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# **A G E N D A**

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## **SPECIAL MEETING OF COUNCIL**

**To be held on  
Tuesday 1 May 2012  
5.45pm  
City of Albany Council Chambers**

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## **DISCLAIMER**

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## **NOTICE OF A SPECIAL COUNCIL MEETING**

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His Worship The Mayor and Councillors

The Special Council Meeting of the City of Albany will be held on Tuesday 1 May 2012 in the Council Chambers, North Road, Yakamia commencing at 5.45 pm.

The purpose of the meeting is:

1. Padre White Construction Project
2. Development of Middleton Beach Reserve 26149 (in the Area Formerly known as Calamaris) and the City of Albany Contribution towards Development
3. Albany Motorcycle Club-Request to hold events in 2012
4. RV Sport Request to Host International Basketball Fixture at ALAC 10 June 2012
5. Audit and Finance Committee Recommendations

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**F James**

Chief Executive Officer

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## 1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

### ITEM 1.0: RESOLUTION

**THAT Council SUSPEND Standing Order clause 3.1 to allow recording of proceedings;**

## 2.0 OPENING PRAYER

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

## 3.0 PUBLIC QUESTION AND STATEMENT TIME

Council’s Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

**4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**Mayor**

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

V Calleja

Frederickstown Ward

C Dowling

Frederickstown Ward

G Stocks

West Ward

J Gregson

West Ward

D Dufty

Kalgan Ward

Y Attwell

Kalgan Ward

C Holden

Vancouver Ward

D Bostock

Vancouver Ward

S Bowles

Yakamia Ward

R Sutton

Yakamia Ward

A Hortin

**Staff:**

Chief Executive Officer

F James

Executive Director Community Services

L Hill

Executive Director Planning and

Development Services

D Putland

Executive Director Works and Services

S Grimmer

Minutes

J Williamson

**Public Gallery and Media:**

**Apologies/Leave of Absence:**

**5.0 DECLARATION OF INTEREST**

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

<b>Name</b>	<b>Item Number</b>	<b>Nature of Interest</b>

**6.1: PADRE WHITE CONSTRUCTION PROJECT**

**CONFIDENTIAL ITEM – CONTAINS INFORMATION THAT IF MADE PUBLIC WOULD PREJUDICE THE CITY'S NEGOTIATING ABILITY IN RESPECT OF POSSIBLE TENDER.**

**Land Description** : Padre White Lookout, Mt Clarence.  
**Proponent** : City of Albany  
**Attachments** : Full Elemental Summary  
Elemental Breakup  
Indicative Cost Estimate  
**Responsible Officer(s)** : CEO (F James)

**IN BRIEF**

- Great Southern Development Commission seeks City of Albany commitment to development of the Padre White Lookout, within a budget of \$408,000 plus GST, with \$200,000 of those costs being borne by the City of Albany



**CEO:**

**ITEM 6.1: RESPONSIBLE OFFICER RECOMMENDATIONS  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

- 1. That Council ENDORSE the City of Albany contributing up to \$208,000 ex GST towards the redevelopment of Padre White Lookout, noting that the State Government will contribute \$200,000.00 to the project through the Royalties for Regions funding if this City contributes the recommended amount.**
- 2. That the COUNCIL delegate to the CEO the decision to apportion sourcing of those funds from this financial year's budget, the ANZAC Centenary Reserve Account, and or next financial year's budget, as the CEO considers most appropriate for financial management of cash flow and budget compliance.**
- 3. The City call for tenders to proceed with the redevelopment of Padre White Lookout, based on the revised project scope agreed with Great Southern Development Commission, up to a maximum budget of \$408,000 ex GST for the entire project.**

**BACKGROUND**

1. In 2006 the Mounts Management Concept Plans for Mount Clarence was adopted by Council. Detailed design and interpretive detail for the Mount Clarence precinct was actioned, with this documentation being proposed to be used as the basis for the funding applications and construction programmes leading to the ANZAC 2014/15 Centenary.
2. The Padre White Lookout was identified in the Mount Management Plans to undergo an infrastructure upgrade which forms part of the ANZAC Centenary – Mount Clarence Infrastructure Improvement Project.
3. In 2010 the City applied to Regional Grants Scheme Royalties for Regions Funding Round for funding for the entire Mount Clarence project. We were successful for \$200,000 but these funds were quarantined to the Padre White Lookout component which at the time had not been detail designed with accurate budget figures. The estimated cost of that work at the time of the application was \$700,000.
4. While the application proposed that the most important element of the project was the expansion, upgrade and enhancement of the area surrounding the Desert Corps Memorial, GSDC provided an allocation of \$200,000, with the condition that the funds be allocated to the construction of works associated with the Padre White Lookout.
5. City Officers have met with GSDC Staff on several occasions, to explain the scope of the project, and that the City did not have the ability to fund the balance of the estimated costs of the project (\$500,000).
6. The City Officers continue of the view that this project is not of high immediate priority, and other elements of the Mount Clarence project are more important. Discussions were held with GSDC regarding applying the \$200,000 State Government funding to other elements of the Mt Clarence project.
7. GSDC's position remains that the funds can only be applied to the Padre White Lookout. GSDC is very keen for the City to sign a contract regarding this project.



## **DISCUSSION**

8. Negotiations with GSDC have been ongoing for almost two years now.
9. GSCS is now requesting the City of Albany to commit to this project, or definitely state it will not proceed (and thus the State Government funds will be redirected to other Royalty for Region projects).
10. The State Government is very keen for the City to work in partnership with it to complete the Padre White Lookout project.
11. GSDC engaged Howard Heaver to assist in identifying a go forward design option to determine exactly what portion of the original design can be reasonably achieved within budget allowance of \$400,000 and will still achieve a meaningful, compliant and high quality design and built outcome that can be staged for completion over time. City representatives have met with Howard Heaver and agree that a Quantity Surveyor will be engaged to carry out estimate of costs, noting all contingencies, fees, charges, loadings etc and any exclusions and assumptions.
12. The City has had further recent discussions with GSDC, and have agreed to a rescope project, which would deliver the project within a budget of \$408,000 plus GST.

## **GOVERNMENT CONSULTATION**

13. Consultation with GSDC has been ongoing for a considerable time.
14. The State Land Department have been consulted regarding a portion of land which is currently within the Albany Community Radio Leased Area.
15. The City of Albany has obtained a Section 48 Licence to undertake works within the project area before formal acquisition of the parcel of land has been acquired.

## **PUBLIC CONSULTATION / ENGAGEMENT**

16. Various stakeholders, including the RSL and the Anzac Centenary Albany Alliance Board have been consulted in the early stages of this project, including scope and costs.

## **STATUTORY IMPLICATIONS**

17. Nil

## **STRATEGIC IMPLICATIONS**

18. In line with the *City of Albany's Strategic Plan 2011-2012*, this project supports the Key Focus Areas: Lifestyle and Environment and Sustainability and Development.

## **POLICY IMPLICATIONS**

19. Nil

**RISK IDENTIFICATION & MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>That Council not contribute funding to the project, and the City fails to gain the benefit of \$200,000 in Royalties for Regions funding.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>
<i>The Project costs escalate after project commences</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Ensure strong project management through project lifecycle, including remaining within scope and budget.</i>
<i>Different contractors engaged for second phase of works with probability of differing quality of work and finish</i>	<i>Likely</i>	<i>In Significant</i>	<i>Medium</i>	<i>Mitigation entirely dependent on Council.</i>
<i>Damage in Phase Two works</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>  <i>Collaborate closely with Western Australian Museum to ensure them that the City will work towards mutually agreeable outcomes which supports Council's commitment to tourism</i>
<i>Unfinished component of Mount Clarence works, equate to poor community perception</i>	<i>Unlikely</i>	<i>Insignificant</i>	<i>Low</i>	<i>Collaborate closely with Western Australian to ensure them that the City will work towards mutually agreeable outcomes which supports Council's commitment to tourism</i>
<i>Issues if Phase Two remains unfunded</i>	<i>Possible</i>	<i>Medium</i>	<i>High</i>	<i>Address the unresolved safety issues by completing the LATM process and installing identified treatment</i>
<i>Reoccurring costs of preliminaries and mobilisation, security etc.</i>	<i>Unlikely</i>	<i>Medium</i>	<i>Medium</i>	<i>Conduct a post design road safety audit to identify any outstanding issues</i>
<i>Site inaccessible for longer period of time</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Community consultation is conducted by the Federal Government as part of any referendum.</i>

### **FINANCIAL IMPLICATIONS**

21. Quantity Surveyor advice has been sought by the City regarding the proposed costs of the rescoped works. See Attached.
22. Over fifty percent of the cost (\$208,000) associated with the design, planning and construction of the redevelopment will be borne by the City of Albany.
23. The above amount does not include professional fees which to date have not been costed but will either have to be incurred through external consultancy or in kind staff contribution.
24. Those funds will need to be sourced from the Anzac Centenary Reserve, this financial year's budget and or next financial year's budget. Once the April monthly reconciliation of City finances has been undertaken, the source of the funding can best be determined.

