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# MINUTES

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**Ordinary Meeting of Council**

**Tuesday 23 July 2024**

6.00pm

**Council Chambers**



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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

G Stocks

### Councillors:

Councillor

P Terry (Deputy Mayor)

Councillor

L MacLaren

Councillor

A Cruse (Via Zoom)

Councillor

C McKinley

Councillor

T Brough

Councillor

S Grimmer

Councillor

R Sutton

Councillor

M Lionetti

Councillor

M Traill

Councillor

D Baesjou

### Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

M Giffellon

Executive Director Infrastructure, Development  
& Environment

P Camins

Executive Director Community Services

N Watson

Meeting Secretary

D Clark

**Apologies:** Nil

### RESOLUTION

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**

**SECONDED: COUNCILLOR GRIMMER**

**THAT Councillor Cruse be GRANTED APPROVAL to attend this meeting remotely by Zoom.**

**CARRIED 10-0**

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Deputy Mayor Terry	DIS398	<b>Financial.</b> The nature of the interest being that Deputy Mayor Terry is the Trustee of a Self-Managed Superannuation Fund who hold shares in the parent company of the client of the proponent, being Telstra Corporation Ltd, in excess of the value stipulated in the Act. Deputy Mayor Terry left the Chamber and was not present during the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### Councillor MacLaren

##### Summary of key points:

Councillor MacLaren attended the following engagements:

- Forum on why changes to prescribed burning are needed at the Denmark Environment Centre.
- Australia's Biggest Morning Tea.
- Launch of the Albany Maritime Foundation and St Ayles Skiffs.
- NAIDOC Week Opening.
- On behalf of the Mayor opened the NAIDOC Week Movie "*Black Magic*".
- Launch of Tineke Van der Eeken's "*Tributaries*" Exhibition at the Museum of the Great Southern.
- Breaksea production of "*Thunderstruck*".
- Presentation by Dr Rochelle Steven on the role of private landowners in cat management.
- Tourism industry Sundowner hosted by the ACCI.
- *Bush Medicine* by Larry Bright as part of NAIDOC Week.
- State Administrative Tribunal mediation session on a planning matter.

##### Deputy Mayor, Councillor Terry

##### Summary of key points:

Deputy Mayor Terry attended the following engagements:

- Opening of Southern Regional TAFE's new Trades Workshop.
- On behalf of the Mayor opened NAIDOC Week.
- The Breaksea production of "*Thunderstruck*".

Deputy Mayor Terry thanked staff involved with the Maritime Festival and said that he had received much positive feedback on this year's Festival.

Deputy Mayor Terry attended several meetings with Ministerial staff in Canberra. Deputy Mayor Terry also commented on the media release by Minister Don Punch regarding sublicences for Stage Two of the Albany Aquaculture Development Zone.

**Councillor Brough**

**Summary of key points:**

Councillor Brough acknowledged the media in attendance. Councillor Brough spoke of the importance of freedom of thought and respectful debate and discussion.

**Councillor Grimmer**

**Summary of key points:**

Councillor Grimmer recently visited local businesses in the Youngs Siding area, including the *Recollections of War Museum* which is home to a unique collection of letters, photographs, uniforms and other military memorabilia.

**Councillor Baesjou**

**Summary of key points:**

Councillor Baesjou attended the *Whales, Seals and Wirlo Stories* Exhibition which showcased the beautiful artworks from the Wirlomin Noongar Language and Stories picture books.

Councillor Baesjou also attended the Shanty Festival and NAIDOC week events, and the Breaksea production of *“Thunderstruck”*.

**Councillor Traill**

**Summary of key points:**

Councillor Traill attended a meeting regarding the issues experienced by community run Rural Halls, especially the financial commitment to run and maintain these important community facilities such as insurance and maintenance.

Councillor Traill also attended a Ministerial Round Table meeting with Minister Templeman and the arts community, held on Friday 19 July 2024.

**Councillor Sutton**

**Summary of key points:**

Councillor Sutton said he was very pleased to see the Albany Surf Reef and the Motorsport Park projects coming to fruition and bringing with them positive changes for the youth of Albany.

## 6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held 25 June 2024, the following questions were taken on notice:

**Mr Mark Stanton**

1. Which businesses were approached with regard to 7 day trading?

**Response:**

Invitations were sent to 1490 business, with 505 businesses responding. There are approximately 3000 ABNs registered in Albany, noting that many of these are not active businesses.

2. Is it true that Council workers only work a 9-day fortnight and the administration staff work a 19 day month. Why is that?

**Response:**

Many of the City's operations are open longer than the traditional '9-5 on weekdays'. This includes:

- Albany Leisure and Aquatic Centre;
- Albany Airport;
- Albany Library;
- Albany Visitors Centre;
- Albany Town Hall;
- Vancouver Arts Centre;
- National Anzac Centre;
- Albany Regional Day Care Centre;
- Rangers;
- Reserves;
- Emergency Management;
- Environmental Health Officers;
- Events; and
- Community Development.

The majority of city employees would work a schedule that includes morning shifts, night shifts or weekend shifts. Where officers have a '9-day fortnight' or '19-day month' working arrangement, they work longer daily hours to achieve the standard number of fortnightly hours. This is normally due to operational requirements such as longer daily openings hours of a service or facility, or where operational efficiency can be achieved.

**Mr Michael Pemberton**

*"What is the final cost of the consultation undertaken with regard to extended trading hours?"*

**Response:**

The final cost of conducting the survey is \$49,917.91. This amount is inclusive of advertising and payment to the Albany Chamber of Commerce and Industry to conduct the Business Survey.

**Ms Liz Watkins**

*With the web-based Community Survey being open to the public at large, there were several controls put in place to ensure the validity of the results. These were:*

- a. Cookies placed on devices that limited those devices to one response.
- b. The IP Address of each device was recorded. Responses on devices that recorded more than four responses that were not in line with community sentiment were removed.

*Does that this mean that multiple responses from an individual whose vote was in line with community sentiment was counted?*

**Response:**

Where multiple responses from a single device were recorded and in line with community sentiment, then the responses were still recorded.

It is unlikely that this would have been an individual as an individual recording multiple votes would be 100% no or yes votes, meaning those votes would be excluded as they were inconsistent with community sentiment.

With the controls put in place, such as cookies, IP address recording, closed link survey and the weight of responses, we are extremely confident that the survey outcome stands as the correct one.

**Mr Robin Budden**

1. *How does the Council reconcile a vision to be amazing with the performance that is average?*

**Response:**

While Council has set our vision to be “amazing” and a place “where anything is possible”, it is an aspirational vision that we will need to continue to strive to achieve. Our aim in setting such a vision is that it will inspire continuous improvement.

2. *What steps is the council taking to ensure that the reality matches the vision?*

**Response:**

Council undertakes regular reviews of its business framework to ensure the City is moving in the right direction and aligning with its corporate strategies and plans. The Corporate Business Plan and Long-Term Financial Plan are reviewed annually. The Strategic Community Plan is reviewed every two years, with the Community Perception Survey forming the base of this review. The survey allows Council to see how its performance measures against industry trends and standards, and whether the City’s performance is moving towards achieving Council’s vision.

3. *What will the Council do to improve its consultation with community members on the issues that are important to them?*

**Response:**

Council places strong emphasis on the importance of community engagement and providing opportunities for the community to have its say on matters of community importance. This was reinforced at the June Ordinary Council meeting (25/6/2024) when Council adopted a new Communications & Engagement Strategy and an updated Community Engagement Policy to guide its community engagement activities over the next 3 years. This Strategy adopts a recognised best-practice community engagement framework and an annual action plan. Implementation of the strategy will include expanding community representation on the City’s Communications & Engagement Advisory Group to inform and monitor progress on the strategy and ensure the views of the community are considered.

**7. PUBLIC QUESTION TIME**

In accordance with City of Albany Standing Orders Local Law 2014 (as amended):

*Clause 4 (6) The total time allowed for public question time will be no more than 30 minutes.*

Any extension to the time period defined by the City of Albany Standing Orders Local Law 2014 (as amended) will be at the discretion of the Presiding Member.

In accordance with City of Albany Standing Orders Local Law 2014 (as amended):

*Clause 5) The Presiding Member may decide that a public question shall not be responded to where—*

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

**Ms Kristen Pryz-Brown, CEO, Albany Chamber of Commerce and Industry**  
**Summary of key points:**

Ms Pryz-Brown addressed Council regarding Report Item CCS647: 2024-25 Budget, specifically Authorising Officer Recommendation 6 in relation to the increase in fees and charges for some categories of waste which would impact some small businesses.

**Mr Anthony Moir**  
**Summary of key points:**

Mr Moir addressed Council in support of the Authorising Officer Recommendation for Report Item DIS404: C24005 Southern Ocean Surf Reef - Lead Marine Contract Award.

**Ms Narelle Wakefield**  
**Summary of key points:**

Ms Wakefield addressed Council in support of the Authorising Officer Recommendation for Report Item DIS404: C24005 Southern Ocean Surf Reef - Lead Marine Contract Award.

**Mr Zephyr Simmons**  
**Summary of key points:**

Mr Simmons addressed Council in support of the Authorising Officer Recommendation for Report Item DIS404: C24005 Southern Ocean Surf Reef - Lead Marine Contract Award.

**Mr Peter Bolt**  
**Summary of key points:**

Mr Bolt addressed Council in support of the Authorising Officer Recommendation for Report Item DIS404: C24005 Southern Ocean Surf Reef - Lead Marine Contract Award.

**Ms Debbie Edwards of Albany Skip and Waste Services**  
**Summary of key points:**

Ms Edwards addressed Council regarding Report Item CCS647: 2024-25 Budget, specifically Authorising Officer Recommendation 6 in relation to the increase in fees and charges for some categories of waste which would impact some small businesses.

**Mr Darryl Byatt**  
**Summary of key points:**

Mr Byatt addressed Council regarding the condition of the Middleton Beach Footpath.

**Mr Phillip Douglas**  
**Summary of key points:**

Mr Douglas addressed Council regarding his concerns over what he considered to be unsuitable books for children currently available in the Albany Library.

**Mr Chris Ayres**  
**Summary of key points:**

Mr Ayres addressed council regarding the maintenance of gravel roads and verge maintenance.

**RESOLUTION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT Public Question Time be extended for a further 8 minutes.**

**CARRIED 11-0**

**Ms Michelle Kinsella**  
**Summary of key points:**

Ms Kinsella tabled a request to hold a Special Meeting of Electors.

**Ms Tamara Frewen**  
**Summary of key points:**

Ms Frewen asked why the City of Albany does not livestream Council Meetings.

[Response:](#)

[In accordance with Local Government Reforms, the City will be required to livestream and record Ordinary and Special Council Meetings. There will be no legislative requirement to livestream or record Committee meetings.](#)

[The Reforms also relate to retention of video and audio recordings, which will be retained for a period of up to 5 years. Recordings must be published on the City's website.](#)

[These reforms come into effect from 01 January 2025.](#)

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT Councillor Cruse be GRANTED Leave of Absence for the period 01 September 2024 to 30 December 2024 inclusive.**

**CARRIED 11-0**

## 9. PETITIONS AND DEPUTATIONS

### RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH

SECONDED: COUNCILLOR: TRAILL

THAT the Petition requesting that the City of Albany implement the following traffic safety and calming measures in the area near Bluff Rock Reserve, Spencer Park:

1. Place "Local Traffic Only" signs adjacent to Bluff Rock Reserve.
2. Improve traffic calming by modifying the island at the David Street and Tassell Street intersection, and at installing one at David and Collingwood Rd.
3. Establish a 40km area speed limit.

Be RECEIVED.

CARRIED 11-0

### Officer Comment:

This Petition has been assessed as being compliant with the City of Albany Petition Policy and may be received by Council.

## 10. CONFIRMATION OF MINUTES

### RESOLUTION (AMENDMENT BY COUNCILLOR BROUGH)

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR MCKINLEY

SECONDED: COUNCILLOR BROUGH

THAT:

The minutes of the Ordinary Council Meeting held on 28 May 2024 be CONFIRMED as a true and accurate record of proceedings with the following amendment:

1. The response to Questions Taken on Notice from Dr C Thomson included in the Minutes of the Ordinary Council Meeting held 28 May 2024 be AMENDED to remove the following wording:

*Councillor Terry's point of order was not challenged by the Council, and thus deemed appropriate. However, consistent with the Standing Orders, the Presiding Member granted Councillor Brough additional time to conclude his address to the meeting.*

2. The amended minutes of the Ordinary Council Meeting held on 28 May 2024 be made available on the City's website.
3. Dr Thomson be advised in writing of the amendment to the response provided to him.

CARRIED 11-0

**AMENDMENT BY COUNCILLOR BROUGH)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BROUGH  
SECONDED: COUNCILLOR MCKINLEY**

**THAT:**

1. The response to Questions Taken on Notice from Dr C Thomson included in the Minutes of the Ordinary Council Meeting held 28 May 2024 be **AMENDED** to remove the following wording:

*Councillor Terry's point of order was not challenged by the Council, and thus deemed appropriate. However, consistent with the Standing Orders, the Presiding Member granted Councillor Brough additional time to conclude his address to the meeting.*

2. The amended minutes of the Ordinary Council Meeting held on 28 May 2024 be made available on the City's website.
3. Dr Thomson be advised in writing of the amendment to the response provided to him.

**CARRIED 11-0**

**Reason for Amendment:**

Based on review of the audio recording of the Ordinary Council Meeting held 28 May 2024, it has been confirmed that Councillor Brough was not granted additional time to conclude his address at the meeting.

**Councillor Brough then moved an Amendment to the draft motion.**

**MOTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR MACLAREN**

**THAT** the minutes of the Ordinary Council Meeting held on 28 May 2024, as previously distributed, be **CONFIRMED** as a true and accurate record of proceedings.

**RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR GRIMMER**

**THAT** the minutes of the Ordinary Council Meeting held on 25 June 2024, as previously distributed, be **CONFIRMED** as a true and accurate record of proceedings.

**CARRIED 11-0**

11. **PRESENTATIONS** Nil
12. **UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS** Nil.

