

MINUTES

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE MEETING

Wednesday 9 February 2022

6.00pm

Council Chambers



Development & Infrastructure Services Committee
Terms of Reference

Functions: The Committee is responsible for:

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the **Planet Pillar** and **Place Pillar**:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

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

Executive Officers: Executive Director Infrastructure, Development & Environment

Delegated Authority: None

DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 09/02/2022

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DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE
MINUTES – 09/02/2022

1. **DECLARATION OF OPENING** The chair declared the meeting open at 6:00pm.

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 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Mayor	D Wellington
Councillors:	
Member	P Terry
Member	A Cruse
Member	G Stocks
Member	M Traill
Member	T Brough
Member	M Benson-Lidholm JP
Member	J Shanhun
Member	D Baesjou
Member	S Smith
Member	A Goode JP
Member	C Thomson (Chair)
Staff:	
Chief Executive Officer	A Sharpe
Executive Director Infrastructure, Development and Environment	P Camins
Manager Planning & Building Services	J van der Mescht
Planning Co-ordinator	J Wardell-Johnson
Meeting Secretary	A James
Apologies:	
Member	R Sutton (Deputy Chair)

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest
Councillor Traill	DIS293	Impartiality: The nature of the interest being that Councillor Trail is a friend and professional colleague of Professor Don Garden, former member of National Heritage List committee. Councillor Traill remained in the chamber and took part in the discussion and vote for this item.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

6. PUBLIC QUESTION TIME Nil

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

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

7. PETITIONS AND DEPUTATIONS Nil

8. CONFIRMATION OF MINUTES

RESOLUTION

**MOVED: COUNCILLOR GOODE
SECONDED: COUNCILLOR TERRY**

THAT the minutes of the Development and Infrastructure Services Committee meeting held on 1 December 2021 as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 12-0

9. PRESENTATIONS Nil

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

DIS292: REVIEW OF DOG EXERCISE AREA POLICY – RUSHY POINT AND BINALUP / MIDDLETON BEACH

Land Description	: Reserves R35754, R14754, R26149 and Flinders Parade
Proponent / Owner	: City of Albany
Report Prepared By	: Manager City Reserves (J Freeman) Reserves Officer (S Maciejewski)
Authorising Officer:	: Executive Director Infrastructure Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People
 - **Outcome:** A diverse and inclusive community.
 - **Pillar:** Planet
 - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

Maps and Diagrams:

Figure 1: Map showing location of the subject sites at Rushy Point and Binalup / Middleton Beach

Figure 2: Map showing existing Rural Leash Area at Rushy Point.

Figure 3: Map showing proposed removal of Rural Leashing Area and proposed Dog Prohibited Area at Rushy Point.

Figure 4: Map showing existing Dog Prohibited Area at Binalup / Middleton Beach.

Figure 5: Map showing proposed amended Dog Prohibited Area at Binalup / Middleton Beach, with Dogs on Leash Permitted on Paths only.

Figure 6: Temporary Signs at Binalup / Middleton Beach install January 2022 to clarify rules.



Figure 1 Location of subject sites at Rushy Point and Binalup / Middleton Beach.



Figure 2 Existing Rural Leashing Area (orange area) at Rushy Point.



Figure 3 Proposed removal of Rural Leashing Area and proposed Dog Prohibited Area at Rushy Point