### **LEGAL IMPLICATIONS**

25. Nil

### **ALTERNATE OPTIONS**

26. Council has a number of options regarding the project and the proposed allocation of funding:
  - **Option One.** Return the funding to GSDC on the grounds that the City cannot reasonably fund the required balance of the estimated cost of the Padre White Lookout of \$208,000.
  - **Option Two.** Sign the funding agreement for the \$200,000 from GSDC, and allocate the additional required \$208,000 (the source of such funds to be determined by the CEO)
  - **Option Three.** Make approaches to higher levels in the department for a reallocation of the \$200,000 for the purposes of undertaking projects within Mount Clarence, the Forts and Mount Adelaide.

### **SUMMARY CONCLUSION**

27. GSDC has advised the City that the State Government will only apply these funds to the Padre White Lookout project. If the funding of \$208,000 is sourced from this and next year's financial budgets, and or the Anzac Centenary Reserve Fund the City could proceed with the project.
28. The benefits of the project, given the upcoming Anzac Centenary events, outweigh the risk to the City.

<b>Consulted References</b>	:	
<b>File Number (Name of Ward)</b>	:	
<b>Previous Reference</b>	:	

# Full Elemental Summary

Job Name : A634 - PLATFORM Job Description  
 Client's Name:

Elem. Code	Elemental Description	% B.C.	Cost/m2	Elem. Qty	Elem. Unit	Elem. Rate	Sub Total	Mark Up %	Elemental Total
SB	Substructure	0.55					2,250		2,250
CL	Columns	2.30					9,384		9,384
UF	Upper Floors	25.62					104,533		104,533
SC	Staircases	5.86					23,913		23,913
LP	Electric Light and Power	45.59					186,000		186,000
XP	Site Preparation	0.61					2,480		2,480
XR	Roads, Footpaths, Paved Areas	5.07					20,700		20,700
XL	Landscaping and Improvements	5.64					23,000		23,000
XE	External Electrics								
XR	External Alterations	0.56					2,295		2,295
PR	Preliminaries	8.20					33,445		33,445
		<b>100.00</b>					<b>408,000</b>		<b>408,000</b>

**Final Total : \$ 408,000**

CONFIDENTIAL

# Elemental Breakup

Job Name : A634 - PLATFORM

Job Description

Client's Name:

Item No.	Item Description	+/- %	Quantity	Unit	Rate	Mark Up %	Amount
<i>Trade : 1 Substructure</i>							
1	Concrete pad footing including formwork		3.00	m3	750.00		2,250.00
						<b>Substructure Total :</b>	<b>2,250.00</b>
<i>Trade : 2 Columns</i>							
1	100 x 100 x 4.0 SHS column		0.35	t	6,600.00		2,310.00
2	Base plates, cap plates & attached connections		0.19	t	6,600.00		1,254.00
3	M16 holding down bolts, hot dip galvanised, 500 long cast into top of footing		50.00	No	25.00		1,250.00
4	M16 Hilti Hit HY 150 chem anchors, 150 min embedment to granite rock		100.00	No	35.00		3,500.00
5	15 thick cement and sand (1:2) grout packing under base plates		2.00	m2	130.00		260.00
6	Hot dip galv to columns		0.54	t	1,500.00		810.00
						<b>Columns Total :</b>	<b>9,384.00</b>
<i>Trade : 3 Upper Floors</i>							
1	125 PFC beam - PC3		1.00	t	5,600.00		5,600.00
2	150 PFC beam - PC4		1.18	t	5,600.00		6,608.00
3	150 PFC beam curved on plan - PC4		1.01	t	6,600.00		6,666.00
4	Attached connections		0.64	t	5,600.00		3,584.00
5	Hot dip galv to beams		3.83	t	1,500.00		5,745.00
6	D325MP hot dip galv Webforge grating		106.00	m2	255.00		27,030.00
7	Hot dip galv balustrade including posts fixed to steel		20.00	m	350.00		7,000.00
8	Hot dip galv balustrade including posts fixed to rock		16.00	m	400.00		6,400.00
9	Hot dip galv balustrade curved on plan including posts fixed to steel		58.00	m	400.00		23,200.00
10	Hot dip galv balustrade curved on plan including posts fixed to rock		26.00	m	450.00		11,700.00
11	Tactile indicators to steel deck		4.00	m2	250.00		1,000.00
						<b>Upper Floors Total :</b>	<b>104,533.00</b>
<i>Trade : 4 Staircases</i>							
1	150 x 75 x 4 RHS stair stringer		0.05	t	9,000.00		450.00
2	Attached connections		0.03	t	5,600.00		168.00
3	Hot dip galv to beams		0.08	t	1,500.00		120.00
4	D325MP hot dip galv Webforge grating steps		4.00	m2	255.00		1,020.00

## Elemental Breakup

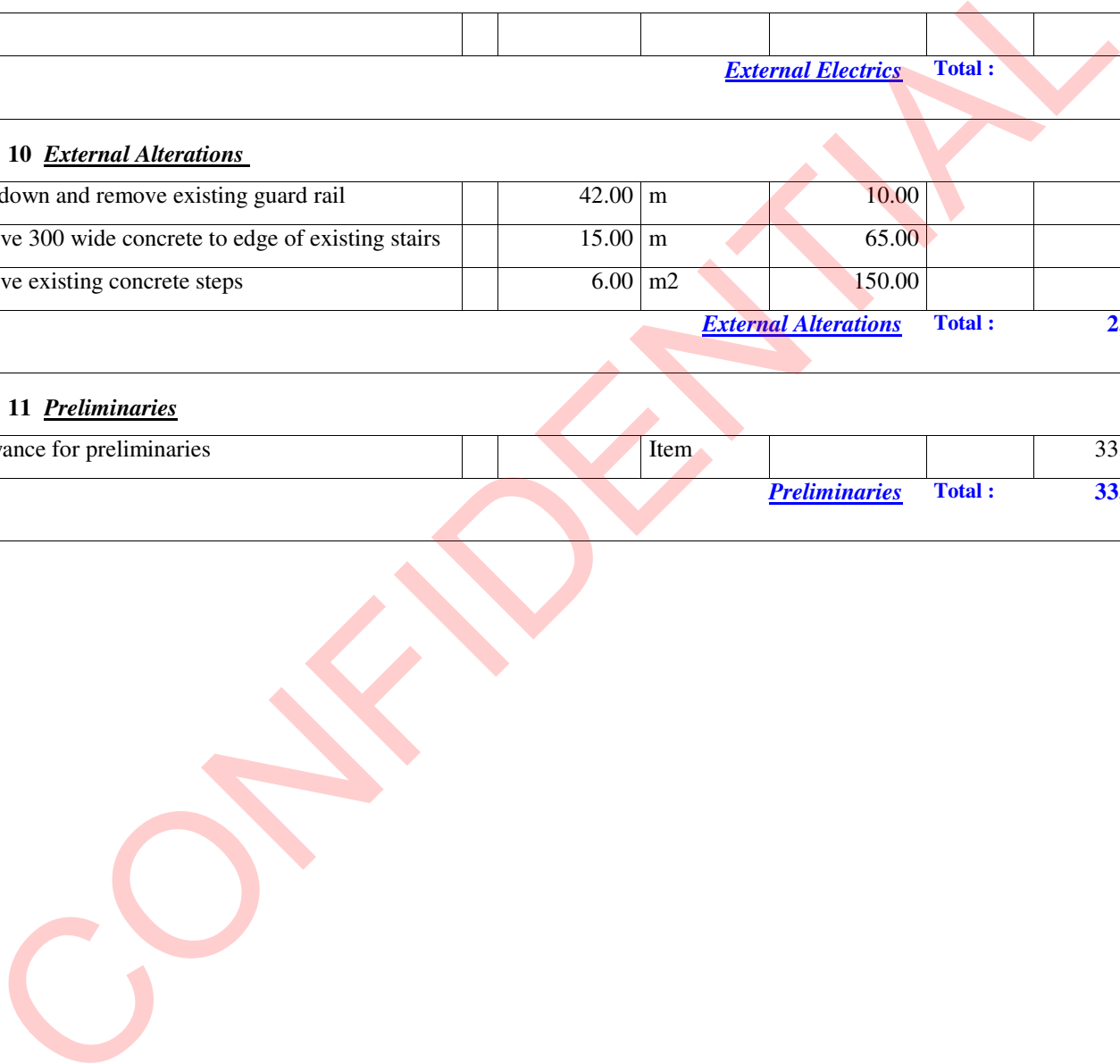
<b>Job Name :</b> <u>A634 - PLATFORM</u>	<b><u>Job Description</u></b>
<b>Client's Name:</b>	

