



MINUTES

Ordinary Meeting of Council

Tuesday 25 July 2023

6.00pm

Council Chambers



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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Deputy Mayor, Councillor	S Smith
Councillor	P Terry
Councillor	A Cruse
Councillor	G Stocks
Councillor	M Traill
Councillor	T Brough
Councillor	M Benson-Lidholm JP
Councillor	J Shanhun
Councillor	S Grimmer
Councillor	C Thomson
Councillor	R Sutton
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
Manager Planning and Building Services	J Van Der Mescht
Meeting Secretary	J Williamson
Apologies:	
Councillor	D Baesjou (Apology)

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Executive Director Community Services Mr Nathan Watson	CCS541	Impartiality. The nature of the interest being that Mr Watson is a former financial member of the Emu Point and Merrifield Park Tennis Clubs and his father-in-law is a recent former office bearer of the Emu Point Tennis Club. Mr Watson remained in the Chamber and was present during the discussion and vote for this item.
Chief Executive Officer Mr Andrew Sharpe	CCS541	Impartiality. The nature of the interest being that Mr Sharpe holds a family membership with the Lawley Park Tennis Club. Mr Sharpe remained in the Chamber and was present during the discussion and vote for this item.
Councillor Terry	CCS544	Impartiality. The nature of the interest being that Councillor Terry has an association with one of the debtors identified in the attachment. Councillor Terry remained in the Chamber and participated in the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm: Councillor Terry

Summary of key points:

Councillor Terry attended the NAIDOC Celebration Kinjarling/Kincinninup Event held at the Albany Entertainment Centre, which included a wonderful Welcome to Country by Auntie Avril Dean. Councillor Terry also very much enjoyed the Yarning Circle.

Councillor Terry also attended the Launch of Auntie Carol Pettersen's new book, *Following the Spirit of the Yirdah Bird*.

Councillor Terry assured residents who are, or who may be, affected by mining exploration that Council is listening to their concerns. Council will be receiving a briefing from Department of Mines, Industry Regulation and Safety representatives on 16 August 2023.

Councillor Terry attended the Opening of the Synergy EV Network Charging Station, and that he hoped the Tesla Charging Station would soon follow.

Councillor Terry also attended the Briefing on Bicentenary Expressions of Interest. Councillor Terry said that there were some exciting projects presented and that he looks forward to them progressing.

Councillor Terry also attended, as part of the Maritime Festival, the Breaksea Production of the Magical Weedy Sea Dragon and the G + B Exhibition at the Hilton Garden Inn. Councillor Terry passed on his congratulations to the City's Events Team for their work in delivering some outstanding events.

6.05pm Councillor Traill
Summary of key points:

Councillor Traill said that the 2023 Maritime Festival was a great success, with a huge program of events and was very well attended and organised.

Councillor Traill welcomed Elise Van Gorp as the Community Relations Manager for the City of Albany.

The City of Albany Library recently hosted 14 Notre Dame University students who were visiting Albany to undertake a survey of Lawley Park. The students used ground penetrating radar and successfully located the foundations of colonial era buildings. A full report on the results of the project will be provided later this year.

Councillor Traill said that the development of a nature playground at the Young Siding sportsground was a great example of community involvement. With a small amount of funding and great work from volunteers, the new playground is a great example of what can be achieved through local community groups and volunteering.

6.08pm Councillor Stocks
Summary of key points:

Councillor Stocks thanked elected members and the City of Albany for their support in bringing to fruition the Multi Use Sporting Facility at Centennial Oval. The Facility will be officially opened at 6.00pm on Thursday 27 July 2023. Councillor Stocks said that the local contractor who completed the project was outstanding. With a tenure of 25 years, the facility will be a gift to the community and a lasting legacy.

6.10pm Councillor Brough
Summary of key points:

Councillor Brough said that he had received feedback from the community regarding the gravel road network and the work being undertaken by the City's Road Maintenance Team. It is acknowledged that at this time of the year the weather conditions are creating hazardous conditions on roads which are unsealed, and that at times it may not be possible to keep up with the maintenance required to keep those roads in good condition.

Councillor Brough also spoke about his Notice of Motion to conclude the City's civic affiliation with Linyi, and expressed his gratitude for the support he had received from community members who supported his view.

Councillor Brough also spoke of the importance of the recent memorial service for the 70 Year Anniversary of the Korean War Armistice.

6.13pm Councillor Benson-Lidholm
Summary of key points:

Councillor Benson-Lidholm attended the Citizenship Ceremony held at the City of Albany.

Councillor Benson attended the NAIDOC Week Exhibition and the memorial service for the 70 Year Anniversary of the Korean War Armistice.

Councillor Benson-Lidholm attended the Wellstead Progress Association Bi Monthly Committee Meeting. Councillor Benson-Lidholm, in his capacity as a Justice of the Peace, provides a JP Service at the Albany Regional Library every Monday, which is an important community service.

6.19pm Councillor Shanhun

Summary of key points:

Councillor Shanhun attended the recent Citizenship Ceremony. Councillor Shanhun said that the Multi-Use Sporting Facility at Centennial Park was a wonderful addition to the City's sporting facilities.

Councillor Shanhun also commented on NAIDOC Week and how the event has grown to become one of the premier events of the year, which is a fitting tribute to our indigenous community.

7.21pm Councillor Grimmer

Summary of key points:

Councillor Grimmer participated in the recent Working Bee at Young Siding Sportsground to install nature play equipment with other community volunteers. Councillor Grimmer thanked the City for facilitating some external funding for this project, which will be a wonderful addition for use by the community.

Councillor Grimmer said that a community meeting would be held at the Elleker Store to provide an update for residents on the progress of mining exploration applications.

6.22pm Councillor Thomson

Summary of key points:

Councillor Thomson attended the recent Citizenship Ceremony held at the City of Albany.

Councillor Thomson also attended:

- The Climate Change Action Declaration Workshop;
- The WA EV Network Launch of the Synergy EV Charging Station;
- The G + B Exhibition at the Hilton Garden Inn;
- The South Coast Alliance Meeting;
- The Aboriginal Legal Service NAIDOC event; and
- The 70 Year Anniversary Koran War Armistice Ceremony.

6.26pm Councillor Sutton

Summary of key points:

Councillor Sutton said that, in his opinion, it would be vital that any candidates considering standing for the Mayoral vacancy in the 2023 Ordinary Local Government Election have local government experience of at least one term as an elected member. With the current and proposed local government reforms, both electoral and non-electoral, it is even more important that Council are led by a Mayor with experience and knowledge of local government.

Councillor Sutton said that the duties of a local government Mayor cannot be learned on the job. Local government is a highly legislated environment. Councillor Sutton said that local government reforms should include specific training for Mayors and Presidents.

Councillor Sutton also commented on the Aboriginal Cultural Heritage Act and said that it was vital that cultural heritage sites were identified and listed to ensure that they are preserved and protected. Councillor Sutton said that it was only common sense to work with local elders to identify and catalogue these significant sites and make that information available to the public.

The Mayor declared Reports of Members closed at 6.30pm.

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Ordinary Council Meeting held on Tuesday 27 June 2023, Ms Lyn MacLaren asked three questions which were taken on notice. Responses to those questions have been provided to Ms MacLaren (Synergy Ref: EF23289876) and are detailed below:

1. How much money is in the Road Reserve and what is the amount allocated for the construction of Range Road?
Response: There is no funding in the Roadworks, Drainage and Paths Reserve specifically allocated to Range Road.
2. Does the City have additional funds allocated in the 23-24 budget for this project?
Response: The City has funds allocated to construct a four-legged roundabout at the intersection of Sanford Road and North Road, with the fourth leg representing the start of Range Road.
3. With regard to the City's Long Term Financial Plan, does the City have any plans to bring forward the commencement of the Range Road project?
Response: Not at this stage. Subject to receiving the appropriate approvals and funding, a future Council may elect to bring the project forward.

At the Ordinary Council Meeting held on Tuesday 27 June 2023, Ms Franklin asked why the City had not formally objected, like a number of other local governments, to the mining exploration when it was able to do so.

Response: In response to concerns raised by residents in the western part of the municipality regarding mining exploration, City Officers have conducted preliminary discussions with a representative from the Department of Mines, Industry Regulation and Safety. A representative from DMIRS will deliver a presentation to Council and City of Albany staff in the first half of August 2023 to explain the various stages of the approvals and processes under the Mining Act.

Engaging with the Department before making a decision on how the City and Council may formally respond to community concerns is important to gain a better understanding of the complexities and processes involved in mining exploration. This information will enable a better understanding of the potential impacts on the community and the environment.

7. PUBLIC QUESTION TIME

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

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

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

6.30pm Ms Pip Tilbrook

Summary of key points:

Ms Tilbrook addressed Council regarding mining exploration applications lodged between Albany and Denmark. Ms Tilbrook thanked Council for commencing work on a policy which would guide how the City would respond to those applications.

Ms Tilbrook said that mining companies do not care about the community or environment, and there were over 40 objectors from the Albany and Denmark area to the current tenement process.

Ms Tilbrook requested that the City provide up to date cadastral boundary information to facilitate a survey of residents who may be affected by mining exploration.

Response:

This request is acknowledged and relevant teams will be tasked with implementing an update to mapping information available to website users.

6.34pm David Picton-King, Yakamia

Summary of key points:

Mr Picton-King addressed Council regarding the recent visit from the Chinese Consulate to the City of Albany. Mr Picton-King said that the information requested by the delegation during the visit was disturbing. Mr Picton-King spoke in support of Councillor Brough's Notice of Motion to conclude the City of Albany civic affiliation with Linyi.

Mr Picton-King requested by email on Friday 28 July 2023 that the following questions related to Council's decision on the civic affiliation with Linyi be taken on notice and a written response be provided to him:

At the time of the Ordinary Council Meeting held on 25 July 2023, was the Council in possession of advice from the Department of Foreign Affairs and Trade stating that in DFAT's opinion, other than some possible annoyance to the Chinese Communist Party there would be no economic or political fallout for Albany and region, or the nation by ending Albany's sister-city relationship with Linyi?

Response:

An Officer Comment was provided in response to Councillor Brough's Notice of Motion. This comment was published as part of the agenda for the Ordinary Council Meeting held on 25 July 2023 and included advice the City had sought from the Department of Foreign Affairs and Trade. The Officer Comment reads:

Subnational links are part of the fabric of Australia's broader bilateral relationships with foreign countries, including with China. From time-to-time representatives of those jurisdictions will see fit to consider new arrangements or review existing arrangements.

The Australian Government has measures in place to ensure such foreign arrangements accord with the national interest.

The arrangement with the City of Linyi, dated and signed 24 December 2013 is registered with the Department of Foreign Affairs and Trade (Foreign Arrangements Portal reference, FRA-000081).

It is for Council to decide if they wish to review existing arrangements under the Civic Affiliations Policy.

