



AGENDA

Ordinary Meeting of Council

Tuesday 24 September 2024

6.00pm

Council Chambers



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 24 September 2024 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

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1. DECLARATION OF OPENING

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LANDOWNERS

"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

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 Gilfellon

Executive Director Infrastructure, Development
& Environment

P Camins

Executive Director Community Services

N Watson

Meeting Secretary

D Clark

Apologies/Leave of Absence:

Councillor

A Cruse (Leave of Absence)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Mayor Stocks	DIS411	Financial. The nature of the interest being that the preferred tenderer is a personal friend of Mayor Stocks. The preferred tenderer is a closely associated person in accordance with the Local Government Act 1995. Mayor Stocks and the preferred tenderer share financial interests in an asset.
Mayor Stocks	CCS661	Impartiality. The nature of the interest being that Mayor Stocks is a member of the Albany Golf Club.
Councillor Grimmer	CCS661	Impartiality. The nature of the interest being that Councillor Grimmer is a part time employee of the Denmark Country Club which works with the Albany Golf Club to promote golf in the region.

5. REPORTS OF MEMBERS
6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
7. PUBLIC QUESTION TIME

Conduct of Persons at Meetings: Members of the public attending meetings must be respectful of the Presiding Member, Council and City Officers to ensure the meeting runs efficiently.

Prevention of Disturbance:

- Members of the public are admitted to meetings with the understanding that no expressions of dissent, approval, conversations or other interruptions will take place during proceedings.
- Attendees must:
 - Refrain from interrupting the meeting through approval, dissent or conversation.
 - Conduct themselves appropriately and follow directions if asked to leave.
 - Avoid obstructing access to the meeting or causing disturbances.

Public Question Time. In accordance with clause 4.2 (Procedures for public question time) and clause 8.3 (Where this local law does not apply or is silent) of the *City of Albany Standing Orders Local Law 2014 (as amended)*:

- Public Question Time is limited to 30 minutes, extendable at the discretion of the Presiding Member.
- The Presiding Member may decline to respond to a question if:
 - The same or a similar question was asked at a previous meeting.
 - The question or statement is offensive, unlawful or defamatory. The Presiding Member may request that it be rephrased to ensure that it is appropriate.

Contents of Minutes As per the *Local Government (Administration) Regulations 1996*, regulation 11:

- The minutes of the meeting will include a summary of questions raised during Public Question Time and a summary of the response.

Documents Tabled at Meetings. Documents tabled during Public Question Time or Reports of Members will not be included in the minutes. The minutes will note who tabled the document and will provide a document reference number.

8. APPLICATIONS FOR LEAVE OF ABSENCE
9. PETITIONS AND DEPUTATIONS
10. CONFIRMATION OF MINUTES

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 27 August 2024, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

DRAFT MOTION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Special Meeting of Electors held on Monday 26 August 2024, as previously distributed, be RECEIVED.

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

SME002: REPORT ON SPECIAL MEETING OF ELECTORS DECISIONS

Business Entity Name : City of Albany Public Library
Report Prepared By : Executive Director Community Services (N Watson)
Executive Director Corporate & Commercial Services
(M Gilfellon)
Authorising Officer: : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. There are no strategic implications associated with the recommendations of this report.

In Brief:

- This agenda item is presented to enable Council to consider the five (5) decisions made at the Special Meeting of Electors held on August 26, 2024.
- Consideration is given both to the concerns of those electors who voted in favour of the decisions and weighing these against various factors including the roles and responsibilities as set out by the Local Government Act 1995, the legislated scope of the City of Albany, and the practical considerations of implementing the decisions.
- It is recommended that the five (5) decisions made at the Special Meeting of Electors are not adopted for the reasons outlined within this report.
- The Library has implemented a number of administrative actions that seek to respond to the concerns raised while also balancing the views of others within the community and aligning to public library policies and frameworks.
- The Officer Recommendation is presented to cover all five (5) decisions of the Special Meeting of Electors however, Council may choose to consider individual decisions separately.

RECOMMENDATION

**SME002: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **RESOLVE** that, having considered the matters raised by electors at the Special Meeting of Electors held on August 26 2024, the following decisions are not adopted:
 - a. Decision 1 “Restrict Welcome to Sex”;
 - b. Decision 2 “Removing Sex: A Guide Teens”;
 - c. Decision 3 “Ensuring Child Safety in Workshops”;
 - d. Decision 4 “Classifying “Sex Criminals” eBook Series; and
 - e. Decision 5 “Compliance with Royal Commission Recommendations”.
2. **NOTE** that the following administrative actions have been implemented by the library:
 - a. Relocate the “Welcome to Sex” book to the young adult section; and
 - b. Will not replace “Sex: A Book for Teens” due to its age and the availability of more current resources;

BACKGROUND

2. The Special Meeting of Electors held on 26 August 2024 discussed the matter of “the promotion of sexualising children in the City of Albany through unrestricted books in the town library and events held during the month of February 2024”, which resulted in five (5) decisions being made by the electors.
3. These decisions reflect concerns from the majority of electors that were present at the meeting regarding age-appropriate books and child safety.
4. The City of Albany had previously met with representatives of the Keeping Children Safe Albany group on 11th June 2024 to discuss concerns raised regarding two sex education books within Albany Public Library.
5. At this meeting the group requested consideration be given to placing the books in an “appropriate section of the library”.
6. There are no definitive age distinctions within library sections, however the junior collection is generally curated for kindergarten ages through to early teens, and the young adult section for an increased level of reading maturity such as mid-to-late teens.
7. Albany Public Library’s Standards of Behaviour clearly place responsibility for supervision of children on parents and guardians and it is the role of the responsible adult to guide their child’s content choices.
8. “Welcome to Sex” is generally promoted as appropriate for ages 12-plus and was located within the junior section due to the parental/guardian supervision that occurs in this area.
9. “Sex: A Book for Teens” has been held in the library’s catalogue for more than 8 years and has resided in the young adult section.
10. As a result of ongoing concerns regarding this matter, and notwithstanding that the two books of concern are not currently in the library catalogue, the library has implemented a number of administrative actions as follows:
 - a. Relocate the “Welcome to Sex” book by Dr Melissa Kang and Yumi Stynes to the young adult section of the library (when it is again available in the catalogue);
 - b. Will not replace “Sex: A Book for Teens” due to its age and availability of more current resources (this is consistent with the library’s Collection Development Policy for ‘weeding’ the collection);
11. This report provides an overview of the decisions made at the Special Meeting of Electors and the policies and frameworks that address these concerns.
12. Legal advice has also been received regarding the roles and responsibilities of Council and the CEO/administration under the Local Government Act 1995 and this is further detailed in the report.

DISCUSSION

13. The following decisions were made at the meeting:

Decision 1: Restricting “Welcome to Sex”

“Welcome to Sex” by Dr Melissa Kang and Yummi (sic) Stynes.

This Special Meeting of Electors calls for Welcome to Sex to be limited for borrowing to persons over the age of 16 and that this publication should be kept behind the counter until library facilities are provided to adequately store this publication in a section of the library that cannot be accessed by persons under the age of 16.

Officer Comment:

14. Due to the specific nature of this decision of the Special Meeting of Electors there are concerns about whether a Council decision of this nature would fit into Council's function as set out under the Local Government Act 1995.
15. If Council wishes to proceed with the intent of this motion, then it would be better to go through a policy development process resulting in the adoption of a formal Council Policy.
16. It should be noted that there is already an administrative policy, Albany Public Library Collection Development Policy, that provides guidance on the City of Albany's Albany Public Library collection development.
17. The policy has been developed with guidance from standards, guidelines and institutions that have expertise in this area such as the APLA-ALIA Standards and Guidelines for Australian Public Libraries and the State Library of Western Australia, as well as the staff at the City of Albany's Albany Public Library.
18. There would be some practical concerns with whether the development of such a policy would achieve the intended aim of the decision. As local government is not the appropriate or responsible authority to determine what books should or should not be age restricted, a policy that covers the classification of books would likely defer to the Australian Classification Board as the responsible authority on what publications should be age restricted.
19. The book “Welcome to Sex” is an award-winning and unrestricted title that is considered an educational resource on the issue of sexuality, relationships and sex, and is held in 161 libraries across the country.
20. Among the book's 17 chapters it covers what sex is, having awkward conversations with parents and carers, sexual identities, myths, reasons to not have sex, feelings and falling in love, relationships, and keeping safe.
21. With the book being widespread throughout Australia, and anyone in the public being able to submit a copy to the Australian Classification Board for review, it has not been restricted.
22. Further to the above point, in New Zealand, the book has been referred to the New Zealand Classification Office which has published a report on its decision that the book would remain unrestricted.
23. Additionally, this book has not been available within the Albany Public Library catalogue for several months now due to an extended unreturned loan that resulted in the book being flagged in our system as lost.
24. When a loanable copy of the book is available in the library again, an administrative decision has already been taken that the book will be relocated to the library's young adult section.
25. Albany Public Library's Standards of Behaviour also clearly place responsibility for supervision of children on parents and guardians and it is the role of the responsible adult to guide their child's book choices.

Decision 2: Removing “Sex: A Book for Teens”

“Sex A book for teens” An uncensored Guide to your Body, Sex and Safety.
This special meeting of electors calls on the City of Albany to remove the publication “Sex a book for teens” an uncensored GUIDE from its Library catalogue until it is assessed for classification by the Australian Classification Board.

Officer Comment:

26. Due to the specific nature of this decision of the Special Meeting of Electors there are concerns about whether a Council decision of this nature would fit into Council's function as set out under the Local Government Act 1995.
27. If Council wishes to proceed with the intent of this motion, then it would be better to go through a policy development process resulting in the adoption of a formal Council Policy.
28. It should be noted that there is already an administrative policy, Albany Public Library Collection Development Policy, that provides guidance on the City of Albany's Albany Public Library collection development.
29. The policy has been developed with guidance from standards, guidelines and institutions that have expertise in this area such as the APLA-ALIA Standards and Guidelines for Australian Public Libraries and the State Library of Western Australia, as well as the staff at the City of Albany's Albany Public Library.
30. From a practical point of view, the development of a policy would take a level of resourcing that would be a duplication of staff resourcing, considering that policies have already been developed by qualified information professionals.
31. With anyone in the public able to submit a book to the Australian Classification Board for review, this title has not previously been restricted.
32. The book has been in the young adult section of Albany Public Library's collection for more than eight (8) years and has been borrowed six (6) times. It has not been available within the library's catalogue for several months now due to an extended unreturned loan that resulted in the book being flagged in our system as lost.
33. The book cannot be replaced as it is no longer available through the State Government's approved book suppliers for public libraries. However, even if a replacement book was available, an administrative decision has been taken that the book will not be replaced due to its age (originally published in 2010) and the availability of more current resources. This decision is consistent with the library's Collection Development Policy for 'weeding' the collection.