Item No.	Item Description	+/- %	Quantity	Unit	Rate	Mark Up %	Amount	
<i>Trade :</i> <b>4 <u>Staircases</u></b>							<i>(Continued)</i>	
5	M16 Hilti Hit HY 150 chem anchors, 150 min embedment to granite rock		4.00	No	35.00		140.00	
6	15 thick cement and sand (1:2) grout packing under base plates		1.00	m2	150.00		150.00	
7	Reinforced concrete to stairs		5.00	m3	350.00		1,750.00	
8	Formwork to steps & risers		59.00	m	35.00		2,065.00	
9	370 x 75 thick granite stair tread		46.00	m	250.00		11,500.00	
10	Tactile indicators to concrete path		2.00	m2	200.00		400.00	
11	Hot dip galv handrail fixed to steel		3.00	m	300.00		900.00	
12	Hot dip galv handrail fixed to concrete		15.00	m	350.00		5,250.00	
<b><u>Staircases</u></b>							<b>Total :</b>	<b>23,913.00</b>
<i>Trade :</i> <b>5 <u>Electric Light and Power</u></b>								
1	Allowance for electrical services			Item			169,000.00	
2	Builder's margin & work in connection			Item			17,000.00	
<b><u>Electric Light and Power</u></b>							<b>Total :</b>	<b>186,000.00</b>
<i>Trade :</i> <b>6 <u>Site Preparation</u></b>								
1	Site clearance		124.00	m2	20.00		2,480.00	
<b><u>Site Preparation</u></b>							<b>Total :</b>	<b>2,480.00</b>
<i>Trade :</i> <b>7 <u>Roads, Footpaths, Paved Areas</u></b>								
1	Exposed aggregate reinforced concrete path and thickening		49.00	m2	150.00		7,350.00	
2	Tactile indicators to concrete path		3.00	m2	200.00		600.00	
3	Hot dip galv handrail curved on plan including posts fixed to concrete		51.00	m	250.00		12,750.00	
<b><u>Roads, Footpaths, Paved Areas</u></b>							<b>Total :</b>	<b>20,700.00</b>
<i>Trade :</i> <b>8 <u>Landscaping and Improvements</u></b>								
1	Allowance for soft landscaping			Item			3,500.00	
2	Fabricated aluminium interpretive sign drilled and set into rock		2.00	No	3,500.00		7,000.00	
3	Granite bench seat		1.00	No	7,500.00		7,500.00	
4	Dismantle and rebuild existing tourist information plaque & plinth		1.00	No	5,000.00		5,000.00	

# Elemental Breakup

<b>Job Name :</b> <u>A634 - PLATFORM</u>	<b><u>Job Description</u></b>
<b>Client's Name:</b>	

Item No.	Item Description	+/- %	Quantity	Unit	Rate	Mark Up %	Amount	
<u>Landscaping and Improvements</u>							<b>Total :</b>	<b>23,000.00</b>
<i>Trade :</i> <b>9 <u>External Electrics</u></b>								
<u>External Electrics</u>							<b>Total :</b>	
<i>Trade :</i> <b>10 <u>External Alterations</u></b>								
<b>1</b>	Take down and remove existing guard rail		42.00	m	10.00		420.00	
<b>2</b>	Remove 300 wide concrete to edge of existing stairs		15.00	m	65.00		975.00	
<b>3</b>	Remove existing concrete steps		6.00	m2	150.00		900.00	
<u>External Alterations</u>							<b>Total :</b>	<b>2,295.00</b>
<i>Trade :</i> <b>11 <u>Preliminaries</u></b>								
<b>1</b>	Allowance for preliminaries			Item			33,445.00	
<u>Preliminaries</u>							<b>Total :</b>	<b>33,445.00</b>



**INDICATIVE COST ESTIMATE**

**PADRE WHITE LOOKOUT**

**CHRIS OKEEFE CONSTRUCTION COST CONSULTANT**

**Apr-12**



**PADRE WHITE LOOKOUT**

**Ref : A634**

**INDICATIVE COST ESTIMATE**

**30/04/2012**

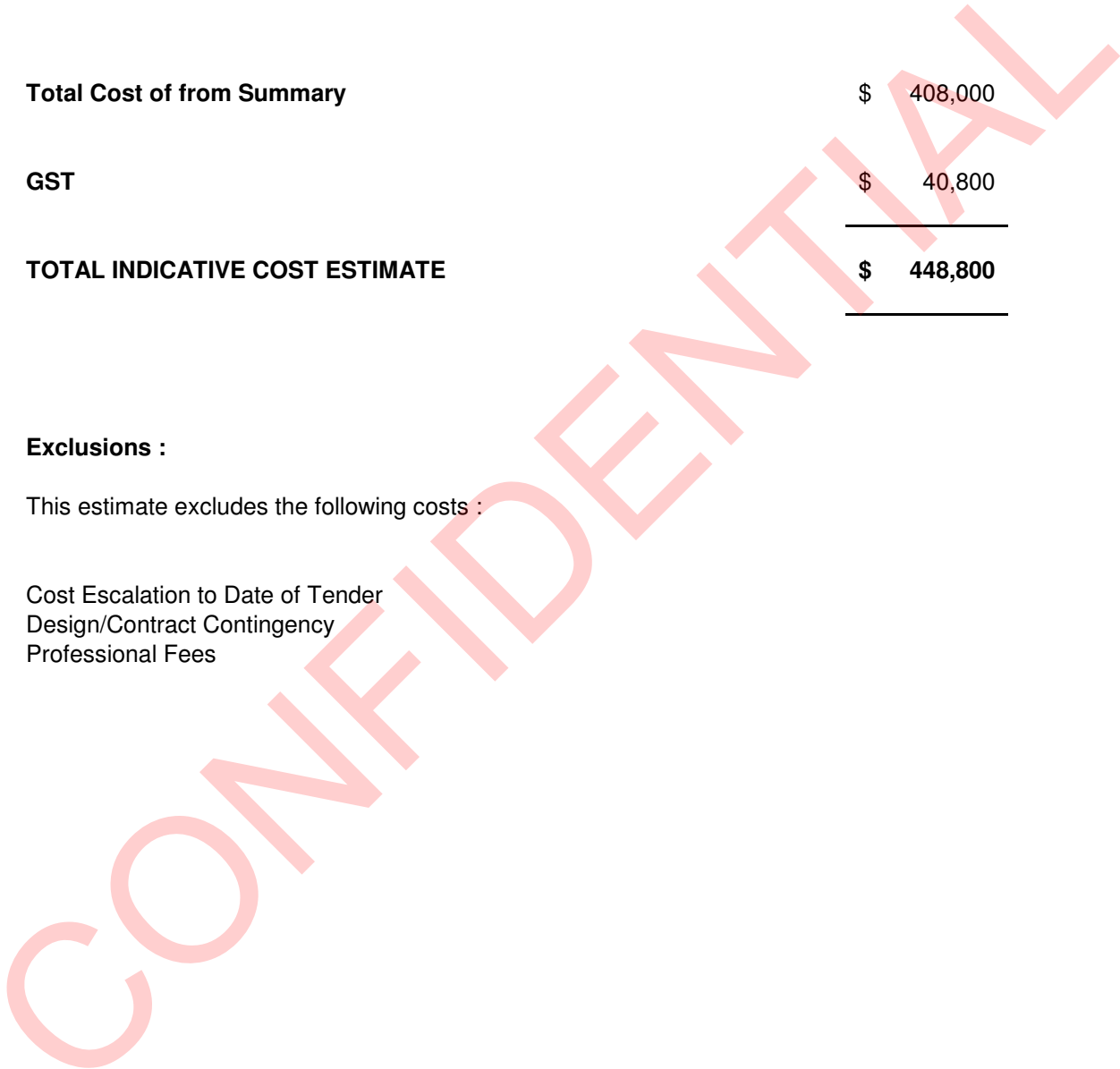
**PROJECT COST SUMMARY**

<b>Total Cost of from Summary</b>	\$ 408,000
<b>GST</b>	\$ 40,800
<b>TOTAL INDICATIVE COST ESTIMATE</b>	<b>\$ 448,800</b>

**Exclusions :**

This estimate excludes the following costs :

- Cost Escalation to Date of Tender
- Design/Contract Contingency
- Professional Fees





GREAT SOUTHERN  
DEVELOPMENT COMMISSION

Our Ref: E2:1045  
Enquiries: Duane Schouten

28 June 2010

Mr John Bonker  
Chief Executive Officer  
City of Albany  
PO Box 484  
Albany WA 6331

Attention: Melissa Organ

Dear Mr Bonker

**ROYALTIES FOR REGIONS - GREAT SOUTHERN REGIONAL GRANTS  
SCHEME ROUND 2 - ANZAC CENTENARY 2014/15: MOUNT CLARENCE  
INFRASTRUCTURE IMPROVEMENTS**

Congratulations on your successful application to the Great Southern *Royalties for Regions* Regional Grants Scheme (RGS) for the "ANZAC Centenary 2014/15: Mount Clarence infrastructure improvements" project.

I understand that you have recently received a letter from the Minister for Regional Development in which he indicated that the approval of RGS funding of \$200,000 (plus GST if applicable) is subject to you meeting funding conditions and that the Commission would provide details of these conditions as part of the Grant Agreement preparation process.

