



AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 12 July 2022

6.00pm

Council Chambers



Community & Corporate Services Committee
Terms of Reference

Functions: The Committee is responsible for the following functions:

The Community and Corporate Services Committee is responsible for the following functions:

- **Community Services** – delivery of the outcomes defined in the Strategic Community Plan 2032 under the **People Pillar** and the **Leadership Pillar**:
 - Diverse and inclusive community;
 - Happy, healthy and resilient community; and
 - A well-informed and engaged community.
- **Corporate Services** – delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Leadership Pillar** and **Prosperity Pillar**:
 - A safe community;
 - A resilient community that can withstand, adapt to and recover from natural disasters;
 - A strong diverse and resilient economy with work opportunities for everyone;
 - A highly sought after tourist destination;
 - Proactive, visionary leaders who are aligned with community needs and values; and
 - Strong workplace culture and performance.
- Monitoring and commenting on the financial health and strategies of the City.
- Service Complaint Internal Review.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership:	Open to all elected members
Meeting Schedule:	Monthly
Meeting Location:	Council Chambers
Directorates:	Corporate & Community Services
Executive Officer(s):	Executive Director Corporate & Commercial Services, Executive Director Community Services
Delegated Authority:	None

COMMUNITY AND CORPORATE SERVICES COMMITTEE
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COMMUNITY AND CORPORATE SERVICES COMMITTEE
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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 past, present and emerging”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Member	P Terry (Chair)
Member	G Stocks
Member	M Traill
Member	T Brough
Member	M Benson-Lidholm JP
Member	J Shanhun
Member	S Smith (Deputy Chair)
Member	C Thomson
Member	R Sutton
Member	D Baesjou

Staff:

Chief Executive Officer	A Sharpe
Executive Director Community Services	N Watson
Executive Director Corporate & Commercial Services (Acting)	L Harding
Manager Finance	S Van Nierop

Meeting Secretary	C Crane
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Apologies:

Member	A Goode (Leave of Absence)
Member	A Cruse

COMMUNITY AND CORPORATE SERVICES COMMITTEE
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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

In accordance with *City of Albany Standing Orders Local Law 2014* (as amended) the following points apply to Public Question Time:

- Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*
- (a) the same or similar question was asked at a previous Meeting, a response was provided and the member of the public is directed to the minutes of the Meeting at which the response was provided;*
 - (b) the member of the public asks a question or makes a statement that is offensive, unlawful or defamatory in nature, provided that the Presiding Member has taken reasonable steps to assist the member of the public to rephrase the question or statement in a manner that is not offensive, unlawful or defamatory.*

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 7 June 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS Nil.

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS448: FINANCIAL ACTIVITY STATEMENT – MAY 2022

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement - May 2022
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Strong workplace culture and performance

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 May 2022 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.

RECOMMENDATION

CCS448: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 May 2022 be RECEIVED.

DISCUSSION

2. 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.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS367, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2021/2022.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.

6. It is noted 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:

- 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (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.
- 34(2) Each statement of financial activity is to be accompanied by documents containing-
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (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.
- 34(3) The information in a statement of financial activity may be shown –
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

8. The City's 2021/22 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 May 2022 has been incurred in accordance with the 2021/22 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil

ENVIRONMENTAL CONSIDERATIONS

13. Nil

ALTERNATE OPTIONS

14. Nil

CONCLUSION

15. The Authorising Officer's recommendation be adopted
16. It is requested that any questions on specific payments are submitted to the Executive Director Corporate & Commercial 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.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS449: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2022

Business Entity Name	: City of Albany
Attachments	: List of Accounts for Payment
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - Pillar:** Leadership.
 - Outcome:** Strong workplace culture and performance.

IN BRIEF

- 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.

RECOMMENDATION

CCS449: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2022 totalling \$6,290,509.21 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2022. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$20,252.96
Payroll	\$1,650,570.51
Cheques	\$38,604.90
Electronic Funds Transfer	\$4,581,080.84
TOTAL	<u>\$6,290,509.21</u>

The table below summaries the total outstanding creditors as at 15 June 2022.

Current	\$876,831.71
30 Days	\$373,032.70
60 Days	\$7,774.89
90 Days	\$40,149.97
TOTAL	<u>\$1,297,789.27</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 June 2022 has been incurred in accordance with the 2021/2022 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 June 2022 has been incurred in accordance with the 2021/2022 budget parameters.

LEGAL IMPLICATIONS

8. Nil

ENVIRONMENTAL CONSIDERATIONS

9. Nil

ALTERNATE OPTIONS

10. Nil

CONCLUSION

11. That the list of accounts have been authorised for payment under delegated authority.
12. 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.

