



MINUTES

Ordinary Meeting of Council

Tuesday 15 December 2020

6.00pm
Council Chambers

CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



ORDINARY COUNCIL MEETING
MINUTES 15/12/2020

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1. **DECLARATION OF OPENING** The Mayor declared the meeting open at 6.00pm
2. **PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**

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

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

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

3. **RECORD OF 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

Five members of the media and approximately 30 members of the public were in attendance.

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Smith	CCS319	Proximity. The nature of the interest being that Councillor Smith is joint owner of a property directly opposite the Flinders Parade Carpark. Councillor Smith remained in the Chamber and was present for the discussion and participated in the vote for this item.
Councillor Sleeman	CCS310	Impartiality. The nature of the interest being that Councillor Sleeman is the Manager of the Albany and Regional Volunteer Service who have renewed their lease with the City. Councillor Sleeman remained in the Chamber and was present for the discussion and participated in the vote for this item.
Manager Building and Planning Services Mr Jan Van Der Mescht	DIS241	Impartiality. The nature of the interest being that Mr Van Der Mescht's daughter reviewed a document produced by the consultant for this proposal.

5. REPORTS OF MEMBERS

6.03pm Councillor Sutton

Councillor Sutton wished fellow Councillors and staff a Merry Christmas and Happy New Year. Councillor Sutton stated that Council had showed great leadership in what has been trying year. With Council and City staff leading the way in taking a 20% reduction in salaries and allowances, the City had been able to retain staff and avoid redundancies as a result of the COVID-19 pandemic.

6.04pm Councillor Thomson

Councillor Thomson offered his best wishes to all for Christmas and New Year.

Councillor Thomson also congratulated winners of Keep Australia Beautiful Tidy Towns Awards, with Albany winning two of nine state wide awards. Councillor Thomson thanked Councillor Sleeman for the role she played in the Breakfast in the Park initiative, and congratulated Bridget Mason, an award winner and outstanding youth community leader.

6.05pm Councillor Smith

Councillor Smith represented the Mayor at the Alta 1 end of year presentations. Councillor Smith said that this was a wonderful program for young people at risk who had become disengaged from mainstream education.

6.06pm Councillor Sleeman

Councillor Sleeman commended staff and Council for staying the course during what has been a difficult and challenging year. Councillor Sleeman said that the City has led the way for the community, and that she was very proud to be part of this Council.

Councillor Sleeman said that the City has continued to deliver major projects such as the Town Hall refurbishment, Alison Hartman Gardens and progress the Albany Artificial Surf Reef.

6.08pm Councillor Benson-Lidholm

Councillor Benson-Lidholm said that the performance of City over the last twelve months had been outstanding and that those achievements are a credit to Council and City staff. Councillor Benson-Lidholm congratulated Councillor Sleeman on the success of Breakfast in the Park.

6.10pm Councillor Stocks

Councillor Stocks said that since 2011 one of the biggest issues was to redevelop and enhance Middleton Beach following the demolition of the Esplanade Hotel, and that was expressed across the wider community, not just residents of Middleton Beach. The announcement this week of a hotel development for that vacant site was wonderful news. The development will complement the Foreshore Enhancement Project with a boutique hotel, and increased development and activation of Middleton Beach, including a multi-use development for business and residential.

6.12pm Councillor Terry

Councillor Terry said that it was very exciting to see the Wave Energy Research Centre collaborating with Carnegie Clean Energy to deploy a new type of wave energy convertor on a demonstration site close to Albany. Councillor Terry said that he was looking forward to seeing the project progress, providing options for clean energy for the region.

Councillor Terry attended the soft opening of Town Hall, and said that the refurbishment was fantastic. Councillor Terry also said that there was lots of activity in other areas including the installation of the new swimming enclosure at Middleton Beach and the continued works as part of the Foreshore Enhancement Project.

6.13pm Councillor Hammond

Councillor Hammond said that he had the very great pleasure to attend the Albany Entertainment Centre youth concert.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

6.15pm Mr Tom Wenbourne, 23 Kampong Road, Yakamia

Summary of key points:

Mr Wenbourne addressed Council regarding CCS319: Special Electors' Meeting. Mr Wenbourne spoke in support of removing the nine pine trees from the Flinders Parade carpark. Mr Wenbourne stated that the vast majority of electors in Albany want to see the Middleton Beach Foreshore Enhancement Project completed.

Mr Wenbourne said that the struggling pine trees in the carpark were not iconic, and were an inappropriate planting for a carpark.

6.17pm Mr Carl Richardson, 1 Blue Wren Court, Little Grove

Summary of key points:

Mr Richardson addressed Council regarding CCS319: Special Electors' Meeting. Mr Richardson spoke in support of removing the nine pine trees from the Flinders Parade carpark.

Mr Richardson said that he was very supportive of the Foreshore Enhancement Project. Mr Richardson's tabled address is detailed at Appendix A.

6.19pm Yana Appleton, 660 Lower King Road, Lower King

Summary of key points:

Ms Appleton addressed Council regarding CCS319: Special Electors' Meeting. She said that staff only made the decision to remove the trees in October, and that public outrage was justified. Ms Appleton said that lack of public consultation was a theme with Council and in her opinion residents feel they are not being listened to. Ms Appleton said that consultation was undertaken with only 10 to 12 people.

Ms Appleton said that she had contacted a botanist who looked at pictures of the pine trees sent to him by Ms Appleton and provided an opinion that the pine trees were showing signs of disease but they could be retained.

Ms Appleton stated that Council are there to represent members of the public and that she had looked at the design for the carpark and that 30 car parking bays would be lost due to the new design.

6.22pm Patrick Foster, Bathurst Street, Albany

Summary of key points:

Mr Foster said that in his opinion it was a poor decision to have asphalt in a carpark and that Council and the community should work together to save the nine pine trees. Mr Foster accused the Council and City staff of not being transparent in their decision making and in his opinion had not undertaken enough public consultation.

6.23pm Deborah Cufley, 159 Collingwood Road, Collingwood Heights

Summary of key points:

Ms Cufley addressed Council regarding CCS319: Special Electors' Meeting. Ms Cufley said that Council should weigh up the scientific opinion provided to Yana Appleton. Ms Cufley said that the group who had been campaigning against the removal of the nine pine trees in the Flinders Parade carpark wanted them retained. Ms Cufley said that in her opinion the pine trees were the best trees for the area.

Ms Cufley said that Council should find more ways to engage with the community, as she wanted to be consulted on all decisions regarding projects undertaken by the City.

6.24 Mr Don Phillips, Frenchman Bay Road, Albany

Summary of key points:

Mr Phillips said that whatever trees are planted in the Flinders Parade carpark they will struggle.

Mr Phillips addressed Council regarding his tabled address at the Ordinary Council Meeting held on 27 October 2020. Mr Phillips' tabled address was edited to redact a profanity, and a section of a sentence that contained defamatory comments of third parties. Mr Phillips requested that the minutes be amended to remove the redactions.

Mr Phillips' tabled his address to this meeting, which is detailed at Appendix A.

6.26pm Mr Roland Paver 12 La Perouse Road Goode Beach

Summary of key points:

Mr Paver addressed Council regarding the Big Grove Outline Development Plan. Mr Paver tabled his address to the meeting, which is detailed at Appendix A.

[Officer Comment: The Ombudsman Western Australia conducted a full review of Ms Karen Saare's complaint about the City of Albany's consultation process relating to Local Planning Scheme No. 1, and advised the matter was closed with no further action.](#)

6.30pm Mr Tony De Vos, 252 Marbelup North Road, Marbelup

Summary of key points:

Mr De Vos addressed Council regarding DIS241: Industry – Extractive (Gravel). Mr De Vos thanked staff and Council for visiting the site of the proposed gravel pit, and for providing an Amended Officer Recommendation in response to concerns raised by residents in the surrounding area.

Mr De Vos was particularly pleased that Marbelup North Road would be sealed prior to any truck movements to transport the gravel commenced. Mr De Vos said that noise is still an issue for those closest to the proposed gravel pit.

6.31pm Mr Jeremy Hadlow, 401 Marbelup North Road, Marbelup

Summary of key points:

Mr Hadlow addressed Council regarding DIS241: Industry-Extractive (Gravel) Extractive industry. Mr Hadlow thanked Council and staff for visiting the site of the proposed gravel pit, and for providing an Amended Responsible Officer Recommendation in response to concerns raised residents in the surrounding area, including the sealing of Marbellup Road North prior to any truck movements from the pit.

Mr Hadlow's primary concern was the increased set back of the proposed pit and screening of the site. Mr Hadlow said that it would not be possible to adequately mitigate noise and dust from the site.

Mr Hadlow asked if residents would have any further input regarding conditions applied to the site. Mr Hadlow requested that consideration be given to limiting the ability to extract, screen and crush gravel at the areas of the pit closest to houses.

6.34pm Ms Juliet Bateman, Marbelup North Road, Marbelup

Summary of key points:

Ms Bateman addressed Council regarding DIS241: Industry – Extractive (Gravel). Ms Bateman said that the information and assistance from Council and City staff regarding this development had been fantastic. Ms Bateman expressed her appreciation and thanks to Council and staff, and said that the community feels heard.

