



AGENDA

Ordinary Meeting of Council

Tuesday 27 March 2018

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**



NOTICE OF AN ORDINARY COUNCIL MEETING

Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 27 March 2018 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA 27/03/2018

TABLE OF CONTENTS

Item	Details	Pg#
1.	DECLARATION OF OPENING	3
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	3
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	3
4.	DISCLOSURES OF INTEREST	4
5.	REPORTS OF MEMBERS	4
6.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
7.	PUBLIC QUESTION TIME	5
8.	APPLICATIONS FOR LEAVE OF ABSENCE	5
9.	PETITIONS AND DEPUTATIONS	5
10.	CONFIRMATION OF MINUTES	5
11.	PRESENTATIONS	5
12.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	5
	MINUTES AND RECOMMENDATIONS OF COMMITTEES	
CCS	Corporate and Community Services Committee	
CCS033	FINANCIAL ACTIVITY STATEMENT-JANUARY 2018	6
CCS034	LIST OF ACCOUNTS FOR PAYMENT-FEBRUARY 2018	8
CCS035	DELEGATED AUTHORITY REPORTS	10
CCS036	LOWER GREAT SOUTHERN ECONOMIC ALLIANCE-UPDATE-This report is for noting at Committee Level only and does not require a decision of Council.	
CCS037	INVITATION FOR MAYOR TO VISIT PERONNE (FRANCE)	11
CCS038	WESTERN AUSTRALIAN FOOTBALL LEAGUE (WAFL) EVENT	14
CCS039	COMPASSIONATE COMMUNITIES PROJECT	17
CCS040	DECISIONS FROM ANNUAL MEETING OF ELECTORS	19
DIS	Development and Infrastructure Services Committee	
DIS082	REQUEST FOR NOMINATION TO WASTE MANAGEMENT WORKING GROUP	22
DIS083	TENDER C18003-UPGRADE OF EMU POINT BOAT PENS	25
DIS084	CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.29-CITY OF ALBANY	31
DIS085	PLANNING AND BUILDING REPORTS-FEBRUARY 2018	39
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	40
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	40
16.	REPORTS OF CITY OFFICERS Nil	40
17.	MEETING CLOSED TO PUBLIC	40
18.	CLOSURE	40

1. DECLARATION OF OPENING

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

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

R Hammond

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

B Hollingworth

Kalgan Ward

E Doughty

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

S Smith

West Ward

A Goode JP

Yakamia Ward

A Moir

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate Services

M Cole

Executive Director Development

Services

P Camins

Executive Director Infrastructure

& Environment

M Thomson

Executive Director Community Services

S Kay

Meeting Secretary

J Williamson

Apologies:

Frederickstown Ward

R Stephens (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Mayor Wellington	CCS037	Financial. The Mayor has been invited by the Mayor of Peronne, France, to represent the City of Albany at an event in Peronne to commemorate the Australian military presence in World War 1. The City has a reciprocal Friendship Agreement with Peronne. Mayor Wellington's travel and accommodation costs will be met by the City of Albany.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Dr Warren Flynn tabled the following questions to be taken on notice at the Ordinary Council Meeting held on Tuesday 27 February 2018.

The following questions relate to the Proposed Ahola Tourist Development of Lot 660 La Perouse Road, Goode Beach.

1. The former development set-back required for all waterways (inland and marine) was 100 metres.
 - a. Which researchers and/or experts (other than those engaged or recommended by the Ahola proponents) were consulted by the City of Albany in order to consider accepting a substantial reduction to the previous guidelines for inland wetland and ocean beach set-backs?
 - b. Which research papers were consulted (and by whom) to determine that consideration for a relaxation of the previous 100 metres setbacks was appropriate?

2. How does damaging the habitat of threatened species in Lake Vancouver's wetland; and risking accelerated, if not precipitated beach erosion on one of Albany's finest beaches fit with the stated City of Albany 2030 objectives to:

"3.3.1 Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience..."

and

"We know we are succeeding when:
Our coastlines maintain their diversity, amenity and accessibility and are protected from hazards and development."?

3. Considering the fate of the former Esplanade Hotel site, and the former Frenchman Bay Tea Rooms (which should have had a heritage listing), will the City of Albany engage a panel of assessors (independent of the City of Albany and the proponents) to determine if the proposed Ahola tourist resort on Lot 660 has a viable and sustainable business plan? (Please note the number and variety of tourists who signed the Hopper/Flynn petition opposing this tourist development.)

4. If the Structure Plan 9 for the Ahola tourist resort were approved:
 - a. What is the closest distance between road verge of the access way to Lot 660 and the edge of Lake Vancouver during winter?
 - b. How will the proponents and/or the City of Albany guarantee survival of the Albany Wetlands Sundew?

5. The proponents documents contain the phrase "managed retreat" when dealing with the anticipated effects of erosion on this site.
 - a. Will the City of Albany require that the current or future owners of the resort be financially liable to remove from Lot 660 any materials (including materials for road construction, parking areas, swimming pool, as well as the major building materials, etc.) which are damaged or abandoned, to prevent any contamination of, or damage to, the beachfront, the surviving dunes, Lake Vancouver and its surrounding wetland? If not, why not?
 - b. Will the City of Albany require that the current or future owners of the resort be financially liable to remove any materials from the resort or its access ways (including materials for road construction, parking areas, swimming pool, as well as the major building materials etc.) which have encroached

ORDINARY COUNCIL MEETING
AGENDA 27/03/2018

into the marine environment of either the seashore or Lake Vancouver and its wetland; or onto neighbouring land, including the A Reserve, Vancouver Peninsular or private property? If not, why not?

6. Is it likely that the City of Albany or any individual CofA officer(s) will be legally liable for future litigation brought by landowners whose neighbouring properties are damaged or destroyed as a result of seawater or wind erosion being intensified, accelerated, or precipitated by the flattening of dunes, or other soil/vegetation disturbance, required for this resort and its roadways?

The following response to Dr Flynn's questions has been provided by the Executive Director Development Services:

Thank you for your questions in regards to Lot 660 Goode Beach.

The questions are noted. The majority of them will be dealt with as part of a formal Council item that will assess the structure plan on its merits and in accordance with statutory requirements. Given that Structure plan No.9 has not yet been referred to Council for its consideration, it would be premature to respond to these questions at this time.

All submissions and relevant information relating to the structure plan will be given to Council in order for it to make an informed decision consistent with its role under legislation. The City does not have a right or role to assess or comment on whether a private development is viable or commercially sustainable.

Council's role in this matter is to consider all the information in accordance with proper planning principles and procedures and make a recommendation to the WA Planning Commission for its review. Council is not the final decision-maker on this structure plan. The WA Planning Commission will make the final decision to accept, refuse or amend the structure plan.

It should be noted that when making land use planning decisions, Elected Members perform a quasi-judicial role. This means that Elected Members must have regard to proper planning principles when making decisions. Officers are to ensure that advice is available to Elected Members on the decision-making criteria contained in the relevant planning regulations, schemes, policies and plans. Accordingly, when this item is presented to Council, the Officer's report will include all relevant information to assist Council to make an informed decision. You will also have the opportunity to address Councillors as part of this process. Council will then decide on a recommendation to the WA Planning Commission, which will review the information and make a final decision.

