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# AGENDA

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Ordinary Meeting of Council

Tuesday 15 December 2020

6.00pm  
Council Chambers

CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 15 December 2020 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

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Andrew Sharpe  
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING  
AGENDA 15/12/2020

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

G Stocks (Deputy Mayor)

Frederickstown Ward

R Stephens

Kalgan Ward

E Doughty

Kalgan Ward

M Benson-Lidholm JP

Vancouver Ward

J Shanhun

Vancouver Ward

T Sleeman

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development  
& Environment

P Camins

Acting Executive Director Community Services

N Watson

Manager Planning and Building Services

J Van Der Mescht

Meeting Secretary

J Williamson

**Apologies:**

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Nil		

ORDINARY COUNCIL MEETING  
AGENDA 15/12/2020

5. REPORTS OF MEMBERS
6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil
7. PUBLIC QUESTION TIME
8. APPLICATIONS FOR LEAVE OF ABSENCE
9. PETITIONS AND DEPUTATIONS
10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 24 November 2020, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil
12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

**CCS309: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Statement of Financial Activity
<b>Report Prepared by</b>	: Manager Finance (S Van Nierop)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

**RECOMMENDATION**

**CCS309: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Financial Activity Statement for the period ending 31 October 2020 be RECEIVED.**

CCS309: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH  
SECONDED: COUNCILLOR STOCKS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS309: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 October 2020 be RECEIVED.

**COVID-19 IMPACT**

- Impacts to the financial performance of the City are detailed in the 'Explanation of Material Variances to the YTD Budget in Excess of \$100,000' (Note 1) of the Attachment to this report (Statement of Financial Activity).

**BACKGROUND**

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

**DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

- 8. The City’s 2020/21 Annual Budget provides a set of parameters that guides the City’s financial practices.
- 9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

**FINANCIAL IMPLICATIONS**

- 10. Expenditure for the period ending 31 October 2020 has been incurred in accordance with the 2020/21 proposed budget parameters.
- 11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS310: DELEGATED AUTHORITY REPORTS – OCTOBER to  
NOVEMBER 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Executed Document and Common Seal Report
<b>Report Prepared by</b>	: Personal Assistant to the ED Corporate & Commercial Services (H Bell)
<b>Responsible Officer</b>	: Chief Executive Officer (A Sharpe)

**BACKGROUND:**

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

**RECOMMENDATION**

**CCS310: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Delegated Authority Reports 16 October 2020 to 15 November 2020 be RECEIVED.**

CCS310: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS310: RESPONSIBLE OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 October 2020 to 15 November 2020 be RECEIVED.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**CCS311: NEW LICENCE – THE NORTHSIDE RADIO ASSOCIATION INC. – MT MELVILLE TELECOMMUNICATION FACILITY**

<b>Land Description</b>	: Crown Reserve 2681, portion of Lot 1469 on Deposited Plan 219955, the subject of Certificate of Title Volume LR3110 Folio 839, Mt Melville.
<b>Proponent</b>	: The Northside Radio Association Inc. ABN 98879883156
<b>Owner</b>	: Crown (City of Albany under Management Order)
<b>Report Prepared By</b>	: Team Leader Property and Leasing (T Catherall)
<b>Responsible Officers:</b>	: Executive Director Corporate and Commercial Services (D Olde)

**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:
  - **Theme:** Leadership.
  - **Objective:** To establish and maintain sound business and governance structures.
  - **Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**Maps and Diagrams:**



**In Brief:**

- Council is requested to consider a new licence to The Northside Radio Association Inc. (NRA) to formalise current use of the Mt Melville telecommunication facility for the purpose of a UHF CB Repeater Radio Network.
- NRA are a small community organisation run by volunteers who own and maintain UHF CB Radio Repeaters for local communities throughout WA.
- It is recommended the new licence is approved.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**RECOMMENDATION**

**CCS311: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council APPROVE a new licence to The Northside Radio Association Inc. over the City's Mt Melville telecommunication facility on portion of Crown Reserve 2681, subject to:**

- a) Licence purpose being "maintaining and operating a UHF CB Repeater Radio Network in accordance with and limited by the Management Order over the Land".**
- b) Licence term being 5 years with a 5 year further term option, commencing as soon as practicable.**
- c) Licence areas being approximately 0.36m<sup>2</sup> to accommodate small equipment rack located within the bunker area and a portion of the telecommunication mast of the Mt Melville telecommunication facility.**
- d) Initial Licence rent being \$1,051.00 plus GST per annum being the equivalent to Minimum Rate as set by Albany City Council each year.**
- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.**
- f) All costs associated with the ongoing operations of the licence property being payable by the tenant.**
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the tenant.**
- h) Licence being consistent with Council Policy – Property Management (Leases and Licences).**

**CCS311: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR THOMSON**

**THAT the Responsible Officer Recommendation be ADOPTED.**

**CARRIED 13-0**

**CCS311: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council APPROVE a new licence to The Northside Radio Association Inc. over the City's Mt Melville telecommunication facility on portion of Crown Reserve 2681, subject to:**

- a) Licence purpose being "maintaining and operating a UHF CB Repeater Radio Network in accordance with and limited by the Management Order over the Land".**
- b) Licence term being 5 years with a 5 year further term option, commencing as soon as practicable.**

- c) Licence areas being approximately 0.36m<sup>2</sup> to accommodate small equipment rack located within the bunker area and a portion of the telecommunication mast of the Mt Melville telecommunication facility.
- d) Initial Licence rent being \$1,051.00 plus GST per annum being the equivalent to Minimum Rate as set by Albany City Council each year.
- e) Licence being conditional on Minister for Lands consent pursuant to Section 18 of the *Lands Administration Act 1997*.
- f) All costs associated with the ongoing operations of the licence property being payable by the tenant.
- g) All costs associated with the preparation, execution and completion of the licence documentation being payable by the tenant.
- h) Licence being consistent with Council Policy – Property Management (Leases and Licences).

## BACKGROUND

- 2. Reserve 2681 is under Management Order H603437 issued to the City of Albany with the power to lease, sub-lease or licence for the purpose of “Public Park and Telecommunications” for any term not exceeding 21 years and subject to the consent of the Minister for Planning, Lands and Heritage.
- 3. Reserve 2681 an area of 56.32 hectares is located at Lot 1469 Serpentine Road, Mt Melville.
- 4. The City owned telecommunication facility located within the reserve is commonly referred to as the Mt Melville Lookout or Sparkplug. The telecommunication tower was originally constructed by Optus with ownership passing to the City (then Town) once completed.
- 5. NRA have occupied a small portion of the Mt Melville telecommunication facility since 2014 after purchasing the repeater licence and equipment from the previous holder without formal agreement with the City. NRA were under the impression the arrangement with the City would automatically transfer to them.
- 6. City officers recently became aware that the occupation by NRA had not been formalised with the City. NRA have since requested a new licence in the current location to continue the activities of servicing the CB radio community.
- 7. NRA also hold a similar community licence agreement with the City of Swan for UHF CB Repeater Radio Network.

## DISCUSSION

- 8. NRA are a small community organisation run by volunteers who own and maintain around 14 UHF CB Radio Repeaters throughout WA, an area spanning from Bindoon in the North to Albany in the South.
- 9. NRA hold the necessary radio communications licences governed by the Australian Communications and Media Authority (ACMA) and appropriate public liability insurance.
- 10. The Repeaters allow UHF CB Radio users increased coverage by hundreds of kilometres.
- 11. Users such as 4 wheel drivers, caravan and campers, agricultural and the like benefit from the services of CB radio facilities which includes an emergency channel designated for emergency circumstances only.

12. It is understood the radio repeater services have been operating from Mt Melville facility for many years.
13. Since purchasing the licence and equipment from the previous holder, NRA have enhanced and modernised the equipment, tidied the area and labelled equipment with contact details.
14. NRA advise they have no intention of installing any new equipment on City's facility.
15. City Officers have been in discussion with NRA regarding licence terms. Parties have agreed in-principle to the following summarised terms and conditions subject to Council and Minister for Lands approvals.

ITEM	DETAILS
Tenant	Northside Radio Association Inc.
Land Description	Portion Crown Reserve 2681 Lot 1469 on Deposited Plan 219955, the subject of Certificate of Title Volume LR3110 Folio 839, Mt Melville
Area	Approximately 0.36m <sup>2</sup> to accommodate small equipment rack within bunker and portion on the mast
Land Ownership	Crown (City of Albany under Management Order)
Infrastructure Ownership	City of Albany
Permitted Use	Maintaining and operating a UHF CB Repeater Radio Network
Term	5 years with a 5 year further term option
Rent	Minimum rate as set by Council each year, currently \$1,051 plus GST per annum recognising the not for profit status of the NRA and the community type service provided
Outgoings & Utilities	Tenant responsibility as applicable
Insurance	Public Liability Policy for a minimum of \$20 million
Indemnity	Indemnify the City and Minister for all claims resulting from any damage, loss, death or injury in connection with the Council Property, unless such claims arise out of City's negligence
Maintenance	Tenant responsible for own maintenance
Costs	All costs associated with the development and implementation of any new licence document will be at the tenant cost

#### GOVERNMENT & PUBLIC CONSULTATION

16. The Department of Planning, Lands and Heritage will be consulted as it is a requirement of Section 18 of the *Land Administration Act 1997* that the Ministers consent is obtained.
17. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings.
18. Regulation 30(2)(b) of the *Local Government (Functions & general) Regulations 1996* describes the disposition as exempt when the land is disposed to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
19. The licence to NRA is exempt from the public advertising provision of Section 3.58 of the *Local Government Act 1995* as it is considered a not-for-profit recreational Association.

**STATUTORY IMPLICATIONS**

- 20. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Planning, Lands and Heritage.
- 21. As this is Crown land, under Management Order held by the City, the Minister’s consent will be sought.

**POLICY IMPLICATIONS**

- 22. The 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.
- 23. The recommendation is consistent with the Policy.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: new licence not approved</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Key licence terms have been agreed in-principle. Seek to negotiate terms to Council satisfaction</i>
<i>Reputation: new licence not approved – perceived lack of support for CB users and provision of emergency channel</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Seek to negotiate terms to Council satisfaction</i>
<i>Opportunity: To provide support for the not for profit volunteer association that maintains and manages the radio repeater services for the local community.</i>				
<i>Opportunity: To provide support for the providers of the CB radio emergency channel facility</i>				

**FINANCIAL IMPLICATIONS**

- 25. All costs associated with the development and finalisation of the licence documentation will be met by the tenant.

**LEGAL IMPLICATIONS**

- 26. The Deed will be prepared by City’s lawyers with enforceable terms and conditions, at the tenant’s cost.

**ENVIRONMENTAL CONSIDERATIONS**

- 27. There are no environmental implications.

**ALTERNATE OPTIONS**

- 28. Council may:
  - a. Approve the new licence request; or
  - b. Decline the request.
- 29. Should Council decline the request, NRA will need to consider alternate suitable telecommunication facilities within Albany to continue operations. It is understood this may be challenging as limited suitable facilities are available and NRA will need to consider own budget restraints.

**CONCLUSION**

30. Northside Radio Association have requested a new licence over existing areas occupied at the Mt Melville telecommunication facility.
31. The proposed licence to NRA will formalise current use in order to continue servicing the UHF CB radio local community including an emergency channel.
32. It is recommended the new licence to NRA is supported.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Council Policy – Property Management (Leases and Licences)</li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>File Number (Name of Ward)</b>	:	PRO461, A193726 (Frederickstown Ward)
<b>Previous Reference</b>	:	N/A

**CCS312: LIST OF ACCOUNTS FOR PAYMENT – NOVEMBER 2020**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (S Van Nierop)  
**Responsible Officers:** : Executive Director Corporate and Commercial Services  
(D Olde)

**RECOMMENDATION**

**CCS312: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2020 totalling \$4,967,664.61 be RECEIVED.**

CCS312: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON  
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS312: RESPONSIBLE OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 November 2020 totalling \$4,967,664.61 be RECEIVED.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**BACKGROUND**

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

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 November 2020. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$5,180.05
Payroll	\$1,375,617.57
Cheques	\$203,699.67
Electronic Funds Transfer	\$3,383,167.32
<b>TOTAL</b>	<b>\$4,967,664.61</b>

As at 15 November 2020, the total outstanding creditors stands at \$57,244.53 and is made up as follows;

Current	\$36,159.64
30 Days	\$17,602.72
60 Days	\$3,644,.03
90 Days	-\$161.86
<b>TOTAL</b>	<b>\$57,244.53</b>
<b>Cancelled Cheques</b>	<b>Nil</b>

**STATUTORY IMPLICATIONS**

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

**POLICY IMPLICATIONS**

6. Expenditure for the period to 15 November 2020 has been incurred in accordance with the 2020/2021 budget parameters.

**FINANCIAL IMPLICATIONS**

7. Expenditure for the period to 15 November 2020 has been incurred in accordance with the 2020/2021 budget parameters.

**CONCLUSION**

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS313: JETTIES, BRIDGES, BOAT PENS AND SWIMMING  
STRUCTURES AMENDMENT LOCAL LAW 2021**

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Attachment</b>	: Principle Local Law with marked up amendments.
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: 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:
  - **Theme:** Leadership.
  - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
  - **Community Priority:** Provider positive leadership that delivers community outcomes.