Decision 3: Ensuring Child Safety in Workshops

Keeping Children Safe on behalf of the community propose motion the City of Albany to ensure ratepayers money is spent responsibly on workshops held in our Town Hall and the appropriate age restrictions are implemented across all advertising with a strong focus on child safeguarding and making sure all entertainers in Albany have up to date Working With Children checks. We request all documents relating to funding this workshop be made available to the Electors.

Officer Comment:

34. If Council wishes to support this decision, it would be best to proceed with a more clearly worded motion as the decision of the Special Meeting of Electors was unclear in several aspects.
35. Of most concern is that it is not clear if this applies to events and entertainers in relation to just the Town Hall, all City of Albany owned or managed property, or events in the wider geographical local government area. Depending on interpretation this would cause different levels of cost in administering and potentially jurisdictional issues.

36. It is not the responsibility of local government to ensure all entertainers in Albany have up to date Working With Children checks. There are many exemptions. Monitoring of compliance with the Working With Children Act 2004 is the responsibility of the Department of Communities.
37. Town Hall hirers delivering events or programs involving children are reminded as a matter of procedure to ensure they, and any entertainers or performers they engage, comply with Working With Children requirements where applicable.
38. Albany Town Hall is an approved public venue for community use and is available to any group, organisation or individual to hire for any activity or event that complies with legal and regulatory obligations, and is safe.
39. The City of Albany follows strict child safety protocols, including mandatory Criminal History Checks and Working With Children checks for employees conducting child-related work.
40. Guidelines and criteria for all City of Albany funding programs are published on the City of Albany website. Application documents from specific organisations or groups are considered confidential as they have information that has a commercial value to person and/or information about the business, professional, commercial or financial affairs of a person.

Decision 4: Classifying “Sex Criminals” eBook Series

eBooks. This Special Meeting of Electors notes that the series Sex Criminals is available for loan via eBook from the City of Albany library network and calls on the City of Albany to submit the six volumes of this series to be assessed for classification by the Australian Classification Board or to remove it from its library network.

Officer Comment:

41. Due to the specific nature of this decision of the Special Meeting of Electors there are concerns about whether a Council decision of this nature would fit into Council's function as set out under the Local Government Act 1995.
42. If Council wishes to proceed with the intent of this motion, then it would be better to go through a policy development process resulting in the adoption of a formal Council Policy.
43. It should be noted that there is already an administrative policy, Albany Public Library Collection Development Policy, that provides guidance on the City of Albany's Albany Public Library collection development.
44. The policy has been developed with guidance from standards, guidelines and institutions that have expertise in this area such as the APLA-ALIA Standards and Guidelines for Australian Public Libraries and the State Library of Western Australia, as well as the staff at the City of Albany's Albany Public Library.
45. From a practical point of view, all eBook platforms available to Albany Public Library members are statewide services coordinated by the State Library of WA. Albany Public Library staff do not curate these collections.
46. Further, staff cannot extract e-books from vendor platforms for submission for classification, and making such a submission would set a precedent for future objections to library content.
47. Submissions of print editions to the Australian Classification Board can be made by anyone.

Decision 5: Compliance with Royal Commission Recommendations

That the City of Albany verifies that all organisations that work with children, or advocate for them, in the municipality including religious organisations, and church run services in the municipality are compliant with the recommendations of the 2017 Royal Commission into institutional responses to child sexual abuse.

Officer Comment:

48. The City of Albany is not responsible for the compliance or enforcement of the recommendations of the Royal Commission. It is likely that if Council were to support this decision, then it will be found that it is beyond the scope of the City's legislative responsibilities under the *Local Government Act 1995*.

GOVERNMENT & PUBLIC CONSULTATION

49. The following bodies are consulted in regards to matters pertaining to the operational functions of the Albany Public Library:
- a. Australian Library and Information Association (ALIA): Sets standards and guidelines for libraries across Australia.
 - b. State Library of WA: Each state and territory has its own library body that provides oversight and support eg. Public Libraries WA.
 - c. Australian Classification Board: Classifies publications, films, and computer games.
 - d. Australian Public Library Alliance (APLA): ALIA Committee that advises on public library services and policies.
50. In addition, the City of Albany, also consults with child protection authorities, including:
- a. Department of Communities (Western Australia): Manages child protection services in WA.
 - b. Office of the eSafety Commissioner: Focuses on online safety for children.
 - c. Western Australian Police: Maintains law and order and responds to criminal activity or offences.

STATUTORY IMPLICATIONS

51. Section 5.33 of the Local Government Act 1995 requires that all decisions made at a Special Meeting of Electors are to be considered at an Ordinary Meeting of Council. The reasons for a decision are to be recorded in the minutes for any decisions made in response to a decision made at the electors' meeting.
52. The City of Albany is required to comply with relevant child safety legislation and guidelines.

POLICY IMPLICATIONS

53. Albany Public Library operates in accordance with the policies and frameworks that govern the operations of public libraries which include:
- Albany Public Library Collection Development Policy and Standards of Behaviour;
 - Australian Library and Information Association Standards & Guidelines for Australian Public Libraries;
 - State Library WA Intellectual Freedom Policy; and
 - International Federation of Library Associations and Institutions Statement on Libraries and Intellectual Freedom.
54. Albany Public Library is also guided by national library cataloguing records, and the classifications assigned by the Australian Classification Board.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputational Risk: Risk: A decision to adopt or not adopt the decisions of the Special Meeting of Electors could result in dissatisfaction within the community.</i>	<i>Moderate</i>	<i>Significant</i>	<i>Medium</i>	<i>Reaffirm the library's commitment to its existing policies and upholding the national standards for public libraries.</i>
<i>Legal Risk: Risk: Decisions propose actions which may fall outside local government's authority.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Legal advice has been sought to ensure that any decisions made by Council are within the remit of local government.</i>
<i>Opportunity: Continue to work within the policies and frameworks that govern classifications and the operations and collections of public libraries and recognise our library's efforts to provide equitable access to a broad range of materials.</i>				

FINANCIAL IMPLICATIONS

56. There are no significant financial implications associated with the recommendations of this report.

LEGAL IMPLICATIONS

57. Due to the specificity of the decisions, legal advice was sought as to whether these would fall within the scope of Council's functions as determined by the *Local Government Act 1995*.
58. During the second reading of the Local Government Bill, the Local Government Minister made it clear that one of the primary objectives of the Act was to clarify roles of the major players in Local Government.
59. The role of Council under the Local Government Act 1995 in broad terms is a governance function. Their role is to oversee the local governments affairs, oversee the allocation of finance and resources and determine the local governments policies.
60. The role of the CEO/Administration is one of administration. Included in the role is the supervision and management of employees and the management of 'day-to-day' operations.
61. How to interpret these functions is not black and white, however as Decisions 1,2 and 4 reference specific books, it is likely that it would be beyond Council's power to make these as Council decisions.
62. Council's role in decisions 1,2 and 4 could be the development of a policy. This action would be consistent with good governance principles and best practice associated with the principal objectives of the LG Act, including 'better decision making by local governments' and 'more efficient and effective local government'.
63. Decision 3 is less specific and is likely within Council's power to adopt. Given the wording of the motion though is unclear in several respects, a better way forward may be the development of a formally adopted policy.
64. It is likely that Decision 5 is beyond the scope of the City's legislative responsibilities under the *Local Government Act 1995*.

ENVIRONMENTAL CONSIDERATIONS

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

CONCLUSION

66. While the decisions of the Special Meeting of Electors reflect genuine community concerns, they must be balanced against the responsibilities of local government, professional qualifications and expertise of library staff, and the policies and frameworks that govern the operations and collections of public libraries.
67. There must also be strong consideration given to the roles and responsibilities assigned to the Council and CEO/Administration in the Local Government Act 1995, and if the decision of the Special Meeting of Electors is in line with these.
68. Legal advice suggests that the role of Council would be in adopting policies in relations to the matters raised by the decisions, however there are practical considerations that should be taken into account such as policies that have already been developed in consultation with qualified professional bodies, administrative cost, and potentially limited jurisdiction to implement.
69. The Library has implemented a number of administrative actions that seek to respond to the concerns raised by the electors while also balancing the views of others within the community and aligning to public library policies and frameworks.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>ALIA Guidelines and Standards for Public Libraries</i>
File Number	:	GO.CLS.23
Previous Reference	:	Special Meeting of Electors held on 26 August 2024

CCS654: MONTHLY FINANCIAL REPORT – JULY 2024

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

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare 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 July 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 July 2024 is preliminary and has not yet been audited.

RECOMMENDATION

**CCS654: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

CCS654: COMMITTEE RECOMMENDATION

**MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR TRAILL**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS654: AUTHORISING OFFICER RECOMMENDATION

THAT the Monthly Financial Report for the period ending 31 July 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 CCS647, 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 2024/2025.
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 2024/25 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 July 2024 has been incurred in accordance with the 2024/25 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. That the Authorising Officer recommendation be adopted.
16. It is requested that any questions regarding this report are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

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

CCS655: LIST OF ACCOUNTS FOR PAYMENT – AUGUST 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

CCS655: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2024 totalling \$8,219,607.48 be RECEIVED.

CCS655: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MACLAREN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS655: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 August 2024 totalling \$8,219,607.48 be RECEIVED.

DISCUSSION

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

Fund	Transaction Type	Amount (\$)	%
Municipal	Electronic Funds Transfer	\$6,176,069.59	75.14%
Municipal	Payroll	\$2,019,987.40	24.58%
Municipal	Credit Cards	\$23,550.49	0.29%
Municipal	Cheques	\$0.00	0.00%
Trust	N/A	\$0.00	0.00%
TOTAL		\$8,219,607.48	100.00%

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: \$95,651.53.
4. The table below summaries the total outstanding creditors as at 15 August 2024.

Aged Creditors	Amount (\$)
Current	\$144,313.10
30 Days	\$339,654.32
60 Days	-\$7,759.65
90 Days	\$6,889.30
TOTAL	\$4,83,097.07

STATUTORY IMPLICATIONS

5. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment August 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 August 2024 has been incurred in accordance with the 2024/2025 budget parameters.

FINANCIAL IMPLICATIONS

10. Expenditure for the period to 15 August 2024 has been incurred in accordance with the 2024/2025 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 Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

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

CCS656: DELEGATED AUTHORITY REPORTS – 16 JULY 2024 to 15 AUGUST 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

**CCS656: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 July 2024 to 15 August 2024 be RECEIVED.

CCS656: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS656: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 July 2024 to 15 August 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: LG1.18 (D006)** – Sign Documents on Behalf of the City of Albany (Authority to Executive Deeds & Agreements and apply the Common Seal)
 - **Delegation: LG4.06 (D009)** – Provide Donations, Sponsorship, Subsidies & Authority to Apply for Grant Funding (Including the provision of sponsorship through the waiver of fees & charges)
 - **Delegation: LG5.05 (D018)** – Award Contracts (Supply of Equipment, Goods, Materials & Services)

**CCS657: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 JULY 2024**

Proponent : City of Albany
Attachments : Budget Review for the period ending 31 July 2024
Report Prepared by : Business Analyst/Management Accountant (D Harrison)
Authorising Officer : Executive Director Corporate & Commercial Services
(M Gilfellon)

STRATEGIC IMPLICATIONS

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

In Brief:

- This review is for the period ending 31 July 2024, and therefore is outside the requirements of regulation 33A of the *Local Government (Financial Management) Regulations 1996*. A further budget review is required to satisfy this regulatory obligation.
- This budget review achieves a balanced budget inclusive of the proposed Carry Forward Budget Review amendments.

