



MINUTES

COMMUNITY AND CORPORATE SERVICES COMMITTEE

Tuesday 8 August 2023

6.00pm

Council Chambers



Community & Corporate Services Committee
Terms of Reference

Functions: The Committee is responsible for the following functions:

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

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

It will achieve this by:

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

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

COMMUNITY AND CORPORATE SERVICES COMMITTEE
MINUTES – 8/08/2023

TABLE OF CONTENTS

	Details	Pg#
1.	DECLARATION OF OPENING	5
2.	PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS	5
3.	RECORD OF APOLOGIES AND LEAVE OF ABSENCE	5
4.	DISCLOSURES OF INTEREST	6
5.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
6.	PUBLIC QUESTION TIME	6
7.	PETITIONS AND DEPUTATIONS	8
8.	CONFIRMATION OF MINUTES	8
9.	PRESENTATIONS	8
10.	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS	8
REPORTS		
CCS548	FINANCIAL ACTIVITY STATEMENT - JUNE 2023	9
CCS549	LIST OF ACCOUNTS FOR PAYMENT JULY 2023	12
CCS550	DELEGATED AUTHORITY REPORTS – 16 JUNE 2023 TO 15 JULY 2023	14
CCS551	WRITE-OFF RATES DEBT REPORT AS AT 30 JUNE 2023	15
CCS552	PROPOSED NEW LEASE – OLD ALBANY POST OFFICE BUILDING TO THE UNIVERSITY OF WESTERN AUSTRALIA	16
CCS553	PARTIAL SURRENDER & NEW ADDITIONAL LEASE – J & L SHUTTLEWORTH PTY LTD – BIG 4 EMU BEACH HOLIDAY PARK	22
CCS554	PROSPECTIVE DISPOSAL OF LAND – 47 & 49 WELLINGTON STREET, CENTENNIAL PARK TO SUPPORT GREAT SOUTHERN YOUTH FOYER PROJECT	28
CCS555	STIDWELL BRIDLE TRAIL DETERMINATION	33
CCS556	NATIONAL ANZAC CENTRE ADVISORY GROUP – MEMBERSHIP	46
CCS557	NATIONAL ANZAC CENTRE – Q4 2022-23 REPORT	49
CCS558	COMMUNITY SPORTING AND RECREATION FACILITIES FUND 2023 SMALL GRANT ROUND APPLICATIONS	54
11.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	63
12.	MEETING CLOSED TO PUBLIC	63
13.	CLOSURE	63
	<i>Tabled Address by Ms S Stevens (Appendix A)</i>	64
	<i>Tabled Address by Ms L Adamson (Appendix B)</i>	89

COMMUNITY AND CORPORATE SERVICES COMMITTEE
MINUTES – 8/08/2023

1. **DECLARATION OF OPENING** The Chair declared the meeting open at 6pm.

2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders past, present and emerging”.

3. **RECORD OF APOLOGIES AND LEAVE OF ABSENCE**

Mayor

D Wellington

Councillors:

Breaksea Ward

A Cruse

Breaksea Ward

P Terry (Chair)

Frederickstown Ward

M Traill

Kalgan Ward

T Brough

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

D Baesjou

West Ward

S Smith (Deputy Chair)

West Ward

S Grimmer

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson ([Zoom](#))

Staff:

Chief Executive Officer

A Sharpe

Executive Director Community Services

N Watson

Executive Director Corporate & Commercial Services

M Gilfellon

Manager Recreation Services

M Green

Manager Governance & Risk

S Jamieson

Manager City Reserves

J Freeman

Manager Facilities

L Stone

Meeting Secretary

C Crane

Apologies:

Frederickstown Ward

G Stocks

There were 24 members of the public in attendance. There were no media in attendance.

COMMUNITY AND CORPORATE SERVICES COMMITTEE
MINUTES – 8/08/2023

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Traill	CCS552	Impartiality: The Nature of the interest being is that Councillor Traill is employed as a casual tutor at UWA but not currently engaged. Councillor Traill remained in the Chamber and participated in the discussion and vote for this item.

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.*

Ms Samantha Stevens, 37 Rowney Road, Robinson

Ms Samantha Stevens spoke to the item of CCS555: Stidwell Bridle Trail Determination. Ms Stevens' tabled address is detailed at Appendix A.

In summary, in addressing Report Item CCS555, Stidwell Bridle Trail (SBT) Determination, the Chairperson of the Friends of the Stidwell Bridle Trail expresses gratitude for collaboration with City Staff on the determination. They support proposed 'Horse and Authorised Vehicle Only' areas but oppose sections allowing motorised vehicles, especially in Sandpatch Reserve.

They highlight unresolved issues and confusion, referring to the Off-Road Vehicle (ORV) Act. A recent email exchange with the Department of Local Government reveals the complexity of the ORV Act's applicability, including the Minister's power to declare areas as "prohibited." Ms Stevens tabled the following Questions on Notice:

1. Where does the Off-Road Vehicle Act fit into this now?
2. Does the City believe it is appropriate and responsible to permit off-road vehicle use in the vicinity of equestrian trails?
3. If the Minister can approve a prohibited area. Is this something the City would consider to protect the towns drinking water, the environment and a safe trail experience for the equestrians, pedestrians, dogs on leads and authorised vehicles?

Julie De Jong – 10 Trotter Grove, Robinson

Ms Julie Dejong spoke to the item of CCS555: Stidwell Bridle Trail Determination.

- Ms Dejong spoke in particular to Lot 500.
- Ms Dejong had concerns about Community Engagement and the lack of engagement with traditional owners.
- Ms Dejong also highlighted safety concerns and risks with motor vehicles and offroad vehicle access and using this area and would like to see exclusive use for horse riders and authorised vehicles.

Ms Liz Adamson. 194 Grey Street West.

Ms Adamson spoke to the item of CCS555: Stidwell Bridle Trail Determination. Ms Adamson's tabled address is detailed at Appendix B. In summary Ms Adamson, questioned the integration of DWER Policy 13, which safeguards drinking water sources, in the determination process, seeking clarity on the City's adherence. Ms Adamson tabled the following Questions on Notice.

- 1 Where does Policy 13 fit into this determination?
- 2 Does the City have to adhere to Policy 13 for this area?

Mr Clinton North – 39234 South Coast Hwy – Green Range Country Club

Mr North spoke to the item of CCS588 CSRFF Fund 2023. Mr North spoke in favour of the item and is seeking support regarding repairing the green.

- Mr North said that the Club currently has 103 members, and this improvement will enable more regular bowls participation and community events and will also bring more opportunities for the growth of its Club.
- The overarching purpose of the project is to upgrade the Country Club's bowling green to a synthetic surface with new fencing and lighting. This will allow home games to be played (currently unavailable due to the type and quality of the existing green) and will consequently reduce the burden on members due to constant need to travel to the nearest bowling green 70km away.
- The lighting component of the project will enable greater access and associated use/participation.
- Green Grange Country Club seek support of \$100,000.00 from Council for this project.

Mr Gary Philpott – 28 Cunningham Street, Emu Point - Emu Point Sporting and Community Club

Mr Philpott spoke to the item of CS588 CSRFF Fund 2023. Mr Philpott spoke in favour of the item and is seeking City support for this upgrade.

- The Emu Point Sport and Community Club have recently completed a accessibility master plan and has identified that their current facility does not meet current accesbily standards.
- Mr Philpott referred to the City's current Access and Inclusion as well as the City's Aged Friendly Plan.
- The Project will focus on upgrades to several internal rooms to construct a medical room and bowls/sports storage rooms.
- Universal accessibility will be improved with the construction and installation of an integrated covered access ramp and observation platform and also includes expansion of the western veranda to improve accessibility for the bowling green.
- Upgrades to the male toilets and change rooms to a unisex facility and construction of office space and additional storage facilities are part of the plan.
- The Club seeks a City contribution of approximately \$100,000.00 and this upgrade will provide an extra 30 years to the life of the facility.

Charlotte McIntyre – 76 Robinson Road, Robinson

Ms McIntyre spoke to the item of CCS555: Stidwell Bridle Trail Determination.

- Ms McIntyre spoke to the challenges of Lot 500 and against vehicles using the trail because of its risks to horse riders.
- Ms McIntyre highlighted concerns with vehicle access through Lot 500 and stated that there were other access points that could be used within the reserve.
- Ms McIntyre suggested for more community engagement needs to be undertaken on the issues.

At 6.32pm Councillor Benson-Lidholm left the Chamber and returned at 6.32pm.

COMMUNITY AND CORPORATE SERVICES COMMITTEE
MINUTES – 8/08/2023

7. PETITIONS AND DEPUTATIONS Nil.

8. CONFIRMATION OF MINUTES

MOTION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT the unconfirmed minutes of the Community and Corporate Services Committee meeting held on 11 July 2023, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.
CARRIED 11-0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil.

CCS548: FINANCIAL ACTIVITY STATEMENT – JUNE 2023

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement – June 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 on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 30 June 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 financial activity statement for the period ended 30 June 2023 is preliminary and has not yet been audited.

RECOMMENDATION

CCS548: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS548: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 30 June 2023 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.

4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS457, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing:
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
 - 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
 - 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

8. The City's 2022/23 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 30 June 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

15. The Authorising Officer's recommendation be adopted.
16. It is requested that any questions 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

CCS549: LIST OF ACCOUNTS FOR PAYMENT – JULY 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

- 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

- 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

CCS549: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS549: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 July 2023 totalling \$11,587,228.47 be RECEIVED.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 July 2023. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$37,250.26
Payroll	\$1,772,679.74
Cheques	\$600.14
Electronic Funds Transfer	\$9,776,698.33
TOTAL	<u>\$11,587,228.47</u>

4. The table below summaries the total outstanding creditors as at 15 July 2023.

Current	\$266,348.49
30 Days	\$152,791.34
60 Days	\$5,485.73
90 Days	\$(951.84)
TOTAL	<u>\$423,673.72</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

8. Expenditure for the period to 15 July 2023 has been incurred in accordance with the 2022/2023 budget parameters & draft 2023/2024 budget parameters.

FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 July 2023 has been incurred in accordance with the 2022/2023 budget parameters & draft 2023/2024 budget parameters.

LEGAL IMPLICATIONS

10. Nil

ENVIRONMENTAL CONSIDERATIONS

11. Nil

ALTERNATE OPTIONS

12. Nil

CONCLUSION

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

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

CCS550: DELEGATED AUTHORITY REPORTS – 16 JUNE 2023 TO 15 JULY 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

CCS550: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS550: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 June 2023 to 15 July 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)

CCS551: WRITE-OFF RATES DEBT REPORT AS AT 30 JUNE 2023

Proponent / Owner : City of Albany
Attachments : Write Off Rate Debt Report as at 30 June 2023.
Report Prepared By : Senior Finance Officer – Rates (A Bartell)
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:** A well informed and engaged community.

RECOMMENDATION

CCS551: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS551: AUTHORISING OFFICER RECOMMENDATION

THAT the Write off Rates Debt Report as at 30 June 2023 be RECEIVED.0

CCS552: PROPOSED NEW LEASE – OLD ALBANY POST OFFICE BUILDING TO THE UNIVERSITY OF WESTERN AUSTRALIA

Land Description	: Lots B42 and B44 on Deposited Plan 144904 Stirling Terrace, being the whole of the land described in Certificate of Title 1739 Folio 647, 33 – 39 Stirling Terrace, Albany
Proponent	: The University of Western Australia
Owner	: City of Albany (freehold)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate and Commercial Services (M Gilfellon)

Councillor Trail has declared an impartiality interest. Councillor Traill remained in the Council Chamber for the vote and discussion.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity
 - **Outcome:** A strong, diverse and resilient economy with work opportunities for everyone.

Maps and Diagrams:



In Brief:

- Council is requested to consider a new lease to The University of Western Australia (UWA) for use of the building commonly referred to as the Old Post Office and associated grounds on Stirling Terrace. This will allow them to continue providing university education and campus facilities.
- The original lease expired on 31 July 2021 and UWA continue to occupy under monthly holding over provisions.

- The proposed new lease term is to be for 10 + 10 years with a market rental of \$165,000 per annum plus GST, determined by a licensed Valuer.
- The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to facilitate access to quality education, training and work opportunities.
- It is recommended to approve the proposed new lease to UWA.

RECOMMENDATION

CCS552: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED: 12-0

CCS552: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE a new lease to The University of Western Australia over premises located 33 – 39 (Lots B42 & B44) Stirling Terrace, Albany subject to the terms and conditions outlined in section 17 of this report.

BACKGROUND

2. The lease premises, known as the Old Albany Post Office building is located on Stirling Terrace on land owned in freehold title by the City of Albany.
3. The building is of high heritage significance and is contained on various heritage lists, including the State Register of Historical Places. The building was the original post office for Albany and has a conservation plan in place.
4. UWA have occupied the premises under a lease agreement since 1 August 2001. The original lease expired on 31 July 2021 and UWA continue to occupy under holding over arrangements.
5. Under the previous 20 year lease, a rental of \$1.00 per annum payable on demand was agreed at the time in support of UWA establishing university facilities for Albany residents and the wider community.
6. UWA undertook internal renovations to meet university requirements while preserving the building's heritage. Ownership of these improvements vest with the City.
7. In June 2021, UWA approached the City seeking a new lease to allow the ongoing delivery of university education and campus activities at these premises.
8. City officers have been in negotiations with UWA to agree key lease terms, subject to Council approval.
9. Currently a portion of the ground floor of the building is leased to Spectrum Theatre until 31 January 2029. The remainder of the ground floor and the upper two levels of the building is occupied by UWA.

DISCUSSION

10. The current premises meets the university campus requirements and are located in the heart of Albany's cultural precinct, close to all amenities. There are also affordable student accommodation apartments located on Serpentine Road and Stirling Terrace.
11. UWA have constructed a new science building on land next to the lease area. The City is not a party to this arrangement.

Building works

12. Over the past few years, the City has done works on the building. These include replacing the roof, renewing the verandahs, replacing ladders leading to the clock tower, replacing clock mechanism, and repairing water damage on the ground floor walls.
13. The City has also responded to water ingress and damp issues. UWA acknowledges the building is affected by damp on the ground floor. Both the City and UWA agree, at their respective cost and expense, to use all reasonable endeavours to minimise the dampness.
14. Works planned in the 2023/2024 budget include maintenance to the clock tower shingles and chimney bricks and further works to address the damp issues on the ground floor.

Negotiation on lease terms

15. The lease area includes the building including verandahs, outside courtyard, garden areas and entry ramp.
16. The Property Management (Leases and Licences) Policy requires annual rent reviews, with market valuations every three years and CPI increases in between. However, UWA proposed fixed 3% increases instead of CPI be considered as this suits their operational needs. As such the key terms below have included fixed 3% increases in between.
17. The table below summarises the essential terms of the proposed new lease.

Item	Details
Tenant	The University of Western Australia
Land Description	Lots B42 and B44 Stirling Terrace, being the whole of the land described in Certificate of Title 1739 Folio 647, an area of approximately 1745m ²
Lease Area	Approx 1745m ²
Land Ownership	City of Albany - freehold
Permitted Use	University Purposes
Term of Lease	10 + 10 years commencing 1 August 2022
Rent	\$165,000 per annum plus GST
Rent reviews	Market Valuation every 3 years with 3% fixed annual increase in between
Outgoings/Utilities	Tenant responsible for all outgoings and utilities
Building Maintenance	City responsible for all structural maintenance, including the clock tower
Special Conditions	<p><u>Internal Toilets and Lobby</u> UWA will share the cleaning and maintenance of the internal ground floor toilet and toilet lobby with Spectrum Theatre.</p> <p><u>Dampness</u></p> <ul style="list-style-type: none"> UWA and City both acknowledge the building ground floor is affected by damp (through external factors, building issues and fit-out causes).

	<ul style="list-style-type: none">• Both UWA and the City, at their respective cost, will use all reasonable endeavours to minimise the dampness. Unless otherwise agreed, the City will focus on the external and building causes, and UWA will address fit-out causes.• If any ad hoc event (not caused by UWA) leads to additional dampness, the City will handle necessary cleaning and repairs. UWA will take care of regular maintenance and cleaning and inform the City of any negative changes in dampness levels.• UWA will conduct annual air quality testing at their discretion and make the results available to the City. The cost of this report will be shared equally between UWA and the City.• Despite the efforts mentioned above, if the damp issue cannot be adequately minimised to the reasonable satisfaction of either UWA or the City, either party can terminate the lease by giving 6 months' notice in writing to the other.
--	--

18. UWA has agreed in-principle to the above terms, subject to Council approval.

GOVERNMENT & PUBLIC CONSULTATION

19. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the process by which the City can dispose of property. A lease of a property is considered to be a disposal.
20. Section 30 of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from Section 3.58 of the Act. This includes disposal to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
21. On the above basis, the proposed lease is considered exempt from public notice requirements.
22. 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

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

POLICY IMPLICATIONS

24. The City's Property Management (Leases and Licences) Policy aims to support the equitable access, and the efficient and effective management of City owned and managed properties in line with statutory procedures.
25. The Policy provides that rent reviews be conducted annually, with market valuations every three years and Perth All Groups CPI increases in between.
26. UWA has proposed 3% fixed annual rent increases rather than CPI. Council's support of this variation for UWA is requested.
27. The remaining terms of the lease agreement will align with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: new lease not approved – perceived lack of support for tertiary education in region	Unlikely	Moderate	Moderate	Key terms of the lease have been agreed by both parties. Seek to negotiate terms to Council satisfaction
Reputation: new lease not approved – university campus not available to the community	Unlikely	Major	Medium	Seek to negotiate terms to Council satisfaction
Financial: new lease not approved – no rental income	Unlikely	Severe	High	Seek to negotiate terms to Council satisfaction to retain income generation of approx. \$3.3 million to the City
Opportunity: To provide support for tertiary students by supporting a university campus within the region				
Opportunity: This lease supports the City's Strategic Community Plan 2032 objective to facilitate access to quality education, training and work opportunities				
Opportunity: This lease supports the City's commitment to growing Albany as a university town				

FINANCIAL IMPLICATIONS

29. All costs associated with the development and finalisation of the lease will be met by UWA.
30. The new lease rental as determined by a current market valuation provided by a licensed Valuer, being \$165,000 per annum plus GST.
31. The lease income will generate approximately \$3.3 million over the full tenure of the lease. This calculation does not include any 3 year market review and 3% fixed rent review considerations. It is recommended the income be directed to the City's Building Restoration Reserve.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

33. The Old Albany Post Office building is officially listed on the State register for Heritage Places. Therefore, the provisions of the *Heritage of Western Australia Act 1990* will apply.
34. UWA are aware of the obligations associated with occupying a heritage building and are experienced in managing heritage related requirements.