In addition, point 7 and 8 of Councillor Brough's reasons published in support of his Notice of Motion states:

With respect to concerns about risks of potential adverse political or economic outcomes arising from this motion being successfully passed, City of Albany staff have been in direct communication with the Australian Government Foreign Arrangements Scheme within the Department of Foreign Affairs and Trade.

*In DFAT's correspondence with City of Albany they stated that although the Chinese government would be irritated by this motion, there would be **no significant diplomatic or economic consequences** that could not be mitigated by the department.*

If the City Council was in possession of that advice, had Councillors been made aware of it?

Response: Councillors received the advice listed above as part of the Agenda for the Ordinary Council Meeting 25 July 2023.

In the meeting several Councillors spoke against the motion by Councillor Brough to immediately terminate the Sister-City relationship with Linyi, by presenting an argument that severing the relationship was risky because no-one could say what the economic or political fallout from the Chinese Communist Party might be. If the Council and/or Councillors were in possession of that advice, why was it not made public at the meeting so that the arguments being put by those Councillors could be evaluated in the light of that advice?

Response: Please see responses above.

6.38pm Mr Frank Ruggera

Summary of key points:

Mr Ruggera addressed Council in support of 15.2: Notice of Motion by Councillor Thomson. Mr Ruggera's tabled address is detailed at Appendix A.

6.40pm Mr Rex Beach, President of Albany Tennis Club

Summary of key points:

Mr Beach addressed Council regarding report item CCS541: Proposed Two New Community Leases-Albany tennis Club Inc. for Lawley Park Tennis Site and Albany tennis Centre Site, Centennial Park.

Mr Beach thanked Council for their support for the Albany Tennis Centre. The Albany Tennis Club is now an incorporated body.

Mr Beach said that adjustments to the plans for the Tennis Centre will enhance the project and provide a facility to be used and enjoyed by tennis players into the future.

6.42pm Annabel Paulley, Parker Street, Lockyer

Summary of key points:

Ms Paulley's tabled address is detailed at Appendix A. The following questions were taken on notice:

What is the breakdown of costs within the \$1.23m Range Road State 1A and what are the works to be undertaken?

Response:

The Range Road Stage 1A project identified in the budget includes drainage, service adjustments, and the construction of a four-way roundabout at the intersection of the future Range Road with Sanford and North Roads. If there are available funds, the road looping from the roundabout back to Bethel Way will also be commenced.

What progress has the City of Albany made on introducing Cat Local Laws to confine cats?

Response:

None, as the Cat Act 2011 does not make provision for confining cats inside buildings.

Has the City set a timeframe for introducing Cat Local Laws? If not, when will it do so?

Response:

The City is not looking to introduce any new laws relating to cats.

Legislation regarding the keeping of cats was introduced in 2011. Control of cats is administered under the Cat Act 2011 and the City of Albany Animals Local Law 2020.

Under the Animal Local Law 2020:

- A person shall not keep more than 3 cats over the age of 3 months.*
- A person in a rural area, commercial or industrial area may keep more than 3 cats with permission.*

The Animals Local Law 2020 was gazetted on 07 September 2020, specifically Part 8 of the local law pertains to the keeping of domestic cats.

It is acknowledged that our community has clearly communicated that cats should not be allowed to leave their owners properties or access biodiverse areas and feed on native wildlife.

Acknowledging the legislative limitations of the Cat Act 2011, the City's Animal Local Law is supported by the City's Wandering Cat Management Policy Position. The policy provides guidance on how the City's Authorised Officers will deal with cats found on land managed by the City and the control of feral cats.

The policy position acknowledges that:

- The reproductive capacity of cats is such that providing additional resources without a coordinated approach for cat management is likely to make little impact in the immediate term.*
- Feral cats are the same species as domestic cats but are able to survive in the wild without reliance on human contact.*
- Feral cats are a declared pest under the Biosecurity and Agriculture Management Act 2007.*

The Wandering Cat Management Policy can be found on the City's website.

**6.44pm Ms Kristen Pyrz-Brown, Chief Executive Officer of the Albany Chamber of Commerce and Industry.
Summary of key points:**

Ms Pyrz-Brown addressed Council regarding 15.1: Notice of Motion by Councillor Brough. Ms Pyrz-Brown asked if there was a better way to conclude the civic affiliation with Linyi, and requested that Council reconsider the process, both from a governance and operational perspective.

Ms Pyrz-Brown said that local industry and business could experience negative effects if the matter was not handled appropriately, and that no public or community consultation had been conducted regarding the consequences of concluding the affiliation.

Ms Pyrz-Brown asked which policy or procedure Council were relying on to conclude the civic affiliation. Ms Pyrz-Brown expressed concern that local and regional industry and business could experience negative effects if this matter was not handled appropriately. Albany makes a \$3.2b contribution to the Great Southern region's GDP.

Ms Pyrz-Brown urged Council to future-proof civic affiliation processes and policies.

8. APPLICATIONS FOR LEAVE OF ABSENCE Nil

9. PETITIONS AND DEPUTATIONS

10. CONFIRMATION OF MINUTES

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR SMITH

**THAT the minutes of the Ordinary Council Meeting held on 27 June 2023, as previously distributed, be
CONFIRMED as a true and accurate record of proceedings.**

CARRIED 12-0

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS537: FINANCIAL ACTIVITY STATEMENT – MAY 2023

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement May 2023
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 on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 May 2023 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 financial activity statement for the period ended 31 May 2023 is preliminary and has not yet been audited.

RECOMMENDATION

CCS537: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Thomson

Seconded: Councillor Benson-Lidholm

THAT the Financial Activity Statement for the period ending 31 May 2023 be RECEIVED.

CARRIED 12-0

CCS537: COMMITTEE RECOMMENDATION

Moved: Councillor Sutton

Seconded: Councillor Shanahun

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS537: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 May 2023 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.
4. 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 CCS457, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2022/2023.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. 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

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.

- 34(3) The information in a statement of financial activity may be shown –
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

POLICY IMPLICATIONS

8. The City's 2022/23 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 May 2023 has been incurred in accordance with the 2022/23 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events, which may result in a material non-recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil.

ENVIRONMENTAL CONSIDERATIONS

13. Nil.

ALTERNATE OPTIONS

14. Nil.

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.7 - All Wards

CCS538: LIST OF ACCOUNTS FOR PAYMENT JUNE 2023

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:** 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

CCS538: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR TRAILL

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2023 totalling \$8,559,832.22 be RECEIVED.

CARRIED 12-0

CCS538: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS538: AUTHORISING OFFICER RECOMMENDATION

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 June 2023 totalling \$8,559,832.22 be RECEIVED.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 June 2023. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$26,330.26
Payroll	\$2,500,308.81
Cheques	\$287.40
Electronic Funds Transfer	\$6,032,905.75
TOTAL	<u>\$8,559,832.22</u>

3. The table below summaries the total outstanding creditors as at 15 June 2023.

Current	\$237,964.14
30 Days	\$419,492.23
60 Days	\$0.00
90 Days	\$(1,331.18)
TOTAL	<u>\$656,125.19</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

7. Expenditure for the period to 15 June 2023 has been incurred in accordance with the 2022/2023 budget parameters.

FINANCIAL IMPLICATIONS

8. Expenditure for the period to 15 June 2023 has been incurred in accordance with the 2022/2023 budget parameters.

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

12. That the list of accounts have been authorised for payment under delegated authority.
13. 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 (Name of Ward)	:	FM.FIR.2 – All Wards

CCS539: DELEGATED AUTHORITY REPORTS – 16 MAY 2023 TO 15 JUNE 2023

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

CCS539: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR SHANHUN

THAT the Delegated Authority Reports 16 May 2023 to 15 June 2023 be RECEIVED.

CARRIED 12-0

CCS539: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS539: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 May 2023 to 15 June 2023 be RECEIVED.

BACKGROUND

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

**CCS540: CORPORATE SCORECARD - APRIL TO JUNE 2023
QUARTER**

Attachments : CS Dashboard Q4 2022-23
Report Prepared By : Business Planning and Performance Coordinator
(A Olszewski)
Authorising Officer: : Acting Manager People & Culture (D Waugh)

STRATEGIC IMPLICATIONS

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

In Brief:

- The Strategic Community Plan 2032 (SCP) and Corporate Business Plan 2021-2025 (CBP) were adopted by Council in August 2021.
- The CBP outlines a comprehensive suite of actions that effectively form Council's priority commitments to the community.
- The Corporate Scorecard (CS) Dashboard concept was developed to provide a quarterly update to Council on the status of these actions.

RECOMMENDATION

CCS540: RRESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL

THAT the Corporate Scorecard Dashboard for the April to June 2023 quarter be NOTED.

CARRIED 12-0

CCS540: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS540: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard for the April to June 2023 quarter be NOTED.

BACKGROUND

2. The SCP establishes the results the community expects Council to achieve through the City, while the CBP describes the specific actions necessary to achieve those results.
3. These actions are monitored through Business Unit Plans, which define (on a minimum quarterly basis) associated service levels and enable assignment of a simple 'traffic light' status to each action.
4. The first iteration of the CS Dashboard was presented to Council at the November 2021 CCS Committee meeting for feedback, and subsequently endorsed at the December OCM.

DISCUSSION

5. The 'CS Dashboard Q4 2022-23' (attached) provides an update on the status of CBP actions for the April to June 2023 quarter, identifying those actions potentially 'at-risk.'
6. 'At-risk' actions include those assigned with a traffic light status of either:
 - Red (a service *not meeting* its service level, or a project *not on track*), or
 - Orange (a service *under strain*, or a project that has *stalled*).
7. Commentary on any 'at-risk' actions is provided at the conclusion of the CS Dashboard.

GOVERNMENT & PUBLIC CONSULTATION

8. N/A.

STATUTORY IMPLICATIONS

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

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

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. ***Absolute majority required.***
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

POLICY IMPLICATIONS

10. N/A.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

12. N/A.

LEGAL IMPLICATIONS

13. N/A.

ENVIRONMENTAL CONSIDERATIONS

14. N/A.

ALTERNATE OPTIONS

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

CONCLUSION

16. It is recommended the CS Dashboard be noted.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995, s5.56 Local Government (Administration) Regulations 1996, Reg. 19D IPR Framework and Guidelines 2019
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> OCM 26/04/2023 - Report Item CCS521

CCS541: PROPOSED TWO NEW COMMUNITY LEASES - ALBANY TENNIS CLUB INC. FOR LAWLEY PARK TENNIS SITE AND ALBANY TENNIS CENTRE SITE, CENTENNIAL PARK

Land Description	<ul style="list-style-type: none">: 1. Lawley Park site: Portion Crown Reserve 6596, Lot 1570 on Diagram 38810 and being whole of the land contained in Certificate of Title Volume LR3142 and Folio 792: 2. Centennial Park site: Portion Crown Reserve 405, Lot 1359 on Diagram 185302 and being whole of the land contained in Certificate of Title Volume LR3009 and Folio 774 and Portion Lot 32 North Road on Diagram 43670 and being whole of the land contained in Certificate of Title Volume 1370 and Folio 154
Proponent	: Albany Tennis Club Inc.
Owner	: Crown (City of Albany under Management Order) and City of Albany freehold land
Report Prepared By	: Team Leader Property & Leasing (T Catherall)
Authorising Officer:	: Executive Director Corporate & Commercial Services (M Gilfellon)

The Chief Executive Officer Mr Andrew Sharpe and the Executive Director Community Services Mr Nathan Watson declared an Impartiality Interest in this item. Mr Sharpe and Mr Watson remained in the Chamber during the discussion and vote for this item.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** People.
 - **Outcomes:** A happy, healthy and resilient community.

