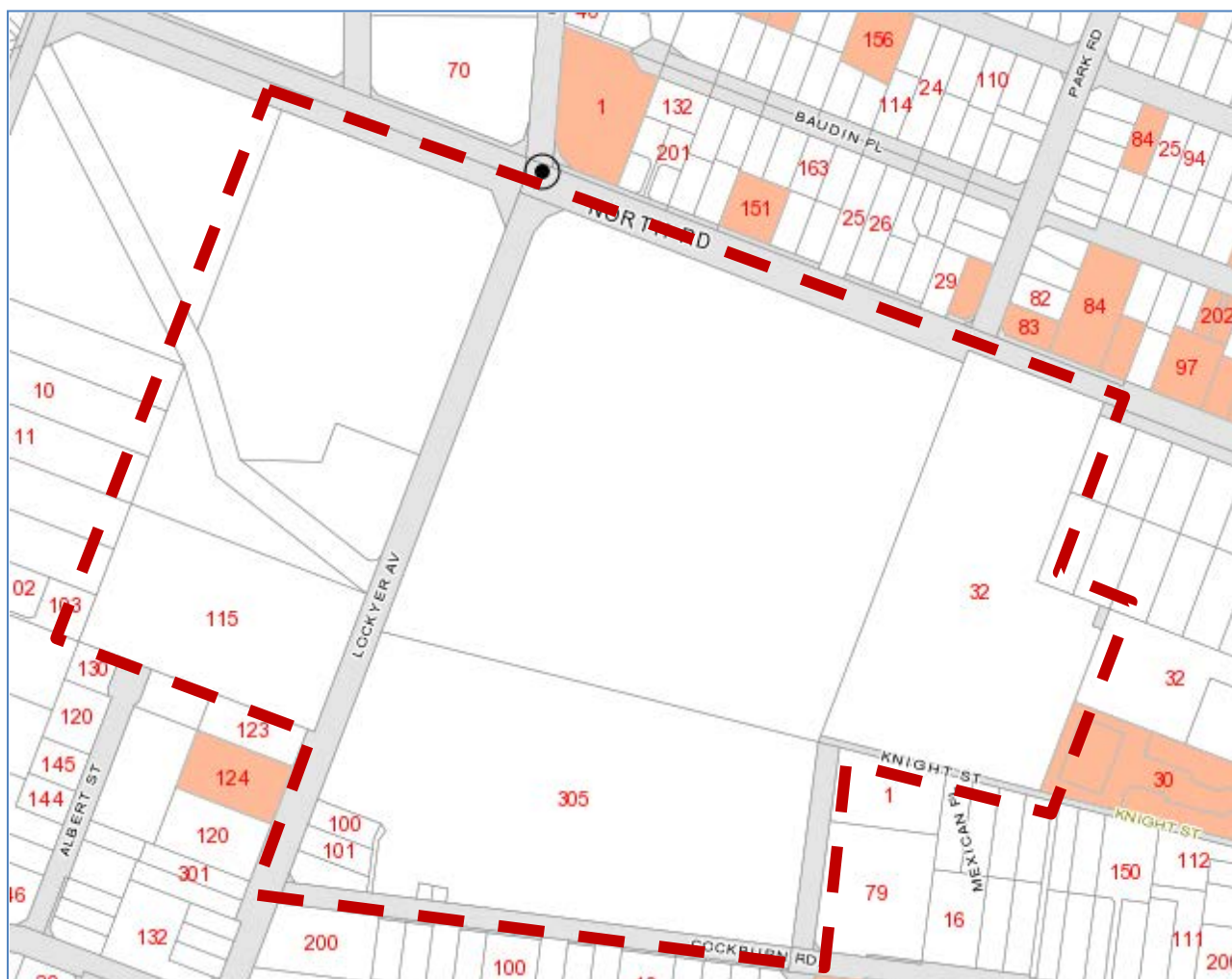
Responsible Officer's Signature:



Councillor Bowles declared an Impartiality Interest in this item. Councillor Bowles remained in the Chamber and participated in the discussion and vote.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:**
 - 3 A Connected Built Environment
 - 4 A Sense of Community.
 - b. **Strategic Objective:**
 - 3.2 To develop community amenities that support people of all ages and backgrounds.
 - 4.2 To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - 4.3 To develop and support a healthy inclusive and accessible community.
 - c. **Strategic Initiative:**
 - 3.2.2 By developing facilities and activities that enable active and passive recreation.
 - 3.2.3 By developing an integrated approach to planning and development.
 - 4.2.2 By improving the amenity of community spaces to promote participation and wellbeing.
 - 4.3.1 Develop a range of activities and facilities that are appropriate for all ages.
 - 4.3.2 Encourage and support volunteers and community groups.

Maps and Diagrams:**In Brief:**

- Council is requested to consider the options presented to the Albany Agricultural Society to accommodate its future use and tenure within the Centennial Park Sporting Precinct.
- The Albany Agricultural Society's licence arrangement over Centennial Park expired in 2010 and it has continued to operate at this site on holding over provisions, though this arrangement will come to an end in November 2015.
- The City holds a current lease with Albany Agricultural Society over Lot 1135 Hanrahan Road, which operates as the City's waste facility. This lease is current until 2022.
- Whilst the two property dealings are subject to separate agreements, they have operated under an arrangement whereby one offsets the rent for the other.
- In an effort to reach a negotiated agreement with the Albany Agricultural Society, the CEO and City staff has presented a number of offers for consideration (subject to Council approval). It is recommended that Council support the most recent offer made to the Albany Agricultural Society as the final offer for their consideration and endorse a position if this offer is not accepted.

CSF177: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR BOWLES

THAT Council SUSPEND Standing Order 6.20 (Order of Call in Debate) to allow discussion.

CARRIED 10-2
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillors Goode and Gregson

CSF177: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Standing Order 6.20 (Order of Call in Debate) be RESUMED.

CARRIED 12-0
ABSOLUTE MAJORITY

RECOMMENDATION

**CSF177: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR BOWLES)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

MOVED: COUNCILLOR BOWLES

SECONDED: COUNCILLOR STOCKS

Council:

- (1) **NOTE** that, Council has exhausted all reasonable avenues of consultation with the Albany Agricultural Society in an attempt to resolve this matter.
- (2) **ENDORSE and APPROVE** the following final offer being made to the Albany Agricultural Society for its continued use and operation within the Centennial Park Sporting Precinct:
 - (a) A cash payment of \$750,000 will be made in exchange for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road (tip site);
 - (b) At no cost, the City will make available Albany Leisure and Aquatic Centre and surrounds for the annual Albany Agricultural Show;
 - (c) At no cost, the City will make available Railways Football Oval for the duration of equestrian events associated with the Albany Agricultural Show; and
 - (d) The City will continue to offer in-kind support up to a value of \$25,000 during the Show period.
- (3) **NOTIFY** the Albany Agricultural Society that, in the event the above offer is not accepted by 31 July 2015, the following position will apply:
 - (a) In order to meet funding deadlines for the Centennial Park redevelopment, Albany Agricultural Society must vacate the Centennial Oval licence area as per the termination notice issued on 26 November 2014;
 - (b) The City will no longer pursue the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road;
 - (c) The City will negotiate with the Albany Agricultural Society, an agreed rental of the Hanrahan Landfill Facility situated at Lot 1135 Hanrahan Road, in line with the requirement and intent of the current lease over this land;
 - (d) The City will make available the Centennial Park land area to the Society (at no cost) for the annual Albany Agricultural Show;
 - (e) The City will allow the use of the new Centennial Park buildings during the Annual Show subject to cost recovery;
 - (f) At no cost, the City will make available Albany Leisure and Aquatic Centre and surrounds for the 2016 annual Albany Agricultural Show; and
 - (g) The City will continue to offer in-kind support up to a value of \$25,000 during the Show period.

**CARRIED 8-4
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillors Gregson, Goode, Hammond and Price

Councillor's Reason:

Council (Elected Members and Staff) have exhausted all avenues of consultation with the Albany Agricultural Society in attempt to resolve this matter.

Council's role is to ensure that decisions are made for the betterment of the whole community.

Using ALAC and surrounds for the Albany Show, would enable the society to utilise 5700 sq metres of covered flat floor space, which could be complimented by the 2,200 sq mtrs of temporary structures the Society already hires for the show and an additional 400 sq mtrs of temporary infrastructure provided by the City.

The Society would have no ongoing maintenance costs for a building or buildings that would sit unused for most of the year, therefore potentially providing a much more sustainable operating model into the future.

Junior football and the community would retain additional programmable green space that would otherwise be lost with the previously proposed 3600 sq metre structure. The framework underlying the negotiations with all Centennial Park users has been one of co-location and cooperation. AAS has positioned itself to accommodate only its own needs and has not adopted the same cooperative approach.

The payment of \$750,000 for the voluntary surrender of the Crown Grant in Trust over the Hanrahan Rd site more than adequately compensates the Society for land which it will never be able to use and land that it has indicated would never be developed by them. Further it would allow the Society to be financially sustainable into the future.

There is also significant risk to the Society in managing an ex-landfill facility after the current lease with the City expires. If this issue is not addresses now, it will need to be addressed in 2022 at the expiry of the lease.

Officer's Comment (Deputy CEO & Executive Director Community Services):

This option enables the annual Agricultural Show event to be hosted through better utilisation of existing assets whilst maximising the available green space for sport, recreation and events.

This option meets the City's and the Department of Sport and Recreation's guidelines and policies in relation to sustainability, co-location and shared use.

CSF177: RESPONSIBLE OFFICER RECOMMENDATION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. ENDORSE the following final offer being made to the Albany Agricultural Society for their continued use and operation with the Centennial Park Sporting Precinct:
 - a. A cash payment of \$750,000 will be made in exchange for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road (tip site);
 - b. These funds will enable the Albany Agricultural Society to construct its own exhibition and administration building within Lot 32 North Road, immediately adjacent to Knight Street.
 - c. To further assist the Society, the City will remove the existing buildings at its own cost and undertake site works to a value of \$220,000, including the construction and sealing of an access road and parking spaces, connection to sewer and water for the proposed new building;
 - d. The agreed site will allow a building footprint to a maximum of 3600m², and will be leased to the Society for a term of 30 years at a peppercorn rent;
 - e. The City will continue to offer in-kind support up to a value of \$25,000 during the Show period;
 - f. The City will allow the negotiated use of the central and eastern precincts for the operation of the Show. In this respect, the City will consider the use of all facilities (not otherwise permanently occupied) subject to the approval of a Show layout plan. This includes the temporary closure and use of Lockyer Avenue; and
 - g. During the Centennial Park redevelopment, the City will make Albany Leisure and Aquatic Centre and surrounds available for the 2016 Albany Show.
2. NOTIFY the Albany Agricultural Society that, in the event the above offer is not accepted, the following position will apply:
 - a. In order to meet funding deadlines for the Centennial Park redevelopment, Albany Agricultural Society must vacate the Centennial Oval licence area as per the termination notice issued on 26 November 2014;
 - b. The City will no longer pursue the surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road;
 - c. As per the lease variation agreement, the City will negotiate with the Albany Agricultural Society in good faith to determine an agreed rental of the Hanrahan Landfill Facility situated at Lot 1135 Hanrahan Road, in line with the requirement and intent of the current lease over this land;
 - d. The City will make available the Centennial Park land area to the Society (at no cost) for the annual Albany Show and will continue to work with the Society to determine a sustainable operating model; and
 - e. The City will allow the use of the new Centennial Park buildings during the Annual Show subject to cost recovery.