**CCS639: MONTHLY FINANCIAL REPORT – MAY 2024**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Monthly Financial Report – May 2024
<b>Report Prepared By</b>	: Manager Finance (S van Nierop)
<b>Authorising Officer:</b>	: Executive Director Corporate & Commercial Services (M Gilfellon)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance

**IN BRIEF**

- Under the Local Government Financial Management Regulations, a local government is to prepare monthly a statement of financial activity and statement of financial position that is presented to Council.
- The City of Albany's Monthly Financial Report (inclusive of the statement of financial activity and the statement of financial position) for the period ending 31 May 2024 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.
- The financial information included within the Monthly Financial Report for the period ended 31 May 2024 is preliminary and has not yet been audited.

**RECOMMENDATION**

**CCS639: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR MCKINLEY**

**THAT the Monthly Financial Report for the period ending 31 May 2024 be RECEIVED.**

**CARRIED 11-0**

**CCS639: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR MCKINLEY**

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

**CARRIED 9-0**

**CCS639: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Monthly Financial Report for the period ending 31 May 2024 be RECEIVED.**

## **DISCUSSION**

2. To fulfil statutory reporting obligations, the Monthly Financial Report prepared provides a snapshot of the City's year to date financial performance. The report provides the:
  - (a) Statement of Financial Activity by nature classifications (satisfying Regulation 34 of the Local Government (Financial Management) Regulations 1996);
  - (b) Statement of Financial Position (satisfying Regulation 35 of the Local Government (Financial Management) Regulations 1996);
  - (c) Basis of Preparation;
  - (d) Explanation of material variances to year-to-date budget;
  - (e) Net Current Asset & Funding Position;
  - (f) Investment Portfolio Snapshot;
  - (g) Receivables; and
  - (h) Capital Acquisitions.
3. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS545, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.
4. The Statement of Financial Activity and Statement of Financial Position may be subject to year-end adjustments and have not been audited.
5. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

## **STATUTORY IMPLICATIONS**

6. The Local Government (Financial Management) Regulations 1996 stipulate that each month Local Governments are required to prepare and report a Financial Activity Statement (reg 34) and a Financial Position Statement (reg 35).
7. Each of these statements are to be presented at an ordinary meeting of the council within 2 months after the end of the relevant month, as well as recorded in the minutes of the meeting at which it is presented.

## **POLICY IMPLICATIONS**

8. The City's 2023/24 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

## **FINANCIAL IMPLICATIONS**

10. Expenditure for the period ending 31 May 2024 has been incurred in accordance with the 2023/24 budget parameters.
11. Details of any budget variation more than \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

## **LEGAL IMPLICATIONS**

12. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

13. Nil.

**ALTERNATE OPTIONS**

14. Nil.

**CONCLUSION**

15. The Authorising Officer's recommendation be adopted.
16. It is requested that any questions regarding this report are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

<b>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number</b>	:	FM.FIR.7

**CCS640: LIST OF ACCOUNTS FOR PAYMENT – JUNE 2024**

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

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

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

**IN BRIEF**

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

**RECOMMENDATION**

**CCS640: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR TERRY**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2024 totalling \$9,657,082.74 be RECEIVED.**

**CARRIED 10-1**

**Record of Vote**

Against the Motion: Councillor Lionetti

**CCS640: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR STOCKS**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 9-0**

**CCS640: AUTHORISING OFFICER RECOMMENDATION**

**THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2024 totalling \$9,657,082.74 be RECEIVED.**

**DISCUSSION**

2. The table below summarises the payments drawn from the City's Municipal and Trust funds for the period ending 15 June 2024. Please refer to the Attachment to this report.

<b>Fund</b>	<b>Transaction Type</b>	<b>Amount (\$)</b>
Municipal	Electronic Funds Transfer	\$6,351,582.93
Municipal	Payroll	\$3,267,041.98
Municipal	Credit Cards	\$38,457.83
Municipal	Cheques	\$0.00
Trust	N/A	\$0.00
<b>TOTAL</b>		<b><u>\$9,657,082.74</u></b>

3. Included within the Electronic Funds Transfers from the City's Municipal account are Purchasing Card transactions, required to be reported under Regulation 13(A), totalling: \$11,182.22.
4. The table below summaries the total outstanding creditors as at 15 June 2024.

<b>Aged Creditors</b>	<b>Amount (\$)</b>
Current	\$710,923.00
30 Days	\$1,131,875.70
60 Days	-\$22.00
90 Days	\$68.33
<b>TOTAL</b>	<b><u>\$1,842,845.03</u></b>

**STATUTORY IMPLICATIONS**

5. Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996, provides that payment June only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.
8. As part of the Local Government Regulations Amendment Regulations 2023 (SL2023/106), additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, requires Local Governments to report on payments by employees via purchasing cards.

**POLICY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**LEGAL IMPLICATIONS**

11. Nil

**ENVIRONMENTAL CONSIDERATIONS**

12. Nil

**ALTERNATE OPTIONS**

13. Nil

**CONCLUSION**

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

<b>Consulted References</b>	:	<i>Local Government (Financial Management) Regulations 1996</i>
<b>File Number</b>	:	FM.FIR.2

**CCS641: DELEGATED AUTHORITY REPORTS – 16 MAY 2024 to 15 JUNE 2024**

**Proponent / Owner** : City of Albany  
**Attachments** : Executed Document and Common Seal Report  
**Report Prepared By** : PA to Mayor and Councillors (D Clark)  
**Authorising Officer:** : Chief Executive Officer (A Sharpe)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

**RECOMMENDATION**

**CCS641: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BAESJOU**  
**SECONDED: COUNCILLOR TRAILL**

**THAT the Delegated Authority Reports 16 May 2024 to 15 June 2024 be RECEIVED.**

**CARRIED 11-0**

**CCS641: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR BAESJOU**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 9-0**

**CCS641: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 May 2024 to 15 June 2024 be RECEIVED.**

**BACKGROUND**

2. In compliance with Section 9.49A of the *Local Government Act 1995* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:
  - **Delegation: 006** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
  - **Delegation: 009** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
  - **Delegation: 018** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

**CCS642: WRITE-OFF GENERAL DEBT REPORT AS AT 30 JUNE 2024**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: General Debtors Write-Off Report
<b>Report Prepared by</b>	: Financial Services Coordinator (P Martin)
<b>Authorising Officer</b>	: Executive Director Corporate and Commercial Services (M Gilfellon)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

**RECOMMENDATION**

**CC642: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR MACLAREN**

**THAT the General Debtors Write Off Report as at 30 June 2024 be RECEIVED.**

**CARRIED 11-0**

**CC642: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR TRAILL**

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

**CARRIED 9-0**

**CC642: AUTHORISING OFFICER RECOMMENDATION**

**THAT the General Debtors Write Off Report as at 30 June 2024 be RECEIVED.**

**CCS643: CORPORATE SCORECARD – APRIL TO JUNE 2024  
QUARTER 4**

**Attachments** : Corporate Scorecard: Q4 2023-24  
**Report Prepared By** : Business Planning and Performance Coordinator  
(A Olszewski)  
**Authorising Officer:** : Manager Finance (S Van Nierop)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany's Strategic Community Plan 2032 or Corporate Business Plan 2023-2027 informing plans or strategies:
- **Pillar:** Leadership.
  - **Outcome:** Proactive, visionary leaders who are aligned with community needs and values.

**In Brief:**

- The Strategic Community Plan 2032 (SCP) and the first Corporate Business Plan (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of strategic actions that effectively form Council's priority commitments to the community.
- The 'Corporate Scorecard' provides a summary overview of these actions, while adding commentary on those that are not 'on track'.

**RECOMMENDATION**

**CCS643: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR GRIMMER**

**THAT the Corporate Scorecard: Q4 2023-24 for the April to June 2024 quarter be NOTED.**

**CARRIED 11-0**

**CCS643: COMMITTEE RECOMMENDATION**

**MOVED COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 9-0**

**CCS643: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Corporate Scorecard: Q3 2023-24 for the April to June 2024 quarter be NOTED.**

## BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. Delivery of these actions are monitored through Business Unit Plans, which define the associated project milestones and enable reporting against them.

## DISCUSSION

4. The attached 'Corporate Scorecard' report provides an update on the status of CBP actions for the April to June 2024 quarter.
5. This report retains the general traffic-light model, with the following threshold specifications:
  - 'Off Track' (red) actions are less than 70% complete relative to the established project milestone.
  - 'Monitor' (amber) actions are more than 70% but less than 90% complete relative to the established project milestone.
  - 'On Track' (green) actions are 90% or more complete relative to the established project milestone.
  - 'No Target Set' actions are yet to commence or are ongoing services with no milestone.
  - Completed actions are subsumed within the 'On Track' actions.
6. In keeping with the effort to develop a report with a more 'strategic' focus (per the Council Strategic Workshop of 12 December 2023), all actions have been reframed (from the December 2023 report) wherever possible as 'projects'; that is, discretionary actions with limited temporal scope designed to improve or expand upon City services.
7. 'Services' and corresponding 'service levels' will be subordinated to a separate, operational-level report provided to the Executive Management Team.
8. CAMMS is currently undertaking a major upgrade of their strategy module and the City is continuing to advise on this process. The partnership provides a unique opportunity to develop the Corporate Scorecard and better accommodate the City's requirements going forward.

## GOVERNMENT & PUBLIC CONSULTATION

9. N/A.

## STATUTORY IMPLICATIONS

10. There are no direct statutory implications, however the Report supports the City's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

**Corporate Business Plan** means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in *accordance with section 5.56*, which states:

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*

- (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications. **\*Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

**POLICY IMPLICATIONS**

11. N/A.

**RISK IDENTIFICATION & MITIGATION**

12. Risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational/Business Operations:</b> Loss of reputation from not following through on commitments outlined in CBP.	Likely	Minor	Moderate	Staff to review and address areas of concern prior to reconsideration by Council.
<b>Opportunity:</b> Significantly enhanced oversight of CBP Actions, leading to improved community perception of Council leadership.				

**FINANCIAL IMPLICATIONS**

13. N/A.

**LEGAL IMPLICATIONS**

14. N/A.

**ENVIRONMENTAL CONSIDERATIONS**

15. N/A.

**ALTERNATE OPTIONS**

16. Council may choose not to review progress of commitments made in the CBP through the Report, and delegate this oversight to the City's Executive.

**CONCLUSION**

17. It is recommended the 'Corporate Scorecard: Q4 2023-24' be noted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Local Government Act 1995, s5.56</li> <li>Local Government (Administration) Regulations 1996, Reg. 19D</li> <li>IPR Framework and Guidelines 2019</li> </ul>
<b>File Number</b>	:	
<b>Previous Reference</b>	:	OCM 27/02/2024 - Report Item CCS618

**CCS644: QUARTERLY REPORT – TENDERS AWARDED – APRIL TO JUNE 2024**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Quarterly Report – Tenders Awarded – April to June 2024
<b>Report Prepared by</b>	: Manager Finance (S van Nierop)
<b>Authorising Officer</b>	: Executive Director Corporate & Commercial Services (M Gilfellow)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** A well informed and engaged community.

**RECOMMENDATION**

**CCS644: RESOLUTION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY  
SECONDED: COUNCILLOR TRAILL**

**THAT the Quarterly Report – Tenders Awarded – April to June 2024 be RECEIVED.**

**CARRIED 11-0**

**CCS644: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR MCKINLEY  
SECONDED: COUNCILLOR TERRY**

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

**CARRIED 9-0**

**CCS644: AUTHORISING OFFICER RECOMMENDATION**

**THAT the Quarterly Report – Tenders Awarded – April to June 2024 be RECEIVED.**

## **CCS645: RECONCILIATION ACTION PLAN**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Reconciliation Action Plan – Reflect City of Albany Aboriginal Accord
<b>Report Prepared By</b>	: Manager Community Relations (E van Gorp)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:

- **Pillar:** People
- **Outcome:** Grow recognition and respect for local indigenous cultures.

#### **In Brief:**

- Adopt the City of Albany 'Reflect' Reconciliation Action Plan (RAP) to replace the outdated Aboriginal Accord.

### **RECOMMENDATION**

**CCS645: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT Council ADOPT the City of Albany Reflect Reconciliation Action Plan.**

**CARRIED 8-3**

#### **Record of Vote**

Against the Motion: Councillors Lionetti, Brough and McKinley

**CCS645: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR TERRY**

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

**CARRIED 8-1**

#### **Record of Vote**

Against the Motion: Councillor McKinley

**CCS645: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council ADOPT the City of Albany Reflect Reconciliation Action Plan.**

## **BACKGROUND**

2. Council adopted the City of Albany Aboriginal Accord in March 2003 following a Memorandum of Understanding developed in 1999.
3. Albany was the first local government in Western Australia to adopt an Accord, demonstrating leadership in reconciliation at the time.
4. The Accord committed the City to work with the Aboriginal people of Albany to promote a greater understanding throughout the community of Aboriginal and non-Aboriginal people's history and culture.
5. Since then, Accords have been formally replaced by Reconciliation Action Plans (RAP).
6. The RAP program was launched in 2006 by Professor Mick Dodson and former Prime Minister John Howard, to enable workplaces to progress reconciliation between Aboriginal and Torres Strait Islander people and communities, and other Australians.
7. The RAP framework enables an organisation to contribute to reconciliation by:
  - Building and encouraging relationships between Aboriginal and Torres Strait Islander peoples, communities, organisations, and the broader Australian community;
  - Fostering and embedding respect for the world's longest surviving cultures and communities; and
  - Developing opportunities within the organisation or service to improve socio-economic outcomes for Aboriginal and Torres Strait Islander peoples and communities.
8. A RAP provides an accountable framework and represents an organisation's commitment to implement and measure actions that will enhance respectful relationships and create opportunities for Aboriginal and Torres Strait Islander peoples and communities.
9. Through the RAP framework, an organisation develops its RAP as a "business plan that documents what an organisation commits to do to contribute to reconciliation in Australia".
10. Organisations that have adopted RAPs include government agencies, not-for-profit organisations and commercial entities. In Western Australia, more than 25 local governments have adopted RAPs including the cities of Perth, Wanneroo, Cockburn, Melville, South Perth, Fremantle, Busselton, Bunbury, Greater Geraldton, and Belmont
11. The Local Government Act 1995 was also recently amended to incorporate a requirement to "recognise the interests of Aboriginal people" and "to involve Aboriginal people in decision making processes" (refer to points 33 & 34 of this report).