ALTERNATE OPTIONS

35. Council may:
- Approve the lease to UWA; or
 - Support some elements of the new lease although not in its entirety; or
 - Decline the lease request.
36. Should Council decline the request, UWA may need to reconsider its options in providing a university campus in the Albany region. This could hinder the growth of Albany as a university town.
37. If the campus is closed, it would have a significant negative impact on current and future students of the university.
38. Should Council decline the request and the premises remain vacant, there will be a loss of rental income for a period until a new tenant is considered and approved.

CONCLUSION

39. The original 20 year UWA lease for the Old Albany Post Office building on Stirling Terrace expired on 31 July 2021.
40. UWA has requested a new lease to continue providing university education and campus facilities.
41. UWA have requested a new 10 year lease with an option to extend for another 10 years.
42. Both parties have agreed a market rental income of \$165,000 per annum plus GST as provided by licensed Valuer. The lease income will generate approximately \$3.3 million over the full tenure of the lease.
43. UWA are experienced in occupying and maintaining historical buildings making them well suited to manage this heritage listed building.
44. The proposed lease aligns with the City's Strategic Community Plan 2032 objective, which aims to facilitate access to quality education, training and work opportunities.
45. It is recommended that the new lease to UWA be approved.

Consulted References	:	<ul style="list-style-type: none">• Property Management (Leases and Licences) Policy• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>• <i>Heritage of Western Australia Act 1990</i>
File Number (Name of Ward)	:	PRO289, A181595 (Frederickstown Ward)
Previous Reference	:	OCM 07/11/2000 – Report Item 14.3.2

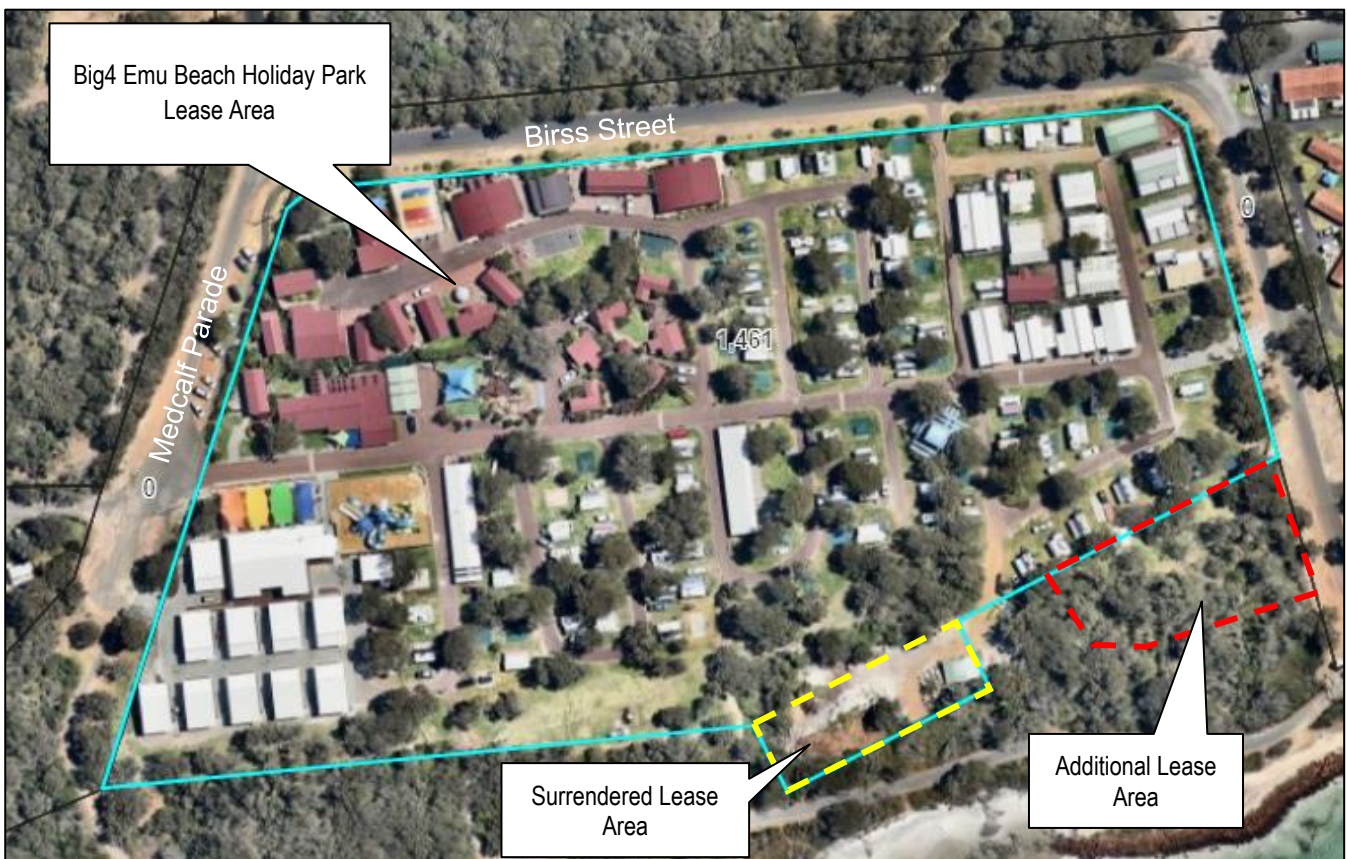
CCS553: PARTIAL SURRENDER & NEW ADDITIONAL LEASE – J & L SHUTTLEWORTH PTY LTD – BIG 4 EMU BEACH HOLIDAY PARK

Land Description	: Crown Reserve 22698, Portion of Lot 1461 on Deposited Plan 219777 the subject of Certificate of Crown Land Title Volume LR3110 Folio 171, Emu Point
Proponent	: J & L Shuttleworth Pty Ltd (ACN 166 818 079) trading as Big 4 Emu Beach Holiday Park <ul style="list-style-type: none">• Directors being Joshua, Luke, Patricia & Simon Shuttleworth
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
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:** Planet.
 - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

Maps and Diagrams:



In Brief:

- Council is requested to consider a land swap arrangement with the current tenant to facilitate the realignment of the coastal pathway, which is at risk due to coastal erosion.
- The proposed land swap involves the tenant surrendering a 1257m² portion of their current lease area back to the City and in return granting the tenant an additional area of 1627m² for Big 4 operations.
- The surrendered area returned to the City will be used to realign the coastal pathway to ensure safe public access to it.
- The new additional lease area will be used for caravan or camping sites. Noting development of the additional area is limited by clearing restrictions.
- The City's Executive Management team support the land swap proposal, subject to Council approval.
- It is recommended that the proposed land swap be approved.

RECOMMENDATION

CCS553: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED: 12-0

CCS553: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the partial surrender and an additional new lease area over portion of Crown Reserve 22698 to J & L Shuttleworth Pty Ltd trading as Big 4 Emu Beach Holiday Park, subject to the terms and conditions outlined in section 21 in this report.

BACKGROUND

Land Tenure

2. Crown Reserve 22698 is under management order issued to the City of Albany with the power to lease, sublease or licence for any term not exceeding 50 years and for the purpose of "Recreation and Associated Business Purposes".
3. In 2009 the City entered into a new lease over portion of Crown Reserve 22698 for an area of approximately 4.2ha, for the purpose of Caravan Park, Holiday Accommodation, Recreational Purposes and Spa and Wellness Facilities. The lease term was 30 years.
4. The lease was later transferred to the current tenants in 2014 and is due to expire in March 2039.
5. The current tenants recently made improvements to the Holiday Park including a recreation room, water playground, jumping pillow, new road corridors for access and emergency evacuation, 10 new transportable two bedroom chalets and parking bays.

Coastal Hazard Risk Management Adaption Plan (CHRMAP) – Emu Point to Middleton Beach

6. Following the State Government's Coastal Planning Policy (State Planning Policy No. 2.6) the City of Albany undertook an assessment of the Middleton Beach to Emu Point area to identify coastal hazards. The aim was to provide guidance and recommend measures to manage and reduce risks both in the short and long term.

7. In December 2019, Council adopted the final CHRMAP Implementation Plan for Middleton Beach to Emu Point. The plan recommended a managed retreat of assets approach for the Big 4 Holiday Park and the coastal pathway adjacent to the park.
8. Severe weather conditions, including intense storms, have made the foreshore area directly south of the Big 4 a coastal hazard 'hot spot'. The coastal pathway is at risk and needs to be realigned to ensure safe public access.

Land Swap

9. The City and the tenant have been discussing the proposed land swap for sometime, and have recently reached an agreement on the arrangement.
10. In the proposed land swap, the tenant will surrender a 1257m² portion of their current lease area back to the City. In return the tenant will receive an additional area of 1627m² for Big 4 operations.
11. The surrendered area returned to the City will be used to realign a portion of the coastal pathway at risk from erosion.
12. The new additional lease area will be used for caravan or camping sites only as there are restrictions on the amount of clearing that can be done in this area.
13. On 26 June 2023 the City received a letter from the tenant confirming their agreement to proceed with the land swap. They believe it is in the best interest for the community and allows the City to better manage coastal erosion issues in this area.

DISCUSSION

Proposed Partial Surrender and New Lease

14. The proposed partial surrender of 1257m² from the existing lease area will be on the southern boundary of the Big 4 lease area, right next to the coastal pathway.
15. To facilitate the land swap, the tenant needs to apply for a clearing permit for the new area with the Department of Water and Environmental Regulations before submitting a Development Approval Application.
16. The partial surrender of lease will only take affect once the new lease for the agreed additional area is granted.
17. The CHRMAP for the Middleton Beach to Emu Point mentions that the Big 4 lease site is located in an area likely to be subject to coastal erosion and/or inundation within the next 100 years.
18. Therefore, it is proposed to include a special condition in the lease acknowledging the CHRMAP and making the tenant aware of potential requirements and limitations on the lease area.
19. The City will have expanded rights to conduct works related to coastal protection treatments.
20. Additionally, the lease will have further indemnification clauses that the City and the Minister for Lands are not held liable for any loss or damage suffered by the tenant due to coastal processes.

21. The table below provides a summary of the key terms of the proposed additional lease to Big 4 Emu Beach Holiday Park:

Item	Details
Tenant	J & L Shuttleworth Pty Ltd (ACN 166 818 079) as Trustee for The J & L Shuttleworth Family Trust
Land Description	Crown Reserve 22698, Portion of Lot 1461 on Deposited Plan 219777 the subject of Certificate of Crown Land Title Volume LR3110 Folio 171, Emu Point
Lease Area	Approx 1,627m ²
Land Ownership	Crown (City of Albany under Management Order)
Permitted Use	Caravan Park, Holiday Accommodation and Associated Activities
Term of Lease	Approximately 15 years. To run concurrent with the existing lease expiring 17 March 2039
Rent	No initial adjustment to rent given the land swap agreement. A market valuation will be undertaken in March 2024 for the entire lease area, including the new area of 1627m ² .
Maintenance	Tenant responsible for all cleaning and maintenance of the facilities
Outgoings	Tenant responsible for all outgoing, including insurance
Utilities	Tenant responsible for all utility costs
Special Conditions	<ul style="list-style-type: none"> Partial surrender effective only on granting the new additional lease Include Coastal Hazard provisions Lease is subject to DWER clearing permit and Development Approval

22. Big 4 Emu Beach Holiday Park has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

GOVERNMENT & PUBLIC CONSULTATION

23. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Lands.
24. The Department of Planning, Lands and Heritage has been consulted and provided in-principle consent to proceed with a partial surrender of lease and new additional lease with the tenant, subject to final Section 18 of the *Land Administration Act 1997* Ministers consent being sought.
25. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease of a property is considered a type of disposal.
26. Clause 30(2)(a)(i & ii) of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from section 3.58 of the Act. One of these exceptions is when land is being disposed of to an owner of adjoining land and its market value is less than \$5,000. In such cases, if the Local Government does not consider that ownership of the land would be of significant benefit to anyone other than the adjoining land owner, public notice requirements are exempt.
27. On the above basis, the proposed lease is considered exempt from public notice requirements.
28. No general public consultation on the lease has occurred, as the discussions were limited to the parties involved in the land swap.

STATUTORY IMPLICATIONS

29. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased/licensed land and buildings.
30. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: New Lease not approved – land swap does not proceed	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Reputation: New Lease not approved – Impact to City access to conduct foreshore mitigation works	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Financial & Reputation: New Lease not approved – Coastal pathway next to Big 4 closed	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction. Realign path around the back of the existing Big 4 lease area
Opportunity: Retain the popular public coastal pathway corridor along the foreshore side of the Big 4				
Opportunity: Demonstrate the City's commitment to ongoing foreshore management and retaining waterfront experience				
Opportunity: The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to encourage more people to use active transport (walking and cycling)				

FINANCIAL IMPLICATIONS

34. All costs associated with the development and finalisation of the lease documentation will be met by the City, as the proposed land swap is at the City request.

LEGAL IMPLICATIONS

35. The lease documentation will be prepared by City's lawyers with terms and conditions that can be enforced to minimise any potential risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

36. The Big 4 Emu Beach Holiday Park lease area is located within the Coastal Hazard Risk Management Plan (CHRMAP) area for Emu Point to Middleton Beach. As such the lease area is likely to be subject to coastal erosion and / or inundation over the next 100 years.
37. The new lease will include coastal hazard provisions to ensure that the tenant acknowledges and accepts the potential impact of coastal erosion and/or inundation, sea level rises and other coastal processes.
38. Further indemnification clauses will be included to ensure that the City and Minister for Lands will not be liable for any loss or damage, or liability to any third parties as a result of erosion or the coastal location of the site and that the City has rights to conduct works relating to coastal protection treatments.
39. Any future development needs to be considered in the context of the recommendations of the Emu Point to Middleton Beach CHRMAP.
40. The Big 4 will need to act in accordance with any imposed conditions of the approved clearing permit from the Department of Water and Environmental Regulation.

ALTERNATE OPTIONS

41. Council may:
- Approve the partial surrender and new additional lease request; or
 - Support some parts of the lease proposal although not in its entirety; or
 - Not agree to the proposed new lease request.
42. If Council does not agree to the partial surrender of lease area and new lease, the City will face restrictions in managing coastal hazards in this area and ensuring the safety of the public coastal pathway. The City may need to consider realigning the path around the Big4 existing lease area.

CONCLUSION

43. The City and Big 4 Holiday Park tenant have come to an agreement on a proposed land swap arrangement which will allow for the realignment of the coastal pathway near the park due to the threat of coastal erosion.
44. The tenant will give back a portion of their current lease area (1257m²) to the City. In return the tenant will be granted an additional lease area of 1627m² for Big 4 operations.
45. The new additional lease area will be used for caravan and camping sites, noting there are restrictions on how much clearing can be done and limiting use of the area.
46. Big 4 supports the land swap proposal as they believe it is in the best interest for the community and allows the City to manage the coastal erosion issues in this area.
47. The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to encourage more people to use active transport such as walking and cycling.
48. It is recommended that the proposed partial surrender and new lease be approved.

Consulted References	:	<ul style="list-style-type: none">Property Management (Lease and Licences) Policy<i>Local Government Act 1995</i><i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO048, A155079 (Breaksea Ward)
Previous Reference	:	OCM 25/02/2014 Item CSF054 OCM 20/11/2007 Item 13.5.2

CCS554: PROSPECTIVE DISPOSAL OF LAND – 47 & 49 WELLINGTON STREET, CENTENNIAL PARK TO SUPPORT GREAT SOUTHERN YOUTH FOYER PROJECT

Land Description	: Lots 296 and 297 on Deposited Plan 222005, being the whole of the land described in Certificate of Title 1146 Folio 788 and 805, 47 and 49 Wellington Street, Centennial Park
Proponent	: Albany Youth Support Association and Advance Housing Ltd
Attachments	: <ul style="list-style-type: none">• Submission letter• Albany Youth Support Association and Advance Housing Ltd - Presentation Confidential Attachment• Albany Youth Support Association and Advance Housing Ltd - Business Case Confidential Attachment
Owner	: City of Albany (freehold)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate and Commercial Services (M Gilfellon)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(ii) of the Local Government Act 1995, being: a contract which may be entered into and information that has commercial value.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcome:** A diverse and inclusive community

Maps and Diagrams:



In Brief:

- Council is requested to consider providing in principle support for the prospective disposal of Lots 296 and 297 (47-49) Wellington Street, Centennial Park to Albany Youth Support Association (AYSA) and Advance Housing Ltd (AHL) for constructing the Great Southern Youth Foyer.
- These two lots, a combined area of 0.726 hectares, will be reserved for the Great Southern Youth Foyer subject to AYSA and AHL securing capital and operational funding from third parties for the project within three years, by December 2026.
- The project's estimated capital investment to construct the Great Southern Youth Foyer is between \$20-\$30 million.
- Once this funding milestone has been achieved, a further item will be presented to Council to consider the formal disposal of land process.
- Council received a briefing about the Great Southern Youth Foyer project on 18 July 2023
- The Great Southern Youth Foyer will be a place where young people aged 15-25 years, who are at risk of or experiencing homelessness, can stay. It will offer crisis accommodation and transitional housing for them.
- Council is asked to support the Officer Recommendation to demonstrate its commitment and contribution to the project. Noting the final determination for the disposal of Lots 296 and 297 will be the subject of a further report for Council consideration and decision.