**In Brief:**

- On 11/11/2020 Council resolved to accept an undertaking requested by the Joint Standing Committee on Delegated Legislation (the Committee).
- Council is requested to progress the undertaking, by amending the principle local law.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

RECOMMENDATION

**CCS313: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council resolves to MAKE the following City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021:**

**LOCAL GOVERNMENT ACT 1995  
CITY OF ALBANY  
JETTIES, BRIDGES, BOAT PENS AND SWIMMING STRUCTURES  
AMENDMENT LOCAL LAW 2021**

1. **Citation**  
This local law may be cited as the *City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021*.
2. **Commencement**  
This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.
3. **Principal local law amended**  
In this local law, the *City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Local Law 2020*, as published in the *Government Gazette* on 6 October 2020 is referred to as the principal local law. The principal local law is amended.
4. **Clause 2.2 amended**  
In clause 2.2, delete each occurrence of the words 'the jetties' and replace them with the words 'a jetty'.
5. **Clause 1.5 amended**  
In clause 1.5, insert the definition of 'Land', and a definition of 'Ellen Cove Jetty'.  
  
*land* means that part of the earth's surface that is not covered by water, for the purpose of this local law land vested in the care and control of the local government above the mean high water mark;  
  
*Ellen Cove Jetty* means the structure located at, and extends from the coastal boundary of Lot 651, 2 Flinders Parade, Middleton Beach WA.
6. **Clause 1.5 amended:**  
In clause 1.5 amend definition of 'designated area' delete reference to clause '4.6' and insert 4.5
7. **Clause 2.3 amended**  
In clause 2.3(2), delete '3.2(2)(a)' and insert 3.5.
8. **Clause 3.8 amended**  
In clause 3.8(1), delete '4.8' and insert 4.7.
9. **Clause 3.9 amended**  
In clause 3.9 the time frames in which a vessel must be removed to be amended from 7 days to 28 days.
10. **Clause 2.19 amended**  
In clause 2.19, delete the word 'filth'.
11. **Clause 4.4 amended**  
Delete clause 4.4, renumber following clauses accordingly.
12. **Clause 5.2 amended**  
In clause 5.2(3), insert the words 'by resolution' after the word 'decide'.

**13. Clause 5.2 amended**

**In clause 5.2, insert the following sub-clauses:**

**(9) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Cth)*.**

**(10) The prohibition of animals in or on any part of the pen system does not apply to assistance animals.**

CCS313: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS313: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council resolves to MAKE the following City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021:

LOCAL GOVERNMENT ACT 1995  
CITY OF ALBANY  
JETTIES, BRIDGES, BOAT PENS AND SWIMMING STRUCTURES  
AMENDMENT LOCAL LAW 2021

1. Citation

This local law may be cited as the *City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law amended

In this local law, the *City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Local Law 2020*, as published in the *Government Gazette* on 6 October 2020 is referred to as the principal local law. The principal local law is amended.

4. Clause 2.2 amended

In clause 2.2, delete each occurrence of the words 'the jetties' and replace them with the words 'a jetty'.

5. Clause 1.5 amended

In clause 1.5, insert the definition of 'Land', and a definition of 'Ellen Cove Jetty'.

*land* means that part of the earth's surface that is not covered by water, for the purpose of this local law land vested in the care and control of the local government above the mean high water mark;

*Ellen Cove Jetty* means the structure located at, and extends from the coastal boundary of Lot 651, 2 Flinders Parade, Middleton Beach WA.

6. Clause 1.5 amended:

In clause 1.5 amend definition of 'designated area' delete reference to clause '4.6' and insert 4.5

7. Clause 2.3 amended

In clause 2.3(2), delete '3.2(2)(a)' and insert 3.5.

8. Clause 3.8 amended

In clause 3.8(1), delete '4.8' and insert 4.7.

9. Clause 3.9 amended  
In clause 3.9 the time frames in which a vessel must be removed to be amended from 7 days to 28 days.
10. Clause 2.19 amended  
In clause 2.19, delete the word 'filth'.
11. Clause 4.4 amended  
Delete clause 4.4, renumber following clauses accordingly.
12. Clause 5.2 amended  
In clause 5.2(3), insert the words 'by resolution' after the word 'decide'.
13. Clause 5.2 amended  
In clause 5.2, insert the following sub-clauses:  
  
(9) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).  
(10) The prohibition of animals in or on any part of the pen system does not apply to assistance animals.

## BACKGROUND

2. The Local Government Act 1995 enables Western Australian local governments to make local laws considered necessary for the good government of their districts.
3. The Council provided an undertaking to the Committee on Thursday 12 November 2020.

## DISCUSSION

4. Specific amendments made to address the Committee's concerns:
  - a. Clause 2.2 amended

Now reads:

### 2.1 Mooring of Vessels

- (1) A person shall not moor to or berth a vessel at a jetty, or moor or berth a vessel on the Land—
  - (a) unless the mooring or berthing of the vessel is authorised or permitted by the local government either by way of a sign affixed by the local government to a jetty or by written consent of the local government; and
  - (b) other than in accordance with any conditions imposed by the local government under clause 3.5(1)(m).
- (2) Subclause (1) does not apply to—
  - (a) a person who needs to moor to or berth a vessel at a jetty, or on the Land in an emergency;
  - (b) a vessel in distress such as that repairs are required and then only to effect the minimum repairs necessary to enable the vessel to be moved elsewhere;
  - (c) a person who uses a jetty under and in accordance with a written agreement with the local government; and
  - (d) a person who has been exempted from subclause (1) by the local government.
- (3) A person shall not—
  - (a) moor a vessel to a bridge,
  - (b) moor a vessel to a jetty or any part of a jetty except to such moorings or mooring piles as are provided; or
  - (c) permit a vessel to remain alongside a jetty unless the vessel is so moored or fastened.

b. Clause 2.3 amended

In clause 2.3(2), delete '3.2(2)(a)' and insert 3.5.

Clause 2.3(2) now reads:

- (2) Where the local government considers the mooring line of a vessel to be noncompliant with a requirement under a written law or a condition imposed under clause 3.5, or to be faulty or unfit for the purpose for which it is used or to be used, the local government may issue a written direction to the owner of a vessel requiring within a specific timeframe—
- (a) the replacement of any mooring line;
  - (b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government; or
- the removal of the vessel from the Land.

c. Clause 2.3 amended

Clause 2.3 Mooring Lines now reads:

**2.3 Mooring Lines**

(1) The owner of a vessel must—

- (a) provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring or berthing of the vessel; and
- (b) annually inspect the mooring lines and replace any mooring lines which are unfit for their intended purpose, so as to ensure that the mooring lines comply with any requirement under a written law or any condition imposed under clause 3.5.

(2) Where the local government considers the mooring line of a vessel to be noncompliant with a requirement under a written law or a condition imposed under clause 3.5 or to be faulty or unfit for the purpose for which it is used or to be used, the local government may issue a written direction to the owner of a vessel requiring within a specific timeframe—

- (a) the replacement of any mooring line;
- (b) the testing and certification of any mooring line as suitable for its purpose by a marine engineer or equivalent and the provision of such certification to the local government; or
- (c) the removal of the vessel from the Land.

d. Clause 2.19 amended

Clause 2.19 now reads in part:

**2.19 Polluting surrounding area**

A person shall not—

- (a) throw or cause to be thrown any glass, stone or other object, or any ~~fill~~ dirt, rubbish, or other matter of a similar nature from a jetty or bridge;

e. Clause 3.9 amended

Clause 3.9(3) now reads:

(3) Upon the expiration or earlier termination of a licence granted under clause 3.1(1), the licensee shall remove the vessel from the pen within 28 days. If the licensee fails to remove the vessel within 28 days, the local government may remove and store the vessel and the costs of removing and storing the vessel shall be a debt due to the local government payable by the licensee.

f. Clause 2.19 amended

In clause 2.19, the word 'filth', deleted, now reads:

A person shall not—

- (a) throw or cause to be thrown any glass, stone or other object, or any ~~filth~~, dirt, rubbish, or other matter of a similar nature from a jetty or bridge;

g. Clause 4.4 amended

Clause 4.4 deleted, requiring the renumbering of the following clauses and references:

- ARRANGEMENT, PART 4 – GENERAL PROVISIONS now reads:

**PART 4—GENERAL PROVISIONS**

- 4.1 Fees and charges
- 4.2 Recovery of debt due
- 4.3 Offences and Penalties
- ~~4.4 Costs of repair~~
- 4.4 Appointment of an authorised person
- 4.5 Designated areas
- 4.6 Breach/Termination Notice
- 4.7 When an authorised person can act
- 4.8 Objection and appeal rights

5 Clause 1.5 Definitions, now reads:

*designated area* means an area set aside and appropriately identified by an authorised person to be used for particular purposes pursuant to clause 4.5 of this Local Law;

6 Clause 3.8 Removal of vessel, now reads:

- (1) An authorised person may, in any of the circumstances mentioned in Clause 4.7, move or cause to be moved any vessel located within a pen

h. Clause 5.2 amended

In clause 5.2(3), the words 'by resolution' inserted after the word 'decide'. Clause now reads:

- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide **by resolution** to—

i. Clause 5.2 amended

The following exemption to the prohibition of animals in or on any part of the pen system has been inserted to allow for assistance animals:

(9) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Cth)*.

(10) The prohibition of animals in or on any part of the pen system does not apply to assistance animals.

**GOVERNMENT & PUBLIC CONSULTATION**

5. Internal consultation has been conducted with the Leasing Team in preparation of this report.
6. Public submissions will be open for a period not less than 6 weeks from the date of public notice.
7. Guidance will be sought from relevant state departments, specifically the Department of Local Government, Sport and Cultural Industries and Department of Transport.

**Role of the department**

The department monitors and provides advice to assist local governments in making their local laws. It works closely with the Western Australian Local Government Association and the Joint Standing Committee on Delegated Legislation to ensure that proposed local laws comply with legislative requirements.

The Act requires that copies of proposed laws be forwarded to the Minister for Local Government and other relevant State ministers to fulfil these requirements. The department examines the proposed local laws on behalf of the minister and gives specific consideration to:

- whether the proposed local law is adopted under the correct Act of Parliament
- whether the proposed local law conflicts with the Act and any other law
- matters raised previously by the Joint Standing Committee on Delegated Legislation, and
- State government policy issues.

**STATUTORY IMPLICATIONS**

8. Amending a local law needs to be done in accordance with section 3.12 of the Act which is the same procedure for ‘making’ a local law. This is because an amendment local law is a new law in itself and must follow the full statutory process.
9. Section 3.12 of the Local Government Act 1995 (the Act) requires the person presiding at a Council meeting is to ensure the purpose and effect of the proposed amendment local law is given.

**Purpose:** *The purpose of this local law is to amend the principle Jetties, Bridges, Boat Pens and Swimming Structures Local Law 2020 in order to comply with the undertaking with the Joint Standing Committee on Delegated Legislation.*

**Effect:** *City of Albany compliance with the legal undertaking to amend the principle local law.*

10. The resolution of Council to MAKE the local law must be carried by **Absolute Majority**.

**POLICY IMPLICATIONS**

11. Nil.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Legal &amp; Compliance.</b> <i>If amendment local law is not progressed to adoption, the principle local law may be disallowed.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Make the amendment local law.</i>
<b>Opportunity:</b> <i>Support of the Committee’s request will mitigate disallowance of the Local Law.</i>				

## FINANCIAL IMPLICATIONS

13. Minor administration costs will be incurred.

## LEGAL IMPLICATIONS

14. There is no direct legal implication related to this report; however, it is a legal requirement that the undertakings are formalised through the amendment local law process.

### **Role of the Joint Standing Committee on Delegated Legislation**

The Joint Standing Committee on Delegated Legislation is a committee of the Western Australian Parliament consisting of eight members, with equal representation from the Legislative Council and Legislative Assembly.

Once a local law is gazetted, it is referred to the committee to consider under its terms of reference. Where the committee finds that a local law offends one or more of its terms of reference, it will usually seek a written undertaking from the local government to amend or repeal the instrument in question.

Where a local government does not comply with the committee's request for an undertaking, the committee may, as a last resort, resolve to report to the Parliament recommending the disallowance of the instrument in the Legislative Council.

A local law will cease to have effect from the date on which it is disallowed. Where the local law amended or repealed another local law the earlier local law will be revived on and after the day of disallowance.

## ENVIRONMENTAL CONSIDERATIONS

15. Not applicable to this report.

## ALTERNATE OPTIONS

16. No alternate options are proposed.

## CONCLUSION

17. It is recommended that Council resolve to MAKE the amended local law; in order to implement the undertaking previously resolved by Council.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>Local Government Act 1995</li><li><a href="https://www.dlgsc.wa.gov.au/local-government/local-governments/local-laws">https://www.dlgsc.wa.gov.au/local-government/local-governments/local-laws</a></li></ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	SCM 11/11/2020 Resolution SCM019

## CCS314: REGIONAL EVENTS SPONSORSHIP 2020-2021

**Proponent** : City of Albany  
**Report Prepared By** : Events Coordinator (S Klose)  
A/Manager Community Development & Engagement  
(R Param)  
**Responsible Officer(s)** : A/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:
  - **Theme:** Smart, Prosperous and Growing.
  - **Objective:** To develop and promote Albany as a unique and sought-after visitor location.
  - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.

### In Brief:

- Review and endorse the proposed Regional Event Sponsorship Assessment Panel recommendations.

### COVID-19 IMPACT

- COVID-19 impact detailed in the discussion section of the report.

