



MINUTES

Ordinary Meeting of Council

Tuesday 26 April 2022

6.00pm

Council Chambers



ORDINARY COUNCIL MEETING
MINUTES – 26/04/2022

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1. DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

M Traill (By Zoom)

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

T Brough

Vancouver Ward

J Shanhun

West Ward

S Smith

Yakamia Ward

C Thomson

Yakamia Ward

R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

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:

Vancouver Ward

D Baesjou (Apology)

West Ward

A Goode JP (Apology)

One member of the public and three members of the media were in attendance.

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Thomson	CCS432	Financial. The nature of the interest being that Councillor Thomson works for the Federal Government and from time to time is involved in negotiations as part of that role with regard to the Albany Motorsport Venue. Councillor Thomson left the Chamber and was not present during the discussion and vote for this item.

5. REPORTS OF MEMBERS

6.01pm Councillor Sutton

Summary of key points:

Councillor Sutton said that he would like to see the market tested for the sale of the Albany Regional Airport. With high compliance and maintenance costs, privatising the airport may allow the City to fund worthwhile community projects such as housing for at risk youth.

6.03pm Councillor Thomson

Summary of key points:

Councillor Thomson said that revegetation and rehabilitation projects of the Yakamia Creek had been very successful in removing weeds and reinstating appropriate vegetation. Some Yakamia residents, who attended a Council Meet and Greet at Worra Park, expressed concern that areas of the Yakamia Creek in the vicinity of Barnesby Drive that had previously been rehabilitated now have large areas of weeds. Councillor Thomson said that he will be contacting City staff with a view to

6.05pm Councillor Shanhun

Summary of key points:

Councillor Shanhun attended the Mount Clarence Anzac Dawn Service, and said that it was a very moving occasion. Councillor Shanhun also attended the Anzac Day Troop March and Commemorative Service at the Anzac Peace Park, which he said was very well organised.

6.06pm Councillor Benson-Lidholm

Summary of key points:

Councillor Benson-Lidholm concurred with Councillor Thomson's comments regarding Yakamia Creek. Councillor Benson-Lidholm said that the Anzac Day Dawn Services was very moving, and that there was a growing understanding and respect from younger people about Anzac Day.

6.09pm Councillor Brough

Summary of key points:

Councillor Brough reflected on what Anzac Day means to him as a former serviceman, and said that Anzac Day means different things to people and to the nation, including upholding positive ideals, serving others and standing up for the things that we value and love.

Councillor Brough said that the uncertain security environment internationally was concerning, quoting an incident in Queensland where children's artwork on bull statues was painted over by Rockhampton Council to appease Chinese delegates coming to Beef Week because it displayed the Taiwanese flag.

6.12pm Councillor Stocks

Summary of key points:

Councillor Stocks was pleased to announce that an additional \$5m as an election promise for the Albany Surf Reef project was very exciting. Councillor Stocks said that the business case for the surf reef was very good, with a broad reach for increasing tourism and economic development.

Councillor Stocks said that the delivery of the surf reef project would have the potential to change the demographic of the local community, and people in the 18-45 years age group would be drawn to live and work in Albany. Councillor Stocks said that Council had the courage to facilitate the project.

6.15pm Councillor Traill

Summary of key points:

Councillor Traill spoke of Mallacoota, and the recovery of that community from the 2020 bushfires. Mallacoota is in the local government area of East Gippsland, 240 kilometres from Bairnsdale, the administrative centre for the Shire of East Gippsland.

The Mallacoota community is currently trying to recover from not just from the bushfires of 2020, but the impact of COVID-19 on their tourism industry, by forming a local recovery group. Councillor Traill said that Mallacoota was just one example of how important it was for residents to become involved in community and volunteering, particularly those who live some distance from the main centre of their local government.

Councillor Traill also said that he was excited to see the recent handover of two new fire appliances to the City of Albany and Shire of Plantagenet, representing a \$1m investment.

6.18pm Councillor Terry

Summary of key points:

Councillor Terry thanked the Executive Director Corporate and Commercial Services Mr Duncan Olde for his service to the City for over a decade. Mr Olde is leaving the City of Albany to take up a new position at the Town of Victoria Park.

Councillor Terry said that his daughter had enjoyed a visit to Little Beach on Easter Saturday, and was pleased to find that the rock was still there, after a well-publicised April's Fool Day joke that the rock was missing.

Councillor Terry is excited for the Cinefest Oz kick off, with some great movies to see over the weekend.

Councillor Terry also attended the Anzac Day commemorations, including the Dawn Service, which was very touching. Councillor Terry said that the Leader of the Opposition, the Hon. Mia Davies attended the Dawn Service at the Desert Mounted Corps Memorial for the first time and laid a wreath.

6. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE** Nil
7. **PUBLIC QUESTION TIME:** No members of the public wished to address Council.
8. **APPLICATIONS FOR LEAVE OF ABSENCE** Nil
9. **PETITIONS AND DEPUTATIONS** Nil
10. **CONFIRMATION OF MINUTES**

RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR TERRY

THAT the minutes of the Ordinary Council Meeting held on 22 March 2022, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

CARRIED 11-0

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

CCS424: FINANCIAL ACTIVITY STATEMENT – FEBRUARY 2022

Proponent / Owner	: City of Albany
Attachments	: Financial Activity Statement - February 2022
Report Prepared By	: Manager Finance (S Van Nierop)
Authorising Officer:	: Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **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 28 February 2022 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.

RECOMMENDATION

CCS424: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

Moved: Councillor Stocks

Seconded: Councillor Brough

THAT the Financial Activity Statement for the period ending 28 February 2022 be RECEIVED.

CARRIED 11-0

CCS424: COMMITTEE RECOMMENDATION

Moved: Councillor Sutton

Seconded: Councillor Benson-Lidholm

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS424: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 28 February 2022 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 CCS367, 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 2021/2022.
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 2021/22 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 28 February 2022 has been incurred in accordance with the 2021/22 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 on specific payments are submitted to the Executive Director Corporate & Commercial Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

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

CCS425: LIST OF ACCOUNTS FOR PAYMENT – MARCH 2022

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 (D Olde)

STRATEGIC IMPLICATIONS

- 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

CCS425: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SMITH

THAT Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2022 totalling \$6,724,574.64.

CARRIED 11-0

CCS425: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
 SECONDED: COUNCILLOR SMITH

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS425: AUTHORISING OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 March 2022 totalling \$6,724,574.64.

DISCUSSION

- The table below summarises the payments drawn from the municipal fund for the period ending 15 March 2022. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$11,948.00
Payroll	\$1,654,325.95
Cheques	\$23,225.73
Electronic Funds Transfer	\$5,035,074.96
TOTAL	<u>\$6,724,574.64</u>

4. The table below summaries the total outstanding creditors as at 15 March 2022.

Current	\$613,488.87
30 Days	\$494,911.08
60 Days	\$5,360.27
90 Days	-\$3,802.33
TOTAL	<u>\$1,109,957.89</u>
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

5. 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.
6. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
7. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

8. Expenditure for the period to 15 March 2022 has been incurred in accordance with the 2021/2022 budget parameters.

FINANCIAL IMPLICATIONS

9. Expenditure for the period to 15 March 2022 has been incurred in accordance with the 2021/2022 budget parameters.

LEGAL IMPLICATIONS

10. Nil

ENVIRONMENTAL CONSIDERATIONS

11. Nil

ALTERNATE OPTIONS

12. Nil

CONCLUSION

13. That the list of accounts have been authorised for payment under delegated authority.
14. 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.7 – All Wards

**CCS426: DELEGATED AUTHORITY REPORTS – 16 FEBRUARY 2022
to 15 MARCH 2022**

Proponent / Owner : City of Albany
Attachments : Executed Document and Common Seal Report.
Report Prepared By : PA to the ED Corporate & Commercial Services (H Bell)
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

CCS426: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Delegated Authority Reports 16 February 2022 to 15 March 2022 be RECEIVED.

CARRIED 11-0

CCS426: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR TRAILL
SECONDED: COUNCILLOR SHANHUN

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS426: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 February 2022 to 15 March 2022 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
(Chief Executive Officer)
 - Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
 - Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

CCS427: CORPORATE SCORECARD

Attachments : CS Dashboard Q3 2021-22
Report Prepared By : Business Planning and Performance Coordinator
(A Olszewski)
Authorising Officer: : Manager People & Culture (L Harding)

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

CCS427: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TERRY

THAT the Corporate Scorecard Dashboard be NOTED.

CARRIED 11-0

CCS427: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR BROUGH

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS427: AUTHORISING OFFICER RECOMMENDATION

THAT the Corporate Scorecard Dashboard 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 Q3 2021-22' (attached) provides an update on the status of CBP actions for the January – March 2022 Quarter, and per Council's request, now identifies 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*).

GOVERNMENT & PUBLIC CONSULTATION

7. N/A.

STATUTORY IMPLICATIONS

8. 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

9. N/A.

RISK IDENTIFICATION & MITIGATION

10. 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

11. N/A.

LEGAL IMPLICATIONS

12. N/A.

ENVIRONMENTAL CONSIDERATIONS

13. N/A.

ALTERNATE OPTIONS

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

CONCLUSION

15. 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. 19 IPR Framework and Guidelines 2019
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> OCM 24/08/2021 - Report Item CCS374 CCS 30/11/2021 – Report Item CCS398 CCS 08/02/2022 – Report Item CCS415

CCS428: CHRISTMAS DECORATIONS RENEWAL

Proponent / Owner : City of Albany
Supplementary Information & Councillor Workstation : Christmas Decorations Briefing Note
Report Prepared By : Manager Community Relations (L Paterson)
Authorising Officer: : Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - a. **Pillar:** Place.
 - b. **Outcomes:** Interesting, vibrant and welcoming places.
 - c. **Objectives:** Create vibrant, attractive and welcoming towns and activity centres.