## **DISCUSSION**

12. The City's existing Aboriginal Accord is dated and the community has queried the ongoing relevance and effectiveness of this document.
13. However, the City has continued to strive to work positively and proactively with its Menang-Noongar and wider community to achieve positive cultural and reconciliation outcomes.
14. This is evidenced in a range of positive outcomes achieved over recent years including the Mokare Mia Boodja project which returned significant objects that originated from the Menang-Noongar people to country, and a substantial dual-naming project that formally recognised the cultural names of more than 60 places of cultural significance.
15. Extensive engagement and collaboration has resulted in the adoption of the Bicentenary Strategic Plan and the Menang-First approach for Albany 2026.
16. Wagyl Kaip has partnered with the City to establish a dedicated cultural advisory committee to provide cultural guidance and input for Albany 2026.

17. The City's focus on elevating cultural recognition and advancing reconciliation as outcomes of Albany 2026 as defined in the Council-adopted Bicentenary Strategic Plan underpins the importance of the City developing a RAP.
18. The City is also participating in a Place-Based RAP Pilot Project in the Great Southern region with Reconciliation Australia and Reconciliation WA (RECWA).
19. Establishing a RAP for the City of Albany is considered an important and necessary action to reaffirm the City's commitment to working with its Menang-Noongar community and supporting reconciliation within a recognised and more robust and accountable framework to measure outcomes.
20. It demonstrates the City's commitment to walking together with its Menang-Noongar community and leadership in bringing our community together to work collaboratively to achieve positive and shared outcomes.

#### RAP Framework

21. A RAP is a nationally recognised framework, endorsed by Reconciliation Australia.
22. The development of a RAP will enable the City to clearly identify and document what the City is currently doing and identify gaps and new actions within its sphere of influence to contribute to reconciliation.
23. The RAP will outline practical actions the City will take to build stronger relationships, promote cultural recognition, and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians.
24. The process involved in developing a RAP as outlined by Reconciliation Australia identifies four types of RAPs, with each RAP aligning with where an organisation is in its reconciliation journey.
25. The four types of RAPs are:
  - **Reflect RAP: Building strong foundations** – Helps prepare an organisation to engage in reconciliation meaningfully. Committing to a Reflect RAP starts with engaging staff and leaders in understanding the importance of reconciliation. It includes developing relationships with Aboriginal and Torres Strait Islander stakeholders, and scoping where your organisation can best have impact in your sphere of influence. Implemented over 12 – 18 months.
  - **Innovate RAP: Implementing change** – Outlines actions for achieving your organisation's vision for reconciliation. Innovate RAP commitments allow your organisation to gain a deeper understanding of your sphere of influence and establish the best approaches to advance reconciliation. An Innovate RAP focuses on strengthening relationships with Aboriginal and Torres Strait Islander people and piloting strategies for further reconciliation commitments and to empower Aboriginal and Torres Strait Islander people. Implemented over two years.
  - **Stretch RAP: Reconciliation leadership** – Organisations need to have established a very strong approach towards advancing reconciliation internally and within the organisation's sphere of influence. The Stretch RAP requires organisations to embed reconciliation initiatives into business strategies, so they become 'business as usual'. Spans a three-year period and is focused on high impact commitments based on defined measurable targets and goals; and
  - **Elevate RAP: Transformational change** – Organisations have a strong strategic relationship with Reconciliation Australia and actively champion initiatives to uphold the self-determination of Aboriginal and Torres Strait Islander peoples and drive systemic and transformational change. Have a proven track record of embedding effective RAP initiatives in their organisation through Stretch RAPs and are ready to take on leadership to advance national reconciliation. Must demonstrate high accountability measures including independent assessment of their activities. Implemented over a three-year term.

26. While Reconciliation Australia and Reconciliation WA have acknowledged the City has achieved several significant community projects including the Restoring Menang-Noongar Place Names Project and First Lights Binalup, it is recommended that the City commence its RAP journey at the Reflect level.

Implementation process

27. Reconciliation Australia requires all actions and deliverables of its Reflect RAP template to be included in order to receive its endorsement.
28. Elected Members were briefed on the City of Albany's draft Reflect RAP by officers and representatives of Reconciliation Australia and Reconciliation WA at its March Strategic Workshop.
29. Following feedback from Elected Members, officers sought to better reflect the City of Albany's organisational context with regards to procurement processes and proposed an amendment to one of the template actions, and this was supported by Reconciliation Australia.
30. The next steps for implementing a Reflect RAP for the City of Albany includes:
- Council adoption of the RAP;
  - Submitting the final Reflect RAP to Reconciliation Australia for endorsement;
  - Launching the City of Albany Reflect RAP;
  - Establishing a RAP Working Group; and
  - Reporting on RAP outcomes.

**GOVERNMENT & PUBLIC CONSULTATION**

31. Officers have consulted with Reconciliation WA and Reconciliation Australia in relation to the recommended pathway for development of the Reflect RAP.
32. The Reflect RAP follows Reconciliation Australia's template RAP and has not required any government or public consultation in its development.

**STATUTORY IMPLICATIONS**

33. The Local Government Act 1995 was also recently amended to incorporate the following:
- 3.1 General Function**
- (1A) the general function of a local government must be performed having regard to the following*
- (b) the need –*
- (i) to recognise the interests of Aboriginal people; and*
  - (ii) to involve Aboriginal people in decision making processes.*
34. In this regard, the City of Albany is legislatively required to implement an approach that will provide for this to take place. The RAP framework is a structured and accountable format to achieve this.

**POLICY IMPLICATIONS**

35. Once endorsed by Council and Reconciliation Australia, the City of Albany Reflect RAP will replace the existing but dated City of Albany Aboriginal Accord.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputational Risk:</b> Not adopting the Reflect RAP will damage trust within the Menang-Noongar community towards the City and negatively impact existing positive relationships.	Almost Certain	Severe	Extreme	Adopt the Reflect RAP.
<b>Reputational &amp; Financial Risk:</b> Not adopting the Reflect RAP will undermine the authenticity of the Council-endorsed "Menang-First" approach to Albany 2026 and jeopardise project delivery and funding partnerships.	Almost Certain	Severe	Extreme	Implement the Reflect RAP as detailed at point 30 of this report.
<b>Operational Risk:</b> Some aspirations of the Reflect RAP may not be fully realised or achieved due to budget or resource constraints.	Possible	Minor	Medium	Align budget and resource allocations with Council priorities and explore all reasonable options to achieve objectives.
<b>Opportunity:</b> To provide a clear framework and direction for the City of Albany to engage with and reaffirm its commitment to working with the Menang-Noongar community by supporting reconciliation within a recognised, more robust and accountable framework to measure outcomes.				

## FINANCIAL IMPLICATIONS

37. Delivery of the Reflect RAP will be achieved through existing budget allocations.
38. If any additional budget is required to deliver an objective or action, this will be considered through Council's annual budgeting process.

## LEGAL IMPLICATIONS

39. Nil

## ENVIRONMENTAL CONSIDERATIONS

40. Nil

## ALTERNATE OPTIONS

41. Council can choose not to adopt the Reflect RAP. This is not recommended as feedback from community is that the Aboriginal Accord is outdated and does not provide a framework for the City to be accountable and transparent in this space, and the City would suffer severe reputational damage and put delivery and funding of Albany 2026 in jeopardy.
42. Continue with the Aboriginal Accord. This is not recommended as it is no longer recognised as a contemporary reconciliation document within the community.
43. Council can request further amendments to the Reflect RAP. This is not recommended as all actions and deliverables of the Reflect RAP template need to be included for Reconciliation Australia to endorse it. Reconciliation Australia has indicated its support for the current draft.

## CONCLUSION

44. The adoption of the Reflect RAP will replace the Aboriginal Accord and provide a structured and contemporary governance framework reaffirming the City's commitment to working with the Menang-Noongar community and supporting reconciliation and inclusion.

<b>Consulted References</b>	:	Reconciliation Australia RAP Guidelines Reconciliation WA RAP resources RAP City of Geraldton RAP Australian National Maritime Museum
<b>File Number</b>	:	CR.PLA.2
<b>Previous Reference</b>	:	Nil

## **CCS646: COMMUNITY SPORTS AND RECREATION FACILITY FUNDING POLICY**

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Community Sport and Recreation Facility Funding Policy
<b>Report Prepared By</b>	: Manager Recreation Services (M Green)
<b>Authorising Officer:</b>	: Executive Director Community Services (N Watson)

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** People.
  - **Outcome:** A happy, healthy, and resilient community and a safe community.

### **In Brief:**

- Council is requested to adopt the revised Community Sport and Recreation Facility Funding Policy.

### **RECOMMENDATION**

**CCS646: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR GRIMMER**

**THAT Council ADOPT the revised Community Sport and Recreation Facility Funding Policy.**

**CARRIED 11-0**

**CCS646: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR STOCKS**  
**SECONDED: COUNCILLOR SUTTON**

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

**CARRIED 9-0**

**CCS646: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council ADOPT the revised Community Sport and Recreation Facility Funding Policy.**

## **BACKGROUND**

2. The Community Sports and Recreation Facility Funding (CSRFF) Policy is used to guide the equitable and sustainable distribution of municipal funds to support eligible community sporting and recreation projects.
3. The Policy outlines the City's framework for the contribution to, and assessment and ranking of, CSRFF and Club Night Lights grant applications in line with the Department of Local Government Sport and Cultural Industries (DLGSC) guidelines.
4. The current policy position's objective was developed to provide:
  - An equitable and transparent framework for the assessment and ranking of applications for CSRFF funding;
  - A framework for the allocation of the City of Albany's Capital Seed Fund to assist with leveraging other funding opportunities and maximising the outcomes for the community; and
  - A framework for the allocation of the Capital Seed Fund, should an applicant be unsuccessful in their application.
5. This policy has guided staff when preparing recommendations to Council to ensure:
  - All applications are part of a planned approach to facility provision; and
  - The City's contribution is limited to one third of the project cost.
6. Officers have reviewed the Policy and briefed Elected Members on the review on Tuesday, 11 June 2024.

## **DISCUSSION**

7. The CSRFF Policy has been reviewed to reflect recent changes in the DLGSC's CSRFF funding guidelines and funding thresholds.
8. The Small Grants Round has increased its maximum eligible project cost criteria from \$300,000 to \$500,000. This streamlines the application process for projects under \$500,000 with two funding rounds available per year.
9. Traditionally the CSRFF program has only funded one third of the total project costs. The revised guidelines now fund up to a half of the total project cost up to a limit of \$200,000 for successful small grant recipients.
10. Additionally, the DLGSC also opens a Club Night Lights funding round concurrent to CSRFF for which applications are also eligible to receive funding through the City of Albany's Capital Seed Fund.
11. The Annual and Forward Planning Grant Rounds remain unchanged from previous years; however, the funding pool has increased to \$20 million. All 3 rounds are often oversubscribed, and clubs may need to reapply on a number of occasions to be successful.
12. Whilst there is no obligation for local government to contribute to the community sporting projects, local government is viewed as a key funding partner in supporting improved community sporting amenities.
13. The City is starting to receive increased requests for financial support and at present there is limited strategic direction or policies to assist with managing large funding request that exceed the Capital Seed Fund.
14. The proposed policy amendments seek to acknowledge the changes in funding, provide a framework for the allocation of the Capital Seed Fund, and to assist officers with managing community expectations and large community funding requests.

15. Below provides a summary of the key proposed changes to the policy;

- Restructured policy for improved clarity and brevity
- Policy re-titled to encompass all rounds of the CSRFF Program (Small, Annual and Club Night Lights)
- Addition to note that Council will not provide self-supporting loans to sport and recreation projects
- Addition to note that City of Albany applications will require council-approved budget allocations and will not draw down on the Capital Seed Fund
- A process for applications projects that exceed the funding capacity of the Capital Seed Fund
- Addition/amendment to the City's financial contribution to community sporting club or association for a grant eligible project will not exceed 33% (ex GST), to a maximum of \$600,000 of the total project cost.
- Addition that Council will maintain a 'Parks and Recreation Reserve' to assist with providing Council financial capacity to consider contributions towards community sporting club and association projects that are eligible for the Forward Planning Grants, or which exceed the funding capacity of the Capital Seed Fund.

## GOVERNMENT & PUBLIC CONSULTATION

16. Nil.

## STATUTORY IMPLICATIONS

17. Nil.

## POLICY IMPLICATIONS

18. Nil.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation &amp; Financial Risk:</b> Failure to distribute financial support in an equitable and sustainable manner results in community dissatisfaction or projects not going ahead.	Possible	Moderate	High	Council may choose to support the policy review and/or amend the policy to align with Council's priorities.
<b>Community &amp; Reputation Risk:</b> Failure to provide an equitable framework & allocation may result in community backlash and dissatisfaction.	Possible	Moderate	Medium	Council may choose to support the policy review and/or amend the policy to align with Council's priorities.
<b>Opportunity:</b> To provide Council with clear guidelines to accept, review and consider sport and recreation projects. Policy will provide a framework with defined criteria and rationale which provides openness and transparency for the City, external stakeholders and the community.				

**FINANCIAL IMPLICATIONS**

20. The Capital Seed Fund has been established to assist with leveraging CSRFF for sporting and recreational clubs.
21. Annual allocation to the Capital Seed Fund is determined by Council as part of its annual budget process.
22. Council will maintain the Parks and Recreation Reserve to assist with providing Council financial capacity to consider contributions towards community sporting club and association projects that are eligible for the Forward Planning Grants, or which exceed the funding capacity of the Capital Seed Fund.

**LEGAL IMPLICATIONS**

23. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

24. Nil.

**ALTERNATE OPTIONS**

25. Council may choose not to support this policy review.
26. Council may choose to modify or request changes to the policy.
27. Council may choose to undertake a further review of this policy prior to adopting it.

**CONCLUSION**

28. That the reviewed Community Sport and Recreation Facility Funding Policy be adopted.

<b>Consulted References</b>	:	Not Applicable.
<b>File Number</b>	:	CM.STD.7 – Policy
<b>Previous Reference</b>	:	Council Briefing – Tuesday 11 June 2024

**CCS647: 2024-2025 BUDGET ADOPTION**

**Proponent** : City of Albany  
**Attachments** : Draft 2024-2025 Budget  
**Report Prepared by** : Business Analyst/Management Accountant (D Harrison)  
**Authorising Officer** : Chief Executive Officer (A Sharpe)  
Executive Director Corporate & Commercial Services  
(M Gilfellon)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** Strong workplace culture and performance.
  - **Outcome:** A well informed and engaged community.
2. This proposed budget aligns with the City's Corporate Business Plan where possible.