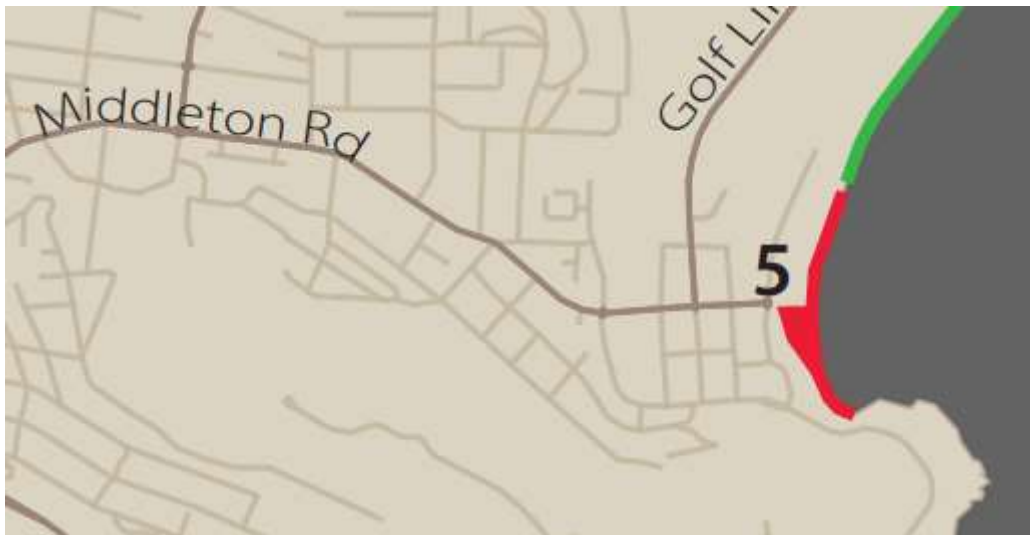


Figure 4 Existing Dog Prohibited Area (red area) at Binalup / Middleton Beach.

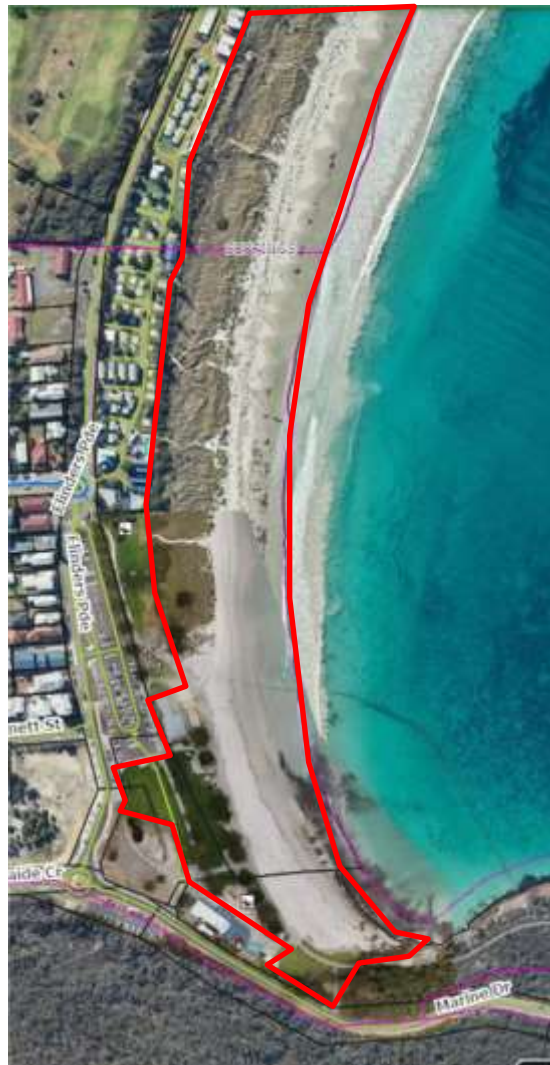


Figure 5 Proposed amended Dog Prohibited Area at Binalup / Middleton Beach, with Dogs on Leash Permitted on Paths only. Area reduced in size to allow dogs on leash on grassed area between the Surf Club and the caravan park (excluding the playground).



Figure 6: Temporary Signs at Binalup / Middleton Beach install January 2022 to clarify rules.

In Brief:

- The *Dog Exercise, Prohibited and Rural Leashing Areas Policy* (the Policy) was adopted by Council in November 2018 (DIS132).
- In 2021 the City received a number of requests from individuals and groups in the community to review the Policy in relation to how it applies to Rushy Point.
- In addition, due to the redevelopment works at Binalup / Middleton Beach, the City has identified the need to amend the Policy at this location due to the changed layout of paths and grassed areas at this site.
- The changes at Binalup / Middleton Beach provide an opportunity to review the prohibited areas as there have been request to allow dogs onto the grassed areas.

RECOMMENDATION

DIS292: PROCEDURAL MOTION BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR CRUSE

That the Council defer consideration of this matter until the Ordinary Council Meeting, 22 February 2022, to allow officers to revise the recommendation to clarify its intent.