In Brief:

- To seek Council support for the replacement of the City of Albany's Christmas decorations and an ongoing renewal strategy to maintain them.

RECOMMENDATION

CCS428: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR SMITH

THAT Council:

- (1) **APPROVE** the reallocation of the following amounts totalling \$123,000 in the 2021/2022 Annual Budget to the account 'Festive Light / Banners' (1378220):
 - a) \$70,000 from account 1756420 'Events CBD Revitalisation';
 - b) \$47,500 from account 1103170 'Community Events Assistance – Racewars'; and
 - c) \$5,500 from account 1756560 'Other Special Events'.
- (2) **NOTE** the expected ongoing allocation for the installation, maintenance and renewal of Christmas Decorations of \$60,000 per annum as part of future budgets; and
- (3) **NOTE** that the hire of a Christmas Lights Trail for Christmas 2022 will require an allocation of \$44,000 as part of the 2022/2023 Budget.

CARRIED 11-0
ABSOLUTE MAJORITY

CCS428: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SMITH
SECONDED: COUNCILLOR CRUSE

THAT the Authorising Officer Recommendation be **ADOPTED**

CARRIED 10-2

Record of Vote

Against the Motion: Councillor Goode, Councillor Stocks

CCS428: AUTHORISING OFFICER RECOMMENDATION

THAT Council:

- (1) APPROVE the reallocation of the following amounts totalling \$123,000 in the 2021/2022 Annual Budget to the account 'Festive Light / Banners' (1378220):
 - a) \$70,000 from account 1756420 'Events CBD Revitalisation';
 - b) \$47,500 from account 1103170 'Community Events Assistance – Racewars'; and
 - c) \$5,500 from account 1756560 'Other Special Events'.
- (2) NOTE the expected ongoing allocation for the installation, maintenance and renewal of Christmas Decorations of \$60,000 per annum as part of future budgets; and
- (3) NOTE that the hire of a Christmas Lights Trail for Christmas 2022 will require an allocation of \$44,000 as part of the 2022/2023 Budget.

BACKGROUND

2. Albany is the regional hub of the Great Southern and plays a vital role over the Christmas period as the centre for retail, hospitality and entertainment.
3. The City of Albany has a key role in decorating the City for Christmas as well as coordinating and marketing major Christmas events such as the Christmas Pageant and the Christmas markets to promote community and festive spirit.
4. Last year the City's existing Christmas decorations were found to be in a state of disrepair and at end of life, with the majority having to be tagged out.
5. Elected Members supported officers taking time to look at the replacement options for the decorations and present these options and proposal for further consideration and in time to implement a solution for Christmas 2022.
6. As an interim solution for Christmas 2021, the City entered a lease to host a Christmas Light Trail for 6 weeks that featured 14 light sculptures throughout the CBD using the existing budget allocation for decorations.
7. This Trail proved extremely popular, attracting media coverage and achieving significant engagement with the community, including through an online photo competition.

DISCUSSION

8. The need for replacement of the current Christmas Decorations presents an opportunity to achieve a more strategic approach to decoration acquisition and replacement over the next four-to-five years leading into the Albany Bicentenary.
9. Coordinated decorations implementation will attract more people to spend more time in the city centre, encourage the community to come together and participate in a range of experiences, and generate flow-on benefits for businesses.
10. This is fundamental to the continued economic, cultural and social development and enhancement of Albany.
11. Officers have researched a number of options (refer to attached confidential Briefing Note) to decorate the Town Centre for Christmas. These include outright purchase, annual hire, and a combination of purchase and hire.
12. To complement and enhance Albany's heritage buildings and historic streetscape, traditional style, high quality street decorations are proposed.

13. The street decorations will be installed in key areas around York Street and Stirling Terrace, activating the core CBD precinct utilising existing infrastructure.
14. It is also proposed to extend the decorations to the Middleton Beach precinct with the installation of Christmas-themed banners to complement the foreshore's enhanced public realm.
15. A CBD window decoration competition to enhance the festive aesthetic of the CBD will be pursued in 2022 in partnership with the ACCI following assessment of the success of similar initiatives as part of the Maritime Festival.
16. Officers are also recommending further consideration be given to bringing back the popular Christmas Lights Trail for Christmas 2022.
17. The trail proved extremely popular last year, attracting people and families into the city centre, and the City received lots of positive feedback.
18. Significant damage inflicted on the installations over its duration generated a substantial repair bill that dampened its success.
19. If Council supports the trail's return, additional security measures would be implemented, although inexpensive solutions are limited.
20. The Christmas Lights Trail also opens opportunities for commercial and corporate sponsorships, which could be further explored.