The Board of the Commission has stipulated that the RGS Funding is to be quarantined to the Padre White Lookout component of the project.

The GSDC will prepare a 'Grant Agreement', which will detail the standard terms and conditions to be met and includes your GST obligations and information on the grant payment process. In order to allow the completion of this document ready for your signature, please provide written confirmation of the following:

- Written details of who the successful tenderer(s) is for the project and/or copies of quotes, contracts and other documentation relevant to the awarding of the contract.

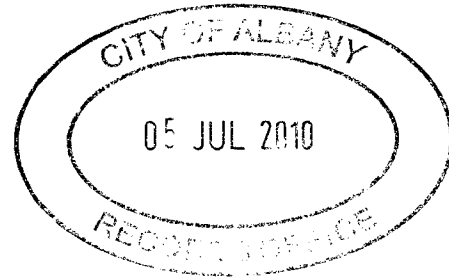
AGENDA ITEM 6.1 REFERS



City of Albany Records  
Doc No: ICR1015863  
File: REL164

Date: 05 JUL 2010  
Officer: APO2

Attach:



- An updated final budget (based on final tenders, quotes etc) showing clearly the items RGS and other funds will be expended on. Please be mindful that the final budget will form part of the "Grant Agreement". If it varies from the one lodged in the RGS application you must explain in writing why the variations have occurred. The Commission must approve the final budget. To assist you in this process please find attached a budget sheet to be completed that incorporates details provided by you in your application and reflects the funding decision of the Board. Budget items must be shown exclusive of GST.
- Written confirmation (including copies) that all licences and permits have been obtained or issued to enable the project to proceed and a written statement that no others are necessary.
- Written documentary evidence (eg, approval letters from other funding sources) to indicate you have secured sufficient funding from other sources to enable the project to proceed.
- Written acknowledgement that RGS funds will not be used to fund your (applicant and/or Local Government Authority) staff that work on the project.
- Written acknowledgement that all future maintenance and ongoing costs of the project will be the responsibility of the City of Albany.
- A letter from an independent qualified auditor acknowledging that they have been engaged to provide the audit of the Statement of Income and Expenditure of RGS funds as required. The letter must be on the auditor's letterhead and include the auditor's formal qualifications.
- Bank name, branch name, BSB, account number and account name for grant payments.

If all conditions of funding detailed above cannot be met within twelve (12) months from the date of this letter, the Commission may withdraw its offer.

Upon receipt of the appropriate documentation demonstrating that you have met the funding conditions specified above, the GSDC will prepare a Grant Agreement for your signature and commence the grant payment process.

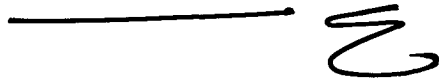
Please note that the RGS grant will be paid in instalments on completion of specific milestones or on completion of the project itself, unless the applicant can demonstrate that the project is unable to proceed without an upfront grant payment.

I encourage you to read the attached RGS Grant Management pamphlet as it will assist you in your preparations for managing your grant monies.

If you have any queries regarding the request for information please contact Duane Schouten, at the Great Southern Development Commission on (08) 9842 4888.

I wish you every success with carrying this project forward with the assistance of *Royalties of Regions*.

Yours faithfully

A handwritten signature consisting of a horizontal line followed by a stylized, cursive flourish.

**BRUCE MANNING**  
**CHIEF EXECUTIVE OFFICER**

enc.  
Draft Budget  
RGS Grant Management pamphlet

A handwritten date '2/4/06' written in a cursive style.

Details of Project Items to be funded through Cash Contributions						
Project Items	Own organisation \$ (ex GST)	Other source/s \$ (ex GST)	Name of other funding source/s, including other Royalties for Regions funding source/s	Other funding status: Approved or Requested	Great Southern RGS funds \$ (ex GST)	TOTAL \$ (ex GST)
Detailed Design (Stage One and Two)	\$99,889	\$10,000	Tourism WA (Regional partnerships)	Detail required		\$109,889
Detailed Design (Stage Three)	\$55,000					\$55,000
Apex Lookout (Design and Construct)	\$45,000	\$25,000	Apex Club Albany	Approved		\$70,000
Desert Mounted Corps Memorial Surrounds and Car-park	\$1,311,599		Detail required			\$1,311,599
Memorial Steps and Landing	\$386,506		Detail required			\$386,506
Memorial Place (Lower Car-park)		\$437,347	Landcorp	Detail required		\$437,347
Avenue of Honour		\$500,000	Landcorp	Detail required		\$500,000
Padre White Lookout	\$100,000		Detail required		\$200,000	\$300,000
Audit Costs/funding recognition	\$8,000		Detail required			\$8,000
<b>Cash Sub Totals</b>	<b>(A) \$(ex GST) \$2,005,994</b>	<b>(B) \$(ex GST) \$972,347</b>			<b>(C) \$(ex GST) \$200,000</b>	<b>(A+B+C)\$(ex GST) \$3,178,341</b>
Details of Project Items to be funded through In-Kind Contributions						
Project Items	Own organisation \$ Value (ex GST)	Other source/s \$ Value (ex GST)	Name of Other In-Kind Source	TOTAL \$ Value (ex GST)		
Project Management / Staff Time for whole of project life	\$44,000			\$44,000		
<b>In-Kind Sub Totals</b>	<b>(D) \$ Value(ex GST) \$44,000</b>	<b>(E) \$ Value(ex GST) \$0</b>		<b>(D+E) \$ Value(ex GST) \$44,000</b>		
<b>Total Project Funds A + B + C + D + E</b>				<b>\$3,222,341</b>		

ITEMS SHOWN IN RED ARE SUGGESTED CHANGES FOLLOWING THE DECISION ON RGS FUNDING AMOUNT

**First you need a Grant Agreement.** You cannot start incurring expenses related to Regional Grants Scheme funding until you have a signed Grant Agreement. Please provide all information requested for the agreement as soon as possible. Once you and the Great Southern Development Commission (GSDC) have signed your Grant Agreement you are required to manage your project in line with its conditions.

**Use the money only for the agreed purpose.** Read your Grant Agreement and stick to it.

**Keep adequate records.** Retain your receipts, invoices and any other accounting paperwork. Set up a system to track your income and expenses. It is good practice for more than one person to monitor the finances and authorise payments.



**Seek value for money.** Use reputable suppliers and get quotes from more than one supplier for any goods or services used in your project. For larger projects, consider using tenders rather than quotes. Contact the GSDC for guidance if you are uncertain.

**Tell the GSDC about significant changes.** Monitor your project week by week. If it departs from the timeline or the Grant Agreement for any reason, call your GSDC contact to discuss the matter. Keep the GSDC informed about any other relevant details, such as changes of committee office-holders, new contact details and so on.

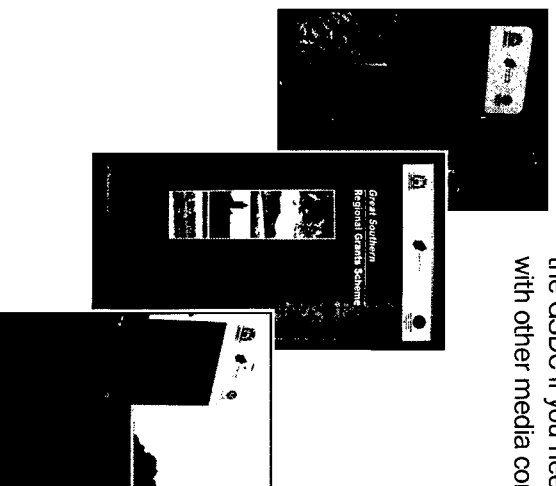


**Track in-kind contributions.** If your project includes in-kind contributions, you must be able to confirm that the contributions were made. Make a record of in-kind contributions as they happen. It will make it easier to complete the audit of your project at the end.

**Be prepared for the acquittal report.** Yes, there is a little more paperwork at the end of the project but keeping good records as you go will help ease the audit and acquittal processes. Don't ignore the acquittal report until your project is over; read the document as your project starts so you know what awaits you.

**Make public acknowledgement.** Undertaking your project is a great opportunity to gain public recognition for your organisation and to acknowledge the contribution made by the State Government on behalf of the citizens of Western Australia through your grant. To keep everyone informed, place the State Crest, Royalties for Regions logo and GSDC logo on all of the project's signs, advertisements and publications, as on the front of this brochure.

At meetings and events, display banners available from the GSDC. In speeches and media statements, acknowledge Royalties for Regions and the GSDC. Identify and contact your local media directly, and ask the GSDC if you need help with other media contacts.