RECOMMENDATION

**CCS657: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT the Budget Review for the period ending 31 July 2024 be ADOPTED.

CCS657: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR MACLAREN
SECONDED: COUNCILLOR GRIMMER

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS657: AUTHORISING OFFICER RECOMMENDATION

THAT the Budget Review for the period ending 31 July 2024 be ADOPTED.

BACKGROUND

2. Local Governments are required to conduct a budget review between 1 January and the last day of February each financial year in accordance with regulation 33A(1) of the *Local Government (Financial Management) Regulations 1996*. The Department recommends a review of the budget early in the financial year to amend carry forward projects from forecast to actual.
3. Council adopted the FY2024/25 budget on 23 July 2024. The total adopted expenditure budget of \$156.3m comprised of:
 - a. \$59.0m capital works;
 - b. \$1.3m debt reduction; and
 - c. \$96.0m in operating expenditure.
4. Included within the \$156.3m budget was \$35.1m of carried forward projects. That is, projects that were not anticipated to be completed by 30 June 2024, and the estimated remaining expenditure relating to these projects was carried forward into the FY2024/25 budget.
5. At the time of preparing the budget, the amount remaining of these carried forward projects was not known, and hence an estimate was provided within the FY2024/25 budget.
6. Now that the financial accounts for FY2023/24 have been completed (although not yet audited), the remaining expenditure relating to the carried forward projects is realised, and the FY2024/25 budget is to be amended to reflect these corrected figures.
7. In addition to the carry forward adjustments this review proposes \$3.03m of variations (exclusive of budget amendments already addressed within the carry forward amendments).

DISCUSSION

8. After the completion of the FY2023/24 financial accounts, the City estimates expenditure of \$33,861,544 required to complete carried forward projects, equating to a decrease of \$1,257,862 relative to the figure estimated in the FY2024/25 budget adopted by Council.
9. The funding impact relating to the decrease in carried forward project of \$1,257,862 is as follows:
 - a. \$508,525: Increase in Grant Funding required.
 - b. \$(753,567): Decrease in Reserves Funding required.
 - c. \$(1,012,820): Decrease in Municipal Funds required (Opening balance adjustment).
10. Key elements of the general works and variations proposed in this budget review include:
 - a. An increase in funds required of \$3.03m to complete the proposed amendments, sourced as follows:
 - i. \$0.24m: Reduction in expenditure
 - ii. \$2.35m: Increase in grants and general revenue.
 - iii. \$0.41m: Increase in reserves funding required.
 - iv. \$0.03m: Increase in Opening Position
 - b. This Review Maintains Council's Budget in a Balanced Position as at 30 June 2025.
 - c. Total expenditure of \$159.8m in FY2024/25 inclusive of carry forward adjustments, comprised of:
 - i. \$62.2m capital works;
 - ii. \$1.3m debt reduction; and
 - iii. \$96.3m in operating expenditure.

11. A copy of the Budget Review for the period ending 31 July 2024 is attached.
12. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

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

STATUTORY IMPLICATIONS

15. Under the *Local Government Act 1995*, section 6.8, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
 - a. is incurred in a financial year before the adoption of the annual budget by the local government
 - b. is authorised in advance by a resolution (absolute majority required) or;
 - c. is authorised in advance by the Mayor in an emergency.
16. If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of 7 days and (a) its intention to do so; and (b) the date from which it is proposed the fees or charges will be imposed.
17. The voting requirement of Council is **Absolute Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

20. Please refer to the attachment: Budget Review for the period ending 31 July 2024.

LEGAL IMPLICATIONS

21. Nil.

ENVIRONMENTAL CONSIDERATIONS

22. Nil.

ALTERNATE OPTIONS

23. For the period ending 31 July 2024, Council may consider to:
- a. Adopt the Budget Review as recommended; or
 - b. Adopt the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

24. It is recommended that the Authorising Officer Recommendation is adopted.

Consulted References		Adopted Budget 2024/2025 <i>Local Government Act 1995</i>
File Number	:	FM.BUG.12
Previous Reference	:	Adopted Budget 2024/2025 – OCM 23/07/2024 Resolution CCS647

CCS658: PROPOSED NEW LICENCE – DEPARTMENT OF FIRE & EMERGENCY SERVICES – TELECOMMUNICATIONS FACILITY WILLYUNG HILL

Land Description	:	Crown Reserve 43591, Lot 7727 on Deposited Plan 191134, the subject of Certificate of Title LR3123 Folio 726, Willyung
Proponent	:	FES Ministerial Body (Department of Fire & Emergency Services)
Owner	:	Crown (City of Albany under Management Order)
Report Prepared By	:	Team Leader Property & Leasing (T Catherall)
Authorising Officer:	:	Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** People.
 - **Outcomes:** A safe community.

Maps and Diagrams:



In Brief:

- Council is requested to approve a new licence to the Department of Fire and Emergency Services (DFES) to formalise their use of the City owned telecommunication facility on Crown Reserve 43591, located on Rocky Crossing Road, Willyung.
- DFES has been using part of the City's telecommunication hut and mast.
- DFES requests a term of 21 years, with annual peppercorn rent of \$10 + GST considering their community service role.
- The licence aligns with the City's Strategic Community Plan 2032 objective to improve community safety.
- It is recommended that the new telecommunication licence be approved.

RECOMMENDATION

**CCS658: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the new licence over portion of Crown Reserve 43591 Willyung telecommunication facility to FES Ministerial Body (DFES), subject to the terms and conditions outlined in section 15 in this report.

CCS658: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS658: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the new licence over portion of Crown Reserve 43591 Willyung telecommunication facility to FES Ministerial Body (DFES), subject to the terms and conditions outlined in section 15 in this report.

BACKGROUND

2. Crown Reserve 43591 is under Management Order issued to the City for the purpose of "Navigational Aid and Telecommunications Site" with power to lease for a term not exceeding 21 years, subject to the approval of the Minister for Lands.
3. The 'C' class reserve, an area of 900m² on Willyung Hill houses the City owned telecommunications facility.
4. The telecommunications facility supports airport navigational aids, emergency bushfire and City depot radio communications.
5. Reserve 43591 is landlocked with access only through a third party private property.
6. The City has formal access arrangements with landowners and Holcim quarry to traverse the land to gain access to the facility.
7. Telstra and Optus also occupy the site under lease agreements with the City and have access agreements with third party landowners.
8. Additional power to the facility was installed by Telstra and also runs through private property.
9. DFES have requested a licence to formalise their use of the telecommunication facility.

DISCUSSION

Access to Site

10. DFES acknowledges the site is landlocked, and access and power are not guaranteed by the City.
11. DFES will be required to obtain access agreements with the landowners.

Lease terms

12. The City's Property Management – Leases and Licences Policy provides that the rent for Government leases are to be determined by market valuation provided by a licensed Valuer.
13. However, circumstances for a reduced rental apply where services provided benefit the community.
14. DFES requests a peppercorn rent of \$10 + GST per annum, reflecting their community service role. This aligns with their current lease for the City's Mt Melville telecommunication facility. Council's support is requested.
15. The table below summarises the essential terms of the proposed licence.

Item	Details
Tenant	FES Ministerial Body
Land Description	Part of Crown Reserve 43591, Lot 7727 on Deposited Plan 191134, the subject of Certificate of Title LR3123 Folio 726, Rocky Crossing Road, Willyung
Land Ownership	Crown (City of Albany under Management Order)
Licence Areas	Approx 4m ² - Small area within City telecommunication hut and mast
Permitted Use	Operating and Maintaining an Emergency Radio Network and Ancillary Purposes
Fee	\$10 + GST per annum
Term of Licence	21 years from commencement date
Outgoings	Tenant responsible for all outgoings, including insurance and utilities
Minister for Lands	Section 18 of the <i>Lands Administration Act 1997</i> , the Minister for Lands consent being obtained
Special Conditions	<p>Access to site</p> <ul style="list-style-type: none"> • Tenant acknowledges access to site is through private property, consent of landowners for ingress and egress will be required. • The Landlord will have no obligation to arrange access to the site. <p>Power to site</p> <ul style="list-style-type: none"> • The Tenant acknowledges power to the site is through private property with the consent of landowners. The landlord will have no obligation to provide power to the site.

16. DFES has agreed in-principle with the above terms, subject to Council and Minister for Lands approval.

GOVERNMENT & PUBLIC CONSULTATION

17. Section 3.58 of the *Local Government Act 1995* governs property disposal, including licenses.
18. Clause 30(2)(c) of the *Local Government (Functions and General) Regulations 1996* exempts certain disposal from public notice, including those to government entities.
19. The proposed licence is exempt from public notice requirements.

STATUTORY IMPLICATIONS

20. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including both leased and licensed land and buildings.
21. Section 18 of the *Land Administration Act 1997* provides that individuals cannot assign, sell, transfer or otherwise deal with interests in Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
22. The proposed licence aligns with the requirements governing the disposal of property and dealings with Crown land.

POLICY IMPLICATIONS

23. The Property Management (Leases and Licences) Policy aims to support equitable access and efficient management of City owned and managed properties in line with statutory procedures.
24. The Policy provides that Government rents are to be market based. However a reduced rental can be applied where there is community benefit.
25. DFES has proposed a peppercorn rent given their community role and Council's support is requested.
26. All other terms of the licence agreements will be in line with the policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: New Licence not approved</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Reputation: New Licence not approved – DFES radio communication services disrupted</i>	<i>Unlikely</i>	<i>Major</i>	<i>Medium</i>	<i>Seek to negotiate terms to Council satisfaction.</i>
<i>Opportunity: Continue to support DFES with essential radio communication services to aid in the delivery of emergency services to the community.</i>				
<i>Opportunity: Aligns with City's Strategic Community Plan 2032 objective to improve community safety.</i>				

FINANCIAL IMPLICATIONS

28. All costs for licence documentation will be covered by DFES.

LEGAL IMPLICATIONS

29. The licence documentation will be prepared by DFES, reviewed by City's lawyers to ensure enforceable terms to minimise risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

30. There are no environmental implications.

ALTERNATE OPTIONS

31. Council may:
- Approve the licence to DFES; or
 - Support some elements of the new licence although not in its entirety; or
 - Decline the licence request.
32. Should Council decline the new licence, DFES radio services will be disrupted and impact community safety.

CONCLUSION

33. DFES has occupied part of the City's telecommunication facility at Willyung Hill for some years without a formal agreement.
34. A new licence is needed to formalise their use to continue providing essential radio communications for emergency services to the community.
35. The proposed licence term is 21 years with a peppercorn rental of \$10 + GST per annum to reflect their community service role.
36. The licence aligns with the City's Strategic Community Plan 2032 objective to improve community safety.
37. It is recommended that the proposed new licence be approved.