### RECOMMENDATION

#### CCS314: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

**That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 22 – Table 1 of this report.**

#### CCS314: COMMITTEE RECOMMENDATION

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR THOMSON

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

#### CCS314: RESPONSIBLE OFFICER RECOMMENDATION

That Council ENDORSE the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 22 – Table 1 of this report.

### BACKGROUND

2. The City of Albany's Regional Events Sponsorship (RES) program is designed to attract and support the staging of events that are regional economic drivers for Albany as a destination.
3. A Regional Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.

4. Council allocated \$80,000 in its 2020-2021 budget for RES. This represented an increase of \$13,000 on previous years and was part of a strategy to have budget capacity to support community and regional events in a recovering economy.

## **DISCUSSION**

### Program Overview

5. A review of the RES structure and assessment process was undertaken in 2019 to re-align funding contracts with financial years, rather than calendar years as it had been previously, creating more effective budget management.
6. Applications for RES funded activity from 1 January 2021 to 30 June 2021 was opened for applications on 6 July 2020.
7. The RES program 2020 objectives include:
  - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact);
  - b. Involve and inspire the local community (social benefits);
  - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact);
  - d. Demonstrate continuity and potential to engage the community in the future (sustainability).
8. The program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
9. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

### COVID19 Impact

10. The pandemic has had a profound impact on the events sector as the Western Australian and Australian governments introduced measures to limit public gatherings, causing events locally and elsewhere to be cancelled.
11. The timeline for advertising RES and eligible activities was impacted by Covid-19.
12. After advertising RES for events being held from 1 January 2021 to 30 June 2021, only one application was received, likely due to the ongoing uncertainty of Covid-19 restrictions, and the challenges associated with organising and delivering a major event within a six-month window following the significant impact the events industry suffered.
13. With the low number of applications received, officers expanded eligible applications for events falling in the 2021-22 financial year to achieve a better outcome. This allowed event organisers more time to plan for events, taking into account new guidelines for Covid-19 safe events.
14. The program was re-promoted and the application period extended until 30 October 2020. As a result, a total of five applications were received for activity taking place between 1 January 2021 and 30 June 2022.

Assessment

15. Applicants were encouraged to shape their proposed activities to the funding and event sponsorship criteria, and officers gave guidance to applicants who did not meet the eligibility criteria.
16. One application did not fit the criteria for RES. This application will be assessed through the Community Event Grants which better aligns with the event’s objectives.
17. An assessment panel comprising Mayor Wellington, Councillor Terry, Councillor Thomson and Councillor Stocks received an overview of applications including guidance from City officers.
18. The application assessment process included a pitch from the applicants. All applicants presented their events to the assessment panel on 17 November, and applications were evaluated by City officers using an event assessment tool developed to measure the economic value, visitor numbers and financial sustainability of each application.
19. The Assessment Panel supported each application based on the funding criteria, information supplied and applicant presentations.
20. A total of four eligible applications for RES were received for funding with requests totalling \$68,090 with \$80,000 available for allocation.
21. The panel recommended supporting all four (4) of the applications.

Panel Recommendations

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

**Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations**

	<b>Applicant / Event</b>	<b>Event Type</b>	<b>Panel Comments</b>	<b>Amount Requested</b>	<b>Panel Recommendation</b>
1.	<b>Albany Speedway Club Inc.:</b> <i>Bert Vosbergen Memorial for Super Sedans</i>	<b>Motorsport Event</b> National Speedway Event.	Easter peak period. Need to support events during this time to add to visitor experience. Competitor numbers have increased since borders relaxed.	\$10,000	\$10,000
2.	<b>ArtSouth WA Inc.:</b> <i>2021 Southern Art and Craft Trail</i>	<b>Arts/Culture Event</b> Art and Craft trail across Great Southern.	Showcases entire southern region. Supports local artists, venues and businesses. Established, strong regional event brand.	\$20,000	\$15,000
3.	<b>Ultra Series WA:</b> <i>Delirious W.E.S.T (Western Endurance Scenic Trail) 200 Miler</i>	<b>Sporting Event</b> New event for Albany featuring a 200 mile trail run along Bibbulmun Track.	Shoulder period event. Potential to grow and attract more competitors once borders relaxed. Good community engagement program.	\$18,090	\$18,000
4.	<b>Albany Mountain Bike Club:</b> <i>Southern Peaks</i>	<b>Sporting Event</b> Australia’s only urban downhill race.	Great event. Well supported. Recognisable brand, unique to Albany. Activation of new City assets.	\$20,000	\$20,000
<b>Totals</b>				<b>\$68,090</b>	<b>\$63,000</b>

23. The table of panel recommendations is for cash support only and does not include in-kind support. Additional in-kind support requests will be considered in line with existing Council cash sponsorship and subject to Council endorsed operational budgets, and may not be supported.

**GOVERNMENT & PUBLIC CONSULTATION**

24. Not applicable.

**STATUTORY IMPLICATIONS**

25. Nil.

## POLICY IMPLICATIONS

26. Approval of RES funding recommendations is required by Council.
27. Funded applications are required to enter into a Funding Contract with the City.
28. Funded applicants are required to submit an Event Approval Application to the City no later than 3 months prior to their event.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation:</b> Funding recommendations not endorsed may result in negative feedback from the community and/or applicants.	Unlikely	Minor	Low	A rigorous application and assessment process has been applied to ensure Council has confidence in assessment panel funding recommendations.
<b>Reputation:</b> Negative feedback from applicants declined for funding.	Possible	Minor	Medium	Communicate the justification and reasoning to unsuccessful applicants.
<b>Financial:</b> A further COVID outbreak could lead to events not occurring once funds have been distributed to successful applicants.	Possible	Major	High	Funding Agreements include a Force Majeure and appropriate Covid clauses, and milestone payment schedule that provide security to the City's interests.
<b>Community:</b> Community safety is put at risk by not following appropriate health directions.	Possible	Major	High	Adherence to State or Federally mandated pandemic advice is part of the Event Approval Application to be submitted to the City. Officers will communicate with event organisers about mandated Covid-19 risk mitigation and strategies.

## FINANCIAL IMPLICATIONS

30. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Services Team, within existing allocated budgets.
31. Council has allocated \$80,000.00 for RES in 2020-2021.
32. Due to expanding the eligibility period to attract additional applications and support recovery of local events, an amount of funding will need to be carried forward to the 2021-2022 Budget to fulfil contracted payments for events delivered next financial year.

## LEGAL IMPLICATIONS

33. Nil.

## ENVIRONMENTAL CONSIDERATIONS

34. Nil.

## ALTERNATE OPTIONS

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

**SUMMARY CONCLUSION**

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

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

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• Council adopted budget 2020-2021 Resolution CCS271</li><li>• <a href="#">City of Albany Regional Events Sponsorship Guidelines</a></li></ul>
<b>File Number (Name of Ward)</b>	:	CR.SPO.44 (All Wards)
<b>Previous Reference</b>	:	<ul style="list-style-type: none"><li>• Regional Event Sponsorship Assessment Panel Recommendations – 17 November 2020.</li></ul>

**CCS315: ORDINARY COUNCIL MEETING AND COUNCIL COMMITTEE MEETING CALENDAR 2021**

**Report Prepared By** : Council Liaison Officer (J Williamson)  
Manager Governance and Risk (S Jamieson)

**Responsible 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:

**Theme:** Leadership

**Objectives:**

- To establish and maintain sound business and governance structures.
- To engage effectively with our community.

**Community Priorities:**

- Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to the community.
- Develop structures and processes that engage the community and engender community confidence, and trust that their input is valued and used to inform decisions and priorities.

**In Brief:**

- Council is requested to adopt the proposed Ordinary Council Meeting and Committee Meeting schedule for 2021, in accordance with the *Local Government Act 1995* and the associated Regulations.

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**RECOMMENDATION**

**CCS315: COMMITTEE RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council, for the purpose of giving Public Notice:**

1. **APPROVE** the following **Committee Meeting** schedule for 2021:

Community & Corporate Services Committee (CCS)	Development & Infrastructure Services Committee (DIS)
<i>No Meetings Scheduled for January 2021</i>	
Tuesday 09 February 2021	Wednesday 10 February 2021
Tuesday 09 March 2021	Wednesday 10 March 2021
Tuesday 13 April 2021	Wednesday 14 April 2021
Tuesday 11 May 2021	Wednesday 12 May 2021
Tuesday 08 June 2021	Wednesday 09 June 2021
Tuesday 13 July 2021	Wednesday 14 July 2021
Tuesday 10 August 2021	Wednesday 11 August 2021
Tuesday 14 September 2021	Wednesday 15 September 2021
Tuesday 12 October 2021	Wednesday 13 October 2021
Tuesday 09 November 2021	Wednesday 10 November 2021
Tuesday 30 November 2021	Wednesday 1 December 2021

Audit and Risk
Tuesday 2 February 2021
Tuesday 4 May 2021
Tuesday 3 August 2021
Tuesday 2 November 2021

**2. APPROVE the proposed Ordinary Council Meeting schedule for 2021:**

- Tuesday 23 February 2021
- Tuesday 23 March 2021
- Tuesday 27 April 2021
- Tuesday 25 May 2021
- Tuesday 22 June 2021
- Tuesday 27 July 2021
- Tuesday 24 August 2021
- Tuesday 28 September 2021
- Tuesday 26 October 2021
- Tuesday 23 November 2021
- Tuesday 14 December 2021

**3. AFFIRM that all Council and Council Committee meetings commence at 6.00pm.**

CCS315: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS315: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council, for the purpose of giving Public Notice:

**1. APPROVE the following Committee Meeting schedule for 2021:**

Community & Corporate Services Committee (CCS)	Development & Infrastructure Services Committee (DIS)
<i>No Meetings Scheduled for January 2021</i>	
Tuesday 09 February 2021	Wednesday 10 February 2021
Tuesday 09 March 2021	Wednesday 10 March 2021
Tuesday 13 April 2021	Wednesday 14 April 2021
Tuesday 11 May 2021	Wednesday 12 May 2021
Tuesday 08 June 2021	Wednesday 09 June 2021
Tuesday 13 July 2021	Wednesday 14 July 2021
Tuesday 10 August 2021	Wednesday 11 August 2021
Tuesday 14 September 2021	Wednesday 15 September 2021
Tuesday 12 October 2021	Wednesday 13 October 2021
Tuesday 09 November 2021	Wednesday 10 November 2021
Tuesday 30 November 2021	Wednesday 1 December 2021

Audit and Risk
Tuesday 2 February 2021
Tuesday 4 May 2021
Tuesday 3 August 2021
Tuesday 2 November 2021

2. APPROVE the proposed Ordinary Council Meeting schedule for 2021:

- Tuesday 23 February 2021
- Tuesday 23 March 2021
- Tuesday 27 April 2021
- Tuesday 25 May 2021
- Tuesday 22 June 2021
- Tuesday 27 July 2021
- Tuesday 24 August 2021
- Tuesday 28 September 2021
- Tuesday 26 October 2021
- Tuesday 23 November 2021
- Tuesday 14 December 2021

3. AFFIRM that all Council and Council Committee meetings commence at 6.00pm.

## BACKGROUND

2. Ordinary Council Meetings are held monthly, except January which has no meeting.
3. Ordinary Council Meetings commence at 6.00pm in the Council Chambers.
4. The Council Meeting Calendar is available on the City's website.

## DISCUSSION

5. Responsible Officer Reports (that form the Agenda for Ordinary Council meetings) are first presented to Council Committees for review and recommendation to Council.
6. These Committees are open to the public and held prior to the Ordinary Council meetings to provide the public the opportunity to address Council on matters that affect them personally or their community.
7. Meetings of Council which are open to the public commence at 6.00pm to help facilitate attendance by working members of the public and councillors.
8. Council may consider this an appropriate opportunity to review the frequency and start time of meetings.

## GOVERNMENT & PUBLIC CONSULTATION

9. **Meeting Start Times:** Previous community feedback requested that meetings be held at no earlier than 6.00pm.
10. Council may choose to engage with the community in order to receive feedback on the start time of meetings, and whether there is a desire within the community to hold meetings at a different time.
11. It should also be noted that there have been recent changes to the times frames prescribed for the publication of unconfirmed minutes of meetings (*Local Government (Administration) Regulations 1996, Regulation 13*):

**13. Publication of unconfirmed minutes of meetings (Act s. 5.25(1)(i))**

(1) *The CEO must publish on the local government's official website —*

*(a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and*

*(b) if a council or committee meeting is closed to members of the public — that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.*

(2) *The unconfirmed minutes of a council meeting must be published within **14 days** after the meeting is held.*

(3) *The unconfirmed minutes of a committee meeting must be published within **7 days** after the meeting is held.*

[Regulation 13 inserted: SL 2020/213 r. 18.]

12. In addition, the requirement to attend meetings in person has also been updated to accommodate persons with disabilities (*Local Government (Administration) Regulations 1996, Regulation 14A*):

**14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))**

(1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —*

*(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and*

*(b) the person is in a suitable place; and*

*(c) the council has approved\* of the arrangement.*

(2) *A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.*

(3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.*

**STATUTORY IMPLICATIONS**

13. It is a statutory requirement for Council to give Local Public Notice at least once each year of when Council plans to hold Council and Committee meetings that are open to public attendance.
14. In accordance with *Local Government Act 1995*, section 5.25(1)(g) and as prescribed by the *Local Government (Administration) Regulations 1996*, Regulation 12:

**12. Publication of meeting details (Act s. 5.25(1)(g))**

(1) *In this regulation —*

**meeting details**, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*

*(a) ordinary council meetings;*

*(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*

(3) *Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.*

(4) *If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.*[Regulation 12 inserted: SL 2020/213 r. 18.]