BACKGROUND

2. The Albany Agricultural Society (AAS) has used Centennial Park East since the 1900's, however a formal licence agreement was only put in place in 1980. The latest licence expired on 31 December 2010 and AAS have continued to occupy the site under holding-over on the same conditions.
3. The licence states that the holding-over period is terminable by either party on giving 12 months notice. The City has now issued a termination notice in accordance with the licence and the AAS occupation of the site will terminate on 27 November 2015.
4. The licence provides a further termination right (Clause 12) and this was included in the termination notice. The notice states that termination is conditional on the City "requiring the Showgrounds for other purposes and providing alternate premises for the Annual Show". If not for the earlier termination set out above of 27 November 2015, the licence would terminate under clause 12 on 31 December 2015.
5. Under the terms of the licence and termination notice, AAS must:
 - a. Remove from the Showgrounds all furniture on or before the termination date and reinstate the Showgrounds to the same state and condition as at the commencement of the licence; and
 - b. Within 6 months following the termination date, remove AAS buildings as set out on the licence. Following this time the buildings become the property of the City.
6. The Albany Agricultural Society was issued a Crown Grant in Trust over Lot 1135 Hanrahan Road in 1966 for the purpose of "Greater Sports Ground and Showground".

A Crown Grant is a title to land in free simple (formerly Crown Land) which has been granted by the Queen to a person, company, statutory body or incorporated association for a cash consideration or on the completion of certain developments that may benefit the State.

Service or religious organisations may be granted land free of cost to be held in trust for specific purposes which are beneficial to the community, though the land must be used only for that specific purpose. This type of Crown Grant is known as a Crown Grant in Trust or conditional tenure land.

7. The City of Albany currently has a lease with the AAS over the Hanrahan Landfill Facility at Lot 1135 Hanrahan Road, expiring 31 January 2022. The purpose of the lease is for "Refuse site for the disposal of all kinds of garbage". The original lease of Lot 1135 Hanrahan Road entered into on 3 February 1971 had a peppercorn rental amount of \$1 per year, though this was varied in 2002 to be the equivalent of the minimum rate.
8. Council, at its meeting held on 25 February 2014, resolved:

"THAT City staff investigate targeted solutions for the Albany Agricultural Society's current and future needs, and these options be presented at a future Council meeting".
9. Council, at its meeting held on 22 July 2014 (copy of item attached), considered an item which detailed the current status of negotiations with the Albany Agricultural Society (AAS) regarding its ongoing tenure and use within Centennial Park relative to the redevelopment of this sporting precinct. This item considered the impact of these negotiations on the funding milestones associated with the State and Federal grants secured for the redevelopment project. From this meeting, it was resolved:

“THAT Council:

- *RECEIVE the Officer’s Report;*
- *ACKNOWLEDGE the Albany Agricultural Society presentation;*
- *RECOMMEND to Council:*
 - *City Staff continue to work with the design team to develop a design for the Annual Agricultural Show to remain at Centennial Park;*
 - *City staff to work with the community groups and sporting and recreational clubs that currently conduct activities in the existing Albany Agricultural Society structures to find suitable alternative venues; and*
 - *City staff to work with Albany Agricultural Society current Centennial Park facility users that conduct agricultural related activities/events throughout the year to source suitable alternate locations.”*

10. City officers have met with and exchanged correspondence with the AAS regularly since these Council resolutions were made in an effort to reach an agreed position with the AAS. The offers made to the AAS will be detailed in the Discussion section below.

DISCUSSION

11. For the purpose of understanding the level to which the City has attempted to accommodate the AAS’s needs in the Centennial Park Sporting Precinct, a history of the offers made to the AAS is summarised below:

March 2014

- Proposed land swap of the Hanrahan Landfill Facility land for a 19ha area of land at the corner of South Coast Highway and George Street (Crown Reserves 28465 and 28466), which was considered a viable development site for the AAS’s future activities;
- Cash offer of \$250,000 for new infrastructure in Centennial Park so that the show could remain in this location; and
- City to explore options for the AAS to maintain an administrative presence in the precinct.

May 2014

- Albany Agricultural Show to remain in Centennial Park, with the following in-kind support to be provided by the City:
 - Preparation of the grounds, as part of the Developed Reserves maintenance program (including mowing, moving bollards etc);
 - Remediation of the site following completion of the Show;
 - Provision of a water truck for dust suppression;
 - Provision of appropriate vehicles for towing requirements and placement of various facilities; and
 - Traffic management.
- In return for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road, the City offered the payment of an annual sum of \$30,000 (inclusive of GST and indexed to CPI each year) or a lump sum payment of \$300,000 (including GST).

August 2014

- A permanent office space and continued operation of the Annual Show in the Centennial Park Sporting Precinct;
- In return for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road, the City offered the payment of an annual sum of \$30,000 (inclusive of GST and indexed to CPI each year) or a lump sum payment of \$300,000 (including GST). These funds were offered on the proviso that the funds were used for permanent or temporary infrastructure to assist with the hosting of the annual show; and
- In-kind support by the City as described in the previous offer to remain.

November 2014

- Cash payment of \$550,000 (including GST) in exchange for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road;
- The cash payment would enable the construction of a new, purpose built structure in the eastern precinct in the vicinity of Knight Street. The building to be considered should have a maximum floor space of 3500m² and accommodate all of the permanent needs of the AAS including a hall area, administrative space, storage and ablution facilities;
- 30 year lease arrangement for the building footprint within Lot 32 North Road. AAS to own the building, while the City retains ownership of the land;
- Some concessions were made with regard to the fencing of the precinct, though it was recognised that approximately 500m of temporary fencing would be required for the operation of the Show; and
- Possible retention of the cattle yards near the Cockburn Road / Symers Street intersection for a period of 5 years and the AAS to look at the relocation of livestock and traditional agricultural functions after this term, as these uses are no longer considered appropriate in the CBD.

Recent Options

12. In February 2015, the City received correspondence from the AAS indicating the requirements for its future use of the Centennial Park Sporting Precinct. This letter proposed almost 9000m² in covered space, both as new buildings and a covered car park, in addition to the refurbishment of the Royals building. The AAS also requested that these new structures were in place and Royals refurbished prior to the evacuation and demolition of the existing AAS buildings.
13. It is estimated that the AAS currently have approximately 6400m² in covered space in existing buildings (sheds, stock yards, stables etc), though it is understood they hire a further 2200m² in temporary marquees for the operation of the Show. This figure of 6400m² is based on aerial photography, though the AAS claim to have 6977m² in covered space. The AAS has also advised the City that its buildings are valued at \$2.6 million, though the City would argue that this may be the replacement value, rather than current value, given their poor state of repair.
14. Responding to this letter and considering the requests of the AAS relative to the requirements of the Centennial Park Sporting Precinct redevelopment, the City presented three options for the AAS consideration, as follows (and attached):

a. Option 1

- Part lease of the Royals Building as the AAS administration office (shared with Albany Junior Football Association), including a \$100,000 contribution towards the upgrade of this building;
- Possible construction of a storage building in the vicinity of ALAC to house temporary show infrastructure;
- Payment of \$550,000 in exchange for the voluntary surrender of the Crown Grant over Lot 1135 Hanrahan Road;
- Use of ALAC and surrounds for the operation of the Annual Show on a permanent basis and under a licence arrangement;
- Use of Railways football oval for equestrian events;
- Agreement to use the City's temporary infrastructure, including marquees and fencing, as additional in-kind support for the show.

b. Option 2

- Part lease of the Royals Building as the AAS administration office (shared with Albany Junior Football Association), including a \$100,000 contribution towards the upgrade of this building;
- Lease of 2000m² for construction of an undercover exhibition space in Central Precinct, north of the Railways Football Club and within the fenced area;
- Payment of \$550,000 in exchange for the voluntary surrender of the Crown Grant over Lot 1135 Hanrahan Road;
- The Annual Show to utilise the Central and Eastern Precincts (including the use of the new arena and stadium building and the temporary closure of Lockyer Avenue). Railways football oval to be used for equestrian events;
- Agreement to use the City's temporary infrastructure, including marquees and fencing, as additional in-kind support for the show.

c. Option 3

- Part lease of the Royals Building as the AAS administration office (shared with Albany Junior Football Association), including a \$100,000 contribution towards the upgrade of this building;
- Lease of 3000m² for construction of an undercover exhibition space in the eastern precinct, adjoining Knight Street and commercial uses;
- Payment of \$550,000 in exchange for the voluntary surrender of the Crown Grant over Lot 1135 Hanrahan Road;
- The Annual Show to utilise the Central and Eastern Precincts (including the use of the new arena and stadium building and the temporary closure of Lockyer Avenue). Railways football oval to be used for equestrian events;
- Agreement to use the City's temporary infrastructure, including marquees and fencing, as additional in-kind support for the show.

15. All of the options include:

- a. A part lease of the Royals Building located in Centennial for AAS administration office.
- b. The location of the Annual Show at ALAC during the construction period. AAS has provided in-principle agreement to this arrangement.
- c. The City re-homing some of the existing community and sporting groups that use the AAS buildings. The City has had discussions with many of these users and has reached agreement for them to use other City facilities (i.e. ALAC, Vancouver Arts Centre etc).

16. On 8 April 2015, the AAS responded to the options presented, stating that Options 1 and 2 would be unworkable and could not be financially sustainable for the AAS. They indicated their preference for Option 3, subject to the following requirements being fulfilled:
 - a. Sufficient funds should be provided by the City to construct a 3600m² building on an east-west alignment, from design stage through to final completion;
 - b. This building shall be leased to the AAS for 30 years with a 30 year option;
 - c. A 4000m² covered car park in the vicinity of the soccer clubhouse, with 2.8m drop sides and gable roof should be constructed to house livestock exhibitions during the Show;
 - d. The City shall refurbish (at the City's full expense) the Royals clubhouse for the AAS use as an office space and meeting room;
 - e. Use of the Railways football oval for horse arenas during the Show;
 - f. Use of the full Eastern Precinct including stadium and facilities during the Show period;
 - g. Temporary marquees and fencing to be provided by the City as an in-kind contribution;
 - h. No demolition or exclusion of use of the existing buildings shall occur until all new and refurbished buildings are completed and handed to the AAS under the AAS management;
 - i. Lockyer Avenue shall be closed on Show days; and
 - j. Retention of the existing cattle yards.
17. In response to this considerable counter offer, the City advised the AAS on 8 May 2015 that this position presented under cover dated 8 April 2015 was far greater than what the City has proposed or what we are able to offer, however the following revised offer was put forward for consideration:
 - a. A cash payment of \$750,000 will be made in exchange for the voluntary surrender of the Crown Grant in Trust over Lot 1135 Hanrahan Road;
 - b. These funds would enable the construction of a 3,600m² building in the vicinity of Knight Street. It is intended that this building would house the AAS administrative functions and the Royals building was excluded from this revised offer;
 - c. The City would undertake or fund site works to a value of \$220,000, including the construction and sealing of an access road and parking spaces, connection to sewer and water and site works for the proposed building;
 - d. The site of the building will be leased to the AAS for a term of 30 years;
 - e. In-kind support up to a value of \$25,000 during the Show period, including use and assembly of temporary fencing and marquees; and
 - f. Negotiated use of the central and eastern precincts for the operation of the Show. In this respect, the City will consider the use of all facilities (not otherwise permanently occupied) subject to the approval of a Show layout plan and cost recovery options. This includes the temporary closure and use of Lockyer Avenue.

18. It is noted that the figure of \$750,000 for Lot 1135 Hanrahan Road is partly based on the value of the adjoining Lot 202 Hanrahan Road, which the City purchased in 2013. This 18ha parcel of land cost \$440,000 (ex GST). While a market valuation would be difficult to achieve on the landfill site, based on the value of the adjoining land, the 31ha of Lot 1135 could be valued in the vicinity of \$750,000.
19. The AAS was advised that this offer was subject to Council approval. At the time of writing this item to Council, no formal response to the 8 May offer has been received.