You are encouraged to attend the Council meetings when this item may be considered by Council as you will have an opportunity to address Council through public question time.

7. PUBLIC QUESTION TIME
8. APPLICATIONS FOR LEAVE OF ABSENCE
9. PETITIONS AND DEPUTATIONS

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Petition lodged with the City of Albany by Dr Warren Flynn and Ms Christine Hopper, requesting rejection of Local Structure Plan No. 9 by the City of Albany and the WA Planning Commission, be RECEIVED.

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 27 February 2018, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS
12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS033: FINANCIAL ACTIVITY STATEMENT – JANUARY 2018

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS033: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 January 2018.

CCS033: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS033: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 January 2018.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 January 2018 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

8. The City's 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 January 2018 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
-----------------------------------	----------------------

CCS034: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2018

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

RECOMMENDATION

**CCS034: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2018 totalling \$5,758,844.72 be RECEIVED.

CCS034: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
 SECONDED: COUNCILLOR HOLLINGWORTH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS034: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2018 totalling \$5,758,844.72 be RECEIVED.

BACKGROUND

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

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 February 2018. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$10,798.86
Credit Cards	\$14,820.74
Payroll	\$1,899,480.29
Cheques	\$73,966.64
Electronic Funds Transfer	\$3,759,778.19
TOTAL	\$5,758,844.72

As at 15 February 2018, the total outstanding creditors, stands at \$616,076.31 and made up as follows:

Current	\$534,190.77
30 Days	\$39,871.78
60 Days	\$20,480.90
90 Days	\$712.67
TOTAL	\$616,076.31
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 February 2018 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 February 2018 has been incurred in accordance with the 2017/2018 budget parameters.

CONCLUSION

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

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

CCS035: DELEGATED AUTHORITY REPORTS

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

RECOMMENDATION

CCS035: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Delegated Authority Reports 16 January 2018 to 15 February 2018 be RECEIVED.

CCS035: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR MOIR

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS035: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 January 2018 to 15 February 2018 be RECEIVED.

**CCS037: INVITATION FOR MAYOR TO VISIT TO PERONNE
(FRANCE)**

Proponent / Owner	: City of Albany
Attachments	: 1 – Invitation from David de Sousa – Chef de pole culturel 2 – Civic Affiliations Policy
Report Prepared By	: Executive Director Corporate Services (M Cole)
Responsible Officers:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme 2:** Smart Prosperous and Growing.
 - **Objective 2.1:** To strengthen and grow our region's economic base.
 - **Community Priority 2.1.1:** Work with business and other stakeholders to attract investment; diversify the economy; create jobs and support small business growth.

In Brief:

- The City of Albany has a friendship agreement with Peronne (France) based on Albany's ANZAC military heritage. The agreement was signed in Peronne on 1 November 2008.
- The Mayor has been invited to attend an event celebrating Australian military presence in World War 1 being held in Peronne between 31 August and 2 September 2018.
- Under the Civic Affiliations Policy Council approval for any delegation recommended by the Mayor is required.

RECOMMENDATION

**CCS037: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council ENDORSE Mayor Wellington's visit to Peronne, France between 31 August and 2 September 2018.

CCS037: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

**The Mayor participated in the discussion on this item. The Mayor left the Chamber following discussion and was not present for the vote on this item.*

CCS037: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ENDORSE Mayor Wellington's visit to Peronne, France between 31 August and 2 September 2018.

BACKGROUND

2. The City of Albany has a friendship agreement with Peronne (France) based on Albany’s ANZAC military heritage.
3. Peronne is holding a calendar of events throughout 2018 to commemorate the 100 year anniversary of the end of World War 1.
4. An event celebrating Australian military presence being held in Peronne between 31 August and 2 September 2018, will also pay respect to ANZAC and the importance of Albany as part of this history.

DISCUSSION

5. The friendship agreement between Peronne and the City of Albany is one of five active affiliations established under the Civic Affiliations Policy.
6. Under the policy, the Council will foster its affiliations in the following ways:
 - a. Subject to prior Council approval, one visit to each endorsed affiliate in every four year Mayoral term provided that the relationship is active and reciprocal.
 - b. The composition of the delegation is subject to Council approval upon recommendation of the Mayor; and it will be led by the Mayor.
 - c. Partners of delegates must travel at their own expense.
7. Peronne have offered to provide accommodation and transport for the visiting delegation, however it is recommended the City meet with the full cost for travel and accommodation.

GOVERNMENT & PUBLIC CONSULTATION

8. To ensure compliance with the requirement of dealing with gifts and contributions to travel, it is recommended the City meet the cost for travel and accommodation.
9. This report is presented and is in accordance with the Civic Affiliations Policy.

STATUTORY IMPLICATIONS

10. Nil

POLICY IMPLICATIONS

11. Under the Civic Affiliations Policy, Council approval for each visit is required.
12. The composition of the delegation is subject to Council approval upon recommendation of the Mayor; and it will be led by the Mayor.
13. Partners of delegates must travel at their own expense.
14. This report is seeking approval for the Mayor to visit Peronne.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial. Risk: If Council does not support an active follow up to this cultural exchange, potential trading and investment opportunities could be lost.</p>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	Council endorses the Executives Recommendation to provide ongoing engagement and support of activities that promote education, business and investment opportunities.
<p>Opportunity: Consistency and understanding of rules for both councillors and staff that pertain to travel and accommodation expenditure.</p>				

FINANCIAL IMPLICATIONS

16. The cost per delegate to visit Peronne is estimated at \$5,000 inclusive of airfares, accommodation and transfers from Paris to Peronne.

LEGAL IMPLICATIONS

17. Nil

ENVIRONMENTAL CONSIDERATIONS

18. Nil

ALTERNATE OPTIONS

19. The purpose of this report is to seek Council endorsement for the Mayor to visit Peronne in August/September 2018. Council may choose not to support this visit.

CONCLUSION

20. The visit to Peronne is supported and Council's endorsement is recommended.

Consulted References	:	Civic Affiliations Policy
File Number (Name of Ward)	:	ED.INR.5
Previous Reference	:	Not applicable

**CCS038: WESTERN AUSTRALIAN FOOTBALL LEAGUE (WAFL)
EVENT**

Business Entity Name : City of Albany, WAFL.
Report Prepared By : Executive Director Community Services (S Kay)
Responsible Officers: : Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany (COA) Strategic Community Plan:
 - **Theme: 4.** Community Health and Participation
 - **Objectives:**
 - **4.2** To create interesting places, spaces and events that reflect our community's identity
 - **4.3** To develop and support a healthy inclusive and accessible community
 - **Community Priorities:**
 - **4.2.2** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory
 - **4.3.1** Develop a range of activities and facilities that connect people, promote a healthy community and are appropriate for all ages

In Brief:

- The Centennial Sports Stadium was constructed in 2016 - 2017 as part of the \$27 million Centennial Park Precinct Stage 1 Project.
- The current occupants Centennial Stadium Incorporated have leased the stadium from the COA for a period of up to 15 years and is the joint home of the Royals and Albany Football Clubs.
- Negotiations with WAFL have secured an away home fixture between Claremont and South Fremantle for 28 April 2018 at the Centennial Stadium.
- This event is being branded as part of the Anzac 2018 program.
- Councillors have been provided with a separate memorandum outlining the financial cost and sponsorship arrangement associated with the event.