**IN BRIEF:**

- Approve the 2024/2025 budget, noting that the proposed budget is a result of a series of elected member and staff workshops.

**RECOMMENDATION**

**CCS647: RESOLUTION 1**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR TRAILL**

**THAT Council ADOPT the following municipal rates in the dollar on gross rental valuations and unimproved valuations and minimum rate values for the 2024-2025 financial year:**

**(1) Rating Category 1 – GRV General**

- The General Rate on Gross Rental Values for the 2024/2025 financial year on Rating Category (1) including all GRV rateable land be 11.0873 cents in the dollar.

**(2) Rating Category 3 – UV**

- The General Rate on current unimproved values for the 2024/2025 financial year on Rating Category (3) including all UV rateable land be 0.2815 cents in the dollar.

**(3) Minimum Rate**

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$1,222.00
- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,316.00

**CARRIED 11-0**  
**ABSOLUTE MAJORITY**

**CCS647: RESOLUTION 2**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR MCKINLEY**

**THAT Council APPROVE the following Waste Collection charges for the City of Albany (including general waste collection, one bulk green waste collection, one bulk hard waste collection, collection of recyclables and fogo waste) be adopted for the 2024-2025 financial year:**

**(1) Residential Services**

- |                                    |  |
|------------------------------------|--|
| • Full Residential Waste Service   | \$426.00   |
| • Waste Collection 140 Ltr MGB     | Fortnightly  |
| • Recycling Collection 240 Ltr MGB | Fortnightly  |
| • FOGO Waste Collection 240Ltr MGB | Fortnightly (and weekly between mid December and mid February) |

**(2) Additional Services**

**Additional Services (up to a maximum of two but can only include one collection type) with a full residential waste service.**

- |  |  |
|--|--|
| • Waste Collection 140 Ltr MGB (Inc GST)     | Fortnightly \$137.00   |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$77.00  |
| • FOGO Waste Collection 240Ltr MGB (Inc GST) | Fortnightly \$77.00 (and weekly between mid December and mid February) |

**(3) Waste Facilities Maintenance Rate (Section 66(1) Waste Avoidance and Resource Recovery Act 2007)**

**In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) and, in accordance section 66(3) of the WARR Act, apply the minimum payment provisions of section 6.35 of the *Local Government Act 1995*. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$58.**

**The proposed rates are:**

- GRV General Properties – Rate in the dollar: 0.01 Cents, minimum \$58.00
- UV General Properties – Rate in the dollar: 0.0022 Cents, minimum \$58.00

**CARRIED 11-0**  
**ABSOLUTE MAJORITY**

**CCS647: RESOLUTION 3**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR GRIMMER**

**THAT Council ADOPT:**

- (1) Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2024/2025 financial year which includes the following:
- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$20,987,390
  - Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$20,987,390
  - Statement of Cash Flows showing cash & cash equivalents at year-end of \$15,684,023 on page (vii)
  - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$46,387,060
  - Notes to and Forming Part of the Budget on pages (1 to 56)
  - Fees and Charges and Capital Works Schedule as detailed on pages (57 to 96)
  - Transfers to / from Reserve Accounts as detailed in pages (44 to 49)
- (2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 44 to 49 of the budget):
- Airport Reserve
  - Albany's Bicentennial Reserve
  - Building Restoration Reserve
  - Capital Seed Funding for Sporting Clubs Reserve
  - Centennial Park Stadium and Pavilion Renewal Reserve
  - Parking, Bridges & Marine Infrastructure Reserve
  - Coastal Management Reserve
  - Debt Management Reserve
  - Emu Point Marina Reserve 42964 Reserve
  - Great Southern Contiguous Local Authorities Group Reserve
  - Information Technology Reserve
  - Land Acquisition Reserve
  - National Anzac Centre Reserve
  - Parks, Recreation Grounds and Trails Reserve
  - Plant & Equipment Reserve
  - Public Open Space Reserve
  - Refuse Collection & Waste Minimisation Reserve
  - Roadwork's, Drainage & Paths Reserve
  - Developer Contributions (Non-Current) Reserve
  - Unspent Grants Reserve
  - Waste Management Reserve

**CARRIED 9-2**  
**ABSOLUTE MAJORITY**

Record of the Vote

Against the Motion: Councillors Lionetti and Brough

**CCS647: RESOLUTION 4**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT Council APPROVE the due dates for payment of Rates and Waste Collection Charges for 2024-2025 be as follows:**

- (1) Pay rates in full 19th September 2024.**
- (2) Pay by two instalments:**
  - (a) First Instalment Payment 19th September 2024; and**
  - (b) Second Instalment: 20th January 2025.**
- (3) Pay by four instalments:**
  - (a) First Instalment Payment 19th September 2024;**
  - (b) Second Instalment: 20th November 2024;**
  - (c) Third Instalment: 20th January 2025; and**
  - (d) Fourth Instalment: 20th March 2025.**

**CARRIED 11-0**  
**ABSOLUTE MAJORITY**

**CCS647: RESOLUTION 5**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**  
**SECONDED: COUNCILLOR SUTTON**

**THAT Council IMPOSE the following Rates and Charges to provide for Administration and Interest Charges on Rating, Waste Collection and General Debtor Collection charges during the 2024-2025 financial year:**

- (1) Instalment Plan Administration Fee**  
In accordance with section 6.45(3) of the Local Government Act 1995, an Instalment Plan Administration fee of \$7.00 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.
- (2) Late Payment Interest Charge**  
In accordance with section 6.51(1) of the Local Government Act 1995, a charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 7% p.a. will be calculated daily at 0.01918% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.
- (3) Instalment Plan Interest Charge**  
In accordance with section 6.45(3) of the Local Government Act 1995, an interest rate of 5.5% p.a. will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.
- (4) Late Payment Interest Charge (Excluding Rates & Charges)**  
In accordance with section 6.13 of the Local Government Act 1995, a charge of 7% p.a. interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2024. In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

**Waivers**

Where a small balance remains on a property assessment due to circumstances such as a delay in the receipt of mail payments or monies from property settlements and additional daily interest has accumulated, amounts outstanding of \$2.00 and under will be waived, as it is not considered cost effective or equitable to recover from the new property owner. Estimated loss of revenue from this waiver is \$1,100.

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CCS647: RESOLUTION 6**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH**

**SECONDED: COUNCILLOR GRIMMER**

**THAT Council APPROVE the Schedule of Fees and Charges (which forms part of the 2024-2025 Budget) be adopted effective from 24th July 2024, with the following amendments:**

- 1. General Commercial Waste-Minimum Fee \$20.00; *ex-GST \$145.45/tonne, incl GST \$160.00/tonne.***
- 2. Type 1 Inert Waste (per tonne)  
Concrete and Masonry (not suitable as rough road base as contains reinforcement, etc) – Minimum Fee \$10.00, *ex-GST \$131.18/tonne, incl GST \$145/tonne***
- 3. Industrial Waste (Non-biodegradable) per tonne – Minimum Fee \$20.00, *ex-GST \$222.72/tonne, incl GST \$245/tonne.***

**CARRIED 11-0  
ABSOLUTE MAJORITY**

**CCS647: AMENDMENT BY COUNCILLOR BROUGH TO AUTHORISING OFFICER  
RECOMMENDATION 6**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR BROUGH**

**SECONDED: COUNCILLOR GRIMMER**

**THAT the following amendment be made to the Schedule of Fees and Charges (which form part of the 2024-25 Budget):**

- 1. *General Commercial Waste-Minimum Fee \$20.00; ex-GST \$145.45/tonne, incl GST \$160.00/tonne.***
- 2. *Type 1 Inert Waste (per tonne)  
Concrete and Masonry (not suitable as rough road base as contains reinforcement, etc) – Minimum Fee \$10.00, ex-GST \$131.18/tonne, incl GST \$145/tonne***
- 3. *Industrial Waste (Non-biodegradable) per tonne – Minimum Fee \$20.00, ex-GST \$222.72/tonne, incl GST \$245/tonne.***

**CARRIED 11-0  
ABSOLUTE MAJORITY**

## Councillor Reasons:

### General Commercial Waste

As elected representatives, we have a duty to ensure fair and justified pricing for our community's services. The proposed 20% increase in commercial waste fees from \$150 to \$180 per tonne is disproportionate and potentially counterproductive. I propose amending this increase to 7%, raising the fee to \$160 per tonne, for the following reasons:

1. **No Service Improvements:** There are no planned enhancements to waste disposal services to warrant such a significant price hike.
2. **Fairness and Consistency:** This increase should align with other waste category increases (e.g., general domestic waste at 7%) to maintain equity across sectors.
3. **Comparison to Inflation:** The RBA's trimmed mean inflation rate is 4.4%. Our proposed 7% increase is already 2.6% above this benchmark.

I have thoroughly enjoyed my discussion with Paul Camins on these waste disposal fee amendments. We are in furious agreement that encouraging businesses to recycle as much as possible is a worthy goal to pursue. While I share the administration's goal of encouraging recycling, I believe that a steep price increase may not achieve the desired outcome.

**Perverse Incentives:** As explored in "Freakonomics," dramatic price increases can create unintended consequences. In this case, it might incentivize businesses to seek alternative, potentially harmful disposal methods rather than promoting recycling. This has been seen in childcare, where charging parents increased fees for late collection of their children resulted in increased rates of late collection due to altered consumer perceptions in response to market signals.

**The Laffer Curve Applied to Waste Management:** Beyond a certain point, increasing taxes will result in diminishing revenues for government ([referred to as the Laffer Curve](#)). I believe the Laffer curve can be applied to the situation of waste management fees where increasing fees will result in diminished recycling and/or other unintended consequences. We may see: (a) increased illegal dumping; (b) businesses seeking disposal options outside our jurisdiction; (c) a decrease in overall revenue as fewer businesses use our facilities.

These outcomes would be detrimental to both our environmental goals and our revenue targets.

**Customer-Centric Approach:** We must remember that the businesses and individuals disposing of waste are our clients and customers. Our default position should be to assume that these entities are striving to do the right thing, rather than preemptively penalizing them with punitive fees.

By approaching waste management from a customer service perspective, we can: a) Foster positive relationships with local businesses b) Encourage open communication about waste management challenges c) Create an environment where businesses feel supported in their recycling efforts, rather than targeted.

Dramatically increasing fees before a customer even reaches the weighbridge sends a message of distrust and may damage our relationship with the business community. Instead, we should work collaboratively with our waste disposal customers, offering guidance, support, and incentives for improved recycling practices.

A balanced approach of a 7% increase, consistent with other waste category increases, still outpaces inflation while avoiding the shock of a 20% hike. This measured approach is more likely to encourage gradual behavior change without triggering negative responses.

While we absolutely should encourage recycling, we must do so through a combination of reasonable pricing, education, and improved recycling infrastructure. A moderate price increase, coupled with targeted recycling initiatives and business outreach programs, is more likely to achieve our environmental goals without risking unintended consequences

### Type 1 Inert Waste and Industrial Waste

As elected representatives, we have a duty to ensure fair and justified pricing for our community's services. The proposed increases for industrial waste disposal (20%) and concrete/masonry with reinforcement disposal (33%) are disproportionate and unjustified.

#### **Key points:**

**Absence of justification:** A case for implementing these substantial increases has not been made.

**No service improvements:** There are no planned enhancements to waste disposal services to warrant such significant price hikes.

**Inconsistent pricing:** Other waste categories, including general domestic waste and rural refuse passes are only increasing by 7%. Some categories, like concrete suitable for road base and various tyre types, aren't increasing at all.

**Comparison to inflation:** The RBA's year on year trimmed mean inflation rate is 4.4%. This proposed 7% increase for these categories is already 2.6% above this benchmark.

**Fairness and consistency:** Selectively targeting specific waste types with extreme increases, without clear justification, is unfair to those industries and businesses affected.

We often speak out against price gouging in our community. Yet, if we approve these unjustified increases, we risk engaging in the very practice we condemn. This selective targeting of industrial waste and reinforced concrete/masonry disposal feels eerily similar to the price gouging we so often criticize in the private sector.

By amending these increases to 7% - in line with other waste category increases - we demonstrate consistency, fairness, and responsible governance. This increase still outpaces inflation, allowing for some additional revenue, while avoiding the appearance of exploiting specific sectors of our community.

Let's hold ourselves to the same standards we expect from the private sector.

#### **Officer Comment**

The proposed fees and charges were discussed at the Waste Management Working Group meeting on 21 May 2024.

As the Hanrahan landfill site nears its final design shape, the placement of waste has become increasingly complex because we are working close to the final surface, with greater resources needed to manage it safely and effectively. There have been significant improvements to internal roads to ensure safe accessibility during the staged closure of the site.

Expenses related to the escalating demands outlined above have been exacerbated by the rising costs in fuel, infrastructure, and staffing faced by all organisations.

The waste management budget is a closed account (does not draw from rates income and is funded by users of the facility) and this year resulted in a deficit of approximately \$240,000 (representing 7% of income).

The Waste Management Reserve funds are required to support the closure of the Hanrahan Road facility and development of future waste infrastructure.

Based on the summary of products received during the 2023/2024 financial year, the foregone costs due to the proposed fee reductions in each category are as follows. Note that we would hope these tonnages will be reduced as the waste is diverted to other cheaper streams:

Waste Received as:	Tonnes received 23/24	% of waste stream	Fee difference per tonne between committee recommendation and this amendment	Total fee difference between committee recommendation and this amendment if same quantity received in 24/25
General Commercial Waste	9,409	31.3	\$20	\$188,180
Concrete and Masonry (not suitable as rough road base as contains reinforcement, etc)	405	1.3	\$35	\$14,175
Industrial Waste (Non-biodegradable)	94.3	0.3	\$30	\$2,829
<b>TOTAL</b>				<b>\$205,184</b>

Meanwhile, the City of Albany has implemented a number of programs to divert materials from landfill, including initiatives such as the Household Hazardous Waste program and collection of TVs, computers, printers, mobile phones, printer cartridges, and oil from domestic sources, auto-batteries, scrap steel, and, more recently the Paintback scheme, which accepts commercial paint waste, B-Cycle for batteries, mattresses, and tyres.

Industry stewardship schemes for these materials are limited and, even when in place, there are often costs associated with collection, storage and transport.

Local governments have been pressured to carry a high proportion of the costs and resources associated with such programs. One example is the recycling of mattresses, which take up a lot of space and are problematic in landfill.