6.35pm Mrs Trish Flowers, Middleton Beach

Summary of key points:

Ms Flowers addressed Council regarding CCS319: Special Electors' Meeting. Ms Flowers said that she understands that some people don't like Norfolk Island pines, but common sense should prevail. Ms Flowers said that the pines had been there for 25 to 30 years, and that length of tenure gives them the right to stay.

Ms Flowers said that in the future the City should consider similar proposals very carefully. Ms Flowers asked if Council could please explain why the funding is threatened if the trees remain.

Executive Director Infrastructure, Development and Environment responded that construction works are typically undertaken during the driest months of the year. If the project was delayed until spring/summer 2021, the City may be unable to complete the project prior to the completion date specified in the funding agreement. If this were the case, the funding would have to be returned to Development WA.

6.37pm Mr David Moss, 10 Wittenoon Street, Middleton Beach

Summary of key points:

Mr Moss addressed Council regarding CCS319: Special Electors' Meeting. Mr Moss spoke in support of the removal of the nine trees from the Flinders Parade carpark. Mr Moss said that there were sixty Norfolk Island Pine trees planted in the immediate area.

Mr Moss said that innovative, naturally diverse landscaping is needed to enhance the foreshore. Mr Moss stated that the pines in the carpark are not iconic, and there is no substantive argument to support their retention, and complaints of a lack of public consultation was not a valid reason.

Mr Moss stated that councillors are elected to make decisions on behalf of the community, and the City of Albany were fortunate to have a progressive and cohesive Council and administration.

6.40pm Ms MaryJane Gibbs, Golf Links Road, Middleton Beach

Summary of key points:

Ms Gibbs addressed Council regarding CCS319: Special Electors' Meeting. Ms Gibbs said that in the context of the traditional owners of the land, the Norfolk Island Pine had no cultural or horticultural significance to the Middleton Beach area.

Ms Gibbs stated that she wished to correct Yana Appleton's statement that 10 to 12 people had been consulted on this matter, as over 80 residents and ratepayers were present at the community meeting regarding this proposal.

Ms Gibbs urged Council to move forward with the removal of the trees in order to complete the upgrade to the Flinders Parade carpark.

There being no further speakers the Mayor declared Public Question Time Closed at **6.41pm**.

8. APPLICATIONS FOR LEAVE OF ABSENCE

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR THOMSON

THAT:

1. Councillor Stocks be GRANTED Leave of Absence for the period 23 February 2021 to 14 March 2021 inclusive.
2. Councillor Stephens be GRANTED Leave of Absence for the period 22 December 2020 to 14 March 2021 inclusive.

CARRIED 13-0

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR SHANHUN

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, pending the following amendment to Councillor Thomson's Report as a Member:

Councillor Thomson reported that the WALGA zone agenda referred to a green paper on the Local Government Act Review that the State would distribute for local government comment. Councillor Thomson also attended the King River Hall birthday celebrations, and the pre-opening event of the WA Museum in Perth.

CARRIED 13-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS309: FINANCIAL ACTIVITY STATEMENT – OCTOBER 2020

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

RECOMMENDATION

**CCS309: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE**

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

CARRIED 13-0

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.

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

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

Councillor Sleeman declared an Impartiality interest in this item. Councillor Sleeman remained in the Chamber and participated in the vote for this item.

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Stephens
Seconded: Councillor Sleeman

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

CARRIED 13-0

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

Land Description	: Crown Reserve 2681, portion of Lot 1469 on Deposited Plan 219955, the subject of Certificate of Title Volume LR3110 Folio 839, Mt Melville.
Proponent	: The Northside Radio Association Inc. ABN 98879883156
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property and Leasing (T Catherall)
Responsible Officers:	: 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY
SECONDED: COUNCILLOR SLEEMAN**

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 0.36m² 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).**

CARRIED 13-0

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 0.36m² 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 ² 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.

Consulted References	:	<ul style="list-style-type: none">• Council Policy – Property Management (Leases and Licences)• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO461, A193726 (Frederickstown Ward)
Previous Reference	:	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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY
MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH
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.
CARRIED 13-0

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.

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

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
TOTAL	\$57,244.53
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

6. Expenditure for the period to 15 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 the 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.

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

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachment	: Principle Local Law with marked up amendments.
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officers:	: 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

<p>CCS313: RESOLUTION VOTING REQUIREMENT: ABSOLUTE MAJORITY MOVED: COUNCILLOR SHANHUN SECONDED: COUNCILLOR SMITH</p> <p>THAT Council resolves to MAKE the following City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021:</p> <p style="text-align: center;">LOCAL GOVERNMENT ACT 1995 CITY OF ALBANY JETTIES, BRIDGES, BOAT PENS AND SWIMMING STRUCTURES AMENDMENT LOCAL LAW 2021</p> <ol style="list-style-type: none">1. Citation This local law may be cited as the <i>City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Amendment Local Law 2021</i>.2. Commencement This local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i>.3. Principal local law amended In this local law, the <i>City of Albany Jetties, Bridges, Boat Pens and Swimming Structures Local Law 2020</i>, as published in the <i>Government Gazette</i> 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'.
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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.

**CARRIED 13-0
ABSOLUTE MAJORITY**

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 ~~filth~~, 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
Legal & Compliance. <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>
Opportunity: <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.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 https://www.dlgsc.wa.gov.au/local-government/local-governments/local-laws
File Number (Name of Ward)	:	All Wards
Previous Reference	:	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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SLEEMAN

THAT Council ENDORSE the Regional Event Sponsorship Assessment Panel Recommendations as outlined in Paragraph 22-Table 1 of this report.

CARRIED 13-0

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

	Applicant / Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
1.	Albany Speedway Club Inc.: <i>Bert Vosbergen Memorial for Super Sedans</i>	Motorsport Event 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.	ArtSouth WA Inc.: <i>2021 Southern Art and Craft Trail</i>	Arts/Culture Event 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.	Ultra Series WA: <i>Delirious W.E.S.T (Western Endurance Scenic Trail) 200 Miler</i>	Sporting Event 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.	Albany Mountain Bike Club: <i>Southern Peaks</i>	Sporting Event Australia’s only urban downhill race.	Great event. Well supported. Recognisable brand, unique to Albany. Activation of new City assets.	\$20,000	\$20,000
Totals				\$68,090	\$63,000

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
Reputation: 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.
Reputation: Negative feedback from applicants declined for funding.	Possible	Minor	Medium	Communicate the justification and reasoning to unsuccessful applicants.
Financial: 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.
Community: 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.

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

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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR GOODE

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.

CARRIED 13-0

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

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

Proponent	: City of Albany
Attachments	: Budget Review for the period ending 31 October 2020
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: 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: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY**

THAT Council ADOPT the Budget Review for the period ending 31 October 2020 with the following amendment:

REALLOCATE the \$250,000 allocated to the Sanford Road upgrade (Job 2575) to the Roadworks and Drainage Reserve.

**CARRIED 13-0
ABSOLUTE MAJORITY**

Officer Comment:

The amount of \$250,000 allocated to the drainage portion of the Sanford Road upgrade will not be required in the 2020-21 budget, as drainage works for the Sanford Road upgrade will not commence until 2021-22.

CCS316: AMENDMENT BY COUNCILLOR THOMSON
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BENSON-LIDHOLM

1. THAT the Responsible Officer Recommendation be AMENDED to include the following dot point:
 - With the exception of general ledger item 11374 which is to be re-allocated to the Information Technology Reserve.
2. THAT Council request that a report be prepared by the CEO for consideration by Council prior to implementation of body worn cameras for Rangers with regards to the need for, and any risks associated with, body worn cameras.

LOST 4-9

Record of Vote

For the Motion: Councillors Thomson, Benson-Lidholm, Sutton and Smith

Councillor Reason:

Requesting a report by the CEO for consideration by Council prior to the implementation of body worn cameras for Rangers will afford Council the opportunity to fully understand any risks or opportunities that this course of action may bring.

Additionally, consideration must be given to any perceived or actual infringement on the privacy rights of members of the public. It would be prudent to develop a Policy position on the use of body worn cameras, including how the footage is to be used, and what protections might be afforded to both the officer wearing the body camera and any member of the public that may be the subject of the footage.

Putting these measures in place is in accord with Objective 1.1.2 of the Albany 2030 Community Strategic Plan, namely to: "Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflects the level of associated risk and is adequately explained to community".

The attachment to Report Item CCS316 notes that item 11374 is required in "response to ongoing customer behavior issues".

While the safety of rangers is rightfully of paramount concern to the City, recent research has problematized the use of body-worn cameras (BWCs).

For instance, Budd ('The rise and risk of body worn cameras in Canada', *Surveillance and Society*, 14 (1), 2016) concludes "it remains very questionable and uncertain whether the numerous risks to privacy rights are worth the alleged increase in police accountability" from BWCs used by police officers.