**ROYALTIES  
FOR REGIONS**

**If in doubt about any of the  
issues in this brochure, ask  
your GSDC contact.**

**Great Southern Development Commission**

**110 Serpentine Road**

**Albany**

**Phone: 9842 4888**

**Email: [gfdc@gfdc.wa.gov.au](mailto:gfdc@gfdc.wa.gov.au)**

**Web: [www.gfdc.wa.gov.au](http://www.gfdc.wa.gov.au)**

**10 Dore Street**

**Katanning**

**Phone: 9821 3211**



**ROYALTIES  
FOR REGIONS**



**CONGRATULATIONS!**

**Your application to the  
Great Southern Regional  
Grants Scheme was  
successful.**

**So what happens now?**

**6.2: DEVELOPMENT OF MIDDLETON BEACH RESERVE 26149 (IN THE AREA FORMERLY KNOWN AS CALAMARIS) AND CITY OF ALBANY CONTRIBUTION TOWARDS DEVELOPMENT**

This Report has a Confidential Attachment, which discloses Commercial-in-Confidence information regarding a commercial lease of the City of Albany, and the business affairs of third parties.

**File Number (Name of Ward)** : PRO070 Frederickstown Ward  
**Previous Reference** : SCM 06/12/2011 Item 6.1  
**Attachment** : Confidential Memo to Jon and Kate Marwick from H & H dated 13 April 2012  
**Responsible Officer** : Chief Executive Officer (F James)

**IN BRIEF**

- On 9 December 2011, Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustees for the Marwick Family Trust (the Lessee) leased, for 21 years, the City of Albany property at Middleton Beach Reserve, formerly known as Calamaris, Lot 651 on Deposited Plan 191343 and the whole of land contained in Certificate of Title Volume LR3119 Folio 892.
- The Lessee wishes to expand and improve the property. The Lessee's architect and builder have liaised with City of Albany Officers regarding the plans for the proposed redevelopment, including anticipated costs.
- The Lessee seeks financial contribution from the City of Albany for that redevelopment, given the property is owned by the City and some of the redevelopment extends into City of Albany Reserve.
- Before the Lessee proceeds further with this the development, the Lessee requires surety from the Council regarding what, if any, financial contribution the City of Albany will make towards the development.

**ITEM 6.2: RESPONSIBLE OFFICER RECOMMENDATION 1 (CONFIDENTIAL)  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council agree to support the lessee, Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustees for the Marwick Family Trust, in its redevelopment of:**

1. The City of Albany managed Reserve 26149; and
2. The property owned by the City and formerly known as Calamaris by contributing an amount up to a maximum of \$200,480 plus GST ("the contribution amount") to those redevelopment costs.

**RESPONSIBLE OFFICER:**



**ITEM 6.2: RESPONSIBLE OFFICER RECOMMENDATION 2**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY****THAT:**

1. Council agree to pay the contribution amount through abatement of monthly lease rental payments owed by the lessee to the City of Albany for lease of the property owned by the City and formerly known as Calamaris, until the contribution amount is totally accounted for.
2. Council agree to waive the development application fee of \$1600.00, applicable to the development, once submitted by the lessee.
3. The lessee is to provide a bank guarantee or similar financial instrument to the satisfaction of the City, to indemnify the City of Albany in respect of the satisfactory completion of the proposed works.

**BACKGROUND**

1. The Lessee of the City of Albany property formerly known as Calamaris, leased the property in December 2011, at a rate of \$5,666.66 per month (ex GST).
2. When entering the lease, the Lessee intended to undertake some renovations to the property in February / March 2012, to make it more amenable for customer service, and to meet environmental health and disability access standards.
3. It is noted that the City was responsible for undertaking the environmental health works in the food preparation and service areas of the building to comply with the *Health Act 1911*. This work has been costed at \$40,000 plus one month's rent abatement, (due to business closure), with total costs being \$45,666.66 plus GST. It is a provision of the lease that the Lessee agreed to close the Leased Premises and temporarily cease business for a period of four weeks to allow the City to complete the works.
4. While undertaking the design work for those renovations, the design became more expansive than originally intended by the Lessee, as the Lessee saw opportunity to considerably improve the amenity, customer service facilities, and provide other benefits through a more expanded redevelopment, with benefits accruing to both the Lessee and the City of Albany, as property owner.
5. The Lessee, in engaging architects and a builder, have developed a design for the property, and costed that work.
6. The Lessee has worked constructively with City Officers in development of that design (in preparation for development application submission), and discussed with City Officers the reasonableness of the proposed costs for that work.

**DISCUSSION**

7. The Lessee seeks a financial contribution from the City of Albany, towards some of the development works, given the development:
  - a. will improve amenity in the Middleton Beach Reserve generally,
  - b. will improve the property specifically, owned by the City,
  - c. some of the works proposed extends into City of Albany Reserve, and will be available for general public use.

8. The Lessee proposes that any financial contribution by the City be in the form of rent abatement. That is, the City waive rent collection each month, in exchange for payment of the development works that the City contributes towards, until the total amount of those City-contributed development costs are repaid to the Lessee.
9. The Lessee has committed to meeting all costs associated with the required Deed of Variation of Lease, which will be subject to Council consideration and endorsement at the next available Council meeting.
10. The Lessee and their architect presented the development design to the Council's Planning and Development Committee on 24 April 2012. At that meeting the members agreed that the proposed development would be beneficial to the City of Albany.
11. The Lessee advised that Committee that it did not wish to proceed with incurring further costs regarding the development, until it has some surety from the Council regarding if it will make financial contribution towards the proposed development.
12. Members of the Planning and Development Committee requested the CEO to present the matter to the Council's Audit and Finance Committee, for its urgent consideration regarding financial implications.

#### STATUTORY IMPLICATIONS

13. Nil

#### GOVERNMENT CONSULTATION

14. Nil

#### PUBLIC CONSULTATION

15. Nil

#### STRATEGIC IMPLICATIONS

16. This proposed development aligns with the City of Albany's Strategic Plan 2011 - 2021, specifically Key Focus Areas: Lifestyle and Environment and Sustainability and Development
  - *The development aligns with proposed Strategies of: redevelop .... areas ... to be more aesthetically pleasing*
  - *incorporate "meeting space" and recreational infrastructure in public space for young people*
  - *encourage an increase in Albany's industry base to ensure employment.*
  - *Improve and expand tourism infrastructure and attractions*
  - *encourage diversity in tourism product*
  - *flexibility of development in key tourism areas*

#### POLICY IMPLICATIONS

17. Nil

**RISK IDENTIFICATION AND MITIGATION**

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

<b>Risk</b>	<b>Likelihood</b>	<b>Consequence</b>	<b>Risk Analysis</b>	<b>Mitigation</b>
<i>Development of Middleton Beach not proceeds, and the area continues to operate under its full potential, including having poor tourism amenity facilities</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council endorse financial contribution to development of Middleton Beach, which for this matter be contribution to the lessee’s proposed development.</i>

**FINANCIAL IMPLICATIONS**

- 19. The Lessee has provided the confidential Attachment which sets out the financial contribution proposed by the Lessee, and the contribution sought by the Lessee from the City of Albany.
- 20. The costs estimates provided by the Lessee (through their architects and builder) have been assessed by City of Albany Officers, and are considered reasonable in amount. In some aspects, the costs are lower than the City of Albany would be able to undertake the work for.
- 21. City Officers believe the City should not contribute to the professional consultant costs incurred by the Lessee in developing the design, and submitting the development application.
- 22. The Council could determine to waive the development application fee of \$1600, in support of the development.

**LEGAL IMPLICATIONS**

- 23. Nil - if the development doesn't proceed, the original lease terms will continue.

**ALTERNATE OPTIONS**

- 24. Council can determine to not contribute any, or an amount less than that sought by the Lessee. It is likely if the Council does not contribute the amount sought by the Lessee, the Lessee will not proceed with the redevelopment.

**SUMMARY CONCLUSION**

- 25. The Lessee wishes to undertake redevelopment to the property owned by the City and formerly known as Calamaris, and seeks contribution from the City towards that development.
- 26. The development would be beneficial to the Middleton Beach area generally, and to the property owned by the City of Albany.

**6.3: ALBANY MOTORCYCLE CLUB INC – PROPOSAL TO OPERATE EIGHT (POSSIBLY NON-COMPLYING) EVENTS DURING 2012**

**Land Description** : Reserve 30495, Plantagenet Location 7153, Roberts Road, Robinson

**Proponents** : Albany Motorcycle Club Inc.

**Owner** : Crown

**Attachments** : Incoming Correspondence from Albany Motorcycle Club Inc dated 28 February and 25 April 2012  
Outgoing Correspondence from City of Albany to Albany Motorcycle Club Inc. 23 April 2012

**Responsible Officer** : Executive Director Planning and Development Services (D Putland)

**ITEM 6.3: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

1. THAT Council REFUSE the Albany Motorcycle Club Inc. approval to hold non-complying events under Regulation 18 of the *Environmental Protection (Noise) Regulations 1979*.
2. THAT Council GRANT consent to the Albany Motorcycle Club Inc. to hold events at “Miniup”, Roberts Road, Robinson on particular dates, conditional upon the Albany Motorcycle Club Inc. providing evidence to the satisfaction of the City of Albany Executive Director, Planning and Development Services, that breaches of the *Environmental Protection (Noise) Regulations 1979* will not occur at those events.