Further Comment on Offers Made

20. While the cash offer has been made as an enticement to surrendering the Crown Grant in Trust over Lot 1135, it is considered that these monies could be used to keep the AAS financially sustainable in the longer term.
21. The acceptance of the cash offer will allow the AAS to construct a new building in Centennial Park which they can manage as a more viable source of income and will enable the City to manage the Hanrahan Road Waste Facility unencumbered.
22. It is recognised that in the medium to long term, it would be preferable to see the relocation of traditional agricultural activities from Albany's central areas. These uses were appropriate when Albany was a smaller country town, but as it has transitioned over time to a larger regional centre, agricultural uses have moved to outlying areas. It would be preferred that the AAS also follow this trend and look at taking up options to co-locate at other compatible facilities. It is questioned whether it is appropriate to encourage uses involving livestock animals in close proximity to an expanding central business district.
23. With regard to the matter of co-location, the City has suggested that the AAS consider a number of alternate sites for their future operations. This includes the Albany Racecourse, the Albany Trotting Club and Collingwood Football Oval. It is understood these groups may also be agreeable to co-location options in order to secure their long term financial viability, as maintenance and operation costs can be difficult for community groups to meet. However, these suggestions have not been supported by the AAS on the basis that they believe they should remain in the Centennial Park Sporting Precinct.
24. It was originally intended that eventually the showgrounds would be developed at Lot 1135 Hanrahan Road, which is outside of the CBD and while this is no longer feasible, it is contrary to the argument that the AAS must maintain their presence in the CBD.

Options if Agreement Not Achieved

25. In the event that agreement is not reached with the AAS, then the following considerations are noted:
 - a. The redevelopment of the Centennial Park Sporting Precinct has been supported by the Council and has received regional, State and Federal support. This critical project should not be further delayed and funding arrangements jeopardised;
 - b. In accordance with the holding over provisions of the licence, the City has issued a Termination Notice to the AAS for the vacation of the site by 27 November 2015. The AAS has no further property rights over Centennial Park past this date.
 - c. The City holds a lease over Lot 1135 Hanrahan Road for the landfill facility use until 2022. The City does have the option of continuing this lease and closing the facility, in line with an approved closure plan. The lease will then terminate and the management of the land will revert to the AAS.

This is not a preferred position of the City, however it is considered that the City has done everything reasonably practicable to reach a mutually agreeable position with the AAS.

26. The City's lease agreement for the Hanrahan Landfill Facility states that the rent of the land shall be an amount equivalent to the Gross Rental Value of the Centennial Oval and in the event that AAS does not lease Centennial Oval from the City, then the rent shall be such amount as shall be agreed between the City and AAS from year to year, set annually and subject to GST. The City would need to negotiate with AAS to determine this rental value.
27. It is noted that irrespective of which option results, the City will be responsible for ensuring that the landfill facility is closed and made good in line with a landfill closure plan to be approved by the Department of Environment Regulation. There may also be requirements for ongoing monitoring of groundwater.

GOVERNMENT & PUBLIC CONSULTATION

28. Extensive consultation with the AAS has occurred to date. The City has also discussed options for relocation with various community and sporting groups currently using the AAS buildings and secured new locations for many of these groups, with their full support.
29. All other stakeholder and sporting clubs within the Centennial Park Sporting Precinct have provided written endorsement of the Master Plan and concept design for the precinct redevelopment.
30. The City has also maintained close consultation with the Department of Lands throughout the negotiation process.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

32. The options to accommodate the AAS may impact on the Centennial Park Sporting Precinct Master Plan previously adopted by Council and could be considered a departure from this plan.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial. Funding of development lost due to not meeting grant funding conditions and milestones, may result due to delay reworking adopted master plan.	Likely	Severe	High	Council adopts a position that will guide the finalisation of development and structures, which will in turn facilitate grant funding conditions.
Reputation. If agreement is not reached on a suitable option for AAS occupation within Centennial Park, the termination of current arrangements with AAS will likely attract significant negative attention.	Likely	Major	High	City to manage public reaction in a measured way and make clear the risks of allowing negotiations to remain unresolved.

FINANCIAL IMPLICATIONS

34. The cash payment offer made in exchange for the voluntary surrender of Lot 1135 Hanrahan Road would be drawn from the Waste Reserve. This is considered a legitimate expenditure from this Reserve, as it will safeguard an existing landfill facility and provide options for a future transfer station to be located on site.
35. Other offers made (i.e. site works) are not currently funded in the scope of the Centennial Park redevelopment and will need to be funded from outside of the current allocated budget.
36. The existing grant funding is subject to delivering upgrades as outlined in the Master Plan and meeting key milestones so that the grant is acquitted by March 2017. Financial penalties apply for failing to meet contractual requirements.

LEGAL IMPLICATIONS

37. The City sought legal advice regarding termination of the AAS Licence over the Centennial Oval site. The City provided the AAS a termination notice in accordance with the licence on 26 November 2014. The Licence will terminate on 27 November 2015.
38. The City sought legal advice regarding the rental arrangements for Lot 1135 Hanrahan Road, in the event that the AAS's licence over Centennial Oval completes. There are other potential options that could be explored to affect a transfer of the Hanrahan Road site, however, given the lease remains in place for another 6 years, there is no urgency for this to be pursued.

ENVIRONMENTAL CONSIDERATIONS

39. The City is responsible for the management of the Hanrahan Landfill Facility under the terms and conditions of the licence granted by the Department of Environment Regulation. Any closure of this facility will be similarly regulated by this agency via an approved closure plan.
40. The *Contaminated Sites Act 2003* will place serious restrictions on the future use of Lot 1135 Hanrahan Road and it is considered unlikely that more sensitive uses (such as recreational uses) will be permitted on the site.

ALTERNATE OPTIONS

41. This report documents the options presented to the AAS throughout the negotiation period and the most recent offer made. On this basis, Council may:
 - a. Support the most recent offer made to the AAS under cover dated 8 May 2015;
 - b. Make an alternate recommendation on the final offer to be made to the AAS; and/or
 - c. On the basis that no offer is accepted by the AAS, decide to move forward with the termination of the AAS uses within Centennial Park and see out the term of the lease over Lot 1135 Hanrahan Road.

SUMMARY CONCLUSION

42. The redevelopment of the Centennial Park Sporting Precinct has been discussed with the AAS for a long period of time and, in line with Council's July 2014 resolution, the City has been negotiating intensively with this group to reach an agreement for its future use and occupation with Centennial Park.
43. The report details how the City has made increasingly generous offers to bring the AAS activities in line with the adopted Centennial Park Sporting Precinct Master Plan. To date, none of these offers have been accepted by AAS.
44. The most recent offer made under cover 8 May 2015 is considered to be a very generous offer and will allow the AAS to build its own building in the Centennial Park Sporting Precinct. This building will then permit the AAS to both have a base for the Show, admittedly in a revised operational model, and to provide a future source of income through rental of the facility.
45. It is the staff recommendation that Council endorse the most recent offer made to the AAS as the final offer. In the event that this offer is not accepted, it is recommended that Council notify the AAS of its intent to see out the termination of their use of Centennial Oval and see out the lease of Lot 1135 Hanrahan Road.

Consulted References	:	Past documentation, correspondence & items to Council
File Number (Name of Ward)	:	CP.DEC.1
Previous Reference	:	OCM 22/07/2014 Item CS011 OCM 25/02/2014 Item CS008 OCM 16/07/2013 Item 3.1

WS074: EYRE PARK ALL ABILITIES REGIONAL PLAY SPACE

Land Description	: Eyre Park
Proponent	: City of Albany
Owner	: Freehold land – owned by the City of Albany
Attachments	: Preliminary Plan Probable Costings
Report Prepared by	: Developed Reserves Coordinator (J Purvis)
Responsible Officer	: Executive Director Works and Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Subject to Council approval, the play equipment at Eyre Park is scheduled for renewal in the 15/16 financial year.
- A concept plan of the proposed new play space has been prepared and Council consideration is sought for the plan to be adopted.
- **Executive Director Works and Services advised the Works and Services Committee that City Staff made a submission to the Royalties for Regions, Great Southern Regional Grants Scheme and this was not successful. The Committee was advised that the project will be staged and City staff will look at options for other funding sources.**

RECOMMENDATION

WS074: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Hollingworth
Seconded: Councillor Hortin

THAT Council APPROVE the preliminary plan for the Eyre Park All Abilities Regional Play Space.

CARRIED 12-0

WS074: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES
SECONDED: COUNCILLOR GREGSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED: 5-0

WS074: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council APPROVE the preliminary plan for the Eyre Park All Abilities Regional Play Space.

BACKGROUND

2. The City of Albany submitted an application to Royalties for Regions, Great Southern Regional Grants Scheme in December 2014, for the creation of an All Abilities Regional Play Space at Eyre Park, as per City of Albany's adopted Coastal Parks Enhancement Plan (CPEP).
3. This work compliments the City of Albany Asset Management Plan for developed reserves in that the existing play equipment requires replacement. Recent playground audits have confirmed this.

DISCUSSION

4. The Coastal Parks Enhancement Plan was adopted by Council in September 2014, of which there was a recommendation to create a centralised all abilities play space at Eyre Park.
5. The current playground has been forecast for renewal in the 15/16 financial year which presents the opportunity to replace existing equipment with components that can be accessed and utilised by the whole community, including those with autism and/or other disabilities including sight and hearing impairment, seniors, toddlers, teenagers and families.
6. A new improved all abilities play space will increase safety, usability, diversity, age appropriateness and accessibility and create a regional community hub where all ages and abilities can experience fun and challenging play alongside their friends and family members.
7. The majority of the existing components have been recommended for replacement due to high maintenance requirements and age, from a safety audit completed in 2012. Some equipment has had to be removed for safety which has reduced the diversity of the play ground.
8. Eyre Park is regularly frequented for its playground, picnic facilities, youth activity area, and for exercise groups, bocce and events. This inland park offers a more sheltered, complementary experience to the coastal parks with large open spaces, amenities and slopes which make it the ideal location.
9. This will increase the usability of Eyre Park for large events which will bring in benefits to the local business community through higher visitation to the area.
10. If the funding is not forthcoming, the project can be staged.

GOVERNMENT & PUBLIC CONSULTATION

11. There was extensive community and stakeholder consultation in developing the CPEP which included presentations to the City's Access and Inclusion Working Group, local businesses, Nyoongar Elders Group, Friends Groups and the local community. This also included internal workshops within the City of Albany with representatives from Planning, Community Services and Corporate Services. The draft plan was then put out for public comment. It was concluded that the broader community would like to see enhancement of the parks facilities and amenities to enhance park experience and under one of the main themes 'A Place for Everyone'.
12. The detailed design will be circulated to the key stakeholders for feedback prior to implementation.

STATUTORY IMPLICATIONS

13. Nil.

POLICY IMPLICATIONS

14. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community/Reputation: <i>Negative comments lack of nature play elements.</i>	<i>Almost Certain</i>	<i>Moderate</i>	<i>High</i>	<i>Implement works as planned which contains nature play elements.</i>
People Health & Safety: <i>Current equipment is not compliant to standards.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Implement works complimented by asset management plan.</i>

FINANCIAL IMPLICATIONS

16. The project is listed in the draft 15/16 budget for approval.
17. The City's contribution to this project comprises of in-kind staff time, materials for landscaping, play components, and signage for interpretation to the value of \$297,550 from POS contributions: \$194,000 and Capital Works Programme: \$103,550.
18. Should the funding not be forthcoming, the City can implement stage 1 and look for alternative sources of funding.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

20. All on ground works will be referred to the Environmental Officers prior to commencement to ensure there are no issues in particular with regards to water management and drainage.