The current cost is \$60/mattress for transport and recycling – this doesn't account for the cost of storage and City of Albany staff handling.

From 1 July 2024 the State government has also implemented a ban on e-waste to landfill which will require increased monitoring and resources from the City of Albany to manage.

In recent years, the City of Albany has asked much of households to improve their waste sorting and reduction of waste to landfill, including the introduction of FOGO and decrease in bin size and frequency of collection.

An audit conducted in December 2023 at the Hanrahan Road Waste Facility revealed a significant problem: a considerable amount of recyclable materials are still being landfilled. Specifically, recyclable cardboard made up more than 10% of the total waste delivered to the landfill.

This not only wastes valuable resources but also accelerates the filling of the landfill, which is approaching its capacity.

Specifically, the audit found of 98 loads delivered by skip direct to the tip face:

- 80% contained metal (scrap metal & packaging metal)
- 61% contained recyclable cardboard
- 64% contained solid wood
- 38% contained bricks and rubble
- 21% contained e-waste (see above regarding new state government regulations)
- 20% contained hazardous waste (not permitted)
- 10% contained glass packaging
- 19% contained garden organics
- 5% contained mattresses

Historically, the low cost of waste disposal has led to lax sorting practices by some commercial operators, resulting in recyclable materials being buried with general waste—a practice that is both environmentally and economically unsustainable.

Despite the City of Albany's efforts to promote the free acceptance of scrap steel, offer discounted prices for bricks and masonry, and recommend that cardboard be taken to a nearby and cheaper commercial drop-off point, there has been little change in the waste composition delivered by commercial providers.

We will continue to explore and implement initiatives to decrease landfill waste and recover resources, including planned improvements when the Hanrahan Road Waste Facility transitions to a transfer station.

However, as a regional centre, we face challenges due to a lack of economy of scale.

The increased charges aim to reflect the true cost of processing different types of waste, especially those requiring more intensive handling or posing greater environmental risks. This approach is intended to encourage commercial waste companies to adopt better sorting practices, thereby reducing the volume of recyclable materials being unnecessarily landfilled.

Council's role is to set these fees, and if the rate increases are deemed too steep, it may consider reducing them.

*Councillor Brough then moved an Amendment to the Authorising Officer Recommendation.*

**CCS647: AUTHORISING OFFICER RECOMMENDATION 6**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR TRAILL**

**THAT Council APPROVE the Schedule of Fees and Charges (which forms part of the 2024-2025 Budget) be adopted effective from 24th July 2024.**

**CCS647: RESOLUTION 7**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR TERRY**

**THAT Council SET the Elected Member Sitting Fees and Allowances as prescribed by the *Local Government (Administration) Regulations 1996* per annum, being:**

- (1)Councillor Meeting Attendance Fee: \$34,278**
- (2)Mayoral Meeting Attendance Fee: \$51,412**
- (3)Councillor and Mayoral ICT Allowance: \$3,500**
- (4)Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$100**
- (5)Total Mayoral Allowance is: \$97,115**
- (6)Deputy Mayoral Allowance: \$24,279 - being 25% of the Mayoral Allowance**

**CARRIED 10-1**  
**ABSOLUTE MAJORITY**

**Record of Vote**

Against the Motion: Councillor Brough

**CCS647: RESOLUTION 8**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR BROUGH**

**THAT Council APPROVE a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2024/2025.**

**CARRIED 11-0**  
**ABSOLUTE MAJORITY**

**BACKGROUND**

3. Council has considered strategic and operational issues which will impact on the 2024-2025 budget.
4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2024-2025 financial year.

**DISCUSSION**

5. Through Council workshops, Council members have considered various factors in developing a financially responsible budget, while ensuring compliance with Local Government legislation, work health and safety requirements, continuation of the various services provided by the City, cost-saving initiatives and new capital projects that are “project ready” or will be required to be undertaken this financial year, given commitments previously made by Council.
6. An important consideration in preparing any budget is to ensure that Council works towards achieving financial sustainability for the future.
7. The draft budget reflects a number of factors to maintain financial sustainability, which will impact not only on this year’s budget but will have a compounding effect in future budgets.

**GOVERNMENT & PUBLIC CONSULTATION**

8. The Department of Local Government, Sport and Cultural Industries is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.

**PUBLIC CONSULTATION / ENGAGEMENT**

9. Budget information will be published on the City of Albany website.

**STATUTORY IMPLICATIONS**

10. This item directly relates to, and contributes to achievement of, the Strategies within the Community Strategic Plan – Albany 2023.

**POLICY IMPLICATIONS**

11. Nil.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Financial &amp; Reputation:</b> <i>Council does not endorse the 2024/2025 Budget, with the consequential risk of deferred cash flow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement.</i>  <i>Reconsideration of the budget paper at a Council meeting prior to 31 August 2024.</i>

## FINANCIAL IMPLICATIONS

13. The 2024/2025 Budget sets the parameters for expenditure of City resources.
14. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

## LEGAL IMPLICATIONS

15. Nil.

## ALTERNATE OPTIONS

16. Council adopt the 2024-2025 Annual Financial Budget with changes.

## SUMMARY CONCLUSION

17. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2024 until 30 June 2025.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li><i>Local Government Act 1995</i></li> <li><i>Local Government (Financial Management) Regulations 1996.</i></li> </ul>
<b>File Number</b>	:	FM.BUG.12
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>Budget Workshop – 04 June 2024</li> <li>OCM July 2023 Resolution CCS545</li> </ul>

## DIS398: TELECOMMUNICATIONS INFRASTRUCTURE

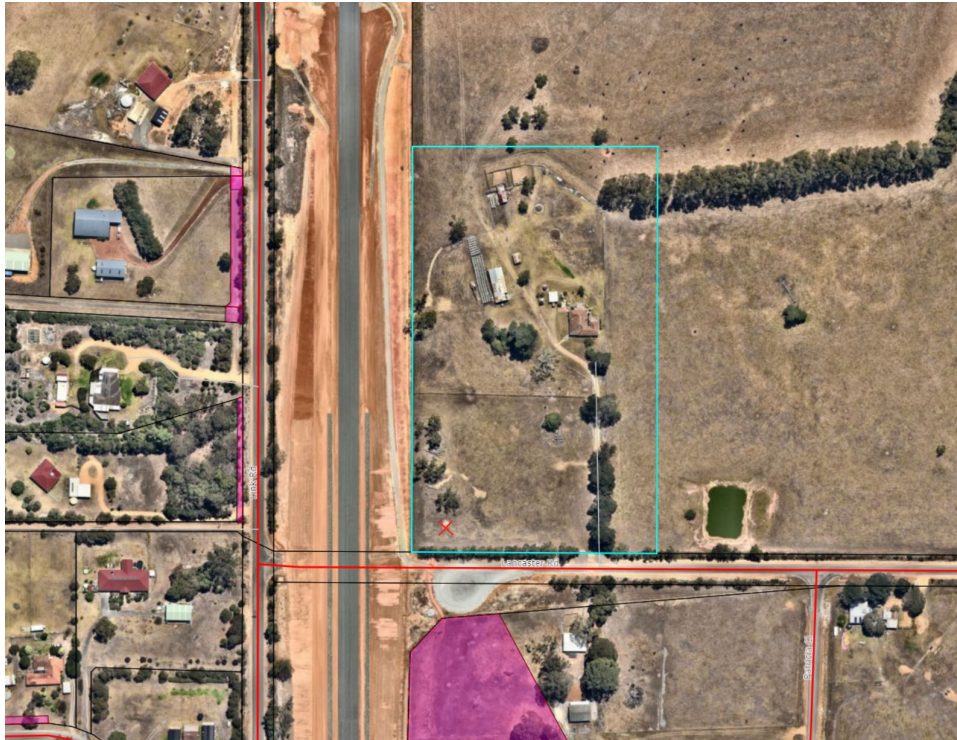
<b>Land Description</b>	: Lot 200, 322 Lancaster Road, McKail WA 6330
<b>Owner</b>	: B.J Panizza
<b>Business Entity Name</b>	: BMM Group Pty Ltd <ul style="list-style-type: none"><li>• Directors being Stanley McDonnell, Benjamin Bruce, Robert Guy, Secretary Stanley McDonnell.</li></ul>
<b>Attachments</b>	: 1. Plans and applicant report 2. Summary of submissions and Applicant response
<b>Supplementary Information &amp; Councillor Workstation</b>	: 1. Copies of Submissions
<b>Report Prepared By</b>	: Planning Officer (J Dallimore)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

**8.09PM:** Councillor Terry declared a Financial Interest in this item and left the Chamber.

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, the Council is obliged to draw conclusion from its adopted City of Albany *Local Planning Strategy 2019* and City of Albany *Strategic Community Plan 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan:
  - **Pillar:** Place
  - **Outcome:** Responsible growth, development and urban renewal
4. This item relates to the following elements of the City of Albany Corporate Business Plan:
  - **Outcome:** Plan for adequate utilities to support responsible growth.
  - **Action:** Advocate for improved telecommunications.
5. When exercising its discretion in relation to planning matters, the pertinent strategic document is the Albany *Local Planning Strategy 2019* (the Planning Strategy).
6. The proposal is consistent with the objectives identified in the Planning Strategy, specifically: *Meet the service infrastructure requirements for settlement growth*.

**Maps and Diagrams:** 322 (Lot 200) Lancaster Road, McKail



**In Brief:**

- Council is asked to consider a Development Application for Telecommunications Infrastructure at 322 (lot 200) Lancaster Road, McKail. The land use is considered a 'D' use within the 'Rural' zone in accordance with the City of Albany *Local Planning Scheme No. 2* (LPS2).
- The application was advertised for public comment via direct mail out to surrounding landowners within 500m radius. Seven submissions were received during advertising, all of which raised concerns in relation to the proposal.
- The application in its current form, has been assessed on its merit against the applicable statutory framework including the LPS2 zone objectives and applicable provisions, applicable state legislation and guidelines such as State Planning Policy 5.2 – Telecommunications Infrastructure (SPP 5.2). Advice from state agencies, relevant matters raised during the advertising period, and further response from the applicant addressing matters have been considered as part of the City's assessment.
- Due to the number of concerns raised, the application is referred to Council for determination.
- In June 2024, under report item DIS398, the proposal was referred to the Committee. The decision was deferred to allow the applicant to reconsider the proposed location of the telecommunications tower, taking into account additional feedback from neighbouring residents.
- The applicant later submitted revised plans that met the setback requirements of LPS 2. This new information has been reviewed and evaluated, informing the recommendation detailed below.
- Staff consider that the proposal will not have a detrimental impact on adjoining properties nor the overarching amenity and desired character of the area. The use is consistent with the relevant objectives of the zone, Strategic Community Plan, and Corporate Business Plan and therefore staff recommend that Council approve the proposed development, subject to conditions.

**DIS398: ADDENDUM**

Following a site visit post the July DIS Committee Meeting, some Elected Members have concluded that the original siting on the lot proposed in June 2024 was more appropriate than the location proposed in July 2024, which did not require a setback relaxation.

It is recommended that the location proposed in June 2024 be considered at this Ordinary Council Meeting.

**RECOMMENDATION**

**DIS398: RESOLUTION (AMENDED AUTHORISING OFFICER RECOMMENDATION)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR MACLAREN**

**THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Telecommunications Infrastructure at Lot 200, 322 Lancaster Road, McKail.**

**Conditions:**

- 1. All development shall occur in accordance with the stamped, approved plans referenced P2240018 (Site Layout and Access issue 1, Site Setout Plan issue 2, South Elevation issue 2 and Aerial Photo Locality Plan issue 1, identified as Attachment 1), 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.**
- 2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.**
- 3. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.**
- 4. 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.**

***Advice:***

***The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.***

**CARRIED 7-3**

**Record of Vote**

Against the Motion: Councillors McKinley, Baesjou and Lionetti

DIS398: AUTHORISING OFFICER RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Telecommunications Infrastructure at Lot 200, 322 Lancaster Road, McKail.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2240018 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.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.
4. 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.

*Advice:*

*The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.*

DIS398: AUTHORISING OFFICER RECOMMENDATION

MOVED: MAYOR STOCKS

SECONDED: COUNCILLOR MACLAREN

THAT the Authorising Officer Recommendation be ADOPTED.

LOST 3-4

**Record of Vote**

For the Motion: Mayor Stocks, Councillors Traill and MacLaren

DIS398: AUTHORISING OFFICER RECOMMENDATION

THAT Council resolves to ISSUE a notice of determination granting development approval with conditions for Telecommunications Infrastructure at Lot 200, 322 Lancaster Road, McKail.

Conditions:

1. All development shall occur in accordance with the stamped, approved plans referenced P2240018, 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.
2. If the development, the subject of this approval, is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect.
3. Unless otherwise agreed in writing with the City of Albany, no additional lighting is permitted on the telecommunications tower.
4. 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.

*Advice:*

*The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.*

## BACKGROUND

7. The City of Albany has received a development application for Telecommunications Infrastructure at 322 (Lot 200) Lancaster Road, McKail.

<b>Local Planning Scheme</b>	City of Albany Local Planning Scheme No. 2
<b>Zone</b>	Rural
<b>LPS 2 Class &amp; Permissibility (Table 3)</b>	Telecommunications Infrastructure – D
<b>Lot size</b>	41,713m <sup>2</sup>
<b>Existing Land Use</b>	Single House and other incidental structures
<b>Bushfire Prone Area</b>	Yes
<b>Local Planning Policies</b>	N/A

8. The subject site is approximately 7.5km from the Albany CBD adjacent to the new ring road. The site is also within 150m of the 'Rural Residential' zone to the west which is separated from the development site by the ring road.
9. The development site does not have any heritage significance, nor does it contain any significant vegetation marked for protection.
10. The proposal was referred to the Committee in June 2024 under report item DIS398 and a decision was deferred to request the applicant reconsider the proposed location of the tower taking into consideration the comments received from adjoining neighbours.
11. After the DIS meeting, the applicant was informed of the Committee's position. Taking this feedback into account, along with other comments received, the applicant has decided to adjust the development to comply with the setback requirements of LPS 2.