Maps and Diagrams:



In Brief:

- Council is requested to consider granting two new leases to the newly formed Albany Tennis Club Inc. (ATC) for their tennis activities. These leases are for two sites:
 - a. The existing Lawley Park tennis site, Brunswick Road; and
 - b. The proposed new Albany Tennis Centre site in the Eastern Precinct, Centennial Park.
- Council has shown its support for the ATC project in meetings held on 22 September 2020, 28 September 2021 and 27 September 2022.
- The first stage of the project aims to build six tennis courts and introduce an online “Book a Court” system for making court reservations. Funding for this stage has been secured.
- Lawley Park Tennis Club and Merrifield Park Tennis Club have amalgamated to form ATC.
- ATC have requested new leases for Lawley Park and Centennial Park sites. ATC needs to be able to occupy the Lawley Park site until all 10 courts at the Albany Tennis Centre are built.
- It is recommended that the proposed new leases be approved.

RECOMMENDATION

CCS541: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SHANHUN
SECONDED: COUNCILLOR TERRY

THAT Council APPROVES new leases to Albany Tennis Club Inc. for two sites.

- 1. The existing Lawley Park tennis lease site on Portion of Crown Reserve 6596, Lot 1570 on Diagram 38810, subject to the terms and conditions outlined in section 12 in this report.**
- 2. The Albany Tennis Centre site on Portion of Crown Reserve 405, Lot 1359 on Diagram 185302 and Portion of Lot 32 North Road on Diagram 43670, subject to the terms and conditions outlined in section 18 in this report.**

CARRIED 12-0

CCS541: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SHANHUN

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS541: AUTHORISING OFFICER RECOMMENDATION

THAT Council APPROVES new leases to Albany Tennis Club Inc. for two sites.

- 1. The existing Lawley Park tennis lease site on Portion of Crown Reserve 6596, Lot 1570 on Diagram 38810, subject to the terms and conditions outlined in section 12 in this report.**
- 2. The Albany Tennis Centre site on Portion of Crown Reserve 405, Lot 1359 on Diagram 185302 and Portion of Lot 32 North Road on Diagram 43670, subject to the terms and conditions outlined in section 18 in this report.**

BACKGROUND

Albany Tennis Centre

2. The proposed Albany Tennis Centre project has been considered by City staff and Council on multiple occasions as briefly reflected in the below timeline table.

Date	Matter
February 2019	Council briefing on the feasibility study for the Albany Tennis Centre project and site options.
December 2019	Strategic Workshop was held to discuss the preferred model and site for the project.
March 2020	Council requested the project be revised to be more affordable but still meets the community needs.
September 2020	Council approved a revised proposal for the project, which included building 16 courts at Centennial Park.
September 2021	Community Sporting and Recreation Facilities Fund (CSRFF) application proposing to reduce the number of courts from 16 to 10. Council supported the project and noted the financial commitment approved for the project of \$542,000 cash contribution and \$100,000 worth of in-kind contribution for project management.
September 2022	Council supported a change in the project scope in response to rising costs. It will now be done in two stages. <ul style="list-style-type: none"> • Stage 1 will include building six courts and an online 'Book a Court' system for court reservations. The approved funding for this stage is \$1,466,000 plus GST. • Stage 2 will include building four more courts, adding lighting to the stage one courts and extending the existing precinct pavilion for clubrooms and storage.

Albany Tennis Club Inc. (ATC)

- In 2020, both Merrifield Park Tennis Club and Lawley Park Tennis Club showed their support for the project by signing a Memorandum of Understanding to relocate and amalgamate their clubs into a new entity called Albany Tennis Club Inc. (ATC).
- The amalgamation was finalised in June 2023 with ATC officially incorporated.
- The lease agreement with Lawley Park Tennis Club expired 31 May 2022. The club has continued to occupy the Lawley Park tennis site under holding over provisions until the amalgamation was completed and a new lease with ATC commences.
- The City is not responsible for the current Merrifield Park Tennis Club site, as they occupy the land with a private landowner.
- ATC have requested new leases for Lawley Park and Centennial Park sites. ATC needs to be able to occupy the Lawley Park tennis site until all 10 courts at the Albany Tennis Centre are built.

DISCUSSION

Proposed Lease – Lawley Park Tennis Site

8. The Lawley Park tennis site is located on Crown Reserve 6596, Brunswick Road Albany. It has clubrooms, sheds and six courts previously maintained by the Lawley Park Tennis Club. The facilities are quite old and starting to show signs of wear and tear.
9. The reserve is a 'C' class reserve under a Management Order issued to the City of Albany with the power to lease or licence for the purpose of "Recreation" for a term not exceeding 21 years subject to the consent of the Minister for Lands.
10. The Lawley Park tennis site is part of the Lawley Park location which is listed on the City's Local Heritage Survey. The park has historical significance because it is connected to important events, people and sites of buildings that played a role in the settlement and development of Albany.
11. The proposed lease with ATC over the Lawley Park tennis site will allow them to use the site until the 10 courts at the Albany Tennis Centre are built. After that, ATC will surrender the lease and operate solely from the Albany Tennis Centre.
12. The table below summarises the essential terms of the proposed lease to ATC.

Item	Details
Tenant	Albany Tennis Club Inc.
Land Description	Portion Crown Reserve 6596, Lot 1359 on Diagram 38810 and being the whole of the land contained in Certificate of Title Volume LR3142 and Folio 792
Lease Area	Approx 9,391m ²
Land Ownership	Crown (City of Albany under Management Order)
Permitted Use	Tennis Club and Associated Activities
Term of Lease	Until 10 courts are built at the Albany Tennis Centre or 20 years, whichever comes first
Rent	\$10.00 plus GST per annum
Maintenance	Tenant responsible for all cleaning and maintenance of the facilities
Outgoings	Tenant responsible for all outgoing, including insurance
Utilities	Tenant responsible for all utility costs
Special Conditions	<ul style="list-style-type: none"> Lease will be surrendered when the 10 tennis courts at the Albany Tennis Centre are built. End of lease term provisions will take into account any heritage considerations.

13. ATC has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

Proposed Lease – Albany Tennis Centre Site

14. The Albany Tennis Centre will be built on portion of Crown Reserve 405 and portion of Lot 32 North Road, Centennial Park.
15. The reserve is a 'C' class reserve under a Management Order issued to the City of Albany with the power to lease or licence for the purpose of "Recreation and Showground" for a term not exceeding 21 years subject to the consent of the Minister for Lands.
16. The City's main responsibilities in the Albany Tennis Centre development are project management and granting a lease to ATC.
17. Post construction, ATC will be the owner of the infrastructure and be fully responsible for the management, operation and maintenance of the facility. The City strongly recommends that ATC establish a Maintenance and Renewal Fund (Sinking Fund) to ensure the facilities future upkeep.

18. The table below summarises the essential terms of the proposed lease to ATC.

Item	Details
Tenant	Albany Tennis Club Inc
Land Description	Portion Crown Reserve 405, Lot 1359 on Diagram 185302 and being the whole of the land contained in Certificate of Title Volume LR3009 and Folio 774 and Portion Lot 32 North Road on diagram 43670 and being the whole of the land contained in Certificate of Title Volume 1370 and Folio 154
Lease Area	Approx 6,153m ² subject to survey
Land Ownership	Crown (City of Albany under Management Order) and City of Albany freehold land
Permitted Use	Tennis Club and Associated Activities
Term of Lease	20 years from commencement date
Rent	\$10.00 plus GST per annum
Maintenance	Tenant responsible for all cleaning and maintenance of the facilities, including structural maintenance and renewal as required
Outgoings	Tenant responsible for all outgoings, including insurance
Utilities	Tenant responsible for all utilities
Special Conditions	<ul style="list-style-type: none"> Tenant to establish a Maintenance and Renewal Fund (Sinking Fund) Lease is subject to Development Approval

19. ATC has agreed in-principle to the above terms, subject to Council and Minister for Lands approval.

Current Project Status

20. The City is currently working on the design of the project and waiting for the site survey to be completed. This will confirm locations of underground services. Once we have that information the layout and design of the Albany Tennis Centre, in consultation with ATC, can be finalised.
21. Once the final plan has been agreed the necessary applications will be submitted to the Development Services team to obtain Development Approval (DA).
22. Once Development Approval is obtained the tender will be released for construction of Stage 1.

GOVERNMENT & PUBLIC CONSULTATION

23. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Lands.
24. The Department of Planning, Lands and Heritage has been consulted and provided in-principal consent. The Department will be further consulted and provided the final lease documentation to obtain Minister for Lands approval.
25. Section 3.58 of the *Local Government Act 1995* (Act) prescribes the processes by which the City can dispose of property. A lease of a property is considered to be a disposal.
26. Clause 30(2)(c) of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt from section 3.58 of the Act. This includes disposal to an organisation or body whose objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.
27. On the above basis, the proposed lease is considered exempt from public notice requirements.
28. No general public consultation on the leases has occurred, as the discussions between the City and ATC were specific to the club.

STATUTORY IMPLICATIONS

29. Section 3.58 of the *Local Government Act 1995* allows for the disposal of property, including leased/licensed land and buildings.
30. Section 18 of the *Land Administration Act 1997* provides that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.

POLICY IMPLICATIONS

31. The City's Property Management (Leases and Licences) Policy aims to support the equitable access, and the efficient and effective management of City owned and managed properties in line with statutory procedures.
32. The recommendation is consistent with the Policy.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation: New Leases not approved	Unlikely	Moderate	Medium	Seek to negotiate terms to Council satisfaction
Reputation: New Leases not approved – new facility not built	Unlikely	Severe	High	Seek to negotiate terms to Council satisfaction
Reputation & Financial: New Leases not approved – Development funding at risk	Unlikely	Severe	High	Seek to negotiate terms to Council satisfaction
Opportunity: Centralisation of tennis activities at the Centennial Park Sporting Precinct				
Opportunity: Expand the capacity of tennis and increase participation in the region				
Opportunity: The lease aligns with the City's Strategic Community Plan 2032 objective, which aims to improve access to sport, recreational and fitness facilities and programs				

FINANCIAL IMPLICATIONS

34. All costs associated with the development and finalisation of the lease documentation will be met by ATC.

LEGAL IMPLICATIONS

35. The lease documentation will be prepared by City's lawyers with terms and conditions that can be enforced to minimise any potential risks to the City and Minister for Lands.