ALTERNATE OPTIONS

21. The Council may elect to not to approve the preliminary sketch and further consultation can occur.

SUMMARY CONCLUSION

22. The Eyre Park All Abilities Regional Play Space is consistent with the City's asset management plans and adopted Coastal Parks Enhancement Plan. It is recommended that the preliminary plan be approved to enable implementation to occur subject to funding and budget considerations.

Consulted References	:	Nil
File Number (Name of Ward)	:	PR.DEC.18
Previous Reference	:	Nil

WS075: C15009 PANEL OF SUPPLIERS: SUPPLY AND DELIVERY OF CONCRETE DRAINAGE PRODUCTS

Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Depot Administration Coordinator (T. Sudran)
Responsible Officer : Executive Director Works & Services (M. Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Council approval is sought to accept tendered rates from a range preferred suppliers to supply and deliver concrete drainage products under a panel arrangement.

RECOMMENDATION

WS075: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR GREGSON

THAT Council ACCEPT the tendered rates for C15009 Panel of Suppliers-Supply and Delivery of Concrete Drainage Products from the following suppliers:

- **Ball Concrete;**
- **Newman's Concrete;**
- **MJB Industries;**
- **Duracast; and**
- **Humes.**

CARRIED 12-0

WS075: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS075: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tendered rates for C15009 Panel of Suppliers – Supply and Delivery of Concrete Drainage Products from the following suppliers:

- Ball Concrete
- Newmans Concrete
- MJB Industries
- Duracast
- Humes

BACKGROUND

2. The City of Albany is seeking to establish a Panel of Suppliers for the supply and delivery of concrete drainage products on a schedule of rates basis.
3. Under the panel arrangement the highest weighted supplier for the particular item will be selected for supply with subsequent suppliers selected (in order) if the higher weighted supplier is not able to meet the specific operation requirements at that time.
4. The panel arrangement ensures operational efficiency, timeliness and flexibility particularly for reactionary maintenance works or projects operating under an accelerated timeframe.

DISCUSSION

5. A total number of nine tender documents were issued.
6. Tenderers were asked to provide a price/item to include all necessary materials and minor accessories required to successfully install the pipes. Price was based on bulk delivery rates.
7. The tender documents included 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 Experience	10
Key Personnel skills and experience	15
Tenderer's Resources	10
Demonstrated Understanding	10
Corporate Social Responsibility	5
Total	100

8. Five completed tender documents were submitted on or before the stipulated closing date and time. The following table summarises the tenderers and overall evaluation scores applicable to each product.

Reinforced Concrete Products

Tenderer	Weighted Score
Ball Concrete Pipes	591.53
MJB Industries	566.89
Newmans Concrete	556.02
Humes	519.40
Duracast	481.11

Box Culverts/Bases/Link Slabs

Tenderer	Weighted Score
Duracast	707.91
Newmans Concrete	694.09
Humes	614.99
MJB Industries	610.26
Ball Concrete Pipes	573.25

Precast Headwalls

Tenderer	Weighted Score
Ball Concrete Pipes	574.93
Duracast	563.17
Humes	552.35
MJB Industries	527.95
Newmans Concrete	496.55

Chambers/Cylinders

Tenderer	Weighted Score
Duracast	691.41
Newmans Concrete	690.49
Ball Concrete Pipes	536.89
Humes	466.98
MJB Industries	329.19

Soakwells

Tenderer	Weighted Score
Humes	604.23
MJB Industries	558.79
Newmans Concrete	549.57
Duracast	521.83
Ball Concrete Pipes	480.52

Conversion Slabs

Tenderer	Weighted Score
MJB Industries	806.60
Duracast	760.40
Newmans Concrete	759.07
Ball Concrete Pipes	703.11
Humes	313.30

Chambers/Cylinder Bases

Tenderer	Weighted Score
Humes	596.18
Newmans Concrete	591.62
Duracast	544.63
MJB Industries	539.34
Ball Concrete Pipes	443.19

Grates

Tenderer	Weighted Score
MJB Industries	632.65
Newmans Concrete	597.27
Ball Concrete Pipes	549.88
Humes	523.18
Duracast	411.96

Covers

Tenderer	Weighted Score
Duracast	671.42
Ball Concrete Pipes	545.80
Humes	508.07
MJB Industries	524.35
Newmans Concrete	465.29

Other Items

Tenderer	Weighted Score
Humes	603.47
MJB Industries	578.64
Ball Concrete Pipes	556.43
Duracast	536.76
Newmans Concrete	439.66

9. Should there be a requirement for other products not on the preferred supplier listing, then the normal procedure for quoting for these services will apply.

GOVERNMENT & PUBLIC CONSULTATION

10. A request for tenders was published in the West Australian on 8th April 2015 and the Albany Weekender on 9th April 2015.

STATUTORY IMPLICATIONS

11. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, worth more than \$100,000.00.
12. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial <i>City not obtaining competitive pricing for item or delays in supply causing inefficiency or time overruns.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Tender process ensures competitive pricing. Flexibility of panel arrangements mitigates potential problems arising with respect to supply delays.</i>

FINANCIAL IMPLICATIONS

16. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
17. Tenderers were required to provide a schedule of rates for goods. The supply and delivery of concrete drainage products is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

18. Nil

ENVIRONMENTAL CONSIDERATIONS

19. Nil

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

21. On review of the tender submissions the evaluation team has prioritised tenderers according to best price, relevant experience, key personnel skills and experience, tenderer's resources, demonstrated understanding and corporate social responsibility. It is recommended that the tenders nominated be accepted under a panel arrangement.

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)	:	C15009
Previous Reference	:	Nil

WS076: C15007 SUPPLY OF EXTRUDED CONCRETE KERBING AND OR ASPHALT

Proponent : City of Albany
Owner : City of Albany
Report Prepared by : Depot Administration Coordinator (T Sudran)
Responsible Officer : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Council approval is sought to appoint the preferred tender contractor to supply extruded concrete kerbing and/or asphalt.
- Contract to commence on 1 July 2015 or the date of award (whichever occurs latest) until 31 August 2017, with a mutually agreed and price negotiated option to extend for a further one year period, in accordance with the Specification to the Principal's satisfaction.

RECOMMENDATION

WS076: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR SUTTON

THAT Council ACCEPT the tender from Gordon Walmsley for C15007 Supply of Extruded Concrete Kerbing and/or Asphalt.

CARRIED 12-0

WS076: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR DOWLING
SECONDED: COUNCILLOR BOWLES

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS076: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ACCEPT the tender from Gordon Walmsley for C15007 Supply of Extruded Concrete Kerbing and/or Asphalt.

BACKGROUND

2. The City of Albany is seeking to engage a Contractor for the supply and application of:
 - a. Premixed concrete and the construction of extruded concrete kerbing along roads and car parks (“Concrete Works”)
 - b. Hot mix asphalt on roads (“Asphalt Works”)
3. Previously Concrete Works and Asphalt Works had been tendered separately. This was reviewed and it was determined that the best methodology to acquire these services was to combine the tender with the option that the contractor could tender for either the asphalt or concrete kerbing portions of the Contract, or both.

DISCUSSION

4. A request for tender was published in the West Australian on 22nd April 2015 and the Albany Weekender on 23rd April 2015.
5. A total number of ten tender documents were issued.
6. Tenderers were asked to provide a schedule of rates to allow for prices to suit a range of kerbing requirements and for the supply of asphalt.
7. The tender documents included 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	40
Relevant Experience	15
Key Personnel skills and experience	15
Tenderer's Resources	15
Demonstrated Understanding	10
Corporate Social Responsibility	5
Total	100

8. One completed tender document was submitted on or before the stipulated closing date and time. The following table summarises the tenderer and the overall evaluation scores applicable.

Tenderer	Weighted Score
Gordon Walmsley	634.85

9. Gordon Walmsley is the City's incumbent contractor and has provided a reliable and quality service during the term of the current contract.

GOVERNMENT & PUBLIC CONSULTATION

10. Not applicable.

STATUTORY IMPLICATIONS

11. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more, than \$100,000.00.
12. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial <i>City not obtaining competitive pricing.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Public tender process ensures competitive pricing.</i>

FINANCIAL IMPLICATIONS

16. The value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
17. Tenderers were required to provide a schedule of rates for goods. The supply of extruded concrete kerbing and/or asphalt is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

18. Nil

ENVIRONMENTAL CONSIDERATIONS

19. Nil

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

21. On review of the tender submission the evaluation team has chosen to accept the tender based on best price, relevant experience, key personnel skills and experience, tenderer's resources, demonstrated understanding and corporate social responsibility. It is recommended that the nominated tender be accepted.

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)	:	C15009
Previous Reference	:	Nil

WS077: APPROVAL FOR DELEGATED AUTHORITY TO AWARD TENDERS FOR CENTENNIAL PARK SPORTING PRECINCT

Land Description : Centennial Park Sporting Precinct
Proponent : City of Albany
Owner : City of Albany
Report Prepared By : Manager City Engineering (D King)
Responsible Officer(s): : Executive Director Works & Services (M Thomson)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the [City of Albany Strategic Community Plan 2023](#) and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 2. Clean Green & Sustainable.
 - b. **Strategic Objective:** 2.2. To maintain and renew City assets in a sustainable manner.
 - c. **Strategic Initiative:** 2.2.1. Asset management.

In Brief:

- Delegated authority is sought for the CEO to award specific tenders, exceeding the value of \$500,000, for the Centennial Park Sporting Precinct.

RECOMMENDATION

WS077: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR PRICE

THAT Council AUTHORISE the CEO under delegated authority to award the Centennial Park Sporting Precinct Project Tenders as follows:

1. C15018 – Supply and Installation of Turf
2. C15019 – Supply and delivery of Sand

**CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Goode

WS077: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BOWLES

SECONDED: COUNCILLOR DOWLING

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 5-0

WS077: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council AUTHORISE the CEO under delegated authority to award the Centennial Park Sporting Precinct Project Tenders as follows:

1. C15018 – Supply and Installation of Turf
2. C15019 – Supply and delivery of Sand

BACKGROUND

2. The Centennial Park Sporting Precinct (CPSP) is an ongoing project tied to various funding agreements with execution timetables related to funding conditions and other practical issues around growing times for new sports turf and scheduling of sporting clubs.
3. The first stage of works is scheduled to commence in July 2015.
4. The initial package of work involves the sporting fields in the Western precinct.
5. This will be undertaken using City of Albany plant and staff resources combined with contractor supply and delivery of construction materials.
6. Utilising this approach will accelerate the construction timeframe enabling increased time for the new fields to settle in and to become usable.

DISCUSSION

7. The CPSP construction phase covers an eighteen month to two year period from July 2015 to December 2016, enabling the City to access a total of \$22,527,771 in funding for the construction/upgrade of CPSP of which \$1,901,771 has been spent to date on Railways Oval and Multi Use Playing field.
8. The City of Albany intends to commence construction in the Western Precinct in particular the western most fields in July 2015. The works will involve the procurement of two “supply and deliver” contracts for sports field turf and growing medium sand.
9. Due to the size of the project, it is preferable to commence works at the earliest possible time, to ensure practical completion in accordance with funding requirements and to minimise disruption to the sporting clubs affected by the works.
10. As the tender process requires advertising for submissions, a closing date for submissions of at least a month, review of the documentation, and then Council approval before any contract can be awarded, it is considered prudent to maximise the timeframe for completion of the practical works by seeking a specific delegated authority approval for the CEO to award the tenders.
11. To ensure the works can be completed through this period and comply with the designated funding deadline, specific Council approval is sought for the CEO to assess and award the tender for this project. The cost of the materials tenders is expected to be in excess of \$500,000, which is above the current level for delegated authority for the CEO.
12. The standard tender process will apply, ensuring the necessary accountability and transparency when considering submissions. The tender is evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point score for the tender.