Consulted References	:	<ul style="list-style-type: none">Council Policy – Property Management – Leases and Licences<i>Local Government Act 1995</i><i>Land Administration Act 1997</i>
File Number	:	PRO476, A188652
Previous Reference	:	Nil

CCS659: SURRENDER & NEW REPLACEMENT LEASE – DK HOSPITALITY #2 PTY LTD – THREE ANCHORS

Land Description	: Portion of Crown Reserve 26149, Lot 651 on Deposited Plan 191343, the subject of Certificate of Title LR3119 Folio 892, Middleton Beach
Proponent	: DK Hospitality #2 Pty Ltd (ACN 608 713 677) Directors being David Steytler and Katie Sweetnam
Business Entity Name	: Three Anchors
Owner	: Crown (City of Albany under Management Order)
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** 4. Prosperity. A thriving city with an abundance of opportunities.
 - **Outcome:** 4.2. A highly sought-after tourist destination.

Maps and Diagrams:



In Brief:

- Council is requested to approve the surrender of the current lease and a replacement new lease to the current tenant DK Hospitality #2 Pty Ltd, trading as Three Anchors.
- In February 2024, the tenant advised the City they want to update their business model to better meet current market and customer needs. They propose to shift from a restaurant to a café and takeaway, which aligns with the existing Development Approval.
- The tenant plans a capital investment to re-model the premises at their own cost.
- The tenant is requesting a new lease term of 21 years, replacing their current lease which expires in December 2032.
- Department of Planning, Lands and Heritage (DPLH) supports the surrender and new lease as long as the rental income is kept in a reserve fund for maintaining the reserve.
- It is recommended that Council approve the lease surrender and the new lease.

RECOMMENDATION

**CCS659: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council APPROVE the surrender of the current lease and a replacement new lease over portion of Crown Reserve 26149 to DK Hospitality #2 Pty Ltd (Three Anchors), subject to the terms and conditions outlined in section 19 in this report.

CCS659: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-0

CCS659: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVE the surrender of the current lease and a replacement new lease over portion of Crown Reserve 26149 to DK Hospitality #2 Pty Ltd (Three Anchors), subject to the terms and conditions outlined in section 19 in this report.

BACKGROUND

2. Crown Reserve 26149 is under Management Order issued to the City for the purpose of 'Recreation' with power to lease for a term not exceeding 21 years, subject to the prior approval of the Minister for Lands.
3. City records show the premises on the reserve has been leased since 1997. Over the years the lease has been varied, transferred and renewed. The current 21 year lease is due to expire in December 2032.
4. The lease was transferred to the current tenant DK Hospitality #2 Pty Ltd in 2016. The annual rent under the current lease is \$94,312.24 plus GST.
5. In February 2024, the tenant informed the City that they are reviewing their current business model to better meet the current market and customer needs and sought City feedback on their proposed changes.
6. They propose to shift from operating as a restaurant to a café and takeaway. This change would involve the current bistro area being café/takeaway and converting the existing takeaway kiosk into a space focused on the tourist market including selling Binalup/Middleton Beach branded items.
7. The tenant proposes capital investment to redevelop the premises at their own expense.
8. City staff met with the tenant to discuss the proposed changes. The Planning team confirmed that no amendments to the current Development Approval are needed.
9. The City referred this proposal to the DPLH to seek advice on the department's preferred tenure arrangement, given the location is Crown Reserve.
10. DPLH supports the surrender and new lease direct with the City, conditional on amendments to the Management Order over the reserve.
11. Following DPLH's in principle support the tenant formally requested the surrender of the current lease and a new replacement 21 year lease.

DISCUSSION

DPLH consultation and Management Order Amendment

12. DPLH evaluates all commercial activities on Crown Reserves on a case-by-case basis.
13. When consulting DPLH on the ongoing tenure arrangement, the strategic importance of Middleton Beach to Albany's identity as an iconic tourist destination was emphasised.
14. The City also highlighted its significant investment in the reserve, including upgrades to the precinct, and its ongoing commitment to maintaining and enhancing the area for public benefit.
15. Three Anchors is considered to play a crucial role in the visitor experience within this iconic tourism precinct.
16. DPLH supports the lease change with amendments to the current Management Order, to include the department's standard commercial conditions.
17. The conditions include rental from Three Anchors to be held in a reserve fund for the purpose of maintaining the reserve, including all buildings, structures and grounds. Any surplus funds at the end of each financial year are to be put towards any capital or major works on the reserve.
18. It is noted the lease income is already being used for maintenance and improvements in the area. Holding this income in a reserve fund will have no impact on current budget allocations.

Lease terms

19. The table below summarises the essential terms of the proposed lease.

Item	Details
Tenant	DK Hospitality #2 Pty Ltd
Land Description	Portion of Crown Reserve 26149, Lot 651 on Deposited Plan 191343, subject of Certificate of Title LR3119 Folio 892, Middleton Beach
Land Ownership	Crown (City of Albany under Management Order)
Lease Area	Approx 1,351m ² subject to survey
Permitted Use	Commercial Café & Restaurant
Rent	To be determined by a current market valuation provided by a licensed Valuer. Rent reviews every three years by market valuation with CPI applied for intervening years
Term of Lease	21 years from commencement date
Outgoings	Tenant responsible for all outgoings, including insurance and utilities
Minister for Lands	Section 18 of the <i>Lands Administration Act 1997</i> , the Minister for Lands consent being obtained
Special Conditions	Inclusion of coastal hazard provisions

20. Three Anchors has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

GOVERNMENT & PUBLIC CONSULTATION

21. Section 18 of the *Land Administration Act 1997* provides that interests in Crown land cannot be assigned, sold, transferred or otherwise dealt with without the prior written approval of the Minister for Lands.
22. DPLH has been consulted and has provided in-principle consent for the lease, subject to final approval from the Minister for Lands.
23. Section 3.58 of the *Local Government Act 1995* governs property disposal, including leases.
24. The Act requires the following:
- A local government must give local public notice of the proposed lease inviting submissions for a period of two weeks.
 - Council must consider any submissions and record their decisions in the minutes.
 - A local government can then proceed with the lease/licence.
25. The proposed lease will be advertised to comply with the requirements of the Act.
26. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Advertise proposed lease in local newspaper and on the City's website inviting submissions from the public	A two-week period following Council endorsement of agenda item	Open to the public	Section 3.58 of the <i>Local Government Act 1995</i>

STATUTORY IMPLICATIONS

27. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including both leased and licensed land and buildings.
28. Section 18 of the *Land Administration Act 1997* requires Ministerial approval for any dealings with interests in Crown land, including lease agreements.
29. The lease agreement will be governed by the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.
30. The proposed lease complies with the statutory requirements for property disposal and interests in Crown land.

POLICY IMPLICATIONS

31. The Property Management (Leases and Licences) Policy supports equitable access and efficient management of City owned and managed properties in line with statutory procedures.
32. The Policy provides that commercial lease rents should be determined by market valuation.
33. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation: Surrender and new lease not approved</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Negotiate terms that satisfy both Council and tenant</i>
<i>Reputation: Surrender and new lease not approved – reduced investment</i>	<i>Possible</i>	<i>Minor</i>	<i>Medium</i>	<i>Negotiate satisfactory terms</i>
<i>Reputation: Surrender and new lease not approved –tourism impact to area</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Negotiate satisfactory terms</i>
<i>Financial: Surrender new lease not approved – possible loss of commercial rental when current lease expires</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Negotiate satisfactory terms</i>
<i>Opportunity: Enhancing the precinct with an adaptable business model that meets the current market and customer needs ensuring continued success and vibrancy of Binalup/ Middleton Beach</i>				
<i>Opportunity: Aligns with City's Strategic Community Plan 2032 objective to create a competitive and sustainable tourism offer.</i>				

FINANCIAL IMPLICATIONS

35. All costs for surrender of lease documentation will be covered by the tenant.
36. All costs associated with the development, execution and completion of the new lease documentation will be met by the City as per the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

LEGAL IMPLICATIONS

37. The lease documentation will be prepared by City's lawyers to ensure enforceable terms to minimise risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

38. Three Anchors lease area is located within the Coastal Hazard Risk Management Plan (CHRMAP) area for Emu Point to Middleton Beach.
39. The new lease will include coastal hazard provisions, requiring the tenant to acknowledge and accept risks related to coastal erosion and/or inundation, sea level rises and other coastal processes.
40. Further indemnification clauses will be included to ensure that the City and Minister for Lands are not liable for any loss or damage resulting from coastal hazards.
41. Any future development must align with the Emu Point to Middleton Beach CHRMAP recommendations.

ALTERNATE OPTIONS

42. Council may:
 - a. Approve the surrender and new lease to DK Hospitality #2 Pty Ltd;
 - b. Support select elements of the new lease; or
 - c. Decline the lease request.
43. Should Council decline the lease the existing tenant may lose their opportunity to secure longer tenure.
44. Should Council decline the lease DPLH may reconsider the tenure arrangement possibly offering the tenant a direct lease with the Department.
45. Should Council decline the lease the current tenant may choose not to renew their lease in 2032.

CONCLUSION

46. DK Hospitality #2 Pty Ltd has requested to surrender their current lease and enter into a new 21 year lease as they modernise their business model to meet current market and customer demands.
47. DPLH supports the surrender and new lease, subject to amending the current Management Order to include the requirement that rental income from Three Anchors is kept in a reserve fund for maintaining the reserve, including all buildings, structures and grounds.
48. The lease income is already funding maintenance in the precinct so this new requirement will not affect the budget.
49. The new lease aligns with the City's Strategic Community Plan 2032 objective to create a competitive and sustainable tourism offer.
50. It is recommended that Council approve the proposed surrender and new lease.

Consulted References	:	<ul style="list-style-type: none"> • Property Management (Lease and Licences) Policy • <i>Local Government Act 1995</i> • <i>Land Administration Act 1997</i> • <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>
File Number	:	PRO070, A223660
Previous Reference	:	OCM 19/03/2013 – 4.9 OCM 19/06/2012 – 4.4 SCM 01/05/2012 – 6.2 SCM 06/12/2011 – 6.1

CCS660: REVIEW OF CIVIC AFFILIATIONS

Attachments	: Civic Affiliations Review Paper
Report Prepared By	: Executive Director Corporate and Commercial Services (M Gilfellon)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. Nil.

In Brief:

- A review of the City of Albany's Civic Affiliations Policy was conducted at the August 2024 Strategic Briefing.
- The results of the Review of Civic Affiliations are now being presented to Council for decision.

RECOMMENDATION

**CCS660: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

1. **ACCEPT** the review of Civic Affiliations conducted during August 2024 as required under Council's Civic Affiliations Policy;
2. **RESOLVE** to continue the Civic Affiliations with:
 - a. Gallipoli (FRA000078)
 - b. Tomioka (FRA000076)
 - c. Peronne (FRA000077)
3. **RESOLVE** to conclude the Civic Affiliation with Linyi (FRA000081).