CARRIED 8-4

Record of Vote:

Against the Motion: Mayor Wellington, Councillor Smith, Councillor Benson-Lidholm, Councillor Stocks

DIS292: AUTHORISING OFFICER RECOMMENDATION

THAT Council

- (1) APPROVE for advertising the following amendments to the Dog Exercise, Prohibited and Rural Leashing Areas Policy:
 - a) Rushy Point;
 - Remove the Rural Leashing Area; and
 - Add a Dog Prohibited Area to protect migratory birds as per Figure 3.
 - b) Binalup/Middleton Beach
 - Make the required amendments with regards to the new paths and grassed areas within the Dog Prohibited area at Middleton Beach; and
 - Exclude the grassed area between the Surf Life Saving Club and the caravan park (excluding the playground) from the Dog Prohibited Area to allow dogs on leads.
- (2) ADVERTISE the proposed amendments for a period not less than 21 days.
- (3) NOTE that a final report will be presented to Council following assessment of submissions received during the public comment period.

BACKGROUND

2. The City of Albany currently manages a large number of reserves and public open spaces that the community uses for a variety of purposes including the exercise of dogs.
3. Human interaction with dogs can provide a wide range of positive benefits (physical & mental health etc.) but can also result in a range of negative issues if not managed appropriately.
4. The purpose of the Policy is to identify areas within the City's municipal boundary under the following categories:
 - **Prohibited areas** – areas where dogs are prohibited at all times.
 - **Dog Exercise Areas** – areas where dogs may be exercised off leash (but still under control) at all times.
 - **Rural Leashing Areas** – areas outside of town sites (as gazetted) where dogs must be exercised on a lead.
 - All other areas within a gazetted town site not detailed in the Policy default to requiring a dog to be restrained on a leash or under control at all times.
5. The areas designated in each category in the policy are based on historical area use and consultation with internal stakeholders such as the Recreation Management, Reserve Management and Ranger Teams and feedback received from the community during the community comment period.
6. This Policy was reviewed and amended in April 2020 to prohibit dogs from Emu Point Western Swimming Beach in response to a petition sent to the City (DIS202 and DIS 208).
7. The City has received a number emails/letters from individuals and groups regarding the Rural Leashing Area at Rushy Point (Figure 2). In response to these correspondences, and some initial liaison with users of the reserve, City officers have identified the need to review the Policy in regards to this reserve.
8. Due to the recent redevelopment works at Binalup / Middleton Beach, City officers have identified the need to amend the Policy in regards to this site.

DISCUSSION

9. Rushy Point:

- Currently dog must be on a leash at all times in the area of foreshore reserve adjacent to Princess Royal Harbour at Little Grove from Rushy Lane to Marine Terrace.
- Is an important migratory shorebird area and is currently sign posted as a “Bird Sanctuary”. The Rushy Point Bird Hide is located along the northern foreshore at this site, and is utilised regularly by local and visiting bird watchers.
- In addition, a large portion of the foreshore vegetation at Rushy Point comprises the Federal listed Threatened Ecological Community, Subtropical Coastal Saltmarsh.
- Since the Policy was adopted in 2018, the City has received a number of requests from Birdlife Albany to review the Policy to prohibit dogs from the northern foreshore around to the bollards on the eastern side of this reserve where the majority of shorebirds roost.
- In 2021, the City has received a number of requests from dog walkers to review the Policy to allow dogs to be exercised off lead on the eastern side of the reserve. Initial liaison with dog walkers indicates that the dog walkers would be in support for the remainder for the foreshore to become a Dog Prohibited Area.
- The City has received complaints in relation to interactions between dog walkers, other reserve users and wildlife. In some cases, dogs have reportedly rushed uncontrolled up to other users. There has also been one report of dogs chasing shorebirds birds.
- In response, City Rangers have increased patrols to Rushy Point to enforce the Policy and educate dog walkers on responsible dog exercising. The dog walkers have responded positively to these discussions and the situation appears to have improved in respect to responsible dog exercising.
- City staff also arranged a site meeting in December 2021 with reserve users to allow them to raise their issues and concerns about the reserve. Sixteen people attended this meeting, and they all indicated support for the proposed amendment. Additional correspondence was received by people who could not attend the meeting, and their comments were in support of prohibiting dogs from the shorebird area.
- The City is aware of at least one group of local residents that meet daily at Rushy Point to walk their dogs and to socialise. Members of this Group wrote a letter to the City requesting a meeting and were present at the site meeting in December. They are very keen to work amicably with the City to resolve any issues at this site.
- The proposed amendment of the Policy at Rushy Point is to:
 - Remove the Rural Leasing Area; and
 - Add a Dog Prohibited Area to the foreshore area extending from the boundary of Vacant Crown land in the west to the existing bollards along the eastern side of Rushy Point (see Figure 3).