ENVIRONMENTAL CONSIDERATIONS

36. The Lawley Park site is listed on the City's Local Heritage Survey.
37. ATC are aware of the heritage status and the end of term lease provisions will consider any heritage requirements.

ALTERNATE OPTIONS

38. Council may:
 - a. Approve the new lease requests; or
 - b. Support some parts of the new leases although not in its entirety; or
 - c. Not agree to the proposed new lease requests.
39. If Council does not agree to the new leases, it could prevent the project from progressing. This means that the secured funding for the project and any potential future funding opportunities could be at risk.

CONCLUSION

40. Council has provided support for the Albany Tennis Centre project at Centennial Park.
41. Funding of \$1,466,000 has been secured for Stage 1 of the project, which includes building six courts and an online booking system called 'Book a Court'.
42. Both Merrifield Park and Lawley Park Tennis Clubs have demonstrated their commitment to the project by amalgamating to form Albany Tennis Club Inc.
43. Two new leases are proposed to be established with ATC. One lease is for the current Lawley Park tennis site, allowing the Club to operate while the Albany Tennis Centre is being built. The other lease is for the Albany Tennis Centre site in Centennial Park, where the Albany Tennis Centre will be established and operated.
44. Once 10 tennis courts are built at the new Albany Tennis Centre, the lease for the Lawley Park tennis site will be surrendered and ATC will solely operate from the new Albany Tennis Centre in Centennial Park.
45. The proposed leases align with the City's Strategic Community Plan 2032 objective, which aims to improve access to sport, recreation and fitness facilities and programs. The leases also support the funding commitments made by both the City and State Government.
46. It is recommended that the proposed new leases be approved.

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>
File Number (Name of Ward)	:	PRO062, PRO473, A74368, A92318, A96087 (Frederickstown Ward)
Previous Reference	:	OCM 24/03/2020 Item CCS233 OCM 22/09/2020 Item CCS291 OCM 28/09/2021 Item CCS381 OCM 27/09/2022 Item CCS471

**CCS543: QUARTERLY REPORT – TENDERS AWARDED –
APRIL TO JUNE 2023**

Proponent	: City of Albany
Attachments	: Tenders Awarded – April to June 2023
Report Prepared by	: Senior Procurement Officer (H Hutchinson)
Report Authorised by	: Executive Director Corporate and Commercial Services (M Gilfellon)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS543: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR BENSON-LIDHOLM
SECONDED: COUNCILLOR TRAILL**

THAT the Quarterly Report – Tenders Awarded – April to June 2023 be RECEIVED.

CARRIED 12-0

CCS543: COMMITTEE RECOMMENDATION

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

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS543: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – April to June 2023 be RECEIVED.

CCS544: WRITE-OFF GENERAL DEBT REPORT AS AT 30 JUNE 2023

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

Councillor Terry declared an Impartiality Interest in this item. Councillor Terry remained in the Chamber and participated in the discussion and vote for this item.

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS544: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR CRUSE

THAT the General Debtors Write Off Report as at 30 June 2023 be RECEIVED.

CARRIED 12-0

CCS544: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR CRUSE
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS544: AUTHORISING OFFICER RECOMMENDATION

THAT the General Debtors Write Off Report as at 30 June 2023 be RECEIVED.

CCS545: 2023-24 BUDGET ADOPTION

Proponent / Owner : City of Albany
Attachments : Draft 2023-24 Budget
Report Prepared By : Business Analyst/Management Accountant (D Harrison)
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:** Leadership.
 - **Outcome:** Strong workplace culture and performance.
 - **Outcome:** A well informed and engaged community.
2. This proposed budget aligns with the City's Corporate Business Plan where possible.

In Brief:

- Approve the 2023-24 Budget, noting that the proposed budget is a result of a series of elected member and staff workshops.

RECOMMENDATION

CCS545: RESOLUTION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR TERRY

THAT Council ADOPT the following municipal rates in the dollar on gross rental valuations and unimproved valuations and minimum rate values for the 2023/2024 financial year:

(1) Rating Category 1 – GRV General

- The General Rate on Gross Rental Values for the 2023/2024 financial year on Rating Category (1) including all GRV rateable land be 10.6660 cents in the dollar.

(2) Rating Category 3 – UV

- The General Rate on current unimproved values for the 2023/2024 financial year on Rating Category (3) including all UV rateable land be 0.3124 cents in the dollar.

(3) Minimum Rate

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$1,175.00
- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,270.00

CARRIED 12-0
ABSOLUTE MAJORITY

CCS545: RESOLUTION 2

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH

SECONDED: COUNCILLOR SUTTON

THAT Council APPROVES the following Waste Collection charges for the City of Albany (including general waste collection, bulk green waste, collection of recyclables and fogo waste) be adopted for the 2023/2024 financial year:

(1) Residential Services

- | | |
|------------------------------------|--|
| • Full Residential Waste Service | \$402.00 |
| • Waste Collection 140 Ltr MGB | Fortnightly |
| • Recycling Collection 240 Ltr MGB | Fortnightly |
| • FOGO Waste Collection 240Ltr MGB | Fortnightly (and weekly between mid December and mid February) |

(2) Additional Services

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

- | | |
|--|--|
| • Waste Collection 140 Ltr MGB (Inc GST) | Fortnightly \$130.00 |
| • Recycling Collection 240 Ltr MGB (Inc GST) | Fortnightly \$73.00 |
| • FOGO Waste Collection 240Ltr MGB (Inc GST) | Fortnightly \$73.00 (and weekly between mid December and mid February) |

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

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

The proposed rates are:

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

**CARRIED 12-0
ABSOLUTE MAJORITY**

CCS545: RESOLUTION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR TRAILL

THAT Council ADOPTS:

(1) Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2023/2024 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$16,170,187
- Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$16,170,187
- Statement of Cash Flows showing cash & cash equivalents at year-end of \$10,880,017 on page (vii)
- Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$44,305,190
- Notes to and Forming Part of the Budget on pages (1 to 56)
- Fees and Charges and Capital Works Schedule as detailed on pages (57 to 96)
- Transfers to / from Reserve Accounts as detailed in pages (44 to 49)

(2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 44 to 49 of the budget):

- Airport Reserve
- Albany's Bicentennial Reserve
- Albany Daycare Centre Reserve
- Albany Entertainment Centre Reserve
- Albany Heritage Park Infrastructure Reserve
- Albany Leisure And Aquatic Centre – Synthetic Surface "Carpet" Reserve
- Albany Town Hall Reserve
- Bayonet Head Infrastructure Reserve
- Building Restoration Reserve
- Capital Seed Funding for Sporting Clubs Reserve
- Centennial Park Stadium and Pavilion Renewal Reserve
- Cheyne Beach Reserve
- Parking, Bridges & Marine Infrastructure Reserve
- Coastal Management Reserve
- Debt Management Reserve
- Destination Marketing & Economic Development Reserve
- Emu Point Boat Pens Development Reserve
- Emu Point Marina Reserve 42964 Reserve
- Great Southern Contiguous Local Authorities Group Reserve
- Information Technology Reserve
- Land Acquisition Reserve
- Master Plan Funding Reserve
- National Anzac Centre Reserve
- Parks, Recreation Grounds and Trails Reserve
- Plant & Equipment Reserve
- Public Open Space Reserve
- Refuse Collection & Waste Minimisation Reserve
- Roadwork's, Drainage & Paths Reserve
- Developer Contributions (Non-Current) Reserve
- Unspent Grants Reserve
- Waste Management Reserve

**CARRIED 12-0
ABSOLUTE MAJORITY**

CCS545: RESOLUTION 4
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Council APPROVES the due dates for payment of Rates and Waste Collection Charges for 2023/2024 be as follows:

- (1) Pay rates in full 21st September 2023.**
- (2) Pay by two instalments:**
 - (a) First Instalment Payment 21st September 2023; and**
 - (b) Second Instalment: 22nd January 2024.**
- (3) Pay by four instalments:**
 - (a) First Instalment Payment 21st September 2023;**
 - (b) Second Instalment: 21st November 2023;**
 - (c) Third Instalment: 22nd January 2024; and**
 - (d) Fourth Instalment: 21st March 2024.**

CARRIED 12-0
ABSOLUTE MAJORITY

CCS545: RESOLUTION 5
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR STOCKS

THAT Council IMPOSES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Waste Collection and General Debtor Collection charges during the 2023/2024 financial year:

- (1) Instalment Plan Administration Fee**
In accordance with section 6.45(3) of the Local Government Act 1995, an Instalment Plan Administration fee of \$6.50 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.
- (2) Late Payment Interest Charge**
In accordance with section 6.51(1) of the Local Government Act 1995, a charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 7% p.a will be calculated daily at 0.01918% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.
- (3) Instalment Plan Interest Charge**
In accordance with section 6.45(3) of the Local Government Act 1995, an interest rate of 5.5% p.a will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.
- (4) Late Payment Interest Charge (Excluding Rates & Charges)**
In accordance with section 6.13 of the Local Government Act 1995, a charge of 7% p.a interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2023. In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

Waivers

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

CARRIED 12-0
ABSOLUTE MAJORITY

CCS545: RESOLUTION 6
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SHANHUN

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2023/2024 Budget) be adopted effective from 26th July 2023.

CARRIED 12-0
ABSOLUTE MAJORITY

CCS545: RESOLUTION 7
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR STOCKS

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

- (1) Councillor Meeting Attendance Fee: \$32,960**
- (2) Mayoral Meeting Attendance Fee: \$49,435**
- (3) Councillor and Mayoral ICT Allowance: \$3,500**
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50**
- (5) Total Mayoral Allowance is: \$93,380**
- (6) Deputy Mayoral Allowance: \$23,345 - being 25% of the Mayoral Allowance**

CARRIED 9-3
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillors Thomson, Grimmer and Brough

CCS545: RESOLUTION 8
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SUTTON

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.

CARRIED 12-0
ABSOLUTE MAJORITY

CCS545: COMMITTEE RECOMMENDATION 1

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT Authorising Officer Recommendation 1 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 1

THAT Council ADOPT the following municipal rates in the dollar on gross rental valuations and unimproved valuations and minimum rate values for the 2023/2024 financial year:

(1) Rating Category 1 – GRV General

- The General Rate on Gross Rental Values for the 2023/2024 financial year on Rating Category (1) including all GRV rateable land be 10.6660 cents in the dollar.

(2) Rating Category 3 – UV

- The General Rate on current unimproved values for the 2023/2024 financial year on Rating Category (3) including all UV rateable land be 0.3124 cents in the dollar.