RECOMMENDATION

**CCS038: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE and ENDORSE the proposed programming of a Western Australian Football League game in Albany on 28 April 2018 supported by the City of Albany.

CCS038: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Goode

CCS038: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE and ENDORSE the proposed programming of a Western Australian Football League game in Albany on 28 April 2018 supported by the City of Albany.

BACKGROUND

2. The football community in the Lower Great Southern has strong representation with over 2,500 community members involved in the sport through playing, administration and community support.
3. In October 2017 the City of Albany presented a proposal to the Claremont Football Club to host a home game in Albany during the 2018 season.
4. The Council was briefed on this proposal. The fixture provided an opportunity to showcase the newly built Centennial Stadium and sporting precinct and allow community members to view and enjoy the new community facility.
5. The football stadium has all the requirements for hosting a WAFL or Australian Football League (AFL) football game.

DISCUSSION

6. The new constructed facilities at Centennial Stadium include a 442 seat grandstand, full kitchen and bar, broadcast facilities, coaching and official boxes, full disability access amenities, external fencing to manage crowds and gate takings and full sized AFL field.
7. The City's proposal was submitted to the Claremont Football Club with a view to strengthening links with based on the number of Great Southern players who are members of the current and past league teams.
8. The collaboration is also aimed at developing talent pathways for future aspiring athletes. This proposal was developed to coincide with a range of activities such as coaching development and clinics for young players as well as a viewing of the National Anzac Centre.
9. This proposal was accepted and endorsed by the Claremont Football Club Board in November 2017 and officially a fixture by the WAFL in late December 2017.

Activities

10. The draft program for the WAFL event includes:

Thursday 26th April 2018

- Coaches Seminars
- Leadership and Development Seminar

Friday 27th April 2018

- Proudlove Junior Clinic
- Welcome Function at the National Anzac Centre for players, guests and sponsors

Saturday 28th April 2018

- AFL Auskick Games at half time of all fixtures
- Great Southern Storm u15s v Upper Great Southern u15's
- Great Southern Storm v Claremont Development Squad
- Claremont FC v South Fremantle FC (WAFL Game)
- Award Presentations

GOVERNMENT & PUBLIC CONSULTATION

11. N/A

STATUTORY IMPLICATIONS

12. N/A

POLICY IMPLICATIONS

13. The City of Albany Sponsorship Guidelines establishes the principles for sponsorship agreements entered into between the City and other parties.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. <i>Risk: Potential loss of revenue.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Comprehensive marketing, promotion and sponsorship program</i>
Opportunity: <i>To successfully host a WAFL game as a precursor to an annual or biannual event.</i>				

FINANCIAL IMPLICATIONS

15. The WAFL game and activities will be funded through various sources such as gate takings, possible WAFL Commission support, City of Albany Sports and Recreation and Events Programs and Sponsorship. Possible sponsors are currently being canvassed.

LEGAL IMPLICATIONS

16. Nil

ENVIRONMENTAL CONSIDERATIONS

17. The events will occur at the newly constructed stadium built to accommodate WAFL or AFL games and conducted as per the usual football activities.

ALTERNATE OPTIONS

18. N/A

CONCLUSION

19. The WAFL fixture will provide an opportunity to host a high profile football game and showcase the new football stadium in 2018 to coincide with the conclusion of the Anzac Centenary Commemorations. This will facilitate further programming of State or Interstate football games into the future years.

Consulted References	:	Nil
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Not applicable.

CCS039: COMPASSIONATE COMMUNITIES PROJECT

Proponent / Owner	: City of Albany
Attachments	: Nil.
Report Prepared By	: Executive Director Community Services (S Kay)
Responsible Officers:	: Executive Director Community Services (S Kay)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Community Health & Participation
 - **Objective 4.1:** To build a resilient and cohesive community with a strong sense of community spirit;
 - **Objective 4.3:** To develop and support a healthy and accessible community

In Brief:

- Western Australian Primary Health Alliance (WAPHA) Great Southern is a federally funded community based planning and commissioning agency centred on building sustainable and consumer centred primary health and social care.
- WAPHA Great Southern submitted a proposal to the Australian Government Department of Health in September 2017 to develop the compassionate city/community concept in Albany and was successful in securing funding.
- Albany was chosen as a pilot location due to the view that Albany had developed the networks, partnerships and other social assets to be successful.
- During discussions between WAPHA and the City's Mayor, CEO and senior staff in 2017, it was also considered important, if the project was funded, to embed the project coordinator in a community development setting with strong connections to the community and other agencies.
- The model used by the Healthy Albany Project with a WA Country Health Service (WACHS) Promotions Officer located at the City of Albany North Road premises four days a week was seen as the preferred option by WAPHA. The Compassionate Community project officer will work closely with the City's Community Development Team.

RECOMMENDATION

**CCS039: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **APPROVE** the participation by the City of Albany in the Compassionate Community project funded by WA Primary Health Alliance (WAPHA); and
2. **ENDORSE** the City's intention to enter into a Memorandum of Understanding with WAPHA to host a project officer at the City of Albany for up to two years.

BACKGROUND

2. A compassionate community approach aims to support communities to recognise the needs of people who are approaching the end of their life. The three key components of this support are compassionate and resilient communities, practical support and strengthening the role of volunteers and carers.
3. The Charter Movement for Compassion is an international movement that seeks commitment to embrace a view of health and wellbeing that includes developing community empathy and support for “addressing the negative health impacts of social inequality and marginalization attributable to dying, death and loss” (The Compassionate City Charter – author Allan Kellahear).
4. There are thirteen social changes associated with the Compassionate City Charter, which WAPHA intends to work with the City, to implement including collaboration with community groups, families, workplaces, schools, businesses and places of workshop.
5. Other WAPHA objectives for the project include working with the City to maintain and strengthen the quality of services for the most fragile and vulnerable within the palliative scope with the aim to normalise the course of their lives, increase the death at home rate within Albany and bringing together community providers from local government, not for profit organisations and the community to support their needs.

DISCUSSION

6. The project has been funded over two and half years until June 2020. The project has been planned in four phases: compassionate communities assessment, planning, action and evaluation.
7. Activities will include assessing the community’s strengths and fears, development of a community tool box, identification and action plans addressing unmet needs, public forums, registration with The Charter for Compassion International, monitoring and measuring outcomes.
8. A reference group will be established with representation from WAPHA, COA, community organisations and consumers.
9. It is planned that the compassionate community approach will build local government capability to become communities for genuine support, care, information, networking and greater learning about the end of life care.
10. Networking also occurred at the recent WA Compassionate Community Symposium held at the City of Bunbury between the two Southern regions (South West and Great Southern) in order to collaborate on the Compassionate Communities approach and support the Kimberly region in their endeavours to improve end of life care.