CCS660: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-1

Record of Vote

Against the Motion: Councillor Grimmer

CCS660: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

1. **ACCEPT** the review of Civic Affiliations conducted during August 2024 as required under Council's Civic Affiliations Policy;
2. **RESOLVE** to continue the Civic Affiliations with:
 - a. Gallipoli (FRA000078)
 - b. Tomioka (FRA000076)
 - c. Peronne (FRA000077)
3. **RESOLVE** to conclude the Civic Affiliation with Linyi (FRA000081).

BACKGROUND

2. At the Ordinary Council Meeting held on 25 June 2024, Council resolved to adopt the revised Civic Affiliations Policy and conduct a review of existing Civic Affiliations at a Strategic Workshop no later than August 2024. Council resolved that a report detailing the review's outcome be presented to Council for consideration no later than September 2024.
3. An updated Civic Affiliations Policy was workshopped at the Strategic Briefing Session of Council in May 2024.
4. The policy was adopted by Council at the June 2024 Ordinary Meeting of Council.
5. In line with the Decision of Council, a review of the civic affiliations was conducted at the August 2024 Strategic Briefing.

DISCUSSION

6. The Civic Affiliations policy sets out that a review of relationships should be based on the following criteria:
 - Assessment of the level and regularity of engagement;
 - Whether there have been positive outcomes in the period since the last review;
 - Shifting priorities by either the City of Albany or a civic affiliation.
7. The policy also requires that a review be conducted every five years or any time if:
 - There are no demonstrable outcomes of the relationship;
 - The essential criteria contained in the Civic Affiliations Policy are not met or are breached;
 - The relationship does not align with the City's Community Strategic Plan or the City's values; or
 - There is a lack of engagement or conclusion of trade or economic agreements.
8. The City of Albany has the following existing Civic Affiliations which are registered under the Foreign Arrangements Scheme:
 - Gallipoli (FRA000078)
 - Tomioka (FRA000076)
 - Peronne (FRA000077)
 - Linyi (FRA000081)
9. In addition, the City of Albany has a peripheral relationship with Nichinan and the Port of Abaratsu through an informal Friendship Agreement. This is not registered under the Foreign Arrangements Scheme.
10. The attached discussion paper provides information on the history and current state of the four registered Civic Affiliations.

GOVERNMENT & PUBLIC CONSULTATION

11. The RSL Albany Sub-Branch were consulted regarding the Civic Affiliations with Gallipoli and Peronne. They informed the City of the importance of the relationships.
12. Great Southern Grammar was consulted regarding a Student Exchange Program with Nichinan. The program ceased due to COVID and has not restarted. They are commencing discussions regarding this.

STATUTORY IMPLICATIONS

13. Nil.

POLICY IMPLICATIONS

14. Nil. The Civic Affiliations provides a guide for this decision however the policy will not be impacted by the decision.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation Risk: There is a risk that a decision to continue or conclude a Civic Affiliation may negatively affect the reputation of the City.</i>	<i>Unlikely</i>	<i>Minor</i>	<i>Low</i>	<i>The comprehensive process that has been followed will help to mitigate the risk.</i>
<i>Opportunity: There is an opportunity that a decision to continue or conclude a Civic Affiliation may positively affect the reputation of the City.</i>				

FINANCIAL IMPLICATIONS

16. Nil.

LEGAL IMPLICATIONS

17. Nil

ENVIRONMENTAL CONSIDERATIONS

18. Nil

ALTERNATE OPTIONS

19. Council may choose to continue or conclude any of the Civic Relationships.

CONCLUSION

20. At the request of Council, a policy was developed to facilitate the review of the City's Civic Affiliations.

21. A review of Civic Affiliations was conducted at the August 2024 Strategic Briefing.

22. As a result of the review, it is recommended that Council decide to continue the Civic Affiliation with Gallipoli, Tomioka and Peronne and conclude from the Civic Affiliation with Linyi.

Consulted References	:	City of Albany Civic Affiliations Policy – Adopted 25 June 2024
File Number	:	ED.INR.1 ED.INR.3 ED.INR.4 ED.INR.6
Previous Reference	:	Strategic Briefing 20 August 2024 – Review of Civic Affiliations Discussion Paper

**CCS661: COMMUNITY SPORTING AND RECREATION FACILITIES
FUND 2025/26 FORWARD PLANNING GRANT ROUND
APPLICATIONS**

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

STRATEGIC IMPLICATIONS

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

In Brief:

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

RECOMMENDATION

**CCS661: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council **RANK** this application in the following order for the Forward Planning grant application 2025/26 Funding Round.

- a) Albany Golf Club Redevelopment Stage 1 – Reticulation upgrade (Ranked 1 of 1).

**CCS661: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

That Council:

1. **APPROVE** a total of \$600,000 (exc. GST) as the Council's commitment towards the CSRFF Forward Planning grant applications as follows;
 - a) Albany Golf Club (\$600,000), being \$400,000 allocated from 2024/25 budget and a further \$200,000 allocation from the 2025/26 budget;
 - b) This funding will remain allocated under the Community Sport and Recreation Facilities Fund Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and
 - c) The funding amount does not exceed a total of \$600,000 (exc. GST).

CCS661: COMMITTEE RECOMMENDATION 3
VOTING REQUIREMENT: ABSOLUTE MAJORITY

That Council AMEND the 2024/25 budget as follows:

- a) Re-allocate job number 3319 (Western Precinct – Lighting) totalling \$400,000 to the Albany Golf Club Project.**

CCS661: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR BAESJOU

THAT the Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 9-0

CCS661: AUTHORISING OFFICER RECOMMENDATION 1

That Council RANK this application in the following order for the Forward Planning grant application 2025/26 Funding Round.

- a) Albany Golf Club Redevelopment Stage 1 – Reticulation upgrade (Ranked 1 of 1).**

CCS661: COMMITTEE RECOMMENDATION 2

MOVED: DEPUTY MAYOR TERRY

SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 9-0

CCS661: AUTHORISING OFFICER RECOMMENDATION 2

That Council:

- 1. APPROVE a total of \$600,000 (exc. GST) as the Council's commitment towards the CSRFF Forward Planning grant applications as follows;**
 - a) Albany Golf Club (\$600,000), being \$400,000 allocated from 2024/25 budget and a further \$200,000 allocation from the 2025/26 budget;**
 - b) This funding will remain allocated under the Community Sport and Recreation Facilities Fund Grant Policy even if the funding application is unsuccessful, providing applicants can demonstrate that projects will be completed and acquitted using funding from other sources; and**
 - c) The funding amount does not exceed a total of \$600,000 (exc. GST).**

CCS661: COMMITTEE RECOMMENDATION 3

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BAESJOU

THAT Authorising Officer Recommendation 3 be ADOPTED.

CARRIED 9-0

CCS661: AUTHORISING OFFICER RECOMMENDATION 3

That Council AMEND the 2024/25 budget as follows:

- a) Re-allocate job number 3319 (Western Precinct – Lighting) totalling \$400,000 to the Albany Golf Club Project.

BACKGROUND

2. The Community Sport and Recreation Facilities Fund (CSRFF) administered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) has three rounds of available funding:
 - Small Grant Funding Round (Summer);
 - Annual and Forward Planning Funding Round; and
 - Small Grant Funding Round (Winter).
3. The CSRFF program is now a \$20 million program. All three rounds are often oversubscribed, and clubs may need to reapply multiple times to be successful.
4. The CSRFF Annual and Forward Planning Grants Round targets community sport projects where the financial value of the total project is more than \$500,000 and can be claimed up to three financial years following the date of approval.
5. Under CSRFF guidelines it is not a requirement for the applicant to have secured funding at time of approval. The applicant has 3 years to secure funding and complete the project.
6. Applicants must be either a local government authority or a not-for-profit sport or community organisation incorporated under the WA Association's Incorporation Act 1987.
7. Clubs and local government authorities applying for funds must demonstrate equitable access to the public on a short-term and casual basis.
8. The land on which the facility is to be developed must be one of the following:
 - Crown reserve;
 - Land owned by a public authority;
 - Municipal property; or
 - Land held for public purposes by trustees under a valid lease, title or trust deed that adequately protects the interests of the public.
9. 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.
10. The City of Albany has a Community Sports & Recreation Facility Funding Policy to guide how it will allocate funding towards community sporting projects applying for CSRFF funding.
11. The DLGSC – Sport and Recreation application form requires applications to be initially submitted to the local government within which the project proposal is located.

12. The CSRFF funding application process requires local government to assess all relevant applications and to rank the applications in priority order for the municipality. The applications are then submitted to DLGSC on behalf of the applicants prior to September 30, 2024.
13. Once the assessment process from Local Government Authority is complete, all applications received from Western Australian organisations are assessed by the relevant State Sporting Association and the DLGSC – Sport and Recreation CSRFF Committee against a number of criteria, with the final decision on funding being at the discretion of the Minister for Sport and Recreation.

DISCUSSION

14. The DLGSC grant guidelines require Council to provide a ranking for the projects.
15. The DLGSC – Sport and Recreation provides guidelines for local government authorities to assess each submission. This assessment uses the following criteria and a project rating of satisfactory/unsatisfactory or not relevant:
 - Project justification;
 - Planned approach;
 - Community input;
 - Management planning;
 - Access and opportunity;
 - Design;
 - Financial viability;
 - Coordination;
 - Potential to increase physical activity; and
 - Sustainability.
16. With overall project rating, being:
 - Well planned and needed by municipality;
 - Well planned and needed by applicant;
 - Needed by municipality, more planning required;
 - Needed by applicant, more planning required;
 - Idea has merit, more planning work needed; or
 - Not recommended.
17. The type of projects which will be considered for funding through the CSRFF program include:
 - New playing surfaces – ovals, courts, synthetic surfaces etc;
 - Floodlighting projects (must be to Australian standards);
 - Change rooms and ablutions; and
 - Sports storage.
18. Projects are ranked on the strength of the application, participation numbers, and ability to increase physical activity and potential impact as well as consultation with the Department of Local Government, Sport and Cultural Industries – Sport and Recreation and the applicant.
19. Projects that are directly related to the delivery of the sport (surface or grounds) or will increase participation (lighting) are usually ranked higher over those that support the sporting environment.

20. The City of Albany has received one (1) Annual and Forward Planning grant application this round. As there has only been one grant application received this round an independent peer review has not been required to assess the ranking process and subsequent ranking of projects.

21. The following additional information is provided about the project and funding application

Albany Golf Club – Redevelopment Stage 1 – Reticulation Upgrade

22. The funding application is for a Forward Planning Grant for Development Stage 1 – Reticulation Upgrade.

23. Stage 1 of the Albany Golf Club (AGC) Facilities Upgrade Project includes the design, supply, installation and commissioning of a new course reticulation system.

24. This project is critical to the ongoing sustainability of the club as the existing reticulation assets require immediate upgrade, which will also improve operational efficiencies and reduce reactive maintenance costs.

