



AGENDA

COMMERCIAL, COMMUNITY AND CORPORATE SERVICES COMMITTEE

14 March 2017

6.00pm

City of Albany Council Chambers

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

VISION

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

VALUES

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

Focused: on community outcomes

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

United: by working and learning together

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

Accountable: for our actions

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

Proud: of our people and our community

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

Commercial, Community and Corporate Services Committee

- (1) **Functions:** The Committee is responsible for the following functions:
- Commercial Services:
Considering and recommending to Council ways to strengthen the local Albany economy.
The delivery of “*Smart, Prosperous and Growing Objectives*” contained in the City of Albany Strategic Plan:
- Foster links between education, training and employment that support economic development.
 - Strengthen our region’s economic based.
 - Develop and promote Albany as a unique and sought after visitor destination.
- Community Services:
The delivery of “*Sense of Community Objectives*” contained in the City of Albany Strategic Plan:
- Build resilient and cohesive communities with a strong sense of place and community spirit.
 - Create interesting places, spaces and events that reflect our community’s identity, diversity and heritage.
 - Develop and support an inclusive and accessible community.
 - Provide advice on effective ways to engage and report progress to the Community.
- Corporate Services:
Monitoring and commenting on the financial health and strategies of Council.
The delivery of “*Civic Leadership Objectives*” contained in the City of Albany Strategic Plan:
- Establish and maintain sound governance structures.
 - Provide strong, accountable leadership supported by a skilled and professional workforce.
 - Engage effectively with our community.
 - Governance:
 - Review of Council's policies;
 - Supporting Elected Members in their governance role;
 - Developing amendments to existing, or new, local laws;
 - Consideration of the Council's draft Strategic Plan;
 - Consideration of the Council's draft Annual Report;
 - Matters pertaining to the conduct of the Council's Annual General Meeting;
 - Consideration of the proposed meeting schedule for Council and its Committees;
 - Receiving reports from Council representatives on outside bodies, and from other bodies as determined by Council; and
 - Considering matters not falling within the terms of reference of any other Council committee.
 - Service Complaint Internal Review: Responsible for reviewing unresolved service complaints, in accordance with the Service Complaints Policy.
- (2) **It will achieve this by:**
- (a) Developing policies and strategies;
 - (b) Establishing ways to measure progress;
 - (c) Receiving progress reports;
 - (d) Considering officer advice;
 - (e) Debating topical issues;
 - (f) Providing advice on effective ways to engage and report progress to the Community; and
 - (g) Making recommendations to Council.
- (3) **Membership:** Open to all elected members
- (4) **Meeting Schedule:** Monthly
- (5) **Meeting Location:** Council Chambers
- (6) **Directorates:** Corporate Services, Community Services, Commercial Services
- (7) **Executive Officer(s):** Executive Director Corporate Services, Executive Director Commercial Services, Executive Manager Community Services
- (8) **Delegated Authority:** None

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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:

Member	R Hammond
Member	P Terry
Member	C Dowling
Member	G Stocks
Member	J Price
Member	B Hollingworth
Member	N Mulcahy
Member	J Shanhun
Member	S Smith
Member	A Goode JP
Member	A Moir
Member	R Sutton

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Commercial Services	C Woods
Executive Manager Community Services	A Cousins
Manager Finance	D Olde

Meeting Secretary

Apologies:

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Commercial, Community and Corporate Services Committee held on 14 February 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

RSL-Anzac Day 2017.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCCS008: FINANCIAL ACTIVITY STATEMENT – JANUARY 2017

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

Responsible Officer's Signature:



RECOMMENDATION

CCCS007: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 January 2017

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 January 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

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

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

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- 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 2016/17 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 2017 has been incurred in accordance with the 2016/17 proposed budget parameters.
11. Details of any budget variation in excess of \$50,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.2 - All Wards
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CCCS009: LIST OF ACCOUNTS FOR PAYMENT – FEBRUARY 2017

Proponent : City of Albany
Attachments : List of Accounts for Payment
Report Prepared by : Senior Accounting Officer (P Martin)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:

RECOMMENDATION

CCCS009: RESPONSIBLE OFFICER RECOMMENDATION

That Council received the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 February 2017 totalling \$4,873,577.12.

BACKGROUND

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

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 February 2017. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$28,057.00
Credit Cards	\$6,521.19
Payroll	\$1,999,740.99
Cheques	\$48,493.33
Electronic Funds Transfer	\$2,790,764.61
TOTAL	<u>\$4,873,577.12</u>

- As at 15 February 2017, the total outstanding creditors, stands at \$1,360,738.01 and made up as follows:-

Current	\$ 971,002.47
30 Days	\$ 384,614.33
60 Days	\$4,930.33
90 Days	\$ 190.88
TOTAL	<u>\$1,360,738.01</u>

Cancelled cheques – Nil.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 February 2017 has been incurred in accordance with the 2016/2017 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 February 2017 has been incurred in accordance with the 2016/2017 budget parameters.