GOVERNMENT & PUBLIC CONSULTATION

11. In the Community Strategic Plan 2030 review a new theme emerged in response to Community Health and Participation. This area of interest supports a healthy and accessible community.

STATUTORY IMPLICATIONS

12. Nil.

POLICY IMPLICATIONS

13. Full induction of the Officer to all aspects of City of Albany operational processes, procedures and policies including statutory compliance with occupational health and safety, environmental, industrial, information and human resource management requirements including Code of Conduct will occur.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Possible loss of reputation if the project does not meet funding objectives</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Actively participate and support</i>
Financial <i>Risk: Cost of the project</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Any resources purchased will remain Council Property and be used for other projects</i>
Opportunity: <i>To develop a Compassionate Community approach that fosters collaboration, partnerships, community resilience, connections and support for the most vulnerable.</i>				

FINANCIAL IMPLICATIONS

15. WAPHA is seeking to locate the Compassionate Communities Coordinator (CCC) at the North Road office in a similar arrangement to the WA Country Health Healthy Albany project with a formal Memorandum of Understanding (MOU). The City of Albany will cover the cost of consumables such as stationary and printing, IT support and day to day support and provide a work station.
16. A similar arrangement was estimated to cost the City up to \$2000 to set up a functioning work space with ongoing costs for consumables and office overheads.

LEGAL IMPLICATIONS

17. The City will be a signatory to a Memorandum of Understanding for up to two years with WAPHA outlining the conditions for hosting a project officer at the North Road Office and the roles and responsibilities of both organisations.

ALTERNATE OPTIONS

18. To only participate in the project as a member of the Steering and Community Reference Group, working in collaboration with program staff when opportunities present.

CONCLUSION

19. It is recommended that the City participate fully in the Compassionate Communities approach for twelve months by hosting a WAPHA project officer, assess the impact and outcomes of the project and depending on results, continue the arrangement for the remainder of the two year project.

Consulted References	:	Community Strategic Plan (Albany 2030)
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil

CCS040: CONSIDERATION OF DECISIONS FROM ANNUAL MEETING OF ELECTORS

Proponent	: City of Albany
Report Prepared by	: Manager Governance and Risk (S Jamieson)
Responsible Officer	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme 1:** Leadership
 - **Objective 1.3:** To engage effectively with our community.
 - **Community Priority 1.3.1:** Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

In Brief:

- As prescribed by section 5.33 of the *Local Government Act 1995*, Council is requested to consider the decision made at the annual elector's meeting held on 13 March 2018

RECOMMENDATION

CCS040: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

In accordance with section 5.33 of the *Local Government Act 1995*, the following decision made at the Annual General Meeting of Electors held on 13 March 2018, be **CONSIDERED**:

“THAT the resolution of Council made at the Ordinary Council Meeting held on 27 February 2018 - CCS031: Local Government Act Review WALGA Submission, be RESCINDED.”

BACKGROUND

2. The Annual Meeting of Electors was held on Tuesday 13 March 2018.
3. At the meeting the following elector decision was made:

MOTION BY MR ROLAND PAVER

MOVED: MR R PAVER

SECONDED: MR R VOGWILL

THAT the resolution of Council made at the Ordinary Council Meeting held on 27 February 2018 – CCS031: Local Government Act Review WALGA Submission be RESCINDED.

CARRIED BY SHOW OF HANDS

Reason (Mr R Paver):

The removal of the requirement for local governments to hold an Annual Electors Meeting should be reconsidered to enable continued participation by residents and ratepayers in the Annual Electors Meeting.

The recommended increase to the number of signatures required to call a Special Electors Meeting may inhibit the ability of ratepayers and residents to call a Special Electors Meeting.

In addition, should local governments have the ability to declare ratepayers and residents frivolous and vexatious complainants, it is against the principles of participatory democracy.

DISCUSSION

4. Electors, which include ratepayers and councillors, vote to have their decisions considered by Council.
5. Council is not bound by an electors meeting decision.
6. If Council makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes.
7. WALGA prepared a discussion paper in 2017 with aim of obtaining the local government sector’s views for the review of the *Local Government Act 1995*.
8. The draft submission, which suggests some changes to the Act and Regulations, was prepared by WALGA and LG Professionals in response to submissions received.

GOVERNMENT AND PUBLIC CONSULTATION

9. Nil.

STATUTORY IMPLICATIONS

10. Local Government Act 1995. Extract:

“Section 5.33. Decisions made at electors’ meetings

(1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

11. The submissions will have statutory implications if the suggested changes to the Act are implemented.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Compliance & Reputation Risk: <i>If the decision made at the Annual General Meeting (AGM) is not considered.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council consider the decision made at the AGM of Electors.</i>
Opportunity: <i>Consideration of elector decision honours community engagement.</i>				

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

15. Not applicable to this report.

ENVIRONMENTAL CONSIDERATIONS

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

OPTIONS:

17. Council, may choose to:

- a. Support the decision made at the Annual Electors Meeting;
- b. Support the decision in part or in full; or
- c. NOTE the decision, and take no action.

CONCLUSION

18. It is recommended that the decisions made at the decisions made at the electors' meeting is noted.
19. If Council wishes to reconsider the position on removing the mandated requirement to hold an Annual Meeting of Electors; the recommended increase to the number of signatures required (100 to 500) to call a meeting of electors, and the ability for local governments to declare ratepayers and residents as frivolous or vexatious complainants, it is recommended that this be the subject of an officer report to Council for their consideration.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	<i>GO.COM.1</i>
Previous Reference	:	<i>AGM of Electors 13 March 2018</i>

DIS082: REQUEST FOR NOMINATION TO WASTE MANAGEMENT WORKING GROUP

- Attachments** : Terms of Reference - Waste Management Working Group
Report Prepared By : Manager City Operations (M Richardson)
Responsible Officers: : Executive Director Infrastructure & Environment (M Thomson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - a. **Theme 1:** Leadership
 - b. **Objective:**
 - 1.1. To establish and maintain sound business and governance structures.
 - 1.3. To engage effectively with our community.
 - c. **Community Priorities:**
 - 1.1.2. Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
 - 1.3.1. Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

In Brief:

- The City is establishing a Waste Management Working Group.
- This report is to call for nominations from Elected Members and to appoint up to three members to this group.

RECOMMENDATION

**DIS082: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPOINT the following nominated Elected Members to the Waste Management Working Group:-

- | |
|----------------------------|
| 1. Councillor Paul Terry |
| 2. Councillor Ray Hammond |
| 3. Councillor Anthony Moir |

DIS082: COMMITTEE RECOMMENDATION

**MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR DOUGHTY**

THAT Council APPOINT the following nominated Elected Members to the Waste Management Working Group:-

- | |
|----------------------------|
| 1. Councillor Paul Terry |
| 2. Councillor Ray Hammond |
| 3. Councillor Anthony Moir |

CARRIED 12-0

BACKGROUND

2. In accordance with section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person’s membership of a Committee continues until the next ordinary election.
3. All reports for consideration by Council should be referred through a Standing Council Committee. Standing Committees provide a functional, transparent and legally compliant meeting framework that allows Elected Members to engage in policy and strategy development, and provide accurate and relevant information which enables informed decision making by elected members.
4. Committees are charged with the responsibility of reporting to the whole of Council with recommendations on matters it considers.
5. Committees report to Council, and are subject to the requirements of the *Local Government Act 1995* (the Act).
6. The purpose of the Waste Management Working Group (Terms of Reference) is defined in the attached Terms of Reference.