GOVERNMENT & PUBLIC CONSULTATION

21. Not Applicable.

STATUTORY IMPLICATIONS

22. Not Applicable.

POLICY IMPLICATIONS

23. Not Applicable.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: The festive atmosphere of Albany's city centre does not meet the expectations of a regional centre.	Likely	Moderate	Medium	Replace the City's Christmas Decorations and allocate funds annually for their maintenance and replacement.
Operational: New street decorations do not arrive in time for the coming Christmas (December 2022).	Possible	Moderate	Medium	Amend the 2021-2022 Budget to provide the financial capacity to progress procurement of the decorations as a priority. Include an allocation in the 2022-2023 Budget for the hire of the popular Christmas Lights Trail for Christmas 2022.
Opportunity: To generate a festive atmosphere within Albany's city centre that attracts visitation and encourages social and economic activity.				

FINANCIAL IMPLICATIONS

24. Existing Christmas Decorations, now in a state of disrepair, cost \$151,372 to purchase across multiple financial years.
25. Officers have obtained and assessed a number of quotes for the purchase and hire of street decorations and the Christmas Lights Trail installation.
26. Having considered options for outright purchase, annual hire and a combination of purchase and hire, officers consider best value for money to be the purchase of street decorations and banners.
27. The total cost of the proposal for Christmas 2022 outlined within this report (purchase and management of street decorations, and hire of a Christmas Lights Trail) is \$226,678 across the 2021-2022 and 2022-2023 financial years.
28. Purchase of the street decorations would cost \$122,678 and will require an amendment to the 2021-2022 Budget. The following amounts have been identified within the 2021-2022 Budget for reallocation:
 - \$70,000 from account 1756420 'Events CBD Revitalisation' – This budget line supports City of Albany event activities within the city centre that are not otherwise directly budgeted for throughout the year, such as Easter programming. Due to events team resources and Covid impact on the events industry there will be an underspend on this budget in 2021-2022.
 - \$47,500 from account 1103170 'Community Events Assistance – Racewars' – This is the annual sponsorship allocation for Racewars which will not be drawn down in 2021-2022 and will otherwise become consolidated revenue at the end of the financial year.
 - \$5,500 from account 1756560 'Other Special Events' – This budget line allows the City of Albany to support new special event opportunities that arise during the financial year without requiring a budget amendment. In the past, this has included PUBLIC in the Great Southern and the Queen's Baton Relay. Due to events team resourcing and Covid impact on the events industry there will be an underspend on this budget in 2021-2022.
29. Ongoing installation, maintenance and replacement costs of the street decorations will require an annual budget allocation of \$60,000, with around \$40-50k of this directed towards future renewal of the decorations.
30. With regards to the Christmas Lights Trail, hire rather than purchase is considered more cost effective.
31. Purchase of the Christmas Lights Trail is not recommended due to high upfront cost and significant storage challenges due to the large scale of the light sculptures (a new storage shed would need to be procured), as well as cost of ongoing maintenance and replacement.
32. Hire of the Christmas Lights Trail would require an additional allocation of \$44,000 in the 2022-2023 Budget.

LEGAL IMPLICATIONS

33. Nil.

ENVIRONMENTAL CONSIDERATIONS

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

ALTERNATE OPTIONS

35. Council may choose to hire street decorations rather than purchase them, however this is not recommended as the quality and quantity of decorations and lights available for hire is not comparable to the purchase option.
36. Council may choose not to hire the Christmas Lights Trail and only approve expenditure for the traditional street decorations.
37. Council may choose not to allocate any funding for the purchase of new street decorations or the hire of the Christmas Lights Trail. This is not recommended, as the City currently does not have any usable Christmas Decorations and Council is likely to receive complaints from the community at Christmas about the lack of decorations in the City's central areas.

CONCLUSION

38. The installation of Christmas Decorations in the CBD from November to January each year contribute significantly to creating a vibrant and festive environment for the community and visitors to enjoy.
39. The Christmas Lights Trail, installed in 2021, was extremely popular and attracted significant positive attention and engagement, both from the community and the media.
40. Renewal of the Christmas Decorations this year and an annual allocation for their continued repair, maintenance and upgrade, will allow the City to build a strong Albany Christmas identity and maintain the decorations as an asset.

Consulted References	:	City of Albany 2021/2022 Annual Budget
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil.

CCS429: QUARTERLY REPORT – TENDERS AWARDED – JANUARY TO MARCH 2022

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – January to March 2022
Report Prepared by : Senior Procurement Officer (H Hutchinson)
Authorising Officer : Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

CCS429: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR SMITH

THAT the Quarterly Report – Tenders Awarded – January to March 2022 be RECEIVED.

CARRIED 11-0

CCS429: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR BROUGH
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED

CARRIED 12-0

CCS429: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – January to March 2022 be RECEIVED.

CCS430: REGIONAL EVENTS SPONSORSHIP ROUND 1 2022/2023

Proponent : City of Albany
Report Prepared By: : Manager Community Relations (L Paterson)
Authorising Officer: Executive Director Community Services (N Watson)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme:** Smart, Prosperous and Growing.
 - **Objective:** To develop and promote Albany as a unique and sought-after visitor location.
 - **Community Priority:** Encourage, support and deliver significant events that promote our region and have a positive economic and social benefit.