SUMMARY CONCLUSION

9. That list of accounts have been authorised for payment under delegated authority.
10. 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
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CCCS010: 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)

Responsible Officer's Signature:



RECOMMENDATION

CCCS010: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 January 2017 to 15 February 2017 be RECEIVED.

CCCS011: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD ENDING 31 JANUARY 2017

Proponent : City of Albany
Attachments : Budget Review for the period ending 31 January 2017
Report Prepared by : Business Analyst/Management Accountant (D Harrison)
Responsible Officer : Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Theme:** 5. Civic Leadership.
 - b. **Strategic Objective:** 5.1. To establish and maintain sound business and governance structures.
 - c. **Strategy:** 5.1.3 Integrated Planning Framework.

In Brief:

- Council is required to review and adopt the budget review for the period ending 31 January 2017.
- This review is for the period ending 31 January 2017.

RECOMMENDATION

CCCS011: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 January 2017.

BACKGROUND

2. Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the *Local Government (Financial Management) Regulations 1996*.
3. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.

DISCUSSION

4. Council adopted the 2016/2017 Budget on 28 July 2016. The total adopted budget of \$103.8 M comprised:
 - a. \$37.4 M capital works;
 - b. \$ 2 M debt reduction; and
 - c. \$64.4 M in operating expenditure.

5. This Budget Review identifies expenditure of \$2,233,125 for general works, variations and new projects.
6. The funding of \$2,233,125 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding, non-cash adjustments and the movement opening funds has been identified in this review to maintain a surplus budget.
7. This budget review shows the 2016/2017 budget is in a surplus position of \$27,630.
8. A copy of the Budget Review for the period ending 31 January 2017 is attached.
9. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

10. Department of Local Government guidelines were reviewed in the preparation of this report.
11. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

12. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a. is incurred in a financial year before the adoption of the annual budget by the local government
 - b. is authorised in advance by a resolution (absolute majority required) or;
 - c. is authorised in advance by the mayor in an emergency.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Organisation's Operations. <i>None approval of the budget review, would result in significant delays to achieving deliverables.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>In the short term the existing Annual Budget would apply and proposed amendments would not apply.</i> <i>Adopt the Budget Review with amendments (as specified by Council).</i>

FINANCIAL IMPLICATIONS

BUDGET REVIEW FOR THE PERIOD ENDING 31 JANUARY 2017

This Review Maintains Council's Budget in a Surplus Position

GENERAL WORKS/VARIATIONS. (Additional Funds Required)		\$
		(2,233,125)
FUNDED BY		
- Reduction in Expenditure	448,563	
- Adjustment in Grant/Contributions Funding	964,700	
- Adjustment in Revenue	315,922	
- Restricted Cash Adjustments	<u>(632,121)</u>	<u>1,097,064</u>
Balance		<u><u>(1,136,061)</u></u>
- Adjustment to opening funds from forecast to actual 30 June 2016 (Being adjustments at the conclusion of the annual Audit)	(3,158)	
- Less Non Cash Adjustments	1,119,249	
- Current 16/17 Budgeted closing funds	47,600	
- Amended 16/17 Budgeted closing funds		<u><u>27,630</u></u>

LEGAL IMPLICATIONS

15. Nil.

ENVIRONMENTAL CONSIDERATIONS

16. Nil.

ALTERNATE OPTIONS

17. For the period ending 31 January 2017, Council may consider to:

- a. Adopt the Budget Review as recommended; or
- b. Adopt the Budget Review with amendments (as specified by Council).

SUMMARY CONCLUSION

18. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 January 2017 be supported.

Consulted References	:	Adopted Budget 2016/2017 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	FM.BUG.2
Previous Reference	:	Annual Budget – OCM 28/07/2016 Resolution CSF255

CCCS012: REVIEW OF COUNCIL POLICY POSITIONS

Proponent	: City of Albany
Attachments	: (1) Council Policy: Corporate: Handling of Complaints By or Against Elected Members Policy and Procedures (2) Council Policy: Corporate: Handling of Complaints By or Against the Chief Executive Officer (3) City Policy: Dealing with difficult customers
Report Prepared by	: Manager Governance and Risk (S Jamieson)
Responsible Officer	: Executive Director Corporate Services (M Cole)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

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

In Brief:

- Council is requested to review the attached policies.

RECOMMENDATION

CCCS012: RESPONSIBLE OFFICER RECOMMENDATION

THAT the reviewed policy positions be ADOPTED as per the Responsible Officer's Report:

- **Council Policy & Procedures – Handling of Complaints By or Against Elected Members; and**
- **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer.**

BACKGROUND

2. It is a role of Council to determine policy positions.
3. The attached policies were reviewed by the Executive Management Team and have been presented for review.