25. This project will ensure the club maintains its current membership and can continue to attract new members, visitors and host events.

26. Based on the initial design of a new reticulation system for AGC and comparisons with case studies, conservative water savings have been estimated at 20% per year. The upgraded system will include automated full valve head controls and facilitate increased monitoring and the ability to undertake targeted watering.

27. AGC is Western Australia's oldest golf club still located on its original site, with a proud 125-year history providing high quality facilities to members and visitors.

28. AGC is a not-for-profit organisation governed by a management committee and employs 22 staff locally. Facilities include an 18-hole championship links-style course that is heritage listed.

29. AGC is ranked 49th out of 100 among public access courses and 99th out of 100 of all courses in Australia.

30. AGC have 708 current members and attract over 7000 visitors to the region annually. Memberships at AGC have increased 8.8% in the past year. Junior programs have contributed to an increase of 600% in membership over the past three years.

31. By continuing to maintain facilities at a high level, AGC can consistently offer opportunities for active participation in golf. AGC's programs and competitions support year-round access for participants across all ages and skill levels.

32. AGC are committed to providing facilities that encourage participation in all levels of golf, supported by infrastructure that meets the needs of members and community.

33. The reticulation upgrade project will support the ongoing provision of high-quality greens and fairways for members and visitors, ensuring the course is attractive and playable all year round.

34. AGC has experienced considerable growth in membership over the past three years, and continues to provide many competitive, social and development options for non-members.

35. Come and try, beginner, junior and upskilling programs are well attended, providing the community with opportunities for physical activity and increased social interaction.

36. With a current membership base of 685 playing members and an annual course attendance by members and the public for over 37,000 rounds of golf, the ongoing provision of a high-quality course at the Club is necessary to maximise active participation.
37. The project is well planned and needed by the applicant. The application, installation and project will be managed by the AGC.
38. Department of Local Government, Sport and Cultural Industries – Sport and Recreation Great Southern Regional Manager has indicated that the project meets the criteria.

Rankings

39. The below ranking recommendation has been provided based on the applicant meeting the required criteria:

RANK	ORGANISATION	PROJECT DETAIL	OVERALL PROJECT RATING
1	Albany Golf Club	Redevelopment Stage 1 – Reticulation Upgrade	Well planned and needed by the applicant. This project meets the criteria for the Community Sports and Recreation Facility Funding Policy and CSRFF Guidelines. The project is a high priority and based on hierarchy of facilities this project is ranked 1 of 1.

GOVERNMENT & PUBLIC CONSULTATION

40. The DLGSC – Sport and Recreation Regional Manager for the Great Southern has been consulted regarding these applications by the City of Albany (June and July 2024).
41. The City of Albany has conducted a site visit for the project listed above (June and July 2024) with the Sport and Recreation Regional Manager for the Great Southern.

STATUTORY IMPLICATIONS

42. There is no statutory requirement.
43. Council officers assess each project and make a recommendation for the ranking of projects based on the DLGSC criteria and strategic overview.
44. The Council officers' ranking recommendations have not been independently peer reviewed as there was only one (1) application received.
45. It should be noted that the DLGSC – Sport and Recreation will make the final decision on funding allocation.

POLICY IMPLICATIONS

46. The Community Sports and Recreation Facility Funding Policy has been applied in the assessment and recommendations of this application.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONSCommunity Sport and Recreation Facilities Funding Policy

48. Under the Community Sport and Recreation Facilities Funding Policy, the Council makes annual budget allocations to a Capital Seed Fund to support CSRFF Small Grant Round (projects under \$500,000) applications.
49. The recently revised Policy also states that 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”.
50. However, the Policy is clear in that Council will consider requests for funding for Forward Planning Grant Round applications “in its absolute discretion” and subject to budget capacity, Council priorities, and the project's eligibility for CSRFF funding.
51. The Policy also limits the financial contribution towards a grant eligible project, stating it “will not exceed 33% (ex GST), to a maximum of \$600,000, of the total project cost”.

Financial contribution request

52. The total projected cost for the current Albany Golf Club application is \$2,565,036.50.
53. The club has requested the maximum \$600,000.00 contribution from the City of Albany, in line with the parameters of the above-mentioned policy.
54. With an announcement on the outcome of this application due within this financial year, and the project planned to commence in June 2025, Council has the ability to spread its contribution to the project over multiple financial years.
55. An amount of \$400,000 was allocated towards the Oval B Lighting Project as part of the 2024/25 Budget, however there remains a funding shortfall on this project and in consultation with stakeholder clubs, the lighting project is being deferred.
56. It is the officer's recommendation that should the Albany Golf Club secure the funding required to draw down on Council's financial commitment to the project, that a budget allocation across multiple years is considered.

57. Officers propose that Council re-allocate the \$400,000 Oval B budget (Job No 3319) towards the Albany Golf Club project and then a further \$200,000 commitment as part of the 2025/26 budget.
58. The following table provides the project budget detail and requests for financial support from each of the applications received:

Project	Total project cost (ex GST)	Applicant contribution (ex GST)	CSRFF Grant (ex GST)	Request for Council Financial Support (ex GST)
Albany Golf Club	\$2,565,036.50	\$1,110,024.50	\$855,012.00	\$600,000.00

59. The next CSRFF Annual Forward Grant round is 1st June 2025.
60. If the application is unsuccessful for CSRFF, the Albany Golf Club can reapply in the next round or demonstrate other ways to secure the additional funding required to draw down Council's funding commitment to the project.

LEGAL IMPLICATIONS

61. Nil

ENVIRONMENTAL CONSIDERATIONS

62. Nil.

ALTERNATE OPTIONS

63. Council may choose not to provide funding assistance to the submitted project.
64. Council may choose to provide more, or less, funding assistance to this project.
65. Council may choose not to amend the 2024/25 Budget at this time and await the outcome of the funding application.

CONCLUSION

66. DLGSC – Sport and Recreation requires local government to assess received applications and to rank applications in priority order for the municipality.
67. The Albany Golf Club project meets the criteria provided by the DLGSC – Sport and Recreation and Council is required to rank the project.
68. The project also meets the criteria of the City of Albany Community Sports and Recreation Facility Funding Policy.
69. Council has total discretion in considering the requested financial contribution and may amend the officer's recommendation.
70. DLGSC – Sport and Recreation requires a response from the City of Albany on the priority ranking order and financial contributions by 30 September 2024.

Consulted References	:	Community Sports & Recreation Facilities Grant Funding Policy
File Number	:	RC.SPV.8
Previous Reference	:	OCM 27/08/2024 – Report Item CCS653

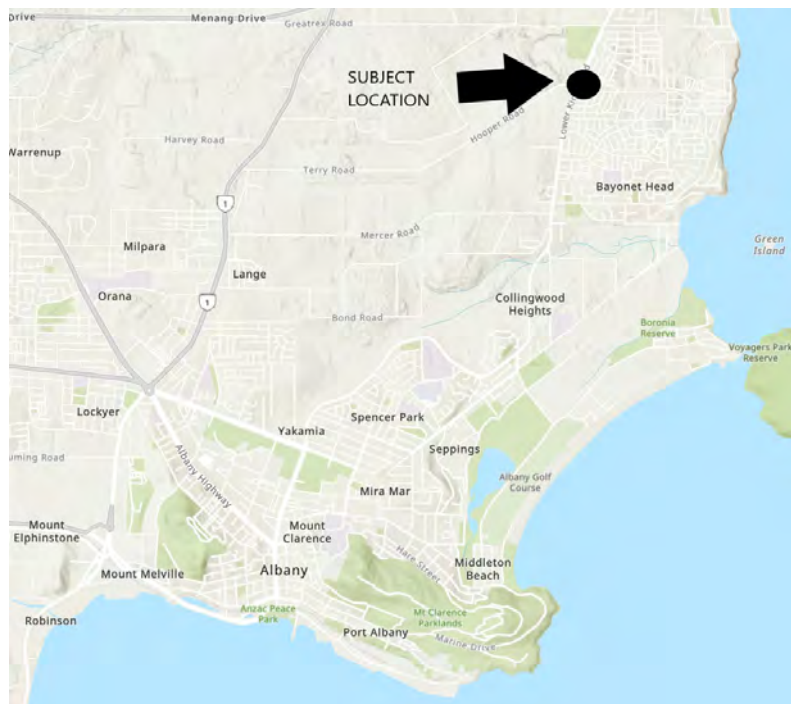
DIS410: CONSIDERATION OF ADOPTION OF AMENDMENT NO.4, TO LOCAL PLANNING SCHEME 2 – CITY OF ALBANY

Land Description & Proponent / Owner	<ul style="list-style-type: none">• Lots 72 Stranmore Boulevard, Bayonet Head - A Stavretis• Lot 955, Stranmore Boulevard, Bayonet Head - Advance Housing
Business Entity Name	: Advance Housing Directors being Joanna Fictoor, Tom Stephens, Roger Cook, Rob Mason.
Attachments	: Scheme Amendment No.4 document
Supplementary Information & Councillor Workstation	: Nil
Report Prepared By	: Senior Planning Officer – Strategic Planning
Authorising Officer:	: Executive Director Infrastructure, Development & Environment

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.
2. The *Albany Local Planning Strategy 2019* (the Planning Strategy) is the local planning strategy that sets out the long-term planning directions for the Scheme area. The proposed Scheme Amendment No. 4 aligns with the strategic objectives and actions identified under the Planning Strategy. The Planning Strategy identifies the subject land for 'Urban Growth'.

Maps and Diagrams: Lots 72 and 955, Stranmore Boulevard, Bayonet Head



In Brief:

- The City has prepared an amendment, which proposes to rezone Lots 72 and 955, Stranmore Boulevard, Bayonet Head, from the 'Urban Development' zone to the 'Residential' zone at a density code of R60.
- It is recommended that the Council approve the proposed amendment, as it aligns with the intended development outlined in the endorsed Local Structure Plan and Local Development Plan.

RECOMMENDATION

DIS410: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

1. Pursuant to section 75 of the *Planning and Development Act 2005*, that Council **RESOLVES** to rezone Lots 72 and 955, Stranmore Boulevard, Bayonet Head, from the 'Urban Development' zone to the 'Residential' zone and including a density code of R60.
2. Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council **RESOLVES** that the amendment is 'basic' as the amendment is consistent with a structure plan and Local Development Plan that has been approved under the scheme for the land to which the amendment relates.

Note: For the purposes of section 83A(5)(a) of the Act, a proposed basic amendment to a local planning scheme is not required to be advertised.

3. Pursuant to Section 81 of the *Planning and Development Act 2005*, Council **RESOLVES** not to refer the scheme amendment to the Environmental Protection Authority.
4. That Council **RESOLVES** to authorise the Chief Executive Officer to forward a copy of the resolution to the Western Australian Planning Commission and all landowners and occupiers which were subject to the proposed amendment.