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

CCS450: DELEGATED AUTHORITY REPORTS – 16 MAY 2022 to 15 JUNE 2022

Proponent / Owner : City of Albany
Attachments : Executed Document and Common Seal Report.
Report Prepared By : PA to the ED Corporate & Commercial Services (H Bell)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS450: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 May 2022 to 15 June 2022 be RECEIVED.

BACKGROUND

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
 - Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY
(Chief Executive Officer)
 - Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
 - Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

CCS451: WRITE OFF GENERAL DEBT REPORT AS AT 30 JUNE 2022

Proponent	: City of Albany
Attachments	: General Debtors Write Off Report
Report Prepared by	: Manager Finance (S Van Nierop)
Authorising Officer	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS451: AUTHORISING OFFICER RECOMMENDATION

THAT the General Debtors Write Off Report as at 30 June 2022 be RECEIVED.

CCS452: CORPORATE SCORECARD

Attachments	: Attachment – ‘CS Dashboard Q4 2021-22’
Report Prepared By	: Business Planning and Performance Coordinator (A Olszewski)
Authorising Officer:	: Acting Executive Director Corporate & Commercial Services (L Harding)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany’s Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2021-2025 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council’s priority commitments to the community.
- The Corporate Scorecard (CS) Dashboard concept was developed to provide a quarterly update to Council on the status of these actions.

RECOMMENDATION

CCS452: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. These actions are monitored through Business Unit Plans, which define (on a minimum quarterly basis) associated service levels and enable assignment of a simple ‘traffic light’ status to each action.
4. The first iteration of the CS Dashboard was presented to Council at the November 2021 CCS Committee meeting for feedback, and subsequently endorsed at the December 2021 Ordinary Council meeting.

DISCUSSION

5. The ‘CS Dashboard Q4 2021-22’ (attached) provides an update on the status of CBP actions for the April – June 2022 Quarter, identifying those actions potentially ‘at-risk.’
6. ‘At-risk’ actions include those assigned with a traffic light status of either:
 - Red (a service *not meeting* its service level, or a project *not on track*), or;
 - Orange (a service *under strain*, or a project that has *stalled*).
7. As part of the continuous improvement of the CS Dashboard, commentary has now been added to the list of ‘At-risk’ actions in the final section of the report.

GOVERNMENT & PUBLIC CONSULTATION

8. N/A.

STATUTORY IMPLICATIONS

9. There are no direct statutory implications, however the CS Dashboard supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in *accordance with section 5.56*, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

POLICY IMPLICATIONS

10. N/A.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational/Business Operations: Loss of reputation from not following through on commitments outlined in CBP.	Likely	Minor	Moderate	Staff to review and address areas of concern prior to reconsideration by Council.
Opportunity: Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.				

FINANCIAL IMPLICATIONS

12. N/A.

LEGAL IMPLICATIONS

13. N/A.

ENVIRONMENTAL CONSIDERATIONS

14. N/A.

ALTERNATE OPTIONS

15. Council may choose not to review progress of commitments made in the CBP through the proposed CS Dashboard, and delegate this oversight to the City's Executive.

CONCLUSION

16. It is recommended the CS Dashboard be noted.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995, s5.56</i>• <i>Local Government (Administration) Regulations 1996, Reg. 19D</i>• <i>IPR Framework and Guidelines 2019</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none">• OCM 24/08/2021 - Report Item CCS374• CCS 30/11/2021 – Report Item CCS398

CCS453: QUARTERLY REPORT – TENDERS AWARDED – APRIL TO JUNE 2022

Proponent	: City of Albany
Attachments	: Quarterly Report – Tenders Awarded – April to June 2022
Report Prepared by	: Senior Procurement Officer (H Hutchinson)
Authorising Officer	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.

RECOMMENDATION

CCS453: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – April to June 2022 be RECEIVED.

CCS454: PROPOSED SURRENDER OF LEASE AND REPLACE WITH A NEW LEASE TO JONATHON MARWICK AND KATE MARWICK AS TRUSTEE FOR THE MARWICK FAMILY TRUST – EMU POINT CAFE

Land Description	: Crown Reserve 22698, Lot 1461 on Deposited Plan 219777 the subject of Certificate of Crown Land Title Volume LR3110 Folio 171, Mermaid Avenue, Emu Point
Proponent	: Jonathon Sylvester Marwick and Kate Patricia Marwick as trustee for the Marwick Family Trust trading as Emu Point Cafe (ABN 58 942 450 762)
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan:
 - **Pillar:** Prosperity
 - **Outcome:** A strong, diverse and resilient economy with work opportunities for everyone.