In Brief:

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

COVID-19 IMPACT

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

RECOMMENDATION

CCS430: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR TERRY
SECONDED: COUNCILLOR SHANHUN

THAT the Regional Event Sponsorship Assessment Panel recommendations as outlined in Paragraph 19 – Table 1 of this report be ENDORSED.

CARRIED 11-0

BACKGROUND

2. The City of Albany's Regional Events Sponsorship (RES) program is designed to attract and support the staging of events that are regional economic drivers for Albany as a destination.
3. A Regional Event is defined as possessing the capability to attract significant numbers of visitors from outside the region and is more than just a local festival; it must possess substantial drawing power.
4. Council allocated \$80,000 in its 2021-2022 budget for RES. This was equivalent to the amount allocated in 2020-2021 and reflects Council's continued commitment to have budget capacity to support community and regional events in a recovering economy.
5. COVID-19 has had an impact on the events industry and this has been reflected in the low number of applications received in the past two rounds of RES.
6. The most recent round opened on 1 July 2021 and closed on 30 July 2021 for events being held between September 2021 to 30 June 2022, attracting one eligible application which received the maximum grant of \$20,000.

7. This resulted in officers briefing Elected Members on a proposal to introduce a two-round funding structure for RES and open an additional RES round before the end of the current financial year, for events being held between January and June 2022.
8. Transitioning to two rounds of RES funding annually is aimed at attracting more applications by better meeting the needs of the events community and increasing opportunities for them to leverage the City's sponsorship.

DISCUSSION

Program Overview

9. Applications for RES funded activity for events being held between 1 July 2022 to 30 December 2022 opened for applications in early December 2021 and closed on 14 February 2022.
10. The City received four applications for events in the July – December 2022 round.
11. The RES program 2022 objectives include:
 - a. Generate additional tourism income by increasing visitor expenditure in the Albany region (economic impact);
 - b. Involve and inspire the local community (social benefits);
 - c. Attract media coverage that will help to raise the profile of Albany as a visitor destination (media impact);
 - d. Demonstrate continuity and potential to engage the community in the future (sustainability).
12. The program is a competitive funding application process. The sponsorship criteria and application processes follow a similar format to the State Government's Regional Events Scheme Program administered by Tourism Western Australia. Applicants are encouraged to also apply for Tourism Western Australia RES funding.
13. Events that are funded by Council are required to enter into a Contractual Agreement with the City inclusive of post-event acquittals, project reports and milestone payments where relevant.

COVID-19 Impact

14. The pandemic has had a profound impact on the events sector as the Western Australian and Australian governments introduced measures to limit public gatherings, causing events locally and elsewhere to be cancelled.
15. This has been seen throughout Western Australia and particularly in the Great Southern with many events cancelled over the Christmas/New Year period and also the March 2022 long weekend.
16. The uncertainty caused by COVID-19 and the potential impact of an outbreak on any planned events has influenced the low number of RES applications received by the City in recent rounds.

Assessment

17. Applicants were encouraged to shape their proposed activities to the funding and event sponsorship criteria, and officers gave guidance to applicants who did not meet the eligibility criteria.
18. An assessment panel comprising Mayor Dennis Wellington, Councillor Paul Terry, Councillor John Shanahun and Councillor Amanda Cruse received an overview of applications and guidance from City officers.

19. The application assessment process included a pitch from the applicants. All applicants presented their events to the assessment panel on April 5, and applications were evaluated by City officers using an event assessment tool developed to measure the economic value, visitor numbers and financial sustainability of each application.
20. The Assessment Panel supported each application and made its funding recommendations based on the funding criteria, information supplied and applicant presentations.
21. All four applications were deemed eligible for RES funding with sponsorship requests totalling \$80,000, with \$60,000 available for allocation.
22. The panel recommended supporting all four (4) of the applications.

Panel Recommendations

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

Table 1 - Regional Events Sponsorship – Assessment Panel Recommendations

	Applicant / Event	Event Type	Panel Comments	Amount Requested	Panel Recommendation
1.	ArtSouth WA Inc: 2022 Southern Art and Craft Trail	<u>Arts/Culture Event</u> Art and Craft trail across Great Southern.	Showcases entire southern region. Supports local artists, venues and businesses. Established, strong regional event brand. Event has been supported by CoA since 2005.	\$20,000	\$20,000
2.	Cystic Fibrosis WA: Christmas Lights for Cystic Fibrosis Albany	<u>Community Event</u> A growing event that is attracting significant out of region visitation	Peak period event with Potential to grow and attract more visitors as reputation of event grows. Excellent community engagement program and strong marketing for Albany.	\$20,000	\$20,000
3.	Prepare, Produce, Provide: "Djinda Ngardak – Under the Stars"	<u>Cultural Event</u> A youth development program that builds capacity of young Aboriginal students. They work together for several weeks then stage a Gala Dinner.	Opportunity to invest in further development and capacity of young Aboriginal people. Potential to grow event and Great Southern cultural tourism involvement and develop potential tourism assets towards 2026	\$20,000	\$12,500
4.	Outdoors Great Southern: 2022 Great Southern Trails Festival	<u>Sporting Event</u> Proposed series of events across the Great Southern region that feature trails related activities i.e. mountain biking, hiking, canoeing, marathon	The Festival has potential to grow into a significant adventure tourism event over several years, however the proposal was seeking significant funds for two relatively small scale events in 2022. Support for seed funding this year to assist development of program and planned growth for future years.	\$20,000	\$7,500
Totals				\$80,000	\$60,000