DIS410: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BAESJOU
SECONDED: COUNCILLOR MACLAREN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

DIS410: AUTHORISING OFFICER RECOMMENDATION

1. Pursuant to section 75 of the *Planning and Development Act 2005*, that Council **RESOLVES** to rezone Lots 72 and 955, Stranmore Boulevard, Bayonet Head, from the 'Urban Development' zone to the 'Residential' zone and including a density code of R60.
2. Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council **RESOLVES** that the amendment is 'basic' as the amendment is consistent with a structure plan and Local Development Plan that has been approved under the scheme for the land to which the amendment relates.

Note: For the purposes of section 83A(5)(a) of the Act, a proposed basic amendment to a local planning scheme is not required to be advertised.

3. Pursuant to Section 81 of the *Planning and Development Act 2005*, Council **RESOLVES** not to refer the scheme amendment to the Environmental Protection Authority.
4. That Council **RESOLVES** to authorise the Chief Executive Officer to forward a copy of the resolution to the Western Australian Planning Commission and all landowners and occupiers which were subject to the proposed amendment.

BACKGROUND

3. Lots 72 and 955 Stranmore Boulevard, Bayonet Head are currently zoned 'Urban Development' in accordance with the City *Local Planning Scheme No.2*
4. A Local Structure Plan and Local Development Plan have been approved for the area, designating the subject lots for residential development at a Residential Design Codes (R-Codes) density of R60.
5. The subject lots have been subdivided in accordance with the Local Structure Plan and Local Development Plan.
6. Lot 72 is being developed for a Child Care Premises, while Lot 955 has been kept cleared, with plans for a multiple dwelling development on that lot.
7. The 'Urban Development' zone provides a basis for more detailed structure planning in accordance with the provisions of this Scheme.
8. After an area has been subdivided generally in line with the structure plan, it must be normalised. In this context, normalisation involves rezoning the area to the zone and density specified in the structure plan and Local Development Plan to facilitate further development.

DISCUSSION

9. The purpose of the Scheme Amendment No.4 is to normalise the zonings for Lots 72 and 955 Stranmore Boulevard, Bayonet Head.
10. The primary purpose of this rezoning is to enable the proposed multiple dwelling development on Lot 955.
11. The land's proximity to public open space and a future commercial centre makes it suitable for residential use at a density of R60, so rezoning the subject lots from 'Urban Development' to 'Residential' with the R60 density code is considered appropriate.
12. Therefore, it is recommended that the Council endorse the proposed Local Planning Scheme Amendment to rezone the land from the 'Urban Development' zone to 'Residential' zone with a density of R60.

GOVERNMENT & PUBLIC CONSULTATION

13. For the purposes of section 83A(5)(a) of the Act, a 'basic' amendment to a local planning scheme is not required to be advertised.

STATUTORY IMPLICATIONS

14. The *Planning and Development (Local Planning Schemes) Regulations 2015* identifies three different levels of amendments – basic, standard and complex. The Amendment No.4 is a 'basic' amendment for the following reason:
(vii) an amendment to the scheme map that is consistent with a structure plan or Local Development Plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan.

POLICY IMPLICATIONS

15. There are no policy implications relating to the proposed scheme amendment.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Operational:</i> Council does not support the adoption of the amendment.	Possible	Minor	Low	Development will be limited to the those permissible in the land use table.
<i>Opportunity:</i> Facilitate development in accordance with the Structure plan and the Local Development Plan including multiple dwellings.				

FINANCIAL IMPLICATIONS

17. There are no financial implications relating to the proposed scheme amendment.

LEGAL IMPLICATIONS

18. There are no legal implications relating to the proposed scheme amendment.

ENVIRONMENTAL CONSIDERATIONS

19. There are no environmental implications relating to the proposed scheme amendment. Council is therefore requested to agree not to refer the proposal to the Environment Protection Authority.

ALTERNATE OPTIONS

20. Council may decide not to support the scheme amendment, or to support the amendment subject to modifications.

CONCLUSION

21. The purpose of this amendment to the City of Albany Local Planning Scheme No.2 is to modify the zoning of land situated at Lots 72 and 955, Stranmore Boulevard, Bayonet Head, from the 'Urban Development' zone to the 'Residential' zone (R60).
22. The amendment normalizes the area in line with the endorsed plans to enable the planned development.
23. Council is therefore requested to support the 'basic' amendment to the *Local Planning Scheme 2*.

Consulted References	<ul style="list-style-type: none">• <i>Local Planning Scheme No.2</i>• <i>Planning and Development Act 2005</i>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>• <i>State Planning Policy 3: Urban Growth and Settlement</i>
File Number	AMD004 (LPS2)
Previous Reference	Nil

DIS411: PROVISION OF PLUMBING SERVICES

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment
Report Prepared By	: Operations Administration Coordinator
Authorising Officer:	: Executive Director Infrastructure Development and Environment

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:** 3. Place. A responsibly planned city that is attractive, vibrant and well connected.
 - **Outcome:** 3.1 Responsible growth, development and urban renewal.

In Brief:

- Following a competitive tender process, Council approval is sought to award the tender for the Contract C24016 - Provision of Plumbing Services.
- The contract is for an initial two (2) year period from 1 October 2024, with a mutually agreed and price negotiated option for a further one (1) year and then a further and final negotiated option for another one (1) year, in accordance with the Specifications to the Principal's satisfaction.

RECOMMENDATION

DIS411: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council AWARD Contract C24016 – Provision of Plumbing Services to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

DIS411: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MACLAREN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

DIS411: AUTHORISING OFFICER RECOMMENDATION

THAT Council AWARD Contract C24016 – Provision of Plumbing Services to the tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. The City's current contract with Albany Plumbing and Gas is due to expire on 30 September 2024. It is necessary to establish a new contract for the provision of plumbing services.
3. Tenders were called for C24016 – Provision of Plumbing Services.
4. The tender is for plumbing services for maintenance, repairs and minor works to the value of \$10,000.00 (for any single project). The tender includes both reactive and preventative plumbing and hydraulic maintenance. The Albany Leisure and Aquatic Centre, Western and Eastern Oval Pavilions, Retravisson Stadium and the Airport (urinals only) are the assets that require programmed preventative maintenance.

DISCUSSION

5. A total of three (3) tender documents were issued by the City of Albany.
6. One (1) completed tender document was submitted on/before the advertised closing date and time.

Evaluation of Tenders

7. The tender panel evaluated tenders using the weighted criteria methodology across six (6) areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Cost	30%
Relevant Experience	30%
Key Personnel Skills and Experience	10%
Tenderer's Resources	10%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Total	100%

8. The following Table 2 summaries the tenders and the overall evaluation scores applicable.

Table 2 – Summary of Tender Submissions

Tenderer	Weighted Score
Tenderer A	641.67

9. The only submitter was Tenderer A who ranked highest with the highest total weighted score.
10. From the evaluation scoring, clarification and financial check process Tenderer A is the preferred tender and it is recommended that their tender be accepted and the contract awarded.

GOVERNMENT & PUBLIC CONSULTATION

11. A request for tenders was published in the West Australian on 31 July 2024, and the Albany Extra on 2 August 2024.

STATUTORY IMPLICATIONS

12. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
15. Voting Requirement for this item is **Simple Majority**

POLICY IMPLICATIONS

16. The City of Albany Purchasing Policy (Tenders and Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Business Interruption Risk: Non-compliance with contract or business failure resulting in asset failure</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services</i>
<i>People Health and Safety Risk: Increased risk of public health due to inadequate response times to asset failure</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Only tenders from reputable companies who have the required certification considered.</i>
<i>Opportunity: To maintain City's plumbing and hydraulic assets to maximise life, capacity and function.</i>				

FINANCIAL IMPLICATIONS

18. The cost (weighted 30%) was calculated by averaging the Cost Score for both the Hourly Rate (Schedule of Rates) including after hours and the Preventative Maintenance (Lump Sum).
19. The costs per job will be included in the specific budget line item.

LEGAL IMPLICATIONS

20. Nil

ENVIRONMENTAL CONSIDERATIONS

21. Nil

ALTERNATE OPTIONS

22. The options are:
 - a. Council may elect to accept the recommended tender; or
 - b. Not approve any tender.

CONCLUSION

23. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Tenderer A.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Functions and General) Regulations 1996</i>• <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i><ul style="list-style-type: none">○ <i>Tender Procedure</i>○ <i>Evaluation Procedure (Tenders and Quotes)</i>• <i>Council Policy: Buy Local Policy (Regional Price Preferences)</i>
File Number	:	C24016
Previous Reference	:	C21006 – current contract for Provision of Plumbing Services

DIS412: PANEL OF SUPPLIERS – PROVISION OF TRAFFIC CONTROL

Proponent / Owner	: City of Albany
Attachments	: Confidential Attachment
Report Prepared By	: Operations Administration Coordinator
Authorising Officer:	: Executive Director Infrastructure Development and Environment

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:** 3. Place. A responsibly planned city that is attractive, vibrant and well connected.
 - **Outcome:** 3.1 Responsible growth, development and urban renewal.

In Brief:

- Following a competitive tender process, Council approvals is sought to award the tender for the Contract C24015 Panel of Suppliers – Provision of Traffic Control.
- The contract for shall be in force for the period from 1 October 2024 or date of award (whichever occurs latest) until 30 September 2026, with a mutually agreed and price negotiated options to extend for a further one (1) year period.

RECOMMENDATION

DIS412: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council AWARD Contract C24015 – Panel of Suppliers – Provision of Traffic Control to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note.

DIS412: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR MCKINLEY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

DIS412: AUTHORISING OFFICER RECOMMENDATION

THAT Council AWARD Contract C24015 – Panel of Suppliers – Provision of Traffic Control to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note.

BACKGROUND

2. The City's current contract with Traffic Force, LGC Traffic Management, and WCP Civil is set to expire on 30 September 2024. During the contract's term, Traffic Force ceased operations in Albany, rendering them unable to continue their engagement. Therefore, it is necessary to establish a new contract for the provision of traffic control services.
3. Tenders were called for C24015 – Panel of Suppliers – Provision of Traffic Control.
4. The tender is for all work necessary to provide for the safe movement of traffic and the protection of persons and property through and or around work sites within the City.

DISCUSSION

5. A total of eight (8) tender documents were issued by the City of Albany.
6. Six (6) completed tender documents were submitted on or before the advertised closing date and time.

Evaluation of Tenders

7. The tender panel evaluated tenders using the weighted criteria methodology across six (6) areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Cost	35%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	15%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Total	100%

8. The following Table 2 summaries the tenders and the overall evaluation scores applicable.

Table 2 – Summary of Tender Submissions

Tenderer	Weighted Score
Tenderer A	642.77
Tenderer B	608.91
Tenderer C	605.69
Tenderer D	593.70
Tenderer E	558.99
Tenderer F	524.94

9. Tenderer A ranked highest with the highest total weighted score.
10. From the evaluation scoring, clarification and financial check processes Tenderers A, B, C and D are the preferred tenders and it is recommended that their tenders be accepted and the contract awarded.

GOVERNMENT & PUBLIC CONSULTATION

11. A request for tenders was published in the West Australian on Wednesday 31 July 2024, and the Albany Extra on 15 August 2024.