GOVERNMENT & PUBLIC CONSULTATION

13. All relevant Government departments including Department of Environment Regulation, Department of Indigenous Affairs and SWALSC have been consulted on the project.
14. Requests for tenders will be published in the West Australian and the Great Southern Weekender for each project to ensure compliance with the tender regulations.

STATUTORY IMPLICATIONS

15. 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.
16. 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.
17. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
18. In accordance with the provisions of the Local Government Act 1995, section 5.42, the Council may delegate to the Chief Executive Officer any of its powers other than those referred to in section 5.43.
19. The voting requirement is **ABSOLUTE MAJORITY**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation's Operations. <i>Failure to deliver project within specified timeframe.</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Reduce process timeframe by providing CEO delegated authority.</i>

FINANCIAL IMPLICATIONS

22. The value of the tender is expected to be in excess of \$500,000 and therefore approval is required to be referred to Council for consideration.

LEGAL IMPLICATIONS

23. There are no legal implications associated with this item.

ENVIRONMENTAL CONSIDERATIONS

24. There are no clearing permits required for the works.

ALTERNATE OPTIONS

25. Council can follow the usual tender process. This would result in some delay to the project.

SUMMARY CONCLUSION

26. CEO delegated authority is sought from Council to award two tenders to enable the Centennial Park Sporting Precinct project to progress in a timely manner.
27. This report recommends that the CEO be given delegated authority to award tenders in this instance.

Consulted References	:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1995</i> Council Policy – Purchasing Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	RD.DEC.43
Previous Reference	:	OCM 26/05/2015 Report Item CSF169 (Delegations)

**BFAC001: COUNCIL POLICY: RADIO COMMUNICATION ALLOCATION
TO BRIGADE MEMBERS**

Proponent	: City of Albany
Attachments	: Council Policy – Radio Communication Allocation to Brigade Members (Proposed)
Report prepared by	: Manager Ranger & Emergency Services (T Ward)
Responsible Officer(s)	: Executive Director Planning & Development (D Putland)

Responsible Officer (Signature):



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014-2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objectives:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategic Initiative:** The radio communication network which City of Albany Volunteer Bush Fire Brigades (VBFBs) utilise is owned and operated by the Department of Fire and Emergency Services (DFES). Equipment purchases are funded by the State Government of Western Australia through the Emergency Services Levy (ESL). The communications equipment supplied through the Western Australian Emergency Radio Network (WAERN) project became the property of the City of Albany upon its installation and the City of Albany has a responsibility to the VBFB members to ensure that equipment is operational and adequately maintained.

In Brief:

- Note that radio allocation is now administered under delegated authority, by Designated Officers in consultation with the Chief Bush Fire Control Officer.
- Adopt the revised policy.

RECOMMENDATION

BFAC001: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR HOLLINGWORTH

THAT Council ADOPT the revised Volunteer Bushfire Brigade Radio Communication Allocation Policy.

CARRIED 12-0

BFAC001: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH
SECONDED: COUNCILLOR GOODE

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 7-0

BFAC001: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the revised Volunteer Bushfire Brigade Radio Communication Allocation Policy.

BACKGROUND

2. The WAERN radio network was established to provide uniform radio communications infrastructure across the state of Western Australia.
3. The City of Albany adopted a Council policy position in 2008. The current policy states:
“...this policy seeks to establish a policy framework upon which the allocation, replacement and maintenance of the emergency radio network should be determined...”
4. On 24 June 2014, Council delegated the following authority to staff:

Function: Authority to: (1) Issue directions to Bush Fire Brigades (includes authority to issue direction regarding burning bush on, or at the margin of, streets, roads and ways under the care, control and management of the local government and give direction to Bush Fire Control Officers, appointed under the Bush Fires Act 1954).

Conditions: (a) Issue direction to a registered Bush Fire Brigade: Having reasonably sought information prior to issuing directions and so satisfying themselves that direction is needed.

DISCUSSION

5. The City of Albany Emergency Management Administration is charged with the responsibility of logistically supporting the City's Volunteer Bush Fire Brigades.
6. The current adopted policy position has been superseded.
7. The allocation of equipment, in particular radios should be defined by need, administered by Designated Officers, in consultation with the Chief Bush Fire Control Officer.
8. It is the responsibility of Designated Officers, in consultation with senior bushfire brigade management and DFES regional Officers to ensure that brigades are appropriately resourced.
9. Prior to the fire season and as part of on-going review, resource allocation must be evaluated and appropriately monitored and reported on.
10. Relocation and redistribution will only occur when Designated Officers are satisfied that re-allocation or redistribution is needed.

GOVERNMENT AND PUBLIC CONSULTATION

11. The Chief Bush Fire Control Officer (CBFCO) has been consulted in regards to this report.
12. It has been requested that any allocation (additions/reductions/re-allocations) conducted under delegated authority are reported to the Chief Bush Fire Control Officer (CBFCO) as per condition (a) of the delegations, being: *Having reasonably sought information prior to issuing directions and so satisfying themselves that direction is needed.*

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

14. The current Council policy will be updated (revised) and radio allocation will be administered under delegated authority.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Interruption. <i>Could result for a period of more than 11 to 24 hour if radio resources are not responsive to operational need.</i>	<i>Likely</i>	<i>Major</i>	<i>High</i>	<i>Exercise radio allocation under delegated authority to ensure re-allocation if required is administered responsively.</i> <i>Update the current policy position to ensure relevance.</i>

FINANCIAL IMPLICATIONS

16. There are no direct financial implications related to this report, however minor administrative costs may be incurred through ESL administration and logistical support.

LEGAL IMPLICATIONS

17. There are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

18. There are no direct environmental considerations related to this report.

SUMMARY CONCLUSION

19. It is recommended that the Committee recommend to Council to adopted the revised policy.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	<i>(All Wards)</i>
Previous Reference	:	<i>OMC 20/05/2008 Item 11.5.1, Document Reference: NP085371.</i>

ATTACHMENT

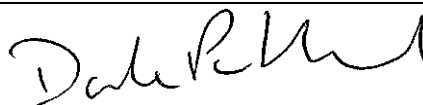
Policy Position (Current)	Policy Position (Proposed)
<p><i>To ensure an adequate level of radio communications is established throughout the City of Albany, and to ensure equity in the use of public funds (supplied through the Emergency Services Levy contributions), the City of Albany will request FESA to supply VHF(H) radios to be installed using the following principles:</i></p> <ul style="list-style-type: none"> <i>• All City of Albany fire appliances shall be provided with a mobile radio;</i> <i>• The CBFCO shall be supplied with 1 base station, 1 mobile radio and 1 hand held radio;</i> <i>• The DCBFCO (south west and north east) shall each be supplied with 1 base station, 1 mobile radio and 1 hand held radio;</i> <i>• The FCOs for each VBFB shall be supplied with 1 base station and 1 mobile radio;</i> <i>• The DFCOs for each VBFB shall be supplied with 1 base station and 1 mobile radio;</i> <i>• VBFB members specifically tasked as a Call Out Officer (at the date of implementation of this policy) shall be supplied 1 base station;</i> <i>• Each FWO shall be supplied 1 base station;</i> <i>• Fire stations manned during a vehicle call out shall be supplied one base station;</i> <i>• The Wellstead and Youngs Siding General Stores shall be supplied 1 base station;</i> <i>• The City of Albany Rangers shall each be supplied 1 mobile radio;</i> <i>• The North Road Administration Building Incident Control Centre and Emergency Management Co-ordinator shall receive 3 base stations; and</i> <i>• The Incident Control Centres located at Little Grove, Bornholm and Wellstead shall each receive 1 base station.</i> 	<p><i>To ensure an adequate level of radio communications is established throughout the City of Albany, and to ensure equity in the use of public funds (supplied through the Emergency Services Levy contributions), the City of Albany may allocate radios using the following principles:</i></p> <ul style="list-style-type: none"> <i>• All City of Albany fire appliances shall be provided with a mobile radio;</i> <i>• The CBFCO shall be supplied with 1 base station, 1 mobile radio and 1 hand held radio;</i> <i>• The DCBFCO shall be supplied with 1 base station, 1 mobile radio and 1 hand held radio;</i> <i>• The Senior FCO South West Sector; Senior FCO North East Sector and nominated Deputy will be supplied with 1 base station, 1 mobile radio and 1 hand held radio;</i> <i>• The primary and secondary FCO for each VBFB shall be supplied with 1 base station and 1 mobile radio;</i> <i>• VBFB members specifically tasked as a Call Out Officer (at the date of implementation of this policy) shall be supplied 1 base station;</i> <i>• Each FWO shall be supplied 1 base station;</i> <i>• Fire stations manned during a vehicle call out shall be supplied one base station;</i> <i>• The Wellstead and Youngs Siding General Stores may, subject to operational requirements, be supplied 1 base station;</i> <i>• The City of Albany Ranger and Emergency Services vehicles shall each be supplied 1 mobile radio;</i> <i>• The North Road Administration Building Incident Control Centre and Emergency Management Co-ordinator shall receive a total of 3 base stations;</i> <i>• The Incident Control Centres located at Little Grove, Bornholm and Wellstead shall each receive 1 base station.</i> <p><i>Variations to this allocation for specific local operational purposes may occur at the discretion of the Manager, Ranger and Emergency Services, in consultation with the Chief Bushfire Control Officer.</i></p>

Policy Position (Current)	Policy Position (Proposed)
<i>Where a VHF(H) radio is supplied through the WAERN project, an existing VHF(M) is to be returned to the City of Albany, by the VBFB or the officer, for decommissioning or for destruction.</i>	
<i>The installation of the VHF(H) radios shall commence during the second week of April 2008, subject to the availability of technicians, at Wellstead in the North East sector and conclude at Nullaki in the South West sector.</i>	
<i>The City of Albany will agree to maintain the VHF(M) repeater network in operating condition for a period of five (5) years to allow VBFBs to phase out or replace exiting VHF(M) radios utilised by VBFB members. During the phase out period, the City of Albany will assist VBFB to explore appropriate call out alternatives (eg. telephone systems, UHF radio, pagers, etc).</i>	
<i>Upon a change in appointment of an officer, the allocated radio(s) is to be returned to the City of Albany for reallocation to the VBFB officer appointed to assume the designated position.</i>	<i>Upon a change in appointment of an officer, the allocated radio(s) is to be returned to the City of Albany for reallocation by the City's Designated Officer.</i>
<i>VHF(M) radios purchased by a VBFB shall remain the property of the VBFB and shall not be included in the WAERN replacement project.</i>	<i>VHF radios purchased by a VBFB shall remain the property of the VBFB and are not included in the WAERN maintenance and future replacement projects.</i>
<i>Where, due to specific operational circumstances, a VBFB officer does not consider the level of radio equipment supplied to that officer is warranted, that equipment may, with the approval of the City of Albany, be distributed to another VBFB officer within the brigade, provided that the allocated radio(s) will be surrendered to the City should a change in VBFB officers occur (as detailed in clause 10 above).</i>	<i>Where, due to specific operational circumstances, a VBFB Designated Officer does not consider the level of radio equipment supplied to that officer is warranted, that equipment may, be distributed to another VBFB officer within the brigade.</i>
<i>All radio equipment supplied to the City of Albany VBFB officers under the WAERN project are to remain the property of the City of Albany with installation, maintenance and removal undertaken by a qualified communications technician. All communications equipment shall be programmed to FESA standards and no officer shall alter the programmed settings of the communications equipment”.</i>	<i>All radio equipment supplied to the City of Albany VBFB officers under the WAERN project are to remain the property of the City of Albany with installation, maintenance and removal undertaken by a qualified communications technician. All communications equipment shall be programmed to DFES standards and no officer shall alter the programmed settings of the communications equipment.</i>

BFAC004: MINIMUM VOLUNTEER BUSH FIRE BRIGADE TRAINING REQUIREMENTS

Attachments : Nil
Report Prepared by : Manager Ranger & Emergency Services (T Ward)
Responsible Officer : Executive Director Planning & Development (D Putland)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Bush Fire Plan 2014 – 2019:

- **Focus Area:** Preparedness
- **Focus Objective:** 1.10 Volunteer Bush Fire brigade.