Maps and Diagrams:



In Brief:

- Council is requested to consider a surrender of lease and replace with a new commercial lease to the current tenant Jonathon Marwick and Kate Marwick as trustee for the Marwick Family Trust, trading as Emu Point Cafe.
- The current tenant is proposing to further invest in the premises by undertaking improvements, at their cost.
- Proposed improvements include upgrades to the cafe and kiosk kitchens, internal refurbishment and veranda extension.
- Given the current lease expires in December 2023, the tenant has approached the City to request the surrender of its current agreement in favour of entering into a new agreement for a term of 5 years plus 5 year option to secure longer tenure.
- It is proposed that the surrender of lease will be effective only on the granting of a new lease.
- It is recommended the proposed surrender and new commercial lease to the current tenant be approved.

RECOMMENDATION

CCS454: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the surrender of lease and replace with a new lease for Jonathon Sylvester Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust, trading as Emu Point Cafe, on Crown Reserve 22698, over existing cafe and restaurant premises situated at 1 Mermaid Avenue, Emu Point subject to:

- a) The surrender of lease will be effective only on the granting of a new lease.**
- b) Lease purpose being for “Commercial Cafe and Restaurant and associated activities” in accordance with and limited by the Management Order over the Land.**
- c) New lease term being five (5) years plus a five (5) year option, commencing as soon as practicable.**
- d) Lease area being approximately 372m².**
- e) Lease rent being determined by market valuation provided by a licensed Valuer.**
- f) Rent reviews by market valuation every three years with Consumer Price Index applied for intervening years.**
- g) Lease special condition to document Coastal Hazard Provisions.**
- h) Lease special condition to note City works and Tenant works to happen at the same time. No compensation payable by City or Minister for Lands to tenant for any disruption, loss of business or revenue as a result of these works.**
- i) Section 18 of the *Lands Administration Act 1997*, the Minister for Lands consent being obtained.**
- j) Disposal of Property advertising in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.**
- k) All costs associated with the preparation of surrender of lease documentation and ongoing operations of the lease property being payable by the tenant. (Noting the costs associated with the preparation of the new lease documentation to be paid by the City as it is a retail lease governed by the *Commercial Tenancy (Retail Shops) Agreements Act 1985*).**
- l) Lease being consistent with City Policy – Property Management (Leases and Licences).**

BACKGROUND

2. The Emu Point Cafe, as it is known, is located within Crown Reserve 22698, Mermaid Avenue Emu Point.
3. The reserve is under management order issued to the City of Albany with the power to lease or licence for any term not exceeding 50 years for the purpose of “Recreation and Associated Business Purposes”, subject to the consent of the Minister for Lands.
4. The tenant holds a commercial lease for the cafe which is due to expire on 14 December 2023. Current lease rental is \$42,997.25 plus GST per annum.
5. The tenant of the cafe is proposing to undertake improvements to the premises, at their cost. In return the tenant seeks security of tenure to support the investment in the premises.
6. The tenant has approached the City to request the surrender of its current agreement in favour of entering into a new agreement for a term of 5 years plus 5 year option to secure longer tenure.

DISCUSSION

7. The City has planned and budgeted for maintenance works to the Emu Point Cafe premises in the 2022/23 financial year. The scope of works include:
 - external roof replacement;
 - kitchen ceiling replacement; and
 - removal of asbestos.
8. The above works will require the closure of the cafe to complete the works. City officers have been working with the tenant to agree works timeframes to minimise disruption to cafe operations.
9. The tenant is now proposing to utilise the closure to undertake their own improvements to the premises. Tenant improvement works include:
 - Upgrade both the cafe and kiosk kitchens to improve functionality;
 - Internal refurbishments; and
 - Extend veranda roof to provide additional undercover seating area (to be completed in a staged approach).
10. It is proposed that the new lease will commence as soon as practicable.
11. The new lease will contain a special condition to note the above City works and the Tenant improvement works are to be undertaken at the same time. No compensation is payable by the City or the Minister for Lands to the tenant for any disruption or loss of business or revenue as a result of these works.
12. Given cafe customers utilise the City’s adjoining public toilet facilities the tenant pays to the City an annual fee of \$2,569 plus GST per annum for ongoing use of these facilities. The fee is reviewed annually.

