



AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

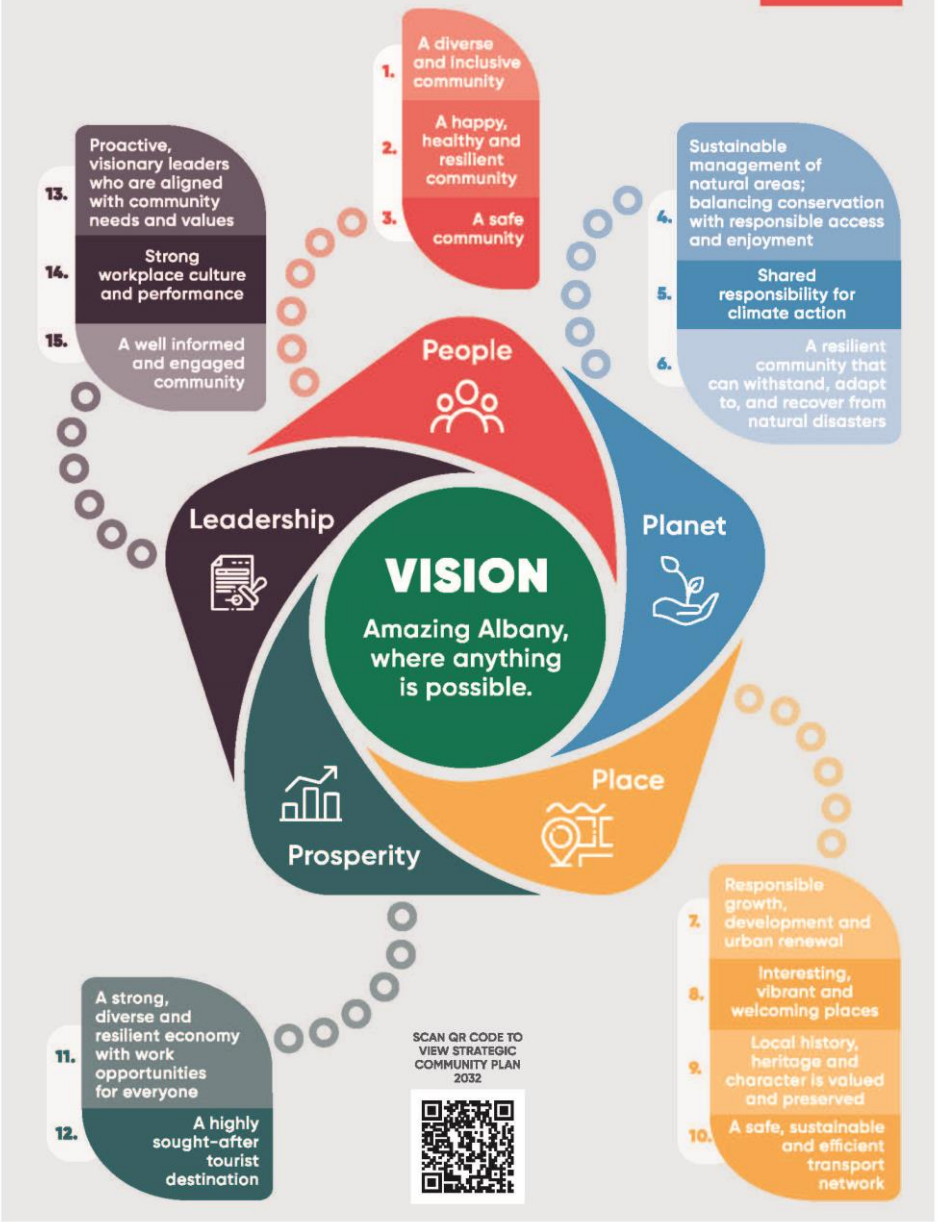
Tuesday 5 December 2023

6.00pm

Council Chambers



STRATEGIC COMMUNITY PLAN 2032



Community & Corporate Services Committee
Terms of Reference

Function:

This Committee is responsible for:

- Community Services: Achieving the outcomes outlined in the Strategic Community Plan, focusing on a diverse and inclusive community, happiness, health, and resilience, and community engagement.
- Corporate & Commercial Services: Delivering the outcomes outlined in the Strategic Community Plan, emphasizing safety, resilience, economic strength, tourism, visionary leadership, and workplace culture.
- Monitoring the City's financial health and strategies.
- Conducting internal reviews of service complaints.

It accomplishes this by:

- Developing policies and strategies.
- Creating progress measurement methods.
- Receiving progress reports.
- Considering officer advice.
- Debating current issues.
- Offering advice on effective community engagement and progress reporting.
- Making recommendations to Council.

Chairperson: City of Albany elected member, elected from the Committee.

Membership: Open to all elected members

Meeting Schedule: Monthly Meeting Location: Council Chambers

Directorates: Corporate & Commercial Services and Community Services

Executive Officer(s):

- Executive Director Corporate & Commercial Services
- Executive Director Community Services

Delegated Authority: None

COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA –05/12/2023

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COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA –05/12/2023

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	G Stocks
Councillor	A Cruse
Councillor	M Traill
Councillor	T Brough (Chair)
Councillor	D Baesjou
Councillor	S Grimmer (Deputy Chair)
Councillor	R Sutton
Councillor	C McKinley
Councillor	L McLaren
Councillor	M Lionetti
Councillor	P Terry

Staff:

Chief Executive Officer	A Sharpe
Executive Director Corporate & Commercial Services	M Gilfellow
Executive Director Community Services	N Watson

Meeting Secretary	C Crane
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Apologies:

COMMUNITY AND CORPORATE SERVICES COMMITTEE
AGENDA –05/12/2023

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 Nil.

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 14 November 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS559: CLIMATE CHANGE ACTION DECLARATION

Proponent / Owner	: City of Albany
Attachments	: Revised Climate Change Action Declaration - 2023
Report Prepared By	: Community Development Coordinator (T Flett)
Authorising Officer:	: 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:** Planet
 - **Outcomes:** Shared responsibility for climate action.

In Brief:

- To adopt the updated City of Albany Climate Action Declaration, reviewed in collaboration with the Youth Advisory Council.

RECOMMENDATION

CCS559: AUTHORISING OFFICER RECOMMENDATION

THAT the revised City of Albany Climate Change Action Declaration be ADOPTED.

RESOLUTION (PROCEDURAL MOTION)

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the item be DEFERRED for consideration and re-presented to a future Council Meeting post the October 2023 Ordinary Local Government Election.

CARRIED 8-5

Against the Motion:

Councillors Thomson, Traill, Smith, Baesjou and Terry.

Councillor Comment:

The Climate Change Action Declaration was developed in consultation with the Youth Advisory Group. Any proposed changes to the agreed Declaration should be made in consultation the Youth Advisory Group and, if deemed necessary, the wider community.

Councillor Sutton then moved a Procedural Motion to defer this item.

CCS559: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR TRAILL

THAT the revised City of Albany Climate Change Action Declaration be ADOPTED with amendments as follows:

THE CITY OF ALBANY:

1. ACKNOWLEDGES THAT:

- climate change is occurring and requires immediate and urgent action;
- climate change will continue to have significant effects on Albany's environment, society and economy; and
- local government **can and should** play an important role **in reducing** carbon emissions through **its** own actions and advocating for change within the community.

2. ACCEPTS THE:

- environmental, social and economic benefits of addressing climate change immediately; and
 - science that underpins the recognition of climate change.
3. SUPPORTS THE:
- development and implementation of local, state and federal policies for climate change action; and
 - ongoing delivery of actions relating to climate change in the City's Corporate Energy Plan, Community Strategic Plan (including developing a sustainable, low waste, circular economy), Local Planning Strategy (specifically vegetation conservation and compact city measures) and Urban Tree Strategy.
4. AND SHALL:
- implement as many as are feasible, and relevant to the City's sphere of influence, of the seven mitigation and adaptation options outlined in the Intergovernmental Panel of Climate Change's (IPCC's) sixth assessment report (i.e. C3.2 to C3.8 of 2023, pp. 30-32) as necessary to "achieve deep and sustained emissions reductions and secure a liveable and sustainable future for all";
 - develop a tool to measure and report on corporate and community greenhouse gas emissions;
 - develop a Roadmap to Net Zero targeting 2050 with interim targets for 2030 for the City of Albany and the community;
 - advocate to state and federal government to implement key climate change actions;
 - develop communications to engage, encourage and empower the Albany community on climate change actions;
 - engage with the Youth Advisory Council and wider community on climate change initiatives;
 - review this declaration every two years to ensure it remains relevant to community priorities and to any changes to the above-mentioned IPCC mitigation and adaptation options; and
 - every two years, publicly report on progress toward achieving the measures promised above.

Councillor Thomson then moved an amendment to the Authorising Officer Recommendation that the Climate Change Action Declaration be adopted with his proposed amendments:

CCS559: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TERRY

THAT the revised City of Albany Climate Change Action Declaration be ADOPTED.

BACKGROUND

2. The City of Albany is playing a key role in leading localised action on climate change due to its impacts on all aspects of the City's operations and the Albany community.
3. Following a youth-led Climate Strike on 20th September 2019, a Declaration on Climate Change petition containing nearly 1,000 signatures was submitted by the Albany Youth Advisory Council (YAC) and received by Council at its October 2019 Ordinary Council Meeting (OCM).
4. This submission led to a commitment from Council to work with the YAC to develop a City of Albany Climate Change Action Declaration, and ultimately the adoption of the Declaration at the October 2020 OCM.
5. The agreement included a commitment to review the Declaration every two years.
6. From the Declaration, a number of key initiatives have been progressed including Council's adoption of a Corporate Power Plan, which outlines the City's commitment to transition to 100% renewable energy for City-owned and operated buildings by 2030.