DISCUSSION

7. During the course of the next 10 years, the City will be making strategic decisions and undertaking large capital infrastructure projects in the area of waste services which will ultimately shape the way the City will manage its waste until 2065 and possibly beyond.
8. The major projects to be delivered during this period will be the decommissioning of the Hanrahan landfill, and the siting and construction of an alternative waste facility to take its place.
9. These projects will require a significant capital investment from the City and intensive community consultation over a period of time that will span several Councils.
10. The formation of a working group made up of Elected Members and City officers will ensure that Council has ownership and a confident understanding of its future waste developments.

GOVERNMENT & PUBLIC CONSULTATION

11. The Waste Management Working Group is an internal City committee and no government or public consultation is required.

STATUTORY IMPLICATIONS

12. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person’s membership of a committee continues until the next ordinary Local Government election.
13. Division 2, Part 5 of the *Local Government Act 1995* deals with Council Meetings, committees and their meetings.
14. Appointment to committees is by **Absolute Majority** in accordance with s5.10 of the Act.

POLICY IMPLICATIONS

15. There are no policy implications related to this item, unless the Terms of Reference for a committee are to be amended. For example: the number of committee members.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation <i>Risk: Members are not appointed to the Waste Management Working Group</i></p>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<p><i>Elected Members are appointed to the Working Group.</i> <i>Officer reports and recommendations will be considered by Council at Ordinary Council Meetings when required.</i></p>

FINANCIAL IMPLICATIONS

17. A budget line exists for the cost of administering committees, including representation on external committees.

LEGAL IMPLICATIONS

18. There are legal implication related to compliance with specific provisions of the *Local Government Act 1995*, including subdivision 2 – Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

19. There are no direct environmental considerations related to this item. However, an efficient meeting schedule may reduce wasted resources (time, travel and office consumables).

ALTERNATE OPTIONS

20. Elected Members may reserve the right to nominate for committee membership at a later date.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> • Department of Local Government Guidelines • Governance and Meeting Framework Policy
File Number (Name of Ward)	:	All Wards
Previous Reference	:	• OCM 27/10/2015 Report Item CSF202

DIS083: TENDER C18003 - UPGRADE OF EMU POINT BOAT PENS

Land Description	: Seabed Lease, Emu Point, Oyster Harbour
Proponent / Owner	: City of Albany
Attachments	: Concept Design
Supplementary Information & Councillor Workstation	: <i>Confidential Briefing Note and Financial Attachments A & B have been distributed under separate cover.</i>
Report Prepared By	: Manager City Engineering (David King)
Responsible Officers:	: Director of Works and Services (Matthew Thomson)

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - a. **Theme 3:** Clean Green and Sustainable
 - b. **Objective:**
 - 3.2 To build, maintain and renew city assets sustainably.
 - c. **Community Priorities:**
 - 3.2.1 Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

In Brief:

- Elected Members will be briefed on this matter prior to consideration of this item.
- Emu Point Boat Pens have reached the end of their useful life.
- This report recommends that the structure is upgraded to a modern floating boat pen facility.
- Tender Award for C18003 - Emu Point Boat Pens – Design and Construction of a Pontoon Marina System to SMC Marine.
- Budget allocation to be loan funded.

RECOMMENDATION

**DIS083: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council:

1. **AGREES** to take a loan for a period of up to 20 years term, at prevailing interest rates, for \$1,800,000 to facilitate the construction and upgrade of the Emu Point Boat Pens, subject to compliance with Clause 6.20 of the Local Government Act 1995;
2. **AMENDS** the 2017/2018 budget to include an allocation of \$1,800,000 for the Upgrade of Emu Point Boat Pens;
3. **AUTHORISES** the Chief Executive Officer to accept the tender from SMC Marine and award Contract C18003 - Emu Point Boat Pens – Design and Construction of a Pontoon Marina System, subject to loan requirements being met.

DIS083: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR TERRY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS083: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council:

1. AGREES to take a loan for a period of up to 20 years term, at prevailing interest rates, for \$1,800,000 to facilitate the construction and upgrade of the Emu Point Boat Pens, subject to compliance with Clause 6.20 of the Local Government Act 1995;
2. AMEND the 2017/2018 budget to include an allocation of \$1,800,000 for the Upgrade of Emu Point Boat Pens;
3. AUTHORISE the Chief Executive Officer to accept the tender from SMC Marine and award Contract C18003 - Emu Point Boat Pens – Design and Construction of a Pontoon Marina System, subject to loan requirements being met.

BACKGROUND

2. The Emu Point Marina is located within a dredged basin on the northern shore of Emu Point.
3. The marina comprises of a number of separately controlled boat pens. City of Albany (CoA) boat pens and boat pens being managed by the Department of Transport (DoT).
4. Both areas are generally well-managed. However, the jetties within the CoA area have reached the end of their useful life.
5. The CoA recently relocated a number of pen holders within the facility due to part of the mooring structure being in an unserviceable.
6. The CoA, since 2013, has been in ongoing discussions with the DoT with a view to negotiating the transfer of control and management of the entire Emu Point Marina complex to the DoT.
7. To inform these discussions, the DoT commissioned Transfield Services to provide a comprehensive condition report. This report identified a significant spend on the marina in order to bring it to a minimum standard considered acceptable for a facility of this type.
8. Although no formal offer was ever put on the table, it was inferred that significant spend or contribution would be required by the City of Albany if the facility was to be handed over.
9. The expected contribution results in the handover to the Department an unviable option and so alternative management options, independent from the Department, have been investigated since.
10. Consultation with the major stakeholders has been undertaken throughout, with their preference noted for the ongoing management to be with the City of Albany.
11. Previous tenders to refurbish the existing structures were unviable due to the large costs and poor return on investment.

DISCUSSION

12. Major stakeholders expressed a preference in the replacement of the structure with a floating pontoon system.
13. Floating pontoon structures are susceptible to damage from excessive wave climates. A feasibility study to determine suitability of a floating structure was undertaken by Seashore engineering during 2017 and addressed the concern of an unsuitable wave climate. The outcomes from the study deemed the wave climate suitable.
14. Based on the feasibility study, budget estimates, and preliminary business modelling the City of Albany went to Tender for the design and construction of a floating pontoon facility.
15. A total of 38 tender documents were issued by City of Albany.
16. Six (6) completed tender documents were submitted on or before the stipulated closing date and time.

17. The tenderers were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall point's score for each tender. The criteria are tabled below.