In the USA, Yokum et al. ('Evaluating the effects of police body-worn cameras: A randomized controlled trial', Government of the District of Columbia, 2017) "temper expectations about, and suggest further research into, the evidentiary value of BWCs" when captured footage is produced in court.

In Australia, King and Lee (Law Institute of Victoria, 2020) conclude with regard to BWCs used by police that 'the question of the actual value of filming police as a means of discouraging misconduct must be asked', 'the [Victorian] government needs to take drastic steps to enact laws that will ensure they are used as a real and meaningful accountability tool', and 'without legislative change, the cameras will remain a device for police purposes only and any alleged transparency gains will unfortunately remain opaque'.

Christodoulou et al. ('Body-worn cameras: evidence-base and implications', *Current Issues in Criminal Justice*, 31:4, 2019) further report that four key issues require more investigation: (1) bias involved in viewing BWC recordings; (2) the effect of BWCs on officer memory and credibility; (3) the effect of BWCs on officer well-being; and (4) specific considerations involved when officers review their own recordings.

Finally, with regard to precedent, other Western Australian municipalities including the Town of Claremont ([Town of Claremont - Claremont rangers to use body cameras following trial](#)) and Shire of Wyndham/East Kimberley ([News Story - Shire welcomes the use of Ranger body cameras to improve safety » Shire of Wyndham-East Kimberley \(swek.wa.gov.au\)](#)) have deployed BWCs only after a formal and public decision was made by their elected councils to do so.

Officer Comment (Executive Director Corporate and Commercial Services):

The provision of body cams to City of Albany Rangers was a recommendation from a confidential OSH Risk Review conducted after an assault on City Rangers in 2018, as detailed in this excerpt from the report:

- 7a. *Establish standard procedures for when filming of an event by Rangers is to be undertaken. The standard procedures must include (but are not limited to):*
- *Legal requirements when filming an event;*
 - *Record keeping of filmed material;*
 - *Safety considerations (e.g. equipment to use/not to use in certain situations.)*

- 7b. *If appropriate (following findings from the completion of 7a.) – consider the provision and use of body cameras by Rangers and incorporate into standard procedures.*

The budget request was made as standard governance protocol-that budget funds are approved prior to a new project or initiative. The intent was to have procedures in place prior to implementation.

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 30th 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
Reputation & Organisation's Operations. <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>
Opportunity: <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

GENERAL WORKS/VARIATIONS. (Additional Funds Required)		\$ (3,447,071)
FUNDED BY		
- 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)	2,495,167
ADJUSTMENT IN DEPRECIATION (Non Cash Transactions)		781,241
Balance		<u>(170,663)</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>-</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.

Consulted References	:	Adopted Budget 2020/2021 Local Government Act 1995
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	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**

Land Description	: Proposed sites vested in the care and control of the City of Albany and subject to event approval by WAPOL.
Proponent / Owner	: City of Albany
Business Entity Name	: Targa West Pty Ltd and Racewars Pty Ltd
Supplementary Information & Report Prepared By	: Updated and proposed Targa West Event Maps : Manager Governance & Risk (S Jamieson) : Event Approval and Projects Officer (A Kiddle) : Acting Executive Director Community Services (N Watson)
Responsible Officers:	: 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:** Provide 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOUGHTY**

THAT Council:

- (1) **REDIRECT budgeted funds of \$20,000 dollars from Racewars to Targa West in the 2020-2021 Budget for holding of proposed events in 2021, being:**
 - a) \$10,000 in direct cash sponsorship; and
 - b) \$10,000 in-kind support;
- (2) **Provide in-principle SUPPORT for the proposed Quaranup Targa Event, pending stakeholder engagement, approval of the Event Management Plan by Motorsport Australia, and subject to a City of Albany event approval.**
- (3) **NOTE that the sponsorship allocation to Targa West is for 2021 events only and any funding for future events would be subject to future consideration and budgets.**

CARRIED 13-0

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 100th anniversary of the RAAF.

DISCUSSION

Racewars Airport Runway Event 2021

7. All parties agree that it was an immense effort by 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. Racewars transferred responsibility for delivery of the Albany Sprint Event to Targa West in March 2020 and the event was a success.
12. City Officers have confirmed that Targa West (Ross Tapper) intend to proceed with the 2021 Targa Albany Sprint on Monday, 1 March.
13. Targa has indicated it is aiming to achieve up to 100 competitors.
14. An event application has not been received for this event yet but is not expected to change significantly from last year's model.

Proposed Camp Quaranup Road Targa West Event 2021

15. Should Council support this proposal in principle, stakeholder engagement will be facilitated in early January 2021.
16. Targa West would run this as an additional event, providing an alternate to the Airport Runway Event conducted by Racewars.
17. Targa West currently hire out the Camp Quaranup site for the March long weekend.
18. Officers have been informed that Targa has had discussions with Camp Quaranup management regarding the event and the concept has been supported.
19. This event would be a Rally Sprint event held on Sunday, 28 February from 1pm to 6pm. A Rally Sprint event is different to the hill climb in that it requires a driver and co-driver.
20. Targa is aiming to have 90-100 competitors participate in this event, largely the same competitors that would also compete in the Albany Sprint Event the next day.
21. The event will require a part-day closure of Quaranup Road from Shoal Bay Retreat, and given the location has limited directly impacted residents or businesses it is expected to have low impact.

22. Stakeholder notification will be required as part of the event approval process and traffic management plan, including but not necessarily limited to the Department of Biodiversity, Conservation & Attractions, Water Corporation, Department of Parks & Wildlife, Department of Transport, Department of Local Government, Sport & Cultural Industries, and residents along Shoal Bay Retreat.
23. Road closure notification may include a Variable Message Board in position for up to a week prior to the event, pending availability.
24. Targa West is currently exploring the development of a package for competitor families and spectators that would include a ferry ride to Camp Quaranup, afternoon tea and an optional evening meal.
25. There remains considerable planning to achieve around this event and officers will ensure all requirements are met to the satisfaction of the City and other approving bodies through the Event Approval Process.

Targa West

26. 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 for the past 16 years.
27. Targa West events are sanctioned by Motorsport Australia (formerly CAMS).
28. Targa West currently runs 7 events across the State annually, including the Albany Sprint, and one of which is a six-round series.
29. Make Smoking History, Healthway and Shannon's Insurance are the major sponsors of Targa West, however the organisation also receives funding from other businesses and local governments including the City of Perth, City of Bunbury and Shire of Manjimup.
30. Each event Targa organises is free for spectators, and all competitors must comply with the vehicle regulations set by Motorsport Australia and the National Rally Code.
31. Officers are confident of the professionalism and sustainability of Targa's event model given the organisation's long history, track record and reputable affiliations.

Visitation

32. Targa has indicated it is aiming to attract up to 80 visiting competitors and 750 visitors to Albany for the weekend.
33. Current Tourism WA data shows the average spend per night of a domestic visitor to the Great Southern region is \$175. Based on the visitation assumptions, and a minimum 2-night stay, this would generate a direct local spend of \$290,500.
34. Including added value (indirect benefit), it is estimated the events could generate around \$494,000 in positive economic impact.

GOVERNMENT & PUBLIC CONSULTATION

35. Internal 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).
36. 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), before the event, scheduled to be held on 1 March 2021.
37. 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.
38. 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.

39. The proposed alternate event (Quaranup Targa Rally) is subject to stakeholder consultation.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Visitation to the region is lost due to the hiatus of Racewars in 2021.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<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>
Reputation <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>	<i>Possible</i>	<i>Moderate</i>	<i>High</i>	<i>Support the recommendation to reallocate a portion of budgeted Racewars funding to Targa West in the 2020-2021 Budget.</i>
Financial <i>Risk: Expectation of future City of Albany funding support for Targa West events in Albany.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Any sponsorship allocations to Targa West events beyond 2021 in Albany would be subject to future consideration and budgets.</i>
Opportunity: <i>There is an opportunity to continue to promote Albany as a motorsport destination.</i>				

FINANCIAL IMPLICATIONS

43. The proposed sponsorship allocation to Targa West is \$20,000 dollars, being \$10,000 in direct cash sponsorship and \$10,000 in-kind support from existing budgeted funds allocated to Racewars.
44. There is currently \$47,600 in the 2020-2021 Budget for Racewars 2021, being \$35,000 in direct cash sponsorship and \$12,600 in-kind, which will not be activated due to the event being in temporary hiatus.
45. It is proposed to reallocate an amount of the Racewars' funding in the 2020-2021 Budget to Targa West, with any balance of Racewars' funding being accounted as surplus funds.
46. The sponsorship amount would be subject to the City's standard sponsorship contract which would include milestone payments and a condition to provide a full financial acquittal of the funds.
47. The in-kind support to be provided would be consistent with what was provided for the Albany Sprint Event in 2019 (Racewars) and 2020 (Targa) and include traffic cones, crowd-barrier fencing, water barriers, and variable message boards to support public notification of road closures.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

51. Council may choose to offer Targa West an alternative amount of sponsorship to that recommended by officers.
52. Council may choose not to support the reallocation of budgeted Racewars funds and not approve any sponsorship for Targa West events.