**IN BRIEF**

- Consider a request from the Albany Motorcycle Club Inc to operate eight possibly non-complying events at the Roberts Road motorcycle track during 2012.

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
-------------	-----------------------------

**BACKGROUND**

1. The Albany Motorcycle Club Inc has written to the City of Albany requesting approval to hold eight events over the coming year.
2. It is possible that those events will be non-compliant as to noise control, under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.
3. This matter has a long history:

In 2008, the City served an Environmental Protection Notice (EPN) on the Albany Motorcycle Club requiring it to:

*“Ensure that no motor cycles use the motor cycle track at any time of the day.”*

4. Following an appeal to the Minister for Environment, and with Council approval, the Albany Motorcycle Club Inc then held ten events in both 2009 and 2010.
5. In 2011, the Albany Motorcycle Club Inc used the track for two non-complying, Council approved events.
6. However, a number of motorcycle riders also used the track outside the approved events dates, and breached the requirements of the EPN.
7. While the use of the track by those riders was not sanctioned by Albany Motorcycle Club Inc, the Albany Motorcycle Club Inc still had legal responsibility to ensure that the requirements of the EPN were met.
8. Council considered a similar request at its February 2011 meeting and resolved:

*The Council note that in relation to the request by the Albany Motorcycle Club to hold two non-complying events on **Reserve 30495, Roberts Road**, community consultation will be undertaken with residents and property landowners within a radius of 1.5km;*

*Where objections are received as a result of the community consultation the request shall be considered at the March Ordinary Council Meeting;*

*Where no objections are received Council notes that the CEO will grant approval for two non-complying events in accordance with Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.”*

9. A total of 84 letters were sent to residents and property owners within a 1.5 kilometre radius of the motocross facility. A total of eight written submissions were received - five were opposed to the proposal and three supported the proposal.

10. Council again considered the matter at its March 2011 meeting, given the submissions received from nearby residents and property landowners, and resolved:

*THAT Council GRANT the Albany Motorcycle Club Inc approval to hold two non-complying events under Regulation 18 of the Environmental Protection (Noise) Regulations 1979 conditional on no further breaches of the Environmental Protection Notice previously served on the Albany Motorcycle Club Inc. Should further breaches occur this approval will be withdrawn.*

11. Council further considered issues in relation to the use, and possible lease of land to the Albany Motorcycle Club at its June 2011 meeting and resolved:

*THAT Council:*

- 1) *NOTES its previous resolution (OCM 15.03.2011 – Item 2.3 – Attachment A).*
  - 2) *GRANTS the final lease approval to the Albany Motorcycle Club Inc. over portion of **Reserve 1947 Parker Brook Road, Willyung** subject to the Club obtaining all remaining approvals and complying to all conditions detailed in OCM 15 March 2011 Council resolution and satisfying all conditions of the Planning Scheme Consent prior to any development and riding activities within the lease area.*
12. Council further considered the issue of granting the Albany Motorcycle Club Inc. a lease over portion of Reserve 1947 Parker Brook Road Albany at its November 2011 meeting, and resolved:

*THAT Council notes the Officer's Report detailing the history and other information on the Great Southern Motorplex Group Inc. proposal and the suitability of Crown Reserve 1947 for Motor Sport activities;*

*THAT Council directs the CEO and Councillors Sutton, Hammond and Calleja to meet with the four key stakeholder groups of:*

- *Albany Motorcycle Club;*
- *Albany City Kart Club;*
- *Great Southern Street Machine Association; and*
- *Albany Motorsport Group.*

*To further discuss progression of a Motor Sport Complex at a site that is more appropriate as quickly as possible and taking into account the immediate needs of particular clubs for their upcoming events.*

## DISCUSSION

13. The Albany Motorcycle Club Inc has advised that it is important for its Club's future that it be allowed to conduct the proposed events, the first commencing on 12 May 2012.
14. The Albany Motorcycle Club Inc. advised in March 2012 that as it was unsuccessful in obtaining a lease for the alternative venue on Parker Brook Road, they are applying for permission to hold events at their existing venue at "Miniup", Roberts Road, Robinson.

15. Council minutes of the 20 April 2010 indicate that several residents in proximity to the Club's activities did not support further motorcycle events.
16. It appears that the majority of resident complaints were primarily in regard to noise resulting from extended track usage on practice days.
17. The current proposal suggests that the facility will be used for three practice days, four Club Race meetings and one Interclub Race meeting in 2012.

### STATUTORY IMPLICATIONS

18. Regulation 18 of the *Environmental Protection (Noise) Regulations 1979* states:

***"18. Venues used for sporting, entertainment purposes etc.***

*In this regulation—*

***approved non-complying event*** means an event approved under subregulation (3);

***noise*** means noise associated directly with the approved non-complying event and does not include noise normally emitted from the venue (such as noise from plant, pumps and machinery) when it is not being used for the purposes of an approved non-complying event;

***venue*** means any premises or public place.

*(2) Despite any other regulation in this Part—*

- (a) an approval under subregulation (3) has effect according to its terms; and*
- (b) except to the extent that the regulation is applied as a condition under subregulation (3), regulation 7 does not apply to noise resulting from an approved noncomplying event.*

*Where the Chief Executive Officer is satisfied that a proposed sporting, cultural or entertainment event that is to be open to the public —*

- (a) is likely to result in the emission of noise in contravention of the standard prescribed under regulation 7; and*
- (b) would lose its character or usefulness if it were required to comply with that standard,*

*the Chief Executive Officer may approve the event, subject to such conditions as the Chief Executive Officer thinks fit, for the purposes of this regulation.*

*If a condition imposed on an approved non-complying event under subregulation (3) or (8) is breached—*

- the event ceases to be an approved non-complying event; and*
- (b) regulation 7 has effect in relation to that event.*

*An approval under subregulation (3) may extend to a practice or rehearsal or sound system test relating to an event even though the practice, rehearsal or sound system test is not open to the public.*

*An application for approval under subregulation (3) is to be—*

- (a) made not later than 60 days before the event to which the application relates is proposed to commence; and*
- (b) accompanied by an application fee of \$500.*

*Conditions imposed under subregulation (3) may —*

- limit the duration of practice and rehearsal sessions, sound system tests and the event;*
- specify starting and completion times for practice and rehearsal sessions, sound system tests and the event;*
- specify times when facilities such as stages, temporary seating and lighting towers can be erected and dismantled; and*
- specify any other requirements, including maximum allowable noise levels, considered necessary to maintain the impact of noise emissions on other premises at an acceptable level.*

*It is a condition imposed on the conduct of every event approved under subregulation (3) that, if the Chief Executive Officer determines that noise received as a result of the event —*

- at any noise sensitive premises is likely to exceed 65 dB  $L_{A\ Slow}$  between 0700 hours and 1900 hours on any day or 60 dB  $L_{A\ Slow}$  between 1900 hours on any day and 0700 hours on the following day; or*
- at any other premises is likely to exceed 75 dB  $L_{A\ Slow}$  at any time, the person to whom the approval is granted is to pay to the Chief Executive Officer, within the time specified by the Chief Executive Officer, a noise monitoring fee specified by the Chief Executive Officer.*

*The Chief Executive Officer may amend any condition to which an approved non-complying event is subject, but must before doing so —*



*give to the person responsible for the conduct of the event at least 14 days' notice of the proposed amendment to enable the person to make written representations on the proposal; and where the condition was determined under subregulation (13), obtain the approval of the Minister.*

*A person to whom notice of a proposal is given under subregulation (9)(a) may by written agreement accept the proposal and waive the period of notice.*

*The Chief Executive Officer is not to approve the holding of more than 2 approved non-conforming events in or at a particular venue in any period of 12 consecutive months unless the Chief Executive Officer is satisfied that the majority of occupiers on whom the noise emissions will impact have no objection to the holding of the additional events.*

*An approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7 agrees to the proposed conditions applicable to the approval.*

*Where an agreement cannot be reached under subregulation (12) the conditions are to be determined by the Minister after receiving the advice of the Chief Executive Officer.*

*The Chief Executive Officer may, if satisfied that the noise from approved non-conforming events held at any 2 or more venues affects generally the same noise-sensitive premises, determine that those venues are to be treated as a single venue for the purposes of subregulation (3) in which case subregulation (11) applies to those venues as if they were one venue.*

*Notwithstanding subregulation (6)(b), the Chief Executive Officer may, in his or her discretion and if satisfied that an application for approval is made by an organization licensed under the Charitable Collections Act 1946, and that money received from the event will be substantially applied for a charitable purpose within the meaning of that Act, waive or reduce the application fee payable under that subregulation.*

## **PUBLIC CONSULTATION / ENGAGEMENT**

19. The Albany Motorcycle Club Inc. proposal is to hold eight (possibly non-complying) events during 2012, but the Club has not undertaken any consultation with nearby land owners in that regard, claiming it is awaiting Council consideration of the matter, before doing so.