RECOMMENDATION

CCS554: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS554: AUTHORISING OFFICER RECOMMENDATION

THAT Council RESOLVES to support in principle the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer, subject to:

- a) Albany Youth Support Association and Advance Housing Ltd securing capital and operational funding for the Great Southern Foyer project within three years, by December 2026; and
- b) A further item to Council to consider the formal disposal of the subject land and decide on the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer.

BACKGROUND

2. Following a presentation to Elected Members on 18 July 2023, the City has received a formal request from AYSA and AHL requesting support for the proposed Great Southern Youth Foyer project.
3. AYSA and AHL seek the City's commitment to provide land suitable for the establishment of the Great Southern Youth Foyer for nil consideration. They confirm they will not be seeking any further contribution from the City for site works or remediation. It is the intention to dispose of the land as is, without any further changes or improvements.

4. The estimated capital investment required for constructing the Great Southern Youth Foyer is between \$20-\$30 million.
5. The proposed site, consisting of Lot 296 and 297 (47-49) Wellington Street, Centennial Park has been identified for the Great Southern Youth Foyer. The location is considered ideal as near to local education institutions, public transport and connection to local amenities and services.
6. The land, an area of 0.726 hectares, is owned by the City in freehold title. The land is partially cleared and partly vegetated. The land is located one lot north of Pioneer Road, alongside a relatively large medical development and backing onto low-density residential accommodation.
7. AYSA and AHL request a period of three years, by December 2026, to secure capital and operational funding from third parties for the project.
8. Once this funding milestone is achieved the proposal is for Council to receive a further report to consider the dispose of the land to AYSA and AHL.
9. The Great South Youth Foyer aligns with the City's Strategic Plan 2032 objective goal of creating a compact city with diverse land, housing and development opportunities. The land is zoned as R60 Residential.

DISCUSSION

10. The Great Southern Youth Foyer is a considered a critical initiative aimed at addressing the growing issue of homelessness among young people aged 15-25 years in our community.
11. The Great Southern Youth Foyer will serve as a haven for at-risk and homeless youth providing crisis accommodation and transitional housing. In addition to shelter, the facility will offer essential support services, education opportunities, life skills training and guidance to empower young individuals to transition towards a more stable and independent life.
12. The project aligns with the City's Strategic Plan 2032 objective to provide and promote programs positively engage and develop young people (12-25 years).

Disposal of land

13. It is suggested the conditions subsequent to the disposal of land will include but not limited to the following.
 - Construction of the facility has substantially commenced within two years of the disposal of land.
 - It must at all times be used for the proposed not-for-profit purpose for which it was granted.
 - If AYSA and AHL no longer need the land, they must transfer back to the City for nil consideration.
 - The City may lodge an absolute caveat over the land to protect its rights.
14. The disposal of land is required to comply with section 3.58 of the *Local Government Act 1995* requirements.
15. A further item will be presented to Council to consider the formal disposal of land process. This allows Council to assess all aspects of the land disposal and decide on whether to proceed with the disposal of land
16. The subject land is part of the asset review recently undertaken by Paul Rosair, Naja Business Consulting Services to determine whether to retain, develop or dispose of land.
17. The review found the six vacant lots 296-303 Wellington Street have a combined sale value of \$2.15 million. The subject lots 296 & 297 covering an area of 0.726ha, are estimated to be worth \$748,000 if they are sold.

18. The review concluded the best option for the subject land would be disposal as it is considered low value land with significant development costs, which include expenses for road construction with pathway connectivity, stormwater easement and pipe stormwater.
19. It is anticipated that a summary of this report will be available for review by Council prior to the August Ordinary Meeting of Council.
20. It is noted that the City does not currently have a policy to guide the strategic disposal of land or the acquisition of land.

GOVERNMENT & PUBLIC CONSULTATION

21. Nil

STATUTORY IMPLICATIONS

22. The disposal of land will be undertaken in accordance with section 3.58 of the *Local Government Act 1995*. However, the Act provides for several circumstances where section 3.58 do not apply.
23. Regulation 30(2)(b) of the *Local Government (Functions and General) Regulations* defines those dispositions which are exempt under the Act where the land is disposed of to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
24. AYSA and AHL are considered not-for-profit charitable organisations. Therefore, Council is not required to give local public notice of the proposed disposal of land.

POLICY IMPLICATIONS

25. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: Funding not secured for Youth Foyer	Possible	Moderate	Medium	Land is not disposed of and remains in City ownership for City purposes
Reputation: new Youth Foyer not constructed	Unlikely	Moderate	Medium	Land returned to the City for nil consideration
Reputation: Local residents oppose the Youth Foyer	Possible	Moderate	Medium	Engage in community consultation to address concerns and explain the benefits of the Youth Foyer
Reputation & Community: Setting a precedent for other community groups wanting land	Possible	Moderate	Medium	Assess requests for land on a case by case basis - considering capital contribution and community benefit
Opportunity: To support the City's Strategic Plan 2032 objective to provide and promote programs positively engage with and develop young people (12-25 years)				
Opportunity: The establishment of the Great Southern Youth Foyer will provide a supportive environment for young people in the community to prepare them for independent living.				
Opportunity: To support the City's Strategic Plan 2032 objective to plan a compact city with diverse land, housing and development opportunities.				

FINANCIAL IMPLICATIONS

27. The Great Southern Youth Foyer project has no immediate financial impact on the current budget. However, there is a value associated with the subject land.
28. The recent land asset review evaluated the six vacant lots 296-303 Wellington Street and determined that the combined sale value is \$2.15 million. The subject two lots, 296 & 297, which cover an area of 0.726ha, are estimated to be worth \$748,000 if they are sold.

29. The review determined the best course of action for the subject land is disposal as it is considered low-value parcels of land with high development costs.

LEGAL IMPLICATIONS

30. Any transfer of land will be completed by the City's lawyers.

ENVIRONMENTAL CONSIDERATIONS

31. Nil

ALTERNATE OPTIONS

32. If Council doesn't support committing the identified land for the Great Southern Youth Foyer project, it is expected the project will be delayed until another suitable parcel of land is found.
33. Council may consider leasing the land instead of disposing the land to AYSA and AHL. This way, the City will keep ownership of the land.

CONCLUSION

34. The Great Southern Youth Foyer by AYSA and AHL is a significant step towards addressing homelessness among young people in our community.
35. AYSA and AHL have requested the City's support and commitment in providing suitable land for the construction of the Great Southern Youth Foyer.
36. Lots 296 and 297 (47-49) Wellington Street, Centennial Park have been identified as an ideal local for the establishment of this much needed facility.
37. The lots, a combined area of 0.726 hectares, is owned by the City in freehold title.
38. To build the Great Southern Youth Foyer, the project requires an estimated capital investment of \$20-\$30 million.
39. It is recommended that Council shows its commitment to the project and the well-being of our community's youth by providing in principle support for the prospective disposal of land. Noting a final decision on the disposal of Lots 296 and 297 (47 & 49) Wellington Street, Centennial Park to Albany Youth Support Association and Advance Housing Ltd for the establishment of the Great Southern Foyer will require a further report to Council for consideration and decision on the disposal of land.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	A132083, A132114 (Yakamia Ward)
Previous Reference	:	Nil

CCS555: STIDWELL BRIDLE TRAIL DETERMINATION

Land Description	: City of Albany, DPLH, Water Corporation
Proponent / Owner	: City of Albany
Attachments	: • Consolidated Stakeholder Feedback & Reference Maps
Report Prepared By	: Manager City Reserves (J Freeman) Manager Recreation Services (M Green) Manager Governance & Risk (S Jamieson)
Authorising Officers:	: Executive Director Community Services (N Watson)

In Brief:

- Council consider initiating the determination process under the City of Albany Local Government Property Local Law 2011.

Purpose & Effect:

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

Maps:

- Maps are detailed in the attachment to this report.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar: Leadership.** A well governed city that uses resources wisely to meet local needs.
 - **Outcome:** A well informed and engaged community.
 - **Objective:** Grow awareness, understanding and engagement in City projects, activities and decisions.
 - **Pillar: People.** A welcoming, healthy, and inclusive community, with pride in our rich history and heritage.
 - **Outcome:** A happy, healthy, and resilient community and a safe community.
 - **Objective:** Improve access to sport, recreation and fitness facilities and programs and improve community safety.

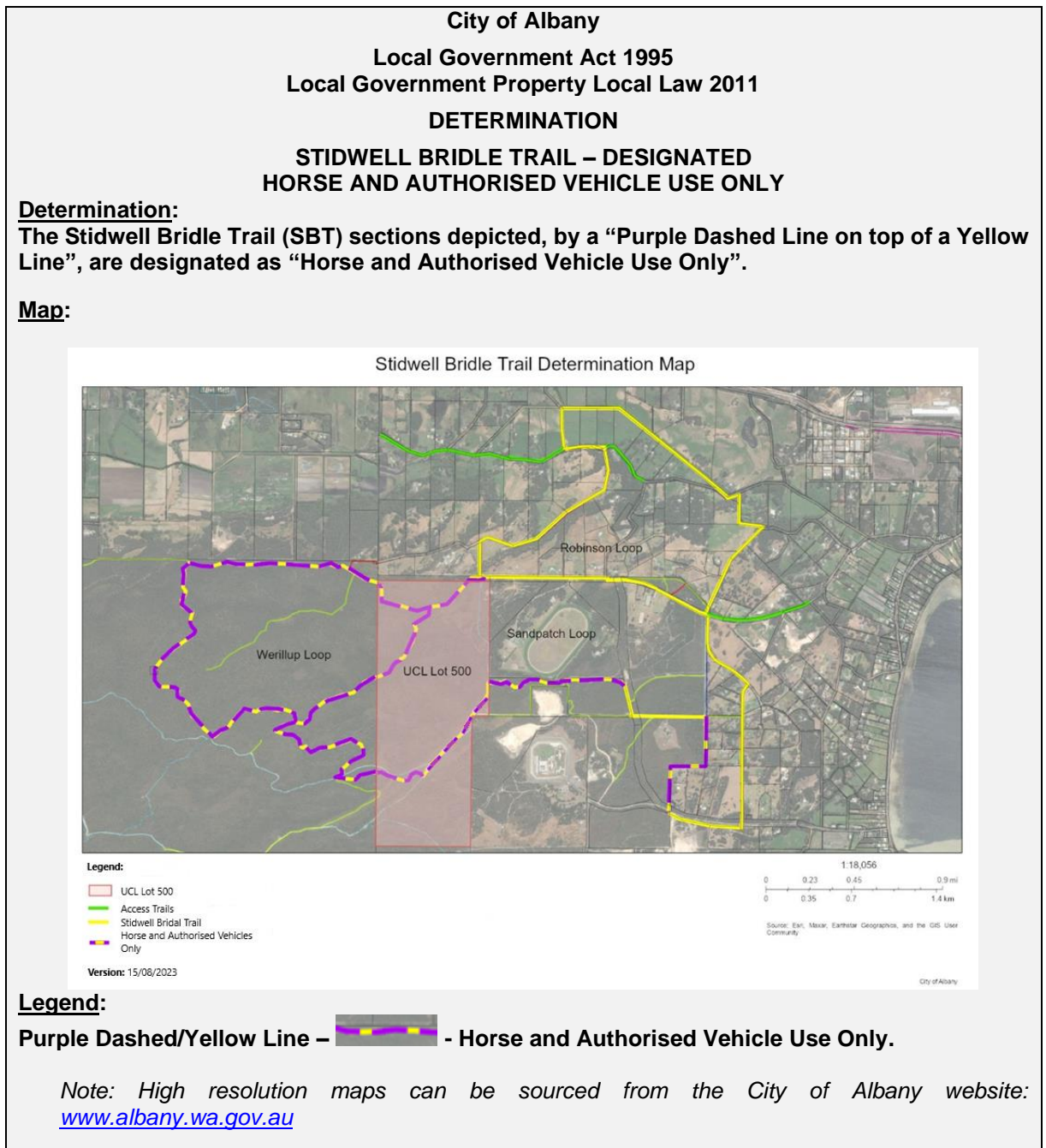
RECOMMENDATION

CCS555: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT Council:

- (1) **APPROVE** for the purpose of seeking public comment the proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, with the map amended to reflect changing UCL Lot 500 to show 'horse and authorised vehicle use only'.



- (2) **NOTE** the determination is to be **PRESENTED** at the December 2023 meeting of Council, to consider the current Horse Area Determination depicting the Stidwell Bridle Trail (SBT) loops under the City of Albany Animals Local Law 2020, and the submissions received.

CARRIED 12-0

CCS555: AMENDED MOTION: COUNCILLOR BROUGH

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR SMITH

THAT Point 1 of the Authorising Officer Recommendation be AMENDED to read:

- (1) APPROVE for the purpose of seeking public comment the proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011, **with the map amended to reflect changing UCL Lot 500 to show 'horse and authorised vehicle use only'.**

CARRIED 12-0

Councillor Brough then moved a further Amendment to the Authorising Officer Recommendation.

CCS555: AMENDMENT BY MAYOR WELLINGTON

MOVED: MAYOR WELLINGTON

SECONDED: COUNCILLOR THOMSON

THAT Point 2 of the Authorising Officer Recommendation be AMENDED to read:

- (2) NOTE if the determination is **to be PRESENTED** ~~ADOPTED~~ at the **December 2023** future meeting of Council, **to consider** the current Horse Area Determination depicting the Stidwell Bridle Trail (SBT) loops under the City of Albany Animals Local Law 2020, **and the submissions received.**

CARRIED 12-0

Mayor Wellington then moved an Amendment to the Authorising Officer Recommendation.

CCS555: AUTHORISING OFFICER RECOMMENDATION

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR THOMSON

THAT Council:

- (1) APPROVE for the purpose of seeking public comment the proposed Stidwell Bridle Trail (SBT) determination under the City of Albany Local Government Property Local Law 2011.

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:

Stidwell Bridle Trail Determination Map

07/08/2023, 12:46:42 pm

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

(2) NOTE if the determination is ADOPTED at the future meeting of Council, the current Horse Area Determination depicting the Stidwell Bridle Trail (SBT) loops under the City of Albany Animals Local Law 2020, will be amended.

PROCEDURAL MOTION: COUNCILLOR THOMSON

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BENSON

That this item be laid on the table and come back to Council at a future date.

LOST 2-10

For the vote were Councillor Benson and Councillor Thomson.

BACKGROUND

2. In 2021, a project working group was established to conduct an independent study of the Robinson Precinct and Stidwell Bridle Trail (SBT) to address various issues and inform future management of the area and trail maintenance. The study covered historical aspects, current management, environmental concerns, and safety issues, with a particular focus on equestrian use. It sought recommendations for improved future management and enhancements.
3. Extensive consultations were conducted with the project working group, key stakeholders (such as DWER and Water Corp), and targeted members of the trail user community to gather information for the study.
4. At the OCM held in July 2022, the Council acknowledged the study's findings, and City officers proposed developing a determination based on the City's local laws. The objective was to clarify permitted uses within the SBT network to assist with addressing conflicts among users, enhance safety, and improve overall trail and reserve management, working with the Friends of the Stidwell Bridle Trail (FSBT).

5. City officers have reviewed the tracks and trails and assessed the existing authorised uses to arrive at a balanced community approach for the proposed determination.
6. On June 20, 2023, City officers briefed Elected Members on the progress made since July 2022.
7. City officers have shown a high level of commitment to the SBT project and supported the implementation and determination, meeting with representatives of the FSBT on 20 occasions since January 31st, 2023 ensuring the FSBT remains informed and involved in the process.

DISCUSSION

8. The Stidwell Bridle Trail (SBT) is a recognised Horse Exercise Area under the City of Albany Animals Local Law 2020.
9. The proposed determination aims to address user conflicts, enhance safety, and improve management within the trail area.
10. Under the City of Albany Property Local Law 2011 the proposed determination's cause and effect is summarised as follows:
 - a. 'Horse and Authorised Vehicle Only' Sections of the SBT:
 - This will allow for improved management, signage, and safety measures within the trail area.
 - Access for authorised vehicles will be maintained to allow for relevant management authorities to access the area.
 - b. Motorised Vehicle Access:
 - Historically, licensed vehicles have used Sandpatch Reserve for accessing surfing and fishing spots and engaging in other recreational activities.
 - Unlicensed off-road vehicles will remain prohibited in the trail area.
 - Under the proposed determinations, tracks not designated as 'horse and authorised vehicles only' will continue to be available for licenced recreational vehicles, as permitted by the Property Local Law 2011.
 - It is acknowledged that to manage motorised vehicle access, appropriate signage, gates, and education efforts will need to be implemented to prevent public access and minimise conflicts with other trail users.
 - c. Fire Access and Other Maintenance Tracks:
 - The Fuel Management Strategies and Works Program for Sandpatch Reserve highlighted the need for improved fire access tracks (FATs) due to heavy vegetative fuel loads.
 - The proposed determination for the SBT complements the existing fire access tracks, i.e., Bibbulmun track and Water Corporation maintenance bore access tracks; and improves access to fire management response agencies and formalises fire cell boundaries.
 - d. Compliance and Enforcement:
 - Rangers will conduct compliance work proactively and reactively, prioritising risks. Area patrols will occur based on available resources. Complaints with evidence of breaches will be followed up with appropriate actions.
 - The Regulatory Compliance Policy emphasises education first but allows enforcement when necessary. Improved signage, education, and access management methods, like gates, will enhance user safety and reduce conflicts.
 - For dangerous situations, local government officers won't be the first responders. Specialised training by the WA Police Force is necessary for pursuing and detaining possible offenders or impounding vehicles, particularly for unauthorised off-road trailbike use within the South Coast bore field.