DISCUSSION

4. The intent of each policy and how they relate to State legislation and current Council policy positions is still relevant.
5. It is recommended that only minor administrative changes are made. These changes are detailed in the Document Revision History page of each document.
 - a. **Council Policy & Procedures – Handling of Complaints By or Against Elected Members**

- This policy was reviewed and re-adopted on 28 April 2015.
- The following changes are recommended:

Current position:	Proposed amendment:
Objective: Nil	Objective: 1. The objective of this policy is to: (a) promote positive change through mediation, and (b) establish clear processes to address complaints made by or against an elected member of Council.
Scope: This policy applies to elected members of Council.	Scope: This policy applies to elected members of Council, acknowledging that participation in an administrative investigation is voluntary.
Complaint handling procedure: (iv) The final report will be presented at a Council meeting in confidence. (v) On receipt of the final report and recommendation of the independent assessor the Council will determine an appropriate course of action. This may include: • Request of a private or public apology in relations to the conduct/breach; • Recommend the Council Member undertake a particular training course or receive appropriate instruction to ensure the offending behaviour is not repeated; • Remove the member from serving on any Committee or representing Council on an outside body; • Make a public announcement of the complaint made against the Council member, the determination and the penalty imposed on the Council member. (vi) After receipt of the final report from the assessor, the Council must convey to the elected member who is the subject of the complaint and to the person who made the complaint, Council's resolution in relation to the complaint and report.	Complaint handling procedure: (vii) The final report will be presented at a Council meeting in confidence. (viii) On receipt of the final report and recommendation of the independent assessor the Council will determine an appropriate course of action. This may include requesting the elected member: • Make a private or public apology in relations to the conduct/breach; and/or • Undertake a particular training course or receive appropriate instruction to ensure the offending behaviour is not repeated. (ix) After receipt of the final report from the assessor, the Council must convey to the elected member who is the subject of the complaint and to the person who made the complaint, Council's resolution in relation to the complaint and report, which may include referral to the Local Government Standards Panel.
Definitions: Nil	Definitions:

Current position:	Proposed amendment:
	<ul style="list-style-type: none"> • Local Government Standards Panel. The standards panel has the authority to make binding decisions to resolve allegations of minor misconduct submitted by a local government. It deals with complaints about council members who it is alleged have committed a breach of one or more of the provisions of the Rules of Conduct Regulations. The panel is independent of the Minister for Local Government and the Department of Local Government and Communities (DLGC). <p>The standards panel also has the jurisdiction to deal with misconduct allegations that relate to conduct at meetings under the provisions of a local government's Standing Orders Local Law. The standards panel has no jurisdiction to deal with complaints made against local government employees.</p> <ul style="list-style-type: none"> • The standards panel does not have investigative powers; findings and decisions of the panel are made on the basis of the information it receives. Proceedings are normally held in private (i.e. usually parties to a complaint and members of the public are not in attendance). However, the panel may, if it considers the circumstances warrant, hear evidence and conduct its deliberations in the presence of the parties concerned. If the standards panel finds that a breach has occurred, it may deal with the complaint by dismissing it or ordering that the council member: <ul style="list-style-type: none"> ○ publically apologises, ○ is publically censured, or ○ undertakes training. • The standards panel may issue an order that imposes two or more of these sanctions.

b. **Council Policy & Procedure – Handling of Complaints By or Against the Chief Executive Officer**

- This policy was reviewed and re-adopted on 28 April 2015.
 - No change to current policy position recommended.
6. It is considered that the policy positions are still relevant and promotes procedural fairness (natural justice).
7. It is recommended that the policy positions include a reference to the Executive approved policy position titled “City Policy – Dealing with difficult customers”.

8. **City Policy – Dealing with difficult customers.** This policy position explains how City of Albany staff will deal with customers who:
- a. are aggressive complainants;
 - b. are rude, abusive, and harassing complainants;
 - c. cannot be satisfied despite the best efforts of the City;
 - d. constantly raise the same issue with different staff; and/or
 - e. make unreasonable demands on the City where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers).

GOVERNMENT AND PUBLIC CONSULTATION

9. No public or internal stakeholder consultation has occurred on these matters.

STATUTORY IMPLICATIONS

10. Detailed in the policy implication section of the report.

POLICY IMPLICATIONS

11. Clause 2.7 of the *Local Government Act 1995* outlines the role of Council, which specifically includes determining the local government’s policies (Clause 2.7(2)(b)).
12. Under section 5.103 of the Act, every local government is to adopt a code of conduct to be observed by council members, committee members and employees.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Legal & Compliance. <i>Policy positions are inconsistent with legislation.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Policy positions are reviewed against applicable legislation.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

15. This item has been prepared in close consultation with relevant legislation, ensuring all requirements are considered and documented.

ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental considerations associated with this report.

ALTERNATE OPTIONS

17. Council may support the review and re-adoption of these policies or not.
18. If more than minor changes are proposed, consultation is considered mandatory with all identified stakeholders.

SUMMARY CONCLUSION

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

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Equal Opportunity Act 1984</i>
File Number (Name of Ward)	:	CM.STD.7
Previous Reference	:	<ul style="list-style-type: none">• OCM 28/04/2015 Resolution CSF159.• EMT 21/12/2016, Synergy Ref: NP1659165.

CCCS013: MIDDLETON BEACH FORESHORE ENHANCEMENT - BUILDING BETTER REGIONS FUND (ROUND 1) APPLICATION

Land Description : Middleton Beach Foreshore
Proponent / Owner : City of Albany
Attachments : Nil
Supplementary Information & Councillor Workstation : *Commercial-in-Confidence: Middleton Beach Foreshore Enhancement Business Case 28 February 2017 will be distributed under confidential cover in accordance with section 5.23(c) of the Local Government Act 1995.*
Report Prepared By : Executive Director Development Services (P. Camins)
Responsible Officer: : Chief Executive Officer (A. Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Themes:**
 - 1: Smart, Prosperous and Growing
 - 2: Clean, Green and Sustainable
 - 3: A Connected Built Environment
 - 4: A Sense of Community
 - b. **Strategic Objectives:**
 - 1.2: To strengthen our region's economic base
 - 1.3: To develop and promote Albany as a unique and sought after visitor location
 - 2.1: To protect and enhance our natural environment
 - 3.1: To advocate, plan and build friendly and connected communities.
 - 4.3: To develop and support a healthy inclusive and accessible community.
 - c. **Strategies:**
 - 1.2.2: Strengthen our economy by supporting business innovation and diversity.
 - 1.3.2: Promote the Albany region as a sought after and iconic tourism destination
 - 2.1.2: Sustainably protect and enhance our iconic coastlines and reserves
 - 3.1.2: Create consistent and connected streetscapes
 - 4.3.1: Develop a range of activities and facilities that are appropriate for all ages

In Brief:

- Endorse the Middleton Beach Foreshore Enhancement funding application to the Building Better Region's Fund (BBRF), noting that evidence of a matched funding commitment is a requirement of the BBRF application process.

RECOMMENDATION

CCCS013: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) ENDORSE the Chief Executive Officer making application to the Building Better Regions Fund (BBRF) Round One (1) for the Middleton Beach Foreshore Enhancement Project.**
- (2) Subject to (1) above, NOTE the financial allocation requirement from the City of Albany for \$1,000,000 should the funding application be successful.**
- (3) NOTE that should the BBRF application be successful:**
 - a. The City will advocate for further funding to minimise the City's direct financial commitment to the project.**
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years.**
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development process.**

BACKGROUND

2. The State Government purchased land at Middleton Beach with the intention of activating an iconic site that has laid vacant since 2007.
3. Landcorp has gone through the rezoning process and the Middleton Beach Activity Centre has been gazetted in the Local Planning Scheme. The Middleton Beach Activity Centre Structure Plan has been endorsed.
4. Landcorp will imminently receive subdivision approval and obtain approval for design of the works within the Middleton Beach Activity Centre Area.
5. The extent of the Middleton Beach Activity Centre precinct extends to within 13-36m of the sand of the beach. Landcorp is required to develop this space. Additionally Landcorp are required to protect their project from Coastal inundation due to sea level rise for the next 100 years. In order to do so, at a minimum they could construct a seawall around the hotel site only.
6. With coastal inundation possible within the next 20-50 years, there will likely be a community expectation that we will need to protect the foreshore (including 3 Anchors and ASLSC) with or without this Landcorp development.
7. During the earlier public consultation for the conceptual design, it was identified by the community that the amenity of the beach, adjacent public open space and Norfolk Pines are extremely valuable to them. However, it is estimated that within 20-50 years this amenity will be threatened, with or without the Landcorp development. This includes the City of Albany buildings and infrastructure (3 Anchors and Albany Surf Life Saving Club).
8. With Landcorp being able to incorporate some of their requirements into the public realm, there is an opportunity for Landcorp to be a developer contributor to apply for national funding.

9. The National funding at a 50% contribution will enable the installation of integrated coastal protection for the public open space as well as redevelopment of the tired public realm; removing drainage outlets to the beach and piping behind the seawall to Ellen Cove as well as by Landscaping and public facilities.