DISCUSSION

7. Under the United Nations Framework Convention on Climate Change, Australia is a signatory to the Paris Agreement which aims to limit global temperature rises to well below two (2) degrees Celsius, and to pursue efforts to limit this even further to 1.5 degrees Celsius.
8. The Government of Western adopted a greenhouse gas emissions policy in 2020 for major projects assessed by the Environmental Protection Authority (EPA), as the state government commits to working with all sectors of the WA economy to achieve net zero greenhouse gas emissions by 2050.
9. In 2018, the Western Australia Local Government Association (WALGA) developed a WALGA Climate Change Policy statement for local governments.
10. WALGA reports 51 local governments have endorsed either a climate declaration or a climate emergency declaration.
11. The City’s Declaration acknowledges that climate change is occurring and requires immediate and urgent action, acknowledges the City’s support for climate change and sustainability initiatives, and includes a number of actions in an effort to reduce carbon emissions and increase renewable energy technology.
12. The City began the process of reviewing the Declaration in collaboration with YAC in September 2020 and has held multiple workshops and meetings to work through a number of changes.
13. One of the key changes of the revised Declaration is its acknowledgement of the science that underpins climate change, and recognition of the key areas of influence identified by the Intergovernmental Panel on Climate Change that impact the City.
14. The following table details the changes made to the Declaration through the review workshops with Council and the YAC:

Header	Original Statement	Updated Statement
The City of Albany acknowledges that: <i>(No change to header wording.)</i>	Local government plays an important role in eliminating, or where not possible significantly reducing, carbon emissions.	Local government plays an important role towards eliminating carbon emissions through our own actions and advocating for change within the community.
The City of Albany supports the: <i>(No change to header wording.)</i>	Development of State and Federal policies for climate change action.	Development and implementation of local, state and federal policies for climate change action.
	Climate change and sustainability initiatives that have already been achieved in the energy efficiencies and renewable, transport, water, environment and waste areas in line with the City of Albany Community Strategic Plan and the Carbon Footprint Reduction Strategy.	Ongoing delivery of the actions relating to climate change in the Albany Community Strategic Plan and Corporate Energy Plan. Science that underpins climate change and recognises the Intergovernmental Panel on Climate Change (IPCC) key areas of influence that impact the City of Albany.
The City of Albany will: <i>(Header wording changed from “commits to” to “will”.)</i>	Measuring and reporting on our corporate and community greenhouse gas emissions, and developing emission reduction targets.	Develop a tool to measure and report on corporate and community greenhouse gas emissions.

Header	Original Statement	Updated Statement
	Developing a Corporate Energy Plan that aims to transition the City's assets to renewable energy to achieve 100% renewable energy by 2030.	Develop a Roadmap to Net Zero targeting 2050 with interim targets for 2030 for the City of Albany and the community.
	Advocating to State and Federal government to implement key climate change actions in line with international agreements to access regionally specific opportunities.	Advocate the state and federal governments to implement key climate change actions.
	Undertake a review of strategic plans and strategies to ensure that climate change actions reflect climate change management priorities.	Removed.
	Developing a climate change communications strategy to effectively engage, encourage and empower the Albany community on climate change actions.	Develop communications to engage, encourage and empower the Albany community on climate change actions.
	Continued engagement with young people and Youth Advisory Council as the next generation of community leaders on climate change.	Engage with the Youth Advisory Council and wider community on climate change initiatives.
	Reviewing the Climate Change Action Declaration every two years to ensure that climate actions identified within the declaration are undertaken.	Review the Climate Change Action Declaration every two years to ensure it remains relevant to community priorities and any changes to key focus areas outlined by the IPCC.

GOVERNMENT & PUBLIC CONSULTATION

15. The following workshops have been held with Council and the Youth Advisory Council to inform the review of the Climate Action Declaration:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Collaborate	Workshop with YAC	30 September 2022 21 March 2023	7 elected members 5 YAC members 12 elected members 4 YAC members	N/A
Consult	Feedback session with YAC	3 February 2023 4 August 2023	5 YAC members 4 YAC members	N/A N/A

STATUTORY IMPLICATIONS

16. Not Applicable.

POLICY IMPLICATIONS

17. This item relates to the City of Albany Environmental Policy (Climate Change).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: <i>Should the updated Climate Action Declaration not be adopted, the City may be perceived as not taking the climate concerns of the community seriously.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>If the proposed policy is not endorsed, officers will support Council and YAC to address the areas of concern.</i>
Financial: <i>Actioning the commitments made in the Climate Change Action Declaration may require expenditure not currently budgeted for.</i>	<i>Likely</i>	<i>Minor</i>	<i>Medium</i>	<i>Seek external grant funding to support activity delivery. Seek Council approval for additional budget requirements as necessary.</i>
Opportunity: <i>Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and an ongoing commitment to engage with the Youth Advisory Council.</i>				

FINANCIAL IMPLICATIONS

19. Any actions that result from the commitments in the Climate Declaration which incur a direct cost to the City will be undertaken within existing budget, seeking external grant funding, or prioritised through future budgets.
20. Any initiatives pursued by the City in response to the Declaration will support activity undertaken as part of the Corporate Power Plan (2023).

LEGAL IMPLICATIONS

21. Not applicable

ENVIRONMENTAL CONSIDERATIONS

22. The Declaration relates to and will support activity delivered through the Corporate Power Plan (2023) (which supersedes the Carbon Footprint Reduction Strategy 2021) and the City of Albany Environmental Policy.

ALTERNATE OPTIONS

23. Council may choose not to adopt the revised Climate Change Action Declaration and continue business as usual through the review and implementation of the City of Albany Environmental Policy and Corporate Power Plan (2023), however this is not recommended.
24. Council may choose to make further amendments to the Climate Change Action Declaration.

CONCLUSION

25. The City has a strong track record of achievement on environmental sustainability and emissions reduction efforts. Adopting the revised Climate Change Action Declaration consolidates these efforts and demonstrates Council's ongoing leadership on the issue of carbon abatement.

Consulted References	:	City of Albany Environmental Policy; Carbon Footprint Reduction Strategy (2021); Corporate Power Plan (2023) IPCC AR6 Synthesis Report: Climate Change (2023)
Previous Reference	:	Resolution CCS298 – OCM 20/10/2020

CCS582: MONTHLY FINANCIAL REPORT – OCTOBER 2023

Proponent / Owner	: City of Albany
Attachments	: Monthly Financial Report – October 2023
Report Prepared By	: Manager Finance (S van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

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 monthly a statement of financial activity that is presented to Council.
- Under changes to the Regulations in June 2023, a local government is now required to also prepare monthly a statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 31 October 2023 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.
- The financial information included within the Monthly Financial Report for the period ended 31 October 2023 is preliminary and has not yet been audited.

RECOMMENDATION

CCS582: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 31 October 2023 be RECEIVED.

DISCUSSION

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
 - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
 - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
 - (c) Basis of Preparation
 - (d) Explanation of material variances to year-to-date budget;
 - (e) Net Current Asset & Funding Position;
 - (f) Investment Portfolio Snapshot;
 - (g) Receivables; and
 - (h) Capital Acquisitions.
3. 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 CCS545, Council approved that a variance between actual and budget-to-date of greater

than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.

4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. 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

6. The Local Government (Financial Management) Regulations 1996 were amended (SL2023/106) and published on 30 June 2023. The changes, effective from 1 July 2023, have an impact on the reporting of the financial activity statement required each month (Section 34). The below outlines the new reporting requirement under Section 34:

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 the previous month (the "relevant 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 relevant month; and
- (c) actual amounts of expenditure, revenue and income to the end of the relevant month; 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 relevant month and a note containing a summary explaining the composition of the net current assets.

34(1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

34(1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

34(2) Each statement of financial activity is to be accompanied by documents containing-

- (b) an explanation of each of the material variances referred to in subregulation (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 according to nature classification.

34(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —

- (a) presented at an ordinary meeting of the council within 2 months after the end of the relevant month; 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.

7. An amendment to the *Local Government (Financial Management) Regulations 1996*, effective from 1 August 2023, is the addition of Regulation 35, with Local Governments now required to report a financial position statement each month. The additional Regulation 35 is as follows:
- 35(1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the previous month) and —
- (a) the financial position of the local government as at the last day of the previous financial year; or
 - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- 35(2) A statement of financial position must be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
 - (b) recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2023/24 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 October 2023 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$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 regarding this report 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

CCS583: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2023

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate and Commercial Services (M Gilfellon)

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/Priority:** Leadership.
 - **Outcome:** Strong workplace culture and performance.

IN BRIEF

2. 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

CCS583: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2023 totalling \$8,416,705.08 be RECEIVED.

DISCUSSION

3. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 15 November 2023. Please refer to the Attachment to this report.

Fund	Transaction Type	Amount (\$)
Municipal	Credit Cards	\$31,999.61
Municipal	Payroll	\$1,759,490.75
Municipal	Cheques	\$1,343.90
Municipal	Electronic Funds Transfer	\$6,623,870.82
Trust	N/A	\$0.00
TOTAL		<u>\$8,416,705.08</u>

4. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$2,111.78.

5. The table below summaries the total outstanding creditors as at 15 November 2023.

Aged Creditors	Amount (\$)
Current	\$866,111.13
30 Days	\$1,698,099.04
60 Days	\$66,116.42
90 Days	16,548.74
TOTAL	<u>\$2,646,875.33</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

6. 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.
7. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
8. 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.
9. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment;*
- (d) sufficient information to identify the payment.*

(2) A list prepared under subregulation (1) must be

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

10. Regulation 13(A) comes into operation from 1 September 2023.

POLICY IMPLICATIONS

11. Expenditure for the period to 15 November 2023 has been incurred in accordance with the 2023/2024 budget parameters.

FINANCIAL IMPLICATIONS

12. Expenditure for the period to 15 November 2023 has been incurred in accordance with the 2023/2024 budget parameters.

LEGAL IMPLICATIONS

13. Nil

ENVIRONMENTAL CONSIDERATIONS

14. Nil

ALTERNATE OPTIONS

15. Nil

CONCLUSION

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

17. 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

CCS584: DELEGATED AUTHORITY REPORTS – 16 OCTOBER 2023 to 15 NOVEMBER 2023

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report
Report Prepared By	: PA to Mayor and Councillors (D Clark)
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

CCS584: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 October 2023 to 15 November 2023 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 (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

**CCS585: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 OCTOBER 2023**

Proponent	:	City of Albany
Attachments	:	Budget Review for the period ending 31 October 2023
Report Prepared by	:	Business Analyst/Management Accountant (D Harrison)
Authorising Officer	:	Executive Director Corporate & Commercial Services (M Gilfellon)

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:

- This review is for the period ending 31 October 2023, and is therefore outside the requirements of regulation 33A of the Local Government (Financial Management) Regulations 1996. A further budget review is required to satisfy this regulatory obligation.
- This review is for the period ending 31 October 2023, and achieves a balanced budget (nil surplus or deficit as at 30 June 2024) inclusive of the proposed budget review allocations.

RECOMMENDATION

CCS585: AUTHORISING OFFICER RECOMMENDATION

THAT the Budget Review for the period ending 31 October 2023 be ADOPTED.

BACKGROUND

2. The Department of Local Government, Sport and Cultural Industries (“DLGSCI”) recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual. This was completed by the City in September 2023 under agenda item CCS563.
3. Under legislation (regulation 33A(1) of the Local Government (Financial Management) Regulations 1996, Local Governments are required to conduct a budget review between 1 January and the last day of February each financial year.
4. This budget review is not a legislative requirement, however it is prepared and presented to Council to provide additional and more accurate transparency regarding the financial performance of the City, as well as the request to fund particular services and projects the City is desiring to undertake.
5. Council adopted the FY2023/24 budget on 25 July 2023 (CCS545). The total adopted budget expenditure of \$142.2m was comprised of:
 - a. \$52.4m capital works;
 - b. \$1.8m debt reduction; and
 - c. \$88.0m in operating expenditure.
6. The current budget (inclusive of budget amendments already endorsed by Council throughout FY2023/24) has expenditure totalling \$141.6m.