- Collaboration with DPLH, DWER, and Water Corporation is vital, especially for wind farm and water bores expansion plans in Sandpatch Reserve. DPLH authorised persons and Water Corporation Rangers also have responsibility for compliance and enforcement in public drinking water source areas.
11. Implementation and Timeline. The implementation of the proposed determination, along with improved signage, education efforts, and access management measures, is expected to be phased over a period of six months. This timeline allows for the necessary adjustments to be made and ensures smooth transitioning and adaptation to the changes within the trail area.
 12. Sandpatch Reserve Management. It was identified that ongoing collaboration with DWER and Water Corporation is essential, especially regarding the wind farm and water bores expansion plans within Sandpatch Reserve. DPLH and the Water Corporation have historically advised that management of the reserve is desired, but resourcing and funding issues need to be addressed.
 13. In addition to the determination, other control measures such as gates and improved signage are proposed for implementation on sections of the trail that traverse road reserves and access tracks (refer to the attachment).

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive stakeholder consultation was conducted during the development of the Stidwell Bridle Trail Study report. In line with requirements, the proposed determination will be subject to a minimum 21-day public comment period to gather feedback and ensure transparency.
15. A change management plan will be developed to support implementation, emphasising effective communication, education, and enforcement.
16. The proposed determination has been developed in consultation with the FSBT group.
17. Throughout the process the FSBT have provided highly valued feedback on behalf of the local equestrian community.
18. City Officers have undertaken initial consultation with DWER, Water Corporation and DPLH as part of the determination development and these departments will be invited to make further comment during the public notice period.

STATUTORY IMPLICATIONS

19. The Local Government Act 1995 (the Act) is based on the principle of serving the whole community and promoting inclusivity, fairness, and democratic decision-making processes.
20. The Act establishes a structure that encourages public participation, open meetings, and access to information, enabling residents to have a say in matters that affect them directly.
21. Local governments are accountable to the community they serve, and their actions should reflect the diverse needs and interests of the people they represent.
22. Exclusivity is generally discouraged under the Act. It emphasises inclusivity and fairness in decision-making processes to ensure that all members of the community have an opportunity to participate and contribute. Local governments are expected to avoid favouring specific individuals, groups, or organisations over others and instead focus on the overall well-being and development of the entire community.
23. Local Government Act 1995:

Section 3.52 Public access to be maintained and plans kept

(2) Except to the extent that it is authorised by law to close them or restrict their use, a local government is to ensure that public thoroughfares are kept open for public use.

(3) In fixing or altering the level of, or the alignment of, a public thoroughfare, a local government is to ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided.

Section 3.53. Control of certain unvested facilities

(1) If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.

(2) Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.

Note: Local government can only enforce a determination on land vested in the care and control of the local government and Unallocated Crown Land (UCL).

24. Control of Vehicles (Off-road Areas) Act 1978 (ORV Act):

- a. The City of Albany has not established any Off-Road Vehicle (ORV) areas under the Control of Vehicles (Off-road Areas) Act 1978 (ORV Act).
- b. The ORV Act regulates the illegal use of ORV inside designated Prohibited Areas but does not provide for the regulation of illegal ORV use outside of prescribed Prohibited or Permitted Areas.
- c. The Department of Water and Environmental Regulation also advises that the ORV Act also applies to any public drinking water source area (i.e., drinking water catchments and wellheads) across the State.
- d. It is the City's position that local government's authorised officers are not the appropriate first responders for dangerous and high-risk situations. The WA Police Force has specialised training and expertise to enable them to safely pursue vehicles and stop or detain possible offenders or impound vehicles (such as suspected hoon drivers).
- e. Off-Road Vehicle (ORV) areas: No public land within the City of Albany is designated for unlicensed vehicle use. The use of an unlicensed vehicles, except on private land, is prohibited.

25. Local Government Property Local Law 2011:

Clause 2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that—
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to—
 - (a) consider those submissions; and
 - (b) decide—
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.

- (5) If the Council decides to amend the proposed determination, it is to give local public notice—
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

POLICY IMPLICATIONS

26. Four Wheel Drive Vehicles & Motor Bikes: The City's current position is that vehicles are not allowed on City of Albany managed reserves, parks or beaches unless indicated via signage at each location.
27. Off-road vehicles such as unlicensed motor bikes, quad bikes and beach buggies can only be driven or ridden on private property with the consent of the property owner (also refer to point 24(e) of this report).

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Changes to track access may not be accepted by some residents.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Provide clear signage, information, and education on any changes.</i>
People Health & Safety <i>Risk: Continued vehicle access to the trail may continue to pose a risk to horse users.</i> <i>Horse use may also pose a risk to other track users.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Horse and Authorised Vehicle Only Determination.</i> <i>Install gates and signage at appropriate locations and provide information and education.</i> <i>Facilitate compliance with the proposed determination.</i>
Opportunity: <i>To manage the SBT for current use and consolidate compliance requirements.</i>				

FINANCIAL IMPLICATIONS

29. The cost of facilitating the determination process will be accommodated within existing budget lines.
30. The cost for the proposed signage and future works will be subject to current and future budget allocation.

LEGAL IMPLICATIONS

31. Section 3.5 of the Local Government Act 1995 (the Act) provides the power for local governments to make local laws to help perform their functions.
32. Section 3.7 of the Act states that a local law is inoperative to the extent that it is inconsistent with the Act or any other written law.

33. The applicable local laws that have informed the proposed determination are:
- City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011.
 - City of Albany Animals Local Law 2020.
 - City of Albany Local Government Property Local Law 2011.
34. City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011: This local law provides specific provisions for horses being ridden on carriageways and verges in built up areas. Specifically:

Clause 1.5 Interpretation

“**carriageway**” has the meaning given to it in the Road Traffic Code 2000 and means the paved or made portion of a thoroughfare, whether sealed or unsealed, used or intended for use by vehicles;

“**kerb**” includes the edge of a carriageway;

“**verge**” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

Clause 2.19 No driving on closed thoroughfare

- (1) In this clause—

“**closed thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

- (2) A person shall not drive or take a vehicle on a closed thoroughfare unless—

- that is in accordance with any limits or exceptions specified in the order made under section of the Act; or
- the person has first obtained a permit.

Clause 4.2 Prohibitions relating to animals

- (2) An owner of an animal shall not—

- allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden, or driven;
- allow an animal which has a contagious or infectious disease to be led, ridden, or driven in a public place; or
- train or race the animal on a thoroughfare.

- (3) An owner of a horse shall not lead, ride, or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

35. Local Government Property Local Law 2011: Under this local law, the use of licensed vehicles are managed. Vehicles includes animals being ridden or driven.
36. Failure to comply with a determination (as communicated through signage), is associated with a prescribed offence and modified penalties.

Clause 2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2—

- setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;

- (c) as to the matters in subclauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

37. Division 2 – Activities which may be pursued or prohibited under a determination:

Clause 2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may—
 - (a) bring, ride, or drive an animal; ...
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
 - (d) may limit the activity to a class of vehicles, boats, equipment, or things, or may extend it to all vehicles, boats, equipment or things; ...
 - (f) may distinguish between different classes of the activity.

Clause 2.8 Activities which may be prohibited on specified local government property

- (2) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;...
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;...
 - (i) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (3) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (2) and, in particular—
 - (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

**Note: A horse is classified as a vehicle under the Road Traffic Act 1974 and Road Traffic Code 2000.*

Clause 2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

38. The City of Albany Animals Local Law 2020: The City of Albany Animals Local Law 2020 regarding horses can be summarised as follows:
- Council may designate specific reserves or foreshores for horse riding or driving.
 - Horses are prohibited from entering areas not designated for horse use.
 - Horse riding, driving, exercise, or training in designated areas must not exceed walking pace or cause danger or nuisance to the public, individuals, or animals.
 - Horses are not allowed in areas specifically designated for dog exercise.
 - Dogs may be exercised in horse exercise areas, but they must be leashed at all times.
 - It is an offense for horse owners to permit horses to excrete on public places or land without proper consent, and excreta must be promptly removed and disposed of as per Council's approval.
 - The designated Horse Exercise Areas are detailed at Schedule 2 to the local law.

39. Road Traffic Code 2000 and Road Traffic Act 1974:

Section 268. Rider of animal on footpath or nature strip to give way to pedestrians

The rider of an animal must give way to any pedestrian on a footpath or nature strip.

40. In a Western Australian law context, managing compliance issues on verges and determining whether further actions are required in response to the request for making trail sections on road verges 'horse only' involves considering relevant laws and regulations.
41. The *Road Traffic Act 1974* is the primary legislation that establishes the legal framework for road traffic in Western Australia, while the *Road Traffic Code 2000* is a subordinate legislation that provides detailed regulations and guidelines to support and supplement the provisions of the act.
42. The code is more specific and addresses various aspects of road use, while the act sets out the overarching principles and establishes the regulatory framework for road traffic.
43. The Road Traffic Code 2000 prescribes the use of carriageways, including road verges, noting these laws outline who can use a carriageway, including animals (in this case specifically horses) being driven or ridden, and specifies how it can be used. Specifically:
44. Part 18 – Miscellaneous provisions, Division 2 – Provisions for people in charge of animals
- s267. Leading animals.
 - s268. Rider of animal on footpath or nature strip to give way to pedestrians.
 - s269. Riding animal alongside more than one other rider.
 - s270. Proper control of animals.
45. 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 if permitted by DPLH.

ENVIRONMENTAL CONSIDERATIONS

46. Water Corporation's position in relation to Policy 13: Is supportive of the City's position in principle. Also, in line with Operational Policy 13, Water Corporation does not support any horse events on the SBT and requests that the CoA provide the capacity of the SBT as at 2012 levels as a baseline for future reference and any comments.
47. As the City is aware, Water Corporation uses tracks in this area for operational purposes, including accessing water infrastructure, which is required on an ongoing basis. From the information provided it does not appear that this access will be impacted/changed, however if Water Corporation is of the view that there are any operational constraints with the proposed determination, the City remains open to discussing this in more detail as part of the public comment process.

48. DWER's position in relation to Policy 13 is that: All SBT feeder trails that are defined as existing based on historical documented information are recognised under Policy 13 as an existing approved recreation facility.
49. Under Policy 13, submission for assessment and approval would not be required for these existing trails unless use or carrying capacity were to increase and/or expansion was proposed.
50. Proposed additional feeder trails identified in the Robinson Precinct and Stidwell Bridle Trail Study Final Report (Tredwell, April 2022) would be subject to assessment and approval under the policy as they are not an existing approved recreation facility.
51. The proposed 'horse and authorised vehicle only' sections of the trail align with the recommendations from Policy 13, and the City has achieved this goal.
52. Any trail realignment, or new feeder trails will need assessment and approval under Policy 13, which is the policy for the management of recreation within public drinking water source areas.
53. Any proposed changes to feeder trails will be required to be referred to DWER to assess under Operational Policy 13.

ALTERNATE OPTIONS

54. Council may choose not to support seeking public comment at this time.

CONCLUSION

55. The proposed determination and control measures detailed in the attachment represent a significant improvement to the SBT.
56. It is recommended that the Council resolves to initiate the determination process and seek public comment, based on the following justification:
 - a. The City has engaged with FSBT in developing the proposed position, considered the group's feedback, and presented this feedback to Council as an attachment to this report for its consideration.
 - b. The City has given DWER, Water Corp and DPLH the opportunity to provide initial feedback as part of the development process, and further formal submissions from these departments will be invited through the public comment period for further consideration.
 - c. The proposal is seeking to clarify permitted uses and implement control measures on sections of the trail and road reserves that fall within the City's land management control.
 - d. The proposed determination will be advertised for a period of public comment.
 - e. The public comment period will give everyone, including government departments, the opportunity to support or object to the proposal.
 - f. The public comment period can be extended if necessary and all submissions will be considered before presenting a final position to Council for decision.

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"> • Strategic Workshop Briefing – 20 June 2023 • Robinson Precinct and Stidwell Bridle Trail – Implementation Briefing – 28/11/2022 • Ordinary Council Meeting July 2022, Resolution CCS455

CCS556: NATIONAL ANZAC CENTRE ADVISORY GROUP – MEMBERSHIP

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre Advisory Group Members – Confidential Member Nominee Bio's – Confidential
Report Prepared By	: Executive Director Community Services (N Watson)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

CONFIDENTIAL ATTACHMENT

It is recommended that if discussion is required in regards to details contained within the Confidential Attachment, that the matters are discussed behind closed doors, in accordance with section 5.23(2)(c) & (e)(iii) of the Local Government Act 1995, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and information about the business, professional, commercial or financial affairs of a person.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.
 - **Objective:** Create a competitive and sustainable tourism offer.

In Brief:

- In accordance with the National Anzac Centre Advisory Group (NACAG) Terms of Reference, the Chief Executive Officer is to present to Council for endorsement nominations for members of the NACAG.
- Due to the recent resignation of two members of the NACAG, the nominations for membership as detailed in the confidential attachment are presented to Council for approval.

RECOMMENDATION

CC556: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED: 12-0

CC556: AUTHORISING OFFICER RECOMMENDATION

THAT the two nominations for the National Anzac Centre Advisory Group received by the City (as detailed in the confidential attachment) be APPROVED and the nominees APPOINTED as members.

BACKGROUND

2. The National Anzac Centre Advisory Group (NACAG) is a working group which provides the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
3. The Terms of Reference designates membership representation from the Department of Premier and Cabinet, Tourism WA, Museums WA and RSL WA, and includes up to 3 skills-

based representatives from relevant commercial or tourism-related agencies or organisations, or community.

4. Due to the recent resignation of two members, there now exists two vacancies on the NACAG for two of the three skills-based member roles.

DISCUSSION

5. The NACAG requires a skills-based membership to ensure it achieves its key objectives and the Advisory Group fulfils its key role in providing high-level and direct advocacy to government and government-run organisations on behalf of the City of Albany and the NAC.
6. The City of Albany, in consultation with the NACAG, has sought suitable candidates to nominate to fill the two skills-based vacancies on the NACAG. Please refer to the confidential attachment for candidate details.
7. These nominations are recommended for Council approval.
8. The next meeting of the NACAG is scheduled for November 2023 and, subject to Council's approval of their appointment, the new members will be invited to attend this meeting.

GOVERNMENT & PUBLIC CONSULTATION

9. Not Applicable.

STATUTORY IMPLICATIONS

10. The NACAG Terms of Reference govern the functions of the advisory group and defines its role in providing the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
11. As members of the group are not being appointed to a Committee of Council the voting requirement is **Simple Majority**.

POLICY IMPLICATIONS

12. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation Risk: Nominations to the NACAG are not supported.	Unlikely	Moderate	Medium	Seek other relevant candidates to nominate for Council to consider appointing to fill the vacancies.
Opportunity: The combined expertise of the group has the potential to increase the financial performance of the NAC and the Albany Heritage Park.				

FINANCIAL IMPLICATIONS

14. The City of Albany will be responsible for the cost of travel and accommodation for board members, with an annual budget allocation for NACAG of \$10,000.
15. The working group formally meets two times per year, alternating between Albany and Perth.

LEGAL IMPLICATIONS

16. Nil.

ENVIRONMENTAL CONSIDERATIONS

17. Nil.

ALTERNATE OPTIONS

18. Council may choose not to support the recommendation and seek further candidate nominations to consider filling these vacancies.

CONCLUSION

19. It is recommended that the nominations be approved for a four-year term.

Consulted References	:	National Anzac Centre Advisory Group Terms of Reference
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM (26/04/2022) – Report Item CCS431

CCS557: NATIONAL ANZAC CENTRE – Q4 2022-23 REPORT

Proponent / Owner	: City of Albany
Attachments	: National Anzac Centre (NAC) – Quarter 4 (Q4) 2022/23 Operational Report
Report Prepared By	: Manager Facilities (L Stone)
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 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcome:** A highly sought-after tourist destination.
 - **Objective:** Create a competitive and sustainable tourism offer.

In Brief:

- To provide Council with an update on Q4 2022/23 performance of the NAC.

RECOMMENDATION

CCS557: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 12-0

CCS557: AUTHORISING OFFICER RECOMMENDATION

THAT the NAC Operational Report for Q4 2022/23 be RECEIVED.

BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6 million dollar investment from the Federal and State Government with an additional \$1.5 million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to meet quarterly and assist in the further development of both the NAC and AHP, to ensure the assets continue to evolve, aligned with contemporary museum standards.
6. The NAC Advisory Group agreed in November 2018 that the group would meet twice a year. The next meeting is scheduled for November 2023.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.

8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

DISCUSSION

9. Q4 2022/23 achieved overall total visitation numbers of 521,994 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 60,230 visitors per year.
10. NAC Visitation of 14,083 for Q4 is an increase of 2,254 compared with same period in 2021/22 which recorded 11,829.
11. May NAC visitation numbers of 4,271 were the highest performing May figures since opening in 2014/15.
12. April NAC visitation numbers of 7,118 is an increase of 1,398 compared with same period in 2021/22 which recorded 5,720.
13. The visitation in Q4 2022/23 from the Great Southern Region totalled 670 people, equating to 10.3% of Western Australia's overall visitation of 6,522 (increase on the 6.5% in the previous quarter).
14. The total visitation in Q4 2022/23 originated from Western Australia (46%), interstate (47%) and international (5%).
15. Visitors from other States and Territories consisted of 34% from NSW, 26% from VIC, 23% from QLD, 12% from SA, followed by TAS, ACT and NT all on 1-3%.
16. Interstate visitation of 6,576 (46.7% of overall visitation) aligns to percentages from several previous years (pre-covid) of interstate visitation.
17. Revenue generated in Q4 2022/23 by the NAC was \$50,704 more compared to the same quarter in 2021/22.
18. The Forts Store revenue of \$115,260 was \$5,587 less than same period in 2021/22.
19. As at the end of Q4 2022/23, 8,959 households hold memberships to the NAC League of Local Legends program, an increase of 464 from the previous quarter.
20. This continuing increase in memberships is attributed to the ongoing free-entry membership benefit for residents from the Great Southern region.