Coastal Hazards

13. The Coastal Hazard Risk Management and Adaption Plan (CHRMAP) for the Emu Point to Middleton Beach Coastal area has noted the lease site is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.
14. As such it is proposed a special condition be included in the lease acknowledging CHRMAP and that the tenant is aware of potential requirements and limitations on the lease area.
15. Expanded rights of the City will be included to allow the City conduct works relating to coastal protection treatments.
16. Further indemnification clauses will be included in the lease to ensure the City is not liable for any loss or damage by the tenant by any reason arising from coastal processes.

New Lease Agreement

17. The table below summarises the key terms of the proposed new commercial lease:

ITEM	DETAILS
Tenant	Jonathon Sylvester Marwick and Kate Patricia Marwick as trustees for the Marwick Family Trust
Land Description	Crown Reserve 22698, Lot 1461 on Deposited Plan 219777 the subject of Certificate of Crown Land Title Volume LR3110 Folio 171, Emu Point
Lease and Licence Area	Lease Area – Approx. 372m ²
Land Ownership	Crown (City of Albany under Management Order)
Building Ownership	City of Albany
Permitted Use	Commercial cafe and restaurant
Term	5 years + 5 year option
Initial Rent	Lease rent to be determined by market valuation provided by licensed Valuer
Rent Review	Market valuation every 3 year with Perth All Groups CPI applied on the anniversary for all other years
Outgoings	Tenant responsible for all outgoings, including insurance
Utilities	Tenant responsible for all utilities
Maintenance	Tenant responsible for own day to day maintenance
Special Condition	The lease area has been identified under the Coastal Hazard Risk Management and Adaption Plan (CHRMAP) to likely be subject to coastal erosion over the next 100 years. The tenant is aware of the requirements and potential limitations that may apply given the coastal location of the site, including town planning and other requirements. Indemnification clauses will be included in the lease to ensure the City and Minister for Lands are not liable for any loss or damage by the tenant by any reason arising from coastal processes.
Special Condition	The City works and the Tenant improvement works are to be undertaken at the same time. No compensation is payable by the City or the Minister for Lands to the tenant for any disruption, loss of business or revenue as a result of these works.

18. The Tenant has agreed in principle with the above terms, subject to Council and Minister for Lands approval.
19. The remaining terms of the lease agreement will be developed in line with City Policy – Property Management (Leases and Licences) and the *Commercial Tenancy (Retail Shops) Agreement Act 1985*.

GOVERNMENT & PUBLIC CONSULTATION

20. The Department of Planning, Lands and Heritage has been consulted with regards to the proposed surrender and new replacement lease, with in principle consent provided subject to Section 18 of the *Land Administration Act 1997* as required.
21. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. The Act requires the following:
- A local government must give local public notice of the proposed lease/licence inviting submissions from the public, for a period of two weeks.
 - Any submissions are to be considered by Council and their decision with regard to those submissions, to be recorded in the minutes.
 - A local government can then proceed with the lease/licence.
22. The new lease will be advertised to comply with the requirements of Section 3.58 of the *Local Government Act 1995*.

23. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise proposed lease in local newspaper inviting submissions from the public	A two week period following Council endorsement of agenda item	Open	Section 3.58 of the <i>Local Government Act 1995</i>

STATUTORY IMPLICATIONS

24. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property including leased/licensed land and buildings.
25. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
26. As this is Crown land, under Management Order held by the City, the Minister's consent will be sought prior to execution of the lease.
27. The new lease documentation will be a retail lease governed by the *Commercial Tenancy (Retail Shops) Agreement Act 1985*.

POLICY IMPLICATIONS

28. The City's Property Management (Leases and Licences) Policy aims to support the equitable access, and the efficient and effective management of City owned and managed properties in line with statutory procedures.
29. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: <i>Surrender and new Lease not approved.</i>	Possible	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Reputational: <i>surrender and new lease not approved – further building upgrades not undertaken</i>	Possible	Minor	Medium	Seek to negotiate terms to Council satisfaction Negotiate with tenant to undertake improvements
Financial: <i>new lease not approved – possible loss of commercial rental income in short term</i>	Possible	Moderate	Medium	Seek to negotiate terms to Council satisfaction.
Opportunity: <i>Demonstrate City's commitment to attracting investment, tourism, economic development and new jobs to the region</i>				
Opportunity: <i>Improved City lease premises and cafe services in Emu Point to enhance visitor experience</i>				

FINANCIAL IMPLICATIONS

31. All costs associated with the development and finalisation of the surrender of lease documentation will be met by the tenant.
32. In accordance with section 14B of the *Commercial Tenancy (Retail Shops) Agreements Act 1985* all costs associated with the preparation, execution and completion of the new lease documentation will be payable by the City of Albany as Landlord.