24. The table of panel recommendations is for cash support only.

GOVERNMENT & PUBLIC CONSULTATION

25. Not applicable.

STATUTORY IMPLICATIONS

26. Nil.

POLICY IMPLICATIONS

27. The Regional Events Sponsorship program aligns with the City of Albany Sponsorship Policy & Guidelines.
28. Approval of RES funding recommendations is required by Council.
29. Funded applications are required to enter into a Funding Contract with the City.
30. Funded applicants are required to submit an Event Approval Application to the City no later than 3 months prior to their event, where applicable.

RISK IDENTIFICATION & MITIGATION

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

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

FINANCIAL IMPLICATIONS

32. Management and oversight of funding and event sponsorship is undertaken using existing staff resources within the Community Relations business unit, within existing allocated budgets.
33. Council has allocated \$80,000.00 for RES in 2021-2022, with \$60,000 being the balance available for the current round.

LEGAL IMPLICATIONS

34. Nil.

ENVIRONMENTAL CONSIDERATIONS

35. Nil.

ALTERNATE OPTIONS

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

SUMMARY CONCLUSION

37. The process for RES Application Assessment is considered transparent and equitable.
38. It is recommended that the Responsible Officer's recommendation be endorsed.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Council adopted budget 2021-2022 Resolution CCS367 (OCM:27/07/2021) City of Albany Sponsorship Policy & Guidelines City of Albany Regional Events Sponsorship Guidelines
File Number (Name of Ward)	:	CR.SPO.44 (All Wards)
Previous Reference	:	<ul style="list-style-type: none"> Regional Event Sponsorship Assessment Panel Recommendations – CCS379 (OCM: 28/09/2021)

CCS431: NATIONAL ANZAC CENTRE ADVISORY GROUP

Attachments	: Terms of Reference for the National Anzac Centre Advisory Group Confidential: Details of Nominees.
Report Prepared By	: Executive Director Community Services (N Watson)
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 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Prosperity.
 - **Outcomes:** A highly sought-after tourist destination.
 - **Objectives:** Create a competitive and sustainable tourism offer.

In Brief:

- In accordance with the National Anzac Centre Advisory Group (NACAG) Terms of Reference, the Chief Executive Officer is to present to Council for endorsement nominations for members of the NACAG.
- Due to the recent resignation of two members of the National Anzac Centre Advisory Group (NACAG) the nominations for membership, as detailed in the confidential attachment, are presented to Council for their approval.

RECOMMENDATION

CCS431: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR THOMSON
SECONDED: COUNCILLOR BROUGH

THAT the two nominations for the National Anzac Centre Advisory Group received by the City (as detailed in the confidential attachment) be APPROVED and the nominees APPOINTED as members.

CARRIED 11-0

BACKGROUND

2. The National Anzac Centre Advisory Group (NACAG) is a working group which provides the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
3. The Terms of Reference designates membership representation from the Department of Premier and Cabinet, Tourism WA, Museums WA and RSL WA.
4. Due to the recent resignation of two members there now exists two vacancies on the NACAG for the member roles filled by Tourism WA and RSL WA.

DISCUSSION

5. Tourism WA and RSL WA have both nominated a preferred candidate to the City of Albany to fill the vacancies on the NACAG. Please refer to the Confidential Attachment for candidate details.
6. These nominations are recommended to Council for approval.
7. The next meeting of the NACAG is scheduled for 5 May 2022 and Council's approval of the new member nominations will allow Tourism WA and RSL WA to be represented at that meeting.

8. A review of the NACAG Terms of Reference will also be tabled at this meeting. Following the review a future report will be presented to Council for their consideration.

GOVERNMENT & PUBLIC CONSULTATION

9. No public consultation is required.

STATUTORY IMPLICATIONS

10. The NACAG Terms of Reference govern the functions of the advisory group and defines its role in providing the City of Albany with strategic and operational guidance of the National Anzac Centre and where appropriate, other elements of the Albany Heritage Park.
11. As members of the group are not being appointed to a Committee of Council the voting requirement is **Simple Majority**.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation <i>Risk: Nominations to the NACAG are not supported.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Approach the relevant organisations to nominate other candidates to fill vacancies.</i>
Opportunity: <i>The combined expertise of the group has the potential to increase the financial performance of the NAC and the Albany Heritage Park.</i>				

FINANCIAL IMPLICATIONS

14. The City of Albany will be responsible for the cost of travel and accommodation for board members, with an annual budget allocation for NACAG of \$10,000.
15. The working group formally meet two times per year, alternating between Albany and Perth.