Criteria	% Weighting
Cost	50%
Relevant Experience	20%
Key Personnel Skills & Experience	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Total	100%

18. The following table summarises the top tenderers and their weighted scores:

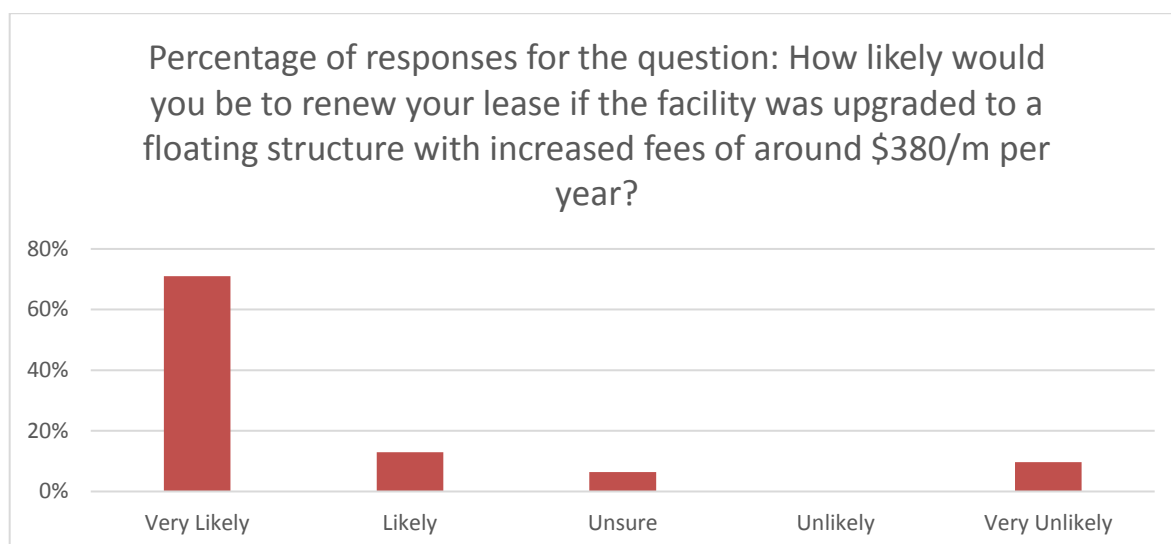
Tenderers	Weighted Score
SMC Marine	712.88
Tenderer B	620.56
Tenderer C	546.87
Tenderer D	507.48
Tenderer E	464.05
Tenderer F	458.89

19. Attachment 1 shows the proposed layout of the new pens. To keep capital costs down, it is proposed to omit Jetty B from the construction. Jetty B can be installed at a later date if the customer demand exceeds the capacity of A and C. Jetty B has been included in the Tender as a specified provisional item, and therefore can be removed from the contract if deemed necessary.

GOVERNMENT & PUBLIC CONSULTATION

20. Pursuant to Section 6.20(2)(a) of the Local Government Act 1995, the City of Albany must give notice that it proposes to borrow money.
21. A request for tenders was published in the West Australian on 24 January 2018 and the Albany Weekender on 25 January 2018. The closing date of tenders was 21 February 2018 at 2pm.
22. Further consultation will be required with the Department of Transport in renewal of the seabed lease to at least the expected lifespan of the new structure.
23. Numerous meetings have been held with both the boat pen leaseholders and the Friends of Emu Point Group to keep them informed and up to date on the situation.

A survey of the existing boat penholders was undertaken in May 2017. The survey was carried out in order to gauge the likelihood of lease holders continuing with their lease under a number of circumstances. For the purposes of this item, the question: How likely would you be to renew your lease if the facility was upgraded to a floating structure with increased fees of around \$380/m per year? Their responses are provided in the graph below.



24. The results of the survey indicated that there was majority support for the increase service level and increase of fees associated.

STATUTORY IMPLICATIONS

25. Clause 6.20 of the *Local Government Act 1995* allows a local government to borrow money. Where this power is exercised and the details of the proposal have not been included in the annual budget, the local government must give one month's public notice of the proposal and the resolution to exercise that power must be by absolute majority.
26. Clause 6.21(2) states that when a local government borrows money, it may only be secured by giving security over the general funds of the local government.
27. Regulation 11 of the *Local Government (Functions and General) Regulations 1996* (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
28. 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 any tender.
29. Regulation 19 of the Regulations requires Council to advise each tenderer in writing about the result of Council's decision.

POLICY IMPLICATIONS

30. Council's Policy – Long Term Borrowing applies to this item. This policy provides for the prudent use of loan borrowings for the acquisition of City assets. It is considered this proposed project, (*as detailed in this report and the attached business case*), is compliant with this policy.
31. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial: <i>There is a risk that the required occupancy (80%) is not met which will result in a negative NPV</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Advertisement of the service , Survey of existing lease holders</i>
Finance: <i>Non-compliance with contract.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contractual remedies on the basis of failure to execute works in accordance with contract.</i>
Reputational Opportunity: <i>There is an opportunity to upgrade the facility to bring it in line with modern expectations. This has the potential to improve the City's reputation with regards to this service.</i>				
Financial Opportunity: <i>The business model is highly sensitive to occupancy. Occupancy in excess of 80% will result in an exponentially positive NPV.</i>				

FINANCIAL IMPLICATIONS

33. The total project cost is estimated at \$1,800,000. The City will facilitate this by borrowing \$1,800,000 with a loan from the WA Treasury Corporation (WATC). Both the existing reserve funds and lease fees from the service will repay this loan. Given the favourable interest rates which can be fixed over the term of the loan, a term of 20 years is suggested. An interest rate of 3.77% is expected based on the WATC Borrowing Rates issued in February 2018.
34. In order to comply with the provisions of the *Local Government Act 1995*, the intent to borrow needs to be advertised for public comment, if not endorsed in the annual budget. Any loan is also subject to WATC internal risk assessment process.
35. Fees and charges for the boat pens upon completion of the project will be in line with similar facilities at the Department of Transport town marina of around \$380/metre per year. This is a significant increase from current rates of approximately \$215/metre per year but is in line with an increased level of service of the floating pontoon system proposed.
36. To achieve a positive Net Present Value (NPV) over 25 years, the occupancy is required to average 78% capacity, equating to 377 metres of boat on the proposed design.
37. At 78% capacity, yearly balance would still require an approximate average annual subsidy from other revenue streams of \$43,000 for the next 10 years. The positive NPV is mostly generated by the profits in years 20-25.
38. The business model is highly susceptible to alteration in the occupancy and a reduction to 60% capacity would result in a 25-year NPV of minus -\$562,561 and an average annual subsidy from other revenue streams of around \$72,000 for the next 10 years.
39. The business model is highly susceptible to alteration in the occupancy and an increase to 90% capacity would result in a 25 year NPV of \$359,156 and an average subsidy from other revenue streams of \$23,000 for the next 10 years.
40. For reference, in the 2016/17 year, the total metre of boat being leased at the City's Emu Point facility was approximately 300 metres.
41. The Emu Point Reserve currently has a balance of \$401,133 as of 30 June 2017. It is proposed to use these funds to offset the subsidy required in the early stages of the project life.
42. During reconstruction of the boat pens, the existing boat pen lease holders will need to be relocated to Department of Transport facilities. This cost is incorporated into the total project cost of \$1.8 million.