LEGAL IMPLICATIONS

33. The commercial lease documentation will be prepared by City's lawyers with enforceable terms and conditions.

ENVIRONMENTAL CONSIDERATIONS

34. The Coastal Hazard Risk Management Plan (CHRMAP) project for the Emu Point to Middleton Beach Coastal areas has noted the lease site is located within an area likely to be subject to coastal erosion and / or inundation over the next 100 years.
35. The CHRMAP notes that based on the current condition of existing protection structures and measures it is expected to mitigate the likelihood of coastal erosion in the vicinity of the lease premises over the medium term (approx.50 years).
36. The new lease will include provisions to ensure tenant acknowledges and accepts the potential impact of coastal erosion and/or inundation, sea level rises and other coastal processes.
37. Further indemnification clauses be included such that the City will not be liable for any damage to tenant infrastructure, loss of use, or liability to any third parties as a result of erosion or the coastal location of the site and the City has rights to conduct works relating to coastal protection treatments.

ALTERNATE OPTIONS

38. Council may:
 - Approve the surrender and new lease; or
 - Decline the request.
39. Should Council not support the surrender and new lease, the existing lease will remain in place until December 2023. The tenant may reconsider investing further in improvements to the premises.

SUMMARY CONCLUSION

40. The current tenant of the Emu Point Cafe is proposing to undertake improvements to the premises, at their cost. In return the tenant seeks security of tenure to support the investment in premises.
41. The tenant has requested to surrender the existing lease and replacement with a new lease for a term of 5 years plus 5 year option.
42. The tenant has successfully operated a cafe from the premises since 2010 and met the obligations of the existing lease including payment of rent and outgoings.
43. It is recommended that the surrender and replacement new lease to Jonathon Marwick and Kate Patricia Marwick as Trustee for the Marwick Family Trust be supported.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Leases and Licences) Policy • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i> • <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>
File Number (Name of Ward)	:	PRO319, A152433 (Breaksea Ward)
Previous Reference	:	OCM 26/11/2013 Item CSF037

CCS455: ROBINSON PRECINCT AND STIDWELL BRIDLE TRAIL STUDY

Proponent / Owner	: City of Albany
Attachments	: Robinson Precinct and Stidwell Bridle Trail Study Final Report
Report Prepared By	: Manager Recreation Services (M Green)
	: Manager City Reserves (J Freeman)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcome:** A happy, healthy and resilient community
 - **Pillar:** Planet
 - **Outcome:** Conserve and enhance the region's natural reserves
 - **Pillar:** Place
 - **Outcome:** Provide attractive and sustainable parks, playgrounds and reserves

In Brief:

- To inform Council on the Robinson Precinct and Stidwell Bridle Trail Study and the proposed next steps.

RECOMMENDATION

CCS455: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. **NOTE the Robinson Precinct and Stidwell Bridle Trail Study; and**
2. **NOTE that City staff will collaborate with the Friends of Stidwell Bridle Trail group to develop an implementation plan.**

BACKGROUND

2. The Stidwell Bridle Trail (SBT) is a network of bridle trails which consists of the Robinson Loop, the Sandpatch Loop, the Werrilup Loop and associated access trails (also known as feeder trails). All trail loops are promoted to start and end at the Albany Equestrian Centre (AEC) in Robinson. The SBT is located within a Public Drinking Water Source Area (PDSWA) and wellhead protection zones (WHPZs).
3. There has been ongoing conflict between horse riders and other users within the Robinson area and Sandpatch Reserve (Focus Area) which is creating safety risks for all users. This has included speeding vehicles and large groups of cyclists along the roads within Robinson, and recreational vehicles (i.e., four wheel drives and trailbikes), both licensed and unlicensed, within Sandpatch Reserve.
4. Recreational use within the focus area has increased since 2000 and particularly since the closure of the motocross track on Roberts Road in 2012.
5. User conflict on the SBT has caused significant safety risks for horse riders. The damage by vehicles both on and off unsealed tracks in the Focus Area is also significant.
6. There have been attempts by the CoA to mitigate this risk by erecting signage and horse-only gates on the SBT as well as undertaking education, but the conflict has continued.
7. In December 2020, a meeting was held with concerned community members (from the horse community), City staff and Councillors to discuss a way forward in regards to the management

of the Stidwell Bridle Trail. This resulted in an agreement to form a working group to assist in addressing the concerns raised.