ENVIRONMENTAL CONSIDERATIONS

16. There are no environmental implications related to this report.

ALTERNATE OPTIONS

17. Council may choose not to support the recommendation and seek further candidate nominations from the designated organisations to fill the vacancies.

CONCLUSION

18. It is recommended that the nominations be approved.

Consulted References	:	Nil.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	CCS277 – 25/08/2020 OCM

**CCS432: ALBANY MOTORSPORT VENUE INCORPORATED (AMV INC.)
– COMMUNITY NOMINATIONS**

Land	:	Lot 5780 Down Road South, Drome, Western Australia
Attachments	:	<ul style="list-style-type: none">• 001 – AMV Inc. – Certificate of Incorporation• 002 – Albany Motorsport Park Draft Governance Model• 003 – Copy of Advertisement• 004 – Nominees (Confidential)
Report Prepared By	:	Manager Governance & Risk (S Jamieson)
Authorising Officers:	:	Chief Executive Officer (A Sharpe) Executive Director Corporate & Commercial Services (D Olde)

CONFIDENTIAL

This report was considered as confidential in accordance with 5.23 (2) (b) the personal affairs of any person; and (e) a matter that if disclosed, would reveal —(iii) information about a person (entity), other than the local government.

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:

- Note the City's received two nominations for referral to the AMV Inc. Board for consideration and the confidential report.

6.39PM: Councillor Thomson left the Chamber after declaring a Financial Interest in this item.

**RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

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

THAT in accordance with Clause 3.5 of the City of Albany Standing Orders Local Law 2014 (as amended), that Report CCS432 be ACCEPTED as an urgent matter for consideration by Council.

**CARRIED 10-0
ABSOLUTE MAJORITY**

Urgent*. Urgent meaning something which is a matter of public or administrative importance that has to be dealt with prior to the next ordinary meeting.

RECOMMENDATION

**CCS432: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY**

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

THAT the Confidential Report be NOTED and nominees referred to the AMV Inc. Board for consideration.

CARRIED 10-0

BACKGROUND

2. The Albany Motorsports Park (the Venue) is located at Lot 5780 Down Road South, Drome WA 6330.
3. City of Albany is the land use and building compliance authority and also the owner of the land the Venue (facilities, track infrastructure) will be located on.
4. Post construction by the City of Albany, ownership of the venue will be transferred to the Albany Motorsport Venue Incorporated (AMV Inc.) by written agreement.
5. The Land (not the Venue) will be leased by the City of Albany to the AMV Inc.
6. The AMV Inc. will be responsible for the operation, maintenance and repair of the Venue.
7. The Albany Motorsport Venue Inc. (Albany Motorsport Park Draft Governance Model) allows for two Community Representatives on the AMV Inc. board.
8. The City has received applications for the two Community Representative AMV Inc. board director positions.

AMV Inc. – Board Governance

9. AMV Inc. was incorporated (as a not-for-profit incorporated association) on 10 March 2022, certificate of incorporation attached.
10. It should also be noted that it is acceptable for an association to trade with the public so long as the profits from those transactions are used to promote the objects and purposes of the association and members do not profit from the activities.
11. AMV Inc. consists of a Board of Directors (the Board).
12. The Directors may be paid a remuneration agreed annually by the Board and funded by AMV Inc. operations.

Make-up of the Board

13. The Albany Motorsport Park Draft Governance Model, proposes that the Board may have up to seven (7) Directors, who shall comprise:
 - a. Two (2) community representatives recommended by the City of Albany for the Board's consideration.
 - b. One (1) representing Motorsport Australia;
 - c. One (1) representing Motorcycling Western Australia (MWA);
 - d. One (1) representing 4-wheel racing clubs;
 - e. One (1) representing 2-wheel racing (motorcycle road racing) clubs; and
 - f. One (1) representing motocross clubs.
14. The Chairman of the Board will be elected by the Directors.
15. Appointments are to be up to a two-year term, with skills determined by the Board.
16. The Directors are ultimately responsible for ensuring:
 - a. The Board meets regularly (i.e. monthly or on more occasions if the need dictates);
 - b. Employment of an Operations Manager and any other staff deemed necessary to ensure safe and compliant operations of the Venue.
 - c. Appropriate insurance of the tracks, roads and any other permanent buildings and fixtures on the Venue.
 - d. The development of an Albany Motorsport Park Strategic Development Plan and overseeing the implementation of the strategies and supporting policies.
 - e. The development and implementation of systems to enable it to comply with its legal and policy obligations, adhering to accounting standards and ensuring the Venue assets are protected through appropriate risk management.
 - f. The Venue is appropriately managed (i.e. day to day safe operations and programming and marketing of events).

