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# MINUTES

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Ordinary Meeting of Council

Tuesday 26 May 2020

6.00pm  
Council Chambers

CITY OF ALBANY  
COMMUNITY STRATEGIC PLAN (ALBANY 2023)



ORDINARY COUNCIL MEETING  
MINUTES 26/05/2020

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1. DECLARATION OF OPENING

The Mayor Declared the Meeting Open at 6.00pm

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

**Councillors:**

Breaksea Ward

R Hammond

Breaksea Ward

P Terry

Frederickstown Ward

R Stephens

Frederickstown Ward

G Stocks (Deputy Mayor)

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

E Doughty

Vancouver Ward

J Shanahun

West Ward

A Goode JP

West Ward

S Smith

Yakamia Ward

R Sutton

Yakamia Ward

C Thomson

**Staff:**

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development

& Environment

P Camins

Manager Planning and Building

J Van Der Mescht

Meeting Secretary

J Williamson

**Apologies:**

Vancouver Ward

T Sleeman (Apology)

Three members of the media and seven members of the public were in attendance.

Special Guests at this meeting were the Hon. Mia Davies, Leader of the National Party, and the Hon. Colin Holt MLC.

#### 4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Doughty	CCS245	<b>Impartiality.</b> The nature of the interest being that Councillor Doughty is employed by St John Ambulance, who are listed on the List of Accounts for Payment. Councillor Doughty remained in the Chamber and participated in the discussion and vote for this item.
Councillor Terry	DIS207	<b>Financial.</b> The nature of the interest being that the owner of one the tenderers would be classified as a closely associated person to Councillor Terry. Councillor Terry left the Chamber and was not present during the discussion and vote for this item.

#### 5. REPORTS OF MEMBERS

##### 6.01pm Councillor Terry

Councillor Terry reported that he recently participated in the Chamber of Arts and Culture Local Government Round Table Webinar, held on 6 May 2020. Councillor Terry also attended the Youth Advisory Council Meeting with Elected Members held on 15 May 2020.

Councillor Terry addressed Council regarding the proposed amendments to planning and development regulations. The amendments are in support of the COVID-19 response and recovery plans by the State government. Councillor Terry stated that the local government sector should be concerned about state or regional projects of importance being referred directly the WA Planning Commission, effectively bypassing local governments and communities.

##### 6.06pm Councillor Stocks

Councillor Stocks and Councillor Stephens attended a recent meeting with the Frederickstown Progress Association. Councillor Stocks stated that he shared the concerns of the FPA with regard to interactions on the Mounts trails between walkers, mountain bike riders and dog walkers. Shared trails are contributing to safety concerns, including a number of incidents between walkers and bike riders during the recent COVID Cup.

Councillor Stocks foreshadowed that he would present a Notice of Motion to the Ordinary Council Meeting to be held on 23 June 2020, requesting that the City conduct an urgent review of shared trails.

##### 6.09pm Councillor Thomson

Councillor Thomson stated that he shared Councillor Terry's concerns regarding the proposed amendments to planning and development regulations. Councillor Thomson stated that he was particularly concerned that short term tourist accommodation applications would go straight to the WAPC for consideration.

##### 6.11pm Councillor Sutton

Councillor Sutton also addressed Council regarding the proposed amendments to planning and development regulations. Councillor Sutton said that sometimes change can be good, and the amendments would streamline processes.

##### 6.13pm Mayor Wellington

Mayor Wellington informed Council that the Middleton Beach swimming enclosure would be removed as soon as possible due to deterioration. The poor state of the enclosure is not creating a safe swimming environment. Mayor Wellington also advised that an item regarding the replacement of the swimming enclosure would be considered by Council at this meeting.

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

Responses to questions by Ms Moira Maley at the Ordinary Council Meeting held on 28 April 2020 had been provided in writing to Ms Maley.

**7. PUBLIC QUESTION TIME**

**6.14pm Hon. Mia Davies MLA, Leader of National Party**

Ms Davies stated that her party was supporting the State government response to the COVID-19 pandemic. Moving forward the opposition party would be supporting grass roots initiatives to kick start local economies. Ms Davies also supported the possible resettlement of FIFO workers currently living in the eastern states but working in WA. The opportunity to resettle those workers and their families in regional areas of WA will be supported by the opposition.

Ms Davies also informed Council of the \$100m loan facility and grant funding opportunities for local governments in WA.

**6.19pm Dr Darcy Smith, Beauchamp Street, Albany**

Dr Smith addressed Council regarding events being conducted at the Strawberry Hill Farm. Dr Smith's tabled address is detailed at Appendix A.

**6.23pm Ms Moira Maley, Earl Street, Albany**

Ms Maley addressed Council regarding her concerns with lack of environmental approvals for the Great Southern Regional Trails Master Plan.

A written response has been provided to Ms Maley regarding the Trails Master Plan.

There being no further speakers, the Mayor declared Public Question Time closed at 6.28pm.

**8. APPLICATIONS FOR LEAVE OF ABSENCE Nil**

**9. PETITIONS AND DEPUTATIONS Nil**

**10. CONFIRMATION OF MINUTES**

**RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON**

**SECONDED: COUNCILLOR SUTTON**

**THAT the minutes of the Ordinary Council Meeting held on 27 April 2020, 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**

## **CCS244: FINANCIAL ACTIVITY STATEMENT – MARCH 2020**

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

### **RECOMMENDATION**

**CCS244: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT the Financial Activity Statement for the period ending 31 March 2020 be RECEIVED.**  
**CARRIED 12-0**

**CCS244: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR GOODE**  
**SECONDED: COUNCILLOR BENSON**

**THAT the Responsible Officer Recommendation be ADOPTED.**  
**CARRIED 12-0**

**CCS244: RESPONSIBLE OFFICER RECOMMENDATION**

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

### **COVID-19 IMPACT**

- This report is for the period ending 31 March 2020, prior to any significant community impact of COVID-19.

### **BACKGROUND**

1. The Statement of Financial Activity for the period ending 31 March has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

### **DISCUSSION**

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

*“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”*

## STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
    - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
    - b. budget estimates to the end of the month to which the statement relates;
    - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
    - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
    - e. the net current assets at the end of the month to which the statement relates.
  - II. Each statement of financial activity is to be accompanied by documents containing –
    - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
    - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
    - c. such other supporting information as is considered relevant by the local government.
  - III. The information in a statement of financial activity may be shown –
    - a. according to nature and type classification;
    - b. by program; or
    - c. by business unit.
  - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
    - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
    - b. recorded in the minutes of the meeting at which it is presented.

## POLICY IMPLICATIONS

8. The City's 2019/20 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 March 2020 has been incurred in accordance with the 2019/20 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

<b>File Number (Name of Ward)</b>	FM.FIR.7 - All Wards
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**CCS245: LIST OF ACCOUNTS FOR PAYMENT – APRIL 2020**

**Business Entity Name** : City of Albany  
**Attachments** : List of Accounts for Payment  
**Report Prepared By** : Manager Finance (S Van Nierop)  
**Responsible Officers:** : Executive Director Corporate Services (D Olde)

**RECOMMENDATION**

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

**CCS245: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILLOR TERRY**

**That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 April 2020 totalling \$6,195,541.51.**  
**CARRIED 12-0**

**CCS245: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SMITH**  
**SECONDED: COUNCILLOR STEPHENS**

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

**CARRIED 12-0**

**CCS245: RESPONSIBLE 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 April 2020 totalling \$6,195,541.51.**

**BACKGROUND**

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

**DISCUSSION**

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 April 2020. Please refer to the Attachment to this report.

<b>Municipal Fund</b>	
Trust	\$0.00
Credit Cards	\$19,485.35
Payroll	\$1,488,719.60
Cheques	\$29,774.14
Electronic Funds Transfer	\$4,657,562.42
<b>TOTAL</b>	<b><u>\$6,195,541.51</u></b>

As at 15 April 2020, the total outstanding creditors stands at \$270,778.40 and is made up as follows:

Current	\$250,308.49
30 Days	\$15,110.40
60 Days	\$2,693.32
90 Days	\$2,666.19
<b>TOTAL</b>	<b>\$270,778.40</b>
<b>Cancelled Cheques</b>	<b>One</b>

### STATUTORY IMPLICATIONS

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

### POLICY IMPLICATIONS

6. Expenditure for the period to 15 April 2020 has been incurred in accordance with the 2019/2020 budget parameters.

### FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 April 2020 has been incurred in accordance with the 2019/2020 budget parameters.

### CONCLUSION

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

<b>File Number (Name of Ward)</b>	:	FM.FIR.2 - All Wards
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**CCS246: DELEGATED AUTHORITY REPORTS –MARCH TO APRIL 2020**

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

**BACKGROUND:**

In compliance with Section 9.49A of the *Local Government Act 1995* and Part IV of the *Local Government (Functions and General) Regulations 1996* the attached report applies to the use of the Common Seal and the signing of documents under Council's Delegated Authority:

- Delegation: 006 - SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY (Chief Executive Officer)
- Delegation: 009 - GRANT FUNDING, DONATIONS, SPONSORSHIP
- Delegation: 018 - CHOICE OF TENDER, AWARD CONTRACT

**RECOMMENDATION**

**CCS246: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR GOODE**

**THAT the Delegated Authority Reports 16 March 2020 to 15 April 2020 be RECEIVED.**

**CARRIED 12-0**

**CCS246: COMMITTEE RECOMMENDATION**

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

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

**CARRIED 12-0**

**CCS246: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the Delegated Authority Reports 16 March 2020 to 15 April 2020 be RECEIVED.**

**COVID-19 IMPACT**

- COVID-19 has no impact on this report.

**CCS247: RATES FINANCIAL HARDSHIP POLICY**

**Business Entity Name** : City of Albany  
**Attachments** : Rates Financial Hardship Policy  
**Report Prepared By** : Acting Manager Finance (S Van Nierop)  
**Responsible Officers:** : Executive Director Corporate Services (D Olde)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
  - **Community Priority:** Provide positive leadership that delivers community outcomes.

**In Brief:**

- Council is requested to consider the proposed Rates Financial Hardship Policy in response to the COVID-19 pandemic.

**RECOMMENDATION**

**CCS247: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SHANHUN**

**THAT the DRAFT Rates Financial Hardship Policy be ADOPTED.**

**CARRIED 12-0**  
**ABSOLUTE MAJORITY**

**CCS247: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR STEPHENS**

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

**CARRIED 12-0**

**CCS247: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT the DRAFT Rates Financial Hardship Policy be ADOPTED.**

**BACKGROUND**

2. To give effect to our commitment to support the community to meet the unprecedented challenges arising from the COVID19 pandemic, the City recognises that these challenges may result in financial hardship for our ratepayers.
3. The City has a financial hardship procedure in place to assist ratepayers in financial hardship.
4. Council's endorsement of the procedure, which is now set out in a policy, is sought so that the policy can be seen and understood by staff, ratepayers and financial counselling services.

## DISCUSSION

5. The COVID-19 pandemic will result in many ratepayers facing financial hardship. The City is considering a range of strategies to reduce that hardship wherever possible.
6. It is expected that many ratepayers will experience difficulty over the coming months and more ratepayers will fall into arrears.
7. The City can expect an increase in outstanding rates debts at 30 June 2020 due to the COVID-19 pandemic.
8. This will likely remain elevated well into the 2020/21 financial year as the community recovers from the economic consequences of the pandemic.
9. A financial hardship procedure which has been in place for some time has guided rates officers in facilitating arrangements with those ratepayers in financial difficulty.
10. The procedure only assisted ratepayers for outstanding rates on their principal place of residence, not commercial or investment property.
11. This proposed policy provides assistance to all ratepayers and property types in line with the WALGA COVID-19 Financial Hardship Policy.
12. It is the intention for this policy to be reviewed at 30 June 2021.

## GOVERNMENT & PUBLIC CONSULTATION

13. Not required.

## STATUTORY IMPLICATIONS

14. *Local Government Act 1995* (the Act), section 6.49:

### **Section 6.49 Agreement as to payment of rates and service charges.**

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

## POLICY IMPLICATIONS

15. The proposed policy outlines the process required for applying and processing financial hardship applications from ratepayers.

## 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
<b>Business Operation, Reputation &amp; Financial.</b> <b>Risk:</b> By not establishing clear guidelines, eligible ratepayers may not be able to access the benefit of the rates hardship policy.	Likely	Moderate	High	If the proposed policy is not endorsed, staff will continue to assess applications under the current hardship procedure.
<b>Opportunity:</b> Consistency and understanding of rules for both ratepayers and staff for applications of rates financial hardship.				

## FINANCIAL IMPLICATIONS

17. When waiving late payment interest, the City will receive reduced income.
18. A reduction in the timely payment of rates as a result of ratepayers applying for hardship may result in a negative cash flow impact for the City.

**LEGAL IMPLICATIONS**

19. None.

**ENVIRONMENTAL CONSIDERATIONS**

20. Not applicable.

**ALTERNATE OPTIONS**

21. If the proposed financial hardship policy is not adopted, City staff will continue to negotiate payment arrangements with ratepayers under the existing procedure.

**CONCLUSION**

22. Adoption of a policy for rates hardship will give clear direction to ratepayers in how the City can assist in cases of financial hardship.

Consulted References	:	<ul style="list-style-type: none"><li>• WALGA Template COVID-19 Financial Hardship Policy</li><li>• <i>Local Government Act 1995</i></li><li>• Delegations Register 2020</li></ul>
File Number (Name of Ward)	:	RV.RPY.20
Previous Reference	:	OCM 24 March 2020 Resolution CCS237.

## CCS248: NATIONAL REDRESS SCHEME (PARTICIPATION OF THE CITY OF ALBANY)

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Department of Local Government, Sport and Cultural Industries – Information Paper: 3 February 2020
<b>Report Prepared By</b>	: Manager Governance & Risk (S Jamieson)
<b>Responsible Officers:</b>	: Chief Executive Officer (A Sharpe)

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Public Health Plan:

- **Theme:** *We will ... enhance the lifestyle of our residents.*
- **Objective:** *To develop and support a healthy inclusive and accessible community.*
- **Community Priority:** *Advocate for specialist services that improve public health and wellbeing in line with the Public Health Act 2016 and growing community expectations.*
- **Public Health Plan:**

*Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act, how we handle stress, relate to others, and make choices. Mental health is important to overall health and wellbeing at every stage of life, from childhood and adolescence through adulthood, and is shaped by various social, economic and physical environments and experiences.*

*Mental health issues may be temporary and present in response to a particular life event, such as a death, a relationship breakup or job loss. For people with a diagnosed mental health condition, they may experience symptoms that appear for a period of time, go away and then reappear at another point in time. Some people experience enduring and ongoing mental health issues that affect their everyday lives.*

### In Brief:

This report is for the Council to:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the City of Albany to participate in the National Redress Scheme;
- Formally endorse the City of Albany's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

**RECOMMENDATION**

**CCS248: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR STOCKS**

**SECONDED: COUNCILLOR BENSON-LIDHOLM**

**THAT Council:**

- 1. NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. NOTES that the City of Albany will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the City of Albany makes a specific and formal decision to be included;**
- 3. ENDORSES the participation of the City of Albany in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4. APPOINTS the Chief Executive Officer as the point of contact for the City of Albany;**
- 5. GRANTS authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and**
- 6. NOTES that a confidential report will be provided if a Redress application is received by the City of Albany.**

**CARRIED 12-0  
ABSOLUTE MAJORITY**

**CCS248: COMMITTEE RECOMMENDATION (AMENDED RESPONSIBLE OFFICER RECOMMENDATION)**

**MOVED: MAYOR WELLINGTON**

**SECONDED: COUNCILLOR STOCKS**

**THAT Council:**

- 1. NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2. NOTES that the City of Albany will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the City of Albany makes a specific and formal decision to be included;**
- 3. ENDORSES the participation of the City of Albany in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 4. APPOINTS the Chief Executive Officer as the point of contact for the City of Albany;**
- 5. GRANTS authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and**
- 6. NOTES that a confidential report will be provided if a Redress application is received by the City of Albany.**

**CARRIED 12-0**

**Officer Reason (Manager Governance and Risk)**

The amendment to include the appointment of the CEO as the point of contact for the City of Albany is a requirement in order to apply the delegation at point 5.