10. Binalup / Middleton Beach:

- Currently all dogs (except registered companion dogs) are prohibited from the southern portion of Binalup / Middleton Beach, being between the Ellen Cove Jetty and the southern walk access from Surfers Beach car park, including all grassed areas and the beach fore dunes between the beach and Finders Parade under control of the City of Albany (Map 3).
- There has been some confusion by users who want to walk through the area on the paths with their dogs to access the boardwalk where dogs are permitted on leash.
- Due to an increase in paths constructed through grassed areas at Binalup / Middleton Beach, there has been an increased level of confusion by users. In response, City

officers have recognised the need to amend the Policy to clarify the dog exercise rules in this area.

- In addition, there have been requests to allow dogs on the grass so they can picnic with their families. It is important to allow spaces for all to recreate and therefore it is proposed that a portion of the grassed area is accessible to dogs on a lead.
- The proposed amendment of the Policy at Binalup / Middleton Beach is to:
 - Permit Dogs on Leash on paths and the grassed areas within the Dog Prohibited area at Middleton Beach; and
 - Exclude the grassed area between the Surf Life Saving Club and the caravan park (excluding the playground) from the Dog Prohibited Area and allow dogs on leads.
- Temporary signage was installed in January 2022 to inform users of acceptable dog exercise rules at this site in the interim (Figure 6).

GOVERNMENT & PUBLIC CONSULTATION

11. Rushy Point:

- The City has received a number of emails/letters from individuals and groups regarding Rushy Point in 2021, including Birdlife Albany, South Coast Progress Association and various reserve users (dog walkers and other).
- Two City officers (Reserves Officer and Senior Ranger) met on site on 7th December 2021 with site users to listen to their comments and opinions. The upcoming site meeting was advertised on site for 7 days prior to the meeting to capture site users, and an invitation was sent to people and groups who had previously provided comment on the matter. This included the South Coast Progress Association and the Albany Bird Group. Sixteen people attended this meeting.

12. Binalup / Middleton Beach – No consultation has been undertaken to date.

STATUTORY IMPLICATIONS

13. Dog Act 1976

14. City of Albany's Dog Local Law 2017

15. The voting requirement is **Simple Majority**.

POLICY IMPLICATIONS

16. Nil until future recommendation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>If the Policy is not reviewed for Rushy Point, then the local community will not feel that it's interests and concerns have been formally considered and there will likely detrimental environmental impact on the shorebirds.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>Staff will continue to spend time addressing existing issues through education and infringements</i>

<p><i>If the Policy is not reviewed for Binalup / Middleton Beach, then there will be continued confusion by users on the dog exercise rules for this area. In addition City staff will also find it difficult to enforce any rules.</i></p>	<p><i>Almost Certain</i></p>	<p><i>Minor</i></p>	<p><i>High</i></p>	<p><i>Staff will continue to spend time addressing existing issues through education and infringements</i></p>
<p>Opportunity: To classify dog prohibited, exercise and rural leashing areas within the City of Albany boundaries.</p>				

FINANCIAL IMPLICATIONS

18. Funds within the current operational budget will be utilised.

LEGAL IMPLICATIONS

19. Nil

ENVIRONMENTAL CONSIDERATIONS

20. It is acknowledged that dogs have the potential to impact on environmental values especially where they are not controlled or on leash.

ALTERNATE OPTIONS

- 21. Council could choose to amend the Policy without further consultation.
- 22. Council could choose to leave the Policy as is with no further action from Officers.

CONCLUSION

23. The Policy continues to attract community comment demonstrating the high level of community interest in this subject. The comments have been diverse, demonstrating the difficulty faced in developing a policy that would be acceptable to all community members.

<p>Consulted References</p>	<p>: See consultation report from DIS132, OCM November 2018</p>
<p>File Number (Name of Ward)</p>	<p>: CR.COC.54 – Community Relations, Community Consultation Dog Exercise Area Policy</p>

DIS293: NATIONAL HERITAGE LIST NOMINATION UPDATE

Report Prepared By : Coordinator Planning Services (J Wardell-Johnson)
Authorising Officer: : Executive Director Infrastructure, Development and Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People
 - **Outcome:**
 - A diverse and inclusive community.
 - A happy, healthy and resilient community.
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.
 - Interesting, vibrant and welcoming places.
 - Local history, heritage and character is valued and preserved.
 - **Pillar:** Prosperity
 - **Outcome:**
 - A strong, diverse and resilient economy with work opportunities for everyone.
 - A highly sought-after tourist destination.
 - **Pillar:** Leadership
 - **Outcome:**
 - Proactive, visionary leaders who are aligned with community needs and values.
 - A well informed and engaged community.