DISCUSSION

7. Key elements of this proposed budget review include:
 - a. An amendment to the City's opening funding position (municipal funds) of \$(218,828) as at 1 July 2023, due to movement in accrued expenditure as at 30 June 2023.
 - b. An increase in funds required of \$4.45m to complete the proposed amendments, sourced as follows:
 - i. \$2.35m: Reduction in expenditure
 - ii. \$1.43m: Increase in grants and general revenue.
 - iii. \$0.88m: Increase in reserves funding required.The total of which is \$4.67m, with additional funds required to the offset the movement in the City's opening funding position.
 - c. This Review Maintains Council's Budget in a Balanced Position as at 30 June 2024.
 - d. Total expenditure of \$146.6m in FY2023/24, comprised of:
 - i. \$55.8m capital works;
 - ii. \$1.8m debt reduction; and
 - iii. \$89.0m in operating expenditure.
8. A detailed copy of the budget review for the period ending 31 October 2023 is attached.
9. Budget adjustments thereafter, including the mandatory review required under regulation 33A(1), will be brought to Council as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

10. DLGSCI guidelines were followed in the preparation of this report.
11. City of Albany employees with budget responsibility were consulted in the preparation of this 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 the event of an emergency.
13. If a local government wishes to impose any new fees or charges after the annual budget has been adopted, it must, before introducing the fees or charges, give local public notice of 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed. This budget review is not inclusive of any new fees or charges.
14. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

16. 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. Non approval of the budget review may result in significant delays to achieving deliverables.	<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. Adopt the Budget Review with amendments (as specified by Council).</i>
Opportunity: Provides Council with an additional opportunity to review the City's current budget position				

FINANCIAL IMPLICATIONS

17. Please refer to the attachment: Budget Review for the period ending 31 October 2023.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. For the period ending 31 October 2023, 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

21. It is recommended that the Authorising Officer's Recommendation is adopted.

Consulted References		<ul style="list-style-type: none"> • Adopted Budget 2023/2024 • Local Government Act 1995
File Number	:	<ul style="list-style-type: none"> • FM.BUG.12
Previous Reference	:	<ul style="list-style-type: none"> • Adopted Budget 2023/2024 – OCM 25/07/2023 Resolution CCS546 • Budget Review Period Ending 31 July 2023 - OCM 26/09/2023 Resolution CCS563

CCS586: COUNCIL AND COMMITTEE MEETING SCHEDULE 2024

Attachments : Proposed Meeting Schedule 2024
Report Prepared By : Senior Team Leader (J Williamson)
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.

In Brief:

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting Schedule for 2024, in accordance with the *Local Government Act 1995* and associated regulations.

RECOMMENDATION

CCS586: AUTHORISING OFFICER RECOMMENDATION

THAT Council, for the purpose of giving Public Notice:

1. **APPROVE** the following Committee Meeting Schedule for 2024:

Community & Corporate Services Committee	Development & Infrastructure Services Committee
<i>No meeting scheduled for January 2024</i>	
Tuesday 13 February 2024	Wednesday 14 February 2024
Tuesday 12 March 2024	Wednesday 13 March 2024
Tuesday 09 April 2024	Wednesday 10 April 2024
Tuesday 14 May 2024	Wednesday 15 May 2024
Tuesday 11 June 2024	Wednesday 12 June 2024
Tuesday 09 July 2024	Wednesday 10 July 2024
Tuesday 13 August 2024	Wednesday 14 August 2024
Tuesday 10 September 2024	Wednesday 11 September 2024
Tuesday 08 October 2024	Wednesday 09 October 2024
Tuesday 12 November 2024	Wednesday 13 November 2024
Tuesday 03 December 2024	Wednesday 04 December 2024

2. **APPROVE** the proposed Ordinary Council Meeting Schedule for 2024:

- Tuesday 27 February 2024
- Tuesday 26 March 2024
- Tuesday 23 April 2024
- Tuesday 30 May 2024
- Tuesday 25 June 2024
- Tuesday 23 July 2024
- Tuesday 27 August 2024
- Tuesday 24 September 2024
- Tuesday 22 October 2024
- Tuesday 26 November 2024
- Tuesday 17 December 2024

BACKGROUND

2. In accordance with the Local Government Act 1995 and the Local Government (Administration) Regulations 1996, local public notice must be given at least once per year detailing when Council and Committee meetings which are open to the public will be held.
3. Ordinary Council Meetings are held monthly, except January which has no scheduled meetings.

DISCUSSION

4. Meetings of Council which are open to the public commence at 6.00pm in order to facilitate attendance by members of the public and elected members.
5. Council may choose to undertake a review of the frequency and start time of meetings before setting the meeting dates and times for 2024.
6. Council may also wish to review the distribution date of agendas for Council and Committee meetings. Currently, the agenda for Ordinary Council Meetings is distributed on the third Tuesday of each month (except January when there are no scheduled meetings).

GOVERNMENT & PUBLIC CONSULTATION

7. The start times of Council and Committee meetings takes into account previous public feedback.
8. Community feedback has confirmed that a start time of 6.00pm of those meetings open to the public enables attendance by members of the public.
9. Council may choose to consult with the community to determine if there is a strong desire to change the start time of 6.00pm.

STATUTORY IMPLICATIONS

10. The *Local Government (Administration) Regulations 1996* section 12(2) states that:
11. *“The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held – Ordinary Council Meetings;*
12. Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.”
13. Any change to the advertised meeting schedule must be published on the City’s website as soon as practicable after the change is made.

POLICY IMPLICATIONS

- 14.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation Risk: <i>The proposed meeting calendar is not adopted, and local public notice is not given of the date and times of meetings prior to January 01 2024.</i></p>	Unlikely	Moderate	Medium	Staff will work with Council to develop a meeting schedule which complies with legislative requirements and meets Council’s expectation.
<p>Opportunity: <i>Consistency and understanding of rules for both councillors and staff that pertain to travel and accommodation expenditure.</i></p>				

FINANCIAL IMPLICATIONS

16. Nil.

LEGAL IMPLICATIONS

17. Nil.

ENVIRONMENTAL CONSIDERATIONS

18. Nil.

ALTERNATE OPTIONS

19. Council may choose to not hold monthly meetings.

CONCLUSION

20. It is recommended that the Authorising Officer Recommendation is adopted.

Consulted References	:	Enter
File Number	:	Enter
Previous Reference	:	Enter

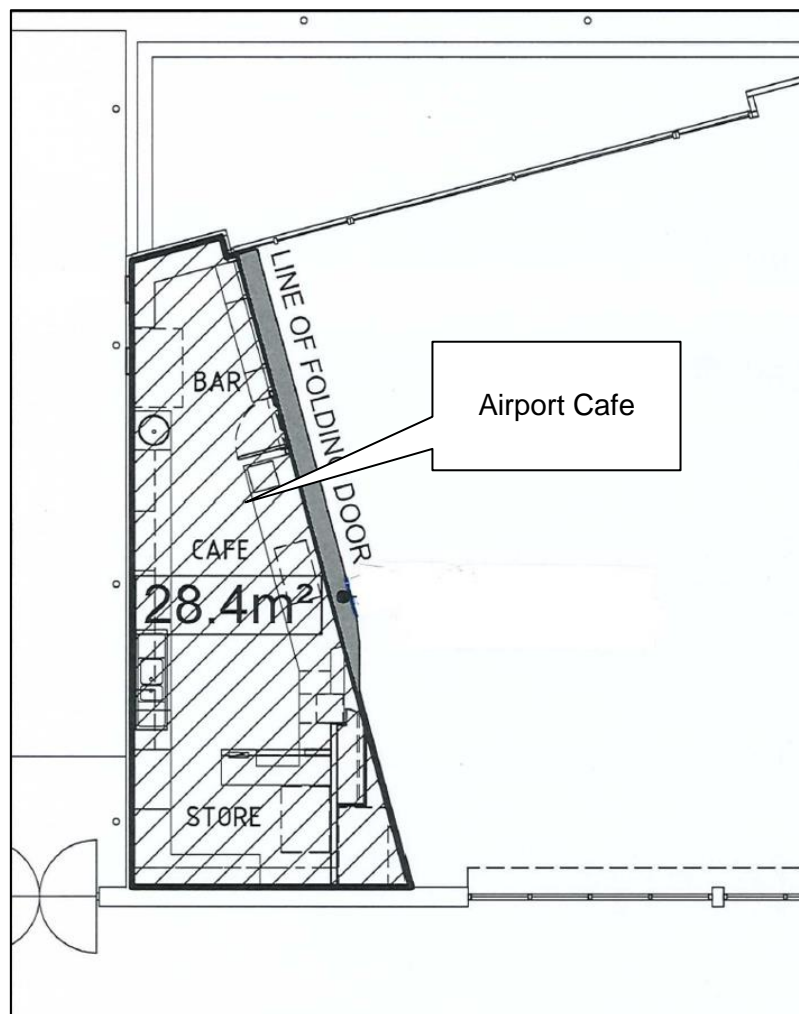
CC587: PROPOSED NEW LEASE FOR AIRPORT CAFÉ

Land Description	: Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome
Proponent	: Walczak Investments Trust (ABN 87 569 472 174) Trust Director – Wayne Michael Walczak
Owner	: City of Albany
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellow)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Prosperity
 - **Outcome:** A highly sought after tourist destination

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease for the Airport Café to Wayne Michael Walczak following an Expression of Interest (EOI) process.
- The café recently reopened in June 2023 on a short-term trial basis after an extended closure period to assess its viability at the Airport. The trial ends on 26 November 2023.

- Prior to this date, there had been no café operating at the Airport since 2019. During this period the City received many complaints from visitors and locals alike about the lack of a café service. This prompted the City to conduct a short-term trial.
- The trial, despite its marginal profitability, highlighted the importance of cafe services for Airport users. The feedback from Airport attendees has been overwhelmingly positive. This led to an EOI process for experienced operators to lease the café for a term of five years. Two submissions were received.
- After assessing both submissions, it was identified that Wayne Walczak was the preferred applicant due to his experience operating similar businesses and has a strong business model.
- It is recommended that the proposed new lease be approved.

RECOMMENDATION

CCS587: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVES a new lease to Walczak Investments Trust for café services at the Albany (Harry Riggs) Regional Airport Terminal, subject to the terms outlined in section 22 of this report.