“Brigade preparations will be enhanced through targeted training programs to improve each brigade’s capacity to respond to incidents with suitably skilled volunteers.”

2. This item relates to the following elements of Corporate Business Plan 2014-2018.

- **Rangers and Emergency Services.**
- **Key Focus Area** – Emergency Management
- **Outcome 3** - Bushfire Brigade management and support.

In Brief:

- The WorkSafe improvement notices issued to the City of Albany in the aftermath of Black Cat Creek require the City of Albany to ensure all volunteers are adequately trained before entering a fire ground.
- The minimum training required by City of Albany Volunteer Bush Fire Brigade volunteers was defined in the City of Albany Strategic Bush Fire Plan (2000 – 2005). However, these training courses have since been superseded by new DFES training courses.
- The 2000-2005 Strategic Plan has been superseded by the City of Albany Strategic Bush Fire Plan 2014 – 2019 which does not stipulate minimum training requirements.
- New minimum training standards need to be established to ensure that only suitably trained volunteers are permitted to enter the fire ground.

RECOMMENDATION

BFA004: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GOODE

SECONDED: COUNCILLOR GREGSON

THAT Council:

- (1) Endorses the minimum training requirements to qualify a City of Albany Volunteer Bush Fire Brigade member to undertake fire activities.**
- (2) Endorses that the standard minimum training requirement be the completion of DFES training course:
Introduction to Bushfire Fire Fighting and Burn over/Blanket Training.**

CARRIED 12-0

BFA004: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HOLLINGWORTH

SECONDED: COUNCILLOR GOODE

THAT Council:

- (1) Endorses the minimum training requirements to qualify a City of Albany Volunteer Bush Fire Brigade member to undertake fire activities.
- (2) Endorses that the standard minimum training requirement be the completion of DFES training course:
Introduction to Bushfire Fire Fighting and Burn over/Blanket Training.

CARRIED 8-0

Committee discussed responsible officer recommendation and proposed amendment by removing the reference to “active fire activities” and reference changed to “fire activities”.

BFA004: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) Endorses the minimum training requirements to qualify a City of Albany Volunteer Bush Fire Brigade member to undertake active fire suppression activities on a fire ground.
- (2) Endorses that the standard minimum training requirement be the completion of DFES training course: Introduction to Bushfire Fire Fighting and Burnover/Blanket Training.

BACKGROUND

3. The *City of Albany Strategic Bush Fire Plan (2000 - 2005)* defined the minimum training requirements for volunteers to engage in active fire suppression activities as completion of the following DFES training courses:
 - Bush Fire Safety
 - Bush Fire Behaviour
 - Bush Fire Suppression.

4. The duration of these courses was approximately 1.5 days. These courses ceased operating in early 2000s.

5. When DFES courses were reviewed Bush Fire Safety, Behaviour and Suppression were largely replaced with Introduction to Fire Fighting and Bushfire Fire Fighting or Introduction to Bushfire Fire Fighting as beginning training courses. The City of Albany did not adapt previous minimum training requirements in line with course offerings and different interpretations on minimum training requirements eventuated.
6. Department of Fire and Emergency Services (DFES) have recently adopted a six stage Training Pathway that identifies the training requirements appropriate to the different fire fighting roles. Under the DFES pathways system a Volunteer Fire Fighter Level 1 is expected to have successfully completed the following courses (total duration of approx 3 days):
 - Introduction to Fire Fighting
 - Bushfire Fire Fighting
 - AIIMS Awareness.
7. Some fire fighters, particularly those who only want limited involvement in their bushfire brigade, have difficulty attending 2.5 days of training to complete Introduction to Fire Fighting and Bushfire Fire Fighting.
8. An alternative recognised DFES training course, Introduction to Bush Fire Fighting provides has adequate course content to qualify a volunteer to participate in active fire suppression activities. The duration of this course is 1.5 days.

DISCUSSION

9. This proposal addresses this requirement in that it requires essential bush fire volunteer training be completed prior to involvement on a fire ground. It then goes on to identify what the minimum requirements are:

A - Training Delivery Module 1 – Completion of both Introduction to Fire Fighting and Bushfire Fire Fighting.

Introduction to Bushfire Fighting - course contents:

- Teamwork and Safety
- Bush Fire Behaviour
- Bush Fire Suppression
- Bush Fire Safety Awareness
- Incident Command and Control (included basic AIIMS awareness)
- Radio Communications A
- Maps A

N.B. Burn over and Blanket Training will still be required.

B - Training Delivery Module 2 – Completion of Introduction to Bushfire Fighting only.

Introduction to Fire Fighting – course contents:

- Team Work and Safety
- Basic Fire Theory
- Incident Command and Control (included basic AIIMS awareness)
- Radio Communications
- Use and Maintain Equipment

Bushfire Fire Fighting – course contents:

- Bush Fire Behaviour
- Bush Fire Suppression
- Map Reading
- Bush Fire Safety Awareness
- Hand Tools

GOVERNMENT & PUBLIC CONSULTATION

10. Consultation has been conducted with DFES in relation to training recommendations.

STATUTORY IMPLICATIONS

11. Under the *Bush Fires Act (1954)* the City of Albany is responsible for maintaining bush fire brigades. Department of Fire and Emergency Services have determined that this section of the Act includes local government determining minimum training required before volunteers are deemed suitably qualified to enter a fire ground.
12. s36 (d) of Bushfires Act (1954), states “A local government may, notwithstanding anything to the contrary contained in any other Act – (d) establish and maintain bush fire brigades as part of its organisation for the prevention, control and extinguishment of bush fires;
13. Some local governments choose to adopt a ‘hands off’ approach to their statutory responsibilities. By way of contrast City of Albany adopts a proactive approach towards its bush fire act responsibilities. .

POLICY IMPLICATIONS

14. Identifying minimum training requirements as per this proposal ensures the City of Albany fulfils its statutory requirements under the Bush Fires Act.
15. The DFES Volunteer Fire Fighter Level 1 pathway identifies a higher level of training required than that proposed here. The acceptance of a ‘lower standard’ may be questioned in the event of an unfortunate incident occurring.
16. The acceptance of this proposal ensures minimum standards of training are applied equally across the whole of the City of Albany thus reducing the likelihood of volunteer fire fighters being injured in the course of their duties.
17. The re-introduction of mandatory minimum training standards may be met with some resistance from some brigades and/or individual volunteers who may consider this an additional impost on their time.
18. Other VBFB members may welcome the introduction of uniform training standards aimed at reducing the risks to all volunteers.
19. This policy only applies to new bush fire volunteers as existing members have will had previous experience recognised and/or have completed sufficient training.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Environment. Environmental risks are increased due to inadequate training resulting in fires being larger than they may have otherwise been required.	Likely	High	High	Accept. There are some fires which will not be stopped due to the climatic and environment factors present at the time. Treat: Establish minimum training standards to help in improving overall fire responses.
Legal and Compliance. Failure to implement minimum training requirements exposes the City of Albany to Worksafe action.	Likely	Major	High	Treat. Explicit minimum training requirements minimise this possibility.
People Health and Safety. Injury to volunteers resulting from a lack of training	Likely	Major	High	Accept: Fire fighting includes an inherent level of risk. Treat & Monitor. Adopt minimum training requirements reduces the risk to other volunteers and the community.
Reputation. Further injury or loss of equipment resulting from a lack of training exposes City of Albany to adverse publicity and enquiry.	Almost Certain	Major	Extreme	Accept: Fire fighting includes an inherent level of risk. Treat & Monitor. Implement minimum training requirements reduces the risk to City of Albany reputation.

FINANCIAL IMPLICATIONS

21. Some additional costs would be incurred delivering training to more distant locations within the City of Albany municipality. These additional costs are considered negligible and would be covered in existing Emergency Management Budget. .

LEGAL IMPLICATIONS

22. Without rigorous application of appropriate minimum training standards the City of Albany is exposed to possible action by WorkSafe. This possibility is now ongoing as a result of Black Cat Creek Improvement Notices.

ENVIRONMENTAL CONSIDERATIONS

23. Not applicable

ALTERNATE OPTIONS

24. Continue the current regime without explicit minimum training requirements and continue to expose Council to possible Worksafe consequences.
25. Council may consider Introduction to Fire Fighting and Bushfire Fire Fighting as minimum requirements and Endorse Introduction to Fire Fighting and Bushfire Fire Fighting as minimum

26. Council can accept DFES Volunteer Pathway (Level 1) as minimum requirements. This will require a number of existing volunteers to upgrade their level of training to include AIIMS Awareness.

SUMMARY CONCLUSION

27. The City of Albany proactively supports and manages its brigades and is fully conversant of its statutory requirements. Explicitly identifying the minimum training requirements fulfils Council obligations.
28. Introduction to Bushfire Fire Fighting suitably addresses the training needs of all volunteers who join a brigade and, at the same time, addresses Worksafe improvement notices.

Consulted References	:	<i>Bush Fires Act 1954</i>
File Number (Name of Ward)	:	(All Wards)
Previous Reference	:	Nil

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**
16. **REPORTS OF CITY OFFICERS Nil**
17. **MEETING CLOSED TO PUBLIC.**

CSF175: PROPOSED RESUMPTION-LOT 15 NO 411 COLLINGWOOD ROAD

18. **CLOSURE.** [8:16:42 PM](#) There being no further business the Mayor declared the meeting closed.



Dennis W Wellington
MAYOR

APPENDIX A

TABLED DOCUMENTS

NAME	REFERENCE	FILE
Mr Mervyn Leavesley	CSF177	GO.COM.3
Mr Michael O'Dea	CSF177	GO.COM.3
Mr Rob Wright	CSF177	GO.COM.3
Mr Ian Woods	CSF177	GO.COM.3
Mr Don Dufty	CSF177	GO.COM.3
Mr Paul Higginson	CSF177	GO.COM.3
Ms Erika Henderson	CSF177	GO.COM.3
Ms Sheena Smith	CSF177	GO.COM.3
Ms Rachel Williams	CSF177	GO.COM.3
Mr JK Backhouse	CSF177	GO.COM.3
Councillor Hammond	CSF177	GO.COM.3

APPENDIX A

TABLED ADDRESS BY MR MERVYN LEAVESLEY

Address to Council 23.6.15

Good evening councillors, Mervyn Leavesley, Kalgan.

I would like to address item 177 Albany Agricultural Society

Councillors, My understanding is that back in the 1970s a deal was done between the City of Albany and the Ag Soc; this deal was a type of land swap. The City could use what is now the Hanrahan Road Waste Disposal Site and in exchange the Ag Soc would have use of Centennial Park. The City has now broken this agreement and given notice to the Ag Soc that they must vacate at the end of November this year.

This action triggers the ability of the Ag Soc to charge the City a market rate for the use of the Hanrahan Road Site. What this agenda item does not address is the cost of this to rate payers. Hypothetically, I have here an invoice from the Ag Soc for \$1m per annum for the use of the Hanrahan facility; think this is ridiculous Councillors, well maybe not.

Where are you going to find another waste disposal site this close to town? How do you think the residents will feel when you tell them they now have to take their trailers to Bakers Junction? What additional cost for Cleanaway? Any valuer worth their salt would be taking all this into consideration. This is not just any bit of land. Councillors do you know how much the rent ratepayers will have to pay for the Hanrahan Site is going to be?