15. Voting requirement for this item is **Simple Majority**.

**POLICY IMPLICATIONS**

16. There are no policy implications related to this item.

**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
<b>Legal and Compliance.</b> <i>Local Public Notice is not given of the dates and times at which the Ordinary Council Meetings and Council Committee Meetings will be held.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Staff work with Council to set the forecast meeting calendar and provide public notice prior to January 2021.</i>
<b>Opportunity.</b> <i>Council has the opportunity to review the current meeting calendar.</i>				

**FINANCIAL IMPLICATIONS**

18. A budget line exists for the cost of Local Public Notice and advertising.

**LEGAL IMPLICATIONS**

19. Local Public Notice must be given to ensure legislative compliance.

20. Changes to dates and times must also be advertised publically.

**ENVIRONMENTAL CONSIDERATIONS**

21. There are no direct environmental considerations related to this item, however, an efficient meeting schedule will reduce wasted resources (time, travel and office consumables).

**ALTERNATE OPTIONS**

22. Council may consider alternate days, dates, committee meeting order and timings.

**SUMMARY CONCLUSION**

23. It is recommended that the proposed meeting schedule is approved.

Consulted References	:	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Local Government (Administration) Regulations 1996 (as at 7 November 2020)</li> </ul>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> <li>OCM 17/12/2019 Resolution CCS20.</li> </ul>

**CCS316: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD  
ENDING 31 OCTOBER 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Budget Review for the period ending 31 October 2020
<b>Report Prepared by</b>	: Business Analyst/Management Accountant (D Harrison)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

**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:
  - **Theme 1:** Leadership.
  - **Objective 1.1:** To establish and maintain sound business and governance structures.
  - **Community Priority 1.1.1:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

**In Brief:**

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the Local Government (Financial Management) Regulations 1996. In addition to the Department's recommendation to review the budget early in the financial year to amend carry forward projects from forecast to actual, due to the disruption of covid-19 we have compiled an additional review for the period ending 31 October 2020.
- This review is for the period ending 31 October 2020 and reports a **Balanced Budget** inclusive of the proposed Budget Review allocations.

**RECOMMENDATION**

**CCS316: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council ADOPT the Budget Review for the period ending 31 October 2020.**

CCS316: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR HAMMOND  
SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

CCS316; RESPONSIBLE OFFICER RECOMMENDATION

THAT Council ADOPT the Budget Review for the period ending 31 October 2020.

## DISCUSSION

2. Council adopted the 2020/2021 Budget on 28 July 2020. The total adopted budget of \$108.7M comprised:
  - a. \$37.3M capital works;
  - b. \$ 2.7M debt reduction; and
  - c. \$68.7M in operating expenditure.
3. This Budget Review identifies expenditure of \$3,447,071 for general works, variations and new projects.
4. The funding of \$3,447,071 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding, the movement in opening funds and the elimination to draw down on proposed loan number 47 of \$2mil has been identified in this review to maintain a balanced budget.
5. This budget review maintains the 2020/2021 in a balanced position as at the 30<sup>th</sup> June 2021.
6. A copy of the Budget Review for the period ending 31 October 2020 is attached.
7. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

## GOVERNMENT & PUBLIC CONSULTATION

8. Department of Local Government guidelines were followed in the preparation of this report.
9. City of Albany Executives, Managers and Officers with budget responsibility were consulted in the preparation of the Budget Review.

## STATUTORY IMPLICATIONS

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

## POLICY IMPLICATIONS

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

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Organisation's Operations.</b> <i>Non approval of the budget review, may result in significant delays to achieving deliverables.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>In the short term the existing Annual Budget would apply and proposed amendments would not apply.</i>  <i>Adopt the Budget Review with amendments (as specified by Council).</i>
<b>Opportunity:</b> <i>Provides Council with an additional opportunity to review the City's current budget position</i>				

**FINANCIAL IMPLICATIONS**

**BUDGET REVIEW FOR THE PERIOD ENDING 31 OCTOBER 2020**

This Review Maintains Council's Budget in a Balanced Position

<b>GENERAL WORKS/VARIATIONS. (Additional Funds Required)</b>		<b>\$</b>
		<b>(3,447,071)</b>
<b>FUNDED BY</b>		
- Reduction in Expenditure	1,078,199	
- Adjustment in Grant/Contributions Funding	1,430,228	
- Adjustment in Revenue	2,373,228	
- Adjustment Loan Funding	(2,000,000)	
- Restricted Cash Adjustments (Transfer To)/Transfer From	(386,488)	<u>2,495,167</u>
<b>ADJUSTMENT IN DEPRECIATION (Non Cash Transactions)</b>		<b>781,241</b>
<b>Balance</b>		<u><b>(170,663)</b></u>
- Current 20/21 Budgeted Closing funds	22,141	
- Adjustment to opening funds from forecast to actual 30 June 2020 (Being adjustments at the conclusion of the annual Audit)	148,522	
- Revised 20/21 Budgeted closing funds		<u><b>-</b></u>

**LEGAL IMPLICATIONS**

14. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

15. Nil.

**ALTERNATE OPTIONS**

16. For the period ending 31 October 2020, Council may consider to:
- a. Adopt the Budget Review as recommended; or
  - b. Adopt the Budget Review with amendments (as specified by Council)

**SUMMARY CONCLUSION**

17. That the Responsible Officer's Recommendation to adopt the Budget Review for the period ending 31 October 2020 be supported.

<b>Consulted References</b>	:	Adopted Budget 2020/2021 <a href="#"><u>Local Government Act 1995</u></a>
<b>File Number (Name of Ward)</b>	:	FM.BUG.12
<b>Previous Reference</b>	:	Annual Budget – OCM 28/07/2020 Resolution CCS271 July Budget Review – OCM 24/09/2020 Resolution CCS179

**CCS317: RACEWARS 2021 – HIATUS – TARGA WEST 2021  
PROPOSAL**

<b>Land Description</b>	: Proposed sites vested in the care and control of the City of Albany and subject to event approval by WAPOL.
<b>Proponent / Owner</b>	: City of Albany
<b>Business Entity Name</b>	: Targa West Pty Ltd and Racewars Pty Ltd
<b>Supplementary Information &amp; Councillor Workstation</b>	: Updated and proposed Targa West Event Maps
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson) Event Approval and Projects Officer (A Kiddle)
<b>Responsible Officers:</b>	: Acting Executive Director Community Services (N Watson) Executive Director Corporate & Commercial Services (D Olde)

**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:
  - **Theme:** Leadership.
  - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
  - **Community Priority:** Provider positive leadership that delivers community outcomes.

**In Brief:**

- Consider re-allocation of sponsorship money for Racewars 2021 to Targa West 2021 and endorse in principle the proposed alternate motorsport event.

**RECOMMENDATION**

**CCS317: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT:**

- (1) **Sponsorship funding of \$20,000 dollars be redirected from Racewars to Targa West in the 2020-2021 Budget for holding of proposed events in 2021, noting that this sponsorship allocation to Targa is for its 2021 events only and any future funding allocation to these events will be subject to future consideration and budgets.**
- (2) **The proposed Quaranup Targa Event is supported in principle, pending stakeholder engagement and approval of the Event Management Plan by Motorsport Australia.**

**BACKGROUND**

2. In September 2020, Racewars Pty Ltd formally advised the City of Albany that the Airport Runway Event will be put into hiatus for 2021.
3. The Albany Sprint event to be held on Monday, 1 March 2021 from Middleton Beach to Mt Adelaide is still scheduled to proceed. Stakeholder engagement has commenced.
4. Currently the City is working with Targa West representative Mr Ross Tapper to conduct the Albany Sprint Event (Hill Sprint between Middleton Beach and Mount Adelaide) in 2021.
5. In addition, Targa West is proposing to hold an additional event using the road to Camp Quaranup.

6. The Royal Australian Air Force is currently confirming supporting activities in conjunction with Targa Albany Sprint 2021 as part of nation-wide celebrations of the 100<sup>th</sup> anniversary of the RAAF.

## **DISCUSSION**

### Racewars Airport Runway Event 2021

7. All parties agree that it was an immense effort by so many to run RW20, especially the Australian Motorsport Alliance (AASA), City of Albany and the Racewars Team.
8. Both City Officers and Racewars Pty Ltd (Racewars) believe:
  - a. The wider uncertainty at this time and the financial risks involved make it imprudent to undertake the Racewars Airport Event in 2021; and
  - b. It would be in our collective best interests that we wait for 2022 to consider resuming operations, noting the runway event has a high cost base and needs significant spectator revenue to cover those costs in its current format.

### Albany Sprint Event (Middleton Beach to Mount Adelaide) 2021

9. Racewars have advised they do not wish to unduly impede the Albany Sprint event from proceeding, as it is acknowledged that the Albany Sprint operates on a different model and is considered to be financially viable.
10. The Racewars Team also indicated, even though operationally going on hiatus, that they would provide significant promotional and social activation via their social media and relationship networks for the Albany Sprint Event.
11. City Officers have confirmed that Targa West (Ross Tapper) intend to proceed with the 2021 Targa Middleton Beach Hill Climb event (Albany Sprint).

### Proposed Camp Quaranup Road Targa West Event 2021

12. Should Council support this proposal in principle, stakeholder engagement will be facilitated in early January 2021.
13. Targa West would run this as an additional event, providing an alternate to the Airport Runway Event conducted by Racewars.
14. Targa West currently hire out the Camp Quaranup site for the March long weekend.
15. Targa West have indicated interest in establishing ongoing motorsport events in Albany and have a track record of running successful and safe motorsport events across the State.

## **GOVERNMENT & PUBLIC CONSULTATION**

16. Stakeholder engagement for the Middleton Beach event has been undertaken with the City's Major Project Team in regards to the Middleton Beach Enhancement Project (MBEP).
17. The Major Projects team has confirmed they will endeavour to complete the main car parking areas (which is currently used by Targa West as their pit lane), well before the event, scheduled to be held on 1 March 2021.
18. Community notification has commenced with the stakeholders in the Forts Precinct receiving priority consultation. Middleton Beach businesses will receive a face to face visit followed up by written notification in early January 2021.
19. Targa West has been advised that the car park closest to 3 Anchors will not be available for use during the event as it is being modified to provide additional public open space.
20. The proposed alternate event (Quaranup Targa Rally) is subject to stakeholder consultation.

**STATUTORY IMPLICATIONS**

21. Re-allocation of budget allocation should be noted and approved by Council.

**POLICY IMPLICATIONS**

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

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>Risk: Visitation to the region is lost due to the hiatus of Racewars in 2021.</i>	Likely	Moderate	High	<i>Provide support to Targa West to continue to run the successful Albany Sprint event at Middleton Beach, and proceed with the proposed Quaranup event and conduct stakeholder consultation.</i>
<b>Reputation</b> <i>Risk: Not providing sponsorship support to Targa West could affect the City's ability to attract Targa Events back to Albany in future.</i>	Possible	Moderate	High	<i>Support the recommendation to reallocate a portion of budgeted Racewars funding to Targa West in the 2020-2021 Budget.</i>
<b>Financial</b> <i>Risk: Expectation of future City of Albany funding support for Targa West events in Albany.</i>	Possible	Moderate	Medium	<i>Any sponsorship allocations to Targa West events beyond 2021 in Albany would be subject to future consideration and budgets.</i>
<b>Opportunity:</b> <i>There is an opportunity to continue to promote Albany as a motorsport destination.</i>				

**FINANCIAL IMPLICATIONS**

24. The proposed funding allocation to Targa West is \$20,000 dollars.
25. There is currently \$35,000 budgeted for Racewars 2021 sponsorship, which will not be activated due to the event being in temporary hiatus.
26. It is proposed to redirect an amount of the Racewars funding in the 2020-2021 Budget to Targa West, with any balance of funding being accounted as surplus funds.

**LEGAL IMPLICATIONS**

27. Legal implications will be assessed and addressed as part of the formal event application and risk assessment process.
28. Sponsorship will be facilitated thorough the City's standard funding / sponsorship agreement.

**ENVIRONMENTAL CONSIDERATIONS**

29. Environmental implications will be assessed and addressed as part of the formal event application and risk assessment process.

**ALTERNATE OPTIONS**

- 30. Council may choose to offer Targa West an alternative amount of sponsorship to that recommended by officers.
- 31. Council may choose to not redirect the Racewars funding and not approve any sponsorship for Targa West events.

**CONCLUSION**

- 32. That the Responsible Officer’s recommendation be adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• Local Government Act 1995</li> <li>• Local Government (Financial Management) Regulations 1996</li> <li>• City of Albany Budget 2020/21</li> </ul>
<b>File Number (Name of Ward)</b>	:	RC.EVM.48 (Event Management – Significant Events)
<b>Previous Reference</b>	:	Not applicable to this report.

**CCS318: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2020**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Financial Activity Statement – November 2020
<b>Report Prepared by</b>	: Manager Finance (S Van Nierop)
<b>Responsible Officer</b>	: Executive Director Corporate & Commercial Services (D Olde)

**RECOMMENDATION**

**CCS318: RESPONSIBLE OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT the Financial Activity Statement for the period ending 30 November 2020 be RECEIVED.**

**COVID-19 IMPACT**

1. Impacts to the financial performance of the City are detailed in the 'Explanation of Material Variances to the YTD Budget in Excess of \$100,000' (Note 1) of the Attachment to this report (Statement of Financial Activity).