(3) Minimum Rate

- The Minimum Rate for Rating Category 1 – GRV General rateable properties within the City of Albany will be \$1,175.00
- The Minimum Rate for Rating Category 3 – UV rateable properties within the City of Albany will be \$1,270.00

CCS545: COMMITTEE RECOMMENDATION 2

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR STOCKS

THAT Authorising Officer Recommendation 2 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 2

THAT Council APPROVES the following Waste Collection charges for the City of Albany (including general waste collection, bulk green waste, collection of recyclables and fogo waste) be adopted for the 2023/24 financial year:

(1) Residential Services

- | | |
|------------------------------------|--|
| • Full Residential Waste Service | \$402.00 |
| • Waste Collection 140Ltr MGB | Fortnightly |
| • Recycling Collection 240Ltr MGB | Fortnightly |
| • FOGO Waste Collection 240Ltr MGB | Fortnightly (weekly between mid December and mid February) |

(2) Additional Services

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

- | | |
|--|--|
| • Waste Collection 140Ltr MGB (inc GST) | Fortnightly \$130.00 |
| • Recycling Collection 240Ltr MGB (inc GST) | Fortnightly \$73.00 |
| • FOGO Waste Collection 240Ltr MGB (inc GST) | Fortnightly \$73.00 (and weekly between mid December and mid February) |

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

In addition to the full domestic refuse service the City will be raising an annual rate under section 66(1) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) and, in accordance with section 66(3) apply the minimum payment provisions of section 6.35 of the *Local Government Act 1995*. The rate is proposed to be called the 'Waste Facilities Maintenance Rate'. The minimum payment will be \$58.00.

The proposed rates are:

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

CCS545: COMMITTEE RECOMMENDATION 3

MOVED: COUNCILLOR TRAILL

SECONDED: COUNCILLOR THOMSON

THAT Authorising Officer Recommendation 3 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 3

THAT Council ADOPTS:

- (1) Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the Municipal and Trust Fund Budgets as contained in the Attachment to this agenda and the minutes, for the City of Albany for the 2023/2024 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type on page (v) showing a net result for that year of \$16,170,187
 - Statement of Comprehensive Income by Program on page (vi) showing a net result for that year of \$16,170,187
 - Statement of Cash Flows showing cash & cash equivalents at year-end of \$10,880,017 on page (vii)
 - Rate Setting Statement on page (viii) showing an amount required to be raised from rates of \$44,305,190
 - Notes to and Forming Part of the Budget on pages (1 to 56)
 - Fees and Charges and Capital Works Schedule as detailed on pages (57 to 96)
 - Transfers to / from Reserve Accounts as detailed in pages (44 to 49)
- (2) Pursuant to section 6.11 of the *Local Government Act 1995*, maintain the following reserves (noting the purpose of each reserve detailed in page 44 to 49 of the budget):
 - Airport Reserve
 - Albany's Bicentennial Reserve
 - Albany Daycare Centre Reserve
 - Albany Entertainment Centre Reserve
 - Albany Heritage Park Infrastructure Reserve
 - Albany Leisure And Aquatic Centre – Synthetic Surface "Carpet" Reserve
 - Albany Town Hall Reserve
 - Bayonet Head Infrastructure Reserve
 - Building Restoration Reserve
 - Capital Seed Funding for Sporting Clubs Reserve
 - Centennial Park Stadium and Pavilion Renewal Reserve
 - Cheyne Beach Reserve
 - Parking, Bridges & Marine Infrastructure Reserve
 - Coastal Management Reserve
 - Debt Management Reserve
 - Destination Marketing & Economic Development Reserve
 - Emu Point Boat Pens Development Reserve
 - Emu Point Marina Reserve 42964 Reserve
 - Great Southern Contiguous Local Authorities Group Reserve
 - Information Technology Reserve
 - Land Acquisition Reserve
 - Master Plan Funding Reserve
 - National Anzac Centre Reserve
 - Parks, Recreation Grounds and Trails Reserve
 - Plant & Equipment Reserve
 - Public Open Space Reserve
 - Refuse Collection & Waste Minimisation Reserve
 - Roadwork's, Drainage & Paths Reserve
 - Developer Contributions (Non-Current) Reserve
 - Unspent Grants Reserve
 - Waste Management Reserve

CCS545: COMMITTEE RECOMMENDATION 4

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR CRUSE

THAT Authorising Officer Recommendation 4 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 4

THAT Council APPROVES the due dates for payment of Rates and Waste Collection Charges for 2023/2024 be as follows:

- (1) Pay rates in full 21st September 2023.
- (2) Pay by two instalments:
 - (a) First Instalment Payment 21st September 2023; and
 - (b) Second Instalment: 22nd January 2024.
- (3) Pay by four instalments:
 - (a) First Instalment Payment 21st September 2023;
 - (b) Second Instalment: 21st November 2023;
 - (c) Third Instalment: 22nd January 2024; and
 - (d) Fourth Instalment: 21st March 2024.

CCS545: COMMITTEE RECOMMENDATION 5

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH

THAT Authorising Officer Recommendation 5 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 5

THAT Council IMPOSES the following Rates and Charges to provide for Administration and Interest Charges on Rating, Waste Collection and General Debtor Collection charges during the 2023/2024 financial year:

- (1) Instalment Plan Administration Fee
In accordance with section 6.45(3) of the Local Government Act 1995, an Instalment Plan Administration fee of \$6.50 for the second and each subsequent instalment notice issued will apply for rates and rubbish collection charges.
- (2) Late Payment Interest Charge
In accordance with section 6.51(1) of the Local Government Act 1995, a charge on outstanding rates and rubbish collection accounts (including amounts owed on ad hoc Payment Plans) of 7% p.a will be calculated daily at 0.01918% on a simple interest basis for the number of days from the account due date until the day prior to the day on which the payment is received.
- (3) Instalment Plan Interest Charge
In accordance with section 6.45(3) of the Local Government Act 1995, an interest rate of 5.5% p.a will be calculated on a daily basis at 0.0151% by simple interest basis from the due date of the first instalment as shown on the rate notice to the due date of each respective instalment.
- (4) Late Payment Interest Charge (Excluding Rates & Charges)
In accordance with section 6.13 of the Local Government Act 1995, a charge of 7% p.a interest, calculated on a simple interest basis for the number of days outstanding, may apply on unpaid debts (other than rates and rubbish collection charges) outstanding 35 days from the date of invoices raised after 1 July 2023. In respect to the Late Payment Interest Charge on rates and charges, the method of calculating the interest charge is on the daily balance outstanding.

Waivers

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

CCS545: COMMITTEE RECOMMENDATION 6

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Authorising Officer Recommendation 6 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 6

THAT Council APPROVES the Schedule of Fees and Charges (which forms part of the 2023/2024 Budget) be adopted effective from 26th July 2023.

CCS545: COMMITTEE RECOMMENDATION 7

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT Authorising Officer Recommendation 7 be ADOPTED.

CARRIED 11-0

CCS545: AMENDMENT BY COUNCILLOR THOMSON

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation 7 be AMENDED to read:

THAT Council SETS the Elected Member Sitting Fees and Allowances at the same amount approved in the 2022-23 Annual Budget as follows:

- (1) *Councillor Meeting Attendance Fee: \$32,470*
- (2) *Mayoral Meeting Attendance Fee: \$48,704*
- (3) *Councillor and Mayoral ICT Allowance: \$3,500*
- (4) *Annual Travel and Accommodation Allowance (allowable claims more than this allowance will be reimbursed): \$50*
- (5) *Total Mayoral Allowance is: \$91,997*
- (6) *Deputy Mayoral Allowance: \$22,999 - being 25% of the Mayoral Allowance.*

LOST 4-7

Record of Vote

For the Motion: Councillors Thomson, Brough, Grimmer and Traill

Councillor Thomson then moved an amendment to the Authorising Officer Recommendation.

CCS545: AUTHORISING OFFICER RECOMMENDATION 7

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR BENSON-LIDHOLM

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

- (1) Councillor Meeting Attendance Fee: \$32,960
- (2) Mayoral Meeting Attendance Fee: \$49,435
- (3) Councillor and Mayoral ICT Allowance: \$3,500
- (4) Annual Travel and Accommodation Allowance (allowable claims in excess of this allowance will be reimbursed): \$50
- (5) Total Mayoral Allowance is: \$93,380
- (6) Deputy Mayoral Allowance: \$23,345 - being 25% of the Mayoral Allowance

CCS545: COMMITTEE RECOMMENDATION 8

MOVED: COUNCILLOR THOMSON

SECONDED: MAYOR WELLINGTON

THAT Authorising Officer Recommendation 8 be ADOPTED.

CARRIED 11-0

CCS545: AUTHORISING OFFICER RECOMMENDATION 8

THAT Council APPROVES a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2023/2024.

BACKGROUND

3. Council has considered strategic and operational issues which will impact on the 2023/24 budget.
4. Under section 6.36 of the *Local Government Act 1995*, the City is not required to advertise the proposed rates amounts for the 2023/24 financial year.

DISCUSSION

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

GOVERNMENT & PUBLIC CONSULTATION

8. The Department of Local Government, Sport and Cultural Industries is not consulted prior to budget adoption. Once the Budget is adopted, a copy is sent to the Department for review.
9. Budget information will be published on the City of Albany website.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

11. Nil.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Financial & Reputation: <i>Council does not endorse the 2023/24 Budget, with the consequential risk of deferred cash flow, and thus inability to meet financial commitments.</i>	<i>Unlikely</i>	<i>Extreme</i>	<i>Extreme</i>	<i>Delegated authority to the CEO to incur expenditure under the Local Government Act 1995 until Budget endorsement. Reconsideration of the budget paper at a Council meeting prior to 31 August 2023.</i>

FINANCIAL IMPLICATIONS

13. The 2023/24 Budget sets the parameters for expenditure of City resources.
14. The City must meet its legislative and debt obligations through endorsement of a budget. Failure to do so incurs considerable financial and other risks to the City.

LEGAL IMPLICATIONS

15. Nil.

ALTERNATE OPTIONS

16. Council adopt the 2023/24 Annual Financial Budget with changes.

CONCLUSION

17. Endorsement of the budget provides delegated authority to the CEO to incur expenditure from 1 July 2023 until 30 June 2024.

Consulted References	:	<ul style="list-style-type: none"> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996.</i>
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	<ul style="list-style-type: none"> <i>Budget Workshop – 17 May 2023</i> <i>Budget Workshop – 21 June 2023</i> <i>OCM July 2022 Resolution CCS457</i>

**CCS546: C23012 - PANEL OF SUPPLIERS – VEGETATION
MAINTENANCE WORKS**

Proponent : City of Albany
Attachments : **Confidential Attachment**
Report Prepared By : Developed Reserves Supervisor (W Turner)
Authorising Officer: : Executive Director Infrastructure, Development &
Environment (P Camins)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Planet
 - **Outcome:** Sustainable management of natural areas; balancing conservation with responsible access and enjoyment.