## DISCUSSION

12. The proposed Telecommunications Infrastructure involves the following:

<b>Area of Use</b>	<ul style="list-style-type: none"> <li>Development lot is approximately 4.17ha</li> <li>Telecommunications infrastructure will be located on a 120m<sup>2</sup> lease area</li> </ul>
<b>Summary of proposed operations</b>	<p><u>Proposal</u></p> <ul style="list-style-type: none"> <li>The applicants report states that the tower is being proposed to accommodate the immediate and future coverage and capacity requirements of Telstra's network and improve coverage in the locality.</li> <li>The proposed development involves the installation of the following telecommunications infrastructure at the subject site: <ul style="list-style-type: none"> <li>Establishment of a 120m<sup>2</sup> fenced lease area;</li> <li>Excavation of the footing for the monopole;</li> <li>The installation of a new 40m monopole with a triangular headframe;</li> <li>The installation of six (6) new Telstra panel and six (6) AIR antennas for the provision of 4G and 5G technologies to be mounted on the headframe at a maximum height of 41.3m elevation;</li> <li>The installation of an equipment shelter to accommodate internal Telstra equipment; and</li> <li>The installation of ancillary equipment including transceivers, remote radio units, amplifiers, antenna mounts, cable trays, feeders, cabling, combiners, diplexers, splitters, couplers, jumpers, filters, electrical equipment, signage, and other associated equipment.</li> </ul> </li> <li>The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive. It is also proposed to leave the infrastructure unpainted in a grey colour which is the preferred finish for telecommunication infrastructure as it blends as far as practical against lighter background such as the sky.</li> </ul>

	<p><u>Location</u></p> <ul style="list-style-type: none"> <li>• The existing development on site will remain.</li> <li>• The location of the tower is approximately 170m from the existing single house on the site, 110m from the closest neighbouring building, and 178m from the closest neighbouring single house.</li> <li>• The subject site is not identified as being within an area of high landscape protection, nor does it contain any places of heritage significance.</li> <li>• The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.</li> <li>• The proposal has been assessed against LPS 2 and SPP 5.2</li> <li>• As outlined under SPP 5.2, when determining telecommunications infrastructure, it is necessary to assess the impact on amenity against the overall public benefit of the infrastructure.</li> <li>• The application was initially taken to DIS Committee with a setback variation to both the primary and secondary street setbacks.</li> <li>• In response to the feedback received from the Committee meeting the applicant has opted to submit revised plans with increased setbacks that comply with the provisions of LPS 2.</li> <li>• The lease area for the telecommunications tower and its supporting infrastructure is now 15m from Lancaster Rd, and 15m from the western boundary</li> </ul>
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13. In assessing the merits of the proposal, Council are to consider the overall public benefit of the proposal on balance with the potential impacts on the amenity from the proposed development.
14. The proposed development has been assessed against the applicable statutory framework including SPP 5.2 and LPS 2.
15. In support of the proposed location, the applicant has also provided a detailed justification for the location as a part of the planning report included as attachment 1 to this report. The following matters were taken into consideration in selection of the proposed location.
  - Maximising the setback of the facility from residential areas and any sensitive land uses.
  - Ability for the tower to visually integrate into the locality and ensure that existing and future amenity of the locality is not compromised.
  - The choice of construction (being a monopole design) to reduce the impact of visual amenity.
  - The ability for the tower to provide a clear line of site to devices using the network as is required by the technology.
  - The ability to co-locate with other existing infrastructure.
16. Following this process, the proposed site was considered suitable by the applicant for the following reasons:
  - The proposal is technically feasible in this location achieving Telstra's network objectives for the area, resulting in significantly improved telecommunications services benefitting the McKail community.
  - The site has been located in an area where there is no public access and on a land parcel that will not interfere with current or future lawful activities of the side and adjoining parcels of land.
  - There are no specific sensitive uses, such as schools, childcare centres or aged care facilities close to the proposed facility.

### Public Consultation

17. It is not required to be advertised under LPS2 as the use is a 'D' use, the application was advertised to adjoining landowners within 500m for 27 days. During the consultation period a total of seven submissions were received, all objecting to the proposal and raising concerns as outlined below and within the attached summary of submissions (Attachment 2).
- Health concerns
  - The visual impact of the proposal on the amenity of the area.
  - Environmental concerns.
  - Impact on property values.
  - Quality of the supporting planning report submitted with the application.
18. The main concerns raised during the submission period will be broadly addressed under the headings below.

### Health Concerns

19. Through public consultation concerns were raised in relation to the potential for detrimental health effects from the proposed tower, particularly in relation to 5G technology.
20. Concerns were specifically raised that there are a number of households within the immediate vicinity of the proposed tower.
21. The subject site is zoned as rural which is typically associated with lower density types of development. However, it is noted that to the west of the subject site is a rural residential zoned area that increases the intensity of neighbouring properties.
22. The applicant has provided the following response in relation to the comments received regarding potential health impacts. A full copy of the applicant's response to the concerns raised during the consultation period has been provided as attachment 2 to this report.

*"Over 50 years of scientific research has already been conducted into the possible health effects of the radio signals used for mobile phones, base stations and other wireless services, including the frequency bands now being redeployed for 5G.*

*We agree that it is important that scientists perform long term studies on possible adverse effects of mobile-phone type exposure. There are a number of studies underway (e.g. COSMOS, see <http://www.thecosmosproject.org/>) and it is important to monitor the outcomes of these.*

*The ARPANSA website describes that Electromagnetic hypersensitivity (EHS) is a wide range of non-specific health problems that are attributed to low-level exposure of electromagnetic fields (EMF) and "... EHS has no clear diagnostic criteria and the science so far has not provided evidence that EMF exposure is the cause."*

ARPANSA advises:

*On the basis of current scientific information, there is no established evidence that EHS is caused by EMF at levels below exposure guidelines. ARPANSA acknowledges that the health symptoms experienced by the affected individuals are real and can be a disabling problem, and advise those affected to seek medical advice from a qualified medical specialist.*

*ARPANSA remains actively engaged with the EHS community, researchers and medical specialists in this area. ARPANSA will continue to review the research into potential health effects of exposure to EMF in order to provide accurate and up-to-date advice."*

23. It is necessary to note that the City is not a regulatory body in respect to electromagnetic energy (EME). The Federally established Australian Protection and Nuclear Safety Agency (ARPANSA) enforce the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz*. The EME report submitted by the applicant states that the maximum EME level from the site will be 1.97% of the maximum public exposure level.

Visual Impact

24. A number of concerns were received in relation to the impact on visual amenity of the area from the proposed development, including the visual impact from nearby residents.
25. When assessing impacts on amenity, it is necessary to determine the level of existing amenity within the immediate area, and secondly, within the wider locality.
26. The existing amenity in this area of Lancaster Road can be characterised as being a largely rural and rural residential landscape defined by large lot sizes and high separation between neighbouring development.
27. It is also worth noting that the Albany Ring Road has now been constructed which separates the rural residential area from the subject site. While the ring road does not specifically screen the telecommunications tower from view, it does add another dimension to the existing amenity, introducing a higher level of development into the area.
28. It is also common for development such as that proposed to be grouped with a main road due to the consistent visuals and the need to maintain coverage over high traffic routes.
29. SPP 5.2 outlines a number of considerations in the assessment of the visual impact of telecommunications infrastructure proposals.
30. Considerations include that visual impact assessment should be made on a case by case basis, that proposal should be sited and designed to minimise visual impact, that proposals should not be located on sites that may compromise site of cultural, environmental, social or visual landscape value and the proposal should display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape.
31. In line with the above, the proposed site is not located in a prominent topographical location (such as on a ridge line).
32. The applicant has also proposed to use a monopole design in a grey tone to assist in reducing the visual impact of the proposed development.
33. It is acknowledged that while the proposal will be visible when viewed from a number of properties within the area, it is necessary to consider that although the development will be partially visible, this aspect does not in itself mean that proposed development will have a negative impact on the visual amenity of the locality.
34. The subject land is not identified as being located within an area of high landscape protection, nor does it contain any places of heritage significance.
35. As outlined above, the proposal demonstrates compliance with the policy objectives and measures set out under SPP 5.2. A full assessment of the policy is outlined under the Policy Implications section below.

### Environmental Concerns

36. During public consultation concerns were raised on the risk of EMF's on native wildlife, specifically:
- The submission mentions that bees are affected by EMF's which cause them to get disorientated and lose their way causing Colony Collapse Disorder.
  - The subsequent potential loss of bees will have negative impacts on the fruit trees and other vegetation in the area.
37. The applicant has provided the following comments in response to the above:
- With respect to possible effects of RF EME on flora and fauna, in 2019 Telstra asked ARPANSA for their response on the issue of possible effects on flora and fauna. They replied, *"There is no established evidence that EME exposure from wireless telecommunications sources is harmful to flora or fauna. It should be remembered that many of the studies investigating human health are performed in the laboratory on animals and plant cells."*
38. As noted within the applicants report Electromagnetic Fields (EMF) are often referred to as Electromagnetic Radiation (EMR) or Electromagnetic Energy (EME). When referenced above these terms are referred to interchangeably.
39. As above, the City is not the regulatory body for health concerns whether that be human or environmental.

### Property Values

40. The potential decrease in property values was raised during the consultation process.
41. Property values are not within the matters to be considered under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015; and therefore, are not a valid planning consideration.

### Quality of the supporting planning report

42. The report included by the applicant has been prepared to address all relevant planning matters.
43. As a part of the consultation period concerns were specifically raised over the quality of the references used as a part of the report when referencing the impact of the technologies on the proposed tower on the area.
44. The applicant has provided the following response to the concerns raised which can be found in detail in attachment 2:

*EME levels, which are based on safety guidelines recommended by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), are set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and regulated by the Federal Government's, Australian Communications and Media Authority (ACMA).*

*The ACMA's regulatory arrangements require base stations to comply with the exposure limits set in the relevant Australian safety standard; the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021), known as RPS S-1 or the ARPANSA Standard. The RPS S-1 series was adopted in 2021 and includes 4G and 5G frequency fields. The new standard was introduced to align with updated ICNIRP guidelines published in 2020.*

*All Telstra mobile base stations are designed to comply with the relevant Australian safety standard. The EME report provided with the application provides a calculation of the maximum EME associated with the proposed facility measured in accordance with the ARPANSA methodology.*

45. As previously noted the City is not the regulatory body for this component of the development and therefore facts and figures presented regarding EME do not influence this decision.
46. It is noted that while concerns were raised on the potential amenity impacts of the proposal as discussed above, no comments were received regarding the quality of the visual amenity assessment by the applicant which carries more weight within this assessment.

## GOVERNMENT & PUBLIC CONSULTATION

### 47. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail out to landowners within approximately 500m	1 March 2024 – 29 March 2024	7 submissions received	No statutory consultation

## STATUTORY IMPLICATIONS

48. Telecommunications infrastructure is classified as a “D” use within the ‘Rural’ zone under LPS 2 Zoning table, meaning that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.
49. Voting requirement for this item is **Simple Majority**.

## POLICY IMPLICATIONS

50. The proposal has been assessed against SPP 5.2 which provides guiding principles for the location, siting and design of telecommunications infrastructure.
51. It is important to note that SPP 5.2 provides the direction that telecommunication infrastructure should not be prohibited in any zone, hence why it is discretionary within all zones throughout the City of Albany.
52. Furthermore, buffer zones and/or setback distances are not to be included in local planning schemes or policies.
53. There is a clear direction in SPP 5.2 to facilitate the roll out of an efficient telecommunications network, unless the location and siting unreasonably affects places of cultural or environmental significance, or the visual impact on balance has not been mitigated to outweigh the community benefit of the service it will provide.
54. Comment in reference to the key guiding principles for the location, siting and design of telecommunications infrastructure from SPP 5.2 are as follows:  
“Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
  - a) Be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
  - b) Be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;
  - c) Not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and
  - d) Display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;”
55. As outlined within the discussion above, the applicant has provided justification (attachment 1) outlining the design measures undertaken to minimise the perceived visual amenity impacts of the tower.
56. The development site has not been identified as being within an area of high landscape protection, nor does it contain any places of heritage significance.

57. The infrastructure is located within an existing cleared area and does not require the removal of any native vegetation.
58. The applicant has proposed a monopole rather than a lattice style tower as it is less obtrusive.
59. A recessive colour (either concrete or steel grey) has also been proposed by the applicant in order to blend the infrastructure into the sky to reduce the overall dominance of the structure.
60. The site has been chosen to address the existing coverage issues in the McKail and surrounding areas.
61. There are no existing facilities which would allow co-location to occur while meeting the operational requirements for the infrastructure.
62. The proposal demonstrates compliance with the policy objectives of SPP 5.2

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation</b> <i>The perception that the approval may generate unacceptable impacts on the amenity of the area.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>The application has been assessed against the relevant statutory framework and sited to minimise any impacts on the amenity of the area</i>
<b>Legal &amp; Compliance</b> <i>The potential for legal challenges and how they would be addressed.</i>	<i>Low</i>	<i>Low</i>	<i>Low</i>	<i>The proposal complies with the City of Albany Local Planning Scheme No. 2 and State Planning Policy 5.2. This compliance is critical as it shows that the proposal meets all necessary legal and regulatory requirements.</i>
<b>Environmental</b> <i>Even though health risks are regulated by ARPANSA, public perception of environmental impact is a risk.</i>	<i>Low</i>	<i>Low</i>	<i>Low</i>	<i>The report addresses the concerns raised during public consultation in a detailed manner, providing evidence and expert opinions to mitigate those concerns</i>
<b>Opportunity:</b> <i>Responds to the community for improving mobile telecommunications in the municipality.</i>				

### FINANCIAL IMPLICATIONS

64. There are no financial implications directly relating to this item.

### LEGAL IMPLICATIONS

65. The proponent has the right to seek a review of the Council's decision, including any conditions attached to an approval, conferred by the *Planning and Development Act 2005*.
66. The City of Albany may be required to defend the decision at a State Administrative Tribunal hearing.

### ENVIRONMENTAL CONSIDERATIONS

67. The proposed development is required to comply with parameters set out under the Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields – 3kHz to 300GHz.
68. The federally established Australian Protection and Nuclear Safety Agency (ARPANSA) enforce these standards.

### ALTERNATE OPTIONS

69. Council has the following alternate options in relation to this item, which are:
- To resolve to refuse the proposal subject to reasons; and
  - To resolve to approve the proposal subject to additional or modified conditions.