**FINANCIAL IMPLICATIONS**

20. Regulation 18(6) of the *Environmental Protection (Noise) Regulations 1979* requires applications for approval to hold a non-complying event to be accompanied by an application fee of \$500. This fee may be waived or reduced, by the Chief Executive Officer, if the applicant is an organisation licensed under the *Charitable Collections Act 1946*.
21. Should Council approve the holding of any event, and there is a complaint from neighbouring landholders, the City's Environmental Health Officers would be required to undertake noise monitoring to investigate the complaint and assess compliance with the Regulations. This is time consuming and may require additional staff time (beyond budgeted staff costs) to undertake such monitoring.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

22. This item relates to the following Key Focus Areas in the City of Albany's Strategic Plan 2011-2021:

***Community Focused Organisation: Support for community groups***

*Assist with improving access to suitable venues close to CBD that are affordable for community groups.*

**POLICY IMPLICATIONS**

23. There are no policy implications associated with this proposal.

**LEGAL IMPLICATIONS**

24. Nil.

**ALTERNATE OPTIONS**

25. Council has three options in relation to the request from Albany Motorcycle Club Inc to hold non-complying events at Roberts Rd site. These are:

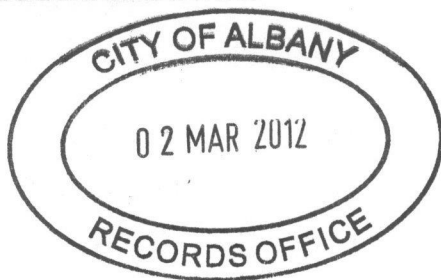
Option One. **GRANT** the Albany Motorcycle Club Inc approval, without conditions, to hold up to eight non-complying events during 2012 despite Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.

Option Two. **GRANT** the Albany Motorcycle Club Inc approval, with conditions, to hold two non-complying events during 2012, balancing requirements under the Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*, with the inability to comply with those Regulations.

Option Three. **GRANT** the Albany Motorcycle Club Inc approval without conditions to hold two non complying events during 2012, consistent with Regulation 18 of the *Environment Protection (Noise) Regulations 1997*. All other events and practice sessions to be compliant with the *Environmental Protection (Noise) Regulations 1997*.

Option Four **REFUSE** the Albany Motorcycle Club Inc. approval to hold non complying events during 2012.

<b>File Number (Name of Ward)</b>	West Ward
<b>Previous Reference</b>	OCM 16/02/2010 Item 13.6.1 Recommendation 4 OCM 20/04/2010 Item 19.5 OCM 15/02/2011 item 2.6



Doc No: City of Albany Records  
File: ICR1260313  
Date: PRO176  
Officer: 02 MAR 2012  
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Dear Ms James,

In light of the Albany Motor Cycle Club not obtaining lease for the Motoplex Complex on Parker Brook Road, the club would like to obtain permission to run events at our current 'Miniup' track on Robinson Road.

Albany Motor Cycle Club would like to run events at the current location in order to retain and improve our membership base. With a heavy reduction in motocross activities in the past 2 years the membership base has dwindled to alarming levels with frustration becoming evident from motor cycle riders within the community.

The club is focused on progressing forward and working with the City of Albany in securing a new track. As you are well aware, this will not be finalised in the near future and AMCC would like to run a number of events through the winter of 2012 to utilise the facilities that many community members have worked so hard to develop and maintain. It is also essential for the ongoing viability of the club to remain operational, and to do so we need to offer events for our membership.

- Dates the club are applying for are;
- Saturday 12 May –Practice Day
- Sunday 10 June – Club Race
- Saturday 15 July – Practice Day
- Sunday 22 July – Interclub Race
- Sunday 12 August – Club Race
- Saturday 8 September – Practice Day
- Sunday 30 September - Club Race
- Saturday 20 October – Club Race

As you are also aware, the club has worked hard to minimise disturbance for the neighbouring residents, and endeavours to meet all the guidelines set by the City of Albany. Some Sundays are included as well as an Interclub in mid-July, though the days are negotiable. The Interclub event is part of the South West Series which involves clubs from Denmark, Manjimup, Bunbury, Collie and Capel. Interclub events historically attract approx. 150 riders plus their supporters and crews. This produces significant economic benefits to the businesses in the local area, including, but not limited to, hotels, restaurants, cafés and local retailers including the three specialist motorcycle shops, and services.

The AMCC's future depends heavily on being able to attract and retain its members, and volunteer base. To this end, AMCC has offered free membership for 2012, but this will not be sustainable if we cannot provide activities for our membership and we would appreciate the City of Albany's assistance by allowing events to be run on the existing facilities, until a new track can be found.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'CSaurin', written in a cursive style.

Chris Saurin  
AMCC Secretary

28 February 2012

25 April 2012

Ms Faileen James

CEO City of Albany  
102 North Road  
Albany WA 6330



PO Box 907, Albany, WA 6330

Dear Ms James,

Thank you for your reply to AMCC's request for use of Miniup.

With regard to your question as to whether an officer of the City has responded to my enquiry, the answer is no. It is a concern that a letter addressed to you, which should pass through the delivery process within 1 day, should take one and a half months to reach you.

You mention the "previous history of the matter and noise breaches Council has had notice of to date". Having spoken to the AMCC previous Secretary, there is no evidence of breaches, or complaints following the EPA notice that was served to AMCC. Since the EPA notice in 2007, AMCC has run events, sanctioned by the City of Albany, within the guidelines set by Motorcycling Australia and has carried out noise testing of bikes at events. This monitoring would continue by Motorcycling Western Australia (MWA) trained volunteers to ensure that noise is kept to a minimum and to alleviate concerns of local residents. Any bikes that do not conform to Motorcycling Australia Standards will not be permitted to race.

The club has not contacted the local residents as we are awaiting council's decision and conditions regarding our request for events before drafting a letter to gauge the concerns of the residents. The City of Albany sent out a Consultation paper at the commencement of 2011 season to 84 residences. From the 84 respondents 3 were against the use of the motorcycle track and all those opposing were from one address.

You query the minimum number of days and negotiable days. I would like to clarify that we would be willing to move Sundays to Saturdays if that is the only way to allay residents' concerns. As with all meetings, start times are set to 9.00am and racing to finish by 5.00pm. The Interclub calendar has set Albany for July 15 and cannot be moved as this is the only date within the surrounding weekends that is free from State competitions.

I would like to point out that the Interclub is a critical date that requires immediate consideration by Council as competitors travel from other regions, such as Bunbury, Collie, etc. We know, previous experience, that the riders and their families spend the weekend in Albany so do require to book accommodation.

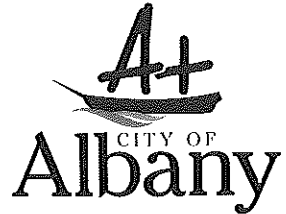
We are asking for a number of dates so as to maximise the participation and membership level of the club. We are working with your Planning Department in securing an alternative site but this will take a bit of time. The club has limited resources and funds and these events will go towards the club obtaining its goal of moving to a new venue in the near future.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'CSaurin', is written over a light blue horizontal line.

Chris Saurin  
AMCC Secretary





Our Ref: PRO176 / LT1258051  
Cross Ref: ICR1260313  
Enquiries: Faileen James

23 April 2012

Mr Chris Saurin  
Secretary  
Albany Motor Cycle Club Incorporated  
PO BOX 907  
ALBANY WA 6331

Dear Mr Saurin

**MINIUP TRACK**

Thank you for your letter of 28 February 2012, which I only became aware of on 12 April. Has an officer of the City responded to you regarding your enquiry?

As you would appreciate, given the previous history of this matter and the noise breaches Council has had notice of to date, Council would be faced with difficult decisions in considering your request.

If the Motorcycle Club was to run the events on the dates you are seeking, what steps does the Club plan to take to minimise or reduce noise to a level that may be acceptable to surrounding landowners?

Have you approached those surrounding landowners, seeking their views on the Club holding events on the dates you propose?

I note you state that the Sundays and the Interclub date in mid-July are "negotiable" - what would be the minimum days the Club could operate to meet members' needs?

I apologise if no City Officer has responded to you to date. I look forward to receiving your advice above as soon as possible. Given that the first date you propose holding an event is 12 May 2012, I appreciate that "time is ticking" and prompt resolution of these issues is essential.

Should you have any further queries with regard to this matter, please do not hesitate to contact myself on direct telephone 9841 9333 or via email [faileenj@albany.wa.gov.au](mailto:faileenj@albany.wa.gov.au).

Yours sincerely

Faileen James  
Chief Executive Officer

**6.4: REQUEST TO HOST INTERNATIONAL BASKETBALL FIXTURE AT ALAC 10 JUNE 2012**

**CONFIDENTIAL ITEM: THIS ITEM CONTAINS EMBARGOED INFORMATION**

<b>Land Description</b>	: Albany Leisure and Aquatic Centre
<b>Proponent</b>	: City of Albany
<b>Owner</b>	:
<b>Business Entity Name</b>	: Albany Leisure and Aquatic Centre
<b>Attachments</b>	: Nil
<b>Responsible Officer</b>	: Executive Director Community Services (L Hill)

**Maps and Diagrams:** Nil

**IN BRIEF**

- RV Sport has requested that the City of Albany consider hosting the China Men’s and Australian Men’s Basketball game at the Albany Aquatic and Leisure Centre (ALAC) on 11 June 2102. Additionally they have requested additional sponsorship funds and to host a Civic Reception at the Albany Entertainment Centre on 10 June 2012.
- It is anticipated that there would be economic benefit to the region and community interest.
- It is proposed the City’s contribution to the event would be to host the match and training at ALAC, provide in kind staff support and to host a civic reception at the Albany Entertainment Centre.