In Brief:

- Tender to appoint preferred contractors to provide vegetation maintenance services to the City of Albany.
- The contract shall be for a period of two (2) years from 27th August 2023 to 31st August 2025

RECOMMENDATION

CCS546: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TERRY

ACCEPT the tendered rates for Contract C23012 - Panel of Suppliers – Vegetation Maintenance to:

- **ETS Infrastructure Management;**
- **Ecologic Tree Service;**
- **Great Southern Tree Care (Barretts); and**
- **Greenwood WA (Acorn).**

CARRIED 12-0

CCS546: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR GRIMMER
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 11-0

CCS546: AUTHORISING OFFICER RECOMMENDATION

ACCEPT the tendered rates for Contract C23012 - Panel of Suppliers – Vegetation Maintenance to the tenderers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. The City of Albany (“the City”) is seeking to establish a “Panel of Suppliers” for the supply of vegetation maintenance services in the municipality.
3. This Panel shall be Council’s preferred suppliers and requests for supply of shall be directed to members of this Panel before all others.

DISCUSSION

4. A total of twenty one (21) tender documents were issued.
5. Under the panel contract, tenderers were invited to provide rates for maintenance equipment to enable them to undertake vegetation maintenance works across the municipality including, but not limited to:
 - Vegetation/tree removal;
 - Vegetation/tree pruning;
 - Western Power pruning (both High and Low voltage);
 - Mulching;
 - Chipping;
 - Stump grinding;
 - QTRA assessments;
 - Arboriculture reports; and
 - Slashing/mulching.
6. Should there be a requirement for a service not on the preferred supplier listing, then standard procurement procedures will apply.
7. The tender documents included tender evaluation criteria using the weighted attribute method. This method scores the evaluation criteria and weights their importance to determine an overall point score for each tender. The criteria are tabled below:

Criteria	% Weight
Cost	35
Relevant Experience	15
Key Personnel Skills and Experience	15
Tenderer’s Resources	20
Demonstrated Understanding	10
Corporate Social Responsibility	5
Total	100

8. Nine (9) completed tender documents were submitted on or before the stipulated closing date and time. As per Regulations, the tender documents stated that the City’s intention was to appoint up to four (4) Contractors to the Panel of Suppliers.
9. The following table summarises the weighted scores of the received tenders. The cost scoring was evaluated based on the schedule of rates received. The rates for supply have not been included in the table as these are “commercial in confidence” and will not be made publicly available. Tenderers A, B, C and D are recommended to be placed on the panel.

Tenderer	Average Weighted Score
Tenderer A	705.73
Tenderer B	641.01
Tenderer C	619.65
Tenderer D	619.65
Tenderer E	600.89
Tenderer F	590.10
Tenderer G	526.87
Tenderer H	508.33
Tenderer I	332.30

GOVERNMENT & PUBLIC CONSULTATION

10. A request for tenders was published in the West Australian on Wednesday 24 May 2023 and the Albany Extra on Friday 26 May 2023.

STATUTORY IMPLICATIONS

11. Regulation 11 of the Local Government (Functions and General) Regulations 1996 (Regulations) requires Council to publicly tender if the Contract is, or is expected to be, more, or worth more, than \$250,000.00.
12. Regulation 18 of the Regulations outline 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.
13. Regulation 19 of the Regulations requires Council to advise each tenderer in writing the result of Council's decision.

POLICY IMPLICATIONS

14. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.
15. The value of this tender is expected to be in excess of \$500,000.00 and therefore Council approval is required as this exceeds CEO's delegation.

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
Organisation's Operations. Council does not award this Contract delays in achieving the capital works and maintenance program may result.	Unlikely	Major	High	This Contract is awarded so products can be purchased.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	No single Contractor would be able to supply the varied products list. This Contract is awarded to the recommended Contractors giving the City flexibility to deliver capital works and maintenance programmes.
Legal & Compliance. Non-compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Reputation. The community's expectation of completion of capital works or maintenance programs.	Possible	Insignificant	Low	Community is advised of any delays to projects.
Opportunity: To support and work collaboratively on projects with our local community to provide best possible outcomes for project delivery.				

FINANCIAL IMPLICATIONS

17. The estimated value of this tender is in excess of \$500,000.00 and therefore the approval is referred to Council for consideration.
18. Tenderers were required to provide a schedule of rates for the products. The supply of products is budgeted for in the capital works and maintenance budgets. The tendered prices are within those allocations.

LEGAL IMPLICATIONS

19. Nil

ENVIRONMENTAL CONSIDERATIONS

20. Nil

ALTERNATE OPTIONS

21. Council can accept or reject the tenders as submitted.

CONCLUSION

22. The City has undergone a competitive process in line with the relevant legislation and established policies.

Consulted References	:	Local Government (Functions and General) Regulations 1996 Council Policy – Purchasing (Tenders & Quotes) Council Policy – Buy Local (Regional Price Preference)
File Number (Name of Ward)	:	C23012
Previous Reference	:	Nil

CCS547: GROWING REGIONS PROGRAM: EXPRESSION OF INTEREST

Land Description	: Albany Regional Airport
	: Albany Heritage Precinct
Proponent / Owner	: City of Albany
Report Prepared By	: Executive Director Corporate and Commercial Services (M Gilfellon)
Authorising Officer:	: Chief Executive Officer (A Sharpe) 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:** Place.
 - **Outcomes:** A safe, sustainable and efficient transport network.
 - **Objective:** Improve access to marine, rail and aviation transport to support population growth, tourism and economic development.
 - **Objective:** Provide attractive and sustainable parks, playgrounds and reserves.
 - **Pillar:** Leadership
 - **Objective:** Provide strong, accountable leadership.
 - **Outcome:** Grow awareness, understanding and engagement in City projects, activities and decisions.

In Brief:

- Council is requested to endorse the City's expression of interest for the Growing Regions Fund, Round 1 for Albany Regional Airport, and approve Council's commitment to provide funding from the Airport Reserve and a loan for a total amount of up to \$15m as the required co-contribution.
- Council is requested to endorse and note the City's expression of interest for the Growing Regions Fund, Round 1 for Connecting Places; Albany kinjarling djinung maat -2026, and approve Council's commitment of \$600,000 towards this project.

RECOMMENDATION

CCS547: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR STOCKS

THAT Council:

1. **ENDORSE** the Chief Executive Officer's application to the Growing Regions Program Round One (Expressions of Interest) for:
 - a. Albany Regional Airport; and
 - b. Restoring Places; kinjarling djinung maat.
2. **APPROVE** the financial allocation required to support the application from the City of Albany:
 - a. Albany Regional Airport – Airport Reserve and a loan from WA Treasury Corporation to bring the total contribution to a maximum amount of \$15m.
 - b. Restoring Places; kinjarling djinung maat - \$600,000.

CARRIED 12-0

BACKGROUND

2. The Federal government's \$600 million Growing Regions Program is now open for expressions of interest.
3. The Program will provide grants of between \$500,000 and \$15m to local governments and not-for-profit organisations for capital works projects that will deliver community and economic infrastructure projects in rural and regional Australia. Grant funding is on a 50/50 basis.
4. The funding will be delivered through two funding rounds, each with \$300m available.
5. Eligible projects must be aimed at constructing new community infrastructure or expanding or upgrading existing infrastructure.
6. To be eligible for funding, the City of Albany will need to submit an Expression of Interest at Stage 1, and if successful it will be invited to submit a full application at Stage 2.
7. Expressions of interest for Growing Regions Program Round 1 close on 01 August 2023.
8. The first stage of the application (EOI) must demonstrate that the City meets the eligibility criteria.
9. The EOI must demonstrate that projects are ready to proceed, meet the objectives of the program and strongly aligns with regional priorities.
10. Eligible projects must not have received Commonwealth funding for the same grant activities.
11. A multi-party Parliamentary panel will assess the EOIs and make recommendations for those that are progressing to the second stage of funding. Council will be kept fully informed and advised if the City is successful in having a project/s advanced to the second stage of the funding assessment.
12. Should the City's applications be successful for Round 1 of the program, projects must commence by 15 May 2024 and be completed by 31 December 2025. This process will involve further consultation with Council, including the consideration of the required project funding allocations and potential requirement to a loan funds from WA Treasury Corporation.

DISCUSSION

Albany Regional Airport

13. To be eligible for the Growing Regions EOI for the Albany Regional Airport project, Council must confirm that there is a commitment of up to \$15m included in the 2023-24 Budget, including the balance of the Airport Reserve and a further commitment, should the application be successful, to apply for a loan from the WA Treasury Corporation.
14. The City of Albany is in discussions with the Department of Transportation, the Department of Primary Industries and the Great Southern Development Commission to obtain funding commitments for the Airport project.

Restoring Places; kinjarling djinung maat

15. This is a restoring places and sharing knowledge project linking key sites, recognising the unique natural, cultural and historical significance of the place.
16. The process focuses on fostering local ownership, returning knowledge to country and conserving world-recognised biodiversity whilst providing inspirational visitor experiences, including the implementation of the Irrerup Ladder, an infrastructure project.
17. The 2023-24 draft budget contains a budget line item of \$600,000 for this project.
18. This project is a key component of the legacy infrastructure proposed as part of the 2026 Bicentenary, both to develop key tourism projects and support delivery of the events program.

19. This project is supported by the confirmed DPIRD funding of \$3.2m which is intended to support the development of recreational trails in the Albany Heritage Park.

GOVERNMENT & PUBLIC CONSULTATION

20. N/A

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation The financial allocation to support the application for Growing Regions funding is not approved.	Possible	Major	High	City staff will continue to seek funding streams to undertake infrastructure works at the Albany Regional Airport and progress the Kinjarling Connect 2026 projects.
Financial. Delaying the approval of funding commitments will mean that the City will not meet the deadline or eligibility requirements for the Expression of Interest phase of the Growing Regions Program.	Possible	Major	High	Approve funding before the closing date of 01 August 2023.
Financial. The Growing Regions grant will be very competitive, there are likely to be 8 other WA regional airport applications	Possible	Major	High	City applies for Round 2 when we will have State co funding secured.

FINANCIAL IMPLICATIONS

22. Nil at this time.
23. This item decision indicates support for providing City of Albany funding to the Albany Regional Airport Project. However, if Growing Regions Funding is successful then a budget amendment will need to be considered by Council for the full application and associated City funding commitments.

ALTERNATE OPTIONS

24. Apply for Round 2 of Growing Regions in 2024.

CONCLUSION

25. This decision will support the City of Albany in trying to secure funding for important infrastructure projects.

Consulted References	:	Australian Government Growing Regions Program Guidelines
File Number	:	GS.APC.896 Grants and Subsidies
Previous Reference	:	Nil

DIS359: PLANNING AND BUILDING REPORTS JUNE 2023

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports June 2023
Report Prepared By : Technical Support Officer (P Ruggera)
Authorising Officer: : Manager Planning and Building Services
(J van der Mescht)

RECOMMENDATION

DIS359: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR BROUGH

THAT the Planning and Building Reports for June 2023 be NOTED.