**CCS248: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council:

- (1) NOTES the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
- (2) NOTES that the City of Albany will not be included in the WA Government's amended participation declaration (and afforded the associated financial and administrative coverage), unless the City of Albany makes a specific and formal decision to be included;
- (3) ENDORSES the participation of the City of Albany in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
- (4) GRANTS authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and
- (5) NOTES that a confidential report will be provided if a Redress application is received by the City of Albany.

**BACKGROUND**

7. The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:
  - a. Working with Children Checks (August 2015);
  - b. Redress and Civil Litigation (September 2015); and
  - c. Criminal Justice (August 2017).
8. The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.
9. The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.
10. The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.
11. All levels of Australian society (including the WA local government sector and the City of Albany) will be required to consider leading practice approaches to child safeguarding separately in the future.

**National Redress Scheme**

12. The Royal Commission's Redress and Civil Litigation (September 2015) Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.
13. The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

14. The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:
  - a. A direct personal response (apology) from the responsible institution, if requested;
  - b. Funds to access counselling and psychological care; and
  - c. A monetary payment of up to \$150,000.
15. All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.
16. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.
17. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.
18. Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.
19. A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

## DISCUSSION

20. Following extensive consultation, the State Government (December 2019):
  - a. Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
  - b. Noted the options for WA local government participation in the Scheme;
  - c. Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
  - d. Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.
21. The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:
  - a. Redress monetary payment provided to the survivor;
  - b. Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
  - c. Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).
22. State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.
  - a. Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:
  - b. Providing the State with the necessary (facilities and services) information to participate in the Scheme;
  - c. Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and

- d. Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

23. The WALGA State Council meeting of 4 March 2020:

- a. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
  - b. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
  - c. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.
24. The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.
25. State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).
26. The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of City of Albany's participation in the Scheme.
27. As an independent entity and for absolute clarity, it is essential that the City of Albany formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.
28. The City of Albany will not be included in the State's amended declaration, unless it formally decides to be included.
29. The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.
30. The option also exists for the City of Albany to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).
31. Should the City of Albany formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the City of Albany include:
- a. Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
  - b. Potential reputational damage at a State, sector and community level.
  - c. Complete removal of the State's coverage of costs and administrative support, with the City of Albany having full responsibility and liability for any potential claim.
  - d. Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the City of Albany.

32. **Considerations for the City of Albany:**

Detailed below is a list of considerations for the City of Albany to participate in the Scheme:

a. **Executing a Service Agreement:**

All Royal Commission information is confidential, and it is not known if the City of Albany will receive a Redress application.

A Service Agreement will only be executed if the City of Albany receives a Redress application.

The City of Albany needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received.

Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications.

A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

**33. Reporting to Council if / when an application is received:**

Council will receive a confidential report, notifying when a Redress application has been received.

All information in the report will be de-identified but will make Council aware that an application has been received.

**34. Application Processing / Staffing and Confidentiality:**

Administratively the City of Albany will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

**35. Record Keeping:**

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse.

The City of Albany's record keeping practices have been modified to ensure the secure protection and retention of relevant records.

These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses.

Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in the Act.

**36. Redress Decisions:**

The City of Albany should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses.

The State Government and the City of Albany do not have any influence on the decision made and there is no right of appeal.

**GOVERNMENT & PUBLIC CONSULTATION**

**Consultation**

37. The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the

Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

38. The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:
- a. raising awareness about the Scheme;
  - b. identifying whether WA local governments are considering participating in the Scheme;
  - c. identifying how participation may be facilitated; and
  - d. enabling advice to be provided to Government on the longer-term participation of WA local governments.
39. Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:
40. Webinars to local governments, predominately in regional and remote areas;
41. Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
42. Responses to email and telephone enquiries from individual local governments.
43. It was apparent from the consultations local governments were most commonly concerned about the:
- a. potential cost of Redress payments;
  - b. availability of historical information;
  - c. capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
  - d. process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
  - e. lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.
44. LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.
45. The WALGA State Council meeting on 3 July 2019 recommended that:
- a. WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.
  - b. WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.
46. DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.
47. The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.
48. The City of Albany distributed the above information to all elected members.
49. [City's Insurer \(LGIS\): LGIS has reviewed the report and advised that it is very supportive of the City taking this approach. In fact, LGIS advised that it wished more local governments would take this proactive approach.](#)

## STATUTORY IMPLICATIONS

50. The City of Albany in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).
51. Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.
52. The Voting Requirement for this item is Absolute Majority as the recommendation contains a delegation to the Chief Executive Officer.

## POLICY IMPLICATIONS

53. Not applicable to this report.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p><b>Risks:</b></p> <p><b>Financial:</b> Potential cost of redress payments.</p> <p><b>Operational:</b> Availability of historical information.</p> <p><b>Legal:</b> Obligations relating to maintaining confidentiality if Redress applications are received.</p>	Possible	Moderate	Medium	<p><b>Financial:</b> The state will cover costs / payment to the survivor.</p> <p>Service fee to facilitate potential Direct Personal Response (DPR) of \$3,000 dollars, plus travel and accommodation.</p> <p><b>Operational:</b> Accept that information is limited, in particular Shire &amp; Town Records, prior to 2000.</p> <p><b>Legal:</b> The State's decision mitigates a significant financial risk to the local government in terms of waiving rights to future claims.</p> <p>As detailed in the report Administratively the Executive will determine:</p> <ul style="list-style-type: none"> <li>- Which position(s) will be responsible for receiving applications and responding to Requests for Information;</li> <li>- Support mechanisms for staff members processing Requests for Information.</li> </ul> <p>The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.</p>
<p><b>Opportunity:</b> Raise awareness about the Scheme. Noting the Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.</p>				

## FINANCIAL IMPLICATIONS

55. The State's decision will cover the following financial costs for local governments:

- a. Redress monetary payment provided to the survivor;
  - b. Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
  - c. Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).
56. The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.
57. The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims.
58. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme.
59. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

#### LEGAL IMPLICATIONS

60. Discussed in the discussion section of the report.

#### ENVIRONMENTAL CONSIDERATIONS

61. Not applicable to this report.

#### ALTERNATE OPTIONS

62. As detailed previously in the report, the option also exists for the City of Albany to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).
63. Should the City of Albany formally decide not to participate with the State or in the Scheme altogether, considerations detailed in the report should be considered.

#### CONCLUSION

64. That the proposed Responsible Officer Recommendation be adopted.

Consulted References	:	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018</i></li> <li>• <i>State Records Act 2000</i></li> <li>• <i>City of Albany Public Health Plan</i></li> </ul>
File Number (Name of Ward)	:	(All Wards) - GO.CLS.36
Previous Reference	:	WALGA State Council Agenda

## CCS249: COMMUNITY FACILITIES - SUPPORT TO RURAL COMMUNITY HALLS

<b>Attachments</b>	: OCM 25 June 2019 Item 15.1 Motion 1 and Amended Motion 2.
<b>Supplementary Information &amp; Councillor Workstation</b>	: <ul style="list-style-type: none"><li>• City Support to Rural &amp; Community Halls table (Confidential under separate cover)</li><li>• City Contacts Flyer</li><li>• Infographic</li></ul>
<b>Report Prepared By</b>	: A/Manager Community Development & Engagement (R Param) Team Leader Property and Leases (T Catherall)
<b>Responsible Officers:</b>	: 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:
  - **Themes:** Leadership, Community Health & Participation.
  - **Objectives:**
    - To provide strong, accountable leadership supported by a skilled and professional workforce.
    - To develop and support a healthy inclusive and accessible community.
  - **Community Priorities:**
    - Provide positive leadership that delivers community outcomes.
    - Encourage and support volunteers and community groups.

#### In Brief:

- Councillor Smith submitted a Notice of Motion to the June 2019 Ordinary Council Meeting requesting that the City consult with community associations by facilitating a workshop to determine levels of support required for future asset maintenance and operation of community and rural halls.
- Officers have prepared a response to this motion, and presented this to an Elected Member Strategic Briefing on 21 April 2020.
- This item is for Council to note the actions and formally advise that the actions requested by Councillor Smith in the Notice of Motion have been completed by City staff.

### RECOMMENDATION

#### CCS249: RESOLUTION (ALTERNATE MOTION BY COUNCILLOR SMITH) VOTING REQUIREMENT: SIMPLE MAJORITY

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

#### THAT Council:

1. **NOTE** the actions completed as requested by Councillor Smith's Notice of Motion at the Ordinary Council Meeting 26 June 2019.
2. **ESTABLISH** a Building Stronger Communities Grants Program, to provide support to rural community halls.
3. **APPROVE** in principle the inclusion of the amount of \$70,000 per year (\$5000 per rural community hall) in the 2021-22 annual budget to facilitate the Grants Program, with this amount to be reviewed annually as part of the budget approval process.
4. **REQUEST** that staff develop a Building Stronger Communities Grants Policy, and a Rural Community Hall Grants Guideline, to define eligibility, suitable projects and the acquittal process in relation to the Building Stronger Communities Grants Program.

**CARRIED 12-0**

**Councillor Reason:**

This motion is to provide much needed support to the City's rural community hall committees, who maintain our rural community hall infrastructure and assets.

The establishment of a long term, consistent source of funding for asset maintenance and other eligible programs, as defined in the Building Stronger Communities Grants Policy and administered through the Rural Community Hall Grants Guideline, will assist with ongoing maintenance of our rural community halls.

The Guideline will define:

- Purpose;
- Funding available;
- Eligibility; and
- Acquittal Reporting Requirements.

The proposed Building Stronger Communities Grants Program will provide \$5000 per year to each rural community hall (of which there are 14), for the following activities:

1. Rural Community Hall Maintenance-including the development of an Asset Maintenance Program through an independent assessment program.
2. Rural Community Hall Development-including capital works such as building and safety improvements.
3. Organisational Development-including community capacity building, governance and long term organisational sustainability.

It is proposed that the funding should be distributed on an annual basis, with the ability for individual rural community hall committees able to choose to hold over their annual amount to the next year to enable completion of larger projects requiring a higher level of funding.

It is envisaged that the program will deliver a number of benefits, including:

- Improving the quality and maintenance of rural community halls;
- Increasing, maintaining or enhancing participation and community access; and
- Improving the flexibility of rural community halls to encourage multi-use, sharing and co-locating community activities.

In addition, there is the opportunity to improve management capabilities through strategic and operational planning, governance, management systems to improve finances and membership, and marketing and promotion plans.

The proposed Building Stronger Communities Grants Policy funding program aligns with the following elements of the City of Albany Community Strategic Plan 2030:

**Theme 1:** Leadership

**Objective 1.2:** To provide strong, accountable leadership supported by a skilled and professional workforce.

**Community Priorities 1.2.1:** Provide positive leadership that delivers community outcomes and gains a reputation for doing what is good for Albany and the surrounding region.

**Theme 4:** Community Health and Participation

**Objective 4.1:** To build resilient and cohesive communities with a strong sense of community spirit.

**Community Priorities 4.1.2:** Promote and develop an authentic sense of community by developing programs and providing services that make people feel welcome, involved and connected to each other.

**Objective 4.2:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.

**Community Priorities 4.2.2:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory.

**Objective 4.3:** To develop and support a healthy, inclusive and accessible community.

**Community Priorities 4.3.2:** Encourage and support volunteers and community groups to grow an active volunteer base that is supported and valued.

**Officer Comment (Executive Director Corporate and Commercial Services):**

The City is currently offering eligible community rural halls up to \$2000 each to complete a building condition assessment and develop a 10 year maintenance plan. The resulting reports will be critical to understand the long term level of funding.

No allowance has been made in the Long Term Financial Plan for the annual grant amount of \$70,000. As noted in the Alternate Motion, this will be reviewed in the annual budget process. The current budget has an allocation of \$30,000 p.a. for the Community Facilities Assistance Funding (CFAF) for a three year trial period, and a second pool of approximately \$25,000 p.a. to assist with insurance premiums, which has existed for a number of years.

The development of any program, policy and guideline will need to be undertaken with consideration given to any existing adopted strategies and policy documents, such as the Community Development Strategy and the Property Management (Leases and Licences) Policy.

**CCS249: COMMITTEE RECOMMENDATION  
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council NOTE the following actions have been completed as requested in Councillor Smith's Notice of Motion at the Ordinary Council Meeting held on 26 June 2019:

1. The City routinely provides support on a range of matters (including asset management and operations) to community rural halls on a one to one, ongoing basis.
2. A Council workshop was held on 21 April 2020, with information distributed regarding City support currently provided to community rural halls.
3. Funding opportunities are sought as and when appropriate funding programs are released and opened for application.

**CCS249: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR STOCKS  
SECONDED: COUNCILLOR STEPHENS**

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-2

**Record of Vote**

Against the Motion: Councillors Doughty and Terry

**CCS249: RESPONSIBLE OFFICER RECOMMENDATION**

THAT Council NOTE the following actions have been completed as requested in Councillor Smith's Notice of Motion at the Ordinary Council Meeting held on 26 June 2019:

1. The City routinely provides support on a range of matters (including asset management and operations) to community rural halls on a one to one, ongoing basis.
2. A Council workshop was held on 21 April 2020, with information distributed regarding City support currently provided to community rural halls.
3. Funding opportunities are sought as and when appropriate funding programs are released and opened for application.