**BACKGROUND**

2. The Statement of Financial Activity for the period ending 30 November 2020 has been prepared and is attached.
3. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

**DISCUSSION**

4. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
5. 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.
6. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
7. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

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

**STATUTORY IMPLICATIONS**

8. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the 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.
  - II. Each statement of financial activity is to be accompanied by documents containing –
    - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; 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.
  - III. 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.
  - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
    - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - b. recorded in the minutes of the meeting at which it is presented.
  - V. 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**

- 9. The City’s 2020/21 Annual Budget provides a set of parameters that guides the City’s financial practices.
- 10. 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**

- 11. Expenditure for the period ending 30 November 2020 has been incurred in accordance with the 2020/21 proposed budget parameters.
- 12. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**AR083: DRAFT ANNUAL FINANCIAL REPORT – 30 JUNE 2020**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: DRAFT City of Albany Annual Financial Report for the year ended 30 June 2020-to be provided prior to the OCM 15/12/2020
<b>Report Prepared By</b>	: Manager Finance (S van Nierop)
<b>Responsible Officers:</b>	: Executive Director Corporate & Commercial Services (D Olde)

**CONFIDENTIAL REPORT**

*This matter will be discussed under Confidential Cover, in accordance with s5.23 of the Local Government Act 1995.*

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:

**Theme:** Leadership.

**Objectives:** To establish and maintain sound business and governance structures.

**Community Priority:** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

**In Brief:**

- Review the Annual Financial Report for the year ended 30 June 2020.

**RECOMMENDATION**

**AR083: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT:**

1. **The DRAFT City of Albany Annual Financial Report for the year ended 30 June 2020 be RECEIVED; and**
2. **The Annual Electors Meeting be held on Wednesday 3 February 2021 commencing at 6.30pm.**

AR083: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 6-0

AR083: RESPONSIBLE OFFICER RECOMMENDATION

THAT:

1. The DRAFT City of Albany Annual Financial Report for the year ended 30 June 2020 be RECEIVED; and
2. The Annual Electors Meeting be held on Wednesday 3 February 2021 commencing at 6.30pm.

**BACKGROUND**

- An Annual Financial Report is required to be compiled and subsequently audited, under the *Local Government Act 1995* (the Act) and various Local Government regulations.

**DISCUSSION**

**Financial Audit**

- An onsite visit and audit of the Annual Financial Report 2019-20 was conducted by employees of Moore Australia on behalf of the Office of the Auditor General.
- The audit exit meeting between the City of Albany, Moore Australia, and the Office of the Auditor General, is scheduled for 6.00pm on Wednesday 18th November 2020. Any findings and updates from this meeting are to be discussed as part of this agenda item.

**GOVERNMENT & PUBLIC CONSULTATION**

- Following acceptance of the Annual Report (which includes the Annual Financial Report), Council is required to convene an Annual Meeting of Electors as soon as practicable after the report has been accepted by the local government.
- The CEO is to publish the annual report on the local government’s official website within 14 days after the report has been accepted by the local government.

**STATUTORY IMPLICATIONS**

- In accordance with section 7.9 of the Act, an audit is required to examine the accounts and Annual Financial Report prepared for the Mayor, the CEO and the Minister.
- Under the Audit and Risk Committee – Terms of Reference, the committee is to review the audit report and make appropriate recommendations to Council.
- Section 5.54 of the Act, states in part: The Annual Report (which includes auditor’s report) is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.
- Section 5.27 of the Act, requires that a Meeting of the Electors of a district be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year, and any other nominated general business.
- The CEO is required to give at least 14 days local public notice of an electors meeting.
- The voting requirement of Council is **Simple Majority**.

**POLICY IMPLICATIONS**

- There are no policy implications related to this item

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational.</b> Management Audit Report not accepted by the Audit & Risk Committee.	Unlikely	Minor	Low	Audit & Risk Committee and Officers work with the auditors to address areas of concern to come to position of acceptance.
<b>Statutory Non-Compliance.</b> Council does not accept the Annual Report.	Unlikely	Minor	Low	City Officers will work with Council to come to a position of acceptance. Council set an alternate date to ensure compliance with the prescribed time period in accordance with the Act.
<b>Reputation.</b> Lack of community engagement.	Possible	Insignificant	Low	Notice of AGM published, but not limited to, newspapers circulating throughout the district, on the City’s website and notices placed on community notice boards.

**FINANCIAL IMPLICATIONS**

15. There are no budget financial implications related to this report.

**LEGAL IMPLICATIONS**

16. The City is yet to receive the auditor's report, therefore there it is unknown whether or not there are legal implications related to this report.

**ENVIRONMENTAL CONSIDERATIONS**

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

**ALTERNATE OPTIONS**

18. The Committee may recommend to Council to accept or reject the Annual Financial Report.

**CONCLUSION**

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

Consulted References	:	<ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i> (the Act);</li><li>• <i>Local Government (Administration) Regulations 1996</i>,</li><li>• <a href="#"><u>Operational Guideline No. 9-Appointment, Function and Responsibilities of Audit Committees</u></a></li></ul>
File Number (Name of Ward)	:	<ul style="list-style-type: none"><li>• IM.PUB.24 (All Wards) – Publication - Annual Budget – City of Albany</li><li>• FM.MEE.3 (All Wards) – Meetings – Audit &amp; Risk Committee</li></ul>
Previous Reference	:	Ordinary Council Meeting held on 26 November 2019, Resolution AR070.

**DIS241: INDUSTRY - EXTRACTIVE (GRAVEL)**

<b>Land Description</b>	: Lots 3348 and 4120 (314) Marbelup North Road, Marbelup 6330
<b>Proponent</b>	: A.D. Contractors Pty Ltd
<b>Owner</b>	: G Smith
<b>Attachments</b>	: 1. Copy of Application 2. Schedule of Submissions
<b>Report Prepared By</b>	: Senior Planning Officer (J Anderson)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment, Planning (P Camins) Manager Planning and Building Services (J Van Der Mescht)

**STRATEGIC IMPLICATIONS**

1. Council is required to exercise its quasi-judicial function in this matter.
2. This item relates to the following elements of the City of Albany *Strategic Community Plan 2030*:

**Theme:** Smart, Prosperous and Growing

**Objective:** To strengthen and grow our region’s economic base

**Community Priority:** Work with business and other stakeholders to attract investment, diversify the economy, create jobs and support small business growth.

**Theme:** A connected and safe built environment.

**Objective:** To develop vibrant neighbourhoods which retain local character and heritage.

**Community Priority:** Develop and implement a contemporary Local Planning Strategy that reflects our identity and supports economic growth.

3. When exercising its discretion in relation to planning matters, the pertinent strategic document is the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).
4. The proposal is consistent with the strategic directions identified in the Planning Strategy.

**Maps and Diagrams:** 314 Marbelup North Road, Marbelup



**In Brief:**

- Council is asked to consider an application for development approval for an Industry – Extractive (Gravel) at 314 (Lots 3348 and 4120) Marbelup North Road, Marbelup.
- The land use is considered an “A” use within the “General Agricultural” zone in accordance with City of Albany *Local Planning Scheme No. 1* (LPS1).
- An ‘A’ use means the use is not permitted unless the local government has exercised its discretion by granting planning approval, after giving special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations 2015).
- The application was advertised for public comment via direct mail out to surrounding landowners within a 1500m radius and a notice posted on the City’s website.
- Seven (7) submissions were received in relation to the proposal. All 7 submissions objected to the proposal.
- The submissions received outlined the following concerns:
  - Road safety and ongoing maintenance requirements due to increased heavy vehicle traffic on an unsealed road;
  - The proximity of the proposal to existing dwellings, with resulting noise and dust emissions potentially inducing or exacerbating health issues;
  - The visual impact of the proposal on the character and amenity of the area;
  - Environmental concerns;
  - The proposed life of the pit;
  - Potential impacts on property values;
  - Inconsistencies identified within the report and non-compliance with relevant regulations; and
  - Aspects of the consultation process.
- The applicant has submitted revised plans and information to address inconsistencies and concerns raised during advertising. The revised plans and information outlined further mitigation measures to address noise and dust emissions generated by the operation.
- Due to the number of concerns raised, the application is being referred to Council for determination.
- The application was also referred to the Department of Water and Environmental Regulation (DWER) and Main Roads. Main Roads stated they had no objections to the proposal. DWER indicated that subject to the local government’s determination and the applicant obtaining all necessary licences, approvals and permits, the proposal as submitted could be considered under the relevant legislation.
- Staff recommend that Council approve the proposed development, subject to conditions. The proposed development has been assessed against relevant state regulations and guidelines and is consistent with the City of Albany LPS1 and *Extractive Industries and Mining Policy*.
- The revised information submitted by the applicant and proposed conditions are considered to address the concerns raised through the public advertising process.

**COVID-19 IMPACT-** Nil

**RECOMMENDATION**

**DIS241: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR GOODE  
SECONDED: COUNCILLOR SMITH**

**THAT a decision on this matter be DEFERRED until the Ordinary Council Meeting to be held on Tuesday 15 December 2020, in order to allow elected members to conduct a site visit to the location of the proposed extractive industry.**

**CARRIED 13-0**

**DIS241: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council resolves to ISSUE a notice of determination granting temporary development approval with conditions for Industry – Extractive (Gravel) at 314 (Lots 3348 and 4120) Marbelup North Road, Marbelup.**

**Conditions:**

- 1. This consent is valid until 31 December 2028, after which a new application will be required to be lodged with the City of Albany.**
- 2. All development shall occur in accordance with the stamped, approved plans referenced P2200207, being signed and dated by a designated Authorised Person, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.**
- 3. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.**
- 4. The development is required to comply with all relevant Health Regulations, in particular, regard should be paid to dust management and noise regulations.**
- 5. The level of noise emanating from the development shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.**
- 6. Prior to commencement of operations, the operator shall liaise with the school bus operator to establish a traffic schedule to avoid potential conflict with school bus operations.**
- 7. Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating to Extractive Industries.**
- 8. The measures and actions identified in the Environmental Assessment Report and Operations Plan dated 21 October 2020 being implemented and maintained to the satisfaction of the City of Albany.**
- 9. The operation of the extraction areas shall be contained within the area nominated on the stamped, approved plans referenced P2200207 being signed and dated by a designated Authorised Person.**
- 10. With the exception of the pit with an area of 1.2ha, only one hectare of the extraction area identified on the stamped, approved plans shall be opened at any one time, unless otherwise agreed in writing by the City of Albany.**

11. In accordance with the Noise Management Plan outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020, operation of the pit shall be restricted to the hours of:
  - 7.00am – 6.00pm Monday to Friday
  - 8.30am – 1.00pm Saturday
  - No operation at all on Sundays or Public Holidays
12. In accordance with the Noise Management Plan outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020, operations within classified “Sensitive Operation” areas shall be restricted to a maximum three (3) days per week, between 8.30am and 5.00pm weekdays only.
13. Prior to commencement, topsoil bunds shall be established around the permitted extraction areas to aid in screening, in accordance with the Noise Management Plan outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020.
14. Prior to commencement, all Bushfire Risk and Management measures and actions identified in in the Environmental Assessment Report and Operations Plan dated 21 October 2020 shall be undertaken, to the satisfaction of the City of Albany. The identified measures and actions include, but are not limited to:
  - a. Installation of a minimum 10,000L standalone tank, with appropriate storz fittings installed for fire services to access supply.
15. The extraction areas shall be suitably drained, in accordance with the measures and actions outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020, to the satisfaction of the City of Albany. No direct discharge shall occur from the extraction area to any watercourse, without the prior approval of the Department of Water and Environment Regulation.
16. A minimum of 2 metres of undisturbed soil profile shall be provided as a buffer at all times between the base of the excavated area and the maximum water table level, as outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020.
17. In accordance with the measures and actions outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020, and to the satisfaction of the City of Albany, the development shall comply with the following:
  - No fuels, oils and chemicals shall be stored on the site.
  - Refuelling to be undertaken in a designated area with spill kits available at all times.
  - Running repairs may be conducted only if effective measures are in place to prevent fuel, lubricants, coolant and hydraulic fluid losses to the environment.
18. Routine servicing and wash down of operating equipment is not permitted in a P2 Public Drinking Water Source Area.
19. No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Water and Environment Regulation.
20. Any off-site fill must be clean soil, free of weed material or of uncontaminated Inert Waste Type 1 (as defined by Landfill Waste Classification and Waste Definitions 1996 (as amended 2019) of the *Environmental Protection Act 1986*).
21. Prevention of dust and sand blowing causing a nuisance to adjoining landowners, by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and

implementation of any other suitable land management system to be undertaken in accordance with the Department of Water and Environmental Regulation *Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities 2011* and the City of Albany *Prevention and Abatement of Sand Drift Local Law 2000*.

**Advice:**

***This condition includes dust mitigation on Marbelup North Road.***

22. No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
23. Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating the Extractive Industries.
24. The site shall be suitably rehabilitated and re-contoured on a per hectare basis (prior to commencement of the next extractive process), including re-battering of banks and reseeded and stabilising of former extraction areas. Rehabilitation shall be undertaken in accordance with the Rehabilitation Management measures and actions outlined in the Environmental Assessment Report and Operations Plan dated 21 October 2020, to the satisfaction of the City of Albany.
25. A minimum of 150mm of top soil shall be left above any hard surface (i.e. clay/gravel) unless a lesser amount is approved by the City of Albany.
26. Prior to commencement, signage warning of truck movements shall be installed in either direction before the access point to the subject site on Marbelup North Road and from all directions at the intersection of Marbelup North Road and South Coast Highway, to the satisfaction of the City of Albany.
27. A refundable bond/bank guarantee of \$3500.00 per hectare shall be lodged with the City of Albany for remediation work if required.
28. Prior to commencement, arrangements being made with the City of Albany for the maintenance and upgrade of Marbelup North Road from South Coast Hwy to the entrance of the site (SLK 2.8 to 5.9). These arrangements shall involve the following:
  - a. An upfront financial contribution, as agreed between the applicant and the City of Albany, towards the upgrade of the subject section of Marbelup North Road to a sealed standard.
  - b. Prior to commencement of upgrades to the subject section of Marbelup North Road, the applicant shall arrange for up to four additional re-gradings being undertaken per year at the applicant's expense, at the request and to the satisfaction of the City of Albany.

**Advice:**

- a. ***Following receipt of an upfront cost contribution, the City of Albany will commit to the sealing of Marbelup North Road, from South Coast Hwy to Cochrane Road (SLK 2.8 to 7.8). It is most likely that the works would be undertaken within the 2022/23 financial year. The cost contribution will be \$122,000 (excl GST) as a partial contribution between South Coast Hwy to the entrance of the site (SLK 2.8 to 5.9).***
- b. ***The City of Albany currently re-grades Marbelup North Road every two (2) months and will continue to do so prior to implementation of upgrades. The***

***City will continue to monitor the condition of Marbelup North Road on a monthly basis.***

**29. The applicant will be responsible for the repair of any damage to any road within the City of Albany, caused by the extraction operations. Where repair works are required, they are to be undertaken within an appropriate timeframe by the applicant at their cost, to the satisfaction of the City of Albany.**

## **BACKGROUND**

5. The City of Albany has received a development application for Industry – Extractive (Gravel) at 314 (Lots 3348 and 4120) Marbelup North Road, Marbelup.
6. The subject site lies to the eastern side of Marbelup North Road, and to the northern side of South Coast Highway, approximately 20km north-west of the Albany City centre. The lots have a combined area of 155.368 hectares and are zoned 'General Agriculture' under LPS1.
7. The subject site is adjoined by 'General Agriculture' zoned land to the north, south and west. The land to the east is a railway reserve.
8. Extractive Industry is classified as an 'A' use within the General Agriculture zone, meaning the use is not permitted unless the Local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 64 of the Planning Regulations 2015.
9. Under clause 64 of the Planning Regulations 2015, the proposal was required to be advertised for a period of 14 days. Nearby landowners were notified directly by letter, and a notice was placed on the City of Albany website.
10. The proposal was also referred to the Department of Water and Environmental Regulation (DWER) and Main Roads WA.

## **DISCUSSION**

11. The proponent seeks to extract gravel from an area of approximately 34.4 hectares and transport the material off-site for use within the Albany area.
12. The proponent has provided the following (summarised) outline of how the proposed extractive industry will operate:
  - a) The proposed 34.4 hectares is divided into seven main stages, as indicated on the staging plan. Within each main stage, there are multiple pits (totalling 35). The pits range in area from 0.5 hectare to 1.2 hectares;
  - b) The applicant proposes to extract from one pit at a time, with a maximum of 1.2 hectares exposed/operated at any given time;
  - c) The applicant proposes to progressively rehabilitate each pit prior to the commencement of a new pit;
  - d) It is estimated that an average amount of 30,000 tonnes per year will be extracted over a period of 7-8 years. In times of high demand, it is anticipated a maximum of 50,000 tonnes per year would be extracted, however this is dependent upon industry demand;
  - e) During periods of high demand, the applicant has estimated that one stage will be exhausted every 12 months, however this is dependent on demand;
  - f) The applicant has provided the following estimated time line for each pit (based on an area of 1 hectare):
    - 1 day – strip/push up topsoil;
    - 1 day – rip entire area;
    - 1-2 days – push up ripped material for export/crushing; and

- 0-7 days - Crushing material depending on size and requirement of resource by client (0-3 days during low demand and 7 days during high demand / peak periods).
- g) There are two areas of remnant jarrah and sheoak paddock trees located within the northern area of the property / extraction area. The applicant is required to obtain a permit from DWER to clear any identified remnant vegetation within the proposed extraction area. The large areas of intact remnant vegetation within the eastern portion of the property will not be cleared during the extraction project;
- h) The proposed (approximate) setbacks are as follows:
  - 20 metres from the northern boundary;
  - 40 metres from the western boundary (Marbelup North Road);
  - 330 metres from the southern boundary; and
  - 735 metres from the eastern boundary.
- i) The closest dwelling to the west of Marbelup North Road was initially proposed to be 279 metres from the nominated extraction area. Although this exceeds the required 200 metre setback under the City of Albany *Mining and Extractive Industries Policy*, the applicant has since revised the plan and increased this to 305 metres;
- k) The proposed extraction area is located 384-440 metres from the conservation category wetland located on the eastern portion of the property;
- l) Mobile plant will be used to push up and stockpile topsoil, as well as to extract, push up and stockpile the gravel;
- m) Gravel will be fed into the crushing and screening plant, and then stockpiled within the stage /pit area adjacent to the next pit for use as demand requires prior to being loaded onto trucks. It is estimated that the maximum amount of time gravel will be stockpiled for is 6-12 months;
- n) The crushing of large gravel boulders will only occur when required, and it is therefore expected that most of the extracted resource will not require crushing;
- o) The crushing and screening plant will generally be located centrally within each stage;
- p) The total depth of extraction is estimated to be 1.5 metres;
- q) Topsoil (approximately 150-200mm) will be windrowed and stored adjacent to each stage in readiness to be used in the rehabilitation process. Each windrow will have a maximum height of 4m;
- r) Access will be via the existing access crossover, which is located approximately 3km north from South Coast Highway intersection;
- s) The proposed types of trucks used during the operation are 6-wheeler trucks with an approximate capacity of 15 tonnes and semi-trailers with an approximate capacity of 24 tonnes, however volumes vary depending on moisture and density of the gravel extracted;
- t) The number of truck movements will vary dependent on demand, however on average it is expected that there will be four truckloads per day, which equates to eight truck movements per day. During times of high demand, it is estimated that four trucks would make up to seven trips per day (this equates to 56 movements). During low demand times, it is likely that 0 – 2 movements per day will occur;
- u) Signage will be installed prior to operations commencing, at the access point along Marbelup North Road and South Coast Highway, warning of truck movements;
- v) There will be no hydrocarbons, chemicals, fuels, coolants stored onsite. These will be transported onsite as required by a contained mobile service vehicle which will be appropriately equipped with spill kits in the unlikely event that there is a spillage;

- w) A noise complaint system will be implemented where a notice will be placed at the front gate with contact details of the onsite manager. Any noise complaints will be recorded by the site manager and acted on immediately;
  - x) The proposed operation times would generally be between 7.00am to 5.00pm on weekdays (Monday to Friday). In times of high demand, the applicant has stated that there may be operations on Saturdays between 8.30am to 1.00pm. There would be no operations of Sundays or public holidays.
  - y) When extraction operations are located within classified “Sensitive Operation” areas, operating hours shall be restricted to a maximum three (3) days per week, between 8.30am and 5.00pm weekdays only.
  - z) Operations will temporarily cease during times of high wind, and water trucks shall be available to suppress dust;
- aa) Each pit will be rehabilitated after completion of extraction and returned to pasture for grazing pursuits.
13. The application is generally consistent with the City of Albany *Extractive Industries and Mining Policy*. Compliance with the policy is discussed in paragraph 76 below.
14. A total of seven submissions were received in relation to the proposal, all objecting to the proposal.
15. The concerns or objections relate primarily to the following:
- a) Road safety and ongoing maintenance requirements due to increased heavy vehicle traffic on an unsealed road;
  - b) The proximity of the proposal to existing dwellings, with resulting noise and dust emissions potentially inducing or exacerbating health issues;
  - c) The visual impact of the proposal on the character and amenity of the area;
  - d) Environment concerns;
  - e) The proposed life of the pit;
  - f) Potential impacts on property values;
  - g) Inconsistencies identified within the report and non-compliance with relevant regulations; and
  - h) Aspects of the consultation process.
16. As a result of the concerns raised during the submission period, the applicant has provided a revised Environmental Assessment Report and Operations Plan addressing the issues raised.
17. The main concerns raised and the proposed mitigation measures are addressed in more detail in the following paragraphs.

### **Road Safety and Maintenance**

18. A number of concerns were received in relation to the existing condition of Marbelup North Road, claiming it is inadequate for the current volume of traffic and therefore additional traffic would result in further safety issues.
19. Concerns were also raised in relation to the proposed number of trucks competing with other road users, including school buses, residential traffic, cyclists, runners and horse riders.
20. In terms of vehicle numbers, it is often the case with extractive industries that vehicle movements are seasonal and vary according to construction demand. The proponent has stated that the number of truck movements will vary dependant on demand. However, the proponent has outlined that on average it is expected that there will be four truckloads per day, equating to eight truck movements per day. During times of high demand, the proponent has estimated that four trucks would make up to seven trips per day (this equates to 56

movements). The proponent has further indicated that during low demand times, it is likely that 0 – 2 movements per day will occur.

21. Marbelup North Road is an unsealed road, connecting Redmond West Road to South Coast Highway.
22. Based on the City of Albany's Maintenance Schedule, Marbelup North Road is scheduled for six gradings per year, which is undertaken by the City of Albany.
23. In consultation with the City of Albany Engineering Department, officers recommend a condition of approval requiring that satisfactory arrangements being made with the City of Albany for a contribution of the partial cost of upgrading Marbelup North Road to a sealed standard from South Coast Highway to the entrance of the site.
24. In addition to the above, until such time that the road is sealed, staff recommend that the applicant should be responsible for undertaking additional gradings and maintenance in addition to the scheduled six per year undertaken by the City of Albany. Currently, the scheduled gradings are undertaken by the City of Albany every two months.
25. Officers also recommend that a standard condition requiring the proponent to rectify any damage to any road as a result of the operation within the City of Albany should be applied.
26. The potential for conflict between trucks and school buses was also raised as a concern. In order to mitigate the issue, a condition is also recommended requiring the operators to liaise with school bus operators to commence a dialogue and establish a schedule to avoid potential conflicts.
27. Concerns were also raised in relation to the safety of the intersection of Marbelup North Road and South Coast Highway. The proposal was referred to Main Roads WA who have no objections to the proposal.
28. It is considered that the proposed conditions mitigate and manage concerns raised in respect to road use and infrastructure.

**Noise, dust, proximity to dwellings exacerbating or resulting in health issues**

29. The concern regarding the potential operation having a negative impact on amenity was consistently raised within the submissions on the proposal, due to the proposed operation's proximity to existing dwellings and potential impacts from noise and dust emissions.
30. The concerns in relation to the proximity to dwellings specifically relate to non-compliance with the Environmental Protection Authority (EPA) Draft *Environmental Assessment Guideline for Separation Distances between Industrial and Sensitive Land Uses 2015* which require buffers of 500m to 1000m for this type of use.
31. It should be noted that the EPA Draft *Environmental Assessment Guideline for Separation Distances between Industrial and Sensitive Land Uses 2015* is not an endorsed version. The endorsed standing provisions pertaining to sensitive land uses and setback requirements are contained under the EPA *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005*. The criteria set out under the 2005 guidelines do not set out a specific buffer for this type of extraction operation, and individual operations are assessed on a case by case basis.
32. The City of Albany *Extractive Industries and Mining Council Policy* requires that buffer distances are to be in accordance with EPA requirements. Although the EPA's *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005* do not set out a specific buffer for this type of extraction operation, and operations are assessed on a case by case basis, the City of Albany LPS1 and *Extractive Industries and Mining Policy* further stipulate that 200 metres should be achieved between excavation and dwellings that are not located on the subject property.

33. Although the proposed setbacks exceeded the required 200 metre setback within the City of Albany *Extractive Industries and Mining Policy*, in response to the concerns raised during the submission period, the applicant has since revised the plan and increased the closest setback to 305 metres.
34. In relation to noise and dust emissions, a number of the submissions raised concerns that the Noise and Dust Management Plans submitted as part of the original development application were inconsistent with City of Albany policy, the Draft *Environmental Assessment Guideline for Separation Distances between Industrial and Sensitive Land Uses 2015*, and Department of Planning, Lands and Heritage (DPLH) Draft *State Planning Policy (SPP) 2.4 – Basic Raw Materials Policy (2018)*. The submissions also outlined that the proposal did not identify adequate measures to mitigate noise and dust emissions generated by the operation.
35. A number of the concerns raised in relation to noise and the impact it would have on nearby landowners, related to noise emissions being exacerbated by the site's location in a gully, with no natural or artificial screening proposed to reduce noise impacts. There were also concerns as to how the noise would be monitored and kept at a safe level.
36. In response to the concerns raised in relation to noise impacts from the proposal, the proponent has submitted an updated Environmental Assessment Report and Operations Plan dated 21 October 2020, which includes a revised Noise Management Plan. The revised Noise Management Plan incorporates a number of noise mitigating measures, including:
  - a) Where any crushing and screening occurs within 500 metres of a sensitive receptor, this will be limited to 3 days per week and from 8.30am-5pm weekdays only. This will reduce the frequency of exposure to adjacent residents and therefore reduce the impact/risk of this emitting source to health and wellbeing;
  - b) Construction of a 2-4 metre bund along the western boundary of the extraction area for noise attenuation. The bund is the stripped topsoil and mounded parallel to the pit to reduce noise to offsite receptors;
  - c) All plant movements, extraction, crushing and screening operations are to be carried out between 7:00am and 5:00pm Mondays to Fridays, and 8:30am to 1:00pm on Saturday (in times of high demand / peak periods), not including Public Holidays;
  - d) When extraction operations are located within classified "Sensitive Operation" areas, operating hours shall be restricted to a maximum three (3) days per week, between 8.30am and 5.00pm weekdays only;
  - e) Mounding of topsoil along the edge of pits to act as noise bunds to further reduce noise at nearby properties, mounding is to be parallel to the excavated pit and maintained regularly for any defects, stabilised for dust management;
  - f) Regular inspections of all plant and machines on site to ensure all are working and functioning correctly, without excess noise;
  - g) Turning off equipment when not in use;
  - h) Regular inspections of road trains and trucks used for carting to ensure all muffler and exhaust systems are functional, specific to noise attenuation.;
  - i) Vehicle travel speeds will be restricted to 40 km/hour on unsealed surfaces on site.;
  - j) Noise complaint register in place to record any issues from neighbours. A contractor sign at the front gate to be erected clearly showing A.D. Contractors contact details; and
  - k) Any noise related complaints will be recorded by the site manager and acted on immediately and resolved within 24 hours.

37. A number of concerns were raised in relation to dust emissions generated by the proposed operation, in combination with the operation's use of the unsealed road, resulting in health concerns.
38. The concerns raised in relation to the inadequacy of the originally submitted Dust Management Plan, related to proposed mitigation measures to control dust emissions being ineffective due to the location of the extraction area on the side of a ridge, and the site being subject to varying prevailing wind direction, depending on the season.
39. There was also concerns that dust emissions would potentially contaminate domestic rainwater supplies, as well as potentially causing rusting of metal surfaces.
40. In response to the concerns raised in relation to noise impacts from the proposal, the proponent has submitted an updated Environmental Assessment Report and Operations Plan dated 21 October 2020, which includes a revised Dust Management Plan. The revised Dust Management Plan incorporates a number of dust mitigating measures, including:
  - a) Construction of a 2-4 metre bund along the western boundary of the extraction area and parallel to any excavation areas;
  - b) All crushing and screening to occur within the designated boundary of the crushing and screening extents;
  - c) Topsoil mound to be no greater than 4 metres in height;
  - d) Gradual rehabilitation will be undertaken to minimise the area of exposed surfaces;
  - e) Stockpiles to be configured to accommodate easy access for watering/dust minimisation;
  - f) Stockpiles will not be located in areas subject to adverse environmental conditions (e.g prevailing winds) such as prominent ridges;
  - g) The access road, immediate extraction area and fixed plant (screen) to be watered as required to minimise dust emissions;
  - h) Work only to occur in low velocity winds (i.e operations to cease if visible dust seen leaving the property);
  - i) Works to cease temporarily if visible dust is seen leaving the site when there is a north easterly wind and dust measures implemented (water suppression);
  - j) Trucks to be fully covered by tarpaulins when fully loaded, prior to leaving extraction area;
  - k) Vehicle travel speeds will be restricted to 40km/hour on unsealed surfaces on site; and
  - l) A dust complaint register required to in place to record any issues from neighbours. A contractor sign at the front gate to be erected with contact details.
41. In addition to the dust mitigation measures on-site, the applicant acknowledges that they will be required to pay a contribution to the upgrade of Marbelup North Road which will mitigate dust generated from the road.
42. The DPLH Draft *SPP 2.4 – Basic Raw Materials Guidelines (2018)* incorporates a site selection checklist intended on guiding the applicant during the site selection process. Within this checklist it recommends that adequate setbacks for Extractive Industries from sensitive lands uses should be between 300 metres and 1000 metres.
43. The guidelines however state that local government assessment and approval should be based on relevant local planning scheme provisions, policies or strategies where applicable. In this instance, the City of Albany LPS1 and *Extractive Industries and Mining Policy* both require a setback of 200 metres from a residence not located on the subject lot. The closest dwelling not on the subject lot is 305 metres, therefore it is considered to comply with the applicable provisions.

44. Concerns were raised in relation to the crushing and screening areas and the proximity of these to surrounding dwellings. DWER is the responsible body for the assessment of the emissions and buffers for screening and crushing plants. The applicant is responsible for ensuring that they have obtained the required licences from DWER prior to undertaking this activity onsite.
45. The Department of Health state that unless adequately treated, rainwater is not reliably safe to drink and it is almost impossible to completely protect rainwater from contamination. However, the City of Albany's advice is that installing screens, filters and first flush devices will reduce contamination if people are using rainwater for this purpose.
46. It is considered that the revised Dust and Noise Management Plans submitted by the applicant, in conjunction with the distance to nearby dwellings, will mitigate potential amenity issues resulting from dust or noise emissions.
47. It is recommended that the implementation and ongoing compliance with the Noise and Dust Management Plans contained in the updated Environmental Assessment Report and Operations Plan dated 21 October 2020 be applied as a condition of approval.

**Impact on the character and visual amenity of the area**

48. Concerns were raised in relation to the impact from the proposal being located on the side of a ridge within a visually obtrusive location, in addition to the cumulative visual impact of increased traffic on Marbelup North Road, resulting in a high visual impact on residents overlooking the valley.
49. The subject site is zoned General Agriculture. City of Albany LPS1 classifies an extractive industry as a use that can be considered within this zone. In terms of compliance, the proposal meets the requirements of the City of Albany *Extractive Industry and Mining Local Planning Policy*.
50. In terms of visual amenity, the staging and rehabilitation of areas will serve to reduce the overall visual impact of the proposed works. Extractive industries are subject to an annual licence renewal inspection to ensure that rehabilitation work is correctly carried out.

**Environmental concerns**

51. Concerns were raised in relation to the site being located within the South West Significant Wetlands area and within the Marbelup Priority Water Catchment area.
52. The proposed extraction area is located 384-440 metres from the conservation category wetland located on the eastern portion of the property.
53. The proposal was referred to DWER, who are the body responsible for assessing the risk to the waterway. DWER indicated that, subject to consideration and determination of the application by the local authority, and the proponent obtaining all necessary licences, approvals and permits, the application as submitted could be considered.
54. DWER outlined that although the subject site was located within a priority 2 (P2) area of the Marbellup Brook Catchment Public Drinking Water Source Area (PDSWA), it was noted that extractive industries are a compatible use in a P2 area, and that the separation distance to Marbellup Brook, along with the identified stormwater management measures identified in the Environmental Assessment report, would be considered sufficient to protect the ecological values of the Brook.
55. Concerns were raised in relation to the degraded quality of the roadside vegetation, as result of constant grading which has resulted in the spread weeds and dieback.

56. The applicant has provided a Weed Management Plan and Dieback and General Hygiene Management Plan, both contained within the updated Environmental Assessment Report and Operations Plan dated 21 October 2020. The Weed Management Plan and Dieback and General Hygiene Plan are considered to sufficiently address the required measures and actions to manage the control of weeds and dieback spread as part of the operation of the development.

#### **Life of pit**

57. Concerns were raised in relation to the life of the pit and clarification on the calculations were requested.

58. The applicant has stated that it is estimated that an average amount of 30,000 tonnes per year will be extracted over a period of 7-8 years. In times of high demand, it is anticipated a maximum of 50,000 tonnes per year would be extracted, however this is dependent upon industry demand.

59. During periods of high demand, the applicant has estimated that one stage will be exhausted every 12 months, therefore it is anticipated that the life of the pit will be 7-8 years.

60. The applicant is applying for an 8 year approval. All extraction must be contained within the approved area indicated on the site plan. New areas outside of the approved area, or an extension beyond the 8 year period will be subject to assessment of a new development application.

#### **Value of property**

61. A number of submissions claimed property value would be affected.

62. Property value is not a matter to be considered under the Planning Regulations 2015.

#### **Inconsistencies within the report**

63. Concerns were raised that there were inconsistencies within the report in relation the number of trucks per day and the annual extraction amounts.

64. The proposed types of trucks used during the operation are 6-wheeler trucks with an approximate capacity of 15 tonnes and semi-trailers with an approximate capacity of 24 tonnes.

65. The proponent has indicated that the number of daily truck movements would vary, as they would be dependent on demand as well as the moisture and density of the gravel extracted. On average, the proponent has identified that four truckloads would be expected per day, equating to eight total truck movements per day. During times of high demand, it is estimated that four trucks would make up to seven trips per day (this equates to 56 movements). During low demand times, the proponent has indicated that it is likely that between 0 – 2 movements per day would occur.

#### **Consultation process**

66. Concerns were raised in relation to the lack of consultation by the applicant prior to the proposal being submitted, and that the 1500 metre consultation radius undertaken by the City was considered insufficient.

67. Under clause 64 of the Planning Regulations 2015, the proposal was required to be advertised for a period of 14 days. The proposal was advertised for a period of 19 days. Nearby landowners were notified directly by letter, and a notice was placed on the City of Albany website.

68. The applicant has amended the proposal and submitted revised Noise and Dust Management Plans in order to further address concerns raised during advertising. The revised proposal, amended Management Plans and the proposed conditions of approval are considered to mitigate and manage the issues raised during the public consultation process.

69. Council is now requested to consider the submissions received during the public advertising period and determine whether to grant development approval, subject to appropriate conditions.

#### **GOVERNMENT & PUBLIC CONSULTATION**

70. The proposal was advertised for public comment for a period of 19 days, in accordance with clause 64 of the Planning Regulations 2015. Surrounding landowners were notified directly by letter, and a notice was placed on the City of Albany website.
71. A total of seven submissions were received in relation to the proposal, all objecting to the proposal. Staff comments and recommendations are provided in the attached schedule, while the broad issues are discussed in the paragraphs 18-67 above.
72. In addition to the public consultation, the proposal was also referred to DWER and Main Roads WA.
73. Advice received from DWER indicated that, subject to the proponent obtaining all necessary licences, approvals and permits, the application as submitted could be considered. DWER indicated that the proposed separation distance between the operation and Marbellup Brook and the stormwater management measures outlined under the Environmental Assessment report were considered sufficient to protect the identified ecological values of the Brook. DWER stipulated that it was the proponent's responsibility for obtaining all necessary separate licences, approvals and permits before commencing any works on site.
74. DWER provided the following advice:
- a) The applicant may require a works approval to construct/install the equipment (mobile or otherwise) and a licence or registration to operate. It should be noted that DWER's determination of production or design capacity may be influenced by a planning approval that restricts capacity (such as constraining hours of operation).
  - b) It is recommended that a minimum of 2 metres of undisturbed soil profile is required as a buffer between the base of the excavated area and the maximum water table level.
  - c) DWER supports the proposal that no fuels, oils and chemicals will be stored on the site. Refuelling to be undertaken in a designated area with spill kits available. Furthermore, routine servicing and washdown of operating equipment is unacceptable in a P2 area. Running repairs may be conducted if effective measures are in place to prevent fuel, lubricants, coolant and hydraulic fluid losses to the environment.
75. Advice received from Main Roads WA indicated there were no objections to the proposal.

#### **STATUTORY IMPLICATIONS**

76. Extractive Industry is classified as an 'A' use within the 'General Agriculture' zone under LPS1, meaning that the use is not permitted, unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme.
77. Voting requirement is a **Simple Majority**.

**POLICY IMPLICATIONS**

78. The primary assessment criteria for the application is set out in the City of Albany *Extractive Industries and Mining Policy*.
- a) The proposal is classified as a Class 2 extractive industry under the policy. Class 2 extractive industries have site extraction areas of between 0.75 and 3 hectares with a maximum depth of 3 metres.
  - b) The policy requires that buffer distances are to be in accordance with the setbacks outlined within the Environmental Protection Authority requirements. The EPA *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005* do not set out a specific buffer for this particular type of extraction as it is assessed on a case by case basis. The closest dwelling to the west is 305 metres from the nominated extraction area and therefore compliant with the City of Albany *Extractive Industries and Mining Policy* and the intent of the EPA *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses 2005*.
  - c) It should be noted that the applicant is required to obtain a separate licence through DWER for screening and crushing plants. A full assessment by DWER of this aspect of the proposal would be undertaken at this time.
  - d) The proposed extraction area is compliant with the provision of the policy that requires pits being located 40 metres from any public road and 20 metres from any other boundary.
  - e) The proposed extraction area complies with the requirement of being set back a minimum of 50 meters from a watercourse or body. The proposed setback from the waterway is approximately 384 meters.

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Organisational Operations and Reputation</b> The proposed use may have a variety of detrimental impacts on the area.</p>	Possible	Moderate	Medium	Mitigation of impacts to be achieved through adoption and enforcement of conditions.
<p><b>Opportunity:</b> Facilitate the sustainable development of the agricultural sector and maximise opportunities for diversification of agriculture and downstream processing.</p>				

**FINANCIAL IMPLICATIONS**

- 80. All costs associated with the development will be borne by the proponent.
- 81. However, should the proponents be aggrieved by Council’s decision or any attached conditions and seek a review of that decision or conditions through the State Administrative Tribunal, the City could be liable for costs associated with defending the decision at a State Administrative Tribunal hearing.