BACKGROUND

2. The Airport Café is located within the Albany (Harry Riggs) Regional Airport terminal building, owned and operated by the City, located at 35615 Albany Highway, Drome.
3. The café was previously leased from 2008 until May 2015. After mutual agreement, the lease was surrendered.
4. An interim short-term licence was then granted to a new café operator approved by Council in August 2017. However, due to ill health and viability concerns, the lease was surrendered in October 2018.
5. To maintain café services an interim arrangement was established allowing the operator to provide services temporarily, paying \$500 per week to the operator. This arrangement ended in 2019, resulting in the installation of vending machines.
6. Concerns about the café's viability led the City to explore various options including seeking a café operator/contract through a procurement process in February 2019 (unsuccessful), engaging real estate agents to find a new tenant (unsuccessful) and advertising a lease opportunity in 2019 (with no successful applicants).
7. The Airport cafe remained vacant until June 2023, when a short-term trial began to assess its viability. During the trial given the café's historical marginal profitability, the operator pays \$1 in rent while the City covers the utilities.
8. The operator's responsibilities during the trial include serving outgoing flights, maintenance, insurance, cleaning and providing consumables.
9. The trial is scheduled to end on 26 November 2023.
10. The terminal services Regional Express Pty Ltd (REX) with approximately 24 outgoing Regular Passenger Transport (RPT) movements per week, catering to about 62,000 passengers annually. Additionally, there are six charter flights scheduled on Tuesdays and Wednesdays for fly-in fly-out workers.
11. The Airport also supports general aviation, the Royal Flying Doctor Service, charter services, RAAF activities and car hire businesses.

DISCUSSION

12. Following discussions about the future of the Airport Café post the trial, it was determined the best way to continue cafe services as it contributes to a positive experience for Airport users, was to progress an EOI seeking experienced operators interested in leasing the café.
13. The EOI closed on 10 November 2023, with two submissions received.
14. The first submission met the criteria but requested an annual payment of \$51,850 from the City to operate the café, although this was later withdrawn. It proposed a yearly rent of \$1 with the City covering utilities and maintaining the use of the coffee machine provided by the City.
15. The second submission exceeded the criteria in skills and experience operating a similar business. It offered a yearly rent of \$1 with the City covering utilities, similar to the recent trial terms, and providing their coffee machine.
16. Experience has shown that it has not been possible for an operator to run the café profitably at a commercial rent and paying for utilities.
17. After a thorough assessment the second submission presented by Wayne Walczak was the preferred choice. Wayne has experience operating similar businesses such as Levis' Coffee Cup and Reuben's Kitchen at the Albany Plaza.
18. The Airport team has been consulted and supports the new lease.

Lease terms

19. The Property Management (Leases and Licences) Policy determines the rent for commercial leases be based on a market valuation provided by a licensed Valuer.
20. However, recognising the café operates as a service to Airport users with known marginal profitability and a history of previous operators withdrawing their service offering early, Council is requested to approve the relaxation of this provision.
21. The lease will be subject to the provisions of the *Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)*, noting a guaranteed five-year term will be applied as per the Act.
22. The table below summarises the key terms of the proposed new commercial lease:

Item	Details
Tenant	Wayne Michael Walczak
Land Description	Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome
Land Ownership	City of Albany
Lease Area	Approx. 28.4m ²
Permitted Use	Operating an Airport cafe
Fee	\$1.00 + GST per annum
Term	5 years
Maintenance	Tenant is responsible for maintenance
Insurance	Tenant responsible for own insurance
Utilities & Outgoings	Landlord will be responsible for utilities (electricity and water)
Special Conditions	<ul style="list-style-type: none"> • The Tenant has access to a 104m² seating area with tables and chairs, although this area is not part of the lease area. The Tenant is responsible for its upkeep during café trading hours. • The café is expected to serve food and beverages to outgoing RPT (REX) flights, beginning one hour before the scheduled departure times and continuing 15 minutes after. Serving additional flights is at the discretion of the Café operator.

	<ul style="list-style-type: none"> • Until a commercial grade dishwasher is installed, disposable cutlery and crockery must be used to comply with Health regulations. • Deep frying is not allowed until a commercial exhaust fan system is installed to comply with Health regulations. • Tenant required to supply their own point-of-sale equipment. • Landlord fixtures and fittings are available to the Tenant and form part of the Landlord's Fixtures and Fittings property under lease.
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23. Wayne Walczak has agreed in principle with the above terms, subject to Council approval.

GOVERNMENT & PUBLIC CONSULTATION

24. Section 3.58 of the *Local Government Act 1995* (Act) outlines the processes by which the City can dispose of property. For the purposes of this section, a local government can dispose of property following a public tender process to a person that makes the most acceptable tender in the opinion of local government.

25. The EOI process that was undertaken meets the requirements of Section 3.58, as the form and function of the process was that of a public tender.

26. The City owns the land being disposed of in freehold title and therefore no approval from the Minister for Lands is required under the provisions of the *Land Administration Act 1997*

27. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertised proposed disposition of property in local newspaper and City's website inviting submissions from the public	A two-week period	Open to the public	Section 3.58 of the <i>Local Government Act 1995</i>

STATUTORY IMPLICATIONS

28. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including both leased land and buildings.

29. The lease agreement will be governed by the *Commercial Tenancy (Retail Shops) Agreements Act 1985* and aligns with the requirements of governing the disposal of property.

POLICY IMPLICATIONS

30. The Property Management (Leases and Licences) Policy aims to support the equitable access and effective management of City owned and managed properties in line with statutory procedures.

31. Under this policy, rent is usually based on a market valuation provided by a licensed Valuer.

32. Council's support of the proposal to waive lease rental and utility costs (water and electricity) is requested. The relaxation is proposed to maintain this valuable service for the benefit of the community, visitors and Airport users. It acknowledges the difficulties the service faces due to limited profitability.

33. All other terms of the lease agreement will align with the policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>New Lease not approved – no café service for Airport users and visitors</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction</i>
Opportunity: <i>The lease aligns with the City’s Strategic Community Plan 2032 objective, which aims to create a competitive and sustainable tourism offering.</i>				
Opportunity: <i>To support activities within the Albany Airport and provide café services to Airport users and visitors contributing to a positive experience.</i>				

FINANCIAL IMPLICATIONS

35. All costs associated with the development, execution and completion of the lease documentation will be met by the City in line with the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

LEGAL IMPLICATIONS

36. The lease will be prepared by the City’s lawyers with enforceable terms and conditions to ensure any risk to the City is appropriately mitigated.
37. The City will provide the required statutory disclosure statements to the Tenant. Failure to do so could result in the Tenant having the right to terminate the lease and/or seek an order for compensation from the State Administrative Tribunal (SAT).

ENVIRONMENTAL CONSIDERATIONS

38. There are no environmental considerations related to this report.

ALTERNATE OPTIONS

39. Council may:
- a. Approve the new lease;
 - b. Support some parts of the new lease although not in its entirety; or
 - c. Not agree to the new lease request.
40. Having no café service for airport users would be highly undesirable.
41. The City could consider running a café service although it is understood this is likely to result in financial losses for the City.
42. Alternatively consider re-installing vending machines although not preferred based on previous experience.
43. The café lease arrangement is seen as the best choice to ensure a café for the benefit of Airport users, the community and visitors.

CONCLUSION

44. After the recent short-term trial, it’s evident that providing café services is crucial for the benefit of the Airport users, the community and visitors.
45. It was agreed the fairest and most effective approach to secure café services was to undertake an EOI process.
46. Following the EOI process, Wayne Walczak was determined as the preferred applicant. Mr Walczak brings extensive experience in operating similar businesses, along with a robust and resilient business model.

47. While acknowledging profitability challenges, the proposed new lease offers a viable means to ensure café services continue.
48. It is recommended the proposed lease be approved.

Consulted References	:	<ul style="list-style-type: none">• Property Management (Leases and Licences) Policy• <i>Local Government Act 1995</i>• <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>
File Number (Name of Ward)	:	CR.ENQ.4, A64802
Previous Reference	:	Nil

CCS588: LEASE AND LICENCE FINAL APPROVAL – REGIONAL EXPRESS PTY LTD (REX) – ALBANY TERMINAL

Land Description : Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome

Proponent : Regional Express Pty Ltd (REX) ACN 101 325 642

Owner : City of Albany

Attachments : Schedule of Submissions

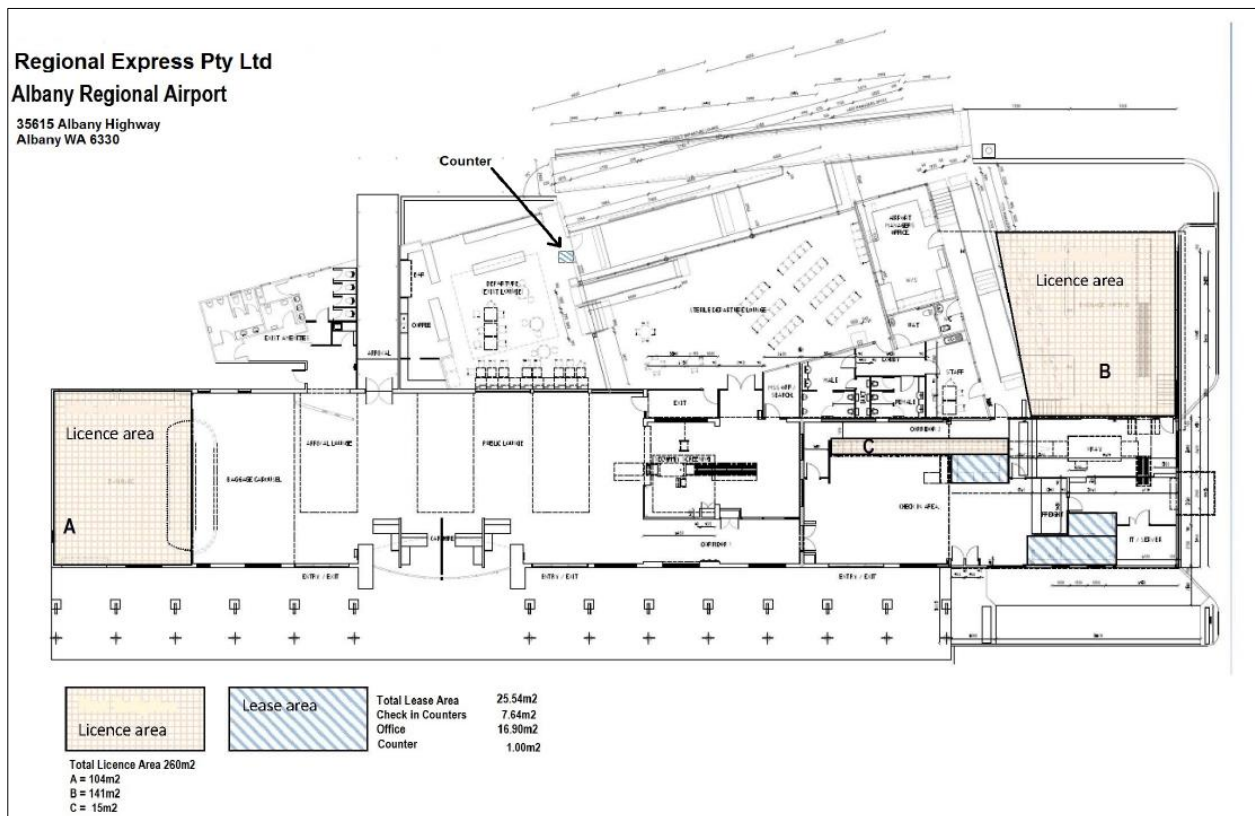
Report Prepared By : Team Leader Property and Leasing (T Catherall)

Authorising Officer: : Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

- This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - Pillar:** Prosperity
 - Outcome:** A highly sought-after tourist destination.