**BACKGROUND**

2. In May 2019, City staff identified that community managed facilities (community rural halls) leased by the City and/or on Crown land within the municipality were at risk of becoming run down or unsafe due to lack of maintenance, as State and Federal bodies were no longer providing funding to community groups for maintenance.
3. In an attempt to address this risk and assist community groups maintain their facilities, the City is trialling the Community Facilities Assistance Fund (CFAF), providing up to \$30,000 per financial year for three years to eligible applicants.
4. At the Ordinary Council Meeting held on 25 June 2019, Councillor Smith submitted a Notice of Motion:

**15.1: RESOLUTION (AMENDMENT BY COUNCILLOR SMITH)  
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR SMITH**

**SECONDED: COUNCILLOR SUTTON**

**THAT:**

1. *The City consult with community associations by facilitating a workshop/s to determine levels of support required for future asset maintenance and operations within their communities.*
2. *A subsequent presentation to be delivered by staff through a workshop with Councillors that examines existing leasing/funding/in kind assistance offered, and to explore potential opportunities and models of support in line with the facilitated engagement.*
3. *Council commence and maintain a commitment to seek State Government support for a State-Based funding stream for assistance with ongoing maintenance programs for historic places.*

**CARRIED 10-0**

5. Community Development staff currently work with community organisations to determine asset management needs for community rural halls, in response to requests from hall managers.
6. There is a wide spectrum of asset management capacity across various community organisations responsible for facility management; some require very little to no assistance, while others struggle to maintain their venues.
7. There may be a risk to the City in facilitating workshops, as community expectations may be increased with regard to ongoing involvement or assistance with the maintenance and management of rural and community halls, which in some cases is contrary to existing lease agreements.
8. At a further follow up meeting with Councillor Smith in March 2020 to clarify the way forward, the following actions to resolve the motion were agreed:

- a. City Officers to present on the current level of City support provided to 14 rural venues to an Elected Member Strategic Briefing in April 2020;
- b. Guidelines for Community Facilities Assistance Funding will be amended for Round 1, 2020-21 financial year applications, to include provision for building inspection reports and maintenance plans to be funded; and
- c. Officers to prepare a contact sheet to distribute to rural halls identifying relevant teams, their functions and contact information.

## **DISCUSSION**

9. The Elected Member Strategic Briefing was held on 21 April 2020.
10. Officers provided an overview of direct financial, routine and ad hoc staff support provided to all 14 rural halls over the past 4-5 years. Officers also presented a draft copy of the contact list of relevant City teams. Both these documents were provided to Elected Members with the minutes of the workshop.
11. Elected Members noted the support provided to rural venues, and endorsed the proposed amendments to Community Facilities Assistance Funding and the City contacts list.
12. With regard to the workshop requested in the resolution of 25 June 2019, City staff have advised that work is routinely undertaken with halls at the request of hall committees. This enables a customised service to each facility. Further, routine maintenance and some renewal works are the responsibility of the halls in accordance with lease conditions, where a lease arrangement is in place with the City.
13. Elected Members suggested that a showcase of rural halls to coincide with the completion of the Town Hall, promotion of Heritage Commission funding to those halls which are heritage-listed (all lessees in heritage listed venues receive assistance and information about funding), and inclusion of the rural halls on the City's website would be desirable in promoting community awareness of the importance of rural halls.
14. Promotion of rural and community halls is supported by the City in the current community directory available on the City's website: <https://www.mycommunitydirectory.com.au/>.
15. Staff committed to providing a report to the Ordinary Council Meeting to be held on 25 May 2020 providing an update on the actioning of Councillor Smith's Notice of Motion.

## **GOVERNMENT & PUBLIC CONSULTATION**

16. Internal consultation with City Community Services, Leasing, Asset and Reserves teams has occurred to date.
17. The City continues to provide ongoing consultation and support to community rural halls by regular site visits, community funding, governance matters, grant workshops, building advice, activation of halls and strategic planning.

## **STATUTORY IMPLICATIONS**

18. Not applicable.

## **POLICY IMPLICATIONS**

19. 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
<b>Business Operation.</b> Council not satisfied with response to motion	Unlikely	Minor	Low	Seek to address the motion to Council satisfaction
<b>Opportunity:</b> To continue ongoing funding and staff support to community use rural halls.				

## FINANCIAL IMPLICATIONS

21. The City has committed to the Community Financial Assistance Funding allocation of \$30,000 for three years to assist community groups maintain facilities.

## LEGAL IMPLICATIONS

22. Not applicable.

## ENVIRONMENTAL CONSIDERATIONS

23. Not applicable.

## ALTERNATE OPTIONS

24. No alternate options are proposed.

## CONCLUSION

25. The City provides ongoing support to community facilities, in particular rural community halls. This support is both in kind and in direct financial contributions.
26. It is recommended that the Responsible Officer's Recommendation be adopted.

<b>Consulted References</b>	:	<ul style="list-style-type: none"> <li>Lease Agreements</li> <li>Community Financial Assistance Funding Guidelines</li> </ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 25/06/2019 Resolution 15.1 – Notice of Motion by Councillor Smith

## CCS250: GREAT SOUTHERN REGIONAL TRAILS MASTER PLAN 2020-2029

<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Great Southern Regional Trails Masterplan 2020-2029 (DRAFT);
<b>Report Prepared By</b>	: Manager Recreation Services (S Stevens)
<b>Responsible Officers:</b>	: Chief Executive Officer (A Sharpe) 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:
  - **Theme:** Community Health & Participation.
  - **Objective:** To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
  - **Community Priority:** Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory

#### In Brief:

- The Regional Trails Masterplan is identified as a priority project in both the Great Southern Outdoor Recreation Strategy 2019-2021 and the Great Southern Regional Sport and Recreation Plan 2018.
- Department of Local Government, Sport and Cultural Industries (DLGSC) encourages all regions to develop regional trail masterplans that will support the state-level Western Australia Strategic Trails Blueprint.
- In the Great Southern, the Great Southern Centre for Outdoor Recreation Excellence (GSCORE) undertook to produce the Great Southern Regional Trails Masterplan 2020-2029 (RTMP).
- The eleven local governments that constitute the Great Southern region have been requested to receive and endorse the RTMP.
- To seek Council's receipt of the Great Southern Regional Trails Master Plan 2020-2029.

### COVID-19 IMPACT

- No identified implications.

### RECOMMENDATION

**CCS250: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR TERRY**  
**SECONDED: COUNCILLOR DOUGHTY**

**THAT Council:**

1. **RECEIVE** the Great Southern Regional Trails Master Plan 2020-2029
2. **ENDORSE** the strategic intent of the Great Southern Regional Trails Master Plan 2020-2029.
3. **NOTE** that by doing so, the plan does not hold Council or the City of Albany to a financial commitment to the GSCORE operational functions.

**CARRIED 12-0**

CCS250: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR SMITH

THAT Council:

1. RECEIVE the Great Southern Regional Trails Master Plan 2020-2029
2. ENDORSE the strategic intent of the Great Southern Regional Trails Master Plan 2020-2029.
3. NOTE that by doing so, the plan does not hold Council or the City of Albany to a financial commitment to the GSCORE operational functions.

CARRIED 12-0

Councillor Smith proposed a minor amendment to the Responsible Officer Recommendation to ensure clarity around Council's support for the Great Southern Regional Trails Masterplan 2020-2029.

Councillor Smith's proposed amendment was supported by Council.

CCS250: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

1. RECEIVE and ENDORSE the Great Southern Regional Trails Master Plan 2020-2029 strategic Intent.
2. NOTE that by doing so, the plan does not hold Council or the City of Albany to a financial commitment to the GSCORE operational functions.

**BACKGROUND**

2. GSCORE works collaboratively with local governments across the region with the aim of supporting the growth and development of the outdoor recreation sector.
3. The purpose of the Great Southern RTMP is to provide a clear outlined program of trail infrastructure development across the Great Southern region over a ten-year period to position the Great Southern as a World Class Trails Destination. The plan has been developed to guide decisions about the management of, and investment in, trails and provides a vision of the trail network for the Great Southern.
4. The four agreed strategic objectives of the Strategy:
  - I. **Integrated Planning and Management** – Adopt a strategic and coordinated approach to trail planning, management and maintenance through key stakeholder collaboration and priorities and targeted investment.
  - II. **Sustainable and Accessible Trail Network** – develop, upgrade and maintain a network of high-quality trails and facilities that deliver outstanding experiences to a wide range of trail users and activity types.
  - III. **Promote the Visitor Experience** – Encourage strong local community and visitor participation in recreational trail activities through effective promotion and marketing of the regions trails.
  - IV. **Community and Economic Development Opportunities** – Capitalise on the opportunities presented by a well-designed trails network for health, environmental, cultural, economic and liveability benefits.

5. Support of the objectives and the development of the priority trails contained within the plan is central to the successful implementation of the Great Southern Regional Trails Master Plan.

## **DISCUSSION**

6. Discussions with all the participating local governments have revealed a strong sense of collaboration and a commitment to align across the region to maximise the opportunity of future trails development.
7. GSCORE is liaising with each individual local government to secure service agreements to implement the RTMP post 30 June 2020. The plan notes the future roles and functions for GSCORE as project governance, grant writing, project management, marketing coordination, trail monitoring, training and capacity building. Endorsing the plan does not commit or hold the City of Albany responsible for the financial operations of the GSCORE. Any financial commitments to the GSCORE will be assessed separately on its merits and as a stand-alone matter.
8. The plan provides vision for diversity of trail type including hiking, mountain biking, cycle touring, rail trail, paddling, snorkelling, trail bike riding and equestrian trails. The approach includes creating new trail experiences, developing trail linkages and enhancing existing trails.
9. Albany Heritage Park Link Trail (City of Albany) is identified in the plan as an important short term priority trail. The Albany Heritage Park trails are integral to achieving the regions vision of becoming a world-class trails destination. The supporting Poikeclerup Park Trails Network allows for progression and potential for more advanced mountain bike trails complementing the regional offering.
10. Whilst not under City of Albany management the realignment of the Munda Biddi through the City of Albany LGA (Sandpatch) and the possible relocation of the terminus to the Alison Hartmann Garden will enhance safety and improve the user experience of a nationally recognised trail.
11. The City of Albany is the only local government with an adopted and current local trails plan. The Albany Trails Hub Strategy is the foundation stone of the RTMP. The Albany Trails Hub Strategy is the result of extensive community consultation in Albany and addresses the needs of a diversity of trail user groups. When implemented, it has the potential to position Albany as a regional Trail Town. To position the region as a trail destination requires a network of trail towns and trail centres across the entire region.

## **GOVERNMENT & PUBLIC CONSULTATION**

12. Consultation was undertaken by GSCORE as evidenced in the documentation provided (summary of community consultation 2020).
13. Over 200 comments were received (including City of Albany feedback) and the majority were favourable. Significant number opposed to mountain biking in the Porongurup National Park. A number of submissions noted the importance and sought assurance that land managers are taking an environmentally sensitive approach to planning.
14. A five-week community and stakeholder review and comment period was conducted December 16, 2019 to January 19, 2020.
15. GSCORE staff presented and provided briefings to:
  - City of Albany CEO, Mayor and Elected Members - 17/7/2018; 18/2/2020.
  - South Coast Alliance – 20/6/2019; 18/9/2019; 4/11/2019.
  - City of Albany Staff – 17/10/2019 plus attendance at Trails Project Control Groups meetings.
16. Minor modifications made as a result of the engagement include:
  - Planning Principles - a greater emphasis on Aboriginal engagement and involvement; two of the planning principles combined; and a new principle focused on community benefit included.

- Priority Trail (S) – higher priority of the Albany Heritage Park Mounts Trail Corridor Link from medium to short term; and inclusion of the iconic Bald Head Walk Trail to address urgent maintenance and upgrades.
- Priority Trail (M) – Inclusion of the Poikeclerup Mountain Bike Trail Network to complement the regional experience catering for all riders; and the Munda Bidli Trail Realignments to improve a nationally significant trail for cycle touring.

## STATUTORY IMPLICATIONS

17. There is no statutory requirement.
18. As part of the community review process the Council and City staff took the opportunity to provide feedback and further recommendations to assist with developing the plan.

## POLICY IMPLICATIONS

19. The Great Southern Regional Trails Master Plan will complement the City of Albany Trails Hub Strategy.

## RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health &amp; Safety</b> <i>Failure to plan and secure required funding may result in the condition of the trail amenities deteriorating to an unsafe condition</i>	Possible	Moderate	Medium	Council can choose to support the plan, or work with City officers to review and amend.
<b>Reputation &amp; Financial</b> <i>Failure to participate may result in community dissatisfaction or projects not going ahead resulting in community missed economic and social opportunities.</i>	Possible	Moderate	Medium	Council can choose to support the plan, or work with City officers to review and amend.

## FINANCIAL IMPLICATIONS

21. No additional budget is requested for this project.
22. There are significant economic benefits associated with Trail Tourism. GSCORE recently submitted an Expression of Interest for funding support under the Federal Government's Tourism Economic Stimulus Package to develop four Mountain Bike (MTB) trail networks along the South Coast including two in Albany being; Heritage Park Stage 1 and Poikeclerup Park.
23. Under the funding guidelines the combined projects would need to be delivered within the next 18 months and will deliver a regional MTB experience that disperses visitors through the Amazing South Coast region. The focus of the funding of the projects is on jobs creation and tourism.

## LEGAL IMPLICATIONS

24. Nil

## ENVIRONMENTAL CONSIDERATIONS

25. There are no environmental impacts associated with the endorsement of the RTMP. Each trail project and site will have its own unique environmental requirements including approvals for flora, fauna, dieback and Aboriginal Heritage Approvals.

26. The Albany Heritage Park Link Trail has gone through significant approval processes with regards to environmental approvals. Given the presence of significant species and community feedback there have been a number of environmental studies undertaken including:

- Dieback surveys;
- Targeted Flora Surveys; and
- Western Ring-tailed Possum surveys

27. Poikeclerup Park has had initial site suitability assessments undertaken including:

- Completed Phytophthora Dieback Occurrence Survey and Threatened Ecological Communities (TEC) Assessment.
- Which identified a patch of Threatened Ecological Communities – Proteaceae Dominated Kwongan Shrubland identified. To be avoided in future trail planning.
- Phytophthora Dieback has been identified in the site. The survey determined that there were no protectable areas occurring across the site.
- Threatened Flora (*Drakaea micrantha* – Dwarf Hammer Orchid) on the adjacent Private Property.
- Spotlight Survey - Western Ringtail Possum identified and protected accordingly.

### ALTERNATE OPTIONS

28. Council can choose not to receive the plan.

### CONCLUSION

29. Throughout the extensive collaboration in the development of the RTMP, the region has demonstrated its recognition that trails are an integral part of creating a liveable region with thriving communities.
30. The RTMP is an agreement to collaborate and prioritise regional trail development. It aims to minimise the duplication of initiatives and maximise efforts to reach common goals by establishing shared priorities across the active recreation and tourism sectors.
31. This planning process is now at a pivotal point whereby each member local government within the Great Southern region needs to receive and endorse the RTMP.

Consulted References	:	Trails Hub Strategy 2015 – 2025, Mounts Master Plan Analysis of Community + Stakeholder Engagement
File Number (Name of Ward)	:	CR.COC.9 (Frederickstown, Kalgan)
Previous Reference	:	OCM 28/07/2015 - CS021 - City of Albany Trails Hub Strategy, GSCORE Presentations to Council - 17/7/2018; 18/2/2020

## CCS251: NATIONAL ANZAC CENTRE – Q3 2019-20 REPORT

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: National Anzac Centre (NAC) – Quarter 3 (Q3) 2019/20 Operational Report
<b>Report Prepared By</b>	: Manager Facilities (L Stone)
<b>Responsible Officer(s)</b>	: 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
  - **Key Theme:** Smart Prosperous and Growing.
  - **Strategic Objectives:** To strengthen our region's economic base; and
    - To develop and promote Albany as a unique and sought after destination.
  - **Community Priorities:** Strengthen our economy by supporting business innovation and diversity; and
    - Promote the Albany region as a sought after and iconic tourism destination.