8. An expression of interest was sent to all residents within Robinson. From submissions received a Project Working Group (PWG) was formed consisting of City officers (Recreation Services, Reserves, Public Health & Safety), Ward Councillors, Agency representatives (Police, DWER and Water Corporation) and 10 community members from various user groups (namely equestrian groups).
9. Based on the complexities of the land management and the ongoing safety concerns of the SBT, the City of Albany (CoA) engaged Tredwell Management through an RFQ process in July 2021 to undertake an objective and independent study into the issues within the Robinson Precinct and Stidwell Bridle Trail (SBT).
10. The Study was to explore the history, current management, environmental and safety issues with a focus on equestrian use and provide recommendations for future management and ongoing improvements. The Focus Area for the Study included the SBT and the Robinson Precinct.
11. The SBT exists on a complex land tenure including traversing alongside gazetted roads and Water Corporation drains, through reserves vested in the CoA, across unallocated Crown land and through DWER-managed wellhead protection zones (WHPZ) and a PDWSA.
12. The Stidwell Bridle Trail Study assists to respond to the City of Albany's Trails Hub Strategy (2015-2025) recommendation under section 5.1 and Strategy 1.1 to 'Review and upgrade the Mike Stidwell Trail and Network'.

DISCUSSION

Study methodology

13. The Study involved a review of a wide range of legislation, policies, regulations, and other background information relevant to the Focus Area. It is noted the City has completed a number of studies on the Stidwell Bridle Trail and Sandpatch Reserve as noted below;
 - SBT Trail Development Plan (1999)
 - SBT Trail Maintenance Plan (2000)
 - SBT Sandpatch Loop Realignment Plan (2009)
 - SBT Maintenance Plan (2010)
 - Draft Sandpatch Recreation Management Plan (2019)
14. The Study was undertaken over a 9-month period across a series of phases covering Project Start-Up and Background Document Review, Site Appraisal and Consultation with Key Stakeholders, Draft Report and Feedback, Final Report.
15. The consultation process gathered information from a wide range of perspectives. This involved workshops with the PWG, an accompanied site visit and interviews with targeted stakeholders, including regular trail users and State Government agencies.

Key Outcomes

16. The SBT traverses land managed by the CoA (road corridors and vested Crown Reserves R34370 and R13773) and the Water Corporation (drainage reserve), as well as a parcel of Unallocated Crown Land.
17. The Focus Area is located within the South Coast Water Reserve and is a PDWSA. DWER, Water Corporation and the CoA have a shared responsibility for the protection of PDWSAs. The SBT and Robinson Precinct are located within Drinking Water Priority Areas (P1 and P2) and sections of the trail are also within wellhead protection zones (WHPZ).
18. A key policy which applies to the SBT and all Crown land within the Focus Area is the Department of Water and Environmental Regulation's (DWER) Operational Policy 13: Recreation within public drinking water source areas on crown land (2019).

19. The SBT is recognised as an existing approved land use and can continue at current levels/capacity because the trail was existing and formally designated before 2012 (and before Operational Policy 13 was updated to reflect recommendations from a parliamentary inquiry into recreation within PDWSAs). However, any proposed increases in capacity, facilities or change in use or recreation events must be assessed in accordance with Operational Policy 13.
20. The Study has identified a potential conflict between the CoA Local Government Property Local Law (2011), the Activities and Thoroughfares Local Law 2011 and the Department of Water and Environmental Regulation's Operational Policy 13 (as per pages 13 and 65-66 of report) regarding public use of management tracks.
21. The SBT in its current state does not provide a safe and appealing trail user experience and requires improvements, particularly with regards to addressing safety concerns associated with trail user conflict and ongoing maintenance requirements.
22. There are currently limited resources allocated for the implementation of the SBT Trail Maintenance Plan (2010). The plan is now out-of-date and maintenance has been generally reactive to community requests.
23. The trailhead signage located on the grounds of the Albany Equestrian Centre is in good condition. However, the content of this sign requires review and update to ensure that all relevant trail information is provided.
24. Management/risk signage relating to 'shared use' of the SBT has caused confusion among the trail user community and the Study identifies a range of actions to address this.
25. The existing wayfinding system is in varied condition across the SBT, with many units in poor condition, and some units missing the arrow/indicator plaque.