Maps and Diagrams:



In Brief:

- Council, at its meeting on 26 September 2023 supported a lease and licence proposal allowing REX to continue providing Regular Public Transport (RPT) airline services at the Airport terminal for the Perth to Albany route.
- The lease and licence proposal aligns with the agreement between REX and the Department of Transport (DoT).
- The proposed lease and licence were advertised for two weeks closing on 10 November 2023, resulting in 11 submissions from the public.

- Council is requested to consider the submissions before determining whether or not to grant final approval of the lease and licence to REX.

RECOMMENDATION

CCS588: AUTHORISING OFFICER RECOMMENDATION

THAT Council GRANTS the final lease and licence approval to Regional Express Pty Ltd (REX) over part of the Albany Regional Airport terminal, in line with the previous resolution of 26 September 2023 as outlined in section 5 in this report. This decision considers all submissions received during the advertising period.

BACKGROUND

2. The City of Albany owns and operates the Albany Regional Airport located at 35615 Albany Highway, Drome.
3. REX formally requested a new lease and licence to continue using Airport facilities for RPT services. The term will align with the RPT agreement commencing 2 October 2023 to 2 July 2028.
4. Following Council's endorsement at its meeting on 26 September 2023, the proposed lease and licence to REX for Airport terminal use was advertised for two weeks inviting submissions from the public, closing on 10 November 2023.
5. The table below summarises the essential terms of the proposed lease and licence.

Item	Details
Tenant	Regional Express Pty Ltd.
Land Description	Lot 5643 on Deposited Plan 157458 the subject of Certificate of Title Volume 2088 Folio 492, Drome
Lease Area	Approx 25m ²
Licence Area	Approx 260m ²
Land Ownership	City of Albany
Permitted Use	<ul style="list-style-type: none"> • Lease: Airline reception, office space and associated airline operations to accommodate the Albany RPT air service • Licence: Transfer terminal, baggage handling and associated airline activities to accommodate the Albany RPT air service
Term of Lease	4 years, 9 months and 1 day (from 2 October 2023 to 2 July 2028) to align with the expiry of the RPT Agreement
Rent	\$1.00 plus GST payable on demand
Outgoings	Tenant responsible for all outgoings, including insurance
Special Conditions	REX remains the exclusive operator of the RPT Perth to Albany route to retain the lease and licence

6. Following the close of advertising 11 submissions were received, all objecting to the proposed \$1.00 per annum rental.
7. A summary of the submissions received during the public consultation period is provided in the Schedule of Submissions (refer Attachment 1).

DISCUSSION

8. REX's payment for terminal use is funded through aircraft landing fees. The specific payment details between REX and the City of Albany are part of a confidential agreement, ensuring continued weekly air services as per the current State Government and REX contract.
9. The Airport's projected income in the current annual budget exceeds \$2 million, with REX's agreement contributing to this revenue.

10. While REX’s past poor service delivery is noted, the decision has been made at the State government level to renew the REX contract. The past poor service should not now be a factor in determining what are the appropriate commercial terms of the new lease arrangements.
11. Notwithstanding received comments and submissions, it is recommended, based on the above points, to proceed with final approval for the lease and licence to REX.

GOVERNMENT & PUBLIC CONSULTATION

12. The provisions of Section 3.58 of the *Local Government Act 1995* (Act) require that public advertising be undertaken for the disposal of property. For the purposes of this section, a lease is considered to be a disposal.
13. The proposed lease and licence were advertised for two weeks inviting submissions closing on 10 November 2023.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertising of proposed lease and licence in local newspaper and City’s website inviting submissions from the public closed on 10 November 2023	A two-week period of advertising closed on 10 November 2023	11 submissions received as a result of advertising	Section 3.58 of the <i>Local Government Act 1995</i>

14. 11 submissions were received and have been acknowledged that a further item will be presented to the December Council meeting.
15. The City owns the land being disposed of in freehold title and therefore no approval from the Minister for Lands is required under the provisions of the *Land Administration Act 1997*.

STATUTORY IMPLICATIONS

16. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property such as leased/licenced land and buildings and associated advertising requirements.

POLICY IMPLICATIONS

17. The City’s Property Management (Leases and Licences) Policy aims to support equitable access, and the effective management of City owned and managed properties in line with statutory procedures.
18. Under this policy, rent reviews be conducted annually, with market valuations of the lease every three years and CPI increases in between.
19. Council has previously agreed to waive lease rental for REX under the current lease and licence. Council’s continued support for this arrangement was reconfirmed at the 26 September 2023 meeting, acknowledging REX terminal use is covered by Airport landing fees and the confidential agreement with the City.
20. Council is requested to support this arrangement again to ensure ongoing RPT services.
21. All other terms of the lease and licence agreement will be in line with the policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: <i>New Lease and Licence not approved – major disruption to RPT service.</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
Opportunity: <i>Support the City and State Government commitment to provide an RPT service from Perth to Albany</i>				
Opportunity: <i>The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to improve access to marine, rail, and aviation transport to support population growth, tourism, and economic development. It also contributes to economic growth and tourism.</i>				

FINANCIAL IMPLICATIONS

23. All costs associated with the lease and licence documentation will be met by the City as part of its confidential agreement with REX, supporting the RPT service.

LEGAL IMPLICATIONS

24. The lease and licence will be prepared by City's lawyers with enforceable terms and conditions to ensure any risk to the City is appropriately mitigated.

ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental considerations related to this report.

ALTERNATE OPTIONS

26. Council may:
- Approve the new lease and licence;
 - Support some parts of the new lease and licence although not in its entirety; or
 - Not agree to the new lease and licence request.
27. If Council does not agree to the new lease and licence, it will cause major disruptions to RPT services. It will put at risk the REX service to Albany.
28. REX will need to work with the City to find an alternate location within the terminal for flight reception and baggage handling services, potentially impacting service provisions.

CONCLUSION

29. REX operates the RPT Perth to Albany air service route under a State Government contract and holds a lease and licence with the City allowing Airport terminal use, currently on holding over arrangements.
30. REX formally requested a new lease and licence to continue using Airport facilities for RPT services. The term will align with the RPT agreement commencing 2 October 2023 to 2 July 2028.
31. Council previously supported a new lease and licence for REX during its meeting on 26 September 2023.
32. 11 submissions were received during the advertising period, all objecting to the \$1.00 per annum rental.
33. REX's terminal use is covered by aircraft landing fees per the confidential agreement with the City.
34. After considering the submissions, it is recommended that Council grants final approval to the lease and licence to REX.

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>
File Number (Name of Ward)	:	PRO415, A64802
Previous Reference	:	OCM 15.12.2015 Item ED029, OCM 22.03.2016 Item CSF227 OCM 26.09.2023 Item CCS565

CCS589: REGIONAL EVENTS SPONSORSHIP 2024

Proponent : City of Albany
Report Prepared By: : Manager Community Relations (E. van Gorp)
Authorising Officer: 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/Priority:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.

In Brief:

- To endorse the proposed Regional Event Sponsorship Assessment Panel recommendations.

RECOMMENDATION

CCS589: AUTHORISING OFFICER RECOMMENDATION

1. **THAT the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 19 – Table 1 of this report be ENDORSED.**
2. **THAT Council NOTE a budget amendment for Regional Event Sponsorship will be required, and the 2024-2025 allocation in the Long-Term Financial Plan will be amended accordingly.**

BACKGROUND

2. The City of Albany's Regional Events Sponsorship (RES) program is designed to attract and support the staging of events that are regional economic drivers for Albany as a destination.
3. A Regional Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$100,000 in its 2023-2024 budget for RES. This included the addition of \$20,000 to fund film/television projects that deliver regional benefit. This reflects Council's continued commitment to have budget capacity to support community and regional events in a recovering economy, and to support and nurture the growth of Albany as a developing film hub.
5. In recent years RES has been staged across two funding rounds each financial year to align funding commitments with the current budget. The most recent funding round was Round 1 2023-2024 for events being held between 1 July and 31 December 2024.
6. Due to a number of factors affecting timing of assessment and approval of a second round of funding for 2023-2024, the decision was made to open applications for the full 2024 calendar year.
7. Following several years emerging from the impact COVID-19 had on events, it is evident from the number of applications for this round – the most competitive for some years – that confidence has returned to the events industry.

DISCUSSION

Program Overview

8. Applications for RES funded events or film/television projects being held between 1 January 2024 to 31 December 2024 opened for applications on 1 September 2023 and closed on 30 September 2023.
9. The City received 10 applications for events for the 2024 calendar year and were aware that an additional two (2) previously funded organisations had not submitted applications for their 2024 events.
10. The RES 2024 funding program expanded to include film/television sponsorship opportunities. Film/television projects are to engage local creative businesses and artists, and/or encourage the growth of the film support industries in Albany and the Great Southern.
11. The RES program 2024 objectives include:
 - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact).
 - b. Involve and inspire the local community (social benefits).
 - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact).
 - d. Demonstrate continuity and potential to engage the community in the future (sustainability).
12. The program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia.
13. Events that are supported for funding by Council are required to enter into a contractual agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

Assessment

14. Applicants were encouraged to shape their proposed activities to the funding and event or film/television sponsorship criteria.
15. An assessment panel comprising Mayor Greg Stocks, Councillor Paul Terry, Councillor Robert Sutton and Councillor Lynn MacLaren received an overview of applications and guidance from City officers.
16. The application assessment process included a pitch from the applicants. Applicants presented their events to the assessment panel on November 14, with the exception of one applicant that was unable to pitch due to technical difficulties.
17. Applications were evaluated by City officers using an event assessment matrix tool developed to measure the economic value, visitor numbers and financial sustainability of each application.
18. The panel felt that three (3) of the applications did not meet the RES funding criteria as outlined in the application guidelines. The three events were recommended for consideration for other available sponsorship such as Community Events funding which is administered by officers under delegation.
19. The assessment panel supported the remaining seven (7) applications and made its funding recommendations based on the funding criteria, information supplied and applicant presentations.
20. The panel were aware that two events previously funded through RES did not apply for funding for 2024 and anticipate that they may subsequently approach the City for support for their events.

21. The seven applications deemed eligible for RES funding have sponsorship requests totalling \$108,500 which fall across both the second half of the 2023-2024 and the first half of the 2024-2025 financial years.
22. However as most of the events recommended for funding are scheduled for delivery in the first half of 2024, there will be a cashflow shortfall in the current budget which will need to be addressed through a future budget review. This is explained further under Financial Implications (points 33-41 of this report).
23. Noting the above, the panel recommended supporting seven (7) applications.