CONCLUSION

53. That the Responsible Officer's recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none">• Local Government Act 1995• Local Government (Financial Management) Regulations 1996• City of Albany Budget 2020/21
File Number (Name of Ward)	:	RC.EVM.48 (Event Management – Significant Events)
Previous References	:	<ul style="list-style-type: none">• OCM 25/02/2020 Resolution CCS219• SCM 03/09/2019 Resolution SCM018.

CCS318: FINANCIAL ACTIVITY STATEMENT – NOVEMBER 2020

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

RECOMMENDATION

CCS318: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR STEPHENS

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

CARRIED 13-0

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.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS319: SPECIAL ELECTORS' MEETING

- Attachments** : Unconfirmed Minutes of Special Electors' Meeting held 08 December 2020.
- Report Prepared By** : Manager Governance and Risk (S Jamieson)
Manager Major Projects (A McEwan)
Executive Director Infrastructure, Development and Environment (P Camins)
- Responsible Officers:** : Chief Executive Officer (A Sharpe)

Councillor Smith declared a Proximity Interest in this item. Councillor Smith remained in the Chamber and was present during the discussion and participated in the vote for this item.

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:
 - **Themes:** Leadership; Smart, prosperous and growing; Clean, Green and Sustainable; Community Health and Participation.
 - **Community Priorities:**
 - Provide positive leadership that delivers community outcomes.
 - Promote the “Amazing South Coast” region as a sought after and iconic tourism destination to increase the number of people visiting and the duration they stay.
 - Sustainably protect and enhance our iconic coastline, reserves flora and fauna by delivering projects and programs that reflect the importance of our coastline and natural reserves.
 - Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.
 - Maintain infrastructure and deliver programs that promote Albany’s unique heritage, engender civic pride and leave a lasting memory.
 - **Objectives:**
 - To provide strong, accountable leadership supported by a skilled and professional workforce.
 - To develop and promote Albany as a unique and sought after visitor location.
 - To protect and enhance our natural and built environment in a changing climate.
 - To build, maintain and renew city assets sustainably.
 - To create interesting places, spaces and events that reflect our community’s identity, diversity and heritage.

In Brief:

- In accordance with the *Local Government Act 1995* Council are required to consider any motions from an electors meeting at the next Ordinary Council Meeting.

RECOMMENDATION

RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SLEEMAN

THAT in accordance with clause 3.5 of the *City of Albany Standing Orders Local Law 2014* Report Item CCS319: Special Electors' Meeting be ACCEPTED for consideration by Council as an urgent item.

**CARRIED 13-0
ABSOLUTE MAJORITY**

Responsible Officer Comment:

In accordance with s5.33 of the *Local Government Act 1995*, all decisions made at an electors' meeting are to be considered at the next ordinary council meeting.

**CCS319: RESOLUTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH**

THAT the following decisions of the Special Electors' Meeting held on Tuesday 08 December 2020 be RECEIVED.

- 1. THAT the City of Albany submit documentation to the ratepayers of the City of Albany to substantiate claims that public consultation was undertaken with regard to removal of the pine trees.**
- 2. THAT the City of Albany publicly advertises the proposed tree removal at Middleton beach, with plans that depict the trees to be removed, to provide an opportunity for public comment prior to removal.**
- 3. THAT the City of Albany take no action to remove the 9 Norfolk Island pine trees and amend plans to include them in the upgrades.**
- 4. THAT the City of Albany retain the Norfolk Island pine tree noting that it is an essential part of the history and character of Middleton Beach.**
- 5. THAT the City of Albany employ a Norfolk Island pine specialist arborist to liaise and advise during the site works to ensure the health of the trees is not compromised.**
- 6. THAT the City of Albany take immediate steps to nurture and care for the Norfolk pine trees.**
- 7. THAT the City of Albany remove the asphalt from around the base of the Norfolk Island pine trees in the carpark.**
- 8. THAT the City of Albany improve the drainage around the base of the Norfolk Island pine trees.**
- 9. THAT the City of Albany discontinue the use of glyphosate or other harmful substances around the Norfolk Island pine trees.**
- 10. THAT the City of Albany look at the Scarborough Beach development for guidance on how to successfully develop a carpark.**
- 11. THAT the City of Albany investigate the use of hot steaming to control weeds in the carpark.**

CARRIED 13-0

Responsible Officer Comment:

The decisions made at the Elector's meeting that require a decision are addressed in the report.

Responsible Officer Recommendations for Council consideration follow.

CCS319: RESOLUTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON

THAT Council NOTE the consultation undertaken to remove nine Norfolk Island pine trees from the Flinders Parade carpark and one Norfolk Island Pine tree adjacent to Three Anchors as detailed in the Officer's Report.

CARRIED 13-0

Responsible Officer Comment:

2. There has been significant consultation on the Middleton Beach Foreshore Enhancement project since 2018 and prior with the 2014 Coastal Parks Enhancement Plan. The carpark was not specifically included as there was no intention to do any work on it as it was unfunded and not necessarily seen as part of the foreshore.
3. The Foreshore Management Plan was informed in a statutory and policy context and a compilation of previous work, including:
 - o 2014 Coastal Parks Enhancement Plan
 - o 2015 Coastal Hazard Risk Management and Adaptation Plan
 - o 2017 Urban Tree Strategy, City of Albany
 - o 2018 Middleton Beach Landscape Management Plan, City of Albany
4. In 2018, the scope for the Middleton beach Foreshore Enhancement project was defined through a grant agreement between the Commonwealth and State Governments, Development WA (formerly Landcorp) and the City of Albany.
5. The conceptual plans were subject to a design development and detailed design process to further determine technical parameters, identify constraints and refine costs.
6. There were no less than 5 Community Information Sessions held regarding the Middleton Beach Foreshore Enhancement Project since the initial session in April 2018 and details of the project have been regularly updated since that time on the City of Albany website.
7. City officers have also had numerous direct engagements with individuals and small groups over the journey. Wherever possible concerns expressed by the community and submissions made have been considered within the scope of the individual project consultation, design and expert advice. Plan improvements have been made readily available to the community at key stages.
8. During the earlier consultation period, the community (and particularly the Middleton Beach Group) asked for greater biodiversity and additional native planting to create a native corridor.
9. In August 2020, the WA State government provided the City of Albany with additional funding to improve accessibility and amenity for the carpark which was identified as being very important in the earlier consultation.
10. The City of Albany's Communications & Engagement Strategy 2019-2022 (developed over a year in consultation with the community), provides clarification around non-negotiable circumstances where the City will be constrained in meeting best practice or community expectations in regards to engagement. This includes instances such as funding limitations and timelines which are applicable to this project.
11. City officers met with directly impacted residents of Middleton Beach through the Middleton Beach Group (approximately 10-12 people) in early October and informed them of the new funding and the project expansion including the proposed removal of ten trees.

12. Subsequently, City officers were invited to a larger community group meeting on 30 October 2020 with approximately 80 attendees at the open air Hotel site. At this community meeting City staff advised of the carpark works including the proposed removal of ten trees. The information has also been available on the City's website as it became available.

**CCS319: RESOLUTION 3
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SUTTON**

THAT the City of Albany PROCEED with the planned removal of nine Norfolk Island pine trees from the Flinders Parade carpark, and one Norfolk Island pine tree adjacent to Three Anchors.

CARRIED 13-0

Responsible Officer Comment:

13. The nine Norfolk Island Pines in the Flinders Parade carpark have not been planted to current standards that promote healthy or safe growth in a carpark environment.
14. One tree at Three Anchors will also be removed as it is interfering with services and accessibility to the area.
15. The trees earmarked for removal are in poor condition and not thriving in the carpark environment (especially by comparison with the great majority of the Norfolk Island Pines that grow in Albany), are undermining infrastructure and making it unsafe for drivers and pedestrians. It is likely that without major intervention, these problems will perpetuate and worsen.
16. The cost of transplanting these pines is not viable within the project budget and would be inordinately greater than their amenity value.
17. The measures and works required to provide adequate space and treatment to improve the health of the trees and enable them to expand into an appropriate zone would result in the loss of an estimated 24 parking bays.
18. The location of the Norfolk Island Pines in the carpark constrains the ability to construct a well-circulating carpark and the installation of lighting and pedestrian access through the carpark.
19. Mr John Banks (a retired experienced Arboricultural consultant) who presented at the Council Committee meeting held on 10 November 2020 has suggested that a practising specialist Arboriculture Consultant be engaged to consider the best replacement tree options. The City will consult with such a specialist prior to planting any replacement trees.
20. It is intended to plant more trees than are being removed throughout the carpark, using recommended planting techniques with root barriers and tree pits.
21. Diversity of tree planting and species selection is critical to ensure the sustainable health and longevity of our urban tree network, consistent with the principles of the City of Albany's Urban Tree Strategy 2017. In accordance with this strategy "public safety is a priority, and trees will be removed where necessary."
22. Tree removal and replacement programs ensure the benefits of a diverse mix of trees are kept for future generations.
23. Using the principles identified during consultation, the works planned will allow the City to utilise additional funding received from the WA State Government to create a better outcome for the community in this carpark.