In Brief:

- Council at its meeting in July 2020 resolved via notice of motion to request the CEO to investigate and prepare a report regarding the City considering nomination for Albany (or precincts of Albany) for inclusion on the National Heritage List.
- City staff investigated the proposal and presented the outcomes of the investigation to Elected Members at a DIS Committee Briefing in September 2021. The outcomes of the investigations were noted, with staff requested to undertake some further investigations. The findings from the further investigations and staff recommendations on next steps are discussed in further detail in the report below.
- Following this, and noting the 2026 Albany Bicentenary project currently underway, it is recommended that Council:
 - Agree to hold off formally commencing nomination for the National Heritage List, in order to utilise upcoming community and stakeholder engagement opportunities as part of the 2026 Albany Bicentenary project.
 - To revisit nomination for the National Heritage List towards the end of completion of the 2026 Albany Bicentenary project, when a greater understanding of the community and stakeholder expectations will be available.

RECOMMENDATION

DIS293: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SMITH**

That Council:

- 1. AGREES not to pursue considering nomination for inclusion on the National Heritage List at this time.**
- 2. AGREES to request the CEO to revisit the matter to consider nomination for inclusion on the National Heritage List at an appropriate later time, towards the end of the 2026 Albany Bicentenary project, in order to:**
 - a) Utilise the outcomes and findings generated through the Bicentenary project, that are expected to provide a greater understanding and cohesive picture of the town's historic theme/s and attributes that contribute to national heritage significance; and**
 - b) Capitalise on the momentum and community and stakeholder interest gained through the Bicentenary project, with the intention to naturally progress the next step of considering nomination.**
- 3. SUPPORT the nomination proposal being incorporated into conversations with community and stakeholders during the City's engagement on the 2026 Albany Bicentenary project and to utilise the process and findings of the engagement to progress considering nomination for inclusion on the National Heritage List.**

CARRIED 11-1

Record of Vote:

Against the Motion: Councillor Thomson

DIS293: AMENDMENT BY COUNCILLOR TRAILL

**MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SMITH**

THAT the Authorising Officer Recommendation be AMENDED to read as follows:

That Council:

- 1. AGREES not to pursue considering nomination for inclusion on the National Heritage List at this time.**
- 2. AGREES to request the CEO to revisit the matter to consider nomination for inclusion on the National Heritage List at an appropriate later time, towards the end of the 2026 Albany Bicentenary project, in order to:**
 - a) Utilise the outcomes and findings generated through the Bicentenary project, that are expected to provide a greater understanding and cohesive picture of the town's historic theme/s and attributes that contribute to national heritage significance; and**
 - b) Capitalise on the momentum and community and stakeholder interest gained through the Bicentenary project, with the intention to naturally progress the next step of considering nomination.**
- 3. SUPPORT the nomination proposal being incorporated into conversations with community and stakeholders during the City's engagement on the 2026 Albany Bicentenary project and to utilise the process and findings of the engagement to progress considering nomination for inclusion on the National Heritage List.**

CARRIED 10-2

Record of Vote:

Against the Motion: Councillor Terry, Councillor Thomson

DIS293: AUTHORISING OFFICER RECOMMENDATION

MOVED: STOCKS
SECONDED: WELLINGTON

That Council:

1. AGREES not to pursue considering nomination for inclusion on the National Heritage List at this time.
2. AGREES to request the CEO to revisit the matter to consider nomination for inclusion on the National Heritage List at an appropriate later time, towards the end of the 2026 Albany Bicentenary project, in order to:
 - a) Utilise the outcomes and findings generated through the Bicentenary project, that are expected to provide a greater understanding and cohesive picture of the town's historic theme/s and attributes that contribute to national heritage significance; and
 - b) Capitalise on the momentum and community and stakeholder interest gained through the Bicentenary project, with the intention to naturally progress the next step of considering nomination.
3. SUPPORT the nomination proposal being incorporated into conversations with community and stakeholders during the City's engagement on the 2026 Albany Bicentenary project and to utilise the process and findings of the engagement to progress considering nomination for inclusion on the National Heritage List.
4. SUPPORT staff pursuing alternatives to considering nomination for inclusion on the National Heritage List in the short term, including commencing formal engagement with relevant agencies and heritage groups, with staff to periodically report back outlining progress of the project.