Panel Recommendations

24. A summary of applications recommended for funding is outlined in Table 1.

Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations

	Applicant / Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
1.	Albany Speedway Club <i>National Titles for Super Sedans</i>	Sporting Event Motorsport	Showcases Albany as a premier motorsport destination nationally. National Titles attract participation and attention from across Australia. Peak period event on March long weekend.	\$20,000	\$15,000
2.	Tarmac Events WA Pty Ltd <i>Tarmac Albany Sprints and Quaranaup Rally sprint.</i>	Sporting Event Motorsport	Returning to Albany after a one-year hiatus. Includes three events with more than 100 cars participating in the main Middleton Beach sprint. Expected to attract 1000 intrastate visitors based on past events.	\$20,000	\$15,000
3.	Taste Great Southern: Food and Wine Festival	Tourism Event Proposed series of food and wine events across the Great Southern region.	A regional festival which has been running since 2012 and celebrates local food and beverages, with about a dozen events in Albany in the 2024 program. Currently also supported with funding by Tourism WA. Attracts more than 1,500 visitors from outside the region.	\$20,000	\$10,000
4.	Adam Morris <i>Frederickstown</i>	Film Event Third of 10 films being produced in Albany.	Contributes to the growth of Albany as both a tourism and a film hub destination. The third of 10 films to be produced in Albany in 10 years. Entirely Albany-based production team & crew with exception of nationally recognised lead roles. Skill development opportunities plus community investment and support, with both national and international recognition received for previous films produced.	\$20,000	\$17,000
5.	Albany Entertainment Centre <i>Out of Bounds</i>	Cultural Event Season of live performances and community engagement activities	Diverse performers targeted to extend community reach and engagement with youth (15-25). Proposal does not demonstrate significant visitation attraction in line with funding criteria. Target audience and community engagement is acknowledged and was recommended for consideration through a Community Event funding application.	\$20,000	Nil. Apply for Community Event Funding.
6.	Albany Pride <i>Pride Festival and Dolly Parton Show</i>	Cultural Event An established regional festival celebrating LGBTQIA+ community.	Albany Pride Festival is the biggest regional Pride festival in the State. A diverse and unique range of events invite the regional community and visitors to participate and invest in the Albany community. Attracting significant participation from outside	\$20,000	\$15,000

	Applicant / Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
			the region. Includes the popular Dolly Parton Tribute Show as a flagship event in the 2024 program.		
7.	Albany Shanty Fest Inc <i>Albany International Folk & Shanty Festival</i>	Music Festival Unique international festival celebrating folk n shanty music	Only folk n shanty festival in the southern hemisphere, attracting more than 1000 visitors to the region. Strong alignment with Albany Maritime Festival and opportunity to collaborate and grow visitation in non-peak visitor season. Vision to grow and develop festival leading into 2026 Bicentenary.	\$20,000	\$20,000
8.	Hunted Interactive Dark Lake Origins & Firelight – a Season of Experiences for Albany	Tourism Event Two interactive and immersive horror experiences – Lake Seppings & Brig Amity	Strong economic results with evidence of capacity building and future planning, including collaboration with local businesses to develop complete packages for visitors (including food and accommodation). Dedicated captured audience with repeat global customers, including Asian “horror” audience. Committed to developing experiences underpinned by unique local heroes and stories. Interested in developing program for 2026.	\$18,500	\$16,500
9.	Perth Festival <i>DanceNorth - Wayfinder</i>	Cultural Event Part of Perth Festival's 2024 Touring WA program	Aiming to connect with communities by bringing dance performance to local communities and engaging through community networks and organisations. Community connections in infancy and has not demonstrated capability to attract significant visitation to Albany. Recommended for consideration through a Community Event funding application.	\$15,000	Nil. Apply for Community Event Funding support.
10.	Prepare Produce Provide <i>Kinjarling Djinda Ngardak</i>	Cultural Event Six (6) day program that supports and showcases Aboriginal youth and Aboriginal Tourism in WA.	Program providing WA Aboriginal youth with educative/training opportunities and cultural community exchanges. Limited numbers of local participants in program. High-end pricing, event includes opportunities for whole of state aboriginal participants/contributors. Has not demonstrated capability to attract significant visitation to Albany. Recommended for consideration through a Community Event or Community Development funding application.	\$20,000	Nil. Apply for Community Event Funding support.
Totals				\$193,500	\$108,500

25. The table of panel recommendations is for cash support only.

GOVERNMENT & PUBLIC CONSULTATION

26. Not applicable.

STATUTORY IMPLICATIONS

27. Nil.

POLICY IMPLICATIONS

28. The Regional Events & Film Sponsorship program aligns with the City of Albany Sponsorship Policy & Guidelines.
29. Approval of RES funding recommendations is required by Council.
30. Funded applications are required to enter into a funding contract with the City.
31. Funded applicants are required to submit an event approval application to the City no later than 3 months prior to their event, where applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation:</p> <p><i>Risk: Events declined for funding do not proceed and this reflects negatively on the City.</i></p>	Possible	Minor	Medium	A rigorous assessment process has been undertaken and recommendations are based on the funding criteria and merit. Unsuccessful applications have been recommended for consideration through other funding streams.
<p>Financial:</p> <p><i>Risk: Most of the events recommended for funding occur in the first half of 2024 and exceed the current RES budget balance.</i></p>	Almost Certain	Minor	High	Progress a budget amendment in the 2023-2024 financial year.
<p>Community:</p> <p><i>Risk: Community safety is put at risk by not following appropriate event or health and safety guidelines.</i></p>	Possible	Major	High	Applicants will be required to complete an event approval application in line with the City's event approval guidelines.

FINANCIAL IMPLICATIONS

33. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Relations business unit, within existing allocated budgets.
34. The recommended funding allocations are also within the existing capacity of the allocations in the current budget and Long-Term Financial Plan (LTFP).
35. Council has allocated \$100,000 for the Regional Event & Film Sponsorship program in 2023-2024, with this amount also reflected in the LTFP as an allocation in future years.
36. The current budget is partially allocated (\$57,273) from previous rounds, leaving a balance of \$42,727.
37. Additionally, Council has allocated \$10,000 in the 2023-2024 Budget for sponsorship of the Taste Great Southern festival.
38. With the majority of milestone payments for the events recommended for funding due to fall in the 2023-2024 financial year, this will create a cash flow shortfall of \$41,273 in the current budget.
39. A budget amendment will be progressed at the next opportunity to address this shortfall.
40. In light of the minimal funding commitments in the second half of 2024, the allocation in the LTFP for the 2024-2025 financial year will be reviewed as part of the 2024-2025 Budget process.
41. The next RES round will open in the second half of 2024 and will be limited to events being held from 1 January 2025 to 30 June 2025 to return funding commitments to a financial year cycle.

LEGAL IMPLICATIONS

42. Nil.

ENVIRONMENTAL CONSIDERATIONS

43. Hunted Interactive will be required to consider and manage environmental impact regarding use of Lake Seppings. This will be assessed and conditioned as part of the event approval process.

ALTERNATE OPTIONS

44. Council could make alternative recommendations for funding, including substitute dollar amounts, for recommended applicants. This is not recommended given the rigorous assessment process undertaken which has carefully considered each application on its merits.

SUMMARY CONCLUSION

45. The process for RES Application Assessment is considered transparent and equitable.

46. It is recommended that the Responsible Officer's recommendation be endorsed.

Consulted References	:	<ul style="list-style-type: none">City of Albany Sponsorship Policy & GuidelinesCity of Albany Regional Events Sponsorship Guidelines
File Number (Name of Ward)	:	CR.SPO.44 (All Wards)
Previous Reference	:	<ul style="list-style-type: none">Regional Event Sponsorship Round 1 2023/2024 – CCS522 (OCM: 26/04/2023)

CCS590 STIDWELL BRIDLE TRAIL DETERMINATION

Land Description	: City of Albany, DPLH, Water Corporation
Proponent / Owner	: City of Albany
Attachments	: Consolidated Stakeholder Feedback & Reference Maps Officer Report (Minutes and associated attachment, Report CCS555) Strategic Briefing Presentation
Report Prepared By	: Manager Governance & Risk (S Jamieson) Manager Recreation Services (M Green) Manager City Reserves (J Freeman)
Authorising 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 2032:
 - **Pillar:** People.
 - **Outcome:**
 - A happy, healthy, and resilient community
 - A safe community.
 - **Pillar:** Leadership
 - **Outcome:** A well-informed and engaged community.

In Brief:

- Council resolved on 22 August 2023 to give public notice of the proposed determination.
- Council is requested to consider the proposed determination in light of stakeholder and community feedback given.

Purpose & Effect:

- **Purpose:** Determine horse and authorised vehicle-only sections of the Stidwell Bridle Trail.
- **Effect:** Sections will be restricted to Horse and Authorised Vehicle Use Only.

Maps:

- Maps are detailed in the attachments to this report.

RECOMMENDATION

CCS590: AUTHORISING OFFICER RECOMMENDATION

THAT:

- (1) The public and stakeholder submissions received be **NOTED**.
- (2) The proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, be **ADOPTED**:

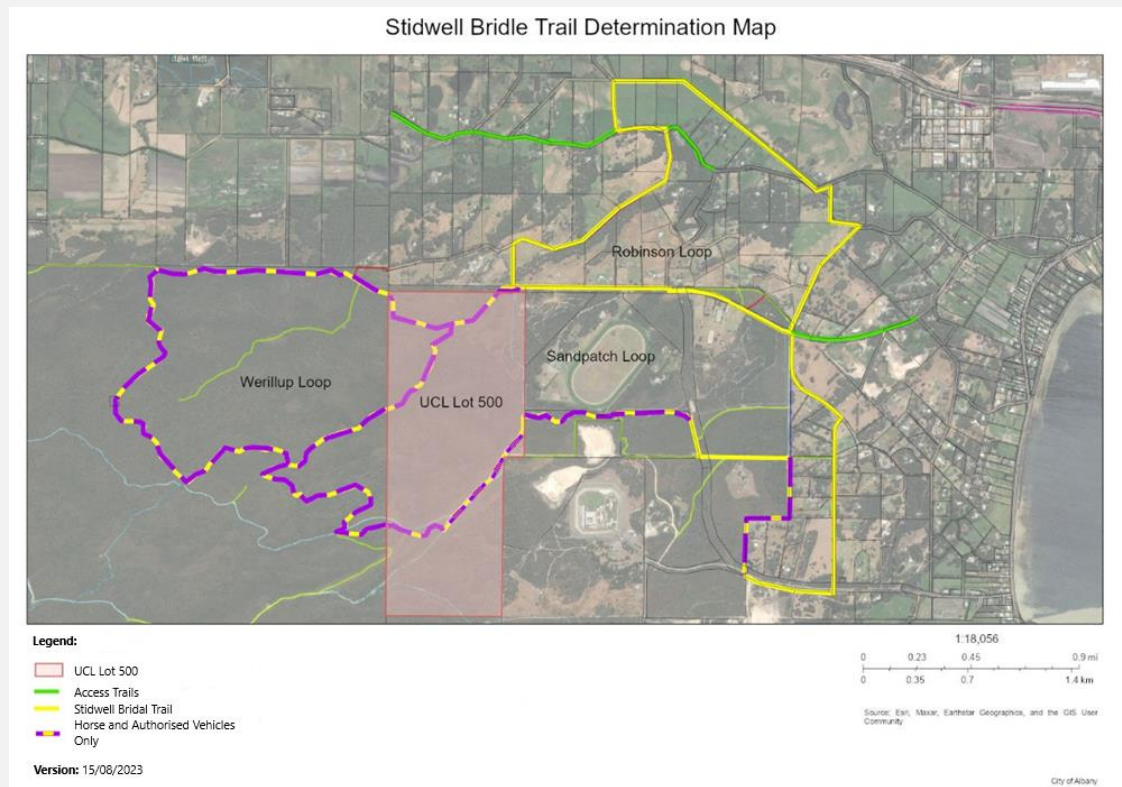
**City of Albany
Local Government Act 1995
Local Government Property Local Law 2011**

**DETERMINATION
STIDWELL BRIDLE TRAIL – DESIGNATED
HORSE AND AUTHORISED VEHICLE USE ONLY**

Determination:

The Stidwell Bridle Trail (SBT) sections depicted, by a “Purple Dashed Line on top of a Yellow Line”, are designated as “Horse and Authorised Vehicle Use Only”.