DISCUSSION

Building Better Regions Fund (BBRF)

10. The \$297.7 million Building Better Regions Fund supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future.
11. The program will run over four years from 2016-17 to 2019-20.
12. The program has been designed to achieve the following outcomes in regional and remote communities
- create jobs
 - have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
 - enhance community facilities
 - enhance leadership capacity
 - encourage community cohesion and sense of identity.
13. The program will fund projects in regional Australia outside the major capital cities of Sydney, Melbourne, Brisbane, Perth, Adelaide, and Canberra.
14. The Infrastructure Projects Stream will support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.

Project Context - create jobs, have a positive impact on economic activity

15. The redevelopment of the public realm and specifically the construction of coastal protection will be critical to attract a quality hotel developer.
16. The hotel site is required to be protected from coastal inundation for a period of 100 years.
17. The construction of a hotel at Middleton Beach is a critical component of the Lower Great Southern Alliance's Tourism Development Strategy.
18. The hotel will have a significant impact on the region's tourism economy and create consequent job opportunities.

Project Context - enhance community facilities

19. The Middleton Beach Precinct provides a critical link to the proposed Mount Clarence trails, the National Anzac Centre and ultimately to the Waterfront Precinct and the CBD.
20. The opportunities available to enhance the community facilities are numerous and include removing numerous stormwater discharge points directly on to the beach; improving dilapidated public facilities; developing strong bike and pedestrian links in line with the Cycle City Albany Strategy; creating high amenity shared spaces and protecting the public open space (including the Norfolk Pines and community facilities) from coastal inundation.

Project Context - encourage community cohesion and sense of identity

21. The Middleton Beach Precinct is a much loved area that provides a critical link to the proposed Mount Clarence trails, the National Anzac Centre and ultimately to the Waterfront Precinct and the CBD.
22. The entire region identifies Middleton Beach as an extremely valuable part of Albany's fabric and has been for more than a hundred years. The beach has been used for recreation and community events consistently over this time and features prominently in historical and current photographs depicting Albany.

Project Development – Timeline

23. City Officers presented to a Strategic Briefing of Council on 16 August 2016 regarding the development of a Landscape Management Plan for the Middleton Beach Foreshore.
24. City Officers presented the draft Landscape Management Plan to a Strategic Briefing of Council on 15 November 2016.
25. City Officers presented a proposal to prepare a submission to the BBRF after the Development and Infrastructure Services Committee on 15 February 2017.
26. City Officers provided a Memorandum to Elected Members regarding submissions to the BBRF for Middleton Beach Foreshore Enhancement and also Amazing South Coast City Centre after the OCM on 28 February 2017.
27. Landcorp is required to undertake a Foreshore Management Plan as part of the development of the Middleton Beach Activity Centre and specifically the hotel site in conjunction with the City of Albany.
28. The Foreshore Management Plan will require Community Engagement and its presentation to the community will be subject to a Council Resolution. The Landscape Management Plan will form part of the Foreshore Management Plan document.

GOVERNMENT & PUBLIC CONSULTATION

29. **Government:** The City has worked closely with Landcorp and Department of Planning to achieve an outcome for the Middleton Beach Activity Centre.
30. **City of Albany:** The Project was identified and agreed by the Executive Management Team and Council as a key City strategic project through the *Strategic Project Assessment Process (Gateway Review)*. A Project Control Group has been established with representation from across the City of Albany including the Major Projects Team, Development Services and Works and Services.
31. **Community Groups:** Consultation with community groups has been undertaken for the Middleton Beach Activity Centre. This consultation provided very strong direction with what the Community values at Middleton Beach and is consistent with previous consultation for the Coastal Parks Enhancement Plan. Additional Community Engagement will be undertaken at the time Landcorp provides the complete Foreshore Management Plan.
32. **Key Community Groups - Project Steering:** Should the City be successful with the BBRF application further consultation will be undertaken with key community stakeholders through the detailed design development process.

STATUTORY IMPLICATIONS

33. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

34. Should the project be supported and funding become available, Federal, State and Local policies would apply to the project implementation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Council could choose not to endorse the Officers recommendation	Possible	Major	High	Multiple Council briefings conducted to ensure Council are fully aware of the project dimensions and requirements.
Reputation. If the project is not funded by BBRF, the project will not progress.	Possible	Moderate	Medium	City officers to notify all stakeholders and continue advocating for alternative funding sources.
Reputation. The project awareness raises community expectations that the project will be implemented irrespective of funding being approved.	Possible	Major	High	Seek reasoning from the funding body and communicate to all stakeholders. Continue advocating for alternative funding sources to complete the project. Develop media and Communication Strategy to manage community expectations.

FINANCIAL IMPLICATIONS

36. The total project has been costed at \$11.04 million and therefore approval is referred to Council for consideration.
37. Council are requested to endorse \$1 million funding (~9% of total project cost) to submit the application.
38. If the application is successful, acceptance will commit the Council to allocate funds to complete the project.
39. Subject to funding success, the City will advocate for further funding to minimise the City's financial commitment.