CARRIED 12-0

**LEMC032: RECEIVE THE MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE MEETING HELD 23 MARCH 2023**

Attachments : Confirmed Minutes of the LEMC Meeting held 23/03/2023
Report Prepared By : Personal Assistant to the ED Corporate & Commercial
Services (H Bell)
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:** Leadership.
 - **Outcome:** A well informed and engaged community.

In Brief:

- Receive the minutes of the Local Emergency Management Committee meeting held on 23rd March 2023.

RECOMMENDATION

LEMC032: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT the confirmed minutes of the Local Emergency Management Committee meeting held on 23rd March 2023 be RECEIVED.

CARRIED 12-0

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

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BROUGH

THAT:

- 1. Council requests the Chief Executive Officer to review the Civic Affiliations Policy and workshop that review at a Strategic Briefing with Council by 07 February 2024 with aims including:**
 - a) Criteria under which Council could determine to discontinue a Civic Affiliation.**
 - b) Reviewing the qualified requirement for one visit per affiliations agreement per Mayoral term;**
 - c) Reviewing the requirement for accommodation to be provided for visiting delegates.**
- 2. Following that workshop a report be presented to Council by the February 2024 Ordinary Council Meeting that includes the reviewed Civic Affiliations Policy and recommendations to continue or discontinue each of the five existing Civic Affiliations.**

CARRIED 12-0

15.1: AMENDMENT BY COUNCILLOR THOMSON

MOVED: COUNCILLOR THOMSON

SECONDED: COUNCILLOR BROUGH

THAT Councillor Terry's Alternate Motion be AMENDED to read as follows:

THAT:

- 1. Council requests the Chief Executive Officer to review the Civic Affiliations Policy and workshop that review at a Strategic Briefing with Council by 07 February 2024 with aims including:**
 - a) Criteria under which Council could determine to discontinue a Civic Affiliation.**
 - b) Reviewing the qualified requirement for one visit per affiliations agreement per Mayoral term;**
 - d) Reviewing the requirement for accommodation to be provided for visiting delegates.**
- 2. Following that workshop a report be presented to Council by the February 2024 Ordinary Council Meeting that includes the reviewed Civic Affiliations Policy and recommendations to continue or discontinue each of the five existing Civic Affiliations.**

CARRIED 10-2

Record of Vote:

Against the Motion: Councillors Smith and Sutton

Councillor Thomson proposed an amendment to Councillor Terry's Alternate Motion.

15.1: ALTERNATE MOTION BY COUNCILLOR TERRY

MOVED: COUNCILLOR TERRY

SECONDED: COUNCILLOR TRAIL

THAT:

1. Council requests the Chief Executive Officer to review the Civic Affiliations Policy with the aim of including criteria under which Council could determine to discontinue a Civic Affiliation and workshop that review at a Strategic Briefing with Council by 31 December 2023.
2. Following that workshop a report be presented to Council by the February 2024 Ordinary Council Meeting that includes the reviewed Civic Affiliations Policy and recommendations to continue or discontinue each of the five existing Civic Affiliations.

Councillor Reason:

I feel that concluding a Civic Affiliation unilaterally without having set criteria in our Civic Affiliation Policy for withdrawing or concluding a Civic Affiliation is jumping the gun and could open up Council for criticism for doing so from various industry groups within the community with some unintended circumstances.

As such I think it prudent and strategic to first set criteria in our Civic Affiliation Policy under which we commence measures to conclude/withdraw from a Civic Affiliation. Workshopping the criteria would enable all Elected Members to provide input into the process and to be better informed.

I would suggest that the criteria under which a Civic Affiliation should be reviewed would be similar to that under which a Civic Affiliation is formed, ie trade links, cultural links, sporting links, tourism links and educational links between countries. This should probably include consultation with those industry groups to ascertain whether the perceived benefits have actually occurred or are occurring. Deciding to conclude a Civic Affiliation without consulting those industry groups would, I suggest, be premature.

Once the criteria is set we can then review all of the current Civic Affiliations and determine whether they are still relevant and providing the benefits promised at the commencement of the Civic Affiliation, if not then resolve to commence measures to conclude that Civic Affiliation.

Officer Comment:

It is for Council to decide if they wish to review existing arrangements under the Civic Affiliations Policy. Staff will facilitate the review process should Council resolve to commence a review of the Policy.

Councillor Terry foreshadowed an Alternate Motion should Councillor Brough's Notice of Motion be lost.

15.1: NOTICE OF MOTION BY COUNCILLOR BROUGH-AMENDED
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR THOMSON

THAT:

1. The City of Albany undertake the necessary administrative actions to respectfully conclude the Sister City relationship with Linyi, Shandong, Peoples Republic of China before the Ordinary Council Meeting on 26 October 2023.
2. The City of Albany undertake a comprehensive review of the Civic Affiliations Policy with elected member involvement in order to clarify the City's position with regard to our other sister city arrangements.

LOST 3-9

Record of Vote

For the Motion: Councillors Brough, Benson-Lidholm and Thomson

15.1: NOTICE OF MOTION BY COUNCILLOR BROUGH
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the City of Albany undertake the necessary administrative actions to respectfully conclude the Sister City relationship with Linyi, Shandong, Peoples Republic of China before the Ordinary Council Meeting on 26 October 2023.

Councillor Reason:

1. I have personally spoken with a majority of elected members on the Linyi matter. In my discussions not a single elected member has spoken in favour of revivifying the Albany-Linyi relationship.
2. Elected members have expressed concerns that the optics of concluding the no-value Albany-Linyi relationship outside of a broader policy review may be perceived as being undiplomatic, and that a comprehensive review would mitigate against negative perceptions.
3. I am grateful for the feedback from elected members in this regard, and therefore propose a comprehensive civic affiliations policy review of sister city relationships in general.
4. However, a comprehensive policy review is not necessary to identify the specific problems associated with the Albany-Linyi relationship, which have been previously documented in the report: "Chinese Communist Party sister city relationships as a sophisticated enabler of foreign influence: a City of Albany case study".
5. Since the publication of my report, new information has come to light:
 - a) the CCP has placed bounties on eight exiled Hong Kong pro-democracy activists, two of whom are sheltering in Australia and one of whom is **an Australian citizen**. This demonstrates an appetite for transnational repression, extension of law enforcement beyond territorial borders, and a brazen violation of human rights;
 - b) on 1st July 2023, two days before the bounty hunt on Australians began, a new "Law of Foreign Relations of the People's Republic of China" came into effect. This legislation gives President Xi Jinping supreme control over all of China's diplomatic affairs including CCP sister city relationships;
 - c) in response to this new law, family members of the pro-democracy activists have been taken away for questioning, serving as a form of familial/relational repression aimed at isolating and intimidating dissidents, a strategy already practiced by the CCP on mainland China.

6. In light of these additional facts, it is clear that there is a **fundamental difference in values** between many residents and ratepayers of the City of Albany who have been in communication with me and other elected members, and that of Xi Jinping's CCP. Albany's relationship with Linyi must therefore be considered through the broader perspective of a repressive authoritarian regime, whose resume also includes:
 - a) **Enslavement** of minority populations including the Uighers as recognised by a UN special rapporteur. This would be The Australian equivalent of white Australians enslaving Aboriginal Australians (<https://www.abc.net.au/news/2022-08-18/xinjiang-forced-labour-china-un-slavery-expert/101347992>)
 - b) **Illegal organ harvesting** of minority populations and religious groups as reported by the United Nations Officer of the High Commissioner on Human Rights (<https://www.ohchr.org/en/press-releases/2021/06/china-un-human-rights-experts-alarmed-organ-harvesting-allegations>)
 - c) **Anti-democratic actions** against Australian electoral matters (multiple examples and references incl. Nick O'Malley and Alex Joske, "Mysterious Bennelong letter urges Chinese Australians to 'take down' the Turnbull government," *The Sydney Morning Herald* (13 Dec. 2017))
 - d) Persecution of people who identify as **LBGTQIA+**, ([https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(19\)30153-7/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(19)30153-7/fulltext)) and religious communities including **Christians and Buddhists** (<https://www.theguardian.com/world/2019/jan/13/china-christians-religious-persecution-translation-bible>).
 - e) Politically silencing and cancelling of **His Holiness, the 14th Dalai Lama of Tibet** on visits to Australia.
 - f) Maintaining a politically intimate relationship with Vladimir Putin's dictatorship. PRC President Xi Jinping has described this relationship as a "**friendship that knows no limits**". President Putin currently has an arrest warrant issued by the International Criminal Court in relation to his illegal invasion of Ukraine (<https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>). Contrary to the position staked by the CCP, Prime Minister Albanese's visit to Kyiv on 3 July 2023 sent a clear message that democratic nations like Australia will stand side-by-side with the Ukrainian people in their time of need. The **Australian Government has urged local governments to put on hold** existing bilateral cooperation with the Russian governments, including subnational government entities (<https://www.dfat.gov.au/crisis-hub/invasion-ukraine-russia>). Members of the Albany community have expressed to me and other elected members the perspective that whilst the CCP remains a "**no limits-friend**" of Vladimir Putin, an Albany relationship with CCP subnational government entities is untenable.
7. With respect to concerns about risks of potential adverse political or economic outcomes arising from this motion being successfully passed, City of Albany staff have been in direct communication with the Australian Government Foreign Arrangements Scheme within the Department of Foreign Affairs and Trade.
8. In DFAT's correspondence with City of Albany they stated that although the Chinese government would be irritated by this motion, there would be **no significant diplomatic or economic consequences** that could not be mitigated by the department.
9. With respect to concerns about loss of access to tea-cup diplomacy with international consulates, respectfully concluding the Albany-Linyi sister city relationship will not impose restrictions or limitations on the opportunity for international diplomats from any country, including Mr Long Dingbin of the People's Republic of China, to be hospitably and respectfully welcomed by the City of Albany.
10. Western Australia may be China's gravel pit, but when financial wealth is placed at the apex of a value hierarchy over freedom, democracy, rule of law and a fair go, institutional and societal decay ensues.
11. In the absence of additional mitigating circumstances, I urge elected members to show courage on behalf of our community and end this association with a minority-enslaving regime that viciously hunts Australian citizens committed to the cause of democracy, lest we remain in shabby company.