BACKGROUND

24. A petition was received by the City of Albany on Tuesday 17 November 2020, requesting that a Special Electors' Meeting be held to discuss the proposed removal of 9 Norfolk Island pine trees from the Flinders Parade carpark, Middleton Beach.
25. A Special Meeting of Electors' was convened on 08 December 2020 in accordance with Section 5.28 of the *Local Government Act 1995*.
26. At the Special Electors' Meeting on 8 December 2020, eleven motions were made by electors.
27. In accordance with section 5.33 of the Act, those motions are now presented to Council for consideration.

DISCUSSION

28. Stage 1 of the Middleton Beach Foreshore Enhancement Project saw the successful implementation of a sea wall as part of coastal protection measures.
29. Stage 2 of the Middleton Beach Foreshore Enhancement project will include the provision of service infrastructure, promenade treatments, enhancement of public facilities, access and event space creation.
30. The City's priority has always been to retain and protect the existing character of the area. Every effort has been made to minimise impact on the trees and retain the majority of the trees while still achieving the coastal protection and public realm enhancements.
31. With the announcement of additional funding from the WA State government in August 2020, the City was able to plan and implement an expansion and upgrade of the Flinders Parade carpark at Middleton Beach.
32. Improved accessibility and amenity for the carpark was identified as being very important in the earlier community consultation.
33. Flinders Parade carpark enhancement works added to the scope of Stage 2 include:
 - o Demolition works, including kerbing and road surface (part), some tree removal and pruning;
 - o Improved vehicle circulation (2 way) and access, safer entry/egress for maintenance, delivery, bus and emergency drop-off zones;
 - o Carpark expansion (southern end), reconfigured parking bays (wider) and greater provision of compliant ACROD bays;
 - o Improved and safer pedestrian access paths and connections;
 - o New electrical and lighting services;
 - o Improved drainage, new surfacing (in-part) and kerbing;
 - o Perimeter planting areas (irrigated) and new tree plantings.
34. The design proposes that nine existing Norfolk Island pine trees within the Flinders Parade carpark be removed and replaced with new trees of appropriate species. It is also proposed that one Norfolk Island pine tree located adjacent to Three Anchors be removed as it is interfering with planned essential services and accessibility to the area.

36. Optionally, Council could consider not removing the three trees within the Flinders Parade road reserve. Modification of the current carpark design would need to be made to accommodate the retention of three Norfolk Island pine trees on the western carpark perimeter with the potential loss of parking bays. Root barriers would need to be retrospectively installed on the carpark side of the trees which may assist in reducing damage to infrastructure by the trees in years to come.
37. Whilst these Norfolk Island Pine trees are considered to be in better health they are not considered to be historic or iconic as they are relatively new plantings (circa 1995).
38. Consistent with the City's Urban Tree Strategy and submissions received from the community, the proposal is to replace trees with appropriate species that will encourage biodiversity and connect communities via green links. Tree removal and replacement programs ensure the benefits of a diverse mix of trees are kept for future generations.
39. Diversity of tree planting and species selection is critical to ensure the sustainable health and longevity of the City's urban tree network. Proposed tree planting will need to carefully consider tree location, species, suitability and diversity.

GOVERNMENT & PUBLIC CONSULTATION

40. Detailed in the discussion section of the report.

STATUTORY IMPLICATIONS

41. Part 5, Division 3 of the *Local Government Act 1995*, section:

5.33 Decisions made at electors' meetings

- 1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
 - (a) At the first ordinary council meeting after that meeting; or
 - (b) At a special meeting called for that purpose,whichever happens first.
 - 2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for that decision are to be recorded in the minutes of the council meeting.
42. The decisions made at the Elector's meeting that require a decision are addressed in the report.

POLICY IMPLICATIONS

43. There are no direct policy implications related to this report, noting the recommended course of action is aligned to the City's Urban Tree Strategy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Business Operation, Reputation & Financial. Retaining the pine trees will impact the upgrade and progress the funded project to redevelop the subject area. Project delay may jeopardise current funding received from the State government in August 2020 (\$1.1 million) and future funding applications.</p>	Likely	Moderate	High	<p>Noting the proposed course of action, detailed in the Officer’s Report, it is recommended that the project is progressed and the subject trees removed, and acknowledging the most suitable construction time period is limited for civil works of this type.</p>
<p>Property, Public Health and Safety: The roots of the subject Norfolk Island pine trees have damaged the surrounding carpark, presenting a trip hazard. Legal & Compliance: Failure to rectify an identified hazard may have future public liability implications.</p>	Possible	Major	High	<p>Proceed with the recommended course of action, noting the removal of the pine trees will mitigate identified hazards.</p> <p>Removal of the pine trees will facilitate the progress of the project and associated carpark resurfacing.</p>
<p>Opportunities:</p> <ul style="list-style-type: none"> Replacement of the pine trees, which are in poor health, with more suitable species is aligned to the City’s Urban Tree Strategy, and will contribute to providing a diversified habitat for local fauna. Allow the City to complete the upgrade and expansion of the Flinders Parade carpark, leveraging State government funding to deliver better community access to the precinct through the provision of additional car parks. Support the objectives of the City’s Access and Inclusion Plan 2018 - 2022, through the provision of increased access for persons with disabilities, noting the key issues and barriers identified through consultation were: <p>“Inadequate accessible parking, including non-ACROD parking marked for seniors and frail aged... Difficulty with physical access at City events, in particular parking/drop off points, and easy to find, clearly signed public amenities”.</p> 				

FINANCIAL IMPLICATIONS

45. The City received funding of \$1.1 million from the WA State government in August 2020 to upgrade and expand the Flinders Parade carpark to improve accessibility and amenity, as part of the northern landscape corridor.
46. The grant agreement stipulates that the City of Albany must provide a progress report on the project by 30 June 2021, and the project must be completed and acquitted by 31 December 2021. All unspent funds must be returned.
47. In order to meet the acquittal, the City must construct the carpark this summer to tie in the balance of the site.
48. The most suitable construction time period is limited for civil works of this nature.

LEGAL IMPLICATIONS

49. There are no legal implications related to this report, noting:
- a. The law says the City must hold a meeting.
 - b. The request (Petition) to hold a Special Meeting of Electors has been met.

ENVIRONMENTAL CONSIDERATIONS

50. The recommended course of action is consistent with the City’s Urban Tree Strategy and supports the submissions received from the community to replace the subject trees with appropriate species.
51. Suitable species will encourage natural biodiversity and connect wildlife communities via green links.
52. Tree removal and replacement programs ensure the benefits of a diverse mix of trees are kept for future generations.
53. The majority of the trees proposed to be removed are in poor condition and/or not thriving in the carpark environment especially by comparison with the greater majority of the Norfolk Island Pines that grow in Albany, undermining infrastructure and making it unsafe for drivers and pedestrians. It is likely that without major intervention, these problems will perpetuate and worsen.
54. Diversity of tree planting and species selection is critical to ensure the sustainable health and longevity of the City’s urban tree network. Proposed tree planting will carefully consider tree location, species, suitability and diversity.
55. Prior to planting trees in the new locations, the City will engage a practising specialist Arboriculture Consultant to consider the best replacement tree options.

ALTERNATE OPTIONS

56. Council may consider retaining the three trees within the Flinders Parade road reserve. Modification of the current carpark design would need to be made to accommodate the retention of those three trees on the western carpark perimeter with the potential loss of parking bays.

CONCLUSION

57. The purpose of the Foreshore Enhancement Project is to develop a precinct at Middleton Beach that will provide maximum useability and create an area that the community and visitors can be proud of. Within the foreshore reserve, there has been extremely significant efforts made in design development to ensure the iconic foreshore Norfolk Island Pines are almost all retained.
58. It is considered that there are better tree options for the Flinders Parade carpark and the removal of the struggling Norfolk Island Pines will provide significantly better parking and pedestrian accessibility and amenity.

Consulted References	:	<ul style="list-style-type: none"> • Communications & Engagement Strategy 2019-2022. • Access and Inclusion Plan 2018 – 2022. • Urban Tree Strategy 2017. • Age Friendly Albany Plan
File Number (Name of Ward)	:	Frederickstown
Previous Reference	:	Special Electors’ Meeting held on Tuesday 08/12/2020.

AR083: DRAFT ANNUAL FINANCIAL REPORT – 30 JUNE 2020

Proponent / Owner	: City of Albany
Attachments	: DRAFT City of Albany Annual Financial Report for the year ended 30 June 2020-to be provided prior to the OCM 15/12/2020
Report Prepared By	: Manager Finance (S van Nierop)
Responsible Officers:	: 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 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR DOUGHTY**

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.

CARRIED 13-0

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

AR085: ANNUAL REPORT 2019 - 2020

Proponent / Owner	:	City of Albany
Attachments	:	<ul style="list-style-type: none">• City of Albany Annual Report 2019/20 (which includes the City of Albany Annual Financial Report & Independent Auditors Report conducted by Moore Australia on behalf of the Office of the Auditor General for the year ended 30 June 2020)
Report Prepared By	:	Manager Governance & Risk (S Jamieson) Communications Coordinator (L Condon)
Responsible Officers:	:	Executive Director Corporate & Commercial Services (D Olde) Acting Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - a. **Theme:** Leadership.
 - b. **Objectives:** To establish and maintain sound business and governance structures.
 - c. **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:

- The Annual Report Financial elements were presented to the Audit & Risk Committee on 18 November 2020 and the Committee Recommendation (AR083) and presented to Council for resolution.
- Post the Audit & Risk Committee the Annual Report 2019/20 was finalised and published on the City's website on Tuesday 8 December 2020 as an addendum to the published December 2020, Ordinary Meeting of Council agenda.
- Consider the acceptance of the City of Albany Annual Report 2019/20.
- *The purpose of this Officer Report is to ensure compliance with the Local Government Act 1995, by formally considering the acceptance of the complete City of Albany Annual Report 2019/20.*

RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

**MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR GOODE**

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law Report Item AR085: Annual Report 2019-20 be ACCEPTED for consideration by Council as an urgent item.

**CARRIED 13-0
ABSOLUTE MAJORITY**

AR085: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR THOMSON

THAT Council:

- (1) In accordance with the requirements of section 5.54 of the *Local Government Act 1995* ACCEPT the City of Albany Annual Report 2019/20 (which includes the Auditors Report for the period ending 30 June 2020).**
- (2) NOTE, Ordinary Meeting of Council (15/12/2020) Resolution AR083, in accordance with section 5.27 of the Act, set the date to hold the Annual Electors Meeting for the purpose of receiving the City of Albany Annual Report 2019/20 and other General Business.**

**CARRIED 13-0
ABSOLUTE MAJORITY**

BACKGROUND

2. The City of Albany is required to prepare annual financial reports in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.
3. There are also statutory annual reporting requirements under the Local Government (Administration) Regulations, such as the disclosure of the number of employees within certain salary bands.
4. In meeting these legal requirements, the City of Albany also takes the opportunity to provide the community with a broad report profiling their activities and achievements for the financial year.

DISCUSSION

Annual Financial Report for year ended 30 June 2020

5. **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.
6. An Audit & Risk Committee meeting was held on Wednesday 18 November 2020. At this meeting, the Audit Exit Meeting between the City of Albany, Moore Stephens, and the Office of the Auditor General was held via teleconference.
7. The Office of the Auditor General and Moore Australia confirmed that the City has an unqualified audit result.
8. Also at the Audit & Risk Committee meeting, the Draft Annual Financial report for the period ending 30 June 2020 was presented to the Audit & Risk Committee.
9. Staff advised the committee:
 - a. That the complete Annual Report will be presented to Council on the 15th December 2020, providing the Auditor General has signed the Memorandum confirming that the City's audit was complete and satisfactory.
 - b. In accordance with Section 5.27 of the Act, an Annual Electors Meeting must be held no later than 56 days after the local government has been accepted, and that 14 days public notice of the meeting must be given.
 - c. 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.

- d. Should Council accept the 2019-20 Annual Report at this meeting, the Annual Electors Meeting will be scheduled for 6:30pm on 3 February 2021. Staff will ensure that local public notice is given 14 days in advance of the Annual Electors Meeting in accordance with Section 5.27 of the Act.
10. **Annual Report:** In accordance with the Act, in addition to the Annual Financial Report, the annual report must contain:
- A report from the Mayor and CEO;
 - An overview of the plan for the future of the district made in accordance with section 5.56 of the Act, including major initiatives that are proposed to commence or to continue in the next financial year;
 - The financial report for the financial year, including the auditor's report;
 - If required, disability access and inclusion reporting, in accordance with Part 5 of the Financial Management Act 2006, about the implementation of the plan;
 - Payments made to employees; and
 - Number of Complaints recorded in the Register of Complaints.
11. The 2019-2020 Annual Report follows a similar structure to recent years, with a consistent look and feel, celebrating our people, facilities, achievements and our region and community through a wide array of images.
12. Covid-19 had a major impact on the City's operational structure and the annual report 2019-20 outlines the key recovery initiatives undertaken by the City of Albany in response to the Covid-19 pandemic in order to give as much assistance to the community as possible.

GOVERNMENT & PUBLIC CONSULTATION

13. Post acceptance of the Annual Report (which includes the Annual Financial Report), Council is required to convene an Annual Electors Meeting as soon as practicable after the report has been accepted by the local government.
14. The CEO is to ensure the annual report is published on the local government's official website within 14 days after the report has been accepted by the local government.
15. **Electors' general meetings:** 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.
16. The CEO is required to give at least 14 days local public notice of an electors meeting.
17. Community Engagement:

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Inform	General meeting of electors – public meeting	8 December 2020 to 3 February 2021	Publically advertised	Yes

STATUTORY IMPLICATIONS

18. 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.
19. Under the Audit and Risk Committee – Terms of Reference, the committee is to review the audit report and make appropriate recommendations to Council.

21. 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.
22. 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.
23. The CEO is required to give at least 14 days local public notice of an electors meeting.
24. The voting requirement for ACCEPTANCE of the Annual Report is **Absolute Majority**.

POLICY IMPLICATIONS

25. There are no policy implications related to this item

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational. Management Audit Report not accepted by the Audit & Risk Committee.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>Audit & Risk Committee and Officers work with the auditors to address areas of concern to come to position of acceptance.</i>
<i>Statutory Non-Compliance. Council does not accept the Annual Report.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>City Officer 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.</i>
<i>Reputation. Lack of community engagement.</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>Notice of Annual Electors Meeting published, but not limited to, newspapers circulating throughout the district, on the City’s website and notices placed on community notice boards.</i>

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

28. The City has received an unqualified auditor’s report, therefore there are no legal implications related to this report.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

30. Council may accept as presented, accept with modification or reject the Annual Report.

CONCLUSION

31. As no matters of concern have been noted in the auditor’s report, it is recommended that the Responsible Officer’s Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 (the Act)</i>; • <i>Local Government (Administration) Regulations 1996</i> • <i>Financial Management Act 2006</i> • <i>Disability Services Act 1993</i>
File Number (Name of Ward)	:	<ul style="list-style-type: none"> • IM.PUB.24 (All Wards) – Publication - Annual Budget – City of Albany • FM.MEE.3 (All Wards) – Meetings – Audit & Risk Committee
Previous Reference	:	<ul style="list-style-type: none"> • Audit & Risk Committee held on 18/11/2020 Resolution AR083. • Audit & Risk Committee Meeting held on 11/11/2019 Resolution AR066.

DIS241: INDUSTRY - EXTRACTIVE (GRAVEL)

Land Description	: Lots 3348 and 4120 (314) Marbelup North Road, Marbelup 6330
Proponent	: A.D. Contractors Pty Ltd
Owner	: G Smith
Attachments	: 1. Copy of Application 2. Schedule of Submissions
Report Prepared By	: Senior Planning Officer (J Anderson)
Responsible Officers:	: 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: RESOLUTION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR DOUGHTY**

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. No truck movements associated with this operation shall be undertaken on Marbelup North Road, during the times that the school bus services the area.**
- 8. Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating to Extractive Industries.**
- 9. 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.**
- 10. 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.**
- 11. 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.**
- 12. 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**

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Routine servicing and wash down of operating equipment is not permitted in a P2 Public Drinking Water Source Area.
20. No remnant vegetation shall be removed as part of this extraction operation, without the prior approval of the Department of Water and Environment Regulation.
21. 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*).
22. Prevention of dust and sand blowing causing a nuisance to the landowners of surrounding properties , 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.*~~

23. No blasting of material is permitted as part of extraction operations, unless a separate written approval has been obtained from the City of Albany.
24. Compliance with the relevant clauses and provisions of the City of Albany Local Laws relating the Extractive Industries.
25. 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 reseeding 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.
26. 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.
27. 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.
28. A refundable bond/bank guarantee of \$3500.00 per hectare shall be lodged with the City of Albany for remediation work if required.
29. Prior to the commencement of the extractive industry an upfront contribution from the proponent will be required to seal Marbelup North Road from South Coast Highway to Cochrane Road (SLK 2.8 to 7.8).
Advice:
 - a. *The cost contribution is currently (2020/2021) \$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. *Following receipt of an upfront cost contribution, the City of Albany will within the 2021/22 financial year commence with the sealing of Marbelup North Road, from South Coast Hwy to Cochrane Road (SLK 2.8 to 7.8).*
30. *Cartage of gravel shall not commence until Marbelup North Road is sealed from South Coast Highway to Cochrane Road.*
Advice:
 - a. *Extraction, crushing and stockpiling of gravel can commence and is encouraged during the winter months.*
 - b. *Extracted gravel can be used for the construction of Marbelup North Road if required.*
31. 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.

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Goode

Officer Comment:

This Amended Responsible Officer Recommendation addresses the community comment about the possibility of dust affecting residents on the haulage route, and damage to the road if it were not sealed prior to truck movements commencing.