GOVERNMENT & PUBLIC CONSULTATION

21. Not Applicable.

STATUTORY IMPLICATIONS

22. Not Applicable.

POLICY IMPLICATIONS

23. Not Applicable.

RISK IDENTIFICATION & MITIGATION

24. Nil.

FINANCIAL IMPLICATIONS

25. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at June 30 2023.

26. Full year operating expenditure budget includes:

- a. \$199,000 of costs from accounts that are “shared” across the AHP. A total of \$774,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$774,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$77,000 of the \$199,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY2022/23 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$850,000	\$850,000	\$971,166	\$121,166
Operating Expenditure	\$(556,691)	\$(556,691)	\$(510,716)	\$45,975
Net Operating Income/(Expense) before Indirect Costs	\$293,309	\$293,309	\$460,450	\$167,141
Shared Costs of the Precinct	\$(196,004)	\$(196,004)	\$(184,666)	\$11,338
Internal Service Delivery	\$(29,072)	\$(29,072)	\$(29,070)	\$2
Net Operating Income/(Expense)	\$97,305	\$97,305	\$275,784	\$178,479
Capital Expense	\$(373,835)	\$(373,835)	\$(197,452)	\$176,383
Total	\$(276,350)	\$(276,530)	\$78,332	\$354,862

27. The \$373,835 capital expense amount above is the balance of an initial reserve drawdown in 2020-2021 for the NAC refresh. Further works did not progress in 2021-2022 and the amount has been carried-forward to the 2022-2023 Budget to progress.
28. The balance of the drawdown as at 30 June 2023 being \$197,452 has been carried forward to the 2023-2024 Budget to continue the refresh program as previously discussed with Council.

LEGAL IMPLICATIONS

29. Nil.

ENVIRONMENTAL CONSIDERATIONS

30. Nil.

ALTERNATE OPTIONS

31. The Committee can request further development and refinement of the quarterly reporting tool including both content and frequency of reporting.

CONCLUSION

32. Overall, Q4 2022/23 has shown steady visitation to the NAC, and is showing some patterns in line with pre-covid years. Q4 has demonstrated a steady interstate visitation.
33. Q4 has had a slow return of international visitors, although only 643 visitors, this represents 4.6% of visitation.
34. Great Southern visitation to the NAC was 10.3% of overall WA visitation during the April – June period in Q4 2022/23.
35. This is 3.8% higher than the previous quarter (Q3 of 2022/23) and remains significantly higher than the average 1% of overall WA visitation prior to the League of Local Legends free-entry membership promotion.
36. Interest in the Princess Royal Fortress and exhibitions continues with 1,003 people taking part in 109 Princess Royal Fortress Tours.

37. Overall Q4 generated higher figures compared to Q4 in 2021/22 and 2020/21 in the NAC, which could be attributed to increasing interstate and international visitation and the return of cruise ship visitation.
38. NAC revenue of \$250,958 for Q4 2022/23 was an increase of \$50,704 compared to the same quarter in 2021/22.
39. Fort Store revenue of \$115,260 for Q4 2022/23 was a decrease of \$5,587 compared to the same quarter in 2021/22.

Consulted References	:	Nil.
File Number (Name of Ward)	:	RC.SPV.8 (All Wards)
Previous Reference	:	OCM 23/05/2023 – Report Item CCS528

CCS558: COMMUNITY SPORTING AND RECREATION FACILITIES FUND 2023 SMALL GRANT ROUND APPLICATIONS

Proponent / Owner	: City of Albany
Attachments	: Correspondence and Project Assessment Sheet; Policy for Community Sport and Recreation Facilities Small Grant Funding Policy
Report Prepared By	: Manager Recreation Services (M Green)
Responsible Officers:	: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People
 - **Outcome:** A happy, healthy and resilient community
 - **Objective:** Improve access to sport, recreation and fitness facilities and programs

In Brief:

- To seek Council endorsement of the priority ranking for the submitted Community Sport and Recreation Facility Fund (CSRFF) Small Grant funding round applications.
- To seek Council support to provide funding assistance to the priority ranked projects in line with the Council's Community Sports & Recreation Facilities Small Grant Funding Policy.

RECOMMENDATION

CCS558: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SMITH

SECONDED: MAYOR WELLINGTON

THAT the Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 12-0

CCS558: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council RANK the two CSRFF applications in the following order for the CSRFF Small Grant Application 2023 Funding Round:

1. Green Range Country Club – Bowling Green Revitalisation Project (Ranked 1 of 2).
2. Emu Point Sporting & Community Club – Clubhouse Redevelopment Project (Ranked 2 of 2).

CCS558: AUTHORISING OFFICER RECOMMENDATION 2

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 12-0

CCS558: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council APPROVE a total of \$190,575 (exc. GST) from the 2023/2024 Budget as the Council's commitment towards the CSRFF small grant applications as follows;

- a) Emu Point Sporting & Community Club (\$90,575.00), Green Range Country Club (\$100,000.00)
- b) This funding will still be allocated under the Community Sport and Recreation Facilities Fund Small Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
- c) The funding amount does not exceed a total of \$190,575.00 (exc. GST)
- d) Noting a total of \$140,575 is to be drawn down from the 2023/24 Parks and Recreation Reserve to support these projects.

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funds including:
 - Small Grant Funding Round (Summer)
 - Annual and Forward Planning Funding Round
 - Small Grant Funding Round (Winter)
3. The CSRFF program is now a \$20 million program. All three rounds are often oversubscribed, and clubs may need to reapply on a number of occasions to be successful.
4. DLGSC also opens a Club Night Lights funding round concurrent to CSRFF for which applications are also eligible to receive funding through the City of Albany's Capital Seed Fund. There are no Club Night Lights applications this round.
5. The Small Grants Round has increased its maximum eligible project cost criteria from \$300,000 to \$500,000. This streamlines the application process for projects under \$500,000 with two funding rounds available per year.
6. Traditionally the CSRFF program has only funded one third of the total project costs. The revised guidelines now fund up to a half of the total project cost up to a limit of \$200,000 for successful small grant recipients.
7. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Associations Incorporation Act 1987.
8. Clubs and local government authorities applying for funds must demonstrate equitable access to the public on a short term and casual basis.

9. The land on which the facility is to be developed must be one of the following:
- Crown reserve;
 - Land owned by a public authority;
 - Municipal property; or
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
10. Whilst there is no obligation for local government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.
11. The City of Albany has a Community Sports & Recreation Facilities Small Grant Funding Policy to guide how it will allocate funding through its annual Capital Seed Fund towards community sporting projects applying for CSRFF funding.
12. The DLGSC – Sport and Recreation application form requires applications to be initially submitted to the local government within which the project proposal is located.
13. The CSRFF funding application process requires local government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSC on behalf of the applicants prior to August 31, 2023.
14. Once the assessment process from Local Government Authorities is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSC – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

15. The DLGSC grant guidelines require Council to provide a ranking for the projects.
16. The DLGSC – Sport and Recreation provides guidelines for local government authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
- Project justification;
 - Planned approach;
 - Community input;
 - Management planning;
 - Access and opportunity;
 - Design;
 - Financial viability;
 - Coordination;
 - Potential to increase physical activity; and
 - Sustainability.

With overall project rating, being:

- Well planned and needed by municipality;
 - Well planned and needed by applicant;
 - Needed by municipality, more planning required;
 - Needed by applicant, more planning required;
 - Idea has merit, more planning work needed; or
 - Not recommended.
17. The type of projects which will be considered for funding through the CSRFF program include:
- New playing surfaces – ovals, courts, synthetic surfaces etc;
 - Floodlighting projects (must be to Australian standards);

- Change rooms and ablutions; and
 - Sports storage.
18. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
19. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.
20. The City of Albany have engaged two external and one internal officer/s to provide an independent peer review of the City's assessment process and subsequent ranking of projects. The independent assessment panel involved;
- *W Harrington – CEO, Southerly Magazine*
 - *T Moir – Business Development Manager, Wellington and Reeves*
 - *J Pouwelson – Commercial Service Coordinator, City of Albany*
21. This independent assessment review provides a higher level of transparency and gives Council a higher level of confidence in considering the officer recommendation to endorse the rankings.
22. Of the three reviews, all were of the view that the projects submitted met the CSRFF criteria and were supportive of the proposed project rankings. The independent review comments are attached.
23. The City of Albany has received two (2) Small Grant applications this round. The following additional information is provided about the projects and funding applications.

Green Range Country Club – Bowling Green Revitalisation Project

24. The funding application is a Small Grant application to replace the grass bowling green with a synthetic surface and installing new lighting and fencing to the facility.
25. The overarching purpose of the project is to upgrade the Country Club's bowling green to a synthetic surface with new fencing and lighting. This will allow home games to be played (currently unavailable due to the type and quality of the existing green) and will consequently reduce the burden on members due to constant need to travel to the nearest bowling green 70km away.
26. The lighting component of the project will enable greater access and associated use/participation for what is at its core a farming community (few daylight hours available for recreation and socialisation).
27. Club members include skilled tradesmen and builders who will donate their skilled trades and equipment to reduce costs for the project. Local product will be sourced wherever possible.
28. The Green Range community is serviced by the Green Range Country Club, it is a vital social and recreational facility with an 18-hole golf course, an aged grass bowling green, and cricket oval.
29. Bowls has not been regularly played at the club for over 15 years due to the current quality and type of green. Preparing the current green for use would be a regular and extensive job for volunteers.
30. The Club has previously applied for CSRFF Funding in the February 2022 Small Grants Round. The previous project scope did not include floodlighting. Unfortunately this application was unsuccessful with feedback from the Department at that time indicating the application was unsuccessful due to a funding shortfall.
31. The Club currently has 103 members and ambitions to enable more regular bowls participation and community events. Members use the facility all year round as a meeting place.

32. The Club is contributing both cash and volunteer labour to the project.
33. The application, installation and project will be managed by Green Range Country Club.

Emu Point Sporting and Community Club – Clubhouse Redevelopment Project

34. The funding application is a Small Grant application to upgrade and make enhancements to the amenity of the club's existing facility.
35. The overarching purpose of the project is to deliver on a building master plan vision the club has developed. It is likely the master plan will be staged over several years. The club is requesting support through the CSRFF program to achieve only those components that are the highest priority.
36. The project will address the following key priority areas;
- Upgrades to several internal rooms to construct a medical and bowls/sports storage rooms (refer to medical room and storage of 42m2 on the proposed attached floor plan);
 - Improve universal accessibility with the construction and installation of an integrated covered access ramp and observation platform to facilitate access needs for members and guests to enter the clubhouse from the tennis court area. This also includes expansion of the western veranda to improve accessibility for the bowling green;
 - Upgrades to the male toilets and change rooms to a unisex facility. This change will facilitate the ability to hold more club events in which multiple unisex facilities may be required; and
 - Construction of office space and additional storage facilities.
37. The Emu Point Sporting and Community Club (EPSCC) is a sports and community centre. The Club has 342 members and operates out of clubrooms that were first constructed in 1974.
38. Only minor additions have been made over the past 50 years and the clubhouse is in desperate need of change and modification to make the facilities fit-for-purpose and compliant with current building codes – especially in regard to universal access for members and the public.
39. The Club is committed to the delivery of its building master plan over several years. It is estimated the total project costs of the entire master plan is circa \$1.3 million.
40. The Club is contributing cash to the project.
41. The application, installation and project will be managed by Emu Point Sporting and Community Club.

Rankings

42. The below ranking recommendation has been provided by the independent assessment panel based on the applicant meeting the required criteria:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Green Range Country Club	Replace grass bowling green with a synthetic surface and installation of a new fence.	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 2
2	Emu Point Sporting and Community Club	Redevelop existing changeroom and ablutions, improve accessibility issues with access ramps and observation platforms and additional office and storage space.	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facilities Policy and CSRFF Guidelines. Elements of the project are a high/medium priority and based on hierarchy of facilities this project is ranked 2 of 2

43. Correspondence requesting financial assistance and independent project assessments for the project applications is attached.

GOVERNMENT & PUBLIC CONSULTATION

44. The DLGSC – Sport and Recreation Regional Manager for the Great Southern has been consulted with regarding these applications by the City of Albany (May and June 2023).
45. The City of Albany has conducted a site visit for each of the projects listed above (June 2023) with the Sport and Recreation Regional Manager for the Great Southern.

STATUTORY IMPLICATIONS

46. There is no statutory requirement.
47. Council officers assess each project and make a recommendation for the ranking of projects based on the DLGSC criteria and strategic overview.
48. The Council officers' ranking recommendations have been independently peer reviewed.
49. Council has the opportunity to provide a recommendation that ranks applications in priority order for the City of Albany.
50. It should be noted that the DLGSC – Sport and Recreation will make the final decision on funding allocation.

POLICY IMPLICATIONS

51. The Community Sports and Recreation Facilities Small Grant Funding Policy has been applied in the assessment and recommendations.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Community Property <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Council may choose to support the funding application, or work with City officers and the Club to source alternate funding streams.</i>
People Health & Safety <i>Failure to secure required funding may result in the condition of the amenities deteriorating to an unsafe condition</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the funding application, or work with City officers to source other funding streams.</i>
Reputation & Financial <i>Failure to distribute the Council's Financial Support in an equitable and sustainable manner may result in community dissatisfaction or projects not going ahead.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Council may choose to support the officer's recommendation, or work with City officers to deliver an equitable allocation of funding.</i>

FINANCIAL IMPLICATIONS

53. The City allocated a total of \$135,000.00 Capital Seed Funding for Sporting Clubs in the 2023/2024 financial year to assist in the development and maintenance of community sporting infrastructure as determined through the CSRFF funding process.

a. \$50,000 is allocated to Cricket Great Southern's previous Capital Seed Fund allocation; and

b. This leaves \$85,000 remaining in the Capital Seed Fund for 2023/24.

54. The Capital Seed Reserve Fund has been established to assist with leveraging State Government funds for sporting clubs. Funds are allocated according to the City's Community Sports and Recreation Facilities Small Grant Funding Policy and if allocations are not drawn down within the prescribed period, they are returned to the Capital Seed Reserve Fund to be reused for other grant applications.

55. The total projected costs of both projects in the current applications is \$771,905.

56. The clubs have requested a total of \$190,575 from the City of Albany. These applications exceed the balance of funds in the 2023/24 Capital Seed Fund by \$105,575.

57. The following table provides the project budget detail and requests for financial support from each of the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Emu Point Sporting & Community Club	\$ 381,150.00	\$ 100,000.00	\$ 190,575.00	\$ 90,575.00
Green Range Country Club	\$ 390,755.00	\$ 95,377.00	\$ 195,378.00	\$ 100,000.00
TOTAL	\$ 771,905.00	\$ 195,377.00	\$ 385,953.00	\$ 190,575.00

58. Noting the updated CSRFF Guidelines and that CSRFF will now fund up to a half of the total project cost up to a limit of \$200,000 for successful small grant recipients, the applications received represent good value for investment.

59. However, the scale of the projects and requested funding contribution from the City is beyond the capacity of the Capital Seed Fund.

60. It is the officer's recommendation that a mixture of the Capital Seed Fund and the City's Parks and Recreation Reserve is used to support both of these applications.

61. There is surplus funds and capacity within the Parks and Recreation Reserve (\$440,000 forecast for 30 June 2024) to support these requests and assist in leveraging 50% funding from the CSRFF Program.

62. The following table provides the proposed financial model based on club requests:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	City of Albany Parks & Rec Reserve	City of Albany Capital Seed Funding Allocation
Emu Point Sporting & Community Club	\$ 381,150.00	\$ 100,000.00	\$ 190,575.00	\$ 40,575.00	\$ 50,000.00
Green Range Country Club	\$ 390,755.00	\$ 95,377.00	\$ 195,378.00	\$ 100,000.00	n/a
TOTAL	\$ 771,905.00	\$ 195,377.00	\$ 385,953.00	\$ 140,575.00	\$ 50,000.00

63. The next CSRFF Small Grant round is due in February 2024. The proposed model above would maintain a balance of \$35,000 within the Capital Seed Fund to support applications in the February grant round.

64. Should Council approve the draw down of funds from the Parks and Recreation Reserve as indicated in the table above, this would leave a forecasted balance of \$299,425 in the Reserve.

65. If the applications are unsuccessful, the clubs can reapply in the next round.

LEGAL IMPLICATIONS

66. Nil

ENVIRONMENTAL CONSIDERATIONS

67. Nil.

ALTERNATE OPTIONS

68. Council may choose not to provide funding assistance to one or all of these projects.

69. Council may choose to provide more or less funding assistance to these projects.

70. Council may choose to change the project ranking based on its strategic priorities.

71. Council may choose to amend the 2023/24 Budget to increase the allocation within the Capital Seed Fund to ensure the fund has capacity to cover the City's contribution towards each application.

CONCLUSION

72. DLGSC – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.

73. All projects meet the criteria provided by the DLGSC – Sport and Recreation. Council is required to rank the projects.

74. Council may consider capping its financial contribution or sourcing alternate means to meet budget allocations.

75. DLGSC – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 31st August 2023.

Consulted References	:	Community Sports & Recreation Facilities Small Grant Funding Policy
File Number (Name of Ward)	:	All Wards
Previous Reference	:	OCM 28/03/2023 – Report Item CCS517

11. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** – Nil.

12. **MEETING CLOSED TO THE PUBLIC**

13. **CLOSURE**

There being no further business the Chair declared the meeting closed at 9.01pm.