#### In Brief:

- To provide Council with update on Q3 2019-20 performance of the NAC.

### RECOMMENDATION

#### CCS251: RESOLUTION VOTING REQUIREMENT: SIMPLE MAJORITY

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

**THAT the NAC Operational Report for Q3 2019-20 be RECEIVED.**

**CARRIED 12-0**

#### CCS251: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR DOUGHTY**  
**SECONDED: COUNCILLOR HAMMOND**

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

**CARRIED 12-0**

#### CCS251: RESPONSIBLE OFFICER RECOMMENDATION

**THAT the NAC Operational Report for Q3 2019-20 be RECEIVED.**

### BACKGROUND

2. The NAC is the City of Albany's most significant tourism asset.
3. The NAC represents a \$10.6million dollar investment from the Federal and State Government with an additional \$1.5million invested by Wesfarmers for the construction of the Convoy Walk and Lookout.
4. The City of Albany manages this national museum and understands the importance of generating economic outcomes for the region using the NAC and the Albany Heritage Park (AHP) assets to encourage increased visitation and extended stays to the region.
5. The City established an independent NAC Advisory Group during the 2016/17 financial year to assist in the further development of both the NAC and AHP, to ensure the assets continue to

evolve, aligned with contemporary museum standards. The NAC Advisory Group has been meeting quarterly since convening.

6. It was agreed in November 2018 that the NAC Advisory Group would now meet twice a year. The next meeting was planned for Friday 24 April 2020.
7. Council has budgeted a subsidy of \$250,000 annually for the operations of the NAC and the AHP and has established a reserve on the understanding that any surplus funds be reinvested and used to leverage additional grant funding to improve the asset.
8. This report template is reviewed regularly to ensure that the Community & Corporate Services Committee and the NAC Advisory Group receive all relevant information to assess its performance.

## **DISCUSSION**

9. Q3 2019/20 achieved overall total visitation numbers of 354,998 visitors to the NAC since opening in November 2014. This equates to an average annual visitation of 65,532 visitors per year.
10. Total visitation for Q3 2019/20 decreased by 6,958 visitors compared to the same period in 2018/19.
11. The visitation in Q3 2019/20 from the Great Southern Region totalled 288 people, consisting of 60% of visitors from Albany, 15% Denmark, 7% Mt Barker, 6% Katanning, and a range of 1% - 5% from Lake Grace, Gnowangerup, Frankland, Narrikup, and Wellstead.
12. The total visitation in Q3 2019/20 originated from Western Australia (71%) and interstate (29%).
13. Visitors from other States and Territories consisted of 33% from NSW, 25% from VIC, 25% from QLD, 11% from SA, followed by TAS, ACT and NT all with similar figures between 1-3%.
14. Of the total 12% of international visitors, 44% of these visitors originated from New Zealand, 25% from United Kingdom, 11% from USA, and 4% from Singapore.
15. Revenue generated in Q3 2019/20 by the NAC was \$130,054 less compared to the same period in 2018/19. The Forts Store revenue of \$100,961 saw a decrease of \$48,050 compared to the same period in 2018/19.
16. Average retail spend per head for 2019/20 Q3 reached \$7.86, a decrease from same period last year of \$10.20.
17. As at the end of Q3 2019/20, 5,125 local residents were members of the NAC League of Local Legends program, with 345 joining during Q3.
18. The NAC had 200 non-local paying visitors in Q3 2019/20 as a result of the NAC League of Local Legends program.
19. In Q3 2019/20, progression of 2 major projects being, phase one of the NAC Refresh and Hidden Stories of the Fortress grant works for Princess Royal Fortress continued.
20. NAC Refresh phase 1 works have continued with Convoy Table and offsite, commissioning of table has been placed on hold due to COVID19 restrictions.
21. Retail consultant, Terrific Trading Incorporated, completed a review process on the Fort Store and Albany Visitor Centre retail outlets to identify any opportunities for improvement. Terrific Trading has had an initial visit to both sites. They provided preliminary recommendations, short term improvement plan and training workshops during November 2019, with a follow up longer term action plan by 2020. Terrific trading will provide this by presentation to executive team.

**GOVERNMENT & PUBLIC CONSULTATION**

22. Not Applicable.

**STATUTORY IMPLICATIONS**

23. Not Applicable.

**POLICY IMPLICATIONS**

24. Not Applicable.

**RISK IDENTIFICATION & MITIGATION**

25. Nil.

**FINANCIAL IMPLICATIONS**

26. Refer to the financial summary below for the National Anzac Centre full year budget and YTD position as at March 31, 2020.

a. Full year operating expenditure budget includes:

- i. \$221,000 of costs from accounts that are “shared” across the AHP. A total of \$869,000 of budgeted costs reported under the AHP have been deemed to be a shared cost, across the four reporting areas under the AHP (NAC, Retail, Forts, and AHP Precinct). For the purpose of presenting a standalone view of the NAC, managers have used their best judgement to notionally allocate the \$869,000 across the four areas. Significant shared expenses attributed to the NAC include shared employee costs (\$90,000 of the \$221,000), marketing, ground maintenance, internal service delivery, security, electricity, and insurance.

National ANZAC Centre	FY19/20 Budget	YTD Budget	YTD Actual	YTD Variance
Operating Income	\$915,000	\$706,798	\$745,820	\$39,022
Operating Expenditure	\$(582,589)	\$(417,668)	\$(389,599)	\$28,069
<b>Net Operating Income/(Expense) before Indirect Costs</b>	<b>\$332,411</b>	<b>\$289,130</b>	<b>\$356,221</b>	<b>\$67,091</b>
Indirect Expenses	\$(221,454)	\$(166,384)	\$(143,510)	\$22,874
<b>Net Operating Income/(Expense)</b>	<b>\$110,957</b>	<b>\$(122,746)</b>	<b>\$212,711</b>	<b>\$89,965</b>
Capital Expense	\$(730,000)	\$(400,000)	\$(151,314)	\$248,686
<b>Total</b>	<b>\$(619,043)</b>	<b>\$(277,254)</b>	<b>\$61,397</b>	<b>\$338,651</b>

**LEGAL IMPLICATIONS**

27. Nil.

**ENVIRONMENTAL CONSIDERATIONS**

28. Nil.

**ALTERNATE OPTIONS**

29. Council may request further development and refinement of the quarterly reporting tool including both content and frequency of reporting.

**SUMMARY CONCLUSION**

30. Overall Q3 2019/20 has shown a steady hold in numbers visiting the NAC, this is pleasing after having the popular Field of Light installation. Q3 has shown lower numbers for Feb and March compared to 18/19 same period, yet January very similar to previous years. March 23<sup>rd</sup> Closure has played a part in the decreased numbers and financials.
31. A decrease in the retail spend per head in the Fort Store has seen the Q3 average drop to \$7.86 this compares very similar to 2015/16 as the first full year of trading with \$6.09. This is still a contribution to revenue for the AHP precinct as a whole but the March closure of the site has made an impact on quarterly revenue.
32. Interest in the Princess Royal Fortress and exhibitions also continues to generate visitation to the NAC. Supporting figures of Q3 2019/20 saw 1100 people take part in Princess Royal Fortress Tour. The release of free educational activity sheets for families to use while visiting, along with the information hub has also enhanced the experience. An increase of tour times on offer has also been implemented to support visitor experience.
33. Overall Q3 saw steady figures of attendance in the NAC, Princess Royal Fortress and Fort Store sales for the first 2 months of Q3. Visitation and figures were remaining relatively in-line with previous years. With Federal Government closure of all Museums March 23<sup>rd</sup> due to COVID19, figures show the impact this has made on what is primarily peak season for the AHP.

Consulted References	:	Nil.
File Number (Name of Ward)	:	All Wards
Previous Reference	:	Nil.

## CCS252: REX FINANCIAL SUPPORT REQUEST

- Attachments** : • Rex Letter dated 23 April 2020  
• Rex Media Release dated 29 April 2020
- Report Prepared By** : Manager Governance/Risk/Airport Operations (S Jamieson)  
Acting Manager Finance (S Van Nierop)
- Responsible Officers:** : Executive Director Corporate & Commercial Services  
(D Olde)

*This report was considered as confidential in accordance with section 5.23(2)(c) and (e, iii) of the Local Government Act 1995, being: (e) a matter that if disclosed, would reveal - (iii) information about the business, professional, commercial or financial affairs of a person.*

### STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme: 1:** Leadership
  - **Objective: 1.2** To provide strong, accountable leadership supported by a skilled and professional workforce.
  - **Community Priorities: 1.2.1** Provide positive leadership that delivers community outcomes.

#### In Brief:

- Acknowledge and consider request from Regional Express.

### RECOMMENDATION

**CCS252: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SHANHUN**  
**SECONDED: COUNCILLOR TERRY**

**THAT the request from Regional Express (REX), as attached, be NOTED and the recommendation contained in the Confidential version of this report be ADOPTED.**

**CARRIED 8-4**  
**ABSOLUTE MAJORITY**

#### Record of Vote

Against the Motion: Councillors Hammond, Sutton, Thomson and Goode

**CCS252: COMMITTEE RECOMMENDATION**

**MOVED: MAYOR WELLINGTON**  
**SECONDED: COUNCILLOR STEPHENS**

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

**CARRIED 9-3**

#### Record of Vote

Against the Motion: Councillors Thomson, Hammond and Sutton

**CCS252: RESPONSIBLE OFFICER RECOMMENDATION**

THAT the request from Regional Express (REX), as attached, be NOTED and the recommendation contained in the Confidential version of this report be ADOPTED.

<b>Consulted References</b>	:	<ul style="list-style-type: none"><li>• Annual Budget</li><li>• City of Albany – Regional Express Agreement</li></ul>
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	OCM 24/03/2020 Resolution CCS236

## CCS253: ALBANY HISTORY COLLECTION, VANCOUVER ARTS CENTRE AND TOWN HALL

<b>Business Entity Name</b>	: City of Albany
<b>Attachments</b>	: Floor Plans and sketches at end of Report
<b>Report Prepared By</b>	: Manager Arts & Culture (P Nielsen)
<b>Responsible Officers:</b>	: 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:
  - **Themes:** Community Health and Participation
  - **Objectives:** To build resilient and cohesive communities with a strong sense of community spirit; and to create interesting places, spaces and events that reflect our community's identity, diversity and heritage
  - **Community Priorities:** Facilitate and promote arts and cultural activities for all ages by providing a variety of arts and cultural activities that attract local and visiting patrons; and Deliver activities and programs that engage with the wider community and engender community spirit; and Maintain infrastructure and deliver programs that promote Albany's unique heritage, engender civic pride and leave a lasting memory

#### In Brief:

#### It is proposed that:

- The Albany History Collection will return to Albany Public Library after temporary moves to Albany Co-operative Society building and Vancouver Arts Centre during construction of the Albany Visitor Centre
- A new mezzanine floor space can be built in the Library to accommodate the Albany History Collection as part of a range of budgeted Capital Enhancement works in 2019/20.
- A preservation and access Digitisation Project will commence with the purchase of suitable overhead book scanner. This project will be progressed using in-house staff resources and within current budget allocations.
- The Vancouver Arts Centre and Town Hall will be staffed and managed by the existing Arts & Culture team with no additional resourcing in the 2020/21 budget.

### RECOMMENDATION

**CCS253: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STOCKS**  
**SECONDED: COUNCILLOR SMITH**

#### THAT Council APPROVE:

1. The proposal to base the Albany History Collection at the Albany Public Library; and
2. The renovation works to Albany Public Library as detailed in this report;

**THAT Council NOTE** that the 2020/21 Annual Budget will incorporate the service delivery model for the Vancouver Arts Centre and Town Hall within current staffing levels, and **APPROVES** City Officers communicating these proposals to key stakeholders.

**CARRIED 12-0**

## **BACKGROUND**

2. The previous proposal to leave the Albany History Collection at the Vancouver Arts Centre as part of the operation model for the Town Hall received some negative feedback from members of the community.
3. In conjunction with the City's Assets team, the Library's 2019/20 budgeted Capital Enhancement works were able to be re-scoped and prioritized to include construction of a new mezzanine floor space above the existing Fiction area.

## **DISCUSSION**

4. The Albany History Collection was originally proposed to remain in the Vancouver Arts Centre as part of the broader model to manage the Town Hall following re-purposing.
5. Council received a briefing on this proposal in November 2019. Subsequent community feedback from key stakeholders including the arts community was not supportive of the Albany History Collection remaining at the Vancouver Arts Centre.
6. A meeting with key stakeholders, the arts community, elected members and City staff was held in early March 2020.
7. The outcome of this meeting indicated that key stakeholders, including the arts community, supported the Albany History Collection being returned to the Albany Public Library.
8. The Library has a range of budgeted Capital Enhancement works in 2019/20, the majority of which have not yet commenced.
9. The City's Assets Team have confirmed that the proposed construction of a partial new mezzanine floor space is structurally feasible. The floor will be constructed of timber or steel frame, compressed cement sheeting and sound proof insulation.
10. Associated re-scoping and prioritization of the package of works will permit inclusion of the mezzanine within budget. Situated above the current Fiction area, the mezzanine would provide:
  - Secure, enclosed, climate-controlled space;
  - Staff workspace;
  - Space for collection display, computer and microfilm access; and
  - Research space with tables and chairs.
11. Also possible within the current budget is work to create an after-hours self-service study space for tertiary students. Access will be via an entrance from the new landing and stairway connecting Alison Hartman Gardens to the Library carpark.
12. Students using this space would not have access to the main Library space. In normal opening hours this space would be available to the general public. The renovated space would include:
  - Secure access-control doorway;
  - Secure small group meeting room;
  - University print Collection space;
  - Study tables and chairs; and
  - Self-service kiosk to issue books.
13. Should Council approve the proposal to construct a new mezzanine floor, City staff will proceed to Procurement for the work as part of the Library Capital Enhancement works program.

14. As part of the History Collection's future vision, a new preservation and access Digitisation Project will also commence.
15. Purchase of a suitable overhead book scanner from approved 2019/20 Albany History Collection fit out budget will occur in June. This project will be undertaken utilising existing Library staff and volunteers with no additional staff resource costs.
16. This project will prioritise digitisation of current sensitive material stored in the Vancouver Arts Centre & Library and then proceed to all other items over time. In addition to the scanning and Optical Character Recognition (OCR) process, a comprehensive indexing program will permit optimised discoverability of material via library catalogue and general internet searching.
17. Opportunities for revenue-generating projects will be enabled through digitisation, especially through the extension of the photographic archive. This is an exciting project as the City looks towards the 2026 Bi-Centenary period.
18. As a result of the proposal to return the Albany History Collection to the Library and the effects of the current COVID-19 pandemic, the previously proposed staffing model for The Vancouver Arts Centre and Town Hall will not proceed.
19. Detailed planning continues ahead of the opening of the Town Hall. Both venues will be staffed and managed by the existing Arts & Culture team with no additional resourcing in the 2020/21 budget.
20. Council approval of the Responsible Officer Recommendation will enable the community consultation and information process around the changes and the opportunities presented to the arts and cultural community of Albany, as detailed below.

#### GOVERNMENT & PUBLIC CONSULTATION

21. Community Engagement

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Workshop with VAC Annual Hirers	May 2020	10	
Inform	Email Newsletter to VAC & Library Subscribers	July 2020	6000	
Involve	Survey/Workshop with broader Arts Community re. VAC and Town Hall opportunities	August 2020	100	

#### STATUTORY IMPLICATIONS

22. Nil

#### POLICY IMPLICATIONS

23. Nil

**RISK IDENTIFICATION & MITIGATION**

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Compromised Business Operation &amp; Reputation</b> Should the proposed re-location of the Albany History Collection not proceed, key stakeholders and the arts community will continue to experience a diminished use of the Vancouver Arts Centre.	Possible	Moderate	Medium	Approve the proposal to install a mezzanine floor to the Library to enable to re-location of the Albany History Collection.
<b>Opportunity:</b> Provide a purpose built and appropriate space for the Albany History Collection, to ensure its continued preservation.				

**FINANCIAL IMPLICATIONS**

25. The approved 2019-20 budget includes \$520,000 for Library Capital Enhancement work including: Breezeway re-surfacing (complete); Stairway to Alison Hartman Gardens; Replace Toilets; Re-cover walls and ceilings; Electrical and HVAC; new Carpets; new Overhead Windows; new Carpark retaining wall.
26. The proposed re-scoping of this work to include the construction of a mezzanine floor to house the Albany History Collection and provide an after-hours self-study student work space can be accommodated in the current budgeted amount.

**LEGAL IMPLICATIONS**

27. Nil

**ENVIRONMENTAL CONSIDERATIONS**

28. Nil

**ALTERNATE OPTIONS**

29. Council may choose not to approve the proposal, or recommend an alternate proposal.

**CONCLUSION**

30. It is recommended that Council support the Responsible Officer Recommendation.

<b>Consulted References</b>	:	N/A
<b>File Number (Name of Ward)</b>	:	All Wards
<b>Previous Reference</b>	:	N/A



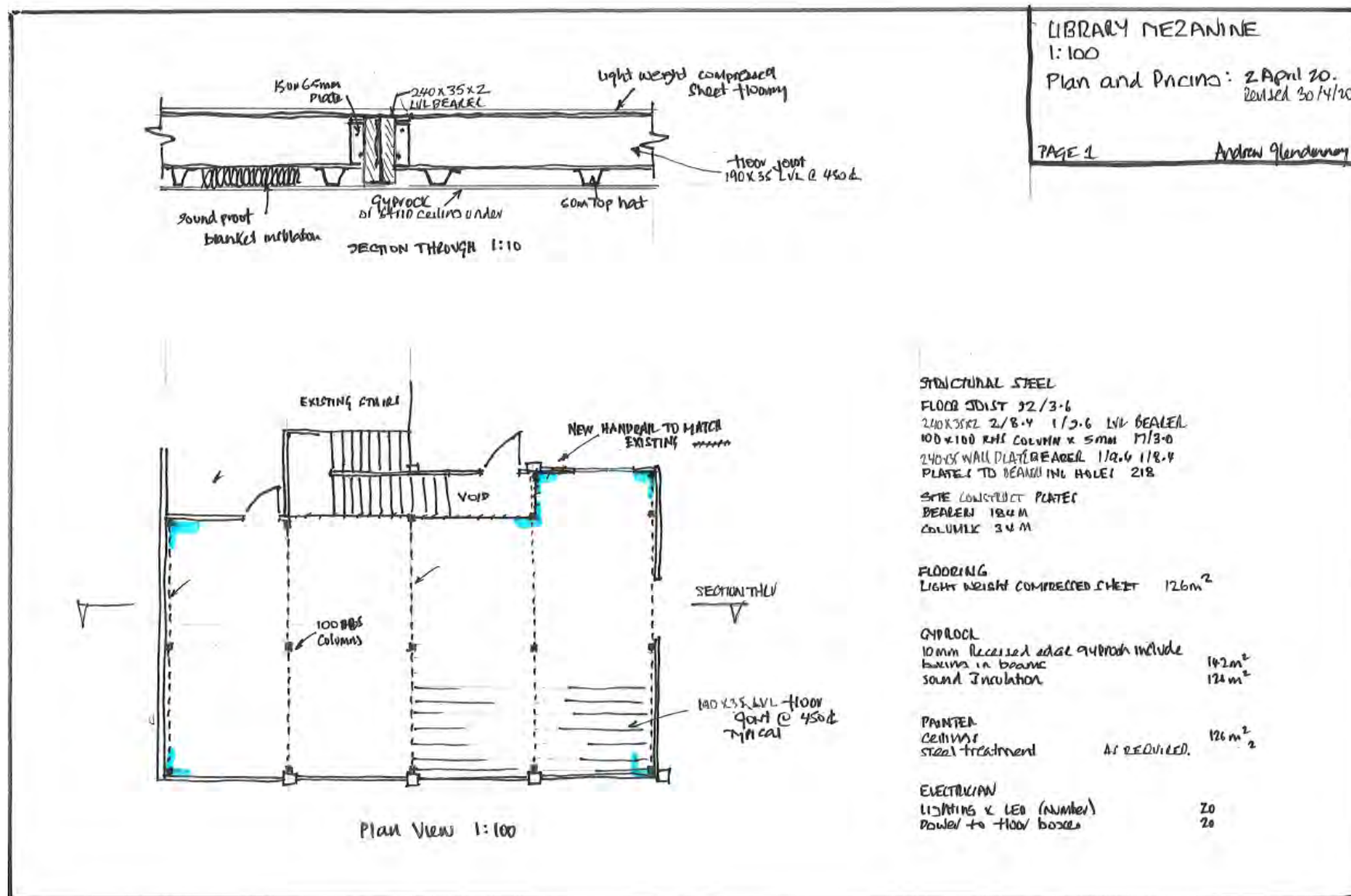
## LIBRARY SCHEMATIC DESIGN GROUND FLOOR

Highlighted area showing ground floor space covered by AHC Mezzanine

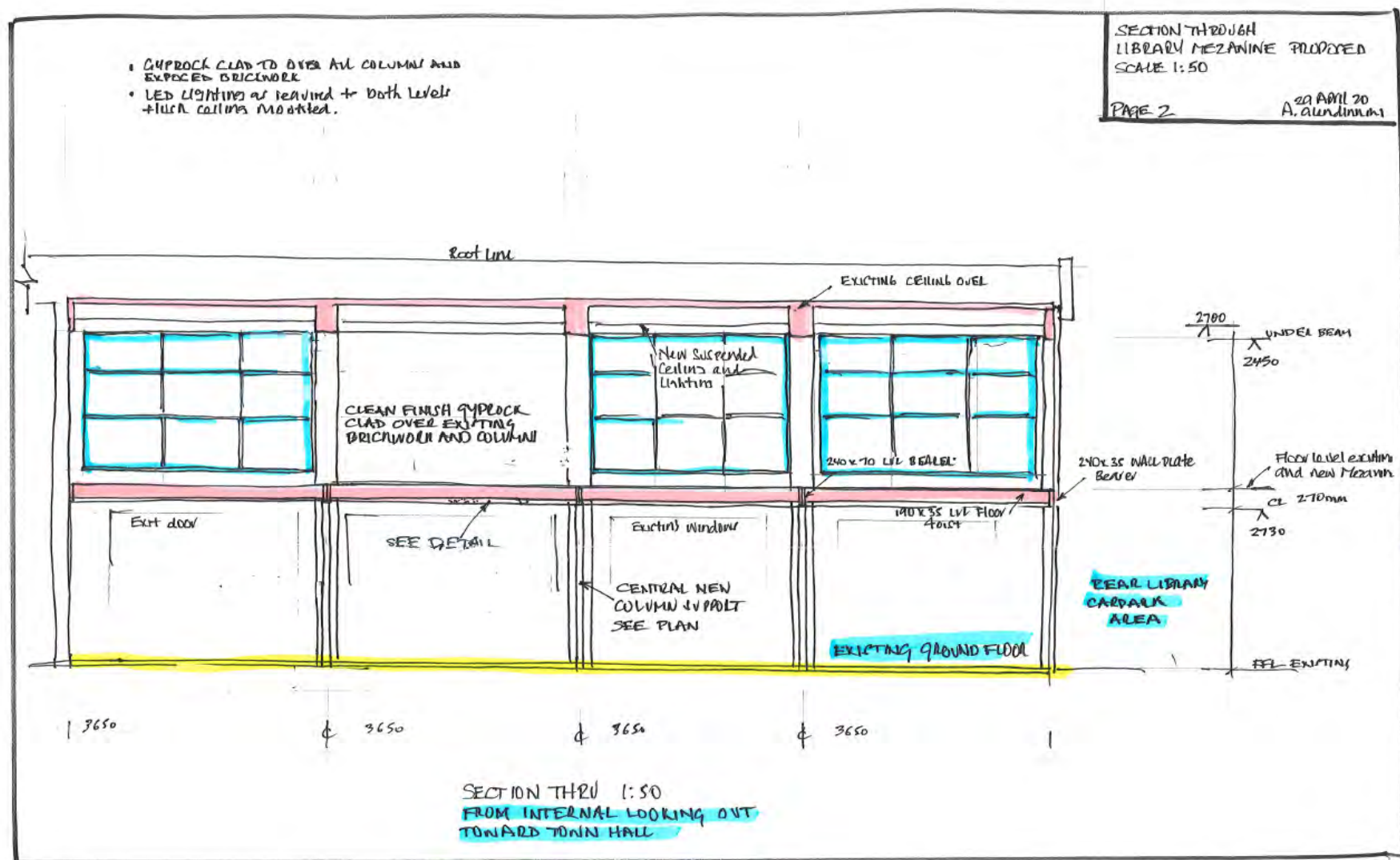


## LIBRARY SCHEMATIC DESIGN FIRST FLOOR

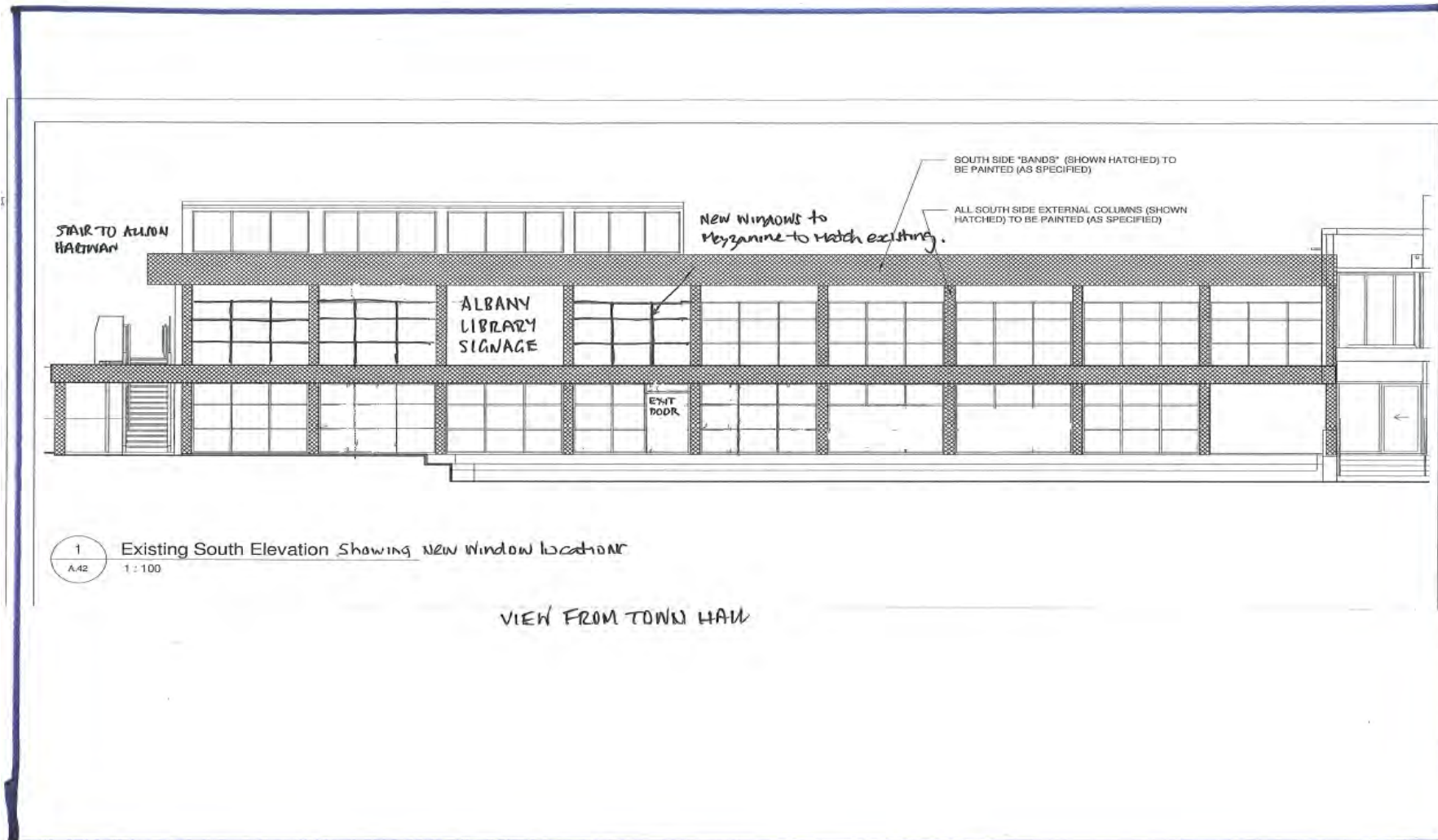
Highlighted area showing first floor space occupied by AHC Mezzanine



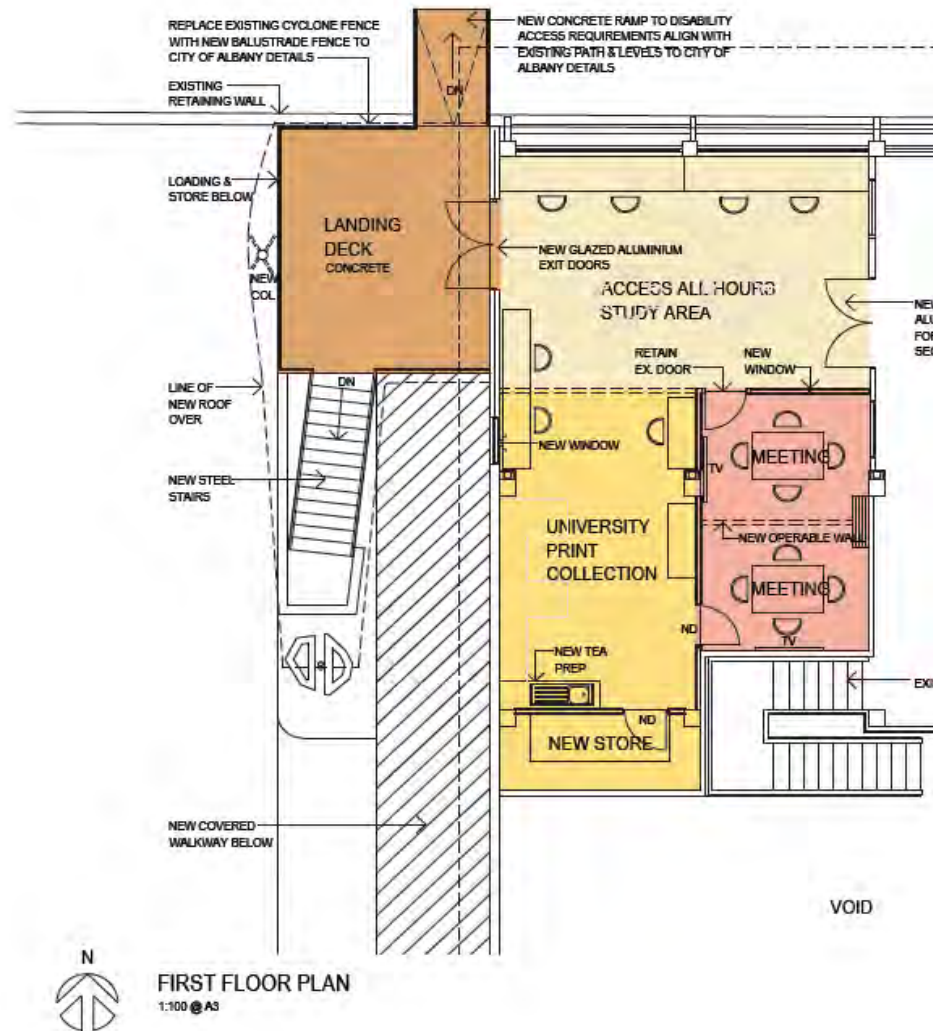
AHC Mezzanine Floor Plan and Floor section sketch



Section view from internal mezzanine looking out to Town Square



Elevation from Town Square showing new mezzanine windows location



Indicative Floor Plan – After Hours Study Space

**CCS254: CITY UPDATE QUARTER 3 MARCH 2020**

**Report Prepared By** : Facilitator - Strategy and Improvement (S Grimmer)  
**Responsible Officers:** : Executive Director Community and Corporate Services (D Olde)

**STRATEGIC IMPLICATIONS**

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
  - **Theme:** Leadership.
  - **Objective:** To provide strong, accountable leadership supported by a skilled and professional workforce
  - **Community Priority:** Provide positive leadership that delivers community outcomes.

**In Brief:**

- The quarterly City Update reports progress against the Strategic Objectives and Operational Priorities as outlined in the City's integrated planning and reporting framework and the supporting budget. This quarter has been impacted by the COVID-19 Pandemic.

**RECOMMENDATION**

**CCS254: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR STEPHENS**  
**SECONDED: COUNCILOR TERRY**

**THAT the City Update Report for the March 2020 quarter be NOTED.**

**CARRIED 12-0**

**BACKGROUND**

2. The City Update provides a quarterly snapshot on how the City is performing against the priorities set in the Corporate Business Plan.
3. A simple traffic light and comments system is used to report on the progress made against agreed performance targets
4. This is the third report for the 2019/20 financial year for the quarter ending the 31<sup>st</sup> of March 2020.
5. The Scorecard format aligns with the Your City brand.

**DISCUSSION**

6. The City's performance is reported via the quarterly City Update and monthly Financial Reports.
7. The March 2020 report confirms that despite the impact of the COVID-19 Pandemic, the City remains on track to meet the majority of the CEO's KPI's and to deliver the majority of scheduled Major Projects.
8. However the pandemic has had a significant impact on service delivery with a number of business units (including ALAC, Albany Public Library, Albany Visitors Centre, National ANZAC Centre and Vancouver Art Centre) required to close.
9. The pandemic has also had a significant impact on Revenue and City Managers are currently reviewing their operations and budgets to find savings to offset. These changes will be reflected in the 2020/21 Budget and the City's Long Term Financial Plan.

## GOVERNMENT & PUBLIC CONSULTATION

10. The Albany quarterly City Update is modelled on similar approaches from across the Local Government sector.

## STATUTORY IMPLICATIONS

11. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring and reporting progress.

## POLICY IMPLICATIONS

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

## 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
<b>Reputation.</b> Unable to deliver against commitments made.	Likely	Major	High	Reprioritise activities to respond to COVID-19 in consultation with the community
<b>Service Delivery Disruption</b> as a result of the COVID-19	Almost Certain	Severe	Extreme	Comply with Government directives and address the health risk in everything we do

## FINANCIAL IMPLICATIONS

14. While there are no direct financial implications in relation to the Scorecard the COVID-19 Pandemic means the City is looking for significant savings in the 2020/21 budget and beyond to offset the impact on revenue.

## LEGAL IMPLICATIONS

15. There are no legal implications relevant to this report.

## ENVIRONMENTAL CONSIDERATIONS

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

## ALTERNATE OPTIONS

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

## CONCLUSION

18. The City Update provides a snapshot on how the City of Albany is performing against it's Integrated Planning and Reporting framework.

Consulted References	:	Local Government Act 1995 Western Australia - Integrated Planning & Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	Annual Adoption of Corporate Business Plan

## DIS207: C20005 - DESIGN AND CONSTRUCT GROUNDS MAINTENANCE SHED

<b>Land Description</b>	: Centennial Park – Western Precinct
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: <b>Commercial in Confidence:</b> Grounds Maintenance Shed, Tender Evaluation and Budget Reallocation
<b>Report Prepared By</b>	: Major Projects Manager (A. McEwan) Manager City Reserves (J Freeman)
<b>Report Prepared By</b>	: Executive Director Infrastructure, Development & Environment (P. Camins)

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

**6.55PM** Councillor Terry declared a Financial Interest in this report and left the Chamber.

### STRATEGIC IMPLICATIONS

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

### Maps and Diagrams:



### In Brief:

- Approval is sought to for the re-allocation of budget to this project in order to deliver this infrastructure.
- Noting the completion of the competitive tender process, approval is sought to award the tender for the Contract C20005 - Design and Construct Grounds Maintenance Shed to MCB Constructions.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS207: RESOLUTION**  
**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR THOMSON**  
**SECONDED: COUNCILLOR STEPHENS**

**THAT Council:**

1. **APPROVE** the Budget Reallocation of \$120,000.00 from account 15544 (Developed Parks & Reserves Capital Expenditure) to account 3869 (CPSP Stage 2 Western Public Realm Enhancements) – Gardener's Shed; and
2. **ACCEPT** the tender from MCB Constructions and **AWARD** Contract C20005 – Design and Construct Grounds Maintenance Shed to MCB Constructions.

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

**DIS207: COMMITTEE RECOMMENDATION**

**MOVED: COUNCILLOR SUTTON**  
**SECONDED: COUNCILLOR SHANHUN**

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

**CARRIED 11-0**

**DIS207: RESPONSIBLE OFFICER RECOMMENDATION**

**THAT Council:**

1. **APPROVE** the Budget Reallocation of \$120,000.00 from account 15544 (Developed Parks & Reserves Capital Expenditure) to account 3869 (CPSP Stage 2 Western Public Realm Enhancements) – Gardener's Shed; and
2. **ACCEPT** the tender from MCB Constructions and **AWARD** Contract C20005 – Design and Construct Grounds Maintenance Shed to MCB Constructions.

**BACKGROUND**

3. The shed facility has always been identified in the Precinct Master Plan as a requirement.
4. The proposed new shed facility will house all specialised equipment required for the ongoing maintenance of the Centennial Park Sporting Precinct (CPSP).
5. The current maintenance facility (Maintenance Shed) is an eclectic mix of ageing dongas and sheds placed over time as required for equipment plant and material storage.
6. The gardener's maintenance shed is in poor condition, looks unsightly and cannot house all of the specialised ground maintenance equipment, resulting in expensive equipment being exposed to weather.
7. The Centennial Park Grounds Maintenance Shed was originally planned to be located adjacent to the ALAC facility. Following feedback from key stakeholder engagement, it was agreed with Council that a tender award be postponed and an alternative site(s) be investigated.
8. A project update was presented to Elected Members on 12 February 2020 and the preferred site was identified to be at the same location as the existing facility. The new facility was subsequently modified to minimise impacts and suit requirements.

9. A significant portion of funds (\$250,000) has been allocated to this project from State funds, as part of the \$6.9Mil CPSP State Election Commitment.

## DISCUSSION

10. The standard tender process was undertaken as prescribed by the *Local Government Act 1995* (the Act) and *Local Government (Function and General) Regulations 1996* (the Regulations).
11. Tenders were advertised both state-wide and locally from the 18 March 2020 and were closed on 2 April 2020.
12. Thirteen (13) tender documents were downloaded from the City of Albany website, resulting in the City receiving two (2) conforming tender submissions.

## Evaluation of Tenders

13. The tender panel evaluated tenders using the weighted criteria methodology across five key areas, shown in Table 1.

**Table 1 – Evaluation Criteria**

Criteria	% Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Cost	50%
Total	100%

14. The following Table 2 summarises the tenders and the overall evaluation scores applicable.

**Table 2 – Summary of Tender Submissions**

Tenderer	Total	Rank
MCB Constructions	603.17	1
Tenderer B	581.83	2

15. MCB Constructions ranked highest with the highest total weighted score.
16. From the evaluation scoring, reference check, clarification, and financial check processes MCB Constructions are the preferred tender and consequently it is recommended that their tender be accepted and the contract be awarded.

## GOVERNMENT & PUBLIC CONSULTATION

17. Public Consultation: original engagement was held with the broader community during June 2019 regarding the siting of the shed facility near ALAC and its impacts to existing services, including the required relocation of existing playground. Further engagement was held with key community stakeholder (sporting) group during August 2019. Generally, the proposal was rejected.
18. Concerns that were noted included:
- The bulk and scale of the proposed shed;
  - Its orientation and siting affects public interface of hockey facility;
  - Removal of the existing playground not supports;
  - Relocation of playground would impact on other sporting codes (cricket/soccer);
  - Vehicle access and movements will create an unsafe environment;
  - Formalised access through carpark is required.

19. As a result of feedback, alternative siting options were analysed and the facility was re-designed to address concerns and minimise impacts. A project update was presented to Elected Members on 12 February 2020 and the preferred site was identified to be at the same location as the existing facility.
20. Lower Great Southern Hockey Association confirmed acceptance of the current proposed site location on 3rd Feb 2020 and nearby residents at Boronia Village have been informed. The proposed location does not affect any other sporting group.
21. The funding body and public will be notified with regard to the outcome of the award and timeframe for implementation.
22. The various funding bodies receive regular updates in accordance with individual agreements and will be advised of the outcome of the tender process and the timeframe for construction.

### STATUTORY IMPLICATIONS

23. Regulation 11 of the Regulations requires Council to publicly tender if the contract is, or is expected to be, more, or worth more than \$150,000.
24. Regulation 18 of the Regulations outlines a number of requirements relating to choice of tender. Council is to decide which of the acceptable tenders is the most advantageous to Council. It may also decline to accept any tender.
25. Regulation 19 of the Regulations requires Council to advise each tenderer in writing of Council's decision.
26. Voting Requirement: **Absolute Majority.**

### POLICY IMPLICATIONS

27. The City of Albany Tender Policy and Regional Price Preference Policy are applicable to this item.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>People Health &amp; Safety</b> <i>Risk: Continued use of the current shed will expose employees to unsafe working conditions.</i>	Possible	Moderate	Medium	Build new maintenance shed.
<b>Environment</b> <i>Risk: Current facility is not designed to contain hydrocarbon (oil, fuel) spills, which continue to put at risk contamination into adjacent waterway.</i>	Likely	Moderate	Medium	Build new maintenance shed and mitigate the likelihood of environmental contamination.
<b>Financial &amp; Sponsor Reputation</b> <i>Lost opportunity to replace and end of life asset with State funding being made available.</i>	Almost Certain	High	Moderate	Approve proposed project or alternatively reallocate to another projects within CPSP guidelines.
<b>Community Reputation</b> <i>Consultation has identified that this site is preferred. Selecting an alternative site locations were explored may not be deemed satisfactory to directly impacted key stakeholders, grounds staff, sporting groups (i.e. Cricket, Hockey etc.).</i>	Almost Certain	Medium	Minor	Build maintenance shed in current location.
<b>Works Operation</b> <i>Insufficient and inadequate storage and working facilities, to service precinct and increasing demands.</i>	Almost Certain	Medium	Moderate	Build maintenance shed to protect stored equipment and material, mitigating and/or reducing deterioration by exposure to weather.
<b>Opportunity:</b> Enable better service delivery and extend equipment serviceable lifespan.				

**FINANCIAL IMPLICATIONS**

29. In summary, the financial status of the project funding can be reported as follows:

Item	Budget	Price excl. GST	%
1	CPSP State Election Commitment (from \$7.9Mil)	\$ 250,000.00	83%
2	Reserves	\$ 50,000.00	17%
<b>Total Budget Total ex GST</b>		<b>\$ 300,000.00</b>	

30. In order to fully deliver this infrastructure in its new location, it is proposed that the anticipated overspend can be funded through a number of cost savings have been identified in non-essential areas of the project.

31. In addition, Council approval is sought to for the re-allocation of budget to this project as follows:

YR	RESERVES identified non-essential projects (*)	Budget Reallocation
19/20	1664 – Horse Exercise Areas	\$20,000.00
19/20	2695 – Visitor Info Bay Renewals	\$50,000.00
19/20	2693 – ALAC Garden Renewals	\$25,000.00
19/20	2918 – Lawley Park Heritage Concept Plan	\$25,000.00
<b>Total amount to be reallocated ex GST</b>		<b>\$120,000.00</b>

**LEGAL IMPLICATIONS**

32. Responsibility has been assigned to ensure contractual terms for all aspects of this project are applied.

**ENVIRONMENTAL CONSIDERATIONS**

33. The contractor's environmental sustainability policy will apply to this contract.

34. Site management controls will be enforced to mitigate adverse any possible environmental impacts.

**ALTERNATE OPTIONS**

35. The options are:

- Accept the recommended tender;
- Not approve any tender; or
- Select an alternative tender.

**CONCLUSION**

36. On reviewing the submissions, MCB Constructions are deemed the most advantageous tenderer across the evaluation criteria for the construction of the Grounds Maintenance Shed. Their tender was well detailed and demonstrated a good understanding of the project objectives.