BACKGROUND

2. Council at its meeting in July 2020 resolved:

To request the CEO to prepare a report for consideration to commence the process of nominating the City of Albany (or precincts within Albany) to the National Heritage List.

For the report to include plans for a consultation strategy and indicative costings for the preparation of the NHL application for inclusion in the relevant budget.

3. City staff investigated the proposal and presented the outcomes of the investigation to Elected Members at a DIS Committee Briefing in September 2021, that outlined:
 - The implications for commencing a project to consider nomination at this time, with 2026 Albany Bicentenary project currently underway;
 - The potential opportunities that could be utilised by holding off considering nomination until towards the end of 2026 Albany Bicentenary project, to capitalise on the engagement outcomes and interest and momentum in Albany's contribution to national heritage generated by that project; and
 - Alternatives to national listing that staff could pursue in the interim.

DISCUSSION

4. Nomination for inclusion on the National Heritage List requires a comprehensive submission to be prepared, that involves input from a wide range of consultants with cultural and natural heritage experience as well as substantial community and stakeholder engagement.

5. The nomination for inclusion on the National List would be a substantial project, involving dedication of significant resources and budget at an organisation wide level.
6. Depending on the scope of the nomination, the scope and extent of community consultation and stakeholder engagement required would be similar than the 2026 Albany Bicentenary Project.
7. A dedicated project team is required to ensure successful coordination and delivery of the project, similar to the setup for the 2026 Albany Bicentenary Project. The project team could be led internally by a coordinator dedicated to delivering the project (preferred) or coordinated externally through a consultant.
8. Advantages, disadvantages and alternatives to considering nomination for inclusion to the National List are outlined below:

9.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Successful nomination: <ul style="list-style-type: none"> ○ Raise Albany's profile at national and state level ○ Attract attention from state and national government and industry bodies (ie Tourism WA, Federal Government education programs), leading to increased grant and funding opportunities ○ Marketing, promotional and branding opportunities ○ Tourism and economic development benefits 	<ul style="list-style-type: none"> • Nomination submission project: <ul style="list-style-type: none"> ○ Significant outlying costs, resources and time (12-18 months) required to prepare nomination submission ○ The risk of nomination being unsuccessful • If nomination successful: <ul style="list-style-type: none"> ○ There is a risk that the outcomes and benefits gained from inclusion on the National List may not balance with the cost and extent of resources spent preparing the nomination submission. ○ Creation of an additional regulatory/statutory layer to cultural heritage sites.
Options	
If Council decides to proceed with nomination project: <i>Option 1</i> <ol style="list-style-type: none"> a) hold off pursuing nomination until towards the end of the Bicentenary project, subject to incorporation of conversations regarding considering nomination to the National Heritage List in engagement with community and stakeholders for the Bicentenary project; and b) in the interim/short term, pursue alternative listing/recognition opportunities, including: <ul style="list-style-type: none"> • Consider nomination for classification by National Trust as Historic Town; and/or • Consider nomination for Historic Town to be included on State Register If Council decides not to proceed with nomination project: <i>Option 2</i> <ol style="list-style-type: none"> a) Pursue alternative listing/recognition opportunities (outlined above); and b) Deliver best practice cultural heritage program, including incentive programs, expanding cultural heritage tourism opportunities 	

10. City officers are also currently not in a position to progress the nomination project at this time, due to a number of factors including:
 - Available staff resources and budget.
 - Requirement for significant improvements to the City's organisation-wide cultural heritage framework, before commencing such a substantial project that will have ongoing cultural heritage stewardship responsibilities.
 - The City's cultural heritage framework in its current form is not able to demonstrate that any additional responsibilities and obligations for being on the National List could be readily achieved. This increases the risk of nomination for inclusion to the National List being unsuccessful.

- Prioritisation of other current cultural heritage related City projects currently underway (2026 Albany Bicentenary project). The project could be commenced towards the end of the Bicentenary project.