Off-road vehicles

26. A key issue identified within the SBT Study is the conflict of use that is occurring within the Focus Area between equestrian users and off-road vehicles and the Study has made a range of recommendations to mitigate this issue.
27. The report identifies a potential conflict between CoA Local Laws and the Department of Water and Environmental Regulation's Operational Policy 13 (as noted above in point 20) regarding public use of land management tracks.
28. The SBT Study recommends the CoA undertake a review of the applicable Local Laws to provide clarity around the definition of a public road within a PDWSA.
29. The City's Manager Governance and Risk has advised:

RE: Operational Policy 13 – Recreation within public drinking water source areas on crown land

30. The CoA acknowledges that this policy should guide local governments responsible for promoting and approving recreational activities within PDWSAs and that it should also guide groups and individuals that plan, organise or participate in recreation activities within PDWSAs.
31. It is also noted that this policy applies to crown land in all PDWSAs, unless a drinking water source protection report specifically recommends an alternative outcome for recreation.
32. The CoA's position is that it is the remit of the Department of Water and Environmental Regulation (DWER) and its delegated agents (Water Corporation) to provide compliance oversight and enforcement in PDWSAs.

RE: Incidence of illegal riding of unregistered vehicles on the SBT

33. The control of vehicles in off-road areas in Western Australia is regulated under the *Control of Vehicles (Off-road Areas) Act 1978* (ORV Act).

34. The tracks within the SBT have not been formally designated as either a permitted or prohibited area suitable for Off Road Vehicle (ORV) use.
35. Before a site can be made a permitted or prohibited area, it must be assessed for suitability by the Department of Local Government's ORV Advisory Committee.
36. The CoA as well as other local governments face competing demands and challenges in administering the ORV Act and its local laws pertaining to illegal riding, particularly unregistered vehicles.
37. In accordance with the City's local laws, vehicles are not allowed on City of Albany managed reserves unless permitted through determination.

RE: City of Albany Local Laws pertaining to control of vehicle use within the SBT

38. Tracks within the SBT Study Focus Area (including Sandpatch Reserve) are considered to fall under the category of a 'clearly designated accessway' under the CoA's Local Laws.
39. With this interpretation and application, use of vehicles on these routes by members of the public is not prohibited.

Next Steps

40. The SBT has strong levels of interest, advocacy and support within the local equestrian community, however until the establishment of the PWG, this was not in a formalised manner.
41. A community group known as the 'Friends of SBT' formerly existed, however has since dissolved. Re-establishment of the 'Friends of the SBT' by members of the local community who are willing to volunteer time and effort to the trail's ongoing advocacy and maintenance, will ensure that a formal stakeholder group is established and involved in supporting the City with the trail's management.
42. A best practice example of an effective partnership is between the Shire of Serpentine-Jarrahdale and the Darling Downs Residents Association, who collaboratively manage and maintain the Darling Downs Bridle Trails and Equestrian Precinct.
43. It is recommended that supporting the re-formalisation of the 'Friends of SBT' is the first step in the process to establish stronger collaboration between the community and City with regards to management and maintenance of the SBT.
44. City officers from Reserves and Recreation Services will then work with The Friends of SBT to develop a prioritised implementation plan that is informed by the Study's recommendations and proposed timeframes, and has shared responsibilities.

GOVERNMENT & PUBLIC CONSULTATION

45. Tredwell undertook consultation with the PWG, key stakeholders and targeted members of the trail user community to inform the Stidwell Bridle Trail Study.
46. The Stidwell Bridle Trail Study includes a report on the consultation undertaken on pages 44-52, and summaries of the stakeholder interviews are provided as a separate attachment to this report.
47. Targeted consultation was preferred for the Study and supported by the PWG due to its specific focus on equestrian use and user conflict within the Focus Area, and the complexity of the land tenures and governing laws and policies.
48. It is expected that implementation of Study recommendations will require additional consultation with targeted stakeholders (Water Corp, DWER etc.), as well as broader community consultation where appropriate.

STATUTORY IMPLICATIONS

49. There is no direct statutory requirements in relating to noting this report.

POLICY IMPLICATIONS

50. The review of the SBT was identified in the CoA Trails Hub Strategy 2015-2025. The Stidwell Bridle Trail Study will assist in achieving outcomes contained within the Trails Hub Strategy.
51. The Study identifies potential conflicts between the CoA Local Government Property Local Law (2011), the Activities on Thoroughfares and Public Places and Trading Local Law 2011 and the Department of Water and Environmental Regulation's Operational Policy 13. These are outlined on Page 13 and Pages 65-66 of the attached report, along with Appendix 1.
52. Officers will prepare a report that will consider addressing the view that a conflict may exist between the City's local laws and the State's Operational Policy 13 – Recreation within public drinking water source areas on crown land.
53. It is proposed that a determination pursuant to the City's *Local Laws* will be prepared for Council consideration.
54. The report will consider the purpose and effect of the determination, specifically:
 - a. Categorisation of tracks within the SBT, which may designate specific or shared use; and
 - b. The legalities and practicalities of compliance and enforcement.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Community, Property & Reputation: <i>The Stidwell Bridle Trail is not maintained to user's expectations.</i>	Possible	Moderate	Medium	Work with a Friends of Stidwell Bridle Trail Group to develop an implementation and management plan for the SBT with shared responsibility.
People Health & Safety: <i>Accident or injury occurs arising from neglected trail maintenance and misuse.</i>	Likely	Major	High	Work with a Friends of Stidwell Bridle Trail Group to develop an implementation and management plan for the SBT with shared responsibility.
Reputation, and People Health & Safety: <i>Inconsistent interpretation of local laws and State policies encourages conflicting uses on the SBT and creates safety risk for riders and horses.</i>	Likely	Major	High	Ensure a clear and consistent legislative framework applies to the Focus Area and is appropriately understood and applied by relevant stakeholders.