STATUTORY IMPLICATIONS

12. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$250,000.00.
13. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
14. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
15. Voting Requirement for this item is **Simple Majority**

POLICY IMPLICATIONS

16. The City of Albany Purchasing Policy (Tenders and Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.

RISK IDENTIFICATION & MITIGATION

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

<i>Risk</i>	<i>Likelihood</i>	<i>Consequence</i>	<i>Risk Analysis</i>	<i>Mitigation</i>
Business Interruption: <i>Risk: Non-compliance with contract or business failure resulting in inadequate traffic management</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services</i>
People Health and Safety: <i>Risk: Increased project risk due to inadequate traffic management</i>	<i>Possible</i>	<i>Major</i>	<i>High</i>	<i>Only tenders from reputable companies who have the required certification considered.</i>
Opportunity: <i>To work with City Officers and contribute to the construction and maintenance of the City's transport network in the safest possible manner.</i>				

FINANCIAL IMPLICATIONS

18. The costs per job will be included in the specific budget line item.

LEGAL IMPLICATIONS

19. Nil

ENVIRONMENTAL CONSIDERATIONS

20. Nil

ALTERNATE OPTIONS

21. The alternate options are:
- Council may elect to accept the recommended tender; or
 - Not approve any tender.

CONCLUSION

22. It is recommended, based on the evaluation scoring, clarification and financial check processes, that the tender be awarded to Tenderers A, B, C and D.

Consulted References	:	<ul style="list-style-type: none">• <i>Local Government Act 1995</i>• <i>Local Government (Functions and General) Regulations 1996</i>• <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i><ul style="list-style-type: none">○ <i>Tender Procedure</i>○ <i>Evaluation Procedure (Tenders and Quotes)</i> <i>Council Policy: Buy Local Policy (Regional Price Preferences)</i>
File Number	:	C24015
Previous Reference	:	C21002

DIS413: PLANNING AND BUILDING REPORTS AUGUST 2024

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports August 2024
Report Prepared By : Senior Information Officer – Development Services
Authorising Officer: : Manager Development Services

RECOMMENDATION

DIS413: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for August 2024 be RECEIVED.

DIS414: STIRLING TERRACE EAST RECONSTRUCTION

Proponent / Owner	: City of Albany.
Business Entity Name	: City of Albany.
Attachments	: Confidential Briefing Note
Report Prepared By	: Civil Infrastructure Project Officer (R. Cations)
Authorising Officer:	: Executive Director Infrastructure, Development & Environment (P. Camins)

CONFIDENTIAL ATTACHMENT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network.

In Brief:

- Following a competitive eQuote process, and securing of additional funds, Council approval is sought to award eQuote P24007 Stirling Terrace East Reconstruction.
- Three (3) complying eQuote responses were received, from a total of four (4) invited.
- Tenderer A is the recommended contractor.
- Construction is expected to commence in mid-October 2024, with completion in late January 2024.

RECOMMENDATION

DIS414: AUTHORISING OFFICER RECOMMENDATION 1 VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Council amend the Road Expenditure Budgets as follows:

1. **INCREASE** budget for Job Number 0415 (Stirling Terrace East – Footpath) from \$516,000.00 to \$606,000.00 using \$90,000.00 from Job No. 2455. (Note that this resolution also requires prior approval of a budget review subject of CCS657).
2. **INCREASE** budget for Job Number 2167 (Stirling Terrace East – Road) from \$426,500.00 to \$516,500.00 using \$90,000.00 from Job No. 2455.
3. **DECREASE** budget for Job Number 2455 David Street Drainage from \$180,000.00 to \$0.

DIS414: AUTHORISING OFFICER RECOMMENDATION 2 VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council AWARD Contract P24007 Stirling Terrace East Reconstruction, to the Tenderer recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. The section of Stirling Terrace proposed for reconstruction is between York Street and the Centrelink car park entrance and is the last of three phases of construction to bring Stirling Terrace up to a consistent standard that meets approved heritage and street scape requirements.
3. The City of Albany has received federal Roads to Recovery (R2R) funding and allocated it to the reconstruction of Stirling Terrace road and footpath, aligning with the Local Planning Policy: Albany Town Centre Policy 2019.
4. This reconstruction work will improve road safety, connectivity and traffic flow, as well as allowing the precinct to be closed to accommodate events and festivals as required.
5. The proposed work involves the reconstruction and realignment of the road, associated car parking bays and piped drainage, as well as reconstruction of all pedestrian areas to new design levels with brick paving styles to match previously constructed sections.
6. Design and specification documentation was prepared by the City of Albany to the stage of 'Issued for Tender'.
7. The eQuote invitation was open from 1st August 2024 to 2nd September 2023.

DISCUSSION

8. A total of four (4) eQuote invitations were issued by City of Albany.
9. Three (3) conforming eQuote responses were received on or before the stipulated closing date and time.
10. The eQuotes were evaluated using the weighted attributes methodology. This method scores the evaluation criteria and weights their importance to determine an overall points score for each tender. The criteria are tabled below:

Qualitative Criteria	Weighting (%)
Cost	55
Demonstrated High Levels of Corporate Social Responsibility	5
Demonstrated Experience	20
Key Personnel Skills and Experience	20
Total	100

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

Tenderer	Total Score	Rank
Tenderer A	692.37	1
Tenderer B	608.93	2
Tenderer C	458.69	3

12. Two (2) Tenderers claimed the Buy Local Policy reduction.
13. Tenderer A ranked highest with the highest score of 692.37.
14. From the evaluation scoring Tenderer A is the preferred tenderer and consequently it is recommended that their tender be accepted and the contract be awarded.

GOVERNMENT & PUBLIC CONSULTATION

15. A invitation to eQuote was emailed to four (4) proponents from the WALGA Preferred Suppliers Panel on 1st August 2024.

Statutory Implications

16. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
17. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.
18. Voting Requirement for Authorising Officer Recommendation 1 is **Absolute Majority**.
19. Voting Requirement for Authorising Officer Recommendation 2 is **Simple Majority**.

POLICY IMPLICATIONS

20. Council's Purchasing Policy (Tenders & Quotes) and Buy Local Policy (Regional Price Preference) are applicable to this item.
21. The value of this eQuote is in excess of \$1M and therefore Council approval is required as this exceeds the CEO's delegation.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Business Interruption: Risk: Non-compliance with contract or business failure resulting in inadequate traffic management</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>General conditions of contract allow for contract termination on the basis of failure to supply goods and services</i>
<i>Opportunity: To provide a multi-use space that can easily be transformed into a pedestrian mall for future events or festivals.</i>				

FINANCIAL IMPLICATIONS

23. The value of this eQuote is in excess of \$1M and therefore approval is referred to Council for consideration.
24. More detailed information regarding the financial implications are contained in the Confidential Briefing Note.
25. Roads to Recovery funding of \$317,456 has been allocated in the 2024-2025 budget.
26. A scope change for this project has been proposed as part of the September 2024 budget review (CCS657). The expanded scope includes extending the paving along York Street to create a more cohesive appearance, better integrate with the existing streetscape, and align with last year's works on the opposite side. It involves removing large flagstone pavers and a stone seat that have become significant maintenance liabilities. Expanding the project now will reduce costs by avoiding additional mobilisation.
27. An additional amount of \$180,000 is being requested to fund the tendered amount. This will cover the cost of the original works, additional brick paving works on York Street (subject to approval of CCS657), project management costs plus a small contingency amount to cover any unforeseen costs.
28. It is proposed that the additional budget required, totalling \$180,000, is taken from Job 2455, David Street Drainage which is considered non-urgent works.

LEGAL IMPLICATIONS

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

ENVIRONMENTAL CONSIDERATIONS

30. The environmental impact of this construction is considered to be minimal, with the removal of one unhealthy tree required.
31. Four new street trees of an appropriate species, will be installed following completion of construction.

ALTERNATE OPTIONS

32. The options are:
- a) Council may elect to accept the recommended tender; or
 - b) Not approve any tender.

CONCLUSION

33. The City has undergone a competitive process in line with the relevant legislation and established policies.
34. It is recommended, based on the evaluation scoring, clarification and financial check processes that the tender be awarded to Tenderer A.
35. In order to award the tender an increase in budget of \$180,000 is required.

Consulted References	<ul style="list-style-type: none">• <i>Local Government (Functions and General) Regulations 1996</i>• Council Policy – Purchasing• Council Policy – Buy Local (Regional Price Preference)
File Number	P24007
Previous Reference	N/A

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION BY DEPUTY MAYOR TERRY

DATE AND TIME RECEIVED: Thursday 05 September 2024 at 2.03PM.

15.1: NOTICE OF MOTION BY DEPUTY MAYOR TERRY

THAT Council:

- 1. AFFIRMS the Albany Public Library’s Collection Development Policy 2022; and**
- 2. Recognises and relies upon the professional expertise of the Albany Public Library staff in serving our community through their event programming, selection, curation and display of all materials within the library collections.**

Councillor Reasons:

The Albany Public Library is our highest valued City asset and service, as evidenced by the highest rating in the most recent Markyt Community Scorecard. Will all of the events of the last few months around two books that are in the Library collection, our Library staff have been under a lot of pressure and duress at times.

I feel it is important for Council to show support to our Library staff, reaffirm the Collection Development Policy and to send a strong message that we recognise and rely on their professional expertise in serving our community.

I feel that this is important because we have received a significant number of emails from the Community pre and post the Electors Meeting in support of our Library and our staff.

Point 8 of the Collection Development Policy titled “Censorship” is particularly pertinent here. Point 8 states that -

“Public Library collections reflect a balance of views and perspectives without seeking to promote or discourage particular viewpoints. The Albany Public Library’s collections reflect the diversity of the community and aim to be as inclusive as possible. Providing materials do not breach federal and state government laws, the library will not censor material.”

Further to this the Australian Public Library Alliance [Standards and Guidelines for Australian Public Libraries](#), are evidence-based national public library standards and guidelines and include specific references to collections, one of which is that “...Content that is illegal is not provided.” In addition the State Library’s [Collection Development Policy Framework](#) provides overarching collecting principles including “Collections are developed to be inclusive, without censorship or bias, to represent the diversity of our community and create a sense of belonging and connection.” Librarianship is a graduate profession that, in Australia, requires a minimum of a 3-year undergraduate degree. So those professionals who we employ to run our library are highly-trained staff who take all of the above directions and policies into account when they support a balanced, inclusive collection and relevant events that highlight the many benefits of reading, listening and education.

In summary the Albany Public Library Collection Policy aligns with the National and State Library Collection Policies and we should show our support for our highly valued Library by making a public statement to affirm the Collection Policy and support the professionalism of our Library staff.

Officer Comment:

Albany Public Library is run in accordance with the policies and frameworks that govern the operations of public libraries.

The City's library staff are highly qualified and professional and deliver a service that is highly valued by the broader community.

This motion supports library staff to continue to exercise their expertise in the administrative function of the library.

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC

18. CLOSURE