37. MCB Constructions proposed tender be accepted and awarded.

Consulted References	:	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> <li>Local Government (Functions and General) Regulations 1996</li> <li>Purchasing Policy (Tenders and Quotes), including procedures</li> <li>City of Albany Buy Local Policy (Regional Price Preference)</li> </ul>
File Number (Name of Ward)	:	CP.PLA.9
Previous Reference	:	<ul style="list-style-type: none"> <li>Grounds Maintenance Shed – Council Briefing Wednesday 12 February 2020</li> <li>Confidential Briefing Note to Elected Members, Tuesday 28 April 2020.</li> </ul>

6.56PM Councillor Terry returned to the Chamber. Councillor Terry was not present during the discussion and vote for this item.

## DIS209: SWIMMING ENCLOSURE REPLACEMENT

<b>Land Description</b>	: Ellen Cove, Middleton Beach, Albany
<b>Proponent / Owner</b>	: City of Albany
<b>Attachments</b>	: Confidential Briefing Note
<b>Report Prepared By</b>	: Senior Civil Engineering Officer (R Westerberg)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### STRATEGIC IMPLICATIONS

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

#### In Brief:

- In March 2016 the City installed a Swimming Enclosure at Ellen Cove, Middleton Beach.
- The Swimming Enclosure has now been in place for 4 years and 2 months.
- The Swimming Enclosure has performed well and the community feedback has been positive.
- The condition of the Swimming Enclosure has deteriorated to a point where action must be taken.
- It is proposed to put to public tender the replacement of the enclosure.



### COVID-19 IMPACT

- No identified implications.

### RECOMMENDATION

#### DIS209: RESOLUTION

#### VOTING REQUIREMENT: ABSOLUTE MAJORITY

#### MOVED: COUNCILLOR STOCKS

#### SECONDED: COUNCILLOR THOMSON

#### THAT Council:

1. AUTHORISE staff to proceed with advocating to the WA Minister for Fisheries to assist in funding the replacement of the swimming enclosure.
2. AUTHORISE the tendering for replacement of the Swimming Enclosure, noting award of tender will be subject to Council approval.

CARRIED 11-1  
ABSOLUTE MAJORITY

### Record of Vote

Against the Motion: Councillor Goode

DIS209: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS

SECONDED: COUNCILLOR HAMMOND

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 11-1

**Record of Vote**

Against the Motion: Councillor Goode

DIS209: RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. AUTHORISE staff to proceed with advocating to the WA Minister for Fisheries to assist in funding the replacement of the swimming enclosure.
2. AUTHORISE the tendering for replacement of the Swimming Enclosure, noting award of tender will be subject to Council approval.

**BACKGROUND**

2. In March 2016 the City installed a Swimming Enclosure at Ellen Cove, Middleton Beach with a \$200,000 Grant from the State Government, Department of Premier and Cabinet.
3. Global Marine Enclosures (GME) won a competitive tender process to install the Swimming Enclosure and have since been maintaining the Swimming Enclosure.
4. The three-year trial of the Swimming Enclosure ended at the end of March 2019, with inspection and maintenance continuing to ensure the Swimming Enclosure remains secure.
5. The Swimming Enclosure at Ellen Cove has been very popular with the community. A past survey of the community in March 2017 found that 93.15% of people saw value in the City installing and maintaining the enclosure.
6. The City owns the swimming enclosure infrastructure including the anchoring system. The anchoring system has a longer lifespan (approximately 20 – 30 years) and could potentially be used to install a different product.
7. An open market tender was released on 13 February 2019 for the replacement of the existing swimming enclosure.
  - a. The tender was release with the intent to find a suitable supplier for a five (5) year period and that supplier would be responsible for the:  
*“supply, installation, inspection and maintenance of the Shark Exclusion Barrier, including design and approvals, insurance, installation (including fittings), contract management, labour, materials, plant and equipment, interest and profit and any item or cost considered relevant or required to fulfil the requirements of the contract.”*
  - b. The tendered price was based on a flat monthly fee for 60 months. This way the cost of the net would be amortised across the life of the contract.
  - c. The tender closed on 7 March 2019. The tendered total contract costs were well in excess of the budget allowances made for the replacement and maintenance costs.
  - d. Subsequently, the tender was not awarded.

**DISCUSSION**

8. Since the Swimming Enclosure trial has been installed, further research and development in the technology of the existing product and competing products has occurred.
9. The current swimming enclosure is showing signs of significant wear throughout the structure. The surf zone of the enclosure is showing more wear than other areas.

10. Given the results of the tender in 2019, City officers investigated other options to more cost-effectively retain the swimming enclosure.
11. Until recently, consideration had been given to a phased replacement strategy that would provide for effective expenditure and a completely replaced enclosure over a 2.5-year period. However, recent deterioration of the enclosure, evidenced by underwater inspections, has required a reassessment of the priority areas and the sequencing of the phases.
12. Due to the unpredictable rate of deterioration of the enclosure, a complete replacement is now recommended to significantly reduce the risk of a major failure of the enclosure.
13. The tender for the replacement of the swimming enclosure will be based on:
  - a. The removal of the existing swimming enclosure, excluding the existing anchor points, concrete anchor blocks, anchors and base chain;
  - b. The installation of a complete new swimming enclosure; and
  - c. The provision of inspection and minor maintenance (it will not require the tenderer to assume all responsibility and risk associated with maintenance of the enclosure, which led to the previously received high priced tender submissions).
14. Alternatives to replacing the enclosure are discussed in the “ALTERNATE OPTIONS” section.

#### GOVERNMENT & PUBLIC CONSULTATION

15. No specific public consultation has been conducted, noting as detailed in the discussion section of the report a past survey of the community was conducted in March 2017, where 93.15% of respondents saw value in the City maintaining the enclosure
16. As part of any future works going forward, consultation will be conducted with Department of Transport, Department of Lands and the Great Southern Port Authority.

#### STATUTORY IMPLICATIONS

17. The award of tender will be subject to the *Local Government Act 1995* and regulations.

#### POLICY IMPLICATIONS

18. Not applicable to this report.

#### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Reputation and Financial:</b> <i>There is a risk that delays or inaction will result in major failure of the swimming enclosure resulting in reputational damage.</i>	<i>Possible</i>	<i>Moderate</i>	<i>Medium</i>	<i>Preparation for a tender process is underway. Consideration given to reduce tendering timeframes.</i>
<b>Environment and Financial</b> <i>Risk: Major failure in the structure (storm) will result in contamination of the seabed and potentially very costly to remove</i>	<i>Likely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Dismantle and remove existing structure and replace with new fit for purpose structure</i>

### **FINANCIAL IMPLICATIONS**

20. The proposed budget, spread over several years has been established based on a staged replacement program and not on up-front full replacement. As identified in the background a full replacement is now the recommended option.
21. Should the full replacement be endorsed, a budget review to consolidate the staged figures will be required, subject to Council approval.
22. A monthly inspection will continue to be required with a minor maintenance program. With a new enclosure, the frequency of inspections may be able to be reduced, which would reduce the operational costs.

### **LEGAL IMPLICATIONS**

23. There are no direct legal implications related to this report.

### **ENVIRONMENTAL CONSIDERATIONS**

24. The required environmental approvals have been or will be sought to extend any existing permits required to maintain the deployment of the swimming enclosure.

### **ALTERNATE OPTIONS**

25. Removal of the swimming enclosure with no replacement.
26. Removal of the enclosure and the establishment of alternative shark mitigation measures (to be advised by Department of Fisheries).

### **CONCLUSION**

27. The swimming enclosure at Ellen Cove is considered a valued asset in the City of Albany community.
28. The existing enclosure has exceeded the minimum life expectancy and has performed well in its purpose of maintaining separation between large fauna and swimmers.
29. The recommendation is to:
  - a. Continue to advocate for funding to assist the City in the replacement of the swimming enclosure.
  - b. Commence the tender process based on a complete replacement of the swimming enclosure.
  - c. Report back to Council.

Consulted References	:	<i>Local Government Act 1995</i>
File Number (Name of Ward)	:	Frederickstown Ward
Previous Reference	:	OCM June 2016 – Resolution DIS028 (Ellen Cove Swimming Enclosure – Three Year Trial) OCM October 2015 – Resolution WS091 (Shark Barrier Feasibility)

## DIS210: SINGLE HOUSE – OVERSIZE OUTBUILDING – LOT 109, 248 GREATREX ROAD, KING RIVER

<b>Land Description</b>	: Lot 109, 248 Greatrex Road, King River WA 6330
<b>Proponent</b>	: DR & ME Palmer
<b>Business Entity Name</b>	: NIL
<b>Attachments</b>	: 1. Copy of Application 2. Aerial image.
<b>Report Prepared By</b>	: Senior Planning Officer - (T Gunn)
<b>Responsible Officers:</b>	: Executive Director Infrastructure, Development and Environment (P Camins)

### STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making a decision on the proposed development application, Council is obliged to draw conclusion from its adopted *Community Strategic Plan – Albany 2030*.
  - a) The *Albany Community Strategic Plan – Albany 2030* recommends a proactive planning service that supports sustainable growth while reflecting our local character and heritage (Community Priority: 5.1.2).
3. The item relates to the following Strategic Objectives of the Albany Local Planning Strategy (ALPS):
  - a) *Plan for the sustainable supply of land for rural living purposes and maximise land use efficiency within existing rural living areas.*

### Maps and Diagrams: Lot 109, 248 Greatrex Road, King River



**In Brief:**

- The City of Albany has received a development application for an oversize outbuilding at lot 109, 248 Greatrex Road, King River.
- The application seeks variations to the City of Albany's Local Planning Policy - *Non-Habitable Structures*. The most significant of the proposed variations is for a 176.8m<sup>2</sup> floor area variation to the maximum that is allowed for in the policy.
- When assessed objectively against the principles of orderly and proper planning, staff can find no cogent reason or justification of why, in the particular circumstances of the proposal, a variation to the maximum floor space area for outbuildings on the site should be allowed.
- Staff recommend that Council refuse the application.

**COVID-19 IMPACT**

- No identified implications.

**RECOMMENDATION**

**DIS210: RESOLUTION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED: COUNCILLOR DOUGHTY**

**SECONDED: COUNCILLOR SMITH**

**THAT Council resolves to ISSUE a notice of determination refusing development approval, for Single House – Oversize Outbuilding at Lot 109, 248 Greatrex Road, King River, for the following reasons:**

- 1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, namely;**
  - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;**
  - (b) the requirements of orderly and proper planning;**
  - (g) any local planning policy for the Scheme area;**
  - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;**
  - (n) the amenity of the locality including the following –**
    - (ii) the character of the locality;**
- 2. The proposal does not comply with the objectives of the Rural Residential Zone, of Local Planning Scheme No.1.**

**CARRIED 10-2**

**Record of Vote**

Against the Motion: Councillors Sutton and Goode

**DIS210: COMMITTEE RECOMMENDATION**

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SMITH

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 10-2

**Record of Vote**

Against the Motion: Councillors Sutton and Goode

**DIS210: AMENDMENT BY COUNCILLOR THOMSON**

MOVED: COUNCILLOR THOMSON  
SECONDED: COUNCILLOR BENSON-LIDHOLM

THAT the Responsible Officer Recommendation be AMENDED to include the following paragraph:

“That the proponents be formally advised that a review of the City’s Non-Habitable Structures policy is underway, and once that review is complete be encouraged to liaise closely with City officers on matters including floor area, height, location, orientation and architectural finishing of the proposed structure should they wish to progress another application at that time.”

LOST 2-10

**Record of Vote**

For the Motion: Councillors Thomson and Benson-Lidholm

Councillor Thomson then proposed an amendment to the Responsible Officer Recommendation. Reason for the amendment being that the proponent should be encouraged to re-apply following the review of the City’s Non-Habitable Structures Policy.

**DIS210: RESPONSIBLE OFFICER RECOMMENDATION**

MOVED: MAYOR WELLINGTON  
SECONDED: COUNCILLOR SMITH

THAT Council resolves to ISSUE a notice of determination refusing development approval, for Single House – Oversize Outbuilding at Lot 109, 248 Greatrex Road, King River, for the following reasons:

1. The proposal does not satisfy the following matters to be considered as identified in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, namely;
  - (c) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
  - (d) the requirements of orderly and proper planning;
  - (g) any local planning policy for the Scheme area;
  - (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - (n) the amenity of the locality including the following –
    - (ii) the character of the locality;
2. The proposal does not comply with the objectives of the Rural Residential Zone, of Local Planning Scheme No.1.

## BACKGROUND

4. The City of Albany has received a development application for an oversize outbuilding at Lot 109, 248 Greatrex Road, King River.
5. The subject site is 1.97 hectares in area and zoned Rural Residential Area 17 under Local Planning Scheme No.1 (LPS 1).
6. The subject site is located approximately 7km north of the Albany CBD. The subject site is predominantly cleared and flat. The property currently contains an existing dwelling and outbuilding.
7. The subject site is surrounded by developed Rural Residential properties to the east and west, City of Albany and Crown reserves to the south, and General Agriculture land to the north.
8. The application proposes an outbuilding 216m<sup>2</sup> (18mx12m) in size, with a wall and ridge height of 4.2m and 4.8m (from finished floor level) respectively. The outbuilding is proposed to be located at the front of the lot, between the existing dwelling and Greatrex Road.
9. The outbuilding is proposed to be finished in 'Paperbark' colorbond cladding for both the wall and roof sheets. A charcoal finish is proposed for the doors and gutters.
10. The application seeks a number of variations to the City of Albany's Local Planning Policy - *Non-Habitable Structures* (the Policy). The most pertinent variation is the request to vary the maximum outbuilding floor area permitted on site by 176.8m<sup>2</sup>, resulting in a total outbuilding area of area of 376.8m<sup>2</sup> on the lot. Noting that the policy provision is for 200m<sup>2</sup>.
11. The application was advertised for public comment for a period of 16 days, with nearby landowners directly notified by letter. Although no submissions were received as part of the advertising process, letters of support from the both the adjoining eastern and western landowners were garnered by the applicant and submitted with the proposal.
12. At the April 2020 Ordinary Council Meeting it was resolved to review the current Non Habitable Structures Policy, with a view to relaxing the current Maximum Floor Area requirements in certain circumstances.
13. Noting that the review has not yet occurred, the applicant was contacted and advised of the resolution. It was recommended that the proposal be deferred until after the review has taken place, as otherwise, the proposal will be required to be determined in accordance with the current policy. Due to the potential delays, the applicant seeks to have the application determined against the current Policy.
14. Council is now requested to consider the merits of the application and determine whether to approve or refuse the development application.