FINANCIAL IMPLICATIONS

56. The Robinson Precinct and Stidwell Bridle Trail Study was funded by the City.
57. It is anticipated that many of the immediate/short term recommendations can be actioned within current and existing operational budgets. Any projects outside of this will be subject to usual business and budget planning processes and can be considered following development of a detailed implementation plan in collaboration with 'The Friends of SBT'.
58. There will also be funding opportunities to assist with the implementation of a number of recommendations contained within the report.

LEGAL IMPLICATIONS

59. There are no direct legal implications related to this report.
60. The Council is requested to NOTE the Robinson Precinct and Stidwell Bridle Trail Study, which acknowledges the recommendations and potential future actions detailed within the report; which may be undertaken by Officers.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

62. Council may choose to:

- a. Accept, Reject or Amend the associated recommendations within the Robinson Precinct and Stidwell Bridle Trail Study; and
- b. Not support Officer's prepare a draft proposal to collaborate with the Friends of Stidwell Bridle Trail group.

CONCLUSION

63. The SBT is highly valued by the local equestrian community, and the Robinson Precinct is known and appreciated for its strong equestrian culture, history and facilities.

64. The SBT in its current state does not provide a safe and appealing trail experience and requires improvements, particularly with regards to addressing safety concerns associated with trail user conflict and ongoing maintenance requirements.

65. Based on this and to deliver the vision of the trail and the study the following is required;

- Ensure a clear and consistent legislative framework applies to the Focus Area and is appropriately understood and applied by relevant stakeholders;
- Improve safety and quality of equestrian experiences in the Robinson Precinct and on the SBT;
- Improve management of the Focus Area, with clear roles and responsibilities, for the benefit of authorised trail users, the environment and public drinking water quality;
- Communicate clear, consistent and up to-date information about the Robinson Precinct and SBT.

66. With Council support officers are committed to working with the Friends of Stidwell Bridle Trail community group to oversee the implementation of the recommendations within the report and improve the trail experience for users of the Stidwell Bridle Trail.

67. The timeframes for implementation of recommendations within the SBT Study are indicative only and are likely to be influenced by factors such as funding availability, resourcing capacity, Council priorities and levels of stakeholder and community support.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Control of Vehicles (Off-road Areas) Act 1978</i>• Department of Water and Environmental Regulation (DWER), Operational Policy 13 – Recreation within public drinking water source areas on crown land• City of Albany's Local Law:<ul style="list-style-type: none">○ Local Government Property Local Law 2011; and○ The Activities on Thoroughfares and Public Places and Trading Local Law 2011.
File Number (Name of Ward)	:	Frederickstown Ward
Previous Reference	:	Not applicable.

CCS456: REX PROPOSED 3 YEAR PARTNERSHIP AGREEMENT

Proponent	: City of Albany
Attachments	: Regional Express Correspondence
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Authorising Officer(s)	: Chief Executive Office (A Sharpe)

CONFIDENTIAL REPORT

This report is considered confidential In accordance with section 5.23 (2)(c) of the Local Government Act 1995, being: a contract which may be entered into by the local government.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcome:** A well informed and engaged community.
 - **Pillar:** Prosperity.
 - **Outcomes:** A strong, diverse and resilient economy with work opportunities for everyone and a highly sought-after tourist destination.

In Brief:

- Rex proposed agreement presented for Council consideration.

RECOMMENDATION

CCS456: AUTHORISING OFFICER RECOMMENDATION

THAT Council DELEGATE AUTHORITY to the CEO to negotiate this agreement with REX in accordance with the conditions detailed in the CONFIDENTIAL report.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. MEETING CLOSED TO THE PUBLIC

CCS456: REX PROPOSED 3 YEAR PARTNERSHIP AGREEMENT

13. CLOSURE