Councillor Paul Terry
CHAIR

Samantha Stevens
37 Rowney Road Robinson

Good Evening Councillors, tonight I would like to talk to item CCS555 as the Chairperson for the Friends of the Stidwell Bridle Trail.

The Friends are pleased to be working on the determination with City Staff and the commitment has been excellent.

We are supportive of the proposals for the Horse and Authorised Vehicle Only areas. For what is essentially a multiuse trail catering for equestrians, pedestrians, dogs on leads and authorised vehicles only.

We are not supportive of the City's proposal for sections of a multiuse trail with motorised vehicles, particularly in the Sandpatch Reserve.

There are several issues that are unresolved at the time of going to Council. Having unresolved live issues is confusing. It makes it difficult to proceed to the public comment period and for the community to provide useful feedback during that period.

For example:

The Council Item Point 24 a) notes that the City of Albany has not established any Off-Road Vehicle areas under the ORV Act

3 weeks ago I wrote to Troy Hancock at the Dept Local Government. I'd like to table a copy of his response please.

Troy says:

The Act is quite unique and complex in its operation.

Basically, the Act doesn't apply across the entire state, however it does apply to that section of land in Albany due to the attached proclamation which outlines all of the areas to be included under the operation of the ORV Act. This also extends to water supply areas.

Troy's email seems to confirm that the land seaward of the south coast hwy in the City of Albany and the drinking water is a prohibited area under the operation of the ORV Act.

Troy has since emailed me to clarify some points. Which is good, as this process is genuinely about trying to fully appreciate, understand and clarify the issues in front of us. We have consistently kept the staff in the loop with all our enquires to other agencies.

Troy has now clarified that the ORV ACT effectively covers the entire City of Albany. And that the Minister for Local Government does have the authority to declare land as a "prohibited" area under the ORV Act and this declaration can include **all** vehicles if the Minister deems it warranted.

The emails today highlight the electric aliveness of this issue and that there is still much that we don't understand.

So, I think my following questions still hold for a written response please including:

1. Where does the Off-Road Vehicle Act fit into this now?
2. Does the City believe it is appropriate and responsible to permit off-road vehicle use in the vicinity of equestrian trails?
3. If the Minister can approve a prohibited area. Is this something the City would consider to protect the towns drinking water, the environment and a safe trail experience for the equestrians, pedestrians, dogs on leads and authorised vehicles?

What we have all learnt over the last 2 years is that this is a unique and complex project.

And with the new information today regarding the ORV Act, this process could really benefit from additional discovery and further engagement with the Department of Local Government.

The Friend's view is that the current motion should not be progressed until the live issues are all closed out.

Once that process is completed, Council can then confidently progress to public comment period.

The community can then provide feedback based on the most accurate and up to date information available to them.

Council is then well positioned with a full suite of information and informed community feedback to make a good decision.

Hopefully like the one the Shire of Serpentine has made.

Who have balanced inclusivity with responsibility and created a planning policy that does not permit trail bikes and motorised vehicles on any multi use trails because of the adverse impact on the environment, on construction and maintenance costs and on the experiences of existing users. I'd like to table a copy of their planning policy for your review.

Thank You.



sam stevens <sam@stablebase.net.au>

RE: Attention Troy Hancock and Steven Elliot - ORV Act - The land seaward side of South Coast Hwy in the City of Albany.

1 message

Troy Hancock <troy.hancock@dlgsc.wa.gov.au>
To: "sam@stablebase.net.au" <sam@stablebase.net.au>

Mon, Aug 7, 2023 at 4:58 PM

Hi Sam

Sorry for the time taken to respond.

The Act is quite unique/complex in its operation.

Basically, the Act doesn't apply across the entire state, however it does apply to that section of land in Albany due to the attached proclamation which outlines all of the areas to be included under the operation of the ORV Act. This also extends to National Parks and water supply areas as you can see in the attached proclamation.

The DLGSC website refers to it as a 'prohibited' area but I am reviewing this at the moment as I think it should technically be referred to as "under the operation of the ORV Act" meaning fines/penalties can be issued under the ORV Act. There is not a lot of practical difference between "under the operation of the ORV Act" and a "prohibited area" because the lack of a specific "permitted" ORV area essentially means ORV users cannot ride here anyway. However, a 'prohibited' area under the ORV Act can extend to ALL vehicles for environmental protection etc.

Local government is responsible for enforcement of the ORV Act however police officers are all authorised to enforce the ORV Act as well as officers from any public authority appointed by the Local Government Minister to be 'authorised officers' under the ORV Act.

It would be inappropriate for me to try to accurately pinpoint the relevant enforcement agency in the situation you raise but I would expect it would be best to approach the City of Albany in the first instance.

Hopefully this information assists.

Kind regards

Troy Hancock
Senior Project Officer | Project Delivery

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
GPO Box R1250, Perth WA 6844

Telephone 0403548019

Email troy.hancock@dlgsc.wa.gov.au

Web www.dlgsc.wa.gov.au

The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present

From: Legislation <legislation@dlgsc.wa.gov.au>
Sent: Monday, August 7, 2023 4:17 PM
To: Troy Hancock <troy.hancock@dlgsc.wa.gov.au>
Cc: Legislation <legislation@dlgsc.wa.gov.au>
Subject: FW: Attention Troy Hancock and Steven Elliot - ORV Act - The land seaward side of South Coast Hwy in the City of Albany.

Hi Troy,

One for you 😊

Kind regards,

Kimberley Craik

A/Senior Legislation and Statutory Approvals Officer

Department of Local Government, Sport and Cultural Industries
140 William Street, Perth WA 6000
PO Box 8349, Perth Business Centre WA 6849

Telephone: (08) 6552 1408
Email: kimberley.craik@dlgsc.wa.gov.au

Web: www.dlgsc.wa.gov.au

From: sam stevens <sam@stablebase.net.au>

Sent: Monday, 7 August 2023 3:15 PM

To: Legislation <legislation@dlgsc.wa.gov.au>

Subject: Fwd: Attention Troy Hancock and Steven Elliot - ORV Act - The land seaward side of South Coast Hwy in the City of Albany.

You don't often get email from sam@stablebase.net.au. [Learn why this is important](#)

Dear Troy and Steven

I am writing to follow up on this email and the phone messages I have left to find out more about the ORV Act and how it applies to Southcoast Water Reserve within the Sandpatch Reserve, Albany.

I am writing this email to you in my capacity as the Chairperson for the Stidwell Bridle Trail that is located within the Sandpatch Reserve and the PDWSA.

If you could please call me back at your earliest convenience, I'd be most grateful.

Kind Regards

Sam Stevens 0418 409 063

----- Forwarded message -----

From: **sam stevens** <sam@stablebase.net.au>

Date: Thu, Jul 20, 2023 at 2:23 PM

Subject: Attention Troy Hancock and Steven Elliot - ORV Act - The land seaward side of South Coast Hwy in the City of Albany.

To: <legislation@dlgsc.wa.gov.au>

Hi Steven and Troy,

I am writing to you on behalf of the Friends of the Stidwell Bridle Trail Albany (SBT) to better understand the ORV Act and the information on the DLGSCI website and how it might apply to the reserves and UCL that the Stidwell Bridle Trail traverses across.

I can see from the DLGSCI website the ORV Act only applies to certain areas across WA, and since its inception other areas have been added.

I am particularly interested in the area of land that was recently added and is included on the DLGSCI website as an area of land that ORV use is not allowed.

- *The land seaward side of South Coast Hwy in the City of Albany.*

APPENDIX A

I have looked at the online map but it is difficult to read online as clarity is poor.

Can you please advise me where exactly this land is please, when it was added as an area where ORV use is not allowed and who formally identified it as an area where the ORV Act applies?

I also note on the DLGSCI website that " *The Department of Water and Environmental Regulation also advises that the ORV Act also applies to any public drinking water source area (i.e. drinking water catchments and wellheads) across the State*".

Does this mean that the ORV Act applies to the South Coast Water Reserve (PDWSA), Albany WA?

The South Coast PDWSA is located on both land vested in the City of Albany and also on UCL (Lot 500) administered by DPLH. The City of Albany has been issued a license (non exclusive) for the purposes of a Bridle Trail across the UCL.

If the Albany PDWSA does fall under the ORV Act - which agency makes that call?

And which agency would be responsible for enforcing the ORV Act on UCL in the LGA jurisdiction? I can see from the website information that it seems to fall to the LGA but does this apply to all land in the LGA or only land under their management/

I would appreciate a call back to discuss the ORV Act and how it applies to the SBT and PDWSA in Albany.

Thanks so much for your time and I look forward to hearing from you - 0418 409 063

Kind Regards

Samantha Stevens

stableBASE

[37 Rowney Road](#)

[Robinson ALBANY](#)

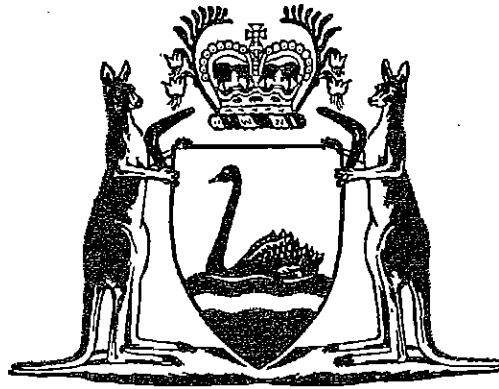


Department of
**Local Government, Sport
and Cultural Industries**



Attachment 1 - Proclamation gazettal - off-road vehicles - Operation of the Act - ORV - Where the Act operates.PDF
120K

[30791]



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

No. 64]

PERTH: FRIDAY, 5th OCTOBER

[1979

Control of Vehicles (Off-road areas) Act, 1978.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace
To Wit: } Kyle, Knight Grand Cross of the Most Honourable
WALLACE KYLE, } Order of the Bath, Knight Commander of the
Governor. } Royal Victorian Order, Commander of the Most
[L.S.] } Excellent Order of the British Empire, Companion
of the Distinguished Service Order, Distinguished
Flying Cross, Knight of Grace of the Most
Venerable Order of the Hospital of St. John of
Jerusalem, Governor in and over the State of
Western Australia and its dependencies in the
Commonwealth of Australia.

WHEREAS it is enacted by section 2 of the Control of Vehicles (Off-road areas) Act, 1978, that the several provisions of that Act shall come into operation on such day or days as is, or are respectively, fixed by proclamation: Now therefore I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix the day on which this proclamation is published in the *Government Gazette* as the day on which all the provisions of the Control of Vehicles (Off-road areas) Act, 1978, other than section 11 thereof, shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 4th day of October, nineteen hundred and seventy-nine.

By His Excellency's Command,

JUNE CRAIG,
Minister for Local Government.

GOD SAVE THE QUEEN ! ! !

Control of Vehicles (Off-road areas) Act, 1978.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace
To Wit: } Kyle, Knight Grand Cross of the Most Honourable
WALLACE KYLE, } Order of the Bath, Knight Commander of the
Governor. } Royal Victorian Order, Commander of the Most
[L.S.] } Excellent Order of the British Empire, Companion
of the Distinguished Service Order, Distinguished
Flying Cross, Knight of Grace of the Most
Venerable Order of the Hospital of St. John of
Jerusalem, Governor in and over the State of
Western Australia and its dependencies in the
Commonwealth of Australia.

WHEREAS it is enacted by subsection (2) of section 4 of the Control of Vehicles (Off-road areas) Act, 1978, that the Governor may from time to time by proclamation declare that the provisions of that Act, or such of those provisions as may be therein specified, shall not apply to or in relation to such part or parts of the State as are therein specified and thereupon such provisions of that Act shall not have effect in the area so specified: Now therefore I, the Governor, acting with the advice and consent of the Executive Council, do hereby declare that the provisions of that Act shall not apply to or in relation to any part of the State other than those parts of the State described in the Schedule to this proclamation.

Given under my hand and the Public Seal of the said State, at Perth, this 4th day of October, nineteen hundred and seventy-nine.

By His Excellency's Command,

JUNE CRAIG,
Minister for Local Government.

GOD SAVE THE QUEEN ! ! !

Schedule.

Parts of State to or in Relation to which Act Applies.

PART 1.

All that portion of land bounded by a line starting at the intersection of the Low Water Mark of the Indian Ocean with the northern boundary of the district of the Shire of Gingin and extending generally easterly, generally southerly and generally westerly along boundaries of that district to a northeastern corner of the district of the Shire of Wanneroo; thence generally southerly and easterly along boundaries of that district to a northwestern corner of the district of the Shire of Swan; thence generally easterly and generally southerly along boundaries of that district to a northern boundary of the district of the Shire of Mundaring; thence easterly, generally southerly and generally westerly along boundaries of that district and onwards to an eastern boundary of the district of the Shire of Kalamunda; thence southerly along that boundary to a northeastern corner of the district of the Town of Armadale; thence generally southerly, generally southeasterly, westerly and southwesterly along boundaries of that district to a northeastern corner of the district of the Shire of Serpentine-Jarrahdale; thence generally southeasterly, southerly and generally westerly along boundaries of that district to a southeastern corner of the district of the Shire of Rockingham; thence generally westerly along boundaries of that district to the northeastern corner of the district of the Shire of Mandurah; thence generally southerly, generally westerly, again generally southerly and again generally westerly along boundaries of that district to the centreline of the Old Coast Road; thence generally southerly along that centre line to a southwestern boundary of the district of the Shire of Harvey; thence generally northwesterly along boundaries of that district to a northeastern corner of the district of the Town of Bunbury; thence generally southerly, generally northwesterly and generally westerly along boundaries of that district to the centre line of Bussell Highway; thence generally southwesterly and generally southerly along that centre line and onwards to the Low Water Mark of the Southern Ocean, thence generally southwesterly along that low water mark and generally northerly along the Low Water Mark of the Indian Ocean to the starting point (including all islands adjacent to those low water marks).

PART 2.

The districts of the Towns of Albany, Geraldton, Narrogin and Northam.

PART 3.

The Metropolitan Water, Sewerage, and Drainage Area constituted pursuant to the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1978.

PART 4.

All lands vested in or under the control or management of the National Parks Authority of Western Australia established by the National Parks Authority Act, 1976.

PART 5.

All nature reserves as defined by section 6 of the Wildlife Conservation Act, 1950-1977.

PART 6.

The areas of the townsites of Coolgardie and Kambalda as fixed pursuant to section 10 of the Land Act, 1933-1977.

Public and Bank Holidays Act, 1972.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace
To Wit: } Kyle, Knight Grand Cross of the Most Honourable
WALLACE KYLE, } Order of the Bath, Knight Commander of the
Governor. } Royal Victorian Order, Commander of the Most
[L.S.] } Excellent Order of the British Empire, Companion
of the Distinguished Service Order, Distinguished
Flying Cross, Knight of Grace of the Most
Venerable Order of the Hospital of St. John of
Jerusalem, Governor in and over the State of
Western Australia and its dependencies in the
Commonwealth of Australia.

PURSUANT to the provisions of paragraph (a) of subsection (1) of section 7 of the Public and Bank Holidays Act, 1972, I, the Governor, acting with the advice and consent of the Executive Council, do hereby appoint Tuesday, 6th November, 1979, to be a bank holiday within the townsite of Boyup Brook.

Given under my hand and the Public Seal of the said State, at Perth, this 18th day of September, Nineteen hundred and seventy-nine.

By, His Excellency's Command,
R. J. O'CONNOR,
Minister for Labour
and Industry.

GOD SAVE THE QUEEN ! ! !

Public and Bank Holidays Act, 1972.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace
To Wit: } Kyle, Knight Grand Cross of the Most Honourable
WALLACE KYLE, } Order of the Bath, Knight Commander of the
Governor. } Royal Victorian Order, Commander of the Most
[L.S.] } Excellent Order of the British Empire, Companion
of the Distinguished Service Order, Distinguished
Flying Cross, Knight of Grace of the Most
Venerable Order of the Hospital of St. John of
Jerusalem, Governor in and over the State of
Western Australia and its dependencies in the
Commonwealth of Australia.

PURSUANT to the provisions of paragraph (a) of subsection (1) of section 7 of the Public and Bank Holidays Act, 1972, I, the Governor, acting with the advice and consent of the Executive Council, do hereby appoint Friday, 5th October, 1979 to be a bank holiday within the townsite of Mingenew.

Given under my hand and the Public Seal of the said State, at Perth, this 18th day of September, Nineteen hundred and seventy-nine.

By His Excellency's Command,
R. J. O'CONNOR,
Minister for Labour
and Industry.

GOD SAVE THE QUEEN ! ! !

Public and Bank Holidays Act, 1972.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace
To Wit: } Kyle, Knight Grand Cross of the Most Honourable
WALLACE KYLE, } Order of the Bath, Knight Commander of the
Governor. } Royal Victorian Order, Commander of the Most
[L.S.] } Excellent Order of the British Empire, Companion
of the Distinguished Service Order, Distinguished
Flying Cross, Knight of Grace of the Most
Venerable Order of the Hospital of St. John of
Jerusalem, Governor in and over the State of
Western Australia and its dependencies in the
Commonwealth of Australia.

PURSUANT to the provisions of paragraph (b) of subsection (1) of section 7 of the Public and Bank Holidays Act, 1972, I, the Governor, acting with the advice and consent of the Executive Council, do hereby appoint that part of Wednesday, 3rd October, 1979, after 12 noon of that day to be a public half-holiday within the municipal district of the Shire of Toodyay.

Given under my hand and the Public Seal of the said State, at Perth, this 18th day of September, Nineteen hundred and seventy-nine.

By His Excellency's Command,
R. J. O'CONNOR,
Minister for Labour
and Industry.

GOD SAVE THE QUEEN ! ! !

Objectives:	Place
Outcome:	2.1 - A diverse, well planned built environment.
Strategy:	2.1.1 - Actively engage in the development and promotion of an effective planning framework.