I understand your problem; the majority of your funding for the Precinct is from the State and Federal Departments of Sport and Recreation and cannot be used to relocate the Ag Soc. Of course the sporting groups are keen to see this project go ahead as is indeed the Ag Soc and there is no shortage of goodwill as far as I can see.

The position of the Ag Soc has always been very reasonable. They want to be able to continue to run the Albany Show in a financially viable manner. To do that they obviously need to have the same square footage of buildings and access to land they now enjoy, in a configuration and location that works for them.

The City's inability to fund a key part of the precinct is not the fault of the Ag Soc. Councillors the people of Albany have enjoyed the annual agricultural show for I think about 75 years. They have also enjoyed the convenience of the Hanrahan Road Tip for 40 years. I do not think it unreasonable to expect the City to provide in this precinct facilities for the Ag Soc that meet their requirements.

Councillors you are being asked to give the Ag Soc an ultimatum which I believe is unjust and has consequences for the ratepayer none of us know. Can I suggest that this item is laid on the table while alternative sources of funding are sought and further negotiations conducted?

I table my address.

TABLED ADDRESS BY MR MICHAEL O'DEA

CITY OF ALBANY –SDJFA 23 June 2015

As a committee member and father of four boys I have an intrinsic interest in the development of the centennial park precinct. After a recent visit to Bunbury and seeing firsthand the brilliant green space expanse I realised how important it was to have sporting fields all geographically aligned.

I have been in agriculture all my life and I appreciate the role the Albany Ag society play. I lived and worked on our family farm for more than two decades, and worked in Agribusiness ever since. I have a business degree in agriculture and have been an associate member of the Australian Association of Agricultural Consultants for 12 years. I have attended more than 50 agricultural shows and worked at 35 including Dowerin, the Wagin Woolarama and The Newdegate Field Day, as well as attending the Katanning Merino days plus countless regional Ag Society days. I recognise their importance to the regions.

Changing times have seen a progression of infrastructure changes at many agricultural venues. The numerous Agricultural shows now incorporate portable practical built structures such as seen at the Katanning Merino Field Day and Newdegate Field Day. Large marquees are a great way to view the various ag displays from livestock pens to family displays and food halls. These structures can be located anywhere, be assembled and dismantled within hours. Having the flexibility and freedom to set marquees up anywhere enables these events to be versatile and mobile.

When I drop off my children at football my wife and friends race around town to drop them off at their various locations, I tend to miss the majority of their games during transit. I have been looking forward to the day when Albany and surrounding football teams have a sense of community and belonging where our children can watch and support their siblings at the same central location. For many years the Centennial Park Precinct was earmarked as Albany's football hub. I don't want to travel to another part of Albany to see one of my boys play football if SDJFA are forced to forego oval space for shed space. I would like to see the football area maintained in the proposed format. The Centennial Park Precinct green space will make it easier and more manageable for our umpires and catering personnel, rather than commuting to other venues during peak traffic times.

We continue to support the cohabitation of the Albany Agricultural Society at the Centennial green space our various footballing entities. I would like to see our 800 odd Auskickers and Juniors playing alongside the GSFL in this designated and crucial location. What more inspiration could an Auskicker have than be exhilarated through watching older footballing mentors playing at adjacent grounds?

On behalf of the SDJFA we support the Alternate Motion.

Michael O'Dea

APPENDIX A

TABLED ADDRESS BY MR ROB WRIGHT

Mr Mayor

I refer to Agenda Item CSF 177

My name is Rob Wright - President of Albany Ag. Society.

The Albany Agricultural Society will host its 120th annual show this year at Centennial Park.

Over several generations, with countless thousands of hours of voluntary work and extensive fundraising the Ag Society has built infrastructure to house its activities and cater for an expanding agricultural Show. These buildings are an essential requirement for the society to continue its roll of showcasing rural and urban entities within the community and to host a progressive annual show in a viable sustainable format.

The City don't like these buildings, they want them gone.

It should be noted that this land upon which all our society buildings sit and that council deem no longer suitable for such buildings is not owned by the council at all . It is a Crown Reserve of which the City is the managing body. This piece of land is zoned Recreation and Showground.

We have never pursued the City of Albany for large sums of money. We have simply asked for a reasonable replacement of our existing buildings, which they insist must be demolished to make way for car parks and grassed areas.

The City of Albany has offered a nominal sum of money to the Society in exchange for the Hanrahan Rd tip site. Money that can be used to construct a new building of 3600m² - a bit over half our current building area - on Centennial Park. However, Council know this is insufficient funds to carry out this project, particularly in light of their latest withdrawal from discussions involving using the old Royals clubrooms as our offices and meeting rooms. The different council by laws governing the usage affect the subsequent requirement for amenities, ablutions, fire control etc. All of which would dramatically increase the cost of this new venue.

This new venue on its own will necessitate the Society having to hire a considerable number of additional marquees, over and above our present requirements to cater for traders and exhibitors normally catered for in our exhibition pavilions. This would result in an overall loss to the Society of approximately \$100 000 per annum. An amount which is obviously unsustainable for the Society, and if left unresolved would mean the ultimate demise of a community body after more than 125 years.

This can not be allowed to happen.

My Question to you is

By what rationale has the City Officer concluded that this proposal will create a sustainable environment for the annual Albany Show and the Ag Society in ~~general~~ PARTICULAR .

I wish to table this document

APPENDIX A

TABLED ADDRESS BY MR IAN WOODS

MR IAN WOODS

Mr Mayor

I refer to agenda item CSF177

I have been involved in the Albany Show on and off for more than 50 years in different roles. In that time there have been many changes as the show has adapted to changing needs in changing times. The Albany show is the largest Ag Society shows in WA, outside of the Perth Royal. It is an iconic annual event in Albany and one that I believe the greater majority of people in Albany want to continue. I hope this will happen and hope it will be able to continue to happen in its current form.

I draw your attention to item 23 under the subheading "Further comments on Offers Made"

It states that – "With regard to the matter of co-location, the City has suggested that the AAS consider a number of alternate sites for their future operations. This includes the Albany Racecourse, the Albany Trotting Club and Collingwood Football Oval. It is understood these groups may also be agreeable to co-location options in order to secure their long term financial viability, as maintenance and operation costs can be difficult for community groups to meet. However, these suggestions have not been supported by the AAS on the basis that they believe they should remain in the Centennial Park Sporting Precinct".

My questions to you are:–

1. Have suggestions of co-location been supported and documented, by the Albany Trotting Club and North Albany Football Club.
2. How was the long term financial viability of the Albany Agricultural Society considered in relation to the proposed co-location alternative?

I wish to table this document

TABLED ADDRESS BY MR DON DUFTY

When this matter came to Council about 3 yrs ago, I supported it in principle & said the Show should stay on its present site, as shifting it would create the costliest strip of grass in W.A.

Council's offer to the Show Society has not really changed except for the money offered.

Negotiations have been — "You will go to Knight St & can build about $\frac{1}{2}$ you need & all your existing buildings will be demolished."

That's not negotiation!! Nobody is listening to the Show Society's needs.

Early on, Soccer Club Rooms were proposed as Show Society Offices, but a football friend said "No, you can't have that, it's needed as a Junior Football Centre." That made sense to me, as it is right in the middle of their playing area. Then he said "We don't want anything else happening on the Showgrounds on Saturdays, — too many people & too many cars."

My suggestion to Council & the Show Society is to come to a common-sense solution which would solve all those problems & cost nothing like the present proposal.

1. The Show Society transfers its Konraban Road site to the City on condition that —
2. The City agree to the Society holding Title to an area approx. 60 metres wide & 400 metres along adjoining Lockyer Ave.
3. Centennial Hall is immediately re-clad with Panel Walling similar to the Cinema, but hopefully not those colours.

TABLED ADDRESS BY MR DON DUFTY

4. Immediate planting of a green wall along Lockyer Ave.
5. The Society relinquish the Shearing Shed & Norman Pavilions

This would allow the Show Society to have what it needs & be separate from the sports area, with a northern entry where it presently exists & a southern entry at the Shearing Shed site.

The main oval could shift east with separate entries off North Rd & existing Lockyer Ave.

This would maximise the playing areas & allow both to operate independently.

The advantage to the community would be immense. The Show could continue & prosper!

The 30 groups that use these buildings could continue to do so at a price they could afford. Dance groups could still have available the best dance floor in the city, with the best acoustics.

The Table Tennis club could continue in a venue that is suitable & affordable.

I put this forward as a possible solution as it would solve all the problems with the saving of millions of dollars which could be spent on sports development.

Councillors will be told that the Table Tennis has agreed to go to A.L.A.C. That is true as Peter Mueller was determined to see the club of over 70 members continue. But A.L.A.C charges after the first year will at most triple making it too dear for many members. The club has offered \$20,000 for the Re-cladding of Centennial Hall. I believe these thoughts contain the seeds of a practical & positive solution. Don Duffy 6 June 2015

TABLED ADDRESS BY MR PAUL HIGGINSON

Mr Mayor

I refer to Agenda Item CSF177

Paul Higginson

From the outset the Society has taken a very realistic view of the City's desire to redevelop Centennial Park and has supported the concept as presented for community endorsement in 2013. The Society's home for 85 years with future focussed on Eastern precinct.

The City applied for Federal RDA funding which was not forthcoming and is the prime reason for the project being in excess of \$20 million underfunded. Another Australian city was successful at the time in securing \$29 million which included \$4.9 million for its Agricultural Society upgrades. The City of Albany application did not include its Agricultural Society?

In view of the fact that Eastern Precinct is being labelled as a football precinct, are Councillors aware that Lot 1359 is a Crown Grant in trust to the City for the purpose of "Recreation and Showground".

Many years ago as you should be aware the Society swapped Railways Football ground in exchange for co-location with many sporting entities at Centennial Oval. One does not engage in such substantial asset transfer arrangements without consideration to permanency. Consequently the Society, as it has grown, has established a need to expand its infrastructure on the "Showground" with approval of the City on each occasion. The only limiting factor is that by law the City may only lease or licence any or all of this property in 21 year maximum brackets. Under some circumstances this can be extended to 30 years.

The Society has co-existed compatibly with sport since that time and the Society's infrastructure, existing or as proposed by the Society, will not impinge in any way on football facilities across the entire Eastern Precinct.

Would you have something to say if a construction proposal by any entity, private or government required removal of your infrastructure? Doubtless, you would be seeking full restitution and the capacity to continue your lifestyle or business.

Councillor Bowles' alternative motion supports a permanent relocation to ALAC Western Precinct which again is not an option being countenanced by the Society Not affordable, not workable and not conducive to an Agricultural Show. We have demonstrated that to both Council and City.

TABLED ADDRESS BY MR PAUL HIGGINSON

The Society has established itself as an economically sustainable entity with a proven worldwide format and rejects calls by the City to change its method of operation. That is not the City's call. The Society's activities involve the entire community, not just one specific aspect. It is committed to Encouragement, Engagement, Education and Excitement of that community, generating \$2 million **every** year for the Albany community.

It achieves all of these objectives very well at the "Showground" and Eastern Precinct.

Councillor Prices' alternative is a major step in the right direction. This is where we are headed even if CSF177 is adopted or Councillor Bowles' motion is adopted. It will provide an opportunity to share all of the issues directly with Council and thus remove the bureaucratic filters and provide an unfettered understanding of the Society's position.

The Society has said many times, it is willing to release Lot 1135 subject to the City fulfilling the Society's needs. Money is not at issue but suitable replacement facilities are essential.

I wish to table this document

TABLED ADDRESS BY MS ERIKA HENDERSON

Mr Mayor

My name is Erika Henderson - Immediate Past President of the Albany Agricultural Society and member for 30 years.

With regard to CSF-177 the alternate motion by Councillor Bowles and the Alternate motion by Councillor Price.