11. Discussion on the options are provided below:

Option 1a – Hold off nomination project until after completion of 2026 Albany Bicentenary Project

12. The 2026 Albany Bicentenary project is a priority for the City that will have significant cultural heritage, community and economic benefits.
13. If the City were to pursue nomination for inclusion of the National Heritage List, the nomination project could be seen as the natural 'next step' following completion of the Bicentenary project.
14. Holding off the nomination project creates opportunities to capitalise on the outcomes of the 2026 Albany Bicentenary Project and potentially reduce estimated project costs and resources. Opportunities include:
 - Outcomes generated from the Bicentenary project would substantially inform the nomination submission, including:
 - Identification of key historic themes/stories by the community, stakeholders and through extensive research
 - Community and stakeholder engagement deliverables
 - These outcomes are expected to provide a greater understanding and cohesive picture of the town's historic theme/s and attributes that would be valuable in considering recognition for Albany's contribution to national heritage significance;
 - Capitalise on the significant interest generated in Albany's heritage at intrastate, national and international levels. This interest could be utilised to provide momentum and support to the nomination project at state and federal government levels.
 - Embedding the proposal for inclusion on the National List into community and stakeholder engagement for the Bicentenary project. Inserting the proposal into the wider community consciousness early on would generate community and stakeholder interest and assist in gaining community and industry 'buy in' for the project and ongoing engagement opportunities. Commencement of the nomination project following completion of the Bicentenary project would be seen as a natural 'next step' for the City.
 - Further comprehensive engagement is also required into appropriately recognising and capturing the Menang Noongar culture and the community's contribution to Albany's heritage and stories, prior to and following settlement. Substantial engagement around this is expected to be undertaken with the community as part of the 2026 Albany Bicentenary project.

Option 1b (and 2a) – Pursue alternative listing/recognition opportunities

15. City officers sought preliminary advice from the Department of Planning, Lands and Heritage and the National Trust regarding the nomination project.
16. Advice from DPLH at officer level indicated that the cost and resources that would need to be dedicated by the City for the nomination project may not result in the expected recognition and outcomes that other less resource intensive alternatives would achieve.
17. One suggestion by DPLH was to consider nomination for Albany to be classified by National Trust as an Historic Town:
 - DPLH and National Trust officers suggested this as an alternative avenue for Albany to be acknowledged and recognised for its cultural heritage significance at a state and national level.

- Classification as a Historic Town by the National Trust would not create an additional layer of regulatory/statutory protection.
 - The process for classification by the National Trust would have lower cost outlay and be less resource intensive.
 - Another suggestion by DPLH was to consider nomination for ‘Albany Historic Town’ to be included on the State Register:
 - Further discussion with DPLH would be required before proceeding.
 - Additional statutory protection if thought to be beneficial/required
 - The process for inclusion of ‘Albany Historic Town’ on the State Register would have lower cost outlay, be less resource intensive as it would be expanding on the existing places and precincts identified on the State Register (eg Stirling Terrace).
 - An example of an Historic Town classified by the National Trust and included on the State Register is Guildford Historic Town.
18. Further to Elected Members’ request in September 2021 for further investigation into alternatives outlined above, the following information is provided:
- The National Trust are currently reviewing listings within City of Albany, and are open to engaging with the City, especially as part of the 2026 Albany Bicentenary project, in creating a more comprehensive understanding of existing and potential sites (in addition to Barmup/Strawberry Hill) that could be further recognised for their contribution to national heritage.
 - This may be in the form of identifying a group or precinct to form part of a Historic Town or other type of listing.

Option 2B – Implement best practice cultural heritage program

19. In the short term, in the lead up to the Bicentenary, there are opportunities for the City to implement small scale high impact cultural heritage projects that have both social and economic development benefits.
- Projects include digital and physical heritage/cultural trails that cover Albany’s unique cultural heritage themes and stories, capitalising on the lead up to the 2026 Albany Bicentenary project.
 - These small scale projects and Bicentenary happening in 2026 will establish Albany as a cultural destination in regional WA.
20. In the longer term, the City’s implementation of an organisation-wide best practice cultural heritage program, would:
- Embedding strategic approach to heritage into strategic and framework documents such as the Great Southern Arts, Culture and Heritage Strategy (to be finalised in early 2022) and preparation of City’s Heritage Strategy, following on from the Great Southern Strategy.
 - Raise Albany’s profile as a cultural heritage destination at state, national and international levels.
 - Embed the acknowledgement and recognition of Albany’s significant contribution to Australia’s cultural heritage.
 - Assist in the coordinated support and/or delivery of existing and new cultural heritage related community programs and events, such as festivals, heritage awards.
 - Deliver economic development benefits and opportunities, including creating further avenues and mechanisms to access state and national funding, such as grants, subsidies to deliver nationally recognised cultural heritage activities and programs.
 - Identify opportunities and coordinate delivery of future major cultural heritage projects.