LEGAL IMPLICATIONS

40. The project will be subject to approvals under the *Heritage of Western Australia Act 1990*.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

42. Council may choose not to support the Middleton Beach foreshore project and application to the Building Better Regions Fund.

CONCLUSION

43. Landcorp have agreed to be a developer contributor and use their committed and proposed funding to apply for additional funding from the BBRF.
44. Stakeholder and community feedback demonstrates strong support for improving the Middleton Beach public realm.
45. The timing of this work allows tie-in to works that will be required to develop the hotel site. The works will considerably improve the public realm and establish a world-class precinct.
46. Should the work not be undertaken, a significant financial commitment to protect the public realm will still be required in future years, but without Landcorp assistance.
47. Council endorsement of the Officers recommendation will endorse the submission of the BBRF application as well as further project funding advocacy and development.

Consulted References	:	BBRF Round 1 Guidelines BBRF Round 1 Frequently Asked Questions Coastal Parks Enhancement Plan 2014 MBAC Community Engagement
File Number (Name of Ward)	:	CP.PLA.9 (Frederickstown Ward)
Previous Reference	:	Strategic Briefing 16 August 2016 Strategic Briefing 15 November 2016 Development and Infrastructure Services Committee 15 February 2017

CCCS014: AMAZING SOUTH COAST CITY CENTRE - BUILDING BETTER REGIONS FUNDING APPLICATION

Land Description	: Albany Town Hall & Albany Public Library
Proponent / Owner	: City of Albany
Attachments	: Nil
Supplementary Information & Councillor Workstation	<i>Commercial-in-Confidence: Amazing South Coast City Centre Building Better Regions Funding Application, 28 February 2017 will be distributed under confidential cover in accordance with section 5.23(c) of the Local Government Act 1995.</i>
Report Prepared By	: Executive Manager Community Services (A. Cousins)
Responsible Officer:	: Chief Executive Officer (A. Sharpe)

Responsible Officer's Signature:



STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2023 and Corporate Business Plan 2014 - 2018:
 - a. **Key Themes:**
 - 1: Smart, Prosperous and Growing
 - 3: A Connected Built Environment
 - 4: A Sense of Community
 - b. **Strategic Objectives:**
 - 1.2: To strengthen our region's economic base
 - 1.3: To develop and promote Albany as a unique and sought after visitor location
 - 3.3: To develop vibrant neighbourhoods which retain our local character and heritage.
 - 4.2: To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
 - c. **Strategic Initiatives:**
 - 1.2.1: Revitalise and promote the central City area
 - 3.3.2: Provide proactive planning and building services
 - 4.1.1: Facilitate and promote arts and cultural activities for all ages

In Brief:

- Endorse the Amazing South Coast City Centre funding application to the Building Better Region's Fund (BBRF), noting that evidence of a matched funding commitment is a requirement of the BBRF application process.

RECOMMENDATION

CCCS014: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) ENDORSE the Chief Executive Officer making application to the Building Better Regions Fund (BBRF) Round One (1) for the Amazing South Coast City Centre Project.**
- (2) Subject to (1) above, NOTE the financial allocation requirement from the City of Albany for \$1,900,000 should the funding application be successful.**
- (3) NOTE that should the BBRF application be successful:**
 - a. The City will advocate for further funding to minimise the City's direct financial commitment to the project.**
 - b. Further Reports to Council will be prepared regarding phased financial allocations in future financial years.**
 - c. Further consultation will be undertaken with key community stakeholders through the detailed design development process.**

BACKGROUND

1. At the Special Council Meeting on the 10 March 2016 Council resolved to commit the required 50% financial contribution of \$1.9 million for the repurposing of the Albany Town Hall as part of funding application to the National Stronger Regions Funding (NSRF) Program.
2. The NSRF application was unsuccessful.
3. A project revision was developed that re-scoped the NSRF project such that it was suitable for the subsequent iteration of the NSRF program—now identified as the Building Better Regions Fund (BBRF).
4. This project revision was renamed – ‘Amazing South Coast City Centre’ and included a scaled Albany Town Hall Repurposing project and an upgrade to the Albany Public Library.

Albany Town Hall

5. The Albany Town Hall was constructed in 1888 and functioned as the principle municipal building, as well as a multipurpose community facility until 1983. During this period multiple upgrades, alternations and additions occurred.
6. In 1983 significant renovations were undertaken to include stage, theatre, auditorium and greenrooms with the building acting as the principle performing arts centre for the Great Southern region.
7. In 2010 the Albany Entertainment Centre opened and the Albany Town Hall effectively closed. A detailed operational and financial model for the activation and use of the Albany Town Hall was not planned.
8. Since 2010 the Albany Town Hall has largely been underutilised and inaccessible by the community and visitors to the region.
9. The Albany Town Hall is recognised as an important heritage asset both at a state and national level—being on the State Register of Heritage Places and National Heritage Commission Register.