With permission from the Mover and Secunder of the Amended Responsible Officer Recommendation, Councillor Stocks proposed an amendment to the recommendation as follows:

THAT point 12 be added to the Amended Responsible Officer Recommendation to read:

12. No screening or crushing is permitted in staging areas, 1, 4 and 7 to create a larger buffer zone to residential buildings.

Following debate on the amendment, Councillor Doughty, as secunder, withdrew her support for Councillor Stocks' amendment. The amendment then lapsed. Council then voted on the Amended Responsible Officer 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 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:
 - b. 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 Environment 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 reseeding 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;

- n) 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;
 - o) 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;
 - p) The crushing and screening plant will generally be located centrally within each stage;
 - q) The total depth of extraction is estimated to be 1.5 metres;
 - r) 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;
 - s) Access will be via the existing access crossover, which is located approximately 3km north from South Coast Highway intersection;
 - t) 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;
 - u) 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;
 - v) Signage will be installed prior to operations commencing, at the access point along Marbelup North Road and South Coast Highway, warning of truck movements;
 - w) 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;
 - x) 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;
 - y) 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.
 - z) 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.
 - aa) Operations will temporarily cease during times of high wind, and water trucks shall be available to suppress dust;
 - bb) 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 wash-down 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 for this item is **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>Organisational Operations and Reputation 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>Opportunity: 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.

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

DIS242: RENEWABLE ENERGY INSTALLATION ON CITY FACILITIES

Land Description	: City of Albany
Proponent / Owner	: City of Albany
Attachments	: Renewable Energy Installation on City Facilities Business Case.
Report Prepared By	: Environmental Sustainability Officer (M Holt)
Responsible Officers:	: 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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STEPHENS
SECONDED: COUNCILLOR THOMSON

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.

CARRIED 13-0

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
Business Operation, Reputation & Financial. 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.
Environment: 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.
Opportunity: 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
2020-21					
Library	31	\$49,299	\$32,593	\$9,582	3.4
Sub total	31	\$49,299	\$32,593	\$9,582	
2021-22					
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
Sub Total	388	\$879,209	\$601,360	\$153,288	
2022-23					
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
Sub Total	143.4	\$226,642	\$164,682	\$56,448	
2023-24					
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
Sub Total	39.6	\$65,025	\$59,653	\$13,123	
2024-25					
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
Sub Total	42.2	\$44,097	\$44,097	\$10,024	
Total	644.2	\$1,264,272	\$902,385	\$242,465	

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’.

Consulted References	:	City of Albany Climate Change Action Declaration (2020) City of Albany Environmental Policy (Climate Change) (2017): Carbon Footprint Reduction Strategy (2014):
File Number (Name of Ward)	:	All wards
Previous Reference	:	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: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GOODE

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

CARRIED 13-0

**DIS244: TENDER C20018 – CENTENNIAL CYCLE LINKS –
CONSTRUCTION OF CONCRETE PATHS**

Land Description	: Road Reserves (Lockyer Av, Symers St, Cockburn Rd & Campbell Rd)
Proponent / Owner	: City of Albany
Business Entity Name	: City of Albany
Supplementary Information & Councillor Workstation	: <i>Confidential Briefing Note has been distributed under separate cover.</i>
Report Prepared By	: Civil Engineering Officer (K Sutherland)
Responsible Officers:	: Executive Director Infrastructure & Environment (P Camins)

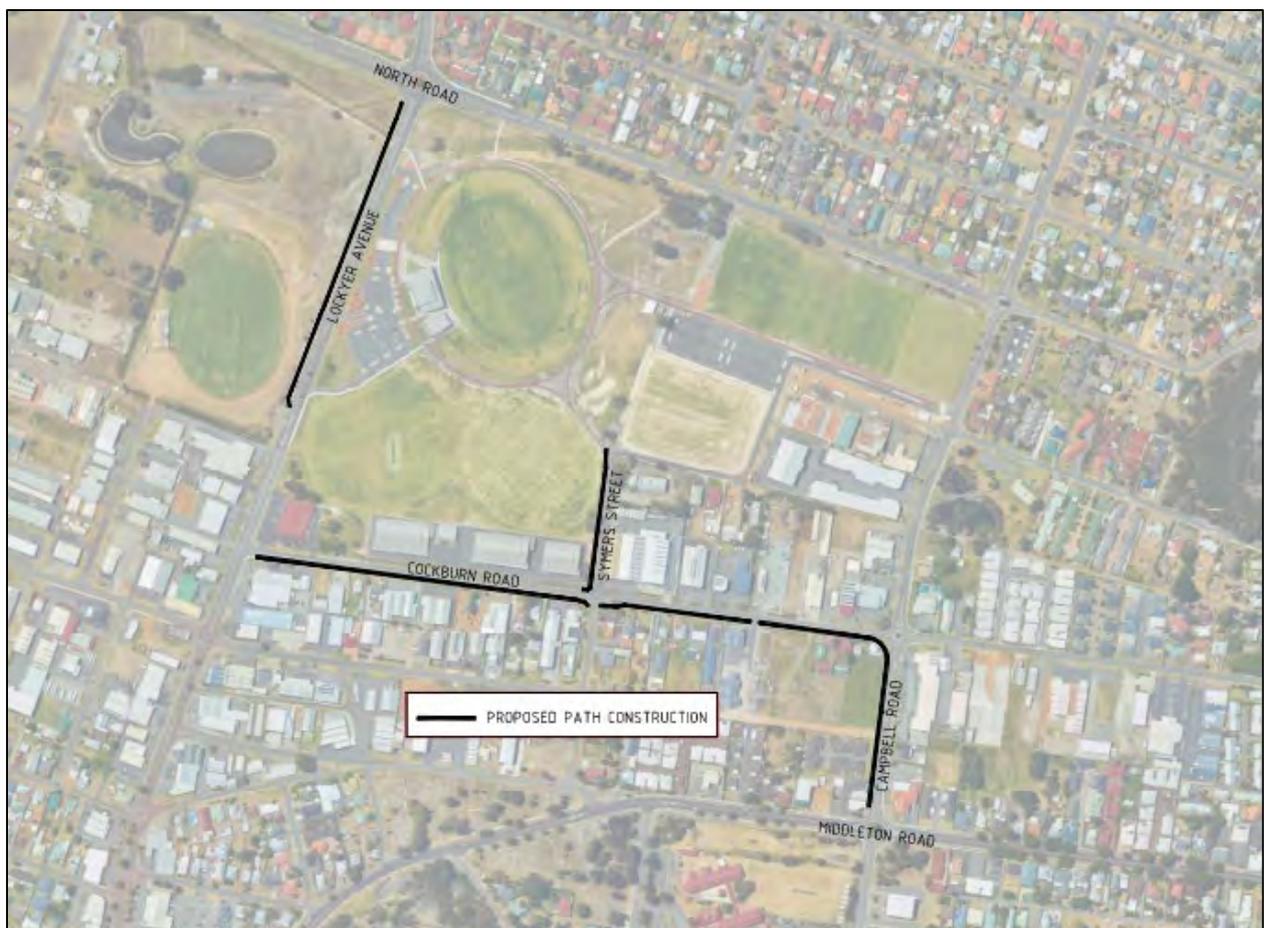
A Confidential Briefing Note was distributed under separate cover in accordance with section 5.23 of the Local Government Act 1995(2)(e)(iii), being a matter that if disclosed, would reveal information about the commercial affairs of a person other than the local government.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Clean, Green and Sustainable.
 - **Objective:** To build, maintain and renew city assets sustainably.
 - **Community Priority:** Design, construct and maintain infrastructure cost effectively in a manner that maximises its life, capacity and function.

Maps and Diagrams:

Location Plan - extent of project is indicated by the black lines.



In Brief:

- Tender award for the construction of Centennial Cycle Links.
- Two complying tenders received with Jetline Kerbing Contractors being the recommended contractor.
- Construction is scheduled to commence in February 2020 with completion by end of April 2021.

RECOMMENDATION

RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR THOMSON

THAT in accordance with clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended) Report Item DIS244: TENDER C20018 – Centennial Cycle Links – Construction of Concrete Paths be ACCEPTED for consideration by Council as an urgent item.

**CARRIED 13-0
ABSOLUTE MAJORITY**

DIS244: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SLEEMAN

SECONDED: COUNCILLOR DOUGHTY

THAT Council ACCEPT the tender from Jetline Kerbing Contractors as RECOMMENDED by the evaluation panel in the Confidential Briefing Note and AWARD Contract C20018 – Centennial Cycle Links – Construction of Concrete Paths.