Map:



Legend:

Purple Dashed/Yellow Line –  - Horse and Authorised Vehicle Use Only.

Note: High resolution maps can be sourced from the City of Albany website: www.albany.wa.gov.au

- (3) **NOTE** that a management plan will guide the ongoing use of the trail, through the use of educational signage and gates where appropriate.

BACKGROUND

2. The Stidwell Bridle Trail (SBT) is a recognised Horse Exercise Area under the City of Albany Animals Local Law 2020.
3. The proposed determination aims to address user conflicts, enhance safety, and improve management within the trail area under the City of Albany Property Local Law 2011.
4. This is in response to recommendations from the Tredwell Report, an independent study of the Robinson Precinct and SBT commissioned in 2021 to review various issues and inform future management of the area and trail maintenance.
5. At the Ordinary Council Meeting of August 2023, the Council resolved to present the feedback from stakeholders and the community regarding the proposed determination at the December 2023 Council meeting.

DISCUSSION

6. The feedback from stakeholders and the community is presented in this report.
7. Officers presented the results of the public comment period to the strategic workshop on Tuesday, November 21 and copies of the survey comments and submissions have been made available to elected members.
8. The Council is requested to critique the submissions made and the cause-and-effect analysis and proposed mitigation strategies, cognisant of protection of the environment and other trail recreational usage (i.e., access to fishing spots by registered vehicles, trail walkers and cyclists).

Balancing Environmental and Community Concerns

9. This section offers a comprehensive overview of the findings from the community and stakeholder consultation on the proposed Stidwell Bridle Trail Determination. The consultation took place between August 31 and October 25, 2023.
10. Engagement Overview: Stakeholders and the community were invited to provide feedback through various channels, including an online survey, written comments via email to the Manager of Recreation Services, and outreach through various methods like direct emails to key stakeholders, letterbox drops, social media, the City's website, and media releases.
11. Survey Analysis: A total of 214 responses were received. The majority of respondents were above the age of 18, with recreational vehicle use and horse riding as the predominant activities. About half of the respondents supported the proposed determination.
12. Additional Survey Comments: Of the 163 respondents who provided additional comments, the majority favoured the proposed determination due to concerns related to safety and the environmental impact of vehicles on the trail.
13. Written Submissions: A total of 18 written submissions were received, with 16 in support of the proposed determination. Main Roads and WA Police remained neutral and provided information. Submissions raised concerns similar to the survey comments.

Analysis of the cause and effect of potential consequences

14. Feedback reflected a diversity of opinions on the proposed changes.

Feedback opposed to the determination:

15. The key points from those who strongly oppose the proposal to designate the SBT as horse and authorised vehicle-only, expressed concerns about the impact on other recreational activities such as motorbike riding, four-wheel driving, walking, and cycling.
16. The key points against the determination include:
 - a. Perceived Unfair Exclusivity:

- Key Point: Opponents express concern about the perceived unfairness of limiting the trail to horses and authorised vehicles.
 - Comments:
"It seems unfair to exclude motorbike riders and four-wheel drivers, especially considering the available spaces for horse riding."
"The prioritisation of horses over other users is frustrating, and it feels like certain groups are being unfairly excluded."
- b. Safety and Shared Use Advocacy:
- Key Point: Some critics argue for shared use of the area, emphasising the importance of addressing safety concerns through education rather than exclusivity.
 - Comments:
"Exclusive designations may not be necessary; instead, focus should be on educating all users about trail etiquette."
"Safety concerns could be better addressed through awareness campaigns and shared use rather than restrictive determinations."
- c. Environmental Impact Concerns:
- Key Point: Concerns about the environmental impact of horse waste are raised, questioning the need for exclusivity based on these concerns.
 - Comments:
"Horse-related environmental impact should be considered, and exclusivity might not be the most effective solution."
"If environmental concerns are the focus, a more comprehensive approach addressing all users could be explored."
- d. Advocacy for Alternative Solutions:
- Key Point: Several responses propose alternative solutions, including designated trails for different activities, licensing for horse riders, and promoting responsible trail use through education.
 - Comments:
"Rather than exclusive designations, explore alternatives like designated trails for various recreational activities."
"Education and licensing could be more effective in promoting responsible use without resorting to exclusivity."
- e. Resistance to Horse Riders' Prioritisation:
- Key Point: There is strong opposition to what is perceived as preferential treatment for horse riders and a desire for more inclusive access.
 - Comments:
"The apparent favouritism towards horse riders is met with resistance, and many express a need for more inclusive access."
"Equality in access is crucial; giving priority to one group over others is not well-received."

Feedback in support of the determination:

17. The following key points reflect the positive sentiments and support from individuals who endorse the proposal to designate the SBT for horse and authorised vehicle use only.
- a. Safety Enhancement:

- Key Point: Many supporters highlight the potential for the determination to enhance safety on the SBT.
 - Comments:
"I believe restricting access will significantly improve safety for equestrian riders and other trail users."
"The current mix of users poses a safety risk, and the proposed designation can address this concern effectively."
- b. Positive Environmental Impact:
- Key Point: Supporters acknowledge the positive environmental impact of limiting vehicle access.
 - Comments:
"Reducing vehicle access will contribute to the preservation of the natural environment along the trail."
"Environmental conservation is crucial, and restricting vehicles aligns with this goal."
- c. Compliance with Study Findings:
- Key Point: Some feedback emphasises the alignment of the proposal with findings from the Tredwell Study.
 - Comments:
"The Tredwell Study's recommendations are sound, and the determination reflects a commitment to follow those recommendations."
"It's reassuring to see the City of Albany taking steps in line with the study's key findings."
- d. Community Safety and Peace of Mind:
- Key Point: Supporters express the belief that the determination will contribute to overall community safety and peace of mind.
 - Comments:
"Knowing that only authorised vehicles will be on the trail brings peace of mind for both riders and walkers."
"Safety is paramount, and this decision will create a more secure environment for everyone."
- e. Reducing Conflicts and Tensions:
- Key Point: Positive feedback emphasises the potential to reduce conflicts and tensions among different trail users.
 - Comments:
"Conflicts between horse riders and motorised vehicles have been a concern; this determination can alleviate those tensions."
"A designated use will minimise clashes and promote a more harmonious trail experience."
- f. Support from Equestrian Community:
- Key Point: The proposal receives strong support from the equestrian community.
 - Comments:
"As an active equestrian trail user, I fully support the decision to limit access to horses and authorised vehicles."
"Equestrians appreciate the consideration given to their safety and enjoyment of the trail."

g. Consistency with Water Reserve Management:

- Key Point: Feedback underscores the consistency of the determination with water reserve management goals.
- Comments:
"Preserving the South Coast Water Reserve is vital, and restricting certain vehicle access aligns with this preservation effort."
"The determination is a step towards responsible management of our water reserves."

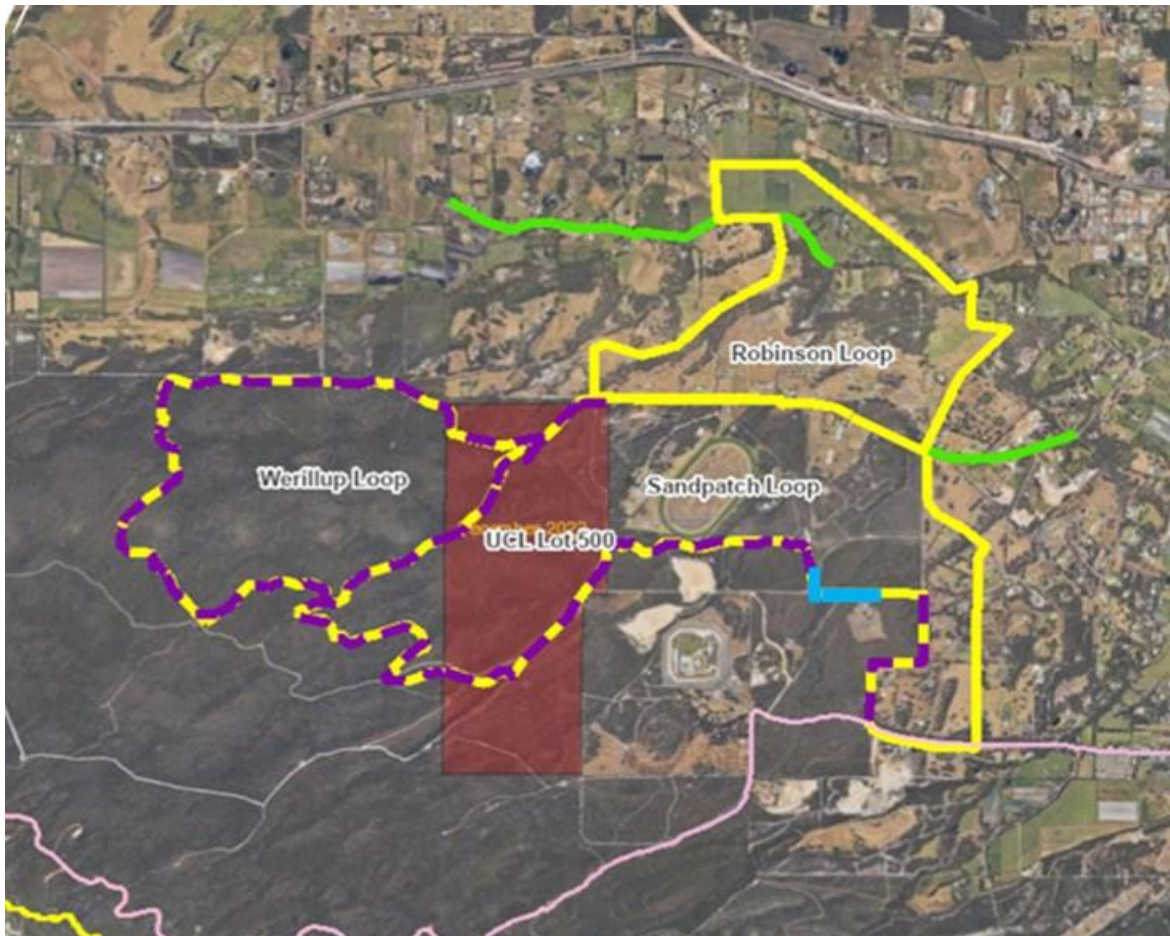
h. Encouraging Responsible Trail Use:

- Key Point: Supporters believe that the determination encourages responsible trail use.
- Comments:
"Designating specific uses promotes responsible behaviour and respect for the environment."
"Users will appreciate the clarity and purpose that comes with a designated trail use policy."