### CONCLUSION

70. The proposal has been assessed against LPS 2 and SPP 5.2 relating to telecommunications infrastructure.
71. In determining the application, it is necessary to consider any potential impacts on amenity against the long-term benefit of improved telecommunication services and coverage.
72. It is recommended that Council approve the proposed development, subject to the conditions provided.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme No. 2</i> 2. <i>Strategic Community Plan 2032</i> 3. <i>State Planning Policy 5.2 – Telecommunications Infrastructure</i> 4. <i>Visual Landscape Planning in Western Australia – a manual for assessment, siting and design.</i> 5. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>File Number</b>	:	A27175
<b>Previous Reference</b>	:	N/A

**8.30PM:** Councillor Terry returned to the Chamber. Councillor Terry was not present during the discussion and vote for this item.

## DIS402: LOCAL PLANNING POLICIES – LOCAL PLANNING SCHEME NO.2.

<b>Land Description</b>	: City of Albany.
<b>Proponent / Owner</b>	: City of Albany.
<b>Business Entity Name</b>	: City of Albany.
<b>Attachments</b>	: Modified Local Planning Policy Suite
<b>Report Prepared By</b>	: Senior Planning Officer – Policy & Place (D Ashboth)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
  - **Pillar: Place**
  - **Outcome:**
    - Responsible growth, development and urban renewal.
    - Interesting, vibrant and welcoming places.
    - Local history, heritage and character is valued and preserved.
    - A safe, sustainable, and efficient transport network.
  - **Pillar: Planet**
  - **Outcome:**
    - Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.
    - A resilient community that can withstand, adapt to, and recover from natural disasters.
  - **Pillar: Prosperity**
  - **Outcome:**
    - A strong, diverse and resilient economy with work opportunities for everyone.
    - A highly sought-after tourist destination.
  - **Pillar: Leadership**
  - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.
2. The Albany *Local Planning Strategy 2019* is the local planning strategy that sets out the long-term planning directions for the Scheme area. This report aligns with the implementation of the strategic objectives and actions identified under the City of Albany *Local Planning Strategy 2019* (the Planning Strategy).

### In Brief:

- The suite of local planning policies (LPP) requires updating to reflect the recent gazettal of City of Albany Local Planning Scheme No. 2 (LPS2) and other recent administrative updates in state and local planning frameworks.
- The modified suite of LPPs as presented to Council, involves minor administrative changes, undertaken for administrative purposes only, with no changes proposed to overarching intent, scope, objectives or provisions.
- In accordance with pursuant to Schedule 2, Part 2, Clause 5(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 advertising is not required for minor amendments to local planning policies.
- Council is requested to adopt the modified policy suite to support the implementation of LPS2.

**RECOMMENDATION**

**DIS402: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR MACLAREN**

**SECONED: COUNCILLOR TRAILL**

**THAT Council ADOPTS the following draft Local Planning Policies, pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**

- a) Local Planning Policy 1.1 - Domestic Wind Turbines**
- b) Local Planning Policy 1.3 - Signs**
- c) Local Planning Policy 1.4 - Heritage Protection**
- d) Local Planning Policy 1.5 - Public Parkland Policy**
- e) Local Planning Policy 1.6 - Holiday Accommodation**
- f) Local Planning Policy 1.7 - Container Deposit Scheme**
- g) Local Planning Policy 1.9 - Waste Management**
- h) Local Planning Policy 1.10 - Percent for Art**
- i) Local Planning Policy 1.13 Bed and Breakfast**
- j) Local Planning Policy 2.1 - Non-Residential Development in the Residential Zone**
- k) Local Planning Policy 2.2 - Temporary Accommodation**
- l) Local Planning Policy 2.4 - Development Approval Exemptions – Urban Development Zone**
- m) Local Planning Policy 3.1 - Caravan Park and Tourist Development Uses in the Rural or Priority Agriculture Zones**
- n) Local Planning Policy 4.1 - Albany Historic Town Design Policy**
- o) Local Planning Policy 4.2 - Reflective Roofs Goode Beach**
- p) Local Planning Policy 4.3 - Albany Town Centre**
- q) Local Planning Policy 4.4 - Cheyne Beach Policy**
- r) Local Planning Policy 4.5 - Masonic Hall Design Guidelines**
- s) Local Planning Policy 4.6 – Lot 100 Grey Street East**
- t) Local Planning Policy 4.7 – Thomas Street Design Guidelines**
- u) Local Planning Policy 4.8 – Barker Road Industrial Area**
- v) Local Planning Policy 4.9 – Station Precinct Guidelines11-0**

**CARRIED 10-1**

**Record of Vote**

Against the Motion: Councillor Lionetti

**DIS402: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR GRIMMER**

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

**CARRIED 8-0**

**DIS402: AUTHORISING OFFICER RECOMMENDATION**

**THAT Council ADOPTS the following draft Local Planning Policies, pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**

- a) Local Planning Policy 1.1 - Domestic Wind Turbines
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- f) Local Planning Policy 1.7 - Container Deposit Scheme
- g) Local Planning Policy 1.9 - Waste Management
- h) Local Planning Policy 1.10 - Percent for Art
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- q) Local Planning Policy 4.4 - Cheyne Beach Policy
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- s) Local Planning Policy 4.6 – Lot 100 Grey Street East
- t) Local Planning Policy 4.7 – Thomas Street Design Guidelines
- u) Local Planning Policy 4.8 – Barker Road Industrial Area
- v) Local Planning Policy 4.9 – Station Precinct Guidelines

## BACKGROUND

3. City of Albany Local Planning Scheme No. 2 (LPS2) was published in the Government Gazette in February 2024. Following this, the City's suite of LPPs requires updating to reflect this and other recent applicable updates to documentation in the State and local planning frameworks.
4. The City is required to update its existing local planning policy suite in to ensure alignment with LPS2.
5. Officers are undertaking a further in-depth review of the City's remaining LPPs to ensure the policy suite is contemporary and consistent with best practice however, this is a separate process unrelated to the gazettal of LPS2.

## DISCUSSION

6. Twenty-two LPPs require updating to reference LPS2 and incorporate other recent administrative changes in the local and state planning frameworks.
7. The proposed modifications can be summarised into the following categories:
  - a) Updated template to reflect new City branding and format.
  - b) Updated formatting and correction of grammatical and typographical errors, without impacting on the policy's purpose or intent.
  - c) References updated to incorporate recent changes to current local and state planning frameworks, primarily involving updating the reference to LPS2 from the superseded City of Albany Local Planning Scheme No. 1 (LPS1).
8. Proposed amendments to LPPs that are considered minor by the local government, do not require advertising prior to adoption by Council, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations).
9. Given the changes are administrative in nature and do not affect the intent of the policies that were operational under LPS1, it is not considered necessary to advertise the amendments to the local planning policies.
10. It is recommended that Council adopts the modified suite of LPPs, in accordance with the applicable provisions of the Planning Regulations.

## GOVERNMENT & PUBLIC CONSULTATION

11. The proposed amendments to the LPPs were considered minor, and therefore did not require formal advertising before referral to Council for adoption, in accordance with the applicable provisions of the Planning Regulations. Refer Statutory Implications below for further information.

## STATUTORY IMPLICATIONS

12. Voting requirement for this item is **Simple Majority**.
13. LPS2 is a prescriptive instrument that sets out the statutory provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical.
14. To address this, the Deemed Provisions of the Planning Regulations contains provisions enabling local governments to adopt LPPs in order to:
  - a) address specific planning and development matters unique to the local government's context.
  - b) amend or augment provisions set out by State Planning Policy, including the application of additional development controls or considerations for specific sites.

15. In accordance with Schedule 2, cl. 4 of the Planning Regulations, amendments to existing LPPs that are considered minor in the opinion of the local government, are not required to be advertised prior to adoption.
16. If the local government resolves to adopt the amended LPPs, the local government must publish a notice in accordance with cl. 87 of Planning Regulations. The amended LPPs come into effect on the publication of the notice.
17. Existing LPPs where provisions had been incorporated into LPS2 or were no longer considered relevant have been revoked, with notice issued via publication in the newspaper and on the City's website. Council resolution is not required for the revocation of an LPP, in accordance with applicable provisions of the Planning Regulations.

### **POLICY IMPLICATIONS**

18. A Policy is a 'due regard' document and as such should not prescribe mandatory requirements in the way a local planning scheme does.
19. Administrative amendments to the existing local planning policies will have no impact on the assessment of development applications or the intent of the existing local planning policies.

### **RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational</b> <i>Not approving the amended policy suite would result in the continued use of local planning policies referencing a local planning scheme that is no longer operational or that conflict with scheme provisions.</i>	<i>Almost Certain</i>	<i>Minor</i>	<i>High</i>	<i>Approving the amended local planning policies.</i>
<b>Opportunity:</b> <i>Ensure the City's Local Planning Policies are up to date and fit for purpose.</i>				

### **FINANCIAL IMPLICATIONS**

21. There are no financial implications beyond what will be used for the notices of adoption and revocation.

### **LEGAL IMPLICATIONS**

22. Subject to following regulatory steps, there are no legal implications relating to preparing, amending or revoking policy positions.

### **ENVIRONMENTAL CONSIDERATIONS**

23. There are no environmental considerations relating to the amendments proposed to the current suite of LPPs.

### **ALTERNATE OPTIONS**

24. Council can alternatively resolve not to proceed with the amended local planning policies, in accordance with the applicable provisions of the Planning Regulations.

## CONCLUSION

25. Amendments are proposed to the City of Albany suite of LPPs to reflect the recently gazetted LPS2 and other updates to local and state planning frameworks.
26. Advertising the amendments was not required in this instance, as the modifications were minor, implemented for administrative purposes only and do not involve changes to overarching intent or specific provisions.
27. Council is therefore requested to endorse the officer's recommendation to adopt the proposed amendments to the City's Local Planning Policy suite.

<b>Consulted References</b>	:	1. <i>Local Planning Scheme 1</i> 2. <i>Draft Local Planning Scheme 2</i> 3. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>File Number</b>	:	LP.POL.2
<b>Previous Reference</b>	:	Nil

**DIS403: PLANNING AND BUILDING REPORTS JUNE 2024**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports June 2024  
**Report Prepared By** : Technical Support Officer (P Ruggera)  
**Authorising Officer:** : Manager Development Services  
(J van der Mescht)

**RECOMMENDATION**

**DIS403: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR BAESJOU**

**THAT the Planning and Building Reports for June 2024 be NOTED.**

**CARRIED 11-0**

## **DIS404 - C24005 SOUTHERN OCEAN SURF REEF – LEAD MARINE CONTRACT AWARD**

<b>Proponent / Owner</b>	: City of Albany
<b>Project Name</b>	: Southern Ocean Surf Reef
<b>Attachments</b>	: <b>Confidential Briefing Note</b>
<b>Report Prepared By</b>	: Manager Major Projects (A. McEwan) Major Projects Officer (L. Adams)
<b>Authorising Officer:</b>	: Executive Director Infrastructure, Development & 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:
  - **Pillar:** People - A welcoming, healthy and inclusive community, with pride in our rich history and heritage.
  - **Outcomes:** 1.2 - A happy, healthy and resilient community.

#### **In Brief:**

- Following a three-stage tender process, Council approval is sought to support an award for Contract C24005 for the construction of the Southern Ocean Surf Reef.
- All figures within this Item are exclusive of GST.

### **RECOMMENDATION**

**DIS404: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR TRAILL**

**THAT Council:**

1. **INCREASE** expenditure budget item 15984 Southern Ocean Surf Reef from \$11,146,715 to \$13,146,715
2. **INCREASE** revenue budget item 14555 Southern Ocean Surf Reef grant funding from \$9,755,000 to \$10,755,000
3. **INCREASE** transfer from reserve budget line item 12849 T/F from Debt Management Reserve from \$1,753,164 to \$2,753,164
4. **AWARD** Contract C24005 – Southern Ocean Surf Reef to Heron Construction Co. Ltd.

**CARRIED 9-2**  
**ABSOLUTE MAJORITY**

#### **Record of Vote**

Against the Motion: Councillors Lionetti and Brough.

## BACKGROUND

2. The City of Albany (City) seeks to engage a lead marine Contractor for the construction of the Southern Ocean Surf Reef, as set out in the Request for Tender (RFT) documents.
3. The procurement process was administered by the City in three stages:
  - a. Stage - 1. Expression of Interest (EOI)
  - b. Stage - 2. Early Tender Involvement (ETI)
  - c. Stage - 3. Request for Tender (RFT)
4. The City, as Project Manager, is overseeing the delivery of this project, with an independent marine engineering consultant engaged in a Quality Assurance and certifying role.
5. It is preferable to award the tender and enable an immediate contract to ensure the tender validity period does not expire and to meet funding milestone requirements. Additionally, the project's successful delivery will be influenced by seasonal factors and the availability of an appropriate vessel spread within a specific timeframe

## DISCUSSION

6. The tender process as prescribed by the Local Government Act 1995 (the Act) and Local Government (Function and General) Regulations 1996 (the Regulations) was followed.
7. The Expression of Interest (EOI) was advertised for a five-week period and closed on Thursday 15 February 2024. Two submissions were received, both of which could demonstrate experience on similar projects and capacity to deliver the Southern Ocean Surf Reef to the high standards required to meet design tolerances.
8. The EOI process was followed by an Early Tender Involvement (ETI) process, where negotiations took place with successful applicants to collaboratively develop a construction methodology, value-manage their proposal and explore risk profiles.
9. Following this ETI process, a closed Request for Tender (RFT) was issued to the two qualified contractors. Tenders were received 7<sup>th</sup> May 2024.
10. The tender evaluation team evaluated tenders using the weighted criteria methodology across five key areas:

Qualitative Criteria	Weighting (%)
Cost	40
Methodology	25
Materials, Plant and Equipment	20
Program of Works	10
Corporate Social Responsibility	5
<b>Total</b>	<b>100</b>

11. The following table summarises the final weighted scores of the tenders received:

Tenderer	Total Score	Rank
Heron Construction Co. Ltd.	825.00	1
Tenderer B	302.50	2

12. Neither Tenderer claimed a Buy Local Policy reduction.
13. Heron Construction Co. Ltd. ranked highest with the highest score of 825.00.
14. A Preferred Tenderer status was awarded to Heron Construction Co. Ltd., and Tenderer B was informed that their tender was unsuccessful.
15. A further round of clarifications was entered into, solely with Heron Construction Co. Ltd., to manage the City's risk exposure and collaborate with regulatory stakeholders to ensure the proposed methodology would be acceptable.
16. Heron Construction Co. Ltd. are the preferred tenderer, and it is recommended that their tender be accepted and a contract award be supported.