**LEGAL IMPLICATIONS**

- 82. Council is at liberty to use its discretion to approve or refuse the proposal. An applicant aggrieved by a decision or condition may apply for a review to the State Administrative Tribunal, in accordance with Section 252 of the *Planning and Development Act 2005*.
- 83. The proponent has the right to seek a review of the Council’s decision, including any conditions attached to an approval. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

**ENVIRONMENTAL CONSIDERATIONS**

- 84. The subject lots are under pasture and slopes downhill from the east to west. Marbellup Brook is located on the eastern edge of the subject lots.
- 85. Two areas of degraded remnant vegetation located within the extraction site are proposed to be cleared as part of the application. The applicant will need to apply for a clearing permit prior to commencement of any clearing.
- 86. The extraction area is approximately 384-440 metres from the conservation category wetland located on the eastern portion of the property. The subject lots also falls within a P2 area of the Marbellup Brook Catchment PDSWA.
- 87. Advice received from DWER indicated that, subject to the local authority’s assessment and determination and the proponent obtaining all necessary licences, approvals and permits, the application as submitted could be considered.
- 88. DWER indicated that the proposed separation distance between the operation and Marbellup Brook and the stormwater management measures outlined under the Environmental Assessment report were considered sufficient to protect the identified ecological values of the Brook.

**ALTERNATE OPTIONS**

- 89. Council has the following alternate options in relation to this item, which are:
  - To determine that the proposed use is unacceptable and to resolve to refuse the application; or
  - To alter, amend, remove or add conditions to the approval to address potential impacts from the development.

**CONCLUSION**

- 90. The proposal is considered to be consistent with the objectives of the zone and the requirements of the City of Albany LPS1 and *Extractive Industries and Mining Policy*.
- 91. The matters raised in the public submissions have also been broadly addressed by the proponent through revised plans and mitigated through the application of appropriate planning conditions.
- 92. On this basis, it is considered the proposal can be approved and appropriately managed through ongoing compliance with conditions and the City’s annual licence renewal process for Extractive Industries.
- 93. It is therefore recommended that Council approve the proposed development, subject to the conditions provided.

<b>Consulted References</b>	:	<ol style="list-style-type: none"> <li>1. <i>Local Planning Scheme No. 1</i></li> <li>2. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>3. <i>City of Albany Extractive Industries and Mining Policy</i></li> <li>4. <i>Environmental Protection (Noise) Regulations 1997</i></li> <li>5. <i>Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses 2005</i></li> </ol>
<b>File Number (Name of Ward)</b>	:	A246593 (West Ward)
<b>Previous Reference</b>	:	Nil

**DIS242: RENEWABLE ENERGY INSTALLATION ON CITY FACILITIES**

<b>Land Description</b>	: City of Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Renewable Energy Installation on City Facilities Business Case.
<b>Report Prepared By</b>	: Environmental Sustainability Officer (M Holt)
<b>Responsible Officers:</b>	: 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 or Corporate Business Plan informing plans or strategies:
  - **Theme:** Clean, Green & Sustainable
  - **Objective:** To protect and enhance our natural and built environment in a changing climate.
  - **Community Priority:** Deliver effective practices that reduce risk to property, infrastructure and the natural environment and improve community awareness and resilience.
  - **Objective:** To identify and deliver improvements in sustainability within the City and wider community.
  - **Community Priority:** Integrate and promote effective sustainability through resource conservation, management and education to continuously improve environmental outcomes.

**In Brief:**

- Officers have prepared a Business Case for installation of renewable energy options on City-owned facilities following two integrated energy feasibility studies.
- The project comprises three phases, with the first phase proposed to commence in 2020/21.
- Phase 1 of the Solar PV Installation project proposes 11 solar PV systems totalling 644.2kW installed over 5 years at a cost of \$1.3 million and incorporated into the 10 year capital works program.
- Council is requested to consider accepting the proposal for 'renewable energy installation of solar PV on City facilities'.

**RECOMMENDATION**

**DIS242: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council:**

1. **RECEIVE** the *Renewable Energy Installation on City Facilities Business Case*.
2. **NOTE** the Renewable Energy Installation program for phase 1 on 11 City buildings, for consideration at the time of adoption of the Annual Budget.

DIS242: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BENSON-LIDHOLM  
SECONDED: COUNCILLOR STEPHENS

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 13-0

DIS242: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. RECEIVE the *Renewable Energy Installation on City Facilities* Business Case.
2. NOTE the Renewable Energy Installation program for phase 1 on 11 City buildings, for consideration at the time of adoption of the Annual Budget.

**BACKGROUND**

2. Australia has some of the best conditions in the world for producing solar energy. The use of solar energy significantly reduces our greenhouse gas (GHG) emissions and reliance on fossil fuels.
3. The Western Australian energy sector is undergoing rapid transformation since the release of the Energy Transformation Strategy (2019) and the Distributed Energy Resource Roadmap.
4. The City of Albany has been proactive in sustainability and climate change initiatives. The City has developed and implemented their Environmental Policy (Climate Change) (2017) and Carbon Footprint Reduction Strategy (2014), through the installation of three rooftop solar PV systems, a biofuel system and LED lighting.
5. In April 2018, Council unanimously resolved to continue to explore renewable energy generation opportunities in order to become self-supporting in its corporate energy requirements.
6. Two integrated renewable energy feasibility studies (2019) were undertaken to identify potential savings through energy efficiencies opportunities, tariff optimisation, and renewable energy solutions, focussed on 56 City assets.
7. The Blue Sky Renewables 'Integrated Renewable Energy System Feasibility Study' received August 2019, identifies a range of energy efficiency and renewable energy recommendations for the Albany Leisure and Aquatic Centre
8. The Thales New Energy 'Renewable Energy Generation Feasibility Study' for City buildings final report was not completed, however the energy data calculated provided sufficient information to complete the business case.
9. A Sustainable Building Working Group (SBWG) (December 2019) was established to provide guidance for the development of the Corporate Renewable Energy Plan (CREP) following the recommendations of the feasibility studies. The CREP will be available for comment early 2021.
10. The 'Renewable Energy Installation on City Facilities' Business Case has been prepared by City officers and reviewed by the SBWG.

## **DISCUSSION**

11. A Business Case has been prepared to consider installation of rooftop solar photovoltaic systems on suitable City assets with an aspiration to transition corporate energy usage to 100% renewable energy.
12. Two feasibility studies were conducted on 56 City building, taking into consideration current and projected energy usage, tariff rates, energy efficiency opportunities, and recommendations for renewable energy system installations including virtual power plant scenarios.
13. Recommendations from the feasibility study included:
  - a. Tariff optimisation opportunities
  - b. Energy efficiency initiatives (including energy load anomalies, LED Lighting)
  - c. Solar PV installations
14. The tariff optimisation process with Synergy was undertaken as part of the contestable energy agreement negotiations. It is estimated that it will have an estimated savings of \$40,000 pa.
15. Energy efficiencies recommendations have been included as part of the asset management plans.
16. The business case considers the power usage and generation potential to determine whether there is a financial benefit to installing solar PV. Additional review will be required to understand other factors such as compliance and structural integrity of the roof in question. In the case of the Albany Airport, consultation will be required with CASA and potentially other groups prior to installation of any infrastructure.
17. The Business Case concluded that due to the current cost of batteries and lack of roof space, the virtual power plant is not currently viable but needs to be reviewed in 5 years due to changes in energy market and availability of funding.
18. In summary the Business Case proposes that the project could be implemented over three phases as follows:
  - a. Phase 1 – the installation of solar PV on city owned and operated assets. 11 buildings have been scheduled for solar PV over the next 5 years commencing with solar PV installation at the City of Albany Library. The installation program coincides with the Long Term Financial Plan and the roof replacement schedule.
  - b. Phase 2 – the installation of solar PV on City owned and leased buildings. Due to extensive changes to lease agreements and non-viability of a 'Virtual Power Plant', leased buildings will be reviewed again at completion of phase 1.
  - c. Phase 3 – Battery storage and VPP options will need to be reviewed again at the completion of Phase 1. It is envisioned that with the changing scope of the energy market and government policy that this may be more suitable in the next 5 years.

## **GOVERNMENT & PUBLIC CONSULTATION**

19. No public consultation has been undertaken.
20. Consultation with Government and Industry will be required for some buildings, such as the airport prior to installation of any infrastructure that may impact on air safety.

## **STATUTORY IMPLICATIONS**

21. Not Applicable.

## **POLICY IMPLICATIONS**

22. This item relates to the City of Albany Environmental Policy (Climate Change) (2017).

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Business Operation, Reputation &amp; Financial.</b> Should the city of Albany Solar PV business case not be endorsed, will City will continue to incur the cost of energy	Unlikely	Moderate	Medium	City staff will work with Council to develop alternative energy management solutions.
<b>Environment:</b> Should the City not endorse the Solar PV business case study, greenhouse gas emissions from City operations will continue to increase	Likely	High	High	Endorse the Renewable Energy Installation.
<b>Opportunity:</b> Demonstrate the City's commitment to climate change action, its leadership on environmental sustainability issues and support the uptake of renewable energy.				

**FINANCIAL IMPLICATIONS**

24. If endorsed by Council, provision will be made in Council's 10 year financial plan for the sum of \$1.3 million for the 5 year project for consideration at the adoption of the Annual Budget.

25. The following table provides an overview of phase 1 renewable energy installation on City facilities project.

Building	System Size kW	Cost (pre STC+ GST)	Cost (STC 33 c kW) + GST	Est Savings Per year + GST	Payback period years
<b>2020-21</b>					
Library	31	\$49,299	\$32,593	\$9,582	3.4
<b>Sub total</b>	<b>31</b>	<b>\$49,299</b>	<b>\$32,593</b>	<b>\$9,582</b>	
<b>2021-22</b>					
Albany Airport Terminal Building	88	\$129,209	\$91,360	\$29,288	3.1
Albany Leisure & Aquatic Centre	300	\$750,000	\$510,000	\$124,000	4.1
<b>Sub Total</b>	<b>388</b>	<b>\$879,209</b>	<b>\$601,360</b>	<b>\$153,288</b>	
<b>2022-23</b>					
National ANZAC Centre	73.4	\$113,777	\$82,212	\$28,615	2.9
North Road Administration Centre (expansion)	70	\$112,865	\$82,470	\$27,833	3.0
<b>Sub Total</b>	<b>143.4</b>	<b>\$226,642</b>	<b>\$164,682</b>	<b>\$56,448</b>	
<b>2023-24</b>					
Fossickers Tip Shop	6.8	\$9,572	\$6,830	\$1,878	3.6
Aware Centre	6	\$8,456	\$5,826	\$1,613	3.6
Weigh Bridge	6.8	\$6,830	\$6,830	\$1,873	3.6
Mercer Road Depot (expansion)	20	\$40,167	\$40,167	\$7,759	5.2
<b>Sub Total</b>	<b>39.6</b>	<b>\$65,025</b>	<b>\$59,653</b>	<b>\$13,123</b>	
<b>2024-25</b>					
Vancouver Arts Centre	12.2	\$13,967	\$13,967	\$3,268	4.3
Mercer Road Office	30	\$30,130	\$30,130	\$6,756	4.5
<b>Sub Total</b>	<b>42.2</b>	<b>\$44,097</b>	<b>\$44,097</b>	<b>\$10,024</b>	
<b>Total</b>	<b>644.2</b>	<b>\$1,264,272</b>	<b>\$902,385</b>	<b>\$242,465</b>	

26. It is envisioned that with the release of Western Australian Distributed Energy Roadmap that there will be future funding opportunities available for battery storage. Any future funding that becomes available will be considered.

**LEGAL IMPLICATIONS**

27. Not applicable

**ENVIRONMENTAL CONSIDERATIONS**

28. The installation of Solar PV would reduce GHG emissions and supports the delivery through the carbon footprint Strategy (2014), the City of Albany Environmental Policy – Climate Change (2017), and the City of Albany Climate Change Action Declaration (2020).

**ALTERNATE OPTIONS**

29. Continue business as usual.

**CONCLUSION**

30. The City has a strong track record of achievement on environmental sustainability and emissions reduction efforts.
31. The Business Case for ‘Renewable Energy Installation on City Facilities’ has been developed with the recommendations following two independent feasibility studies.
32. The Rooftop PV Solar Project is a three phase project. Phase 1 of the project identifies 11 City building suitable for rooftop solar PV commencing 2020/21 at an estimated cost of \$1.3 million over 5 years.
33. It is recommended that Council endorse the ‘Renewable Energy Installation Program’.

<b>Consulted References</b>	:	City of Albany Climate Change Action Declaration (2020) City of Albany Environmental Policy (Climate Change) (2017): Carbon Footprint Reduction Strategy (2014):
<b>File Number (Name of Ward)</b>	:	All wards
<b>Previous Reference</b>	:	OCM 24/4/2018 Motion 14.1

**DIS243: PLANNING AND BUILDING REPORTS NOVEMBER 2020**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports November 2020  
**Report Prepared By** : Business Support Officer – J Cobbold  
**Responsible Officers:** : Manager Planning and Land Information Services  
(J Van Der Mescht)

**RECOMMENDATION**

**DIS243: RESPONSIBLE OFFICER RECOMMENDATION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**THAT Council NOTE the Planning and Building Reports for November 2020.**

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil**
16. **REPORTS OF CITY OFFICERS Nil**
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**