**RECOMMENDATION**

<p><b>ITEM 6.4: RESPONSIBLE OFFICER RECOMMENDATION</b>  <b>VOTING REQUIREMENT: ABSOLUTE MAJORITY</b></p>
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<p>That the City of Albany agrees to host the Basketball Match proposed by RV Sport on the following terms and conditions:</p>
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- |  |
|--|
| <ol style="list-style-type: none"> <li>1. The ALAC indoor courts will be made available to the promoter from Monday 6am 11 June until 12 noon Tuesday 12 June, with the courts returned to the City in the condition in which it was hired.</li> <li>2. The City will provide the venue free of charge but any additional costs incurred in hosting the event at the request of the Promoter will be met by the Promoter.</li> <li>3. The City of Albany will at its cost host a Civic reception at the Albany Entertainment Centre at an anticipated cost of \$7000 (excluding staff time)</li> <li>4. The promoter is to provide a bond of \$5000 for hire of the venue.</li> <li>5. The promoter is to provide public liability insurance certificate of currency of \$10 million.</li> <li>6. The promoter is to provide a structural engineer’s certificate of compliance for the temporary seating erected at ALAC.</li> </ol> |
|--|

<b>CEO:</b>	<b>RESPONSIBLE OFFICER:</b>
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## **BACKGROUND**

1. Andrew Vlahov, Chief Executive Officer (CEO) RV Sport, the promoter, has requested support from the City of Albany to host a basketball game between China Men's and Australian Men's Basketball teams at ALAC Monday 11 June and hold a civic function on Sunday 10 June. This is one of three matches being held in Western Australia in June 2102 (two in Perth, one in Albany).
2. The promoter indicated that he has event funding and support from the State Government via Royalties for Regions; Eventscorp and the WA Tourism Commission to host the matches in Western Australia.
3. Prior to meeting with the City of Albany (with Mayor, CEO and Manager, Recreation Services on 26 April 2012) seeking to host the event at ALAC, the promoter has sought local sponsorship, selling sponsorship packages to local organisations and booking accommodation for the athletes.

## **DISCUSSION**

4. The ALAC operates with a large operating subsidy.
5. ALAC has a responsibility to the major winter tenant the Albany Netball Association, to provide indoor court space for their seasonal requirements. In addition there is an existing booking on Sunday 10 June for a significant regional netball carnival utilising all seven indoor courts. On Monday 11 June 2012 ALAC Domestic Ladies Netball competition and various court training sessions are also confirmed. The loss of income from cancelling these bookings is estimated as \$4500.
6. The details of the promoter's funding sources and other sponsorship arrangements have not been provided to the City of Albany. The promoter has sought local sponsorship and will retain 90% of proceeds from ticket and bar sales. The Albany Raiders Basketball Committee, in return for volunteer support, will receive 10% of ticket and bar sales.
7. The Promoter proposes building scaffold seating to host an additional 1400 patrons. Additionally, they have requested removal of line markings on the court (as they are used for various ball games) and reconfiguring of existing shot clocks.
8. The economic benefits to Albany and the region could be substantial but are hard to quantify in dollar terms. It is anticipated that many in the community would value being able to participate in such an event. The promoter anticipates an attendance of 1500 – 2000.
9. Unlike the Perth fixtures, this event is not being televised back into China or within Australia. This limits the opportunity to more broadly leverage significant tourism and economic return for the region.

## **GOVERNMENT CONSULTATION**

10. Nil.

## **PUBLIC CONSULTATION / ENGAGEMENT**

11. Nil

**STATUTORY IMPLICATIONS**

12. Nil.

**STRATEGIC IMPLICATIONS**

*Key Focus Area: Sustainability and Development.  
Community Priorities: Tourism Development.  
Strategy: Support large scale local events, festivals and markets to attract tourists.*

**POLICY IMPLICATIONS**

13. Nil

**RISK IDENTIFICATION & MITIGATION.**

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

	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council not endorsing hosting of event leading to loss of potential economic benefit and future events.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council endorse support of basketball event, based on reasonable subsidy.</i>
<i>Not honouring existing stakeholder's bookings could negate much of the good will and prestige of hosting the event.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Do not cancel existing Sunday bookings and have promoter work within ALAC court availability.</i>
<i>City of Albany funding as per the promoters request given there is a moratorium on other community funding.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Fund Civic Function and provide ALAC courts only. Communicate broader benefits for the City of hosting an event of this calibre.</i>
<i>Payment of the funds requested and providing the venue free of charge may set a precedent for future events hosted by ALAC and the City.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Low</i>	<i>Develop policy in respect to hosting major events that have an economic benefit to City and the region.</i>
<i>Construction of temporary scaffold seating to suitable standard.</i>	<i>Unlikely</i>	<i>High</i>	<i>Low</i>	<i>Event approval subject to relevant structural engineering requirements and presentation of appropriate approvals.</i>

**FINANCIAL IMPLICATIONS**

15. The Promoter has requested the City of Albany support this event to the value of approximately \$36,500 detailed as follows:

- COA sponsorship: \$20,000
- Venue Hire: \$4000
- Loss of Income from cancelling existing bookings: \$4500
- Civic Reception: \$7000.

16. The recommendation is for the City of Albany to support the event to a maximum of \$14500 detailed as follows:
- 10 June Civic function at the Albany Entertainment Centre:
    - Albany Entertainment Centre venue charge:\$1000
    - Food and beverage, 120 guests: \$7000.
  - 11 June Basketball match ALAC:
    - Staff wages: \$800
    - Power: \$300
    - Cleaning: \$400
    - Court Hire: \$2500.
    - Loss of Income Monday June 11: \$1000.
  - Staff time in kind for organisation of event and civic function: \$2500.
17. ALAC would operate the Time Out Cafe during the match with net profit projections of \$400.
18. Funding of \$5000 will be sourced from the ALAC 11-12 budget, leaving a shortfall of \$10,500, which will have to be met from within the existing City of Albany budget.

**LEGAL IMPLICATIONS**

19. Nil

**ALTERNATE OPTIONS**

20. The three options available to Council are:
1. As per the Promoter’s initial request, up to an approximate total \$36,500
  2. As indicated above, where the City supports the event through providing venue hire, in kind staff time and funding a Civic Reception, totalling approximately \$15,500
  3. Not support the event at all.

**SUMMARY CONCLUSION**

21. City of Albany support for the proposed basketball match to be held between Australian and Chinese men’s teams in June will have considerable profiling benefits for Albany. The City’s contribution to the event would be to host the match and training at ALAC, provide in kind staff support and to host a civic reception at the Albany Entertainment Centre, to a maximum value of \$15,500.

<b>Consulted References</b>	:	
<b>File Number (Name of Ward)</b>	:	
<b>Previous Reference</b>	:	

**6.5: AUDIT & FINANCE COMMITTEE RECOMMENDATIONS**

**Proponent** : City of Albany  
**Responsible Officer(s)** : Chief Executive Officer (F James)

The Audit and Finance Committee met for a Special Committee meeting on 30 April 2012, commencing 9.25pm, and concluding at 10.10pm.

In attendance were:

Mayor Wellington  
Councillor Y Attwell  
Councillor C Holden  
Councillor V Calleja  
Councillor D Bostock  
Councillor D Dufty (joined the meeting at 9.40pm)  
Councillor R Sutton  
Councillor S Bowles  
Councillor C Dowling  
Councillor G Stocks (Chair)  
Councillor A Hortin

Apologies: Councillor G Gregson  
Councillor R Hammond

Staff: Faileen James (CEO)  
Executive Director Community Services Linda Hill for part of the meeting  
Manager Finance Duncan Olde for part of the meeting  
Business Analyst/Management Accountant David Harrison for part of the meeting

**ITEM 6.5: COMMITTEE RECOMMENDATION 1 – COMMUNITY FINANCIAL ASSISTANCE  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council support the Responsible Officer Recommendation of Item 6.3.**

**ITEM 6.5: COMMITTEE RECOMMENDATION 3 – MIDDLETON BEACH REDEVELOPMENT  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council support Responsible Officer Recommendation 1 (Confidential) of Item 6.2.**

**ITEM 6.5: COMMITTEE RECOMMENDATION 4 – MIDDLETON BEACH REDEVELOPMENT  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council support Responsible Officer Recommendation 2 of Item 6.2**

**CEO:**

**7.0 CLOSURE OF MEETING**

**ITEM 7.1: MOTION**

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