12. Although elected members may contend that local government should not discuss these matters as they pertain to broader issues, by virtue of the fact that an international relationship is already in place between Albany and Linyi I contend that it is essential these issues be debated publicly in the spirit of open government and the public interest.
13. My comprehensive argument in favour of this Councillor Motion is contained within the attached report "*Sibling Rivalry - Chinese Communist Party sister city relationships as a sophisticated enabler of foreign influence: a City of Albany case study*". This report should be read prior to determining a position to take in this matter. A superficial and condensed reasoning is as follows:
- a) Linyi, People's Republic of China (PRC) has not met City of Albany Civic Affiliations Policy criteria for at least three years and is highly unlikely to meet any of the criteria in the foreseeable future.
 - b) Continuing the civic relationship with Linyi maintains a para-diplomatic bridgehead for the PRC, exposing City of Albany staff and elected members to foreign influence and interference by the Chinese Communist Party (CCP), running counter to the interests of our Albany community as well as the Australian community.
 - c) Local government staff and elected members are neither briefed nor trained to adequately prepare for, or respond to interactions with senior diplomats of nations who are in direct strategic competition against Australian interests.
 - d) Since its inception the Linyi-Albany civic affiliation has brought no meaningful benefit to the residents or rate-payers of Albany.
 - e) With no runs on the board, the Linyi-Albany civic affiliation nevertheless has been carrying an administrative burden for City staff, especially with regard to compliance with the Department of Foreign Affairs and Trade reporting requirements.
 - f) CCP diplomats have said that democracy and Chinese Communism are as irreconcilable as fire and water.
14. In response, I urge Council to consider the wise teaching: trees bearing thorns and no fruit should be removed from the orchard.

Officer Comment:

Subnational links are part of the fabric of Australia's broader bilateral relationships with foreign countries, including with China. From time-to-time representatives of those jurisdictions will see fit to consider new arrangements or review existing arrangements.

The Australian Government has measures in place to ensure such foreign arrangements accord with the national interest.

The arrangement with the City of Linyi, dated and signed 24 December 2013 is registered with the Department of Foreign Affairs and Trade (Foreign Arrangements Portal reference, FRA-000081).

It is for Council to decide if they wish to review existing arrangements under the Civic Affiliations Policy.

15.2: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR GRIMMER

THAT the council instructs the Chief Executive Officer to arrange for a report to be presented at an ordinary meeting of council before December 2023 outlining:

- **A timeline and implementation plan to plant street trees as per the concept plan for Grey Street East that was unanimously endorsed by the council in February 2019; or**
- **Options and rationale for an alternative course of action to that endorsed by the council in February 2019 with regard to street trees in the segment of Grey Street East between York and Aberdeen Streets.**

CARRIED 10-2

Record of Vote

Against the Motion: Councillors Sutton and Smith

Councillor Reason:

In February 2019, the council unanimously endorsed a concept plan for Grey Street East, between York Street and Aberdeen Street.

Designs and perspectives endorsed by the council depicted a tree-lined boulevard that included eight street trees (see Attachments A and B). The designs and perspectives were uploaded to the City website for public information, and perspectives were reprinted in the *Great Southern Weekender* and *Albany Advertiser* newspapers that published articles about the Grey Street East concept plan.

Despite civil works having been completed some years ago pursuant to the council's endorsement, no trees have been planted.

In stark contrast to the promised tree-lined boulevard, Grey Street East is now a concrete jungle (see my photographs at Attachments C, D and E).

I have raised delays to provision of the street trees with the administration a number of times, including in the presence of elected members at a strategic workshop.

Lest the City be accused of green-washing, I now request that the administration, as a matter of high priority, either:

- provide a timeline to plant appropriate trees, as per the Council-endorsed concept plan; or
- report as to why the endorsed number and/or location of street trees might not be possible and in that instance suggest suitable alternatives to the number and/or location of street trees that were endorsed.

This motion is consistent with recent work done by Centennial Park resident Frank Ruggera who at the June 27 council meeting eloquently outlined recent consultation he had undertaken in the Albany community toward increasing the number of street trees in Albany.

In co-operation with the City administration, Mr Ruggera on his own time conducted a combined four consultation sessions at two Albany shopping centres, and a mail-drop to 1500 letter boxes.

The administration's openness toward working with Mr Ruggera is highly laudable. His collaborative grassroots action should be rewarded with results, and this motion is a small step in that direction.

Officer Comment:

The planting of street trees on Grey St East is considered an important component of the CBD streetscape.

At the time of road and path construction, it was identified that there were several clashes with services in the tree locations identified on the concept plan that would have caused damage to infrastructure and constrained tree growth.

There will however be some locations where trees are able to be planted and officers are happy to and planning to reconsider available options.

There were also not sufficient eligible funds available within the project and these funds have not been subsequently allocated.

The planting of street trees in the CBD necessitates additional infrastructure such as planters or kerbs that are often not necessary in a suburban environment. Unless additional budget is granted to the specific project, at Council's request those on Grey St East could however be prioritised over other projects.

16. REPORTS OF CITY OFFICERS Nil

17. MEETING CLOSED TO PUBLIC Nil

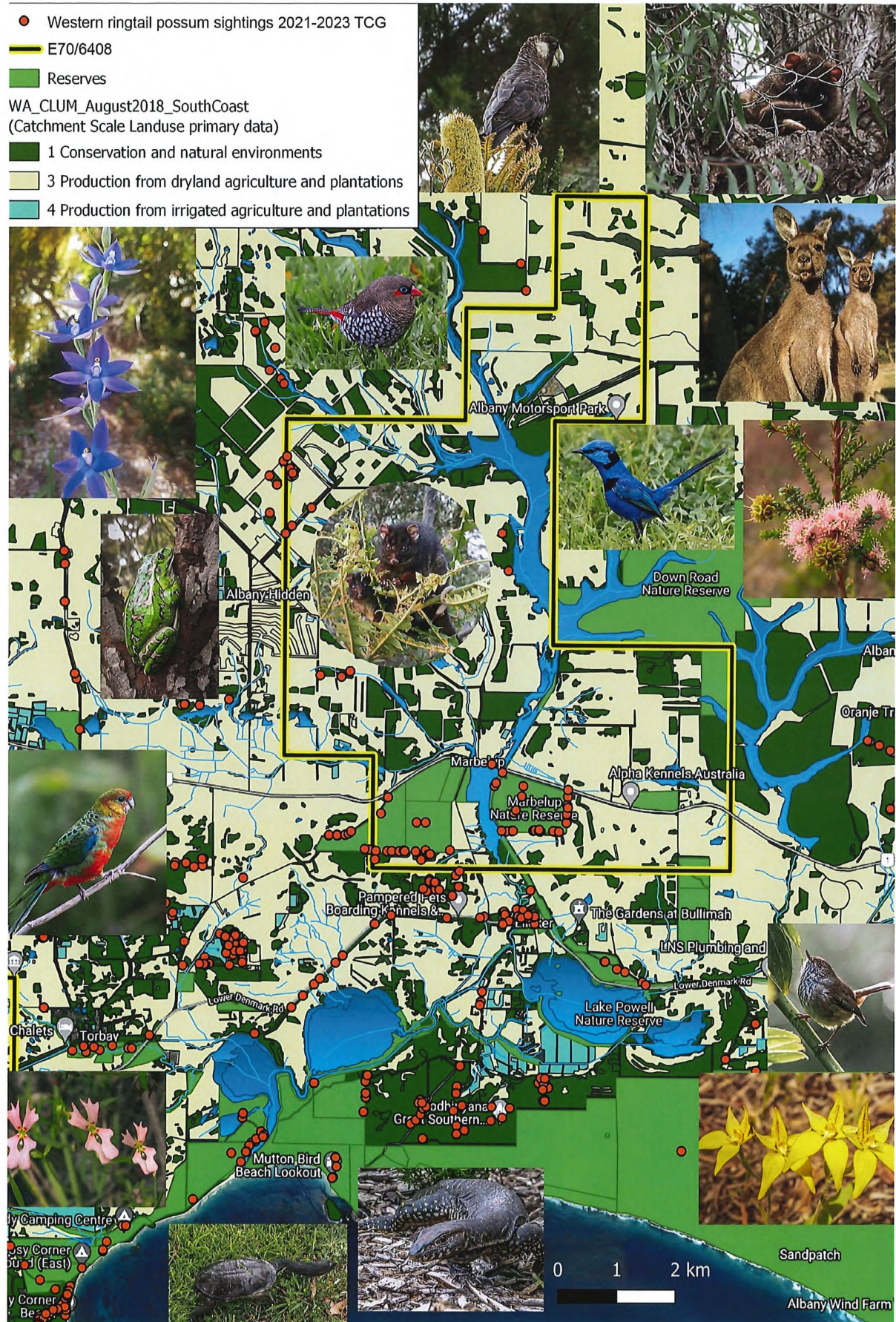
18. CLOSURE

There being no further business the Mayor declared the meeting closed at **8.58PM**.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR

TABLED MAP BY MS PIP TILBROOK



TABLED ADDRESS BY ANNABEL PAULLEY

Friends of Yakamia Forest Boodja address to City of Albany Ordinary Council Meeting on 25 July 2023

My name is Annabel Paulley, I live in Parker Street, Lockyer.

I am speaking on behalf of the Friends of Yakamia Forest Boodja.

I refer to page 87 of the draft 2023-24 budget.

There is a line item for Range Road Stage 1A for a roundabout to Potts Way plus drainage and utilities diversion totalling just over \$1.23 million.

During our group's meeting with City executives on 24 April this year, Executive Director Paul Camins advised that it would cost about \$200,000 to construct the new roundabout at the intersection of North Road and Sandford Road.

Please could you provide a breakdown of costs within the \$1.23 million and more detail about the work to be undertaken?

Request for Cat Local Law

The Shire of Pingelly has just introduced a Cat Local Law to bring cats in line with dog controls, with the express goal of protecting native wildlife.

Council has been lobbied by community members on past occasions to introduce this law. Cats are known to kill hundreds of thousands of birds, lizards, frogs and native wildlife, including possums, in urban and rural areas across Australia.

Domestic cats have been sighted in the Yakamia Forest – a known wildlife haven.

We would like to know what progress the City of Albany has made on introducing Cat Local Laws to confine cats?

Has the City set a timeframe for introducing Cat Local Laws? If not, when will it do so?

TABLED ADDRESS BY MR FRANK RUGGERA

Support for Councillor Thomson's Motion 15.2
Planting of 8 street trees Grey st east between York st and
Aberdeen st.

We have done a great job of turning this area into a grey, concrete paved desert.

No colour, no atmosphere, no heart, no soul.

In the heart of our city, diagonally opposite our town hall, we have a desert.

We need those eight trees as proposed in the original design.

Trees will bring colour. Green leaves, yellow, orange, purple, red blossom.

Trees will bring back fauna to the desert. The sound of humming and buzzing insects, the twitter of honey eaters, the song of magpies the caw of crows.

The sound of rustling leaves as we rest in their shade during summer and shelter from the squall in winter.

To have leaves on the ground to remind us we have a connection here. Let's give this place some atmosphere. Let's make it a place to sit and reflect. Let's give this place a heart and a soul right in the middle of our city.

How? 8 trees.

I ask you to support councillor Thomson's motion.

Frank Ruggera
7a Stead Rd
Centennial
0437 152 595