## DISCUSSION

15. The applicant is seeking approval to build the 216m<sup>2</sup> outbuilding approximately 35m from the front boundary and, 20m from the eastern boundary and 38m from the western boundary. The proposed setbacks are compliant with the setbacks listed under LPS 1.
16. The applicant has provided the following justification for the development:

*"The two main reasons for this request is that I currently have a caravan and car trailer that I leave outside, as I have no space left in my existing shed, and they are deteriorating due to this, I also have a real passion for old vintage machinery.*

*As I move towards my retirement, I would like to start preparing for it. The restoring of these old pieces of equipment and showing them at the vintage/tractor shows throughout the year is something I really want to do. I'm a member of the Great Southern Trachmac association and have already acquired a couple of vintage piece with the vision to expand on this, unfortunately I have to leave these outside as well in the weather, I try to cover*

*them with tarps which isn't easy with the weather Albany receives throughout the winter period.*

*The property has a bush reserve on the Southern side, we have two great neighbours that have written an approved letter for the 2<sup>nd</sup> outbuilding support, and finally we have farmland adjoining the bottom of our 5 acres to the North. This development will not spoil the current aesthetic of the area I believe it will be enhanced by it, as you only have to go two doors down to see if you don't have adequate shed space you end up with a complete eye sore that I drive by every day, I certainly don't want this happening on our block. Having said this if council feels some extra screening is required to assist with the approval decision, I am more than happy to work with council to reach a practical outcome for all."*

17. The applicant was also given the opportunity to provide further justification of why they require the outbuilding size. They advised that they have a caravan, 2 x small dozers, 1 x ute, 2 x Trailers currently outside.
18. The inclusion of the dozers raises concerns from staff that the outbuilding may be used for purposes not consistent with a rural residential outbuilding. On this basis the use may be more correctly classified as 'storage', which is a land use not suitable for the zone.
19. The City of Albany *Non-Habitable Structures* Local Planning Policy is the primary policy document used to assess the proposal. By way of background, the policy was adopted unanimously by Council at the March 2013 Ordinary Council Meeting.
20. The objective of the Policy is:  
*"To achieve a balance between providing for various legitimate storage needs of residents while minimising any adverse impacts non-habitable structures may have on the locality."*
21. The primary methods that the policy utilises to achieve the aforementioned policy objective is by controlling maximum heights, floor areas and providing guidance on the appropriate siting of outbuildings.
22. Table 1 of the Policy outlines the maximum allowable height and floor area specifications for non-habitable structures throughout the municipality, based on the zoning and lot size. The table below outlines the provisions applicable to the subject site.

*For Rural Residential Zone lots less than 2 hectares*

Standard	Maximum	Proposed
Wall Height from natural ground level	4.2m	4.5m
Ridge Height from natural level	4.8m	4.9m
Floor Area (combined floor area of all non-habitable structures on lot)	200m <sup>2</sup>	Total floor area - 376.8m <sup>2</sup>

23. The policy provisions and dimensions in the above table were created to avoid unwanted built form, by providing a policy framework to balance the ability to build appropriate outbuildings against preventing inappropriately located and excessively large outbuildings being constructed
24. Setting aside the significant floor area variation which would be required to obtain approval, if Council were of the view of supporting the proposal, it would be recommend that condition be imposed requiring the outbuilding itself to be reduced in height, or marginally cut into the existing topography to comply with the Policy.

25. From a siting perspective, the policy outlines that non-habitable structures should be located towards the rear of the lot. The intent of this provision is to avoid large blank walls facing the street and to have the primary dwelling, which generally of a higher design standard and design, as the main focal point. Officers are of the view that this policy provision is not met, as the proposed outbuilding is located towards the front boundary, directly in between the dwelling and road. Further to this, the proposed outbuilding is a bland, metal-clad structure, devoid of any architectural features that may mitigate this significant departure from the policy position in respect to siting.
26. The first objective of the Rural Residential zone is to *'create small rural land holdings for residents who wish to enjoy a residential lifestyle within a rural landscape and environment'*. The site like the majority of others in the area is long and narrow. Built form is typically congested and clustered towards the street. While some boundary vegetation exists, fencing is typical rural post and wire railing. Notwithstanding the correspondence received from neighbours, built structures still have the potential to adversely affect adjoining properties in significant ways, at times undermining amenity and streetscape. Large and numerous outbuildings being constructed throughout the landscape are not acceptable nor appropriate within the area.
27. Whilst there is some vegetation along the road and front boundary, and the applicant is amicable to further screen planting, staff consider the proposal would still be unacceptably visible from public vantage points and neighbouring properties.
28. In terms of size, noting the existing 160.8m<sup>2</sup> outbuilding on site, staff consider the construction of an additional new standalone 216m<sup>2</sup> structure represents a significant departure from the overall policy allowance of 200m<sup>2</sup>.
29. It is important to note that the floor space controls are contained within a Local Planning Policy. As such, it to be made clear that there is the ability to apply discretion to the proposal against the policy. While discretion to approve the proposal may exist, as a decision maker, it is incumbent on the City of Albany to ensure that decisions are made consistently and in accordance with proper and orderly planning principles.
30. If the exercise of discretion is to be considered orderly, the planning principles identified as relevant to an application (*Non habitable Structures Policy*) should not be lightly departed from without the demonstration of a sound basis for doing so. As such, the notion that the applicant has an abundance of possessions and requests a significantly larger shed than the policy allows, is not considered a cogent reason to depart from the policy. The lack of compliance with the siting measures outlined above further reinforce this finding.
31. As a decision maker it is critical to ensure that decisions are made consistently. There is a distinct risk that if variations to the policy are granted against limited planning grounds, such as this proposal, that the City of Albany will prejudice its position in being able to apply the policy consistently in the future.
32. Further to the above, the construction industry in general is well aware of the sizes contained within the policy and rarely requests variations to the size of non-habitable structures. This indicates that the vast majority are accepting of the generous sizes contained within the Policy.
33. Further to this, it would likely negatively impede on neighbouring properties, including visual amenity and potentially the enjoyment of their land. The proposal therefore directly conflicts with the objectives of the Rural Residential zone under clause 3.2.17 of LPS 1. It is noted that the primary objective of the zone is *'Provide for residential and limited incidental land uses'*.
34. Officers are of the view that giving consideration to this residential alignment of the zone, that 376m<sup>2</sup> of outbuildings is beyond what might be considered reasonable for the purpose of storing personal assets in the Rural Residential zone.

35. It is considered that there are limited orderly and proper reasons for such a significant departure from the policy and zone objectives. Staff are of the view that the sizes contained within the policy are considerably generous and that the City of Albany has some of the most liberal outbuilding sizes compared to other local governments within the State. If the applicant's storage needs are so significant, it may be appropriate for them to investigate off site storage measures.
36. Given the reasoning applied in the above paragraphs, after considering the matter against the statutory framework, including the discretion afforded when applying Local Planning Policies, officers are of the view that the proposal does not represent proper and orderly planning and should be refused.

## GOVERNMENT & PUBLIC CONSULTATION

37. The application was advertised for public comment for a period of 16 days, with nearby landowners directly notified by letter. No submissions were received as part of the advertising process, however letters of support from the both the adjoining eastern and western landowners were sought by the owner and submitted with the application detail.

Type of Engagement	Method of Engagement	Engagement Dates	Participation (Number)	Statutory Consultation
Consult	Mail Out	11/03/2020 to 27/03/2020	Nil Submissions received	No

## STATUTORY IMPLICATIONS

38. The subject land is zoned Rural Residential Area 17 under LPS 1.
39. The objectives listed under clause 3.2.17 of LPS for the Rural Residential Zone, are:
- a) *Create small rural land holdings for residents who wish to enjoy a residential lifestyle within a rural landscape and environment; and*
  - b) *Provide for residential and limited incidental land uses which:*
    - (i) *Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;*
    - (ii) *Do not visually detract from the landscape and the visual amenity of the locality;*
    - (iii) *Allow for uses and developments that are fit for purpose and minimise any on-site or off-site impacts such as soil erosion, nutrient loss, drainage and potential land use conflicts; and*
    - (iv) *Are located in close proximity to existing urban areas and can enjoy appropriate urban servicing to the lots including rubbish disposal,*
    - (v) *reticulated water, community facilities and fire infrastructure.*
40. As the review of the Non Habitable Structures Policy has not yet occurred, Council is required to consider the item against the current statutory framework.
41. From a governance perspective, approval of the current proposal, which is well in excess of the current of the Policy, could potentially prejudice an objective review of the Policy.
42. Voting requirement for this item is **SIMPLE MAJORITY**.

## POLICY IMPLICATIONS

43. The proposal is subject to assessment against the City of Albany *Non-Habitable Structures* Local Planning Policy.
44. Local Planning Policies are guidelines used to assist the local government in making decisions under the Local Planning Scheme. Although Local Planning Policies are not part of the Local Planning Scheme, they must be consistent with, and cannot vary, the intent of the Local Planning Scheme provisions.

45. In considering an application for Development Approval, the local government must have due regard to a Local Planning Policy as required under Schedule 2, Part 9, clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
46. For those reasons outlined within the officer comment section above, staff consider the proposal fails to meet the provisions and objectives of the Policy and that using discretion to approve the application would not represent proper and orderly planning.

### RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<b>Operational and Reputation.</b> <i>If the application were to be approved it would create an undesirable precedent for future applications, and prejudice the City in being able to apply the policy consistently. It would also generate unacceptable impacts on the amenity on the area.</i>	Possible	Moderate	Medium	<i>The application has been assessed against the relevant statutory framework. The reasons provided do not adequately demonstrate a variation to the Policy. Not supporting the development would continue to uphold the City's position on the application of the Policy.</i>

### FINANCIAL IMPLICATIONS

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

### LEGAL IMPLICATIONS

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

### ENVIRONMENTAL CONSIDERATIONS

50. There are no environmental implications directly relating to this item.

### ALTERNATE OPTIONS

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

### CONCLUSION

52. The applicant has exercised their right to lodge a planning proposal which results in the cumulative floor space of outbuildings on the property significantly exceeding the City of Albany Non Habitable Structures Local Planning Policy.
53. The planning proposal has been subject to significant review through its assessment, in a manner that has been objective, methodical, logical and systematic. The officer recommendation to refuse the planning proposal is not made without of a sound basis for doing so, and is grounded in the principles of orderly and proper planning.
54. If the exercise of discretion on a local planning policy is to be an orderly one, the planning principles identified as relevant to an application should not be lightly departed from without the demonstration of a sound basis for doing so.

55. The justification received from the applicant does not adequately demonstrate such a significant departure from the Policy. In addition to this, it is considered that a development of this scale does not comply with the objectives of the Rural Residential zone.
56. Supporting this application would erode the ability for the City to apply policy fairly and with equity. The policy sets out a very generous size, and the proposal does not provide any solid reasoning or justification to depart from this. If approved, it would be difficult to provide reasoning as to why this proposal was supported and others not. It would also likely encourage larger outbuildings on properties throughout the municipality, and could be used to set an undesirable precedent for future applications.
57. After carefully considering the proposal and for the reasons set out above, staff are not satisfied the objectives and development criteria of the policy are met. As a matter of orderly and proper planning, staff can find no cogent reason why, in the particular circumstances of the subject proposal, such a significant variation to the cumulative maximum outbuilding size should be allowed or approved.
58. It is therefore recommended that Council resolve to refuse the proposed development, in accordance with the reasons provided.

Consulted References	:	1. Local Planning Scheme No. 1 2. Albany Local Planning Strategy 2019 3. Planning and Development (Local Planning Schemes) Regulations 2015 4. City of Albany Local Planning Policy - <i>Non-Habitable Structures</i>
File Number (Name of Ward)	:	A181513 Yakamia Ward
Previous Reference	:	Nil

**DIS211: PLANNING AND BUILDING REPORTS APRIL 2020**

**Proponent / Owner** : City of Albany.  
**Attachments** : Planning and Building Reports April 2020  
**Report Prepared By** : Administration Officer – Planning (A James)  
Administration Officer – Development Services (J Corcoran)  
**Responsible Officers:** : Manager Planning and Land Information Services  
(J Van Der Mescht)

**RECOMMENDATION**

**DIS211: RESOLUTION**  
**VOTING REQUIREMENT: SIMPLE MAJORITY**

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

**THAT Council NOTE the Planning and Building Reports for April 2020.**

**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** Nil
- 16. **REPORTS OF CITY OFFICERS** Nil
- 17. **MEETING CLOSED TO PUBLIC**

CCS252: REX REQUEST FOR FINANCIAL SUPPORT

**18. CLOSURE**

There being no further business the Mayor declared the meeting closed at **7.21PM**



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Dennis W Wellington  
**MAYOR**

**TABLED ADDRESS BY DR DARCY SMITH**

ADDRESS BY DARCY SMITH TO THE CITY OF ALBANY ORDINARY MEETING 27 MAY 2020

I am a medical practitioner and live opposite the rear of Old Farm, Strawberry Hill (OFSH). I have lived there for 31 years.

I object to OFSH being approved by the City of Albany as a venue for events. Past experience has shown events at OFSH cause grief to the nearby neighbours.

**1. Potential and past blocked entry to my home**

My most important objection is that when there is excessive parking people park their cars blocking the ROW to my home. The ROW is the only way to drive a vehicle in and out of my home.

I am an essential health worker. I work in A + E and also deliver babies. I need to be able to get to the hospital 24 hours a day, every day. In the past cars whose occupants are attending an event at OFSH have blocked my access to and from my property.

**2. Council have approved attendances of up to 260 people for events at OFSH**

There are 69 parking spaces at OFSH. About 20 of these have been blocked by green waste for 12 -18 months. Even if the 69 bays are available, where will the other 191 people park? Probably on the roads around OFSH. All the nearby roads are unsuitable for kerbside parking. So, is Middleton road. There is a high chance of illegal verge and unsafe kerbside parking. Parking on both sides of streets like Beauchamp Street means the ability for a car to drive down Beauchamp St when there is parking on both sides of the road, is hazardous or impossible. This has occurred in the past.

The National Trust in their application to Council sought attendances up to 260 people.

If the National Trust wants up to 260 patrons to attend events, then they should provide parking for 260 people. They have sufficient land to provide more parking.

I feel the wording of the Council approval in regard to off-site parking lacks detail and clear expectation. It says "Measures to prevent on-street parking by patrons on the streets surrounding the premises shall be implemented on the date of event/ functions, to the satisfaction of the City of Albany. " What satisfies the City of Albany?

**3. Noise**

I am concerned neighbours will be subjected to high volumes and long lasting noise. Apparently amplifiers are allowed. So, sooner or later someone will turn the volume up. 90 Decibels is quite loud. I am concerned Council will not or cannot measure noise levels at events. There is no one checking on sound compliance.

**4. Compliance generally**

If Council considers OFSH is satisfactory to undertake events, then Council needs to check on compliance in all the regards. My address now is required to be brief, but this point cannot be over emphasised. With compliance, there is objectivity.

**5. Poor information sharing by Council and Council consultation with Neighbours**

The CEO says there was some seeking of public opinion in 2015. I would like to see the detail of that. I wonder how comprehensive it was. Certainly, there has been no consultation from Council on the current building that is under construction. I own property in 7 different local government areas. The other local government bodies consult with neighbours in detail. What is going on within the City of Albany that there is such little consultation and involvement of neighbours to a project and proposed building.

**6. General concerns**

Past events at OFSH have provided inadequate toilet facilities. Past experience has seen late clean-up times.

All round OFSH is not suitable as an events venue. It is right in the middle of a residential area. There are many other venues in Albany that are available as an event venue.

**I ASK COUNCIL TO REVIEW THE CURRENT PLANNING APPROVAL FOR OFSH AND NOT ALLOW THE NATIONAL TRUST TO USE THE OFSH AS AN EVENTS VENUE OR MAKE SENSIBLE MODIFICATIONS.**

Darcy Smith