Purpose

1. Guide the Council, other stakeholders and local volunteer groups in their recreation trail development activities within the Shire;
2. Develop an integrated network which generates both symbolic and physical unity between localities;
3. Focus on development of several strategic (longer term) trail projects which will give even greater prominence to the area and its trails network, and which will serve to attract additional visitors to the Shire and the Peel Region.
4. Provide guidelines on issues that need to be taken into consideration when assessing subdivision and rezoning proposals;
5. Outline the specifications for the construction of trails within the Shire;
6. Identify existing and potential trails within the Shire;
7. Implement Council's objective to develop and promote natural recreational opportunities such as walking, cycling and equestrian trail networks

Definitions

Multiple Use Trail – Any corridor, track, trail, route or pathway which has as its primary land usage any one of

– or combination of - recreational walking (including use of motorised wheelchairs), hiking, cycling, horse riding (including horse drawn vehicles) and other non-motorised recreational uses; not including suburban dual use pathways and footpaths, which have potential to be managed units with community support in both development and maintenance.

Multiple Use Corridor – Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities.

Background

A Trails Master Plan has been prepared for the Shire and is designed to guide the Council, stakeholders and local volunteer groups in their recreation trail development activities.

A Trails Working Group, known as the SJ Trails Incorporated has been formed and consists of representatives from local community members and groups who have a vested interest in the development and maintenance of trails in the shire.

The purpose of the Working Group is to:

- Develop a priority list for the construction and maintenance of trails throughout the Shire;
- Prepare applications and seek funding for the construction and maintenance of trails within the shire;
- Assists the Shire with the development and maintenance of trails;
- Ensure the objectives of the policy are being implemented.

Status

(a) Relationship to Town Planning Scheme No.2

This Policy is a planning Policy prepared, advertised and adopted pursuant to Clause 9.1 of Town Planning Scheme No.2 (TPS2). Under Clause 9.2 of TPS2 all planning policies are documents supporting the Scheme. The Policy augments and is to be read in conjunction with the provisions of TPS2 relating to development applications.

(b) Relationship to other documents

This policy has due regard to, and should be read in conjunction with the State Planning Policies (SPPs), the Shire's Local Planning Policies (LPPs) and other legislative documents which may influence applications for sea containers.

Policy

Benefits

Recreation trails provide many benefits to individuals, communities, and to our society in general.

Trails development has the following benefits:

- a) Present a unique opportunity for education, not only environmental, but also cultural and historical, incorporating both Aboriginal and European material;
- b) Present easy access to natural bush settings and can help satisfy a growing demand for outdoor recreation in WA;
- c) Help deliver community and individual benefits through economic stimulation, increased standards of living, heightened sense of community consciousness, and a positive impact on people's health and lifestyle;
- d) A trail network can play an important role through its unifying effect on rural communities. An integrated network would generate both symbolic and physical unity between rural towns, just like railways in the past;
- e) Physical well being through the activity of using the trails;
- f) Providing a focus for a community groups to work on and maintain a trail in their local area and providing a safe environment for recreation pursuits

Users of Multiple Use Trails

Permitted user groups are:

- Cyclists;
- Walkers;
- Horse riders – pleasure and non-commercial exercising of horses for fitness or competition;
- Wheelchairs;
- Horse drawn carriages/buggies - pleasure and non-commercial exercising of horses for fitness or competition;
- Fire and emergency services;

All trails should be accessible to all permitted users described in this policy, however, this may not be possible where providing access for a user group would have an adverse impact on the environment, cost of construction and/or maintenance or the experiences and expectations of existing users.

Entrances to trails should have signs displaying the permitted users of the trail.

While recognising that there are people in the shire who wish to ride motorcycles for recreation, motorcycles will not be permitted on the trails.

Motorised vehicles are not permitted on the trails, however the trails network does allow access for fire and emergency services vehicles and motorised wheelchairs and gophers where appropriate. Should problems occur with regard to motorized vehicles accessing the trails network, the matter should first be brought to the attention of the locality trail management group for investigation and action, and then if appropriate, to the Shire for further action.

Bridle paths are not only for horses, but also for pedestrians and cyclists, whilst catering for people with wheelchairs where possible and allows residents to walk with their leashed domestic pets.

Linkages

Existing State, Regional and Local Trails

The Western Australian Planning Commission, Sport and Recreation and Trail West funded a project for the preparation of a State Trails Master Plan.

Jarrahdale

Jarrahdale has a number of established and well known trails, including:

- Kitty's Gorge
- Mundlimup Trail
- Langford Park Trails
- Stacey's track
- Blue Rocks tracks
- Wetlands Walk.
- The Balmoral trail Darling Downs

The Darling Downs Bridle Trails are located in the Darling Downs subdivision. These trails are managed and maintained by the Darling Downs Management Committee,

A large area of public open space within the subdivision contains a sand surfaced trotting track, fenced exercise arena, plus extensive open space for riding in the open or over jumps.

Oakford

This area currently has minimal formal trails however the Oakford Trails Management Association is working to increase the length and quality of the trails network in the area.

Other Trails

Other important and well recognised trails in the shire area include

- Baldwin's Bluff Trail
- Balmoral
- Jubbs Ramble
- Byford Hills Walk Trail (Macora Trail)
- Kingsbury Lookout Walk Trail.

It is not the intention of this policy that existing single use trails become multiple use trails by default. Single Use trails shall remain as such, unless it can be demonstrated that the trail could accommodate other uses without detriment to the biophysical environment, or the expectations and requirements of the existing users.

Equine Facilities

There are four main equine facilities within the Shire:

- The Webb Road Horse Track
- The Byford Trotting Training Track
- The Darling Downs Public Open Space
- Serpentine Sports Equestrian

Subdivisions and rezoning within close proximity to these facilities should ensure they link up or allow access to these facilities.

Other Facilities and Areas of Interest

There are a number of other facilities and areas of interest that the Shire believes should also be connected through the multiple use trails network. These include:

- Jarrahdale Heritage Park;
- Darling Range Regional Park;
- Serpentine National Park.

When assessing subdivisions within the vicinity of these facilities and areas Council will take into consideration potential access to these facilities.

Water Corporation and Railways Land

Council seeks permission from the Water Corporation and the Railways Authority with the objective that access is obtained for multiple use trails along the significant drainage system and and railway reserves throughout the Shire.

Proposed trails must demonstrate management measures to prevent vegetation degradation and erosion, export of nutrient enriched stormwater, damage to drain infrastructure, or an increased risk to public safety or liability claims; to the satisfaction of the Water Corporation and the Railway Authority.

Main Road Reserves

Council does not seek to construct trails within Main Road reserves, however there will be a need to cross such roads at various points within the trail network. These crossing points will be in the form of equine underpasses or overhead crossings constructed to the standard and specification of Main Roads WA.

What is to be considered when assessing subdivisions and rezoning proposals

When assessing a subdivision or rezoning application Council will take into consideration the user groups and request that multiple use trails be constructed to cater for the user groups.

The following checklist outlines the issues to be addressed by proponents in order for Council to assess subdivision and rezoning proposals with regard to multiple use trails:

Linkages

- Does the proposal provide trails that link in with the existing trails within the area?
- Does the proposal provide trails that link in with the priority trails listed in this Policy?
- Does the proposal provide trails that link in with the equine facilities listed in this Policy?

Multiple purposes of trails

- Who is the trail to cater for?
- Does the trail cater for a wide variety of users?
- Does the trail perform any other functions ie. Emergency accessway, strategic firebreak, buffer to a water course, is it part of a multiple use corridor?
- How does the proposal retain and enhance these functions?
- Does the trail access land of interest?

Surrounding uses of land

- What are the existing and proposed land uses and zoning of surrounding land?
- What is the proposed zoning of the land in the case of a rezoning proposal?

- Does the land cater for the keeping of horses?
- What environmental values are present on the surrounding lands?
- How does the proposal protect and enhance those environmental values?
- What management and maintenance will be involved in the construction of a new trail?
- How will construction techniques and management measures address waterlogging, nutrient run-off and/or leaching, weeds, pathogens and other threats to environmental values?
- Has the revegetation work been sited on private property adjoining the multiple use trails to prevent the need to prune trees within the trail (unless part of a Multiple Use Corridor)?
- Does the multiple use trail have other structures ie. detention basins within it that will require maintenance and management?

Requirements within Subdivisions

Water sensitive design

Council encourages the integration of trails within multiple use corridors where possible. Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities. They form the major spines of the stormwater management and wildlife corridor system throughout the shire.

Multiple use corridors shall be developed throughout the shire on the following watercourses:

- a) watercourses identified as multiple use corridors in the Byford Structure Plan;
- b) watercourses designated as multiple use corridors as part of amendments to Council's Town Planning Scheme; and
- c) other watercourses as designated by Council and incorporated as part of this Local Planning Policy by amendment from time to time and described in Appendix 1.

Multiple use corridors will vary according to site specific, bio-physical characteristics. An average width of 100 metres should be vested in public ownership as a minimum, with additional width if needed for recognising floodway characteristics, water sensitive design features (eg constructed wetlands), protection of riparian vegetation, or recreational needs. The 50 metre clearance line should be measured from the outer edge of the riparian vegetation to the boundary of the multiple use corridor, not from the centreline of the watercourse.

Council's Local Planning Policy No. 6 – Water Sensitive Design contains more information on water sensitive design and should be considered and integrated into all rezoning and subdivision proposals throughout the Shire. This document maybe obtained by contacting the Sustainable Development Team at the Council.

Construction specifications

Multiple use trails must be constructed to a standard that allows for the use of the trail by such groups as walkers, horse riders, horse and carts and mountain bike riders. A multiple use trail is to be constructed to the following minimum standards:

Existing terrain	Construction requirements
Firm sand	100mm of trotting fines
Loose sand	100mm of 19mm limestone base with 100mm of trotting fines
Gravel surfaces	No works required. Trails within gravel surface will only require the cutting of the trail and clearing of the area. These trails are likely to only be used on a passive recreation basis ie. walking of horses, use by mountain bikes or walkers.

All trails are to be between 6 and 10 metres wide where possible, with a 4 metre wide constructed trail unless otherwise specified by Council. These widths allows for the free passing of horses and pedestrians as well as fire and emergency vehicles and maintenance plant and equipment access. The vertical height clearance on all trails is to be 4 metres.

All emergency access to trail reserves should be examined to evaluate their suitability as trails and where necessary, their vesting altered accordingly.

To prevent export of manure contaminated (nutrient rich) stormwater, trails should be cambered so stormwater drains away from any watercourse or drain adjacent to the trail.

Council does not support the inclusion of multiple use trails within the road reserve.

Figure 4 shows a multiple use trail/road interface. Trails connecting onto roads are to be constructed in accordance with Figure 4.

Construction of bridges and drainage

Drainage structures shall be provided to accommodate all surface water flows to the satisfaction of the Asset Services Directorate. Minor flow shall be accommodated by the construction of a trafficable class 3 concrete pipe or box culvert with concrete cast in situ or precast concrete headwalls. All crossings must be trafficable by emergency vehicles, and crossings constructed over Water Corporation drains must be constructed to the specifications and satisfaction of the Water Corporation and the Bush Fire Brigade.

Revegetation and landscaping

On multiple use trails allowing horses, deep rooted non-invasive trees and grasses shall be planted along trail edges as a means of preventing erosion and maximising nutrient re-uptake.

Revegetation of subdivisions is to accord with Planning Policy PS03 – Landscaping and Revegetation.

Access, gates and fencing

As a general principle, gates should not be constructed at the entrance to a trail unless it is deemed to be essential for a specific trail. Gates are to be constructed in accordance with the specifications

contained in Figure 1 and Figure 2. There is a choice of gates that may be constructed depending on the access rights to the path and if the path passes through public land or private property. Generally the large gates shown in Figure 1 will be required to restrict access and smaller gates shown in Figure 2 will otherwise be required.

A 1.5m accessway for pedestrians and horses is to be provided on the sides of the gates. Figure 3 outlines the specifications for this pedestrian/horse walkway.

Uniform fencing is to be provided on either side of the multiple use trail. Fencing is to be of post and rail or post and wire construction. All access gates must be keyed alike, and copies of the keys provided to local Bush Fire Brigades and other local emergency services.



Signage and interpretive material

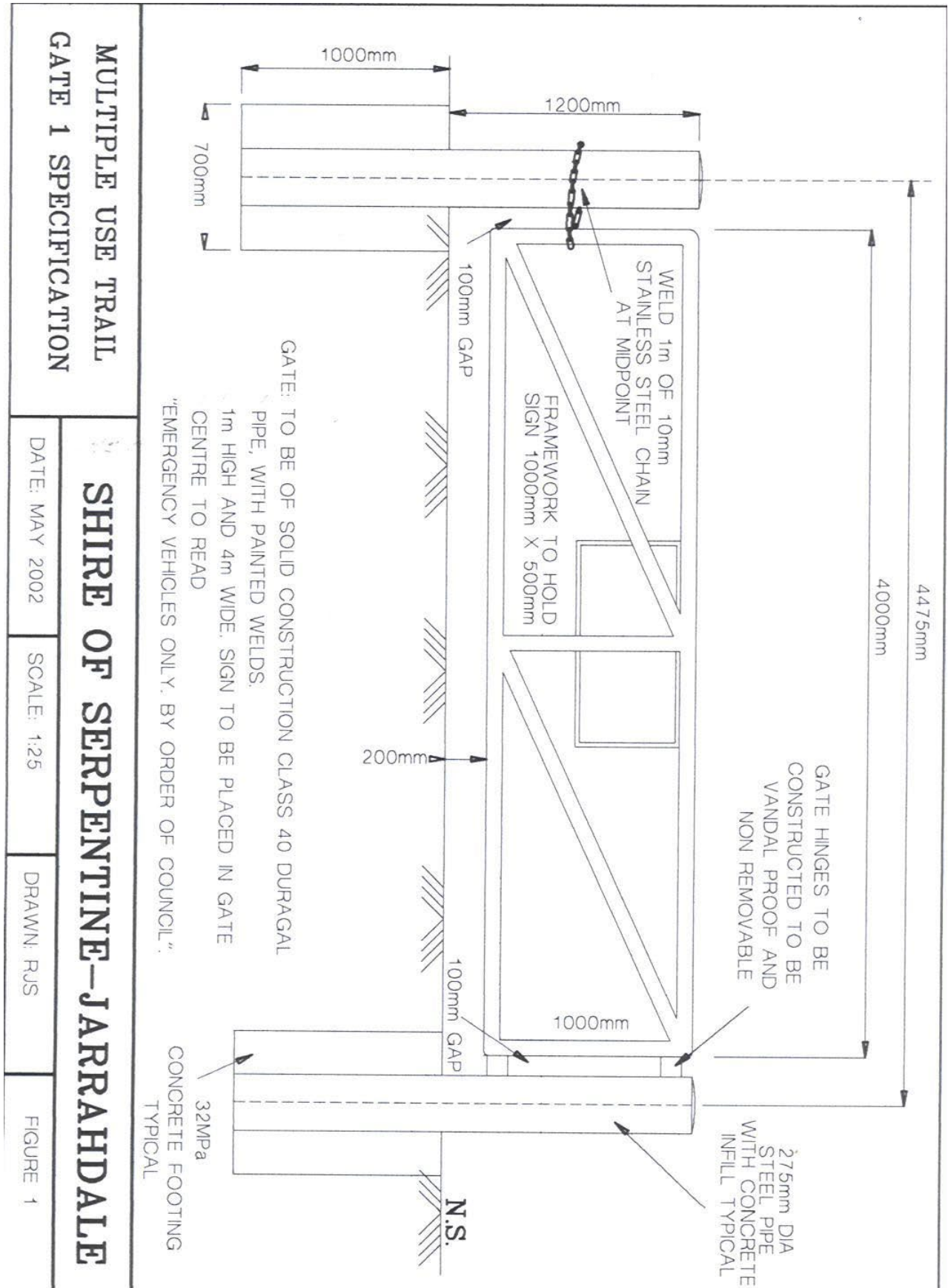
Given that Council is encouraging multiple use trails within the Shire it is appropriate to outline the general principles of shared trails and what information is to be included in signage and interpretive material. A world-wide convention now exists which sees walkers give way to horses, and cyclists give way to both the other users. To ensure that this message is distributed throughout the trail network Council will require signage to be located along the trail at suitable locations. Signage is to be in the following format:

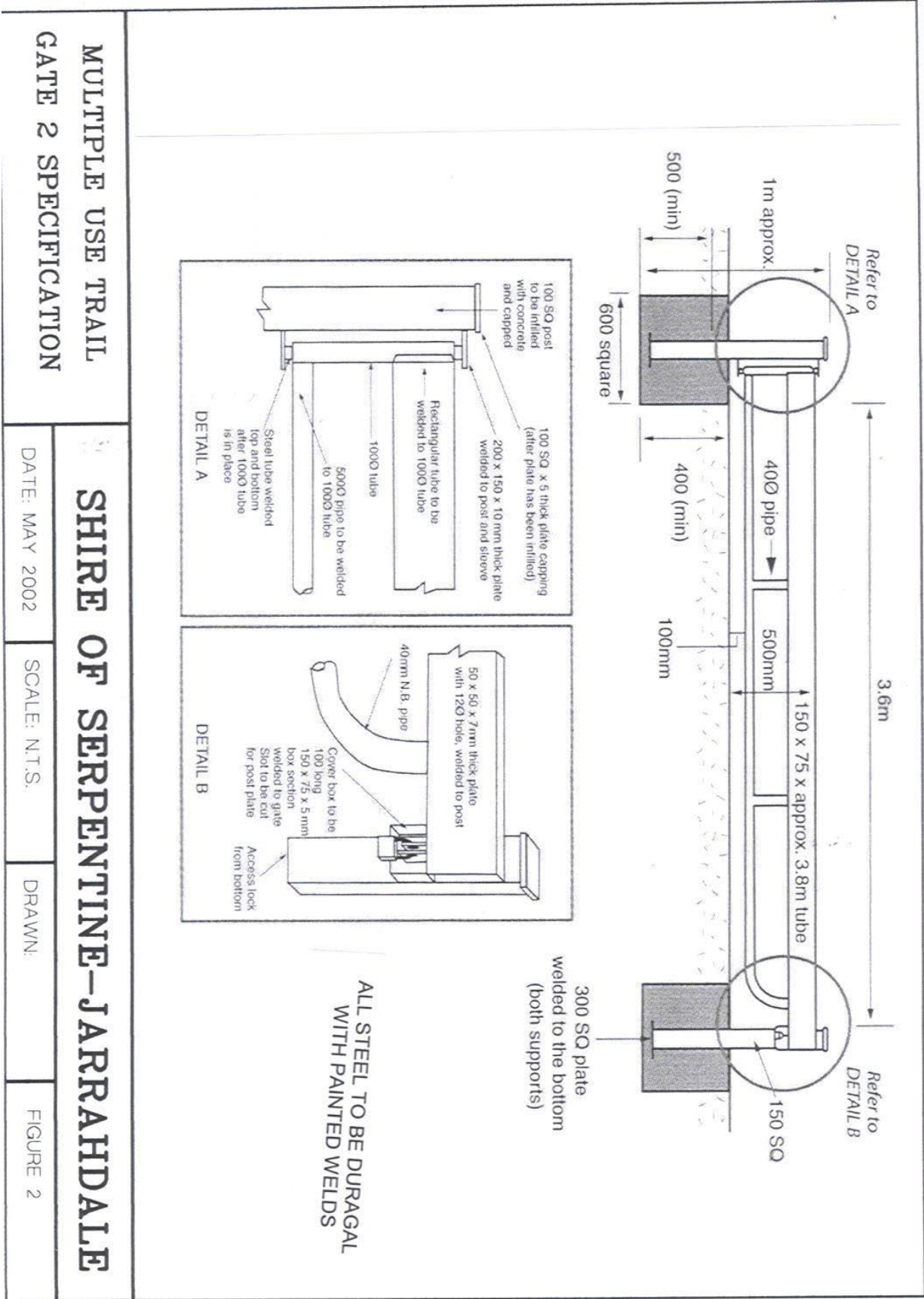
All maps and brochures are to carry this multiple use paths etiquette picture. Pedestrians and cyclists are to give way to horse riders.

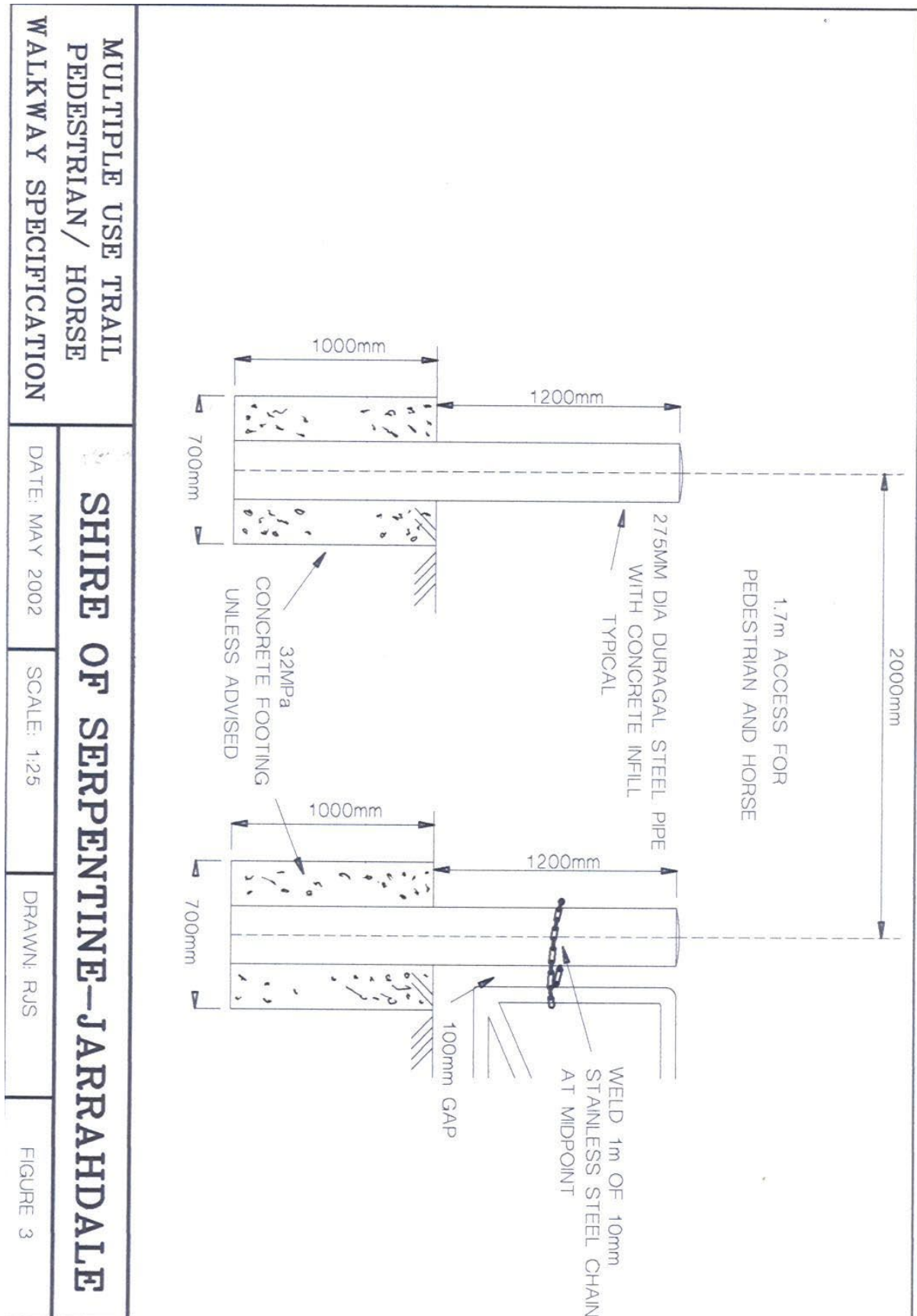
The signs used within the trail system should be designed and sited to avoid possible harm or injury to trail users or horses. All signs within the trail system shall be constructed to the specifications and satisfaction of Council.

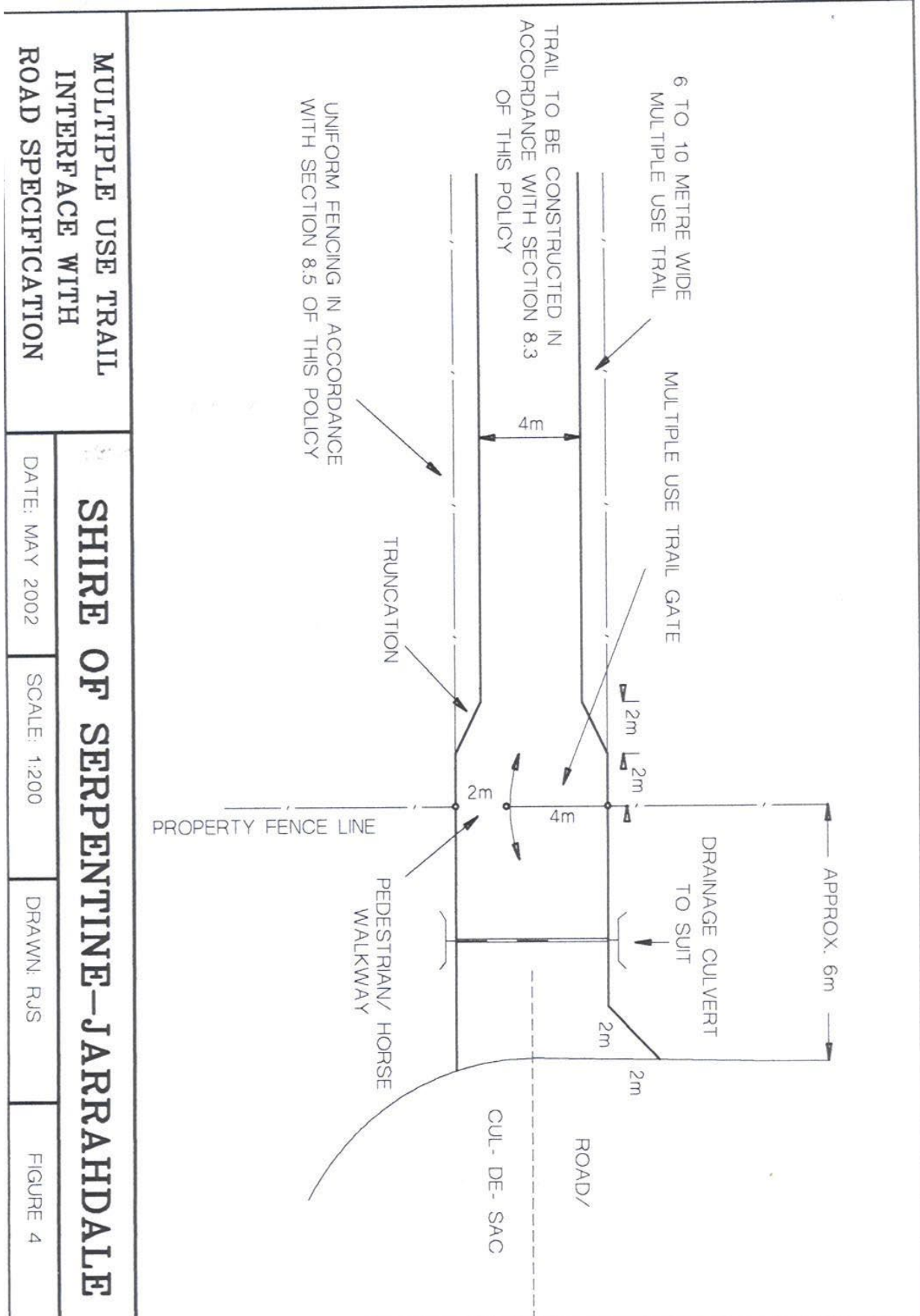
Management and Maintenance

The management and maintenance of the multiple use trails ultimately falls with the Council, however the Council will encourage community groups to take an active role in the construction, maintenance and management of the trails network. The Darling Downs Management Committee, SJ Trails Inc and the Jarrahdale Heritage Society are examples of organisations that assist in the construction, maintenance and management of trails within the shire. These organisations have involved the greater community which has not only assisted Council with the construction, maintenance and management of the trails but has also helped to develop a greater community ownership of the trails network.



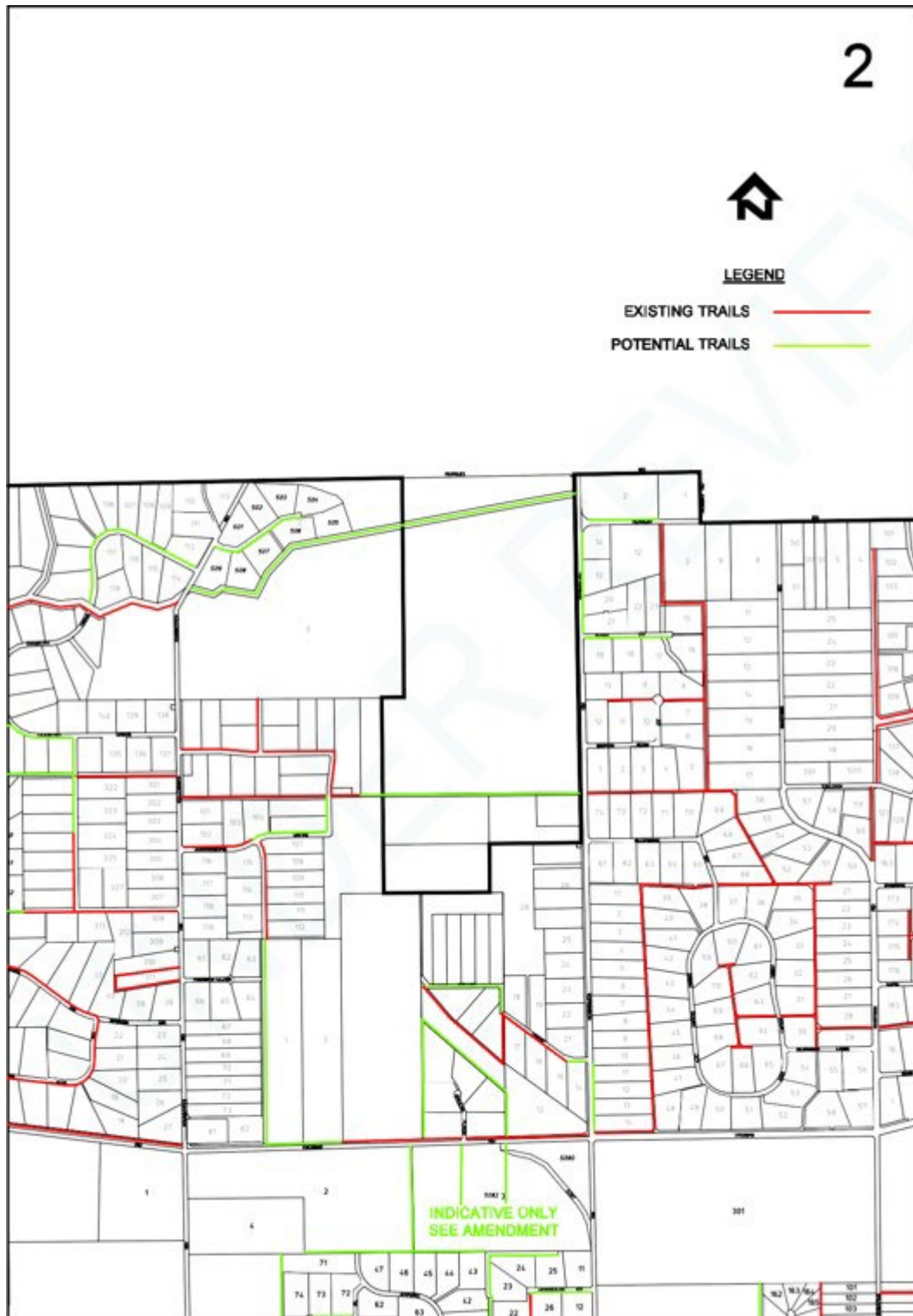






MAPS













References

Name of Policy	Local Planning Policy 1.17: Multiple Use Trails
Previous Policy	Local Planning Policy 09: Multiple Use Trails
Date of Adoption and Resolution Number	23 July 2018 - OCM063/07/18
Review dates and Resolution Numbers	
Next review date	
Related documents	<p>Acts/Regulations <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Plans/Strategies Strategic Community Plan 2017 - 2027</p> <p>Policies</p> <p>Delegations 11.1.1</p> <p>Work Procedures</p>

Note: changes to references may be made without the need to take the Policy to Council for review.

CSS 555 Stidwell Bridle Trail Determination

I made a speech here last year, and described how riding kept me sane while my husband and I cared for my parents until their deaths. We now have my mother-in-law living with us, so riding **still** keeps me sane.

As a result of my family situation, I only became involved with the SBT working group later in the process, after my Mum died.

I have been self-employed for nearly 30 years, and have only dealt with private businesses, never Government agencies. I've avoided joining committees as I've seen these as too political, so not my cup of tea. I joined the Friends because I'm passionate about my sport and concerned about the increasing risk of injury or fatality due to dangerous interactions with motorbikes and 4WD's on the trail. Plus, I'm deeply concerned about the contamination to our region's primary drinking water source, the serious degradation of this environment – **this very fragile environment**, and the threat of fire to the reserve, including water and power from the windfarm to Albany.

I went into the process very nervous about working with City staff and whether we would have any sort of favourable outcome from the process. Thankfully, the commitment by both parties to work together towards a good outcome has been exceptional and although the process has been slow and at times, frustrating, I think that **most** of the determination proposal shows that the hard work to reduce the risks is paying off.

Essentially, even with this proposed determination in place for the City's areas of responsibility, the back door is left open for the vandals to come in and trash the joint. This includes people using chainsaws and vehicles to thrash trails through the bush and rubbish being dumped in the area, including car batteries & engines, tyres, household rubbish, fuel containers, animal carcasses, etc.

According to DWER's Policy 13, "Protection of PDWSAs is needed to prevent, minimise or manage contamination risks from any of the land uses in PDWSAs. One of these land uses is recreation. PDWSA protection is important because contaminated drinking water can cause illness, hospitalisation and death, even in developed countries like Australia. There are also economic benefits of protecting PDWSAs,

including **significant savings** in treating and supplying water. If the water is already of a good quality to begin with, very little treatment is needed before it can be supplied as drinking water.” So, my questions for a written reply are:

1. Where does Policy 13 fit into this determination?
2. Does the City have to adhere to Policy 13 for this area?

A lot of money, including Ratepayers money, is spent on FOGO and rubbish recycling for environmental reasons. Most of us are basically lazy, our genetic coding ensures that we try to conserve energy, so these environmental measures are a pain in the butt for many, but we do it because it's the right thing to do. So, I'm concerned that it appears that the damage to the environment in the reserve and the prevention of contamination of our Primary Drinking Water Source is ignored because it is out of sight, out of mind. I hope this is not the case. Our daily news headlines show that environmental issues are social issues and now, political issues. And rightly so.

This reserve is a vital asset that the City needs all of our help to preserve for all of us into the future. It would be wonderful if the determination that the City has worked so hard to prepare could be approved to successfully protect equestrians **AND** our environment **AND** our essential water and power supply. Unfortunately, it is incomplete in its current form and formal consultation with the State agencies needs to be finalised before the determination should be considered.