LEGAL IMPLICATIONS

43. By adopting the recommendation, Council is contractually obliged to honour the contract.

ENVIRONMENTAL CONSIDERATIONS

44. Oyster Harbour is controlled by the Department of Water. Environmental controls during construction will adhere to Department of Water requirements.

ALTERNATE OPTIONS

45. Discontinue the service of boat pens after 30 June 2018.

46. Non-renewal of current boat pen leases and demolition of the structure in July 2018.

CONCLUSION

47. In order to maintain delivery of the boat pen service, the structure requires replacement to modern standards. A number of options have been explored over the past 12 months and the preferred solution of replacement with a floating pontoon system is proposed in this report.

48. For the project to proceed it will need to be funded by a loan that will be repaid by the current Emu Point Reserve and income generated from the service.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	CP.DEC.31 (Breaksea)
Previous Reference	:	Nil

DIS084: CONSIDERATION OF ADOPTION OF LOCAL PLANNING SCHEME AMENDMENT NO.29 – CITY OF ALBANY

Land Description	:	<ul style="list-style-type: none">• City of Albany• Lot 5 #437 Chester Pass Road, Warrenup WA 6330• Lot 21 #312 Albany Highway, Centennial Park WA 6330• Lot 304 # 63 Pioneer Road, Centennial Park WA 6330• Lot 250 #255 Lancaster Road, McKail WA 6330• Lots 871, 410, 411, 868 and 869 Chester Pass Road, Milpara WA 6330.• Lot 26 #71 Shell Bay Road, Lower King WA 6330• Lot 6906 # 11-13 Nind Street, Spencer Park WA 6330 (Reserve 26860)• Lot 350 # 11 Shelley Beach Road, Kronkup WA 6330• Nullaki Conservation Zone
Proponent	:	City of Albany
Owner	:	See attached
Business Entity Name	:	Nil
Attachments	:	<ul style="list-style-type: none">• Local Planning Scheme Amendment No. 29 – Report and Amendment Schedule• Schedule of submissions and recommended modifications• Submissions
Report Prepared By	:	Senior Planning Officer – Strategic Planning (A Nicoll)
Responsible Officer:	:	Executive Director Development Services (P Camins)

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed amendment, the Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2010* and *Community Strategic Plan – Albany 2030*.
3. The amendment complies with strategic planning requirements for the following reasons:
 - a) The *Albany Local Planning Strategy 2010* recommends the preparation of an up-to-date Local Planning Scheme; and
 - b) The *Community Strategic Plan – Albany 2030* recommends providing informed and transparent decision making that meets our legal obligations (Leadership: 1.1.2).

Maps and Diagrams:



In Brief:

- Amendment No.29 seeks to alter various parts of the *Local Planning Scheme No. 1* text and mapping to:
 - Remove any duplication of the ‘deemed’ provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
 - Include any proposed supplemental ‘deemed’ provisions within a ‘Schedule A’;
 - Align the structure and content of the City’s scheme with the ‘model’ provisions outlined in Schedule 1 of the *Local Planning (Local Planning Schemes) Regulations 2015*;
 - Rezone various land parcels not included in error at the time of gazettal of the scheme; and
 - Change the permissibility in the zoning table for various use and development classes to improve the operation of the scheme.
- Council previously initiated the amendment for advertising at the October 2017 Ordinary Council Meeting.
- One submission raised issues pertaining to the proposed amendment. In considering issues raised, modifications to the amendment have been recommended.
- Council is now requested to consider submissions received and to recommend that the Western Australian Planning Commission support the amendment with modifications.

RECOMMENDATION

**DIS084: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50. (3) (standard amendment) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. Adopt, with modifications, the proposed Amendment No.29 to *Local Planning Scheme No.1*, to:
 - a) Remove provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the ‘Deemed’ provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - b) Introduce supplemental provisions to the ‘Deemed’ provisions;**
 - c) Replace and introduce new provisions consistent with the ‘Model’ provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and**
 - e) Change the permissibility in the zoning table for various use and development classes.****
- 2. Forward Amendment Document, Amendment Schedule, Council Report, Schedule of Submissions and Modification, and Submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment (with modifications) and its gazettal.**
- 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.**

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

DIS084: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR STEPHENS**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 12-0

DIS084: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and regulation 50. (3) (standard amendment) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Adopt, with modifications, the proposed Amendment No.29 to *Local Planning Scheme No.1*, to:
 - a) Remove provisions, terms and definitions from *Local Planning Scheme No.1* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - b) Introduce supplemental provisions to the 'Deemed' provisions;
 - c) Replace and introduce new provisions consistent with the 'Model' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - d) Rezone various land parcels not included in error at the time of gazettal of the scheme; and
 - e) Change the permissibility in the zoning table for various use and development classes.
2. Forward Amendment Document, Amendment Schedule, Council Report, Schedule of Submissions and Modification, and Submissions to the Western Australian Planning Commission with a request that the Hon. Minister for Planning grant approval to the amendment (with modifications) and its gazettal.
3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

BACKGROUND

4. *Local Planning Scheme No. 1* was gazetted on 28 April 2014 and consists of the Scheme Text and the Scheme Maps. The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones.
5. The Council resolved in October 2017 to advertise Amendment No.29, which is prepared as an omnibus of matters in respect to 'model' and 'deemed' provisions contained in the *Local Planning (Local Planning Schemes) Regulations 2015*.
6. Prior to advertising, the amendment was referred to the Environmental Protection Authority (EPA), where it was determined that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the *Environmental Protection Act 1986*.
7. Following notice from the EPA, the amendment was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

8. At the close of advertising, nine (9) submissions were received. One submission recommended modifications to the amendment. The 'Large Format Retail Association' requested modifications to ensure compliance with the requirements of legislation and Commission guidelines, and in the interest of maximising clarity, consistency and certainty for the industry.

DISCUSSION

Amendment 29

9. The City of Albany seeks the support of the Council to amend the City of Albany *Local Planning Scheme No. 1* to bring in-line with state legislation and to fix various errors and anomalies.
10. The *Planning and Development (Local Planning Schemes) Regulations 2015* (WA) (Regulations) came into force on 25 August 2015. The Regulations introduce new "deemed provisions" and "model provisions".
11. As a consequence of section 257B of the *Planning and Development Act 2005* (WA), the deemed provisions in Schedule 2 of the Regulations are now taken to be built into every local planning scheme in the State. To the extent that a local planning scheme is inconsistent with the deemed provisions, the deemed provisions are taken to prevail.
12. The model provisions provide a template for schemes. It is expected that local government planners and industry review or amend their local planning scheme to align with the model provisions.
13. Since the scheme gazettal on 28 April 2014, various errors, anomalies and inconsistencies have been documented in *Local Planning Scheme No.1*. While many of these are simple typographical errors, some do alter development potential.