In 2012 the City of Albany engaged Coffey Sport and Leisure to review the 2008 Masterplan and provide an updated masterplan for the precinct. This review included analysis of the recommendations and consultations with the stake holders, they then presented a draft Master Plan to stakeholders. In this plan there was NO provision for the Ag Society at all, no buildings to replace what we have, and in fact they stated that our buildings were “aged and poorly maintained and are not meeting group needs. General Community groups utilise some facilities to conduct meetings and activities that are not fit for purpose or fully suitable”. We demonstrated to the City of Albany staff that in fact our facilities were used by over 30 different entities 11 of these were sporting groups, and 13 these were directly related the Agricultural Society. We were told that this was not our role, it was the

TABLED ADDRESS BY MS ERIKA HENDERSON

city's responsibility to provide these groups with facilities to conduct their business.

The Centennial Park Master Plan Steering Committee – Statement of Endorsement clearly also did not have any provisions for the Ag Society in fact there was no mention of the Society's buildings at all, the focus was clearly on sport with the three major issues being listed as drainage, parking and lighting. This is why we didn't sign the document.

September 2013 we provided written documentation of what it was that the society needed to continue its sustainable operation both as an entity and providing the Annual Albany Show. This document listed our 30 plus co locators, our building footprint, building square metreage our argument over the replacement of Society owned buildings, what we need in the future to survive and costings of 4 different scenarios including hiring marquees to replace buildings, fencing to replace permanent fences, and storing of Ag Society assets.

We were also emphatic that the Ag Society and the show remain in the centre of town at Centennial Oval.

We sourced quotes on building new pavilions so that we had some idea of what ball park figure we would need to replace what we had.

TABLED ADDRESS BY MS ERIKA HENDERSON

We provided all this information to the City Staff, continuing negotiations to remain viable and sustainable into the future.

We demonstrated to the city staff the problems with the Leisure Centre and why it wouldn't work as a viable alternative showground. But in good faith, we accompanied staff to the leisure centre to go over how we could make it work temporarily whilst the redevelopment was taking place.

Every subsequent discussion with the city has had relocation brought up in regards to the Show. "What about the Racecourse, what about ALAC, what about the trotting track, what about land on the corner George street and South Coast Highway".

Every time the City has submitted an offer or offers, we have come back with the same response, This is what we have, this is what we need to survive, to remain sustainable and viable.

We have yet to exhaust all avenues of negotiations with the city, indeed we have reserved our right to offer explanations to the wider community through media as a direct agreement with Graeme Foster as he didn't want any negative community feedback hindering the negotiation process.

TABLED ADDRESS BY MS ERIKA HENDERSON

The Albany Agricultural Society has 6897m2 of structures that it uses for co-location throughout the year and to deliver the annual show.

I ask that you do not vote in favour of the original motion and the subsequent motion by Councillor Bowles as this will surely result in the demise of the society.

APPENDIX A

TABLED ADDRESS BY MS ERIKA HENDERSON

Mr Mayor

I refer to agenda item CSF177: Alternate Motion by Councillor Bowles

Briefly describe what the Albany Agricultural Society and its annual Show means to me.

I draw your attention to a Standing Order matter"

My question to you is this:—

1. Can the City confirm that Councillor Bowles has declared an interest in item CSF177 in relation to her husband Dr Tom Bowles holding the position of President of the Southern Districts Junior Football Association? *Before tonight.*

I wish to table this document

12/11

APPENDIX A

TABLED ADDRESS BY MS SHEENA SMITH

At Mayor & Councillors

I have been involved with the agricultural show from the age of 8 this was with the horse. After leaving albany and returning I was the stud cattle councilor for 7yrs until last year when

Myself group of local farmer identified lack of information in the cattle industry for producers.

We approached the ag society to see if they would support a feeding competition this 1st in the wa the HBg2p. *which has already become a prest comp being talk about all over the state + inter state .*

During the 4mths of the comp we delivered three field days

If any of you have been to a ag related field day you are lucky to get 30 attending.

In January at the mt barker sale yards with the inspection of cattle before comp started over 100 people att.

In march was our second field day of which we had over 180 people attend.

The day after we had a hbg2p school challenge 5 ag schools attended with 80 students from a over the state

This was a educational day and the students were assessed at the end of the day on what they had learnt. The winning school was awarded \$1000 from HB.

The cattle in the comp had points calculated on profitability of the animals threw the supply chain.

In May we had a dinner awards night with over 130 people attending had to turn others away due to lack of seating

This is the 1st time ever that producers have been able to see how their cattle preformed against others so very valuable to the industry. Cattle came as far as nth of perth to enter so a state wide comp

The competition attracted much media attention
With 16 full pages of reporting in farmweekly , countryman
gwn news
abc and country hour
The land in the eastern states

APPENDIX A

TABLED ADDRESS BY MS SHEENA SMITH

cover this competition which is unbelievable in its 1st yr

We had 8 other major corporate sponsors as big as Harvey Beef

With being under the ag society banner no doubt gave them the confidence to support the comp. *and knowing the Society is a not for profit organization.*

Without the support and the facilities of the ag we would not be able to run this comp and wouldn't be able to do it without them. Please don't be misled that the ag society is all about the side show because it's far bigger than that! *All u have to look at now the cattle section has grown over the last 5 yrs, the Albany Show has gained great respect in the industry.* It has been a honor to be apart of this comp and supply beef producers with valuable information that they can apply to their business.

Mr Mayor

I refer to agenda item CSF177:

SHEENA - Briefly describe what the Albany Agricultural Society and its annual Show means to me.

The original concept endorsed by the community and Council clearly identified a significant structure to accommodate the Society. This has not been seen since. The Community Engagement results 2013 state – "There is an allowance for the existing (Society) sheds footprint to be replicated adjacent to Knight Street".

If the City has agreed to accommodate the Albany Agricultural Society on Centennial Park Eastern Precinct.

My question to you is this:–

Alby Ag Society
Why is it not illustrated by name on any plan from the designer or the city?

I wish to table this document

Thank you

*Sheena Smith
418 Reynolds Rd
Narrikup 6326*

APPENDIX A

TABLED ADDRESS BY MS RACHEL WILLIAMS

refer to CSF177

Over the last few years the agriculture society have moved forwards with the time and taking on the aim to educate the general public and agricultural producers.

This has been done some ways. 1st school age children with the ag trail supported by the agricultural dept. this takes kids around the whole show answering questions about agriculture

Feed back: parents love it as they get to see whole show and not just the side show and learn a thing or 2 along the way.

In the last couple of years the cattle section have had a speaker educating the general public with what the judge is looking for and the reasons behind the importance of this

Eg. What part of the cow meat cuts come from,
that chocolate milk does not come from a brown cow.
Different traits between British and euro breeds etc.

The feed back from doing this has been unbelievable and the show goers have found it very interesting. This been so successful the sheep section r doing the same this year.

I was born and raised in the agricultural industry and grew up in the stud cattle industry.

The agricultural society runs a youth section for a paraders comp and a junior judging competition. Through all aspects of the show from beef cattle to chooks.

With this my friends and I have been able to compete and grow as people and follow their passion. I have was given the opportunity to compete in NZ and represented Western Australia. Due to the ag society and the skills I have learnt in life.

This has given me the gate path to my carreer in agriculture. School did not achieve this for me. With that I am thankful to the ag society and friends and family

APPENDIX A

TABLED ADDRESS BY MS RACHEL WILLIAMS

There is already a dwindling amount ag society's in small country towns. Due to location and population. For the ag society to provide a sustainable show for the public. We need the sufficient resources to do that.

My questions to the mayor and council are
Does the council want a enertive show, that showcases the ability to ecourage, educate and excite people about agriculture and recources. That keeps our city ticking over. Or a small country fair.

Why can't the city not replace the buildings required by the society to keep it functioning into the future.



Rachel Williams

Po box 1945 Albany WA

6331

TABLED ADDRESS BY MR JK BACKHOUSE

The Albany Agriculture Society is a stepping stone for the young people in the great southern area that wish to further their career in the agriculture area. The junior competitions allow the young people to represent Albany at the Perth Royal show.

I was lucky enough to represent the Albany Agriculture Society as the Young Rural Ambassador in 2001. This has helped me build my self confidence and become proud to belong to the Albany Agriculture Society. I also have been able to get to do junior cattle judging at the Perth Royal show and this was all because of the junior competitions that the Albany Agriculture Society provides and at a very high standard.

If the society was to become unviable to provide this stepping stone for people in the agriculture industry there will be a lot of young people wanting to achieve a dream of representing the Albany Agriculture Society in an area that they are passionate about, not being able to do this.

All areas that the Albany Agriculture Society provides to people in the community differ from person to person, from the very young to the very old. It provides the opportunity for people to make different items that they can compete against other members of the community that have the same interest as them. If the Society lost the floor space they have at the moment in the number of building then the ability for people to show their wears will become harder and harder.

Mr Mayor

I refer to agenda item CSF177

Briefly describe what the Albany Agricultural Society and its annual Show means to me.

I draw your attention to item 22 under the subheading "Further comments on Offers Made"

It states that – "It is recognised that in the medium to long term, it would be preferable to see the relocation of traditional agricultural activities from Albany's central areas. These uses were appropriate when Albany was a smaller country town, but as it has transitioned over time to a larger regional centre, agricultural uses have moved to outlying areas. It would be preferred that the AAS also follow this trend and look at taking up options to co-locate at other compatible facilities. It is questioned whether it is appropriate to encourage uses involving livestock animals in close proximity to an expanding central business district".

My questions to you are:-

1. Where has it been recognised that it would be preferable to see the relocation of traditional agricultural activities from Albany's central areas?
2. Where has it been demonstrated that it would be preferred that the Albany Agricultural Society follow this trend?
3. Who has questioned whether it is appropriate to encourage uses involving livestock in close proximity to an expanding central business district?

JK Backhouse
2 Lambert street
Albany WA 6330
I will table this document

TABLED DOCUMENT BY COUNCILLOR HAMMOND

TABLED BY COUNCILLOR HAMMOND
23/6/15.



Albany Agricultural Society Incorporated (1934)
Formed 1st August 1889 ABN 64 107 957 047

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Wednesday, 17th April 2013

Mr D Putland
ED Planning and Development
City of Albany

Dear Sir

RE: DRAFT LOCAL PLANNING SCHEME 1 (LPS1)

As the Society is unable to attend the Public Information Session this evening, please accept these notes as an initial response to the City's rejection of its submission on rezoning of Lot 1135.

The Society objects to the City's rejection of its submission and requests that no change to the zoning take place at this time. Further discussions with relevant parties are paramount to establish the long term role of each party with an interest in this site.

Would you please advise the Society of the City's official definition of the term "Public use Reserve"?

The proposed change of zoning does nothing to change the environmental concerns or circumstances the property presents as a consequence of City usage to this point or in the future for as long as it has use of the property.

The Governor of Western Australia, circa 1973, consented to its current use as an interim authority for use as a refuse site with the overall objective being to bring the land to a standard suitable for use as it is intended under its current zoning of Parks and Recreation specifically for Showground and Greater Sportsground. That is what the Certificate of Title states.

As discussed with the City planning representative this morning, it is not reasonable to put the onus back on the Society to apply in some future time for rezoning back to its current status to accommodate its current certified usage. Accordingly there is the concern that any zoning change might be construed as a means to remove the onus on the City to address the numerous environmental issues created over time by its current use and realising the initial objectives of the original lease document.

City's Planning Comment 7/a, provides no reason to change the zoning from that which presently applies. Public Use Reserve zoning does not appear to assist the owner being the Albany Agricultural Society in any way.

The Society is very agreeable to open channels of communication between it and the City on this subject.

Kind regards

Yours faithfully
Paul Higginson
Secretary