Requested change/addition to the determination:

18. In its submission, the Friends of Stidwell Bridle Trail (FSBT) requested an addition to the proposed determination to include a section of bridle trail that runs on the west side of the Albany Model Aero Club gate through to the back of the Albany Race Course.

19. **Fig 1:** Blue lines indicating FSBT's proposed addition to the determination



20. This section of trail is used for access to water corporation wellheads and bores, the Albany Model Aero Club and the operational lime pit which is located nearby. It is also in close proximity to the Albany Regional Prison.
21. Given this section of trail was not included in the proposed determination, stakeholders that may be affected by this change have not had the opportunity to comment.
22. Because of this, officers are of the view that this represents a substantive addition to the determination and would require further public comment to consider the cause of effect of its implementation.
23. Therefore, this addition has not been recommended for inclusion in this determination.
24. The determination can be reviewed and amended in future if required.

GOVERNMENT & PUBLIC CONSULTATION

25. Extensive stakeholder consultation was conducted, considering both environmental concerns and community perspectives (refer to points 7-11 of this report).
26. Public notices were published on the City's website and published in local newspapers to inform the public about relevant matters.
27. The feedback from government stakeholders emphasised the importance of protecting Albany's drinking water sources.
28. In addition to the 18 written submissions received:
 - The following agencies referred to previous advice provided regarding the SBT;
 - Department of Water & Environmental Regulation (DWER);
 - Water Corporation; and
 - Department of Planning, Lands & Heritage.
 - 14 other agencies and community groups were directly invited to provide comment on the proposed determination, but no written submissions were received.

STATUTORY IMPLICATIONS

Local Government Act 1995

29. The Local Government Act 1995 promotes community participation, open meetings, and access to information, allowing residents to influence matters that directly impact them.
30. The Act discourages exclusivity, emphasising inclusivity and fairness in decision-making.

Control of Vehicles (Off-road Areas) Act 1978

31. The Off-Road Vehicles (ORV) Act regulates the illegal use of ORV inside designated Prohibited Areas.
32. The ORV Act's application has been confirmed to encompass the entire City of Albany municipality, including public land and areas vested with the City.
33. DWER advises that the ORV Act also applies to any public drinking water source area (i.e., drinking water catchments and wellheads) across the State.
34. The ORV Act does not prohibit licensed vehicles from the land seaward side of South Coast Highway in the City of Albany, noting off-road vehicles are defined as any vehicle that is not fully road registered (Class A) under the Road Traffic (Vehicles) Act 2012 (WA).
35. The City of Albany has not established any Off-Road Vehicle (ORV) areas under the Control of Vehicles (Off-road Areas) Act 1978.

Operational Policy 13 – Recreation in public drinking water source areas

36. DWER's Operational Policy 13 is part of the State's legal framework for the protection of PDSWA's on crown land. Under this policy, licensed and unlicensed off road vehicles are an incompatible use within PDWSA's unless it is an approved pre-existing use.

37. The City has taken guidance from DWER and other relevant State agencies regarding compliance with Policy 13 in relation to the SBT and the development of the local law determination.
38. It is DWER’s understanding that “the only pre-existing approved use of the SBT is for horse riding. The management tracks which are provided for water infrastructure and fire management on crown land within the SBT area are not considered pre-existing recreational facilities, or public roads...therefore use of vehicles on these routes by members of the public is not permitted”.

POLICY IMPLICATIONS

39. Licensed four-wheel drive vehicles and motorbikes are generally prohibited on City of Albany-managed reserves, parks, and beaches unless specific signage indicates otherwise. This reflects the City's commitment to community safety.
40. Under the Local Government Act, where a local law is inconsistent with any State or Federal law, it becomes inoperative. Noting the legal weight of Policy 13 (refer points 33-35), the determination is seeking to align the City’s local law with the State law so that the local law remains operative.
41. This also responds to the recommendation of the Tredwell Report to update the relevant City local laws with respect to the use of the SBT and the PDSWA.

RISK IDENTIFICATION & MITIGATION

42. The determination aims to mitigate user conflict through education and compliance.
43. Potential risks include challenges in residents accepting changes to track access and health and safety concerns. Clear signage, information, and education are key mitigations, with a focus on balancing environmental preservation and community needs.
44. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation: Public Perception and User Conflict.</p> <p>Risk: The proposed determination for the SBT may lead to dissatisfaction among users, particularly motorbike riders and four-wheel drivers, resulting in conflicts and negative public perception.</p>	High	Moderate to Major	High	<p>Risk Analysis: Noting there is a high likelihood of user dissatisfaction, which could escalate to conflicts and negatively impact the public perception of the City's decisions.</p> <p>Mitigation: _Implement a comprehensive communication plan to inform the public about the reasons for the determination. _Establish a dedicated communication channel for users to express concerns and seek clarifications.</p>
<p>People's Health & Safety: Ranger Resource Strain & Safety.</p> <p>Risk: Increased complaints from horse riders may strain ranger resources, impacting their availability and safety, especially in the remote sections of the trail.</p>	Possible	Moderate	Medium	<p>Risk Analysis: The likelihood of increased complaints and requests for ranger intervention on current ranger resourcing, could compromise effective enforcement and lead to potential safety hazards for rangers.</p> <p>Mitigation: _Evaluate and adjust ranger schedules to ensure adequate coverage during peak usage times. _Provide specialized 4x4 training for rangers. _Enhance communication and coordination between rangers and other relevant city departments to optimise resource allocation.</p>

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Legal & Compliance, and Safety: Continued Unauthorized Vehicle Use.</p> <p>Risk: Despite the determination, there may be continued unauthorised vehicle use on the SBT.</p>	Likely	Moderate to High	High	<p>Risk Analysis: There is a likelihood of users not complying with the determination, posing risks of legal and safety consequences.</p> <p>Mitigation: _Enhance enforcement efforts through regular patrols and monitoring. _Introduction of technological solutions such as trail cameras for continuous monitoring. _Clearly communicate the consequences of non-compliance, including legal actions and penalties. _Collaborate with other law enforcement agencies, such as:</p> <ul style="list-style-type: none"> • Albany Police. • Water Corporation Rangers (Authorised Persons). • DWER Authorised Persons.
<p>Legal & Compliance: Limited Identifying Evidence for Complaints.</p> <p>Risk: Difficulty in obtaining identifying evidence for motorbike riders due to helmet use and lack of license plates, hindering effective enforcement of complaints.</p>	Possible	Moderate	High	<p>Risk Analysis: Challenges in obtaining identifying evidence may reduce the effectiveness of enforcing complaints and issuing infringements.</p> <p>Mitigation: _Explore technology solutions, such as trail cameras, to capture evidence of unauthorised vehicle use. _Engage the community in reporting incidents and providing additional identifying information.</p>
<p>Opportunity: A bi-annual review of mitigation strategies will provide an opportunity to gain feedback from the community to ensure ongoing effectiveness.</p>				

FINANCIAL IMPLICATIONS

- 45. The cost of public advertising for the determination was incurred, and future costs for signage and other implementation works depend on budget allocation.
- 46. This reflects the City's financial responsibility to address community concerns.

LEGAL IMPLICATIONS

- 47. Various local laws, including those related to activities on thoroughfares and public places and animal use, are relevant to the determination.
- 48. Failure to comply with a determination is associated with prescribed offences and penalties, reflecting the legal framework that governs this process, being the “Local Government Property Local Law 2011”.
- 49. Land Administration Act 1997: Enforcement action on the portion of UCL (Unallocated Crown Land) Lot 500 on DP60582 may be undertaken by the City of Albany pending formal permission being granted by DPLH.

ENVIRONMENTAL CONSIDERATIONS

- 50. In the context of environmental considerations related to water source areas and public trails:
 - i. Water Corporation supports the City's position regarding the protection of drinking water sources.

- j. Existing trails and new feeder trails are subject to assessment and approval under Policy 13, with the goal of balancing environmental protection with community needs.
 - k. The proposed 'horse and authorised vehicle only' sections of the trail align with Policy 13.
51. Any proposed changes to the existing trail or feeder trails will be required to be referred to DWER to assess under Operational Policy 13.
52. The community feedback also addressed the environmental impact that vehicles and horses make against the natural environment.

ALTERNATE OPTIONS

53. The Council has the option to adopt the determination, not decide at this time, or seek additional public comment, recognising the need to balance environmental and community concerns.

CONCLUSION

54. The City places a high priority on environmental protection, public safety, and ensuring the well-being of the community.
55. In relation to the SBT, this requires responsible consideration of the safety of all trail users, environmental preservation, and the intended use of specific trail sections.
56. The proposed determination and control measures represent an improvement to the SBT, considering both environmental and community perspectives.
57. It is recommended that Council adopts the proposed determination, acknowledging resource limitations for enforcement.

Consulted References	:	<ul style="list-style-type: none"> • <i>City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011</i> • <i>City of Albany Animals Local Law 2020</i> • <i>City of Albany Local Government Property Local Law 2011</i> • <i>Control of Vehicles (Off-road Areas) Act 1978</i> • <i>Land Administration Act 1997</i> • <i>Local Government Act 1995</i> • <i>Operational Policy 13 – Recreation in public drinking water source areas on Crown land</i> • <i>Robinson Precinct and Stidwell Bridle Trail Study Report by Tredwell</i>
File Number:	:	EM.PLA.5 – Environmental Management – Planning
Previous Reference	:	<ul style="list-style-type: none"> • Ordinary Council Meeting held in August 2023, Resolution CCS555. • Corporate & Community Services Committee, held in August 2023. • Strategic Workshop Briefing – 20 June 2023. • Robinson Precinct and Stidwell Bridle Trail – Implementation Briefing – 28/11/2022. • Ordinary Council Meeting July 2022, Resolution CCS455.

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN – Nil.**
12. **MEETING CLOSED TO THE PUBLIC**
13. **CLOSURE**