10. The Albany community has expressed a long standing desire to house a suitable high quality exhibition space in the region as well as have the Albany Town Hall as central to the civic and cultural identity of Albany.

Albany Public Library

11. The Albany Public Library (APL) has been in operation in its current location since 1968.
12. The APL has 14,000 members and had over 250,000 visits in 2015/2016.
13. The Albany Visitors Centre is being relocated to the front aspect of the APL. The relocated Visitor Centre will feature high quality amenity, digital interfaces and a contemporary design and finish.
14. The APL asset is of a lower quality standard to equivalent regional centres and lacks the required functionality to meet the needs of a contemporary regional library.
15. Opportunities presented through interfacing with planned development in the City Centre (including the Student Housing project) cannot be realised with the asset in its existing condition.

Amazing South Coast City Centre

16. The Amazing South Coast City Centre project includes two facets, as follows:
 - a. Repurposing the Albany Town Hall into a multi-use culture and arts exhibition centre; and
 - b. Upgrading the APL to a contemporary standard equivalent library.

DISCUSSION

Building Better Regions Fund (BBRF)

17. The \$297.7 million Building Better Regions Fund supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future.
18. The program will run over four years from 2016-17 to 2019-20.
19. The program has been designed to achieve the following outcomes in regional and remote communities:
 - create jobs;
 - have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes;
 - enhance community facilities;
 - enhance leadership capacity; and
 - encourage community cohesion and sense of identity.
20. The program will fund projects in regional Australia outside the major capital cities of Sydney, Melbourne, Brisbane, Perth, Adelaide, and Canberra.
21. The Infrastructure Projects Stream will support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.

Project Context - City Centre Revitalisation

22. In 2014 a new Town Square was constructed adjacent to the Town Hall and connecting with the Library.
23. Funding has been secured to relocate the Albany Visitor Centre to the Library; newly named Albany Tourism and Information Hub.

24. An enhancement to York Street (immediately adjacent to the Town Square, Library and Town Hall) was completed in April 2016.
25. The Town Square, Stirling Terrace Enhancement, Visitor Centre Relocation and York Street Enhancement will contribute to a revitalised City Centre. The Amazing South Coast City Centre Project will further support this aim, promoting the City Centre as a viable civic, cultural, education and commercial district.

Project Context - Community Need

26. Community discussion regarding the need for a high quality exhibition/cultural space has a long history in Albany. Public newspaper articles indicating proposals regarding this matter date back to the mid-1970's.
27. A comprehensive *Cultural Mapping Report* from 2006 identifies the Town Hall as the cultural hub of Albany and potential venue for a Regional Gallery.
28. As part of the development of the Albany Entertainment Centre a proposal to include a high quality exhibition space was put forward though ultimately abandoned in the detailed design process.
29. Broad-based community consultation undertaken by the City regularly identifies the need for a regional gallery and cultural space. This occurred as part of the consultation undertaken for the City's Current Strategic Plan - 2023.
30. The Albany Public Library (APL) is one of the City's most heavily used services.
31. The APL has not undergone a significant upgrade since 1968. The facility can no longer meet the needs of the City, particularly in the context of growing education requirements related to the future student housing development.

Project Development – Timeline

32. City Officers presented to a Strategic Briefing of Council on 28 May 2015 regarding the Town Hall and potential future-use options, including repurposing the venue to a multipurpose exhibition space.
33. On 24 June 2015 the City of Albany CEO convened a Working Group to review and assess development opportunities within the City Centre, including future-use options for the Albany Town Hall.
34. The Western Australian Museum presented to a Strategic Briefing of Council on 01 July 2015, regarding options for the future-use of the Albany Town Hall.
35. A community group *NewArts* presented to the Community Services Committee in 03 November 2015 regarding their concepts for the future-use of the Albany Town Hall as a Regional Gallery.
36. In February 2016 the City's Executive undertook a *Strategic Project Assessment Process (Gateway Review)* to determine priority projects that should target future funding sources. The Albany Town Hall was identified as the top priority project.
37. In February 2016 Council were briefed on the *Strategic Project Assessment Process (Gateway Review)* and advised Officers were proceeding with preparing a funding application for the Repurposing of the Town Hall for the NSRF Round 3 program.
38. To progress the project a *Project Control Group* was established with representation from across City of Albany Directorates including the Major Projects Team and Community Services.
39. A business case, concept design, project costing and heritage impact assessment were commissioned in preparation for the NSRF Round 3 application which was unsuccessful – Submitted in March 2016.

40. In February 2017 Council were briefed on the proposed approach to the BBRF Round 1 application for the Amazing South Coast City Centre.
41. A business case, concept design, project costing were commissioned in preparation for the BBRF Round 1 application – submitted in February 2016.