Further investigations

21. At the DIS briefing in September 2021, staff were requested to obtain further details on potential requirements or responsibilities imposed on landowners of existing heritage places, if their place was included in the National Heritage List.
22. Based on the City of Broken Hill’s experience in securing National Heritage listing, one of the main consequences of national listing, is the requirement that the National criteria should inform local and state based heritage listings and decisions for places identified on the National Heritage List.
23. The local government’s responsibilities for managing places on the National Heritage List: are informed by existing state and local heritage management requirements, including ongoing reviews.
24. A management plan would be required to be prepared that sets out how the national heritage values of a site will be protected and conserved. Management plans are normally expected to be reviewed every five years. It is expected that the local government would be responsible for preparing this, with input from relevant agencies and stakeholders, such as the Heritage Council of WA and National Trust.
25. Management plans are a standard heritage management tool that are used to ensure places are managed and conserved effectively, and outline responsibilities of various stakeholders. Management plans are similar to Conservation Plans prepared for places on the State Register (except based on national values vs state values) with the operation of these management plans expected to function in a similar manner.

GOVERNMENT & PUBLIC CONSULTATION

26. Nil

STATUTORY IMPLICATIONS

27. The voting requirement for this item is **Simple Majority**.

POLICY IMPLICATIONS

28. Nil

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation Not considering nomination at this time may result in a missed opportunity.</p>	Unlikely	Low	Low	Identified opportunity to capitalise on outcomes of 2026 Albany Bicentenary project. There is a greater risk of commencing the nomination project at this stage, and not utilising these outcomes or potential interest/momentum generated from the Bicentenary project.
<p>Opportunity: To capitalise on the success, outcomes and interest/moment generated by the 2026 Albany Bicentenary project.</p>				

FINANCIAL IMPLICATIONS

30. Nil, however if Council resolves an alternate motion to proceed with implementing considering nomination for the National Heritage List, the potential financial implications are outlined under Alternate Options section below.

LEGAL IMPLICATIONS

31. Nil

ENVIRONMENTAL CONSIDERATIONS

32. Nil

ALTERNATE OPTIONS

33. Council may resolve to direct the CEO to commence nomination for the National Heritage List. Following this, sufficient budget would need to be made available for the project through the 2022-2023 and 2023-2024 financial years, that allows for:
- The preparation of the nomination submission document, including coverage of consultant fees, community and stakeholder engagement, and production of the final nomination submission document; and
 - Provision of sufficient staff resourcing.
34. Council may also resolve not to pursue further historic heritage recognition at a national level at this time.

CONCLUSION

35. At this stage, City officers are not in a position to consider nomination for inclusion on the National Heritage List, due to the matters outlined above.
36. This increases the risk of a nomination being unsuccessful, with significant cost and dedicated resources potentially wasted.
37. Furthermore, even if the nomination were successful, there is a risk that the substantial cost and resources dedicated to the project, may not balance with the outcomes and benefits achieved.
38. To capitalise on the outcomes of the 2026 Albany Bicentenary project, it is recommended that Council:
- Agree to hold off formally commencing nomination for the National Heritage List, in order to utilise upcoming community and stakeholder engagement opportunities as part of the 2026 Albany Bicentenary project.
 - To revisit nomination for the National Heritage List towards the end of completion of the 2026 Albany Bicentenary project, when a greater understanding of the of community and stakeholder expectations will be available.
39. The City will continue to progress implementation and improvements to its heritage program, with actions identified as part of the impending Great Southern Arts, Culture and Heritage Strategy and future City of Albany Heritage Strategy. As part of this the City will continue to investigate opportunities to consider further recognition of Albany’s contribution to state and national heritage.

Consulted References	:	Broken Hill Heritage Strategy 2020-2023
File Number	:	LP.PRG.2
Previous Reference	:	OCM - 28 July 2020 – Notice of Motion 15.1

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

12. MEETING CLOSED TO THE PUBLIC 6.38pm

13. CLOSURE

There being no further business the Chair declared the meeting closed at **6.38pm**.

(Unconfirmed Minutes)

Councillor Chris Thomson
CHAIR