DISCUSSION

17. Each Community Representative nominee was requested to submit a resume/CV, and short cover letter.
18. Each of the nominees have demonstrated in the submitted documents a level of financial knowledge, understanding of risk, and general business acumen.
19. No formal interview or reference check was undertaken, as that is for the AMVI board to undertake to its own satisfaction.
20. The AMVI will be given a copy of these submissions, in confidence, for that board to undertake its own independent due diligence.
21. Individual elected members may have ideological, moral and practical reasons why they would like to have oversights of proposed community representatives. However, the appointment to the AMV Inc. board is ultimately the responsibility of AMV Inc.
22. The City advised nominees:
 - a. The term will be for a period of 2 years.
 - b. The City of Albany understands remuneration, if any, will be a consideration for the AMV Inc. board.
23. The City requested submissions from person with the desired skills, qualifications and experience detailed on the advertisement attached.
24. The proposed Community Representative Directors, ultimately have to be approved by the AMV Inc. board.

GOVERNMENT & PUBLIC CONSULTATION

25. Government consultation has been limited to review of existing guidelines and information sourced from the Department of Mines, Industry Regulation and Safety website (referenced in the “Consulted References” section of the report.
26. Expressions of interest were called for membership by way of public advertisement, with the closing date for the receipt of applications being 6 April 2022.
27. The public were engaged through the placement of the attached advertisement in the Albany Advertiser and promoted through the Albany Chamber of Commerce and Industry (ACCI) and City’s social media and website.
28. The advertisement was published in the Albany Advertiser on 15, 17, 22 and 25 March 2022.

STATUTORY IMPLICATIONS

29. The City has no formal governance role in the formation of the AMV Inc. board. However, to assist the board with forming the initial board, the City has sought nominees, with skills and knowledge in finance, legal and/or risk management.
30. The AMV Inc. board is encouraged to undertake its own due diligence and review of the nominees as to the suitability, skills and experience for a director position.
31. Being an independent organisation, the AMV Inc. board is not required to accept the City nominees if they feel they are not suitable for the positions.

FINANCIAL IMPLICATIONS

32. There are no direct financial implications related to this report.
33. \$1,997.82 was spent on advertising, at City cost.

LEGAL IMPLICATIONS

34. There are no direct legal implications relating to this item.
35. AMV Inc. is a separate legal entity and the City has no legal right or obligation to provide governance oversight.
36. AMV Inc. has the right to consider City's sourced nominations or seek their own.

RISK IDENTIFICATION & MITIGATION

37. It is in the City's interest that the AMV Inc. has an effective board.
38. If the board fails to provide appropriate oversight, Venue management options will need to be considered by Council.
39. Council needs confidence in the AMV Inc. board to manage the motorsport lease area and operations when granting the lease.
40. Due diligence (i.e. Character reference checks etc.) has not been undertaken by the City as that is the remit of the AMV Inc. board. However, the City will encourage the board to:
 - a. Set up a skills matrix so that they can ensure prospective directors fill the gaps in the skills and qualities the board needs.
 - b. Reference check, call prospective directors.
 - c. Set the prospective directors up for success through the provision of board development training or a mentor to help bring them along.
41. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: City unable to source two nominees.	Likely	Major	High	The City assist the AMV Inc. approach suitable prospective directors. Consider extending the closing date for the receipt of applications beyond the 6 April 2022.
Reputational: AMV Inc. is unable to fulfil lease obligations to City.	Possible	Major	High	Council consider options to the AMV Inc to assist compliance with lease obligations.
Reputational: Board fails to provide appropriate oversight.	Possible	Major	High	Council consider providing mentorship and/or facilitate through organisations such as the AICD.
Opportunity: The opportunity to assist the AMV Inc. board may contribute to providing Council with this assurance and therefore confidence.				

CONCLUSION

42. It is recommended that the Nominees be referred to the AMV Inc. Board for consideration.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Associations Incorporation Act 2015</i> • Application for Incorporation – AMV Inc. • Certificate of Incorporation – Albany Motorsport Venue Inc. dated 10 March 2022. • A Guide for Incorporated Associations in Western Australia • Incorporated Body Model Rules & Guidance Notes (WA) • Albany Motorsport Park Draft Governance Model
File Number (Name of Ward)	:	• RC.PJT.2 RC.MEE.20
Previous Reference	:	• OCM 23/02/2021 Resolution DIS245

6.40PM Councillor Thomson returned to the Chamber. Councillor Thomson was not present during the discussion and vote for this item.

DIS298: PLANNING AND BUILDING REPORTS MARCH 2022

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports March 2022
Report Prepared By : Technical Support Officer (A James)
Authorising Officer: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS298: RESOLUTION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR STOCKS

THAT Council NOTE the Planning and Building Reports for March 2022.

CARRIED 11-0

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

CCS432: ALBANY SPORT VENUE INCORPORATED (AMV INC)-COMMUNITY NOMINATIONS

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. REPORTS OF CITY OFFICERS

17. MEETING CLOSED TO PUBLIC

18. CLOSURE

There being no further business the Mayor declared the meeting closed at **6.40PM**

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR