



AGENDA

Ordinary Meeting of Council

Tuesday 26 October 2021

6.00pm

Council Chambers



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Mayor and Councillors

The next Ordinary Meeting of the City of Albany will be held on Tuesday 26 October 2021 in the Council Chambers, 102 North Road, Yakamia commencing at 6.00pm.

Andrew Sharpe
CHIEF EXECUTIVE OFFICER

ORDINARY COUNCIL MEETING
AGENDA – 28/09/2021

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1. DECLARATION OF OPENING

Councillors' Elect will make their declaration witnessed by Superintendent Kim Travers of WAPOL.

Nominations will then be called for the position of Deputy Mayor.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

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

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

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

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor

D Wellington

Councillors:

Breaksea Ward

P Terry

Breaksea Ward

Councillor Elect A Cruse

Frederickstown Ward

G Stocks

Frederickstown Ward

Councillor Elect M Traill

Kalgan Ward

M Benson-Lidholm JP

Kalgan Ward

Councillor Elect T Brough

Vancouver Ward

J Shanhun

Vancouver Ward

Councillor Elect D Baesjou

West Ward

Councillor Smith

West Ward

Councillor Elect A Goode

Yakamia Ward

Councillor Thomson

Yakamia Ward

Councillor Elect R Sutton

Staff:

Chief Executive Officer

A Sharpe

Executive Director Corporate & Commercial Services

D Olde

Executive Director Infrastructure, Development

& Environment

P Camins

Executive Director Community Services

N Watson

Manager Planning and Building Services

J van der Mescht

Personal Assistant to Mayor and Councillors

D Clark

Meeting Secretary

J Williamson

Apologies:

4. DISCLOSURES OF INTEREST

Name	Report Item Number	Nature of Interest
Councillor Stocks	CCS386	Financial. The nature of the interest being that Councillor Stocks has met with Leeuwin Coast CEO with the intent of pursuing a financial relationship with Councillor Stocks' company. Councillor Stocks is the Managing Director of that company.

5. REPORTS OF MEMBERS

6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil

7. PUBLIC QUESTION TIME

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

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

8. APPLICATIONS FOR LEAVE OF ABSENCE

9. PETITIONS AND DEPUTATIONS Nil

10. CONFIRMATION OF MINUTES

DRAFT MOTION

VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the minutes of the Ordinary Council Meeting held on 28 September 2021, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

11. PRESENTATIONS Nil

12. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS Nil

CCS383: FINANCIAL ACTIVITY STATEMENT – AUGUST 2021

Proponent / Owner : City of Albany
Attachments : Financial Activity Statement - August 2021
Report Prepared By : Manager Finance (S Van Nierop)
Authorising Officer: : Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

IN BRIEF

- Under the Local Government Financial Management Regulations, a local government is to prepare on a monthly basis a statement of financial activity that is presented to Council.
- The City of Albany's Statement of Financial Activity for the period ending 31 August 2021 has been prepared and is attached.
- In addition, the City provides Council with a monthly investment summary to ensure the investment portfolio complies with the City's Investment of Surplus Funds Policy.

RECOMMENDATION

**CCS383: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Financial Activity Statement for the period ending 31 August 2021 be RECEIVED.

CCS383: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
SECONDED: COUNCILLOR THOMSON

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS383: AUTHORISING OFFICER RECOMMENDATION

THAT the Financial Activity Statement for the period ending 31 August 2021 be RECEIVED.

DISCUSSION

2. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
3. In order to fulfil statutory reporting obligations, the Financial Activity Statement prepared provides a snapshot of the City's year to date financial performance. The report provides:
 - (a) Statement of Financial Activity by Nature or Type;
 - (b) Explanation of material variances to year to date budget;
 - (c) Net Current Funding Position;
 - (d) Investment Portfolio Snapshot;
 - (e) Receivables; and
 - (f) Capital Acquisitions.

4. Additionally, each year a local government is to adopt a percentage or value to be used in the Statement of Financial Activity for reporting material variances. Under Council item CCS367, Council approved that a variance between actual and budget-to-date of greater than \$100,000 is considered to be a material variance for reporting purposes in the Statement of Financial Activity for 2021/2022.
5. The Statement of Financial Activity may be subject to year-end adjustments and has not been audited by the appointed auditor.
6. It is noted that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The 'errors' may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect."

STATUTORY IMPLICATIONS

7. Section 34 of the Local Government (Financial Management) Regulations 1996 provides:
 - 34(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
 - 34(2) Each statement of financial activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
 - 34(3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
 - 34(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
 - 34(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances

POLICY IMPLICATIONS

8. The City's 2021/22 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 August 2021 has been incurred in accordance with the 2021/22 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) is outlined in the Statement of Financial Activity. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

LEGAL IMPLICATIONS

12. Nil

ENVIRONMENTAL CONSIDERATIONS

13. Nil

ALTERNATE OPTIONS

14. Nil

CONCLUSION

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

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

CCS384: LIST OF ACCOUNTS FOR PAYMENT – SEPTEMBER 2021

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

STRATEGIC IMPLICATIONS

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

IN BRIEF

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

RECOMMENDATION

CCS384: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2021 totalling \$7,037,546.41 be RECEIVED.

CCS384: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SLEEMAN
 SECONDED: COUNCILLOR DOUGHTY

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS384: AUTHORISING OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 September 2021 totalling \$7,037,546.41.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 September 2021. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$0.00
Credit Cards	\$20,112.01
Payroll	\$1,774,764.84
Cheques	\$14,946.01
Electronic Funds Transfer	\$5,227,723.55
TOTAL	\$7,037,723.55

3. The table below summaries the total outstanding creditors as at 15 September 2021.

Current	\$466,514.73
30 Days	\$258,765.16
60 Days	\$53,052.70
90 Days	-\$26,075.85
TOTAL	\$752,256.74
Cancelled Cheques	Nil

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

9. Nil

ENVIRONMENTAL CONSIDERATIONS

10. Nil

ALTERNATE OPTIONS

11. Nil

CONCLUSION

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

Consulted References	:	<i>Local Government (Financial Management) Regulations 1996</i>
File Number (Name of Ward)	:	FM.FIR.2 – All Wards

**CCS385: DELEGATED AUTHORITY REPORTS – AUGUST 2021 to
SEPTEMBER 2021**

Proponent / Owner	: City of Albany
Attachments	: Executed Document and Common Seal Report.
Report Prepared By	: Personal Assistant to the ED Corporate & Commercial Services (H Bell)
Authorising Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS385: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Delegated Authority Reports 16 August 2021 to 15 September 2021 be RECEIVED.

CCS385: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR SLEEMAN

THAT the Responsible Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS385: AUTHORISING OFFICER RECOMMENDATION

THAT the Delegated Authority Reports 16 August 2021 to 15 September 2021 be RECEIVED.

BACKGROUND

2. 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

**CCS386: SUBLEASE – HARVEST ROAD OCEANS PTY LTD – LOT 506
SWARBRICK STREET EMU POINT**

- Land Description** : Lot 506 on Deposited Plan 422204, Swarbrick Street Emu Point
- Proponent** : Harvest Road Oceans Pty Ltd ACN 165 170 445
- Directors being Stephen Daly, John Hartman and Ann Atkins
 - Owners being Andrew Forrest and Nicola Forrest
- Owner** : Crown Leasehold (under head lease to City of Albany)
- Councillor Workstation** : Public Submissions
- Report Prepared by** : Team Leader Property and Leasing (T Catherall)
- Authorising Officer** : Executive Director Corporate and Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
- **Pillar:** Prosperity
 - **Outcome:** A strong, diverse and resilient economy with work opportunities for everyone.

Maps and Diagrams:



In Brief:

- Council, at its meeting 27 April 2021 approved the surrender of the current lease and a replacement sublease to Harvest Road Oceans Pty Ltd to redevelop an aquaculture facility at Emu Point.
- As part of the statutory process the proposed sublease was advertised for public comment and three submissions were received.
- This report requests that Council consider the submissions and decide whether to proceed with the proposed sublease.

RECOMMENDATION

**CCS386: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT Council:

- 1. NOTES its previous resolution of OCM 27 April 2021 Item CCS337 granting land tenure delegations.**
- 2. GRANTS the final sublease approval for Harvest Ocean Roads Pty Ltd over Lot 506 Swarbrick Street Emu Point subject to:**
 - a) The surrender of the lease being effective only on the granting of a new sublease to Harvest Road Oceans Pty Ltd.**
 - b) Sublease purpose being “aquaculture facility and associated commercial activities”.**
 - c) Sublease term being 50 years.**
 - d) Sublease rent being \$50,000 per annum plus GST, as determined by a licensed Valuer.**
 - e) Sublease area being approximately 7590m².**
 - f) All costs associated with the preparation, execution and completion of the sublease lease documentation being payable by the tenant.**
 - g) Sublease terms to reflect the head lease between the State of Western Australia and City of Albany.**
 - h) Sublease being consistent with Council Policy – Property Management (Leases and Licences).**

CCS386: COMMITTEE RECOMMENDATION

**MOVED: COUNCILLOR SUTTON
SECONDED: MAYOR WELLINGTON**

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 7-0

CCS386: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. NOTES its previous resolution of OCM 27 April 2021 Item CCS337 granting land tenure delegations.
2. GRANTS the final sublease approval for Harvest Ocean Roads Pty Ltd over Lot 506 Swarbrick Street Emu Point subject to:
 - a) The surrender of the lease being effective only on the granting of a new sublease to Harvest Road Oceans Pty Ltd.
 - b) Sublease purpose being “aquaculture facility and associated commercial activities”.
 - c) Sublease term being 50 years.
 - d) Sublease rent being \$50,000 per annum plus GST, as determined by a licensed Valuer.
 - e) Sublease area being approximately 7590m².
 - f) All costs associated with the preparation, execution and completion of the sublease lease documentation being payable by the tenant.
 - g) Sublease terms to reflect the head lease between the State of Western Australia and City of Albany.
 - h) Sublease being consistent with Council Policy – Property Management (Leases and Licences).

BACKGROUND

1. In February 2020, Council approved a new commercial lease to Harvest Road Oceans Pty Ltd (HRO) to continue aquaculture activities on the same land area of 5596m² previously leased by Ocean Foods on portion of Crown Reserve 42964, Emu Point for a term of 50 years.
2. HRO have since approached the City with a proposal to expand their lease area towards the foreshore to redevelop and expand aquaculture activities.
3. In order for the HRO development to progress the City has been required to negotiate with the Department of Planning, Lands and Heritage (DPLH) to secure land tenure. DPLH support the HRO project and a head lease /sublease land tenure model has been agreed.
4. The City will enter into a head lease with the State of WA and a sublease with HRO.
5. Council at its meeting of 27 April 2021 resolved the below in support of the HRO development over an expanded lease area:

THAT Council:

- i. APPROVES a request to the Minister for Lands to excise portion of land approx. 7465m² from Reserve 42964 and revert to the Department of Planning, Lands and Heritage to allow a head lease with the City of Albany.*
- ii. DELEGATES authority to the Chief Executive Officer to negotiate with Department of Planning, Lands and Heritage to secure and finalise a head lease with the State of WA over excised portion of Reserve 42964 to facilitate a sublease with Harvest Road Oceans Pty Ltd.*
- iii. DELEGATES authority to the Chief Executive Officer to approve the surrender of the current lease with Harvest Road Oceans Pty Ltd and replace with a sublease over excised portion of Reserve 42964 to expedite Harvest Road Oceans Pty Ltd aquaculture development proposal.*
- iv. All costs associated with tenure arrangements and lease documentation will be met by Harvest Road Oceans Pty Ltd.*

6. The development applications for HRO Stages 1 and 2 of the proposed Aquaculture Facility were approved by Council at Ordinary Meetings in March and August 2021 respectively.
7. In response to Council resolution in April and development approval in August, the sublease was advertised for a period of two weeks inviting submissions from the public on the disposal of property in accordance with Section 3.58 of the *Local Government Act 1995*.
8. Any submissions received to be considered by Council with the decision recorded in the minutes.
9. The advertising period closed on 23 September 2021 and a total of three submissions were received.

DISCUSSION

Submissions

10. The submissions are summarised in the table below, along with the City's comment on the submissions.

Summary of Submissions	Officer Comment
Concerns with impact on wildlife	<p>The development applications for Stages 1 and 2, were referred to relevant state agencies including the Department of Water and Environmental Regulation (DWER) and Department of Biodiversity, Conservation and Attractions (DBCA) for comment during assessment.</p> <p>There were no concerns raised or further information required by the relevant state agencies in their consideration of the applications, in regards to potential impacts from the proposed development on wildlife, including migratory shorebirds.</p>
Concerns with an expanded sublease area – lack of parking and accessibility	<p>A larger lease area is required to facilitate improvements to the sea wall/revetment wall and cater for an increase in operating capacity from the previous tenant.</p> <p>The City has developed a concept plan to add additional parking bays to the reserve and improve existing vehicle movements.</p> <p>Continued public access to the mud flats will be formalised by a pathway to the rear of the aquaculture facility.</p> <p>Direct unfettered public pedestrian access will be retained to existing Department of Transport 'Jetty C' as part of the development.</p>
Adverse impact on existing activities within the reserve	<p>HRO are required to provide a marked vehicle turnaround area and associated signage restricting pedestrian vehicle access to the Emu Point Slipway Services boat lifting and launching area and beyond.</p> <p>Heavy vehicle movements (arrival and departure) are anticipated to be approximately 8 per day during peak season which is not considered to be of a volume likely to adversely impact any existing activities within the reserve.</p> <p>Additional signage will be implemented to regulate traffic movements and to provide safe turning circles away from pedestrian orientated areas, boat lifting and launching areas.</p> <p>As a result, it is considered that the development will have a positive impact on the safety of other users of the reserve.</p> <p>Under the proposed sublease, users access to the service jetty, existing slipway and DoT Jetty C will be maintained.</p> <p>The development applications for Stages 1 and 2 of the proposed Aquaculture Facility were approved by Council at Ordinary Meetings in March and August 2021 respectively.</p>
Compliance with competition policy	<p>There is nothing in the proposed sublease with HRO that is anti-competitive.</p> <p>The City has not received any interest from any other potential operator to do the same, from this or any other site.</p> <p>The City has no policy to prevent other aquaculture companies from operating in Albany.</p>

11. Based on the above, it is recommended that Council approve the proposed sublease to HRO.

Sublease

12. City officers have been in discussion with HRO regarding proposed sublease terms. The table below summarises the key terms of the sublease.

ITEM	DETAILS
Tenant	Harvest Road Oceans Pty Ltd ACN165 170 445
Land Description	Lot 506 on Deposited Plan 422204
Lease Area	7590m ²
Land Ownership	Crown
Infrastructure Ownership	<ul style="list-style-type: none"> • Tenant • Tenant to remove and make good the land at the end of the lease or earlier termination
Maintenance	Tenant responsible for all maintenance
Permitted Use	Aquaculture facility and associated commercial activities
Term	50 years, to run concurrent with the head lease, commencing as soon as practicable
Initial Rent	\$50,000 pa plus GST as determined by licenced Valuer
Rent Review	Market valuation every 3 years with Perth All Groups CPI applied on the anniversary for all other years
Outgoings	Tenant responsible for all outgoings
Insurance	Public Liability Policy for a minimum of \$20 million
Indemnity	Indemnify the City and Minister for Lands against any action, liability or loss arising from HRO occupation of the land, unless such claims arise out of City's negligence
Special Conditions	<ul style="list-style-type: none"> • Tenant is obliged to comply with all of the relevant terms of the head lease between the City and the State • Tenant acknowledge the land and services may be affected by coastal conditions given foreshore land and occupy the land and buildings at own risk and indemnifies the City and Minister for Lands against any loss resulting from HRO occupation of the site • Tenant complies with all planning approval (P2210088) conditions • Tenant development works to be completed on or before March 2025 • Parties prior to expiry of the sublease enter into discussions concerning the Landlords position on entering into any new agreement

13. HRO have agreed in principle to the above terms, subject to final Council and Minister for Lands approval.

GOVERNMENT & PUBLIC CONSULTATION

14. Extensive consultation has occurred with DPLH to agree a head lease to facilitate the sublease to HRO.

15. As part of the disposal of property process, the sublease has been advertised in accordance with Section 3.58 of the *Local Government Act 1995*, for a period of two weeks commencing on 9 September 2021 inviting for submissions on the disposal of property.

16. Three submissions have been received and have been acknowledged advising they will be considered by Council as part of the sublease determination.

17. Community Engagement

Community Engagement	
Consult	Proposed sublease has been advertised in local newspapers and on City's website for a 2 week period inviting submissions from the public in accordance with section 3.58 of the <i>Local Government Act 1995</i>

STATUTORY IMPLICATIONS

18. Section 3.58 of the *Local Government Act 1995* defines the requirements for the disposal of property, including leased/licensed land and buildings. It requires Council to give local public notice of its intention to dispose of property, and consider any submissions which are received within the specified period.
19. Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land, create, or grant an interest in Crown land without the prior approval in writing of the Minister for Lands.
20. Minister's in principle support to the sublease has been offered with formal consent to be sought. Noting the State of WA will a party to the sublease agreement.
21. Voting requirement: **Simple Majority.**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputational: Sublease not approved - loss of the economic benefit to the region including loss of jobs	Unlikely	Severe	High	<ul style="list-style-type: none"> • Key terms have been agreed in principle by HRO & DPLH. • Seek to negotiate terms to Council satisfaction.
Reputational: Negative community response to sublease	Possible	Minor	Medium	<ul style="list-style-type: none"> • Regular engagement with the community regarding the development.
Financial and Reputational: Sublease not approved – loss of commercial rent	Unlikely	Severe	High	<ul style="list-style-type: none"> • HRO will remain in situ on the current lease area and continue to pay commercial rent.
Opportunity: Demonstrate the City's commitment to attracting investment, tourism, economic development and new jobs to the region.				

FINANCIAL IMPLICATIONS

25. All costs associated with the development and finalisation of the land tenure arrangements and sublease documentation will be met by HRO.
26. The new sublease rental as determined by current market valuation provided by a licensed Valuer, being \$50,000 per annum plus GST to the City will be forwarded to a reserve fund allocated to manage Reserve 42964 Emu Point, as required by the head lease.

LEGAL IMPLICATIONS

27. The sublease documentation will be prepared by the City's lawyers with enforceable terms and conditions, at HRO cost.

ENVIRONMENTAL CONSIDERATIONS

28. HRO lease area is located adjacent to a conservation A-class reserve.
29. In assessing the HRO development application, relevant agencies comprising the DBCA, DWER and DPLH raised no overall objections to the proposal.

Coastal Inundation & Erosion

30. The subject land is foreshore land and will be impacted by coastal hazards. As such the new sublease will include provisions to ensure the tenant acknowledges and accepts the potential impact of coastal erosion and/or inundation, sea level rises and other coastal processes.
31. HRO occupies the land and buildings entirely at its own risk.
32. Further indemnification clauses will be included in the sublease to ensure the City is not liable for any loss or damage to HRO for any reason arising from coastal processes.
33. In addition, the development approval for Stage 2 has also addressed coastal erosion conditions to mitigate the risks from erosion and inundation such as extending the existing sea wall, at HRO cost.

ALTERNATE OPTIONS

34. Council may elect not to approve the sublease; or amend the terms of the sublease negotiated and agreed with HRO and DPLH. Noting that Council have previously approved the development, with conditions, over the sublease area at its meeting of 24 August 2021.
35. Should Council determine not to approve the sublease, HRO will remain in situ on the existing lease.
36. HRO may not pursue further investment or development of aquaculture farming in Albany beyond their current Stage 1 development approval over the existing lease area.

SUMMARY CONCLUSION

37. HRO have requested to lease additional area adjacent to the existing lease on Reserve 42964 to redevelop and expand aquaculture operations at Emu Point.
38. As part of the disposal of property process, the City completed the public advertising process requirements under section 3.58 of the *Local Government Act 1995* with three submissions received.
39. In summary the matters raised in the submissions are concerns regarding the impact on shorebird habitat, expanded lease area and the effect on existing activities within the reserve, traffic issues and potential loss of parking and accessibility.
40. Council is asked to consider the submissions and determine to proceed with the sublease.
41. It is recommended the sublease be approved.

Consulted References	:	<ul style="list-style-type: none">• Council Policy – Property Management (Leases and Licences)• <i>Local Government Act 1995</i>• <i>Land Administration Act 1997</i>
File Number (Name of Ward)	:	PRO460, A150655 (Breaksea Ward)
Previous Reference	:	OCM 25/02/2020 Item CCS225 OCM 23/03/2021 Item DIS253 OCM 27/04/2021 Item CCS337 OCM 24/08/2021 Item DIS273

**CCS387: QUARTERLY REPORT – TENDERS AWARDED – JULY TO
SEPTEMBER 2021**

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – July to September
2021
Report Prepared by : Senior Procurement Officer (H Hutchinson)
Authorising Officer : Executive Director Corporate & Commercial Services (D Olde)

STRATEGIC IMPLICATIONS

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

RECOMMENDATION

**CCS387: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the Quarterly Report – Tenders Awarded – July to September 2021 be RECEIVED.

CCS387: COMMITTEE RECOMMENDATION

MOVED: COUNCILLOR STOCKS
SECONDED: COUNCILLOR DOUGHTY

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 8-0

CCS387: AUTHORISING OFFICER RECOMMENDATION

THAT the Quarterly Report – Tenders Awarded – July to September 2021 be RECEIVED.

CCS388: COMMITTEE NOMINATIONS AND APPOINTMENT

- Attachments** : Council Policy: Governance and Meeting Framework
(Committee & Working Groups Terms of Reference)
- Report Prepared By** : Manager Governance & Risk (S Jamieson)
- Authorising Officers:** : Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan informing plans or strategies:
 - **Pillar:** Leadership.
 - **Outcomes:** Provide strong, accountable leadership.

In Brief:

- Committee membership ceases at the time of the local government election held on 16 October 2021. Nominations and appointments to committees are to be made at the first Ordinary Council Meeting held post the election.

RECOMMENDATION

**CCS388: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council APPOINT the nominated elected members to the following Committees:

STANDING COMMITTEES OF COUNCIL

Audit & Risk Committee – Statutory Requirement

1. Mayor Wellington	4.	7.
2.	5.	
3.	6.	

Chief Executive Officer Performance Review Committee – Statutory Requirement

1. Mayor Wellington	4.
2.	
3.	

Community and Corporate Services Committee

1. Mayor Wellington	6. Councillor Smith	11.Councillor Elect
2.Councillor Terry	7. Councillor Thomson	12.Councillor Elect
3.Councillor Stocks	8.Councillor Elect	13.Councillor Elect
4. Councillor Benson-Lidholm	9.Councillor Elect	
5. Councillor Shanhun	10.Councillor Elect	

Development & Infrastructure Services Committee

1. Mayor Wellington	6. Councillor Smith	11.Councillor Elect
2.Councillor Terry	7. Councillor Thomson	12.Councillor Elect
3.Councillor Stocks	8. Councillor Elect	13.Councillor Elect
4. Councillor Benson-Lidholm	9.Councillor Elect	
5. Councillor Shanhun	10.Councillor Elect	

ADVISORY COMMITTEES

Airport Emergency Committee – Statutory Requirement

1.
2.

Bush Fire Advisory Committee (BFAC)

1.	4.
2.	
3.	

Local Emergency Management Committee (LEMC) – Statutory Requirement

1.
2.

WORKING GROUPS

Communications & Engagement Advisory Group – Operational Working Group

1.
2.

Cultural Tourism Working Group – Strategic & Operational Working Group

1. Mayor
2. Cr Thomson
3.

National Anzac Centre Advisory Group – Operational Working Group

1. Mayor
2. Proxy (Deputy Mayor)

Robinson Precinct & Stidwell Bridle Trail Working Group – Advisory Working Group

1.
2.

Waste Management Working Group – Strategic & Operational Working Group

- | |
|----|
| 1. |
| 2. |
| 3. |

**EXTERNAL COMMITTEE & WORKING GROUP
REPRESENTATION**

Great Southern Joint Development Assessment Panel

- | |
|---|
| 1. Mayor (Member 1) |
| 2. Councillor Terry (Member 2) |
| 3. Councillor Benson-Lidholm (Alternate Member 1) |
| 4. Councillor Thomson (Alternate Member 2) |

Great Southern Recreation Advisory Group (GSRAG)

- | |
|----|
| 1. |
| 2. |

Great Southern Regional Road Group

- | |
|----|
| 1. |
| 2. |

South Coast Alliance Inc.

- | |
|----------|
| 1. Mayor |
| 2. |
| 3. |

Western Australian Regional Capitals Alliance Group

- | |
|-------------------------|
| 1. Mayor |
| 2. Proxy (Deputy Mayor) |

WA Local Government Association (WALGA) Great Southern Zone

- | |
|--------------|
| 1. |
| 2. |
| 3. (Reserve) |
| 4. (Reserve) |

WALGA Road Wise Advisory Committee

- | |
|----|
| 1. |
| 2. |

BACKGROUND

2. In accordance with Section 5.11(1)(d) of the *Local Government Act 1995* (the Act), a person's membership of a committee is valid until the next ordinary local government election
3. Therefore, nominations will be called for membership of all Council and external committees at the first Ordinary Council Meeting following the election on 16 October 2021.
4. Reports for consideration by Council are generally referred through a Council Committee. Committees operate within a functional, transparent and legally compliant meeting framework.
5. The Terms of Reference and purpose of each committee are defined in the Governance and Meeting Framework.
6. Committees have no delegated authority and make recommendations for consideration by Council at Ordinary Council Meetings.

DISCUSSION

7. All elected members are appointed as members of the Community and Corporate Services Committee and the Development and Infrastructure Services Committee.
8. Nominations will be called for all other committee vacancies.
9. In the event that the number of nominations exceed to the number of vacancies on a committee, a ballot will be conducted and membership will be determined by a vote.
10. The Mayor may express a wish to be a member of a committee, and will duly be appointed as a member of that committee.
11. Each Council Committee will appoint a Chair and Deputy Mayor from amongst the members at the first meeting held after appointment of committee members by calling for nominations for those positions.
12. Members of the JDAP are required to undertake mandatory training. Due to this requirement, the JDAP does not require elected new member appointments following each local government election, unless a JDAP member is no longer a councillor.
13. Current elected representatives on the JDAP are:
 - o Mayor Wellington (Member 1)
 - o Councillor Terry (Member 2)
 - o Councillor Benson-Lidholm (Alternate Member 1)
 - o Councillor Thomson (Alternate Member 2)
14. No nominations will be called for the JDAP unless a current member or members wish to resign.
15. An abridged version of the Terms of Reference for each committee follows:

STANDING COMMITTEES OF COUNCIL

a. Audit & Risk Committee

The Audit and Risk Committee is responsible for assisting Council to discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- o Reporting of financial information;
- o Application of accounting policies;
- o Management of the financial affairs of the City; and
- o Assessment of the adequacy of the management of risk, internal control and legislative compliance.

Executive Officers: Chief Executive Officer, Executive Director Corporate and Commercial Services, Manager Finance and Manager Governance and Risk.

Meeting Schedule: Quarterly.

Membership: Minimum of four and maximum of seven elected members.

b. **Chief Executive Officer Performance Review Committee**

The CEO Performance Review Committee is responsible for reviewing the performance of the CEO in accordance with the CEO Performance Review Process.

Executive Officers: Manager People & Culture and an external facilitator appointed by Council.

Meeting Schedule: As required in accordance with the CEO's contract of employment.

Membership: The Mayor and three elected members.

All members of the CEO Performance Review Committee must undertake the CEO Performance Review Training provided by the WALGA within six months of appointment to the committee.

c. **Community & Corporate Services Committee**

The Community and Corporate Services Committee is responsible for the following functions:

- Community Services-delivery of the outcomes defined in the Strategic Community Plan 2032 under the People Pillar and the Leadership Pillar:
 - ❖ Diverse and inclusive community;
 - ❖ Happy, healthy and resilient community; and
 - ❖ A well-informed and engaged community.
- Corporate Services-delivery of the outcomes defined in the Strategic Community Plan 2032 under the People Pillar, Leadership Pillar, Planet Pillar and Prosperity Pillar:
 - ❖ A safe community;
 - ❖ A resilient community that can withstand, adapt to and recover from natural disasters;
 - ❖ A strong diverse and resilient economy with work opportunities for everyone;
 - ❖ A highly sought after tourist destination;
 - ❖ Proactive, visionary leaders who are aligned with community needs and values; and
 - ❖ Strong workplace culture and performance.
- Monitoring and commenting on the financial health and strategies of the City.

Executive Officers: Executive Director Corporate & Commercial Services and Executive Director Community Services.

Meeting Schedule: Monthly

Membership: All elected members appointed to this committee.

d. **Development & Infrastructure Services Committee**

The Development and Infrastructure Services Committee is responsible for delivery of the outcomes defined in the Strategic Community Plan 2032 under the People Pillar, Planet Pillar and Place Pillar:

- Sustainable management of natural areas, balancing conservation with responsible access and enjoyment;
- Shared responsibility for climate action;
- Responsible growth, development and urban renewal;
- Interesting, vibrant and welcoming places;
- Local history, heritage and character is valued and preserved; and
- A safe sustainable and efficient transport network.

Executive Officers: Executive Director Infrastructure, Development & Environment.

Meeting Schedule: Monthly

Membership: All elected members appointed to this committee.

ADVISORY COMMITTEES

e. **Airport Emergency Management Committee**

The Airport Emergency committee is established under the *Civil Aviation Act (1998)* and the *Emergency Management Act 2005* in direct relationship with the Albany Regional Airport. This committee is responsible for ensuring the currency of the Airport Emergency Plan and associated procedures in support of response and recovery agencies plans.

Executive Officers: Executive Director Corporate and Commercial Services, Manager Governance and Risk (Airport Operations).

Meeting Schedule: Quarterly.

Membership: Minimum of 1 and maximum of 2 elected members.

f. **Bush Fire Advisory Committee (BFAC)**

Responsible for reviewing administrative and resourcing recommendations from the Bush Fire Advisory group related to Volunteer Bush Fire Brigades with the City of Albany. Also responsible for providing advice to Council on matters pertaining to the *Bush Fires Act 1954*, Bush Fire Risk Management and Mitigation.

Executive Officers: Executive Director Corporate and Commercial Services.

Meeting Schedule: Quarterly.

Membership: Four elected members.

g. **Local Emergency Management Committee (LEMC)**

The *Emergency Management Act 2005* requires that local governments are to ensure that local emergency management arrangements are prepared and maintained for the local government district.

The LEMC is responsible for:

- Advising and assisting the City of Albany to ensure that local emergency management arrangements are established for its district.
- Liaising with public authorities and other persons and entities in the development, review and testing of local emergency management operations; and
- Carrying out other emergency management activities as required by the City of Albany Emergency Management Plan or as prescribed by legislation and regulations.

Executive Officer: Chief Executive Officer, Executive Director Corporate and Commercial Services, Manager Public Health & Safety and Community Emergency Safety Manager (CESM).

Meeting Schedule: Quarterly as required.

Membership: One elected member appointed as Chair of the Committee.

WORKING GROUPS

h. **Communications & Engagement Advisory Group**

The Committee is responsible for monitoring and reporting on the implementation of the Communications & Engagement Strategy.

Executive Officers: Executive Director Community Services, Manager Community Relations, Communications Coordinator

Meeting Schedule: Quarterly as required.

Membership: Chair of the working group is the Executive Director Community Services.

i. **Cultural Tourism Working Group**

The purpose of this working group is to work towards realising Albany's potential as a cultural destination in WA, and build momentum towards Albany's Bicentenary.

The group's current focus is to determine the preferred model for a sculpture trail or other large-scale public art offerings.

Executive Officers: Executive Director Community Services and facilitated by the Bicentenary Coordinator.

Meeting Schedule: Meetings called on an as required basis, approximately four per year.

Members: A maximum of three elected members.

j. **National Anzac Centre Advisory Group (NACAG)**

The National Anzac Centre Advisory Group is comprised of an independent Chair and representatives of external stakeholder, the Mayor of the City and the CEO of the City of Albany.

The NACAG is responsible for:

- Providing expert input to the City of Albany to ensure the continued public appeal, positive visitor experience and financial sustainability of the National Anzac Centre.
- Assisting with identifying funding opportunities to provide new and refreshed visitor experiences within the National Anzac Centre and its associated precinct.
- Providing advice as to how to continually raise the profile of the National Anzac Centre as an iconic heritage tourism asset and build upon its current success in increasing visitation to the region.
- Ensuring the NAC interpretive component remains relevant, refreshed and consistent with a high quality contemporary museum standard.

Executive Officers: Chief Executive Officer and Executive Director Community Services.

Meeting Schedule: Minimum of twice per year.

Members: Mayor, noting (Deputy Mayor) is the Proxy.

k. **Robinson Precinct & Stidwell Bridle Trail Working Group**

The Robinson Precinct and Stidwell Bridle Trail Project Working Group (known as the Focus Area) is a City of Albany community reference group tasked with informing recommendations for City of Albany consideration regarding recreational uses within the Focus Area.

The Focus area is defined as the Robinson Precinct and Stidwell Bridle Trail, which includes the Trail's footprint within the Sandpatch Reserve and all entry, exit and crossover points.

The PWG is expected to:

- Assist in identifying recreational uses, conflicts, safety risks and opportunities;
- Assist in identifying existing equestrian recreational infrastructure and demand;
- Assist in establishing clear objectives and outcomes;
- Assist in identifying potential project initiatives, staging and implementation priorities;
- Provide guidance and assistance in the development of an engagement strategy and assist in its facilitation with the local community, key stakeholders and working group; and
- Make recommendations regarding equestrian use within the Focus Area for City of Albany consideration.

Executive Officers: Executive Director Community Services, Manager Reserves and Manager Recreational Services. Minute taker Personal Assistant to Executive Director Infrastructure, Development & Environment.

Meeting Schedule: Monthly.

Membership: Two elected members, requested from the Vancouver Ward.

l. **Waste Management Working Group**

The Waste Management Working Group ensures that Council has ownership, and an understanding of future waste management matters and requirements, and:

- Assists in reporting to Council the implementation of the City's Strategic Waste Management Plan.
- Assists in engaging with Council to communicate progress in the establishment of a new waste facility.
- Contributes to the review of public consultation during the site selection process of the proposed waste facility.
- Assists in submitting relevant actions of the Waste Facility Project Plan for budgetary consideration.
- Provides continuous engagement between Council and staff to assist in the delivery of the City's waste services.

Executive Officer: Executive Director Infrastructure, Development & Environment.

Meeting Schedule: Quarterly.

Membership: Three elected members.

EXTERNAL COMMITTEE & WORKING GROUP REPRESENTATION

m. **Great Southern Joint Development Assessment Panel (JDAP)**

The JDAP is an independent decision making body comprised of three technical experts and two local government elected members. The JDAP considers development applications made under local and regional planning schemes valued at \$10m and above.

Members have voting rights. If members are unable to attend, the corresponding alternate member assumes those voting rights.

Members of the JDAP are required to undertake mandatory training.

Executive Officers: Executive Director Infrastructure, Development & Environment and Manager Building & Planning Services.

Meeting Schedule: As required.

Membership: Two elected members as members (voting rights), and two elected members as alternate members.

n. **Great Southern Recreation Advisory Group (GSRAG)**

The Great Southern Recreation Advisory Group meets regularly to discuss and develop community sport and recreation opportunities for residents (and visitors) of the Great Southern.

Executive Officers: Community Services

Meeting Schedule: Quarterly.

Membership: Committee will request a nomination of two elected members.

Meeting Location: Department of Sport & Recreation (Albany)

o. **Great Southern Regional Road Group**

Responsible for allocating State Government funding for regional road maintenance and construction and oversee the implementation of State Government 'Black spot' funding.

Directorate: Infrastructure, Development & Environment Services

Meeting Schedule: Quarterly meetings 10.00am – 3.00pm.

Membership: Committee will request a nomination of two elected members.

Meeting Location: Various member locations.

p. **South Coast Alliance Inc.**

The Alliance is comprised of representatives from the City of Albany, Shire of Denmark and Shire of Plantagenet. The Alliance was formed to promote collaborative economic development and tourism and resource efficiency.

Executive Officer: Chief Executive Officer

Meeting Schedule: Monthly

Membership: Mayor and two elected members

q. **Western Australian Regional Capitals Alliance Group**

The Western Australian Regional Capitals Alliance was formed to prepare and subsequently review a Strategic and Financial Plan every two years to review this Schedule.

The objectives of the Western Australian Regional Capitals Alliance are:

- To achieve the organisational vision;
- To endeavour to carry out the Regional Purposes in manner which enhances and assists in the advancement of the Region;
- To encourage cooperation and resource sharing on a regional basis; and
- Not to detract from the relationships a Participant holds within its community, with the state and federal governments and other entities it interacts with in the course of usual business.

Membership: Council Representative (Mayor) City of Albany Executive (CEO)

r. **WA Local Government Association (WALGA) Great Southern Zone**

WALGA (WA Local Government Association) advocates on behalf of the State's 142 Local Governments and negotiates service agreements for the sector. WALGA is not a government department or agency.

Membership: Committee will request a nomination of two elected members and two reserves.

Meeting Schedule: Quarterly meetings 10.00am – 3.00pm.

Meeting Location: Monthly meetings, via teleconference and face to face in the Great Southern.

Directorate: Office of the CEO

s. **WALGA Road Wise Advisory Committee**

The WALGA's state-wide road safety program is to facilitate the active to effectively contribute to road safety programs.

Membership: Committee will request a nomination of two elected members.

Meeting Schedule: Quarterly meetings 10.00am – 3.00pm.

Meeting Location: The Committee meets every month at the City of Albany, North Road.

Directorate: Infrastructure, Development & Environment Services.

GOVERNMENT & PUBLIC CONSULTATION

16. The *Local Government Act 1995* and supporting legislation and the Department of Local Government Operational Guidelines were consulted.

STATUTORY IMPLICATIONS

17. There is a statutory requirement for Council to form an Audit Committee.
18. In accordance with s5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a committee continues until the next ordinary local government election.
19. Division 2, Part 5 of the *Local Government Act 1995* deals with Council meetings and committees and their meetings.
20. Appointment to committees is by **Absolute Majority**.

POLICY IMPLICATIONS

21. There are no policy implications for this report, unless the Terms of Reference for a committee are to be amended.

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation <i>Risk: Members are not appointed to committees.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Elected Members are appointed to committees at a future council meeting. Officer reports and recommendations will be considered by whole of Council at Ordinary Council Meetings.</i>

FINANCIAL IMPLICATIONS

23. A budget line exists for the cost of administering committees, including representation on external committees.

LEGAL IMPLICATIONS

24. The legal implication is directly related to compliance with the specific provisions of the *Local Government Act 1995* including subdivision 2-Committees and their meetings.

ENVIRONMENTAL CONSIDERATIONS

25. There are no direct environmental considerations related to this report.

ALTERNATE OPTIONS

26. Elected members may reserve the right to nominate for committee membership later.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Council Policy: Governance and Meeting Framework</i> • <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> • <i>Department of Local Government Operational Guidelines</i>
File Number (Name of Ward)	:	All Wards
Previous Reference	:	<ul style="list-style-type: none"> • OCM 27/10/2020 Resolution CCS293 • OCM 25/02/2020 Resolution AR071 • OCM 29/10/2019 Resolution CCS185

DIS282: PLANNING AND BUILDING REPORTS SEPTEMBER 2021

Proponent / Owner : City of Albany.
Attachments : Planning and Building Reports September 2021
Report Prepared By : Technical Support Officer (A James)
Responsible Officers: : Manager Planning and Building Services
(J Van Der Mescht)

RECOMMENDATION

DIS282: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT the Planning and Building Reports for September 2021 be NOTED.

DIS283: ENGINEERING TEAM - PEOPLE STRATEGY

Proponent : City of Albany
Report Prepared By : Manager Engineering and Sustainability (R March)
Authorising Officer: : Executive Director Infrastructure, Development & Environment (P Camins)

CONFIDENTIAL

If discussion is required with regard to this report it will be considered as confidential in accordance with 5.23 (2) (a) a matter affecting an employee or employees, and Council may go behind closed doors.

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan 2021-2025 informing plans or strategies:
 - **Pillar/Priority:** Leadership.
 - **Outcome:** 14: Strong workplace culture and performance.

In Brief:

- The City has applied for and been successful in receiving funding for Capital Works projects, in addition to funding for capital works through Local Roads Community Infrastructure and Drought Funding.
- These projects are in addition to the City's regular capital works projects.
- Delivering and acquitting those projects within the timeframes specified in the grant agreements has placed increasing pressure on the City's Engineering Team.
- Additional resourcing for this team is required in order to deliver current and future projects over the next two years, to avoid having to carry over projects and possibly jeopardise funding.
- Council is requested to consider a temporary increase of three additional FTE's and modification to one existing role within the Engineering Team for a period of two years, commencing as soon as possible.

RECOMMENDATION

DIS283: AUTHORISING OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council:

1. **ENDORSE** the funding of three new FTE positions for the City of Albany Engineering Team and modification to one existing role for a two-year period commencing as soon as possible.
2. **NOTE** that funding of these costs in FY21/22 will be addressed in the November budget review.

BACKGROUND

2. Stimulus packages received by the City through the Local Roads Community Infrastructure (LRCI) program and Drought Funding as well as regular State funding schemes have seen an increase in projects which need to be delivered.
3. Whilst this funding enables to the City to deliver much needed upgrades to roads and other infrastructure, the current resourcing within the Engineering Team is insufficient to plan, supervise and deliver these projects.
4. In the 2020-21 financial year, the City saw the highest level ever of carry forward of capital works projects. The Engineering Team requires additional resourcing to ensure that the projects carried forward from 2020-21 are able to be successfully delivered, and that current 2021-22 projects can be also be completed in the expected time frame.

DISCUSSION

5. In order to facilitate delivery of the Capital Works Program, additional project staff to provide support to the Engineering Team will be required.
6. This additional resourcing is required urgently to adequately plan, design and supervise capital works projects for the coming construction season. The team is also hampered by the lack of design consultants and civil contractors, leading to staff managing subcontractors with significant on-site supervision required to complete projects.
7. The team do not currently have the resourcing to supervise projects adequately and safely on site whilst trying to complete the design work concurrently.
8. The next round of LRCI funding will be for delivery of a large project such as Range Road Stage 1 and 1A. This would be a multiple year project which will be resource intensive due the complex nature of the project.
9. A detailed review of the Capital Works Program has been undertaken. Table 1 shows the increase in Capital Works and the corresponding increase in Carry Forward Projects. Generally, the team has been able to cope with a small increase in the amount of Capital Works delivery but the impact of reduced hours in 2020-21, the increased stimulus funding and the associated reduced contractor availability has seen a marked increase in the number of projects carried forward.
10. This table does not demonstrate the impact that this also has on the team’s ability to complete designs ready for implementation the following year. The lack of availability and associated cost and quality of design consultants is also problematic and will have an ongoing compounding effect.

Table 1: Five-year analysis of Carry Forward works in Engineering

Budget Year	Actual C/Fwd Works - Roads, Drainage & Paths	Budgeted Works - Roads, Drainage & Paths (Inclusive (C/Fwd.'s)	% increase on previous year	Number of projects Carry Forward.
2017/2018	563,692	6,893,281	-	1
2018/2019	862,347	7,655,360	53%	6
2019/2020	215,752	9,663,318	-75%	4
2020/2021	955,079	9,067,461	343%	11
2021/2022	2,613,631	16,409,146	174%	17

11. Council endorsement of this course of action is requested in order to commence recruitment as soon as possible. Given that the construction season is about to commence, appointments should be made as soon as possible.

GOVERNMENT & PUBLIC CONSULTATION

12. Nil.

STATUTORY IMPLICATIONS

13. Nil.

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Business Operation, Reputation & Financial. <i>Risk: That the number of projects carry forward at the end of the financial year increases substantially.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Temporarily increase the number of FTE’s for a two year period.</i>
<i>Risk: Not completing capital works may place some external funding in jeopardy.</i>	<i>Unlikely</i>	<i>Moderate</i>	<i>Medium</i>	<i>Temporarily increase the number of FTE’s for a two year period.</i>
Opportunity: <i>Deliver current and delayed Capital Works reducing the number of Carry Forward projects..</i>				

FINANCIAL IMPLICATIONS

16. The additional salary costs can be accommodated by the following:
- Reducing the next two years’ capital works program by the required amount.
 - Allocate funding from the Road Reserve to capital works which frees up general funds.
 - Allocated future surpluses to the additional resourcing.
17. The exact details of how this additional cost is going to be funded in FY21/22 will be addressed in the November budget review.

LEGAL IMPLICATIONS

18. Nil.

ENVIRONMENTAL CONSIDERATIONS

19. Nil.

ALTERNATE OPTIONS

20. Council may:
- a. Endorse the proposal as recommended; or
 - b. Endorse the proposal with changes; or
 - c. Not endorse the temporary increase in FTE’s.

CONCLUSION

21. It is recommended that Council endorse the Authorising Officer Recommendation for additional resources in accordance with the two-year resource strategy.

Consulted References	:	Adopted Budget 2021/2022 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	Not Applicable
Previous Reference	:	Annual Budget – OCM 27 July 2021 Resolution CCS367

DIS284: PANEL OF SUPPLIERS – SUPPLY AND APPLICATION OF BITUMEN

Proponent / Owner	: City of Albany
Attachments	: Commercial in Confidence – Confidential Briefing Note under separate cover
Report Prepared By	: Operations Administration Coordinator (T Rogister)
Authorising Officer:	: Executive Director, Infrastructure Development & Environment (P Camins)

CONFIDENTIAL ATTACHMENT

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

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan 2032 or Corporate Business Plan 2021-2025 informing plans or strategies:
 - **Pillar/Priority:** People
 - **Outcome:** Responsible growth, development and urban renewal.

In Brief:

- Following a competitive eQuote process, Council approval is sought to award the eQuote for the Contract P21035 – Panel of Suppliers – Supply and Application of Bitumen.
- The contract for the annual reseal programme must be completed by 30 April 2022.

RECOMMENDATION

DIS284: AUTHORISING OFFICER RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council AWARD Contract P21035 – Panel of Suppliers – Supply and Application of Bitumen to the suppliers recommended by the evaluation panel, as detailed in the Confidential Briefing Note attached to this report.

BACKGROUND

2. eQuotes were called for P21035 – Panel of Suppliers – Supply and Application of Bitumen through the WALGA Preferred Supplier arrangement.
3. This year’s schedule of works is as follows:

2021/2022 SCHEDULE OF WORKS – RESEAL/PRIMER SEAL

Job No.	Works Item (Section Nos)	From (SLK) ¹	To (SLK) ¹	Area Estimates (m ²)	Stockpile Location	Comments
0634	Chillinup Rd	0.00	4.80	33,600	South Stirling Rd	10mm Reseal
2518	Chillinup Rd	44.50	45.80	10,000	Chillinup Rd	10mm Reseal
2496	Hill View Rise	0.00	0.36	2,400	Depot	10mm Reseal
1999	Lower Denmark Rd	18.15	20.07	14,200	Railway Rd	10mm Reseal
1999	Lower Denmark Rd	23.69	25.18	11,500	Railway Rd	10mm Reseal
2497	Meadow Lake Vista	0.00	0.36	2,400	Depot	10mm Reseal
0897	Palmdale Rd	0.00	9.00	78,000	Palmdale Rd	10mm Reseal
2510	Pfeiffer Rd	0.36	1.20	6,000	South Stirling Rd	10mm Reseal
2499	Pineaster Rd	0.00	0.68	4,200	Depot	10mm Reseal
2276	Redmond West Rd	0.00	4.80	31,000	Redmond Fire Shed/Hall	10mm Reseal
2498	Rivervale Chase	0.00	0.48	2,600	Depot	10mm Reseal
0640	Chillinup Rd	26.22	31.22	40,000	Chillinup Rd	14mm Prime Seal
8239	Marbelup North Rd	2.38	7.80	42,000	Marbelup North Rd	14mm Prime Seal
2511	South Stirling Rd	0.00	4.47	35,000	South Stirling Rd	14mm Prime Seal

NOTES: 1. SLK denotes Straight Line Kilometre distance values for “From” and “To”. Alternatively, section limits may be described using chainages.

4. The eQuote seeks to establish a “Panel of Suppliers” of suitably experienced and qualified companies to carry out all services necessary to satisfactorily deliver the City’s annual reseal programme by 30 April 2022.
5. In the past we have found that awarding this contract to one supplier has impinged on our works programme and we require the flexibility of a panel in order to provide support to our construction team in the completion of works.

DISCUSSION

6. The scope of works was forwarded to ten (10) preferred WALGA Suppliers.
7. Six (6) of them looked at the document, one (1) didn't respond, two (2) declined to respond and three (3) submitted pricings.

Evaluation of eQuotes

8. The eQuote panel evaluated eQuotes using the weighted criteria methodology across six (6) areas, shown in Table 1.

Table 1 – Evaluation Criteria

Criteria	% Weighting
Cost	40%
Demonstrated Ability to Meet Timeframe	15%
Demonstrated Experience	20%
Demonstrated Safety Plan	5%
Demonstrated Understanding	15%
Corporate Social Responsibility	5%
Total	100%

9. The following Table 2 summaries the eQuotes and the overall evaluation scores applicable.

Table 2 – Summary of eQuote Submissions

Supplier	Weighted Score
Supplier A	688.45
Supplier B	632.14
Supplier C	529.41

10. From the evaluation scoring, Supplier A and B are the preferred eQuotes and it is recommended that their eQuotes be accepted and the contract awarded.

GOVERNMENT & PUBLIC CONSULTATION

11. Through the budget process for this financial year Council has approved the annual reseal programme and budget was allocated accordingly at that time.

STATUTORY IMPLICATIONS

12. Voting Requirement: **Simple Majority**

POLICY IMPLICATIONS

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

RISK IDENTIFICATION & MITIGATION

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

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Organisation’s Operations. Not awarding the Contract will result in delays in delivering the capital works program.	Unlikely	Major	High	Award the contract.
Reputation & Financial. Not awarding a panel arrangement and appointing a single Contractor.	Unlikely	Major	High	A Panel of Suppliers will give the City flexibility in delivering capital works program.
Legal & Compliance. Non-compliance with Contract or business failure	Unlikely	Moderate	Medium	General conditions of contract allow for contract termination on the basis of failure to supply goods and services.
Reputation. Community expectation of completion of capital works programmes.	Possible	Insignificant	Low	Community are advised of any work delays.

FINANCIAL IMPLICATIONS

15. The cost (weighted 40%) was calculated by:
- a. Allowing for 14 design of application rates of binder and aggregate;
 - b. 117,000 m² of sealing, inclusive of supply of all materials, all processes and operations but excluding design – 14mm aggregate/bitumen binder;
 - c. 195,900 m² of sealing, inclusive of supply of all materials, all processes and operations but excluding design – 10mm aggregate/hot spray bitumen binder; and
 - d. Two occasions of mobilisation/demobilisation.
16. The costs per job have been allocated a specific budget line.
17. The value of this eQuote is in excess of \$1,000,000.00 and therefore the approval is referred to Council for consideration.

LEGAL IMPLICATIONS

18. Nil

ENVIRONMENTAL CONSIDERATIONS

19. Nil

ALTERNATE OPTIONS

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

CONCLUSION

21. It is recommended, based on the evaluation scoring, that the eQuote be awarded to Suppliers A and B.

Consulted References	:	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> • <i>Local Government (Functions and General) Regulations 1996</i> • <i>Council Policy: Purchasing Policy (Tenders and Quotes)</i> <ul style="list-style-type: none"> ○ <i>Tender Procedure</i> ○ <i>Evaluation Procedure (Tenders and Quotes)</i> • <i>Council Policy: Buy Local Policy (Regional Price Preferences)</i>
File Number (Name of Ward)	:	P21035
Previous Reference	:	P20014

ORDINARY COUNCIL MEETING
AGENDA – 26/10/2021

14. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**
15. **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
16. **REPORTS OF CITY OFFICERS Nil**
17. **MEETING CLOSED TO PUBLIC**
18. **CLOSURE**