Submission

14. The 'Large Format Retail Association' requested the following modifications to the Amendment No.29:
- *Replicate all model terms and definitions contained in 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015' within 'Schedule 1 of LPS1'.*
 - *Delete any existing defined words and expressions from 'Schedule 1 of LPS1' which duplicate or contradict the model terms and definitions contained in 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015'. This should specifically include deletion of the 'Showroom' land use definition currently contained in 'Schedule 1 of LPS1'.*
 - *Within the 'LPS1 Zoning Table', replace 'Showroom' with 'Bulky Goods Showroom' and establish land use permissibility as follows within the 'LPS1' zones:*
 - *'P' within the Regional Centre Mixed Business and Highway Commercial zones.*
 - *'D' within the Regional Centre, Neighbourhood Centre and Light Industry zones.*
 - *'X' within all other zones (with the exception of the Future Urban, Rural Residential and Conservation Zones, for which no permissibility is established by the 'LPS1 Zoning Table').*

- *Within the 'LPS1 Zoning Table', add 'Trade Supplies' as a new line entry, with permissibility as follows within the 'LPS1' zones:*
 - *'P' within the Regional Centre Mixed Business, Highway Commercial and Light Industry zones.*
 - *'D' within the Regional Centre and Neighbourhood Centre zones.*
 - *'X' within all other zones (with the exception of the Future Urban, Rural Residential and Conservation Zones, for which no permissibility is established by the 'LPS1 Zoning Table').*
15. The Amendment No.29 proposes to adopt model scheme terms and definitions simply by reference, through modification to 'clause 1.7' of the current *Local Planning Scheme No.1* Scheme Text.
16. The 'Large Format Retail Association' submission has revealed the following specific issues, which unless corrected, have the potential to create significant confusion and inconsistency in the way such terms are to be applied:
- *The inclusion of model provisions by reference is contradictory to the 'Planning and Development (Local Planning Schemes) Regulations 2015' and supporting guidelines published by the WA Planning Commission (WAPC). Specifically, 'page 15' ('question 52') of the WAPC's 'Frequently Asked Questions' states that the model provisions cannot be included within schemes by reference, and instead "the model provisions Schedule 1, Parts 1-6 are to be replicated within the scheme."*
 - *The proposed new wording of 'LPS1' clauses '1.7.1 (b) (i)' and '1.7.2' does not correctly and accurately reference 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015'.*
 - *The proposed 'LPS1' modifications do not remove or replace the existing 'LPS1' 'Showroom' land use from either the zoning table or dictionary of defined words and expressions. If the old 'Showroom' land use is kept within the 'LPS1' as proposed by 'A29', this would cause significant conflict and confusion with the new 'Bulky Goods Showroom' land use contained in 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015'.*
17. To ensure the model definitions are applied as required by legislation and Commission guidelines, the City recommends that the Amendment No.29 is modified as follows:
- *With the exception of the definitions 'Showroom', 'Convenience Store' and 'Warehouse', delete existing defined words and expressions from 'Schedule 1 of LPS1' which duplicate or contradict the model terms and definitions contained in 'Schedule 1 Part 6' of the 'Planning and Development (Local Planning Schemes) Regulations 2015';*
 - *With the exception of the terms 'Bulky Goods Showroom', 'Convenience Store' and 'Warehouse/storage', replicate model terms and definitions contained in 'Schedule 1 Part 6' of the Planning and Development (Local Planning Schemes) Regulations 2015 within Schedule 1 of the City's Local Planning Scheme No.1.*
18. The model scheme definitions for 'Bulky Goods Showroom', 'Convenience Store' and 'Warehouse/storage', could create unintended consequences to the implementation of the City's scheme. The definition change for "bulky good showroom" could have particular detrimental impacts on retail in the "Regional centre zone". The other two definitions have remained unchanged to avoid unforeseen impacts in the zones where they can be considered. These changes are therefore beyond the scope of the current amendment that is focused on low impact changes and fixing anomalies within the scheme.

19. Changes to LPS1 to include the ‘Bulky Goods Showroom’ ‘*Convenience Store*’, ‘*Warehouse/storage*’ and including ‘Trade supplies’ can be considered in a future scheme amendment, after consultation and due consideration.

GOVERNMENT & PUBLIC CONSULTATION

20. Amendment No.29 was advertised in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
21. Nine (9) submissions were received from agencies and members of the public.
22. The submissions received are considered in a schedule available as an attachment to this report.

STATUTORY IMPLICATIONS

23. Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.
24. Section 75 of the *Planning and Development Act 2005* allows a local government authority to amend its local planning scheme with the approval of the Minister for Planning.
25. Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to support a standard amendment, with or without modification.
26. Voting requirement for this item is **SIMPLE MAJORITY**

POLICY IMPLICATIONS

27. There are no policy implications relating to the proposed amendment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. The proposal may not be accepted by the Western Australian Planning Commission or the Minister for Planning.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>If not supported by the WAPC or Minister, the amendment will not be progressed and the City may be required to make modifications.</i>
<i>Reputation. The proposal may attract objections from members of the public or other public authorities.</i>	<i>Possible</i>	<i>Minor</i>	<i>Low</i>	<i>Agree to support the proposed Scheme Amendment subject to provisions to address community and agency concerns.</i>
Opportunity: <i>Increase consistency and alignment with State Planning Legislation</i>				

FINANCIAL IMPLICATIONS

29. There are no known financial implications relating to the proposal to amend the *Local Planning Scheme No.1*.

LEGAL IMPLICATIONS

30. There are no known legal implications directly relating to this item.

ENVIRONMENTAL CONSIDERATIONS

31. There are no environmental implications relating to the proposal to amend the *Local Planning Scheme No.1*.

32. As per Section 48(A) of the *Environmental Protection Act 1986*, the proposal was referred to the Environmental Protection Authority and environmental assessment was not deemed necessary.

ALTERNATE OPTIONS

33. Council may consider alternate options in relation to this item, such as:
- To resolve to support the scheme amendment without modification(s); or
 - To resolve to support the scheme amendment with additional modification(s); or
 - To resolve not to support the scheme amendment and advise the Western Australian Planning Commission, in writing, of the reasons for doing so.

CONCLUSION

34. The Scheme Amendment No.29 is proposing to update the City's *Local Planning Scheme No.1* to conform with the recently amended *Local Planning (Local Planning Schemes) Regulations 2015*.
35. The amendment was advertised and nine submissions were received. In light of comments received, modifications have been recommended.
36. The Amendment No.29 adheres with the City's *Community Strategic Plan – Albany 2030*, which recommends providing informed and transparent decision making that meets our legal obligations.
37. It is recommended that Council adopt Local Planning Scheme Amendment No.29, as the proposal will improve the functionality of *Local Planning Scheme No. 1*, thereby ensuring consistent decision-making in line with current best practice.

Consulted References	:	1. <i>Local Planning Scheme No. 1</i> 2. <i>Albany Local Planning Strategy 2010</i> 3. <i>Community Strategic Plan – Albany 2030</i> 4. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . 5.
File Number (Name of Ward)	:	City of Albany (All Wards)
Previous Reference	:	OCM – 31/10/2017 - DIS049

DIS085: PLANNING AND BUILDING REPORTS FEBRUARY 2018

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports February 2018
Report Prepared By : Administration Officer – Planning (V Martin)
Administration Officer – Development Services (Z Sewell)
Responsible Officers: : Executive Director Development Services (P Camins)

RECOMMENDATION

DIS085: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for February 2018 be NOTED.

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