Project Detail - Community Benefits

42. Repurposing the Albany Town Hall will enhance its use, contribute to the activation of the City Centre and add-value to the City's Cultural Tourism Product. The design intent of the Project is to enhance the cultural heritage significance of the building while contributing to functionality.
43. The APL upgrade will enable a contemporary fitout, more flexible spaces, collaborative workspaces and integration with future education requirements.

GOVERNMENT & PUBLIC CONSULTATION

44. **Government:** The City has undertaken consultation and engagement with the State Heritage Office for the conversion of the Albany Town Hall into a multipurpose flat floor facility dating back to 2010. The City has recently consulted with the Department of Culture and Arts and statutory authorities – Western Australian Museum, and Art Gallery of Western Australia with no major objections received.
45. **City of Albany:** The Project was identified and agreed by the Executive Management Team and Council as a key City strategic project through the *Strategic Project Assessment Process (Gateway Review)*. A Project Control Group has been established with representation from across the City of Albany including the Major Projects Team, Community Services and local heritage architect, Howard + Heaver.
46. **Community Groups:** Consultation with community groups has been undertaken including NewArts and Mix Artists Inc and the BBRF application had 40 letters of support for the project.
47. **Key Community Groups - Project Steering:** Should the City be successful with the BBRF application further consultation will be undertaken with key community stakeholders through the detailed design development process.

STATUTORY IMPLICATIONS

48. The voting requirement of Council is to be a Simple Majority.

POLICY IMPLICATIONS

49. Should the project be supported and funding become available, Federal, State and Local policies would apply to the project implementation.
50. The Albany Town Hall will be considered for inclusion in any future Cultural Planning undertaken by the City.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Council could choose not to endorse the Officers recommendation	Possible	Major	High	Multiple Council briefings conducted to ensure Council are fully aware of the project dimensions and requirements.
Reputation. If the project is not funded by BBRF, the project will not progress.	Possible	Moderate	Medium	City officers to notify all stakeholders and continue advocating for alternative funding sources.
Reputation. The project awareness raises community expectations that the project will be implemented irrespective of funding being approved.	Possible	Major	High	Seek reasoning from the funding body and communicate to all stakeholders. Continue advocating for alternative funding sources to complete the project. Develop media and Communication Strategy to manage community expectations.

FINANCIAL IMPLICATIONS

52. The total project has been costed at \$4.7 million and therefore approval is referred to Council for consideration as the BBRF program requests matched funding from applicants.

53. Council are requested to endorse \$1.9 million funding to submit the application.

54. Should the project be successful in securing funding through BBRF, there is potential financial implications over two financial years (i.e.2017/2018 and 2018/2019). The acceptance of any external funds will commit the Council to making an allocation in the 2017/2018 and 2018/2019 budget to complete the project should Council choose to progress to a contract with the Funding Body.

55. Subject to funding success, the City will advocate for further funding to minimise the City's financial commitment.

56. The City currently has an application pending with Lotterywest that includes the Town Hall project and Alison Hartman Gardens. This application will be the subject of a future Report to Council.

LEGAL IMPLICATIONS

57. The project will be subject to approvals under the following legislation:

- a. Heritage of Western Australia Act 1990.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

59. Council may choose not to support the Amazing South Coast City Centre Project and application to the BBRF (Round 1).

CONCLUSION

- 60. A long-term strategy to activate the Albany Town Hall and enhance its community use and visitation has been identified as a priority by Council and the community.
- 61. The APL asset does not meet the current and future needs of the City.
- 62. Stakeholder and community feedback demonstrate strong support for repurposing the Albany Town Hall, upgrading the APL - as well as City Centre reactivation projects.
- 63. The Amazing South Coast City Centre project is consistent with recent and current development in the City Centre including the Town Square, Stirling Terrace Enhancement, Visitor Centre Relocation and York Street Enhancement.
- 64. The Amazing South Coast City Centre project will create a high profile cultural tourism and education asset in Albany and contribute to economic diversification of the region.
- 65. The BBRF Round 1 represents one of the largest pools of funding available to Council to fund the project.
- 66. Council endorsement of the Officers recommendation will ratify the submission of the BBRF Round 1 application as well as enable further project funding advocacy and development.

Consulted References	:	BBRF Round 1 Guidelines BBRF Round 1 Frequently Asked Questions Town Hall Conservation Plan CBD Masterplan 2010
File Number (Name of Ward)	:	CP.PLA.9. Frederickstown Ward
Previous Reference	:	Strategic Briefing 28 May 2015 Strategic Briefing 1 July 2015 Strategic Briefing 8 March 2016 Development and Infrastructure Services Committee Briefing 15 February 2017

- 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. MEETING CLOSED TO THE PUBLIC**
- 14. CLOSURE**