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

17. The Expression of Interest opportunity was published in the tender sections of the West Australian on 17 January 2024 and the Albany Extra on 19 January 2024.
18. There is no government consultation required for the award of C24005, however the funding bodies (the WA and Federal governments) have been updated regarding the project status.
19. A Southern Ocean Surf Reef Community Reference Group meeting was held on 12 March 2024 to update community members and organisations on the procurement of a lead marine contractor, and provide the opportunity to ask the project team and marine engineer who designed the reef questions.
20. Regulatory stakeholders have been engaged throughout the procurement process, and have been involved in collaborative workshops with the potential tenderers to inform their proposed methodologies.
21. The funding bodies and the public will be notified about the outcome of the award and timeframe for implementation.

#### **STATUTORY IMPLICATIONS**

22. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.
23. Regulation 18 of the Regulations outlines a number of requirements relating to choose 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.
24. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
25. Voting Requirement for this item is **Absolute Majority**.

#### **POLICY IMPLICATIONS**

26. The City of Albany Purchasing Policy is applicable to this item.
27. The value of this tender is more than \$500,000 and therefore Council approval is required as this exceeds the CEO's delegation.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation, Financial</b> <i>Risk: Failure to deliver project within specified timeframe may jeopardise multiple funding agreements for this project.</i>	Possible	Major	High	Award tender as soon as possible to enable construction (subject to additional funding) to proceed and the project completed in accordance with the funding agreements.
<b>Reputation &amp; Community</b> <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	High	City staff to work with preferred tenderer to value-manage their submission and address any risk items prior to awarding the tender.
<b>Financial</b> <i>Risk: Tenders exceed the available budget</i>	Likely	Major	High	Three-stage tender process to value manage the proposal and explore cost-saving methodologies.
<b>Financial</b> <i>Risk: Appointment of the recommended tenderer is not supported.</i>	Possible	Major	High	Confidential Briefing Appendix 5 - Refer Risk Profile item 21.
<b>Opportunity:</b> Project is a grassroots community project with a high level of local support. Increased benefit and amenity for the community.				

## FINANCIAL IMPLICATIONS

29. To allocate an additional \$2,000,000 for potential contingency funding in the budget, with \$1,000,000 provided by the State government and \$1,000,000 sourced from the Debt Management Reserve leaving a budgeted balance as at 30 June 2025 of \$3,208,619. Any unspent portion of the City's funds will remain in the Debt Management Reserve, while the State's unspent portion will remain unclaimed.
30. The State requires that the additional \$1,000,000 will be held by the Department of Primary Industries and Regional Development (DPIRD) and will be released to the City of Albany on an as-needed basis and as evidence is presented that contingency funding is required to complete the project, and after the City of Albany exhausts its own contingency funding of \$1,000,000.

## LEGAL IMPLICATIONS

31. Nil.

## ENVIRONMENTAL CONSIDERATIONS

32. Should the tender be awarded, the Contractor will be required to prepare, implement and monitor a Construction and Environmental Management Plan, specific to the site.
33. Significant preparatory work has taken place regarding environmental approvals. Heron Construction Co. Ltd. will be required to comply with a suite of regulatory approvals and construct the artificial reef within the parameters and using the mitigation measures approved by the Environmental Protection Authority (EPA).

## ALTERNATE OPTIONS

34. Council may:
- Choose to accept the recommended tender and associated budget amendments, or
  - Not accept any tender.

## CONCLUSION

35. The City has undergone a competitive process in line with the relevant legislation and established policies.
36. The recommendation is to:
- Allocate an additional \$2,000,000 for potential contingency funding in the budget, with \$1,000,000 provided by the State government and \$1,000,000 sourced from the Debt Management Reserve leaving a budgeted balance as at 30 June 2025 of \$3,208,619. Any unspent portion of the City's funds will remain in the Debt Management Reserve, while the State's unspent portion will remain unclaimed.
  - Award the contract to Heron Construction Co. Ltd. as the Preferred Tenderer, as supported by the evaluation scoring and clarifications provided.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• City of Albany Policies: <ul style="list-style-type: none"> <li>○ Purchasing Policy (Tenders and Quotes)</li> <li>○ Tender Procedure</li> <li>○ Evaluation Procedure (Tenders and Quotations)</li> <li>○ Buy Local Policy (Regional Price Preference)</li> </ul> </li> </ul>
<b>File Number</b>	:	PR.DEC.86
<b>Previous Reference</b>	:	<ul style="list-style-type: none"> <li>• Elected Member Briefing - 10 Jul 2024</li> <li>• Item SCM0024 (incl Confidential Attachment) - Building Better Regions Fund (BBRF) Round Six Application - SCM -1 Feb 2022</li> </ul>

## **BFAC016: APPOINTMENT OF CHIEF AND DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS, BUSH FIRE BRIGADE FIRE CONTROL OFFICERS AND FIRE WEATHER OFFICERS**

**Proponent / Owner** : City of Albany  
**Authorising Officer:** : Executive Director Corporate & Commercial Services  
(M Gilfellon)

### **STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Pillar:** Leadership.
  - **Outcome:** A well-informed and engaged community.
  - **Pillar:** People.
  - **Outcome:** A safe community.
  - **Pillar:** Planet.
  - **Outcome:** A resilient community that can withstand, adapt to, and recover from natural disasters.

#### **In Brief:**

- Nominations for essential leadership positions have been received and accepted from Volunteer Bush Fire Brigade members.
- Council is now requested to endorse those appointments.

### **BFAC016: ADDENDUM**

Post the distribution of this agenda item it has been confirmed that the appointment of Brigade Fire Control Officers is reviewed yearly.

The Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officer, Deputy Fire Weather Office and Senior and Deputy Senior Bush Fire Control Officers for North East Sector and South West Sector are appointed for a term of three years.

Two Amended Authorising Officer Recommendations to reflect those changes have been prepared for consideration by Council.

**RECOMMENDATION**

**BFAC016: RESOLUTION 1**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TRAILL**  
**SECONDED: COUNCILLOR GRIMMER**

**THAT the following appointments to essential leadership positions in the City of Albany's Volunteer Bush Fire Brigades for a term expiring at the end of the 2026-27 bush fire season be ENDORSED:**

- **Chief Bush Fire Control Officer: Mr Rob Lynn**
- **Deputy Chief Bush Fire Control Officer: Mr Graeme Poole**
- **Senior Bush Fire Control Officer North East Sector: Mr John Howard**
- **Senior Bush Fire Control Officer South West Sector: Mr Darryl Bradley**
- **Deputy Senior Bush Fire Control Officer North East Sector: Mr Kim Lester**
- **Deputy Senior Bush Fire Control Officer South West Sector: Mr Simon Whitfort**
- **Fire Weather Officer: Chief Bush Fire Control Officer**
- **Deputy Fire Weather Officer: Deputy Chief Bush Fire Control Officer**

**CARRIED 11-0**

**BFAC016: RESOLUTION 2**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR LIONETTI**  
**SECONDED: COUNCILLOR TERRY**

**THAT the following appointments to essential leadership positions in the City of Albany's Volunteer Bush Fire Brigades for a term expiring at the end of the 2024-25 bush fire season be ENDORSED:**

- **Bornholm Brigade Fire Control Officers: Mr Chris Ayres and Mr Laurie Nissen**
- **Elleker Brigade Fire Control Officer: Miss Maxine Jones and Mr Wayne van der Heide**
- **Gnowellen Brigade Fire Control Officers: Mr Scott Moir and Mr Jeffrey Stoney**
- **Green Range Brigade Fire Control Officers: Mr Mark Plunket and Mr Clinton North**
- **Highway Brigade Fire Control Officers: Mr Ben Braun and Mr Juan Hart**
- **Kalgan Brigade Fire Control Officers: Mr Darryl Bradley, Mr Clayton De Jager**
- **King River Brigade Fire Control Officers: Mr Simon Whitfort and Mr Malcolm Pearce**
- **Kojaneerup Brigade Fire Control Officers: Mr Ashton Hood and Mr Scott Smith**
- **Manypeaks Brigade Fire Control Officers: Mr Robert Potter and Mr Tim Metcalfe**
- **Napier Brigade Fire Control Officers: Mr Tom Collins and Mr Kim Roberts**
- **Redmond Brigade Fire Control Officers: Mr Pieter Mostert and Mr Troy Mostert**
- **South Coast Brigade Fire Control Officers: Mr Rowan Hardy and Mr Shane Duncan**
- **South Stirling Brigade Fire Control Officers: Mr Graeme Pyle and Mr Reece Curwin**
- **Torbay Brigade Fire Control Officer: Mr Brian Taylor**
- **Wellstead Brigade Fire Control Officer: Mr Craig Locke and Mr James Gorman**
- **Youngs Siding Brigade Fire Control Officers: Mr Kevin Martin and Mr Martin Peterson**

**CARRIED 11-0**

**BFAC016: COMMITTEE RECOMMENDATION**

MOVED: ROB LYNN

SECONDED: DARRYL BRADLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 4-0

**BFAC016: AUTHORISING OFFICER RECOMMENDATION**

THAT the following appointments to essential leadership positions in the City of Albany's Volunteer Bush Fire Brigades be ENDORSED:

- Chief Bush Fire Control Officer: Mr Rob Lynn
- Deputy Chief Bush Fire Control Officer: Mr Graeme Poole
- Senior Bush Fire Control Officer North East Sector: Mr John Howard
- Senior Bush Fire Control Officer South West Sector: Mr Darryl Bradley
- Deputy Senior Bush Fire Control Officer North East Sector: Mr Kim Lester
- Deputy Senior Bush fire Control Officer South West Sector: Mr Simon Whitfort
- Bornholm Brigade Fire Control Officers: Mr Chris Ayres and Mr Laurie Nissen
- Elleker Brigade Fire Control Officer: Miss Maxine Jones and Mr Wayne van der Heide
- Gnowellen Brigade Fire Control Officers: Mr Scott Moir and Mr Jeffrey Stoney
- Green Range Brigade Fire Control Officers: Mr Mark Plunket and Mr Clinton North
- Highway Brigade Fire Control Officers: Mr Ben Braun and Mr Juan Hart
- Kalgan Brigade Fire Control Officers: Mr Darryl Bradley, Mr Clayton De Jager
- King River Brigade Fire Control Officers: Mr Simon Whitfort and Mr Malcolm Pearce
- Kojaneerup Brigade Fire Control Officers: Mr Ashton Hood and Mr Scott Smith
- Manypeaks Brigade Fire Control Officers: Mr Robert Potter and Mr Tim Metcalfe
- Napier Brigade Fire Control Officers: Mr Tom Collins and Mr Kim Roberts
- Redmond Brigade Fire Control Officers: Mr Pieter Mostert and Mr Troy Mostert
- South Coast Brigade Fire Control Officers: Mr Rowan Hardy and Mr Shane Duncan
- South Stirling Brigade Fire Control Officers: Mr Graeme Pyle and Mr Reece Curwin
- Torbay Brigade Fire Control Officer: Mr Brian Taylor
- Wellstead Brigade Fire Control Officer: Mr Craig Locke and Mr James Gorman
- Youngs Siding Brigade Fire Control Officers: Mr Kevin Martin and Mr Martin Peterson.
- Fire Weather Officer: Chief Bush Fire Control Officer
- Deputy Fire Weather Officer: Deputy Chief Bush Fire Control Officer

**BACKGROUND**

2. The City of Albany has sixteen Volunteer Bush Fire Brigades, comprising approximately 874 active and auxiliary members who provide bush fire-fighting capacity throughout the municipality.
3. In accordance with the *Bush Fires Act 1954*, the City must appoint a Chief Bush Fire Control Officer, Deputy Bush Fire Control Officer and Fire Control Officers prior to the commencement of each fire season.
4. Nominations for those positions are called for through the Bush Fire Advisory Group (BFAG), and appointments to those positions are made. If multiple nominations are received for any position a ballot is conducted.
5. Final appointment of those officers is authorised by the City of Albany Chief Executive Officer, exercising his delegated authority by Council.

## **DISCUSSION**

6. Nominations for the positions of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer and Fire Control Officers were received by the Bush Fire Advisory Group (BFAG).
7. The BFAG have recommended the appointments detailed in the Authorising Officer Recommendation of this report.
8. The appointments of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officers and Senior and Deputy Senior Bush Fire Control Officers for the North East and South West Sectors remain in force until the end of the 2026-27 fire season.
9. The appointment of Bush Fire Control Officers are reviewed yearly.

## **GOVERNMENT & PUBLIC CONSULTATION**

10. N/A

## **STATUTORY IMPLICATIONS**

11. Appointments are made in accordance with the *Bush Fires Act 1954*.
12. Local governments are empowered by Section 38 of the *Bush Fires Act 1954* to appoint such persons as are necessary to perform the duties associated with a Bush Fire Control Officer.

## **POLICY IMPLICATIONS**

13. N/A

## **RISK IDENTIFICATION & MITIGATION**

14. Not applicable to this report.

## **FINANCIAL IMPLICATIONS**

15. Not applicable to this report.

## **LEGAL IMPLICATIONS**

16. Not applicable to this report.

## **ALTERNATE OPTIONS**

17. There are no alternate options applicable to this report.

## **CONCLUSION**

18. That Council endorse the appointments of Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Fire Weather Officers and Senior and Deputy Senior Bush Fire Control Officers for the North East and South West Sectors for a term expiring at the end of the 2026-27 bush fire season.
19. That Council endorse the appointment of Bush Fire Control Officers for a term expiring at the end of the 2024-25 bush fire season.

<b>Consulted References</b>	:	<i>Bush Fires Act 1954</i>
<b>File Number</b>	:	
<b>Previous Reference</b>	:	CCS484 August 2022 BFAC014 04/09/2023

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL** Nil
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN** Nil.
16. **REPORTS OF CITY OFFICERS**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR BAESJOU**

**THAT the presentation and briefing note received from the Chief Executive Officer at the conclusion of the Community and Corporate Services Committee Meeting held 09 July 2024, relating to Council Resolution 15.1 of 27 February 2024 to investigate the feasibility of providing or facilitating the provision of a non-registered off-road vehicle area, be NOTED.**

**CARRIED 11-0**

17. **MEETING CLOSED TO PUBLIC**

18. **CLOSURE**

There being no further business the Presiding Member declared the meeting closed at **9:11PM**



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Gregory B Stocks  
**MAYOR**