CARRIED 13-0

BACKGROUND

2. The City of Albany published the Cycle City Albany 2014-2019 Strategy in October 2014. The strategy has a bold vision 'to transform Albany into one of Australia's best cycling destinations, including both on and off road cycling'.
3. To achieve this, the strategy 'aims to improve cycling infrastructure, encourage cycling as a legitimate mode of transport, improve the culture surrounding cycling by encouraging 'sharing the road' and provide more cycle tourism'.
4. The need for a safe route between Albany Primary and Senior High Schools and the recently redeveloped centennial precinct, as well as the expanding youth precinct has been identified through both internal strategic planning as well as regular requests from members of the community.
5. It was proposed to provide connections of missing links in the path network suitable for shared use by all community members in the vicinity. The proposal was adopted by council and included in the 2019/20 budget.
6. Grant funds have been secured from the State Government through the Western Australia Bicycle Network (WABN) Grants Program and Local Roads and Community Infrastructure Program to undertake the construction in the 2019-20 financial year.
7. Design and specification documentation was prepared by the City of Albany to the stage of 'Issue for Tender'. The tender was open from 4 November to 2 December 2020.

DISCUSSION

8. A total of nine (9) tender documents were issued by the City of Albany.
9. Two (2) completed tender documents were submitted on or before the stipulated closing date and time.
10. The tenderers were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below.

Criteria	% Weighting
Cost	50%
Relevant Experience	20%
Ability to Meet Required Timeframe	25%
Corporate Social Responsibility	5%
Total	100%

11. The following table summarises the top tenderers and their weighted scores:

Tenderers	Weighted Score
Jetline Kerbing Contractors	677.98
Tenderer B	495.35

GOVERNMENT & PUBLIC CONSULTATION

12. All relevant Government departments including the Department of Indigenous Affairs and SWALSC have been consulted on the project.
13. A request for tenders was published in the West Australian on Wednesday 4 November 2020 and the Albany Weekender on Thursday 5 November 2020.

STATUTORY IMPLICATIONS

14. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the contract is, or is expected to be, more or worth more than \$250,000.
15. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
16. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

17. Councils Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
People Health and Safety <i>Interaction with motor vehicles and cyclists resulting in people being discouraged to cycle.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Progressively improve cycling infrastructure and explore funding opportunities.</i>
Finance <i>Non-compliance with contract or business failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Standard general conditions of contract protect the City by allowing for contract termination on the basis of failure to supply goods and services.</i>

FINANCIAL IMPLICATIONS

19. The value of this tender is in excess of \$500,000 and therefore the recommended tenderer requires approval from Council.
20. Grant funds have been secured from the State Government through the Western Australia Bicycle Network (WABN) Grants Program to complete these proposed works in the 2019/20 financial year. Funds have also been allocated in the 2019-20 budget.
21. The budget for the project is \$750,000 (ex GST) which is made up of Western Australia Bicycle Network (WABN) Grants Program (\$185,000), Local Roads and Community Infrastructure Program (\$200,000) with the remainder coming from municipal funds.

LEGAL IMPLICATIONS

22. There are no legal implications associated with this item.

ENVIRONMENTAL CONSIDERATIONS

23. Some street trees will be removed as part of these works. No remnant vegetation will be impacted.

ALTERNATE OPTIONS

24. Council can accept or reject tenders as submitted.

CONCLUSION

25. On reviewing the submissions, the evaluation team assessed Jetline Kerbing Contractors as being the most suitable tenderer across the evaluation criteria in terms of cost, relevant experience, ability to meet required timeframe and corporate social responsibility. Jetline Kerbing Contractors is recommended to be awarded the Centennial Cycle Links – Construction of Concrete Paths contract.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government (Functions and General) Regulations 1996</i> • Council Policy – Purchasing • Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C20018 (Frederickstown Ward)
Previous Reference	:	N/A

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

AR085: ANNUAL REPORT 2019-20

DIS244: TENDER C20018-CENTENNIAL CYCLE LINKS-CONSTRUCTION OF CONCRETE PATHS

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN Nil

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC Nil

18. CLOSURE

There being no further business the Mayor declared the meeting closed at 7.57PM.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

TABLED ADDRESS BY MR CARL RICHARDSON

I am the Vice President of the Albany Surf Life Saving Club (ASLSC). The ASLSC has over 490 members who frequently use the Middleton carpark. On behalf of the ASLSC:

- The ASLSC supports the foreshore enhancement project and engagement process undertaken by the COA.
- There has been opportunities for members of the public to raise concerns prior to this stage.
- Delays in this project will have significant impact on ASLSC operations.
- ASLSC is a community club which undertakes lifesaving services at Middleton Beach and has an Emergency response team who work with the Albany Sea Rescue. Middleton Beach and surf club access is vital for these services.

From a personal perspective I am a professional forester with over 24 years' experience in growing and tending trees. I have a Bachelor of Science studying horticulture and botany at UWA. I enjoy bushwalking, the natural environment and am involved in environmental restoration and enhancement projects.

- These are relatively young Norfolk Island pine trees and, in my view, do not have outstanding heritage value like the older Norfolk Island pine trees along the Middleton foreshore. Which are being retained.
- Some of the Norfolk Island pine trees in the carpark are not growing well, have sparse canopies and have been exuding sap, which falls onto vehicles marking paint work. Car park trees should not be impacting the vehicles that park under them.
- Norfolk Island pine trees are not native flora to Western Australia. We should be embracing native trees in our COA amenities, car park facilities. We have the opportunity to replace these 9 non-native Norfolk Island pine trees, with trees native to the Albany region.

I do not believe these relatively young Norfolk Island trees are suitable for the carpark environment. I support their removal to be replaced with the proposed Peppermint tree's native to the Albany region. The proposed plan has significantly more tree's to be replanted, than the 9 Norfolk Island pine trees proposed for removal.

TABLED ADDRESS BY MR DON PHILLIPS

Address by Don Phillips
OCM Albany City Council
15th Dec 2020

Minutes – OCM 27th Oct 2020 – tabled address by Don Phillips. The minutes need to be corrected to reflect accurately what was tabled.

- # 20 The term “bullshit” is stated as a profanity by the minute censor. It is not. Bullshit is a noun in common usage together with bollocks in the English language.
- #21 Laziness and incompetence – If there is a perception of adverse reflection, it is to ~~reflect~~ ^{reflect} adversely on the quality of management and governance. It is not an offensive expression in the context of the tabled document, but a clear statement of fact – the tabled document clearly outlines this.
- What is the claimed adverse reflection on third parties?
- Who are these third parties to claim an adverse reflection upon themselves?
- How can the claimed adverse reflection be juxtaposed with the truth?

TABLED ADDRESS BY MR ROLAND PAVER

ADDRESS DELIVERED ORALLY AND TABLED BY ROLAND PAVER AT THE CITY OF ALBANY OCM OF 15 DECEMBER 2020.

Mr Mayor,

This Council is not free to ignore the content of resolutions it has adopted. When it resolved to adopt the Big Grove ODP in 2011 the resolution effectively assured the owner of Lot 17 Panorama Road that the motel zoning of the Lot would not be altered to residential unless she put in a scheme amendment request to do so. Thereafter, between 2011 and 2013, several meetings were held between the owner and her agent and City of Albany planning staff both on and off site relating to clearing permits and other matters. At no time did the planning staff indicate that the City intended to rezone Lot 17 to residential in the new LPS1. Yet this is what Council did in 2014, in apparent disregard for the provisions of its Big Grove resolution.

The owner discovered that Lot 17 had been rezoned in 2018 and immediately registered with the City of Albany that she was aggrieved and materially disadvantaged by the rezoning. She sought rectification of the LPS1 to restore the previous zoning of Lot 17, and recompense for pecuniary losses incurred as a result of the rezoning.

The City's planning staff contend that the draft LPS1 went through a public consultation process, that the owner of Lot 17 had the opportunity to object to the proposed rezoning of the Lot to residential, and that she did not do so. In this way they rely on the doctrine of constructive notice to relieve the City of responsibility for the rezoning. This is unacceptable on both legal and moral grounds.

The owner of Lot 17 was entitled to rely on the provisions of the Council's Big Grove resolution to protect her interests. She was given no cause at any time by the City's planning staff not to place reliance on them. She therefore had no reason at all to concern herself with generally distributed circulars advertising the draft LPS1 for public comment.

In all the circumstances what the City was required to do when it advertised the draft LPS1 was to give the owner of Lot 17 actual notice of the proposed rezoning of the Lot to residential. This, it appears, the City failed to do. I say 'it

TABLED ADDRESS BY MR ROLAND PAVER CONT.

appears' because it has not provided evidence that it gave actual notice to the owner, despite being asked to do so.

Some two years have passed since the owner first brought her grievances to the attention of the City. In that time she has received no apology from the City. Nor has the City initiated any scheme amendment to rectify a rezoning that ought never to have been made without her expressly given consent.

It is high time this Council took charge of this matter instead of hiding behind the so called local government doctrine of separation of powers. Whether or not this is an operational matter the Council has the power, on a Councillor initiated motion adopted by a majority decision, to require the CEO to take immediate steps to address and satisfy the owner's legitimate grievances. I understand that the City's staff discussed with the owner the option of a 'tourism' zoning of Lot 17 many months ago, and that this would satisfy her. If so an immediate way forward would be for the CEO to present an appropriate scheme amendment request to Council for its initiation.

Mr Mayor, justice delayed is justice denied. This Council needs to remedy the injustice caused by the City to the owner of Lot 17 as soon as possible.